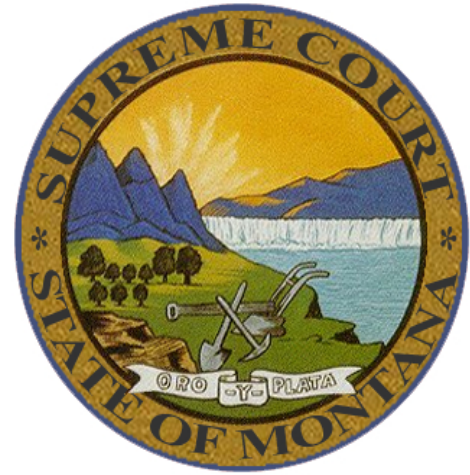


**Montana Supreme Court
E-Filing Automation Committee**



Zoom meeting

July 21, 2021

10:00 AM – 4:00 PM

AGENDA

10:00 AM **Welcome and Introductions** – Justice Shea

Overview of Current System and Schedules – Lois Schlyer/Lisa Mader

Status of Action Items from Previous Meeting – Lois Schlyer

Reports from Subcommittees

- Rules for Withdrawal of Attorney – Karen Kane
- DN Issues – Karen Kane
- Rules Regarding Mandatory Use and Uniformity – Justice Shea
- Best Practices – Lois Schlyer – nothing to report
- Survey – Lisa Mader – nothing to report

COVID-19 Lessons Learned – Justice Shea/Staff/Committee Discussion

New items from committee members and others

Set next meeting(s)

3:00 PM **Wrap Up and Adjournment**

Contact: **Lois Schlyer, E-Filing Program Manager**
Office of the Court Administrator
lschlyer@mt.gov
(406) 841-2962

Overview of Current System

Activities and Statistics

Infrastructure and Systems Activities

E-Filing upgrade 7.2.0/7.2.1 - numerous updates including Default Court Setting; ability of judge to sign specific page; display clerks' comments on judge review queue; add notes to judge queue without creating draft; attorneys able to change their name; eService notification now displays all documents.

E-Filing upgrade 7.2.2 – Proposed Documents workflow removes the certificate of service on proposed documents; allows addition of proposed documents; Adlib is stripping out all metadata. Not yet in production.

FCE 8.1 – fixed “duplicating” address in party records; fixed MANS number issue; fixed withdrawn prosecutor issue; now displays receipt on processing page; added a case judge filter to the clerk review queue.

Okta migration underway – ePass contract was not renewed, requiring migration to okta. Ongoing headaches and timing problems.

Upgrade to RedHat Linux on the e-filing ESBs – December 2020

Upgrade of FullCourt v5 Tomcat e-filing services - for most of the v5 sites to maintain highest security levels

Other Activities

We hired Maggi 😊

E-Filing now live at:

Gallatin Justice	Park District
McCone District	Prairie District
Dawson Justice	Wibaux District
Ravalli District	Beaverhead DC

Updated e-filing to FCE at:

Hill District
Chouteau District
Liberty District
Havre City

Worked with Peg and District Court Automation Committee to establish a Best Practices guide for Judgment Fees (for both clerks and e-filers)

Completed a 3-series Clerk training video for FCE sites
Completed the first of a 2-part series Judge/JA training video

Completed Bar IDs at all but the smallest of the district courts

District Court Clerk “Start-up Booklet” completed and in use

Scheduled Activities

Second Half 2021 and beyond

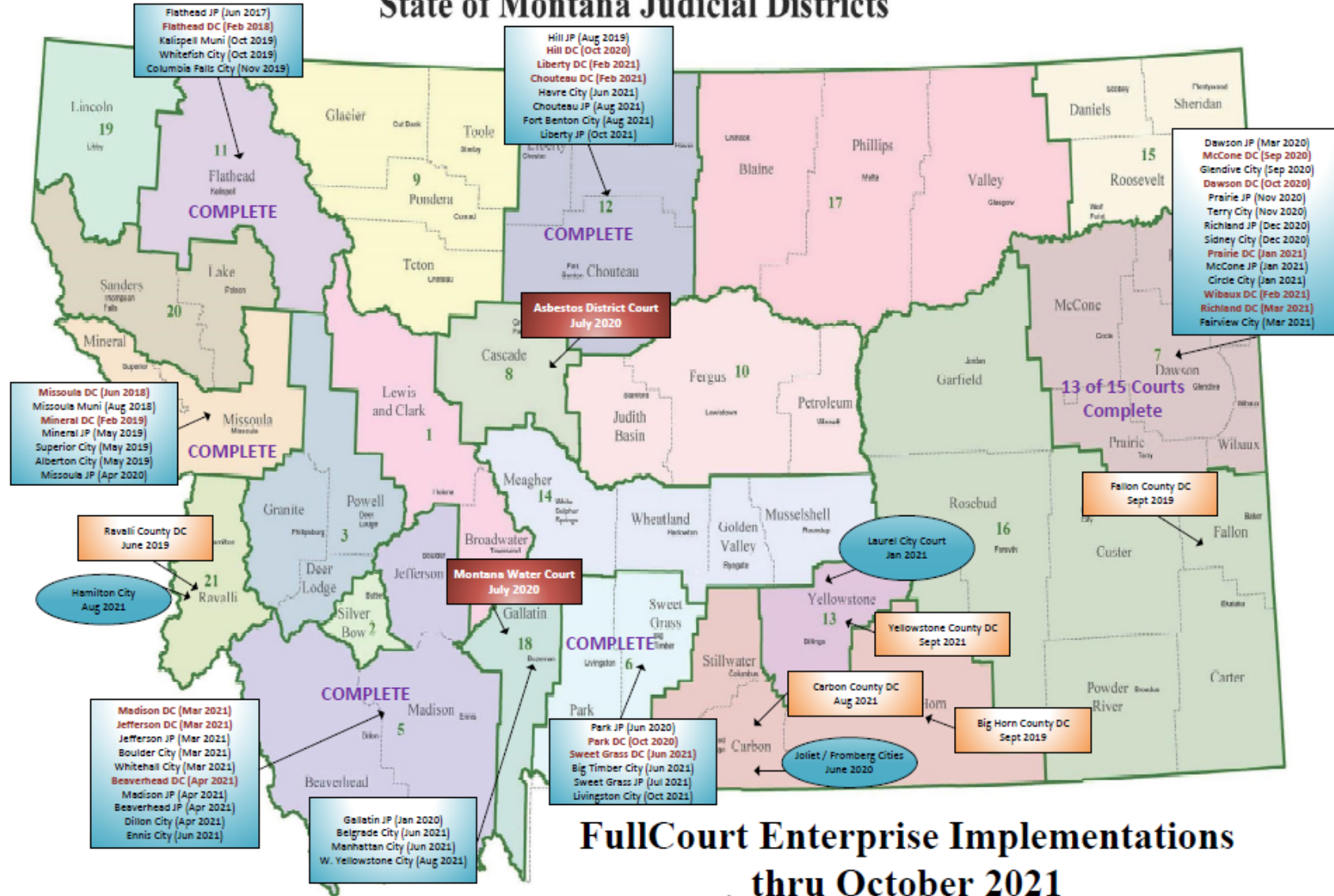
August: Water Court live with e-filing

September: Yellowstone County District Court migration to FCE e-filing for Phase 1 case types (DC, DJ, DN, DI, DD)

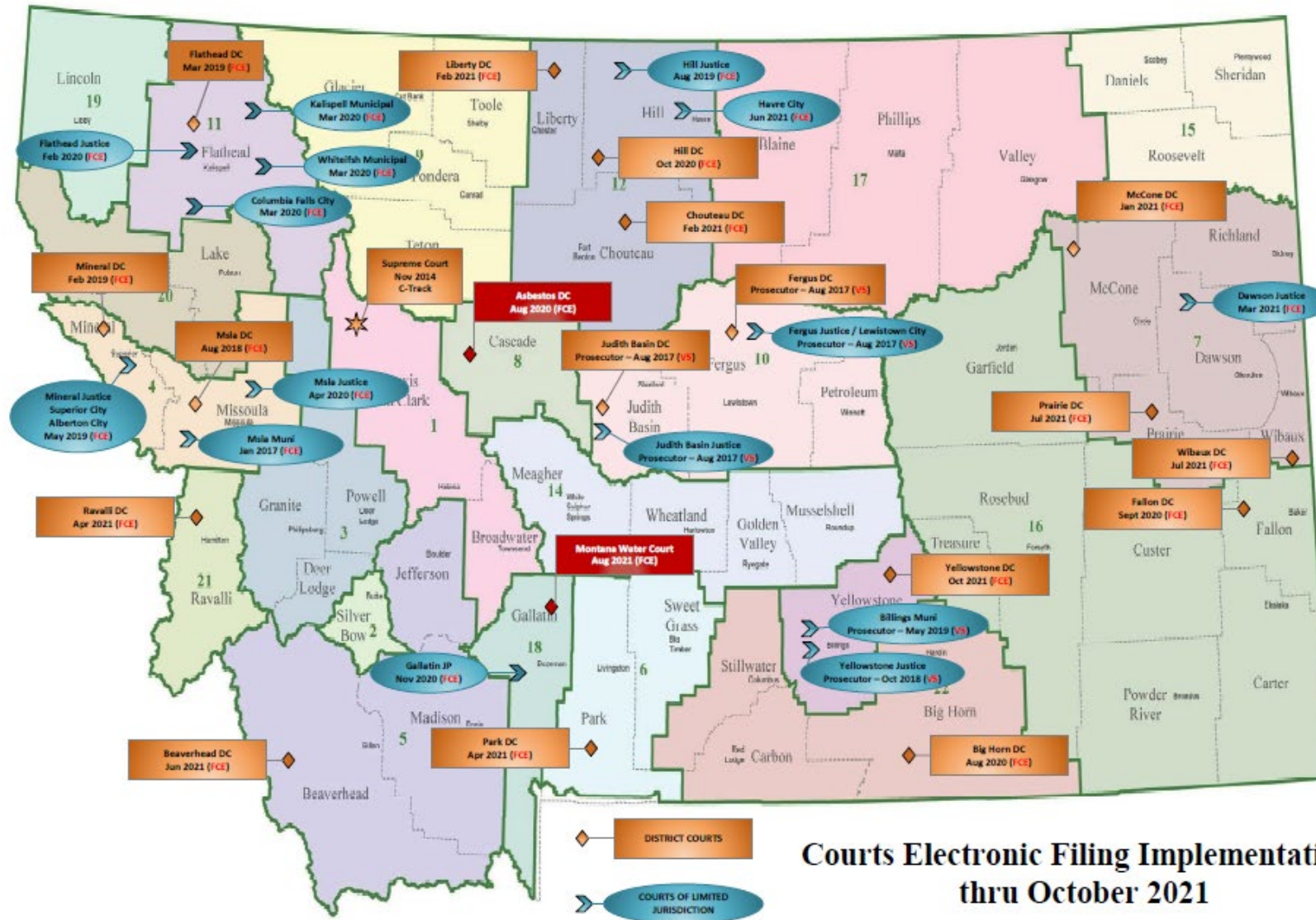
October/November: Yellowstone County District Court live with civil e-filing (DV and DR)

January 2022 possible courts have not yet been contacted so we are not listing them here.

State of Montana Judicial Districts



State of Montana Judicial Districts



**Courts Electronic Filing Implementations
thru October 2021**

7/14/21 Filings Submitted	7/14/21 Number of Cases	10/18/20 Filings Submitted	10/18/20 Number of Cases
691,926	107,846	478,430	76,424

Statistics as of 7/14/21

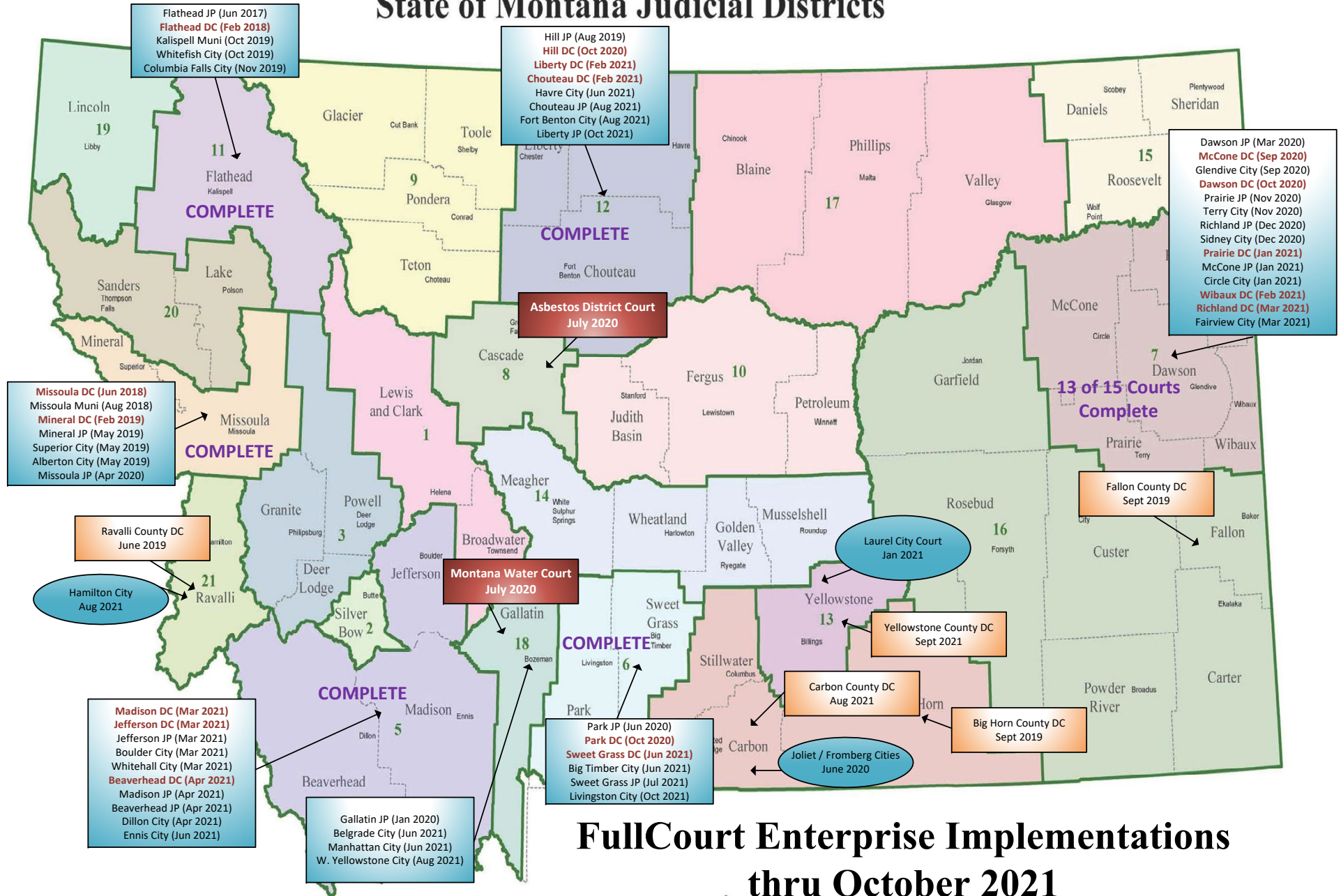
Active, Registered E-Filers:

- 1 Chief/6 Supreme Court Justices
- 1 Clerk of the Supreme Court
- 43 District Court Judges
- 21 Limited Court Judges
- 31 Clerks of District Court
- 2161 Govt Attorneys/Attorneys
- 113 Court Reporters
- 505 Case Participants
- 1783 Authorized Staff
- 1 System Administrator

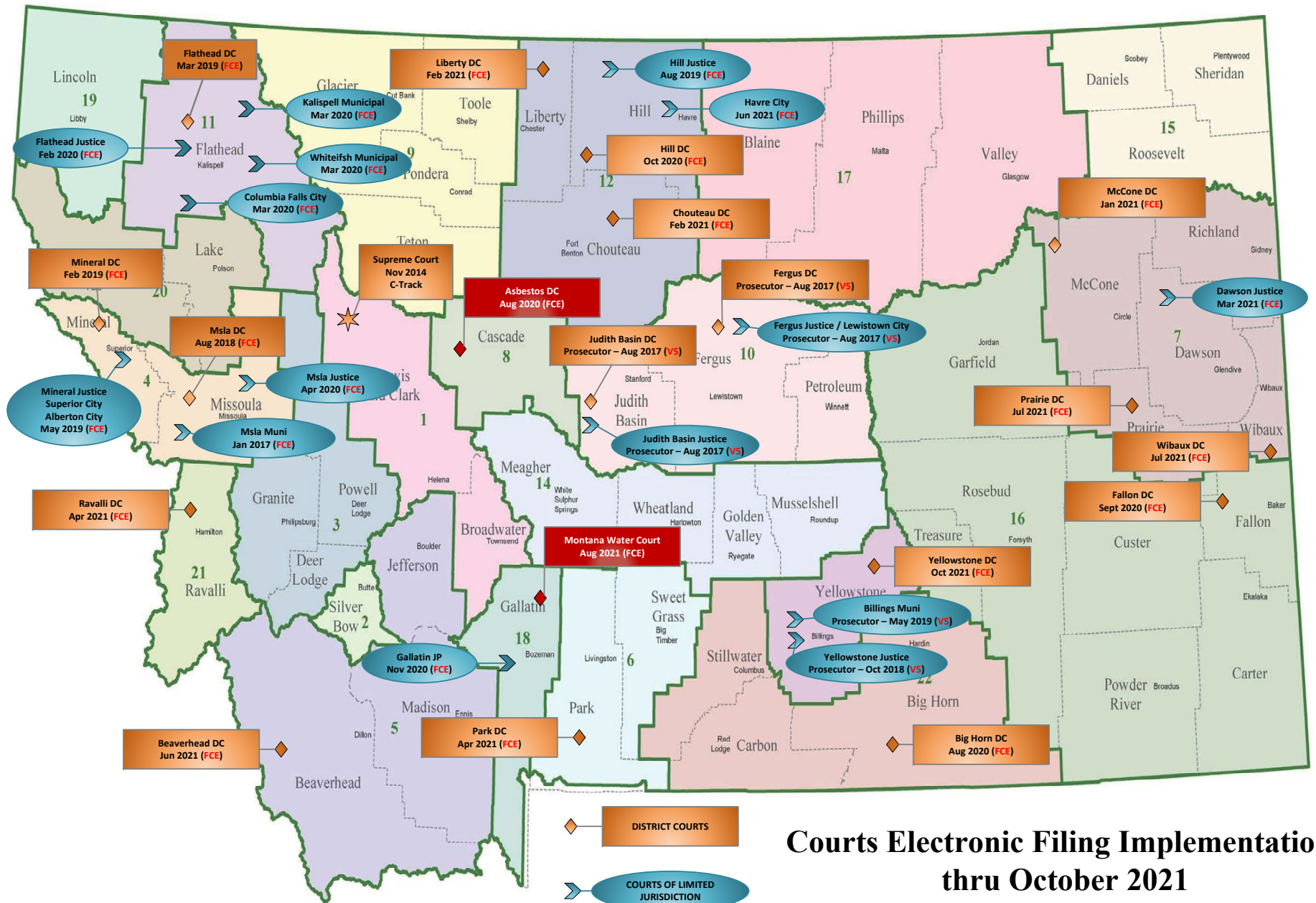
4,666 total active users

(4,031 total active users on
10/8/2020)

State of Montana Judicial Districts

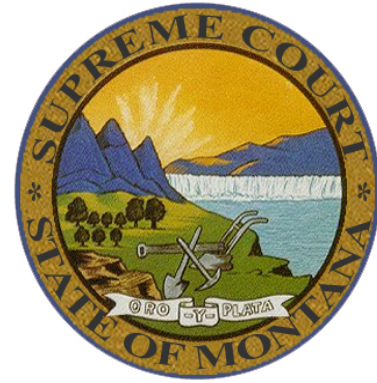


State of Montana Judicial Districts



**Courts Electronic Filing Implementations
thru October 2021**

Montana Supreme Court E-Filing Automation Committee



Statistics as of 7/14/21

Active, Registered E-Filers:

- 1 Chief/6 Supreme Court Justices
- 1 Clerk of the Supreme Court
- 43 District Court Judges
- 21 Limited Court Judges
- 31 Clerks of District Court
- 2161 Govt Attorneys/Attorneys
- 113 Court Reporters
- 505 Case Participants
- 1783 Authorized Staff
- 1 System Administrator
- **4666 total active users** (4,031 total active users on 10/8/2020)

7/14/21 Filings Submitted	7/14/21 Number of Cases	Court	10/8/2020 Filings Submitted	10/8/2020 Number of Cases
55,551	3,698	Montana Supreme Court	48,985	3,335
149,408	16,956	Missoula County District Court *	118,023	14,146
8,257	839	Mineral County District Court *	6,606	694
51,070	13,077	Missoula Municipal Court *	41,044	11,550
4,484	1,061	Mineral County Justice Court *	3,169	805
16,751	812	Fergus County District Court ^	13,207	695
2,330	451	Fergus County Justice Court ^	1,806	368
55,567	14,650	Missoula County Justice Court of Record *	34,627	9,180
2,514	515	Lewistown City Court ^	2,010	402
2,210	80	Judith Basin County District Court ^	1,758	69
1,255	228	Judith Basin Justice Court ^	1,055	196
17,438	5,425	Yellowstone County Justice Court ^	13,365	4,304
135,254	10,022	Yellowstone County District Court ^	91,134	8,050
78,345	9,537	Flathead County District Court *	51,682	6,807
35,670	10,214	Billings Municipal Court ^	22,299	6,985
7,859	2,021	Hill County Justice Court of Record *	4,597	1,452
59	25	Town Court of Superior *	39	16
46	12	Alberton City Court *	16	7
13,084	931	Hill County District Court *	7,072	446
1,140	114	Chouteau County District Court *	457	34
518	56	Liberty County District Court *	108	10
26,985	10,000	Flathead County Justice Court *	11,325	5,388
5,031	1,387	Kalispell Municipal Court *	2,060	782
1,022	241	Whitefish Municipal Court *	474	132
1,058	283	Columbia Falls City Court of Record *	336	137
2,616	635	Havre City Court 7/21/2020 *	601	208
1,230	419	Asbestos Claims District Court 8/4/2020 *	217	73
2,417	428	Big Horn County District Court 8/25/2020 *	337	139
392	90	Fallon County District Court 9/29/2020 *	21	14
5,665	2,203	Gallatin County Justice Court 11/17/20 *		

7/14/21 Filings Submitted	7/14/21 Number of Cases	Court	10/8/2020 Filings Submitted	10/8/2020 Number of Cases
3	3	McCone County District Court 1/26/21*		
65	35	Dawson County Justice Court 3/9/21*		
4,296	902	Ravalli county District Court 4/6/21*		
2,092	414	Park County District Court 4/27/21*		
2	2	Prairie County District Court 5/25/21*		
10	7	Wibaux County District Court 5/25/21*		
232	73	Beaverhead County District Court 6/29/21*		
691,926	107,846	Totals	478,430	76,424

* denotes FCE court ^denotes v5 court

Open Action Items

Open Items with E-Filing Vendor

- Problem with opening documents from some eService notifications (continuing issue)
- Duplicate payments for the same filing (extra logging to help find the problem will be in 7.3.0)
- Delivery of an okta-migrated user file and okta-modified application
- Unable to test some of the deliverables because of preliminary okta inclusions
- Some documents cause Adlib to fail
- Adlib 2-node cluster (to be completed before Yellowstone County District Court conversion)

Open Items with FC/FCE Vendor

- Judge Review occasionally displaying wrong document or throwing error- only 3 separate instances in 1,000s of filings (possibly fixed)
- Dismissed parties should not appear in e-filing (8.1 M3 = August30)
- Need failure message for too-large filings (8.1 M3)
- Information on 2nd page of clerk processing is lost if partially complete
- Clerk Review occasionally does not have document attached to ROA
- Time to process e-filings is lengthened after 8.1 M1 P1 update
- Unable to create a wallet in CitePay on the dev system

Internal Work


- Integration mismatch between FCE and e-filing re mapping of criminal ROA codes due to version updates.
- New Identity Management software: Okta is replacing ePass
 - Working between SITSD and Thomson Reuters.
 - Basic information and requirements have changed several times.
- Instructional videos – we are creating Part 2 for the district court judge video series.
- Work with Peg and Shirley to perfect how Writs are to be e-filed (this has been on the list for a long, long time now).
- SL (statutory lien) cases were investigated but the Department of Revenue is not interested.
- Water Court connection to e-filing, configuration work and workflow analysis underway.

Open Committee items from last meeting

- Central location in which to find all courts' standing orders regarding e-filing.
 - Peg to gather the standing orders from around the state
 - Mars to share the listing that his staff has created
- Lois to contact the e-filing vendor for ideas/quote regarding a notice to judges that there are things in their queues.



Reports from Subcommittees

- Rules for withdrawal of attorney – Karen Kane, chair; Judge Fehr (?), Phyllis, Nick
 - DN Issues – Karen Kane, chair; Nick, Peg, CASA rep; Amy or Linnea Forseth; Lois/Ryan to attend meetings
 - Best Practices – Lois, chair; Judge Vannatta; Craig McKillop; Mars Scott (*no update at this meeting*)
 - Survey – Lisa Mader, chair; Judge Barger, Shirley (*no update*)
 - Rules re Mandatory Use and Uniformity – Justice Shea, chair; Judge Barger, Mars, Peg, Lisa/Lois
- 



COVID-19 Lessons Learned

Justice Shea/Committee/Staff Discussion

New Items from committee members/others

- Possible change to Rule (3) (a) 3. “The following individuals may register to use the electronic filing system: 3. Self-represented parties to an action.”
- HB503 may require OPD to initiate a new DN case.
- Request for an “alert” for items in the Judge Review Queue:
 - This issue was on last meeting’s agenda and has received additional requests since then.
- Clerk of a smaller court requests a widget on FCE to indicate there is something in the clerk review queue.
- Law firm requests that co-counsel would also receive an approval notification.

New Items from Amy Tolzien

- **Authorized Users**
 - The amount of time for staff to switch between authorized users in order to file a document or retrieve a served document can be over a minute and is rarely under 40 seconds. Proposed Solution – Add a *Law Firm Group* so that anybody assigned to that group could file / retrieve documents on behalf of anybody else in that group.
- **Website Timeout**
 - The overall speed of eFiling has decreased. Further, the frequency in which users are timed-out (requiring users to log in again) has increased.
- **Bulletin Board Notification vs. ListServ Notification**
 - In the two examples below, 36 minutes passed between submitting a filing and being notified that the document was not processed. During this time users continued to process e-filing. This greatly increases the number of documents that need to be resubmitted. Why are some notifications sent via the Bulletin Board and some via the ListServ?
 - Filing submitted at 2:52 p.m. Filing Error notice received at 3:28 p.m. **36 minutes**
- **Additional Document Type of *Issued Order* or *Signed Order***
 - Currently we use *Proposed Order* with a note indicating that the order has already been signed. The clerks do not consistently see this note and then process the Order as a Proposed Order.

Pandemic lessons learned

One year later, what would we have done differently?

It's been a year since the coronavirus epidemic became a pandemic and upended court services like never before. As we approached this infamous anniversary, we asked judges, administrators and other court leaders to look back and answer this question:

If you knew in March 2020 what you know now about the pandemic, what, if anything, would you have done differently?

Here's what they said:

T.J. BeMent, district court administrator, Superior Courts of Georgia: "Had we known how well many court functions could be transitioned to video, we would have adapted and modified our state rules much sooner to keep more than just essential functions moving in the early months.

"And on a personal-business note, I lost both my chief probation officer and a judge to COVID. In hindsight, I would have pushed even more for following public health guidelines in all of our court locations in the early months regardless if court was the source of their exposure."

Charles Byers, chief information officer, Kentucky Court of Justice: "That's kind of like asking, 'If you found your house on fire, and you knew it was going to continue to burn for a *year*, would you put it out differently?' Yes. Yes, I would. I would have slowed down, been more deliberate, and set my mind to a 24-to-36-month mode vs. a 90-day mode. I assumed this was going to burn out much quicker than it has.

"In an effort to create and deliver solutions as quickly as possible -- assuming they were throw-away solutions -- we focused on time-to-production vs. long-term sustainability. I told my team, "Think *M*A*S*H*, not *Grey's Anatomy*," and so we reacted as if we were at war and under fire and our patient was dying. Had we known it was going to be a long war vs. a police action, we could have slowed down enough to better plan and document our eventual withdrawal. As it is, solutions that were thrown together to get us by temporarily until we could reopen are strained by the longer-than-expected shutdown and the mandate that we keep cases moving. As a Band-Aid is not a substitute for stitches, some of what we delivered would be more suited for longer-term use had we known.

"I also would have worked fewer weekends!"

Judge Toko Serita, acting supreme court justice, New York City Criminal Court, Queens County: "...Because we didn't know the scope or extent of the problem at the beginning of the pandemic, there was a period of time when those of us in the court system were in a holding pattern, awaiting news of what was to come next while our court leaders were busy responding to an emergency crisis situation. In terms of what I would have done differently based on what I now know, I would have focused on earlier and better coordination among the court and our stakeholders, earlier contact with the defendants in terms of assessing their immediate needs, and better efforts at coordinated care and services for our at-risk and vulnerable populations."



Ret. Judge Kevin Burke, Hennepin County (Minnesota) District Court: “Sophocles said, ‘I have no desire to suffer twice, in reality and then in hindsight.’ What we went through was horrific. ...I think most courts did a remarkably good job in dealing with the pandemic. ...What we did very well is protect the health of our staff. We were good at being nimble and protecting litigants and lawyers. We were not as good dealing with incarcerated defendants and may well have made life far more difficult for public defenders whose clients were incarcerated.

“Thankfully, for many courts, the fear of the pandemic budget crisis did not materialize. But across the nation, there are backlogs of untried or unresolved cases. Getting back to some semblance of timeliness in case disposition is a monumental challenge. There is no easy solution to this challenge. We could have been better anticipating this, but in fairness, we did not know how long the pandemic would last.”

Deborah Taylor Tate, director, Tennessee Administrative Office of the Courts: “First, while I was not an ardent supporter of AWS (alternative work space), I am now so very thankful that our division directors pushed me into establishing an official AWS policy and arming all our staff with the ability and technology to work remotely. ... I think that if we had known this would be a year, I would have had a different, longer term view. We probably would have made a decision to work remotely for the entire year rather than expending time and energy to plan a return to the workplace, only to reverse that decision.

“Prior to the pandemic, we had recently installed television-grade cameras in our Supreme Court and had begun to videotape arguments, which were then posted at a later date. Due to this investment, we were able to immediately pivot and not only utilize Zoom from the justice’s separate offices, but also began to live-stream arguments in real time.”

Gene Valentini, director, Lubbock County (Texas) Office of Dispute Resolution: “...We have conducted virtual mediations for several years, so we were equipped for the change from in-person dispute resolution services to virtual. Unexpectedly, the pandemic changed how people prepare for and negotiate during a mediation. It seems their expectations about potential outcomes are more affected by the fear of the unknown. ...Because of our diverse mediation caseload, we have seen differences between the represented and unrepresented. Expectations seem to have changed, which has in my opinion affected participant and attorney decision making. ...More emphasis is needed in utilizing different tools to educate users of civil and criminal processes via virtual mediation. In hindsight, this perhaps was our oversight -- different tools were needed to resolve disputes. This has become more obvious as the pandemic has marched on.

“Lastly, one of our jurists died from COVID. We parked next to each other for 14 years.

Had I known he would leave us, I would have told him how much I appreciated him. Thank you, Judge Ruben Reyes. You are a friend not forgotten.”

Howard Berchtold, trial court administrator, Superior Court of New Jersey, Atlantic and Cape May counties: “... I posed a similar question to our management team. ...Our IT manager had a great response: ‘I would have purchased stock in Zoom!’ Everyone agreed that we were far too hesitant to take things as seriously as we should have. Safety measures should have been put in place immediately and enforced. But who knew, with all of the conflicting information.

“Judges and staff were thrust into the remote world from their homes rather effectively from a technology perspective. But the work plan wasn’t where it needed to be. Our COOP plans were good but honestly did not account for a full pandemic and not being in public buildings at all. Internet access, more webcams and headsets, etc. should have been on hand. Specific work assignments for all staff categories and how to accomplish same from home should have been in place.

“Our judiciary has come far in the standardization of forms and court documents, but the ability to make more effective use of them electronically would have put us in a better place.

My notes go on and on, but I will end things here. ...I could not be more proud of our court, the New Jersey judiciary and the courts around the country for the incredible pivot to keep the wheels of justice turning.”

Marty Sullivan, director, Administrative Office of the Courts, Arkansas: “I wish I would have known more about work-life balance before the pandemic started. ...Once we realized the full threat of the pandemic, we had to make plans to protect our employees. We scrambled to purchase more laptops and provided Zoom and Team accounts for everyone within the organization. Early on we started allowing people to work from home. ...Using all available technology, I believe our service to the judiciary has actually improved over the last year. We’ve had multiple successful technology rollouts that have helped our state courts remain open during this challenging time. ...This work has made for many long days, and I absolutely believe the data that’s starting to emerge showing that individuals working from home are actually working more hours than they did before the pandemic, especially early mornings and late nights. Hence, the need for more work-life balance.”

Geoffrey Fattah, communications director, Utah State Courts: “...If I had my crystal ball back in March, I think it would have been nice to roll out virtual hearings before the pandemic hit. Like many courts, one thing that hit us back in March was being able to find laptop computers and other remote hearing equipment on the market at a time when both government agencies and corporations were scrambling to shift workers to remote work from home.”

Justin Barry, chief clerk, New York City Criminal Court: “Plan for the long term. We thought the changes that we implemented in March 2020 to pivot to a virtual platform would only be for two to three months. One year later, we are still using and improving those modifications.”

<https://www.ncsc.org/newsroom/public-health-emergency/newsletters/pandemic-one-year-later>