

**Results and Guidelines from the
First Judicial Electronic Document and Data Interchange
JEDDI
Workshop**

**Held at the
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185**

May 5-7, 1993

**Compiled by James E. McMillan
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June, 1993**

Introduction

From May 5-7, 1993, thirty-five persons (see Appendix A) from courts, the legal community, and private corporations met in Williamsburg, Virginia at the headquarters of the National Center for State Courts to start development of guidelines for possible use of Judicial Electronic Document and Data Interchange in the judicial system in the United States.

It is recognized that there are already several efforts under way to test electronic filing of documents to the court and for electronic reporting from the court. These efforts are currently being performed in either individual courts or for individual cases. Therefore, these efforts, while notable and useful, cannot and do not attempt to understand the wide range of needs and issues that generalized standards would attempt to address.

This workshop was the first attempt to define broad general requirements for participants in the judicial system and, if possible, identify possible directions which the participants currently believe could be most fruitful. It is also our hope that the guidelines and discussions set forth will provide guidance to the court systems that wish to test JEDDI concepts during the next few years. We believe that during this period many different approaches should be tried to identify the best solutions for all parties. However, the workshop participants also agreed that a single set of flexible standards could and should be developed for the country. There are several advantages for developing the standard:

- a. A large market of users in the legal community could purchase the software. The economics of could be widely used thus decreasing costs to all participants.**
- b. Standard document formats could be used which would limit the number of conversion utilities needed by the court or other end user thus minimizing cost.**
- c. Common data element identifiers or tags would allow court and legal database software to build applications which would accept data from different sources and map that data into their existing files.**
- d. Standard communications infrastructure would allow legal documents and data to move freely between sender and receiver with more security, greater accuracy, and quick assessment of fees.**

Noting these and other potential advantages, the workshop divided into three groups to discuss different issues relating to the possible use of JEDDI. The three groups focused on common data elements, legal and document content issues, and communications.

The reports from each of these groups follows. They have been edited by the compiler of this document and, will continue to evolve as the drafting process continues.

Anyone having comments, corrections or changes are encouraged to contact:

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I. Legal and Document Subcommittee

Participants:

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| Jesse Alderson (Thu am) | Jane Sanchez |
| Alan Asay | Barry Schaeffer |
| Joan Countryman | Cleveland Thornton |
| Ruth Fraley | C. Lewis Tippett |
| Rich Goldschmidt (Thu am) | |

Task:

Facilitate use of electronic means for handling court documents. Identify approaches to this goal which will have the following attributes:

A. Vendor Neutrality

Competitive evenhandedness will produce a level playing field and promote multiple sources of supply thus reducing costs.

B. Common Market

If there is a common market across multiple jurisdictions, vendors will have a larger potential customer base; this will in turn:

- 1. promote increased quality and reduced prices to courts and attorneys, and**
- 2. permit attorneys to invest in and learn to use one product which will serve in multiple jurisdictions**

1. Issues Identified

Overview of Discussion:

Initial discussion Wednesday afternoon identified problems and solutions, and concluded with suggestion that it might be helpful to focus on methodology and notation conventions. Thursday morning session continued the methodology focus, using Structured Generalized Markup Language (SGML) and Electronic Data Interchange (EDI) as examples. Concluding session outlined specific elements of plan for follow-up.

A. Variety and number of independent courts and clerks

Absent a coordinated effort, each clerk and court system may well go its own way. Although court systems at the federal level and in some states have the opportunity to promote some degree of consistency, we will likely see a fragmented market with relatively high customization costs.

B. Familiarization and training of judges, clerks, and lawyers

Change to electronic means will often be a difficult sell, requiring patient efforts to familiarize judges, clerks and lawyers with the technology. Effective implementation will require further familiarization and training.

C. Legal sufficiency of resulting court records

It will be important to address concerns about the adequacy of notice and signatures provided by electronic means, and other similar issues regarding the integrity of court records in electronic form.

D. The variety of forms, rules and practices between jurisdictions

Variation in terminology, form of pleadings, legislative requirements and local procedures reflect jurisdictional independence. This independence, unless finessed by adroit coordination efforts, supplemented when necessary by remedial legislation, serves as a constraint upon technical solutions to the "common market" objective.

E. Additional concerns

Several further concerns were raised, including special records associated with specialized courts, citations to electronic records such as court opinions, and electronic means for paying court fees.

2. Strategy for Resolution

A. Feasibility constraints

Although there is reason for optimism that the objective can be reached, a favorable result to the following tension is not self evident:

With respect to "guidelines" which we may collaboratively establish ...

1. The courts need flexibility and generality.

The "guidelines" must leave each court free to adopt specifics of their own choosing. If the "guidelines" are perceived as constraints which unduly interfere with the way courts or clerks conduct their business, they will not be followed. If they are not followed, the "common market" will not develop and vendors will hesitate to make the necessary investment in product development.

2. Vendors need definition and specificity.

The "guidelines" must be sufficiently well defined that vendors can produce products which have the desired attributes with a minimum of further customization for specific courts. If the "guidelines" are vague or weak they will not support implementable product specifications. If the product cannot be specified until information specific to a particular court is known, there will be no "common market".

B. Define and monitor pilot tests of the technology

This activity serves two purposes. First, pilot tests can provide information for ongoing efforts to develop and refine the "guidelines." Second, pilot tests can serve as vehicles for familiarizing judges, clerks and lawyers with the technology, and for demonstrating the benefits of the technology.

Current efforts by the Administrative Office of the US Courts regarding bankruptcy practice will serve to test the EDI model for court notices. The Rhode Island Criminal Justice Information System project addresses the particular requirements of criminal cases. The Administrative Office of the Courts of the State of Utah are in the midst of a grant project which will test use of SGML as a model.

C. Charter a Working Group on Methodology to develop and refine "guidelines".

The guidelines that we seek must address both documents and data. Historically, EDI has centered on data. Courts and

clerk's offices center on documents. It is suggested that the following model could serve as a useful starting point: SGML format for court documents, coupled with automatic extraction from the SGML tags of information for an EDI envelope.

The SGML model is attractive because it provides a mechanism and language for local courts to define their own information needs. This local court definition results in a computer file which can be incorporated automatically into generic vendor software which meets the well defined SGML standard. Consequently, the generic software is able to produce documents meeting the requirements of the local court.

The task of this working group would be to evaluate in detail this SGML model, and to explore alternatives that reflect a similar division between generic application software and a locally appropriate information file.

It should be noted that this SGML model by itself would not permit different courts to electronically exchange documents. This is the corollary to the flexibility available to each local court. This additional functionality could be achieved if there were a suitable set of EDI definitions, and each local court provided a translation table.

Other workable alternatives may appear to the Working Group.

D. Build consensus

Be prepared for a patient, long term effort. Actively pursue measures such as the following:

1. Liaison with various formal and informal local, regional and national groups of clerks, court officials, judges and lawyers.

With a clear proposal and plan for demonstrating how the "guidelines" will enhance service and reduce costs, spread the word.

2. Presentations before meetings of such groups.

Use pilot tests as a base for preparing a prototypical demonstration program of the technology in practice; fine tune program at next year's Court Technology Conference

3. **Set up and manage an electronic conferencing facility through which clerks, court officials, judges and lawyers could express their views and keep up with developments.**

(Since the meeting this working group has set up an electronic conference on the Internet. Conversations from this conference are captured and posted on the National Center for State Courts BBS (804-253-2526). Persons interested in this conference should contact Alan Asay at ALANA@AOC.utcourts.gov on the Internet.)

Use National Center for State Courts BBS. This means is likely to be more accessible for many public employees than meetings requiring scarce travel funds.

II. Communications Workshop Subcommittee

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| Jennifer Ryan | |
| Hon. B. Paul Cotter, Jr. | |

Task:

This subcommittee was formed to identify specific issues related to the communication of documents and files from filing parties to the courts and to make preliminary recommendations for addressing these issues.

Issues Identified:

- **Numerous communications protocols**
- **Interfaces**
- **Standards**
- **Worker problems**
- **Hardware**
 - **Compatibility**
 - **Proprietary/Open**
- **Software**
 - **Application**
 - **Communications**
- **Communication**
 - **Transactions**
 - **Structured**
 - **Non-structured**
 - **Direct connection, Via Value Added Network (VAN), Internet**
- **Security**
- **Training/Support**
- **Cost**
- **Environment**
- **Benefits to attorneys**
 - **Methodology**
 - **"Sale" ability**
 - **Pricing**

- Extended filing hours
- Multi documents
- Standards
- Service
- Closer client relationship

1. Value Added Network Guidelines

The subcommittee recommends that potential users of JEDDI seriously consider using a value added network (VAN) for the electronic transmission of documents and data transactions. A VAN eliminates or more easily resolves problems associated with protocols, hardware platforms, interfaces, and other issues associated with establishing a communications link between the courts and filing parties.

A VAN must be able to satisfy minimum technical and administrative criteria in order to be considered as an appropriate vehicle to handle JEDDI transactions. Such criteria include but are not limited to:

- The ability to handle binary files.
- The ability to handle multipart messages.
- The ability to handle both minimal and large messages.
- The ability to output formatted documents to alternate delivery vehicles, e.g., fax, postal, etc.
- Track and bill-back based upon client matter billing number.
- Date and time stamping for messages received and delivered.
- Logging of transactions when received and delivered including return receipt messages to the sender.
- Subject to security auditing by a disinterested third party.

A list of VANs that satisfy the criteria specified should be developed and centrally maintained to assist the judicial community.

2. Point-to-Point Communications Guidelines

Point-to-point communications for JEDDI may be appropriate for internal local area network, wide area network (county or state wide) or, agency to agency communications. However, due to differences in communications hardware and software, and the corresponding support issues, point-to-point connections should be used only where standards for communications hardware and software can be developed and enforced.

Point-to-point communications may also be appropriate for external communications for large volume, repeat users, e.g., large law firms filing large volumes of cases in a single court. These types of communications

systems should be able to replicate all features that are included with VAN communications, e.g., return receipt requested, date & time stamping for delivery/receipt of files, login IDs/passwords, logging of transactions.

No matter how the attorney is electronically connected to the court, the work group does not believe that the current practice of admitting the attorney to practice before the court should be changed. Courts should continue to require that attorneys register with the court before they can submit electronic filings - the same as they do today. This will provide the attorneys with the necessary electronic messaging information and, if required software or data tables to be JEDDI capable for that court.

3. Security Guidelines

a. Issues

- 1. Layers**
- 2. User name/Passwords**
- 3. Encryption**
- 4. Integrity**
- 5. Logs & Verification**

b. User name/Passwords

The working group noted that all VANs require user name and password at a minimum. This level of security is appropriate for the overwhelming majority of transactions that will be filed electronically. As with all computer systems, users of JEDDI should be notified that their user names and passwords should be kept secret to minimize the possibility of intrusion or mis-representation.

c. Encryption

Encryption will be necessary for documents that are filed under seal. Therefore, Public Key Encryption may be used as an option for users who feel that additional security is necessary. A two part key, one issued to the sender and one for the receiver should be used to insure data security.

d. Integrity

Checksum algorithms should be used to assure document integrity at each step throughout the process of filing, transporting, and storing documents. Checksum numbers should be recorded in all transaction logs and message headers. By logging checksum numbers all parties can be

assured that the message has been sent and received unaltered (bit integrity).

e. Logs and Verification

Transaction logs must be maintained at every point of the communications chain which would include:

- at sending user side (attorneys)
- in the VAN which must log when messages are sent to and retrieved from mailboxes
- at recipient side
- A return receipt should be requested.
- When developed, an electronic notary to replace signature.

3. Electronic Message Addressing

Sending programs should have the ability to place court names and their electronic messaging addresses one time in a directory. This is so the sender can select the court or recipient from a list instead of keying address in each time to reduce the possibility of mis-addressing filings.

4. Data Validation Issues

Sending programs should have the ability to check for data values in fields where it would insure accuracy. Currently forms packages can enable table validation. However, it would also be possible to check data in text files if it was tagged with field identifiers. Once this data is obtained, it should be checked against tables maintained at the sending user's computer. It is also possible and desirable to have the tables self updating either from the court in a point-to-point configuration or through the VAN. New communications protocols allow for bi-directional communications thus minimizing connection time and aggravation to the sender. Overall, the work group recommends that the courts need to make data tables available for end users in some manner.

5. Financial Issues

It is important to transmit fees to the court at a level at least equal to the current practice of paying either by cash, check, or credit card which is submitted with the paper filing at the court's filing counter.

Potential solutions identified include:

- Have VAN bill for filing fees, etc.

- **Have courts maintaining trust accounts for firms that will do filing**
- **Use Automated Clearing House through the court's correspondent bank to perform funds transfers from the sender's account to the court's.**

6. Miscellaneous Issues

- **Will courts simply duplicate electronically what is done manually which may not work? Is process re-engineering required as part of this process?**
- **Should courts piggyback off the state bar numbering system for attorney identification numbers or, should a national scheme such as appending the two character state identifier to the front of the attorney identification number be considered?**
- **Attorney's who file papers in courts often send courtesy copies to Judges. Many times the Judge does not view courtesy copy as official until they receive the stamped copy of the document. JEDDI could potentially deliver copies simultaneously to the court and Judge if necessary.**
- **Attorney is viewed as an officer of the court and therefore, must follow the same rules of procedure as appropriate for electronic filing as is required for paper filings. For example, attorneys must be registered in a court prior to filing papers electronically.**
- **JEDDI has the potential to for fraud protection for financial transactions since the VAN could move money directly between accounts, based upon sender request. Therefore, clerks would no longer handle money.**
- **Courts could provide service, upon request, for making certain court information available:**
 - **Docket**
 - **Calendar**
 - **Local rules**
 - **Other court information/documents**

III. Common Data Subcommittee

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1. Task

This was formed to discuss and identify possible common data elements which could be used by the judicial system in JEDDI transactions. This is the most difficult area of discussion relating to possible JEDDI standards since there are a multiplicity of court systems, court rules and procedures, and court automation systems which need to be considered in the development of standards.

2. Issues Identified

- A. Identified and mapped data interchange between courts & agencies or parties.**
- B. Identified possible data groupings & some of general data types within groups.**
- C. Identified and listed general transaction types in the judicial process.**
- D. Reviewed existing common data elements identified by PA, RI, CT, DE, UT, OH, AZ,US Bankruptcy/AOUSC**

3. Information Matrix

The chart below shows the subcommittee's work to identify events and documents common to court actions where possible JEDDI transactions sets could be developed. This list is not meant to be inclusive but should be viewed as a starting point which can instigate discussion and, future development.

Possible JEDDI Data Sets

| | Case | Party | Sched | Charges/ Subj.mattr e | Evidenc e | Event | Bonds | Transcprt | Parties/ Witness | Init. Doc Filing | Dispos. | Fees, fines surcharges |
|----------------|------|-------|-------|--------------------------|-----------|-------|-------|-----------|---------------------|------------------|---------|---------------------------|
| Arrest | X | X | X | X | | X | X | | X | | | |
| Petition | X | X | X | X | X | X | X | | X | X | X | X |
| Complaint | X | X | X | X | X | X | X | | X | X | X | X |
| Indictment | X | X | X | X | X | X | X | X | X | X | X | X |
| Notification | X | X | X | X | | X | X | | X | X | X | X |
| Response | X | X | X | X | X | X | | | X | X | | X |
| Calendaring | X | X | X | | | X | | | X | | | |
| Sentence | X | X | | X | X | X | X | X | X | X | X | X |
| Appearance | X | X | X | X | | X | X | X | X | X | X | X |
| Disposition | X | X | | X | | X | X | X | X | X | X | X |
| Warrant | X | X | | X | | X | X | | | X | | X |
| Motion | X | X | X | X | X | X | X | X | X | X | X | X |
| Appeal | X | X | X | X | X | X | X | X | X | X | X | X |
| Correspondence | X | X | X | X | X | X | | | X | X | X | X |
| Trial | X | X | X | X | X | X | | X | X | X | X | X |
| Probation | X | X | | X | | X | | | X | | X | X |
| Parole | X | X | | | | | | | | | X | X |
| Compliance | X | X | X | | X | X | X | X | X | X | X | X |

4. Other Findings

A. There are more (possibly previously undefined) areas where EDI will be effective:

1. Record of conviction.
2. Law related materials/evidence.
3. Noticing interested parties and related agencies.
4. Improved compliance with sentencing guidelines via JEDDI (new law required inclusion of other crimes).
5. Appeals.
6. Parole which could receive access to more court information.

B. There appears to be a manageable number of common data elements exchanged between the courts and agencies/parties which could be normalized for JEDDI.

5. Interagency JEDDI Data Sets

The subcommittee identified the following transactions and data fields as candidates for standardized JEDDI transaction sets:

A. CASE INITIATION

1. Case Filing

**Charges/Subject matter
Parties
Dispositions
Initiating justifying document
Fees/Fines/Surcharges**

2. Case Information

**Filing Dates
Case Type
Court Type
Case Name/Jurisdiction
Identifying Reference Code/Number
Judge ID (DJ, magistrate)**

3. Party Information

**Party Name
Address
DOB
SSN/Identifying agency #
Law Enforcement numbers
Identifying Person Info/Attributes
Also Known As (AKA)
Attorney Info (ID, Name, etc.)**

4. Related Parties/Witnesses

**Type (e.g., atty, interested party; witness, victim, state agency)
Identifier (Name, Agency, Firm)
Location (Address, Phone, FAX)
Notification Types
Relationship (to case/parties)**

5. Event

**Identifier (type)
Action/Priority code (including deadlines)
Judge ID
Case ID**

Party ID

6. Bonds

Type
Amount
Underwriter/Bondsman
Limits
Dates (set,posted,expired,revoked,reset, etc.)

7. Scheduling

Event Type
Dates
Times
Availability
Conflicts
Calendars

8. Initiating Document

Types
Dates
Agency/ Contact name
Jurisdiction

9. Disposition

Event
Type
Date
Plea
Terms(summary + individual/count; award, party/@action)
Judge

10. Charges/Subject Matter

Count
Statutory Reference [Arrest charge (initial); Court charge(final)]
Ordinance Reference
Violation Type
Date
Location
Sentencing Guidelines

11. Fees/Fines/Surcharges

**[Generically: Amount --|--Obligation Type--|--Dates] Filing Fee
Transaction Charge
Statutory Fee
Statutory Fine
Court Costs
Surcharge**

12. Evidence

**Case-related material
Tracking #
Source
Date
Location/Chain of custody
Type (e.g., deposition, video, physical)
Disposal criteria**

13. Transcript

**Type
Reference (case ID)**

6. Future Action

- A. Identify data elements and attributes.**
- B. Identify specific transactions, including defining what the transaction would contain for JEDDI.**
- C. Survey/get input from different types of jurisdictions (court of record, limited, appeal, last resort) and practice areas (juvenile, patent, domestic, administrative, probate).**
- D. Identify data element definitions that can be standardized for all courts to facilitate JEDDI.**

**Appendix A
Judicial Electronic Data Interchange (JEDI)
Guidebook Workshop
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**May 5-7, 1993
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