

Multi-Vendor Pilot Project

December 5, 2007

STATUS

Currently, Wiznet is the only active participant in the Multi-Vendor pilot. Although Wiznet is capable of filing into the Clerk's eFiling system, actual production eFilings from Wiznet are very limited to date. As of Dec 4, 2007, Wiznet's efforts are focused on an initial marketing push to secure new clients. They are offering free eFiling through February of 2008 to entice new customers.

The Clerk's Office has received many inquiries from interested parties/companies requesting permission to provide eFiling services. This, combined with limited participation from two of the three qualified vendors in the current pilot, makes it necessary for the Clerk's Office to accommodate additional "providers" to fully evaluate the benefits/challenges of the multi-vendor model.

PRESSURE POINTS

Competition: Competition with the Clerk's "free" eFiling system continues to be a pressure point for some Providers. Certain providers, such as eFiling Portal, are in fact providing eFiling for "free" and leveraging their core service offering of document management integration.

Electronic Service: There is much discussion concerning the approach to providing electronic service between multiple providers. Many options exist and resolution on this item is perceived by many as necessary given the value of electronic service as a key element to a complete eFile service.

NEXT STEPS

The Clerk's Office is pursuing the option to include other eFiling providers (Providers) through a qualification process. Initial details for this process are provided below and are based on the premise that the inclusion of additional providers does not require a procurement process.

Electronic Filing Service Provider (EFSP) Qualification Process

Updated December 3, 2007

The Judicial Branch in Maricopa County contends that a full and appropriate evaluation of the COT endorsed multi-provider pilot for electronic filing cannot take place without expediting the qualification of additional Electronic Filing Service Providers (EFSP). We propose the establishment of a process to recruit and qualify an EFSP which is modeled on the Maricopa County Recorder's process for managing the electronic recording of documents by private business entities. The Recorder has developed a Memorandum of Understanding (MOU) to document such arrangements, which reduces significantly the amount of time required to procure and manage the services of private businesses who wish to provide or take advantage of electronic recording technology. Such a process will increase the opportunities for application by an EFSP, as the Judicial Branch will be able to recruit and qualify applicants at any time without the constraints and time delays inherent in a traditional procurement process. Even if the resulting arrangement requires the creation of a contract as opposed to a MOU, a streamlined qualification process will afford many benefits.

The qualification process envisioned for these services should not be construed as a formal procurement, since there will be no payment or compensation provided to the EFSP by the Judicial Branch for services rendered, and no linking or integration will occur between the automation environment of an EFSP and that of the Judicial Branch or Maricopa County. The process we propose, in fact, will enable individual law firms and other entities to electronically deliver documents to the Clerk in a manner that in no way involves a fee-for-service arrangement. Commercial entities who seek to be qualified as an EFSP for purposes of marketing their services to potential eFiling parties will be regarded as providing a service similar to businesses which now deliver paper documents to the Clerk for filing. A more streamlined process for qualifying these service providers will promote competition, enhance value-added services, and serve to lower the cost generally for electronic filing services in Maricopa County.

Responsibilities of the Judicial Branch:

1. Publish an explanation of the qualification process and instructions for application on its website. Instructions for application will include all technical and business requirements to enable an EFSP to transmit electronic documents and filing fees to the Clerk.
2. Review EFSP applications and assess qualifications.
3. Establish a test environment to confirm an EFSP's ability to transmit fees and filings.
4. Confirm provider qualification and contractually obligate providers to maintain explicit levels of service and terms of qualification.
5. Publish a list of qualified EFSPs on the Clerk's eFiling website, along with instructions and information regarding the roles and responsibilities of EFSPs and filing parties.
6. Assist eFilers with the process of selecting a qualified EFSP.

Responsibilities of the EFSP:

1. Submit application to provide electronic filing services to the Clerk.
2. Demonstrate ability to provide minimum required services and comply with all terms of the resulting MOU or contract.
3. Market their services to the legal community and other potential filing parties.

Responsibilities of the eFiling party:

1. When case is designated for eFiling by the Court, navigate to the Clerk's eFiling website for instructions on selecting a qualified EFSP.

Additional considerations:

1. Existing 04192 contracts (3) will have to be cancelled and any bond submitted will have to be released.

BACKGROUND

Concurrently with the efforts to launch eFiling pilots using an application developed and hosted by the Clerk's Office, the Clerk and Trial Courts also began drafting an RFP to qualify a list of vendors capable of providing a front-end electronic filing application for delivery of electronic documents. The vendors will act as intermediaries between attorneys (or self-represented litigants) and the Judicial Branch for the purpose of filing electronic documents and to provide value-added services to subscribers involved in court cases, such as providing access to a vendor's repository of electronic documents, or providing a means for electronic service of process.

The RFP was published in November, 2004, and ultimately resulted in the signing of contracts with three separate vendors by September, 2005. An implementation timeline was published the following December with a go-live target of May to July, 2006. About this same time (December), the Clerk's Office made the decision to standardize on the OASIS ECF 3.0 draft specification for electronic court filing. This new direction required some additional effort on the part of the Clerk's technical team to incorporate these specifications into the documentation being prepared for the vendors. The complete technical specifications and associated documentation were published in June, 2006. A revised project schedule had been issued in April, but ongoing negotiations and work with the vendors resulted in further schedule adjustment being made in October, when a new implementation target date of February, 2007 was established.

Even this revised schedule began to slip as the vendors struggled with integration and system modification issues. In the midst of these efforts, some vendors also expressed reservations about the continued availability of the Clerk-hosted eFiling application, fearing that it would constitute unfair competition with the vendor-hosted applications. It was always understood that the Clerk's system would be required for use in Criminal eFiling and other implementations which the vendor-based model was never designed to support, but in discussions with the Supreme Court it became clear that they were not willing, at least at the very outset of the project, to force private attorneys to subscribe to a vendor-hosted system and abandon the free access provided by eFiling Online. Underpinning this decision was the expectation that vendors would have to market their value-added services and make it worthwhile for attorneys and the eFiling public to subscribe. Simple access to the court and the ability to deliver a pleading electronically were still viewed as activities for which no fee should be charged.

By August, 2007, two of the three qualified vendors had chosen to delay participation in the pilot for various reasons. The remaining vendor, Wiznet, launched their application that same month and is currently the sole authorized eFiling service provider under contract to the Judicial Branch in Maricopa County. Efforts are underway to develop a more streamlined and efficient means of qualifying additional service providers to increase the opportunities for application and to enable the Judicial Branch to recruit and qualify applicants at any time without the constraints and time delays inherent in a traditional procurement process. A more streamlined process for qualifying service providers will also promote competition and serve to lower the cost generally for electronic filing services in Maricopa County.