

Florida Courts Technology Commission Meeting

FCTC Action Items/ Summary of Motions

February 11 – 12, 2010

Commission Members Present

Judge Judith L. Kreeger, Chair, 11th Circuit
Judge Manuel Menendez, Jr. , 13th Circuit
Ted McFetridge, Trial Court Administrator, 8th Circuit
Judge C. Alan Lawson, 5th DCA
Jim Fuller, Clerk of Court, Duval County
Judge Belle Schumann, 7th Circuit
Sally Heyman, Miami-Dade Board of County Commissioners
Kent Spuhler, Executive Director, Florida Legal Services
Paul Regensdorf, P.A., Fort Lauderdale
Ken Nelson, CTO, 6th Circuit

Members Not Present

Judge Angela Cox, Duval County
Judge Marci Goodman, 1st Circuit
Judge Charles Williams, 12th Circuit
Carol Ortman, Trial Court Administrator, 17th Circuit
Judge Gary M. Farmer, 4th DCA
Mary Cay Blanks, Clerk of Court, 3rd DCA
Murray Silverstein, P.A., St. Petersburg

OSCA Staff Present

Lisa Goodner	Donna Brewer	Laura Rush	Jim Mondragon
Chris Noel	Jenna Simms	Greg Youchock	
Chris Blakeslee	Blan Teagle	Sharon Buckingham	
Maria Arnold	P.J. Stockdale	Lakisha Hall	

Other Attendees

Joe Brigham, Staff Director, TRW	Debra Steven, CIO, Attorney General's Office
Colleen Birch, Chief Legislative Analyst, TRW	Jannet Lewis, CTO, 10 th Circuit
Dennis Menendez, CTO, 12 th Circuit	Laura Roth, Volusia County Clerk's Office
Gary Hagan, CTO, 14 th Circuit	Steve Shaw, CTO, 19 th Circuit
Tom Genung, TCA, 19 th Circuit	Ken Kent, Florida Association of Court Clerks and Comptrollers
Craig McLean, CTO, 20 th Circuit	
John Lake, CTO, 3 rd Circuit	
Melvin Cox, Director of Information Technology, Florida Association of Court Clerks and Comptrollers	
Randy Long, Florida Association of Court Clerks and Comptrollers	
Fred Baggett, Florida Association of Court Clerks and Comptrollers	

Day 1 – February 11, 2010

Agenda Item I. Status of Court Functions Review

PJ Stockdale gave an overview of what court functions are needed for automation and the priority for implementing those functions. He gave a brief description of the 12 functions of the trial courts. Judge Kreeger asked if the Clerks have gone through a similar process, and if so, how these needs will be merged. Jim Fuller responded on behalf of the Clerks, stating that they have similar work and just finished a study that touches on many of these areas. He agreed that the FACC should meet/work with the courts to share/merge ideas.

Paul Regensdorf asked who comprised the participant group for the study. PJ responded that the contributors were the CTO's, TCA's, National Center for State Courts (NCSC), AOSC03-16 & AOSC09-30, JAD documents, County RFP's (Pinellas, Dade), Circuit participation and OSCA management. Paul mentioned that input from lawyers is missing and if attorneys or other groups were involved, the list might have a different outcome. Discussion on the public's interest is included within functions 1 and 2 (Case Management and Court Proceedings). Judges Lawson and Kreeger commented that the study does not look good at a glance, but after reading the report, it is clear the public is covered.

Judge Kreeger stated that pro se, outreach, transparency, and education are all very important and asked how the users will be notified they are responsible for redaction. She commented that the Clerks and courts are not communicating well; they are speaking two different languages, and she suggested that at some point communication needs to occur to determine if there is a consensus. She asked if this will be presented to the TRW and stated it needs to go to the Bar users and to the Clerks. She asked Jim Fuller if he could go back to the FACC to see if anything "meshes" and asked Paul to take information to the Bar.

Lisa Goodner mentioned that the categorization may be wrong, and asked if we should look at some of the bullets as outcomes as opposed to independent needs. PJ stated that sub-functions could be created under each main function and that in essence, public interest would become a subpart of each main topic.

Agenda Item II. FCTC / Court Responses for the Technology Review Workgroup Report

Joe Brigham, Staff Director of the Technology Review Workgroup (TRW), offered a PowerPoint presentation that gave an overview of the TRW Report Number 2009-001, Plan for Identifying and Recommending Options for Implementing the Integrated Computer System for the State Courts System (February 1, 2010 version). The TRW's research included conducting comprehensive court technology surveys (67 counties; 20 circuits); an assessment of court systems in other states; an analysis of the federal trial court system; site visits to 11 judicial circuits and 14 counties; and an overview of available court technology systems, innovations and standards (via NCSC website).

The summary of findings included the following:

- Current law does not adequately define the scope, functionality, and main business objectives of the integrated computer system.
- Without a clear definition of the business and/or technology problems to be solved and the functionality needed, a system cannot be designed or implemented.
- The state court system does not have a comprehensive plan for developing and implementing the integrated court system.
- Without a clear and specific plan of action that has been agreed to by state court system stakeholders and the Legislature, there is no road map for implementing the system *in all state court divisions over a specific and reasonable time frame*.
- No permanent statewide or circuit-level governance structure has been established to plan, implement, and operate the integrated computer system.
- Without a formally chartered group of stakeholders authorized to make system decisions, no entity can be held accountable for implementing *or not implementing* the system.
- No dedicated funding source has been identified for the integrated computer system.
- There is no current governance or decision-making mechanism to authorize use any portion of the funds in 28.24(12)(e), F.S. for the integrated computer system.

In addition, three options for implementing the integrated system were identified, (1) statewide data sharing (modification of status quo); (2) integrated computer system made up of multiple systems of record; and, (3) a single integrated computer system. It was noted that the options are NOT mutually exclusive.

The TRW recommended the following:

1. Develop changes in statute required to clearly establish the integrated computer system, including:
 - a) Define the main business objectives, specific scope and functionality to be provided.
 - b) Identify a permanent state- and circuit-level governance structure responsible for making decisions on the integrated computer system.
 - c) Identify the official systems of record that will comprise the integrated computer system, including definition of usage and compliance requirements, and an accountable management structure and process.
 - d) Further legislative analysis of potential options for establishing a funding source for the integrated computer system.
2. Require the state court system to develop a strategic plan sufficient to implement the integrated computer system in all divisions of the state court system.
3. Require the judiciary and the clerks to jointly develop agreed-to definitions of the case management and case maintenance functions and responsibilities.
 - Definitions should be submitted for legislative review and approval.
 - If approved, the definitions should be established in statute.
4. Require the state court system stakeholders to define uniform business process standards and functional requirements specifications needed to implement and operate the integrated computer system.

An additional recommendation to require the statewide Criminal and Juvenile Justice Information Systems (CJIS) Council to develop specific recommendations for implementing a uniform statute table with adequate detail to address current deficiencies was also identified.

With regard to the TRW report finding about the need for a governance structure, Judge Kreeger suggested to Joe Brigham, and the TRW, that a review of proposed Rule 2.236 regarding the governance structure is pending completion of review by the Supreme Court. Judge Kreeger believes the proposed rule parallels the body identified as the State Technology Board in the TRW's report. She does not believe the State Attorney's Office, Public Defender's Office, and regional counsel are appropriate entities for the group identified as the state courts system (as mentioned in the TRW report). It was also discussed that the court has control over policies and the structure identified needs to be inclusive of all stakeholders in an effort to gain agreement on a joint/shared system.

The FCTC membership is comprised of the representation recommended in the report for a State Technology Board, minus the State Attorney's Office and Public Defender's Office and could therefore take on the roles/responsibilities of the Board.

Judge Menendez expressed confusion as to what the TRW defines as the Judicial Branch. Joe Brigham responded that the statute identifies the Clerks as part of the Branch. Judge Menendez is concerned with membership including the Attorney General, Florida Bar, etc. and asked why it is such an expansive group.

Agenda Item III. Update on the Statewide Electronic Filing Portal / "next steps"

Judge Kreeger reported that the lines of communication between the court and the clerks are open. Linda Shelley, an attorney contracted by the OSCA to work on the e-portal negotiations, received a revised document from the FACC in early February. The court and FACC are going back and forth and are having constructive discussions. There should be a tangible document by the next FCTC meeting.

Agenda Item IV. Status Reports from Data Elements Workgroups

Tom Genung, chair of the data elements workgroups, provided a status update on the work of the probate workgroup and dependency workgroup. The Probate Data Elements Workgroup have wrapped up their in person meetings and have identified all of the data elements for filings within the probate division (1,526 unique data elements).

Motion to Approve and Incorporate the Additional Data Elements Identified by the Probate Data Elements Workgroup

MOTION OFFERED: PAUL REGENSDORF

MOTION SECONDED: KENT SPUHLER & JUDGE BELLE SCHUMANN

Motion to Approve the Revised Process Flows for the Probate Division

MOTION OFFERED: PAUL REGENSDORF
MOTION SECONDED: JUDGE C. ALAN LAWSON

Motion to Approve the Searchable Data Elements Identified by the Probate Data Elements Workgroup

MOTION OFFERED: PAUL REGENSDORF
MOTION SECONDED: KEN NELSON

The Dependency Data Elements Workgroup is currently working to identify the necessary data elements to be captured for all dependency related filings. The workgroup met in January and in late February, and are on course to complete their work in late March.

Agenda Item V. Status Reports from FCTC Workgroups

Subcommittee on Access to Court Records:

Nothing to report on the workgroups' activity.

User Policies Workgroup:

Pursuant to [AOSC07-59](#), Judge Kreeger has appointed a User Policies Workgroup to complete certain projects that originated from the Report and Recommendations of the Committee on Privacy and Court Records, as referenced in [AOSC06-20](#). The workgroup is chaired by Carol Ortman. Please reference the User Policies Workgroup Summary for member information and responsibilities. Paul expressed concern about a user access fee, which will in essence transfer the cost from the court to the non court entities and the savings will be at the clerk level. It will add costs to the lawyers and to the public. Judge Kreeger stated that down the road there will be a cost savings and more efficiencies, however there will also be upfront costs. Kent said that there was not a decision made by the group, they are just looking at a lot of information, including user access to data, who the users are, potential users, and if there should be a predetermined fee structure.

An in person meeting will be scheduled to gather information and bring it back to the FCTC for an update.

AGENDA ITEM VI. Update on Rule 2.236 Petition

The Rule 2.236 petition is currently under review by the Supreme Court. The "blessing" from the RJA was received. The next step will be for the Supreme Court to open up the petition for comment(s). We are not sure if the Court will do that for this type of Rule because it deals with internal

administration. Paul noted that the Court may approve the Rule and then retroactively ask for comment(s).

The FCTC could put together a workgroup to work on editing the Rule (rule 2.236). The Court has publicly invited comment until April 15, 2010 and the FCTC has until May 6, 2010 to respond to the comments. Judge Kreeger is going to work with Lisa and Laura Rush to create a letter to request the dates be pushed up and will reference the TRW recommendations with regard to the State Courts Technology Board.

AGENDA ITEM VII. Review Electronic Initiatives Application Process

Chris Noel discussed the internal process flow for the e-filing application. The court must not be forced into doing something without having a say in the process. Currently, applications are only being accepted for the Probate Division. Each county clerk will have to submit an application for each court division.

AGENDA ITEM VIII. Other Status Updates / Commission Business

Manatee Project Oversight Workgroup:

Judge Kreeger provided the Commission with an update on Phase II. The project is moving from Phase I to Phase II, and is now ready to complete a “soft launch”. Beginning March 1st, users will be able to remotely access court records that the Supreme Court approves to be accessible. Phase II should take 6 months. After 6 months, a review by the National Center for State Courts will be completed, as well as a report by the NCSC.

Legal Research Contracts (Westlaw/LexisNexis)

The re-negotiation process is currently underway with both vendors. The issue is that there is no additional funding available to accommodate increases in the cost of the current contracts. The Court must stay within the current dollar allocations. Staff has requested information such as a listing of active users, how many access specific databases, etc.

Judge Kreeger raised the issue of not being able to access information outside of Florida, i.e., IRS, tax code, etc. Judge Lawson says the current subscription does not allow access to updated treatises. Paul mentioned Google’s legal research outlet as a potential option for conducting legal research.

AGENDA ITEM X. Status of FCTC Charge – Remaining Tasks/ Projections for FY 10/11

AOSC07-59 identifies tasks for the Commission to complete during their 2 year term. The first task is to “develop a comprehensive framework for the implementation of technology within the court system that addresses the needs of judicial officers, court managers and staff, and court users. This

shall include assessing existing technology utilized in the state courts to determine whether it is sufficient to meet current and anticipated future needs and, if it is not, making appropriate recommendations for adjustments. The proposed framework should be consistent with the goals and objectives established in the Long-Range Strategic Plan and the 2006-2008 Operational Plan for the Florida Judicial Branch.” Judge Kreeger does not believe the prioritization piece has been done. The Commission needs to map out a plan, with some thought being given to including the public library. The Clerk of Court and the Bar are each doing their own survey and should share their findings with the court/FCTC.

Uniform technical standards have been completed (charge #2). The FCTC continues to oversee/monitor the Manatee pilot project and that won't be complete until September 2010 (charge #2). The FCTC will continue to provide oversight on the development and implementation of the statewide portal (charge #3). As to charge number 4, technology currently being utilized is capable of full integration; and the FCTC continues to perform other assignments as directed by the Chief Justice (charge #5).

AGENDA ITEM XI. Outreach / Education

Judge Kreeger identified the need to train people not to include private information that is not pertinent in case files. A statewide summit of the courts, clerks, users, etc. should be held to identify and discuss big picture issues. She spoke with Fred Baggett and the President of the Florida Bar and at a conceptual level they are in agreement. Potential funding sources will need to be identified.

Commission members need to use their creative minds to think of ways to facilitate outreach and education, i.e. develop talking points for different user groups; Article V Revision outreach (how did we do this?); and outreach to the ACLU and the Knight Foundation.

Outreach needs local, reciprocal effort of every user group. Fred Baggett would like to work with the courts and the Bar, Judge Kreeger asked for 3 volunteers from the Commission. Clerks, County Court Judges, The Florida Bar, and Circuit Judges all have summits this summer which will provide a great opportunity for outreach.

Day 2 – February 12, 2010

AGENDA ITEM IX. Social Security Redaction Proposal

The Clerks have a statutory requirement as of January 1, 2011 to redact social security numbers from all court filings. They have been working with Judge Kreeger on the proposed rule on access to court records. The Clerks identified their main problem as being the high number of paper files and how they will protect this information as of January 1, 2011.

Laura Roth, Volusia County Clerk's Office, explained the detail involved in manually redacting sensitive information from all paper files and referenced the letter sent to Judge Kreeger as chair of the FCTC, from Diane Matousek, Clerk of Volusia County, dated February 8, 2010.

Closing Business

A request will be made to the Chief Justice to hold another FCTC meeting before June 2010.

There being no further business, the meeting was adjourned.