

CALIFORNIA JUDICIAL BRANCH

# Technology Governance and Funding Model

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**Technology Planning Task Force**

**August 21, 2014**

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## Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Technology Governance and Funding Model.

A comprehensive and collaborative technology governance structure and planning update and redesign, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and needs of the courts. We need to advance to better support our justice partners and the people of California.

We are and should be an IT community with input and participation by all the courts. In order to assess court needs, the Judicial Council Technology Committee began, shortly after the termination of the California Court Case Management System (CCMS), by surveying the trial courts on case management system status, failure potential, and replacement plans. One of the lessons learned from CCMS was the importance of court input and buy-in relative to information technology projects and plans. Soon after, the courts attended a two-day information technology summit with the participation of the California Department of Technology (CalTech). CalTech emphasized the need for an updated technology plan and governance structure in order to obtain support from other branches of government for technology funding.

These efforts not only pointed to the need for a new technology plan but also the need for a court-focused technology planning task force to execute that planning process. The success of the planning process is grounded in the broad coalition of constituencies represented by the task force membership. Throughout the process, Administrative Presiding Justices, Presiding Judges, Court Executive Officers, and Chief Information Officers have been kept abreast of progress, most recently through presentations at regional meetings. In addition, the task force has continued to brief both legislative and executive branch agencies, including the Department of Finance, CalTech, the Legislative Analyst's Office, and legislative staff, on the progress of our planning.

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman  
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## INTRODUCTION

This document presents the judicial branch **Technology Governance and Funding Model**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## Technology Planning Documents

| <b>Document</b>  | <b>Description</b>   |
|--|--|
| Technology Governance, Strategy, and Funding Proposal: Executive Summary | An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology. |
| Technology Governance and Funding Model (this document)                  | Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models. |
| Four-year Strategic Plan for Technology (2014–2018)                      | The strategic goals, objectives, and metrics for technology initiatives over the next four years.  |
| Two-year Tactical Plan for Technology (2014–2016)                        | Individual initiatives that will contribute to and support the Strategic Plan for Technology.  |

## Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

## Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and

- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and invigorate the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)<sup>1</sup> reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

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<sup>1</sup> BSA has been renamed to California State Auditor.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model. After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortiums for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

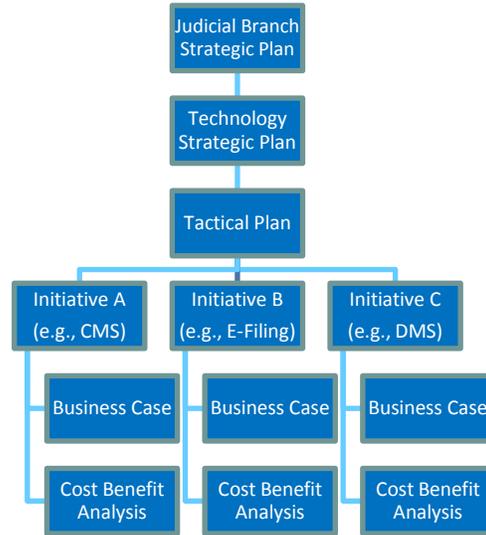
## **Technology Planning Task Force Structure**

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices that focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

|                         | Governance (13)   | Strategic Plan (16)  | Funding (13)  |
|-------------------------|---|--|---|
| Task Force Members (14) | <ul style="list-style-type: none"> <li>• <b>Jake Chatters (Lead)</b> (CEO Placer)</li> <li>• Justice Ashmann-Gerst (2<sup>nd</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Judge Herman (Santa Barbara)</li> <li>• Judge Moss (Orange)</li> </ul>  | <ul style="list-style-type: none"> <li>• <b>Brian Cotta (Lead)</b> (CIO Fresno)</li> <li>• Justice Bruiniers (1<sup>st</sup> Appellate)</li> <li>• Judge Buckley (Los Angeles)</li> <li>• Jim Kalyvas (Attorney Los Angeles)</li> <li>• Robert Oyung (CIO Santa Clara)</li> <li>• Charlene Ynson (5<sup>th</sup> Appellate)</li> </ul>   | <ul style="list-style-type: none"> <li>• <b>Judge Slough (Lead)</b> (San Bernardino)</li> <li>• Sherri Carter (CEO Los Angeles)</li> <li>• Judge Kaufman (Plumas)</li> <li>• Judge Reiser (Ventura)</li> </ul>  |
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There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

## GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

## Technology Vision

As part of its charge to adopt a statewide strategic plan for technology, the judicial branch must begin with a vision of where it needs to be moving forward given the financial, personnel, geographic, and consumer opportunities and challenges. Future success in technology funding and project implementation depends on a solid, clear vision that can be communicated to internal and external stakeholders. A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens.

**Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision:**

**Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.**

The judicial branch must advance its technological efforts in a systematic and comprehensive manner in order to enhance and expand its delivery of services and modernize court practices. This recommended branchwide vision fosters statewide collaboration while recognizing that local capacity, community, and culture play an important and vital role in innovating, developing, and delivering services enabled by technology.

This recommended vision sets forth the goals of where the branch must be to not only secure adequate funding for technology, but, equally important, to keep pace with the ever-changing demands placed on the branch from all court users to provide faster and higher quality service through the use of technology.

This recommended vision also sets forth the framework within which the guiding principles can readily be applied.

## Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. At its August 31, 2012 meeting, the Judicial Council adopted a set of guiding principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

### ***Guiding Principles—Adopted August 2012<sup>2</sup>***

Court technology and the new ways it facilitates interaction with the courts should always advance access and participation in the justice system in order to improve the trust and confidence Californians have in their court system.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.

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<sup>2</sup> Excerpt from “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” adopted by the Judicial Council August 31, 2012

These original 10 principles published in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” were intended to:

further the Judicial Council’s commitment to access and fairness while pursuing modernization of court practices through technology. Therefore, the introduction of technology or changes in the use of technology should advance access and increase participation whenever possible.

They focused on the aspect of access to justice. The Technology Planning Task Force recommends the addition of four additional principles. These new principles do not change the intent or objective of the already adopted 10 principles. As with the original set they are intended to:

advise justice system decision-makers to consider and take steps to use technology to enhance access to justice.

Although it is critical that the courts comply with the relevant laws and policies that may affect technology services, particularly related to privacy and access, these guiding principles do not—and are not intended to—specify the legal obligations of the courts. Technology initiatives can push the boundaries of current laws and rules in providing access for conducting business in ways not previously considered. As a result, technology is a relatively dynamic area for judicial branch laws and policy. Thus, it is important that the judicial branch communicate advances and changes in policy and that those within the branch closely track these developments.

These new principles focus more on *how* we desire to proceed with an initiative. They are designed to work in concert with the initial principles and support them with additional detail that addresses the branch governance and funding structure.

**Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles:**

11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch’s goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

The additional principles are intended to provide guidance and consideration to foster collaboration across the branch, leverage solutions when appropriate, and encourage innovation at all levels.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

The original 10 principles described the branch’s overall goals for technology, while the additional 4 principles describe how those goals can be realized. The pages that follow provide additional detailed context for these principles in the same form and format as the original 10 principles were discussed in the report “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.”

**Guiding Principle 11. Improve Branchwide Compatibility Through Technology Standards****Statement**

Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.

**Rationale**

Californians require and deserve consistent access to our judicial system. There are already established rules and standards relating to fees and format of paper filings to make interaction with our court systems more consistent and predictable. These same consistencies should be applied to technology-based interactions with the branch.

Standards and rules define the consistent framework upon which both state-level and local decision-makers construct technology solutions to both unique and common business problems. Where these solutions define how the public interacts with the court, there is benefit from a consistent set of rules and standards to ensure a general uniformity of experience by the public across multiple venues.

**Implications**

This establishes consistent guidelines between the courts and users (e.g., standards on form and format of electronic pleadings). While necessarily establishing some restrictions on the variation that can be developed by a local court, standardized protocol does so in a way that should not limit *how* a court handles its work, only the standards by which users access the court.

**Guiding Principle 12. Consider Branchwide Collaboration and Economies of Scale****Statement**

Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.

**Rationale**

Although operating in a decentralized decision-making model, the challenges confronted by individual courts are often shared by others. These challenges are at times universal among jurisdictions. Some challenges are unique to large courts, to rural courts, or courts with a heavier caseload of one type.

Sharing of information and resources can reduce project costs, leverage the work of others, and reduce the time to implementation. Universal solutions are not always appropriate, but this should not dissuade branch entities from seeking to collaborate when possible to ensure the best use of taxpayer funds.

Further, technology continues to evolve and it becomes increasingly difficult for each entity to maintain expertise in all emerging fields. Collaborative projects between entities can serve to leverage unique expertise while still creating technology solutions tailored to a single or small group of courts.

**Implications**

Technology initiatives at the state and local level should carefully consider opportunities to collaborate early in the project process. Through collaboration, the opportunity to develop a technology solution that is scalable, valuable, and affordable for other courts is improved. Collaboration will not always be appropriate, but should be at least a key consideration prior to the expenditure of public funds.

**Guiding Principle 13. Foster Local Decision-Making****Statement**

Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.

**Rationale**

Principles for collaboration and consistency are balanced by the need to ensure technology built upon those tenets serve the local business need.

Finances, facilities, case mix, and local culture can all impact the viability and need for a particular solution. Where a solution addresses a local business problem at a single court, local decision-makers are in the best position to evaluate and implement technology solutions.

Local solutions should, wherever possible, consider the potential for broader use of the technology to support consistency among courts and to act as a potential pilot for other entities within the branch.

**Implications**

State-level discussions of technology solutions should carefully evaluate whether the business problem being solved relates to *how* an entity performs its function. In such instances, it may be most appropriate to allow local decisions to dictate the timing and feasibility of a particular technology solution.

***Guiding Principle 14. Encourage Local Innovation*****Statement**

When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

**Rationale**

Statewide rules, guidelines, and technology solutions should provide sufficient direction to be useful and increase consistency of access among the courts, and wherever possible, encourage innovation and creativity.

Individual courts and consortiums of courts should be allowed the freedom to explore and improve upon the ideas developed at the state level. These innovations, in turn, should be shared as envisioned by Principle 12, with other entities using or embarking on similar technologies. Adaptations should not alter the underlying core functionality of the branchwide solution or otherwise force other entities using the branchwide solution to change technology or business processes without prior consultation at the branch level.

**Implications**

Rules, standards, and applications should be written and designed in ways that foster creativity and improvement. Where a single branchwide solution is in use, the allowance for innovation will need to strike a delicate balance between allowing for some local adaptation for local needs and the goal of providing uniformity of experience.

## Technology Initiative Categories

Any governance model will need to have established definitions to determine what decisions need to be made and how to make them.

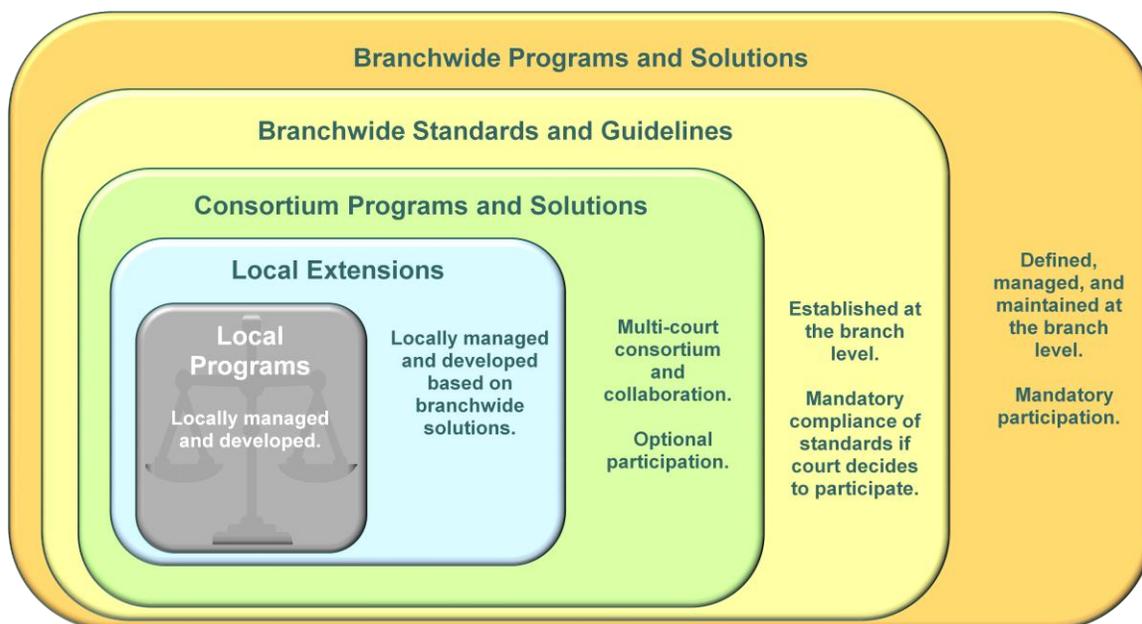
### **Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.**

The Technology Planning Task Force is recommending that projects and initiatives be governed and funded in different manners depending on their specific nature. Therefore, they will need to be categorized based on a defined, agreed-upon, and documented set of criteria. To that end, the Technology Planning Task Force recommends five categories be established and defined as discussed below. These categories are:

- Branchwide Programs and Solutions
- Branchwide Standards and Guidelines
- Consortium Programs and Solutions
- Local Extensions of Branchwide/Shared Programs
- Local Programs and Solutions

The primary purpose of identifying these categories and their related characteristics provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed by taking a cohesive look at what can be done most effectively from a state or local perspective.

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Technology programs, solutions, standards, and guidelines are defined as follows:

### ***Branchwide Programs and Solutions***

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

### ***Branchwide Standards and Guidelines***

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations rather than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

### ***Consortium Programs and Solutions***

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multicourt document management system RFP, case management system RFP.

### ***Local Extensions of Branchwide/Shared Programs***

- Local court–developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

### ***Local Programs and Solutions***

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

## **Categorizing Technology Initiatives**

As new technology initiatives and programs are proposed, technology governing bodies will require a set of criteria to correctly categorize initiatives, programs, and solutions. Such criteria are necessary to ensure consistency in the governance and funding determinations.

**Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.**

Each recommended category is listed below with a set of related criteria. It is important to note that while the majority of the criteria assigned to a particular category should normally be met, it is not necessary for any specific program, initiative, or solution to strictly meet all listed category criteria.

### ***Branchwide Programs and Solutions Criteria***

- Represents substantial economies of scale.
- Technology has a high cost of entry and unique skill set that cannot be easily achieved by all courts.
- Supports public safety through uniform access to vital information.
- Data and information are required by the Judicial Council or established by another “control” agency and therefore must be consistent.
- Program or solution is scalable—it can work for the smallest and largest court.
- Single state agency integration.
- Branch development will not slow local adoption.
- Funding is available or can be sought at a branch level to pay for development and implementation for all impacted judicial branch entities.

***Branchwide Standards and Guidelines Criteria***

- Consistency is desired, but adoption is dependent on other local technologies, making a branchwide program infeasible but standards desirable.
- Uniformity in standards, guidelines, and rules makes it easier on the public, attorneys, and justice partners to access every court.
- Rules are necessary to protect confidential information.
- Consistent policy decisions make technology faster to implement at the local level.
- Concept is known but solution not yet defined.
- It is more important to define what must be done, leaving how to be done to local decision-makers.

Solutions, concepts, or programs that do not fall into the branchwide programs or standards categories may still require branch-level support. These are:

***Consortium Programs and Solutions Criteria***

- Solution offers moderate economies of scale.
- Majority of requirements are common, but implementation is dependent on other local technology or culture.
- Program or solution is a commodity and candidate for master service agreement or branchwide contract (optional adoption).
- Single state agency integration, but lack of branchwide funding or state program development would slow local adoption.
- Small set of courts already hold expertise and can expand to additional courts as they volunteer.
- Incremental, collaborative implementation will speed adoption.

During the above evaluation it may also be beneficial for technical staff and policymakers to consider whether initiatives and programs that meet the criteria for a branchwide approach should be initiated at a regional or local level and then expanded branchwide. This approach may provide greater ease of modification and adjustment to local trial court requirements while giving the Judicial Council more flexibility to reevaluate branchwide involvement at a later date.

***Local Extensions of Branchwide/Shared Programs Criteria******Local Programs and Solutions Criteria***

Technologies that do not meet the previous criteria are local programs or solutions. This may include local solutions that are completely independent of branchwide or shared programs and initiatives or local extensions of branchwide or shared programs and initiatives. This category's purpose is to allow the local trial courts to pursue innovative solutions that:

- Meet local strategic priorities;
- Address the needs of local court cultures and communities; and
- Foster the innovation and flexibility necessary to meet desired goals and outcomes such as operational efficiencies and improved access.

An example of a local extension of a branchwide or shared solution would be where a trial court expands a branchwide document management solution for case documents to also include administrative matters, e.g., budgetary and human resource management documents. An example of a completely independent local initiative is a trial court's acquisition and implementation of a document management system that is not one sponsored through a multicourt shared solution or program.

While local programs and solutions may be vital to a trial court's operations, their development and implementation is a local decision and effort that typically does not have financial or policy support from the Judicial Council. Such programs, initiatives, and solutions, however, may still need to follow state standards or interface with state programs. It also is possible that any individual trial court program or solution could become a shared program or solution through trial court collaboration. In the situation where very small courts do not have local IT staff, their local technology programs and support may be provided by Judicial Council staff.

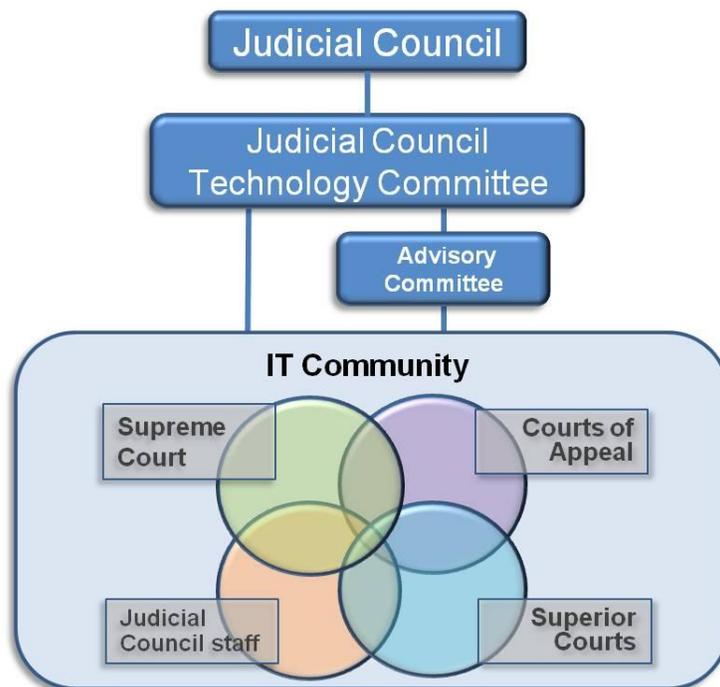
## Roles and Responsibilities

### *Working Together as an IT Community*

Recent successes have been accomplished, in part, due to greater use of expertise that is located throughout the judicial branch's information technology community. The more open use of the full IT community, coupled with utilizing the courts as innovation centers, helps develop buy-in and focuses resources on a small number of vital efforts. The recommendations in this document seek to institutionalize these concepts as a set of defined roles and responsibilities that concentrate branch-level committees on branchwide efforts while also encouraging innovation led by courts and collaborative groups of courts.

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Even during a time when resources are scarce, the collaborative culture within the judicial branch has fostered the efforts of the IT community to contribute to focused technology initiatives that are important to the public, the branch, and individual courts.

However, it has been and will continue to be especially challenging for smaller courts with extremely limited staff to identify personnel who can participate in branchwide initiatives. One option to address this situation could be for other members of the IT community to gain a better understanding of small courts' requirements and represent them in discussions. Additionally, small court consortia have made excellent progress in the areas of common technology solutions such as case management systems, and similar models could be used in the future.

### ***Current Judicial Council Technology Committee and Technology Advisory Committee Structure***

The current technology governance structure is defined by the California Rules of Court, rules 10.10, 10.16, and 10.53. Pursuant to rule 10.16, the Judicial Council Technology Committee:

- Oversees the council's policies concerning information technology. The committee is responsible for determining that council policies are complied with and that specific projects proceed on schedule and within scope and budget.
- Coordinates the activities of the Administrative Director of the Courts, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court technology.
- For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Judicial Council Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:
  - (1) Communicates the council's annual charge to each; and
  - (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

Rule 10.53 defines the role of the Court Technology Advisory Committee (CTAC), specifying that CTAC:

- Makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

Technology governance in the branch has not been the sole authority of these groups, and multiple models for technology governance have been used over the past decade. Some, such as the CCMS initiative, included steering committees separate from CTAC; others were closely managed by Judicial Council staff with subject matter participation by the appellate or trial courts; and some were governed directly by CTAC with support from Judicial Council staff.

The varied approach to governance, while well intentioned and the result of reasoned consideration of each initiative, became an increasing focal point of concern for both internal and external stakeholders. In addition, the perception that appellate and trial court voices were lost in the technology development process led the Judicial Council Technology Committee to initiate a new concept for project governance and management in 2012.

The Technology Initiatives Working Group was created, with oversight from the Judicial Council Technology Committee, to focus on technology workstreams—a small number of discrete technology initiatives using a community-style model. This model sought to execute projects using experts from all areas of the judicial branch—trial courts, appellate courts, and Judicial Council staff—to lead and be accountable for project completion.

This new concept resulted in a number of rapidly completed projects with increased participation in branchwide initiatives. The quick success of this model was a major input to the Technology Planning Task Force’s recommendations.

In addition to these successes, the task force recognized the need for clarification of the roles and responsibilities of the Judicial Council Technology Committee and CTAC. Prior to making any recommendations for a more mature decision-making model, the roles of these two groups, and their relationship with one another, needed to be more clearly defined and communicated.

A key goal of the task force was to ensure greater participation and buy-in from the courts and branch stakeholders. The task force explored the elimination of CTAC and a model that instead used subcommittees to the Judicial Council Technology Committee to evaluate and facilitate technology strategy and projects.

While such a model may have held merit, the task force quickly determined it would not be feasible. Rule 10.10 of the California Rules of Court does not make any provision for the creation of subcommittees to Judicial Council internal committees.

In addition, the task force considered the Judicial Council’s recent actions in restructuring internal committees and advisory committees and how recommendations could and should be made to the Judicial Council and the Judicial Council Technology Committee. Task force members felt strongly that the Judicial Council Technology Committee should continue to receive input from the perspective of making a business case for technology and that the input should come from a technology advisory committee. The Judicial Council Technology Committee could then consider these recommendations along with input from other advisory committees such as the Administrative Presiding Justices Advisory Committee (APJAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), the Court Executives Advisory Committee (CEAC), the Advisory Committee on Providing Access and Fairness, and the Trial Court Budget Advisory Committee (TCBAC) before making a recommendation on technology initiatives to the full Judicial Council.

**Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.**

Such a structure will allow the technology-related advisory committee to make recommendations on the business need for technology, while allowing the Judicial Council Technology Committee to consider those recommendations alongside the opinions of priority expressed by the APJAC, TCPJAC, and CEAC and the funding options and limitations identified by the budget advisory groups (APJAC and TCBAC).

### ***Technology Advisory Committee Name***

The task force is recommending a change in the name of the technology-related advisory committee. This name change is intended to accomplish two goals. First, the modified name will highlight that a change is being made to the charge and function of the advisory committee as described later in this document. Second, the name seeks to clarify that the role of the advisory committee is focused on information technology for the entire branch. The current title appears to limit the functions of the committee solely to the work of the courts. A slightly broadened title makes it more clear that projects and initiatives may be undertaken to support the needs of those within the justice community but external to individual courts. The name also intends to carve out a focus on *information*-related technology and to signal that this advisory committee may not be involved in *facility* or other technologies that are the purview of other advisory committees.

#### **Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.**

This name change—from the Court Technology Advisory Committee (CTAC) to the Information Technology Advisory Committee (ITAC)—will require modification of rule 10.53 of the California Rules of Court. ITAC will continue to have its annual agendas and work approved and prioritized by the Judicial Council Technology Committee.

### ***Technology Advisory Committee Structure***

CTAC has been very successful historically in developing and making recommendations for changes to rules of court and law to enable technology adoption. The advisory committee's role and activities around development of specific technology solutions has, however, been less well defined. While some projects, such as remote video appearances, have received extensive input and participation from the advisory committee, other branch technology projects, such as the LAN/WAN network refresh, have not. This has led to perceptions of an ad hoc approach to IT project oversight.

As previously stated, a major input to the work of the task force was the recent success of the workstream concept used in 2012 and 2013. The workstream concept leveraged a small group of leaders, in that case through the temporary Technology Initiatives Working Group, to identify executive sponsors for each initiative. Those sponsors, who were accountable to the larger working group, were responsible for forming teams of technology experts from throughout the branch and facilitating work plans for these initiatives. This concept helped to (1) leverage the expertise of the branch's technology community, (2) ensure accountability to the larger group, and (3) increase buy-in by having a larger group of participants.

Leveraging this success, the task force is recommending that ITAC's role be clarified to specifically define its role to act as sponsor of specific initiatives that are approved as part of its overall annual work plan. To act as an effective sponsor, ITAC needs to comprise technology subject matter experts who can be assigned lead executive sponsorship roles for each type of initiative.

As a sponsor, ITAC will need to rely on experienced program and project managers to structure, track, and manage the progress of individual tasks and milestones. These program

managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate. In this model, the executive sponsor will not have responsibility for project management, but will assume overall executive responsibility for project deliverables and will provide high level project status updates to ITAC, and to JCTC as requested.

**Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.**

The task force is not recommending a change in the groups represented in ITAC. Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain. Instead, the task force is recommending that appointments be made with a consideration toward candidates who have skill sets that best equip them to act as executive sponsors of future initiatives. The recommendation is intended to assist the Chief Justice in making future appointment decisions.

***Summary of Major Elements in the Proposed Model***

The proposed model is designed to ensure that all branch-level technology initiatives fall under the governance of the Judicial Council Technology Committee, with a large majority receiving routine oversight from the advisory committee.

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.
- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide consortia (groups of courts working together) and local innovations that solve local business problems with a view toward their application in other jurisdictions.

### ***Evolving the Court Technology Advisory Committee (CTAC)***

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee (ITAC).

|                  | <b>Current Structure</b><br>Court Technology Advisory Committee   | <b>Recommended Structure</b><br>Information Technology Advisory Committee                       |
|------------------|---|---|
| Membership       | 60% Judicial officers<br>15% Court executive officers<br>10% Chief information officers<br>15% External members | Increase technology subject matter expertise and strengthen executive sponsorship capabilities. |
| Responsibilities | 1. Rules and legislative proposals<br>2. Technology projects  | 1. Technology projects<br>2. Rules and legislative proposals                                    |
| Project Source   | Selected by committee members.  | Determined by branch strategic plan and tactical plan as approved by the Judicial Council.      |
| Project Staffing | Primarily from Judicial Council staff   | IT community—appellate courts, trial courts, and Judicial Council staff.                        |

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

The newly formed Joint Appellate Technology Subcommittee between CTAC and the Appellate Advisory Committee will continue to exist in the new ITAC model.

### ***Governance Roles and Responsibilities***

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

|   | Role  | Change in responsibility? |
|---|---|---------------------------|
| Judicial Council  | The council establishes policies and sets priorities for the judicial branch of government.   | No                        |
| Judicial Council Technology Committee                           | Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.          | No                        |
| Information Technology Advisory Committee                       | Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.   | Yes                       |
| Judicial Council staff (Information Technology Services Office) | Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested. | No                        |
| Courts  | Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.  | Yes                       |

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Encouraging consortium arrangements between groups of courts.
- Supplementing limited program resources from the Judicial Council and the courts.
- Providing closer oversight of branchwide programs and solutions.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.
- Increased interaction and integration with existing advisory committees.

This format also helps to more clearly define the interrelated roles of other Judicial Council advisory committees and groups. While the Information Technology Advisory Committee is reviewing technology initiatives in terms of business need, technology capability, and risk and providing this information to the Judicial Council Technology Committee, the APJAC and the TCBAC are doing the same related to funding each technology initiative. Specific input from Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) is also defined to ensure a level of priority among

court leaders is also included in the Judicial Council Technology Committee's ultimate recommendations to the full Judicial Council.

These relationships among the advisory committees can be summarized by looking at the types of questions they are answering, as illustrated in the table below.

| Basic Objective  | Responsible Body                     | How?  | Specific Contributions  |
|--|--------------------------------------|---|---|
| Where should the branch go with technology?  | Judicial Council                     | Policy and fiscal direction                                 | Approval of 4-year Strategic Plan for Technology and 2-year Tactical Plan for Technology  |
| How does the branch get there?   | Judicial Council Technical Committee | Policy and fiscal determinations                            | Recommendations to Judicial Council   |
|  | IT Advisory Committee                | Technical and fiscal impact determinations                  | Recommendations to Judicial Council Technology Committee  |
| How can the branch pay for it?   | TCBAC and APJAC                      | Fiscal determinations                                       | Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee  |
| How does this initiative rate in terms of priority?  | APJAC, TCPJAC, and CEAC              | Prioritization evaluation                                   | Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee  |
| How can the branch implement technology on the local level to support the branchwide strategic plan goals? | Local courts                         | Local technology and fiscal determinations and requirements | Reporting and recommendations to the IT Advisory Committee regarding: <ul style="list-style-type: none"> <li>▪ Identification of local impacts and requirements</li> <li>▪ Establishment of best practices</li> <li>▪ Project management</li> <li>▪ Evaluation of challenges and successes</li> </ul> |

### ***Governance of the Strategic Plan***

General responsibilities for governing the strategic plan and the tactical plan are summarized below.

|   | Technology Strategic Plan<br>(4-Year)            | Technology Tactical Plan<br>(2-Year)                                   |
|---|--|--|
| Judicial Council                          | Final approval                                   | Final approval   |
| Judicial Council Technology Committee     | Develops, recommends, seeks input, and oversees. | Oversight approval and determination of priorities                     |
| Information Technology Advisory Committee | Provides input.                                  | Develops, recommends, seeks input, and acts as sponsor of initiatives. |
| Individual Courts                         | Provide input.                                   | Provide input. Lead/ participate in initiatives.                       |

For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves.

For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

### ***Governance Focus Areas***

Recommendation 3 states that technology initiatives should be governed based on the type of solution being sought and implemented. These categories have varied from a local project that solves a local problem with no need for any branch-level support or funding to a branchwide system that requires extensive planning, implementation, and ongoing program management.

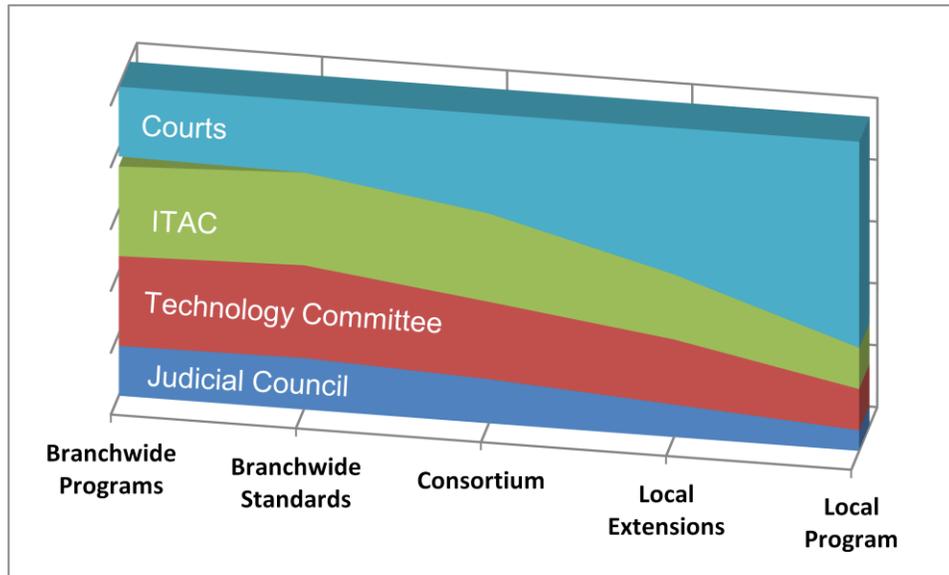
The governance roles and responsibilities can be illustrated in terms of the amount of participation by each group in the different types of technology initiatives.

**Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.**

In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives. In situations where Judicial Council staff provides support and services to smaller local courts, those courts will still retain overall governance of and decision-making about the scope and implementation of those services, taking into consideration the constraints of their allocated funding and available resources.

The chart below illustrates the areas of focus for each group.

**Governance Focus Areas by Technology Initiative Type**



**Governance of Technology Initiatives**

A more detailed view of the responsibilities for each group is summarized below.

|  | Branchwide Programs/Standards                  | Consortium                                     | Local Extensions                                 | Local Program                   |
|--|--|--|--|---------------------------------|
| Judicial Council                                     | Final approval                                 | Final approval                                 | N/A  | N/A                             |
| Judicial Council Technology Committee                | Oversee and approve. Prioritize.               | Oversee and approve.                           | Oversee and approve.                             | N/A                             |
| Information Technology Advisory Committee            | Develop and recommend initiatives.             | Recommend (branch funded) or monitor.          | Recommend (branch funded) or monitor.            | N/A                             |
| Individual Courts                                    | Participate/facilitate, design, and execute.   | Participate/facilitate, design, and execute.   | Recommend, participate/lead design, and execute. | Develop and oversee initiative. |
| Administrative Presiding Justices Advisory Committee | Fiscal review of General Fund expenditures     | Fiscal review of General Fund expenditures     | Fiscal review of General Fund expenditures       | N/A                             |
| Trial Court Budget Advisory Committee                | Fiscal review of state-level fund expenditures | Fiscal review of state-level fund expenditures | Fiscal review of state-level fund expenditures   | N/A                             |

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

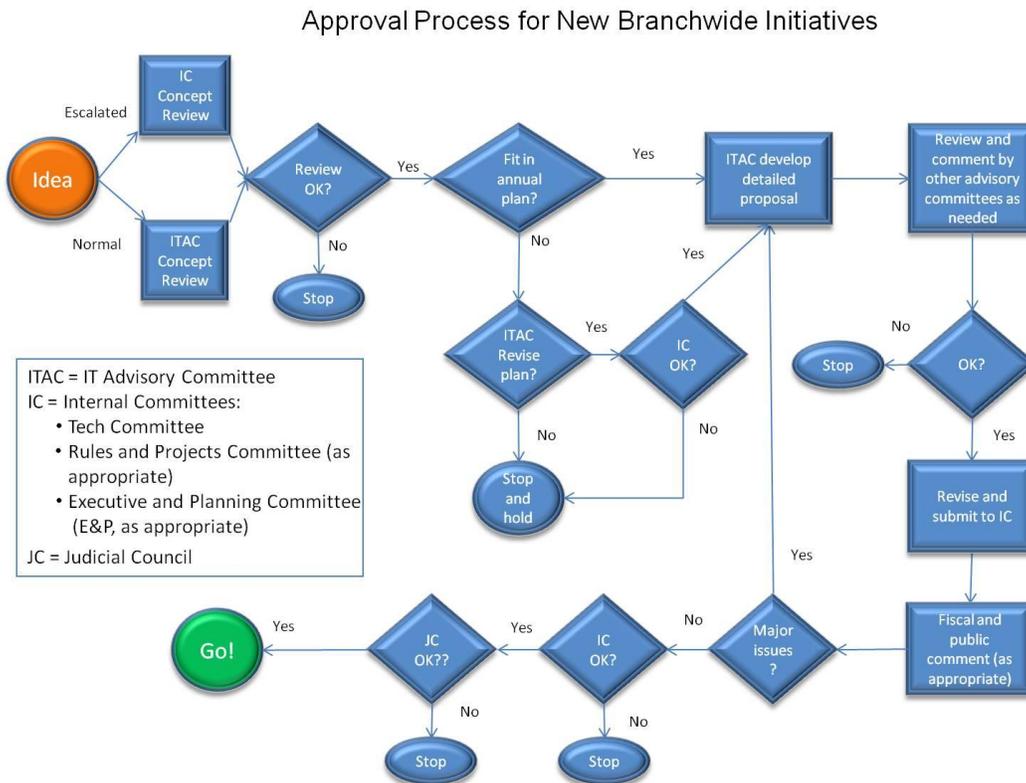
## Overview of Approving New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiative Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee, which is responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



### ***Advisory Committee Input***

The flowchart provided above includes input from the fiscal advisory committees (APJAC and TCBAC) and from leadership advisory committees (e.g. APJAC, TCPJAC, and CEAC). This is intended to ensure that the Judicial Council Technology Committee is receiving input from the:

- Business and technology advisors—via the recommendations from ITAC.
- Funding advisors—from the fiscal committees, APJAC for the appellate courts and TCBAC for the trial courts.
- Leadership advisors—from APJAC and appellate clerk/administrators for the appellate courts and TCPJAC and CEAC for the trial courts.

This process is intended to ensure input from all perspectives, while also ensuring that each group is able to focus on its charge. The fiscal advisory committees often grapple with insufficient funding to support all requests. Discussions in these committees can then become frustrated as the funding committee members have insufficient information to make decisions on priority of projects.

**Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.**

The proposed process will allow the funding groups to identify available funding, or lack thereof, and provide this information to the Judicial Council Technology Committee (JCTC). Likewise, the leadership advisory committees will be included to provide their perspectives on relative priority of initiatives, balancing technology initiatives with other important access to justice issues and priorities for resources (both political and financial).

By receiving information from these two groups along with ITAC, the JCTC will be better able to prioritize initiatives and annual planning efforts and communicate a full set of facts and opinions to the full Judicial Council during budget planning meetings as well as annual planning meetings.

### ***Workstream Approach***

The judicial branch has achieved a large degree of success over the past 12 to 18 months due to a renewed focus on collaboration and inclusiveness. The workstream concept piloted by the Technology Initiatives Working Group achieved large degrees of success and buy-in. This was largely attributed to four factors:

1. Identifying project sponsors who were accountable to a larger committee.
2. Defining and limiting the scope of projects with clear direction from the project initiative.
3. Leveraging the expertise of the entire judicial branch IT community as needed for each initiative.
4. Using courts as innovation centers.

The task force recommends that this approach be adopted as one option for future technology initiatives sponsored by both the JCTC (where appropriate) and ITAC. For initiatives utilizing this workstream approach, the following would apply:

1. One or two members of either JCTC or ITAC would be identified as the executive sponsor of a specific initiative.
2. The executive sponsor would be responsible for assembling a team of experts to serve as staff on the initiative.
3. Team members would be identified from throughout the judicial branch, including appellate courts, trial courts, and Judicial Council staff.
4. In many cases, staff-level support will still be required to complete detailed technical tasks, but the workstream would be responsible for monitoring the work to ensure that it was performed to complete the project for the benefit of the branch.

This structure allows groups to form based on a specific interest area or skill set needed to work on a defined schedule and to disband when the work is complete. It also ensures each sponsor's accountability to ITAC (or JCTC where appropriate) so that initiatives do not stall due to lack of leadership.

Initiatives that require branch resources or funding can be managed either through a workstream approach, a traditional approach, or a hybrid of the two where Judicial Council staff resources help coordinate the work under the oversight of ITAC (or JCTC where appropriate) while gathering input from the courts. Funding identified for branchwide initiatives would customarily be managed by Judicial Council staff. For example, a new initiative that requires broad discussion and input from the courts, such as updating the e-filing deployment plan, could be managed through a workstream approach while the continued deployment of a mature existing program, such as the California Courts Protective Order Registry (CCPOR), could be managed in a traditional manner. When the initiative is in the planning stage, ITAC or JCTC can determine which model would be most appropriate to use.

**Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.**

This recommendation is central to the development and acknowledgment of the power of the branch's IT community. Successive years of funding reductions have reduced the workforces of all courts and Judicial Council staff. This reduced level of support individually provides an opportunity to better leverage the expertise located throughout the branch to simultaneously avoid duplication of effort while increasing buy-in.

Finally, this structure places the focus on the courts as innovation centers. Encouraging involvement by courts from the initiation of ideas, allowing a court or small consortia of courts to be involved from the 'ground up' on technology development. This local court participation will allow the branch to implement proof of concepts and allow innovations to occur at the local courts and then expand to broader implementation.

Whether a workstream approach, traditional approach, or hybrid is used to manage initiatives that require branch resources or funding, a common Program Management Office could be utilized to ensure that branchwide initiatives are tracked and reported consistently. The Program Management Office is discussed later in this document.

## Processes and Decision Flows

The judicial branch utilizes a project management life cycle approach to ensure proper planning and execution of initiatives. The overall strategic planning activity can be integrated into this life cycle as illustrated below.

| Phase      | Strategic Planning   | Concept Initiation   | Project Planning  | Project Development and Implementation   |
|------------|--|--|---|--|
| Components | <ul style="list-style-type: none"> <li>▪ Strategic Plan</li> <li>▪ Tactical Plan</li> <li>▪ Annual Plan</li> </ul> | <ul style="list-style-type: none"> <li>▪ Idea Generation</li> <li>▪ Concept Approval</li> <li>▪ Initiative Categorization</li> <li>▪ Business Analysis and Funding Approval</li> </ul> | <ul style="list-style-type: none"> <li>▪ Establish Project Team</li> <li>▪ Create Project Plan</li> </ul> | <ul style="list-style-type: none"> <li>▪ Design</li> <li>▪ Develop</li> <li>▪ Deploy</li> <li>▪ Operate</li> <li>▪ Maintain</li> <li>▪ Retire</li> </ul> |

The remainder of this section contains detailed process descriptions that illustrate the recommended review, approval, and execution of initiatives based on the above life cycle.

### **Strategic Planning Process**

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan based upon the overall Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

**Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.**

The task force is recommending an initial plan to be included in the document titled “Strategic Plan for Technology 2014–2018.”

The task force is further recommending that the Judicial Council Technology Committee be responsible for updating the technology strategic plan on a four-year cycle. They would be tasked with identifying key technology goals, soliciting input from all stakeholders, drafting the initial plan, communicating and developing buy-in to the plan, and ultimately recommending the new plan to the Judicial Council.

Once the strategic plan is adopted, the Judicial Council Technology Committee will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the strategic plan. This includes oversight of any tactical plans, annual work plans for ITAC, or new technology initiatives.

The high-level responsibilities for this process are outlined below.

#### **Process for Developing and Updating the Strategic Plan for Technology**

|  |  |
|--|--|
| Judicial Council                       | <ul style="list-style-type: none"> <li>• Directs Technology Committee to adopt/revise plan</li> <li>• Adopts recommended plan (4-year)</li> </ul>  |
| Technology Committee                   | <ul style="list-style-type: none"> <li>• Develops ideas for the plan</li> <li>• Seeks input on potential plan</li> <li>• Produces draft plan</li> <li>• Produces recommended plan</li> </ul> |
| All Advisory Committees                | <ul style="list-style-type: none"> <li>• Provide input</li> </ul>  |
| Court Community and State Stakeholders | <ul style="list-style-type: none"> <li>• Provide input</li> </ul>  |

Exhibit 1 in Appendix B provides the complete workflow diagram illustrating the process for development and modification of the strategic plan.

### ***Tactical Planning Process***

The task force is recommending that the Judicial Council adopt a two-year technology tactical planning cycle. These tactical plans should support the four-year Strategic Plan for Technology. The first such plan is included in the document titled “Judicial Branch Tactical Plan for Technology 2014–2016.”

The task force is recommending that the Information Technology Advisory Committee (ITAC) be responsible for drafting each tactical plan based on the strategic direction set forth in the adopted strategic plan. ITAC would be responsible for identifying the more-detailed projects; soliciting input on these concepts from court leaders, stakeholders, and other advisory committees; and recommending the tactical plan to the Judicial Council Technology Committee (JCTC).

**Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.**

The tactical plan is scoped for a two-year time frame that allows for two tactical plans to be created for each four-year strategic plan. This structure provides a mechanism for dividing the work necessary to achieve the goals in the strategic plan into two manageable sets of tactical initiatives.

The JCTC will be responsible for reviewing the proposed tactical plan, considering the input from other advisory committees and groups, verifying fit with the strategic plan, and reevaluating prioritization within the tactical plan. Ultimately, the JCTC would recommend the tactical plan to the Judicial Council for approval.

Once the tactical plan is adopted, ITAC will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the tactical plan. This includes using the tactical plan as the primary input to ITAC’s draft annual work plan and for evaluating new technology initiative ideas.

Further, consistent with the recommendation for ITAC roles, ITAC will be responsible for facilitating tactical plan IT initiatives, as approved by the JCTC as part of the ITAC annual plan, through its new project approach.

The high-level responsibilities for this process are outlined below.

### Process for Developing and Updating the Tactical Plan for Technology

|  |  |
|--|--|
| Judicial Council                                 | <ul style="list-style-type: none"> <li>Adopts recommended plan (2-year)</li> </ul>   |
| Technology Committee                             | <ul style="list-style-type: none"> <li>Directs ITAC to develop plan</li> </ul>   |
| Information Technology Advisory Committee        | <ul style="list-style-type: none"> <li>Develops ideas for the plan</li> <li>Seeks input on potential plan</li> <li>Produces draft plan</li> <li>Incorporates comments/revises as appropriate</li> <li>Produces recommended plan</li> </ul> |
| Other Advisory Committees and Court Stakeholders | <ul style="list-style-type: none"> <li>Review</li> <li>Provide input</li> </ul>  |
| Fiscal Committees (TCBAC and APJAC)              | <ul style="list-style-type: none"> <li>Review for state-level fiscal impacts</li> <li>Identify funding sources or methods (if any)</li> <li>Produce fiscal analysis</li> <li>Comment on plan</li> </ul>                                    |

Exhibit 2 in Appendix B provides the complete process flow diagram illustrating the process for development and modification of the tactical plan.

### ***Information Technology Advisory Committee (ITAC) Annual Plan***

Strategic and tactical plans that outline what an organization hopes to accomplish are meaningless unless actual projects and effort conform to these planning efforts. The existing advisory committee planning structure addresses this issue by requiring each advisory committee to develop an annual plan that is subject to review by an internal committee to the Judicial Council and ultimately approval by the Judicial Council.

**Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.**

The task force is not recommending any change to this process but is instead clarifying the relationship between the annual plan for ITAC and the branch tactical plan. The tactical plan establishes a two-year technology roadmap for the branch. The annual plan identifies the individual projects scheduled for the next year. The annual planning process includes an overall evaluation and prioritization of any new ideas to be considered for the year as well as projects that will be continued from the previous year. Any modifications to an annual plan, once adopted, should go through a well-defined review and approval process and be reconciled with the tactical plan.

The high-level responsibilities for this process are outlined below.

#### **Process for Developing and Updating the ITAC Annual Plan**

|   |   |
|---|---|
| Judicial Council                          | <ul style="list-style-type: none"> <li>Adopts recommended annual plan</li> </ul>  |
| Technology Committee                      | <ul style="list-style-type: none"> <li>Validates consistency with tactical plan</li> <li>Recommends annual plan adoption</li> </ul> |
| Information Technology Advisory Committee | <ul style="list-style-type: none"> <li>Develops Annual Plan</li> <li>Produces Recommended Annual Plan</li> </ul>                    |

Exhibit 3 in Appendix B provides the complete process flow diagram illustrating the annual planning process for ITAC.

## **Concept Approval Process**

Technology change is rapid. The task force's recommendations for a tiered planning cycle seek to allow opportunities for adjusting activities to account for new ideas and sudden advancements in technology. The task force acknowledges that a good technology idea now may be out of date in four years due to major advances in the industry. Because of this possibility, any planning process must remain fluid enough to allow for new innovations and ideas due to potentially significant improvements that they bring to information efficiencies for access to justice.

**Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.**

Competing with the need for innovation is the need to remain focused on goals and outcomes. Planning processes can fail under the weight of new ideas and the desire to meet all goals simultaneously. Staff can be pulled into too many projects, resulting in a dilution of time and energy and an inability, despite all best efforts, to bring projects to conclusion. To that end, the task force is recommending a concept evaluation approach that acknowledges the need for flexibility while building in controls to ensure this flexibility does not move technology efforts away from the core technology goals of the branch.

This initial process provides a screening or triage function for new ideas to determine if additional resources and time should be invested in fully investigating the idea.

The triage process will determine if a new idea should be added to the work of ITAC (and by extension the Judicial Council Information Technology Services Office and court staff participants).

First, new ideas can come from anywhere. Some may be a directive from the Judicial Council due to some major initiative, legislative change, or a need to respond to some critical failure. Others may be of such critical or time-sensitive nature that the JCTC desires to retain direct oversight of any project activities.

For all other projects, the task force is recommending that new technology ideas be directed to ITAC for initial concept review. This review will include an assessment of how well the ideas fit with the strategic plan and the tactical plan; whether a specific idea is already in ITAC's annual plan; whether an idea that is not in the annual plan can be accomplished with existing resources; and whether capacity exists to complete the project. During a subsequent Business Analysis Process, the court community and state stakeholders will have an opportunity to provide input on the concept. Projects will be funded per the funding model described later in this document.

Recommendations are then made by ITAC, based on this initial fast and limited assessment, whether to add the idea to the current annual plan, save it for the next annual plan, or take no action. These recommendations are then reviewed by the JCTC and any additions to plans are subject to Judicial Council approval.

The high-level responsibilities for this process are outlined below.

### **Process for Evaluating New Branchwide Technology Ideas (Triage)**

|  |   |
|--|---|
| Judicial Council   | <ul style="list-style-type: none"> <li>• Determines if concepts are internally or externally mandated</li> <li>• Approves ITAC Annual Plan revisions (as required)</li> <li>• Adopts recommended plan</li> </ul>  |
| Technology Committee   | <ul style="list-style-type: none"> <li>• Determines priorities</li> <li>• Determines if direct oversight by the Technology Committee is appropriate</li> <li>• Develops projects and executes projects with direct oversight</li> <li>• Recommends adoption of annual plan revisions (as required)</li> </ul>   |
| Information Technology Advisory Committee                        | <ul style="list-style-type: none"> <li>• Defines ideas for discussion with appropriate level of detail</li> <li>• Reviews ideas related to annual plan, technology principles, and tactical and strategic plans</li> <li>• Reviews ideas for risk, rewards, and capacity to complete</li> <li>• Determines if ideas are already in the plan and/or if they are a required addition</li> <li>• Recommends annual plan revisions</li> <li>• Develops and executes projects</li> </ul> |
| Funding Advisory (TCBAC and APJAC) and Other Advisory Committees | <ul style="list-style-type: none"> <li>• Define ideas for discussion with appropriate level of detail</li> </ul>  |

Exhibit 4 in Appendix B includes the complete process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas.

The task force believes this structure will encourage innovation while balancing the desire for new ideas against the need for a formal planning process.

### ***Technology Initiative Categorization Process***

After assessing a new idea and making a decision to continue with a more-detailed analysis and evaluation, the idea should be categorized and evaluated based upon the type of initiative. In general, the more branch-level resources are required, the more formal and detailed the branch-level involvement by the Judicial Council and its committees.

For example, a local trial court or consortium innovation that requires no branch-level support would not require approval by the Judicial Council and its committees. A local trial court initiative where special funds are needed or support from Judicial Council staff is being requested would require review by ITAC, JCTC, and potentially the Judicial Council.

The high-level responsibilities for this process are outlined below.

#### **Process for Categorizing Initiatives**

|   |   |
|---|---|
| Judicial Council                          | <ul style="list-style-type: none"> <li>• Approves new technology initiatives</li> <li>• Monitors the progress of branchwide programs</li> </ul>   |
| Technology Committee                      | <ul style="list-style-type: none"> <li>• Determines if direct oversight by the Technology Committee is appropriate</li> <li>• Determines project model, workstream, traditional, or hybrid, for projects with direct oversight</li> <li>• Establishes workstream team for projects with direct oversight, when workstream model is selected</li> <li>• Categorizes the initiative</li> <li>• Monitors the progress of projects with direct oversight</li> </ul> |
| Information Technology Advisory Committee | <ul style="list-style-type: none"> <li>• Determines project model, workstream, traditional, or hybrid, for projects</li> <li>• Establishes workstream team for project, when workstream model is selected</li> <li>• Categorizes the initiative</li> <li>• Monitors the progress of project</li> </ul>  |
| Local Courts                              | <ul style="list-style-type: none"> <li>• Establish local teams for local projects</li> </ul>  |

The previously recommended criteria described in the “Categorizing Technology Initiatives” section of this document can be used to help with this process. Exhibit 5 in Appendix B includes the full-sized process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas. The appellate courts have a separate process.

The appellate courts have historically worked as a consortium for technology needs, with guidance and direct support from the Judicial Council Information Technology Services Office (ITSO). To realize efficiencies and achieve economies of scale, the ITSO budget for core services is shared with the appellate courts. The appellate courts share a single case management system, developed, hosted, and maintained by Judicial Council staff.

Application and infrastructure upgrades are supported by Judicial Council staff and coordinated across the courts.

The current appellate court technology roadmap was developed in June 2013, through a joint effort between ITSO and the California Appellate Court Clerks Association (the association), comprised of the clerk/administrators and assistant clerk/administrators from the Supreme Court and each Court of Appeal district. The courts use a technology roadmap to prioritize and guide technology initiatives. The appellate courts work with ITSO to adhere to a standard change management review and approval process. The appellate court user group, assisted by Judicial Council staff and comprised of representatives from each court (including system administrators), submits proposals for technology initiatives to the association for prioritization, approval, and authorization to proceed.

The association is responsible for forwarding recommendations for statewide initiatives to the Administrative Presiding Justices Advisory Committee (APJAC) for approval. APJAC reviews recommendations from the association for funding of local court enhancements, applications, and services. Initiatives originating from advisory committees and statewide initiatives requiring Judicial Council action or approval are submitted to the JCTC for final approval, in alignment with the overall governance model.

## ***Business Analysis Processes***

After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).

The process for detailed business analysis will vary based upon the type of initiative. The following pages provide decision diagrams for this process. The task force directs the reader to the following two key decision points:

1. Are branch resources being requested?
2. Does this project fit within the strategic and tactical plans?

These two questions guide the amount of branch-level involvement in the initiative.

The high-level responsibilities for these processes are outlined below.

### **Project Execution: General Process for Statewide Program (Business Case/Approval)**

|   |   |
|---|---|
| Judicial Council                          | <ul style="list-style-type: none"> <li>• Confirms need for statewide program development</li> <li>• Approves statewide program development</li> </ul>   |
| Technology Committee                      | <ul style="list-style-type: none"> <li>• Confirms applicability of statewide program development</li> <li>• Receives report on ITAC recommendation</li> </ul>   |
| Information Technology Advisory Committee | <ul style="list-style-type: none"> <li>• Establishes workstream team (where appropriate and if not already established)</li> <li>• Develops high-level business case and scope for statewide program (e.g., why it's needed, capability of establishing)</li> <li>• Seeks input</li> <li>• Determines recommendation if a statewide program is appropriate</li> <li>• Prepares full business case/report for statewide program, including cost benefit</li> </ul> |
| All Advisory Committees                   | <ul style="list-style-type: none"> <li>• Provide input on concept</li> <li>• Identify potential funding sources and recommendations for funding (TCBAC and APJAC)</li> </ul>  |
| Court Community and State Stakeholders    | <ul style="list-style-type: none"> <li>• Provide input on concept</li> </ul>  |

Exhibit 6 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide programs and solutions.

**Project Execution: General Process for Statewide Standards**

|   |  |
|---|--|
| Judicial Council                          | <ul style="list-style-type: none"> <li>• Confirms applicability of standards development</li> <li>• Adopts recommended judicial branch standards</li> </ul>  |
| Technology Committee                      | <ul style="list-style-type: none"> <li>• Recommends creation of standards</li> <li>• Recommends adoption of standards</li> <li>• Receives report of ITAC recommendation</li> </ul>   |
| Information Technology Advisory Committee | <ul style="list-style-type: none"> <li>• Establishes workstream (where appropriate and if not already established)</li> <li>• Develops business case for standards (why needed, why capable of establishing)</li> <li>• Seeks input</li> <li>• Determines appropriateness of creating standards</li> <li>• Proposes standards be developed</li> <li>• Develops standards</li> <li>• Seeks formal public comment</li> </ul> |
| All Advisory Committees                   | <ul style="list-style-type: none"> <li>• Provide input on standards concept(s)</li> <li>• Provide input on standards</li> </ul>  |
| Court Community and State Stakeholders    | <ul style="list-style-type: none"> <li>• Provide input on standards concept(s)</li> <li>• Provide input on standards</li> </ul>  |

Exhibit 7 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide standards and guidelines.

### **Project Execution: General Process for Analyzing Potential Consortium Programs and Solutions**

|  |   |
|--|---|
| Judicial Council                             | <ul style="list-style-type: none"> <li>• Approves project and funding source</li> </ul>   |
| Technology Committee                         | <ul style="list-style-type: none"> <li>• Determines if sufficient technology innovation funds are available</li> <li>• Determines if Judicial Council staff support is required (if applicable)</li> <li>• Recommends projects and funding source to the Judicial Council</li> <li>• Approves projects</li> </ul>   |
| Information Technology Advisory Committee    | <ul style="list-style-type: none"> <li>• Compares project idea against strategic and tactical plans</li> <li>• Evaluates risk, including capacity to complete</li> <li>• Evaluates all requests submitted by local courts and consortiums</li> <li>• Recommends approval</li> <li>• Receives project reports and includes in annual report to the Technology Committee</li> </ul> |
| Fiscal Advisory Committees (TCBAC and APJAC) | <ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>   |
| Consortia of Courts                          | <ul style="list-style-type: none"> <li>• Prepare and submit technology and funding requests</li> <li>• Manage project(s); may require Judicial Council staff assistance</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>  |

Exhibit 8 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential consortium programs and solutions.

### Project Execution: General Process for Local (or Consortium) Extensions of Branchwide Programs

|  |   |
|--|---|
| Judicial Council                             | <ul style="list-style-type: none"> <li>• Approves project and alternate funding source (if applicable)</li> </ul>   |
| Technology Committee                         | <ul style="list-style-type: none"> <li>• Recommends projects for approval</li> <li>• Confirms sufficient technology innovation funds are available</li> <li>• Recommends funding source (non-innovation fund)</li> </ul>  |
| Information Technology Advisory Committee    | <ul style="list-style-type: none"> <li>• Evaluates requests for modifications of branchwide programs</li> <li>• Confirms conformance with standards (as applicable)</li> <li>• Evaluates impact of underlying system(s)</li> <li>• Determines if state funding is requested</li> <li>• Recommends approval</li> <li>• Receives report and includes in annual reporting to the Technology Committee</li> </ul> |
| Fiscal Advisory Committees (TCBAC and APJAC) | <ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current-year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>   |
| Consortia of Courts                          | <ul style="list-style-type: none"> <li>• Prepare and submit local extension requests</li> <li>• Manage project; may require Judicial Council staff involvement</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>   |

Exhibit 9 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential local extensions.

**Project Execution: General Process for Local Programs Requiring Branch Funds**

|  |   |
|--|---|
| Judicial Council                             | <ul style="list-style-type: none"> <li>• Approves project and alternate funding source (if applicable)</li> </ul>   |
| Technology Committee                         | <ul style="list-style-type: none"> <li>• Confirms sufficient technology innovation funds are available</li> <li>• Recommends projects for approval</li> <li>• Recommends funding source (non-innovation fund)</li> <li>• Approves projects</li> </ul>   |
| Information Technology Advisory Committee    | <ul style="list-style-type: none"> <li>• Compares project idea against strategic and tactical plans</li> <li>• Evaluates risk, including capacity to complete</li> <li>• Evaluates all requests submitted by local courts and consortia</li> <li>• Recommends approval</li> <li>• Receives project reports and includes in annual report to the Technology Committee</li> </ul> |
| Fiscal Advisory Committees (TCBAC and APJAC) | <ul style="list-style-type: none"> <li>• Review funding methods</li> <li>• Identify current-year funding</li> <li>• Identify potential future funding and make recommendation (for or against)</li> </ul>   |
| Local Courts                                 | <ul style="list-style-type: none"> <li>• Prepare and submit local extension requests</li> <li>• Manage projects</li> <li>• Report on progress (reporting detail requirement determined by level of funding)</li> </ul>  |

Exhibit 10 in Appendix B includes a complete process flow diagram illustrating the process for analyzing potential local programs requiring branch funds.

### ***Project Execution Process***

After a project is approved, either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, forms a project team and executes the program using the workstream model to develop the solution. These project teams are not formal subcommittees or working groups but rather informal project teams identified for the specific purpose of executing the development of a branchwide program, standard, or guideline.

This process applies when developing branchwide programs and solutions or branchwide standards and guidelines. There is no intent to impose or enforce a particular development process for local court or consortia programs, which should be managed under the discretion of the local court or consortium. However, the task force encourages the use of this process and its checkpoints where appropriate in the spirit of information sharing and collaboration.

The high-level responsibilities for this process are outlined below.

#### **Project Execution: General Process for Statewide Program (Build)**

|   |   |
|---|---|
| Judicial Council                          | <ul style="list-style-type: none"> <li>• Approves or denies scope/funding changes</li> <li>• Adopts deployment plan</li> </ul>  |
| Technology Committee                      | <ul style="list-style-type: none"> <li>• Receives status reports</li> <li>• Recommends approval scope/funding changes</li> <li>• Approves/recommends deployment plans</li> </ul>  |
| Information Technology Advisory Committee | <ul style="list-style-type: none"> <li>• Develops detailed requirements</li> <li>• Seeks internal/stakeholder comment</li> <li>• Prepares status reports</li> <li>• Prepares change orders (including funding)</li> <li>• Builds solutions</li> <li>• Recommends adoption of program / deployment plan</li> </ul> |
| All Advisory Committees                   | <ul style="list-style-type: none"> <li>• Provide input on requirements</li> <li>• Review/make recommendations on fiscal (TCBAC and APJAC)</li> <li>• Provide input on deployment plans</li> </ul>   |
| Court Community and State Stakeholders    | <ul style="list-style-type: none"> <li>• Provide input on requirements testing</li> <li>• Provide input on deployment plan (may include each court submitting readiness information)</li> </ul>   |

Exhibit 11 in Appendix B includes the complete process flow diagram illustrating the process for developing branchwide programs and solutions.

## Program Management Office Responsibility

The Judicial Council Information Technology Services Office provides individual staff support to branchwide initiatives. That responsibility is essential for ensuring that branchwide initiatives are tracked and reported consistently.

The primary goal of a program management office (PMO) is to achieve benefits from standardizing and following project management policies, processes and methods based on industry standards. The PMO defines and maintains standards for project management, tracks project progress, and reports on project status. Providing visibility to project status helps project teams, managers, and sponsors understand whether activities are on track, within budget, or need assistance.

**Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.**

Careful consideration should be made when establishing a PMO function. The PMO exists to support projects and improve the opportunity for their success. It should be staffed to accomplish its main purpose but it does not have a governance role nor should it become an impediment to executing projects. A successful PMO supports project teams and their sponsors and does not act as a gatekeeper or bureaucratic organization to be avoided. It should focus on expediting the decision making process, eliminating redundancies and creating efficiencies. The PMO function for branchwide initiatives should be formed from existing staff with any additional resource requirements approved by the Judicial Council Technology Committee.

## Program Prioritization Criteria

In the processes and decision flows described previously, projects and initiatives will need to be evaluated. Furthermore, scarce resources and funding result in the need to prioritize initiatives so that investments will provide the highest returns.

**Recommendation 16: The Judicial Council Technology Committee should implement an equitable, transparent methodology for prioritizing technology projects.**

The Technology Planning Task Force recommends that the Judicial Council Technology Committee use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

A balanced scorecard approach relies on measuring several individual criteria grouped into key business categories. By applying weights to each of the criteria, more importance can be placed on some aspects.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard developed by the Technology Planning Task Force is included in Appendix C.

### ***Pilot Use of the Scorecard***

At the end of September 2013, the Judicial Council Technology Committee needed to identify a list of trial courts that had the highest need for funding to replace their aging case management systems. An initial survey indicated interest from 32 courts to participate in a budget change proposal (BCP) to request funding from the California Department of Finance. Recognizing the scarcity of available funding, the Judicial Council Technology Committee decided to pilot the use of the scorecard to prioritize the requests.

The Judicial Council Technology Committee used a transparent process involving broad and clear communications to the trial courts to ensure everyone had an opportunity to participate and that expectations were set appropriately. The sample scorecard was shared with the courts to be filled out. Fourteen formal requests were received and the Judicial Council Technology Committee used the scorecard to help facilitate their decision-making process, resulting in six proposals being included in the BCP.

The Technology Planning Task Force recommends the continued use of the scorecard with refinement over time to ensure that the measures best reflect the priorities and constraints of the branch when it is used.

## FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit; restrictions on year-to-year carryover of funds results in de-prioritizing technology investments; and there is no guarantee that budget change proposals requesting additional General Fund monies will be funded.

A series of deep budget reductions to the branch has led to courthouse and courtroom closures, service hour reductions, furloughs, and other painful cuts to services the public needs and has come to rely on the courts to provide. On the technology front, many courts have outdated and sometimes unsupported systems, many of which are in critical need of replacement. Current court technology funding sources do not meet the need to operate on an ongoing basis. Only the continued use of trial court reserve funds has forestalled serious problems for most courts, and trial court reserve funds have been restricted to 1 percent of operational expenditures by the end of fiscal year 2013–2014. The statewide trial court budget has been severely impacted by previous reductions and redirection to trial court operations away from technology.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

Once funding is restored, funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably. In the interim, the governance process will provide the framework for managing funding requests.

## Existing Funding Sources

Five sources of funding support court technology for the trial courts and one ongoing source is available for the appellate courts.

### ***Trial Court Technology Funding***

Sources of funding for trial court technology include:

1. Two percent automation fund revenue;
2. Government Code section 77207.5 (replacement of 2 percent automation fund) trial court distributions;
3. State Trial Court Improvement and Modernization Fund (IMF; allocated by the Judicial Council);
4. Trial Court Trust Fund (allocated by the Judicial Council); and
5. Trial Court Trust Fund (allocated by the trial courts).

Of the five listed sources of available funding for trial court technology, the first two are statutorily dedicated to court technology and the other three have committed resources for those purposes.

The “2 percent automation fund” was established by the Legislature through Government Code section 68090.8 and restricted to the “development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems” (excluding electronic reporting systems for use in a courtroom). Initially retained locally, beginning June 30, 1996, these monies became state funds and are now remitted to the IMF. Comprising 2 percent of criminal fines, penalties, and forfeitures collections, the average amount remitted to the IMF over the past three fiscal years has been \$16.7 million.

In addition, since January 1, 2006,<sup>3</sup> Government Code section 77207.5 has required the Judicial Council to allocate \$10.9 million annually from the Trial Court Trust Fund to trial courts for the development, implementation, and maintenance of automated systems as described in section 68090.8(a).<sup>4</sup>

The IMF funds are allocated by the Judicial Council to fund a variety of branchwide projects and programs that benefit the trial courts (Gov. Code, § 77209), not just to fund technology. Technology programs and projects have received approximately \$46.6 million annually from this source. In addition to funding technology, IMF allocations fund a range of services, including trial court security grants, the Litigation Management Program, self-help centers, and judicial leadership training. However, the IMF already faces a structural deficit as expenses have exceeded revenues and the existing reserve balance is being depleted. Current revenue and expenditure projections indicate an ongoing structural deficit of approximately \$25 million and a funding shortfall in FY 2014–2015 of between \$5 million and \$10 million.

The Judicial Council has traditionally made certain allocations of Trial Court Trust Fund (TCTF) monies to technology projects and currently funds programs providing direct, ongoing services to the trial courts. These allocations have been partially funding branchwide initiatives such as the Phoenix Financial and Human Resources systems, the California Courts Technology Center, and case management initiatives and operations. The total allocation has been approximately \$13 million annually in recent years, of which \$5.3 million has been offset by contributions from trial courts receiving the services.

The bulk of technology funding within the branch has come from TCTF allocations to each trial court for general court operations. The allocations do not separately identify a technology allocation component. The trial courts expend approximately \$180 million annually from their operational budgets to support the current level of technology. The expenditure levels of individual courts vary widely across courts and across fiscal years

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<sup>3</sup> With enactment of the Uniform Civil Fees and Standard Fee Schedule Act (Assem. Bill 145; Stats. 2005, ch. 75).

<sup>4</sup> Previously, Government Code section 77209(h) had required the Judicial Council to distribute to the trial courts a portion of the “2 percent automation funds” remitted at the time to the Trial Court Improvement Fund “not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95.” The amount in FY 1994–1995 was \$10.9 million.

depending on the management decisions of each court concerning new initiatives and system replacements. These expenditures are subject to serious reduction in FY 2014–2015 as the trial courts are faced with the full impacts of budget cuts to the branch and the virtual elimination, through the imposed 1 percent cap on trial court reserves, of prior flexibility to mitigate these impacts.

### ***Appellate Court Technology Funding***

The appellate courts have only one dedicated source of funding—\$660,000 in General Fund monies, managed by Judicial Council staff and allocated through an ongoing budget change proposal (BCP). Beyond the BCP funding the appellate courts use their operating budget for salaries and benefits for their technical support staff, while the Judicial Council Information Technology Services Office (ITSO) budget for core services is shared with the appellate courts for technology initiatives.

## **Existing Technology Funding Approval Structure**

Historically, the technology funding structure of the branch has been derived through a complex process that included direct allocation, special allocation, loans, and some reimbursement. The organizational flow of funding to courts and projects was not based on a branchwide model and therefore was not always consistent. To further assist the courts, the Judicial Council implemented a process for providing “supplemental” funding based on emergency requests for financial assistance. This process has undergone some changes. In addition to the work of the Technology Planning Task Force, the Trial Court Budget Advisory Committee is also reviewing automation funding and allocation.

**Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.**

This clarification will also ensure that resulting recommendations will align with the proposed models for technology governance and the judicial branch Strategic Plan for Technology.

## **Current Technology Funding Approaches in Other U.S. Jurisdictions**

The discussion of the existing funding sources (above) describes the source and amounts of existing technology funding for California’s state courts. In an effort to explore funding options, a survey of the technology funding streams for the judicial branches in other states and the federal government was undertaken (see Appendix A).

While the judicial branches in the majority of states generally depend upon general fund revenues from their state legislatures, the federal Public Access to Court Electronic Records (PACER) system and several states fund technology through specific filing fees and/or information access fees.

The Technology Planning Task Force is mindful that such fees may represent a barrier in access to justice even though technology is essential to the operation of the judicial system. Any new fees must balance these interests.

## **Underlying Principle and Strategy**

Most of the funding recommendations in the remainder of this document are based upon the principle of “*linking the funding source with the type of technology task to be accomplished.*” The recommendations also reflect a funding strategy that:

- Maximizes the benefit from existing funds;
- Seeks stable General Fund resources for core costs such as case management systems; and
- Searches for new funding sources to fund new initiatives.

## Technology Funding Categories

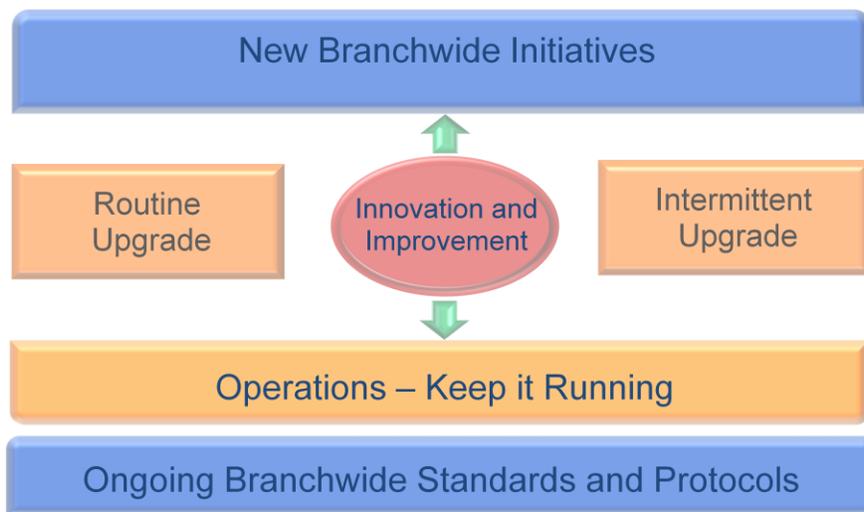
Funding for technology is used to cover a broad variety of expenses. These include one-time and ongoing expenses, investments in new technology as well as maintenance of existing solutions.

**Recommendation 18: Technology funds should be allocated according to technology expenditure categories.**

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance on how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations—Keep It Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

***Operations—Keep It Running***

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on the number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

***Routine upgrade***

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptop computers every few years; replacement of servers every few years.

***Intermittent upgrade***

- Some upgrade expenditures are more episodic and their timing is often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

***Innovation and improvement***

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.
- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.

- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

### ***New branchwide initiatives***

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; appellate e-filing.

### ***Ongoing branchwide standards and protocols***

- A coordination effort is required when trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

## Funding Sources and Governance

For each type of expense defined, the source for funding could vary as could the management requirements for those funds.

### **Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.**

The following chart summarizes the recommended funding sources and governance for each category of fund. A detailed description can be found in Appendix D.

|  | Funding Sources  | Governance   |
|--|--|--|
| Operations—Keep It Running                 | <ul style="list-style-type: none"> <li>▪ Court operating budget</li> <li>▪ Judicial Council operating budget</li> <li>▪ BCP for gap in needed funds</li> </ul> | <ul style="list-style-type: none"> <li>▪ Allocated by formula by the Judicial Council.</li> <li>▪ Expended by courts based upon local priorities and needs.</li> <li>▪ Expended by the Judicial Council for branchwide initiatives.</li> </ul>   |
| Routine upgrade                            |  |  |
| Intermittent upgrade                       |  |  |
| Innovation and improvement                 | <ul style="list-style-type: none"> <li>▪ Limited amount of funds set aside at the branch level</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Reviewed and recommended by the Judicial Council Technology Committee.</li> <li>▪ Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee.</li> <li>▪ Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.</li> </ul> |
| New branchwide initiatives                 | <ul style="list-style-type: none"> <li>▪ Funds set aside at the branch level</li> <li>▪ Grants</li> <li>▪ BCP for gap in needed funds</li> </ul>               |  |
| Ongoing branchwide standards and protocols | <ul style="list-style-type: none"> <li>▪ Funds set aside at the branch level</li> <li>▪ Grants</li> <li>▪ BCP for gap in needed funds</li> </ul>               |  |

### ***Linking Funding with the Technology Task to Be Accomplished***

Several actions must be taken to implement the previously described technology expenditure categories, proposed funding approaches, and appropriate governance. These actions can be summarized as follows:

1. Establish formula-driven funding from a stable, state-provided source for the routine costs of maintaining a court technology infrastructure and services. The rationale for this

set of expenditures is that they can be identified and quantified within the current trial court funding allocation formula, the Workload-based Allocation and Funding Methodology (WAFM), and formula funding/allocation of these costs within the trial court funding allocation formula can be established. A budget change proposal (BCP) would be prepared to cover the difference between the current state funding received and the actual cost of these expenditures. The funding would be allocated to individual trial courts each year by the Judicial Council based on WAFM. Once allocations are distributed, each court would continue to make its own decisions about actual expenditure of the funds. However, each court would have been equitably funded to meet its needs. These include:

- a. Keep it running—Ongoing information technology costs supporting basic core court operations. These costs remain fairly constant over time.
- b. Routine upgrade/update/refresh—Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. These costs may vary annually but are generally constant over time.
- c. Intermittent upgrade—More episodic and less predictable as to timing due to unplanned events. The triggering event is often a vendor’s decision to upgrade/sell/discontinue a product.

The routine costs of maintaining branchwide infrastructure and services is also included in this category but would be allocated to the Judicial Council operating budget based upon approved plans.

2. A limited amount of innovation and improvement money should be allocated each year on a one-time competitive basis administered by the Judicial Council Technology Committee. These funds would not cover ongoing operating, license, or maintenance costs. The committee should consider factors such as the business case; how the proposed project increases access to justice, provides efficiencies, or provides information; innovation; potential for broader application; time required; matching monies; savings to be realized; collaboration with others; and compliance with guidelines in the Judicial Branch Contracting Manual for projects in excess of \$1 million and \$5 million. Not every technology innovation will result in a successful project scalable for branchwide adoption and therefore a ‘guarantee’ of branchwide application should not be required up-front.
3. New branchwide initiatives should follow the review and approval process described earlier in this document. Mandated initiatives, e.g., Phoenix Financial system, should provide both start-up and ongoing funding to cover the new costs. Where a mandated initiative replaces an existing cost, a “maintenance of effort” fee from the courts or an adjustment to the trial court funding allocation formula may be appropriate. Optional service offerings, e.g., Phoenix HR, should be reimbursed by the participating courts. New branchwide initiatives could be funded by BCPs, grant funds, consortia of courts, partnerships with other agencies, and/or public-private partnerships.
4. A limited amount of technology funding should be set aside each year in order to develop and maintain standards and protocols in areas where a single branchwide policy or standard would be beneficial, such as data exchanges and information security. It is essential to coordinate across courts with justice partners, the federal government, state executive branch agencies, and local law enforcement agencies on these tasks.

## Immediate Potential Sources of Funds

While reviewing the existing technology funding and the funding approval process, it was apparent to the Technology Planning Task Force that while many programs have been working well and providing great benefit to the branch, the prior funding process was perceived as being nontransparent, in part because it was not based on a branchwide model or formula and in part because of the complexity of the prior funding models. Work to address this concern within the Trial Court Budget Advisory Committee has already started.

**Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.**

This review should address the necessity for the programs themselves; how program funding has been established; the context in which the funding was established; and the impacts of the proposed change in direction on any courts affected. Initial review indicates there are examples of state funds supporting optional programs that have benefited a limited number of participating trial courts. These circumstances have built up over time and cannot reasonably be changed overnight. However, they can, and should be, addressed over time to be more consistent with the new funding expenditure categories and the equity principles established with the WAFM implementation.

## New Funding Options

Merely redirecting existing funds would not resolve the technology funding shortfall for the branch. Similarly, relying upon the BCP process and a steady stream of General Fund revenues is unlikely to resolve the ongoing challenges. As recent experience has demonstrated, even relatively dependable funding sources can become unreliable in times of economic turmoil.

**Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.**

There may be fee opportunities that have the advantage of tying the revenues received to the service provided; for example, increasing existing fees, adding fees for specific services, and/or eliminating certain fee exemptions.

The Technology Planning Task Force also identified the following funding opportunities that are not fee based:

1. **Grants.** The judicial branch has historically had some modest success in attracting grants from external sources. While these have not provided major sources of funding, it may be possible to initiate new pilot or branchwide systems through grants in areas such as public safety, homeland security, criminal reporting, access to justice, remote interpretation, etc.

2. ***Partner agencies.*** The judicial branch has historically had some success in attracting funds by working with its partner agencies. Particularly in the area of electronic data exchange, working with our partners has served to improve the efficiency of both agencies by avoiding re-creation and re-keying of data.
3. ***Voluntary fee, as part of State Bar dues, dedicated to expanding access to justice through automation of self-help.*** As we work through the automation of the court process, we cannot leave the less-advantaged behind, and this is highlighted in the principles adopted by the Judicial Council. State Bar members are sensitive to this issue and may be willing to partially offset a portion of the cost of supporting this population through a voluntary check-off program.

## Issues for Large Multiyear Projects

The trial courts face a challenge in funding any large multiyear initiative due to the imposition on June 30, 2014, of a 1 percent cap on trial court reserves. The anticipated inability to save and manage funds presents a significant barrier to successful implementation of any large multiyear project, such as the replacement of any of the many failing local case management systems. When combined with the timelines and requirements of the Judicial Branch Contract Law, projects have steep, additional administrative burdens to overcome that add to project management complexity.

### **Recommendation 22: Establish a mechanism for funding large multiyear projects.**

The Technology Planning Task Force suggests two approaches to these issues:

- Modify the list of exemptions from the 1 percent–reserve calculations under Government Code section 77203 to include funds reserved for technology projects that are expected to last more than one calendar year or span more than one fiscal year;
- Implement a ‘savings’ program through a fund held by the Judicial Council, likely the IMF or TCTF. Instead of receiving a portion of their annual allocation, trial courts could deposit their monies in the central fund where these funds would be effectively ‘saved’ until the project deliverables are received.

## Immediate Issues Facing the Trial Courts

As mentioned earlier in this report, overshadowing the work of the Technology Planning Task Force have been three concerns of exigent proportion:

- Case management system replacement needs;
- Lack of adequate, dedicated funding and expenditure priority challenges, resulting in an IMF shortfall beginning in fiscal year 2014–2015; and
- Cap on the amount of unexpended funds that can be carried forward from one year to the next for larger technology projects, starting June 30, 2014.

While the work of the Technology Planning Task Force has been to focus on the long-term framework for branch technology, these looming issues require immediate attention and cannot be disregarded. In many respects, these exigent issues serve as case studies for the types of issues the budget framework proposed by the task force must address over time. The issues of immediate concern also provide a test basis for the solutions being developed. It is clear that the branch needs a long-term approach that is transparent and credible if we are to enlist the support of others to assist with the immediate problems at hand.

### ***Case Management System Replacement Needs***

The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state. A court's case management system (CMS) is the very hub of its technology and operations. Courts had been largely 'on hold' regarding CMS technology during the CCMS effort. Not only did technology move past the systems in use during this time, but hardware changes, platform changes, and vendor support decisions also left many courts in dire situations with no clear path forward. A survey of trial courts in May 2012 indicated 5 courts with the urgent need to replace their case management system within 12 months; 17 courts in discussion, or near discussion, with their CMS vendor to upgrade their CMS; and 19 courts requiring replacement of their CMS within the next five years. A branchwide request for proposals was completed in May 2013 and established master service agreements with three commercial CMS vendors. However, the combination of the long lead times required to implement a new CMS, the massive state budget cuts, and a new 1 percent limit on reserves effective June 30, 2014, has prevented most affected courts from moving forward with new systems.

### ***IMF Shortfall in Fiscal Year 2014–2015***

The task force recognizes the impending shortfall in the IMF for the branch. The IMF supports many significant branch programs, including the Litigation Management Program, self-help centers, and judicial leadership training, as well as providing some \$46.6 million annually for branch technology. The branch response to massive state budget reductions has worked to diminish the fund balance in the IMF to the point that, in fiscal year 2014–2015, the fund will be unable to support even the existing programs. Instead, the forecasts show a reduction in expenditures of \$5 million to \$10 million may be required. As the affected branch programs have already been subject to massive cuts, it is unclear how this reduction could be achieved without further reducing the monies available for branch technology.

### ***Cap on Amount of Funds that Can be Carried Forward***

The new 1 percent limit on reserves, effective June 30, 2014, is preventing many courts from moving forward with functioning, updated case management systems. As most large automation projects will span multiple fiscal years, providing funding security is an important component for success. Further, year-end fiscal pressures should not be allowed to become a factor in determining the acceptability of project deliverables. The new fiscal constraints could mean that trial courts will be facing a choice between a lesser product that can be delivered within the fiscal deadline or no product at all.

It is evident these three immediate issues only exacerbate the technology funding problems. At the very time additional investment is needed to rectify the critical needs for case

management, a significant existing funding source is drying up and will be unable to sustain funding at even the current levels.

### ***Addressing Immediate Issues***

The following table identifies potential actions to address these immediate issues.

| Action  | CMS Replacement  | IMF Shortfall   | Notes   |
|---|--|---|---|
| Provide funding based on the trial court funding allocation formula (currently WAFM) for operations and for routine and intermittent upgrades of technology and pursue a budget change proposal (BCP) for the gap between the current state funding for the courts' ongoing technology expenses and the projected actual cost, based on industry standards and norms, for operations and for routine and intermittent upgrades of technology. | Neutral  | Neutral   |   |
| Establish a fixed, moderate amount of annual funding to support technology innovation and improvement and small-scale new branchwide initiatives.   | Neutral  | Slightly Negative as IMF would be a candidate source. |   |
| Submit BCPs for major new branchwide initiatives, including their anticipated ongoing operating and maintenance costs, initially on an individual initiative basis but with a future goal of augmenting current ongoing statewide automation funding.   | The most obvious source of CMS replacement funding if CMS is considered basic to court operations. | Assists   | Could relieve some of the pressure on the IMF; not feasible for courts to accumulate funds for CMS replacement if 1% cap is not lifted. |
| Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology issues.  | Neutral  | Neutral   |   |
| Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.   | Assists  | Assists   |   |
| Consider the business case and take into consideration any return on investment that can be leveraged when developing funding strategies for a project.   | Assists  | Assists   |   |

| Action  | CMS Replacement | IMF Shortfall | Notes |
|---|-----------------|---------------|-------|
| Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential uses of information or records.   | Assists         | Assists       |       |
| Options to address 1% reserve cap for large projects:<br><br>Modify the list of exemptions from the 1%-reserve calculations to include technology projects that exceed the 1%-reserve limit or last more than one fiscal year;<br><br>Implement a 'savings' program through a fund held by the Judicial Council allowing trial courts to 'save' funds until technology deliverables are received. (As stated earlier under " Issues for Large Multiyear Projects.") | Assists         | Neutral       |       |

The work of the Technology Planning Task Force has been to make recommendations for stable, long-term funding sources for judicial branch technology. At the same time, the task force recognizes significant and immediate issues facing the branch in technology funding.

The set of funding actions above is intended to provide a framework to rebuild some modicum of effective case management system capability and to establish a strong, equitable foundation for the ongoing operation of branch technology systems.

## CONCLUSION

Recommendations for the judicial branch Technology Governance and Funding Model, along with the associated Strategic Plan for Technology and Tactical Plan for Technology, represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

## Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

## SUMMARY OF RECOMMENDATIONS

### Governance

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles.

Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Recommendation 16: The Judicial Council Technology Committee should implement a equitable, transparent methodology for prioritizing technology projects.

## **Funding**

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

## Appendix A: State Funding Benchmark

As part of the data-gathering effort for the Technology Planning Task Force, a survey of how judicial branch technology is funded in other jurisdictions was undertaken. Key technology contacts were approached and interviewed in each state. The states are grouped so that similar funding strategies appear together. The federal information was taken from publically available sources.

| Jurisdiction   | How Technology Is Funded   |
|--|--|
| Alaska   | Technology monies are designated by the legislature from the state general fund. State legislators are provided low-level detail of intended use, e.g., licensing; hardware replacement, etc.  |
| Texas  | Technology funds are a specific allocation from the state general fund. How the funds are utilized is determined within the judicial branch. State-wide e-filing has been funded by additional fees paid to a private vendor. However, this was just changed so that the funds pass through the branch. Local counties fund the trial courts without support from the state or fees.   |
| Massachusetts  | Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects.  |
| Georgia  | Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects. Counties fund their own court technology or can use centralized, statewide case management systems at no charge. Court allocation is 0.78% of state budget.  |
| Utah   | Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Approximately 10% of revenues are cost recovery from services. Credit card fees are paid by interest on accounts. E-filing service charge goes entirely to service provider. Document sales split with court producing the document.   |
| Indiana  | Filing fee of \$5 to \$7 per filing is in place statewide to support statewide technology. However, counties can fund their own case management systems if desired and upon approval of application. The centralized, statewide case management systems are available at no charge to the counties. A new oversight committee has just been established with members from the state technology agency, the court, and both parties in the state assembly and senate.   |
| Federal Government—Public Access to Court Electronic Records (PACER) | As mandated by Congress, the public access program is funded entirely through user fees set by the Judicial Conference of the United States. The fees are published in the Electronic Public Access Fee Schedule, available on <a href="http://www.uscourts.gov">www.uscourts.gov</a> and <a href="http://www.pacer.gov">www.pacer.gov</a> . Funds generated by PACER are used to pay the entire cost of the judiciary's public access program, including telecommunications, replication, and archiving expenses, the case management/electronic case files system, electronic bankruptcy noticing, Violent Crime Control Act Victim Notification, online juror services, and courtroom technology. |

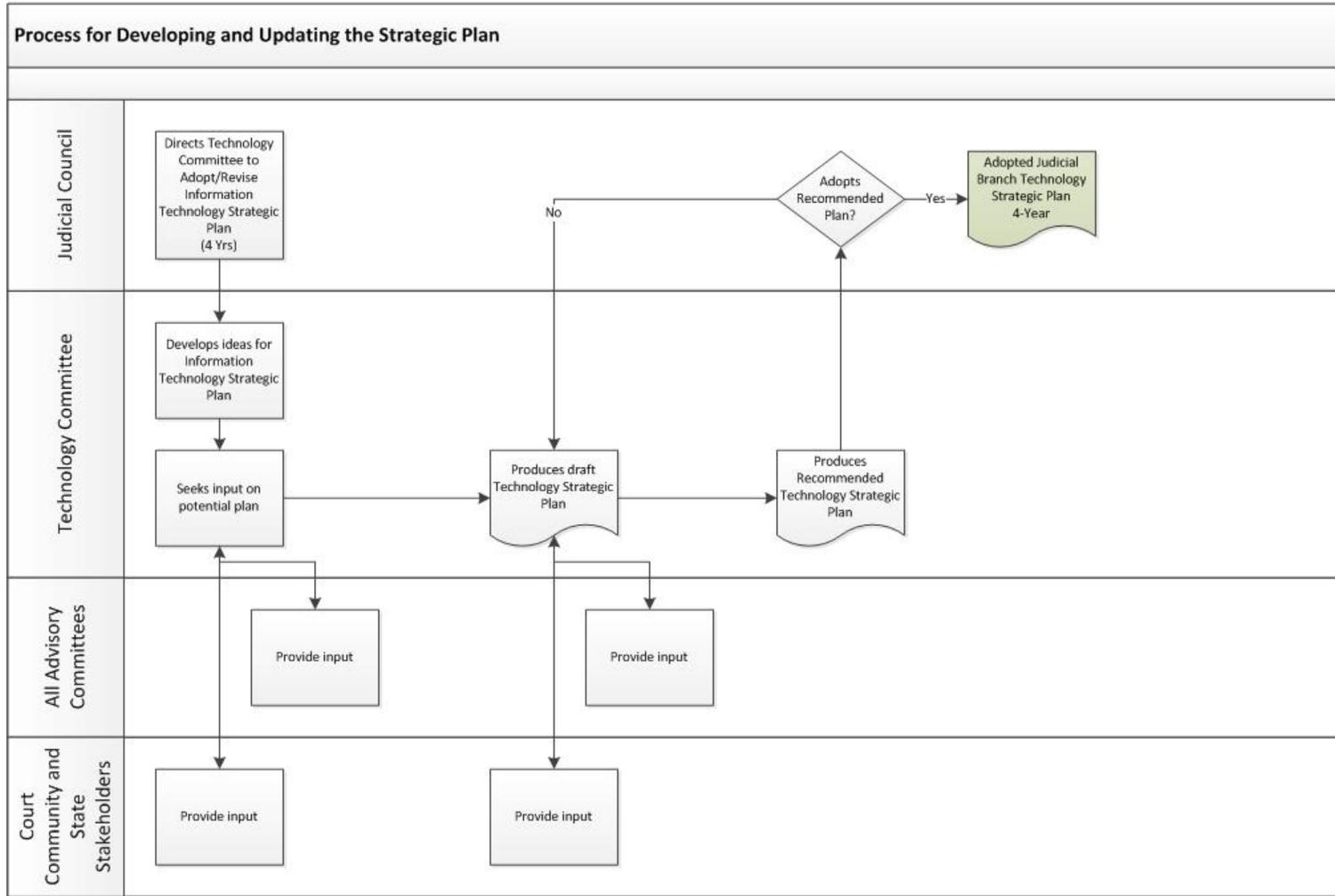
| Jurisdiction | How Technology Is Funded   |
|--------------|--|
| Colorado     | Technology is funded by fees on data access and filing. Technology does not receive general fund monies, but money can be requested for capital projects.  |
| Arizona      | Non-unified system: Municipal courts funded by the cities; justice of the peace courts funded by the counties; superior and appellate courts funded by the state. Judicial branch also operates adult and juvenile probation. Probation technology is paid from state general fund monies. Court technology is paid from a civil filing fee surcharge called 'Judicial Collection Enhancement'. There are additional, targeted programs that are self-financing; e.g., e-filing; intensive payment program. Court technology funds pay for operation, infrastructure, and new development. The two largest counties operate their own case management systems, at their own cost; but tie to the statewide infrastructure and e-file, etc. Use a 'Business Technology Committee' and a 'Technologist Committee' to oversee technology. |
| Illinois     | Technology is largely county based and each county may opt to impose filing fees for automation and/or records storage up to a maximum amount established by the legislature. There is currently some preliminary investigation of an additional fee to fund statewide automation.   |

# Appendix B: Detailed Process and Decision Flows

## Exhibit 1: Process for Developing and Updating the Strategic Plan

California Judicial Branch  
Technology Governance and Funding Model

V10.8

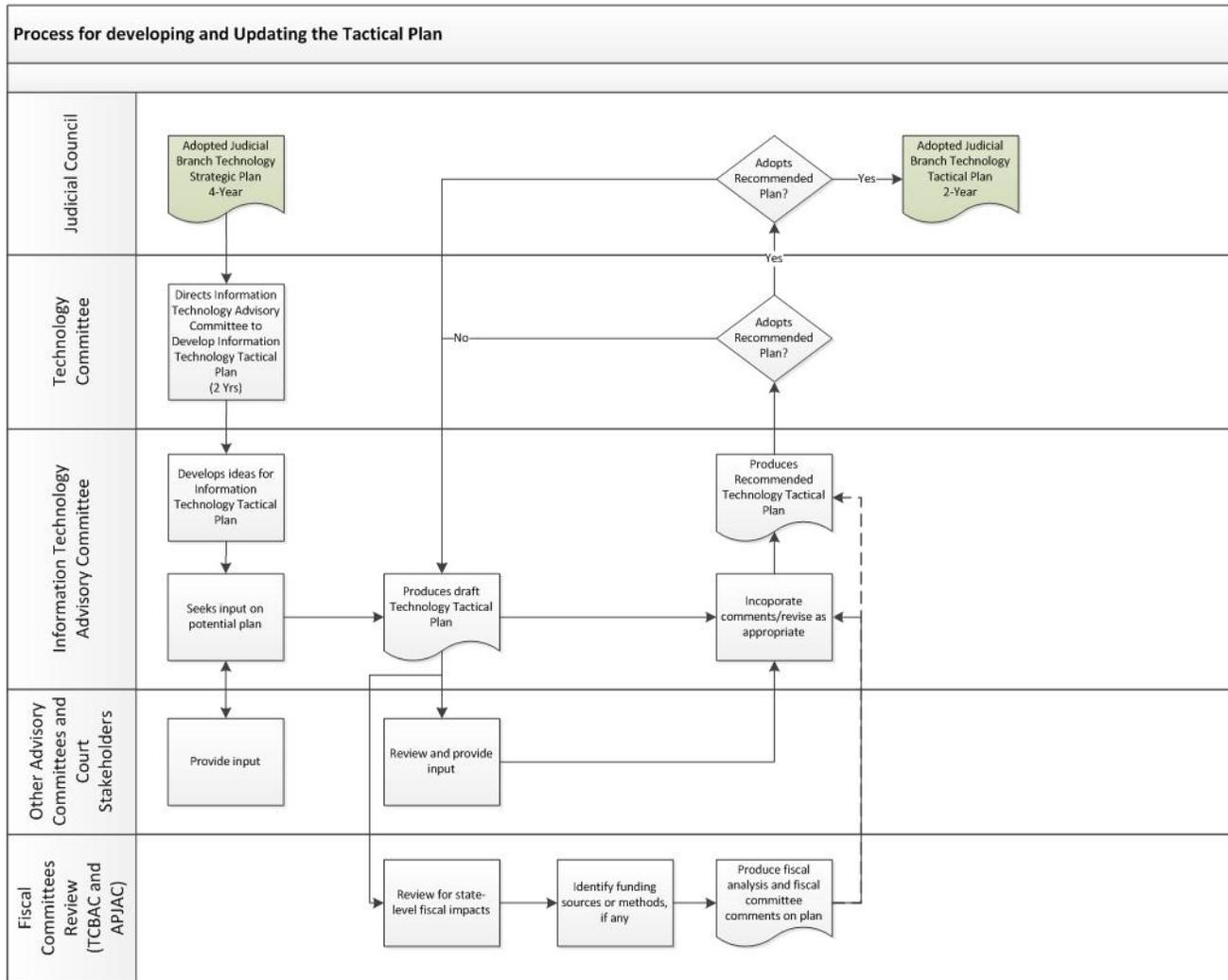


## Appendix B: Detailed Process and Decision Flows

### Exhibit 2: Process for Developing and Updating the Tactical Plan

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

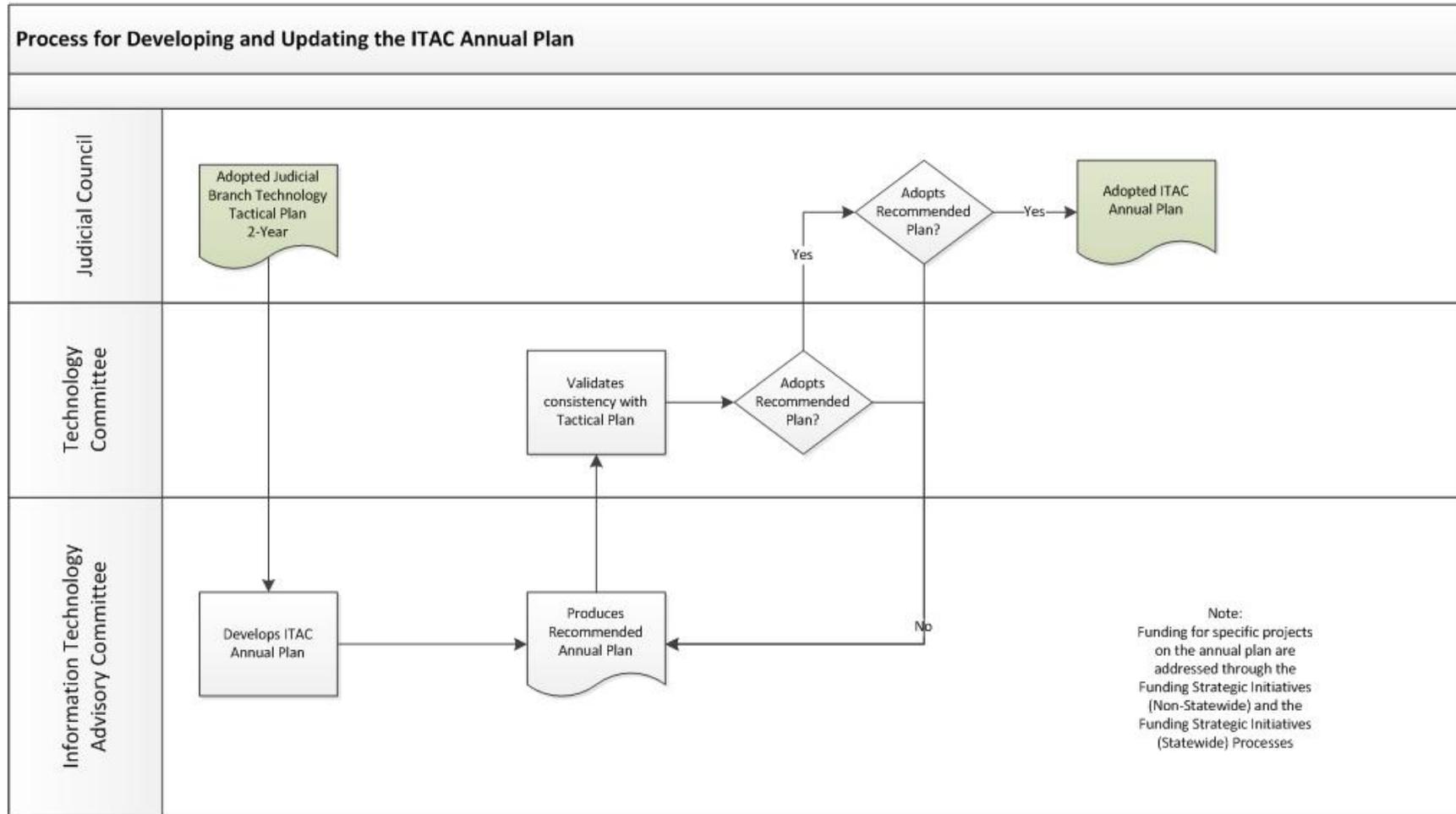


## Appendix B: Detailed Process and Decision Flows

### Exhibit 3: Process for Developing and Updating the ITAC Annual Plan

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

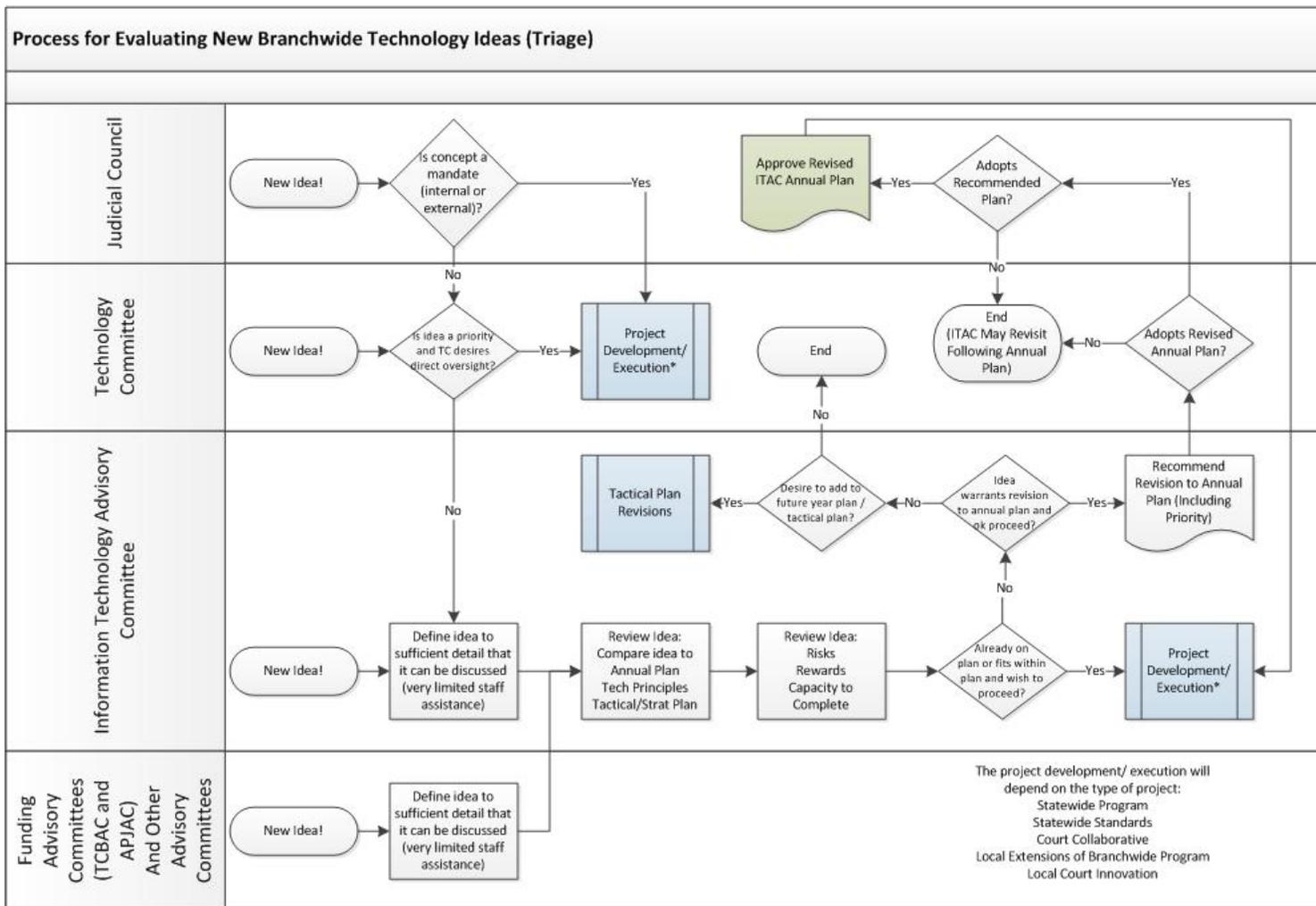


# Appendix B: Detailed Process and Decision Flows

## Exhibit 4: Process for Evaluating New Branchwide Technology Ideas (Triage)

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

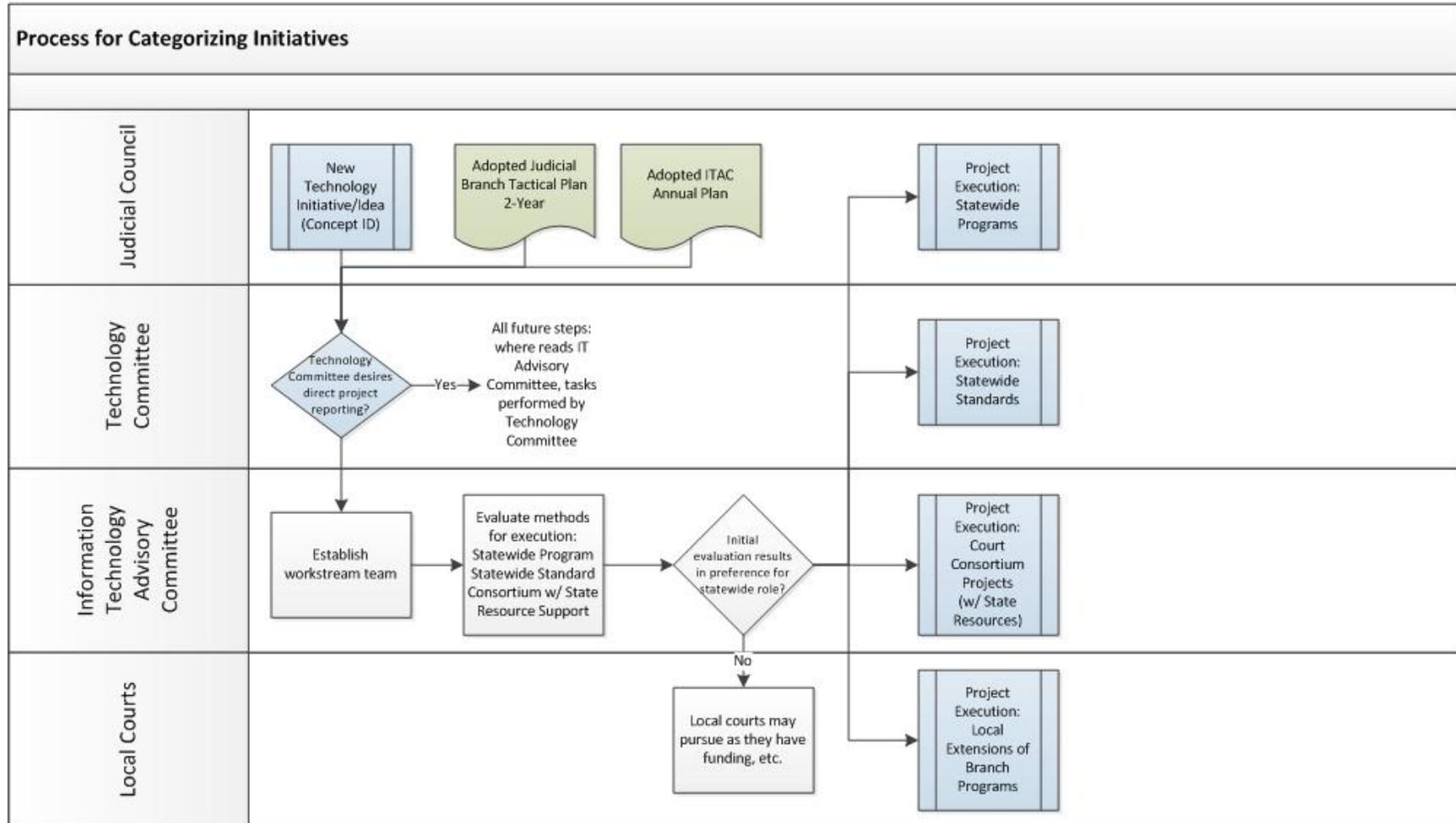


## Appendix B: Detailed Process and Decision Flows

### Exhibit 5: Process for Categorizing Initiatives

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

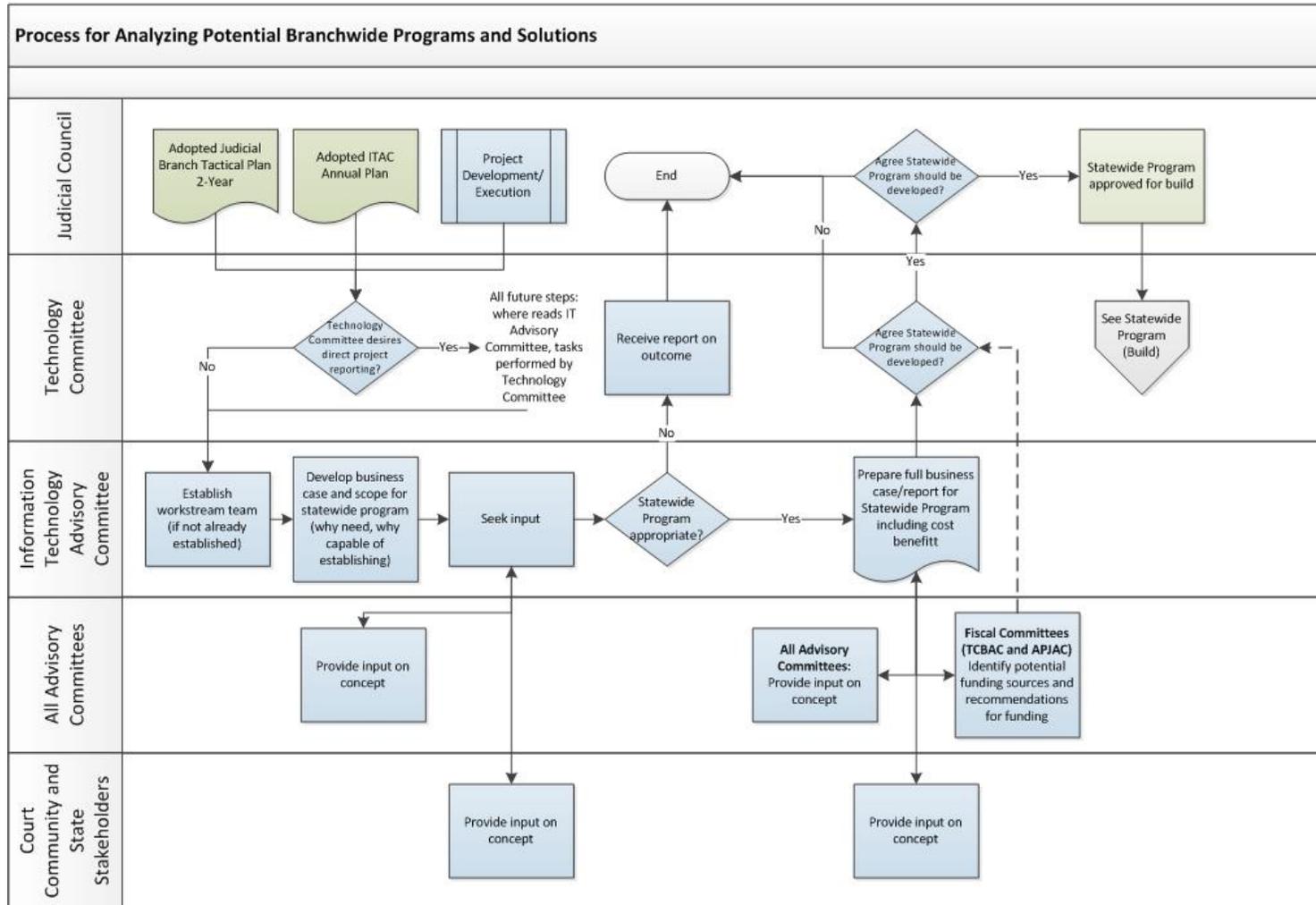


# Appendix B: Detailed Process and Decision Flows

## Exhibit 6: Process for Analyzing Potential Branchwide Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

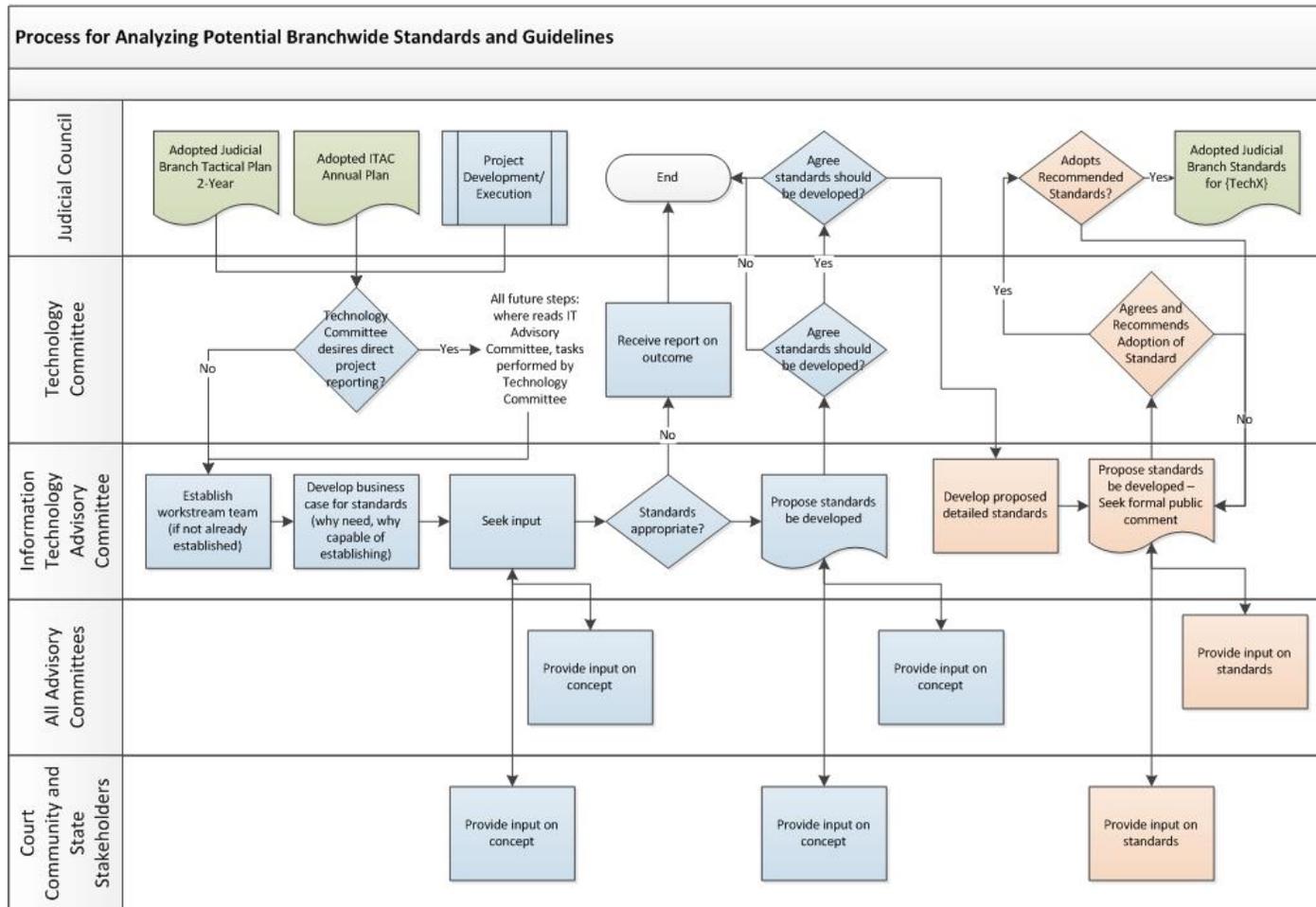


# Appendix B: Detailed Process and Decision Flows

## Exhibit 7: Process for Analyzing Potential Branchwide Standards and Guidelines

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

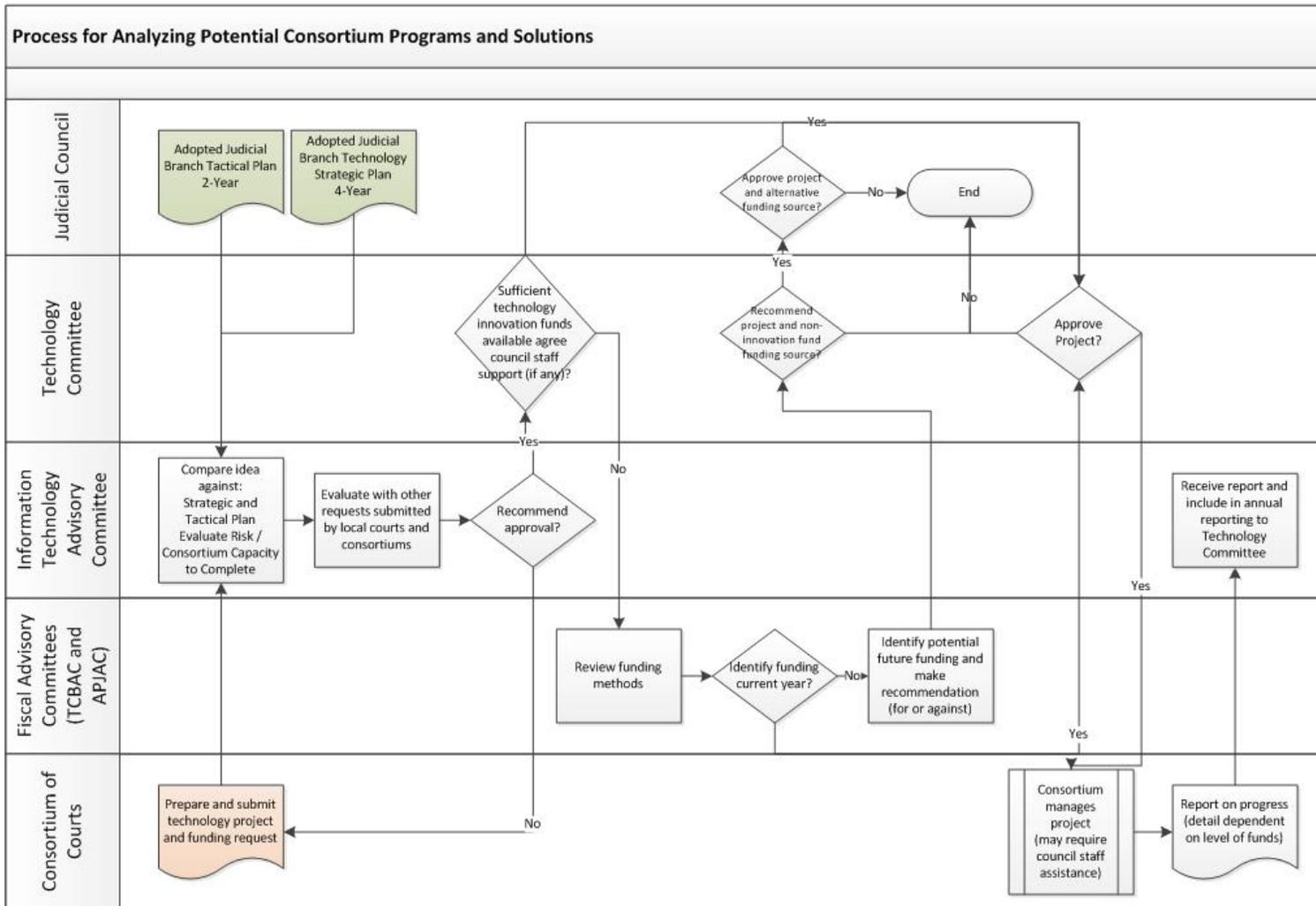


## Appendix B: Detailed Process and Decision Flows

### Exhibit 8: Process for Analyzing Potential Consortium Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

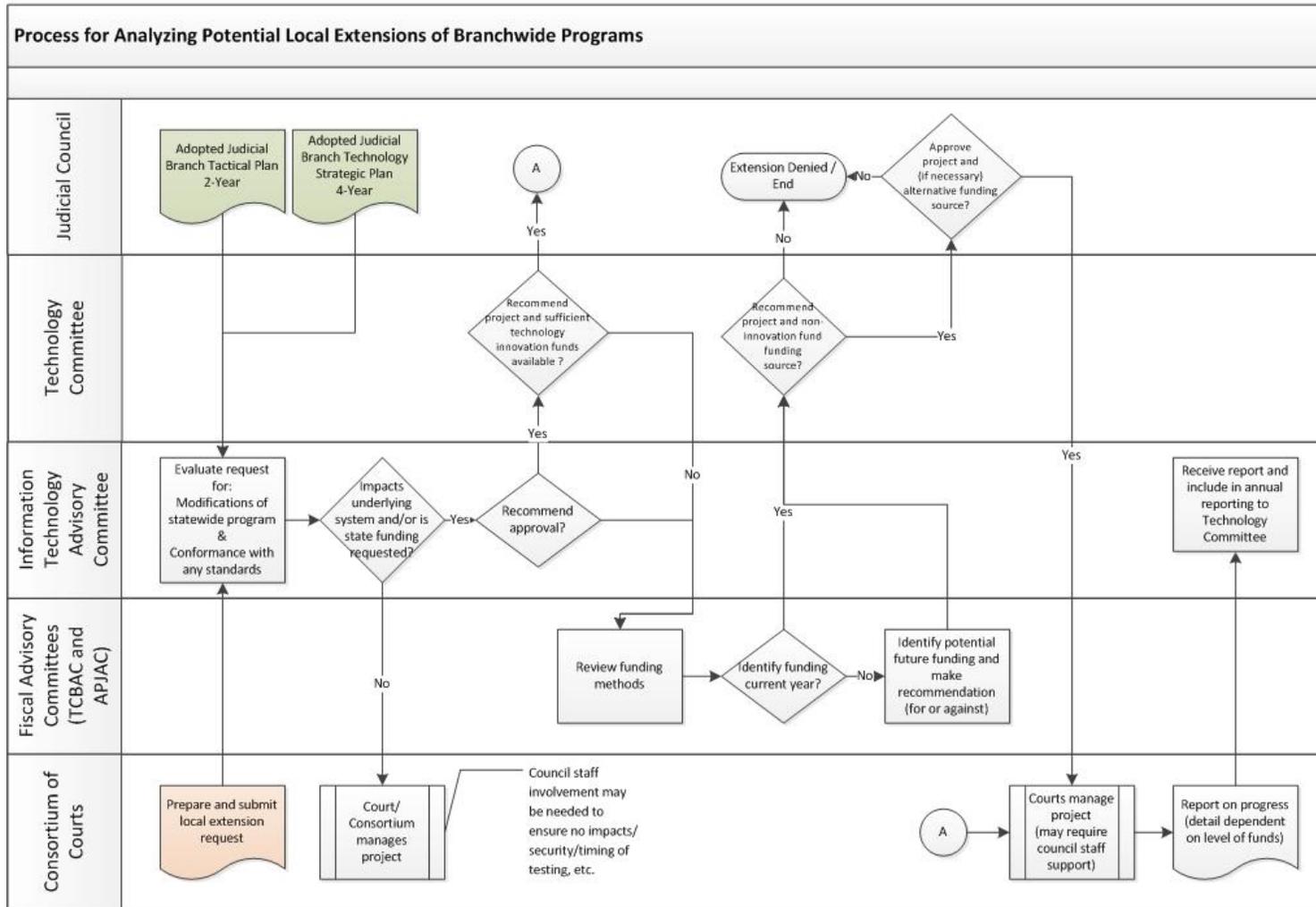


# Appendix B: Detailed Process and Decision Flows

## Exhibit 9: Process for Analyzing Potential Local Extensions

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

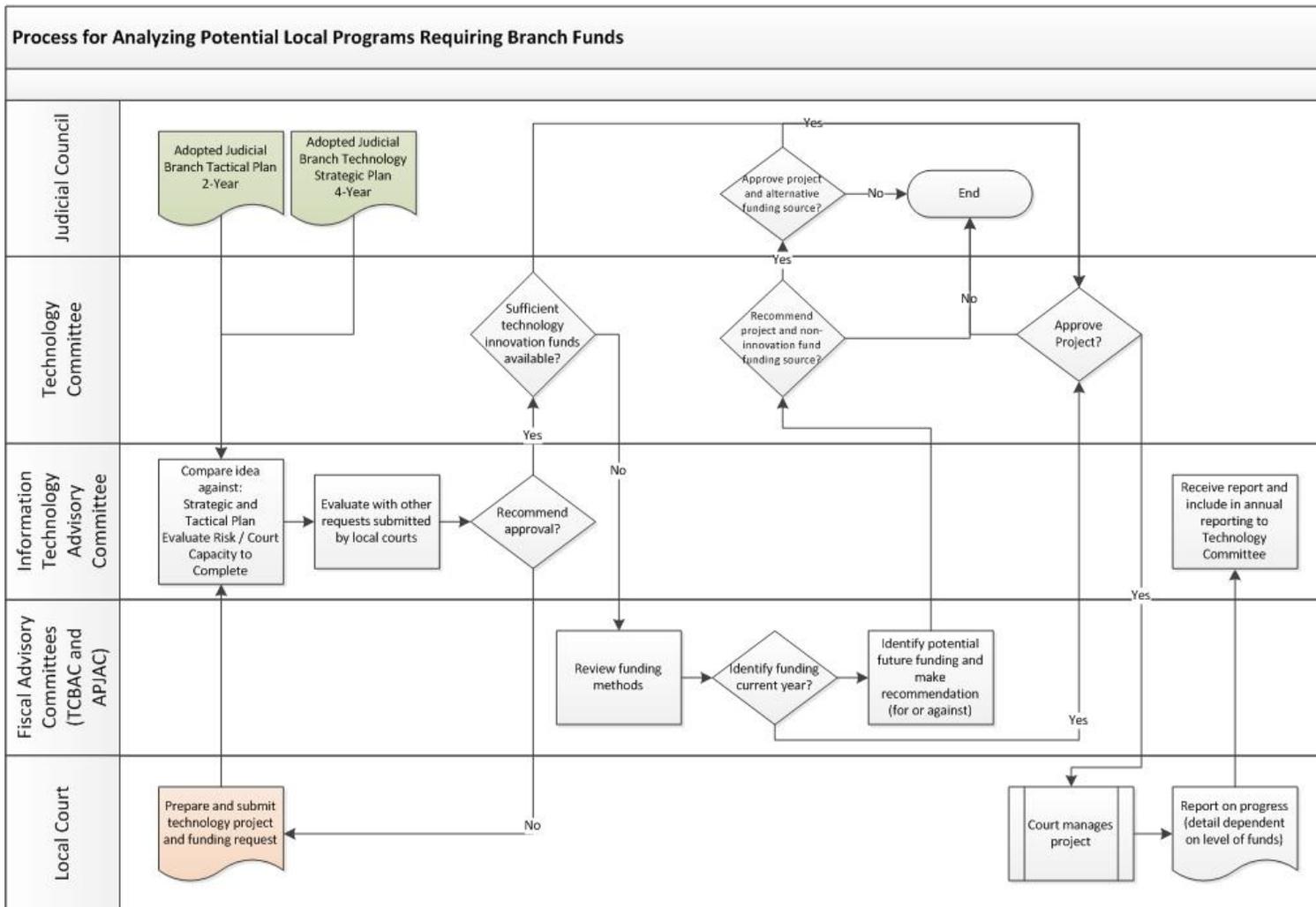


## Appendix B: Detailed Process and Decision Flows

### Exhibit 10: Process for Analyzing Potential Local Programs Requiring Branch Funds

California Judicial Branch  
Technology Governance and Funding Model

V 10.8

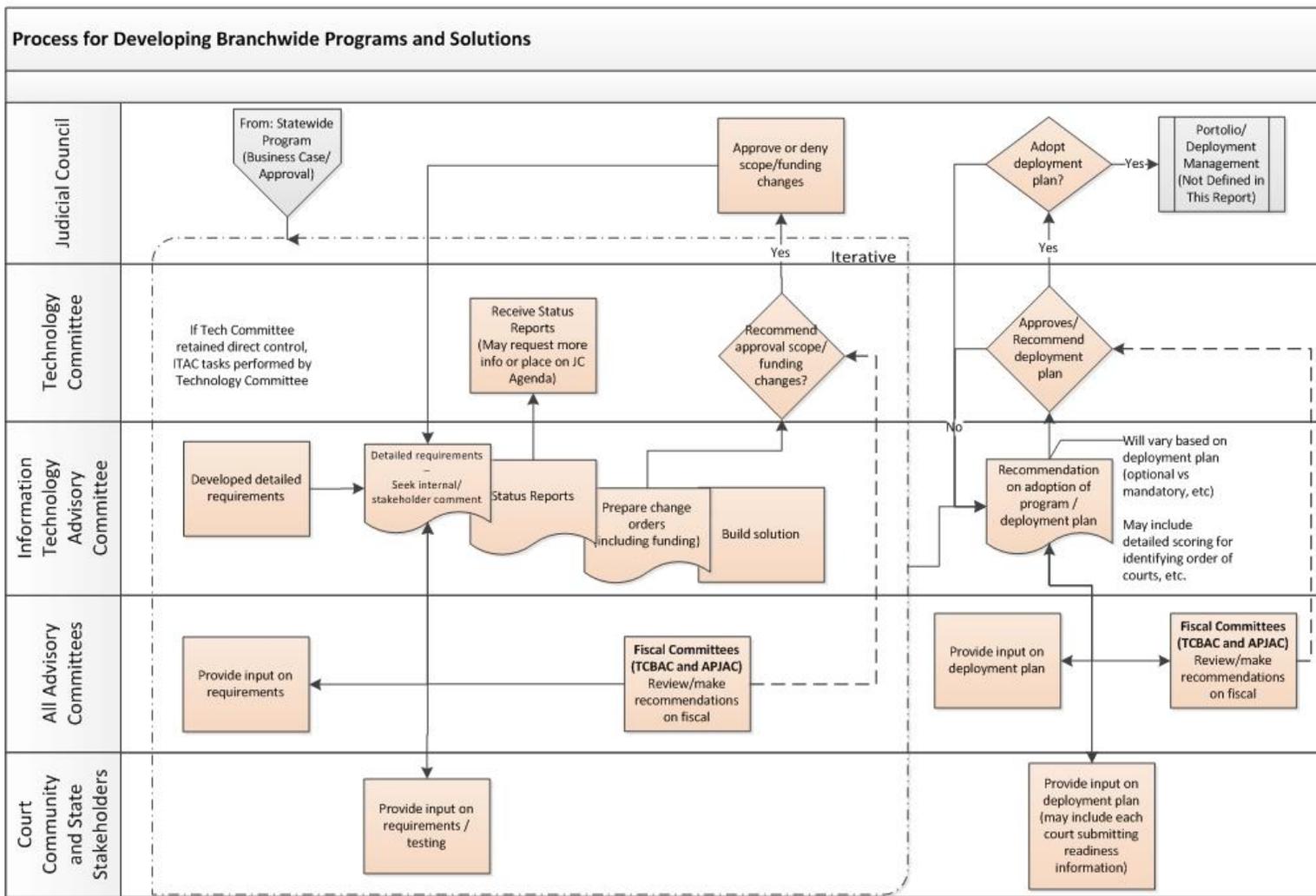


# Appendix B: Detailed Process and Decision Flows

## Exhibit 11: Process for Developing Branchwide Programs and Solutions

California Judicial Branch  
Technology Governance and Funding Model

V10.8



## Appendix C: Project Evaluation Scorecard

| DRAFT Project Prioritization Scorecard |  |                    |       |        |            |          |
|--|--|--------------------|-------|--------|------------|----------|
| Court Name                             |  | <h1>DRAFT</h1>     |       |        |            |          |
| Submitter's Name                       |  |                    |       |        |            |          |
| Requested Funds                        |  |                    |       |        |            |          |
| Project Description                    |  |                    |       |        |            |          |
| Project Evaluation Criteria            |  | Response           | Score | Weight | Weighted   | Comments |
| Strategic Alignment                    | Alignment with Branch Strategic Goals (Access)           | 2-3 Goals          | 2     | 5      | 10         |          |
|  | Alignment with Branch Technology Priorities              | High               | 3     | 3      | 9          |          |
|  | External partner Alignment                               | None               | 0     | 3      | 0          |          |
|  |  |                    |       |        | <b>19</b>  |          |
| External Impact                        | Public Benefit   | High               | 3     | 5      | 15         |          |
|  | Justice Partner Benefit                                  | "some"             | 2     | 5      | 10         |          |
|  |  |                    |       |        | <b>25</b>  |          |
| Benefit Realization                    | Scope of impact  | Consortia          | 2     | 3      | 6          |          |
|  | Financial ROI  | 0-2 Years          | 3     | 5      | 15         |          |
|  | Likelihood of benefit realization                        | Medium probability | 2     | 5      | 10         |          |
|  |  |                    |       |        | <b>31</b>  |          |
| Organizational Risk Mitigation         | Urgency for change - operations                          | Urgent             | 3     | 5      | 15         |          |
|  | Urgency for change - legal/regulatory/compliance         | Not urgent         | 0     | 5      | 0          |          |
|  | Organization readiness                                   | Minor concerns     | 2     | 5      | 10         |          |
|  |  |                    |       |        | <b>25</b>  |          |
| Technology Alignment / Fit             | Level of alignment with branch-wide technology standards | Aligned            | 3     | 4      | 12         |          |
|  | Level of alignment with branch-wide vendors              | Aligned            | 3     | 2      | 6          |          |
|  | Level of alignment with branch architecture              | Aligned            | 3     | 3      | 9          |          |
|  |  |                    |       |        | <b>27</b>  |          |
| Technology Risk                        | Existing infrastructure can support this project         | Covered            | 3     | 3      | 9          |          |
|  | Identified tech staff can support this technology        | No                 | 0     | 3      | 0          |          |
|  | Product / technology maturity                            | New / Mature       | 2     | 3      | 6          |          |
|  |  |                    |       |        | <b>15</b>  |          |
|  |  |                    |       |        | <b>142</b> |          |

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted scored calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

## Appendix D: Detailed Description of Funding Categories

| CATEGORY OF EXPENDITURE  | CURRENT FUNDING APPROACH  | PROPOSED FUNDING APPROACH   | RESPONSIBLE GROUP   |
|--|---|---|---|
| <p><b>1. OPERATIONS—KEEP IT RUNNING</b></p> <p><b>Description:</b> Routine, ongoing information technology costs supporting basic core court operations. These costs are either fixed, or vary based on number of users or level of use, which is fairly constant.</p> <p><b>Examples:</b> Annual software licenses; hardware maintenance, telecommunications services (such as Internet access); e-mail services; data center costs (county, Judicial Council-CCTC, or private). Software could include operating systems, e-mail, office systems, CMS, DMS, jury management, HR, payroll, etc.</p> <p>Also includes costs associated with court staff or professional services needed to keep the core operations running. Court staff may include network administrators, technicians, help-desk staff, business analysts and</p> | <p><b>TRIAL COURTS:</b></p> <p>The new WAFM trial court funding allocation model recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> <li>- 2% automation money; and</li> <li>- Automated Recordkeeping and Micrographics.</li> </ul> <p>For several years there has been funding appropriated to and</p> | <p><b>RECOMMENDATION:</b></p> <p>a) “Keep it running” expenses should be funded from a steady revenue source, such as the state General Fund,<sup>1</sup> since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform this ‘Keep it running’ function. Note that courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from both Program 90 staff ratios and OE&amp;E ratio as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p> | <p><b>Allocation:</b></p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> <p><b>Expenditure:</b></p> <p>Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p> |

| <p><b>CATEGORY OF EXPENDITURE</b></p>                                 | <p><b>CURRENT FUNDING APPROACH</b></p>   | <p><b>PROPOSED FUNDING APPROACH</b></p>  | <p><b>RESPONSIBLE GROUP</b></p> |
|---|--|--|---------------------------------|
| <p>developers needed to maintain core operations (CMS/DMS/ etc.).</p> | <p>allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p> <p>Funding has also been provided to 18 trial courts as part of the “Statewide Administrative Infrastructure Initiative”.</p> <p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p> | <p>e) Note that while this approach is intended to ensure each court can fund this function at a sustainable level, the court will retain the discretion on how the funds are actually expended. Courts may expend more or less funds on actually performing this effort according to their local priorities and approach; but will have been funded adequately and equitably.</p> <p><b>ALTERNATIVES CONSIDERED:</b></p> <p>Characterizing an expense as ‘keep it running’, as opposed to ‘routine upgrade’ (see 2 below) involves a policy choice about maintaining a software or hardware product or service. Some courts purchase maintenance agreements along with the software or hardware so that the court is always running the latest version and can upgrade whenever there is a new version covered by the maintenance agreement. The cost of the product and maintenance would be a ‘keep it running’ cost. Other</p> |                                 |

| CATEGORY OF EXPENDITURE  | CURRENT FUNDING APPROACH  | PROPOSED FUNDING APPROACH   | RESPONSIBLE GROUP  |
|--|---|---|--|
|  |   | <p>courts may choose to buy a product without the maintenance agreement, and upgrade when the court chooses to buy the new version. This would fall under the ‘intermittent upgrade’ category below. Which choice is more cost effective probably depends on the frequency of replacement, the benefits in upgrades, and the relative costs and the risk tolerance of the specific court. Falling behind in maintenance may increase the risk of disruption or sudden need for a major upgrade. At this time this policy choice is left to each individual trial court as part of its local budget authority.</p> |  |
| <p><b>2. ROUTINE UPGRADE/UPDATE/REFRESH</b><br/> <b>Description:</b> Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment.<br/><br/> <b>Examples:</b> Replacement of desktop/laptops every few years; replacement of servers every few years.</p> | <p><b>TRIAL COURTS:</b><br/>                     The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are</p> | <p><b>RECOMMENDATION:</b><br/>                     a) “Routine Upgrade” costs should be funded from a steady revenue source such as the state General Fund<sup>1</sup> since it is a basic cost of doing business.<br/>                     b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Routine Upgrades’. Note that</p>   | <p><b>Allocation:</b><br/>                     Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> |

| CATEGORY OF EXPENDITURE | CURRENT FUNDING APPROACH  | PROPOSED FUNDING APPROACH   | RESPONSIBLE GROUP   |
|-------------------------|---|---|---|
|                         | <p>based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> <li>- 2% automation money; and</li> <li>- Automated Recordkeeping and Micrographics.</li> </ul> <p>For several years there has been funding appropriated to and allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p> | <p>courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&amp;E ratio and compare that to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of replacement. The funding would be allocated to individual trial courts each year. Unless alternatives to the 1% reserve cap are implemented, courts would replace a certain amount of equipment each year.</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p> <p>The Strategic Planning Track may also inform the scope of these efforts.</p> | <p><b>Expenditure:</b><br/>Monies would be expended by local trial courts and the courts of appeal based upon local priorities and needs.</p> |

| <p><b>CATEGORY OF EXPENDITURE</b></p>   | <p><b>CURRENT FUNDING APPROACH</b></p>  | <p><b>PROPOSED FUNDING APPROACH</b></p>  | <p><b>RESPONSIBLE GROUP</b></p>  |
|---|---|--|--|
|   | <p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>  | <p><b>ALTERNATIVES CONSIDERED:</b></p> <p>Other options considered for funding this category of expense include:</p> <p>Budget/allocate a fixed amount at the state level and each trial court knows that in a given year it will receive funding for replacements. This has the advantage of smoothing out funding year-to-year at the state level and better ensuring that all courts get periodic replacement on the same pattern. However, this approach removes some discretion from the courts to postpone or expedite replacements for budgetary reasons.</p> |  |
| <p><b>3. INTERMITTENT UPGRADE</b><br/> <b>Description:</b> Some upgrade expenditures are more episodic than regular in occurrence and are often unpredictable as to timing. The triggering event is often a vendor’s decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software,</p> | <p><b>TRIAL COURTS:</b></p> <p>The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&amp;E expenses, which ratios are</p> | <p><b>RECOMMENDATION:</b></p> <p>a) “Intermittent Upgrade” costs should be funded from a steady revenue source such as the state General Fund<sup>1</sup> since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Intermittent upgrades’. Note</p>   | <p><b>Allocation:</b></p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> |

| CATEGORY OF EXPENDITURE   | CURRENT FUNDING APPROACH   | PROPOSED FUNDING APPROACH  | RESPONSIBLE GROUP   |
|---|--|--|---|
| <p>including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.</p> <p><b>Examples:</b> Upgrade to a newer version of an operating system, Microsoft Office, upgrade or replacement of a CMS, DMS, or JMS; or a technology stack upgrade.</p> | <p>based on actual past Program 90 staffing and OE&amp;E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>In addition, in past years funding has been allocated by the Judicial Council from one or more of the TCTF, IMF, TCIF, or MOD<sup>5</sup> fund to support CMS replacement initiatives for:</p> <ul style="list-style-type: none"> <li>- V2 (Fresno);</li> <li>- V3 (SD, Orange, Ventura, Sacramento, San Joaquin);</li> <li>- Interim case management systems, including SUSTAIN courts; and</li> <li>- CCMS V4 development;</li> <li>- San Luis Obispo and Kings Counties.</li> </ul> | <p>that it should be possible to document existing examples of courts which have been unable to fund these upgrades due to budget reductions and are operating on unsupported platforms/software.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&amp;E ratio and compared to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of upgrades. The funding would be allocated to individual trial courts each year with the expectation that the trial court would either ‘save’ the funds for periodic replacement, or reduce other spending in a year to allow for the replacement/upgrade expense (see discussion below).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the</p> | <p><b>Expenditure:</b> Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p> |

<sup>5</sup> TCIF and MOD were predecessors of the IMF.

| <b>CATEGORY OF EXPENDITURE</b> | <b>CURRENT FUNDING APPROACH</b>  | <b>PROPOSED FUNDING APPROACH</b>  | <b>RESPONSIBLE GROUP</b> |
|--------------------------------|--|---|--------------------------|
|                                | <p><b>COURTS OF APPEAL AND SUPREME COURT:</b></p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p> | <p>current funding approach is recommended.</p> <p><b>ALTERNATIVES/ISSUES CONSIDERED:</b></p> <p>The need for funding is unpredictable, but often can involve a lead time of a year or two. Funds could be ‘saved’ for a couple of fiscal years until sufficient funding is available to make the changes only if:</p> <ul style="list-style-type: none"> <li>- the 1% reserve cap is lifted,</li> <li>- funds for this type of expense are exempted from the cap at the trial court level;</li> <li>- funds could be ‘parked’ at the state level by deferring a portion of their annual allocation, and retained until needed, thus managing the required funds within the constraints of reserve cap;</li> <li>- funds could be ‘loaned’ at the state level from an on-going fund and repaid over a period of years;</li> <li>- A sinking fund could be permitted in each court where funds are set aside each year so that sufficient</li> </ul> |                          |

| CATEGORY OF EXPENDITURE  | CURRENT FUNDING APPROACH   | PROPOSED FUNDING APPROACH  | RESPONSIBLE GROUP   |
|--|--|--|---|
|  |  | <p>funding is available for each replacement cycle as it occurs. This would result in funds at each court that accumulate over several years, and then are spent all at once. Again, this would require modification of the 1% cap on reserve carry forward, this is not viable unless the cap is raised, or the amount exempted from the cap.</p> <p>Alternatively, funds could be budgeted each year on a branchwide basis, and a court could apply for funding from the pool.</p> |   |
| <p><b>4. NEW BRANCHWIDE INITIATIVES</b><br/> <b>Description:</b> If a branchwide policy decision is made to provide a certain type of service that was not previously provided, there will be costs to implement the service in all courts that choose to take advantage of the service offering. Some branchwide initiatives may be mandated; e.g., Phoenix Financial, other offerings may be</p> | <p><b>TRIAL COURTS:</b><br/>                     Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support new initiatives<br/>                     The branch has applied for and received grants from state or federal agencies, or other entities (SJI) to fund new initiatives.<br/>                     Individual trial courts have funded new initiatives or</p> | <p><b>RECOMMENDATION:</b><br/>                     The branch or a consortium of courts, possibly including partnerships with other agencies (for example, from DoJ, US DoT, SJI, LSC, etc.), could apply for a grant or BCP to fund an initiative.<br/>                     A pool of funds could be set aside at the state level, from TCTF, IMF, or other, to be allocated by the Judicial Council based on the review and approval process</p>                                   | <p><b>Funding Request:</b><br/>                     Monies would be requested by the Judicial Council as part of the annual BCP prioritization process based upon the recommendations from the Judicial Council Technology Committee and input from the Trial Court Budget Advisory</p> |

| <p><b>CATEGORY OF EXPENDITURE</b></p>   | <p><b>CURRENT FUNDING APPROACH</b></p>  | <p><b>PROPOSED FUNDING APPROACH</b></p>   | <p><b>RESPONSIBLE GROUP</b></p>  |
|---|---|---|--|
| <p>optional; e.g., Phoenix HR. Funding is needed for the one-time costs of acquiring the hardware, software, for staff to implement and deploy, and for deployment services to roll out the new service to courts. Funding would also be required to cover any increase in maintenance costs which would occur in the ‘Keep it running’ category.<br/><b>Examples:</b> Phoenix, Phoenix HR; CCPOR; JBSIS, e-citations from CHP; remote video appearances.</p> | <p>improvements from their own TCTF allocation or obtained grant funding.<br/><br/><b>COURTS OF APPEAL AND SUPREME COURT:</b><br/><br/>The costs of new initiatives for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p> | <p>developed. Mandated initiatives should come with ongoing funding for ‘keep it running’ costs from the branch. Individual trial courts can fund new optional initiatives or improvements from their own TCTF allocation or other revenue sources, including grants.<br/><br/>If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, there should be an established split in the savings achieved. Where a court incurs additional cost as a result of a mandated initiative, the court should only incur the ‘maintenance of efforts’ cost of its previous solution, if one existed.</p> | <p>Committee.<br/><br/><b>Allocation:</b><br/>Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee for consistency with the budget request.<br/><br/><b>Expenditure:</b><br/>Monies would be expended by the appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved plan.</p> |
| <p><b>5. INNOVATION AND IMPROVEMENT</b><br/><b>Description:</b> If the branch is to continue to innovate to discover and learn new ways of doing business, new ways of providing services, or providing new</p>   | <p><b>TRIAL COURTS:</b><br/>Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support innovation. The branch has applied for and</p>   | <p><b>RECOMMENDATION:</b><br/>A pool of money at the state level could be available to fund innovative ideas proposed by courts and approved by the Judicial Council, for example, through a grant application</p>  | <p><b>Allocation:</b><br/>Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee</p>  |

| <p><b>CATEGORY OF EXPENDITURE</b></p>   | <p><b>CURRENT FUNDING APPROACH</b></p>  | <p><b>PROPOSED FUNDING APPROACH</b></p>   | <p><b>RESPONSIBLE GROUP</b></p>  |
|---|---|---|--|
| <p>services not previously provided, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. In addition, there needs to be funding of a one-time nature to allow a court to jump start to a more advanced technology state.<br/> <b>Innovation Examples:</b> remote video appearance; e-filing; e-citations; improve access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines; etc.<br/> <b>Improvement Examples:</b> imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents;</p> | <p>received grants from state or federal agencies, or other entities (SJI) to fund innovation.<br/>                     Individual trial courts have funded new initiatives or improvements from their own TCTF allocation or obtained grant funding.<br/><br/> <b>COURTS OF APPEAL AND SUPREME COURT:</b><br/><br/>                     The innovation and improvement costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p> | <p>process. The application process and report back must be sufficiently simple and must not be so rigid that it thwarts or inhibits real innovation. The process must recognize that there may be more than one path to a particular result and that new initiatives often involve mistakes and the need to realign scope as unintended benefits are discovered as the project proceeds. The pool needs to be sufficiently large so as to allow several courts to innovate and to do this on a meaningful scale. Funds received from this central funding pool would be restricted to funding technology. This would not preclude a court or group of courts from funding innovation internally. This category of funding could also include grants from other sources (for example, SJI), funding partnerships with other agencies, or funding from NGO or private partners.<br/>                     Note that the addition of a new service or product often creates ongoing costs to keep it running</p> | <p>and based upon the review and recommendation of the Technology Committee.<br/><br/> <b>Expenditure:</b><br/>                     Monies would be expended by appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved proposal.</p> |

| CATEGORY OF EXPENDITURE | CURRENT FUNDING APPROACH | PROPOSED FUNDING APPROACH  | RESPONSIBLE GROUP |
|-------------------------|--------------------------|--|-------------------|
|                         |                          | <p>after the implementation has occurred. Funding for the implementation phase may come from one source, but the cost of regular upkeep should be added to the 'keep it running' category above.</p> <p>Individual trial courts can fund innovations from their own TCTF allocation or other revenue sources, including grants.</p> <p>If a project was maintained or expanded to other courts, the cost of maintenance would come out of item 1, 2, or 3 above.</p> <p>A BCP may be required to establish this pool of funding.</p> <p><b>OTHER ALTERNATIVES/ISSUES:</b></p> <p>If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, the savings should be split at a ratio determined as part of the funding application process.</p> |                   |

| <p><b>CATEGORY OF EXPENDITURE</b></p>  | <p><b>CURRENT FUNDING APPROACH</b></p>   | <p><b>PROPOSED FUNDING APPROACH</b></p>  | <p><b>RESPONSIBLE GROUP</b></p>  |
|--|--|--|--|
| <p><b>6. ON-GOING BRANCHWIDE STANDARDS AND PROTOCOLS</b><br/> <b>Description:</b><br/>                     A coordination effort is required where trial courts are exchanging data or otherwise interacting with state agencies, other trial courts, or local agencies, there is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols. For example, data exchanges, whether it be traffic citations or the clerk’s record on appeal, should be uniform, avoiding the need for multiple transfer protocols and associated maintenance. In addition, some courts could take advantage of master contracts for equipment, software, or other services where it is not economical for the court to act individually. There are a number of services and tasks that might be accomplished more</p> | <p><b>TRIAL COURTS:</b><br/>                     Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund for such initiatives.<br/>                     The branch has applied for and received grants from state or federal agencies, or other entities (SJI) for such initiatives.</p> <p><b>COURTS OF APPEAL AND SUPREME COURT:</b><br/>                     The branchwide policy and protocol costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p> | <p><b>RECOMMENDATION:</b><br/>                     An allocation at the state level to fund efforts to develop and maintain branchwide standards, protocols, master service agreements, etc. A constant level of funding would be needed for maintenance, and an additional amount for development of new standards, either on a yearly basis, or project specific, for example, development of data exchanges with the California Department of Social Services. Services used by a court should be funded from the court’s allocations from one of the above categories. This category of funding could also include funding partnerships with other agencies, grants from other sources (for example, SJI), or funding from NGO or private partners.</p> <p>A BCP may be required if these funds cease to be available or a major initiative is undertaken.</p> | <p><b>Allocation:</b><br/>                     Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee and after review and recommendation of the Judicial Council Technology Committee.</p> <p><b>Expenditure:</b><br/>                     Monies would be expended by appropriate agency, but likely by the Judicial Council.</p> |

| <p><b>CATEGORY OF EXPENDITURE</b></p>   | <p><b>CURRENT FUNDING APPROACH</b></p> | <p><b>PROPOSED FUNDING APPROACH</b></p>   | <p><b>RESPONSIBLE GROUP</b></p> |
|---|--|---|---------------------------------|
| <p>economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.</p> <p><b>Examples:</b> State level data exchanges and data integration with justice partners, for example, CCPOR, CHP e-citations, DCSS child support data. Master service agreements for IT equipment, software, data centers, etc.</p> |  | <p><b>OTHER ALTERNATIVES:</b></p> <p>Services provided at the state, regional or consortium level that a court can choose to use would be paid for by each participating court out of its allocation. For example, Phoenix HR, payroll, IT contract negotiation data center hosting, assistance in vendor selection, project management, data conversion, implementation assistance, etc.</p> |                                 |

<sup>1</sup> It must be noted that during times of economic upheaval the General Fund may not be a steady source of funding.