

**COMMISSION ON TECHNOLOGY
e-COURT SUBCOMMITTEE
MEETING SUMMARY**

September 20, 2006

1:30 p.m. – 3:00 p.m.

Conference Call 602-542-9001

MEMBERS PRESENT

Andrew Hurwitz, *Chair*
Robert Brutinel, *General Jurisdiction*
Karl Heckart, *AOC*
Jeanne Hicks, *Clerks*
Donald Jacobson, *Court Administrators*
Michael Jeanes, *Clerks*
Donna Killougey, *State Bar*
Dennis Lusk, *Limited Jurisdiction (Summer Dalton proxy)*

MEMBERS ABSENT

GUESTS

Diane Drain, *State Bar*

AOC STAFF

Stewart Bruner, *ITD*

WELCOME AND INTRODUCTIONS

Justice Hurwitz welcomed members to the call at about 1:30 p.m. and took the roll of those present. He reviewed the context for the meeting and the desired outcome leading to the progress presentation being made to the Commission on Technology (COT) at its November 3rd meeting.

Justice Hurwitz asked members of the subteams at the various jurisdictional levels to share their projects, specific needs, and obstacles that must be overcome.

LIMITED JURISDICTION SUBTEAM

In Judge Lusk's absence, staff member Stewart Bruner reviewed the membership of the subteam, showing that it represents a "cross section" of limited jurisdiction (LJ) courts as well as the Justice of the Peace's Association. He described the two major projects they've identified: electronic citations and standardizing form data used by litigants of civil and criminal case types. These reinforce the subteam's overall goal of obtaining clean, valid, digital data from the source to enter into the supply chain for the courts.

Help is needed on crafting a statewide contract for handheld citation writing devices before Tucson's expires in April of 2007. Stewart has contacted the Arizona Criminal Justice Commission (ACJC) about owning that effort, since law enforcement rather than courts actually use the handhelds. AOC is working with the vendor to obtain a standard XML output stream to provide to the AZTEC case management system. AOC is also tackling an issue with printing criminal citations in 8½ by 11 format in a way that shows the signature by creating a central repository connected to courts over AJIN.

The second prong involves standardizing the data in forms filed into LJ courts, both civil and criminal. The subteam is working with the Justices of the Peace Association (civil forms) and the Magistrates Association (criminal forms) to obtain agreement on the standard content. It is anticipated that some sort of conference committee will then arrive at a complete set of forms for the Supreme Court to vet and publish. These will initially be print and file forms but will be constructed to transition easily into a more interactive e-filing approach. AOC has agreed to host the set of forms on behalf of LJ courts once approved. Members urged the judges' associations to reach out to clerks and administrators as well in deciding form content.

Stewart pointed out the perennial promise of standardized forms efforts and that skepticism exists about the likely success of this effort. Justice Hurwitz added that this is no longer standardizing forms for its own sake but as the entry point for digital data into the court system and a key to eliminating labor-intensive scanning at the courts. Bench to bench consistency is itself a laudable goal. Discussion then focused on the forcible detainer forms/process changes underway at both the Encanto Justice Court in Phoenix and the State Bar.

GENERAL JURISDICTION SUBTEAM

The Clerk of the Superior Court in Maricopa County, Michael Jeanes, reported on the key enablers to e-filing at the general jurisdiction level: an electronic document management system (EDMS) and integration of the EDMS into the case management system (CMS). The subteam is concerned that several superior courts still lack an EDMS. He also raised the question of whether to spend time and effort on the end-of-life AZTEC CMS to enable it to handle to e-filing or to wait a currently undefined amount of time for the new AGAVE system to provide that functionality. This vital question needs to be raised to COT at its November meeting. Karl Heckart told members that AGAVE plans to unveil its complete project timeline in that meeting.

Maricopa's multi-vendor effort is speeding up after waiting for the ECF 3.0 specification to be finalized. Questions were raised about the effort needed to tie the Maricopa model into AZTEC. Judge Brutinel volunteered Yavapai as a pilot site for trying out the software in another county. Jeanne Hicks, Clerk of the Superior Court in Yavapai County, updated members on the progress of the e-appeal pilot, which is averaging four case transfers a day. Justice Hurwitz added that the Supreme Court has already taken a capital case electronically just to prove the concept and encouraged members to see for themselves just how user friendly these two systems really are.

Barriers mentioned were the need to define multiple ways to move documents to the appeals courts in general and dealing with the Rule 58 interpretation in particular. The "signed judgment" issue may be solved with an administrative order or by a special action coming before the Court. The larger e-signature conundrum seems too complex to be solved by a simple order. It also has a ripple affect outside the court system to law enforcement, banks, etc. for orders leaving the court that requires policy at a higher level involving those partners. Supreme Court staff attorneys are looking at the rules related to signature, but this issue has to be solved holistically and may not even depend on a technological solution. Diane Drain from the State Bar recommended that the signature issue be solved in conjunction with their civil and appellate practice sections.

APPELLATE LEVEL SUBTEAM

Justice Hurwitz reviewed the decision to focus attention on getting Division One and the Supreme Court up to speed with e-filing is not meant to slight Division Two which will continue current practices and integrate down the road. Meetings have been held with representatives of the two courts to keep communication open among those working the various improvement projects. He attributed the steady progress at Division One of late to Judge Gemmill's leadership and adoption of the vision of achieving attorney to court e-filing within a year. Division One is drafting judges to begin dealing with e-appeal cases coming from Yavapai and report on improvements needed behind the scenes within the court to deal with electronic records and workflow.

Plans are being considered to optionally allow an electronic copy to replace the paper copies filed for petitions for review. This would not be actual e-filing, since the original would still be paper, but would show attorneys that the court is serious about taking more electronic input. It would also lighten the scanning load of clerks bringing documents into the system. The need for business continuity of e-records was mentioned as a vital consideration as more input to courts becomes electronic.

CRIMINAL FILING

Karl Heckart described the ACJC's recent effort to craft a strategic plan and obtain the funding to carry out that plan and to sustain the automation already developed using past grant money. Their effort will culminate in a symposium to be held December 18 and 19. A brochure will be distributed to members.

Courts are managing a piece of the overall puzzle called ADRS or the Arizona Disposition Reporting System, which provides the first installment in a statewide criminal data integration system. ADRS crafts a workflow that begins with the event and ends with the disposition being entered in the criminal history repository. Specifications are being produced that justice partners will use to tie their existing systems into ADRS, including the case management systems currently being developed in Pima and Tempe. The vendor working on the system will unveil its initial web interface at the symposium.

Barriers Karl mentioned include necessary DPS decisions regarding definition of criminal data and the related protections that must be placed on ADRS and those who use the system. There is concern that the system will be built but will lack adequate funding to deploy and operate -- ADRS is not a court-owned automation system, we are just helping ACJC to get it built for the benefit of the justice system as a whole. There is also a need to expand the scope of the effort into the non-criminal or non-fingerprint realm for it to be truly statewide integration.

DISCUSSION ABOUT NEXT STEPS

A couple of clear topics for COT emerged from the update presentations: 1) the need for an immediate decision on improving AZTEC or waiting for AGAVE to handle e-filing and 2) the need for clear direction regarding implementing electronic signatures within the courts and ultimately from the courts to outside entities. COT should press AGAVE for a clear timeline and spin off a group that includes State Bar representation to look at what documents truly require a signature and whether an AO should be signed allowing local rules for e-signatures within courts under certain conditions. Stewart felt that the

need for EDMS installations in the three remaining superior courts must be raised to COT, as well.

Members discussed what projects already underway could be leveraged to get courts to e-filing faster, like the Maricopa multi-vendor system and the Coconino e-citation integration with AZTEC.

Justice Hurwitz reminded members to focus on the progress that has been made in a year and charged them to continue pressing forward. He stands ready to help solve problems that surface and is happy to speak with groups around the state who have influence over adoption of e-filing. A meeting will be scheduled in mid-October to compile the actual report to COT at the November 3rd meeting.

After verifying that subcommittee members had no further business to discuss, Justice Hurwitz adjourned the meeting at 2:51 p.m.