

# FILING FAIRNESS TOOLKIT

Simplifying Court Filing for All

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For the most up to date version of the Toolkit visit [filingfairnessproject.law.stanford.edu](https://filingfairnessproject.law.stanford.edu).

# Begin Your Journey

**State court civil justice systems are increasingly challenged by inefficient, burdensome, and difficult-to-navigate court filing processes.** Needlessly complex court forms and outdated filing systems impact not only attorneys and court personnel; they also increase costs and make our state courts inaccessible to the growing number of self-represented litigants. Using the *Filing Fairness Toolkit*, courts and court partners can take concrete steps to address these challenges by modernizing their forms and filing systems, which will improve the experiences of all court users.

The *Filing Fairness Toolkit* is an effort by [Stanford's Filing Fairness Project](#) to tap wide-ranging research and expertise to offer concrete recommendations about court modernization in a single place. A research team drawn from law, computer science, and business has spent nearly 2 years talking with key stakeholders, including state supreme court justices, court technologists, and access to justice experts to understand these challenges and ways to address them. **This Toolkit distills learning from our research and conversations into actionable recommendations. Fortunately, each of the recommendations presented is already in use, for minimal cost, by various courts in the United States.**

## KEY TAKEAWAYS:

- **Modern court filing systems and processes reduce administrative burdens and costs for courts and clerks, improve judicial efficiency, and increase access to justice** by making it easier for all court users to find, prepare, and submit the information courts need.
- **Courts can optimize the benefits of filing system modernization for court staff and users by:**
  - Adopting standards and facilitating connections between filing system components
  - Developing creative public-private partnerships
  - Implementing procurement practices that promote flexibility and innovation
  - Standardizing, simplifying, and automating court forms
  - Reducing procedural barriers to efilings
- **Increasing access to justice through modern court filing** is easier and takes fewer resources when courts collaborate to scale solutions using readily-available technology that is already implemented in other courts and sectors.
- **Judges, administrators, clerks, technologists, and access to justice leaders can use this Toolkit to drive court filing modernization in four key areas:**
  - Filing Technology Infrastructure
  - Filing Partner Ecosystems
  - Technology Governance
  - Forms & Filing Processes

# Using This Toolkit

The *Filing Fairness Toolkit* is designed to guide courts and court stakeholders on their modernization journey to proven, efficient, usable, and sustainable filing systems. This transformation requires leadership, commitment, and change management.

We encourage, and will facilitate, courts working together across jurisdictional lines to implement common, standards-based approaches that will spur innovation and investment in solutions that not only modernize court technology systems but also increase efficiency and improve the ability of all litigants to understand and meaningfully participate in court. Indeed, working together is critical to scalable implementation.

Recommendations center on **four important, interlocking categories of change**. If your court has already advanced in one or more of these areas, don't stop reading, but instead continue to sections where improvements can be made. If you are not sure where to start, use the [Court Modernization Diagnostic Tool](#) to help you decide which areas to prioritize.

## ■ Filing Technology Infrastructure

Establish a data-driven and accessible infrastructure through clearly defined connections between filing system components and widely-adopted national standards.

## ■ Filing Partner Ecosystem

Open a marketplace of electronic filing service providers to facilitate a wide range of user-facing tools that align with your court's mission and goals.

## ■ Technology Governance

Define governance for sustainable vendor relationships and adopt procurement best practices that encourage open marketplaces and avoid vendor lock-in.

## ■ Forms & Filing Processes

Promote easy-to-find-and-use, plain-language document assembly tools with standard form fields, and reduce procedural barriers to enable seamless efilg.



JUDGES



COURT  
ADMINISTRATORS



IT  
PROFESSIONALS

**To help make recommendations in this Toolkit more concrete, we specify throughout which are primarily in the purview of judges, court administrators, or IT professionals. This may vary by state and jurisdiction. Most importantly, keep in mind that not all technical and logistical challenges should be solved exclusively by IT professionals, and not all process and rule hurdles will fall exclusively within the purview of judges and court administrators.**

# Why Courts Need to Modernize Filing

**The technology tools and systems that many state courts use to receive and manage information lags far behind those used throughout the public and private sectors.**<sup>1</sup> Tax filings, public benefits applications, mortgage applications, and filings in other domains routinely utilize tools that are more effective, less time-intensive, and less costly than current court filing tools.<sup>2</sup> In these areas, users can easily access simple, low-cost, plain-language tools to collect required information, generate needed forms or templates, and transfer required data to the agencies or organizations that process that information. Workers can quickly receive information and more efficiently process data, thereby saving time and money.

Outdated and ineffective technology poses particular problems in the millions of court cases filed each year involving self-represented litigants. The National Center for State Courts reports that at least one party is self-represented in *three-quarters of all civil cases filed in state court*.<sup>3</sup> Due, in part, to the high costs of legal assistance and limited supply of legal aid and pro bono services, some unrepresented litigants give up early in the process; they are often unable to find information they need, intimidated by court form complexity and legalese, or deterred by barriers like physical filing and notarization requirements or cumbersome efilings systems. Other court users complete forms incorrectly, leading to rejection by often-overburdened clerks. Even when litigants properly follow form and filing procedures, the judge may receive legally irrelevant or substantively incomplete information, causing delays that may seriously impact litigants' lives and create more work for all involved.

Part of the explanation for the current filing technology landscape is the decentralized nature of our civil courts: Forms and filing requirements vary from state to state and sometimes from county to county or courtroom to courtroom. **While decentralization can promote local control and customization to local needs, those benefits are often outweighed by substantial costs.** Currently, there is little incentive for decentralized courts to eliminate irrelevant differences between them that increase costs and inhibit modernization. The resulting checkerboard of different filing systems makes it difficult for technology providers to achieve the scale necessary to invest in robust, user-friendly tools.

**This Toolkit helps point the way to sensible coordination, with benefits for all.**

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<sup>1</sup> This document is primarily concerned with civil court filings; however, many courts use the same filing system for civil and criminal cases. The recommendations within may accordingly benefit both case types.

<sup>2</sup> See, e.g., Comm'n on the Future of Legal Servs., Am. Bar Ass'n, A Report on the Future of Legal Services in the United States 18, 27 (2016), [https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport\\_FNL\\_WEB.pdf](https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf) (discussing cost reduction from document automation and document review tools); Jaqueline Kauff, Emily Sama-Miller & Elizabeth Makowsky, Mathematica Pol'y Rev., Promoting Public Benefits Access Through Web-Based Tools and Outreach: A National Scan of Efforts (2011), [https://aspe.hhs.gov/sites/default/files/migrated\\_legacy\\_files/113586/BAS2011Vol1.pdf](https://aspe.hhs.gov/sites/default/files/migrated_legacy_files/113586/BAS2011Vol1.pdf) (documenting the extensive proliferation of web tools for applying for public benefits, even back in 2011).

<sup>3</sup> Paula Hannaford-Agor, Scott Graves & Shelley Spacek Miller, Nat'l Ctr. for State Cts., The Landscape of Civil Litigation in State Courts, at iv (2015), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0020/13376/civiljusticereport-2015.pdf](https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf).

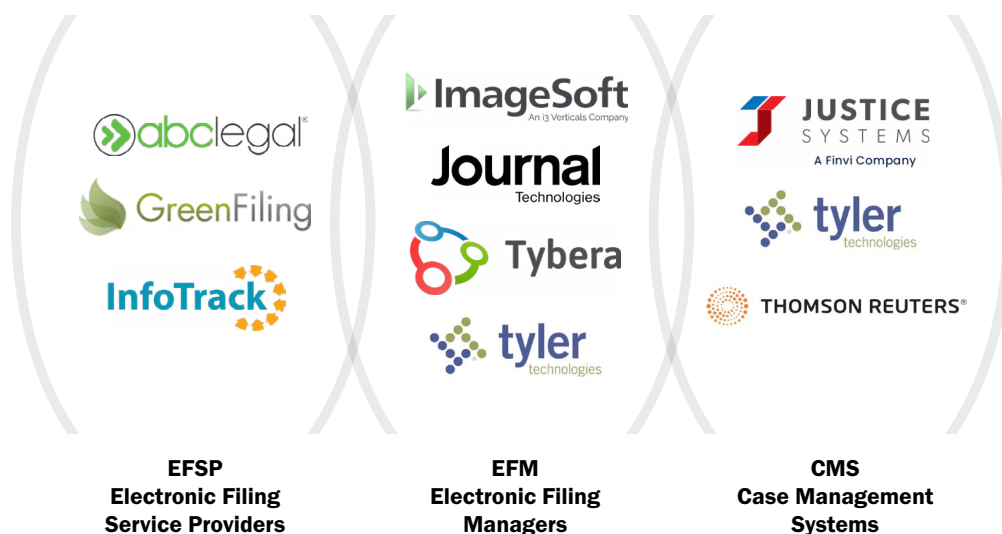
# The Court Filing Landscape Today

Today, e filing systems exist in all 50 states and the District of Columbia; however, the extent to which e filing has been deployed varies greatly by state.<sup>4</sup> About half have statewide implementations, while the rest limit e filing to specific courts or geographic areas, even as they may be working to roll out statewide systems. State courts also vary widely in their technology system infrastructures, e filing vendors they use (if any), the e filing policies they adopt, and how accessible their tools are for both attorneys and the public. Some courts limit e filing to certain case types and court users, often denying or limiting self-represented litigants' ability to e file. Many e filing systems also lack connection to document assembly tools that can radically simplify the collection of data and information needed by courts.

Most state courts partner with one or more third-party vendors for their electronic filing manager (EFM) component, which is the backbone of the e filing system. EFMs accept and route filings to a court's case management system (CMS). Court users do not interact with either of those systems, but instead they interface with an electronic filing service provider (EFSP) that collects and transfers court documents and data to the EFM. For detailed definitions of these and other court filing terms see [Appendix A: Court Filing Glossary](#).

Often, vendors bundle electronic filing managers and electronic filing service providers together through a single technology solution, but at least nine state courts embrace a multiple-service provider model that allows court users more e filing options and services. In those states, the electronic filing manager vendor allows other third-party vendors to connect with their system.

The following companies are a sampling of common filing system vendors<sup>5</sup>:



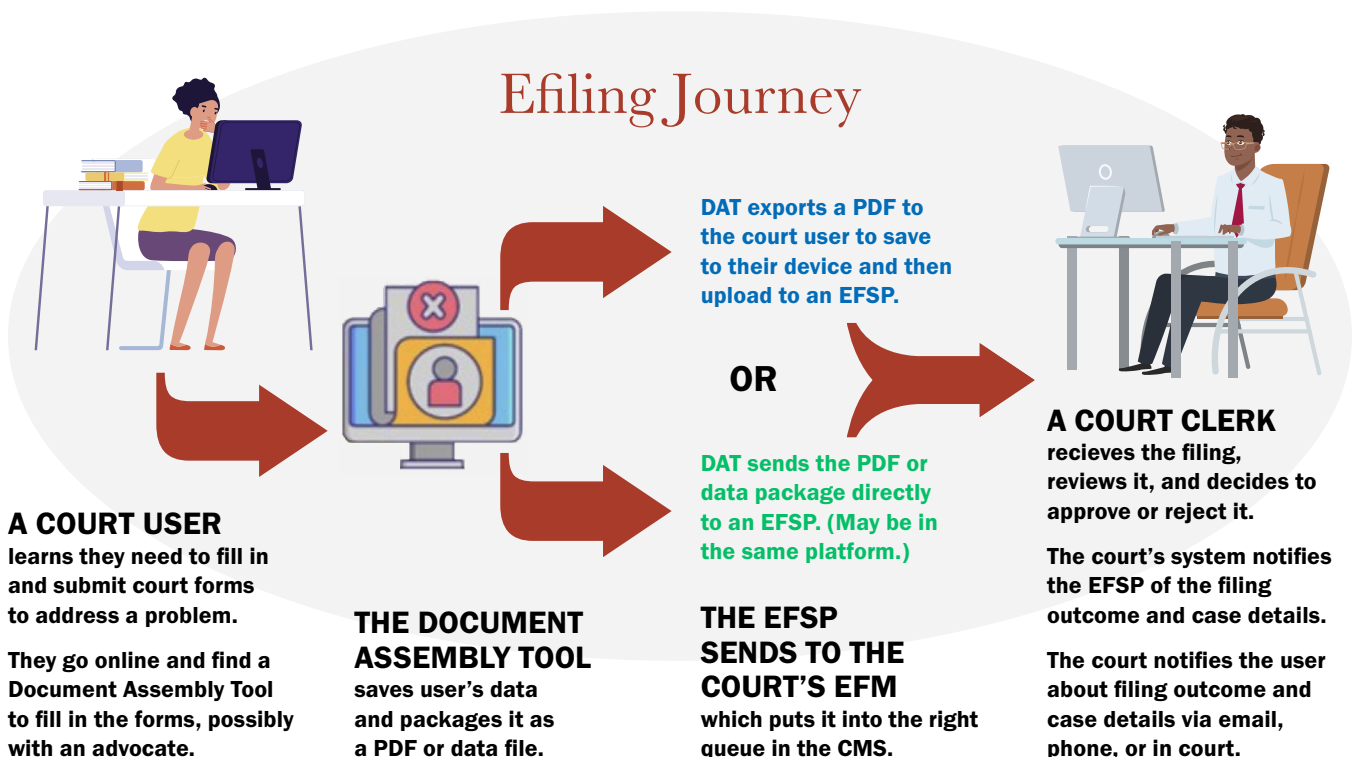
<sup>4</sup> Nat'l Ctr. for State Cts., *supra* note 6, at 9-11.

<sup>5</sup> The Filing Fairness Project does not endorse any vendors or products. We have shared different vendors utilized by state courts to demonstrate the variety of available options.

Several state courts—including those in Colorado, Connecticut, Hawaii, and Kentucky—have built custom efilings systems. These solutions usually have an electronic filing interface for court users that has been built alongside an internal electronic filing manager (and perhaps a custom case management system). Most states, however, don't operate this way, and **the decision to build or buy an efilings system is complicated and state-specific.**

Using third-party vendors is not necessarily better or worse than building a custom filing system, but scaling home-grown systems for wider use is generally not feasible. Vendors can be a great source of expertise and product innovation, and they can eliminate the internal expense of maintaining custom systems. They can also lead to vendor lock-in, which occurs when the cost of switching to a different vendor is so high that you are essentially forced to continue using your current vendor regardless of quality. **Both custom systems and vendor lock-in can result in a patchwork of incompatible state systems that makes it hard for other vendors (including those that may serve specific case or user types) to develop solutions that can be used across states and jurisdictions.** For this reason, we provide some guidance on procurement policies that can maximize flexibility and choice, minimize costs, and allow for greater innovation and better cross-jurisdictional coordination.

Ideally, efilings systems should reduce barriers to filing and make the process of preparing and filing court forms and documents easier and more efficient for both court staff and court users. Depending on how a court's efilings system operates, users may take different pathways to prepare and file court forms. **A seamless journey from document preparation to electronic filing, all seemingly within one platform, is more desirable and user-friendly than a process that requires users to navigate multiple disparate technology platforms.**



# A Path to Practical, Impactful Filing Modernization

**The challenges courts face can be substantially improved using existing technology.** The underlying technology driving modernization in other sectors is already tried and tested such that no “invention” is needed to significantly improve court filing operations. In particular, simplified efilng user interfaces and readily available document assembly tools that offer plain language questions to complete forms will give courts the information they need in the form they want. Robust relationships between courts and an ecosystem of technology partners linked by common standards can open the door for innovative solutions.

**When modern form preparation and efilng tools are available, clerks, court administrators, lawyers, and the public all benefit.** The entire court ecosystem gains from modernization. Clerks won’t need to manually copy data from physical forms into their court’s case management system when all litigants can efile. They won’t need to reject as many incomplete filings when the proper information is entered through a certified document assembly tool that ensures complete and accurate forms. Court administrators won’t need to coordinate time-and-resource-intensive system integrations when they want to make small changes to their technology infrastructures. Lawyers will save time by using the same efficient document assembly and efilng tools that self-represented litigants can also utilize, particularly for less-familiar practice areas. Understaffed legal aid organizations will be able to leverage these tools to prioritize work they are uniquely qualified to do instead of filling out forms for high volume case loads. And judges will receive more relevant and complete legal information.

**These tools should dramatically lower justice barriers and improve experiences of all court users.** Litigants who provide necessary information to courts via plain language document assembly tools, and then file those forms online, are spared [the logistical burdens](#) of determining what forms to prepare, locating those forms, entering duplicative information, and having to physically visit a courthouse.<sup>6</sup> Modern document assembly and efilng tools can generate forms that promote completeness and avoid common procedural pitfalls.<sup>7</sup> These tools can also help litigants understand what information is being requested and their next steps, thereby improving substantive outcomes, perceived fairness, and public trust in courts.<sup>8</sup>

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<sup>6</sup> *How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations*, PEW CHARITABLE TRUSTS (Dec. 1, 2021), <https://www.pewtrusts.org/en/research-and-analysis/reports/2021/12/how-courts-embraced-technology-met-the-pandemic-challenge-and-revolutionized-their-operations>; see also Abhijeet Chavan, Admin. Off. of Ill. Cts., *Improving the E-Filing Experience for Self-Represented Litigants in Illinois 6-7* (2022), <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/76c2460f-ddce-4e8a-9c9e-53535c71d0a4/Improving%20the%20E-Filing%20Experience%20for%20Self-Represented%20Litigants%20in%20Illinois.pdf>.

<sup>7</sup> See generally Chavan, *supra* note 4 (noting the importance of step-by-step guidance given the complexity of the Illinois efilng process).

<sup>8</sup> See Chavan, *supra* note 4, at 26; Nat’l Ctr. for State Cts., *Self-Represented Efilng: Surveying the Accessible Implementations 4, 8* (2022), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0022/76432/SRL-efiling.pdf](https://www.ncsc.org/_data/assets/pdf_file/0022/76432/SRL-efiling.pdf) (noting that “SRL filers often benefit from guided online questions” and that “technology barriers can feed a perception that one’s participation in the courts doesn’t matter”); see also Margaret Hagan, *Community Testing 4 Innovations for Traffic Court Justice*, MEDIUM (Dec. 15, 2017), <https://medium.com/legal-design-and-innovation/community-testing-4-innovations-for-traffic-court-justice-df439cb7bcd9> (discussing user-tested preferences for and belief in automated tools in traffic court).



**Filing modernization projects are immensely valuable and need not be expensive or time-consuming to implement.** Many of the recommendations within this Toolkit have already been deployed in at least one state court. Some have resulted in significant cost savings. For example, one Florida study found that the [efiling of more than 2 million documents a year saved nearly \\$1 million](#).<sup>9</sup> Courts that have already implemented filing modernization projects serve as replicable models for other courts. They may also offer opportunities to partner with experienced experts, including court administrators, judges, and technology providers who can help you understand where your court stands and recommend where it should go.

**These recommendations are not exclusively within the domain of IT professionals.** Quite the opposite: Much of setting up a future-proof, modernized court filing system is about good contracting and organizational design that makes clear the values and services that courts expect from their vendors. These are changes that judges and court administrators can—and should—be involved in making. This Toolkit both proposes specific steps and recommends who should be responsible for implementing them.

## Benefits of Modernization

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### **COURT STAFF & CLERKS**

**Reduction in administrative work, increased flexibility when improving and updating systems**

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### **JUDGES**

**Improved legal filings with more relevant, accurate, and actionable information**

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### **LAWYERS**

**Faster form preparation with less research required, more tailored efilings options**

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### **LEGAL AID ORGANIZATIONS**

**Quicker handling of high volume client matters, more time to serve other clients in need**

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### **THE PUBLIC**

**Increased sense of judicial fairness and public trust and confidence in the courts, fewer rejected forms, more likely to have their day in court**

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<sup>9</sup> Jenni Bergal, *Courts Plunge Into the Digital Age*, PEW CHARITABLE TRUSTS: STATELINE (Dec. 8, 2014, 12:00 AM), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2014/12/8/courts-plunge-into-the-digital-age>; *Calculating an E-Court Return on Investment (ROI)*, Nat'l Ctr. for State Cts (Feb. 16, 2012) <https://courtechbulletin.blogspot.com/2012/02/calculating-e-court-return-on.html>.



# Maturity Models

The Filing Fairness Project team developed Maturity Models for the four categories of change addressed in this Toolkit. Each model illustrates how modernization efforts advance a court’s filing system and user experiences. This chart summarizes the Maturity Models for each category and lays out **moderate, good, better, and advanced stages** of development.

**These models are discussed further in each category of change, with examples of courts across the country that have already achieved higher levels of maturity.** You may notice that your court is further along the scale in some areas than it is in others—but be assured that wide-reaching progress is doable!

CATEGORY	MODERATE	GOOD	BETTER	ADVANCED
<b>Filing Technology Infrastructure</b>	Court offers basic efiling, but no open interface to connect components. <sup>10</sup>	Court provides a standards-based efiling system with a basic open interface.	Court provides a modern standards-based efiling system with an easy-to-use open interface.	Court provides a seamless, connected efiling system with an easy-to-use open interface.
<b>Filing Partner Ecosystem</b>	Efiling system comprises a single vendor or a custom built efiling system.	There are a small number of established vendors in the filing partner ecosystem.	A broader partner ecosystem exists, with some alignment to the court’s access to justice goals.	A diverse ecosystem facilitates access for providers and aligns with the court’s access to justice goals.
<b>Technology Governance</b>	Limited or no efilng vendor certification process.	Basic efilng vendor certification process with integration requirements.	Efiling vendor certification process promotes partner vendors and has low-cost integration requirements.	Robust efilng vendor certification process incorporates future-looking integration requirements.
<b>Forms &amp; Filing Processes</b>	Court offers blank PDF forms with limited guidance; there are efilng barriers and no available support.	Basic document assembly tools exist along with reduced efilng barriers and some in-person support.	Court provides user-friendly document assembly tools, there are minimal efilng barriers, and in-person or virtual support exists.	Court provides easy-to-find and effective document assembly tools with no efilng barriers and robust in-person and virtual support.

<sup>10</sup> Open interfaces for filing system component connections are critically important—they are why we can read our favorite websites regardless of whether we are on a mobile device or a laptop, or using Apple products or Android-based products. An Application Programming Interface or “API” refers to open interfaces, and it will be referenced throughout this Toolkit.

# Court Modernization Diagnostic Tool

Use this diagnostic tool to help determine **where to focus your filing system modernization efforts**. More “YES” answers mean that your court is further along in modernizing that category. Focus more on recommendations in this Toolkit for categories where you’ve answered “NO.”

## FILING TECHNOLOGY INFRASTRUCTURE

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| Does your court offer e filing in all counties and courts?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is e filing available for all civil case types?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are all litigants allowed and able to use the e filing system?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court use the Electronic Court Filing Standard (ECF 5 or at least ECF 4) to allow easy integration of new technology vendors with your e filing system? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your electronic filing manager component have an open interface (an “API”) that clearly defines how third-party service providers can connect to it?         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## FILING PARTNER ECOSYSTEM

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| Does your court offer a diverse set of e filing tools for various user & case types?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court require vendors to demonstrate a commitment to your access to justice goals before admitting them to your partner ecosystem? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## TECHNOLOGY GOVERNANCE

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| Does your court have a defined certification process for vendors to become an e filing technology provider? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is your e filing manager vendor motivated to add new e filing service providers?                            | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## FORMS & FILING PROCESSES

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| Does your court provide a form for most major case types?                        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court offer document assembly tools?                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do guided interviews use plain language and user-tested design elements?         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are document assembly tools easily discoverable by court users?                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are document assembly tools certified to e file court documents?                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court accept electronic signatures, notarization, and payments?        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court have a transparent, standard fee waiver process?                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does your court provide support to court users for forms, filing, and processes? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## Filing Technology Infrastructure: Standards & APIs

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Filing systems may look very different from one state to another: Some more mature systems enable all court users statewide to efile in any case type, while others limit efilings to specific geographic regions, case types, and court user types. Before initiating change, courts should decide up front what services they wish to incorporate in the filing technology infrastructure, including which case types will be included and which users will have access. Notably, vendors make clear that **an end-to-end digital process, from form creation to payment and filing, facilitates investment in better tools.** These decisions should align with your court's access to justice values, mission, and goals. Once those underlying policy decisions are made, then you can address technology infrastructure decisions.

This Toolkit section focuses on two specific actions that courts can take to broadly modernize their filing technology infrastructures and achieve a more open and accessible system: **Provide standard connections between filing system components and adopt existing national electronic filing standards.**

The full landscape of a court's filing technology infrastructure involves several interconnected pieces<sup>11</sup> (see *The Court Filing Landscape Today* and *Appendix A*). Each filing system component, including a Case Management System (CMS), Electronic Filing Manager (EFM), and one or more Electronic Filing Service Providers (EFSPs), can be acquired from an outside vendor or developed in-house. The same vendor may produce multiple system components, but all do not have to be implemented.

Effective electronic court filing systems are a careful game of coordination and integration of all these components. Court technologists and technology providers can engineer custom-built data exchanges between these components to accomplish the necessary integrations, but building these exchanges can take months or years, and maintaining them is difficult and costly when components evolve over time. Custom integrations also discourage new entrants into efilings service provider marketplaces, as new vendors don't want to build and maintain new one-off integrations.

Instead, establishing data exchanges via standards-based Application Programming Interfaces (APIs) throughout your filing infrastructure facilitates reliability and enables your court to more easily extend or replace filing system components as needed. Fortunately, much good work related to standards has already been done by the National Center for State Courts and some vendors in this domain.

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<sup>11</sup> See Joint Tech. Comm., JTC Resource Bulletin: Introduction to the Next-Generation Court Technology Standards Application Component Model (2017), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0034/18979/nextgen-court-component-model-2017-12-08-final.pdf](https://www.ncsc.org/_data/assets/pdf_file/0034/18979/nextgen-court-component-model-2017-12-08-final.pdf) (recommending the Application Component Model that allows courts to choose interlocking applications for various business functions instead of a monolithic system).

## RECOMMENDATION 1: Offer an API for Efiling

Courts can ensure that their filing infrastructure framework is usable by technology partners and decrease risk of vendor lock-in by offering, or requiring vendors to offer, a standard way to connect components of their filing systems. An **Application Programming Interface**, or “API,” provides connection points and instructions that make data exchange between components seamless.

**Courts should not have custom-developed connections between their electronic filing manager and one or more electronic filing service providers.** By requiring vendors to create open APIs, which are publicly available online to other vendors and software developers, courts can ensure standardized data transfer protocols and avoid the high cost of switching infrastructure components. Open APIs also help courts steer clear of difficulties maintaining custom integrations and problems attracting new technology partners.

### What is an API?

Application Programming Interfaces (APIs)<sup>12</sup> are like messengers that allow different software applications or systems to talk to each other and exchange information. They define a set of rules and protocols for how to request and send data or perform specific actions between different programs. Think of APIs as translators that enable seamless communication and cooperation between various digital services and applications. APIs let filing system components talk to each other through a series of standardized definitions that tell one component what information another component needs to perform an action and what information to expect back.

### What can your court do to offer an efilings API?



**Courts should look for vendors that offer APIs and should encourage existing vendors to develop APIs if they do not have them.** A common problem in state courts is



that not all filing system components have an external API that seamlessly connects them. The result can be applications that don’t communicate well with each other, causing ineffective data transfer and poor user experience. By offering API endpoints, which are specific locations within an API that accept requests and send back responses, courts allow system components to easily communicate and exchange data in a structured and standardized way.



**Courts should open a marketplace to electronic filing service providers who want to integrate their products with the court’s electronic filing manager.** Many state



courts with established electronic filing managers already have a standardized API to connect them to various efilings service providers. However, many states have not activated the option that opens up this API to new service providers. Courts may have legitimate concerns about opening up access to their efilings system, but failing to do so—even in a limited fashion with sufficient guardrails—prevents new service providers from operating in their jurisdiction, even when those providers have proven

<sup>12</sup> See MuleSoft Videos, *What Is an API?*, YOUTUBE (June 19, 2015), <https://youtu.be/s7wmiS2mSXY> for a simple explanation of APIs.

themselves in other states or can demonstrate their competency and value to users. (See the [Technology Governance](#) section for a discussion about the need for clear vendor certification protocols.) Limiting access to existing APIs also prevents competition that can improve entrenched vendors and bring in new participants.



**Courts should take an active role in communicating with technology partners when data standards and APIs are updated.** In other industries when APIs and data standards are updated, new technical documentation and public messaging related to the updates are usually provided. That should be the case for courts as well, even though they may not be directly involved in setting the new standards or APIs. Efiling technology vendors have stressed the need for ongoing communication and consistent updates from courts about efilings changes and problems, like changes in requirements to efile, technical updates to the efilings platform, rejection of efilings submissions, and more.

## RECOMMENDATION 2: Adopt Standards-Based APIs for Efilings

Courts that want to offer efilings options to court users and attract technology partners will adopt the latest version of existing electronic filings standards. **Electronic Court Filing**, or “ECF,” is an accepted and well-established standard that was developed over many years with the support of the National Center for State Courts and multiple state courts and efilings solution providers. **The ECF standard provides a common language for communication and describes how to package certain pieces of information.** Standards make the exchange of information between filings system components easier, allow courts to future-proof their infrastructure by using conventions that are tested and less costly to maintain, and allow easier integration of vendors that use the standard. **ECF enables court choice, filer choice, and innovation.**

### What is the ECF standard?

[LegalXML Electronic Court Filing](#) (ECF) is a national standard that allows systems or entities participating in the efilings process to communicate and exchange data with one another.<sup>13</sup> Standards facilitate interoperability between efilings system components. The ECF standard was developed and is maintained by OASIS, a nonprofit and internationally recognized standards development organization. Many courts that use ECF are still using version 4.0 or 4.01, which was approved as a standard in 2013, though version 4.1 was just published in 2023. ECF version 5.0 was approved as a specification in 2019 and ECF 5.01 was approved as a draft in 2022. ECF 5 standards improve upon ECF 4 standards with new features and better interoperability.

The ECF standard was developed based on the [National Information Exchange Model](#), which established a common data standard and set of definitions to aid information exchange between different governmental agencies and private industries.<sup>14</sup> However, ECF is more than just a data

<sup>13</sup> For those more technically inclined, ECF uses XML—a structured language describing computer data—to create and transmit legal documents, serving as a sort of envelope to submit substantive forms into a court’s case management system.

<sup>14</sup> See F Dale Kasperek, Jr., John M. Greacen & Terrie Bousquin, Nat’l Ctr. for State Cts., *Standards for Electronic Filings Processes (Technical and Business Approaches)* (2003), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0022/15367/recommended\\_-\\_process\\_-](https://www.ncsc.org/_data/assets/pdf_file/0022/15367/recommended_-_process_-)

standard that defines data fields (such as *respondentPartyAttorney*) and the type of information that fields store. ECF also defines data exchanges that take place between court technology system components. For example, [it outlines](#) what information a court’s electronic filing manager needs from an electronic filing service provider in order to receive an e filing action, and what information will be sent back when a filing is successful.<sup>15</sup>

The ECF standard and APIs work together within a court’s e filing system. ECF establishes the expected data formatting of the inputs and outputs and some basic data exchange formats. A good API is based on the larger ECF framework and may use the same main interface with extensions for additional functionality, like where to send the information it collects.

### What can your court do to adopt national e filing standards?



**Courts should require their electronic filing manager (EFM) vendors to use ECF 5 standards or at least ECF 4.1.** Courts in the market for a new e filing vendor should favor those using the newest ECF standards. Existing vendors should be encouraged to adopt or make the transition to ECF 5, or at the very least use ECF 4.1. If vendors are unwilling to make this change, then courts should consider alternative vendors.

The ECF standards have been largely adopted by courts and technology providers, although some courts and vendors still use older versions of the standard. Virtually all electronic filing service providers now use some version of ECF 4 or ECF 5, as they want to easily connect with multiple e filing manager systems. Integrating new technology partners with legacy systems that use old standards places burdens on court staff and vendors who must create custom connections between components. This dissuades new partners from working with you at all. Non-standard systems may also require more customization for basic functionality that OASIS has spent decades thinking through in their development of ECF. Existing integrations with these old standards just defer these problems, as courts will eventually need to relink their legacy components with a standards-based approach for new technology vendors.

Lawyers and litigants are also likely to benefit when courts adopt ECF. Vendors that serve court users and that tailor their services to particular niches of litigation are unlikely to enter the market at all if integration costs are too high or the market size is too small. One example is vendors considering serving the needs of self-represented litigants. When courts use ECF, these vendors reduce costs by implementing a well-understood standard designed for ease of integration, and they are more likely to find other jurisdictions that they can serve with the same implementation. Courts using ECF are also more likely to attract existing vendors given ECF’s current adoption rate, with some vendors already serving self-represented litigants.

[standards\\_02\\_26\\_03.pdf](#).

<sup>15</sup> See OASIS, 7 Steps to Electronic Filing with Electronic Court Filing 4.0 5-6, <https://www.oasis-open.org/committees/download.php/31500/ECF%20Quick%20Start%20Guide%20-%20FINAL.pdf>.

## Maturity Model

The **Filing Technology Infrastructure Maturity Model** lays out moderate, good, better, and advanced stages. Consider where your court’s filing technology infrastructure falls on this model and how it compares with other states that are profiled.

MODERATE	GOOD	BETTER	ADVANCED
<p><b>Court offers basic efilings, but no open interface to connect components.</b> Your court has some sort of efilings system, but the components of that infrastructure either do not communicate with each other or rely on custom, non-standard integrations.</p>	<p><b>Court provides a standards-based efilings system with a basic open interface.</b> Your court has a basic efilings system with some sort of standards-based open interface (e.g., an early form of the ECF standard). However, communication between components requires some custom integration.</p>	<p><b>Court provides a modern standards-based efilings system with an easy-to-use open interface.</b> Your court has a modern, standards-based efilings system. Components have well-documented open interfaces with little or no customization required to connect. However, distinct components may still appear to users as separate applications.</p>	<p><b>Court provides a seamless, connected efilings system with an easy-to-use open interface.</b> Your court has a modern efilings system based on the most current standards. Software between components (a virtualized layer) ensures that they work seamlessly together as if they were one system. Components have well-documented, easily accessible open interfaces that require no customization.</p>

### **MODERATE: Basic Efilings with No Open Interface**

Your court has implemented some form of efilings. That might mean that an attorney or litigant manually completes a PDF form or uses a document assembly tool to generate one; that form is then emailed to the court clerk, who manually populates the case management system with the form information. This is currently the case in [some counties](#) in Oklahoma. It could also mean that the litigant or lawyer uploads the document to an electronic filing service provider, which then sends the case information to the court’s systems. But there is no API connecting the disparate components in this system. Instead, communication between components requires customized integration. Connecticut’s custom efilings system, [E-Services](#), is an example, as the components were developed in-house together.

### **GOOD: Standards-Based Efilings with Basic Open Interface**

Your court has an efilings infrastructure with a basic API. PDF forms are not emailed directly to a court clerk but are instead uploaded to the efilings system. Components of your system—whether one or more electronic filing service providers, one or more efilings managers, or your case management system—speak to each other using that basic API. It may be based on an earlier version of ECF, such as the API



used by [Tybera eFlex](#) in Utah; less preferably, it may be a state-specific standard that was developed when your infrastructure was first established. However, the API connection points aren't the easiest to use, and new vendors trying to build user-facing filing tools would require substantial work to integrate.

### **BETTER: Modern Standards-Based Efiling with Easy-to-Use Open Interface**

Your court has an efile infrastructure with an easy-to-use API and uses at least ECF 4 data standards. Documentation makes clear how vendors can access existing components that are used by your court. If an electronic filing service provider wants to enter your state, it would be able to find technical documentation about the API used by your electronic filing manager. The steps to get technically certified by your court are clear. The amount of time needed to integrate with the API is significantly lower than in the “Good” case.

#### **State Highlight: TEXAS**

**The Texas Courts' efile manager uses ECF 5.0 for its API, which can be activated (and has been, by the Texas Courts) to enable open use by electronic filing service providers that wish to enter the efile market-place. Vendors work with the Director of Information Services for the Texas Courts to become a certified electronic filing service provider, which requires passing (and continuing to pass) a series of integration tests. Currently, 22 providers serve a variety of litigant needs in Texas, and they are featured to users on [eFileTexas.gov](#). While this marketplace is partially a result of the technical choices made in Texas, courts must also make policy choices that promote a diverse partner ecosystem. See [Partner Ecosystem for Forms & Filing](#).**

### **ADVANCED: Seamless, Connected Efile**

Your court has software connecting the various filing system components (a software layer that is transparent to the user, sometimes called a “virtualized” layer) to create seamless integration between them and ensure they work together as if they were one system. Electronic filing service providers do not need to know which electronic filing manager they file documents into; instead, they utilize an identical, common API that does the routing for them. In doing so, new vendors spend almost no time integrating with current vendors, and your current vendors do not need to update their integrations when a new vendor is added. This is in contrast to a non-virtual API, which requires distinct custom integrations for each electronic filing manager that an electronic filing service provider files into. No state court is currently at this ideal. Courts that adopt ECF 5 will take a step in this direction, as it has explicit support for efile systems that use multiple electronic filing managers.

## Impacts of APIs and Efiling Standards

- 1. Courts are likely to face lower maintenance costs.** Custom integrations between efilings system components are expensive to maintain when technology inevitably changes over time. Feature additions and bug fixes require wading through complicated technical decisions that demand expertise that many courts lack. Custom integrations also can't be reused and do not benefit from features included in the ECF standard, which has undergone decades of development and iteration.
- 2. Courts are likely to face lower costs to add new, innovative vendors in the future.** When courts use custom integrations between filing system components instead of using common data standards that are open to external vendors, they cannot easily add or switch vendors. Adding a new vendor requires creating a new custom integration and removing an existing vendor that may be tightly connected with the infrastructure. This isn't just about the cost of paying IT professionals—it also means that new technology that would be easier for court users and more efficient for staff to use may not be justifiable given the expense of changing. By using APIs and nationally-recognized data standards, courts enable more straightforward integration of new types of tools.<sup>16</sup> For example, future data standards could tell user-facing systems how to find the status of a pending filing in the court's internal systems, thereby allowing them to show users more detailed information about their cases.<sup>17</sup>
- 3. Lawyers and litigants will likely have access to a wider set of high quality products and services.** When vendors cannot easily integrate because of a lack of standardized systems or cannot integrate at all because a proprietary vendor is closed off, they will choose not to participate in a court's efilings system. Since many state courts already use ECF standards, these vendors may decide to operate just in those states and forgo the burden of adapting to your court. Or, if they are sizing the market to decide whether to develop a tool for a particular legal niche, they might decide that the costs aren't worth the market size they can serve. In either case, lawyers and litigants lose access to technologies that could improve filing generally or for a particular legal issue or user type.

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<sup>16</sup> See OASIS, *supra* note 11, at 2 (“One of the enormous benefits of utilizing the ECF specification is that it does not restrict you to a specific FSP.”).

<sup>17</sup> Cf. Ben Moscovitch, Ashley Ashworth, Matt Reid & Laura Hoffman, *Technology Offers Solutions to Ease Burdens on Clinicians*, PEW CHARITABLE TRUSTS (May 18, 2020), <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/05/18/technology-offers-solutions-to-ease-burdens-on-clinicians> (discussing similar benefits of APIs in the medical technology setting).

## Conclusion

**Thoughtful data standards and protocols are key to the careful game of coordination between filing system components.** Standardization reduces the burden for court administrators and technology providers when technology changes need to be made. The use of standards attracts new technology providers who otherwise may not be able to justify the time and cost of building individual, custom integrations, but who can serve niche markets or self-represented litigants. Implementing ECF 5 or even ECF 4 along with well-documented, open APIs is a clear foundational step to achieve these benefits. Even when courts don't develop their own technologies, they should take an active role in encouraging their technology partners to adopt these standards and protocols.

## Filing Partner Ecosystem: Diverse, Sustainable & Accessible

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A court's e-filing ecosystem should include a diverse group of technology partners, including third-party vendors, some of which may build solutions for multiple court functions. **While managing fewer technology partner relationships can seem attractive from a resource allocation perspective, embracing vendor diversity promotes increased system flexibility, sustainability, and fairness.**

As discussed in the [Filing Technology Infrastructure](#) section, the use of data standards and open interfaces makes integration between a court's electronic filing manager and multiple electronic filing service providers easier than you may imagine.<sup>18</sup> Standards facilitate a diverse, sustainable, and accessible filing ecosystem. On the other hand, relying on systems and vendors with outdated or non-standard approaches limits development of your partner ecosystem.

Even if your court chooses to build a custom e-filing system or use a single vendor for your filing technology infrastructure, there are still benefits to expanding your ecosystem of user-facing electronic filing service providers. These providers are the gateway to your e-filing system and a critical partner to the overall user experience.<sup>19</sup> **By offering a variety of e-filing options tailored for various users, you will better meet the needs of all your court users.**

### **RECOMMENDATION 1:** Select Technology Partners with Diverse Business Models

Courts can choose between vendors with a variety of business models when selecting user-facing electronic filing service providers. A court may deploy one or more tools in their filing environment by (1) purchasing from for-profit companies, (2) partnering with grant-funded nonprofit organizations, (3) building solutions in-house with government-funded employees or contractors, or (4) doing all of the above.

Each of these options has costs and benefits, and **diversifying your partner ecosystem will help minimize the risks of any one option and avoid vendor lock-in problems.** If a particular business model or service provider turns out to be unsustainable, your court will have alternate options already in place. If a particular vendor only provides limited filing types or targets a particular group of litigants, your court will have alternate service providers to fulfill other roles. By taking advantage of opportunities to grow and diversify your electronic filing service provider marketplace, your court can future-proof your filing systems.

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<sup>18</sup> As you read this section regarding different types of service providers, the importance of open interfaces and APIs becomes clear—only with an open interface can you accommodate a diverse range of service providers.

<sup>19</sup> See Jud. Council of Cal., Preliminary Evaluation of the E-Filing Pilot Project in the Superior Court in and for the County of Orange 11 (2014), [www.courts.ca.gov/documents/lr-SC-of-Orange-e-file-pilot-proj.pdf](http://www.courts.ca.gov/documents/lr-SC-of-Orange-e-file-pilot-proj.pdf) (discussing the numerous roles that electronic filing service providers play).

## What are the different types of service providers?

For-profit electronic filing service providers often feature a range of approaches to support their businesses, including revenue generated by charging users flat fees or for premium add-on services. We recommend seeking out for-profit partners with a variety of revenue streams. Common vendors include [ABC Legal](#), [GreenFiling](#), and [InfoTrack](#), among others.

One limitation of for-profit service providers is that they can be expected to direct investment toward their highest profit-generating solutions. This may lead to instances where a no/low-cost efilng solution becomes outdated or inoperable due to underinvestment. On the other hand, their continuous revenue streams may enable development and maintenance of solutions that serve low-income communities. If the market is large enough, for-profit service providers can also target niche areas that would not otherwise be served. In order to hedge the risk of these providers moving too far away from promises of low-cost tools, your court can deploy upfront screening to ensure they are committed to access to justice as a part of their business model. *See [Recommendation 2: Align Vendors with Access to Justice Goals](#).*

Nonprofit electronic filing service providers, such as [Suffolk Law School LIT Lab](#), can also be an important part of a diverse provider ecosystem. They often serve specific communities, such as low-income populations, which lets your court increase access to efilng. However, nonprofits may struggle with ongoing sustainability and product maintenance due to unpredictable revenue and grant-based funding sources. As a result, their solutions that primarily serve low-income communities could become outdated or abandoned. Even so, there are good reasons to include nonprofit service providers in your court's efilng partner ecosystem. Of all the different business models, nonprofits are most likely to be aligned with your court's commitment to increasing access to justice. They may also have existing partnerships with legal services organizations that can help your community outreach efforts. Furthermore, you can minimize the risk of financial instability by co-funding recurring maintenance costs with other state courts and training your IT staff to bring some of the ongoing maintenance in-house.

## How can you structure your filing ecosystem?

There are at least three structures that courts may choose when deciding how to provide court users with a means for electronic filing: a competitive marketplace of multiple electronic filing service providers, a court-selected single service provider, or a court-built system. Whichever structure your court chooses, you will need to ensure your system is flexible and does not become obsolete by deploying or building technology solutions in ways that allow you to easily make changes when you need to.

**Competitive marketplace.** If your court's electronic filing manager offers an API, then a variety of other third-party vendors that provide user-facing electronic filing service provider solutions can easily integrate with and file into that system. This creates a competitive marketplace of efilng service providers, which gives court users a choice of services for efilng. For example, both [InfoTrack](#) (a for-profit company) and [Suffolk LIT Lab](#) (a nonprofit organization) are certified electronic filing service providers for [Tyler Technologies'](#) open-API electronic filing manager, eFile & Serve. Each of

these providers target different audiences and provide other services in addition to efilg. A robust marketplace will offer a variety of options for different user-types and subject matters.

**Single service provider.** If the backbone of your court’s filing system is a third-party vendor’s electronic filing manager that your court bought, then chances are it came with an out-of-the-box electronic filing service provider solution. Some courts choose to offer court users only one option for efilg and use vendors like [ImageSoft](#) (a for-profit company), that offers an externally facing solution for court users together with its TrueFiling electronic filing manager product. This model may reduce the internal resources necessary to manage the efilg system and give courts more control over services offered and fees charged to users. However, it lacks redundancy, so if the system goes down then users don’t have other filing options. Equally concerning, having a single provider also limits user choice. As a result, some users may not be able to easily navigate your efilg system, especially if the interface is designed for attorneys.

**Custom-built efilg system.** Electronic filing systems that are funded and developed in-house, such as [Connecticut’s E-Services](#) and the [Kentucky eCourts](#), are customized to a court’s specific needs, which affords more control over functionality. However, in-house built solutions may also be slower to adopt technical changes, undergo needed maintenance, and add new features due to limited court staffing and budgets. As a result, they could become inferior to others that incorporate the latest technology and data standards. Despite the risk of obsolescence and incompatibility, courts may still want to include in-house developed solutions in their efilg partner ecosystem. Developers of these systems are most likely court employees, so they may be well-versed on court operations and available to provide ongoing maintenance as part of their jobs. Additionally, having an in-house electronic filing service provider may hedge against unexpected vendor price increases and nonprofit funding requests.

### What can your court do to promote a diverse provider ecosystem?



**Courts should offer various efilg options by partnering with multiple electronic filing service providers with diverse business models.** No structure or financial model is perfect,



but there are benefits to allowing multiple efilg service providers into your filing ecosystem, whether you buy or build your efilg infrastructure. For example, different court users may have different filing needs. A law firm that files cases in bulk may need additional services from a provider, such as seamless service of process. A self-represented litigant may want easy-to-use form preparation services that tie seamlessly into efilg.

One-size-fits-all efilg solutions do not serve all court users equally well, and courts should provide filing tools that serve a variety of user needs to ensure that our courts are open and accessible. Even courts with a single service provider or a custom-built efilg system should integrate other user-facing service providers into their ecosystems so they can take advantage of opportunities that enter the marketplace in the future. For example, if a vendor develops a sustainable efilg service provider designed specifically for self-represented litigants, your court will likely want to offer that service to court users.



**Courts should provide clear documentation to reduce barriers that may block electronic filing service providers from entering the market.** As discussed in the



[Filing Technology Infrastructure](#) section, deploying electronic filing system components that use



modern data standards and offer an open Application Programming Interface (API) will likely

increase access to efilings for all court users by promoting entrance of more technology providers.

APIs are even more valuable when paired with good documentation that reduces the burden on vendors who want to connect with your efilings system.

Vendors report spending unnecessary time and money to understand a court's filing system, only to learn that they can't easily connect to it or the cost is prohibitive. By providing more transparency about your systems and technical requirements, your court can make it easier for qualified vendors to offer valuable services your court users want. Documentation should include: (1) a high-level overview of your court's systems; (2) the technical requirements to establish compatibility with APIs, including the format needed; and (3) the certification requirements to become an electronic filing service provider.

## **RECOMMENDATION 2: Align Vendors with Access to Justice Goals**

When adding new electronic filing service providers to your court's partner ecosystem, you have an opportunity to align your new technology partners' systems with your court's access to justice values, mission, and goals.<sup>20</sup> Technology vendors can be united under a common goal like narrowing the access to justice gap in your state. Demonstrating a commitment to these values and goals can and should be a core part of any provider certification process. Every new and existing vendor should be tasked with supporting your court's goals of fair and equitable access to justice, though the requirements may vary by type of service provider and the intended audience for their products and services.

Vendors can further your court's goals to improve access to the courts and your state's broader access to justice goals in many ways. For example, for-profit electronic filing service providers that do not charge efilings fees for verified low-income litigants would align with the mission of narrowing the access to justice gap in a very direct way.

### **What can your court do to promote accessible efilings?**



**Key court stakeholders should produce an alignment checklist that reflects your state's access to justice goals.** For instance, you may ask vendors to commit to ongoing customer



support for court users, transparency regarding data collection practices and total costs for users,

and no efilings fees for low-income filers. You may also require vendors to conduct usability testing of efilings interfaces with both court personnel and end users before release, and provide a way for users

to report issues and give feedback on their experience using the system. Language and disability access standards should be included as well. These are just some of the requirements that your court may

include in your checklist, depending on your access to justice goals and priorities. See [Appendix B: Sample Checklist for Vendor Alignment with Access to Justice Goals](#).

<sup>20</sup> See, e.g. *Washington State Court Rules: Access to Justice*, WASH. CTS. (2020), [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=am&set=ATJ](https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=am&set=ATJ) (documenting the Access to Justice Technology Principles adopted by the Supreme Court to emphasize the role of technology in the court's mission to provide justice).



Your checklist should be developed to align with your court’s access to justice goals and you should require new service providers to satisfy checklist items before agreeing to admit their products to your court’s efilng partner ecosystem. Electronic filing service providers that serve specific populations may have slightly different checklist requirements that reflect the needs of those populations. For example, a product that is designed to serve a specialized group of lawyers may not be required to provide user interfaces in multiple languages.

Courts may work together to develop a more formal certification protocol for vendors. *See [Technology Governance - Recommendation 1](#)*. Additionally, you should ask your existing service providers to demonstrate how their efilng solutions currently satisfy your checklist. If a partner has difficulty meeting your requirements, you should discuss possible options with that vendor, including contract modifications.

## Maturity Model

The **Filing Partner Ecosystem Maturity Model** lays out moderate, good, better, and advanced stages. Consider where your court’s filing partner ecosystem falls on this model and how it compares with other states that are profiled.

MODERATE	GOOD	BETTER	ADVANCED
<p><b>Efilng system comprises a single vendor or a custom built efilng system.</b> Your court’s efilng system is a single vendor’s solution that the court pays for, or it was developed in-house. No other service providers connect to the system. There may be little or no focus on addressing access to justice issues.</p>	<p><b>There are a small number of established vendors in the filing partner ecosystem.</b> There are a small number of established efilng vendors that the court either pays directly for their products or that are developed in-house. The latter may address access to justice issues, but the former mostly do not.</p>	<p><b>A broader partner ecosystem exists, with some alignment to the court’s access to justice goals.</b> Your court increasingly engages with a greater number of efilng vendors, including for-profit companies and nonprofits. Courts begin to require that their vendors narrow the access to justice gap in some way.</p>	<p><b>A diverse ecosystem facilitates access for providers and aligns with the court’s access to justice goals.</b> Your court engages with (and may promote) a broad range of efilng vendors with different business models, which are evaluated against specific criteria that weigh how they narrow the justice gap. Several types of vendors cater to users with different legal issues.</p>

**MODERATE: Single vendor or custom efilng system**

Your court offers users a single path for efilng. That might mean that an attorney or litigant uses an electronic filing service provider offered by a single vendor or a tool developed in-house that is government-funded. In either case, providing basic efilng access of some kind is the primary focus. Little or no focus may have been placed on addressing access to justice issues. The Kentucky Courts built their custom [efilng system](#), which is well liked by lawyers but can only be used by members of the bar association, except in limited small claims cases. Even in those cases, court users are required to take hours of training before they can electronically file.

**GOOD: Small number of established partners**

Your court partners with a small number of established efilng service providers that you either buy or they are government funded and built. The vendors may be more entrenched in the national filing ecosystem and may work with several states already, but they largely do not address access to justice issues. The New York efilng system is custom-built but allows some established vendors that serve law firms and attorneys into its partner ecosystem, like [InfoTrack](#). It also has a [custom-built efilng service provider for unrepresented litigants](#).

**BETTER: Broader ecosystem with some alignment on access to justice goals**

Your court has increased efforts to partner with and allow marketplace entry to a greater number of electronic filing service providers, some of which are nonprofit, government-built, or for-profit companies. Plans may be considered to require new vendors to narrow the access to justice gap in some capacity before you will contract with them and allow them to file into your courts.

**State Highlight: ILLINOIS**

The Illinois Courts' open efilng system creates a platform for [16 different electronic filing service providers](#) that serve a variety of attorney and litigant populations. Their partner ecosystem is featured at [eFileIL](#) and includes 2 court-provided options, [Odyssey eFileIL](#) (designed for attorneys, but used by self-represented litigants, too) and [Odyssey Guide & File](#) (a document assembly and efilng tool for self-represented litigants). The partner ecosystem also includes [Suffolk Lit Lab](#) (a nonprofit), which is a certified Illinois efilng service provider that partners with [Illinois Legal Aid Online](#) to allow court users to [efile limited types of court forms](#) created using the document assembly tool [Docassemble](#). Illinois' diverse efilng partner ecosystem is made possible because Illinois activated their vendor's current ECF standards-based API to encourage other vendors to enter the marketplace. See [Filing Technology Infrastructure](#) for more information on ECF standards and open APIs.

**ADVANCED: Diverse ecosystem aligns with access to justice goals**

Your court is willing to engage with and even publicly promote electronic filing service providers with a broad range of business models. You have a certification protocol in place to assess all vendor partners against specific criteria that weigh how their efilng solutions serve key communities and narrow the

justice gap. Your court's partner ecosystem includes several types of vendors who may cater to different legal issues and court user types. No court is at this ideal stage yet, but several courts that have robust partner ecosystems may want to work together to develop a certification checklist that aligns with their access to justice missions and goals.

## Impacts of a Robust Filing Partner Ecosystem

### **1. Courts minimize the risks of being locked into underperforming or unsustainable vendors.**

Engaging with multiple partners with different business models means there are more options to work with if your initial choices turn out to inadequately serve court users and staff. Court awareness of the advantages and disadvantages of various business models can help you screen out vendors that are unlikely to succeed, avoiding this problem in the first place.

### **2. Lawyers and litigants will likely have access to a wider set of high quality efilng options.**

Encouraging a diversified set of electronic filing service providers increases the chance that different types of litigants get access to a range of helpful tools. This could mean a broader set of tools targeting narrower—but still important—legal issues and court user types. It also may mean vendors are competing with each other and offering higher quality user experiences. Focusing on a commitment to access to justice in the contracting stage increases the likelihood that some new vendors will produce tools for underserved populations, like self-represented litigants.

## Conclusion

**More certified electronic filing service providers will likely yield greater efilng access for court users.** A diverse ecosystem of service provider types—for-profit, nonprofit, and government-funded—will minimize the potential limitations of any one business model and improve sustainable and fair efilng access. Specific partnership criteria will help ensure that this range of diverse partners is at least partially addressing the access to justice crisis and is aligned with your court's goals. Your court may need to allocate additional resources toward managing a diverse partner ecosystem; however, this short-term cost can make your court a long-term leader in narrowing the access to justice gap.

**We recommend every state court consider a fair and diversified partner ecosystem as a non-discretionary investment.**

## Technology Governance: Transparent & Sustainable

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Throughout this Toolkit we note that a large part of filing system modernization involves governance and contracting processes, rather than technological innovation. A court may need to contract with several vendors to implement and support the various components of its filing system. Your procurement and contracting processes and practices impact your court's existing and future technology system components and affect your court's ability to integrate with other vendors. They also determine how flexible your infrastructure is, who bears integration costs, who provides customer service, and who resolves technology problems (e.g., who fixes bugs, and in what timeframe).

This section of the Toolkit introduces best practices for filing system technology procurement and focuses on two key parts of technology governance. Court administrators and technologists who are experienced technology buyers may find this section fundamental, but they are encouraged to read on for specific recommendations. Others who are not responsible for procurement or who have less experience purchasing technology, like judges, can gain insights in this section about contracting for filing system components.

First, we recommend developing a **formalized certification process** to use when considering technology providers. The proposed certification would occur during vendor procurement and utilize detailed checklists to ensure the quality of tools offered, address sustainability issues, and focus on user concerns, like usability and data handling. A transparent certification process also ensures that technology providers have clear notice about and understand what they must focus on in order to become a viable court partner. This certification process would evaluate a vendor's products, services, and business practices and should not be confused with subsequent technical certifications that electronic filing service providers must obtain to connect to your electronic filing manager.<sup>21</sup>

Second, this section offers suggestions for **incorporating specific contract terms governing responsibility for integration costs into new and existing contracts with vendors**. These terms emphasize the importance of both flexibility and maintainability for new tools and your existing filing infrastructure. There are, of course, many other preferred contractual positions and provisions that courts should be cognizant of when negotiating with technology vendors, including those involving bug resolution and data handling, among others. Those terms and more are discussed in detail in other recommended reports and resources<sup>22</sup> that focus on helping courts identify contracting issues and negotiate better digital service contracts.

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<sup>21</sup> See, e.g., *Electronic Filing*, TEXAS JUDICIAL BRANCH, <https://www.txcourts.gov/jcit/electronic-filing/> (outlining Texas courts' certification process for technology providers). Texas includes a pre-certification checklist for electronic filing service providers. See Texas Judicial Branch, EFSP Pre-Certification Checklist, <https://www.txcourts.gov/media/166701/EFSP-PreCertificationChecklist.pdf>.

<sup>22</sup> See, e.g., Nat'l Ctr. for State Cts., *Contracting Digital Services for Courts* (2022), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0029/76754/Contracting-Digital-Services.pdf](https://www.ncsc.org/_data/assets/pdf_file/0029/76754/Contracting-Digital-Services.pdf); Nat'l Ctr. for State Cts., *Tiny Chat 56: Procurement*, VIMEO (June 28, 2021, 6:53 AM EST), <https://vimeo.com/showcase/8536177/video/568389850>.

We mention these useful reports and resources here in passing, and we suggest that courts follow the best practices in those reports and resources. Court administrators and technologists are also encouraged to review other courts' standard contract terms and efilings technology contracts. For example, the [Master Services Agreement](#) between the Texas Courts and Tyler Technologies thoroughly covers what a court should consider in a contract. The California Judicial Council's [Master Agreement](#) with Journal Technologies is also a good model.

## RECOMMENDATION 1: Establish a Vendor Certification Process

Vendor procurement and contracting can have a very long-lasting impact on your court's technology infrastructure. Therefore, a well-established, rigorous vendor certification process is particularly important. This is especially necessary when contracting for an electronic filing manager, the internal backbone of the efilings system. That vendor's willingness and ability to connect with other service providers will dictate whether your court can seamlessly integrate with other efilings system components and offer a marketplace of efilings options for court users.

This Toolkit does not propose a specific certification process, but it suggests that courts consider their business requirements, technical policies, and IT department staffing capabilities when creating certification processes and checklists for the various filing system components you will purchase. It is especially important to have a certification process for user-facing components to ensure that those products and services are easy to find and use. A checklist like the one in [Appendix B](#) can be one part of a certification process to ensure alignment with your court's access to justice mission and goals.



### **Courts should work together across jurisdictions to develop standard certification processes for efilings vendors.**

By working together, courts can begin to standardize processes for engaging vendors, which will result in more transparent and smoother procurement and contracting cycles. Courts that have been through successful vendor contracting processes can contribute examples of favorable contract clauses, red flags and sleeper provisions to watch out for, and negotiation tips. Certification checklists should include specific standards, measurements, and tests that vendors have to demonstrate or pass in order to be certified by your court. A good certification process will ensure compliance in several realms, including in three key areas:

- **Courts should confirm that a vendor's product or tool is interoperable with other filing system components and is developed using current technology, technical and data standards, and software development methods.**<sup>23</sup> User interfaces should be highly intuitive and tested by intended users to ensure they can easily use the product or tool. Ideally, vendors should provide easy connection points for other vendors, reducing the costs of future integration for all parties. See [Filing Technology Infrastructure](#) for information about these connection points.

<sup>23</sup> See Jud. Council of Cal., Master Agreement 42-45 (2018) <https://www.courts.ca.gov/documents/lpa-Journal-Technologies-Inc-MA-2017-03.pdf> (contract provisions describing the vendor's software development methodology).

- **Courts should ensure that vendors make adequate commitments to maintain their products and tools over time.** Software bugs in court technology can have profound impacts for users facing potentially life-changing consequences. Vendor contracts should make it clear whose responsibility it is to fix problems and at what cadence.<sup>24</sup> Court technology contracts should clearly delineate responsibilities for regular maintenance, software updates, user requests, and future integrations, and should not place undue burden on the courts.<sup>25</sup>
- **Courts should ensure that vendors address and satisfy access concerns and their products facilitate fairness, promote digital transparency, and increase public trust in courts.**<sup>26</sup> A robust certification process should include specific user-focused criteria, such as whether a prospective vendor properly handles user data and is transparent about fees and processes.<sup>27</sup> This can be partly achieved by ensuring that your court partners with values-aligned vendors (see [Filing Partner Ecosystem: Recommendation 2](#)) and your court and electronic filing manager collaborate to host a marketplace of user-facing tools that other vendors can become certified to join without high burdens and costs.



**Courts should only partner with technology vendors that meet their certification requirements, and they can and should negotiate over conditions that vendors do not initially meet.** One way that courts benefit from certification processes is by gaining insight

into potential vendors' future behavior and incentives, which can illuminate what they will push for in a contract (e.g., less flexibility, exclusivity, etc.). Courts should require that vendors meet their requirements and use certification checklists to negotiate for the best contract positions possible. Courts should also ask existing vendors to demonstrate how their efilings solutions satisfy certification checklists. If a potential or existing vendor has difficulty meeting these requirements, courts should discuss possible options with that vendor, including contract modifications.

## **RECOMMENDATION 2:** Allocate Responsibility for Integration Costs

As previously noted, excellent resources for court technology contracting best practices exist elsewhere and are not replicated in this Toolkit. However, **one area that courts should be especially aware of while contracting with efilings technology vendors is the allocation of responsibility for future integration costs.** This is particularly important when dealing with efilings vendors because several disparate system components, which may be offered by different vendors, must be connected with each other to ensure that your court's efilings system works optimally. Integration costs will be lower for standards-based systems, but there will still be work required by technology professionals to align

<sup>24</sup> See *id.* at 68 (contract provision for error fixes); Nat'l Ctr. for State Cts., *supra* note 19, at 4, 6 (discussing software bugs in Alameda County and the Department of Corrections that went unaddressed because of bad contracting practices).

<sup>25</sup> *Id.* at 6.

<sup>26</sup> See generally Nat'l Ctr. for State Cts., Guiding Principles for Post-Pandemic Court Technology (2020), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0014/42332/Guiding-Principles-for-Court-Technology.pdf](https://www.ncsc.org/_data/assets/pdf_file/0014/42332/Guiding-Principles-for-Court-Technology.pdf) (advocating for similar principles when adopting technology).

<sup>27</sup> One example of this would be clear data handling conditions. See *id.* at 10.



new and existing components. Who pays for those integration costs should be negotiated and clearly addressed in your contracts.



**Contracts between courts and efilng vendors should clearly establish who is responsible for current and future integration costs.** As your court’s filing system



infrastructure grows and evolves and as new and innovative products emerge, new vendors will enter your filing partner ecosystem. It’s important to ensure that your infrastructure is able to adapt to new system components in the future without offloading all of the associated costs onto your court. The details of who is responsible for technology system integration costs should be incorporated into all third-party vendor contracts. Courts should also include this item in their vendor certification checklists to ensure that it is discussed and negotiated in the contracting phase.

Typically, efilng technology contracts assign responsibility for future integration costs to either the court or the vendor. Courts should understand which party is responsible for these costs and should determine their capacity to foot the bill in the future before accepting responsibility. They may negotiate this provision so they are not left on the hook as the sole resource for future integration costs. A good contract should also make clear what the vendor’s responsibilities are when new systems want to plug into their technology.

## Maturity Model

The **Technology Governance Maturity Model** lays out moderate, good, better, and advanced stages. Consider where your court’s technology governance processes fall on this model and how it compares with other states that are profiled.

MODERATE	GOOD	BETTER	BEST
<p><b>Limited or no efilng vendor certification process.</b></p> <p>Courts are open to third-party vendors, but there is no clear process for determining when a court will informally or formally partner with a vendor. It is not clear who is responsible for vendor integrations.</p>	<p><b>Basic efilng vendor certification process with integration requirements.</b></p> <p>Courts adopt and apply a clear checklist that third-party vendors must satisfy before contracting. Checklist requires vendors to integrate as needed with other court systems.</p>	<p><b>Efilng vendor certification process promotes partner vendors and has low-cost integration requirements.</b></p> <p>Partners that satisfy the third-party certification process are promoted or endorsed in some way. Certification process requires partners to provide a low-cost integration method (e.g., an API and some custom development).</p>	<p><b>Robust efilng vendor certification process incorporates future-looking integration requirements.</b></p> <p>Courts continuously monitor certified and promoted partners to ensure continued compliance. Vendor contracts incorporate integration costs with future court partners. Change management processes ensure compliance with standards updates.</p>



**MODERATE: Limited or no vendor certification process**

Your court may be open to working with third-party technology vendors, but there is no clear, standardized process by which you select, negotiate, contract, and partner with these vendors. You do not have clear terms that you pursue during contracting, and you may only be familiar with one vendor. There is no clear process for what to do when you wish to add a new vendor to your court filing system. It is not clear how much—if at all—your efilng vendor is responsible for maintenance of your existing infrastructure and integrations with new user-facing efilng tools.

**GOOD: Basic vendor certification with integration requirements**

Your court has a clearly articulated process that you adhere to when negotiating and contracting with new efilng technology vendors. One of the considerations in that process is that vendors should be willing to integrate with other court systems as needed, although the exact boundaries of the vendor's responsibility for future integrations are somewhat uncertain.

**BETTER: Promoted vendor certification with low-cost integration**

Your court has a clear certification process for negotiating and contracting with new vendors. You use a similarly clear process to endorse and promote new vendors that wish to integrate or have integrated with your court infrastructure. You look for partners that are able to ensure that future integration is low-cost and easy for new vendors, such as by providing open APIs.

**State Highlight: MARYLAND**

The Maryland Courts currently promote [11 electronic filing service providers](#) from which court users can choose to efile. Before vendors can be added to the marketplace, they must complete both a technical and an administrative [certification process](#). The technical certification is conducted by the electronic filing manager vendor. The administrative certification is through the Administrative Office of the Courts and includes approval of all required procurement and contracting documents. This is then followed by interactive business case testing (to make sure the technical capabilities are being used to meet the court's business case scenarios). APIs are used to connect the efilng manager with the [11 efilng service providers](#), which allow for easy, low-cost integration and maintenance.

**ADVANCED: Robust vendor certification with future-looking integration**

In addition to having a clear certification process for new vendors, your court also has a continuous monitoring process to confirm existing partners meet and ration costs, ensuring that your court is not required to take these on in their entirety when it comes time to add or expand vendors. Monitoring also ensures that vendors maintain the same standards of usability, maintenance, transparency, and extensibility that they originally promised. A change management process sets expectations and requirements for compliance with the evolution in technology standards. For example, it should be clearly stated that vendors will comply with updates to ECF and cybersecurity requirements within a specific timeframe or upon notice of specified period of time. The notice timespan may vary based on criticality. Your contracts and partnerships set clear bounds about future integration costs and change management processes.

## Impacts of Good Technology Governance

- 1. Courts are more likely to have high quality, transparent, and sustainable filing systems.** Clear assignment of responsibility for the cost of maintenance, upgrades, and new integrations ensures that your court's technology infrastructure will be sustainable in the future without placing the burden of those costs exclusively on the court. Front-loading discussions about these issues at the procurement and contracting stage ensures courts won't be surprised by these problems and costs in the future. It also allows courts to set their own terms and potentially reduce future integration costs, e.g., by initially requiring a vendor to offer APIs to easily connect system components.
- 2. Court users have more options and encounter fewer problems with efile systems.** All court users suffer when courts are locked into contracts that don't easily facilitate filing system expansion and when vendors take too long—or fail entirely—to respond to problems with their products and tools. Good governance mitigates these problems at the beginning of the procurement and contracting process, before they become larger issues.

## Conclusion

**It is important to define each party's roles and responsibilities at the beginning of your engagement with a new vendor, using effective and careful contracting and governance processes.** Effective integration of system components is central to a well-performing efile system, and as such courts must determine up front who is responsible for costs related to system integration. Formal vendor certification will help ensure good contracts and more transparent vendor relationships. By working together across jurisdictions, courts can begin to standardize procurement and contracting practices, which will streamline and improve those processes across the country.

## Forms & Filing Processes: Understandable, Accessible & Digital

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Forms are often the first step in a court user’s interactions with a court, whether they are preparing forms to start a new case or they have been served with documents to notify them they are being sued. Your court’s electronic filing manager is the behind-the-scenes backbone of your filing technology infrastructure, but it’s not what people use when completing and filing court documents. Lawyers and litigants see the court forms they have to fill out and an electronic filing interface they must navigate in order to prepare and submit those forms to the court. **How these forms and filing components operate and interact with each other—and what they look like—plays a crucial role in how likely a court user is to complete their filing, feel they were treated fairly, and get substantive outcomes they deserve.**

Forms typically organize information to meet a court’s needs for internal management—they are often not designed for efficiency and simplicity for court users. Court document preparation is a needlessly complex and time-consuming process that is often marked by painful errors and failures for those without a lawyer, particularly for people with limited English proficiency. **For the millions of self-represented court users in the United States, having access to understandable and usable court forms and filing processes often determines whether they can complete a court filing or they abandon it entirely.**<sup>28</sup>

Given current technology, there is no reason that efficiency and simplicity need to take a back seat. Efficient forms and filing processes reduce the amount of time and money that courts must invest in their filing systems and procedures. **If litigants can’t easily prepare and file their forms and court documents, then court clerks will receive inaccurate and incomplete filings, which may lead to multiple interactions with those litigants or multiple filings to process.**<sup>29</sup> This overburdens clerks and frustrates litigants, and it is a waste of time and money for both. Even when forms are prepared and filed correctly, other administrative barriers to quick, efficient e-filing—such as a wet signature or notarization requirement—require extra time and steps for court users and clerks. Judges shoulder these extra costs too, as they must spend time wading through court filings that may be rife with inaccuracies and irrelevancies.<sup>30</sup>

**Fortunately, tools exist that make it easy for litigants to step through simple online guided interviews that solicit relevant information and automatically generate the appropriate legal forms.** A variety of excellent document assembly tools are already deployed in many states across

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<sup>28</sup> See Chavan, *supra* note 4, at 17.

<sup>29</sup> See Tatiana Grieshofer, Court Forms as Part of Online Courts: Elicitation and Communication in the Early Stages of Legal Proceedings, 36 Int’l J. of Semiotic L. 1843, 1846 (2023) (discussing results that found that a digitized form was only returned up to 1% of the time due to user error as compared to 40% of the time with a paper form).

<sup>30</sup> See *id.* (noting that forms filled out without tailored guidance “may contain irrelevant details, emotional accounts or unsupported claims, which makes it difficult for the judiciary to discern legally coherent arguments”).

the country and cover legal matters from debt collection to asylum.<sup>31</sup> The vendors of these tools have learned how to create accessible user experiences and promote their tools so they are discoverable by litigants. Some document assembly tools are also certified electronic filing service providers, meaning that the forms and documents generated by these systems can be seamlessly efiled into a court's electronic filing manager.

The recommendations in this section focus on courts' adoption of modern document assembly tools and integration of those tools with efileing systems. They also emphasize the importance of removing administrative barriers to filing and providing accessible customer support for court users that need assistance with forms and efileing.

## RECOMMENDATION 1: Plain-Language Document Assembly Tools

Document assembly tools are websites or online tools—usually provided by a third-party technology provider or a nonprofit organization—that guide litigants through a series of questions and map their answers to the fields on a particular legal form. The litigant's inputs are used to automatically generate a court form or document that is ready to file. These systems collect the data to be presented to the court, structure it to meet court rules and requirements, and produce completed documents, typically in PDF format.<sup>32</sup>

There are many existing companies that provide document assembly tools for everything from divorce to small claims cases. Some of these consumer-facing tools offer a menu of add-on services for additional fees, like lawyer consultations or trial preparation guidance. Typically, private law firms or for-profit companies develop and host these issue-specific tools and services, which may be available for use in many or all U.S. states.

Other software tools allow courts, lawyers, and legal aid organizations to create their own guided interviews and document assembly tools that they can use in their practice and provide to court users. These tools include A2J Author, Docassemble, Suffolk Law School LIT Lab's Document Assembly Line, and LawHelp Interactive, among others. Some state courts, such as Michigan, have closely partnered with a local legal aid organization that uses document assembly tools to develop a wide range of guided interviews specifically for low-income and self-represented court users. Partnerships between courts and nonprofit document assembly developers can be beneficial to both partners because their values and missions closely align, but sustainability and the ability to scale can be a problem for nonprofit partners. See [Recommendation 1 - Partner Ecosystem for Efileing](#).

Recent advances in artificial intelligence (AI) provide more opportunities for the development of useful document assembly tools that better assist both developers and court users. Increasingly powerful AI

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<sup>31</sup> [SoloSuit](#) and [Formally](#), for example, are two guided interview tools that allow litigants to prepare and file court forms for some debt collection and asylum matters, respectively.

<sup>32</sup> See Legal Services Corp., Principles and Best Practices For Access Friendly Court Electronic Filing 23-26 (2013), <https://www.srln.org/system/files/attachments/LSC%20Best%20Practices%20in%20E-Filing.pdf>

platforms like Bard, Bing, and ChatGPT are good at creative endeavors like writing, so they may be especially helpful in preparing narrative portions of forms based on the specific input of a user's story or identifying gaps in narrative information and asking appropriate followup questions. We may find in the future that court users can more easily find and fill out court forms using AI platforms instead of document assembly tools. AI may also rapidly accelerate the development of document assembly tools, which may reduce the amount of staffing and capital required to stand up user-facing tools.

### How can your court advance plain-language document assembly tools?



**Courts should bring document assembly tools into their filing system.** Investing in and integrating document assembly tools into your court's filing system is essential to make it easier for court users to complete their court forms. Courts will increase accurate form-completion rates by facilitating the development of more user-friendly tools that collect appropriate information to prepare forms. Partnerships with document assembly tool providers will also enable development of a variety of tools that cover a wide range of subject matters. Several recommendations in this Toolkit discuss how to make these relationships possible. See [Filing Technology Infrastructure: Offer an API for Efiling](#) and [Partner Ecosystem: Encourage Diversified Business Models](#).

Some courts may develop document assembly tools in-house, with court staff serving as guided interview developers. This practice can be effective, but keep in mind that it will be difficult—and maybe impossible—to maintain the same breadth or depth of tools as if you engage outside vendors. Courts should not develop local document assembly tools, but collaborate to develop statewide tools. Nonprofit legal aid organizations can also produce guided interviews for your court, but diversifying partners to also include those with other business models will help avoid the same sustainability and maintenance challenges that make in-house production challenging.



**Courts should coordinate with other jurisdictions to standardize form fields and forms, which will help enable development of high quality document assembly tools.** The power of well-designed document assembly tools multiplies when jurisdictions collaborate to standardize form fields and forms across counties and states. Tool developers have added incentives to build user-friendly form completion tools when they are used more widely than a single county or state. Court users will find it easier to complete court forms if those forms or form fields are the same everywhere, whether a neighboring county or state. Common data fields<sup>33</sup> that are used across jurisdictions—at least within a state and ideally across states—can also help achieve efile system standardization and make it more viable for vendors to build interfaces for specific user types, such as self-represented litigants. This type of cross-jurisdictional coordination and collaboration spurs investment by tech vendors, reduces complexity, and benefits both court users and court staff.

<sup>33</sup> The National Open Data Standards (NODS) and National Information Exchange Model (NIEM) are sources of standard data elements and definitions for courts. See <https://www.ncsc.org/consulting-and-research/areas-of-expertise/data/national-open-court-data-standards-nods>



**Courts should follow best practices for developing user-friendly court forms and document assembly tools.** Document assembly tools and even PDF and paper versions of your court forms should be designed for easy use by all court users.<sup>34</sup> The following best practices can be implemented for electronic and paper forms and document assembly tools developed in-house, or as requirements for third-party vendor selection.

- **Use plain language and avoid legalese.** Plain language makes court forms and guided interviews understandable and less overwhelming and intimidating. Legal language may sometimes be necessary, but clear definitions of legal terms<sup>35</sup> should provide a simple, plain language explanation of what is being asked and what the legal implications are.
- **Include clear instructions.** Court forms and document assembly tools should have clear instructions for completing the form or guided interview that are directly accessible, not provided in a separate document. Open-ended questions without guidance should be eliminated, as they invite irrelevant and incomplete information. Clear guidance and connections to support for answering questions must be provided.
- **Create low-burden forms and tools.** Forms and form tools should be developed with user-centered design principles. Poor visual layout and organization, overly long forms, and lack of transparency about how forms are completed and used all overwhelm and intimidate court users and dampen the completion rates of court forms.
- **Optimize the discoverability of forms and document assembly tools.** Court users will not be able to have their day in court if they cannot find the forms they need in the first place. Courts can improve discoverability of their forms and document assembly tools through search engine optimization techniques and by promoting certified vendors on their websites and social media channels.
- **Develop mobile-friendly forms and document assembly tools.** Many court users—especially self-represented litigants—do not have access to a desktop computer and prepare and efile court forms almost exclusively by mobile device. Courts should offer accessible forms tools for those that rely on smartphones to interact with the court.
- **Ensure accessible forms and document assembly tools.** Forms and document assembly tools should be accessible to people with limited English proficiency and disabled court users. Forms and

<sup>34</sup> See, e.g., *Basics of Court Forms*, CAL. CTS. <https://www.courts.ca.gov/selfhelp-forms.htm?rdeLocaleAttr=en>; *Standardized Court Forms*, SRLN, <https://www.srln.org/taxonomy/term/242>.

<sup>35</sup> NCSC has an interactive plain language glossary that includes examples from many state court forms. See *Interactive Plain Language Glossary*, NATL. CTR. FOR STATE CTS., <https://www.ncsc.org/consulting-and-research/areas-of-expertise/access-to-justice/plain-language/glossary>.

document assembly tools should be available in languages that are commonly used in your state. PDF forms and digital interfaces should meet current standards for web accessibility.<sup>36</sup>

To learn more about these and other design factors, see [Appendix C](#), a sample rubric for evaluating the usability of forms and document assembly tools.

## RECOMMENDATION 2: Reduce Procedural Barriers to Efiling

Even when litigants are able to easily complete necessary court forms, additional procedural barriers often prevent easy and accessible efilings of those documents. One problem filers face is that document assembly tools often are not seamlessly integrated into efilings systems. This requires users to save or scan completed forms to a computer or device and then to access a completely different platform to upload them to an efilings service provider. **These additional steps on disparate technology platforms are difficult to navigate and cause unnecessary confusion and frustration for filers.** Courts can solve this problem by offering or requiring vendors to offer an open API so document assembly tools can connect to their efilings system. See [Filing Technology Infrastructure: Offer an API for Efilings](#).

In addition to a lack of filing system component integration, courts often have paper-based filing requirements that have not been updated to reflect new digital filing processes. This results in more confusion, as court users may have to bounce back and forth between digital and in-person steps to file their court documents. In order to promote a fully digital filing process, courts should focus on reducing the following procedural barriers:<sup>37</sup>

- In-person filing requirements
- Physical payments at a courthouse
- Wet signatures<sup>38</sup>
- Physical notarization<sup>39</sup>
- Complicated fee waiver processes

Each of these filing requirements imposes financial and logistical costs on litigants and discourages those with valid claims or defenses from participating in the civil justice system. Clerks and court staff who manage these physical processes are also burdened with extra administrative steps and work.

<sup>36</sup> See Civil Rights Division, Dept. of Just., *Guidance on Web Accessibility and the ADA*, ADA.GOV (Mar. 18, 2022), <https://www.ada.gov/resources/web-guidance/>.

<sup>37</sup> See Nat'l Ctr. for State Cts., *supra* note 22, at 10-15 (advocating for similar procedural improvements as courts adjust post-pandemic).

<sup>38</sup> See Legal Services Corp., *supra* note 32, at 3-7 (describing electronic signature best practices).

<sup>39</sup> Some partners recommend maintaining physical notarization for certain case types.



## How can your court reduce procedural barriers for filers?



**Courts should allow electronic alternatives for signatures, notarization, payments, and filing for all forms and documents.** Court users should be able to satisfy each of these filing requirements without having to physically go to a courthouse. Reducing these physical barriers means lawyers and litigants can meet the requirements to participate in their court cases in less time and at a lower cost. And each of these measures is no longer novel: During the COVID-19 pandemic, [most courts digitized these requirements or eliminated them altogether](#).<sup>40</sup> By doing so, they resoundingly demonstrated that digital alternatives to long-standing physical barriers to efilg can be achieved cheaply and efficiently.

In-person options for these processes do not have to be eliminated altogether. Some court users may prefer or need to file their forms or make a payment at the courthouse, and courts can provide that option. Courts can also deploy guardrails to ensure that digital alternatives work as intended. For example, digital signature standards should be based on the requirements of the federal E-SIGN law or a state electronic signature law. Unfortunately, some states have statutes that require physical signatures for certain documents, even though federal law guarantees the enforceability of electronic signatures.<sup>41</sup> In those states legislative or rules changes will be required before courts can provide a fully digital filing process.



**Courts should standardize and fully digitize the processes for requesting a waiver of filing fees.** The requirements and processes for low-income court users to request a waiver of filing fees often are not standardized and may involve in-person court appearances before efiled forms are accepted. This is a significant barrier, especially for people who cannot easily get to the courthouse, and it causes undue delay that may impact the filing date of the underlying forms and a litigant's ability to obtain timely relief. To add confusion, these processes can vary from county to county within a state or even from courtroom to courtroom, largely because judges have great discretion over the process and the criteria they use to approve or deny fee waivers.<sup>42</sup> It cannot be understated how much of a barrier current fee waiver processes are for court users.<sup>43</sup>

It is a best practice for a court's electronic filing system to accommodate fee waiver requests through its efilg platform, yet less than half of all states do so.<sup>44</sup> Courts should not only allow low-income filers to request a fee waiver via the efilg system, but they should also simplify and digitize the entire process for ruling on these administrative requests. All courts should follow the lead of states that automatically

<sup>40</sup> See *How Courts Embraced Technology*, *supra* note 4.

<sup>41</sup> See Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001.

<sup>42</sup> See Bryce Covert, *Judges Across the Country are Shaking Down Poor People*, THINK PROGRESS (Aug. 24, 2016, 12:01 AM), <https://archive.thinkprogress.org/affidavits-indigency-courts-8b0e82967354/>.

<sup>43</sup> See Legal Services Corp., *supra* note 32, at 10 (describing fee waiver process as a significant barrier to electronic filing).

<sup>44</sup> Nat'l Ctr. for State Cts., *supra* note 6, at 3.

waive filing fees for people who receive public benefits or qualify for legal aid. To streamline and speed up eligibility verification, courts can implement standard data exchanges (like they may already have with law enforcement, the DMV, and other justice partners) with benefits agencies.



**Courts should audit their forms and document assembly tools to identify other procedural burdens that prevent easy and complete efilng.** There may be other in-person or paper-based requirements and procedural barriers that prevent court users from efficiently filing their court forms. One common barrier that can be digitized is requiring paper copies of attachments to court documents at the time of filing. In-person fingerprinting requirements are also a barrier for some litigants. While not every administrative or procedural barrier can be removed (and some may be worth keeping to ensure litigants are providing the substantive information that judges need), courts should examine their forms and form tools with an eye toward removing those procedures that prevent a fully digital filing process.

### RECOMMENDATION 3: Provide Support for Forms and Efilng

Through easy-to-use document assembly tools and the elimination of procedural barriers to efilng, many litigants will be better able to prepare and file their court forms and participate in their cases. However, unsophisticated technology users and people with limited English proficiency may struggle with digital tools, even when those tools are designed to be easy-to-use. **Courts have a responsibility to provide support to these court users so they can use the self-help tools and services that are offered.**

Efilng vendors often provide a customer support resource, like a telephone hotline or an online chat service, for people who have technical problems with their products. But they do not have the capacity to support people who have non-technical problems and questions about court forms and efilng processes. **Unrepresented court users may need additional help because they are intimidated or overwhelmed by technology, have outdated devices, or lack internet connectivity.**

Many court users may be unable to use a digital tool if the interface is not designed for and tested by laypeople, and they may be unable to understand and follow complex instructions, if provided at all. **The solution to these challenges is not to exclude people from digital services but instead to support them.** Courts absolutely should adopt electronic forms and filing tools that can be used by all court users. They must also understand that not everyone will be able to use them without some human assistance.

## How can your court support court users for forms and efilng?



**Courts should provide both in-person and virtual customer support for forms and efilng.** Even when digital tools are designed with user-friendly interfaces, there will still be

people who are not able to use them without help. Fortunately, many court user support models exist in jurisdictions across the country. For example, California courthouses in every county have self-help centers<sup>45</sup> staffed by lawyers, paralegals, and, in some counties, [JusticeCorps](#) members. These centers help unrepresented court users complete and file court forms, often using document assembly tools in one-on-one meetings or workshops.

In many states, staffed self-help centers located in courthouses, law libraries, and public libraries provide in-person help to complete paper and digital forms and efile them. In Illinois, an entirely remote customer-support service, [Illinois Court Help](#), allows court users to call, text, or email with a trained court guide to obtain help navigating the court system. Guides assist court users with completing forms and walk them through efilng processes. Those who need or want in-person assistance can get help at some courthouses via [JusticeCorps](#) and at [self-help centers](#) in public libraries in nearly every county.

Some court users do not have access to necessary technology to prepare and efile forms. Some courts have addressed this issue by providing public access to technology via courthouse kiosks, computer workstations at self-help centers, and efilng service centers equipped with scanners and computers. Recently the Indiana Court partnered with justice stakeholders to launch a statewide network of 150 kiosks designed to help people facing eviction find the information and forms they need.

Court support systems should also include technology-enabled assistance that helps people determine what they need and guide them to resources and answers. With the emergence of AI, intelligent chatbots like [Rentervention](#) can help people diagnose their legal problems and prepare appropriate court forms, at any time of the day or night. Chatbots can also serve as triage systems to direct people to other helpful services, like legal aid and legal help websites.

<sup>45</sup> See *Self-Help Centers*, CAL. CTS., <https://www.courts.ca.gov/selfhelp-selfhelpcenters.htm?rdeLocaleAttr=en> (directing litigants to various self-help centers).

## Maturity Model

The **Forms and Filing Processes Maturity Model** lays out moderate, good, better, and advanced stages. Consider where your court's forms and filing processes fall on this model and how they compare with other states that are profiled.

MODERATE	GOOD	BETTER	ADVANCED
<p><b>Court offers blank PDF forms with limited guidance, there are e-filing barriers, and no available support.</b></p> <p>Blank, generic PDF forms with limited guidance are provided by either a state court or legal aid website. Document assembly tools are not available. Traditional filing barriers like lack of e-filing, wet signatures, or required in-person payment are present to some degree. Little or no support for forms and e-filing is provided for court users.</p>	<p><b>Basic document assembly tools exist along with reduced e-filing barriers and some in-person support.</b></p> <p>Document assembly tools allow court users to generate completed forms through guided interviews. Some filing barriers have been eliminated or are partially replaced by alternative completion methods, which may enable e-filing. Limited support for forms and e-filing is available in-person at self-help centers or law libraries.</p>	<p><b>Court provides user-friendly document assembly tools, there are minimal e-filing barriers, and in-person or virtual support exists.</b></p> <p>Forms and guided interviews use plain language and are easily accessible to all court users without being intimidating. Most filing barriers have been eliminated or have alternative completion methods, which may enable e-filing. Support for forms and e-filing is available in-person and/or virtually via a hotline or chat service.</p>	<p><b>Court provides easy-to-find and effective document assembly tools with no e-filing barriers and robust in-person and virtual support.</b></p> <p>Highly discoverable, easy-to-use document assembly tools provide clear interview questions and legal ramifications. Self-represented court users feel like they can articulate their case, and courts get necessary substantive information. Alternatives to filing barriers or legal justifications for barriers always exist. Document assembly tools connect directly to e-filing systems. Robust support is available both in-person and virtually via a multi-channel platform.</p>

### **MODERATE: Limited guidance for PDF forms**

Your court offers blank, generic PDF forms for a variety of case types. They are posted on your court's website or on a legal aid organization's website. There is limited guidance on how to complete these forms and little or no support is available for people who need help with forms and e-filing. Generic instructions may exist in separate PDF documents. You do not have forms for every common case type, although you have some of the most high volume form types covered. In order to efile these court forms, litigants must complete some physical processes, which may include wet signatures, notarization, in-person payment, and filing at the courthouse.

**GOOD: Basic document assembly, reduced barriers to filing, limited support**

Your court has basic document assembly tools that litigants can use to automatically generate completed PDF forms for some common legal issues. These tools ask litigants a series of questions, and their answers are used to generate the PDF forms. Your document assembly tools are easy enough to use, but some sections may be confusing or lack guidance on the legal implications of the questions being asked. One or two procedural barriers to electronic filing have been addressed. For example, your court may allow an electronic signature rather than a physical one, electronic notarization may be allowed, or other in-person requirements may have been digitized. Document assembly tools do not connect to your e-filing system. In-person user support is available at limited locations, such as a courthouse self-help center or law library, although there may not be staff available to assist users.

**BETTER: User-friendly document assembly, minimal barriers, broad support**

Your court has high quality document assembly tools that place a premium on user experience and accessibility for a wide audience of litigants. Guided interviews present plain language questions with clear instructions, both at the start of the interview and for individual questions. These tools collect the information needed without being so cumbersome or lengthy that users cannot complete it in one sitting. Tools score high on usability scorecards like the sample in [Appendix C](#). You may be beginning to connect some document assembly tools to your e-filing system, which allows court users to seamlessly efile their forms upon completion. Several physical filing process burdens have been eliminated, such as wet signatures, notarization, and in-person payments. Court forms can be physically delivered to the courthouse or efiled. A broad network of in-person and digital support is available for court users who need help with forms and filing processes.

**State Highlight: MICHIGAN**

The Michigan Courts partner with a legal aid program, [Michigan Legal Help \(MLH\)](#), to provide over 40 [easy-to-use document assembly tools](#) for people who don't have a lawyer. These do-it-yourself tools provide plain language interviews that create all the forms required for a specific case type, e.g., divorce, name change. MLH develops and maintains form tools in-house, using a variety of third-party platforms, including [LawHelp Interactive](#), [A2J Author](#), and [Docassemble](#). In 2023, over 140,000 people will use these tools to prepare over 500,000 forms. The State Court Administrative Office has also created [over 900 standard court forms](#) for use in trial courts throughout Michigan. These forms are available as PDFs on the court's website. All of these forms must be accepted by Michigan courts.

By the end of 2023 MLH will support 57 self-help centers in courthouses and libraries in 30 counties across Michigan. Most of these centers have staff or volunteers who help court users complete paper forms and use automated document tools.

**ADVANCED: Effective discoverable document assembly, no filing barriers, robust user-centered support**

Your court offers high quality document assembly tools that aren't just easy to use: They also ask questions and provide context so users understand the legal ramifications of how they answer. This means that they are more likely to provide the information that judges need and want for court proceedings. These tools are also highly discoverable such that a litigant doing a quick Google search is able to find them. Your court may promote or endorse high quality, trustworthy tools. When litigants finish using your document assembly tools, forms are seamlessly efiled. Payment, signatures, and notarization can all be done electronically. Other administrative burdens have also been eliminated, unless there is a good legal justification for why they cannot be. Court users have 24/7 access to support from virtual and in-person services that allow them to communicate with helpers via their preferred channel, e.g., text message, phone, in-person. Users can interact with chatbots to get answers to questions and help completing forms.

## Impacts of Improved Forms & Filing Processes

- 1. Court administrators and clerks waste less time on incomplete, irrelevant, and incorrect forms.** Unlike PDF court forms, document assembly tools that offer guided interviews for form completion leave less to chance. Litigants make fewer decisions about filling out forms—those decisions are baked into the document assembly tool. The substance of forms is more relevant because court users have clear instructions about what to enter in form fields. Form tools ensure that the forms courts receive are complete and correct, which makes them less likely to be rejected. There are fewer repeated filings from litigants who completed forms without human guidance.
- 2. Court administrators and clerks waste less time on managerial burdens.** Required in-person document filings and court payments are managed directly by clerks and court administrators. Digitizing these processes so they are handled primarily by an electronic filing system reduces time-consuming and unnecessary in-person interactions and makes court documents easier to organize and find.
- 3. Judges waste less time trying to uncover the substance of legal claims.** Document assembly tools use targeted questions to get to the core of legal claims and defenses and guide users to present accurate and complete forms. Judges can easily find the information they need in these forms and better ascertain the substance of those claims and defenses.
- 4. Lawyers and litigants can more easily complete forms and meaningfully participate in their case.** All court users benefit from using document assembly tools, which make forms more accessible and understandable through simplified user experiences and clear instructions. Self-represented litigants will prepare higher quality forms and lawyers will save time by preparing court documents more efficiently. All court users will also more easily file court forms and documents when paper-based procedural barriers are eliminated from digital filing processes.

## Conclusion

The current challenges that court users face in finding, completing, and filing the forms they need waste the time and resources of the court, while creating immense access to justice problems. Many high quality technology providers have already developed document assembly tools and shown that highly discoverable, user-friendly tools can make the form preparation process much simpler for litigants while also more accurately collecting the substantive information courts need. Many state courts have also demonstrated the benefits to litigants and court staff by removing unnecessary, paper-based procedural barriers to efilng. These efforts to develop fully digital efilng systems have created a more efficient and accessible legal system on a local level, but they need to be scaled for broader impact.



## APPENDIX A: Court Filing Glossary

**Application Programming Interface (API):** A type of software interface that connects computers or pieces of software to each other and provides a way for them to communicate with each other and exchange information. APIs define a set of rules and protocols for how to request and send data or perform specific actions between different programs. They act as translators that enable seamless communication and cooperation between various digital services and applications.

**Case management system (CMS):** Software used by a court to store and manage court records, cases, filings, and the court docket. The CMS stores case information, including forms and data received by an electronic filing system. It is used by court clerks and judges to manage cases, review case details, make decisions, and control the official record. These systems often also integrate with document management systems, which store, manage, and track electronic documents. CMS vendors include [Journal Technologies' eCourt](#), [Justice Systems](#), [Thomson Reuters' C-Track](#), [Tyler Technologies' Enterprise Justice](#), and [Equivant's JWorks](#), among others.

**Court User:** An individual who interacts with a court to participate in a court case, file court forms and documents, appear in court, or pay court fines and fees. Court users may be attorneys, self-represented individuals, witnesses, or others who interact with the court system.

**Document Assembly Tool (DAT):** Public-facing software tools that help users complete court forms and documents. Typically, DATs collect information needed to prepare court forms or documents through a guided online interview that asks users questions, gathers their responses, and follows a logic tree of questions based on those responses to complete the forms. DATs save users' responses to a database, then populate forms or documents with those saved responses. Completed forms and documents are typically saved as PDF or word processing files that may be filed with the court, either by printing and physically delivering them to the court clerk or by submitting them electronically. DAT providers include [Law Help Interactive](#), [Suffolk LIT Lab](#), [Tyler Technologies](#), [Clio's Lawyaw](#), [TurboCourt](#), [Upsolve](#), and [JustFix](#), among others. These providers may also offer other functions like guides, lawyer connections, ongoing coaching, and other free or paid services.

**Document Assembly Authoring Tools:** Software tools that can be used to create DATs. Authoring tools are used to create guided interviews, gather structured data, and

populate form files. Authoring tools don't have public-facing options or websites; rather, they are used to create public-facing DATs. Authoring tools include [A2J Author](#), [Docassemble](#), [Gavel](#), [HotDocs](#), and [Neota Logic](#), among others.

**Electronic Filing (Efiling):** The electronic submission and transmission of court forms or documents and data about those forms or documents to a court's case management system via secure file transfer.

**Electronic filing manager (EFM):** Software that operates internally within a court to receive court filings and data from user-facing Electronic Filing Service Providers and then route it to a Case Management System. The EFM is the backbone of the efiling system. Courts may build an EFM or buy one from a vendor like [Granicus](#), [ImageSoft](#), [Journal Technologies](#), [Tybera](#), and [Tyler Technologies](#), among others.

**Electronic Filing Service Provider (EFSP):** User-facing software that allows filers to electronically submit information, forms, and data to a court. EFSPs connect to a court's Electronic Filing Manager. Some internally developed systems and third-party vendors offer both EFSP and EFM system components, for example [ImageSoft TrueFiling](#). Other vendors offer free-standing EFSPs for court users, including [ABC Legal](#), [File & ServeXpress](#), [GreenFiling](#), [InfoTrack](#), [One Legal](#), [TurboCourt](#), [Tyler eFile & Serve](#), and [US Legal Pro](#), among others. In some states, including California, Illinois, Indiana, Maryland, and Texas, the court has created a marketplace of EFSPs that users can choose from. Some document assembly tools connect to or are certified as an EFSP, which provides users with a seamless experience preparing and filing forms.

**Electronic Court Filing (ECF) Standard:** A national standard that allows systems or entities participating in the efiling process to communicate and exchange data with one another. [OASIS](#), a nonprofit and internationally recognized standards development organization, develops and maintains the standard. ECF uses XML—a structured language describing computer data—to create and transmit legal documents, serving as a sort of envelope to submit substantive forms into the court's case management system. ECF 5.0 is the most updated specification and was approved in 2019, though ECF version 4.1 was just published in July of 2023. Most courts that use ECF are still on some form of version 4, or lower.

## APPENDIX B: Sample Checklist for Vendor Alignment with Access to Justice Goals

When considering electronic filing service provider vendors use a checklist to ensure that their products and services align with your court's access to justice goals. This sample includes some requirements you may include in your court's vendor checklist. Courts can work together to develop measures for these items and create tests or protocols they can run to determine if a vendor meets specific requirements.

### Efiling Vendor Access to Justice Alignment Checklist

- Customer support options are available and accessible for all court users (e.g., online help center, telephone hotline, in-person help desk, etc.)
- Efiling service fees, including fees for additional services, are easy to find and understand.
- Fee waiver system that includes efile fees is in place for low-income users.
- Plain language instructions for using the efile system are embedded in the system, including clear definitions and no legalese.
- The user interface is simple, modern, and follows current design conventions and standards.
- The user interfaces is mobile-friendly.
- The system has built-in checks that minimize the negative consequences of accidental or unintended user actions.
- The system is easy to find on search engines and connects seamlessly with court websites.
- Connections and links are available to free help resources (e.g., legal aid websites, document assembly tools).
- Data collection practices and privacy policies are documented and easy for court users to find and understand.
- Comprehensive user testing is performed by the vendor before release to ensure that all court users can easily use the system.
- Easy-to-use tools are available for users to report system issues and provide feedback on their experiences using the system.
- The user interface is available in multiple languages.
- The system meets the WCAG standards for accessibility required for government websites in your state.<sup>46</sup>
- The system is financially supported and sustainable into the future.

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<sup>46</sup> The Department of Justice published guidance on web accessibility and the ADA in March 2022. Civil Rights Division, Dept. of Just., *Guidance on Web Accessibility and the ADA*, ADA.GOV (Mar. 18, 2022), <https://www.ada.gov/resources/web-guidance/>. The Web Content Accessibility Guideline (WCAG) is an internationally recognized set of guidelines for digital accessibility. It was established and is managed by the international web standards group, the W3C. The WCAG 2.1 is the current version and comes in 3 levels: A, AA, AAA. The de facto minimum standard in the US is WCAG 2.0 AA. Check what level your state requires for websites.

## APPENDIX C: Sample Usability Rubric for Forms and Document Assembly Tools

This draft of a proposed usability rubric provides suggested design indicators and specific measurements to include in a rubric your court creates to assess the usability of forms and document assembly tools. Courts can work together to develop standard measures and test protocols that can be used across jurisdictions.

DESIGN INDICATOR	EXPLANATION
<b>Discoverable Placement</b>	<p><b>How easy is it for a person to find this form or document assembly tool?</b></p> <ul style="list-style-type: none"> <li>▪ Search Google for the form name or the problem a person has.</li> <li>▪ Rate high if the form or tool consistently appears in the top 3 search results.</li> <li>▪ Rate high if the summons/complaint links directly to the form or tool, or if the court requires the form to be included in a served packet.</li> </ul>
<b>Branding</b>	<p><b>How easy is it for a litigant (or member of the public) to identify that this form or document assembly tool is right for them?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if the form’s or tool’s name clearly describes its value to the public.</li> <li>▪ Rate high if the form or tool is presented with an explanation and context about what &amp; who it’s for.</li> <li>▪ Rate high if the form or tool signals authority, like with logos or seals.</li> </ul>
<b>Organization and hierarchy of layout</b>	<p><b>Is the content laid out in a clear, logical way?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if there is a distinct hierarchy, with clear organization and flow to the information.</li> <li>▪ Rate high if the most important information for a user is emphasized through font size, color, and white space.</li> </ul>
<b>Visual Design</b>	<p><b>Is the content presented with white space, alignment, and engaging visual design?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if the content is chunked into clear, separate sections of work—that is not over-packed or stressful.</li> <li>▪ Rate high if a person can easily scan the form or tool to understand how to use it.</li> </ul>
<b>Plain Language</b>	<p><b>Is the content written to be readable &amp; relatable to a stressed-out person?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if the sentences are short, direct, and supportive, so a person understands what is being asked of them.</li> <li>▪ Rate high if the language is at 5th grade level.</li> </ul>

<p><b>Support, off-ramps, and instructions</b></p>	<p><b>Does the form or document assembly tool include clear instructions (why to fill this in, how to file it, what attachments to include, how to serve it)?</b></p> <ul style="list-style-type: none"> <li>▪ Do the form or tool sections include clear instructions about what to do, and why?</li> <li>▪ Does it include links, phone numbers, or other support for people who need more support and context?</li> </ul>
<p><b>Balance of complexity burdens</b></p>	<p><b>Do the instructions and questions strike the right balance between complexity &amp; simplicity?</b></p> <ul style="list-style-type: none"> <li>▪ Does the form or tool ask for enough details to help a person share key info, without taking too much time or being overly complex?</li> <li>▪ Rate low if people might avoid using it or abandon it, because it is long, confusing, or overwhelming.</li> <li>▪ Rate low if it is overly simple.</li> </ul>
<p><b>Pricing transparency</b></p>	<p><b>Does it help a person understand financial costs &amp; options?</b></p> <ul style="list-style-type: none"> <li>▪ Does the form or tool make clear how much it will cost to file it with the court? And what other fees it might cost for efilng, service of process, or other required tasks?</li> <li>▪ Does it make fee waivers clear and simple?</li> </ul>
<p><b>Time requirement transparency</b></p>	<p><b>Does the form or document assembly tool set clear expectations of time needed to fill in and file it?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if it gives estimates of average time to complete the form or questions.</li> <li>▪ Rate high if it describes the time needed for a person to successfully file and serve it.</li> </ul>
<p><b>Support for next steps</b></p>	<p><b>Does the form or document assembly tool help users get signatures, notarizations, file it, attach documents, and serve it to the other party?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if it reduces the burdens or costs of any of these steps.</li> <li>▪ Rate high if it gives clear explanations of how to do these steps.</li> </ul>
<p><b>Data practices transparency</b></p>	<p><b>Does the form or document assembly tool explain how and why this data will be used?</b></p> <ul style="list-style-type: none"> <li>▪ Will the data in the user’s answers be shared with the public?</li> <li>▪ Will the data be sold or shared with third parties?</li> <li>▪ How long will the data be retained by the court? Are there other protections, timelines, or data-sharing policies that the person should know?</li> </ul>

<p><b>Efiling connection</b></p>	<p><b>Does the form or document assembly tool easily lead into e-filing to the clerk?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if the form directly connects the user’s replies to the e-filing with the court.</li> <li>▪ Rate high if there are few burdens, barriers, or costs, to getting the form data into an e-filing flow.</li> <li>▪ Rate low if a user has to print things out, manually move or re-enter data, or take other steps to go from the form or tool to filing or e-filing.</li> </ul>
<p><b>Service of process connection</b></p>	<p><b>Does the form or document assembly tool give clear instruction—or direct support or services—to help a person correctly serve this paperwork as required?</b></p> <ul style="list-style-type: none"> <li>▪ Rate high if it eliminates needs and burdens around service.</li> <li>▪ Rate high if it gives clear instructions or support about how to serve correctly.</li> </ul>