



CHIEF JUSTICE'S RULES ADVISORY COMMISSION MINUTES OF MEETING

October 24, 2019

North Carolina Judicial Center, Room A1101
901 Corporate Center Drive
Raleigh, NC 27607

Call to Order and Introductions

A meeting of the Chief Justice's Rules Advisory Commission was called to order at 2:00 p.m. on Thursday, October 24, 2019, in the Executive Boardroom at the Judicial Center by North Carolina Court of Appeals Judge Donna Stroud, Commission Chair.

Commission Members in Attendance:

Trey Allen, *Professor*, UNC School of Government
Ann Anderson, *Professor*, UNC School of Government
Mark Anderson, *Partner*, McGuireWoods LLP
Pamela Hill, *Clerk of Superior Court*, Randolph County
Mark Holt, *Partner*, Holt Sherlin LLP
Mike Mitchell, *Attorney*, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP
Kellie Myers, *Trial Court Administrator*, Wake County
John Rabiej, *Deputy Director*, Bolch Judicial Institute, Duke School of Law
Paul Ridgeway, *Senior Resident Superior Court Judge*, Wake County
Andrew Tripp, *Chief of Staff*, Office of Senate President Pro Tempore Phil Berger

Commission Member Not in Attendance:

Christine Walczyk, *District Court Judge*, Wake County

Other Attendees:

Grant Buckner, *Administrative Counsel*, Supreme Court of North Carolina
Betse Hamilton, *Office of Administrative Counsel*, Supreme Court of North Carolina

Oath of Office

North Carolina Court of Appeals Judge Chris Dillon administered the oath of office to the following Commission members: Judge Donna Stroud, Commission Chair; Ann Anderson; Mark Anderson; Mark Holt; Mike Mitchell; Kellie Myers; and John Rabiej. Notarized oaths of office were received from Trey Allen, Mark Anderson, Pamela Hill, Mike Mitchell, and Andrew Tripp.

Review of Structure and Purpose of Commission

Judge Stroud reviewed charges for the Commission as outlined in the administrative order establishing the Chief Justice's Rules Advisory Commission, signed by Chief Justice Cheri Beasley on September 25, 2019.

General Charge:

- To monitor, comprehensively and particularly, the North Carolina Rules of Civil Procedure and the General Rules of Practice for the Superior and District Courts on behalf of the judicial branch of government; and
- To recommend amendments, additions, and deletions to those rules as are considered necessary for the proper administration of justice.

Special Charge:

- To recommend amendments, additions, and deletions to the North Carolina Rules of Civil Procedure and the General Rules of Practice for the Superior and District Courts as are considered necessary for the implementation of a statewide electronic-filing and case-management system.

The Following Issues Were Discussed:

- Rule changes in other jurisdictions
 - Is there information about rule changes in other jurisdictions where Tyler Technologies' software has been implemented?
 - To hone its focus, the Commission should investigate what other states have done that have gone through a similar transition.
- Privacy concerns if case documents are available online
- Pro se filers—how have other states implemented eCourts with this group?
- Funding for the Commission
 - There is no funding for this Commission.
 - May the Commission ask the NCAOC's judicial fellows for assistance? Law students?

- Rule sets impacted by the eCourts initiative
 - North Carolina Rules of Civil Procedure (statute law)
 - Criminal rules (statute law; common law)
 - General Rules of Practice for the Superior and District Courts (rules promulgated by the Supreme Court of North Carolina)
 - Electronic-Filing Pilot Project Rules (rules promulgated by the Supreme Court of North Carolina)
 - Local Rules of Court (rules promulgated by trial court judges)
 - Rule 22 of the General Rules of Practice could be revised to impose uniformity at the local level—e.g., the rule could state that local rules cannot be inconsistent with the statewide electronic-filing and case-management system.
 - Judge Stroud suggested having judicial districts review their local rules, through the senior resident superior court judge and chief district court judge.
 - Rules of Recordkeeping (rules promulgated by the NCAOC Director, with the assistance of the NCAOC Office of General Counsel)
 - Business Court Rules (rules promulgated by the Supreme Court of North Carolina)
 - The Business Court has a rules committee that advises the Supreme Court.
 - Rules of Appellate Procedure (promulgated by the Supreme Court of North Carolina)
 - The Appellate Rules Committee of the North Carolina Bar Association advises the Supreme Court.

Tyler Technologies Presentation

Brad Fowler, AOC Chief Business Officer, introduced a presentation by Tyler Technologies concerning the implementation of a statewide electronic-filing and case-management system (called “Odyssey”).

Per the eCourts handout (*see* attachment), “Tyler Technologies’ Odyssey suite will replace older systems and integrate all of these products into one total case management solution, including e-filing, financial management, and document management for all case types.”

There will be a five-year staggered rollout, starting during the first half of 2021. Four pilot counties, Harnett, Johnston, Lee, and Wake, will go online during the first phase of implementation. Mecklenburg County, as an early adopter, will go online during the second phase of implementation. The ninety-five remaining counties will go online over the remaining phases of implementation.

Following the presentation, discussion ensued concerning the following issues:

- Determining which changes to the Rules of Civil Procedure will need to go to the legislature during the 2020 short session in order for the pilot counties to go live during the first half of 2021.
- Determining which changes to the General Rules of Practice will need to go to the Supreme Court in order for the pilot counties to go live during the first half of 2021.
- Making rule changes cognizant of Tyler Technologies' technological restrictions.
- Establishing a limit for pro se litigants concerning the volume of documents that they can file without having an account with the eCourts Odyssey suite.

Subcommittees Named

The following subcommittees and committee members were named by Judge Stroud:

- Rules of Civil Procedure subcommittee – Mike Mitchell, Chair; Trey Allen; Ann Anderson; Paul Ridgeway; and Andrew Tripp.
- General Rules of Practice subcommittee – Mark Anderson, Chair; Pamela Hill; and Mark Holt.

Schedule for Upcoming Commission Meetings

The following dates were set for the next three meetings of the Commission:

- Friday, November 15, 2019, 2:00 p.m. – 5:00 p.m.
- Friday, January 10, 2020, 2:00 p.m. – 5:00 p.m.
- Friday, March 20, 2020, 2:00 p.m. – 5:00 p.m.

All meetings will be held at the Judicial Center in the Executive Boardroom, room A1101.

Adjournment

The meeting was adjourned at 5:00 p.m. by Judge Stroud.

Minutes submitted by: /s/ Grant E. Buckner
Administrative Counsel, Supreme Court of North Carolina

Date submitted: 31 October 2019

eCourts

THE RIGHT INFORMATION, AT THE RIGHT TIME, RIGHT WHERE YOU ARE



Imagine a world where all court case types are handled electronically from filing to disposition, where access to courts and court data are expanded, and paper is a thing of the past. The North Carolina court system is on that journey!

The North Carolina Administrative Office of the Courts worked with the National Center for State Courts to convene stakeholders, develop business requirements, and find the right vendor solution — Tyler Technologies.

TODAY, the computer applications that run our courts were once cutting edge, but **after 30 years**, it's time to say goodbye to green screens and MS-DOS for **21st century technology**.

CURRENT ISSUES

- Repetitive data entry and wasted time
- Reliance on paper and inefficient manual processes
- Physically filing and storing paper files
- Difficult to implement and drive policy changes to improve public service
- Lack of case management tools
- Cumbersome audit controls
- Travel to courthouse required for court business creates barriers to access
- Limited access to court files
- Difficult integration of siloed applications and data



odyssey®

a tyler courts & justice solution



TRACK ALL ASPECTS OF COURT ADMINISTRATION, from eFiling through disposition, and manage highly sensitive case data.

IMPROVED CALENDAR MANAGEMENT that saves time and resources.



AIDS ALL ATTORNEYS by organizing and maintaining case data for hearing and trial preparation, tracking, and managing caseloads.



REVIEW, GATHER, AND TRACK ESSENTIAL INFORMATION by using case statuses, witnesses, victims, evidence, statistics, and related case information.

SECURE ONLINE ACCESS for judges to court records 24/7 from any county.



STREAMLINE ELECTRONIC PROCESSES and **ELIMINATE PAPER HANDLING**.



FILE DOCUMENTS ELECTRONICALLY through a single, secure, centralized online eFiling location.

ONLINE TOOLS FOR SELF-REPRESENTED GUIDANCE through the eFiling process.



VIEW CASE INFORMATION AND DOCUMENTS ONLINE (depending on rights and roles).

PAY FEES ONLINE, verify payment forms, view financial activity summaries, and more.



MANAGE THE ENTIRE TRANSACTION AUDIT TRAIL, from account management to payment processing.

MANAGE IN-COURTROOM ELECTRONIC RECORDS that improves workflow and reduces data entry time.

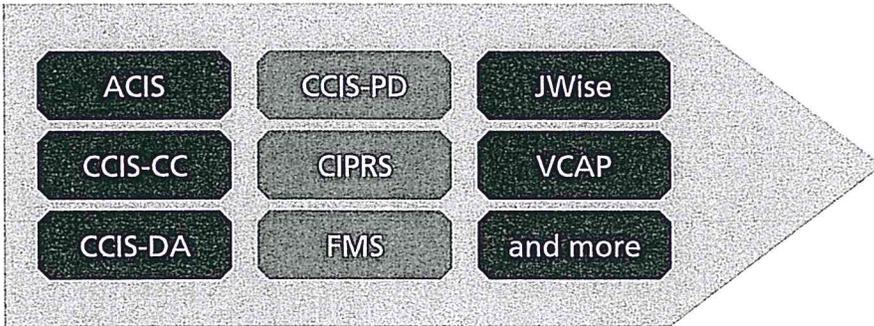
Implementation Timeline

Work is now well underway to configure the integrated case management system based on standardized rules and practices of North Carolina courts.

Tyler Technologies' Odyssey suite will replace older systems and integrate all of these products into **one total case management solution including eFiling, financial management, and document management for all case types**. This new system will bring higher efficiencies to the justice system, electronic access to

information, reduce manual processes and reliance on paper, and increase collaboration among court officials, lawyers, and law enforcement officers.

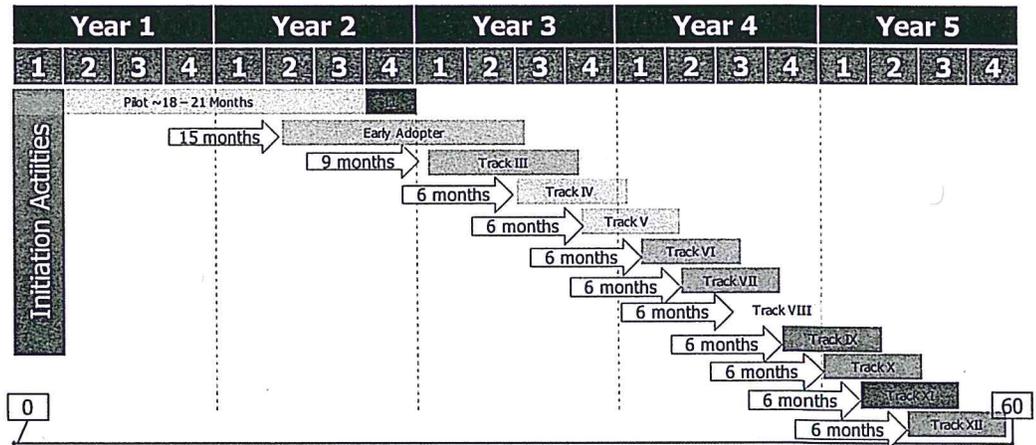
The configuration and statewide rollout are expected to occur over a **five-year period, starting the first half of 2021**. A total of 12 tracks / phases will be rolled out statewide with a "big bang" implementation of all case types at the same time. After the pilot and early adopter tracks, approximately 10 counties are expected to be rolled out every 3–4 months in tracks 3–12.



**5-YEAR ROLLOUT
12 TRACKS / PHASES**

Pilot Counties
Harnett, Johnston, Lee, Wake

Early Adopter County
Mecklenburg



eCourts Initiatives

The Judicial Branch has many technology initiatives already completed or underway that are foundational for eCourts and the integrated case management system. These help to continue modernizing the courts with features that enable you to connect anytime, anywhere.

- Computer replacement
- Court facility upgrades
- Courtroom wireless
- Digital recording upgrade
- Electronic faxing
- Encryption and security
- Identity & access management
- Network infrastructure upgrades
- Office 365
- VOIP phone replacement