

**GOING PAPERLESS IN A CONSOLIDATED LIMITED JURISDICTION COURT
FEASIBLE OR NOT?**



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TABLE OF CONTENTS

Acknowledgment.....	2
Table of Contents.....	3
Abstract.....	6
Introduction.....	7
1. Consequences of Losing/Misplacing Court Records.....	8
2. History of the Paperless Courts.....	9
3. Challenges Facing the Court - Space, Number of Filings, Jurisdictional Size.....	11
4. Multiple Entry Points.....	13
5. Department Responsibilities.....	14
6. Current Workflow.....	16
7. Electronic Access and Incremental Approach.....	17
8. Benefits/Costs.....	18
9. Obstacles – Cultural, Educational & Implementation.....	19
Literature Review.....	21
1. Policies, Statutes and Rules.....	21

2. Original vs. Electronic Signatures.....	22
3. Benefit of Electronic Records.....	23
4. Review of Selected Paperless State Courts Systems.....	24
5. Potential Pitfalls.....	26
6. Cultural Barriers to Success.....	27
7. Cost & Savings.....	29
Methodology.....	33
Findings.....	40
1. Survey.....	40
Conclusion and Recommendations.....	51
References.....	59
Appendices.....	62
Appendix A.....	62
Appendix B.....	64
Appendix B-1.....	72
Appendix B-2.....	73

Appendix B-3.....74

Appendix B-4.....75

Appendix C.....76

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Abstract

More than seven years ago the Pima County Consolidated Justice Court implemented the digital imaging process of civil case records. Since that time, the Court has maintained both electronic records and paper court files. Electronic filing (e-filing) has been implemented for several court processes such as Small Claims, Citations, Long Form Complaints, Wastewater Management Complaints and Civil Traffic proofs. Subsequent filings of all other case types are being processed manually which is labor intensive and expensive for litigants and the court. The Court is currently in the process of implementing a new case management system called Agave. Agave is a case management system that will provide Pima County Consolidated Justice Court the ability to more readily participate in data integration projects and provide an avenue to move towards a full electronic paperless court records system.

The purpose of this research project was to examine the feasibility of implementing an electronic paperless court records program system, and to study the experiences of other courts that are currently operating in an electronic paperless environment. In addition, the Court is reviewing the benefits and liabilities of an electronic paperless system. Upon review, the Court determined that the benefits and liabilities be broken down into four categories: access, savings, security, and the environment.

The author employed two methods of research; the first was an opinion survey, administered to judicial officers, court administration, managers, supervisors, leads, local attorneys, self represented litigants, and other court customers. The goal of the survey was to assess the user opinions as to whether they would support an electronic paperless court records system and if this process would be beneficial financially and operationally. The survey also questioned the customers' willingness to pay a technology filing fee to upkeep the system. The second method was to analyze both manual and electronic paperless systems through analyzing current workflows and business processes of the Court. Gathering this information identified that all court users, stakeholders, judicial officers, and court staff must be given input to secure buy-in, if the implementation is to be successful.

The results of the survey revealed that the majority of all participants believed that an electronic paperless court records system would be more effective than the current paper-use system in place today. It is recommended that further refining the business lines and workflow processes, along with the continuation of a gradual implementation of e-filing processes, would bring about the greatest benefits of a fully electronic paperless court records system to the court and its customers.

I. Introduction

The effectiveness of the day-to-day court operations and fairness of the judges' decisions at the Pima County Consolidated Justice Court relies heavily upon a retrievable and accurate case filing system that meets established court standards for completeness and accuracy of contents. The mission statement of Pima County Consolidated Justice Court states, "*It is our purpose to administer justice efficiently, according to law and with respect and fairness to all parties.*"

The importance of access to files and how it is linked to the Court's mission is exemplified by the following story of a plaintiff in a case. The plaintiff of a domestic violence case set for trial rises in the morning with morning butterflies and mentally prepares herself to face the offender in court one more time in hopes that the judge will either grant her wish to admonish and detain the defendant or reinforce an existing protective order. She gets the children off to school or to a babysitter and calls in to remind her employer that she will not be reporting to work, which was all prearranged for this particular day in court. She anxiously drives downtown to the courthouse, searches 20 minutes for a parking space which is scarce in the City of Tucson. She arrives at the courthouse, goes through the security metal detectors, walks to the courtroom, and waits for her attorney to arrive. The attorney arrives, greets her and re-assures her that all is well; he briefs her on what is expected to happen in the courtroom. The Prosecutor comes in and whispers something in the ear of her attorney. Her attorney looks at her and proceeds to inform her that the domestic violence trial, set 30 days ago, is now being continued to another set date because the Court could not locate the case file. Yes, the court file

containing documents that provide the history of the case, along with supporting documentation, has been misplaced and cannot be found. With a look of anger and disbelief the plaintiff responds to her attorney, in a very loud voice, her arms flailing asking how such a thing could happen. The attorney immediately escorts her outside of the courtroom to calm her down. A few minutes later, they both re-enter the courtroom as the plaintiff is wiping tears from her eyes. She sits quietly in her seat as her attorney approaches the prosecutor and judge to set the continued court date, which is set 10 days out.

1. Consequences of Losing/Misplacing Court Records

Based on this scenario, it is clear that the court's mission to *administer justice efficiently, according to law and with respect and fairness to all parties* has not been met. In addition, the path to justice has not only been obstructed, but the integrity and efficiency of the Court process is now in question by the parties including the judge and stakeholders. Misplacing or losing a court file is one means of ensuring an obstruction of justice. Justice delayed is justice denied, (Sherfey, 2000). Lost or misplaced case files bring frustration and stir distrusts in the minds of the parties and stakeholders. Why does this matter? It affects public trust and confidence in the court. Those affected will more than likely question and challenge the actions of the court from this point forward including whether all of the documents that were filed with the court actually made its way to the case file. The competency of the court employees comes into question which may lead the parties and stakeholders taking on the belief that all court employees are incompetent and the justice system is unfair. Moreover, personal costs to the parties are also

affected by a misplaced file, including time off from work, cost of gasoline, and cost of parking fees.

The element of time is another important factor that will impact the work of the court and the parties. As a result of losing or misplacing court records the following additional steps will have to occur to get the case back on track. First, the judge will converse with the parties to decide on a new court date. Second, the judge will reset or continue the hearing which could be delayed another 10 to 60 days out depending on the judge's calendar, and as agreed by the parties. Third, the judge will stay all subpoenas, orders, and judgments until further action is taken or until the next court date. Fourth, the courtroom clerks will have to create a minute entry staying the subpoenas, orders and/or judgments in addition to resetting the hearing to the future court date and disburse it to all parties involved as directed by the Judge. Fifth, the courtroom clerk will then have to docket the Judge's decisions made in the courtroom and then notify all pertinent court staff that the court date has been reset to a new future date. In the meantime, the staffs of the Records Department who are responsible for managing all case files must continue their search and make every effort to locate the lost or misplaced file prior to creating a duplicate file. If the file is not located prior to the next court date, the Record's staff will proceed with reconstructing a duplicate court record to replace the original. Finally, if the defendant was detained, the Sheriff's Department will have to process additional paperwork necessary for transporting the defendant back to the courthouse until the next court date, which comes with additional housing cost.

2. History of the Paperless Courts

According to recent research, the paperless court theory has been in existence since 1993. The Midtown Community Court in the state of New York transitioned into a paperless court over 21 years ago. As a result, the court opened a new location due to the increased volume of misdemeanor cases. The Midtown Community Court targets quality-of-life offenses, such as prostitution, illegal vending, graffiti, shoplifting, fare beating and vandalism. By providing better information, the court's award-winning computer application helps the judge craft individualized sanctions for each offender and monitor compliance. The system also provides police officers with regular feedback about the outcome of the arrests they made. As a result, there have been many cities around the world that have opened community courts based on the model of the Midtown Community Court, which have received national award recognition for its endeavors (www.courtinnovation.org, 2013).

3. Challenges Facing the Court - Space, Number of Filings, Jurisdictional Size

With today's innovative technology, court records and non-confidential documents should be at the fingertips of all its judges, court staff and all who inquire. "*Sorry, we can't locate your court documents at this time,*" should no longer be acceptable. Based on an article written by James McMillan, Principal Court Management Consultant, of the National Center for State Courts, technology, such as becoming a paperless court, cultivates several solutions to this matter. When experts in this field talk about the creation of electronic court records, the use of technology is a powerful enabler that can empower the Court to meet its core purposes and responsibilities of managing its case records (Crawford, 2013).

However, in Pima County Consolidated Justice Court, the challenge that arises is that there is no centralized department that creates a case file. In an effort to support the Court's mission, transitioning into a paperless court will not only solve the problem of losing or misplacing court records but will also provide Pima County Consolidated Justice Court users electronic access to court records without having to travel to the courthouse to obtain or review court documents.

As it relates to archiving records, due to the lack of space, there are hundreds of thousands of court records that are being housed off sight for the court in the Pima County Government Warehouse which takes two days to retrieve once a request is made. It is a fact that there are many people who need court records immediately, but cannot acquire access because files may be checked out for several days or for several weeks at a time. When customers come to the Records Department to review these cases the staff has to explain that the file is offsite in Archives and tell them to come back to the courthouse in two days to review the full case record. Based on the jurisdictional size, and the number of staffed departments that exist, the current document filing process utilized in the court today has several entry points. The process is not centralized because customers of the Court must go to the specific department to take care of their court business or resolve their matters and concerns in the courthouse.

The Pima County Consolidated Justice Court is the second largest justice court in the state. In fiscal year 2012 the court received approximately 135,000 filings, over 430,000 people passed through the doors and the Court's call center managed an average of 16,000 telephone

calls per month. The court has eight justices of the peace, thirteen pro tems, eleven small claims hearing officers, five civil traffic hearing officers and a staff of 138 strong.

Not all of the departments are located in the same building; there are currently two court sites located a block away from each other. Pima County Consolidated Justice Court is the only consolidated justice court in the state where eight precincts are truly integrated in very unique ways with unique business processes and challenges. All of the precincts share equally in the filings regardless of origination, as well as share administration and staff. During the past five years, the Court has implemented several specialty courts: Domestic Violence, Mental Health, Homeless, and Animal Welfare. There are over 40 different law enforcement agencies that file documents into the court compared to other municipal courts in Arizona that receive filings from a single agency, its police department.

4. Multiple Entry Points

The Pima County Consolidated Justice Court has seven departments that consist of Criminal, Civil Traffic, Courtroom Services, Civil, Records, Information Technology (IT) Department and Court Administration which consist of the Court Administrator, (2) Deputy Court Administrators, Lead Traffic Hearing Officer, the Human Resources Manager, Security Manager and the Court Operations Analysis. The Records, Civil, and IT Departments are located in an off-site location one block away from the main courthouse; all other departments are located within the main courthouse.

5. Department Responsibilities

As a result of this organizational structure, there are many entry points in which documents can be filed with the court. At the main courthouse where the criminal department is located, customers come into the courthouse to file documents such as motions, proof of counseling, and to request continuances. Customers also come to pay fees and fines, make payment arrangements, make requests to see judges for warrant quashes, and to acquire search warrants. All these transactions are docketed in the case management system throughout the day. In the civil traffic department, customers come to pay traffic tickets containing fees and fines, make payment arrangements, enroll in traffic school, file proof of insurance and/or vehicle registration, and make requests to see hearing officers for ‘failure to appear’ court arraignments and/or hearings. All these transactions are docketed in the case management system throughout the day.

The courtroom services department is responsible for providing courtroom clerks and other services in the courtrooms such as checking-in parties in the courtroom, double checking party contact information and ensuring all the case files on the calendar are in the courtroom. They are also required to run the FTR (For the Record) digital recording devices, disbursing copies of all orders and minute entries to the parties in the case and docketing activities that occurred in the courtroom. Customers who come to the court to take care of civil case matters must travel to the offsite location to visit the civil department. Customers come to this location to file civil documents such as small claims summons and complaints, various types of motions, proof of service to all parties, and to address landlord tenant issues. Civil customers also come

to pay fees and fines, make requests to see judges for various civil requests such as waivers and deferrals of court costs. All these transactions are docketed in the case management system throughout the day. Customers come to the records department to retrieve copies of documents from their case files, (all case types) or to request to review court records. The records department is also where most of the cases are created with the exception of the civil cases and criminal search warrant files which are created in either the civil or criminal departments.

The operations of other departments are critical to the Court's work, but do not serve as a location to initiate case files. As for the IT department, there are no cases created within this department at all. Their function is to manage and to provide technical support for the court's case management system. The court administration department is responsible for improving the quality of the court at all levels of the court. This office manages the non-judicial aspects of the court operations. Some of its responsibilities are researching and preparing rule change suggestions for the judges that the public must follow. The handling of personnel management, the hiring and firing of court staff, docket management which includes developing a process for scheduling and managing the calendar of cases awaiting the court. This office controls the budget spending of the court, manages the collections of fines and fees as well as manages court supplies and equipment. Another responsibility of the administration office would be to manage the selection process and order the summons and jury questionnaire process. In general, the administration office manages the administrative matters in conjunction with leadership from all of the judges.

6. Current Workflows

Upon analyzing the court's current workflow from a technical standpoint, the data reveals that together, the e-filing and paperless court records process could be accomplished and could save resources as it relates to the cost to house paper records and the time it takes court staff to process documents, (see Appendix C for a workflow diagram). In today's environment it can take up to 3 days to process a single document depending on the location of the department. As a result of operating seven departments, three of which are located offsite, there are five entry points of which documents are filed into the court system. Upon receiving court documents, staff must review the documents for the required information, time stamp filing date information, apply a new or verify the existing case number on the document, and perform a financial transaction, generating a receipt for the document.

Depending on the document type, some processes may take longer than others to complete, with the majority of the time spent by staff to order the physical case file for review of the case to determine how or what the next step would be for the document that was just filed. Once all of the necessary steps for processing that document are complete, then the document is sent to the records department for indexing and imaging. Staples and/or paperclips are removed, the documents are scanned, re-assembled/re-stapled, placed in the physical file, and then the case file is case tracked and placed back on the file shelf. This labor intense process is expensive due to the staff time expended in processing the document.

7. Electronic Access and Incremental Approach

According to the National Center for State Courts, as it relates to document management, there are many state courts that have implemented electronic court records (ECR) and electronic data management systems (EDMS) in an effort to improve court operations and manage unruly paperwork, (McMillan, 2010). Pima County Consolidated Justice Court has begun to implement its electronic data management systems and is improving data exchange, communications, and public access by making website enhancements which include providing electronic access to case data, forms and creating pages specifically designed for smart phones and mobile devices, in addition to other online services to benefit the public and stakeholders.

Through the full imaging process of all charging document types filed with the court, the imaging staff is imaging on an average over 12,000 sheets of paper per day for the Civil Department alone. Civil documents which includes the I-file Small Claims on-line filing process has been implemented as well. The I-file Small Claims process allows self-represented litigants and other customers to file and pay for their small claims summons and complaints online electronically.

In addition, criminal charging documents such as misdemeanor long form summons and complaints are currently being filed electronically in the court by the Pima County Attorney's office on a daily basis. On the criminal traffic side of the spectrum, e-Citations and photo-enforcement electronic data processing has been set in place as a result of working with several of the law enforcement agencies such as the Arizona Department of Public Safety, Pima County Sheriff Department, that are utilizing hand-held devices to produce electronic tickets. These

electronic tickets are downloaded into the Court case management system on a daily basis via the Arizona Office of Courts (AOC) databank. In addition, other documents such as answers, motions, and other miscellaneous filings that come into or are created by the court (other than the charging document) is currently in progress of being handled electronically.

8. Benefits/Costs

The use of innovative technology can be highly beneficial to the court and in today's difficult economic times, fiscal savings cannot and should not be overlooked. Through the development and implementation of a new case management system, called Agave, the court will have easy access to all court records electronically thereby allowing an efficient transition into implementing a paperless court records process. Agave is a case management system that will provide Pima County Consolidated Justice Court the ability to more readily participate in data integration projects. Through an electronic filing focus, the system will receive documents and data along with appropriate and validated indexing information so that data can be automatically accepted and recorded into both the electronic document management and case management systems, thus removing the need for an imaging function.

As the court shifts from paper to electronic documents, e-filing efforts will be expanded from isolated pilots to unified statewide approaches including transfers of records on appeal between courts and public/attorney case filing into courts following the principles and related rules created by the Arizona Office of Courts. In early 2012, Pima County Consolidated Justice Court received approval from the Arizona Supreme Court Chief Justice to conduct a gap analysis to determine if Agave was a viable solution for its court. Court Administration and staff

embarked upon a 12-week comprehensive analysis and identified a 20% gap, primarily in the civil traffic functionality. The Court has the funding, resources, knowledge, and capability of implementing Agave within 12-18 months, as well as the ability to maintain and support the system in the years ahead. The project plan includes contingencies for budget and time (Drake, 2013). The managers and staff are committed to the success of the project, and will do whatever they can to ensure its success.

According to a 2013 cost analysis report conducted by the Pima County Consolidated Justice Court's Information Technologist, Charles Drake, the court will realize significant savings by adopting the Agave system (Drake, 2013). Drake has estimated that initially the court will save nearly \$60,000 in the development costs and nearly \$625,000 in operating costs over the next five years. He further reported that with regard to Electronic Document Management System, there is no cost to the court with the Agave system, since it is incorporated in the Case Management System (Drake, 2013).

9. Obstacles – Cultural, Educational & Implementation

Based on current observation of Pima County Consolidated Justice Court operations, the three obstacles that the court foresees in accomplishing the goal of a paperless court process are cultural change, an educational element, and actual implementation. The culture of the court will require a change or paradigm shift to the current way of utilizing court records and data. During the process of the gap analysis of the Agave case management system, it was made clear that staff is anxious to begin using this new system as the testing of the Agave system, in comparison to the existing case management system, made it apparent to the users that the new

system will be much more effective and efficient in carrying out the court functions and tasks on a daily basis.

However, getting all eight judges onboard to relinquish the physical case files containing paper records and utilizing the technology provided to conduct business in the courtrooms and chambers to work with electronic records will require research on their mindset now as opposed to its previous ability to implement improved technology. The second obstacle will be for the court to educate the public in an effort to get them to understand that they do not have to touch paper to get to know the case; again this too will require a paradigm shift in the minds of the public as it relates to acceptance. The third obstacle is that of implementation pertaining to the process of data conversion and migration. With the ongoing progress of re-engineering the court's case management system, the best practice that would provide an efficient transition to acquiring a paperless court operation, at this juncture, would be to have every court staff member that touch court documents and/or receive court data have the ability to scan the document and/or information in the case file as documents and/or data is entered into the Agave system.

This paper will provide Pima County Consolidated Justice Court recommendations for implementing a paperless court records filing system based on the research of what other courts have learned about implementing a paperless records filing system in and utilizing the newly implemented Agave Case Management System.

II. Literature Review

Public Access to Court Electronic Records is an electronic public access service that allows users to obtain case and docket information from courts through the use of the Internet. The two largest user groups in many of the courts today are the legal sector and self-represented litigants, followed by commercial businesses. Transitioning from a paper court to a paperless court is not a simple endeavor. It is the objective of the Pima County Consolidated Justice Court to provide information to the public and stakeholders, but in doing so it must protect the privacy of individuals with effective security means. It is the courts desire to promote the use of technology to increase access to the court records to all citizens through the achievement of an electronic filing program.

1. Policies, Statutes and Rules

There will be a need to change court policies and rules as part of this implementation, because several courts in Arizona and around the country, one example is the Maricopa County Justice Court, are already operating in a paperless court system. Fortunately, the statutes applicable to the state of Arizona and United States Supreme District Courts of Arizona are already in existence. The United States District Court of Arizona policy addressing electronic case filing states in part:

“Unless otherwise permitted by these administrative procedures, Local Rules, or General Orders of the court, or unless otherwise specifically authorized by a judge, all documents submitted for filing in this district on or after August 1, 2005, must be electronically filed using ECF. Electronic transmission of a document to the ECF system, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the

document for purposes of Rule 5(e) of the Federal Rules of Civil Procedure, and constitutes entry of the document on the docket kept by the clerk of court under Rules 58 and 79 of the Federal Rules of Civil Procedure. When a document has been electronically filed, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. This includes information transmitted to the court in electronic format or converted by the court from paper submissions” (adz.uscourts.gov, 2013).

In the United States District Court of Arizona, ECF filing is mandatory for attorneys through a registration process and they must apply with their assigned judge for permission to file documents in paper form once they have registered. In essence, once an attorney registers to file online documents with this court, they are required to file all their cases electronically, unless otherwise authorized to do so.

2. Original vs. Electronic Signatures

One of the questions that arise when contemplating transitioning to an electronic system is the matter of an electronic signature. Based on the Superior Court of Maricopa County Electronic Filing Guidelines, 2.04 User ID and Electronic Signatures, this matter was accomplished through its registration e-filing process. This is done through the Superior Court-hosted e-filing system which registers users and provides each with a personally selected user name (ID) and password. The user name submitted in conjunction with a personally selected password constitutes the signature of the registered participant on documents submitted to the Court or by the Court. In order to ensure the intent of the filing participant, the signature line on an electronically filed document will bear the printed name of the filing participant preceded by the symbol "/s/". As it relates to confirmation of a filed document, electronic documents submitted by the Court bears a printed name preceded by the /s/ symbol or a facsimile signature

of the Judicial Officer causing the document to be filed. Documents filed via the Court's E-filing Manager (EFM) application bears a judicial signature stamp which is merged with the electronic document and is visible when the document is printed and viewed electronically (www.efiling.clerkofcourt.maricopa.gov, 2013).

3. Benefit of Electronic Records

As it relates to documents, court staff, attorneys, and management issues, there are advantages to utilizing a case management system and an electronic document management system. A case management system contains only a small amount of important information about a case. These data allows certain functions to be performed, like generating calendars, monitoring caseload growth, tracking fines, and restitution payments. An important component of electronic filing is the document management system, the database of pleadings and other papers prepared by or submitted to the court. When an electronic management system exists, all case papers and case information becomes available and searchable electronically, providing easy and immediate access. Instead of storing a small fraction of the information from a case file, the document management system makes everything available to customers and stakeholders at the same time (McMillan, Walker & Webster, 1998).

The United States District Court of Arizona implemented its Electronic Case Filing (ECF) system in 2005. Its ECF system provides courts the option to have case file documents in electronic format and to accept filings over the Internet. The Court indicates that there are advantages of electronic case filing. Some of the specific benefits mentioned include the following:

1. Full case information is available immediately to attorneys, parties, and the general public through the Internet, including the ability to view the full text of all filed documents.
2. Parties, the judge, court staff and the public all can review the case file simultaneously.
3. Registered attorneys can file case documents from their offices or homes right up to the filing deadline, without worrying about postage, messenger services or traffic congestion.
4. Attorneys filing over the Internet automatically create docket entries, and docket sheets are updated immediately when documents are filed.
5. Attorneys can be more responsive to clients due to 24/7 "anywhere" case document access, and clients have 24-hour access, as well.
6. An automatic verification, in the form of a "Notice of Electronic Filing," is sent by e-mail to the filer and case parties immediately after filing.
7. ECF document storage is automatic and secure, which means reduced paper document storage needs (azd.uscourts.gov, 2013).

Based on the benefits derived from the research of the United States District Court of Arizona's implementation of its ECF system, survey questions were developed specifically for those working in the legal system utilizing the Pima County Consolidated Justice Court records.

4. Review of Selected Paperless State Courts Systems

In the State of Arizona, Maricopa County Superior Court and its Clerk of the Court's Office initiated its paperless court process in 2005 by requiring attorneys to start filing legal documents electronically in two divisions of civil court. According to Michael Jeanes, the Maricopa Clerk of the Court, there was a total of 140,000 documents filed each month in Superior Court. The Presiding Judge at the time made a public announcement in June, 2005 that

all court paperwork will be digital and paper records will be eliminated by the year 2008 (Jeanes, 2013). This was the biggest technological change for the Court and the Clerk of the Court in the state of Arizona. Presently, this system provides access to documents in the Electronic Court Record (ECR) for those cases the public, as a registered user, are directly related to. With this paperless process attorneys are able to access images on cases where they are on the case record, and individual parties have access to cases where they are the party of record. With care given to security, the system will not allow access to sealed cases, sealed documents, or mental health cases, which are considered confidential records Pursuant to Rule 123 of the Rule of the Supreme Court of Arizona. One time registration to authenticate user identity is required and the Arizona driver's license is required for this online authentication. Certified copies of records must be obtained on paper, either in person or by mail from the clerk's office (Jeanes, 2013).

The United States Federal District Court of Arizona implemented an Electronic Case File (ECF) system in 2005 that requires all users of the court to file documents via an electronic transmission to the ECF system. Sending a document or pleading to the court via e-mail other than as described below does not constitute "electronic filing." The definition of ECF referred to in its procedures means the Internet-based system for filing documents and maintaining court case files in the United States District Court for the District of Arizona. Documents are defined as pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices and any other filing by or with the court. All users must be registered with the court and are issued a login and password by the court to electronically file documents. The clerk of the court also has an automated system called PACER (Public Access to Court Electronic Records) that allows a

subscriber to view, print, and download court case file information over the internet for a fee (adz.uscourts.gov, 2013).

In courts outside of the state of Arizona, research shows that many of the court clerk's offices throughout the state of Washington began the paperless process by undertaking projects to move legal documents into electronic form (Sherfey, 2000). This process began by scanning paper documents and creating digitized images of legal documents for access on an electronic screen. Scanning cases at the end of their case life instead of sending the files out for archiving was another method of storing electronic records and eliminating the need for storage space (Sherfey, 2000). This first phase of electronic records allowed for more immediate access to the record.

In exploring the feasibility of a paperless court in Snohomish County Superior Court in Everett, Washington, it was reported that some of their court customers did not own or have access to home computers. The author's recommendation to resolve this matter was to provide on-site equipment and hands-on support to customers desiring to utilize the electronic filing process. Upon filing, documents would be imaged at the customer service window and upon scanning an image of the document into the imaging database the original hard copy document would be returned back to the customer (Kraski, 2010).

5. Potential Pitfalls

Courts are using many different electronic document file formats, which have been developed over a period of many years. According to, James McMillan, a well-managed court makes good use of Information Technology. Automation requires courts and others to work

more closely and at new levels of detail, which at times, creates tension and requires superior management, delegation, and communication (McMillan, 1998). Therefore, the quality of technical staff is critical and the market for them makes it difficult for courts to compete. But for even highly qualified court technologists to be effective, court leaders must manage the technologists. Talented court leaders know how to blend technical staff into the court and justice system, achieve common understandings and, very importantly, ensure that technical staff service and support those who do the court's work. Budget, staff, equipment, caseload and other business processes must be aligned (McMillan, 1998). If not carefully done, judicial buy-in and leadership could become a potential pitfall. To avoid this potential drawback, judges need to be well-informed and engaged by the Court Administrator and IT leadership from the beginning to gain their support for e-filing and an electronic record not only with words but deeds. Getting judges comfortable with using electronic records will be the only way to see the full benefits of e-filing. To do otherwise will only increase costs and increase staff workload (JTC, 2013).

6. Cultural Barriers to Success

Pima County is the second largest populated county in the state of Arizona with a population of 992,394 recorded in the 2012 census with a land area of 9,197 square miles (usdoj.census.gov, 2013). As Pima County Consolidated Justice Court seeks to become more problem-solving through the use of technology, it will inevitably need to build stronger links with the community and its stakeholders. The Court has been working towards an electronic court filing system for about five years and has gradually incorporated electronic systems on an incremental basis. There are many cultural barriers that need to be addressed in moving to e-

filing and a digital records processing. The Joint Technology Committee (JTC), a national committee which is charged with improving administration of justice through technology, explained such cultural barriers to be addressed:

“Communication on an ongoing basis with all the interested parties including judges, clerks, staff in the clerk offices, lawyers, paralegals, collection companies, and the legislature need to take place on an ongoing basis with demonstrations, dialogue and responsiveness. This process ensures the design and implementation are understood and feedback will improve the e-filing process and internal business process. Individuals will respond in different ways and helping the reluctant to embrace the new is an art form. Lawyers will either be enthusiastic or resistant but both groups and more importantly, their paralegals and other staff, will need training and ongoing technical support. E-filing specialist Vendors generally provide these. An in-house e-filing system needs to be prepared for significant time and expense in initial training and ongoing costs and staffing for the technical support (24/7) and periodic training/retraining” (JTC, 2013).

On the other hand, one advantage to in-house development is that the court sets its own priorities and can modify and change the e-filing module without having to rehire a contractor or trying to persuade a vendor to make the changes that may be needed. For example, based on the continuous efforts to work with stakeholders such as the Pima County Attorney’s Office, Pima County Juvenile Court (part of Pima County Superior Court), the Pima County Wastewater Department, the Arizona Department of Public Safety and the Pima County Sherriff’s department to enable the electronic filing of complaints, court actions and citations the number of paper documents filed at our court by these agencies has significantly decreased. Due to the cooperative efforts of county agencies and the court, these cases are now filed electronically, hence reducing a significant amount of time and effort for both the court and the county. As the

court continues to encourage other citing agencies to follow suit, the ability to transition from a paper court to a paperless court should come with ease as a result of the existing electronic business processes of the court and county citing agencies currently have in place today which was all developed by in-house court staff.

Another cultural barrier explained by the JTC is that once a case-type is electronic, making a parallel paper file is a common request done to please a technology-resistant judge or out of fear by careful clerks. The electronic file is the file. Due to significant costs, paper should be created only when needed and courts requiring paper copies should consider who will be required to provide the paper copies. Will paper copies be the responsibility of the judge (paper-on-demand), the clerk or in courtesy copies provided by litigants or attorneys (JTC, 2013)?

7. Cost & Savings

In the article, *Future Trends in State Courts*, written by James McMillan (2010), cost-effectiveness and operational advantages of accepting and storing electronically filed documents can have an impressive impact on a court's bottom line. While the court community is working diligently to take advantage of the many benefits of converting to electronic documents, there are still many issues to be resolved. The severe budget cutbacks generated by the recession have been a driving incentive for courts to explore the merits of converting to a “paper-on-demand” (POD) electronic environment. “Paper-on-demand” means that all content is stored in a digital format at all times and is only made into paper format when needed. If a party to a case requires paper, then a copy can be printed for that individual need, but the paper is not used within the court. For instance, based on a study conducted in the Manatee County Court, in paper-on-

demand courts such as Manatee County Court, documents are e-filed to the court or scanned into the system upon receipt. This electronically stored document is accepted as the original, while the paper documents can be returned to the filer. In addition, multiple users can view documents from their workstations, home computers, iPad and laptops simultaneously. Technically, there are a total of four cost scenarios listed below identifying the most expensive cost per page:

1. Electronic Intake; Electronic Storage; Electronic Use
2. Electronic Intake; Electronic Storage; Paper Use
3. Paper Intake; Electronic & Paper Storage; Paper Use
4. Electronic Intake; Electronic & Paper Storage; Paper Use

Based on research conducted by the Manatee County Superior Clerk, the methodology for determining the costs in Manatee County took into consideration the personnel time for those directly involved in handling documents and the supplies, equipment, and overhead required for the various tasks. In order to establish the cost components, inquiries with senior management from various departments of the court were conducted; costs were also derived from the Manatee County Superior Clerk's office finance system and internet research, when needed. In the same way, the technological costs, including the software (One-Button E-file, NetDMS, aiRedact, and aiSmartbench), the storage area network, and the Technology Services personnel time, were captured for the analysis (Shore et.al, 2009).

Results - Cost Per Page:

- Electronic Intake; Electronic Storage; Electronic Use\$ 0.11
- Electronic Intake; Electronic Storage; Paper Use\$ 0.24
- Paper Intake; Electronic & Paper Storage; Paper Use..... \$ 0.69
- Electronic Intake; Electronic & Paper Storage; Paper Use.....\$ 0.57

It is important to note that from this model, the cost of scanning and printing and that the best possible scenario is to E-file and to not print anything. In 2009, a return on investment study conducted in Manatee County, Florida revealed a cost saving of almost \$1,000,000 based on e-filing their 2,321,252 documents per year (Shore et al., 2009). Unfortunately Manatee County has not been allowed to completely eliminate the paper copy requirement. But they have transitioned from “file folders” to date-based box storage for the paper copies (Shore et al, 2009). In other words, cost and operational efficiency are being hampered by legal records requirements, “Print on Demand” which has costs.

In an effort to enhance cost savings, it is the desire of the Pima County Consolidated Justice Court Administrator, Douglas Kooi, to have the required infrastructure that will be necessary to implement a paperless process put in place during this construction phase of the new Pima County Consolidated Justice Courthouse that is presently under construction, so that the building will be ready to handle the implementation of a paperless court operation. As the cost of construction varies, the cost for building the necessary infrastructure required fluctuates as well.

Generally speaking, when courts make the transformation from paper documents to ECM, they must initially do so largely within the context of existing resources and infrastructure.

That means that the courthouses, offices and often related justice agencies, are usually designed and located with physical document management in mind. A significant number, if not a majority, of the support staff are primarily trained and experienced in dealing with and managing paper documents and files. According to a 2013 article posted on the website of *Order of the Courts, Technology in the Courts*, historically, a huge proportion of court resources have been dedicated to document and record management. There have always been many more record clerks than judges in most courts, as according to statutes and rules of the court so courts must be properly staffed in order to process high volumes of documents in a timely manner. In addition, maintaining a manual records filing process requires specific skills of clerical staff; they must be trained to process high volume of documents accurately and efficiently. Skill requirements include document processing, file creation and assembly, file storage, file retrieval, file transportation, copying, file security, etc. However, as courts move forward with building the proper infrastructure for an electronic environment, courts are finding less need for basic, manual skill sets and are moving more towards ECM systems which free up the resources to undertake higher-order tasks such as direct judicial support, customer services and specialty court functions (Barlow, 2013).

III. Methodology

Apart from the literature review of relevant state and federal policy guidelines, law reviews, national committee bulletins, pertinent articles, online websites and publications described in the previous sections, several different data collection methods were conducted in researching the issues addressed in this paper. The author conducted interviews of the Pima County Consolidated Justice Court Justices of the Peace. In addition, the author surveyed Pima County Consolidated Justice Court Administrator and Managers, Court Business Operations Analyst, and Court staff. These surveys and interviews focused on the feasibility of transitioning to a full paperless court process and the benefited expectations of such.

The author also conducted an online website research of the Maricopa County Justice Court Administrators paperless process along with a survey of members of the Pima County Bar Association and other Pima County Stakeholders that frequent the court to do business to gather data on how a paperless court process would be beneficial to their organization/agency and to identify the concerns they may have with the implementation of such. The Pima County Stakeholders consist of staff from the offices of the Pima County Prosecutor's Office, Pima County Jail and the records division of the Sheriff Department, the records division of the Department of Public Safety and the office of the Pima County Clerk of the Superior Court.

Finally, the author gathered information relating to the method utilized to transition to a paperless court from the websites of the Maricopa County Clerk of the Superior Court's Office, located in Phoenix, Arizona; the United States District Court of Arizona, located in Tucson, Arizona and the King County Clerk of the Superior Court's Office, located in the state of

Washington that have accomplished this endeavor to identify barriers for transitioning into a paperless court.

The purpose of this paper is to identify the current court records processes and to determine whether it would be feasible to implement a paperless electronic court records system based on the number of annual filings in Pima County Consolidated Justice Court. It will also identify how a paperless process will impact the current job functions and workflows of court operations. In addition, it will bring to light any barriers the Court may face during implementation based on the experience of other courts that are currently operating under a paperless system.

Initial research conducted through interviews held with Elvia Cariño, the Pima County Consolidated Justice Court Business Operations Analyst, and Charles Drake, the Pima County Consolidated Justice Court Information Technology Manager, in addition to research of the websites of the Maricopa County Clerk of the Superior Court's Office, the United States District Court of Arizona and the King County Clerk of the Superior Court's Office was done to gather information on transitioning from a paper court to a paperless electronic court. The author also gathered information to analyze the accomplishments of their endeavors and identified barriers experienced during the implementation process of a paperless court records system. Therefore, the feedback received from all stakeholders is critical to the cause of determining whether a paperless electronic court records system would be an efficient and effective way of housing and processing court records.

Websites of courts currently operating under a paperless electronic court records system were researched to gather information regarding the successful operations and barriers experienced during the implementation of the process. The first step in researching websites was to identify courts in the country that were already operating in a paperless environment. Once the courts were identified, the next step was to determine which of those paperless courts were located in the same state adhering to the same administrative court laws, similar in operational structure on a general basis, and similar in size or population to Pima County Consolidated Justice Court. As a result, through process of elimination, the similar courts identified were Maricopa County Clerk of the Superior Court's Office, the United States District Court of Arizona, Snohomish County Clerk of the Superior Court, Washington, and the King County Clerk of the Superior Court's Office, Washington.

Upon identifying the three courts, the process of analyzing the overall structure of operating a paperless court records process was conducted. The operation and processes of electronic filings, storage and retrieval of electronic records via images were studied. The cost to operate an electronic records system was also analyzed to compare the cost savings of operating a paper records system versus operating an electronic paperless records system. The effectiveness and barriers of operating an electronic paperless records system were also studied to identify some of the valuable lessons learned for implementing an electronic paperless records court system as well as the type of hardware computer equipment and software necessary to successfully function in such an environment.

A web-based opinion survey was administered to the Pima County Consolidated Justice Court stakeholders and court staff including the judicial officers. This survey was used to determine the average number of paper case files and documents the stakeholders and court staff process or handle on a daily basis. This web-based survey was also used to determine whether an electronic paperless court records system would be utilized effectively within the Pima County Consolidated Justice Court setting. In addition, a paper survey was administered to customers of Pima County Consolidated Justice Court upon exiting the courthouse. The survey was used to reveal the customers perspective on the use of an electronic paperless court records system being implemented. To gain the perspectives of the Justice Court customers regarding an electronic paperless court records system, the following groups listed below represented the individuals that were surveyed:

Internal Customers

Justices of the Peace

- Pro Tems
- Hearing Officers
- Management/administration
- Supervisors and Leads
- Clerical Staff

External Customers

- Private Attorneys
- County and City Prosecutors

- Public and Legal Defender Attorneys
- Self Represented Litigants

Tables 1 and 2 below represent the percentage of responses by occupation.

Table 1. Occupations of Internal Customers

Which of the following best describes your current occupation?	%
Clerical Staff	40%
Supervisors/Leads	25%
Management	16%
Hearing Officer	0%
ProTem	0%
Justice of the Peace	19%

Table 2. Occupations of External Customers

Which of the following best describes your current occupation?	%
Self-Represented Litigants	62%
County Prosecutors/City Attorney	28%
Private Attorney	7%
Public/Legal Defender	3%

In an effort to ensure clarity, the definitions of e-filing and an electronic paperless court records system was defined and placed in the cover e-mail of the survey as follows: “An electronic paperless court records system begins with E-filing and consist of the filing, viewing, and processing of all court documents electronically by the litigants, court staff and judiciary. E-filing is the process of filing court documents electronically.”

Two surveys were developed, one for internal customers and one for external customers. The internal customers were identified as all employees of Pima County Consolidated Justice Court. The internal customers consist of the judicial officers, pro-tems, hearing officers, court administrators, managers, supervisors, leads and clerical staff. The external customers were identified as those persons who work with or utilize various court functions to accomplish their job tasks. The external customers of the court were identified as private attorneys, city and county prosecutors; public and legal defender attorneys and self-represented litigants court users. An electronic link to the survey was sent in the cover e-mail and distributed to 176 participants consisting of judicial officers, court staff and stakeholders. In addition, 48 self-represented litigants agreed to take written surveys upon exiting the courthouse. The number of participants asked to participate in the survey was 224 total. The survey was taken either through a web-based survey program or personal one-on-one method. Of the 224 participants there were 104 responses, of which 86 were web-based participants and 18 were written response participants, resulting in an overall response rate of 46%.

Both surveys contained 10 questions each geared towards gathering information regarding the survey participants' usage of the current paper records system currently used in Pima County Consolidated Justice Court and whether the participants would be supportive of an electronic paperless records court system. A total of ten survey questions were developed and posed to the internal customers and ten survey questions were developed and posed to the external customers, for a final count of twenty survey questions in all (see Appendix A).

The survey was administered for a one-week period. The external customer survey was dispensed the week of November 25th, 2013 and the internal customer survey was dispensed the week of December 2nd, 2013. It was developed and administered using SurveyMonkey.com, which is a web-based survey program that allows survey participants to answer online and the results are tallied and categorized automatically. While monitoring the survey returns, it was noted that returns were coming in at a slow rate or not at all. In an effort to maximize responses from those invited to participate, the author conducted a follow-up effort, sending out the survey again to those who had not responded along with a cover email reminding individuals to respond. The follow-up efforts yield an additional 22 respondents resulting in a slightly less than 3% increase.

IV. Findings

1. Survey

Internal customer survey results

While the majority of respondents (91%) support an electronic paperless court records system, those who indicated they do not support an electronic paperless court records system based their reluctance on past experience dealing with computer crashes. Non-supportive participants commented that they were not sure if the system would work the way it should. Non-supportive respondents indicated that paper documents should be kept as backup in case the computer crashes and some believe that hard copies of documents are important and should never be destroyed.

Of the seventy-five internal participants who were surveyed, 91% indicated that they do support an electronic paperless court records system, displayed in Table 3, as they are currently utilizing the image view program to see court documents that have already been imaged into the current database.

As shown in Figure 1 below, the number of files respondents handled was directly related to their job title. The survey disclosed that 35% of internal clerical staff indicated that they handle more than an average of 41 case files to perform various functions of their court tasks on a daily basis. While 41% of participants consisting of one court administrator, two deputy court administrators and four managers indicated that they touch an average of 10 files or less on a daily basis to perform the various functions of their court tasks and responsibilities. A total of 14% of the participants consisting of five department leads indicated that they utilize an average

of 21 to 30 case files to perform various functions of their court task, in comparison to five supervisors who make up 5% of the participants who indicated that they use an average of 11-20 case files to perform their daily tasks. The staff's desire to proceed with Agave case management system demonstrates the Court's commitment to preserve local and state resources while providing the staff a comprehensive Case Management System solution.

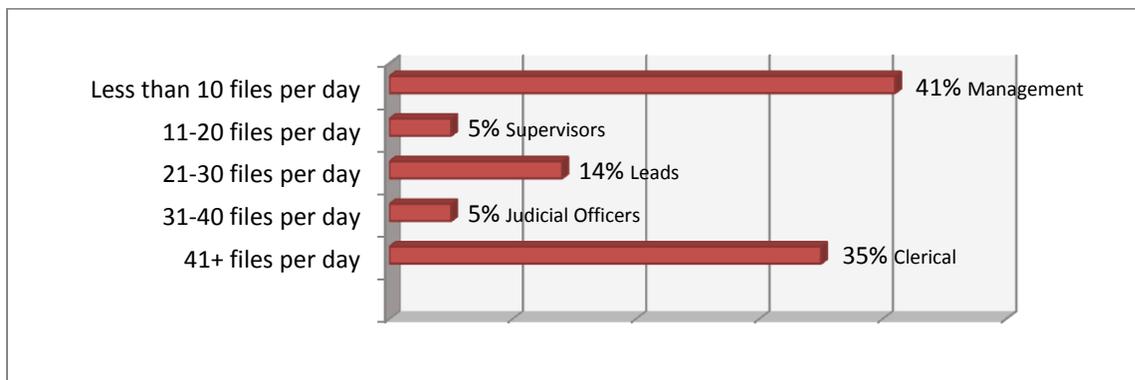


Figure 1. How Many Case Files Do You Handle Daily? (n=75)

It is interesting to note that the remaining 5% consisting of the judicial officers stated they utilize an average of 31 to 40 case files to perform functions of their courtroom tasks. While they support an electronic paperless court records system, most were reluctant to do away with the physical case files leaning more towards a paper-on-demand type system.

In the course of conducting court business, there are times when staff will retain case files at their workstation for processing purposes that will require them to retain case files for a period of two to three days. As displayed in Figure 2, when asked how often images of documents are retrieve as opposed to requesting the physical case file, it appears that the majority or 45% of the participants consisting of judicial, administrative and management staff stated that they view the

images housed in the imaging database 5 to 10 times per day as opposed to requesting the physical files from the Records Department to view documents in the physical case files while 37% of participants consisting of supervisors view images on an average of 11 to 20 times per day, and 8% of the participants consisting of leads view images on an average of 21-30 times per day. A combined total of ten percent of the clerical staff participants who work at the customer service windows and the back desk areas indicated that they use the imaging database to view images of insurance and registration documents in the case file to respond to questions of customers in an expeditious manner.

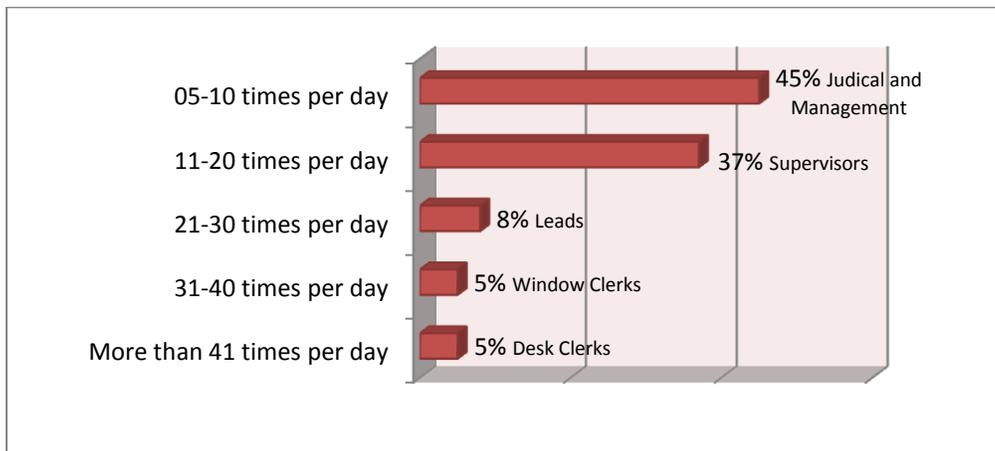


Figure 2. The percentage of respondents who indicated how often they retrieve images of a case document. (n=75).

The processing of filed documents is a major area where the court would be able to benefit from the implementation of an electronic paperless court records system. The majority of documents filed with the courts take place at the customer service windows for civil, civil traffic criminal, criminal traffic, and the records department. Based on the information revealed in the

survey, the clerical staff working in the Records and Civil Departments' bulk filing customer service windows indicated that they receive and process more than 100 filings per day at their respective customer service window, representing 14% of the total participants surveyed. The remaining clerical staff working at customer service windows for civil, civil traffic, criminal, criminal traffic indicated that they receive and process an average of 50 to 100 filings per day, representing 36% of the total participants surveyed. The remaining 23% of the participants representing judicial officers, administrators, managers, supervisors and leads indicated that they received an average of 5 to 49 filings per day. These filings derive from customers who prefer, based on certain circumstances that may require approval of acceptance from authorities higher than clerical staff, to deal directly with upper management, supervisors, leads and filings taking place in the courtroom.

While 4% of the participants disagree, and 25% of participants were undecided, the majority, consisting of 71% of the participants, indicated that the ability to view documents online does free up time and allow them the opportunity to focus on other areas of their job. The 4% of those who did not support the statement shown in Figure 3 consists of staffers who work predominantly with archived files containing court records that have not been imaged into the court database.

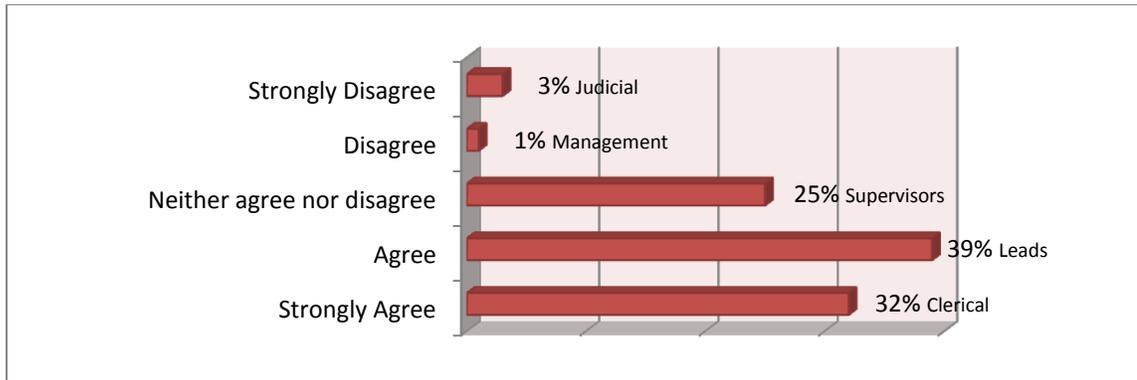


Figure 3. The percentage of respondents who indicated the ability to view documents online frees up time and allows them to focus on other areas of their job. (n=75)

External customer survey results

Based on the continuous efforts to work with stakeholders such as the Pima County Attorney’s Office, Pima County Juvenile Court (part of Pima County Superior Court), the Pima County Wastewater Department, the Arizona Department of Public Safety and the Pima County Sherriff’s department enable these agencies to electronically file complaints, court actions and citations. Thus, the number of paper documents filed at the Court by these agencies has significantly decreased. Due to the cooperative efforts of county agencies and the court, these cases are now filed electronically, hence reducing a significant amount of time and effort for both the court and the county agencies. As the court continues to encourage other citing agencies to follow suit, the ability to transition from a paper court to a paperless court should come with ease as a result of the existing electronic business processes the court and county citing agencies currently have in place today.

Based on the responses from the stakeholders/customers, consisting of private attorneys, county and city prosecutors, public and legal defender attorneys, in addition to self-represented litigant customers, a total of 91% indicated that they would support an electronic paperless court records system while the remaining 9% did not support it. Those who indicated that they did not support such a system consisted of the public and self-represented litigant customers. According to their comments, they based their decision on past experience or what they heard or read as it relates to computers not being reliable, stored data being sabotaged by hackers, computer virus, and stolen data.

When asked if court records were available online 24–7 would they view images of documents online instead of coming to the courthouse to view documents, again 91% indicated that they would view images of documents online instead of coming to the courthouse to view them. While 9%, consisting of the public customers stated they would not, they would want to see the physical document. Their reasoning was based on what they read or heard on the news about computer data being manipulated or sabotaged, in addition to having no trust in government. Of the majority indicating they would view documents online, the private attorneys indicated that they would view documents online 5 times per week or more, the public agency attorneys would use the system more than once per day, the self-represented litigants and balance of the public customers indicated that they would view documents online from 1 to 4 times per month if it was available 24-7. It was interesting to note that when approaching customers to take the survey exiting the courthouse from the civil traffic and criminal lobbies, eight of the customers declined to participate indicating that they did not own a computer at home and did not live near a public library, representing 0.4% of the 224 candidates approached.

As it relates to electronic filing with online confirmation of documents being received via an electronic system, it is interesting to note that while more than 90% of the participants indicated that they support an electronic paperless court records system, when asked whether hand-delivery of documents are more reliable than the electronic filing of documents, 73% consisting of a mixture of private and public attorneys along with the self-represented litigant customers indicated that they would file documents with the court online. While 9% consisting of private attorneys indicated ‘maybe’ they would file online, with the remaining 18% consisting of self-represented litigant customers stating, no, they would not utilize an electronic filing system to file their documents with the court but would prefer to hand-deliver them to the courthouse themselves (see Figure 4).

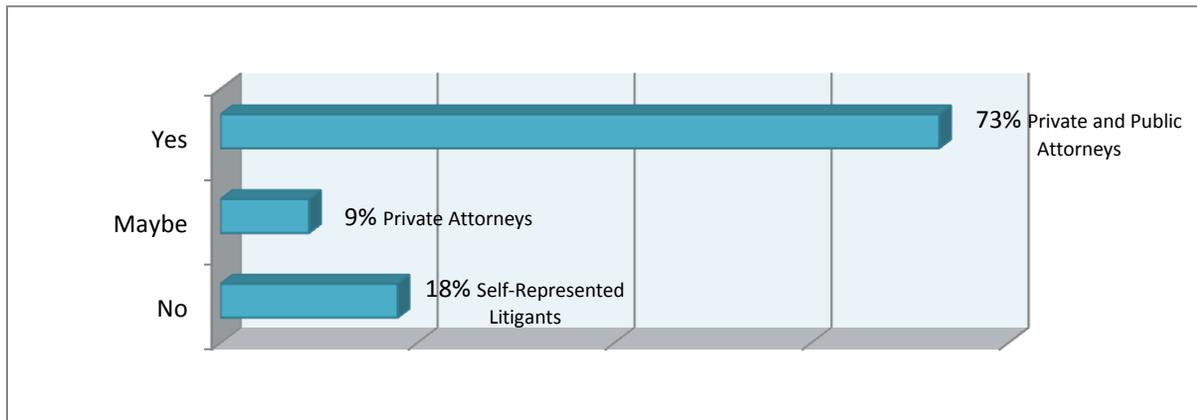


Figure 4. The percentage of respondents who indicated if available 24 hours per day, 7 days per week, they would file court documents online instead of delivering them to the courthouse? (N=29)

When asked if they would feel more comfortable using an electronic filing system if they received online confirmation that the document was filed, the majority or 64% indicated, yes, online confirmation would make them feel comfortable enough to file their documents online as opposed to 18% indicating it would not make them feel comfortable at all. The other 18% of stakeholders and public customers revealed that it would make them feel somewhat comfortable if they received online confirmation utilizing an electronic filing system (see Figure 5).

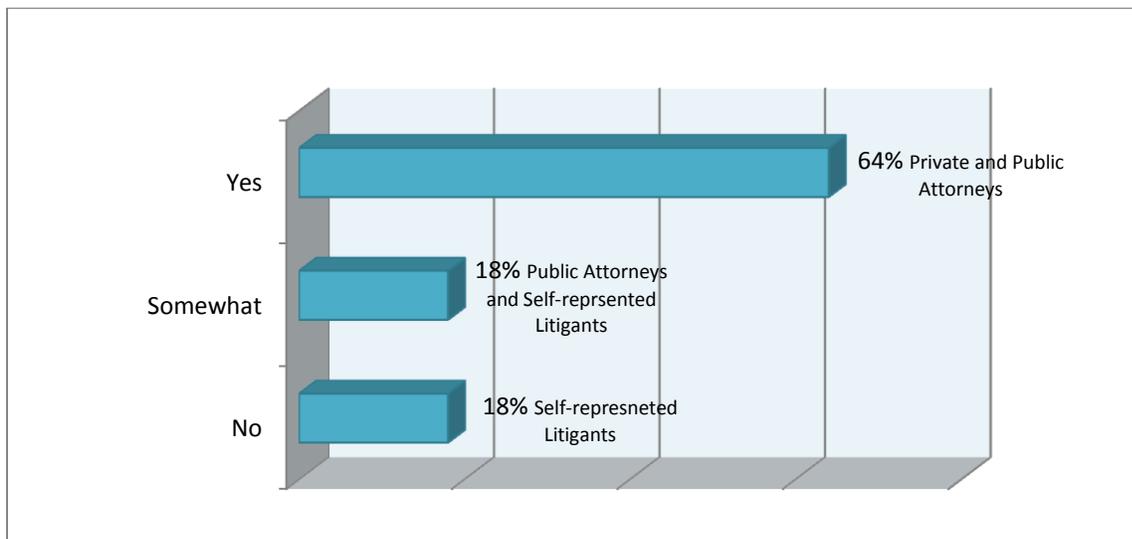


Figure 5. The percentage of respondents that indicated they would not personally come to the courthouse if they could receive confirmation for documents filed online. (N=29)

The survey also revealed that 73% percent of stakeholders and self-represented litigant customers believed if available 24 hours per day, filing documents online would be a time saver to them. While 18%, consisting primarily of the public believed that utilizing an electronic filing online system would somewhat be a time saver, as opposed to the remaining 9% participants consisting of private attorneys stating it would not.

To help identify the level of experience that the target users have completing financial transactions online and to provide an idea of how often or how comfortable they are with using the computer to conduct financial transactions, the following question was posed. “Do you feel comfortable completing financial transactions online?” As a result, it was revealed that 73% of the participants, consisting of public/private attorneys and some self-represented litigants, were in fact comfortable or had been exposed to conducting financial transactions online. A total of 18% consisting of only public and private attorneys, indicated they were somewhat comfortable with conducting financial transactions online while the remaining 9% participants of the self-represented litigants, who indicated that they would not file documents online stated they do not feel comfortable with conducting financial transactions on the computer shown in Figure 6.

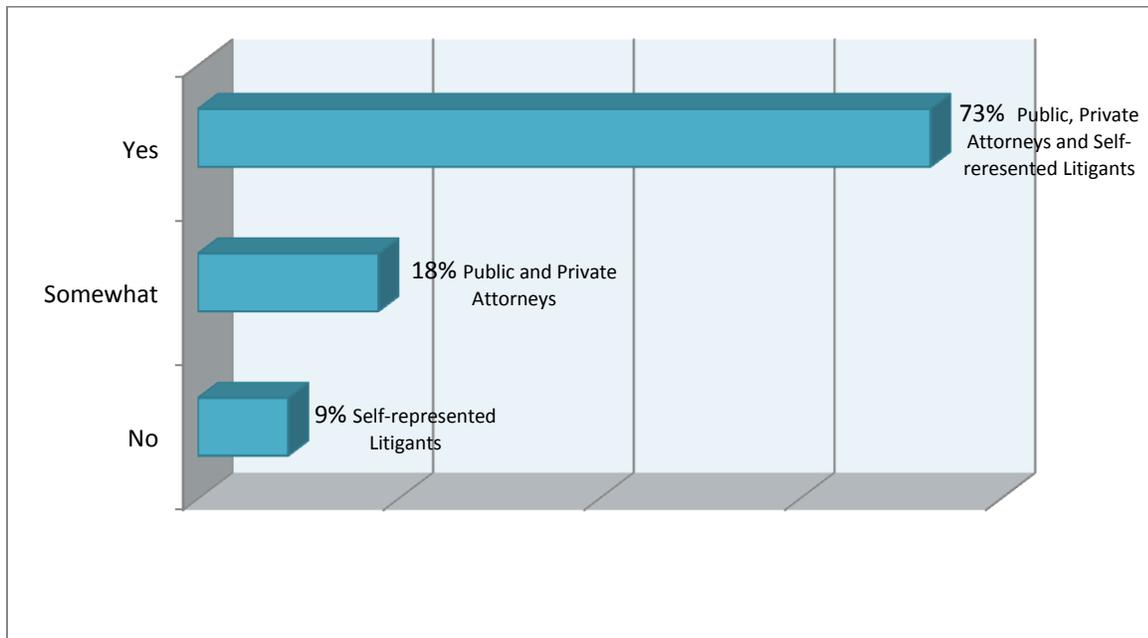


Figure 6. The percentage of respondents who indicated whether they feel comfortable completing financial transactions online. (n=29)

Despite the fact that 91% of the survey participants indicated that they would support an electronic paperless court records system, when broken down by participants, it was not a surprise to learn that 55% of the survey participants, consisting of all public attorneys, indicated that they would not pay an annual subscription fee to support the upkeep of an electronic paperless court records system. However, 45% of the participants, consisting of the private attorneys, self-represented litigants/public customers stated that depending on the annual subscription fees they would be willing to support the upkeep of an electronic paperless court records system.

The majority of the IT technicians in the Pima County Consolidated Justice Court Information Technology Department indicated that there are no technological barriers to implementing a paperless court records system due to the advancement of technology today, (Drake, 2013). However, based on research, it was revealed that existing and potential users of an electronic paperless court records system have identified a human barrier that exists for moving towards this goal. That human barrier stems mainly from the distrust or experience with computer crashes and the mindset of people who find it difficult to let go of the paper documents or paper records.

Based on the overall findings resulting from the responses from the court survey and the website research conducted of other courts currently operating a paperless court, 91% of participants surveyed indicated that they believed a paperless electronic records court system would be highly beneficial and more effective than the current paper court records system that is in place today. In addition, the majority 73% supported the ability to have access to court

records online 24-7 to view at their convenience while having that same ability to electronically file documents with the court thus receiving an electronic confirmation of the filing.

The information acquired from website research of other courts that currently operate in a paperless environment indicates that it would be highly beneficial to have all court records available electronically as it would eliminate the time spent searching for misplaced or lost court records. In addition, a paperless environment would reduce the time it takes to locate, check-out and delivered case records to court staff, the public and the courtrooms.

V. CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1: The majority of Pima County Consolidated Justice Court's business processes and workflow could be adapted to an electronic paperless court records system.

Discontinuing the use of paper files incrementally and through the continuation of gradually implementing paperless processes through the use of electronic filing and imaging documents would allow for streamlining the remaining 75% of the court business lines and workflow.

Recommendation 1: Continue to review court business lines and workflows to identify processes that could be refined and streamlined through the implementation of electronic filing.

Without electronic filing, the Court would be placed in the position of continuing to handle paper documents. The processes should be reviewed from the beginning stages which may start outside of the Court. Therefore, stakeholders must be included to avoid assumptions that would delay or prohibit the ability to maximize potential efficiencies in the electronic implementation process.

Conclusion 2: The judicial officers must be kept informed and included in major decisions of the workflow and implementation of transitioning to an electronic paperless court records system.

Although judicial officers recognize the potential benefits and are highly supportive of an electronic paperless court records system, in reviewing the concerns of the judicial officers of the

court, it is clear that a few are reluctant to support a totally paperless records system and would feel more comfortable if the court would move to a combination of paper-on-demand and electronic system. Of course, this combination would ultimately have a negative impact on cost savings. Some members believed a paperless system would not be reliable based on their experience with server crashes. They indicated that it would make their job in the courtroom more difficult and they would end up reverting back to the paper records if the system crashes. Other responses revealed that as long as the electronic system would resemble the exact look of the paper documents, such as the court minute entries, orders and warrant forms etc., they would not oppose an electronic paperless court records system.

Recommendation 2: Open communications with all judicial officers is a must.

The judicial officers must be brought in from ground zero and kept informed through the use of reporting at bench meetings and setting aside time with them on an individual basis to ensure thorough understanding of the direction headed. A transition must ensure that systems are designed for courtroom use that reflect and is in alignment with the way judicial officers operate and review records in the courtroom. The Court should allow input from judicial officers, especially those who are less supportive, on the designs of the systems they will use in the courtroom. Some assumptions must be made in order to define a clear vision for paperless processing and gain support from the top. However, adequate equipment and support must be provided to the bench when an electronic paperless court records system is implemented.

Conclusion 3: Implementation of a total electronic paperless court records system would result in a positive monetary and environmental cost savings.

It is clear that a total electronic paperless court records system would bring cost savings to customers, stakeholders, and the Court based on data on savings that other courts have experienced when they implemented an electronic paperless court records system and based on staff man-power of handling paper records and documents not being printed. However, if the non-supportive respondents require the court to print large volumes of case files in an electronic paper environment cost savings will more than likely be reduced.

Recommendation 3: Review cost savings acquired by other courts currently operating in an electronic paperless environment.

The cost savings of other courts that are operating in a paperless environment must be reviewed to identify and determine the cost per page savings that Pima County Consolidated Justice Court would receive based on the various optional types of paper storage. “Electronic Intake; Electronic Storage; Electronic Use” process provides the highest cost savings, while “Electronic Intake; Electronic & Paper Storage; Paper Use” process provides the least cost savings and is considered to be the most expensive process. Currently, this last process is utilized here in Pima County Consolidated Justice Court.

Conclusion 4: The majority of the Court’s customers and stakeholders are supportive of an electronic paperless court records system.

With the exception of nine percent of a few litigant customers the judicial officers, court staff, stakeholders, and public customers indicated that the full implementation of an electronic paperless court records system would be beneficial.

Recommendation 4: Maintain open communication through extensive outreach and educating stakeholders, and public customers (litigants and non-litigants) of the court.

Educating court users of the benefits of this process and sharing of information through an extensive outreach program such as public servant announcements is important. Court website announcements and informational pamphlets are just a few educational approaches to gain confidence of potential court users of newly implemented computerized systems. A public trust and confidence survey should be administered before and after implementation to monitor the sentiment of the public and how the business process changes impact those views. Winning over those individuals who do not support an electronic paperless system is essential to the overall success of a paperless system. Educating stakeholders and customers on the potential benefits to them as well as the court will help reduce the uncertainty and build confidence of those who are reluctant to support an electronic paperless court environment.

Conclusion 5: There is a challenge for Pima County Consolidated Justice Court in not having a centralized filing system to create case files.

A challenge that the court faces in the full implementation of an electronic paperless court records system is the fact that the creation or initiation of new cases is not centralized. The court has five departments that create or initiate new cases, of which two are located in an off-site location one block away from the main courthouse. Upon creation, new civil cases are case tracked and sent to the court's records department for imaging and then placed on records shelves, while the other four departments' image part of the documents in the file prior to case

tracking and send their newly created cases to the records department to be stored on the record shelves.

Recommendation 5: Continue to gradually implement an electronic filing process, centralizing the electronic scanning and storage of all documents being filed in the court.

In an effort to support the Court's mission, transitioning into an electronic paperless court records system will not only solve the problem of misplacing court records and documents that are filed with the court upon creation, but will also eliminate losing court records and the time allocated to searching for misplaced documents and case files. In addition, the scanning and storage of case files and all documents being filed with the court would be centralized because records would be electronically stored, rather than physically stored in several departments and requiring them to be physically tracked throughout the court. This process will also provide Pima County Consolidated Justice Court customers and stakeholder's electronic access to court records providing them the ability to view court records in the comfort of their homes and offices, eliminating the need to travel to the courthouse to obtain or review court documents.

Conclusion 6: Less than the majority of customers would be willing to pay an annual subscription fee in order to support the maintenance of an electronic paperless court records system.

With the exception of the county and city prosecutors, and public and legal defenders, other court customers would be willing, depending on the fee amount, to support an annual subscription fee to help with the upkeep of the electronic paperless process.

Recommendation 6: Review the annual subscription fees of other courts currently operating in an electronic paperless environment.

The fact that Arizona law does not allow the Court to charge public agencies a fee to use the court system has very little impact on whether an annual subscription fee should be explored. Some courts have a flat rate fee while others have developed a tier fee. The Pima County Consolidated Justice Court's automation fee or the court recovery costs for filing documents with the court could be slightly increased to include an appropriate amount to help offset the cost of maintaining and enhancing technology of an electronic paperless court records system. However, the increase of such court automation fee or the other court recovery cost fees must be established by ordinance and approved by the Pima County Board of Supervisors. The electronic paperless environment creates a cost savings for both the court and those customers and entities needing to record documents. Customers must be informed and made aware that there are many savings and changes that do not show up on the balance sheet and are recognized as benefits. For example, file retrieval will become swift and will save time as access to records is readily available electronically and decentralized. Court tasks and functions will be sped up by eliminating the slow crawl of stacks of papers from desk to desk, as well as the quick and timely submission of documents for recording. Other upfront cost saving benefits to customers includes the reduction in travel, gasoline, and parking expenses in addition to reducing the wear and tear on personal vehicles and the court facility.

Conclusion 7: It will be necessary to provide accommodations for those individuals who are unable to utilize an electronic paperless court records system.

There are some individuals, such as self-represented litigants, who do not have access to the equipment and tools necessary to utilize electronic filing of documents. When approaching customers to take the survey exiting the courthouse from the civil traffic and criminal lobbies, eight of the customers declined to participate indicating that they did not own a computer at home and did not live near a public library.

Recommendation 7: Provide an option for manual paper processes or e-filing for litigants who do not have access to computers.

It is critical that the court does not deprive any person access to justice. Court processes cannot be implemented that may hinder an individual's access to the court. The court should provide on-site computer terminals in the court lobby along with other necessary equipment to allow customers to utilize and participate in the electronic process. In addition, hands-on support to customers desiring to utilize the electronic filing process should also be available. The court should also continue to have window clerks accept paper filings over the counter and upon scanning an image of the document into the imaging database at the customer service window, return the original hard copy document back to the customer as is being currently done with proof of insurance and vehicle registration.

Conclusion 8: An electronic paperless court records system can be successful in Pima County Consolidated Justice Court.

Based on successful implementation in other court jurisdictions within and outside of the state of Arizona, it has been demonstrated that an electronic paperless court records system can be successful. The Pima County Consolidated Justice Court has already laid the foundation,

starting seven years ago when it began scanning images of civil documents filed with the court. The benefits of that foundation would definitely outweigh the liabilities, consisting of the elimination of cased files being misplaced or lost, providing faster access to court documents, eliminating duplicate data entry, increasing productivity, and reducing environmental impacts. The elimination of paper court files would free up space in the office and reduce/eliminate storage costs for housing physical case files.

Recommendation 8: Develop an electronic paperless court records system technology plan to continue use of electronic filing processes within the court.

The incremental steps that have been taken over the past seven years consisting of scanning images and implementing e-filing processes should be continued. The plan must take into account potential liabilities such as system crashes and security of court documents that has already been done through existing digital imaging processes. In addition, a detailed cost analysis should also be conducted based on refined workflows and business processes including potential cost savings for the court as well as its customers.

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[us/committees/~media/files/pdf/technology/jtc/efiling%20issues%20paper%20%20v%20101%20final.ashx](http://www.ncsc.org/about-us/committees/~media/files/pdf/technology/jtc/efiling%20issues%20paper%20%20v%20101%20final.ashx)

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APPENDICES

APPENDIX A

Internal and External Customers Survey Questions

The following questions were developed and posed to the internal customers:

- Which of the following best describes your current occupation?
- Do you support an electronic paperless court records system?
- On an average, how many physical files do you handle per day?
- On an average, how many physical files do you maintain at your desk for future processing?
- On an average, how often do you retrieve a scanned image of a case document using Hyland OnBase?
- On an average, what is the highest number of documents received at your window for filing on any given day?
- The ability to view documents online would free up time and allow me to focus on other areas of my job.
- Do you believe that hand-delivery of documents is more reliable than the electronic filing of documents?
- Do you believe that working in an electronic paperless records environment would be more difficult than working in a physical records environment?
- Would it be easier to view documents on a computer vs. the physical case file?

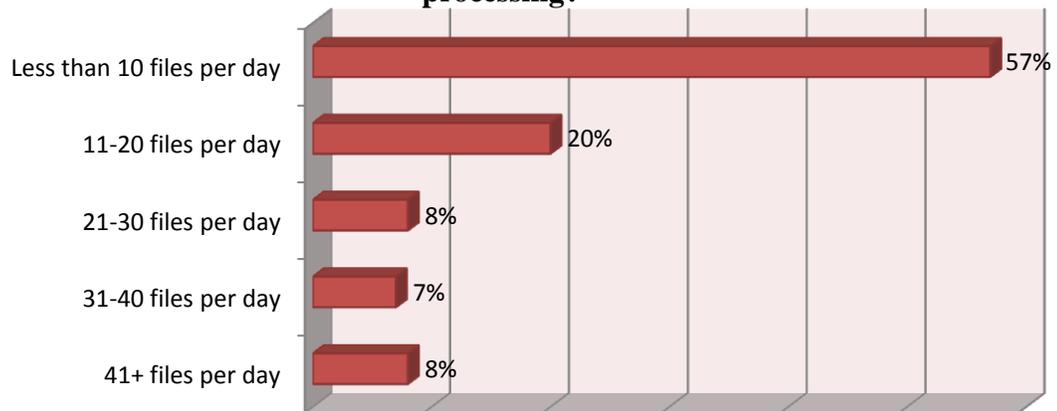
The following questions were developed and posed to the external customers:

- Which of the following best describes your current occupation?
- How often do you come to court to review case documents using the physical file or lobby computers?
- How often do you come to the courthouse to file documents?
- If available 24 hours per day, 7 days per week, would you view images of court documents online instead of coming to the courthouse?
- If available 24 hours per day, 7 days per week, would you file court documents online instead of delivering them to the courthouse?
- If available 24 hours per day, 7 days per week, do you believe filing documents online would save you time?
- If available 24 hours per day, 7 days per week, do you believe receiving online confirmation for documents filed would make you feel comfortable enough to not come to the courthouse to file documents?
- Do you support an electronic paperless court records system?
- Do you feel comfortable completing financial transactions online?
- Would you be willing to pay an annual subscription fee to support the upkeep of a paperless records system?

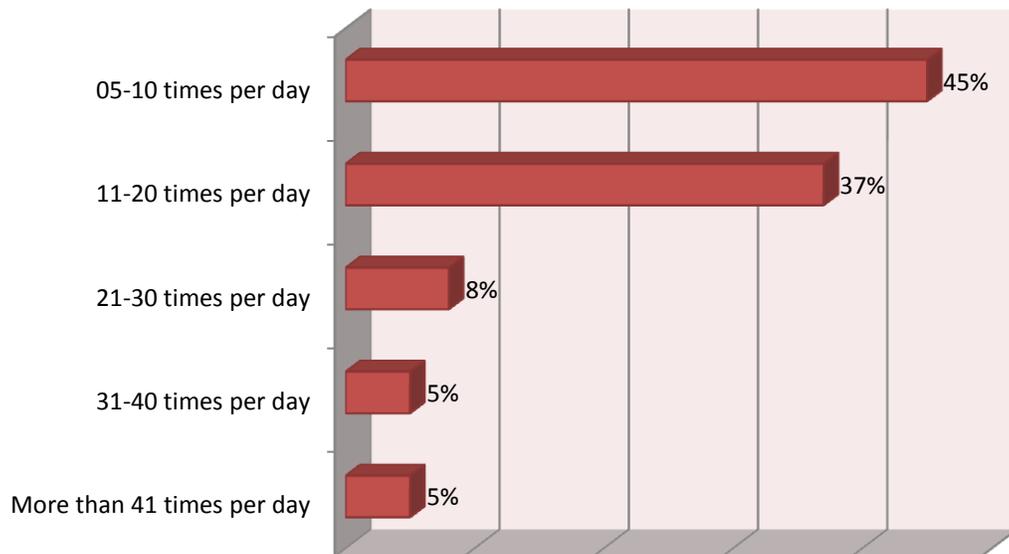
APPENDIX B

Pima County Consolidated Justice Court Electronic Paperless Court Records System Survey

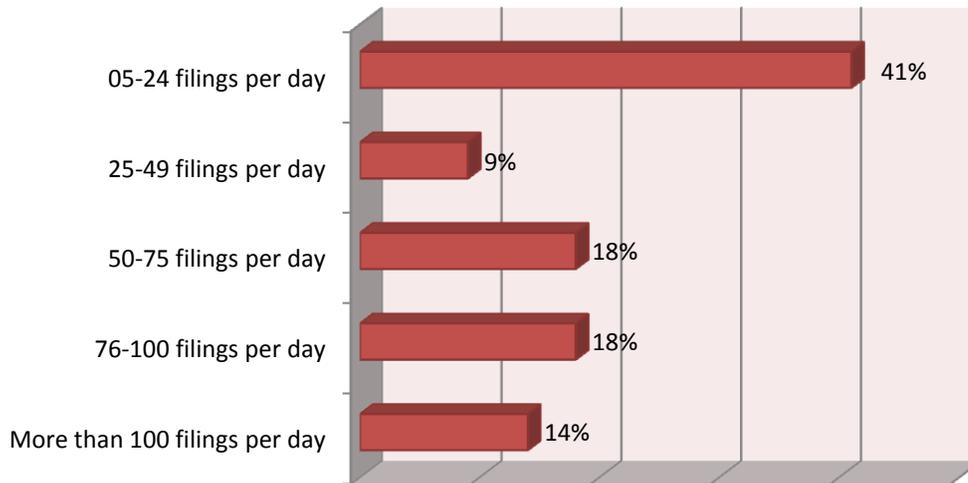
How many physical files do you maintain at your desk for future processing?



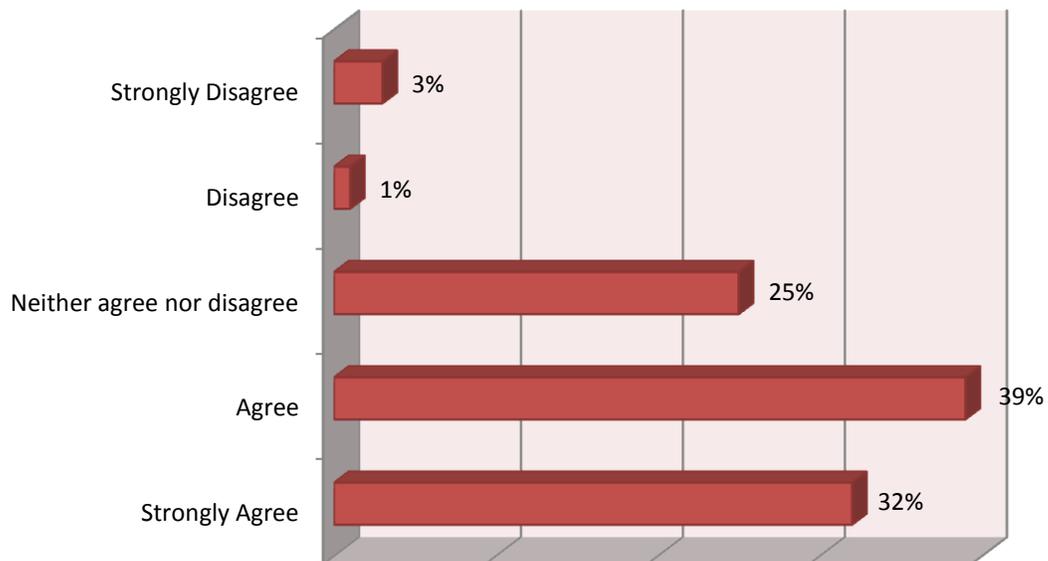
How often do you retrieve an image of a case document?



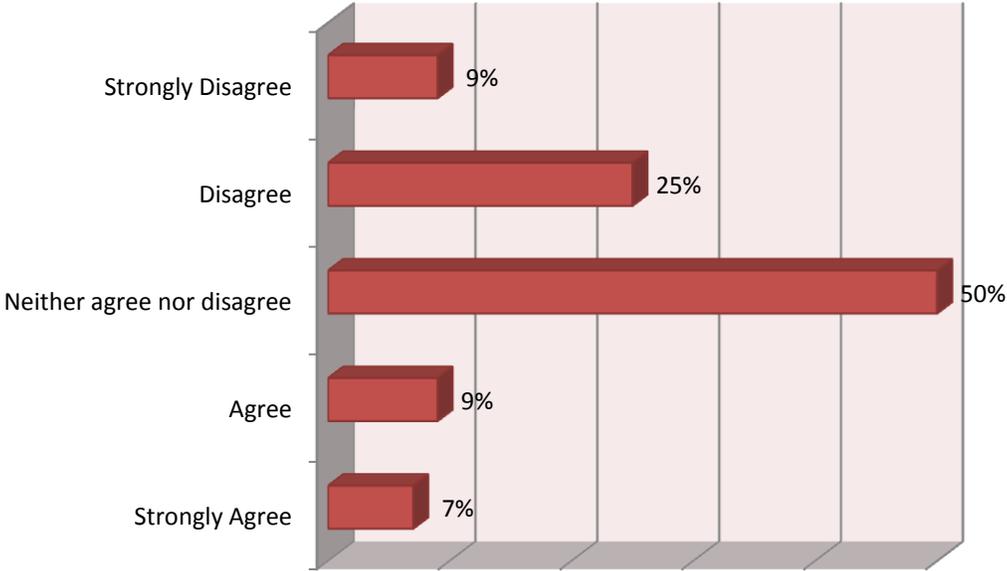
What is the highest number of documents filed at your customer service window on any given day?



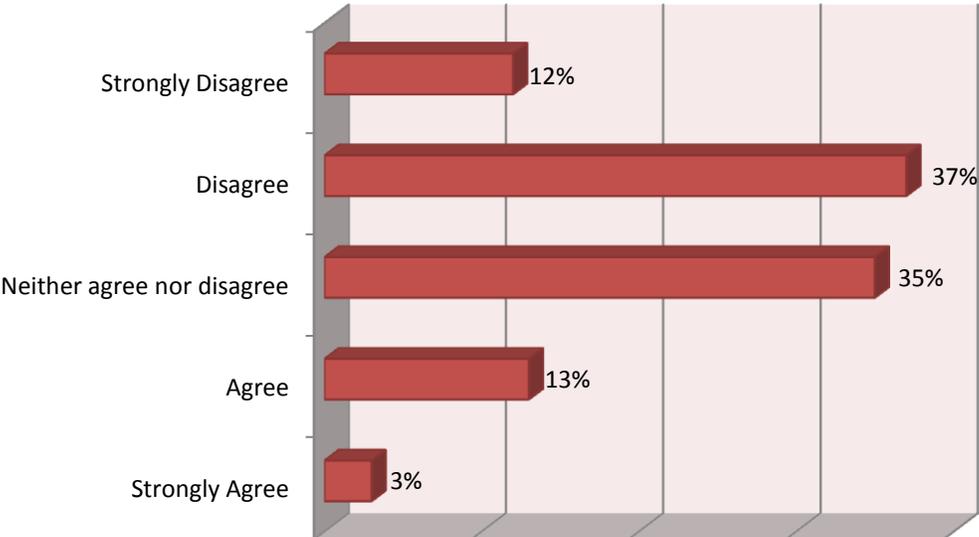
The ability to view documents online frees up time and allows me to focus on other areas of my job.



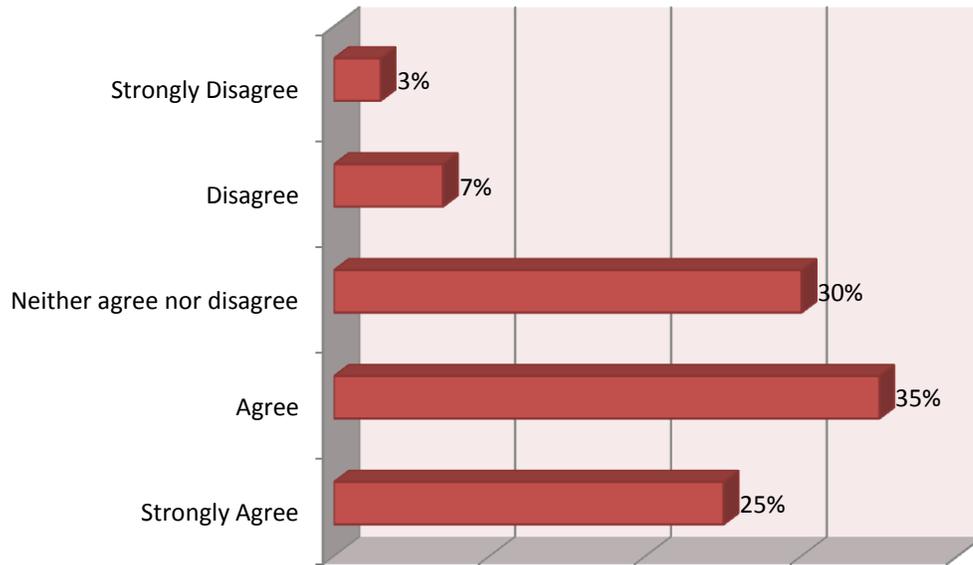
Hand-delivery of documents are more reliable than the electronic filing of documents.



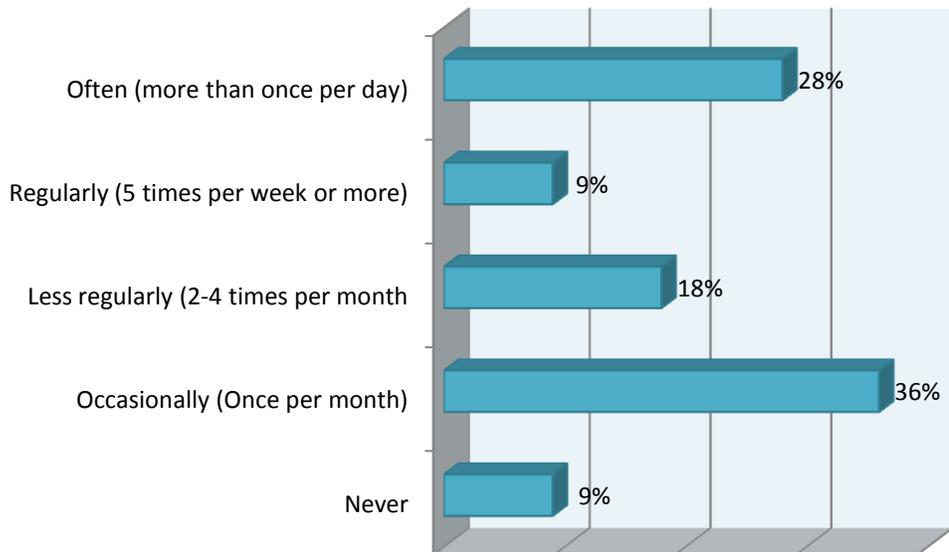
Working in an electronic paperless records environment would be more difficult than working in a physical records environment.



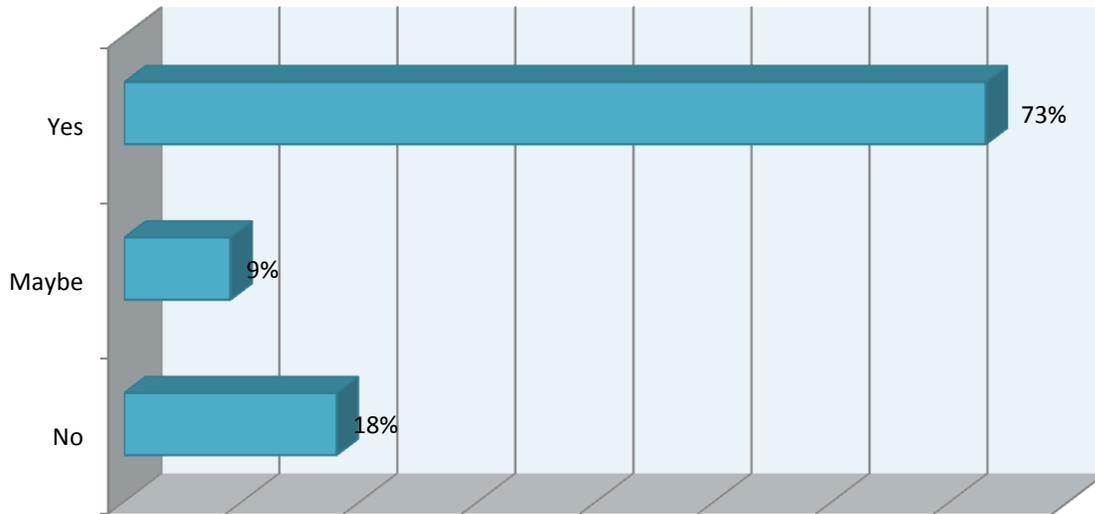
It would be easier to view documents on a computer vs. the physical case file.



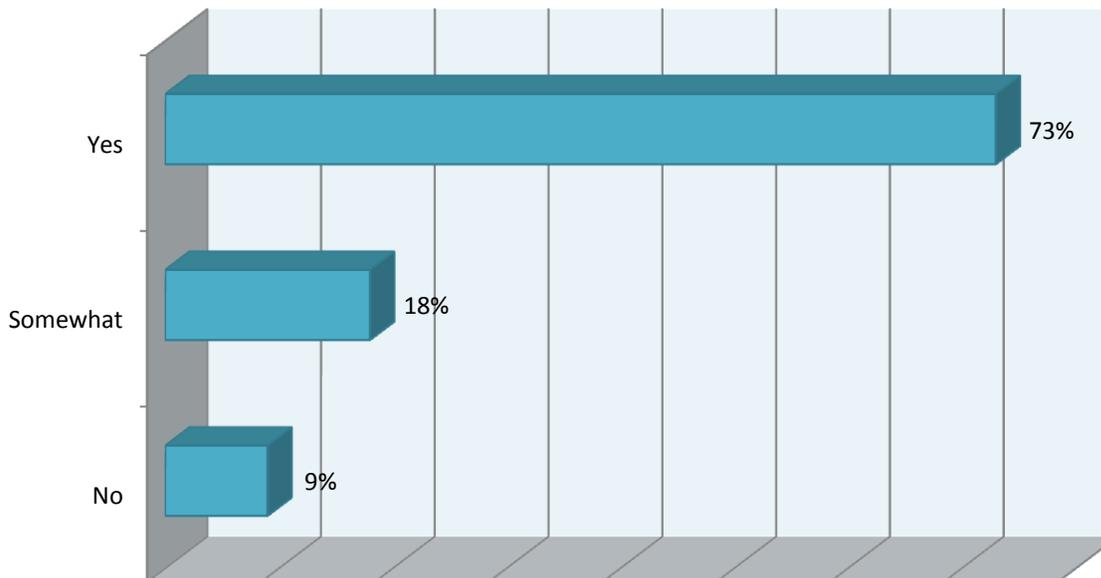
If available 24 hours per day, 7 days per week, would you view documents online instead of coming to the courthouse to view documents?



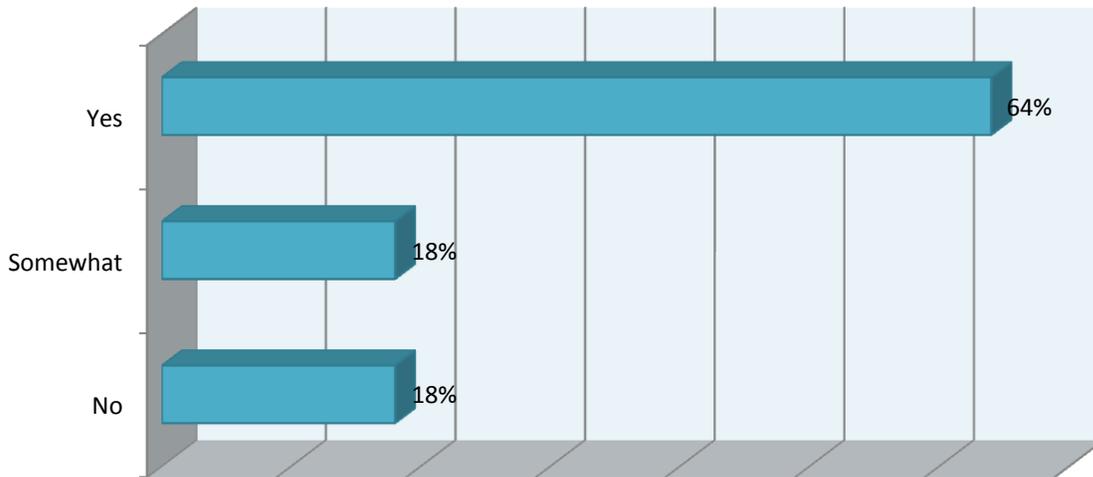
If available 24 hours per day, 7 days per week, would you file court documents online instead of delivering them to the courthouse?



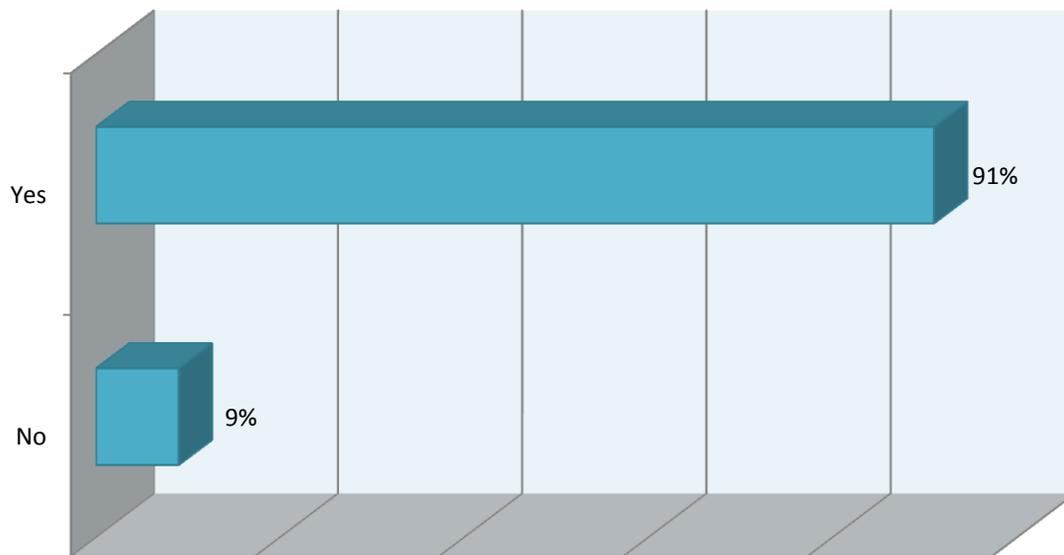
If available 24 hours per day, 7 days per week, do you believe filing documents online would save you time?



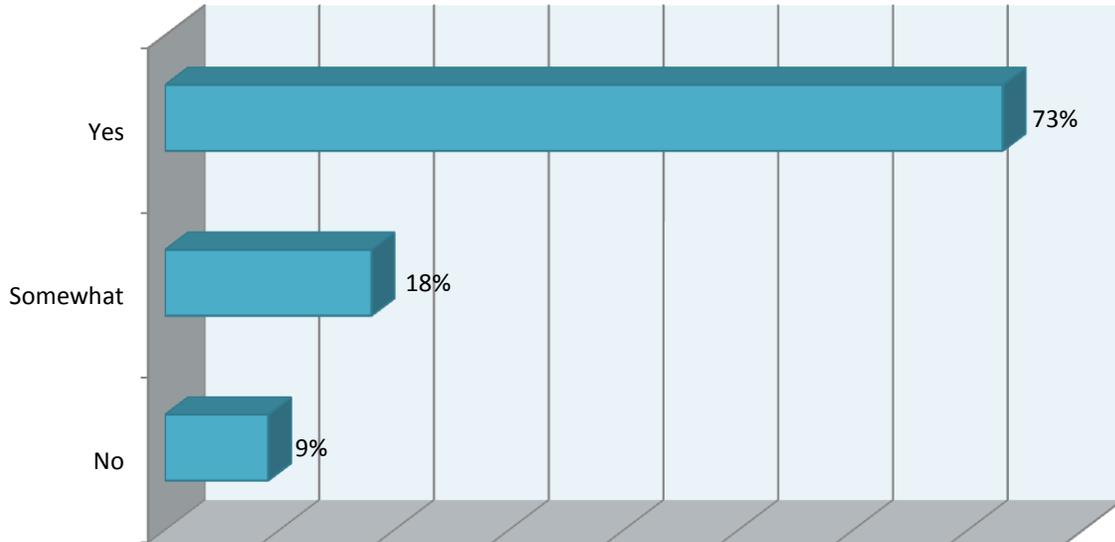
If available 24 hours per day, 7 days per week, do you believe receiving online confirmation for documents filed would make you feel comfortable enough to not come to the courthouse to file documents personally?



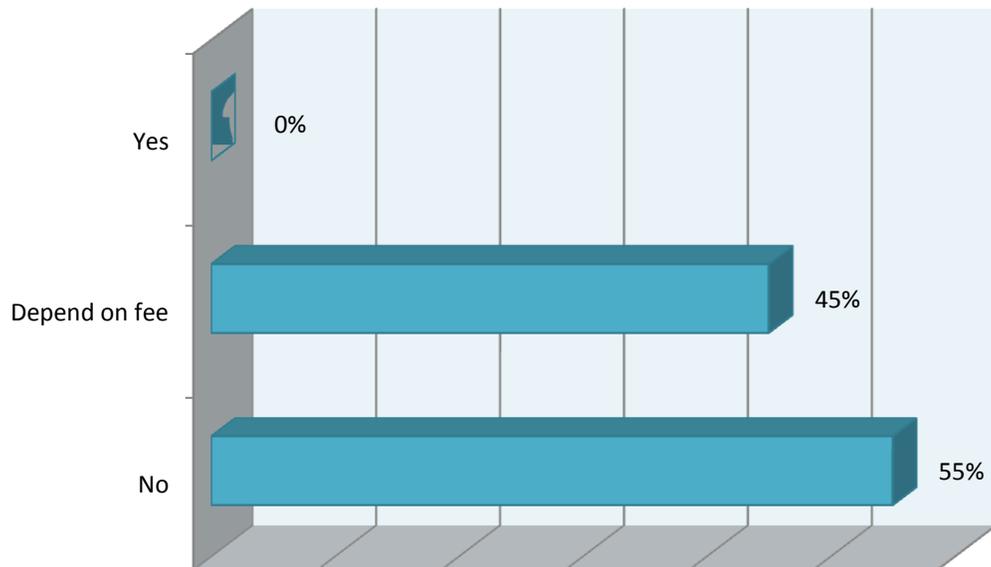
Do you support an electronic paperless court records system?



Do you feel comfortable completing financial transactions online?



Would you be willing to pay an annual subscription fee to support the upkeep of a paperless records system?



APPENDIX B-1:

**COVER E-MAIL TO PIMA COUNTY CONSOLIDATED JUSTICE COURT
JUSTICES OF THE PEACE/COURT STAFF – sent November 25, 2013**

To: [Email]

From: "jcarter@jp.pima.gov via surveymonkey.com" <member@surveymonkey.com>

Subject: PCCJC Electronic Paperless Court Records System Survey

Body: The Pima County Consolidated Justice Court is researching whether an electronic paperless court records system could be successful and beneficial to the community it serves. I am currently participating in the Fellows Program at the National Center for State Courts and this research is part of my completion requirements. Your responses shall be kept confidential and will only be used for this purpose. All of your responses are critical in ensuring that the Court receives objective feedback on this topic.

Definition: An electronic paperless court records system consists of the filing, viewing and processing of all court documents electronically by stakeholders, members of the public, judges, and court staff. E-filing is the process of filing and processing court documents electronically.

You may access the survey by clicking on the link below. Please complete the survey by close of business day on Friday, December 06, 2013.

Here is a link to the survey:

<https://www.surveymonkey.com/s/WNWKF3M>

This link is uniquely tied to this survey and your email address. Please do not forward this message.

Thanks for your participation!

Please note: If you do not wish to receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<https://www.surveymonkey.com/optout.aspx>

APPENDIX B-2:

**COVER - E-MAIL TO PIMA COUNTY CONSOLIDATED JUSTICE COURT
STAKEHOLDERS/CUSTOMERS – sent November 25, 2013**

To: [Email]

From: "jcarter@jp.pima.gov via surveymonkey.com"

Subject: Pima County Consolidated Justice Court Electronic Paperless Records
System Survey

Body: The Pima County Consolidated Justice Court is researching whether an electronic paperless court records system could be successful and beneficial to the community it serves. I am currently participating in the Fellows Program at the National Center for State Courts and this research is part of my completion requirements. Your responses shall be kept confidential and will only be used for this purpose. All of your responses are critical in ensuring that the Court receives objective feedback on this topic.

Definition: An electronic paperless court records system consists of the filing, viewing and processing of all court documents electronically by stakeholders, members of the public, judges, and court staff. E-filing is the process of filing and processing court documents electronically.

You may access the survey by clicking on the link below. Please complete the survey by close of business day on Friday, December 06, 2013.

Here is a link to the survey://[https://www.surveymonkey.com/s/
https://www.surveymonkey.com/s.aspx](https://www.surveymonkey.com/s/https://www.surveymonkey.com/s.aspx)

This link is uniquely tied to this survey and your email address. Please do not forward this message.

Thank you for your participation!

Please note: If you do not wish to receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<https://www.surveymonkey.com/optout.aspx>

APPENDIX B-3:

**COVER - REMINDER E-MAIL TO PIMA COUNTY CONSOLIDATED
JUSTICE COURT JUSTICES OF THE PEACE/COURT STAFF – sent
December 5, 2013**

To: [Email]

From: "jcarter@jp.pima.gov via surveymonkey.com"

Subject: Reminder: Take My Survey - Reminder

Body: For those of you who asked that I re-send, here it is. We are conducting a survey, and your response would be appreciated.

Here is a link to the survey:

<https://www.surveymonkey.com/s.aspx>

This link is uniquely tied to this survey and your email address. Please do not forward this message.

Thanks for your participation!

Please note: If you do not wish to receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<https://www.surveymonkey.com/optout.aspx>

APPENDIX B-4:

COVER – REMINDER E-MAIL TO PIMA COUNTY CONSOLIDATED JUSTICE COURT STAKEHOLDERS/CUSTOMERS – sent December 2, 2013

To: [Email]

From: "jcarter@jp.pima.gov via surveymonkey.com"

Subject: Reminder: Take My Survey

Body: The Pima County Consolidated Justice Court is researching whether an electronic paperless court records system could be successful and beneficial to the community it serves. I am currently participating in the Fellows Program at the National Center for State Courts and this research is part of my completion requirements. Your responses shall be kept confidential and will only be used for this purpose. All of your responses are critical in ensuring that the Court receives objective feedback on this topic.

Definition: An electronic paperless court records system consists of the filing, viewing and processing of all court documents electronically by stakeholders, members of the public, judges, and court staff. E-filing is the process of filing and processing court documents electronically.

You may access the survey by clicking on the link below. Please complete the survey by close of business day on Friday, December 06, 2013.

Here is a link to the survey:

<https://www.surveymonkey.com/s.aspx>

This link is uniquely tied to this survey and your email address. Please do not forward this message.

Thanks for your participation!

Please note: If you do not wish to receive further emails from us, please click the link below, and you will be automatically removed from our mailing list.

<https://www.surveymonkey.com/optout.aspx>

APPENDIX C:

Prima County Consolidated Justice Court Imaging Process Workflow Chart

