

**COMMISSION ON TECHNOLOGY  
e-COURT SUBCOMMITTEE  
APPELLATE COURTS SUBTEAM  
MEETING SUMMARY**

**January 28, 2009**  
1:00 p.m. – 2:30 p.m.

**State Courts Building Room 119**

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**SUPREME COURT MEMBERS  
PRESENT**

Justice Andrew Hurwitz  
Sue Bunnin  
Rachelle Resnick  
Ellen Crowley

**APPEALS DIVISION ONE  
MEMBERS PRESENT**

Chief Judge Ann Timmer  
Judge Peter Swann  
Clerk Phil Urry  
Ruth Willingham  
Jeremiah Matthews  
Linda Colwell  
Fred Cole

**AOC STAFF PRESENT**

Stewart Bruner, *ITD*  
Jim Price, *ITD*  
Karl Heckart, *ITD*

**WELCOME AND MEEETING PURPOSE**

Justice Hurwitz welcomed participants and described the purpose of the meeting as discussing e-court project efforts at the appellate level to speed progress in the wake of cost-saving measures authorized in AO 2009- 01. Those present introduced themselves.

Justice Hurwitz informed those present that the Chief is eager to break down any rule-based barriers in the way of implementing further digitization in the appellate courts. He is seeking ways to expand or capitalize on prior projects to accelerate cost- or labor-saving solutions.

**E-FILING PROJECT UPDATE**

Karl Heckart announced that a contract has just been signed with Entresys, maker of TurboCourt software, to power the statewide electronic filing system for all courts and all case types. He described two main categories of electronic filing: 1) traditional entry of case data with the attachment of free-form pleadings and 2) intelligent, form-based filing with field-by-field assistance for the filer provided onscreen. The vendor needs to better understand what constitutes appellate a filing, but it would seem to fit in the “traditional” category. Part of the 45-day detail scoping phase will include a walkthrough of appellate case filing. The use of a vendor helps immensely with the ability to initiate cases via e-filing.

Justice Hurwitz transitioned to the main topic of the meeting by asking two questions: 1. “What have we done thus far in digitizing and streamlining appellate court processes?” 2. “What should we do next?”

## **SUPREME COURT PROJECTS**

**Criminal Filings from Attorney General** -- The pilot is working well and the Attorney General’s Office is willing to file as much work electronically as the clerk can accept. Preliminary discussion with the public defenders’ offices in Maricopa County indicates they are very willing to e-file, as well. The pilot is ripe for expansion. Mention was made of expanding further to Pima County.

**Petition for Review** -- PR dockets are now 30 percent electronic.

**Other Items** -- Summary agendas, rules agendas, minutes, and links to orders are now electronic. Death penalty-related exhibits are all being scanned now. A prospective project to transfer records electronically from AOC Certification and Licensing Division using the same software product as Yavapai uses with Division One has been placed on hold.

## **DIVISION ONE PROJECTS**

**e-Record on Appeal with Yavapai Superior** – Records transfers have been taking place at the rate of over 100 per year. No issues were reported.

**e-Distribution** – Use of Outlook e-mail takes too much time, reported representatives from the clerk’s office. Appellations enhancements are needed to do mass mailing and track the status of notifications. Discussion revolved around determining how many people receive mailings as well as the format in which they must receive notification. Justice Hurwitz asked Division One to create a list of obstacles to e-distribution for the Chief to decide which ones to waive or address another way. He also asked AOC to report Appellations’ ability to accept e-mail addresses from the State Bar in bulk. There was general agreement that mailing links to opinions would be sufficient. A suggestion was made that the State Bar post the relevant order from the Chief on its website to publicize the need for every attorney to have a valid e-mail address soon.

**e Filing in Division One** – A plan is needed for enabling electronic filing at Division One as is being done at the Supreme Court. Concern was raised about a mixed environment and the complications introduced by using panels of judges to hear cases. Discussion focused on practices of both judges and staff needing to change to enable an all-digital case. Judge Timmer committed to address any personnel-related issues related to adopting electronic case records.

**Records Transfer Paradigm Change** – Judge Peter Swann asked why appeals judges could not be given direct access to the record as it exists at the superior court, eliminating the need for records transfer software altogether. He described his method of accessing the iCIS case management system from his office PC and offered to help obtain the necessary IDs and passwords for other Division One users. Concern existed that the link to Maricopa might not handle the traffic, that iCIS might not provide a sufficient number of IDs, that other superior court clerks store records differently, about how to handle

public records requests when the record resides at a different court, and that rules may mandate receipt of the complete record on appeal. Mention was made of the difficulty in getting Maricopa to follow through on commitments to previous court initiatives.

Justice Hurwitz directed Division One to craft an order allowing relief from paper based requirements relating to the record on appeal. Karl Heckart added that, in the longer term, a statewide repository for electronic records will reside at AOC, removing issues with accessing the various clerks' systems. Judge Timmer will pursue the feasibility of enacting the different transfer paradigm with Michael Jeanes and Presiding Judge Mundell.

**Online Payment of Appellate Fees** – Another area for improvement suggested was to implement FARE to collect unpaid appeals fees. Not all present were aware that Division One currently takes in between \$1000 and \$1500 per day in fees. AOC representatives recommended that all the appeals-related fees be collected at the superior court location and split out in their case management system which handles complex financial transactions as a rule. Concern existed that the split in fees may be mandated by statute.

### **WRAP UP/NEXT STEPS**

Justice Hurwitz wrapped up the meeting by talking about the strategy to determine items to be addressed and the timeline for doing so. He reiterated the priority of projects discussed and the need to reach out to both technical people and the Chief in getting to solutions. He finished by committing to speak with Division Two Clerk Jeff Handler about discontinuing the sending of paper petitions for review.

Periodic meetings will be called to follow up on the progress of projects mentioned.