

E-Filing Automation Committee Meeting

July 22nd, 2024, 1:00 PM – Held via Zoom

Attendees: Justice Jim Shea, Judge Shane Vannatta, Judge Audrey Barger, Diane Anderson, Amy McGhee, Peg Allison, Phyllis Smith, Miranda Johnson, Matt Jennings, P. Mars Scott, Lisa Mader, Holley DeWitt, Maggi Everett, and Ryan Davies

Not in attendance: Judge Jessica Fehr, Karen Kane, Nick Aemisegger, Amy Tolzien, Craig McKillop, and Beth McLaughlin

Lisa announced that after 27 years with the Judicial Branch, she is retiring as the IT director at the end of the year.

Approval of Meeting Notes from December 2023 Meeting

Phyllis motioned and Peg seconded to approve the December 7th, 2023 meeting minutes. The motion carried.

Overview of Current System and Schedules

Installations and Schedule

Courts which installed E-Filing since the last committee meeting on December 7th, 2023:

- Sanders County District Court – 1/23/2024
- Petroleum County District Court – 2/27/2024
- Chouteau County Justice Court – 3/26/2024
- Fort Benton City Court – 3/26/2024
- Madison County Justice Court – 3/26/2024
- Beaverhead County Justice Court – 4/9/2024
- Bridger City Court – 4/16/2024
- Hamilton City Court – 4/16/2024
- Park County Justice Court – 5/14/2024
- Petroleum County Justice Court – 5/14/2024
- Carbon County District Court – 6/4/2024
- Broadwater County District Court – 6/18/2024
- Helena Municipal Court – 6/18/2024
- Red Lodge City Court – 6/18/2024
- Carbon County Justice Court – 6/18/2024
- Granite County District Court – 7/1/2024
- Broadwater County Justice Court – 7/8/2024
- Townsend City Court – 7/8/2024

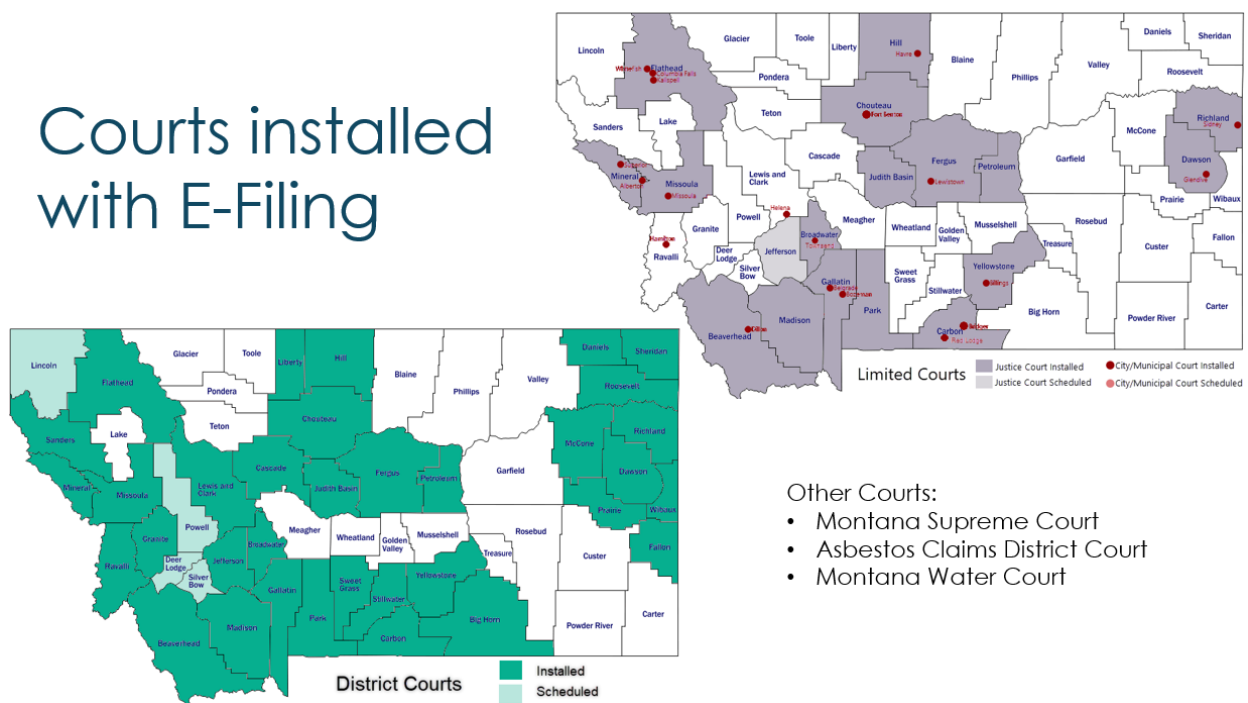
Courts scheduled for future installs of E-Filing:

- Powell County District Court – 8/12/2024
- Butte-Silver Bow County District Court – 8/12/2024

- Jefferson County Justice Court – 8/12/2024
- Deer Lodge County District Court – 9/9/2024
- Lincoln County District Court – Pending CitePay configuration

Lisa mentioned that we will try to schedule Lake County District Court for E-Filing after the next election takes place.

Figure 1



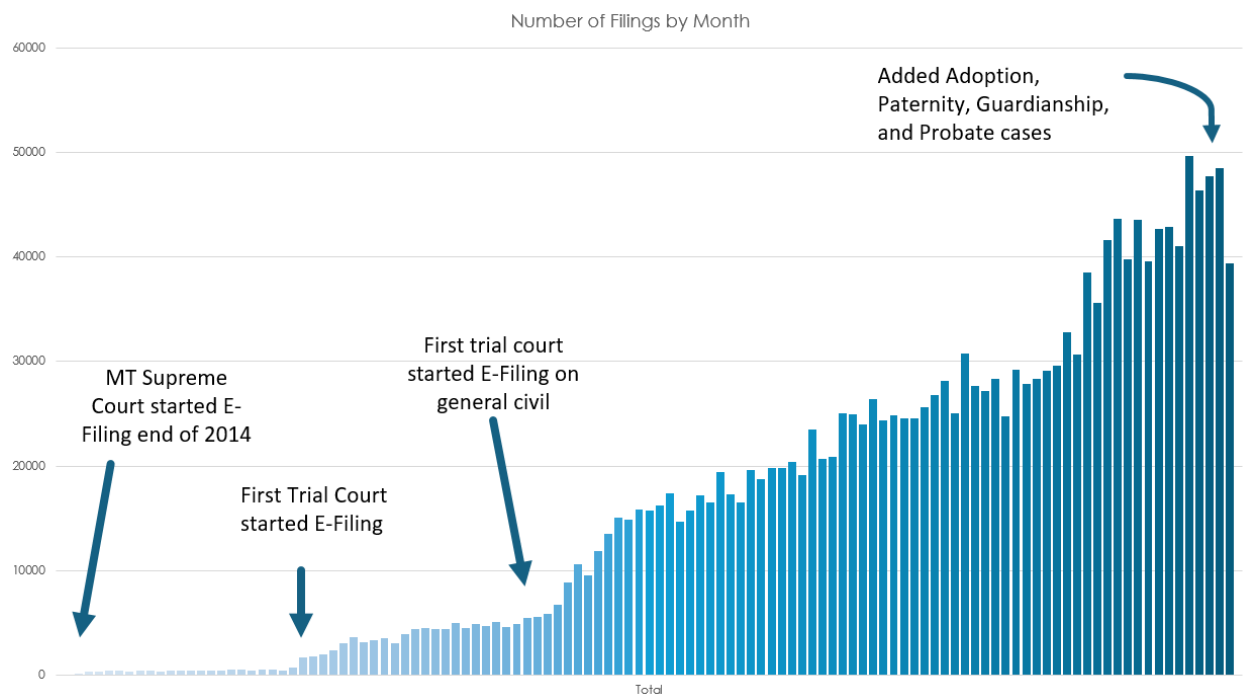
Statistics (Recorded on 5/24/2024)

The following statistics were shared with the committee.

- Courts using E-Filing:
 - 1 Supreme Court
 - 31 District Courts
 - 15 Justice Courts
 - 17 Municipal/City Courts
 - Plus the Montana Water Court and the Montana Asbestos Court
- Active registered e-filers:
 - 7 Supreme Court Justices
 - 1 Clerk of Supreme Court
 - 73 District Court Judges
 - 35 Limited Court Judges
 - 25 Clerks of District Court
 - 2,950 Govt Attorneys/Attorneys
 - 170 Court Reporters
 - 1,513 Case Participants

- 2,833 Authorized Staff
- 7,611 total users (7,009 total users on 11/30/2023)
- 2,726 support tickets opened in the last 12 months worked on by the E-Filing support team
- Number of E-Filing submissions:
 - Last 12 months – 544,525 e-filings on 115,973 cases
 - All time – 1,890,267 e-filings on 268,135 cases
 - Over one-fourth of all submissions made have occurred in the last twelve months

Figure 2



Updates, Fixes, and Changes

E-File Version Updates

On May 10th, 2024 E-File versions v7.6.3, through v7.6.6 were installed into production. The main issue that TR was trying to address in these versions was the slow E-Filing performance. This was the second of two updates that TR implemented to try and increase website performance. Through the experience of the E-Filing team and website statistics which are recorded daily, there was no notable increase in performance from this second update. A problem with the Justice Review queue displaying the wrong documents was fixed in v7.6.4.

FCE Version Updates

On December 11th, 2023, FCE versions v8.3, v8.3 patch 1, and v8.3 maintenance 1 were installed into production. The following changes were included in the update:

- FCE no longer sends dismissed parties to be displayed in E-Filing on either the case view or service information screens.
- Added an “all” case type option to the clerks’ pending electronic filings queue filters.
- Fixed a problem that prevented the clerk from unsealing a document while processing e-filings
- Fixed a problem with the Address Line 2 field coming from E-Filing not saving to the party record.
- Fixed a problem with multiple ROAs using the same document sequence number and causing errors while clerks try to process filings.

Ryan mentioned that because dismissed parties no longer appear in E-Filing, and because E-Filing requires you to select which party you are filing on behalf of, that certain situations have come up recently where the filer is unable to e-file. For example, limited jurisdiction courts are required to dismiss all parties from a civil case to close the case. If an attorney wants to e-file on that closed case, they are unable to, because there are no parties for them to select.

Future Software Version Updates

E-File version v7.7.0 was released to us shortly before the committee meeting, and has been preliminarily tested in DEV. We hope to install it into production soon. V7.7.0 contains an enhancement that DLI and DOR paid for which we are waiting for before enabling SL cases in production.

Note: v7.7.0 has been installed and SL cases have been enabled for E-Filing since the committee meeting.

Two versions of FCE have been provided – v8.4 and v9.0.

Version v8.4 will now require the last name field (received of) to be filled in while clerks are processing civil e-filings. When opening the Pending Electronic Filings queue, the refresh button will now work the same as the retrieve button.

Version 9.0 will correct the following issues:

- State abbreviation is missing on the E-File generated COS for some parties.
- The filing attorney does not automatically populate the received of field when the clerks process civil e-filings.
- All active prosecutors listed on DJ cases are automatically withdrawn any time an e-filing is processed on the case.
- Filings timing out with database lock
- The following filing types from E-Filing have been mapped to ROA codes in FCE so that they generate ROAs on criminal cases:
 - **District**
 - Summons → SUM
 - Motion – Unopposed → UM
 - Application → APP
 - Complaint → PET
 - **COLJ**
 - Warrant → JUDISS
 - Summons → JUDISS
 - Writ of Execution → JUDISS
 - Order to Show Cause → JUDISS

- Subpoena → JUDISS
- Motion – Unopposed → MOTIONCR

Ryan asked the committee what the best way would be to create a list of subtypes that should be included under the filing type of Motion – Unopposed. The committee decided to simply copy the subtype list that is currently used for ‘Motion’ right now and use that for ‘Motion – Unopposed’ even if there are a few subtypes that would never be unopposed. The OCA will enable the filing type Motion – Unopposed.

Note: v9.0 has been installed in production since the committee meeting.

Other (non-software version) updates

Other E-Filing related updates made since the last committee meeting are listed below:

- The OCA enabled the Adoption, Guardianship, Paternity, and Probate case types at the District Courts.
- The OCA enabled the Small Claims case type at the Limited Jurisdiction Courts.
- The OCA updated the statute table to the most recent version.
- The OCA removed the “Filed on Behalf of” field for external filers (attorneys, paralegals, case participants) certain subtypes that are consistently not filed on behalf of any case party.
- JSI fixed a problem with the ESB that caused the system to crash when a filing over 80 MB was submitted.
- Another problem related to clerks processing large filings seems to have been resolved when JSI fixed the above issue. We have had no further statewide reports of clerks who are unable to process filings out of the pending electronic queue due to a large filing getting stuck.
- The OCA removed the redundant “Motion for Leave to File...” ROA which was automatically created at the start of new criminal cases at the District Courts.

Judge Barger said that e-filing on Small Claims cases is working great, but she has had several Pro Se litigants try to e-file documents on small claims cases. Ryan mentioned that the number of requests his team has received from courts to inactivate Pro Se litigants seems to have gone up. One Pro Se litigant argued that even though the E-File rules don’t include Pro Se filers, the rules do not explicitly exclude Pro Se filers either, so they should be able to e-file. This may need to be addressed by the rules subcommittee if it continues to be a problem.

Justice Shea mention that during the last rule change to remove pro Se litigants from the rules, there was discussion among the justices about access to justice. Justice Shea wants to point out we are not closing the doors to Pro Se e-filing, but it’s just not technically feasible at the moment, and the rules will be amended again once it is feasible. In the meantime, if we wanted to make a further amendment to explicitly exclude Pro Se filers from e-filing, then we need specific examples of how it is interfering with court business.

Lisa reminded the committee about some of the challenges we face in enabling Pro Se filing, but reiterated that it was always been, and still is, the goal to eventually enable Pro Se e-filing.

Outstanding Problems

The following outstanding items were shown on screen but not discussed in detail, since they have been on this list previously.

- The state abbreviation is missing in the address on the E-File generated COS.
 - This will be resolved in FCE v9.0.
- The ROA does not always accurately describe who the filer is when a payment is present.
- Clerks are unable to assign multiple prosecutors to DJ cases.
 - This is partially fixed in FCE v9.0. Multiple prosecutors can now be added, but they are still getting duplicated after each e-filing.
- The judge review queue sometimes displays the wrong motion.
 - Judge Vannatta indicated that this is still a problem that happened as recently as a few weeks ago.
- There is an occasional problem where FCE does not auto assign a judge.
 - This has not been reported to us in a while.
- E-Filing displays an occasional “User Not Authorized” error for users when they try to log in.
- The “received of” field does not auto populate when clerks are processing civil filings.
 - This is partially fixed in FCE v9.0 but needs improvement.
- Adlib fails to function properly after maintenance weekends, unless we restart the server manually.

The following items are new open issues.

- Processing an e-filing on a case removes the “Date of Death” value from a deceased person’s party record in FCE.
- E-File staff is unable to switch E-File users’ roles – some users are unable to register as a result.
 - This does not affect the end user on a daily basis, but it does affect the E-Filing staff members’ ability to switch users’ roles.
 - A role change usually takes about 2 minutes, but it currently takes about 2-4 days to change someone’s role in E-Filing, because it now must be done through a database script.
- The e-file system eServed the wrong document in an eService notification.
 - We have had one report of this issue. The filer submitted multiple documents and marked one of the documents so that it would be excluded from eService but chose to eServe the other documents. E-Filing excluded the wrong document and served a wrong document.
 - E-Filing is not serving the wrong documents at a large scale. We have only had this one known instance.

Judge Barger brought up an issue that the Courts of Limited Jurisdiction have been experiencing with processing certain civil orders. Specific types of orders, order – granted, for example, are creating duplicate ROAs. Ryan indicated that this is something the OCA should be able to fix and that they would work with Judge Barger after the meeting to resolve.

Lisa updated the committee about future changes with the E-Filing vendor. TR notified us in January that they desired to retire Montana Courts E-Filing, because they cannot sustain the system at the

maintenance costs we provide them. Montana agreed to increase the annual maintenance costs paid to TR for both 2025 and 2026 so that they would agree to support us through fiscal year 2026. They want us to look for a new E-Filing vendor to take over in fiscal year 2027 (F27).

JSI, the vendor that we use for all of our trial court CMS needs, was purchased by a company called Avenu Insights & Analytics (Avenu). Avenu was looking for a case management system and purchased JSI for FullCourt Enterprise.

JSI/Avenu is closely integrated with a partner e-filing system called File & ServeXpress (FSX). Because of the close partnership between the two systems, Lisa asked FSX to provide the OCA with a proposal that the OCA could take to the legislature for a potential sole source justification, and avoid the RFP process, since the OCA does not have time to go through an RFP and implementation process before F27. The OCA met with JSI and FSX multiple times to make sure they understood the scope of the project, which would include eventual integration to all trial courts as well as the Montana Supreme Court. FSX sent us the proposal a few weeks before our committee meeting, and the cost ended up being significantly higher than anticipated, and higher than Beth and Lisa felt they could ask the legislature for. As a result, Lisa has gone back to TR and asked if there is any circumstance in which TR would consider continuing their contract with Montana, and at what cost. At the time of the meeting, Lisa was still waiting for TR's response.

Lisa explained that the reason FSX's proposal was so high is because the state of Montana does not allow the judiciary to collect additional fees from court filers, so FSX could not charge any additional fees to filers for using the e-filing portal. These fees are the vendor's primary way to make money on their product. Since Montana law does not allow for this, they needed to work the cost into the yearly maintenance contract.

Judge Barger asked if we could make a change so that we could charge the filer for using E-Filing. Lisa explained that this would require a legislative change.

Note: At the time of the committee meeting TR had not yet provided any additional information. Since the committee meeting, TR has provided a proposal to continue supporting the Montana E-Filing system. The cost is significantly lower than FSX's proposal. The OCA is going to ask the legislature to approve the funding to continue working with TR to update our current E-Filing system. The updates are mostly focused on cybersecurity updates and stability enhancements.

Product Enhancement Requests

Brief updates about all the enhancements requests from the last committee meeting were provided. The E-Filing Automation Committee and OCA are not going to request or approve any additional enhancements from either vendor until we know who our E-Filing vendor will be in the future.

Subcommittee Updates

DN Issues Subcommittee

Peg stated that the DN Issues Subcommittee has not met in over a year, so there is nothing to report.

Survey Subcommittee

A survey was conducted by the OCA to collect data, partially so that the OCA would have information to take to the legislator when requesting for funding for E-Filing. Results of the survey were shared with the committee. Survey results are shared below.

Rules Subcommittee

The Rules Subcommittee twice recommended changes to the Temporary Electronic Filing Rules which were approved by the main committee via email votes.

The reasons for the rule changes were:

- To allow attorneys and/or litigants to sign documents with a combination of /s/ signatures and hand-written signatures.
- To clarify that a visible signature must be present on the document.
- To bring the rules for agreeing to receive eService into alignment with the way that the system currently functions.

Survey results

Things to note from the survey:

- Respondents indicated that E-Filing has increased the efficiency of their offices. Limited court judges, attorneys, and district court clerks were the most likely to say E-Filing has increased efficiency.
- About one-third of all e-filers have been affected by a recent system-wide outage, but about two-thirds of judges indicate that they have been affected.
- When attorneys need help with E-Filing, about 40% first reach out to the clerks' offices for assistance, meanwhile about 40% first reach out to someone on the E-Filing staff.
- When asking all users what needs the most improvement with E-Filing the top three answers (besides 'other,' which usually meant someone wanted to select more than one answer) were: not enough courts on E-Filing, stability of the system, performance of the system, respectively.
- Nearly 30% of judges say they open proposed orders in MS Word 70% of the time or less.
 - Judge Vanatta and Judge Barger both added that they are able to open proposed orders in Word most of the time, so think there may be a training issue that needs to be addressed.
 - The OCA will follow up with the judges based on the survey results.
- About 85% of judges consistently use electronic records on the bench.
- Clerks and judges indicated that they would like more training material available to them.
- Over 60% of clerks indicate that they have greatly reduced paper in their offices.
- About 75% of attorneys regularly use E-Filing to access their case records online.
- Nearly 75% of users are either satisfied or very satisfied with E-Filing, nearly 20% of users are neither satisfied or dissatisfied, and less than 10% are dissatisfied or very dissatisfied.
- Slightly more than 10% of users said that they have utilized the OCR functionality (ability to search and copy and paste within scanned documents) of E-Filing
 - Justice Shea and Judge Vannatta both stated that they will often manually OCR documents using Adobe.

Discussion Topics

We ran out of time before we could discuss the following topics in depth.

- How do we address courts who have reached the maximum threshold number of days that a filing is active before they process it?
- E-Filing COS does not display email address even if the service method is email.
- Should Optical Character Recognition (OCR) be removed from E-Filing/Adlib?

Judge Vannatta made a comment that he would be okay with getting rid of the E-Filing's OCR functionality if it meant that the e-filing system would be more stable. People would still have the option to do it on their own outside of E-Filing. Ryan said that he did not know how many of the outages would be prevented by getting rid of the OCR capabilities but guessed it would be less than half of the outages. More discussion on this topic is needed during the next E-Filing Automation Committee meeting.

The meeting was adjourned.

Action Items for Committee Members

- The OCA will enable the filing type Motion – Unopposed.
- The OCA will monitor if the increased number of Pro Se litigants attempting to use E-Filing interferes with court business.
 - The Rules Subcommittee may need to meet to address this concern.
- The OCA will work with Judge Barger on removing the duplicate ROA for specific types of orders.
- The OCA is going to ask the legislature to approve the funding to continue working with TR to update our current E-Filing system.
- The E-Filing Automation Committee will table any new enhancements until our future with an E-Filing vendor is known.
- The OCA will provide further instruction to Judges and staff about opening proposed orders from the second screen.
- The E-Filing Automation Committee will discuss the topics which were not discussed in the next committee meeting, including:
 - How do we address courts who have reached the maximum threshold number of days that a filing is active before they process it?
 - The E-Filing COS does not display the email address even if the service method is email.
 - Should Optical Character Recognition (OCR) be removed from E-Filing/Adlib?

Abbreviations that may be used in this document:

- Adlib – the embedded document processing engine for all documents flowing through the e-filing system
- API – application programming interface, facilitating data exchanges between separate applications
- CMS – Case Management System
- COLJ – Courts of Limited Jurisdiction
- COS – Certificate of Service
- DLI – State of Montana Department of Labor and Industry
- DN – Abuse and Neglect, a case type at the district court level

- DOR – State of Montana Department of Revenue
- ECF – Electronic Courts Filing Standards
- ESB – Electronic Service Bus – a server used to broker data
- FCE – FullCourt Enterprise, the newest version of the court case management system in use by all courts of limited and general jurisdiction
- FSX – File & ServeXpress – an e-filing vendor
- IT – Information Technology; may refer specifically to the Montana Judicial Branch Information Technology division
- JSI – Justice Systems, Inc. – the FCE/V5 software vendor
- OCA – Montana Supreme Court Office of the Court Administrator
- OCR – Optical Character Recognition
- Okta – the current identity management software and database used for e-filing access
- OPD – State of Montana Office of Public Defender
- RFP – Request for Proposal
- ROA – Register of Action – docket entry
- SL – Statutory Lien(s), a case type at the district court level
- SITSD – State of Montana Information Technology Services Division
- SOW – Statement of Work
- TEFr – Temporary Electronic Filing Rules
- TR – Thomson Reuters, the e-filing system software vendor
- V5 – FullCourt, the legacy court case management system, now being replaced by FCE