

# E-Filing Automation Committee Meeting

May 20<sup>th</sup>, 2022, 11:00 AM – Held via Zoom

**Attendees:** Justice Jim Shea, Judge Shane Vannatta, Judge Audrey Barger, Lee Bruner, Phyllis Smith, Peg Allison, Shirley Faust, Miranda Johnson, P. Mars Scott, Matt Jennings, Karen Kane, Nick Aemisegger, Amy Tolzien, Beth McLaughlin, Lisa Mader, Claudia Anderson, Holley DeWitt, Maggi Everett, Ryan Davies

**Not in attendance:** Judge Jessica Fehr, Craig McKillop

## Approval of Meeting Notes from July 2021 meeting

The meeting notes for the July 2021 Automation Committee meeting were unanimously approved.

## Overview of Current System and Schedules

Slide show presented by Ryan Davies covering the current system, statistics, activities, and schedule updates since the last meeting.

### Statistics

Courts added to E-Filing: Jefferson County District Court, and Madison County District Court

Courts that updated to FullCourt Enterprise (FCE) and added General Civil and Domestic Relations cases for E-Filing: Judith Basin County District Court

- There have been 958,936 total e-filings on 142,250 cases, as of 5/10/2022
- There have been 260,905 e-filings on 58,439 cases since the last automation committee meeting, over 25% of all e-filings have been submitted in the last 10 months.
- There are 5,376 total active users, as of 5/10/2022

### Infrastructure and System Activities: Completed

- Updated E-Filing to version 7.2.2 which removes the metadata from the documents and allowed us to expand the list of proposed documents.
  - The change to remove the metadata from the documents did cause some document related problems for a few law offices due to the use of merge codes in their documents.
- FCE was updated to version 8.1 Maintenance 5 which included minor bug fixes.
- Added a second Adlib server to handle the increased volume of e-filings and mitigate the number of outages related to Adlib being overwhelmed.
- Integrated to the Montana State Bar's new database.
- Updated FullCourt V5 E-Filing service for security patches.
  - Mars asked if there have been any security violations. There have not been any instances to date.
- Reconfigured the memory allocation for the E-Filing database.
- Buffed the FCE electronic service broker (ESB) to handle a higher volume of messages passing back and forth between E-Filing and FCE.

## Other (non-structural) Activities

- Lois Schlyer retired as the E-Filing Program Manager.
- Hired Holley DeWitt as the third member of our team.
- The local court rules regarding E-Filing were provided by Peg and added to the E-Filing website at: <https://courts.mt.gov/courts/efile/efile-rules>.
- The Montana Supreme Court updated the Temporary Electronic Filing Rules (TEFR) to clarify that Pro Se litigants are not enabled to use E-Filing.
- Added the option for attorneys to submit a signed order which has already been signed by a judge.

## Infrastructure and System Activities: Ongoing (E-Filing portal)

- Updating E-Filing database from SQL 2012, which is coming to its end of life, to SQL 2019 (Completed May 21, 2022).
- The E-Filing portal needs to be modified to allow non-prosecutors to open new cases, such as SL cases. We are working with Thomson Reuters (TR) to make these changes. Enabling new case types is on hold until we can get this resolved with TR.
- The E-Filing Configuration Manager needs to be updated so that we can add new litigant types. Cases using litigant types not already included in E-Filing cannot be enabled until we can add new litigant types.
- Resolve an integration issue with CitePayUSA where e-filings are failing transmission to the court while the payment is taken. TR has added additional logging to E-Filing version 7.4.0.
- E-Filing is sending error notifications to users whose filing was successfully submitted stating that the filing is still pending conversion.
- Some eService notification links do not allow the recipient to view the eServed documents.
- The state abbreviation is missing in the conventional parties' address on the E-File generated COS.
- The E-Filing website is slow. We are monitoring the website performance through page request metrics and empirical experiences of the users. TR is doing a thorough review of the E-Filing website to identify and remediate the slowness with the portal.
  - Judge Vannatta said that he tries to file at odd hours, when not a lot of other people are using the website, to try and avoid the delay.
  - Amy explained that all the attorneys in their office turned off all the home page widgets which improved the home page loading times.
- The state of Montana is not renewing the contract for ePass and is switching to Okta at the end of June 2022.
  - The process for updating the E-Filing application to Okta has been significantly more complicated than other applications which do not have historical user data.
    - Lisa Mader states that SITSD severely underestimated what it would take to change existing applications from ePass to Okta.
  - EPass has a fifteen minute idle timeout limit, but Okta has a two hour idle timeout limit.
    - There are some security concerns with lengthening the amount of time before the system will log you out.
    - Users will not need to log back into the system as frequently.

- Justice Shea asked if having more logged in users, because of the longer timeout, will cause the system to slow down further. This is something that we will need to monitor.
- Mars asked if the limit could be set to an hour instead of 2 hours. This is a policy set by SITSD and cannot be modified on a case-by-case basis.
- Amy states that it will be more convenient for their office not to have to log in as often.

### Infrastructure and System Activities: Ongoing (FCE)

- Dismissed parties still appear on the Case View and Service Information screens in E-Filing.
  - The technical problem related to dismissed attorneys has been resolved. Further discussion on this below.
- Filings over 100 MB are not transmitted to the clerk's queue and do not notify the e-filer of the failure.
- The ROA merge code does not always accurately describe who filed the document if a firm shares a CitePay wallet.
- The wrong motion is occasionally displayed in the judge review queue.
- Documents are submitted but do not arrive in the clerks' queue to be reviewed. The filer does not receive an error notification. A fix will be included in FCE release 8.2 Maintenance 1.
- FCE release 8.2 has a known issue that is preventing us from installing 8.2 in production. (FCE release 8.2 has since been installed in production since the meeting.)
- E-Filing submissions with no money are creating civil costs on the case if the FCE action type is set up to receipt money to the case. (JSI has since said that FCE is working as expected, and this has been labeled as a training issue.)
- ROAs disappear if the clerk leaves the second processing page without saving.
  - The OCA's security officer has reviewed three Google Chrome plugins that can save form filled data. One plugin failed to pass the security review. The E-Filing team needs to test the other two options. SITSD would then need to make a final approval.

### What's the Plan?

- These E-Filing courts are switching from FullCourt V5 to FCE and adopting civil E-Filing if applicable.
  - Judith Basin County District Court – May 2022 (completed)
  - Fergus County Justice Court – June 2022 (completed)
  - Lewistown City Court – June 2022 (completed)
  - Fergus County District Court – July 2022 (completed)
  - Judith Basin County Justice Court – July 2022 (completed)
  - Yellowstone County Justice Court – September 2022
  - Billings Municipal Court – November 2022
- The Montana Water Court will start E-Filing in August 2022. (The Montana Water Court has been postponed until December 2022.)
- Lisa – The FCE team is dependent on the E-Filing team when converting courts from FullCourt V5 to FCE if the court is already E-Filing. There is a big push by both teams to convert all the E-Filing

courts to FCE so that there is no longer a dependency on each other, and they can work independently.

### Questions/Discussion Related to the Overview of Current System and Schedules

- Karen asked if any of the courts accepting E-Filings still also authorize filings in any other method.
  - It is up to the individual courts to determine if E-Filing is mandatory at that court.
  - Peg compiled a list of local court orders related to E-Filing which have been published on our website.
  - There is a Subcommittee set up to discuss mandatory E-Filing.
- Justice Shea asked how many courts are still using FullCourt V5 and need to be converted to FCE. There were seven at the time of the meeting, but as of 8/23/2022 there are two left.
- Amy explained that when they have an attorney leave their office that they will submit the Notice of Appearance, but the new attorneys are not getting added to the cases, so they end up missing service notifications on cases when an attorney leaves.
  - Ryan and Lisa agree this would be a difficult issue to address through a technical update.
  - Shirley says that this is a training issue in the clerk's office.
  - Peg explains that as a manager of a clerk's office it is most helpful to have the attorneys let them know any time something was missed so that she can address it with staff.
  - Shirley states that it's much easier for the clerk to catch the change of an attorney on a petition to revoke if a Notice of Appearance is filed at the same time.
  - Karen – Tries to make use of the comment boxes as much as possible to communicate with the clerk's office. She also wants to know if a comment box could be added to the filing summary page (at the end of the process).
  - Amy wants to know if there is a "law firm setting" so that the firm still has access even after an attorney leaves the County Attorney's Office.
- Karen asked when Lewis & Clark County District Court would start E-Filing. Lisa explained that the court first needs to convert to FCE before the E-Filing team can look at implementing E-Filing there. Sometime in 2023 is possible.

### Enhancement Requests from Last Meeting

We do not have enhancement request quotes for these requests at the time of the meeting. TR and the OCA's resources have been focused on the Okta conversion.

- Thomson Reuters
  - Emergency filing option for judges – A similar request had been requested previously, but it was too high, so the request was modified. We will continue to request a quote from TR.
  - A notice that something is in the judge review queue. (A modified version of this request has been accepted by the OCA since the meeting.)
  - Update the E-Filing Configuration Manager or update the software code to allow new case types to be enabled for E-Filing (e.g. enable SL cases).
  - Display the FCE sub-litigant type in E-Filing (this request will need to be entered with both vendors).
- Justice Systems Inc.

- Lisa has been in touch with JSI about getting quotes for the hotkey and widget for the Pending Electronic Filing queue.
- Display the FCE sub-litigant type in E-Filing (this request will need to be entered with both vendors).

### New and Renewed Items from Committee Members and Others

- Add the ability to submit one filing for multiple cases. We will ask TR for a quote on this request.
- Give all judges the ability to search all Montana Supreme Court cases. This was originally requested for the Montana Asbestos court cases. The Montana Asbestos Court now has their own separate database instead of being a part of the Montana Supreme Court database. This request is discarded.
- E-Filing to notify all attorneys who were eServed when a filing is rejected, not just the submitting e-filer. We will ask TR for a quote on this request.
- Add the ability to embed videos in documents. This request is discarded.
- Add the date of service to the E-Filing service widget. This request is discarded.
- Create a Law Firm or Agency setting for attorneys to see all firm cases. The committee wants to ensure that the option to set up law firms to view cases within the firm would be optional. We will ask TR what modules or options exist already before getting a quote.
- Automatically fill in the first document filing type and subtype on the Upload Document screen. We will ask TR for a quote on this request.
- Add popup help messages to the user interface. This request will stay on the wish list for future automation committee meetings.
- Modify the filing type and subtype fields so that you can search for values by typing them in. We will ask TR for a quote on this request.
- Give district court judges access to other judges' queues within their entire judicial district (not just one court). We will continue to request a quote from TR.
- Create a new filing type called Motion Unopposed. We will ask JSI for a quote on this request.
- Add the ability for clerks to check if an e-filing was routed to the judge. We will ask JSI for a quote on this request.
- Add a comment box to the Filing Summary screen. We will ask TR for a quote on this request.

### Other new items from member and other users (which do not require a vendor)

- The committee voted to implement e-filing on Order of Protection cases. Order of Protection cases cannot be initiated through E-Filing, but once the case has been opened, then it can be e-filed on. (Order of Protection cases will be enabled for E-Filing on 8/30/2022.)
- Review TEFR 2(b) – Amend so that only the Judge's consent is required to start E-Filing. This will be assigned to the Rules Subcommittee for further review.
  - Peg would like to see the Montana Supreme Court mandate E-Filing across the state.
    - Mars does not think the Montana Supreme Court has the authority to mandate E-Filing through the TEFR.
    - Lisa thinks that E-Filing was originally made voluntary but could be mandated.
    - Mars says that we do not have a unified court system, because each judge is elected and can run their courtrooms any way they want, so the MT Supreme

Court does not have authority over elected judges in terms of the operations of their court.

- Justice Shea says it is more involved than the TEFR and would require an amendment to the MCA rules of civil procedure, Rule 5(D)(3), which allows for E-Filing. The rule could be changed from a permissive rule to mandatory rule on E-Filing.
- Peg is willing to meet with any clerk who is unwilling to adopt E-Filing and have a conversation with them about the benefits of E-Filing.
- Beth would like to have the rules subcommittee look at the TEFR to see who must consent to implement E-Filing. Justice Shea said the TEFR could be updated so that only the judge's consent is required to start E-Filing. The Rules Subcommittee will review this.
- The situation that prompted the review of TEFR 2(b) has been resolved and there is no longer a need for the subcommittee to modify this rule. This rule will be removed from the Rules Subcommittee agenda.
- Review TEFR Rule 10(a)1&2 – Clarification is needed for these rules.
  - Matt believes putting an “or” statement between rules 1 and 2 could fix the problem, and that the E-Filing login itself could be the signature, so that the /s/ signature is not required.
  - Justice Shea said that rule 2 seems to be a redundancy of rule 1.
  - Judge Vannatta said he does not care how the attorney signs the document, as long as it is signed. However, if there is no visible signature on the document added by the submitter the judges would not know if the document was signed or not.
  - Karen brought up the idea that there are subtle differences in electronic signatures (typing /s/ example name) and digital signatures (picture or representation of a wet signature) and that the rule language could be cleaned up to further clarify.
  - The Mandatory Use and Uniformity Subcommittee will review and amend TEFR 10(a)1&2 for clarification.
- Review TEFR 10(b)1&2 – Modify the rule to allow for remote work/hearings.
  - This rule will also be reviewed by the Rules Regarding Mandatory Use and Uniformity Subcommittee for clarification.
  - Matt says that the County Attorney's Office in Missoula often signs a document using “/s/” and then provides it to the defense attorney where it is wet signed, which goes against the rules.

### Questions/Discussion Related to Enhancements and other new items

Karen – Ask to have a work session to go through the list of filing subtypes and add or remove subtypes as needed. Much of this can be done internally without requiring an estimate from the vendor. A work session will be scheduled to review the available filing types and subtypes. An invitation will be sent to all committee members so any member who wants to participate can be included.

### Updates from Subcommittees

**Best Practice Subcommittee** – Lois Schlyer (chair), Judge Vannatta, Craig McKillop, P. Mars Scott

- Lois will need to be replaced on this subcommittee.

- There is nothing to report for this subcommittee.

**Survey Subcommittee** – Lisa Mader (chair), Judge Barger, Shirley Faust

- It was originally anticipated that we would conduct a survey every 2 years, so we will look at conducting a new survey this year.

**Rules Regarding Mandatory Use and Uniformity Subcommittee** – Justice Shea (chair), Judge Barger, Peg Allison, Mars Scott, Lois Schlyer

- Ryan will replace Lois on this subcommittee.
- Mars provided a list of rules from courts around the state to the subcommittee.
- The E-Filing Local rules gathered by Peg have been added to the E-Filing website.
- TEFR 10(a)1&2 and TEFR 10(b)1&2 will also be addressed by this subcommittee. The invite for this subcommittee will be sent to the larger committee so anyone can participate. Ryan will send a survey out to set a date.

**DN Issues Subcommittee** – Karen Kane (chair), Nick Aemisegger, Peg Allison, Amy Tolzien/Linnea Forseth, a CASA representative from the Flathead County area

- Karen has a list of topics for the committee to discuss in the next meeting.

**Rules for Withdrawal of Attorney Subcommittee** – Karen Kane (chair), Judge Fehr, Nick Aemisegger, Phyllis Smith, Ryan Davies

- Karen will provide the proposed rule change to Ryan to be circulated to the full committee for review.

**Questions and Discussion Regarding Subcommittees:**

- A list of the subcommittees and their members will be made available on the E-Filing Website.
- There are two different rules committees for specific issues. Should these be combined into just one Rules Subcommittee? The whole committee can discuss once a list of the subcommittees and their members are made available.
- Karen is currently the chair for two subcommittees but would like to be able to focus on the DN Issues Subcommittee.

## Set Next Meeting

Ryan asked when the next automation committee meeting should take place, stating that every six months was the original idea, but wanted to know if that should be extended.

- Judge Barger thinks that if we wait longer than 6 months it's easy to forget what was discussed in the last meeting.
- Peg Allison suggests meeting again in October.
- Ryan will send a survey out for the end of October or the beginning of November.

Amy asks if the next meeting could be held in person with a Zoom option. Justice Shea said it is certainly a possibility.

## Meeting Adjourned

## To – do list for committee members

- The OCA will get quotes from TR for the following items:
  - The ability for the judge to mark items as an emergency
  - The ability for filers to submit one filing on multiple cases
  - A notice to eServed attorneys when a filing is rejected
  - Automatically fill in the first document filing type and subtype on the upload document page
  - Make the filing type and subtype fields searchable
  - Add a comment box on the filing summary page
  - Give district court judges access to other judges' queues in the judicial district
- The OCA will ask TR what options already exist for a Law Firm setting
- The OCA will get quotes from JSI for the following items:
  - Create a new filing type called Motion Unopposed
  - The ability for clerks to check if an e-filing was routed to the judge
- The OCA will look to implement Order of Protection cases for E-Filing
- Ryan will send out a survey to schedule a Rules Subcommittee meeting
- The Rules Subcommittee will review the following items:
  - TEFR 10(a)1&2 – E-Filing signatures
  - TEFR 10(b)1&2 – Combinations of signatures
- Ryan will send out a survey to schedule a work session to review the available filing types and subtypes
- Lois needs to be replaced on the Best Practice Subcommittee
- The Survey Committee will look to conduct a survey this year
- Karen will provide Ryan the proposed rule for withdrawal of attorneys
  - Ryan will circulate the proposed rule to the whole committee for review
- The OCA will add the subcommittees and their members to the website
- Ryan will send a survey out to set the next E-Filing Automation Committee meeting

## Terms/acronyms that may be used in this document:

- Adlib – the document processing engine for all documents flowing through the e-filing System
- API – application programming interface, facilitating data exchanges between applications
- CASA – Court Appointed Special Advocates for abused or neglected children
- 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 – an identity management software and database previously used for e-filing access
- ESB – Enterprise Service Bus, a software used to integrate applications together
- FCE – FullCourt Enterprise, the newest version of the court case management system used by Montana trial courts
- IT – Information Technology; may refer specifically to the Montana Judicial Branch Information Technology division.
- JSI – Justice Systems, Inc. – the FCE/V5 software vendor



- MCA – Montana Code Annotated
- 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, an entry on the case docket in FullCourt
- SL – Statutory Lien, a case type at the district court level
- SITSD – Montana State Information Technology Services Division.
- SQL – Structured Query Language, is a programming language used for storing, changing, retrieving data in databases
- 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