

# **Report of the Technical Advisory Council**

**An Ad Hoc Committee of the  
Commission on Technology**

## **Responses to the October 2002 Report and Recommendations of the Ad Hoc Committee to Study Public Access to Electronic Court Records**

**February, 2003**

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Technical Advisory Council  
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TABLE OF CONTENTS

- List of Committee Members
- A. Committee Background
- B. Committee Conclusions and Rationale

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## A. **Committee Background**

### A.1 **Origin of the Committee**

At its November 2002 meeting, the Commission on Technology reviewed the *Report and Recommendations of the Ad Hoc Committee to Study Public Access to Electronic Court Records* (PAECR) issued in October 2002. The recommendations in the report were accepted by the AJC at its October 17 meeting.

Of concern was the feasibility of the technology recommendations since Ms. Jennifer Greene, who staffed PAECR, noted that the committee specifically did not consider cost or feasibility but only recommended the ideal. A motion passed to have the Technical Advisory Council look further into the recommendations made to the Arizona Judicial Council and report back to the Commission on Technology. When the rule change process begins to amend Supreme Court Rule 123,, and the Commission felt that the Court would need input from the COT to understand how the proposed changes impact technology.

### A.2 **Committee Activity**

As a result, the TAC dedicated its December 13, 2002 meeting to an analysis of the issues and agreed to some recommendations. The minutes of that meeting can be found at <http://www.supreme.state.az.us/tac/default.htm>.

Members discussed the various technology issues identified in the report to formulate specific recommendations. A summary of those issues are as follows:

#### Pilot

The report suggests a 3 year pilot for criminal records. Some specific criminal records would not be available on line (exhibits, pre-sentence reports, and other items already in rule 123).

During the pilot, users must be registered and their activity should be tracked in logs. The tracking logs would be closed records.

The report recommended a usage fee for non-parties and attorneys in a case be charged. Fees should cover costs of providing the service. Further, they noted that the current statute allows a small annual fee and a per-minute charge. They recommended consideration of a change to the statute to have other charging schemes. The charging mechanism and then statute changes would probably part of the “Value-Added” task for the funding subcommittee.

## Orders of Protection

PAECR recommended

- No information on un-served orders.
- No images of petitions for orders on-line for the public.

## Types of Cases where Documents Should Not Be on the Web

PACER recommended that Domestic Relations, Juvenile, Mental Health, and Probate cases not available to the public via the web unless all confidential information redacted per sensitive data items and sensitive data form discussed above.

## Web Site Management

PACER recommended for case lookup (docket/calendar) sites that:

- No party street addresses or victims' names are available.
- No bulk data is accessible via the internet - only case-by-case.
- Sites should add a prominently displayed disclaimer on web sites stating no liability of the courts for untimely, misused, etc. data.
- A glossary of terms and codes should be provided.
- Courts provide periodic reports detailing public use and that they develop a standard form for reporting.

PAECR also encouraged “development of standards, guidelines and funding that allow accessing electronic information of AZ courts from a single point of access, without infringing on the ability of a local court to release its own electronic information.”

## **B. Committee Conclusions and Rationale**

The key recommendations in the report were reviewed and clarified. The Technical Advisory Council generally agreed that approaches recommended by PAECR were technically feasible.

Note that TAC speculated on current technical ability to provide the features in the PAECR recommendation. However, they acknowledged that because of several business functions that must change, it is not likely that pilot implementations will occur in the near future. Therefore, since future technologies will provide new resources and capabilities, the specifics of some of the recommendations will need to be reconsidered in the future.

### Pilot Project

The “pilot project” recommendation was discussed and it was clarified that multiple courts could participate the recommended three year pilot and the focus would be on the

evaluation of the impacts, processes and procedures surrounding the provision of public access to criminal case documents.

- TAC saw no technical challenges with the pilot recommendation.

Following Mo Abdulaziz's demonstration of the *efiler* application used in Court of Appeals, Division 2, the document delivery approach was discussed. There was controversy on this as both an immediate on-line access, as in *efiler*, and an off-line email delivery were discussed.

- In the pilot period, because of limited funding and infrastructure, TAC recommends limited off-hours delivery of documents requested. The registered public user would be presented with a "shopping cart approach" to selecting documents it wishes to have. Those documents would then be selected and emailed to the user during low volume processing hours.

### Registration and Authentication

PAECR felt that a record of document use should be maintained.

- For registration and authentication, TAC recommended that it be centralized and industry-standard, "canned" ecommerce products are readily available for this.
- Authentication could be "payment method based" (i.e. use of a credit card) or use a government issued identification (e.g., an ID and pin number).
- There should be, however, a way to allow parties access case information without charge. Members agreed there are existing off-the-shelf access control packages that could provide this.

With the PAECR recommended approach of a centralized, "single point of access" and the Arizona Judicial Branch's document management system approach of distributed (local) document storage, it is likely that the data warehouse will be the starting point for document access to the public. The architecture of centralized access to local electronic document databases will be a technical challenge but PACER is currently doing this.

### Charging for Access

A concern was that the system be financially self-sufficient. The charges would be used to offset the cost of network bandwidth, local EDMS systems and IT costs. A fee sharing plan would be developed so both local and centralized costs could be defrayed. Participation in providing remote access to electronic documents would be optional for each court.

Some approaches were discussed. Two other entities (the federal PACER system and Maryland's document access system) were both discussed, especially with respect to approaches (flat fee, per page or time used) to charging for services. The PACER system has a staff of 12 to provide customer service, technical support of centralized access to local data stores (including documents) and billing (charges tracked by page delivered on-line) functions. Maryland now charges a flat fee for access to case docket information (not documents) after experiencing the considerable overhead required to track and bill actual usage when they first implemented.

- The federal PACER system will be issuing a report in September 2003. TAC recommends review of their results and revisiting this issue as appropriate.
- TAC had no immediate recommendation to charging approaches but noted that with sufficient resources and existing e-commerce software, this could be achieved. The "value-added" subcommittee of the Commission on Technology should address this with TAC participation.

#### Bulk Data

Data mining of web sites was discussed.

- TAC agreed that data mining can and should be limited.

#### Web Statistics

Web statistics were briefly discussed. WebTrends and FunnelWeb reports from Maricopa Superior and the AOC, respectively, were provided as samples. With the variety of affordable software available, web usage can be reported.

- TAC members agreed that the business users must identify what they wanted counted and define their information needs. Generally, number of sessions and number of cases viewed were considered key to understanding the volume of use of a site.