

E-Filing in the Baycol Litigation

The following two articles summarize the process of choosing an e-service vendor and using that service in a multidistrict litigation case.

How We Chose a Vendor

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Day 1: Last February, Minnesota Federal District Court Judge Michael J. Davis suggested that the parties to the Baycol multidistrict litigation consider electronic service. The parties took notice.

Day 4: Plaintiffs' and defendants' representatives met to define the scope of the project and begin framing a request for proposal (RFP).

Day 8: The parties, the judge, and the court's information services director conferred. All agreed that the parties would prepare an e-service and e-filing RFP. We were to include the court's minimum requirement, but otherwise were not to involve court personnel until the final steps of the selection process. I began gathering information about potential vendors from their web sites, list-servs, and colleagues. I prepared and circulated a draft RFP.

Day 18: We sent the final e-service RFP to four vendors. In Q&A form, the RFP covered a broad

range of topics including who used their systems and how, references, lists and explanations of processes and procedures used, security, pricing, time guarantees, scalability, and backup and disaster recovery.

Day 29: The parties met to evaluate the RFP responses. With little trouble, we narrowed the field to two vendors. We prepared a second RFP intended to clarify pricing issues, and updated the court.

Day 31: The pricing RFP went to the finalists.

Day 45: The finalists gave back-to-back, in-person presentations to the parties. At the end of the day, the parties met and quickly came to a preliminary decision. Based on four broad sets of criteria—price, ease of use, flexibility, and suitability to our specific situation—one vendor came out ahead.

Day 46: After the parties' representatives held the appropriate discussions with their clients, national counsel, and the like, it was agreed that the parties would recommend to Judge Davis that the e-service contract be awarded to Verilaw.

Days 46-60: With Verilaw present, we worked out the details of the contract, incorporated additional requirements of the court, got the court's approval, and began implementing the system. ●