



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2014

Title	Agenda Item Type
Judicial Branch Administration: Court Technology Governance and Strategic Plan	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	September 1, 2014
Recommended by	Date of Report
Judicial Council Technology Committee Hon. James E. Herman, Chair Hon. David De Alba, Vice-Chair	August 7, 2014
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Executive Summary

The Judicial Council Technology Committee recommends that the Judicial Council adopt the Court Technology Governance and Strategic Plan. This document outlines a new judicial branch technology governance and funding model, strategic plan, and tactical plan, which will provide a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

Recommendation

The Judicial Council Technology Committee recommends that the council, effective September 1, 2014:

1. Adopt the Technology Governance and Funding Model;

2. Adopt the Strategic Plan for Technology;
3. Adopt the Tactical Plan for Technology; and
4. Direct Judicial Council staff to prepare any amendments to rules 10.16 and 10.53(a) and (b) of the California Rules of Court that may be necessary to implement the model and plans and to present these for council action at a future date.

The text of the Court Technology Governance and Strategy Plan is included with this report as Attachment 1, at pages 9 - 218.

Previous Council Action

In March 2012, the Judicial Council voted to terminate deployment of the California Court Case Management System (CCMS) as a statewide court technology solution. The council directed the CCMS Internal Committee to work in partnership with the trial courts to develop timelines and recommendations to the council for strategies to assist trial courts with existing critical case management system needs, to establish a judicial branch court technology governance structure that would best serve the implementation of technology solutions, and to provide technology solutions in the near term to improve efficiencies in court operations by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public.

In June 2012, the Judicial Council updated the name and structure of the CCMS Internal Committee to the Judicial Council Technology Committee (JCTC) to be in alignment with the Judicial Council direction. The new committee charge was to oversee the council's policies concerning technology, with responsibility in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners, and stakeholders on technological issues relating to the branch and the courts.

In October 2012, the Judicial Council Technology Committee hosted a Judicial Branch Technology Summit where branch stakeholders assembled for a collaborative discussion on branch technology governance, vision, and planning. The discussions and feedback from the summit reinforced the need for a new governance and funding model and a long-term strategic plan for branch technology.

In February 2013, the Chief Justice authorized the creation of the Technology Planning Task Force (TPTF). The task force was charged with working collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology

within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

In January 2014, the Judicial Council approved the concept of the court technology governance and strategic plan, prepared by the Technology Planning Task Force, based on the information provided in the executive summary for the governance and funding model and plans.

The Judicial Council Technology Committee Chair reports on the work of the JCTC and the TPTF at every Judicial Council meeting.

Rationale for Recommendation

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning court technology policies and needs:

Recommendation No. 7-44: A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. For recommendation No. 7-44, E&P proposed and the council adopted the following:

Directive #101: E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.

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

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

At the 2012 Judicial Branch Technology Summit, a CalTech representative facilitated discussions and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap. While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Technology Summit, the Chief Justice, in February 2013, authorized the creation of the Technology Planning Task Force reporting to the Judicial Council Technology Committee and charged with:

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

Three task force tracks were launched. These included governance, led by Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer; strategic plan, led by Brian Cotta, Chief Information Officer, Superior Court of California, County of Fresno; and funding, led by Judge Marsha Slough, Presiding Judge, Superior Court of California, County of San Bernardino. Other task force and track participants included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts, State Bar, and the public.

The Technology Planning Task Force and its track members completed drafts of these final products for the judicial branch: (1) a Technology Governance and Funding Model proposal, (2) a 4-year Strategic Plan for Technology (2014–2018), and (3) a 24-month Tactical Plan for Technology (2014–2016).

The proposed model and plans recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the Supreme Court, Court of Appeal, and trial court levels, including the Judicial Council of California. The approach centers on working together, forming consortia when appropriate, and leveraging and optimizing resources to achieve individual court needs and also overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Comments, Alternatives Considered, and Policy Implications

Branch circulation

The Executive Summary, the Technology Governance and Funding Model, and the Strategic and Tactical Plans for Technology were distributed for branch review in March 2014. Thirty-two individual comments from 13 courts and 1 working group were received. The documents were updated to reflect the input received.

A chart containing the full text of the judicial branch comments received and the TPTF response is included with this report as Attachment 2.

Formal public circulation

The updated plans were formally circulated for public comment in April 2014. Extensive outreach to judicial branch stakeholders helped ensure awareness of the work underway. Stakeholders had an important opportunity to provide feedback. This opportunity was also extended to judicial officers and justice partners outside California, through organizations such as the National Center for State Courts. Thirteen comments were received. The documents were again updated to reflect the input received.

A chart containing the full text of the comments received through the public circulation and the TPTF response is included with this report as Attachment 3.

Implementation Requirements, Costs, and Operational Impacts

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

Governance and funding

The governance model includes a technology vision statement, expanded technology principles, technology initiative categories, a new governance structure, and an approval process for new branchwide initiatives. The framework of the funding model comprises the following categories, which are intended to provide guidance as to how technology funding could be managed, sourced, and allocated:

Operations—Keep It Running: Routine, ongoing information technology costs supporting core court operations. Funding sources include the court budget and the

Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

Routine upgrade: Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment. Funding sources include the court budget and the Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

Intermittent upgrade: Some upgrade expenditures are more episodic and are often unpredictable. Funding sources include the court budget and the Judicial Council operating budget. The budget change proposal process may be an option for funding gaps.

Innovation and improvement: If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. Funding sources include limited funds set aside at the branch level.

New branchwide initiatives: If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Funding sources include limited funds set aside at the branch level and grants. The budget change proposal process may be an option for funding gaps.

Ongoing branchwide standards and protocols: A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. Funding sources include limited funds set aside at the branch level and grants. The budget change proposal process may be an option for funding gaps.

Strategic plan

The branch technology strategic plan is a cascading plan that supports and aligns with the Judicial Council's overall strategic plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. The technology goals are:

Goal 1: Promote the Digital Court

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

Goal 2: Optimize Branch Resources

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Goal 3: Optimize Infrastructure

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Goal 4: Promote Rule and Legislative Changes

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

The funding component of the strategic plan takes into consideration the current economic environment and the bleak funding situation for branch technology. The source for funding branchwide initiatives for the trial courts is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee that one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. The Technology Planning Task Force worked together to identify the various types of technology funding needs and sources in existence and those that would move the branch ahead in the future. The framework provides the direction and guidelines for future funding.

Tactical initiatives

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

Under the above models the Judicial Council Technology Committee may provide input or oversight for funding of the initiatives, dependent upon the category. Where branch funds are to be allocated, the approval of the Judicial Council will be required.

When the branch implements the recommended governance model, funding model, and strategic plan, the anticipated results include:

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

Attachments

1. Court Technology Governance and Strategic Plan, at pages 9 - 218.
 - Executive Summary
 - Governance and Funding Model
 - Strategic Plan for Technology
 - Tactical Plan for Technology
2. Judicial branch comment chart, at pages 219 – 230.
3. Public comment chart, at pages 231 – 283.

CALIFORNIA JUDICIAL BRANCH

Technology Governance, Strategy, and Funding Proposal

Executive Summary

Technology Planning Task Force

August 21, 2014

Introduction

This document provides an **executive summary** of the **proposed recommendations for judicial branch technology governance, strategy, and funding**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

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

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

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

Additional documents

Results from the Technology Planning Task Force include the following documents:

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

Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system.

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

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

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

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

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

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

This document contains a summary of the proposed recommendations for judicial branch technology governance, strategy, and funding.

¹ BSA has been renamed to California State Auditor.

GOVERNANCE

Governance models provide a framework for answering the following questions:

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

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

Technology Vision

The proposed technology vision for the branch is:

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

Technology Principles

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

At its August 31, 2012 meeting, The Judicial Council adopted principles 1–10 below. The Technology Planning Task Force recommends the addition of principles 11–14.

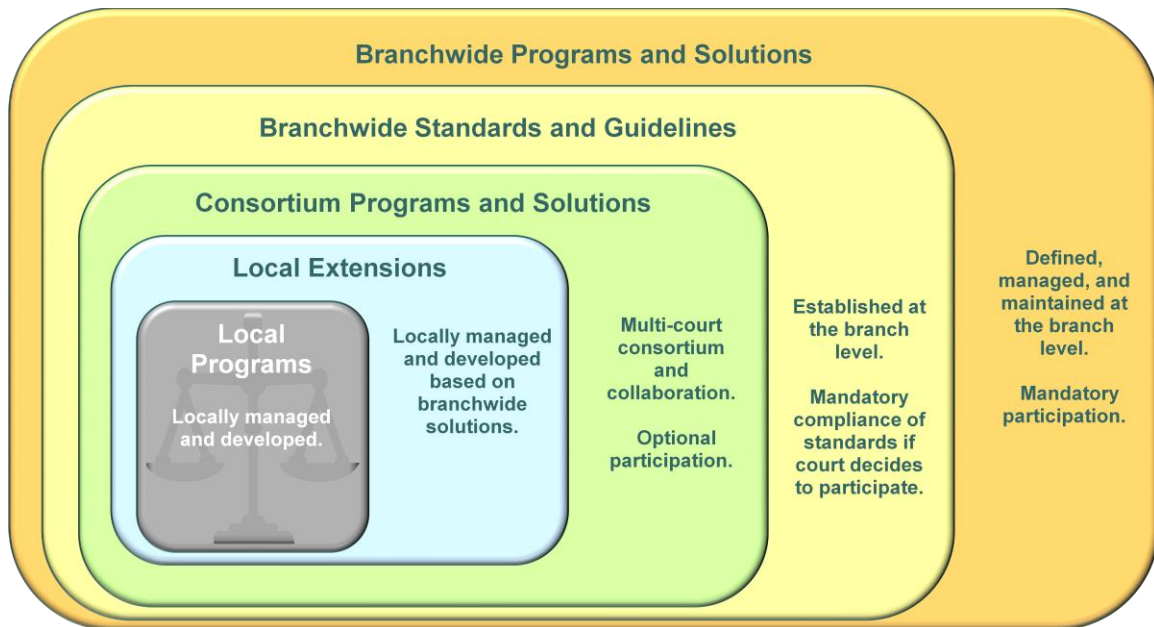
1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **(NEW) Improve Branchwide Compatibility through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **(NEW) Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **(NEW) Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **(NEW) Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

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

Technology Initiative Categories

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



Branchwide programs and solutions

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

Branchwide standards and guidelines

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

Consortium programs and solutions

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

Local extensions of branchwide/shared programs

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

Local programs and solutions

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

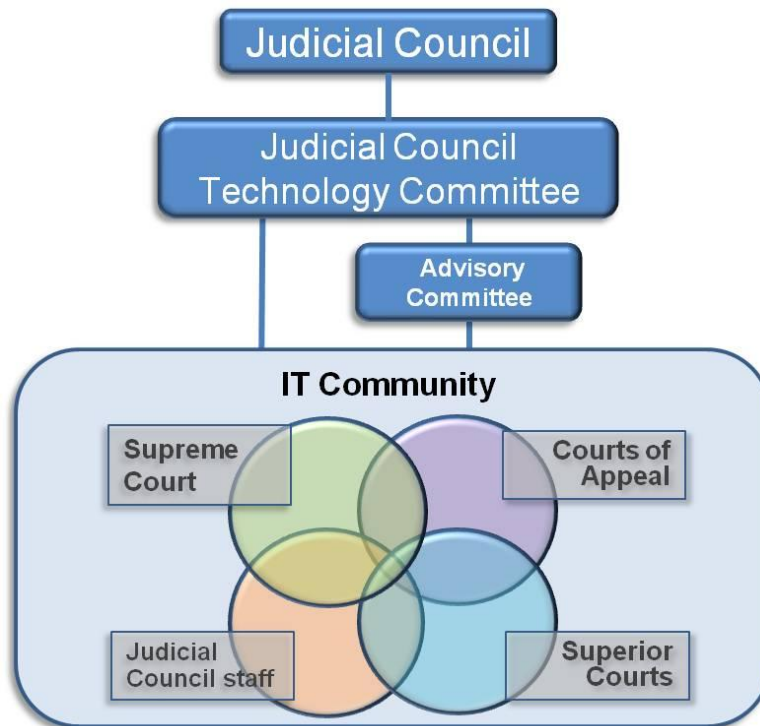
To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Roles and Responsibilities

Working together as an IT community

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

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



Summary of major elements in the proposed model

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the

courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.

- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide, consortia (groups of courts working together) and local innovations that solve local business problems with a view towards their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

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

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial Officers 15% Court Executive Officers 10% Chief Information Officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and Legislative Proposals 2. Technology Projects	1. Technology Projects 2. Rules and Legislative Proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff.	IT Community—appellate courts, trial courts, and Judicial Council staff.

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

Governance roles and responsibilities—General

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

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

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Supplementing limited program resources from the Judicial Council and the courts.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.

Governance of the strategic plan

General responsibilities for governing the strategic plan are summarized below. For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves. For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

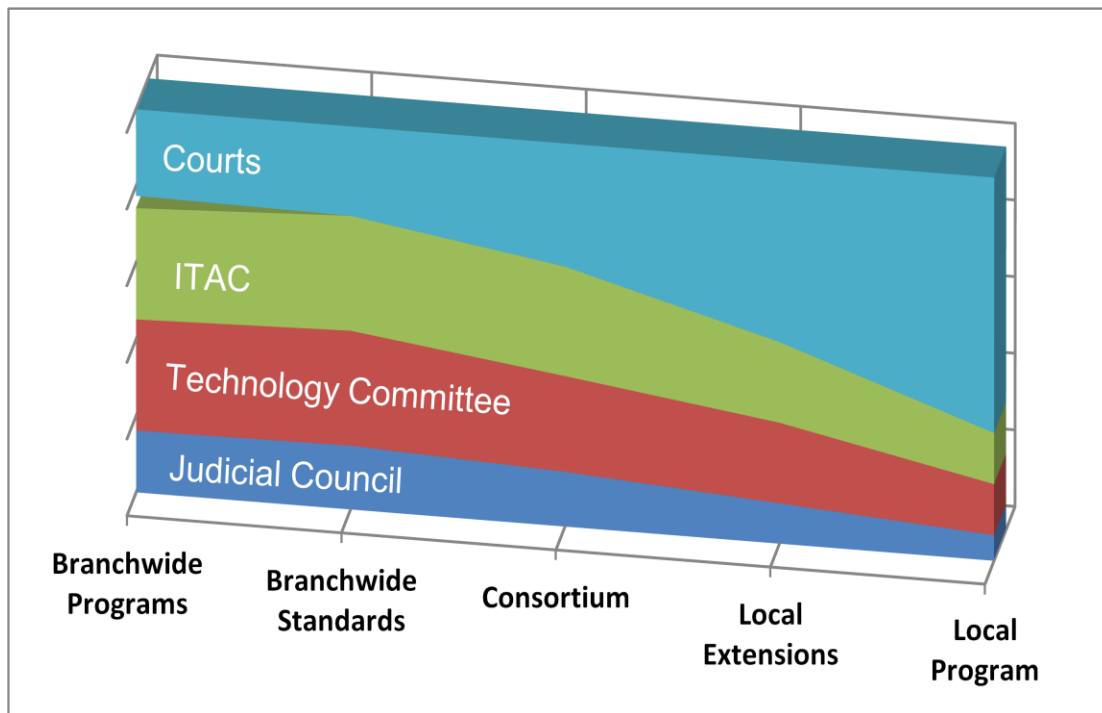
	IT Strategic Plan (4 Year)	IT Tactical Plan (2 Year)
Judicial Council	Final Approval	Final Approval
Technology Committee	Develops, recommends, seeks input, oversees.	Oversight approval and determination of priorities.
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provides input.	Provides input. Leads/ participates in initiatives.

Governance of technology initiatives—Participation by initiative type

The governance roles and responsibilities can be illustrated in terms of the amount of participation of each group in the different types of technology initiatives. In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives.

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

Governance Focus Areas by Technology Initiative Type



Governance of technology initiatives—Summary

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

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

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

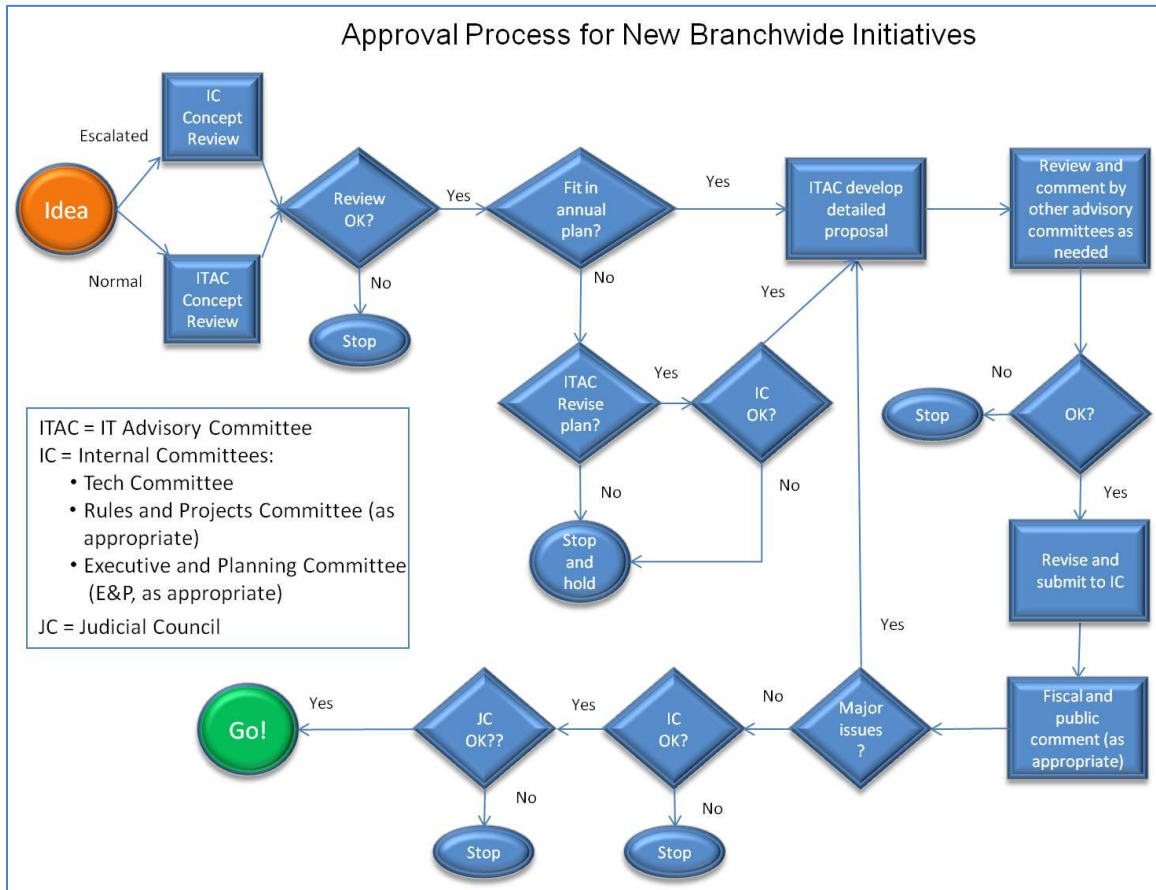
Approval of New Branchwide Initiatives

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

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

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

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



Program Prioritization Criteria

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

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

A sample scorecard is illustrated below.

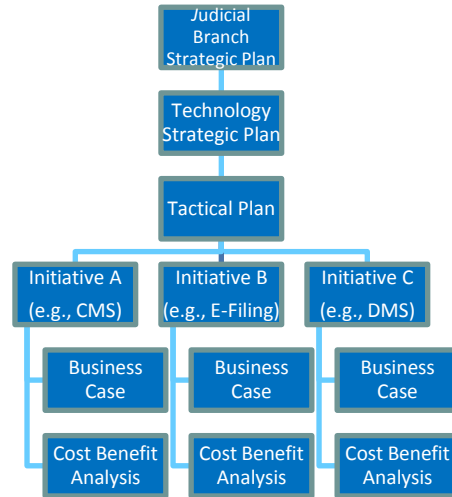
DRAFT Project Prioritization Scorecard						
Court Name		DRAFT				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment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

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

STRATEGIC PLAN AND TACTICAL PLAN

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

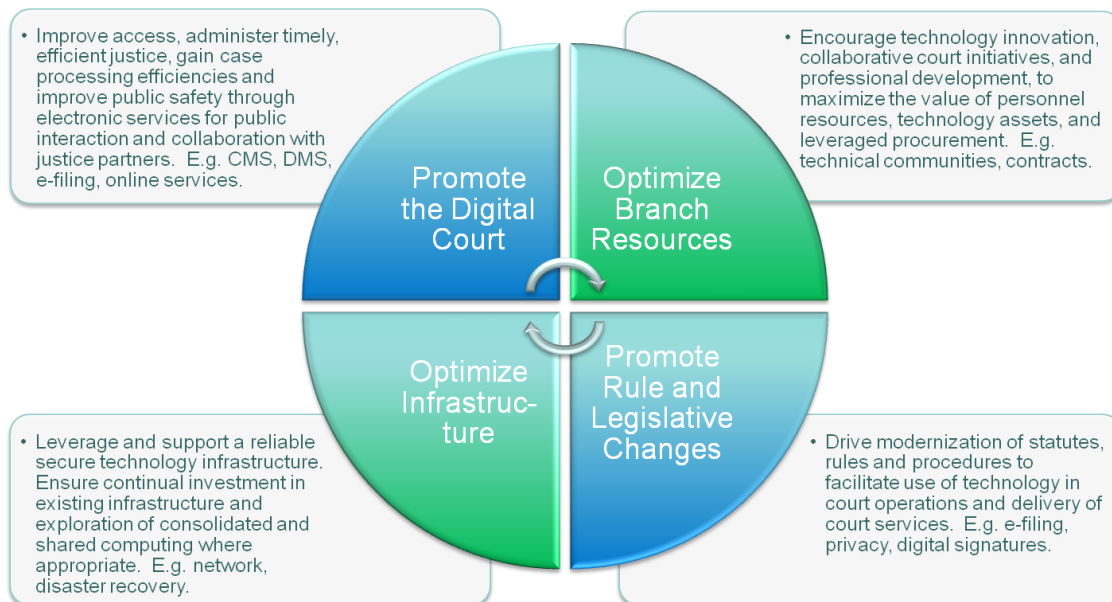
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services. These include modern case and document management systems, fiscal and human resource systems and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

Furthermore, the Digital Court will also facilitate data and information sharing across the courts and provide enhanced collaboration and cooperation between and among courts.

Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

Technology solutions should not create barriers to access, especially to indigent clients, people with disabilities, and language access. Solutions should be fully accessible.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology.

Goal 2: Optimize Branch Resources

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Goal 3: Optimize Infrastructure

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where the official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, and to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure which includes technology to support local area networks, wide area networks, infrastructure and information security, local, shared, and centralized data centers, unified communications (voice, video), an enterprise service bus, and disaster recovery technologies.

Goal 4: Promote Rule and Legislative Changes

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Technology Initiatives (2014–2016)

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Strategic Goal	Initiative	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	Determine strategy and plan
	Document management system (DMS) expansion	Deploy where appropriate
	Courthouse video connectivity	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	Continue deployment
	Implement a portal for self-represented litigants	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	Develop process
	E-filing deployment	Determine implementation plan
	Identify and encourage projects that provide innovative services	Investigate and prepare proposal
	Establish an “open source” application-sharing community	Investigate and prepare proposal
	Develop standard CMS interfaces and data exchanges	Investigate and prepare proposal
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	Expand program
	Transition to next-generation branchwide hosting model	Investigate and prepare proposal
	Security policy framework for court information systems	Investigate and prepare proposal
	Court disaster recovery framework and pilot	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	Identify and draft changes

FUNDING

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

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

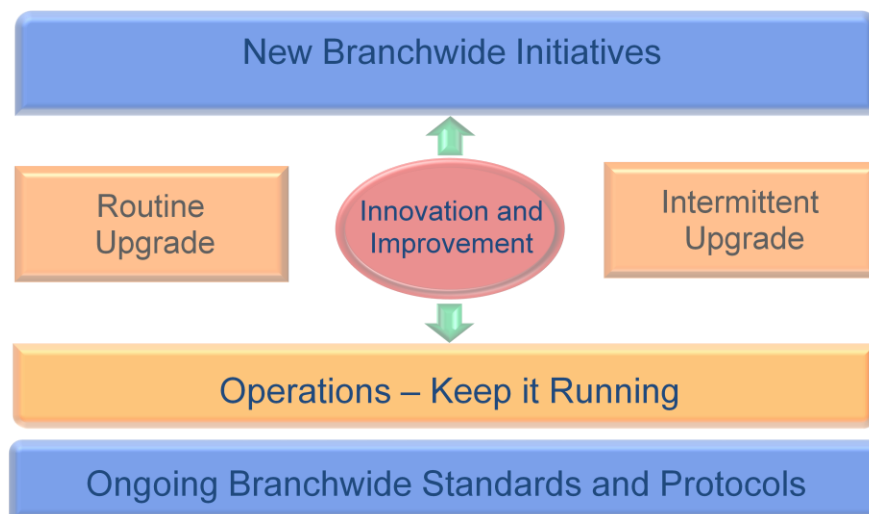
Once funding is restored, the following funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably.

Technology Funding Categories

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

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

A summary of the funding categories is illustrated below.



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

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

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

Operations—Keep It Running

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

Routine upgrade

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

Intermittent upgrade

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

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.

- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.
- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

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

Ongoing branchwide standards and protocols

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

Funding Sources and Governance

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

CONCLUSION

Expected Outcomes

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

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

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

CALIFORNIA JUDICIAL BRANCH

Technology Governance and Funding Model

Technology Planning Task Force

August 21, 2014

Table of Contents

Message from the Technology Planning Task Force Chair	3
Technology Planning Task Force Membership.....	4
Governance Track Members	6
Funding Track Members	7
INTRODUCTION.....	8
GOVERNANCE	13
Technology Vision	13
Technology Principles	14
Technology Initiative Categories	21
Branchwide Programs and Solutions	22
Branchwide Standards and Guidelines.....	22
Consortium Programs and Solutions.....	22
Local Extensions of Branchwide/Shared Programs	22
Local Programs and Solutions.....	23
Categorizing Technology Initiatives	23
Roles and Responsibilities.....	26
Working Together as an IT Community	26
Current Judicial Council Technology Committee and Technology Advisory Committee Structure.....	27
Evolving the Court Technology Advisory Committee (CTAC)	31
Governance Roles and Responsibilities	32
Governance of Technology Initiatives	35
Overview of Approving New Branchwide Initiatives.....	36
Processes and Decision Flows.....	39
Strategic Planning Process	40
Tactical Planning Process.....	41
Information Technology Advisory Committee (ITAC) Annual Plan	43
Concept Approval Process	44
Technology Initiative Categorization Process.....	46
Business Analysis Processes	48
Project Execution Process	53
Program Management Office Responsibility	54
Program Prioritization Criteria.....	54

FUNDING.....	56
Existing Funding Sources.....	56
Current Technology Funding Approaches in Other U.S. Jurisdictions.....	58
Technology Funding Categories	60
Operations—Keep It Running.....	61
Routine upgrade	61
Intermittent upgrade	61
Innovation and improvement.....	61
New branchwide initiatives	62
Ongoing branchwide standards and protocols.....	62
Funding Sources and Governance	63
Immediate Potential Sources of Funds.....	65
New Funding Options	65
Issues for Large Multiyear Projects.....	66
Immediate Issues Facing the Trial Courts	66
Case Management System Replacement Needs.....	67
IMF Shortfall in Fiscal Year 2014–2015	67
Cap on Amount of Funds that Can be Carried Forward.....	67
Addressing Immediate Issues	68
CONCLUSION.....	70
SUMMARY OF RECOMMENDATIONS	71
Governance.....	71
Funding.....	72
Appendix A: State Funding Benchmark	73
Appendix B: Detailed Process and Decision Flows	75
Appendix C: Project Evaluation Scorecard	86
Appendix D: Detailed Description of Funding Categories.....	87

Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

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

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

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

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

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

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INTRODUCTION

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

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

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

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

Technology Planning Documents

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

Business Context

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

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

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

Formation of the Technology Planning Task Force

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

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

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

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

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

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

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

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

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

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

¹ BSA has been renamed to California State Auditor.

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

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

Specifically, the task force was tasked to:

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

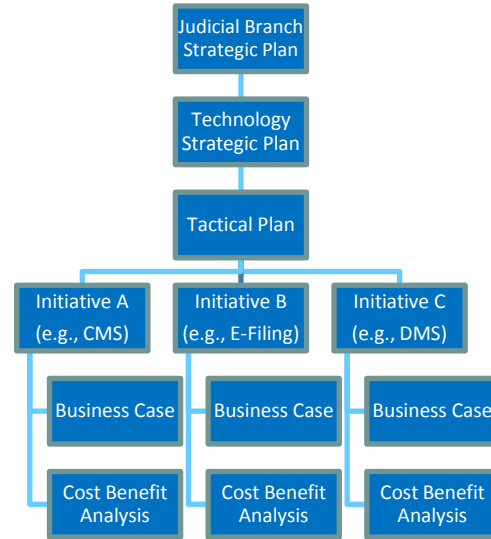
Technology Planning Task Force Structure

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

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

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

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



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

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

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

The following chart lists the participants of each track.

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

GOVERNANCE

Governance models provide a framework for answering the following questions:

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

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

Technology Vision

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

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

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

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

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

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

Technology Principles

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

Guiding Principles—Adopted August 2012²

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale

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

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

Implications

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

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

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

Rationale

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

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

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

Implications

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

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

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

Rationale

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

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

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

Implications

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

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

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

Rationale

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

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

Implications

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

Technology Initiative Categories

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

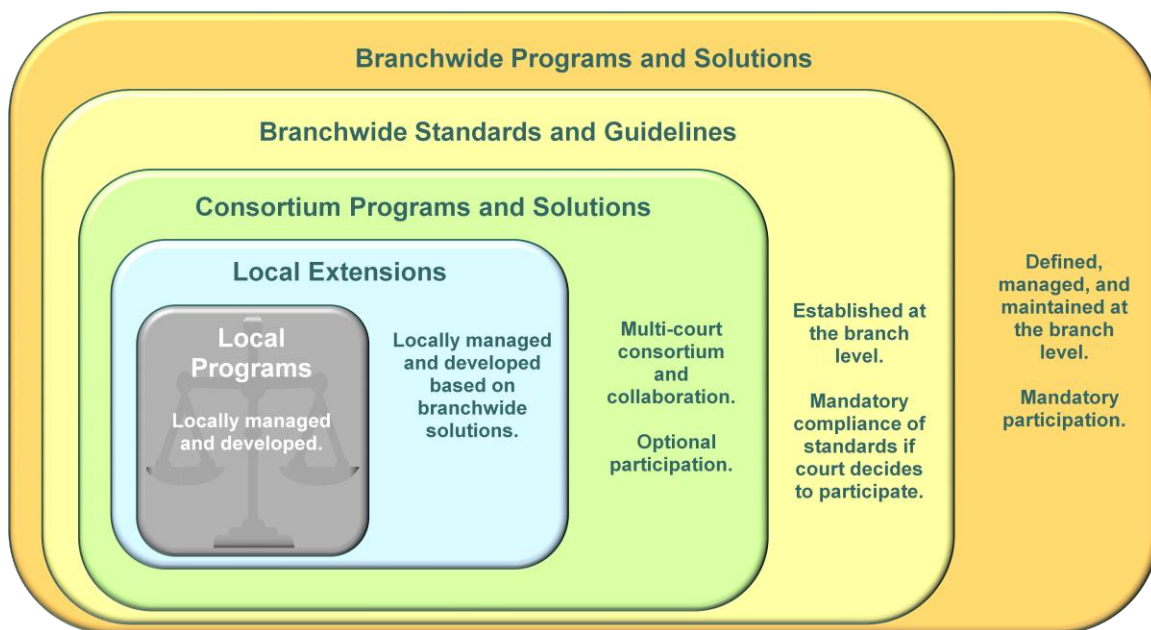
Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

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

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

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

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



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

Branchwide Programs and Solutions

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

Branchwide Standards and Guidelines

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

Consortium Programs and Solutions

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

Local Extensions of Branchwide/Shared Programs

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

Local Programs and Solutions

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

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

Categorizing Technology Initiatives

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

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

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

Branchwide Programs and Solutions Criteria

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

Branchwide Standards and Guidelines Criteria

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

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

Consortium Programs and Solutions Criteria

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

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

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

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

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

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

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

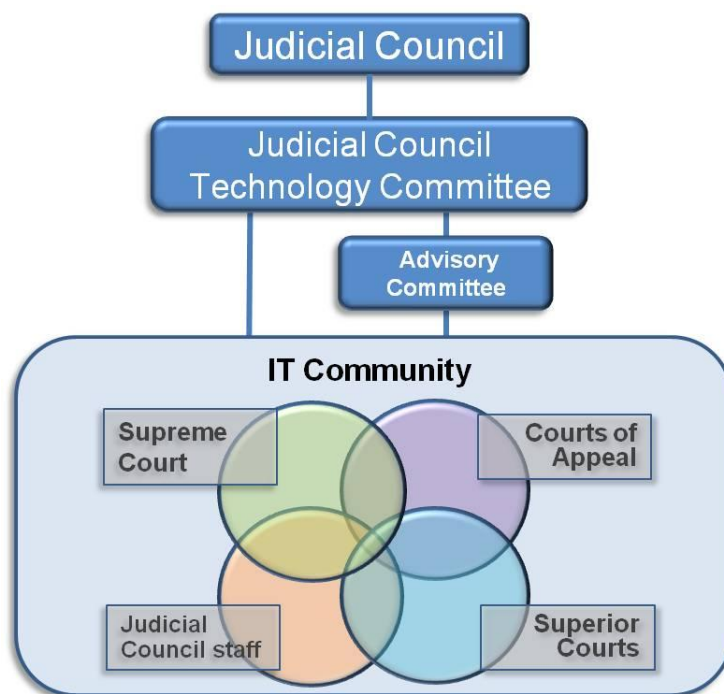
Roles and Responsibilities

Working Together as an IT Community

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

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

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



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

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

Current Judicial Council Technology Committee and Technology Advisory Committee Structure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Technology Advisory Committee Name

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

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

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

Technology Advisory Committee Structure

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

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

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

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

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

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

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

Summary of Major Elements in the Proposed Model

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

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

Evolving the Court Technology Advisory Committee (CTAC)

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

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

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

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

Governance Roles and Responsibilities

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

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

Benefits of these changes in responsibility include:

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

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

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

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

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

Governance of the Strategic Plan

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

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

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

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

Governance Focus Areas

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

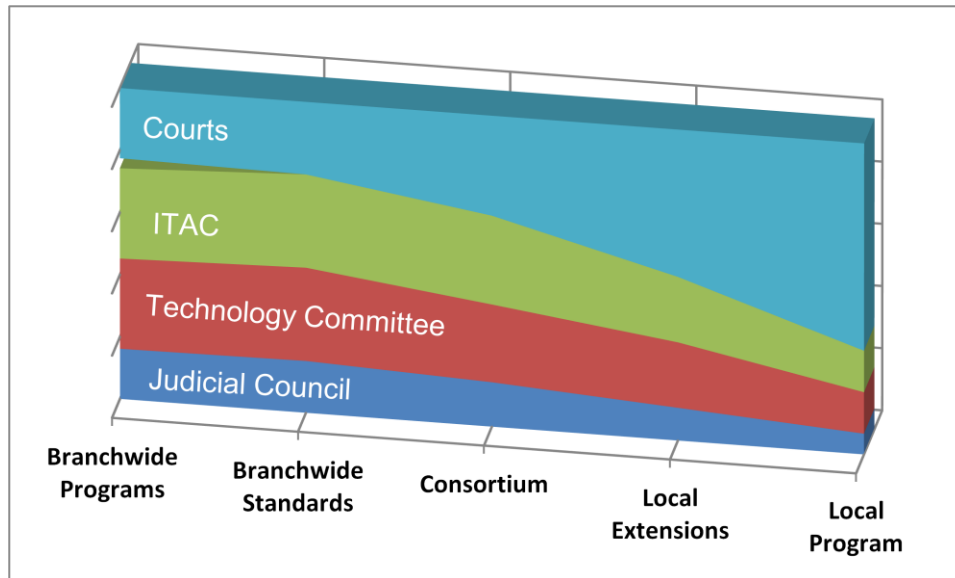
The governance roles and responsibilities can be illustrated in terms of the amount of participation by each group in the different types of technology initiatives.

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

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

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

Governance Focus Areas by Technology Initiative Type



Governance of Technology Initiatives

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

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

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

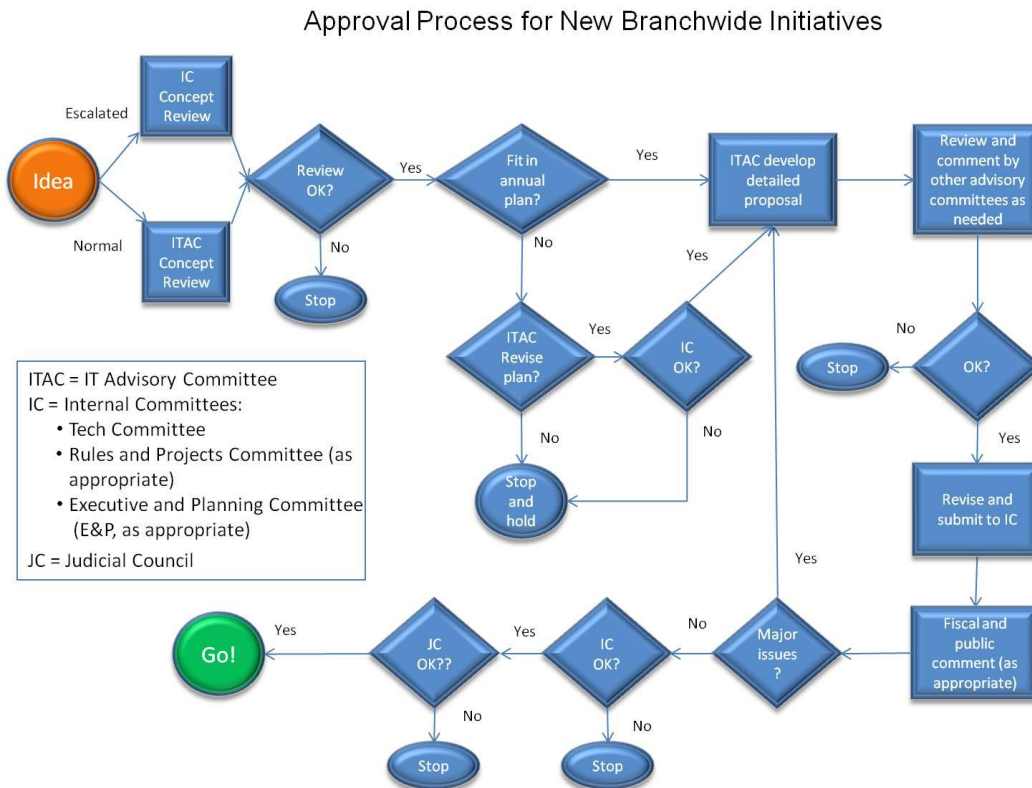
Overview of Approving New Branchwide Initiatives

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

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

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

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



Advisory Committee Input

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

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

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

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

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

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

Workstream Approach

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

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

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

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

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

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

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

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

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

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

Processes and Decision Flows

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

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

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

Strategic Planning Process

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

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

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

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

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

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

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

Process for Developing and Updating the Strategic Plan for Technology

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

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

Tactical Planning Process

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

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

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

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

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

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

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

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

Process for Developing and Updating the Tactical Plan for Technology

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

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

Information Technology Advisory Committee (ITAC) Annual Plan

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

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

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

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

Process for Developing and Updating the ITAC Annual Plan

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

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

Concept Approval Process

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

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

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

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

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

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

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

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

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

Process for Evaluating New Branchwide Technology Ideas (Triage)

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

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

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

Technology Initiative Categorization Process

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

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

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

Process for Categorizing Initiatives

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

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

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

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

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

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

Business Analysis Processes

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

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

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

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

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

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

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

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

Project Execution: General Process for Statewide Standards

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

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

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

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

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

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

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

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

Project Execution: General Process for Local Programs Requiring Branch Funds

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

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

Project Execution Process

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

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

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

Project Execution: General Process for Statewide Program (Build)

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

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

Program Management Office Responsibility

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

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

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

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

Program Prioritization Criteria

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

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

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

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

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

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

Pilot Use of the Scorecard

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

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

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

FUNDING

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

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

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

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

Existing Funding Sources

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

Trial Court Technology Funding

Sources of funding for trial court technology include:

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

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

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

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

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

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

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

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

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

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

Appellate Court Technology Funding

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

Existing Technology Funding Approval Structure

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

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

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

Current Technology Funding Approaches in Other U.S. Jurisdictions

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

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

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

Underlying Principle and Strategy

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

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

Technology Funding Categories

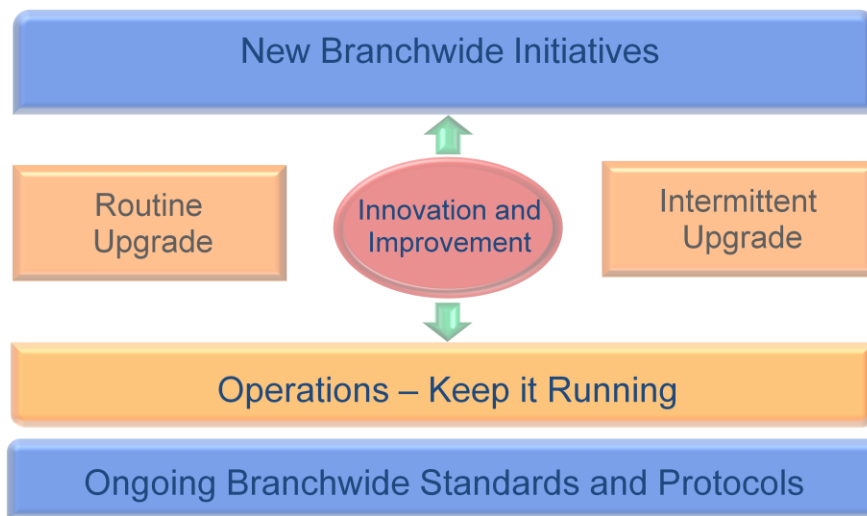
Funding for technology is used to cover a broad variety of expenses. These include one-time and ongoing expenses, investments in new technology as well as maintenance of existing solutions.

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

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

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

A summary of the funding categories is illustrated below.



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

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

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

Operations—Keep It Running

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

Routine upgrade

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

Intermittent upgrade

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

Innovation and improvement

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

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

New branchwide initiatives

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

Ongoing branchwide standards and protocols

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

Funding Sources and Governance

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

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

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

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

Linking Funding with the Technology Task to Be Accomplished

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

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

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

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

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

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

Immediate Potential Sources of Funds

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

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

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

New Funding Options

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

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

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

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

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

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

Issues for Large Multiyear Projects

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

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

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

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

Immediate Issues Facing the Trial Courts

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

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

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

Case Management System Replacement Needs

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

IMF Shortfall in Fiscal Year 2014–2015

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

Cap on Amount of Funds that Can be Carried Forward

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

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

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

Addressing Immediate Issues

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

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

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

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

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

CONCLUSION

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

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

Expected Outcomes

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

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

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

SUMMARY OF RECOMMENDATIONS

Governance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Funding

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

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

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

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

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

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

Appendix A: State Funding Benchmark

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

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

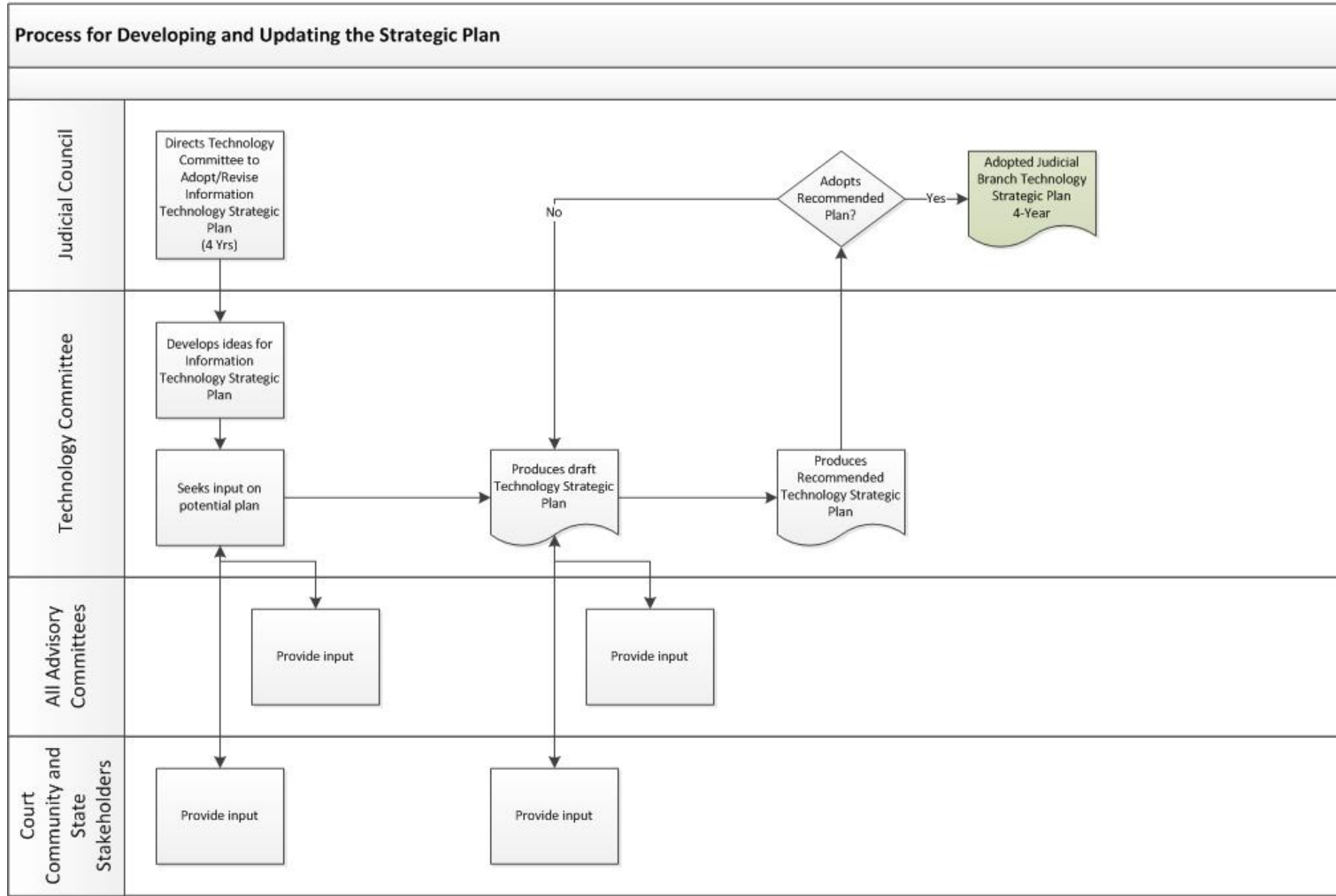
Jurisdiction	How Technology Is Funded
Colorado	Technology is funded by fees on data access and filing. Technology does not receive general fund monies, but money can be requested for capital projects.
Arizona	Non-unified system: Municipal courts funded by the cities; justice of the peace courts funded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

Appendix B: Detailed Process and Decision Flows

Exhibit 1: Process for Developing and Updating the Strategic Plan

California Judicial Branch
Technology Governance and Funding Model

V10.8

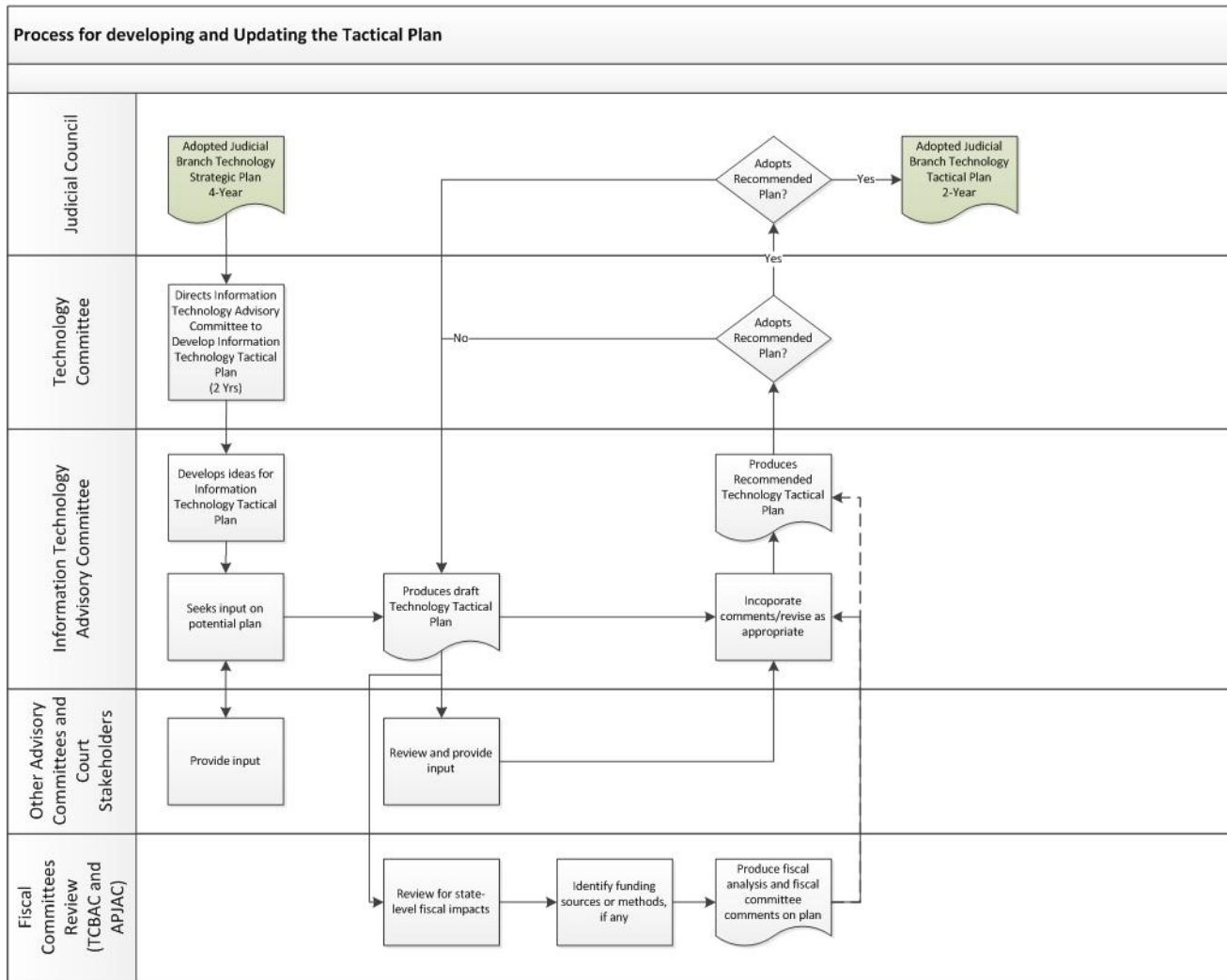


Appendix B: Detailed Process and Decision Flows

Exhibit 2: Process for Developing and Updating the Tactical Plan

California Judicial Branch
Technology Governance and Funding Model

V 10.8

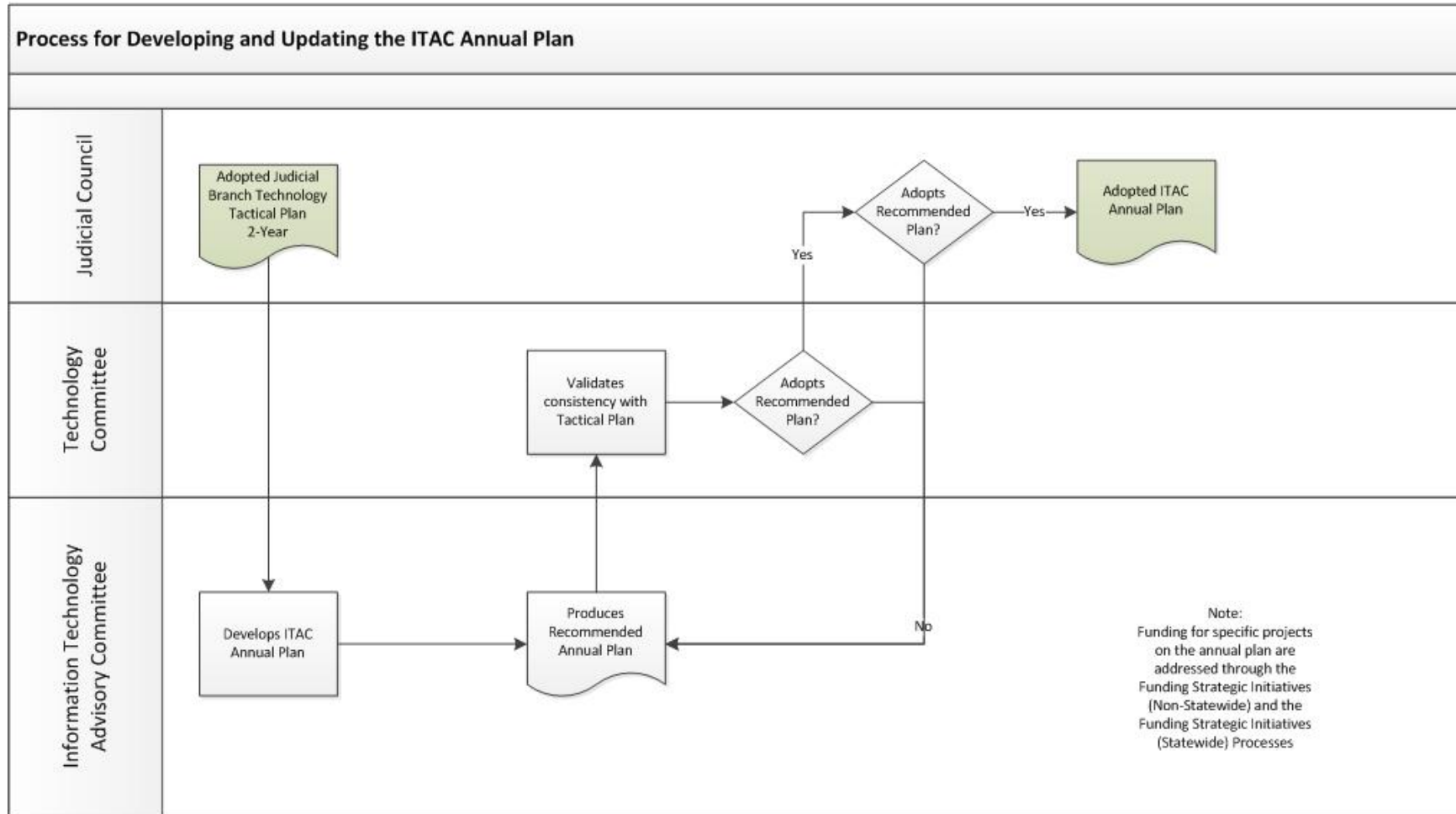


Appendix B: Detailed Process and Decision Flows

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

California Judicial Branch
Technology Governance and Funding Model

V 10.8

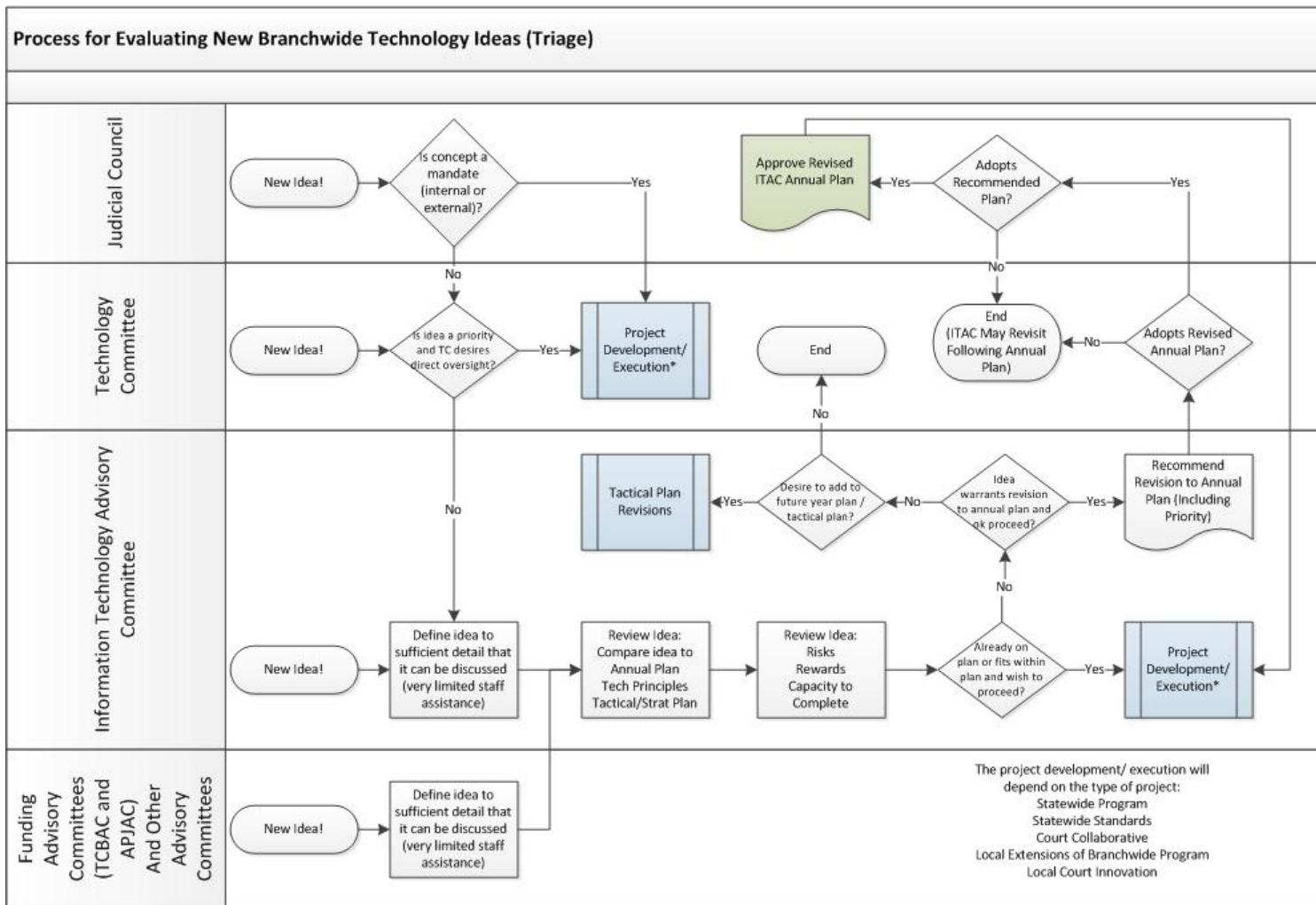


Appendix B: Detailed Process and Decision Flows

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

California Judicial Branch
Technology Governance and Funding Model

V 10.8

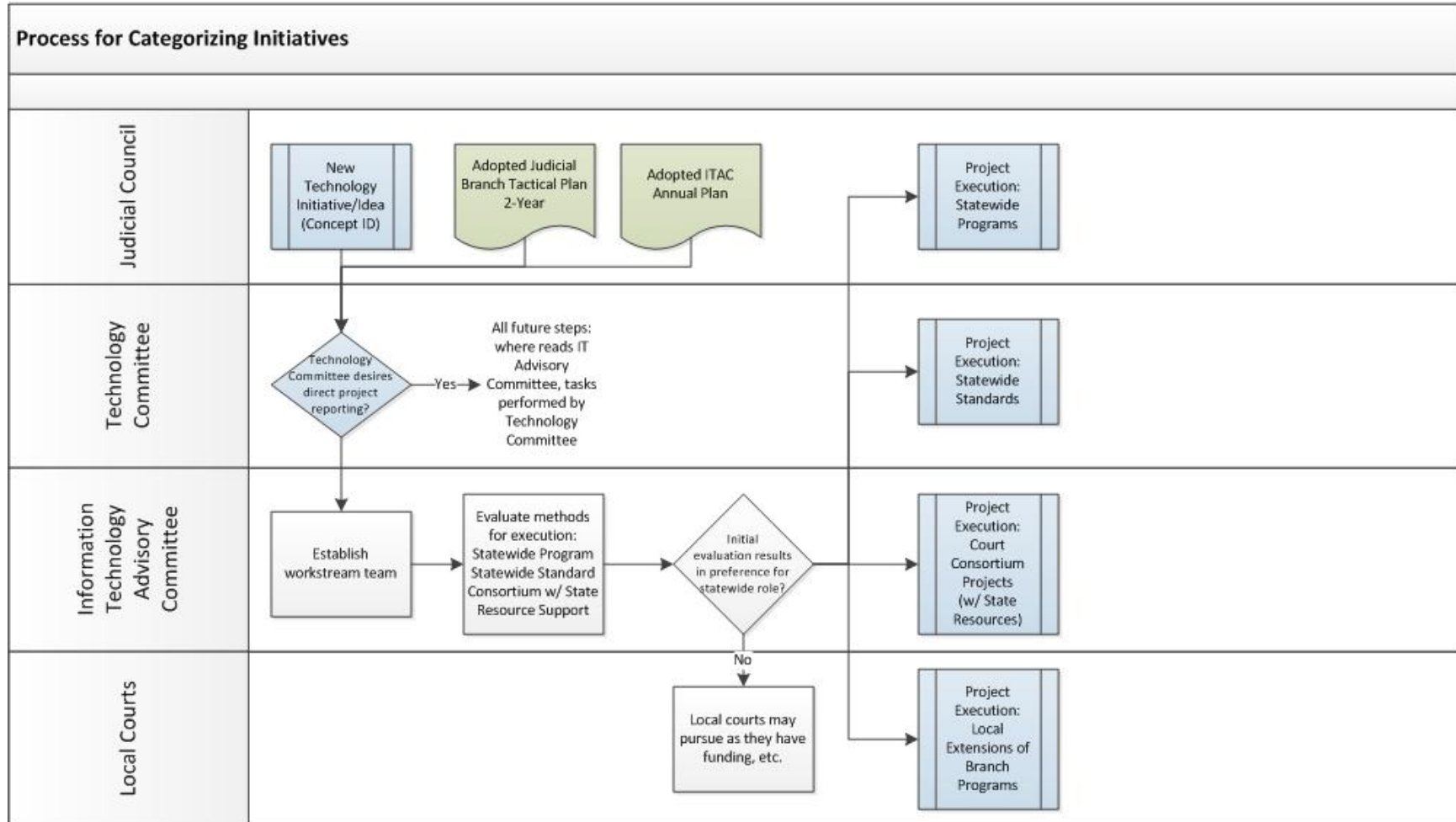


Appendix B: Detailed Process and Decision Flows

Exhibit 5: Process for Categorizing Initiatives

California Judicial Branch
Technology Governance and Funding Model

V 10.8

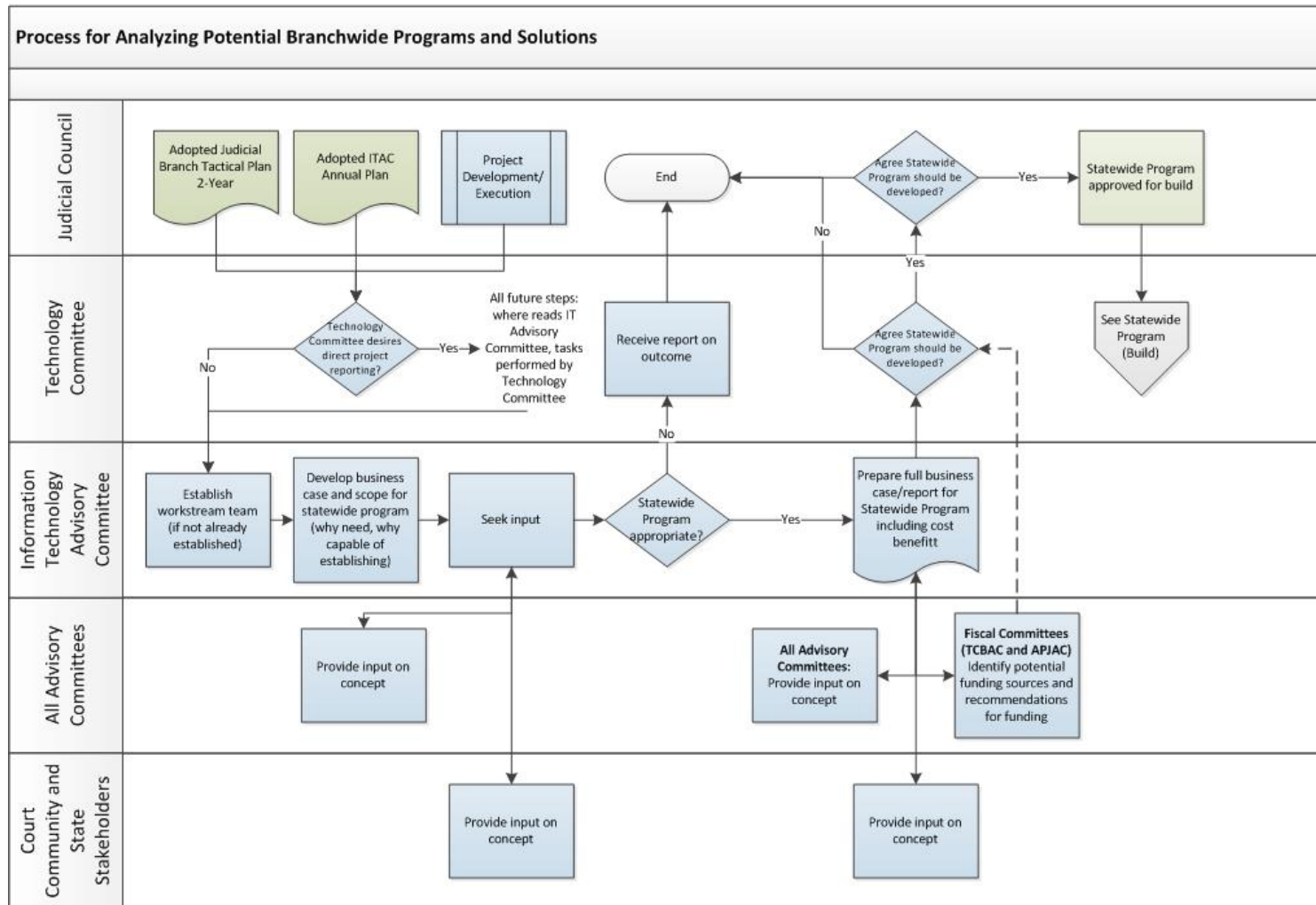


Appendix B: Detailed Process and Decision Flows

Exhibit 6: Process for Analyzing Potential Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

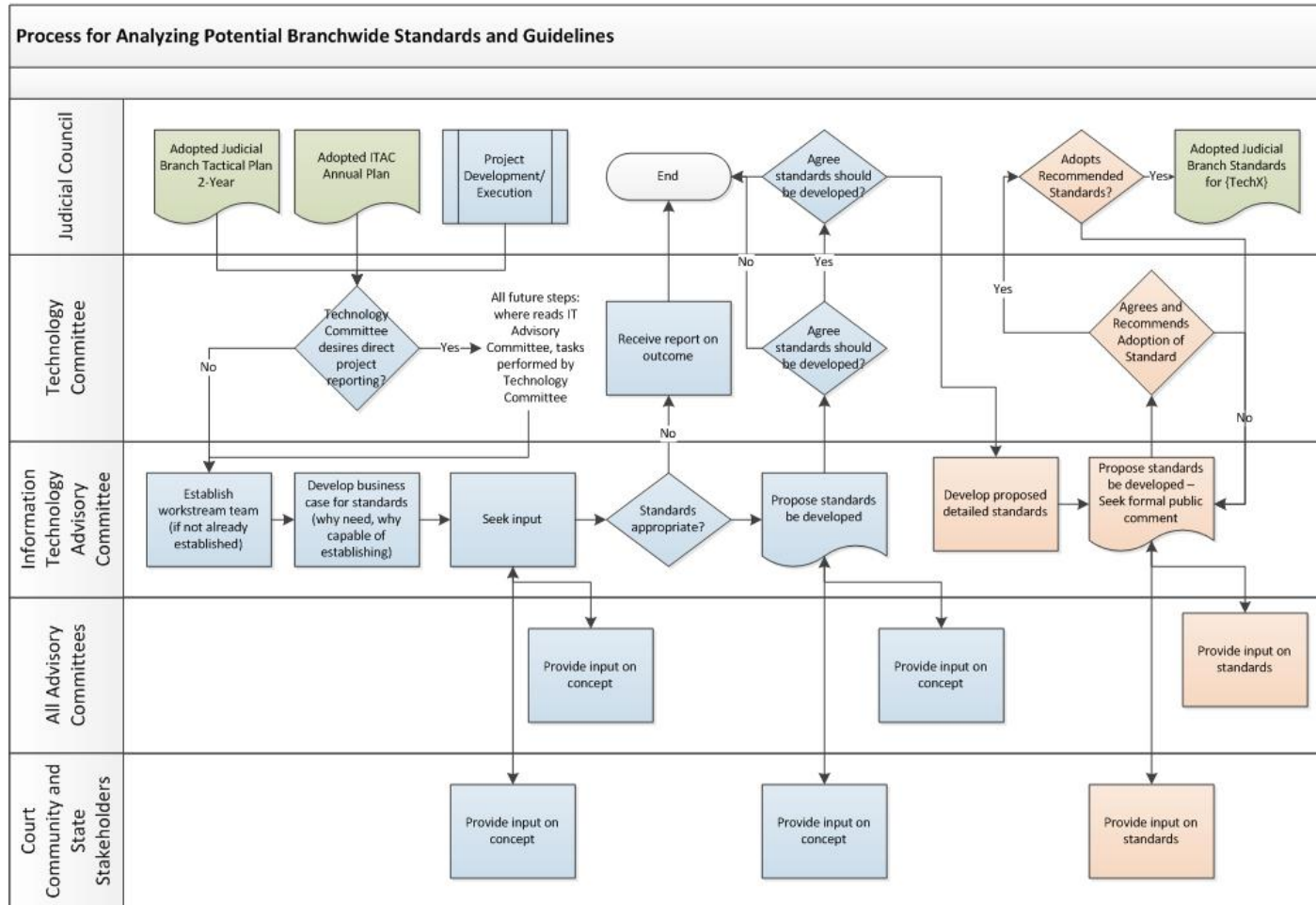


Appendix B: Detailed Process and Decision Flows

Exhibit 7: Process for Analyzing Potential Branchwide Standards and Guidelines

California Judicial Branch
Technology Governance and Funding Model

V 10.8

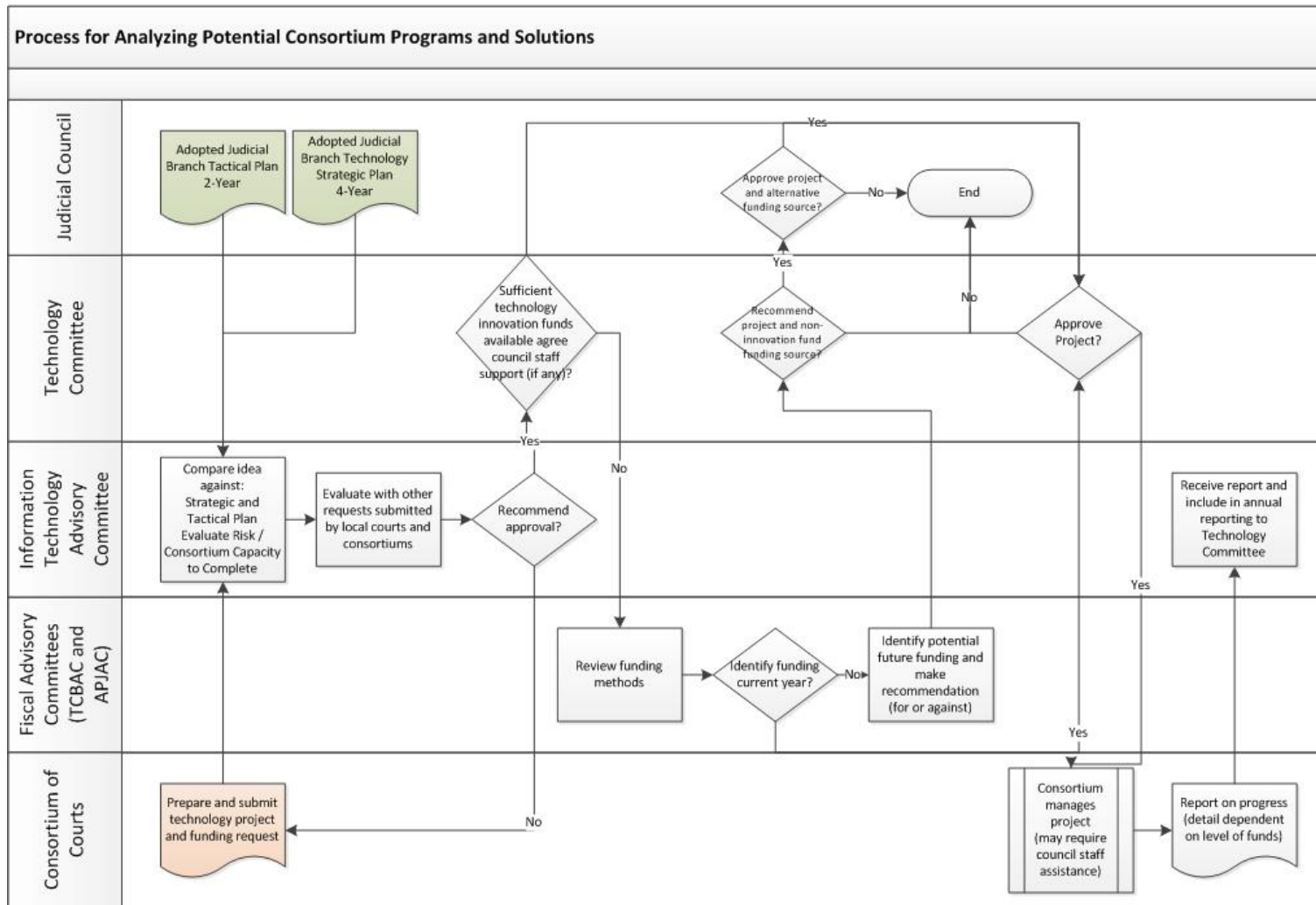


Appendix B: Detailed Process and Decision Flows

Exhibit 8: Process for Analyzing Potential Consortium Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

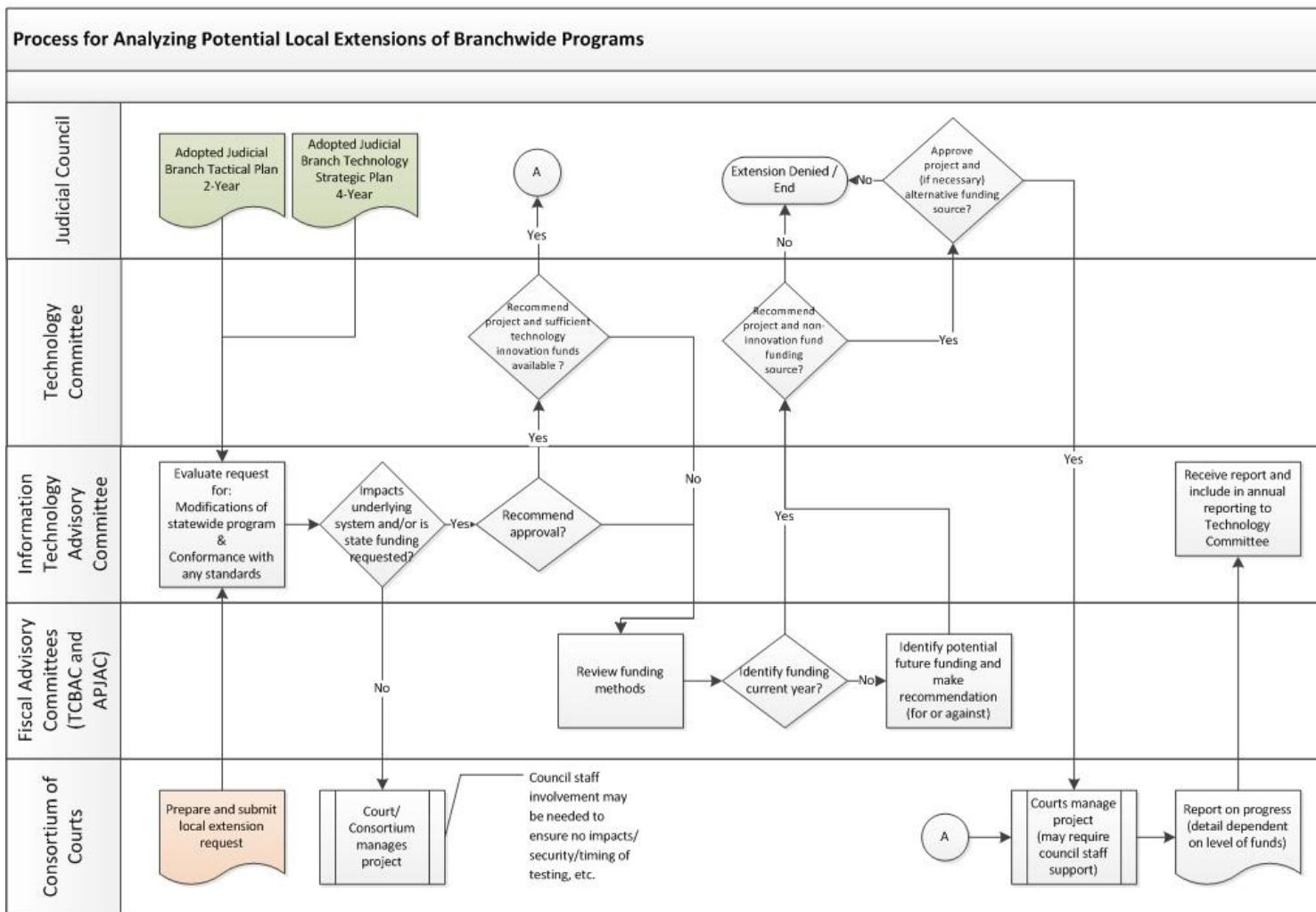


Appendix B: Detailed Process and Decision Flows

Exhibit 9: Process for Analyzing Potential Local Extensions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

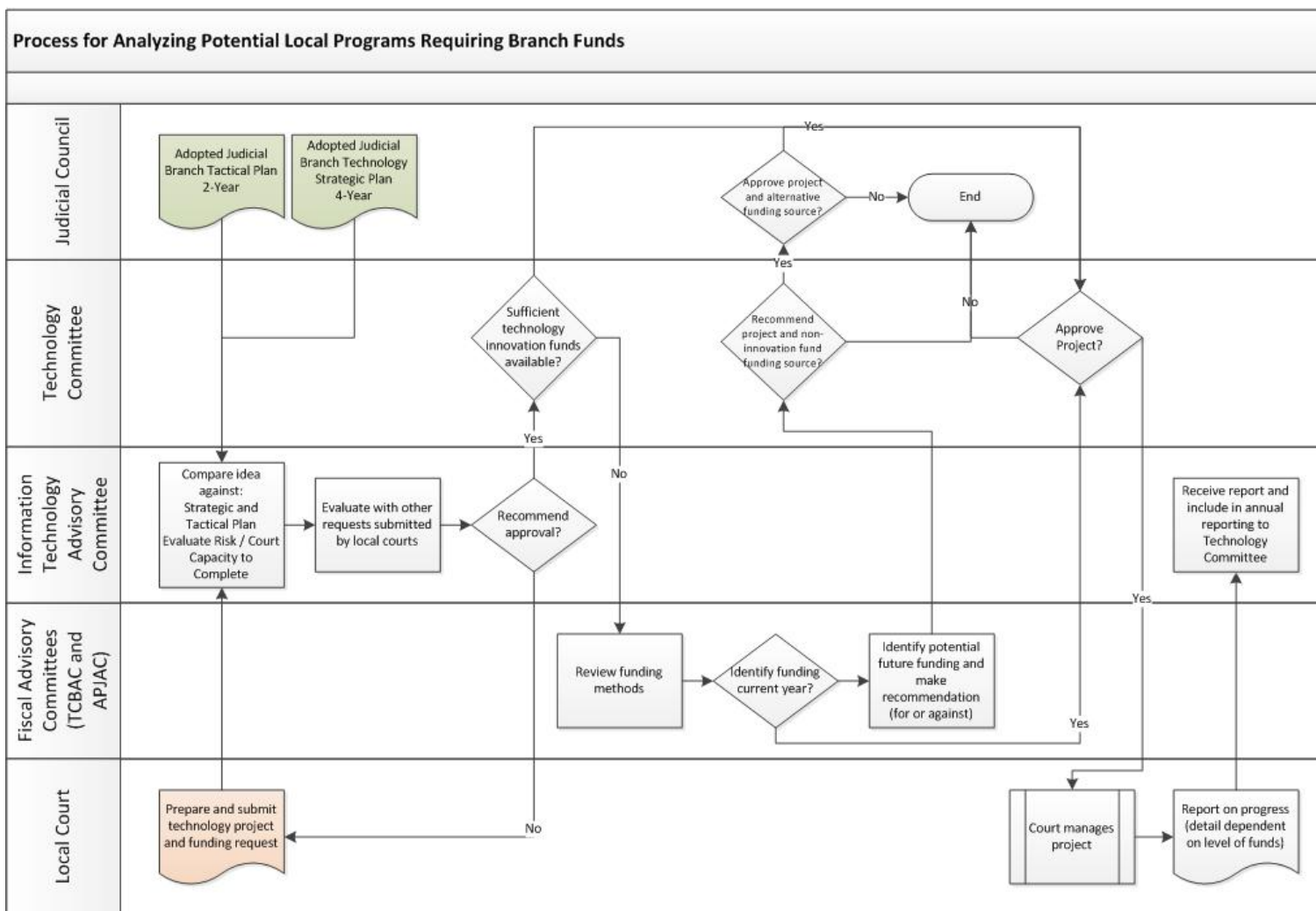


Appendix B: Detailed Process and Decision Flows

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

California Judicial Branch
Technology Governance and Funding Model

V 10.8

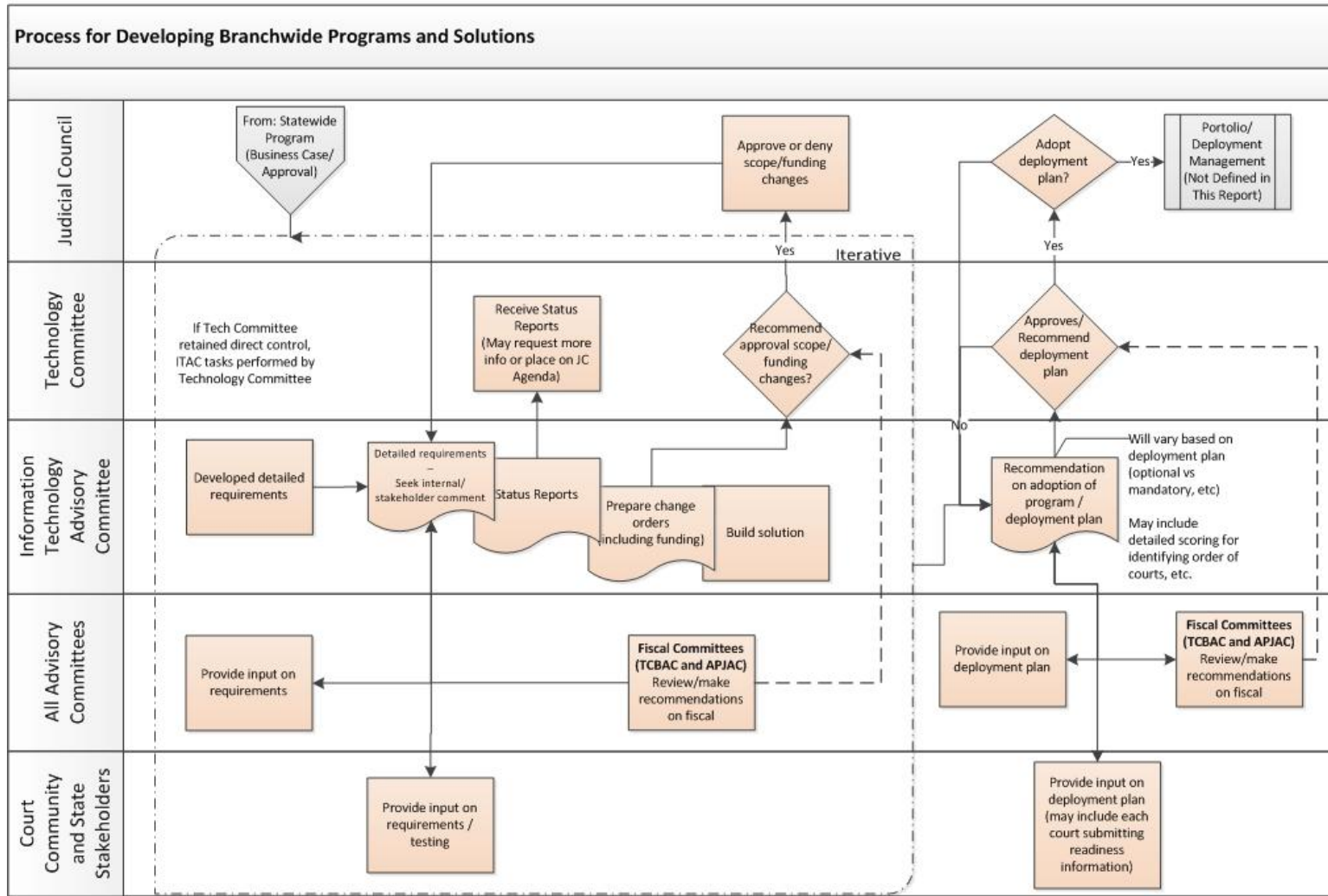


Appendix B: Detailed Process and Decision Flows

Exhibit 11: Process for Developing Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V10.8



Appendix C: Project Evaluation Scorecard

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

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

Appendix D: Detailed Description of Funding Categories

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

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

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>courts may choose to buy a product without the maintenance agreement, and upgrade when the court chooses to buy the new version. This would fall under the ‘intermittent upgrade’ category below. Which choice is more cost effective probably depends on the frequency of replacement, the benefits in upgrades, and the relative costs and the risk tolerance of the specific court. Falling behind in maintenance may increase the risk of disruption or sudden need for a major upgrade. At this time this policy choice is left to each individual trial court as part of its local budget authority.</p>	
<p>2. ROUTINE UPGRADE/UPDATE/REFRESH Description: Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.</p>	<p>TRIAL COURTS: The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION: a) “Routine Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business. b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Routine Upgrades’. Note that</p>	<p>Allocation: Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

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

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>ALTERNATIVES CONSIDERED:</p> <p>Other options considered for funding this category of expense include:</p> <p>Budget/allocate a fixed amount at the state level and each trial court knows that in a given year it will receive funding for replacements. This has the advantage of smoothing out funding year-to-year at the state level and better ensuring that all courts get periodic replacement on the same pattern. However, this approach removes some discretion from the courts to postpone or expedite replacements for budgetary reasons.</p>	
<p>3. INTERMITTENT UPGRADE Description: Some upgrade expenditures are more episodic than regular in occurrence and are often unpredictable as to timing. The triggering event is often a vendor’s decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software,</p>	<p>TRIAL COURTS:</p> <p>The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION:</p> <p>a) “Intermittent Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Intermittent upgrades’. Note</p>	<p>Allocation:</p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.</p> <p>Examples: Upgrade to a newer version of an operating system, Microsoft Office, upgrade or replacement of a CMS, DMS, or JMS; or a technology stack upgrade.</p>	<p>based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>In addition, in past years funding has been allocated by the Judicial Council from one or more of the TCTF, IMF, TCIF, or MOD⁵ fund to support CMS replacement initiatives for:</p> <ul style="list-style-type: none"> - V2 (Fresno); - V3 (SD, Orange, Ventura, Sacramento, San Joaquin); - Interim case management systems, including SUSTAIN courts; and - CCMS V4 development; - San Luis Obispo and Kings Counties. 	<p>that it should be possible to document existing examples of courts which have been unable to fund these upgrades due to budget reductions and are operating on unsupported platforms/software.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&E ratio and compared to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of upgrades. The funding would be allocated to individual trial courts each year with the expectation that the trial court would either ‘save’ the funds for periodic replacement, or reduce other spending in a year to allow for the replacement/upgrade expense (see discussion below).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the</p>	<p>Expenditure: Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

⁵ TCIF and MOD were predecessors of the IMF.

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

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

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

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

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

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

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

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

CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Technology

2014–2018

Technology Planning Task Force

August 21, 2014

Table of Contents

Message from the Technology Planning Task Force Chair	2
Technology Planning Task Force Membership	3
Strategic Plan Track Members	4
INTRODUCTION	5
Technology Planning Documents	5
Business Context.....	6
Technology Vision.....	6
Technology Principles	7
STRATEGIC PLAN	8
Summary of Technology Goals (2014–2018).....	8
Detailed Description of Technology Goals (2014–2018).....	9
Goal 1: Promote the Digital Court	9
Goal 1: Promote the Digital Court—Part 1: Foundation	9
Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships	13
Goal 2: Optimize Branch Resources	15
Goal 3: Optimize Infrastructure	18
Goal 4: Promote Rule and Legislative Changes	21
Alignment of Technology Goals.....	23
CONCLUSION.....	25
APPENDIX A: Formation of the Technology Planning Task Force.....	26
APPENDIX B: Technology Planning Task Force Structure	29

Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

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

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

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

James E. Herman
Chair, Judicial Council Technology Committee
and Technology Planning Task Force.

Technology Planning Task Force Membership

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Clerk/Administrator of the Court of Appeal
Fifth Appellate District

INTRODUCTION

This document presents the judicial branch **Strategic Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with this document and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership. These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

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

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

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

Business Context

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

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

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

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

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

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

Technology Principles

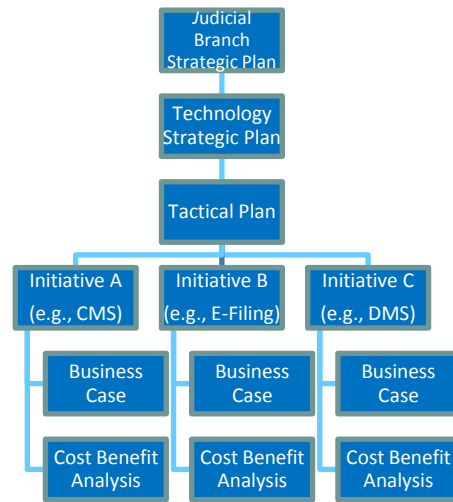
Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology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

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

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

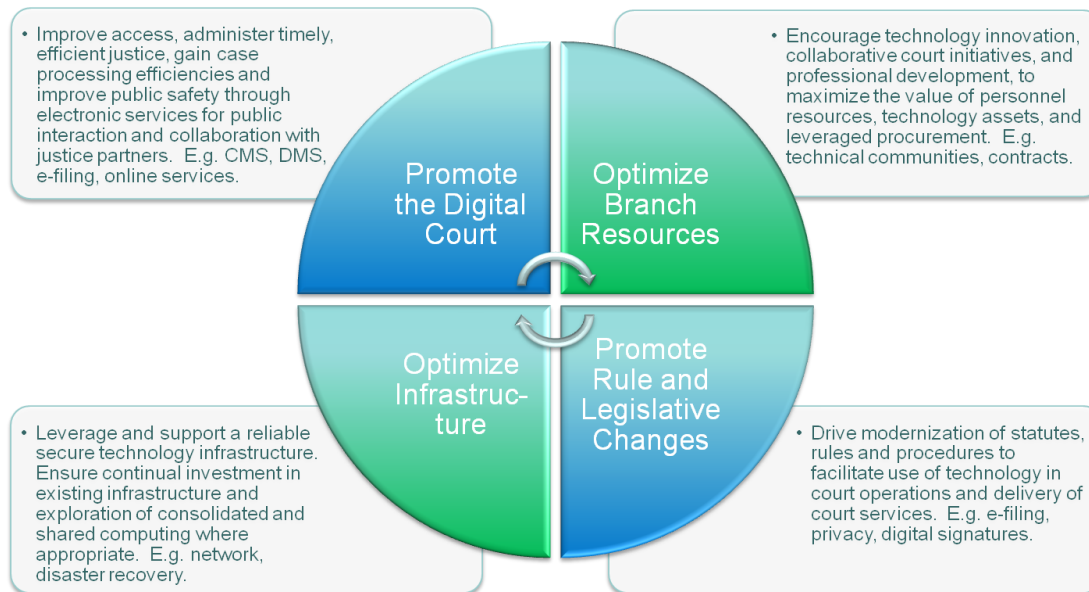
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Detailed Description of Technology Goals (2014–2018)

Goal 1: Promote the Digital Court

The primary goal of this strategic plan is to promote the Digital Court environment. The Digital Court is an ambitious goal that is divided into two parts:

- Digital Court Part 1: Foundation
- Digital Court Part 2: Access, Services, and Partnerships

Part 1 focuses on core systems such as case management systems and document management systems. Part 2 focuses on providing electronic services to the public and other parties who interact with the court to increase access to justice.

Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Business Driver/Need

It is essential for the judicial branch to implement and maintain information technology solutions that better meet the needs of the public by administering timely and efficient justice, enhancing court operations, and improving public safety. The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the needs of the public, a foundational set of technologies is required. These include modern case and document management systems, fiscal and human resource systems, and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

The 58 trial courts and the appellate courts use a broad assortment of technologies. Many of these are functionally obsolete and are incapable of supporting the needs and expectations of an increasingly technology-literate public and court personnel.

Before any court in the branch can provide the range of services and access the public expects from a true “digital court,” the necessary foundation and infrastructure must be provided. Full implementation of these modern foundational technologies that adhere to common standards will be critical to achieving both local court and branchwide efficiencies.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners to promote public safety.

Areas of focus to enable “Digital Courts”:

- **Case Management Systems (CMS).** Implement modern and supportable court case management systems, where needed, to provide timely and accurate case information, improve public safety, support judicial decision-making, enable electronic filing (e-filing), and provide court operational efficiencies.
- **Document Management Systems (DMS)/Enterprise Content Management Systems (ECM).** Implement DMS / ECM Systems to enhance court operations, enabling automated administrative and judicial workflows. The use of electronic documents and case files will provide more immediate and reliable access to court documents for judicial officers and the public and will significantly reduce retrieval, storage, and destruction costs. Electronic case files will also permit common disaster recovery solutions.
- **Back office systems.** Implement modern financial, human resource, and productivity software systems to enhance court operations and provide accountability for use of public resources at both the local and branch levels.
- **Jury management systems.** Implement latest generation jury management systems in all trial courts to include extended automated solutions (i.e., online self-service, document management, text notifications, kiosks, etc.) to improve the convenience and quality of jury service.
- **Access.** Establish standards and methods to provide remote public access solutions to essential court information and services in all courts.
- **Decision support.** Establish judicial and administrative decision support systems integrating CMS, DMS/ECM, and justice partner information to enhance decision-making.

Anticipated Results/Benefits/Outcome

- Achieve cost savings, operational efficiencies, and enhanced case processing through the use of modern, standards-based case and document/content management systems.
- Achieve branchwide efficiencies by using common back office and jury systems where appropriate and leveraging branchwide economies of scale while balancing the need for local agility.
- Eliminate or reduce the costs associated with the storage, retrieval, archiving, and destruction of paper court records and improve access for internal court users and the public.
- Provide greater insight into court performance and guidance for local resource allocation through measurable case flow management standards.
- Help support a workforce that has been reduced over the past several years.
- Provide the court, judges, attorneys, litigants, and the public with faster access to information.

Dependencies/Requirements

Technology has inherently high costs in acquisition, deployment, and maintenance. Not all courts have the fiscal and human resources to acquire and implement current technology, or to support the technology once installed. Collaboration and cooperation between courts by sharing and leveraging resources will be necessary to support and sustain innovation. Significant technology projects require time to implement and are rarely capable of completion within a single fiscal year. Stable and predictable funding for both branch and local technology projects is essential to the success of any project, and to the future of the branch. Transparent and accountable management of technology projects and resources is essential to obtain support from other branches of government.

Overall goal dependencies:

- Clear, efficient governance.
- Adoption of a branch tactical plan/roadmap for CMS enabling, over time, highly functional modern e-business-capable case management systems in every court.
- Access to DMS/ECM for every court and the business and technical support required.
- Adoption of a tactical e-filing plan/roadmap for the branch, with clearly articulated common standards.
- Sufficient and stable funding to acquire, deploy, and maintain the programs.

Applicable to all system acquisitions:

- Assessment of current and anticipated local and branch needs.
- Prioritization of court implementations based on urgency, capability, and financial resources.
- Decisions on use of local, shared, or branchwide solutions.

- Roadmap—which courts are going to use which systems, when, hosted where, supported by whom, etc.

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Business Driver/Need

It is essential that the judicial branch implement and maintain information technology solutions that meet the needs of the public, support the administration of timely and efficient justice, support court operations, and enhance public safety. In recent years, courts have been forced to close facilities and to eliminate or curtail many previously provided public services. Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology. Building on the “digital court” foundation, courts can provide these expanded access and service capabilities—including services to currently underserved populations. Courts can also leverage available technology through strategic business solutions such as shared services and collocated resources.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient, and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve the overall effectiveness and efficiency of the California justice system.

Potential areas of focus for access, services, and partnerships include:

- **Online access to case information.** Implement online solutions to allow litigants and the public to access case data and documents where appropriate, consistent with personal privacy and confidentiality considerations.
- **Electronic filing.** Enable electronic filing across case types.
- **Self-service.** Provide “online,” instead of “in line” services for routine transactions historically provided only at the courthouse (e.g., payment of traffic citations).
- **Remote video appearances.** Implement remote video appearances and hearings in appropriate case types and matters.
- **Standards.** Create standardized state (e.g., CHP, DMV, DOJ, DCSS) and local (e.g. district attorney, public defender, and sheriff) interfaces at the branch and local levels, compatible across multiple case management systems.

Anticipated Results/Benefits/Outcome

- Reduce the cost of court operations and increase the efficient use of court resources.
- Ensure accurate and timely processing of court-related transactions and sharing of information through technology.
- Provide immediately available services, 24/7, to everyone within the judicial branch, in authorized local agencies, and to the public throughout the state.
- Restore and enhance public access to the courts with consistent and convenient access to court information and services across jurisdictions for court users and practitioners, including self-represented litigants.

Dependencies/Requirements

Each court will vary in its ability to acquire, implement, and support the technology necessary to enable electronic access and services. Not all elements of a local “Digital Court” foundation will be available in every court. Cooperation and collaboration will be essential to making solutions consistent and coherent across the branch. The vision contained in this goal is only achievable to the extent that each court is willing to adopt it and, recognizing local constraints, is willing to work toward its fulfillment.

While technology deployment and implementation typically focuses on providing new capabilities, technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Technology solutions should be fully accessible.

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.
- Number of courts leveraging standard data exchanges.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Business Driver/Need

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leveraging and sharing technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Potential areas of focus for branchwide optimization include:

- **Hardware and software master agreements.** Master agreements have already been established for document management systems, case management systems, networking hardware, and other IT products. Establishing master agreements saves time by

- eliminating the need for courts to conduct individual procurements and usually reduces individual cost to the court and overall cost to the branch through economies of scale.
- **Technology communities.** Create formal and informal communities of interest to share best practices and tools, leverage expertise across the branch, discuss technology issues, and provide input to branchwide initiatives. Communities could focus on issues related to specific court environments such as a small court technology environment or appellate court environment. Other communities could be technology focused and discuss strategies for deployment, configuration, and management of case management systems or create a repository for shared software solutions developed by the courts.
 - **Shared solution catalog.** Courts often have similar issues but these issues are often solved locally by each individual court. Examples include online probable cause processing, document imaging, electronic juror check-in and notification, and electronic traffic citations. These solutions are not typically visible to other courts but could include the opportunity to be leveraged or offer insight into creating other local solutions. Creation and maintenance of a solution catalog, which could begin with publication of a list of existing solutions as a starting point, could help eliminate the redundancy of each individual court trying to solve every problem itself.
 - **Employee retention and development.** Use of typical tools such as wage increases are neither available nor practical during difficult financial times, but other nonmonetary approaches could be evaluated. Ideas include publishing a list of current and future skill requirements for staff in alignment with accomplishing the goals of the strategic plan; creating a mentorship program across the branch to foster personal growth and expand individuals' visibility into other environments; and making suggestions for how employees can self-manage their careers.
 - **Technology professional development.** Training in key technologies and technical processes such as service desk, quality assurance, change management, and program and project management. Computer-based training solutions should be considered in addition to traditional classroom training.
 - **Educational opportunities for judicial officers and court leaders.** Ideas include training in leading change initiatives related to technology, as well as discussion and appropriate networking opportunities within existing and potentially new forums.

Anticipated Results/Benefits/Outcome

- Reduced time, effort, and overall cost when procuring technology that can be used by several courts.
- Faster time to market in providing technology to the courts and public by leveraging existing solutions.
- Court employees who understand their responsibilities, have the training to do their best work, and have opportunities to grow and expand their career options.
- Court leaders who support and promote the adoption of technology solutions within the branch.

Dependencies/Requirements

The willingness and support of court leadership is necessary to facilitate the optimization of branchwide resources, including dedicating sufficient staff time and resources to accomplish this goal.

Collaboration and coordination with the Center for Judiciary Education and Research (CJER) will benefit personnel training and development objectives.

Procurement objectives will benefit from collaboration and coordination with local and branch contracting, procurement, and finance groups. All procurements must follow the policies and procedures outlined in the Judicial Branch Contracting Manual.

Metrics (measures of progress toward implementation of this goal)

- Number of master agreements signed.
- Number of courts leveraging master agreements.
- Number of active technology communities.
- Number of courts represented in each community.
- Number of solutions leveraged from the shared solution catalog.
- Number of attendees participating in recommended training classes.
- Overall job satisfaction.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Business Driver/Need

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where each official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure that includes technology to support local area networks; wide area networks; infrastructure and information security; local, shared, and centralized data centers; unified communications (voice, video); an enterprise service bus; and disaster recovery technologies.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Potential areas of focus to optimize infrastructure include:

- **Support and maintain existing branch infrastructure.** The judicial branch must continue to maintain its current data network in support of its business goals to serve the needs of the courts, justice partners, and the public. The network and its supporting technologies must be up to date, effective, reliable, efficient, and secure. These objectives can be achieved by ensuring that all courts have:

- Reliable connectivity to wide-area-network and public Internet services by working with network service providers and upgrading older communication circuit technologies with more modern connectivity solutions.
- Updated information security protection settings and threat detection and prevention systems in place to secure and protect electronic data.
- Network devices that are operating at current software version levels and covered under maintenance agreements.
- **Develop an infrastructure security framework.** The Judicial Council staff provides infrastructure security guidance and provides managed intrusion detection and prevention services. However, courts do not have consistent network security measures in place and many require assistance to implement new systems, procedures, and policies. An infrastructure security framework that includes a model implementation guide, sample procedures, and accompanying policy guide will benefit courts that need assistance and ensure consistency throughout the branch.
- **Investigate an enterprise voice over Internet Protocol (VoIP) and video over Internet Protocol (video over IP) infrastructure.** Possible branchwide efficiencies may be realized by taking advantage of the convergence of communication infrastructure technology, including voice over IP (VoIP,) video, and unified messaging. Although a VoIP implementation playbook has been created for individual courts to utilize if they so choose, the judicial branch currently has no enterprise VoIP solution. This investigation would determine if such a solution would offer a benefit to the branch.
- **Next-generation data center hosting model.** Identify and evaluate options for a flexible, scalable, cost-efficient hosting model designed to provide application and data center hosting services to courts that need those services. The next-generation hosting model could potentially be enabled through a combination of consolidation, virtualization, and implementation of a secure public or private cloud environment.
- **Disaster recovery framework.** Provide a framework for recovering systems and services operated at the individual court level and at the branch level after a disaster. The framework could include a model implementation guide, sample procedures, and recommended policies for use throughout the branch.

Anticipated Results/Benefits/Outcome

Successful completion of these goals will:

- Ensure continued availability of technology infrastructure systems and services within the judicial branch that are essential for support and delivery of public services provided by courts today.
- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support development of new services and capabilities, and improve public access to justice.

Dependencies/Requirements

Stable, long-term funding must be secured to support infrastructure maintenance, replacement, and improvement.

Technology infrastructure experts from industry should be consulted on best practices and recommendations for the selection and implementation of appropriate technologies.

Metrics (measures of progress toward implementation of this goal)

- Percentage of critical infrastructure devices that operate at the required software level.
- Percentage of critical infrastructure devices covered by maintenance agreements.
- Infrastructure security framework published.
- Number of courts that have implemented the infrastructure security framework.
- Report published on the analysis of a branch-level converged voice and data infrastructure.
- Report published on next-generation data center hosting model recommendation.
- Disaster recovery framework published.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Business Driver/Need

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

Potential areas of focus for new or updated legislation include:

- **Electronic document processing.** Specific rules, legislation, and procedures that apply to a paper documents must be reviewed, modified, or supplemented appropriately to address the creation, processing, and retention of electronic documents. Examples include:

- Rules for electronic proof of service
 - Standards for filing dates and times
 - Electronic declaration under penalty of perjury
 - Uniform standards for electronic service
 - Uniform rules for electronic filing
 - Use of electronic signatures—in particular, uniform rules for electronic signing and verification.
- **Courtroom technology.** Technology has the opportunity to improve the overall courtroom experience, optimize the utilization of scarce resources, and increase access to justice. Examples include:
- Remote hearings enabled through video technology or telephone
 - Electronic courtroom record
 - Remote interpreting—American Sign Language (ASL) and foreign languages—enabled through video technology or telephone.
- **Data and information privacy.** A benefit of electronic information is its ease of access and distribution. This benefit must be balanced by ensuring that the proper controls exist to protect electronic data. Regardless of whether court information is paper based or electronic, access to that information can only be given to entities that have proper authorization.

Anticipated Results/Benefits/Outcome

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services.
- Increased access to court services and improved service levels.
- Clear requirements that ensure fair and proper use of technology while protecting information.

Dependencies/Requirements

Proposals for additions or changes to rules, legislation, and procedures should be performed in conjunction with the execution of the judicial branch Tactical Plan for Technology. Rule and legislative changes should generally be considered as part of the planning, design, and implementation of individual tactical plan initiatives since they need to apply to the technology being deployed. Only occasionally would rule, legislation, and procedure changes be considered independent of a specific technology initiative. In those cases, the topic would typically be of a general nature applying to all technology or multiple areas. For example, data and information privacy rules and legislation would likely not be associated with just a single technology but would apply to all technology solutions.

Metrics (measures of progress toward implementation of this goal)

- Number of legislative changes proposed per year in support of the strategic plan.
- Number of legislative changes implemented per year in support of the strategic plan.

Alignment of Technology Goals

The goals of the proposed Strategic Plan for Technology strongly align with the goals of the judicial branch strategic plan. The chart below highlights the technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the overall branch of “Access, Fairness, and Diversity.”

Alignment with the Judicial Branch Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall Branch Goals				
I. Access, Fairness, and Diversity	X	X	X	X
II. Independence and Accountability	X	X		X
III. Modernization of Management and Administration	X	X	X	X
IV. Quality of Justice and Service to the Public	X	X	X	X
V. Education for Branchwide Professional Excellence		X		
VI. Branchwide Infrastructure for Service Excellence	X	X	X	

There is no intention to align every technology goal with every branch goal. Each technology goal has a specific purpose, but it must support at least one of the branch goals.

The goals of the proposed Strategic Plan for Technology also strongly align with the California Department of Technology’s strategic plan for the state of California. The chart below highlights the state technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the state of “Responsive, Accessible, and Mobile Government.”

Alignment with the Department of Technology Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall State Goals				
1. Responsive, Accessible, and Mobile Government	X	X	X	X
2. Leadership and Collaboration	X	X	X	X
3. Efficient, Consolidated, and Reliable Infrastructure and Services		X	X	
4. Secure and Manage Information as an Asset	X		X	X
5. Capable Information Technology Workforce		X		
6. Responsive and Effective IT Project Procurement		X	X	

Alignment with both the judicial branch strategic plan and the state’s strategic plan demonstrates how the judicial branch technology goals can support these overall goals. Furthermore, it aligns the work that court personnel perform to ensure that resources allocated to branch projects clearly understand how they are supporting the overall objectives of the branch and the state.

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

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

This Strategic Plan for Technology and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed strategic plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, working together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

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

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

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

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

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

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

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

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

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

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. The task force was charged with:

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

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;

¹ BSA has been renamed to California State Auditor.

- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

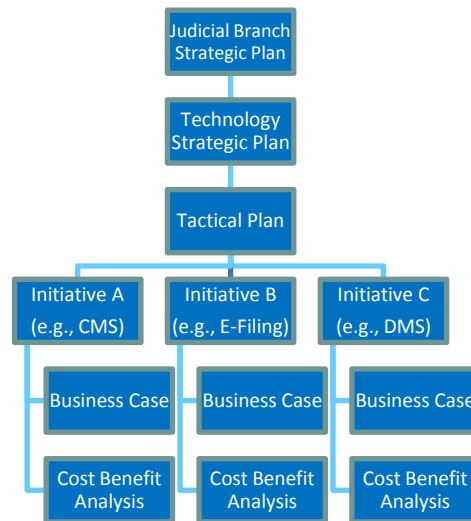
APPENDIX B: Technology Planning Task Force Structure

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

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

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

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



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

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

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

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

CALIFORNIA JUDICIAL BRANCH

Tactical Plan for Technology

2014–2016

Technology Planning Task Force

August 21, 2014

Table of Contents

Technology Planning Task Force Membership	3
Strategic Plan Track Members	5
INTRODUCTION	6
Technology Planning Documents	6
Business Context	7
Technology Vision	7
Technology Principles	8
STRATEGIC PLAN	9
Summary of Technology Goals (2014–2018)	9
Goal 1: Promote the Digital Court—Part 1: Foundation	10
Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships	11
Goal 2: Optimize Branch Resources	12
Goal 3: Optimize Infrastructure	13
Goal 4: Promote Rule and Legislative Changes	14
TACTICAL PLAN	15
Technology Initiatives Summary (2014–2016)	17
Detailed Description of Technology Initiatives	18
Technology Initiatives to Promote the Digital Court	19
Case Management System (CMS) Assessment and Prioritization	19
Document Management System (DMS) Expansion	21
Courthouse Video Connectivity	23
California Courts Protective Order Registry (CCPOR)	27
Implement a Portal for Self-Represented Litigants	29
Jury Management Technology Enhancements (trial courts)	31
E-filing Service Provider (EFSP) Selection/Certification	32
E-filing Deployment	34
Identify and Encourage Projects that Provide Innovative Services	36
Establish an “Open Source” Application-Sharing Community	37
Develop Standard CMS Interfaces and Data Exchanges	38
Technology Initiatives to Optimize Branch Resources	40
Establish Hardware and Software Master Branch Purchasing/Licensing Agreements	40

Technology Initiatives to Optimize Infrastructure..... 42

 Extend LAN/WAN Initiative to Remaining Courts..... 42

 Transition to Next-Generation Branchwide Hosting Model..... 44

 Court Information Systems Security Policy Framework 46

 Court Disaster Recovery Framework and Pilot 48

Technology Initiatives to Promote Rule and Legislative Changes 50

 Identify New Policy, Rule, and Legislation Changes 50

 Initiative Timeline Summary 51

CONCLUSION..... 52

APPENDIX A: Formation of the Technology Planning Task Force..... 53

APPENDIX B: Technology Planning Task Force Structure 56

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INTRODUCTION

This document presents the judicial branch **Tactical Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

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

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

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

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

Business Context

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

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

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

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

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

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

Technology Principles

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

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

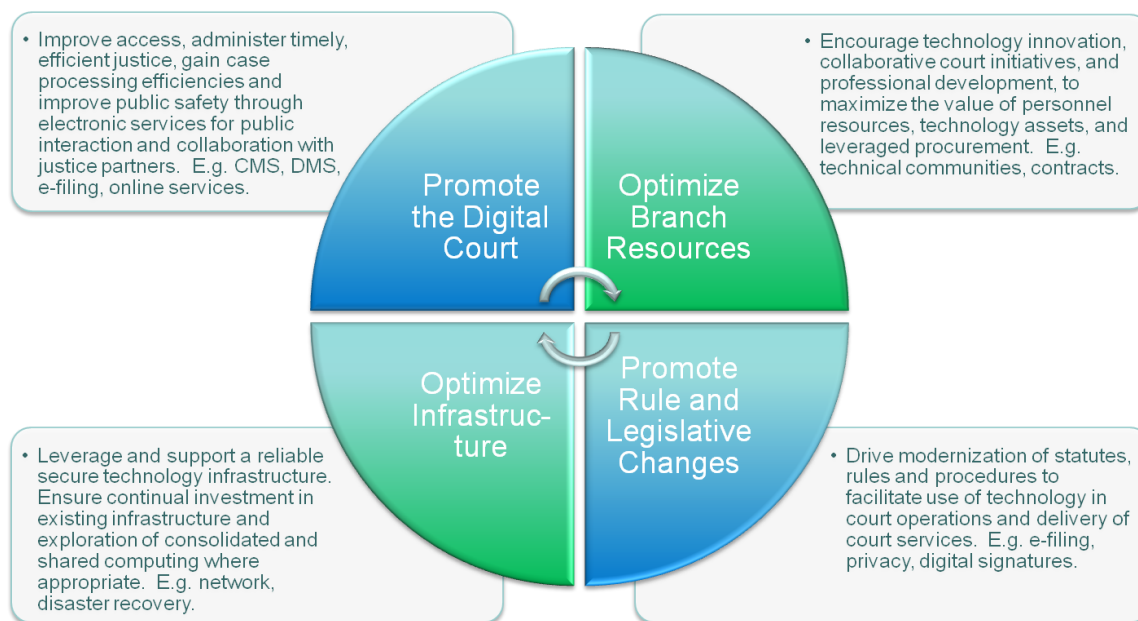
A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.

All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve overall effectiveness and efficiency of the California justice system.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leverage and share technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

TACTICAL PLAN

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

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Every two years, the branch will update its tactical plan to support the four-year strategic plan. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused, ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Because the judicial branch is underfunded, technology investments are severely limited. Therefore, this tactical plan reflects the reality of scarce resources. The majority of the initiatives focus on planning and investigation. Once funding is restored, the judicial branch can make further progress with the initiatives and move into design, development, and deployment.

The tactical plan initiatives were identified by the Technology Planning Task Force and selected based on their ability to support the four strategic technology goals and their overall business drivers. Initiatives were prioritized based on their foundational aspects, dependency on other initiatives, and amount of time required to realize benefits. For example, initiatives focused on core components of the Digital Court such as case management systems and document management systems were given a higher priority than initiatives such as developing case management system interfaces and data exchanges since these depend upon completion of the core components.

A comprehensive business analysis will be performed for each initiative to ensure that return on investment can be maximized. A collaborative and inclusive process will be used to form project teams with members from the trial courts, appellate courts, and Judicial Council staff.

The initiatives will be governed under the new model described in the Technology Governance and Funding Model. The majority of the initiatives will be managed by the Information Technology Advisory Committee¹ while the Judicial Council Technology Committee may identify some initiatives that they wish to oversee directly.

¹ Information Technology Advisory Committee (ITAC) is the proposed name for the advisory committee that will replace the current Court Technology Advisory Committee (CTAC). ITAC's structure is defined in the Governance and Funding Model.

Timelines for initiatives have been estimated and are assumed to begin in the third quarter (Q3) of calendar year 2014, but initiatives may be delayed if adequate funding or resources are not available at the scheduled start time.

Nevertheless, this tactical plan provides a roadmap and intended direction for the judicial branch in moving toward its vision to promote the Digital Court.

Technology Initiatives Summary (2014–2016)

Technology initiatives are listed in priority order within each of the strategic goals.

Strategic Goal	Initiative	Objectives Supported	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Determine strategy and plan
	Document management system (DMS) expansion	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Deploy where appropriate
	Courthouse video connectivity	1.2.1., 1.2.2.	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	1.2.1., 1.2.2., 1.2.3.	Continue deployment
	Implement a portal for self-represented litigants	1.2.1., 1.2.2.	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	1.1.4.	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	1.2.1., 1.2.2.	Develop process
	E-filing deployment	1.2.1., 1.2.2.	Determine implementation plan
	Identify and encourage projects that provide innovative services	1.2.1., 1.2.2.	Investigate and prepare proposal
	Establish an “open source” application-sharing community	1.2.1., 1.2.2.	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	1.2.1., 1.2.4.	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	2.1.	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	3.1.	Expand program
	Transition to next-generation branchwide hosting model	3.1., 3.4., 3.5.	Investigate and prepare proposal
	Security policy framework for court information systems	3.1., 3.2.	Investigate and prepare proposal
	Court disaster recovery framework and pilot	3.1., 3.5,	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	4.1., 4.3.	Identify and draft changes

Detailed Description of Technology Initiatives

This section provides a detailed description of each technology initiative along with a high-level summary project template. These templates are not intended to document approved commitments but rather to act as a tool to help project teams create detailed project plans once proper funding and resources are available. Scope, deliverables, and timelines are estimated and subject to change.

Each project template contains the following sections:

- **Description**—Detailed description of the initiative along with potential business drivers, background, and history.
- **Major Tasks**—High-level list of expected major tasks and outcomes.
- **Dependencies**—Requirements that the initiative relies upon for successful completion.
- **Funding Requirements**—Estimated one-time costs to launch and deploy the initiative and estimated ongoing costs for maintenance and operation.
- **Potential Funding Sources**—Suggested options for funding one-time and ongoing expenses.
- **Types of Courts Involved**—Could be based on type (trial court, appellate court), size (small, medium, large), location (northern, southern), or consortium (case management specific, etc.).
- **Sample Timeline**—List of major milestones, if known, and estimated time frame for completion.

Technology Initiatives to Promote the Digital Court

Case Management System (CMS) Assessment and Prioritization

Description

This project will determine a high-level approach to identifying strategies and solutions for implementing case management systems with document management functionality that support the Digital Court. The scope of this initiative is only to perform business analysis and planning; it does not include the actual deployment of CMS solutions. One or more CMS deployment initiatives will need to be launched after this assessment initiative is completed.

Major Tasks

- Update the inventory of existing case management systems within the branch.
- Update the inventory of existing document management systems within the branch.
- Determine strategy and approach for existing CMS environments.
- Determine strategy and approach for courts using V3 and Sustain Justice Edition.
- Establish a prioritization of need for systems replacement.
- Identify potential consortia for related systems.
- Determine strategies for facilitating successful consortia.
- Identify replacement cost.
- Identify available funding for prioritized projects.
- Identify resources to support courts through the project request process.

Dependencies

- Need to establish mechanism for maintaining and updating a branch CMS inventory.
- Need to identify appropriate sponsor for this initiative (e.g., Technology Committee or technology-related advisory committee).
- Need to identify resources that will support the courts through the project request process.

Funding Requirements

One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- None required for this assessment.

Potential Funding Sources

None required for this assessment.

Types of Courts Involved

All trial courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Establish repository for CMS inventory.	Q3 2014
Draft initial assessment.	Q4 2014
Final assessment report.	Q1 2015

Document Management System (DMS) Expansion

Description

To achieve the full benefit and efficiencies of electronic filing, a court's case management system must integrate with a Document Management System (DMS)/Enterprise Content Management (ECM) System. DMS/ECM provides for a true paper-on-demand environment with configurable workflows and other operational benefits. While the majority of modern case management systems include integrated DMS, extending existing case management systems with DMS/ECM where feasible is far less expensive and disruptive than acquiring new case management systems.

DMS/ECM also provides support and operational efficiencies for trial court administration (e.g., fiscal, facilities, HR, procurement, et al.).

Major Tasks

- Identify opportunities for acquisition and integration of DMS/ECM with existing branch and local case management systems, and for administrative use at both branch and local court levels.
 - An example would be potential implementation of a DMS/ECM for the current Appellate Court Case Management System, to take full advantage of the e-filing pilot program currently underway, and to leverage that system for use by Judicial Council staff.
- Identify the most efficient and cost-effective model for implementation.
- Leverage branchwide master services agreements for document management system software procurement.

Dependencies

- Available budget for DMS acquisition.
- Coordination and alignment with CMS assessment.

Funding Requirements

One-Time

- Hardware, software, and services for DMS implementation at identified courts.

Ongoing

- Annual maintenance; periodic software and hardware upgrades.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Determine business need and identify courts that could benefit from a DMS now.	Q3 2014
Submit funding request.	Q4 2014
Deploy solutions.	Q4 2015

Courthouse Video Connectivity

Description

The initiative will restore and enhance public access to court information and services and will create court cost savings and efficiencies by:

- Expanding use of remote video appearances and hearings in appropriate case types and matters; and
- Expanding remote availability of certified court interpreter services.

Almost two decades ago, the Court Technology Task Force (predecessor to the Court Technology Advisory Committee) in its 1995 report to the Judicial Council, identified nine technology goals, including:

To promote efficiency, access, convenience, and cost reduction, interactive video technology should be incorporated into all justice proceedings and administrative functions as permitted by law and consistent with the purposes of the judicial branch.

In August 1997, the Court Technology Advisory Committee presented a report to the Judicial Council titled *Report on the Application of Video Technology in the California Courts*. While primarily focused on use of video arraignments, the report noted the important benefits achievable by using this technology in other areas, including motions, mental health proceedings, and other pretrial matters.

Use of telepresence technology (e.g., videoconferencing) will allow courts to provide the public with ongoing access to court proceedings at a time when court resources are being substantially reduced and courthouses are being closed.

Project 1: Remote Video Hearings

In December 2012, the Judicial Council adopted rule 4.220 of the California Rules of Court, authorizing trial courts to conduct remote video proceedings (RVP) in cases involving traffic infraction violations and approved a pilot project in the Superior Court of Fresno County. The authorization for remote video proceedings in rule 4.220 applies to any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, with certain exceptions. Rule 4.220 defines a “remote video proceeding” as an arraignment, trial, or relate proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom. (See rule 4.220(b)(2).) The rule requires semiannual reports from any pilot court, including evaluations and assessments of the costs and benefits of the projects.

The experience of the Superior Court of Fresno County can be leveraged to:

1. Identify other courts able and willing to implement remote video traffic appearances;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed;
3. Identify other appropriate case types for remote video appearances; and

4. Pursue any statutory/rule changes required to allow use of remote appearance technology in additional case types

Project 2: Video Remote Interpreting (VRI)

In 2011, the Superior Courts of Riverside, Shasta, Sonoma, and Stanislaus Counties began a VRI pilot program for hearing-impaired court users, providing certified American Sign Language (ASL) court interpreters by courtroom video connection. The participating courts have increased access to certified ASL court interpreters, and interpreters can be scheduled quickly and conveniently. VRI allows use of the same interpreter in multiple court facilities in the same half-day sessions, makes more efficient use of a limited resource, and eliminates travel expenses.

Other jurisdictions have pioneered use of remote language interpreting. Seven states have successfully implemented VRI. The Ninth Judicial Circuit in Florida provides centralized Spanish-language interpreting for over 22,000 court hearings per year in 67 courtrooms in seven court facilities covering 2,229 square miles. Certified interpreters are provided for initial appearances, arraignments, dependency and delinquency hearings and trials, traffic and misdemeanor cases, and felony pretrial hearings.

A 2013 National Call to Action report sponsored by the National Center for State Courts and the State Justice Institute, addressed the critical need for courts to develop, improve, or expand resources for individuals with limited English proficiency (LEP). A key recommendation was that courts utilize remote interpreting technology to fulfill LEP needs and ensure quality services.

The experience gained from the California ASL pilot programs and from use of remote language interpreting in other jurisdictions can be leveraged to:

1. Identify one or more courts willing and able to implement remote video language interpreting;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed; and
3. Pursue any statutory/rule changes required.

Major Tasks

- Implement remote traffic appearances in at least two other jurisdictions by the end of 2014.
- Implement remote video appearances in additional case types in at least one court by the end of 2015, subject to any required legislative and Judicial Council authorization.
- Implement remote video language interpreting in at least one foreign language, in at least two courts, by the beginning of 2015.

Dependencies

- Infrastructure/equipment.
- Collaboration/cooperation with other advisory committees, working groups, and other programs [Civil and Small Claims, Traffic, Court Interpreters Advisory Panel] and with the Judicial Council Court Language Access Support Program (CLASP).
- Collaboration/cooperation with local government and the public for remote traffic appearances in non-court locations.
- Collaboration/cooperation with justice partners.
- Collaboration/cooperation with other stakeholders (e.g., interpreters, bar associations).

Funding Requirements

One-Time

- Hardware, software, and telecommunications infrastructure if not currently available.
- Bandwidth/network upgrades if required.

Ongoing

- Annual maintenance and/or lease expenses for hardware and software.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

Types of Courts Involved

All courts serving large geographic areas, with diverse demographics, with sufficiently robust existing LAN/WAN or other supporting infrastructure.

Sample Timeline

Project 1: Expanded Remote Traffic Appearances

Milestone	Time Frame
Project launch	Q3 2014
Identify additional participating courts and requirements (funding/IT support).	Q3 2014
Implement video appearances in additional participating courts.	Q1 2015
Evaluate projects and identify expansion opportunities for additional courts/case types.	Q4 2015
Prepare any necessary rule of court amendments/legislative change proposals for submission to Judicial Council.	Q2 2016

Project 2: Remote Language Interpreting

Milestone	Time Frame
Define implementation guidelines/infrastructure and hardware requirements; draft any required enabling rules of court.	Q3 2014
Identify pilot project courts/vendors; prepare RFP if required.	Q4 2014
Select vendors; obtain Judicial Council adoption of enabling rules of court.	Q1 2015
“Go-live” in one or more pilot courts.	Q2 2015
Evaluate project and report to Judicial Council.	Q4 2015

California Courts Protective Order Registry (CCPOR)

Description

The California Courts Protective Order Registry (CCPOR) is a system developed and maintained by Judicial Council staff. Currently, the system is used by 32 counties to electronically process and access all restraining and protective orders and their proofs of service. By the end of fiscal year 2014–2015, six more courts will deploy CCPOR.

The system has created for the participating courts:

- A statewide registry for storing data and images of restraining and protective orders;
- A service allowing judicial officers and law enforcement agencies to access and view outstanding orders, reducing the possibility of conflicting orders across departments; and
- A gateway for processing orders to the DOJ's CARPOS (California Restraining and Protective Order System) quickly and accurately.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that are not available through the California Law Enforcement Telecommunications System (CLETS). In addition, information about court orders that is entered into CCPOR is automatically transmitted to CLETS.

Major Tasks

- Develop cost projections and recommend an appropriate funding approach for each of the remaining courts/counties. The funding requirements will include the hardware and software necessary to run the system as well as one-time and ongoing costs (e.g., an estimate of staff time required to operate the system).
- Develop and distribute a deployment roadmap including the experiences of existing court CCPOR users. The roadmap will take into consideration the unique hardware, software, and staffing environments of the courts yet to implement CCPOR. Some courts may already have a DMS and already be scanning protective orders, where other courts may not do any document scanning. Funding for a court that is already scanning should support system interfaces instead of additional scanning activity. The roadmap will also address the unique challenges of coordinating with local law enforcement agencies to gain the greatest benefits from CCPOR.
- Identify the sequence and time frames for the deployment of CCPOR to the 26 remaining courts.
- Develop a CCPOR vision and roadmap document that describes where CCPOR goes from here. Should the CCPOR user interface be enhanced for easier use? Should the system be expanded to process additional case types or interface with other systems?

Dependencies

- The program relies on an electronic image of each protective order. While a DMS is not required for CCPOR, courts with existing document management systems may have fewer challenges with configuration during deployment.
- Local law enforcement agencies must be willing and able to participate in the deployment of the system in each court.

Funding Requirements

One-Time

- Hardware, software, and storage for document images.
- Services to assist with the deployment of the system.
- Hardware, software, and services to develop interfaces with existing systems.

Ongoing

- Annual server hosting and document image storage fees.
- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for continued deployment.
- Ongoing costs must be covered by each individual court's operating budget.

Types of Courts Involved

This initiative will be focused on the 26 trial courts that have not implemented CCPOR. Non-participatory courts have been solicited for their interest and capability to implement the current CCPOR system. Courts that have participated in the interest survey and meet the grant stipulations to use one-time funding for deployment have been reviewed by the Judicial Council Technology Committee. The Superior Courts of San Francisco, Madera, Napa, Nevada, Sierra, and Trinity Counties have been approved for grant-funded deployments to occur in calendar year 2014.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q4 2014
Solicit interested courts.	Q4 2014
Develop funding requirements and model.	Q1 2015
Secure funding.	Q2 2015
Deploy next phase courts.	Q3 2015
Publish project report.	Q3 2016

Implement a Portal for Self-Represented Litigants

Description

Self-represented litigants (SRLs) are an increasingly large segment of the population that our courts serve, particularly in certain case types such as family law. Self-represented parties often have extreme difficulty in identifying the pleading forms they require, completing them accurately and legibly, and filing them in a timely manner. Self-help resources vary widely from jurisdiction to jurisdiction and have suffered from recent budget cuts. Restrictions on filing hours in many courts have placed significant additional burdens on both court personnel and on the litigants.

A central portal available to pro se litigants can take advantage of largely existing and available branch resources to provide better and more convenient service to the public, and to provide tangible benefits and efficiencies to the courts. A central access point for self-represented parties (and for community organizations that assist them) can provide consistent information resources, and can utilize already developed question-and-answer interview processes, “smart” Judicial Council forms, and document assembly tools to create complete, accurate, and legible form sets. Those forms can then be electronically filed with those courts that have the ability to accept the filings, or electronically delivered to those courts without e-filing capacity, using current branch infrastructure.

The cost of developing and implementing such a system can be largely, and perhaps entirely, borne by a modest service fee paid by non-indigent pro se litigants, at far less cost than now incurred when a self-represented party must take time from work and travel to what may be a distant courthouse to submit documents.

Major Tasks

- Determine and validate both litigant needs and court requirements.
- Identify available existing technology and infrastructure components to leverage.
- Identify information resources to assist litigants.
- Identify pilot project participant courts.
- Identify potential vendors and costs/RFP for portal development.
- Initiate pilot program at one or more courts.

Dependencies

- Funding requirements, funding sources, timeline, and milestones to be determined by project team.
- Existing branch infrastructure, including California Courts Technology Center resources, the integrated services backbone (ISB), and LAN/WAN program could be used to complement and supplement local court resources.
- “Smart Forms” have already been developed for many Judicial Council pleading forms, and document assembly software is already licensed at the branch level. There are a multitude of existing self-help resources at the branch and local court levels could be coordinated and leveraged.

Funding Requirements**One-Time**

- Initial development and deployment costs.

Ongoing

- Operational expenses associated with maintaining the portal.

Potential Funding Sources

- There may be sufficient vendor interest to allow initial development costs to be funded in whole or in part by one or more service providers. An RFP would be required to assess interest.
- Ongoing operational costs could be supported, in whole or in part, by user fees paid by non-indigent self-represented litigants.

Types of Courts Involved

Courts with existing e-filing solutions can benefit from a simplified pro se filer interface and integration with interview software and Smart Forms. Courts without e-filing capability can benefit from e-delivery of complete, accurate, and legible pleadings.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Needs and requirements assessment	Q2 2015

Jury Management Technology Enhancements (trial courts)

Description

This initiative will establish a roadmap for enhancing trial court jury management technology, including providing enhanced and expanded accessibility to jury services by the public and improved interaction with jury management technology by the trial courts.

Major Tasks

- Identify current jury management technology in use by all courts.
- Identify current access methods to juror services in use.
- Identify a comprehensive solution for jury management and automation.
- Pilot expanded accessibility options and communication methods for jurors.
- Pilot next-generation jury management interfaces and/or software.

Dependencies

Funding requirements, funding sources, timeline, and milestones to be determined by project team.

Funding Requirements

One-Time

- TBD

Ongoing

- TBD

Potential Funding Sources

Currently, there is a jury system grant program that the Judicial Council Information Technology Services Office helps administer. The jury system grant program's goals include assisting those courts that have a jury management system/module that is at risk of failure as well as funding system enhancements that provide greater operational efficiencies and provide jurors with greater access to information.

Types of Courts Involved

Trial courts.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Service Provider (EFSP) Selection/Certification

Description

Rule 2.253(b) of the California Rules of Court allows courts to mandate electronic filing of “documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to [specified conditions].” While not required to use an e-filing service provider (EFSP), many courts will choose this route as the EFSP will shoulder much of the workload in training users and providing technical support for e-filing transactions from the point of e-filing all the way to integration with the courts’ case and document management systems.

California courts currently support two e-filing standards for civil actions: the legacy 2GEFS (2nd Generation E-Filing Standard) standard and the future ECF/NIEM (Electronic Court Filing/National Information Exchange Model) standard. All case management system (CMS) vendors looking to do business in California are being required to support the ECF/NIEM standards. The scope of this project is for ECF/NIEM EFSPs.

On-boarding (or certifying) a new EFSP is an involved process that typically moves through solicitation, selection, contracting, integrating, and testing with the court CMS, and finally implementing. Historically each court would certify EFSPs individually for its particular CMS and jurisdiction. Today there are between 15 and 20 EFSPs doing business in some part of California.

The cost of developing and implementing an EFSP selection and certification process is dependent upon approach. There are three broad approaches:

- **Work with the CMS vendor community to establish the EFSP certification.** In this model, the majority of cost and workload falls onto the CMS vendor community. Courts do not typically share in “cost recovery.” This is historically the most common approach, but creates dependencies with CMS vendors.
- **Select a single vendor (CMS or EFSP) to serve as the statewide EFM.** In this model, the court selects a single vendor to operate a single e-filing gateway to courts. The branch typically implements a “cost recovery” model to fund implementation costs with the various CMS vendors. This approach is being implemented in Texas.
- **Develop and operate a CMS independent E-Filing Manager (EFM) that sits between CMS vendors and EFSPs.** In this model, the court builds and operates the e-filing gateway into which EFSPs and CMS vendors work. It is similar to the option above, but requires the court to play a more active role. In exchange, the costs to implement/operate are recovered by the court through convenience fees. This approach has been implemented in Colorado.

Major Tasks

- Assess merits of each approach and determine a path forward for California courts.
- Secure pilot funding, as needed.
- Develop EFSP evaluation criteria.

- Develop uniform contracts (CMS and/or EFSP, depending upon model).
- Identify pilot project participant courts.
- Initiate pilot program at one or more courts.

Dependencies

- Certification process must adhere to Judicial Branch Contracting Manual.
- Alignment with CMS strategy required.

Funding Requirements

One-Time

- Depend upon the approach selected.
- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- Depend upon the approach selected.

Potential Funding Sources

- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Deployment

Description

Electronic filing and storage of court documents is a national trend that is becoming a permanent feature of how litigants interact with the courts. When implemented, e-filing provides immediate benefits to the court through cost efficiency and accuracy and convenience to the filer. In California, only a very few courts are currently benefiting from e-filing and only in limited case types.

A fully successful e-filing implementation is typically characterized by:

- Majority of data entry is performed by the filer through a portal.
- Filing data and attached documents are transmitted to the court using Extensible Markup Language (XML).
- A court e-filing manager (EFM) tracks all inbound and outbound transmissions and performs some validation checking.
- Remaining validations are handled through a “clerk review” process, which can be automated.
- Accepted filing data is stored in the court case management system, the document is stored in the court document management system, and the notification of acceptance is sent back to the user.
- Court filing fees are typically paid electronically directly by the filer or through an intermediary.

Major Tasks

- Refine and distribute an e-filing deployment roadmap to aid courts in preparing for implementation.
- Survey courts to identify both the current state of e-filing and those courts with current interest and capability to implement e-filing.
- Identify funding mechanisms (e.g., court funded and/or user fee supported) for branch and local e-filing initiatives.
- Create and publish an e-filing implementation plan consistent with level-of-readiness criteria and available funding.
- Assess viability/desirability of a statewide filing portal for at least some e-filing functionality (e.g., self-represented litigants) and for e-delivery to those courts without e-filing capability. Develop plan accordingly.

Dependencies

- To achieve maximum benefit, the program relies on case and document management systems capable of supporting e-filing.
- In order to mandate e-filing, a court will need at least two e-filing service providers (EFSPs) or the court (or Judicial Council staff) will need to provide and operate an e-filing portal.

- If a portal is court-operated, a PCI-compliant infrastructure is also required to ensure security of filers’ financial information.
- Courts lacking a modern case and/or document management system can implement a variation of e-filing called “e-delivery.” E-delivery removes the dependency on modern case and document management systems but provides reduced benefits.

Funding Requirements

One-Time

- Hardware, software, and storage for the e-filing environment (portal, EFM, clerk review).
- Services to assist with the deployment of the system including portal, CMS, and DMS integration.
- Development of the e-filing portal (whether by the court or by an EFSP).
- Court staff costs to design the new procedures for handling case flow and filing fee management.

Ongoing

- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.
- Annual costs to support the portal and/or EFSPs.

Potential Funding Sources

- User fees paid by the filers.
- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Update and distribute e-filing deployment roadmap.	Q3 2014
Survey courts to gauge interest and readiness.	Q3 2014
Develop funding models.	Q4 2014
Publish e-filing implementation plan(s) for selected court(s).	Q1 2015
Assess viability/desirability for a statewide filing portal— all inclusive or specialized (e.g., self-represented litigants). Develop plan accordingly.	Q3 2015
Publish project report.	Q2 2016

Identify and Encourage Projects that Provide Innovative Services

Description

This initiative will investigate the potential for starting projects focused on providing innovative services to the public, the State Bar, justice partners, and law enforcement agencies. These services will provide a conduit for easier access to court resources and generate automated mechanisms relating to conducting court business. In addition, these innovative services will generate efficiencies within each judicial branch entity, thereby promoting more effective utilization of branch resources and existing infrastructure.

Major Tasks

- Establish a process for fostering local court and branch innovation.
- Determine available funding resources or cost recovery models.
- Examples might include:
 - Payment gateway/portal model for the acceptance of court fines and fees that is compliant with general computing environments, mobile devices, kiosk applications, and branch accounting standards.
 - Electronic search warrants system with the versatility to be hosted centrally or deployed independently at various courts.
 - Electronic probable cause declaration system with the versatility to be hosted centrally or deployed independently at various courts.

Dependencies

Availability of branchwide innovation fund would accelerate the identification and pilot of innovative services.

Funding Requirements

One-Time

- None.

Ongoing

- Branchwide innovation fund.

Potential Funding Sources

Initial funding through a budget change proposal (BCP), with ongoing funding from restoration of branch technology funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Final recommendation	Q3 2015

Establish an “Open Source” Application-Sharing Community

Description

This initiative will investigate the potential for creating a community inside the branch for sharing applications written within the branch. The community will follow an open source model where source code will be made available to anyone within the branch. Courts can then use or modify the code as they like. However, courts are encouraged to contribute any modifications or enhancements back to the community for inclusion in future versions of the application. Examples could include electronic warrant and digital signature application, court document purchase modules, electronic judicial workbench, et al.

Major Tasks

- Integration of Open-source software governance into the existing governance model.
- Repository for making applications available.
- Initial library of applications gathered from within the branch.
- Communication mechanism for promoting the repository.

Dependencies

Standards for Open-source software governance and management.

Funding Requirements

One-Time

- Potential costs for initial implementation of repository.

Ongoing

- Minimal ongoing costs for maintaining repository.

Potential Funding Sources

Sponsored by an individual court or through branchwide innovation fund.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Repository design and gathering of initial applications to be shared in the library	Q3 2015
Repository available for use	Q4 2015

Develop Standard CMS Interfaces and Data Exchanges

Description

This initiative will investigate the potential for developing a set of commonly used CMS interfaces and data exchanges that would be based on standards and be reusable by courts, vendors, and CMS exchange partners. Selected common, frequently used data exchanges and interfaces would be developed collaboratively by the courts, Judicial Council staff, vendors, and other exchange partners. Once available and tested through actual court implementation, the data exchanges and interfaces could be posted to a specially designed web portal that would be a searchable repository for the exchanges' interfaces and their associated documentation. The portal would also serve as a knowledge center for both creators and consumers of the data exchanges and interfaces, allowing for discussion threads and searchable knowledge resources. Finally the portal would also accommodate the certification and posting of court- or vendor-created extensions or modifications to the initial library of common data exchanges and standard interfaces.

Initial data exchanges, data classification activities, and interfaces would focus on the most used common exchanges such as exchanges between trial courts and the Department of Child Support Services, the Department of Motor Vehicles, the Department of Justice, the California Highway Patrol, the Franchise Tax Board, the Department of Social Services, the Department of Corrections and Rehabilitation, the Phoenix Financial system, collection providers, and common local justice partners. It is expected that the needed common exchanges could leverage work from existing court-implemented exchanges or from previous branchwide data exchange efforts.

Major Tasks

- Create governance model for managing the use, ongoing support, addition, or modification of data exchanges.
- Identify any existing interfaces that can be reused or modified for broader use.
- Prioritize list of possible data exchanges for initial development or leverage from existing work.
- Perform data classification for each exchange to determine security level required.
- Document court-generated requirements for each selected exchange.
- Compile functional and technical specifications for each selected exchange.
- Create library of completed and tested initial data exchanges.
- Collect associated knowledge center documentation for data exchanges.
- Budget to support ongoing maintenance of the repository and exchanges.
- Create web portal repository and knowledge center for library of exchanges.

Dependencies

- Alignment with CMS strategy.
- Available documentation from justice partners on data exchange requirements.
- Funding and resources from justice partners to develop their portion of the exchange.

Funding Requirements**One-Time**

- Costs for initial development.

Ongoing

- Annual maintenance cost.

Potential Funding Sources

Budget change proposal (BCP) funding or grant funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Identify exchanges to develop and fund.	Q3 2015
Begin development of initial exchange.	Q4 2015

Technology Initiatives to Optimize Branch Resources

Establish Hardware and Software Master Branch Purchasing/Licensing Agreements

Description

The initiative will establish master branch agreements (leveraged purchase agreements) with various hardware/software manufacturers and service providers after the completion of a statewide judicial branch procurement process. Ultimately, this will lower judicial branch spending on specific IT goods, as the agreements will establish better prices for hardware and software that all judicial branch entities (JBEs) can benefit from. JBEs that take advantage of these agreements will also benefit from additional savings as they will not incur costs from conducting local procurements. For manufacturers with existing state agreements and contracting pricing programs (i.e., Western States Contracting Alliance (WSCA) and California Integrated Telecommunications Network (CALNET)), this effort will strive to improve upon those and create judicial branch–specific discounts. The objectives of this effort are to provide an easy mechanism for courts to procure and source common hardware and software rather than impose standards. There will be no requirement to use master branch agreements. Additional value would be gained from the formation of groups using the same products, promoting opportunities for knowledge sharing and awareness.

The following criteria should be considered when deciding if a master branch agreement should be initiated:

1. Existing presence of a product deployed broadly or high demand for the product across the judicial branch.
2. Products in use or being considered that are positioned in the “Leaders, Visionaries or Challengers” section of Gartner’s Magic Quadrant or similar comparative analysis.

Major Tasks

- Summary of products that justify the effort for establishing master branch agreements.
- Business analysis to determine the scope of any RFP that will be issued for this initiative.
- Master branch agreements for computing and video hardware manufacturers.
- Master branch agreements for storage hardware manufacturers.
- Master branch agreement for Microsoft licensing.
- Master branch agreement for VMware licensing.

Dependencies

- The effort will require a significant amount of time from Judicial Council Legal Services and Business Services staff.
- Additionally, all JBEs will need to identify existing hardware and software licenses in the areas listed above to provide input to the benefit analysis.

- Surveys may need to be completed by each JBE to identify common needs and requirements.
- The output from other tactical initiatives may result in the need for master branch agreements to be established as part of this initiative.
- JBEs must follow the policies and procedures published in the Judicial Branch Contracting Manual and Trial Court Financial Policies and Procedures Manual.

Funding Requirements

One-Time

- The initiative is not expected to require one-time funding. However, considerable time will be required from Judicial Council legal and contracting staff involved with this initiative.
- Additionally, technology staff time from each JBE will be required to providing input on the prioritization and needs of both hardware and software products.

Ongoing

- Ongoing costs determined by specific agreements that are completed.

Potential Funding Sources

Funds will be handled individually by each JBE through normal allocations and operating budget.

Types of Judicial Branch Entities Involved

The Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and the Judicial Council will all benefit from this initiative.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Survey JBEs for existing commonalities and/or needs for hardware and software products.	Q3 2014
Analyze survey results, utilizing comparative analysis such as Gartner's Magic Quadrants, and determine high-priority and medium-priority selections of products and manufacturers that justify the need for a master agreement.	Q3–Q4 2014
Publish RFPs for high-priority products.	Q1–Q4 2015
Issue award contracts for high-priority products.	Q4 2015
Publish final agreements/documents for high-priority products and make accessible to all within the judicial branch.	Q4 2015
Publish RFPs for medium-priority products.	Q3 2015–Q2 2016
Award contracts for medium-priority products.	Q2 2016
Publish final agreements/documents for medium-priority products and make accessible to all within the judicial branch.	Q2 2016

Technology Initiatives to Optimize Infrastructure

Extend LAN/WAN Initiative to Remaining Courts

Description

Integrate the trial courts of Alpine, Los Angeles, Orange, and San Diego Counties into the branchwide telecom, network device, and security refresh schedule and determine program approach for the appellate courts.

Major Tasks

- Complete needs assessment for all trial courts, develop implementation recommendations, and determine funding needs.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish project plans for implementation.
- Deploy devices and implement services for the identified trial courts in alignment with the needs assessment and project plans.
- Publish program approach for eventual inclusion of the appellate courts into the refresh schedule.

Dependencies

- Needs assessments must be completed to identify and request the necessary funding.
- Staff at the identified courts must be able to dedicate the resources necessary to support the project.

Funding Requirements

One-Time

- Purchase costs of products, services, and maintenance contracts, as identified in the needs assessment for each of the identified trial courts.

Ongoing

- Continuing monthly costs for those ongoing services and maintenance contracts initiated in year one based on the needs assessment for each of the identified trial courts.
- New costs expected to be incurred as a result of eventual inclusion of the appellate courts into the refresh schedule.

Potential Funding Sources

Funding to integrate the few remaining courts would be provided through the budget change proposal (BCP) process, with future branch funding allocated for the statewide LAN/WAN infrastructure initiative.

Types of Courts Involved

This initiative is focused on those courts not yet been included in the branchwide telecom, network device, and security refresh schedule but would include a long-term strategy for all courts.

Sample Timeline

Milestone	Time Frame
Initiative launch ²	Q1 2014
Complete needs assessment, develop implementation recommendations, and determine funding needs.	Q1 2014
Finalize product, service, and maintenance contract procurement with vendor partners.	Q1 2014
Publish project plans for implementation at each of the identified courts.	Q2 2014
Publish long-term plan.	Q3 2014
Begin implementation of devices and services for the identified courts in alignment with initiative plans.	Q4 2014

² This initiative began in Q1 2014.

Transition to Next-Generation Branchwide Hosting Model

Description

The current California Courts Technology Center (CCTC) hosting model for information technology applications and services was developed largely based upon the strategy of central hosting of court case management systems and other shared applications. The branchwide strategy for the hosting of court case management systems has changed; therefore, the branch should reevaluate the CCTC hosting model to ensure resources and opportunities are being utilized as effectively as possible to address the needs of courts in alignment with the new strategic direction.

As hosting models and technology evolve, the most cost-effective branchwide strategy for application and services hosting may be enabled through a combination of selective consolidation, virtualization, and implementation of secure private and public cloud environments. The goal of this tactical initiative will be to determine an updated model for branchwide hosting.

Major Tasks

- Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish transition project plan.
- Decommission old services and implement new services in alignment with the needs assessment and transition plan.

Dependencies

- The needs assessment should align with the strategy and roadmap for the Digital Court initiatives.

Funding Requirements

One-Time

- Initial year one purchase of products, services, and maintenance contracts, as identified in the needs assessment and project plan.

Ongoing

- Continuing monthly costs for specified ongoing services and maintenance contracts initiated in year one.

Potential Funding Sources

- Branch funding for hosting services that are shared across the branch.
- Direct billing to the courts for court-specific services.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts. All courts and the Judicial Council will benefit from an updated branchwide hosting model tightly aligned with current and anticipated future business requirements.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.	Q3 2015
Finalize product, service, and maintenance contract procurement with vendor partners.	Q3–Q4 2015
Publish transition project plan.	Q1 2016

Court Information Systems Security Policy Framework

Description

In response to requests from courts, the Judicial Council initiated a court information systems security policy framework in 2007, integrating best practices from representative trial courts, appellate courts, and Judicial Council staff as a reference document for adoption into their local court information systems security policies.

The initial project was suspended in 2009 due to budget limitations. With a current focus on promoting the Digital Court, information security is a critical component to ensuring its success, and the project should be restarted.

The goal of this initiative is for every court to use the same security framework for adoption into their local information security policies. The framework provides a common reference point recognizing that local policies may not be the same among the courts.

The goals of the framework are:

- To suggest an overall information security policy, governance, and compliance model for the judicial branch to leverage when building security programs;
- To provide a holistic information security framework, based on the International Organization for Standardization's Standard 27002 (ISO 27002) that the courts can leverage in creating local policies;
- To provide guidance to all members of the judicial branch on the proper handling of sensitive information;
- To provide a basis for security training and educational awareness programs that can be developed by the courts;
- To provide the basis for the development of implementation standards, procedures, and guidelines for each platform, operating system, application, and security device that can then be monitored and enforced against the policies in the framework.

Major Tasks

This initiative will complete the framework project by:

- Finishing the work that was started on the Court Information Systems Security Policy Framework;
- Initially deploying the framework at a select group of pilot courts;
- Deploying the framework at the remaining courts as needed.

Dependencies

- The initial project enlisted a committee of 13 court representatives along with Judicial Council staff to represent the branch. A similar approach and participation is needed in order to properly represent all interested entities.
- The deployment schedule would depend on the number of participating courts and cannot be easily determined at this time.

Funding Requirements

One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with the adoption of the framework into their local policies. The amount of funding will depend on the number of participating courts.

Ongoing

- Minimal ongoing funds would be necessary to maintain the security policy framework to ensure its ongoing relevance and effectiveness.

Potential Funding Sources

This project was previously funded by the Telecommunications LAN/WAN Program.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete framework document.	Q1 2015
Begin deploying framework to pilot courts.	Q2 2015
Modify framework based on pilot.	Q1 2016
Begin deployment to other interested courts.	Q2 2016

Court Disaster Recovery Framework and Pilot

Description

While a robust and annually tested disaster recovery program has been instituted for the California Courts Technology Center, the appellate courts, the trial courts, and the Judicial Council have various levels of preparedness for disaster recovery of their technology resources.

This initiative would result in framework to assist the courts and the Judicial Council with a process for implementing a disaster recovery program that meets each individual organization's specific needs while leveraging resources and knowledge for the benefit of the entire branch.

The goals of the framework are:

- To suggest an overall disaster recovery model for the judicial branch to leverage in building individual organization disaster recovery plans and identify which components, if any, would apply branchwide.
- To collaboratively develop model disaster recovery requirements, service-level agreements, and priorities for each of the major technology components of the branch such as desktop equipment, networks, infrastructure, applications, security, data, etc.
- To work with a model court to test the framework by using it to develop a court-specific disaster recovery plan.
- To provide guidance to all courts and the Judicial Council on use of the framework and practical implementation guidelines.
- To develop a plan for implementing technology services that could be leveraged for all courts for disaster recovery purposes.

Major Tasks

- Model disaster recovery requirements, standard recovery times, and priorities for each of the major technology components of the branch.
- A disaster recovery framework document that could be adapted for any trial or appellate court to serve as a court's disaster recovery plan.
- A plan for providing technology components that could be leveraged by all courts for disaster recovery purposes.

Dependencies

- This project would be dependent on resources necessary to research and gather requirements and create the deliverable.
- Many of those resources would need to be court business and technical experts, while others would be disaster recovery planning experts.

Funding Requirements

One-Time

- Funding for disaster recovery consultant.

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with adapting the framework into their local needs. The amount of funding will depend on the number of participating courts in the initial pilot.

Ongoing

- Minimal ongoing funds would be necessary to maintain the framework to ensure its ongoing relevance and effectiveness.
- Additional funding requests would be developed out of this process for the purpose of procuring and implementing the technical components that can be leveraged by multiple courts and determining what else may be needed at the individual court level for unique court needs.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts. The framework should be applicable to all courts and to the Judicial Council.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Select disaster recovery (DR) consultant and court subject matter expert (SME).	Q4 2014
Develop requirements and recovery standards.	Q2 2015
Test with pilot court or courts.	Q3 2015
Develop funding request for DR at branch and court levels	Q1 2016

Technology Initiatives to Promote Rule and Legislative Changes

Identify New Policy, Rule, and Legislation Changes

Description

To align policies, rules of court, and legislation supporting the use of technology in the courts consistent with the Strategic Plan for Technology.

Major Tasks

- Identify the highest priority statutes necessitating review in order to facilitate the move to the digital court.
- Assess rules of court and statutes and develop recommended standards, guidelines, and templates regarding data privacy, data that courts can or cannot make available online, and data mining.
- Revise the *Trial Court Records Manual* on uniform rules and policies for electronic signature and verification.
- Develop branch and model court privacy policies on electronic court records and access.

Dependencies

- Judicial Council internal committees;
- Judicial Council advisory committees;
- Judicial Council Legal Services Office;
- Judicial Council Office of Governmental Affairs;
- External stakeholders (e.g., Legislature, law enforcement, etc.).

Funding Requirements

One-Time

- None required. This initiative requires staff support for Judicial Council internal and advisory committees for initial assessments and proposals.
- Time required for judicial officer and staff training on changes.

Ongoing

- None required. This initiative requires time for routine reviews of policies, rules, and legislation needs.

Potential Funding Sources

None required.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete review of rules and statutes, and recommend revisions and additions.	Q4 2014
Complete review of the <i>Trial Court Records Manual</i> and recommend revisions and additions.	Q1 2015

Initiative Timeline Summary

Strategic Goal	Initiative	2014				2015				2016			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Promote the Digital Court	CMS Assessment			■	■	■							
	DMS Expansion			■	■	■	■	■	■				
	Courthouse Video			■	■	■	■	■	■	■	■		
	CCPOR				■	■	■	■	■	■	■	■	
	Portal for SRL						■						
	Jury Management												
	e-Filing Service Provider												
	e-Filing Deployment			■	■	■	■	■	■	■	■		
	Identify Innovative Services					■	■	■	■				
	Establish Open Source Sharing						■	■	■				
	Develop CMS Data Exchanges						■	■	■				
Optimize Resources	Establish Purchasing Agreements			■	■	■	■	■	■	■	■		
Optimize Infrastructure	Extend LAN/WAN Initiative	■	■	■	■								
	Next Generation Hosting Plan					■	■	■	■	■			
	Information Security Framework			■	■	■	■	■	■	■			
	Disaster Recovery Framework			■	■	■	■	■	■	■			
Legislative Changes	Identify New Rules and Legislation			■	■	■							

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

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

This Tactical Plan for Technology and the associated Strategic Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed tactical plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, to work together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

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

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

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

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

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

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs. Additionally, the Bureau of State Audits (BSA)³ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

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

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

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. As per earlier documents, the task force was charged with:

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

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;

³ BSA has been renamed to California State Auditor.

-
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
 - Develop administrative and technical guidelines;
 - Identify and promote trial court collaboration and consortia for the benefit of technology;
 - Develop recommendations for a stable, long-term funding source for judicial branch technology; and
 - Delineate technology funding sources.

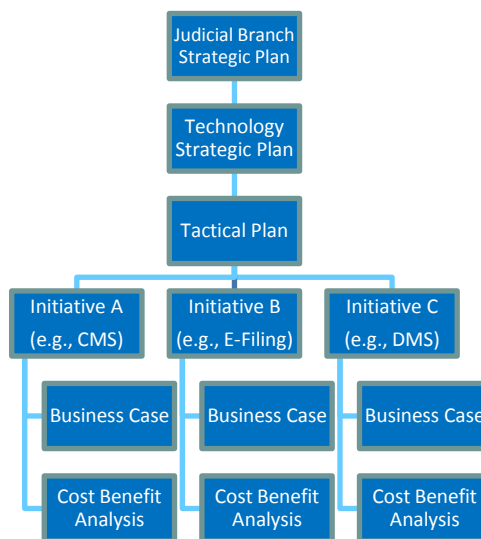
APPENDIX B: Technology Planning Task Force Structure

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

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

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

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



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

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

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

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

ITC number – N/A

TPTF – Internal Branch Comments on the Governance Funding Model, Strategic Plan, and Tactical Plan

Simple comment chart

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Kenneth A. Dones, Court Information Officer, Superior Court of Kings County		I've talked with my colleagues at other Courts and they feel good about what is covered in the Technology Roadmap and the Governance Strategy and Funding Proposal. They feel that the committees have done a great job in developing strategies and planning for these areas and moving forward in the future. The feeling is that having these goals and strategies for the judicial branch's overall objectives will help the trial courts get funding from the legislative branch in the future. My congratulations to all the committees for all of their hard work and for doing such a fine job at putting these tracks together.	None.
2.	Andi Ashby, Court Executive Officer, Superior Court of Lassen County		No comments from Lassen other than tremendous work! Thank you on behalf of fellow CEO's and courts. WELL DONE!	None.
3.	Linda Romero-Soles, Court Executive Officer, Superior Court of Merced County		... we have reviewed the Technology Planning Task Force documents (Executive Summary, Governance, Funding Models and Plans). The Strategic and Tactical Plan developed by the task force will help promote alignment of the branch IT initiatives with the business goals of the courts. Thank you for the opportunity to review these very important documents.	None.
4.	Rick Walery, Court Director of Information Technology, Superior Court of San Mateo County		San Mateo does not have any substantive comments on the documents.	None.

ITC number – N/A

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	Commentator	Position	Comment	Committee Response
5.	Hon. Roger Boren, Court of Appeal, 2nd App. District		I have reviewed all of the attachments to Judge Herman’s letter of 18 March 2014. The amount of effort that has gone into creation of these documents is readily apparent. Similarly I can take no issue with the goals, plans, standards, and proposed policies set forth in the documents. I perceive no basis to second-guess the decisions that have been made. Obviously consistent and adequate funding remains the biggest hurdle. From my end on the appellate courts, the present effort to further state-wide e-filing likely will be successful in some measure and will lead to further modernization. It is a unified effort. One can only hope that unified progress will be made in the trial courts and will supplant the go-it-alone and leave-me-alone attitude of some trial courts. I imagine some of these courts see no good in providing data and fodder for statistics to those upstream that will foster oversight by the Judicial Council and the legislature. So their efforts will be customer-based or focused. If the legislature is generally supportive of this state-wide effort, then it can be successful. I hope for the best. Thank you for your efforts and the opportunity to comment.	None.
6.	Hon. Glen Reiser, Superior Court of Ventura County		I am writing in response to the documents submitted for comment, and in particular,	Add additional clarification noting that both a "workstream" approach and "traditional"

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			<p>pp. 29-31 of the proposed Technology Governance and Funding Model. The model recommendation cites a perception that the Court Technology Advisory Committee has taken an "<i>ad hoc</i> approach to IT project oversight," citing failure to act on the "LAN/WAN network refresh". No other examples are cited. CTAC is a judicially-centric policy body making recommendations to the Judicial Council on <i>selected</i> court technology issues, and has never had advisory responsibility for managing large state-funded technology projects or day-to-day local court operations. CTAC, as an <i>advisory</i> committee, has never been a statewide "IT shop." CTAC does not now and never has "run" or managed IT projects. Outside of ITSO within the AOC (Mark Dusman's group), the vast preponderance of individual courts do not have the expertise to control, manage and administer branchwide IT projects and their funding. A strong case could be made that <i>none</i> of the individual courts have personnel with sufficient experience, capability and local court flexibility to be donated full-time to control, <i>manage</i> and administer technology in a \$3 billion statewide operation, including major branchwide IT projects and their funding.</p>	<p>ITSO driven approach will be used depending on the nature of the project and will be determined by ITAC on a per project basis.</p>

ITC number – N/A

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	Commentator	Position	Comment	Committee Response
			<p>The Governor's 2014-2015 Budget Summary just released declares that "[the Judicial Branch must continue to implement uniform standards... and operational efficiencies with the goal of increasing access to justice." The day-to-day expertise of branchwide IT projects has always been located and should be centralized within ITSO. Likewise, CTAC (or ITAC) should continue its mission of recommending the implementation of uniform standards and selected operational technology efficiencies within the courts. The Governor's goals are not satisfied by turning CTAC into an IT management shop. There is a value to local collaboration and being able to author strategic plans. The "workstream" approach that has been recently utilized on certain discrete, <i>ad hoc</i> transitional assignments (and I have been a workstream project leader) should not become the "model" for all future court IT project management. The amalgam of judges, CEOs and CIOs cobbled together to make recommendations after the loss of our uniform statewide case management system is no substitute for a full-time, experienced IT management team that has responsibility for all statewide court operations. I formally disfavor the approach identified at pp. 29-31 of the proposed</p>	

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TPTF – Internal Branch Comments on the Governance Funding Model, Strategic Plan, and Tactical Plan

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	Commentator	Position	Comment	Committee Response
			Technology Governance and Funding Model as inconsistent with established large-scale IT project management realities and the governor's goal of implementing uniform operational standards and operational efficiencies within the branch.	
7.	Lisa M. Galdos, Assistant Executive Officer, Superior Court of Santa Clara County		<p><u>Tactical Plan:</u> P 15 (1) Curious about how the planning will actually work since planning could be years before funding is restored. As such, the planning may be moot and have to be redone. (2) Should this reference be to all 4 goals and not just the Digital Court? Next page outlines all 4 goals.</p> <p>P 18 Isn't Digital Court a goal not an initiative?</p> <p>P 24 For VRI can't forget the Unions as a dependency.</p> <p>P 28 Might want/need to consider how indigent is defined and who should bear these costs?</p> <p>P 30 Jury service is a HUGE part of the courts. I'm concerned there are no target dates for this initiative. This actually may be an area</p>	The primary goals of the plans are emphasized throughout the documents that address Ms. Galdos' questions, comments, and concerns.

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	Commentator	Position	Comment	Committee Response
			<p>which needs more immediate attention than some of the other initiatives such as VRI or LAN/WAN.</p> <p>P 39 (1) Another dependency might be changes that may be needed with the JB contracting manual. (2) What does WSCA stand for?</p> <p>P 47 Believe this is another critical initiative that should be addressed sooner than later.</p> <p><u>Strategic Plan</u> P 18 (1) FYI...The Task Force on Accountability and Efficiencies is working on developing a catalog such as suggested here. Not sure if you knew so wanted to share... (2) Should we broaden to include all staff rather than just technical staff? How a clerk aligns with the goals is equally important.</p> <p><u>Governance and Funding Model</u> P 30 How will small courts have representation in terms of realistically providing "human resources"? I am wondering if we need to give more thought to how they will</p>	

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	Commentator	Position	Comment	Committee Response
			<p>participate in the process particularly if ITAC is going to have a bigger involvement moving in recommending projects and priorities.</p> <p>P 36 Maybe I missed it but where or when do all courts have an opportunity to review what ITAC is recommending? or do they?</p> <p>P 44 (1) should be invested in fully investigating the idea. (2) Again how will all courts be assured an opportunity for input?</p> <p>P 63 I think highlighting grants as potential funding source is a great idea. However, should there be a recommendation (not sure where) that AOC would need to expand their grants unit in terms of people and expertise? I know SC is one of few courts with a robust grants unit. In order to effectively seek grants and make the source a via the grants a true and viable funding source, there has to be attention to creating, enhancing, developing a unit/division that can seek, manage and trouble shoot any grant. It is a HUGE undertaking and should</p>	

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	Commentator	Position	Comment	Committee Response
			not be lightly suggested.	
8.	Hon. Peter J. Wilson, Superior Court of Orange County		<p>... In the executive summary (p 18), and appendix C to the Tech Governance and Funding Model, I am not able to follow/understand the “scorecard.” Is there a key somewhere explaining, for example, what the 0, 1, 2 and 3 columns represent, or am I missing something very obvious?</p> <p>And then the “nits”:</p> <p>In the executive summary at p 17, should “ITACC” be “ITAC” in the flowchart? Tactical Plan for Technology p20, sixth line of text down, “that” should be “than” Tactical Plan for Technology p22, sixth line of text under Project 1..., “relate” should be “related”.</p>	<p>Add additional explanation in the Governance document to clarify how the scorecard could be used.</p> <p>Reconcile with input from EGG.</p>
9.	<p>Jake Chatters, Court Executive Officer, Superior Court of Plumas County for</p> <p>Greg Harding, Information Technology Manager, Superior Court of Plumas County</p>		<p>Jake: Greg provided the question below. I know the why – it is a four year strategy but only two year tactically. Brian verbally has explained this quite well – but perhaps we aren’t as clear in the report:</p> <p>Greg: I have a question about is the 2014-2016 two year plan. In the general overview the branch states: “The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required</p>	<p>Add to the explanation of the Tactical Plan on page 15 that this plan covers the first 2 years of initiatives that support the 4 year goals described in the strategic plan.</p> <p>Add to the explanation of the Tactical Plan on page 15 that this plan covers the first 2 years of initiatives that support the 4 year goals described in the strategic plan.</p>

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	Commentator	Position	Comment	Committee Response
			<p>infrastructure and assets, and leveraging branch wide information technology resources through procurement, collaboration, communication, and education.</p> <p>But the only item on the list for the next two years in creating a master procurement agreement, so what about the other three items?</p>	
10.	Hon. Lloyd L. Hicks, Superior Court of Tulare County		<p>Page 63 of the Draft (in the context of routine maintenance costs, but in effect, per the model, all tech costs to be paid from court operating funds) states that once the Legislature covers the existing branch wide gap between funding for technology and the actual cost of providing it, then statewide technology funding would be allocated to individual courts <u>based on WAFM</u> noting that thereby “...each court would have been equitable funded to meet its needs.” The last statement is not true. It incorrectly assumes that all courts are receiving full funding based on (RAS) determined workload needs, but WAFM at this time does not do so.</p> <p>...This is a giant step backwards from the goal of equitable funding and cost sharing by all courts.</p>	Discussion required.

ITC number – N/A

TPTF – Internal Branch Comments on the Governance Funding Model, Strategic Plan, and Tactical Plan

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	Commentator	Position	Comment	Committee Response
			<p>...This is not fair to the under-allocated courts which agreed to a gradual and partial implementation of funding equity, in recognition of the need to give over-allocated courts time to adjust their operation costs to available funding.</p> <p>... There is a simple, fair fix. Do not allocate the tech money under WAFM. Allocate it directly based on the actual plan determined need. Thus, tech costs, at least, in under-allocated courts would be equitably funded.</p> <p>...To do otherwise would require already uner-allocated courts, which would, per the plan, lose the existing AOC directed tech funding, to take an additional hit and further reduce their funding, thus increasing the gap between over and under allocated courts, contrary to the goal of equitable funding for all courts.</p>	
11.	Jeanine D. Tucker, Court Executive Officer, Superior of Tuolumne County		<p>Our court believes that this is certainly a step forward, and a step in the right direction. The impact of the state’s economic woes have constrained the courts. The subsequent collapse of the CCMS project left all of the trial courts without a clear and strategic replacement plan for our case management systems. Courts without funds for maintenance,</p>	None.

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	Commentator	Position	Comment	Committee Response
			<p>much less capital improvements, can be expected to pursue cheaper alternatives to what they are using today. Doing so will result in less standardization between courts and further impediments to sharing information, and ultimately, in moving forward with long range technology solutions—which will not improve our standing in the eyes of the public, the legislature, DOF, etc. Implementing and following this process should result in better standardization and cooperation overall while allowing each court to make local decisions where appropriate. It also provides individual courts with a mechanism for influencing decisions that affect our branch as a whole. Included is a Governance Model, Strategic Plan, Tactical Plan and specific recommendations for governance and funding of the technology improvement process. If courts are going to be bound by the 1% reserve cap, the funding recommendations will be critically important and essential, especially to small courts who are facing major cash flow issues and who may not have the ability independently to purchase and implement a new VOIP system, let alone a new CMS. Thank you to everyone who has worked on this document. Well done.</p>	

ITC number – N/A

TPTF – Internal Branch Comments on the Governance Funding Model, Strategic Plan, and Tactical Plan

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	Commentator	Position	Comment	Committee Response
12.	Hon. Rivera and Hon. Covarrubias, as co-chairs of the Joint Working Group for California's Language Access Plan		Justice Rivera and Judge Covarrubias, as co-chairs of the Joint Working Group for California's Language Access Plan, remind the task force of our common interests in remote technology in the court house including remote interpreting, and advise that they plan to make substantive comment during the public comment phase. Comments are primarily anticipated regarding the tactical plan.	None.
13.	Hon. Tom Hollenhorst, Court of Appeal, 2nd App. District		Sorry to take so long in getting back. I read the letter and found the tone to be excellent. It does a great job of reprising the past with emphasis on a mutual coordinated effort in the future. I recognize there are different views of the CCMS story but it is wise to recognize for a HUGE segment of those interested in technology will be leery of any effort to resurrect it in any form. Otherwise, I think we are on the right road.	None.
14.	Hon. F. Dana Walton, Assistant Presiding Judge, Superior Court of Mariposa County		Judge Herman and members of the TPTF--I believe this model is one which will cause "buy-in" by the courts, which was not garnered with CCMS. Thank you all for your hard work and dedication to this most important issue. I note that my comment is late, as was at least one other comment. I hope it will still be considered.	None.

To add a page number, you click in the box with the # below (don't highlight "#"), select Insert – Page Number – Format Page Number – Start at [pick the first page number for the comment chart] - OK; then select Page Number – Current position – Plain number. Then simply delete the # character. (DELETE this box, too!)
 NOTE - you **cannot** simply type into the page number box to change it, you do have to go through Format Page Number dialog.

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	San Francisco, CA by “M”	AM	<p>Regarding San Francisco county ONLINE access for viewing of the cases, especially browsing By Name:</p> <p>1. Look for County of Alameda Website Terms of Use and Disclaimers as a model; most importantly: do NOT allow any COMMERCIAL LINKS to the court database! Alameda has it right, so does the any other county except San Francisco. Wide open access is not wise.</p> <p>2. Do NOT allow VIEWING of documents; Santa Clara and Contra Costa do NOT display those at all online and that's correct</p> <p>3. Mind a potential irreversible damages if the private info is exposed to public with no restrictions, as it is now. Thanks for your attention in this important matter.</p>	<p>These comments are not related to the Technology Governance and Strategic Plan document but will be forwarded to the Superior Court of California, County of San Francisco.</p>
2.	Mark R. Gelade, Supervisor, Web Communications, Administrative Office of the Courts	AM	<p>Thank you for the opportunity to comment on the Technology Strategic and Tactical Plans. These work products are very impressive and represent a significant milestone in envisioning the future of judicial branch technology.</p> <p>I am writing to suggest an additional component in support of Digital Courts.</p> <p>Although the committee may have seen an earlier draft of this proposal, I believe it would be a feasible goal within the two-year Tactical plan, as well as of direct benefit and service to the courts.</p> <p>Trial court websites are the digital face of the courts and usually represent the first point of contact for the public. They also represent a tremendous opportunity to deliver information and services to the public that can help reduce</p>	<p>The commentator’s support is noted.</p> <p>Implementation of the Trial Court Web Templates was not identified as a project to be included in the initial Tactical Plan (2014-2016). The proposed governance model provides a mechanism for new ideas to be considered and we encourage the commentator to submit his proposal to the Information Technology Advisory Committee during their annual planning process.</p>

SP14-04**Court Technology Governance and Strategic Plan**

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>unnecessary visits and calls to the courts.</p> <p>Today, approximately 15 trial courts throughout the state have adopted the new “user-centric” Web Templates developed by a working group of 10 trial courts and the AOC in 2010. These templates are now available at no charge to courts; however, many courts require additional support and resources to help implement and deploy these templates.</p> <p>I would like to request that the Technology Planning Task Force consider an addendum to the Tactical Plan to:</p> <ol style="list-style-type: none"> 1. Develop a two-year deployment and content migration plan to implement new Trial Court Web Templates, statewide; 2. Establish a trial-court “Digital Services Web Consortium” to: <ul style="list-style-type: none"> • guide and prioritize continuous improvement of trial court websites; • develop a Customer Service roadmap leveraging web technology (mobile, automated FAQs, and online Chat) to address customer needs; • create and share re-usable Web content modules for Jury, Traffic, and other high-volume areas in order to get court visitors online, instead of in line. <p>Thank you for your consideration.</p>	
3.	Salena Copeland, Executive Director, Legal Aid Association of California	AM	I am writing on behalf of the Legal Aid Association of California (LAAC) to provide public comment to the Judicial Council as it considers the proposed recommendations for judicial branch technology	No response required.

SP14-04

Court Technology Governance and Strategic Plan

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	Commentator	Position	Comment	Committee Response
			<p>governance, strategy, and funding.</p> <p>I am the Executive Director of LAAC. Founded in 1983, LAAC is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for almost 100 legal services nonprofits in the state.</p> <p>The attorneys at our member programs represent low-income clients in matters in California’s civil courts. These cases frequently involve critically important access to life’s basic necessities, such as food, safe and affordable housing, freedom from violence, health care, employment, economic self-sufficiency, and access to the legal system. These low-income Californians are court users who rely on the civil court system to protect and enforce their rights. Without fully accessible courts, our members’ clients and self-represented litigants would be unable to safeguard rights that many Californians take for granted. Based on this larger context of the importance of access to the courts, LAAC provides the following comments to the Technology Planning Task Force’s Technology Governance, Strategy, and Funding Proposal.</p> <p><u>Technology Vision</u></p> <p>On behalf of the legal services community, we wish to express our gratitude to the Technology Planning Task Force for addressing devastating reductions in judicial branch funding and for taking access to justice issues into consideration when revising and updating the strategic and plan governance model for technology in the courts. We commend the Task Force for adopting a Technology</p>	<p>The commentator’s support is noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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	Commentator	Position	Comment	Committee Response
			<p>Vision aimed at improving access to justice.</p> <p>Specifically, we would like to thank the Task Force for the inclusion of Technology Principles 1, 2, and 3, as each are of crucial importance to maintaining access to justice for low-income Californians.</p> <p>Principle #1, Ensure Access and Fairness. Use technologies that allow all court users to have impartial and effective access to justice.</p> <p>LAAC encourages the Judicial Council to keep low-income, self-represented or unrepresented, disabled, and rural litigants in mind specifically when being guided by this principle. LAAC <i>strongly</i> encourages the Judicial Council to recommend that all adopted technologies include a mechanism for fee waivers for indigent clients. LAAC additionally wishes to echo our previous position on technology comments to this body that all technology should also be fully accessible to people with disabilities, including vision and mobility impairments.</p> <p>Principle #2, Include Self-Represented Litigants. Provide services to those representing themselves, as well as those represented by attorneys.</p> <p>Individuals who represent themselves in California’s courts are often the individuals who cannot afford to be represented. Keeping these people in mind is important to the technology development process. We commend the Judicial Council for its decision to exempt all self-represented litigants from mandatory e-filing and instead allowing them to opt-in as desired.</p>	<p>The Task Force has added language to the Governance and Funding Model document in the section on Technology Principles to emphasize that technology should be implemented and deployed in a manner that does not create barriers to access – especially to indigent clients, people with disabilities, and language access. This language has also been included in the Strategic Plan Document under the Dependencies/Requirements for Goal 1: Promote the Digital Court – Part 2: Access, Services, and Partnerships. The Task Force has also added the Advisory Committee on Providing Access & Fairness as an example of a committee from which the Technology Committee should consider input when making technology decisions.</p> <p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through</p>

SP14-04

Court Technology Governance and Strategic Plan

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	Commentator	Position	Comment	Committee Response
			<p>Principle #3, Preserve Traditional Access. Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.</p> <p>Technology has tremendous potential to increase access to justice by expanding access to the judicial system. Technology itself is not equal among all Californians, however, so there exists potential for technology advancements to create unintended harm and additional barriers to justice for many of the most vulnerable Californians. For this reason it is of the utmost importance to preserve traditional access for those who may have difficulty filing documents electronically or may not have access to computers at all.</p> <p><u>Technology Goals and Tactical Plan</u></p> <p><i>Optimizing Branch Resources</i></p> <p>The legal aid community supports innovative technology that enhances access to justice for all Californians. LAAC encourages the Judicial Council, therefore, to keep the aforementioned Technology Vision principles in mind as it pursues its four technology goals.</p> <p>The stated goal of optimizing branch resources has the greatest potential to affect access to justice for low-income Californians. After reviewing the Task Force’s Strategic Plan and Tactical Plan with respect to optimizing branch resources, LAAC would advocate placing objectives 2.5 (educating court staff) and 2.6 (creating tools to educate the public) at an even higher priority. Educating those with less access to technology will be fundamental in</p>	<p>liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p> <p>The commentator’s views are noted.</p> <p>The commentator’s support is noted.</p> <p>The objectives for each goal were prioritized based upon the most critical business needs for the judicial branch within the next two years. The top priorities are considered foundational and necessary to support subsequent priorities.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>order to maintain access.</p> <p>LAAC has noted that objectives 2.5 and 2.6 are not currently addressed by any of the items in the Tactical Plan. Not only should these objectives be raised in priority, but pursuant to that re-prioritization they should be included in the Tactical Plan. In fact, there is only one initiative included in the Tactical Plan with respect to optimizing branch resources at all, let alone with respect to educating court staff and creating tools to educate the public.</p> <p><i>Self-Represented Litigants</i></p> <p>LAAC thanks the Task Force for its inclusion in the Tactical Plan of an initiative geared toward implementing a portal for self-represented litigants. LAAC strongly supports this service for self-represented litigants. For the reasons discussed above, LAAC strongly suggests that Technology Principle #3, preserving traditional access, is kept in mind during development of this portal. It is fundamental that the portal's resources accessible both electronically and traditionally through the courts as many self-represented litigants do not have access to or an adequate understanding of electronic technologies.</p> <p>For the same reasons, LAAC supports the Task Force's inclusion of principles involving ease of use and local decision-making.</p> <p><i>Information Technology Advisory Committee</i></p> <p>LAAC would advise that legal services representation is included during the creation of the new Information</p>	<p>Objective 2.5 is actually focused incorporating the content of the strategic plan into staff educational programs. Objective 2.2 is focused on educating court staff.</p> <p>The four-year strategic plan will be addressed by two two-year tactical plans. Based on priorities and resources available, the task force determined that Objective 2.1 could be addressed in the first tactical plan while subsequent objectives would be addressed in the next tactical plan.</p> <p>The commentator's support is noted.</p> <p>The commentator's views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>Technology Advisory Committee.</p> <p>Having a Committee member who is knowledgeable about the legal services community and the challenges faced by low-income Californians attempting to access the courts is extremely important. While increasing technology subject matter expertise is important, as acknowledged by the Task Force, an understanding of the most difficult communities to serve is also essential. LAAC believes that the easiest way to ensure this is to have legal services representation on the Committee and recommends that each local court include a legal services representative in their local decision-making process.</p> <p>LAAC respectfully requests that the Judicial Council recognize the potential impact on vulnerable Californians as planning and technology development under the Technology, Governance, Strategy and Funding Proposal progresses.</p> <p>Thank you for your consideration,</p>	<p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p>
4.	Alliance of California Judges, by William Kent Hamlin, Superior Court of California, County of Fresno	N	<p>On behalf of our 500 members, we thank the Judicial Council for the opportunity to comment on the 210-page seventh draft of the Court Technology Governance and Strategic Plan. We have concerns.</p> <p>First, in the wake of the CCMS disaster, we question whether the Judicial Council or the Administrative Office of the Courts should be playing any significant role whatsoever in technology planning for local courts. This isn’t just our opinion: the Legislature has repeatedly expressed its doubts about the ability of our branch administration to handle statewide technology projects.</p>	<p>The authority of the Judicial Council is defined in the Cal. Rules of Court, rule 10.1(a)(3). The responsibilities of the Judicial Council are described in Cal. Rules of Court, appendix D and include “Developing and maintaining administrative, technological, and physical infrastructures, including court facilities, that</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>The 2012 trailer bill that incorporated much of the reform agenda of AB 1208 expressly prohibited any spending on CCMS without the Legislature’s consent. The Assembly subcommittee that recommended more money for the courts earlier this year explicitly barred the use of that money for statewide computer projects. The recent success of the Sacramento Superior Court in developing a case search system without money or consultants from the AOC strongly suggests that the trial courts are perfectly capable of addressing their own technology issues without any input from the Council and the AOC.</p> <p>More specifically, we’re concerned that this “roadmap” leaves the door cracked open for another attempt at a statewide central case management system. We note that the report expressly envisions “branchwide programs and solutions” with “mandatory participation.” (See Executive Summary, page 10; see also page 25: “Some branchwide initiatives may be mandatory. . . .”) We also note with concern the wistful tone that the authors take in discussing the termination of CCMS: “The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state,” they write at page 67 of the Technology Governance and Funding Model, as though the termination of CCMS had been a bad thing. While some counties clearly need technology upgrades, wasting another \$1.5 to \$2.6 billion to implement the CCMS system would have wrecked the entire judicial branch.</p> <p>There should be no top-down development of additional branchwide technologies. There should be no mandatory</p>	<p>enhance accessibility to the courts and support the needs of the people of California and the judicial branch.”</p> <p>The commentator’s views are noted.</p> <p>The Task Force disagrees with the commentator’s view and notes that “Branchwide Programs and</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>participation. Local courts should have the power to say “no” to technology projects that do not suit their needs. No court should ever have to face the dilemma that Sacramento faced in 2010, when the Council disregarded local concerns and tried to force a local court to run CCMS on outside servers.</p> <p>More disturbing than any specific proposal is the report’s overall philosophy, one that emphasizes uniformity across the branch when it comes to speaking about technology. The report’s authors write at page 7 of the Executive Summary: “While there is no requirement for all courts to rely on a single technology solution, <i>it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.</i>” (Emphasis added.) We ask why. We wonder why we have to speak with one voice when we are 58 different courts with vastly different needs and preferences. One size does not fit all, and one voice does not speak for all.</p> <p>Second, we note that the “roadmap” is largely redundant. The report proposes (at page 8 of the Technology Governance and Funding Model) an approach that “centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives.” In plain English, the Task Force seems to be suggesting that local courts band together to come up with IT solutions.</p> <p>That’s already happening now, and without much AOC involvement. A case in point is the Sacramento-based consortium of local courts that are jointly evaluating off-</p>	<p>Solutions” are needed and should be considered based upon the criteria outlined in the Governance and Funding Model document, page 23 which includes factors such as “Represents substantial economies of scale.” or “Supports public safety through uniform access to vital information.”</p> <p>The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs. The Task Force recommends that the branch communicate its technology strategy in a unified manner through the publication of the governance and strategic plan documents.</p> <p>The Task Force recognizes the success of local courts working together as an IT community and therefore intends to formalize that approach as one model for implementing technology solutions for the judicial branch.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>the-shelf case management systems. The local courts are finding their own technology solutions in their own ways. We wonder why the Judicial Council needs a technology “governance model” and “road map” in the first place.</p> <p>Third, the “roadmap” never addresses the key problem that led to the CCMS debacle: the lack of openness and accountability. The terms “openness” and “open meetings” never appear in the entire document. CCMS, like a mushroom, sprouted and grew rapidly in darkness, and no one was ever held accountable for its failure. Any approach to judicial branch technology should begin with open meetings, clear business plans, and recorded votes.</p> <p>Fourth, we note that under the proposed governance model, Judge Herman and Justice Bruiniers will still play prominent roles in technology decision-making— the former in his capacity as chair of the Technology Committee, the latter as chair of the Court Technology Advisory Committee (CTAC), soon to be renamed the Information Technology Advisory Committee (ITAC). Both Judge Herman and Justice Bruiniers are members of the Technology Planning Task Force, which drafted the “roadmap.”</p> <p>Judge Herman and Justice Bruiniers were two of the most prominent and vocal proponents of the CCMS project. They staunchly opposed the audit of CCMS. They were also resolutely opposed to the decision to abandon it. As late as 2013, long after the State Auditor had completed her devastating assessment of the entire CCMS enterprise, Judge Herman was still referring to CCMS as "a technically successful, completed project." Justice</p>	<p>As stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p> <p>The commentator’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>Bruiniers, in the face of overwhelming evidence, recently said that "CCMS wasn't a technology failure, it was a political failure." While we respect our colleagues in their role as bench officers, we suggest that the branch might be better served by letting different judges take the lead on technology issues.</p> <p>We have one final problem with this report. It's unintelligible. The jumbled flow chart on page 17 of the Executive Summary, which purports to show the path from "Idea" to "Go!" with stops at "ITAC" for "Concept Review," the Executive and Planning Committee, and "other advisory committees as needed," verges on self parody. One sentence, from page 20 of the Executive Summary, gives the flavor of the whole thing:</p> <p>"The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education."</p> <p>Some variation of the verb "to leverage" appears over 80 times. We think it means "to get value out of," "to exploit," or "to salvage." Nowhere do the authors explain how "leverage" happens. We recall that the CCMS Internal Committee's efforts to "leverage" something of value from the remains of CCMS V4 came up empty.</p> <p>We don't need a roadmap to the future of branch technology. We need an investigation into its past. We need to figure out how a giant project as misbegotten as CCMS ever got started without a recorded vote of the</p>	<p>The commentator's views are noted.</p> <p>The Task Force is charged with addressing and making recommendations on the governance, strategy, and financial support for judicial branch technology for the future. Furthermore, the</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>Judicial Council. We need to understand how the AOC— an organization that employs over a hundred lawyers— could draft contracts so badly that the branch was left without a remedy when the entire project collapsed. We need to learn how an outfit with dozens of highly paid technology consultants wound up taking delivery of defective project components, allowing warranties to expire before the system was ever used. We need to know why no one—not a single AOC manager, consultant, or contractor—was ever held responsible for what is probably the greatest IT failure in the history of state government. And we need to know why the AOC still employs 156 staff in the IT department, including 46 contractors, long after the termination of the CCMS project.</p> <p>We hope that the eighth draft of the “roadmap” will include these simple principles:</p> <ol style="list-style-type: none"> 1. The Judicial Council and the AOC will never again try to foist a uniform case management system upon the local courts. 2. When it comes to technology, the role of the Council and the AOC is a limited one. The Council’s Technology Committee serves in an advisory, not a managerial, capacity. It should help to coordinate local efforts, draft model master agreements and contracts, and assist in developing ways through which the judicial branch shares data with other government agencies. 3. The Council should streamline its technology committees, advisory committees, working groups and task forces. 	<p>Governance and Funding Model document, page 10 states “Additionally, the Bureau of State Audits (BSA) reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch.”</p> <p>See response above regarding the role of the Judicial Council along with the description of Branchwide Programs and Solutions.</p> <p>Action and review was taken by the Judicial Council. Cal. Rules of Court 10.30 (e) Preference for using existing advisory committees, states</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>4. Any committee meeting at which money is budgeted for trial court technology, or at which rules and policies are promulgated, will be an open, noticed meeting with detailed minutes and recorded votes.</p> <p>5. No project gets approved without a clear and detailed business plan which includes a cost-benefit analysis and a designated, adequate funding source.</p>	<p>“Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.”</p> <p>See previous response regarding Cal. Rules of Court, rule 10.75.</p> <p>The Technology Governance and Funding Model, page 48 states that “After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).</p>
5.	Courthouse News Service, by Rachel Matteo-Boehm, Bryan Cave LLP	AM	<p>On behalf of Courthouse News Service, we respectfully submit this brief response to the invitation to comment (SP14-04) regarding the Court Technology Governance and Strategic Plan, also referred to as the "technology roadmap."</p> <p>Courthouse News Service is a national news service focusing on the court record, from the initial pleading through judgment and appeal. Its subscribers include most big law firms, in California and throughout the nation, as well as a host of law schools, and media outlets. Courthouse News covers every major civil courthouse in every county in California on a regular basis. On a national basis, it has a greater number of correspondents covering courthouses than any other media outlet in the nation. It is by virtue of this role that Courthouse News has seen firsthand the impact that technology has had on media and public access to the courts, both positive and</p>	<p>No response required.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>negative.</p> <p>On the one hand, technology has made it possible for the courts to make court records more accessible by allowing those records to be reviewed remotely over the Internet, although this remote access is often conditioned on payment of a fee.</p> <p>But at the same time, the transition from a paper to electronic records has frequently been accompanied by policy decisions that have diminished transparency at the courthouse itself. As noted by Courthouse News in response to prior invitations to comment, administrators in a minority of California courts, most notably the courts that were early adopters of CCMS, have taken the position that they will not make newly-filed civil actions available for review at the courthouse until after full manual processing by court staff, resulting in persistent delays in access. In some of these same CCMS courts, new complaints are given a "received" stamp on the day a new civil complaint is submitted to the court for filing and then, after processing, a "filed" stamp backdated to the date it was received. In the meantime, the media and public are prevented from seeing the new case until it is backdated. To make matters worse, the public access terminals at some of these courthouses frequently break down, making it impossible to review court records even on a delayed basis. And last year, the Judicial Council adopted amendments to the Rules of Court that created a new "officially filed" designation fore-filed records, despite the strong objections of media and open government commenters (Item W13-05).</p> <p>These delays and outright denials of access at the</p>	<p>The commentator's views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>courthouse are not a necessary byproduct of the shift to an electronic record. The fact that it is not necessary to downgrade media access at the courthouse for technological progress is aptly demonstrated by the many courts throughout the country now offer remote electronic access to the court record even while maintaining timely, reliable access at the courthouse itself. Rather, the deterioration of access at this minority group of California courts is the result of conscious policy decisions.</p> <p>These delays and outright denials of access at the courthouse are not a necessary byproduct of the shift to an electronic record. The fact that it is not necessary to downgrade media access at the courthouse for technological progress is aptly demonstrated by the many courts throughout the country now offer remote electronic access to the court record even while maintaining timely, reliable access at the courthouse itself. Rather, the deterioration of access at this minority group of California courts is the result of conscious policy decisions.</p> <p>The media and open government community should be involved, in a meaningful way, in the creation of these rules, standards, guidelines and legislation. With all due respect, meaningful involvement of these stakeholders means more than simply providing an opportunity to comment on draft rules, standards, guidelines and/or legislation. It means involving the media and open government community at an earlier stage- whether through working groups, in-person meetings or other similar collaborative processes- to ensure that concerns about transparency and public access are discussed and fully addressed in any rules, standards, guidelines or legislation that are ultimately adopted.</p>	<p>The Task Force encourages the commentator and other organizations to provide input into the technology decision making process through liaisons.</p> <p>Additionally, input and feedback may be provided at specific meetings as stated in Cal. Rules of Court, rule 10.75, “The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies.”</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>Courthouse News greatly appreciates the consideration of its views on these matters.</p>	
6.	<p>Judge Emily E. Vasquez, Superior Court of California, County of Sacramento</p>	AM	<p>First, this report on Technology Governance, Strategy and Funding of future technology solutions and initiatives is very impressive. I thank the Technology Planning Task Force under the direction of Judge James Herman for compiling this thorough report. I would like to make the following suggestions:</p> <ul style="list-style-type: none"> a. It is critical to any technology initiative that the specifications for any solution/project [for trial courts] be drafted to accommodate the needs of the trial courts. The specifications must provide the trial judges and the court staff with the help that they need to adjudicate the cases and fully enter the “digital era”. b. Another important component to the success of any new technology initiative is to immediately and efficiently address problems or issues that may arise with the new technology application. It is crucial that any problems with a new technology solution not be ignored or allowed to remain unchecked. c. Lastly, it is significant to the success of this technology proposal to have participants on the committee with different points of view regarding the efficient uses of technology in the courtroom and courthouses to have greater “buy-in” and to ultimately produce a better end-product. 	<p>The commentator’s support is noted.</p> <p>The Technology Governance and Funding Model, page 44 states “Competing with the need for innovation is the need to remain focused on goals and outcomes.” and that “...the court community and state stakeholders will have an opportunity to provide input on the concept.”</p> <p>The commentator’s views are noted.</p> <p>The Task Force agrees and states in the Technology Governance and Funding Model, page 30 “Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain.”</p>

SP14-04**Court Technology Governance and Strategic Plan**

All comments are verbatim unless indicated by an asterisk (*).

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			Please do not hesitate to contact me if you have any questions regarding this information. Thank you for your consideration and courtesy.	
7.	Joint Working Group for California's Language Access Plan, by Hon. Maria P. Rivera, Hon. Manuel J. Covarrubias	AM	As the Chairs of the California Judicial Branch's Joint Working Group for California's Language Access Plan, we read your four part statewide Technology Plan with great interest. We make these comments as co-chairs, and not on behalf of the full working group. Congratulations on distilling such complicated and important work into these well thought out documents. We applaud your efforts to maintain a path for technological innovation within such a highly structured plan. Much of that innovation will occur at the local court level, which is why it is so critical that the statewide Technology Plan raise	(See responses to comment 3 above.)

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>awareness about the important need for, and the possibilities for, crossover between language access and technology.</p> <p>We support the Technology Plan with the comments and modifications outlined in this response to your invitation to public comment. Our main concern is the lack of specific references to many of the issues that pertain to increasing language access via technology in the higher level guiding parts of the plan. (The “Video Remote Interpreting” project in the two year Tactical Plan (p. 24) is the only specific mention.)</p> <p>Language access actually encompasses a full spectrum of access needs, from easily understood signage and document translations at one end, all the way up to the one-on-one services provided by a highly skilled court certified or registered interpreter on the other. To this date, most language access discussions in California have focused on court interpreter issues. It is critical that this Technology Plan help to raise awareness about the need for language access through technology in other areas, not related to interpreting (e.g., electronic information kiosks or providing self represented litigant portals in English, Spanish and common languages other than Spanish). We are proposing additions that will help to raise that awareness.</p> <p>There are also underlying data collection and other technical support pieces that are essential to all of the specific language access related programs that exist or are expected to be incorporated in the final Language Access Plan later this year. So, for example, as the Technology Plan considers points of data exchange between the courts</p>	

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>and our justice partners, we want to make sure you will be including language access. The tracking of court interpreter services through the Court Interpreters Data Collection System (CIDCS), the early identification of Limited English Proficient (LEP) court user language access needs and technological scheduling tools are the kinds of tasks which must be fully incorporated as integral to court operations—and therefore worthy of the full, cross-disciplinary support of the Branch. We will propose additions that will help assure the underlying infrastructure and data collection that is needed to create a foundation for language access.</p> <p>While certain groups or issues, such as the need for access for self-represented litigants, are well integrated into the Technology Plan, there is no language access thread as the Technology Plan is currently written. We would like to see references inserted into appropriate places throughout the documents that would treat language access as a “core court operation,” that is, a matter that is understood to be as common as e-filing or document management. Below we are proposing additions that will help to more fully integrate language access into the Technology Plan.</p> <p>Please let us know if we can be of any support to your committee as you finalize this remarkable Technology Plan. Below you will find sections which we specifically support and our specific suggestions, document by document, for incorporating language access into the California Judicial Branch’s technological future.</p> <p>DOCUMENT BY DOCUMENT COMMENTS AND SUGGESTIONS</p>	

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>Identify opportunities to address language barriers with high quality technological solutions.”</p> <p>3) p. 17, Rationale, 2nd paragraph, last sentence: Please note that uniformity of experience is also required for LEP court users. Consider adding “, including LEP court users,” after “public”</p> <p>4) pp. 18- 20, Guiding Principles 12-14: We specifically support guiding principles 12, 13 and 14 and believe that they could facilitate increased sharing of scarce interpreter resources around the state, as well as improving innovative language access solutions including workshops or bilingual staff sharing.</p> <p>5) pp. 21-25, Technology Initiative Categories. See bottom paragraph p. 25: Please note that language access should be considered for projects related to a number of categories, including related to language use and need data collection, court collaboration related to interpreter or bilingual staff use, etc.</p> <p>6) p. 37, Advisory Committee Input: Please note that members of the Joint Working Group for California’s Language Access Plan, or an implementation entity which results from the adoption of the final plan, are available to provide expertise on initiatives, as outlined in this section.</p> <p>7) p. 61, Operations—Keep It Running, Examples, please add: “support and maintenance for the Court Interpreter Data Collection System (CIDCS) and other language access tools”</p> <p>8) p. 61, Innovation and improvement: We specifically</p>	

SP14-04

Court Technology Governance and Strategic Plan

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			<p>support bullet 3 as it may lead to important and localized improvements in language access.</p> <p>9) p. 62, New branchwide initiatives: We specifically support consideration of language access as part of branchwide initiatives. Ongoing branchwide standards and protocols: under examples, after “e-citations” add “early identification of language needs”</p> <p>10) p. 65, Grants: add “language access” after “access to justice” and before “remote interpretation”</p> <p>11) p. 87, Appendix D or other locations related to funding: please include language access as a “basic cost of doing business” as funding is considered and advocated going forward. Please also include language access as part of “basic core court operations.” Additionally, certain language access tools including the purchase or development of an interpreter scheduling system may also require one time funding to get started as on pp. 95-96.</p> <p>Strategic Plan for Technology (2014-2018):</p> <p>1) p. 6, Business Context: add, after “serves 38 million people” the following: “of whom 7 million have limited English proficiency.”</p> <p>2) p. 7, Include “including Limited English Proficient court users” OR include the new 15th principle: “Improve Language Access Through Technology. Identify opportunities to address language barriers with high quality technological solutions.”</p>	<p>(See responses to comment 3 above.)</p>

SP14-04**Court Technology Governance and Strategic Plan**

All comments are verbatim unless indicated by an asterisk (*).

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			<p>3) p. 8, Summary of Technology Goals imagery: same change as in Executive Summary visual, including language access as an example.</p> <p>4) p. 10, 1.1.4 final bullet: add “and enable language access.”</p> <p>5) p. 13, 1.2.1: add “and LEP litigants” after “self-represented litigants”</p> <p>6) p. 14, Potential areas of focus: add a new bullet “Limited English Proficient court users. Leverage existing technology or technology expansion to provide information in multiple languages or share resources with other courts.”</p> <p>7) p. 19, We support investigation regarding VoIP, as VoIP is among the needed tools for expanding language access.</p> <p>Tactical Plan for Technology (2014–2016) beginning at page 153 in the PDF:</p> <p>1) p. 7 [carry forward comment from p. 6 of Strategic Plan]</p> <p>2) p. 8 [carry forward comment from p. 9 of Executive Summary]</p> <p>3) p. 9 [carry forward comment from p. 19 of Executive Summary]</p> <p>4) p. 23, 2nd bullet: add “and registered” after “certified”</p>	<p>(See responses to comment 3 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>5) p. 24, We specifically support Project 2, but not to the exclusion of other innovations that might be pursued in the local courts.</p> <p>6) p. 24, item 2. Use the phrase “if needed” rather than “where needed” since existing equipment may be sufficient.</p> <p>7) p. 24, item 3. At this time no rule or statutory changes are needed, but should such a need arise, we support this item.</p> <p>8) p. 25, Dependencies, 2nd bullet: add the Joint Working Group for California’s Language Access Plan implementation committee (or other implementing entity) and the Advisory Committee on Providing Access and Fairness.</p> <p>9) p. 25, Types of Courts Involved: add “isolated courts or courts not co-located with certified or registered interpreters in languages of high need”</p> <p>10) p. 26, add “Spoken” to the title.</p> <p>11) p. 26, in the Milestone grid, item 3, insert “if needed” after “enabling rules of court.”</p> <p>12) p. 29, Major Tasks: add “Include LEP court users as a major demographic subset of self represented litigants.” Technology solutions for LEP self-represented litigants should be included in all aspects of this discussion.</p> <p>13) p. 38, Dependencies: add “Align with the statewide Language Access Plan (expected adoption 12/14).”</p>	

SP14-04

Court Technology Governance and Strategic Plan

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8.	California Commission on Access to Justice c/o State Bar of California, by Hon. Ronald B. Robie,	AM	<p>The California Commission on Access to Justice reviewed the Judicial Branch’s Technology Planning Task Force document <i>Technology Governance, Strategy, and Funding Proposal</i>, and submits the comments below.</p> <p>In 2012, the Judicial Branch issued a document entitled, “<i>Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.</i>”</p> <p>The Access Commission supported the guiding principles, noting that they would help ensure access to justice and protect low-income litigants, and were sensitive to issues of access for a broad range of users. The Access Commission reviewed the proposed <i>Technology Governance, Strategy, and Funding Proposal</i> with these guiding principles in mind. The Commission is pleased to see that, in many respects, the proposed <i>Technology Governance, Strategy, and Funding Proposal</i> adheres to the guiding principles. The Commission, however, submits the recommendations below to further strengthen the plan.</p> <p>The proposed Information Technology Advisory Committee should include representatives from legal services.</p> <p>Pursuant to the proposed plan, the Court Technology Advisory Committee will be restructured into the Information Technology Advisory Committee to develop, recommend, seek input, and facilitate initiatives. See pp. 9 & 53 of 210. To ensure that the impact of new technology initiatives on low income Californians is considered fully, we recommend that the Committee include representation from the legal services community throughout the development process.</p>	<p>The Commission’s support is noted.</p> <p>(See responses to comment 5 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>The courts currently work in partnership with legal services in self-help centers through Equal Access-funded partnership grants, and in the court-administered Shriver Project, so working together on the Information Technology Advisory Committee would be consistent with these practices.</p> <p>Fee waivers for the indigent should not be difficult to obtain. The Commission recommends streamlining applications for fee waivers. We recommend consideration of blanket or presumptive fee waivers for those assisted by qualified legal services programs, as is currently the practice in some areas. For self-represented litigants, we recommend that only one form be required to determine whether they meet the income standards to waive all court fees. Where the form requires review, the process should be short, so that it is not a barrier to court access.</p> <p>The Access Commission was pleased to see that proposed fees for a self represented litigant portal would be only for non-indigent litigants, and that the Advisory Committee “is mindful that such fees may represent a barrier in access to justice...” See pp. 181-182 of 210. In order to help diminish barriers to court access, we recommend that the plan explicitly adopt this approach in all areas where fees for forms or services may be contemplated.</p> <p>Public education and support for technology should be multilingual.</p>	<p>(See responses to comment 3 above.)</p> <p>The Commission’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>As the Standing Committee on the Delivery of Legal Services (SCDLS) noted in 2011, when commenting on the guiding principles, “(t)raining and support for users should be culturally competent and offered in languages spoken by a threshold percentage of people in the applicable county.” The Access Commission agrees with this recommendation since any new technology initiatives will be most effective when used by those who fully understand how to use them.</p> <p>Recognize the limitations of remote interpretation and video hearings.</p> <p>The Commission supports the use of interpreters wherever and whenever they are needed. The Commission also supports, where necessary, expansion of services through technology. We support the creation of guidelines that take into account the benefits and limitations of video remote interpreting (VRI), video hearings, and other technologies and that provide guidance on when these technologies can be used.</p> <p>Clarify that principles supporting “access” and “ease of use” apply to people with disabilities who use court services.</p> <p>The guiding principles expressly acknowledged the importance of ensuring access and ease of use of any new court technologies. We recommend that the proposal incorporate these values to ensure that new technologies meet disability access standards and facilitate access for people with disabilities. When making decisions about new technologies, we trust that budgetary concerns will not</p>	<p>The Commission’s support is noted.</p> <p>(See responses to comment 3 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>drive migration to inaccessible technologies. We encourage the addition of disability-specific expertise on committee membership and the evaluation of all technology and user practices for disability access.</p> <p>Maintain the commitment to preserve traditional access.</p> <p>While the proposal is intended to focus on the adoption of new technology plans and systems, as the guiding principles set forth, we recommend that the Branch continue to “accommodate... persons needing access through conventional means.”</p> <p>The application of this principle will help ensure that courts are accessible to all, despite Californians’ disparate levels of computer access, broadband availability, and literacy.</p> <p>The Commission appreciates the opportunity to submit these comments.</p>	The Commission’s views are noted.
9.	David G. Graham, Dept Information Systems Manager, Monterey County Probation	A	These are all well written documents.	No response required.
10.	California Department of Social Services, and Office of Systems Integration, by Adam Dondro, Assistant Director, California Department of Social Services	A	<p>The California Department of Social Services and the Office of System Integration value the efforts of the Technology Planning Task Force and appreciate the opportunity to comment on this Technology Governance, Strategy, and Funding Proposal.</p> <p>The California Department of Social Services and the Office of System Integration are working together to</p>	No response required.

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>procure and deliver a new statewide system to replace the existing Child Welfare Services Case Management System (CWS/CMS). One objective of the CWS New System Project is to create an interface with courts to assist in juvenile dependency and delinquency court proceedings. Our objective aligns closely with two goals in this Judicial Branch proposal:</p> <ul style="list-style-type: none"> • Promote the Digital Court - Developing standard CMS interfaces and data exchanges • Optimize infrastructure - Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information. <p>With the cancellation of the California Court Case Management System (CCMS) in 2012, a major concern for the CWS New System has been how to develop an interface when there is not a single court system to interface with. We are very pleased to see this Technology Governance and Funding Model which will provide a method to coordinate branch-wide or consortium solutions that must interface with the new system for Child Welfare Services.</p> <p>The California Health and Human Services Agency (HSSA) is glad to see the consideration of data exchange standards including the mention of NIEM. The HHSA and its departments are looking to adopt standards, and would welcome the opportunity to collaborate and necessarily align those standards.</p> <p>The California Department of Social Services and the</p>	<p>The commentator’s support is noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>Office of System Integration are looking forward to continued collaboration with the Judicial Council Technology Committee. We support the restructuring of the Court Technology Advisory Committee into the Information Technology Advisory Committee. As the committees continue to refine the strategic and tactical plans, we plan to be included early and often in discussions on case management, especially in the development of standard interfaces and data exchanges for programs administered by the California Department of Social Services. We believe better information exchange is critical to the ability to effectively serve vulnerable clients that cross over between our systems.</p> <p>Thank you for the opportunity to comment.</p>	
11.	<p>Ron Dolin, J.D., Ph.D., Fellow, Center on the Legal Profession, Instructor of Law, Stanford Law School</p>	AM	<p>Introduction My background includes a Ph.D. in computer science, having worked for several years on software development in the early years of Google. After leaving Google, I went to law school and am a member of the CA bar. While I teach legal technology at Stanford Law School, I am not a practicing attorney, nor do I have sophisticated knowledge of courtroom technology. I consider myself a good example of the type of audience toward whom this document might be geared, in order to allow a broad level of feedback. With software design documents, I like to assume that a reader has a certain level of knowledge, such as a junior engineer just coming into the project. I'm not sure what background is assumed in these documents. Where my comments may miss the mark, consider adding additional background material or pointers sufficient to allow someone like me to be able to understand and more</p>	No response required.

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>accurately critique the proposal.</p> <p>In terms of facilitating feedback, it would help if the sections, tables, figures, etc., were numbered; this makes it easier to associate the feedback with the original document. In a similar vein, it would help if there were a table of contents in the Executive Summary, since the section hierarchy isn't clear on a per-page basis, and, in addition, such a table makes it easier to determine if a potentially missing topic is likely covered elsewhere in the document (for example, the mechanism with which committees make decisions). Unfortunately, I had only enough time to review the Executive Summary.</p> <p>Executive Summary Governance Technology Principles (p. 8) I don't understand why “preserving traditional access” is a guiding principle. It's self-evident that in the spirit of access and fairness, traditional access is likely going to remain a requirement for the foreseeable future. However, this is an artifact of the current system and no more a basic requirement than arguing that we should continue to use cathode ray tubes. Traditional access should not be a goal in and of itself. Where libraries want to maintain a brick-and-mortar facility, there is generally a reduction in shelf space as material moves to digital. Thus, where courts require traditional access to fulfill some underlying objective, those objectives need to be clarified directly and transparently. Even if there might be political considerations here, those underlying goals should be made clear.</p> <p>Designing for “ease-of-use” could be more broadly</p>	<p>The commentator’s views are noted.</p> <p>The rationale behind this principle can be found in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives”, page 8. Discussion and commentary on the document can be found here: http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf</p> <p>The commentator’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>defined as “human-centered design methodology”, which would include ease-of-use, but extend to problem identification via ethnographic work, rapid prototyping and testing, etc.</p> <p>For “plan ahead”, I’m concerned that there’s no mention about using well-established technology. While I highly recommend innovative approaches, there are limits to the usefulness of trying to push the boundaries of leading/bleeding-edge technology within a system that must continually function – like changing the wheel on a car while driving it. Innovation in re-implementing a legal function is harder if using technology that’s inadequately tested, robust, or stable.</p> <p>I agree that “technology standards” are crucial. In fact, I don’t think this guideline goes far enough. All projects should be encouraged to align with national or international standards where they exist. To the degree that various states, or the federal court system, or other adjudicative functions may be moving to standards such as XML-tagged documents, it would be helpful for the entire national legal system if CA would participate in that. Furthermore, it would be even more helpful if CA courts would participate in the making of such standards, such as information exchange, checksums of evidence documents, formats and citation harmonization, etc.</p> <p>There’s no main principle mentioned for “evaluation”. In order to assess any new technological implementation, the old and new systems need to be compared in terms of efficiency, quality, robustness, etc. Often the old system hasn’t been adequately evaluated, and assumptions exist as</p>	<p>The rationale behind this principle can be found in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives”, page 17. Discussion and commentary on the document can be found here: http://www.courts.ca.gov/documents/jc-20120831-itemA.pdf</p> <p>The judicial branch participates in standards bodies focused on the creation and management of technology standards at the state and national level. Examples include: CA Traffic Records Coordinating Committee chaired by the Office of Traffic Safety with oversight by the National Traffic Safety Administration, CA Statewide Data Sharing Task Force chaired by law enforcement associations, National Center for State Courts (ECF e-filing standard), National Association for Court Management, Forum on the Advancement of Court Technology, and the Court Information Technology Officers Consortium.</p> <p>The Technology Governance and Funding Model, page 48 states that “After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>to its characteristics. An evaluation methodology is often quite complicated and can require a lot of ground work and/or human input. The new system works best if it can be tuned and optimized to ongoing metrics. For example, the evaluation methodology of e-Bay seeks to optimize by lowering the number of disputes per transaction, in addition to the number of disputes that require human assistance. Planning an evaluation mechanism for each system is crucial to the success of a new implementation and requires its own planning, budget, etc. It can't be adequately done as an afterthought. Proper evaluation is a central, core guiding principle. A guiding principle might be something like “projects should have associated evaluations as equal components of the work product.”</p> <p>Another missing principle relates to timing and expediency, and inevitable development trade-offs. The triple prong of technology development is generally cost, quality, and time, where the client can optimize any two. I'm guessing that some projects might need to emphasize timing. In any case, it's usually worthwhile for developers and clients to recognize and discuss that these trade-offs exist for most/all projects, and to get on the same page about priorities, minimal viable product, etc. While this inevitably will come out at some point, projects go smoother the earlier this is resolved. A guiding principle might be something like, “projects should have an appropriate and transparent balance of timeliness, cost, and quality.”</p> <p>Technology Initiative Categories (p. 10) I'm concerned that the “local programs and solutions” examples include courtroom A/V, personal computers, and electronic probable cause statements. All of these are</p>	<p>determine risk, costs, benefits, and return on investment (ROI).</p> <p>See previous response.</p> <p>The examples provided represent how typical technologies would be currently categorized. Inclusion of a particular example in the document</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>amenable to standards that would make life easier to court users. The implication here is that there is a do-it-yourself approach to these applications without gaining from broad standards or a consortium mindset. It's difficult for me to see how differences between jurisdictions for any of these examples wouldn't be an impediment to the adoption of new technology. Consider the role of a startup trying to create courtroom innovation and working with differences between the courts in just the examples given. There could be much more clarity here about when it's OK to allow for one-off approaches and where that doesn't make sense. The examples given imply to me that the proposal is potentially perpetuating the free-for-all that we see across the county that makes courtroom innovation so difficult to adopt. Innovation for courts is likely to come from outside the courts at least as much as within the courts, so long as the courts work together to adopt similar standards and thus increase the market-based motivation for such outside efforts.</p> <p>Roles and Responsibilities (p. 12) It is not clear from the document how committees handle decision making. I don't assume that a majority vote is necessarily optimal, nor that letting the chair decide with committee advice necessarily works best either. As an example, the structure of "evolving" CTAC goes from a percentage of types of staff to, simply, an unspecified increase in staff with expertise in technology and project management. However, without knowing how the committee makes decisions, it's difficult to assess what type of committee composition would be most effective. If these technical staff object to a project proposal and that objection is overridden, you could be left with unrealistic goals. In addition, it's unclear what "technology expertise"</p>	<p>does not imply that it would be always categorized in that manner. Technologies in one category could be re-categorized into other categories depending upon business need, technology evolution, or other changes that align with the corresponding criteria identified in the Technology Governance and Funding Model, page 23.</p> <p>Decision making is a collaborative process. Decisions are typically made by majority vote and other positions are also reported.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>means here. Is this a self-described hacker, someone with an engineering degree, someone with non-court technology experience? The same could be said of project managers.</p> <p>Another point of confusion is the curious flipping of points 1 and 2 in the “evolving CTAC” table in the row on “Responsibilities”. A committee often has multiple charges that they need to balance, and that might be listed in their charter without a presumed prioritization, which can be left to the judgment of the committee. By flipping 1 and 2, it implies that these are in priority order, and thus CTAC's priorities are changing to emphasize project development over rules and legislative proposals, while apparently that was reversed currently. I would simply note that this is a non-prioritized list, not switch it, and leave it to the committee to set their priorities given their charter.</p> <p>While “staffing” may change from AOC to the general court IT “community”, the staffing of projects may well be ineffectual without a clear line of authority to set staff priorities and individuals' decision making values (see, e.g. Innovator's Solution by Christensen and Raynor). Merely assigning bodies to a project does not facilitate project management, and where the head of a project has no authority over the staff assigned to the project, the project can languish. It's not clear to me how organizational hierarchies align with staff assignments under this model, or what recourse a project manager has to expedite a stalled project.</p> <p>The role of the JCTC vs. ITAC is confusing to me. The confusion is confounded by statements such as this: “In</p>	<p>Observation of the implied prioritization is correct. The evolution of CTAC to ITAC includes a greater emphasis on technology projects.</p> <p>The commentator raises an issue that is commonly found in a “matrix organization” where resources for a project do not necessarily all report into the same management structure. In these structures it is important to have a clear project sponsor to resolve potential resource and priority conflicts. The recommended role of ITAC as the sponsor of technology initiatives specifically addresses this situation.</p> <p>The Task Force acknowledges that the recommended role of ITAC is not one of a</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee.” In general, advisory committees are not tasked with hands-on facilitation. The goal of such committees is to review priorities and active projects from the executing committee – in this case, JCTC. I wonder why an advisory committee is being placed between JCTC and the “IT Community”, as opposed to it being a side-box that simply informs JCTC. On the face of it, asking an “advisory” committee to “facilitate” work is an oxymoron, and the description of the ITAC's charge is consistent with this confusion and blurring of roles and responsibilities. I can't see any reason not to have the advisory committee as 100% advisory, and clarifying that execution mandates derive directly from the JCTC. Any staff working on execution/facilitation can work directly through the JCTC, and that leaves the role of the ITAC more clearly defined. In a large bureaucracy such as the CA court system, the more that committee roles can be clear and focused, the more likely staff will understand the decision making hierarchy, and the less likely they will be given conflicting priorities by multiple committees. Alternatively, if the JCTC doesn't want to handle direct facilitation, an implementation committee can handle staffing and project management rather than handing that to an advisory committee.</p> <p>For governance of the strategic plan, I understand why the JC should give final approval. However, I don't see why the JC should be involved in approving a tactical plan, which should simply be implementing goals set out by the JC. The point of separating strategic and tactical planning is in part to minimize the work at the top levels of the</p>	<p>traditional advisory committee. The Technology Governance and Funding Model, page 28 describes the rationale for this structure and supports the commentator’s position of focusing the responsibilities of the JCTC while assigning the role of what the commentator describes as an “implementation committee” to ITAC.</p> <p>As stated in Cal. Rules of Court, rule 10.1 (a)(2) “The council establishes policies and sets priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.”</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>court hierarchy, as well as to streamline the execution of the high-level goals. Thus, I would switch the final approval of the tactical plan to the JCTC and leave the JC out of it. In theory, the tactical plan should be frequently updated (annually?), while the strategic plan should be more stable.</p> <p>In the governance summary table (p. 16), taking a step back, it starts looking like there could be too many cooks spoiling the broth. And if that structure isn't enough, the table is footnoted with this: "Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee." Going back to my prior comment that expediency should be one of the guiding principles, note that this level of feedback could grind project approvals to a halt. If all these committees want to interject opinions, than this needs to be streamlined at the policy level, not at the project initiative level. Trying to get approval or feedback from all these committees seems burdensome. At a minimum, there should be tight turn-around deadlines for these committees to comment, and it should be made clear whether or not they have authority to block projects. And where is the "court-user" or "citizen-representative" advisory committee (apropos to my prior suggestion of the importance of design methodology and user testing)?</p> <p>Approval of New Branchwide Initiatives (p. 16) "If the proposal requires escalation due to urgency or impact, then it can be submitted directly to the Technology Committee." Who determines if there is</p>	<p>The commentator's views are noted.</p> <p>The governance structure provides a standard escalation path for decision making. Proposals that are raised to the Judicial Council Technology</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>sufficient urgency or impact? Again, as with general governance, this feature seems to add needless complication and confusion. Why don't all proposals go to one place, with a section for claiming urgency or high impact or any other reason to expedite, and have a uniform process for evaluating those claims? What are the disincentives to submit all proposals directly to the TC?</p> <p>The approval diagram has 6 “stops”, with approval required by several committees, including the same committee multiple times. In addition, it's not clear if committees are given a limited time to reply, with the default being that the project moves forward if the comment deadline isn't met. It's also not clear what responsibility the initiators have with respect to negative feedback other than, apparently, they must get specific sign-off from each committee in the process. This seems to be a heavyweight process that makes technology and innovation difficult. As stated before, this process might be streamlined, while allowing for feedback, by 1) removing veto power from most of these committees and switching to comments (which may need to be addressed, though not necessarily accommodated), 2) putting hard stops on feedback deadlines, 3) conceptually, changing “stop” to “revise”, 4) removing redundant reviews by the same committee, and 5) removing needless choices such as the dual submission process.</p> <p>Program Prioritization Criteria (p. 18) The overall priority mechanism seems straightforward. However, it is not clear where the weightings come from – who determines them and why? Also, if there are projects that might yield breakthrough results, they might get low scores on several of the criteria and never have a chance to</p>	<p>Committee are evaluated by the committee and determined if there is sufficient urgency or impact. The committee would direct the proposal to ITAC if there was not sufficient urgency or impact.</p> <p>The commentator’s views are noted and will be considered as the approval process evolves over time.</p> <p>The Judicial Council Technology Committee is responsible for setting weightings based upon current business priorities. The tool is intended to model the high level focus areas and priorities that the committee would typically use in their decision</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>move forward. Another possible prioritization mechanism would allocate resources according to some balance between incremental vs. substantial impact, or sustaining vs. disrupting orientation (again, see, e.g. Innovator's Solution). It's reasonable to allocate some part of the budget to more risky endeavors that might yield more substantial changes, and allow for a two-prong submission rating system. It's not clear that pitting all proposals against each other with a standard set of criteria in a one-size-fits-all framework will lead to the optimal project portfolio that might otherwise include some higher-risk projects. It's reasonable to work with a framework of allocating, say, 10% of the technology budget to disruptive, rather than sustaining, innovation. [See also the section below on "Technology Funding Categories."]</p> <p><i>Strategic Plan and Tactical Plan (p. 19)</i> Why is the strategic plan four years, and the tactical plan two years? Will we see a new strategic plan every four years? Where in the plan would we find a publication mechanism for modern, standards-based, permanently publicly available court opinions and other "public" associated documents such as briefs, motions, and evidence? If this is not in the plan, why not?</p> <p>How will we reconcile a move to digitization with the fact that the most underserved are least likely to have access to the systems required to utilize these changes? Will the courts provide access points, and, if so, do we know that they're effective? What about the development of mobile apps, given the prevalence of smart phones? Are we looking into the possibility of remote video-based juries to expand the jury pool and minimize the impact of serving on a jury? What is the relationship between the court</p>	<p>making process. Additions, deletions, or changes to the criteria, such as the ones the commentator suggests, can be made by the committee to best reflect their evaluation criteria.</p> <p>The commentator's assumption is correct. The complete cycle and process for technology strategic planning is described in the Technology Governance and Funding Model, page 40.</p> <p>Publication of court documents is described in the Strategic Plan for Technology (2014-2018) page 10.</p> <p>Guiding Principle #3, Preserve Traditional Access described in the Technology Governance and Funding Model, page 14 addresses the commentator's concern regarding access.</p> <p>Additional technologies being investigated are outlined in the Tactical Plan for Technology (2014-2016) and include mobile and video</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

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			<p>system and the increased use of ODR – might we see ODR being rolled out in small claims? What types of online assistance are being considered?</p> <p>Technology Initiatives (2014-2016) (p. 22) It would be great to see a specific initiative dedicated to the publishing of court documents within a framework of national standards that incorporates XML tagging of sections, named entities, metadata (e.g. procedural information), citations, etc.</p> <p>Funding (p. 23) It's sad to see the sorry state of funding of the CA court system, with the conclusion that the current situation will continue indefinitely: “funding for technology must be restored by the Legislature.” Such a predicament calls to question the entire plan, and certainly makes questionable the 2014 start date. I'm reminded of the public defender's office in FL refusing to take on more cases until funding levels were raised due to a lack of constitutionally mandated access to defense attorneys. I wonder how broken the court system needs to be until it might be viewed as no longer fulfilling its constitutionally mandated mission.</p> <p>Technology Funding Categories (p. 23) It's great to see categories that include maintenance as well as innovation. This section states that these categories form the basis for “strategic” fund allocation, leaving one to wonder how “tactical” fund allocation is decided. Furthermore, referring back to the “Program Prioritization Criteria” section, the single scorecard method proposed seems inconsistent with this funding allocation discussion. Here, it seems that funds might be organized by category,</p>	<p>solutions.</p> <p>The “Document management system expansion” and “Develop standard CMS interfaces and data exchanges” initiatives outlined in the Tactical Plan for Technology (2014-2016) , page 21 and page 38 address these areas.</p> <p>The commentator’s views are noted. As mentioned in the Technology Governance and Funding Model, page 56 “The current funding situation for technology in the branch is bleak.”</p> <p>The detailed funding model which includes potential funding sources and a description of the allocation and governance of funds is described in the Technology Governance and Funding Model, Funding section, beginning on page 56.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>with some amount going to maintenance, some for incremental improvements, and some going for innovation. These two models need to be reconciled – perhaps an overall budget on a per-category basis, and then within each category, a separate scorecard could be used to prioritize projects within the same category.</p> <p>Funding Sources and Governance (p. 26) If different types of funding are handled by different entities, the relationship between prioritization and funding is increasingly confusing, let alone the management of project staff. As an outsider, it's difficult to grasp the interaction between all the moving parts of the CA court system and the impact of its structure on command and control, prioritization, and funding. It would be nice to understand what BCP means, though based on the other documents it seems to mean “Budget Change Proposal.” Given that it's used for three of the four categories of projects, it's probably worth explaining in this document.</p> <p>Conclusion While I recognize that this is an Executive Summary, there are many important details not mentioned, or, at a minimum, pointed to. For example, the “Technology Initiatives (2014- 2016) section (p. 22) has placeholders for actions such as “investigate and propose”, rather than a pointer to the Tactical Plan that might give additional information. I assume that those details do not yet exist, yet the details of the sought-after technology are crucial to evaluate the effectiveness of this plan. Moreover, the specific allocation of resources split between innovation and maintenance is important, but not directly discussed. I assume that there is a minimum budget required for</p>	<p>See previous response.</p> <p>“BCP” refers to the California Department of Finance Budget Change Proposal and will be clarified in the Executive Summary document.</p> <p>The commentator’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			system maintenance, and knowing that would help make clear how a given Legislative budget would impact the Court's ability to initiate new projects.	
12.	<p>Disability Rights California, by Catherine J. Blakemore, Executive Director</p> <p>Disability Rights Education & Defense Fund, by Linda D. Kilb, Director</p> <p>Disability Rights Legal Center, by Paula D. Pearlman, Executive Director</p> <p>Legal Aid Society– Employment Law Center, by Jinny Kim, Director</p>	AM	<p>On behalf of the undersigned California-based, IOLTA-funded non-profit disability rights advocacy organizations, we appreciate the efforts that have been undertaken to craft a California Judicial Branch Technology Governance, Strategy and Funding Proposal (“Technology Governance Proposal”). We also appreciate this opportunity to offer our insights and recommendations in response to the Invitation to Comment (“Invitation”).</p> <p>Our four offices are either solely or significantly devoted to advancing and protecting the civil rights of people with disabilities. All signatories have an extensive presence in California, and are nationally recognized for their decades-long experience with and expertise in both federal and California disability civil rights law analysis. Additional description of each of the signatory offices, with complete addresses, is attached as Appendix A.</p> <p>We applaud the Judicial Council for recognizing the significance that current rapid technological developments have to the Judicial Branch, and the implications for access to justice for all Californians. This context was also the impetus for the Judicial Council’s prior consideration of a proposal for mandatory e-filing (Item Number W13-05). The undersigned offices participated in that earlier process via submission of a January 25, 2013, public comment letter. Because the insights memorialized in our January 2013 letter (“W13-05 letter”) are also relevant to the pending Technology</p>	<p>No response required.</p> <p>The commentator’s support is noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>Governance Proposal, we incorporate and cross-reference them here. We are resubmitting a copy of our January 2013 letter contemporaneously with these new June 2014 comments, and we request that both comments be made a part of the record for SP 14-04.</p> <p>In June 2013, the Judicial Council adopted recommendations as to mandatory e-filing that recognized and addressed key concerns expressed by commentators from California legal services offices, including some identified in our W13-05 letter. In particular, we commend the Judicial Council for exempting self-represented litigants; adopting legal services community recommendations as to e-service and fee waivers; and acknowledging the critical importance of disability access.</p> <p>We hope that the Judicial Council will be equally open to the insights offered by the legal services community as to the Technology Governance Proposal. We again note our agreement with points raised in SP14-04 submissions by the Legal Aid Association of California (LAAC), and other legal services commentators. We again write separately to focus on several issues of particular concern within the scope of our collective disability rights expertise.</p> <p>1. Need for Explicit References to Disability Rights & Disability Access We appreciate that the Technology Governance Proposal’s outlines of goals and plans are generally broad enough to encompass disability access requirements and issues. However, we are concerned that there is no explicit</p>	<p>No response required.</p> <p>(See responses to comment 3 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>reference to disability access legal mandates or disability access specifics, beyond brief references to American Sign Language (ASL) interpreters in the limited context of Video Remote Interpreting (VRI) in the courtroom. Both the legalities and practicalities of disability access need to be consistently and thoughtfully addressed in all aspects of the final technology governance plan and its implementation. <i>See</i> W13-05 Letter at pp.3-4 & nn.6-9 (citing and discussing federal and California disability rights laws); and pp.14-15 (identifying specific access concerns relevant to various disabilities).</p> <p>2. Need for Designated, Consistently Available, Well-Resourced Disability Access Expertise</p> <p>The Technology Governance Proposal appropriately references the importance of technology expertise, and the propriety of delegating various details as appropriate. This includes reliance on the Judicial Council Technology Committee (JTC), and the proposed new Information Technology Advisory Committee (ITAC). As a side note, we endorse the proposal to re-designate the current Court Technology Advisory Committee as the new ITAC. This name change correctly reflects the breadth of technology’s importance to the entire judicial branch — including more than just courts per se, and reflecting the integral nature of technology to communication and information exchange generally.</p> <p>However, it is critically important that the Judicial Council commit to ensuring that these committees (or any other resources to which delegations are made) include high-quality, consistently available disability-specific expertise. This could be accomplished by designating specific in-house staff to be responsible for providing</p>	<p>The commentator’s support is noted.</p> <p>The commentator’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>disability access expertise, provided such staff are given the time, training and resources needed for the job. This could also be accomplished by use of outside disability access consultants. In some instances, a combination of both may be best. Realistically, this will likely require allocating funding for disability access. But regardless of how the expertise is structured and funded, it cannot appropriately be an afterthought. It must be front-and-center, both because disability access is explicitly legally required, and because it is integral to realizing the true promise of access to justice in California in the twenty-first century.</p> <p>3. Innovation and Experimentation Must Not Compromise Fundamental Disability Access Mandates We appreciate the value of fostering innovation and experimentation, particularly given that — as the Technology Governance Proposal notes — there is an enormous diversity of circumstances and needs among different California court systems (e.g., urban v. rural, varying demographics, varying language needs, etc.). However, innovation and experimentation must not compromise fundamental disability access mandates. These fundamentals must be explicitly emphasized and understood as the starting point for any subsequent innovation and experimentation.</p> <p>4. Budgetary Concerns Must Not Drive Migration to Inaccessible Technology We recognize that reliance on technology can improve efficiency and access of various kinds in many circumstances — it can be a good thing. <i>See also</i> W13-05 Letter at pp.2-3 (disability-specific discussion of technology advantages). We also</p>	<p>The commentator’s views are noted.</p> <p>(See responses to comment 3 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>recognize that the migration to technology is inevitable, given both the benefits that it brings, and budget limitations that have forced the courts to reduce personnel and otherwise contain costs. However, technology shifts that are being driven primarily or significantly by budgetary concerns must be especially closely scrutinized. The judicial branch has a legal obligation to ensure that expediency is not driving a migration to inaccessible technology.</p> <p>5. Widely Available Technologies and User Practices Must Be Independently Evaluated for Disability Access We appreciate the Judicial Council’s desire to respond to a broader public increasingly sophisticated in the daily use of technology, as well as the desire to ensure greater compatibility with dominant information technology systems currently in use or developing in the broader society. However, there are disability access deficits in many currently available or developing technologies. Some available technologies and patterns of use have not been thoughtfully designed in consideration of disability access concerns. Some may violate disability rights law mandates applicable to the private sector, other public sectors, or both. Regardless, they have not been vetted for compliance with judicial branch disability access mandates and practicalities. The Judicial Council cannot simply reactively adopt and endorse widely available technologies and user practices. It must make an affirmative, independent, thoughtful analysis of disability requirements and concerns, consistent with its own legal obligations and practical needs.</p> <p>6. The Technology Governance Plan Should</p>	<p>(See responses to comment 3 above.)</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>Anticipate Input From Access & Fairness Advisors We appreciate the acknowledgement that the JCTC exists within the Judicial Council’s broader structure, and that the JCTC must gain important input and perspectives from other committees. In particular, the Technology Governance Proposal specifically and appropriately identifies the importance of input from (a) Business and technology advisors, (b) Funding advisors, and (c) Leadership advisors. However, the absence of explicit reference to Access & Fairness advisors is striking. Access & Fairness input should also be specifically referenced and contemplated.</p> <p>Again, we commend the Judicial Council for recognizing the critical importance of a thoughtful approach to judicial branch technology governance, strategy and funding issues. As with ongoing e-filing and e-service developments, we would be happy to serve as a further resource to the Judicial Council as to the recommendations memorialized in this comment, and in our prior W13-05 letter.</p>	<p>(See responses to comment 5 above.)</p> <p>The commentator’s support is noted.</p>
13.	Consulting for Innovation, by Lynn Johnson	AM	<p>Thank you for this opportunity to participate in this important process. Please accept the following comments and suggestions with the best intentions of a California citizen and a technology professional. They are meant to be helpful only and to serve by sharing information and perspectives which may be useful and constructive.</p> <p>Please understand if further explanations or considerations are desired, I will be honored to provide such.</p> <p>General impressions: The sincere and considerable work of the Technology</p>	<p>The commentator’s support is noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>Planning Task Force, since the termination of the California Court Case Management System, is apparent in the detail and attention to problems addressed in this document. It is clear that the attempt to learn from that experience is sincere and involved the work of a range of talented and concerned professionals.</p> <p>Without any information from the debriefing of that experience, the following objectives seem apparent in the content and perspective of the technology plan document. Those objectives include:</p> <ul style="list-style-type: none"> • An attempt to include and leverage local as well as branch-wide innovation and leadership. • Collaboration as an “information technology community” in a number of consortia. • Viewing courts as innovation centers. • A detailed governance model accepting a level of independent court decisions balanced by guidelines, standards and practices developed at the branch level. <p>Concerns: The following concerns are offered here to examine the assumptions and conditions for those objectives.</p> <ul style="list-style-type: none"> • Inclusion of local resources, especially human resources, is used in current industry best practices from the factory floor to software systems development scrums, to capture the innovation and imagination that only exists in practical applications. The assumption is that people using the systems at the point of application are in the best position to judge how it works, to spot problems that emerge, and to offer meaningful improvements and innovations. 	<p>The commentator’s views are noted.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>Concern: Bureaucratic structures are not suited to the governance of the applications groups this requires, because of an inability to reward and promote behaviors such as decision making and risk taking at the operations level.</p> <ul style="list-style-type: none"> • Collaboration and the use of consortia to form a conceptual (virtual) community is laudable. Building community builds ownership and reduces a host of issues regarding the implementation of practices and policies otherwise imposed on the participants. <p>Concern: In order to realize the benefits of ownership, the consortia must have authority as well as responsibility and must have tolerance for failure.</p> <ul style="list-style-type: none"> • The court innovation centers is consistent with the two objectives above. That is; the courts are where technology systems are applied, where they can best be judged, and where modifications can most effectively be envisioned and tried. <p>Concern: However, by their nature, courts have a role of providing stability and consistency treating citizens fairly and applying justice evenly. There is little tolerance for experimentation including failure in such environments. Mechanisms will have to be developed to accommodate these divergent requirements vectors.</p> <p>Issues and Questions:</p> <ul style="list-style-type: none"> • How has the role and responsibility of the Judicial Council Technology Committee changed from its work with the CCMS to this? Was it able to fulfill that role and is it reasonable to expect that it can now? 	<p>The Technology Initiative Categories described in the Technology Governance and Funding Model, page 21, formally recognize Consortium Programs and Solutions and “..provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed...”</p> <p>The commentator’s views are noted.</p> <p>The recommended governance model and roles were a result of evaluating past experiences and understanding future business requirements.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<ul style="list-style-type: none"> • The Information Technology Advisory Committee appears to have a great deal of authority and yet its composition seems to not yet be determined. Will it have the skills and responsibilities to match its authority? Shifting the balance of the controlling committee from the business matters of the court to technology concerns risks diminishing the business concerns as well as other concerns the technology members may not own. The total stakeholders’ population is more than just these two groups and shifting the authority from one to the other does not address the needs of the entire stakeholder community. • The use of consortia including resources from the local courts requires commitment from the local courts to solve some of their own problems as well as helping solve those of others. Given tight budgets, is that reasonable to expect? • Staffing the ITAC with IT people hired at the local court level risks inappropriate delegation of authority to represent the entire stakeholders community by folks who do not know the scope of the community and whose work they do not understand. Attention must be paid to the requirement for skills these IT people do not have by role or by nature. • Regarding governance rules — Given a consortia model, it is essential to allow local courts more responsibility and engagement given they will be providing more of the resources and playing a larger role as a place for innovation. However, hierarchical governance will not support that because of its need to centralize control and 	<p>The recommended roles and responsibilities will help the committee evolve and achieve its objectives which includes ensuring that the judicial branch business needs are met.</p> <p>The Task Force has seen participation in technology consortia grow in the past few years driven by the need to leverage scarce resources across the judicial branch. As mentioned in the Technology Governance and Funding Model, page 56 “The current funding situation for technology in the branch is bleak.”</p> <p>The commentator’s views are noted.</p> <p>The chart in the Technology Governance and Funding Model, page 35 entitled “Governance Focus Areas by Technology Initiative Type” recognizes the differing levels of participation and focus for each governing body based upon the initiative type.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>authority. No matter who is on the committees and how many committees you have, if they subsume the authority the problem persists. The chart on p 15 with cells where parties “provide input” illustrate this very well. The result is that motivation is not focused on success but on doing a good job and getting promoted by honoring requirements. In fact, parties might see failure as a demonstration of decisions made by others.</p> <ul style="list-style-type: none"> • From p 20 — “court users are increasingly sophisticated . . . “ The governance model must refocus on providing for change and view it as the impetus to grow and provide better justice. The hierarchical model of bureaucratic organization might be compared to a time and practices when switching telephone systems exemplified state of the art technology. It is today’s court users assumptions about state of the art communications and information exchange has necessitated this evaluation. Bureaucracy and hierarchical organization are no longer able to provide - they cannot keep up. It may be the case that they cannot even catch up, much less keep up. Changing the organizational structure should be done with vision and a focus on flexibility and the ability to adapt. <p>Recommendations:</p> <ul style="list-style-type: none"> • Develop the equivalent of an R&D budget for the branch and fund it with the equivalent of 10 to 15 percent of the technology operations budget. Innovation and providing current solutions is as serious a component of technology spending as buying hardware or services and unless it is treated as such budget-wise, appropriate systems cannot and will not be sustained. As an R&D budget, it must be risk tolerant and provide an atmosphere that is sustained by continual 	<p>The commentator’s views are noted.</p> <p>The Technology Governance and Funding Model, page 60 recommends the creation of an “Innovation and Improvement” fund for this purpose.</p>

SP14-04

Court Technology Governance and Strategic Plan

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			<p>innovation and improvement. Without an R&D budget, periodic disruptive failures must be expected.</p> <ul style="list-style-type: none"> • The consortia suggested are a step in the right direction by involving some of the people who use the systems, understand how they operate, and can provide the innovation for improvement. However, to go the next and most important step, the consortia need to reflect the entire scope of the user community - clerks, judges, bailiffs, IT folks, vendors, and citizens. In California, we have excellent examples of such participant groups actively involved in software development; private enterprises can be studied and engaged for experiences and training. By developing processes that employ such scope, and including the private sector’s input, best practices models of ongoing change can be employed. • Decision making and failure tolerance must be built into the operations of the consortia or small teams. Instances of failure and conflict must become the currency of positive change as they are understood to be opportunities to learn because of their ability to discovery boundaries - the places where the system is likely to fail. When a boundary is located, it must be determined what it’s the boundary for - what is the potential failure it marks. • Finally; for the work of discovering those boundaries, the participants in the small groups or consortia, must be rewarded and recognized for positive contributions. Rewarding staff for independent thinking, taking initiative, and appropriate risk taking is anathema to hierarchical command and control but essential to a process of continual improvement. 	<p>The commentator’s views are noted. Additionally, the Governance and Funding Model document, page 29 states “These program managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate.</p> <p>The commentator’s views are noted.</p> <p>The commentator’s views are noted.</p>

SP14-04**Court Technology Governance and Strategic Plan**

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			<p>Summary: These recommendations are suggested to provide some of the same strengths and new methods that are proving successful in the development of large commercial technology systems in the private sector. A large public sector organization cannot be expected to behave like an enterprise, but in order to take advantage of experiences and best practices that are successful, it can be modified and stretched to co-exist with and learn from private success.</p> <p>There are several organizations whose goals and vision attempt to assist that process. They range from the National Center for State Courts to projects and conferences that attempt to use Agile and other current methodologies in public sector environments.</p> <p>The objective for the long-term must be to develop structures and processes within the public organization that can assimilate information from efforts of ongoing growth and improvement to provide the best delivery of justice - the business of the courts.</p>	<p>No response required.</p>