

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY
MEETING NOTES
September 29, 2011 - 1:00 p.m.
Texas Association of Counties

I. Call to Order/ welcome to new members

Justice Simmons called the meeting to order at 1:04 p.m.

JCIT Members:

Chair, Justice Rebecca Simmons
James W. Cannon, Jr. (phone)
Honorable Mike Cantrell (phone)
Honorable Jaime Esparza
Honorable David Field
Roland Johnson (phone)
Honorable Amalia Rodriguez-Mendoza
Steve Mills
David Slayton
Ed Wells
Bob Wessels

JCIT Liaison Members:

Miles Brissette
Randy Chapman
Doug Gowin (phone)
Honorable Paul Green
Honorable Blake Hawthorne
Honorable Laura Hinojosa (phone)
Gary Hutton
Honorable Stacey Kemp (phone)
Honorable Josh Morriss, III (phone)
Cynthia Orr
Honorable Louise Pearson
Evan Peterson
Stan Reid
Carl Reynolds
Sian Schilhab
Mark Unger (phone)
Honorable Dianne Wilson

Others in attendance:

Tammy Cannon, CaseFileXpress
Chris Castillo, Bexar County
Nikki Cobb, Representative Otto
Mike Dunn, Sierra Systems
Ed Emmett, NIC

Joel Green, CIRA
Jackie Ibarra, Bexar County
Jay Johnson, Texas Association of Counties
Stacey Kounelias, Senator Wentworth
Mike Lykes, Harris County
Kevin Mauzy, Harris County
Ellen Pate, Department of Information Resources
Jennifer Savoy, NIC
Robert Schott, Tyler Technologies
Kristin Smith, NIC
Randy Storm, NIC
Christian Tyler, New Dawn

Office of Court Administration Staff:

Casey Kennedy
Thomas Sullivan
Charlotte Velasco

Justice Simmons introduced the JCIT members and let everyone know that JCIT has a webpage (<http://www.courts.state.tx.us/jcit/jcit-home.asp>). She mentioned that Casey Kennedy will be sending out a contact sheet and asked that everyone verify their contact information.

II. Approval of Meeting Notes – June 22, 2011

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

III. Travel Reimbursement/Attendance

There is travel reimbursement for the voting members. There are forms available, and Mr. Kennedy will email out the packet electronically.

JCIT has an attendance requirement. If you cannot make it physically, please try to make it by phone and be sure to sign-in. If you cannot make a meeting, please notify Justice Simmons as soon as possible.

Future meeting dates are scheduled for November 9, January 19, and April 12. There may be additional meetings. The committees will be meeting several times in between the JCIT meetings. All the JCIT meetings will be held in Austin, and hopefully at the Texas Association of Counties meeting location.

IV. Committee Assignments

There will be a standards committee – Bob Wessels is the chair, and there are eleven

members. Mr. Wessels said that his key things are to finish the document standards, video and other multimedia standards, anything needed to round out RFP, look at a certification process for EFSPs, and criminal eFiling.

The next committee is eFiling. Ms. Rodriguez-Mendoza is the chair and there are twelve members. Her goal is the mandating of eFiling.

The Case Management/Business Process Review committee is one that wasn't very active last year. This year this committee will be very important, as we need to know the business model for a great eFiling solution. Mr. Slayton is the chair. He plans to work closely with the standards committee to standardize processes for eFiling.

There is a State Bar of Texas Authentication group, headed by Roland Johnson. They will work with State Bar for an easy way to authenticate lawyers for eFiling or PACER type system. This will be very tied in to the standards workgroup.

Next is a Public Access to Courts Electronic Records (PACER) group. PACER is the acronym that federal courts use for their system to pull up documents. This is a key part of moving forward with technology in the Texas courts. Blake Hawthorne will lead this group. Mr. Hawthorne says they will study the feasibility of implementing a PACER type model in Texas. Large and small counties will be involved in the discussions.

The next group is the Request for Proposals group. Currently NIC provides the portal for the eFiling website. NIC has indicated that they will not to continue to operate under the current contract. We are in process of putting together a RFP to look for vendors who might want to provide this service. Ed Wells will be the chair of this group. Mr. Wells says it will take work from all the committees to put this together. There has already been some good work, and we want to get something out there soon.

These are main committees and membership is not set in stone. If you have a strong desire to work on a different committee, please let Justice Simmons know soon.

Finally, there are the eFiling public relations teams. Lawyers say their biggest impediment to doing eFiling is lack of knowledge about eFiling. These teams will go out into the counties to advocate for eFiling, and educate the lawyers on what eFiling is. Hopefully they can get together and figure out where they can go to speak.

V. Reports from the Committee Chairs

Justice Simmons gave members some background on what has been happening in the past at JCIT. We are preparing a letter for the Supreme Court. For the past couple years, JCIT has been focused on getting eFiling adopted by more people. In addition, the Supreme Court and others have expressed an interest in a PACER type system. We have been trying to determine the best way to go, have talked to NIC about

updating and upgrading their equipment. The RFP is a big push. The RFP will seek vendors to give an idea of what this system could look like. We tried last session to get some money from the legislature, but were unable to do so due to the economic climate. But we made some friends and we will be ready next session to advocate for eFiling and the savings it brings. We hope next session we can get some revenue to put in place a better eFiling and PACER type system. At the next meeting, Justice Simmons will circulate a letter that summarizes everything that was done by JCIT in the last year. This letter will be given to the Supreme Court.

A. eFiling

1. Appellate eFiling

Ms. Rodriguez-Mendoza gave an update on eFiling. They are trying to encourage the judiciary to use eFiling. She spoke to Judge Livingston of Travis County, who just attended the Judicial Conference in September and they gave out some materials from NIC. Ms. Rodriguez-Mendoza's group is trying to market to clerks and has asked the clerks to let her know if they run into any issues with eFiling. The next big thing is criminal eFiling and we need to be prepared for that.

Mr. Hawthorne reported that Supreme Court has mandated eFiling for attorneys at the Supreme Court. He also said half of all appellate courts now have eFiling. He believes the other appellate courts will adopt eFiling as OCA rolls out the TAMES case management system.

Justice Simmons asked Mr. Hawthorne how the attorneys have reacted to the mandated eFiling at the Supreme Court. He replied that there have been zero complaints, but several people asked why they hadn't done it sooner. Some people have said it would be better if they didn't have to pay to eFile, but they see the benefit of eFiling. Mr. Hawthorne's staff spends a lot of time explaining to filers how to properly put together the document - all the appendices need to be put into one file, hyperlinked and bookmarked. He believes some rules will be changed - such as changing page limit rules to character limit rules.

Justice Simmons said that eFiling will be a topic at the winter Judicial Conference, put on by the Texas Center for the Judiciary.

Justice Simmons also mentioned that Judge King has been working on eFiling for the probate courts in the Tarrant County area. If anyone is interested in working on the probate side of things, let Judge King know.

2. eFiling Update from NIC

Kristin Smith provided an update on NIC and eFiling. Several new jurisdictions have gone live - Brooks district court, Hood county court, Travis JP #1, the 6th COA and the 11th COA, and Liberty district and county courts. The 4th COA, Galveston

district and county courts, Medina district court, Parker district court, and Calhoun County and district courts are all in the pipeline to go live over the next few months.

There was a peak of over 20,000 filings in August. Harris County continues to have the most filings.

NIC is working on the .NET framework upgrade which will provide better reliability, scalability, and performance enhancements. This will allow the system to handle more transactions. The upgrade is expected to occur in the first quarter of 2012. EFSPs will need to upgrade their system so the integration will continue to work.

Harris County is still seeing a lot of problems with reconciliation. Ms. Smith hopes the .NET upgrade will address this issue.

El Paso has been updating their case management system, so NIC has turned off eFiling until the system is ready. Justice Simmons raised concerns about eFiling being turned off when there is a Supreme Court rule in place that allows for eFiling. Mr. Hawthorne asked why it was turned off, when the filings stay in the queue for thirty days. Justice Simmons asked if there is a role for JCIT in this issue, to develop rules or guidelines for the courts on how to handle when their case management system is going down. Mr. Hawthorne suggested that something be placed in the eFiling template. Miles Brissette asked if the RFP needs to include maintenance windows that say when the provider can be down. The maintenance windows should be outside of the time windows for filing. Justice Simmons asked if counties can order NIC to take the court down or if NIC stays up and the county deals with it. Mr. Slayton said that NIC shouldn't be able to take the court offline except by Supreme Court rule. Mr. Wessels said that JCIT should look at why NIC and Odyssey continue to have problems, and can this be addressed through standards for case management systems. Dianne Wilson said she will be meeting with the Tyler team, and plans to discuss this issue with them.

Justice Simmons requested a small group form to look at suggestions for putting in rules about what happens to eFiling when a case management system goes down, and can courts request NIC to shut down eFiling. Part of the issue might be education. Ms. Wilson said she would send out an email after her meeting with Tyler. Jaime Esparza volunteered to talk to El Paso to see what is going on, and let Justice Simmons and Ms. Rodriguez-Mendoza know what he finds out. Justice Simmons asked what NIC's role should be with the county. Mr. Kennedy says the RFP can include whatever guidelines are decided upon. Mr. Wessels suggested that the NIC contract and the Supreme Court orders should be reviewed. Mr. Slayton will chair the group to look into this.

NIC does application maintenance windows once a month from 10 p.m. to 4 a.m. on the third Sunday of the month, and an infrastructure maintenance window 10 p.m. to 4 a.m. on the second Saturday of the month. Notifications are sent to the service providers about the maintenance windows.

Justice Paul Green said the Supreme Court is well aware of the issues with eFiling. The court is looking at mandating, and is having a hearing in December to talk about eFiling. Representatives from the various involved parties are going to be invited to talk about their concerns about eFiling. Written submissions will also be accepted. Mr. Hawthorne will be the recipient for any written comments, if people want to start sending them to him at Blake.Hawthorne@txcourts.gov.

3. eFiling Request for Information

Mr. Kennedy gave an update on the eFiling request for proposal (RFP). Earlier this year, a request for information (RFI) was submitted to the vendor community to get some ideas for the future of eFiling. The current agreement with NIC is set to expire on September 1, 2012 and NIC doesn't want to continue under the current agreement.

A committee was put together and they have had a couple meetings to start putting the RFP together. Because there are members of the vendor community in attendance at today's meeting, we can't talk about the details of what is in the RFP but we will take things from the PACER committee, the standards committee, and the other committees and assemble into the RFP. Hope to get good responses from the vendors for ways to alleviate the current issues. Timelines for the putting the RFP out of the street will have to wait until after the Supreme Court meeting on eFiling, to ensure the RFP is following the correct direction. If you have any RFP concerns, send to Mr. Kennedy. Shortly after Supreme Court hearing is done, we hope to have the RFP out on the street.

B. Case Management

Mr. Slayton provided a history on case management. His committee has been waiting to see what happens with eFiling and the RFP process. Over the last eighteen months, CUC has been working on developing a Case Management system and CIRA released functional requirements for what a system should look like. The most recent thing being reviewed - several case management providers used to be on state contract and they have fallen off. The committee is looking into whether it would be advantageous to encourage the providers to get back on state contract. The business process piece will become a bigger part of the workgroup this year.

Mr. Slayton said a process needs to be in place when a court changes case management providers, to prevent situations like El Paso, and he will work closely with the standards committee on this.

C. Standards

Mr. Wessels provided an update on the standards workgroup. Mr. Wessels said that the Technology Standards document will be on the November 9th agenda for a formal vote. The committee has worked for over a year on the eFiling standards.

Mr. Kennedy said the document will be a living document and will contain all the standards in one place. When additional standards such as multimedia come on, they will be included in this document. Mr. Kennedy went through the different sections of the document. Please send any suggestions or changes to him at Casey.Kennedy@txcourts.gov.

Mark Unger expressed concern about documents being mandatory OCR. A representative of the EFSPs said that it is not necessary to sign the documents, that they can be digitally signed. Mr. Unger is concerned about digital signatures creating an additional barrier to encouraging eFiling. Mr. Hawthorne said that the appellate courts have much more onerous requirements, and that they have to walk people through the process when they haven't done it before, but they figure it out and it is getting better every day.

Justice Simmons noted that the standards document requires Adobe PDF version 1.5, but the Supreme Court rules talk about the latest version of Adobe.

Mr. Brissette asked if NIC and the EFSPs can support the Oasis standards for digital standards. A representative of the EFSPs said he thought they could support it, but would need to talk to NIC. NIC will follow-up to see if NIC can support this. There is an issue about digital signatures getting stripped out.

Justice Simmons asked Mr. Unger to focus on digital signatures, and digital signatures making it through the system. Mr. Brissette and Evan Peterson will work with Mr. Unger on this.

VI. PACER

Mr. Hawthorne discussed PACER. The Chief Justice is concerned about privacy in court records and opinions, and is also concerned about funding for court technology. Everyone knows how successful PACER has been in funding technology for the federal courts. In that regard PACER looks pretty good, because it allows for free eFiling. It would help address some of the privacy issues, because it would require you to login to view the document. Some jurisdictions feel that the money from PACER should come back to them, but if it that is done it won't allow for free eFiling. Mr. Hawthorne thinks it would be in everyone's interest to create a PACER-type system, so we can increase revenue for all the courts to pay for free eFiling. It would also be very popular with attorneys, as they could go to one place to find info (as opposed to having to go to multiple systems with different logins).

Ms. Wilson said that there is an interest in looking at these systems, but that everyone is looking for money due to the current economy. She raised concern that the legislature might redirect the funds for another purpose. Another concern was raised by Gary Fitzsimmons about clerks not wanting to give up custodial ownership of the records. Mr. Hawthorne thinks the custodial issue is easily addressed.

Some courts are looking at putting their records into the “cloud”. Steve Mills said that the cloud could be used to drive down costs while still protecting the data. He suggested that use cases of the system be defined and put into the RFP, so vendors know what to expect and what they might need to take on.

VII. Open Discussion

Justice Simmons says we want to have lively discussion about PACER and eFiling, and she opened the floor to discussion. Mr. Hawthorne encouraged everyone to write to the Supreme Court to express their feelings about eFiling, including criminal eFiling.

A question was raised about how Child Protective Services and OAG will pay for eFiling. Ms. Rodriguez-Mendoza said OAG is currently scanning their documents. They are piloting with the IV-D judges, and it is working very well. She was asked about the cost factor, and she said that she would have to look into that. The OAG litigation section has an agreement with NIC and pays a flat fee to eFile. Mr. Brissette said that their civil division created an account with an online provider and has to pay the fees like everyone else. He said there are no exceptions for a DA’s office that has civil responsibility to file with the Supreme Court. Justice Simmons said some government filers have worked out agreements with NIC, but what about indigent filers? Mr. Brissette suggested that the RFP might include the provision for a government EFSP for government filers.

Mr. Hawthorne asked why Harris County doesn’t create their own EFSP. Mr. Petersen said there are no contractual standards in place for NIC to maintain a certain quality. He says they continue to face delays in filings and financial problems, and there isn’t anything contractually to protect the clerks. He suggested these might be addressed in the RFP, and certain standards need to be in place before talking about mandates. There was discussion about the Harris County free fax filing system and the goals of that system. Harris County’s ultimate goal is to allow provide the same, if not better, service for the public and the attorneys while reducing overhead costs. Justice Simmons stated that the RFP is our opportunity to fix the existing problems and do things better.

Justice Simmons adjourned the meeting at 3:03 p.m.