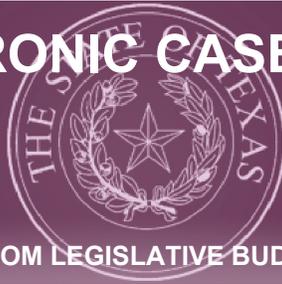


ELECTRONIC CASE FILING



AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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OBJECTIVE

Electronic filing is mandated for civil cases filed by attorneys in county-level, district, and appellate courts and is permissive for criminal cases.

KEY FACTS

- ◆ The Office of Court Administration administers the state's contract with a private vendor to provide mandated electronic filing services in the judicial system.
- ◆ The eFileTexas.gov system is funded through per-case filing fees in justice, county-level, district, and appellate courts; and through a criminal court cost charged upon conviction in a county or district court.
- ◆ E-filing is required to be implemented across all Texas counties by July 2016; however, all 254 counties were using eFileTexas.gov as of September 2015.

BUDGETARY IMPACT

Estimated revenue collections (\$45.5 million) from filing fees and court costs are appropriated to meet the contract cost of operating and maintaining eFileTexas.gov for the 2016–17 biennium.

STATUTORY REFERENCE

The Texas Government Code, Chapters 51 and 72

The Supreme Court of Texas mandated the electronic filing (e-filing) of all civil matters by attorneys, including family and probate cases in appellate, district, county-level, and statutory probate courts, through an order declared in December 2012. E-filing became mandatory for civil cases filed in the Supreme Court of Texas and in the 14 Courts of Appeals beginning in January 2014. The practice became mandatory in district, county, and statutory probate courts on a staggered implementation schedule; e-filing in the most populous counties was mandated to begin in January 2014, and the mandate will expand to include less populous counties through July 2016.

Benefits cited from the mandated e-filing included quicker court access to e-filed documents, reduced storage costs for clerks, and reduced printing and mailing costs for attorneys and litigants. Before e-filing was mandated, electronic case filing in Texas was voluntary and occurred through the Texas.gov website. However, many counties began voluntarily transitioning to the state's web portal and case distribution system (eFileTexas.gov) before the mandate took effect. Rural counties where traditional physical case filing was more common have been affected the most. The Office of Court Administration (OCA) reports that all 254 counties were using eFileTexas.gov beginning in September 2015, which preceded the July 2016 deadline. Additionally, 131,000 user accounts have been created since implementation began, and an average of 28,823 matters are filed each day.

E-filing of criminal cases is also available on a permissive basis to counties that have received written consent by a majority of criminal court judges in those counties. The first county to implement criminal e-filing began services on September 1, 2015. As of March 2016, 56 counties have implemented criminal e-filing, and 120 offices in 77 other counties have expressed interest in using criminal e-filing.

FUNDING AND LEGISLATIVE HISTORY

Initial funding for the original voluntary e-filing system operated through Texas.gov was based on a toll road model, which used a per-document fee ranging from \$8 to \$18. The enactment of House Bill 2302, Eighty-third Legislature, Regular Session, 2013, established civil filing fees on a per-case basis and an additional court cost for certain criminal convictions. Effective September 1, 2013, the legislation required all justice, county-level, and district courts statewide to begin collecting these charges regardless of a court's status in implementing e-filing and remitting the collected funds to the state. The Comptroller of Public Accounts deposits these revenues in the General Revenue–Dedicated Statewide Electronic Filing System Fund No. 5157. The enactment of Senate Bill 1139, Eighty-fourth Legislature, 2015, increased the filing fee for civil cases in county-level, district, and appellate courts from \$20 to \$30 to compensate for reductions in e-filing revenues during the 2014–15 biennium. These revenue decreases resulted in revenues not meeting anticipated collections due to a decrease in case filings and confusion regarding when collections should start.

The per-case filing fees and the court cost collected include a \$30 filing fee for civil cases in

county-level, district, and appellate courts; a \$10 filing fee for civil cases in the justice courts; and a \$5 criminal court cost charged upon conviction in a county or district court. Although justice courts are not included in the e-filing mandate, the \$10 filing fee is assessed in these courts. However, some justice courts have begun to voluntarily participate in e-filing. For the 2016–17 biennium, OCA estimates that \$45.5 million in General Revenue–Dedicated Funds will be generated through these revenue sources.

All revenues collected from filing fees and court costs for this purpose are appropriated to OCA to pay the vendor that provides the e-filing manager, which is the electronic hub through which cases are electronically transferred; to meet the contract cost of operating and maintaining eFileTexas.gov; and to provide related users support services. The vendor, Tyler Technologies, manages eFileTexas.gov and assists the courts with implementing the mandate. This assistance also includes technical support on eFileTexas.gov to users through helpdesk operations.

House Bill 2302, Eighty-third Legislature, Regular Session, 2013, authorized local governments to charge a \$2 transaction fee to recover implementation costs associated with the e-filing system. As of March 2016, approximately 32.0 percent of counties are assessing the fee.

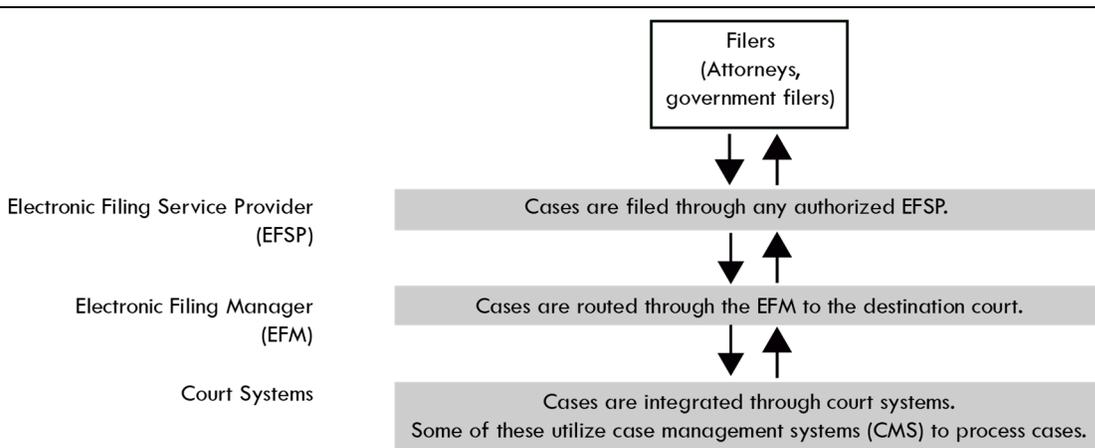
SYSTEM COMPONENTS

The eFileTexas.gov system's primary function is to accept electronic documents from filers through an electronic filing service provider, and then to securely distribute these documents to the appropriate county or appellate court, whose case management system accepts the documents. EFileTexas.gov has three major components: electronic filing service providers (EFSP), an e-filing manager (EFM); and court systems, as shown in **Figure 1**.

Attorneys submit documents to the EFM through an EFSP, vendors that provide electronic courier services to clients. As of March 2016, 24 EFSPs were operating in the state. The eFileTexas.gov website also includes a free-to-the-public EFSP, a filing method utilized for 74.7 percent of transactions as of March 2016.

Documents filed through an EFSP are accepted into the EFM, a system that distributes these documents to county-level and appellate courts. In some courts, clerks log into the EFM to review and accept filings; other courts' case management systems connect directly with the EFM. As case documents are routed to a court through the EFM, court staff may use a CMS to manage these cases and their associated documents. As of March 2016, 14 CMS vendors were serving courts.

FIGURE 1
E-FILE TEXAS.GOV PROCESS, 2016



SOURCES: Legislative Budget Board; Office of Court Administration.

USEFUL REFERENCES

The EfileTexas.gov website may be found at <https://efiletexas.gov/>

Financing the Judiciary in Texas, Legislative Primer, Legislative Budget Board, July 2014:
www.lbb.state.tx.us/Documents/Publications/Primer/1508_Financing_the_Judiciary.pdf

Fiscal Size-up, 2016–17 Biennium, published by the Legislative Budget Board, May 2016:
www.lbb.state.tx.us/Documents/Publications/Fiscal_SizeUp/2939_Fiscal_Size-up_2016-17.pdf

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