



# Filing Fairness Project

## Pre-Read Materials: Tech Summit, October 14, 2022

Thank you for participating in the upcoming Filing Fairness Project Tech Summit at Stanford University, which begins at 8:30 a.m. at the d.school.

We request that you read this document before October 14 so that we can maximize our time together. This pre-read covers what the Project is—and, crucially, what it is not. It also details our three pillars of work: field coordination and data dictionaries; efilings access, burdens, and protocols; and partnerships between courts and technology providers.

At the Tech Summit, we will have working sessions on each of these three pillars, as well as the overall goals and initial plan of the Filing Fairness Project. We look forward to hearing from you on all aspects of the Project.

## Overview: The Filing Fairness Project

The Filing Fairness Project is an ambitious, multi-jurisdictional effort to simplify court filing processes and improve access to and the administration of justice by leveraging readily available technology. The Filing Fairness Project is led by a team at Stanford Law School and includes court partners in the following six states: Alaska, Colorado, Kansas, Michigan, Texas, and Virginia.

The project has three pillars of work that will lead to more effective, scaled efilings solutions:

- **Pillar 1: Field Coordination and Data Dictionaries**
- **Pillar 2: Efilings Access, Burdens, and Protocols**
- **Pillar 3: Court / Tech Provider Partnerships**

The Filing Fairness Project is establishing standards and resources to encourage the development of sustainable, multistate online solutions for litigants and advocates to electronically file documents in state courts. These solutions will provide usable and accessible efilings options for both litigants and advocates, improve the accuracy and relevance of court filings, and, ultimately, increase access to justice and cut state court costs. The Filing Fairness Project's goal is to make it easier for tech providers to build high-quality user-facing solutions at scale and to work with state courts to lower administrative burdens—both for tech providers building solutions and for litigants and advocates trying to navigate the legal system.

## Goals of the Filing Fairness Project

If the Filing Fairness Project is successful, we expect to see simplification in the document preparation and filing processes in basic civil justice matters, yielding improvements in access to justice and advocate and court efficiency. Specifically, the Filing Fairness Project aims to substantially impact the following outcomes:

**Better Tool Options:** More litigants and advocates across the United States will have accessible, user-friendly, and comprehensive digital tools that will enable them to easily send the right information to the court systems. These tools will be:

- **Accessible:** Easy to find when people search online for help and at an appropriate price point for prospective users.
- **User-friendly:** Quick and easy to fill out, with a low administrative burden.
- **Comprehensive:** Consistent in submitting needed information to the courts and resolving any other non-information required tasks (payment, verification, etc.).

**Improved Participation:** More people, both represented and unrepresented, will be able to easily file forms online with their state court to participate in legal proceedings—using the system to defend their rights, resolve conflicts, and reach better outcomes around housing, money, family, employment, and quality of life.

**Improved Tech Implementations:** Technology providers will be able to build e-filing tools with the knowledge that their outputs will be accepted, that they will not need to do extensive research and customization for each local court, and that they will reliably learn about relevant legal or procedural changes. Courts, in turn, will benefit from the tech providers' tools, seeing improvements in the accuracy of submissions, processing time, and other internal metrics.

## Pillar 1: Field Coordination and Data Dictionaries

In this pillar, the Filing Fairness Project, working with the states, is developing a standardized database of form fields that state courts require for each covered matter type. Beginning with Name Change petitions, Eviction Answers, and Fee Waiver requests, our team is compiling Data Dictionaries with standardized lists of the substantive fields of information that each state requires on their local forms. Partner states are also committing to accept documents that contain these form fields as valid filings in their local courts.

In interviews leading to the Project's development, technology providers repeatedly told our team that burdensome research is required to find and analyze (and, over time, update) local court forms to compile the fields that they require. Tech providers also must worry about local variations—i.e., knowing which different counties (or other sub-jurisdictional divisions) have distinct field requirements. Our team aims to ease this process through unified, comprehensive Data Dictionaries and through states' related commitments. We also aim to work towards common data standards to label fields of information.

The Project's Data Dictionaries are comprehensive: they include common fields that appear in the forms across several states and jurisdiction-specific fields that fewer states require. Data Dictionaries are structured as an Airtable database in which each form field is defined, given a machine-readable name, and marked as to jurisdiction requirements. These Data Dictionaries can help facilitate tech providers' development of quality, scaled form tools. To illustrate: today, to build a tool to file a name change petition online in several jurisdictions, a tech provider would need to:

1. Manually pull forms for each state, and often for various counties *within* a state;
2. Continually check them to be sure they have not changed;
3. Build a list that serves as a snapshot of these requirements;
4. Build a distinct tool for each state, despite overlapping fields; and
5. Hope that the local court clerks will accept the petitions—despite knowledge that local practices often vary greatly across courthouses.

With support from court leadership, we have streamlined this multi-step process by providing Data Dictionaries that are centralized, standardized, confirmed by court partners, and updated when necessary, enabling you to trust and build from these Data Dictionaries without concern. In other words, the above five-step process has essentially been streamlined to a two-step procedure: import the list of fields and build.

### Example: Name Change

Each state has its own state-specific form that litigants use to request name changes. Some states may have multiple forms that vary by local jurisdiction; however, for purposes of the Project (and with agreement from state court leadership), we will be working from the six state-wide name change forms. These forms are formally termed 'Petition for Change of Name' or 'Application for Change of Name.' We are focused primarily on adult name changes.

The list of name change form fields requested by the six states' current forms are all documented in the Name Change Data Dictionary, which is stored in relational database format in Airtable. The Name Change Data Dictionary contains field information including:

- Machine-readable, standardized name for this field;
- Definition of the field;
- Data type (string, boolean, integer, etc.);
- Allowed values (e.g., all cities within a particular state);
- Required/optional status by jurisdiction; and
- ECF or NODS equivalents, where applicable.

The purpose of the Name Change Data Dictionary, and others for other issue areas, is to assist tech developers in building tools that serve many different jurisdictions but utilize one comprehensive database. As a developer is creating a new document assembly tool, they can reference this Data Dictionary to see what fields are required, what their purpose is, which jurisdictions require them, and how to map them to other standards they may already be using.

At the Tech Summit, we will share the Airtable database with you and seek your input on the preliminary Name Change Data Dictionary. Do the contents and formatting of the Data Dictionary work for you? How do you intend to use it for building document assembly tools or other applications? What substantive or logical additions might support those use cases? What other information and/or commitments do you need to confidently build solutions?

### Questions for Technology Providers on Data Dictionaries

- In addition to data type, allowed values, required/optional status, and ECF/NODS-equivalents, **what other field-level information**, if any, **would be helpful for tool development purposes**?
- Is a relational database like Airtable the **preferred way to store and communicate** data dictionary information?
- Would you prefer to see the fields listed **as courts require them** (e.g., Plaintiff's First Name, Petitioner's Street Address, etc), or in a more **developer-oriented way** (e.g., name, address, etc.)?
- What **form-related information (aside from field names)** would be useful?

### Clarifying Q&As

#### **What if a jurisdiction has specific requirements, options, or form fields?**

The Data Dictionaries will contain local jurisdictions' specific fields and options as well as those that are common to all six states. In Airtable, you will be able to quickly filter by state to identify jurisdiction-specific form fields. The Stanford Law School team is working with the courts to make sure we have local details accounted for, including jurisdiction-specific defenses, counterclaims, cost amounts, evidentiary rules, and other specifics. In addition, the team is putting into place a process through which the states will immediately inform us of any changes to their requirements.

#### **How is this Data Dictionary different from other data standards like NODS or ECF?**

The Filing Fairness Project's Data Dictionaries will focus on the substantive fields that are contained in court forms. It will include (1) a comprehensive list of what these fields are in our six states for the three form types and (2) standardized names for these fields, which can be used in data standardization efforts. The Data Dictionaries thus continue the work of ECF and NODS and will be mapped to any of the field names that already exist in those two standards.

For those unfamiliar with NODS or ECF, below are short summaries:

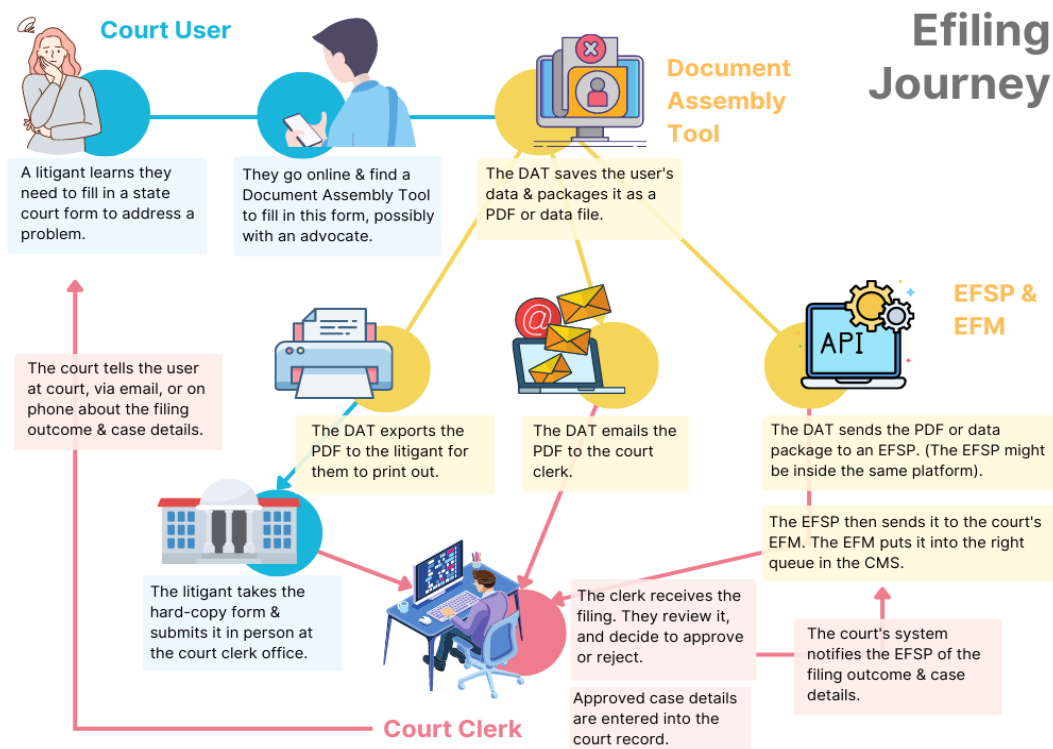
- The National Open Court Data Standards (NODS) are open business and technical court data standards designed to be implemented across as many U.S. courts as possible. The Conference of State Court Administrators (COSCA) and the National Center for State Courts (NCSC) developed and led the NODS effort. It is entirely an opt-in system whereby courts can choose to conform to NODS. A cross-jurisdictional core team meets to discuss and define the standards. NODS was funded to develop the standards they have created so far, but it was not funded beyond that to support adoption or implementation in various courts around the country, as they might want.
- Electronic Court Filing (ECF) is a specification that allows systems or entities participating in the efilng process to communicate and exchange data with one another. OASIS, a consortium of vendors and users devoted to developing guidelines for interoperability, developed and leads ECF. ECF provides for the use of XML to create and transmit legal documents as the envelope to submit substantive forms into the court's case management system. While ECF covers a wide range of use cases and possible data exchange transactions, only a small subset of those is required to implement the specification.

## Pillar 2: Efiling Access, Burdens, and Protocols

In this area, the Filing Fairness Project is working with the states to make the efilng process more usable to litigants and advocates, as well as making the states' various efilng protocols more usable for technology developers. In this pillar, the project specifically is working on:

1. **Usable Efilng Access for Litigants and Advocates:** Working with courts to mature their efilng system so more litigants have reliable access to it. It also covers exploration of how notarization, signatures, and payment requirements may be addressed so that litigants can efile with minimal burden.
2. **Usable Efilng and EFSP Protocols for Tech Developers:** Making it easier for tech providers to learn and follow efilng protocols for each state. This includes creation of clear, centralized, maintained documentation of efilng and EFSP protocols that developers can follow to connect with various state courts.

At the Summit, we'll review each jurisdiction's current protocols for accepting efilng submissions, plans for reducing other administrative burdens, and vision for working with tech providers to do efilng. We'll also discuss their longer-term strategies for robust online filing architecture, moving along the maturity model of efilng.



## Efiling Access for Litigants and Advocates

Participating state courts have agreed, in a manner consistent with their individual e-filing initiatives, to allow litigants (including self-represented litigants) to efile and to allow third-party technology providers to efile on their behalf.

### Efiling Options Along the Maturity Model

<p><b>Print &amp; manual file</b> The litigant uses a document assembly tool (DAT) to fill in the form, prints it out, and delivers a physical copy to the clerk.</p>	<p><b>Email a PDF file to court clerk</b> The DAT sends the PDF form to a court clerk's email. The clerk populates the case management system (CMS) with the information contained on the form.</p>	<p><b>Efile PDF to court EFM system API</b> The DAT sends a PDF form in a data envelope to an Electronic Filing Service Provider (EFSP). The EFSP sends it into the court's electronic filing management (EFM) system, which then routes it to the right queue for clerk review and CMS entry.</p>	<p><b>Efile data fields to court EFM API</b> The DAT sends a data package of fields into the EFSP, which sends it to the EFM, which then routes it to the right queue for clerk review and automatic CMS entry.</p>
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The six participating states are working to move forward along the maturity model based on their current technology systems and long-term e-filing plans. Tech providers can work with the courts to understand both their current e-filing setup and what is possible in the coming years. Court clerks and judicial officers will accept tech providers' submissions in jurisdictions within the states where e-filing has been established. In other cases, until e-filing is fully established, litigants may need to print PDF forms and deliver them to the courts.

### Basic Matrix of E-filing in Participating State Courts

State	E-filing Method	EFM	CMS
Alaska	Email	TrueFiling by ImageSoft	CourtView by equivalent
Colorado	Email	<ul style="list-style-type: none"> <li>Colorado Courts E-Filing (CCE) (<i>for attys</i>)</li> <li>E-Filing Manager (EFM) (<i>for courts</i>)</li> </ul>	Judicial Paper On Demand (JPOD)
Kansas	API	eFlex by Tybera	Enterprise Case Manager by Tyler Technologies
Michigan	Email	MiFILE (TrueFiling by ImageSoft)	Judicial Information Services (JIS)
Texas	API	Odyssey File & Serve by Tyler Technologies	Enterprise Case Manager by Tyler Technologies
Virginia	Email	<ul style="list-style-type: none"> <li>Virginia Judiciary E-Filing System (VJEFS)</li> <li>Odyssey File &amp; Serve by Tyler Technologies</li> <li>None</li> </ul>	Office of the Executive Secretary (OES)/Supreme Court Circuit Case Management System (CCMS)

### Reducing Procedural Burdens of E-filing Access

The Filing Fairness Project has identified key burdens that limit the ability of self-represented litigants (SRLs) and other litigants to file with the courts and inhibit the ability of technology providers to serve those litigants. To the extent these burdens are statutorily required (e.g., “wet” signatures are required in some states), they fall outside the scope of the Project. But to the extent they are not mandatory, participating courts have agreed to consider the use of established and trusted alternative solutions (e.g., digital signatures) to minimize burdens. Adaptations to COVID exigencies have demonstrated the effectiveness of alternatives to prior requirements, including in several of the participating states. With these burdens mitigated, technology providers will be freed to focus on the appropriate document assembly and e-filing processes—and be more confident that filings will be accepted.

Our team has heard from tech providers about their concerns around the burdensome steps that are required alongside e-filing the forms. The Filing Fairness Project is working with the states to identify ways to reduce these procedural burdens. We welcome tech providers' input on other burdens and on steps that providers or courts might take to reduce them. Among the approaches being considered are:

1. **Digital Signatures:** Courts ideally may accept digital signatures from the litigant, and work to eliminate wet signature requirements where possible. Digital signatures would

have to meet the requirements of the federal ESIGN law or any state electronic signature laws.

2. **Improved Notarization:** Courts may waive notarization requirements or switch to electronic versions, specifically for submissions for Name Change Petitions, Eviction Answers/Appearances, and Fee Waivers.
3. **Online Payment:** Courts and providers may design online payment protocols for filing fees and other processing costs so that tech providers can build user-friendly solutions that easily integrate with courts.
4. **Streamlined Fee Waivers:** Courts may simplify the application, review, and approval of people's request to waive filing and processing fees. This may be through protocols like:
  - a. Self-attestation, such as what has been used in Emergency Rent Assistance applications during COVID, and which some states already allow more generally;
  - b. Data exchanges with other agencies, to allow litigants to show their eligibility for a fee waiver through an API check with a food stamp provider or other benefits programs; and/or
  - c. Acceptance of a photo of their benefits program card.

We welcome tech providers' input on other procedural burdens that concern them as developers—or that would most impact their users. We also welcome their ideas on tools or protocols that can alleviate these burdens.

## Efiling Protocol Documentation for Tech Developers

The Filing Fairness Project is creating clear documentation of how tech providers can integrate their tools into the six states' filing systems. This documentation should address the problems that many providers have identified in prior discussions with the FFP team—namely, how much research and preparation is currently required to understand a court's efilings system's technical rules, software setup, staff team, and certification requirements (and how much uncertainty remains even then). This should enable tech providers to become EFSPs in more states.

In states that have an official Electronic Filing Service Provider (EFSP) certification process, this will also be included in the documentation. For example, in Texas, providers would receive access to Tyler's SharePoint site that contains documentation on the EFM API. Additional efilings protocols for each state, along with detail that is still needed, will be identified and discussed at the Tech Summit. We understand that some tech providers building document assembly tools may also decide to become EFSPs and thus may have feedback about ways courts may streamline EFSP certification requirements.

In addition to the efilings protocol documentation, we also have heard from tech providers about the need for ongoing communication, consistent updates, and problem resolution with courts about efilings—including regarding rejection of efilings submissions, changed requirements to



efile, or technical updates to the efile platform. The Filing Fairness Project team will work with courts and tech providers to explore how these communication, feedback, and update channels can be established and improved.

### Questions for Tech Providers on Efiling Access, Burdens, & Protocols

- In addition to the information provided in this section, **what else do you need** to begin building document assembly and efile tools?
- How do you envision implementing **tools in states along different points of the maturity model**? What additional information, including from specific states, might support your development plans?
- Which **procedural burdens**—e.g., notarizations, signatures, and payments—feel most problematic to you? What changes would prompt the most excitement?

## Pillar 3: Court-Tech Provider Partnerships

Participating states are committed to working with tech providers to create mission-aligned solutions to serve litigants, advocates, and the courts. The Filing Fairness Project hopes to facilitate ongoing communication and strong relationships between the state courts and technology providers, but it also hopes to better understand what the courts and tech providers need from each other to catalyze and develop better solutions.

Based on many conversations with stakeholders, the Filing Fairness Project team has identified several key principles regarding the kinds of new solutions that courts and tech providers should target. These provide a high-level, iterative set of goals that tech providers can consider when they are building and improving document assembly tools—and that we hope to refine in our conversations together. Preliminarily, the tools should be:

- **Easily discoverable and usable** by people with legal needs. For instance, the solution should rank high on Google, Bing, and other search engines; should have best-in-class (modern, quick, responsive) technology; and should be low-burden to use. Analytics should show that people find it, use it, and complete it.
- **Multi-jurisdictional scale**, aiming towards helping the whole population instead of one jurisdiction. It may begin in a few regions but should have plans to expand, ideally nationwide.
- **Effective** in helping a person quickly fill out fields, submit them to the court (and understand next steps), and have the court accept them. It should be able to prove it helps improve procedural and substantive justice outcomes.

- **Maintained, resilient, and sustainable**, with ongoing commitment to accurate content, best-in-class technology in the years after its initial build (including a concrete plan for ongoing development and expansion), and reliable service that prevents outages.
- **Values-aligned** with free or low-cost form access and completion that does not harvest personal data.

As technology providers build solutions that meet these criteria, the Filing Fairness Project team and the courts can work on developing partnerships that make these new solutions discoverable to the public. For example, some of the tools might be featured on and by official, authoritative court websites, self-help centers, law help platforms, law libraries, or legal aid groups. This publicity and wide placement can help drive traffic to the tool.

In this pillar, the Filing Fairness Project team is eager to hear from the technology providers about what other kinds of partnerships or requirements they have (particularly of the courts). At the Tech Summit, we will have several group conversations to identify and explore what these mutual requirements and possible partnership models may be.

## Clarifying Q&As

### Must all solutions be offered for free or at no cost to litigants?

No. Technology providers may offer premium paid services and/or links to chargeable consulting services, but litigants should not be charged a fee simply for choosing to efile with a state court if they only use a document assembly tool to electronically file.

### Questions for Technology Providers on Court Relationships

- Is the **above list of quality criteria for solutions** correct and complete? Do you have any proposed edits?
- What are **requests you have from the court** to build relationships with them, connect with users, and build sustainable models? Are there certain partnership models you're interested in exploring?
- What can the Filing Fairness Project team do to **facilitate ongoing communication between tech providers and courts** to build stronger relationships & solutions?