

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY
MEETING MINUTES
April 29, 2011 - 10:00 a.m.
Texas Association of Counties, Austin

I. Call to Order

Justice Simmons called the meeting to order at 10:06 a.m.

JCIT Members:

Chair, Justice Rebecca Simmons
Honorable Dain Johnson
Honorable Amalia Rodriguez-Mendoza
David Slayton
Ed Wells
Bob Wessels
Honorable Mike Cantrell (phone)

JCIT Liaison Members:

Miles Brissette
Honorable Jack Cagle (phone)
Honorable John Dietz
Honorable Gary Fitzsimmons (phone)
Doug Gowin (phone)
Honorable Blake Hawthorne
Gary Hutton (phone)
Stacey Kemp (phone)
Jay Johnson
Dennis Van Metre
Cynthia Orr
Carl Reynolds
Sian Schilhab
Honorable Linda Uecker
Mark Unger
Honorable John Warren
Honorable Dianne Wilson
Honorable Sheri Woodfin

Others in attendance:

Amelia Balderrama, iDocket
Armando Balderrama, iDocket
Rossana Barrios, Travis County
Chris Castillo, Bexar County
Kate Connolly, Hewlett Packard
Chris Daniel, Harris County
Michael Dunn, Sierra Systems
Dalton Franklin, Xpedient Technologies

Janet Gilmore, Department of Information Resources
Charles Gray, Council of Urban Counties
Jo Anne Horn, 253rd District Court
Jackie Ibarra, Bexar County
Honorable Donna McKinney, Bexar County
Ellen Pate, Department of Information Resources
Evan Peterson, Harris County
Brady Satcher, Bexar County
Jake Stine, NIC
Gary Zallar, Harris County

Office of Court Administration Staff:
Casey Kennedy
Thomas Sullivan

II. Approval of Minutes – February 25, 2011

Amalia Rodriguez-Mendoza moved to adopt the minutes. David Slayton seconded the motion. The committee adopted the minutes unanimously.

III. Reports from the Committee Chairs on 2010-2011 projects

1. eFiling Update from NIC

Jake Stine provided an update on eFiling. Some new jurisdictions were added - the 1st COA, 14th COA, Supreme Court, and Henderson District courts. There are several more jurisdictions in the pipeline to be added. March was one of the largest volume months ever, with over 45,000 filings.

The EFM infrastructure upgrade project is in progress. Next steps are requirements and design, setting up a test environment, creating a project timeline, and drafting a customer impact overview.

Last meeting we had talked about some clerk user-interface performance issues. The patch was implemented on March 12 and solved a major CPU resource utilization issue. Since that patch went out, there have not been any tickets related to clerk user-interface performance.

Justice Simmons asked if system capacity was improved by the patch. Mr. Stine responded yes it did. NIC hired a new director of technology, who desired a plan to solve the threshold issues that were causing performance spikes. Since the patch was implemented, the spikes have not caused problems. Mr. Stine believes that NIC can now handle more mandates. Mr. Stine would like to see a schedule of mandates so NIC can plan for increased load. Judge Dietz asked if NIC can give JCIT an assurance or guarantee that NIC can handle the increased load. Mr. Stine responded that if JCIT can tell NIC what the numbers will be, NIC can provide that guarantee.

There was discussion about how to extrapolate the potential number of eFilings. Justice Simmons said that Tarrant and Bexar County would need time to get ready for eFiling. Evan Peterson mentioned that 18% of civil cases in Harris County are currently eFiled.

2. Appellate eFiling

Blake Hawthorne presented on appellate eFiling. Mr. Hawthorne said that the 3rd and 5th COAs would come online with eFiling this weekend. ProDoc is not currently setup to allow eFiling to the COAs, but that should be ready by Monday May 2nd. There is a problem with the file size limit for submitted files, which doesn't work well for appellate eFiling. NIC is raising the limit to 10 MB. The Supreme Court is talking about mandatory eFiling at the court, but still asks for 2 paper copies with the eFiled version.

TAMES testing will start soon, and many be released in two to three months.

Mr. Hawthorne is working with the clerks to get records sent electronically through the portal, which will save time and money.

Casey Kennedy said that the 4th and 6th COAs will be next to come online for eFiling.

Mr. Hawthorne discussed an ongoing issue with attorneys converting documents incorrectly. The attorneys are scanning Word documents and submitting the scanned document, rather than converting the Word document to PDF format. Adobe provides lots of good info. Mr. Hawthorne offered to help walk people through putting. Bob Wessels suggested adding as a CLE program at the Clerk's Conference. Amalia Rodriguez-Mendoza said she could talk to the education committee. Additional information is being put on Texas.gov to help the attorneys with file submissions.

3. eFiling Request for Information

Casey Kennedy made a presentation on the eFiling Request for Information (RFI). This RFI was based on the report to the Supreme Court, to go out and ask for more information from the vendor community to see what options and technology exists for eFiling and related activities. The RFI was developed with assistance from Blake Hawthorne, Bob Wessels, Amalia Rodriguez-Mendoza, David Slayton, and Justice Simmons.

There are no hard technical facts in the document; it is very general, because we are seeking for the vendors to tell us what their options are. The vendors are being asked to provide performance measures and metrics, as well as any additional services they may offer. The goal is to get better eFiling participation, need to be PCI compliant. We don't want to usurp the eFiling role; we just want to see what is out there.

The deadline for vendors to submit questions is May 6. So far, two sets of questions have been received and the responses have been posted on the JCIT webpage. The deadline for vendors to submit their response is May 23. The next step will be for the

executive committee to put together a team to evaluate the responses. Mr. Kennedy is very encouraged that we will get some good responses.

4. Sub-committee on calendar for eFiling mandates

Judge Cagle gave a presentation on the eFiling mandate subcommittee. The group decided to come up with a date just so everyone would have a target. Any county can get ahead of the game.

The dates are:

December 31, 2012 - 10 largest counties

December 31, 2014 - counties with a population greater than 200,000

December 31, 2015 – all other counties

Of the ten largest counties, only Travis and El Paso counties have full eFiling coverage today, the rest are missing some section of courts.

Dianne Wilson said Fort Bend County is ready to go, as soon as it is mandated.

Donna McKinney said she didn't think the Bexar County commissioners would approve increased costs for her to implement eFiling for the county courts.

Doug Gowin said Tarrant County is starting to look for a new Case Management system for the courts.

Evan Peterson said if there isn't a service level agreement in place before eFiling is mandated, it will shift the risks to the clerk's office. Casey Kennedy responded that we hope to get good feedback on performance measures from the RFI, which we could use in a service level agreement.

David Slayton said it is important to have a deadline to get courts to do this.

Gary Fitzsimmons said Dallas County won't budge from the December 31, 2012 date. For Dallas it is an efficiency issue. Mr. Fitzsimmons said that a case management system isn't required to implement eFiling, if you have a document management system.

Linda Uecker suggested taking the ten largest counties one at a time.

Jake Stine asked if the group could get better numbers from the counties when they talk to them.

Mr. Wessels moved to adopt the proposed timelines; to work on a draft version of the service level agreement for the next JCIT meeting; to contact counties to get a current status of their level of preparedness for eFiling; and to create a waiver procedure that includes the submission of a plan by the county. David Slayton seconded the motion and it was approved unanimously.

Sheri Woodfin said she could work on a survey for the counties. David Slayton cautioned against just sending a survey out to all the counties, since some of them have no idea that eFiling is coming and the survey might cause confusion.

Judge Dietz offered to give a demonstration of Travis County's eFiling system and process to interested parties.

5. Update on Criminal eFiling

Miles Brissette gave a PowerPoint presentation on criminal eFiling. He mentioned that Tarrant County district attorney's office had gone paperless for criminal eFiling eight years ago. They just picked a date and said we are going paperless as of this date.

Mr. Brissette said the CUC oversight committee is reviewing their final submission for the base package of criminal eFiling rules. They are taking a standards-based approach that uses OASIS and NIEM.

At the next meeting, Mr. Brissette will provide an update on rules.

6. eFiling Document Format Preservation

Blake Hawthorne said that Miles had already discussed a lot of the issues that impact this item.

The federal courts have adopted PDF/A as their standard. It was mentioned that the Texas State Library and Archives Commission sets the standards for records preservation. Mr. Hawthorne said that by statute the Supreme Court has the authority to tell Texas State Library and Archives Commission what the retention rules for court documents will be.

7. Discussion of a Pilot Project for Indigent eFiling in Probate and Guardianship

Justice Simmons said that Judge King will make his presentation on this topic at the next JCIT meeting.

IV. Open Discussion

A. Legislative Update

Carl Reynolds gave a legislative update. Mr Reynolds said that SB 726 is hung up in the Senate because it increases fees. The bill has not yet had a third reading. HB 2174, is a compromise, lower fee version of SB 726, and may have a better chance of passing. It has a \$5 fee in municipal and justice court cases that will fund basic civil legal services, indigent defense, and around \$1,000,000 a year for eFiling.

Mr. Reynolds has been working with Senator Nichols to have the DIR sunset bill (SB 664 / HB 2499) clarify that the judicial branch is not required to use Texas Online.

The House version of the bill is moving forward.

V. Adjournment

Next meeting will be in June.

Casey will send out possible meeting dates to the committee members.

Justice Simmons says that if members want to put something on the agenda, we are happy to put it on the agenda and talk about it.

Justice Simmons adjourned the meeting at 12:03 p.m.