

Audit of the Superior Court of California, County of Los Angeles Court Innovations Grants

E-filing Technical Capabilities Project Justice System Partner and Litigant Portal Project

NOVEMBER 2019



JUDICIAL COUNCIL OF CALIFORNIA

AUDIT SERVICES

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Mr. Grant Parks Principal Manager, Audit Services Judicial Council of California Phone: (916) 263-1321 E-mail:<u>grant.parks@jud.ca.gov</u>

Superior Court of California, County of Los Angeles Court Innovations Grants E-filing Technical Capabilities Project and Justice System Partner and Litigant Portal Project

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EXECUTIVE SUMMARY

In June 2016, the Governor signed the Budget Act of 2016, which provided the judicial branch with \$25 million in spending authority for a Court Innovations Grant (CIG) program. The CIG program is intended to temporarily fund practices and programs in the trial and appellate courts that promote innovation, modernization, and efficiency. The legislation directed the Judicial Council to award CIG program funds on a competitive basis, and further specified \$12 million be earmarked for collaborative court programs; \$8 million for self-help, family, and juvenile programs; and \$5 million on other efficiencies across all types of courts. After implementing a competitive grant application and review process, the Judicial Council began disbursing grant funds in June 2017 and grant recipients generally have until June 30, 2020 to fully expend their grant awards. The Legislature requires the Judicial Council to report annually on the progress made in achieving the CIG program's objectives.

We selected the following two grant awards made to the Superior Court of California, County of Los Angeles (Court) under the CIG program:

• E-filing Technical Capabilities Project

The Judicial Council awarded the Court \$114,760 for its E-filing Technical Capabilities Project (E-filing Project) to develop software that electronic filing managers (EFMs) and electronic filing service provider (EFSPs) can integrate into their solutions to better provide for a well-functioning and affordable e-filing environment. The E-filing Workstream (commissioned by the Judicial Council's Information Technology Advisory Committee) identified two technical capabilities all EFMs and EFSPs need to ensure filers have a consistent and cost-effective e-filing experience. The first is identity management, which ensures secure and consistent access to digital services across providers. The second is an affordable financial gateway to lower the overall costs of digital commerce. The Court and the Judicial Council agreed to focus the grant on identity management.

• Justice System Partner and Litigant Portal Project

The Judicial Council awarded the Court \$637,500 for its Justice System Partner and Litigant Portal Project (Portal Project) to collaborate with five other courts to design, build and deploy a shared court case access portal. According to the project description in the Court's Intra-Branch Agreement (IBA) with the Judicial Council, the Portal Project will enable "fine grained" access to case data and documents for justice partners based on their "claim" to the underlying court record. The Portal Project will also enable extended remote access for litigants and enable queries across the participating court case management systems (CMSs) and ensure other CMSs can operate within the technical framework as well.

¹ In March 2017, the Judicial Council awarded \$23.5 million to grantee courts—\$11.3 million for collaborative court programs; \$7.5 million for self-help, family, and juvenile court programs; and \$4.7 million for other efficiencies programs—to increase court efficiencies.

Overall, our audit found the Court demonstrated financial accountability over its E-filing Project and Portal Project. Specifically, the Court spent grant funds in accordance with the budget plans approved by the Judicial Council, while also accurately tracking grant expenditures and revenues within the Phoenix Financial System by using the assigned Work Breakdown Structure (WBS) codes cited in the grant agreements. For the Portal Project, based on our review of ten contractor invoices, we determined the expenditures to be for project related purposes. For the Court's E-filing Project, from our review of four contractor invoices, we concluded grant expenditures were allowable based on our discussions with the contractor. The Court also deserves credit for adhering to the requirements contained in the Judicial Branch Contracting Manual (JBCM) when procuring services with CIG program funds.

However, the Court demonstrated difficulty with adhering to grant-reporting requirements. Specifically, the Judicial Council's grant agreement with the Court requires the timely submission of Quarterly Progress Reports (QPRs) summarizing the Court's grant activities to ensure the Judicial Council remains informed of project status, unexpected challenges or opportunities. For the E-filing Project, the Court did not submit three consecutive QPRs during fiscal year 2018-19 (Quarter #1 through #3). For the Portal Project, the Court provided status updates regarding some of the Project and Implementation Plan (PIP) tasks in its QPRs and in response to the Judicial Council's Special Projects Unit's review questions; however, the Court did not update its PIP to reflect how the project evolved and has not updated its grant agreement with the Judicial Council to accurately reflect what the project is ultimately expected to achieve.

Given how both of the Court's projects have evolved, we could not complete our audit work in certain scope areas as discussed in the paragraphs below.

The Court's E-Filing Project Has Stalled Through No Fault of the Court

Grant projects funded through the CIG program are innovative by nature and thus may not always be immediately successful—or may otherwise not develop as originally intended—despite the Court's best efforts and intentions. This is true with the Court's E-filing Project, which stalled for reasons beyond the Court's control. As defined in the PIP, the success of the Court's E-filing Project depends on both developing code fragments for identity management and then testing those codes with EFM providers to ensure they work as expected. The Court's PIP includes a testing phase with EFM providers followed by a "go live" phase where pilot courts will then implement the e-filing solution which uses the code fragments developed during the project. Further, the grant's agreed-upon performance outcome measures include both: (1) counting the number of pilot courts to implement the new e-filing solution; and (2) tracking post "go-live" transactional data, such as increases in civil filings and registered users accessing the adopted e-filing solution.

However, despite the Court developing the code fragments necessary for identity management and sharing them with the Judicial Council—the code fragments have not been tested with EFM providers to ensure they will work. According to the Court's Chief Information Officer (CIO), challenges associated with getting a significant EFM provider to participate in the testing process prevented the project from moving forward. The CIO also informed the Judicial Council that unspent grant funds associated with the E-filing Project can be returned since no additional work is expected. Given the Court's assessment of project status, several of the incremental deliverables identified in the PIP—along with the applicable performance measures identified in the grant agreement—are incomplete and cannot be audited. As a result, we have designated the audit scope areas of "Timely Deliverables" and "Quality Measurable Outcomes" as not auditable.

Limited Collaboration Has Hindered Efforts to Create A Shared Portal; However, The Court Continues to Make Progress Developing Its Own Local Portal

The Court's Portal Project seeks to design, build and deploy a shared court case access portal that will enable remote "fine grained" access for justice partners and litigants across multiple participating courts and their case management systems. The Court's application for grant funding indicated six courts (Los Angeles, Orange, Monterey, Santa Clara, Contra Costa, and Sonoma) would collaborate on the project². In its application for grant funding, the Court described the value of a shared portal by using a hypothetical example of a person driving home through various California counties and not remembering where he got his speeding ticket. This individual would be able to use the shared portal to easily find and pay his ticket instead of searching online through each court's website.

The Court began spending grant funds in September 2017, using the money to pay a contractor who performed various tasks for the project. For example, the contractor created project management and technical documents for the Portal Project so participating courts could remain updated on the project and the Court's efforts towards developing its own local portal. These project management documents also highlighted that some courts—such as Monterey and Santa Clara—are no longer looking to build a shared portal with the Court, but instead plan to participate in the Judicial Council's other branch-wide initiatives. Orange County is the only court that indicated a willingness to develop its own portal for juvenile dependency by leveraging the Court's work. Participation by the superior courts of Contra Costa and Sonoma also appears unlikely. The Court's CIO attributed the limited collaboration to various factors, such as competing court priorities and the departure of key management or IT personnel at those courts.

Nevertheless, after two years of work and with less than one year remaining before the project's end date, it seems unlikely the Court will be able to deliver a shared portal that is used by several participating courts as defined in its grant agreement. Based on the project's status, we have designated certain scope areas—specifically "Timely Deliverables" and "Quality Measurable Outcomes"— as not auditable due to the lack of progress towards creating a shared portal. Despite the Court deserving substantial credit for developing its own local portal, performance outcome data from only one court (e.g. Los Angeles) does not align with the shared-portal concept that was approved by the Judicial Council and defined in the grant agreement. The Court's Project and

² San Diego Superior Court was one of the original participating courts but withdrew in July 2018 due to other commitments.

Implementation Plan expects the shared portal will be operational within two months (or December 2019); however, we find this unlikely given the progress made. We recognize the Court's perspective that its Portal Project has evolved since the original grant award; nevertheless, the Court should have worked with the Judicial Council to ensure there was an updated and documented agreement on the project's final deliverables and expected performance outcome measures.

AUDIT AUTHORITY

Government Code, sections 77206(g) and 77009(h) provide the Judicial Council of California (Judicial Council) with the authority to inspect and review superior court records and to perform audits, reviews, and investigations of superior court operations. Each court's grant agreement under the Court Innovations Grant program includes an audit provision, while the Judicial Council's annual audit plan for fiscal year 2019-20 includes these audits. In August 2019, audit staff visited the Court to review its progress towards implementing the grant projects. The scope of the audit was generally limited to evaluating compliance in the six areas shown in *Table 1 - Audit Results at a Glance* on the following page.

Summary of Audit Results

Table 1: Audit Results at a Glance – Superior Court of Los Angeles, Court Innovations Grants (Efiling Project and Portal Project)

Ca	ourt Innovations Grant Projects	E	-filing Teo	chnical Capabi	lities	Justice	System Pa	artner and Litig	ant Portal
			Re	eportable Audit F	indings		Re	eportable Audit I	indings
Are	eas and Sub-Areas Subject to Review	Reviewed	# of Findings	Finding Reference(s)	Court's View	Reviewed	# of Findings	Finding Reference(s)	Court's View
Financial	Accountability								
1	Grant Funds Received are Accurately Recorded in Phoenix	Yes	√			Yes	~		
2	Grant Expenditures were in Accordance with Approved Budget Plan	Yes	✓			Yes	✓		
Allowabl	e Activities & Costs								
3	Personnel Costs are Attributable to Grant Work					N/A			
4	Contractors' Work is Relevant and Consistent With Grant's Scope	Yes	~			Yes	~		
5	Other Costs Incurred Were for Allowable Activities per the Guidance in the Court's IBA	N/A				N/A			
6	Indirect Costs Charged were Calculated Based on Grant Program Rules	N/A				N/A			
Procurer	nent								
7	Competitive Bidding Rules Followed	Yes	✓			Yes	✓		
8	Non-Competitive Procurements Justified	N/A				N/A			
Timely D	eliverables								
9	Expected Deliverables on Time Per Grant Plan					Not Auditable			
Grant Pr	ogress Reporting								
10	Quarterly Progress Reports Submitted Timely	Yes	1	2019-10-01	Partially Agree	Yes	1	2019-10-02	Partially Agree
11	Quarterly Progress Reports Disclose Progress and Risks To Success	Yes	~			Yes	~		
Quality N	Aeasurable Outcomes								
12	Pre-Implementation (Baseline) Performance Measures	Not Auditable				Not Auditable			
13	Post-Implementation Performance Measures	Not Auditable				Not Auditable			
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Court complied, no reportable audit findings in the area noted.

Source: Auditor generated table based on testing results and court management's perspective.

Notes: Audit Services considered the terms and provisions of the grant awards reviewed, as well as any other applicable grant requirements (such as adherence to the Judicial Branch Contracting Manual and the Trial Court Financial Policies and Procedures Manual). Audit Services' explanations for why certain compliance areas were not tested, if any, are provided in the Scope and Methodology section of the audit report.

BACKGROUND

The Court Innovations Grant Program

The Budget Act of 2016 appropriated \$25,000,000 for the establishment, operation, administration, and staffing of the Court Innovations Grant (CIG) program for trial and appellate courts. The CIG program promotes innovation, modernization, and efficiency and grant funds are awarded through a competitive grant program administered by the Judicial Council. The competitive grant program earmarked \$12,000,000 to be spent on collaborative courts, \$8,000,000 on self-help, family and juvenile courts, and \$5,000,000 on other efficiencies across all types of courts. Grant recipients must periodically provide progress updates to the Judicial Council as their projects move towards completion, and further must provide measurable outcomes data to facilitate reporting to the Legislature regarding the efficiencies and other improvements gained. Grant recipients generally have until June 30, 2020 to fully expend their CIG program awards, after which any unexpended funds will revert to the General Fund.

The Superior Court of Los Angeles

The Superior Court of Los Angeles (Court) has 37 courthouses—spread over 4,000 square miles in 12 court districts—to serve Los Angeles County's 9.5 million citizens. With 585 authorized judicial positions, the Court is defined as a "large" court by the Judicial Council for the purposes of analyzing workload and allocating funding. The Court had a budget of \$831 million for fiscal year 2018-19 and more than 4,000 employees³.

E-filing Technical Capabilities Project

The Court hoped its E-filing Technical Capabilities Project (E-filing Project) would lead to: faster case processing; reduced workloads; and simplified records management, among other improvements. The Judicial Council approved the Court's E-filing Project in March 2017 under the "Other Efficiencies" grant category. The Court's Intra-Branch Agreement (IBA) became effective July 1, 2017, and expires on June 30, 2020, but the Court's ability to spend grant funds expired a year earlier on June 30, 2019. Table 2 shows the Court received 100% of its CIG award in fiscal year 2017-18 while Table 3 shows the Court's grant revenues, expenditures, unspent and unencumbered funds. As of June 30, 2019, the Court had remaining unspent grant funds equal to \$14,760.

Table 2: The Court's E-filing Project – Total Grant Awarded and Funds Disbursed – Judicial Council Records

Grant Award Installment	As of June 30, 2019
FY 17/18 - Installment # 1	\$ 114,760
Total Grant Awarded and Funds Disbursed to the Court	\$ 114,760

³ Information from the Court's fiscal year 2018-19 annual baseline budget detail and Schedule 7A (Salary and Position Worksheet).

Table 3: The Court's E-filing Project – Grant Revenues, Expenditures, Unspent, and Unencumbered Funds - Court Records

Grant Revenues, Expenditures, Unspent, and Unencumbered Funds	As of June 30, 2019
Total Grant Revenues Recorded in Phoenix	\$ 114,760
Less: Expenditures Recorded in Phoenix	(100,000)
Unspent and Unencumbered Grant Funds at the Court	\$ 14,760

Justice System Partner and Litigant Portal Project

According to the Court's grant application, as courts upgrade their case management systems (CMSs), they are also typically provided with an online case access portal to enable public access to case records. However, these portals can fall short in at least two key areas: providing privileged access to justice partners and litigants and the ability to extend their searches across multiple counties. To address these shortfalls, the Court sought grant funding to collaborate with the superior courts of Orange, Monterey, Santa Clara, Contra Costa, and Sonoma to design, build and deploy a shared court case access portal that will enable "fine grained" access to case data and documents based on their "claim" to the underlying court record. Fine grained access controls allow the pool of sharable data and documents to be simultaneously expanded and contracted based on the customer's "claim" (or right) to the information.

The grant application and grant agreement further defined a portal that would not only provide access to justice partners but would also enable litigants to have remote access to run queries across the participating court CMSs. The Court's vision for the Justice System Partner and Litigant Portal Project (Portal Project) was for participating courts to collaboratively design and engineer the shared portal solution and then work with their local CMS vendors to establish and expose the software application programming interfaces (APIs) that would facilitate the data sharing. According to grant application, the predominant CMS solutions to which the portal would integrate were Tyler Odyssey and Journal eCourt.

During our visit in August 2019, the Court reported it implemented a portion of its own local portal (LA Portal) by providing fine-grained access to its justice partners in six litigation types (adoptions, dependency, probate, family law, traffic, and mental health). According to the Court's Chief Information Officer (CIO), the Court is also working on its Attorney Portal with a targeted implementation date of December 2019, followed later with the expected implementation of its Litigant Portal in 2020. The Court deserves substantial credit for the significant progress it has made on its LA Portal; however, progress towards a shared portal is limited. The Court's CIO explained that other courts involved in the project have yet to make much progress. Orange Superior Court is the only other court that indicated a willingness to develop its own "fine grained access" portal for juvenile dependency by leveraging the Court's work on the grant. In contrast, the superior courts of Monterey and Santa Clara are not looking into establishing a shared portal with the Court and instead are planning to participate in the Judicial Council's other branch-wide initiatives. According to the Court's CIO, participation by the superior courts of Contra Costa and

Sonoma on the shared portal is unlikely. The Court's CIO noted competing court priorities and/or the departure of key personnel at those courts are contributing factors.

The Judicial Council approved the Court's Portal Project in March 2017 under the "Other Efficiencies" grant category. The Court's IBA became effective July 1, 2017, and expires on June 30, 2021, but the Court's ability to spend grant funds expires a year earlier on June 30, 2020. Table 4 shows the Court received 100% of its CIG award while Table 5 shows the Court's grant revenues, expenditures, unspent, and unencumbered funds. As of June 30, 2019, the Court had remaining unspent grant funds of around \$161,000. According to the Court, the remaining funds will be spent on the next steps of the Portal Project such as the design of the statewide index (one of the components of the portal) and further revisions to the portal's architecture.

Table 4: The Court's Portal Project – Total Grant Awarded and Funds Disbursed – Judicial Council Records

Grant Award Installments	As	of June 30, 2019
FY 17/18 - Installment # 1	\$	425,000
FY 18/19 - Installment # 2		212,500
Total Grant Awarded and Funds Disbursed to the Court	\$	637,500

Table 5: The Court's Portal Project - Grant Revenues, Expenditures, Unspent, and Unencumbered Funds - Court Records

Grant Revenues, Expenditures, Unspent, and Unencumbered Funds	As of June 30, 2019
Total Grant Revenues Recorded in Phoenix	\$ 637,500
Less: Expenditures Recorded in Phoenix	(476,188)
Unspent Grant Funds at the Court	\$ 161,312
Less: Outstanding Encumbrances - Balance of the Work Order Issued to the Contractor for the Portal Project	\$ (148,812)
Unencumbered Grant Funds	\$ 12,500

AUDIT SCOPE AND METHODOLOGY

Audit Services initiated the audit of the Superior Court of Los Angeles' (Court) two Court Innovations Grant (CIG) projects, the E-filing Technical Capabilities Project (E-filing Project) and the Justice System Partner and Litigant Portal Project (Portal Project). Our audit sought to determine whether the Court complied with certain key provisions of the grant agreements and the policies and procedures adopted by the Judicial Council of California. The period covered by the audit is from July 1, 2017 through June 30, 2019. The specific audit objectives and methods we followed are described in the table below.

 Table 6: Scope and Methodology

	Objectives	Methods
1	Financial Accountability:Determine whether the Court	For the two CIG projects reviewed (E-filing Project
	• Determine whether the Court completely and accurately	and Portal Project), Audit Services compared the
	accounted for the Court	Judicial Council's CIG budget distributions against
	Innovations Grant (CIG) funds received from the Judicial Council,	the revenues recorded by the Court in Phoenix. We also reviewed revenues and expenditures in
	in the Phoenix Financial System	Phoenix to ensure the appropriate fund and Work
	(Phoenix).	Breakdown Structure (WBS) codes were used by
		the Court when recording and tracking grant revenues and expenditures.
	• Determine whether the Court has	We compared the Court's grant expenditures
	spent grant funds in accordance	recorded in Phoenix (by type of expenditure) to the
	with the approved budget plan.	most recently approved budget plan for these two CIG projects. When significant deviations—such as
		those exceeding 5% by expenditure type— were
		identified by audit staff, we made further inquiries with the Court to understand the nature and
		appropriateness of the spending variances.
	• Determine whether unspent grant	If we determine the Court has significant unspent or
	funds need to be returned to the	unencumbered grant funds (i.e. greater than or
	Judicial Council.	equal to: 5% of total grant funds received or \$10,000), we make further inquiries with the
		Court's personnel to understand the need for these
		remaining grant funds and the expected timing for their use.
		The Court's E-filing Project had \$14,760 in unspent
		grant funds as of June 30, 2019, of which none of these funds had been ensumbered. In August 2019
		these funds had been encumbered. In August 2019, the Court informed the Judicial Council these funds
		would not be spent and could be returned.

		The Court's Portal Project had roughly \$161,312 in unspent funds as of June 30, 2019, of which \$148,812 was encumbered. According to the Court's ongoing communications with the Judicial Council, the Court intends to spend the entire \$161,312.
2	Allowable Activities and Costs:	
	• <u>Personnel Costs</u> – For a sample of Court employees whose salaries and benefits were charged to the grant, evaluate whether the Court can substantiate that these employees are working on the grant project instead of other activities.	The Court used CIG funds to pay its contractors. Thus, there were no personnel costs to review.
	• <u>Consultant / Contractor Costs</u> – Determine whether the Court's contractors—who were paid with CIG funds—had scopes of work that were consistent with the goals and objectives of the Court's CIG project.	The Court used CIG funds to pay its contractors for the two CIG projects we audited. We reviewed the scope of work for each contractor. We also reviewed invoices submitted by the contractors to understand how their work corresponded to the particular goals and objectives of the Court's CIG projects.
		E-filing Project
		• As of June 30, 2019, the Court's payments to one contractor using CIG funds, totaled \$100,000 (100% of total CIG expenditures). We reviewed 4 contractor invoices (totaling about \$71,190). The invoices reviewed represent 71% of the \$100,000 spent on the contractor.
		Portal Project
		 As of June 30, 2019, the Court's payments to one contractor using CIG funds, totaled \$476,188 (100% of total CIG expenditures). We reviewed 10 contractor invoices (totaling about \$288,750). The invoices reviewed represent around 61% of the \$476,188 spent on the contractor.

	 <u>Other Costs</u> - Determine whether other costs charged to the CIG project were incurred for allowable activities per the guidance in the Court's CIG Intra-Branch Agreement (IBA). <u>Indirect Costs</u> – Determine whether the calculation of indirect costs is in accordance with the 	The Court used CIG funds to pay its contractors. Thus, there were no other costs to review. The Court used CIG funds to pay its contractors. Thus, there were no indirect costs charged to grant funds.
	CIG program rules.	
3	 Procurement: Determine whether the Court's procurement transactions— paid for with Court Innovations Grant funds— complied with the Judicial Branch Contracting Manual's (JBCM) requirements, specifically: <u>Competitive Solicitations</u> – Determine whether Court achieved competition as defined in the JBCM, based on the particular solicitation method followed by the Court. 	We reviewed the Court's Request for Proposal (RFP) to establish master service agreements (MSAs) with contractors for IT temporary staff augmentation, recruitment, and examination services. Based on the Court's evaluation of the 18 cost and technical proposals received, the Court selected 13 of the 18 contractors for MSAs. The contractors for the E-filing Project (Sierra Cybernetics, Inc.) and the Portal Project (MTG Management Consultants, LLC) were amongst the 13 selected for MSAs. The Court's payments to these two contractors represent 100% of total CIG project expenditures on both projects as of June 30, 2019.
	• <u>Non-Competitive Bid (NCB)</u> <u>Solicitations</u> – evaluate whether the Court's decision to engage in an NCB procurement was consistent with the JBCM's requirements.	The Court did not engage in NCB solicitations.

4	Timely Deliverables	
4	 Timely Deliverables: Evaluate whether the Court is meeting key milestones (and is receiving key deliverables on time) in accordance with its Project and Implementation Plan (PIP). 	For both projects, we were unable to complete our procedures for this objective as of August 2019 because the Court did not update the PIPs submitted to the Judicial Council and for the following reasons:
		E-filing Project
		• The project stalled since the Court has not tested whether the program code fragments for "identity management" works with electronic filing managers (EFMs). The lack of participation in the testing process by a significant EFM provider is beyond the Court's control. The integration testing phase with EFM providers was a significant deliverable in the approved PIP. Although the Court has provided the code fragments to the Judicial Council, it is not clear the code will work with EFM providers.
		Portal Project
		• The project was premised on multiple courts collaborating to create a shared portal as defined in the grant agreement. The project's PIP includes tasks requiring participating courts to perform various steps to facilitate creation of the shared portal solution. However, court collaboration has been limited due to competing court priorities and/or the departure of key court personnel.
5	Grant Progress Reporting:	E-filing Project
		 We attempted to review the Court's four Quarterly Progress Reports (QPRs) from the last quarter of fiscal year 2017-18 through the first three quarters of fiscal year 2018- 19. However, the Court did not submit the three QPRs for fiscal year 2018-19. Portal Project

		• We attempted to review the Court's seven QPRs submitted for fiscal year 2017-18 and the first three quarters of 2018-19. The Court, however, did not submit one of the 7 required QPRs.
		For both projects, we reviewed the current Project and Implementation Plans (PIPs) submitted by the Court to the Judicial Council prior to our site visit.
	• Determine whether the Court submitted its Quarterly Progress Reports (QPRs) timely.	We reviewed the Court's transmittal of its QPRs (which include the PIPs) to the Judicial Council, noting whether the Court was reporting project status information in a timely manner as required by the grant agreements.
	• Evaluate whether the Court is disclosing project risks or changes to the project's objectives in its QPRs.	Based on the audit team's understanding of each project's risks and challenges, we reviewed the information provided by the Court within its progress reports to determine whether it disclosed significant project risks or developments. We considered risks as those areas that could affect the timely completion of either grant project as defined in the Court's Intra-Branch Agreement (IBA). This review entailed considering whether each project's PIP had been updated to communicate key project milestones and deliverables to the Judicial Council.
6	Quality Measurable Outcomes:	In addition to the three standard performance measures required by the Judicial Council, the
	• <u>Baseline Performance Data</u> - Determine whether the Court is collecting and reporting to the Judicial Council baseline (pre- implementation) data to eventually contrast with post-implementation data. Determine the source(s) of this data and evaluate whether the	Court developed additional measurable outcomes specific to the CIG projects. Depending on project status, we generally seek to review baseline and post-implementation data for the performance measures indicated in the grant agreements. For the reasons specified below, we determined these objectives were not auditable.
	Court is compiling this information accurately.	E-filing Project
	• <u>Post-Implementation Performance</u> <u>Outcome Data</u> - Evaluate whether the Court is reporting post- implementation data to the Judicial	• The project stalled and the program code fragments created for identity management have not been tested with EFM providers. Further, required baseline performance data are either not defined in the grant agreement

Council and data can be traced to supporting court records.	or are generally assumed to be zero. Post- implementation data cannot be reviewed because the project, as described in the IBA, has not been completed and was not progressing at the time of our review. The Court did not update its IBA with the Judicial Council to reflect the current goals
	 and direction of the project. Portal Project The Court has not developed a shared portal—as defined in the grant agreement—
	and it appears unlikely that one will be created based on the limited collaboration of other courts. Instead, the Court created its own court-specific local portal. However, without a shared portal, there is no post- implementation data to test (as defined in
	the grant agreement). Further, the Court has defined the baseline data for many of the project's significant performance measures as zero.

Report Distribution

The Judicial Council's *Advisory Committee on Audits and Financial Accountability for the Judicial Branch* reviewed this report during its February 2020 meeting and approved it for public release.

California Rules of Court, Rule 10.500 provides for the public access to non-deliberative or nonadjudicative court records. Final audit reports are among the judicial administrative records that are subject to public access unless an exemption from disclosure is applicable. The exemptions under rule 10.500(f) include records whose disclosure would compromise the security of a judicial branch entity or the safety of judicial branch personnel. As a result, any information meeting the nondisclosure requirements of rule 10.500(f) have been omitted from this audit report.

Audit Staff

This audit was completed by the following staff under the general supervision of Grant Parks, Principal Manager:

Sandra Gan, Senior Auditor, CPA Lorraine De Leon, Auditor

SCHEDULE OF AUDIT FINDINGS AND PLANNED CORRECTIVE ACTION

FINANCIAL ACCOUNTABILITY

Background

The courts are responsible for separately accounting for their receipt and spending of grant funds in accordance with the terms listed in their respective grant agreements. The Court's grant agreements with the Judicial Council for two of its Court Innovations Grant (CIG) projects, E-filing Technical Capabilities Project (E-filing Project) and Justice System Partner and Litigant Portal Project (Portal Project), specified the following conditions:

- The Court agrees to track, account for, and report on all expenditures related to its CIG project separately from all other expenditures by using the Work Breakdown Structure (WBS) code in the Phoenix Financial System (Phoenix). If the Court does not use the specified WBS codes and cannot otherwise demonstrate how it spent grant funds, the Judicial Council may—in its sole discretion—seek to recover previous disbursements up to and including the entire award amount.
- The WBS codes specifically designated by the Judicial Council in Phoenix for the specific purpose of tracking the Court's CIG activities are:

E-filing Project	Portal Project	Court Innovations Grant /Court	Fiscal Year
G-191080-1-17	G-191080-3-17	Innovations Grant - Los Angeles	17/18
G-191080-1-18	G-191080-3-18	Innovations Grant - Los Angeles	18/19
	G-191080-3-19	Innovations Grant - Los Angeles	19/20

- The Court's expenditures must be consistent with its Judicial Council approved Budget Detail Worksheet for the CIG project.
- Based on the terms of its grant agreements, the Court had until June 30, 2019, to spend funding for its E-filing Project, while it has an additional year until June 30, 2020, to complete spending for the Portal Project.
- Within sixty (60) days after the expiration or termination of the agreement, the Court will return to the Judicial Council the portion of the award amount that has not been expended for the CIG project. If the Court does not return such funds, the Judicial Council will withhold a like amount from the Court's annual court funding distribution.

Audit Results

The Court spent grant funds in accordance with the approved budget plans and consistently used the assigned WBS codes in Phoenix to facilitate the tracking and monitoring of CIG project revenues and expenditures. We do not have any reportable audit findings—for either project— in the area of financial accountability. As noted earlier, the Court's E-filing Project has concluded and the Court should work with the Judicial Council to return the \$14,760 in unspent grant funds.

ALLOWABLE ACTIVITIES AND COSTS

Background

Grant awards—such as the Judicial Council's Court Innovations Grant (CIG) program—may specify certain allowable and/or unallowable activities that may or may not be funded with grant proceeds. The CIG program is no different and the Court's Intra-Branch Agreement (IBA) with the Judicial Council defines certain allowable and unallowable activities and costs. Exhibit B of the IBA with the Judicial Council lists certain unallowable activities/costs that include, but are not limited to, the following:

- For any expenditures not directly related to the project.
- To supplant existing funding.
- To contract with a current employee of any judicial branch entity (or with a former employee per California Rules of Court, Rules 10.103 and 10.104).
- For the construction of facilities.
- For rental of facilities, except as specifically allowed in this agreement.
- For the routine replacement of office equipment, furnishings or technology.
- To pay for automated court systems that are not recommended by the Judicial Council.
- For any technology maintenance costs that extend beyond the end of the grant award period (i.e. June 30, 2020).

The IBA, however, allows for exceptions to these expenditure restrictions on a case-by-case basis. An exception request must be submitted in writing and approved in writing, in advance, by the Judicial Council's Program Manager.

Audit Results

For the Portal Project, based on our review of ten contractor invoices, we determined the Court's spending was for project-related purposes. For the E-filing Project, based on our review of four contractor invoices and through our discussions with the Court's contractor, we are satisfied the Court's grant spending was project related. Thus, we do not have any reportable audit findings—for either project—in this scope area.

PROCUREMENT

Background

Trial courts are expected to procure goods and services in a manner that promotes competition to ensure the best value. The Judicial Branch Contracting Manual (JBCM) and the Trial Court Financial Policies and Procedures Manual (FIN Manual) provide uniform guidelines for trial courts to follow when procuring goods and services. A court's adherence to these guidelines is still appropriate regardless of whether it is spending grant funds or operating funds allocated by the Judicial Council. The Intra-Branch Agreement (IBA) requires the Court to follow the provisions found in the JBCM and the FIN Manual.

Audit Results

As noted in the scope and methodology section of the report, our audit focused on whether the Court followed competitive solicitation rules established in the JBCM, or alternatively had valid reasons for engaging in non-competitive procurement (sole source) solicitations when executing its Court Innovations Grant (CIG) project awards. The Court selected its two vendors—Sierra Cybernetics, Inc. and MTG Management Consultants, LLC—through a competitive Request for Proposal (RFP) process. The Court's RFP resulted in master service agreements (MSAs) for IT services with both vendors. We do not have any reportable audit findings in this area for either grant project.

TIMELY DELIVERABLES

Background

When the Court accepted the Judicial Council's Court Innovations Grant (CIG) funds, it agreed to complete certain tasks/deliverables identified in its Project and Implementation Plan (PIP). This plan further specified target completion dates, which allows the Judicial Council's staff to monitor the project's incremental progress towards completion. Recognizing that a project's scope and implementation method can evolve and change during the grant's performance period, the Judicial Council has allowed courts to seek modification to their grant agreements and PIP documents when necessary. Nevertheless, by defining key tasks and incremental deliverables in its PIP, the Court demonstrates accountability for the full and timely completion of its CIG-funded project. As a condition of the grant agreement, the Court is required to provide the Council with an updated PIP highlighting new information relating to project implementation as part of its quarterly progress reporting.

Audit Results

We concluded it was not possible to audit the Court's adherence to its PIP for either project since the Court did not update these documents prior to our site visit. As noted earlier in this report, the Efiling Project stalled. Specifically, the Court has not provided the program code fragments for "identity management" to electronic filing managers (EFM) for integration testing due to the challenges associated with securing the participation of a significant EFM provider. Although the challenges with the EFM provider are beyond the Court's control—and despite the Court providing the code fragments to the Judicial Council—it remains unclear whether the codes work as intended. The Court does not expect to make further progress on the project and plans to return the remaining unspent grant funds. The key project deliverables of testing and deployment of the "e-filing solution" using the developed code fragments —as noted on the Court's PIP—are no longer relevant based on the project's current status.

Meanwhile, the Court's Portal Project has not resulted in a shared portal spanning multiple participating courts and case management systems (CMSs) as defined in the grant agreement, due primarily to the limited collaboration by other courts. The Court deserves substantial credit as the project's lead court and for developing and successfully deploying its own local portal; nevertheless, the more significant deliverables cited on the project's PIP—such as other participating courts deciding which information to provide on the shared portal and working with their CMS vendors to transmit the data—have yet to be completed. In our judgment, it appears unlikely that the Court and the other expected participating courts will ultimately develop a shared portal using grant funds by the target date of December 2019 (or by the project end date in June 2020). As a result, we similarly concluded that we could not audit the Court's adherence to the project's PIP based on how the project has evolved.

GRANT PROGRESS REPORTING

Background

The Judicial Council's Intra-Branch Agreement (IBA) with the Court requires the timely submission of Quarterly Progress Reports (QPRs) summarizing the Court's grant activities, including: progress toward goals and objectives; program achievements and challenges; changes to key staff or procedures; and measurable outcomes. QPRs also serve as a communication tool to ensure the Judicial Council remains informed of unexpected challenges or opportunities with any particular project. A key feature of the QPR is the updated Project and Implementation Plan (PIP), which informs the Judicial Council of the incremental tasks, expected deliverables, and the completion status of key milestones as the Court guides each project towards completion.

Audit Results

The Court has demonstrated difficulty complying with the quarterly progress reporting requirements contained in its grant agreements. For its E-filing Project, the Court did not submit three consecutive QPRs during fiscal year 2018-19. The Court's previous QPR (4th quarter from fiscal year 2017-18) indicated it was working with a case management system (CMS) vendor on incorporating identity management into its efforts on e-filing; however, the E-filing Project eventually stalled without further QPR reporting to the Judicial Council.

For its Portal Project, the Court was more consistent with its QPR reporting, submitting five of seven expected reports on time or within one to two weeks of their due date. However, in one instance the Court's QPR was nearly a month late while another QPR was not submitted at all. Although the Court deserves credit for disclosing project risks—such as the limited collaboration of other courts—the Portal Project's ultimate goal of developing a shared portal with multiple courts appears unlikely and the Court's progress has instead focused on developing its own local portal. The Court did not update its PIP through the QPR process (or redefined the scope of the project in its grant agreement) to better reflect what the Portal Project is ultimately expected to achieve. Doing so would have better positioned the Judicial Council to understand how the Court was using grant funds. We noted the Judicial Council's staff had made inquiries with the Court about modifying the grant agreement to better reflect the project; however, the stated scope of the project remains unchanged.

Finding Reference	Subject Area
2019-10-01	Timely & Complete Submission of Quarterly Progress Reports – E- filing Project.
2019-10-02	Timely & Complete Submission of Quarterly Progress Reports – Portal Project

The inconsistent QPR reporting and the lack of an updated PIP to accurately reflect project status resulted in the findings discussed in further detail below.

FINDING REFERENCE: 2019-10-01

CRITERIA

COURT'S INTRA-BRANCH AGREEMENT FOR THE COURT INNOVATIONS GRANT – E-FILING TECHNICAL CAPABILITIES, EXHIBIT A, SECTION 3, WORK REQUIREMENTS

The Court will complete the tasks set forth in the Project and Implementation Plan...by the applicable target completion dates. As part of the Quarterly Progress Reports described in Section 6 below, the Court will provide a current Project and Implementation Plan highlighting any new information. These reports include identified tasks relating to implementation and ongoing administration of the grant program.

COURT'S INTRA-BRANCH AGREEMENT FOR THE COURT INNOVATIONS GRANT – E-FILING TECHNICAL CAPABILITIES, EXHIBIT A, SECTION 6, REPORTING AND TRACKING

A.) Quarterly Grant Administration Reports

The Court will submit quarterly grant administration reports that summarize grant-related activities and provide other information. Reports are due no later than 30 days following the end of each fiscal quarter. Reports are due for each fiscal quarter that fully or partially falls between the Effective Date and Expiration Date. The Expiration Date is defined as 12 months after the Project End Date. An exception to provide Quarterly Grant Administration Reports between the Project End Date and the Expiration Date may be granted with mutual agreement between the Court and the Program Manager.

C.) Final Report

The Court must submit a final report due to the Judicial Council 60 days after completion of the project, the Project End Date, or termination date, whichever occurs first...

E.) Failure to Report

Failure to provide a *Quarterly Progress Report* or *Final Report* that is acceptable to the Judicial Council may result, at the Judicial Council's discretion, in a delay of payment under this Agreement or termination of the Agreement.

CONDITION

Prior to Audit Services' site visit to the Court in early August 2019, the Judicial Council's Special Projects Unit informed us that for the E-filing Project, the Court had not submitted three consecutive QPRs since its last report covering the fourth quarter of fiscal year 2017-18. In that report to the Judicial Council, the Court reported it was working with a CMS vendor to incorporate identity management into its e-filing process.

We made inquiries with the Court's Chief Information Officer (CIO) to understand why he was not reporting project status as required under the terms of the grant agreement. The Court's CIO explained the E-filing Project eventually came to a standstill because the Judicial Council was in contract negotiations with one of the three vendors selected during the electronic filing manager (EFM) solicitation process. EFM's participation in the Court's E-filing Project is important since EFMs were to test the program code fragments developed by the Court to integrate identity management with the e-filing solution. Nevertheless, we noted the Judicial Council's staff continued to ask the Court questions seeking an update on the project's status and inquiring whether the Court should update the grant agreement and Project and Implementation Plan. The Court's CIO informed us he saw little value in providing a QPR for a project that had stalled and where there was no new information to report. While the CIO's explanation is understandable, the QPR requirement was established so the Judicial Council—not only the Court—could remain informed on project status.

Under the terms of its grant agreement, the Court's E-filing Project had a "Project End Date" of June 30, 2019, resulting in a final report due to the Judicial Council by August 30, 2019. According to the Judicial Council's Special Projects Unit, the Court has yet to submit its final report.

RECOMMENDATION

To ensure the Judicial Council can fully understand what was ultimately achieved with its E-filing Project, the Court must submit its final report and should communicate an expected delivery date for this report to the Judicial Council's staff.

COURT'S VIEW AND CORRECTIVE ACTION PLAN

Court Position: Partially Agree

The Court submitted a final closeout report for this project on January 7, 2020 and welcomes the opportunity to work with the Judicial Council's Special Projects Unit for any concerns.

Response provided on January 30, 2020 by: Raymond Low, Chief Compliance Officer Date of Corrective Action: January 7, 2020 Responsible Person(s): Raymond Low, Chief Compliance Officer

FINDING REFERENCE: 2019-10-02

CRITERIA

COURT'S INTRA-BRANCH AGREEMENT FOR THE COURT INNOVATIONS GRANT – JUSTICE SYSTEM PARTNER AND LITIGANT PORTAL, EXHIBIT A, SECTION 3, WORK REQUIREMENTS

The Court will complete the tasks set forth in the Project and Implementation Plan...by the applicable target completion dates. As part of the Quarterly Progress Reports described in Section 6 below, the Court will provide a current Project and Implementation Plan highlighting any new information. These reports include identified tasks relating to implementation and ongoing administration of the grant program.

COURT'S INTRA-BRANCH AGREEMENT FOR THE COURT INNOVATIONS GRANT – JUSTICE SYSTEM PARTNER AND LITIGANT PORTAL, EXHIBIT A, SECTION 6, REPORTING AND TRACKING

A.) Quarterly Grant Administration Reports

The Court will submit quarterly grant administration reports that summarize grant-related activities and provide other information. Reports are due no later than 30 days following the end of each fiscal quarter. Reports are due for each fiscal quarter that fully or partially falls between the Effective Date and Expiration Date. The Expiration Date is defined as 12 months after the Project End Date. An exception to provide Quarterly Grant Administration Reports between the Project End Date and the Expiration Date may be granted with mutual agreement between the Court and the Program Manager.

E.) Failure to Report

Failure to provide a *Quarterly Progress Report* or *Final Report* that is acceptable to the Judicial Council may result, at the Judicial Council's discretion, in a delay of payment under this Agreement or termination of the Agreement.

CONDITION

Although the Court's Quarterly Progress Reports (QPRs) provided updates on some of the tasks outlined in its Project and Implementation Plan (PIP), the Court did not update its PIP to reflect how the Portal Project evolved. Instead of developing a shared portal spanning multiple courts and CMS systems, the key progress made thus far is the Court's development of its own local portal. After two years of receiving grant funding (and with less than one year remaining to complete the project), it now appears unlikely the Court will be able to deliver a shared portal as currently defined in its grant agreement. Audit Services believes the Court's PIP and grant agreement should be updated to better reflect what is ultimately to be achieved with the \$637,500 in grant funding that has already been provided to the Court. Depending on the Court's final decision, it will either need to explain in its final report to the Judicial Council: (1) why the multi-court portal did not

materialize as intended or, (2) that the revised project (as defined in its updated grant agreement) was ultimately achieved.

The Court's Chief Information Officer (CIO) communicated to the Judicial Council's Special Projects Unit the Court's PIP was accurate at "100,000-feet." Providing further clarification, the CIO explained to us how the Court decides to implement the project is the Court's business and some developments cannot be anticipated when planning or defining the project. We agree with the CIO's perspective that projects can evolve and innovative IT efforts may not unfold as originally anticipated; however, the Judicial Council has allowed courts to better reflect the realities of their projects by amending their grant agreements and PIPs, when necessary. Doing so ensures both the Judicial Council and the Court are aligned on the project's expected outcomes and overall progress. Courts that receive innovations grant funding do not have unilateral discretion to decide how to spend the funds. Instead, courts must spend their grant funds on the project (as agreed to by the Judicial Council and as defined in the grant agreement) by completing the tasks set forth in its PIP. Several key tasks outlined in the Court's current PIP no longer seem relevant given we are unaware of any other court currently using the technology from the Court's local portal towards developing the shared portal defined in the grant agreement. Examples of these outdated tasks from the Court's PIP include:

- Task #6 Participating courts will design and engineer the shared portal solution and work with their CMS vendor to establish and expose the software to APIs that will be used to enable information sharing. (Target Completion Date: December 2019)
- Task #7 Participating courts will implement the (shared) portal solution for selected case types. (Target Completion Date: December 2019)

We noted that none of the tasks described in the PIP were designated by the Court as complete and it seems unlikely that a shared portal with multiple courts will be operational in December 2019 (or within roughly two months). The Court should have updated the tasks outlined in the PIP through the QPR process. We recognize the Court has valid reasons for why its shared Portal Project will not unfold as expected due to the limited collaboration from other courts; nevertheless, the Court should redefine how the grant funding will be used and what is ultimately to be achieved. In May 2019, staff from the Judicial Council's Special Projects Unit contacted the Court asking whether the project's description in the grant agreement should be modified, but the Court has not sought to alter or redefine the scope of its project. In Audit Services' opinion, there is a disconnect between the shared multi-court Portal Project that was approved by the Judicial Council and the current progress being made on the Court's own court-specific portal.

RECOMMENDATION

To ensure the Judicial Council and the Court are aligned on the Portal Project's scope, expected functionality, and outcomes, the Court should work with the Judicial Council to revise its grant agreement and related Project and Implementation Plan. Based on the project's revised scope, the

Court should clarify in its Project and Implementation Plan which tasks and deliverables have been completed and which remain, along with their target completion dates.

COURT'S VIEW AND CORRECTIVE ACTION PLAN

Court Position: Partially Agree

The Court will promptly engage with the Judicial Council's Special Projects Unit to determine whether the grant agreement and project implementation plan require revisions. The Court agrees with the underlying intent of this recommendation to ensure both the Judicial Council and the Court are aligned on the project's scope, expected functionality, and outcomes. The Court will submit a final closeout report for this grant by March 2020.

Response provided on January 30, 2020 by: Raymond Low, Chief Compliance Officer Date of Corrective Action: March 2020 Responsible Person(s): Raymond Low, Chief Compliance Officer

QUALITY MEASURABLE OUTCOMES

Background

The Court's Intra-Branch Agreement (IBA) with the Judicial Council requires the Court to provide measurable outcomes realized through the implementation of its E-filing Project and Portal Project, including any potential savings. The IBA specifies, "[t]he measurable outcomes information detailed in this section is vital to the success of the Court Innovations Grant Program."

The Judicial Council requires the Court to report on three standard performance areas, and any additional performance metrics developed by the Court and approved by the Judicial Council. The three standard performance areas focus on: monetary savings; data demonstrating the sustainability of the project post-grant award; and data demonstrating the replicability of the same project at other courts. In addition to these three standard performance measures, the Court developed additional project-specific measurable outcomes listed in each project's grant agreement.

Audit Results

We concluded there was nothing to audit with respect to the Court's project-specific measurable outcomes. Projects funded under the Court Innovations Grant (CIG) are innovative by design and may not always work despite the best efforts of the court receiving grant funds.

For the Court's E-filing Project, progress stalled, the project end date passed, and the Court no longer plans to spend the remaining grant funds. The program code fragments developed through the grant remains untested with electronic filing manager (EFM) providers, while neither the Court nor other superior courts have begun using the code fragments to integrate with the e-filing solution (which is a measurable outcome listed in the grant agreement). Given how the E-filing Project unfolded, we are unable to audit the Court's measurable outcome data, despite the project having effectively concluded.

The Court's Portal Project is similarly not auditable with respect to measurable outcome data. The Court's project has evolved away from a shared portal—involving multiple courts—that is described in the grant agreement and grant application. Despite the Court deserving significant credit for developing its own local portal providing fine grained access to its justice partners, the limited collaboration of the other courts hindered the creation of a shared portal. In our view, performance data from one participating court (e.g. Los Angeles) does not align with the multi-court "shared portal" concept that was agreed to under the grant agreement. As we noted earlier in our report, the Court should revise its grant agreement to clarify the scope of its Portal Project.



SHERRI R. CARTER EXECUTIVE OFFICER / CLERK OF COURT

111 NORTH HILL STREET LOS ANGELES, CA 90012-3014 Superior Court of California County of Los Angeles

January 30, 2020

Grant Parks, Principal Manager Audit Services, Leadership Services Division Judicial Council of California 455 Golden Gate Avenue San Francisco, CA 94102-3688

RE: Superior Court of California, County of Los Angeles Court Innovations Grants Audit, November 2019

Dear Mr. Parks:

Thank you for the opportunity to review your November 2019 Audit of the Superior Court of California, County of Los Angeles (Court) Innovations Grant audit report. The inherent nature of innovation projects has presented unforeseen challenges in achieving completion of the projects; nevertheless, the Court acknowledges it could have better communicated plan changes for spending grant funds to the Judicial Council's grant administrator. The following is our response to the audit findings and the actions we plan to take.

Finding 2019-10-01:	The auditors found the Court did not submit three consecutive Quarterly Progress reports during Fiscal year 2018-19 and the final project report.
Court Response:	Partially agree. The Court submitted a final closeout report for this project on January 7, 2020 and welcome the opportunity to work with the Judicial Council's Special Projects Unit for any concerns.
Finding 2019-10-02:	The Court did not update its Project Implementation Plan and the Intra- Branch Agreement to reflect how the Portal Project evolved.

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Court Response: The Court will promptly engage with the Judicial Council's Special Projects Unit to determine whether the grant agreement and project implementation plan require revisions. The Court agrees with the underlying intent of this recommendation to ensure both the Judicial Council and the Court are aligned on the project's scope, expected functionality, and outcomes. The court will submit a final close out report for this grant by March 2020.

We appreciate the professionalism the auditors displayed during this review. If you have any questions regarding our response, please let me know or you may contact Raymond Low at 626-293-2180.

Sincerely,

Raymond Low

Raymond W. Low on behalf of Sherri R. Carter

Sherri R. Carter Executive Officer/Clerk of Court

c: Jeremy D. Cortez, Chief Deputy of Finance and Administration Raymond Low, Chief Compliance Officer Snorri Ogata, Chief Information Officer