



# JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

[www.courts.ca.gov/jctc.htm](http://www.courts.ca.gov/jctc.htm)  
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## JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

### MINUTES OF OPEN MEETING

February 6, 2023  
12:00 PM to 1:00 PM  
Videoconference

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**Advisory Body Members Present:** Hon. Kyle S. Brodie, Chair; Hon. C. Todd Bottke, Vice-Chair; Hon. Kevin C. Brazile; Hon. Jonathan B. Conklin; Ms. Rebecca Fleming; Mr. David Fu; and Hon. Glenn Mondo

**Advisory Body Members Absent:** Hon. Carol Corrigan

**Others Present:** Hon. Sheila F. Hanson; Ms. Heather Pettit; Mr. John Yee; and Judicial Council Staff

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the January 9, 2023, Judicial Council Technology Committee meeting. Mr. David Fu, abstained, he was unable to attend the meeting.

There were no public comments received for this meeting.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

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##### Item 1

##### Chair Report

**Update:** Hon. Kyle S. Brodie provided an update on activities since the last Technology Committee meeting in January. Judge Brodie attended the Court Information Technology Management Forum (CTMF) and provided an update to the Information Technology Advisory Committee (ITAC) at its January 25 meeting. The Strategic Plan for Technology was approved by the Judicial Council at their January meeting. For the upcoming fiscal year, work has begun on the IT Modernization Fund. The application period will start earlier with the goal of getting funding requests to the Judicial Council in July so courts may receive funding sooner. Judge Brodie also suggested transitioning the IT Modernization Fund workstream to ITAC. The proposed workstream

role would be to review and recommend court project proposals to the Technology Committee, and review court progress reports.

Mr. John Yee was introduced as the new Deputy Chief Information Officer (CIO), and Ms. Ruth Green was introduced as the new Chief Information Security Officer (CISO).

## Item 2

### **Review of Information Technology Advisory Committee (ITAC) 2023 Annual Agenda (Action Requested)**

**Update:** Hon. Sheila F. Hanson presented the 2023 ITAC annual agenda that was approved at ITAC's January 25 meeting. In preparing the annual agenda, staff resources, branch priorities, and ITAC's capacity to take on new work were considered. Being mindful of resource constraints, only the IT Modernization Fund Workstream was added to the annual agenda. Workstream members would serve a 1-year, limited term and be reconstituted each year at the onset of the new application cycle. ITAC also discussed potential items to add to the annual agenda later in the year, resources permitting, including identifying ways to better integrate facilities and technology projects and surveying options for working with artificial intelligence.

**Action:** The Technology Committee approved the ITAC annual agenda and transitioning of the IT Modernization Fund Workstream to ITAC.

## Item 3

### **Jury Management Systems Grant Program Update for Fiscal Year 2022-23**

**Update:** Ms. Heather Pettit, CIO / Director of JCIT, provided an update that two additional courts (Superior Courts of San Mateo and Alameda counties) submitted funding requests for a total of \$38,000.

## Item 4

### **Allocation of Funding for Remote Access to Court Proceedings (Action Requested)**

**Update:** Ms. Heather Pettit presented on the funding allocation to provide audio upgrades to eligible courtrooms to meet the mandates of AB 716, which requires remote access to courtroom proceedings. In the first year, 28 courts would receive funding for 83 courtrooms. Additional courts and courtrooms will be eligible to request funding in the second year/cycle of this program. Due to increased project costs, there will be no funding for video upgrades. The Judicial Council will request additional funds from the Department of Finance, and video upgrades will be scheduled as funding permits for civil courtrooms. Criminal courtrooms are not included at this time due to funding limitations.

**Action:** The committee approved recommending to the Judicial Council the allocation of funding to courts related to the remote access to court proceedings (AB 716) budget appropriation, as detailed in materials attachment "AB 716 Distributions, Year 1."

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned.

# **Statewide E-Filing Program Review/Evaluation Findings & Recommendations**

ITAC Workstream Final Report

March 2023



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# Workstream Members

**Executive Sponsor:** Snorri Ogata, CIO, Los Angeles

**Mike Baliel**, CIO, Santa Clara

**Sherri Carter**, CEO, Los Angeles

**Jake Chatters**, CEO, Placer

**Rich Coles**, IT Supervisor, San Bernardino

**Brian Cotta**, CEO, 5DCA

**Paras Gupta**, CIO, Monterey

**Nancy Harbin**, Court Operations Mgr., Kern

**Gabriele McNitt**, Operations Technology  
Coordinator, Kern

**Claudia Perez**, Legal Process Clerk,  
San Luis Obispo

**Casey Villa**, Operations Technology  
Coordinator, Kern

**Tanya Vu**, Court Technology Director, Orange

**Laila Waheed**, Principal Analyst, Nevada

**Harry Yedalian**, E-Filing Operations Manager,  
Los Angeles

*Project Manager:*

**Edmund Herbert**, IS Supervisor, Judicial  
Council

*Subject Matter Experts:*

**Andrea Jaramillo**, Attorney, Judicial Council

**Carol Chappell**, Sr. Technology Analyst, Judicial  
Council

# Workstream Charge

1. Explore the strengths and weaknesses of current e-filing programs and practices across the state.
2. Explore benefits of statewide EFM solutions inclusive of development opportunities and potential funding sources.
3. Evaluate standardizing e-filing transaction fees across the state.
4. Review e-filing rules and statutes to clarify language and improve consistency across the branch.

**1. Explore the strengths and weaknesses of current e-filing programs and practices across the state.**

**a. Appellate Courts**

**b. Trial Courts**



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# Appellate Court Findings and Recommendations

- **Findings:** Across all survey questions the Appellate Courts were neutral to satisfied across all assessed areas:
  - Number of EFSPs
  - Quality
  - Support responsiveness
  - Input into design
  - Current e-filing process from trial court
  - Overall satisfaction
  - Software updates
  - Enhancements
  - Timeliness of changes
- **Recommendation:** Explore addition of another EFSP for Appellate e-filing



# Trial Court Findings: The State of E-Filing in CA



- Currently in California:
  - 31 courts offer e-filing
  - 27 courts do not offer e-filing
- E-Filing courts EFM's
  - **Tyler only** courts 19
  - **Journal only** courts 2
  - **Custom** courts 4
  - **Multi EFM Courts** 6
    - Alameda (**Tyler** + **Journal**)
    - Monterey (**Tyler** + **Custom**)
    - Los Angeles (**Tyler** + **Journal**)
    - Orange (**Tyler** + **Custom**)
    - San Diego (**Tyler** + **Custom**)
    - Santa Clara (**Tyler** + **Custom**)

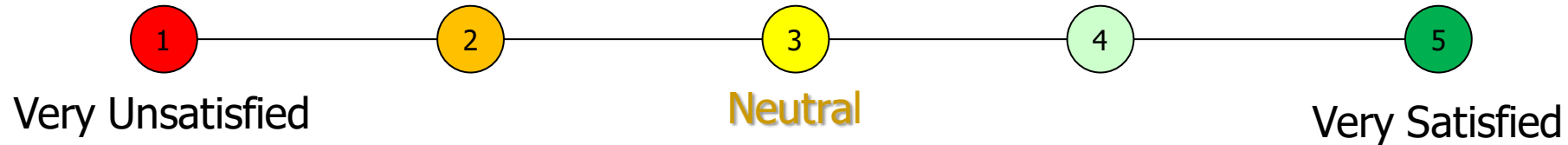
# Trial Court Findings: Courts Without E-Filing

- 15 courts plan to implement e-filing in next two years
  - Journal - 11
  - TBD - 3
  - Tyler - 1
- 9 courts currently have no plans\*
- 3 courts did not respond to survey – plans unknown

\* As of survey August 2021

# Trial Court Findings: Satisfaction with E-Filing Solution

✓ Trial Court E-filing Survey – August 2021



On a 5-point scale, the 31 courts range in satisfaction from 3.15 to 4.56

**2. Explore benefits of statewide *trial court* EFM solutions inclusive of development opportunities and potential funding sources.**



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# Findings: Statewide EFM at-a-Glance

- CA courts have a proven ability to build and operate an EFM
- The majority of states/jurisdictions offer e-filing, opting for vendor EFM solutions with 6 states having custom-developed solutions.
- 9 states embrace the multiple EFSP model. All others bundle EFSP and EFM services together through a single vendor/solution. Only CA has embraced a multi-EFM model.
- 4 vendors offer EFM solutions in more than one jurisdiction of size
- E-filing programs cost money and multiple funding sources are in use across the country.

# 2019 Statewide EFM Benefits / Concerns

## **Benefits**

- Uniform EFM fees
- Free e-filing for government and indigent filers
- EFSP uniformity and consistency
- Compliance with national e-filing standards
- Competitive framework (3 EFM vendors selected)
- Journal committed to statewide goals
- A funding framework for JCIT e-filing unit

## **Concerns**

- Tyler withdrew
- Imagesoft did not implement
- Only one trial court participated in statewide MSA
- Uncertain ongoing support for JCIT e-filing unit

# Recommendations

- Explore custom EFM solution for mandated\* niche areas like DVRO and GVRO to:
  - Provide solution for courts not currently e-filing
  - Demonstrate that full integration with legacy CMS systems is possible

\* From the proposed budget: Chapter 681, Statutes of 2021 (AB 887) – Domestic Violence Restraining Orders and Chapter 686, Statutes of 2021 (Senate Bill (SB) 538) – Gun Violence Restraining Orders: \$2.6 million in 2022–23 and \$1.7 million annually thereafter to implement and support electronic filing interfaces for domestic violence restraining orders, domestic temporary restraining orders, and gun violence restraining orders for all trial courts as required by AB 887 and SB 538.

### **3. Evaluate standardizing *trial court* e-filing transaction fees across the state.**



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# Findings: Fee Standardization at a Glance

- CCP 1010.6(b)(9) authorizes trial courts to *recover costs* associated with providing a service or product.
- Standard (identical) e-filing fees not practical
- The CA survey reflects that trial courts are generally in favor of fee standardization if possible
- An analysis of national e-filing practices reflects:
  - Fee uniformity is highest in centralized jurisdictions that fund the e-filing program centrally
  - E-filing fees vary greatly across the country
  - Jurisdictions that support multiple EFSP have the greatest variability in costs to e-file

# Deconstructing E-Filing Fees

## Illustrative Billing Statement

Line	Description	Cost	Realities
1	Motion	\$60.00	Standardized
2	EFM Fee	\$3.50	Court contracts range from \$2-\$5/transaction
3	EFSP Fee	\$1.00	The EFSP Fee which ranges from \$0-50.00 depending value added services provided
4	Payment Processing Fee	\$1.95	Approximately 3%. Minor variability based on EFM and payment method.
5	Local Court Cost Recovery Fee	\$2.00	Most courts charge \$0. Local cost recovery fees as high as \$2.50/transaction
6	Branch Cost Recovery Fee	\$0.50	Currently not implemented anywhere.
7	Total Cost	\$68.95	

*Fees vary across counties because items 2-5 are dependent on local conditions.*

# State Survey Results

Fee Uniformity Importance	Very Important	Somewhat Important	Neutral	Not Important	Weighted Score
Overall (47)	18	16	11	2	4.06
EFM Fee	16	20	9	2	4.06
EFSP Fee	12	16	14	5	3.74
Court Cost Recovery Fee	12	12	15	5	3.70
Branch Recovery Fee	16	10	13	5	3.84

- While there is a consensus that fee uniformity is important, it is impractical:
  - EFM: Based on vendor and mandatory/voluntary
  - EFSP: Not achievable: These service providers differ on services and price.
  - Court Cost Recovery: Not achievable: Each court incurs costs differently to implement and operate e-filing
  - Branch Recovery: This (if applicable) is likely the easiest area to drive uniformity.

# National Findings on Fee Uniformity

*Fee uniformity correlates closely to funding model and EFSP strategy.*

## General Fund

- Courts that fund e-filing from the general fund tend to be:
  - Single EFM
  - Single EFSP
  - Mandatory e-filing
- **Fee uniformity is likely**

## Case Initiation

- Courts that fund e-filing as part of the cost of case management (e.g., at initiation either as part of the court filing fee or a separate automation fee) tend to be:
  - Single EFM
  - Single EFSP
  - Mandatory e-filing
- **Fee uniformity is likely**

## Transactional

- Courts that fund e-filing through transaction fees tend to be:
  - Single EFM / Single EFSP
  - Single EFM / Multiple EFSP
  - Multiple EFM / Multiple EFSP
- **Fee uniformity is unlikely** in the latter two use cases due to EFSP price variability.

## **4. Review e-filing rules and statutes to clarify language and improve consistency across the branch.**



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# Findings and Recommendations: E-filing Rules and Statutes

- **Survey asked courts whether statutes and rules about e-filing and e-service (1) are clear, and (2) should be changed.**
- **Findings:**
  - Most courts (both trial and appellate) found statutes and rules clear for both e-filing and e-service.
  - Requirements for express consent to e-service generated the most comments for change with six trial courts commenting.
- **Recommendations:**
  - Refer courts' comments for statute and rule changes to Rules and Policy Subcommittee for consideration.

## Action requested:

**1. Accept the final Findings & Recommendations report to conclude/sunset the workstream.**

**2. Consider potential next steps:**

- a) Explore addition of another EFSP for Appellate e-filing.
- b) Explore targeted EFM solution for niche areas like DVRO and GVRO to test statewide potential.
- c) Consider long-term operation and support model for JCIT e-filing unit.
- d) If fee uniformity is desired, explore alternate funding methods (non-transactional or hybrid).
- e) Refer courts' comments for statute and rule changes to Rules and Policy Subcommittee for consideration.

**Thank you!**



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# FY 2023-24 Technology-Related Budget Change Concepts Summary

**Requesting Entity:** Judicial Council Administration Division: Branch Accounting and Procurement

**Proposal Title:** Phoenix Payroll and Innovation Support

**Project Summary:**

The budget change requested is to support continued innovations and the expansion of the SAP enterprise resource management system and administrative services provided by Branch Accounting and Procurement for the trial courts. The proposal includes \$732,000 in personal services for 4.0 full time positions and \$507,000 for operating expenses in fiscal year 2024-25, and \$732,000 in ongoing personal services for those same 4.0 full time positions and \$460,000 in annual operating expenses for fiscal year 2025-26 and ongoing. This proposal is a continuation of the FY 2019-20 BCP, which was the first step of a multi-step upgrade and expansion of the Phoenix payroll solution to several more courts. The newly requested resources will allow the Phoenix Program to maintain the software investment now that the final steps of the upgrade are being completed, and improve and extend the Phoenix payroll solution further, since several new courts have expressed an interest.

**Requesting Entity:** Data Analytics Advisory Committee

**Proposal Title:** Data Governance and Analytics

**Project Summary:**

The Judicial Council of California (JCC) requests \$1.1 million one-time General Fund in 2024-25 and \$1.0 million one-time General Fund in 2025-26 and 2026-27; and 5.0 positions and \$17.3 million ongoing General Fund beginning in 2024-25 to fund investments in data and information governance needed to improve and expand judicial branch data access, use, and sharing in trial courts. This proposal builds on previous, incremental investments in branch data analytics and aligns with investment in branch technological infrastructure to modernize data management protocols and platforms for ongoing data collection and data management. This proposal also funds data analytics resources in trial courts to meet new and ongoing data reporting requirements and to increase local use of analytics for decision making and planning.

**Requesting Entity:** Courts of Appeal

**Proposal Title:** Proposition 66 Costs in Courts of Appeal

**Project Summary:**

The Judicial Council of California (JCC) requests 14.5 positions and \$9.5 million for 2024-25 and \$9.2 million ongoing General Fund for the Courts of Appeal to address the new workload associated with the implementation of Proposition 66 (Prop 66), the Death Penalty Reform and Savings Act of 2016.

**Requesting Entity:** Judicial Council Operations & Programs Division: Information Technology

**Proposal Title:** Additional Funding for Remote Access to Court Proceedings

**Project Summary:**

The Judicial Council of California (JCC) requests an additional \$40-80 million one-time funding over two years to meet the requirements of BCP 250-125-BCP-2022-GB for remote access to court proceeding using audio and video.

# **FY 2023-24 Technology-Related Budget Change Concepts Summary**

The JCC received BCP funding for Fiscal years 2022-2023 and 2023-24 for the implementation of AB 716 to upgrade courtroom audio and video (AV) for remote access to proceedings. The original proposed funding was based on 2020 pre-pandemic pricing and was intended to upgrade AV in 1775 courtrooms built before the year 2000. However, during the height of the pandemic supply chain and labor issues occurred, and prices for AV equipment have sky-rocketed to three times the original cost and have also delayed delivery of equipment by months. The current funding is no longer enough to upgrade video in all the eligible courtrooms; in fact, it can only support upgrading audio only. Due to continued price increases, video must not be deferred. This funding request is to address the shortfall for courtroom video upgrades.

For Committee Review