

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY
MEETING MINUTES
June 22, 2011 - 10:00 a.m.
Cox Smith, San Antonio

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 (phone)
Bob Wessels
Honorable Mike Cantrell (phone)

JCIT Liaison Members:

Honorable Gary Fitzsimmons
Doug Gowin (phone)
Honorable Blake Hawthorne (phone)
Gary Hutton
Honorable Steve M. King (phone)
Jay Johnson
Roland Johnson (phone)
David McAtee (phone)
Honorable Josh Morriss (phone)
Carl Reynolds
Mark Unger
Honorable John Warren
Honorable Randy Wilson (phone)

Others in attendance:

Tammy Carter, CaseFileExpress
Chris Castillo, Bexar County
Charles Gray, Council of Urban Counties
Erin Hutchins, NIC
Jackie Ibarra, Bexar County
Jennie Koontz, NIC
Erica Lopez, Travis County
Farrah Martinez, Harris County
Kevin Mauzy, Harris County
Ellen Pate, Department of Information Resources
Evan Peterson, Harris County
Tammy Rothe-Ramsey (for Cynthia Orr)
Brady Satcher, Bexar County

Jake Stine, NIC
Christian Tyler, New Dawn
Tex Welsh, Roadrunner Courier

Office of Court Administration Staff:

Casey Kennedy
Thomas Sullivan

II. Approval of Minutes – April 29, 2011

Gary Hutton asked that the minutes be amended to reflect that he was in attendance by phone at the April meeting.

David Slayton moved to adopt the minutes. Judge Johnson seconded the motion. The committee unanimously adopted the minutes as amended.

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

A. eFiling

1. Appellate eFiling

Blake Hawthorne presented on appellate eFiling. He said there wasn't a whole lot to report. They have received their first numbers back from NIC for the Supreme Court, the 1st COA, and the 14th COA. Things are going pretty well. Mr. Hawthorne said the Supreme Court rules require bookmarks, but they are being stripped out. They are following up with NIC on this. Hopefully by the end of this summer, there will be a mandate for eFiling at the Supreme Court.

Casey Kennedy mentioned that the 5th and 3rd COAs came online in May, the 11th COA is coming online next, followed by the 4th COA.

Justice Simmons asked if the Supreme Court would look at eFiling mandates for other courts, if those courts were interested in mandating eFiling. Mr. Hawthorne said he doesn't see an issue with that.

2. eFiling Update from NIC

Jake Stine provided an update on eFiling. Several new courts have recently come online including the 3rd and 5th COAs, and Henderson County courts.

Upcoming courts will be Travis JP #1, 11th COA, Brooks district court, Hood County, and Galveston district and county courts.

No JP courts have been added since the last meeting. Justice Simmons asked if the COAs going online would help counties get eFiling. Jake responded that he thinks it will encourage them. Casey Kennedy said it would help by applying peer pressure from above.

The project scheduled for the .Net framework upgrade project is being finalized, along with the communication strategy for constituents using eFiling. Erin Hutchins stated that the upgrade would probably rollout after the start of the new year. Tammy Carter said it would be a migration for the EFSPs as well.

Next, Jennifer Koonts (NIC Service Desk manager) spoke about the new NIC service desk. The service desk was launched around 6 months ago, when NIC realized they needed to address their support issues a little differently. They took pieces from ITIL (Information Technology Infrastructure Library) to develop the support process.

Justice Simmons asked about getting reports on the service desk tickets. Ms. Koonts said NIC is using Remedy to track incidents, and there are several reports that can be generated from Remedy.

Mr. Hawthorne said he feels like he has to do a lot of follow-up with the service desk to make sure things are being worked on. Justice Simmons expressed interest in seeing performances measures for the service desk. Erin said she would like six months of being fully engaged before providing the metrics.

Evan Peterson said the EFM is performing much better, with quicker response time. Since May 1, over 370 document or financial errors have been reported by NIC. The financial problems are delayed payments or not reporting correct amounts. These are causing slowdowns with the Harris County accounting appointment. Most of the document problems are delayed exports or strange fonts embedded in them. Some of the formatting problems are caused by how the attorneys submit the documents with embedded videos.

Justice Simmons asked if we need better rules for eFiling standards, and asked if the Supreme Court is seeing issues. Mr. Hawthorne says he has not seen a lot of formatting issues. He does feel there is a disconnect between getting rules in place and NIC's actual technical capabilities.

Justice Simmons said that JCIT needs to look at a review of local rules to add in technology standards, and will need to work with NIC on bookmarks and digital signatures. Mr. Kennedy said that bookmarks might be an EFSP issue, not NIC. He said it is important to have continuity between the courts, NIC and EFSPs on what is accepted. Tammy Carter says they use a third party tool to convert the PDF documents. She said any rules changes should go in at same time as the .NET framework update. Justice Simmons thinks the technical standards for using a PDF should be the same for all courts, throughout the entire system. She asked for Mr. Hawthorne to work with a group to develop and finalize standards for local eFiling.

Mr. Kennedy said there is also an issue with time stamping. He says an example where the District and COA stamps both went in the same place on the document. They need to define a specific location where each stamp should go, so we don't overwrite stamps.

Mr. Stine said the biggest problem they see is attorneys who convert the document to PDF themselves using a scanned image instead of a converted file. Then the EFSP converts it to a PDF, as required. Justice Simmons noted that the attorneys need to be educated on this, and EFSPs need education as well. Justice Simmons said the standards committee needs to look at using the COA rules to create local rules and education for PDF issues.

There was a question about how statewide unified rules, using a portal, would affect Harris County's free fax filing. It would have the biggest impact on the government filers that currently have ties into the Harris County case management system. Until recently, Harris County had an issue with the volume and wonders if TexasOnline could handle an increased load. Harris County would prefer a confederated model to a one size fits all approach.

3. eFiling Request for Information

Casey Kennedy gave an update on the eFiling Request for Information (RFI). There were 10 responses to the RFI. The next step is for the evaluation committee to review all the RFIs for good ideas to use in a RFP, if the decision is made to go that way. The RFP would need to use a cost-recovery model, since no appropriations were received from the legislature. At the next meeting, Mr. Kennedy hopes to have recommendations for the RFP.

4. Criminal eFiling

Charles Gray provided an update on Criminal eFiling. There is a strong emphasis on standards. CUC will work with JCIT on drafting criminal eFiling standards. Participating counties are Bell, Collin, Dallas, Denton, Galveston, Midland, Tarrant, and Travis.

Over 90% of the eFilings will be government or government attorneys. There is very little private eFiling. Both the DA and the defense attorney will need to be able to eFile. Free filing is essential on the criminal side.

Mr. Gray recommended that they use a framework that is standards based and that JCIT establish the standards. He thinks there should be a certification process for the filers (specifically the EFSPs), to certify that they are standards compliant. He thinks OCA should have the authority to certify the EFSPs. A county should be able to become an EFSP. The counties would adopt standards and local rules based on the Supreme Court rules.

Standards would need to be set for each multimedia type, and counties would decide which types they would accept through eFiling. Justice Simmons asked how the counties would let attorneys know which file types they accept. Mr. Gray responded that the portal should tell the filers what is accepted when they eFile. Also, most of the attorneys are local and most are appointed by the state.

Mr. Gray said they were willing to put together a confederated model through CUC. Filers would go to a common portal, select the county, and then send the pieces of the filing that apply to that county.

Amalia Rodriguez-Mendoza asked how the plan would be communicated to the clerks. Mr. Kennedy said they would go through the normal rules process, through JCIT.

Justice Simmons said the next steps are to have a committee look at this. There is a lot of cross-referencing to the civil rules. The biggest policy issue is keeping the interface somewhat uniform across the state

The next issue is developing a PACER type system. Justice Simmons asked how this would affect implementing a PACER type model. Mr. Gray said it could be addressed in the standards.

John Warren said he would rather have statewide rules instead of separate local rules, except for resolving issues at the local level that aren't addressed at the statewide level. Justice Simmons says there can be local rules, as long as they don't contradict statewide rules.

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

Judge King gave an update on the indigent eFiling project. He said there are three steps that need to be done.

- 1) Identify areas of likely utilization like the annual report for guardianship of a person, affidavit of indigency for decedent estates, and mental commitments.
- 2) Develop protocols, forms and training. Looking at smart forms developed in Microsoft Word. Training could be done using the Captivate software tool for onscreen tutorials.
- 3) Implementation. Initially at the probate courts in Tarrant County, then look at the other sixteen probate courts in the ten largest counties.

Justice Simmons asked what additional support he needed from JCIT. Judge King responded that he is working with Tarrant County IT for now. He is going to ask them for support on developing the software.

He is going to talk to Minnesota which implemented mandatory eFiling in January. He has also been talking to the probate court in Denver which has been doing this for 10 years.

Ms. Rodriguez-Mendoza said that Judge Herman has been doing eFiling in Travis County, and wondered if Judge King had spoken to him. Judge King says he has been talking to Judge Herman.

Justice Simmons asked about the Harris County probate courts. At this time, they are not doing eFiling.

B. Case Management

David Slayton provided an update on case management. He had been told that a number of the case management providers have dropped off of state contract. He said the case management committee is thinking about whether we should try to reengage the CM providers onto state contract.

C. Standards

Bob Wessels provided an update on the standards workgroup. They are working on a couple projects. They are looking at the eFiling RFI responses for a better framework to provide uniformity at the highest level and still provide flexibility. They are forming a documents group to put together document standards, and a criminal standards group to determine what standards may be needed. Mr. Wessels will work with Mr. Kennedy on scheduling meetings.

Ms. Rodriguez-Mendoza gave a follow-up to a question from the last meeting about CLE program for training of attorneys about formatting the documents. She talked to the education committee chair, Cynthia Mitchell, who is very open to doing whatever needs to be done for CLEs. Justice Simmons added that she had talked to the Texas Center for the Judiciary. They want to get education started for the judges, beginning with the winter meeting.

Mr. Wessels said he welcomes anyone who would like to join his standards groups.

IV. Open Discussion

A. Legislative Update

Carl Reynolds gave an update on the 82nd legislative session. The really positive takeaway from the session is that we had a much closer working relationship with the Access to Justice group. It was a new pinnacle and he thinks it will pay off in the future.

What didn't happen:

1. Mr. Reynolds worked with Senator Nichols to adopt an amendment to the DIR sunset bill that would have kept judicial branch out of DCS (data center services), and would have exempted the judicial branch from Texas.Gov infrastructure for eFiling. The later piece was taken out by the conference committee because it had a fiscal note associated with it. Ultimately, the DIR sunset bill was vetoed by the governor which killed our exemption from the data center. But it laid the ground work for future sessions.
2. Funding for access to justice was found in general revenue, but it eliminated the

additional fees that were being requested. Fees were not popular this session.

Next session, a lot will depend on what happens in the next two years with eFiling. We didn't gain any enemies this session, and our ideas were liked.

V. Adjournment

Justice Simmons said this is the last meeting of the year. She thanked each member for the work they have done for the last two years. A lot has been accomplished due to everyone's hard work and their ability to attend the meetings. She asked that the advisory committee members email her to let her know if they would like to be reappointed for another term. A few people will be rolling off the JCIT membership. Chief Jefferson will be appointing new members in August.

Next meeting will be in September.

Justice Simmons adjourned the meeting at 11:54 a.m.