



**Testimony Concerning
Electronic Filing in State Judicial Court System**

Presented by

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May 12, 2010

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Mr. Chairman, and Distinguished Members of the Subcommittee, I would like to thank you for the opportunity to submit testimony regarding our state's electronic filing system and how I believe participation in that system can be increased. Let me begin by stating clearly that I fully support the state's efforts to create an electronic filing system in our judicial system.

First, the electronic filing of legal documents delivers tremendous cost savings to the office of the Harris County District Clerk, due to the reduction of time and labor required to process, as well as a reduction in the costs of paper, storage, equipment use and maintenance, etc. We estimate that the Harris County District Clerk's office would save more than \$1.5 million/yr. if all the family and civil district courts would mandate electronic filing. Such a mandate would deliver significant savings to our office and to the taxpayers of Harris County.

Second, electronic filing can help to increase transparency in our judicial system and contribute to the reduction of environmental damage due to the excessive use and waste of paper. It also promotes broader public access to court documents and records and is particularly beneficial to attorneys whose offices are located in remote areas of the county, and for whom, regular visits to the courthouse is a significant factor and imposes a substantial cost.

Finally, electronic filing makes for a more efficient judiciary. The increase in electronic filings has helped the Harris County District Clerk's office become more efficient and streamlined, and enabled us (through our new website) to offer "first-of-their-kind" features improving and expanding online services to the public.

E-dockets ensure that judges have easy access to their court documents and aren't searching for documents missing from case files during hearings. E-dockets also allow attorneys to view case documents from anywhere they have online access. However, none of these features could be offered if we ran an exclusively paper-based operation. The overwhelming cost burden would be too much for my office to bear and in turn would not support or promote efficiency within our court system.

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With all the apparent benefits and advantages that electronic filing delivers, one must ask the question, "Why has it not been mandated?" Although this question is not unique to Texas, many states around the country have yet to utilize electronic filing.

Currently, there are only 25 states, along with the District of Columbia that have adopted some form of electronic filing. The varied approach to implementation that these states have used has given way to a patchwork of inconsistent systems across the country. Some States are operating almost entirely online, while others still rely mostly on paper, and many are still somewhere in between, offering only general docket information, court calendars and rulings online. This piecemeal approach has led to frustration within the bar.

Additionally, the issue of online security and how to safeguard sensitive information, especially personal information, from computer hackers has been a barrier.

However, the greatest hurdle to overcome is the cost factor. The Office of the Harris County District Clerk has been actively educating the bar and judiciary on the benefits of electronic filing.

Over the past year, we have conducted numerous training seminars, visiting more than 20 legal organizations and 34 law firms to promote the value of electronic filing in Harris County, and educating the legal community on how to use it effectively.

Due to our efforts, Harris County is, by far, the county with the most electronic filings in the State of Texas.

We have spoken with every member of judiciary within the civil and family district courts on electronic filing. Most see the need for electronic filing but are concerned about the cost. Many members of the bar and the judiciary do not find it acceptable to be "taxed" on gaining access to the court system.

Several prominent attorneys have even threatened lawsuits to make their point. Currently, in Montgomery County, there is a lawsuit on this very basis, and if successful, could jeopardize the system here in Texas. Some members of the judiciary have plainly stated that "if it costs a

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penny” they will not mandate electronic filing in their courts. Other county entities have also expressed their displeasure in having to pay a fee to the State of Texas when they file court documents in one of our mandated electronic courts.

So how can we overcome the cost barrier preventing our State from achieving its goal of a truly “paperless” court system?

One alternative would be to move to a taxpayer-based system, much like the PACER system used within the federal courts and away from the user-based system that Texas, and many other states, currently employ. The PACER system has been tremendously successful and I believe one of the reasons is that there is no cost to file a document in the court system.

Another solution could be that the State mandate electronic filing, either through the State Judiciary or the State Legislature. If everybody adhered to a mandate for electronic filing, the cost could be reduced --making the system much more palatable to the bar and local judges across the state.

Additionally, we could allow counties the opportunity to create their own electronic filing rules that follow statewide standards. As stated earlier, Harris County taxpayers and my office would benefit tremendously if our courts were truly “paperless.” Due to the prohibitive costs from the bar and judiciary, I have advocated the ability to create our own local free electronic portal.

With the associated cost eliminated by replacing the current system, our judicial system in Harris County would be able to go completely “paperless” and we would save millions of taxpayer dollars.

In closing, though the debate on electronic filing is sure to continue, I see the topic of mandating electronic filing, not as an issue, but an opportunity. I see it as an opportunity to promote judiciary efficiency, increase transparency and streamline our county governments while delivering savings to our taxpayers. I see it as an opportunity to implement a comprehensive solution that has the potential to benefit all of us.

*Presented by Loren Jackson, Harris County District Clerk
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I would like to thank the Chairman and the Members of the Subcommittee for allowing me to testify today on this very important issue. I would be pleased to answer any questions you may have.