



JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

www.courts.ca.gov/itac.htm
itac@jud.ca.gov

INFORMATION TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

February 2, 2018

10:00 AM to 12:00 PM

Teleconference

Advisory Body Members & Liaisons Present:	Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Brian Cotta; Hon. Julie R. Culver; Hon. Tara Desautels; Mr. Jason Galkin; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Mr. Paras Gupta; Hon. Samantha P. Jessner; Hon. Jackson Lucky; Mr. Terry McNally; Hon. Kimberly Menninger; Hon. James Mize; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Alan G. Perkins; Hon. Peter Siggins; Hon. Bruce Smith; Ms. Jeannette Vannoy; Mr. Don Willenburg; Mr. David H. Yamasaki
Advisory Body Members Absent:	Assemblymember Marc Berman; Ms. Heather Pettit; Hon. Daniel J. Buckley; Hon. Joseph Wiseman
Others Present:	Mr. Harry Ermoian (ASM. Berman's office); Mr. Rob Oyung; Mr. Patrick O'Donnell; Mr. Mark Dusman; Ms. Kathy Fink; Ms. Jamel Jones; Ms. Andrea Jaramillo; Ms. Fati Farmanfarmaian; Ms. Nicole Rosa; Ms. Jackie Woods; and other JCC staff present

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 AM, and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the December 4, 2017 Information Technology Advisory Committee meeting.

There was one written comment submitted regarding item #5 on today's agenda. Comment was circulated to members; the comment will be discussed with that item at today's meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-10)

Item 1

Opening Remarks and Chair Report

Provide general update on activities relevant to the committee.

Presenter: Hon. Sheila F. Hanson, Chair

Update: Hon. Sheila Hanson, ITAC Chair, welcomed members, liaisons, and staff to the meeting and provided her updates.

The annual workplan was approved by the Judicial Council Technology Committee (JCTC) at their January 8, 2018 meeting. The approved annual agenda was sent to members and posted on the ITAC website.

Judge Hanson welcomed Mr. Jason Galkin, Court Executive Officer at the Colusa Superior Court. He's been appointed by Education's Governing Committee (CJER) as their liaison to ITAC.

The Chair continues to work with staff confirming committee assignments and roles. Especially those related to the futures commission and new workstreams. Once all assignments are in place, she will have staff share that information with everyone.

Lastly, Judge Hanson approved the membership list for the Tactical Plan Update workstream. As the sponsor of that initiative she plans to launch the workstream in March or April timeframe.

Item 2

Judicial Council Technology Committee Update (Report)

Update on activities and news coming from this internal oversight committee.

Presenter: Hon. Marsha Slough, Chair, JCTC

Update: Justice Slough provided an update since the December ITAC meeting. JCTC met January 8 and approved the annual agenda. They also approved the final deliverables from the Disaster Recovery and Next Generation Hosting workstreams. Those deliverables will be presented at the March 2 Judicial Council meeting.

JCTC continues to receive regular reports on the case management system modernization efforts and all are moving forward successfully.

The committee continues to monitor the six technology budget change proposals (BCPs) requesting Fiscal Year 19-20 funding. They include: the next wave of case management system replacements; upgrade to the Phoenix system; a pilot program for courts to digitize their paper and filmed cases; a branch single sign-on solution to support identify management; a statewide self-represented litigants e-services solution; and expansion to complete deployment of the California Court Protective Order Registry (CCPOR) for the 7 remaining courts. The Governor included funding for CCPOR in his proposed budget and the remaining BCPs will be evaluated in the Governor's May revision.

The Strategic Plan Update Workstream has been officially launched. Work underway includes reviewing existing plan goals. The State Chief Information Officer and Direction of the California Department of Technology, Ms. Amy Tong spoke with the workstream, which led them to think about they might align with the State's plan and what they can learn from their process and end-product. The goal is to have this plan updated and present to the Judicial Council at the end of this year. This plan will be effective 2019 – 2022.

Lastly, Justice Slough attended the Court Executive Presiding Judges meeting where she, Mr. Oyung and Ms. Jones provided committee updates which were well received.

Item 3

Branch Budget Update (Report)

Update on the status of the branch budget, along with any technology-related discussions with the Department of Finance and/or with Legislators.

Presenter: Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

Update: Mr. Theodorovic thanked Justice Slough for her status updates on the BCPs. This budget has been the best for the branch for some time. There is \$75 million increase in Trial Court Funding (TCF) discretionary funding and \$50 million for online investing in new projects, such as self-help. The BCP planning for Fiscal Year 19/20 budget has begun, it starts 18 months in advance and the work IT committees do to help prepare budgets and BCPs is invaluable. There will be a new administration next fiscal year, so it's unknown how the branch BCPs will be viewed. There are declining funds in the Improvement & Modernization Fund (IMF) where many IT projects are funded. One important project, the LAN/WAN, is funded from IMF. Looking at options to secure more IMF funding, if more projects are covered under the general fund.

Item 4

Judicial Council Operations & Programs Division Update (Report)

Update on the activities and news coming from the Chief Operating Officer, including branch technology initiatives and collaborations.

Presenter: Mr. Robert Oyung, Chief Operating Officer, Judicial Council of California

Update: Mr. Oyung observed and shared that many branch IT activities and projects are contributing to the strategic plan and helping to move towards a digital court. ITAC's annual agenda, future's commission, and innovation grants are using ITAC to leverage and contribute to the strategic plan's priorities.

In his new capacity at the Judicial Council Chief Operating Officer, he noted that technology across the branch is more focused on data analytics for increasing operations and for the public. As an example, there are several innovation grants for digital online services and ITAC is sponsoring SRL Portal. He wants to transfer some physical services to online services, for example the ability to pay calculator. He also wants to implement a stronger portfolio management across the branch.

Item 5

Modernization Project Rules Proposal— Proposed Amendments to Title 2, Division 3, Chapter 2 (Action Requested)

Consider whether to recommend circulating proposed amendments to title 2, division 3, chapter 2 of the California Rules of Court for public comment. The proposed amendments respond to

new requirements in Code of Civil Procedure section 1010.6, amend definitions in the rules, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers. comment.

Presenters: Hon. Peter J. Siggins, Chair, Rules & Policy Subcommittee
Mr. Patrick O'Donnell, Managing Attorney, Legal Services
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins advised there are various technical changes that are being presented today. Ms. Jaramillo went through the detailed amendments included in your materials. Comments were received from an EFSP and from others in the community with regards to what manifests consent to electronic service. One idea is to have the invitation to comment include both the JCC & EFSP suggested changes and circulate for comment. Members agreed.

Request a Motion to Approve the recommendation to circulate the proposed amendments with the inclusion of the language change and a call out at the end of comment to Title 2, Division 3, Chapter 2 of the California Rules of Court for public comment.

Motion Approved

Item 6

Modernization Project: Form Proposal, Withdrawal of Consent to Electronic Service

(Action Requested)

Consider whether to recommend circulating proposed Judicial Council form EFS-005-##, *Withdrawal of Consent to Electronic Service*. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019. This is a joint proposal with the Civil and Small Claims Advisory Committee.

Presenters: Hon. Peter J. Siggins, Chair, Rules & Policy Subcommittee
Mr. Patrick O'Donnell, Managing Attorney, Legal Services
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins noted the Civil & Small Claims Advisory Committee has approved the changes and recommends the revised version in the supplemental materials to be circulated.

Request a Motion to Approve the recommendation to circulate the proposed Judicial Council form EFS-006-CV, *Withdrawal of Consent to Electronic Service*.

Motion Approved

Item 7**Remote Access for Government Entities, Parties, Attorneys Rules Proposal—Proposed Amendments to Title 2, Division 1, Chapter 2 of the California Rules of Court****(Action Requested)**

Consider whether to recommend circulating proposed amendments to title 2, division 1, chapter 2 of the California Rules of Court. The proposed amendments facilitate remote access to trial court records by state, local, and tribal government entities, parties, parties', attorneys, and court-appointed persons.

Presenters: Hon. Peter J. Siggins, Chair, Rules & Policy Subcommittee
Mr. Patrick O'Donnell, Managing Attorney, Legal Services
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins reported this is a new request to circulate for comment for the work of the Joint Ad Hoc Subcommittee on Remote Access that works on the issue of remote access to court cases. They try to facilitate existing relationships, provide a clear authority to the courts, limit remote access to the same records a person could get by looking up cases at the courthouse, and keep the scope of the annual agenda. The change would add three articles to the rule for public comment.

Ms. Jaramillo walked the members through the new articles (in materials provided). Members requested a change to include law enforcement agencies for public comment.

Request a Motion to Approve the recommendation to circulate the proposed amendments to title 2, division 1, chapter 2 of the California Rules of Court.

Motion Approved

Item 8**Project Spotlight (Reports)**

Featured reports from workstreams or subcommittees providing project status, discussion items, and milestones.

Intelligent Forms Strategy: Research & Scope (Phase 1)

Hon. Jackson Lucky, Executive Sponsor

Ms. Camilla Kieliger, Senior Analyst, and Workstream Project Manager

Update: Deferred to next ITAC meeting due to time constraints.

Self-Represented Litigants (SRL) E-Services

Hon. James Mize and Hon. Michael Groch, Executive Sponsors

Mr. Brett Howard, Court Lead

Mr. Mark Gelade, Supervisor, Web Services and Workstream SME

Update: Deferred to next ITAC meeting due to time constraints.

Item 9

Liaison Reports (time permitting)

Reports from members appointed as liaisons to/from other advisory bodies.

Presenters:

Update: No liaison updates.

Item 10

General Updates/New Business (time permitting)

Next ITAC meeting will be April 30, 2018 in San Francisco.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:00 PM.

Approved by the advisory body on enter date.



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INFORMATION TECHNOLOGY ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 16, 2018

11:30 AM to 1:00 PM

Teleconference

Advisory Body Members & Liaisons Present:	Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Brian Cotta; Hon. Julie R. Culver; Hon. Tara Desautels; Mr. Jason Galkin; Hon. Michael S. Groch; Mr. Paras Gupta; Hon. Samantha P. Jessner; Hon. Jackson Lucky; Hon. Kimberly Menninger; Hon. James Mize; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Alan G. Perkins; Hon. Peter Siggins; Ms. Jeannette Vannoy; Mr. Don Willenburg; Hon. Daniel J. Buckley; Hon. Joseph Wiseman
Advisory Body Members Absent:	Assemblymember Marc Berman; Ms. Alexandra Grimwade; Mr. Terry McNally; Hon. Bruce Smith; Mr. David H. Yamasaki
Others Present:	Mr. Mark Dusman; Ms. Jamel Jones; Ms. Fati Farmanfarmaian; Ms. Nicole Rosa; Ms. Jackie Woods; and other JCC staff present

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 11:30 AM, and took roll call.

Approval of Minutes

There were no minutes approved at this meeting.

There were no written comments.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Opening Remarks and Chair Report

Provide general update on activities relevant to the committee.

Presenter: Hon. Sheila F. Hanson, Chair

Update: Hon. Sheila Hanson, ITAC Chair, welcomed members, liaisons, and staff to the meeting and provided her updates.

She acknowledged the accomplishments of the Disaster Recover and Next Generation Hosting workstreams. The Judicial Council approved the deliverables and these toolkits will be used by courts.

Ms. Heather Pettit has moved on from Contra Costa Superior Court and her ITAC membership has expired. ITAC is extremely grateful for her volunteerism and dedication. Also related to membership, the Judicial Council is currently seeking nominations for all advisory bodies. The recruitment closes on April 6.

Lastly, Judge Hanson she provided two workstream updates. The Video Remote Interpreting Pilot Program is now “live” with their first vendor solution in all three pilot courts. There are two solutions being piloted, and the second solution is expected to go live later this month. The Digital Evidence Workstream is close to releasing its information gathering survey to the branch, which will assess the current state of digital evidence in California courts. Judge Hanson thanked and congratulated both workstreams.

Item 2

Project Spotlight (Reports)

Featured reports from workstreams or subcommittees providing project status, discussion items, and milestones.

Intelligent Forms Strategy: Research & Scope (Phase 1)

Hon. Jackson Lucky, Executive Sponsor

Ms. Camilla Kieliger, Senior Analyst, and Workstream Project Manager

Update: Judge Lucky provided an update on activities and status as well as next steps. The workstream has described how forms are used and their impact on the administration of justice: identified the problems most important to address; and described framework for a possible solution and RFI outline. Obstacles include: lack of success to key stakeholders (e.g., CMS/EFSP/EFM vendors); coordination with other workstreams working on associated projects. Some highlights include creating dynamic forms requiring greater control over forms creation; focus on adopting new technology without obsolescence of legacy forms. The workstream has drafted its recommendations and will submit a report for ITAC’s consideration at its next meeting.

Self-Represented Litigants (SRL) E-Services

Hon. James Mize and Hon. Michael Groch, Executive Sponsors

Mr. Brett Howard, Court Lead

Mr. Mark Gelade, Supervisor, Web Services and Workstream SME

Update: Judge Mize and Mr. Gelade provided a workstream update. Their charge was to develop requirements and a Request for Proposal (RFP) for establishing a statewide

Self-Represented Litigants (SRL) e-Service solution. After the research phase they formed four workgroups: existing solutions, technology, document access and requirements definition. In September 2017 they drafted the Request for Information (RFI) and received responses from several vendors. In January 2018, a Budget Change Proposal (BCP) was submitted for \$3.8 million dollars to design, build, and maintain a statewide SRL e-Services Portal. It also requests \$600K annually for ongoing operational expenses including JCC staff and license costs. The RFP kickoff effort will begin in February 2018.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:00 PM.

Approved by the advisory body on enter date.

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (January 1 cycle)**

RUPRO Meeting: April 5, 2018

Title of proposal (*include amend/revise/adopt/approve + form/rule numbers*):

Rules Modernization: Electronic Sealed and Confidential Records and Lodged Records in the Court of Appeal (Amend Cal. Rules of Court, rules 8.45, 8.46, and 8.47)

Committee or other entity submitting the proposal:

Appellate Advisory Committee

Staff contact (name, phone and e-mail): Ingrid Leverett, (415) 865-8031, Ingrid.Leverett@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by RUPRO: October 24, 2017

Project description from annual agenda: Review appellate rules to ensure consistency with e-filing practice; evaluate, identify and prioritize potential rule modifications where outdated policy challenges or prevents e-business.

Sealed and confidential material: Rules for the handling of sealed or confidential materials that are submitted electronically.

Return of lodged electronic records: The trial court rules modernization changes made in 2016 amended rules 2.551(b) and 2.577(d)(4) to give the moving party ten days after a motion to seal is denied to notify the court if the party wants the record to be filed unsealed. If the clerk does not receive notification in ten days, the clerk must return the record, if lodged in paper form, or permanently delete it if lodged in electronic form. The 2016 rule changes also amended rule 3.1302 to allow the court to maintain other lodged materials--and if the court chooses not to do so, to require that they be returned, if on paper, or permanently deleted, if electronic, with a notice of the destruction sent to the party before destruction of the electronic record.

If requesting July 1 or out of cycle, explain:

Additional Information: (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

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INVITATION TO COMMENT

SPR18-06

Title	Action Requested
Appellate Procedure: Electronic Sealed and Confidential Records and Lodged Records in the Court of Appeal	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 8.45, 8.46, and 8.47	January 1, 2019
Proposed by	Contact
Appellate Advisory Committee	Ingrid Leverett
Hon. Louis R. Mauro, Chair	415-865-8031 phone Ingrid.Leverett@jud.ca.gov

Executive Summary and Origin

As part of the Rules Modernization Project,¹ the Appellate Advisory Committee recommends amending the rules to establish procedures for handling sealed and confidential materials submitted electronically in the Court of Appeal. The proposed amendments encompass the court's return of lodged electronic records submitted in connection with a motion to seal.

Background

Existing appellate rules require Court of Appeal clerks to return records that were lodged with the court in paper form if a sealing request is denied. (See Cal. Rules of Court, rules 8.46, 8.47.) These rules do not address what must happen if the lodged material is in electronic form. Until recently, the trial courts faced this same issue. The Judicial Council revised the relevant trial court rules relating to sealed records such that they now address the disposition of electronic records lodged with the court in connection with a sealing request that is denied.

¹ The Rules Modernization Project is a collaborative effort led by the Information Technology Advisory Committee, working together with several advisory committees with subject matter expertise, to comprehensively review and modernize the California Rules of Court to be consistent with and foster modern e-business practices. Over a two-year period, this work resulted in technical rule amendments to address language in the rules that was incompatible with statutes and rules governing electronic filing and service, and substantive rule amendments to promote electronic filing, electronic service, and modern e-business practices. These rule amendments took effect January 1, 2016, and January 1, 2017.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

The trial court rules also require the secure transmission of sealed and confidential records. This requirement is included only in certain narrow provisions of the parallel appellate rules.

The existing trial and appellate rules both provide that records a party is seeking to file under seal remain conditionally under seal pending the court's resolution of the sealing request. However, the appellate rules do not provide guidance on how to transmit to the reviewing court and preserve the confidentiality of records that are the subject of a challenge to a trial court's order denying a motion or application to seal.

Finally, existing appellate rules lack clarity concerning how a litigant who lodges a confidential, unredacted record with the appellate court must identify the particular material within the record that is confidential.

The proposal is intended to address these issues.

The Proposal

The purpose of the proposal is to amend the appellate rules relating to sealed and confidential records so as to (1) harmonize them with parallel trial court rules governing electronic records submitted in connection with a motion or application to seal; (2) make these appellate rules internally consistent; and (3) address the transmission and handling of records in a proceeding challenging a trial court's order denying a motion to seal.

Specifically, the proposal would:

- Provide for the disposition of a lodged electronic record when the court denies a motion or application to seal. The moving party would have 10 days after the denial of the application or motion to seal in which to notify the clerk to file a lodged record unsealed. Otherwise, the clerk must return the lodged record to the moving party if it is in paper form or delete the lodged record if it is in electronic form. The new proposed language would appear in rule 8.46(d)(7), rule 8.46(f)(3)(D), rule 8.47(b)(3)(D), and rule 8.47(c)(2)(D).
- Add language requiring that sealed, conditionally sealed, and confidential records be transmitted to the reviewing court in a secure manner that preserves the confidentiality of the record. This requirement is included in the trial court rule and in rule 8.47. The new proposed language would appear in rules 8.45(d)(1) and 8.46(f)(3)(B).
- Clarify procedures for transmitting, conditionally sealing, and returning or deleting a record that is the subject of challenge to a trial court order denying a motion or application to seal. The new proposed language appears in new subdivision (e) of rule 8.46.

- Clarify the procedure for lodging an unredacted version of a record in connection with an appellate filing by requiring that the confidential material within the record be identified as such in the filing. This proposed language would appear in rule 8.46(f)(2)(B) and (f)(3)(B), and rule 8.47(b)(3)(C)(ii).
- Make other minor changes in language and punctuation intended to clarify the rules.

Alternatives Considered

The committee considered not proposing these amendments. The committee concluded that these changes were necessary to (1) give guidance and direction to litigants, (2) harmonize the appellate court rules with existing trial court rules governing the same subject matter, and (3) make the appellate court rules internally consistent regarding the handling of sealed and confidential records.

The committee also considered whether to revise the rule governing appellate motions generally—rule 8.54—to harmonize it with parallel trial court rule 3.1302. Rule 3.1302 governs the place and manner of filing in support of noticed motions; it includes requirements for lodged materials. It provides that the trial court may retain lodged material but, if the trial court decides not to do so, requires that the trial court delete material lodged in the trial court in connection with a motion after notice of the impending deletion is sent to the lodging party. The committee did not recommend making any changes to rule 8.54.

Implementation Requirements, Costs, and Operational Impacts

If adopted, the proposal may impose some cost on the appellate court in the form of training clerks to delete lodged, unredacted electronic records in the event that the court denies a motion or application to seal and the lodging party fails to instruct the court to file an unsealed version of a record. Beyond this training cost, the proposal is not expected to result in significant new costs or changes to operations in the Court of Appeal, nor to give rise to any implementation challenges.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is new subdivision (e) of rule 8.46—addressing a record that is the subject of an appeal or original proceeding challenging a trial court’s ruling denying a motion or application to seal that record—helpful, and does it provide sufficient guidance?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments

Cal. Rules of Court, rules 8.45, 8.46, and 8.47

Rules 8.45, 8.46, and 8.47 of the California Rules of Court would be amended, effective January 1, 2019, to read:

1 **Title 8. Appellate Rules**

2
3 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

4
5 **Chapter 1. General Provisions**

6
7 **Article 3. Sealed and Confidential Records**

8
9
10 **Rule 8.45. General provisions**

11
12 **(a)–(c) * * ***

13
14 **(d) Transmission of and access to sealed and confidential records**

15
16 **(1) A sealed or confidential record must be transmitted in a secure manner that**
17 **preserves the confidentiality of the record.**

18
19 ~~(1)(2)~~ Unless otherwise provided by ~~(2)–(4)~~ ~~(3)–(5)~~ or other law or court order, a
20 sealed or confidential record that is part of the record on appeal or the
21 supporting documents or other records accompanying a motion, petition for a
22 writ of habeas corpus, other writ petition, or other filing in the reviewing
23 court must be transmitted only to the reviewing court and the party or parties
24 who had access to the record in the trial court or other proceedings under
25 review and may be examined only by the reviewing court and that party or
26 parties. If a party's attorney but not the party had access to the record in the
27 trial court or other proceedings under review, only the party's attorney may
28 examine the record.

29
30 ~~(2)(3)~~ Except as provided in ~~(3)~~ ~~(4)~~, if the record is a reporter's transcript or any
31 document related to any in-camera hearing from which a party was excluded
32 in the trial court, the record must be transmitted to and examined by only the
33 reviewing court and the party or parties who participated in the in-camera
34 hearing.

35
36 ~~(3)(4)~~ A reporter's transcript or any document related to an in-camera hearing
37 concerning a confidential informant under Evidence Code sections 1041–
38 1042 must be transmitted only to the reviewing court.

39

- 1 (7) If the court denies the motion or application to seal the record, ~~the clerk must~~
 2 ~~not place the lodged record in the case file but must return it to the submitting~~
 3 ~~party unless that party notifies the clerk in writing that the record is to be~~
 4 ~~filed. Unless otherwise ordered by the court, the submitting party must notify~~
 5 ~~the clerk within 10 days after the order denying the motion or application~~ the
 6 lodging party may notify the court that the lodged record is to be filed
 7 unsealed. This notification must be received within 10 days of the order
 8 denying the motion or application to seal, unless otherwise ordered by the
 9 court. On receipt of this notification, the clerk must unseal and file the record.
 10 If the lodging party does not notify the court within 10 days of the order, the
 11 clerk must (1) return the lodged record to the lodging party if it is in paper
 12 form, or (2) permanently delete the lodged record if it is in electronic form.
 13
- 14 (8) An order sealing the record must direct the sealing of only those documents
 15 and pages or, if reasonably practical, portions of those documents and pages,
 16 that contain the material that needs to be placed under seal. All other portions
 17 of each document or page must be included in the public file.
 18
- 19 (9) Unless the sealing order provides otherwise, it prohibits the parties from
 20 disclosing the contents of any materials that have been sealed in anything that
 21 is subsequently publicly filed.
 22

23 **(e) Challenge to an order denying a motion or application to seal a record**
 24

25 Notwithstanding the provisions in (d)(1)–(2), when an appeal or original
 26 proceeding challenges an order denying a motion or application to seal a record, the
 27 appellant or petitioner must lodge the subject record labeled as conditionally under
 28 seal in the reviewing court as provided in (d)(3)–(5), and the reviewing court must
 29 maintain the record conditionally under seal during the pendency of the appeal or
 30 original proceeding. Once the reviewing court’s decision on the appeal or original
 31 proceeding becomes final, the clerk must (1) return the lodged record to the lodging
 32 party if it is in paper form, or (2) permanently delete the lodged record if it is in
 33 electronic form.
 34

35 **(e)(f) Unsealing a record in the reviewing court**
 36

37 (1)–(2) * * *

- 38
- 39 (3) If the reviewing court proposes to order a record unsealed on its own motion,
 40 the court must send notice to the parties stating the reason for unsealing the
 41 record. Unless otherwise ordered by the court, any party may serve and file
 42 an opposition within 10 days after the notice is sent, and any other party may
 43 serve and file a response within 5 days after an opposition is filed.

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(4)–(7) * * *

(f)(g) Disclosure of nonpublic material in public filings prohibited

(1) * * *

(2) If it is necessary to disclose material contained in a sealed record in a filing in the reviewing court, two versions must be filed:

(A) * * *

(B) An unredacted version. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as “May Not Be Examined Without Court Order—Contains material from sealed record.” Sealed material disclosed in this version must be identified as such in the filing and accompanied by a citation to the court order sealing that material.

(C) * * *

(3) If it is necessary to disclose material contained in a conditionally sealed record in a filing in the reviewing court:

(A) A public redacted version must be filed. The cover of this version must identify it as “Public—Redacts material from conditionally sealed record.” In juvenile cases, the cover of the redacted version must identify it as “Redacted version—Redacts material from conditionally sealed record.”

(B) An unredacted version must be lodged. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as “May Not Be Examined Without Court Order—Contains material from conditionally sealed record.” Conditionally sealed material disclosed in this version must be identified as such in the filing.

(C) Unless the court orders otherwise, any party who had access to the conditionally sealed record in the trial court or other proceedings under review must be served with both the unredacted version of all papers as

1 well as the redacted version. Other parties must be served with only the
2 public redacted version.

- 3
- 4 (D) If the court denies the motion or application to seal the record, ~~the clerk~~
5 ~~must not place the unredacted version lodged under (B) in the case file~~
6 ~~but must return it to the party who filed the application or motion to~~
7 ~~seal unless that party notifies the clerk that the record is to be publicly~~
8 ~~filed, as provided in (d)(7) the party who filed the motion or application~~
9 may notify the court that the unredacted version lodged under (B) is to
10 be filed unsealed. This notification must be received within 10 days of
11 the order denying the motion or application to seal, unless otherwise
12 ordered by the court. On receipt of this notification, the clerk must
13 unseal and file the lodged unredacted version. If the party who filed the
14 motion or application does not notify the court within 10 days of the
15 order, the clerk must (1) return the lodged unredacted version to the
16 lodging party if it is in paper form, or (2) permanently delete the lodged
17 unredacted version if it is in electronic form.

18

19 **Rule 8.47. Confidential records**

20

21 (a) * * *

22

23 (b) **Records of *Marsden* hearings and other in-camera proceedings**

24

25 (1) * * *

26

27 (2) Except as provided in (3), if the defendant raises a *Marsden* issue or an issue
28 related to another in-camera hearing covered by this rule in a brief, petition,
29 or other filing in the reviewing court, the following procedures apply:

30

31 (A) The brief, including any portion that discloses matters contained in the
32 transcript of the in-camera hearing, and other documents filed or lodged
33 in connection with the hearing, must be filed publicly. The requirement
34 to publicly file this brief does not apply in juvenile cases; rule 8.401
35 governs the format of and access to such briefs in juvenile cases.

36

37 (B) The People may serve and file an application requesting a copy of the
38 reporter's transcript of, and documents filed or lodged by a defendant
39 in connection with, the in-camera hearing.

40

41 (C) * * *

42

1 (D) If the defendant does not timely serve and file opposition to the
 2 application, the reviewing court clerk must send to the People a copy of
 3 the reporter’s transcript of, and documents filed or lodged by a
 4 defendant in connection with, the in-camera hearing.
 5

6 (3) A defendant may serve and file a motion or application in the reviewing court
 7 requesting permission to file under seal a brief, petition, or other filing that
 8 raises a *Marsden* issue or an issue related to another in-camera hearing
 9 covered by this subdivision, and requesting an order maintaining the
 10 confidentiality of the relevant material from the reporter’s transcript of, or
 11 documents filed or lodged in connection with, the in-camera hearing.
 12

13 (A) * * *

14
 15 (B) The declaration accompanying the motion or application must contain
 16 facts sufficient to justify an order maintaining the confidentiality of the
 17 relevant material from the reporter’s transcript of, or documents filed or
 18 lodged in connection with, the in-camera hearing and sealing of the
 19 brief, petition, or other filing.
 20

21 (C) At the time the motion or application is filed, the defendant must:
 22

23 (i) * * *

24
 25 (ii) Lodge an unredacted version of the brief, petition, or other filing
 26 that he or she is requesting be filed under seal. The filing must be
 27 transmitted in a secure manner that preserves the confidentiality
 28 of the filing being lodged. If this version is in paper format, it
 29 must be placed in a sealed envelope or other appropriate sealed
 30 container. The cover of the unredacted version of the document,
 31 and if applicable the envelope or other container, must identify it
 32 as “May Not Be Examined Without Court Order—Contains
 33 material from conditionally sealed record.” Conditionally sealed
 34 material disclosed in this version must be identified as such in the
 35 filing.
 36

37 (D) If the court denies the motion or application to file the brief, petition, or
 38 other filing under seal, ~~the clerk must not place the unredacted brief,~~
 39 ~~petition, or other filing lodged under (C)(ii) in the case file but must~~
 40 ~~return it to the defendant unless the defendant notifies the clerk in~~
 41 ~~writing that it is to be filed. Unless otherwise ordered by the court, the~~
 42 ~~defendant must notify the clerk within 10 days after the order denying~~
 43 ~~the motion or application~~ the defendant may notify the court that the

1 unredacted brief, petition, or other filing lodged under (C)(ii) is to be
 2 filed unsealed. This notification must be received within 10 days of the
 3 order denying the motion or application to file the brief, petition, or
 4 other filing under seal, unless otherwise ordered by the court. On
 5 receipt of this notification, the clerk must unseal and file the lodged
 6 unredacted brief, petition, or other filing. If the defendant does not
 7 notify the court within 10 days of the order, the clerk must (1) return
 8 the lodged unredacted brief, petition, or other filing to the defendant if
 9 it is in paper form, or (2) permanently delete the lodged unredacted
 10 brief, petition, or other filing if it is in electronic form.

11
 12 **(c) Other confidential records**

13
 14 Except as otherwise provided by law or order of the reviewing court:

15
 16 (1) * * *

17
 18 (2) To maintain the confidentiality of material contained in a confidential record,
 19 if it is necessary to disclose such material in a filing in the reviewing court, a
 20 party may serve and file a motion or application in the reviewing court
 21 requesting permission for the filing to be under seal.

22
 23 (A)–(C) * * *

24
 25 (D) If the court denies the motion or application to file the brief, petition, or
 26 other filing under seal, ~~the clerk must not place the unredacted brief,~~
 27 ~~petition, or other filing lodged under (C)(ii) in the case file but must~~
 28 ~~return it to the lodging party unless the party notifies the clerk in~~
 29 ~~writing that it is to be filed. Unless otherwise ordered by the court, the~~
 30 ~~party must notify the clerk within 10 days after the order denying the~~
 31 ~~motion or application~~ the party who filed the motion or application may
 32 notify the court that the unredacted brief, petition, or other filing lodged
 33 under (C)(ii) is to be filed unsealed. This notification must be received
 34 within 10 days of the order denying the motion or application to file the
 35 brief, petition, or other filing under seal, unless otherwise ordered by
 36 the court. On receipt of this notification, the clerk must unseal and file
 37 the lodged unredacted brief, petition, or other filing. If the party who
 38 filed the motion or application does not notify the court within 10 days
 39 of the order, the clerk must (1) return the lodged unredacted brief,
 40 petition, or other filing to the lodging party if it is in paper form, or (2)
 41 permanently delete the lodged unredacted brief, petition, or other filing
 42 if it is in electronic form.
 43

Advisory Committee Comment

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Subdivisions (a) and (c). * * *

Subdivision (c)(1). * * *

Subdivision (c)(2). Note that when a record has been sealed by court order, rule 8.46(~~f~~)(g)(2) requires a party to file redacted (public) and unredacted (sealed) versions of any filing that discloses material from the sealed record; it does not require the party to make a motion or application for permission to do so. By contrast, this rule requires court permission before redacted (public) and unredacted (sealed) filings may be made to prevent disclosure of material from confidential records.



Intelligent Forms Workstream

RECOMMENDATIONS FOR
CONSIDERATION BY THE
INFORMATION TECHNOLOGY
ADVISORY COMMITTEE



JUDICIAL COUNCIL
OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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Introduction

Workstream process overview

California relies on court forms more than any other state court system, and areas such as family law, probate, protective orders, name changes, and other legal processes are largely forms-driven. Access to forms, especially for parties like self-represented litigants, is access to justice, as these forms allow such parties to file court documents. From the court perspective, judicial officers, clerks, attorneys, and litigants can scan forms to quickly locate key issues. Providing statewide forms increases efficiency by providing a standard interface where information is presented in a predictable and easily identifiable way, and alleviates the need for individual courts to develop full sets of court forms for use in each county.

Forms are an integral part of the court system, and there is a real need to leverage technology to improve forms processes. Judicial Council forms have traditionally been used to produce paper documents. While paper-based forms serve an important purpose, new laws make them increasingly complex and difficult to use. Moreover, new technologies like e-filing, e-service, and new court case management systems will require better data portability between forms, these new systems, and other court technology solutions.

The workstream was established to examine the use of court forms and investigate options for modernizing the electronic format and delivery of Judicial Council forms. Workstream members were officially appointed in May 2017, and met for the first time on May 16, 2017. The workstream met bi-weekly via conference calls, and between meetings corresponded using a collaboration tool, Slack.

After an initial phase of surveying forms use, the workstream discussed issues presented and ways to address those issues. Members then collaboratively drafted this report.

Document overview

In this report, we describe how forms are currently used and the impact they have on the administration of justice in California.

We then identify and describe individual problems for ITAC's consideration, along with proposed solutions for those problems. While many more concerns around forms usage can be identified, the workstream finds that those included here have the greatest impact across the branch. We recommend seven target solutions:

1. Certified forms
2. Data population API for certified forms
3. Accessibility requirement updates for certified forms

4. Basic governance for form updates
5. Priority matrix and list of forms to be updated to new API and accessibility requirements
6. Evaluate the possibilities of dynamic forms production
7. Evaluate the possibilities of document assembly within this context

We recommend that this report serve as the basis for a Request for Information (“RFI”) that will in turn inform any Budget Change Proposals (“BCP”) deemed necessary.

Forms background

Under article VI, section 6 of the California Constitution, the Government Code and other applicable law, the Judicial Council adopts, approves and modifies all statewide forms for optional or mandatory use in all California courts. Forms are developed by Judicial Council-appointed advisory committees, and are subject to an extensive and rigorous process of internal and external review.

Judicial Council forms benefit litigants, justice partners, and the courts in many ways. They help litigants, especially self-represented litigants, to file court documents. Forms assist law enforcement with enforcing restraining orders. Forms also simplify reviewing and processing documents for clerks, court staff, and judicial officers. A 2014 report by the Task Force on Trial Court Fiscal Accountability included Judicial Council fillable forms as an example of judicial branch efficiencies.

Forms usage

Court forms are the most frequent point of contact that the public has with the Judicial Council of California. Form downloads and views dwarf all other resources offered by the Judicial Council website. Of the top downloads from www.courts.ca.gov in 2016, 92% were forms; the page listing all available forms had 2.7 million page views that year, *20% more than the homepage* (the next-most frequently viewed page).

Forms are used to exchange information. The form filler wishes to accomplish a specific task, and the form recipient requires specific information to act on the form filler’s request. Well-designed forms elicit *only* the information required for a specific action, and do so in an easily accessible and understandable format. This is true when forms have to be filled in by hand or typewriter, and it remains true when forms are completed electronically in a wide range of interactions.

Most court forms are part of a longer conversation – there is an initial filing, followed by several exchanges with the court and other parties to an action. Forms have been developed with a standard interface to make them easy to scan for relevant critical information. Consistency of design has served to identify – or *brand* – forms at a glance as Judicial Council forms. The

ability to quickly scan forms for information is particularly relevant for clerks, judicial officers, law enforcement, and attorneys.

Judicial Council forms are historically and currently conceived of as *paper*, with an 8.5” x 11” layout. Judicial Council advisory committees develop forms to include cues for all information that may be relevant for an action. Hence, forms may be filed with only a small part of the available fields populated.

Judicial Council forms also “translate” rules of court and legislation into a sequence of guided steps; see for instance receiverships (rules 3.1175-3.1184), or small claims (Code of Civil Procedure, section 116.110 et seq).

Courts

Litigants file forms either at the court or through an e-filing service provider (EFSP). At filing, clerks can review documents for completeness and possibly alert the filer to any omissions before filing the form. Forms are generally scanned or filed in a flattened (non-editable) format into the court’s document management system (DMS), or filed as paper. When not e-filing, data is still manually entered into the court’s case management system (CMS).

Courts use Judicial Council forms but also develop local forms. Consistent and predictable form layout enables judicial officers to quickly review filings for jurisdictional and key information, saving time for everyone involved in the process. Court findings and orders are summarized on Judicial Council forms, at least where they are mandatory, or by other means.

At the end of the process, the court outputs and distributes its findings and orders. Some form orders are mandatory, others are not. Currently, the creation of Judicial Council form orders requires a manual process because the courts’ existing case management systems (CMSs) do not output data to PDFs.

Litigants

Litigants use Judicial Council forms to initiate and complete actions in court. Forms are especially important for self-represented litigants (SRLs), an increasingly large population that courts serve. There are many resources available to SRLs, including court self-help centers, local non-profits, and the branch online self-help center.

The Judicial Council has focused on serving SRLs by creating “plain language” forms that use simpler and shorter sentences, active voice, whitespace, and illustrations. The Council has created information documents to guide SRLs through the most commonly pursued actions. To serve approximately 7 million limited-English proficiency court users, the Judicial Council has translated several forms, specifically in harassment, family law and juvenile law, into four languages: Chinese, Korean, Spanish and Vietnamese. Some other languages are also provided for specific information forms.

However, self-represented litigants could use more help. A 2013 national study found that self-represented litigants consistently reported that it was difficult to find the right form for their legal issue.¹ Similarly, in a 2014 survey of California Courts website users, 37% of respondents who were seeking self-help resources said that they needed help with legal forms. An overwhelming 86% of self-help seekers responded that they wanted step-by-step instructions for completing forms.

Document assembly

To address this need, the Council, individual courts, and private vendors have developed document assembly solutions that assist litigants by walking them through several interview questions, in the end producing the forms needed based on the answers provided. These vendors and solutions create simplified workflows for the litigant, automating much of the repetitive data entry on the form. Some solutions integrate the form with existing databases, allowing users to receive or transmit information to those databases. Some progressively save users' work, allowing users to revisit partially-completed forms. Lastly, many solutions perform calculations on field data, such as totaling sources of income on financial forms.

Some vendors, like LawHelp Interactive, have worked directly with the Council and individual courts to create online solutions. Others, like Tyler Odyssey Guide & File, work with individual courts to create workflows. Vendors like TurboCourt have developed off-the-rack solutions that do not require court development. Lastly, some courts like Orange, Riverside, and Contra Costa Counties have developed their applications in-house. Although the workstream does not have access to statistics for every solution, the numbers for LHI show that self-represented litigants served by LHI assembled 28,000 documents in the third quarter of 2017. The workstream believes this represents a fraction of the actual need.

Attorneys and other professionals

Attorneys use forms to communicate with the court and other parties on behalf of their clients. Forms provide a convenient vehicle for communicating the complex and highly specialized information often involved in legal actions. Additionally, several non-attorney professionals use forms in areas such as collections and receiverships.

Justice partners, for example the Department of Child Support Services, law enforcement agencies, counties, also have substantial interaction with courts through forms. This particular relationship was the focus of ITAC's Data Exchange Workstream.

Many attorneys use case management software or form filler solutions to generate forms, and commercially available solutions often include both statewide and local forms. Some attorneys use the forms made available for free on the branch website at www.courts.ca.gov.

¹ The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants, 2013.

Consistency of form layout is also important to this group of form users. Attorneys and other professionals rely on forms to be predictable, quick to fill out, and easy to scan for key information. Because of the predictability, the face of a form is a sufficient interface.

Forms delivery

Judicial Council forms are developed in Adobe LiveCycle and provided as fillable forms to end users directly on www.courts.ca.gov, and to courts on <http://jrn.courts.ca.gov/>. Flat forms (without fillable fields) are distributed separately to a list of publishers. Forms development has changed significantly in the past five years.

Past state

Before 2012, designers created a form's content in Omniform, converted the content to a flat PDF, and then made the form fillable using Adobe Acrobat. Fillable fields had to be individually named and formatted every time a form was revised. OmniForm reached end of life and was discontinued.

At the time, development of the California Case Management System (CCMS) was ongoing. CCMS included Adobe LiveCycle in various workflows, so Judicial Council forms were converted to LiveCycle to save time and be able to integrate with CCMS.

Current state

Judicial Council forms, as provided to the public, are all a form of PDF. Internally, however, they are maintained in four different formats:

- Adobe LiveCycle Designer ES3 (since 2012)
- OmniForm (discontinued - form development program used prior to 2012)
- Word (a few informational forms)
- Adobe Acrobat (forms developed in OmniForm prior to 2012, translations, and forms maintained in Word)

LiveCycle works well as a design tool. Custom elements can be templated, which helps to enforce consistency across forms. This includes naming, size, and format of fields. Unlike the prior workflow, which used OmniForm for form design, and then Acrobat to make the form fillable, LiveCycle performs both steps in the same workflow. LiveCycle offers advanced features the council is not currently using. For example, forms can dynamically show and hide information based on user input, data can be extracted as XML data files, and can be submitted in various formats.

All publicly available forms are extended for the free software Adobe Reader, which means that anyone can save and fill out Judicial Council forms for free. Currently, forms are posted as password-protected files, extended for Adobe Reader, on the public website at <http://www.courts.ca.gov/forms.htm>, and as Adobe Reader-extended files on JRN

<http://jrn.courts.ca.gov/jc/forms>). Flat PDFs are emailed to all presiding judges and court executives after Judicial Council approval.

Findings and Recommendations

Solution proposals

Now that we have described how forms are currently used and delivered, this section outlines key concerns and issues that the workstream has identified. We describe our recommendations for the next steps to evaluate possible solutions to mitigate the key issues and concerns.

Target solution one: Certified forms

PROBLEM: There is no mechanism to ensure the integrity of Judicial Council forms.

- We recommend that the Judicial Council provide resources to certify all Judicial Council forms.
- We recommend that this mechanism also be implemented by courts who create local forms for their use. The forms would use a technology as recommended by ITAC or its designee to provide verification to courts and litigants that documents submitted are from the Judicial Council's canonical forms source.
- We recommend that ITAC consider if the Judicial Council's Electronic Signature Initiative can be extended for this purpose (see [RFP-JCC-101817-ESIGNATURE-WV](#)), or if current forms development software licensing offers solutions.

Business reason: Form security and confidence

Given the widespread use of Judicial Council forms, it is important that they have a recognizable and predictable look and feel, and that end users have confidence that they are using a valid product. Certifying forms as original Judicial Council forms provides a mechanism by which the form's authenticity can be verified by anyone.

Many providers (e.g., local courts, case management software providers, and statewide projects for self-represented litigants) are deconstructing existing forms and then recreating the fillable fields. Occasionally, providers' products have bugs that corrupt the form's output. Other times, providers deconstruct the form, then reconstruct it, producing an adulterated version of the form.

Judicial Council forms on the public branch website are password-protected to preserve form content. However, several free services exist that will allow anyone to unlock protected forms. Additionally, some California e-filing service providers and forms publishers provide unlocked forms free of charge. This creates the potential for intentional or accidental changes to forms. Currently, whether a form is printed or submitted electronically, when a party or a court receives a form, the only way to determine whether it has been altered is a line-by-line visual inspection. Even if one can determine that a form has a bug, or that it has been modified, there is no way to determine what software or publisher made the modification, unless the vendor annotates the form.

One of the workstream's recommendations, dynamic forms (*target solution six*), increases the problem of form integrity. If future forms dynamically create and remove content based on user input, and a vendor recreates that dynamism, it will be difficult to ensure that vendor-created forms are true to the Judicial Council original without some form of governance, either by rule or by technology.

Target solution two: Data population API for certified forms

PROBLEM: Judicial Council forms are not compatible with existing data sources.

- We recommend that the Judicial Council provide resources to create an API for certified forms. The forms would use a technology as recommended by the ITAC committee or its designee so that third-party organizations would be able to use the published APIs and the Judicial Council-provided infrastructure to return to the third-party organization a populated form based on data sent to the API.

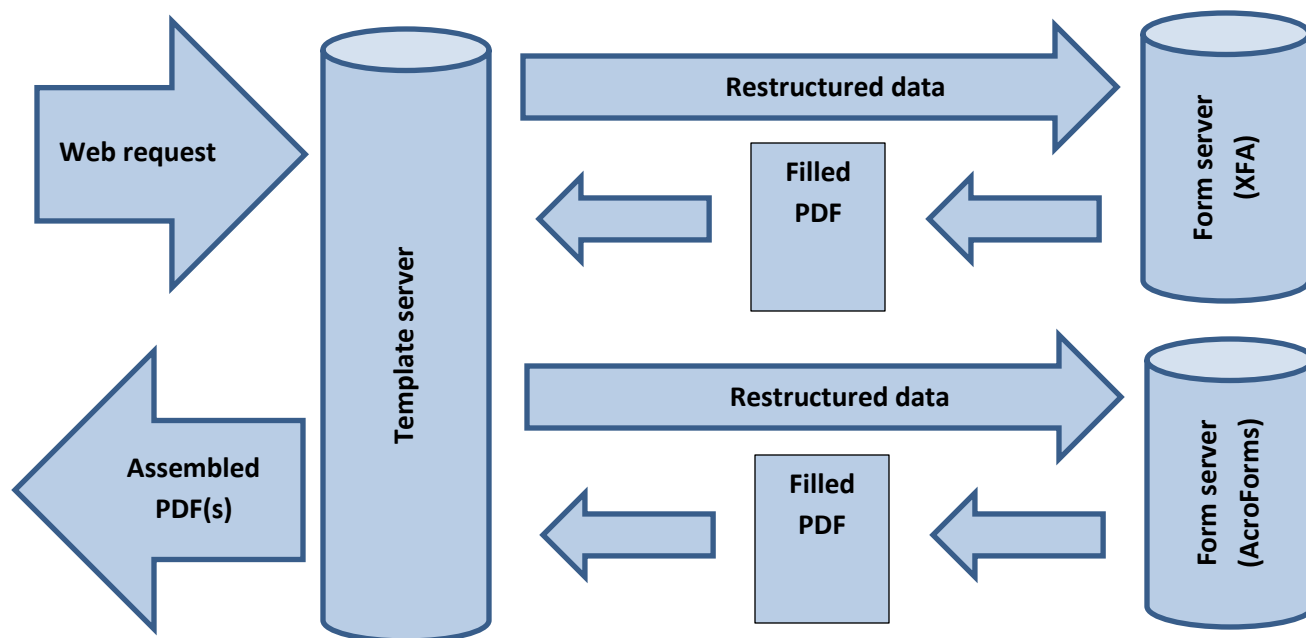
Business reason: Consistency and compatibility

Forms must be compatible with external data sources, and must therefore have a consistent data integration, consistent data fields, and be delivered in a universally accessible way. Additionally, there must be some mechanism to ensure form integrity, to identify any third-party software used to prepare forms, and whether that software has modified or corrupted the form. Because of the fragmentation from vendor to vendor, from court to court, and from external agency to external agency, there is currently no feasible way to standardize this data across so many disparate sources. Vendors and courts are unlikely to abandon their current database structures in order to comply with a mandated standard.

Technical concept and structure

One solution to incompatible forms is a *template processor*. A template processor could address many of the problems identified in this report at a relatively low cost. The function of a template processor is straightforward: create a public web application programming interface (API) to populate PDF forms. The template processor would be a web *server*, but it would not serve web *pages*. Instead, the template processor would accept structured data through a web request, then return a populated PDF. Developers, including the Judicial Council, could use the server with any type of software. This could lay the groundwork for:

- A move away from filling out PDF forms in the browser
- HTML web forms which will generate complete PDF forms
- HTML form data can be sent to template processor to assemble document
- The first step towards an intelligent forms server
- Use progressive web apps ([Mozilla explanation](#), [Google explanation](#))



The template processor would be the canonical source of Judicial Council forms, hosting certified PDFs to verify document authenticity and integrity. Although the processor would not create intelligent forms, it could increase consistency and platform independence. The template processor may later be integrated with an intelligent forms server and case management systems.

The template processor would have three components: a web server, and an XFA server, and an AcroForms server. The servers could be separate physical machines or separate server applications on the same physical or virtual machine.

The web server would receive requests from the web. Based on the template(s) requested, the web server would restructure the data to comply with the XFA or AcroForms form data standard and send the request(s) to the appropriate forms server. The forms server would populate the form(s) and respond to the web server.

Target solution three: Accessibility requirement updates for certified forms

PROBLEM: Judicial Council forms are not consistently accessible for people with disabilities.

- We recommend that the Judicial Council provide resources to develop guidelines for implementing in forms development the requirements outlined by the statutes detailed below.

Business reason: Access to justice

Forms must be usable by people with disabilities. The legacy Judicial Council forms have no or only very basic accessibility features to comply with current accessibility legislation, rules, and standards. Future forms development must create accessible forms to comply with federal and state laws, as well as information technology best practices.

New legislation ([AB103](#)) requires the Judicial Council to adopt rules to ensure that any system for e-filing and service of documents adopted by a trial court must comply with Section 508, ADA and WCAG 2.0. To the extent any such system integrates forms, those forms must also comply. The Legislature has approved a [resolution](#) that “affirms that the state’s policies and procedures should ensure technology and information access for individuals with disabilities to the greatest extent possible.” It would be a best practice to make Judicial Council forms accessible to the extent possible in whichever format they may be provided.

To make the Judicial Council forms more accessible, it is now possible to look for guidance to the Web Content Accessibility Guidelines (WCAG), a globally recognized, technology-neutral standard for web content. WCAG 2.0 covers a wide range of recommendations for making web content more accessible; it has been extended to cover non-web electronic documents. Federal regulations on the content of web pages and non-web electronic documents, though not binding, are instructive. The regulations provide that public-facing electronic content shall conform to the accessibility requirements of WCAG 2.0, with certain exceptions (See Electronic Code of Federal Regulations, Title 36, Appendix A to Part 1194, E205.2 and 205.4.) As so construed, WCAG 2.0 now provides accessibility guidelines for non-web electronic documents. These guidelines may be used as guidance in upgrading electronic documents, such as Judicial Council forms, to satisfy disability access standards.

Target solution four: Basic governance for form updates

PROBLEM: Forms are updated frequently, but certain changes are not well documented. It is difficult to isolate form errors, metadata issues, or vendor bugs.

- We recommend that the Judicial Council provide resources to define and implement policies around the governance of form updates. These policies should be developed in collaboration with stakeholders.
- We recommend that both the form metadata and the form itself include on its face and on each page of a multi-page form a semantic version number and that this be mapped to version history and update logs that can be used by both internal and third-party organizations.
- We recommend that the Judicial Council consider requiring third-party organizations to identify the software used to create a form with a semantic version number in the form metadata and on each page of the rendered form, to allow customers to easily identify problematic forms and/or solutions and communicate such findings to the vendor. Revisions to the California Rules of Court may be required.

Business reason: Implementation of form updates

Forms are updated due to changes in legislation, case law, and best practices. There are two main cycles for form changes, one that takes approximately one-and-a-half years, with an effective date of September 1, and one that takes approximately two years, with an effective date of January 1. The council recently changed its meeting schedule, approving forms for September 1 and January 1 effective dates at its May and September meetings, respectively. Courts and publishers usually have three months' lead time between Judicial Council action and the effective date.

When the Judicial Council proposes changes to a form, it produces a report that describes those changes in varying detail. The proposed form shows where changes have been made, but certain changes are invisible. For instance, deletions, changes to data-field names, and changes to the data-field size and location are not currently published. There is no changelog, or other central source of information, highlighting these invisible changes. Consequently, it is difficult for CMS vendors, courts, self-help facilitators, and document assembly solutions to implement form changes in a timely manner.

Courts and vendors need as much time as possible to implement changes. Documentation should be available when forms are released after each council meeting, preferably no more than two weeks after approval. Developing more detailed documentation would require changes to the form design workflow and additional staff time.

Considerations for a change log could include:

- Any new or deleted data fields
- Changes to names of fields
- Changes to data types (e.g., radio button to checkbox)
- Specific text changes - deletions and additions
- Changes to the amount of space allocated for text responses
- Changes to the order of items
- Changes to functionality (e.g., a change in processing time, “court days” vs. “calendar days”.)
- Changes to the form’s designation as “optional” or “mandatory”

Target solution five: Priority list of forms to be updated to new API and accessibility requirements

Problem: Limited resources require prioritizing projects and ensuring that they are independent of, but compatible with, each other.

- We recommend that the Judicial Council provide resources to create a priority list of forms to apply to target solutions one through four above.
- We recommend a phased iterative approach to begin immediately, certifying all forms as described above, and initiating v1.0.0 for all forms and APIs (see further details below)
- We recommend that ITAC establish a team of stakeholders to create a prioritization tool for subsequent form updates.

Business reason: Maximize outcomes from limited resources

There is currently no funding that would allow the Judicial Council to perform a full-scale update of all forms as a batch. Budget Funding Proposals are developed with a two-year lag time, and must include cost estimates that we do not have yet. The need to modernize Judicial Council forms in a rapidly changing and varied technology landscape is critical.

Since forms are typically updated on a semiannual calendar, with emergency updates for statutory requirements and fee waiver updates when the income thresholds change, it would appear logical to simply make the accessibility and metadata and API updates on this cycle and allow time to eventually cover updates to all of the forms.

We instead recommend a phased approach:

1. All forms should immediately be given a certification mechanism that is inexpensive and widely used and easily implemented. The understanding here is also that something is better than nothing, and that the technology to provide this functionality can be updated in the future.
2. All forms should use their existing form field mapping as the first version of the API for form data mapping and that no modifications should be made immediately. Essentially the API would be published with form fields for all forms “as is”.
3. No accessibility modifications be made to any existing forms at this time. Those tasks will happen on a timeline as described below.
4. The form governance version for all forms would be 1.0.0.

This constitutes Phase I of the process of addressing target solutions one, two, and four. This would be done with existing staff and technology resources. Going through a limited-scope

iterative process would give us some idea of the human resource needs for activities, the planning and communication channels, communicating to third-party vendors and identifying the technology components that would be used for the first step.

To address target solutions one through four for subsequent form updates, we recommend that a team of stakeholders be assembled to determine a priority order or prioritization method for tackling form updates. We recommend that pilot projects could be established to address different groups of forms based on the collaborative team's recommendation.

For example:

1. A good initial project could be to make the accessibility updates for select groups of forms frequently used by self-represented litigants. Such form groups include unlawful detainer, divorce petitions, and small claims. Additionally, these forms are also used by third-party vendors who currently provide document assembly solutions for them.
2. Selecting some very simple attorney-used forms might make a good initial project. The Substitution of Attorney forms are frequently used, simple to populate, and could introduce third-party vendors targeting the professional users to this proposed solution relatively easily.
3. Prioritizing agency-used forms as the lowest priority might allow our small resources to address areas where there might be a higher priority. While it is true many agencies use e-filing and e-delivery solutions, it is very unlikely that they would modify forms to make them non-compliant.

Concentrating on these incremental solutions helps create a roadmap for forms updates, allowing rapid initial deployment, wide use, ability to learn from early phases of development, and providing usable, effective solutions.

Once the roadmap is complete, the first form candidates could then have in-depth efforts made such as:

1. Conforming form fields to NIEM/ECF standards, collaborating with the e-filing workstream.
2. Creating version 2.0.0 of the API, focusing on reusability and standardizing data fields and formats across form types.
3. Updating the accessibility of all forms.
4. Changing forms as needed, to comply with statutes or other reasons.
5. Evaluating system capacity for increasing usage by end users and third-party vendors.

Target solution six: Evaluate the possibilities of dynamic form production.

Problem: Forms are static, which can render them less effective for courts and litigants.

- We recommend asking the Rules & Policy Subcommittee to review the California Rules of Court to determine if rules need to be drafted or revised to permit a pilot project to evaluate the use of dynamic forms.
- Develop a pilot project to evaluate using dynamic forms in place of, or in addition to, the current inventory of Judicial Council forms. The pilot project should focus on a smaller set of forms, such as small claims, unlawful detainer, name change, or court-generated orders after hearing. Some considerations for the pilot project include:
 - What information is mandatory, optional, and conditional on each form?
 - What standard convention can be used to describe blank information?
 - How will forms differentiate between blank data and data that is not applicable?
 - Should the layout and order of information be changed for easier comprehension?
 - How is form integrity maintained?
 - How will forms adapt to updated information?
 - Should static forms be retained as an option for accessibility and to create “receipts” or “summaries” for form fillers to keep as documentation?

Business reason: Decrease complexity and increase access to justice

Form assembly progressively elicits information from form fillers based on their responses. This is distinct from dynamic forms.

This proposal defines a dynamic form as a Judicial Council form that contains required and optional data fields, and that allows for ad hoc additions (ie. ,”Add another defendant”). The form output includes all mandatory fields and any optional fields that have data, and omits any unused fields or automatically assigns to them a “not applicable” value. Dynamic forms do not present information in fixed text boxes, but will shrink or grow based on the data entered.

One issue with current forms is that there may not be enough space on the form to hold the information required because the fields are fixed. A field cannot contract or expand based on user input. If there is overflow, a user must attach a separate sheet of paper (form MC-025 is often used) and write the full answer on the attachment. Attachments are not structured, and therefore do not solicit concise, meaningful input from the user. Using attachments may cause a large number of attachments to forms with very little information on each attachment. This makes understanding the submitted forms more difficult for the court users and bench officers. Attachments can also be difficult to include in document assembly solutions. Dynamic forms can solve this issue by expanding or contracting as needed.

Another issue occurs when a user does not fill out all form fields. Current forms must present all fields and all text in the layout approved by the Judicial Council, whether or not those fields are relevant to the individual user's circumstance. For instance, form FL-100, the mandatory form for a petition for marital dissolution, has large pre-printed sections for child custody, visitation, and support. Even if a user has no minor children, that user's form will print the boilerplate requests, with blank fields. Dynamic forms can resolve this issue by presenting only the required information and not a collection of empty form fields.

Complex forms, developed with static content and static-sized fields are often problematic for professionals and justice partners alike. Self-represented litigants will have more difficulty filling them out and understanding the generated content. Enforcement will become more difficult. Creating dynamic forms will ease the burden on self-represented litigants, justice partners, and the courts.

The workstream recommends that looking forward, forms should be dynamic.

Impact on form assembly vendors

Dynamic forms will fundamentally change the way forms are delivered to third-party vendors and end users. Because there are hundreds of forms, with thousands of data fields, comprising virtually unfathomable permutations, it would be impossible for the council to test each vendor's product to make sure that dynamically created third-party forms conformed to Judicial Council standards. Consequently, the council's template processor must be the single source of dynamic and authentic Judicial Council forms.

Currently vendors reverse-engineer forms and adapt their interview to the items on each section of each form, then aggregate forms into collections as needed. What we are proposing is that this model changes over time.

The workstream recommends that the Judicial Council explore licensing the template processor server software. Third-party vendors could host their own template processing servers, using Judicial Council software, which would create valid and authentic Judicial Council forms. This would allow vendors to serve authentic forms, offer services internally and to the public, and test against the API without using Judicial Council bandwidth. This could minimize or offset operational costs for template processing.

The cost to vendors is that they would lose control over template processing, and they would have to adapt their software to the new API. However, adapting their software to the template processor API would eliminate significant time and effort for vendors because they would not have to modify their software for every change to Judicial Council forms. Instead of reverse-engineering forms, the vendors could adapt to public changes in the API.

Target solution seven: Evaluate the possibilities of document assembly within this context

Problem: No established knowledge base or standard best practices currently exists, creating possible duplication of effort

- Consider assigning to the SRL E-Services Workstream the task of developing a clearinghouse for sharing interview-based solutions. Such a clearinghouse would a) save programmer time, b) increase consistency across programs, and c) allow for a formalized review component (given adequate resources).
- Require that vendors to indicate digitally (e.g., metadata, certificate-based signature) and visually (by annotating the PDF) the software, version number, and date that produced the form output. This will ease tracking of bugs and other problems with third-party form providers. This may require revisions to the California Rules of Court.

Business reason: Share knowledge and best practices to establish quality baseline

Document assembly solutions provide valuable service to the courts and SRLs, but they also raise concerns. Each solution provides a PDF form for later submission, but there is no way to verify the integrity of printed or electronically submitted forms. If a solution has a bug that affects the completed form, there is no way to determine from the PDF file or printed form which solution produced the document. At this point, any vendor not associated with the judicial branch can create a solution, and there is little oversight over the integrity of how the forms are populated or the interviews that create them.

There is also a large duplication of effort to produce the same result. Although the end result of each solution is a PDF document based on a Judicial Council form, the intermediate workflows are incompatible. As Judicial Council forms are modified every six months, each solution adapts to the changes idiosyncratically. Thus, the same problem (change to Judicial Council forms) is solved multiple times in multiple ways. Some of these differences can be explained by the fact that the programs have different target users. Document assembly programs developed for use in assisted self-help workshops will, by design, work differently than those developed for unassisted users working at home or away from the courthouse. However, to the extent possible, programs should be standard. Since HotDocs and Guide & File are both developed by council and court subject-matter experts, there is some ability to work toward this goal.

Timeline

The first step is to identify expected resources for the initial phases of the projects. Since there is no funding in place for these activities, we would rely on existing resources and being able to implement the beginnings of these projects with minimal time and effort from staff resources, and low costs from equipment resources.

Since we are not aware of any other state or federal organizations doing the activities we propose, there doesn't seem to be an existing roadmap we can use as a guide. We cannot easily project the team sizes, equipment requirements, collaborative and planning efforts, or any technology obstacles we might face, nor can we currently estimate future maintenance and support costs.

To that end it is our suggestion that we think of these projects as initial "proof of concept" activities designed to answer some of those questions. Some might use the term "feasibility study". The objectives of the proof of concepts would be to use them to begin to try to determine costs and resource needs so that we can create future BCP requests to further develop the solutions based on what we learn in the proof of concept phases. JCIT has initiated the funding request process for three positions to ultimately manage the forms program; notwithstanding the outcome of this and future funding requests, the proposed solutions include a prioritization method that will allow project scaling to match available resources.

Attachment C is a proposed timeline for activities over the next three years.

General considerations that apply to the recommendations above

Platform independence

Forms must be usable on all platforms, including Windows, Mac, and Unix/Linux-based desktop systems, tablets, and mobile devices. Judicial Council forms are not currently responsive and many will function correctly only when opened in an Adobe product like Reader (free) or Acrobat (license fee). When a user accesses forms through a browser's built-in PDF viewer instead of Adobe Reader, forms may not open or display correctly. In that case, a user must download the form and then open it using Adobe Reader/Acrobat on a desktop computer.

Mobile devices render both XFA and AcroForms as flat, unfillable forms. Adobe has developed a free mobile app, Fill & Sign, that allows users to fill out and sign PDFs on the fly; however, this still involves working with a graphic form instead of a form specifically developed for use on mobile devices. In other words, the mobile user is navigating an actual page layout, adding text in the spaces provided, instead of moving through a series of fillable fields.

According to [Pew Research Center \(2017\)](#), 77% of US adults own a smartphone, and 12% rely exclusively on their smartphones to access the internet. In the younger generation, those between 18 and 29 years old, 92% own smartphones. Perhaps most importantly, [twenty percent](#) of adults living in households earning less than \$30,000/year are smartphone-only internet users.

It is axiomatic that these lower-income households are the most likely to be self-represented. A recent study entitled *Serving Self-Represented Litigants Remotely: A Resource Guide (2016)* found that SRLs expect courts, legal services, and the bar to use technology. There is not only an expectation, but also a growing *need*, for people to interact with public entities via technology. The current model does not meet those needs and expectations.

Data portability between forms and CMSs

In the future, forms must create data that is compatible with external systems. As forms become an increasingly important source of data for the court, they should facilitate exchanging data with external processes, including case management systems, data exchange with justice partners, and self-help software systems. Each of these external processes will have incompatible field names and incompatible database systems. The challenge is to create a solution that allows interchange with disparate systems.

Outbound forms

Courts use a mix of case management systems, some stovepipe or legacy systems, and some new state-of-the-art systems. None of these systems can currently generate outbound forms using existing Judicial Council forms. Some courts reengineer forms into Word, an extremely time-consuming exercise, and one that risks introducing errors into what is presented as an authentic Judicial Council form. The Word forms must be programmed by adding "tokens"

where data should appear. This is essentially a type of mail merge, and, if not carefully monitored, will produce a result that substantially alters the layout of the original Judicial Council form.

In a perfect world, courts would be able to automatically generate orders and findings on relevant Judicial Council forms. This would require CMSs to be able to query and output data as structured data files that can be merged with a forms template.

Inbound forms

Data collected on inbound Judicial Council forms cannot be seamlessly migrated into CMSs. Consequently, time and ingenuity is expended locally on finding ways to work with and around forms as CMSs are implemented. Manual data entry increases the risk of human error.

In a perfect world, case management systems would be able to accept a form for filing as a signed or otherwise certified PDF, along with the data captured on the form. Form data would populate the court CMS as required. There should be no manual data entry of any forms data.

Consistency of form field data

All Judicial Council forms are in a single file format, PDF. But due to the many past iterations of Judicial Council form workflows, the data fields within the PDF forms are inconsistently named and stored. There has been no policy or effort to ensure that like fields are consistently named across forms prior to the application of LiveCycle Designer. For example, in form FL-100, the field for the petitioner's name is labeled "petitioner," but in form FL-105, the same field is labeled "FillText59." Inconsistent naming and incompatible technologies have made any effort at data-mapping futile.

LiveCycle allows for templating and development of custom form objects that can be applied across all forms, ensuring consistency in naming and format. However, many older forms still exist, and not all new forms have been consistently formatted.

The PDF documents resulting from the current and legacy forms allow form fields to be created in incompatible formats: XML Forms Architecture (XFA) and AcroForms. Adobe LiveCycle Designer produces XFA. XFA is Adobe's current state-of-the-art interactive forms development product, but it is proprietary. XFA allows dynamic content, but statewide rules of court do not currently allow a form format other than that published by the Judicial Council (i.e., paper-based forms). Further, XFA content as currently delivered by the Judicial Council is inaccessible from many browsers, especially mobile browsers.

AcroForms was the original technology used for interactive form elements in PDF documents, and its content is viewable in most browsers. AcroForms has fewer features, but greater compatibility. AcroForms do not support dynamic forms.

Relevant ongoing projects

ITAC Workstreams:

- **Data Exchange Workstream**
Learn from structure and results (how to exchange data from vastly different sources)
Promote communication with main EFM, EFSP and CMS vendors to develop data integration standards
- **E-Filing Strategy Workstream**
Enable data portability
NIEM/ECF implementation
Integrate forms solution with EFSP certification standards
Identity and Access Management Strategy
Enable data portability
- **SRL E-Services Workstream**
Develop SRL portal integration

Relevant Judicial Council IT projects:

- **Electronic Signature Initiative**
Certify Judicial Council forms
- **Web Accessibility Implementation Plan & Strategy**
Drafting and implementing form accessibility guidelines

Conclusion

The future state of forms may eventually eliminate the use of PDF forms and other technologies proposed as initial pilot projects. Systems may more easily be built that allow for data upload for those litigants who do not wish to work through an interview—mainly vendors, attorneys and public agencies—and a responsive set of interview-based forms for those litigants who choose that option—mainly self-represented litigants. Data gathered in this manner should be consumable by CMSs and by any other systems that provide case management from filing to bench and back to the submitter.

The Judicial Council, as the official publisher of Judicial Council forms, is the entity properly charged with the responsibility for providing legally accurate and accessible forms. The proposed project would allow anyone the ability to collect relevant data through any design mechanism, send properly formed data files to the Judicial Council forms server, and receive an authenticated and filled out form in return.

When the project expands to truly dynamic forms, the council's role will be to define which data fields are mandatory, which are optional, and which are causally dependent. This is a different function than the one currently performed by the council, and may require changes to business practices and governance.

The widespread use of Judicial Council forms speaks to their viability and necessity as a means to access justice in California. The workstream is optimistic that we can make a real difference with relatively little investment, at least in the opening phases of the project. It does require technical staff resources from the branch and the Judicial Council, and we recommend that ITAC specifically solicit stakeholder team members with the required expertise.

The workstream wishes to thank ITAC for the opportunity to weigh in on this project, and look forward to following the continued efforts in forms modernization.

Attachments

Attachment A: Workstream roster

Attachment B: Proposed timeline for phased forms modernization

Attachment C: Forms overview

Intelligent Forms Workstream

Membership roster

Hon. Jackson Lucky, Executive Sponsor
Judge, Superior Court of Riverside County

Camilla Kieliger, Project Manager
Sr. Analyst, Legal Services
Judicial Council of California

Kelli Beltran
Juvenile Court Manager
Superior Court of Orange County

Amber Bravo
Court Services Analyst
Superior Court of Butte County

Felix Castuera
Sr. Deputy Clerk
First District Court of Appeal

Mark Donaldson
Applications Analyst II
Superior Court of San Bernardino County

Giancarlo Esposito
IS Manager
Superior Court of Yolo County

Elke Harris
Sr. Administrator
Superior Court of Los Angeles County

Ryan Hurlock
IT Manager
Superior Court of Sacramento County

Kelley Stieler
Virtual Self-Help Project Attorney
Superior Court of California, County of
Contra Costa

AJ Tavares
Application Developer III
Superior Court of Orange County

Rick Walery
IT Director
Superior Court of San Mateo County

Karen Cannata
Supervising Analyst, CFCC
Judicial Council of California

Mark Gelade
Supervisor, Web Services, JCIT
Judicial Council of California

Patrick O'Donnell
Managing Attorney, Legal Services
Judicial Council of California

Jenny Phu
Sr. Business Systems Analyst,
Web Services, JCIT
Judicial Council of California

Proposed timeline for phased forms modernization

Target Solution	2018	2019	2020
1. Certified forms	Determine if JCIT Electronic Signature Initiative can be extended for this purpose: <i>Yes:</i> Certify all forms <i>No:</i> Write and process RFP for possible solutions; project cost and include in procurement plan/BCP	Continue RFP/procurement process, as needed; deploy if possible	Continued assessment and implementation
2. Data population API for certified forms	1. Determine if JCIT can provide server space (Microsoft Azure Government space for internal projects such as the Ability to Pay Calculator might be extended) for Judicial Council forms: <i>Yes:</i> Develop plan for hosting certified forms and move all forms <i>No:</i> Establish ad hoc group to recommend best solution, considering RFP and other procurement options 2. Determine if in-house resources exist to develop pilot APIs:	Continue RFP/procurement process, as needed; OR Apply solution acc. to roadmap established by Target Solution 5 Continue RFP/procurement process, as needed; OR	Continued assessment and implementation

Proposed timeline for phased forms modernization

Target Solution	2018	2019	2020
	<p><i>Yes:</i> Assemble cross-functional project team; develop pilot</p> <p><i>No:</i> Consider if Intelligent Forms IFR/BCP staffing request will adequately cover staffing needs. If BCP does not go forward, repeat in future years and keep fine-tuning project scope</p>	Proceed acc. to prioritization method in Target Solution Five	
3. Accessibility requirement updates for certified forms	<p>Evaluate accessibility assessment and plan (see RFP IT-2018-42-RB) as related to forms and PDFs</p> <p>Establish cross-functional staff project team to define guidelines and implementation strategy</p>	Implement strategy in coordination with prioritization method in Target Solution Five	Continued assessment and implementation
4. Basic governance for forms updates	<p>Assign all forms version number v.1.0.0</p> <p>Establish stakeholder group, including courts with various CMSs, to define what constitutes a sufficient change log</p> <p>Ask the Rules & Policy Subcommittee to determine if rules need to be drafted or revised to require third-</p>	<p>Update form version numbers as needed</p> <p>Implement change log in coordination with prioritization method in Target Solution Five</p> <p>Continue rule amendment process, as necessary</p>	Continued assessment and implementation

Proposed timeline for phased forms modernization

Target Solution	2018	2019	2020
	party providers of forms to identify in metadata and on each form the software version used; if yes, draft and process rules		
5. Priority matrix and list of forms to be updated to new API and accessibility requirements	<p>Establish stakeholder team to create a prioritization policy/method for forms updates</p> <p>Establish stakeholder team, including CMS, EFSP, EFM, and E-Filing Workstream representatives, to create policies and guidelines for extending NIEM/ECF standards for JC forms; decide on how to continue monitoring and evaluation</p>	<p>Implement prioritization method</p> <p>Implement NIEM/ECF policies and guidelines</p> <p>Create v.2.0.0 of API and forms</p>	<p>Continued assessment and implementation</p> <p>Include vendor version identification requirement from Target Solution Four</p>
6. Evaluate the possibilities of dynamic forms production	Ask Rules & Policy Subcommittee to determine if rules need to be drafted or revised to permit a pilot project to evaluate the use of dynamic forms; if yes, draft and process rules	<p>Continue rules process, if needed</p> <p>Establish cross-functional project team to scope project, using prioritization method from Target Solution Five. If additional funds are required, start procurement process</p>	<p>Continue procurement process if required</p> <p>Launch pilot</p>
7. Evaluate the possibilities of document assembly within this context	Establish stakeholder team, including representatives from HotDocs, Guide & File and the SRL E-Services	If funds are required, continue procurement process; OR	Continued assessment and implementation

Proposed timeline for phased forms modernization

Target Solution	2018	2019	2020
	<p>Workstream, to form clearinghouse for sharing interview-based solutions knowledge and best practices; consider continued governance structure. If additional funds are required, start procurement process</p> <p>Ask the Rules & Policy Subcommittee to determine if rules need to be drafted or revised to require third-party providers of document assembly solutions to identify in metadata and on each form the software version used; if yes, draft and process rules</p>	<p>Deploy clearinghouse</p> <p>If rules are required, continue rule amendment process; OR</p> <p>Include requirement in governance policies of clearinghouse</p>	

Forms overview

Number of fillable forms:	1,228
Information sheets:	90
Translated forms:	519

Top 20 downloads (www.courts.ca.gov), 2017:

FL-100 Petition - Marriage	224,897
FL-300 Request for Order, Custody/Support	125,932
FL-150 Income & Expense Declaration	113,243
FW-001 Request to Waive Court Fees	107,869
SC-100 Plaintiff's Claim & Order	103,449
FL-110 Summons	101,541
FL-107-INFO Legal Steps for a Divorce or Legal Separation	87,739
FL-105 Child Custody Declaration	83,001
NC-100 Petition for Change of Name	81,919
CM-010 Civil Case Cover Sheet	80,743
FL-115 Proof of Service of Summons	80,743
rc-amnesty2015-Entities-Administering-Amnesty.pdf (Traffic – Infractions Amnesty Program – inactive doc)	78,040
filingfees.pdf (Statewide Civil Fee Schedule)	73,492
FL-311 Child Custody and Visitation (Parenting Time) Application Attachment	67,418
FL-160 Property Declaration	65,892
FL-141 Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration	65,701
FL-140 Declaration of Disclosure (Family Law)	65,510
FL-180 Judgment	57,433
FL-120 Response - Marriage/Domestic Partnership	54,698
MC-030 Declaration	53,998

Information Technology Advisory Committee Q1 2018 Status Report

April 2018

This report was provided at the **April 30, 2018** ITAC meeting. Status updates are submitted by workstream sponsors and subcommittee chairs.



1.1. Futures Commission Directive: Intelligent Chat (Phase 1)



Highlight: Identified core team and submitted initial funding request (IFR) submitted; orientation meeting expected in May.

Key Objectives	Status	Description
Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	In Progress	<p>The core team was identified and includes the Executive Sponsor, Judge Michael Groch, Superior Court of San Diego; Technical Lead Oversight, John Yee, Lead Enterprise Architect, Judicial Council Information Technology, along with support from the Judicial Council Information Technology Office (JCIT) subject matter experts (SMEs). A project manager is TBD. Planning is underway to convene the core team, SMEs, and CIO workplan authors for a project orientation. The meeting will reinforce the Chief's directive, set core team and support staff expectations, revisit the proposed workplan tasks, and brainstorm ways to update and execute Phase 1.</p> <p>Staff drafted and submitted an initial funding request to support more formalized and broader deployment of all three directives; unfortunately, the request did not make the short list of proposals recommended to advance to a BCP for FY19/20 due to competing priorities and program readiness.</p>
(a) Identify and monitor a series of court proofs of concepts (POCs) to assess technology readiness for various cases (e.g., Court of Appeal, E-Filing, Self-Help).	Not Started	
(b) Identify key performance indicators and benchmark before/after success.	Not Started	
(c) Capture learnings and report findings.	Not Started	
(d) Update Phase 2 of workplan based on results.	Not Started	
(e) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; annual agenda accordingly.	Not Started	

1.2. Futures Commission Directive: Voice-To-Text Language Services Outside the Courtroom (Phase 1)



Highlight: In progress of identifying core team; submitted initial funding request (IFR).

Key Objectives	Status	Description
Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	In Progress	<p>The core team was identified and includes the Executive Sponsor, Judge James Mize, Superior Court of Sacramento; Project Manager, Rick Walery, CEO, Superior Court of San Mateo, along with support from the Judicial Council Information Technology Office (JCIT) subject matter experts (SMEs). The team is seeking a co-sponsor/business lead—TBD. Planning is underway to convene the core team members, SMEs, and CIO workplan authors for a project orientation. The meeting will reinforce the Chief's directive, set core team and support staff expectations, revisit the proposed workplan tasks, and brainstorm ways to update and execute Phase 1.</p> <p>Staff drafted and submitted an initial funding request to support more formalized and broader deployment of all three directives; unfortunately, the request did not make the short list of proposals recommended to advance to a BCP for FY19/20 due to competing priorities and program readiness.</p>
(a) Setup a technical lab environment at the Judicial Council or a local court to test the technical recommendations of the Futures Commission for this initiative.	Not Started	
(b) Pilot various voice-to-text language services in a lab environment, will allow for exposure to more technologies and shorter learning cycles than if a specific technology is deployed at a court for piloting.	Not Started	
(c) Capture learnings and draft a white paper report on the lessons learned, findings, and recommendations for next steps.	Not Started	
(d) Update Phase 2 of workplan based on results.	Not Started	
(e) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; annual agenda accordingly.	Not Started	

1.3. Futures Commission Directive: Remote Video Appearances for Most Non-Criminal Hearings (Phase 1)



Highlight: Held core team orientation for official handoff/knowledge transfer; submitted initial funding request (IFR).

Key Objectives	Status	Description
Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	In Progress	<p>Formed the core team, which includes the Executive Sponsor, Judge Samantha Jessner, Superior Court of Los Angeles; Business Lead, Jake Chatters, CEO, Superior Court of Placer; Project Manager, Alan Crouse, Deputy CEO, Superior Court of San Bernardino, along with support from the Judicial Council Information Technology Office (JCIT) subject matter experts (SMEs)—including from the Language Access Plan and VRI programs.</p> <p>On 3/22, held project orientation and knowledge transfer with core team along with the original workplan authors (Brian Cotta, Asst CEO, 5DCA and Jeannette Vannoy, CIO, Napa). The meeting reinforced the Chief's directive, set core team and support staff expectations and brainstormed ways to execute Phase 1. Since then, the core team updated the workplan and expects to set regular meetings, launch the initial discovery, and outreach to courts for participation.</p> <p>Staff drafted and submitted an initial funding request to support more formalized and broader deployment of all three directives; unfortunately, the request did not make the short list of proposals recommended to advance to a BCP for FY19/20 due to competing priorities and program readiness.</p>
(a) Identify and conduct a mock remote video hearing using a web conferencing system for a specific hearing type (e.g., Civil – Small Claims) as a Proof of Concept (POC) in a court. Include one or more mock hearings of the selected hearing type.	Not Started	
(b) Capture learnings and report findings.	Not Started	
(c) Update Phase 2 of workplan based on results.	Not Started	
(d) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; annual agenda accordingly.	Not Started	

2. Tactical Plan for Technology Update



Highlight: Membership roster approved and planning initiated.

Key Objectives	Status	Description
(a) Initiate workstream, including formation of membership and conduct orientation/kickoff meeting.	In Progress	Membership roster approved and planning kickoff in coordination with output from the Strategic Plan Update that is in progress.
(b) Review, gather input, and update the Tactical Plan for Technology.	Not Started	
(c) Circulate the draft plan for branch and public comment; revise as needed.	Not Started	
(d) Finalize, and seek approval by the JCTC and the Judicial Council; thereafter, formally sunset the workstream.	Not Started	

3. Video Remote Interpreting (VRI) Pilot



Highlight: VRI Pilot Project went live in January 2018. All 3 courts are live with the VRI equipment and have successfully completed multiple events.

Key Objectives	Status	Description
(a) Support implementation of the Assessment Period of the VRI pilot program (including kickoff, court preparations, site visits, and deployment), as requested.	In Progress	<ul style="list-style-type: none"> January 2018: Onsite training was conducted at the Sacramento, Merced and Ventura Superior Courts. January-April 2018: The three Superior Courts went live with the VRI pilot equipment. This first phase is for the courts to use the VRI equipment within their own courts. March-April 2018: SDSU Research Foundation (the independent evaluator) conducted onsite observations visits to gather additional data. May 2018: Plans to move into the second phase for the courts to share interpreters inter-court (between the courts) will take place.
(b) Review pilot findings; validate, refine, and amend, if necessary, the technical standards.	Not Started	
(c) Identify whether new or amended rules of court are needed (and advise the Rules & Policy Subcommittee for follow up).	Not Started	
(d) Consult and collaborate with LAPITF, as needed, in preparing recommendations to the Judicial Council on VRI implementations.	Not Started	
(e) Coordinate and plan with JCIT regarding operational support, if appropriate.	Not Started	

4. E-Filing Strategy



Highlight: Continued progress on EFM negotiations.

Key Objectives	Status	Description
(a) Finalize master agreements with the three (3) E-Filing Managers (EFMs) selected to provide services.	In Progress	We continue to negotiate with each of the 3 chosen EFM Vendors Tyler, JTI and ImageSoft. We are targeting end of April for execution of these Master Agreements.
(b) Develop the E-Filing Service Provider (EFSP) selection/certification process.	Not Started	
(c) Monitor the progress of EFSP accessibility compliance.	In Progress	JCIT issued a survey to collect accessibility information for AB 103, with responses due April 23. The Judicial Council is required to report to the Legislature on the current state of electronic filing and document service in the courts by June 30, 2018.
(d) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives.	Not Started	
(e) Report on the plan for implementation of the approved NIEM/ECF standards, including effective date, per direction of the Judicial Council at its June 24, 2016 meeting.	Not Started	
(f) Consult and report on the implementation of the court cost recovery fee that will support the statewide e-filing program.	Not Started	
(g) Coordinate and plan with JCIT regarding operational support of the ongoing e-filing program being funded through the court cost-recovery fee.	Not Started	
(h) At the completion of these objectives and with the approval of the JCTC, formally sunset the workstream.	Not Started	

5. Identity and Access Management Strategy



Highlight: Identity and Access Management service acquired: Microsoft Azure AD Identity Service.

Key Objectives	Status	Description
(a) Develop and issue an RFP for a statewide identity management service/provider; identify and select.	Complete	Microsoft Azure AD Identity Service acquired under a Leveraged Procurement Agreement (LPA), County of Riverside RFQ #PUARC-1518, Microsoft Master Agreement Number 01E73970.
(b) Develop the roadmap for a branch identity management strategy and approach.	Not Started	
(c) Determine policies and processes for identity management (including proofing and access management).	Not Started	
(d) Ensure linkage and alignment with other branchwide initiatives such as E-Filing, SRL Portal, Next Generation Hosting, CMS Migration and Development.	In Progress	Sponsors or project managers for the aligned initiatives are members of the workstream.
(e) Coordinate and plan with JCIT regarding operational support, if appropriate.	In Progress	JCIT staff are participating in the pilot at Los Angeles Superior Court and are on the workstream.

6. Self-Represented Litigants (SRL) E-Services



Highlight: Supported progress of the FY18/19 BCP; initiated RFP data collection.

Key Objectives	Status	Description
(a) Provide input for, and track, a SRL E-Services Budget Change Proposal (BCP) process for FY 18-19 funding.	In Progress	<ul style="list-style-type: none"> BCP for FY18/19 has been submitted to the Department of Finance Provided responses to questions from the DOF and LAO Support for legislative sessions and questions
(b) Develop requirements for branchwide SRL e-capabilities to facilitate interactive FAQ, triage functionality, and document assembly to guide SRLs through the process, and interoperability with the branchwide e-filing solution. The portal will be complementary to existing local court, and vendor resources.	In Progress	<ul style="list-style-type: none"> This is being done in conjunction with the next line item (c) as part of the development of the RFP
(c) Develop and issue a request for proposal (RFP) or other solicitation, as needed, to support the implementation of the branchwide e-services portal.	In Progress	<ul style="list-style-type: none"> Initial work has been started to reuse some of the common components and requirements from other recent RFPs issued but the JC.
(d) Determine implementation options for a branch-branded SRL E-Services website that takes optimal advantage of existing branch, local court, and vendor resources.	In Progress	<ul style="list-style-type: none"> JCIT is funding a project as a pre-cursor to the SRL portal project which will pilot a small subset of features to get some experience and understanding in this area.
(e) Coordinate and plan with JCIT regarding operational support, if appropriate. Note: In scope for 2018 is the submission and tracking of a budget change proposal (BCP) and development of an RFP; out of scope is the actual implementation.	Not Started	

7. IT Community Development



Highlight: Began initial planning and drafted program outline.

Key Objectives	Status	Description
Initiate new workstream: Identify sponsor and leads; form workstream membership; hold kickoff meeting(s).	In Progress	Sponsor has held brainstorming sessions to develop a workstream outline, draft a Charter document and organize the approach on how to execute on this initiative. Expected to outreach to branch for volunteers and seek approval of membership in early May.
(a) Survey the courts to identify (i) their interest in exploring opportunities to share key technical resources and (ii) IT leadership and resource development needs and priorities; report findings.	Not Started	
(b) Assess court CEO/CIO interest in an IT peer consulting program and develop recommendations.	Not Started	
(c) Partner with CJER to develop and implement an annual plan for keeping judicial officers, CEO's, and CIO's abreast of technology trends.	Not Started	
(d) Identify, prioritize, and report on collaboration needs and tools for use within the branch.	Not Started	
(e) Evaluate and prioritized possible technologies to improve advisory body and workstream meeting administration; pilot recommended solutions with the committee.	Not Started	
(f) Coordinate and plan with JCIT regrading operational support, as appropriate.	Not Started	

8. Intelligent Forms Strategy: Research & Scope (Phase 1)



Highlight: Presenting final recommendations for consideration by ITAC at its April 30 meeting.

Key Objectives	Status	Description
(a) Evaluate Judicial Council form usage (by courts, partners, litigants) and recommend a solution that better aligns with CMS operability and better ensures the courts' ability to adhere to quality standards and implement updates without reengineer.	Completed	Final recommendation, Target Solutions Two and Five: Create and publish Application Programming Interface (API) that will merge data files with Judicial Council forms
(b) Address form security issues that have arisen because of the recent availability and use of unlocked Judicial Council forms in place of secure forms for e-filing documents into the courts; seek solutions that will ensure the forms integrity and preserves legal content.	Completed	Final recommendation, Target Solutions One, Two and Five: Identify and deploy resources to certify all Judicial Council forms. Assign version numbering to all forms. Host all forms on a separate "Judicial Council forms server". Populate forms by merging data files with Judicial Council forms. Move away from filling out PDFs to completing web forms instead.
(c) Investigate options for redesigning forms to take advantages of new technologies, such as documents assembly technologies.	Completed	Final recommendation, Target Solutions Two, Six and Seven: The proposed solution will eventually separate the PDF from the data gathering tool, allowing a multitude of ways to populate forms, including third-party app developers. This proposal also recommends creating a clearinghouse for interview-based solutions so that best practices can be shared across platforms.
(d) Investigate options for developing standardized forms definitions and delivery methods that would enable forms to be efficiently electronically filed into the various modern CMSs across the state.	Completed	Final recommendation, Target Solutions Two, Four and Five: Standardize form field naming conventions by extending NIEM/ECF standards, preferably in collaboration with courts and vendors. Assign version numbering to all forms. Design form update governance standard to enable courts and vendors to easily identify changes.

8. Intelligent Forms Strategy: Research & Scope (Phase 1) (cont'd)



Highlight: Presenting final recommendations for consideration by ITAC at its April 30 meeting.

Key Objectives	Status	Description
(e) Explore the creation and use of court generated text-based forms as an alternative to graphic forms.	Completed	Final recommendation, Target Solution Six: Develop pilot project to create truly dynamic forms. Such forms include only mandatory items and any optional items that contain data, but would not display empty fields.
(f) Investigate whether to recommend development of a forms repository by which courts, forms publishers, and partners may readily and reliably access forms in alternate formats.	Completed	Final recommendation, Target Solution Two: Host all Judicial Council forms on a separate "Judicial Council forms server".
(g) Develop recommendations for a potential BCP to support proposed solutions. (Note: Drafting a BCP would be a separate effort.)	Completed	An Initial Funding Request for three additional positions to support the recommendations in the workstream's report was drafted and submitted to the JCTC and JBBC for consideration.
(h) Initiate Phase 2 of the workstream, based on the recommendations.	In Progress-Under Review	The workstream has submitted its final recommendation to ITAC for consideration at its April 30 meeting. In the workstream's review and discussions, it became clear that the proposed project is too complex for the current workstream membership to undertake. It will require technical resources that are not currently available. The workstream has proposed a roadmap for future efforts to modernize Judicial Council forms.

9. Digital Evidence: Assessment (Phase 1)



Highlight: Branchwide survey completed with 49 trial and appellate courts responding.

Key Objectives	Status	Description
(a) Review existing statutes and rules of court to identify impediments to use of digital evidence and opportunities for improved processes.	In Progress	Existing statewide statutes and rules reviewed and documented. Will review survey results for local rules and statutes.
(b) Survey courts for existing business practices and policies regarding acceptance and retention of digital evidence.	In Progress	Survey complete with 49 trial and appellate courts responding. Preparing survey results.
(c) Survey courts and justice system groups regarding possible technical standards and business practices for acceptance and storage of digital evidence.	In Progress	Branch wide survey complete with 49 trial and appellate courts responding. Justice partner surveys in progress.
(d) Report findings to ITAC and provide recommendations on next steps.	Not Started	
(e) Coordinate and plan with JCIT regarding operational support, if appropriate.	Not Started	

10. Data Analytics : Access and Report (Phase 1)



Highlight: Core team held orientation and conducted initial planning.

Key Objectives	Status	Description
(a) Research, scope, and recommend a data analytics strategy for the branch (e.g., this may include gaining case processing and resource data).	In Progress	The group met by phone two times during the quarter: March 5 and March 22, and is making plans for an in-person meeting in the late spring. The group is also identifying key participants to include in the workstream. Core team participants are also planning to attend the DataEdge Conference hosted at UC Berkeley in April.
(b) Investigate possible policies, processes, and technologies to help the branch utilize data analytics to improve business effectiveness.	Not Started	
(c) Assess priorities for data collection and present findings to ITAC.	Not Started	
(d) Identify possible data analytical tools and templates.	Not Started	

11.1. Disaster Recovery (DR) Framework Phase 1



Highlight: Completed Phase 1 workstream deliverables, including Judicial Council approval.

Key Objectives	Status	Description
(a) Coordinate with JCIT to define and plan the operational or ongoing support needed to maintain the <i>Disaster Recovery Framework Guide</i> and associated deliverables.	Completed	The final report included the recommendation that Judicial Council IT would update the document on a periodic basis, as needed.
(b) Seek approval of the proposed framework from the JCTC and adoption by the Judicial Council; thereafter, formally sunset this phase of the workstream.	In Progress-nearly complete	<p>Framework and toolkit was approved by the Judicial Council on March 2, 2018. Additionally, a presentation was made to the Executive Committees of the Trial Court Presiding Judges Advisory Committee and Court Executive Advisory Committee.</p> <p>Seeking formal approval from ITAC to sunset this phase of the workstream.</p>

11.2. Disaster Recovery (DR) Framework Phase 2



Highlight: Initiating workstream in coordination with Innovation Grant pilot.

Key Objectives	Status	Description
Initiate new workstream: Identify sponsor and leads; form workstream membership; hold kickoff meeting(s).	In Progress	Sponsor and Project Manager have been identified. Through our collaborative efforts initiated by the Innovation Grants funded Cloud-Based Disaster Recovery project, members representing 26 JBEs have formed two teams with the objective of crafting a branch-wide RFP that serves the majority of the courts. Kick-off meetings were held in November 2017, and the RFP is still in progress. We plan to seek members of the workstream from the RFP strategy and review teams.
(a) Leverage the innovation grant awarded to the Superior Court of Monterey County for a Cloud DR Pilot Program.	In Progress	We are currently in the midst of executing phase I of the innovation grant project – Issuance of the branch wide RFP to select a list of vendors and cloud based disaster recovery solutions. The next phase will include Monterey County Superior Court to select one for the award vendor solution, design and implement recovery for selected systems and programs.
(b) Recommend a list of critical technology services that make business sense for cloud-based recovery adoption.	Not Started	
(c) Establish a cloud DR master agreement with a short list of cloud service providers for judicial branch entities/courts to leverage.	Not Started	Master agreements expected to be in place June – July.
(d) Publish design solution templates using technologies and solutions from vendors selected in the cloud DR master agreement.	Not Started	
(e) Host knowledge sharing sessions for interested judicial branch entities/courts (including tools to estimate cost for deploying recovery solution using a particular cloud service provider; and Monterey solution case study).	Not Started	As part of the RFP for the Cloud-Based Disaster Recovery project, a proposal conference will be the first opportunity to build knowledge on the leveraging cloud technologies for disaster recovery. After the conclusion of the pilot phase, additional avenues for knowledge sharing will be made available to the judicial branch technology community.
(f) Provide input to JCIT that will be used in drafting a BCP to fund a pilot group of courts interested in implementing Cloud-based DR for critical technology services (see (b)).	Not Started	
(g) Coordinate and plan with JCIT regarding operational support, if appropriate.	Not Started	

12.1. Next-Generation Hosting Strategy Phase 1



Highlight: Completed Phase 1 workstream deliverables, including Judicial Council approval.

Key Objectives	Status	Description
(a) Coordinate with JCIT to define and plan the operational or ongoing support needed to maintain the <i>Next-Generation Hosting Framework Guide</i> and associated deliverables.	In Progress	
(b) Seek approval of the proposed framework from the JCTC and adoption by the Judicial Council; thereafter, formally sunset this phase of the workstream.	In Progress-nearly complete	Framework and toolkit was approved by the Judicial Council on March 2, 2018. Seeking formal approval from ITAC to sunset this phase of the workstream.

12.2. Next-Generation Hosting Strategy Phase 2



Highlight: No activity this period.

Key Objectives	Status	Description
Initiate new workstream: Identify sponsor and leads; form workstream membership; hold kickoff meeting(s).	Not Started	Awaiting formal sunset of Phase 1 and discussion at ITAC April 30 meeting.
(a) Identify and implement a pilot program to test the branch Next-Generation Hosting Framework and report findings. Pilot courts to include those with available funding; also, will include collaboration with courts already in progress of transitioning to next-generation hosting.	Not Started	
(b) Establish master agreements for cloud service providers. (Potential shared effort with DR Workstream initiative.)	Not Started	
(c) Establish the judicial branch support model for IT services.	Not Started	
(d) Determine funding mechanism to transition courts to new hosting models; this includes exploring a potential Budget Change Proposal (BCP)	Not Started	

13.1. Modernize Trial Court Rules



Highlight: Amendments to title 2, division 3, chapter 2 of the California Rules of Court were submitted for public comment.

Key Objectives	Status	Description
<p>(a) Proposals to create and amend rules to conform to legislation enacted in 2017. For example, new provisions of Code of Civil Procedure section 1010.6 expressly require the Judicial council to adopt rules of court related to disability access and electronic signatures for documents signed under penalty of perjury. The new provisions also require express consent for electronic service, which will require a rule amendment, and creation of a form for withdrawal of consent.</p>	In Progress	<ul style="list-style-type: none"> Amendments to title 2, division 3, chapter 2 of the California Rules of Court are being circulated for public comment. The proposed amendments respond to new requirements in Code of Civil Procedure section 1010.6, amend definitions in the rules, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers. Proposed Judicial Council form EFS-006, <i>Withdrawal of Consent to Electronic Service</i> is being circulated for public comment. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019. This is a joint proposal with the Civil and Small Claims Advisory Committee. <p>The public comment period ends on June 8, 2018.</p>
<p>(b) Proposals based on suggestions from the public such as revising definitions and addressing a barrier to indigent users accessing services of electronic filing service providers.</p>	In Progress	See above.
<p>(c) Proposals for technical amendments to amend rules language that is obsolete or otherwise unnecessary.</p>	In Progress	See above.

13.2 Standards for E-Signature



Highlight: E-signature rule proposal presented to CEAC Records Management Subcommittee and circulation for public comment.

Key Objectives	Status	Description
(a) CEAC Records Management Subcommittee to develop standards governing electronic signatures for documents filed into the court with input from the Court Information Technology Managers Forum (CIOs). Rules & Policy Subcommittee to review.	In Progress	<p>AB 976 amended Code of Civil Procedure section 1010.6 to require express consent for electronic service and not allow the act of electronic filing to be deemed as consent to electronic service. The proposed e-signature rule was presented to CEAC Records Management Subcommittee. The proposed rule defines electronic signature as it is defined in California's Uniform Electronic Transactions Act (UETA) and bases process for using an electronic signature under penalty of perjury on the process in UETA. The subcommittee did not raise any concerns with this approach. The rule proposal is being circulated for public comment. The public comment period ends on June 8, 2018.</p> <p>RPS still waiting on CEAC Records Management Subcommittee to develop standards, at which point RPS will review.</p>

13.3. Remote Access Rules for Government Entities, Parties, Attorneys



Highlight: The Joint Ad Hoc Subcommittee reviewed/approved rules proposal, which is currently posted for public comment.

Key Objectives	Status	Description
(a) Lead the Joint Ad Hoc Subcommittee on Remote Access to amend trial court ruled to facilitate remote access to trial court records by state and local government entities, parties, parties' attorneys, and certain court-appointed persons.	In Progress	The rule proposal has been reviewed and approved by RPS, ITAC, JCTC and RUPRO and is circulating for public comment. The public comment period ends on June 8, 2018.

13.4. Standards for Electronic Court Records as Data



Highlight: Members of CEAC Records Management Subcommittee have started working on this project.

Key Objectives	Status	Description
(a) CEAC Records Management Subcommittee – in collaboration with the Data Exchange Workstream governance body – to develop standards and proposal to allow trial courts to maintain electronic court records as data in their case management systems to be included in the “Trial Court Records Manual” with input from the Court Information Technology Managers Forum (CITMF). Rules & Policy Subcommittee to review.	In Progress	The CEAC Records Management Subcommittee held a preliminary meeting and has started work on this project.
(b) Determine what statutory and rule changes may be required to authorize and implement the maintenance of record in the form of data; develop proposals to satisfy these changes.	In Progress	Same as above.

13.5. Privacy Resource Guide



Highlight: The draft text of a Privacy Resource Guide (PRG) has been prepared and is continuing to be finalized.

Key Objectives	Status	Description
(a) Continue development of a comprehensive statewide privacy resource guide addressing, among other things, electronic access to court records and data, to align with both state and federal requirements.	In Progress	Finalizing the draft Privacy Resource Guide that will assist the branch in addressing privacy issues; this preliminary draft will be presented to the committee.
(b) Continue development of court privacy resource guide, outlining the key requirements, contents, and provisions for courts to address within its specific privacy policy.	In Progress	The Privacy Resource Guide will include a section on best privacy practices for local courts and model templates for them to use; this section has been outlined but has not yet been drafted. Legal staff has contacted various committees and divisions for assistance with this project.

14.1. Modernize Appellate Court Rules



Highlight: Rules proposals out for public comment; some items deferred for future rules cycle.

Key Objectives	Status	Description
(a) Formatting of electronic reporters' transcripts: Rule 8.144 was amended in the prior rules cycle to provide format requirements for electronic court reporter transcripts consistent with amendments to Code of Civil Procedure section 271. In this rules cycle JATS will consider whether additional amendments to Rule 8.144 are needed.	In Progress-Monitoring	To date, JATS has not received reports of issues or problems with the rule amendment in practice, and thus have no issues to examine. The subcommittee will continue to monitor and be responsive to comments or concerns as they are raised.
(b) Sealed & Confidential Material: Rules for the handling of sealed or confidential materials that are submitted electronically.	In Progress	This rule proposal was developed and is published for public comment, per approval of JATS and the Appellate Advisory Committee to circulate. ITAC will discuss its comments to the proposal at its April 30 meeting.
(c) Return of lodged electronic records: The trial court rule modernization changes made in 2016 amend rules 2.551(b) and 2.577d)(4) to give the moving party ten days after a motion to seal is denied, to notify the court if the party wants the record to be filed unsealed. If the clerk does not receive notification in then days, the clerk must return the record, if lodged in paper form, or permanently delete it if lodged in electronic form. JATS will consider whether equivalent appellate rules are desirable.	In Progress	This proposal was consolidated with the above proposal; the proposal is currently out for public comment and will be discussed at ITAC's April 30 meeting.
(d) Rule amendments regarding access: JATS will consider possible rule amendments to address online access to trial court records for parties, their attorneys, local justice partners, and other government agencies. The plan is for JATS to review what is ultimately proposed at the trial court level and use that as a basis for developing a companion proposal for access to appellate court records.	Not Started-On Hold	This project is dependent on pending action related to the trial court rules. JATS will review what is ultimately proposed for the trial courts and consider whether similar rules should be applied at the appellate court level.

14.1. Modernize Appellate Court Rules (cont'd)



Highlight: Rules proposals out for public comment; some items deferred for future rules cycle.

Key Objectives	Status	Description
(e) Bookmarking: The 2016 trial court rules modernization changes include a new requirement, added to rule 3.1110(f), that electronic exhibits be electronically bookmarked. This issue was set aside by JATS for 2016, to permit those appellate courts new to e-filing at the time (or not yet on e-filing at the time) a chance to gain some experience with e-filing before participating in statewide decisions on this topic.	Not Started-Deferred	This subject was consolidated with item (f) below. The subcommittee discussed this matter, which led to additional questions and issues. Thus, the subcommittee opted to defer this proposal until the next rules cycle—with the intention of including this on the 2019 Annual Agenda. In doing so, the subcommittee would like to broaden the scope of this subject to include consideration of formatting rules for e-filed documents generally.
(f) Exhibits: Create a requirement that exhibits submitted in electronic form be submitted in electronic volumes, rather than individually.	Not Started-Deferred	See above.
(g) Numbering of materials in requests for judicial notice: Consider amending rule 8.252, which requires numbering materials to be judicially noticed consecutively, starting with page number one. The materials are attached to a motion and declaration(s) and are electronically filed as one document, making pagination and references to these materials in the briefs confusing for litigants and the courts.	Not Started	This is a two year project. The subcommittee plans to start this work in the Fall of 2018.

14.2. Rules Regarding Certification of Electronic Records, E-Signature, and Paper Copies



Highlight: Start is dependent upon pending trial court rules proposal development.

Key Objectives	Status	Description
(a) Provide input on proposed changes to the trial court rules of court governing certifications of electronic records, standards for electronic signatures, and requirements for paper copies of e-filed documents that will impact the appellate courts.	Not Started	JATS is holding on this item while the Rules & Policy Subcommittee develops the applicable trial court rules.
(b) Consider whether to propose changes to the appellate court rules on this topic.	Not Started	This project is dependent on pending action related to the trial court rules. JATS will review what is ultimately proposed for the trial courts and consider whether similar rules should be applied at the appellate court level.

14.3. Input on Appellate Document Management System



Highlight: Ready to provide consultation, as needed.

Key Objectives	Status	Description
(a) Monitor and provide input on the implementation of a new document system (DMS) for the appellate courts.	In Progress-Monitoring	To date, JATS has not been requested to provide input. The DMS contract is now in place and is expected to move forward. JATS remains available to provide comment or input, as needed.

15. Liaison Collaboration



Highlight: Liaisons assigned; reports to be received at the next ITAC meeting.

Key Objectives	Status	Description
(a) Appoint ITAC members to serve as liaisons to identified advisory bodies.	Completed	Members assigned to liaison roles. Eliminated the liaison relationship with the Jury Instructions advisory body, due to a lack of need.
(b) Share ITAC status reports with advisory body chairs and attend liaison committee meetings.	In Progress	
(c) Identify opportunities to collaborate and share liaison feedback to ITAC, the JCTC, the Judicial Council, and the branch, as appropriate.	In Progress	Liaisons are invited to report at the April 30 ITAC meeting.