



**Technology Committee  
of the NC Commission on the Administration of Law and Justice**

**Summary of Public Comments on Interim Report**

Prepared by: Emily Portner, NCCALJ Research Associate

**Overview of Total Comments Received on All Reports**

- Detailed feedback received from **24** judicial branch stakeholder organizations, including:
  - NC Conference of Clerks of Superior Court
  - Equal Justice Alliance
  - NC Equal Access to Justice Commission
  - Legal Services of Southern Piedmont
  - The Criminal Justice Debt Working Group
  - NC State Bar (IOLTA)
  - NC Office of Indigent Defense Services
  - NC Conference of District Attorneys
  - Conference of Superior Court Judges of North Carolina
  - NC Conference of Court Administrators
  - NC Magistrates Association
  - Carolina Justice Policy Center
- **423** total attendees at four public hearings; **131** speakers at those hearings.
- Written comments received from **208** unique individual judicial branch employees and members of the general public.
- Four main areas of public interest include:
  - Raising the age of juvenile jurisdiction from 16 to 18
  - Increased funding for civil legal aid services and the North Carolina Legal Education Assistance Foundation (NC LEAF)
  - Family Court expansion
  - The method of judicial selection

## Comments Specific to the Technology Committee Interim Report by Area of Focus

### **I. JUDICIAL BRANCH STAKEHOLDER ORGANIZATIONS**

1. Conference of Superior Court Judges of North Carolina
  - a. *Of a survey of Superior Court Judges resulting in 29 responses, there is strong agreement that electronic filing should be authorized, funded, and implemented. Ninety-one (91%) agree or strongly agree.*
2. JusticeMatters
  - a. *We respectfully recommend that Rules 4 and 5 of the North Carolina Rules of Civil Procedure should be amended to allow service by electronic mail or online publication in certain circumstances.*
3. North Carolina Association of Official Court Reporters
  - a. *Comments of the North Carolina Association of Official Court Reporters have been provided in full as an attachment to this summary.*
4. North Carolina Conference of Clerks of Superior Court
  - a. *We support the better use and look at courthouse information on websites and information to be available online to improve clerk productivity, customer service and transparency on areas that take more attention and not currently online.*
  - b. *We support vendors and technological advances, but as we have seen with credit card payments, a thorough study and work through the changes that will need to take place is pivotal in not causing unnecessary hardships on the clerks and public with unforeseen errors/issues after implementation.*
  - c. *Specific comments include:*
    - i. *Replace the outdated Financial Management System (FMS)*
    - ii. *Update and revise the Estates Tracking system*
    - iii. *Complete the electronic dismissals project to include all appropriate offenses, not just DMV interface cases*
    - iv. *Scrutinize the credit card vendor (due for update 2017)*
5. North Carolina Conference of Court Administrators
  - a. *We encourage the Committee to include specific recommendations for the NCAOC to create procedures for court personnel to follow in the event of a network outage and to provide on-going (required) training to all court personnel regarding such procedures. The Committee should include a specific recommendation that the NCAOC and NC Office of State Human Resource update policies to clearly define expectations of court personnel and judicial officials who will be operating in a 24/7 environment.*
  - b. *Currently, court personnel spend a considerable amount of time answering questions regarding information, such as basic courthouse information, forms, contact information, and local rules, which is readily available on the NC Courts website. We agree it is difficult to complete tasks while faced with constant interruptions regarding basic information, but we are not clear how the Committee is recommending we increase the use of the information already provided. We suggest the Committee recommend the NCAOC launch a public campaign focused on driving more traffic to the website.*
  - c. *The NCCCA would also like to see technology based response systems, such as real-time FAQs or the use of listserv subscriptions.*
  - d. *The NCCCA is in strong agreement with the Committee's recommendation for electronic filing. We believe implementing this practice will allow the courts to operate more*



Mr. Kokajko is a magistrate in Guilford County. He suggested the NCCALJ explore the opportunity to create an application that defendants could download and receive texts about upcoming court dates on a cellphone. He suggests this could reduce the number of failures to appear.

**First Name:** Judge Marvin

**Last Name:** Pope

**Public Hearing:** Asheville

**Summary of Comments:**

Judge Pope spoke in support of real time court reporting, noting it is helpful to judges. He also supported technological innovations that would move us along for a nominal sum. He commented that he was a court reporter 45 years ago and times haven't changed much.

**First Name:** Colleen

**Last Name:** Mosier

**Public Hearing:** Charlotte

**Summary of Comments:**

Ms. Mosier offers support as a Court Reporters association to the Technology Committee to bring new advances to the courtroom. She said that court reporters now offer live feeds in the courtroom that can also assist hearing-impaired individuals and improves the accuracy of the court record, which is used in appellate proceedings.

**First Name:** Shari

**Last Name:** Rogers

**Public Hearing:** Asheville

**Summary of Comments:**

Ms. Rogers is the co-chair of the real time committee of the Official Court Reporters Association. She pointed out that the lack of wireless internet in a courtroom is a barrier. With this type of service, information from an official court reporter using real time would be accessible to others in court.

**First Name:** Ranae

**Last Name:** McDermott

**Public Hearing:** Wilmington

**Summary of Comments:**

Ms. McDermott represents official court reporters and thanked the NCCALJ for their continued support of live court reporters in the courtroom.

### **III. ONLINE COMMENTS FROM THE GENERAL PUBLIC AND JUDICIAL BRANCH EMPLOYEES**

#### **General Comments**

**First Name:** Kellie

**Last Name:** Myers

**Email:** Not provided

**Affiliation:** Trial Court Administrator, Wake County

**Online comments:**

Anytime, Anywhere Access to Services

- The Committee should include a specific recommendation that the NCAOC create procedures for court personnel to follow in the event of a network outage and should provide on-going, required, training to court personnel regarding these procedures.
- The Committee should include a specific recommendation that the NCAOC or the NC Office of State Human Resource update HR policies to clearly set the expectations of court personnel and judicial officials who will be operating in a 24/7 environment.

#### Public Demands for Service

- Basic courthouse information, forms, contact information, local rules and a vast amount of other information currently exists on the NC Courts website, yet court personnel spend a considerable amount of time answering questions regarding information readily available; while I agree that it is difficult to complete tasks in the midst of constant interruptions regarding basic information, I'm not clear how the Committee recommends that we increase the use of the information that is readily available now.
- The Committee should include a recommendation that NCAOC launch a public campaign to drive more traffic to the website; the NCAOC may also wish to consider technology-based response systems such as real-time FAQs or listserv subscriptions for frequently asked questions.

#### Centralized Electronic Filing, Document Management, Case Management, and Financial Management Systems

- I have concerns regarding mandatory electronic filing and how the Judicial Branch will meet the needs of Limited-English proficient individuals and individuals requiring ADA accommodations.

#### Data Analytics and Reporting

- The Committee should recommend that the NCAOC solicit on-going input from court personnel and judicial officials regarding the types of data that are most beneficial as they are the individuals with the most knowledge regarding case management and will be tasked with making improvements based upon data.
- The NCAOC should also modify its method for determining staffing needs, which is currently based in-part upon the number of filings in the district or county; this measurement does not take into account the more time-consuming data such as the number of motions filed and scheduled, the number of contacts made to the office(s) per day by telephone and email, the number of walk-ins who are assisted in each office per day, the number of self-represented litigants requiring assistance, etc.

**First Name:** Sharon

**Last Name:** Orr

**Email:** Not provided

**Affiliation:** Trial Court Coordinator, District 29B

**Online comments:**

Wi-Fi throughout courthouses is a critical need. Lack of data connections results in most work being duplicated at a minimum. Examples are notes taken by hand in court, entered in computer later in office, or notes taken while reviewing files, entered in computer later in office. Additionally, none of the court programs communicate completely with each other resulting in additional time duplications to enter in both systems. I end up creating my own spreadsheets for tracking various case types and programs because none of the systems can generate such.

Even the programs we have, such limited training is available that they may be capable of much more than end users are aware, but there is a gap between creation, trainers and end users. Often you are only able to put into practice a small fraction of anything you learn in a class setting anyway because you are inundated upon return to the office and typically only able to incorporate one or two small items learned. This is further complicated by the need to use the training computers rather than bringing our own state issued laptops. Then filters, mail merges, etc. could be set up while in training but that's not happening.

Before any new case management computer program is brought in for use, it would be really nice to get input from end users to see where the current programs fail us. Each program provides something the other does not. As is the case with rule makers do not often see their successes and failures in reality, so it is with technology. What may sound like a good concept may not work in actuality.

While they are revamping technology, they need to update the secured leave system/expectations. The vast majority of papers received by my office are notices of secured leave, duplicated between myself, my Chief, my TCC counterpart in superior court, our SRSCJ, Clerk, DA, etc. etc. In an age when we are trying to go paperless, CERTAINLY we can come up with a better solution.

**First Name:** Neil

**Last Name:** Reimann

**Email:** [neil.riemann@penryriemann.com](mailto:neil.riemann@penryriemann.com)

**Affiliation:** Attorney

**Online comments:**

I chair the North Carolina Bar Association's Technology Committee. Among other things, the Committee monitors the technology used in North Carolina's court system and, where appropriate, seeks to promote positive change. Our committee reviewed the July 2016 Interim Report of the Commission's own Technology Committee with that goal in mind, and we submit these observations for your consideration. We were encouraged by the report and wish to thank the Commission for its hard work. The technology report is presented at a high level of generality, but we found its content thoughtful and carefully considered. That content aptly summarizes many of the challenges we have observed over the years, and it promotes good solutions.

Based on our experience, we do think it important to acknowledge more explicitly that some participants in the system derive little benefit from uniformity of technology and are therefore more focused on preserving local practices that have long served them well. While it is fair to say, as the report does, that technology initiatives cannot or will not be customized for every participant in the system, some participants will resist or reject statewide initiatives that overturn established practice unless significant attention is paid to their concerns. We have seen this in the past with efforts to implement electronic filing (begun years ago), efforts to adopt a uniform calendaring system, and efforts to publicize local rules on the AOC website. We recommend that your final report include an explicit discussion of how to win over system participants who receive less (or less obvious) benefit from modernization.

In addition, implementing the proposals in the interim report will require significant financial and personnel resources. To overcome objections, we believe it would be appropriate for your report to discuss in more detail the high (and constantly increasing) cost—to the court system, its participants, and the taxpayer—of inaction. At the same time, we suggest the report explicitly consider whether, in any realistic funding scenario, the necessary funding and personnel resources are available and, if not, to include in your final report some thoughts on how to prioritize the various proposals made if funding is short. To the extent the proposals would be funded by user fees and the like rather than allocations from the state's general fund, we recommend that your final report make clear to the public the alternative funding mechanisms being considered, as some of these have impacts on access to justice. We would also like to see some attention paid to improving accessibility for persons with disabilities. New technologies provide an opportunity for significant enhancement here.

Finally, the one benefit of the system's heavy reliance on paper is a built-in limitation on the "attack surface" available to information security threats. There are significant risks to the confidentiality, availability, and integrity of the system's data already. Transferring more of that data from paper to electronic form probably enhances the risk to confidentiality, and perhaps the risks to availability and integrity as well. For that reason, we suggest that your final report include more explicit consideration of the cybersecurity initiatives and costs that might be required alongside these other changes if the court system is to maintain the public's trust.

**First Name:** Johnny

**Last Name:** Duncan

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**Affiliation:** Assistant District Attorney

**Online comments:**

Software:

The current technology that the court system utilizes is very dated and needs attention. In 2016 there is no reason that the main systems the court system relies on are DOS based systems with severe limitations. Software such as CCISDA and CCISCC is horrible and is more time consuming to use than utilizing a paper file system. There is no reason that a user of these systems should have to complete so many steps to complete one simple task, this specific software is severely outdated and should be discontinued. The state should look into what software packages other states use and purchase something that has already been developed and tested, then have it customized to meet the needs of N.C.

The Criminal Discovery software works really well, the main focus of the state should be to further enhance this program to allow uploading of ALL files to include video and audio files that include .exe files. Currently small A/V files can be uploaded but that portion of the system is very limited. The policy of my office is to only release discovery to the defense utilizing only this system. This has reduced the endless paper copies and stacks of digital media that used to be copied which in return is a huge savings to the state. The state should mandate that all discovery material can only be released electronically utilizing the criminal discovery program, this would free up huge amounts of money currently used to purchase paper, disc, copying machine usage, etc, this savings could then be allocated to technology advancements.

iPads:

Each judge and prosecutor should be equipped with iPads that are connected to the courts data systems, all files in the Discovery Automation System (Criminal Discovery) could be accessed directly from these iPads therefore eliminating the need for paper files. These iPads could be connected to the video systems in each courtroom and all pictures/videos could be shown to the jury via modern technology instead of printed off exhibits.

Copying machines:

My office has made numerous request to I.T. to have the scan feature activated on the copying machines so that each employee can scan a document from the copier directly to their specific computer. The copying machine vendor has stated there is no additional charge to use the scan feature. Scanning documents would not only save the state additional money by eliminating amount of copies made and the amount of paper purchased. Fax machines are ancient technology and most modern businesses have or are in the process of eliminating them. It is much easier and cost effective to scan a document and email it to the recipient instead of having to use a fax machine. Fax machines need to be eliminated and a fax server should be installed that will allow faxes to be sent and received directly from an employees email. The cost savings of eliminating fax machines would be huge and would also reduce the amount of paper waste.

Instant Message:

Every computer on the AOC network should have the ability to instant message other computers on the state network. This would be a huge time saver for all staff and would make the offices and courts so much more efficient. Prosecutors should be able to use IM software from their computers in the court room to send instant messages to a staff person when they need something. There is no reason that a prosecutor should have to leave the court room, walk back to the office and request a document, make a copy, etc when activating the IM feature that is already available could solve this. Having instant message features available to every computer on the network would eliminate the need to have to use the telephone to call other Clerk's Offices or DA's Offices throughout the state therefore saving huge amounts of time and making each office more efficient.

File Sharing:

There are times that large files must be shared with other agencies, these agencies don't have access to the Discovery Automation System so sending them electronically isn't an option because the only other option is to email them and the file size is too large. There needs to be a system like DropBox available for each user that will allow large files to be shared.

**Document Shredding:**

Each office should be equipped with a commercial document shredder, there is no reason that in this day and age of identity theft that confidential documents have to be placed into numerous boxes, stored in the offices which are already limited on space and then await someone from the state to drive to each location, carry the boxes, load them in a truck and haul them back to a central location to then shred them. Equipping each office with a commercial shredder would save huge amounts of money by eliminating the need to ship tons of boxes of waste paper across the state which requires manpower, fuel, risk of employee injury from carrying the boxes etc.

**First Name:** Pamela

**Last Name:** Hanson

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**Affiliation:** Clerk & Staff

**Online comments:**

Have been working on technology with other Clerks for some time now and heartily applaud the direction taken to implement. A paperless Clerks office will be a tremendous benefit to most offices and county facilities space issues. Also of major impact will be public's ability to access documents on-line.

**First Name:** Rebecca Lynn

**Last Name:** Coleman

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**Affiliation:** Attorney

**Online comments:**

An important improvement to providing access to justice would seem to me to replace the "courthouse" only computers with a system that would allow anyone to access information about their case anywhere from any computer. Having to go to a courthouse terminal to determine if a judgment has been filed against an individual or having to actually go to the courthouse to retrieve a paper copy of a complaint filed or any other document in the court file seems ridiculous in 2016. This is public information. Make it publicly accessible. The savings in costs of salaries of courthouse personnel alone should pay for such a system.

**Comments re: E-filing**

**First Name:** Diane

**Last Name:** Wardlow

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**Affiliation:** Attorney

**Online comments:**

Electronic filing would provide more information on hand to help people who need to go to court. People would be able to file court actions without going to the courthouse which would save them time and money. Many people have trouble getting around especially the disabled and elderly and others do not drive so they have to pay someone to take them to court. People could access the courts from home if they have computer access. If they do not understand online forms, they can get assistance from family or friends rather than trying to ask the court personnel. They are more likely to have a better understanding

when they can talk with someone and ask simple questions. In addition, some people are more computer-literate and do not navigate paper documents as well.

It would also help the clients because it will save time on the lawyer's behalf. This would help the lawyers that work with low-income clients especially. This is more efficient for legal aid offices since they serve clients in all counties in the state and many times the lawyer is not in the same county as the client. This will be more accessible for many people because many people do not have transportation. I believe this will help to make the court system more accessible for everyone.

Rural areas do not have the same access to computers and Internet. Low-income people may not have smart phones so that they may still have problems using electronic filing. This is still a start toward making the courts more accessible because people in rural areas have to travel so far to get to Court. Using teleconferencing and videoconferencing is a good idea because it provides interactive access. It also makes some parts of the process less intimidating. People would be comfortable with being in their own surroundings and that helps build confidence.

**First Name:** Perry

**Last Name:** Evans

**Email:** Not provided

**Affiliation:** Attorney

**Online comments:**

E-filing would help the court be more efficient and would be better for clients. I think it is important that there be a backup in case the technology does not work. In rural areas, it will work well where there are libraries and community colleges where people can find access. Access would also be available at tribal community centers. Kiosks and self-help centers would really be good to help more people. The remote and videoconferencing would help people in rural areas and disabled people save the cost of transportation.

**First Name:** Geraldine

**Last Name:** Champion

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**Affiliation:** General Public / Private Citizen

**Online comments:**

I agree with the recommendations for using more technology to make it easier to use and access the courts. Remote and video conferencing would help people who have transportation issues. It would really be better if these ideas help to reduce some of the process to make it easier for people to use the court system.

**First Name:** Mike

**Last Name:** Wimer

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**Affiliation:** Attorney

**Online comments:**

It is imperative that the Court system be allocated sufficient funds and other resources for immediate design and implementation of an electronic filing system for all state courts. The federal ECF system, with which most litigators should be familiar, would serve as an excellent prototype for the North Carolina system.

**First Name:** Aaron

**Last Name:** Lindquist

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**Affiliation:** Attorney

**Online comments:**

We need a uniform system for case management and electronic case filing. The patchwork system that exists makes it difficult for attorneys to practice law in a "foreign" county, which then inhibits access to justice. Technology can be used to provide the majority of legal services, just short of arguing motions or handling a trial, from any geographic location. However, the reliance on paper files prevents attorneys from accessing files and being able to potentially render services to clients who are not local as they are then forced to travel to another county to simply make copies of a file. That is inefficient and costly, for all parties involved. No one wants to reimburse their attorney \$0.54/mile so that they can go make copies of a case file. Additionally, having a uniform case management system will allow for attorneys to understand and know how each county operates, thus allowing for wider representation. The legal profession, at every level, must embrace technology in order to efficiently deliver legal services and justice.

### **Comments Re: Court Reporters**

**First Name:** Judge Gale

**Last Name:** Adams

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**Affiliation:** Superior Court Judge

**Online comments:**

I am extremely grateful for the hard work and dedication of our live court reporters. One notable experience with the live court reporter was during a highly contentious trial when the court reporter provided, in real time, the testimony of witnesses and the arguments of counsel, namely. This technology enabled me to fully review the testimony and arguments from a monitor on the bench prior to ruling which helped me tremendously in rendering more well-reasoned and timely rulings. Such enhanced technology and live court reporters increase the efficiency of the trial process. A live court reporter, with the proper equipment, can quickly provide a transcript should one be needed or requested by jurors, for example. The availability of such options is invaluable.

**First Name:** Judge James

**Last Name:** Hardin

**Email:** [james.e.hardin@nccourts.org](mailto:james.e.hardin@nccourts.org)

**Affiliation:** Superior Court Judge

**Online comments:**

It is my impression that there is a move afoot to eliminate the use of live court reporters in our courtrooms, and I wish to discourage this. Live court reporters are in the very best position to insure that a certified transcript of a proceeding is produced. To place this responsibility on the Clerk or some other entity will ultimately cost the State of NC more money and not have the intended results. For several of the live court reporters with whom I have worked, they are nearly to the point of giving us "real time" transcription. As a court system, we should invest in this technology and make more robust the court reporter role in our courts. Thank you for considering my comments! Judge Jim Hardin, Durham

**First Name:** Judge Mark

**Last Name:** Klass

**Email:** [mark.e.klass@nccourts.org](mailto:mark.e.klass@nccourts.org)

**Affiliation:** Superior Court Judge

**Online comments:**

I have determined, in my 19 years as a superior court judge, that court reporters are invaluable. They are able to take down conversations which should be transcribed, and ignore other conversations in the courtroom. If a person's voice is not intelligible, the court reporter can stop that person and ask him to repeat and speak clearer or louder. These are things that a digital recording device would not be able to do. In addition, digital recording devices cannot provide a transcript on command, as a real-time reporter can. It is my opinion that digital recording devices in superior court will not work and will be a waste of money.

**First Name:** Elizabeth

**Last Name:** Barnes

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**Affiliation:** Clerk & Staff

**Online comments:**

I would like to comment on the use of real time in the courtroom. Recently I have a three week criminal trial with a real time reporter. Having the trial in real time made my job so much easier and less stressful. I was able to keep up with exhibits much easier by going back and reviewing if they were admitted. I feel that the use of real time is a great tool for the court system. Thank you for the opportunity to respond and I hope my input helps.

**First Name:** Shari

**Last Name:** Rogers

**Email:** [shari1962@aol.com](mailto:shari1962@aol.com)

**Affiliation:** Judicial Court Staff

**Online comments:**

As the requests for real time court reporting have been increasing, it would be helpful if this technology would be available in all courthouses. An Ethernet cable installed at the Court Reporter's station would allow real time output via the Internet. Currently, there are many courthouses that don't have this basic cable available to allow the Court Reporter to connect to the Internet. Wireless is available in some courthouses, but most times it's not a stable connection, and thus, sometimes the feed gets bumped off. Thank you.

**First Name:** Matt

**Last Name:** Holloway

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**Affiliation:** Attorney

**Online comments:**

I have recently been able to access the real-time transcription during a trial; also been able to download the day's transcript and review at home after court ends. This has been a boon. I would strongly encourage the installation of ethernet and wireless capability in every courtroom to allow this bit of technology to be used statewide.