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ORIGINAL

INNOVATIONS IN AMERICAN GOVERNMENT

2007 SUPPLEMENTARY APPLICATION

CEO SIGNATURE PAGE

CEO SIGNATURE DEADLINE: Wednesday, January 17, 2007

APPLICATION DEADLINE: Thursday, December 14, 2006

Program Name: King County Electronic Court Records (ECR)

Contact Person: Roger Winters

Title: Program and Project Manager

Department/Division: King County Department of Judicial Administration

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Chief Elected Officer or Presiding Official: Hon. Michael J. Trickey

Title: Presiding Judge

Department/Division: King County Superior Court

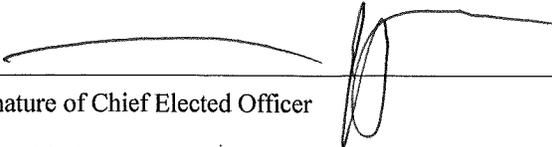
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I certify that, as represented to me, the information contained in this application is accurate.


Signature of Chief Elected Officer

2/22/07
Date

This form should be mailed to:

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AGENCY DIRECTOR SIGNATURE PAGE

This Document is Due to the Innovations Office by 3:00 PM EST on Friday, DECEMBER 15, 2006

Program Name: King County Electronic Court Records (ECR)

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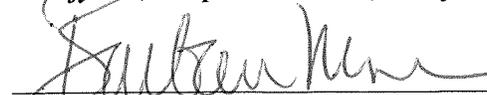
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I certify that, as represented to me, the information contained in this application is accurate.



Signature of Agency Director

12/12/06

Date

1. Describe your innovation. What problem does it address? How exactly is your program or policy innovative? How has your innovation changed previous practice? Name the program or policy that is closest to yours. **Maximum 1 page**

The King County Department of Judicial Administration (“DJA,” the Superior Court Clerk’s Office) is responsible for the files of all Superior Court cases, to protect them against alteration and ensure their indefinite availability. DJA’s innovation, known as the “Electronic Court Records (ECR) Program,” considers the electronic object created through scanning or electronic filing to be the “original record” once it has been secured within the Clerk’s electronic document management system. ECR was not built to create a “paperless court,” but to create “*the paperless court record.*”

ECR produced significant efficiencies for case file users and Clerk’s Office Staff. The Clerk no longer keeps paper case files, with some exceptions. ECR includes workflows that route filings to electronic queues from which staff select documents to index and process. A customized ECR viewer lets multiple users have electronic access to the information in court documents with Web browsers. Thanks to ECR, thousands of trips to the Clerk’s Office to retrieve files have not been necessary. Staff can send hyperlinks to agencies for easy, immediate access to documents, no longer having to copy and send them via courier or mail. A user can locate information in a matter of minutes, not hours or days. Once linked to its case, a document in ECR cannot be misfiled, lost, stolen, defaced, or altered. Each image is copied on two disks when scanned, one retained and one held in reserve.

In the latter half of the 1980s, the Clerk’s ability to provide timely access to court documents was severely impaired due to volume, increasing costs, and continuous budget cuts. A 1986 State Supreme Court decision (*Nast v. Michels*) added pressure by requiring the Clerk to get each filing into its case file folder within five days of receipt. Short-term compliance was achieved with staff shifts, heightened emphasis on speedy processing, and “critical searches” for documents in demand. Filed papers still had to be received, stamped, sorted, routed, read, data-entered, routed further, marked up, grouped and sequenced, then transported on carts to be placed in the correct case files. “Paperflow” was a daily focus. Now documents can be viewed even when an alert shows they are still being processed; this has given users much quicker access to court records.

A filing system has inherent problems so long as the record remains originally filed papers. Folders filled with paper originals can be checked out by one, and only one, person at a time. A 1989 barcode based tracking system improved file retrieval services, but that only bought time. DJA’s 7500 sq. ft. of storage of closely-packed 7-tier shelving units stood as daily proof of a losing battle. Added staff or funding might help keep paperflow in line, but even new space could not solve the problems of hard copy management. The file room in the downtown courthouse was vulnerable in the event of any disaster. With ECR, while no one can touch the “record,” any number of exact copies can be sent to user PCs. E-Filing, for starting new cases online and for submitting documents in existing cases, was added in 2005. This year, ECR Online gives users remote access to recent civil, criminal, and probate cases. As a locally controlled program, ECR is the responsibility of the Clerk and no other entity, whether agency or vendor, has that role.

The program that most resembles King County’s ECR might be the Federal Courts’ PACER system, wherein PDF format electronic documents are captured, indexed, and made accessible.

2. What is the single most important **achievement** of your program or policy initiative to date? **maximum 1 page**

The ECR system changed the court record from a paper based record to an electronic court record that has widespread use and support for what was a completely new way of doing business. ECR is used every day as a vital part of the Clerk and Court's way of doing business. The ECR system changed the basic way the Clerk's Office works with documents and the way the Court and public gains access to the court record.

ECR is a comprehensive system, including all case types and document types filed. ECR holds the "original" court record and the paper copy is not normally retained. Systems similar to ECR may be used to store some types of cases, or specific sets of documents; they may be used as a backup copy to the paper file or may be used by internal staff only. What makes the ECR system stand out is that it is the only record being kept and it is the record being used to conduct court business for each and every case type. This has been a huge change to the court system and other partner agencies and the public.

The Court and the law, safety, and justice community accept the electronic document held by the Clerk as the "original case record." This significant paradigm shift for everyone has been achieved with ECR. From this flows all related services, savings, and user benefits.

Thanks to ECR, security is more certain. Access to sealed records is more precisely controlled. The public can view case records at the Clerk's Office from a terminal, without waiting on retrieval of file folders ordered at the counter. There are no more trips to the courthouse that end with the customer being told that the file they are requesting is already checked out. The judges, both on the bench and off the bench, rely on ECR every day, as do our prosecutors, defenders, corrections officers, and law enforcement.

To obtain this cooperation, DJA had to persuade the many stakeholders interested in or affected by the records of the cases before the Superior Court. Without support from the Superior Court and all of the other law, safety, and justice departments (District Court, Sheriff, Prosecuting Attorney, Office of Public Defense, Department of Adult and Juvenile Detention) implementation of ECR would not have been possible. When the County Council issued bonds in 1996 to fund technology projects, the Law, Safety, and Justice department directors agreed to give the lion's share to the Clerk for ECR development. They were persuaded that ECR would benefit all departments. The Clerk purchased technology items needed by other departments to make sure they could fully use ECR. The Clerk had representatives from the Court and the law, safety, and justice departments on DJA advisory bodies, including the current E-Filing and ECR Steering Committee. The support given by each Presiding Judge since the 1990s helped keep the program on track and made it clear that ECR was not an experimental project.

The use and adoption of ECR has meant budget savings to the county, better service to customers, decreased need for file storage space, and immediate access to court records for the bench. These increased efficiencies are all possible because of the change in what constitutes the court record.

3. What are the three most important **measures** you use to evaluate your program's success? In qualitative or quantitative terms for each measure, please provide the **outcomes** of the last full year of program operation and, if possible, at least one prior year. **maximum 1 page**

1) **Penetration into User Groups.** ECR is now a tool used routinely by the Court, staff, and public (using terminals in the Clerk's Office). When first constituted, ECR was run parallel with the paper files. For cases opened January 3, 2000, and later, documents were scanned, but the paper file was kept as before. Dual record systems were maintained until agreement was reached with the Court after nearly two years. It endorsed a new practice of recycling filed papers after 30 days following their scanning. Exceptions like original wills, negotiable instruments, and records in capital cases were flagged to ensure the hard copy would be retained. Gradually, ECR cases increased in proportion to older cases, which were still retained in hard copy. DJA staff and implementers adapted a Java-based document viewer for file users inside the King County wide area network: including judges, court staff, clerks, jail staff, law enforcement personnel, prosecutors and defenders. This user-friendly viewer was introduced with numerous training sessions by DJA staff to get the users started. In the first full year of use, the ECR viewer cut the number of paper file requests by over 74%. The continuing requests for hard copy and special printing services will gradually diminish. User reliance on ECR is nearly universal for county agencies that deal with court case files. Several outside agencies requested links to ECR, resulting in more efficient operation in programs like child support enforcement. During the 5-week period of the hardware crash of the summer of 2005, the Court and staff were patient while repairs were made. There was considerable restraint shown during this period. DJA has found that while on average about 20,000 new pages are added to ECR daily, some 50,000 pages are accessed daily by users.

2) **Adoption of Electronic Filing.** Viewer use and reduced requests for hard copy file services indicate ECR acceptance by internal stakeholders. Electronic Filing, now a voluntary practice under the authorizing court rule, depends on litigant choice for its success. Since opening in March of 2005, the E-Filing component of ECR has been used sparingly in the legal community, particularly in the large law firms. The Clerk provided over 105 demonstration sessions to show how to use the application for 1008 attendees, of whom 368 were attorneys who earned one hour of CLE (Continuing Legal Education) credit. Input from the attendees helped the Clerk bring specific reform proposals to the State Supreme Court Rules Committee, where changes in the authorizing rule are now being considered. Those reluctant to be E-Filers said they need legal service to be part of the E-Filing application and must be able to send all documents heading into the courthouse electronically, including judges' working papers. E-Service will be implemented fairly soon. Once remaining issues are addressed, a vigorous marketing effort should increase electronic filings.

3) **Impact on staffing.** The Clerk promised the County DJA would save staff positions thanks to ECR. To date, nineteen (19) full-time equivalent positions have been eliminated. Funding has been carefully managed to ensure that savings goals are reached. The Clerk continues to look forward to a future where court documents can be processed with automation thanks to XML technology, further reducing "keystroke labor." (DJA has participated in creating national business and technical standards for XML-based information exchanges among law, safety, and justice agencies.)

4. Please describe the **target population** served by your program or policy initiative. How does the program or policy initiative **identify** and **select** its clients or consumers? How many **clients** does your program or policy initiative currently serve? What percentage of the **potential clientele** does this represent? **maximum 1 page**

In 1998, DJA Management adopted and published a Master Plan, which articulated the need for ECR, the expected benefits, and anticipated timeline. They identified six phases or stages for the ECR project: 1) Core ECR (scanning with internal workflow for document processing), 2) Court Outreach (connectivity for the judges and courtroom staff), 3) Law, Safety, and Justice Outreach (connectivity for other law, safety, and justice departments in the county), 4) Electronic Filing, 5) Public Access, and 6) State Initiatives (future technology). The stages were defined such that if stage 1) were accomplished but none of the other stages reached completion, we would nevertheless have accomplished something useful and valuable. Similarly, Stage 2) would be a success even if Stage 3) wasn't funded. This Master Plan, in effect, represented DJA's selection of its target groups for ECR.

The first target group for ECR was the Clerk's staff; our Master Plan had made the "Core" system the first phase of ECR development. DJA staff were the first to make the shift in handling court records differently. They worked very hard for many months while keeping dual systems—paper and ECR--as they learned how to use a completely new technology.

The target population was expanded next to include the Judges of Superior Court, Court staff, prosecutors, defenders, and law enforcement in King County (this project, labeled "Connectivity," was the 2nd and 3rd stages in the Master Plan). Next came litigants in Superior Court cases, state and local agencies, appellate courts, and the public. The records of the court cases belong to the people, for whom they are retained "indefinitely" under the law. The clientele within the court and legal community are those whose work relates in some way to court records; they realized efficiency gains from the electronic court record. It is evident by now that they are glad to have and use ECR each day.

One hundred percent of DJA's clients use ECR to view court records. More than 300 concurrent users access ECR at any given time during business hours to view about 6000 documents each day.

The number of E-Filers so far is small, but increasing use of that service will come with reforms in the rules around electronic filing. Marketing to ramp up demand for this service waits on planned enhancements and procedural reforms to be put in place.

The potential clientele for ECR is the same clientele who worked with the all-paper court document system of the past plus others who will now find court case information more accessible. ECR has changed the medium where the record is published for ongoing preservation, but that has not altered the work of the courts nor the requirements about litigation. Although perceived as a "modernizing" program, ECR has improved the capacity of the Clerk's Office to perform its conservative job of ensuring a trusted record will always be available in service to the justice process.

5. What would you characterize as the program's most significant remaining **shortcoming**? **maximum 1 page**

ECR was one of the pioneering comprehensive approaches to electronic court records and its shortcoming is the lack of many of the “bells and whistles” that might now be added. ECR was installed in 1999. It has been expanded since then to include wider use, E-Filing, E-Service, and ECR online. ECR is a very basic document management system. Even though, in technology years, a system that is more than six years old is not considered the latest and greatest, ECR works well, with a large user base and a very large volume of records. E-Filing is not yet widely used. ECR is a huge step in the right direction, but the number of people E-Filing documents grows slowly. A challenge for ongoing success is to identify and add the services and features that the public and legal community are coming to expect.

A few problems remain. One is the handling of working papers, the courtesy copies of filings which the judges require from litigants. Would-be E-Filers from law firms have said that since they are sending a messenger to the courthouse with the working papers, they see little advantage in E-Filing. DJA and the Court are exploring options for distributing working papers electronically. DJA also provides court commissioners in busy Ex Parte and Family Law departments with printouts from calendared cases, which is often a substantial amount of printing. DJA is working to encourage commissioners to rely more on direct access through ECR. In the meantime, daily routine printing continues to require staff resources.

Vulnerability to hardware failure is a shortcoming for any project. The five-week period in 2005 when ECR experienced a catastrophic hardware crash showed there was a broad dependence on ECR. Users eagerly awaited daily updates on when the ECR system would be back. It was clear then that ECR had become a vital part of the Court's and Clerk's infrastructure, an essential system at the heart of the work done for the Court by the Clerk. Users nevertheless were moderate in the demands placed on the Clerk during the crisis.

Such conditions are illustrative of the difficult ongoing challenge to anticipate user needs and find ways to accommodate them with electronic tools.

6. When and how was the program or policy initiative originally **conceived** in your jurisdiction? What individuals or groups are considered the primary **initiators** of your program? Please substantiate the claim that one or more government institutions played a formative role in the program's development. **maximum 1 page**

M. Janice Michels, the Director of DJA and Superior Court Clerk until 1998, was the individual most responsible for initiating the ECR program. Roger Winters, when joining DJA in 1988, was challenged to use his experience as a PC user to figure out how to get the paper case files into computers, eliminating crowded shelving. Deputy Director Paul Sherfey (now Chief Administrative Officer of the Superior Court) brought a keen grasp of practical issues that helped the vision be well grounded and not too idealistic. A few DJA staff came together as the “Imaging Dream Team” in 1991 to brainstorm how imaging and workflow could improve business processes for the Clerk’s Office and its diverse clientele. By 1993, Winters was circulating key ideas, issues, and information on managing documents electronically. The Court Technology Conference 4, in Nashville in 1994, inspired many court leaders from the state of Washington, who returned with a strong shared vision that included the electronic systems that imaging could enable. (Among them was Presiding Judge Dale Ramerman under whose leadership DJA would secure funding for ECR and build support for it among the judges.) These court leaders had seen the potential for all-digital documents supporting data capturing by software, significantly reducing keystroke labor. Court leaders and administrators from several counties met during the following winter, producing a consensus statement expressing a vision for the courts statewide in which electronic document technology and document management would be a key part of a general “reinvention” of the court system.

The leadership of the presiding judges of the Superior Court and members of the Court’s Technology and Executive Committees helped DJA with the challenges of implementing ECR and E-Filing. County funds brought DJA a consultant who helped DJA understand the significance of changes ECR would bring. A State Justice Institute grant allowed DJA to engage a second consulting firm who helped plan and implement effective practices for project and program management. King County government agencies like the Procurement Agency, the Technology Review Board, and the Prosecuting Attorney (on vendor and payment issues and practices) helped DJA leaders prepare for a major technology project. After Michels became Executive Director of the Washington State Bar Association in 1998, she remained a member of DJA’s ECR Steering Committee, where she witnessed the first electronic filings in King County Superior Court. Top leaders today are Presiding Judge Michael Trickey, Chief Administrative Officer Sherfey, Superior Court Clerk Barbara Miner, Deputy Director Teresa Bailey, Program and Project Manager Winters, DJA’s Technology Team, and the rest of DJA’s staff. ECR has been shaped by several government entities including the Supreme Court, Superior Court, Washington Administrator for the Courts, and King County Government. DJA staff contributed extensively to the design of the ECR systems, not just in time spent but also in working out the processes and procedures they would be using. It made sense that those who do the work would have the best insight into how to improve it.

7. Please identify the key **milestones** in program or policy development and implementation and when they occurred (e.g., pilot program authorization enacted by state legislature in June 2001; pilot program accepted first clients, September 2001; expanded program approved by legislature in July 2002). How has the implementation strategy of your program or policy initiative **evolved** over time? **maximum 1 page**

1988 – Superior Court Clerk identifies goal of substituting electronic images for paper records.

1990 – Research and information gathering about imaging begins.

1991 – DJA has in-house “imaging dream team” to identify business advantages from imaging.

1994 – Court Technology Conference 4 inspires Washington court leaders and administrators.

1995 – Shared vision develops among court clerks and administrators; pilot projects proposed for funding through County budget cycle.

1996 – Consultants help DJA plan ECR development both as a technology project and a revolution.

1997 – DJA begins to learn scanning by converting closed cases to images rather than microfilm.

1998 – Statute modified to allow electronic technology. DJA management develops “Master Plan,” RFP is issued, leading to vendor selection.

1999 – Integrator “Sierra Systems, Inc.” builds ECR. Initial meetings regarding LegalXML.

2000 – Core ECR (in-house scanning and workflow) deployed for cases begun on January 3, 2000.

2001 – ECR viewer developed; protocols signed for law, safety, and justice departments to use ECR.

2002 – With training and support, users go to ECR rather than paper files; agreement reached with Court to eliminate keeping most papers (with a clear exception list).

2003 – DJA engages a consulting firm to develop the Electronic Filing service as part of ECR. (This firm proved unable to deliver E-Filing as specified.) General Rule 30 adopted by State Supreme Court, authorizing electronic court records at court option.

2004 – DJA engages Sierra for E-Filing development. General Rule 31 adopted, authorizing online access to court case files per local option.

2005 – E-filing goes live. DJA staff present 108 demonstrations for over 1000 people in area law firms, 363 of whom are attorneys earning a CLE (Continuing Legal Education) credit. Improved viewer (“Delta Viewer”) is developed and deployed, able to display PDF E-filed documents as well as images.

2006 – General Rule 30 under review by Supreme Court Rules Committee, with proposed changes for improved functionality that should increase the number of litigants using E-filing. DJA develops the electronic service component added to E-Filing, meeting an important need of the user community. ECR Online opened, with remote access to recent filings in criminal, civil, and probate cases.

2007 – DJA to explore major upgrade of the original Core ECR application and other enhancements.

The initial strategy for ECR involved taking every opportunity to explain the vision of ECR and E-Filing, to help others imagine benefits when accessing court case files at their desks. As an innovative program, it was necessary to justify ECR in terms of efficiencies that would create paybacks in staff positions and other costs eliminated from the DJA budget. For example, nearly a quarter million dollars a year have been saved since microfilm was discontinued in 1996. The writing of the Master Plan in 1998 was a strategic watershed. This provided a clear explanation of the goals of the ECR program and divided its creation into distinct phases, each of which would bring great benefits even if subsequent phases were never implemented. This document more than anything helped everyone to

remain “on the same page” in developing the ECR program.

8. Please describe the most significant **obstacle(s)** encountered thus far by your program. How have they been dealt with? Which ones remain? **maximum ½ page**

The most serious obstacle encountered with ECR is people's resistance to change. Often, the slower, but familiar ways of doing business are thought to be superior because they are "tried and true." It is always hard to introduce change in a large organization. While the changes may be well explained, based in solid reasoning, research, and careful design, those new to an idea so radically different from prior practices respond based on feelings. Three very effective tools were used to persuade change-over to the new system: 1) a stair-step implementation, by case type, over an 18-month period to ease the transition; 2) the ability to demonstrate, at each phase of implementation, that promised advantages were real and tangible; and finally 3) successful transition and use by "early adopters," which led to peer encouragement to use the new system and experience its advantages. DJA's training sessions and other tools when ECR was first established helped users get started. It is the day-to-day reliance on ECR for case documents that solidified its importance with users. Faster processing meant users could open and read court documents more quickly than ever before, and could rely on them still being there when needed again. The reality of having files that can't be lost, misfiled, or stolen helped a great many users embrace ECR as far preferable to the system it replaced.

9. If your innovation is an adaptation or replication of another innovation, please identify the program or policy initiative and jurisdiction originating the innovation. In what ways has your program or policy initiative adapted or improved on the original innovation? **maximum ½ page**

Because the King County Clerk's Office was starting something quite new with ECR, there were no applications to emulate, although the idea of electronic court document management had figured in several early initiatives, including the 1991 Complex Litigation (CLAD) project in Delaware, and document imaging in DuPage County, Illinois, and in Washington County, Oregon, courts. The courts of Utah had made great strides in developing digital signature technology and they were working on improving document processing using Standard Generalized Markup Language. Some vendors and courts had partnered to develop electronic filing systems, thought most were limited in scope, and still reliant on a paper filing system and the filing's eventual home. There was no single program, however, on which ECR could be modeled. The ECR program's innovation and uniqueness stems from the Master Plan premise to define and develop the program in segments, each with valuable and useful deliverables. The phases each had separate budgets and distinct target audiences that spread out from the initial core of the Clerk's Office. DJA built on the success of each phase and reached further and further out to involve all court file users.

10. What other **individuals** or **organizations** have been the most significant in (a) program development and (b) on-going implementation and operation? What **roles** have they played? What individuals or organizations are the strongest **supporters** of the program or policy initiative and why? What individuals or organizations are the strongest **critics** of the program or policy initiative and why? What is the nature of their criticism? **maximum 1 page**

The King County Superior Court and the Washington State Bar Association are two organizations who were most involved with ECR's program development. Periodic presentations were given to the Court, giving them an advance view of the systems and procedures. Their feedback would be seen as among the most valuable sources of guidance for the Clerk. The ongoing interest of the Electronic Communications Committee of the WSBA was supplemented by occasional opportunities to share the vision of ECR with related groups, such as the Law Practice Management section of the Bar Association. Others, including associations of legal secretaries and other legal support staff, also proved to be interested and challenging audiences, curious about the impact of new technology on the ongoing operation of law firms and offices.

Among the strongest supporters of the electronic court record are those within the court community who have seen the benefits first-hand. Those who remember the business methods in place as recently as the 1990s experienced the differences between an office with papers in continuous motion and one where work with documents is done from the computer desktop. Nearly half of the Clerk's Office's space was occupied by row upon row of 7-tiered shelves holding file folders, boxes, envelopes, and other artifacts of a busy Clerk's Office. Remodeling the office, opening a second courthouse 20 miles south, and shifting spaces during the years of seismic retrofitting of the Courthouse were disruptive, drawn-out, transformative experiences. None of those experiences left a lasting mark like ECR has done in changing the fundamental methods people use in preparing, receiving, processing, and accessing information.

Among over fifty independently elected officials who are the judges on the Superior Court Bench, there can be a diverse set of views and ideas on any given issue. Judges and commissioners were naturally focused on the impact of ECR on their own work, the people for whom they had responsibility (jurors, witnesses, staff), and the smooth operation of their courtrooms. Direct input from the Court was an excellent source of information about what judges and their support staff need beyond electronic access to files. Many did not hesitate to share frankly skeptical views and concerns about ECR.

There has been consistent resistance to the electronic court record from within the Family Law Bar. The Family Law Commissioners were initially concerned about ECR's impact on their managing a busy calendar with very high emotional content. Arrangements were made for Family Court and the *Ex Parte* Court to have documents for calendared matters printed in advance by the Clerk's Office, so the work of the commissioners could continue based on physical file folders.

Later, when electronic filing was being developed, including drafting what would become General Rule 30, members of the Family Law Bar became quite uncomfortable. Many envisioned *pro se* (self-represented) litigants using E-Filing to submit documents not yet actually signed. Others were concerned that case documents might be "googled" by identity thieves, stalkers, and worse. Although some of these concerns were groundless, they were based in strong feelings. Some of the more restrictive requirements of General Rule 30 were incorporated to help assuage some of those fears.

11. If your program or policy initiative has been formally **evaluated** or **audited** by an **independent organization** or group, please provide the name, address, and telephone number of a contact person from whom the materials are available. Please summarize the principal findings of the independent evaluator(s) and/or auditor(s). If your program has been the **subject** of an article, book, or other publication (including web-based) produced by an **independent organization** or group, please provide a complete citation. **maximum 1 page**

The ECR program has not been formally evaluated or audited by an independent organization. Department leaders do meet periodically with the county's "Project Review Board (PRB)" to report on progress made, use of funds, and issues identified.

A number of articles have been written about ECR regarding different aspects of the program. While many articles about ECR were authored by individuals inside our Court, Clerk's Office, and project team, they have been published by other organizations with whom the County does not have a direct relationship. Published articles have included:

"Working to Build an On-Line Court Records Program," by Jan Michels, [Presiding Judge] Dale Ramerman, and Roger Winters, The Justice System Journal, Volume 20/2, 1999, pp. 181-189.

"Building an On-Line Court Records Program," by Jan Michels, Dale Ramerman, and Roger Winters, The Court Manager, Volume 14, Number 3, 1999, pp. 12-16.

"XML and Electronic Filing Issues for Courts, an Unofficial Note for LegalXML," by Roger Winters, January 4, 2000,
http://www.legalxml.org/DocumentRepository/UnofficialNote/Clear/UN_10008_2000_01_04.htm.

"Finding the Way to Electronic Court Records" by Robert C. (Chuck) Cary and Roger Winters, edoc magazine, a publication of AIIM, the Association for Imaging and Information Management, July/August 2000 (http://www.edocmagazine.com/article_new.asp?ID=20551)

"Paperless in Washington State," by Paul Sherfey, Judges Journal (Summer 2001).

"Plans for Electronic Filing in King County" by Paul Sherfey, Barbara Miner, and Catherine Krause, Washington State Bar News (September 2003).

"Time for Electronic Court Records," by Roger Winters, Future Trends in State Courts 2004, National Center for State Courts
(www.ncsconline.org/WC/publications/Trends/DocManTrends2004.html).

"Electronic Filing: King County Update," by Roger Winters, e-Filing Report (March 2005), pp. 1, 3-7.

"Five Long Summer Weeks in Seattle," by Teresa Bailey and Roger Winters, e-Filing Report (Vol. 6, No. 1, 2005-2006), pp. 6-9.0

"Controversy and Compromise on the Way to Electronic Filing," by Roger Winters, Future Trends in State Courts 2005, National Center for State Courts,
(http://www.ncsconline.org/WC/Publications/KIS_CtFutu_Trends05.pdf), pp. 124-127.

12. To what extent do you believe your program or policy initiative is potentially **replicable** within other jurisdictions and why? To your knowledge, have any other jurisdictions or organizations established programs or implemented policies modeled specifically on your own? **maximum 1 page**

King County joined with volunteers from other courts, companies providing systems and services for courts, consultants, and others interested in developing electronic documents for which automation could be used to reduce staffing costs further. Together, they formed “LegalXML,” a group that continues to identify the technical standards on which electronic filing implementations need to be patterned. With standards, systems like ECR could be products from vendors or self-designed applications managed within the Clerk’s Office, systems that would be unique for each court but essentially similar to other applications at the technical level. Now a member section in the Organization for the Advancement of Structured Information Standards (OASIS), LegalXML is composed of technical committees with subject matter experts and other volunteers. The committees are working on electronic court filing, e-notarization, e-contracts, law, safety, and justice integration, and more.

ECR should not be too difficult to replicate. While it was designed to help DJA do its jobs better and better, and to share the benefits of electronic records with the whole user community, it is the basic principles behind ECR that should help other courts create similar innovations. Some key principles are:

- The official record should be the electronic copy taken by the Clerk from a source document filed by someone for inclusion in the case file.
- It is far more effective to process a large flow of papers as images, using whichever workflow or other organizing software tools are most appropriate to the locality.
- When developing the electronic court record, include as many other perspectives as you can, so the end product will be a tool beneficial to everyone, not just focused on one agency.
- Design ECR from the Clerk’s perspective. At the center of the records, one must accommodate the needs of other justice system partners who contribute to and/or use the official case files.
- There should be a clear understanding regarding ownership and responsibility for an ECR system. King County chose to maintain full control and did not engage vendors to take care of scanning, accessing records, or other functions that were thought to be the responsibility of the Clerk.
- Records must be captured with care both when scanning and when checking the results against the original filings. Security measures are actions that staff take, not software tools that “guarantee” records have integrity.
- Have a responsible backup and security component and budget for ongoing maintenance.
- ECR is not a gimmick. It is a different, better way for everyone to use documents in court files.
- Plan the program in distinct stages, each yielding benefits even if later stages remain undone.
- Develop written protocols to clarify expectations with key stakeholders.
- Show the benefits for each of the user groups, not just the Clerk or Court, since this promotes a sense of ownership.

13. What is the program's current operating **budget**? What are the program's funding sources (e.g., local, state, federal, private)? What percentage of annual income is derived from each? Please provide any other pertinent budget information.
maximum 1 page

The current operating budget for the ECR system includes operating and maintenance (O & M) costs associated with licensing fees and system support. The current budget for O & M is approximately \$300,000 per year. This cost was recently reduced by almost \$100,000 beginning in 2007. This savings was realized due to some changes in the support contract. A recent enhancement to the ECR system included another storage unit and process for ECR images. This additional storage will allow for separation of scanning/inputting information into the ECR system from the retrieval/viewing of documents stored within the ECR system. This improvement will result in time savings for viewing and improved load-balancing for the system.

Ongoing funding for the ECR system is provided locally, though initial funding of the project came from a variety of sources – grants, bonds, and local dollars were used. The ECR system was not built to create revenue; in fact, it was specifically built to improve access to the record while reducing costs. The only portion of the ECR system that brings in revenue is the ECR Online functionality that was just implemented in 2006. ECR has been responsible for substantial cost savings to the county and other agencies. There have been 19 positions eliminated in the Clerk's Office since the implementation of ECR, as well as savings associated with microfilming, file folder creation, courier services, and miscellaneous supply costs.

14. Has the program or policy initiative received any **awards** or other honors? Yes _____. No X.
If yes, please list and describe the awards or honors and the sponsoring organizations. **maximum 1 page**

Although the ECR program hasn't received any formal awards, it has had the honor of being a program of wide interest to a variety of groups. DJA has frequently been called on to provide detailed presentations about ECR. These have included presentations at National Center for State Courts events such as "E-Courts" (2001, 2003, 2006) and the Court Technology Conference 9 (September 2005). Invited by the Bar Association, DJA has provided briefings on ECR projects for the judges and attorneys at several of the annual Bench/Bar conferences held each November. Professional associations have been interested in ECR, including the National Association of Legal Secretaries and ARMA International. DJA speakers have often presented about various aspects of ECR at local, regional, and sometimes national meetings of these groups. Widespread interest in articles written about ECR has shown that information about the program is considered helpful and is widely prized.

15. Has the program received any press or other media coverage to date? Yes No .
If yes, please list the sources and briefly describe relevant coverage. **maximum 1 page**

During the planning for ECR, a KING-TV reporter prepared a story about the Clerk's plan to convert from paper files to electronic. The story, aired on the evening local news sometime in 1996, provided a strong visual impression about the extent of the case files. The reporter stood between two long rows of shelving and stressed that the volume of incoming documents was such that, if stacked, the papers from one day would be 8 feet high. The reporter showed that other courts, too, have a large volume of incoming documents, indicating how many feet per day they would accumulate. Janice Michels, the Clerk, spoke on camera about her office's plan to convert to an electronic court record. The story was run as a local news item. It has not been followed up. In a sense, it was the "Before" picture of ECR, and the "After" picture has yet to be taken.

When the ECR system had a major hardware crash in the summer of 2005, ECR itself was not available to users for five long weeks. The Clerk's failover system was used to access documents in the ECR database at a few key points in the Courthouse and Regional Justice Center (in Kent). Busy courtrooms, like Ex Parte and Family Law and Criminal Presiding, were equipped with failover system terminals, so they could call up documents as needed. As for the rest, the Clerk invited the courts to call or e-mail whatever documents they needed; DJA staff delivered them as hard copy printouts. Similar workarounds were developed for the people who had come to the Clerk's Office to review or do research in the case files. While the speed of retrieval was much slower than when ECR was up, no judicial proceeding was delayed or postponed due to the crash of 2005. There was, however, some press coverage, primarily by the *Seattle Times*, a daily newspaper. In what could have been a series of stories about a "broken" government system, the reporter passed along information that the Clerk shared and which had already been shared with staff and key users. The newspaper continued to report on the situation until it was resolved by the implementation of the replacement hardware.

Apart from articles about ECR which have been written by Superior Court or DJA officials, there has not been much publicity about the ECR program, including e-Filing.

16. Please attach an organization chart to show the current number, responsibilities, and reporting relationships of key program employees or staff. **maximum 1 page**

