

**COMMISSION ON TECHNOLOGY  
MEETING MINUTES**

**March 3, 2006**  
9:00 a.m. – 2:45 p.m.

**Arizona Supreme Court**

Conference Room 119 A/B  
Administrative Office of the Courts  
1501 W. Washington  
Phoenix, AZ 85007

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**MEMBERS PRESENT**

Louraine Arkfeld  
Kent Batty  
Michael Baumstark  
Rebecca Berch, *Chair*  
Robert Brutinel  
Christopher Cumiskey  
B. Robert Dorfman (*Ron Beguin, proxy*)  
Peter Eckerstrom  
Jeanne Hicks  
Michael Jeanes (*Rich McHattie, proxy*)  
Roger Klingler  
Gary Krcmarik  
Martin Krizay  
Catherine O'Grady  
Marcus Reinkensmeyer  
Nicole Waldron (*Jessica Blazina, proxy*)  
Sheldon Weisberg

**MEMBERS ABSENT**

## GUESTS

John Barrett, *CACC, PACC*  
Tom Brady, *CACC*  
Eric Ciminski, *LexisNexis*  
Janet Cornell, *CACC*  
Dave Davis, *CACC*  
Anita Escobido, *Gila Clerk's Office*  
Ron Ezell, *HELP, LLC*  
Beverly Frame, *Yuma Clerk's Office*  
John Greacen, *Greacen Associates*  
Margaret Guidero, *CACC*  
Joan Harphant, *TAC*  
Correnia Honaker, *Maricopa Clerk's Office*  
Cary Meister, *TAC*  
Carol Merfeld, *TAC*  
Gordon Mulleneaux, *CACC*  
Cathy Nemecek, *Scottsdale City Court*  
Patricia Noland, *CACC*  
Gregg Obuch, *CACC, TAC*  
Michael Pollard, *CACC*  
Eloise Price, *TAC*

## GUESTS

Rick Rager, *TAC*  
John Rezzo, *Snell & Wilmer*  
Lisa Royal, *PCCJC Administration*  
Kristy Youtsey-Ruiz, *Pinal Clerk's Office*  
Roxanne Song Ong, *Phoenix Muni Court*  
Scott Stanley, *LawDex Corp.*  
Phil Urry, *Appeals Division One*

## AOC STAFF

Joe Blaszcak, *ITD*  
Stewart Bruner, *ITD*  
Gary Graham, *ITD*  
Karl Heckart, *ITD/TAC*  
Stephanie Nolan, *ITD*  
Pamela Peet, *ITD*  
Janet Scheiderer, *CSD*  
Carla Tack, *CSD*  
Jeff Viemont, *ITD*

## WELCOME AND OPENING REMARKS

Vice Chief Justice Rebecca Berch, Chair, called the Commission on Technology (COT) meeting to order at 9:05 a.m. She asked members to introduce themselves and confirmed that a quorum existed.

Justice Berch provided members with a brief update on several items of interest including:

- Progress being made on 2007 appointments and re-appointments;
- The COT's annual planning meeting, now scheduled for May 4-5, may be moved to June 1 and 2 should the Legislature not complete sufficient work to quantify court budget/program impacts by early May;
- The recent approval by the Government Information Technology Agency of the Arizona Judicial Branch Information Technology Strategic Plan for 2006 through 2008;
- The completion of a talking points handout for the use of members in representing COT to their constituencies; and
- The recent addition of a staff recommendation section to all agenda item summary sheets at the request of the chair.

**MOTION:** A motion was made and seconded to approve the minutes of the November 11, 2005, Commission on Technology meeting. The motion passed unanimously. TECH 06-01

## REPORT FROM E-COURT SUBCOMMITTEE

Justice Andrew Hurwitz, chair of the e-Court Subcommittee, expressed concern that in the five years following ratification of Rule 124 allowing e-filing, little progress has been made toward implementing a statewide approach. He described the role of the subcommittee, its membership, and its approach to attacking the large and complex area

of electronic filing. The subcommittee has posed a fundamental question about direction and proposed a set of principles that must be decided before task groups can be initiated to address the specific challenges delaying implementation of e-filing.

After sharing the pro's and con's of the single-provider and multi-provider approaches to electronic filing, Justice Hurwitz asked members whether they felt courts should create a competitive multi-provider environment in which any provider who meets certification criteria would be able to file. An audience member asked whether the multi-provider approach necessitated third-party solutions only or could allow for local court solutions. Members decided that the term "multi-vendor" or "multiple provider" encompassed multiple providers of solutions from both industry and the courts.

Justice Hurwitz then briefly reviewed the other principles and proposed next steps:

- Common look and feel,
- Minimal court support,
- Bi-directional exchange of data,
- Consistency with standards and cooperation,
- Privacy and appropriate access, and
- Criminal justice integration.

Next steps for the subcommittee include:

- Hearing all future requests for e-filing pilots before sending them to COT for approval,
- Providing direction to existing pilots as statewide solutions are determined,
- Prioritizing challenges to be resolved and spawning task teams to address the specifics, and
- Setting a timeline for solutions then measuring progress.

There was some discussion about whether selection of a multi-provider model would stifle competition. Representatives from the Maricopa Clerk's Office indicated that they have qualified three vendors thus far and their experience does not bear out the theory that the multi-provider model stifles competition.

**MOTION: Approve the multiple-vendor/provider direction (which includes within its scope both vendors and local court solutions) and set of principles as proposed. The motion passed unanimously. TECH 06-02**

### **PROPOSAL FOR AGAVE E-FILING INTERFACE**

Patricia Noland, Clerk of the Superior Court in Pima County, proposed that an open e-filing interface be added to the AGAVE case management system currently being developed. The system could then be used by vendors, individuals, agencies, and other courts as the AGAVE system gets rolled out to the other 13 superior courts. The net effect would be a statewide standard for e-filing through a system modeled on the Maricopa approach but constructed using .NET. Patti mentioned that the e-Court subcommittee had already reviewed the project against its draft principles and pronounced it a good fit, referring the decision to COT.

Members expressed concern regarding the size of investment needed to make the proposal a reality and the risk of increasing the scope of AGAVE development at this

time, as well as the likelihood of jeopardizing the rollout schedule. There was general agreement that now is the time to take advantage of synergies, obtain the most leverage of development funds, and best ensure a common process among the 13 courts. Patti also stated that she will return to the annual meeting with a JCEF funding request and detailed development plan.

A question from the gallery sought to ascertain whether the entire record on appeal would still be transferred in AGAVE. Patti described the value of electronic records on appeal to the clerk's office and verified that it would still be done by AGAVE as part of the e-filing interface.

**MOTION: Approve the general direction of adding an e-filing interface to the scope of the Pima AGAVE project with the stipulation that the project be revisited by the Commission when further definition and scope impacts have been determined. The motion passed unanimously (Kent Batty abstaining). TECH 06-03**

### **REQUEST FOR CMS EXCEPTION**

Lisa Royal, court administrator for Pima County Consolidated Justice Courts (PCCJC), provided members with the history of her current, 14-year-old case management system (CMS) and its frailties. Since the current software is based on the Maricopa Trial Courts' pre-iCIS system, her staff is currently performing a gap analysis to the new iCIS for Justice Courts CMS recently rolled out in Maricopa County. She described the shortcomings of the current system that would be solved by adoption of iCIS.

PCCJC considered the end-of-life AZTEC CMS and the candidate Tempe CMS before making the iCIS decision. Neither are workable on the court's timeline. PCCJC is willing to convert to the state standard; the most likely time to convert would be when co-locating with Tucson City Court in 5 years or so. Lisa stated that PCCJC will operate the hardware but leave further development on the application code to Maricopa. The court will change its business processes to conform to what iCIS requires.

Karl Heckart explained why AOC staff judges the move to iCIS to be a good investment for PCCJC and how it represents a one-time, business-need-driven exception rather than a move to create a rival CMS standard. No state funds or support are being requested and the project will return for detailed approval in May.

**MOTION: Approve the conceptual request to pursue implementing iCIS rather than the state-standard AZTEC CMS in the Pima County Consolidated Justice Courts with the recommendation that the state-standard system be implemented at the time when PCCJC co-locates with Tucson Municipal Court. The motion passed unanimously (Marcus Reinkensmeyer abstaining). TECH 06-04**

### **CMS CODE STANDARDIZATION UPDATE**

Justice Berch reminded members that code standardization was given the number one priority at the annual planning meeting last June. Gordon Mulleneaux, chair of the general jurisdiction team, described the history of the code standardization effort and the role of new CMS development in re-invigorating the team. He expressed the team's concern that the results of the standardization not be allowed to fly apart following

agreement upon the final codes. They recommend appointment of an oversight function to maintain the standard language, terms, and processes for general jurisdiction courts. The team has compiled a final report and Gordon asked that the report, currently available via a link on the COT meeting materials website, be received by COT and that members involved in the effort be recognized by COT. The chair and members both expressed their sincere thanks to the dedicated team members who worked so hard on this difficult project.

John Greacen of Greacen Associates, the company contracted to assist in the code standardization effort, summarized the preliminary report his company has submitted. Binders containing the report were distributed to members in the meeting. He pointed out that 33 representatives of courts participated in limited jurisdiction code meetings to agree on case categories, case status, party type, party status, activities, and financial codes. He recommended that Arizona not adopt independent, unrelated code sets for the various levels of courts. He described a see-saw relationship between the code system and the case management system and related that to the importance of maintaining the codes once ratified. He recommends that a data standards committee be inaugurated to oversee code maintenance. He also recommended that the data standards committee examine the extent of financial discretion exercised by courts over payments, stating that what he found in Arizona courts was far beyond what he has seen in courts of other states and will make automation of collection systems impossible, in his opinion.

The chair and members both expressed their sincere thanks to the dedicated team members who worked so hard on this portion of a difficult project. Members had Mr. Greacen further explain his rationale for recommending a single code set for all court levels in the state.

### **IT PLANNING PROGRESS UPDATE**

Stewart Bruner briefly described the changes made in the technology planning process this year and where activities presently stand. He shared a graphic depicting the output from the countywide plans and the output from the statewide plan to explain how he is getting all the necessary information from a much reduced template this year. He provided members with some court business trends at the national level before describing specific trends gleaned from the court business input received. The Arizona court trends shared were:

- Implementing problem solving and specialty courts,
- Increasing alternative dispute resolution,
- Measuring and reporting on court processes,
- Communicating more effectively with the public,
- Dealing with growing/shifting population through new court divisions and facilities,
- Retaining more highly capable employees,
- Collaborating and integrating with justice partners,
- Increasing collections, and
- Digitizing everything.

He reviewed the set of issues he's collected thus far resulting from the shakeup of process and materials this year and promised to revisit both with stakeholders in the off-season to

craft an even better process next year. He announced his intent to visit the most rural superior courts to help them get off to a good start on their plan in the next cycle.

### **COMMITTEE ON KEEPING THE RECORD FINAL REPORT**

Justice Ryan, chair of the Committee on Keeping the Record (KTR), reviewed the membership, work, and findings of the committee. In general, KTR recommends some fine-tuning of current practices that are working well and adding some regulatory structure to areas of court administration that lack statewide guidelines and standards. Members were most interested in the technical standards for digital recording included as an appendix to the final report. Jennifer Greene, staff for KTR, described the process she had gone through with the Technical Advisory Council (TAC). Justice Ryan confirmed that KTR members were comfortable with the incorporation of TAC's suggestions into the final technical standards document. Jennifer warned that certain format items and content areas might be removed by AOC Legal Services in the process of codifying the contents of the technical standards into an Arizona Code of Judicial Administration section.

Several members raised concerns about a particular non-technical recommendation of KTR regarding use of court reporters for various case types, as documented in the final report. Mike Baumstark pointed out that the report deals primarily with policy/business decisions and only secondarily with technology standards. The chair agreed that technology is most within the purview of COT and limited the scope of the consideration to only the technical recommendations contained in Appendix H of the final report. Members were agreeable to that approach after Justice Ryan explained that AJC will take up the business and policy issues raised by other standing committees at their June meeting.

**MOTION: Approve the technical standards for digital recording contained in Appendix H of the KTR final report as revised by the Technical Advisory Council. The motion passed unanimously. TECH 06-05**

### **REQUEST FOR E-FILING PILOT: SUPREME COURT RULES REVIEW/COMMENT WEBSITE**

Justice Berch described the genesis of the Supreme Court rules review website as well as its value for obtaining broader public input concerning rules and proposed changes to them. She explained the rationale for labeling this an e-filing project, though it operates on an administrative rather than case-related level.

Gary Graham, the Supreme Court's automation manager, then demonstrated the prototype of the website to provide members a preview of the intended functions and ease of use. He stated that only registered users may participate and the site will be moderated so that no inappropriate content is presented to the public – a problem in other states having unmoderated sites.

Justice Berch thanked team members who have put in a lot of work in a short amount of time to address this business need using an inexpensive technology solution.

**MOTION: Approve the request to grant e-filing pilot status to the Supreme Court's rules comment website. The motion passed unanimously. (Justice Berch and Mike Baumstark abstaining) TECH 06-06**

## **REQUEST FOR E-BLUEBACK PILOTS**

Judge Phil Espinosa of Division Two of the Court of Appeals gave the history of the e-Blueback project funded by COT in 1998 and launched in 2002 and described the labor-saving benefits that result from changing from paper to electronic transfer of records on appeal. He explained the three-part process used to transfer case records between Pima Superior and Division Two: the superior court has a collection component, transport is done over the Internet, and Division Two receives and files the documents. He emphasized that everything is in place to expand use to all courts filing into Division Two, beginning with Pinal and Gila. Pinal Superior has the second highest volume of cases on appeal behind Pima Superior and Gila transmits about 25 cases per year. Judge Espinosa further stated that there is no risk or cost for any court to participate in e-Blueback.

Discussion focused on what technical standards exist and how a pre-defined set of data must be transferred between systems using a standard transport system. Karl Heckart described how XML acts as the common denominator for transfer of data to prevent rebuilding custom applications for data integration. Judge Espinosa confirmed that Blueback is indeed XML capable and that Division Two can modify it to employ the data standards in a matter of hours. Karl clarified that the “new standard” being discussed is really the set of tagged data that must be transferred in transactions between courts, not XML, MQ, and .NET as ratified in the ACJA 1-505 architecture table and already required. An approach using those standards has been successfully tested between Yavapai Superior and Division One.

The downside of having Division Two spread adoption of e-Blueback was questioned. Karl reminded members that Division Two employs non-standard case management and document management systems, making the application less transferable. He also pointed out that even superior courts on the same EDMS index their records differently, so a need exists for technical staff to be involved in tailoring the local collector program. Judge Espinosa pointed out that it is a misconception to say Division Two’s EDMS and CMS are “non-standard” systems that would make the e-Blueback transfer system “less transferable.” He further stated that all of Division Two’s systems utilize industry standard programming and software tools which, in any event, have no effect on the transferability and statewide leveraging potential of e-Blueback for any courts.

Use of a consistent, standards-based approach would enable AOC to support the collector for all courts regardless of the number of local technical staff and their expertise. It was also mentioned that transition to a statewide approach becomes easier when fewer courts use fewer approaches to accomplish the same thing.

**MOTION: Approve the request to expand the e-Blueback pilot to Pinal and Gila Superior with the stipulation that the program be made compliant with the state standard approach once defined by the e-Court subcommittee. The motion passed unanimously. (Judge Eckerstrom abstaining) TECH 06-07**

## **CALL TO THE PUBLIC**

After verifying that members had no further items to discuss, Justice Berch made a call to the public. Scott Stanley, CEO of LawDex, Inc, responded to the call and raised concerns regarding use of electronic signatures in courts. He requested that COT provide clear direction in policy that a typed signature is allowable in e-filed documents and questioned what steps it would take to change the current policy. He made available to members proposed language for revising policy documents to that end.

**The next COT meeting is scheduled for May 4 and 5, 2006**, in Conference Room 119 A/B of the Arizona State Courts Building. Justice Berch advised members to hold the fallback dates, June 1 and 2, 2006, in reserve in case the meeting is moved back. Stewart will be in touch regarding the meeting date.

Mike Baumstark from AOC gave an update on the progress being made at reversing the annual JCEF sweep performed by the legislature. He communicated cautious optimism.

The meeting adjourned at 2:45 p.m..