

Going Paperless: THE

In 1998, I was elected a judge of the Westchester County Court. My first assignment was to sit in Family Court in Westchester and Dutchess counties. It was there that I came to understand, first-hand, the critical importance of providing timely justice services to vulnerable litigants who come to our courthouses in times of crisis. I have never forgotten the weight of the responsibility of deciding those sensitive cases. Nor have I forgotten how delays and inefficiencies prolonged and amplified the harm and trauma that many families and children were already experiencing.

Upon assuming the position of Chief Judge in February 2016, I announced the “Excellence Initiative,” a comprehensive and critical evaluation of court operations at every level of our system, focused on improving efficiency, providing high-quality justice services to the public and supporting the complex, substantive work of our judges.

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The effective use of court technology is a centerpiece of the Excellence Initiative. Technology has revolutionized our society and improved our personal and professional lives in so many ways. The public rightly expects the courts to take advantage of technology to improve our services and carry out our work efficiently and effectively. In our fast-moving electronic age, public confidence is not fostered by images of court staff pushing carts piled high with documents, physically searching for case folders in records rooms, and manually entering data into computers from stacks of paperwork.

THE PAPERLESS NEW YORK CITY FAMILY COURT

We have an obligation to do better – and the New York City Family Court is leading the way by leveraging the

power of technology to better serve families and children. On June 5, 2017, under the leadership of Administrative Judge Jeanette Ruiz, the New York City Family Court, with more than 200,000 new case filings each year, became the largest paperless court in the state – and one of the largest in the country. The court is now completely digital for all newly commenced cases and (with limited exceptions) no longer uses or produces any hard copy paper records or files.

In the paperless Family Court, all records in a case file are received digitally and saved in the court’s Universal Case Management System (UCMS). Judges, Support Magistrates, Court Attorney-Referees and Judicial Hearing Officers (hereinafter “jurists”) review all court records online and enter their case progress notes into UCMS. Petitions and orders are signed by jurists electronically, enabling the presentment agencies and attorneys with access to UCMS to immediately view and print all signed orders and documents. Appropriate case data and signed documents are also exchanged with Family Court agencies through computer interfaces, including the Office of Child Support Services, the Division of Criminal Justice Services and state and federal order of protection registries and firearms databases.

Consistent with the shared objectives of the Excellence Initiative and the Strategic Plan for the New York City Family Court, going paperless has greatly streamlined case commencement and case processing, leading to timelier dispositions for families and children in need of closure and stability. And the ability of all participants in our highly interconnected family justice system to digitally share comprehensive case information has contributed to meaningful court appearances and just resolutions.

HISTORY

Our progress toward a paperless Family Court actually began outside New York City, in Cortland and Westchester counties. The Cortland County Family Court was our pioneer, going all paperless as early as 2008, followed by Westchester County Family Court in February 2011. The latter court has handled approximately 200,000 paperless cases over the last seven years.

The New York City experience began in 2012 with a pilot program in Queens County that enabled court administrators and managers to develop a detailed blue-

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By Chief Judge Janet DiFiore

print of systems and protocols that eventually facilitated citywide implementation by June 5, 2017 – six months ahead of our original target date. In 2015, the Office of Court Administration’s (OCA) Division of Technology (DOT) worked with the court to launch the Secure Jurist Electronic Signature Program, which allows jurists to sign orders electronically. A similar program quickly followed to capture litigant signatures electronically. This was a critical development in the evolution of an all-digital Family Court, making it possible to create and immediately save signed orders and records in UCMS, without the need to manually scan documents into the system. Also critical to the success of the paperless court

Any hard copies received are scanned into UCMS and are not retained except for “quality control” purposes (to ensure that scanning/digitizing are error free), or upon request by a jurist. Hard copy documents presented directly to a jurist are scanned into UCMS at the conclusion of the appearance. On occasion, complicated or lengthy documents are returned to the jurist during the pendency of the case. However, our jurists understand and are fully committed to the pursuit of a paperless model in which retention and printing of hard copies are minimized.¹

Orders are prepared by court staff and submitted to jurists for electronic review and signature. Once signed, orders are immediately available to presentment agencies and attorneys with access to UCMS, or securely emailed to agencies and attorneys, or printed and distributed to litigants, if appropriate.

BENEFITS

The paperless Family Court is a prime example of how the New York State court system is leveraging the power of technology to enhance the quality of justice. The benefits of going all-digital are obvious and significant. It streamlines the commencement of cases, resulting in substantial time and cost savings for all litigants and case participants, including the presentment agencies that commence tens of thousands of Family Court cases each year.

Providing immediate remote access to court documents and case information, including the ability to print signed orders and petitions outside the courthouse, greatly improves access to justice for litigants, attorneys and agencies. Those entitled to view court files no longer have to travel to the courthouse and wait for the files to be retrieved, and they don’t have to wait to view files that

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was the requirement that jurists and clerical staff enter all case notes and actions into UCMS to ensure a complete digital record of every case, including what took place at prior appearances and the pendency of any related cases.

CURRENT PRACTICE

In the paperless Family Court, the official records in each case are those maintained in UCMS, our computer system of record. All documents, including petitions, orders to show cause, stipulations, and orders are stored in electronic format. To facilitate the review of case files and records on the bench, jurists may use a second monitor positioned vertically to allow for full-page viewing of documents, enabling them to enter or review notes in UCMS while simultaneously viewing full-page records from the case file. Case documents are viewable under tabs marked “Forms,” “Reports” or “OP (Orders of Protection).”

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happen to be in someone else's possession. Access to justice is also enhanced, and court intervention expedited, when family offense petitions can be completed and filed online, with the data sent directly to UCMS.

Going paperless facilitates efficient management of our staggering caseloads, including the ever-increasing amounts of digital information, such as medical records, that are regularly submitted in Family Court matters. Paperless courts reap additional cost savings by reducing

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our costly dependence on physical storage and off-site archival facilities. Misplacement of files or loss of paper files due to fire or water damage are no longer concerns, as digital records are backed up and saved with multiple layers of disaster recovery.

Finally, the enormous reduction in paper-processing and data entry tasks enables digital courts like the Family Court to reallocate staff to more productive functions, including courtroom support and litigant services.

OTHER USES OF TECHNOLOGY

There are many other ways in which the New York State court system is using technology to help us achieve excellence in the delivery of justice in our civil, criminal and family courts. Most notably, we have developed a dynamic case management tool, called the “Dashboard,”

which provides updated information about each trial court's case inventory. This caseload data is searchable and can be filtered in numerous ways to help us identify and address backlogs and delays. Our Dashboards have been a key component in the significant progress we have made to promote efficiency and timely justice under the Excellence Initiative.

Our e-filing program, which recently surpassed 73,000 registered attorney users, was expanded to all four Departments of the Appellate Division on March 1, 2018. Our E-Track system allows attorneys to track the progress of their cases through email notifications. And the Summons Part of the New York City Criminal Court sends text messages to defendants reminding them of their next court appearance date – helping them avoid missed appearances that could result in issuance of arrest warrants.²

And coming back to the Family Court, “CourtCasts” is a series of podcast tutorials conducted by experienced New York City Family Court judges, court attorneys and clerks for the benefit of colleagues who may be new to the court or not as well-versed on a variety of vital topics, such as conducting probable cause hearings in juvenile delinquency matters, and procedures for custody, visitation and family offense intake, among many others.

Finally, our remote order of protection program is enhancing access to justice and personal safety for domestic violence victims by allowing petitions for temporary orders of protection to be filed electronically and initial *ex parte* hearings to be conducted via video conference from safe havens such as shelters and hospitals. Over the past year, this program has become operational in 15 counties, with plans to expand statewide by the end of 2019.

CONCLUSION

I take great pride in the fact that the New York City Family Court is the largest paperless court in the state, and is providing a model for how our entire court system can take advantage of the latest technology to advance our constitutional mission of providing fair, timely and high-quality justice services to every litigant. The hard-working jurists and staff who have made the paperless Family Court a reality – in New York City and around the state – deserve our praise and gratitude.

1. All evidence in a case remains in the format submitted and is not digitized. Evidence is stored in the courtroom for the pendency of the proceeding or until further order of the court. At the conclusion of the proceeding, evidence is returned or disposed of pursuant to established protocols promulgated by OCA.

2. Hon. Lawrence K. Marks, A Technology-Focused Approach to Justice, N.Y.L.J., Jan. 22, 2018, at S1, col. 3.

