

Overview**Location:** Georgetown, Delaware**Industry:** Legal services**Customer Profile:**

The Delaware Court of Chancery is widely recognized as the nation's preeminent forum for the determination of business disputes. The Court handles litigation involving the tens of thousands of Delaware corporations and other business entities.

Business Situation:

In 2001, the Chancellors and Court Administrator concluded that the vast amount of paper filings in the cases on their docket had just become too voluminous to justify using a manual system any longer. Meanwhile, the Court was engaged in discussions with the Delaware State Bar Association over ways for attorneys in the state to better serve the needs of out-of-state law firms.

Solution:

The Delaware Court of Chancery selected File & Serve from LexisNexis as the official electronic filing system for the Court. At first, File & Serve was only mandatory for certain types of matters, but over the years it has been expanded to include virtually all litigation on the docket of the Court of Chancery.

Benefits:

- Paperless filing leads to faster work flow of documents between litigants and the Court
- Improved case management as File & Serve shares all documents with all parties simultaneously
- Significant reduction in costs previously associated with large quantities of paper copies, fax transmissions, mailing expenses and off-site file storage
- Substantial time savings for the Court's staff, allowing them to be deployed more efficiently
- Delaware attorneys are now able to better serve the needs of out-of-state law firms who retain them to serve as local counsel

Litigation Services

- LexisNexis® File & Serve

Delaware Court of Chancery Uses File & Serve to Improve Efficiency of Court's Workflow and Help Delaware Attorneys Better Serve Clients

Case Study

The Delaware Court of Chancery is widely recognized as the nation's preeminent forum for the determination of business disputes. The Court has official jurisdiction to hear and determine all "matters and causes in equity" involving businesses with legal standing in the state of Delaware. In light of the fact that more than 50% of U.S. public corporations—including 60% of Fortune 500 companies—are incorporated in the state of Delaware, the reality is that the Court of Chancery handles litigation involving thousands of corporations and other business entities through which a vast amount of the world's commercial affairs are conducted.

In today's practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general. The Court sits without a jury. All issues of fact are determined by the presiding Chancellor or Vice Chancellor.

Situation

As with other courts in the U.S., the Delaware Court of Chancery experienced a significant rise in litigation in the 1980s, which continued to escalate into the 1990s. After seeing their sister court system, the Superior Court of Delaware, make a successful switch to electronic filing in 1999, the Court of Chancery officials decided it was time to make a change in their manual system of paper filings.

"The paper filing of documents for the cases in our docket had just become overwhelming for us to manage, both in terms of the workload requirement for the court clerks and the storage

File & Serve gives court staff convenient tools for searching online case files, locating documents and detailed filing information in seconds.

requirements for the physical files,” said Chancellor William Chandler. “I met with the vice chancellors to discuss what would be involved with making a switch to electronic filing.”

Simultaneous to these discussions, the Court was engaged in conversation with the Delaware State Bar Association over ways for attorneys in the state to better serve the needs of out-of-state law firms who rely on Delaware attorneys to serve as local counsel in matters before the Court. Chancellor Chandler and his colleagues determined that there might be a way to accomplish both of these objectives in one fell swoop.

“In 2001, we decided to make the move from paper filing to electronic filing as a way to improve the efficiency of the court’s operations and to significantly reduce our long-term operational costs,” explained Chancellor Chandler. “We also made this move because we felt that e-filing could provide the Delaware attorneys with a more convenient online platform for filing and retrieving documents in collaboration with the out-of-state law firms.”

Solution

According to Chancellor Chandler, the Court of Chancery selected File & Serve from LexisNexis and designated it as the official e-filing service for certain categories of document-intensive corporate litigation filed with the Court.

File & Serve is an electronic filing application that allows law firms to file documents electronically with the court (or other “triers of fact”) and serve them to other counsel through a secure, Web-based system. Each individual must have a user name and password to access the online case file and to file or serve documents.

For courts, File & Serve makes documents quickly and easily accessible through a secure, reliable online system. Customizable options for judges further streamline court workflow.

With File & Serve, incoming pleadings may be automatically routed to judges for review and action, or even grouped and routed by category according to the level of attention and action required on

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the part of the judge and the judge's staff. They can also be categorized by filing type to set in motion different sequences of events.

Then when it comes time for the court to respond in some way, court-issued documents may be created and served to all parties online, partially created and stored for completion at a later time, or scheduled for delivery at a later date and time. When a matter is resolved, File & Serve enables courts to instantly convert proposed orders to signed orders, and to electronically transmit them to the litigants' attorneys.

The Delaware Court of Chancery was particularly impressed with the ability of File & Serve to provide fast and reliable access to filed documents. When court professionals need a document, it can be quickly and easily located online. Moreover, File & Serve gives court staff convenient tools for searching online case files, locating documents and detailed filing information in seconds. As a result, court staff members no longer have to search multiple locations in the courthouse to track down the documents they need, which means they no longer have to build "wait time" into their daily work schedule.

Results

According to Chancellor Chandler, the benefits realized from the implementation of File & Serve were vast and immediate. In fact, the court system was so satisfied with the level of success with File & Serve that they have expanded its use over the years to now include virtually every category of litigation that comes before the Court, including Guardianship and Trust matters.

"The most obvious benefit that we saw right away was in the dramatic impact on our workflow," explained Chancellor Chandler. "As a result of the paperless filing, documents move much faster between the litigants and the Court, which is in everyone's best interests, including the businesses who are engaged in the disputes."

Second, File & Serve has allowed the Court of Chancery to conduct much better case management as the system shares all documents with all parties at the same time. None of the documents ever needs to be printed and physically filed, which significantly reduces the risk of errors by the multiple clerks involved at the Court and the

“There is just no way to accurately quantify the list of benefits that our court system has realized from File & Serve.”

respective law firms. Moreover, File & Serve has enabled the Court to realize substantial time savings for the Court’s staff, allowing them to be deployed more efficiently to support operations.

“We’ve also been able to significantly reduce the costs previously associated with large quantities of paper copies, fax transmissions, mailing expenses and off-site file storage,” said Chancellor Chandler. “As a business court operated by the state of Delaware, this is a particularly important benefit given the tight fiscal constraints of recent years.”

Finally, the implementation of File & Serve has enabled the Court of Chancery to accomplish its other strategic objective in cooperation with the Delaware State Bar Association. Delaware attorneys are now able to better serve the needs of out-of-state law firms who retain them to serve as local counsel by providing a convenient online platform for filing and retrieving documents. This has made the adoption of the service go quite smoothly in the state, in spite of the significant culture change that it required among veteran attorneys who were unaccustomed to e-filing.

“To be honest, I don’t know how we ever lived without electronic filing before,” concluded Chancellor Chandler. “There is just no way to accurately quantify the list of benefits that our court system has realized from File & Serve. It has been overwhelmingly beneficial to every single member of the court system here in Delaware.”

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