

The Supreme Court of Ohio
Standards Subcommittee of the Advisory Committee on
Technology and the Courts
Electronic Filing Work Group

DRAFT
Recommended Standards
July 20, 2006

Standards for
Electronic Filing Processes
(Technical and Business Approaches)

**BASED ON THE STANDARDS FOR ELECTRONIC FILING PROCESSES AS PART OF THE NATIONAL
CONSORTIUM FOR STATE COURT AUTOMATION STANDARDS**

John Shorts, Work Group Lead

Lynn Streck, Work Group Co-Lead

Hon. Milt Nuzum, Co-Chair, Standards Subcommittee

Hon. Gary Byers, Co-Chair, Standards Subcommittee

Hon. John Bessey, Chair, Advisory Committee on Technology and the Courts

4 Forward

5
6 The time for broad scale implementation of [electronic filing](#) has arrived. The Supreme Court of Ohio created the
7 Advisory Committee on Technology and the Courts ([ACTC](#)) to address various issues related to [electronic filing](#)
8 processes such as privacy, implementation, and standards. The [ACTC](#) established different subcommittees, one
9 of which is the Standards Subcommittee. The E-filing Work Group is an offshoot of the Standards
10 Subcommittee charged with the responsibility of carefully crafting standards to assist courts and developers in
11 making the move towards [electronic filing](#) less intimidating and costly. This work group considered numerous
12 issues pertaining to varying court [systems](#) and the ever changing technology arena. Many of the issues
13 considered by this work group in drafting the [electronic filing](#) standards will be discussed under the assumptions
14 section in the introduction and in the commentary following each standard.

15 Early adopters of [electronic filing systems](#) had to work through policy and operational issues for themselves. The
16 availability of national standards has guided this Work Group in drafting the standards for Ohio. This [document](#)
17 is different from federal [e-filing](#) standards in that it is more flexible in order to cover the many different types of
18 courts in Ohio. The goal of these Standards is to define common technology and policy approaches to strive to
19 obtain [interoperability](#) among new [systems](#) that are put in place. For courts, the most important benefit of a
20 common technology approach will be the decreased cost of developing or purchasing applications. Common
21 [systems](#) – with reusable applications and components – ultimately will mean lower costs for both purchase and
22 long-term maintenance.

23 Filing pleadings and other court papers electronically will finally make it possible to move towards the ideal of a
24 “less paper” courthouse, thus realizing a wide range of potential spin-off benefits for litigants, judges, lawyers,
25 court administrators, and the general public. Some of those **benefits** are:

- 26 • [Electronic filing](#) can be done and cases can be accessed 24/7.
- 27 • This provides for quick file retrieval and distribution of [documents](#).
- 28 • It enables multi-user simultaneous access to case [documents](#) and files.
- 29 • There is increased security due to reduction of [documents](#) or files being lost or misfiled.
- 30 • Additionally, an audit trail exists to prove that no changes have been made to the filed [document](#).
- 31 • It allows backup of [documents](#) in a convenient and concise manner which can be stored offsite and is easily
32 retrievable for a [system](#) recovery.
- 33 • This is a faster and a more efficient means to duplicate, access and transfer case files.
- 34 • One can perform full text searches on [documents](#).
- 35 • It makes it possible to electronically notify case parties that a filing has been made on their case.
- 36 • The ability to provide Service to case parties is present.
- 37 • It also enables e-service to attorneys.
- 38 • It saves time and money resources such as:
 - 39 ○ file management, storage space and record searching expenses;
 - 40 ○ supply costs such as paper and toner for printing;
 - 41 ○ repair/maintenance costs for printers and copiers;
 - 42 ○ personnel time for reproduction and collation of papers and courthouse visits; and
 - 43 ○ postage or courier services for some or
 - 44 ○ gasoline costs for others and
 - 45 ○ finding available parking spaces and paying for the parking.
- 46 • It moves Ohio along forward with the national trend toward electronic case files.

47
48 The original paper filing standard enabled courts to receive and file motions, complaints, and other filings over
49 the counter. The fax filing standard improved on the original standard by adding another means that courts could
50 accept filings without changing processes already associated with the filing procedures. This new [electronic](#)
51 [filing](#) standard was designed to allow courts another means for accepting filings without changing the original
52 process associated with any filing. Many courts have successfully implemented electronic records processes that

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

use imaging technology to “scan” paper [documents](#) and convert them to electronic files that are stored in sophisticated [document](#) management [systems](#). Clerks are still required to key the [document’s](#) type, case number, and other vital information into the court’s computerized case management [system](#), a task that is essentially unchanged from the traditional paper [document](#) world. “[Electronic filing](#)” saves the court the cost of converting most [documents](#) from paper to electronic form by taking advantage of the fact that lawyers and other court users create most [documents](#) filed in courts using their own computers.

These Standards for Electronic Filing Processes (Technical and Business Approaches) contain guidance for court policies and rules, a conceptual model of a common technological approach, and functional standards for courts and vendors to follow in designing and building automated applications to support [electronic filing](#). They are intended to provide a common model for state and appellate court [electronic filing](#) processes in order to achieve six **purposes**:

- to endorse a “full service” model of [electronic filing](#) including not only the [transmission](#) of electronic [documents](#) into the courts, but also the routine use of electronic [documents](#) and the electronic record for case processing, for service on other parties (which will minimize costs associated with service), and for access and use by everyone involved in, or interested in, the case;
- to endorse an [electronic filing](#) process containing maximum incentives for use and [acceptance](#) by courts and lawyers, so as to increase the success rate of [electronic filing](#) projects;
- to provide a “road map” for vendors to use when developing their [electronic filing](#), case management, and [document](#) management products;
- to provide guidance to court [systems](#) that wish to move into [electronic filing](#) but have hesitated to do so because they lack experience or expertise;
- to encourage all courts to make the most complete transition possible from paper to electronic records through the implementation of [electronic filing](#); and
- to establish the standards needed to ensure that [electronic filing](#) applications developed by state court [systems](#) and individual courts have the capacity to integrate into a state [electronic filing](#) network – so that practitioners and citizens can file and access [documents](#) in courts throughout the state using the same basic technological approach and encounter consistent functionality, with compatible [protocols](#) and rules.

TABLE OF CONTENTS

83		
84		
85		
86	<i>FORWARD</i>	<i>II</i>
87	<i>INTRODUCTION</i>	<i>1</i>
88	<i>ORGANIZATION OF THE STANDARDS DOCUMENT</i>	<i>3</i>
89	<i>ACKNOWLEDGEMENTS</i>	<i>4</i>
90	<i>1 POLICY STANDARDS</i>	<i>6</i>
91	1.1 General Principles	6
92	Standard 1.1A Electronic Documents.....	6
93	Standard 1.1B Electronic Viewing	6
94	Standard 1.1C Technical Requirements	7
95	Standard 1.1D Document Format	8
96	Standard 1.1E Linked Documents.....	9
97	Standard 1.1F Data Accompanying Submitted Documents	9
98	Standard 1.1G Identity of the Sender.....	9
99	Standard 1.1H Integrity of Transmitted and Filed Documents and Data.....	10
100	Standard 1.1J Surcharges for Electronic Filing.....	11
101	Standard 1.1K Court Control over Court Documents	13
102	Standard 1.1L Addressing the Special Needs of Users	14
103	1.2 Court Rules	16
104	Standard 1.2A Service of Filings on Opposing Parties.....	16
105	Standard 1.2B Use of Unique Identifier	17
106	Standard 1.2C Determining when a Document is Filed	17
107	Standard 1.2D Availability of Electronic Filing Process.....	18
108	Standard 1.2E Failure of Electronic Processes.....	19
109	1.3 Implementing Electronic Filing Systems	20
110	Standard 1.3A Universal Electronic Filing Processes	20
111	Standard 1.3B Mandatory Electronic Filing Processes	20
112	Standard 1.3C Maintaining Supplementary Scanning Capability.....	21
113	Standard 1.3D Quality Control Procedures.....	21
114	Standard 1.3E Eliminating Unnecessary Paper Processes.....	22
115	Standard 1.3F Integration with Case Management and Document Management Systems.....	22
116	Standard 1.3G Archiving Electronic Documents.....	23
117	<i>CONCEPTUAL MODEL</i>	<i>25</i>
118	<i>FUNCTIONAL STANDARDS</i>	<i>34</i>
119	Organization of Functional Standards	34
120	Functionality Matrix and Commentary	35
121	3.1 Functional Standard: General Court Standards	35
122	3.2 Functional Standard: System Architecture	37
123	3.4 Functional Standard: Document Integrity	41
124	3.5 Functional Standard: E-Filing System Security	42

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

125	3.6	Functional Standard: Signatures and Authentication.....	44
126	3.7	Functional Standard: Case and Document Confidentiality.....	45
127	3.8	Functional Standard: Acceptance and Rejection of Filings	47
128	3.9	Functional Standard: User and Service Registration	48
129	3.11	Functional Standard: Submission of All Filings	51
130	3.12	Functional Standard: Case Opening Filings	53
131	3.13	Functional Standard: Subsequent Case Filings	54
132	3.14	Functional Standard: Service and Notice	55
133	3.15	Functional Standard: Clerk Review	56
134	3.16	Functional Standard: Court Initiated Filings	57
135	3.17	Functional Standard: Requests for and Responses to Requests for Case Information	58
136	3.18	Functional Standard: Integration with Document Management Systems	60
137	3.20	Functional Standard: Document Retention and Archiving	62
138		SECTION 4 - GLOSSARY.....	64
139		SECTION 5 - CHECKLIST.....	69
140			
141			
142			

Introduction

Superintendence Rule 27 requires the Advisory Committee on Technology and the Courts to “promulgate and publish regulations governing the use of information technology in the courts of Ohio, including but not limited to... minimum, uniform standards relating to the creation, distribution, filing, and storage of and access to electronic [documents](#),” and “minimum, uniform standards for information and [document systems](#).”

These Standards for Electronic Filing Processes (Technical and Business Approaches) are intended to provide a common model for state and appellate court [electronic filing](#) processes for those courts choosing to initiate [e-filing](#). These standards were based on the following **assumptions**:

- The possible development of an Ohio Courts Network (OCN) was discussed at length prior to drafting these standards. Although the future of the proposed OCN is not certain at this time, the work group believed it necessary to develop standards independent of an OCN; yet standards that could be used in tandem with such a [system](#). The creation of an OCN would promote consistency in [electronic filing](#) processes. The standards are designed to make connecting to a future portal possible.
- It is not the purpose of these standards to define everything at the technical level needed for a statewide interoperable [electronic filing](#) process. This [document](#) emphasizes the importance of each court executing local rules to define the point wherein a [document](#) is filed and other issues surrounding authenticity. Upon the formation of the OCN commission, the commission will define various consistent procedural standards.
- A centralized payment engine will be optional until convenience fee issues are resolved.
- All courts have a case management [system](#). An [electronic filing system](#) is not a case management [system](#) (CMS). In contrast, not all courts have a [document](#) management [system](#) (DMS). Although courts without a DMS could print all [e-filings](#) on paper, such a process would defeat in large part the purposes of [electronic filing](#). Thus, courts without a DMS should not consider [e-filing](#).
- The electronic [document](#) is the official record; however, the manner by which the electronic [document](#) will be archived is outside of the scope of these standards. Archiving of records is mandated and governed by the Rules of Superintendence.

The **scope** of these standards is:

- the creation of court [documents](#) intended for filing as electronic court [documents](#);
- their [transmission](#) to and confirmation from a court;
- their review and [acceptance](#) by a court;
- their maintenance and use within the court and by users of court [documents](#) outside the court;
- the security and integrity of electronically filed court records; and
- the functions of court case management and [document](#) management [systems](#) needed to support electronically filed court records.

The standards are designed to apply to state courts of limited as well as general jurisdiction. They do not attempt to define all the functionality required for case management [systems](#) (CMS) or [document](#) management [systems](#) (DMS), nor do they address court policies for access to, or privacy of, electronic court records. Instead, the standards alert courts of specific areas wherein adopting court rules will be necessary for the successful implementation of the [e-filing](#) process. The standards tell what needs to be done to have [electronic filing](#) but not how to do it.

The standards are titled Standards for Electronic Filing Processes (Technical and Business Approaches) rather than “Standards for Electronic Filing” to avoid the unintended connotation associated with the term “[electronic filing](#)” that may be interpreted as referring only to the process by which [documents](#) are submitted to a court for filing. That is only one part of a mature, full blown electronic [documents](#) process. At the extreme, the failure to

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

look at [electronic filing](#) as part of a much larger process can result in an expensive [system](#) that is of little utility to court users such as judges, lawyers, litigants, and court staff. Electronic Filing Processes is also preferable to “Electronic Court Documents” which might apply simply to court imaging [systems](#) that create electronic [documents](#) by scanning paper filings. “Electronic Court Documents” would also include standards for [document management systems](#), which are not within the scope of these standards. Electronic Filing Processes incorporate scanning of paper [documents](#), but only as an ancillary process for capturing historical [documents](#) not created for the purpose of litigation and for converting paper [documents](#) submitted by parties incapable of using [electronic filing](#) means. An Electronic Filing Process relies upon [submission](#) of the great bulk of [documents](#) in electronic form without requiring the routine use of paper at any step in the process.

These standards are not limited to purely technical matters. The standards also cover court business process changes needed or useful in supporting the receipt and use of electronic [documents](#). The many [electronic filing](#) projects throughout the country have already produced many valuable lessons that courts planning such projects should follow; the policy standards and commentary accompanying them incorporate those experiences. Ultimately, practitioners and other court users will benefit from consistency in the court rules and policies governing [electronic filing](#) from jurisdiction to jurisdiction.

The policy and functional standards are presented in the format of standards and commentary. The standards are the operative portion of the [document](#). The commentary explains the standards, suggests best practices in their implementation, and sets forth any limitations or caveats to the universal application of the standards.

The standards for the most part express their requirements in general technical terms, rather than in terms of specific technical products currently available or in use today. Standards that avoid references to specific products will remain relevant as technology improves. Reviewing the glossary terms prior to reading the standards [document](#) may prove beneficial.

The standards often call for policies to be set forth in court rules. Articulating the standards through statutes or court decisions may be more appropriate in some jurisdictions. These standards do not address issues of public access to and privacy of electronic court [documents](#). The Supreme Court of Ohio has commissioned the Privacy Subcommittee to address the issues surrounding public access of [documents](#) and the privacy issues raised in the [electronic filing](#) process.

A Glossary is provided near the end of this [document](#) to assist in the understanding of technical terms. At the end is a Compliance Checklist.

Organization of the Standards Document

These standards are comprised of three interconnected sections:

- **Policy Standards** that include suggested rules and policies for courts to adopt in order to best achieve the goals of [electronic filing](#) processes;
- **Conceptual Models** of the [electronic filing](#) process to better explain the interrelationship of various entities and [systems](#) for successful operation; and
- **Functional Standards** that set forth the requirements for automated applications to achieve statewide interoperable [electronic filing systems](#) in courts.

Policy Standards. In a number of instances the *Policy Standard* calls for courts to use some process or to follow some standard practice. The Functional Standard will then require that [electronic filing](#) applications contain the capability to implement that policy.

Conceptual Model. The *Conceptual Model* of the [electronic filing](#) process is intended to display and describe the basic components of a standard [electronic filing](#) process. It is not intended to suggest any particular allocation of responsibility for implementation. For instance, a court or private sector service provider may choose to incorporate multiple components within a single application. A court may provide the [Front End](#) Application, and, therefore, be the Electronic Filing Service Provider ([EFSP](#)) for the [electronic filing front end](#) technology. The model is not intended to suggest that a private sector third party is necessary for an [electronic filing](#) application, nor is it intended to suggest a preference for private vendor provided [electronic filing systems](#) over those provided by courts or court [systems](#).

Functional Standards. The *Functional Standards* are composed of a detailed description of each functional standard, the subfunctions included within each function, and definitions relevant to consideration of [electronic filing](#). The functionality standards identify both the essential and optional functions that an [electronic filing](#) application shall or may contain, whether developed and operated by a court, a private sector service provider, or some other public entity. The functional standards are presented in a grid format that indicates whether additional local definition is needed and whether the function is mandatory or optional. The functional standards call for an [electronic filing system](#) that includes the following:

- [acceptance](#) of filings from lawyers or parties in electronic form;
- [acceptance](#) of filings (such as orders and notices) from judges and court staff;
- [acceptance](#) of filing and other fees electronically;
- display of filed [documents](#) for lawyers, parties, judges, court staff, appellate courts and the public;
- storage and archiving of [documents](#) in electronic form;
- notice of filing of [documents](#) to parties and counsel participating electronically in the case;
- security features to limit access to [confidential documents](#).

In addition to these three main sections, a glossary of terms is provided at the end of the [document](#).

Acknowledgements

These standards were produced through the work of the dedicated volunteer members of the E-Filing Work Group of the Standards Subcommittee of the Supreme Court of Ohio Advisory Committee on Technology and the Courts.

John Shorts, Lead

Trumbull County Probate Court

Lynn Streck, Co-Lead

Hamilton County Clerk of Courts Office

Barbara Bishop

Franklin County Probate Court

Jerome Cook

Butler County Clerk of Courts Office

James Drubert

Montgomery County Common Pleas Court

Johnson Fisher

Franklin County Common Pleas Court

William Gareau

Rocky River Municipal Court

Phil Giavasis

Stark County Clerk of Courts

Kelly Patton

Franklin County Probate Court

Dennis Rose

Hahn Loeser & Parks LLP

David Soros

Garfield Heights Municipal Court

Randy Tarrier

Franklin County Municipal Court

Mary Beth Parisi, Staff Liaison

Supreme Court of Ohio

Meg Buzzi, Project Manager

Jennifer Caouette, Program Assistant

Megan Real, Administrative Secretary

Supreme Court of Ohio

This and all other standards developed by the Advisory Committee on Technology and the Courts are available online at the Supreme Court of Ohio website, www.sconet.state.oh.us.

319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335

SECTION 1 – POLICY STANDARDS

1 Policy Standards

1.1 General principles

Standard 1.1A Electronic Documents

Electronic documents shall be part of the official court record. Paper versions of the electronic documents, if maintained, shall be considered copies. Electronic filings shall not be followed up by a paper copy.

The very notion of an official court record requires the designation of a single instance of a [document](#) as authoritative. The core principle underlying the maintenance and use of electronic court records is that the electronic [document](#) is the authoritative, official record of what is recorded in it. Whether implemented by statute or court rule, courts must make the transition from treating paper [documents](#) as the official record to treating the electronic [documents](#) as the official record.

Courts, lawyers and parties cannot rely on electronic [documents](#) unless they are accorded official status. Until the electronic [document](#) is the official court record, a responsible attorney will routinely obtain the full paper copy of all [documents](#) and orders from the court to ensure that he or she is relying on an authentic [document](#). As a result, courts will be required to maintain duplicate paper and electronic records. These steps eliminate the very efficiencies sought from the use of electronic court [documents](#). The ultimate objective of [electronic filing](#) processes is to eliminate the redundancy of paper and electronic records – relying exclusively on electronic [documents](#) as the official court record and using paper records only for the convenience of participants when electronic [documents](#) are awkward to use.

Courts gain in both security and flexibility when the electronic record becomes the official court record. Duplicate copies of electronic [documents](#) can be easily and inexpensively maintained for security. Authenticity of an electronic [document](#) can be verified with greater ease and certainty than authenticity of a paper record. Also, electronic records can be used simultaneously by multiple users in multiple locations, while a paper record can be lost or misplaced and only used by one person at time.

Widespread adoption of this basic principle will not prevent judges and lawyers who prefer to work with paper [documents](#) rather than [documents](#) on a computer screen from making and using paper copies. The functional standards ensure that paper copies can be available to users within and outside the court. Nor will it eliminate the use of certified paper copies of an official court record.

This principle facilitates electronic service and remote viewing of the court record. Designating the trial court's electronic [document](#) as the official court record allows all external viewers of that record to treat it as authoritative. It is not necessary, however, for courts to provide routine public access to its official electronic record. Some courts prefer for security reasons to limit access to its "production" data base, providing user access to a "mirror" or duplicate data base maintained for general access. At least one court has entered into a contract with a private sector service provider to maintain such a [database](#) for purposes of access by the public.

Standard 1.1B Electronic Viewing

Electronic filing processes will presume that all users will view documents on their computer screens. Paper copies

will be available on demand, but their production will be exceptional, not routine.

A major objective of an [electronic filing](#) process is to maintain and provide [documents](#) to all users in electronic form. To routinely convert [documents](#) back to paper for viewing purposes is to increase significantly, and unnecessarily, the costs of court operations – in the cost of paper and ink, in the cost of printers, in the time of court staff required to make copies, and in the cost of keeping copies for future use.

Many courts already require parties to submit electronic versions of their filings so that judges and staff can work with them on their computers. Examples are appellate briefs and transcripts required by a court to be submitted on floppy disk or CD ROM. Significant numbers of judges and lawyers are realizing the advantage of electronic [documents](#) arising from the ability to create automatic links between a reference to a case or [document](#) and the text of the case or [document](#) itself. Such “CD ROM briefs” are allowed by the rules of many appellate courts and their filing is encouraged by judges, especially in complex and complicated matters. [Electronic filing](#) processes make these practices universal.

Standard 1.1C Technical Requirements

Courts shall use Internet browser, eXtensible Markup Language, and/or other standards set forth by the Supreme Court of Ohio.

While numerous technologies have been used in the course of [electronic filing](#) projects since 1985, the clear consensus today is a combination of Internet browser, [XML](#), web services and World Wide Web Consortium (W3C) standards are the core technologies supporting [electronic filing](#) processes. This standard is not intended to suggest a specific transfer protocol, or that all courts automated applications be “web-based” (i.e., that court personal computers or terminals access all operating programs through the Internet or through an Intranet); it merely can be subdivided into two parts: Data definition and [Connectivity](#). Data definition is currently the standard known as [XML](#); [Connectivity](#) intends that electronic [documents](#) be transmitted to the court, and accessed from the court, by means of an Internet browser using web services to connect to the courts.

[XML](#) (eXtensible Markup Language) is the currently accepted standard for describing the content of data transmitted electronically. These standards do not use the term “web services” to apply to specific standards, but rather in a broader sense to refer to automated means to access application functionality through the use of internet technology. This entails the ability of a computer to learn, automatically, what [protocols](#) are needed to access an application on another computer. Courts should use standard internet technology, e.g., SOAP (Simple Object Access Protocol), service registries and repositories, and other such standards-based capabilities as they mature. [Systems](#) must expose key [APIs](#) as defined under SupR 27. Court [electronic filing](#) applications should function satisfactorily on all major browsers, not just on a single browser.

There are two larger principles to which courts should adhere in developing [electronic filing systems](#):

- [Systems](#) should be “platform independent.” For instance, [systems](#) should be just as useable by persons with Apple Macintosh computers as by persons using personal computers with Microsoft Windows, Linux, or Unix operating [systems](#).
- [Systems](#) should use or support – to the extent possible – applications based on open, nationally-accepted standards rather than on proprietary solutions. When no such open standards exist, courts should – again, to the extent possible – ensure support for multiple products rather than a single proprietary product. Being tied to a single proprietary product increases costs to users by eliminating competition and introduces risk to the

court's application by making a court dependent on the continuing viability and future success of a single vendor's product.

[XML](#) has been developed as an open standard usable by anyone without cost. A number of [XML](#) tools are readily available on the market. Because [XML](#) is a non-proprietary, machine-readable format that promotes the exchange of data among different [systems](#), it promotes [interoperability](#) and thus is well-suited for use in [electronic filing](#) processes.

For any business group, including the legal community, to be able to use [XML](#) productively, its members must agree on a common set of [tag](#) names, definitions, and basic operating rules. Without such a common "dictionary," [XML](#) will not function because [XML](#) can only operate successfully when everyone uses it for a particular purpose use the same [tags](#), in the same way. The World Wide Web Consortium has recognized two forms of specifications for conveying such "definitional" understandings:

- Document Type Definition (or [DTD](#)) and
- [Schema](#) (the more recently approved standard with greater capability to define the content of data fields.)

For an industry to make use of [XML](#), then, its components must all agree on a [DTD](#) or [Schema](#) setting forth the data element [tags](#) and their relationships to each other.

Standard 1.1D Document Format

Courts shall require electronic documents to be submitted in a format that can be rendered with high fidelity to originals, and, when possible, is searchable and tagged. Courts shall only require formats for which software to read and print documents is available free.

"Rendered with high fidelity" means that the display of a filed [document](#) can be fixed. Anyone viewing the [document](#) will see it displayed exactly as intended by the filer. For example, portable [document](#) format ([PDF](#)), tagged image file format ([TIFF](#)) and [DjVu](#) provide this functionality today. Although no current format guarantees "absolute" fidelity to the appearance of a [document](#) on the filer's screen, the above-referenced examples provide exceptionally high fidelity.

"Searchable" means that a software program can search the [document](#) and find the occurrence of specified words and phrases. It is recognized that certain types of filings may not be searchable, such as a scanned [image](#) of a [document](#) or photograph.

"[Tagged](#)" means that a [document](#) format contains [metadata](#). Such [tags](#) are necessary for computers to make direct use of key pieces of information contained in a [document](#).

The format in which [documents](#) are submitted is important for several reasons. First, an [electronic filing](#) process will generally support only limited [document](#) formats for ease of use by court and external users of the [system](#). It is unwieldy for users to have to be able to read [documents](#) in different formats and hard to provide ongoing technical support for multiple format capabilities and multiple generations of software. Second, it is essential for courts to be able to maintain a [document](#) in the exact format in which the filer intended it to be viewed.

Courts should remain aware of the reality that no electronic [document](#) is completely safe from alteration by a malicious, determined, and highly knowledgeable hacker and technical security against write access to the court's storage of [documents](#) must be safeguarded through conventional security measures. Standard 1.1H, Integrity of Transmitted and Filed Documents and Data, therefore requires courts to take additional steps to ensure [document](#) integrity.

Standard 1.1E Linked Documents

Each filed document can have references, with links only to itself. External links are prohibited.

It is *technically* possible for courts to accept a link to a [document](#) in lieu of the [document](#) itself. The link would allow a viewer to see the [document](#) on a remote website maintained by the filer or a third party. However, this process appears on its face inconsistent with the court's obligation to serve as the custodian of the court's official record. A court clerk could not guarantee that an external [document](#) on a remote website would continue to exist in the future, nor could the clerk submit or retain that [document](#) for archiving.

Likewise, a filed [document](#) shall not contain links to other [documents](#) or references in the local case management [system](#), unless they are incorporated into the filed [document](#). There is no guarantee that these [documents](#) could not be archived or removed, nor should courts be subjected to costs associated with accessing legal research on a proprietary site in direct support of [electronic filing](#).

The standard is intended to allow parties to include references, but not links, to [documents](#) submitted as [attachments](#) to a filing, to other [documents](#) already submitted in the case (and [documents](#) being submitted simultaneously), and to the official records of the trial court, including a transcript in electronic form. It also allows the functionality currently contained in CD-ROM appellate briefs, where relevant portions of the trial court record and the full text of cited statutes and relevant judicial precedents are included with the brief, with links from their citation within the argument, as long as they are part of the same [document](#).

Standard 1.1F Data Accompanying Submitted Documents

Courts shall require filers to transmit data identifying a submitted document, the filing party, and sufficient other information for the entry in the appropriate court system.

In today's paper environment, courts often require parties to file a "cover sheet" with such filings, to clearly identify needed information, to include information that may not be contained in the filing itself, and to reduce the workload on court staff. Much more extensive information may be required for a [document](#) that initiates a case, such as a complaint, petition, information or indictment. A typical [electronic filing](#) process template for a case filing is like an online "cover sheet."

This standard does not suggest that a court cedes responsibility for the accuracy and completeness of the data submitted by a filer under this standard. Standard 1.3D, Quality Control Procedures, addresses the court's quality control process.

Standard 1.1G Identity of the Sender

Courts shall use a common method to identify persons interacting with their electronic filing system.

The standard requires a court to use a common method to determine who submitted a [document](#) for filing. Courts will use the same method for identifying anyone who seeks to obtain [documents](#) or information, except for requests for information to which it chooses to provide totally free and unmonitored public access.

In the current paper world, rarely does a court concern itself with this issue. Likewise, most courts do not require identification of persons seeking to view a public court record. In an electronic world, much greater precision is possible and desirable. A court can know the address from which a message containing a [document](#) submitted for filing - or a request for access to court information - originated. A court should want to know this information with certainty for at least three reasons:

- First, the court can avoid future controversy whether the [document's submission](#) was authorized.
- Second, and far more important, the court can limit access to persons authorized in advance to use its [system](#) thereby reducing the likelihood of breaches of [system](#) security.
- Third, it can ensure that it does not provide access to sealed or otherwise restricted court information to persons who are not authorized to access it.

Various technology methods are available to identify a filer.

Standard 1.1H Integrity of Transmitted and Filed Documents and Data

Courts will electronically maintain the integrity of transmitted documents and data, and documents and data contained in official court files.

In order to support Standard 1.1A, Electronic Documents, making the electronic [document](#) the official court record, courts and private sector service providers supporting courts shall incorporate an electronic means for securing the integrity of all electronically filed [documents](#). A simple “byte count” of a [document](#) will not suffice, however using an algorithm, software, or security permissions would ensure integrity of all official court records.

[Document](#) integrity may be ensured at two stages in the process:

- First, the court can ensure that the [document](#) filed with the court is the same as the [document](#) sent by the filer – that it has not been corrupted during [transmission](#). While it is true that courts have no parallel responsibility in the current paper world, corruption of a filing during [transmission](#) is a fear often expressed by lawyers; that fear can be addressed cheaply and effectively.
- Second, the court can guarantee that the [document](#) in the official record has not been modified after it has been entered into the court's [database](#).

Standard 1.1I Electronic Acceptance of Payments

Courts may establish a means to accept payments of fees, fines, surcharges and other financial obligations electronically, including the processing of applications to waive fees.

Inclusion of an electronic fee collection mechanism is a best practice for a successful [electronic filing system](#) where filing fees are required. It was the original intention of the drafters to make the ability to accept an electronic payment a requirement, however, current statutory language discourages the charge of convenience fees for processing these electronic payments.

Courts should establish a means for accepting electronic payments of fees associated with filings. Otherwise an [electronic filing](#) process will require as a practical matter that court users must physically go to the court to conduct financial transactions associated with some or all filings – undermining one of the incentives for using an [electronic filing](#) process. Some courts have refused, in their [electronic filing](#) experimental programs, to accept filings that have associated filing fees. However, the “full blown” [electronic filing](#) process model encouraged by these standards includes all filings in all case types. Inclusion of a universally applicable electronic fee collection mechanism (see below) is therefore a requirement of a “full blown” [electronic filing](#) process.

In an [electronic filing](#) process, case initiation can take two paths: fee initiated, or non-fee initiated.

A complete [electronic filing](#) process should also support a fully electronic process for filing an application to waive filing fees (for example, agencies or indigent filers) and court consideration of such an application in an expeditious manner. Such electronic processes can replicate existing paper processes.

Some common methods for accepting payments associated with filings include:

- use of credit or debit card payments, with credit or debit card numbers being transmitted to the court together with authorization to charge fees to that account;
- direct electronic funds transfer via eCheck or Smart-Card technologies;
- requiring an [electronic filing](#) vendor to make all fee payments associated with filings through its [system](#), with the vendor to obtain reimbursement from its client or from an intervening vendor;
- maintenance of an account at the clerk’s office from which fees are debited as filings are received;
- [ACH](#), automatic funds transfer directly from a bank account; and
- maintenance of credit or debit card information by the court. When a fee needs to be collected the court enters the [e-filer’s](#) card information into their credit card machine to process fees.

Standard 1.1J Surcharges for Electronic Filing

Courts should avoid surcharges for filing of or access to electronic documents.

Imposition of surcharges for [electronic filing](#) is a complicated issue. These standards favor free [electronic filing](#) processes. However, they also recognize the practical realities of limited public revenues available for support of these processes and the valuable contribution of private sector service providers willing to make the capital investment needed to implement such processes in return for a future revenue stream from transaction-based fees.

[Electronic filing](#) processes create both public and private benefits. Persons viewing the benefits as primarily public favor free [electronic filing](#) processes. Those viewing the benefits as primarily private favor charging fees for the private benefits conferred. The standards take the view that the benefits are primarily public and therefore favor free [electronic filing](#) processes.

The costs of [electronic filing](#) processes are substantial. In addition to the hardware and software required for such [systems](#), which vary in cost with the size and complexity of the court they support, courts incur additional costs to integrate [electronic filing](#) processes with their case management information [systems](#) and major training and support obligations. They may also incur heavy infrastructure improvement costs if their current [systems](#) are not state-of-the-art.

Hardware and software costs include the cost of developing, testing, implementing, supporting, and maintaining [electronic filing](#) applications. It is possible to obtain [electronic filing](#) software and the license to use it from a private vendor. The more common business model for private vendors is that of installing and operating their own product in a court and in the law firms and agencies interacting with that court in return for negotiated fees charged for each filing

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

and access transaction. Fees are typically a minimum cost of several dollars per [document](#), with additional per page costs for [documents](#) exceeding ten pages in length. Because of the limitations of this business model, courts desiring to operate free [electronic filing](#) processes must develop or purchase their own applications. The definition in these standards of functional requirements for [electronic filing](#) processes may lead additional vendors to offer [electronic filing](#) applications on a licensing basis -- substantially reducing the cost to courts of offering free, court-supported [electronic filing](#) processes.

Other costs arise from the need to create an application program interface with a court's case management and [document](#) management [systems](#), from the need to create a process by which the public can gain access to electronic court records (which is relatively straightforward using Internet browser technology and access software products available on the market), and the possible need to upgrade court automation infrastructures. [Electronic filing](#) processes require a state-of-the-art telecommunications capability which is very expensive to purchase and implement. Increasingly, states are creating such capability on an enterprise-wide basis for all state government branches and agencies. Courts should take advantage of such statewide capabilities. Security features are now robust enough to address judicial branch [confidentiality](#) concerns in using such statewide [systems](#). Courts must still pay attention to the sufficiency of statewide telecommunications [systems](#) to meet their specific requirements for communications volumes and speeds, security, and maintenance and support capabilities and priorities.

A final major cost factor for courts arises from the need to provide training and user support to attorneys, their staffs, and other [electronic filing](#) process users. Courts that provide their own [electronic filing](#) application learn quickly that they have taken on a very substantial user support obligation. They will be asked to train users, to provide ongoing operational directions to users, to troubleshoot users' problems with their [systems](#) (including failures of their Internet service providers), and to maintain sufficient court staff to support the hardware and software on which the [system](#) operates and to provide traditional support for court users of the application. Courts have found that this high cost of user support declines over time as users become more familiar with [system](#) operation, need less day-to-day handholding, and take on the responsibility for training their own staff in the use of the application. Private sector service providers typically provide user support as part of their service, removing this burden from court staff. Another possible source of user support for court-based [electronic filing](#) processes are state and local bar associations or private vendors certified by a court to provide support services to court users on a subscription basis (just as law firms pay for support of their internal automated [systems](#)).

Another financial implication of the implementation of an [electronic filing](#) process is the possible loss of fees associated with providing copies of court [documents](#). Although the overall amounts of fees generated from making copies are modest, the funds established from this revenue source are often available for unrestricted uses -- an important source of financial flexibility for courts. Therefore, court administrators and clerks of court may resist the implementation of [electronic filing](#) processes if they threaten copy revenues by allowing free download of electronic court records. If this objection is addressed by eliminating the capability to print or download [documents](#), the court will be sacrificing a major advantage of [electronic filing](#) processes for a small amount of unrestricted revenue. Another approach would be to impose a fee for printing such [documents](#) from public access [systems](#). Better approaches are to obtain additional appropriations to offset the loss of such funds or merely to forego such revenues in return for not having to do the work associated with making copies. Courts that have entered into contracts to bring a commercial copy service into the courthouse to provide copies at commercial prices have found that the tradeoff of copy fees revenues for the avoidance of the staff work associated with making copies is highly beneficial to the court.

While the private benefits of [electronic filing](#) processes are real, and market surveys and experimental projects demonstrate that many attorneys are willing to pay reasonable fees in recognition of them, the standards take the position that the greater benefits are those that accrue to the courts and the public. Experience shows that the imposition of fees serves as a disincentive for use of [electronic filing](#) processes by many attorneys and public agencies. The existence of fees for use of the service also creates pressure on courts to maintain [electronic filing](#) processes as voluntary additions to traditional paper filing processes, thereby postponing substantially the realization of the public benefits that will accrue when virtually all court filings are made in electronic form. Finally, fee based [electronic filing](#) processes impose substantial costs on public agency users of such [systems](#).

Some private sector service providers have agreed not to charge public agencies, or self-represented litigants, for the use of their [systems](#). However, such terms are not universal and courts, legislatures and county commissions should be aware that other justice agencies may be forced to request large budget increases to enable them to use [electronic filing](#) if it is provided on a transactional fee basis. Courts also file [documents](#) that they generate, such as orders and notices; contracts with private sector service providers need to exempt court users from transactional fees or the courts will face higher costs from this perspective as well.

An alternative is to enter into a contract with a private sector service provider to make the capital investment needed to implement [electronic filing](#) processes in return for reasonable transactional fees. The vendor collects such fees from lawyers and others using its services; the court plays no role in the collection process. The court does have an obligation to see that vendor transaction fees are reasonable. Courts entering into such contracts should ensure that their procurement processes are competitive and that one of the major selection criteria is the lowest cost to court users for filing and accessing electronic [documents](#).

Another alternative is for a hybrid process of court and vendor-supported [systems](#), currently operated in several courts. A court can provide its own free [electronic filing](#) process, with limited support services, and authorize one or more private sector service providers to offer value-added services to court users to supplement the court's "core" access service. The value-added services can include improved application features, integration of [electronic filing](#) with law firm case and records management [systems](#), greatly enhanced training and user support, and seamless support of [electronic filing](#) in multiple courts in multiple jurisdictions. This hybrid ensures that courts are making [electronic filing](#) services available to the public and to persons for whom any additional costs constitute a barrier to access, while enabling users who can afford enhanced capabilities to obtain them at a reasonable price. It also provides protection to the court and to court users from disruptions caused by private sector service providers going out of business.

Standard 1.1K Court Control over Court Documents

Whenever a court's official electronic document resides on hardware owned or controlled by an entity other than the court the court shall ensure by contract or other agreement that ownership and control of the documents, their schema and indexing, and the storage media on which they reside remains with the court or clerk of court. Storage media deemed cleaned may revert ownership to the service provider. All inquiries for court documents and information shall be made against the current, complete, accurate and official court record.

[Electronic filing](#) processes operated by a private sector service provider often maintain court [documents](#) on the vendor's computers. Some agreements require or allow the vendor to serve as the means by which the court, parties and the public obtain access to the records. Other arrangements allow the vendor to keep copies of [documents](#) it transmits to the court. Finally, a number of local courts rely on executive branch computers and information technology services to operate their automated [systems](#). In all of these instances, courts must ensure that official electronic court records maintained by others are handled in accordance with court policies. While courts may not have physical custody or possession of such records, because the computers on which they reside do not belong to the court or physically reside in a courthouse, they must retain ownership and control over them.

Courts may choose to escrow or purchase outright source code to protect or enhance their investments in their court case management [systems](#) or [document](#) management [systems](#). It is good practice to maintain access to backup copies of the data. Control of the data must include a method of rendering it in a useable format. This is accomplished by inclusion of

a [schema](#) (logical representation) of the data, and the data must be stored in such a way that it can be read comprehensively by a [database](#) management [system](#) and [document](#) management [system](#) and populated in that logical [schema](#) into the [database](#).

Reformatting a disk drive does not erase the data on the disk, only the address tables. It is possible to retrieve reformatted drive data through various programs. US Department of Defense in the clearing and sanitizing standard DoD 5220.22-M recommends procedures for clearing and sanitizing information on a writable [media](#). Storage drives that have been reformatted and then cleaned to the DoD 5220.22-M standard could then remain in the possession of the service provider.

Courts should have written agreements setting out the nature of these relationships and insuring that the court or clerk of court (whoever, by law, is the official custodian of court records) has the authority to control the manner in which the records are maintained and the terms and conditions under which persons have access to them. Employees of the entity owning or controlling the hardware will be bound by the conditions of their employment to respect the terms and conditions set forth by the custodian of the court's records.

Courts should also insist that private sector service providers supporting their [electronic filing](#) processes have clearly stated service agreements with court users they serve, setting forth the nature of the vendor's fiduciary relationship with its client, disclosing fully any use that it will make of the client's [documents](#) other than to transmit them to the court and maintain a copy for security purposes. To implement these requirements, it will be necessary for a court to require any private sector service provider serving its users to register with the court and to comply with court requirements concerning the service to be provided to the vendor's customers, the terms and conditions under which it will be provided (including required disclosures), and the vendor's obligations to the court.

The court's contract with a private sector service provider should also include protections for the court's records in the event the vendor goes out of business. Ohio Revised Code and Rules of Superintendence about records retention must be followed.

The third sentence of this standard provides that all queries to a court must be answered from current, complete and accurate court data. Some private sector service providers desire the right to serve as repositories of court record information. While courts may make the information available to such vendors, they must ensure that such information is consistent with official court records at the time the information is provided. An [electronic filing](#) service provider's files may not include all [documents](#) filed in a case (if, for instance, a court is served by more than one vendor or the court itself files [documents](#) that do not go through the vendor's [system](#). And they may not contain current information on the status of those records – such as sealing or expungement of [documents](#) and court data.) Courts need not allow queries from vendors or outside users to run against the court's production [database](#). They may provide such data from mirrored or duplicate [databases](#) set up to protect the production [database](#) from the overhead created by outside users and to provide increased [system](#) security. Such mirrored [databases](#) may include real time updates from the production [database](#) in order to ensure currency, completeness and accuracy.

Standard 1.1L Addressing the Special Needs of Users

In developing and implementing electronic filing, courts shall consider the special needs of e-filers.

The intent of this standard is for courts to take reasonable steps to ensure that [electronic filing systems](#) promote, rather than create barriers to, public access to the courts.

Courts can ensure that [electronic filing](#) processes comply with any requirements imposed by the Americans with Disabilities Act or the Rehabilitation Act. If courts accept only filings in electronic formats, they must comply with current ADA requirements. They can ensure that websites used for [electronic filing](#) are compliant with those standards adopted by the Advisory Committee on Technology and the Courts.

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

763
764 Courts can waive any fees associated with [electronic filing](#) or with electronic access to electronic records for persons
765 who are not able to pay them.

766 Courts can ensure that their [electronic filing](#) applications are as simple and easy to use as possible.

767
768 Courts can ensure that device(s) for [electronic filing](#) and for access to electronic [documents](#) are available in the
769 courthouse. Courts can provide scanners at the courthouse to create electronic [documents](#) suitable for filing, or court
770 staff can scan and file such [documents](#) for persons unable to create their own electronic [documents](#).

771 Courts can request that computers in public libraries, in community and senior centers, in shelters for victims of abuse
772 and in other public facilities provide access to electronic [documents](#) and [e-filing](#).

773
774 [Electronic filings](#) should facilitate those who are non-English speaking, disabled and/or illiterate to file with the court.
775

1.2 Court Rules

Standard 1.2A Service of Filings on Opposing Parties

Court rules may provide that, subsequent to the initial filing, transmission of a document through the electronic filing process to participants in this process will satisfy the service requirements. Such electronic filing processes shall automatically create and docket a certificate of service for documents served through this process. Court rules need not provide additional time for responding to documents served in this fashion.

An important incentive for lawyers' use of [electronic filing](#) is elimination of the requirement that a filing be served by mail or physical delivery on other parties to a lawsuit. The functional standards allow [electronic filing](#) processes to automatically transmit a copy of a [document](#) submitted electronically to the court to other parties participating electronically in a case.

If court rules provide for such a [system](#), the [electronic filing](#) application shall create and [docket](#) a certificate of service, obviating the need for the filer to file such a certificate. Such an automated certificate of service will be accessible for purposes of verifying service. Counsel (and unrepresented parties) will still be required to serve parties who are not participating in the [electronic filing](#) process in the conventional manner (and file a traditional certificate of service concerning such service). To support this capability, the functional standards require an [electronic filing system](#) to provide the filer with the information needed to identify persons who must be served conventionally.

"Participating in the [electronic filing](#) process" means being registered for [electronic filing](#) and having a password and ID or other unique identifier for use of the [system](#). It is not limited to persons or parties who have agreed to participate electronically in a particular case.

Court rules allow three additional days to respond to a [document](#) served by mail, recognizing that the postal service ordinarily requires that period of time for delivery. One of the objectives of [electronic filing](#) processes is to save time in legal processes. Consequently, the standard recommends that no additional time beyond the three days be allowed for response to a [document](#) served electronically.

Service of a filing is traditionally made simultaneously with or even before the [document](#) is submitted to the court for filing. It is not contingent upon court [acceptance](#) of the [document](#) for filing. This same principle should be followed in [electronic filing](#) processes.

This standard does not apply to [documents](#) served on opposing parties in advance of their filing in court, in which case the filing should include a traditional certificate that service was completed at a prior time.

This standard does not apply to service of summons initiating a new case. Further, it is just a matter of time before court rulings or statutes will recognize electronic service of process as sufficient to create personal jurisdiction over a party to a lawsuit. See *Rio Properties, Inc. v. Rio International Interlink*, No. 01-15466 (9th Cir. March 20, 2002), holding that service of process by e-mail to a foreign corporation's e-mail address, pursuant to trial court order under Federal Rule of Civil Procedure 4(f)(3), was sufficient to satisfy procedural and constitutional due process of law standards.

Standard 1.2B Use of Unique Identifier

Court rules shall provide that a lawyer or other person provided with a unique identifier for purposes of filing documents electronically will be deemed to have electronically filed any document submitted using that identifier.

Many court [electronic filing](#) rules include this presumption. It serves as a means for protecting the court process from claims that a filing was not authorized by the filer. It also notifies an attorney or other court user of the responsibility attached to the issuance of an identifier provided to him or her for [electronic filing](#) and electronic record access purposes. Standard 1.2E, Failure of Electronic Processes, provides a solution for egregious cases when the presumption created by the standard should be overcome.

Standard 1.2C Determining when a Document is Filed

Court rules shall articulate the criteria by which an electronic document is deemed “received,” “filed,” “entered on the docket or register of actions” or “rejected” and the reason(s) for rejection.

Court rules shall specify what is considered the time of “receipt,” “filing,” and “[entry](#) on the [docket](#) or [register of actions](#),” and these definitions should be clearly disclosed on the [e-filing](#) interface.

The term “received” is specifically different than the term “filed.” Examples of “received” are: (1) when the electronic [document](#) reaches the court’s or vendor’s server; (2) when the electronic [document](#) reaches the court’s or vendor’s [e-filing system](#), or (3) once a court staff member has reviewed the [document](#) and deemed it “received.”

When a [document](#) is deemed “filed” is a critical question in the filing process. Is it when: (1) the [document](#) is submitted by the filer to a service provider; (2) the [document](#) reaches the court’s [e-filing](#) server or a vendor’s server; (3) the [document](#) has been reviewed by the court staff for sufficiency; or (4) at some other moment? Electronic transactions do create an audit trail allowing the court and parties to know with certainty the precise steps followed in the transaction; however, each court should have the flexibility and must define clearly its own approach.

If the filing process involves parties in addition to the filer and the court, each step of the process must provide a receipt to the filer with the time and date that the filing passed through that stage of the process. Thus, the filer should know how many acknowledgements of the filing should be received, and if the appropriate number of confirmations are not received, will know to follow up with the court.

“Entered on the [docket](#) or [register of actions](#)” is also a distinct term from “received” and “filed.” As in the previously discussed terms, courts have different ways of defining this term, so it is important for court rules to clarify the local meaning as it relates to [electronic filing](#).

Additionally, courts shall record the date and time of the filing and inform the filer of them. When filings are rejected, the court shall inform the filer of the technical reasons for the rejection.

For purposes of exactness, a court should make sure that the time recording device on its computer, or the computer used by its private sector service provider, is routinely synchronized with the “Denver Clock” – the official national time standard. That will enable the court to rule authoritatively on the timeliness of the [submission](#) if there is a variance between the sending time recorded by a filer and the time of receipt recorded by the court.

See Standard 3.3, Electronic Documents, Subfunction 3.3.1.

Standard 1.2D Availability of Electronic Filing Process

Courts shall be able to receive electronic documents 24 hours per day, 7 days per week, except when the system is down for maintenance, repair, or disaster. The date on which documents will be deemed filed will be in accordance with the court’s definition of “filed” pursuant to Standard 1.2C, Determining When A Document is Filed, whether or not the clerk’s office was open for business at the time the document was submitted electronically.

A number of courts have created rules providing that [documents](#) filed after regular court business hours will be deemed filed the next business day of the court. These rules are established to maintain parity for electronic and paper filers. These standards seek to create maximum incentives for the use of [electronic filing](#) and foresee an environment in which all court [documents](#) are maintained in electronic form. There is no reason not to take full advantage of the capabilities of an electronic environment and allow filers to file as late as 11:59 pm on the date a filing is required. Many statutes and court rules provide that the courts are always open for business. [Electronic filing](#) processes make that aspiration a reality. As a practical matter, the judge and opposing counsel will not see a paper [document](#) filed at the close of business until the next business day; the standard therefore creates no change in the tactical positions of legal adversaries. So, too, having work already [queued](#) in the clerk’s office at 8:00 am on Monday morning makes little practical difference from having lawyers file all of the work they did over the weekend between 8:00 and 9:00 am that same morning. In fact, technical resource leveling may be improved by creating an incentive for lawyer filings during other than regular court working hours.

The standard recognizes that this result will not be possible for courts that choose to define “filing” under Standard 1.2C, Determining When a Document is Filed, as the date and time a [document](#) is entered in the [docket](#) or [register of actions](#). In such cases, if courts are not using an automated process for [docket](#) update without [clerk review](#), filing can only occur when court staff is working.

Nothing in this standard is intended to require a court to guarantee the availability of its [electronic filing system](#) on night, weekends, and holidays, nor is there an expectation or requirement for ensuring availability of technical staff to address [system](#) failures on a 24 x 7 basis. Standard 1.2E, Failure of Electronic Processes, addresses court rules for remedies and relief when [systems](#) are unavailable. The standard expects that courts will inform users they may use the [system](#) to file on a 24 x 7 basis, with the understanding that the court cannot guarantee the universal availability of the [system](#).

Standard 1.2E Failure of Electronic Processes

Courts shall create rules, procedures and standards for resolving controversies arising from the failure of the electronic filing process.

Electronic filers may be unable to file for a number of reasons. Such reasons may include:

- local [transmission](#) fails (filer's ISP or [system](#) error);
- portal is down (planned or unplanned);
- local court [e-filing system](#) is down; and
- local court rejects [e-filing](#).

In the event of any failure of a filing, courts shall specify the method and criteria for relief. Local courts are the arbiters of decisions about the success or failure of [e-filings](#).

The standard does not attempt to articulate a legal definition for the circumstances that will justify a court's providing relief. Setting forth standards will alleviate some concerns held by courts and attorneys who are skeptical about the [electronic filing](#) processes because of the uncertainties created from the inconsistent reliability of computers and telecommunications networks.

1.3 Implementing Electronic Filing Systems

Standard 1.3A Universal Electronic Filing Processes

Ultimately courts shall include all documents in all case types in electronic filing processes although they may implement electronic filing incrementally.

The ultimate goal of an [electronic filing](#) process is to have all court records maintained in electronic form. That requires that courts accept [documents](#) initiating or adding to all types of cases, whether or not a filing fee is required and with or without [attachments](#). [Electronic filing](#) processes are always introduced initially for specific case types. The case types chosen vary from court to court – criminal, civil, domestic relations. However, the goal must remain to include all case types in the process eventually.

Courts may choose to maintain specific exceptions to [electronic filing](#) processes. Some courts exclude the filing of original wills in electronic form because [images](#) of those [documents](#) may not disclose possible alterations of the [original document](#). Another exception might be for [documents](#) signed under penalty of perjury. See Standard 1.1H, Integrity of Transmitted and Filed Documents and Data.

An alternative to exclusion of such [documents](#) from [electronic filing](#) processes may be to adopt a rule requiring the submitting party to retain physical custody of the original signed version and to make it available for inspection by the court or any party upon request.

Standard 1.3B Mandatory Electronic Filing Processes

Court rules may mandate use of an electronic filing process if the court provides a free electronic filing process or a mechanism for waiving electronic filing fees in appropriate circumstances, the court allows for exceptions needed to ensure access to justice for indigent, disabled or self-represented litigants, the court provides adequate advance notice of the mandatory participation requirement, and the court (or its representative) provides training for filers in the use of the electronic filing process.

The standard sets forth the circumstances under which a court may mandate participation: it offers a free alternative to a fee-based private sector service provider [system](#) or institutes a mechanism for waiving fees in appropriate circumstances; it continues to allow persons whose access to the courts would be impeded by being required to file electronically to file on paper (with court staff converting those [documents](#) to electronic form); it provides adequate notice; and it provides training assistance for the participants and their staff.

Standard 1.3C Maintaining Supplementary Scanning Capability

Courts may ensure that all documents in electronic cases are maintained in electronic form. Consequently, in voluntary electronic filing processes, courts may scan paper documents and enter them into the system.

This standard recognizes a distinction between electronic [documents](#) and electronic files. Courts implementing [electronic filing](#) have learned that case files can have a mixture of [documents](#): some filed conventionally on paper and some filed electronically. In these instances the [Register of Actions](#) is the source where anyone can see a list of all official court [documents](#) for the case.

The problem of not being able to access some documents electronically or on paper may be remedied through local rule by requiring that cases proceed either as electronic or as paper cases. This process is determined by local rule at the individual court level. In an electronic case, any [documents](#) submitted on paper are [docketed](#) and scanned or filed electronically, and all paper [documents](#) existing in the case file shall be scanned. In a paper case, any electronically filed [documents](#) shall be printed for the case file.

Standard 1.3D Quality Control Procedures

Courts shall institute a combination of automated and human quality control procedures sufficient to ensure the accuracy and reliability of their electronic records system.

Moving from paper records to electronic records does not change the court's obligation for quality control. However, it does change the context within which it occurs. It cannot occur at the front counter, and it requires screening of [documents](#) on a computer screen.

Courts implementing [electronic filing systems](#) have hoped that the quality of attorney filings will be sufficiently high that they can be accepted automatically into a [court electronic record system](#). It is possible that as [electronic filing](#) becomes more firmly established in the legal culture the quality of filings, and of the data accompanying them, will improve to the point that automated review by a computer will identify all flawed filings. Today, however, review by a court staff member still appears necessary.

The functional standards require that [electronic filing systems](#) have the capability for court staff to review all filings, and the data submitted with them, before accepting them into the official court record. Courts should ensure that staff is available to perform this review function and organized to complete it in a timely manner. This review requires the capability to view the submitted [document](#) and the data submitted with the [document](#) on a screen simultaneously. The experience of courts using [electronic filing](#) is that the time required for quality control of automated [docketing](#) of [electronic filings](#) is less than the time required to perform the parallel functions in a paper environment.

The functional standards also require [electronic filing systems](#) to have the capability to screen cases for [acceptance](#) automatically. Part of the review of filed [documents](#) will be automated – to screen for the presence of computer viruses, for consistency with court format requirements, and the like. Courts may wish to automate additional portions of this review – such as comparison of the data submitted by the filer with the contents of the [document](#) itself (e.g., case number, party name and address, attorney name and address). Automated screening may also include validity checks, such as ensuring that the party is in fact a participant in the case number designated by the filer. Based on the experience

of courts using [electronic filing](#), a fully automated screening process is currently practical only in matters like traffic citations that are so routine that the correctness and completeness of a filing could be determined automatically.

As time passes, courts will experiment with relying more heavily on automated quality control checks. This will become a more reliable process when [documents](#) are submitted in an [XML](#) format.

Standard 1.3E Eliminating Unnecessary Paper Processes

Courts may eliminate paper processes that are obsolete or redundant in an electronic environment.

A number of courts have insisted that [electronic filing systems](#) exactly duplicate the characteristics of current paper [systems](#). Courts should, however, view the introduction of [electronic filing](#) as an opportunity to review and revise their work processes. The question asked should be “How can we take advantage of the capabilities of electronic [documents](#) to make our work quicker and easier?” rather than “What do we have to do to electronic [documents](#) to continue to do our work the way we have always done it?”

Some courts have required that an [electronic filing](#) application add the text for a file stamp -- showing the name of the court and the time and date of filing -- in the top right hand corner of an electronic [document](#). However, the functional equivalent of a file stamp can be created electronically through a separate electronic record linked to the filed electronic [document](#). Courts should carefully consider whether manual processes need to be retained for solid case processing reasons or business reasons before requiring their inclusion electronically. Strong judicial and administrative leadership will often be required to ensure universal implementation of the necessary changes.

Courts should also experiment with alternative means of verifying a judge’s actions on an order or other official [document](#). Affixing a traditional signature to a [document](#) through the use of a graphical representation of the signature is one such practice. However, any digital alternative will have to be acceptable to all users of court [documents](#), including judges, law enforcement officers, bank officials, and lawyers.

Standard 1.3F Integration with Case Management and Document Management Systems

Electronic documents shall be accessible through a court’s case management information system.

In order for judges, court staff, attorneys and other court users to easily access electronic court [documents](#) they must be linked to the court’s case management information [system](#). A person looking for a [document](#) will view the electronic [docket](#) or [register of actions](#), locate the [document](#) there, and “click on” the [entry](#) for the desired [document](#). A link will take the person directly to the [document](#) he or she wishes to view.

Achieving this degree of integration of an [electronic filing](#) with a case management information [system](#) may require an application programming interface ([API](#)) to the case management information [system](#). In the absence of such an interface requirement, a court may find itself held hostage to an exclusive [electronic filing](#) process provided by the case management information [system](#) vendor or the vendor’s business partner.

The Conceptual Model for [electronic filing](#) processes shows the relationship between case and [document](#) management [systems](#) and the other components of a state of the art [electronic filing system](#).

In addition, courts should anticipate the need for what are referred to as “workflow” processes supported by case management or [document](#) management [systems](#). A workflow function automatically transfers an electronic [document](#) from a user to the next person in the court’s work process who must deal with it. Alternatively, it creates a work assignment related to the [document](#) for another person in the organization. Automated workflow processes are needed in an electronic [document](#) environment because the traditional workflow tracking mechanism – represented by the piece of paper itself – no longer exists.

Standard 1.3G Archiving Electronic Documents

Courts shall maintain forward migration processes to guarantee future access to electronic court documents.

The federal National Archives and Records Administration and most of its state counterparts have been reluctant to accept electronic court records for archival purposes. They generally require courts to convert them to microform for archiving. Their reluctance generally stems from the common experience that [documents](#) created on equipment and software over ten years ago (for instance on outdated word processing technology) can no longer be read – not because the storage medium of magnetic tapes or disks have failed but rather because the basic hardware and software required to read the storage medium no longer exist or are no longer maintained or supported by the company that created them.

Transforming [court electronic records](#) to microfiche, even using the Computer Output Microfiche (COM) process, entails additional expense and undercuts the cost and efficiency savings sought from electronic records processes. Microform fails altogether to capture [tags](#) included in [XML](#) or HTML [documents](#).

A few state archives have agreed to accept electronic court records when the court [system](#) has signed a guarantee that they will maintain forward compatibility of all permanent court records. This can be accomplished either by requiring that any new automated applications be able to display and print [documents](#) created or maintained on the equipment and software the new applications are replacing, or, alternatively, that all old [documents](#) be converted to a format readable by the new equipment. In either case the court is taking on a major additional commitment to pay attention to the integrity of its historical as well as of its current records.

This standard requires courts implementing [electronic filing](#) processes to implement such forward migration – whether or not its permanent records repository currently accepts electronic records with such written assurances. Courts should ensure that they are compliant with any [ACTC](#) electronic archiving standards.

1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105

SECTION 2 – CONCEPTUAL MODEL

Conceptual Model

For any court intending to implement [electronic filing](#), two technical areas are essential for understanding:

- understanding of general [XML](#) and related standards and
- understanding of the Ohio Electronic Court Filing Standard ([OECFS](#)) and associated work.

While the first can be left confidently in the hands of technologists, it is critical that court managers have a working understanding of the underlying principles of the [OECFS](#) so they can effectively manage the inevitable process of re-engineering and organizational impacts. The application of [electronic filing](#) principles and assumptions will have a major impact on how cases and [documents](#) are received, processed, and transmitted during or after court action.

To assist court managers to achieve this understanding, this section of the [document](#) presents a history and general overview of the technical standards with which courts and [system](#) providers are expected to comply. The discussion attempts to avoid technical jargon. Where it is inescapable (e.g., [XML](#), [BLOB](#)), cross-references are provided or the glossary provides definitions. Some definitions are critical for understanding the conceptual model and technical standards.

- [XML](#) is a method of “[tagging](#)” case data (names of parties, telephone numbers) to allow different computer applications to comprehend what is contained in the data (e.g., last name) so they can load it into their [databases](#).
- A Binary Large Object ([BLOB](#)) is an entity that can be passed within a [data stream](#) to another application, but for which the receiving application will be unable to differentiate the individual components of the “[BLOB](#)”. For example, a [document](#) sent as a [BLOB](#) with text including names would be understood only as a [document](#); there would be no ability to read inside the [document](#) to pull out a last name. For example, scanned [images](#) sent as [TIFF](#) or [JPEG](#) files are types of “[BLOB](#)” [documents](#). An application cannot open these [documents](#) and distinguish the last name and first name.
- “[OECFS](#)” refers to this document.

The Conceptual Model for Electronic Filing supports a vision of fully electronic [transmission](#) of [documents](#) into courts, electronic processing of [documents](#) within courts, and electronic [transmission](#) of [documents](#) from courts, with the electronic record serving as the official court record. Courts may choose to implement or migrate to the model incrementally.

BACKGROUND

The Ohio Electronic Filing Process Standards are intended to serve the trial and appellate courts. The original and continuing vision for [electronic filing](#) processes is ease of [interoperability](#) – providing courts and entities doing business with courts the technical standards to guide them in accessing and receiving data and electronic [documents](#) from courts. This vision extends to the global nature of electronic interchange, including the concept that initiators of filings into courts and receivers of data from courts will have an electronic means to negotiate the traditional boundaries of varying rules, procedures, statutes, terminology and technical application implementations between and among courts in different jurisdictions within a state, in different states, between levels of government, and, ultimately, in different nations.

The ability to share data among courts and other agencies has been a goal for most of the past 30 years of court automation. However, few court [systems](#) have achieved the desired levels of data sharing within their own jurisdictions let alone outside their jurisdictions. Proprietary hardware and software platforms, the inherent operational differences among courts, the independent nature of the judiciary, and the intensive labor associated with developing [systems](#) for sharing has stymied most jurisdictions.

With the emergence of eXtensible Markup Language ([XML](#)) as a reliable technical solution for specifying and “[tagging](#)” the common data needed, a technical solution to the long-standing problem of sharing among disparate [systems](#) became a real possibility.

Justice System Data Sharing

The Ohio Electronic Court Filing Standard and its components assume filings into courts and responses from courts include not only interaction with practitioners, but also with any entity making a filing to the court, such as self-represented litigants, child welfare offices or collection agencies. Of particular importance are law enforcement agencies, especially in limited jurisdiction courts or in courts where filings occur without an intervening prosecutor’s office or attorney.

General Content and Structure of the Technical XML Electronic Court Filing Standard

Global Justice XML Data Model ([GJXDM](#)) is a Document Type Definition ([DTD](#)) with the capability to support filings initiating cases and filings in existing cases, with a general structure of:

- a **Legal Envelope** for transmitting the case information and [documents](#) to the court;
- **data** about the [document](#), case, and [actors](#) associated with case; and
- the [document itself](#) as a [BLOB](#) (binary large object) that can be submitted in any electronic form – a [XML document](#), a [PDF document](#), an [image](#), a [TIFF](#) file, an ASCII file or a word processing [document](#). Individual courts are expected to define the formats they will accept.

Components Associated with the Ohio Electronic Court Filing Standard

The [OECFS](#) consists of the following components:

- the [front end](#) application technically known as the Electronic Filing Service Provider ([EFSP](#))
- hardware and software on the court’s side (referred to in the [OECFS](#) standard as the Electronic Filing Manager ([EFM](#))). The discussions of the [EFM](#) within this [document](#) do not incorporate physical architectures. The implementation of the [EFM](#) must include appropriate security considerations relative to the court’s firewall. The [EFM](#) may be implemented with a portion of the [EFM](#) outside the court’s firewall and a portion behind the court’s firewall.
- the Case Management System ([CMS](#)) and the Document Management System ([DMS](#)) for the court.

The Electronic Filing Services Provider ([EFSP](#)) is generic terminology as described in the “[front end](#)” internet browser application used by a filer to submit filings and related data, to make queries, and to receive responses. It may be developed or provided by a court, by a vendor, or by some other entity such as another justice entity. Throughout the Functional Standards, the terminology “[front end](#) application” will be used to minimize confusion about “service provider” implying that it must be provided by an entity outside of a court.

The [OECFS](#) itself does not specify the requirement for a Document Management System ([DMS](#)) at the court. Although this function may be performed within the [CMS](#) or an [electronic filing](#) application, the standard [document](#) management functions of [indexing](#), [document](#) storage, and [document](#) retrieval must be handled by some portion of an overall complex of [systems](#) to support [electronic filing](#). The terminology of “[document](#) management [system](#)” applies to these functions and not to the necessity for a separate application.

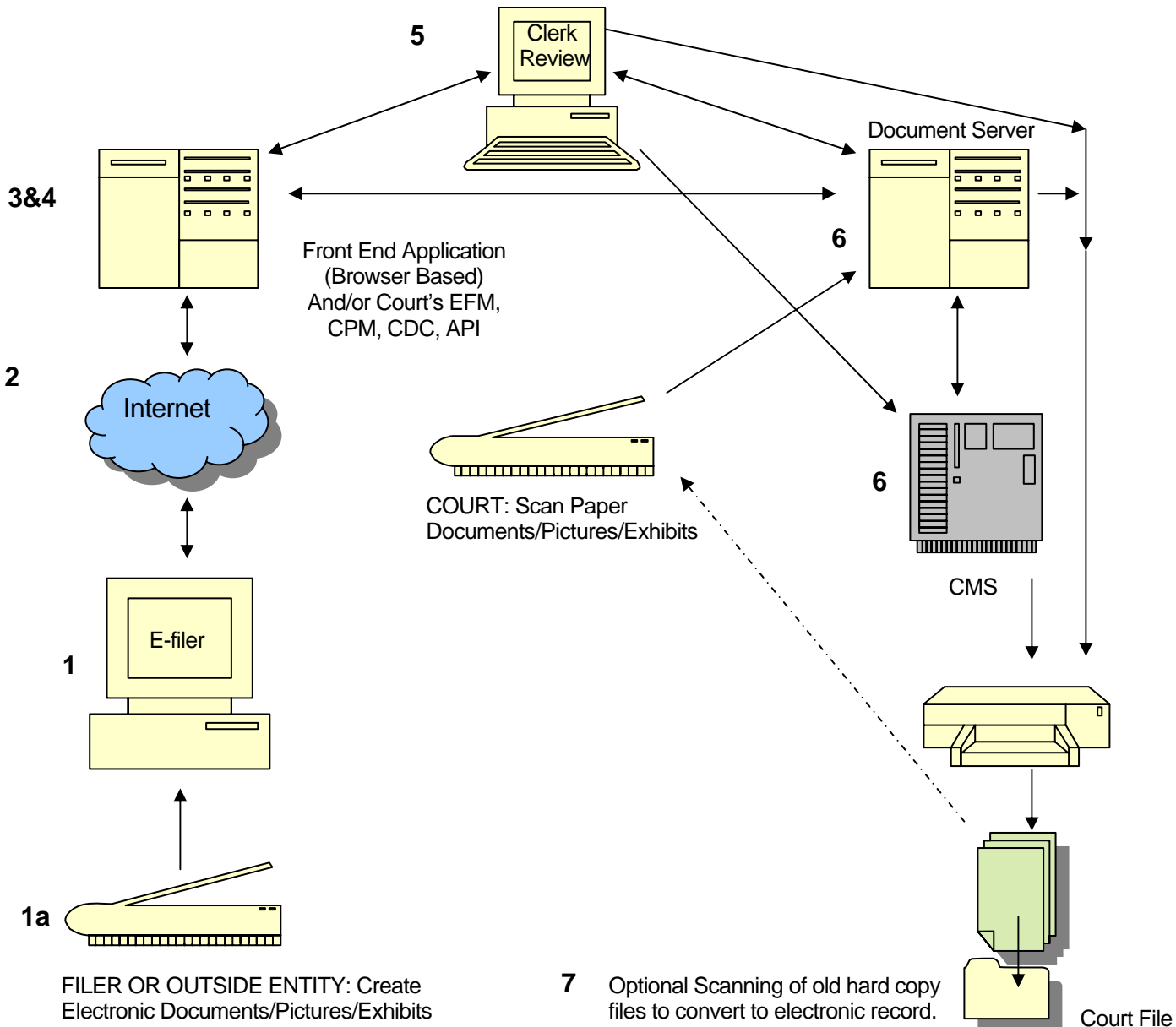
WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Several conceptual diagrams follow to explain the general flow of filings, queries, and standard components within the overall Conceptual Model of Electronic Court Filing:

- The general process for **submitting and accepting a filing** with an interface provided directly by the court is shown in Figure 1a, Conceptual Model of Electronic Filing Process.
- The general process for **submitting and accepting a filing** with a third-party provider, such as the Ohio Courts Network, is shown in Figure 1b, Conceptual Model of Electronic Filing Process.
- The general process for **submitting a query and responding to a query** is shown in Figure 2, Conceptual Model of Query and Response.

These diagrams are not intended to be technical architectural diagrams, and, therefore, do not address specifics of security, firewalls, or access controls among components. They are intended to provide a general introduction for readers to the concepts being promulgated through this state's standards in an effort to guide courts in conceptualizing and acquiring electronic filing components. The components have been envisioned to allow severability among applications so that there is minimal disturbance to existing investments and systems -- courts need not replace their existing CMS in order to take advantage of electronic filing, nor is it necessary to acquire a single application for the entire process of filing submission and full court processing. The concept is a "system of automated systems," each of which can provide a portion of the functionality needed for a full electronic filing solution.

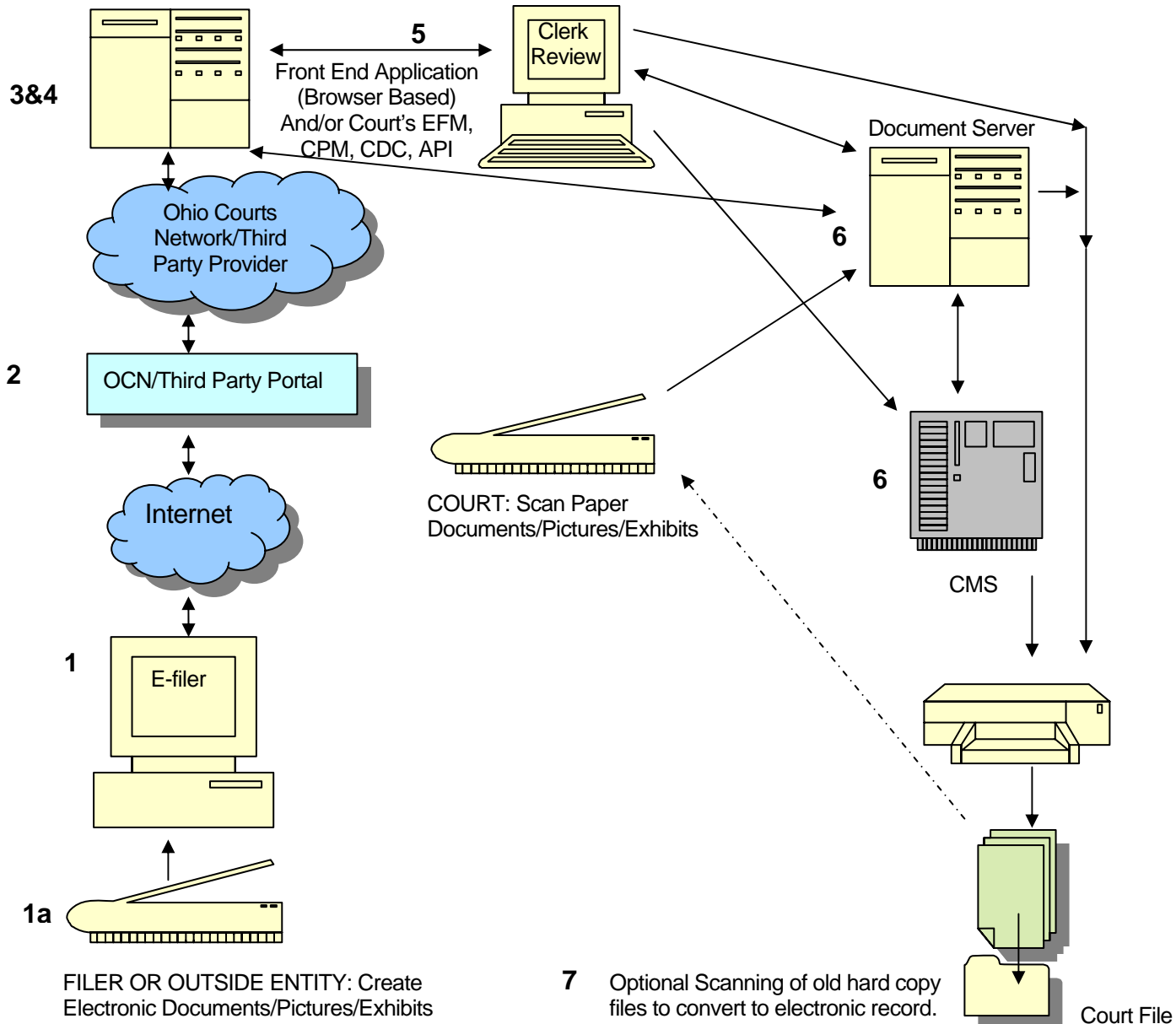
Figure 1a - Conceptual Model of Electronic Filing Process Provided Directly by the Court



**CONCEPTUAL MODEL EXPLANATION – ELECTRONIC FILING PROCESS
PROVIDED DIRECTLY BY THE COURT**

1 & 1a	The self-represented litigant, lawyer, or outside agency uses a browser application as its Front End Application, which may be a court supplied application. They enter “cover sheet” data and include the electronic document . If there are non-electronic documents , the documents are scanned and attached within the “legal envelope” as well. The court may use the same Front End Application.
2	The electronic filing package of data and documents is sent over the Internet to the Electronic Filing Manager (EFM).
3	The Front End and/or EFM checks the Court Policy Module and the Court Data Configuration to ensure that the filing is of a type acceptable to the court, that it contains appropriate codes for the court, that it follows all court rules for filings, and that it knows where to find the court. The EFM will “inform” the Front End Application about these rules so that verification can occur prior to the document being sent to the EFM .
4	Once the filing has been received by the EFM and the EFM has acknowledged or rejected the filing in compliance with the CPM and CDC , and performed its functions for validation, then the EFM processes the filing package according to local rules.
5	Depending on the requirements of the court, the filing is passed to a Clerk Review Queue , or if the court allows automatic update of the CMS prior to clerk review , then Clerk Review may take place at a later point in the process. In some implementations, the Clerk Review Queue will be a part of the EFM rather than the CMS .
6	<p>After the clerk reviews the filing, it is processed. If the filing is not accepted by the clerk, a message may be sent back to the filer without any update to the CMS and/or DMS. If the filing is accepted by the clerk, a message may be returned to the filer, and the information is sent to the CMS and/or DMS.</p> <p>The process “maps” data and passes it to the CMS. It also passes the image of the document to the court’s DMS. Assignments of permanent file numbers and other acknowledgements and data may be returned back to the filer.</p>
7	Documents may be printed from the DMS and/or paper documents may be scanned and entered into the DMS .

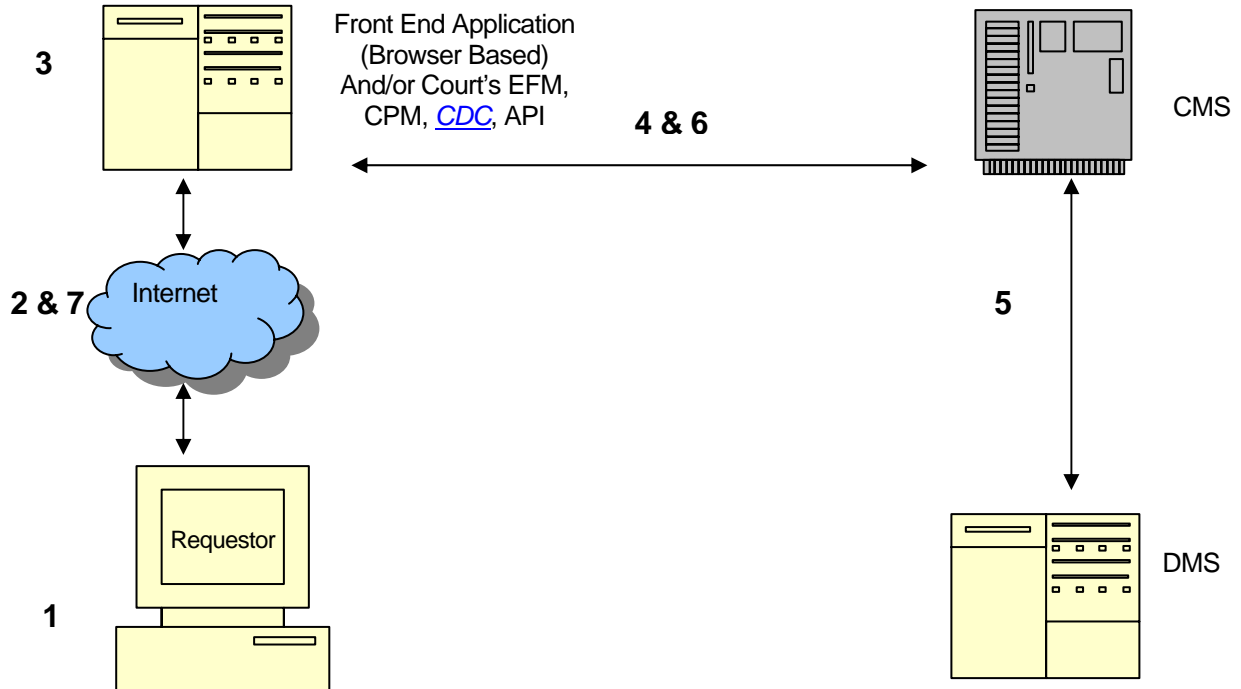
Figure 1b - Conceptual Model of Electronic Filing Process with a Third-Party Provider



**CONCEPTUAL MODEL EXPLANATION – ELECTRONIC FILING PROCESS WITH A
THIRD-PARTY PROVIDER**

1 & 1a	The self-represented litigant, lawyer, or outside agency uses a browser application as its Front End Application, which may be a court supplied application. They enter “cover sheet” data and include the electronic document . If there are non-electronic documents , the documents are scanned and attached within the “legal envelope” as well. The court may use the same Front End Application.
2	The electronic filing package of data and documents is sent over the Internet to the OCN Portal and through the Ohio Courts Network to the Electronic Filing Manager (EFM).
3	The Front End and/or EFM checks the Court Policy Module and the Court Data Configuration to ensure that the filing is of a type acceptable to the court, that it contains appropriate codes for the court, that it follows all court rules for filings, and that it knows where to find the court. The EFM will “inform” the Front End Application about these rules so that verification can occur prior to the document ; being sent to the EFM .
4	Once the filing has been received by the EFM and the EFM has acknowledged or rejected the filing in compliance with the CPM and CDC, and performed its functions for validation, then the EFM processes the filing package according to local rules.
5	Depending on the requirements of the court, the filing is passed to a Clerk Review Queue , or if the court allows automatic update of the CMS prior to clerk review , then Clerk Review may take place at a later point in the process. In some implementations, the Clerk Review Queue will be a part of the EFM rather than the CMS .
6	<p>After the clerk reviews the filing, it is processed. If the filing is not accepted by the clerk, a message may be sent back to the filer without any update to the CMS and/or DMS. If the filing is accepted by the clerk, a message may be returned to the filer, and the information is sent to the CMS and/or DMS.</p> <p>The process “maps” data and passes it to the CMS. It also passes the image of the document to the court’s DMS. Assignments of permanent file numbers and other acknowledgements and data may be returned back to the filer.</p>
7	Documents may be printed from the DMS and/or paper documents may be scanned and entered into the DMS .

Figure 2 - Conceptual Model of Query and Response



CONCEPTUAL MODEL – QUERY AND RESPONSE EXPLANATION

1	Case-specific queries will be accepted by the Front End Application that may be supplied by courts, by a vendor, or by an outside entity.
2	Queries will be sent to the Electronic Filing Manager (EFM).
3	The Front End Application and/or EFM check(s) the Court Policy Module (CPM) and the Court Data Configuration (CDC) to ensure that the query is of a type acceptable to the court. The EFM will “inform” the Front End Application of these rules so that verification can occur prior to the query being sent to the EFM . Queries are passed to the Application Programming Interface (API) for “ mapping ” to the court-specific application requirements.
4	The API sends the queries to the CMS .
5	The request is processed by the CMS to the DMS and the data and/or documents are passed back to the CMS .
6	The CMS passes the data and documents back to the EFM to respond to the query .
7	The EFM passes the data and documents back to the requester to respond to the query .

1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370

SECTION 3 – FUNCTIONAL STANDARDS

1371

1372 Functional Standards

1373

1374 These functional standards set forth the requirements for computer applications supporting [electronic filing](#) processes.
1375 They specify the functions such [systems](#) must be able to perform, without defining how they are to perform them. These
1376 functional standards define for courts and private sector vendors the content for [systems](#) supporting [electronic filing](#)
1377 processes, regardless of the court level or case type. Other [ACTC](#) functional standards address the requirements for case
1378 management information [systems](#) for specific case types.

1379

1380 The Functional Standards are intended to provide guidance for courts and vendors in developing or choosing [systems](#) to
1381 support [electronic filing](#) processes. The Functional Standards are structured so they may be used as an outline to
1382 develop design specifications or for issuance of a Request for Proposals. Courts and vendors may choose a multitude of
1383 methods to implement the functional standards, but any [system](#) should be evaluated against the Functional Standards to
1384 ensure that it will meet a court's long term needs.

1385

1386 General and technical functional standards are presented first, and then to the maximum extent possible, the functional
1387 standards are presented in the general chronological order they need to be considered by a court during case processing.

1388 Organization of Functional Standards

1389

1390 Using the same format as other Functional Standards, each Functional Standard is followed by a Functionality Matrix
1391 with each of the subfunctions for the major Functional Standard. For each subfunction, the first three columns of the
1392 Functionality Matrix indicate how the subfunctions should be evaluated by courts and vendors.

1393

- 1394 • **“Local Detail Needed”** indicates that adoption or implementation of the subfunction will require specific
1395 additional information about statutes, court rules, or procedures used within the court implementing an
1396 [electronic filing](#) process. When using the matrix to develop standards or specifications for bids, the court must
1397 explicitly state the specific practices relevant to that court.
- 1398 • **“Mandatory”** indicates that the subfunction is considered essential in any [electronic filing system](#) to support
1399 courts. Vendors providing [systems](#) with the mandatory functions will be able to provide [systems](#) with broad
1400 applicability to courts.
- 1401 • **“Optional”** means that the subfunction is desirable to support best practices, but may not be necessary in all
1402 courts or all situations.

1403

1403

Functionality Matrix and Commentary

3.1 Functional Standard: General Court Standards

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.1 Functional Standard: General Court Standards				
3.1.1	System shall conform to existing Ohio Advisory Committee on Technology and the Courts (ACTC) standards and has the flexibility to adapt to emerging Ohio standards.		X	
3.1.2	System describes unique court filing policies and standards in GJXDM format, accessible by potential filers, including service providers.		X	
3.1.3	System provides a process to inform current users of court policy changes relative to electronic filing.		X	

The subfunctions within the function of General Court Standards provide the foundation to accommodate the basic tenet that electronic filers will be able to file in different courts with a minimum of [Front End](#) Application modifications or changes to manual actions needed as they move from one court to another. To allow wide [interoperability](#) among [systems](#), it is necessary that [electronic filing systems](#) respond to and provide a balance among:

- conformance to standards that have been adopted by the state of Ohio;
- [electronic filing](#) policies specific to the court; and
- differing statutes and rules.

Subfunction 3.1.1 Standards that have been adopted by the [ACTC](#) under Sup.R. 27 are required.

Courts and vendors developing [electronic filing](#) processes should pay close attention not only to standards already formally adopted by the state of Ohio but also to standards being developed or revised. Technology and options for [electronic filing](#) processes are changing rapidly.

The requirement for flexibility to adapt to emerging state of Ohio standards will be subject to evaluation by each court seeking to implement [electronic filing](#). The intent is that the court or private vendor implementing [electronic filing](#)

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

maintain an adequate working knowledge of and currency with the mainstream technical directions for [electronic filing](#) so that acquisition or development will be subject to minimal [system](#) re-writes in the near future to maintain [interoperability](#) with other [electronic filing systems](#). Sufficient thought to currency and working knowledge of emerging standards should help protect a court against paying multiple times to revise its [systems](#) as each new idea is embraced as an Ohio standard.

Subfunction 3.1.2 Each court has its own special [document](#) naming conventions, payment processes, and other requirements. Courts will need a way to describe their [electronic filing](#) procedures and policies.

Subfunction 3.1.3 The standard requires that [systems](#) be able to inform current users of changes in local court policies and requirements. Each court will need to use its judgment in identifying and defining “current” users for the purpose of this subfunction to support Standard 1.1G, Identity of the Sender. If a court chooses to send messages to each user when policies change, it would be impractical and meaningless to inform parties with long closed cases. In order for courts to inform users of policy changes, courts may wish to include a requirement that users keep the court informed of any changes in the filer’s current e-mail address; this may be included in the court’s [electronic filing](#) user registration procedures. A notice on a web site or the initial [Front End](#) Application screen would also suffice to meet the intent of this subfunction.

3.2 Functional Standard: System Architecture

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.2 Functional Standard: System Architecture				
3.2.1	System architecture supports XML data exchange in accordance with standards adopted by Ohio Advisory Committee on Technology and the Courts (ACTC).		X	
3.2.2	System architecture incorporates migration strategies for new releases of XML standards.		X	
3.2.3	System architecture provides capabilities for high volume filers to transfer large numbers of documents, attachments and envelopes at one time (“mass filing”).		X	
3.2.4	System has disaster recovery and rollback capabilities consistent with court needs and policy.	X	X	

Subfunction 3.2.1 The only technical architectural requirement in this function is that the architecture must support [XML](#) data exchange. [XML](#) data exchange is critical *from* electronic filers and *to* any other entities with which the court shares electronic [documents](#) (e.g., child support agencies).

In general, the subfunctions in this section address overall best practices for any automated [system](#).

Subfunction 3.2.2 Migration strategies should be an integral part of any [system](#) design, to ensure that the court is subjected to minimal manual intervention and data transformation for any new release. With [electronic filing systems](#), this may include transitions to new file formats allowed in filings, and courts should include language in contracts and licenses to ensure easy and prompt migration to new releases of [XML](#) standards.

Subfunction 3.2.3 In many instances, [systems](#) are designed to easily accommodate individual case transactions, but may be cumbersome for “mass” transactions such as large numbers of debt collection complaints, child support enforcement petitions, or traffic tickets.

Subfunction 3.2.4 Disaster recovery and rollback/recovery capabilities to a prior state will vary depending on the technical architecture, redundancy, and volume that exists in any court or [system](#) and the court’s assessment of its risks and liabilities. This is shown as a local detail requirement, and each court must assess its own needs for mirroring all [submissions](#), [database](#) management and data replication methods. Given the policy expressed in Standard 1.1A, Electronic Documents -- that the electronic [document](#) will be part of the official court record -- courts are urged to

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

1468 consider changes to their pre-[electronic filing](#) disaster recovery and rollback/recovery needs carefully. There may be no
1469 paper record on which they can rely for re-creation of [documents](#) in the case of a catastrophic failure.
1470
1471 Therefore, a greater level of redundancy may be called for than would be necessary with a pre-electronic filing [case](#)
1472 [management](#) system that reflects entries from [source documents](#) that can be re-entered, albeit with great manual effort.
1473 Courts are urged to consider their risks carefully before they dismiss the initial capital outlay required for mirroring,
1474 replication, or some other high redundancy fail safe option.

3.3 Functional Standard: Electronic Documents

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.3 Functional Standard: Electronic Documents				
3.3.1	System records all dates and times needed to apply court rules governing the time and date that court filing occurs and informs filer of the date and time of filing.	X	X	
3.3.2	System accepts the importation of non-electronic documents into the electronic court record in accordance with statutes and rules.	X	X	
3.3.3	System provides a method for handling other electronic materials involved in a case, including, e.g., transcript, exhibits, and multimedia presentations made to the jury.	X		X
3.3.4	System presents the documents in the electronic formats allowed by the court.	X	X	
3.3.5	System will produce copies on demand.	X	X	

This function incorporates general standards and understandings applying to all [documents](#), during all stages of court processing.

Subfunction 3.3.1 Standard 1.2C, Determining When a Document is Filed, requires courts to define the terms and processes they use to determine when a [document](#) is deemed “received”, “filed,” “served,” and “entered on the [docket](#) or [register of actions](#).” To support such local definitions, [systems](#) must be able to capture and record the date and time for each step (from leaving the filer’s computer through [entry](#) on the court’s [docket](#) or [register of actions](#)) as a [document](#) progresses through the [systems](#). In any particular implementation, only some of these dates and times may be needed in an individual court. However, a [system](#) to support the multiplicity of courts must have the structures and capabilities to sustain the maximum permutations. Only those dates and times relevant to the court need to be displayed in a specific implementation.

Subfunction 3.3.2 There will always be [documents](#) not created electronically that must be made part of the electronic record (e.g., [attachments](#) to a complaint or affidavit or fax filings). Therefore provision must always exist for importing paper [documents](#) into the electronic court record. In addition, [systems](#) must be able to accommodate transcripts, multimedia presentations, and other evidence introduced in the course of a trial or hearing. It is understood that physical objects, such as contraband, weapons, and clothing, cannot be incorporated into an electronic record with current technology (although [images](#) may appear in the record.)

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Subfunction 3.3.3 This subfunction requires that [systems](#) be capable of handling in some manner electronic materials such as transcripts, multimedia presentations, and exhibits. It is understood that existing case management [systems](#), [document](#) management [systems](#), and [XML](#) standards may not currently include specific definitions for these additional electronic materials.

Subfunction 3.3.4 Given the variety of implementations that may occur, it is possible that multiple [electronic filing front end systems](#) may be used, but all [documents](#) associated with the case and filed through any of the [front end systems](#) must be viewable as a single electronic record. The [system](#) must be capable of displaying [documents](#) in all formats allowed by the court, maintaining the integrity of the content and format of every [document](#). Standard 1.3F, Integration with Case Management and Document Management Systems, requires a single [index](#) based on the case management information [system](#) for all [documents](#), regardless of their physical location.

Subfunction 3.3.5 Although courts may have varying methods for producing paper copies of records, particularly for certified copies, each [electronic filing system](#) must be capable of producing a paper copy on demand. It is understood that courts may charge for paper copies and certified copies, and the need to continue to collect these charges may limit the viewing or printing capabilities allowed by the court.

3.4 Functional Standard: Document Integrity

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.4 Functional Standard: Document Integrity				
3.4.1	System provides a means to verify the integrity of any electronic document received and stored by the court.	X	X	
3.4.2	System provides controls to ensure that the electronic document is not the sole electronic copy for disaster recovery.		X	
3.4.3	Digital integrity capability must be included within the document.		X	

Subfunction 3.4.1 Function 3.2, System Architecture, addressed overall integrity and redundancy of the [system](#) architecture. However, courts are responsible for ensuring that the [electronic filing system](#) also addresses the integrity of each and every [document](#) submitted. The court must be certain the [document](#) submitted is the same as the [document](#) received and stored by the court. At a minimum, Standard 1.1H, Integrity of Transmitted and Filed Documents and Data fulfills this purpose.

Subfunction 3.4.2 [Document](#) redundancy is addressed in this subfunction. The [system](#) used must incorporate controls to ensure that a catastrophic failure of a single [system](#) or [system](#) element does not result in loss of the sole electronic copy of a [document](#) that is part of the [e-filing](#) record.

Subfunction 3.4.3 [Systems](#) must maintain the integrity of an [e-filed document](#) along with the acknowledgement of the filing of that [document](#). The [system](#) must be able to show that the [document](#) has not been altered or compromised.

3.5 Functional Standard: E-Filing System Security

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.5 Functional Standard: E-Filing System Security				
3.5.1	E-Filing System transmissions are secure.	X	X	
3.5.2	E-Filing System provides an audit log of transactions as appropriate to the court's needs.	X	X	
3.5.3	E-Filing System must provide that appropriate court staff have control of assignment and revocation of security levels and privileges.	X	X	
3.5.4	E-Filing System provides appropriate processes for court staff to control user privileges to create, modify, delete, print, or read electronic records.	X	X	
3.5.5	E-Filing System must use a state of the art and robust virus checking mechanism applied to the electronic document prior to acceptance in the court's e-filing system.		X	
3.5.6	E-Filing System complies with generally accepted security protocols.		X	

Subfunction 3.5.1 Overall [system](#) security is tightly coupled with the Functional Standards 3.2, System Architecture and 3.4, Document Integrity. Each court must decide the levels of security and overhead for transaction and audit logs it wishes to require for [electronic filing submissions](#). Courts are cautioned to revisit their security requirements since the requirement that the electronic record is the official record may place a higher burden than currently exists for case management [systems](#) where [original documents](#) can be used for recovery from catastrophic failures.

Subfunction 3.5.2 Audit logs for transactions are called for, as appropriate to the court's needs. While courts may not believe it necessary to add the overhead of before and after [images](#) or detailed data element transaction logs, courts are urged to consider at a minimum logs of entries into their portals or logs of their [authentication](#) of user access for filing.

Subfunction 3.5.3 Each court will specify its own requirements for automatic removal of security and privileges such as logons and passwords for filers and court staff. Requirements might include such policies as automatic nullification of logons and passwords when appeal notification periods have passed without an appeal, or removal of access privileges to [confidential documents](#) upon case closing. [Systems](#) must support such security features.

Although the [systems](#) must allow the court to maintain control of security and privileges, it is not intended that the [system](#) require that a court staff person physically make these changes. Implementations are possible where the court gives that task to a vendor, with procedures for court verification and monitoring. However, a vendor-provided [system](#) must be able to vest that authority in court staff if the court so chooses.

Subfunction 3.5.4 The lengthiest requirement within this function addresses the need for court control of user privileges associated with creation, modification, printing and reading of electronic records based on privilege levels. Courts are cautioned to consider the relevance of specific examples of types of groups very carefully – these groups may not be relevant to a specific court or additional groups may exist that have particular importance to a court’s unique jurisdiction or venue. For example, groups with differing privileges and security levels might be:

- Attorneys and self-represented litigants for the duration of the case;
- Parties with the exception of attorneys and self-rep litigants;
- Court staff within the court of filing, including;
 - Judges;
 - Judicial staff;
 - Clerks;
 - Administrative staff;
 - Court staff elsewhere in judiciary; and
 - [Systems](#) maintenance staff.
- Justice agency staff, by specified agency;
- Treatment/program staff, by specified agency/group;
- Abstractors, title searchers, credit reporting services, and employment background checkers;
- Media; and
- General public not involved in the case.

Courts should also note that both printing and reading are functions specified within control of privilege, but would not necessarily be relevant if the court chooses to provide fully open access for reading and printing of non-[confidential documents](#) or cases. However, court revenues may be attached to [document](#) copying and the court may wish to require incorporation of a payment requirement for printing. Reading of certain classes of [documents](#), such as sealed [documents](#), must be restricted as well.

Subfunction 3.5.5 For both the [XML wrapper](#) within the [OECFS](#) and the [document](#) contained within the [XML wrapper](#), each [system](#) must provide common and robust virus checking practices, with notification to the filer of any identified virus before any actual [submission](#) to the court of any [electronic filing](#). Virus checking of both the [XML wrapper](#) and [document](#) is required both at the [front end](#) and upon receipt by the court. Courts should be aware that the nature of viruses is that new and unidentified viruses may pass virus checking. Courts may wish to specify the variety of virus checkers that they consider acceptable and require periodic verification of updates through the Court Policy Module ([CPM](#)) or Court Data Configuration ([CDC](#)).

Subfunction 3.5.6 [System](#) should be in compliance with Internet standards for encryption and security, generally accepted to be Secure Socket Layer – Transport Layer Security ([SSL-TLS](#)) technology. The new Internet Engineering Task Force (IETF) standard called Transport Layer Security (TLS) is based on [SSL](#). Courts should ensure that they are compliant with any [ACTC](#) security standards.

3.6 Functional Standard: Signatures and Authentication

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.6 Functional Standard: Signatures and Authentication				
3.6.1	System complies with statutes and rules for authentication of electronic documents.	X	X	
3.6.2	System provides authentication of filer identity in accordance with standards established by the ACTC.	X	X	
3.6.3	System provides a method of authenticating judicial officer actions.	X	X	

Subfunction 3.6.1 This function addresses mandatory requirements for [authentication](#) of filers, [documents](#), and judicial officer actions. Any [system](#) must support statute and rule requirements.

Subfunction 3.6.2 The [system](#) must comply with [authentication](#) standards established by the [ACTC](#).

Subfunction 3.6.3 With an electronic court record, the judicial officer official decision and action is recorded only within the electronic record. These standards do not explicitly call for a different method of [authentication](#) for judges than would be required of other filers. However, courts are cautioned that the burden is significant to provide strong safeguards to ensure that only judicial officers can authorize orders and official judicial actions, that any modifications are properly audited and tracked, and that both the public and litigants are confident of the technical integrity of judicial actions recorded electronically.

3.7 Functional Standard: Case and Document Confidentiality

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.7	Functional Standard: Case and Document Confidentiality.			
3.7.1	System provides confidentiality until a determination on confidentiality is made by the court.	X	X	
3.7.2	System allows for changes of confidentiality status for any or all documents during the life of the case.	X	X	
3.7.3	Based on the nature of the document and the nature of the case, the system provides automatic confidentiality at the time of electronic document filing in accordance with statutes and rules or court orders.	X	X	

“[Confidentiality](#)” in this function is intended to incorporate the various words (e.g., sequestered, sealed, [confidential](#), restricted, blocked) that may be used in any court to designate limited viewing of cases or [documents](#) or data. The variety and range of access restrictions is long, in some circumstances meaning only that there is no public viewing and in others meaning there may also be no method to know that a case or [document](#) exists or existed (except by very limited court personnel).

This function and its subfunctions are intended to address all modifications of case and [document confidentiality](#), but the function **does not** address the [confidentiality](#) of specific data fields (e.g., address of victim, social security number) that may exist within filed [documents](#).

The standards do not endorse or require redaction of individual data fields within [documents](#). If there is a local requirement for [confidentiality](#) of such individual data elements, the court should ensure this by other means, such as by [confidentiality](#) of the entire electronic [document](#) or by extending the local detail to include the capability of such redaction.

In all instances, courts are urged to exercise caution to ensure that responses to both formal (pre-defined) and informal queries provide verification of access authority based on [confidentiality](#) conditions before returning a response. This may require the court to implement security provisions beyond those provided directly by any [electronic filing system](#), particularly if the court’s existing case management [system](#) invokes only application level security for retrievals made through the [CMS](#).

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Subfunction 3.7.1 This function calls for [confidentiality](#) when an electronic [document](#) is submitted to the [e-filing system](#). Until the court has made its determination, the [e-filing system](#) should provide that the [document](#) is not viewable by persons other than those allowed by rule or statute or local practice.

Subfunction 3.7.2 The [system](#) must also allow for the possibility that [confidentiality](#) status may change as the case progresses. For example, a [document](#) that was [confidential](#) may become public or vice versa.

Subfunction 3.7.3 The Functional Standards recognize that handling of [confidentiality](#) in a generic way for courts is difficult, given the wide variety of contexts, rules and statutes that bind it. Case, [document](#), and data [confidentiality](#) are driven by state law and court rules and individual determinations based on request. Explicit generic requirements cannot be created to cover the details of all types of [confidentiality](#). The Functional Standards have attempted to identify the discrete circumstances when [confidentiality](#) is invoked. It may be based on:

- case nature (e.g., adoptions);
- [document](#) content or type (e.g., treatment information in pre-sentence reports);
- data (e.g., witness or complainant names or addresses in protective orders);
- case stage (e.g., orders regarding judgments); or
- specific people seeking access to information (e.g., a child may have access to an identity in a paternity determination but no one else may see it).

3.8 Functional Standard: Acceptance and Rejection of Filings

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.8	Functional Standard: Acceptance and Rejection of Filings			
3.8.1	Front End Application is able to support the court's policy on filing when the court's accepting system is down.	X	X	
3.8.2	System automatically informs the filer of the receipt by the e-filing system.	X	X	
3.8.3	System supports automated or manual acceptance/rejection of electronic documents into the e-filing system in accordance with the form and substance requirements of the court.	X	X	
3.8.4	Acknowledgements of filings may include an address by which the document can be accessed.	X		X

Subfunction 3.8.1 Standard 1.2E, Failure of Electronic Processes, requires a court to create a policy for resolving disputes arising from the operation of an [electronic filing system](#). This functional standard requires that when the accepting [system](#) is down, stand-alone [front end](#) applications shall make a record of a filer's attempt to file or otherwise maintain attempted filings in a [queue](#) for later processing. The court may have an alternate filing method to use when the system is down.

Subfunction 3.8.2 A simple electronic receipt would comply, with an indication of [acceptance](#), as would a similar electronic rejection receipt showing the reasons for rejection.

Subfunction 3.8.3 This function addresses whether [submissions](#) for filing (equivalent to handing papers over the counter) are rejected or accepted by the court's [electronic filing system](#) by use of automated or manual functions. Standard 1.2C, Determining When a Document is Filed, requires a court to define the terms and processes it uses in accepting [documents](#) for filing. See the commentary to that standard and to Standard 1.3D, Quality Control Procedures, for discussion of this topic.

Subfunction 3.8.4 In order for filers to have easy knowledge of the address for the [document](#), the [system](#) may return the [document](#) address with the acknowledgement of the filing. If the [system](#) has supplied the [document](#) address, courts are cautioned that it will be incumbent upon them to ensure that any changes to the domain or web server or processed

[document](#) include references to allow continued access to the [documents](#) from the original address until the [document\(s\)](#) are archived.

3.9 Functional Standard: User and Service Registration

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.9 Functional Standard: User and Service Registration				
3.9.1	System shall maintain a register of authorized users and identifiers. System supports registration/authorization process for submission of electronic court filings by: (a) attorneys; (b) self-represented litigants; (c) court personnel; (d) other agencies; and (e) other authorized users.	X	X	
3.9.2	A registry of web services may be provided by the system for integration, e.g. UDDI.	X		X

Subfunction 3.9.1 It requires that a court use some means to identify persons interacting with its [system](#). It requires the use of a registry of users and their identities.

Subfunction 3.9.2 UDDI (Universal Description, Discovery, and Integration) is currently the primary [XML](#)-based registry of web services for the internet. [XML](#) web services is a developing technology that represents a method to attain the [interoperability](#) needed for [electronic filing](#). Its ultimate goal is to streamline online transactions by enabling companies (and eventually e-Government courts) to find one another on the web and make their [systems](#) interoperable for e-commerce. Web Services describes the technology that will allow a web application to search and discover (i.e., find when needed) courts who allow the use of [XML](#) to exchange information. The application can then locate a description of the [XML](#) web service at the location where they are attempting to communicate.

UDDI offers a framework for Web Services integration. UDDI is often compared to a telephone book's white, yellow, and green pages. As such, UDDI provides a way for courts to "advertise" and for applications to find out about web services, such as web-based electronic court filing. UDDI registries will be maintained on the web to let all sorts of businesses advertise their web services in a way that [systems](#) can automatically search for and find them.

A UDDI registry is very similar to a phone book, but it is a phone book for [XML](#) web services. The service will consist of the following:

- **White Pages** contain information such as the name of the court or attorney, contact information, and a human readable description of the firm or agency.
- **Yellow Pages** contain information that will classify the court, attorney or agency.

- 1698 • **Green Pages** contain technical information about the [XML](#) service that the court, attorney or agency supports.
1699
1700 It is beyond the scope of these standards to assign responsibility for the development of such a registry or to further
1701 specify how it would operate.

3.10 Functional Standard: Court Payments

FUNCTION AND SUBFUNCTION	Local Details Needed	Mandatory	Optional
3.10 Functional Standard: Court Payments			
3.10.1 System accommodates payments in accordance with statutes and rules.	X	X	

Subfunction 3.10.1 This function addresses any payment made to the court in conjunction with the [electronic filing system](#). Depending on the court and [electronic filing](#) service provider, this may include filing fees, access fees, or other payments due to the court. Standard 1.1I, Electronic Acceptance of Payments, encourages courts to accept payment of fees electronically. The commentary to that standard discusses alternatives to support that function.

Courts have complex allocation and distribution requirements for monies received by the court; these are not within the purview of the Standards for Electronic Filing Processes since they are internal court functions that do not generally affect filers. Courts should incorporate any requirements for detailed financial processing outside an [electronic filing](#) procurement or design. The limit of payments within an [electronic filing system](#) should be solely for relaying any electronically submitted funds to the court or its agent, with the case details necessary for subsequent allocation, distribution, and accounting by the court or its agent.

3.11 Functional Standard: Submission of All Filings

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.11 Functional Standard: Submission of All Filings				
3.11.1	If the court's case management system is not operational at the time of filing, the electronic filing system may send a message immediately to the filer and may hold the filing until the court's system is operational.	X		X
3.11.2	Electronic Filing system is capable of ensuring that elements required for populating the court's CMS are present.	X	X	
3.11.3	Electronic Filing system provides error messages and correction options if the filing is not in accordance with court policies and requirements including case openings.	X	X	
3.11.4	System assigns and confirms a unique identifier for each transaction.	X	X	

Courts may choose or may be required because of statutes, rules, or jurisdiction to implement separate procedures and [electronic filing](#) requirements for initial case opening and subsequent filings. To assist courts in differentiating their requirements for initial case opening and subsequent filings, these functional standards include three separate functions:

- [Submission](#) of All Filings, subfunctions applicable to all filings;
- Case Opening Filings, subfunctions specific to new cases; and
- Subsequent Case Filings, subfunctions for existing cases.

Subfunction 3.11.1 For all filings, the [electronic filing system](#) should have the ability to “hold” a [submission](#) so that re-entry is not needed by the filer if the accepting [system](#) is not operational. Other issues relating to court determination of or revising the filing time and date – based on technical failures – are addressed in Standard 1.2E, Failure of Electronic Filing Processes.

Subfunction 3.11.2 It is desirable that error checking be done for required elements at its source of [entry](#) to avoid rejection when the filing reaches the court. This functional standard requires that [systems](#) provide error checking capabilities so that filers have the maximum opportunity for quality control on their filings and to reduce the likelihood that a filing will be rejected by the court.

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Subfunction 3.11.3 Messages are required to tell the filer what the error is. Precise explanation is not required due to statutes and rules prohibiting practice of law by court employees. (ORC 4705.01, Code of Judicial Conduct Canon 4(F), Code of Judicial Conduct: Compliance with Code of Judicial Conduct (A) – “Anyone who is not a lawyer, who is an officer of a judicial [system](#) performing judicial functions, including an officer such as a referee in bankruptcy, special master, court commissioner, or magistrate, is a judge for the purpose of this Code...” See also Standard 1.2C, Determining When A Document is Filed.

Subfunction 3.11.4 Every transaction must have a unique identifier for tracking and accessing its contents as well as for auditing and recovery purposes.

3.12 Functional Standard: Case Opening Filings

FUNCTION AND SUBFUNCTION		Local Details	Mandatory	Optional
3.12 Functional Standard: Case Opening Filings				
3.12.1	System assigns a unique identifier, such as a “transaction number”, “confirmation number” or “filing identifier” until assignment of a permanent case number by the court.	X	X	
3.12.2	System may allow automated initiation of new cases without requiring submission of the case to the clerk review queue.	X		X
3.12.3	System may support automated docket entries for initial filings without clerk review.	X		X

Subfunction 3.12.1 When a filing initiates a new case, it is necessary that the filer immediately have a unique identifier for the case by which the case and [documents](#) can be tracked, both before and after a permanent case number is assigned by the court. This [system](#) requirement is mandatory, but specifics of implementation are up to the court. Some courts may choose to delay permanent number assignment until after review of the filing by a clerk, and others may wish to assign a permanent number immediately, particularly those courts where a [clerk review](#) is not necessary prior to [submission](#) of the filing to the court’s [database](#).

Subfunction 3.12.2 Although many courts may choose to allow case creation within their [database](#) only after a clerk has reviewed the filing, the option of allowing opening of cases without requiring [clerk review](#) is included for the future when [electronic filing](#) is standard procedure and for mass filings. While the court may choose not to allow this option initially upon implementing [electronic filing](#) or may always prohibit it for certain case types or conditions, any fully operational [electronic filing system](#) should be prepared to allow case creation without [clerk review](#).

Subfunction 3.12.3 The [system](#) may open a new case automatically and/or create the [docket entry](#) for the initial filing automatically.

3.13 Functional Standard: Subsequent Case Filings

FUNCTION AND SUBFUNCTION		Local Details	Mandatory	Optional
3.13	Functional Standard: Subsequent Case Filings			
3.13.1	System may support automated docket entries for subsequent filings without clerk review.	X		X
3.13.2	System may allow automated receipt of subsequent filings without requiring submission of the case to the clerk review queue.	X		X

Subfunction 3.13.1 In general, subsequent case filings are less technically burdensome than case openings -- they most often do not include filing fees, essential parties are already identified, and case number assignment has already occurred. Therefore, while courts may choose not to allow case opening without [clerk review](#), they may elect to allow subsequent case filings without [clerk review](#).

Again, the option of allowing subsequent case filings without requiring [clerk review](#) is included for the future when it is likely that courts will implement it more quickly than they will for initial case filings.

Subfunction 3.13.2 This subfunction clarifies that the [system](#) may be capable of accepting [documents](#) automatically without submitting them to the [clerk review queue](#).

3.14 Functional Standard: Service and Notice

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.14 Functional Standard: Service and Notice				
3.14.1	System electronically may serve documents and notices to other parties participating in the electronic filing system, in accordance with statutes and rules.	X		X
3.14.2	System may generate a record of the non-electronic filing parties to whom service must be provided.	X		X
3.14.3	System may automatically create and docket in the court's case management system a certificate of service for the document served.	X		X

Note: Courts should refer to current statutes and rules about service to ensure that they are compliant or have the necessary waivers.

Subfunction 3.14.1 It is optional for each [electronic filing system](#) to provide for electronic notice and service. When a court opts for this functionality, the [system](#) must provide a proof of service record and a record of who is served electronically and who must still be served traditionally. See Standard 1.2A, Service of Filings on Opposing Parties.

Subfunction 3.14.2 An automatic notice [system](#) may provide a lawyer or pro se litigant with the information needed to serve parties not participating in the [electronic filing](#) process by conventional means. That may be a list of the parties served electronically, a list of those not served electronically, or both.

Subfunction 3.14.3 The notice [system](#) may automatically create and [docket](#) a certificate of service in the court's case management information [system](#), replacing the traditional certificate of service filed by an attorney or party. This [entry](#) would include the names of the parties to whom copies of an electronic [document](#) were sent electronically, their electronic addresses, a description of the [document](#) sent, and the date and time of [transmission](#). A record maintained only within a separate e-mail [system](#) would not allow the record of service to be retrieved with the rest of the electronic court record; therefore, an e-mail record alone would not meet the standard.

3.15 Functional Standard: Clerk Review

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.15 Functional Standard: Clerk Review				
3.15.1	System may provide for review of data and/or documents by court staff prior to inclusion in the court record based on local procedures and rules.	X		X
3.15.2	If the filer must take additional action after clerk review, the system provides a method for the clerk to send notice to the filer.	X	X	

[Clerk review](#) of electronically filed [documents](#) and cases is analogous to a clerk's review of manual filings submitted across the counter. Statutes, rules, and procedures differ widely, with some courts allowing all filings regardless of errors and other courts rejecting filings with errors or notifying filers of errors and allowing them to re-submit corrected filings.

Subfunction 3.15.1 [Clerk review](#) of [documents](#) filed electronically is an essential part of quality assurance for many courts prior to committing data entered by filers to the court's [database](#). The [clerk review](#) function or [clerk review queue](#) must be fully supported by any [electronic filing system](#), although a specific court may choose not to require its use for particular case types, mass filings, or under other conditions. If automated [acceptance](#) and [docketing](#) of filings occurs, the [system](#) must provide a way to "turn off" the [clerk review](#) functionality.

Subfunction 3.15.2 To support courts that notify filers of defects in filings, this subfunction requires a method of communicating such defects. E-mail will satisfy this requirement. The use of e-mail does not confer any additional reliability advantage over traditional delivery methods.

3.16 Functional Standard: Court Initiated Filings

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.16 Functional Standard: Court Initiated Filings				
3.16.1	System allows for court judicial officers and court staff to initiate orders, entries, or notices as filings.	X	X	
3.16.2	System may inform parties of court initiated filings.			X

Subfunction 3.16.1 The terminology “[court initiated filings](#)” indicates any actions the court may take which are entered into the electronic court record (e.g., orders, trial notices, etc.) Many case management [systems](#) already automatically produce [documents](#) for court issuance and signature. Courts considering [electronic filing](#) implementations should be aware that there may be conflicts and redundant clerk effort if the case management [system](#) does not produce [documents](#) that can be included as part of the electronic court record automatically. For example, if the [CMS](#) produces [documents](#) or forms only in hard copy word processing format, they may need to be scanned by court personnel for inclusion into the electronic record. This may require that these [documents](#) be filed by the court using much the same process used by external filers. A more desirable method would be for the [CMS](#) to create [documents](#) in formats acceptable by the court as [electronic filings](#).

It is a mandatory subfunction for [electronic filing systems](#) to accept filings initiated by court personnel and judicial officers. [Electronic filing systems](#) should incorporate methods that take advantage of the information contained in the [CMS](#) to avoid duplicative data [entry](#) effort by court staff in creating such [documents](#).

Subfunction 3.16.2 The [system](#) may have the option to automatically inform all parties of the filing of court-initiated [documents](#).

3.17 Functional Standard: Requests for and Responses to Requests for Case Information

FUNCTION AND SUBFUNCTION		Local Details	Mandatory	Optional
3.17	Functional Standard: Requests for and Responses to Requests for Case Information			
3.17.1	System processes requests and responses to standard queries for court records according to the standard protocol approved by existing Ohio standards.	X	X	
3.17.2	Every response to a query includes the most current, complete and accurate CMS and DMS records as defined by individual court policy.	X	X	
3.17.3	System provides a notice to the person making the query of the currency of the information.	X	X	
3.17.4	System provides authentication and verification that the court order in the court's CMS and/or DMS is the court order received by the requestor.	X	X	
3.17.5	System supports queries of court records and responses to queries of court records.	X	X	
3.17.6	System notifies the entity maintaining its CMS of updates to the court record.	X		X

Requests for [documents](#) and case related information and responses to such requests are essential components of a fully functioning [electronic filing system](#). This function addresses the requirements for performing those functions.

Subfunction 3.17.1 In order to support [interoperability](#), all [systems](#) must comply with existing Ohio standards for supporting [XML](#)-based [query](#) and response processes.

Subfunction 3.17.2 Because of the overall intent for [interoperability](#), it is assumed that there will be multiple front-end providers accessing a court's [system](#) and providing a response to queries. [Front end](#) providers may provide value added services to filers, including sophisticated [document](#) links and information from multiple [databases](#) beyond the court's

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

[DMS](#) and [CMS](#). To provide these value added functions, [front end](#) providers might have [databases](#) for their filer's data and [documents](#) that are separate from the court's [DMS](#) and [CMS](#).

Compliance with the mandatory subfunctions within this function provides assurances that regardless of value added services that a [front end](#) may provide to a filer, all data and [documents](#) returned in response to queries of court record or data status will be the most current and complete court record. [Electronic filing front end](#) providers cannot provide responses to queries of court records from queries of solely the provider's [database](#). See Standard 1.1K, Court Control Over Court Documents.

Subfunction 3.17.3 It is essential that each response to a [query](#) incorporate some indication of the currency of the data and [documents](#). [Systems](#) must provide reliable methods to make users aware of the currency, i.e., the most recent update to the electronic record being viewed, such as the filing timestamp of the [document](#).

Subfunction 3.17.4 An [electronic filing system](#) must provide some means (such as a digital signature) to allow persons receiving court orders to ensure that they are identical to the order in the court's official record. This is not expected to replace certified copies.

Subfunction 3.17.5 An [electronic filing system](#) is not complete without a means to support the [query](#) and response function. [Documents](#) accepted into the [CMS](#) must be accessible by the front-end [system](#), either from the [CMS](#) itself, or from the [e-filing system](#) if there is no link to the [CMS](#).

Subfunction 3.17.6 Standard 1.1K, Court Control Over Court Documents, addresses the relationship between a court and an outside entity maintaining court records. If the entity maintaining the CMS is the court itself, no outside notification is necessary. This subfunction requires that [systems](#) be able to support the requirements of that standard – notifying the [CMS system](#) of changes to the record (including changes in the [confidentiality](#) status of any [document](#)) and that information provided accurately reflects the current official status of that information.

3.18 Functional Standard: Integration with Document Management Systems

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.18	Functional Standard: Integration with Document Management Systems			
3.18.1	System delivers case documents for entry into and retrieval from the court's electronic Document Management System, if applicable, with methods that do not require duplicative work on the part of court clerks for record entry into or retrieval from document management systems.		X	
3.18.2	If applicable, the system stores documents in a queue until entered into the document management system or rejected by the court.	X	X	

Functional Standards 3.18, Integration with Document Management Systems, and 3.19, Integration with Case Management System, address the integration of [electronic filing systems](#) with [document](#) and case management [systems](#). The requirements may seem somewhat redundant -- the standards allow some functionality to be contained in either the [DMS](#) or the [CMS](#). This redundancy is intentional to allow different implementations of required functionality.

The Conceptual Model shows access to the [DMS](#) can be through the [CMS](#). This is not essential, but is used to conceptualize the tight relationship intended between the [electronic filing front end](#) and the [CMS](#), including the [CMS](#) providing the primary [index](#) to [documents](#) in the case.

Subfunction 3.18.1 Standard 1.3F, Integration with Case Management and Document Management Systems, requires that electronic [documents](#) be accessible from the [docket](#) or [register of actions](#) in the case management information [system](#). This function requires that the link be fast and simple both to enter a [document](#) into storage and to retrieve it for viewing or printing. Providers may require users to launch a separate application manually for [document](#) viewing. For example, a [document](#) stored as [PDF](#) will automatically launch the application for viewing (provided the viewing computer has been configured to do that). A vendor should not require the user to go through complicated steps to choose or save a [document](#) for viewing. This would not be complying with the method required.

Subfunction 3.18.2 This function also requires that an [electronic filing system](#) automatically and securely store submitted [documents](#) prior to and during processing and until they are committed to storage. This will allow redundancy and roll-back.

3.19 Functional Standard: Integration with Case Management System

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.19 Functional Standard: Integration with Case Management System				
3.19.1	System delivers case information for entry into and retrieval from the court's electronic Case Management System with methods that do not require duplicative work on the part of court clerks for record entry into or retrieval from case management systems.		X	
3.19.2	If applicable, system stores information associated with the filing in a queue until entered into the case management system or rejected by the court.	X	X	
3.19.3	Case Management System shall access or point to the location of documents in electronic court records, as required in the case management system standards established by the Supreme Court of Ohio ACTC.		X	

Subfunctions 3.19.1 and 3.19.2 See commentary for subfunctions 3.18.1 and 3.18.2. Courts may define local rules to allow filers to correct omissions in their filings, without having to re-file.

Subfunction 3.19.3 The third subfunction directly reflects the requirement of Standard 1.3F, Integration with Case Management and Document Management Systems, requiring that access to court [documents](#) be through the case management information [system](#).

3.20 Functional Standard: Document Retention and Archiving

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.20	Functional Standard: Document Retention and Archiving			
3.20.1	System provides for archiving of data and documents in accordance with approved retention, archiving and destruction policies, statutes and rules.	X	X	
3.20.2	System provides for forward migration of all court documents.	X	X	

Subfunction 3.20.1 Every court pursuing [electronic filing](#) must investigate specific requirements for archiving within its own statutes and rules.

Subfunction 3.20.2 Each court pursuing [electronic filing](#) is advised that work may be necessary on a statewide basis to “pave the way” to ensure that state policies on retention, archiving and destruction are consistent with the ultimate goal of electronic [documents](#) serving as the official court record. Given the extant issues related to long term retrieval with any electronic [media](#), federal and state archivists may continue to require micro-form production to ensure archival access to court records.

Standard 1.3G, Archiving Electronic Documents, requires courts to incorporate processes for migrating electronic court records forward so as to be able to comply with these emerging archival standards.

3.21 Functional Standard: Related Technical Considerations

FUNCTION AND SUBFUNCTION		Local Details Needed	Mandatory	Optional
3.21 Functional Standard: Related Technical Considerations				
3.21.1	System uses browser technology and complies with current ACTC web standards for a variety of platform operating systems and browsers.		X	
3.21.2	If web services are used, system complies with current ACTC web services standards.	X	X	

This function covers technical considerations that do not fit within one of the other specialized Functional Standards.

Subfunction 3.22.1 As of the writing of this [document](#), the [ACTC](#) has not established web standards for operating [systems](#) and browsers. The standards consider the necessity of browser technology and web services so significant that they are mandatory technical requirements as discussed in Standard 1.1C, Technical Requirements. The requirement does not apply to internal court applications that can be separate from the [interoperability](#) requirements for [electronic filing](#).

Subfunction 3.22.2 As of the writing of this [document](#), the [ACTC](#) has not established web services standards. This subfunction requires compliance with standards for web services to enable applications to obtain from internet registries the requirements for interoperating with browser-based applications in fully automated form.

1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968

1969 **SECTION 4 - GLOSSARY**
1970

1971

Term	Definition
acceptance	the process of permitting entry of data as a filing to the court
ACH	An electronic funds transfer system used for bill presentation and payment via automated means through a third party, the ACH. Members wire instructions to the Automated Clearing House which then wires funds to the appropriate receiving entity.
ACTC	Advisory Committee on Technology and the Courts
actor(s)	person (party) or persons (parties) associated with a case
API	Application Programming Interface – the protocols and standards of software used to access the functionalities of an operating system and other services hosted on a computer which allows system level integration between the software programs. This inter-working facilitates data sharing between products and across different platforms which facilitates interoperability.
attachments	files or documents or pictures appended to an electronic transmission
authentication	the process by which data or a user is verified.
BLOB	Binary Large Object. A database field that can hold images, audio, video, long text blocks, or any digitized information.
CDC	Court Data Configuration. The standards for the CDC will be the vehicle for expressing codes and translations and other specific data and environmental considerations for front end applications. (See schema or DTD)
clerk review	A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may retrieve the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
CMS	Case Management System. A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
confidentiality or confidential	equivalent to the use of terms (or similar terms such as sealed or sequestered) in the context of the court's limiting access to a particular type of document, or documents in a case, or to a particular document based on its special character (for instance, its containing protected trade secrets.) Court electronic document systems will be able to automate such access limitations through the use of system security features.
connectivity	The capability of accessing a particular object, such as a database or file, by point-to-point connection (cable, fiber, wireless) between separate systems, processes or hardware.
COSCA	Consortium of State Court Administrators
court electronic record	This is any document that a court will receive in electronic form, record in its case management information system and store in its document management system. This will include notices and orders created by the court as well as pleadings, other documents and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification, which are not susceptible

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Term	Definition
	of capture in electronic form.
court initiated filings	These are official court documents entered into the docket or register of actions, such as notices or orders. The term “court initiated filings” is a simplification to indicate that the documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.
CPM	Court Policy Module
database	A structured collection of related information records organized in such a way that a computer program can consult it to quickly select desired pieces of the data in response to a query. The information contained within the database can be accessed, managed, and updated by application processing.
data stream	the process of moving information from one location to another location; a technique for transferring data such that it can be processed as a steady and continuous flow
DjVu	the name of a file compression imaging software.
DMS	Document Management System. A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic documents associated with a case.
docket	A record of concluded events that shows the existence of a document that is part of the official court record. The record in which the clerk of the court enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket. This is also referred to as the register of actions.
docket entry	The recording in notation form of a court order, other judicial proceeding, or of a court case activity, such as service being done or a filing being made, into the official court case record which is known as the docket.
docketing	The process of making a docket entry
document	a filing made with the court or by the court in either electronic format or paper form becoming the court’s original record
DTD	Document Type Definition. A way of describing the structure of a XML document and how the document relates to other objects.
e-file	Electronic Filing
electronic filing	The electronic transmission, acceptance and processing of a filing. This definition of electronic filing does not apply to facsimile or e-mail. For facsimile filing standards see Sup.R. 27
EFM	Electronic Filing Manager
EFSP	Electronic Filing Service Provider – the front end application used by a filer to submit filings and related data, to make queries, and to receive responses. The EFSP also provides the applications that transmit the filings to the court’s Electronic Filing Manager. This front end application may be provided by a court, by a private vendor, or by any organization who complies with the standards.

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Term	Definition
entry	A document that memorializes the action of a judge or other judicial officer and is sometimes called an Order. Additionally in some courts a notation on the docket is also called an entry, short for a docket entry.
front end	Also known as a user interface (UI), front end applications communicate back and forth to programs or servers, also known as back end applications. Front end applications are controlled by back end applications. One example of a front end application would be the way individuals browse the internet. Using a web browser (front end) you can surf to a website, view it, print pages, or click on links within that page/website because the web server (back end) instructed your web browser what data is available and how to deploy it.
GJXDM	Global Justice XML Data Model. The XML standard adopted by the Department of Justice and by the ACTC Standards Subcommittee. A standard for exchanging information between computer systems that describe activities in the justice process (i.e. Incident, Arrest, Indict, Sentence, Incarcerate, Parole)
image	an electronic view of documents or other objects
index	a searchable list of case information which contains a limited amount of locally-defined data about each case, such as names and case numbers
indexing	the process of creating an index via data input.
interoperability	the ability of a system or product to work with other systems or products without special effort on the part of the customer.
JPEG/JPG	Joint Photographic Experts Group which stores images of pictures. JPG is its file extension.
mapping	Process of establishing equivalency between two data elements. Example: LNAME=LAST NAME=NAMEL
media	any storage type such as a hard disk, CD, DVD, or floppy disk
metadata	data describing data properties
NACM	National Association of Court Managers
OECS	Ohio Electronic Court Filing Standard
original document	the electronic document received by the court from the filer
PDF	Portable Document Format
protocol	This is a standard way of communicating across a network. A protocol is the “language” of the network and a method by which two dissimilar systems can communicate.
query	a request for information from a database
queue	waiting in line for action to be taken
register of actions	See definition of “docket”

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

Term	Definition
schema	Generically: diagram of the structure of data (see “CDC” and “DTD”)
source document	the document created and maintained by the filer which is then electronically transmitted to the court.
SSL	Secure Socket Layer. A commonly used protocol that provides a connection between a client and a server which encrypts the data being transmitted over the internet to assure its confidentiality.
submission	a document or other data sent to a system or sent to a court as a filing
systems	Systems are automated components working together to provide electronic filing functions.
tags	code within a data structure that gives instructions for formatting or other actions
TIFF	Tagged Image File Format – (abbreviated TIFF) A file format used mainly for storing a scanned image as a file. It allows for a flexible set of information fields called tags.
transmission	the moving of data electronically from one location to another
XML	Extensible Markup Language – a programming meta-language that allows web developers to create customized tags that will organize and deliver content efficiently and thus expands the amount and kinds of information that can be provided about the data held in documents
XML wrapper	a logical structure which contains XML objects

1972

1973

1974

1975

1976

1977

1978

1979

1980

1981

1982

1983 **SECTION 5 - CHECKLIST**

1984

POLICY STANDARDS	Comply?
1.1 GENERAL PRINCIPLES	
STANDARD 1.1A - Electronic documents shall be part of the official court record. Paper versions of the electronic documents , if maintained, shall be considered copies. Electronic filings shall not be followed up by a paper copy.	
STANDARD 1.1B - Electronic filing processes will presume that all users will view documents on their computer screens. Paper copies will be available on demand, but their production will be exceptional, not routine.	
STANDARD 1.1C - Courts shall use an internet browser, eXtensible Markup Language, and/or other standards set forth by the Supreme Court of Ohio.	
STANDARD 1.1D - Courts shall require electronic documents to be submitted in a format that can be rendered with high fidelity to originals, and, when possible, is searchable and tagged . Court shall only require formats for which software to read and print documents is available free.	
STANDARD 1.1E - Each filed document can have references, with links only to itself. External links are prohibited.	
STANDARD 1.1F - Courts shall require filers to transmit data identifying a submitted document , the filing party, and sufficient other information for the entry in the appropriate court system .	
STANDARD 1.1G - Courts shall use a common method to identify persons interacting with their electronic filing system .	
STANDARD 1.1H - Courts will electronically maintain the integrity of transmitted documents and data, and documents and data contained in official court files.	
STANDARD 1.1I - Courts may establish a means to accept payments of fees, fines, surcharges and other financial obligations electronically, including the processing of applications to waive fees.	
STANDARD 1.1J - Courts should avoid surcharges for filing of or access to electronic documents .	
STANDARD 1.1K - Whenever a court's official electronic document resides on hardware owned or controlled by an entity other than the court the court shall ensure by contract or other agreement that ownership and control of the documents , their schema and indexing , and the storage media on which they reside remains with the court or clerk of court. Storage media deemed cleaned may revert ownership to the service provider. All inquiries for court documents and information shall be made against the current, complete, accurate and official court record.	
STANDARD 1.1L - In developing and implementing electronic filing , courts shall consider the special needs of e-filers .	
1.2 COURT RULES	
STANDARD 1.2A - Court rules may provide that, subsequent to the initial filing, transmission of a document through the electronic filing process to participants in this process will satisfy the service requirements. Such electronic filing processes shall automatically create and docket a certificate of service for documents served through this process. Court rules need not provide additional time for responding to documents served in this fashion.	
STANDARD 1.2B - Court rules shall provide that a lawyer or other person provided with a unique identifier for purposes of filing documents electronically will be deemed to have electronically filed any document submitted using that identifier.	
STANDARD 1.2C - Court rules shall articulate the criteria by which an electronic document is deemed "received," "filed," "entered on the docket or register of actions " or "rejected" and the reason(s) for rejection.	
STANDARD 1.2D - Courts shall be able to receive electronic documents 24 hours per day, 7 days per week, except when the system is down for maintenance, repair, or disaster. The date on	

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

which documents will be deemed filed will be in accordance with the court's definition of "filed" pursuant to Standard 1.2C, Determining When A Document is Filed, whether or not the clerk's office was open for business at the time the document was submitted electronically.	
STANDARD 1.2E - Courts shall create rules, procedures and standards for resolving controversies arising from the failure of the electronic filing process.	
1.3 IMPLEMENTING ELECTRONIC FILING SYSTEMS	
STANDARD 1.3A - Ultimately courts shall include all documents in all case types in electronic filing processes although they may implement electronic filing incrementally.	
STANDARD 1.3B - Court rules may mandate use of an electronic filing process if the court provides a free electronic filing process or a mechanism for waiving electronic filing fees in appropriate circumstances, the court allows for exceptions needed to ensure access to justice for indigent, disabled or self-represented litigants, the court provides adequate advance notice of the mandatory participation requirement, and the court (or its representative) provides training for filers in the use of the electronic filing process.	
STANDARD 1.3C - Courts will ensure that all documents in electronic cases are maintained in electronic form. Consequently, in voluntary electronic filing processes, courts shall scan paper documents and enter them into the system .	
STANDARD 1.3D - Courts shall institute a combination of automated and human quality control procedures sufficient to ensure the accuracy and reliability of their electronic records system .	
STANDARD 1.3E - Courts may eliminate paper processes that are obsolete or redundant in an electronic environment.	
STANDARD 1.3F - Electronic documents shall be accessible through a court's case management information system .	
STANDARD 1.3G - Courts shall maintain forward migration processes to guarantee future access to electronic court documents .	
FUNCTIONAL STANDARDS	
3.1.1 - System shall conform to existing Ohio Advisory Committee on Technology and the Courts (ACTC) standards and has the flexibility to adapt to emerging Ohio standards.	
3.1.2 - System describes unique court filing policies and standards in GJXDM format, accessible by potential filers, including service providers.	
3.1.3 - System provides a process to inform current users of court policy changes relative to electronic filing .	
3.2.1 - System architecture supports XML data exchange in accordance with standards adopted by Ohio Advisory Committee on Technology and the Courts (ACTC).	
3.2.2 - System architecture incorporates migration strategies for new releases of XML standards.	
3.2.3 - System architecture provides capabilities for high volume filers to transfer large numbers of documents , attachments and envelopes at one time ("mass filing").	
3.2.4 - System has disaster recovery and rollback capabilities consistent with court needs and policy.	
3.3.1 - System records all dates and times needed to apply court rules governing the time and date that court filing occurs and informs filer of the date and time of filing.	
3.3.2 - System accepts the importation of non-electronic documents into the electronic court record in accordance with statutes and rules.	
3.3.3 - System provides a method for handling other electronic materials involved in a case, including, e.g., transcript, exhibits, and multimedia presentations made to the jury.	
3.3.4 - System presents the documents in the electronic formats allowed by the court.	
3.3.5 - System will produce copies on demand.	
3.4.1 - System provides a means to verify the integrity of any electronic document received and stored by the court.	
3.4.2 - System provides controls to ensure that the electronic document is not the sole electronic	

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

copy for disaster recovery.	
3.4.3 - Digital integrity capability must be included within the document .	
3.5.1 - E-Filing System transmissions are secure.	
3.5.2 - E-Filing System provides an audit log of transactions as appropriate to the court's needs.	
3.5.3 - E-Filing System must provide that appropriate court staff have control of assignment and revocation of security levels and privileges.	
3.5.4 - E-Filing System provides appropriate processes for court staff to control user privileges to create, modify, delete, print, or read electronic records.	
3.5.5 - E-Filing System must use a state of the art and robust virus checking mechanism applied to the electronic document prior to acceptance in the court's e-filing system .	
3.5.6 - E-Filing System complies with generally accepted security protocols .	
3.6.1 - System complies with statutes and rules for authentication of electronic documents .	
3.6.2 - System provides authentication of filer identity in accordance with standards established by the ACTC .	
3.6.3 - System provides a method of authenticating judicial officer actions.	
3.7.1 - System provides confidentiality until a determination on confidentiality is made by the court.	
3.7.2 – System allows for changes of confidentiality status for any or all documents during the life of the case.	
3.7.3 - Based on the nature of the document and the nature of the case, the system provides automatic confidentiality at the time of electronic document filing in accordance with statutes and rules or court orders.	
3.8.1 - Front End Application is able to support the court's policy on filing when the court's accepting system is down.	
3.8.2 - System automatically informs the filer of the receipt by the e-filing system .	
3.8.3 - System supports automated or manual acceptance /rejection of electronic documents into the e-filing system in accordance with the form and substance requirements of the court.	
3.8.4 - Acknowledgements of filings may include an address by which the document can be accessed.	
3.9.1 - System shall maintain a register of authorized users and identifiers. System supports registration/authorization process for submission of electronic court filings by: (a) attorneys; (b) self-represented litigants; (c) court personnel; (d) other agencies; and (e) other authorized users.	
3.9.2 - A registry of web services may be provided by the system for integration, e.g. UDDI.	
3.10.1 - System accommodates payments in accordance with statutes and rules.	
3.11.1 - If the court's case management system is not operational at the time of filing, the electronic filing system may send a message immediately to the filer and may hold the filing until the court's system is operational.	
3.11.2 - Electronic Filing system is capable of ensuring that elements required for populating the court's CMS are present.	
3.11.3 - Electronic Filing system provides error messages and correction options if the filing is not in accordance with court policies and requirements including case openings.	
3.11.4 - System assigns and confirms a unique identifier for each transaction.	
3.12.1 - System assigns a unique identifier, such as a "transaction number", "confirmation number" or "filing identifier" until assignment of a permanent case number by the court.	
3.12.2 - System may allow automated initiation of new cases without requiring submission of the case to the clerk review queue .	
3.12.3 - System may support automated docket entries for initial filings without clerk review .	
3.13.1 - System may support automated docket entries for subsequent filings without clerk review .	

WORKING DRAFT – 7/20/06
Electronic Filing Standards Subcommittee
Standards for Electronic Filing Processes
Technical and Business Approaches

3.13.2 – System may allow automated receipt of subsequent filings without requiring submission of the case to the clerk review queue .	
3.14.1 - System electronically may serve documents and notices to other parties participating in the electronic filing system , in accordance with statutes and rules.	
3.14.2 - System may generate a record of the non-electronic filing parties to whom service must be provided.	
3.14.3 - System may automatically create and docket in the court's case management system a certificate of service for the document served.	
3.15.1 - System may provide for review of data and/or documents by court staff prior to inclusion in the court record based on local procedures and rules.	
3.15.2 - If the filer must take additional action after clerk review , the system provides a method for the clerk to send notice to the filer.	
3.16.1 - System allows for court judicial officers and court staff to initiate actions as filings.	
3.16.2 - System may inform parties of court initiated filings .	
3.17.1 - System processes requests and responses to standard queries for court records according to the standard protocol approved by existing Ohio standards.	
3.17.2 - Every response to a query includes the most current, complete and accurate CMS and DMS records as defined by individual court policy.	
3.17.3 - System provides a notice to the person making the query of the currency of the information.	
3.17.4 - System provides authentication and verification that the court order in the court's CMS and/or DMS is the court order received by the requestor.	
3.17.5 - System supports queries of court records and responses to queries of court records.	
3.17.6 - System notifies the entity maintaining its CMS of updates to the court record.	
3.18.1 - System delivers case documents for entry into and retrieval from the court's electronic Document Management System , if applicable, with methods that do not require duplicative work on the part of court clerks for record entry into or retrieval from document management systems .	
3.18.2 - If applicable, the system stores documents in a queue until entered into the document management system or rejected by the court.	
3.19.1 - System delivers case information for entry into and retrieval from the court's electronic Case Management System with methods that do not require duplicative work on the part of court clerks for record entry into or retrieval from case management systems .	
3.19.2 - If applicable, system stores information associated with the filing in a queue until entered into the case management system or rejected by the Court.	
3.19.3 - Case Management System shall access or point to the location of documents in electronic court records, as required in the case management system standards established by the Supreme Court of Ohio ACTC .	
3.20.1 - System provides for archiving of data and documents in accordance with approved retention, archiving and destruction policies, statutes and rules.	
3.20.2 - System provides for forward migration of all court documents .	
3.21.1 - System uses browser technology and complies with current ACTC web standards for a variety of platform operating systems and browsers.	
3.21.2 - If web services are used, system complies with current ACTC web services standards.	