

Background

# **MONTANA STATEWIDE ELECTRONIC FILING**

# HISTORY OF ELECTRONIC FILING IN MONTANA COURTS

- ❖ 2007 – Judicial Branch receives long ranch information technology funds to pursue statewide electronic filing
- ❖ 2008 – COT creates the Electronic Filing and Remote Access Task Force
  - ❖ Chaired by Clerk of the Supreme Court
  - ❖ Judges, Clerk of Court, Attorneys Representing State Bar, Montana Legal Services Representatives, Records Management Personnel from SoS
  - ❖ Subject Matter Expert Working Groups
  - ❖ Studied how best proceed in creating a statewide system electronic filing system in Montana Courts
  - ❖ Reviewed, Modified, Approved, Rejected – Functional Standards for Electronic Filing from the Conference of State Court Administrators(COSCA) and the National Association of Court Management (NACM)
    - ❖ Approved majority of the COSCA/NACM functional standards and proposed utilization of the OASIS LegalXML ECF 4.0 technical architecture

# E-FILING ADVISORY COMMITTEE

- ❖ 2009 – Committee of the Electronic Filing and Remote Access Task Force Created
  - ❖ Prepare Recommendations and a Request for Proposal Presentation to COT
- ❖ Agreed a statewide electronic filing system would be beneficial to the Montana court system
- ❖ Identified obstacles including implementation questions:
  - ❖ How should the system be implemented?
  - ❖ What Courts?
  - ❖ What Case Types?
  - ❖ Should it mandatory or consensual?
  - ❖ How will court business process change?
- ❖ Recommendations
  - ❖ Incremental approach
  - ❖ Voluntary
  - ❖ Prosecutor Initiated case group first (Criminal, Civil Commitment, Child Abuse & Neglect)
  - ❖ General Civil with Attorney Representation (non-governmental filers, cases with statutory filing fees)

# STATEWIDE ELECTRONIC FILING ACTIVITIES

- ❖ 2011 – Draft Concept of Operation and Proposed Interim Rules are approved by the COT
- ❖ 2012 – RFP issued, Proposals Reviewed and Scored. LT Court Tech (now Thomson Reuters) awarded.
- ❖ 2013 – Contract Negotiations, Temporary Electronic Rules Approved, Development Begins including Major Case Review
  - ❖ 2013 - Appellate Major Case Review
    - ❖ **Appellate-Specific Workflows**
    - ❖ Documents that should not be electronically filed
    - ❖ Electronically filed documents that may not be viewed by all parties on a case
  - ❖ 2014 - Prosecutor Initiated Case Review
    - ❖ **Unique workflows pertaining to the Prosecutor Initiated Cases (DC, DJ, DN, DD DI)**
    - ❖ Documents that should not be electronically filed
    - ❖ Electronically filed documents that may not be viewed by all parties on a case
  - ❖ 2017 - General Civil Case Review
    - ❖ **Civil-Specific Workflows**
    - ❖ Fee Waivers – Effects on Workflows
    - ❖ Case Types to be included in Pilot
    - ❖ Specially handled documents - e-file or not

# STATEWIDE ELECTRONIC FILING DOCUMENTS

## ➤ E-FILING LINKS

➤ <https://courts.mt.gov/courts/efile>

## ➤ 2011 – Draft Concept of Operation

➤ <https://courts.mt.gov/portals/189/efile/docs/cop-rules.pdf>

## ➤ Temporary Electronic Rules

➤ <https://courts.mt.gov/portals/189/efile/rules/tempefilerules.pdf>

## ➤ 2013 - Appellate Major Case Review

➤ <https://courts.mt.gov/portals/189/efile/docs/efi.pdf>

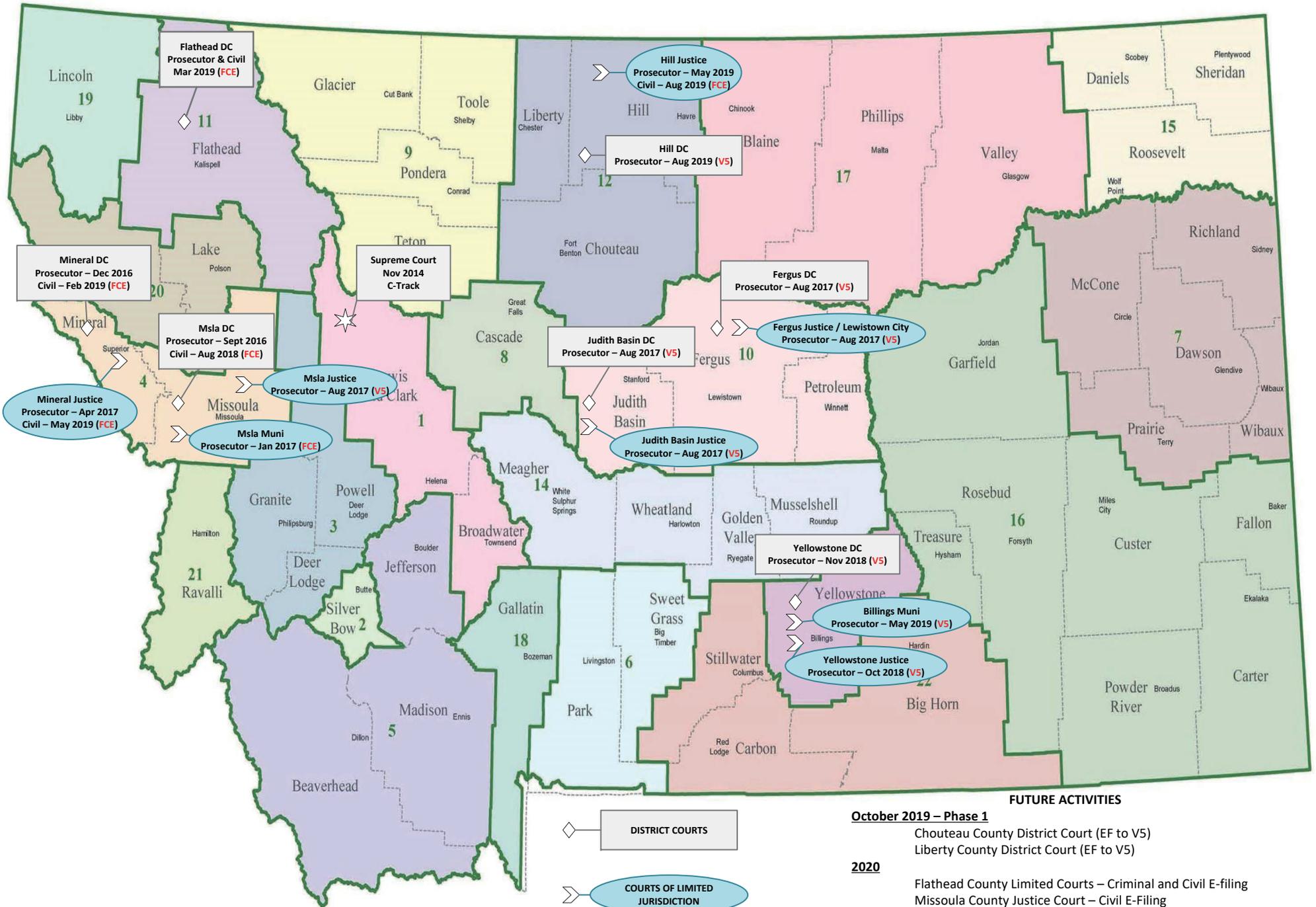
## ➤ 2014 - Prosecutor Initiated Case Review

➤ <https://courts.mt.gov/portals/189/efile/docs/combo-major.pdf>

## ➤ 2017 - General Civil Case Review

➤ <https://courts.mt.gov/portals/189/efile/docs/majorcasereportcivil.pdf>

# State of Montana Judicial Districts



**FUTURE ACTIVITIES**

**October 2019 – Phase 1**

- Chouteau County District Court (EF to V5)
- Liberty County District Court (EF to V5)

**2020**

- Flathead County Limited Courts – Criminal and Civil E-filing
- Missoula County Justice Court – Civil E-Filing
- Yellowstone County District Court – Civil E-Filing

# E-Filing Production Implementation Dates

Phase 1 – DC Criminal, Juvenile, Involuntary Commitment, Dependent Neglect, Developmental Disability

Phase 1 COLJ – Criminal

Phase 2 – DC General Civil, Domestic Relations

## November 2014

- Montana Supreme Court

## September 2016 – Phase 1

- Missoula County District Court (EF to V5)

## December 2016 – Phase 1

- Mineral County District Court (EF to V5)

## January 2017 – Phase 1

- Missoula Municipal Court (EF to V5)

## April 2017 – Phase 1

- Mineral County Justice Court (EF to V5)

## July 2017 – Phase 1

- Fergus County District Court (EF to V5)

## August 2017 – Phase 1

- Missoula County Justice Court (EF to V5)
- Fergus County Justice Court (EF to V5)
- Lewistown City Court (EF to V5)
- Judith Basin County District Court (EF to V5)
- Judith Basin County Justice Court (EF to V5)

## June 2018 – Phase 2

- Missoula County District Court (EF to FCE)

## August 2018

- Missoula Municipal Court (EF to FCE)

## October 2018 – Phase 1

- Yellowstone County Justice Court (EF to V5)

## November 2018 – Phase 1

- Yellowstone County District Court (EF to V5)

## February 2019 – Phase 2

- Mineral County District Court (EF to FCE)

## March 2019 – Phase 1 & 2

- Flathead County District Court (EF to FCE)

## May 2019 – Phase 1

- Billings Municipal Court (EF to V5)
- Hill County Justice Court (EF to V5)
- Superior City (EF to FCE)
- Alberton City (EF to FCE)

## May 2019 – Phase 2

- Mineral Justice Court (EF to FCE)

## August 2019 – Phase 2

- Hill County Justice Court (EF to FCE)

## August 2019 – Phase 1

- Hill County District Court (EF to FCE)

## FUTURE ACTIVITIES

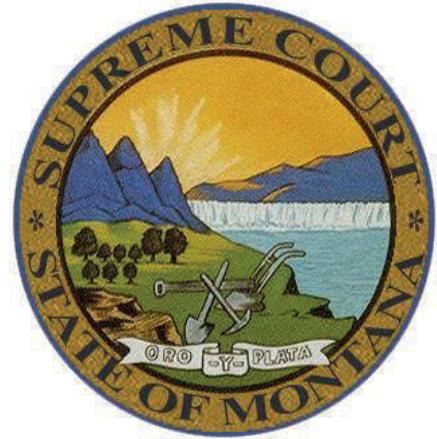
### October 2019 – Phase 1

- Chouteau County District Court (EF to V5)
- Liberty County District Court (EF to V5)

### 2020

- Flathead County Limited Courts – Criminal and Civil E-filing
- Missoula County Justice Court – Civil E-Filing
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# Montana Supreme Court E-Filing Automation Committee



## *Statistics as of 10/15/19*

### Active, Registered E-Filers:

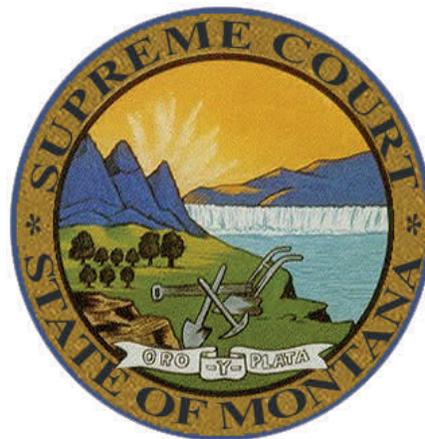
- 1 Chief/6 Supreme Court Justices
- 1 Clerk of the Supreme Court
- 30 District Court Judges
- 12 Limited Court Judges
- 33 Clerks of District Court
- 1745 Prosecutors/Attorneys
- 97 Court Reporters
- 272 Case Participants
- 1218 Authorized Staff
- 1 System Administrator
- **3,416 total active users**

### Total Filings:

Filings Submitted	Number of Cases	Court
38687	2778	Montana Supreme Court
79373	10290	Missoula County District Total
34601	3511	Missoula DC V5
44772	6779	Missoula County District Court
4292	478	Mineral County District Court
27876	9136	Missoula Municipal Court
1921	511	Mineral County Justice Court
8940	562	Fergus County District Court
1113	247	Fergus County Justice Court
21635	4707	Missoula County Justice Court
1277	275	Lewistown City Court
1164	55	Judith Basin County District Court
714	146	Judith Basin Justice Court
7578	2572	Yellowstone County Justice Court
40605	5237	Yellowstone County District Court
20298	3422	Flathead County District Court
7143	3037	Billings Municipal Court
728	372	Hill County Justice Court of Record
9	4	Town Court of Superior
2	1	Alberton City Court
785	163	Hill County District Court

A total of 264,140 filings on 43,993 cases since project inception.

# Montana Supreme Court E-Filing Automation Committee



## *Request for Guidance on Open Items*

### **Business Process/Workflow Clarification**

1. Attorney/Prosecutor "mis-match" now that we are filing civil cases.
2. Advisability of withdrawing OPD attorney as counsel of record for closed DN cases.

### **Statewide Program Decisions**

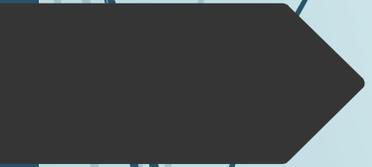
1. Expansion of e-filing to additional case types vs. continued implementation of current system.
2. Varying requirements among courts create confusion for e-filers.
3. System-wide outage notifications – optimum time for sending notifications.

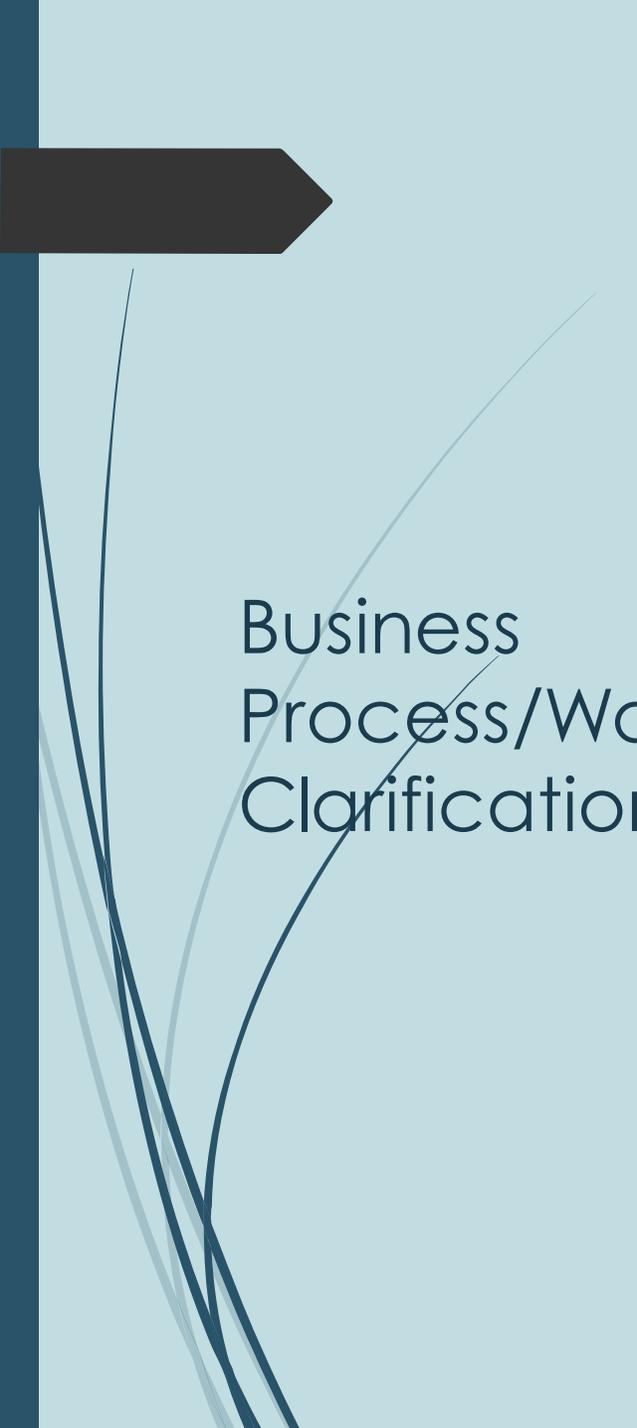
### **Technical/System and Wish List Items**

1. Items that will have statewide benefit and are within scope of "maintenance hour" funding – enacting these enhancements will have no budgetary impact.
  - Ability to submit a proposed order with no Certificate of Service.
  - Ability for limited court judges to sign summonses.
  - Ability to apply "proposed order" workflows to other filing types/subtypes.
2. Items that we do not currently have quotes for but that we believe would be of the biggest benefit statewide:
  - Ability to store some of the routinely used names/addresses of additional service recipients.
  - Ability to add multiple attorneys at case initiation.
  - Ability for an e-filer to add multiple "secondary" email addresses to receive eService.

3. Items for which we have quotes but for which there is currently no funding available.
  - Judge Review enhancements: a.) Request Emergency designation; and b.) Ability to add comments from the judge to the clerk.
  
4. Unprioritized "Wish List" items that are beyond current funding capability.
  - Ability of a judge to select a specific page on which to electronically sign.
  - Ability to upload hearing recordings.
  - Multi-case filings of the same document (DN cases specifically).
  - In the clerk review queue: ability to sort by various criteria, including by judge; this requires addition of judge field to review queue listing.
  - Ability to not have a payment made until a filing is accepted by the clerk, rather than when it is submitted by the filer.
  - Ability to add multiple money transactions to the same cart and then have the payment distributed to the multiple cases and courts. Currently limited to one money transaction per submission.
  - "Real" or authenticated judge signatures.
  - Method for judges to not have to save and replace a modified Word document.
  - Potential to automatically strip metadata from all judge-signed documents.
  
5. "Big Concept" items that are well beyond current funding capability.
  - Self-represented litigants. This will require a separate RFP and funding source.
  - Ability of parole officers or CASAs or court reporters to view cases (note that this may need to await the evolution of self-represented litigant access).
  - Ability for e-filers to directly interface with legal service providers.
  - Method whereby clerks of court could "serve" parties with court orders.
  - Four Judicial Districts (multi-judge, multi-county) in which the judge review queue is not available across the entire judicial district.

# Requesting Guidance

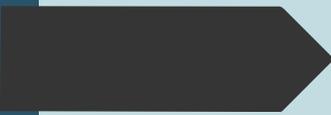




## Business Process/Workflow Clarification

- Attorney/Prosecutor Mis-Match
  - Occurs because we are now filing civil AND criminal cases
  - E-filing “role” must match the court CMS designation; if not, there is no access to the case for that attorney
  - Affects attorneys working for AG’s office, county attorney offices, and other governmental agencies
  - We would like to set a “standard” so that courts are not guessing which to use.

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- ▶ Advisability of withdrawing OPD attorney as counsel of record for closed DN cases
    - ▶ Attorney no longer with OPD has new staff that can access closed cases.
    - ▶ An attorney we've talked to prefers not to e-file because of the security risk.
    - ▶ Mandated e-filing now in some courts.



# Statewide Program Decisions



- ▶ Expansion of E-Filing to additional case types
  - ▶ Statutory Lien, Probate, Guardianship, Adoption, Paternity cases at the District Courts
  - ▶ (Small Claims cases at Justice Courts)
  - ▶ Order of Protection cases at all trial court levels.
- ▶ We would hold Major Case Reviews
- ▶ This would hamper our ability to press forward with current implementation plans at courts who are eager to have e-filing of current case types.

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- ▶ Varying requirements from court to court create confusion for e-filers.
    - ▶ E-Filing design contemplated a “least-restrictive” approach
    - ▶ Court clerks and judges prefer very specific e-filing formats
    - ▶ Acceptance of various forms varies between courts.

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- ▶ System-wide outage notifications – optimum time for sending notifications
    - ▶ We try to assess the severity of the problem and see if it can be quickly resolved; this in itself takes time.
    - ▶ Problems may affect only one court.
    - ▶ Problems may affect only a certain percentage of filings.
    - ▶ Disruption from sending statewide notice interferes with work on a solution.



## Technical/System Items

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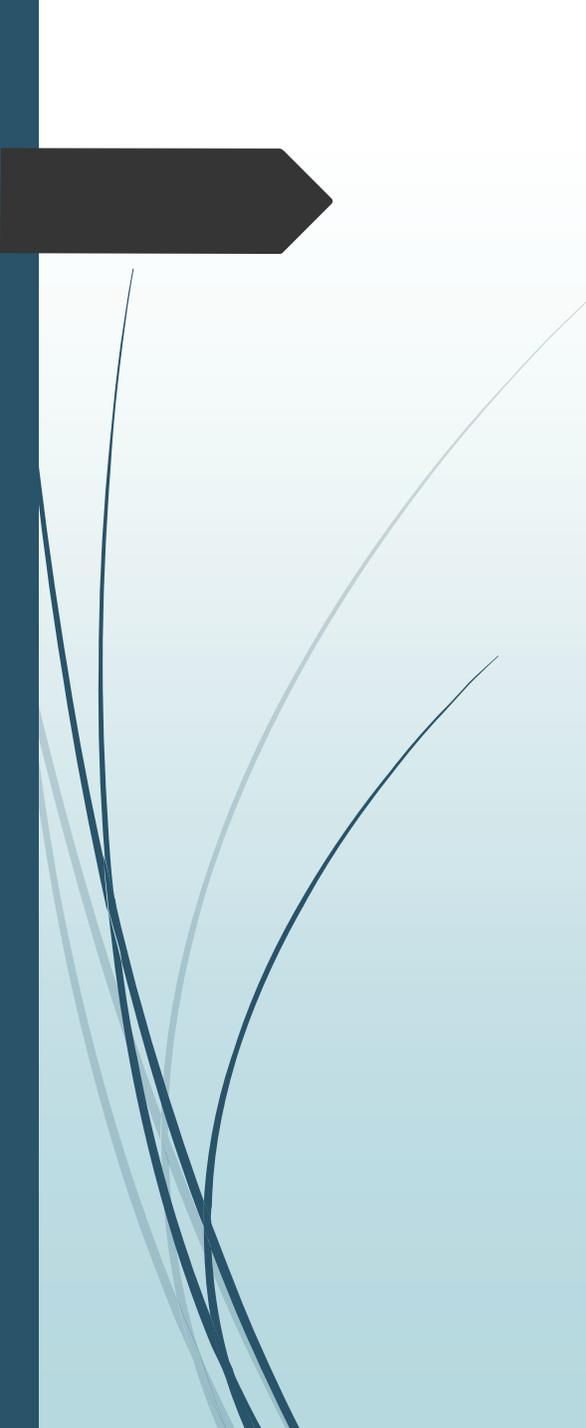
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