

CHICAGO BAR ASSOCIATION
TASK FORCE ON
GREEN COURTS INITIATIVE
FOR THE
CIRCUIT COURT OF COOK COUNTY

FINAL REPORT
AND
RECOMMENDATIONS

DECEMBER 8, 2008

**Chicago Bar Association Task Force
on Green Courts Initiative for the
Circuit Court of Cook County
Final Report and Recommendations**

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I.

**TASK FORCE ON GREEN COURTS INITIATIVE
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II.

INTRODUCTION

In August of 2007, Commissioner Mike Quigley of the Cook County Board met with the CBA President, Victor Henderson, and CBA Executive Director Terry Murphy. Commissioner Quigley wanted the CBA to work with him in establishing a Green Courts Initiative in the Cook County courts and in law offices in the City of Chicago. This initiative contemplated the CBA partnering with the Chief Judge's Office and the Cook County Circuit Clerk's Office in undertaking this task. The CBA agreed to create a Task Force to begin this process with representatives from the Chief Judge's Office, the Circuit Clerk's Office, the judiciary and relevant CBA committees. The Task Force on Green Courts Initiative for the Circuit Court of Cook County (referred to as the "Task Force" throughout this Report) was appointed in October of 2007. It was chaired by President Henderson and three Co-Vice Chairs, Eileen Letts, Tim Nickels and Tim Eaton.

At the first meeting of the Task Force on November 2, 2007, Commissioner Quigley spoke to the Task Force and gave a brief overview of what he hoped the Task Force would accomplish. Attending the inaugural meeting included a representative of the Chief Judge's Office, Mike McGowan, and representatives of Circuit Clerk Dorothy Brown's Office (Phyllis Adams, Bridget Dancy, Jim Ford and Gail Lutz).

Following the presentation by Commissioner Quigley, the Task Force decided to form subcommittees to focus on various aspects on what it would take to implement a Green Initiative, with a focus primarily on a "paperless" court system, specifically, electronic court services. The subcommittees included: Technology, Policy, Marketing and Funding.

The Technology Subcommittee was to examine what was being done in other courts and jurisdictions – and already here in Cook County – and how electronic services could be expanded in the courts in Cook County. The Policy Subcommittee was to identify rules, regulations and statutes that needed to be addressed if electronic filing or other electronic court services were to be considered in the county or in the state. The Marketing Subcommittee was to examine how such services could be promoted to the various stakeholders of the system, such as lawyers, the judiciary and various other public bodies. The Funding Subcommittee was to examine the cost of implementing such a program and how these costs might be funded. The subcommittees began to meet in the fall of 2007.

At the next full Task Force meeting on January 23, 2008, Gino Agnello, Clerk of the Seventh Circuit Court of Appeals, gave an excellent overview of electronic services being offered and being considered in the federal courts of appeal. Gino answered questions of the Task Force and offered suggestions on what we should consider in implementing such a system.

On February 22, 2008, representatives of the Task Force visited with the Chief Justice of the Illinois Supreme Court, Robert Thomas, at his office in Wheaton. The Task Force shared with the Chief Justice the results of some of its investigation, and the Chief Justice shared with the Task Force his vision of a possible state-wide system. It was a very valuable exchange of information.

On that same day, members of the Task Force met with the Chief Judge of the DuPage County Circuit Court, Ann Jorgensen, the Circuit Clerk of DuPage County, Chris Kachiroubas, and with various members of Clerk Kachiroubas' staff. DuPage County has a voluntary electronic filing system, and the DuPage Clerk's Office gave us a presentation of how its system was implemented and how it was working. The Chief Judge answered questions, and

representatives from the practicing Bar, including the President of the DuPage County Bar, Fred Spitzzeri, were there to offer their insights as to how the system was being utilized. This session was very helpful to the members of the Task Force.

During the spring and summer of 2008, the subcommittees continued to meet and prepare their subcommittee reports. At the Task Force meeting in July, draft subcommittee reports were circulated and discussed for inclusion in the final report.

This final report represents the views of the Task Force after careful and thoughtful consideration of the issues presented. Each subcommittee report discusses the steps that they believe are necessary to implement and promote a successful initiative. This Report concludes with a list of recommendations synthesizing the work of the subcommittees, the full committee, and the offices of the Circuit Clerk, Chief Judge, and Commissioner Quigley.

The Task Force is deeply indebted to the work of Mara Ruff and Robyn Russell*, who served as coordinators for the Task Force and assisted in drafting minutes of subcommittee activities and the Task Force meetings. It was with their valuable help that the Task Force was able to complete its work.

Special thanks is also owed to the subcommittee chairs who played a significant role in completing the work of the Task Force. They are: Michael Shakman, Steven Rizzi, Judge Patrick McGann and James Nahikian. Finally, a special thank you goes as well to Terry Murphy whose leadership guided the committee through the process of investigating and reaching its recommendations.

*Robyn Russell deserves a special mention. She attended all of the Subcommittee meetings, took minutes of those meetings and the full committee meetings, and was a valuable liaison with the Clerk's office and Commissioner Quigley.

III.

EXECUTIVE SUMMARY

The Task Force on Green Courts for the Circuit Court of Cook County (“Task Force”) began its work after a proposed resolution was introduced by Commissioner Michael Quigley to the Cook County Board that detailed the need for a “green initiative” in the courts and in law firms. With 41,000 attorneys in Cook County consuming nearly 40,000 tons of paper, and a Circuit Clerk’s office processing over 40,000,000 pieces of paper annually, the resolution was encouraging the CBA to form this Task Force and work with the courts and law firms in Chicago to achieve a “paperless” legal system. This resolution provided a blueprint for the focus of our Task Force.

In addition, as the Task Force began its work, it did so with the knowledge that the Circuit Clerk of Cook County had received approval from the Administrative Office of the Illinois Court (AOIC) to begin an electronic filing pilot in the Law Division – Commercial Litigation. At the time the Task Force began its work, the pilot program was scheduled to begin in the fall of 2008.¹ Electronic filing would be one step towards a “paperless” court.

With this backdrop, the Task Force met in early November of 2007 to begin its work. The Task Force was divided into four subcommittees that met and provided written reports which became the backbone of this final report. Each subcommittee was charged with the task of how to implement an electronic-driven filing and storing of documents system in the Circuit Court of Cook County. The subcommittees were divided into the following areas: Technology, Marketing, Policy and Funding.

¹ The pilot program in the Law Division, the Commercial Litigation Division, actually started in September of 2008 and is ongoing.

The Technology Subcommittee believed a cost-efficient and user-friendly electronic court services management system in Cook County was attainable from a technological perspective based upon a summary of what is currently in the market and the experience of other court systems. The Subcommittee outlined what services are presently available in other jurisdictions from imaging documents and pleadings to scheduling motions and court hearings. The hope was that these services could be provided in Cook County. Based upon information from courts that have these systems, the Technology Subcommittee found that with an implementation of an electronic court services management system that the volume of paper diminishes; fewer documents are misplaced; time to process documents decreases; and the system provides more efficiency. The Subcommittee also noted the benefits to the environment. The Subcommittee hoped that a statewide electronic system would someday be available to all users.

The Marketing Subcommittee believed that the success of initiating an electronic court services management system in Cook County will depend upon a buy-in of the principal stakeholders, which they identified as lawyers, judges, government agencies, *pro se* litigants, businesses and state and county officials. The Marketing Subcommittee addressed how to engage each of these group of stakeholders, and proposed a marketing strategy that involves educating, training and getting feedback from the stakeholders. The stakeholders and their willingness to become a part of the program, will be critical to a successful launch of a “green initiative” in our courts.

The Policy Subcommittee looked at the various statutes, rules and regulations that currently govern filing and storage of court documents in Cook County and in Illinois. The Subcommittee explored governing rules in other jurisdictions and recommended proposed

changes to existing law in Illinois to enable an electronic court services management system to be successful. Although the Subcommittee found that there is currently no explicit requirement to store court documents in hard copy, a clarification of this rule from the AOIC and governing bodies is recommended.

The Funding Subcommittee examined various ways of implementing the program financially, recognizing that ultimately there would be cost savings from an electronic court service management system. The Subcommittee identified the primary capital costs involved and explored various funding mechanisms that are currently in place or have been used in other jurisdictions such as convenience fees or bond issuances. The Subcommittee made recommendations specific to Cook County and focused on existing funds that may be available to implement a more comprehensive program.

The Task Force also examined sustainable “green office practices” that have been implemented in law offices and reviewed “green” initiatives in the Circuit Court Clerk’s Office. Reports of these activities are also included in this final report. This report also contains a current status of the Circuit Court’s electronic document management system and what is forecasted in the coming years.

Finally, the Task Force Report concludes with a series of recommendations on pages 63 to page 66 that encourages Cook County to continue additional electronic services from imaging documents, to e-warrants, to electronically entering pleas of guilty. The recommendations also cover specific proposals from each of the subcommittees. Overall, the Task Force recommendations encourage the expansion of e-filing and other electronic services in the Cook County courts and supports various “green initiatives” being undertaken in law offices and legal-related public offices in Cook County.

We hope the CBA Board of Managers will adopt these recommendations and forward them to the appropriate bodies for implementation.

IV.

TASK FORCE REPORT

The Task Force began its work with a draft Cook County Board Resolution proposed by Commissioner Quigley. This Resolution was a blueprint for the background and goals set by the Task Force. Following the Resolution are the reports of the various subcommittees and status reports from the Circuit Clerk's office on various electronic and "green" issues.

RESOLUTION

Sponsored by THE HONORABLE MIKE QUIGLEY

Cook County Green Courts Initiative Resolution

Submitting a Resolution Sponsored by Cook County Commissioner Mike Quigley

WHEREAS, 5.3 million residents reside in Cook County, the second largest county in the nation, and account for 43 percent of the total population in Illinois, and

WHEREAS, there are over 5 million court hearings in Cook County each year; and

WHEREAS, it takes an average of 24 trees to produce one ton of office paper; and

WHEREAS, the 41,000 attorneys in Cook County consume nearly 40,000 tons of paper each year, the equivalent of 1 million trees; and

WHEREAS, it is estimated that the Office of the Clerk of the Circuit Court of Cook County ("Circuit Court Clerk") processes over 40 million pieces of paper; and

WHEREAS, the Circuit Court Clerk files over 5 million documents (not pages) each year; and

WHEREAS, the Circuit Court Clerk currently stores over 200 million paper documents;
and

WHEREAS, the Circuit Court Clerk requires approximately 17 miles of storage which is roughly the distance between the Daley Center and Glenview, IL; and

WHEREAS, the 2007 appropriation for document storage was 11.2 million dollars; and

WHEREAS, other jurisdictions have reduced paper use through two primary strategies:
1) implementing an electronic filing system and 2) paper use reduction programs; and

WHEREAS, a paper document filing can take up to 5 days to process but an electronic filing takes only 4 seconds to file and saves 20 to 30 feet of paper; and

WHEREAS, at least 20 states and the District of Columbia have adopted some form of electronic filing including: Arizona, California, Colorado, Delaware, Georgia, Kansas, Maryland, Michigan, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Utah, Texas, Virginia, Washington and Wisconsin; and

WHEREAS, King County, the 12th largest county in the nation, in (Seattle) Washington, is home to 1.8 million people; and

WHEREAS, King County employs 20,000 attorneys and implemented an electronic filing system in 1998 that made the electronic image file the official court record; and

WHEREAS, prior to its Electronic Court Record System (ECR), the King County Clerk's office would file an average of 28,000 pages per day or 6,000 paper documents per filing transaction- enough to stack 8 ½ feet of paper-which amounted to 7 million pages per year; and

WHEREAS, once the paper document is scanned onto the King County's ECR system, the office "destroys" the paper document by recycling it after a 30 day period thereby significantly reducing document storage costs; and

WHEREAS, the top courts in California, Montana and Florida, and some lower courts in New York, require the use of recycled paper for all court filings; and

WHEREAS, the California Court Rules mandate double-sided document filings in the California Court of Appeals and the California Supreme Court without special permission; and

WHEREAS, the superior and municipal courts in California may allow double-sided filings upon special permission of the presiding judge, Deputy Clerk or Clerk of the Court; and

WHEREAS, the numerous benefits of duplex-printed briefs, papers and other documents not only saves trees, but achieve greater business efficiency, saves money, requires less storage space, and reduces the amount of paper purchased; and

WHEREAS, the Cook County Purchasing Ordinance section 10.12.6(B) states “all imprinted letterhead paper, copy paper, computer printer paper, and note pads used by Cook County Departments shall be recycled paper at least 30% of post-consumer waste”; and

WHEREAS, on May 4, 2007, the Administrative Office of the Illinois Courts authorized the Circuit Court Clerk to implement a two-year voluntary electronic filing pilot program for the commercial litigation division; and

WHEREAS, the Administrative Office of the Illinois Court still requires the Office of the Clerk of the Circuit Court to maintain the Official court files in hard copy, although the Clerk has been authorized to keep, store and maintain electronically filed documents through the e-filing pilot program; and

WHEREAS, a Green Courts Task Force, comprising representatives from the Chicago Bar Association, the Cook County Clerk of the Circuit Court and the Chief Judge’s offices, private attorneys, information technology representatives, and one Cook County Commissioner, has been created and is charged with the duty of investigating and facilitating ways to convert the

Cook County court system, and ultimately the greater legal community, into a paperless system;
and

NOW, THEREFORE, BE IT RESOLVED by the Cook County Board of Commissioners, that the Office of the Clerk of the Cook County Circuit Court and the Office of the Chief Judge are hereby directed to develop a Green Courts Initiative, with the aid of the Green Courts Task Force, designed to develop a comprehensive paper waste reduction program that incorporates regular, systematic green practices in the courts; and

BE IT FURTHER RESOLVED that this Green Courts Initiative should include a paper waste reduction program, including a comprehensive program for paper, print cartridges and other packaging materials, and should mandate the use of recycled-paper for all filings, and should allow for double-sided documents, whenever possible; and

BE IT FURTHER RESOLVED that the Green Courts Task Force seeks the cooperation of the Illinois Supreme Court, the Administrative Office of the Illinois Court and the Circuit Court of Cook County in its efforts to incorporate green practices in the courts by developing a Green Courts Initiative; and

BE IT FURTHER RESOLVED that the Green Courts Task Force shall further encourage the Chicago Bar Association to create its own voluntary paper use reduction program by actively encouraging its members including individuals, firms, private and public entities alike to participate in such a program; and

BE IT FURTHER RESOLVED that the Office of the Clerk of the Circuit Court and the Office of the Chief Judge organize a task force to oversee the development of a permanent electronic file and serve system where paper files are eliminated and electronic documents

become the official court record with the ultimate goal being to establish a paperless court system; and

BE IT FURTHER RESOLVED that the Green Courts Task Force should further develop support networks to encourage the use of a permanent electronic filing system and also seek to amend any rules, acts, ordinances, resolutions or other legislation necessary to support a paperless system; and

BE IT FURTHER RESOLVED that the Green Courts Task Force should provide a report to the Board no later than six months after the passage of this resolution, and every six months after with an evaluation and reports of the paper waste reduction program and electronic filing system, when approved by the Illinois Supreme Court; and

BE IT FURTHER RESOLVED that a suitable copy of this resolution be prepared and presented to the Office of the Clerk of the Circuit Court, the Office of the Chief Judge, the Chicago Bar Association, the Illinois Supreme Court, and the Administrative Office of the Illinois Supreme Court.

V.

PREFACE TO SUBCOMMITTEE REPORTS

One of the most important subcommittees was the Technology Subcommittee. Without lending its technical expertise to the Task Force, we would not have been able to conclude our study or make our recommendations.

VI.

TECHNOLOGY SUBCOMMITTEE REPORT

INTRODUCTION

The Technology Subcommittee has determined that the goal of installing an effective, cost-efficient and user-friendly electronic court services management system in Cook County courts is attainable from a technology perspective. This conclusion is based upon our survey of technologies currently available on the market, the experiences of other court systems with implementing relevant technologies, and interviews with senior judges, clerks of court, administrators and information technology experts.

Specific findings, which we discuss below, indicate that electronic court technologies can materially improve citizens' access to justice while at the same time reduce the amount of paper, microfilm, vehicle fuel and other natural resources the Cook County justice system consumes. We believe the impact of any such technologies would be enhanced by the Cook County employees who select the technologies and supervise their operation. We have acquired a high degree of confidence in the Clerk's Office and Circuit Court key technical personnel who would fulfill these roles based upon our many months of interacting with them.

1. OVERVIEW OF ELECTRONIC COURT TECHNOLOGIES

Our economy is not quite yet capable of producing affordable court system technologies depicted in The Jetsons cartoon, in which a holographic judge might appear inside a living room, render justice and order a defendant to pay his fine by interplanetary credits or beam space restraints and autonomously transport a convict through the air to a levitating penitentiary.

Nonetheless, we have managed to place inexpensive computers, high-speed printers and broadband Web connections into the majority of offices and homes in the United States. A growing number of people even use mobile versions of these devices while moving about. The ubiquitous presence of powerful computer and computer networking technologies means not only that electronic access to justice can service the demand for such technologies, but also that demand will be created for electronic court services due to the widespread adoption of information technologies by the public.

A. Foundations

XML ("eXtensible markup language") and PDF ("portable document format") technologies have become de facto standards for word-processing documents. E-courts: The Times They Are A Changing, James E. McMillan, 42/3-4 National Center for State Courts 1 (2006). XML is a type of electronic file format that was developed according to a set of common requirements promulgated by industry. PDF is a similar but proprietary format that was developed by Adobe Systems, Inc. and it has been widely-adopted due to the popularity of the Adobe Reader document viewer, which Adobe released free of charge.

Both file types are highly portable across computer platforms and amenable to powerful encryption technologies that can ensure the integrity of original documents and copies. They also enable judges, lawyers and the public to share electronic documents with others who may use different hardware or software. The documents will look the same regardless. They may be readily converted into formats other than XML or PDF for further processing such as language translation. Authors and custodians can mark and log information about pleadings, forms and notices so that electronic case management systems are enabled to efficiently track and process

the documents with a high degree of automation. In addition, XML and PDF records may be electronically "signed" and date and time-stamped to verify their authenticity.

B. Current Capabilities

Given the ready availability of computers, computer networks, XML and PDF to judges, lawyers and the public, what types of electronic court services are actually possible, potentially sensible and affordable right now? According to the Conference of State Court Administrators ("COSCA"), today the majority of United States citizens can effectively utilize Web browsers, some of which are available for free, to access secure "one stop shopping" of court-related services via the Web. See, e.g., The Emergence of E-everything, White Paper (2005), downloaded from <http://cosca.ncsc.dni.us/WhitePapers/E-EverythingPositionPaperApprovedDec05.pdf> on August 19, 2008. COSCA acknowledges the following services as being fieldable with current Web-based technologies:

- image documents, including pleadings, exhibits and forms, and store these in purely electronic form;
- file pleadings, exhibits and forms remotely through a Web browser;
- submit electronic pleas of guilty in civil infractions cases;
- search, view, download and print court files and documents;
- securely transmit fees, costs and fines from bank accounts, deposits and credit cards via a Web browser;
- communicate notices to and from the courts;
- serve warrants and pleadings on interested parties with electronic date and time stamps and electronic signatures confirming delivery;
- schedule motions and court hearings;

- docket, manage and track cases;
- enter court orders electronically; and
- publish self-help guidance, expand telephone voice information systems with artificial intelligence, and furnish free technical access to *pro se* and *in forma pauperis* parties via courthouse, public library and government agency facilities, including free-standing kiosks at these facilities.

Additional free-study services may gradually become feasible in the near term, such as real time courtroom transcription, in-court record creation, video conferencing with remote appearances, interactive evidence presentation from off-site locations, secure filing of documents under seal, and mass conversion of archival paper and microfilm court records.

2. **SURVEY OF OTHER JURISDICTIONS**

No other jurisdiction of diverseness and scale comparable to Cook County has successfully installed a fully-functioning electronic court services management system for us to evaluate. However we did consider the experiences of the DuPage County, Illinois, Maricopa County, Arizona and King County, Washington court systems which, we note, report they are witnessing encouraging results from the programs that they have implemented over several years.

DuPage County currently offers Web-based electronic filing and document management services to attorneys and parties in arbitration, chancery, dissolution, law, miscellaneous remedy and tax cases. Electronic Records Pilot Program, Clerk of the Circuit Court for DuPage County, presentation on February 22, 2008. The county chose outside service providers to meet the electronic filing component but the county does not rely on any single vendor for delivery. Litigants therefore have the option to subscribe to electronic services through LexisNexis, I2File

and Wiznet online. DuPage estimates that twenty to twenty-five percent of all court transactions are processed electronically today and reports the user-adoption rate is increasing steadily. One incentive cited is that counsel residing outside of DuPage County are no longer compelled to travel long distances to the court house for mundane submissions. The court system itself benefits because county personnel spend less time manually processing paper.

Maricopa County initiated its changeover from a paper-based court system during the mid-1990s. It has since published an ongoing progress document which summarizes "lessons learned" and also lists key benefits achieved through the project. EMS Overview, Mark Jensen, Clerk of Courts (2002 -) copy available upon request. Preliminary results indicate the following:

- instances of lost documents and the labor needed to locate or rebuild lost files are being reduced;
- the volume of paper for notices and minute entries is diminishing;
- participants in cases where critical documents have been electronically filed are receiving notices faster;
- papers seldom need to be shuttled between court houses and county facilities;
- manual data entry costs are projected to decline appreciably;
- access to filed electronic documents is available nearly instantaneously;
- time required to process documents is declining;
- control over work flow has improved and supervisors are better able to balance workload among staff;
- the clerk's office can institute a telecommuter program for docketing and quality control staff; and

- the availability of a record on appeal in searchable electronic format is making it easier for justices to review cases at the appellate level.

King County has pursued a "paperless" court system for more than a decade and, by 2001, the county felt confident enough that it decided to destroy all hardcopy filings and rely exclusively upon electronically-imaged documents. Email exchanges among D. James Nahikian, Robyn Russell and Roger Winters, Program and Project Manager, King County Department of Judicial Administration between January 8-14, 2008 copy available upon request. Unlike DuPage County, King opted to develop a proprietary system that it owns and operates independent of vendors. King County estimates that it spent four million dollars to develop and install its system and the county has attained five million dollars in quantifiable savings. Unquantified savings such as those realized by judges, judicial staff and agencies have been "substantial." Ongoing concerns include protecting the privacy consequences of online files and reconfiguring workflows to address differences in handling electronic files and documents instead of paper ones. King recommends the redeployment of court personnel to roles that provide system users with help, online support and training sessions.

The Technology Subcommittee also reviewed and considered the ECF/PACER services instituted by the federal court system, the United States Patent and Trademark Office online dispute adjudication system, and pilot electronic services projects that are currently underway in the Circuit Court of Cook County.

3. **FINDINGS**

Our review of the information we have compiled suggests that an electronic court services management system offers the potential to generate significant practical and environmental benefits for Cook County. Many of the technologies described in the section above could be fielded in Cook County today. Thus, it appears that a modular, evolutionary approach to the application of court technologies will be adopted as a function of necessity.

A. **Benefits to the Administration of Justice**

An electronic court services management system could improve our justice system in material ways:

- information and services could be available when and where needed, with convenient remote access from homes, offices, agencies, libraries and kiosks around the clock, depending upon the nature of the subject matter;
- the problems associated with in-person court filing, appearances and manual data entry could be reduced if not eliminated;
- court procedure could be mapped-out in clear, intuitive fashion on the Web, thus the administration of justice would be more transparent to the laypersons;
- court documents could be made available to more than one requestor at a time;
- metadata, or information about information, could be kept and used to track and route documents for faster, improved and cost-contained court operations;
- documents would not require photocopying, images could be sent directly to computer storage;

- making payments could be made easier thereby producing an incentive to pay fines promptly, thereby improving revenue streams into the County financial record-keeping and reporting;
- electronic records can be secured better than paper documents, be made less susceptible to loss due to theft, vandalism or disaster as paper records may exist in only a single official copy in one building, but an official electronic record could be stored in multiple computers distributed geographically;
- the paper from inactive cases could be disposed of and recycled, freeing up for other uses Cook County resources and infrastructure currently needed to maintain a paper-based system.

B. Benefits to the Environment

An electronic court services management system could reduce the amount of natural resources the Cook County justice system consumes, including:

- paper such as printed forms, receipts, file wrappers, notepads, envelopes and unnecessary copies including faxes, as well as the plastic trash bags utilized to store the paper once it is discarded and ready for disposal, rubber bands, metal binders such as Acco, staples and paper clips, and three-ring document covers;
- fuel used to transport documents, mail and personnel;
- energy for environmental conditioning at paper document repositories; and
- those resources which support human activity in the courthouse including security personnel.

C. State-wide Integration Contemplated

Cook County should anticipate that it may someday be obliged to integrate its electronic court services into a state-wide system. Such integration may be compulsory vertically with the Illinois courts of appeals, and it may also be horizontal across the other circuit courts. The courts may opt for vendor-sourced systems like the one currently in use with DuPage County or, in the alternative, for proprietary systems such as the one developed by King County.

Given these unknowns, it would be wise for Cook County to adopt a conservative approach as a means of preserving an efficient path to state-wide court systems integration. At the lowest common denominator, XML and PDF formats should be made mandatory for all documents that are to be kept as part of an official court record or utilized for document imaging, transmission and storage services. These formats are widely used, can be secured and are suitable for rapid communication through computer networks, as discussed earlier. Both vendors and custom software developers consider the XML and PDF formats as being the industry standards and therefore are likely to create applications that are compatible with XML and PDF for many years.

CONCLUSION TO TECHNOLOGY SUBCOMMITTEE REPORT

An electronic court services management system for Cook County is not only attainable but desirable. Marketing the pilot program and successfully implementing a county-wide system is going to take enthusiastic acceptance from a number of sectors of the legal community as the Marketing Subcommittee points out in the next section of the Report.

VII.

MARKETING SUBCOMMITTEE REPORT

1. INTRODUCTION

The Technology Subcommittee has outlined a framework for installing a workable and efficient electronic court services management system in the Cook County courts. The success of any innovation to an established process – and moving to an electronic system in Cook County is no exception -- is directly related to a well-designed and managed marketing campaign. The campaign should first design a marketing strategy to guide the execution of a marketing plan. This is especially important in moving the Cook County courts to an electronic system because the goal here is to change a process that has had little real change since 1818. The strategy must focus on identifying and engaging the stakeholders in the operation of the civil justice system in this county. The key concept must be to establish a sense that embracing this change will make their interaction with the court system a “better” experience.

Once the marketing strategy is established, a marketing plan must be devised. The marketing plan is a set of specific actions that will be required to successfully meet the objectives of the strategy. As the plan progresses, the group will be able to measure whether the objectives are being attained and, if necessary, modify the approach.

2. THE STAKEHOLDERS

Using this approach, the Marketing Subcommittee has identified the stakeholders who must be engaged and invited to use the new system, and even help design it. The most obvious group of stakeholders are the lawyers who practice in the Circuit Court of Cook County.

A. Lawyers

It is important to understand that lawyers who are in the court system are not a homogeneous group. The group is comprised of large local or national firms, many of which are already highly automated in their processes. This stakeholder group is also made up of small to medium sized law firms which, while automated, may not be as automated as larger firms. Solo practitioners and two to three person firms with varying degrees of experience (including no experience) with electronic document management skills must also be considered. The strategy must also consider lawyers with many years of practice who have no desire to incur the expense necessary to be part of a green court initiative.

The types of legal practice of this group of stakeholders must also be considered. Some firms are engaged in high volume practices concentrated in discreet areas of the law; e.g., subrogation, debt collection or mortgage foreclosure. These areas pose different challenges than those presented by smaller firms engaged in several areas of practice.

The existence of this diversity among the bar -- the primary users of court services -- suggest that marketing should be focused on introducing green court practices at a measured pace, sensitive to the distinct areas of the Court. Introducing the initiative in measured, staged roll-outs will give time to identify and correct deficiencies in hardware, software and other areas which affect proper performance. This approach will also build a foundation of supporters who can serve as an additional level of marketing for additional roll-outs, as this group of stakeholders attests to the benefits of the new system.

B. Governmental Agencies

In addition to the civil practitioners, other stakeholders in this process include the governmental and private agencies that interact with the Court. The interest of the Sheriff who must serve and return summons, execute levies and perform similar tasks must be

accommodated. The same applies to agencies who investigate children and their environments in dissolution and adoption cases. There are also governmental departments that maintain records that must be accessed to establish claims or defenses in litigation. The ability to access that information and transmit it to the Court should be considered. Finally, there is a sub-group of filers, such as mental health facilities, who directly interact with the Court.

C. Pro Se Litigants

Stakeholders whose interests are increasing are *pro se* litigants. Their access must be seriously considered and accommodated in any marketing strategy. These individuals are entitled to access to the court system. They, and others whose private information is disclosed in court proceedings, should be assured that there are adequate safeguards against unauthorized access to this information. Yet such security precautions must contemplate the scope of access necessary to comply with the constitutional mandate of public access to court proceedings.

D. Bar Associations

The State, local, ethnic and specialty bars are stakeholders. Their interests in promoting professional development of its members can serve as important vehicles for communication to their members. They also must provide value for their members. One way of providing that value may well be in helping the County market new electronic improvements in the Cook County courts, and serve in a leadership role in training attorneys and the public on how to use the new system. An effective marketing strategy must include engagement of the local bar association as a goal.

E. Clerk of the Court

Clearly, the Clerk of Court is a critical stakeholder in this endeavor. The public's perception of the Clerk's abilities as a public servant will be permanently influenced by how this initiative is managed and implemented. If the Clerk's efforts are hampered by less than full

cooperation from the remaining stakeholders, this obstacle will adversely affect the perception of the Clerk's office and jeopardize the success of this initiative. The Task Force is favorably impressed with the efforts at achieving a paperless court that the Circuit Court Clerk's office has already begun. The marketing strategy should be designed to reflect favorably on the Clerk's work to this point. However, the strategy must also emphasize that the success of any green court initiative cannot rest solely on the Clerk's efforts. Rather, all of the stakeholders must join with the Clerk and her staff in working together to achieve this goal.

F. Judiciary

The judiciary is another important stakeholder to engage in this effort. The Chief Judge and each Presiding Judge must be seen by the individual judges as champions of this project. They must provide the leadership that will convince the judges in the courtroom that embracing this process will improve not only their ability to dispense justice, but the quality of their work experience. The Court's leadership must create a uniform approach to the integration of these processes which will encourage each judge to invest themselves, at whatever level necessary, in the success of this initiative. As with lawyers, the implementation of green court practices should be focused on the discreet areas, staged with certain areas designated to go "green" first, and then others to follow. This approach will maximize the likelihood of success of the project in the long run. Additionally, this approach allows the Court's leaders to focus their efforts on a limited number of judges at one time. These judges will then become ambassadors to their colleagues as the project moves forward.

G. Businesses

Easily overlooked as stakeholders are those individuals that use information culled from court records to conduct businesses. These would include finance companies, title insurers, and

those engaged in similar endeavors. Their support should be sought in an effective marketing strategy.

H. State and County Officials

Finally, State and County officials involved in funding these programs must be engaged. The most direct approach would be to credibly demonstrate to these individuals that capital investment in this project ultimately will be recouped many times over by reducing operating costs in the long term.

3. IDENTIFYING A MARKETING STRATEGY

The official mandate for establishing this Task Force was to create a Green Courts Initiative. Simply put, our purpose was to invite all of the stakeholders to participate in a project to reduce the carbon footprint of the Circuit Court of Cook County.

One obvious place to begin this initiative is to invite all stakeholders to recognize the environmental impact resulting from the current use of paper. Currently in the Circuit Court, paper is retained for immediate access, stored for historic reference, and duplicated many times for use by the various stakeholders. This initiative will be successful from the outset if all stakeholders take steps to reduce the use of paper. Such efforts will reduce emissions generated with excessive manufacturing of paper, lower transportation and duplicating costs, and reduce the need for and expense of storage.

There are also cost benefits that are incidental to the “green” savings. First, much of the travel to and from the courthouse to file pleadings and review files will be eliminated if court services and filings are accessible electronically from remote locations. Court delays caused by missing or “in Chambers” files will be eliminated. Costs associated with file security will be reduced because misfiling of documents or removal of files or filings will be greatly reduced.

No longer will lawyers be rushing to the courthouse to timely file pleadings or constrained by the Court's office hours to access court files. Judges will be able to prepare for their daily business without requiring files to be transported to chambers. Disputes as to file status can be readily resolved because access to the file will be available – real time – on the bench. As a consequence of all of these improvements, the administrative costs attendant to securing, maintaining and transporting paper files will greatly be reduced. Finally, the need to reconstruct files for appellate review should be a relic of times past. All of these benefits are “time savers.” Time is the most important commodity in the legal profession.

Finally, *pro se* litigants will be encouraged to access the legal assistance available on the Web. This accessibility should be created by partnering with public libraries so that computer access will be available free of charge. More open access of the court system to the public will give these stakeholders a more complete understanding of how the courts work, as well as the comfort of and confidence in the Court system in a way many *pro se* litigants have never experienced.

A central marketing strategy for the Green Courts Initiative should be to promote the *e-filing* of all court related documents as an important step toward reducing the legal systems impact on our environment. In addition to being the right thing to do, e-filing also has the potential to reduce the administrative costs of litigation. This benefit will inure not only to county government, but also the private bar. Most importantly, it will return to lawyers their most important commodity – time.

4. MARKETING PLAN

The marketing plan must take a three pronged approach. First, it must address the need to educate stakeholders not only as to the need for this change, but also as to the benefits that will

result from being a part of this program. Second, the plan must also provide for the training of stakeholders. Third, the plan must provide for feedback from the stakeholders so that problems can be identified and resolved promptly. This plan will enable the principals to evaluate the progress of the initiative and make necessary modifications.

The education aspect of the initiative should include a print and electronic media campaign – directed to all stakeholders – to announce the beginning of the program and the target date for the first stage of the initiative. The emphasis on the step by step implementation is extremely important. This campaign should be supplemented by detailed articles in bar publications explaining the need for the program, its benefits and ease of usage and access. It would be helpful if the bar publications could be co-authored, prefaced by comments from the Chief Judge or the Presiding Judge of the Division or Divisions where the initiative will begin.

Detailed press releases should be prepared so that the print media can easily capture the story. The principal stakeholders should hold periodic press briefings on the progress of the initiative. These briefings should be supplemented by periodic notes in bar publications explaining the progress of the initiative, identifying problem areas and even offering tips on shortcuts or other information of interest to stakeholders.

Supporting these efforts should be a complete and central web site which would contain the press materials in both print and video formats. The site should be interactive to answer questions about the program and allow for feedback. This central site should also be the one place stakeholders can visit to obtain help in the event that problems arise.

Training is categorized differently than education because it has a hands-on component which supplements basic educational elements. Training must consist of sessions that are focused on the needs of the various stakeholders. The sessions for attorneys should be staged as

CLE programs to encourage local bar association partnership. Public training sessions should be offered throughout the county to attract *pro se* litigants or other interested citizens. The Circuit Court should also sponsor education programs for the judges in each of its Divisions to help the judges achieve a comfort level and to demonstrate the support of the Court's Executive Committee to the initiative. Finally, a training program should be developed for the public and private agencies that interact with the Court.

All of these programs must be evaluated as they are staged so effectiveness can be measured. While training for each group of stakeholders will contain sections that have general information, specialized or focused materials must be developed for each group. These programs must be offered at multiple times and locations. They must continue after the system is fully implemented so that the needs of practitioners and others can be addressed. These training efforts must be supported by the website, as outlined above.

The feedback portion of the plan first begins with evaluation of the training sessions. It also should continue with the use of the internet for inviting and obtaining feedback. There must be a process in place to ensure prompt responses to negative comments. This process will demonstrate a commitment to solving problems. It will also dispel miscommunications or misunderstandings among the stakeholder groups.

CONCLUSION TO MARKETING SUBCOMMITTEE REPORT

The Marketing Subcommittee believes that the implementation of this strategy by execution of the plan will engage the stakeholders. This will create support for the Green Courts Initiative. The transition to a paperless courthouse will be much easier with disseminations of information and the empowerment of the user population.

As the transition is made to an electronic court services management system, policy issues relating to current statutes, court rules and regulations will need to be considered. In the next section of the Report, the Policy Subcommittee considers these issues.

VIII.

POLICY SUBCOMMITTEE REPORT

INTRODUCTION

The Policy Subcommittee sought to identify and to analyze laws, rules and policy statements that appear relevant to efforts to implement electronic filing and record maintenance in the Circuit Court of Cook County. The Subcommittee began to identify other areas where energy saving and green initiatives may be possible for the Circuit Court and to identify some of the issues presented by such possibilities.

In summary, the Policy Subcommittee found that there are a number of Illinois statutes and court rules that are relevant to implementation of electronic record keeping for the Circuit Court of Cook County. We were unable to identify any source that provides a comprehensive study or analysis of the statutes and rules that would need to be considered or modified to facilitate electronic filing and record keeping. We list below the principal statutes and rules that appear relevant.

1. BACKGROUND ON CURRENT STATUS OF LAW **RE: REQUIREMENT OF A PAPER RECORD**

It is important to note that for electronic filing and record keeping to be effective in reducing the costs and burdens of a paper records system (which include, but are not limited to, paper cost, printing cost, document storage costs, warehouse costs, transportation costs), it will be necessary eventually to *replace* the present paper system with an electronic system. But unless the electronic system replaces the paper system, the major savings in cost and environmental burdens will not be realized.

After extensive review of a number of relevant documents, this subcommittee determined that there is no accepted policy which explicitly requires the Clerk of the Circuit Court to retain court records in paper format. Rather, the requirement to keep all court records in paper format is an unwritten agreement between counties and the Administrative Office of the Illinois Courts (AOIC), the agency that oversees all judicial electronic document systems throughout Illinois. The AOIC has the power to approve electronic document pilots, like the e-filing pilot approved in the Cook County Commercial Litigation Division; and with that approval the AOIC stipulates the details of the record retention. Currently all circuit court clerk's offices approved for electronic document pilots are still required to maintain court records in paper form. According the General Administrative Order on Record Keeping "the Director of the Administrative Office shall prescribe the forms to be used for all records and shall provide the necessary instructions to implement the order." The form in which a record must be kept is decided the Director of the AOIC in accordance with the guidance and vision of the Illinois Supreme Court.

The requirement to keep paper copies is not explicit; it is, however, implied through the terminology used in numerous policy documents. For example the Manual on Record Keeping refers to the use of court jackets, color coding, the use of 8 ½ by 11 sheets of paper and required signatures. The use of such language implies the use of paper, and such language might need to be updated were the court to convert to an electronic records system.

Because no policy document explicitly requires the official court record be kept on paper, no substantial amendments would need to be enacted. The key issue which still remains is the definition of the "official court record." As previously explained, the official court record is implicitly understood to be paper. This subcommittee would like to recommend that the

definition of the official court record be amended to allow electronic copies to serve as the official court record as well as paper copies.

This subcommittee understands the concerns and hesitation of the AOIC regarding the destruction of paper copies and replacement with electronic records. It is the duty of the AOIC to ensure that all court records are maintained safely and securely and that all records are appropriately backed-up should anything happen to the original set of copies. The Clerk of the Circuit Court shares this duty and concern. The Clerk of the Circuit Court is eager to pursue its various electronic court record pilot programs and begin the process of maintaining court records electronically. As the Clerk's electronic court records grow and their quality, security and reliability can be concretely established, then perhaps the Clerk's office can move toward the destruction of paper copies and maintenance of electronic copies as the official court record. The security and reliability of electronic records must be *proven* in order to ensure the quality and integrity of electronic court records.

The General Administrative Order on Record Keeping also states that "the Director may authorize changes and exceptions to this Order, as he deems necessary or appropriate." Considering this designation of power, the Manual on Record Keeping could be amended to include a section that discusses and permits the maintenance of electronic records as the official court record. Another approach to allowing electronic records to serve as the official court record could be through the pilot process. Rather than issuing one broad policy document discussing electronic court records, perhaps permission to allow the electronic court record to serve as the official court record could be issued on a case by case basis for individually approved electronic pilot programs. By using this route of permission, the AOIC could examine

each pilot application, and once the security of the electronic system is guaranteed, allow the electronic record to serve as the official court record.

Additionally important to note is that, due to its size and governmental structure, Cook County is considered a third class county. As a third class county Cook is not subject to the Manual on Record Keeping, but rather must submit “to the Director of the Administrative Office a plan for the maintenance and destruction of records consistent with the minimum standards provided by [the] Order [on Record Keeping] and such system shall go into effect upon approval by the Director.” Bearing in mind Cook County’s exemption from the Manual on Record Keeping, Cook County could pursue, in cooperation with and pending the approval of the AOIC, a “plan for the maintenance and destruction of records” that designates electronic records as the official court record.

While the Task Force continues to push the envelope and support electronic court document efforts, we must also acknowledge advancements in electronic document systems that have already been made or pursued by the Illinois Supreme Court. According to a press release issued by the AOIC in May 2008, “Under Chief Justice Thomas, the Court has increasingly embraced new technologies and implemented a range of e-business initiatives. These include electronic digital imaging of court documents; and the electronic submission of guilty pleas in minor traffic and conservation offenses which, along with e-filing, have been undertaken on a pilot basis in some of the trial courts.” This press release also lays out a tentative time-frame for the implementation of statewide electronic filing as envisioned by the Court: “A time frame for full implementation of uniform statewide e-filing and other e-business is uncertain, but it is expected to be phased in over a period of three to five years.” Statements like these from the

AOIC and the Supreme Court illustrate their willingness to move the courts forward in the development of electronic document management systems.

An electronic court system will, of course, only be available to those who have computer equipment and sufficient knowledge of how to use the equipment to prepare, file and access electronically stored documents. This means that access for *pro se* litigants and others who may lack those resources and skills will need to be addressed. There are significant policy issues in this area that require consideration.

2. RELEVANT STATUTES, RULES AND OTHER MATERIALS

We have identified the following statutes, rules and other materials that require consideration:

- Local Records Act
 - 50 ILCS 205/1 - 15
 - Secretary of State's website on recordkeeping at:
http://www.cyberdriveillinois.com/departments/archives/records_management/recman.html
 - Illinois Compiled Statutes online at: <http://www.ilga.gov/legislation/ilcs/ilcs.asp>
 - See 205/7 deals with disposition of files and provides that the Local Records Commission may provide for the physical destruction of public records. It also deals with reproduction of public records on microfilm or digitized electronic format. The interrelation of this provision to the Illinois Supreme Court rules and the Clerk's Act, see below, is not clear.

- Clerk’s Act. This legislation dates to the period when record keeping was exclusively on paper and when record books in the court house were a normal method used. Some statutory amendments have recognized that electronic record keeping is permitted and useful.
 - 705 ILCS 105
 - 705 ILCS 105/27.2a) – Fees Statute
 - 705 ILCS 105/27.3c. Contemplates an electronic record system (“To defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage, the county board may require the clerk of the circuit court in its county to collect a court document fee of not less than \$1 nor more than \$15, to be charged and collected by the clerk of the court.”)
- Policy Statements from the Illinois Supreme Court through the Administrative Office of Illinois Courts (“AOIC”)
 - Policy for Implementation of an Electronic Filing Pilot Project in Illinois’ Courts
<http://www.state.il.us/court/SupremeCourt/Policies/Pdf/Efiling.pdf>
 - Electronic Access Policy for Circuit Court Records of the Illinois Courts
<http://www.state.il.us/court/SupremeCourt/Policies/Pdf/PubAccess.pdf>

Supreme Court or Illinois General Administrative Order on Recordkeeping in the Circuit Courts (available from the AOIC).

An important part of the next step will be to open a discussion of the issues with the AOIC. The Task Force and groups later organized to assist in implementing these recommendations should consider the best method to pursue that process.

- Supreme Court’s Order – M.R. 18368

- In re Electronic Filing Pilot Project Circuit Court of Cook County
- Circuit Court of Cook County, Circuit Court Rules, General Orders, General Administrative Rules and General Administrative Orders (may be found at <http://www.cookcountycourt.net/rules/index.html>)
 - 2002-03 Subject: Bulk Electronic Data Dissemination Policy at: (<http://www.cookcountycourt.net/rules/index.html>)
- Draft Administrative Order – Dissemination of Electronic Court Data
 - Pending approval from Chief Judge
- The Road to the Virtual Courtroom? A Consideration of Today’s – and Tomorrow’s – High Tech Courtrooms
 - The International Society for the Reform of Criminal Law’s 16th International Conference on Technology and Its Effects on Criminal Responsibility, Security, and Criminal Justice, by Fredric I. Lederer

Also relevant is 55 ILCS 5/5-1106.1, which discusses Internet access to public records at the county level. It states, in part: “Any county may provide Internet access to public records maintained in electronic form. This access shall be provided at no charge to the public.” For a discussion of this statute and some of its ramifications, see www.ilgisa.org/GISNotes/Winter2006.pdf.

More broadly, thought should be given to an overall green process for government, and what sort of changes in courthouse policy that suggests. An example of such an approach that we identified is the Hillsborough County, Florida plan. See www.hillsboroughcounty.org/hcgreeninitiatives.pdf

CONCLUSION TO POLICY SUBCOMMITTEE REPORT

There are many areas of policy that will still require further analysis. As the implementation process begins, no doubt additional rules or regulations will surface and need to be addressed.

Part of the implementation process will be to find a funding mechanism that will insure the continued rollout of a proposed system. Our Funding Subcommittee has undertaken this task, and its findings and recommendations are set forth in the next section of the Report.

IX.

REPORT OF FUNDING SUBCOMMITTEE

1. INTRODUCTION

This committee was charged with investigating possible funding sources and funding challenges associated with the implementation of an electronic document management system. We looked to several other counties who have pursued the automation of their court document systems. We also drew information from the Office of Clerk of the Circuit of Cook County (Clerk) and the Office of the Chief Judge of Cook County. This report will highlight costs currently being incurred and future costs to be expected to put into operation an electronic document management system in Cook County. Areas where cost savings can be realized will also be discussed, as well as current and future sources of funding. And we will conclude with a discussion of the importance of ensuring the electronic document management system is accessible and affordable to all users. While a great deal of work is yet to be done, the Clerk's office has made significant strides towards the acquisition and implementation of an electronic document management system.

2. BACKGROUND

A fully integrated electronic document management system consists of several pieces. The key pieces of an electronic document management system include (a.) an electronic file and serve system that allows users to file electronically and have court documents served electronically, (b.) an imaging and document management system which connects to an electronic docket and is able to circulate all court documents electronically, and (c.) a back-scanning system which scans all currently stored court documents to create electronic versions of all documents. The ultimate goal of such a system is to maintain all court documents

electronically without ever having to print a paper copy. Our subcommittee found that no other entity was able to purchase and implement all the parts of the system needed simultaneously, but rather added various parts over time, working toward a complete document management system.

3. CURRENT COSTS

The Office of the Clerk of the Circuit Court is currently in the process of implementing two of the three key pieces of an electronic document management system outlined above: electronic filing and imaging and document management.

A. Electronic Filing

The Clerk's office has received approval from the Administrative Office of the Illinois Court (AOIC) to begin an electronic filing pilot in the Law Division - Commercial Litigation. The pilot is no cost to Cook County. Once the electronic filing pilot in Commercial Litigation proves successful, the Clerk's office plans to expand electronic filing to all civil divisions. The primary capitals costs associated with this expansion will be for hardware, paper and toner; and these costs will be paid for out of the Court Automation Fund, a special purpose fund under the Clerk of the Circuit Court, set aside for such purposes. Expanded electronic filing will also be funded by a convenience fee charged to users. According to Illinois State Statute, 705 ILCS 105/27.3c. "the county board may require the clerk of the circuit court in its county to collect a court document fee of not less than \$1 nor more than \$15, to be charged and collected by the clerk of the court," in order to "defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage." The Clerk's office will use the convenience fees collected to help offset the costs of paper and toner that they will incur when they must print all documents filed in order

to keep a paper copy for their records. The Clerk's office has not yet determined the exact amount they will charge to file electronically.

It should be noted that although the attorneys who file electronically will reduce their paper, toner, messenger and other associates costs through the use of electronic filing, the Clerk will be increasing their costs by having to print out all electronically filed documents in order to maintain paper copies. Currently the Clerk's office is required, according to state law, to keep a paper copy of all court documents. This committee recommends that this requirement be altered to allow electronic court documents to serve as the official court record. From a funding stand point, the removal of this requirement will allow both the attorneys and the County departments to save time and money.

Based on the findings of this committee, we recommend that the Clerk's office consider pro se litigants when deciding on the amount they shall charge, as pro se litigants are often unable to pay the numerous fees associated with trying a case. This committee also examined electronic filing in the federal system and found that free electronic filing provides a great incentive for attorneys to file electronically. It is the request of this committee that the Clerk's office consider these findings when determining their convenience fee. In sum, the capital costs for electronic filing will be paid for from the Court Automation Fund. Continuing operating expenses will be paid for by charging a convenience fee to users.

B. Imaging and Document Management

The Clerk's office has entered into a contract with a vendor that will provide imaging and document management for an up-front cost of \$6.3 million and an annual maintenance cost of \$180,000. This initial capital cost will come from the Court Automation Fund. Any additional costs are expected to be minimal. This project will ultimately eliminate the need to handle court documents numerous times and the subsequent printing and copying of court documents. Customers will be able to access, view and print court documents remotely, reducing the amount of traffic in the courthouse. These efficiencies will result in savings for all participating parties.

4. FUTURE COSTS

A. Back-Scanning of All Stored Documents System

The Clerk's office estimates the capital cost for a system that would allow the Clerk's office to scan all currently stored documents and create electronic versions of all court documents to be \$20 million. The Clerk's office has made a capital request to the Chief Information Officer of Cook County requesting that he submit a long term capital request in the FY 09 budget. The Clerk's office plans to send out a request for proposals for a back-filing system in 2009.

5. SAVINGS

Although the implementation of a document management system will require a large investment, great savings will also be realized over time. At this stage of implementation within Cook County it is difficult to predict the exact savings that will be realized by automating our court document system; so this committee examined several other counties that are much farther

along in the process of implementing an electronic document management system to see what kind of cost savings they have enjoyed. Maricopa County, Arizona has been pursuing an electronic document management system since 1999 and has begun to see a return on their investment. Maricopa created a detailed “Project and Investment Justification,” for their electronic document management system, in which they outline all the areas where cost savings have been realized.

Maricopa County prepared a spreadsheet listing six areas of savings and estimated that by 2020 it will have saved \$4.4 million. The following are the areas of savings outlined by Maricopa County: (1.) Document processing savings: In Maricopa County the time saved in the Clerk’s office by switching to an electronic document management system amounted to 1.2 days for every 100 documents filed electronically. Fewer hours will be needed to perform the same amount of work, resulting in faster response time, more productivity and ultimately fewer hours worked. In Cook County, a paper document filing can take up to 5 days to process, while an electronic filing can take only 4 seconds. (2.) Records space savings: Maricopa County was using 37,800 sq. ft. to store documents. By 2010, 75% of their documents will be stored electronically. The savings estimated by Maricopa are based on a current price of \$21/sq. ft. for commercial space in downtown Phoenix. The Circuit Court Clerk of Cook County uses approximately 17 miles of storage; and the 2007 appropriation for document storage for the Clerk’s office was \$11.2 million. (3.) Staff salaries savings: An electronic management system ultimately means that fewer paper records are retrieved and handled over time. A significant decrease in the workload for couriers, distribution staff, file room and public records room staff will be realized. Ultimately, this reduction in workload will lead to a reduction in staff. (4.) Non-staff records management savings: These cost savings will be seen in areas such as vehicle rental

and gas for transporting records and the costs of shelving, file jackets, copies and other supplies. (5.) Microfilm staff salaries savings. (6.) Microfilm processing costs, including equipment and software maintenance, film, film developing and duplication and supplies. Once the court no longer uses microfilm, all the costs associated with microfilm will no longer be spent.

These six areas illustrate the types of areas where savings can be realized. This subcommittee recommends that a similar cost-benefit analysis be performed by Cook County. Current costs being incurred in areas similar to those listed above should be calculated for Cook County to show areas of potential savings.

6. SOURCES OF FUNDING

This committee has identified several sources of funding which can be used to finance the implementation of an electronic document management system: special purpose funds, filing and convenience fees, bonds, and capital requests. There are currently two special purpose funds under the Clerk of the Circuit Court's control: the 528 Court Automation Fund and the 529 Document Storage Funds. Both funds collect revenues collected from court filing fees and fees assessed upon conviction or orders of supervision in traffic and criminal cases. Currently every case that is filed required a filing fee of \$15 to be deposited in each of these special purpose funds. As described in section II of this report, state statute authorizes the Clerk's office to collect an additional convenience fee of no more than \$15 for electronic filing to offset expenses incurred by the Clerk's office. The current state statute which governs the expenditures of the 528 Court Automation Funds allows the monies collected in this fund to be spent on operating expenses. It seems appropriate to inquire whether the statute should be amended to require the convenience fees collected be used for capital expenses rather than operating expenses. This committee makes this recommendation based on this basic assumption: the goal of an electronic

document management system is to increase efficiency, rely more heavily on automation, decrease personnel and thereby decrease costs. This committee wants to ensure that funds collected from electronic filing convenience fees are set aside, perhaps in a newly created fund, for capital investment to expand the county's electronic document management infrastructure rather than be spent on personnel costs.

Another funding option discussed by this committee was the issuance of a bond. King County, Seattle issued bonds for \$17 million dollars to finance development costs of their electronic document system. Also, as discussed in section III of this report the Clerk's office has made a capital request to the Chief Information Officer of Cook County to include funding for a back-filing system be issued in the fiscal year 2009 Cook County budget. This type of request allows county departments, such as the Clerk's office, to request funds for capital projects from the Cook County general fund.

7. CHARGES TO USERS

When deciding the amount and method to charge customers it is important to make sure that pro-se litigates will have access to the system. We should also ensure that the system is not cost prohibitive for out of county attorneys and attorneys who do not use the system on a regular basis. These objectives should be considered when setting a fee schedule.

CONCLUSION TO FUNDING SUBCOMMITTEE REPORT

The implementation of an electronic document management system will require an up-front capital investment; however, the benefits of such a system will equate to significant savings over time. The goal of such an automated system is to increase efficiency; and decrease paper processing time, hours worked by county employees, time spent by attorneys printing and physically filing paper, paper and toner costs and numerous other associated costs. There needs to be an equitable balance between fees paid by users and fees collected by the Clerk's office. While we understand the Clerk's need to collect revenue in order to finance electronic document systems, we feel it is important to be cognizant of the objective of having a court system which is accessible to all members of society when setting the fees to charge customers. The greatest cost savings will be realized by all participating parties if and when electronic court documents are allowed to serve as the official court record. Until this law is altered, the Clerk of the Circuit Court, the Chief Judge, participating attorneys, and by proxy their clients will continue to pay the unnecessary costs to print hard copies.

“Going green” is one of the principal motivations for the Task Force. The following report on Sustainable Office Practices helps achieve that goal.

X.

COOK COUNTY GREEN COURTS TASK FORCE SUSTAINABLE OFFICE PRACTICES

1. INTRODUCTION

The UN World Commission on Environment and Development defines sustainability as: *Meeting the needs of the present without compromising the ability of future generations to meet their needs.*

“Going green” is no longer solely a concern of environmentalists. Businesses are beginning to understand the importance of conservation and they have begun to incorporate sustainable practices into their workplaces. As these green practices spread, companies are learning that environmentalism is not a burden but actually a boon for their businesses. Efficiency means using less, and using less means spending less. In addition to saving dollars, businesses will be creating a healthier work environment for their employees. By implementing a few green measures, each office can enjoy benefits ranging from reduced waste, reduced disposal and purchase costs; energy savings; water savings; improved indoor air quality; greater employee satisfaction, which often leads to greater productivity; and even reduced health costs.

Some argue that the sustainability movement is especially pertinent to the legal community. Dick Roy, an Oregon attorney and graduate of Harvard Law School, realized the potential impact the legal community could have on the environment, and quit his corporate law practice of twenty three years to work in the sustainability movement. Roy explains the role of lawyers as environmental stewards, stating that lawyers “as guardians of justice ... believe the fundamental concept of justice should be expanded to encompass the rights and opportunities of future generations.” Roy went on to spur the creation of Oregon Lawyers for a Sustainable Future (OLSF), a group comprising members of the Oregon State Bar who “seek to create a

sustainable society and to encourage the legal profession and individual lawyers to increase their involvement in this endeavor.”

OLSF has developed several initiatives designed to encourage the legal community to take a more active role in environmentalism. OLSF has begun educating lawyers through seminars. It developed hands-on tools for a sustainable law office, providing materials including a model sustainability policy, a sustainable office operations checklist, lunch vendor guidelines, a guide for planning green events, guidelines for sustainable tenant improvements, and sustainable practices for building managers. OLSF has begun the process of assessing local laws “through the lens of sustainability,” to help transition antiquated laws into our sustainable future. And for those lawyers who are ready to take action, OLSF has created a handbook of useful information on sustainability geared toward lawyers.

Chicago is in a unique position to not only join the sustainability movement, but take the lead. By emulating such excellent models like the one we see in Oregon, Chicago can embrace sustainability and chart new inroads in the realm of environmentalism. Daniel Eisenberg, vice-chair of the American Bar Association’s Section of Environment, Energy and Resources (SEER), emphasizes the importance of law firms taking the lead in environmentalism, stating, “law firms are in an interesting position where we can take a leadership role to encourage others. And frankly, we didn’t want to be left behind.” Other cities and states are working to educate and motivate their legal communities on the importance of and accessibility to sustainability. Chicago and Illinois can and should pick up this environmental baton and run with it.

Outlined below are some basic sustainable office practices that can be applied in any office setting.

2. HOW TO GREEN YOUR OFFICE: THE FRAMEWORK

When first approached, sustainability can often seem overwhelming and at times unattainable. The framework outlined below is meant to aide companies with their first approach to creating a sustainability plan.

- 1) Bring together staff (including purchasing, facilities management, fiscal, upper management, departments and interested staff) who directly affect operations to ensure participation and collaboration.
- 2) Identify potential sources of waste and pollution and compile baseline data
 - a) Office Operations
 - b) Facility Construction, Operations & Maintenance
 - c) Purchasing
 - d) Meetings & Conferences
 - e) Utilities
 - f) Fleet Operation & Maintenance
 - g) Print Shops
 - h) Food Service
 - i) Grounds Maintenance
- 3) Identify goals the firm will pursue:
 - a) Generate less waste
 - b) Use energy and water efficiently
 - c) Expand purchase of green products
 - d) Decrease use of conventional fuels
- 4) Identify how the desired goals will be achieved

- a) Establish objectives and performance measures
 - i) Reduce paper consumption by a set percentage annually
 - ii) Cut vehicle miles traveled by a set percent by a set date
 - iii) Establish baseline data and set annual target for water use by a set date
 - b) Create a process for continuous improvement
- 5) Education and Outreach Activities
- a) Create a resource guide for greening operations
 - b) Sponsor workshops on environmental best practices
 - i) green purchasing
 - ii) power management for computers
 - iii) native landscaping
 - iv) lighting efficiency
 - c) Establish an internet site and email listserv to foster exchange of information
 - d) Create an incentive or recognition program
 - i) Award employees or departments for meeting goals or being “greenest”
 - ii) Publicize leadership activities

3. GREEN OFFICE BASICS: CHANGES YOU CAN MAKE TODAY

The framework above is an overview of the steps a firm can take to develop a sustainability plan. Outlined below are concrete tips, or action items as they are sometimes called, you can use immediately to start “greening” your office. Three key areas where most sustainability efforts are focused include: waste, energy and transportation. Within these three central areas, numerous opportunities to create efficiencies and save dollars can be realized.

A. WASTE

In order to reduce your office's waste stream, you should first know how much waste your office actually produces. A good first step toward waste reduction is to conduct a waste stream audit. Based on the results of that audit establish waste reduction goals, and check your progress against those goals.

1. Purchasing

Purchasing is a crucial component of any waste reduction program. To ensure that your office and its employees are purchasing environmentally friendly products, a green purchasing policy should be established and all employees should be taught to follow its guidelines.

2. Recycling

The purchase of new products is important to examine, but proper disposal of old products is another important piece of the green equation. Recycling should be encouraged and easily accessible. Once again, establishing a policy which codifies recycling practices and circulating that policy to all employees is crucial.

- Ideally, each employee will have his or her own recycling bin at his or her desk, and large recycling bins will be placed throughout the office.
- Paper is not the only material that can and should be recycled. Your office can recycle toner cartridges, aluminum, glass, all types of paper, cardboard, telephone books, even food. Some companies make compost from their lunch scraps and use it for their plants.
- Make sure your company provides accessible receptacles for electronic waste, or e-waste, such as batteries and printer cartridges.

- Old electronics contain numerous harmful toxics such as lead and mercury that often seep into the soil and ultimately water supply when sent to landfills. Ensure your company donates or recycles all old computers and other harmful used electronics.

3. Office Supplies

With the demand for environmentally friendly office supplies growing, many suppliers are now providing whole green sections where only sustainable products are sold. For example, Office Depot distributes a Green Book which contains only environmentally friendly products, making your search for green office supplies easy and user friendly.

- Purchase environmentally friendly pencils, such as those made from recycled paper.
- Use recycled fiber padded envelopes, popcorn, and shredded newspaper for shipping. Some vendors will take back bubble wrap or whatever packing materials that you cannot use. Ask them.
- Choose office furniture that is nontoxic and that is used or made from sustainably harvested wood or other renewable resources.
- Use reusable or biodegradable kitchenware rather than disposable cups, bowls, silverware, and plates.
- Encourage employees to bring their favorite mug or coffee cup from home, or distribute reusable water bottles, mugs, thermoses, or other containers at work.

4. Paper

Paper is often the most commonly used disposable product in an office setting. It is also an excellent area with which to begin when developing and implementing your sustainability plan.

- Switch to using the "greenest" paper available, made of 100% post-consumer waste, recycled, never-bleached paper. It is attractive enough for professional use and is readily available at competitive prices.
- Try plain paper fax machines rather than those that rely on non-recyclable, chemically treated thermal paper.
- Use electronic mail rather than paper for all inter-office memos, notices, report, etc. whenever possible. E-Mail is faster, cheaper, and less resource intensive than overnight mail.
- Keep a scrap box for all of your junk mail and papers with one blank side. Use this scrap paper scratch paper and the printing of informal documents.
- Use duplex printing and copying when ever possible and set all capable machines to duplex printing as the default setting.
- Post signs encouraging duplex printing by all copiers and printers and change the signs every so often to keep employees' interest.

5. Toxins

- Avoid materials that are highly toxic, heavily packaged, not recycled, or not recyclable. Cleansers and other everyday materials (insulation, paints, plastics, glues, carpets, fabrics) often contain dangerous chemicals.
- Use VOC-free building materials and paints when remodeling.
- Consider use of low-maintenance native plants

B. ENERGY

Most of an office's energy is consumed in three main areas: computers, lighting, and electronic equipment. A good place to begin is with an energy audit, calculating your office's current energy consumption in these key areas.

1. Computers

- Always turn off your monitor and computer when not in use.
- If you need a new computer, consider a notebook or one of the new breed of energy-efficient desktops. Several PCs on the market meet the Environmental Protection Agency's (EPA) new Energy Star program, which requires all federal PC procurements to use no more than 30 watts of power when inactive (notebooks already do this to conserve battery power).
- Don't throw away your old computer -- recycle the parts, give it away, trade it in at a used computer store toward the purchase of a new one, donate it to a school, church, or charity.
- To increase your own ecological awareness and network with others about issues of concern to you, subscribe to such online services as Econet, Bitnet, CompuServe, America Online, and the WELL.
- Read the American Council for an Energy- Efficient Economy's Guide to Energy-Efficient Office Equipment to learn more about green alternatives.

2. Lighting

- Replace incandescent light bulbs with low-mercury compact fluorescent light bulbs. Generally, energy-efficient lighting upgrades increase lighting quality and yield 20% to 30% annual rates of return.

- Turn off lights whenever you leave the room. According to the EPA's Green Lights Program, the common belief that turning a light off and on wastes energy is a myth.
- Install motion sensors or timers in areas where occupancy fluctuates such as bathrooms, storage rooms and kitchens.

3. Electronic Equipment

- Purchase selected green products (Energy Star compliant electronic equipment, Green Seal certified paints, copy machines and printers with duplexing capability, recycled content carpet with low-emission installation products), wherever feasible
- Establish program to perform regular maintenance on HVAC systems

C. TRANSPORTATION

One area where energy savings can be realized but is often overlooked by businesses is transportation. Many companies either provide transportation to and from meetings and trips, or reimburse employees for all or part of their transportation costs. Don't forget to look outside the office when assessing energy consumption:

- Walk, bike, or take public transportation whenever possible.
- Make sure to provide bike racks and bike storage and even shower/locker rooms to encourage employees to cycle to work.
- Join a car-sharing program as a company. Companies like I-Go and Zip Car provide affordable, convenient, and reliable cars on almost every city block in Chicago.
- Provide transit benefits, such as pre-tax CTA and Metra passes, to encourage employees' use of public transportation.
- Purchase carbon credits to offset any necessary employee travel.
- Limit purchase of sport utility vehicles

- Encourage employees to carpool to meetings and conferences

**CONCLUSION TO COOK COUNTY GREEN COURTS
TASK FORCE SUSTAINABLE OFFICE PRACTICES**

The Cook County Clerk's office is heading in the direction of implementing running sustainable office practices as the next report indicates.

XI.

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY "GREEN " INITIATIVES

OFFICE WIDE INITIATIVES

Paper Recycling. The Clerk's Office participates in the paper recycling program in which employees place used or throwaway paper in recycling bins located throughout its various locations. Paper is picked up daily or once a week, depending on the location and building management.

Energy-Saving Tips to Employees. Senior leadership is responsible for making sure that energy-saving tips are conveyed to all employees during all team meetings in their area. Tips include turning off computers, calculators, shredders and any other electrical equipment before leaving the work areas at the end of each day.

Cost Saving Tips for Court Forms, Paper, and Supplies. The Clerk's Office has made a collective effort to conserve resources and money by doing the following:

Court Forms: Not to distribute large quantities of court forms to a single customer. Not to overstock court forms, causing more to be printed. Limit access to the court form stock area.

Paper & Supply. Print addresses directly on envelopes, rather than using labels. Print and copy letters and memos on both sides. Preview and edit letters and memos before printing and use spell check. Collect and reuse one-sided paper as scratch pads. Print and copy only the pages you needed.

Minor handwritten corrections on drafts of documents are acceptable. Send non-confidential information via email rather than printing on paper. For

internal memos, use electronic letterhead rather than printed stationary. Limit the use of the one-time use "confidential" envelopes to only those occasions when a document is confidential.

On interoffice envelopes, fill out a single address line, rather than skipping lines or using more than one line at a time.

To avoid increased USPS shape-based postage costs, use the smallest size envelope appropriate to your mailing. Only order necessary supplies.

2. ADMINISTRATIVE AREA INITIATIVES

Imaging and Document Management System (IDMS). The Clerk's Office has plans to implement an IDMS solution that will allow staff to image court records at the time of filing and manage that record electronically in a document repository. The solution will also provide the capability of connecting a court activity in the Clerk's electronic docket to the related court document.

This project will ultimately eliminate the need to handle court documents numerous time and the subsequent printing and copying of court documents. Customers will be able to access, view and print court documents remotely, reducing the amount of traffic in the courthouse.

eTickets. The Clerk's Office is currently in the process of securing a county-wide license for an electronic ticketing / forms program which affords law enforcement officers efficiency in ticket issuing and processing data at traffic stops. The ticket data, an image of the ticket, and the paper ticket will be electronically sent to the Clerk's Office for filing and updating records. This program will allow for the Clerk's Office to receive the highest data quality possible and less opportunity for bad data from handwriting, reading, and data entry. This program would eliminate

the need for data entry and permit tickets to be viewed online by judges, eliminating the need to transport tickets to the courtroom. The program will be available for all law enforcement agencies in Cook County. This item has been slated for Board approval in June 2008.

eFiling. The Clerk's Office is pursuing an electronic filing pilot in the Law Division - Commercial Litigation in which court documents will be filed thru an automated processing service, which will ultimately reduce the amount of paper that will have to be transported to the courtroom and the amount of data entry. The program will include electronic filing service, document management, and storage, online docket and document view. Currently, the Clerk's Office is in the contracting phase with the selected vendor. The Clerk's Office is targeting late fall 2008 for project kick-off.

ePay / eGuilty. This initiative will improve operational efficiency by reducing courthouse traffic and lowering administrative, operational, processing and disposition costs by accepting electronic guilty pleas and credit card payments via the Internet. Doing so will lower operational cost of collection in relation to total fines collected and reduce the amount of paper used and the amount of file storage needed.

eWarrants. The Clerk's Office commenced an eWarrants pilot in November 2007 at Chicago Branch Court #29 (2452 West Belmont, Chicago, IL) with the scope of processing bench / bond forfeiture warrants. This pilot project automates the preparation of warrants, captures the digital signature of the judge and allows for electronic transmission of the warrant to the arresting agency. This program will ultimately eliminate the need for warrants to be printed out and faxed to the arresting agencies and allows for officers to pull up warrants at their respective police stations for service. After an assessment of the pilot, additional functionality was identified for expansion of the eWarrants application.

The Clerk's Office was awarded a National Criminal History Improvement Program (NCHIP) grant in the amount of \$408,182 to assist in funding this project. Majority of the grant funds will be dedicated to expansion of the eWarrants application, in which the processing of all pre-trial warrants will be enabled for all Chicago branch courts and suburban district courtrooms in the Bridgeview (District 5) and Markham (District 6) courthouses. The project team began a rollout of this project to the Chicago branch courts and district courtrooms in early 2008. The program will be fully implemented by fall 2008.

Court Forms on CD. The Office is developing a strategy by which court forms are sold to interested parties via CD, instead of providing forms in bulk.

Automated Timekeeping Solution. The Clerk's Office plans to solicit proposals for implementation of the most cost-effective, technologically sound, scalable, and state of the art solution to electronically capture the time in and time out of employees. It is anticipated that this new initiative will utilize robust time clocks equipped with proximity reader, swipe, biometric hand / finger reader and number pad, and technology which transmits data from the time clock (or terminal) to the Clerk's Office current time-and-attendance system, which is a mainframe-based system. In addition, the proposed solution will eliminate the current manual paper process currently used by employees to sign in and out for work. A Request for Proposals (RFP) has been developed and issued to Cook County Purchasing Department for its review and was released in July 2008. This solution will be fully implemented in winter 2009.

Information Kiosks at 26th & California. The Office is planning to install information kiosks to replace the current and exhaustive paper listing of court calls for the 26th and California courthouse.

Interoffice Envelope Re-Use. Because many of the daily reports are shipped in interoffice envelopes throughout many of the Clerk's Office locations, a process has been instituted by which those

daily report envelopes are sent back to the Clerk's MIS Department and reused for sending out daily reports.

Use of Thin Clients. Thin client" technology is as a part of the "green" movement that helps in conserving financial and environmental resources by using less hardware.

Electronic C&D Bonds. This project is currently in the implementation stage of converting bail bond books to an electronic format. This will alleviate the need to purchase bail bond books and the need for storage. The Electronic C&D Bonds will be available and could be retrieved electronically, hence eliminate the need for storage space. Bonds will only be printed as needed.

Remote Deposit of Checks. The project provides for the ability to remotely deposit checks, which reduces the need for armored service and for long term storage of copies. Negotiated checks can be retrieved and viewed online, hence resulting in paper savings and cost reductions.

Automation of all Accounting Processes. The automation of accounting functions (via MS Excel) has eliminated the need to purchase book ledgers. This has resulted in paper and storage savings.

Reports generated on As-Need Basis. Bond reports are now ordered on an as-need basis. Bond reports previously were used to be printed and delivered on a daily basis to users, whether needed or not. The capability for the bond departments to request and print its own reports has led to a significant paper and storage savings.

Automation of Court Ordered Fees and Fines Assessment Forms. The Clerk's Office is currently working with the States Attorney's Office to automate the Court Ordered Fees and Fines Assessment Forms. This will result in an efficient and cost savings initiative.

Recycle Interoffice Envelopes. The Procurement Department ensures that all user departments are using the interoffice envelopes multiple times. Envelopes previously were used

once and then disposed. This effort has resulted in a significant reduction in costs and paper savings.

Recycle of Toner Cartridges. The Procurement and MIS Departments ensure that empty fax machines toner and printer ink cartridges are recycled for credit and proper disposal.

Reuse of Furniture. The Procurement Department ensures that supplies, furniture and equipment available as a result of relocation are reallocated to other departments, in lieu of new purchase.

Effective Use of Vehicles Assigned. Management has instituted a strategy by which staff investigating matters in suburban Cook County share a vehicle, which is centrally located at one of the suburban area courthouses for easy pickup. Staff in the downtown area will travel to the area locations on foot.

Court Form Production. The General Services Print Shop uses soybean ink in the production of Court forms. This ink is considered more environmentally friendly.

Daily Inspection of Heating/ Cooling Registers. The Clerk's Office uses a daily checklist to ensure that all heating and cooling registers are free from debris. This reduces energy cost by allowing for the proper exchange and circulation of heat and/or cooling.

Air Quality Testing. When necessary, air testing is conducted to ensure that work areas are not producing pollutants.

Working Closer to Home. Human Resources is honoring lateral transfers for entry level and primary positions, which usually allows employees to be closer to home, which results in shorter commutes, saving on gas consumption and reducing greenhouse gases.

Personnel Tracking. Human Resources now tracks personnel processes electronically, which was previously a manual process consuming paper (ie. Mail log, EAF, Vacancy, Primary postings, Secondary postings).

Posting Notices. Posting notices of promotions in the Workplace Journal and on the Web instead of sending booklets to all union employees greatly reduces the amount of paper used for this type of posting.

Submitting Online Applications. Human Resources will look into the possibility of allowing prospective employees to complete job applications online, which can reduce the paper generated currently.

XII.

COURT OPERATIONS INITIATIVES

Greener Office Space. County Division staff has brought plants to work to aid in clean air quality. Additionally, the Criminal Department plans to initiate a Donate a Plant (DAP) program that will also contribute to the clean air quality and help to beautify office space. Lastly, staff uses leftover coffee to water plants at the end of the day.

Taking Advantage of Technology. Court staff has taken advantage of email for sending reports, notices and other documents, and instant messaging for sending quick notes and phone messages. Additionally, the Clerk's Intranet includes many of the forms that court staff needs to conduct their daily operation. Both of these efforts save on printing of reports and other types of correspondence and the storage of forms because forms are printed only as needed. Lastly, staff takes advantage of telephone conferencing to participate in meetings telephonically to conserve gas and mileage.

Recycling and Reusing Supplies. Staff in the Court Operations divisions has made a concerted "green" effort to:

- Make use of the paper, plastic and aluminum recycling bins and boxes located throughout all areas of the Clerk's Office;
- Recycle and reuse paper clips and rubber bands received from over the counter filings, mailed filings and interoffice memos;
- Reuse report jackets / binders, manila folders, and interoffice / payroll envelopes;
- Use shredded paper used as packing material;
- Create note pads using outdated court forms or other used paper;
- Order office supplies only as needed.

Records Recycling/ Conservation Efforts. The Records Management Bureau recycles the paper records that are eligible for destruction rather than burning or dumping them. Additionally, the Records Center has added motion-sensor lights in the aisles where the files stacks are located, which reduces electricity usage and is a cost savings.

Conserving Energy and Office Resources. Court Operations encourages all employees to unplug and power down all equipment and appliances in the Office at the end of day or when it is not in immediate use. For example, managers in the District 5 - Bridgeview location have placed signs on all computers reminding the staff to power down each evening to save energy.

Staff have been instructed to only limit use of bottled water to drinking only (not to be used for watering plants, making coffee or other uses). In the Child Support Division, staff no longer use paper, plastic or foam cups for water from the cooler; staff bring cups from home to drink their water. An inventory of water coolers and refrigerators has been completed in District 5 - Bridgeview and the office manager tracks when the coolers are to be serviced and cleaned, which allows the coolers to operate more efficiently.

Even as this Task Force has been investigating and preparing its recommendations, the Cook County Clerk's office is well underway in launching a pilot program that will serve as a model for the County, as well as the state as a whole some day. A status of what the Clerk is doing in Cook County follows.

XIII.

STATUS OF CURRENT ELECTRONIC DOCUMENT MANAGEMENT SYSTEM IN COOK COUNTY

The Clerk of the Circuit Court of Cook County (“Clerk”) has taken significant steps toward the creation and implementation of an electronic document management system. While full implementation of a system that requires little or no paper to be processed will take several years to be realized, the numerous steps toward that goal already made by the Clerk’s office should be recognized and highlighted.

An electronic document management system, like the one envisioned by this Task Force, comprises three key components: (1) an electronic file and serve system that allows users to file electronically and have court documents served electronically, (2) an imaging and document management system which connects to an electronic docket and is able to circulate all court documents electronically, and (3) a back-scanning system which scans all currently stored court documents to create electronic versions of all documents. Below is a summary of where the Clerk’s office is on these three important components:

1) **Electronic Filing**

- a) An electronic filing pilot has been approved by the Administrative Office of Illinois Courts (“AOIC”) to proceed in the Law Division – Commercial Litigation Section.
- b) The pilot is at no cost to the county, as it is being funded by fees charged to the users.
- c) Once the pilot is successful for a set period of time, estimated to be between 90 days and six months, the Clerk can petition the AOIC to allow electronic filing in

all divisions. The Clerk's office plans to expand electronic filing first throughout the Law Division and then to all civil divisions. They do not yet have plans to expand into the Criminal Division but will bring e-filing to the Criminal Division someday.

- d) Once electronic filing is expanded beyond its initial pilot into other divisions, the primary remediation costs will be capital expenditures for hardware, such as servers, paper and toner. It should be noted that electronic filing will push the cost of printing all documents from the lawyers onto the Clerk's office. This redistribution of cost is one of the key reasons this Task Force is recommending that the electronic copy be allowed to serve as the official court record.
- e) According to Illinois statute 705 ILCS 105/27.3c. "to defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage, the county board may require the clerk of the circuit court in its county to collect a court document fee of not less than \$1 nor more than \$15, to be charged and collected by the clerk of the court."
 - i) The Clerk's office will be charging a "convenience fee" of less than \$15, although the exact amount has not yet been determined, to defray paper and toner costs needed to print all received court documents. Once again, if the requirement to keep paper copies of all court records is eventually removed, the clerk could consider lowering or eliminating the convenience fee.
 - ii) Based on the state statute, the Clerk's office has entered into a revenue sharing agreement with the vendor providing the e-filing pilot system that

states “revenues, over and above the filing fee, generated by the systems will be shared 2/3rd to the Clerk’s Office and 1/3rd to the vendor.”

- f) Funds for the expansion of electronic filing are available in the Court Automation Fund, a special purpose fund designated for such projects.

2) Imaging and Document Management System

- a) In July 2008, the Cook County Board of Commissioners gave approval for the Clerk’s office to enter into a contract with a vendor to provide an imaging document management system.

- i) The capital cost for the project is \$6.3 million, with annual maintenance costing \$180,000.

- ii) Additional costs, for example, should be minimal for maintenance of software and scanners.

- b) Such a system will allow staff to image court records at the time of filing and manage that record electronically in a document repository. The solution will also provide the capability of connecting a court activity in the Clerk’s electronic docket to the related court document. This project will ultimately eliminate the need to handle court documents numerous times and the subsequent (and multiple) printing and copying of court documents. Customers will be able to access, view and print court documents remotely, reducing the amount of traffic in the courthouse.

- c) The imaging and document management system will first be piloted in the Chancery Division then expanded to all divisions over a 30 month period.

- d) The project started in the fall of 2008.

- e) Initially the imaging and document management system will have an electronic document repository separate from the electronic filing document repository. The Clerk's office plans to integrate the two systems over time to create one centralized electronic document repository.
- 3) A System to Back-Scanning All Stored Records
- a) The estimated cost for a system that would allow the Clerk's office to scan all currently stored court documents, thereby creating electronic copies of all documents, is \$20 million.
 - b) The Clerk's office has made a capital request to the Chief Information Officer of Cook County, requesting he submit a long term capital request in the FY 09 budget.
 - c) The implementation of the back-scanning system coincides with the progress of the imaging and document management system. Once the imaging and document management system has been launched, the Clerk's office plans to put out a request for proposals (RFP) for a back-filing contract in 2009. Once a vendor has been chosen, back-filing will begin in each division that has successfully implemented the imaging and document management system.
 - d) Once fully positioned, the back-scanning system will allow the Clerk's office to, under approved procedures, discard paper records, thereby creating environmental benefits and substantial cost-savings.

**CONCLUSION TO STATUS OF CURRENT ELECTRONIC
DOCUMENT MANAGEMENT SYSTEM IN COOK COUNTY**

The Clerk's office recognizes that these three programs are multi-tiered and will require time and patience to successfully implement. The Clerk's office will continue to work toward a

fully integrated document management system that significantly reduces the amount of paper consumed by the legal community while simultaneously creating a more efficient system for all users. While the Clerk's office continues to forge ahead with the implementation of various electronic court programs, the Chicago Bar Association can play a vital role in providing outreach to the legal community. Each time the Clerk's office introduces a new electronic program it will look to the CBA to aid in the marketing and involvement of lawyers and other users of the programs.

XIV.

TASK FORCE ON GREEN COURTS INITIATIVE FOR THE CIRCUIT COURT OF COOK COUNTY RECOMMENDATIONS

INTRODUCTION

Based upon the work of the Task Force, its subcommittees and input from the Chief Judge's and the Circuit Clerk's offices, and the County Board, the Task Force has the following recommendations for consideration by the Chicago Bar Association Board of Managers. If these recommendations are approved by the Board, the Task Force recommends that this Report be distributed to the Chief Judge's office, the Cook County Board, the Circuit Clerk's office and other bar associations.

1. Develop a "green courts initiative" designed to encourage the Circuit Court of Cook County to consider the implementation of a program which will allow the Clerk and attorneys to:

- (a) image documents, including pleadings, exhibits and forms, and store these in purely electronic form;**
- (b) File pleadings, exhibits and forms remotely through a Web browser;**
- (c) Submit electronic pleas of guilty in civil infraction cases;**
- (d) Search, view, download and print court files and documents;**
- (e) Securely transmit fees, costs and fines from bank accounts, deposits and credit cards via a Web browser;**
- (f) Communicate notices to and from the court;**

- (g) **Serve warrants and pleadings on interested parties with electronic date and time stamps and electronic signatures confirming delivery;**
- (h) **Schedule motions and court hearings;**
- (i) **Docket, manage and track cases;**
- (j) **Enter court orders electronically; and**
- (k) **Publish self-help guidance, expand telephone voice information systems with artificial intelligence, and furnish computer access to *pro se* and *in forma pauperis* parties via kiosks at courthouse, public library and government agency facilities.**

2. As part of the Green Courts Initiative, develop a comprehensive paper waste reduction program that incorporates regular, systematic green practices in the Cook County courts;

3. Require XML and PDF formats for all documents that are to be kept as part of an official court record so that Cook County may have an efficient path to a statewide system of an electronic court system;

4. Develop a well-designed and managed marketing campaign to include communities and outreach to the following stakeholders: lawyers; governmental agencies; *pro se* litigants; bar associations; clerk of the court; judiciary; businesses; and state and county officials;

5. Highlight, in a well-designed marketing strategy and plan, the environmental impact resulting from the County's current level of paper usage; cost benefits in eliminating travel to and from courthouse, to file pleadings and review files; benefits from reducing delays caused by missing or "in chambers" files; costs associated with file

security; benefits resulting from ability to file pleadings without any restraints due to clerk office hours; benefits resulting from judges being able to prepare daily business without requiring files to be transported to chambers; and savings resulting from ability to reconstruct files for appellate review;

6. Adopt a marketing plan that trains stakeholders and provides for feedback from stakeholders;

7. Allowing the “official court record” to be an electronic version of document pending the approval of the AOIC;

8. Delete requirements, if any, of saving hard copies for official court records pending the approval of the AOIC;

9. Ensure 528 Court Automation Fund and 529 Document Storage Funds to be used for capital expenditures only and not for operating expenses;

10. Consider filing fee increase to fund electronic services, but only if filing fee goes to capital expenses;

11. Encourage use of recycled paper for all filings and allow for double-sided documents where possible;

12. Encourage CBA to promote its members to adhere to voluntary paper use reduction programs; and

13. Establish a CBA steering committee entitled The Green Courts Initiative Steering Committee to provide a periodic review to the Board of Managers regarding the status of implementation of green initiatives recommended by this report and also aid in the development and implementation of the green initiatives, including a paper waste reduction program, the implementation of electronic filing in Cook County, the

implementation of a paper electronic file, the amendments to rules, statutes, resolutions or other legislation necessary to support a paperless system in Cook County Circuit Court and law offices, and a marketing strategy and plans to encourage continued green measures.

CONCLUSION TO TASK FORCE REPORT

These recommendations will be a step towards “greening” our courts in Cook County. The Task Force realizes these measures are ambitious and may not occur overnight, but we must begin a process to accomplish these objectives. The stakes are too high if we do not.

Respectfully submitted,

**Task Force on Green Courts Initiative
for the Circuit Court of Cook County**

ADDITIONAL RESOURCES

- Illinois Green Government Coordinating Council
<http://www.standingupforillinois.org/green/govdb.php>
- City of Portland, Office of Sustainability
http://www.oregon.gov/ENERGY/CONS/BUS/docs/Green_Office_Guide.pdf
- Illinois EPA: <http://www.epa.state.il.us/>
- I-Go Cars: <http://www.igocars.org/about>
- Zip Car
http://www.zipcar.com/webch/?crcat=ppc&crsource=gsnchi&crkw=zip_car&engine=google&keyword=zip+car
- City of Chicago, Department of Environment
http://egov.cityofchicago.org/city/webportal/portalEntityHomeAction.do?BV_SessionID=@@@@0748227670.1215460164@@@@&BV_EngineID=cceadeeihelggmcefecelldfhdfhk.0&entityName=Environment&entityNameEnumValue=13
- Massachusetts Executive Office of Energy and Environmental Affairs
<http://www.mass.gov/envir/Sustainable/default.htm>
- Sustainable Washington: <http://www.ofm.wa.gov/sustainability/agencies/default.asp>
- The ABA-EPA Law Office Climate Challenge www.abanet.org/environ/climatechallenge
- Updated List of Climate Challenge Partners and Leaders:
www.abanet.org/environ/climatechallenge/partners.shtml
- Oregon Lawyers for a Sustainable Future: www.earthleaders.org/olsf
- The Sustainable Law Office: http://www.mbar.org/docs/Sustainable_Law_Office.pdf