

## JUSTICE FOR THE NEXT MILLENNIUM

The Vision . . .

Imagine . . .

. . . millions of Americans with home or office computers being able to sit at their own desk and interact with the court system in a meaningful and substantive manner.

Imagine . . .

. . . an attorney in a small, under staffed rural firm attempting to provide their clients with the same representation possible from a large metropolitan firm. With only a simple Windows based PC or Apple Macintosh and an Internet connection, the small firm can compete and win. What used to take hours or days to research, and then with only partial certainty of thoroughness, now takes seconds. Research at the touch of a button, an assurance that every filing pertinent to the issue is retrieved, and instantaneous notification of additions or changes to a file allow the small firm to perform as though a staff of hundreds were hard at work. When it is time to file, the busy attorney (or pro se) can retrieve the desired form or submit a unique document directly to the correct court department without ever leaving their office.

Imagine . . .

. . . a researcher who previously spent hour after hour pouring over books and files trying to find connections or correlations between cases, transactions or individuals. This process rarely occurred without the assistance of one or more court staff and consequently prevented that person from accomplishing other equally important duties. With an EDMS, this researcher could, from the comfort and convenience of their own home, complete hours of research in minutes. If it is interaction with court staff that is desired, it is at the convenience and not the obligation of either party.

Before the implementation of EDMS, it was necessary to travel a distance, wait for hours in line and engage multiple members of the Clerk's staff to perform simple and mundane tasks like photocopying and basic information retrieval or confirmation. To simply

confirm that a document is in the building for which it was intended might require an entire afternoon. After the efforts of multiple people have been expended and the "customer" frustrated, the answer to the question, "Did you receive my filing?" remains unanswered.

The years ahead promise to be filled with changes that come at the speed of light. Technological leaps occur every day – some advances will make our lives easier and some will be forgotten moments after they are conceived. To recognize the best of the best in information technology is important to the growth and momentum of a twenty-first century organization. Digital Data Resources, Inc. is proud to be your partner in the study and exploration of the many valuable information technologies available today and those just around the corner.

This report will present you with an analysis and recommendations for technologies, strategies and methodologies that will allow the Judicial System to serve the diverse needs of Iowa's citizenry. The role and responsibilities of the Courthouse and the Judicial system continue to grow – it is critical that a proactive vision of how the courts must operate in the next millennium be embraced.

Thank you for the opportunity to submit this feasibility and implementation study of Iowa's Clerk's of District Court.

## **EDMS OVERVIEW**

An Electronic Document Management System or "EDMS" is a system or method of doing things with a computer that previously could only be done on or with paper. With an EDMS, digital images and computer data replace paper documents and physical files. Rather than "push" paper and store mountains of files, users of an EDMS work from a computer system and a "paperless" file. Components of a traditional EDMS frequently include:

- Scanned (digitized) images
- Comprehensive user friendly databases
- Automated, electronic workflow software where feasible
- CD-ROM or other optical storage media for long term storage
- Electronic communication (e-mail or similar messaging)
- Internet or other external access to files and systems

This document will report on the feasibility of implementing an EDMS in the Iowa District Courts System. It will recommend standards, procedures and architecture relating to the implementation of a comprehensive system. Further, we will offer advice on successfully installing and utilizing a system to its fullest potential.

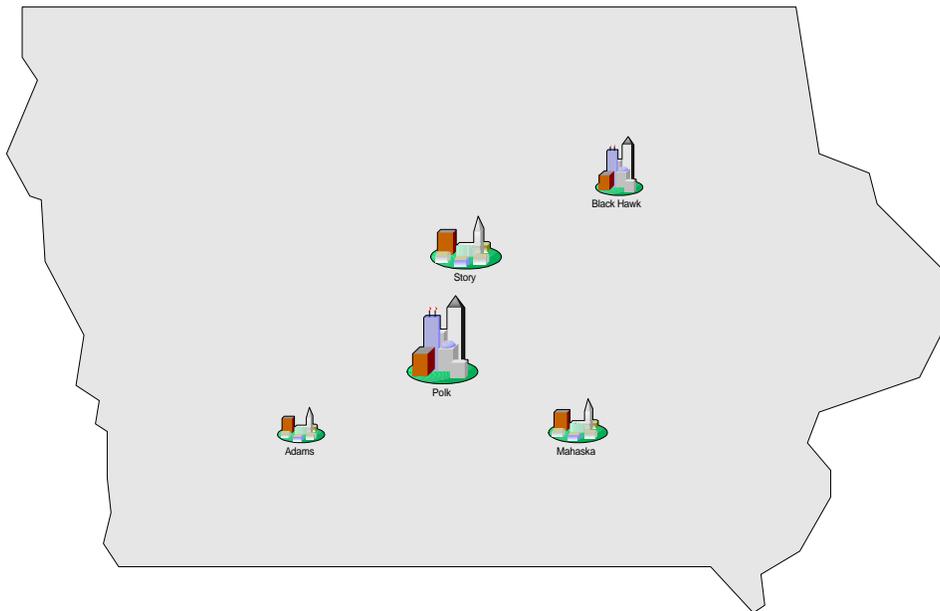
It is our opinion that an EDMS will result in tremendous benefits to both the Judicial Department and the general public. Time, space and money will be saved while positively affecting both job satisfaction and the public's interaction with the Judicial System.

## COUNTIES OF STUDY

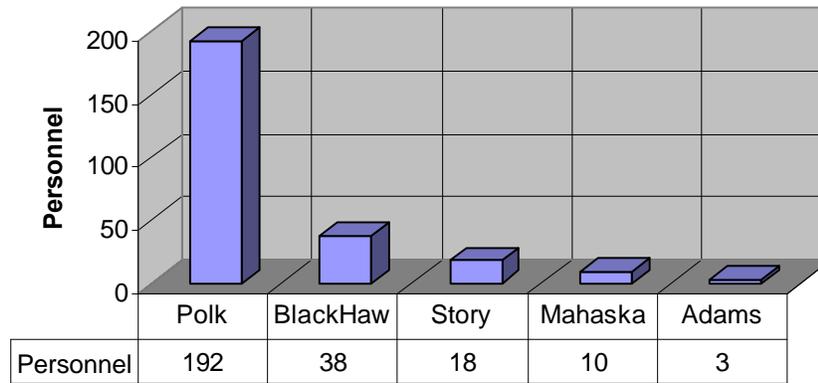
Digital Data Resources, Inc. has performed a study of five county courthouses in Iowa:

- ❖ **Polk County** in central Iowa
- ❖ **Black Hawk County** in northeastern Iowa
- ❖ **Story County** in north central Iowa
- ❖ **Mahaska County** in southeastern Iowa
- ❖ **Adams County** in southwestern Iowa

## State of Iowa EDMS Study Sites



### Courthouse Personnel within Counties of Study



In completing this study, DDR approached each clerk's office as a unique and complete entity that, in the course of fulfilling its primary functions, must interact frequently and comprehensively with a number of external agencies and organizations. These interacting organizations may or may not have compatible or complimentary technology or methods and thus can not entirely be ignored or relied upon for cooperation.

In the following section, named "Current Environment," we will discuss our observations and opinions as they relate to the feasibility of implementing an EDMS.

## FEASIBILITY OF AN EDMS IN IOWA'S CLERK OF DISTRICT COURT

Among the many questions we explored in beginning our feasibility study was the possibility that the implementation of an EDMS in smaller counties may not be cost effective and may not assist the county in serving the public better. Our conclusion is that properly established and administered the implementation of an EDMS is quite feasible and infinitely beneficial to the state and citizens of Iowa.

The conclusion we have reached with regard to smaller counties is that to be most valuable and to allow the greatest return on investment it will be necessary to view the implementation of an electronic document management system as a statewide initiative with hardware and software resources shared whenever feasible and dedicated to individual counties when appropriate. While we have analyzed only five (5) counties, based on our experience in almost twenty other counties and consultation with ICIS, we believe that they are a very representative sample.

For maximum feasibility, Iowa's nine (9) largest counties should be self-sufficient, possessing all hardware and software necessary to comprise a fully functional "stand-alone" EDMS. The nine counties that comprise our recommendation are:

- |               |                  |             |
|---------------|------------------|-------------|
| 1. Polk       | 4. Johnson       | 7. Linn     |
| 2. Black Hawk | 5. Pottawattamie | 8. Scott    |
| 3. Dubuque    | 6. Story         | 9. Woodbury |

The remaining ninety-one (91) Iowa counties should be split up into four regional "clusters," each sharing the hardware and software necessary to administer and operate a fully functional EDMS. We recommend the following regional clusters:

- |                                       |                               |
|---------------------------------------|-------------------------------|
| 1. First, Sixth and Seventh Districts | 3. Third and Fourth Districts |
| 2. Second District                    | 4. Fifth and Eighth Districts |

To operate an EDMS it is necessary to maintain both an EDMS server and EDMS clients (users). It is not necessary however that they be in geographic proximity. Workload and specific needs of smaller counties can be effectively handled by large EDMS servers located at four multi-county administration locations. While the server and data storage functions would be in one location each county would be attached to the server via the

ICN and would operate as a client. Not only does this method support rapid return on investment but allows for faster and more effective technical support - something already in great demand at the county level.

When the Clerk's offices were not under the state's umbrella, it was understandable that policies and procedures would vary greatly from office to office. Now that all county Clerks fall under a single governmental department or entity with sufficient authority to require compliance, it seems to be reasonable and would certainly be beneficial to seek commonality and conformity of procedures and practices. As many would surmise, this concept has been met with great skepticism and resistance at all levels when implied or mentioned during the analysis of various counties. It is easy to understand why this subject might be unpopular, but in making recommendations to the state, DDR has provided objective recommendations to you as to the best products and methods.

It is our conclusion that the Clerk of District Court is an excellent environment for the implementation and effective usage of an electronic document management system. There is a consistency of workflow that is shared by all offices not immediately apparent to the casual observer, but nonetheless it does exist. It is this procedural consistency combined with the volume of work that makes an EDMS a natural and desirable choice for Iowa's Clerk of District Court.

Currently, a document enters the Clerk's office from either an internal or external source and it is dealt with by one or more individuals in the clerk's office. Data entry or other actions are taken based on policy or law, and the document is physically moved to another internal or external party for similar activity. Often many individuals will "handle" the document and each may or may not take action based on the document and their role in its progress.

When all necessary parties have performed their particular task, the document is physically filed away for a variable period of time. If a hearing or trial is necessary the document and all other documents related to it are physically moved from a particular storage location and are delivered to another individual for action. The file or related

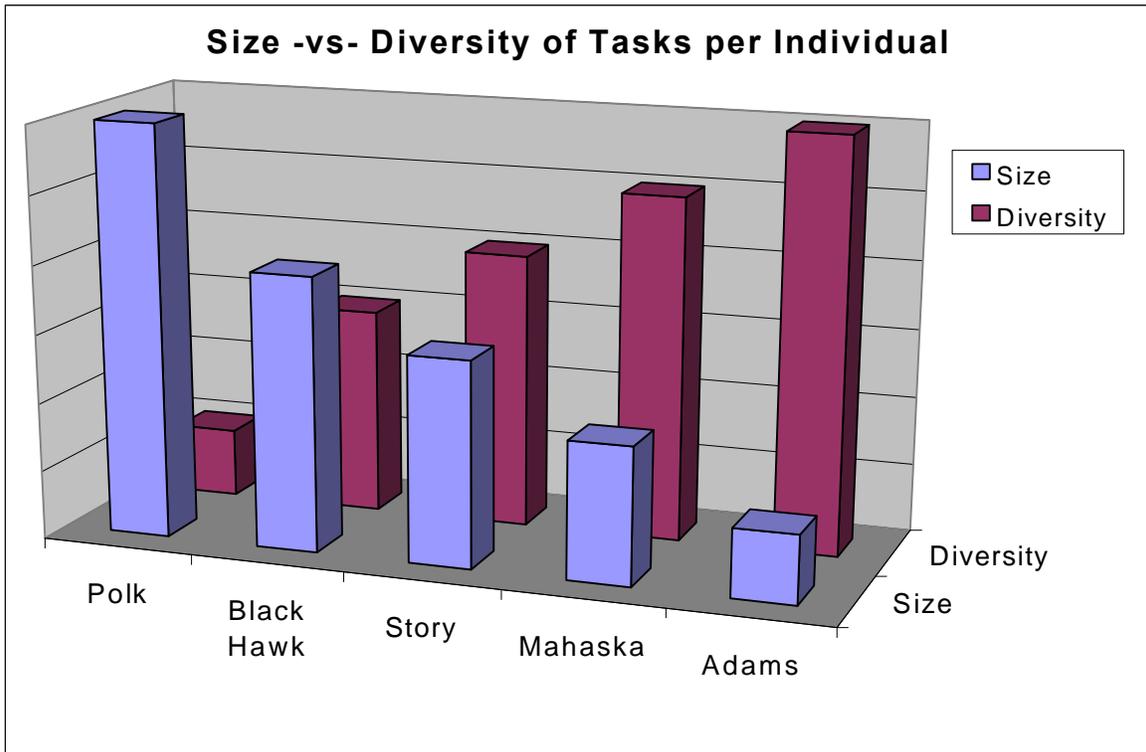
documents undergo an addition of data (disposition, ruling, order etc...) and the file returns to the clerk's staff or court administration for further data entry and distribution before returning to the predefined storage location.

All tasks appear to fall under one of the following generic classifications (no particular order):

- Receipt
- Data Entry
- Routing/Distribution
- Decision Making
- Origination/Creation
- Duplication
- Holding/Temporary Delay in Activity
- Long Term Storage or Filing

The inconsistencies, where they exist, are primarily in the area of specialization or division of labor. Large offices require that each individual do only a limited, very specific part of the overall process. While on the other hand, the smaller offices consolidate many tasks and steps in one or a small handful of individuals. This means that although the workload in larger counties is exponentially greater, it is able to be completed in much the same manner as an assembly line creates a complex finished product from a hundred separate pieces. While the workload is manageable in smaller counties, it is more demanding of individual staff members as one person must learn how to handle the nuances and specific requirements of all case types and each process that is applicable.

This degree of specialization and its relationship to the county's size is generically represented in the following chart:



What we are describing is an internal, statewide flexibility and adaptation strategy to accomplish the same set of tasks despite dramatic variations in both resources and workload.

## Benefits

The Clerks' office will experience tremendous benefits from the implementation of an electronic document management system. The vast majority of Clerks' staffs and external agencies we have interviewed share this position. The opinions of these employees are invaluable to evaluating a project's potential as they are most directly and profoundly effected by the ever-increasing workloads, lack of storage space and public access issues. The ICIS system has been an excellent tool in helping the Clerks keep up as workloads and requirements have increased over the years, but it is time now to do more. The implementation of an electronic document management system will **benefit the Clerk's Office** in the following areas:

- **Reduced Physical Storage Needs** – by storing all paper as images on the “front end,” the need for storage space will not only cease to grow but will actually be reduced as documents age, are purged or destroyed.
- **Time Savings** – electronic processes are faster and easier than physical processes.
- **Workload Reduction** – electronic filing reduces both handling and data entry requirements, more effective utilization of court staff.
- **Greater Accuracy/Fewer Errors** – greater burden for accuracy placed on the document's originator and reduced incident of human error.
- **Increased Efficiency**
- **Minimized Duplication of Effort** – workflow ensures efficient processing.
- **Greater Job Satisfaction**
- **Faster Information Turn-Around/Processing** – instant access to information, reports, schedules and files.
- **Financial Savings** – reduce or eliminate the persistent need for both storage space and additional personnel.
- **Workplace flexibility** – work-at-home data entry and other innovative and efficient employment techniques.
- **Around the Clock Access to information and files.**

By making information infinitely more accessible via an EDMS and the Internet, we are creating a number of benefits for the public and users as well:

- **Increased Accessibility** - A twenty-four (24) hour courthouse that is user friendly and does not place an unreasonable burden on the Clerk's staff or the Judicial Department.
- **Standard Forms Accessible** - print on demand or over the Internet. (See list of ABA forms in Appendix 6 –these items may be good candidates for digital rendering)
- **Online Instructions and Rules on interacting with the Judicial System.**
- **Cost and Time Savings** – easy, efficient interaction with the Judicial System.
- **Reduced Copying and Mailing Costs** – distribution by fax or e-mail.
- **Reduced Telephone and "In-Person" Inquiries** – Internet access to information previously requiring personal assistance.

A more detailed description of the financial and related benefits can be found in the sections of this report dedicated to each individual county.

## Recommendations

To provide the greatest level of benefit and the most efficiency there are a number of complimentary and interdependent technologies being recommended. These technologies include:

- ❖ Digital images and documents in a standard format (Adobe PDF).
- ❖ E-mail to facilitate communication and effortless interaction between staff.
- ❖ Workflow within the Clerk's office for automated routing of documents and a degree of standardization in decision making.
- ❖ The Internet and XML based web processes including electronic filing, ICIS reports, schedules and intradepartmental transference of data.
- ❖ **Electronic Forms for common transactions (PDF or Internet forms).**  
(See list of ABA forms in Appendix 6 –these items may be good candidates for digital rendering)
- ❖ Electronic Payments of filing or other fees (credit card, draw down/escrow account or Electronic Data Interchange).
- ❖ Enhanced ICIS abilities including image enabling of the Oracle database.
- ❖ Fax Servers to both receive images electronically and to perform distribution tasks.
- ❖ Electronic record storage and retrieval instead of storing paper documents.

### **Digital images and documents in a standard format (Adobe PDF).**



Adobe Systems (San Jose, CA 408-536-6000 [www.adobe.com](http://www.adobe.com)) developed its Adobe Acrobat software for creating PDF files in 1993. It provides a tool to view and store electronic documents in a way that is independent of the application that created them. The format maintains the exact look and layout of any document, including columns,

pictures, logos, etc. PDF files also can be viewed from any platform by way of a free viewer, making it a cost-effective way to distribute documents.

Among the other advantages of PDF are its ease of use and versatility in publishing to print or to the Web. PDF files can be distributed as a non-revisable format. This can be a tremendous advantage for the court system in seeking a static document format that is distributed for viewing purposes only.

It is important to note that PDF is no longer a single-vendor solution. Adobe has opened the format for industry development. Users can now select from a wide range of vendors offering PDF conversion tools, viewers and plug-ins, though the public and those wishing to participate in electronic filing will not be required to have Adobe's product or utilize the PDF format in sending data. Conversion to PDF would occur at the Clerks office.

PDF and the Internet language XML are both compatible and complimentary. This complimentary nature of PDF and XML is driven by Adobe itself, which has added support for XML in the new version of its product FrameMaker 5.5.6 and FrameMaker +SGML. Adobe FrameMaker is a document-authoring-and-publishing solution that combines work processing, page layout, graphics, color features and online distribution capabilities in a single package. Users can automatically create PDF files without having to first print to Adobe PostScript.

FrameMaker+SGML 5.5 lets users create SGML (Standard Generalized Markup Language) structured content in a dynamic environment without having to be experts in coding this language. SGML is the international standard for defining descriptions of the structure and content of different types of electronic documents.

With the ability to export documents to XML (Extensible Markup Language), users can use FrameMaker to create searchable content that can be published on the Web. It is ideal for handling complex documents that are hundreds or even thousands of pages long.

- ❖ Rich delivery format for display & print
- ❖ Multi-media and platform support (i.e. print, CD-ROM, Web).
- ❖ Easy to present and print documents via intranets/Internet.
- ❖ In wide use today
- ❖ Low-cost distribution with a free viewer. Simply click the icon below on the Adobe Web page and it will be downloaded to any computer free of charge.



- ❖ Ease of training –the software is simple and intuitive.
- ❖ Document is protected in non-revisable format.

Please see Appendix 1 for more information from the Adobe web site.

### **E-mail to facilitate communication and effortless interaction between staff.**

Many businesses today find electronic mail or "e-mail" and electronic, computer based communication a valuable and often indispensable tool and resource. Memos, communications and files are quickly and effortlessly transmitted from one PC to another instantly regardless of the physical distance between the two parties.

Sent or outgoing messages are stored on the sender's computer for later review or re-sending if there appeared to be a problem with the first transmission. Messages that are received by a user are stored as well and can easily be forwarded on to yet another party or list recipients if desired.

E-mail is not limited to inter-office communication but is highly effective for communicating with the public and attorneys. Study after study has proven that the number of people who utilize e-mail at home and/or the office is growing exponentially. The percentage of professional people, like attorneys, is even higher than the general public in number of people who use e-mail on a regular basis. Please refer to the ICIS questionnaire to attorneys regarding e-mail and other computer usage for more details on the exponential growth in these and other related technologies.

Many programs can perform e-mail functions, these include but are certainly not limited to the following packages:

- Lotus Notes
- Microsoft Outlook
- Netscape Navigator
- Hotmail (free internet mail service)
- America Online

E-mail is independent of platform as well so those using a PC and those using an Apple computer can communicate and share information.

It is our impression that federal government agencies and departments that use e-mail are required by law to electronically store all incoming and outgoing messages indefinitely. To reduce risk and for quality control reasons we recommend the same policy for the Clerk of District Court. Many workflow and EDMS packages have developed special modules to ensure that all messages are stored in accordance with the law. Any solution selected by the State of Iowa should have this feature.

**Workflow software for automated routing of documents and a degree of standardization in decision making.**

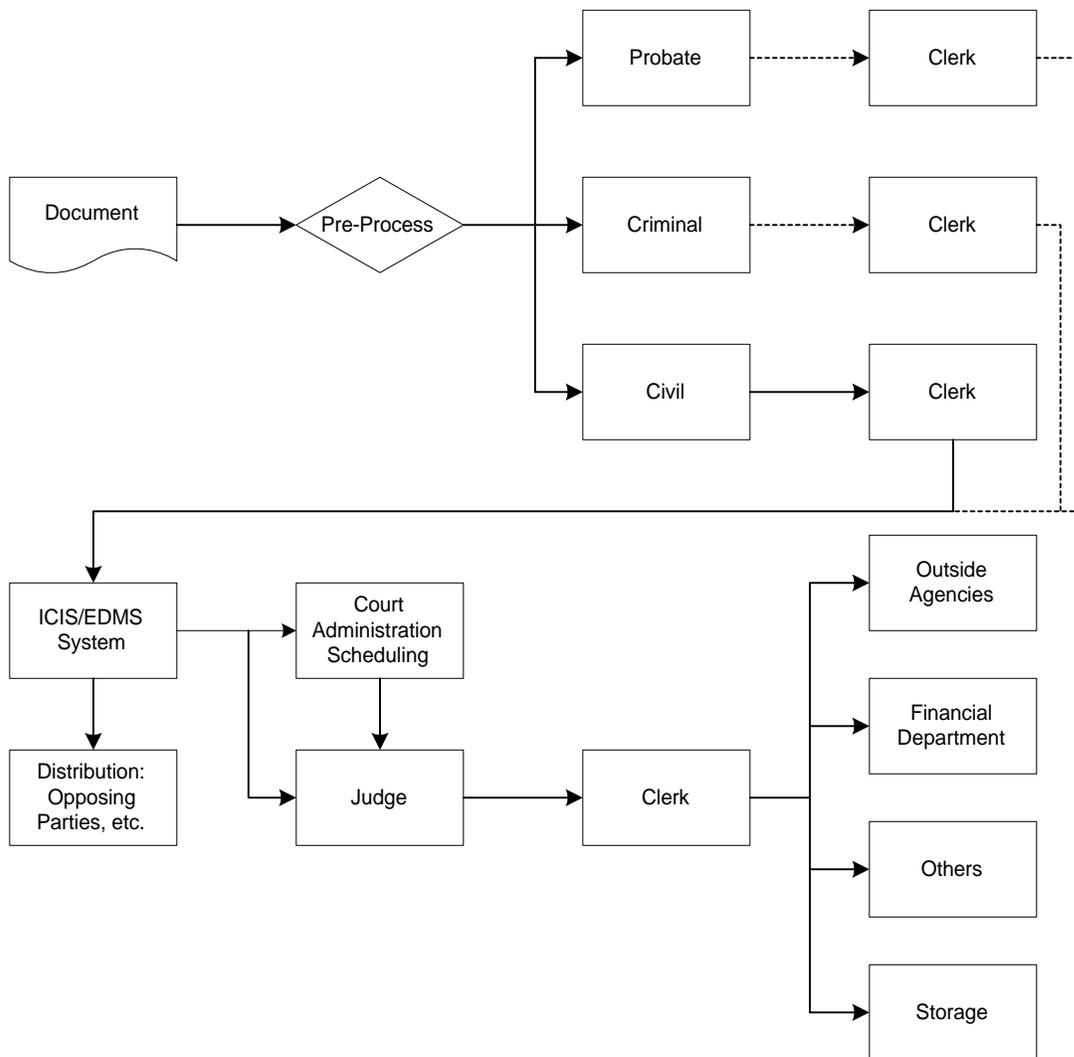
Workflow is much more than simply process automation, it is a powerful tool to solve diverse business problems. In the past, workflow was viewed a method to cut costs and reduce errors but now it is more often a method of driving progress and successfully dealing with a whole host of unanticipated issues.

The term "workflow" as applicable to this report means the process of training, using or allowing software to move an image or a piece of data from one user to another and in doing so ensure that all required processes or steps are successfully completed before it

is done. This may mean the system will require that information found on an imaged document must be entered into ICIS in a particular way by a particular person before the user can send it to Court Administration for scheduling, or perhaps a certain individual must certify or reject a document before it can be archived away.

Workflow could be particularly useful when documents enter the building (by whatever method) and are either scanned or otherwise committed to the EDMS. If the document is a Probate matter then it will automatically and electronically be routed to the appropriate person or department and await the next activity. If it never receives the attention required it can send itself to a supervisor's computer with a message describing what has already occurred or not occurred. This ensures that documents are processed in a timely manner, by the correct people and "just in time" rather than "just in case."

Each courthouse we analyzed felt strongly that its processes and methods were different than those in other counties. On a very specific level, each office used its personnel and resources in different ways based on their volume of work and the necessary level specialization for each employee. It was actually a high degree of consistency that our analysis ultimately uncovered. We noted that there was a great deal of similarity in both process and outcome and this fact makes workflow and an electronic document management system very feasible.



### Sample Workflow Path

*DDR recommends that the Workflow solution chosen have the following features and attributes:*

- It should insure that documents are routed in a standard, controlled and expeditious manner
- It must be flexible and accommodate exceptions to the configured model by assigning specific users with rights to add or exempt stages on an ad-hoc basis

- It must be able to forward documents without delay to each successive stage
- It must be able to automatically distribute documents to specific work groups
- The system should monitor and measure the time it takes to complete a process
- It should have audit Queues or other similar methods to allow periodic quality assurance
- It must be able to allow Internet access so that outside users can interact on some level with the process if it desired and allowed by the courts.
- "Point and click" configuration should be required to allow for easy customization at the local administrator's discretion
- Must integrate with the ODBC compliant/Oracle database and with other legacy or EDMS applications

With regard to specific document paths and system or user based actions please refer to the Polk County Clerk of Court workflow study and report prepared by McGladrey and Pullen, LLP.

### **The Internet and XML based web processes including ICIS reports, schedules and intradepartmental transference of data.**

The Internet is a key component to the public access and workload reduction benefits of this project. Remote access to critical information without necessitating involvement or assistance from a member of the Clerk's staff is valuable because not only does it add time to the Clerk's day by relieving them of often mundane tasks, but it also allows the public to interact with the courts twenty-four hours a day, seven days a week – from the convenience of their home or office.

The EDMS should include the following remote access/Internet based features:

- Access to a limited number of ICIS Case Management System fields and these same fields should be provided as search options
  - Potential public information fields

- County of origin
- Case Type
- Case Number
- Parties to the Case
- A search should result in a list of "hits" or matching occurrences
- Once they narrow down the hits to their desired case or file the user should select the item they want and be given access to related files and data
- Access to the digital images that will be in the court's case file
  - When a case file is located the user should receive a listing of the documents filed (chronological listing) regardless of whether they are digital or older paper files.
  - Documents with digital images associated should be distinguished by color or a particular, easily identifiable symbol and a "link" to retrieve the images
  - The list of documents may contain distinguishing information such as:
    - Document Name
    - Date Filed
    - Who Filed the Document
    - Other key indexes
- Access to trial scheduling information
  - Users should be able to search by date and county to retrieve a list of trials with the following possible pieces of information:
    - Time
    - Location
    - Judge
    - Case Number
    - Parties to the case
  - Links to the electronic case files that pertain to each scheduled trial
  - Links to the public ICIS information pertaining to the trial
- Access to standard forms and ABA forms if possible (Court may need to redesign some forms) as an Adobe PDF form or other more accessible format. See Appendix 6
  - Drop down menu of available forms

- "Search for form" feature based on name and subject matter
- Ability to submit an electronically completed form – see above
  - Forms must have
    - The necessary registration information
    - Personal information
    - Financial information/filing fees etc...
      - ◆ Credit Card Number
      - ◆ Draw-down account (primarily for law firms)
      - ◆ Other methods
- Ability to communicate with the Clerk's Office
  - Simple electronic message
  - Attach a file (some file type limitations should be determined)
  - Note: Any message to the Clerks office should kick off a return message to the sender's e-mail to confirm both the sending and the electronic receipt of the message
- Access to rules, procedures and general contact information
  - Court Rules
  - Link to the Iowa Code
  - How to serve on a Jury
  - What is expected of a witness
  - Court dress code – anything you want the world to know
  - Phone numbers
  - Fax Numbers
  - Mailing Addresses
  - E-mail addresses for key court offices and personnel
- Ability to pay fines and other fees without physically visiting the courthouse – this may increase the time frame and number of successful collections
  - This may be particularly useful with:
    - scheduled violations and
    - motor vehicle offenses
  - Payee should be required to provide:
    - Credit card number

- Social Security number
  - Detailed biographical information (the usual, plus mothers maiden name etc...)
  - The case number
  - Anything else that will assist the Clerk in identifying and properly crediting the payments
- Incomplete or insufficient information results in a rejected payment

### **Electronic forms for common transactions (PDF or Internet forms).**

Below you will find an image of a commonly used form and a PDF form of the same document. Note that they are very similar in appearance though the PDF form has “drop down” menus or boxes where the other has “blanks” to be manually filled in. The PDF form will allow the user to sit at any computer terminal and tab to each required field and accurately fill out the document. If a field is not completed correctly the system knows it and will reject the form and return it as not successfully filed. This forces some level of consistency and reduces the amount of data entry required by the Clerk.

The following page has a sample of what an electronic form might look like next to an image of the original form. Digital Data Resources, Inc. scanned the original form, converted the image (TIFF) to a PDF format (see section on Adobe PDF above) and then created an interactive form from the image. The process was relatively fast and easy. This is a process that could either be done by a vendor for a fee or internally by the Judicial Department. In either case, a committee should be established to design the forms and to ensure that any “select from a list of options” features contain all necessary options and that they are all accurate.

NOTICE OF GARNISHMENT Form 101-C Revised 5/1/96

IN THE IOWA DISTRICT COURT  
FOR \_\_\_\_\_ COUNTY

\_\_\_\_\_  
vs. Plaintiff(s)  
\_\_\_\_\_  
Defendant(s)  
Address \_\_\_\_\_

NOTICE OF GARNISHMENT  
LAW NO. \_\_\_\_\_  
EQUITY NO. \_\_\_\_\_  
SMALL CLAIM NO. \_\_\_\_\_

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based on a Judgment against you and the Garnishment was served on \_\_\_\_\_ who has answered that He/She/It (Strike two) is indebted to you.

YOU ARE FURTHER NOTIFIED that unless you file a Motion, Answer, or other appropriate pleading to contest the Garnishment within ten (10) days from the date this Notice was served on you explaining why you think these funds are exempt from execution under state or federal law, a Court Order will be entered condemning the funds and the funds will be applied against the Judgment. Some examples of exempt funds may include social security benefits, A.F.D.C., general assistance, veteran's benefits, and unemployment compensation. These examples are not a complete list and are not meant to be.

ANY Motion, Answer or other pleading that you file to contest the Garnishment must be filed in the office of the Clerk of the \_\_\_\_\_ County District Court at the \_\_\_\_\_ County Courthouse located at \_\_\_\_\_.

If you file to contest the Garnishment, a prompt hearing will be set and you will be notified of the hearing. At the hearing, you should be ready to explain to the Judge why you believe your property is exempt from the Garnishment.

Section 642.14 of the Iowa Code requires that you be told the exact language of Section 630.3A of the Iowa code. That Section reads:

At any time after the rendition of judgment the court, upon application of the judgment creditor or the judgment debtor and upon notice to the adverse party as the court shall direct, shall conduct a hearing to determine the reasonably expected annual earnings of the judgment debtor for the current calendar year and the applicable limitation upon garnishment as provided in Section 642.21. The court shall also consider in the interest of justice whether a greater amount than provided in Section 642.21 shall be exempt from garnishment. In making the determination, the court shall consider the age, number and circumstances of the dependents of the debtor, existing federal poverty guidelines, the debtor's maintenance and support needs, the debtor's other financial obligations and any other relevant information. An order reducing the garnishment may be modified or vacated upon the application of a party to the court, notice to the adverse party, and a showing of a hearing of changed circumstances. An additional filing fee shall not be assessed for proceedings under this section.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

\_\_\_\_\_  
(Plaintiff or Attorney for Plaintiff)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Phone Number)

AUTHORITY: Section 642.14, the Code, Administrative Directive - Supreme Court - dated 4/28/96.

Original Paper Court Form

NOTICE OF GARNISHMENT Form 101-C Revised 5/1/96

IN THE IOWA DISTRICT COURT  
FOR Iowa COUNTY

Blanch Roth  
vs. John  
Redmond

NOTICE OF GARNISHMENT  
LAW NO. 630.3A  
EQUITY NO. 630.3A  
SMALL CLAIM NO. 630.3A

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based on a Judgment against you and the Garnishment was served on John Redmond who has answered that He/She/It (Strike two) is indebted to you.

YOU ARE FURTHER NOTIFIED that unless you file a Motion, Answer, or other appropriate pleading to contest the Garnishment within ten (10) days from the date this Notice was served on you explaining why you think these funds are exempt from execution under state or federal law, a Court Order will be entered condemning the funds and the funds will be applied against the Judgment. Some examples of exempt funds may include social security benefits, A.F.D.C., general assistance, veteran's benefits, and unemployment compensation. These examples are not a complete list and are not meant to be.

ANY Motion, Answer or other pleading that you file to contest the Garnishment must be filed in the office of the Clerk of the Iowa County District Court at the Iowa County Courthouse located at Iowa.

If you file to contest the Garnishment, a prompt hearing will be set and you will be notified of the hearing. At the hearing, you should be ready to explain to the Judge why you believe your property is exempt from the Garnishment.

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YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

John Redmond  
(Plaintiff or Attorney for Plaintiff)

Iowa  
(Street Address)

Iowa  
(City, State, Zip)

Iowa  
(Phone Number)

AUTHORITY: Section 642.14, the Code, Administrative Directive - Supreme Court - dated 4/28/96.

Interactive Adobe PDF Version

**Electronic Payments of filing or other fees (credit card, draw down/escrow account or Electronic Data Interchange).**

The EDMS should encourage the payment of filing fees and other court imposed fines in anyway possible and convenient to the payee. This is most often by credit card and collection is accomplished by:

- Internet "fill-in-the-blank" or PDF forms
- E-mail message with required information
- Fax with required information
- ALL payments must include information on where to send both confirmation and payment receipt – internet payments should encourage e-mail responses

**Enhanced ICIS abilities including image enabling of the Oracle database.**

The ICIS system is able to hold a "pointer" to indicate and track a document's location in the system. When the ICIS screen is being viewed, a keystroke could be used to retrieve the actual documents that caused the ICIS screen to generate.

**Fax Servers to both receive images electronically and to perform distribution tasks.**

A computer rather than a fax machine should be used to both send faxes (when possible) and should always be used to receive faxes. This accomplishes a number of things:

- Faxes received as images need not be scanned
- Data entry from image is easier
- No lost faxes
- Automatically added to appropriate file
- No paper or toner costs
- Fast access to the fax
- Reception log and often sender's fax number and identification
- Cover page, if received should have all necessary or key information

It is our suggestion and recommendation that those wishing to participate in fax filings be properly registered with the state to do so. This provides a great deal of information on who the sender is before they send their first page and allows the Clerk to simply enter in their ID number when an item is received. The system should be able to use this unique ID or PIN number to retrieve the sender's identification and enter the data into ICIS automatically. Again, reducing the Clerk's workload.

An example of a registration form from the Southern District of New York's Bankruptcy Court is included for your reference and review in Appendix 2.

**Electronic record storage and retrieval instead of storing paper documents.**

Case files should be stored as digital images and ICIS case information, linked together and easily retrieved simultaneously from multiple locations around the courthouse, the state and the world.

Digital images take up no physical space, are easily duplicated and efficiently distributed.

The following section gives a detailed tour through the operation of the proposed system and the many ways a filing can enter the courthouse and be processed.

## System Operation and Features

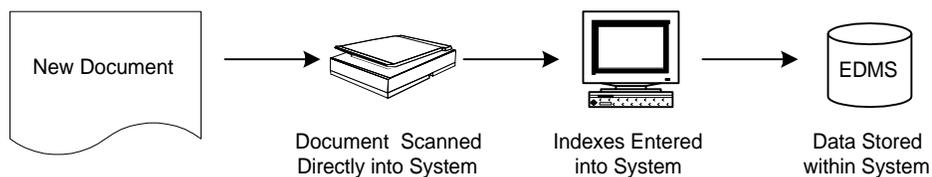
An effective EDMS should be able to receive data, manage that data and eventually archive the data safely. It should enhance current processes and not weigh staff down with a number of new rules, procedures or processes. It is our recommendation the State of Iowa implement a system with the following operations and features:

### **Data and Document Input: How information will get into the system.**

1. Paper delivered by hand or by mail and scanned to an image file
2. Faxed to a Courthouse PC and received as an image
3. Electronically submitted via the Internet or e-mail as an image or file

### **Item 1 – Paper Filings**

Paper delivered to the courthouse will be digitally imaged, or “scanned” upon receipt and a quick identification tag/index (possibly even as little as a sequential number) will be applied to the image by the individual running the scanner. The documents will be time and date stamped, much as they are today, prior to or during the scanning process. The original paper documents will be returned to the filing party directly after scanning if by hand or will be mailed back to the appropriate party (or opposing party if distribution is required) if received by mail to indicate proof of receipt.



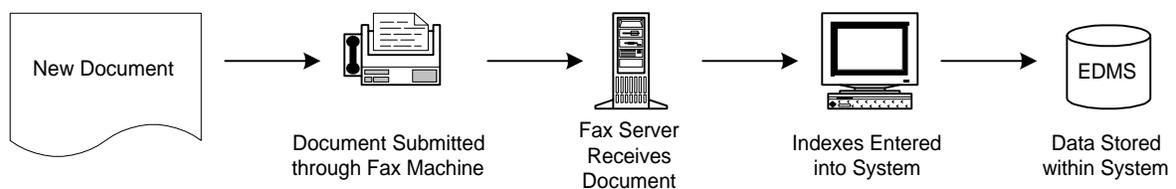
After the image is generated and the filing party has been given their stamped originals, the images will be transmitted to "pre-processing" terminals. At this stage the scanned images will be treated the same as filings delivered by fax or Internet.

The individuals at these "pre-processing" computers are responsible for limited indexing of the currently generic images (perhaps 1. case type, 2. case number and, 3. document event code) and distributing them via an electronic workflow system to the appropriate internal department or individuals (Civil Division, Criminal Division, Judge, Court Administration, County Attorney, JCS, etc...) based on the type of document and the action it requires. This process is now accomplished by manually sorting stacks of paper and physically moving them from one room, basket or desk to another until the destination is finally reached.

To ensure that the document does not undergo undue risk or exposure, a security level will be assigned to the digital image. ICIS can manage this process very effectively and assure reasonable and appropriate confidentiality can be maintained.

At the appropriate destination, the staff person will docket the images through and interface with ICIS as if they were handling the paper copy.

## **Item 2 – Faxed Filings**



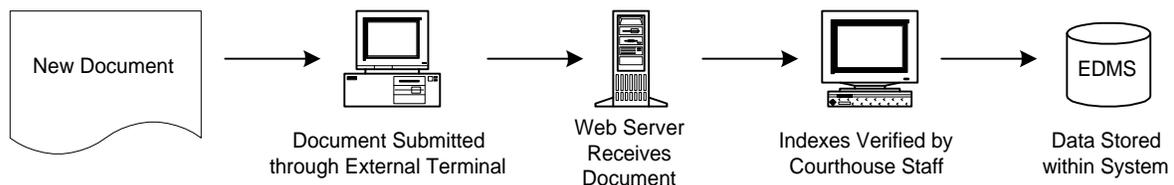
Under this option, an individual or firm will have the ability to fax a filing directly to the courthouse twenty-four hours a day, seven days a week.

The inbound machine(s) in the Clerk's office would receive faxes on a PC rather than a traditional, paper based fax machine. The images received would be time and date stamped upon receipt and the images would, as in the case of scanned paper, be distributed to the correct person or office for docketing and processing via an e-mail or similar data routing system.

Again, at the appropriate destination, the staff person will docket the images as if they were handling the paper copy.

In order to ensure that the Clerk's office has all necessary information and that all required fees are paid, a cover sheet must precede all faxed filings.

### **Item 3 – Electronic Filings**



There are two basic methods for filing a document electronically:

- ❖ E-mail Attachments (some limitations as to source file)
- ❖ Web Based Forms

E-mail attachments are dealt with very similarly to a fax as described in "Item #2" as the clerk's office will receive data that does not readily identify itself to the system and must be manually indexed and docketed by court staff. A benefit associated with this method is the sender's ability to include a message or instructions to the court in the body of the accompanying e-mail message.

The second, and most efficient, method is the "true" electronic filing. In this scenario, the filing party would log on to the Internet – presumably through the "IowAccess" page using an Internet browser of their choice. They would be asked to "log in" and provide

the court with identification such as their name, address, phone, affiliation (if any), bar number and any other data useful to the court. In addition, we would recommend that many of the fields that would later be required by ICIS be entered by the filing party and then "dumped" into the appropriate ICIS database entry fields saving time and effort on the part of the Clerk's staff.

Upon successfully following the instructions on the Internet registration page, they should be allowed six basic options:

1. File a document with the court
2. Communicate a message to the court (e-mail)
3. Acquire standardized court forms (PDF files)
4. Retrieve docketed electronic case files/images
5. View trial schedule information
6. View general information (Iowa Code link, instructions...)

It has been repeatedly recommended by the Clerk's staff that any electronic filing option be based in standardized forms and that any information entered on the form be directly transferred or transferable to ICIS to prevent the need to enter data already in an electronic, usable format. Automated ICIS population could easily occur for commonly known "index" type items such as:

- Case Number
- Case Type (Criminal, Civil, Small Claims...)
- Plaintiff
- Defendant
- Document Type/Event Code
- Date

A wide variety of other data currently derived from a paper filing can be captured at the time of electronic submission and added to the ICIS database exactly as the submitting

party typed it. This will eliminate human error on the part of court staff and reduce the volume of data entry required to complete the docketing process.

Information submitted via the web will of course be "screened" by a secure Internet firewall and will be reviewed by a qualified staff person to ensure that no unauthorized or inappropriate information is allowed to enter the EDMS or ICIS system.

When asked about this concern, court staff suggested that there is currently no method in place to validate filings or to ensure accuracy on the part of the filing party. There seemed to be confidence that the proposed system would be superior for many reasons and that it might not be reasonable to require electronic alternatives to submit to greater scrutiny than current methods.

Documents filed electronically can be "stamped" and returned by e-mail or to the fax machine of the filing party automatically as part of the pre-established distribution list. After a document is received, an electronic receipt with confirmation information would be automatically generated to assure the submitter that all was received in good order and that in the event of system failure, they can produce proof of successful submission. Copies of the images would also be sent to the opposing party, appropriate agencies and others that the court sees fit. This could be accomplished three ways:

- Mail (images printed on a high-speed laser printer)
- Fax (if intended recipient consents or requests)
- E-Mail (if the intended recipient consents or requests)

Internal distribution not able to be accomplished through the workflow system should be by e-mail or similar system for maximum efficiency. In distributing an imaged or electronic filing to the necessary external parties or agencies, it is necessary that ICIS or the EDMS maintain information on who should get what information as well as an authorization by each party as to how they will accept the information be it by e-mail, fax or the postal service. The first two being greatly preferred as they can be automated and executed without staff intervention or effort. Printing and mailing

hardcopies of images should be discouraged, as it requires both time and expense to accomplish the same tasks.

Internally generated paperwork such as Orders would be most efficiently filed in this method as well. With a PC on each bench, Orders could be "entered" rather than written, signed and automatically added to the electronic case file as well as the ICIS database without need for duplication of effort or subjective interpretation on the part of the clerk's staff.

When and where possible entities such as law enforcement or the public defender's office should be encouraged to submit information electronically and in a format that is easily assimilated into the EDMS system. This may be through electronic transmission of documents or by the addition of bar codes to commonly used forms to aid in accurate docketing.

Note: For security reasons, all web-based transactions should involve high-end encryption (128 bit is recommended).

## REMAINING PAPER ISSUES

The paperless office must still deal with quite a bit of paper. It is more accurate to refer to the EDMS project as a less-paper project rather than paperless office project. Paper will still come in the door and it will still be printed from laser printers. This fact is not only "okay" but critical to the successful implementation and use of the system.

"Do what you will, but I will still print everything and use the paper."

Okay.

Apprehension about the elimination or reduction of paperwork and how it will impact the quality of service provided was addressed frequently during our study. The user's concerns were quickly addressed and resolved in all but the most adamant cases by the fact that the proposed EDMS will allow for completely paper-based processes without significant inconvenience or difficulty.

- The public will not be required at any point to use a computer – paper can be used to file a case or respond to one. The Clerk's staff will scan the paper and return the original as "filed"
- Anything in the system can be printed to a hard copy in seconds.
- Anything that starts or enters the building as paper can be introduced to the system and made electronic by a qualified person (and yes, it can be printed back out)

The facts outlined above begin to address the concerns of the less than computer proficient user and the Judge who wants a paper file to use at the bench.

It also address the public access and fairness issues related to reasons the system could be viewed as:

- Complex for those with little or no computer skills
- Discriminatory to those who can not afford a computer
- Discriminatory to those who for physical or mental reasons can not use the system

### **Standardization of Forms**

The state should move toward the use of consistent and standard forms for routine transactions. This is not effective if each county has its own "standard" forms and in fact it is contrary to the definition of "standard" as it is used in this report. See Appendix 9.

Great reservations were frequently expressed when the subject of standard forms was introduced and we were frequently informed that we should look elsewhere in seeking to make the EDMS more user friendly and the Judicial system more accessible through its implementation. With this said, there remains the fact that ICIS requires the same information of the Clerk in Polk County as it does of the Clerk in Adams County. It stands to reason that both training and performance of duties could be streamlined and made more effective if each Clerk was looking at some semblance of the same document.

Conformity to a generally accepted standard is also very helpful in the scanning process as it allows for faster data entry and less hunting for critical data on a page. In many cases, the use of a standard form could eliminate the need for data entry all together as the scanners can be configured to recognize a particular form and extract data to be deposited into ICIS without human intervention (i.e. Bar codes, OCR and ICR technologies).

Once forms are standardized, they can be rendered electronically and filled out on screen rather than on paper and achieve the ultimate level of EDMS accuracy and efficiency. This report includes examples of Electronic Forms (PDF forms) that have been printed. The electronic version of this report contains rough examples of working forms for your review and experimentation (Appendix 3).

### **Cover Pages for Non-Standard Orders and Other Documents**

When it is necessary to submit an unfamiliar document to the system from an internal user like a Judge filing a unique court order the use of an informative cover page could be very valuable to the speed and accuracy of data entry and the processing of the document. Many Clerks commented on the challenge of ensuring an accurate rendition of the document to its corresponding database entries. While it was almost always accomplished successfully, it often took more effort than it realistically should have. The use of a cover page would consolidate critical information and make it easy to accurately transfer to the EDMS. This requirement of accuracy is much more important for an EDMS than a paper-based system as retrievals, while faster, require exact matches between the search criteria and the data in the system. A single letter that does not match can affect the accuracy of a retrieval or process.

### **Fax Coversheets Designed and Required by the State Court Administrator**

The State Court Administrator's Office should design a fax coversheet that includes all necessary information on a filing party. The requirements of law and the practical requirements of ICIS should be taken into consideration when designing this form as this image would always be the first seen by the Clerk or processing individual.

### **Paper Based Registration Form for all Fax and Electronic Filers**

Please see Appendix 2 for forms designed and successfully used by the State of New York for this purpose.

## INTERNET ACCESS TO THE CLERK'S OFFICE

The section entitled "Recommendations" and various other sections address the issue of Internet access and electronic filing, but there is another use for the internet as it applies to the Judicial Department and the efficient sharing of critical information. The Internet allows for fast, accurate and very specific information distribution to internal and external users with little or no effort beyond the initial setup process.

### **Internet Pushing and Pulling/XML**

When surfing the Internet, your browser retrieves pages from a World Wide Web (WWW) server. This retrieval is often referred to as "pulling". Your computer or browser "pulls" pages from the server to your desktop as you define your expectations and needs.

Using a language like XML, you can go much further and do more. Assume, for now, that you can use channel information or XML in your browser. A file similar to an intelligent "bookmark" on the system tells you where to find information about a particular subject. Now that you have this information, you can tell your browser where all the important news about your subject resides on the net.

Your browser can use channels and XML to gather information in one of two ways:

**Smart pull:** Smart pull means that the browser still pulls the pages from the server, but there are two important differences:

- **Directed:** Now that you have a file that tells the browser where to find relevant information about a particular area of interest, the days and hours of searching for it are gone.

- **Automated:** You can set up the browser so that it automatically checks for new information on the specified server. Because a channel is not just a bookmark, the browser can check more than just the home page to find out whether news that you want to know is there.

**Push:** Push reverses the idea of traditional Web browsing. Instead of having the browser pull information from the Internet, a process on the server (or at least a process that checks the data on the server) sends all the information needed to your client. So the browser no longer has to go out to the Web – the Web comes to your browser.

For more information on the subjects described above please refer to one of the many books published on the subject of XML and Data Channels available at any bookstore.

Two examples are:

**XML for Dummies, a Reference for the Rest of Us**

By Ed Tittle, Norbert Mikula & Ramesh Chandak

IDG Books Worldwide, Inc.

\$29.99

**XML Black Book: Indispensable Problem Solver**

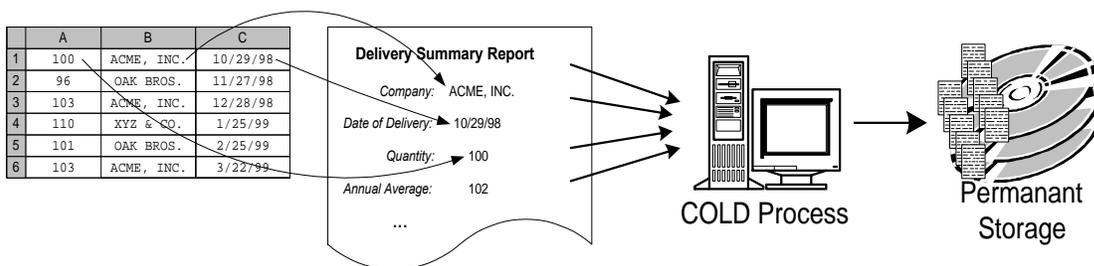
By Natanya Pitts-Moultis and Cheryl Kirk

Coriolis Technology Press

\$49.99

**Reports and Other Court Related Statistics On-line and Up to Date**

The ability to easily generate scheduled or custom reports and perform critical statistical analysis with little effort should be included in any EDMS. This can be accomplished with minimal effort through the use of a COLD/Enterprise Report Management (COLD) module or program that is fully integrated into the database and EDMS. A COLD system organizes enormous volumes of information compiles it as the user defines and produces or stores reports of the output. Banks use COOL to automatically store each customer's bank statement as it is generated and to monitor bank transactions. Insurance companies track transactions and perform statistical analysis via complex reports and use a COLD process to store the reports on the computer system rather than print them and pour over the millions of pages of green-bar paper. Other commercial and government agencies use COLD to save thousands of dollars in paper each month by printing mission critical reports to the COLD report management system rather than to the printer. Previously they were making tens or hundreds of copies of each report for distribution unnecessarily when we consider that those with PC's could access the report electronically and instantaneously with a COLD system.



**Internet Access to Selected Reports**

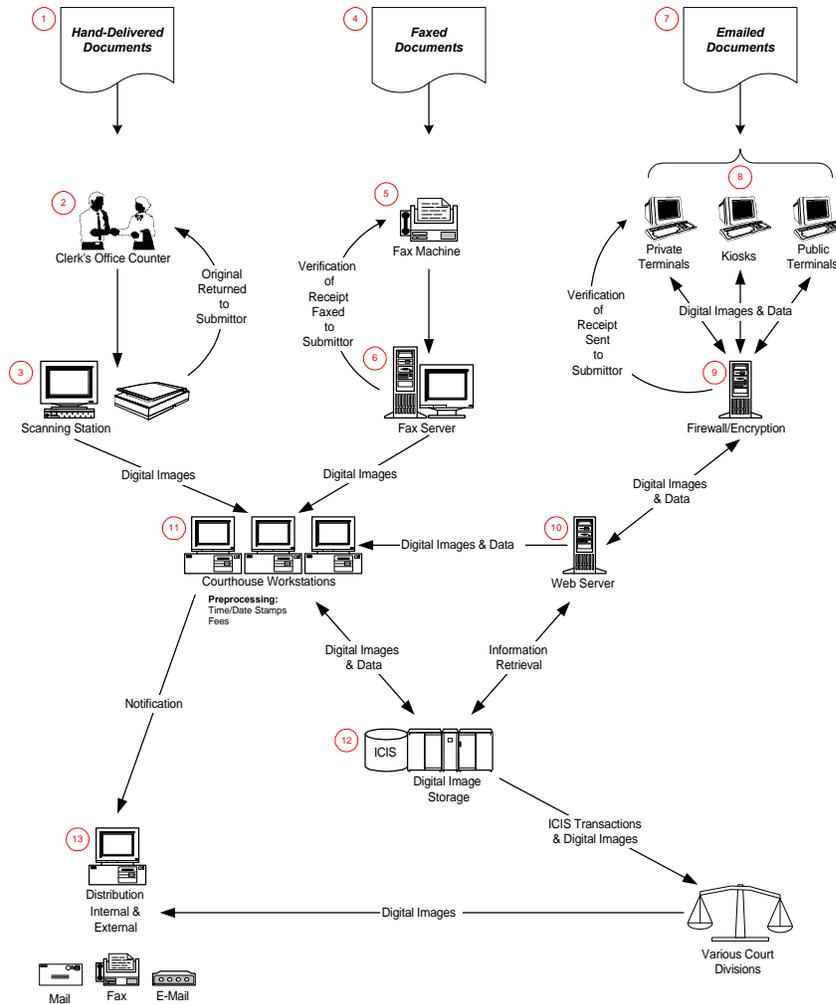
With the Internet as an integral part of the Judicial System's EDMS, there are a number of enhanced services that can be offered both internally and externally. ICIS information can be presented in a dynamic report form via a browser, or trial schedule

information that is constantly and automatically updated can be made available as trials are scheduled through ICIS. The web, new programming languages and "sub" or "super" sets of those languages like, HTML, SGML and most recently XML make the internet a very powerful information tool.

An EDMS can have the ability, if you choose to empower it to do so, to allow user on the WEB or attached to the server to generate reports from the comprehensive ICIS database as needed or, "on the fly" so to speak.

**EDMS DIAGRAM**

**HIGH LEVEL EDMS OVERVIEW**



Please see page 43 for a full-page version of the diagram above.

**1. Hand-Delivered Documents**

With the implementation of a courthouse EDMS system, it will be important that the traditional method of paper document submission still be used. The EDMS system should be seen as an expansion of possible ways to interact with the courthouse, not as a fundamental change in the way in which such interaction takes place. This will

prevent any unintentional discrimination against persons not having physical or financial access to electronic filing options.

## **2. Clerk's Office Counter**

As part of the EDMS system the attorney or pro se will continue to use the service counter to request or submit documentation. This human contact is a familiar and expected element of the courthouse system, which should be maintained through the implementation of any new EDMS technology.

## **3. Scanning Station**

A document handed to the clerk at the service counter will be scanned at a scanning station behind the counter or elsewhere within the clerk's working area. This action will enter the images of the pages being submitted into the EDMS workflow system, where it will be time-stamped and await further processing by the courthouse staff. Once the document has been scanned, the original paper copy is returned to the submitter as their personal copy.

It is possible, as an optional feature, that scanned pages be run through an OCR (Optical Character Recognition) process. This process allows scanned pages to be searchable by the words within them, much as a search within a word-processing document is possible.

## **4. Faxed Documents**

In addition to paper copies of documents, an EDMS system should allow for the faxed transmission of documents. This process works similar to the processing of hand-delivered documents, except that it is slightly more automated, and thus involves less courthouse staff time. Faxed documents are received as digital images rather than as paper, so they enter directly into the EDMS system to await the data entry process.

## **5. Fax Machine**

A submitter of a faxed document need only have a standard fax machine, or a PC, with which to submit the document and a detailed coversheet. Because a courthouse staff member does not need to directly receive a faxed document, a fax can be transmitted at any hour of the day, thus increasing public accessibility to the courthouse.

## **6. Fax Server**

Documents received by fax at the courthouse are intercepted by a fax server. This is a PC that automatically converts the incoming fax to digital images; it in effect performs the scanning process on the submitted document. This means that courthouse staff does not have to perform the mechanical task themselves, and the document is thus automatically submitted into the EDMS workflow system; it is time-stamped and ready for further processing.

## **7. E-Mailed or Internet-Submitted Documents**

E-Mailed or electronically submitted documents refine the submission process even further than do faxed documents. Documents created via computer have the ability to automatically format and populate the document's necessary ICIS fields, thus reducing courthouse work dramatically. Upon receipt, the electronically submitted document will generate an electronic acknowledgement to the filer, to assure that the court has received it.

## **8. Private Terminals/Kiosks/Public Terminals**

Because computer access to courthouse documents should be web-based, it is possible for submission or retrieval of documents either from privately owned PC's or from strategically located public PC's. To ease the amount of work at the service counter, kiosks could be placed outside of the clerk's office, at which the public could interact

with the courthouse without involving a staff member. PC's located at libraries or other public locations could also be used for this purpose.

Pre-designed forms can be made available to such PC users at a government web-site, which are formatted to only be submitted when all key information is entered, and in the correct format. By using such forms, the need for courthouse staff to populate the ICIS database is eliminated, thus freeing up more staff time.

## **9. Firewall/Encryption**

Any remote PC access to the courthouse is controlled by a dedicated firewall/encryption service. This prevents "hacking" into the system, and also prevents viruses or other unwanted materials from being admitted to the courthouse EDMS system. While it is desirable to provide access to the courthouse system to the public, it is important that the public not gain access to internal court systems or court operations.

Further protection against network infiltration is possible, including biometrics-based security systems which allow only pre-designated personnel to access system resources based upon physical identification (thumbprint reading, voice recognition, etc.).

## **10. Web Server**

A web server intercepts documents sent to the courthouse electronically. This is a PC that automatically reads the electronic document and populates its related ICIS fields; it in effect performs both the scanning and indexing processes on the submitted document. This means that courthouse staff does not have to perform these mechanical tasks themselves, and the document is thus automatically submitted into the EDMS workflow system; it is time-stamped and ready for further processing.

## **11. Courthouse Workstations**

Workstations at the courthouse which are currently dedicated to ICIS data entry will be image-enabled so that staff can enter necessary information via an easy-to-use graphical interface while able to get the information directly from the digitized image itself. For documents which have been e-mailed, they will be able to quickly review information for accuracy, and make sure the documents get routed to all of the necessary parties.

It may be desirable in larger courthouses to dedicate a group of PC's or employees to either the pre-ICIS data entry (document indexing) process or to the entire data entry process.

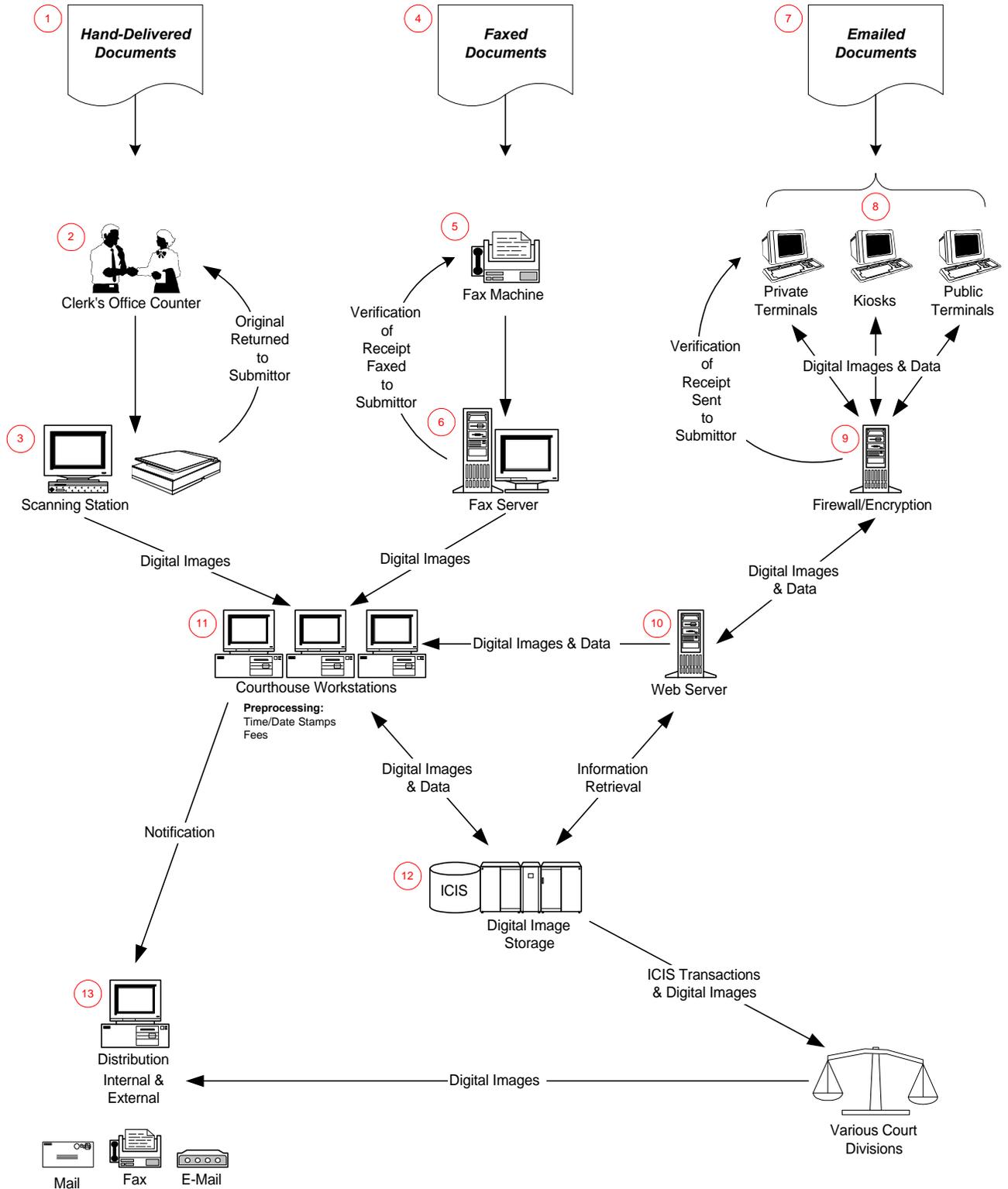
## **12. ICIS/Digital Image Storage**

ICIS information, as well as digital representation of all pages of EDMS documents, will permanently reside on hard-drive space. This will enable virtually instantaneous access to any document requested from any connected PC. All documents and information should be replicated within the system, to avoid the possibility of a localized system crash resulting in permanent data loss.

## **13. Distribution**

Utilization of an integrated workflow system will result in highly controlled and accurate distribution of all documents. Based upon document type, courtroom staff can instantly designate all parties that require access to a document, and the document will instantaneously be sent to all parties electronically. If a party involved is not set up to receive electronic materials, the document can be routed directly to the courthouse mailroom for more traditional distribution.

# HIGH LEVEL EDMS OVERVIEW



## Recommended Standards

DDR will, wherever possible, remain "brand neutral" with regard to various hardware and software solutions though some are clearly better than others. To assist in making a decision on exactly what is most beneficial and reliable we will provide a number of recommendations that are both a result of industry standards and our experience in the EDMS marketplace.

Section one addresses the division of resources between a central location (ICIS) and those items required by each individual county – this includes regional clusters as counties.

Section two addresses specific standards and protocols for hardware and software regardless of physical location.

Following we have provided standards for hardware, software and methodology.

### **SECTION 1**

#### **STATE LEVEL**

These are items that should be purchased and installed at a central location or level for use by all counties

- **Network Components**

- LAN Hardware for all computer/servers

- 100+Mbps

- WAN hardware to county level/Web

Speed based on web usage  
Assume high usage

- **Computer Components**

- Web Server/ Server Pool (expandable and scalable)

- Link to State ICIS Database

- Temporary Data/Image Cache

- IowAccess associated with this server

- ICIS Database server (county indexes)

- Web searchable info gathered from county ICIS tables on regular basis

- Email Server –high volume, high traffic (existing/enhanced?)

- Enhance or replace current system

- Networked PCs

- Email Support

- Search/View

- Office Programs

- **Software Components**

- Operating Systems

- Database (Oracle)

- Web (servers and browsers)

- Email

- Imaging (already in place)

- Adobe Acrobat

- **Research & Development Components**

- Duplicate of small county system

- Able to test all aspects of all county systems prior to implementations

- Re-configurable to operate like any county's system in a timely manner

- Spare components –to reduce downtime due to component failures

- Supplemented with service contracts

- Support personnel – This item can not be stressed strongly enough

- Supplemented with service contracts

## **COUNTY AND REGIONAL CLUSTER LEVEL RECOMENDATIONS**

- **Network Components**

  - LAN Hardware for all computers/servers

    - 100+Mbps

  - WAN Hardware to state level

    - Speed based on web usage

- **Computer Components**

  - Application Server

  - ICIS Database Server

  - Image/Data Storage Server

  - RAID Level 5 disk array(s) sized to the individual county or region

  - Workflow Server

  - Fax Server

  - Networked PCs, w/ Large monitors (items below can be combined)

    - Scan

    - Workflow

    - Email

    - Fax

    - Search/View

  - Scanners with Automatic Document Feeders

    - High speed

    - Medium Speed

    - Low Speed

    - Flatbed

  - Printers

    - High Speed Laser

    - Low Speed Laser

  - Fax Machines (for non-computer based faxes)

- **Software Components**

- Operating Systems
- Database (Oracle)
- Email
- Fax
- Imaging
- Workflow
- Word Processing/Office Applications
- Web Browser
- Adobe

## SECTION 2

### Standards and Recommendations

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#### Servers, Workstations, and Printers

<b>Desktop PCs</b> (Minimum Configuration)	For new computers <ul style="list-style-type: none"><li>▪ 350MHz+ Pentium II processor</li><li>▪ 64 MB RAM</li><li>▪ 4.0+ GB hard drive</li><li>▪ 19"+ SVGA color monitor</li><li>▪ 100Mbps network interface card (NIC)</li><li>▪ 32x CD-ROM drive (recommended, but not required)</li></ul>

<p><b>Intel Servers</b> (Minimum Configuration)</p>	<p>Pentium II 400MHz+</p> <ul style="list-style-type: none"> <li>- 128 MB RAM</li> <li>- 12 GB hard drive</li> <li>- 100Mbps Ethernet card</li> <li>- Backup device (DAT or DLT)</li> <li>- RAID Level 5</li> <li>- Redundant subsystems (ie. Multiple fans, multiple power supplies etc...)</li> <li>- Security and Firewalls where appropriate</li> <li>- 128 bit data encryption where appropriate</li> </ul> <p>The above information is highly dependent upon the county, volume data and a number of other variables.</p>
<p><b>Printers</b></p>	<p>Laser Printers</p> <ul style="list-style-type: none"> <li>- Additional memory</li> <li>- High and low speed machines</li> </ul>
<p><b>Scanners – High Speed</b> 42 pages per minute or faster with automatic document feeder and generally no flat bed capability</p>	<p>Possible Providers</p> <p><b>Bell &amp; Howell</b></p> <p><b>Fujitsu</b></p> <p><b>Cannon</b></p>
<p><b>Scanners –Medium Speed</b> 29 pages per minute or less with automatic document feeder and occasionally a flat bed capability</p>	<p>Possible Providers</p> <p><b>Bell &amp; Howell</b></p> <p><b>Fujitsu</b></p> <p><b>Cannon</b></p>

<p><b>Scanners – Low Speed</b> 15 pages per minute or faster with automatic document feeder and frequently flat bed capability</p>	<p>Possible Providers <b>Bell &amp; Howell</b> <b>Fujitsu</b> <b>Cannon</b></p>
<p><b>Video Accelerator Cards</b></p>	<p><b>Kofax Adrenaline –Model based on scanner</b></p>

Local Area Network (LAN) Peripherals

<p><b>Backup Devices/Tape Drives</b></p>	<p><b>Example: Hewlett Packard SureStore</b> (Brand and model based on requirements of each system or server)</p>
<p><b>Uninterruptible Power Supply</b></p>	<p><b>Possible Provider: APC Smart UPS</b> Based on PC and server power requirements</p>
<p><b>Modems (If required)</b></p>	<p>Minimum speed of 56 KBPS, Support for the Hayes AT command set</p>
<p><b>Optical Storage</b></p>	<p>CD-ROM/CD-R Writer and media</p>
<p><b>Networked CD-ROM Drive Option</b></p>	<p>Standalone CD-ROM Jukebox</p>

<p><b>Print Servers</b></p>	<p><b>Example: Hewlett Packard</b> Require for use as network printers, may be internal to printer</p>
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Local Area Network and Workstation Software

<p><b>Network Operating System</b></p>	<p><b>Microsoft Windows NT</b> - Version 4.0 - Service Pack 4</p>
<p><b>Database and Database Management</b></p>	<p><b>Oracle Database 7.x or 8</b></p>
<p><b>Desktop Operating System</b></p>	<p><b>Microsoft Windows 95, 98 or NT</b></p>
<p><b>Office Automation</b> (word processing, spread sheet)</p>	<p><b>Microsoft Office</b></p>
<p><b>Electronic Mail/Groupware</b></p>	<p>Any that does not conflict with Workflow or other necessary components</p>
<p><b>Network Backup Software</b></p>	<p><b>Cheyenne ARCserve</b></p>
<p><b>Document Viewer</b></p>	<p><b>Adobe Acrobat</b></p>

<b>Anti-Virus Software</b>	Example: Norton Anti-Virus
<b>Report Generator</b>	ICIS/ EDMS Software package COLD Component
<b>Remote Communications</b>	<b>PC Anywhere</b>

WAN/LAN Components

<b>Hubs and Switches</b>	<b>Cisco</b>
<b>Routers</b>	<b>Cisco</b>
<b>LAN Wiring</b>	Dependent upon topology (See following section)
<b>LAN Topology</b>	FDDI Gigabit Ethernet 100 Base TX Ethernet Token Ring (100Mbps)
<b>Network Protocol</b>	TCP/IP

<b>Internet Access Provider</b>	Iowa Communication Network (ICN)
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File Formats

<b>Permanent Storage Format</b>	Adobe Portable Document Format (PDF) or TIFF Group IV images if PDF is determined to be too proprietary – we recommend PDF
<b>Accepted File Formats for Electronic Filing</b>	Microsoft Word Microsoft Excel Microsoft Works Word Perfect Lotus HTML/E-Mail Adobe Portable Document Format (PDF) Text Files ASCII Files
<b>Bar Codes (if utilized)</b>	Those supported by the Kofax Adrenaline scanner board
<b>Internet Languages/Codes</b>	HTML XML IowAccess may provide direction in this area

<b>Web Browsers</b>	Microsoft Internet Explorer or Netscape Navigator
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The items specified above are recommendations. There are many ways and infinite combinations of brands, makes and models that can be used to achieve your EDMS goals. Often one choice necessitates others, making it difficult to require a particular item or model in this Standards Sheet.

## USER INTERFACE AND RELATED

The value of a simple user interface and its relationship to this project's success can not be stressed enough.

The EDMS must meet a few important criteria:

1. It must be easy to use
2. It must be reliable and must instill confidence in its users
3. It must be intuitive or at worst provide the user with easy to comprehend instructions when needed
4. It should not require a computer science degree or any degree at all to derive its full benefits
5. It should be cost effective or preferably free to the public to encourage its frequent use

To accomplish many of these goals, it is our recommendation that vendors wishing to supply EDMS services to the Judicial Department be specific about the user interface or interfaces that they will design or install. The vendor should be required to provide mockups of key screens and should display a working knowledge of the processes performed by the computers and the objectives of the people who will eventually be required to use the EDMS. Many projects have been relegated to the digital "trash-heap," not because the technology was insufficient to the task but because the designer was not in touch with the users and their needs.

Possible problems and areas of concern if not sufficiently addressed could be:

1. User apprehension that prevents usage
2. User skill level could be insufficient to accomplish tasks
3. System could malfunction
4. CD-ROM system could actually be more time and effort consuming than original method if user is unable to operate the software

5. CD-ROM system could be unreliable and unable to achieve acceptable user confidence level

The response received by this vendor to the current CD-ROM system has been overwhelmingly positive due in large part, we believe, to the great deal of attention we paid to the skill level of the users and the specific requirements of the system as it applied to their jobs. They needed to retrieve a file quickly and easily without knowing a whole lot about either computers or the case itself. Perhaps all that the user knew was a last name or case number. The system allows a user with as little "data" as this to find a single page hiding amongst millions of pages in only a few seconds. It sounds incredible and it is. More incredible is the fact that the vendor has not received a single call for instruction on the operation or usage of the system despite a very low computer skill level in many of the affected counties.

The point is that a comprehensive and highly technical system like an EDMS need not be complicated in its appearance or usage. Often programmers seek to prove how much they know by adding features to a user interface that may never be accessed, and in actuality cause a simple process to appear overwhelming or terribly complex. By determining the lowest common denominator and ensuring that it be the basis from which to build, we ensure access to the greatest number of people and often the people who need access most.

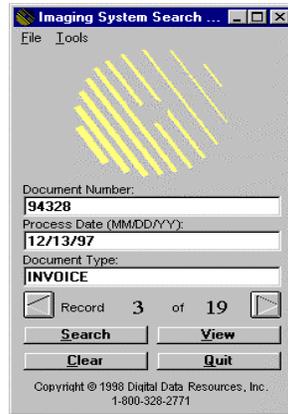
This admonition against complexity for complexity's sake is more important for public terminals and the Internet than for internal systems operating in the Clerk's office though it is a matter of relevancy and is directly related to the level of training and support a user receives.

Once an electronic image is received, docketed, linked to ICIS and is stored on-line, it could immediately be made accessible to the general public (non-confidential items) via the internet/IowAccess. It may be beneficial, and is hereby recommended, to require users to identify themselves to the system prior to being given entry to the searchable, public access system. This could be useful for statistical or tracking purposes among

other things. Information collection of this sort may, however, be too cumbersome. Vendors should be required to provide justification as to either position.

Example of a Simple Image Retrieval System

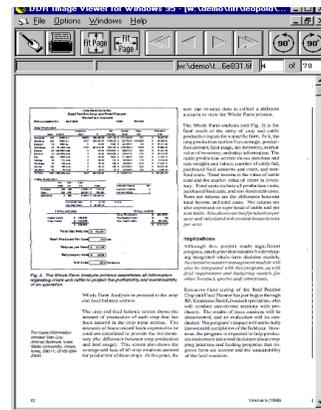
1. Retrieval of stored document is initiated via a simple search screen



2. Program automatically locates indexes stored in ICIS database

DOCUMENT	DOC_NUM	PROC_DATE	CD_NUM
333490	92538	01/15/97	DDR0001
333491	92633	05/19/95	DDR0001
333492	92634	05/19/95	DDR0001
333493	92700	10/08/96	DDR0001
	0		ONLINE

3. Imaged document is retrieved for viewing/printing



In the interest of accessibility, it is our recommendation that public areas such as libraries or government buildings be encouraged to purchase Internet terminals and undergo general training on the usage of the Court's EDMS. Public terminals would be utilized for the purpose of both legal research and electronic filing. This ensures that those unable to afford a PC or those who need instruction in its use are not excluded from the electronic system.

Training on the system's use and general operation should be provided to the public multiple times the first year and at multiple, semi-central locations around the state. It is recommended that the state provide a set number of free classes and then offer training for a fee.

## **PUBLIC TERMINALS AND KIOSKS**

It is our recommendation in larger courthouses or those with a level of activity appropriate, that kiosks or easy to use public terminals be established and installed to increase accessibility to information and reduce the volume of people waiting at the counter for service.

A public kiosk should not be Internet capable but should allow for the retrieval of commonly used forms (possibly the top 20 most frequently requested) and the ability to retrieve basic case related information. A printer should be available though a method for charging the user must be explored further.

Methods for collecting money from the kiosk user may include:

- Credit card number
- Coins and dollar bill acceptance at the machine
- Kiosk retrieval with a nearby, staffed copy center to manually collect a fee for all printed items (user will identify self at the start and will get a claim ticket to pick up printed items)

## External Agencies

In each community that we have visited, we have attempted to meet with as many external agencies and organizations as possible.

Our meeting with external agencies and users involved the following groups:

- Attorneys
- The State Bar Association
- Abstractors
- County and City Attorneys
- Division of Criminal Investigations
- Law Enforcement
  - Sheriff
  - Police
  - Jail
  - Parole and Probation
- Court Reporters

Most were interested in meeting with us, while others were actually insistent. The agenda for these non-Clerk meetings was generally as follows:

- Introduce DDR and why we wanted to visit with them
- Question and answer on the current system in operation
- Goals and Objectives of the Study and of the proposed project
- Description of an EDMS
- How an EDMS might effect them – their reaction and comments
- Alternatives they will have after implementation (should the state choose to proceed with the project)
- Discussion of their current internal system and any future plans that may be compatible with the possibility of a EDMS in the Clerk's office
- Willingness or reluctance to fully utilize the proposed system

- Their staff's level of computer proficiency
- The possibility of data generated in their office being imported into the Clerk's system automatically
- Any suggestions as to features that they would find beneficial to their interaction with the court

The information gathered in these meeting has been incorporated into the many concepts, standards and recommendations found in this report. To itemize the conversation from each meeting does not appear to be useful at this time, as the results were very consistent and are thoroughly integrated into the body of our study.

## **HOW WILL JUDGES USE THE EDMS AND HOW WILL IT BENEFIT THEM**

Among the judges interviewed there was apprehension mixed with optimism when we discussed the operation and impact of an electronic document management system. Overall we would estimate the level of support to be over 90% with the condition that the system be well supported.

Prior to having an opportunity to ask questions and receive satisfactory assurances and information, many judges were skeptical and in general opposition to the idea of a "paperless file". After our discussion and a detailed description of the EDMS concept and its functionality, virtually all were supportive and interested in installation at the first possible opportunity.

NOTE: Appendix 5 is a letter from the Judges in Black Hawk County expressing their opinions and interest in the EDMS project.

After many discussions with Judges and Magistrates, we have derived the following feature and benefits related to implementing an EDMS.

### **Desired Features**

- Ability to retrieve current files and background records from the bench, chambers or home office from a user-friendly interface.
- Ability to communicate a message via e-mail.
- Daily, Weekly and Monthly schedules delivered to the desktop with point and click links to the related case file to speed retrieval.
- Ability to perform statistical research from the system
- Printers in each courtroom to instantly reproduce hard copies of documents.
- Assistance from court attendant in computer usage and operation if necessary.
- Ability to search and review statewide information rather than simply county information.

- Scanning performed in Clerk's office after trial has concluded or daily.
- Ability to access Internet with easy to use, clearly defined links to research materials and both the Iowa Code and Iowa Court Rules.
- Ability to add information to the electronic file at the bench
- Ability to annotate or alter a document in the electronic file (debatable – in our opinion. The same outcome could be achieved by maintaining the integrity of the documents in the file with changes accomplished with file additions)
- Availability of all documents and forms used by the Judge or the Court via the PC or EDMS.
- Ability to view ICIS database information and financial information.
- Ability to record a short segment of audio or video and save it with the case file.
- Easy to use login method with some level of enhanced security – an example of this, that may require testing, would be the ability to use a fingerprint scan to access the Judges PC's to prevent lost or stolen passwords.

### **Benefits (beyond those generally credited to the EDMS)**

- Instantaneous access to all files
- Ability to view schedule and review cases at any time of the day or night without the aid of a member of the Clerk's staff.
- Assurance that the judge's information is both complete and up to the minute. (Many judges commented that their files, if they are available at all, are often missing the most current submissions since the file had to be "pulled" for review well in advance of the court proceedings).
- Ability to send and receive efficient, recorded communications within and outside of the Courthouse.
- Audit trails and assurances that pre-trial and administrative procedures have been followed. This will reduce the chance for technicalities or loopholes related to file mismanagement or mishandling that could interfere with or otherwise impede the justice process.

Please refer the Appendix 5 for the reactions of the Judges in **Black Hawk County**.

## **FINANCIAL ANALYSIS AND FEASIBILITY**

This section provides five (5) business case analyses that address the investment and return related to implementing an EDMS and a general recommendation to the state for shared technologies residing at the state level. The five areas of analysis are:

1. Polk EDMS
2. Black Hawk EDMS
3. Story EDMS
4. Mahaska EDMS
5. Adams EDMS

In developing a financial analysis of the implementation of an EDMS in the various counties of study, we have used a commercially available product by Avantsoft called CIO View. This product generates detailed reports and analysis from input of cost fields such as software, hardware and human resources and benefit categories such as time and operational savings.

Where specific numbers were available they were used. When they were not available or not provided to us after requests, it was necessary to use common industry values or assumptions based on either the Clerks comments or our observations. DDR, Inc. can adjust any items or values that, based on your internal knowledge, do not appear consistent or accurate, and new reports can be generated.

It is important to note as well that the following factors will effect the content and outcome of the financial analysis:

- There are an infinite number of ways to configure an EDMS to accomplish the goals outlined in this report –we provided a single method with as general a pricing scheme as possible

- Vendors should be required to itemize the various components resulting in their offering and EDMS package
- Items such as form development, web development and other time based activities that will benefit the state in its entirety have been excluded from this study, as they are difficult to calculate and will be entirely dependent upon the decisions of the State Court Administrators office.
- ICIS related upgrades have for the most part been excluded from these calculations. Our analysis provides for sufficient PC and related hardware though these items may already be budgeted for under another initiative such as the Windows NT conversion. This fact that the ICIS schedule and initiatives have been addressed in this manner may account for some duplication and consequently higher than reality costs.
- When necessary, we have rounded figures up rather than down to ensure sufficient resources are available.
- Due to the variable nature of solutions, these analyses should be received as estimates and not hard figures. DDR would be willing to work with the Judicial Department in refining numbers based on ICIS or Judicial System figures or experience.
- These figures are not warranted or guaranteed for any purpose or period of time, but are rather provided for general understanding and the facilitation of a discussion on the feasibility of an EDMS.

The reports are organized with the following information:

- Application Description
- Cost Summary (general/non-brand specific input values – generally high-end estimates)
  - Number of users by year (three year period)
  - Desktop Requirements
  - Server and Network Requirements
  - Training

- Support and Systems Maintenance
- Software
- Services and System Development
- Peripherals
- Benefit Summary
  - Number of user by year
  - Time Savings
  - Personnel Issues
  - Operational Issues
  - Potential Revenues
- Financial Analysis
  - Return on Investment (ROI)
  - Internal Rate of Return
  - Net Present Value
  - Payback Period (years)
- Results
- Detailed Report Format
- Graphical Format

### **Statewide Components**

The items below, with possible exceptions, will be necessary to support and facilitate the local EDMS in each county. It is currently assumed that the central management of the EDMS would be based in the ICIS system and organization.

- Network Components
  - LAN Hardware for all computer/servers
    - 100+Mbps (Imaging)
  - WAN hardware to county level/Web
    - Speed based on anticipated statewide web usage and features

- **Computer Components**

- Web Server Pool (for expandability)

- Link to State ICIS Database

- Index database to quickly search and retrieve images

- Temporary Data/Image Cache

- ICIS Database server (county indexes)

- Web searchable info gathered from county ICIS tables on regular basis

- E-mail Server (existing/enhanced?)

- Networked PCs

- Email

- Search/View

- **Software Components**

- Operating Systems

- Database(s) (Oracle)

- Web Software

- Adobe Software

- E-mail

- Imaging

- Workflow (possibly)

- Remote Access (ie. PC Anywhere)

- **Research & Development Components**

- Duplicate of a county system needed at ICIS

- Able to test all aspects of all county systems

- Re-configurable to operate like any county's system reasonably quickly

- Spare components

- Supplemented with service contracts

- Support personnel

- Supplemented with service contracts

- **Personnel and Support Issues**

ICIS MUST Maintain sufficient staffing to not only support system components but to do so in a timely manner. This can not be stressed strongly enough. Vendor should supply support, but as a risk management strategy, ICIS staff should be able to install, configure, maintain and repair all components. Many counties felt that ICIS was understaffed and that a more prominent local presence should be maintained to respond to issues that in reality are small and easy to fix but without fast response become crises and erode user confidence.

Our discussions with ICIS staff left us comfortable with their commitment and the plan currently in place to increase staff and attain the necessary level of support.

**STATE MAP WITH COUNTIES AND REGIONAL CLUSTERS IDENTIFIED**

The following page contains a map with our recommendations for regional resource sharing. This model allows for the most efficient and effective purchasing of hardware and software and the best use of human resources. Regional technology clusters will be much easier to support than ninety-nine individual systems. This addresses the concerns of many that while the technology and results are desirable, support of the system may be difficult. By clustering the most expensive and complex of the technology involved in four administrative locations it will be possible to dedicate knowledgeable, responsive support staff to each.



## POTENTIAL QUESTIONS AND CONCERNS

There are many positives associated with the implementation of an EDMS, and it might be easy to brush aside the potential threats to its success or hurdles that it must necessarily overcome in order to be both effective and beneficial. As a result of our county analyses, we have assembled a list of potential concerns and issues that should be faithfully addressed before and during any proposed implementation.

- ❖ **Strong County Autonomy** - and habits are potential threats to the success of an efficient electronic document management system. The fact that each county is administered differently means that any system implemented must be based on the lowest common denominator and modified from that point to conform to the unique characteristics of each office. Online access will undoubtedly lead to a centralization of information and a necessary compliance with uniform procedures for the collection and storage of data.
- ❖ **Confidentiality of Records** – Among the greatest concerns, particularly among Judges and Juvenile Court Services, is the risk associated with ease of access and the anticipated increase in information retrievals. It is perceived that an electronic system would make breach of confidentiality more likely. This concern, while legitimate, can be remedied and addressed quite effectively through the assignation of network security levels and system logons. The proposed EDMS will have the ability for a qualified person to make a public document inaccessible and a previously restricted document into a public document.
- ❖ **System Security** – The issue of computer “hackers” or other malevolent system breaches must be addressed by all potential vendors as it is applicable to their proposed solution.
- ❖ **Verification of the Identity of a Filing Party** – The Vendor should identify reliable methods for identifying a party that attempts an electronic or fax originated filing.

- Prior to being granted the privilege all people desiring to participate in electronic filing should be required to register with the state (rather than local courthouse) as an "E-Filer". Much like a drivers license, E-Filing should be a revocable privilege to better ensure responsible and ethical usage. A sample of another state's registration form is included for your review in Appendix 2.
  - Fax based filings should require the user to provide a court designed (bar coded) coversheet. Bar codes with accompanying non-bar-coded information should be on the coversheet. This will assist in accomplishing the ID process as well as the collection of any relevant filing fees (credit card or draw down account number)
  - Web based filings must require the completion of an informative, fill in the blanks "registration" process prior to submission of a document or filing.
  - E-mail attachments must include the required data or be rejected/returned via e-mail.
- ❖ **User Identification** - – Vendors should detail how their system would allow and control access to the system based on a user's various security clearances or responsibilities (ie. password or biometric device – see Appendix 4 for information on biometrics)
- ❖ **Down Time** – There are two issues involving downtime: first, technologically and second, procedurally. Technologically, vendors must address the following issues:

#### Technological Issues

- Power surges/spikes and protecting the system from them
- Momentary or short term power outages
- Long term or critical power outages
- System failure – hardware or software
- System deficiencies – inability to perform required function periodically or consistently

## Procedural Issues

- General Policies on system maintenance to minimize downtime
  - Policies on dealing with filings unable to be delivered to the courthouse due to any of the technological reasons detailed above
  - Policies regarding the operation of the Clerk's office in the event of a system failure:
    - How long before the day is a loss?
    - How to accumulate documents for imaging at a later date?
    - Extensions on filing deadlines (like a snow-day policy)?
    - Bench unable to retrieve or view documents (solution: Clerk prints file from functional workstation for minimum inconvenience)
- ❖ **Training** – Among the greatest fears of those we have interviewed is the issue of patient and effective training. The concern is that the systems will technically perform well, but the users will lack the knowledge to fully utilize or exploit its features to the fullest extent. Vendors must address the training required to use and understand the EDMS.
- ❖ **Support** – Second only to training, the issues of support rank among the greatest of threats to successful implementation and utilization of an EDMS in the Clerk's office. If the system goes down and there are no paper backups, the courthouse will screech to a halt. Without fast knowledgeable system support the project could fail...unnecessarily and for the wrong reasons.
- ❖ **Paper must always be an option** - Any EDMS must be able to both receive paper and produce paper to ensure access to justice and the ability to exercise both personal preference and style. It is widely assumed that the desire to print images to paper for trial or other limited/onetime uses will rapidly diminish as comfort levels rise.

- ❖ **Ease of use necessary** - Any system must be easy to use for both the Clerk's staff and the public. While ICIS can be comprehensive, the EDMS need not contain the same complexity or level of detail.
  
- ❖ **Internet speeds** – While this is a concern, there is little the Judicial System can do to affect local Internet speeds. This is a function of a user's PC and the lines that run between it and the source.

## **PUBLIC EDUCATION AND RELATIONS CAMPAIGN**

The opportunity to promote the Clerk's office and educate the public on the role of the Judicial System may never be better than during the implementation of a fiscally responsible, technologically astonishing initiative like an electronic document management system.

To promote usage of the public components of the systems like electronic or fax filing and around the clock access to files it may be advisable to initiate a public relations campaign similar to that used by the Secretary of State's office in turning out voters or the Internal Revenue's enormous push to encourage and promote the idea of electronic tax filing options. Money spent in this kind of education and positive presentation will cause the system's usage to be higher and with fewer complications. The greater the usage, the faster the payback and the more productive, accessible and interactive the Judicial System can become.

## **IN DEFENSE OF THE CURRENT SYSTEM**

The staff in each courthouse was pleasant and cooperative despite dealing with great volumes of work and very difficult people. Many took abuse from the public with a smile while they assisted and attended to every detail of the individual's case or concern.

Each person we interviewed had a strong and comprehensive understanding of not only their own jobs, but of those around them. The Clerk of Court in Iowa is truly an example of people rising to the occasion. Working under extreme conditions, the Clerk's staff in each county was consistently friendly and cooperative not only to our consultants but also to the public and their coworkers.

The Judicial system is desperately in need of relief as workloads continue to grow and the demands of the public make it increasingly more difficult to process a days work. The current system is terribly antiquated and does not take full advantage of available technology or current methodology and as a result unrealistic expectations are placed on the overworked staffs.

The intangible benefits of implementing an EDMS will assist the Clerk's office in meeting the challenges currently before them. Without relief, we believe that the Judicial system will experience increasing job turnover and difficulty in finding either qualified or willing employees. Utilization of an EDMS and other proven technologies will make the Clerk's office a pleasant, efficient and effective work environment.

## LEGAL ISSUES AND EDMS ACTIVITIES IN OTHER STATES

Many of the recommendations in this report will require changes to the Iowa Code or Court Rules. These changes will generally occur under one of the following headings:

1. The validity of an electronic image.
2. The validity of an electronic signature or,
3. Relaxing the requirement that each document have a physical signature.
4. The definition of "original" copy or version.
5. The method of delivering or maintaining a document.
6. The method to validate a document.
7. The terms document, copy and file.
8. Requirements by other agencies or departments to maintain paper when the courts no longer are operating under the same restriction
9. Rules for storage, "handling" and management of a file or document

Note: See Appendix 2 and Appendix 7, Appendix 8 and Appendix 10 for specific example and information.

As a part of this study, we have analyzed the experience of other states and organizations with direct relevance to our recommendation to the State of Iowa. We have found that there are a number of communities who have either implemented electronic information systems or are in the process of doing so. A partial list follows:

- ❖ **United States District Court, Northern District Court of Ohio** – Internet Gateway/.PDF Filings
- ❖ **Utah Administrative Office of the Court** – Judicial Electronic Document and Data Interchange (JEDDI)

- ❖ **Snake River Basin Adjudication District Court** – Electronic Forms
- ❖ **King County, Washington** – Text Files and Imaging
- ❖ **Complex Litigation Automated Docketing (CLAD)**, Delaware – Text Files and Imaging
- ❖ **Pima County, Arizona** – World Wide Web Forms (Small Claims and Domestic Violence Filings)
- ❖ **Riverside County Consolidated Superior/Municipal Courts** – Text Files and Imaging
- ❖ **The Orange County Jury Commissioner's Office** – Text Files and Imaging
- ❖ **The Orange County Central Municipal Court** – Text Files and Imaging
- ❖ **The Delaware Secretary of State Division of Corporations** – Text Files and Imaging
- ❖ **Alleghany County Pittsburgh Prothonotary's Office** - Electronic Filing, Imaging and Workflow project under development
- ❖ **Milwaukee, Wisconsin** - Electronic Ticketing
- ❖ **State of Missouri** – Court Automation Project – EDMS with imaging, electronic filing, workflow etc...
- ❖ **Southern District of New York Bankruptcy Court** – Case management system available for Internet/Web based retrievals and the downloading or viewing of actual filings. PDF document format. (Appendix 2 is the courts documents and game plan with a screen captures and various printouts from their Web page)

If there is an interest in learning more about any of the above organizations or projects please contact the EDMS project leader at Digital Data Resources, Inc.

## **TABLE OF STATES**

This table contains information and references from the National Center for State Courts collected through legal research and a survey of the record access practices of the fifty state judiciaries. It is not complete for every state.

### **ALABAMA**

Statutes:

Ala. Code §36-12-40 (1991) (Open Records Statute)

Court Rules / Orders / Policy Statements:

Ala. R. of Jud. Admin. 33 (Dissemination of Computer-Based Court Information, w/Request Procedures)

### **ALASKA**

Statutes:

Alaska Stat. §09.25.115(a) (1990)

Alaska Stat. §09.25.120 (1991)

Alaska Stat. §09.25.220 (1990)

Court Rules / Orders / Policy Statements:

Alaska R. of Admin. 35 (Electronic Recording Equipment--Official Court Record --Responsibility of Record)

Alaska R. of Admin. 37.5 (Public Access to Public Records Within the Alaska Court System)

### **ARIZONA (S)**

Statutes:

Ariz. Rev. Stat. Ann. §39-121 (Supp. 1991) (Public Records Law).

Court Rules / Orders / Policy Statements:

PACR R. 12 (Draft: Mar. 4, 1994)

Remarks:

Advisory committee established by Arizona Supreme Court in 1993; draft rule currently being circulated among various court committees for comment.

PACR R. 12 (Draft: Mar. 4, 1994).

Contact Person:

George Logan  
Court Services Division  
1501 West Washington, Suite 410  
Phoenix, AZ 85007  
(602) 542-9555

#### ARKANSAS (S)

Statutes:

Ark. Code Ann. §25-19-103(1) (Michie 1991) (Freedom of Information Act)

Remarks:

The Arkansas Attorney General's Office publishes the Arkansas Freedom of Information Handbook, which addresses public record access in both the Judicial and Executive branch.

Contact Person:

John Stewart  
Chief, Systems Division  
Administrative Office of the Courts  
625 Marshall Street/Justice Bldg.  
Little Rock, AR 72201  
(501) 376-6655

#### CALIFORNIA (S)

Statutes:

Cal. Gov't Code:

§§6250 et seq. (Deering 1982) Public Records Act (courts are exempt,  
see Cal. Gov't Code §6852(a), (b), and (d))  
§§68150 et seq. (management of trial court records)

Cal. Welf. & Inst.:

§828.3 (school district personnel access to juvenile court records)

Cal. Civ. Proc. Code:

§1161.2 (temporary blocking of access to unlawful detainer records)  
§§851.7, 851.8, and 1203.45 (sealing of arrest reports)

Cases:

Church of Scientology v. Armstrong 232 Cal. App. 3d 1060 (1991)  
(exceptions to public access)

Court Rules / Orders / Policy Statements:

Historically, record management has been left to local courts. See local  
court rules.

Other Resources

Albert Pickerell, *The Courts and the News Media* (6th ed. 1993) (order  
from the California Judges Association, 301 Howard Street, Suite 1040,  
San Francisco, CA 94105 (415) 495-1999).

Remarks:

Newly appointed Court Technology Task Force (CTECH) is beginning to  
explore the issues surrounding public access. A report of the initial  
findings was due out in the Fall of 1994.

Contact Person(s):

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Ron Titus  
Manager, Research & Statistics Unit  
Administrative Office of the Courts  
303 2nd Street, South Tower  
San Francisco, CA 94107  
(415) 396-9331

#### COLORADO (S)

Statutes:

Colo. Rev. Stat. Ann. §24-72-202 (West 1991) (Open Records Act)

Contact Person:

Dr. Robert Roper or Dennis Blake  
State Court Administrator's Office  
Integrated Information Services Division  
1301 Pennsylvania Street, Suite 300  
Denver, CO 80203  
(303) 837-3609/(800) 404-2857

#### CONNECTICUT (S)

Statutes:

Conn. Gen. Stat. §1-19 (Supp. 1992) (Freedom of Information Act).  
Conn. Gen. Stat. §54-142a (Supp. 1992) (Erasure of criminal records).  
Conn. Gen. Stat. §54-142k (Supp. 1992) (Inspection of criminal history records)

Court Rules / Orders / Policy Statements:

Dial-In Access to the Connecticut Superior Court Civil/Family  
System--General Guidelines (May 28, 1992)

Application for Dial-In Computer Access to the Civil/Family System  
Questions and Answers on Computer Access to Connecticut's Civil/Family  
System

Contact Person:

Frank M. Goetz III  
Deputy Director for Automated Systems  
Court Operations  
75 Elm Street  
Hartford, CT 06106  
(203) 722-5897

DELAWARE

Statutes:

Del. Code Ann. tit. 29, §10002 (1991) (Freedom of Information Act).

Remarks:

No information.

DISTRICT OF COLUMBIA (S)

Statutes:

D.C. Code Ann. §1-1502 (1987) (Freedom of Information Act)

D.C. Code Ann. §1-1529 (1987).

Cases:

Schwartz v. Department of Justice, 435 F. Supp. 1023 (D.C. 1977).

Contact Person:

James E. Gregory  
District of Columbia Courts  
500 Indiana Avenue, N.W.  
Washington, DC 20001  
(202) 879-1700

FLORIDA (S)

Constitution:

Fla. Const. art. I, §24 (open judicial records) by statute)

Statutes:

Fla. Stat. Ann. §119 (West 1990) (Public Records Act)

Fla. Stat. Ann. §119.085 (West 1990) (remote electronic access to public records)

Fla. Stat. Ann. §119.07(3)(q) (West 1990) (software exemptions)

Fla. Stat. Ann. §286 (Government-in-the-Sunshine Law)

Cases:

Rea v. Sansbury, 504 So.2d 1315 (Fla. 4th D A 1987) (dissemination of electronic records).

Seigle v. Barry, 422 So.2d 63, 65 (Fla. 4th DA 1982) (dissemination of electronic records).

Attorney General Opinions:

AGO 83-97 (Florida legislature cannot subject the judiciary to the requirements of the Sunshine Law because of the separation of powers doctrine and the constitutional authority of the Florida Supreme Court to adopt for the practice and procedures in all courts.)

AGO 89-39 Government in the Sunshine--Counties--Public Records

Court Rules:

Fla. R. of Jud. Admin. 2.051 (Public Access to Judicial Records)

Fla. R. of Jud. Admin. 2.090 (Electronic Filing of Matters In All Proceedings Within The State Courts System)

Other Resources:

The Media and Communications Law Committee of the Florida Bar, Legal Issues Related to Access and the Press, (October 24, 1994) (Prepared for the 1994 Annual Education Meeting of Florida Conference of Circuit Judges).

The Joint Committee on Information Technology Resources of the Florida Legislature, Electronic Records Access: Problems and Issues (January 1994) (request a copy by writing 111 West Madison Street, Room 876, Tallahassee, Florida, 323990-1400, or calling (904) 488-4646).

The Florida Office of the Attorney General, Government-in-the-Sunshine Manual, (copies available for \$9.50 by writing First Amendment Foundation, 336 E. College Ave., Suite 103, Tallahassee, FL 32301, or by calling (904) 222-3518)

Remarks:

For a discussion of Florida law, see *supr.*

Contact Person:

Debra Roberts  
Senior Attorney  
Legal Affairs and Education  
Office of the State Courts Administrator  
Supreme Court Building  
Tallahassee, FL 32399-1900  
(904) 922-5109

GEORGIA

Statutes:

Ga. Code Ann. §50-18-70(a) (Supp. 1989) (Public Records)

Court Rules/Orders/Policy Statements:

Eastern Judicial Circuit of Georgia, Policy and Procedure, No. 1.1.12  
(Data Dissemination Policy)

Contact Person:

David Rathbone  
Court Administrator  
Superior Court of the Eastern Judicial Circuit, Room 116  
Chatham County  
Savannah, GA 31401-3273  
(912) 652-7129

HAWAII (S)

Statutes:

Haw. Rev. Stat.:§92F-3 (1990) (Uniform Information Practices Act)

Court Rules / Orders / Policy Statements:

No active or proposed rules or policies at this time related to public access to electronic court records. The only exception is the current policy which prohibits non-criminal justice agency access to computer systems (for technical security reasons).

Remarks:

At this time the Hawaii Judiciary does not provide any external (i.e., non-criminal justice agency) access to electronic court records. Several of the jurisdictions do provide a terminal accessible by the public for inquiry purposes; these terminals provide access only to non-confidential electronic case records.

The Hawaii Judiciary has not studied the issues surrounding public access to electronic court records in depth. The topic has been raised quite a bit, however, over the last several years, especially in light of Hawaii's public records law (cited above). The major technical concern with granting immediate access to the systems is the courts' inability to provide adequate security to the electronic records to prevent tampering or destruction of those records. The systems currently in design will provide the necessary accommodations for public access to selected portions of the court databases.

Contact Person:

Mr. Garret T. Yoshimi  
Director  
Computer and Communications Services  
East-West Center  
1777 East-West Road  
Honolulu, HI 96848  
(808) 944-7299

IDAHO (S)

Statutes:

Idaho Code §9-337 (1990) (Open Records Law)

Court Rules / Orders / Policy Statements:

Idaho Admin. Ct. R. 32 (Records of the judicial department; Examination, inspection and copying; Exemption from and limitations on disclosure.)

Remarks:

In the Snake River Basin District Court, policies are currently being drafted.

Contact Person:

John R. Peay  
Assistant Director  
Trial Court Services and Information Systems  
Supreme Court Building  
451 W. State Street  
P.O. Box 83720-0101  
Boise, ID 83720  
(208) 334-3868

David Egar  
Case Administrator  
Snake River Basin Adjudication District Court  
253 - 3rd Avenue, North  
P. O. Box 2707  
Twin Falls, ID 83301  
(208) 736-3011

ILLINOIS (S)

Constitution:

Ill. Const. art. VIII, §1, cl. c (amended 1970)

Statutes:

Ill. Ann. Stat. ch. 116, para. 202.2 (Smith-Hurd Supp. 1990)  
5 ILCS 140/1 (1992) (Freedom of Information Act)

Cases:

Weinstein v. Rosenbloom, 59 Ill. 2d 475 (1974).

Warden V. Byrne, 102 Ill. App. 3d 501 (1st Dist. 1981).

Healy v. Teachers Retirement System 200 Ill. App. 3d 240 (4th Dist 1990).

City of Monmouth v. Galesburg Printing Co. 144 Ill. App. 3d 224 (3rd  
Dist 1986).

Margolis v. Director of the Department of Revenue 80 Ill. App. 3d 1084  
(1st Dist 1989).

AFSCME v. County of Cook, 136 Ill. 2d 334 (1st Dist. 1990) (Generally,  
any "public body" must furnish records, including "electronic data  
processing records", in the form in which they are ordinarily kept  
unless they fall within 31 specific exceptions to disclosure).

Weinstein V. Rosenbloom, 59 Ill. 2d 475 (1974).

Attorney General Opinions:

Att'y Gen. Op. 264

Remarks:

The Automation and Technology Committee of the Illinois Judicial  
Conference recently has been asked to examine public access to automated  
information.

Contact Person:

Margaret A. Marcouiller  
Attorney  
Court Services Division  
30 N. Michigan Avenue, Suite 2017  
Chicago, IL 60602  
(312) 793-3250

INDIANA (S)

Statutes:

Ind. Code Ann. §5-14-3 (Burns Supp. 1992) (Access to Public Records)

Ind. Code Ann. §4-1-6 (Burns Supp. 1992) (Privacy Law)

Court Rules / Orders / Policy Statements:

Ind. Admin. R. 9 (Confidentiality of Court Records)

Remarks:

The issue of access to electronic records was studied as a part of a larger study of access to court records, in connection with the issue of confidential court records. The study lead to the development of Administrative Rule 9 of the Supreme Court of Indiana. The Records Management Section of the Division of State Court Administration prepared recommended procedures entitled, Guide to Implementation of Administrative Rule 9 Confidentiality of Court Records to be Used in Conjunction with the Court Records Mandated by Trial Rule 77.

Contact Person:

Thomas Jones  
Records Manager  
Supreme Court of Indiana  
115 West Washington Street Suite 1080  
Indianapolis, IN 46204-3417

IOWA

Statutes:

Iowa Code Ann. §22.1 (West 1989) (Iowa Public Records Statute)

Remarks:

No information.

KANSAS (S)

Statutes:

Kan. Stat. Ann. §45-216 (1986) (Public Policy That Records Be Open)

Kan. Stat. Ann. §45-217(f)(1) (1986) (Open Records Law)

Kan. Stat. Ann. §60-2601a (1986) (Judicial Computer Information System)

Court Rules / Orders / Policy Statements:

District Court of Edwards County, Open Records Act--Office Procedures

Contact Person(s):

R. G. Henley  
Attorney  
Kansas Judicial Center, Room 337  
301 West Tenth  
Topeka, KS 66612

Betty Ackerman  
Clerk of District Court  
District Court of Edwards County  
P. O. Box 232  
Kinsley, KS 67547  
(316) 659-2442

#### KENTUCKY

Statutes:

Ky. Rev. Stat. Ann. §61.870(2) (Baldwin 1991) (Open Records Act)

Remarks:

No information.

#### LOUISIANA

Statutes:

La. Rev. Stat. Ann. §44:1 (West 1982) (Public Records Act)

Remarks:

No information.

#### MAINE

Statutes:

Me. Rev. Stat. Ann. tit. 1, §402(3) (West 19xx) (Freedom of Access Law)

Remarks:

No information.

#### MARYLAND (S)

Statutes:

Md. Code Ann. §10-611 (1984) (Access to Public Records Act)

Md. Code Ann. §10-628 (1984)

Attorney General Opinions:

318

Court Rules / Orders / Policy Statements:

Md. Ct. R. 2-541(h)(z) (Electronic recording)

Md. Ct. R. 1224d (Allowable forms of reporting)

Remarks:

Has not studied the issues formally. Grant access unless overly burdensome.

Contact Person:

George B. Riffin, Jr.

State Court Administrator

Administrative Office of the Courts

361 Rowe Boulevard

Annapolis, MD 21401

(410) 974-2141

MASSACHUSETTS

Statutes:

Mass. Gen. Laws Ann. ch. 4, §7, para. 26 (West 1991) (Public Records Law)

Remarks:

No formal policy other than statutes and rules of courts.

MICHIGAN (S)

Statutes:

Mich. Stat. Ann. §4.1801(2)(e) (Callaghan 1985) (Freedom of Information Act)

Cases:

Mich. Ct. R. 8.105 (Court records).

Court Rules / Orders / Policy Statements:

Mich. Ct. R. 5.903(A)(18) (Confidential files)

Mich. Ct. R. 5.925(D)(2) (Accessibility of confidential files)

Oakland County Probate Court, Administrative Order 1992-02 (Access to  
Juvenile Records)

54-A District Court, Administrative Order 1989-2 (Access to Records)

54-A District Court, Administrative Order 1991-4 (Computer Generated  
Dispositions & Reports)

Remarks:

There has been no study of this issue at the state level.

Contact Person:

John D. Ferry, Jr.

Deputy Administrator

State Court Administrative Office

611 West Ottawa Street

P.O. Box 30048

Lansing, MI 48909

(517) 373-0130

MINNESOTA (S)

Statutes:

Minn. Stat. Ann. §13.01 (West 1991) (Government Data Practices Act)

Court Rules / Orders / Policy Statements:

Minn. R. of Public Access 2 (General Policy)

Minn. R. of Public Access 3 (Definitions)

Third Judicial District (Policy for Public Agency and Private Firm  
Online Access to TCIS)

Contact Person:

Michael B. Johnson

Staff Attorney

Supreme Court of Minnesota

State Court Administration

120 Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155  
(612) 297-7584

MISSISSIPPI (S)

Statutes:

Miss. Code Ann. §25-61-3(b) (1991) (Public Access to Records Act)  
Miss. Code Ann. §9-1-51 (1991) (Electronic Storage of Records)  
Miss. Code Ann. §9-7-128 (1991) (Electronic Storage of Records)  
Miss. Code Ann. §43-21 (1991)  
Senate Bill No. 3061 (Keeping of Electronic Records)

Remarks:

The 1994 Mississippi Legislature just passed Senate Bill No. 3061, which authorizes the keeping of public records by electronic means. The keeping of such records is within each clerk's discretion. Procedures for public access will be addressed in the future.

Contact Person:

Martin T. Smith  
Supreme Court of Mississippi  
Administrative Office Courts  
Post Office Box 117  
Jackson, MS 39205  
(601) 359-3697

MISSOURI

Statutes:

Mo. Ann. Stat. §610.026(2) (Vernon 1988) (Sunshine Law)

Remarks:

No information.

MONTANA (S)

Statutes:

Mont. Code Ann. §2-6-101 (1991) (Public Records Act)

Mont. Code Ann. §2-6-110 (1993) (Electronic Information--public access)

Court Rules / Orders / Policy Statements:

Mont. Public Records R. Part 1 §2-6-101 - Definitions

Mont. Public Records R. Part 2 §2-6-202 - Definitions

Contact Person:

Jeanette Roberts

Administrative Assistant

Supreme Court of Montana

Office of the Court Administrator

Justice Building Room 315

215 North Sanders

Helena, MT 59620-3002

(406) 444-2621

NEBRASKA (S)

Statutes:

Neb. Rev. Stat. §84-712 (1987) (Open Records Law)

Remarks:

In process of studying access to electronic records.

Contact Person:

Joseph C. Steele

State Court Administrator

Administrative Office of the Courts/Probation

State Capitol Building, Room 1220

Lincoln, NE 68509

(402) 471-2643

NEVADA (S)

Statutes:

Nev. Rev. Stat. Ann. §239.010 (Michie 1986) (Open Records Law)

Attorney General Opinions:

89-1 Public Records; Computer Programs: Wildlife

89-18 Public Record, Privacy, Personnel

Court Rules / Orders / Policy Statements:

Personnel Policies and Procedures Manual, Ch. 7.020 (Dissemination of  
Information from Court Records)

Contact Person:

Susan Southwick

Law Librarian

Supreme Court Library

Capitol Complex

Carson City, NV 89710

(702) 687-5140

NEW HAMPSHIRE

Statutes:

N.H. Rev. Stat. Ann. §91-A:4 (Supp. 1989) (Right to Know Law)

Court Rules / Orders / Policy Statements:

Guidelines for Public Access to Court Records (effective Dec 9, 1992)

NEW JERSEY (S)

Statutes:

N.J. Stat. Ann. §47:1A-2 (West 1989) (Right to Know Law)

Court Rules / Orders / Policy Statements:

N.J. R. of General Application 1:38 (Confidentiality of Court Records)

Remarks:

No formal rules/policies at this time. In process of firing up a  
committee, to be chaired by an Associate Justice of the Supreme Court,  
to address access and privacy issues.

Contact Person:

Jim Rebo

Assistant Director

Administrative Office of the Courts  
RJH Complex, CN-984  
Trenton, NJ 08625  
(609) 984-4378

#### NEW MEXICO

Statutes:

N.M. Stat. Ann. §14-2-1 (Michie 1988) (Public Records Statute)

Remarks:

No information.

#### NEW YORK (S)

Statutes:

N.Y. Pub. Off. Law §86(4) (McKinney 1988) (Freedom of Information Law)

Court Rules / Orders / Policy Statements:

N.Y. R. of Chief Admin. 124 (Public Access to Records)

Remarks:

Ulster County handles each request individually and makes a determination based, in part, on whether the information is available within an existing work product.

Contact Person(s):

Ellen Smithberg  
Office of Court Administration  
270 Broadway  
New York, NY 10007  
(212) 417-2000

Mary O'Neill  
Chief Clerk  
Ulster Supreme and County Courts  
285 Wall St.  
Kingston, NY 12401

(914) 339-5680

#### NORTH CAROLINA

Statutes:

N.C. Gen. Stat. §132-1 (1986) (Public Records Law)

Remarks:

No information.

#### NORTH DAKOTA

Statutes:

N.D. Cent. Code §44-04-18 (1978) (Public Records Statute)

Remarks:

The S.C. Judicial District, which covers a thirteen county area (including the city of Bismark), maintains that all system information is public record except for case information coded as "R" (restricted), for example, juvenile case data.

Contact Person:

Doug Johnson  
District Court Administrator  
S.C. Judicial District  
514 E. Thayer  
P. O. Box 1013  
Bismarck, ND 58502-1013  
(701) 222-6682

#### OHIO

Statutes:

Ohio Rev. Code Ann. §149.011(G) (Anderson Supp. 1990) (Open Records Statute)

Cases:

Harmon v. Bender, 494 N.E.2d 1135 (1986) (video tape of proceedings released).

Cincinnati Post v. Schweikert, 527 N.E.2d 1230 (1988) (public can access internal data compilations).

Recodat v. Buchanan, 546 N.E.2d 203 (1989) (magnetic computer tapes held by private company on behalf of court were public records).

Margolins v. Cleveland, 99 Ohio St.3d\_\_ (1992) (government agency must allow copying of portions of computer tape if paper records are insufficient).

Remarks:

All court records governed by Ohio Revised Code; generally, records are open except for those defined as closed or confidential by law.

OKLAHOMA

Statutes:

Okla. Stat. Ann. tit. 51, §24A (West Supp. 1990) (Open Records Act)

House Bill No. 2590 (Oklahoma Information Network Act)

Court Rules / Orders / Policies:

Tulsa Municipal Court, Policy and Procedures, Duties and Responsibilities of Court Operations Supervisor

Contact Person:

Paul Covey

Municipal Court

600 Civic Center, Room 234

Tulsa, OK 74104

OREGON (S)

Statutes:

Or. Rev. Stat. §192.410 (1989) (Public Records Statute)

Remarks:

Have not studied issues surrounding privacy and public access, but have a mandatory policy regarding usage of the Oregon Judicial Information Network (OJIN). Most, but not all information is available to the public.

Contact Person:

Carl Ward  
Director, Information Systems Division  
Supreme Court of Oregon  
Supreme Court Building  
Salem, OR 97310  
(503) 378-4049

## PENNSYLVANIA

### Statutes:

Pa. Stat. Ann. tit. 65, §66.1(2) (1991) (Right to Know Law)

### Remarks:

No information.

## RHODE ISLAND (S)

### Statutes:

#### R.I. Gen. Laws:

§38-2-2(d) (1990 & Supp. 1991) (Access to Public Records Act)

§38-2-1 et. seq. (1990 Reenactment) (Access to Public Records Act)

§12-1-12 (Supp. 1993) (Destruction or Seal of Records of Acquitted)

§12-1.3-4 (1981 Reenactment) (Expungement of Criminal Records)

§9-1-44 (1981 Reenactment) (Civil Action for Release of Names of  
Minors, G.L. 1956)

### Cases:

In re Access to Certain Records of Rhode Island Advisory Committee on  
the Code of Judicial Conduct, No. 93-370-M.P. (March 8, 1994) (common  
law right of access to judicial records analysis).

Providence Journal v. Sundlun, 616 A.2d. 1131 (RI 1992) (analysis of  
Access to Public Records Act).

R.I. Federation of Teachers v. Sundlun, 595A.2d 799 (RI 1991) (A.P.R.A.  
provides no cause of action for wrongful disclosure of non-public records).

### Contact Person:

Susan McCalmont

Assistant Administrator, Policy and Programs  
Supreme Court of Rhode Island  
250 Benefit Street  
Providence, RI 02903  
(401) 277-2500

#### SOUTH CAROLINA

Statutes:

S.C. Code Ann. §30-4-20(c) (Law. Co-op Supp. 1989) (Freedom of  
Information Act)

Remarks:

No information.

#### SOUTH DAKOTA (S)

Statutes:

S.D. Codified Laws Ann. §1-27-1 (Supp. 1990) (Open Records Statute)

Contact Person:

Bill Farnham  
Judicial Research Analyst  
State Court Administrator's Office  
500 East Capitol  
Pierre, SD 57501-5070  
(605) 773-3474

#### TENNESSEE

Statutes:

Tenn. Code Ann. §10-7-503(a) (1987) (Open Records Act)

Remarks:

No information.

#### TEXAS (S)

Statutes:

Tex. Code tit. 6252-13b, §5A (19xx) (Open Records Act)

Tex. Gov't Code Ann. §552 (West 19xx) (Government Code)

Remarks:

Grant access to electronic records under same rules as other records.

Have not studied the issue; no special policy in place.

Contact Person(s):

Jim Hutcheson

Office of Court Administration

Texas Judicial System

Tom C. Clark State Courts Building

205 West 14th Street

Austin, TX 78701

(512) 463-1627

Carol Wood

Manager of Administrative Services

Court and Detention Services

Municipal Court / City of Dallas

2104 Main, Room 103

Dallas, TX 75201

(214) 670-3488

UTAH (S)

Statutes:

Utah Code Ann. §78-26-1 (1987) (Public and Private Writings Act)

Court Rules / Orders / Policy Statements:

Utah Ct. R. 4-202 (Records Dissemination)

Remarks:

Have formed task forces and committees to study privacy and access issues; only in infant stages. Has implemented a "subscription agreement" governing use of the Utah Courts Information Exchange System.

Contact Person:

Brent M. Johnson  
Associate General Counsel/Records Manager  
Administrative Office of the Courts  
230 South 500 East  
Suite 300  
Salt Lake City, UT 84102  
(801) 578-3800

VERMONT

Statutes:

Vt. Stat. Ann. tit. 1, §317(b)(1) (1985 & Supp. 1991) (Access to Public  
Records Law)  
Vt. Stat. Ann. tit. 1, §317(b) (1990 & Supp. 1992)

Remarks:

No information.

VIRGINIA

Statutes:

Va. Code Ann. §2.1-341 (Michie Supp. 1989) (Freedom of Information Act)

Remarks:

No information.

WASHINGTON (S)

Statutes:

Wash. Rev. Code §40.14.010 (Supp. 1990) (Public Records Act)

Court Rules / Orders / Policy Statements:

Wash. JISCR 15 (Data Dissemination of Computer-Based Court Information)

Remarks:

Currently has a working Data Dissemination Administrative Committee;  
prepared a draft policy, JIS Data Dissemination Administrator's Handbook  
(October 1993), currently under review; also prepared draft Checklist for policy  
considerations.

Contact Person:

Jane Nelson  
Temple of Justice  
P.O. Box 41174  
Olympia, WA 98504-1174

WEST VIRGINIA (S)

Statutes:

W. Va. Code §29B-1-3 (1986) (Freedom of Information Act)

Remarks:

Courts follow Freedom of Information Act, which grants access to computer records. Have not formally studied access and privacy issues.

Contact Person:

Ted J. Philyaw  
Administrative Director  
West Virginia Supreme Court of Appeals  
E-402 State Capitol Building  
Charleston, WV 25305  
(304) 348-0145

WISCONSIN

Statutes:

Wis. Stat. Ann. §19.32(2) (West 1990) (Open Records Statute)

Wis. Stat. Ann. §767.27(3)(a) (Financial disclosures in family cases are confidential)

Court Rules / Orders / Policy Statements:

Eau Claire County, Clerk of Courts' Office Policy Statement (not specific to electronic records)

Record Checks

Public Notice; Public Records Availability

Confidential Records

Family Maintenance Payment Records

Juvenile  
Other Case Files & Records Ordered Impounded  
Pre-sentence Investigation Reports  
Psychiatric and Psychological Reports  
Search Warrants  
Expungements  
Financial Disclosures - Family Cases

Remarks:

The state is in the process of putting public terminals in the Court Houses, and eventually plans to provide dial-in, remote access. No formal policies exist on a state-wide level other than statutory record access provisions. However, a steering committee is examining data access issues, and is considering working with CivicLink, a nation-wide public access service of Ameritek.

Contact Person(s):

Dean Ziemke  
Project Director, Circuit Court Automation Project  
Director of State Courts Office  
110 E Main Street, Suite 215  
Madison, WI 53703  
(608) 267-3728

Diana J. Miller  
Clerk of Court  
Office of Clerk of Courts  
Eau Claire County  
721 Oxford Avenue  
Eau Claire, WI 54703-5496  
(715) 839-4816

WYOMING (S)

Statutes:

Wyo. Stat. §16-4-201 (1990) (Public Records Act)

Remarks:

No public access granted to computer databases. Have not studied the issues,  
but have informally discussed providing public access.

Contact Person:

Robert L. Duncan  
Court Coordinator  
Supreme Court of Wyoming  
Supreme Court Building  
Cheyenne, WY 82002  
(307) 777-7582

## A SAMPLE OF STATE LEGISLATIVE MODELS

California Gov. Code s. 16.5 (1995); 1995 Cal. Assembly Bill 1557, Enacted October 4, 1995  
Provides that "in any written communication with a public entity...., in which a signature is  
required or used, any party to the transaction....may affix a signature by use of a digital  
signature that complies with the requirements of this section. The use of a digital signature  
shall have the same force and effect as the use of a manual signature if and only if it embodies  
all of the following attributes:

- 1) unique to the person using it;
- 2) capable of verification;
- 3) under the sole control of the person using it;
- 4) linked to date in such a manner that if the data are changed, the digital  
signature is invalidated;
- 5) conforms to regulations adopted by the Secretary of State.

Utah Digital Signature Act, Utah Code Annotated, Sections 46-3-101 to -504, Enacted 1995  
Pioneer digital signature legislation provides that "where a rule of law requires a  
signature....that rule is satisfied by a digital signature if:

- 1) that digital signature is verified by reference to the public key listed in a valid  
certificate issued by a licensed certification authority;

2) that digital signature was affixed by the signer with the intention of signing the message; and

3) the recipient has no knowledge or notice that the signer either;

(i) breached a duty as a subscriber; or

(ii) does not rightfully hold the private key used to affix the digital signature.

The legislation further provides that in disputes concerning the validity of a digital signature, Utah courts shall presume that that the digital signature is valid based on compliance with certain certification requirements.

Arizona Rev. Statutes, Section 22-284

Authorizes the presiding judge of the superior court to provide for the electronic filing of document and electronic access to justice court records, pursuant to rules adopted by the supreme court.

Arizona Rev. Statutes, Section 12-119.02

Authorizes the Supreme Court to provide for the electronic filing of documents and electronic access to court records, pursuant to rules adopted by the supreme court.

1994 Mississippi Senate Bill 3061, House Bill 112

Provides that all courts of the state may receive or retain electronic records in lieu of paper records in any proceeding, provided pleadings conform to rules and regulations prescribed by the administration of courts and adopted by the Mississippi Supreme Court.

1997 Nevada A.B. 386, Enacted July 1, 1997

Authorizes a court clerk to accept criminal complaints and information that are filed electronically.

Requires electronically filed documents to "contain an image of the signature of the prosecuting attorney."

1997 Tennessee Senate Bill 525, Enacted May 27, 1997

Amends various statutes defining terms "record," "writing," "signature," "signed," etc. to provide for the use of electronic writings and signatures.

1997 Tennessee H.B. 1718, Enacted June 13, 1997

Authorizes Tennessee courts to implement procedures for use of electronic signatures in signing of pleadings, court orders, judgments, and other court documents

1997 Tennessee S.B. 1090, Introduced April 16, 1997

Authorizes Tennessee courts to implement procedures for use of electronic signatures in signing of pleadings, court orders, judgments, and other court documents

Illinois Electronic Commerce Security Act, Draft, December 15, 1997

Draft distinguishes between electronic and digital signatures and applies to all communications. Provides that an electronic signature satisfies any rule of law that requires a signature. A digital signature satisfies any rule of law that requires a signature and it is rebuttably presumed that:

- 1) the digital signature is the signature of the person to whom it correlates; and
- 2) the digital signature was affixed by that person with the intention of signing the electronic record.

Massachusetts Electronic Records and Signatures Act, Draft, November 4, 1997

The proposed legislation generally applies to all public and private communications and equates electronic signatures, including digital signatures, with traditional signatures. Provides that electronic records and electronic signatures satisfy rules of law that require manual signatures, and that such electronic records and signatures shall not be given legal effect because they are in electronic form. The draft provides that electronic records and signatures are admissible into evidence and shall be given evidential weight by the trier of fact. The draft, however, states that electronic records and signatures will not be given legal effect for records that a) "serve as a unique and transferable physical token of rights and obligations" including negotiable instruments and other instruments that confer title and b) are clearly inconsistent with legislative intent or contrary to the context of any rule of law.

Hawaii Rev. Statutes, Chapter 601, Enacted, June 17, 1996

Requires the state judiciary to convene a task force in consultation with the department of commerce and consumer affairs to explore programs for digital and electronic filing of court documents.

### Federal Legislative Models

Electronic Financial Services Efficiency Act of 1997; 1997 House Bill 2937, Introduced November 8, 1997

Bill provides for the recognition of digital and other forms electronic authentication as an alternative to existing paper-based methods. The bill further provides that unless expressly prohibited by state law, all forms of electronic authentication that comport with standards set forth in the bill would satisfy the requirements of a paper-based writing and signature where the writing or signature is required by law. The electronic authentication must: 1) reliably establish the identity of the maker, sender, or originator of an electronic document or communication; and 2) reliably establish the fact that the document or communication has not been altered.

Electronic Commerce Enhancement Act; 1997 House Bill 2991, Introduced November 9, 1997  
Makes federal forms available to citizens over the Internet and would allow citizens to electronically submit forms to federal agencies using electronic signatures.

### Miscellaneous

American Bar Association, Digital Signature Guidelines

The ABA, through its Section of Science and Technology, has published guidelines that provide a legal overview of the use of cryptology, electronic signatures, and entity authentication over open networks. The guidelines describe a system for ensuring the identity of the holder of a private key, for making digital signatures as usable in commerce and in legal proceedings as a

written signature on paper, and for ascribing appropriate responsibility to those engaged in electronic commerce should one deny liability under the transaction.

#### Administrative Office of the United States Courts, Technical Specifications and Technical Guidelines

Provides mandatory functional requirements for implementation of electronic filing systems in the Federal Judiciary.

#### State Court Rules

##### Ohio Rules of Civil Procedure, Rule 5(e)

Authorizes local courts, by local rule, to provide for the filing of pleadings and other papers by electronic means. "Any signature of electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the court shall order the filing stricken.

##### Arkansas Rules of Civil Procedure, Rule 5

Permits service on an attorney by electronic means, if the attorney served has facilities within his or her office to receive and reproduce the transmission.

##### Wisconsin Rules of Procedure, Rule 72.05

Provides that court records specified for retention in Rule 72.02 (setting forth a retention schedule) and maintained as official or original information on electronic or optical storage systems shall be retained for the minimum time periods set forth in the prior rule governing paper storage.