The Evolution of Courts and Judicial Systems from E-Filing to E-Briefing in a Legal Setting

No More Expenses! It's Time to Go Paperless

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The Evolution to E-Briefing: An Introduction

As more and more businesses began to embrace electronic filing to save on costs or as part of their commitment to combat climate change, it was only a matter of time before courts caught up. It is increasingly becoming mandatory to file all court documents in electronic format in most jurisdictions around the world. For example, in the United States, the number of Appellate Courts that require e-filing has more than doubled from 15 to 33 in just four years (between 2010-2014). There are variations around the world on the specifics of e-filing, but the concept's simplicity and cost-effectiveness are quickly catching on around the world.

The move from paper to e-filing can be attributed to four main drivers, including;

- The e-filing of court documents increases transparency in the function of the judicial system by allowing interested parties and members of the public quick and easy access to the court documents.

- Compared to paper filing, e-filing can also save the judicial system and all parties involved a lot of money in administrative costs, including filing, paper processing, and storage costs.

- e-filing can also make it easier for judges, layers, and other interested parties to access the briefs and supporting materials on their electronic devices.

- Judges, lawyers and the general public is increasingly living in a more technological world and to better provide its services the judicial system needs to fit into this world.

These benefits spell the inevitability of the adoption of an e-filing system for all jurisdictions. Although it has been slow, most judicial systems around the world will likely implement e-filing systems within the next decade, if they haven't already.

The basis technology already exists and judges around the world are increasingly more comfortable with reading and annotating electronically filed briefs. Many courts even provide judges with tablets that can be used specifically for this purpose.

This white paper can be used to help you make it easier to implement e-filing in your jurisdiction and if you already have a system, make e-briefs better.

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The Proper Use of Hardware and Software in E-Briefing

■ How E-Briefs Will be Accessed

The first thing to consider when implementing e-briefing is to consider how the judges will access the documents. When adopting e-filing, most court systems focus mostly on how parties will file documents electronically and how the documents will be stored. But they completely neglect a very important part of the equation, how the end-user (judges, clerks, and court staff) will access the e-briefs.

Without proper planning, judges and court staff may continue to use paper documents even when the judicial system has fully adopted the e-filing system. It is therefore very important to consider how judges will be able to access the documents. One example is to use an iOS app on iPad that is dedicated to the reading and annotation of e-briefs.

Differences in the Devices in Terms of Functionality and Readability

Accessibility, functionality, and readability of e-briefs are entirely dependent on the hardware and software used. Therefore, when transitioning from paper to e-briefs. It is important to consider the different platforms that will be used including hardware (computers, laptops, and tablets) as well as software. Careful consideration must be exercised to consider ease of use, functionality, speed, and other useful features when selecting devices and software.

It may also be beneficial to consider the needs of the users. For example, a judge may request the inclusion of a certain annotation feature to streamline how they access and interact with the content. And since it is very easy to apply these changes with the right software tools, the court system can make it even easier for the judges to access and use the document. Hardware tools like tablets and computers can also be easily customized to make it easy for judges to access the files. Accessible technical support and training can also be implemented at various levels.

Providing Annotation Software and Adequate Training on How to Use it

Even if the courts customize the software and hardware that each judge will use, it is still necessary to provide the necessary training and support to judges and court staff. This will not only make the judges' task of reading and annotating the e-briefs much faster, but it is also one of the best ways to minimize mistakes that can significantly slow down the system. A lack of training on how to use the annotation software provided can lead to frustrations which can significantly affect the adoption of e-filing and e-briefing.

■ Share Information About the Whole Process with Other Courts and Publicize the Process

It is not often that courts will share how briefs are read, yet knowing the hardware and software systems that a court has used in e-briefing can be very useful information to another court undergoing the same metamorphosis. The information can help other courts understand the options they have in implementing their e-filing and e-briefing systems. When this information is widely publicized, other courts can avoid the sometimes-inevitable pitfalls that can often accompany this process.

Knowing the devices and software the judges are using to read the briefs can also be very helpful to lawyers as they may want to optimize their briefs to suit these devices and software. If a lawyer knows that a judge will read the brief on an iPad, they are more likely to format and optimize the brief for an iPad. Providing this information in advance will make it easier for lawyers and other interested parties to fit into the e-filing and e-briefing culture that the court system is trying to develop.

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Recommended File Formats for E-Briefs

The file format used is just as important as the devices and software that a court uses when implementing an e-briefing system. The correct format can make it easier for the reader to access, modify, copy and make annotations.
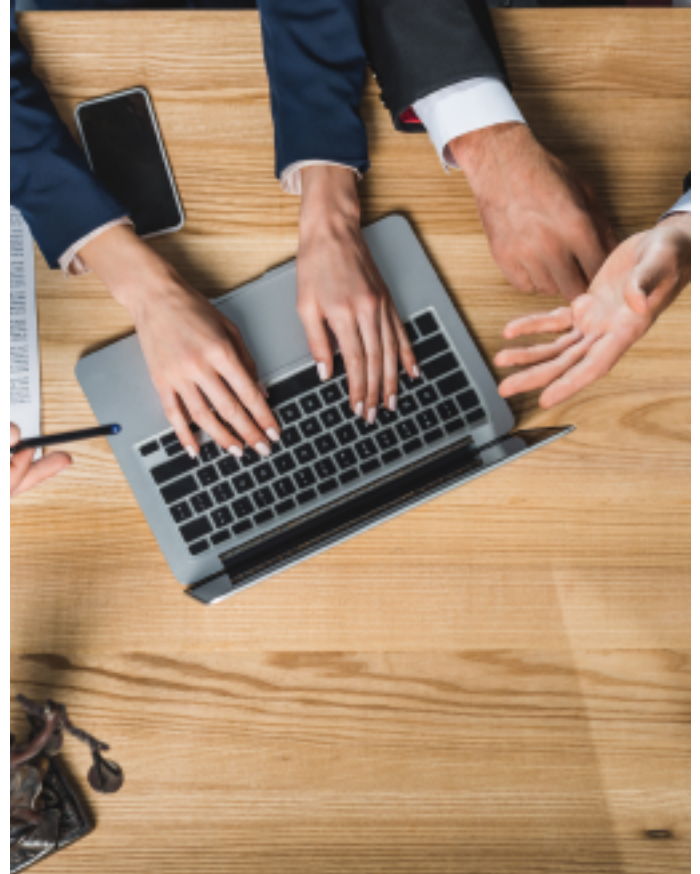
File Documents in PDF Format, unless Otherwise Directed

Although and depending on the need, court documents can be filed in several formats, a fixed format like PDF is best for preserving the official court records. PDFs are easy to generate, share and annotate and may make it much easier for the court to implement the e-briefing system.

The PDF format also facilitates the continuity of court documents since it easily preserves the font, images, graphics, and original layout of the document regardless of the application and device used to access it. This means that judges, court officials, lawyers, and other interested parties will all be able to see the same document even if their e-filing systems are significantly different from the court's internal system.

The PDF format also makes it easy to submit a document that is searchable and since most court documents need to be searchable, PDF format remains the most advantageous solution. You can easily check if a PDF document is searchable by holding down the Control (PC) or Command (Mac) key and the letter F and searching for a word or phrase. If you are unable to search, then the document is in image format.

Scan Paper Documents and Convert Them into Searchable Formats

If any court documents still exist in paper format, it is important to scan and log these documents. Optical Character Recognition (OCR) technology can be used to convert any scanned images of the documents into editable and searchable documents. As such it is important to invest in a PDF management soliton that has OCR capabilities.

It is also worth noting that the overall size of the document may increase if it is scanned in high resolution. But in most jurisdictions, there is no limit on the size of files that can be filed, making this more of a storage consideration.

Convert Documents to PDF Rather than Scanning Them

If court documents are available in any other format, it may be more advantageous to convert them to PDF rather than scanning a paper document. Not only is this easier and faster, but converted PDFs also are easier to read, fully searchable, and allow for the easy configuration or retention of existing hyperlinks and bookmarks.

It is therefore vital for any court system looking to move to an e-filing system to invest in PDF management software that facilitates the easy and accurate conversion of documents to PDF format. This way, judges, lawyers, and other court officials can feel free to write the briefs in simpler word processing solutions and convert them to PDF when sharing them.

File the Appendix with the Brief as a Single PDF

Filing the brief and the appendix as a single document is a good way to make it easier for judges to read the brief. In PDF format, hyperlinks and bookmarks can be used to provide links between the content in the brief and any citations or key record material that may have been used in the preparation of the brief.

Allow Sufficient Time to Correct Formatting Deficiencies

While rejecting a filing if a brief is often a part of the court proceedings, outright rejection because of minor formatting mistakes can be harsh and unfair. Proper training and information sharing can ensure that lawyers don't make these mistakes, but the practice of a deficiency notice and a reasonable period to correct the deficiency should be part of the policy.

04

The Process of Creating E-Briefs

Effective E-Briefing Tool

Before you can start to create an electronic brief, it is important to check the court's website for any formatting requirements. Most courts will provide detailed guidelines to help you conform to their formatting policies.

UPDF - All-in-One PDF Editor

PDF is the most ideal format for e-briefs for a variety of reasons. Therefore, the first tool you need is a PDF management tool. UPDF is an all-in-one PDF editor solution that you can use to read, annotate, edit, convert, encrypt, and even make a scanned PDF searchable and editable. Since it can be used to edit both the text and image content in the PDF, it is also one of the best ways to ensure that your e-brief conforms to the format required by the court. It also comes with a fully functional OCR feature that can help you make scanned legal documents editable and searchable. It is affordable, easy to use, and comes with all the features needed to create an e-brief without complicating the process.

■ How UPDF Can Help You Create the Perfect E-Briefs

Here's how you can use UPDF to create an electronic brief;

1. Creating Effective Internal Navigation

A bookmark is a text link that will allow the reader of the electronic brief to quickly navigate to various sections of the document.

UPDF makes it very easy to add bookmarks to the brief. Open the Brief in UPDF and click on the bookmark icon on the top-left corner of the screen. Click on the Bookmark icon and select the "Add Bookmark" icon on the left. A new bookmark will appear on the bookmark list. Double-click on it to rename it and manage its properties.

The search and find text feature is another very useful UPDF feature that you can use for internal navigation. This feature makes it easy to locate any word or phrase within the document, allowing you to quickly move to this section much faster.

UPDF also has a quick navigation toolbar that can be used to move to sections and pages within the document and access bookmarks much more efficiently.

2. Add Hyperlinks to the E-Brief

Hyperlinks are an important part of any legal brief as they can point the reader to citations, court materials, and sources from the internet. They are therefore an essential part of creating any brief.

UPDF also makes it very easy for you to add hyperlinks to the document. Open the brief in UPDF and click on the "Edit" button on the left sidebar to select the text or section to add the link.

With the section or text selected, click on the "Link" icon and add the hyperlink. You can choose to have the link point to a source on the web or a page within the document.

UPDF allows you to add links that are customized in various ways including line type, line style, thickness, and color.

3. Converting Scanned PDFs to Searchable and Editable Formats

One of the most important functions of any PDF software you need when moving from a paper format to e-filing is OCR. Optical Character Recognition technology is crucial in the conversion of scanned PDF documents to searchable and editable formats. UPDF's OCR function facilitates this process more easily than any other tool.

It is easily accessible and supports up to 208 languages, the highest or all similar tools in the market. It is also one of the most accurate OCR tools with near-perfect character recognition on images or scanned PDFs.

The editable and searchable document created by the OCR feature in UPDF will make access to the information within the document very easy and allow you to edit the PDF document without needing to refer to the hard copy.

4. Edit Your E-Brief to Meet the Court's Formatting Standards

It is also important to make sure that the brief conforms to the formatting requirements of the court. To make this possible, you need a program that can edit aspects of the PDF text as well as any graphics or images that may be on the document.

UPDF can be very effective in this regard, allowing you to add or remove text from the document to conform to word count requirements. You can also use it to change the font size, color, and style to make the brief more compliant with the court's requirements.

It is also one of the few PDF management tools that will allow you to edit any images or graphics in the document. The image editor can be used to resize the image, move, crop, reorder and even delete images from the document. Considering that you can also use UPDF to reorder, rotate, add and delete pages from the brief, you can easily use this software to make any changes that the court may require in a relatively short time.

Courts in many jurisdictions around the world will inevitably move to an e-filing and e-briefing system. The specific requirements of each system may vary to some degree, but PDF documents are at the center of any system, and therefore, it is important to create and nurture the practice of creating and managing PDFs in a legal setting, something that can only be accomplished with the right combination of hardware, software and the necessary training.

Have any questions, please let us know at
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