

Texas Statewide
Electronic Filing of Court Records

Request for Information

Office of Court Administration
on behalf of the
Judicial Committee on Information Technology

Section I General

1.1 Description of Purpose

The Judicial Committee on Information Technology (JCIT), through the Office of Court Administration (OCA), wishes to explore the feasibility, means, and potential cost of developing and operating a Texas Court Filing Service which will provide citizens of Texas and persons using the courts a single portal with which to conduct business, no matter the court or type of case. This portal would allow attorneys and parties to cases in the courts to rapidly access and file information pertinent to those cases in any court in a seamless, easy to understand way.

With this Request for Information (RFI), JCIT and OCA request information regarding products and services available to support Texas' statewide eFiling efforts. The information gathered from different firms may be used to generate a Request for Proposals (RFP) in the future. However, JCIT and OCA are not required to incorporate in a future RFP any of the suggestions offered by Respondents.

1.2 Background

JCIT was created in 1997 to facilitate court efficiencies through the use of Information Technology. Part of the committee's charge from the Legislature is to "develop minimum standards for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts."¹

After deliberations and research, JCIT endorsed Texas.gov (at the time, TexasOnline) in December of 2001 to provide the eFiling functionality for a statewide system.

A pilot program was conducted in 2003 with four counties across the state. With the pilot's success, eFiling began to move towards its current state in the summer of 2004.

To date, there are 374 courts in 47 counties using the statewide eFiling system. Seventy-five percent of the state's population lives within the geographical jurisdiction of these courts.

1.3 Current Challenges

Attorney Incentives to file by paper

Current estimates provide that filing a case electronically will cost the petitioner an additional \$100 (\$4/filing for the current vendor, \$6/filing for EFSPs x 10 filings per case). In some metropolitan areas, the convenience of filing electronically overcomes the additional cost. Unfortunately, in most parts of Texas, it does not.

¹ Section 77.031(5), TEX. GOV'T CODE.

Court Incentives to file by paper

In the paper world, the filer is responsible for providing enough copies of a filing to conduct the court's business. In the electronic world, the court then must produce paper copies of the filings on demand (depending on the judge's need for paper).

Marketing

A recent survey administered by JCIT showed that many courts in Texas do not know that eFiling is an option. The same survey indicated that attorneys would eFile if it were available. This indicates that the marketing efforts to date have fallen short.

1.4 Vision for Project

The Judiciary has made considerable investments in the automation of the courts. These investments lay a significant foundation for the envisioned electronic filing service. However, several key components are necessary to complete and integrate the technologies into a cohesive and reliable system. JCIT is, therefore, considering developing a partnership with a company with proven electronic filing experience to construct, deploy, and operate a public facing Internet electronic filing portal that integrates with court automation systems and comports with JCIT's directives. JCIT is considering seeking a partner that can:

- Provide a robust Electronic Filing Manager (EFM) that can support multiple, unique jurisdictions and integrate into the courts case management systems (that use the NIEM or OASIS Legal XML standard). The EFM should be sized so that there is sufficient capacity to handle all filings in the event that electronic filing becomes mandatory in all jurisdictions statewide. The EFM should also be able to handle filings from various types of constituents such as Pro Se and government filers as well.
- Collect and report performance metrics to stakeholders that demonstrate:
 - the system is handling transaction loads appropriately;
 - the customer service center (call center) is providing support in a professional and timely manner;
 - the fee distribution system is distributing fees appropriately and balances with the amount of money being collected;
- Comply with national electronic filing standards (ECF) and any extensions required to support the initiative.

- Deploy and support an easy to use Internet-based portal that supports both free-form pleadings and form based filings. This includes ad hoc reporting for the filer to review previous submissions.
- Market the system to courts to increase participation.
- Provide support to users of the system in the form of documentation and help-desk (call center) support.
- Collect and distribute all fees using a PCI compliant method, preferably the existing payment gateway provided by DIR through Texas.gov. Reports detailing the fee distribution should also be provided in a way that can be easily exported
- Provide assistance to courts when needed to ensure that eFiling can be reconciled with financial and case management systems.
- Provide other value-added services to users (e.g. Intelligent/Assistive Forms, Public Access to Court Documents, Application Development for Specialized Filer Needs)

To ensure that the courts can continue to provide a quality and cost-effective service to filers, OCA plans to insist on ownership of the Electronic Filing Manager and any transactional interface formats utilized beyond the ECF standard.

Separate from eFiling, JCIT is interested in a partner that can provide software, applications, and support for the following:

- Process servers who need to retrieve documents that must be served.
- The document storage, searching, and retrieval of electronic court records for any court wanting to participate. This also includes the ability to search indexing information for courts that opted for a stand-alone document management system at their court.
- A hosted case management system for use by non-urban counties in Texas.
- A centralized document store to facilitate a subscription based search of electronic court documents. In addition to a monthly subscription fee, the document store should also allow for a paid download of a document.

Search functionality should be robust and at a minimum provide similar capabilities seen in Westlaw, Lexis Nexis, or Google. The search should be able to search statewide, or be limited to a certain jurisdiction (a particular county or a particular court).

While this document attempts to lay out an approach to providing this system, JCIT is interested in alternative approaches, ideas, and business models that could more effectively accomplish the goals as outlined above.

Section II

Additional Information

2.1 Description of Courts

Supreme Court

The Supreme Court of Texas has statewide, final appellate jurisdiction in all civil and juvenile cases. Most of the cases heard by this Court are appeals from an appellate ruling by one of the intermediate Courts of Appeals. The Supreme Court also has the authority to determine certain legal matters over which no other court has jurisdiction and to issue such orders as may be necessary to enforce its jurisdiction and to carry out the responsibilities of the Court.

In addition to its adjudicative functions, the Supreme Court has many administrative duties. The Court makes the rules of practice and procedure governing trials and appeals in civil and juvenile cases in the State, the rules of administration for the Texas Judicial System, and the rules for the Commission on Judicial Conduct, the State Bar of Texas, and other state boards and agencies in the judicial branch of government. An important administrative function of the Supreme Court is the transfer of cases between the 14 Courts of Appeals to obtain a more equal distribution of workload in those courts.

Court of Criminal Appeals

The Court of Criminal Appeals has statewide, final appellate jurisdiction in criminal cases and makes rules of post-trial and appellate procedure for criminal cases. Most of the cases heard by this Court are appeals from one of the 14 intermediate Courts of Appeals. An important exception is that appeals in all criminal cases in which the death penalty has been imposed are made directly from the trial court to the Court of Criminal Appeals. This Court has the authority to issue such orders as may be necessary to enforce its jurisdiction and judgments.

Intermediate Appellate Courts

The 14 Courts of Appeals have intermediate appellate jurisdiction in both civil and criminal cases appealed from district or county courts. Each Court of Appeals has jurisdiction in a specific geographical region of the State. Each Court is presided over by a chief justice and has at least two other justices. The specific number of justices on each Court is set by statute and ranges from three to 13. Presently there are 80 justices authorized for these Courts. Appeals in

the Courts of Appeals are usually heard by a panel of three justices, unless in a particular case an *en banc* hearing is ordered, in which instance all the justices of that Court hear and consider the case.

Court Number	Location	Number of Justices
1	Houston	9
2	Fort Worth	7
3	Austin	6
4	San Antonio	7
5	Dallas	13
6	Texarkana	3
7	Amarillo	4
8	El Paso	3
9	Beaumont	4
10	Waco	3
11	Eastland	3
12	Tyler	3
13	Corpus Christi/Edinburg	6
14	Houston	9
Total		80

District Courts

The district courts are the trial courts of general jurisdiction of Texas. The geographical area served by each court is established by the Legislature, but each county must be served by at least one district court. In sparsely populated areas of the State, several counties may be served by a single district court, while an urban county may be served by many district courts. District courts have original jurisdiction in all felony criminal cases, divorce cases, cases involving title to land, election contest cases, civil matters in which the *amount in controversy* (the amount of money or damages involved) is \$200 or more, and any matters in which jurisdiction is not placed in another trial court. While most district courts try both criminal and civil cases, in the more densely populated counties the courts may specialize in civil, criminal, juvenile, or family law matters.

Limited Jurisdiction Courts

Constitutional County Courts

As provided in the Texas Constitution, each of the 254 counties of the State has a single *county court* presided over by a county judge. These courts have *concurrent jurisdiction* with justice of the peace and district courts in civil cases in which the amount in controversy is small. The constitutional county courts

generally hear the probate cases filed in the county. They have original jurisdiction over all Class A and Class B misdemeanor criminal cases, which are the more serious minor offenses. These courts usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts, except in counties where county courts at law have been established. Unless the appeal is one from a designated *municipal court of record* (trial proceedings are recorded by a court reporter), the appeal takes the form of a *trial de novo* (a completely new trial). In addition to performing judicial functions, the county judge serves as the administrative head of the county government. In the more populated counties, the administrative duties occupy most of the time of the county judge, and the Legislature has created county courts at law and statutory probate courts to relieve the county judge of most, and in some cases all, of the judicial duties usually performed by that office.

County Courts at Law

Because the Constitution limits each county to a single county court, the Legislature has created statutory *county courts at law* in the larger counties to aid the single county court in its judicial functions. The legal jurisdiction of the special county-level trial courts varies considerably and is established by the statute which creates the particular court. The jurisdiction of statutorily-created county courts at law is usually concurrent with the jurisdiction of the county and district courts in the county.

The civil jurisdiction of most county courts at law varies, but is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.

Probate Courts

The Texas Constitution grants the Legislature the authority to determine which Texas courts have jurisdiction over probate matters. The Statutory Probate Courts of Texas are located in 10 out of the state's 15 largest metropolitan areas and have original and exclusive jurisdiction over their counties' probate matters, guardianship cases, and mental health commitments. In most counties, the constitutional county court has original probate jurisdiction. In some counties, the Legislature has authorized certain statutorily created county courts to share this original jurisdiction, so that a county court at law will have concurrent jurisdiction over probate matters with the constitutional county court.

The original probate jurisdiction of district courts is limited to those situations in which a contested probate matter is transferred from a constitutional county court and when the Legislature has granted the district court original control and jurisdiction over personal representatives. In the more populated counties, the Legislature has created specialized probate courts (entitled statutory probate courts) to hear probate matters exclusively.

Thus, depending on the jurisdictional grant by the Legislature, probate matters might be heard in the county court, county court at law, statutory probate court, or district court of a particular county.

Municipal Courts

Under its authority to create such other courts as may be necessary, the Texas Legislature has created municipal courts in each of the incorporated cities of the State.

These courts have original and exclusive jurisdiction over violations of city ordinances and, within the city limits, have concurrent jurisdiction with justice of the peace courts over Class C misdemeanor criminal cases where the punishment upon conviction is by small fine only. When city ordinances relating to fire safety, zoning, public health, or sanitation are violated, fines of up to \$2,000 may be charged, when authorized by the governing body of the city. Municipal judges may issue search or arrest warrants. These courts do not have jurisdiction in most civil cases but do have limited civil jurisdiction in cases which involve owners of dangerous dogs.

Justice Courts

The Texas Constitution requires that each county in the State establish between one and eight justice of the peace precincts, depending upon the population of the county. Also, depending on the population of the precinct, either one or two justice courts are to be established in each precinct.

Justice of the peace courts have original jurisdiction in Class C misdemeanor criminal cases, which are less serious minor offenses. These courts also have jurisdiction over minor civil matters. A justice of the peace may issue search or arrest warrants and may serve as the coroner in counties where there is no provision for a medical examiner. These courts also function as small claims courts.

Juvenile Courts

Except in the most populous counties, Texas has no separate system of juvenile courts. Rather, one or more of the regular district or county judges in each county is designated to hear juvenile cases. However, it is sometimes the custom to refer to a court which is hearing juvenile cases as the "Juvenile Court."

Juvenile cases include proceedings brought against persons between the ages of 10 and 17 who are alleged to have engaged in unlawful conduct as defined by the Texas Family Code. This statute labels conduct subject to its provisions as either *delinquent conduct* or *conduct indicating a need for supervision*. Generally, delinquent conduct is defined as conduct by a child which, if committed by an adult, would be a serious criminal offense. Conduct indicating a need for supervision includes such matters as truancy, running away, and activity which would be considered a minor criminal violation if committed by an adult. Under certain circumstances and after a hearing, the juvenile court judge may certify a juvenile for trial as an adult if the juvenile was at least 14 years of age at the time of the offense.

2.2 Initial Case Filing Statistics FY 2010

- On average, each Civil case has 10 filings per case. Filing fees are collected at the time of filing.

- On average, each Criminal case has 2 filings per case. Court costs are levied in the event the defendant is convicted.
- Any proposed funding model should take into consideration that most incarcerated convicted criminals are indigent and are unable to pay any fees or court costs.

Initial Case Filings – Appellate Courts –FY2010		
	Civil Cases	Criminal Cases
Texas Supreme Court	1,209	N/A
Court of Criminal Appeals	N/A	6,903
Courts of Appeals (14 Courts)	Civil Cases	Criminal Cases
1 st Court of Appeals (Houston)	633	636
2 nd Court of Appeals (Fort Worth)	483	495
3 rd Court of Appeals (Austin)	486	350
4 th Court of Appeals (San Antonio)	431	432
5 th Court of Appeals (Dallas)	868	1,322
6 th Court of Appeals (Texarkana)	125	242
7 th Court of Appeals (Amarillo)	196	311
8 th Court of Appeals (El Paso)	176	185
9 th Court of Appeals (Beaumont)	224	247
10 th Court of Appeals (Waco)	196	218
11 th Court of Appeals (Eastland)	140	208
12 th Court of Appeals (Tyler)	137	270
13 th Court of Appeals (Corpus Christi/Edinburg)	403	441
14 th Court of Appeals (Houston)	714	632
Subtotal, Courts of Appeals	4,811	4,926
Grand Total – All Appellate Courts	6,029	11,829

Initial Case Filings – District Courts, by Case Type – FY 2010	
District Courts (455 Courts)	Number of Cases
Civil	569,455
Criminal	275,883
Juvenile	30,833
Total	876,131

Initial Case Filings – Courts of Limited Jurisdiction, by Case Type – FY 2010	
County Level Courts (504 Courts)	Number of Cases
Civil	161,850

Criminal	583,048
Juvenile	8,656
Total	753,554
Municipal Courts (917 Cities)	Number of Cases
Traffic Misdemeanors	6,235,592
Non-Traffic Misdemeanors	1,308,683
Juvenile	274,016
Total	7,818,291
Justice Courts (822 Courts)	Number of Cases
Civil	384,493
Criminal	3,437,531
Juvenile	94,776
Total	3,916,800

2.3 Description of Current OCA infrastructure

The current OCA infrastructure is a standard Microsoft Windows stack and includes:

- Windows Server 2008
- MS SQL 2008
- Microsoft C#.Net
- Microsoft IIS 7
- Microsoft Active Directory

Any application deployed on the OCA infrastructure should be based on the Microsoft stack where possible.

2.4 Industry eFiling Standards

Current industry standards include:

- OASIS LegalXML Electronic Court Filing (ECF) Standard Version 4.0 and above
- National Information Exchange Model 2.1 and above (<http://www.niem.gov/>)
- Justice Reference Architecture 1.7 and above (http://it.ojp.gov/topic.jsp?topic_id=242)

2.5 Specifications – Process Overview

JCIT and OCA envision a system that functions as follows:

- Underlying Assumptions
 - At all times, the system will meet industry standard security practices for web-based applications.
 - The system will have data quality checks in order to ensure the validity of data being entered into the system.

- Step 1: Filer Account Creation
 - Allows the filer to register with the system or edit their existing registration information (including billing information).
 - Allows the filer to delegate authority to file on their behalf to another user on the system.
 - Allows the user to opt-in to the electronic service option, allowing other parties to electronically serve eFilers on any case.

- Step 2: Uploading Documents
 - Allows the filer to upload documents to the system and add or modify meta-information associated with the document.

- Step 3: Filing Assembly
 - Select the jurisdiction of the filing along with the filing type from a menu.
 - Filer selects the service type for the filing and adds parties to the case as necessary.
 - Filer verifies the party information of the case.
 - Filer attaches documents from the uploaded documents to the filing.

- Step 4: Payment (only for Civil Filings)
 - Select a pre-stored payment method, or allow the filer to enter a new payment method.
 - Verify funds are reserved against the payment method

- Step 5: Review of Filing by the Court
 - Notify the court that the filing is available for review.
 - Allow the court to review and then accept or reject the filings for appropriateness and completeness.
 - Allow the court to adjust the filing fee to the correct fee.

- Step 6: Fee Capture and Reconciliation (only for Civil Filings)
 - Once accepted by the court, collect the fees due to the court.
 - Deposit the funds to the court's bank account and provide reports that will allow the court to reconcile filings financially (from the vendor system to the court's accounting system) and logistically (from the vendor system to the court's case management system).

- Step 7: Notification to Filer of Acceptance
 - The system notifies the filer that the filing has been accepted by the court.

- The system provides an electronic receipt to the filer that includes the case information along with fees collected.
- Vendor executes service of process as indicated by the filer.

Section III

Description of Information Requested

Interested firms are asked to provide the following information:

3.1 Information about eFiling System

3.1.1 Describe all products and services that would be used to address the bulleted items in Section 1.4.

3.1.2 Provide approximate costs of products and services suggested for use.

3.1.3 Provide any alternative approaches, ideas, and business models that could accomplish the goals listed in Section 1.4 more effectively.

3.1.4 Describe a proposed funding mechanism to implement the suggested products and services at no cost to the State of Texas.

3.1.5 Provide all assumptions underlying this Response.

3.2 Information about Additional Court Technology Elements

JCIT would also like to review any additional court technology elements that the Respondent can offer as an additional compartmentalized service. This includes (but is not limited to):

- Case management
- Document management
- Interfaces into various case management and document management systems

3.3 Implementation Schedule

JCIT asks the Respondent to propose an implementation schedule for the state that will provide solutions to the challenges presented in Section 1.3 above. Since 47 counties have already implemented eFiling, the implementation schedule should also provide solutions to possible challenges related to switching from the current system to a new system.

3.4 Payment Gateway

Agreements are currently in place allowing the courts that are participating in the statewide eFiling system to obtain payment gateway services. Where possible, Respondents should propose integration with the existing payment gateway.

Section IV

Submittal Information

4.1 Schedule of Events

The solicitation process for this RFI will proceed according to the following schedule:

<u>Event</u>	<u>Date</u>
Issue RFI	On or before April 22, 2011
Last day to submit questions	May 6, 2011
Submission deadline	5:00 CDT, May 23, 2011

OCA reserves the right to change the dates in the schedule of events above upon notice to prospective Respondents through an addendum posting on the Electronic State Business Daily.

4.2 Inquiries

All inquiries shall be submitted in writing to **Casey Kennedy** by email to casey.kennedy@txcourts.gov. Questions must be submitted no later than **May 6, 2011**

All inquiries will result in written responses with copies posted within three (3) business days to the JCIT website under the eFiling page at <http://www.courts.state.tx.us/jcit/Efiling/EfilingHome.asp>.

Except as otherwise provided in this Section, upon issuance of this RFI, other employees and representatives of OCA will not answer questions or otherwise discuss the contents of the RFI with any potential Respondent or its representatives. Failure to observe this restriction may result in disqualification of any subsequent response. This restriction does not preclude discussions unrelated to this RFI.

4.3 Response Deadline

Responses to this RFI must be received by OCA no later than **5PM CDT on May 23, 2011**.

4.4 Submission Requirements

a) Respondents shall submit one (1) original and two (2) copies. Pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the submission.

b) All submissions must contain:

- Description of your company including contact information, main products/services, and number of years in the market.
- All information requested in Section 3.1, 3.2, 3.3, and 3.4.
- Failure to sign and return the Exhibit A Execution of Submission with the submitted Response will result in rejection of the submittal.

- Any additional information you would like to provide, including alternative approaches, ideas, and business models that could accomplish the goals outlined in Section I more effectively.

- c) Respondents to this RFI are responsible for all costs of preparation.
- d) OCA will not consider any submission that bears a copyright. Submissions will be subject to Rule 12 of the Rules of Judicial Administration and may be disclosed to the public upon request. Subject to Rule 12, Respondents may protect trade and confidential information from public release. Trade secrets or other confidential information must be clearly marked at each page it appears. Such marking shall be in boldface type at least **14 point font**.
- e) All submissions shall be received and time stamped at OCA prior to 5:00 PM, Central Daylight Time, on the date specified in the Schedule of Events above. OCA reserves the right to reject late submittals.
- f) Submissions should be placed in a separate envelope or package and correctly identified with the RFI number and submittal deadline/RFI opening date and time. It is Respondent’s responsibility to appropriately mark and deliver the RFI packet to OCA by the specified date.
- g) All submissions become the property of OCA after the RFI submission deadline/opening date.
- h) Submissions shall be submitted to OCA by one of the following methods:

U.S. Postal Service	Overnight/Express Mail	Hand Deliver
Office of Court Administration Attn: Veronica Strong, CTPM P.O. Box 12066 Austin, TX 78711-2066	Office of Court Administration Attn: Veronica Strong, CTPM Tom C. Clark Building 205 W. 14 th St., Suite 600 Austin, TX 78701	Office of Court Administration Attn: Veronica Strong, CTPM Tom C. Clark Building 205 W. 14 th St., Suite 600 Austin, TX 78701 Hours – 8:00 AM to 5:00 PM CDT

- i) Submissions will be opened at OCA offices at 205 W. 14th Street, Suite 600, Austin, Texas.