



Technology Committee Minutes

Date: October 16, 2015

Time: 10:30 a.m. – 3:30 p.m.

Location: N.C. Judicial Center, 901 Corporate Center Dr., Raleigh, N.C.

Attendees

Members: Justice Barbara Jackson, Judge Susan Burch (by phone), Judge William “Mac” Cameron, Jeff Frazier, Sally Ann Gupta (attending on behalf of Senator Harry Brown), Jason Hensley, Dean J. Rich Leonard, James J. MacCallum, Chief Judge Linda McGee, Tina McNair, Carolyn Timmons, Rajesh Tripathi

Presenters: Christine Castelloe, Jeff Marecic, Richard Schauffler, Marcos de Souza, Jon Williams

Guests: Judge Marion R. Warren

Reporters: Paul Embley, Kurt Stephenson

Administrative Matters

Justice Jackson, Co-Chair, opened the committee meeting and those members who were unable to attend the inaugural NCCALJ meeting introduced themselves to the committee; as did presenters and others in attendance.

Presentations

A brief introduction to technology in the federal court system—*Dean J. Rich Leonard, Campbell Law School, and Christine Castelloe, Chief Deputy Clerk, United States Bankruptcy Court*

The presentation covered three main areas:

- 1) What is internal case management system
- 2) How do outside parties use system—get info into record
- 3) Public access – how do citizens get information

The federal court system has used case management system (CMS) technology for more than 25 years and they’re working on NextGeneration (NextGen) with hundreds of pages of

specifications for the future. The current version was displayed and the system will be moving to a web services version.

CMS streamlines case processing, ensures deadlines aren't missed and allows court staff to perform all functions. There was a slow shift of staff over time, but now, court staff are "analysts" of cases, not docket clerks. Their title is "case administrator" and they handle quality control. They look for proper filings then follow up with parties to take corrective actions as needed. The traditional "docket sheet" is a part of the case management system, allowing case administrators to make both public and private notes. In addition, the system allows judges to sign orders digitally.

The federal court system has utilized mandatory electronic filing since the mid-2000s. This gives attorneys and other parties the ability to work 24/7, not just during standard office hours. The filings are updated into the CMS immediately. Once in the system, documents are available as hyperlinks. Similarly, digital recordings of proceedings are available on the site just like documents. Parties get notice of all filings by email within 24 hours or sooner in many jurisdictions. One free view/download of a document is allowed.

The PACER system (Public Access to Court Electronic Records) has a user-based funding mechanism. Users are allowed \$15 per quarter for free and then a .10 per page retrieval rate is assessed for a document. This means that 150 pages are free each quarter. Fees can be paid online at pay.gov. Attorneys can subscribe to receive case opinions for free.

To view anything in the federal court system, you must register. Users can't obtain a password without completing the online training videos. Manuals are also available online to help users with every step of the filing process.

Large companies that buy federal court system data and repackage/resell the information provide about 80% of annual revenue. Total PACER revenue is approximately \$120 million and funds can be used to expand public access and provide case management updates.

Courts 101: a look at the structures and trends for courts in other states - *Richard Schauffler and Paul Embley, National Center for State Courts*

A general overview of court variation at state level was provided with an example of a highly centralized state AOC (Minnesota), semi-centralized state (North Carolina), and a decentralized state (New York). Among other things, a highly centralized state AOC would control IT infrastructure and maintain standardized statewide reporting while a semi-centralized structure would provide some influence or control.

There are implications to different state structures: a variety of IT systems and how they might be utilized across jurisdictions, statewide standards may not be adopted and accountability to standards varies, and different case types are heard in different courts.

The Court Technology Framework assumes a constant flow between business (strategy, governance, etc.), applications (component design and data sharing), data management (data model, categorization, etc.), and technology infrastructure (hardware, network, etc.)

There are different reporting layers in different states: local courts to others in justice system, local courts to AOC, AOC to state partners, and AOC to federal partners. So, an individual state should examine its own reporting needs and determine how and where records should be maintained.

Lesson learned: Courts are now looking to define business needs/requirements and determining what, if any, way technology can be used to solve them. Essentially, other states may have technology that looks great but may/may not work here due to structural differences.

Lesson learned: Both for data and for technology itself ongoing governance is needed. A governance process can be used to manage funding and look at changing business needs.

Additional online resources available from the National Center for State Courts: Courtstatistics.org, CourTools.org, NCSC.org

Technology Committee members toured the NCAOC Data Center – led by Matthew Boykin, Bob Drischel, Greg Holland, and Guy Fowler, NCAOC Technology Services Division

The tour highlighted the capabilities, equipment, and personnel of the Infrastructure Support units of the NCAOC Technology Services Division.

Lunch and an overview of the typical day in the Judicial Branch - Justice Barbara Jackson, Judge Susan Burch, Judge Mac Cameron, James MacCallum, Chief Judge Linda McGee, and Tina McNair

Each Technology Committee member who is a part of the N.C. Judicial Branch offered remarks about a typical court day from their perspective. The discussion covered the Supreme Court, Court of Appeals, Superior Court, and District Court through the lens of an associate justice, the chief judge of the Court of Appeals, two district judges, and a clerk of superior court, and a court reporter.

At the Supreme Court there are a high volume of petitions, some of which require immediate attention and are addressed by email. Justices receive exhibits, transcripts, briefs, etc. in preparation for days when cases are heard. This type of information may come in different forms (e.g.—maps for proceedings involving land or real estate). Draft memos and opinions require legal research and interaction with websites like Westlaw and LexisNexis.

The Court of Appeals has panels of 3 judges working together with a total of 15 judges deciding cases. They hold court 24 weeks of the year, in other times working on approximately 1600

opinions annually. They utilize a fast-track panel with their staff counsel office to recommend how to address case and they also have expedited abuse/neglect cases. Items are filed electronically, and they would like to see items continue to be filed electronically through the process.

At the district court level, customs and local practices are different in every county even within the same judicial district where local rules may be shared. In larger counties a courtroom may be dedicated for one case type while a smaller county may hear civil and criminal matters in the same courtroom on the same day. In either scenario, paper shucks are still sorted by hand and carted across courthouses. At the district court level, dockets require significant communication for scheduling purposes. Judges like having the ability to take notes for cases, and in Guilford Co., judges can use software to hear cases when recording equipment has been used in civil cases. Ensuring parties who do not speak English have access to district courts is also an important issue.

The Clerk of Superior Court has a list of statutorily authorized duties; in short, this person is in charge of money, people, and files that come through the office. They are the Judge of Probate, but they may unofficially be designated in a number of roles locally. They may be looked at as a general manager of the courthouse. It was suggested to look at opportunities for technologies that provide convenience and safety to courthouse employees and visitors; wireless internet, defibrillators, pass keys, etc.

In N.C. there are more than 100 Official Court Reporter positions which may be categorized as voice reporters or writers. Court reporters buy their own equipment and produce transcripts. When they aren't in court they can work on transcripts; and if they are not completed by the deadline then they request extensions from the court. A court reporter may also assist in drafting orders, provide a judge with an excerpt recording, request that words or testimony be read back in court, and answer questions from a deputy clerk.

The development of a detailed strategic plan for eCourts in NC – *Jon Williams, NCAOC Senior Deputy Director*

A document was presented which highlighted the eCourts provisions in S.L. 2015-241 (Sections 18A.21(a-d)). Section 18A.21(c) requires that the NCAOC establish an eCourts advisory committee, and the NCAOC Senior Deputy Director suggested that the NCCALJ Technology Committee could elect to serve as that advisory body to ensure that a strategic plan will be developed and implemented in a manner consistent with the details of Section 18A.21(a). To fulfill the required membership of the advisory committee, members would need to be added. Per Section 18A.21(a) a strategic plan for the design and implementation of the NCAOC eCourts information technology initiative should be established by February 1, 2016. The NCAOC recommended to the NCCALJ Technology Committee that a RFP could be created to solicit the assistance of third-party consultant to create such a plan.

An overview of information technology from the North Carolina Administrative Office of the Courts - Jeff Marecic, NCAOC Chief Information Officer

With a focus of looking at business problems and seeing how technology may address them, the NCAOC Technology Services Division (TSD) is looking to a future with virtual courthouses, documents and workflow electronically, convenient access to information and services to the public, and advanced analytical capabilities.

The overview of current NCAOC information technology included a look at staffing, enterprise IT spending, IT infrastructures, IT equipment, Applications of varying ages, Transactions Flowing through the Court Information System, Transactions Flowing through the Administrative Systems, Criminal and Non-Criminal Court Systems Interfaces (state agencies, law enforcement, etc). A few details included supporting 540+ courtrooms, 25,000 IT components, 200+ applications of which more than 50 are enterprise level with 196 permanent positions and 18 contractors. The average enterprise IT spend is around \$29 million. TSD staff will soon be completing a browser-based public access for criminal records searches.

Current eCourt priorities include infrastructure capacity upgrades, EIMS platform, enterprise data warehouse/analytics, upgrade digital recording technology, eCourts strategic planning, eCitation module replacement, eCourts eCitation development, eCompliance/eDismissal, and expanded use of online payments. As more emphasis and reliance is placed on eCourt initiatives then the underlying network and infrastructure becomes more important to ensure citizens, the judicial branch employees, and external stakeholders have a reliable system that can be accessed as needed.

The presentation also included a review of the IT governance principles (stakeholder driven, protect the installed base, move toward simplicity, use fact based decision making, and promote better performance and efficiency) developed by the Technology Committee of the State Judicial Council and how those are used internally.

An overview of information technology from North Carolina's Supreme Court and Court of Appeals – Marcos de Souza, Director of Information Technology

Due to time constraints this presentation was tabled until the next committee meeting.

Discussion and next steps

Following additional discussions of Sections 18A.21(a-d) in S.L. 2015-241, the NCCALJ Technology Committee drafted and passed two motions:

Motion #1: In accordance with the recommendation of the NCAOC, the NCCALJ Technology Committee will become the e-Courts advisory body as directed in Session Law 2015-241, Section 18A.21(c).

Motion#2: In accordance with the recommendation of the NCAOC, the eCourts advisory committee recommends that a 3rd party vendor consultant be retained in order to fulfill the requirement by legislation, for the development of an eCourts strategic plan pursuant to the charge in Session Law 2015-241, Section 18A.21(a).

Technology Committee members concluded the meeting by offering topics or speakers that might be appropriate for future meetings.

Speakers and Topics:

- Add required parties to committee for eCourts advisory group responsibilities
- Casey Kennedy, Director of IT, Texas State Courts
- Susan Frye, Forsyth County Clerk of Superior Court
- Judge James L. Gale, Chief Business Court Judge
- Hearing from judges, clerks, and other users about business needs or problems that stakeholders have identified
- ePlea--Court Innovations technology to allow defendants to resolve cases remotely (possibly hear from 7 courts in Michigan)
- Methods for prioritizing business needs--IT governance
- Have a court reporter demonstrate real-time court reporting technology and hear from the Court Reporting Manager
- Hear findings from NCSC focus groups and NCCALJ inquiries of stakeholder groups
- Hear from eFiling pilot sites for N.C. Superior Court sites