



King County
Department of Judicial Administration

Electronic Court Records (ECR)

Originally, "Electronic Document Management (EDM) Implementation"

Project Report

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The fundamental need for electronic court records remains. An overwhelming and growing volume of paper threatens to clog judicial systems and inhibit full access to justice. In this information age, the court, litigants, and the public expect and need to have quick and convenient access to information from case files. Such access is not possible with paper-based systems.

The King County Superior Court and Department of Judicial Administration, thanks in large part to consultant support provided through the State Justice Institute (SJI) grant, developed a phased plan for developing and implementing a comprehensive electronic court records (ECR) system. The plan for ECR is expressed in a comprehensive way in the **Master Plan** included with this Report.

The Court and DJA learned from consultants and otherwise that regardless of how compelling the basic concept of electronic court records, implementation of this reform is complex, with wide-ranging consequences. There is no simple install to change the basis for maintaining court records from traditional paper documents to electronic. A major learning has been that the overall vision from which ECR began can only be fulfilled by carefully dividing implementation into distinct, manageable phases. Overall vision, however clear and compelling, cannot be realized whole.

DJA had hoped ECR might quickly provide for electronic filing of digital documents created in computers and filed without necessarily creating paper. We initially considered document imaging, converting hard copy paper to digitized computer readable pictures of pages, to be an interim step. DJA and the Court want to capitalize on the promise of labor saved through automating tasks. Tools like "tags" for data in digital documents (for example, in SGML, HTML, or XML type documents) should enable the transfer of information electronically across systems.

The Court and DJA spent the first months of the grant period restructuring the ECR scope into a more realizable plan. Consultant help was at first conceived as providing basic support to a large, but straightforward implementation of proven technology (imaging, workflow, and electronic storage). The work actually performed by consultants proved to differ somewhat from that initial concept, but the work was ultimately more valuable. Consultants helped King County to understand the full scope of the technology required, and to understand that implementation for a large court like King County is quite complex. They facilitated discussions and processes through which we adopted a Design Statement and worked out a realistic, phased plan for ECR, expressed now in the Master Plan.

As ECR moves into the next phases, continued consultant support will be of great value. King County has devoted leadership and project management staffing to the project. (Two full-time positions are dedicated to the Core ECR function, one for overall management, one for the technical side.) Since the ongoing functions of the Court and Clerk must be performed, process support, evaluation, technology advice, and documentation services require outside support.

Current Project Activities

King County has achieved a great deal during the grant period:

- Stakeholder participation and support was developed early on a broad scale, including all major partners in the Law, Safety & Justice (LSJ) community, leaders in

the State of Washington court system, and representatives of the bench, bar, and public.

- Requirements for electronic filing systems were ascertained by our technology consultant. They were the basis for the bid which obtained our temporary imaging hardware and software for the Archival Scanning Project, the Request for Qualifications (RFQ) that identified qualified companies as bidders to provide Core ECR, and the Request for Proposal (RFP) for the qualified Core ECR bidders.
- The Archival Scanning Project is an imaging installation of substantial size and scope, in which we have converted millions of pages from archived case files into images. It was assembled in a relatively short period in the latter half of 1997. Images can be retrieved over the King County network within 3 seconds at either Clerk's Office location, Seattle or Kent, which are over 20 miles apart. Already over 2.5 million pages are on file electronically. Users in the King County WAN environment who have the imaging software are able to retrieve images with a 2-3 second response time.
- A pilot project to test assumptions about how electronic file folders will be used in processing criminal cases is under way. Supported in part by a federal grant, this project will show how accessing a file electronically can help judges, prosecutors, and defense counsel in actual work conditions.
- An effective public education program is in place. Focus groups have been held for DJA staff, Court staff, legal support staff, judges, and others. This effort will continue throughout the project.
- DJA and Court staff have been briefed about coming changes and are involved in planning implementation.
- Periodic project assessments were written by the process support consultant and a formal project evaluation was completed.
- A project evaluation model and tool were provided by the consultants which will guide periodic progress assessments at key points in project development.
- DJA's RFP for implementing "Core ECR" was issued in June. A selection should occur in late July. Core ECR will bring document imaging and workflow to DJA beginning in 1999. This will create the technical infrastructure for King County's electronic court files and is the base upon which later stages of ECR will be built.

Some of the work planned by King County at the time the SJI grant proposal was written (February 1996) remains to be done.

- *Substantial progress was made toward building the "technology infrastructure" for ECR, but it could not yet extend to include "automated data extraction and data entry" or "digital signatures."*

These features of *digital* documents will not be developed until the stage we call "Extended ECR." Developing such tools depends in part on national efforts to define standards for electronic court filing. King County supports and is participating in efforts by JEDDI (the Judicial Electronic Document and Data Interchange foundation) and others.

The Washington State Legislature enacted the "Electronic Authentication Act" establishing legal digital signatures (using Public Key Infrastructure, PKI, principles) effective January 1, 1998. Implementation of the Act is proving to be complex. The first "Certification Authority" is developing its digital signature infrastructure, tools, and products. Commercial adoption of digital signatures is likely to be a precondition for their use in the courts.

- *While document imaging and electronic storage were successfully installed, the development of procedures for "protections for sealed and confidential matters" could not be addressed for implementation during this phase.*

A requirement to provide tools capable of complete security for sealed and confidential documents, files, and case types is a component in the RFP for Core ECR. DJA and the Court determined it was not wise to proceed in this area until substantial expertise could be brought to bear. The archival scanning project accordingly does not include sealed cases or documents.

- *"Enhanced accessibility to case records" was realized in part through the scanning project, but postponed for most electronic files until a later phase.*

Because of the extent of the work needed to provide full connectivity in the courtrooms and the County's LSJ agencies, it was decided that the Core ECR phase would be limited to enabling the Clerk (DJA) to process documents from electronic images while holding onto the paper files for reference and access by the Court and others. The steps to provide this connectivity were reserved to the phase immediately following Core ECR, first for the Court and LSJ, and then for the bar and public. In the meantime, substantial work went into exploring issues related to privacy, court rules, and indexing/navigating within electronic court files.

- *In documenting our ECR project, we initially envisioned a "how-to manual" to guide other courts in implementing similar systems; this work proved to be not conducive to such a manual. Our "lessons learned" in ECR serve a similar purpose and should be valuable elsewhere.*

The Lessons Learned will be published as an article. Key lesson for King County are summarized in the "Lessons Learned" section below.

- *The State Justice Institute had requested that the project focus attention on "smart forms" in electronic filing, which could not be developed at this time.*

It proved premature to expect we could focus on systems with artificial intelligence to facilitate completion of electronic documents by litigants ("smart forms"). Our scope decisions placed digital document development after Core ECR. Building "smart forms" will need the cooperation of the State Pattern Forms Committee and participation by stakeholder litigants, law firms, document management and software professionals, and advocates for self-represented litigants. We planted the seeds by explaining how "smart forms" can be advantageous for all these groups. We predict they will be an outgrowth of electronic filing systems. They will significantly boost participation in ECR type systems

“Lessons Learned”

Roger Winters, the DJA Electronic Court Records Manager, and former DJA director M. Janice Michels, now the Director of the Washington State Bar Association, are working on a co-authored “Lessons Learned” article for submission to an appropriate national-circulation court management publication. They hope to complete the article this fall. These, along with the Project Progress Critiques (Appendix 2) performed by consultants under the SJJ grant, constitute the best alternative to the “ECR Implementation Manual” initially conceived as a product of this grant.

Key lessons learned are worth noting in this Report:

Win Support from Top Leaders

From the beginning, King County Superior Court and DJA recognized the importance of and cultivated the support of top leaders. Leaders were informed about ECR and its goals, provided with briefings and presentations about ECR’s progress, and given opportunities to provide advice and guidance. DJA organized a “State Advisory Committee” which included a Supreme Court justice, judges from King County and other Superior and District Courts, the Office of the Administrator for the Courts, state law library officials, attorneys, county clerks, prosecutors, and defenders. Members of this committee were selected from state associations or state-level organizations. In addition, we cultivated the active support of leaders in our own County, including the Presiding Judge, County Executive, and members of the King County Council. Support for funding ECR projects depended on our success with the Directors of the County’s Law, Safety & Justice (LSJ) agencies, who consistently have given ECR high priority in technology planning decisions. A project of such scope cannot succeed without this high-level support.

Build Strong Stakeholder Support

No large project can hope to succeed if it has not developed the support of those who will be directly affected by it. People whose work will change because of a technology project need to be brought in and included, with a chance to have real impact on the project, early and often. DJA organized a Steering Committee that included representatives of all major stakeholder groups early in the project’s history. The Steering Committee has met 1 or 2 times per month to review and comment on all aspects of the project. Working committees have made substantial contributions in areas such as Court rules needed because of ECR and problems and proposed solutions for navigating in an electronic court file. In addition to developing a strong core of stakeholders here, we have organized a Communications Committee in DJA which provides ongoing educational information and obtains feedback from affected groups. Our focus groups have successfully reached DJA and Court staff, law firm support staff, attorneys, and frequent users of the court file. The Communications effort is considered an ongoing feature of ECR because of the critical importance of having stakeholder involvement at all stages. Stakeholders in King County know what is planned, have ample opportunities to raise issues and concerns, and know their voices are heard and listened to as planning and implementation proceeds. Stakeholders who are not involved in a project like ECR become stakeholders who will question and be suspicious of its implications for them. Stakeholders who have been informed and

given the chance to participate also become supporters, advocates, and a rich source of expertise for the project. *It is important never to underestimate the value of focus groups and detailed communication with stakeholders.*

Electronic Filing Is Different in Important Ways

The initial vision for electronic court filing suggested that it would be “simple” to switch from using paper documents into using electronic equivalents instead. We feel the basic concept of an *electronic court record* is simple and easy to grasp. We have learned, however, that the process of making that change in the medium in which the record is stored is complex and difficult. A work group named “What’s the Record?” helped us to see that working with and navigating in an electronic file is significantly different for users, particularly judges, from working with the same file in hard copy form. Special attention must be given to indexing documents in an electronic file, for users will lose many of the physical cues they relied on to help them find things in the current system. New tools are needed to organize and help people navigate within an electronic file folder. These must be developed with the full participation of those whose work actually requires their use of those files.

Develop Project Management Skills

It was important for King County to realize early on that management of a major technology project takes a different skill set from general management of a court or clerk’s office and its work processes. DJA has accordingly used consultant and County expertise. DJA reassigned a manager to full-time direction of the ECR program and redefined a position to give a full-time technology expert to the project. A project of this scope is not easily managed as a part-time assignment for a clerk or court manager.

Seize All Opportunities

King County’s DJA benefited from having looked for and responded to all opportunities to promote ECR or to advance parts of the ECR concept. We embraced fax filing in 1991 as a service to prototype, to help develop the concept of sending documents in electronically and to show that images can substitute for original-signature documents if the method of conversion is secure and trusted. In 1994, when court leaders met to explore their shared vision of integrated data systems in the future, we participated in those meetings and learned how to articulate the electronic court record as an important aspect of that vision. We followed up with other clerks and administrators in creating a broadly representative state committee (Records Management Advisory Committee) to study implications of records and technology issues for all the courts of Washington. A 1994 proposal to the County to fund a pilot project using Juvenile records was not adopted, but it laid the groundwork for later funding of critical tests for ECR. Funds were granted in 1995 to study electronic document standards and in 1996 to develop a technology plan from which ECR would be derived. The State Justice Institute grant provided an opportunity to strengthen stakeholder support, project management, evaluation, and documentation. A Bureau of Justice Assistance grant provided funds to obtain equipment needed to prototype electronic files in our criminal cases demonstration project. There are many aspects and pieces to ECR; it is vital to learn something from every thing you try along the way there.

Use a Proof-of-Concept Approach

King County sought to learn from each project proposed or action taken. We learned the value of working with phases and demonstrations, for each had much to teach that will be relevant in the development of full-scale ECR. Fax filing demonstrated that original-ink signatures could be supplanted in the case file. The Archival Scanning Project proved that images could be adequately created using a 200 dots per inch resolution standard. It also showed the importance of document preparation and scanning quality control. Technical concepts were also proven, such as the possibility of using all-magnetic storage media for imaging systems as prices continue to fall. By testing key concepts in a demonstration or prototype it is possible to try to avoid major mistakes when the overall system is designed.

Keep Information Flowing and Maintain Openness

From the beginning, King County DJA shared its concepts and plans for ECR with everyone who wanted to know about them. There have been no secrets. The attitude adopted has been that ideas expressed by others, *especially criticism*, will help us to design a stronger ECR system, will warn us of pitfalls and problems before they become significant, and will force us to re-examine assumptions all along the way.

Maintain Flexibility

King County has adjusted plans in light of new learning, newly recognized opportunities, and the availability of resources. We reorganized project staffing when that was needed. We revised our ideas about what could be accomplished when as implementation requirements and resource details became known. Keeping a flexible point of view while keeping a project well directed and within its proper scope is a key success factor.

The Archival Scanning Project

This project proved to be a significant implementation resulting from our SJI-supported effort. A paper by Robert Cary of Cary Information Consulting (Appendix 1) provides an overview of the significance of the project. Our temporary initial imaging system was installed in a few months for a few hundred thousand dollars. It uses magnetic media to maintain millions of pages of case file records. While these cases are archived, they are regularly referenced.

Because King County set ambitious goals for this project, it is sometimes hard for us to appreciate what was accomplished. We installed one of the largest government agency imaging systems in the Northwest. It uses an innovative design. Its development was based in the unusual step of *renting* imaging software pending a formal procurement for our ongoing imaging system. (Image-X in California won the bid and has provided the rented software.) It provides access to images an average of 2 to 3 seconds following the request! This is blinding speed for any imaging system. The images are generally crisp, clear, and readable. User testing verified their usability. Images can be

retrieved equally well from workstations in Kent, Washington, or in downtown Seattle, Washington. The 20+ mile distance is insignificant.

As King County progresses into imaging active case records and working from images (Core ECR), we will be laying the foundation for all remaining ECR features. Next will be the extension of access to the Court and the LSJ family of agencies. Then follows remote access to litigants and the public.

The goals which inspired the ECR effort remain DJA's goals. The effort is long-term and more demanding than originally thought. The result will certainly be substantial savings for the County, Court, and public in maintaining a vast storehouse of documents which comprise the case files for King County Superior Court.

Project Information on Internet

This project has been featured on an Internet site sponsored by the Washington State Bar Association. A presentation in January of 1998 by ECR Manager Winters has been recorded using "Real Audio" and the PowerPoint slides used in the presentation may be viewed as well. The address for this presentation is:

<http://www.wsba.org/sections/lpm-ecr.html>

Further information about ECR can be obtained from the Program Manager, Roger Winters, (206) 296-7838 or Roger.Winters@metrokc.gov.



King County

Department of Judicial Administration

**Electronic Court Records
(ECR)**

Master Plan

April 1998

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Electronic Court Records (ECR) Master Plan

INTRODUCTION

The evidence is overwhelming: the King County Department of Judicial Administration (DJA, the Superior Court Clerk's Office) must change its records systems to meet the need for timely, available Superior Court case records. DJA, after carefully evaluating alternatives, has concluded that migration to on-line, electronic court records is the most reasonable solution. This massive change is not about technology, but about legal culture change. This Master Plan lays out essential steps, timing, costs, issues, risks, and a plan for a 5-year Electronic Court Records (ECR) program and component projects.

STATEMENT OF NEED

DJA is relied on by the public and courts for its record keeping. Maintaining timely, accurate, and complete case records are part of the Mission of DJA. DJA does not merely file documents. Clerks index each document into the case "docket" and transfer information to enter into SCOMIS (Superior Court Online Management Information System). Documents are reviewed for required Clerk's actions. After processing, papers are fine-sorted and placed in folders in the Clerk's shelving system.

DJA's goal to provide the record in time is not today satisfying DJA's customers. The sheer number of daily filings — the equivalent to a stack of papers over 8² feet high — is daunting. The expectations of information age people lead the Court and public to want to see documents right after they are filed. The present standard in court rules (allowing 5 days for the routine flow of papers from filing to when available in the file for check-out) is not acceptable for documents like warrants, temporary restraining orders, judgments, or papers in high-profile matters.

In recent focus groups, hard copy file availability and finding papers in process were named the most frustrating problems for DJA staff and customers. The biggest complaint from our Court is that files, on arriving in the courtroom, do not contain all the current filed material. Further, hard copy management is hugely expensive. It produces only one file per case, accessible to but one user at a time.

ALTERNATIVES ANALYZED

DJA management considered how to speed the flow of papers while continuing to get information needed to maintain indexes and required records. Their goal was to be sure the file used by the Court, staff, or public will be complete, including all recently-filed papers. The following alternatives were evaluated:

1. Increase staffing by 10+ FTE and begin 24-hour operations 6 or 7 days a week.
2. Define the DJA-retained record as only for history. Develop alternatives for day-to-day access and review. For example, litigants might be required to provide "working papers" for all court appearances.
3. Reduce DJA operations to minimum "core" functions. DJA would eliminate support for special programs, stop participating in state-wide developments, reduce or eliminate statistics, and curtail outreach, pilot projects, and the like.
4. Take absolute control over what is allowed to be filed. With enhanced authority, DJA could keep what can be filed to a minimum and require process-supportive features such as bar coding on all documents.
5. Implement Electronic Court Records (ECR) so papers are scanned at filing, being quickly available at multiple concurrent access points. Scanned files would be supplanted in the future with digital (i.e., word-processed or ASCII) documents where possible, enabling increased automation of data capture and information processing.

RECOMMENDATION: Implement Electronic Court Records (ECR)

1. Working "harder, faster and longer" (Alternative #1) will cost the same over a 5-year time frame. It does nothing to accommodate growth. No matter what, papers could never be available in less than

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the 2+ days required for such a large sorting/filing process. Files would still be available to only one person at a time.

2. Redefining the Clerk's record as historic only (Alternative #2) would simply shift the costs of paper processing elsewhere and serve the Court less well.
3. Eliminating some functions (Alternative #3) may help, but at the expense of other important priorities. Such savings would not result in better file availability and the one-user-at-a-time problem remains unresolved.
4. Efforts to define and control filings (Alternative #4), a good idea worth doing, will likely meet with significant resistance and will not achieve results for years.
5. ECR is the most cost effective option, most likely to meet the goal of complete and available files, quickly accessible. Implementing ECR satisfies the need for file completeness and availability. It also enables improvements like workstation or remote access, multiple simultaneous file use, better file navigation, task automation, and portability.

VISION STATEMENT

Replace hard copy case files with electronic records. The official court record will be maintained in electronic form and can be accessed by file users in several ways. This allows automated data capture from digital documents, remote filing and access, and multiple simultaneous use of the case file.

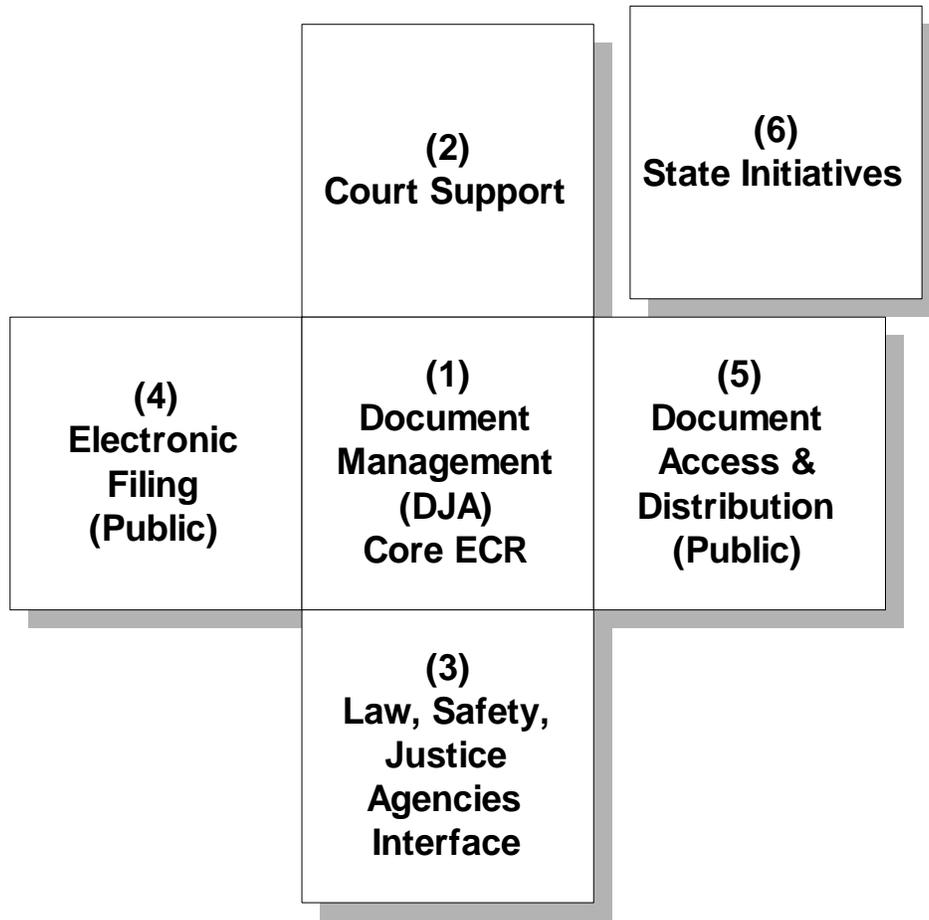
ECR PROGRAM PLAN

DJA is undertaking a 5-year program (1997 - 2002) to implement ECR. ECR will be undertaken in phases, with stakeholders involved in all the component projects. Each advance in ECR features will be tested in "proof of concept" pilot or demonstration project prior to being adopted into the overall program. "Pause points" for systematic review and program adjustment are key milestones in the program plan. The ECR communications program is designed to be sure that all stakeholders are heard and that all issues are resolved. There is dedicated ECR program management and technical staff.

ECR PROGRAM TIME LINES & ISSUES

DJA sees ECR as a multi-faceted program which will unfold through phased implementation in several major projects. Many issues are associated with the implementation of ECR. Each issue will be defined, discussed, and documented in an issue paper where potential solutions are explored. Issues are identified with the component projects; their resolution as part of those projects is part of the critical path.

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<p>(1) CORE ECR: In 1998, this establishes the basic infrastructure of ECR.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ☞ Vendor(s) build and install Core ECR. ☞ Archival scanning with 1997 platform continues, converting to equipment, software, and systems of the selected vendor. ☞ Limited public viewing of scanned images is available in the Clerk’s Office. ☞ Demonstrations using selected cases illustrate ECR features and help clarify requirements. ☞ DJA staff learn to process documents as images routed through the workflow system. ☞ DJA maintains hard copy case folders for public and court access (electronic access comes later). 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Hard copy management. ◆ Document scanning & quality control. ◆ Special case documents: original wills, fingerprints, promissory notes. ◆ Operating dual systems. ◆ Security (technological & sealed records) ◆ Judicial Information Systems (JIS) interface. ◆ Sub-numbering documents. ◆ Indexing techniques, structure, & categories. ◆ Status of Clerk’s marks on document images. ◆ Long-term storage strategy (Computer Output to Microfilm, COM). ◆ Reallocation of staff. ◆ Training and support.

Electronic Court Records (ECR) Master Plan

<p>(2) COURT SUPPORT: This follows Core ECR as an expansion expected in 1999.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ☞ ECR is linked with courtroom operations to support business processes beyond access to electronic file folders. ☞ Electronic filing and access is enabled for the Court and Court staff. ☞ Some files-on-line with some pre-fetch service, a supportive index, & some hyperlinks. ☞ Case files are organized into categories facilitating retrieval by judges, staff, and file users. ☞ Software to produce, receive, index, queue, and pre-fetch images is installed. ☞ DJA, the Court, and Superior Court Administration begin to integrate functions and services of ECR, CMIS (Court Management Information System), and other systems. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Navigation within the electronic court file folder. ◆ Courtroom initiation of forms and data for filing with the Clerk into the electronic record. ◆ Interface with CMIS for support of real-time information processing. ◆ Adequacy of technology in the courtroom. ◆ Technology hardware management in the courtroom. ◆ Extended training and support.
<p>(3) LAW, SAFETY, & JUSTICE CONNECTIVITY: This is a 1999 expansion built from Core ECR.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ☞ The County law, safety, and justice (LS&J) agencies that are already linked through the King County Wide Area Network (WAN) gain access to electronic case files. ☞ Connectivity grows on the foundation laid by the 1998 case demonstrations. ☞ Electronic transmission of certain documents. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ County agency access. ◆ Law, safety, & justice connectivity. ◆ Certification of electronic records. ◆ Funding law, safety, & justice technology.
<p>(4) ELECTRONIC FILING: This will be developed for the public and attorneys in 2000, following integration of LS&J agencies.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ☞ Programs and procedures for filing digital (word-processed & ASCII) documents (beyond images) are developed. ☞ Limited public access to electronic records is provided to meet business needs. ☞ Fee collection and other basic transactions are enabled for ECR. ☞ Methods for identifying filers and systems for electronic signatures are adopted. ☞ Automatic capture of data from electronic documents saves data entry labor. ☞ Pattern forms, templates, and “smart forms” (with artificial intelligence) grow in use. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Court rules. ◆ Costs and assessing fees for services. ◆ Digital signatures (or alternatives). ◆ Document standards, e.g., should content be preserved alone, or content with format? ◆ Citing to the electronic record. ◆ Using hypertext links in citations of other documents. ◆ Developing a “filing message” to help filers categorize and name their documents for better processing and retrieval. ◆ Acknowledging receipt of filings. ◆ Appellate processes. ◆ Incentives for electronic filing.

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(5) DOCUMENT ACCESS & DISTRIBUTION: This will make filings accessible electronically for the public and attorneys in 2000, following LS&J integration.

ACTIONS	ASSOCIATED ISSUES
<ul style="list-style-type: none"> ☐ Multiple access options are developed, e.g., at courthouses, law libraries, government offices, and public kiosks. ☐ Internet, dial-up, and other access systems are explored. ☐ “Universal browsers” and similar electronic access tools are tested and evaluated. ☐ Security of ECR systems against invasion or disaster is fully developed before going public. 	<ul style="list-style-type: none"> ◆ External access to court records (techniques). ◆ Electronic document remote access dissemination policy. ◆ Remote access to court records (privacy issues). ◆ Security for sealed materials. ◆ Methods & timing for “cut-over” to new systems. ◆ When is the electronic the official record? ◆ Staff re-distribution. ◆ When to stop providing hard copy for access.

(6) STATE INITIATIVES: Simultaneous with all projects, DJA ensures ongoing ECR coordination with related efforts at the state level and elsewhere.

ACTIONS	ASSOCIATED ISSUES
<ul style="list-style-type: none"> ☐ Ongoing communication is maintained with other agencies or projects related to electronic records and files. ☐ Electronic records for appeals. ☐ Electronically available “Judgment & Sentence,” protection orders, etc. 	<ul style="list-style-type: none"> ◆ Governance. ◆ Electronic records standards. ◆ Legislative authority.

ECR STAKEHOLDERS

Support from those significantly affected by ECR is vital to success. DJA must hear and understand their voices, cultivate their input, and benefit from their criticism and advice.

Stakeholders	ECR Interests & Concerns
The Public	Taxpayers pay for new systems. <i>Pro se</i> litigants. Case file users. Cases are open public records unless sealed.
Elected officials & Information Resource Council (IRC)	Provide funding & oversight for King County technology projects.
Superior Court & staff	Need systems to support judicial decision-making, system coordination (e.g., CMIS). Use case file records. Create & file documents.
DJA staff	Design, build, & implement ECR. Work processes will change. Career change & opportunities to come.
LS&J agencies (Prosecuting Attorney, Defenders, Jail, etc.)	Use case file records regularly. Create & file documents. Authenticity, security, reliability of documents.
Other courts, counties	Records for appellate review. Need ECR elsewhere. Shared concerns about resources, standards, and uniform practices.
Attorneys & support staff	Litigants, legal practitioners, who use files regularly. Create & file documents. Work requirements will change. Potential costs/savings.
Office of the Administrator for the Courts (OAC)	Interface with existing data systems (JIS, SCOMIS, etc.). Coordination of statewide systems, policies, & practices.
Law Library & Litigant Support Agencies	Provide court user support. Access to information for litigants.
Title Companies, Messengers, Researchers, Vendors	Business opportunities. Commercial interests in case information, filer services, information re-sale, etc. Regular case file users.

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Stakeholders	ECR Interests & Concerns
State of Washington	Standards for archival & electronic records. Archivist policies. Digital signatures.

COSTS & BENEFITS

Costs incurred for important new technology like ECR are justified by the benefits and savings they enable. Many of ECR's concrete benefits to the Court and litigants are difficult to quantify. The return on investment for ECR will be realized in increased efficiency, new productivity, and eliminating tasks required for hard copy handling. The ECR project has attracted County, federal, and grant based support. As the project unfolds, its costs, funding, benefits, and savings will become clearer.

Expected Costs	Benefits & Potential Savings
1997 <ul style="list-style-type: none"> Grant from County Information Resource Council (IRC) for technology consultant Scanning project (infrastructure funds from County IRC technology resources) Scanning project labor from Current Expense Grant from State Justice Institute (SJI) for process consultants Federal grants for demonstrations 	1997 <ul style="list-style-type: none"> Substantially develop infrastructure for document image processing Build knowledge of scanning, imaging Proof of concept tests help to define image resolution & readability standards, Wide Area Network capacity, electronic document security, image viewing requirements, and the value of centralized County technology resources
1998 <ul style="list-style-type: none"> About \$1 million to establish "Core ECR" (DJA imaging & electronic workflow capability) Scanning project labor from Current Expense continued Grants & potential SJI continuation grant 	1998 <ul style="list-style-type: none"> Determine ability of vendors to meet DJA requirements within available resources Develop, test, computer output to microfilm Criminal case demonstration project: proofs of concept (accessing active case records electronically)
1999 <ul style="list-style-type: none"> Scanning project labor from Current Expense continued Federal grants & possible SJI support Planned funding for "Court Support" and "LS&J Connectivity" of \$800,000 (approx.) 	1999 <ul style="list-style-type: none"> Develop connectivity with Court & LS&J systems, agencies Initiate workflow processing of documents within DJA (paper maintained for access only)
2000 <ul style="list-style-type: none"> Scanning project labor from Current Expense continued Costs of infrastructure enhancements for "Electronic Filing" and "Document Access & Distribution" to be determined 	2000 <ul style="list-style-type: none"> Internal processing savings initiated through workflow, intelligent automated data extraction, "smart forms," etc. (ultimately reduces by up to 8 FTE) As agency self-service electronic access grows, reduce staff providing files (up to 3 FTE) Investigation of new fees (e.g., premium court file data access services) & user incentives
2001 <ul style="list-style-type: none"> Scanning project begins to produce noticeable hard copy backfile reductions 	2001 <ul style="list-style-type: none"> Initiation of remote access & elimination of substantial access to paper files reduces staff required (up to 11 FTE through attrition as paper file service needs shrink)

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2002 <ul style="list-style-type: none"> Scanning project concludes as it produces substantial hard copy backfile reductions 	2002 <p>Remaining staff efforts shift away from physical file support & manipulation to knowledge-worker services for Court & litigants</p>
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RISKS & CONTINGENCIES

All projects of substantial size and scope involve taking risks and require contingency planning. DJA has sought out consultants and experts for advice on how to identify, manage, and respond to potential risks and problems along the way.

- 1. Resource problems:** There is always a risk that a project's costs will be more than projected or that benefits will not be as much as is expected. There is a nominal risk that necessary resources to continue the project might not be available.

These risks are mitigated by dividing ECR into manageable projects, each of which can stand on its own. For example, Core ECR will be valuable even if Extended ECR is postponed.
- 2. Support endorsement problems:** Any big project is under risk that its advocates will lose interest or that the support of key stakeholders will wane.

This risk is mitigated with DJA's aggressive communications project and focus group approach. The program will continue to keep in close touch with all stakeholders, to get their input and keep support levels high.
- 3. Product does not meet expectations:** Some may worry that the final product (an accessible electronic court record) will not meet stakeholders' expectations. What if it is not user-friendly enough? What if it lacks desired special features? Might it be of low quality due to budget constraints?

Expectation management is a central focus for this project. The features promised for each phase or project will be clearly defined, built with user input, and tested for usability. Budgets may constrain the timeline but not quality.
- 4. Project management problems:** Major technology project implementations risk timeline slippage, scope creep, staff turnover, poor quality control, unresolved problems, never-ending enhancement demands, or unmanaged change.

The project management team is continually being trained in project management, aided with the latest project tracking tools. The team will benefit from various County and outside technology user groups and periodic re-evaluations of program progress.
- 5. Technology problems:** The technology for ECR is neither too new, unproved, nor overly complex. There are nevertheless some technology risks: What if King County's Information and Telecommunications Services Division (ITS, the ECR server manager) isn't able to meet security or availability needs? What if it proves hard to attract and keep high quality technology staff? Suppose the integrating technology doesn't work as planned. Every project dreads system failures or disasters, and hopes the problems with vendors or products will be easily resolved.

The "proof of concept" approach will mitigate these concerns, moving the project forward only after careful testing and experience.
- 6. External factors:** The ECR program depends on other organizations to accept changes and revise procedures, the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), and court or agency rules. Failure or refusal to accommodate ECR could prove problematic. The federal government or Washington State agencies could choose to impose proprietary standards not compatible with the ECR direction. The State Archivist could overly constrain the acceptability of electronic records. The Supreme Court or State Bar Association could resist enabling orders or rules. Digital signature implementation could falter and alternatives could be too weak. Any seemingly small problems could become threshold.

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The inclusive ECR project structure and its broad public relations program should surface issues in time to resolve them before they become serious. The State Supreme Court, State Archivist, State Bar Association, the National Center for State Courts, and the State Justice Institute (SJI) are supportive of ECR's goals and are knowledgeable about and involved in the program.

MANAGEMENT

Internal Project Management: The Core ECR Team will include a DJA business process expert, a technology specialist, and a program director. Internal support to the Core Team comes from the Communications Group, DJA's ECR Operations Committee, and the EDM Workflow Team. External support is expected from the Court Technology Steering Committee which oversees Superior Court and DJA technology initiatives. ECR's Team includes important skills in technical support, public relations, project tracking to keep us on schedule, and business processes analysis. Resources are managed through DJA's budgets, grant writing, grant management, and expenditure tracking. The Core Team draws on technical expertise to monitor, coordinate, and oversee hardware and software installation. The program director is responsible for project communication, meeting coordination, procurement, and consultants.

External Project Management: A County-wide Steering Committee formed in 1995 is the primary tool for decision making. For state-level coordination, a state Advisory Committee meets quarterly to review decisions, receive reports, and discuss state-wide implications of programs goals. Special working groups are formed for "proof-of-concept" demonstration projects.

PROOF-OF-CONCEPT PROJECTS AND COMMITTEES

DJA minimizes potential waste and risk by engaging in collaborations, "proof-of-concept" demonstrations, and "safe mode" (not risking disruption of real-time court operations) experiments. This approach is cautious and conservative. When a demonstration project proves a method or approach, DJA builds on it directly.

King County's Electronic Document Advisory Committee (EDMAC) was formed by several County agencies working toward electronic records, to explore how to share County resources, including technology infrastructure. A grant from the Information Resource Council (IRC) engaged a consultant to advise on standards and "best practices" in electronic document management systems. EDMAC was precursor to the Electronic Records Advisory Council (ERAC), which today explores issues and economics associated with County electronic information resources.

DJA's Electronic Document Management (EDM) Workflow Team is a Total Quality Management (TQM) team of DJA staff, formed in 1996. Its mission is to study and chart the flow of documents and work within DJA. This work prepares us to design workflow software for Core ECR. The inter-divisional Team has developed text and computer-aided flow charts of the work steps for criminal case documents. A few obsolete or repetitious work processes surfaced and have been eliminated. The Workflow Team's knowledge, skills, and techniques will benefit DJA as workflow applications are designed.

DJA's Scanning Project began in 1997 to take the place of microfilming inactive case records. (DJA by law preserves case records "indefinitely.") A temporary, rental-based imaging program was procured, along with scanners, servers, and other equipment. The project was assigned to the Regional Justice Center (RJC) in Kent. Court case records archived from SCOMIS were taken from shelves and prepared for scanning. DJA selected the powerful IBM RS-6000 owned by ITS as the server for document images. DJA chose magnetic disks over optical media for image storage.

The Scanning Project has demonstrated much:

- Documents scanned in Kent can be transmitted to Seattle for storage and retrieval.
- Storage and retrieval can be done with excellent access times using magnetic media.
- Access can be from anywhere on the County WAN.
- Images scanned at 200 dots per inch maintain readability even when converted to microfilm and printed.

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- Numerous paper jams can plague “high speed” scanners because older papers are hole-punched, stapled, and worn.
- Time consuming document preparation and careful daily machine maintenance are essential to keep daily volume high.
- Implementing software programs with a vendor located in another state is quite challenging.

The Criminal Case Demonstrations Project is a collaboration of Law, Safety, and Justice system agencies to test how ECR helps them process criminal cases. Participants include DJA courtroom and criminal judgments staff, representatives from the King County Prosecuting Attorney, public defender agencies, the King County Jail, and the Court of Appeals. With grant support, this demonstration is to show how an electronic file folder for active criminal cases can be advantageous for those involved. Fraud and drug cases will be selected for the project. DJA will scan documents as they enter the system and again before they are put in the file. Those working with the files can read them from computers without having to have the paper file in hand.

“What’s the Record?” is a subgroup of the ECR Steering Committee concerned about navigating in the electronic file folder. The group did a detailed analysis of case file contents from a courtroom perspective. They are building a “filing message” toolkit to help litigants name documents clearly. They are defining document categories to support user searching and may try to identify which documents need not be retained in the permanent case file.

DJA’s ECR Communications Team maintains good stakeholder relations. This group of DJA staff helps make sure their colleagues and outside groups are well informed about ECR. The Team is conducting **Focus Groups** within DJA, for Superior Court staff, and for legal staff, attorneys, and others. Focus groups educate participants about ECR, solicit their concerns, and provide defined ways for them to stay informed. Other educational programs include **ECR Web Pages, educational presentations,** and speaking at **attorney continuing legal education (CLE) classes.**

The Court Rules & Legal Change Committee of the ECR Steering Committee includes a judge and several attorneys. They have identified where in Washington law, court rules, and County procedures changes may be needed to enable ECR. They will draft a general order to authorize ECR to proceed in King County. Proposed rule changes will be circulated for comment. Formal rule changes will be introduced through regular processes.

The **DJA Hard Copy Management Group** are DJA managers and supervisors making sure that existing hard copy records are supported during ongoing ECR planning and a Courthouse office remodel. The group works on file overcrowding, offsite storage options, and other aspects of hard copy management.

DJA’s ECR Operations Committee are DJA managers and supervisors serving as an internal advisory body on ECR. This group reviews and makes recommendations on any aspect of the ECR Program and related projects that impact the operations and responsibilities of DJA.

ECR PROGRESS MONITORING & EVALUATION

DJA Management will pause at logical points in the ECR Program’s life cycle to measure strategic and tactical progress, consider new realities, and determine how best to proceed. DJA will engage a Quality Assurance Reviewer who will present findings and recommendations upon completing a formal review. The “Pause Points” will occur before each significant milestone. For the “Core ECR” project, formal reviews are planned before a vendor contract is signed, prior to product installation, and before final acceptance of installed systems.

Evaluation of the State Justice Institute Grant for the King County Electronic Court Records Project

March 12, 1998, by Maureen Sunn

Materials used for the evaluation:

Federal Register, December 14, 1995
State Justice Institute Application, February 14, 1996
RFP – Electronic Court Records Project Support, Jan. 23, 1997
SMG Response to RFP
Contract for Consultant Services – SMG, Mar. 20, 1997
SJI Quarterly Progress Reports, 4th Q. 96, 1st Q. 97, 2nd Q. 97 and 3rd Q. 97
CIC deliverable #1: addendum 1, #2, #3, #4 and #4 addendum 1, #6, #8A and #9
SMG issue papers dates: 4/14/97, 4/28/97, 4/30/97, 5/5/97, 5/22/97, 5/29/97, 6/3/97, 6/17/97, 6/27/97, 9/6/97, 11/4/97, and 9/22/97
SMG deliverable #1A, #1B, #1C, #2A, #2B, #3A, #3B, #4A, #4B

Review of the project concept and expected deliverables:

- ◇ An assessment of the project goals, expected deliverables and proposed time line reveal that the initial estimates of each were overly ambitious.
- ◇ This project had no existing, well tested, judicial implementation to model itself on and instead proposed to act as the prototype for other jurisdictions. There was little time built into the schedule for false starts and errors common to most start up projects.
- ◇ The \$90,000 SJI grant was sufficient to cover the work set forth in the Project Support component as awarded to the consultant SMG. There are outstanding deliverables that need to be produced within this contract with SMG.
- ◇ The quantity and quality of work supplied by the technical consultant CIC was impressive and well worth the \$65,000 contract.
- ◇ The RFP, response to RFP, contract signing and commencement of work by SMG lagged the projected schedule. The schedule was much too ambitious in allocating time for this process.
- ◇ The two major flaws in the initial project plan were scope and schedule. The scope was too broad and both sets of consultants had to tackle this issue before proceeding with the deliverables as agreed upon. The schedule, as stated, was not built with enough time to account for the RFP process, scope restructure, software and hardware procurement, product delivery, setup, testing, repair and replacement.
- ◇ The deliverables produced for King County by both consultants were wordy and sometimes hard to follow, this was especially true of the work completed by SMG. SMG's products were often redundant, incorporating aspects of the last report into the current report.

- ◇ The King County Project Manager used a narrative form to produce quarterly reports – simpler sentences, fewer words and more charts would have presented a clearer image of the project process.
- ◇ The consultant, SMG, agreed to produce a chronicle of the project as a major deliverable. Although a narrative of the King County history leading up to the project was produced, the delivered product was a set of recommendations on how to produce a chronicle. This deliverable is unacceptable and the “form and format of the project chronicle” needs to be re-negotiated with the consultant.
- ◇ The volume of written materials produced by the consultants is huge. The written materials would be better utilized if there were an accompanying index and summary appended to the collection.
- ◇ The complexity of the project and the time needed from technical and business experts were underestimated in the original plan.
- ◇ Regardless of the issues of underestimating scope and schedule, an excellent return on investment for consultant services has been achieved in this project, especially from CIC. The sum spent on consultants is relatively small for a project of this scale.
- ◇ A valuable byproduct of this project, to date, is the “lessons learned” by the project staff and the project manager. These lessons should be made available in written form with the project chronicle for other interested groups and new project managers.
- ◇ The ultimate success of a large project like this is often relative to the mastery of the business processes and the technical support available throughout the life of the project. It is apparent from personal observation, as well as review of the written materials, that current management has adjusted, and continues to adjust, the management structure and project team to reflect the needs of the project as it develops.

Summary: The grant and match were for consultant services to support a very large, ambitious project utilizing new and quickly evolving technology. There is no large, comprehensive judicial application in place to model this project on. Scope and schedule were overly ambitious and consultant services were successfully used to develop a more realistic project plan. Consultant services were invaluable in providing technical and process expertise. Two of the products, the chronicle and evaluation tool, need further work before they will be of value. It is apparent that a continued need for expert advice will exist for both process and technical support through the next stage of the project.