

# Court Submissions and Linking Documents

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**BRIEF-LYNX™**



# ***Key Documents***

*Connecting Your Important Digital Documents*

- State of Technology and ESI
- State of Courts
- eBrief: Components
- Process: Exhibits and Sources
- “Connect to Action”



# ***Technology Today***

Improve Communication

Increase Efficiency

Improve Security

Mobility

Research / Analytics

# *Technology Today: Hardware + Software*

Scanning / Coding



Database

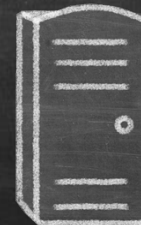
Desktop



Mobility / Tablet



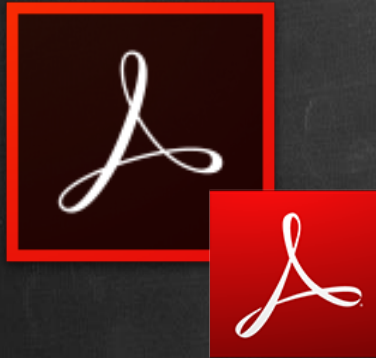
Network / Cloud







# ***Technology Today: PDF***



Acrobat and Reader



# ***Technology Today: PDF***



Acrobat and Reader

**Others: Utilities and Network Apps**

# The Binder



# The Banker Box







# *Scope of Problem is Real*





## ***Scope of Problem is Real: Storage***

20x to 100x More Expensive:

\$.05 to \$1 / Copy

Monthly per cubic foot storage fees

Additional fees (Admin, Move, Labor, etc)

Destruction fees



## ***Courts: Normal Issues***

- Budgetary Constraints
- Staffing and Policies
- Schedules and Logistics
- Reports and Research
- Constant Communication
- Information Analysis
- Security and Confidentiality
- Social Media.....



## ***Courts: "New Normal"***

- Officials Use of Technology
- Management of Court IT
- Procurement Technology
- Case and Document Management Systems
- Accessibility





## ***Courts: Scope of Problem is Real***

90 Million Cases in the Courts

1.5 Billion Documents

~7 Copies of Each Document



## ***Courts: Scope of Problem is Real***

Over 100,000,000,000

Pieces of Paper



# Courts: Technology is Solution

EMBARGOED until 6 p.m.  
December 31, 2014 (No word  
radio, Internet, or other  
before 6 p.m. E.S.T.)  
For further information, contact  
Public Information Office  
202-479-3211

## 2014 Year-End Report on the Federal Judiciary

On November 10, 1893, the *Washington Post* identified an emerging technology that was reshaping American society: Pneumatics! The use of compressed air had led to the creation of new contraptions, including pneumatic tube systems that relied on air compressors to transport cylindrical containers hundreds of feet within buildings. Pneumatic systems had found favor in banks and department stores, enabling clerks to transmit documents rapidly from one office to another. Noting this and other applications of pneumatics, the *Washington Post* lightheartedly proclaimed, “The present era is likely to be known to history as the pneumatic age.”

News of this dawning era was slow to reach the Supreme Court. It was not until 1931 that the Marshal of the Court proposed installing a pneumatic tube system in the Courtroom for the benefit of the press. Architect Cass Gilbert incorporated that technology into the design of

instance, the enhanced system includes a “central sign-on” feature that will allow court users and attorneys to file and retrieve information in any federal court using the same login and password, greatly simplifying access to the system. Future development efforts will provide automatic calendaring notices to interested parties that will improve access to court proceedings while minimizing scheduling conflicts. Other new features are designed to increase efficiency and ease of use, saving time for judges, court staff, and other system users.

The Supreme Court is currently developing its own electronic filing system, which may be operational as soon as 2016. Once the system is implemented, all filings at the Court—petitions and responses to petitions, merits briefs, and all other types of motions and applications—will be available to the legal community and the public without cost on the Court’s website. Initially, the official filing of documents will continue to be on paper for all parties in all cases, with the electronic submission an additional requirement for parties represented by attorneys. Once the system has operated effectively for some time and the Supreme Court Bar has become well acquainted with it, the Court expects that electronic filing will be the official means for all parties represented by counsel, but paper filings will still be required. Parties proceeding pro se will continue to submit

# Colorado Courts: Technology is Solution

## COLORADO COURT OF APPEALS INTERIM POLICY REGARDING ELECTRONIC RECORDS AND BRIEFS VERSION 1.0

Effective March 1, 2009

This policy will govern references to electronic records in briefs subject to C.A.R. 28, submission of briefs subject to C.A.R. 28 in electronic form, and submission of electronic appendices.

### A. Citation to Electronic Records

In all cases where the Court has received the record in electronic form, the clerk will prepare a CD-ROM containing the record bookmarked in a manner that delineates pleadings and orders from the transmitting court or agency and provide it to each party. Each page of the record on CD-ROM will be numbered sequentially.

1. In all briefs in such cases, counsel for the parties and amici shall cite to the record by the name of the bookmarked document, and pinpoint citation to the unique CD-ROM page number. For example, *Plaintiff's Motion for Summary Judgment, CD page 7*. This policy is not satisfied by a party's citation to the LexisNexis transaction numbers pertaining to the record.
2. Pro se parties are encouraged, but not required, to comply with the citation requirement set forth in paragraph A (1) of this Policy.

### B. Electronic Briefs

**Counsel in all appeals shall file all briefs on the merits in electronic form.** This policy applies to all counsel for parties and amici.

1. Counsel shall file all briefs on the merits in electronic form by submission of the brief on a CD-ROM delivered to the Clerk of the Court of Appeals accompanied by the signed original in paper form. The additional copies of the brief as set forth in C.A.R. 31(c) are no longer required.
2. Pro se parties are encouraged, but not required, to comply with the electronic filing requirement set forth in paragraph B (1) of this Policy.
3. All electronic filings must be free of viruses, worms, "Trojan horses," and any other defect that would be deleterious to the Court's computer systems.
4. The electronic brief shall be submitted in text searchable Portable Document Format (PDF), that exactly duplicates the appearance of the paper original, including the order and pagination of all the brief's components.
5. Hyperlinks in briefs to the authorities cited therein, to the record, if in electronic form, and to any electronic appendices, are not required, but are highly desirable and strongly encouraged. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities should be included on the same CD-ROM as the brief.
6. Counsel are reminded that pursuant to the Court of Appeals Policies on Public Record Access and The Use of Names of Children and Sexual Assault Victims, the following information must not be included in any brief filed with this Court: Social Security numbers, dates of birth, financial account numbers, home addresses, names of minor children, and names of sex assault victims.
7. Items filed under seal in the trial court or agency record shall not be included in the electronic brief.





# ***What Keeps You Up at Night?***

## **SPEED**

- Last Second Submissions
- Fast Turnaround Times
- Meet / Exceed Courts Demands

## **ACCURACY**

- Error Free Submissions
- Easy Process
- Simple Collaboration
- Create Positive Impressions

## **PRICING**

- Reduce Costs to Client
- NO Additional Fees
- Low Overhead Expenses



## ***Evaluate: Technology and Outsourcing Issues***

### **SPEED**

- Experienced personnel
- Faster than normal production
- Rush abilities

### **ACCURACY**

- High level services
- Ability to review and correct
- Shared workload

### **PRICING**

- Flat / Per link
- No hidden costs
- On demand
- Meet ANY budget



## *Many Uses of the Linked Submission*

- Linked Closing Binders
- Linked Exhibit List
- Case Map / Outline
- Linked Client Work Product
- Trial Explainer / Interactive
- Linked Expert Reports
- Linked Trial Briefs
- Linked Jury Books (iPad)
- Linked Appellate Briefs
- Patent Diagram Interactive
- Arbitration Panel Linked Briefs
- Linked Deposition Testimony





# Document Linking: Parts

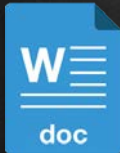
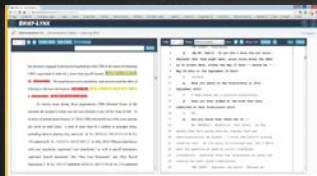


Image / PDF/  
Media



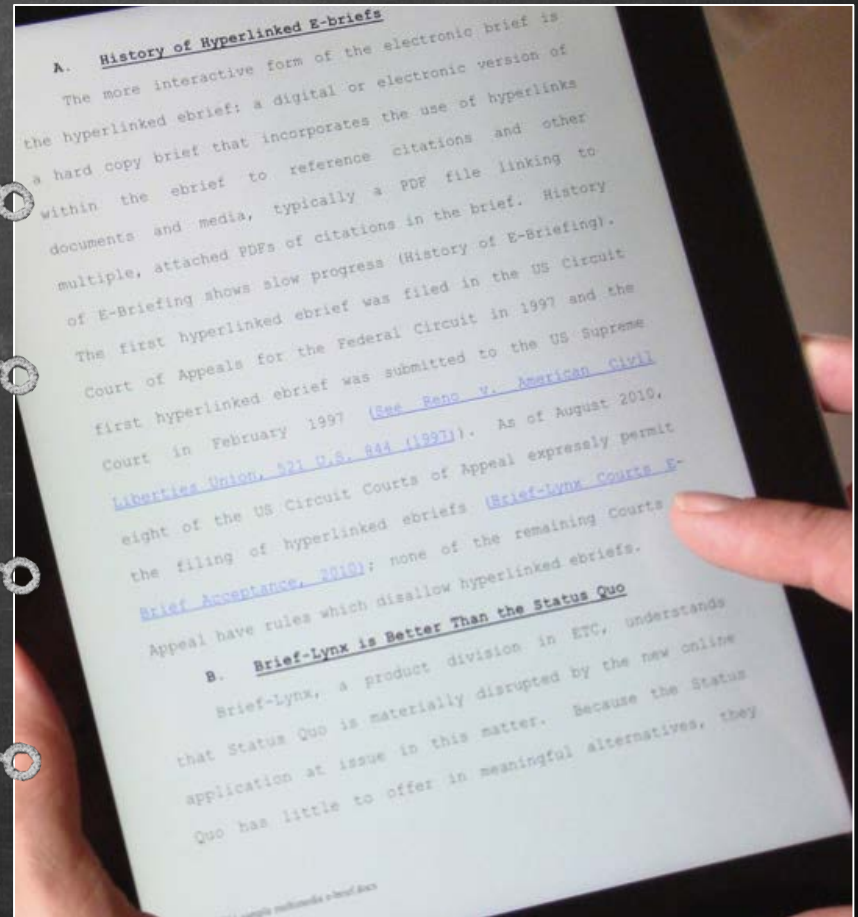
Interface

23 Now let's take a minute and talk about  
24 [the main players](#). Let's start with the defendant,

Link  
(Notifications,  
Specific Acts)



Review/  
Package





## *Process: How Do an eBrief*

Send/Upload **Key Documents**



List of **Linked Documents Created**



Send Final Brief to **Producer**



Create and Edit **Links**



Package Primary Document with Links



**SAMPLE**



## ***Act: The Problem with Paper Submissions***

High Costs

Time

Quality

Data Access

Advocacy







## ***Act: The Problem with Paper Submissions***

High Costs

Cost Reduced *with per link pricing*

Time

Production Time *reduced by 80%*

Quality

Eliminate Mistakes *(90% have mistakes)*

Data Access

Network/Cloud *access is 24/7*

Advocacy

All Parties *can create linked briefs*





## *Outsourcing Solves Many of the Issues: 1,000 Links*



25 Hours

vs.



Product: 8 Hours

Service 1 Hour



## ***Act: Dispel Myths of an Electronic Brief***

1. Judges Hate Electronic Submissions
2. Electronic Briefs Will Never Replace Paper Briefs
3. The Record Will Never Be Electronic
4. Hyperlink Briefs Will Not Become Mandatory
  - a) Courts Rules Around E-Briefs
  - b) Process is Difficult, Time Consuming and/or Costly
5. The Abilities of Most Pro Se Litigants

# Many Courts Accept (Sample)

US District Court Southern Dist. Of NY

Arbitration under the rules of the Hong Kong International Arbitration

Superior Court of the State of Delaware - New Castle County

US District Court Southern Dist. Of NY

US District Court District of Arizona

Supreme Court of Texas

Private Florida Arbitration

District Court of US for Middle District of Alabama

Colorado Court of Appeals

The Court of Chancery of the State of Delaware

Ad Hoc Arbitration under UNICITRAL Rules

American Arbitration Association

US District Court for the District of Delaware

US Civilian Board of Contract Appeals

California Court of Appeal

US District Court for Middle District of North Carolina

US District Court Eastern District of Louisiana

US Court of Appeals for the Federal Circuit - District of Delaware

US Bankruptcy Court Southern District of New York

District Court of Harris County Texas

District Court, City & County of Denver

Private Arbitration - Office of Attorney General

US District Court Western District of New York

Court of Appeals First District of Texas Houston

Private Arbitration - Office of Attorney General

US District Court District of Delaware

Superior Court Complex Litigation Docket at Hartford

District Court Eagle County CO

Court of Appeal California - First Appellate District, Division three

US Tax Court - IRS Cincinnati

International Court of Arbitration of the International Chamber of Commerce

District Court of US for Middle District of Alabama

Supreme Court of Texas

US Court of Appeals Tenth Circuit

US District Court for District of Delaware

The Financial Industry Regulatory Authority - Arbitration

District Court Eagle County CO

District Court of the US for the Middle District of Alabama, Northern Division

Public Company Accounting Oversight Board

Supreme Court of Arkansas

Supreme Court of NY county of NY

State of Minnesota Court of Appeals

US Civilian Board of Contract Appeals

State of Colorado - Securities Commissioner

Procurement Law Control Group Government Accountability Office

US District Court for the Middle District of Alabama Northern Division

The Financial Industry Regulatory Authority - Arbitration

Commonwealth of Massachusetts - Land Court

CO Court of Appeals - Douglas County

Superior Court of the State of California County of San Francisco

Judicial Arbiter Group Inc.

Judicial Arbitration and Mediation Services

Superior Court of State of California County of San Francisco

Ad Hoc Arbitration under UNICITRAL Rules

Superior Court of Arizona Maricopa County

Court of Appeal California First Appellate District Division Three

US Tax Court - IRS Cincinnati

Court of Common Pleas Montgomery County

Court of Appeal California Fourth Appellate District Division Two

