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# Improving Access to Justice

## E-Filing and the Uniform Citation System

AT THE START of the technology information revolution, several legal theorists and activists predicted that electronic filing and a uniform citation system would significantly increase access to our justice system. They argued that such a system would eliminate high lawyer fees and reduce the cost of research and overhead. It would allow more individuals to access and resolve their disputes in the court system. That has not been the reality.

### Electronic Court Filing

Today, federal courts are the leaders in implementing electronic court filing (ECF). Nationwide, there are five prototype ECF bankruptcy courts and numerous civil filing sites. By the end of 2001, approximately one third of all federal bankruptcy courts will be online; all federal courts are to be online by 2003.

In Phoenix, all Chapter 11 cases are filed electronically or converted to an electronic format by court personnel. Only about 30 percent of filings are done electronically. In the other

cases, the clerks image the paper or convert word processing files to a PDF format. There is tremendous value in having cases online, especially when a large bankruptcy case is involved. In some cases, more than 100,000 people have had to view court documents. This is a simple matter when using the World Wide Web.

Unfortunately, federal courts still insist on making ECF a revenue generator and provide little incentive—such as lower filing fees or free access to online documents—for lawyers to change from a paper-based filing system to filing online. In addition to the normal filing fees, the federal courts continue to generate millions of dollars in fees by charging users 60 cents per minute to view court dockets produced in the normal course of business. Also, under a new system called WebPacer, users will be billed 7 cents per page to view their own and opposing counsel's documents online.

In the Arizona court system, we have made some progress. Division Two of the Court of Appeals has an

Maricopa County Clerk's Office offers minute entries online for criminal cases. Also, the Pima County Justice Court continues to be a nationwide model of offering small claims filing online.

### Uniform Citation System

A few years ago, there was a hot debate about the implementation of a uniform citation system for legal materials—"a citation form that is assigned at the time the law, of whatever type, is created, and that can be used without modification in either the print medium or electronic medium" (LYNN FOSTER, OBSTACLES TO CITATION REFORM). More than 13 jurisdictions have adopted some form of uniform citation.

The most used uniform citation system is a parallel one. For example: *Smith v. Jones*, 1997 AZ 8, ¶ 14, 483 P.2d 434. Here, the first part of the parallel citation is a uniform citation and the second is the West citation. The uniform citation would be read as the year of the decision, state court, opinion number and paragraph number.

Such a system would allow for the accumulation of print or electronic case law and other materials that would be freely accessible to lawyers and citizens and would link automatically to hyper-text motions and briefs in trial or appellate courts.

Uniform citation system efforts have slowed because there was and still is significant vendor economic self-interest that has derailed such efforts. There is also a feeling that you have to give up the print reporters if we change to a uniform citation system. This is simply not true: With a parallel reference system, both electronic and book citations are available.

The legal community must support and incorporate electronic filing, uniform citation and other useful technology tools. This will determine whether we have met our goal of providing access to our justice system for all citizens or give lip service only to these ideals. ☛

#### E-File in BK Court

To view a federal electronic filing site, visit the District of Arizona federal bankruptcy court at [www.azb.uscourts.gov/](http://www.azb.uscourts.gov/).

#### Electronic Court Filing Resource Links

Arizona Court of Appeals, Division II  
[www.apltwo.ct.state.az.us/](http://www.apltwo.ct.state.az.us/)

Clerk of the Maricopa County Superior Court  
<http://www.maricopa.gov/clkcourt/>

Pima County Justice Courts  
<http://lawonline.jp.co.pima.az.us/>

Sensei Enterprises  
[www.senseient.com/sensei\\_e-file\\_links.htm](http://www.senseient.com/sensei_e-file_links.htm)

National Center for State Courts  
<http://www.ncsc.dni.us/>

E-Filing Report  
[www.glasserlegalworks.com](http://www.glasserlegalworks.com)

Listing of electronic filing jurisdictions  
[www.courts.net](http://www.courts.net)

#### Uniform Citation Resource Links

American Association of Law Libraries (AALL)  
[www.aallnet.org](http://www.aallnet.org)

Journal of Information, Law and Technology  
<http://elj.warwick.ac.uk/jilt/>

HyperLaw  
[www.hyperlaw.com](http://www.hyperlaw.com)

Courts  
[www.courts.net](http://www.courts.net)

ECF project in place. Though the system is limited to a few public agencies, attorneys can file their appellate pleadings online. The