

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

MEETING MINUTES

10:00AM – 12:00PM – November 30, 2018

Office of Court Administration – 1st Floor Conference Room

I. Call to Order

Justice Simmons called the meeting to order at 10:02 a.m.

JCIT Voting Members

Chair, Justice Rebecca Simmons

Vice-Chair, Bob Wessels

David Escamilla

Honorable Dan Hinde

Roland Johnson (*phone*)

Cynthia Orr (*phone*)

Honorable Brian Quinn (*phone*)

Todd Smith

Carlos Soltero

Dean Stanzione (*phone*)

Dennis Van Metre

Honorable John Warren

Ed Wells

Honorable Sheri Woodfin

JCIT Liaison Members

Honorable Jeffrey Boyd

Miles Brissette (*phone*)

Randy Chapman

Honorable Judy Crawford

Sarah Davis (*phone*)

Honorable Annie Elliott

Honorable Roy Ferguson (*phone*)

Laura Garcia

Doug Gowin (*phone*)

Honorable Blake Hawthorne

Honorable Laura Hinojosa (*phone*)

Tracy Hopper

Gary Hutton

Honorable Velva Price

Honorable Nancy Rister

Sian Schilhab

Mark Unger (*phone*)

Honorable Kevin Yeary

Others in Attendance

Sherry Adelstein, Denton County (*phone*)
Manda Alford, Mitchell County (*phone*)
Belinda Blassingame, Mitchell County (*phone*)
Salem Bautizta, Comal County (*phone*)
Loretta Cammack, Nacogdoches County (*phone*)
Kelsey Clark, File and Serve (*phone*)
Jackie Daumerie, Supreme Court
Terry Derrick, Tyler Technologies
Sylvia Duarte, El Paso County (*phone*)
Heidi Easley, Victoria County (*phone*)
Tabatha Ferguson, Bosque County (*phone*)
Nanette Forbes, Texas Association of Counties
Shawntel Golden, Lamar County (*phone*)
Jesse Guerrero, File and Serve (*phone*)
Ariele Gutzler, Tarrant County (*phone*)
Patti Henry, Chambers County (*phone*)
Cathy Horvath, Guadalupe County
Jeanine Hudson, DPS (*phone*)
Victor Jauregui, Travis County
Sherry Jones, Wheeler County (*phone*)
Tammy Kneuper, Bandera County (*phone*)
Bobbie Koepp, Comal County (*phone*)
Darla Lookingbill, Oldham County (*phone*)
Clinton Ludwig, Tarrant County (*phone*)
Alisia Morris, Tarrant County (*phone*)
Laura Richard, Fort Bend County (*phone*)
David Robinson, Tyler Technologies
Lisa Rush, Travis County
Dustie Sanders, Tarrant County (*phone*)
April Scott, Tyler Technologies
Vicki Scott, Andrews County (*phone*)
Summer Simmons, Parker County (*phone*)
Holly Taylor, CCA
Holly Webb, Tarrant County (*phone*)
Caroline Woodburn, Potter County (*phone*)
Andrea Ziton, Tarrant County (*phone*)

Office of Court Administration Staff

Casey Kennedy, Director, Information Services
Amanda Stites, Project Manager, Information Services

II. Approval of Meeting Minutes

Motion to approve the May and August minutes as presented. **Motion by John Warren, second by Bob Wessels – no opposition. Motion carries.**

III. Committee/Workgroup Reports

A. eFile Texas – Mr. Derrick from Tyler Technologies provided the following updates.

Civil/Criminal Update - Criminal e-filing rollout: counties in the January 1, 2019 mandate are complete and there are 6 outstanding counties for the July 1, 2019 mandate. Thirty-eight percent of the 136 counties are complete for the January 1, 2020 mandate.

Integration –Seventy-six percent of courts live on eFileTexas are integrated with their case management system (CMS). Six CMS providers have established one-way integration and seven CMS providers have established two-way integration.

Reasons for Returned Filings –More than 14% are returned due to filer mistakes of wrong location or incorrect case type/filing code. Filers request is the largest returned category. Nationally, the return rate is 8%. In Texas, the return rate is under 6%. More than 90% of all filings are accepted or returned for correction within 24 hours of submission (does not include weekends or holidays). Tyler will confirm how the time is calculated and whether it counts business hours only.

Justice Simmons requested additional information on the reasons for return in the judge request category. Mr. Kennedy discussed the detailed reports for clerks about reasons for return. These reports will be rolled out to the clerks.

Redaction –Tyler’s Redaction Service is within eFile. When the filer is uploading documents, the filer can indicate whether or not there is sensitive information that needs to be redacted. If the filer indicates that there is sensitive information, the system will identify the potential items to be redacted, according to Rule 21C. The filer can review and confirm the redacted elements. Ultimately, it is the responsibility of the filer to make sure that all required fields are redacted. The redaction service is a tool for the filer to use. Tyler’s Redaction Service has been offered (paid by state) to the EFSPs but it has not been incorporated by some EFSPs.

Justice Simmons indicated that the committee could require that EFSPs incorporate a redaction service and that redaction will be discussed in detail at a future meeting.

Clerk Supervisor Administrative View –The view is being built into the current history view screen and provides information on the staff work. A filter button will be added as well as an export feature. This functionality will be released by the end of the year.

B. re:SearchTX Update

Mr. Derrick provided an update on re:SearchTX. Since November 7th, document purchases are available to registered users and non-case party attorneys. More than \$230 in total document purchases made to date (average of \$0.88 per transaction).

Mr. Kennedy discussed the options for outreach about re:SearchTX that could begin in December and January. The outreach methods could include sending email messages to registered users, webinars, materials that could be provided to clerks to send out to attorneys; and work with State Bar to send out communication. Justice Simmons suggested a presentation at New Judge Training. Mr. Derrick stated that Tyler is in the final process of getting CLE credit approved for re:Search training.

There was a request to add the date to the purchase date to the report. Mr. Derrick reported that the purchase date could be added.

IV. Discussion on recommendations from the Clerk Issues workgroup

Justice Simmons provided an overview of the Clerk Issues workgroup, which was created to explore eFiling issues resulting from differences in local practice. *Recommendations to Streamline eFiling in Texas* provides a report of the issues identified and the workgroup’s recommendations. Justice Simmons recognized the workgroup for their efforts. The following issues identified in the report were discussed:

Lead Documents vs. Attachments - Ms. Woodfin provided an overview of the lead documents vs. attachments issue, which is that document submission requirements vary by clerk. Mr. Kennedy informed the committee that Odyssey File and Serve can address this issue through configuration. He suggested that the Standards Committee may need to define lead document and attachments and then each clerk can configure locally how each is handled and file marked. Judge Hinde suggested that additional types of documents need to be categorized. Mr. Kennedy suggested that the Standards Committee work on the nomenclature.

Justice Simmons asked that the Standards Committee meet by telephone so that an update can be provided to the Clerks at their January meeting. She also asked that an announcement be made when the issue is resolved. Mr. Hawthorne suggested that registered users receive an email and that social media also be used for the

announcement. Ms. Price suggested that the Paralegal Association receive the announcement.

Proposed Orders – Ms. Woodfin reviewed the proposed order issue, which is that some clerks are unaware that a file mark can be removed from a proposed order. Mr. Kennedy suggested that the Standards Committee consider proposed orders and that a proposed order be handled as an attachment and not be file marked.

Justice Simmons asked that the proposed orders issue go to the Standard Committee to look at the nomenclature and make a recommendation. Within 90 days, JCIT will have a date for Tyler to turn off the date stamp on proposed orders statewide. Clerks are not precluded from turning off the date stamp ahead of the deadline.

Case Information Sheet - Justice Simmons recapped the case information sheet issue, which is that the information provided in eFiling duplicates the information collected on a case information sheet. Clerks would like to have the case information sheet no longer be required.

Ms. Daumerie, Supreme Court Rules Attorney, stated that the issue was raised by OCA and the court referred it to the Supreme Court Advisory Committee. The Committee recommended revising Rule 78a to get rid of the Case Information Sheet except for cases in which documents are not efiled. The issue is still with the court. Mr. Kennedy will officially ask the court to move forward with the rule change to remove the case information sheet requirement.

Citations – Ms. Woodfin reviewed the citations issue, which is that some clerks think that citations must be issued by paper. Justice Simmons reviewed the recommendation that Rule 99 be revised to clarify that electronic issuing of citation is allowed. Ms. Daumerie stated that a recommendation on this issue has already been provided to the Supreme Court Advisory Committee. Justice Simmons stated that Rule 107 Electronic Return of Service should also be reviewed for clarification and additional discussion is needed on the issues of electronic return of service. Judge Hinde suggested looking at all documents that have to be served.

Additional Document Required Locally – Justice Simmons reviewed the issue of local jurisdictions requiring, by standing order, that additional documents be submitted with pleadings. Filings are returned for the missing documents. Ms. Daumerie stated that some Advisory Committee members think that a website, potentially hosted by OCA, that lists all standing orders and local rules would be sufficient. A subcommittee of the Supreme Court Advisory Committee is reviewing Rule 3a and some of these concerns may be addressed. Mr. Kennedy stated that notices of acceptance can be changed to include links to standing orders, etc.

Timeline for Resubmitting Corrected Filings – Justice. Simmons reviewed the issue of a timeline for resubmitting corrected filings. Clerks can set a deadline in civil cases and 72 hours is the deadline for criminal cases. After discussion, a **motion** was made that a recommendation be made to change the Rules of Civil Procedure [Rule 21 (f)(11) and Rule 21c (e)] to set a deadline of 10 business days from the date that it was returned for correction for the attorney to refile. **Motion by Judge Hinde, second by Mr. Wessels – four opposed. Motion carries.**

EService Email Address – Justice. Simmons reviewed the issue of attorneys not providing their eService email address. Ms. Woodfin reviewed the challenges that result from attorneys providing an email other than the eService mail address. After discussion, a **motion** was made to recommend that the Rules of Civil Procedure [Rule 21 (f)(2)] be changed to include the eService email address. **Motion by Ms. Woodfin. Second by Mr. Soltero. No opposition. Motion carries.**

Justice Simmons stated that there will be a committee to draft the rule change recommendations and asked the Clerks Committee and Mr. Soltero to participate. She also stated that the next goals are to work through judge orders and judgements issues related to eFiling and to walk through redaction.

The next meeting is scheduled for February 1, 2019. Justice Simmons adjourned the meeting at 12:41 pm.