



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a workshop on September 27, 2013, at 10:00 a.m. by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Alex Alford, Walton County Clerk, Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Members Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Don Barbee, Hernando County; and Sharon Bock, Esq., Palm Beach County Clerk; were not in attendance. A quorum was present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 a.m. with a roll call. He welcomed those on the WebEx. He explained that the meeting was a workshop and, as such, no action could be taken. He asked those in attendance

Mr. Smith asked Mr. Melvin Cox to take those in attendance through a portal demonstration.

Mr. Cox demonstrated e-filing through the portal using the criminal case templates. He noted there is a uniform way to enter the portal through the map page. From there, the filer chooses a county in which to file.

He showed the page for Manatee County, simple e-file. He noted it was a simple page, no tabs. He then showed filing through Brevard County, simple e-file with fees. He noted that this format allows for simple configuration and provides for service or other fee-based documents.

Mr. Cox then navigated to a county that has “full” e-filing and showed the tabbed options and drop-down menus for criminal. He noted the uniformity in the layout of the screens and spoke to the options in the drop-down menus as those that had been developed by the association’s Best Practices Committee. He explained that there are about 400 document descriptions, broken down by group. He told the board the the e-service module would be available this weekend.

Mr. Tim Smith asked how many counties were using the standard criminal document descriptions? Mr. Cox told the group that 65 counties had the standard criminal

descriptions loaded. Mr. Tim Smith noted that it was good to make the portal screens more uniform for the filer. He told the group that he was aware of what the Chief Justice wanted in standardization and would wrestle more with simple vs. full and how to best meet the Chief's wishes for standardization. He wants look for more uniformity as the board began to review civil areas and achieve the right balance for everyone.

Tyler Winik, Brevard Clerks' Office asked about party identifiers. Mr. Cox said that the identifiers are allowed, but the portal may bring back several matching cases from which to choose.

Ms. Sandra Brown, Okeechobee Clerk's Office, asked if there was a better way to reconcile the bank accounts. Mr. Cox said that the portal identifiers put in the memo field were being sent to banks, but not all were using them. She continued, is there a way to save the work if you have to get out of the portal before submitting? Mr. Cox said that at this time there was not a way to save on-going work.

Ms. Akilya Drake, Palm Beach Clerk's Office, asked if there was a way to collect fees on "simple" e-file? Mr. Cox responded that there was not, that the filer had to send a check or use an escrow account.

Mr. Jeff Taylor asked if Mr. Cox could show new case initiation. Mr. Smith asked that be deferred to the next demonstration when Mr. Cox would show civil cases.

Ms. Laurie Rice, Brevard Clerk's Office, asked for the e-service documentation. Ms. Jennifer Fishback said the user manual would be released this afternoon. There was general discussion about the e-service functionality being installed and available this weekend.

Mr. Jeff Stanford asked about the document groups and why they are different. Mr. Smith said they are at the discretion of the counties, but that he was walking gingerly along to bring the uniformity along.

Brittany Conway asked if a defendant had to be entered in each case if it is the same document? Mr. Cox said that it did have to be entered as each case is filed separately.

Mr. Percy Blanford asked if all appeals were filed through the portal. Mr. Cox spoke to the phased approach for the appellate courts.

Mr. Tim Smith suggested another workshop be held in a few weeks.

The workshop was adjourned at 10:43 a.m.

Shore8/14/13 sent at 4: 15 p.m.

MEMBER REQUEST: Message from Manatee Clerk Chips

Dear Court Clerks & Comptrollers:

The following is a message from Hon. R.B. "Chips" Shore (Manatee) that he requested be sent to all members:

Fellow Clerks - Please review the attached document that I have provided discussing the reasons that Manatee abandoned a "long form" e-filing process in favor of simple e-filing and the risks I see in not re-thinking our implementation of the portal. There are several upcoming meetings in which consistency in the e-filing process will be discussed that you should be involved in. Additionally, the FCCC will be doing a demo of both simple e-filing and regular e-filing at a future date to be determined. Clerks and their staff should participate in this demo so that some consensus can be reached. Please feel free to contact my IT Director, Carole Pettijohn, directly at 941-742-5851 or me if you have any questions about the attached document or wish to discuss this issue further.

Thanks-
Chips

Chips Shore
Manatee County Clerk of Circuit Court and Comptroller

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

Uniformity in E-Filing

In his address to the Clerks Association at the Summer Conference Justice Polston stressed the need for uniformity in e-filing. He said that uniformity is essential to compliance by the legal community. It is also essential to the integrity and accuracy of the official court case file of which the Clerk is the custodian.

In the paper world we had uniformity. The attorney, attorney staff or a courier brought the document(s) to be filed to the Clerk's office and handed it to the Clerk for filing. The Clerk accepted the filing, processed the correct fee required and entered the filing into their respective case/document systems. As the State has moved into the electronic world we have lost the simplicity and uniformity of the paper process and instead have created a process that is complicated and fraught with errors. It has increased the difficulty of filing on the part of attorneys and therefore increased the number of support calls and frustration with the implementation of e-filing.

Manatee County has a decade of experience with e-filing. Initially we attempted e-filing with a system very similar to the system used by most counties through the statewide portal. Attorneys were required to enter any number of fields prior to e-filing their document. Our experience is that clerks were correcting errors in over 60% of the electronic filings and that the Quality Assurance (QA) of all of the electronic attorney entries took longer than having an experienced intake clerk handle the filing when it

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In governance of Florida's eFiling portal, the statewide access point for electronic transmission of court records, www.myflcourtagency.com.

was a paper process. This prompted Clerk Shore to envision simple e-filing or our “one button e-filing” process that we have used for the past six years. When we changed from “long form” e-filing to simple e-filing our e-filing transactions went from approximately 12% of filings to approximately 55% of filings that were e-filed. This was prior to mandatory e-filing and saved the Clerk from having to scan paper filings and QA the long form e-filings. Our productivity and accuracy increased exponentially.

By attempting to create a uniform e-filing process complete with document descriptions and docket codes, we are by default creating a level of complexity in the process in several ways:

- The Clerks use many different systems with different parameters, docket codes and descriptions. The paper process accommodated each Clerk having autonomy. Having to agree on common codes, etc. has been an ongoing effort that has not been very successful. The effort needed to come up with a common set is not something to be quickly accomplished. Additionally, the level of effort to create and maintain document types and docket codes by Clerk staff should also be considered.
- Once a common set has been defined, if other docket codes are needed, how is that going to be decided? If a County needs to add a code based on a local administrative order, will that have to be staffed with all 67 counties before the County can add a code to their list? If Clerks can add local docket codes, you have defeated the uniformity aspect.
- If the Clerk decides to process the paperwork as entered by the filer without QA or correction, we are abdicating our role as custodian of the official court record and diminishing the integrity of the court case file. Anecdotally, we have been told by a number of Clerks that their staff is making corrections to the filer selections on 50-80% of their recent filings. So the Clerk has to validate 100% of the entries to correct over half of them or risk having errors in a majority of their filings. If you have to take the time to validate filer entries we may as well do it right the first time and save the filer the effort.
- According to current procedure, if the attorney gets any of the selected fields wrong in the filing, the filing is pended and the attorney has to resubmit a corrected filing in order to be accepted which affects the timeliness and the level of effort required by the filer.
- As more circuits use various bench applications, standard document descriptions will make it increasingly difficult for Judges to quickly find specific documents unless the Clerk takes the time to modify the document description, which defeats the purpose of the clerks not having to enter data. The Judges want to be able to review the document descriptions on the bench application docket and determine which motion, order, etc., is the document that they want to review without having to perform a word search or opening each document until they find the correct one. In the middle of a court proceeding this additional time creates downtime on heavy court dockets.

Chapter 28.211, Florida Statute - Clerk to Keep Docket states *“the Clerk of the Circuit Court shall keep a progress docket in which he or she shall note the filing of each pleading, motion, or other paper and any step taken by him or her in connection with each action, appeal, or other proceeding before the court.*

The Clerk may keep separate progress dockets for civil and criminal matters. The Clerk shall keep an alphabetical index, direct and inverse, for the docket.” With the current long form e-filing, the filer becomes the de facto docketer with the Clerk merely validating the filer selections. If the Clerk relinquishes the docketing function, it is only a matter of time before we are asked to also relinquish or reallocate budget (especially to State Attorney and Public Defender offices). The average time it takes to complete a new case filing is approximately 10-15 minutes which increases their workload substantially. In Manatee we have always viewed this as the Clerk’s responsibility and have made the effort to making filing as easy as possible for the filer.

If we truly want uniformity and the Clerks to maintain their autonomy, we would imitate the paper world and move to simple e-filing across the board. We could be uniform immediately and work on making certain aspects of the current implementation of simple e-filing work even better for Clerks. It is in our interest to incentivize e-filing as it saves the Clerk time and money. If we make it easy for filers (attorney and non-attorney alike), it will benefit the interests of the Clerks and the Court over the long term. Our staff have far more competence in determining what is required by our systems than filers. Before we progress much farther down the path to a “paperless” process, we think it is advisable to reconsider our current implementation and err on the side of filer simplicity.