What is OpenEFM?

OpenEFM is an Open Source, electronic filing manager ("EFM"). It acts as gateway between a court's Case Management System ("CMS") and any other party wishing to file documents electronically. Filings are stored in the EFM until court staff approves the filing. Once approved the information can be passed on to the court's local CMS. OpenEFM is designed to work with LegalXML, the industry standard for transporting information regarding court filings and court documents. OpenEFM is also intended to work with any CMS system.

counterclaim has released OpenEFM as an Open Source project in order to help ease the work and cost associated with migration of courts to an electronic filing system.
counterclaim is dedicated to providing simple, reliable solutions to the legal community.

Open Source and Your Court

Open Source is a method and philosophy for software licensing and distribution designed to encourage use and improvement of software. Open Source software packages are generally written by developers who believe in the software enough that they donate their time and effort. Open Source also ensures that anyone can copy the source code and modify it freely.

Open Source software puts a new marketing face on a long tradition of enterprise-class free software. In contrast to closed source packaged applications, when you use Open Source software, you get the source code which you can modify to fit your needs. Some of the benefits of Open Source software include high quality stable code and rapid response to developing issues. Open Source solutions are available for almost any conceivable application. Some of the world's largest organizations, as well as the Internet itself, depend on Open Source for enterprise applications.

To a person used to buying software from a box or by a custom project, the idea that rational people would adopt and use free software supported only by hordes of anonymous programmers may seem ludicrous. In truth, you are already an Open Source user. If you have browsed the Web, sent email, used Internet Relay Chat or transferred files using FTP, you have used Open Source software.

If you still don't believe that Open Source software can be reliable, consider the World Wide Web. According Netcraft (http://www.netcraft.co.uk/survey), almost 60 percent of all visible web sites are served by the open-source Apache Web server. Open Source scripting languages such as Perl, Python, and Tcl generate the majority of Web-based dynamic content. Megaportal Yahoo, one of the busiest sites on the Web, is built on a foundation of Open Source programs: the FreeBSD operating system, Apache, and Perl. Yahoo relies on Perl scripts to sift through Web sites and aggregate the content Yahoo serves. In fact, the Domain Name System (DNS) that lets your computer find Yahoo in

the first place is based on Open Source software, and it is arguably the most mission-critical piece of software on the Internet.

Lets introduce our motivation for developing OpenEFM.

Suppose you are traveling in Japan and Korea for the World Cup. As an ardent fan of the US World Cup Team you are buying memorabilia to support your team and you use your ATM card to pay for the goods. The cash request is transferred to the data processing center of a local bank. From there, the request is transferred over other gateways, and finally arrives at your home bank in the US. This transaction involves different banking software to communicate, verify and transfer funds between one another in a secure and reliable manner. Such a task may involve software written in different programming languages on different hardware platforms (mainframe, workstations, embedded devices, etc.). A middleware like OpenEFM allows these tasks to be performed in a uniform, open way at a fraction of the cost to each bank. Middleware is the glue that holds this system together.

Suppose again you want to write software to allow attorneys to electronically file legal documents with courts, allow the exchange of legal documents among courts, enable courts to share data with agencies, or enable the public to access court documents. Thousands of courts will be accepting and exchanging millions of documents from a multitude of heterogeneous users. Documents and information will flow between varied and mixed computing environments, forcing integration between new solutions and existing technology. How then does one court receive or send new documents, update case data or broadcast new information to the numerous stakeholders, all while updating and maintaining the software and handling errors and failures in a cost effective manner?

The answer is an Open Source middleware solution using LegalXML!

What is LegalXML

For a more detailed consideration of LegalXML see (http://www.legalxml.org). However for the sake of simplicity, LegalXML should be viewed as a common language that allows differing legal systems with propriety and legacy computing environments to talk to one another. Simply, it is a way of constructing conversations between diverse computing systems found in the legal community.

LegalXML is not a quick fix for all communication problems. To understand what LegalXML can do, consider the following analogy. Let us suppose we all agreed to speak French whenever we conduct legal business. While this might solve some problems by giving us a common ground, it by no means ensures perfect communication. One might refer to “name” using one French word (nom); another may use a different word (nom de famille). Communication problems arising from vocabulary and syntax will still occur.

So it is with LegalXML, but with a distinct difference: When you communicate using LegalXML, you can refer to a particular standard that defines the meaning of the terms

you use. It is akin to including a dictionary and a grammar book with your message. All terms in the message are explained in the definition, which is called a Data Type Definition (DTD). This makes the communication much easier. In our imaginary French conversation, I would include in my document a reference to a DTD that defines "facture" to mean invoice. When you read it, you can find out that I'm talking about an invoice by also referencing the DTD.

As you can imagine, the various terms used in business communications vary drastically across industries, and as a result, the formation of LegalXML organization which is charged with defining the DTDs for the legal community.

Electronic filing Model

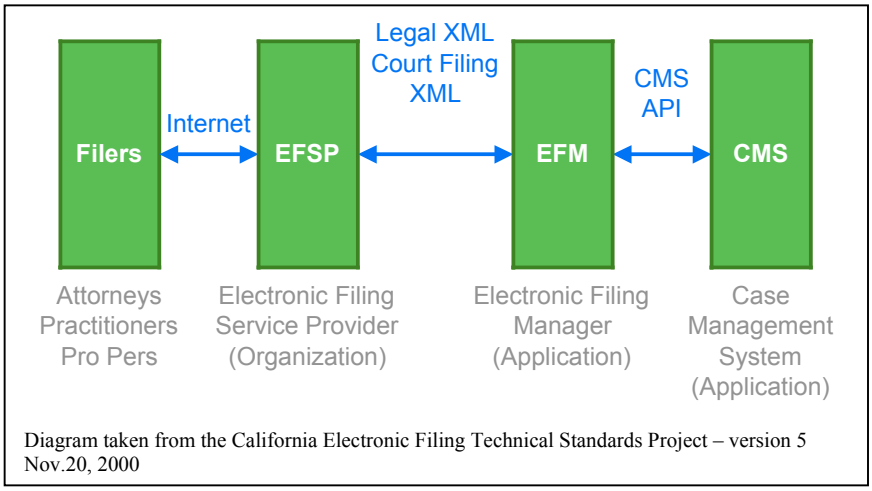


Diagram taken from the California Electronic Filing Technical Standards Project – version 5 Nov.20, 2000

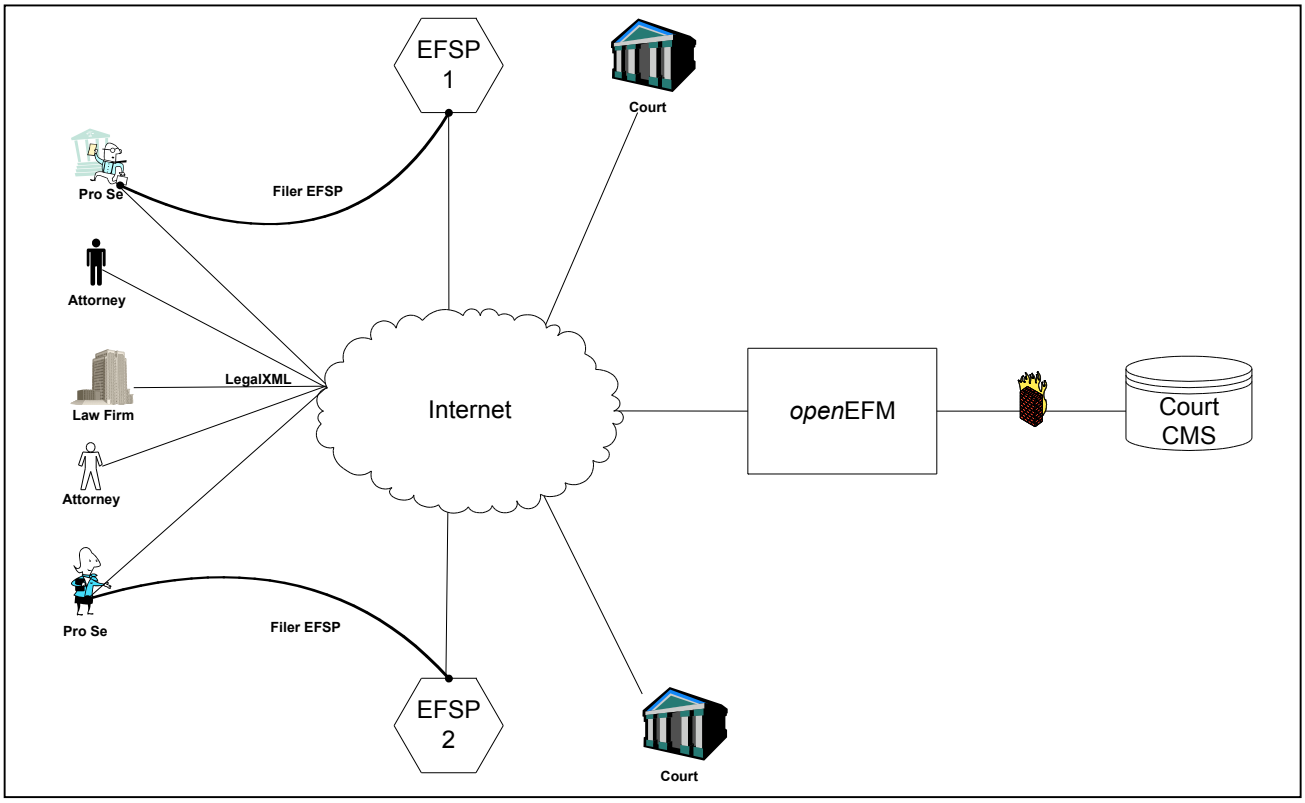
The above model is widely accepted as to how integrated electronic filing needs to be implemented. The model defines four primary elements for successful electronic filing.

Filers – are attorneys, law firms, pro se litigants, administrative agencies, and anyone who has cause to file documents with a court.

Electronic Filing Service Providers (EFSPs) – these entities are most likely to be private sector firms, but it could also be non-profit organizations or even courts themselves. The function provided by EFSPs is to provide electronic filing services to Filers. This package of service includes accepting documents from filers, submitting them to courts electronically and directing responses from the court back to these filers, as well as providing training, support and customer service to both the court and filers.

Electronic Filing Manager (EFM) – is a software solution that accepts LegalXML from the EFSP, parses the document, and passes the data to the courts Case Management System (CMS), and similarly, returns converted and parsed LegalXML documents from the CMS to the EFSP.

Case Management Systems (CMS) – a propriety software solution that courts use to manage and track caseloads and daily activity. Given the nature of how courts function, it is rare to find two that are identical in configuration. Therefore even with interoperability standards and LegalXML a court will still need to create and interface that designed to talk with the EFM. Development of this Application Program Interface (API) should be the job of the court's CMS provider or court software developers or their contractors.



How does openEFM fit in This Model?

From the conceptual model the key to implementing a successful electronic filing solution is to have an EFM that can interact with multiple filers and their unique computing environments. This software needs to function as a Rosetta Stone or a key to unlock the variation in documents originating in varied computing environments. A truly open EFM allows multiple courts to adapt this software to their needs without recreating a new API for each new filer or vendor who uses their system.

The preceding diagram shows how OpenEFM implementation works. In this depiction filers (law firms, attorneys, pro se litigants) file directly with a court or through an EFSP. The courts use of OpenEFM decodes these documents and delivers them to the courts CMS system. The court upon receiving these documents sends appropriate responses through the OpenEFM to the filers or to other courts.

Case Management Software vs. Integrated Electronic Court Filing

A good case management system is a piece of software, built around a database that aids a court in managing its *paper-based* court filings.

The underlying data housed in a case management system is physically input by an employee of the court. Therefore when an attorney files a paper motion, the court clerk manually logs case management information into a database. A vast amount of person hours are expended by court personnel purely for the manual filing and retrieval of physical documents. This overhead can be reduced by an integrated electronic court filing system.

An integrated electronic court filing system allows attorneys and judges to exchange information (documents) exclusively in electronic form, but also provides case management and archival services. Data is captured by the system at the time of document creation at the computer of the filer. Physical data input is made obsolete. Simply stated, integrated electronic filing moves the practice of law from a paper-based medium to a digital based medium.

How Do I Get Started?

The best way to prepare for any change is to outline exactly what it is that you wish to accomplish. Examine the needs of you specific court; review the different solutions that are available to you.

If you think that you might like to work with the OpenEFM then we suggest downloading a copy from www.counterclaim.com and having your IT staff review it. Installation instructions and developer documentation are provided with the software. If you have any questions or concerns about OpenEFM we heartily encourage you to call counterclaim at 541-484-9235 between the hours of 8-5 PST.

If you wish to contact counterclaim personnel regarding the Open EFM please feel free to direct your inquires at the following people:

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