

# Electronic Filing Committee Report

(1) **Mission.** The Electronic Filing Committee seeks to address the legal issues surrounding electronic filing and related issues for guidance to courts, vendors, and the public in areas such as court filings, agency filings, information provided to or obtained from government over the Internet, and voting.

(2) **Goals and Projects.** Goals and projects for 2008 - 2009.

**A. eTrust** This is a subcommittee in collaboration with LegalXML-OASIS to develop best practices for electronic notarization. It produced a White Paper which compares and contrasts between notary and notary processes, and sets forth guidelines. The Subcommittee has also commented on notary standards being developed by the National Association of Secretaries of State's (NASS's) National eNotarization Commission, and members are participating in OASIS/LegalXML meetings on this topic. The subcommittee has been dormant while OASIS/LegalXML addresses the technical best practices for eNotarization.

**B. ESOP.** This is a subcommittee formed for the purpose of establishing best practices for electronic service of process. The eFiling committee adopted Best Practices which stress that technical standards be on hold until legal standards for ESOP are established.

**C. Model Rules for eFiling.** The committee is addressing model rules for eFiling in the courts. In progress – still in early stages as membership participation has been down. Leadership is looking at different topics (such as redaction of public record filings) since this topic has not to date generated much interest.

**D. eVoting Subcommittee.** There has been some interest in reviving this subcommittee. We are currently working with Shawn to establish a liaison between the subcommittee and the ABA's Standing Committee on Election Law so we are not duplicating efforts.

(3) **Membership.** We communicate with Committee members through a listserv and periodically update the web page to reflect the activities of the Committee. The eTrust subcommittee collaborates with the eNotary TC of LegalXML to have best practices identified by the Committee embodied in XML standards for general use. The committee was featured in the Spring 2007 eBlast.

(4) **Publications.** None for this year to date.

(5) **Web site and other technology.** In 2006 we revamped and modernized the web page and have included descriptions of our subcommittees with links to our work product on behalf of the Section. Section management assisted us in cleaning up

the list serve as the number of members did not match the number of individuals who had joined the list serve.

- (6) **Meetings and Mailings.** We held a meeting in San Francisco in January 2006, at the Annual meeting in Honolulu in August 2006, and at the Annual Meeting in San Francisco in August 2007. Attendance at the August 2007 meeting was low and the committee chair is in the process of reaching out to members to try to generate more participation.
- (7) **The SciTech Lawyer** – None to date.
- (8) **Legislative and Case Law Developments.** URPERA for real property electronic recording is becoming another area of priority activity both nationally and at the state level. Several states have pending URPERA legislation. In addition, 2 states have enacted electronic notarization statutes (NC and PA). With regard to eFiling in the courts, several state courts across the country have adopted some form of eFiling. California has amendments pending to its electronic filing and service rules of court.
- (9) **Diversity.** Efforts have been made to recruit and retain diverse committee members and to include women and minorities in all activities/programs sponsored by the committee.
- (10) **Committee Reorganization.** We are looking to fill the committee vice-chair position.