

# E-Filing Automation Committee Meeting

December 7th, 2022, 1:00 PM – Held via Zoom

**Attendees:** Justice Jim Shea, Judge Shane Vannatta, Judge Audrey Barger, Phyllis Smith, Peg Allison, P. Mars Scott, Matt Jennings, Karen Kane, Nick Aemisegger, Craig McKillop, Amy Tolzien, Beth McLaughlin, Lisa Mader, Maggi Everett, Ryan Davies

**Not in attendance:** Lee Bruner, Judge Jessica Fehr, Miranda Johnson, Holley DeWitt

**Retired:** Shirley Faust

## Approval of Meeting Notes from May 2022 meeting

The meeting notes for the May 2022 Automation Committee meeting were unanimously approved.

Shirley Faust, Clerk of District Court in Missoula County, has retired and is no longer serving on the E-Filing Automation Committee. Ryan noted that Amy McGhee, Shirley's replacement as Clerk of District Court in Missoula, was previously on the E-Filing Automation committee during her tenure at Missoula County Justice Court and would make a logical pick to replace Shirley on the E-Filing Automation Committee. Matt and Peg both recommended inviting Amy to the committee.

- Peg will reach out to Amy about her willingness to join the E-Filing Automation Committee meeting.

## Overview of Current System and Schedules

### Installs, Conversions, and Schedule

- **Started E-Filing**
  - Richland County District Court – 9/21/2022
  - Glendive City Court – 11/2/2022
- **Switched from FullCourt V5 to FullCourt Enterprise (FCE) and adopted civil E-Filing**
  - Judith Basin County District Court – 5/25/2022
  - Fergus County Justice Court – 6/15/2022
  - Lewistown City Court – 6/15/2022
  - Fergus County District Court – 7/20/2022
  - Judith Basin County Justice Court – 7/20/2022
  - Yellowstone County Justice Court – 9/21/2022
  - Billings Municipal Court – 11/2/2022
- **Future Courts Scheduled**
  - Montana Water Court – 12/13/2022
  - Gallatin County District Court – 2/7/2023
  - Cascade County District Court – 3/7/2023

- Sweetgrass County District Court, Dawson County District Court, Sheridan County District Court, Daniels County District Court, Roosevelt County District Court – Spring/Summer 2023
- Lisa mention that [Hamilton] City Court and Ravalli County Justice Court just reached out to us the week leading up to the committee meeting asking about starting E-Filing.
- The E-Filing technical team wants to try to increase the pace for implementing E-Filing to new courts around the state by implementing multiple small courts at one time.
- There are no more e-filing courts using the old case management system, V5. This frees up both the FullCourt team and the E-Filing team to implement their respective software without needing to coordinate with each other.
- Lisa asked if anyone on the committee has any ideas how best to solicit interest for E-Filing.
  - Judge Barger said that at the judge conference she heard of a few courts that are interested in E-Filing, but they did not know to reach out to the OCA.
- Phyllis said that Judge Perry wants to start E-Filing at Petroleum County District Court.
  - They will need to be converted to FCE before they can start E-Filing.
- The best way for a court to express interest in E-Filing is to reach out to the OCA by sending an email to [efilingtechsupport@mt.gov](mailto:efilingtechsupport@mt.gov).

## Statistics

- Courts using E-Filing:
  - 1 Supreme Court
  - 21 District Courts
  - 9 Justice Courts
  - 10 Municipal/City Courts
- Active registered e-filers:
  - 7 Supreme Court Justices
  - 1 Clerk of Supreme Court
  - 46 District Court Judges
  - 24 Limited Court Judges
  - 30 Clerks of District Court
  - 2509 Govt Attorneys/Attorneys
  - 131 Court Reporters
  - 760 Case Participants
  - 2011 Authorized Staff
  - 5,519 total users (5,376 total users on 5/10/2022)
- Tickets: 1,520 support tickets opened between 5/5/2022 and 11/30/2022
- Number of E-Filing submissions:
  - 178,100 e-filings on 48,862 cases since 5/20/2022
  - 1,145,755 e-filings on 166,323 cases for all time
- Statistics broken down by court

All Time		Court	Since 5/20/2022	
Filings	Cases		Filings	Cases
<b>68,442</b>	<b>4,494</b>	<b>Montana Supreme Court</b>	<b>5,113</b>	<b>712</b>
106	24	Alberton City Court	24	12
56,522	15,123	Billings Municipal Court	7,552	2,769
2,078	504	Columbia Falls City Court of Record	350	130
361	121	Dawson County Justice Court	110	64
3,453	761	Fergus County Justice Court of Record	780	265
53,723	15,895	Flathead County Justice Court	9,562	5,077
23,528	6,409	Gallatin County Justice Court of Record	7,047	3,024
3	3	Glendive City Court	3	3
6,549	1,249	Havre City Court	1,365	350
12,947	2,787	Hill County Justice Court of Record	1,829	708
1,579	298	Judith Basin Justice Court	185	56
9,220	2,433	Kalispell Municipal Court	1,443	605
3,552	711	Lewistown City Court of Record	380	127
7,194	1,591	Mineral County Justice Court	1,068	398
89,372	21,714	Missoula County Justice Court of Record	12,420	6,589
72,729	16,515	Missoula Municipal Court	10,016	2,697
246	67	Town Court of Superior	91	33
2,564	537	Whitefish Municipal Court	684	167
27,345	9,439	Yellowstone County Justice Court	4,953	3,265
<b>373,071</b>	<b>96,181</b>	<b>All COLJ</b>	<b>59,862</b>	<b>26,339</b>

All Time		Court	Since 5/20/2022	
Filings	Cases		Filings	Cases
3,005	586	Asbestos Claims District Court	509	189
5,649	609	Beaverhead County District Court	2,239	344
5,527	758	Big Horn County District Court	1,126	281
3,192	258	Chouteau County District Court	640	119
1,135	201	Fallon County District Court	279	81
22,452	1,111	Fergus County District Court	2,231	350
129,508	14,203	Flathead County District Court	19,503	4,021
24,818	1,602	Hill County District Court	4,176	581
3,139	424	Jefferson County District Court	1,364	256
3,046	131	Judith Basin County District Court	393	56
1,202	120	Liberty County District Court	223	49
4,772	436	Madison County District Court	1,834	265
69	24	McCone County District Court	18	12
10,970	1,084	Mineral County District Court	920	226
203,535	21,227	Missoula County District Court	20,612	4,453
15,255	1,286	Park County District Court	4,576	656
71	35	Prairie County District Court	17	13
26,928	2,910	Ravalli County District Court	8,691	1,462
1,215	267	Richland County District Court	1,215	267
90	36	Wibaux County District Court	27	13
238,664	18,340	Yellowstone County District Court	42,532	8,117
<b>704,242</b>	<b>65,648</b>	<b>All District Courts</b>	<b>113,125</b>	<b>21,811</b>

## Updates, Fixes and Changes

- E-File Version Updates
  - V7.4.1 – Switched E-Filing from using ePass as the login/credential manager to Okta in June 2022.
  - V7.4.2, V7.4.3, and V7.4.4 – remediated problems related to internal server errors, 500 error codes, “user not authorized” errors, and problems opening eService notifications, which were caused by switching to Okta.
  - V7.5.0 – Combined each judge’s review queues for multiple courts into one default queue for judges. This helps the judges notice filings routed to them by courts that are not configured as their local court in E-Filing. All filings routed to them will show up in the same queue, so they do not have to check each court individually.
    - Judge Vannatta reported that this update has been a tremendous time saver and it has eliminated a lot of missed filings from other courts.
- FCE Version Updates:
  - 8.2 through 8.2 Maintenance 1 Patch 3 – Contained minor bug fixes. We are currently on 8.2 Maintenance 1 Patch 3.
  - 8.2 Maintenance 2 – Allows clerks to set personalized default search parameters for the Pending Electronic Filings queue, and a hot key for opening the Pending Electronic Filings queue. This version of FCE has not yet been tested.
- Other Updates:
  - Order of Protection cases have been enabled for existing cases. Peg and Phyllis reported that e-filing on Order of Protection cases is working well.
  - Thomson Reuters (TR) fixed a problem with duplicate search results at the Montana Supreme Court.

- The Adlib (document conversion processor use by the E-Filing website) product license expired, causing errors for anyone trying to submit E-Filings. The license was renewed, and we've added it to our calendar when it's set to expire again to avoid mass document failures.
- The E-Filing database was updated to SQL Server 2019 because the previous version we were using reached its software end-of-life.
- The E-Filing application servers will also need to be updated in the year 2023 before they reach their end-of-life.

## Other Activities

- Updated the informational website (<https://courts.mt.gov/courts/efile/>) so that it is easier to use.
- Work was completed with JSI to enable E-Filing at the Montana Water Court
- Made E-Filing configuration changes to avoid creating civil costs in FCE on DN, DI, or DD cases.
- If a clerk begins processing a civil e-filing but stops halfway through the process for any reason, the ROAs will be lost and must be manually recreated from scratch. JSI Provided three Google Chrome plugin as examples of form fill savers that could potentially be used to save the data. Two of the plugins were tested (the third failed to pass a security audit). It was found that neither of the plugins helped save the necessary data.
- The Montana State Bar's comprehensive list of attorneys has been made available for clerks and limited court judges to download from the clerk dashboards.
  - The complete list of attorneys should not be distributed to members outside the court.
  - Karen mentioned that other states have requirements for attorneys to provide their bar numbers on their pleadings.
- E-Filing was modified so that the filing batch (i.e., the filing that appears in the filers widget, e-filings queues, or notifications) expiration has been increased from 60 days to 100 days while one of the E-Filing courts gets caught up on filings still in the Pending Electronic Filings queue in FCE. If the batch expires before it is processed by the clerk and routed to the judge, the filing will not get routed to the judge, nor will the filing submitter know that the filing has been approved or rejected. We have increased the number of so that the e-filing batches do not expire before the court processes the filings out of their pending electronic review queue.
  - Since this means that E-Filing will be holding on to data for longer, there will be more data in the system, and potential to slow the system down. We will continue to monitor this.

## Outstanding Items

- The enhancement to give judges the ability to send comments to the clerk and request emergency filing has been approved for the vendor to start work on.
- The enhancement to give us the ability to add new case types to E-Filing that do not require a prosecutor to initiate (e.g., Statutory Liens) has been approved for the vendor to start work on.
  - Peg , Phyllis, and Judge Barger all agreed that the OCA should continue work to enable the SL cases for E-Filing, as agreed upon in the [E-Filing Automation Committee meeting on July 21, 2021](#).
  - Phyllis asked if probate cases were going to be enabled for E-Filing. Lisa stressed that we need to get the existing technology out to the courts that are not yet E-Filing. The SL

workflow already exists, so they can easily be enabled, but other case types such as probate cases may require changes to the software and cannot be as easily enabled.

- We are working with the vendor to improve the loading speeds of the E-Filing website. There are some steps which we know improve the performance of the E-Filing system which can be run regularly, but they require us to turn the website off each time. We are working with the vendor to automate these tasks without bringing the site down.
- More logging has been added to track down the reason for duplicate payments. In recent months we have not heard from anyone about any duplicate payments they have received. We do not know if that is because clerks have figured out how to handle the duplicate payments and therefore do not call us, or if the issue has been resolved by another update that wasn't a direct resolution to this problem but fixed it anyways.
- The E-Filing website occasionally informs filers that their filing errored the next day at 3 AM, when in fact, the filing was successfully submitted to the clerk's review queue. This was an open issue last time, and it continues to be an open issue that we are working with the vendor on.
- About one filing per day is getting stuck when the filer submits it to FCE, and it does not arrive in the clerk's review queue until it is unstuck by JSI or the OCA. Since the E-Filing Automation Committee meeting on Dec 7, 2022, JSI has largely resolved this issue.
- The state abbreviation is missing in the address on COS for parties who are not eService recipients. This was an open issue last time, and it continues to be an open issue that we are working with the vendor on.
- Dismissed parties still show up on the case view and service information screens in E-Filing. This was an open issue last time, and it continues to be an open issue that we are working with the vendor on.
- Some law firms share a single CitePay wallet for all attorneys in their office and the ROA does not always accurately describe who the filer is if the name on the CitePay wallet is different than the filer.
- The judge review queue sometimes displays the wrong motion.
  - At the time of the automation committee meeting, we had not heard any recent reports of this issue from users.
  - Since the E-Filing Automation Committee meeting Nancy McCracken in Park County has given us additional examples which we have provided to TR.
- Karen asked what the best way is to add something to this list of open items. To report issues, please send an email to [efilingtechsupport@mt.gov](mailto:efilingtechsupport@mt.gov).

## Status of Action Items from Previous Meeting

### Enhancement requests from last meeting

#### **Thomson Reuters**

The following items have been approved for TR to start work on.

- Add the ability for the judge to mark items as an emergency when they submit the filing to the clerk's pending electronic review queue.
- Add the ability for the judge to add comments to their filing sent to the clerk's pending electronic review queue.

Requests were entered with the vendor for the following items, but no estimate has yet been received yet.

- Automatically fill in the first document filing type and subtype on the upload document page for attorneys, govt attorneys, and case participants.
- Make the filing type and subtype fields searchable, similar to the court list.
- Add a comment box on the attorney's filing summary page.

Requests were entered for the following items, but TR indicated that these would be extensive changes and the cost would be prohibitive. The E-Filing Automation Committee voted to cancel the following requests at this time:

- Add a law firm setting for office management of E-Filing accounts.
- Send a notice to attorneys who were eServed with a filing but were not the submitting party, when the filing is rejected.
- Give district court judges access to other judges' queues in the judicial district, other than the one court that is configured in E-Filing.
- Add the ability for filers to submit one filing on multiple cases at the same time.

#### **Justice Systems Inc.**

Requests were entered for the following two requests, but no estimates had yet been provided by the vendor.

- Create and map the ROA code for a new filing type called Motion Unopposed, so that a filing type called Motion Unopposed can be created in E-Filing. Currently there is a subtype called Motion Unopposed, but it does not let the attorney choose a more specific type of motion.
- Add the ability for clerks to check if an e-filing was routed to the judge.
  - Two requests have been entered for this item.
    - The first request asks FCE to record, likely through an app event, whether a filing was routed to the Judge or not.
    - The second request makes the route to judge field mandatory so that a clerk could not accidentally forget to route a filing to the judge.
    - Peg stated that it would be far preferable to have the ability to check if something was routed to the judge than to make the route to judge field mandatory.
  - Amy Tolzien was told by a JA in her county that the judges do not know every time a motion or a response brief is filed, and she wanted to know if this was local to Yellowstone County. She explained that they have been asked by the judges to email a courtesy copy of every motion to the judges.
    - Ryan explained that the clerks have the technical ability to route any filing to the judge (effectively notifying the judge), but whether a filing is routed or not is up to the clerk processing the filing.
    - Peg said in Flathead County that the clerks track motions, so they do not route every motion if it does not have a proposed order with it, but if the court (Judge/JA) tracks motions, then she believes it would be helpful if not required for the clerk to route every motion to the judge.

## New Items from Committee members and others

### Thomson Reuters

- Ability to track motions in E-Filing
  - Peg explained that she worked with JSI for a couple of years on tracking motions in FCE, but it could never be done, because tracking motions is a hand on task that an automatic software process cannot easily do.
  - No action will be taken on this item.
- Judge to send notes to the JA when submitting e-filings
  - Judge Barger asked if all courts have Microsoft Teams which can be used to message back and forth between users. Lisa confirmed that all the courts supported by the state do, but she doesn't know if counties with their own IT departments do.
  - Judge Barger and Beth said that they do not want to pay to add technology to the E-Filing system if the technology already exists elsewhere (e.g., Microsoft Teams).
  - Justice Shea asked if there was any more discussion on the ability to track motions in FCE or sending notes to the JA when submitting e-filings, and after hearing none explained that we do not need to vote on this since we are not taking any action on it currently.
  - No action will be taken on this item.

### Justice Systems Inc.

- A clerk requested that the Pending Electronic Filings queue would save the search/filtering parameters from the last search they did.
  - JSI included this in FCE version 8.2 Maint 2 without us requesting it.

### Other

- Remove supporting document option since supporting documents do not automatically create ROAs in FCE, and it is preferable for attorneys to upload their additional documents as lead documents.
  - We could put in a request with TR to completely remove the supporting document link, or we could keep the supporting document link, but inactivate all the list options so that attorneys are not able to select anything from the supporting document list.
  - Peg and Phyllis both being on the receiving end of the supporting documents would like to see the supporting document list inactivated.
  - Karen suggested inactivating the current options but replacing them with an option that explicitly says do not use but upload other document as a lead documents.
  - Judge Barger explains that she sees the supporting document options used legitimately in certain situations. Peg explains that they do use the supporting document option for things like the statistical reporting forms or MANS forms.
  - Ryan suggested we can remove any of the supporting document options that should no longer be used as a supporting document, but if there are specific documents that should only be uploaded as supporting documents, then we could add those specific options to the list. Peg says that the Montana Statistics Reporting Form would be an example which should be uploaded as a supporting document.

- Phyllis asked the question if trial exhibits should be a supporting document option. Both Mars and Karen said their experience is that those exhibits are handled entirely outside of E-Filing.
- The Committee voted on and unanimously approved a motion to remove all the current options in the supporting document list and add an option for Montana Statistical Reporting Form.

## Subcommittees

### Subcommittee action items from last meeting

- The meeting to discuss the TEFR 10(a)1&2 was not held due to scheduling conflicts. A NeedToMeet meeting survey will be sent out after the start of 2023 to set the date for the discussion on these rules.
- Schedule a work session to review the available filing types and subtypes. Instead of scheduling a meeting to review the list of filing types and subtypes for every case for every role, a list of available filing types and subtypes was sent out in a spreadsheet for comment. We've received back several responses and are compiling them into a single spreadsheet to be reviewed by the whole committee.
  - Ryan asked Peg, Chair of the District Court Automation Committee, and Judge Barger, chair of the Courts of Limited Jurisdiction Automation Committee, how they would like to receive the request for changes to action types in FCE, since changes to the E-Filing subtypes on civil cases also require changes to the action types in FCE, which is governed by the previously mentioned committees.
  - Judge Barger asked if we could get a list for the limited jurisdiction courts to their committee before their next meeting at the end of February. Peg also asked for a list, so she could bring up the request at an automation committee meeting.
- Lois needs to be replaced on the Best Practice Subcommittee.
- The Survey will look to conduct a survey this year – No surveys have been conducted since the last committee meeting.
- Karen sent Ryan the proposed rule for withdrawal of attorneys to be circulated to the whole committee for review. Ryan will send out the rule provided by Karen with the general E-Filing Automation Committee meeting minutes.
- The OCA added the subcommittees and their members to the E-Filing website.

### Organize Subcommittees

The committee voted to consolidate the Rules for Withdrawal of Attorneys Subcommittee and the Rules Regarding Mandatory Use and Uniformity Subcommittee into one Rules Subcommittee. The new rules subcommittee is made up of Justice Shea (chair), Judge Fehr, Judge Barger, Nick Aemisegger, Mars Scott, Phyllis Smith, Peg Allison, and Ryan Davies.

Karen will help with the Rules subcommittee as needed but will step down as a member of the Rules Subcommittee to focus her time as the chair of the DN Issues Subcommittee.

The committee agreed to ask Amy McGhee if she will replace Shirley Faust on the Survey Subcommittee if she agrees to be a part of the E-Filing Automation Committee. The committee wants the Survey



Subcommittee to be represented by both COLJ and district courts, so a district court representative is needed. Ryan will ask Amy to be on the subcommittee.

The Best Practice Subcommittee has served its purpose in creating the Best Practice Guide and the committee voted to dissolve this subcommittee. The Subcommittee can be reformed if there is a need to make significant modifications to the Best Practice Guide.

Judge Vannatta does not think that the Best Practice Subcommittee needs to be retained unless a future need arises but suggested that there should be a group of people who are willing to attend meetings with the court community to provide educational experiences for E-Filing. It would make most sense for the people on the E-Filing Automation Committee to fill this role. As members of the committee, we should be proactive about making ourselves available to the court community.

### [Additional Subcommittee updates from members](#)

No additional comments about subcommittees from any of the members.

## [Schedule Summer 2023 Meeting](#)

A Zoom meeting poll was conducted to help get an idea when to host the next E-Filing Automation Committee meeting. A NeedToMeet poll will be sent out later to select a final date.

Meeting Adjourned.

### [Action Items for committee members](#)

Peg will reach out to Amy McGhee about her willingness to join the E-Filing Automation Committee meeting. Ryan will formally follow up later if Amy is willing.

The OCA will continue work on enabling the SL cases for E-Filing once the current roadblocks are resolved with the vendor.

The OCA will cancel the change requests for the following items:

- Add a law firm setting for office management of E-Filing accounts.
- Send a notice to attorneys who were eServed with a filing, but were not the submitting party, when the filing is rejected.
- Give district court judges access to other judges' queues in the judicial district, other than the one court that is configured in E-Filing.
- Add the ability for filers to submit one filing on multiple cases at the same time.

The OCA will remove all the current options in the supporting document list and add an option for Montana Statistical Reporting Form.

Ryan will send out a NeedToMeet meeting survey to set the date for the discussion of the TEF 10a 1&2.

The OCA will send out a consolidated list of suggested changes to the E-Filing subtypes that have been made by committee members and other users. The members of the E-Filing Automation Committee should review the suggestions and make any further changes before the OCA sends the lists to Peg and Judge Barger to be reviewed by the District Court Automation Committee and the Courts of Limited Jurisdiction Automation Committee.

The Survey Subcommittee will look to conduct a survey this year.

Ryan will send out the rule for withdrawal of attorney provided by Karen with the general E-Filing Automation Committee meeting minutes.

The OCA will update the subcommittee members on the E-Filing website and remove the Best Practice Subcommittee.

### 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
- 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
- ePass – the current identity management software and database used for e-filing access
- FCE – FullCourt Enterprise, the newest version of the court case management system in use by all courts of limited and general jurisdiction
- 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
- OPD – State of Montana Office of Public Defender
- Okta – the incoming identity management software and database use for e-filing access
- 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
- 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