

Florida Courts Technology Commission Meeting

FCTC Action Items/ Summary of Motions

November 7, 2014

A meeting of the Florida Courts Technology Commission was held at the Orange County Courthouse in Orlando, Florida on November 7, 2014. The meeting convened at 9:00 A.M., Chair Judge Lisa T. Munyon presiding.

Members of the Commission in attendance

Judge Lisa T. Munyon, Chair, 9th Circuit
Judge Stevan Northcutt, 2nd DCA
Judge George S. Reynolds, 2nd Circuit
Judge Manuel Menendez, Jr., 13th Circuit
Mary Cay Blanks, Clerk of Court, 3rd DCA
Thomas Genung, Trial Court Administrator, 19th Circuit
Ted McFetridge, Trial Court Administrator, 8th Circuit
Matt Benefiel, Trial Court Administrator, 9th Circuit
Karen Rushing, Clerk of Court, Sarasota County
David Ellspermann, Clerk of Court, Marion County
Elisa Miller, Akerman LLP

Judge Robert Hilliard, Santa Rosa County
Judge Martin Bidwill, 17th Circuit
Murray Silverstein, Esq., Tampa
Laird A. Lile, Esq., Naples
John M. Stewart, Esq., Vero Beach
Dennis Menendez, CTO, 12th Circuit
Jannet Lewis, CTO, 10th Circuit
Ken Nelson, CTO, 6th Circuit
Sharon Bock, Clerk of Court, Palm Beach County
Tanya Jackson, Adam Street Advocates

Members not in attendance

Judge Scott Stephens, 13th Circuit
Judge Josephine Gagliardi, Lee County

Judge C. Alan Lawson, 5th DCA
Kent Spuhler, Esq., Florida Legal Services

Supreme Court Justice in attendance

Justice Ricky Polston, Supreme Court

OSCA and Supreme Court Staff in attendance

PK Jameson
Eric Maclure
Chris Blakeslee
Jeannine Moore

John Tomasino, Clerk of the Supreme Court
Alan Neubauer
Lakisha Hall
Susan Dawson

Other Attendees

Noel Chessman, CTO, 15th Circuit
Steve Shaw, CTO, 19th Circuit
Jon Lin, Trial Court Administrator, 5th Circuit
Isaac Shuler, CTO, 2nd Circuit
Fred Buhl, CTO, 8th Circuit
Mark Van Bever, Trial Court Administrator, 18th Circuit
Paul Regensdorf, Esq., Jacksonville
Tim Smith, Clerk of Court, Putnam County
Melvin Cox, Director of Information Technology,
Florida Court Clerks and Comptrollers

Craig McLean, CIO, 20th Circuit
Mike Smith, CTO, 4th Circuit
Craig Van Brussel, CTO 1st Circuit
Paul Silverman, 8th Circuit
Terry Rodgers, CTO, 5th Circuit
Wayne Fountain, CTO, 18th Circuit
Joseph Smith, Clerk of Court, St. Lucie County
Ken Kent, Executive Director, Florida Court
Court Clerks and Comptrollers

Other Attendees cont'd.

Carolyn Weber, Florida Court Clerks and Comptrollers
Jennifer Fishback, Florida Court Clerks and
Comptrollers
Mark Caramanica, Thomas & LoCicero
Victor Lee, Computing System Innovations
Jeff Taylor, Manatee County Clerk of Court
Tony Landry, Volusia County Clerk of Court
Cindy Guerra, Palm Beach County Clerk of Court
Laurie Reaves, Miami-Dade County Clerk of Court
Brent Holladay, Lake County Clerk of Court
Tyler Winik, Brevard County Clerk of Court
Frank Martinez, Miami-Dade County Clerk of Court
Gary Blankenship, The Florida Bar
Jimmy Midyette, Florida Legal Services, Inc.
Christopher Campbell, Florida Court Clerks and
Comptrollers
David Winiecki, Sarasota County Clerk of Court
Marcus Winder, ABC Legal
Steve Moerbe, Tyler Technologies

Tom Hall, Florida Court Clerks and Comptrollers
Linda Doggett, Lee County Clerk of Court
Nichole Hansom, Public Defenders Association
Harold Sample, Pasco County Clerk of Court
Laura Roth, Volusia County Clerk of Court
Angel Colonneso, Manatee County Clerk of Court
Akilya Drake, Palm Beach County Clerk of Court
Doris Maitland, Lee County Clerk of Court
Toni Bleiweiss, Lee County Clerk of Court
Tom James, Miami-Dade County Clerk of Court
Gerald Cates, Duval Clerk of Court
Repps Galusha, Orange County Clerk of Court
Krys Godwin, The Florida Bar
Cathi Balboa, Orange County Clerk of Court
Kimberly Stenger, Polk County Clerk of Court
Nicholas Hanley, Leon County Jurisco
Paul Jones, Palm Beach County Clerk of Court
Douglas Bakke, Hillsborough County Clerk of
Court

The meeting began with Judge Munyon welcoming the commission members and other participants to the meeting. She recognized Justice Polston and State Courts Administrator PK Jameson. Judge Munyon called the meeting to order advising everyone the meeting was being recorded.

AGENDA ITEM II. Approval of August Minutes

Motion to approve the minutes from the August 28, 2014 meeting of the Florida Courts Technology Commission.

MOTION OFFERED: Laird Lile
MOTION SECONDED: Tom Genung
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM III. Approval of FCTC Approved Items

Motion to approve the Florida Courts Technology Commission's Approval Items from the August 28, 2014 meeting.

MOTION OFFERED: Laird Lile
MOTION SECONDED: Tom Genung
MOTION CARRIED UNANIMOUSLY

AGENDA ITEM IV. On-Going Plan for Technology Dollars Update

Judge Munyon discussed the Trial Courts Technology Strategic Plan and Legislative Budget Request. The Justices asked the Trial Court Budget Commission (TCBC) to look at funding the technology needs in the trial courts. The TCBC put together the TCBC Trial Court Technology Funding Strategies Workgroup. The Workgroup developed nine distinct proposed trial court technology Legislative Budget Request (LBR) items. Some of the ongoing proposals for funding do not fall within the ambit of the Florida Courts Technology Commission (FCTC) because some deal with funding for due process. There is a significant amount for court reporting equipment and remote court interpreting. In addition, Judge Munyon offered for the Ninth Judicial Circuit to do a demonstration of remote interpreting to anyone who would be interested. The Ninth Judicial Circuit is piloting remote interpreting and partnering with several circuits. The idea is to pool court interpreters from several circuits. The court interpreters are available to do remote interpreting over video in court. This saves the court a great deal of money and travel time.

AGENDA ITEM V. CAPS Viewer Name

Judge Munyon reminded the Commission of previous discussions of changing the name of the judicial viewers from Court Application Processing System (CAPS) to make it more sellable to the Legislature.

Motion to leave the name of the judicial viewers to Court Application Processing System (CAPS).

MOTION OFFERED: Laird Lile

MOTION SECONDED: Karen Rushing

MOTION CARRIED UNANIMOUSLY

AGENDA ITEM VI. CAPS Viewer Update

- a. Chris Blakeslee discussed the implementation schedule of the judicial viewers outline in the *CAPS Viewer Implementation by Circuit and County* chart. Currently, 45 counties have a judicial viewer implemented in both the civil and criminal divisions.
- b. Chris added that we have now included an in-depth status report detailing if a circuit is actually using the system, in training, proposed implementation dates, etc. She stated that the Eleventh Judicial Circuit signed with Mentis Technology and the Seventh Judicial Circuit signed with Pioneer Technologies. Mary Cay Blanks asked if there were any reports on how the judges are using the system and if they like it. Judge Reynolds said there are mixed reactions from judges in the Second Judicial Circuit. Justice Polston said as a whole, the trial judges liked the CAPS viewers and were pleased with the systems they had. Mike Smith said the judges in the Fourth Judicial Circuit were using it sporadically, but with the addition of the criminal histories through the Judicial Inquiry System (JIS), more judges are using the CAPS viewer. Judge Reynolds said there are a few CAPS viewers that have not been approved by the Certification Subcommittee. If circuits have implemented a CAPS viewer that they believe is compliant with the CAPS standards, plans need to be made for those circuits to come before the certification subcommittee to have their CAPS viewer certified. Laird Lile suggested changing the name of the status report from *Foreclosure Initiative – Status Report* to *CAPS Viewer Implementation by Circuit and County Status Report*.

AGENDA ITEM VII. e-Portal/e-Filing update (Authority Board, FCCC, etc)

- a. Jennifer Fishback discussed the e-portal usage statistics. In the month of October, 1,216,595 filings were filed through the Portal and there are a total of 71,932 registered users. Of the cases that are e-filed,

approximately 95.4% are on existing cases and 4.6% are on new cases. Judges, Pro Se, Court Reporters, Law Enforcement, Mediators, Mental Health Professionals and Process Servers were all added to the Portal. Process Servers, Pro Se and Judges had the highest number of filings totaling over 15,000. Clerks are now able to submit filings to the Department of Corrections (DOC) through the Portal. Within the first week of implementing this, clerks filed 58 filings to the DOC. The days to docket has decreased to less than one day. Laird Lile said it used to be over four days from filing to acceptance. Approximately 2.24% of the filings are returned for correction. This can be because of missing signature, filing to the wrong county, missing fee, image is not readable, etc.

Jennifer Fishback updated everyone on criminal e-filing. In the month of October, 295,789 criminal filings were completed. All 67 counties are accepting criminal filings, of which, 56% are submitted using the batch process and 44% are submitted using single session. Eighteen circuits are using batch e-filing in production. The circuits are continuing to implement per the extensions granted in AOSC13-48.

The Florida Court Clerks and Comptrollers (FCCC) is continuing to work on criminal e-filing and batch filing. Batch filing has expanded to judicial circuits, appellate courts and law enforcement. Ted McFetridge asked how batch filing is different. Jennifer said batch files come in through programs written from systems that agencies use internally to gather data needed to submit the filing. The system sends the XML file to the Portal to a URL that is processed and sent to the clerks. The filer does not log onto the Portal to file, instead they have a function in their system that files directly via the Portal. The batch filings can also be e-served. Currently, 15 clerks are filing to the DOC and there are implementation dates for other clerks to begin filing as well. Judge Menendez asked if the commitment documents from criminal court is what is being filed to the DOC. Carolyn Weber said by statute the commitment package is still being delivered with the inmate. Anything that changes or modifies an order of commitment is what is being filed. The Portal Change Advisory Board is a portion of the process that is being put in place for prioritizing Portal changes and communicating those changes to the FCTC. A release is planned for April 24, 2015. Mary Cay Blanks asked how updates are communicated to the clerks. There seems to be disconnect at the appellate level. Jennifer said the FCCC present the updates in many different ways. A group email is also sent to the clerks monthly. Ted McFetridge applauded the individual(s) who did the videos on self-help. He would like to encourage pro se litigants to use the Portal more. Sharon Bock said the E-Filing Authority (Authority) had a soft launch of adding pro se litigants to the Portal to make certain the Portal worked for the pro se litigants. The Authority is moving into phase two that will allow a more extensive launch. More details are provided under agenda item XIV. Consolidated Pro Se Workgroup Update.

b. Melvin Cox gave an update on the Portal service desk. The service desk takes calls regarding customer service incidents and technical and system support incidents. Customer service has been expanded to the various roles on the Portal and the service desk calls can be tracked by roles. Overall the calls have remained constant and the time to acknowledge and resolve calls have gone down slightly. A small number of judges have called the service desk for assistance. Pro se calls have been fairly small and routine as well. The majority of the service desk calls come from attorneys. Technical calls tend to be more complicated from a resolution standpoint; therefore, they normally take a little over a day to resolve. Of the 613 technical incidents received, roughly 89.40% were initiated through email and 10.60% came in via telephone. Of the 3,674 customer service incidents received, roughly 66.79% were initiated through email and 33.21% came in via telephone. Email is a more efficient process as it creates an automated ticket and goes directly into the system to be tracked.

c. Clerk Bock gave a brief overview of the *Clerk's Information & Technology Strategic Plan*. The goals of the clerks and the courts are aligned. They overlap in three areas: 1)clear direction in identifying the

business needs to use technology as a tool to improve processes; 2)through collaboration with justice partners, the courts and clerks can achieve the goal of serving the public in the administration of justice; and 3)utilizing expertise in leveraging existing technology the courts and clerks can demonstrate fiscal responsibility as stewards of public funds. Linda Doggett, Lee County Clerk of Court and Chair of the FCCC Information Technology Subcommittee discussed the clerks' role in the judicial process. The overall goal is to provide justice to the citizens in an effective and efficient manner. After attending a FCTC meeting in 2013, Clerk Doggett believed the clerks could be more strategic technically and improve how the clerks perform at a state level with technology. The clerks developed an IT strategic plan for clerks. The main idea was to align the clerks' goals with the goals of the judiciary. The strategic plan has four main initiatives: 1)establish a consistent statewide technology environment; 2)develop a clerk technology roadmap for courts; 3)implement Comprehensive Case Information System (CCIS) 3.0; and 4)provide business analytics to the clerks and the courts. Upgrading CCIS is the cornerstone of the strategic plan. Going forward it is essential to partner and collaborate with all customers and constituents. Melvin Cox presented the project plan for the CCIS update. CCIS was established in 2002. CCIS is defined in s. 28.24(12)(e), Florida Statute. The Clerks of the Court are required to provide their court case information to CCIS. The real focus of CCIS is to give a statewide view of court case information. A data dictionary was published and CCIS tried to identify all information people would want to query on. Images and links to images are available in CCIS. Currently, there are 114 million cases in CCIS. Governmental agencies from the federal, state and local levels are the only ones who can access CCIS. Because CCIS is 10-12 years old, data exchanges between CCIS and the clerks are outdated. CCIS 3.0 will include expanded data elements and integration; real time access to data; increased system capacity; and increased reporting and business intelligence capability. The project will take approximately two years. A large portion of the funding for the CCIS 3.0 upgrade will be provided by a federal National Criminal History Improvement Project Grant award totaling about \$1.79 million dollars. Murray Silverstein asked if attorneys, judges and pro se users will have the capability to receive real-time access to judicial branch records in CCIS 3.0. Melvin said the current user base for CCIS is governmental users. The clerks have submitted applications for online electronic records access in accordance with AOSC14-19 and those systems should meet the needs of the attorneys, judges and pro se users. CCIS 3.0 will try to meet the needs of statewide users in reporting and business analytics of the data. Karen Rushing said through this approach the clerks have to look into the future and make sure the security around access is very robust. The clerks are moving in the direction of the administrative order from the Supreme Court. The technology is going to be implemented in such a way that it accommodates the court's decisions as of today. Future decisions about looking at a statewide database can be made without significant recall. Murray said he is looking for lawyers to have real-time, robust access to data. Melvin said with all of the work being done on CCIS 3.0 to build the infrastructure, the database and the connections, they are still unsure of what users will emerge two years from now. Those decisions do not have to be made today because the system still has to be built. Murray would like the attorneys to at least be considered during the build. The attorneys should have immediate real-time access to a central point of entry without statistical reporting or enhanced security. Clerk Rushing said the security is what is important because that determines what a user can see. Murray stated attorneys have access to progress dockets for which they are attorneys of record and should be expanded to include all cases that are public record. The attorneys do not want to get left behind with the enhancement of CCIS 3.0. Clerk Bock said there are statutory and legal restraints on the system. Security is the number one issue. Susan Dawson said in the strategic plan, goal number three implies the movement towards opening up CCIS for public access to be what CCIS 3.0 is moving towards. Melvin said the goals of CCIS 3.0 are expedient access of the data for the clerks and court; statewide analytics and reporting; business

intelligence capability; security of data and images; continuation of inquiry function for government agencies and judicial case management information. Susan asked what is meant by “use CCIS as a platform to provide services such as public access across jurisdictions”. Melvin said public access could be defined as governmental access. Basically anyone who needs to access those records within the statutory requirements of what they are allowed to see. Susan asked if the clerk’s websites will be replaced or supplemented by CCIS. Melvin said the websites will still be local websites. Judge Munyon asked how the clerk’s strategic plan fit into the court technology strategic plan. Melvin said there has to be a partnership with the FCTC. The FCCC has to utilize all of the standards that are in place, e.g., NIEM standards, work with data exchange workgroup, capture data elements needed for reporting capabilities. The purpose was to introduce the concept to the FCTC and start the dialog. Judge Munyon asked what are the next steps towards implementation. Melvin said the FCCC has identified a number of hardware and software updates that need to be made to expand the capability of CCIS. This will take approximately four or five months. Concurrently, the FCCC will dig into the data exchange piece. Need to identify a NIEM type data exchange to test the concept with a pilot county (Volusia County). This will take approximately six months. The standards will be promoted to all of the vendors in the state. Rolling out the standards and connecting them to all of the counties will take approximately six months. The grant covers the connections of all of the clerks CMS to CCIS to create new data structures. At the end of eighteen months, all of the users will be able to see the benefit of CCIS. The final step is to overlay CCIS with a business analytic tool and allow power users of CCIS to use it for their benefit. In 2009, the Gartner Group evaluated CCIS. Although CCIS received a good evaluation, they said the potential of CCIS will not be fully realized until you delve into the reporting and business analytic side. That will be done at the end of the project. Judge Munyon is going to ask Judge Roundtree to reconstitute the TCBC Trial Court Technology Funding Strategies Workgroup to assist in this effort. Ted McFetridge asked how data was shared between CCIS and the courts in the past. Melvin said there has been a partnership with CCIS and the courts for years. The Judicial Inquiry System (JIS) and CCIS are basically linked together. These systems talk back and forth for all of the information that comes from the court case records. There are web services established between CCIS and JIS. Web services are used to provide machine-to-machine interaction with other systems. Laird Lile recommended having a CCIS 3.0 update as a standing agenda item on future FCTC meetings.

d. John Tomasino gave an update on the appellate portal interface. Administrative order AOSC14-61, creates a Change Advisory Board (Board) for the Electronic Florida Appellate Courts Technology Solution (eFACTS). The chief justice will get in touch with the District Courts of Appeal’s (DCA) chief judges to get their representatives on the Board. The Board will help move eFACTS into the other DCAs in a set timeframe. E-Record is supposed to go into effect on June 30, 2015. Most likely there will be an administrative order pushing that date back.

AGENDA ITEM VIII. Change Management Process

Judge Munyon discussed a change made to the Portal in June of this year by the Authority which involved removing the automatic default selection of all prior e-Service recipients and requiring filers to manually select recipients to be e-served. This change caused some consternation to practitioners. The Authority decided to formalize their process for change management to meet their consultation requirement with the FCTC. Judge Munyon is going to put together a subcommittee to update the FCTC’s operational procedures to deal with changes received from the Authority so the FCTC has a formal process to handle these types of issues. Judge Reynolds said the Authority has developed a committee to share with the FCTC changes that are being made to the Portal.

AGENDA ITEM IX. e-Portal Subcommittee Status

Judge Reynolds discussed linking documents to previous filings modeling off of the federal system that has hyperlinks to their documents. The subcommittee decided to wait until the document numbering system is in place before further discussion would be made on linking documents. The subcommittee also discussed proposed orders. The clerks do not want proposed orders filed into their CMS. One reason is because the proposed order would be an attachment instead of a proposed order and this could cause some confusion. A workgroup chaired by Judge Bidwill will be appointed to make a recommendation to the Authority on how to handle proposed orders. Judge Munyon inquired about unsigned proposed orders being docketed. Judge Reynolds said the clerks were against it because it can cause confusion. Laurie Reaves informed the FCTC that the Eleventh Judicial Circuit has an electronic process for the Bar submitting proposed orders and the identified order is processed and subsequently docketed within the local case management system. The proposed orders are outside of the CMS and the docketing process. She suggested adding Robert Adelardi the Chief Information Officer in Miami-Dade County to the Proposed Orders Workgroup. Judge Reynolds said judges can receive orders through email or the Portal. Through the Portal, the order can be routed to the judge's office, to the court viewer, or to the Clerk. A workgroup is needed to define a uniform standard. Laird Lile suggested having the RJA agenda this item if a rule change is necessary. Some users were confused on the initial category headings that appeared on the dropdown box in the Portal. Other filer roles including state agencies, newspapers, and surety bond agents have been added to the Portal.

Motion to approve adding state agencies, newspapers and surety bond agents as additional filer roles to the Portal.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Mary Cay Blanks

MOTION CARRIED UNANIMOUSLY

Judge Reynolds discussed removing yourself from an e-Service list. Currently if someone adds a person to the e-Service list only that person can remove you from the e-Service list.

Motion to recommend that an individual can remove themselves from an e-Service list and allow an audit trail to track self-removal of parties from e-Service list.

MOTION OFFERED: Judge George Reynolds

MOTION SECONDED: Tom Genung

Murray Silverstein said you can only remove yourself if you are counsel of record if the court allows it, and that is called "withdrawal". Florida Rule of Judicial Administration 2.505 has the procedures in place attorneys must follow. Laird Lile said Murray was confusing appearing at a court proceeding versus being on an e-Service list. Laird asked if an email was sent out letting the lawyers know that a person removed themselves from the list. Carolyn Weber said currently if someone removes themselves from the service list, an email is sent out. Judge Menendez asked if there was any discussion on not allowing an attorney of record to remove themselves from the service list. Judge Reynolds said if you withdraw yourself from a service list then you just withdraw yourself. However, withdrawing yourself does not constitute a motion or order to withdrawal. There is an audit trail that can tell when someone was removed and who removed

someone from a service list. Murray suggested adding some business rules for matters of the smooth and efficient functioning of the Portal. There should be some formality of attorneys removing themselves from a service list. Carolyn Weber said presently the only person who can remove an individual from a service list is the person who added the individual. Jennifer Fishback said there are three ways to add someone to a service list: 1)find someone as a user of the Portal; 2)find someone on the Florida Bar's website or 3)type in the address. Filers are not updating the service list and this is causing bad emails to be used for e-Service. Laird would like notice to go out so everyone in the case knows the change has occurred. Murray said an individual should be able to go into his/her profile and fix their email address. Florida Rule of Judicial Administration 2.516, Service of Pleadings and Documents addresses the issue. No one should have the power to add or delete anyone on a service list. Judge Munyon said it is done in case initiation. Murray is opposed to someone being able to add or remove an individual to/from a service list, but the individual is not able to remove themselves from the same service list. The rule says, "The filer of an electronic document must verify that the Portal or other e-Service system uses the names and e-mail addresses provided by the parties..." The filer would have to contact the Portal service desk or the clerk's office and explain that this is a mistake. Joe Smith, St. Lucie County Clerk of Court and President of the FCCC asked if Murray's fears would be allayed if a drop down box that offered the filer a choice of deleting themselves from a list and a statement saying if you are an attorney of record on the case this is not the way to get off of a case. If you are not a member you can go ahead and proceed with the removal. Murray said there are standards for ethical performance. The attorney should say I hereby certify compliance with rule 2.505 that deals with termination or appearing in a case and rule 2.516 which is the e-Service rule. Then the lawyer is being compliant with the rules of the court in appearing properly or taking his/her name off properly. Judge Munyon said if the FCTC approves the recommendation, the Portal will explore whether this is possible and then the FCCC will come back to the Commission for particular language. Carolyn Weber said the FCCC has not begun to look at the issue because it was a business requirement when e-Service was implemented. Murray said a quick fix is just calling the clerk's office or sending an email to the Clerk asking them to remove the attorney from the service list.

Motion to add a statement to the Portal that says, "I hereby certify compliance with rule 2.505 that deals with termination or appearing in a case and rule 2.516 which is the e-Service rule."

MOTION OFFEERED: Murray Silverstein

MOTION SECONDED: Tom Genung

Judge Reynolds offered a friendly amendment and Murray Silverstein and Tom Genung accepted the friendly amendment.

Amended motion to add to the process of self-removal a drop box of some kind or a certification that says, "I am not an attorney of record and I understand that if I am there is another procedure for getting off of the e-Service list in accordance with Florida Rules of Judicial Administration 2.505 and 2.516."

Jennifer Fishback said it is very technical and detailed to allow removal from a service list. The issue is having the Portal identify who an individual is. A user has a user ID and an attorney or judge has a bar number as an identifier. There are email addresses attached to the case on the service list. If an individual did not file to the case there is not a unique identifier connecting a person to their account, a case, or a service list on the Portal. The only technical way to get all of this done is to open up the service list to every person who logs on the Portal. If your bar ID matches any other account with the same bar ID you can see all of those service list. However, many people use group email addresses and tons of people have

the same email address. Connecting a service list to an individual logging into the Portal if they did not file is not 100% guaranteed unless an individual's account was directly connected to a service list. Murray said the failsafe would be the attorney has to be of record or filed something in the court file that permits the attorney to withdraw from the case. Jennifer said an attorney can get themselves off of the service list through the manage my e-Service screen. If an attorney puts themselves on a service list they can take themselves off. On the other hand, they cannot take themselves off of a service list if someone else put them on.

Motion was tabled. The FCCC will reexamine the business requirements of e-Service to research a solution and come back with a recommendation at the next FCTC meeting.

Judge Bidwill gave a brief update on the work of the e-Portal User Group. The members all agree over the last year the process for sharing concerns and input on the Portal was productive and helpful. They all want to continue the process of making recommendations on the Portal. Clerk Rushing asked what was the outcome of bankruptcy. Judge Reynolds said there will be a work queue in the clerk's office for bankruptcy stays and the clerk will try to prioritize the stays. Tom Hall asked if this was available to the appellate courts. Mary Cay said the appellate court does not recognize bankruptcy stays.

AGENDA ITEM X. Timeframe for Eliminating Paper Filings Update

Murray Silverstein discussed whether there should be a date by which paper filings should be rejected. Judge Munyon, on behalf of the FCTC sent letters to the chief judges and Gregory Coleman, President of the Florida Bar to seek guidance on handling the current problem. Murray said this seems like something that is happening in greater frequency in certain parts of the state. This issue was also referred to the Rules of Judicial Administration Committee. Judge Munyon discussed the list that OSCA compiled with the noncompliant attorneys. It seems to be the same ones over and over who are noncompliant. It was discussed that this should be handled at the local level since the numbers seemed to be fairly low compared to the number of attorneys filing.

AGENDA ITEM XI. Update on RJA Committee Actions

Murray Silverstein said the RJA committee proposed an amendment to rule 2.520. This rule basically says a clerk cannot refuse a paper filing, however, the Clerk can request the noncomplying documents shall be refiled in accordance with the rule. In addition, the Clerk shall report the act of noncompliance to the chief judge or designated administrative judge of the relevant court. He encouraged the FCTC members to read the proposed amendment and offer feedback. He would like to submit the proposed rule amendment for final consideration in January 2015.

Motion to approve the following noncompliance language as preliminary passed by the RJA committee:
"No clerk of court shall refuse to file any document or paper because of noncompliance with this rule. However, upon request of the clerk of court, noncomplying documents shall be refiled in accordance with this rule, and all instances where the clerk of court determines an act of noncompliance with this rule has occurred, the clerk of court shall report same to the chief judge or designated administrative judge of the relevant court. If an administrative order has been issued determining the method of reporting and/or resolving noncompliance with this rule, then reporting and resolution shall be by that method. Otherwise, the reporting of noncompliance shall be by a method agreed to by the clerk of court and chief judge of the relevant court.

MOTION OFFERED: Judge George Reynolds
MOTION SECONDED: Judge Manuel Menendez

Laird Lile said the proposed amendment seems to state an administrative order can override a rule. Murray Silverstein said local administrative orders that address the subject and state the procedure to follow locally is not a rule of court nor a rule of discipline. Murray said if a local judge promulgates an administrative order that is contradictory to the proposed language, the administrative order would carry. Laird said there is hierarchy between rules of court versus administrative orders versus local rules. He wanted to know if that causes issues having an administrative order overriding a rule of judicial administration. Murray said he thinks so. Judge Menendez said administrative orders should not override rules of judicial administration. Justice Polston asked if it was necessary to have a rule to fix a problem where only 134 attorneys are noncompliant. Susan Dawson said the Supreme Court issued an opinion or an administrative order that required the local circuits to set up their own informal disciplinary procedures. The proposed rule is consistent as it states refer the problem to the chief judge or local professionalism committee.

Judge Menendez withdrew his second. Murray Silverstein will take the FCTC's action back to the RJA committee.

MOTION FAILED

AGENDA ITEM XII. Publicizing Technology Standards

Murray Silverstein discussed how technology standards correlate to court rules. He discussed the *Standards for Electronic Access to the Courts*. Many of the standards overlap with court procedures. The RJA is trying to accomplish a couple of things. The speed at which court rules are approved is much slower than the pace at which technology changes. Some of the technology processes relate to court procedures, e.g., attachment of exhibits and how they are filed is a standard. All attorneys do not know about the standards, therefore, they are less likely to file a document correctly. Murray wanted to know how the technology standards could be publicized as they are not rules of court. We need to come up with a way to disseminate the standards to all of the attorneys so they know what is required. Should attorneys be referred to the FCTC technology website? Should the standards be adopted into the rules of judicial administration? The RJA believe technology standards that impact court proceedings may be better left to the FCTC to draft. John Stewart said the Florida Bar is a year and a half into its three year study on vision 2016. One of the subject matters is technology and how it relates to the courts and attorneys. One of the issues that has come out of the technology subcommittee is how the Bar can react more quickly whether it is through a rule making committee like RJA, or a mirror group to FCTC within the Bar that deals with technology issues on a streamline matter. The streamline of getting technology rules advanced so that attorneys are not only aware of the rules, but are also following the rules is critical. One suggestion was having the Florida Bar publish new standards in the *Florida Bar News*. Justice Polston encouraged not duplicating work of other committees within the Bar that already exist. It is better to have one comprehensive committee addressing the issues to alleviate duplicative efforts. Murray would like to have an informal discussion via conference call between Justice Polston, OSCA staff, a Clerk of Court, and a representative from the FCTC and RJA. John Stewart could provide a bullet list to the identifiable participants beforehand.

AGENDA ITEM XIII. Certify Compliance with Rule 2.425 through the Portal

Murray Silverstein said this is an old issue. Certifying compliance with Rules of Judicial Administration 2.420 and 2.425 have always been part of the rule. The certification compliance language dealing with rule 2.425 was removed from the Portal. Murray would like to have certification of rule 2.425 added back to the Portal.

Motion to add certification of compliance with rule 2.425 in addition to certification of rule 2.420 back to the certification language on the Portal.

MOTION OFFERED: Murray Silverstein

Motion died for lack of second

AGENDA ITEM XIV. Consolidated Pro Se Committee Update

Sharon Bock gave an update on the Consolidated Pro Se Committee. The goal of the Consolidated Pro Se Committee is to create a conducive environment for pro se litigants to utilize the Portal. In the context of access to justice, this is a narrow piece when you look at a pro se litigant using the entire court system. This does not come close to what true access to justice will be, but it is a good starting point. On June 21, 2014 the Portal created the roles and the pro se litigants were able to file on the Portal. Cumulative total of registered users has increased exponentially. Currently, there are 6,535 registered pro se users on the Portal. As of October 31, 2014, 5,209 filings had been filed and 6,855 documents. County e-filings are being received as well. There is an ability to inform a county of how many pro se filings are received on the Portal. The number of filings versus the number of returns has decreased from 14% to 5%. In 2009 when the FCCC began creating the Portal they embedded the A2J software for guided interview questions. This allows for the electronic document assembly of Supreme Court forms. The system had to be built. Clerk Bock demonstrated the A2J software and reviewed what it would look like in certain case filings. A Do It Yourself (DIY) tab was created to guide the filer through the process of completing the Supreme Court forms. The Consolidated Pro Se Committee will give an update to the Judicial Management Council on December 2, 2014. Justice Labarga is in the beginning stages of launching an A2J Commission. Florida is the only state to have A2J embedded in the Portal. Ted McFetridge asked if there is a cost for pro se litigants to use the A2J software. Clerk Bock said there is not a charge to use the A2J software. Clerk Bock anticipates launch of the A2J software in April 2015. Justice Polston said the A2J approach has already been approved by the Court. It has to be vetted by the Bar committee to make sure the correct legal answers are given. Eric Maclure said staff from OSCA who worked on the family law forms met with staff from the FCCC and are also going to meet with the Bar this month to develop the interview questions for the family law forms and will continue to work with the FCCC. Ted McFetridge wanted to ensure the forms are simplified as not to discourage the pro se litigant from filing and being forced to hire an attorney. Murray Silverstein said there is a robust amount of pro bono work done by attorneys and legal services is also available to people who cannot afford an attorney. Clerk Bock said although legal aid has a sliding scale for income, they are not able to take all of the cases that meet their sliding scale. There is a huge group of people with legal matters that cannot afford an attorney. John Stewart said if there is resistance in the Bar it will come from the young lawyers. The A2J information needs to be publicized. Clerk Bock said a soft launch was done because all of the issues have not been thought through. There needs to be more discussion on communication, e.g., bringing in the Bar. Judge Reynolds said the forms are already in existence and A2J just offers assistance in completing the forms. Clerk Bock said A2J allows the pro se users the opportunity to think through the process and does not give any legal advice. Clerk Rushing said this is going on now in paper. This is a standard way to get all of the documents before the court. Ted

McFetridge asked when the public will be notified that they can file through the Portal. Clerk Bock does not want to tell a pro se litigant to e-file through the Portal until the interview questions are complete because the clerk will continue to get the same type of documents they currently receive in paper.

AGENDA ITEM XV. Access Governance Board Update

- a. Judge Hilliard said the Access Governance Board received 57 On-line Electronic Records Access Applications. A meeting was held October 13-14, 2014. The initial plan was to review the 57 applications received. After meeting with the FCCC, the meeting changed to a planning meeting rather than a meeting to review the applications. The FCCC AOSC14-19 Task Force attended the meeting as well. Together a list of expected answers to the On-line Electronic Records Access Applications were developed. The FCCC AOSC14-19 Task Force and OSCA staff will meet on November 13, 2014 to determine the right answers to the application. The clerks will be given an opportunity to amend their application and come into compliance with the expected standard. Although this adds more time, this process will give us a better product. Judge Hilliard has been conversing with Carol Jean LoCicero. She had a concern with a built in time delay in regards to replication of court documents. The Media wants to make sure they continue to get timely access to court documents. The Access Governance Board is going to refer to the Clerks of Court Operations Corporation (CCOC) time standards. The expected answer of 24 hours more than likely will be changed.
- b. The Public Defender Association submitted a request to the Access Governance Board to add a public defender designation to the Access Security Matrix. This issue was discussed extensively. The Access Governance Board altered the *Standards for Access to Electronic Court Records* to address the public defender's concerns.
- c. The Access Governance Board does not want to put up any barriers to access. Requiring subscriber agreements indemnification could be considered a barrier to access. The FCCC AOSC14-19 Task Force is going to review this issue and bring back a recommendation to the Access Governance Board.
- d. The FCCC AOSC14-19 Task Force is also going to look at the process requiring notarized agreements. Florida Bar numbers are easily obtainable and there is a different process for notarized agreements. The FCCC AOSC14-19 Task Force will bring back a recommendation to the Access Governance Board.
- e. There is a need to define some barriers for judges' signatures. To the extent possible, utilizing watermarks, unique strings or codes should be a requirement to make it difficult to copy a judge's signature. The Access Governance Board will collaborate with the FCCC AOSC14-19 Task Force to determine a resolution.
- f. The ADA Certification Statement in the *On-line Electronic Records Access Application* was revised. Initially the application asked the Clerks to certify a system before it was implemented.

The Access Governance Board also addressed concerns from the Florida Bail Agents on what information should be available to licensed bail agents. They wanted to make sure there would be uniformity across the state.

AGENDA ITEM XVI. Technical Standards Subcommittee Update

- a. Judge Munyon skipped this agenda item as Robert Adelardi was not available to report on the data exchange standards. This update will be given at the next FCTC meeting.
- b. Jannet Lewis said the Technical Standards Subcommittee reviewed the support staff ratio in the Integration & interoperability (I&I) document. This document is used as a guide by trial court technology officers to get county funded IT staff. A ratio was added for Tier 1 help desk level staff. The court has more

external users now than it ever has. The subcommittee defined what an external user was and what data the court needs to collect to quantify the level of workload that is not covered in supporting external users. This information could be used to make a case to the county when requesting for additional staff. The I&I document will be updated to include external as well as internal users. A workgroup will be formed to do strategic planning to determine where the court is going with electronic records and determine long-term goals. The clerks are rendering searchable PDFs. There is a lot of changes in the industry as to how electronic documents are rendered and stored. It is difficult to know which technology to use, even PDF technology is 20 years old. As technology advances and new systems are purchased we will have a better vision of where the court needs to go instead of making various accommodations to meet the court's needs. We need to do something more long-term and be proactive rather than reactive. Steve Shaw will chair the workgroup.

AGENDA ITEM XX. Other Items/Wrap up

Judge Munyon briefly deviated from the agenda to recognize Judge Menendez, Paul Regensdorf, and Ted McFetridge for their service and contribution to the FCTC. Judge Reynolds offered words of appreciation. Specifically, thanking Ted McFetridge for rallying for pro se users to be added to the Portal. Judge Reynolds said Judge Menendez offered a lot of structure to the FCTC. Judge Reynolds went on to say, Paul Regensdorf has served in every capacity on the FCTC and is a real life encyclopedia on the history of the FCTC. Justice Polston offered the Courts appreciation for their invaluable service and commitment to the FCTC. Judge Munyon read the plaques and presented them to each individual. All three also spoke in regards to their service over the years on the FCTC and the accomplishments that have been made.

Motion to adjourn the FCTC meeting

MOTION OFFERED: Ted McFetridge

MOTION SECOND: Judge Manuel Menendez

MOTION CARRIED UNANMIOUSLY

Meeting was adjourned. The next Commission meeting is scheduled for February 18-19. The location has yet to be determined.