



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

June 21, 2019

10:00 AM to 12:00 PM

Teleconference

Advisory Body Members Present:	Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Jake Chatters; Mr. Brian Cotta; Hon. Julie R. Culver; Hon. Tara Desautels; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Mr. Paras Gupta; Senator Robert Hertzberg; Hon. Samantha P. Jessner; Hon. Kimberly Menninger; Hon. James Mize; Mr. Snorri Ogata; Mr. Darrel Parker; Hon. Alan G. Perkins; Hon. Donald Segerstrom; Hon. Peter Siggins; Hon. Bruce Smith; Ms. Jeannette Vannoy; Mr. Don Willenburg; Mr. David H. Yamasaki
Advisory Body Members Absent:	Assemblymember Marc Berman; Mr. Adam Creiglow; Hon. Joseph Wiseman
Others Present:	Hon. Marsha Slough; Ms. Heather Pettit; Ms. Jamel Jones; Mr. Alex Barnett (Sen. Hertzberg) Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Fati Farmanfarmaian; Mr. John Yee; Ms. Andrea Jaramillo; Ms. Nicole Rosa; Ms. Jessica Craven; 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 April 15, 2019, Information Technology Advisory Committee meeting.

There were no public comments for this meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Item 1

Chairs Report

Update from the ITAC Chair on business that impacts the advisory committee.

Presenter: Hon. Sheila F. Hanson, Chair

Update: Judge Hanson welcomed members to the teleconference ITAC meeting.

She advised members that at the Judicial Council meeting on May 17, 2019 the 2019-2020 Tactical Plan passed unanimously and received compliments from several council members. Judge Hanson thanked the workstream members, subject matter experts, Ms. Kathy Fink, and committee members for their dedicated work. She added that the updated plan is extremely robust and sets forth a very exciting path forward for court technology in the next couple of years.

Judge Hanson provided an update on workstream governance. There was a brainstorming session to discuss benefits and challenges associated with the current workstream model, and the feedback received was greatly appreciated. Collaboration with members and staff continues to refine and mature the model to make it more supportive and sustainable. Judge Hanson expects to share more at the August ITAC meeting.

Finally, she welcomed newly appointed to ITAC Senator Robert Hertzberg. Senator Hertzberg serves District 18 in the San Fernando Valley. He also served as a State Assemblymember from 1996-2002. The ITAC chairs recently held an introductory call with Senator Hertzberg to outline ITAC's current efforts. Judge Hanson noted she's excited by the Senator's enthusiasm for the work that ITAC does and is looking forward to collaborating with him and his staff.

Item 2

Judicial Council Technology Committee Update (JCTC)

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

Presenter: Hon. Marsha Slough, Chair

Update: Justice Slough provided a JCTC update. Since the April ITAC meeting update, JCTC held a May 15 meeting, during which Judge Hanson updated ITAC activities, as well as provided an informal presentation on the outstanding Appellate rules proposals. At the Judicial Council meeting held the next day, Justice Chin provided the update on activities for both JCTC and ITAC to the council members. The next JCTC meeting will be on July 8 by teleconference. Justice Slough thanked Judge Hanson, ITAC members, and staff for their service.

Item 3

Budget-related Updates

(a) Branchwide Budget Update

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, Budget Services

Mr. Theodorovic provided an update on the branch budget. The budget will be signed in June. There is over \$40 million dollars for improvements. There is \$23 Million for trial court case management system, for another 10 courts. The Futures Commission directives have also been funded. The Phoenix Roadmap was funded, \$7.7 million to fund projects. Digitizing records funded \$5.6 million for first phase for trial and appellate courts. FISCAL is completing its first year and funding was given for additional staff to help in finance. New BCPs submissions are due in September to Department of Finance.

(b) FY19/20 Technology Budget Change Proposal (BCP) Update (Report)

Overview and update regarding the FY19/20 technology BCPs and their status.

Presenter: Ms. Heather Pettit, Chief Information Officer

Ms. Pettit outlined the projects that JCIT has already begun the paperwork for recruitment for the approved projects once the budget is signed. The projects include: Case Management System Replacement; Phoenix System Roadmap; Digitizing Documents for Courts – Phase 1; Data Analytics & Futures Commission IT Directives. They will also begin reviewing pilot courts for digitizing court documents and finalizing CMS vendor contracts.

(c) FY20/21 Technology Budget Change Proposal Update (Report)

Overview and update regarding the FY20/21 technology Initial Funding Requests (IFR)/Concepts, which precede full BCP development.

Presenter: Ms. Heather Pettit, Chief Information Officer

Ms. Pettit explained the IFR/Concepts for Digitizing Documents will be done in phases, so requesting funds for Phases 2 and 3. Also that the IT Modernization combines and includes: Pilot Next-Generation Hosting concepts at 1+ court; Disaster Recovery (initial funding); Modernization of Judicial Council Forms Technology (intelligent forms); and Productizing Court Innovations. These will be presented to the Judicial Council mid-July for approval to develop into full BCPs.

Item 4

2019 Annual Agenda – Date Extension Requests (Administrative)

Provide a brief general description of the subject matter to be discussed or considered.

Presenter: Hon. Sheila F. Hanson, Chair

Judge Hanson received three extension requests from workstreams and asked the members if they had any objections to allowing the following extensions.

- The Futures workstream related to Voice-to-Text Language Services, is requesting to extend the date of its Phase 1 efforts to December 2019. Due to a later start than anticipated, they have additional research to perform before presenting their findings.
- The E-Filing workstream are requesting a December 2019 extension as a result of delays in finalizing the e-filing manager master services agreements.
- Lastly, the Identity and Access Management workstream is also requesting an extension to December 2019 as their roadmap track needs additional time for research and planning.

Members agreed with the Chair to approve these extensions and have staff amend ITAC's Annual Agenda.

Item 5

Self-Represented Litigants (SRL) E-Services Phase 2 Workstream Sunset (Action Required)

Provide a brief general description of the subject matter to be discussed or considered.

Presenters: Brett Howard & Mark Gelade

Mr. Howard and Mr. Gelade gave their final presentation of the SRL e-Services workstream. They were charged to provide input on the BCP for funding, develop requirements, determine options for implementing, issue a Request for Proposal (RFP), and operationalize program support. The workstream kicked off in 2016 and provided their final RFP reviews in 2019. Deliverables included a Request for Information (RFI), awarded BCP funding for FY18-19 (\$3.2M) and FY19-20 (\$1.3M); and issuing RFPs for open source web content management, visual & interaction design, and interactive instructional content. They thanked current and former Sponsors, and all the workstream members for their dedicated work.

Motion to sunset the SRL workstream.

Approved.

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

July 2, 2019

12:00 PM - 1:00 PM

Teleconference

Advisory Body Members Present: Hon. Sheila F. Hanson, Chair; Hon. Louis R. Mauro, Vice Chair; Mr. Jake Chatters; Mr. Brian Cotta; Mr. Adam Creiglow; Hon. Julie R. Culver; Hon. Tara Desautels; Mr. Paras Gupta; Hon. Kimberly Menninger; Hon. James Mize; Mr. Snorri Ogata; Hon. Alan G. Perkins; Hon. Donald Segerstrom; Hon. Peter Siggins; Mr. Don Willenburg; Mr. David H. Yamasaki

Advisory Body Members Absent: Assemblymember Marc Berman; Ms. Alexandra Grimwade; Hon. Michael S. Groch; Senator Robert Hertzberg; Hon. Samantha P. Jessner; Mr. Darrel Parker; Hon. Bruce Smith; Ms. Jeannette Vannoy; Hon. Joseph Wiseman

Others Present: Ms. Heather Pettit; Ms. Jamel Jones; Mr. Richard Blalock; Ms. Camilla Kieliger; Ms. Fati Farmanfarmaian; Mr. John Yee; Ms. Andrea Jaramillo; Ms. Nicole Rosa; Ms. Jessica Craven; Ms. Jackie Woods; and other JCC staff present

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:05 PM and took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

Hon. Shelia Hanson welcomed members and explained the reason for this meeting was to review several rule changes that, if approved by ITAC they will be recommended to the Judicial Council.

Item 1

Court of Appeal Service Copy of a Petition for Review (Action Required)

Review public comments and decide whether to recommend the Judicial Council amend the rule regarding petitions for review in the California Supreme Court to remove the outdated requirement to send to the Court of Appeal a separate service copy of an electronically filed petition for review.

Presenters: Hon. Louis Mauro, Chair, Joint Appellate Technology Subcommittee
Mr. Eric Long, Attorney II, Legal Services

Action: Justice Mauro indicated that Rule 8.500 of the California Rules of Court amendment has been out for public comment and there were no contrary comments, the change to the rule is because the vendor ImageSoft now sends the electronic copy to the courts of appeal and it is no longer necessary for the party to provide unless it is in paper.

Motion to recommend the Judicial Council amend the rule regarding the service copy of a petition for review.

Approved.

Item 2

Uniform Formatting Rules for Electronic Documents (Action Required)

Review public comments and decide whether to recommend the Judicial Council amend the rules regarding format of documents to create uniform formatting rules for electronic documents filed in the appellate courts.

Presenters: Hon. Louis Mauro, Chair, Joint Appellate Technology Subcommittee
Mr. Eric Long, Attorney II, Legal Services

Action: Justice Mauro stated there was significant public comment on Rule 8.40 of the California Rules of Court. Some comments include: too many cross references, the change will to include just paper.

Rule 8.46 is regarding sealed records changes.

Rule 8.72 the advisory committee comment suggests using a virus scanning program for electronic files.

Rule 8.74 commenters pointed out that some documents cannot be formatted for the appellate courts, having been created for either trial courts or another purpose. The rule change acknowledges this by breaking the rule into subdivisions by types of documents.

No objection to leave change as is by adding (OCR) and not including the word software.

Rule 8.74(a)(5) refers to the documents size requirements. It has been confirmed that the limit is 25 megabytes in volumes of 300 pages.

Rule 8.74(a)(6) the change allows up to 9 electronic files before needing to manual file. Subdivisions (b) and (c) also allow more electronic files. Subdivision (d) change states that filer must maintain the original.

Rule 8.74(a)(8) allows color within the 25 megabytes.

Rule 8.74(a)(9) makes sure documents are self-contained.

Rule 8.74(b)(1) allows Times New Roman font, but preference is Century School Book; (3) pertains to margins; (5) clarification regarding hyperlinks.

Rule 8.74(c) is a new subdivision that pertains to rules regarding specific documents. (1) applies to briefs to make them more specific; (2) & (4) are deleting reference to another rule; (7) sealed and confidential records makes it more consistent with the Supreme Court.

Finally, there are some technical changes for the court.

Motion to recommend the Judicial Council amend the rules regarding formatting of documents to create uniform formatting rules for electronic documents in the appellate courts.

Approved.

Item 3

Trial Court Rules and Statutes Revisions: Proposal to Amend the Penal Code Section 1203.01 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Penal Code section 1203.01. The proposed amendments provide an electronic alternative to mailing certain statements and reports.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins presented proposed changes to Penal Code section 1203.1. The first change allows for electronic transmittal if the court chooses, the second part allows the person to opt out by written notice.

Motion to recommend the Judicial Council sponsor legislation to amend the Penal Code section 1203.01 to provide an electronic alternative to mailing certain statements and reports.

Approved.

Item 4

Trial Court Rules and Statutes Revisions: Proposal to Amend the Code of Civil Procedure Section 1010.6 (Action Required)

Review public comments and decide whether to recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6. The proposed amendments allow courts to recover actual costs of permissive electronic filing and mandatory electronic filing by court order, just as they can with mandatory electronic filing by local rule, and clarify a provision for signatures made not under penalty of perjury to account for signatures of non-filers.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins noted there are two statutory changes being proposed. The first is subsection (a) changes requirements of certain documents not under penalty of perjury when filed, no comments received. Subsection (b) received a comment regarding the change that allows the court may charge no more than the court's cost. This section was also moved around for flow, but not language changed.

Motion to recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6.

Approved.

Item 5**Trial Court Rules and Statutes Revisions: Proposed Amendments to the Electronic Filing and Service Rules (Action Required)**

Review public comments and decide whether to recommend the Judicial Council approve amendments to the electronic filing and services rules. The proposed amendments to rule 2.251 clarify how notice of consent to electronic service is to be given and provide an advisory comment on consent language. The proposed amendments to rule 2.257 revise language on signatures of opposing parties, and make minor revisions consistent with Code of Civil Procedure section 1010.6.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins explained the rule proposal changes in 2.251 that refers to electronic filing and service rules. It clarifies notice of consent and provides an advisory committee comment.

Rule 2.257 revises language of opposing party signatures and includes revisions for consistency to mirror Code of Civil Procedure section 1010.6. Based on comments received, will mirror government code regarding documents signed under penalty of perjury at the time signed.

Motion to recommend the Judicial Council approve amendments to the electronic filing and service rules as presented.

Approved.

Item 6**Trial Court Rules and Statutes Revisions: Proposed Amendments to the Rules on Remote Access to Electronic Records (Action Required)**

Review public comments and decide whether to recommend the Judicial Council approve amendments to the rules on remote access to electronic records. The proposed amendments to rule 2.540 add more clarity and additional local government entities.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Justice Siggins noted that when the Rules on Remote Access to Electronic Records was updated last year, some were left out of the list. This amendment is to add the county public conservator: criminal electronic records, mental health records, probate electronic records and the county public administrator's probate electronic records.

Motion to recommend the Judicial Council approve amendments to the rules on remote access to the electronic records.

Approved.

ADJOURNMENT

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

Approved by the advisory body on enter date.

CALIFORNIA JUDICIAL BRANCH

ITAC Intelligent Chat Workstream

Findings and Recommendations Report

AUGUST 6, 2019



JUDICIAL COUNCIL
OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE

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1.0 EXECUTIVE SUMMARY

The Information Technology Advisory Committee convened the Intelligent Chat Workstream in July 2018 in response to direction from Chief Justice Tani G. Cantil-Sakauye to explore and make recommendations related to the use of intelligent chat technology for informational and self-help services. This directive followed the recommendation of the Commission on the Future of California's Court System (Futures Commission) to use intelligent chat services to enhance judicial branch service by efficiently, consistently, and reliably answering frequently asked questions.

The Intelligent Chat Workstream had the following goals:

- (1) Prioritize the use case scenarios most critical to the branch.
- (2) Identify legislative policies that may be an obstacle for intelligent chat.
- (3) Determine whether any legislative or internal policies are necessary to enable the adoption of intelligent chatbots.
- (4) Assess and recommend technology platforms to explore.
- (5) Submit comprehensive findings and recommendations.

The workstream was organized into the following three tracks:

- Business and Court Operations
- Technology
- Policy and Legislative

Each track held regularly scheduled conference calls to discuss their assigned issues, and track leads had regular check-ins with the chair and staff. Workstream members researched a variety of topics. For example, the Business and Operations Track referenced the California Courts Online Self-Help Center website to identify chatbot topic areas. The Technology Track researched chatbot vendor products and services, and the Policy and Legislative Track researched privacy policies and any legislation pertaining to public agency use of chatbots. Through this research, each track then developed key findings, deliverables, and recommendations.

This report presents the business case for chatbots, provides background research on the current state of chatbot technology, and describes the workstream's key findings, deliverables, and recommendations.

2.0 INTRODUCTION

To improve public access to justice and to better serve current and future generations of Californians, the judicial branch of California uses intelligent chat technology to provide information and self-help services.

– *Intelligent Chat Workstream Mission Statement*

Transformational technology has impacted every aspect of our lives such that we have come to expect it. Waiting more than a split second for a web page to load is unacceptable. A ride share service that takes more than a few minutes to arrive is considered slow. Same-day package delivery is the new standard for shipping. In rapid fashion, online content morphed from static text on a screen to sites and apps that anticipate our needs and deliver a custom experience. Users expect this immediate personal attention and are dissatisfied with confusing, outdated and inefficient government technology that lags behind the private sector. (Dudley et al.)

In 2014, the Chief Justice charged the Futures Commission with exploring transformative ideas to improve access to justice. The Futures Commission envisioned intelligent chat (a chatbot) that could understand natural language, explain a court process, look up a case, and direct a customer to a live agent. The chatbot would be available in multiple languages and be compliant with Americans with Disabilities Act (ADA) requirements. Further, its intelligence would increase over time with machine learning,¹ enabling it to serve more people. The chatbot would handle frequently asked and simpler questions, thus freeing staff up to address the more complex issues litigants face.

“There’s nothing artificial about AI. It’s inspired by people, it’s created by people and—most importantly—it impacts people.”

– *Fei Fei Li, Co-Director, Institute for Human-Centered Artificial Intelligence, Stanford University*

The Information Technology Advisory Committee (ITAC) convened the Intelligent Chat Workstream in response to the Chief Justice’s directive to research chatbot technology and the possibility of a pilot program.

Building on earlier court efforts with live chat and basic chatbots, the workstream explored the latest developments in the field and now proposes a path forward that would deliver chatbots that meet and even exceed public expectations for access to the courts.

¹ “[M]achine learning is ‘the craft of having computers make decisions without providing explicit instructions, thereby allowing the computers to pattern match complex situations and predict what will happen.’ ” (Taulli; quoting Venkat Venkataramani, co-founder and CEO of Rockset, a Bay Area search and analytics company).

3.0 GOAL ALIGNMENT

The Chief Justice directed ITAC to explore and make recommendations related to the use of intelligent chat technology for informational and self-help services. This directive followed the recommendation of the Futures Commission to use intelligent chat technology to enhance judicial branch service by efficiently, consistently, and reliably answering frequently asked questions. It is consistent with two of the judicial branch's goals set out in the *Strategic Plan for Technology 2014–2018*, Promote the Digital Court and Optimize Branch Resources.

4.0 LIVE CHAT AND CHATBOTS DEFINED

4.1 Live Chat

Live chat is early chat technology that requires a human agent and a platform with an interface that enables users to enter their questions and receive responses. It also typically allows the user to print a transcript, can be multilingual, and can have a built-in evaluation system. “Dashboard” features allow a program manager to monitor usage, review past chats, and access analytics. Because the branch conducted a pilot project providing live chat for court users needing information about legally changing a name, it is included in figure 1 below as a level 0 chat interface (“CFCC Self Help Live Chat”).

The live chat pilot project captured questions and answers for approximately 1,350 court users. This data will be invaluable in training chatbots because, according to the IBM developer's blog, when training a chatbot, “It is important that the utterances come from end-users. Trying to guess what end-users would say may be acceptable for initial setup but you should plan to collect and leverage real end-user utterances” (Kozhaya).

4.2 Chatbots

A chatbot “is a computer program that is capable of having a human-like conversation with a user by receiving and sending text messages for the purpose of automating a business process.” (Bradford; quoting Hristo Borisov, director of product management at Progress, an app development platform provider). They can be described in three levels of progressive sophistication (Smiers) that build on each other:

- Level 1 is a basic bot. These bots are rule-based and follow a decision tree where each action by the user prompts the bot to take action or respond. The system can only understand predefined sentences that are provided to the user in a menu (Sengupta and Lakshman).

- Level 2 extends the ability of the level 1 chatbot by incorporating natural language processing (NLP)² to develop contextual understanding.³ Users can communicate in their own words. The system uses NLP to determine the intent related to the immediate conversation. Sentences that cannot be related to intent can be used as new input for training the model. Complexity is driven by the need to find the right natural language processing tool, training the bot to understand in the appropriate context, and deciding what information to store.
- Level 3 incorporates all the capabilities of a level 2 chatbot with enhanced abilities, using AI (artificial intelligence), to develop understanding through the entire context of the conversation information, including historical analysis from previous conversations with an end user as well as those of other end users. Data can be fed into the training model or the model can use machine learning. The complexity of these chatbots lies in the variations of user input, historical analysis, training, and natural language processing combined to provide an answer.


The judicial branch has gained experience with level 1 bots (the Superior Court of Los Angeles County's Gina traffic court avatar and the California Appellate Courts Self-Help Resource Center chatbot) and is currently working on level 2 bots (the Ability to Pay Chatbot and the Los Angeles court's Jury Chatbot).

² Natural language processing is a form of artificial intelligence that analyzes the human language. It takes many forms, but at its core, the technology helps machines understand, and even communicate with, human speech (Mills).

³ Contextual understanding is continuing to evolve. Current chatbots may have a basic ability to track the context of their conversation based on a combination of machine learning and conversational flowcharts or dialog managers, but deeper contextual understanding will be more like the human mind in that it will be able to reason (Voss).

Figure 1

Chatbot Maturity Model



	Level 0	Level 1	Level 2	Level 3
General Description	Live Chat	Basic Bot	Contextual Understanding	Self-Learning
Level of Automation	<ul style="list-style-type: none"> Not Applicable 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Semi-Assisted/ Requires Human management and controls 	<ul style="list-style-type: none"> Fully Automated
Key Characteristic	<ul style="list-style-type: none"> Human operated conversation 	<ul style="list-style-type: none"> Human to Bot Structured Conversation Simple Q&A Menu based Word based One Language 	<ul style="list-style-type: none"> Human to Bot Unstructured Conversation Natural Language Understanding Line based intelligence Mood detection Multi-channel & language Support 	<ul style="list-style-type: none"> Human to Bot Unstructured Adaptive Conversation Bot to Bot Conversation based intelligence Machine Learning Artificial Intelligence
Applications at the Courts	<ul style="list-style-type: none"> CFCC Self Help Live Chat San Mateo Live Chat 	<ul style="list-style-type: none"> Traffic Avatar @ <ul style="list-style-type: none"> LA (Gina) Riverside (Iris) Yolo Alameda (Mia) Appellate Self Help 	<ul style="list-style-type: none"> Appellate Self Help chatbot ATP Chatbot* LA Jury Chatbot* <p>* Planned</p>	NONE AT THIS TIME

Most of the features that the Futures Commission envisioned for chatbots can be addressed with level 2 chatbots. Though this can address users’ initial needs, it requires continual human maintenance and upkeep. Enhancing the ability to provide more effective and efficient service would require maturing chatbots to a level 3, incorporating machine learning, artificial intelligence, and integration to help enhance access for the general public.

Chatbot feature identified by Futures Commission	Level
1. Multilingual capability.	2
2. Identify the need and redirect customers to a live agent.	2
3. Integrate with case management systems to enable online access to case information.	1, 2
4. Natural language processing to understand questions written in a customer’s own words.	2
5. Machine learning to allow the chat system to become smarter over time.	3

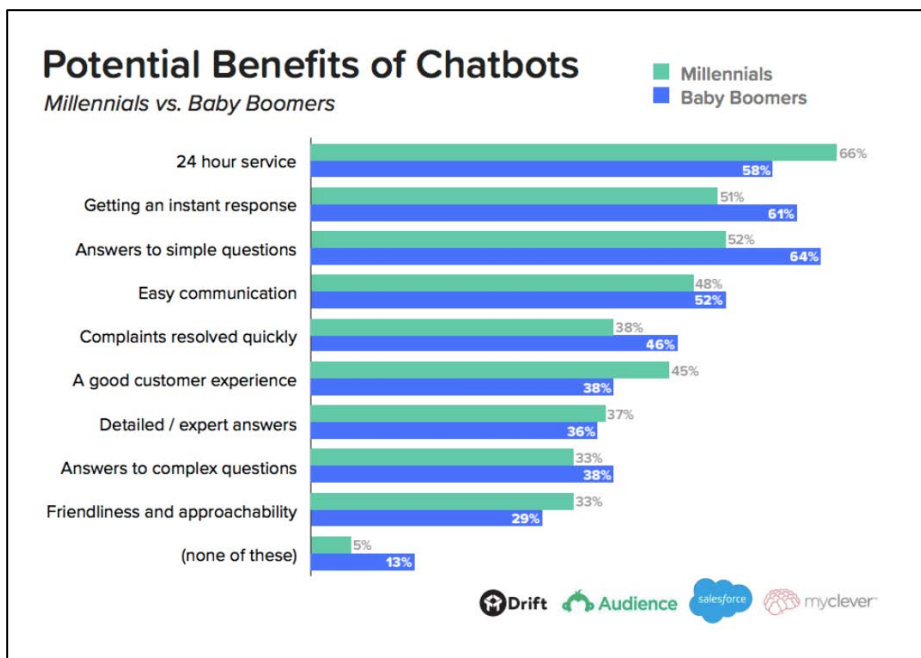
5.0 BENEFITS AND RISKS OF CHATBOTS

5.1 Research Findings

A few studies have shown that consumers gravitate toward chatbots to save time. In a 2018 survey of 1,000 respondents, Usabilla, a website and app survey company, found that while 18 percent of consumers would prefer to speak with a person, 70 percent report having used a chatbot and would do so again to save time. Over half of the respondents would choose a bot over a human if it saved them 10 minutes. However, this same study showed that consumers find human interaction more enjoyable and necessary to solve complex problems (Brown).

In a joint project, “The 2018 State of Chatbots Report,” MyClever, Salesforce, and others likewise found that 69 percent of consumers surveyed would use a chatbot to save time. Baby boomers were sometimes more likely to agree that a specific chatbot use case would be beneficial than were millennials (see figure 2). Most respondents agreed that chatbots work best for answering quick and simple questions as opposed to solving complex issues (Sweezy).

Figure 2



In a study of 3,500 consumers, Pegasystems, which develops customer relationship management software, found that most respondents reported chatbots as somewhat helpful, but generally only for simple tasks. Ying Chen, head of product marketing and platform technologies for Pegasystems, commented, “To truly depend on digital channels as the first line of defense in customer service, smart businesses need to unite their chatbots with the enterprise systems that can do real work—not just fetch bits of random information. At the same time, they must apply advanced artificial intelligence to deliver true personalized interactions in real time” (Consumers: Chatbots).

The same study identified use cases most often favored by consumers, again reinforcing that bots can be helpful and offer time-savings for answering basic questions about:

- Tracking an order (60 percent selected);
- Finding basic information (53 percent selected); and
- Asking basic questions (49 percent selected).

5.2 Benefits

The Superior Court of Los Angeles County’s traffic court avatar, Gina, illustrates the benefits of chatbots within the judicial branch. According to the Self-Represented Litigation Network, implementation of Gina in combination with the newly revamped online traffic system, has cut the wait time at traffic court from 2.5 hours to 8 to 12 minutes. Gina handles 200,000 interactions a year, which, combined with the new traffic system, allows users to take care of their traffic citations without ever coming to the courthouse (“Gina—LA’s Online Traffic Avatar”).

The name-change live chat pilot has also demonstrated the need and appreciation for online services. The day the service launched on the “Name Change” page of the California Courts Online Self-Help Center website, the first chatter materialized within a few minutes. Over 1,350 users were served in 180 hours with nearly 100 percent positive ratings. Customers often commented that the service saved them a trip to the courthouse.

Chatbots have the potential to bring significant benefits to courts and litigants in key areas identified by the Futures Commission, the judicial branch’s *Strategic Plan for Technology*, and the *Tactical Plan for Technology*. Some of the specific types of benefits are outlined below.

Priority	Category	Explanation
1	Improved Efficiency	Increases court efficiency in triaging self-help assistance and answering frequently asked questions, freeing court staff to assist court users with more complex and individualized questions.
2	Improved Access	Provides more interactive assistance for court users, especially for self-represented litigants. Technology can be used on mobile platforms and allows users alternative means to access information, forms, and services. Chatbot is available online 24/7, significantly expanding court access outside traditional operating hours and improving access for users in more rural counties who often have significant travel time just getting to court.
3	Improved Services	Court users do not have to search multiple court webpages to identify information, forms, or services.
4	Improved Processes	Chatbot systems can be monitored and analyzed to see where process improvements can be made. Understanding the inquiry requests and patterns will enable enhancement of processes to serve court users more efficiently.

5.3 Risks

A few high-profile chatbot failures demonstrate some risks associated with chatbots. Facebook's M was delivered within Facebook Messenger and designed to behave as a personal assistant that could make restaurant reservations, change flights, and send gifts. While customers with access to the test system loved it, it never reached more than 30 percent automation. In other words, M required too many humans, making it a cost center for Facebook. In comparison to Alexa, M tried to fulfill too many requests (Griffith and Simonite). Facebook also found that simple requests became more complex as the conversation continued, causing the natural language processing engine to fail. This same conversation pattern was observed in the branch's name change live chat pilot as well. Some users who initially asked about courthouse location ended up asking detailed questions about the process for changing their names.

“What is most urgently needed now is that these ethical guidelines are accompanied by very strong accountability mechanisms.”

– *Kate Crawford, AI Now Institute*

In a highly publicized incident, malicious users trained Microsoft's Twitter chatbot “Tay” within hours to tweet racist, sexist, and homophobic content as well as conspiracy theories (Price). The event exposed the need for more research and improved technology before self-taught chatbots are ready for mass consumption (Gershgorn). Accordingly, emerging technologies are increasingly focusing on AI ethics and transparency. In 2016, Mark Riedl, an artificial intelligence researcher at Georgia Tech, proposed and developed training models based on stories. In Dr. Riedl's vivid example, consider a chatbot that needs medicine and determines that stealing is the most efficient way to obtain it. Through stories, the chatbot would learn that getting a prescription, waiting in line, and paying for the medicine is the ethical way that protagonists would meet their needs (Conn). In 2017, Kate Crawford and Meredith Whittaker, who founded the AI Now research institute at New York University, released a report with recommendations for ensuring development of ethics for AI. They stress that such ethics must be “baked in” to AI products, rather than considered as an afterthought (Rosenberg).

6.0 WORKSTREAM APPROACH

The Intelligent Chat Workstream established goals related to developing business requirements, assessing available technology, and researching the need for chatbot policies at project inception. To meet these goals, workstream members were assigned to the following three tracks:

- Business and Court Operations
- Technology
- Policy and Legislative

Track leads were designated and met separately with the chair to ensure coordination of the work. This was essential during phases such as developing metrics on which to assess vendors' ability to meet the requirements and in developing KPIs (key performance indicators).

Each track met every two weeks to discuss the objectives, provide input on artifacts, and to determine next steps. Additional meetings were scheduled as needed. Track leads met with the workstream chair every two weeks to coordinate efforts, as did the entire workstream for general project updates.

For the proof of concept component of the project, workstream staff reached out to courts previously awarded grants from the Court Innovations Grant Program to develop chatbot services. These information sharing discussions provided insight into technologies in development and provided the opportunity to vet the business requirements (see Appendix C). Most importantly, courts that were awarded innovation grants assessed their projects based on the requirements, thus providing invaluable information about how they can be used in a court setting in other applications.

Section 7 details the objectives, key findings, and deliverables of each track. In summary, the tracks were able to accomplish each of the workstream goals, as indicated below.

Workstream Goals	Complete
(1) Prioritize the use case scenarios most critical to the branch.	✓
(2) Identify legislative policies that may be an obstacle for intelligent chat.	✓
(3) Determine whether any legislative or internal policies are necessary to enable the adoption of intelligent chatbots.	✓
(4) Assess and recommend technology platforms to explore.	✓
(5) Submit comprehensive findings and recommendations.	✓

7.0 WORKSTREAM TRACKS

7.1 Business and Court Operations Track

7.1.1 Objectives

- Collect and assess current chat/chatbot projects.
- Define and prioritize use cases and scenarios.
- Develop list of business requirements.

- Identify KPIs and benchmark before/after success (shared task with Technology and Policy Track and Legislative Track).

7.1.2 Key Findings

- Subject matter experts are crucial to developing appropriate chatbot interactions.
- The California Courts Online Self-Help Center website is an excellent source of content to define chatbot topics.
- There is a vast amount of content, so subject matter prioritization for inclusion is critical.

7.1.3 Deliverables

Appendix	Deliverable
B	Use case scenarios
C	Intelligent chat business requirements and metrics*
D	Chatbot KPIs*

* Shared with Technology Track.

7.2 Technology Track

7.2.1 Objectives

- Perform investigation and research needed and desired chatbot capabilities.
- Evaluate and assess vendor technology capabilities.

7.2.2 Key Findings

- Most of the effort in chatbot development is in building chatbot content, including identifying questions and appropriate responses.
- Live chat transcripts are excellent sources for building content and training chatbots.
- Machine learning and artificial intelligence need more time to mature and develop best practices for chatbot application.

7.2.3 Deliverables

Appendix	Deliverable
C	Intelligent chat business requirements and metrics*
D	Chatbot KPIs*

* Shared with Business and Operations Track.

7.3 Policy and Legislative Track

7.3.1 Objective

- Identify the need for new rules, legislation or policies to authorize the use of intelligent chat services.

7.3.2 Key Findings

- The workstream found that there was no need for legislative changes to allow for the use of chatbots. The ITAC Rules and Policy Subcommittee’s Privacy Resource Guide would be referenced for any future rules and legislative proposals.
- There are several policies relating to multiple technology platforms that need to be identified to ensure that chatbot policies align with those of the branch and courts. This effort will be coordinated through the Judicial Council Information Technology web governance team.
- Data ownership must be addressed in collaboration with the Data Analytics Workstream.
- The public must be informed that they are interacting with a bot per Business and Professions Code section 17941.
- The track developed language for policies and disclaimers that should be considered before launching a chatbot service.

7.3.3 Deliverables

Appendix	Deliverable
E	Example of Chatbot Disclaimer
F	Example of Compliance Policies
G	Example of Applicable Use Policy

7.4 Proof of Concept

Staff reached out to courts and leveraged the learnings from chatbot projects throughout the judicial branch, including the Court Innovations Grant Program. This cost-effective approach provided valuable information for the intelligent chat project. Workstream staff developed a set of questions to guide the discussion. They also asked that court staff review the chatbot business requirements to consider the extent to which their projects aligned with those requirements. Courts provided suggestions for further development of the requirements based on their own projects.

Courts with chatbot or live chat projects are listed below:

- Fifth Appellate District of the Court of Appeal
- Superior Court of Los Angeles County
- Superior Court of Riverside County
- Superior Court of Yolo County
- Superior Court of San Mateo County

- Superior Court of Alameda County

Key Findings

- Courts were able to assess their projects in terms of the business requirements.
- Chat/chatbot platforms ranged from live chat services to cloud-based chatbot services.
- The Superior Court of San Mateo County is implementing a live chat for their jury services.
- The Superior Court of Los Angeles County developed and implemented their traffic avatar (Gina), a level 1 chatbot service.
- The Los Angeles court is also developing a jury services chatbot that will leverage a level 1 chatbot with integration with the jury management system.
- The Riverside and Alameda courts implemented their traffic avatars (Iris and Mia, respectively), leveraging the design from the Los Angeles court's traffic avatar.
- The Superior Court of Yolo County is planning to implement their traffic avatar leveraging the Los Angeles court's traffic avatar design.
- The Fifth Appellate District of the Court of Appeal developed and implemented a level 1 chatbot for the appellate courts self-help website.

8.0 RECOMMENDATIONS

8.1 Chatbot Services

- (1) Establish an intelligent chatbot program to be administered by the Judicial Council's Information Technology office with an advisory board made up of stakeholder representatives from the branch to provide direction.
- (2) Leverage branch chat technology projects and grants and publish out those findings in a central repository.
- (3) Leverage the workstream deliverables to develop vendor selection criteria and master service agreement requirements for alternative chatbot platforms that may be implemented locally.
- (4) Establish statewide chatbot platforms in different subject areas, such as Name Change and Jury Services, for courts that would like to leverage and enroll in services.
- (5) Develop best practices reference guides for the courts for local implementations of chatbots.
- (6) Update existing branch web policies to reflect recent statutory and other acceptable uses required for chat technology.
- (7) Develop chatbots to support multiple media such as web portals, messaging, smart speakers, and voice assistants.
- (8) Enable chatbots to support multiple languages and be ADA compliant to ensure language access is available.

8.2 Live Chat Services and Content Development

- (1) Use subject matter experts to curate, develop, and maintain responses to anticipated user questions to support both live chat agents and chatbot services.
- (2) Set up live chat services to provide support where the chatbot cannot provide assistance.
- (3) Use live chat services to provide immediate support to the public while collecting information for developing content and testing scenarios for improving the chatbot's ability.

8.3 Machine Learning and Artificial Intelligence

Research machine learning and artificial intelligence's ability to improve and advance the chatbot's ability to understand and appropriately respond to user questions. Consider developing artificial intelligence applications to better meet user needs.

9.0 WORKSTREAM LESSONS LEARNED

9.1 Collaborations

- Collaborating with the innovation grant recipients was an effective and cost-effective method for vetting the business requirements rather than a proof of concept.
- Reaching out to the courts (chief information officer network) to leverage existing knowledge provided expertise in both subject matter and technology.
- Workstream members were stakeholders and therefore active participants, which helped drive the pace and quality of the work product.
- Existing sources of business requirements, such as those identified at the Judicial Branch Technology Summit held in August 2017, were leveraged to save time and avoid duplication of effort.
- In developing findings and recommendations, group editing was a helpful and efficient means of fine-tuning the final report.

9.2 Chatbot Technology Education

- Sessions with vendors and consultants, such as Gartner, helped improve workstream members' chat technology expertise.
- Provide a conceptual idea of what solutions will help, prior to sessions with vendors, to help improve quality of dialogue.

9.3 Tools

- SharePoint is an effective collaboration application overall, but some features are more effective than others. For example, the discussion board feature is cumbersome, so usage was low.

- SharePoint Lists were an effective way to gather business requirements from workstream members.
- Need a work-around for SharePoint if access isn't available.
- All courts should allow access to SharePoint. Staff at courts where this was not allowed had to work offsite, using personal equipment.

9.4 Project Management

- Periodic in-person meetings were essential to the effectiveness of the workstream, as was providing better communication.
- Establishing roles and responsibilities aided in managing the work efforts.
- Clearly identifying workstream deliverables at the beginning of the project helped set expectations regarding workstream members' time commitment.
- Having specific and smaller assignments helps workstream members participate effectively. Bringing together the Business and Court Operations Track and the Technology Track for deliverables discussions was successful and important to ensure all perspectives were addressed.
- From a project management perspective, two weeks was a good cadence; however, from a workstream member perspective, this was challenging.
- Agendas and straw man documents, as well as existing content created by the core project team, were shared prior to each call; minutes were published following the calls.
- Organizing by track was effective and helped move the project more quickly.
- Amount and type of communication was appropriate (twice monthly) for the workstream. Meeting notes were captured and available on SharePoint.
- Meeting notes are helpful for developing findings and recommendations.

10.0 CONCLUSION

The Intelligent Chat Workstream's research and analysis shows that chatbots are part of current norms. As with all technology, they have their advantages and disadvantages. Customers have indicated that they will certainly turn to a chatbot to solve simple issues and to save even small increments of time. On the other hand, for more complex problem solving and for a more satisfying interaction, customers prefer to talk with a human customer service agent. However, given the reality of budget constraints and the limitations of regular business hours, chatbots can and should play a role in serving judicial branch customers.

“The new spring in AI is the most significant development in computing in my lifetime. Every month, there are stunning new applications and transformative new techniques. But such powerful tools also bring with them new questions and responsibilities.”

– *Sergey Brin, President, Alphabet, Inc.*

Ample developed content already exists for subject matter experts to expand upon to train chatbots. In addition, live chat projects have shown that many customers do have relatively simple questions. The chatbot would transfer customers with more complex questions to a live agent. The branch can save money and customers can save time by allowing a chatbot to field those simple questions.

By starting with a small and straightforward area of court operations or law, the branch can gain experience in training chatbots. Customers' interactions with the bot will be fed back into the system to continually improve the accuracy of chatbots' answers. Chatbot technology is still evolving; however, by starting now, the branch will be well positioned to leverage the technology to better serve the people of California.

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12.0 APPENDIXES

APPENDIX A: WORKSTREAM MEMBERSHIP

Hon. Michael Groch, Executive Sponsor
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Mr. John Yee, Lead
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Ms. Fati Farmanfarmaian, Project Manager
Senior Business Systems Analyst
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Members

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Mr. Brett Howard
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Ms. Andrea K. Wallin-Rohmann
Clerk/Executive Officer
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Hon. Jason Webster
Commissioner of the Superior Court of
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County of Kern

Ms. Karen Cannata
Supervising Analyst
Judicial Council

Mr. Anson Jen
Technology Analyst
Judicial Council

Mr. Davis Luk
Senior Application Development Analyst
Judicial Council

Ms. Melanie Snider
Supervising Attorney
Judicial Council

Mr. Nelson Wong
Senior Application Development Analyst
Judicial Council

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention <i>I want to use Intelligent Chat to do:</i>	Value User Gets From Intention <i>Describe what you want the chatbot to do</i>	
Self Represented Litigants	Getting Started Court Basics	Tell me about the basic information about what happens in court Basic Overview How Courts Work Types of Cases Services at Your court Representing Yourself Basics of Court Form Court Basics FAQ	http://www.courts.ca.gov/selfhelp-start.htm http://www.courts.ca.gov/997.htm http://www.courts.ca.gov/998.htm http://www.courts.ca.gov/1000.htm http://www.courts.ca.gov/1077.htm http://www.courts.ca.gov/1076.htm http://www.courts.ca.gov/selfhelp-forms.htm http://www.courts.ca.gov/9323.htm	
		Lawyers and Legal Help	Basic Information	http://www.courts.ca.gov/1001.htm
			Free and Low-Cost Legal Help	http://www.courts.ca.gov/selfhelp-lowcosthelp.htm
			Help from Your court	http://www.courts.ca.gov/1083.htm
			Finding a Lawyer	http://www.courts.ca.gov/selfhelp-findlawyer.htm
			Limited-Scope Representation	http://www.courts.ca.gov/1085.htm
			Law Libraries, Websites, and Self-Help Books	http://www.courts.ca.gov/1091.htm
		Preparing for Court	Lawyers and Legal Help FAQs	http://www.courts.ca.gov/1086.htm
	Information Needed to Be Ready for Court		http://www.courts.ca.gov/1002.htm	
	Before You File a Case		http://www.courts.ca.gov/12414.htm	
	Filing Papers in Court		http://www.courts.ca.gov/1089.htm	
	Fee Waivers		http://www.courts.ca.gov/selfhelp-feewaiver.htm	
	Service of Process		http://www.courts.ca.gov/selfhelp-serving.htm	
	Discovery		http://www.courts.ca.gov/1093.htm	
	Going to Court	http://www.courts.ca.gov/1094.htm		
Court Interpreters	http://www.courts.ca.gov/selfhelp-interpreter.htm			

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Preparing for Court FAQs	http://www.courts.ca.gov/1096.htm
	Researching the Law	How to Research Laws	http://www.courts.ca.gov/1003.htm
		Finding and Using the Law that Applies to Your Case	http://www.courts.ca.gov/1097.htm
		Research Codes and Statutes	http://www.courts.ca.gov/1098.htm
		Research Cases	http://www.courts.ca.gov/1099.htm
		Researching Law FAQs	http://www.courts.ca.gov/1100.htm
	Resolving Your Dispute Out of Court	How to Solve Disputes Out of Court	http://www.courts.ca.gov/selfhelp-adr.htm
		Agreements in Family Law Cases	http://www.courts.ca.gov/29226.htm
		ADR Resources	http://www.courts.ca.gov/1101.htm
		Resolving Your Dispute Out of Court FAQs	http://www.courts.ca.gov/12434.htm
	FAQs	Frequently Asked Questions about the Courts	http://www.courts.ca.gov/1006.htm
	Questions that may be asked	<p>How can I find a mediator for child custody? I do not have a court case.</p> <p>How do I know what courthouse to file my guardianship case? Can I make an appointment for self-help over email?</p> <p>How can I file a complaint about a Judge?</p> <p>How can I dismiss my case? How can I file a complaint about an attorney?</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>Is it legal for me to be served in the mail?</p> <p>Can you please tell me how to file for a hearing before a specific Judge?</p> <p>How can I find my case number?</p> <p>How do I e-file?</p> <p>How much does it cost to e-file?</p> <p>Can I get a fee waiver for e-filing costs?</p> <p>How much does it cost to file an Income Withholding Order?</p> <p>I filled out the forms I found online-is there someone who can review them to tell me if I did them right?</p> <p>What if I don't speak English? How can I get someone to help me?</p> <p>How can I get a mediator to help with my small claims case?</p> <p>Can I take my papers to the local police office to serve or is there a special office I should go to so that they serve my papers?</p> <p>The other party and I have come to n agreement. How do I cancel my Request for Order?</p> <p>Can I get an interpreter for my Small Claims case?</p> <p>Can I bring my children to court with me?</p>	
	<p>Family & Children Custody & Parenting Time (Visitation)</p>	<p>Basic Information</p>	<p>http://www.courts.ca.gov/selfhelp-custody.htm</p>

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Parenting Time: Developing Plans	http://www.courts.ca.gov/16432.htm
		Custody and Parenting Time (Visitation)	
		Orders	http://www.courts.ca.gov/15870.htm
		Custody Mediation	http://www.courts.ca.gov/1189.htm
		Supervised Visitation	http://www.courts.ca.gov/1190.htm
		Custody and Domestic Violence	http://www.courts.ca.gov/1191.htm
	Child Support	Basic Information	http://www.courts.ca.gov/selfhelp-support.htm
		Asking for a child support order	http://www.courts.ca.gov/1194.htm
		Responding to a Child Support Order	http://www.courts.ca.gov/1195.htm
		Changing a Child Support order	http://www.courts.ca.gov/1196.htm
		Paying a Child Support Order	http://www.courts.ca.gov/1197.htm
		Collecting a Child support Order	http://www.courts.ca.gov/1198.htm
		Forms	http://www.courts.ca.gov/1199.htm
		Child Support FAQ	http://www.courts.ca.gov/1200.htm
	Parentage/Paternity	Basic Information	http://www.courts.ca.gov/selfhelp-parentage.htm
		Establishing Parentage/Paternity	http://www.courts.ca.gov/1201.htm
		Disputing Parentage	http://www.courts.ca.gov/1202.htm
		Forms	http://www.courts.ca.gov/1203.htm
		Parentage FAQs	http://www.courts.ca.gov/1204.htm
	Child Abuse & Neglect	Basic Information	http://www.courts.ca.gov/selfhelp-childabuse.htm
		Guide to Dependency Court- For Parents	http://www.courts.ca.gov/1205.htm
		Guide to Dependency Court- For Children	http://www.courts.ca.gov/29205.htm
		Guide to Dependency Court- For Caregivers	http://www.courts.ca.gov/29206.htm
		Juvenile Court Guardianship	http://www.courts.ca.gov/1206.htm
		De Facto Parents	http://www.courts.ca.gov/1207.htm

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Forms Child Abuse and Neglect FAQs	http://www.courts.ca.gov/1208.htm http://www.courts.ca.gov/1209.htm
	Guardianship	Basic Information Alternatives to Guardianship Duties of a Guardian Becoming a Guardian Ending a Guardianship Forms Guardianship FAQs	http://www.courts.ca.gov/selfhelp-guardianship.htm http://www.courts.ca.gov/1210.htm http://www.courts.ca.gov/1211.htm http://www.courts.ca.gov/1212.htm http://www.courts.ca.gov/1213.htm http://www.courts.ca.gov/1214.htm http://www.courts.ca.gov/1215.htm
	Questions that might be asked	Do I need guardianship of the estate? Can I get joint custody with one of the parents? My child is an insurance beneficiary and the insurance company won't release the money without a guardianship. Why do I need a guardianship for my own child? Can two people file to be guardians? My mother is trying to get guardianship of my kids. How do I object?	
	Juvenile Delinquency	Basic Information Guide to Juvenile court Sealing Juvenile Records Forms Juvenile Delinquency FAQs	http://www.courts.ca.gov/selfhelp-delinquency.htm http://www.courts.ca.gov/1216.htm http://www.courts.ca.gov/28120.htm http://www.courts.ca.gov/1217.htm http://www.courts.ca.gov/1218.htm
	Adoption	Basic Information	http://www.courts.ca.gov/selfhelp-adoption.htm

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Forms Adoption FAQs	http://www.courts.ca.gov/1219.htm http://www.courts.ca.gov/1220.htm
	Emancipation	Basic Information How-to-Guide Forms Emancipation FAQs	http://www.courts.ca.gov/selfhelp-emancipation.htm http://www.courts.ca.gov/1221.htm http://www.courts.ca.gov/1222.htm http://www.courts.ca.gov/1223.htm
	Special Education Rights for Children and Families	Basic Information Special Education Needs and Services Assessments and Eligibility IEPs (Individualized Education Programs) Rights of Parents Behavior and School Discipline Find Help and More Information	http://www.courts.ca.gov/1106.htm http://www.courts.ca.gov/35474.htm http://www.courts.ca.gov/35397.htm http://www.courts.ca.gov/35398.htm http://www.courts.ca.gov/37476.htm http://www.courts.ca.gov/35473.htm http://www.courts.ca.gov/37475.htm
	Special Immigrant Juvenile Status	Basic Information	http://www.courts.ca.gov/selfhelp-sijs.htm
	FAQs		http://www.courts.ca.gov/1030.htm
	Questions that may be asked	How can I get help with the first steps to modify custody/visitation? What is a "good cause exemption?" How can I get a "good cause exemption?"	

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
		How do I fill out paperwork to establish sole custody of my child	
		Where do I get a custody hearing started?	
		How can I add the father to the birth certificate?	
		If my name is on the child's birth certificate am I already established legally as the parent?	
		How can I establish custody rights in California?	
		We are reconciling-how do we dismiss our custody orders?	
		If I was never married to the father of my child do I have to establish any type of legal paperwork before e-filing for child support?	
		How can I get grandparent rights?	
		How can I get a court appointed attorney for my custody case?	
		How do I remove the father's name from the child's birth certificate?	
		I want to put something in the file to tell the Judge about what is happening in my case.	
		How do I do that?	
		How much does it cost to file for custody?	
		How should I serve my Request for Order-can I do it personally or does it have to be in the mail?	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>My ex and I have been split up for the last 7 years and never filed proper custody papers nor does he pay child support. I need to start the process on this - how can I do it and not be taken advantage of by him? Please help!!</p> <p>My ex and I divorced and now she won't let me see my stepchild. I raised her! How can I get visitation?</p> <p>I do not like the mediation report- what can I do?</p> <p>How do I change mediators?</p>	
	Divorce or Separation Basics	<p>Basic Information</p> <p>Options to End Marriage or Domestic Partnership</p> <p>Overview of the Court Process</p> <p>Resolve Your Divorce or Separation Out of Court</p> <p>Basic FAQs</p>	<p>http://www.courts.ca.gov/selfhelp-divorce.htm</p> <p>http://www.courts.ca.gov/1032.htm</p> <p>http://www.courts.ca.gov/1224.htm</p> <p>http://www.courts.ca.gov/1225.htm</p> <p>http://www.courts.ca.gov/1226.htm</p> <p>http://www.courts.ca.gov/1227.htm</p>
	Filing for Divorce or Separation	<p>Basic Information</p> <p>Prepare for Filing Your Case</p> <p>Filing Your Case</p> <p>Forms</p> <p>Filing for Divorce or Separation FAQs</p>	<p>http://www.courts.ca.gov/1033.htm</p> <p>http://www.courts.ca.gov/1228.htm</p> <p>http://www.courts.ca.gov/1229.htm</p> <p>http://www.courts.ca.gov/1230.htm</p> <p>http://www.courts.ca.gov/1231.htm</p>
	Responding to Divorce or Separation	<p>Basic Information</p>	<p>http://www.courts.ca.gov/1034.htm</p>

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		Options to Respond Default/Uncontested Process Contested Process Forms	http://www.courts.ca.gov/1232.htm http://www.courts.ca.gov/1233.htm http://www.courts.ca.gov/1234.htm http://www.courts.ca.gov/1235.htm
	Completing Divorce or Separation	Basic Information Default/Uncontested Case Contested Case Common Problems in Completing Your Divorce or Separation After Your Divorce is Final Forms Completing Divorce or Separation FAQs	http://www.courts.ca.gov/1035.htm http://www.courts.ca.gov/1237.htm http://www.courts.ca.gov/1238.htm http://www.courts.ca.gov/8412.htm http://www.courts.ca.gov/8413.htm http://www.courts.ca.gov/1239.htm http://www.courts.ca.gov/1240.htm
	Summary Dissolution	Basic Information For Married Couples For Domestic Partners For Couples Ending Marriage and Domestic Partnership	http://www.courts.ca.gov/selfhelp-summarydissolution.htm http://www.courts.ca.gov/1241.htm http://www.courts.ca.gov/1242.htm http://www.courts.ca.gov/16430.htm
	Annulment	Basic Information Filing for Annulment Responding to Annulment Forms Annulment FAQs How do I set a prove-up hearing for my annulment?	http://www.courts.ca.gov/1037.htm http://www.courts.ca.gov/1244.htm http://www.courts.ca.gov/1245.htm http://www.courts.ca.gov/1246.htm http://www.courts.ca.gov/1247.htm

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	Spousal/Partner Support		http://www.courts.ca.gov/1038.htm
		Basic Information	http://www.courts.ca.gov/9050.htm
		Asking for a Spousal/Partner Support Order	http://www.courts.ca.gov/1249.htm
		Responding to a Spousal/Partner Support Order	http://www.courts.ca.gov/1250.htm
		Changing (or Ending) a Spousal/Partner Support order	http://www.courts.ca.gov/1251.htm
		Paying a Spousal/Partner Support Order	http://www.courts.ca.gov/1252.htm
		Collecting a Spousal/Partner Support Order	http://www.courts.ca.gov/9143.htm
		Forms	http://www.courts.ca.gov/1253.htm
		We split up and I have no money. How can I get a quick spousal support order?	Information re ex parte orders
		Spousal/partner Support FAQs	
	Property and Debt in a Divorce or Legal Separation		http://www.courts.ca.gov/1039.htm
		Basic Information	http://www.courts.ca.gov/1254.htm
		Dividing Property and Debts in a Divorce	http://www.courts.ca.gov/9330.htm
		Collect your Family Law Money Judgement	http://www.courts.ca.gov/1255.htm
		Omitted assets after judgment	
	Forms	Property and Debt FAQs	http://www.courts.ca.gov/8218.htm
	FAQs		http://www.courts.ca.gov/1040.htm

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	Questions that may be asked		
		Can you tell me what's the difference between divorce vs legal separation	locate and deliver information about divorce vs legal separation
		tell me how long it will be until my divorce will be final	locate and deliver information about divorce timelines, including information about bifurcation
		tell me if I can get an annulment because I was married less than a year	
		What forms do I need to fill out?	
		Can I set up an appointment?	
		May I get a change of venues	
		How do I change my court date?	
		What is a stipulation?	
		What forms do I need to change custody	
		What forms do I need to get custody?	
		How do I serve my divorce papers?	
		What do I need to do to get custody of my child?	
		I don't like my judge, can I change judges?	
		Can I spend any of the money in our joint account?	
		My spouse took my car. How do I get it back?	locate and deliver information about ex parte property control Request for Order
		My spouse moved out and stopped paying the rent. What can I do?	locate and deliver information about ex parte property control Request for Order or payment of bills
		Can I leave the state?	
		Next step after filing my papers?	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>I filed my papers and served the other party but I haven't gotten my judgment yet. Why not?</p> <p>How do I get a copy of my final judgement in my divorce</p> <p>Is my paperwork ready?</p> <p>How do I dismiss a case?</p> <p>What happens if the other party doesn't appear in court?</p> <p>How do I petition to get my adoption records?</p> <p>I need to get a copy of someone else's divorce Judgment. How can I do that?</p> <p>Can I buy forms at the courthouse? How much do they cost?</p> <p>The other party was ordered to come pick up their personal belongings but they will not do it. What can I do with their stuff?</p> <p>We are reconciling-how do we drop our case?</p> <p>My husband cleaned out the bank accounts and now I cannot pay the bills-can I get an order for him to put it back?</p> <p>What is contempt?</p> <p>How can I change my divorce settlement agreement?</p> <p>I need to talk to the Judge. How can I do that?</p> <p>What if I agree with what my spouse put in her divorce papers? Do I have to pay to respond?</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		How do I get emergency custody orders?	
		What if I need to talk to the Judge before the hearing date?	
		I have recently found out that my husband has struggled with his sexual orientation and was wondering if that would qualify as fraud to get an annulment?	
		My divorce was bifurcation due to the fact that we could not agree on a property settlement this was in 2010. I want to know what forms I have to file to close out the property settlement portion so I can have this done with. <small>peno, i was wondering if you could help me find out if I have to come to the court house or can I get the paper work to file for a divorce online</small>	
	Abuse & Harassment Basics	My ex wants to move 30 miles away and take our daughter. Is there anything I can do to prevent her from doing that?	http://www.courts.ca.gov/selfhelp-abuse.htm http://www.courts.ca.gov/1041.htm
	Domestic Violence		http://www.courts.ca.gov/selfhelp-domesticviolence.htm http://www.courts.ca.gov/1263.htm http://www.courts.ca.gov/1264.htm http://www.courts.ca.gov/1265.htm http://www.courts.ca.gov/1266.htm http://www.courts.ca.gov/1267.htm http://www.courts.ca.gov/34737.htm http://www.courts.ca.gov/1268.htm
		Basic Information	
		Make a Safety Plan	
		Ask for a Restraining Order	
		Respond to a Restraining Order	
		Enforce a Restraining Order	
		Renew a Restraining Order	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Change or End a Restraining Order Children and Domestic Violence Criminal Court Process Forms	http://www.courts.ca.gov/1269.htm http://www.courts.ca.gov/1271.htm http://www.courts.ca.gov/1272.htm
	Elder and Depend Adult Abuse	Domestic Violence FAQs	http://www.courts.ca.gov/selfhelp-elder.htm
		Basic Information	http://www.courts.ca.gov/1273.htm
		Ask for a Restraining Order	http://www.courts.ca.gov/1274.htm
		Respond to a Restraining Order	http://www.courts.ca.gov/1275.htm
		Enforce a Restraining Order	http://www.courts.ca.gov/16483.htm
		Renew a Restraining Order Forms	http://www.courts.ca.gov/1276.htm http://www.courts.ca.gov/1277.htm
	Civil Harassment	Elder and Dependent Abuse FAQs	http://www.courts.ca.gov/1044.htm http://www.courts.ca.gov/1278.htm
		Basic Information	http://www.courts.ca.gov/1279.htm
		Ask for a Restraining Order	http://www.courts.ca.gov/1280.htm
		Respond to a Restraining Order	http://www.courts.ca.gov/16484.htm
		Enforce a Restraining Order	http://www.courts.ca.gov/1281.htm
		Renew a Restraining Order Forms	http://www.courts.ca.gov/1282.htm
	Workplace Violence	Civil Harassment FAQs	http://www.courts.ca.gov/1045.htm
		Basic Information	http://www.courts.ca.gov/1283.htm
		Ask for a Restraining Order	http://www.courts.ca.gov/1284.htm
		Respond to a Restraining Order	http://www.courts.ca.gov/1285.htm
		Enforce a Restraining Order	http://www.courts.ca.gov/16486.htm
		Renew a Restraining Order Forms	http://www.courts.ca.gov/1286.htm http://www.courts.ca.gov/1287.htm

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
	Gun Violence Restraining Orders	Workplace Violence FAQs	http://www.courts.ca.gov/33961.htm
		Basic Information	http://www.courts.ca.gov/33679.htm
		Ask for a Firearm Restraining Order	http://www.courts.ca.gov/33680.htm
		Respond to a Request for Firearm Restraining Order	http://www.courts.ca.gov/33682.htm
		Terminate(end) a Firearms Restraining Order	http://www.courts.ca.gov/33681.htm
		Renew a Firearms Restraining Order	http://www.courts.ca.gov/33683.htm
	Victim Assistance	Forms	http://www.courts.ca.gov/1107.htm http://www.courts.ca.gov/25810.htm
	FAQs	Basic Information Restitution Forms	http://www.courts.ca.gov/1046.htm
	Questions that may be asked	I need a restraining order, what do I do? What do I do if they break the restraining order? How do I end a temporary restraining order? How do I end a restraining order? When are ex-parte hearings heard? Can I have the restraining order served by mail? How can I have the Sheriff serve for me? What if the Respondent hides from being served? What can I do?	New law re: alternative service when evasion of service in DV is proven

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		<p>Does it cost money for the Sheriff to serve? How much?</p> <p>Can I add another protected party to my restraining order?</p> <p>Someone added me to their restraining order but I don't want protection, How do I remove myself?</p> <p>What if the other party gets their friends to harass me?</p> <p>Can I get the restraining order extended?</p> <p>What is the difference between a Civil Harassment and a Domestic Violence Restraining Order?</p> <p>Can I get a restraining order to kick my roommate out of the house?</p> <p>Can someone email me the forms I need to fill out?</p> <p>How can I get a confidential address?</p>	
	<p>Eviction & Housing Eviction</p>		<p>http://www.courts.ca.gov/selfhelp-housing.htm http://www.courts.ca.gov/selfhelp-eviction.htm</p>
	<p>Foreclosure</p>		<p>http://www.courts.ca.gov/1048.htm</p>
	<p>Security Deposits</p>		<p>http://www.courts.ca.gov/1049.htm http://www.courts.ca.gov/1293.htm</p>
	<p>FAQs</p>	<p>Security Deposits FAQs</p>	<p>http://www.courts.ca.gov/11034.htm</p>
	<p>Questions that may be asked</p>		

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>What is an unlawful detainer? What can I do to stop this eviction? Has an answer been filed? Will this affect my credit score? What are the court hours to file?</p>	
		<p>Can a handyman working for the landlord file an unlawful detainer against me?</p>	
		<p>Does the court need an additional copy?</p>	
		<p>How much time should the landlord give me to move out if I have a year lease?</p>	
		<p>The landlord gave me a three day notice but refused my rent when I tried to pay. Can he do that?</p>	
		<p>How can I evict a commercial tenant? What do I do if my landlord does not give me my deposit back?</p>	
		<p>My roommate got served with an Unlawful Detainer Complaint but it does not mention me-do I have a case against me?</p>	
		<p>I served a 30 day notice on my tenant but they haven't moved out-what do I do?</p>	
	<p>Name Change Change an Adult's Name</p>		<p>http://www.courts.ca.gov/selfhelp-namechange.htm http://www.courts.ca.gov/1051.htm</p>

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
	Change a Child's Name		http://www.courts.ca.gov/1052.htm
	Forms		http://www.courts.ca.gov/1053.htm
	FAQs		http://www.courts.ca.gov/1054.htm
	Questions that may be asked	<p>Can I change the child's name without the other parent's permission?</p> <p>What court do I need to file my petition to change name in?</p> <p>How much does it cost to file for name change?</p> <p>Can I change my name online?</p> <p>How do I change my middle name to my maiden name?</p> <p>I want to change my child's name and the father isn't on the birth certificate. Do I have to get his permission?</p> <p>I want to add a last name to my child's last name and I need help.</p> <p>I have some questions about the name change process.</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>Hi, I just received my "proof of publication" as part of my name change process, but noticed that there was a typo on the form. I'm running the ad again, but it has to be in a different publication than the one I wrote on the original court documents. Is this a problem?</p>	
		<p>Where at the San Diego courthouse do I file my name change appeal?</p>	
		<p>I am filling out the paperwork to change a name. The name my mother in law used all her life is different from the birth certificate name. On the form do I put her birth certificate name and maiden name as her present name? Then do I put her married on the proposed name? The problem is her birth certificate name is different from the name she has used al her life and she can't get an ID.</p>	
		<p>Need to obtain record of name change and adult and it's for my mother who currently lives in another state</p>	
		<p>I would like to remove my last name on my child name and just leave my husband last name, but I know how to fill out the paper work how do I change name if I don't live in ca anymore Is there a fee to file form FL 395?</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>I am looking to change my name back to my maiden name. My divorce was finalized in 2007. Am I still eligible to submit a FL-395? Also the website says to submit the judgement on form FL-190 but my judgement is form FL-180 did that change and will this work? Thanks!</p>	
		<p>I am wondering if I file for a name change, would I have to submit the forms in person or can I have someone file it for me if I cannot get the time off work?</p>	
		<p>Do we have to bring copies of the newspaper where we publish the Order to Show cause for Change of Name to court?</p>	
		<p>I am changing my name to conform to my gender identity. is there anything I need to be aware of and how can I keep from being discriminated against? thank you</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>I am trying to change my last name and my son's last name to my mother's last name (from my father's). Paternity has *not* been established for my son, though there is an open case from the County for it since 2013. Do I need to notify that person of the name change or file a due diligence on attempting to locate him? As far as I know, he does not know my son's name as it is currently and had had no contact with me since prior to my son's birth.</p>	
		<p>I want to get my maiden name back. I am a widow & have been for 9 years.</p> <p>My husband changed his name legally when he was 18. He is 51 now and does not have any paperwork which shows his old name and new name. He would like to get a passport. How can he get the paperwork showing completed name change from decades ago?</p>	
		<p>My question is about a name change that I processed in 1986 in the state of New Mexico. I have the court order but the order is in my stepfathers name and my birth certificate is in my mothers maiden name. I would like to get a passport for travel but they are requesting the passport in my name. Vital records will not issue a new I'd like to change my name officially and am daunted by the process</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>I'm interested in changing my middle and last name: middle name (as a chosen name to represent my identity) and surname (to match my partners). I live in Alameda County and I was hoping to get a list of the newspapers I have to post in and how much that costs. Thanks</p>	
		<p>I was at court last Friday at 11:30 for a name change for my son who is a minor (16 years old) the judge asked me and his father to come back at 2pm. We came back he heard both sides he asked we come this Friday 10/26 with my son at 2pm. I just received the court paperwork but it says 11:30 and my child is not on it. I am confused on when to come</p>	
		<p>doing a minor name change other person is out of state do I still post in my news paper</p>	
		<p>I am transgender, I had my name legally changed in Oklahoma. I am now living back in CA and want to get my birth certificate to show my new name and my true gender. Which form/s do I need?</p>	
		<p>Hi I wanted to change my son's last name, but we can't locate his father. Child support has even closed our case, because he lives outside of the United States. How does the process work if I am unable to locate him?</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>I want to ask about what newspapers are available for posting my petition. I am looking for a budget (reasonable price) newspaper because I am petitioning with a fee waiver. I am in the Fresno area and would appreciate your assistance.</p>	
		<p>Hi, my ex-husband was not a biological father of my child, but when my son was born, his last name was on his birth certificate. We were divorced in 2008, and on the court papers, it states that he is not the father of my child. How can I change my son's last name, without involving my ex-husband during this process?</p>	
		<p>Hi, if I changed my name with SSA due to getting married recently, but now have changed my mind and would like to keep my original name, do I need to get a court order to change it back? Or can I just go to an SSA office to reverse it?</p>	
		<p>I want to change my name due to gender identity. Do I still have to publish the change in the newspaper? The county form does not include gender identity as an option.</p>	
		<p>I recently filed a petition for change of name. My question is do I send the proof of publication in 10 days prior to court hearing or bring it to court on the day of my court hearing</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>On my birth certificate I have my dads last name as my middle name and my moms last name as my last name but on My social security card, passport, license my name shows as first name and my dads name</p>	
		<p>we live in San Francisco, but court is always busy, so can we do it in San Mateo?</p>	
		<p>I am filling the form. There is a blank for case no. What should I fill out?</p>	
		<p>I was not able to get the notice published in time to make the set court date of October 25. I need to postpone the court date so I can have the notice published for the required 4 weeks.</p>	
		<p>I'm changing my name and gender marker. Per the courts.ca.gov website and my local superior court website I have obtained and filled out the relevant forms. I have the CM010, NC110, NC125, NC200, NC230, and SC2069. I wanted to verify that (a) these are all the documents I need and (b) that I filled them out correctly. I have PDF copies that I have yet to print out but are otherwise completed. (c) Do I need to also bring any particular forms of identification in order to file the forms at my local county courthouse?</p>	

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>So I changed my name during the citizenship process. They just gave me a naturalization certificate with the new name. I was able to change the driver's license and SSN with that. But the banks are asking me for Name Change Decree.</p>	
		<p>Hello, I'd would like to check what the status is of my name change. Completed my divorce on 2/14/2018. And mailed the name change from in Aug 2018.</p>	
		<p>My first question is that in the online instructions, I states that come courts may require you to fill out additional local forms. Are you aware of any of these forms for Alameda County?</p>	
		<p>I'm helping a family complete form Nc 100 to correct name for their grandchild - they have guardianship thru county placement. Under 1 petitioner, is it the grandmothers name or child current name? I see under 5d we will list grandma.</p>	
		<p>I didn't change my name when I got divorced but now I want my maiden name back. How do I do that?</p>	
	<p>Traffic Traffic & Ticket Basics</p>		<p>http://www.courts.ca.gov/selfhelp-traffic.htm http://www.courts.ca.gov/8452.htm http://www.courts.ca.gov/9529.htm http://www.courts.ca.gov/9540.htm</p>
		<p>Basic Information</p>	

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		Correctable Violations("Fix-It" Tickets)	
	Payment of Bail/Fines	If You Ignore Your Ticket	http://www.courts.ca.gov/9581.htm http://www.courts.ca.gov/trafficamnesty.htm
		Basic Information	
	Traffic School	Traffic Tickets/Infractions Amnesty Program	http://www.courts.ca.gov/9410.htm
	Arraignment and Court Trial	Basic Information	http://www.courts.ca.gov/8450.htm http://www.courts.ca.gov/34711.htm http://www.courts.ca.gov/34713.htm http://www.courts.ca.gov/11581.htm
		Basic Information	
		Traffic Court Trial	
		Trial by Written Declaration	
	Forms	Appeals	http://www.courts.ca.gov/1056.htm
	FAQs		http://www.courts.ca.gov/1057.htm
	Questions They May Ask:		
		What is Traffic School?	
		Where is the nearest Traffic School?	
		How do I know if I qualify for traffic school.	
		Can I change my court date?	
		what is the difference between a court trial and a trial by written declaration?	
		When is my court date?	
		How much is my fine?	
		How do I prove corrections?	
		Why do I have to pay a proof of corrections fee?	

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		<p>How do I pay my fine?</p> <p>How do I set up a payment plan?</p> <p>How do I setup a court trial?</p> <p>Can I make a payment over the phone?</p> <p>How do I make an online payment?</p> <p>My courtesy notice say's it is not mandatory to appear but the officer said it was, which one is it?</p> <p>Where can I make a payment in person?</p> <p>Can I set up a payment plan over the phone?</p> <p>Can I cancel or reschedule a hearing over the phone?</p> <p>Who do I contact if I received a letter from the court that says I can do traffic school?</p> <p>I got a ticket but never received any information in the mail. What do I do now?</p> <p>How can I get my driver's license back?</p> <p>What date and time is walk-in day for traffic court?</p> <p>I keep getting collections notices from the court but I was not in California for the dates mentioned. What can I do to make them stop sending these?</p> <p>Can I pay my citation online?</p>	
	<p>Senior Conservatorship</p>		<p>http://www.courts.ca.gov/selfhelp-seniors.htm</p>
	<p>Conservatorship</p>		<p>http://www.courts.ca.gov/selfhelp-conservatorship.htm</p>

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User Types	Topic/Domains	User Intention	Value User Gets From Intention
		<p>Basic Information</p> <p>Information for the Conservator</p> <p>Information for the Conservatee</p> <p>Forms</p>	<p>http://www.courts.ca.gov/1300.htm</p> <p>http://www.courts.ca.gov/1301.htm</p> <p>http://www.courts.ca.gov/1302.htm</p> <p>http://www.courts.ca.gov/1303.htm</p>
	Questions They May Ask:	<p>Conservatorship FAQs</p> <p>I have a power of attorney for my parent, who now has dementia. Do I need a conservatorship?</p> <p>How do I get permission to pay the bills while I am waiting for the conservatorship hearing?</p> <p>Will the court appoint an attorney for the conservatee?</p> <p>Whose side is the investigator on?</p> <p>I am my child's SSI payee. Do need conservatorship of the estate?</p>	
	Problems with Money Basics	My aging parent has dementia. Is there somewhere I can get help?	<p>http://www.courts.ca.gov/selfhelp-problemswithmoney.htm</p> <p>http://www.courts.ca.gov/1061.htm</p>
	Small Claims Cases for \$10,000 or Less	Overview	http://www.courts.ca.gov/1062.htm
	Questions They May Ask:	<p>Basic Information</p> <p>What do I do if the defendant does not pay the Judgment?</p>	

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
	Limited Civil	Basic Information Suing Someone Being Sued Before the Trial Prepare for Trial The Trial Collecting the Judgement Paying the Judgement	http://www.courts.ca.gov/1064.htm http://www.courts.ca.gov/1304.htm http://www.courts.ca.gov/1305.htm http://www.courts.ca.gov/1306.htm http://www.courts.ca.gov/1307.htm http://www.courts.ca.gov/1308.htm http://www.courts.ca.gov/1309.htm http://www.courts.ca.gov/1310.htm http://www.courts.ca.gov/1311.htm
	Questions They May Ask:	Resolving the Case Out of Court When do we set hearings? What are the filing fees? When is my law and motion hearing? Am I required to file a trial brief? What is the timeline for filing a civil case management conference? What is the timeline for filing a trial readiness conference? What is the timeline for filing a mandatory settlement statement? How do I get a subpoena? Who can serve a subpoena? What is the timeline to serve a subpoena?	
	Criminal Law Basics of Criminal Court	Basic Information	http://www.courts.ca.gov/selfhelp-criminallaw.htm http://www.courts.ca.gov/10214.htm

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
	How Criminal Cases Work	Basic Information	http://www.courts.ca.gov/1069.htm
	Cleaning Your Record	Basic Information	http://www.courts.ca.gov/1070.htm
	Forms	Basic Information	http://www.courts.ca.gov/1330.htm
	FAQS		http://www.courts.ca.gov/1071.htm
	Questions That May be Asked:	<p>What day is my court date?</p> <p>Can I get pardoned?</p> <p>What time is my court date?</p> <p>How to get a certified copy?</p> <p>What is my case status?</p> <p>What is a case disposition?</p> <p>How do I get my case expunged?</p> <p>What requires certification?</p> <p>How do I file a certain petition?</p> <p>Whose my Public Defender?</p> <p>What do I do if I miss my court date?</p> <p>What are the court hours?</p> <p>Where is the jail?</p> <p>Do I have court today?</p> <p>What is my case number?</p> <p>How can someone who is in jail in another county contact the criminal clerk?</p>	
	Civil Appeals Basics	Can I expunge a felony?	http://www.courts.ca.gov/selfhelp-appeals.htm http://www.courts.ca.gov/12429.htm

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
		Basic Information about Civil Appeals Basic Information About Appeals Appellate Courts	http://www.courts.ca.gov/12430.htm http://www.courts.ca.gov/12431.htm
	Options to Appealing	Appeals Process	http://www.courts.ca.gov/5804.htm
	Steps to Appeal	Appeal Options Basic Overview of Appeal Steps Filing the Notice of Appeal Abandonment or Settlement Waiver of Fees Designating the Record Civil Case Information Sheet Briefs Oral Argument	http://www.courts.ca.gov/8546.htm http://www.courts.ca.gov/12428.htm http://www.courts.ca.gov/12426.htm http://www.courts.ca.gov/12425.htm http://www.courts.ca.gov/12424.htm http://www.courts.ca.gov/12423.htm http://www.courts.ca.gov/12422.htm http://www.courts.ca.gov/12421.htm http://www.courts.ca.gov/12420.htm
	After the Appeal	The Courts Decision	http://www.courts.ca.gov/8547.htm http://www.courts.ca.gov/12419.htm
	Forms	What to Do After Appeal Petition for Rehearing	http://www.courts.ca.gov/8545.htm
	FAQs		http://www.courts.ca.gov/8551.htm
	Questions They May Ask:		
	Gender Change Gender Change Forms		http://www.courts.ca.gov/genderchange.htm http://www.courts.ca.gov/11183.htm
	Questions They May Ask:	Basic Information Basic Information	

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
	Wills, Estates and Probate		http://www.courts.ca.gov/8865.htm
	Affidavit for		
	Transfer of Personal		
	Property of 150,000		http://www.courts.ca.gov/10440.htm
	or Less		
	Questions They	What are wills, estates, and probates filed in the court?	
	May Ask:	Basic Overview	
		My father-in-law passed away this summer and there is a pending probate matter. My husband and I live in Colorado and have been told that he has to file a Request for Notification himself because the estate's Help filing Petition for Final Distribution and Order to pay creditors and terminate Estate upon doing so.	
General		My mom died and left a few thousand dollars in a bank account. How can I get it?	
Public/Citizens	Questions They		
Jurors	may Ask:	<p>Can I be excused from jury duty?</p> <p>How do I postpone jury duty?</p> <p>can I postpone on behalf of my child?</p> <p>What is jury duty?</p> <p>What is a trial?</p> <p>Will I be reimbursed for my time?</p> <p>What is a jury summons?</p>	

APPENDIX B: USER STORIES

User Types	Topic/Domains	User Intention	Value User Gets From Intention
Compliance	Questions They May Ask:	<p>What happens if I miss my jury duty summons date?</p> <p>I am a college student, can I be excused?</p>	
Grand Jury	Questions They May Ask:	<p>My mom got a notice for Jury duty but she died-what should I do?</p> <p>What if I cant pay my fine?</p> <p>What happens if I miss a payment?</p> <p>What happens if it goes to collections?</p> <p>What do I do about my citation?</p> <p>What if I cant afford my payments?</p>	
Court Services	Questions They May Ask:	<p>How do I resign?</p> <p>What are the chances of me getting off the alternate list?</p> <p>Is a Grand Jury invite like a summons?</p> <p>What does being on the Grand Jury Mean?</p>	
Traffic Citations		<p>What are the commitments of being on a grand jury?</p> <p>Where do I get a copy of my marriage, birth, or death certificate/</p> <p>Where do I register to vote?</p> <p>Are there any warrants for my arrest?</p>	LA Gina Avatar

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/Cn	Y / Evaluation C	Criteria Values	Criteria Notes
1	Integration	F	Chatbot must be able to ingest information from different data sources and types.	The chatbot solutions must be able to ingest information from different data sources and types like websites, databases, structured and nonstructured files, etc.	Y	Optional	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
2	Machine Learning/AI	F	Chatbot must be able to provide relevant information to users.	Chatbot should provide relevant information to the request, not just provide links to resources.	Y	Mandatory	Y Grading Scale 1-5 (ease of training)	1 - Impossible to train 2 - Requires HEAVY investment of SME to train 3 - Requires MODERATE investment of SMEs 4 - Requires LITTLE investment of SMEs 5 - Requires NO investment of SMEs to train	Little investment = less than 25% Moderate = 25-50% Heavy = greater than 50%
3	Usability/User Experience	F	Chatbot should ask questions to help refine the request	Chatbot should ask probing questions to help identify and refine the request	Y	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
4	Usability/User Experience	C	Provide waypoint directions to judicial resources (branch and courts)	Chatbot shall provide waypoint information and directions for judicial resources, such as courthouses, self-help centers, parking, etc.	Y	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
5	Usability/User Experience	F	Support multiple languages	The chatbot should be available in multiple languages both verbally and in text responses.	Y	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources without of the Box without customization	
6	Usability/User Experience	F	Recognize returning users	The chatbot should be able to identify returning users to aid in identifying service needs and following up on questions.	Y	Optional	Y Binary		Should also need to be able to forget someone and clear the session
7	Usability/User Experience	F	Handoff	Chatbot must be able to interface with individual counties and hand off the chat to the relevant county at the correct time. If the county has chat ability, that handoff should be invisible to the user. All data provided to the initial chatbot should be passed forward so there is no replication of questions/answers. If the relevant county has the ability, data/answers from the chatbot should be passed in a useful way, such as filling in forms or doing a case lookup.	Y	Optional	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources without of the Box without customization	

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/Cn	Evaluation C	Criteria Values	Criteria Notes
8	Usability/User Experience	F	Share documentation with User (aka Electronic Transcript of conversation)	User should be offered an email with full text of the chat so that the user can have their questions and chat answers as a reference/resource (i.e. where to go to file something, what forms may be needed, etc.)	Y	Optional	Y Binary		
10	Accessibility	N	Accessible via internet browsers	The chatbot should be accessible via internet browsers. Should support the top browsers (Internet Explorer/Edge, Chrome, Firefox & Safari). Version support shall cover the	Y	Mandatory	Y Binary		
11	Compliance	N	The chatbot must comply with Title II of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.	The chatbot must comply with Title II, section 508 of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 to require federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities.	N	Mandatory	Y Binary		
12	Accessibility	F	Accessible via mobile devices	The chatbot shall be accessed via mobile devices operating on the iOS and Android OS.	Y	Mandatory	Y Binary		
13	Compliance	N	The chatbot must comply with the current version of the Web Content Accessibility Guidelines (WCAG).	The Web Content Accessibility Guidelines (WCAG) are part of a series of web accessibility guidelines published by the Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C), the main international standards organization for the internet.	N	Mandatory	Y Grading Scale 1-5	1 - Does not meet 2 - Meets 25% 3 - Meets 50% 4 - Meets 75% 5 - Meets 100%	
14	Compliance	N	The chatbot shall be secure and meet the guidelines set forth in the NIST SP800-53 standards.	NIST Special Publication 800-53 provides a catalog of security controls for all U.S. federal information systems except those related to national security. It is published by the National Institute of Standards and Technology, which is a non-regulatory agency of the United States Department of Commerce.	Y	Mandatory	Y Binary		
15	Machine Learning/AI	C	Access to forms	Chatbot shall provide links to online forms	Y	Mandatory	Y Grading Scale 1-5 (ease of training)	1 - Impossible to train 2 - Requires HEAVY investment of SME to train 3 - Requires MODERATE investment of SMEs 4 - Requires LITTLE investment of SMEs 5 - Requires NO investment of SMEs to train	Little investment = less than 25% Moderate = 25-50% Heavy = greater than 50%
16	Security	N	Secure communication	The chatbot must support a secure communication channel to protect communications and document transfers.	Y	Mandatory	Y Binary		

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/C	Y / Evaluation C	Criteria Values	Criteria Notes
17	Usability/User Experience	F	Chatbot Transaction	The chatbot should offer services beyond information by providing either a link (a URL) or online, automated services to complete transactions. For example, jurors may need information but may also need to complete transactions (reporting instructions, postponement, etc.) that should be able to be completed as part of the session.	Y	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
18	Usability/User Experience	F	Self-Help Appointment	Chatbot must link to certain self-help websites (calendar system--same as #24)	Y	Optional	Y Grading Scale 1-5 (ease of training)	1 - Impossible to train 2 - Requires HEAVY investment of SME to train 3 - Requires MODERATE investment of SMEs 4 - Requires LITTLE investment of SMEs 5 - Requires NO investment of SMEs to	
19	Usability/User Experience	C	Court Services	The Chatbot must direct the user to the appropriate location to find the answers to the user's questions	Y	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
20	Usability/User Experience	C	Paying Fines Online	Chatbot must be able to direct user to the correct online site to pay fines	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
21	Usability/User Experience	C	Hours of Operation	Chatbot must direct user to the correct location on the correct court website or display the correct hours of operation	Y	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
22	Usability/User Experience	C	Court Interpreter	Chatbot must provide correct and relevant information pertaining to court interpreters and locate and display the process to acquire the services of a court interpreter	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
23	Usability/User Experience	C	ADA	Chatbot must provide information about the court's duty to meet ADA requirements and to provide access to any forms necessary to ask for accommodations.	N	Mandatory	Y Binary		
24	Usability/User Experience	F	Calendars	Chatbot must identify the customer's need then locate and retrieve the correct information about the hearing or other event to which the customer is referring.	Y	Optional	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
25	Usability/User Experience	C	Referrals to resources outside of the court	The chatbot must identify the need the customer is expressing and then locate and retrieve information about resources (such as the law library or domestic violence shelter) that are available to assist the customer with their identified issue.	Y	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/C	Y / Evaluation C	Criteria Values	Criteria Notes
26	Usability/User Experience	C	E-filing	The chatbot must provide information, including links to providers, about the e-filing process.	Y	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
27	Usability/User Experience	C	Service of Process	The chatbot must determine the case type and service of process requirements for the action, then direct the individual on the correct procedure.	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
28	Usability/User Experience	C	Traffic School	The chatbot must provide the user with information about local traffic schools and the requirements (like fees) to attend.	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
29	Usability/User Experience	F	Appearance	The chatbot should determine, based on case type, whether the user must make a court appearance.	N	Optional	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
30	Usability/User Experience	F	Jury Service	The chatbot should provide information about the user's current jury duty service (such as date of impending service) and also provide information about how to change or obtain a waiver for service.	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
31	Usability/User Experience	C	Missed payment	The chatbot should provide information about user debt to the court, including information about how to rectify the problem when there has been a missed payment.	N	Optional	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
32	Usability/User Experience	C	Grand Jury	The chatbot should provide information about how to serve on the grand jury.	N	Mandatory	Y Grading Scale 1-5	1 - Basic Information Supplied 3 - Provides limited assistances 5 - Provides advanced assistance to whole conversation (info, form filling, set appointments, etc)	
33	Security	N	Privacy Information Protection	The chatbot should not retain or record any personal identifiable information (i.e., SSN, address locations, driver's licenses, etc.)	Y	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
34	Operational	N	Chatbot Availability	The chatbot should be available 24/7 x365		Mandatory	N Grading Scale 1-5	1 - Does not meet 2 - Meets 25% 3 - Meets 50% 4 - Meets 75% 5 - Meets 100%	
35	Security	N	Encrypted storage	Data at rest shall be encrypted		Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/Cr	Evaluation C	Criteria Values	Criteria Notes
36	Operational	N	Business Continuity and Disaster Recovery	The chatbot service must be designed to provide continuation service in the event of equipment failure		Mandatory	Y Grading Scale 1-5	1 - Does not meet 2 - Meets 25% 3 - Meets 50% 4 - Meets 75% 5 - Meets 100%	
37	Infrastructure/Hosting	N	Hosting	Chatbot services shall be hosted in a FedRAMP (moderated) certified data center		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Exceeds expectations is when DC is FedRAMP (high) certified
38	Policy	N	Information Sharing	Vendor shall not share any chatbot information (logs, knowledge bases, etc.) with partners or 3rd party vendors without authorized consent.		Mandatory	N Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Exceeds = proactive services to ensure info is not shared without consent. For example: Provide access audits for
39	Operational	N	Alerts and Monitoring	Solution shall be monitored 24/7 for system availability to ensure it meets the SLA.		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
40	BC/DR	N	Outage Notification	Solution shall send out an alert and notification to a distribution list based on threshold rules		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
41	Operational	F	Configuration	Chatbot solution shall be configurable to support different usage types	N	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	Able to support multiple knowledge domains from potentially different vendors and chatbots services
42	Operational	F	Delegated Administration	Chatbot solution shall support delegated administration	Y	Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
43	Operational	F	Support RBAC Model	The chatbot solution shall support a Role Based Access Control Model	Y	Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
44	Compliance	N	Non-US authorized operators and administrators	System shall not a) perform any of its obligations from locations or using employees, contractors and/or agents situated outside the United States, or b) directly or indirectly (including through the use of subcontractors) store any Data outside the United States, nor will the Contractor allow any Data to be accessed by Contractor's employees, contractors and/or agents from locations outside the United States, without prior written consent of the JCC.		Mandatory	Y Binary		

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/Cn	Evaluation C	Criteria Values	Criteria Notes
45	Education/Training	N	Training for knowledge domain managers	Provide training for users who will be managing and monitoring chatbot knowledge and responses		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
46	Usability/User Experience	N	Intuitive Interface for General Public	The chatbot interface should be intuitive to the general public so no training is required.		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
47	Usability/User Experience	F	Session Timeout	The chatbot must automatically end session after X (configurable) minutes of inactivity. It shall provide notice to end user when this occurs.	Y	Mandatory	Y Grading Scale 1-5	1 - Capability does not exist 3 - Has capability but not configurable 5 - Has capability is configurable	
48	Reporting/Metrics	F	Foundation Activity Reporting	Reporting shall include information like number of transactions, sessions, availability, downtime, etc.	Y	Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Define what is the minimum needed activity reporting
49	Reporting/Metrics	N	Metrics	Metrics for measuring success of each chatbot project or user story. How many people using chatbot for each purpose and is the user number rising? Are there return visits? Are call and/or email volumes reducing? Are chatbot users transitioning from chatbot to assisted chat or getting lost - Analyze the unproductive interactions.		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	What level of analytics are provided? Need to define what the minimum analytics are for meets expectations
50	Reporting/Metrics	F	Printable	Reports should be printable	N	Mandatory	Y Binary		
51	Usability/User Experience	F	Feedback/survey	The chatbot should inquire users to determine if the chatbot was useful, and/or areas for improvement.	Y	Mandatory	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
52	BC/DR	N	Recovery Point Objectives	The solution shall have a Recovery Point Objective (RPO) of no more than X mins (X TBD)		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Meets expectations is equal to X mins Exceeds = 50% less than X

ID	Category	Func/NonFunc/Content	Title	Detailed Description	Include in RFP Demo	Mandatory/Optional	Evaluation C	Criteria Values	Criteria Notes
53	BC/DR	N	Recovery Time Objectives	The solution shall have a Recovery Time to Operations (RTO) of no more than Y hour (Y TBD)		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Meets expectations is equal to Y Hours Exceeds = 50% less than Y
54	BC/DR	N	Outage Root Cause Analysis	In the event of an outage, provide report on incident and root cause analysis+@[Detailed Description]].		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Meets expectations = provides high basic root cause (Example: RCA =server/component failed) Exceeds = provide detail analysis/report Example: Server failed due to out of memory and/or storage
55	Education/Training	N	Online Documentation	Solution has online training and support materials are available to chatbot support users, developers, and administrators.		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	
56	Technical Support	N	Help Desk	Provide help desk support for end users (Redirect to live agent).		Optional	Y Grading Scale 1-5	1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
57	Policy	N	Data Ownership	Data is owned by Courts of CA. If needed, describe how data may be exported or transferred to another provider.		Mandatory	N Binary		
58	Infrastructure/Hosting	N	Support Production/Lower Environments	Must be able to support production and lower environments		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	Meets = production and 1 lower environment Exceeds = greater than 1 non prod environment
59	Audit/Logging	N	Logging	The solution maintains logs for all actions and operations for auditing, tracking, analysis and debugging. Users, including Administrators, cannot modify the logs.		Mandatory	Y Grading Scale 1-5	1 - Does not meet 3 - Meets expectations 5 - Exceeds expectations	

ID	Category	Func/NonF unc/Conte nt	Title	Detailed Description	Include in RFP Demo	Mandatory/C ₁	Evaluation C	Criteria Values	Criteria Notes
60	Usability/User Experience	F	Natural Language Processing	NLP enhances conversational experience to gain more accurate responses. It uses knowledge of sentence structure, idioms, slang, abbreviations, and machine learned pattern recognition to try match "intent" like a human being. Can help to prioritize unsatisfied or angry customers and connect them to humans.	Y	Mandatory	Y	Grading Scale 1-5 1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
61	Usability/User Experience	F	Biometrics	Ability to identify proof through voice or other means?	Y	Optional	Y	Grading Scale 1-5 1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the	
62	Usability/User Experience	F	Integration	Able to integrate with calendaring systems for making self-help appointments (same as self-help appointments and calendaring)	Y	Optional	Y	Grading Scale 1-5 1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	Yes
63	Usability/User Experience	F	Machine Learning/AI	Ability to consume prior chatbot conversations, identify and develop improve responses	Y	Mandatory	Y	Grading Scale 1-5 1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
64	Security	F	Authentication	Chatbot should be able to integrated with an authentication service such as Azure AD	Y	Optional	Y	Grading Scale 1-5 1 - Not Available 2 - Supports limited sources 3 - Requires 3rd Party Integration 4 - Supports all major sources with customization 5 - Supports all major sources out of the Box without customization	
65	Administrative	N	Operational Administration	Level of expertise required to operate and manage the chatbot platform		Mandatory		Grading Scale 1-5 1 - Requires HIGH level of expertise/training 3 - Requires MODERATE level of expertise/training 5 - Requires LOW level of expertise/training	LOW = Intuitive and can learn from online documentation MODERATE = requires training (1-2 days) HIGH = requires
66	Maintability	F	Machine Learning/AI	Level of automation required to maintain and train chatbots	Y	Mandatory		Grading Scale 1-5 1 - Not Available 2 - Requires 3rd Party Integration 3 - Out of the Box with Limited Automation - unable to integrate with 3rd party 4 - Out of the Box with Limited Automation requiring 3rd Party integration to meet needs 5 - Out of the Box - Full Automation	What types or automation tools are included

APPENDIX D: KPIs

Name	Descriptions	How to Measure	Target	Success Factors
Accuracy	Acquiring users is one thing, but making sure the users utilize the bot for its intended purpose is key. This is where the activation metric comes in. Does the user respond to your bot's opening message with relevant questions? If not, how can you adjust the message to make sure users understand how to use the bot?	Q: How to measure this? More for search results?		
Activation Rate				
Chat completed %	Percentage of the chat sessions that were completed successfully	Percentage of total completed/total sessions		In Year 1, More than 80% of chat session successful complete
Chat dropped %	Percentage of chat sessions that were dropped	Chat dropped sessions/chat total sessions		
Chat dropped	Number of chats sessions that were timed out or lost connection			
Chat Duration	Capture the duration of a chat conversation	Measure in time (in seconds). Min, Max, and Average		
Chat missed %				In Year 1, Less than 10% missed session
Chats completed Total	Total number of chat sessions completed successfully	This is a count of the total number of chat session successfully completed in a day, week, month, etc.		

APPENDIX D: KPIs

Name	Descriptions	How to Measure	Target	Success Factors
Chats missed	Total number of chat sessions opened and ended before active conversation was started			
Chats Rating	Capture UX of the chat experience (1 to 5 stars)	Measure UX rating in number of stars		Chat Rating of Average of 3.5 for year 1 with goal of 4
Fall Back Rate (FBR)	<p>No chatbot is perfect. There are fallbacks in almost every chatbot at some point. The rate of fallback of a chatbot can be in different ways, the KPI metrics divide these fallbacks into different categories and the following are the chatbot related ones:</p> <ul style="list-style-type: none"> - Rate of Confusion - Session Length/Steps per conversation - Session Length/Time spent per Session 	<p>Number of sessions that transfer to a live chat or provide contact information (if the conversation has many steps and results in providing the user with either a livechat option or providing alternative contact information, this would be counted as a fall back)</p> <p>The Fall back rate will be the percentage of the number of conversation that concludes with one of the previously describe outcomes.</p>		
Feedback comments				
Number of new users using bots daily, weekly, monthly	Track number of new users?	Q: How? by different IP addresses? MAC Addresses? Sessions? Collect this information for analytics.		

APPENDIX D: KPIs

Name	Descriptions	How to Measure	Target	Success Factors
Number of Volunteer Users (organic users)	<p>As users of chatbots, we know that once we use a chatbot in a messaging platform, we get notifications from those chatbots reminding us to chat again and again. (which is sometimes a little bit annoying). But if your clients come and use your chatbot, without even getting notified, that is a really countable measurement. This means that the specific user comes in with a real purpose.</p> <p>It's super-annoying when a chatbot keeps popping up, begging us to use it. So if users come back of their own accord without being prompted, that's a great sign — and a metric worth counting. 'Organic' users come in with a purpose; you can measure their number through messages initiated by the user, not the bot.</p>	<p>Number of self initiate chat sessions. User accesses chatbot without being prompted</p>		<p>50% of sessions access chatbots without being nudged</p>

APPENDIX D: KPIs

Name	Descriptions	How to Measure	Target	Success Factors
Pain Points	It will be important to understand where things get hairy with your bot's user experience. You could chalk slow adoption up to users' apprehension to change, but there will likely be at least a few bugs you can fix to make the process run more smoothly following your launch date.	Q: Can this be measured? How? This is more for analysis to identify where sessions are behind dropped		
Rate of Confusion	Confusion Rate = Number of times the chatbot had to fallback / Total Messages Sent	Percentage of Fall Backs/Total Sessions (Daily, Weekly, Monthly, Quarterly, etc.)		
Response Time	Time it took for the initiation of conversation	Measure in time (in seconds). Min, Max, and Average	For chatbot less than 2 seconds	95% of all chat sessions respond within 2 seconds
Session Length/Steps per conversation	Captures number of steps per conversation	Number of steps per domain		
Session Length/Time spent per Session	Captures the duration of a session			
Total Chats served	Total number of chat sessions opened			
Wait time (missed)	Same as chat missed			
Wait time (served)	For LiveChat, this is the wait time before an agent becomes available			

APPENDIX E: EXAMPLE OF CHATBOT DISCLOSURE, PRIVACY POLICY, AND DISCLAIMER

Draft Disclosure, Privacy Policy, and Disclaimers

Business and Professions Code section 17940 requires that the bot disclose that it is a bot when it delivers service. The suggested disclosure is just, “Hi! I am a bot.”

DISCLOSURE STATEMENT:

“Hi! I am a bot.”

PRIVACY STATEMENT:

We do not collect, nor do we retain, any personal information or data. If there are any changes to this policy, such changes will be posted on the Judicial Council of California’s website. Third parties are prohibited from tracking and/or collecting any information or other data about any person through this bot, website, and/or any app affiliated with the Judicial Council of California.

DISCLAIMER STATEMENT:

The (Judicial Council of California website or wherever the bot is located) and the documents, forms, and/or information provided are provided conditioned upon your acceptance of these disclaimers and/or terms, and any other disclaimers and/or terms that we may provide.

The purpose of this (site, chat, etc.) is to provide legal information to the public. We do not and will not represent any person or party in any case, action, or controversy. We do not give legal advice. The information provided herein is general in nature. There may be additional forms and rules that are local to your court or jurisdiction in which you or your case are located.

This (website, app, chatbot, etc.) and the information provided herein is not intended as legal advice. You should consult with an attorney to receive any legal advice about your issue or case.

We disclaim any and all liability and make no warranties about any of the forms, documents, or information contained herein. We will have no responsibility or assume any liability for any claim of loss, injury, or damage resulting from your use of the forms, documents, or information provided herein.

APPENDIX F: EXAMPLE OF INTERNAL POLICIES

1. The chatbot shall have a warning displayed to all users of the nature of the technology being used. Specifically, that warning should include that the interaction is with a chatbot and that the chatbot may rely on other chatbots for information.
2. The chatbot shall provide the users an opportunity to erase their data at the end of the session.
3. The chatbot shall have a human point of contact whereby inappropriate information or actions by the chatbot may be reported for investigation and corrective action. Access to that point of contact should be available by hyperlink on the chatbot interface.
4. The point of contact shall have means readily available to suspend the chatbot's operation.
5. The chatbot should have a list of words and phrases it will not use. In the court environment, people may come for concerns about discrimination, including use of racial epithets against those persons. The chatbot shall be instructed on the appropriate use of that information. Moreover, the chatbot shall not use those words when responding to a user.
6. The chatbot should not provide any personal information. Additionally, it should only take the personal information necessary to identify a problem. It should, under no circumstances, take personal identifying information including, but not limited to, driver's license numbers, dates of birth, or social security numbers.
7. The chatbot shall be programmed to conform with Isaac Asimov's three laws: A robot may not injure a human being or, through inaction, allow a human being to come to harm. A robot must obey orders given it by human beings except where such orders would conflict with the First Law. A robot must protect its own existence as long as such protection does not conflict with the First or Second Law.

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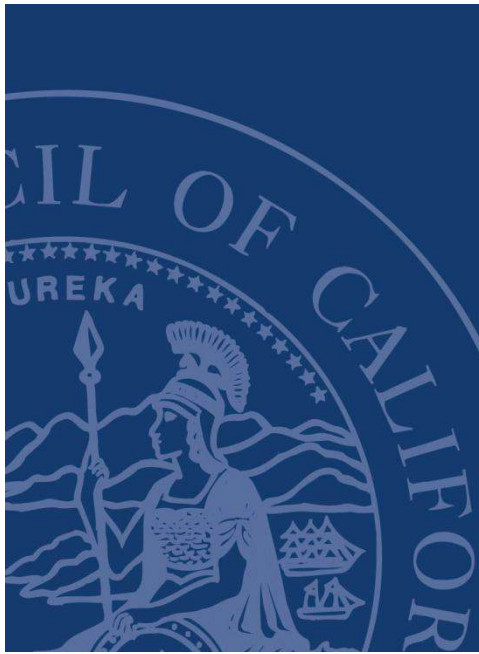
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APPENDIX G: EXAMPLE OF RECOMMENDED APPLICABLE USE POLICY VIA WEB GOVERNANCE

An Applicable Use Policy dictates the parameters of chatbot interactions in terms of the type of information provided, the areas of law that would be addressed, and that the chatbot does not create an attorney/client relationship. Importantly, the policy should state what the platform cannot be used for. Examples of Applicable Use Policy content is as follows:

1. Does not provide legal advice
2. Does not violate confidentiality
3. Does not create an attorney/client relationship
4. Not used for criminal cases
5. Does not create a liable situation for the courts and the branch

Further discussion is needed around these areas with the input of appropriate Subject Matter Experts.



Remote Video Appearances for Most Noncriminal Hearings 2018–2019

WORKSTREAM PHASE 1 REPORT,
FINAL

AUGUST 1, 2019



JUDICIAL COUNCIL
OF CALIFORNIA

TECHNOLOGY COMMITTEE

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Executive Summary

The Remote Video Appearances Workstream (Workstream) was tasked by the Judicial Council's Information Technology Advisory Committee (ITAC) with exploring possible implementation models for remote video appearance, investigating the issues and opportunities, hosting a mock implementation, and preparing for one or more pilot implementations in actual courtrooms for specific hearing types.

The Workstream's efforts were informed by recommendations of the Commission on the Future of California's Court System that the Judicial Branch press forward with remote video appearance for most noncriminal court proceedings.

"Technology can provide a less expensive and more effective way for parties and counsel to make court appearances. Statutes and rules of court currently permit granting a request for telephonic appearances at non-evidentiary hearings in most civil cases including unlawful detainer and probate matters, unless a court finds good cause to require a personal appearance. This rule should be expanded to include video appearance and to permit remote appearances at trials and evidentiary hearings in all civil tiers."

(Commission on the Future of California's Court System, *Report to the Chief Justice* (Apr. 2017), p. 24.)

Chief Justice Tani G. Cantil-Sakauye directed ITAC, and by extension the Workstream, to "consider, for presentation to the Judicial Council, the feasibility of and resource requirements for developing and implementing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings" (Chief Justice Tani G. Cantil-Sakauye, mem. to Justice Douglas P. Miller, et al., "Addressing the recommendations of the Commission on the Future of California's Court System," May 17, 2017).

This report provides the Workstream's analysis of the current state of video and digital appearances in California courts and makes recommendations to broaden adoption of this emerging model for court appearances. These recommendations focus on removing barriers broadly and to the benefit of all courts and court users, rather than on developing pilot projects.

In mid-2017, the Judicial Council of California awarded 53 grants to courts throughout California. These grants, authorized by the Budget Act of 2016, focused on a broad group of innovations, modernization, and efficiency in the California court system. Seven of these grants focused specifically on remote appearances, with some directly addressing criminal case types and others addressing noncriminal matters.

Since the innovation grant courts are actively implementing pilots, the Workstream purposefully solicited members from those courts to maximize information sharing and ensure that the Workstream could support those courts in their efforts.

The participation of members from the innovation grant courts proved extremely valuable in shaping and focusing the Workstream's efforts. Early in the Workstream's work, innovation grant court representatives reported no direct obstacles to their implementation efforts. With that information, the Workstream changed its focus to developing recommendations that can benefit all courts wanting to become early adopters of remote video appearances. The Workstream's intent with the information in this report is to reduce the time between implementations of innovation grant courts and early-adopter courts.

Finally, the Workstream's efforts did not include evaluation of juvenile delinquency or dependency proceedings. The unique nature of juvenile proceedings requires special attention and may require a completely different set of rules from those of other noncriminal proceedings. For that reason, the Workstream determined it best to leave these matters for future discussion.

Recommendations

The Workstream approached its work and the ultimate recommendations with the following key concepts in mind:

- Provide access to justice. Remote video appearance is an additional, optional mechanism.
- Preserve litigant rights. The use, or nonuse, of remote video appearances can neither benefit nor disadvantage one party over another.
- Ensure dignity and integrity of process. Remote appearances must retain a dignified and stable backdrop for the resolution of disputes.
- Don't overcomplicate. Develop a relatively simple set of guidelines that would place a minimal burden on both the litigants and the court.

During the Workstream's evaluation of the current state of video appearances, it became apparent that any recommendations should also ensure flexibility for early-adopter courts. The relative newness of these proceedings will necessitate iteration at the local court level. As such, recommendations for rules or legislation focused on ensuring the authority for courts to proceed while seeking to allow courts the ability to explore varied approaches, as the processes around the technology mature through experience. The Workstream has drafted potential rule and legislative changes for consideration by ITAC and other appropriate advisory committees as they continue this work. The Workstream does *not* anticipate that the recommended language would be adopted without further review and potential revision by those groups. Instead, the Workstream's effort to draft language is intended to express the goals of the rule or legislative changes to the greatest extent possible.

The Workstream specifically makes the following recommendations:

- **Recommendation 1: ITAC should circulate through the normal process a recommendation that the Judicial Council pursue an amendment of Code of Civil Procedure section 367.5 to conform authorization for video and/or digital appearances to those made via telephone.**

As a start to supporting remote video or digital appearances, the Workstream recommends legislative changes to add these types of appearances to existing legislation for telephonic appearances. The Workstream believes that the provisions for remote video or digital appearance should generally parallel those for telephonic appearance, but should not create a presumptive authorization for video appearance, as exists for telephonic appearance during some types of hearings. Because of the infancy of the video appearance process, the Workstream prefers to leave the option to offer these types of appearances to the local jurisdiction.

- **Recommendation 2: ITAC should circulate through the normal process a recommendation that the Judicial Council pursue amendments to Code of Civil Procedure section 367.6 and Government Code section 72011, and the repeal of Government Code section 70630.**

Current law requires a court to charge a fee, established by the court, for any video appearance. The Workstream recommends conforming the fee structure for video appearances to those for telephonic appearances. Timing of this change is important to ensure that replacement legislation (Recommendation 1) and rules (Recommendations 3 and 4) are in place before the repeal.

- **Recommendation 3: ITAC should, in cooperation with appropriate advisory committees, develop a recommendation that the Judicial Council adopt a new rule of court, specific to video and digital appearances, that largely mirrors California Rules of Court, rule 3.670, regarding telephonic appearances.**

Existing rules provide guidance to courts and parties for telephonic appearances. The Workstream recommends a similar structure for a new rule specific to video and/or digital appearances. A separate rule is proposed to allow for a nuanced approach to evidentiary hearings—which are more appropriate for video or digital appearances than telephonic appearances—and variation in authorized case types.

- **Recommendation 4: ITAC should, in cooperation with appropriate advisory committees, seek amendment of California Rules of Court, rule 5.9, to allow for video and digital appearances in family law proceedings.**

Current rule 5.9 allows for telephonic appearances in family law proceedings. The Workstream recommends a minor revision to allow for video or digital appearances in these case types.

- **Recommendation 5: ITAC should request that the Judicial Council, following appropriate vetting, adopt *Key Considerations Guide for Early Adopters of Video Appearances in California Courts*, included as Appendix A to this Phase 1 report, and ensure that a mechanism exists to make future revisions to the document as additional lessons are learned and to keep pace with technology changes.**

The Workstream recommends legislative and rule changes that make clear the authority for the courts to offer appearances by video or digital means. The Workstream, however, discussed other questions that are raised as courts approach a new method of access. The guide outlines key items for courts to address as they pursue local efforts. The guide is not a mandate, nor does it impose specific requirements on courts.

- **Recommendation 6: ITAC should, in collaboration with appropriate advisory committees, seek, develop, or revise rules regarding digitized evidence for use in video or digital appearances.**

Rules pertaining to the presentation of evidence during a remote hearing will need to be developed as the process matures. Because of the infancy of the concept, the Workstream was unable to identify specific rules for adoption at present.

- **Recommendation 7: The Workstream recommends that ITAC undertake the necessary development to provide a simple, standard internet-based file-exchange service to facilitate the exchange of digital evidence between parties and the court, for courts implementing remote video appearance.**

The exchange of digital evidence before and/or during court hearings will be required for any court implementing remote video appearance. Although the required technology is not complex, it will need development and resources. ITAC could undertake this effort and provide the resulting service

for all courts, simplifying the implementation process for courts adopting remote video appearance, and providing consistency across venues for the parties.

- **Recommendation 8: Modify the Workstream’s Phase 2 work plan to focus on using the results of the innovations grant courts’ work as the basis for a production implementation for second-wave early-adopter courts. Revise the ITAC work plan to remove the tasks related to implementing a pilot, place the Remote Video Appearances Workstream on hiatus, and re-form the group after the work of the innovations grant courts is complete.**

The Workstream’s scope includes the implementation of pilot projects to evaluate various elements of remote video appearances. The innovations grant recipient courts are already serving in this role and are required to complete reports evaluating their results and, in some cases, produce guides to help other California courts implement their new service models. The Workstream recommends diverting from the original plan in which the Workstream and ITAC would sponsor the remote video appearance pilots. Instead, the Workstream recommends that the ITAC work plan for 2019 be updated to reflect a hiatus of the Workstream pending the completion of the first innovations grant evaluation report. At that time, the Workstream can be reformed to review the results of the innovations grant projects in this area, determine statewide cost estimates of expanding this service to all courts, and work with Judicial Council staff on statewide information materials to support the second round of early-adopter courts.

The Workstream’s recommendations for rule and legislative changes could move forward through existing ITAC subcommittees, in collaboration with other impacted advisory committees, without the need to maintain an additional Workstream infrastructure until the new rules and laws are in place and the first of the innovations grant courts has completed their work.

Report Structure

This final report provides the results of the Workstream’s Phase 1 work. Section 1 provides background information and key principles that guided the Workstream. Section 2 outlines the relevant legislative and rule-of-court foundation for the existing use of remote appearance and suggests the changes necessary to support broader adoption of this capability. Section 3 provides discussion regarding the procedural aspects of scheduling and conducting remote video appearance hearings. Section 4 focuses on the exploration of the technical aspect of remote video appearances and includes the technology recommendations of the Workstream. Section 5 looks to future next steps and further work required to fully define and implement remote video appearances across California’s courts. Finally, the Appendices present a guide to key recommendations to assist early-adopter courts seeking to implement remote video appearance, expanded information on the mock hearings conducted by the Workstream and the original concept outlined by the Commission on the Future of California’s Court System, and the Workstream’s membership.

1.0 Introduction and Background

“In July of 2014, Chief Justice Tani G. Cantil-Sakauye established the Commission on the Future of California’s Court System (Futures Commission) to take an in-depth look at the way our trial courts are serving the people of California. The Futures Commission was asked to think creatively about how court operations could be improved and streamlined. [¶] California’s court system is the largest in the nation, serving a population of over 39 million. Every year, millions of Californians come to a courthouse, whether to serve as a juror, seek a restraining order, resolve a traffic citation, or litigate a case. What they encounter often differs little from what previous court users have experienced over the decades. Yet advances in technology, communications, and information processing all present opportunities for the judicial branch to give Californians greater, more efficient, and more responsive access to justice” (Commission on the Future of California’s Court System, *Report to the Chief Justice* (Apr. 2017), p. 1).

The Futures Commission sought practical ways to effectively adjudicate cases, achieve greater fiscal stability for the branch, and use technology to enhance the public’s access to its courts. One of the key recommendations included in the final report was to press forward with remote video appearance for most noncriminal court proceedings.

“Technology can provide a less expensive and more effective way for parties and counsel to make court appearances. Statutes and rules of court currently permit granting a request for telephonic appearances at non-evidentiary hearings in most civil cases including unlawful detainer and probate matters, unless a court finds good cause to require a personal appearance. This rule should be expanded to include video appearance and to permit remote appearances at trials and evidentiary hearings in all civil tiers” (Futures Commission, *Report to the Chief Justice*, p. 24). The Futures Commission included a multipage discussion of the rationale and vision for this capability in its final report on pages 221–225 (see Appendix E). In summary, “[t]he Futures Commission believes that the option to attend court proceedings remotely should ultimately be available for all noncriminal case types and appearances, and for all witnesses, parties, and attorneys in courts across the state” (Futures Commission, *Report to the Chief Justice*, p. 222).

1.1 Directive from the Chief Justice and Formation of Workstream

After receiving the Futures Commission report, Chief Justice Cantil-Sakauye wrote, “The Judicial Council’s Information Technology Advisory Committee is directed to consider, for presentation to the Judicial Council, the feasibility of and resource requirements for developing and implementing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings” (Chief Justice Tani G. Cantil-Sakauye, mem. to Justice Douglas P. Miller, et al., “*Addressing the recommendations of the Commission on the Future of California’s Court System,*” May 17, 2017).

ITAC undertook this charge and included the activity in its 2018 annual agenda and launched the Workstream on March 22, 2018. Its objectives were initially defined as a two-phase project. The following tasks were included in Phase 1 of the project:

- 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 in a court. Include one or more mock hearings of the selected hearing type.
- Capture learnings and report findings.
- Update Phase 2 of work plan based on results.

- Seek approval from ITAC and the Judicial Council Technology Committee to conclude Phase 1 and initiate Phase 2; amend the annual agenda accordingly.

Phase 2 was intended to serve as the formal pilot of remote video appearances. As initially conceived, this phase would have included the identification of pilot sites, preparation for the pilots, conduct of pilots, evaluation, and development of implementation and training guides for courts that followed the pilots.

1.2 Workstream Structure

The roster of Workstream members is included as Appendix D. The Workstream membership, chaired by Judge Samantha Jessner of the Los Angeles Superior Court, included participants from a diverse set of courts, including membership from the Video Remote Interpretation Pilot Workstream, and relevant Court Innovations Grant Program awardees.

During the course of its exploration, four subgroups were formed: Procedures, Evidence, Rules, and Technology. The subgroups met multiple times to develop initial recommendations on topics including user technical requirements, evidence exchange, and presentation rules.

1.3 Key Objectives and Concepts

The objectives and concepts discussed below formed the foundation for the Workstream's exploration into remote video appearances.

Provide Access to Justice

Improved access to justice lies at the very heart of the remote video appearance initiative. California is a vast state with populations far from their nearest courthouse. Weather, mountainous terrain, vast distances, crushing traffic, and limited mobility can hinder or prevent litigants from making a traditional courtroom appearance. Our population is also increasingly familiar with remote video technology for training, services such as medical appointments, and social interaction. To improve access to justice, traditional in-person options must be preserved and expanded. Remote video appearance is seen as an additional, optional mechanism to provide more—and more convenient—access to our courts.

Preserve Litigant Rights

Preservation of litigant rights is inherent in the mission of the court. Although new tools and technologies may be available to many, not all litigants in California have the same experience, resources, and opportunity to access these enhanced capabilities. The use, or nonuse, of remote video appearance should neither benefit nor disadvantage one party over another. Litigants must retain their rights and opportunities to access their attorney, interpreter services, self-help, and other services.

Ensure Dignity and Integrity of Process

The courthouses and courtrooms of the California courts provide a dignified, respectful, and stable backdrop for the resolution of disputes. Maintaining the dignity and integrity of the process while providing remote video access from an unspecified and uncontrolled external location was an area explored by the Workstream in the course of its efforts.

Don't Overcomplicate

The Workstream took care to develop a relatively simple set of guidelines that would place a minimal burden on both the litigants and the court. Although creating detailed, complex rules and rigid technology

solutions was an option, the Workstream focused on outlining broad guidelines that could be flexible over time and tailored to fit specific situations—erecting the fewest barriers possible for potential litigants.

1.4 Project Approach and Summary of Activities

The Workstream undertook its work through three primary steps: literature review, key issue identification, and mock hearings.

Literature Review

The Workstream explored the extent of research and current use of remote video appearance as an early part of the process. Use of remote video appearance between fixed points—commonly video arraignment between a courtroom and a jail, state prison, or mental health or other holding facility—has been extensive. California also has the necessary rules of court to support remote video appearance on infraction traffic cases, and such technology has been implemented in several courts. These statically positioned uses of video technology are well established in California and have been in use for more than 20 years.

There are also known implementations of remote video appearance for reviews of juvenile placements. Some of these hearings use commercial vendors to establish a link between a courtroom and a juvenile placement facility. These uses are characterized by having two fixed points of access. Equipment selection and networking between the two points can be explicitly specified and any deficiencies addressed. Exchange of evidence, waivers, or other materials can be specifically planned because the source and destination are well known and pre-established. The Workstream was also made aware of the use of remote video appearances in a small number of civil cases to facilitate witness testimony. Finally, at least one commercial service operating in California provides for the remote video appearance of attorneys in non-evidentiary civil and family law proceedings. This service is provided by the vendor as an enhancement to the vendor’s standard telephonic appearance service for a small additional fee, with the consent and assistance of the local court. These applications demonstrate the utility of video appearance and provide a strong foundation for even more flexible and widespread uses of the technology.

A literature search of the topic *remote video appearance* located several relevant publications:

- Center for Legal and Court Technology, Report to the Administrative Conference of the United States: Best Practices for Using Video Teleconferencing for Hearings and Related Proceedings, www.acus.gov/sites/default/files/documents/Final_Best%2520Practices%2520Video%2520Hearings_11-03-14.pdf (as of May 21, 2019).
- Judicial Council of Cal., Advisory Com. Rep., *Video Remote Technology in California Courts: Survey and Findings* (Dec. 2014), www.courts.ca.gov/documents/02-ctac-20141205-materials-VRTsurveyandreport.pdf.
- National Association for Presiding Judges and Court Executive Officers, *Study of State Trial Courts Use of Remote Technology* (Apr. 2016), <http://napco4courtleaders.org/wp-content/uploads/2016/08/Emerging-Court-Technologies-9-27-Bridenback.pdf>.
- State Justice Institute, *Use of Telephonic and Video Conferencing Technology in Remote Court Appearances: A Supplemental Report to a State Justice Institute (SJI) Funded Project* (June 20, 2016), <https://www.ncsc.org/~media/Microsites/Files/Civil%20Justice/UseTelephonicVideoTechnology.ashx>.

Judicial Council of California; Information Technology Advisory Committee
Remote Video Appearances for Most Non-Criminal Hearings 2018-2019 -- Workstream Phase 1 Report

- Self-Represented Litigation Network, *Remote Appearances of Parties, Attorneys and Witnesses: A Review of Current Court Rules and Practices* (Mar. 2017), www.srln.org/system/files/attachments/SRLN%20Remote%20Appearances%20Court%20Rules%20and%20Practices%20Report%204-2-17.pdf.

These publications were immensely valuable to the work of the Workstream because they raised and examined a broad range of issues on the topic of remote video appearance, encompassing many years of research.

Key Issue Identification

The Workstream effort was broken into four core areas: procedures, evidence, rules and legislation, and technology. A subcommittee was established to review issues by topic. The subcommittee identified the following issues:

- Procedures:
 - Participant scheduling
 - Process for documenting agreements
 - Video display during hearing
 - Facilitating of private discussions
 - Calendar management
- Evidence:
 - Evidence exchange and presentation
 - Facilitating of evidence exchange
- Rules and Legislation:
 - Participant environment at remote site
 - Allowing of hearings
 - Allowing of participants
 - Interpreter participation guidelines
 - Training program
 - Quality control
 - Record capture
 - Cost for remote appearance
- Technology:
 - Participant technical requirements at remote site
 - Evidence display during video appearance
 - Interpreter technical requirements
 - Signature-capture technology
 - Video displays in the courtroom
 - Technical guidelines for video connections

Mock Hearings

The mock hearings provided an opportunity to test the Workstream findings in a controlled, low-risk environment. The Superior Court of California, County of San Bernardino, is a Court Innovations Grant Program awardee with grants for two video appearance projects. The first grant project is the use of remote video appearance on traffic cases from one of its remote court locations into the Victorville

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courthouse. As such, much of the in-courtroom video equipment required to host a remote video appearance hearing was already available. The second grant project is the provision of remote family law facilitator mediation to litigants in family law proceedings. This project provided the commercially available and readily usable video technology that allows anyone with a smart phone, personal computer, or other device to connect to a remote location. The Superior Court of San Bernardino County provided the technology from both innovations awards and hosted the mock hearings in the courtroom of Commissioner Susan Slater in the Victorville courthouse.

The two mock hearings consisted of a small claims case and a civil harassment hearing, scripted based on hearings originally held in the Superior Court of California, County of Placer. The small claims case had one remote party and one party in the courtroom and used electronic recording; in the civil harassment case, both parties were remote and a court reporter was used. The scripts for the two hearings and a full set of findings are included, respectively, as Appendixes B and C. Courtroom staff in San Bernardino conducted the hearing as they would any other. Workstream participants played the remainder of the roles in the mock hearing from their remote locations throughout California. The response from participants was overwhelmingly positive, with all participants reporting they were very satisfied (76.92 percent) or somewhat satisfied (23.08 percent) with the remote video appearance, 96 percent reporting that justice would have been served in the hearings, and 91 percent reporting that they would be likely to promote remote video appearance in their courtrooms. This survey was limited to those who participated in the event, all of whom were employees of a judicial branch entity. This was a proof-of-concept survey only and was not a large or diverse enough sample to make any final determinations. The survey was useful only to determine if the concept had a base level of viability.

2.0 Legislative and Rule Considerations

Court hearings and related appearance by counsel and parties are conducted daily by telephone in courts throughout California. For limited and unlimited civil motions, rule 3.670 of the California Rules of Court is specifically intended to “promote uniformity,” allow parties to “appear by telephone,” and presumptively allow for telephonic appearances in certain circumstances. Legal authority for these appearances is well established in California Code of Civil Procedure section 367.5, which grants formal authority for telephonic appearances and states the Legislature’s stance that such telephonic remote appearance provides greater access to justice for parties.

The use of video or digital appearances is not clearly encouraged in statute and rule. Although the Legislature has granted the authority for use of video (see Gov. Code, § 70630), it has done so only through a code authorizing fees. In relevant part, Government Code section 70630 states: “If a court has made videoconferencing services available, the clerk of the court shall charge a reasonable fee to cover the cost of permitting parties to appear by videoconferencing.”

During the course of the Workstream’s efforts, concerns were raised by members and internal staff regarding the legality of telephone or video appearances for small claims cases in particular. The Workstream reviewed this issue, and although section 367.5 does not include small claims and some civil petitions (as defined) in the blanket authorization for telephonic appearance, it grants the Judicial Council broad authority to expand this authorization.

*“This section does not apply to any types of cases or types of conferences, hearings, and proceedings except those specified in subdivision (b). Consistent with its constitutional rulemaking authority, **the Judicial Council may by rule provide for the procedures and practices, and for the administration of, telephone appearances for all types of cases and matters not specified in subdivision (b).** For these other cases and matters, the Judicial Council may specify the types of cases and matters in which parties may appear by telephone, the types of cases and matters in which parties shall appear personally, the conditions under which a party may be permitted to appear by telephone, and any other rules governing telephone and personal appearances that are within its rulemaking authority.” (emphasis added)*
(Cal. Code Proc., § 367.5(e).)

Further, Government Code section 70630 does not provide a limitation on video appearances by case type and instead, on plain read, provides broad authority to the court to make video conferencing available. Individual courts would need to evaluate how to balance this generalized authority for video with the existing limitation on small claims cases for telephonic appearances. The following section presents the Workstream’s recommended branch-level approach.

Finally, video appearances are already authorized for title IV-D hearings per rule 5.324 of the California Rules of Court. Under that rule, *telephone appearance* is defined such that it includes appearances by “videoconferencing” (Cal. Rules of Court, rule 5.324(b)).

2.1 Workstream Approach to Legislative and Rule Changes

Consistent with the Workstream’s overall approach to the project, the preference was to keep legislative and rule changes to a minimum wherever possible. This approach was, in part, a response to the

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recognition that early-adopter courts will need significant flexibility during initial testing and rollout of remote video appearances. Furthermore, the Workstream reviewed the existing rules pertaining to telephonic appearances and noted an approach that both allows for and requires local court variance in how telephonic appearances are held and recognizes the role of the judicial officer presiding over the proceeding to control for sound and demeanor, and to ensure that the rights of all parties are protected. The Workstream supports a nearly identical approach to appearances by video or other digital methods.

Exhibit 1 summarizes the topics considered by the Workstream for inclusion in a new rule and the ultimate decision on whether to recommend this rule. This exhibit does not address evidence submission, the way agreements are documented during proceedings, or potential fees for service, all of which are presented later in the report.

EXHIBIT 1: VIDEO AND DIGITAL APPEARANCE RULE CONSIDERATIONS

Topic	Workstream Consideration	Include in Rules of Court?	Include in “Key Considerations”?
Party and External User Technical Requirements	<p>The Workstream discussed whether local courts should be required to provide solutions that can be accessed by specific software or hardware in use by the public. The Workstream had experience across its membership with a variety of commercially available products and services providing remote video connectivity.</p> <p>Because the technology ecosystem conforms to one standard, similar to telephone standardization, a rule was not determined to be necessary.</p>	No	Yes
User Environment	<p>The Workstream considered whether specific rules should be developed regarding the physical location of the remote user, internet bandwidth requirements for that user, and/or whether to prohibit use of mobile phones.</p> <p>The Workstream decided that a general rule is needed to ensure the party can be seen and heard but that further details are unnecessary and would require frequent revision.</p> <p>In addition, the Workstream contemplated potential issues in cases where the remote party is in pro per or is participating in a small claims case.</p> <p>The Workstream recommends a rule requiring parties to affirm on the record that the party is not being provided assistance by anyone other than their attorney of record (where appropriate) or an interpreter. The definition of “assistance” should also be included.</p>	Yes	Yes
User Scheduling	The Workstream discussed whether rules should be adopted to define how and when a user can schedule a video appearance.	No	No

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Topic	Workstream Consideration	Include in Rules of Court?	Include in “Key Considerations”?
	The Workstream determined that this level of detail depends highly on the individual court and the hearings offered by that court. This level of variability does not lend itself to a rule of court.		
Hearings Offered	The Workstream discussed whether to define the specific hearings in which video appearance would be authorized.	Yes	Yes
	The Workstream determined that a two-fold approach would be appropriate. First, the California Rules of Court should authorize video consistent with the authorization for telephone and expand to clearly enable use of video in small claims, civil petitions not currently covered by the telephonic appearance rules, and family law. These expanded case types may not be appropriate for telephonic appearances in which the party cannot be seen or evidence presented. Video appearance provides enhanced abilities in these areas and can then expand the types of cases eligible for a remote appearance. Second, the rules should require local courts to post the types of hearings in which video appearances are allowed, consistent with the rules related to telephonic appearances.		
Notice / Cut-Off Rules	The Workstream had significant discussions regarding notice. Initial opinions differed on whether the opposing party should be provided notice. Arguments against such notice focused on potential delays to the court process and/or the need for additional judicial review before hearing. Arguments for such notice were more general in nature during the initial conversations.	Yes	Yes
	At present, the Workstream recommends notice to the court and the opposing party and a cutoff time frame for scheduling a video appearance. However, the Workstream also recommends that a good-cause basis be required for objection to video appearance. Future rules may be developed in this area after there is sufficient experience by the pilot courts.		
Participants Allowed	The Workstream discussed the types of participants who should be allowed to appear by video. The Workstream determined that anyone directly involved in the case (party, attorney, witness, interpreter, court reporter, etc.) should be allowed to appear by video.	Yes	No
Identity Verification	The Workstream discussed whether rules should specify how judicial officers or court staff verify the identity of a party appearing remotely. This item was deferred to the Identity Management Workstream. However, the consensus of the Workstream was that such rules are unnecessary and that judicial officers will verify	No	No

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Topic	Workstream Consideration	Include in Rules of Court?	Include in “Key Considerations”?
	identity for remote participants as they verify those appearing in person or on the telephone.		
Interpreter Guidelines	Specific topics related to provision of interpreters were deferred to the Video Remote Interpreting Pilot Workstream. However, the Remote Video Appearances Workstream saw no technical issues with connecting interpreters to the overall video appearance offerings.	No	Yes
Party View of the Hearing and/or Other Hearings	<p>The Workstream discussed the staging of multiple video hearings. For example, on a busy unlawful detainer calendar, should the parties in one case be allowed or prohibited from seeing the calendar proceedings that are being conducted by video ahead of them? The Workstream also considered whether rules should define how to organize calendars, specify queueing, and/or specify what precisely can be seen by and of the various participants during the hearing.</p> <p>The Workstream determined that rules pertaining to viewing need only include minimum requirements related to the ability to see and hear the participants. Local court technology capabilities will govern the number of cases that can be supported at any one time. The Workstream determined that rules that either require other case parties to or prohibit them from witnessing other cases on the same calendar were unnecessary.</p>	Yes to Ability to View and Hear Only	Yes
Facilitating Confidential Communication	<p>The Workstream discussed whether courts should be responsible for facilitating confidential communication between a party and its attorney or other representation.</p> <p>The Workstream determined that such a requirement on the court is neither necessary nor desirable. Appearance by video, as contemplated in this report, is not required of the party, and parties appearing by video would need to arrange with their counsel a reasonable way to communicate confidentially. This communication would likely occur via mobile phone.</p>	No	Yes
Facilitating Mediations	The Workstream determined that methods for providing mediation or other services offered by some courts before or after court hearings should be established at the local court level and not addressed in the rules of court.	No	Yes
Technical Requirements	This report includes discussion of minimum technical guidelines, which the Workstream recommends be included in the Key Considerations document (Appendix A). The Workstream does not	No	Yes

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Topic	Workstream Consideration	Include in Rules of Court?	Include in “Key Considerations”?
	recommend the inclusion of technical requirements in the rules of court.		
Process for Recusals and Disqualifications	<p>The Workstream discussed whether rules should define how to handle situations in which a judicial officer recuses himself or herself, or the parties seek a disqualification, on the day of a video appearance.</p> <p>The Workstream determined that recusals should be handled consistent with existing court practice and that each court, based on its technology capabilities and the availability of other judicial officers that day, should determine whether the matter should be continued, moved to a new courtroom, or otherwise addressed.</p>	No	Yes
Quality Control and Reporting	<p>The Workstream discussed whether rules of court should include a reporting requirement for local courts using video appearances.</p> <p>The Workstream does not recommend such a rule.</p>	No	No
Record Capture	<p>The Workstream does not recommend any special rules for the capture of the record in video hearings. Existing rules related to verbatim or electronic recording would apply. To be consistent with rules for telephonic appearances, rules related to video or digital appearances should include language similar to California Rules of Court, rule 3.670(o).</p>	Yes	No

2.2 Legislative and Rule-Change Recommendations

The Workstream considered potential legislation or rules regarding authority, request process, type of technology, conduct during the hearing, training, and reporting. The Workstream has made an initial attempt at drafting specific language, but acknowledges that this language has not yet been reviewed by the appropriate Judicial Council internal committees or sent out for public comment. As such, the text of the proposals is—and should be—subject to further review before being introduced to the Legislature or recommended for final adoption by the Judicial Council. The Workstream has attempted to provide sufficient detail to convey the goal of the rule or legislative changes to facilitate the work of future committees.

Recommendation 1: ITAC should circulate through the normal process a recommendation that the Judicial Council pursue an amendment of Code of Civil Procedure section 367.5 to conform authorization for video and/or digital appearances to those made via telephone.

The Workstream recommends that ITAC pursue Judicial Council sponsorship of legislation to modify section 367.5 to expand its definition to include telephone, video, and digital appearances. Beyond adding simple terminology to expand telephone options to include video and digital, the Workstream does not believe further revision to this section is necessary.

Specifically, the Workstream recommends the following amendments to section 367.5:

(a) It is the intent of this section to promote uniformity in the procedures and practices relating to telephone, video, or digital appearances in civil cases. To improve access to the courts and reduce litigation costs, courts should, to the extent feasible, permit parties to appear by telephone, video, or digital means at appropriate conferences, hearings, and proceedings in civil cases.

(b) * * *

(c) The court may require a party to appear in person at a hearing, conference, or proceeding listed in subdivision (b) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(d) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules effectuating the policies and provisions in this section by January 1, ~~2008~~ 2021, and may adopt rules relating to matters not covered by subdivision (a). The rules may prescribe, but are not limited to prescribing, the notice to be given by a party requesting a telephone, video, or digital appearance under subdivision (a);₂ the manner in which telephone, video, or digital appearances are to be conducted;₂ the conditions required for a party to be permitted to appear by telephone, video, or digital technology; and provisions relating to the courts' use of private vendors to provide ~~telephone~~ these services.

(e) This section does not apply to any types of cases or types of conferences, hearings, and proceedings except those specified in subdivision (b). Consistent with its constitutional rulemaking authority, the Judicial Council may by rule provide for the procedures and practices, and for the administration, of telephone, video, or digital appearances for all types of cases and matters not specified in subdivision (b). For these other cases and matters, the Judicial Council may specify the types of cases and matters in which parties may appear by telephone, video, or digital technology; the types of cases and matters in which parties shall appear personally;₂ the conditions under which a party may be permitted to appear by telephone, video, or digital technology; and any other rules governing telephone, video, digital, and personal appearances that are within its rulemaking authority.

Recommendation 2: ITAC should circulate through the normal process a recommendation that the Judicial Council pursue amendments to Code of Civil Procedure section 367.6 and Government Code section 72011, and the repeal of Government Code section 70630.

ITAC should recommend amending Code of Civil Procedure section 367.6 to extend the authorized fee structure that exists for telephonic appearance to more broadly apply to all remote appearances. This amendment should be accomplished in conjunction with the repeal of Government Code section 70630 and the amendment of section 72011. The technology recommendations in section 4.2, below, provide consistency in fees and ensure that existing structures for telephonic appearances are not disrupted by the addition of video or digital appearances. Further, Government Code section 70630 does not allow for the retention of fees by either a vendor identified by a court or a court that provides video or digital services directly. Repealing section 70630; ensuring that all telephone, video, and digital services have fees charged per Government Code section 72011; and implementing rules of court would result in more consistent fees across courts and deposits into the Trial Court Trust Fund.

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Specifically, the Workstream recommends revisions to Code of Civil Procedure 367.7 and Government Code 72011 as follows:

Code Civ. Proc., § 367.6.

(a) On or before July 1, ~~2014~~ 2021, the Judicial Council shall establish statewide, uniform fees to be paid by a party for appearing by telephone, video, or digital means, which shall supersede any fees paid to vendors and courts under any previously existing agreements and procedures. The fees to be paid for telephone, video, or digital appearances shall include:

(1) A fee for providing the telephone, video, or digital appearance service pursuant to a timely request to the vendor or court.

(2) An additional fee for providing services if the request is made shortly before the hearing, as defined by the Judicial Council.

(3) A fee for canceling a telephone, video, or digital appearance request.

(b) If a party has received a waiver of fees pursuant to Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code, neither a vendor nor a court shall charge that party any of the fees authorized by this section, subject to the following:

(1) The vendor or court that provides the telephone, video, or digital appearance service shall have a lien, as provided by rule of court, on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the telephone, video, or digital appearance.

(2) If the vendor or court later receives a fee or a portion of a fee for appearance by telephone, video, or digital means that was previously waived, that fee shall be distributed consistent with Section 72011 of the Government Code.

(c) The fee described in this section shall be a recoverable cost under Section 1033.5 of the Code of Civil Procedure.

Gov. Code, § 72011.

(a) For each fee received for providing telephone, video, or digital appearance services, each vendor or court that provides for appearances by telephone, video, or digital means shall transmit twenty dollars (\$20) to the State Treasury for deposit in the Trial Court Trust Fund established pursuant to Section 68085. If the vendor or court receives a portion of the fee as authorized under paragraph (2) of subdivision (b) of Section 367.6 of the Code of Civil Procedure, the vendor or court shall transmit only the proportionate share of the amount required under this section. This section shall apply regardless of whether the Judicial Council has established the statewide uniform fee pursuant to Section 367.6 of the Code of Civil Procedure, or entered into one or more master agreements pursuant to Section 72010 of this code. This section shall not apply when a vendor or court does not receive a fee.

(b)–(e) * * *

Recommendation 3: ITAC should, in cooperation with appropriate advisory committees, develop a recommendation that the Judicial Council adopt a new rule of court, specific to video and digital appearances, that largely mirrors California Rules of Court, rule 3.670, regarding telephonic appearances.

The Workstream recommends that ITAC, with support and collaboration of other affected advisory committees, develop a new rule of court specifically dealing with video and digital appearances. The Workstream considered whether to recommend revisions to rule 3.670 rather than a new rule, but ultimately determined that there were sufficient nuanced differences to warrant a new rule. In part, these differences focus on the ability of video or digital appearances to better enable evidentiary hearings and hearings in case types that are not well suited for telephone because of the inability to see the speaker and evaluate demeanor or similar considerations.

Although the Workstream is not recommending rules in all areas investigated or discussed, it has communicated—in Appendix A: *Key Considerations Guide for Early Adopters of Video Appearances in California Courts*—important issues and considerations for courts as they embark on video appearances (see Recommendation 5).

Specifically, the Workstream recommends that ITAC work to adopt new rule 3.671, as follows:

Rule 3.671. Video and digital appearances

(a) Policy on video and digital appearances

The intent of this rule is to promote uniformity in the practices and procedures relating to remote video appearances in civil, probate, and family law cases. To improve access to the courts and reduce litigation costs, courts should permit parties, to the extent feasible, to appear by video or digital means at appropriate conferences, hearings, and proceedings in civil and family law cases.

(b) Application

This rule applies to proceedings in all general civil cases as defined in rule 1.6, and to unlawful detainer, small claims, family law, probate, and other civil petitions as defined in California Rules of Court, rule 1.6(5).

(c) General provision authorizing parties to appear by video or digital means

A court may authorize, as further described in this rule, matters to be heard by video or digital means. A court authorizing video or digital means must adopt a local rule that outlines the case types and/or types of conferences, hearings, and proceedings in which a video appearance may be allowed.

(d) Saved for future use.

(e) Required personal appearances

Except as permitted by the court under (f)(2), a personal appearance is required for the following persons:

- (1) Persons ordered to appear to show cause why sanctions should not be imposed for violation of a court order or a rule; or
- (2) Persons ordered to appear in an order or citation issued under the Probate Code.

At the proceedings described under (f)(2), parties who are not required to appear in person under this rule may appear by telephone.

(f) Court discretion to modify rule

- (1) *Court may require personal appearances*

Notwithstanding any local rule establishing video appearances, the court may require a party to appear in person at a hearing, conference, or proceeding if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the conduct of the proceedings or in the effective management or resolution of the particular case.

- (2) *Court may permit appearances by video or digital means*

The court may permit a party to appear by video or digital means at a hearing, conference, or proceeding under (e) if the court determines that such appearance is appropriate.

(g) Need for personal appearance

If, at any time during a hearing, conference, or proceeding conducted by video or digital means, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(h) Notice by party

(1) Unless a shorter period of time is specified by local court rule, a party seeking to appear by video or digital means, where allowed by local rule, must notify the court and opposing parties no less than 10 days before the court hearing of his/her/their intent to do so. Notice must be provided to the court under local court rule.

(2) If a party that has given notice that he/she/they intend to appear by video or digital means under (1) subsequently chooses to appear in person, the party may appear in person.

(3) A party may ask the court for leave to appear by video or digital means without the notice provided for under (1) or as otherwise defined in local rules. The court should permit the party to appear by video or digital means on a showing of good cause.

(i) Notice by court

The court must provide notice to all parties that a digital appearance has been set for all evidentiary hearings. Notice to all parties by the court is not required for non-evidentiary hearings.

After a party has requested a video or digital appearance under (h), if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and

may continue the hearing, if necessary, to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification. In courts using a tentative ruling system for law-and-motion matters, court notification that parties must appear in person may be given as part of the court's tentative ruling on a specific law-and-motion matter if that notification is given at least one court day before the hearing.

(j) Provision of video or digital appearance services

A court may provide for video or digital appearances only through one or more of the following methods:

- (1) An agreement with one or more vendors under a statewide master agreement or agreements; or
- (2) The direct provision by the court of video appearance services. If a court directly provides video appearance services, it must collect the remote appearance fees specified in (k), except as provided in (l) and (m). A judge may, at his or her discretion, waive remote appearance fees on a case-by-case basis for good cause.

(k) Video and digital appearance fee amounts

Fee amounts for parties making video or digital appearances, collectively referred to as remote appearance fees, must be charged, paid, and distributed in the same amount and manner as telephonic appearance fees as specified in California Rules of Court, rule 3.670.

(l) Fee waivers

(1) Effect of fee waiver

A party that has received a fee waiver must not be charged remote appearance fees provided under (k), subject to the provisions of Code of Civil Procedure section 367.6(b).

(2) Responsibility of requesting party

To obtain video or digital appearance services without payment of a remote appearance fee from a vendor or a court that provides video or digital appearance services, a party must advise the vendor or the court that he or she has received a fee waiver from the court. If a vendor requests it, the party must transmit a copy of the order granting the fee waiver to the vendor.

(3) Lien on judgment

If a party receives video or digital appearance services under this rule without payment of a fee based on a fee waiver, the vendor or court that provides the video or digital appearance services must have a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the video or digital appearance. There is no charge for filing the lien.

(m) Title IV-D proceedings*(1) Court-provided video or digital appearance services*

If a court provides video or digital appearance services in a proceeding for child or family support under title IV-D of the Social Security Act brought by or otherwise involving a local child support agency, the court must not charge a fee for those services.

(2) Vendor-provided video or digital appearance services

If a vendor provides video or digital appearance services in a proceeding for child or family support under title IV-D, the amount of the fee for a video or digital appearance under (k) is \$74 instead of \$94. No portion of the fee received by the vendor for a video or digital appearance under this subdivision is to be transmitted to the State Treasury under Government Code section 72011.

(3) Responsibility of requesting party

When a party in a title IV-D proceeding requests video or digital appearance services from a court or vendor, the party requesting the services must advise the court or vendor that the requester is a party in a proceeding for child or family support under title IV-D brought by or otherwise involving a local child support agency.

(4) Applicability of fee waivers

The fee waiver provisions in (l) apply to a request by a party in a title IV-D proceeding for video or digital appearance services from a vendor.

(n) Audibility and visibility of procedure

The court must ensure that the video or digital connection is sufficient to enable all parties to adequately view the parties, to the extent necessary for the type of proceedings; that the statements of participants are audible to all other participants and court staff; and that the statements made by a participant are identified as being made by that participant.

(o) Reporting

All proceedings involving video or digital appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

(p) Video or digital appearance vendor or vendors

A court may designate by local rule the digital appearance vendor or vendors that must be used for video or digital appearances.

(q) Information on video or digital appearances

The court must publish a notice describing the case types, hearing types, and trial types, if any, for which the court offers video or digital appearance. The notice must provide parties with the

information necessary for them to appear by video or digital means at conferences, hearings, and proceedings in that court under this rule. The notice must include information on how parties are to submit and/or present evidence during a video or digital appearance at an evidentiary hearing.

(r) Party declarations specific to appearing by video or digital means

Parties making a video or digital appearance must declare under penalty of perjury (written or oral) that they are not being provided assistance by anyone in their testimony, statements, or presentation of evidence except for assistance provided by their attorney of record—unless in a small claims case in which no attorneys are permitted—or an interpreter. As used in this rule, “assistance” includes, but is not limited to, whispering to the parties, coaching, making hand gestures, and flashing words or pictures. Parties appearing by video or digital appearance must also declare under penalty of perjury (written or oral) that they are not recording or streaming and will not record or stream the proceedings.

(s) Prohibition from streaming, rebroadcasting, or recording proceedings

Parties are strictly prohibited from recording, streaming, rebroadcasting, or reproducing a video or digital appearance without the order of the court. Authorization must be accomplished under California Rules of Court, rule 1.150. Parties appearing by video or digital appearance must affirm under oath (written or oral) their acknowledgment of this section.

(t) Objections to remote video appearance

A party who has been notified that a video appearance has been requested in a proceeding may file an objection with the court no less than five days in advance of the hearing. The court may require a personal appearance by all parties on a showing of good cause.

Recommendation 4: ITAC should, in cooperation with appropriate advisory committees, seek amendment of California Rules of Court, rule 5.9, to allow for video and digital appearances in family law proceedings.

The Workstream recommends that ITAC, working with appropriate advisory committees, develop a formal recommendation to the Judicial Council to revise rule 5.9 to expand its application beyond telephone appearances to include video and digital appearances. This change is necessary to prevent conflict with the new rule of court proposed in Recommendation 3.

Proposed amendments to rule 5.9 follow:

Rule 5.9. Appearance by telephone, video, or digital means

(a) Application

This rule applies to all family law cases, except for actions for child support involving a local child support agency. Rule 5.324 governs telephone, video, and digital appearances in governmental child support cases.

(b) Telephone, video, and digital appearances

The court may permit a party to appear by telephone, video, or digital means at a hearing, conference, or proceeding if the court determines that a telephone, video, or digital appearance is appropriate.

(c) Need for personal appearance

(1) At its discretion, the court may require a party to appear in person at a hearing, conference, or proceeding if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(2) If, at any time during a hearing, conference, or proceeding conducted by telephone, video, or digital means, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(d) Local rules

Courts may develop local rules to specify procedures regarding appearances by telephone, video, or digital means.

Recommendation 5: ITAC should request that the Judicial Council, following appropriate vetting, adopt *Key Considerations Guide for Early Adopters of Video Appearances in California Courts*, included as Appendix A to this Phase 1 report and ensure that a mechanism exists to make future revisions to the document as additional lessons are learned and to keep pace with technology changes.

As previously discussed, the Workstream had significant discussions about topics that are best addressed by local courts during their implementation of video or digital appearances. To support those courts in their efforts, and reduce the need for those courts to independently research the items reviewed by the Workstream, Appendix A provides the Workstream's thoughts on areas that courts should consider when implementing video appearances.

The Workstream further recommends that ITAC, with support from Judicial Council staff, periodically review and recommend updates to the document. Because of the relative infancy of video appearances on a wide scale in noncriminal matters, significant lessons that will necessitate updates to this early implementation guide are likely to be learned in the first few years.

3.0 Procedural Considerations

The Workstream was specifically tasked with reviewing how video appearances could be used in evidentiary hearings. This directive expands the use of remote appearances beyond the more common telephonic appearances for procedural and motion hearings. The Workstream discussed the procedural implications on calendar management, evidence presentation and sharing, and ancillary services offered by some courts at the time of the hearing. This section provides a summary of those discussions and provides recommendations that are intended to further the judicial branch's efforts to implement video appearances.

3.1 Workstream Approach

The Workstream attempted to balance the need for branch-wide consistency against the autonomy and flexibility of local courts as they explore this new service model. That balance resulted in a focus on presenting the potential process and procedure challenges that courts may confront as they expand into video appearances and few recommendations for strict procedural rules.

The Workstream's approach also focused on video appearances as an option for litigants and assumed that no court will mandate appearance by video. This assumption is consistent with the existing rules for telephonic appearances. This optional nature was a key consideration as the Workstream evaluated potential prehearing and in-hearing impacts on litigants and witnesses.

Ultimately, the Workstream focused its attention on issues that could most affect litigant rights and severely affect calendar management and case resolution. These issues fall into three categories: evidence presentation, settlements and in-court document handling, and ancillary court services offered at the time of the hearing.

3.2 Evidence Presentation

The impact of remote video appearances in an evidentiary hearing may be best demonstrated in a small claims proceeding, which has no requirement for evidence exchange before the hearing. Instead, parties arrive at the hearing with their documents, pictures, or other evidence. At the start of the calendar, parties are instructed to exchange their evidence with the other party, and everyone quickly reviews what has been provided to them. The case is called and the parties provide their stacks of paper, pictures, or other evidence to the judicial officer. Some parties provide well-organized sets of documents. Others, given the informal nature of small claims proceedings and/or their lack of familiarity with the process, are less organized and require some level of clarification.

The Workstream considered how such an "on demand" delivery of evidence would be affected were one or more parties remote. With no rule to exchange evidence before the hearing, how do the parties see what the other has to offer? How does the court obtain the evidence from the remote party in a way that doesn't bring the court calendar to a standstill while the party is scanning documents or sharing photos?

This video-based evidence presentation scenario becomes less complicated the more complicated the case becomes. Rules and procedures for evidence are generally better understood or codified as the formality of the case moves from small claims to unlawful detainers to limited civil to unlimited civil. The higher-value cases tend to require more hearings, which also leads to greater organization as the case becomes clearer to all involved and the issues narrow for the evidentiary hearings. For these reasons, the

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Workstream focused on the small claims case as the most complicated evidence-related case for video. Civil harassment hearings present similar challenges.

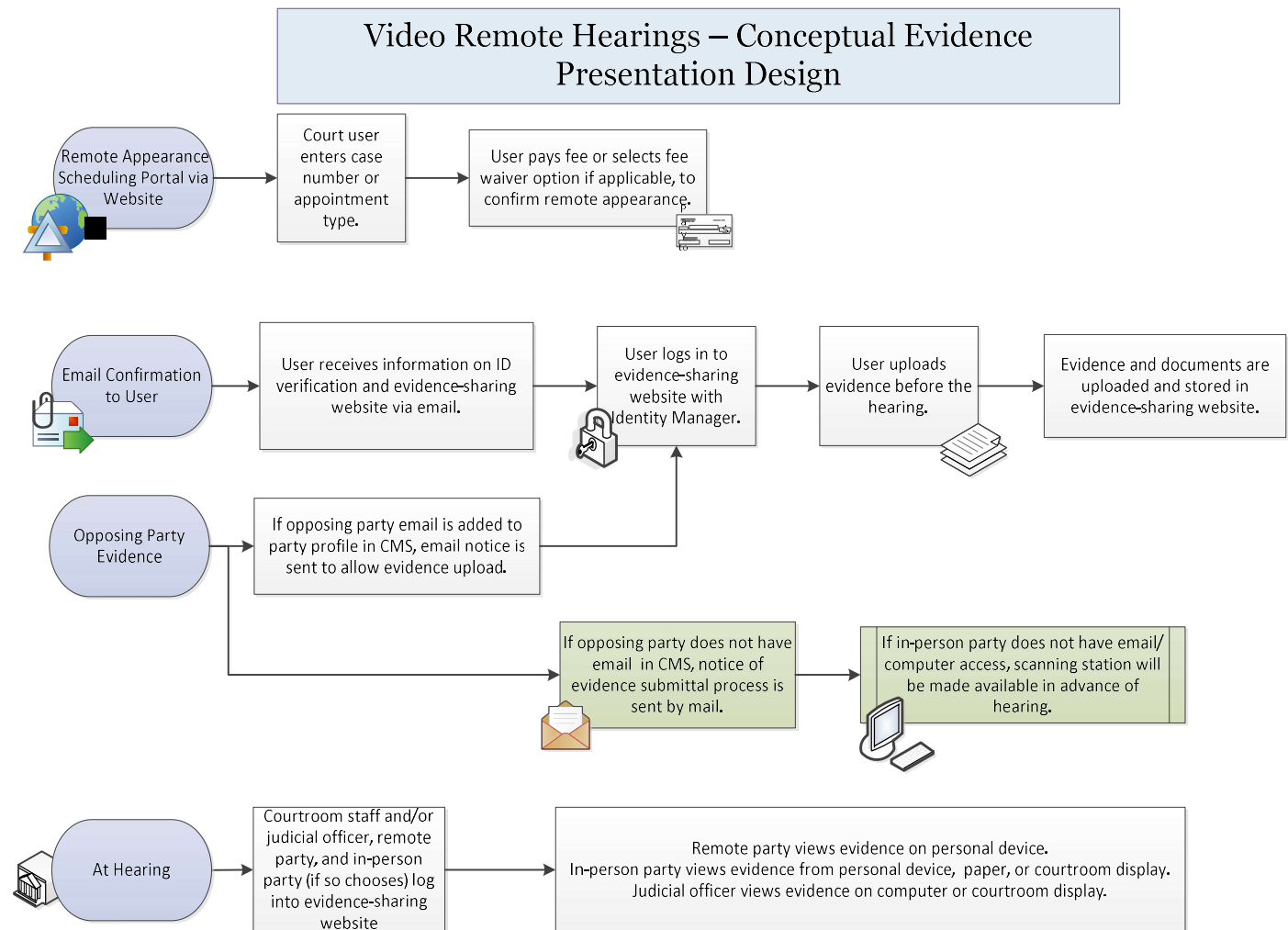
Workstream members initially disagreed about the court's need to facilitate evidence exchange to mitigate impacts on the parties and the court in video evidentiary hearings. The argument against facilitation centered around the concept that the parties are responsible for putting on their case and the court should not be directly involved in that process. Those in favor of court facilitation pointed out that it is in the court's interest to ensure that the matter is fully heard, court hearings move in a timely manner, and parties are able to present their cases without unnecessary hurdles and distractions.

Ultimately, the Workstream agreed that the introduction of video appearances necessitates court facilitation of evidence exchange before the video hearing.

Several Workstream participants are from courts working on video appearance solutions thanks to innovation grants from the Judicial Council (see exhibit 3). Collaborative discussions between those courts and their collective vendors has resulted in conceptual designs for evidence sharing. Exhibit 2, on the following page, provides a preliminary design of one such solution.

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EXHIBIT 2: CONCEPTUAL DESIGN—EVIDENCE SHARING FOR REMOTE APPEARANCES



CMS = case management system

Source: Superior Court of California, County of Placer, *Video Appearance Project* (Jan. 2019), funded by the Judicial Council Court Innovations Grant Program.

The concept outlined in exhibit 2 then relies on the following steps (for a small claims case):

- Court user schedules a video appearance, based on case and hearing types authorized by the court.
- A folder is created in a secure document management system that can be accessed via the internet (SharePoint, Image Soft, etc.).
- The created folder is accessible only to the parties to the case and the court.

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- Party logs into the evidence portal via authentication with the Judicial Branch Identity Manager.¹
- Party uploads its documents, photos, and other evidence. Naming conventions are to be clearly defined to help everyone identify evidence at the time of the hearing.
- Access to the uploaded information to view, add, modify, and delete is restricted to the party, or the party's delegate, until the time designated by the court.
- At a specified time, all evidence is locked and no further adds, deletes, or modifications can occur.
- At the appropriate time, following any necessary procedural due process, judicial officer reviews submitted evidence and identifies anything that should not be released or entered into evidence.²
- At a specified time, or on specific release by the court, the evidence is viewable to all parties.
- During the court hearing, the court may display evidence for all to see or refer to the specific file being discussed.

The steps outlined above have not been implemented as of the writing of this report. The process is still conceptual in nature, and the courts continue to evaluate any specific due process concerns and develop advisements, notices, and potential mitigation to concerns.

The conceptual process seeks to minimize disruptions during the court proceeding. This process does, however, require significant up-front work on the part of the remote party. It also creates the need for a party appearing *in person* for that hearing to digitize the party's evidence for the remote party.

The Workstream considered two policy and legal issues surrounding these requirements:

1. Can the Judicial Council and/or a court by rule require a party who has requested to appear remotely to submit their evidence at an earlier time frame than would be required if they appeared in person?
2. Can the Judicial Council and/or a court by rule require a party appearing in person—if the opposing party requested and is appearing remotely—to submit the party's evidence at an earlier time frame than would be required if all parties appeared in person?

The Workstream did not identify any authority that would prevent the Judicial Council from adopting a statewide rule or a trial court from adopting a local rule that would require parties to lodge exhibits with the court earlier than they would otherwise have been required to if a proceeding were to be held with one or both parties appearing remotely. The Judicial Council has the authority to make rules for court procedure as long as the rules are not inconsistent with statute (Cal. Const., art. VI, § 6(d)). Similarly, courts may make local rules for their own governance and to control proceedings before them in an orderly fashion as long as the local rules are not otherwise inconsistent with statutes, rules of court, or other law (Gov. Code, § 68070(a); *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967).

Many courts have existing local rules related to the submission of exhibits, for example:

¹ The Judicial Branch Identity Manager is currently being developed by the Superior Court of Los Angeles County, ITAC Identity Management Work Stream, and Judicial Council of California. Courts that move forward with video appearances before the completion of the Identity Manager would need some ability for user log in and authentication. The use case presented here is a potential end state.

² Court staff from the Superior Court of Placer County highlighted that this step is still under significant discussion. The specific mechanics of whether the opposing party sees all uploaded information before the judge's review is still under evaluation.

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- Superior Court of Alameda County local rule 3.35(b): Index of exhibits in civil trial must be given to the courtroom clerk at the pretrial conference or on the first day of trial;
- Superior Court of Santa Clara County local rule 9D(2): Exhibit lists in civil matters must be lodged with the court by noon on the last court day before the date set for trial;
- Superior Court of San Francisco County local rule 11.13(C)(8): In family matters, where parties stipulate to documents or things to be admitted as evidence, the exhibits must be lodged with the court no later than five days before trial; and
- Superior Court of Fresno County local rule 3.6.3: In remote video traffic proceedings, exhibits should be submitted to the court either in person 5 court days before the trial or by mail 10 days before trial.

Based on the Workstream’s review, either the Judicial Council or a local court could establish rules defining when and how evidence must be provided to the court before a video appearance. Expedited civil jury trials present a limitation in that the court cannot require the parties to provide evidence more than 20 days in advance of the trial.

Requiring the party requesting the video appearance to upload information in advance would appear to be a reasonable tradeoff for the added convenience of the remote appearance. For a party appearing in person, however, there are non-legal considerations. Is this added burden fair to the party appearing in person? What if that party does not have the technological capability to perform the required tasks? Does this requirement place the party at a disadvantage?

The Workstream did not come to a conclusion on this topic. However, should courts decide to offer remote video appearance, they will likely need to provide self-help or other staff to assist litigants through the process of digitizing their records. Courts will need to consider adjusting calendar start times to allow non-remote parties time to digitize their records on the day of court. And additional staff and the purchase and installation of scanning centers for use by the public may be necessary to support this process.

Finally, the Workstream considered whether these digitized records create a potential evidentiary challenge. The primary question centers on whether the act of digitizing the evidence, assuming it was previously on paper, brings the digital replication into the “original writings” category for evidentiary purposes. New statutes have also clarified that a printout that faithfully represents electronically stored information is generally admissible. Whether going the opposite direction—digitizing a paper record—follows the same rules or rulings is unclear.

These issues may be addressed similarly to the handling of copies at trial. Existing rules govern the use of copies in lieu of originals, and the digitized copy could possibly fall under those same rules.

The Workstream did not undertake a full legal analysis, but rather raises these topics for further consideration.

In addition, the Workstream assumes that existing evidence retention and destruction rules would apply equally to remote appearances as they do to in-person appearances.

3.3 Procedural Recommendations

The Workstream offers one recommendation specific to procedural elements of remote video appearances.

Recommendation 6: ITAC should, in collaboration with appropriate advisory committees, seek, develop, or revise rules regarding digitized evidence for use in video or digital appearances.

The Workstream recommends that ITAC's Rules & Policy Subcommittee, in collaboration with subject matter advisory committees, develop a rule that addresses the issues of digitized records as evidence for remote or digital hearings. ITAC may want to consider developing a basic scheme of admission that could include the following:

- Some express or implied certification either that original documents exist, are in the parties' possession, and can be presented at a future hearing if there is a challenge to validity or that the party does not have an original but has duly digitized a copy.
- A requirement that the party present the item to the opposition, the court, and some witness for foundation and admission.
- A process for the parties to stipulate to the admission of the item without the need for witness foundation.

Recommendation 3, which includes a proposed rule of court for video or digital appearances, has language that requires a local court to provide information to litigants on how to upload their evidence. The proposed rule, if adopted, would ensure that courts consider these evidentiary issues before any formal resolution or form development specific to evidence.

3.4 Documenting Agreements

Remote appearances potentially complicate documenting stipulated agreements made by the parties on the day of the hearing. These agreements are typically either decided before the hearing or identified during the course of the hearing. The parties then document their agreement, typically off the record; sign the documents; and submit them to the court for filing and, potentially, disposition of the case.

The Workstream considered the impact on this process when one or both parties are appearing remotely. Although these issues are present today with telephonic appearances,³ the introduction of evidentiary hearings increases the potential impact of delay if agreements are not immediately documented by the parties.

The Workstream considered whether one party could provide the court with a copy of the agreement or stipulation (or other document) and the court, using the same tool as used for evidence presentation, could facilitate a handoff to the other party, or whether the court could send the document to the other party using a signature-capture solution.⁴

On review, the Workstream learned that rule 2.257 of the California Rules of Court, related to e-filing, would prevent this process from being implemented. When a document to be electronically filed requires the signatures of opposing parties, as would a stipulation, rule 2.257(d) requires the party filing the document to "obtain the signatures of all parties on a printed form of the document" (Cal. Rules of Court, rule 2.257(d)(1)). The filer is also required to "maintain the original, signed document and must make it available for inspection and copying" at the request of the court or another party (*id.*, rule 2.257(d)(2)).

³ The issue is likely to be more pronounced for video remote hearings, as proposed, because of the expansion into evidentiary hearings.

⁴ A master service agreement was recently established for use by all judicial branch entities.

Finally, by electronically filing, the filer “indicates that all parties have signed the document and that the filer has the signed original in his or her possession” (*id.*, rule 2.257(d)(3); see rule 2.257(b)(2) [stating that the filer “certifies” that he or she has the original signed document in the case of documents signed under penalty of perjury]).

The Workstream’s scenarios contemplate obtaining all signatures on stipulations while the parties are remote from one another. If one of the parties is an electronic filer, that filer will not have the printed form of the document signed by the other party in his or her possession at the time of filing.

The reliance on paper-and-ink signatures in rule 2.257 is an issue that the Information Technology Advisory Committee is already addressing through rule-making in 2019, along with a related legislative proposal to make the rules and statute more consistently aligned. If the Judicial Council adopts the proposed rule amendments this year, the new rule would allow an electronic filer to obtain electronic, rather than ink, signatures from opposing parties starting January 1, 2020, and this change would facilitate the filing of stipulations during remote video proceedings.

Given the work already underway by ITAC, the Workstream believes this issue will be resolved and will not present a problem for courts and parties moving forward. The Workstream does not make any specific recommendations in this area as a result but has included information for courts in the *Key Considerations* document in Appendix A.

3.5 In-Courtroom Services

The Workstream discussed the impact of remote appearances on the enhanced services that courts offer before or during a hearing, such as mediation services and same-day self-help services.⁵ The Workstream considered whether courts should be required to offer the same enhanced services to remote appearance users as are available to those present in court.

While this may be an aspirational goal, given the infancy of video and digital hearings for courts, the Workstream decided not to include requirements in this area. The Workstream acknowledged that this choice reduces some services available to remote participants but believes that this limitation is a necessary tradeoff for voluntary remote participation. Courts may want to monitor settlement rates for remote appearances to determine if there is a marked reduction after the introduction of video.

⁵ For the purposes of this discussion, interpreter services are not considered an “in-courtroom service.” The mandated nature of interpreters is seen by the Workstream as a core function that must be accommodated by the court and therefore is assumed to be provided whenever required.

4.0 Technical Considerations

The Workstream began its investigation of the technology requirements by examining the technologies already in use, including options being used by innovations grant courts and those found in the literature review. A separate inquiry was made to the Court Information Technology Officers Consortium, the organization representing court information technology leadership in courts across the country. This survey work resulted in a variety of potential solutions, encompassing: general commercial applications, purpose-built custom solutions for court use, and a number of service-provider options.

4.1 Workstream Approach and Key Technology Issues

Available Technology

A fundamental finding of the Workstream is that the technology exists today to support remote video appearance from a location that is convenient to the party and is not predesignated by the court. The investigatory process found examples of several widely available commercial services—including Skype, Zoom, WebEx, Blue Jeans, and FaceTime—already in use. Other robust video conferencing systems using Web Real-Time Communications (WebRTC) are also available to courts that desire a more customized solution. These services, with some limitation on the age of the device and operating system, allow anyone with a smartphone and an internet connection to connect to a court proceeding and appear remotely.

Product Agnostic

Initial discussions within the Workstream were that there may be a set of candidate solutions from which a court could select and that the Workstream could publish this recommended set of solutions. Over the course of the Workstream effort, this view changed as it became apparent that there were many potential solutions and courts could successfully select from a broad and expanding menu of options. The work and recommendations of the Workstream are therefore product agnostic and focus on the recommended technical capabilities for any solution to be successful.

Audio/Visual Integration Complexities

The Workstream saw integration with existing courtroom audio-visual systems as a potential barrier to the adoption of remote video appearance. Courtroom audio-visual systems are not standardized across the state—or even within counties and individual courthouses. Some courtrooms may have no audio-visual systems at all or only simple audio amplification systems. The diversity in these existing systems could necessitate their integration using a series of one-of-a-kind solutions, thereby increasing the complexity and failure rate of the required technology.

Fortunately, the Workstream determined through the course of its effort that the courtroom equipment for remote video appearance could be mobile and self-contained. The mock hearings demonstrated a mobile cart solution that included a computer and large video monitor. The audio and video qualities were similar to those of a party in the courtroom and easily audible to the judicial officer, electronic recording device, court reporter, opposing party, and courtroom audience. Some implementations of remote video appearance may benefit from integration with existing courtroom audio-visual systems; however, the Workstream determined that integration was not a requirement, and the lack of an existing courtroom audio-visual system was not a significant barrier for the implementation of remote video appearance. The number and types of these systems will become more apparent as the innovations grant courts complete their pilots and present their final reports.

4.2 Technology Recommendations

As the Workstream examined the current state of remote video technology and reviewed the work underway through the innovation grants, it became clear that the Workstream should focus on guidance and advice—rather than rigid rules or requirements—for early-adopter courts. This guidance has been summarized in Appendix A, *Key Considerations Guide for Early Adopters of Video Appearances in California Courts*.

Recommendation Not to Adopt Specific Technology as a Standard

The Workstream recommends against selecting a specific technology or product standard as the basis for remote video appearance. There are a variety of commercially available video-conferencing solutions that work on many different devices, including smart phones, personal computers, and tablets. Instead of specific technology or product recommendations, potential approaches to technological challenges are provided in Appendix A.

Recommendation to Adopt Requirements to Ensure Display of Multiple Camera Views and Inputs

The Workstream recommends that multiple cameras be addressed as an optional component of a remote video appearance implementation. There are advantages for multiple camera angles, principally one on the judicial officer and a second on the plaintiff/respondent area. The judicial camera angle is required, and the plaintiff/respondent camera allows both parties to be visible to each other, even when one is in the courtroom and the other is remote. If the hearing is evidentiary, then a court must have the capability to have the witness on camera. Whether this camera is the same as the one focused on the judge or a separate camera will be dictated by the size of the courtroom and the specific camera. Ultimately, a second camera is preferred but increases the complexity and cost of the implementation and should not become a requirement.

Signature Capability

As considered in section 3.4, some of the major products and services may provide a method of capturing signatures during a proceeding. However, the Workstream was concerned about the additional workload on courtroom staff who provide normal courtroom support and would have to facilitate the remote appearance. It appeared to the workstream that most signature capture was occurring outside the hearings so that shifting this workload to non-courtroom resources or, at minimum, to staff while they are not engaged in conducting the hearing may be possible. Questions remain regarding who would pay for electronic signature-capture services and how electronic signature capture would integrate with the various case management system platforms.

A competitively bid master agreement for electronic signature capture is now available. The Workstream recommends use of the selected solution where electronic signature capture is required.

Evidence-Sharing Solution

One of the more challenging topics for the Workstream, as discussed in section 3.2, was the court's role in facilitating the exchange of evidence between remote parties. The standard in-person hearing allows for the simple exchange and viewing of evidence, particularly in case types such as small claims. The introduction of remote video appearance requires a mechanism to replace the bailiff's handing papers to the other party. Although the Workstream was somewhat split as to whether the court should assist in evidence exchange, members agreed that a tool was required to fill this role. During the mock hearings, SharePoint was used to create a shared set of directories for each case, though any similar internet-based file-sharing service could have been used. The litigants and the court could see the images, documents,

and video placed in the shared directory. This service appears to offer a viable means of evidence exchange, though some development would be required to automate the creation of the directory structure, provide security for the litigants, and perform appropriate retention and destruction.

Recommendation 7: The Workstream recommends that ITAC undertake the necessary development to provide a simple, standard internet-based file-exchange service to facilitate the exchange of digital evidence between parties and the court, for courts implementing remote video appearance.

The exchange of digital evidence before and/or during court hearings will be required for any court implementing remote video appearance. Even though the required technology is not complex, the process will require some development and resources. ITAC could undertake this effort and provide the resulting service for all courts, simplifying the implementation process for courts adopting remote video appearance and providing consistency across venues for the parties.

5.0 Future Considerations

The Workstream's initial charge included a Phase 2 for the conduct and evaluation of the pilot project. During its Phase 1 work, which resulted in this report, the Workstream shifted focus to removing potential barriers to adoption of video appearances for all courts. This approach diverged, to a degree, from the Chief Justice's initial charge, reflecting the changing landscape of remote video appearance. In mid-2017, the Judicial Council of California awarded 53 grants to courts throughout California. These grants, authorized by the Budget Act of 2016, focused on a broad group of innovations, modernization, and efficiency in the California court system. Seven of these grants focused specifically on remote appearances, with some directly addressing criminal case types and others addressing noncriminal matters.

The need for collaborative and non-duplicative work between this Workstream and the Court Innovations Grant Program was identified at the formation of the Workstream. Workstream participation was purposefully solicited from innovations grant recipients working on remote appearances to maximize information sharing and ensure that the Workstream could support those courts in their efforts. In this way, the Workstream combined its efforts with the already existing pilots, even though those pilots were not being managed specifically by ITAC or the Workstream.

The innovations grant courts are required to produce routine reports to the Court Innovations Grant Program, evaluate their results, and, in some cases, produce educational materials for use by other courts following the completion of their initial grant period. The Workstream thought that this structure was sufficient to support the early pilot programs in the remote appearance area.

This focus on information sharing shifted the Workstream's recommendations away from support for pilot courts—the local innovations grant courts reported no immediate obstacles to their work—and to recommendations that could benefit all courts looking to move ahead as early adopters of remote video appearances. By looking beyond the initial pilots, the Workstream's intent is to reduce the time between implementations of innovation grant courts and early-adopter courts.

The Workstream's Phase 1 work concentrated on identifying and recommending action to remove obstacles and barriers to court efforts in providing remote video appearances in most noncriminal proceedings. The recommendations outlined in this report, along with the guidelines documents included in the appendixes, may ultimately prove sufficient to enable the Chief Justice's vision of broad adoption of remote video appearances. Such broad adoption will be determined only following the work of the innovations grant recipients, listed in exhibit 3, working in this arena and perhaps the second round of courts that may follow.

EXHIBIT 3: COURTS WORKING ON REMOTE VIDEO APPEARANCE VIA JUDICIAL COUNCIL INNOVATIONS GRANTS

Location of Superior Court	Innovations Grant High-Level Scope
Butte County	Expand video-conferencing capability to support multisite self-help workshops.
Humboldt County	Establish video appearance capabilities with local mental health facility for Riese hearings.
Merced County	Establish point-to-point video capability to allow video appearances between the Los Banos courthouse and Merced court facilities.
Placer County	Establish a single software solution for use in mental health, criminal, civil, family law, and self-help that allows users to connect to the court from (nearly) any device. Grant expanded to include development of an evidence-sharing solution for remote video civil and family law hearings.
Sacramento County	Establish video appearance capabilities with seven mental health facilities for habeas corpus, Riese, and time-extension hearings.
San Bernardino (Project 1)	Establish video appearance capabilities for traffic and non-traffic proceedings, under existing rules of court, between courthouses in Victorville, Big Bear, Needles, and Barstow.
San Bernardino (Project 2)	Establish video capabilities for child custody recommending counseling sessions using commercially available software that enables parties to connect from nearly any device.

The innovations grant projects must be completed by June 2020, and each recipient is required to complete a final grant report with lessons learned and information on how their solution can be replicated in other California Courts.

Recommendation 8: Modify the Workstream’s Phase 2 work plan to focus on using the results of the innovations grant courts’ work as the basis for a production implementation for second-wave early-adopter courts. Revise the ITAC work plan to remove the tasks related to implementing a pilot, place the Remote Video Appearances Workstream on hiatus, and re-form the group after the work of the innovations grant courts is complete.

This report outlines immediate-term legislative and rule changes that are necessary to reduce the barriers and uncertainty of entry for early-adopter courts offering remote video appearances in most noncriminal proceedings. The Workstream did not identify outstanding topics or issues that would require its attention while the innovations grants courts, acting as a proxy for pilot courts, are completing their work. The Workstream’s recommendations for work on evidence-related rules can be efficiently and effectively handled in the existing ITAC structure, with the help of other advisory committees, as necessary, and the maintenance of the *Key Considerations* document can similarly be managed by ITAC with support from Judicial Council staff. Members of the Workstream remain on ITAC and can provide subject-matter support as needed without the need for the entire Workstream.

The Workstream acknowledges that the early-adopter courts will likely identify the need for more uniform forms, advisements, and declarations as they gain more experience. Further, the charge to develop cost

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estimates for broad expansion of video appearances can best be developed using the output from the innovations grant courts.

For these reasons, the Workstream recommends a pause in its work until at least one of the innovations grant participants has completed its work. ITAC can then re-form the Remote Video Appearances Workstream to determine how best to convert the work of the innovations grant courts into a branch-wide effort and rollout.

Alternatively, ITAC could extend the Workstream's Phase 2 work plan over an additional year. The Workstream could use the balance of 2019 and all of 2020, up to the release of the first innovations grant report, to assist ITAC and other advisory committees in vetting and finalizing the legislation and rule proposals made in this report.

APPENDIX A: Key Considerations Guide for Early Adopters of Video Appearances in California Courts

Introduction

The provision of government services through the internet or remote digital means is no longer a novelty or surprising innovation. The public uses remote tools to perform daily tasks in their lives and expects government to be similarly accessible. For California courts, this reality presents new challenges as they adapt to the demands of the public while ensuring that the integrity and dignity of the court process is upheld and the rights of litigants in all cases are protected.

In 2017, the Commission on the Future of California's Court System recommended the expansion of traditional remote telephonic appearances to include video or other digital appearances for all noncriminal case types. Chief Justice Tani G. Cantil-Sakauye responded in May 2017 by directing the Judicial Council's Information Technology Advisory Committee (ITAC) to make recommendations in this area and support the development and implementation of pilot programs.

The Remote Video Appearances Workstream (Workstream), working under the direction of ITAC, began its work in 2018 and presented its Phase 1 report in Spring 2019.

This *Key Considerations Guide for Early Adopters of Video Appearances in California Courts* provides supplemental information to the report. The guide does not establish requirements for the provision of video or digital remote appearances. Instead, the guide is intended to simplify the implementation process for early-adopter courts by presenting a summary of key questions a court could or should consider when embarking on video appearances.

Legal Authority

As of June 2019, statutory and rule authority for remote video or digital appearances is provided through Government Code section 70630 and California Rules of Court, rule 5.324 (Telephone appearance in Title IV-D hearings and conferences).

The Workstream's Phase 1 report, June 2019, includes initial recommendations for modifications to existing statutes and rules regarding video appearances. Before embarking on remote video or digital appearances, courts should determine the status of these recommendations and any rule or legislative changes made following the publication of this guide.

Key Considerations and Policy Guidelines

The information contained on the following pages summarizes the work of the Workstream's review of various policy and process considerations. The information provided does not establish mandates for courts or present new requirements not otherwise outlined in statute or rule. This information is being presented to provide courts with practical information on how to approach key policy and process questions that need to be addressed when embarking on these types of appearances. The "Potential Approach" items are provided as one possible outcome as identified by ITAC's Remote Video Appearances Workstream and are not binding on the Judicial Council or any individual trial court.

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TECHNICAL CONSIDERATIONS FOR PARTIES

Topic	Key Questions	Potential Approach
Party and External User Technical Requirements	<p>What software or hardware will users need to access the court's video or digital appearance system?</p> <p>How will the court user know he or she connects to the court?</p> <p>Are there minimum connection speeds?</p>	<p>Implement solutions that minimize the need for special software or hardware for accessing the remote video or digital appearances. Implementing systems that enable the remote user to appear using standard web browsers and hardware should be preferred.</p> <p>Publish the supported browsers and/or hardware on the court's website and informational materials.</p> <p>Provide a mechanism for users to test their browsers before their hearings.</p>
User Environment When Connecting to the Hearing	<p>Is there a desire to limit the locations from which a party may connect?</p> <p>How will the court handle situations in which parties cannot hear or see?</p> <p>How will the court handle disruptions at the remote site?</p>	<p>Focus on the sound and video quality at the hearing rather than implementing detailed rules that may need frequent revision. The ultimate goal is to provide greater access while preserving the rights of the individuals or organizations and preserving the court process. The judicial officer hearing the case is likely in the best position to make a case-by-case evaluation and decision.</p> <p>Consider establishing clear rules and or instructions that inform the parties that poor sound or internet quality may result in a continuance and requirement to appear at an in-person hearing in the future.</p>

PRE-HEARING PROCESS CONSIDERATIONS

Topic	Key Questions	Potential Approach
Hearings Offered	<p>When and for what types of hearings are video/digital appearances available and allowed?</p> <p>Will these appearances be automatically granted in some circumstances?</p> <p>Will these appearances require preauthorization from a judicial officer?</p>	<p>Publish informational materials that outline where video/digital appearances are always allowed, if any, and where preapproval is required.</p> <p>Create forms to simplify the request process, if any.</p> <p>Consider proceeding unless a good cause basis is provided for an objection, ensure that there</p>

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		is a process for the non-requesting party to submit a timely objection to the court.
		Determine whether evidentiary hearings will be allowed remotely.
Notice Requirements	Will the court require notice to the opposing party before authorizing a remote appearance?	Courts should consider mirroring telephonic appearance noticing requirements and timelines.
	Will the court establish a cut-off time for scheduling to appear by video/digital means?	Consider proceeding unless a good cause basis is provided for an objection, ensure that there is a process for the non-requesting party to submit a timely objection to the court.

EVIDENCE PRESENTATION CONSIDERATIONS

Topic	Key Questions	Potential Approach
Evidentiary Hearings	Will the court allow appearances in evidentiary hearings?	<p>Clearly define the types of hearings where video/digital appearance is allowed.</p> <p>Evaluate the court's readiness for digital evidence presentation.</p> <p>Evaluate a support model for the non-requesting party. Determine whether the court will provide staffing and tools to support this process before the hearing (prior days, day of, or other).</p>
Evidence Sharing and Presentation	<p>How will the parties provide their evidence to each other and the court?</p> <p>Will the court facilitate evidence sharing?</p> <p>What will the court retain versus destroy and on what schedule?</p>	<p>Implement evidence-sharing tools that focus on the court process and not discovery.</p> <p>Develop support structures to assist in-person participants with digitizing their evidence before the hearing.</p> <p>Clearly define that evidence retention requirements match those submitted in traditional ways.</p> <p>Consider standard forms or advisements regarding retention of original documents and/or stipulation to review of evidence via digital methods.</p>

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HEARING PROCESS CONSIDERATIONS

Topic	Key Questions	Potential Approach
Calendar Management	<p>Will video/digital hearings be heard at the same time as in-person hearings?</p> <p>Will video/digital hearing participants be able to see the matters before and after them?</p> <p>How will the court control pre- and post-hearing access remotely?</p>	<p>Consider separate calendars for video appearances during pilot programs. Integrate the matters into general calendars only when judicial officers and staff are comfortable with the technology.</p> <p>Consider whether remote participants can see and hear the courtroom before and after their appearance. If yes, ensure that the court's solution allows full control to the court to mute, hide, or disconnect remote parties.</p>
Interpreters	<p>How will interpreters participate in the hearing?</p>	<p>Ensure mechanisms exist for interpreters to communicate with the remote party. See <i>Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events</i> (Feb. 20, 2019) for more guidance.</p>
Facilitating Confidential Communication	<p>How will the court avoid delay when parties need to speak confidentially with their clients/attorneys/witnesses?</p>	<p>Include requirements that remote parties ensure they have means to communicate with counsel or witnesses, if any.</p>
Facilitating Mediations	<p>Will parties have access to supplemental services that are typically offered during the hearing or immediately following (e.g., mediation services or on-site self-help)?</p>	<p>Determine whether the court will offer identical services to remote participants.</p> <p>If not, clearly publicize the pros and cons of digital appearances to avoid confusion or frustration by the parties.</p>
Process for Recusals and Disqualifications	<p>How will the court handle same-day recusals or disqualifications?</p> <p>Will the court be able to hear the matter the same day?</p>	<p>Ensure that internal court processes are defined on how to handle same-day recusals. When possible, handle them in the same manner as they would be handled for in-person hearings.</p>

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TRAINING CONSIDERATIONS

Topic	Key Questions	Potential Approach
Training Requirements	<p>Will the court provide training to remote parties?</p> <p>What training will court staff and judicial officers receive?</p>	<p>Consider publishing short videos to assist remote parties in understanding the process of how to connect and what will happen during their hearing.</p> <p>Develop training programs for judicial officers and court staff on how to use the technology and on the overall process.</p>
Technical Standards	<p>Are there relevant technical standards that implementing courts should observe?</p>	<p>The <i>Trial Court Facilities Standards(2011)</i>, Section 18: Audiovisual Systems, includes standards for audio visual systems in California courthouses.</p>
Internet Bandwidth Requirements	<p>Are there internet bandwidth requirements for hosting a remote video appearance?</p>	<p>Commercially available products recommend 1.5 to 3.0 megabytes per second of internet capacity to host a videoconferencing session. This capacity does not depend on the number of participants because the service combines all the video streams before transmitting the video to the court. However, use of a second camera location to display the counsel table can double the requirement because a second computer is acting as a separate participant in the courtroom.</p>

APPENDIX B: Mock Hearing Scripts

The Remote Video Appearance Workstream prepared mock scripts for two hearing types: a small claims case and a civil harassment case. These scripts were prepared after observation of real cases, modified to shorten the hearing and to remove any reference to the actual case participants.

Each script is provided below in its entirety.

Small Claims

Cast

- Clerk—San Bernardino staff
- Bailiff—San Bernardino staff
- Judicial officer (JO)—San Bernardino staff
- Petitioner—San Bernardino staff
- Respondent—*Remote* participant

This case type used digital recording in use (San Bernardino)

Clerk: Have all parties examined the evidence on SharePoint? If not, please do so now. The link is in your materials.

Brief pause.

Clerk performs roll call of all parties and mass swearing in.

Judicial officer enters courtroom.

Bailiff: Court is now in session. Please stand for pledge.

All: Pledge of Allegiance

JO calls case about defective car being sold.

Petitioner and respondent appear on video.

JO: Mr. Petitioner, please share your request.

Petitioner reads letter listing grievances.

Petitioner: I saw the Honda Civic advertised on Craigslist and messaged Mr. Respondent to come look at the vehicle. My daughter came with me to test drive the vehicle. We asked if anything was wrong with it and he said it was running great and nothing was wrong. We drove the car and it drove well. I purchased the vehicle for \$3,000 and gave it to my daughter to drive. Three weeks later it began acting up and overheating. I took it to a mechanic and he said the engine block was cracked and it was leaking coolant. I paid for two mechanics to look at the vehicle, and I have the bills and diagnosis I can show you. Do you want to see them?

JO says yes and asks what they are named in SharePoint. He continues speaking.

Petitioner: This vehicle is still parked at my house and I want it gone. I want my money back and I want him to pay for the mechanics' bills. I spent \$400 on this car to find out what's wrong.

JO: Thank you. Mr. Respondent, please share your response.

Respondent: I sold my Honda Civic to Mr. Petitioner three months ago and it was running very well. I drove it all over with my grandkids in the back. I took it to a mechanic about four months ago and because it was leaking coolant and he sealed the crack in the coolant system and I continued to drive the car. There were no issues when I sold it because the mechanic fixed the leak.

JO: Do you have evidence in SharePoint you would like to share with the court?

Respondent: Yes, it's *Civic Repair 1*.

JO: Did you notify Mr. Petitioner of the repair you had done at the time of the sale?

Respondent: No, because it was fixed and it wasn't the engine block, it was the coolant system. I sold it as is.

Petitioner: My mechanics said it was a crack in the engine block.

JO reviews evidence from both parties.

JO: I'm not a mechanic but sellers are obligated to disclose significant facts about the car such as a cracked engine block or a leaking coolant system to a potential buyer. I am granting the request for damages and the money shall be returned.

Petitioner: The car is still in my yard. I want the car gone.

JO: The car will be returned to Mr. Respondent.

Respondent: Where am I supposed to put the car? I don't have any way to get the car. I just moved to a retirement home. There is no place to put the vehicle. I am on a fixed income and I don't have any cash.

JO: I am simply undoing the sale and making it like it never happened.

Petitioner: Can mechanic costs and gas and storage fees can be recouped? I spent money on this car.

JO: I will undo the sale of the vehicle: \$3,000 must be returned to the petitioner, and the vehicle will be returned to Mr. Respondent. You have 30 days to comply with the order.

Clerk: We will e-mail the signed order.

Civil Harassment

Cast

- Clerk—San Bernardino staff
- Bailiff—San Bernardino staff
- Judicial officer—San Bernardino staff
- Court reporter—San Bernardino staff
- Petitioner—*Remote* location 1 (Los Angeles)
- Respondent—*Remote* location 2 (Placer)
- Respondent's attorney—Location 3 (San Francisco)

Bailiff: Remain seated and come to order. The court is now in session.

Judge calls case.

Parties appear on video.

JO: Please stand to be sworn in.

Clerk swears in parties.

JO: *Explaining status of case:* This order was previously granted as a TRO. Each party will have a chance to say their piece, then be cross-examined by the opposing party. Mr. Petitioner, tell me why you need this restraining order against Mr. Respondent.

Petitioner: He is always getting in my face and taking my picture. He set up game cameras all over the property, even by the swimming hole, and he is capturing images of my grandchildren skinny-dipping. He flew a drone over my property on the 7th of July, and my wife and grandkids saw it, too. There is proof. He filed a restraining order on me right before deer hunting season and took all my guns away to hurt my business. He cost me \$1,500. He knows it's my business.

JO listens and looks at case documents in SharePoint and asks about an existing criminal case.

Petitioner: It's about to be over tomorrow. The public defender told me to file this restraining order because Mr. Respondent showed officers an old video to try to get me arrested. Then he filed another restraining order just at the start of duck season so I couldn't have any of my guns for hunting. He's always getting up in my face. I go off on him. How much can a man take?

JO: Which restraining order are you talking about?

Petitioner: They filed one right before deer season and had all my guns taken away and then they filed another one to be malicious. It cost me my business for both hunting seasons. There was a mountain lion on my property and I had nothing to protect my family with. Why do they need two restraining orders?

JO: Clerk, can we look up the criminal case? Mr. Petitioner, do you have anything else?

Petitioner: That's all; I just want him to leave me alone.

Respondent's attorney begins cross-examination by going through each claim on the restraining order request.

Attorney: You say here that Mr. Respondent flew his drone over your property on July 7th. Do you have proof?

Petitioner: Yes, my wife and grandkids all saw it. We were outside, and they said "what's that?" Then I saw it land in the road by Mr. Respondent's son.

Attorney: You say here that Mr. Respondent tried to run you over by the mailbox while filming you. When did that occur?

Petitioner: It was probably in May; I don't have the date.

Attorney: This says May 2016.

Petitioner: I don't have the exact date.

Attorney: Mr. Respondent bought the property in 2017.

Petitioner: Then that's the year. It's a mistake. But he tried to run me over at the mailbox with his camera all in my face antagonizing me. I don't like my picture being taken; my wife will tell you that.

Attorney: You said he tried to get you arrested with an old video. Did you see the video?

Petitioner: No! I haven't seen any of the videos. But they told me, and that one was from before. They didn't let me say anything; they just came over and arrested me. There are sheriff records.

JO: Let's hold on for a moment because it seems like this other case might be open.

Attorney: Yes, that's fine, I will take a different approach to questioning to avoid the criminal matter.

Clerk: The criminal case is set for an early status conference, and a criminal protective order has been issued.

JO: Mr. Petitioner, this case is not nearly over. The restraining orders against you were filed by the district attorney, not Mr. Respondent. Do you understand?

Attorney: Okay, did you sell the property to Mr. Respondent?

Petitioner: Yes, Mr. Respondent bought the property from me and was supposed to provide an easement but didn't and then didn't give back any of the money. He knew we needed the easement to get to the other 10 acres. He got it for dirt cheap and reneged on the deal. He should just stay in the city if he doesn't like the way the country is.

Attorney: Okay.

JO: Are you finished with questions? *Attorney is.* Is there anything else you want to add, Mr. Petitioner?

Mr. Petitioner: No.

Attorney begins to ask respondent questions and refers JO to specific exhibits in SharePoint.

Attorney: Do you own a drone?

Respondent: No.

Attorney: Does your son own a drone?

Respondent: No.

Attorney: Did you fly a drone on July 7th, 2018?

Respondent: No, I hired a company to take aerial photographs of my property as I make progress towards cleaning it up. They have specific instructions to only take photographs of my property. I have receipts for each of the times they have come, and I believe it was in February, April, and August this year.

Attorney: Did you purchase the property from Mr. Petitioner.

Respondent: No, I bought it from Mr. so and so.

Petitioner interjects: My partner.

Attorney: Have you ever filmed or taken pictures of Mr. Petitioner?

Respondent: Yes, at the instruction of law enforcement. I have body cameras that I wear at all times on the property and keep multiple batteries. I have never started filming Mr. Petitioner prior to him acting up. It is a very big burden to be on high alert all the time on my property.

Petitioner interjects: He's lying.

Attorney: That's all my questions.

Respondent: Can I make a statement to the court?

Attorney confers and confirms.

Respondent: I bought this property with my wife as a retirement investment. We wanted a peaceful place to live, and my retirement has been destroyed by this conflict with Mr. Petitioner. We do not feel safe on the property.

JO: Thank you.

Attorney: I have one more question. Would the restraining order have other impacts on Mr. Respondent?

Respondent: Yes, I must maintain a security clearance for work. It is checked frequently as I often inspect defense equipment. Without it I would be unable to support my family.

JO: Mr. Petitioner, do you have questions for Mr. Respondent?

Petitioner: No.

JO reviews testimony for both parties out loud.

Petitioner interrupts: Not true.

Bailiff: Mr. Petitioner!

JO continues: This is a bad situation to have between neighbors, and you should simply leave each other alone. I always believe both parties, but I think there are misunderstandings. I hope you can find a peaceful resolution by leaving one another alone. I will not grant the restraining order due to the burden of proof not being met by the petitioner.

Attorney: Thank you.

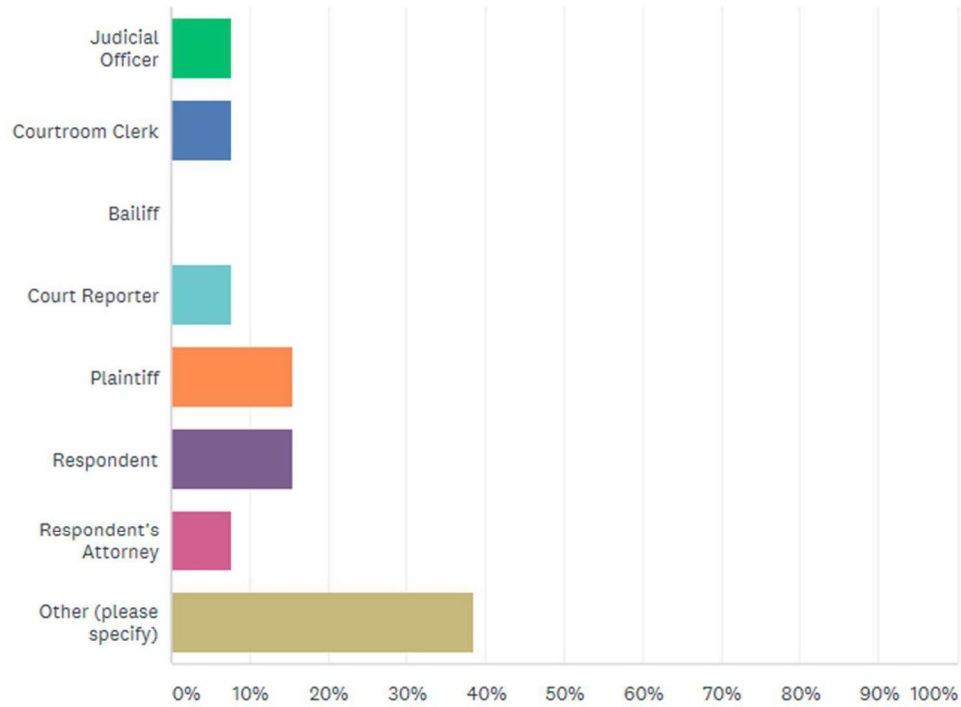
APPENDIX C: Mock Hearing Surveys

At the conclusion of the mock hearings, a survey was sent to all participants using the Survey Monkey® tool. The intent of the survey was to gather reaction to the use of the remote video appearance technology in a realistic setting. There was also a focus on gathering information to improve future pilot implementations. All participants in the mock hearings were judicial officers or employees of a judicial branch entity. The survey results should be considered in light of that participation and that they occurred on a single day in a mock setting. The purpose of the mock hearing, and subsequent surveys, were to determine that the remote appearance was viable conceptually and in a proof of concept.

The survey questions and results received follow:

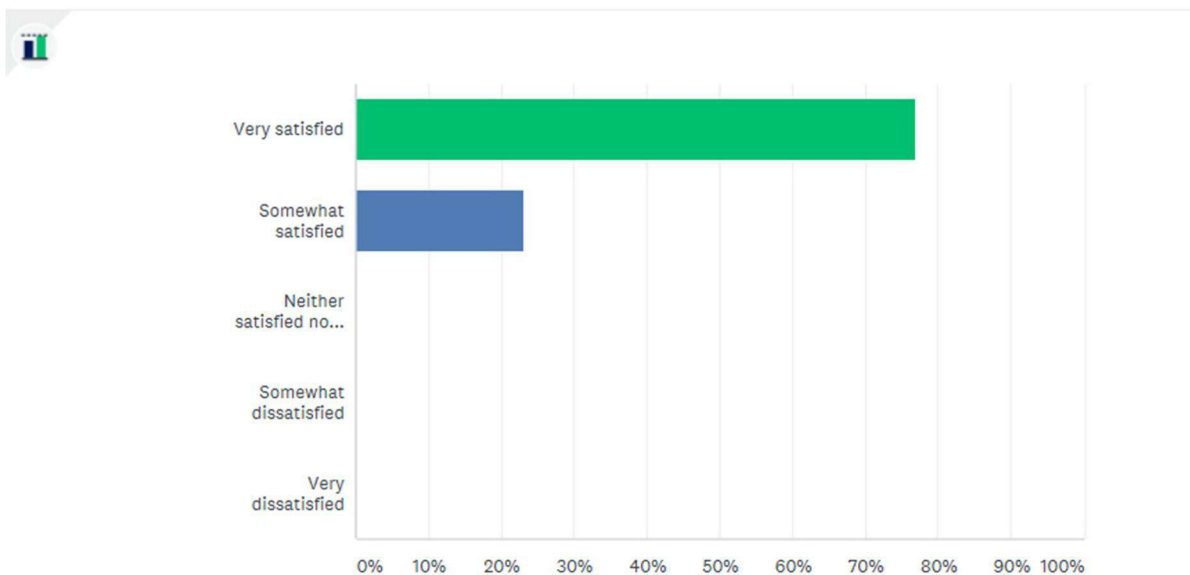
What was your role in the mock hearing?

Answered: 13 Skipped: 0



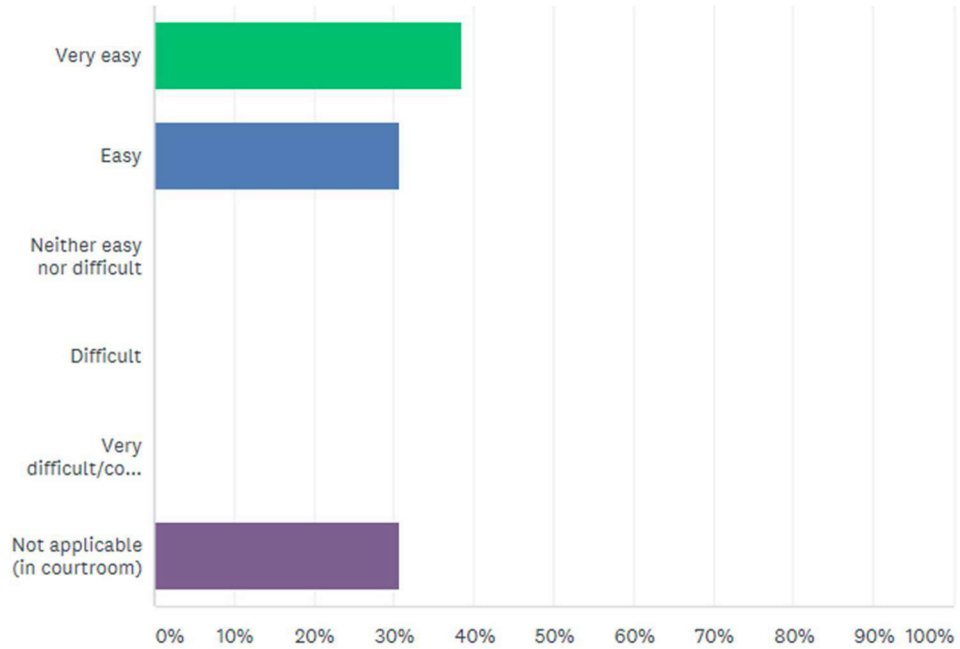
Overall, how satisfied or dissatisfied were you with the remote video appearance mock hearings?

Answered: 13 Skipped: 0



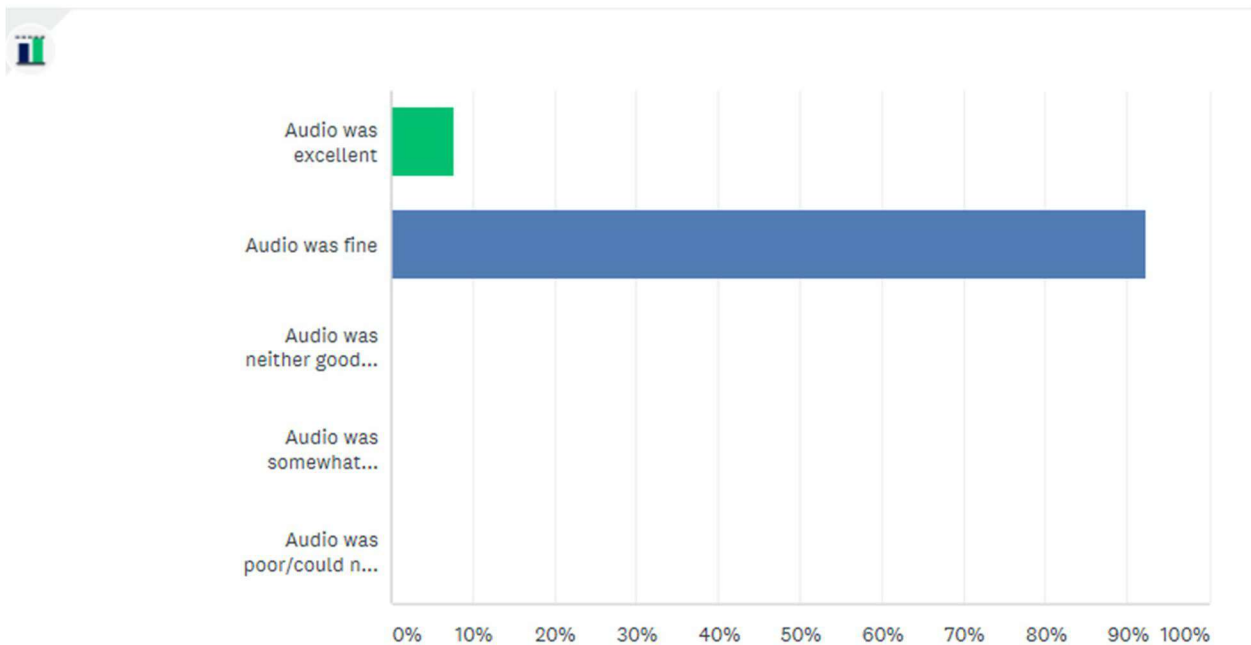
How would you rate the ease of connecting to the hearing?

Answered: 13 Skipped: 0



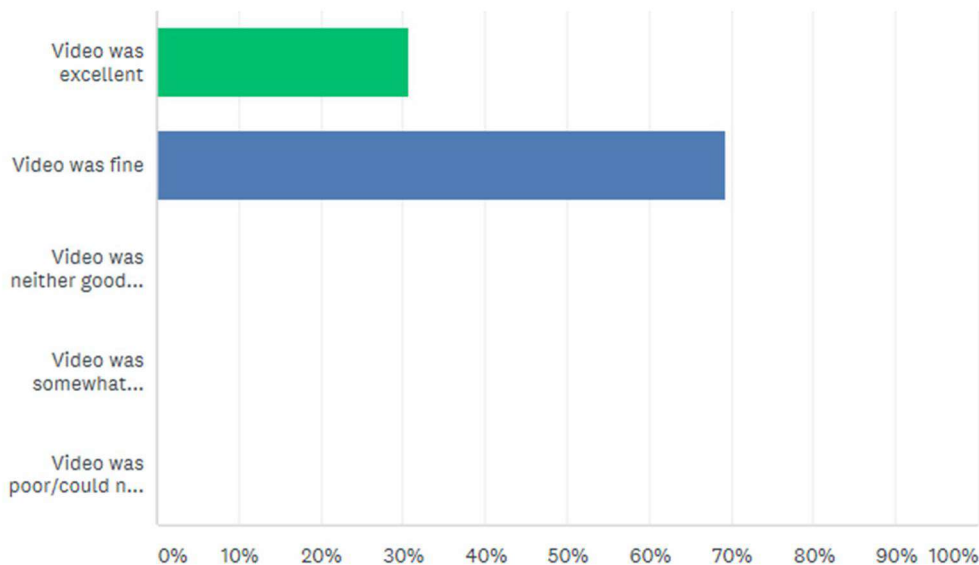
Could you hear the participants clearly?

Answered: 13 Skipped: 0



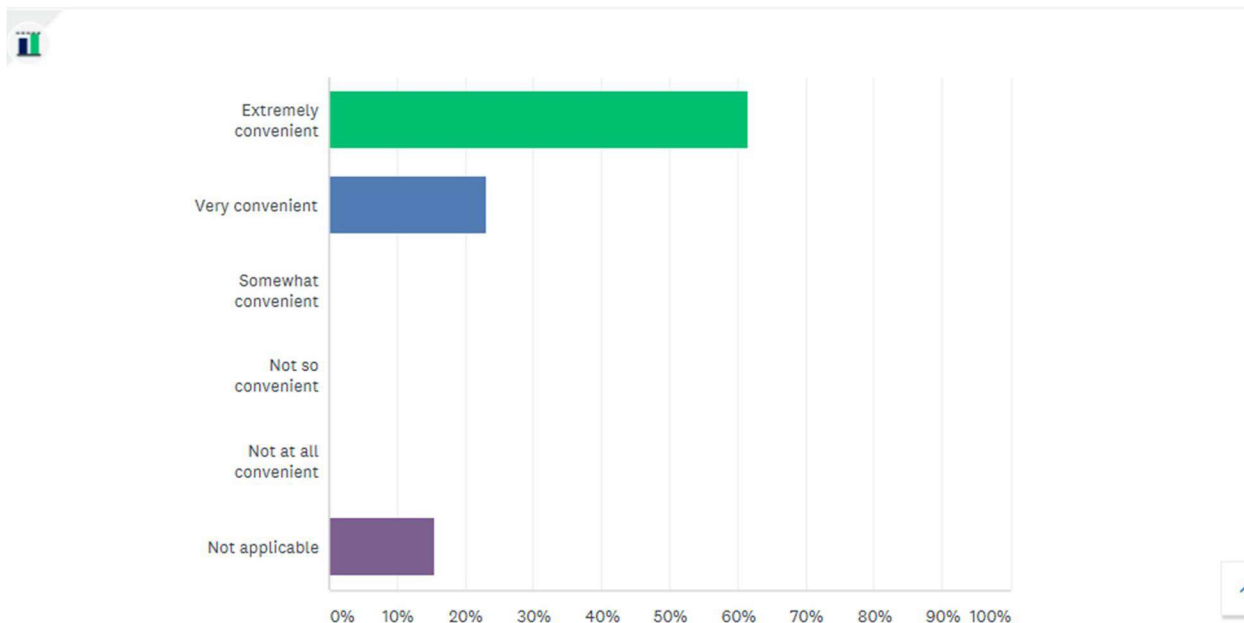
Could you see the video clearly?

Answered: 13 Skipped: 0



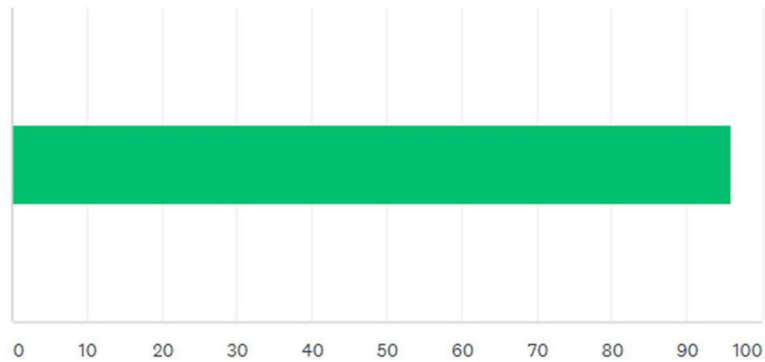
How would you rate the remote video experience in terms of convenience for the parties?

Answered: 13 Skipped: 0



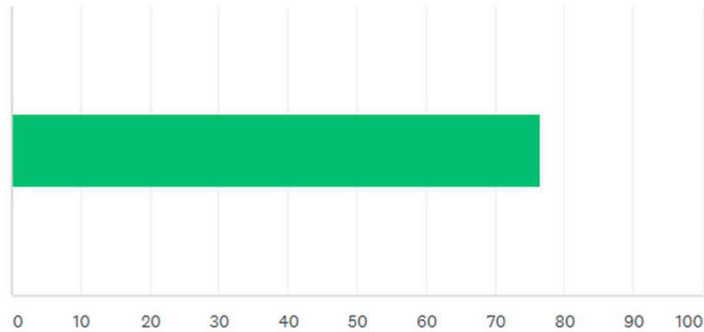
Are you satisfied that justice would have been served in these cases?

Answered: 13 Skipped: 0



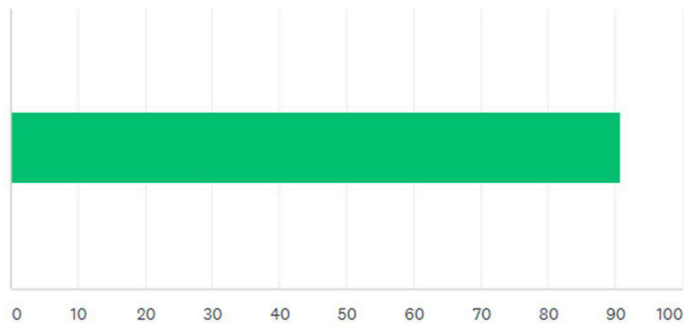
How likely would you be to use remote video appearance as a litigant if you, personally, were involved in a case?

Answered: 13 Skipped: 0



How likely would you be to promote remote video appearance for use in your courtroom?

Answered: 13 Skipped: 0



Specific comments were also requested as to how the remote video appearance could be improved:

- From an observers' perspective I would suggest the following: Provide ability for all parties to see each other. During the mock the party in the courtroom could not see the party appearing remotely. Also, we need to provide video proceeding observation to the public. Also, when the party is consulting with attorney, the audio muting process appeared clunky.
- I used my Bluetooth headset to hear the proceedings, thus at times I had trouble hearing a few words from the courtroom. This problem could have been my headset. Otherwise the experience was good!
- Only concern as a user would be if people are speaking over one another, that it would drop the audio during that time and there could possibly be a void in the final transcript. So speaking one at a time is key.
- Need to address how exhibits will be displayed/shared.
- Add TV cart speaker/microphone system to improve audio.
- The party's faces need to be larger at the bottom of the screen. The audio streaming needs to be quicker for response time and that the words spoken match the mouth movements. Also, I think there would be a problem with the audio when parties talk over one another which occurs daily with In Pro Per litigants.
- The streaming needs improvement. In a hearing, the ability to catch every word would be important. I would also like to see the party's faces clearly, not little boxes on the bottom of the screen. A split screen like you see on Judge Judy.
- Extra camera for all parties to see each other. It would be great for people traveling any distance.
- Enable the remote participants to see all participants in the courtroom. Include an explanation of how documents were uploaded into SharePoint and how a litigant uploads evidence into SharePoint.

APPENDIX D: Workstream Members

Hon. Samantha Jessner, Executive Sponsor

Judge
Superior Court of Los Angeles County

Mr. Alan Crouse, Project Manager

Deputy Court Executive Officer
Superior Court of San Bernardino County

Mr. Jake Chatters, Business Lead

Court Executive Officer
Superior Court of Placer County

Hon. David De Alba

Judge
Superior Court of Sacramento County

Hon. Carmen Luege

Commissioner
Superior Court of Orange County

Hon. Charles Margines

Judge
Superior Court of Orange County

Mr. Jeremy Gentry-George

Chief Information Officer
Superior Court of Fresno County

Ms. Sharon Oliveira

Asst. Court Executive Officer
Superior Court of Mono County

Ms. Linda Romero-Soles

Court Executive Officer
Superior Court of Merced County

Mr. Wannes Vanderbulcke

Technology Manager
Superior Court of Humboldt County

APPENDIX E: Futures Commission Discussion of Remote Video Appearance

(Commission on the Future of California's Court System, *Report to the Chief Justice* (Apr. 2017), pp. 221–224, citations omitted.)

Rationale for Recommendation #2: Remote Video Appearances

Today, video technology is integrated into most personal devices. As access to such devices increases, court users are becoming accustomed to, and often reliant on, video conferencing for both business and personal matters. Video conferencing is a reliable, cost-effective, and high-quality substitute to in-person appearances. Its use is becoming more common in court systems throughout the United States.

The high quality of existing video conferencing reflects advances in hardware and software, which have greatly improved services provided in business settings. Current video technology makes it possible to provide a 360-degree view of a room; recognize individual speakers through voice recognition, automatically switching focus and zooming in on the speaker; and allow documents to be viewed on a split screen. Telephonic appearances currently provide remote access to court proceedings in many courts. Video technology expands on this access by allowing the court and the remote participants to see as well as hear each other. The court can directly view an individual's demeanor.

The use of any type of remote appearance technology, including teleconferencing, is currently underused. For example, fewer than half the courts use video conferencing for arraignment. Although telephonic appearances are permitted in non-evidentiary hearings for civil and family law cases, this technology is used irregularly. One large court in California indicated that although it had the ability to use video conferencing, it was used an average of only 15 times in 2015 and 2016. A few examples of courts that use video conferencing follow:

- The Superior Court of Fresno County (Fresno Court) has been using video technology for a variety of remote appearances since 2013. The court began using this technology for traffic infraction cases with defendants who live in rural areas, letting parties appear at hearings by video from a north county location. For some parties, this service eliminated a 90-minute drive both to and from the main county courthouse. In 2014, the court started using video conferencing to provide certain interpreting services. The court also facilitates the use of these interpreters' services by other courts not able to provide the needed interpreter on their own court. Starting in 2016, the court began offering assistance to rural court users seeking domestic violence restraining orders and related services of domestic violence advocates via video conferencing from a Fresno Court courthouse to two secure locations in other parts of the county. This service allows the advocates and court users to view and complete documents simultaneously.
- The Superior Court of Merced County permits parties to request video appearances. It does not limit the types of proceedings for which a request may be made.
- Orange Court provides video remote appearance services in family law proceedings, including hearings on orders to show cause, law and motion, readiness conferences, trial setting and status conferences, settlement conferences, and fee waiver hearings.

Although remote video appearances are not used extensively throughout the trial courts, judicial officers who have used them are generally satisfied with the experience.

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Reduced use of remote appearances may reflect a lack of awareness by court users that it is available. An additional barrier may include judges' willingness to permit remote appearances, and requirements for the consent of all parties. Statutory provisions encouraging the use of video appearance, a uniform and consistent use of video conferencing, and a branch-wide effort to inform court users of its availability would promote its use. Remote appearances would especially benefit those court users who face mobility and vulnerability barriers and individuals who live or work far from the courthouse.

The Futures Commission believes that the option to attend court proceedings remotely should ultimately be available for all noncriminal case types and appearances, and for all witnesses, parties, and attorneys in courts across the state. Judges should retain discretion to require in-person appearances, as appropriate.

The Futures Commission recommends the development of a pilot project in one or more courts for remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings, including evidentiary hearings, unless there is good cause for mandating a personal appearance.

Benefits to the parties and the courts

Video conferencing provides the following benefits:

- Gives participants options for appearance locations, including from their homes or workplaces.
- Saves time, cost of travel, and the need to miss work or arrange childcare.
- Provides easy access for those with physical disabilities or who live far from the courthouse.
- Offers predetermined, convenient video conferencing locations to be set up for users without access to needed devices.
- Provides individuals in custody the ability to appear in civil matters, reducing costs for the state and the person in custody.

Costs to implement

The costs to a court to implement video conferencing technology will vary. One-time cost for video conferencing hardware (i.e., cameras, microphones, and video screens) for one courtroom is approximately \$9,300. Usually, only one 360-degree camera is needed to provide video images, one LCD computer screen is needed for the judge's use, and at least one large LCD screen or projector screen is needed for the courtroom. The size and layout of the courtroom will determine the number of actual cameras, microphones, and video screens needed. Total cost for hardware also depends on the equipment already installed or available to the court. Courts may need to increase the capacity of their high-speed Internet connections to support conferencing equipment, or purchase software that facilitates the online connection between the courts and the remote participants. In the past few years, one court reported that a one-time purchase of software to provide this service cost approximately \$25,000. In another court, the system is provided by a third party vendor, at no cost to the court. The cost to the remote participant is approximately \$90 per session.

Courts will also need to commit staff resources to ensure proper system functioning and to troubleshoot any problems that may occur during use.

Public comment

Public comment on the proposal to use remote video appearances was generally positive for civil unlimited cases, certain family law cases, and traffic infraction cases. The Office of the Attorney General agreed with the proposal. Members of the California Police Chiefs Association's Technology Committee

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indicated that remote appearances would be beneficial for off-duty officers who need to provide testimony.

Similar procedure implemented elsewhere

Other states have incorporated and expanded the use of video technology in settings such as SRL services, inmate competency evaluations, trial preparation, and attorney jail interviews. Some specific examples follow:

- Minnesota uses video conferencing for remote appearances in certain civil case types and to conduct child support enforcement hearings.
- Florida and New Jersey often use this technology for child dependency proceedings when one of the parents is in custody.
- Illinois uses video conferencing for a variety of court proceedings and meetings in 46 courtrooms and conference rooms.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 23-24, 2019

Title	Agenda Item Type
Language Access Signage and Technology Grants	Action Required
Submitted by	Effective Date
Hon. Kevin Brazile, Co-Chair	September 24, 2019
Hon. Laurie Zelon, Co-Chair	Date of Report
Hon. Victor Rodriguez, Chair, Language Access Subcommittee	August 9, 2019
Advisory Committee on Providing Access and Fairness	Contact
	Douglas G. Denton, 415-865-7870
	douglas.denton@jud.ca.gov

Executive Summary

The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the council. This report summarizes plans for establishment of a grant program to disburse this funding to courts beginning in Fiscal Year 2019–20 and ongoing. The report recommends that the council approve a proposed grant process and direct the Language Access Services (LAS) Unit (Center for Families, Children & the Courts) to solicit and review grant applications and develop recommendations for review and approval by the Advisory Committee on Providing Access and Fairness, the Information Technology Advisory Committee, and the Judicial Council. Following approval of grant awards by the council each year, the LAS Unit will disburse funding to awarded courts on an annual basis.

Recommendations

The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee make the following recommendations to the Judicial Council:

1. Adopt the proposed process for Language Access Signage and Technology Grants.
2. Direct the LAS Unit to solicit and review grant applications and develop recommendations for review and approval by the Advisory Committee on Providing Access and Fairness, the Information Technology Advisory Committee, and the Judicial Council.

Relevant Previous Council Action

In January 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (the Language Access Plan, or LAP). The LAP provides recommendations, guidance, and a consistent statewide approach to ensure language access for all of California's approximately 7 million limited English proficient (LEP) residents and potential court users.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force to advise the council on implementation of the 75 recommendations in the LAP, to expand meaningful access for all LEP court users.

In May 2017, the Judicial Council received an informational report entitled, *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations*, which was prepared by the National Center for State Courts under the direction of the task force. The report compiles best practices from around the state in courthouse design and in the use of signage and wayfinding strategies to enhance access for LEP court users.

In January 2019, the council approved formation of a standing Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness to undertake language access efforts after the sunset of the task force in February 2019.

In March 2019, the council approved the *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*. The guidelines were prepared under the direction of the task force and the Information Technology Advisory Committee, following a VRI pilot project that took place in 2018 in the Superior Courts of Merced, Sacramento and Ventura Counties. The revised guidelines were adapted from existing VRI guidelines in the *Strategic Plan for Language Access in the California Courts*. The council also voted to create a new VRI program for the judicial branch to expand LEP court user access to qualified (certified and registered) court interpreters.

Analysis/Rationale

Effective March 2019, the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness works to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. The subcommittee will partner with the Information Technology Advisory Committee, as appropriate, on technology issues.

To support judicial branch language access expansion efforts, the 2018 Budget includes ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for

language access technology infrastructure support and equipment needs. The relevant language from the 2018 May Revise Budget Change Proposal (BCP)¹ is included below:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to "assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation" and to "provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage." With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

1. Technology
2. Interpreter Equipment
3. Multi-Language Communication
4. Telephonic or other remote interpreting technologies

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.²

The LAS Unit is planning to disburse this funding for trial courts each year, beginning in FY 2019-20, as a grant program (see attached overview). The goals of the Signage and Technology Grant Program include:

¹ See https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf.

² \$200,000 of the \$1,550,000 amount for technology is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

- Support courts with the development of multilingual signage to help LEP court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish an ongoing plan for grant funding that coordinates with other facilities and/or technology initiatives planned or underway that support language access as a core service of the court.

Policy implications

It is anticipated that the grant program will launch in October 2019, with applications due from interested courts by November 2019. It is recommended that once applications are received, potential grantees be determined by Judicial Council staff, who will work closely with the Executive Office and follow the priorities established for the first year in the attached grant overview. Recommendations for grantees will then be formed by staff working with the Executive Office prior to advisory body approval. This approval process will include approval of recommendations by the Language Access Subcommittee and the Advisory Committee on Providing Access and Fairness (PAF), the Information Technology Advisory Committee (ITAC), and then ultimately the council. Following approval of recommended grantees by the council by March 2020, awarded courts would need to encumber funding by June 2020, funding would then be reimbursed to the courts by December 2020, and then the grant cycle would repeat every year.

Under the grant program, courts will be able to apply for funding for audio or video remote solutions, including video remote interpreting (VRI) if permitted by their Memoranda of Understanding (MOUs) and any other agreements between court administration and court employees. All courts, including courts who participate in the grant program and request funding for VRI equipment in 2020, will be asked to follow the council's VRI guidelines for spoken language-interpreted events.³ This will help to ensure proper use of VRI solutions in the courts, which is still an emerging technology and must be carefully implemented by individual courts to ensure due process for LEP court users.

Comments

In August 2019, the attached grant process overview, which includes anticipated grant priorities for the first year, was reviewed and approved by the PAF and ITAC (TBD). The grant process overview was also shared and reviewed with the Trial Court Budget Advisory Committee on August 7 as an informational item.

³ See <https://www.courts.ca.gov/documents/vri-guidelines.pdf>.

Alternatives considered

There are a variety of disbursement methodologies for ongoing funding; however, a determination was made to disburse the funding as a grant program to help the council identify and fund local needs, establish priorities, encourage courts to develop plans for ongoing funding, assist courts with uniform practices, and establish a mechanism to highlight progress and best practices each year.

Fiscal and Operational Impacts

Funding will assist courts with language access signage and technology initiatives. The Signage and Technology grant is a reimbursement grant which means that the funds will be distributed after the conclusion of a successful project. Funding must be encumbered each fiscal year and ongoing costs such as software maintenance and support should not be included in the request (if a request covers multiple years, courts must undertake the project and then reapply each year). However, since this is ongoing funding for the trial courts, individual courts will be encouraged to establish an ongoing plan for grant funding that coordinates with other facilities or technology initiatives planned or underway in their court to support language access. Under the grant program, courts will be able to apply for both signage and technology needs. No more than 10% of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage, no more than \$135,000 for technology), unless total funding requests are lower than the annual allocation. Due to limited funding, and depending upon the number of requests received, it may not be possible to fund all grant requests, and/or some requests may be approved only for partial funding. Applicants for the grant program should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with court-wide planning efforts.

Council staff works regularly with the Court Language Access Representatives to identify best practices and innovations taking place in language access, including in the areas of signage and technology. It is anticipated that a report will be prepared at the completion of each grant year to identify successful signage and technology projects, which will allow the branch to share best practices and innovations with courts statewide and the public.

Council staff in the Operations & Programs Division are working on development and launch of a VRI program in 2020, and it is anticipated that regular updates will be provided to the council prior to the program launch. These updates will inform court and public stakeholders regarding next steps, including the development of an implementation plan for VRI. The implementation plan will include a sufficient period of installation and training at courts prior to program launch.

We also anticipate that judges, court staff, court interpreters and attorneys will be extensively involved in training efforts to ensure that they are comfortable with the VRI equipment before usage, and that quality communication is ensured for limited English proficient (LEP) court users and their attorneys, including for confidential attorney-client communication. Implementation of VRI will also include use of feedback surveys to allow all courtroom participants and interpreters to provide input that can be used to continually improve the service offered by the VRI solution.

This will also enable the courts and the Judicial Council to continually monitor the program and refine the way in which the service is delivered.

The 2018 Budget Act also included new positions for the Judicial Council's LAS Unit, which are currently being recruited to help support the new grant program and the Language Access Toolkit.

Separately, the council is also pursuing a Budget Change Proposal (BCP) for Fiscal Year 2020–21 to fund VRI solutions in up to fifteen courts, which will also help to establish VRI as a program beginning in 2020.

Attachments and Links

1. Attachment A: Language Access Signage and Technology Grants, Process Overview
2. Link A: [*Strategic Plan for Language Access in the California Courts*](#)
3. Link B: [*Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations*](#)
4. Link C: [*Recommended Guidelines for Video Remote Interpreting \(VRI\) for Spoken Language-Interpreted Events*](#)

Language Access Signage and Technology Grants
Process Overview
August 9, 2019

Below is a high-level overview of the proposed process for the Language Access Signage and Technology Grants. This process includes potential priorities for grants, and solicitation of projects from trial courts for consideration of awarding grants, to the ultimate distribution of funding to the courts upon successful completion of court signage and technology project(s).

Background

The 2018 Budget includes ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for language access technology infrastructure support and equipment needs. The relevant language from the 2018 May Revise Budget Change Proposal (BCP)¹ is included below:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to "assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation" and to "provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage." With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

- 1) Technology
- 2) Interpreter Equipment
- 3) Multi-Language Communication
- 4) Telephonic or other remote interpreting technologies

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.

¹ See https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf.

Note: \$200,000 of the \$1,550,000 amount is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

The Language Access Services Unit (Center for Families, Children & the Courts) is planning to disburse this funding for courts each year, beginning in FY 2019-20, as a grant program.

Objectives of Grant Program

The goals of the Signage and Technology Grant Program include:

- Support courts with the development of multilingual signage to help LEP court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish an ongoing plan for grant funding that coordinates with other facilities and/or technology initiatives planned or underway that support language access as a core service of the court.

Note: Courts may apply for both signage and technology needs.

Application Timing and Process

- Applications are due on November 15, 2019.
- Recommendations will be developed by staff for review by the Language Access Subcommittee and the Advisory Committee on Providing Access and Fairness, and the Information Technology Advisory Committee.
- The decision on which projects to fund will be made by the Judicial Council by March 2020.
- All courts that submit Signage and Technology Grant requests will be notified as to whether they receive funding.
- Intra-Branch Agreements for the signage and technology grant requests which are funded are expected to be delivered to the Court Executive Officers (CEOs) for signatory approval and returned to the Judicial Council prior to April 30, 2020.
- Due to limited funding, and depending upon the number of requests received, it may not be possible to fund all requests, and/or some requests may be approved only for partial funding.
- Courts requesting funding for more than one project in each category are asked to identify the top priority project for their court.
- No more than 10% of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage, no more than \$135,000 for technology).
- If total funding requests fall below the total annual allocation, courts may be awarded larger amounts to ensure that available funding under the program is disbursed as needed.

- Applicants should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with court-wide planning efforts.

Grant Award and Reimbursement Process

- Funding must be encumbered each fiscal year and ongoing costs such as software maintenance and support should not be included in the request (if a request covers multiple years, courts must undertake the project and then reapply each year).
- The Signage and Technology grant is a reimbursement grant which means that the funds will be distributed after the conclusion of a successful project.
- Courts who participate in the grant program and request funding for video remote interpreting equipment will be asked to agree to follow the council's *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*.²
- Note: Courts that apply for VRI equipment in the courtroom must abide with local Memoranda of Understanding and agreements that allow for the appropriate use of VRI in the courtroom.
- Funds must be encumbered by the court in the current fiscal year and the court must inform the Judicial Council that funding for the project has been encumbered by June 30, 2020.
- If the reimbursement request and the invoices to support the requested reimbursement amount are not received by December 31, 2020, funding for the grant will be unavailable for reimbursement to the court for the cost of the project.

Potential Priorities for Grants

In 2019, Judicial Council staff developed the following potential priorities for the grant program, and reviewed these priorities with the Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee:

Signage Grants

Priority	Project
1.	Plain language editing and professional translation of signage language that is not available in the Glossary of Signage Terms and Icons (available here: http://www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx).
2.	Development of multilingual wayfinding strategies, including electronic displays with automated maps and orientation guides with multilingual interface and/or other types of multilingual electronic signage.
3.	Investment in multilingual non-electronic signage (paper, plaques, etc.).
4.	Equipment and start-up costs for an automated queue management system that will contain multilingual information.

Technology Grants

Priority	Project
1.	Interpreter equipment, including upgraded headsets and other communication equipment for interpreters (for example, wireless transmitters and receivers, charging stations and carrying cases).

² See <https://www.courts.ca.gov/documents/vri-guidelines.pdf>.

2.	Telephonic/video remote solutions equipment for LEP assistance both inside and outside the courtroom (for example, speakerphones, and equipment for video remote appearances, video remote interpreting, counter assistance, or other self-help remote assistance, including tablets, computer equipment and monitors).
3.	Scheduling software for language access services, multilingual avatars for LEP court users, or other software that allows for accurate multilingual communication between the LEP court user and the court.
4.	Multilingual videos for LEP court users, including translation costs.
5.	Audio-visual (AV) systems upgraded, broadband service and/or other infrastructure enhancements (must directly relate to services provided to LEP court users).
6.	Multilingual kiosks.

Project Solicitation

An invitation will be sent to the Language Access Representatives for all 58 trial courts from the Language Access Services Unit inviting the courts to submit a request for funding if they have a language access signage and/or technology system project which they would like to have considered for grant funding. A solicitation email will come from the Language Access Subcommittee Chair that will also be shared with the Presiding Judges and Court Executive Officers. The email will include a memo from staff that provides an overview of the goals of the grant program, criteria that is considered when deciding which grants are recommended for funding, and a deadline to submit the grant project request form for consideration.

Evaluation of Project Funding Requests

Courts that request funding for signage and/or technology will need to submit a completed project request form to Judicial Council staff. As noted above, courts can submit funding requests for both signage and technology for consideration. In cases where courts submit more than one signage project (or more than one technology project), they will be asked to complete a separate project request form for each project and to indicate the priority for each of their projects (e.g. top priority, 2nd priority, etc.). Judicial Council staff will review each submission and follow up with the courts on any missing information and questions. Staff will prepare an initial allocation in a spreadsheet by court of the proposed grant funding based upon the amount of available funding, the number of project requests received, the overall goals of the program, and other criteria as specified in the solicitation memo. Part of the evaluation process includes ensuring the project falls within the scope and criteria of the grant program. Additionally, staff will review the scope of funding included in the project request to ensure that the funding being requested is for one-time costs. Any ongoing system maintenance costs will be removed from the requested funding amount. Staff will then categorize the projects into the various program priorities and will make an initial proposed allocation for each court limiting the grant awarded to no more than 10% for an individual court, unless total funding requests are lower than the annual allocation. The results of this analysis will be recorded in an Excel spreadsheet. There will be multiple review cycles of the proposed allocations internally with management in CFCC, JCIT, and the Executive Office throughout this process.

Advisory Body Review and Approval

After management approval of the proposed grant requests, a memo will be prepared and sent from Judicial Council staff to the Language Access Subcommittee, Advisory Committee on Providing Access and Fairness (PAF), and Information Technology Advisory (ITAC) Committee Chairs for review. If the

Chairs have no questions about the memo or proposed allocations, the memo will be placed on the PAF and ITAC agenda for a presentation to the full bodies of the committees for consideration. During the meetings, the recommendation memo along with the proposed allocations will be reviewed and any questions will be addressed.

Following approval by the advisory bodies, the proposed allocations will be submitted and potentially approved by the Judicial Council at its March 2020 meeting.

Write and Issue IBA's

If the proposed allocations are approved by the council, a Contract Detail Sheet and Intra-Branch Agreement (IBA) will be drafted for each court and sent to Budget Accounting and Procurement (BAP) for processing and eventually signed by the court's CEO, per the schedule above.

Funds Disbursement

To be reimbursed, courts must expend grant funding by December 31, 2020. Upon successful completion of their project, the court submits an invoice with a brief report on what was completed, along with a disbursement request along with supporting invoices to the Language Access Services Unit for processing. A memo from Judicial Council staff along with the supporting documents from the court will be sent to Judicial Council Branch Accounting for disbursement of the funding to the courts.

DRAFT

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



Highlight: Draft Findings and Recommendations report completed.

Key Objectives	Status	Description
<p>Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).</p>	<p>Completed</p>	<p>The core team has been formed. It includes: Executive Sponsor, Judge Michael Groch (San Diego); Technical Lead, John Yee, Judicial Council Information Technology (JCIT); Project Manager, Fati Farmanfarmaian, JCIT, along with JCIT technical resources.</p> <p>The full workstream team/membership has been formed. Executive Sponsor, Judge Groch, distributed a branch memorandum inviting nominations for workstream membership. The request called for those individuals with an interest and experience in intelligent chat and the technology to deliver court services. The request also set membership expectations and defined next steps. A final membership list was approved by the ITAC and JCTC Chairs.</p> <p>A workstream kickoff meeting was held on August 28 and included a full team orientation and educational demos of the intelligent chat technology.</p> <p>Ongoing meetings with the core team and full workstream are occurring 3-4 times per month and the workstream model is proving quite effective. The SharePoint site is robust and well populated with tools and data. An example is the collaborative user story sheet which forms the basis of the POC project selected by the team.</p> <p>Additionally, staff has prepared and the Judicial Council approved the submission of a budget change proposal requesting FY19-20 funding to support more formalized piloting.</p>
<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).</p>	<p>Completed</p>	<p>The group has completed its research and conversations into the innovation grant projects related to Intelligent Chat. The workstream will leverage the Innovation Grant Courts as POCs to inform the Findings and Recommendation report.</p>

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



Highlight: Draft Findings and Recommendations report completed.

Key Objectives	Status	Description
(b) Identify key performance indicators and benchmark before/after success.	Completed	The group has completed identifying key performance indicators and benchmarks. The workstream will include this deliverable in the Findings and Recommendation report.
(c) Capture learnings and report findings.	Completed	Completed the draft Findings and Recommendation report.
(d) Update Phase 2 of workplan based on results.	Not Started	The workstream will recommend and ask ITAC at its August 19 meeting to sunset the workstream and in lieu of a phase 2, to transition the effort to JCIT.
(e) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; annual agenda accordingly.	Not Started	The workstream is seeking approval from ITAC to conclude phase 1 at their August 19 meeting, and to sunset the workstream. In lieu of a phase 2, the group will recommend a full transition to JCIT.

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



Highlight: Vendor presentations completed, a demo site is being developed to further test the solutions currently offered.

	Status	Description
Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	Completed	<p>The core team has been formed. It includes: Executive Sponsor, Judge James Mize, (Sacramento); Business Lead, Heather Pettit, Judicial Council Information Technology (JCIT); and Project Manager, Rick Walery, (IT Director, San Mateo).</p> <p>In late August, a memorandum was distributed to the branch (appellate and trial court presiding judges, CEOs, and CIOs) seeking nominations for members, and including expectations and next steps. Final membership was approved in September, after which a kickoff meeting was held in October.</p> <p>The project team has been formed. The team includes members from a diverse set of courts and the Judicial Council. Expertise on the team ranges from multiple members with IT-related experience, a member who previously was a translator, and multiple members with first-hand knowledge or working with LEP customers at a court.</p> <p>Additionally, the budget change proposal for FY19-20 was approved to support a formal pilot to further test the technology.</p>
Define the standard of success and how to measure it as well as define the difference between translation and interpretation.	In Progress	The project team has been divided into 2 tracks – a Metrics track, and a Vendor track. The metrics track is meeting regularly to define the specific standards that a solution should include to ensure success, including the response time, accuracy, and ability to translate full sentences (as opposed to word-for-word translation).
Determine how, or if, the work for this initiative aligns with existing work of the Language Access Plan Implementation Task Force (LAPITF) and the work of The Legal Design Lab at the Stanford University Law School.	In Progress	<p>The project team attended presentations prepared by students in the Legal Design Lab at the Stanford University Law School. One of the presentations demonstrated text-based translation services, which leveraged Google’s translation API.</p> <p>In addition, the group reviewed the findings and recommendations from the</p>

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



Highlight: Vendor presentations completed, a demo site is being developed to further test the solutions currently offered.

	Status	Description
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.	In Progress	The workgroup received presentations from 4 vendors, demonstrating their offerings in this space. The group determined that there was not a current solution offered that fully met their needs, and opted to develop a demo site to test the APIs for the following: <ul style="list-style-type: none"> • Voice to text transcription • Text to text translation • Text to speech output
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.	In Progress	The workgroup engaged with the Judicial Council to develop a demo site to test the APIs offered by 4 vendors. Once complete, the group will conduct further tests using pre-written scripts, evaluating the accuracy and responsiveness of the transcription and translation.
Capture learnings and draft a white paper report on the lessons learned, findings, and recommendations for next steps.	Not Started	
Update Phase 2 of workplan based on results.	Not Started	
Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; amend the Annual Agenda accordingly.	Not Started	

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



Highlight: Draft Findings and Recommendations report completed.

Key Objectives	Status	Description
Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	Completed	<p>The core team has been formed. It includes: Executive Sponsor, Judge Samantha Jessner (Los Angeles); Court Lead, Jake Chatters (CEO, Placer); Project Manager, Alan Crouse (Deputy CEO, San Bernardino), along with support from the Judicial Council Information Technology Office (JCIT), Language Access Plan and VRI programs.</p> <p>The full initiative team/membership has been formed and approved. Eight courts, representing a diversity of size; participants from the VRI Workstream and remote video innovation grant, are a part of the team for this directive—specifically, the Superior Courts of Fresno, Los Angeles, Merced, Mono, Orange, Placer, Sacramento, and San Bernardino.</p> <p>The workstream held its kickoff and meets monthly. It has formed 4 subgroups/subcommittees and assigned a Chair/lead to each - Procedures, Evidence, Rules, and Technology. The subcommittees will develop initial recommendations on topics including but not limited to user technical requirements, evidence exchange, and presentation rules.</p> <p>Additionally, staff has prepared and the Judicial Council approved the submission of a budget change proposal requesting FY19-20 funding to support pilot deployments to the courts.</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.	Completed	The Core Team identified a number of recent studies by the Center for Legal and Court Technology, the National Association for Presiding Judges and Court Executive Officers, the State Justice Institute, and the Self-Represented Litigation Network. Thus, an initial set of challenges were explored and developed for further refinement and investigation by the team. (continued on next page)

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



Highlight: Draft Findings and Recommendations report completed.

Key Objectives	Status	Description
(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.	Completed	<p>The team progressed through an issue and topic log created from the results of the studies and crafted initial recommendations. These recommendations were used during mock proceedings.</p> <p>The team prepared scripts for the mock hearing proceedings and finalized the location and dates for the mock run.</p> <p>Mock hearings were held at the San Bernardino Superior Court February 15, 2019 via Web Cam – Blu Jeans Video Conference platform. Several participants attended in-person and participated remotely. Case types tested were Small Claims and Civil Harassment. Evidence sharing was tested via Share Point application.</p>
(b) Capture learnings and report findings.	Completed	The team completed their draft Findings and Recommendations report.
(c) Update Phase 2 of workplan based on results.	Completed	The team is recommending not initiating a phase 2 at this time. Instead, the group recommends that the rule and legislative proposal amendments outlined in the Findings and Recommendations report complete, as well as the innovation grant recipient courts who received grants in this area to finish their efforts, so that their efforts can be leveraged going forward.
(d) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; annual agenda accordingly.	In Progress	The core team members will present their final report and recommendations to ITAC on August 19. If approved, the workstream will sunset, and a phase 2 will not begin until those recommendations are completed.

2. Tactical Plan for Technology Update



Highlight: Approved by the Judicial Council at their May meeting.

Key Objectives	Status	Description
(a) Initiate workstream, including formation of membership and conduct orientation/kickoff meeting.	Completed	Kickoff meeting held.
(b) Review, gather input, and update the Tactical Plan for Technology.	Completed	Several working meetings held, initiatives drafted and reviewed by workstream members. Remaining sections drafted, reviewed and finalized. Initiative drafts finalized by workstream leads. Full plan submitted to Editing and Graphics Group.
(c) Circulate the draft plan for branch and public comment; revise as needed.	Completed	The plan was circulated for branch and public comment, and feedback was incorporated where appropriate.
(d) Finalize, and seek approval by the JCTC and the Judicial Council; thereafter, formally sunset the workstream.	Completed	The plan was approved by the Judicial Council at their May meeting.

3. Video Remote Interpreting (VRI) Pilot



Highlight: Final VRI Pilot report approved by the Judicial Council on March 15, 2019.

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.	Completed	<ul style="list-style-type: none"> January 2018: Onsite training was conducted at the three VRI pilot courts: Sacramento, Merced and Ventura Superior Courts. The pilot courts went live with VRI events. February 2018: SDSU Research Foundation (the independent evaluator) began collecting data. March-April 2018: SDSU conducted onsite observation in Sacramento to gather additional data. July 2018: The pilot courts successfully shared interpreters from county to county (inter-court). The VRI pilot was completed on July 31, 2018. August 2018: SDSU conducted an online survey with pilot stakeholders to gather feedback and additional data. September 2018: Equipment removal began at the pilot courts.
(b) Review pilot findings; validate, refine, and amend, if necessary, the technical standards.	Completed	<ul style="list-style-type: none"> SDSU submitted their final report in December 2018. A December 14, 2018 VRI Workstream meeting took place to review the pilot findings and the draft guidelines for VRI, including recommended minimum technology guidelines.
(c) Identify whether new or amended rules of court are needed (and advise the Rules & Policy Subcommittee for follow up).	Completed	<ul style="list-style-type: none"> The VRI Workstream determined that no new or amended rules of court are needed at this time.
(d) Consult and collaborate with LAPITF, as needed, in preparing recommendations to the Judicial Council on VRI implementations.	Completed	<ul style="list-style-type: none"> January 2019: LAPITF approved the draft JC report and VRI guidelines. February 2019: ITAC/JCTC also approved the draft JC report and VRI guidelines. March 2019: The Judicial Council approved the final report and VRI guidelines.
(e) Coordinate and plan with JCIT regarding operational support, if appropriate.	In progress	Note: Need to develop Leveraged Procurement Agreements with the two approved equipment vendors (Paras and Associates and TeleSpace/Connected Justice Consortium). An online VRI Resource Center and best practices document are currently in development with NCSC. Post-pilot staffing for VRI is TBD.
At the completion of these objectives, seek approval of ITAC, JCTC and the Judicial Council and formally sunset the workstream.	In progress	Note: ITAC may want to consider a Workstream to help oversee the implementation of the new VRI program for the branch.

4. E-Filing Strategy



Highlight: Continued progress with master service agreements.

Key Objectives	Status	Description
(a) Finalize master agreements with the three (3) E-Filing Managers (EFMs) selected to provide services.	In Progress	We have an executed master agreement with 2 of the 3 selected EFM Vendors, JTI and ImageSoft. An agreement has been reached with Tyler Technologies. The JCC Legal Services Offices are updating the EFM Master Agreement with the revised language. Execution of the agreement is expected forthwith.
(b) Develop the E-Filing Service Provider (EFSP) selection/certification process.	Not Started	Once the final master agreement is executed by Tyler we will be in a position to kick-off the program and define the certification process all 3 EFM vendors will use to certify EFSPs.
(c) Monitor the progress of EFSP accessibility compliance.	In Progress	In March 2018, JCIT conducted a survey of the 58 trial courts to determine compliance with AB 103. Based on survey results, currently 24 of the 58 trial courts provide electronic filing and electronic document service either directly, through vendor services, or a combination of vendor and in-house services. We are actively preparing to reach out to all 58 Trial courts to query and document any updates to their CMS and/or E-Filing in the interim.
(d) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives.	In Progress	The E-Filing program provided an in initial presentation of the program for the April CITMF meeting to introduce the team and solicit input from Trial courts seeking to participate in the program. This allowed for the development of the initial roadmap and deployment strategy.
(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.	In Progress	The Los Angeles Superior Courts recently implemented a JTI E-Filing solution for Civil and Small Claims cases. This solution was developed based on the requirements and standards for the statewide program. This solution will effectively become the baseline California E-Filing Standard. The standard will evolve as additional courts and case-types are included in the program.
(f) Consult and report on the implementation of the court cost recovery fee that will support the statewide e-filing program.	In Progress	We have held a number of discussions with regard to the cost recovery fee. Currently the legal department are reviewing statutes to determine feasibility of implementing the cost recovery fee and distributing the funds collected.
(g) Coordinate and plan with JCIT regarding operational support of the ongoing e-filing program being funded through the court cost-recovery fee.	In Progress	The 3 JCIT staff positions for the program have been filled. While we await execution of the final Master Agreement with Tyler, we are coordinating with the finance and legal departments on the funding aspects of the program.
(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: Policy track recommendations drafted.

Key Objectives	Status	Description
Develop and issue an RFP for a statewide identity management service/provider; identify and select.	Completed	Microsoft Azure AD Identity Service acquired under a Leveraged Procurement Agreement (LPA), County of Riverside RFQ #PUARC-1518, Microsoft Master Agreement Number 01E73970.
Develop the roadmap for a branch identity management strategy and approach.	In Progress	Roadmap recommendations are being drafted. Los Angeles will be the first court to deploy applications (Attorney Portal and Remote Hearings Portal) using the Branchwide Identity Management service.
Determine policies and processes for identity management (including proofing and access management).	In Progress	Initial Policy track recommendations are drafted.
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.
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.
At the completion of these objectives, seek approval of ITAC, JCTC and, if appropriate, the Judicial Council and formally sunset the workstream.	In Progress	Feedback requested from ITAC on draft Policy track recommendations.

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



Highlight: The workstream has concluded their efforts, and presented their results at the June ITAC meeting.

Key Objectives	Status	Description
Provide input for, and track, a SRL E-Services Budget Change Proposal (BCP) process for FY 18-19 funding.	Completed	<ul style="list-style-type: none"> • BCP was approved • \$3.2 million in FY 2018–19 • \$1.9 million in FY 2019–20 • \$709,000 ongoing
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.	Completed	<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 (or several if deemed advantageous).
Develop and issue a request for proposal (RFP) or other solicitation, as needed, to support the implementation of the branchwide e-services portal.	Completed	<ul style="list-style-type: none"> • In person kickoff meeting held on 7/12/18 • RFP scope and initial content outline completed • Follow-up meetings begin 7/30/18 • Posted to Courts.ca.gov website on April 8, 2019
Determine implementation options for a branch-branded SRL E-Services website that takes optimal advantage of existing branch, local court, and vendor resources.	Completed	<ul style="list-style-type: none"> • JCIT is funded a project (Digital Services Self-Help Pilot) as a pre-cursor to the SRL portal project which piloted a small subset of features to get some experience and understanding in this area. • SRL E-Services workstream members participated on the Product Council for the Digital Services Pilot
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.	Completed	<ul style="list-style-type: none"> • Job Descriptions and PARS (Position Action Requests) are in progress for four new positions funded by the BCP. • Budget allocations and Project Team make-up are also in discussion • JCIT will now own the Project phase of the SRL E-Services Portal. SRL E-Services workstream members participating on the Product Board for continuity.

7. IT Community Development



Highlight: Tracks are documenting their findings, results, and final recommendations.

Key Objectives	Status	Description
Initiate new workstream: Identify sponsor and leads; form workstream membership; hold kickoff meeting(s).	Completed	Orientation and introduction meeting held on July 30, 2018 for members and workstream track leads to review the three workstream tracks (Resources, Education, Tools) and related key objectives. Next steps are for each track to solicit additional workstream participants as needed based on the area of focus and kick off the individual tracks.
(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.	Completed	(i) CEO survey complete (ii) IT leadership assessment complete, 3 courses delivered based on identified priorities
(b) Assess court CEO/CIO interest in an IT peer consulting program and develop recommendations.	Completed	CEO survey complete with CIO input.
(c) Assess needs and make recommendations for expanded opportunities for technology-related education for judicial officers, CEOs, CIOs, and court staff. Consult with CJER for educational planning considerations.	In Progress	Judicial focus group / assessment complete CEO and Operations focus groups in progress. Documenting recommendations in progress.
(d) Identify, prioritize, and report on collaboration needs and tools for use within the branch.	In Progress	Needs assessment conducted. Documenting recommendations in progress.
(e) Evaluate and prioritized possible technologies to improve advisory body and workstream meeting administration; pilot recommended solutions with the committee.	Completed	Research conducted.
(f) Coordinate and plan with JCIT regarding operational support, as appropriate.	In Progress	Workstream Sponsor and Track Leads are working closely with JCIT to determine inclusive and appropriate workstream track membership and alignment with JC IT resources.

7. IT Community Development



Highlight: Tracks are documenting their findings, results, and final recommendations.

Key Objectives	Status	Description
(g) Provide recommendations for Phase 2 based on findings and including updated Tactical Plan for Technology.	In Progress	All tracks have begun discussions regarding their draft recommendations.
(h) Seek approval from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2; amend the annual agenda accordingly.	Not Started	

8.1. Digital Evidence: Assessment (Phase 1)



Highlight: Digital Evidence Survey Results Accepted by ITAC and JCTC.

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.	Completed	Existing statewide statutes and rules reviewed and documented. Findings summarized in the Digital Evidence Survey Report
(b) Survey courts for existing business practices and policies regarding acceptance and retention of digital evidence.	Completed	Survey completed and findings summarized in the Digital Evidence Survey Report
(c) Survey courts and justice system groups regarding possible technical standards and business practices for acceptance and storage of digital evidence.	Completed	Surveys completed and findings summarized in the Digital Evidence Survey Report
(d) Seek approval on recommendations and next steps from ITAC and the JCTC to conclude Phase 1 and initiate Phase 2.	Completed	Digital Evidence Survey Results presented at ITAC and JCTC and accepted.

8.2. Digital Evidence: Management (Phase 2)



Highlight: Proposed Project Manager identified, orientation and kickoff being scheduled.

Key Objectives	Status	Description
(a) Investigate and draft proposed best practices, policies, and standards for transmitting, accepting, storing, and protecting digital evidence, and circulate recommendations to the branch for input and feedback.	Not Started	Workstream orientation, knowledge transfer, and kickoff in planning
(b) Research and recommend existing technology and services that would support transmission, acceptance, storage, and protection of digital evidence.	Not Started	Workstream orientation, knowledge transfer, and kickoff in planning
(c) Develop and propose changes to evidence-based rules of court and statutes in collaboration with the Rules and Policy Subcommittee	Not Started	Workstream orientation, knowledge transfer, and kickoff in planning
(d) Review the Trial Court Records Manual for any needed updates to reflect revisions of rules and statutes, and any proposed best practices, policies and standards	Not Started	Workstream orientation, knowledge transfer, and kickoff in planning
(e) Report findings to ITAC and JCTC, providing recommendations on next steps, and formally sunset this phase of the workstream	Not Started	

9. Data Analytics : Assess and Report (Phase 1)



Highlight: Contracted with Gartner to build a branch data governance framework; launch pilot projects with 19-20 BCP funding; seek 20-21 BCP funding for permanent resources for data analytics

Key Objectives	Status	Description
(a) Identify, evaluate and prioritize possible policies, processes, and technologies to help the branch utilize data analytics to improve business effectiveness.	In Progress	Gartner work to build data governance framework kicks off August 29, 2019.
(b) Develop appropriate governance recommendations at the local court and branch level.	In Progress	Gartner work kicks off August 29, 2019.
(c) Assess and report priorities for data collection.	Not started	This work will be undertaken in a second phase, once (a), (b), and (d) are complete.
(d) Identify and evaluate possible data analytical tools and templates.	In Progress	
(e) Identify whether new or amended proposed rules of court and/or statutes are needed and advise the Rules and Policy Subcommittee for follow up.	In Progress	This will be more fully fleshed out once other objectives are complete.
(f) Based on findings and recommendations, scope and initiate Phase 2 of the workstream	In Progress	

10 Disaster Recovery (DR) Initial Pilot and Knowledge Sharing (Phase 2)



Highlight: Vendor engaged; pilot court in discovery phase.

Key Objectives	Status	Description
<i>Leveraging the innovation grant awarded to the Superior Court of Monterey County for a Cloud DR Pilot Program, the workstream will:</i>		
(a) Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	Completed	Roster approved on February 28, 2019. Workstream kickoff held on March 29, 2019. Biweekly meetings scheduled.
(b) Recommend a list of critical technology services that make business sense for cloud-based recovery adoption.	In Progress	The Superior Court of Monterey County has engaged with the selected vendor, and is in the process of conducting discovery and assessments.
(c) Establish a cloud DR master agreement with a short list of cloud service providers for judicial branch entities/courts to leverage.	Completed	Agreement completed November 20, 2018, with Infiniti Consulting, Inc.
(d) Publish design solution templates from judicial branch entities (JBEs) that implement technologies and solutions from vendors selected in the cloud DR master agreement.	Not Started	
(e) Host knowledge-sharing sessions for interested JBEs (including tools to estimate cost for deploying recovery solution using a particular cloud service provider; and Monterey solution case study).	In Progress	One session - a proposal conference - held as part of the RFP for the Cloud-Based Disaster Recovery project, on May 31, 2018. After the conclusion of the pilot phase, additional avenues for knowledge sharing will be made available to the judicial branch technology community.
(f) Evaluate the need for a BCP to fund a pilot group of courts interested in implementing cloud-based DR for critical technology services (see (a))	Not Started	
(g) Coordinate and plan with JCIT regarding operational support, if appropriate.	Not Started	
(h) At the completion of these objectives, seek approval of ITAC, JCTC and, if appropriate, the Judicial Council and formally sunset the workstream.	Not Started	

11 Online Dispute Resolution (ODR): Assessment



Highlight: Solicitation for workstream membership will occur shortly.

Key Objectives	Status	Description
(a) Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	Not Started	
(b) Identify and evaluate available ODR technologies.	Not Started	
(c) Review findings from existing court-offered ODR programs.	Not Started	
(d) Evaluate and describe scenarios where ODR might be beneficially deployed in the judicial branch.	Not Started	
(e) Review rules and statutes to identify areas where possible amendments will be needed.	Not Started	
(f) Report findings and recommendations to ITAC.	Not Started	
(g) At the completion of these objectives, seek approval of ITAC, JCTC and, if appropriate, the Judicial Council and formally sunset the workstream.	Not Started	

12 Branchwide Information Security Roadmap



Highlight: Solicitation for workstream membership ended August 8, 2019; proposed membership to be submitted to chairs.

Key Objectives	Status	Description
(a) Identify core team (sponsor and leads); form group membership; hold kickoff meeting(s).	In Progress	Solicitation for membership was released, and closed August 8, 2019.
(b) Define methods and activities for expanding branch information security capabilities.	Not Started	
(c) Create an overarching strategy for educating courts on information security best practices, risk management, and incident response.	Not Started	
(d) Identify resources to assist the courts in developing policies and procedures based on the Judicial Branch Information Systems Controls Framework.	Not Started	.
(e) At the completion of these objectives, seek approval of ITAC, JCTC and, if appropriate, the Judicial Council and formally sunset the workstream	Not Started	

13.1. Trial Court Rules and Statutes Revisions



Highlight: Amendments to Code of Civil Procedure sec. 1010.6, Penal Code sec. 1203.01, and rules 2.251, 2.255, 2.257, and 2.540 of the California Rules of Court were circulated for public comment and approved by ITAC and the JCTC.

Key Objectives	Status	Description
(a) Proposals to amend statutes to support e-business. First, amend Code of Civil Procedure section 1010.6 to allow courts to recover actual costs of permissive electronic filing as they can with mandatory electronic filing, and clarify a provision for signatures made not under penalty of perjury. Second, amend Penal Code section 1203.01 to provide an alternative to mailing certain statements and reports.	In Progress	<p>Amendments to Code of Civil Procedure sec. 1010.6 and Penal Code sec. 1203.01 were circulated for public comment.</p> <p>The public comment period ended on June 7, 2019. RPS reviewed the comments and proposals and recommended the proposals to ITAC. ITAC and JCTC reviewed the proposals and has recommended them to the Judicial Council. The proposals will next be considered by PCLC. The Judicial Council will vote on whether to sponsor the proposed legislation at its November meeting.</p>
(b) Proposals to amend the electronic filing and service rules to provide greater clarity and remove paper dependencies. First, amend rule 2.251 to clarify how notice of electronic service is to be given and provide standardized language for consent. Second, amend rule 2.257 to revise language on signatures of opposing parties, and make minor revisions consistent with Code of Civil Procedure section 1010.6.	In Progress	<p>Amendments to rules 2.251, 2.255, and 2.257 of the California Rules of Court were submitted circulated for public comment.</p> <p>The public comment period ended on June 10, 2019. RPS reviewed the comments and recommended the proposal to ITAC. ITAC and JCTC reviewed the proposal and recommended to it to the Judicial Council. RUPRO will next consider the proposal. The Judicial Council will consider whether to amend the rules as proposed at its September meeting.</p>
(c) Proposals to amend rules on remote access to electronic records. Make minor amendments to rule 2.540 to add more clarity and additional local government entities.	In Progress	<p>Amendments to rule 2.540 of the California Rules of Court were submitted for public comment.</p> <p>The public comment period ended on June 10, 2019. RPS reviewed the comments and recommended the proposal to ITAC. ITAC and JCTC reviewed the proposal and recommended to it to the Judicial Council. RUPRO will next consider the proposal before it goes to the council. The Judicial Council will vote on whether to amend the rule at its September meeting.</p>

13.2 Standards for Electronic Court Records as Data



Highlight: The CEAC Records Management Subcommittee has determined standards are not needed at this time.

Key Objectives	Status	Description
<p>(a) CEAC Records Management Subcommittee – in collaboration with the Data Exchange Workstream governance body – to develop standards if needed 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.</p>	Completed	<p>The CEAC Records Management Subcommittee planned to add a section to the <i>Trial Court Records Manual</i> (TCRM), “if needed,” to provide standards for trial court records as data. The subcommittee has tentatively concluded it may not be necessary to add such standards. The subcommittee instead is considering expanding and updating the TCRM section that provides general standards for electronic court records. The contemplated revisions, among other things, would acknowledge that electronic court records may include records in the form of data (for example, data submitted using fillable forms). This approach may be simpler, clearer, and less repetitive.</p>
<p>(b) Determine what statutory and rule changes may be required to authorize and implement the maintenance of records in the form of data; develop proposals to satisfy these changes.</p>	Completed	Not needed at this time.

13.3. Privacy Resource Guide



Highlight: The Privacy Resource Guide (PRG) has been published.

Key Objectives	Status	Description
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 (completed 2018)	Completed	
Continue development of court privacy resource guide, outlining the key requirements, contents, and provisions for courts to address within its specific privacy policy (completed 2018).	Completed	
(a) Circulate the draft guide for branch comment; revise as appropriate.	Completed	
(b) Finalize and seek approval of the guide by ITAC.	Completed	ITAC approved publication of the guide at their April 15, 2019 meeting.
Proposed updated 2019 objectives: (b) Revise and update the Privacy Resource Guide with new privacy related laws, rules, forms, standards and best practices on an annual basis with a projected publication date after January 1, 2020 to allow for inclusion of published rules and law effective as of January 1, 2020. (c) Monitor and analyze how the Privacy Resource Guide is being used for the calendar year 2019, and make recommendations for which Judicial Council entity will be responsible for maintaining and updating the Privacy Resource Guide beyond 2019.	Completed	ITAC approved these proposed updated objectives at their April 15 meeting. The Annual Agenda has been updated.

14.1. Rules Modernization: Uniform Formatting Rules for Electronic Documents



Highlight: Pending the Rules and Projects (RUPRO) Committee approval, the proposed uniform formatting rules will be submitted to the Judicial Council for approval.

Key Objectives	Status	Description
(a) Develop uniform formatting rules for electronic documents filed or otherwise submitted to the appellate courts.	In Progress	JATS developed proposed rules for formatting electronic documents filed in or submitted to the appellate courts. AAC and ITAC have recommended that the Judicial Council approve the proposal with changes following public comment. JCTC and RUPRO will consider the committees' recommendation in August. If JCTC and RUPRO approve, it will go to the Council in September 2019, and if approved, go into effect January 2020.

14.2. Modernize Appellate Court Rules



Highlight: Pending the Rules and Projects (RUPRO) Committee's approval, the proposal to amend rule 8.500 will be submitted to the Judicial Council.

Key Objectives	Status	Description
(a) Numbering of materials in requests for judicial notice. Consider amending rule 8.252, which requires that materials to be judicially noticed be numbered consecutively, starting with page number one. The problem is that such materials are attached to a motion and declaration(s) and are electronically filed as one document, making pagination and reference to those materials in the briefs confusing for litigants and the courts. This project may be addressed by the uniform format rules project.	In Progress	This project has been included in the uniform formatting rules proposal.
(b) Method of notice to the court reporter. Consider whether to amend rule 8.405, which governs the filing of an appeal in juvenile cases, to remove or modify the requirement in subdivision (b)(1)(B) that the clerk notify the court reporter "by telephone and in writing" to prepare a transcript. This language may be outdated or inconsistent with other rules requiring notification by the clerk.	Not Started	Work on this project is scheduled for next year; any rule amendment to be effective 1/1/2021.
(c) Clarify the filing date of an e-filed document. Amend rule 8.77 to clarify that an e-filed document received by the court before midnight that meets the filing requirements is deemed to have been filed that day. This project addresses an ambiguity in the rule that has resulted in inconsistent treatment of e-filed documents that are received after business hours.	Not Started	Work on this project is scheduled for next year; any rule amendment to be effective 1/1/2021.

14.2. Modernize Appellate Court Rules (Cont'd)



Highlight: Pending the Rules and Projects (RUPRO) Committee's approval, the proposal to amend rule 8.500 will be submitted to the Judicial Council.

Key Objectives	Status	Description
(d) Court of Appeal service copy of a petition for review. Amend rule 8.500(f)(1) to remove the requirement of a separate service copy of a petition for review. Once the Supreme Court accepts a petition for review for filing, the Court of Appeal automatically receives a filed/endorsed copy of the petition. The filing of the petition satisfies the service requirements for the Court of Appeal. This project is intended to eliminate an inefficiency.	In Progress	JATS developed a proposal to amend rule 8.500. Following public comment, AAC and ITAC have recommended that the Judicial Council approve the proposal without modification. JCTC and RUPRO will consider the committees' recommendation in August. If JCTC and RUPRO approve, it will go to the Council in September 2019, and if approved, go into effect January 2020.
(e) Amend rule 8.70 to clarify content. Consider amending rule 8.70 to clarify the subdivision (c)(2)(B) definition of a document and make subdivision (c)(2)(D) parallel with the rest of (c)(2).	Not Started	Work on this project is scheduled for next year; any rule amendment to be effective 1/1/2021.

14.3. E-Filing and E-Readers for Incarcerated Individuals



Highlight: A pilot program is being developed.

Key Objectives	Status	Description
(a) Research and explore options with the California Department of Corrections and Rehabilitation (CDCR) regarding the use of e-readers by incarcerated individuals.	In Progress	AAC and ITAC are developing a pilot program for the electronic delivery of certain filings and communications in inmate civil cases and habeas proceedings. The California Department of Corrections and Rehabilitation will discuss the proposal at a meeting on April 5, 2019. Justice Mauro will report to JCTC on April 8, 2019.
(b) Potentially recommend to the Judicial Council the development of a pilot program with one prison and one court to test promising options.	In Progress	The California Department of Corrections and Rehabilitation will discuss the proposal at a meeting on April 5, 2019. Justice Mauro will report to JCTC on April 8, 2019.

14.4. Appellate Document Management System



Highlight: Pilot program training to begin in May.

Key Objectives	Status	Description
(a) Receive status updates and provide feedback to Judicial Council Information Technology (JCIT) staff on implementation of a new document management system in the appellate courts. The Third Appellate District and the Fifth Appellate District are piloting the initial implementation.	In Progress	Training for the pilot programs in the Third and Fifth Appellate Districts was scheduled to begin in May 2019. Deployment of the pilot programs was scheduled for July 2019.