

SUPREME COURT OF APPEALS

STATE OF WEST VIRGINIA

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MEMORANDUM

TO: ALL WEST VIRGINIA ATTORNEYS

FROM: Steve Canterbury *sdc*

DATE: August 8, 2013

SUBJECT: Unified Operating System in Clerks' Offices

This afternoon, a press release will be issued from my office regarding a development that has been directed by the Court that will administratively affect the practice of law in West Virginia: a unified e-filing system that will be developed in every West Virginia county during the next two to three years. The passage from the report contained in the press release that outlines the e-filing initiative is quoted below.

Before I get to that, however, I want to point out a few specific matters that are likely to be of special interest to you that are not included in the press release. During the pilot stage of this project, there will be **no** additional filing fees for using the electronic filing system. However, that may change after my office examines the results from the experience in the pilot counties as we move to the rest of the State's 55 counties.

Also, emergency rules will be enacted during the coming weeks in order for the pilot counties to proceed. New final rules will go through the same rules process that the Court always follows, including, of course, time for each of you to make comments. The Legislature will also need to be aware of helpful changes that can be made in the Code; and during the next Legislative Session, I am hopeful that the legislators will agree with and pass these Code amendments.

As with most changes, I am sure that this announcement will be received with mixed responses from the State's attorneys, court officers, and the general public. Many of you have been using e-filing for years as you have proceeded in federal court. Others, I'm sure, are not fully conversant with how such a system works. As you will notice in the text below, the e-filing company contracted for the pilot by the Court will offer CLE classes to train you in the e-filing protocols and how you can manage your cases electronically in a more efficient manner.

If you have questions, please don't hesitate to call, although I think that the information below will answer most of those questions:

The Administrative Director has been directed by the Court to establish a single, unified operating system for all of the counties' circuit clerks' offices. In turn, the Administrative Director has done the following:

- **Examined the 55 circuit clerks' offices' operating systems and discovered that there are four separate vendors serving the 55 counties with unique variations of those vendors' systems in every county;**
- **Determined that the operating system provided by vendor Software Systems, a company located in Morgantown, West Virginia, is the clearest, most logical, and most transparent of the four systems in use, and that company is being contracted to provide the unified system in the pilot counties;**
- **Selected fourteen counties* to be those pilot counties for the roll-out of a single, unified operating system and has held an initial meeting with the circuit clerks of those counties to weigh their willingness to serve as pilot counties;**
- **Determined that a separate company which specializes in providing e-filing through legacy systems -- On-Line Information Services, Inc. (OLIS), of Mobile, Alabama -- can partner with Software Systems to provide e-filing and, ultimately, electronic bill-paying for purposes of the pilot;**
- **Sought and had approved by the Court the creation of a Division of Circuit Clerk Services to deal specifically with not only the building and maintenance of a unified system, but also all other matters that so frequently arise regarding circuit clerks.**

It is vital to underscore three more points:

- (1) **The counties, all of which currently pay for the circuit clerks' operating systems, equipment, maintenance agreements, and related software, will *not* be expected to pay for any of the installation, maintenance, and operations of the unified information system. All of this will be funded by the Court. Indeed, ultimately the counties will likely find themselves with space emptied of boxes of old records as those are scanned into the new unified system during the next decade.**
- (2) **A comprehensive review committee which will be inclusive of representatives of all stakeholders -- circuit clerks, deputy circuit clerks, judges, attorneys of all types, and others -- will be appointed to help create and improve the operating system.**
- (3) **OLIS will work with the Court and the West Virginia State Bar on a series of continuing education classes for lawyers to learn how to e-file so that they will all be ready to do so when e-filing becomes mandatory as the unified system is rolled out. Self-represented litigants will be encouraged to file electronically as well; however,**

these *pro se* litigants will still be allowed to file by paper in the circuit clerks' offices with the staff in those offices converting the paper filing to the electronic format.

The Court has also made it clear that this is to be one of the Administrative Office's highest priorities and that the pilot counties are to be up and running during the next year, barring unforeseen complications. After the outcomes are reviewed in the pilot counties, the Court may, at that time, ask to review additional vendors' systems or it may continue to contract with the pilot-period providers. In any case, after the pilot period has been completed, all of the state's counties will ultimately be merged into that single operating system, all at no cost to their counties.

***The pilot counties and their respective circuit clerks are as follows:**

**Berkeley – Virginia Sine
Braxton – Susan Lemon
Cabell – Jeff Hood
Hampshire – Sonja Embrey
Harrison – Donnie Kopp
Jefferson – Laura Storm
Lewis – John Hinzmen
Lincoln – Charlie Brumfield
Marion – Barb Core
Morgan – Kim Hanback
Ohio – Brenda Miller
Randolph – Phil Riggleman
Upshur – Brian Gaudat
Wood – Carole Jones**