

MOVING AHEAD: TECHNOLOGICAL DEVELOPMENTS AT THE NEVADA SUPREME COURT

BY TRACIE K. LINDEMAN, ESQ. CLERK OF COURT

Like many courts nationwide, the Nevada Supreme Court has been grappling with a number of challenges. Trying to balance a dwindling budget and the need for greater efficiency with an increased desire and need for better access to court records has pushed the court to adopt new techniques. In response to these challenges, the court has made advances in electronic filing, access to digital records, the use of videoconferencing and webcasting, and converting audio records to digital formats.

Electronic Filing

The Supreme Court implemented electronic filing in 2008. Retired Clerk Janette Bloom initiated the program, working with a third-party vendor on the development of the system. The Supreme Court's electronic filing program is straightforward and intuitive. After its development, it was rolled out in phases, starting with criminal cases involving government attorneys (i.e., district attorneys and public defenders). As part of the roll-out, the clerk of the court, myself, and members of the court's information technology staff traveled all around the state, offering training to attorneys and court staff. Additionally, one of the training sessions was videotaped and is available on the court's website for new users, or those who want a refresher.

The program is available to all licensed Nevada attorneys, and allows for the submission of documents 24 hours a day, seven days a week. Attorneys are notified of filings in their cases by logging into the system and checking their notifications. The system also generates a "courtesy" e-mail alerting the user of the filing. The system allows attorneys to access information about their cases at any time and view and print documents, with the exception of confidential or sealed documents. There are no registration or user fees associated with

electronic filing, and attorneys are also able to pay Supreme Court filing fees online through the program.

Electronic filing is not mandatory, and it is not anticipated that it will become mandatory. Moreover, documents in a particular case may be electronically filed, filed as hard copies, or a combination of both. This flexibility allows attorneys to determine the best filing method for any particular case or document. For example, because of the size constraints for electronic filing, which require breaking large appendices into smaller "chunks," many parties opt to file the briefs electronically and ship the appendix to the court via courier or U.S. Mail.

The court, including the justices, quickly realized that access to electronic versions of the documents allowed for greater efficiency and convenience. In order to prevent the clerk's office from having to spend valuable staff time scanning voluminous appendices, the court amended Nevada Rule of Appellate Procedure 30 to require the submission of a copy of the appendix on CD-ROM when the appendix is not electronically filed. Specifically, NRAP 30(f)(2) now provides:

continued on page 12



MOVING AHEAD: TECHNOLOGICAL DEVELOPMENTS AT THE NEVADA SUPREME COURT

continued from page 14

(2) Electronic Copies. A party represented by counsel must submit every appendix on a CD-ROM, and serve a CD-ROM version on all opposing counsel, in addition to filing the required number of paper copies, unless the appendix has been electronically filed in the Nevada Supreme Court or counsel certifies that submitting a CD-ROM version of the appendix would constitute extreme hardship. A party not represented by counsel who has been granted permission to file documents in proper person under NRAP 46(b) is encouraged, but not required, to submit and serve a CD-ROM version of the appendix, in addition to filing the required number of paper copies.

Having an electronic version of the appendix allows court staff to quickly load the appendix into the case management system so that it can be easily accessed from within the court or remotely.

Scanning of Case Records

All of this electronic filing means, of course, that many of the court's records are now primarily electronic. In fact, even before the complete implementation of electronic filing, the clerk's office began a large, ongoing project to scan its paper documents. Although some documents are recycled after the completion of an appeal, storage space for the retained documents was becoming a serious problem. Under the Nevada Electronic Filing and Conversion Rules, electronic copies of court documents are deemed to be the originals. Accordingly, the Supreme Court began scanning documents as they were filed, as well as scanning previously-filed documents. This alleviated the storage problems and also made the documents readily available to the court staff.

The Public Portal

In 2009-10, the court undertook the development and implementation of a new case management system. The

new system is web-based, and one of the important innovations was the creation of a public portal. Before the public portal, users of the electronic filing system could access documents in their cases, but could not search for documents in other cases. Individuals who were not electronic filers had to visit or contact the clerk's office and pay a copying fee in order to obtain copies of documents. With the public portal, anyone can search the court's docket. Currently, the oldest documents available are about 15 years old; as the clerk's office continues to scan more of its older files, the number of available documents will continue to grow.

Individuals can search for cases by case number, case caption or participant. Docket information for the case is displayed, as well as the docket entries. There are hyperlinks to most of the documents filed in each of the cases, except for confidential or sealed documents, and appendices, which are not available through the public portal because of their size. Any document filed in the

continued on page 14

MOVING AHEAD: TECHNOLOGICAL DEVELOPMENTS AT THE NEVADA SUPREME COURT

continued from page 12

court that is not filed under seal or otherwise confidential is still available directly from the clerk's office. Individuals can come to the clerk's office and review documents in person or request copies by phone. Documents that are not available electronically, primarily because of their age, are available on microfilm and copies can be made upon request and the payment of a copy fee.

Webcasting/Videoconferencing

A state as large as Nevada, with its widely-scattered population areas, presents a number of challenges to the efficient administration of justice. The court currently has two justices who are based primarily in Las Vegas and five based primarily in Carson City. With the continuing budget challenges facing the state, the court is always looking for ways to save taxpayer dollars. To that end, the court has begun availing itself of videoconferencing whenever possible. This allows the justices in both locations to meet without incurring travel expenses. It also allows the justices to meet with lower court judges, members of the bar and the public all across the state. Videoconferencing thus facilitates meetings of various committees and commissions, including the Judicial Public Information Committee, the Indigent Defense Commission and the Judicial Commission.

In 2009, the court also began webcasting oral arguments, allowing individuals who might not otherwise be able to attend oral arguments to watch them online. Because of the interest in the oral arguments, the court also began posting synopses of the cases being argued. The schedule of arguments and synopses are posted about two weeks before the argument, so that individuals can identify cases in which they might be interested. The webcasting of arguments has been very popular with the bar, the public and the media. It also provides more transparency in the processing of cases at the Supreme Court.

Digitization of Oral Argument Tapes

Prior to the digital recording of oral argument, which began about 10 years ago, arguments were recorded on cassette tapes. Those tapes were stored at the State Library and Archives until last year, when budget cuts required the State Library and Archives to return the tapes to the Supreme Court. At that point, they were stored in the court's basement. The basement is not climate controlled, and has been known to flood. The recordings of the oral arguments are the official records of the arguments. Unlike at other courts, there is no court reporter present at Supreme Court sessions, and the court does not provide written transcripts of the arguments. If someone requested a copy of an old argument, the cassette tape has to be located and copied using a nearly-antique tape-dubbing machine.

In order to safeguard the recordings, which have legal as well as historic value, and make them more



readily available to court staff, the court is working with a vendor to convert the tapes to a digital format. The court recently received the first batch of recordings and they have been successfully loaded into the court's document and case management systems. Another benefit of the conversion is that the recordings have been "cleaned up" to the best extent possible, eliminating hisses and other noises inherent to the old analog recordings.



In sum, the Supreme Court has come a long way into the digital age in relatively few years. The judiciary is not always considered to be on the cutting edge of technology, but this court has demonstrated that with collaboration between the justices and the clerk's office, and the support of a top-notch information technology staff, courts can, indeed, advance into this new technological world in which we find ourselves living. ■

TRACIE K. LINDEMAN currently serves as the clerk of the Nevada Supreme Court; she is the 16th individual to hold the position since the creation of the court. She received her J.D. from Gonzaga University in 1993 and her B.A. from Stanford University in 1989. She is also a graduate of Pahrump Valley High School. Lindeman is admitted to the bar in both Nevada and California.