



JUDICIAL COUNCIL
OF CALIFORNIA

TECHNOLOGY COMMITTEE

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jctc@jud.ca.gov

JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE
THIS MEETING WILL BE RECORDED

Date: May 9, 2016
Time: 12:00 noon - 1:00 p.m.
Public Call-in Number: 1-877-820-7831 Passcode: 3511860

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the April 14, 2016 Judicial Council Technology Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), public comments about any agenda item must be submitted by May 6, 2016, 12:00 noon. Written comments should be e-mailed to jctc@jud.ca.gov or mailed or delivered to 2255 N. Ontario Street, Suite 220, Burbank, California 91504, attention: Jessica Craven Goldstein. Only written comments received by May 6, 2016, 12:00 noon will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-6)

Item 1

Chair Report

Provide update on activities of or news from the Judicial Council, advisory bodies, courts, and/or other justice partners.

Presenter: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee

Item 2

Information Technology Advisory Committee (ITAC) Annual Agenda Amendment: Workstream for the Tactical Plan Update (Action Required)

ITAC proposes to amend its annual agenda authorizing a use of a workstream to complete the update to the Tactical Plan for Technology. The Tactical Plan Update project is already approved within the annual agenda; however, at publication, this particular effort was not declared to need a workstream.

Presenter: Hon. Robert Freedman, ITAC Vice-Chair

Item 3

Report on E-Filing Workstream: Final Deliverables (Action Required)

Review the proposal to accept the final deliverables of the E-Filing Workstream, which includes approval of high-level and functional recommendations related to establishing a statewide Electronic Filing (E-Filing) capability, and decide whether to recommend that these be submitted to the Judicial Council for review.

Presenters: Hon. Sheila Hanson, Executive Sponsor, ITAC E-Filing Workstream; and Mr. Snorri Ogata, Project Manager, ITAC E-Filing Workstream

Item 4

Update on Civil Case Management System (V3) Replacement Budget Change Proposal

An update and report on the work related to the civil case management system (V3) replacement budget change proposal.

Presenter: Mr. Richard D. Feldstein, JCTC member

Item 5

Update on Sustain Justice Edition Case Management System

An update and report on the work related to the Sustain Justice Edition case management system.

Presenters: Mr. Richard D. Feldstein; and Mr. Jake Chatters, Court Executive Officer, Placer Superior Court

Item 6


Update on the Video Remote Pilot Project (No Action Required)

The Language Access Plan Implementation Task Force (LAPITF) proposes to pilot technology solutions for Video Remote Interpreting (VRI) for California courts. This project was previously approved by the Judicial Council's Technology Committee and Executive & Planning Committee (E&P) for consideration at the Council's February meeting, but was deferred until June 2016, pending final legal review. (This is an information item only; no action required.)

Presenter: Ms. Kathy Fink, Manager, Judicial Council Information Technology

A D J O U R N M E N T

Adjourn

The background features a large, faint seal of the Judicial Council of Pennsylvania. The seal is circular and contains a central figure holding a scale and a sword, surrounded by various symbols of justice and law. The text "JUDICIAL COUNCIL OF PENNSYLVANIA" is written around the perimeter, and the year "1926" is at the bottom.

Judicial Council Technology Committee Open Meeting

May 9, 2016

Call to Order and Roll Call

- Welcome
- Open Meeting Script
- Approve minutes

*Hon. Marsha G. Slough, Chair, Judicial Council Technology
Committee*



JUDICIAL COUNCIL
OF CALIFORNIA

Chair Report

Hon. Marsha G. Slough



JUDICIAL COUNCIL
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Action: Information Technology Advisory Committee (ITAC) Annual Agenda Amendment: Workstream for the Tactical Plan Update

- *Hon. Robert Freedman, ITAC Vice-Chair*



JUDICIAL COUNCIL
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Action: Report on E-Filing Workstream: Final Deliverables

- *Hon. Sheila Hanson, Executive Sponsor, ITAC E-Filing Workstream; and Mr. Snorri Ogata, Project Manager, ITAC E-Filing Workstream*



JUDICIAL COUNCIL
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Update on Civil Case Management System (V3) Replacement Budget Change Proposal

Mr. Richard D. Feldstein, JCTC member



JUDICIAL COUNCIL
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Update on Sustain Justice Edition Case Management System

*Mr. Richard D. Feldstein, and Mr. Jake Chatters, CEO, Placer
Superior Court*



JUDICIAL COUNCIL
OF CALIFORNIA

Update on Video Remote Pilot Project (No Action Required)

Ms. Kathy Fink, Manager, Judicial Council Information Technology



JUDICIAL COUNCIL
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Adjourn

All



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TECHNOLOGY COMMITTEE

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JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

MINUTES OF OPEN MEETING

April 14, 2016

9:00 - 10:30 AM

Judicial Council of California, San Francisco

Advisory Body Members Present: Hon. Marsha G. Slough, Chair; Hon. Daniel J. Buckley, Vice-Chair; Hon. Kyle S. Brodie; Hon. David E. Gunn; Hon. Gary Nadler; Mr. Jake Chatters; Mr. Richard D. Feldstein; and Mr. Mark Bonino

Advisory Body Members Absent: Hon. Ming W. Chin; and Ms. Debra Elaine Pole

Liaison Members Present: Hon. Terence L. Bruiniers

Others Present: Mr. Mark Dusman; Mr. Zlatko Theodorovic; Ms. Virginia Sanders-Hinds; Ms. Renea Stewart; Ms. Jessica Craven; Ms. Kathy Fink; Mr. David Koon; and Ms. Jackie Woods

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order, took roll call, and advised that public comments were received and shared with members prior to the meeting.

Approval of Minutes

The advisory body reviewed and approved the minutes of the March 25, 2016, Judicial Council Technology Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Chair Report

Update: Hon. Marsha G. Slough, Chair of the Judicial Council Technology Committee (JCTC), welcomed and thanked everyone for attending and introduced new member Judge Kyle Brodie of San Bernardino County. Judge Slough reviewed the agenda for the meeting, as well as provided updates on recent meetings in which she and other members represented the JCTC or reported on the JCTC activities.

Item 2

Seven Court Consortium Request for Funding for Information Technology Infrastructure & Scenarios for Eventual Elimination of Subsidies from Trial Court Trust Fund (TCTF) and Improvement and Modernization Fund (IMF) for the Interim Case Management System (ICMS or Sustain Justice Edition) and Managed Court Program (Hosting)

Update: The committee received a report on the request for Funding for Information Technology Infrastructure for a seven court consortium and scenarios for eventual elimination of subsidies from TCTF and IMF for the Interim Case Management System (ICMS or Sustain Justice Edition) and Managed Court Program (Hosting). Mr. Jake Chatters, in his role as Court Executive Officer for Placer Superior Court presented three scenarios and Mr. David Koon, Manager for Judicial Council Information Technology presented two additional scenarios. The committee then reviewed these possible scenarios for the eventual elimination of subsidies from TCTF and IMF and Managed Court Program (Hosting), developed in response to the April 2014 Judicial Council directive asking the committee “to develop a plan to eliminate the subsidies from the IMF and TCTF for CCMS V3 and the Sustain Justice Edition costs, and to make recommendations to the Judicial Council.” This was to consider the request for funding to support the Placer Proposal for a seven court hosting consortium.

Action: After review and discussion, the following motion was approved by the JCTC; Mr. Chatters abstained.

1. Endorsing the position that all Sustain hosted courts move away from the current IMF subsidized funding structure to an IT administrative program that is funded in a manner consistent with other trial courts throughout the state.
2. Endorsing “scenario 3: Elimination of the Interim Case Management System and Managed Court Program use of the California Court Technology Center (CCTC), if any use remains at the start of FY 19/20, any such costs are paid by the participating courts.
3. Working with the Trial Court Budget Advisory Committee to find one-time funding for the support of this effort, as early as the current year.
4. Continuing to support the Sustain hosted courts in their efforts to acquire a replacement of the outdated Interim Case Management System as a longer term goal, which would further reduce the Improvement and Modernization Fund expenditures.

A D J O U R N M E N T

There being no further business, the meeting was adjourned.

Information Technology Advisory Committee (ITAC)
Annual Agenda—2016
Approved by: JCTC (1/11/2016)

I. ADVISORY BODY INFORMATION

Chair:	Hon. Terence L. Bruiniers
Staff:	Ms. Jamel Jones
Advisory Body's Charge: <u>Rule 10.53. Information Technology Advisory Committee</u> (a) Areas of focus The committee 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. The committee promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts. (b) Additional duties In addition to the duties described in rule 10.34, the committee must: <ol style="list-style-type: none">(1) Oversee branchwide technology initiatives funded in whole or in part by the state;(2) Recommend rules, standards, and legislation to ensure compatibility in information and communication technologies in the judicial branch;(3) Provide input to the Judicial Council Technology Committee on the technology and business requirements of court technology projects and initiatives in funding requests;(4) Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;(5) Make proposals for technology education and training in the judicial branch;(6) Assist courts in acquiring and developing useful technologies;(7) Establish mechanisms to collect, preserve, and share best practices across the state;(8) Develop and recommend a tactical technology plan, described in rule 10.16, with input from the individual appellate and trial courts; and(9) Develop and recommend the committee's annual agenda, identifying individual technology initiatives scheduled for the next year.	

(c) Sponsorship of branchwide technology initiatives

(1) Oversight of branchwide technology initiatives

The committee is responsible for overseeing branchwide technology initiatives that are approved as part of the committee's annual agenda. The committee may oversee these initiatives through a workstream model, a subcommittee model, or a hybrid of the two. Under the workstream model, committee members sponsor discrete technology initiatives executed by ad hoc teams of technology experts and experienced project and program managers from throughout the branch. Under the subcommittee model, committee members serve on subcommittees that carry out technology projects and develop and recommend policies and rules.

(2) Technology workstreams

Each technology workstream has a specific charge and duration that align with the objective and scope of the technology initiative assigned to the workstream. The individual tasks necessary to complete the initiative may be carried out by dividing the workstream into separate tracks. Technology workstreams are not advisory bodies for purposes of rule 10.75.

(3) Executive sponsorship of technology workstreams

The committee chair designates a member or two members of the committee to act as executive sponsors of each technology initiative monitored through the workstream model. The executive sponsor assumes overall executive responsibility for project deliverables and periodically provides high-level project status updates to the advisory committee and council. The executive sponsor is responsible for facilitating work plans for the initiative.

(4) Responsibilities and composition of technology workstream teams

A workstream team serves as staff on the initiative and is responsible for structuring, tracking, and managing the progress of individual tasks and milestones necessary to complete the initiative. The executive sponsor recommends, and the chair appoints, a workstream team of technology experts and experienced project and program managers from throughout the branch.

Advisory Body’s Membership: There are a total of 21 current ITAC members, representing the following categories:

- 3 Appellate Court Justices
- 9 Trial Court Judicial Officers
- 6 Trial and Appellate Court Judicial Administrators¹
- 1 Attorney (appointed by the State Bar)
- 1 Law School Professor (public member)
- 1 Assembly Member (appointed by the State Assembly)

¹ This includes 1 Court of Appeal Clerk/Administrator; 2 Trial Court Executive Officers; and 2 Trial Court Information/Technology Officers.

Subgroups/Working Groups:

Standing subcommittees:

- ITAC Rules & Policy Subcommittee
- ITAC Projects Subcommittee
- Joint Appellate Technology Subcommittee (JATS)

Workstreams:

- (existing) Case Management System (CMS) Data Exchange (DX) Workstream
- (existing) E-Filing Strategy Workstream
- (existing) Next Generation Hosting Strategy Workstream
- (existing) Video Remote Interpreting Pilot Workstream (formerly titled “Remote Courtroom Video Workstream”)
- (new) Self-Represented Litigants (SRL) E-Services Workstream
- (new) Disaster Recovery Workstream
- (new) Tactical Plan Update Workstream

[Link to section IV. Subgroup/Working Group Detail.](#)

Advisory Body’s Key Objectives for 2016:

The *Strategic Plan for Technology 2014-2018* outlines the following goals, to which ITAC’s 2016 Annual Agenda aligns.

1. Goal 1: Promote the Digital Court – Part 1: Foundation, Part 2: Access, Services, and Partnerships
2. Goal 2: Optimize Branch Resources
3. Goal 3: Optimize Infrastructure
4. Goal 4: Promote Rule and Legislative Changes

Additionally, a limited number of initiatives are classified as standing agenda items and considered core responsibilities of the committee.

II. ADVISORY BODY PROJECTS

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>CMS Data Exchanges</p> <p>Develop Standardized Approaches to Case Management System (CMS) Interfaces and Data Exchanges with Critical State Justice Partners</p> <p><i>Major Tasks:</i></p> <p>(a) Identify a single data exchange standard between each justice partner and the judicial branch to use as a development target for case management system vendors.</p> <p>(b) Provide a lead court to act as a point of contact for all case management system vendors and justice partners for each justice partner exchange; and document the current implementation status of each exchange by each vendor.</p>	2	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology Goal 1: Promote the Digital Court: Develop Standard CMS Interfaces and Data Exchanges</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover from Annual Agenda 2015.</p> <p>Resources:</p> <p><i>ITAC:</i> Workstream</p> <p>Judicial Council Staffing:</p> <p>Information Technology</p> <p>Collaborations:</p> <p>Justice partners and vendors</p> <p>Key Objective Supported: Goal 1</p>	March 2016 (in progress)	<p>Documented data exchange elements and format standards</p> <p>Documented governance and modification processes</p>

² All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

³ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>(c) Identify the technical standards to be used for the implementation of all data exchanges between the judicial branch and justice partners.</p> <p>(d) Establish a formal governance process for exchange updates and modifications.</p> <p>(e) Maintain a repository of required materials that support development of standardized exchanges.</p> <p>(f) Promote the technical standards as the default standards for local data exchanges.</p>				

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
2.	<p>E-Filing Strategy</p> <p>Update E-Filing Standards; Develop Provider Certification and a Deployment Strategy</p> <p><i>Major Tasks:</i></p> <p>(a) Update the technical standards for court e-filing, namely, the XML specification and related schema.</p> <p>(b) Develop the E-Filing Service Provider (EFSP) selection/certification process.</p> <p>(c) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives.</p> <p>Note: A future phase RFP may be necessary, dependent upon the outcomes of this workstream.</p>	1	<p>Judicial Council Direction:</p> <p>Tactical Plan for Technology Goal 1: Promote the Digital Court E-Filing Deployment</p> <p>Origin of Project:</p> <p>Tactical Plan; carryover project from 2015 Annual Agenda.</p> <p>Resources:</p> <p><i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> Workstream members; CEAC, TCPJAC, and their Joint Technology Subcommittee</p> <p>Key Objective Supported: Goal 1</p>	July 2016 (6 months)	Updated Technical Standards Certification Program

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Next Generation Hosting Strategy</p> <p>Assess Alternatives for Transition to a Next-Generation Branchwide Hosting Model</p> <p><i>Major Tasks:</i></p> <p>(a) Define workstream project schedule and detailed tasks; gain approval of workstream membership.</p> <p>(b) Outline industry best practices for hosting (including solution matrix with pros, cons, example applications, and costs).</p> <p>(c) Produce a roadmap tool for use by courts in evaluating options.</p> <p>(d) Consider educational summit on hosting options, and hold summit if appropriate.</p> <p>(e) Identify requirements for centralized hosting.</p> <p>(f) Recommend a branch-level hosting strategy.</p>	2	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology Goal 3: Transition to Next-Generation Branchwide Hosting Model</p> <p><i>Origin of Project:</i> Tactical Plan; next phase of project following 2015 assessment.</p> <p><i>Resources:</i> <i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> CEAC, TCPJAC, and their Joint Technology Subcommittee</p> <p><i>Key Objective Supported:</i> Goal 3</p>	December 2016	<p>Assessment Findings: Best practices, Solution Options</p> <p>Educational Document for Courts</p> <p>Host 1-Day Summit on Hosting</p> <p>Recommendations For Branch-level Hosting</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	<p>Video Remote Interpreting (VRI) Pilot</p> <p>Consult As Requested and Implement Video Remote Interpreting Pilot (VRI) Program</p> <p><i>Major Tasks:</i></p> <p>(a) In cooperation with the Language Access Plan (LAP) Implementation Task Force Technological Solutions Subcommittee (TSS), assist with identifying participants for a video remote interpreting (VRI) pilot program. Steps include identification of a court participant and issuance of an RFP for a no-cost vendor partner, per the programmatic outline developed in 2015.</p> <p>(b) Implement Phase I of the VRI pilot program, in cooperation with the TSS.</p> <p>Note: The workstream is expected to update the technical standards for remote courtroom video following the pilot.</p>	2	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology Goal 1: Courthouse Video Connectivity</p> <p><i>Origin of Project:</i> Tactical Plan; continuation of project from Annual Agenda 2015.</p> <p><i>Resources:</i> <i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Court Operations Special Services Office, Information Technology</p> <p><i>Collaborations:</i> Language Access Plan (LAP) Implementation Task Force Technological Solutions Subcommittee (TSS); CEAC, TCPJAC, and their Joint Technology Subcommittee; CIOs</p> <p><i>Key Objective Supported:</i> Goal 1</p>	March 2017 (Phase I)	Implementation of VRI Pilot Program

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>SRL E-Services</p> <p>Develop Requirements and a Request for Proposal (RFP) for Establishing Online Branchwide Self-Represented Litigants (SRL) E-Services</p> <p><i>Major Tasks:</i></p> <p>(a) Develop requirements for branchwide SRL e-capabilities to facilitate interactive FAQ, triage functionality, and document assembly to guide SRLs through the process, and interoperability with the branchwide e-filing solution. The portal will be complementary to existing local court services.</p> <p>(b) Determine implementation options for a branch-branded SRL E-Services website that takes optimal advantage of existing branch, local court, and vendor resources. In scope for 2016 is development of an RFP; out of scope is the actual implementation.</p>	2	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 1: Promote the Digital Court: Implement Portal for Self-Represented Litigants (SRL)</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; next phase of project following feasibility and desirability assessment from Annual Agenda 2015.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Information Technology, Center for Families, Children and the Courts (CFCC)</p> <p><i>Collaborations:</i> Alternative Dispute Resolution (ADR) Subcommittee of the Civil and Small Claims Advisory Committee (C&SCAC) standing subcommittee; Advisory Committee Providing Access & Fairness; CEAC, TCPJAC, and their Joint Technology Subcommittee; CITMF, the Southern Regional SRL Network, and the California Tyler Users Group (CATUG)</p> <p><i>Key Objective Supported:</i> Goal 1</p>	December 2016 (12 months)	<p>SRL Portal Requirements Document</p> <p>Request for Proposal (RFP)</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
6.	<p>Disaster Recovery (DR) Framework and Pilot</p> <p>Document, Test, and Adopt a Court Disaster Recovery Framework</p> <p><i>Major Tasks:</i></p> <p>(a) Develop model disaster recovery guidelines, standard recovery times, and priorities for each of the major technology components of the branch.</p> <p>(b) Develop a disaster recovery framework document that could be adapted for any trial or appellate court to serve as a court’s disaster recovery plan.</p> <p>(c) Create a plan for providing technology components that could be leveraged by all courts for disaster recovery purposes.</p> <p>(d) Pilot the framework by having one or more courts use it.</p>	2	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology Goal 3: Court Disaster Recovery Framework and Pilot</p> <p><i>Origin of Project:</i> Tactical Plan; next phase of project following 2015 assessment.</p> <p><i>Resources:</i> <i>ITAC:</i> Workstream</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> Workstream members representing various court sizes; CEAC</p> <p><i>Key Objective Supported:</i> Goal 3</p>	December 2016 (12 months)	<p>Disaster Recovery Framework Document and Checklist</p> <p>Findings from Pilot</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p>Modernize Rules of Court (Phase II)</p> <p>Modernize Trial and Appellate Court Rules to Support E-Business</p> <p><i>Major Tasks:</i></p> <p>(a) In collaboration with other advisory committees, continue review of rules and statutes in a systematic manner and develop recommendations for more comprehensive changes to align with modern business practices (e.g., eliminating paper dependencies).</p> <p>Note: Projects may include rule proposals to amend rules to address formatting of electronic documents, a legislative proposal to provide express statutory authority for permissive e-filing and e-service in criminal cases, and changes to appellate forms to reflect e-filing practices.</p>	2	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; next phase of project following item in Annual Agenda 2015.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Rules & Policy Subcommittee, Joint Appellate Technology Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services, Office of Governmental Affairs, Center for Families, Children and the Courts (CFCC), Criminal Justice Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee, Civil & Small Claims, Criminal Law, Traffic, Family and Juvenile Law, and Probate and Mental Health advisory committees; TCPJAC, CEAC and their Joint Technology, Rules, and Legislative Subcommittees</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2018 (2 years)	Rule and/or Legislative Proposal, if appropriate

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
8.	<p>Standards, Rules and/or Legislation for E-Signatures</p> <p>Develop Legislation, Rules, and Standards for Electronic Signatures on Documents Filed by Parties and Attorneys</p> <p><i>Major Tasks:</i></p> <p>(a) Develop legislative and rule proposal to amend Code of Civil Procedure section 1010.6(b)(2) and Cal. Rules of Court, rule 2.257, to authorize electronic signatures on documents filed by the parties and attorneys.</p> <p>(b) Develop standards governing electronic signatures to be included in the <i>Trial Court Records Manual</i>.</p>	2	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; next phase and expansion of 2014 and 2015 Annual Agenda items. Recommendation by Department of Child Support Services and attorney, Tim Perry.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Legal Services, Information Technology</p> <p><i>Collaborations:</i> CEAC Subcommittee on Records Management, CEAC, TCPJAC, and their Joint Rules and Legislative Subcommittees</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2018 (2 years)	<p>Rule and/or Legislative Proposal, if appropriate</p> <p>Recommendation of Standards for Electronic Signatures (Update to the <i>Trial Court Records Manual</i>)</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p>Rules for Remote Access to Court Records by Local Justice Partners</p> <p>Develop Rule Proposal to Facilitate Remote Access to Trial Court Records by Local Justice Partners</p> <p><i>Major Tasks:</i> (a) Amend trial court rules to facilitate remote access to trial court records by local justice partners.</p>	1	<p><i>Judicial Council Direction:</i> Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i> Rules and Policy Subcommittee discussion/recommendation. Currently, the trial court rules recognize remote electronic access of trial court records in criminal cases and certain civil cases by parties, their attorneys, and persons or entities authorized by statute or rule. This rules proposal would facilitate remote access to trial court records by local justice partners.</p> <p><i>Resources:</i> <i>ITAC:</i> Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> CEAC, TCPJAC, and their Joint Technology Subcommittee; Family and Juvenile Law Advisory Committee, Criminal Law Advisory Committee, Traffic Law Advisory Committee</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2016	Rule Proposal

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
10.	<p>Rules for E-Filing</p> <p>Evaluate Current E-Filing Laws and Rules, and Recommend Appropriate Changes</p> <p><i>Major Tasks:</i></p> <p>(a) Evaluate current e-filing laws, rules, and amendments. Projects may include reviewing statutes and rules governing Electronic Filing Service Providers (EFSP) and filing deadlines.</p> <p>(b) Develop legislative and rule proposals to amend e-filing laws and rules (Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.250 et seq.).</p> <p>Note: This effort will be informed by the E-Filing Workstream work.</p>	2	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; carry over project from 2015 Annual Agenda. Possible additional recommendations from the E-filing Workstream. Recommendation from the Superior Court of Sacramento County (from comment submitted in response to 2015 ITC for Rules Modernization Project rules proposal). Recommendation from Mr. Tony Klein of Attorney Service of San Francisco to review rules governing EFSPs.</p> <p><i>Resources:</i></p> <p>ITAC: Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i></p> <p>Legal Services, Information Technology</p> <p><i>Collaborations:</i></p> <p>ITAC E-Filing Workstream; TCPJAC/CEAC Joint Technology, Rules and Legislative Subcommittees; also Criminal Law, Civil and Small Claims, Family and Juvenile Law, and Appellate Advisory Committees</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2016	Legislative and Rule Proposals

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
11.	<p>Privacy Policy</p> <p>Develop Branch and Model Court Privacy Policies on Electronic Court Records and Access</p> <p><i>Major Tasks:</i></p> <p>(a) Continue development of a comprehensive statewide privacy policy addressing electronic access to court records and data to align with both state and federal requirements.</p> <p>(b) Continue development of a model (local) court privacy policy, outlining the key contents and provisions to address within a local court's specific policy.</p>	2	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Promote Rule and Legislative Changes</p> <p><i>Origin of Project:</i></p> <p>Tactical Plan; carryover from Annual Agenda 2014 and 2015. Code Civ. Proc., § 1010.6 (enacted in 1999) required the Judicial Council to adopt uniform rules on access to public records; subsequently the rules have been amended in response to changes in the law and technology, requests from the courts, and suggestions from members of CTAC, the bar, and the public.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Legal Services, Information Technology</p> <p><i>Collaborations:</i> CEAC, TCPJAC, and their Joint Technology Subcommittee; Criminal Law Advisory Committee, and the Department of Justice</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2017 (2 years)	<p>Recommendation of Branch Privacy Policy</p> <p>Recommendation of Model Local Court Privacy Policy</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p>Standards for Electronic Court Records</p> <p>Develop Standards for Electronic Court Records Maintained as Data</p> <p><i>Major Tasks:</i></p> <p>(a) In collaboration with the CMS Data Exchange Workstream, develop standards and proposal to allow trial courts to maintain electronic court records as data in their case management systems.</p> <p>(b) Include standards in update to the <i>Trial Court Records Manual</i>.</p>	1	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>Court Executives Advisory Committee (CEAC); Government Code section 68150 provides that court records may be maintained in electronic form so long as they satisfy standards developed by the Judicial Council. These standards are contained in the <i>Trial Court Records Manual</i>. However, the current version of the manual addresses maintaining electronic court records only as documents, not data.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Rules & Policy Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> ITAC Data Exchange Workstream; CEAC, TCPJAC, and their Joint Technology Subcommittee</p> <p><i>Key Objective Supported:</i> Goal 4</p>	September 2016 (1 year)	Recommendation of Standards for Electronic Court Records as Data (Update to the <i>Trial Court Records Manual</i>)

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
13.	<p>Appellate Rules for E-Filing</p> <p>Amend Rules to Ensure Consistency with E-Filing Practices of Appellate Courts</p> <p><i>Major Tasks:</i></p> <p>(a) Review appellate rules and amend as needed to ensure consistency between the rules and current e-filing practices and to consider whether statewide uniformity in those practices would be desirable.</p>	1	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>Members of the Joint Appellate Technology Subcommittee (JATS) have noted the need to ensure consistency between the appellate rules and current e-filing practices and also to consider whether certain areas of statewide uniformity in those practices would be desirable. JATS seeks to address these issues.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Joint Appellate Technology Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2016 (Spring 2016 Rules Cycle)	Rule Proposal, as appropriate

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
14.	<p>Consult on Appellate Court Technological Issues</p> <p>Consult, as Requested, On Technological Issues Arising In Or Affecting the Appellate Courts</p> <p><i>Major Tasks:</i></p> <p>(a) The Joint Appellate Technology Subcommittee (JATS) will provide input on request on technology related proposals considered by other advisory bodies as to how those proposals may affect, or involve, the appellate courts. JATS will consult on the appellate court technology aspects of issues, as requested.</p>	On-going	<p><i>Judicial Council Direction:</i></p> <p>Tactical Plan for Technology Goal 4: Identify New Policy, Rule, and Legislation Change</p> <p><i>Origin of Project:</i></p> <p>JATS ongoing charge. Proposed resolutions of various issues by advisory bodies will have an impact on appellate court work, or may require changes to court practices. Issues include, for example, changes to protect the privacy of victims and witnesses whose information may be discussed in appellate decisions; changes in trial court e-filing practices that may affect the format of documents in the record on appeal; and e-filing implementation in the appellate courts.</p> <p><i>Resources:</i></p> <p><i>ITAC:</i> Joint Appellate Technology Subcommittee</p> <p><i>Judicial Council Staffing:</i> Information Technology, Legal Services</p> <p><i>Collaborations:</i> Appellate Advisory Committee</p> <p><i>Key Objective Supported:</i> Goal 4</p>	December 2016 (availability as issues arise)	Recommendations, as needed

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
15.	<p>Tactical Plan for Technology Update Tactical Plan for Technology for Effective Date 2017-2018⁹</p> <p><i>Major Tasks:</i></p> <p>(a) Review and update the Tactical Plan for Technology.</p> <p>(b) Circulate for branch and public comment.</p> <p>(c) Finalize and submit for approval.</p> <p>Note: Futures Commission outcomes will provide inputs into Strategic and Tactical Plan.</p>	1	<p>Judicial Council Direction: Technology Governance and Funding Model</p> <p>Origin of Project: Technology Governance and Funding Model; chair recommendation</p> <p>Resources: <i>ITAC:</i> Chair and Full Committee Workstream</p> <p>Judicial Council Staffing: Information Technology</p> <p>Collaborations: TCPJAC, CEAC, Futures Commission and B broad input from the branch and the public.</p> <p>Key Objective Supported: Standing Item</p>	<p>December February 2017⁶ (work to begin no later than mid-year May 2016)</p>	<p>Tactical Plan for Technology 2017-2018⁹</p>

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
16.	<p>Liaison Collaboration</p> <p>Liaison with Advisory Bodies for Collaboration and Information Exchange</p> <p><i>Major Tasks:</i></p> <p>(a) Appoint ITAC members to serve as liaisons to identified advisory bodies.</p> <p>(b) Share ITAC status reports with advisory body chairs and attend liaison committee meetings.</p> <p>(c) Identify opportunities to collaborate and share liaison feedback to ITAC, the JCTC, the Judicial Council, and the branch, as appropriate.</p>	On-going	<p><i>Judicial Council Direction:</i> N/A</p> <p><i>Origin of Project:</i> Standing item on the annual agenda.</p> <p><i>Resources:</i> <i>ITAC:</i> Liaisons</p> <p><i>Judicial Council Staffing:</i> Information Technology</p> <p><i>Collaborations:</i> Liaison advisory bodies</p> <p><i>Key Objective Supported:</i> Standing Item</p>	Ongoing	Liaison Reports at ITAC Meetings

III. STATUS OF 2016 PROJECTS

#	Project	Completion Date/Status
1.	<p>CMS Data Exchanges Develop Standardized Approaches to CMS Interfaces and Data Exchanges with Critical State Justice Partners</p> <ul style="list-style-type: none"> (a) Identify specific justice partners exchanges required and court interface needs. (b) Establish standards for, and define where feasible, common exchange(s), consistent with national standards, and secure methods to share those exchanges for courts wishing to implement them. (c) Work with CMS vendors to facilitate timely implementation of standardized exchanges where needed, consistent with existing court deployment schedules. (d) Develop governance processes to ensure continuing development and maintenance of statewide data exchanges established, and to maintain on-going communication and cooperation with our justice partners and CMS vendors in this effort. 	<p>In progress; project continues into 2016 agenda. Project continues into 2016 agenda. Status is as follows:</p> <ul style="list-style-type: none"> (a) Primary requirements and needs identified; will be further confirmed and expanded via detailed discussions between justice partners and CMS vendors. (b) Justice partner focus sessions complete. Next phase focuses on CMS vendors working more directly with justice partners to refine data. Designated court representatives will lead sessions, capture/share development, and identify issues for resolution. (c) Implementation continues to be a topic of discussion during the workstream and justice partner/CMS vendor meetings. (d) Key objectives identified. Composition of governance membership to be identified by ITAC. Completion projected by February, 2016.
2.	<p>E-Filing Update E-Filing Standards, and Develop Provider Certification, Deployment Strategy, and Rules Evaluation</p> <ul style="list-style-type: none"> (a) Update the technical standards for court e-filing, namely, the XML specification and related schema. (b) Develop the E-Filing Service Provider (EFSP) selection/certification process. (c) Develop the roadmap for an e-filing deployment strategy, approach, and branch solutions/alternatives. (d) Evaluate current e-filing rules, including provisions for 	<p>In progress; project continues into 2016 agenda. Status is as follows:</p> <ul style="list-style-type: none"> (a) The workstream has recommended the NIEM/Oasis ECF specification (https://www.oasis-open.org/committees/legalxml-courtfilling). (b) and (c) The workstream will present E-Filing and EFSP recommendations at the early 2016 ITAC meeting. (d) Rules assessment will take place as part of the 2016 annual agenda Project #2.

	mandatory e-filing.	
3.	<p>Remote Courtroom Video</p> <p>Develop Remote Courtroom Video Standards, a Pilot Program, and Update to Rules</p> <ul style="list-style-type: none"> (a) Develop technical standards for remote courtroom video. (b) Define and implement, in cooperation with the Language Access Plan (LAP) Implementation Task Force, a Video Remote Interpreting Pilot (VRI) Program for foreign languages.* (c) Seek extension of Rule of Court 4.220 (Remote Video Proceedings in Traffic Infraction Cases). Consider Expansion to other case types. 	<p>Partially completed; remainder continues into 2016 agenda.</p> <p>Refer to current status, as follows:</p> <ul style="list-style-type: none"> (a) The LAP Technological Solutions Subcommittee (TSS) (also chaired by Justice Bruiniers) provisionally approved standards developed by the National Center for State Courts for use in the video remote interpreting (VRI) pilot project (see item (b) below). Refinement of those standards is anticipated as a result of the pilot. (b) The LAP TSS approved a programmatic outline for a pilot and is developing an RFP seeking a vendor partner. The chair also seeks operations support for the project. Once a vendor and court participant(s) are selected, the chair expects to staff an ITAC workstream to coordinate implementation. (c) This traffic rule item is complete. The Judicial Council approved the permanent authorization for remote video proceedings in traffic infraction cases, effective September 1, 2015.
4.	<p>Next Generation Hosting Strategy Assessment</p> <p>Assessment of Alternatives for Transition to Next-Generation Branchwide Hosting Model</p> <ul style="list-style-type: none"> (a) Complete hosting needs assessment, develop implementation recommendations, including an evaluation of alternatives and costs. 	<p>Completed, next phase included in 2016 agenda.</p> <p>An initial assessment was completed in October 2015, and the findings were submitted to the JCTC. This project was then approved by ITAC to move forward as a workstream in 2016 to complete the assessment and recommendations.</p>
5.	<p>Information Security Framework</p> <p>Document and Adopt Court Information Systems Security Policy Framework</p> <ul style="list-style-type: none"> (a) Finish the work that was started on the Court Information Systems Security Policy Framework. (b) Initially adopt the framework at a select group of pilot 	<p>Completed.</p> <p>This effort was completed, and resulted in information security framework “how to” and checklist aids, which 7 pilot courts used to assess their security. The committee plans to incorporate refresh schedule that is concurrent to the Tactical Plan development.</p>

	<p>courts.</p> <p>(c) Adopt the framework at the remaining courts, as needed.</p>	
6.	<p>Disaster Recovery (DR) Framework Assessment Survey and Assessment for Court Disaster Recovery Framework and Pilot</p> <p>(a) Survey and provide a disaster recovery needs assessment and gap analysis for the major technology components in the trial and appellate courts.</p>	<p>Completed, next phase included in 2016 agenda.</p> <p>An initial assessment was completed in October 2015, and the findings were submitted to the JCTC. This project was then approved by ITAC to move forward as a workstream in 2016 to develop and pilot DR framework aids.</p>
7.	<p>Privacy Policy Develop Branch & Model Court Privacy Policies on Electronic Court Records and Access</p> <p>(a) Continue development of a comprehensive statewide privacy policy addressing electronic access to court records and data to align with both state and federal requirements.</p> <p>(b) Continue development of a model (local) court privacy policy, outlining the key contents and provisions to address within a local court's specific policy.</p>	<p>Not started; project carried into 2016 agenda.</p> <p>Project is carried over into 2016 agenda. Effort was deprioritized in 2015 due to resource limitations.</p>
8.	<p>SRL E-Services Portal Evaluate Feasibility and Desirability of Establishing a Branch Self-Represented Litigants (SRL) E-Services Portal</p> <p>(a) Determine and validate both litigant needs (including LEP litigants) and court requirements.</p> <p>(b) Identify available existing technology and infrastructure components to leverage.</p> <p>(c) Identify information resources to assist litigants.</p>	<p>Completed; next phase included in 2016 agenda.</p> <p>This evaluation was complete. The Center for Families Children and the Courts (CFCC) provided a report with recommendations on moving forward, including the development of a workstream, which ITAC accepted. The next step for this effort is to develop requirements for e-services, included in the 2016 agenda.</p>
9.	<p>E-Signatures Develop Standards for Electronic Signatures</p>	<p>Completed.</p> <p>This effort is complete; e-signature standards were approved by</p>

	<p>(a) Develop procedures and standards for use of electronic and digital signatures for court documents, as specified in Government Code section 68150(g), for inclusion in the Court Records Manual.</p> <p>(b) Recommend rule proposal incorporating standards into Rules of Court, as appropriate.</p>	<p>the committee as an update to the <i>Trial Courts Record Manual</i>. The council will consider approving at its December 2015 meeting.</p>
10.	<p>Tactical Plan for Technology</p> <p>Update Tactical Plan for Technology for Effective Date 2016-2018</p> <p>(a) Review and update the Tactical Plan for Technology.</p> <p>(b) Circulate for branch and public comment.</p> <p>(c) Finalize and submit for approval.</p>	<p>Not Started; project carried into 2016 agenda.</p> <p>This project was placed on hold and work will commence as part of the 2016 agenda. Note that the JCTC approved the change of effective date of the next Tactical Plan to 01/2017-12/2018. The current plan was extended to 12/2016.</p>
11.	<p>Policy & Rules for E-Access to Appellate Court Records</p> <p>Develop Branch Policy and Rules on Public Access to Electronic Appellate Court Records</p> <p>(a) Develop a comprehensive statewide policy addressing reasonable public access to electronic appellate court records to align with access rules for the trial courts.</p> <p>(b) Draft rule proposal to incorporate standards into Rules of Court, as appropriate.</p>	<p>Completed.</p> <p>This project is complete. JATS developed proposed rules (8.80-8.85) on electronic access to appellate court records, which were adopted by the Judicial Council at its October 27 meeting.</p>
12.	<p>Rules for Electronic Service</p> <p>Evaluate Amendment to Rules of Court to Allow Electronic Service Upon Courts if the Court Consents</p> <p>(a) Consider whether to recommend rule amendments to clarify that a court may be served electronically if the court consents to receive this form of service.</p>	<p>Completed.</p> <p>This project is complete. The council adopted the amendments to rules 2.251 and 8.71 per ITAC recommendation at the council's October meeting.</p>
13.	<p>Modernize Rules of Court: Phase I</p> <p>Modernize Trial and Appellate Court Rules to Support E-Business</p> <p>(a) In collaboration with other advisory committees, review</p>	<p>Completed; next phase included in 2016 agenda.</p> <p>Phase I of the Rules Modernization Project is complete. At its October meeting, the Judicial Council adopted the rule amendments sponsored by ITAC. Work on Phase II is already</p>

	rules and statutes in a systematic manner and develop recommendations for comprehensive changes to align with modern business practices (e.g., eliminating paper dependencies).	underway and includes more substantive legislative and rules proposals intended to further promote e-practices.
14.	<p>Collaborations and Information Exchange</p> <p>Liaise with Advisory Bodies and the Branch on Technology Initiatives, Rules and Implementations</p>	<p>Ongoing.</p> <p>ITAC assigns liaisons to peer advisory committees to share information and identify opportunities to collaborate and exchange input. This function and relationship is ongoing and will continue onto the 2016 agenda.</p>

IV. SUBGROUPS/WORKING GROUPS - Detail

Subgroups/Working Groups:

Subgroup or working group name: **ITAC Rules & Policy Subcommittee (exclusively ITAC members)**

Purpose of subgroup or working group:

In 2010, an ITAC E-Business Subcommittee was formed merging ITAC's 'Rules' and 'E-Practices' Subcommittees. At the time, the Rules Subcommittee's charter was to review Rules of Court on Electronic Access to Public Information and E-Filing and other technology-related rules and standards. The E-Practices Subcommittee was charged with developing a report and associated policy recommendations on four specific issues related to how courts should operate with electronic documents and information.

At the March 8, 2013 ITAC meeting, the committee renamed its E-Business Subcommittee to the Rules & Policy Subcommittee. The purpose of this subcommittee is to recommend rules and policies to the Judicial Council regarding e-business practices, including in the area of e-filing.

Number of advisory body members on the subgroup or working group: 6 ITAC members are on this subcommittee

Number and description of additional members (not on this advisory body): None.

Date formed: 2010

Number of meetings or how often the subgroup or working group meets: This group participates in at least three (3) teleconferences annually, with additional calls scheduled as needed. This group has not met in person.

Ongoing or date work is expected to be completed: Standing Subcommittee, Ongoing

Subgroup or working group name: **ITAC Projects Subcommittee (exclusively ITAC members)**

Purpose of subgroup or working group:

In 2010, ITAC's 'Projects' Subcommittee was renamed the 'Technology Services Subcommittee'; however, at the March 8, 2013 ITAC meeting, the subcommittee was renamed the Projects Subcommittee. The subcommittee is tasked with studying and developing guidelines around e-filing endorsements (stamps) and digital signatures; secondly, to identify ways of expanding remote video in the courts. Last year, the subcommittee surveyed the courts regarding current and potential uses of remote video technologies, and created an inventory of master agreements for technology products and services that are available to courts.

Number of advisory body members on the subgroup or working group: 8 ITAC members are on this subcommittee

Number and description of additional members (not on this advisory body): None.

Date formed: 2010

Number of meetings or how often the subgroup or working group meets: This group participates in at least three (3) teleconferences annually, with additional calls scheduled as needed. This group has not met in person.

Ongoing or date work is expected to be completed: Standing Subcommittee, Ongoing

Subgroup or working group name: **Joint Appellate Technology Subcommittee (JATS)**

Purpose of subgroup or working group:

The Joint Appellate Technology Subcommittee (JATS) makes recommendations to its oversight advisory committees (i.e., ITAC and AAC) for improving the administration of justice within the appellate courts through the use of technology; and, for fostering cooperative endeavors to resolve common technological issues within the appellate courts.

The subcommittee is needed to focus on technology issues specifically for the appellate courts and to provide recommendations to modernize relevant rules and policy. Neither advisory committee, AAC or ITAC, is equipped to adequately address appellate technology issues by itself. AAC lacks technology expertise and ITAC lacks expertise in appellate procedure and a focus on appellate-specific technology issues. The joint subcommittee provides a membership equipped to focus on technology applications in the appellate courts and to evaluate the legal and rule impacts relating to such technology.

Although this is a joint subcommittee, ITAC serves as the parent advisory group with primary reporting responsibility to the Judicial Council. There will be no additional funding allocated for this subcommittee.

Number of advisory body members on the subgroup or working group: 3 ITAC members are on this subcommittee (appointed by the chair)

Number and description of additional members (not on this advisory body): 4 AAC members are on this subcommittee (appointed by its chair). When formed, this body was approved to include at least one (1) member from the Appellate Presiding Justices Advisory Committee (APJAC), appointed by its Chair. The subcommittee membership was approved not to exceed 12 members.

Date formed: Effective January 1, 2014

Number of meetings or how often the subgroup or working group meets: The group plans to meet primarily by teleconference between 4-6 times per year, with one of those meetings being in person.

Ongoing or date work is expected to be completed:

The JATS will be a standing committee with no sunset date; however, the need for this subcommittee will be re-evaluated annually as part of the annual agenda development process for ITAC and AAC.

Subgroup or working group name: CMS Data Exchange (DX) Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #1.

Number of advisory body members on the subgroup or working group: 4

Number and description of additional members (not on this advisory body): 26

Date formed: December 2014.

Number of meetings or how often the subgroup or working group meets: As needed

Ongoing or date work is expected to be completed: July 2015

Subgroup or working group name: E-Filing Strategy Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #2.

Number of advisory body members on the subgroup or working group: 3

Number and description of additional members (not on this advisory body): 16

Date formed: January 2015, as part of the annual agenda; member list approved by JCTC September 2015.

Number of meetings or how often the subgroup or working group meets: Bi-weekly

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: Next Generation Hosting Strategy Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #3.

Number of advisory body members on the subgroup or working group: 2

Number and description of additional members (not on this advisory body): 13

Date formed: September 2015, approved by JCTC.

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: Video Remote Interpreting (VRI) Pilot Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #4.

Number of advisory body members on the subgroup or working group: 1 or more

Number and description of additional members (not on this advisory body): TBD

Date formed: Workstream approved by JCTC as part of January 2015 annual agenda; members not yet identified.

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: March 2017 for Phase I, January 2018 for Phase II

Subgroup or working group name: (new) SRL E-Services Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #5.

Number of advisory body members on the subgroup or working group: 2 or more

Number and description of additional members (not on this advisory body): TBD

Date formed: Workstream approved by JCTC as part of January 2016 annual agenda.

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: (new) Disaster Recovery Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #6.

Number of advisory body members on the subgroup or working group: 1 or more

Number and description of additional members (not on this advisory body): TBD

Date formed: Workstream approved by JCTC as part of January 2016 annual agenda.

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: December 2016

Subgroup or working group name: (new) Tactical Plan Update Workstream

Purpose of subgroup or working group: To complete tasks outlined in Project #15.

Number of advisory body members on the subgroup or working group: 3 or more

Number and description of additional members (not on this advisory body): 9

Date formed: Workstream approved by JCTC May 9, 2016 as an amendment to the 2016 ITAC annual agenda.

Number of meetings or how often the subgroup or working group meets: TBD

Ongoing or date work is expected to be completed: February 2017



E-filing Workstream Recommendations

January 2016

Our Charge:

Judicial Council Technology Tactical Plan

▶ E-filing Manager (EFM)

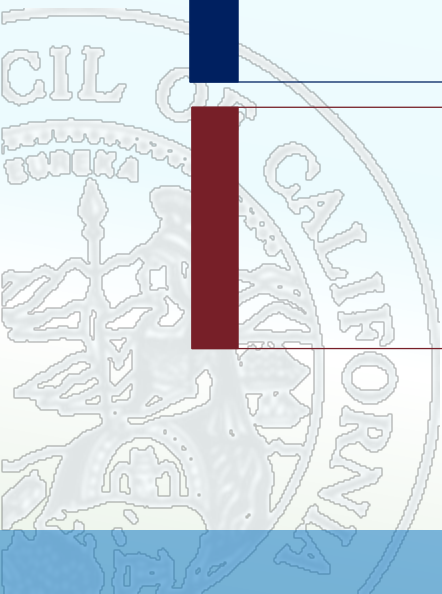
- ▶ Determine alternatives for implementing e-filing solutions for California *trial courts*
- ▶ Recommend an implementation approach to ITAC and JCTC
- ▶ Develop an e-filing Deployment Guide for selected approach

▶ E-filing Service Provider (EFSP) Selection/Certification

- ▶ Determine alternatives for selecting and certifying EFSPs to file with California *trial courts*.
- ▶ Recommend an approach to ITAC and JCTC
- ▶ Develop an EFSP roadmap for selected approach



Executive Summary of Recommendations



Recommendations - EFM

Issue an RFP for an E-Filing Manager that:

- ▶ Selects more than one statewide EFM
- ▶ Covers all litigation types
- ▶ Integrates with “core” Case Management Systems (the three statewide CMS Vendors *and* Journal Technology’s eCourt)
- ▶ Requires EFM vendors to describe their *approach for integration* with “non-standard” CMS’s including a free-standing e-Delivery option
- ▶ Integrates with Judicial Council approved Financial gateway vendors
- ▶ Support electronic payment types beyond credit card
- ▶ Provides a zero cost e-Filing option for Indigent and Government filers
- ▶ Allows individual Courts to retain authority as to which EFM they want to use
- ▶ Clearly discloses costs and services to EFSPs
- ▶ Requires compliance with NIEM/ECF as the new State of CA e-Filing standard
- ▶ Requires option of electronic service of Court generated documents

Recommendations - EFSPs

Create a framework for EFSPs that:

- ▶ Requires all EFSPs to work with all “statewide” EFM
- ▶ Requires all EFSPs to sign an agreement with:
 - ▶ JCC for overall statewide participation
 - ▶ Individual trial courts for county performance
 - ▶ Individual EFM for management and coordination of program, and to minimize reconciliation for each court
- ▶ Requires all EFSPs to integrate with Judicial Council approved Financial gateway vendors
- ▶ Requires EFSPs to be the entity to collect all monies due and distribute monies to:
 - ▶ EFSP (convenience fees)
 - ▶ EFM (EFM fee)
 - ▶ Court (Filing fees and optional Cost Recovery Fee)

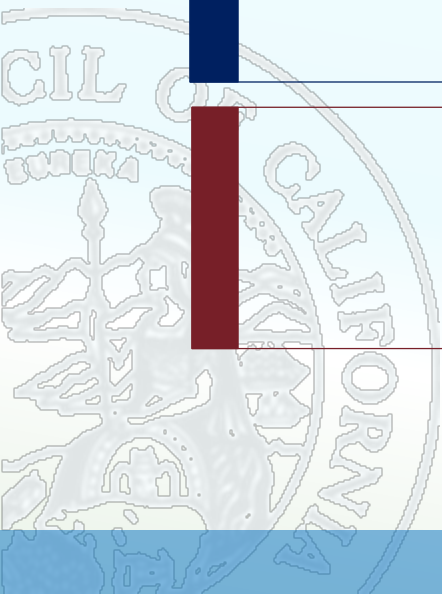
Other E-Filing Recommendations

- ▶ All E-Filing in the state must adhere to a “consistent framework”
- ▶ EFM(s) must maintain and freely share “service list” for all cases
- ▶ EFMs may also be EFSPs*

* This will likely be how the EFM offers free e-Filing to fee-waiver and government filers.



Alternatives Considered



EFM Option 1: Trial Court Decision (CA Status Quo)



Pros

- 👍 Each trial court determines their own fate.
- 👍 Individual courts can start immediately
- 👍 Court can tailor e-Filing to local constituencies
- 👍 Some economies of scale (similar CMS vendor)

Cons

- 👎 Not all CMS vendors have a solution
- 👎 May limit synergistic opportunities
- 👎 May lead to inconsistent experiences across courts
- 👎 Each trial court has a cost to integrate

While nearly half of all trial courts will be operating under this model by the end of 2016 this option was rejected for the reasons listed in the “cons”.

However, allowing each trial court to retain decision making authority on statewide e-Filing participation was viewed as a requirement for the final solution.

EFM Option 2: State / Multi-Court “Build” (Colorado)



Pros

- 👍 E-Filing revenue stream funds development and support and may even offset some CMS costs
- 👍 Highly tailored to the way we want to work.

Cons

- 👎 Requires strong governance to align participating courts
- 👎 Requires on-going organizational support.
- 👎 Requires integration with many CMS systems
- 👎 6-12 months to implement
- 👎 Need an initial funding source
- 👎 Is this our core competency?
- 👎 Finding resources will be difficult

While the potential revenues of this model were enticing this option was primarily rejected because viable off-the-shelf solutions are available and large-scale software development and on-going support is not a “core competency” of the Branch.

EFM Option 3: State / Multi-Court “Buy” (Texas)



Pros

- 👍 Consistent user experience across counties
- 👍 Majority of work outsourced to a vendor
- 👍 Can push CMS vendor integration onto E-Filing vendor

Cons

- 👎 Multiple intermediaries (EFSP, EFM and Court) increases costs
- 👎 3-6 month RFP and another 3-6 months for each court to on-board
- 👎 Might be difficult to get local customizations

The appeal of this option was the demonstrated success in states like Texas, and the ability to provide a uniform framework for e-Filing across counties.

The twist on this recommendation, however, is the desire to have “more than one” statewide EFM selected to ensure a competitive marketplace that leaves the Court in greater control.

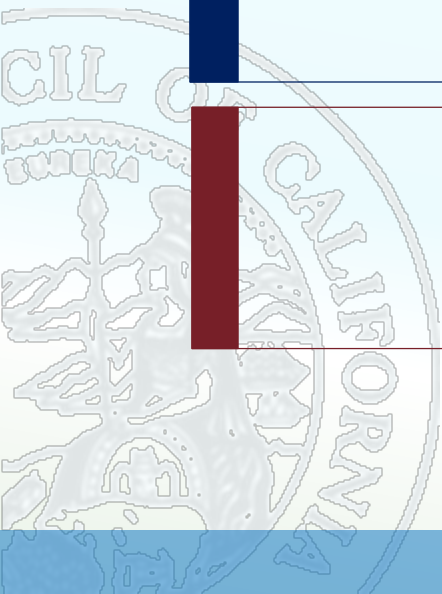
EFSP Options

	1. EFM Selected/Managed	2. JCC Built/Supported	3. Trial Court Selected/Managed
Pros	<ul style="list-style-type: none"> Burden of work falls on EFM vendor Typically handles \$ reconciliation Covers all counties 	<ul style="list-style-type: none"> Ensures statewide consistency Statewide management Covers all counties 	<ul style="list-style-type: none"> Status quo Ensures performance Accommodates local attorney services Local support
Cons	<ul style="list-style-type: none"> EFM exerts too much control over user experience EFM exerts too much control over financial management 	<ul style="list-style-type: none"> Not staffed to support Not funded to support Inadequate experience 	<ul style="list-style-type: none"> County-to-county variations EFSPs ignore smaller counties Burden to manage


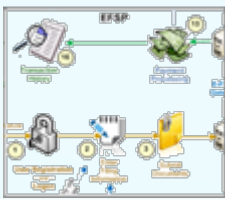


Option 4: Hybrid of all 3!



E-Filing Context



E-filing at 50,000 Feet

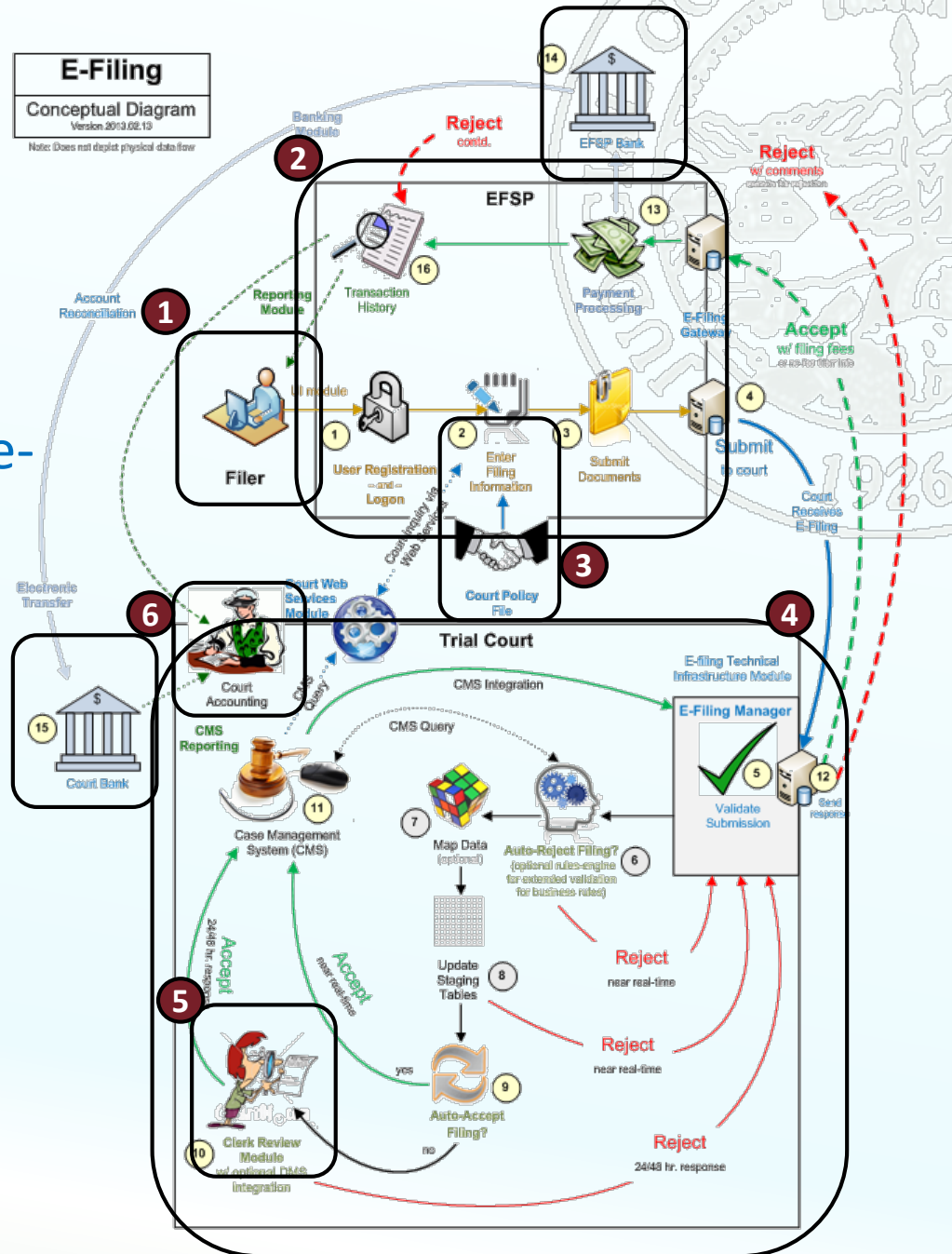
Filer	EFSP	EFM	Court
Lawyer, Para-legal, Legal secretary, Self-Represented Litigant, Government agency	E-filing Service Provider	E-filing Manager	Case Management Document Management
			
Initiates the process: <ul style="list-style-type: none"> - Data entry - Doc upload - Commit to pay 	Help gather data, documents and money to complete an e-filing transaction; trains and provides support to filer..	Organizes filings for clerical review. Prepares data for CMS and docs for DMS.	Accept/Reject. Store data in CMS. Store document in DMS. Settle charges.

E-filing at 100 Feet

Many Moving Parts

▶ At a LOCAL level there are many parts to a successful e-filing program, including:

1. The Filers
2. The EFSPs
3. Local Rules
4. Court Operations
5. The Clerk
6. The Money



Case Management Systems

▶ Pre-2013

- ▶ >40 different CMS versions across 58 counties

▶ 2015

CMS	Contracted	Leaning	Total
Tyler Odyssey	25	5	30
Journal eCourt	4	3	7
Thomson Reuters C-Track	3	0	3
Justice Systems	1	0	1
Total	33	8	41

Trial Courts are modernizing quickly around 4 vendors!

New CMS's Enable:

- ▶ E-Filing software licenses are included with Tyler & Journal
- ▶ SRL Document Assembly software licenses are included with Tyler (Tyler Guide & File)
- ▶ Case Access and Portal capabilities are included (at the trial court level) with the 4 statewide vendors

Foundation for E-Services in the Trial Court

The Rapid Evolution of CA Court E-Filing

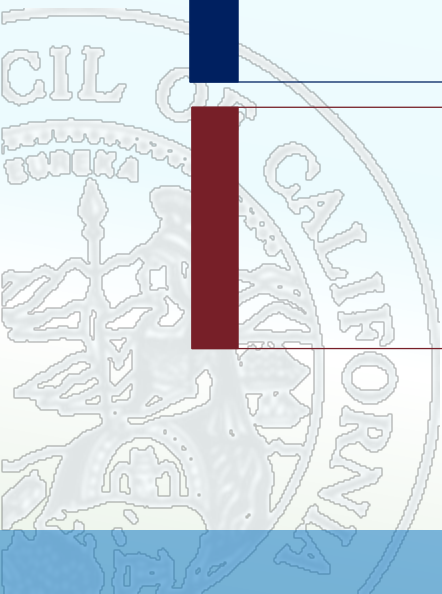
- ▶ 2014:
 - ▶ 9 counties offering some e-Filing
- ▶ 2015:
 - ▶ 17 counties offering some e-Filing
 - ▶ 8 counties leveraging Tyler File & Serve
- ▶ 2016:
 - ▶ ~35 counties will offer some e-Filing

Current E-Filing Challenges

- ▶ E-Filing is currently a county-by-county decision
- ▶ Historically little coordination amongst the EFSPs for consistency
- ▶ While the Tyler Courts are much more consistent across counties some challenges remain:
 - ▶ Tyler is slow to support non-Credit card payment types (adds costs to the EFSPs and ultimately the Filer)
 - ▶ Tyler is slow to support JCC financial gateways (adds costs to the Filer)
 - ▶ Tyler is slow to add EFSPs
 - ▶ Tyler does not currently enable e-Filing services for non-Tyler courts
- ▶ May need to develop common work flows for e-filing review business practices
- ▶ May need to develop common set of filing codes for e-filing transactions



Next Steps



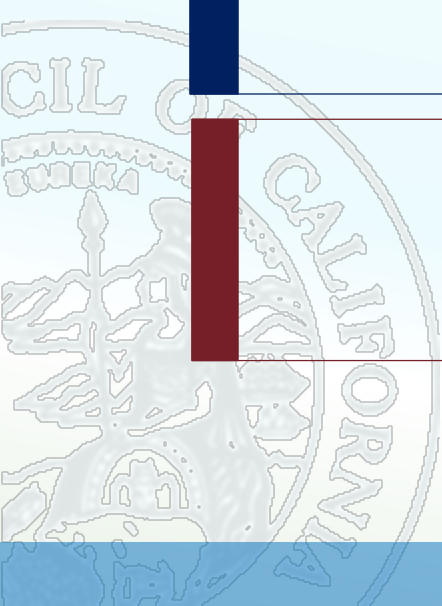
Next Steps

- ▶ Get approval on recommendation (or refine!)
- ▶ Form an RFP sub-workstream
- ▶ Form a Contracts sub-workstream
- ▶ Issue RFP
- ▶ Select vendor(s)
- ▶ Implement





Recommendation Detail



“More than One” Statewide EFM

▶ What it Means

- ▶ Individual trial courts will be able to choose from multiple Statewide E-Filing Managers based on what works best in their County. A trial court can elect to have more than one EFM.

▶ Rationale

- ▶ CA is the largest trial court system in the Country and can accommodate multiple EFMs.
- ▶ Multiple EFMs will ensure competition, which leads to greater access, quality service, innovation, and cheaper services.
- ▶ A single EFM, that is also a CMS vendor, could control too much of the Court technology infrastructure creating risk to the Branch from cost and business continuity perspectives.

Covers All Litigation Types

▶ What it Means

- ▶ A litigant in CA can E-File on any case in any court permitting e-filing.

▶ Rationale

- ▶ E-Filing vendors typically focus only on Civil which is more easily monetized.
- ▶ Majority of Court case filings are not in Civil, meaning a Civil-only e-filing solution would limit a trial Court's ability to implement a "digital court" thereby limiting public access to the court.

Integrates with “core” Case Management Systems

▶ What it Means

- ▶ A Court using one of the “core” CMSs will be able to add e-Filing capabilities and a court with more than one CMS can offer e-filing in more case types.

▶ Rationale

- ▶ In 2012 the Trial Courts created a Master Services Agreement (MSA) with 3 primary case management vendors (Tyler, Thomson-Reuters and Justice Systems).
- ▶ Since then 30 trial courts have purchased one of these CMS solutions
- ▶ In addition, several Courts had a significant investment with Journal Technologies (aka Sustain) and opted to upgrade their existing solution
- ▶ Between the four CMS vendors, 80% of the state’s population is served.

Requires EFM vendors to describe their *approach for integration* with “non-standard” CMS’s including a free-standing e-Delivery option

▶ What it Means

- ▶ Courts running non-standard CMSs will have insight into what it will cost to integrate their CMS with the Statewide E-Filing solution and will be able to integrate if they choose to; OR
- ▶ Courts will have an e-Delivery option for litigants that is not integrated to their CMS

▶ Rationale

- ▶ Several Courts have contracts in place with non-standard CMSs.
- ▶ Several Courts lack the budget to pay for a full CMS replacement
- ▶ Want to provide courts with a non-standard CMS some more options to move toward a “digital court”

Integrates with Judicial Council approved Financial gateway vendors

▶ What it Means

- ▶ Filers will enjoy the lowest possible on-line commerce fees.

▶ Rationale

- ▶ The Branch is typically able to negotiate cheaper on-line banking fees than private companies or individual trial courts.
- ▶ These “merchant” fees (typically 2-3%) are either passed on to the Filer which leads to additional costs to the filer, or are absorbed by the Courts which leads to less revenue to Courts.

Support electronic payment types beyond credit card

▶ What it Means

- ▶ Filers will be able to pay fees with a choice among multiple payment methods.

▶ Rationale

- ▶ Some EFM vendors only support Credit Card payments. This adds to overall costs for filers to cover “merchant fees”.
- ▶ One of the ways the EFSP community differentiates services is through the handling of money.
 - ▶ In the paper world the majority of filing fees are NOT paid for with Credit Cards.
 - ▶ The Court should accommodate any / all practical electronic payment methods, thereby increasing access to the court.

Zero cost e-Filing option for Indigent and Government filers

▶ What it Means

- ▶ Indigent and government filers, which by law cannot be charged for certain filings, will be able to file for free.

▶ Rationale

- ▶ It's the law!
- ▶ The Court's want every filing to be done electronically including indigent and governmental filers.
- ▶ Government agencies are the single largest filer in the Court.
- ▶ Indigent filers should not have to pay "convenience fees".
- ▶ The EFM can spread these costs by distributing across filers who can afford convenience fees.

Allows individual Courts to retain authority as to which EFM they want to use

▶ What it Means

- ▶ Each Trial Court gets to decide when to implement Statewide e-Filing and with whom, both as to EFM(s) and EFSP(s).

▶ Rationale

- ▶ The biggest barriers to e-Filing identified by the trial courts were:

- ▶ Insufficient funds to pay for it (integration with CMS, EFM, EFSP)
- ▶ Insufficient staff to train and hand-hold e-filers
- ▶ Inexperienced/untrained staff in the new world of e-filing

- ▶ The decision on WHEN to e-File must sit with each individual trial court because there are many local issues that will determine acceptance and success.

- ▶ Courts with an existing e-Filing capability may not directly benefit from an immediate change but will have more options in the future.

- ▶ When a Court does choose to e-File, they need a contracting vehicle through which to hold the vendor(s) accountable.

Clearly disclose costs and services to EFSPs

▶ What it Means

- ▶ Each Trial Court and EFSP will have a clear and transparent understanding of costs and distributions, extending to the clients/filers

▶ Rationale

- ▶ The revenue (costs) associated with e-Filing cluster around 3 primary areas:
 - ▶ Court filing fees
 - ▶ EFM Management fees
 - ▶ EFSP service fees
 - ▶ An optional Court “cost recovery fee”

▶ EFMs may also operate as an EFSP, which may create a competitive imbalance

▶ In some implementations the EFM can tack on other costs to dilute revenues to EFSPs and/or optional Court recovery fees.

Requires compliance with NIEM/ECF as the new State of CA e-Filing standard

▶ What it Means

- ▶ Establishes NIEM/ECF as the official technical specification for E-Filing in CA.

▶ Rationale

- ▶ The current e-Filing technical standard is 2GEFS (2nd Generation E-Filing Specification), which is unique to CA.
- ▶ Nationally, all states implementing e-Filing are adopting the NIEM/ECF standard
- ▶ The 4 statewide CMS vendors are all required to support NIEM/ECF for e-Filing.

Requires option of electronic service of Court generated documents

▶ What it Means

- ▶ The Courts will be able to use e-Service for court generated documents in cases in which e-Filing is mandated.

▶ Rationale

- ▶ The Courts generate case documents that need to be distributed
- ▶ If e-Filing is mandatory, or if all parties on a case agree to e-File, e-Service of court documents should also be available.
- ▶ Allowing Courts to distribute/serve Court generated case documents through e-Service will save the court money.

Require all EFSPs to work with all “statewide” EFM

▶ What it Means

- ▶ Every trial court will benefit from the full complement of EFSPs
- ▶ Every e-Filer will have multiple EFSP options allowing them to e-file to any court accepting e-filing
- ▶ Every e-Filer that files across multiple Counties will only need to partner with a single EFSP, if desired

▶ Rationale

- ▶ EFSPs are very interested in providing services to the large counties and typically less interested in smaller counties.
- ▶ Multiple EFSPs provide a competitive environment for filers ensuring costs are balanced against services
- ▶ The EFSP is the marketing and user support organization for E-Filing. Filers will build relationships with EFSPs that best complement their business model.

Requires EFSPs to enter into agreements with Branch, Court and Individual EFM

▶ What it Means

- ▶ An EFSP can be terminated for non-performance at either the Branch or local trial court level.
- ▶ An EFSP can be terminated for non-performance with the EFM vendor.

▶ Rationale

- ▶ The Branch needs a contracting vehicle in place to ensure consistency and alignment with relevant Branch programs (e.g., financial gateways, Phoenix accounting system)
- ▶ The Trial Court needs a contracting vehicle in place to ensure quality of service to the public and compliance with Court policies for e-Filing services, in addition to articulating how money is handled.
- ▶ The EFM vendors need a contracting vehicle in place to ensure quality of service and payment.

Requires all EFSPs to integrate with Judicial Council approved Financial gateway vendors

(Same answers as EFM)

▶ What it Means

- ▶ Filers will enjoy the lowest possible on-line commerce fees.

▶ Rationale

- ▶ The Branch is typically able to negotiate cheaper on-line banking fees than private companies or individual trial courts.
- ▶ These “merchant” fees (typically 2-3%) are either passed on to the Filer which leads to additional costs to the filer, or are absorbed by the Courts which leads to less revenue to Courts and the Branch.

Requires EFSPs to be the entity to collect and distribute monies

▶ What it Means

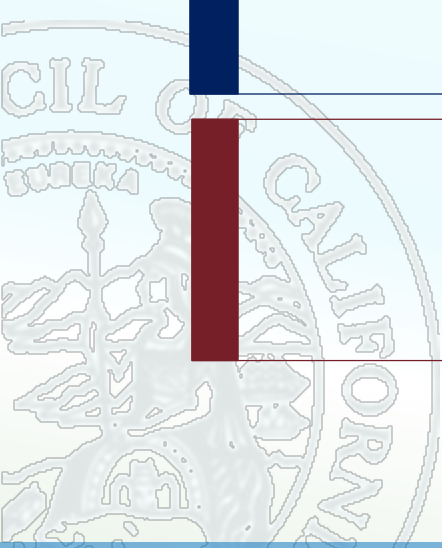
- ▶ The Filer interacts with the EFSP for all financial aspects of on-line services.
- ▶ The EFSP distributes the money to the appropriate entity.

▶ Rationale

- ▶ The filer interacts with the EFSP (not the EFM and only tangentially with the Court) for on-line services. As such any issues around performance, collection, refunds, etc. should be handled by the EFSP.
- ▶ Allowing the EFSP to be the money collector allows EFSP to offer a greater variety of payment options to the filer (e.g., credit card, debit card, ACH, EFSP fronts filing fees, EFSP gives free e-Filing in exchange for process serving, etc...)



E-Filing Workstream Participants



The following participated in some/all calls

County	Participant
Contra Costa	Heather Pettit, CIO
JCC	Patrick O'Donnell, Attorney Tara Lundstrom, Attorney
Los Angeles	Snorri Ogata, CIO** Pratik Desai, IT Manager II Tarah Vadini, Exec. Assistant
Monterey	Hon. Mark Hood Paras Gupta, CIO
Orange	Hon. Sheila Hanson* Alan Carlson, CEO Brett Howard, CIO

County	Participant
Sacramento	Chris Stewart, CIO
San Bernardino	Mary Davis, Deputy CEO Nancy Eberhardt, Ops Mgmt
San Diego	Hon. Jeffrey Barton Mike Roddy, CEO
San Joaquin	Anh Tran, CIO
San Mateo	Rick Walery, CIO
Santa Clara	Hon. Aaron Persky Rob Oyung, CIO*

* Workstream Sponsor

** Workstream Lead

Thank you for your efforts and innovative thinking!



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 24, 2016

Title

Judicial Branch Administration: Trial Court
Electronic Filing

Agenda Item Type

Action Required

Effective Date

July 1, 2016

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 26, 2016

Recommended by

Information Technology Advisory Committee
(ITAC)

Hon. Terence L. Bruiniers, Chair
Hon. Robert Freedman, Vice-Chair

ITAC E-Filing Workstream

Hon. Sheila Hanson, Executive Sponsor
Mr. Rob Oyung, Executive Sponsor
Mr. Snorri Ogata, Project Manager

Contact

Hon. Sheila Hanson,

SHanson@OCCourts.org

Mr. Robert Oyung,

ROyung@SCSCourt.org

Mr. Snorri Ogata, 213-633-0126

SOgata@LACourt.org

Executive Summary

The Information Technology Advisory Committee (ITAC), with Judicial Council Technology Committee (JCTC) support, recommends that the Judicial Council review and approve a set of high-level policies and functional recommendations related to establishing a statewide electronic filing (e-filing) capability. In addition, we recommend that the Information Technology Advisory Committee (ITAC) be commissioned to manage the vendor selection process for a statewide e-filing manager (EFM) solution.

Recommendation

ITAC with JCTC support recommends that the Judicial Council approve the following recommendations:

1. Approve the following statewide e-filing policies:
 - (a) Establish the National Information Exchange Model (NIEM)/Electronic Court Filing (ECF) as the technical standard for State of California trial court e-filing.
 - (b) Allow individual courts to retain authority as to which e-filing manager(s) (EFM(s)) they will use.
 - (c) The California judicial branch will select more than one statewide EFM.

2. Approve the following high-level functional requirements for trial court e-filing:
 - (a) EFMs must support all case types.
 - (b) EFMs must have the ability to integrate with all statewide case management systems (CMS) included in the statewide CMS Master Services Agreement (currently, Tyler Odyssey, Thomson-Reuters C-Track, Justice Systems) and Journal Technology eCourt.
 - (c) EFMs must describe their approach for integration with “non-standard” CMSs, including a free-standing e-delivery option
 - (d) EFMs must integrate with Judicial Council approved financial gateway vendors, if directed.
 - (e) EFMs must support electronic payment types beyond credit card.
 - (f) EFMs must provide a zero cost e-filing option for indigent and government filers.
 - (g) EFMs must clearly disclose all costs and services to the e-filing service provider (EFSP) community.
 - (h) EFMs must support electronic service of court generated documents.
 - (i) EFSPs must integrate with all “statewide” EFMs in all participating counties.

3. Commission the ITAC to manage the vendor selection process for a statewide trial court EFM solution.

Previous Council Action

In August 2014, the Judicial Council adopted the *Judicial Branch Strategic Plan for Technology 2014-2018*. This plan serves as a roadmap for court technology initiatives with clear, measurable goals and objectives at the branch level. Inclusive in this plan is a strategy to “Promote the Digital Court.” Furthermore, electronic filing is identified as a core component of the Digital Court.

Rationale for Recommendation

1(a). Establish NIEM/ECF as the State of California trial court e-filing standard.

National Information Exchange Model (NIEM) is a “community-driven, standards-based approach to exchanging information” (see: www.niem.gov). NIEM is co-sponsored by the Federal Departments of Homeland Security, Justice, and Health & Human Services. Its purpose is to disseminate information sharing standards and processes to enable federal, state and local jurisdiction automation.

Electronic Court Filing (ECF) is a technical standard to facilitate the creation and transmission of legal documents among attorneys, courts, litigants, and others (see: https://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-courtfiling). ECF versions 4.0 and later conform with NIEM.

Together these standards provide direction to courts and vendors on creating interoperable electronic filing and data exchange solutions. NIEM and NIEM/ECF have been adopted by the Joint Technology Committee which is an advisory body to the Conference of State Court Administrators (COSCA), National Association for Court Management (NACM), and National Center for State Courts (NCSC).

In 2004, the Judicial Council of California (then, Administrative Office of the Courts) initiated the Second Generation E-Filing Specification (2GEFS) to define standards for statewide electronic court filing. California is the only state that continues to recognize 2GEFS as an e-filing standard. The recommendation brings California into alignment with the rest of the country, which is a critical requirement to national e-filing vendors wanting to deliver services in California.

1(b). Allow individual trial courts to retain authority as to which EFM(s) they will use.

Each trial court currently determines when and with whom to implement e-filing. This authority is critical going forward as the biggest barriers to e-filing identified by trial courts are:

- Insufficient funds to pay for it (integration with CMS, EFM, EFSP);
- Insufficient staff to train and hand-hold e-filers; and,
- Inexperienced/untrained staff in the new world of e-filing.

The decision on when to e-file must reside with each individual trial court as there are many local issues that determine acceptance and success. In addition, trial courts with an existing e-filing capability may not immediately, directly benefit from a change to a statewide solution.

Over time, however, trial courts will need a means to contract with a statewide EFM, and will want negotiating leverage on choosing the EFM solution best for their jurisdiction.

1(c). The California judicial branch will select more than one statewide EFM.

California is the largest trial court system in the country and can accommodate multiple EFMs. Recent single vendor-driven statewide EFM solutions implemented outside of California lack a competitive environment for the filing community. In addition, a single EFM, that is also a CMS vendor, could potentially control too much of the court technology infrastructure creating risk to the branch from cost and business continuity perspectives.

In the recommended multiple EFM environment, individual trial courts will be able to choose from more than one statewide EFM based on what works best in their county. A trial court may also elect to have more than one EFM. Multiple EFMs will ensure competition, which leads to greater access, quality service, innovation, and cheaper services.

2(a). EFMs must support all case types.

Anyone in California should be able to e-file on any case in any court permitting e-filing. EFMs typically focus their e-filing efforts only on civil cases, which is easily monetized. Yet the majority of court case filings are not in civil, meaning a civil-only e-filing solution would limit a trial court's ability to implement a "digital court," thereby limiting public access to the court. E-filing in California must support all litigation types.

2(b). EFMs must have the ability to integrate with all statewide case management systems (CMSs) included in the statewide CMS Master Services Agreement (currently Tyler Odyssey, Thomson-Reuters C-Track, Justice Systems) and Journal Technology eCourt.

In 2012, the trial courts created a Master Services Agreement (MSA) with three (3) primary case management vendors: Tyler Technologies, Thomson-Reuters and Justice Systems. Since then, 30 trial courts have purchased one of these CMS solutions. Several California trial courts had a historical relationship with Journal Technologies (also known as Sustain). Over the last few years, several of these courts have implemented or signed contracts with Journal Technologies. Across the four (4) CMS vendors, over 80% of the State's population will be served. Any statewide EFM will be required to integrate e-filing into all four (4) CMS alternatives.

2(c). EFMs must describe their approach for integration with “non-standard” CMSs, including a free-standing e-delivery option

Many courts have yet to decide if they will be replacing or upgrading their existing CMS solution. Courts utilizing a CMS other than one of the four platforms mentioned above will need insight into what it will cost to integrate their existing CMS into the statewide e-filing solution, if they choose. For some courts it may not be economically feasible to implement a complete e-filing solution, therefore the selected EFMs must describe how a free-standing e-delivery (e.g., a stand-alone e-filing solution not integrated into the court’s CMS) would be deployed and supported. This solution would provide courts with more options to move toward the “digital court” vision.

2(d). EFMs must integrate with Judicial Council approved financial gateway vendors, if directed.

The California judicial branch is typically able to negotiate cheaper online banking fees than private companies or individual trial courts. These “merchant” fees (typically 2-3%) are either passed on to the filer, which leads to additional costs to the filer; or, are absorbed by the courts, which leads to increased expenses to the branch. Should a more attractive branch alternative be available, the EFM may be directed to use such services with the intent to provide filers with the lowest possible online commerce fees.

2(e). EFMs must support electronic payment types beyond credit card.

In the “paper world,” a large portion of filing fee transactions are conducted using payment methods other than credit cards. Some EFM vendors only support credit card payments. Other “digital currencies” are available, widely used, and oftentimes cheaper than credit card options. In addition, one of the ways the EFSP community differentiates services is through the handling of court related fees. The court should accommodate as many electronic payment methods as practical, thereby increasing access to the court. Therefore, credit cards, e-Checks, and Automated Clearing House (ACH) payments should be minimally supported electronic payment types.

2(f). EFMs must provide a zero cost e-filing option for indigent and government filers.

Many court filings come from government or indigent filers. Courts want the operational benefits of e-filing across case types. These filers, however, cannot be charged for certain filings. The fee waivers/exemptions should apply to e-filing convenience fees as well. Free e-filing transactions are not typically attractive to for-profit EFSPs, therefore the EFM will be required to provide a zero cost e-filing option for this population.

2(g). EFMs must clearly disclose all costs and services to the e-filing service provider (EFSP) community.

The costs associated with e-filing are in four (4) primary areas:

- Court filing fees
- EFM Management fees
- EFSP service fees
- An optional court “cost recovery fee”

EFMs may also operate as an EFSP, which may create a competitive imbalance. In some implementations the EFM can add on additional costs to dilute revenues to EFSPs and/or optional Court recovery fees. Therefore, the EFMs will be required to clearly disclose any and all costs for the services they will provide to the EFSP community.

2(h). EFMs must support electronic service of Court generated documents.

The Courts generate case documents that need to be distributed. If e-filing is mandatory, or if all parties on a case agree to e-File, e-Service of court documents should also be available. Allowing Courts to distribute/serve court generated case documents through e-Service will improve court operations.

2(i). EFSPs must integrate with all “statewide” EFMs in all participating counties.

EFSP economics make large counties very attractive and smaller counties less so. Attorneys, the primary customer of EFSPs, typically practice law in multiple counties. To ensure a consistent level of service and a common experience, all EFSPs doing business in California under the statewide EFM program will be required to integrate with all statewide EFMs and provide services to all counties participating in the statewide EFM solution.

3. Commission the Information Technology Advisory Committee (ITAC) to manage the vendor selection process for a statewide trial court EFM solution.

Upon approval by the Judicial Council, a procurement process will need to be initiated to identify, evaluate, select and ultimately implement a statewide e-filing solution. The ITAC workstream model has proven to be quite effective and efficient to achieving the objectives outlined in its annual agenda and the *Tactical Plan for Technology*. Therefore, it is recommended that an ITAC workstream be authorized to manage the procurement process for a statewide e-filing manager solution on behalf of the branch.

Comments, Alternatives Considered, and Policy Implications

Presently e-filing is managed on a county-by-county basis. While this approach has been successful for many courts, it has created inconsistencies across the state in terms of access (most trial courts do not offer e-filing), pricing and availability of EFSPs, to name a few.

The ITAC E-Filing Workstream had participants representing various roles (judicial officers, administrators, technologists, lawyers) from a number courts, as well as members of the Judicial Council staff. The following courts participated in the workstream: Contra Costa, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo and Santa Clara.

In May 2015, the ITAC E-Filing Workstream kicked off with an E-Filing Summit in San Francisco. At this meeting, interested trial courts and Judicial Council staff were invited to hear the e-filing experiences of three different courts and approaches:

- The State of Texas (vendor-driven statewide e-filing)
- The State of Colorado (Court development, statewide e-filing)
- Orange County CA (trial court implemented solution)

Over the next several months, the E-Filing Workstream evaluated all models presented at the summit; two (2) of those e-filing models were given consideration but ultimately rejected:

1. The status quo alternative of every trial court forging their own path was primarily rejected because it lacked a consistent framework, failed to address the needs of filers that transact with multiple courts, and did not create synergistic economies of scale. There was also a concern that smaller courts would largely be ignored due to low return on investment (ROI).
2. The court-developed “build” option, modeled after Colorado, was primarily rejected because the level of effort, resources, coordination, and ongoing management was too high for the branch at this time.

The workstream therefore decided to refine its recommendations to provide a variation of the Texas (vendor-driven) approach, with four (4) primary differences:

- Selection of “more than one” EFM.
- Requirement that all EFSPs work with all statewide EFMs.
- Requirement that all EFSPs provide services in all participating counties.
- Changes to how monies are managed (court fees, EFM fees, EFSP fees, Merchant Bank fees, and optional court cost-recovery fees).

The balance of the high-level recommendations capture unique expectations and requirements for California. For example, unlike Texas, California has established an EFSP-friendly environment that encourages many EFSPs to differentiate themselves in the marketplace through other value-added services. This is most evident in Orange County, California, which has 14 EFSPs. While all EFSPs can support the needs of all filers in the court, each company has unique areas of focus such as:

- Self-Represented Litigants (Legal Aid Society of Orange County, TurboCourt)
- Civil Collection Cases (ISD Corporation, a division of Journal Technologies Inc.)
- Full Service Civil (One Legal, Rapid Legal, First Legal)
- Complex Civil (File & Serve Express, formerly Lexis)

The Texas model, largely adopted by several California trial courts that have chosen Tyler for their CMS, is very efficient for courts using Tyler Odyssey, but is not as EFSP-friendly as many in the state would prefer. It allows very little differentiation on services by the EFSP community around money management, as an example. In Texas, Tyler the EFM (100% of all transactions) is also the market share EFSP leader (70% of all transactions).

A number of the recommendations brought forward by this workstream are intended to ensure a competitive e-filing marketplace that balances the needs of all four (4) constituencies: the court, the filers, the EFM and the EFSPs.

Prior to presentation to the Judicial Council, comments on the recommendations were solicited from and received by Court Executive Officers, Court Information Officers, and the Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Technology Subcommittee. Overall feedback was positive and supportive.

During the workstream process, feedback was solicited from ten (10) EFSPs that currently practice in California. In total, eight (8) companies responded to the following questions:

1. Do you have any concerns if the state chooses multiple e-filing managers?
2. What percentage of your customers would you guess file in multiple counties?
3. Would you object to the state requiring all “statewide” EFSPs to work with all “statewide EFMs”?
4. The state is considering a requirement that all EFMs accept all of the following payment types. Please rank (1-5, 1 being top) your priorities:
 - a. Filer’s Credit Card
 - b. Filer’s eCheck
 - c. EFSP’s Credit Card
 - d. ACH with EFSPs
 - e. Draw down accounts with EFSPs
 - f. If you have another idea, please add it here ____

All but one EFSP expressed no/limited concerns about multiple EFMs with the general consensus that this was a “healthy model.” The lone dissenting EFSP was from a company that does not currently do business in California.

Not surprisingly, an EFSP focused primarily on SRLs responded that only 30-40% of their customers file in multiple counties, while the traditional full service EFSPs that cater to law firms responded that 90-100% of their customers file in multiple counties.

The majority of EFSPs also did not express concerns about all EFSPs working with all EFMs, although two did express concerns about the return on investment in such a model.

Payment types saw a wide variance in responses. The more full-service EFSPs wanted alternatives to credit card payments, in particular e-Checks and ACH payments.

In addition, the four major CMS vendors were surveyed about their readiness to work with statewide EFMs and their support of national e-filing standards. All four vendors are ready to begin working with EFMs, and at least two of them will likely bid to become a statewide EFM. All four vendors support the NIEM/ECF e-filing standards.

Implementation Requirements, Costs, and Operational Impacts

Until the procurement process is complete, it will not be clear what implementation costs, if any, will be incurred with the recommended approach. It is possible that a zero implementation cost model could be established.

Because e-filing is highly disruptive to individual trial courts, the ultimate solution must leave participation authority with the local court. Before implementing e-filing, a court must have a modern case management system, a document management capability, financial resources to navigate through the transition to a digital court record, and staff available to train and operate the new environment. In the long run, e-filing is proven to increase operational efficiencies. The timing of the transition, however, must be a local court decision.

Finally, a Coalition of EFSPs (and other interested groups) has been formed and is called the Coalition for Improving Court Access (CACI). CACI submitted comments/questions, which are attached. CACI is largely supportive of the recommendations of the workstream but seeks clarification in a few areas. It is recommended that the workstream that is commissioned to develop and manage the procurement process consider and respond to CACI feedback, and where appropriate, take it into consideration during the next phases of this project.

Relevant Strategic Plan Goals and Operational Plan Objectives

E-filing supports Goal 1: Promote the Digital Court – Part 2: Access, Services, and Partnerships outlined in the *Judicial Branch Strategic Plan for Technology (2014-2018)* and is identified as a focus area in the *Judicial Branch Tactical Plan for Technology (2014-2016)* under the “E-filing service provider selection/certification” and “E-filing deployment” initiatives.

E-filing also is consistent with the California [Chief Justice’s Access 3D vision](#) for full and meaningful access to the Courts.

Attachments and Links

1. *Strategic Plan for Technology (2014-2018)*
(<http://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>)
2. *Tactical Plan for Technology (2014-2016)*
(<http://www.courts.ca.gov/documents/TPTF-Tactical-Plan-2014.pdf>)
3. National Information Exchange Model Website (www.NIEM.gov)
4. OASIS Electronic Court Filing (ECF) Standards
(https://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-court filing)
5. Coalition for Improving Court Access (CICA): Comments Regarding the Draft E-Filing Workstream Recommendations (Dated Feb 19, 2016)

Date: February 19, 2016

To: Information Technology Advisory Committee

From: Coalition for Improving Court Access, Jeff Karotkin - Executive Director

Re: Comments regarding the Draft E-Filing work stream Recommendations being presented February 22, 2016 as Item 3 on the ITAC meeting agenda

Thank you for the opportunity to comment. I submit these comments on behalf of the Coalition for Improving Court Access or CICA. CICA is a registered lobbying coalition in California that is made up of approximately 14 litigation support providers including Electronic Filing Service Providers (EFSPs), attorney support services and a not for profit association California Association of Litigation Support Professionals (CALSPRO).

We have been tracking the activities of ITAC and the E-Filing workgroup to better understand its work product and its potential impact not just on coalition members but the several thousand law firm customers we support every day. Our comments and questions will focus on those items in the draft recommendations that we feel strongest about.

Let me start by saying we are pleased that the Branch and the local courts are addressing the challenges associated with modernizing the existing eFiling and eService rules, as well as, seeking to implement additional policies and procedures that are necessary for the courts and their constituents to benefit from a digital courthouse.

EFM Recommendations

- 1. Selects more than one statewide EFM** – The Coalition for Improving Court Access (CICA) supports this objective as long as it doesn't place an undue technical burden and cost on the EFSP community and the filers. Does this recommendation mean that an individual court could opt to support multiple EFMs?
- 2. Support electronic payment types beyond credit card** – CICA supports this requirement. We seek to ensure that any CMS/EFM providers and/or EFSPs are required to accept all forms of payment and are in strict compliance with [Government Code 6159](#) and [California Rule of Court 10.820](#). We can point the committee to instances where compliance with the government code and the rules are not being complied with.
- 3. Provides a zero cost e-Filing option for Indigent and Government filers** – CICA supports this requirement. We recommend that this requirement apply to the EFSP community as well. The EFSP community in CA already supports free eFiling for Government filers and Indigent Filers. In Orange County Superior Court specifically, Government filers and Indigent filers are supported by the commercial EFSP community as a condition of certification.
- 4. Allows individual Courts to retain authority as to which EFM they want to use** – If a court opts to only support one EFM, that EFM is guaranteed 100% of all transactions. CICA suggests that when there is only one (1) EFM the court seeks to ensure that the EFMs policies don't put the EFSPs at a competitive disadvantage. The model currently in place in California where the EFM is also an EFSP guarantees that the EFM/EFSP gets paid their EFSP fee even though the filing originates from the commercial EFSP community. In this example the EFSP community assumes all the cost of sales, marketing, on-boarding, training and

customer support, meaning the EFM/EFSP doesn't have to assume that cost but they get paid the retail rate as if they had assumed those costs. CICA recommends that the cost model supported by the EFM recognizes the value the EFSP community provides by charging the EFSPs less than the retail rate for a transaction.

EFSP Recommendations

- 1. Requires all EFSPs to work with all "statewide" EFMs** – CICA supports this in concept as long as it doesn't place an undue technical burden and cost on the EFSP community and the filers.
- 2. Requires the EFSPs to be the entity to collect all monies due and distributed monies to: EFSP (convenience fees)** – We are not sure we understand this requirement. Does this mean that the EFSP community is expected to collect the EFMs payment/credit card convenience fee and distribute it to the EFM?
- 3. Requires the EFSPs to be the entity to collect all monies due and distributed monies to: EFM (EFM fee)** – As mentioned in a prior comment, CICA has concerns with the EFM business model currently in place in many CA courts. It is our contention that it is anti-competitive in that it ensures that the EFM gets paid for services they didn't provide. CICA recommends whatever the EFM business model is that it provides the EFSP community the ability to be a viable eFiling provider, thus ensuring that the filers have real choice.

Optional Recommendations

- 1. EFM must maintain and freely share "service list" for all cases** – CICA supports this requirement. We recommend that the EFM host the eService list on behalf of the court ensuring compliance with CRC 2.251(d). Further, that list shall be made available to the EFSP community so they can perform the act of eService. Currently in the many EFM eFiling programs the EFM hosts the list and the EFM also performs the act of eService; not the EFSP that the filer has contracted with. The rules of court do not currently recognize an EFM as an entity that can perform eService. They do however recognize EFSPs as a provider of eService.

List of CICA questions:

1. Does the state intend to adopt a single set of specifications for electronic filing (e.g., Filing, Confirmations, Court Policy, Request-Response, Payment Reports, CMS-API)? Or will each court and vendor implement different specifications? Or will there be a limited set of specifications (e.g., three different specifications)?
2. If the specifications are the same, will an independent third party certify compliance with the specifications? Will the court certify?
3. If the specifications are not the same, will there be any governance over compliance of individual specifications?

4. The NIEM/ECF specification allows for "extensions". Most vendors, including Tyler, define, include, and often change significant extensions. The extensions, by definition, can be anything that the vendor defines, resulting in "proprietary" and "different" (forked) versions of NIEM/ECF. How does the state intend to manage the various versions of NIEM/ECF defined by different vendors?

5. What is the committee's position on courts not currently supporting NIEM/ECF? Will such courts now have to switch to NIEM/ECF?

6. Regarding the RFP to select more than one EFM, is there a desired number of EFMs? Also, is there any intention for the state to build its own (NEW) EFM, Clerk Review, and Request-Response web services?

7. Should there be a recommendation that the EFSPs meet a minimum set of requirements in order to work with EFMs?

8. Will there be a statewide standard for the amount court/court EFM vendors can charge per e-filing transaction?

9. Electronic service is an offering provided by most private service providers (EFSPs). While it is part of the NIEM/ECF specification, it is not an offering needed or required in a Court EFM for use by private process servers? Does the state intend to require eService through the Court's EFM or will this be optional?

10. The Tyler NIEM/ECF implementation requires EFSPs to provide customer lists to Tyler. If Tyler is also an EFSP, how does the state intend to handle this conflict of interest?

11. The recommendations state that (Court) EFMs (vendors) can also be EFSPs, but limited to free E-filing for fee waiver and government filers. If this is not the case and if the (Court) EFM is used for commercial filings, then does the state intend to set rules so that non-EFM-EFSPs are on equal footing with (Court) EFM-EFSPs (vendors) (which would not be limited to service fees, but also the ability of (Court) EFM-EFSPs to control and change specifications and release software faster than non-EFM-EFSPs?

12. What is the business / revenue model for case types with a large number of government filers (e.g., criminal, family)? Will commercial EFSPs participate in these systems?

13. Will there be a standard as to whether EFSPs are allowed to charge for filings that are ultimately rejected.

14. Will there be a standard as to the time (e.g., days) between the "court confirmation" and collection of money from EFSP customers and the time the EFSP must pay the court (e.g., 5 business days)?

15. Are there timetables established yet for determining the alternatives, approaches, and roadmaps referred to in the document? Will currently certified EFSPs be involved in this process?