Examples of “Court Policy Items” from the field:

Notes from Dallas in Green

## Petition to Proceed in forma pauperis:

e.g. Court A wants the Petition filed, without anything else accompanying it, make a ruling, then allow that filer to submit other documents.

e.g. Court B wants the Petition filed with other (case initiating) documents, then allow the filer to keep filing until a Ruling on the Petition is issued.

Both of these conditions are a flow problem that are triggers for either waiver flags or order required flags. The question is how does the court deal with a documents that initiate a case and are requesting ruling of Indigence. Some courts require the order before the case is initiated so that they don't have to clean the case up in the event that the state of indigence is denied or the judge does not have to issue an order dismissing the case.

Many courts also require that an affidavit of indigence is included with the filing. The challenge here is what is the trigger, the affidavit, a flag indicating a waiver option has been selected, or the type of order. Tybera has seen each of these conditions.

## Judge Action and Court Admin Action on certain documents:

Court A wants the filer to be able to select individual documents for action by the Judge (e.g. Motion) or by the court administrator (e.g. Motion to schedule a Hearing)

Here is another flow condition and it is very dependent on how complex the court configuration is. For example, some courts only have 100 document type codes while others have 1200 document type codes. For the courts with a minimal set of document codes they need a flag, while some courts that have more complex codes can tell by the type of document filed that action is required.

Court B wants the Clerk to route documents even prior to acceptance and/or full acceptance (the entire set of efiled docs)

This problem continue from the previous issue, however it is my opinion this is a workflow problem within the MDE that controls the Clerk Review function and the court policy exposed to the MDE where the filer creates the submission should have any control over. If you allowed this, then you basically are giving flow control to the filer and I don't think any court would like that.

## Fee Calculations

Court A allows filers to maintain draw-down accounts (e.g. to fund statutory filing fees and others), Court B does not. Court C charges a single fee per case initiated, Court D charges an initiation fee and another appearance fee at a later time.

From experience fee calculations is one of the most difficult area of efiling especially with the PCI compliance issues. Addition issues are whether or not the court CMS can handle over/under payments which could be a result of not collecting enough money because the clerk changed the type of case, or calculated a different value for the number of summons generated. Some of our courts actually allow the clerk to make adjustments to the standard fees based on input from the judges. Some courts take the money even if what the filer entered was wrong and don't return the money. Not here to give answers, just to let you know that this problem is all over the map.

## Document Sizes

Court A limits the number of pages, Court B limits the overall file size of each document, Court C limits the size of the overall submission.

Some courts charge based on the number of pages, which continues to exacerbate the payment issue. One of our courts charges a fee for each additional party on the case after 10. That same court also charges the plaintiff after each 100 documents filed.

## Document Types

Court A requires certain file format(s) for certain document types, Court B has a global list of allowable document types.

Tybera allows the court to configure which type(s) of documents they will accept for each document type code. This process encompasses the second.

## Service

Court A will perform all the service functions, Court B only when paid to do so (Sheriff), Court C requires the filer to perform all service functions.

We have seen all of the above and this relates back to the payment problem.

## Access to Docs

Court A allows case participants unlimited access to all case docs that are not sealed; Court B allows case participants access to only those docs that have been served upon them; Court C does not allow case participants access to any documents for certain case types.

This is only a scratch on the surface of the security matrix problem for document access and I don't believe that this is a court policy that needs to be published unless you figure the court policy comes from the CMS and not between the Submission generating MDE and the Clerk Review MDE. This issue requires role definitions and rights on those roles combined with party relationships on the cases.

## Sealing

Court A wants documents to be sealed filed separately. Court B wants them filed together with other documents, but with a request for the Court to seal (and not serve them yet). Court C allows documents to be efiled as “sealed”, Court D requires the filer to file the document to be filed as “sealed”

This is not all there is to this issue. This problem is also dependent on the court type, Juvenile, Domestic, Probate. Most courts do not allow a filer to define whether a document is sealed or not. These are rules based on the court and case type in some cases, and they are automatic. In Civil when you are talking about a filer wanting to seal a document most courts recognized that only a judge can order something sealed, not the filer. Also, some courts require the filer to submit a motion to request to file something under sealed and then the filer has to provide the date of the order granting the submission. Also, Sealing of documents affect in-camera or ex-parte filings which is another category that can affect what clerk or cannot see the submisison.

## Appearances

Court A allows anyone to file into an existing case. Court B requires a new filer to file an appearance first (as an fyi) and may charge a fee. Court C requires that a new appearance be confirmed by the Clerk first before that filer is allowed to file on the case.

It is our opinion that this also is affected by the API of the CMS and what they can do. Most courts, when they file an answer on behalf of someone for the first time they make the assumption that the answer is a proxy for the notice of appearance. If you ask the filers to fill out both they will get mad.

## Reminders

Court A does not care about reminder being sent to parties, upon some period of time after a previous event such as the filing of a motion or answer. Court B does and wants the efiling system to a) convey the reminders produced by its case management system, or b) produce the reminders on its own, using a table of time allowances/requirements that the Court maintains.

This is an internal flow problem and not a court policy in my opinion.

## Tech side aspects

11.1. **Development time policy** seems to be not efficient.
It is typically replaced with the accepted document rulings at place.

11.2. **Runtime namespace** - the actual controls coming from the spec are basically within the code list that must follow the GeneriCode spec.
Put it simple, on a GetPolicy call one may expect to get a different code list, not a strategy, nor a set of business rules to follow.

11.3. Courts, on the other hand, tend to interpret a Court Policy in a way as to modify the business rules on the fly (not a real-time, not a development time either).

Today's ECF Court Policy does not meet the need, nor that it offers an alternative.
Possible directions to resolve the issue are in incorporating business rules.

provisions for script execution;
provisions for business process description (probably in XML format);
provisions for external code (reflecting the business rule) execution.

General technical response: We continue to see changes from one court to another and I the challenge with the court policy is that it is a stratosphere concept of being able to query a system and from that allow an MDE to understand everything it needs to be able to generate submissions and file them and Tybera does not believe that is possible.