

**COCLJ AUTOMATION ADVISORY COMMITTEE
MEETING – January 7th, 2011
Helena, Montana**

MEMBERS PRESENT:

Lisa Mader, Supreme Court Administrator's Office
Chairperson, Judge Larry Carver
Sheri Bishop, Gallatin County Justice Court
Judge Gregory P. Mohr
Claudia Anderson, IT, Office of Court Administrator's Office
Sharon Skaggs, Yellowstone County Justice Court

MEMBERS ATTENDING BY TELEPHONE CONFERENCE:

Thelma Keys-Nicol, Kalispell Municipal Court

MEMBERS NOT IN ATTENDANCE:

Barb Pecos, Richland County Justice Court/Sidney City Court
Jennifer Boschee, President of MJC&MCCA

Meeting was called to Order by Chairperson Larry Carver at 9:00 A.M.

**APPROVAL OF NOVEMBER 5TH, 2010 MINUTES AND
DECEMBER 17TH, 2010 MINUTES:**

Correction was to be made on Page 3, six lines down, that the discussion was the Statute table, not the bond book. Another correction was on the first page at the bottom where it stated Judge Carver and Judge Mohr would take this issue to the Commission. Judge Carver said that expungement is controlled by statute; they would not take this matter to the Commission. Lisa will go through the recording again to see what this was about. This matter was put on hold until after lunch.

After lunch, Lisa advised the committee what the recorded minutes said, therefore, the minutes would be changed to reflect that Judge Carver and Judge Mohr would take this issue to the Commission to incorporate into a training policy.

Judge Carver asked if there were any corrections or additions to the December 17th minutes, plus the Addendum. The committee had none and adopted these minutes as corrected.

PUBLIC COMMENT:

None.

UPDATE – LARRY CARVER:

Judge Carver attended the Montana Judicial Branch Information Technical Committee which is chaired by Justice Nelson. Karen Nelson drafted the new 2 year plan before she retired. The meeting was held almost entirely by Vision Net. The plan basically said to continue IT as it has been. One addition made by Judge Carver was to include scanning

in the Limited Jurisdiction Courts. Lois Menzies made it clear that there is no money to buy scanners for those courts. This module is very important because of the Highway Patrol import project. Goal #4.5, to deploy the imaging process to the Courts of Limited Jurisdiction was added. In an action item, continue to work with the Department of Transportation Traffic Records Interim Committee to improve traffic record exchanges. Lisa sits on that committee right now, Danielle Murphy is the project manager from the DOT and John Kimbell from DOT is a member. Those are the two that brought Lisa in and briefed her. There are many agencies involved in this committee. Lisa does have a list of the projects they are considering and the prioritization put on those projects, as well as the budget numbers.

Judge Carver also asked that the State committee continue to work with local government agencies, City and County, to convert paper documents into electronic format, which Justice Nelson agreed to. The meeting was held on December 13th. The plan was adopted and Judge Carver will give everyone a copy once it is ready. The Limited Courts are represented by Karen Orzech and Judge Carver. The members on the committee will be listed in the plan.

The proposal to the Legislature for IT funding will be down about \$330,000. The Governor has asked for a 10% cut from all agencies and Lois is doing the best with the staff that she has. The surcharge and budget for the Court Administrator's office are not tied together. The Dept. of Revenue is in charge of the surcharges. However, Judge Carver did want to know what the surcharge figures are and gave estimate figures as:

Fiscal year 2009	IT Collection	over \$1.7 Million
Fiscal year 2010	IT Collection	over \$1.6 Million – down about \$41,000 from previous year
2011	IT Collection so far based on July 10 to Jan 11	= \$597,000

The 2011 collection is projected to be down \$291,618 from 2009. That amount is speculation based on using the amount collected so far and estimating for the entire year.

Sheri Bishop stated many defendants are unable to pay their fines and surcharges. These defendants are turned over to collection, but oftentimes do not have a job, therefore, they are unable to pay. Sheri noted that on the MHP import, they are seeing less seat belt tickets filed. Judge Carver agreed with Sheri that the number of citations appears to be down so far.

Lisa noted that the Richland County Justice Court has not received many citations since the Import Project as well. Sharon inquired if implementation of the Collections Module will assist the courts in getting these fines and fees paid. Judge Mohr stated there are some courts that have millions of dollars out in collections.

Lois has prepared a letter pursuant to our last meeting, advising the courts of a change in the schedule for updating equipment. The letter was reviewed by the committee members. Judge Carver asked if this letter should be sent to the Judges in the Limited Jurisdiction Courts. This explains what happened during the last Legislative session and

what is proposed for the new session. Judge Mohr suggested they add no one knows what the 2011 session will bring as additional cuts are being proposed. HB 10 is the long range IT planning bill, and the money put in by the last legislature was specifically for Video Conferencing equipment and Courtroom technology; focused more toward the District Courts. The \$330,000 to be eliminated does not affect any projects on the table for the Limited Jurisdiction Courts at this time.

Judge Carver suggested that the letter should add: Additional cuts are expected by the 2011 Legislature. He will sign it on behalf of the COCLJ Automation Advisory Committee. The committee agreed with the letter and it should be sent out electronically to the courts.

Judge Mohr made a motion that the letter be adopted with the minor change and sent out electronically to the Courts, seconded by Sheri Bishop. Committee voted and passed this Motion.

Judge Carver brought a letter from his County Attorney which dealt with the expungement of records. His County Attorney agreed there is nothing in the statutes that allow Ltd. Jurisdiction courts to expunge records.

COMMENTS FROM GREG NOOSE:

Greg commented on some of the upcoming legislative issues:

Extending suspension of driving privileges on MIPs; the change in looking back on DUIs for enhancement purposes; more reporting and more penalties on the DUIs. This has the potential of making at least 2000 defendants face more than a 1st offense DUI. A proposal on SB81 for Commercial Drivers License holders would require driver improvement to note on their record the status of the medical certificate. When the medical certificate expires driver improvement is required to notify them. The driver would be required to have a valid medical certificate in his wallet.

Judge Mohr inquired about the DUI look back law as far as to when it would apply. The look back period would be in effect from passage of the bill forward. Greg Noose commented that 1st offense DUIs were down to 6600, whereas the 2nd and subsequent DUIs were up. In fact they had a record year on Felony DUIs which was 318. Judge Carver believed this would be the trend as first offenders should go down. Some the prevention programs are working and Greg believes the Echo group of 21-26 year olds are now past their 26th birthday, but there are many 14 year olds who will be drivers in this State.

Greg Noose presented a report to the committee regarding convictions for 2010. Driver improvement processed 114,000 convictions. Approximately 70,000 of those were processed automatically through the Central Repository automation project. Out of that number approximately 6,000 are out of State drivers. Then there are approximately 40,000 paper dispositions processed, which primarily consisted of the half sheets printed out of Full Court. There are a small percentage of courts still sending in the pink copies for dispositions. However, out of that amount, approximately 7,000 to 8,000 are out of

State drivers. This makes sense that the small courts see more out of state drivers, because they are less populated and deal with more people traveling through, rather than a large city which deals with local residents. Therefore, 18% of the convictions from the smaller courts are for out of state drivers and 8% are out of state from the larger courts.

Total number handled of 114,000, of which 100,662 convictions were applied to Montana driver records. Judge Carver wanted to know as a trend if violations are going down. Greg Noose does not believe that citations are going down, but he believes DUIs are going down somewhat. Judge Carver was discussing the figures are low for some of the courts. Greg Noose believes the HP numbers are down. He noted that commercial accidents are down 40%. Approximately 500 commercial drivers get suspended a year now and this is due to the accurate reporting of convictions.

LISA MADER-UPDATE:

Lisa wanted the committee to know that the Help Desk position has been filled and she will start on Monday. Applicants had more tech experience than application experience and none of the applicants had courtroom experience, but Lisa is optimistic about the person they hired. Karen Nelson's position was advertised and closes on January 18th.

Lisa advised that two of the committee member courts have been installed with CitePay, Miles City City Court, Richland County Justice Court and Sidney City Court. The other courts have not been installed due to the statute tables and the overdue processing rules. The table for overdue processing rules has been tested and deployed in the Billings Municipal Court since December 19th. The overdue processing rules are working well there. Lisa made a commitment to the Highway Patrol and Dept. of Motor Vehicles for no later than Wednesday next week to get the new statute table to them. They will get the new statute table loaded up to Smart Cop, but she anticipates a good turnaround with it. Greg Noose has one real quick last comparison to do, but will be using the statutes in the new table after that.

After that, the Court Administrators Office will be installing the overdue processing courts with the New Rules for overdue. That will be Claudia's primary project and she will work solely on it. They anticipate completion of that project by mid-February. Yellowstone County, Judith Basin, Kalispell and Gallatin will be the first since they are automation committee member courts. As soon as the Overdue Rules are in place, Tammy will do the CitePay install to those courts. Lisa said her staff will follow up with those courts on training and handling questions. Carbon County and Flathead County are not on the schedule for CitePay because they are not automation committee members. She is hoping at the February meeting, CitePay will be approved in order to deploy CitePay statewide.

Regarding the Billings Municipal project, Claudia spent two weeks in Billings, and they were the week of Christmas and the week of New Years. There were 3600+ cases imported, in order to get them in the 2010 year. They also transferred \$260,000 which had been sitting in unapplied receipts to those cases and that money was disbursed at the end of December. Claudia worked with staff in recommending the processes to handle

those cases, as well as setting up the operations for the new Overdue Processing rules and the Municipal infraction procedures. Lisa commended Claudia for the work done at the Billings Municipal Court. She is still on the phone with them daily, as they are in some turmoil without a court administrator and a new Judge.

Lisa said her staff has been working with the new Judges that have taken office since January. She said her staff is also learning the Montana Highway Patrol import project and the required database setups. The reason for this is to move that project along in a timely fashion. Sgt. Tenney wanted to see Big Horn County, Sweetgrass, Hill, Blaine, Toole and several other small courts get ready for the HP Imports. Lisa said they will work with the HP regarding the path they want followed. Within the next 1 ½ weeks, this project should start to take off.

Chad received a call from the Hardin City Court and learned their city council made a decision to adopt all Title 61 statutes as City Ordinances with the exception of DUIs. Since she received that e-mail, she has tried several times to reach that court. They have no answering machine to leave messages. Therefore, the effective date is not known and the actual document from their city council has not been received. There are many details to work out. Judge Mohr believes they did this to streamline operations for the City, hoping that everything else just falls in place. Lisa said this needed to be brought to the attention of the committee. With all the projects going on right now, this could create some scheduling issues. Judge Carver said this would be on the Agenda for the February 3rd and 4th meeting. Judge Mohr would also check with the Hardin City Court.

Judge Carver said he understood there is a problem with the Baker Justice/City Court. Judge Mohr advised the committee that the former Judge, Judge Straub, was both City and Justice Court judge. She was in one office doing those duties. Local politics decided that Judge Nicole Brown should not be paid for both, since she operates in the same manner. The Commissioners and City Council came up with the plan that for 3 hours Nicole will work in one office as JP and then go down the hall to another office where she will be City Judge. Judge Carver, however, said the City Council has decided to elect a new City Judge. Judge Mohr did not know this and he will report on that issue at the next meeting. Tammy could certainly provide the committee with information as to the equipment that is currently in use in Baker.

After a short break, Lisa stated new equipment was taken to Baker. The Judge takes her laptop with her to both locations, but this involved running the state wiring in order for both offices to be up and running. She said right now they are just talking about getting another Judge. They cannot do that for another 3 years as Nicole has been appointed for a 4 year term. Judge Carver said this was not an issue for the committee right now.

DEMONSTRATION-DL SUSPENSION PROCESS:

The committee saw a demonstration of what Marty had set up for DL suspensions. The committee was supplied with sample forms which will be printed out of Full Court. Lisa said they created 2 documents that look exactly the same, but in order to accomplish what Greg Noose needed and in order to get the correct ROA code, there are 2 documents.

These will go to Share Point and be grabbed by the Department of Motor Vehicles. On the Suspension form, charge 2 has been marked as Failure to Appear. The 2nd form has a signature to reinstate the DL. This form creates a separate ROA. The Best Practices guide has not been completed as of this date.

Greg Noose said this is being driven by the Department of Motor Vehicles and he provided a flow chart, so that everyone understood why there needed to be a difference between Failure to Appear and Failure to Comply. His department has national reporting standards which must be met. As an example, a defendant who did not license his dog in California in 1982 may not need to spend 2 days in jail in Montana for driving while suspended. There are key assumptions, such as a driver can only be suspended one time and is it traffic or non-traffic. These are processed by Driver Improvement based on Court per case, not court per charge. Lisa and Marty have tried to meet these requirements on the two forms.

Judge Carver did not notice any changes from the last time they had talked. Determination of Indigence has been added to the form. The rescind has been streamlined. Lisa demonstrated the procedure to the committee in Full Court. As far as the document being created, all it needs is the date filled in. DCD means distributed court document. This was also needed to identify the old suspensions which are out in Full Court right now. An ROA code is created that shows the date the document was created. This process is similar to the automated process of electronic Motor Vehicle reporting. Judge Carver wanted to know where it shows on the form the date when this form was signed and sent. Discussion continued as to how the date sent could be added to the forms.

Judge Carver added that it may be clear to the courts when the suspension took place, but an attorney would want to know when the document was sent. If the document is entered in evidence it must be clear as to when the document was sent. Greg Noose said they would use the date signed as the date of the suspension. Thelma asked if the Motor Vehicle Department suspends on the date that the Judge signed it. Greg Noose replied that courts report and his department actually suspends. The request suspension date is filled in by the court and Greg's department uses that date as the start date of the suspension, but his system also shows a date entered. The entry date on his system is the date that changes the status of someone's DL.

Lisa said this is why they have created the forms, to cut down on the delay from the signing by the Judge and the date entered in the Driver Improvement system. Judge Carver wants to be able to look at the form, even 2 years from now, and be able to answer the question as to what date did you send it? Marty advised he has a log showing exactly the date it was sent. Judge Carver wanted to know he is covered when someone calls him and says "hey, I am still not reinstated" and he can look at the record and advise them of the date it was sent to DMV. In fact, he has had defendants ask him to send a copy of the FAX showing it was sent to the DMV. Greg Noose noted they processed 12,950 reinstatements in 2010. They must meet 2 separate requirements, the court

reinstatement form, as well as the \$100.00 reinstatement fee to the State. Greg noted that the problem on his end is that offenders do not pay the \$100.00 fee.

Lisa asked the question of when they return to the electronic reporting of suspensions, which was implemented in the beginning for a short period of time and then discontinued, Full Court will not be updated with anything, except with the disposition tab that you enter in. It is just like convictions, you just “assume” they are reported. There is nothing through electronic reporting that back feeds Full Court. Judge Carver wanted to know then if he can take the ROA date and advise the defendant this is when it happened. Another example is Judge Carver sending an e-mail with a court date to an Attorney and the Attorney missed the hearing, stating he never received notice of the date. The Judge can go back to his e-mails and see that yes, it was received in your office.

Greg Noose stated one of the things they have designed in Share Point is that he can move these groups to folders. Then they can search the documents, without looking at each and every one. Greg said yes, they may have to use Marty’s log and he further added they get more problems with a DUI processing then the DL suspension. Judge Carver said he just wants to look in Full Court and find out the date it was sent. Marty said that 99% of the time, the date in the ROA is correct, with only 2 or 3 times per year that processing got delayed one day. Judge Carver believes if the form said instead of suspension date: **Date sent to DMV**, when he did a certified copy of the form he would not receive phone calls asking when he sent it.

Greg Noose suggested **changing the Suspension Date to the Date sent to the Department of Motor Vehicles right on the form**. Judge Carver wanted to know if the ROA could automatically add the date sent, but Lisa said, no it could **not** be done electronically, but it requires you to go into the ROA and add it yourself. Greg said he needs to see all the charges on the form. Lisa advised the clerk must check Failed to Appear or Failed to Comply on the proper charge as it is not done automatically.

Next, Lisa stated Greg Noose told her they will accept the Driver License Suspension form with a Judge’s endorsement for the signature. She demonstrated the signature as /s Judge’s name. Sharon said they could type in the Judge’s name with the clerk’s name behind it. Lisa said they could merge code the Judge’s signature, with another block behind it for the clerk to put in her initials. However, her office is asking the committee what is the best way to handle the signature of the Judge. Judge Carver says this is a tough problem for the courts. The form states: *I certify, under penalty of law, that, prior to the ----* and someone types in the Judge’s name. Greg Noose said he understands this problem with the Judge’s signature.

Former staff Attorney for DMV, Brenda Nordlund, put that language in, because there were some courts not going through the proper procedure of the written warning from the court by first class postage prepaid mail. It is under 61-5-214(3) in the MCA.

Montana Code Annotated 2009

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61-5-214. Mandatory suspension for failure to appear or comply with criminal sentence -- administrative fee -- notice. (1) The department shall suspend the driver's license or driving privilege of a person upon receipt of a report from the court, certified under penalty of law and in a form prescribed by the department, that the person:

(a) failed to appear upon an issued complaint, summons, or court order after being charged with a misdemeanor violation under Title 45 or Title 61, chapters 3 through 10, or after posting a driver's license in lieu of bail as provided in [46-9-401](#)(1)(e); or

(b) failed to comply with a sentence imposed pursuant to [46-18-201](#), including but not limited to the payment of a fine, costs, or restitution as provided in [46-18-201](#)(6).

(2) The suspension continues in effect until the court notifies the department that:

(a) the person has either appeared in court or complied with the sentence imposed pursuant to [46-18-201](#), including the payment of any assessed fines, costs, or restitution; and

(b) the person has paid the court an administrative fee of \$25 if the court was holding the offender's driver's license in lieu of bail under [44-1-1102](#), [46-9-302](#), or [46-9-401](#).

(3) (a) Before a report is submitted under this section, a person must be given written notice that the failure to appear on a criminal charge or comply with a criminal sentence may result in the suspension of the person's driver's license or driving privilege. Initial notice of the possibility of a license suspension must either be included on the summons or complaint and notice to appear form given to the person when charges are initially filed or be contained in a court order, either hand-delivered to the person while in court or sent by certified mail, postage prepaid, to the most current address for that person received by or on record with the court.

(b) The initial notice must be followed by a written warning from the court, sent by first-class mail, advising the person that a license suspension is imminent unless, by a specified date, the failure to appear or comply is remedied or the person appears before the court to contest the impending license suspension.

(4) The court shall deposit any administrative fee received under subsection (2)(b) in the appropriate county or city general fund.

Provided by Montana Legislative Services



If your clerk fills in the form and the court did not do what was required, then there is a problem. Sharon stated her Judges sign the Suspension form, and the clerks have the authority to sign the reinstatement form. Judge Carver felt automation is going to drive the procedure.

Greg Noose stated there are three ways to do this now. There is a manual form which must be signed, and there is this process for non-electronic reporting courts to use in Full Court and what is in the works is the actual interface allowing their department to view the suspensions in Full Court. On a DUI, because the record is coming from a Court, the DMV takes the action to suspend without the Judge's signature. Judge Carver agrees 100% with that, but for some reason he has a bad feeling about someone else adding the judge's signature.

Judge Mohr suggested changing the form from Suspension Date to Date sent to the Department of Motor Vehicles. He also felt that the issue regarding the signature of the Judge may end up being a court by court policy, since a small court has time for the Judge to sign the form, but in a larger court they do not. Judge Carver noted in the Pyette case a copy of the court certification was enough to carry the case, without additional documentation. In Sharon's court they scan the warning notice into the case. Greg Noose explained 61-1-101 regarding electronic submitting of data.

1) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes upon behalf of a third party.

Therefore, Greg Noose sees the DL Suspension notice as more of a report than an Order of the Court. The authorized agent is in the law to allow them to accept records by automated interface, such as DUIs. Judge Carver said the definition of a Digital Signature is that it provides authentication of the signature. An electronic signature provides proof there is intent to sign. Therefore, Judge Carver does not have a problem with the form being printed, signed by the Judge and then the clerk goes into Full Court and adds the signature. **Greg Noose does agree to change Suspension Date to Date sent to DMV.**

Lisa said one of things put into their Best Practices guide, is for the document to be filled out, printed and then signed next to that endorsement. Demonstration continued with Lisa saving the document and imaging it, as well as indexing the document to the case. Judge Carver agrees with this procedure, but he knows his County Attorney will not prosecute a case where the DL Suspension form does not have his signature on it. Sharon wondered if this was going to be up to each individual court. Justice Nelson spoke with Judge Carver at one of their meetings and stressed that the statutes and law must be followed when developing technology. Greg Noose said he does use the court certification form to document the written warning had been sent from the court. Judge Mohr added the court must be responsible for the written warning before the suspension is filled out and sent in to the DMV. Lisa said if all Ltd. Jurisdiction Courts had scanners this point would be moot. Judge Carver is worried about a small court somewhere using this form and not signing it. He feels the Best Practices is to have the Judge sign the form. Marty added he feels this would still work, since the option is to print the form, have the Judge sign it and file it allowing for the electronic reporting to take place. For

the courts that have scanners, they could have the Judge sign the form, scan it back to the case and send it electronically that way. Either way, Greg Noose would receive his copy electronically through the case management system. This would save the court from having to FAX or mail. Judge Mohr agreed this should be done.

Lisa said Marty would pull this document from the document title. Her department would need two sets of instructions, because one set is going to advise how to handle the form if you have a scanner. The current Best Practices advises to print this form and have the Judge sign it. The doc ID is pasted into the ROA where it is saved. Is the Best Practices for courts that have scanners, print your document, scan it and attach the signed image to the ROA? Sharon said there is an ROA already for documents that are signed. Lisa asked the committee if they want to create an ROA that says DLCERT? Sharon said in her court she attaches the document to ROA code DLSUSP. There can only be one image with one ROA.

Judge Carver noted they have scheduled a meeting dealing solely with ROA codes. He said the committee already agreed to develop this electronically and allow the courts to image the document in. Greg Noose wants the court to have a clear view when they reinstate the driver as well.

Sheri Bishop said if you want to print a copy out and have the Judge sign it, then you scan that document back in and image it on another page under the same ROA. Judge Mohr agreed this would work well. Judge Carver asked if the two documents under the same ROA meant two copies went to the DMV and Sheri said no, just the one image goes electronically. The second scanned image gets put on another page. Marty said he is not familiar with the procedure that is now being discussed, but he wanted to know if there is going to be one document, or is there going to be two documents in Full Court. Lisa said you add a page to this document; you are then inserting the signed document. However, technically, it is not known if you can scan an image and add it to an imaged Word document.

Judge Carver then suggested an ROA be created that says Driver's License Suspension Certification which can be used if the Judge wants to attach a copy to it by scanning. Lisa then demonstrated a Reinstatement DL form. When you go to documents, this time you pick DL Reinstatement dcd document. The dates on the form would be changed to **Date sent to DMV**. Judge Carver and Judge Mohr do not have an issue with a typed signature on the DL Reinstatement form. Greg Noose agreed they have 2 forms in his office regarding DL suspensions and DL reinstatements.

Greg Noose wanted to change the Heading to say: **Court Certification and Notice for DL Reinstatement** on the reinstatement form. Lisa liked the idea of having two documents to where the **Heading on one was Suspension and the other Reinstatement**. Judge Carver agreed with Lisa regarding the two separate forms. Sheri preferred the one form which served the dual purpose. Lisa also said on the reinstatement form they would remove the verbiage of Suspension: *I certify...*

Greg Noose needs section 1, 2 and 3 on the forms. Judge Mohr made a motion to take the current DL suspension form and divide it into two documents, a suspension form and a reinstatement form. Sharon seconded. Motion was passed by the committee.

Sharon asked for the DMV phone number to be added at the bottom of the Notices. Phone number is 444-3289. Lisa then demonstrated Marty's part of this project. Marty will run the program every night to pick up the documents for Greg Noose. Sharon inquired if the Best Practice when overdue runs in the morning and picks the DL suspensions, but later in the same day, the defendant comes in and takes care of his fine and they no longer want to suspend his DL, is to delete the document, or allow both to be sent. Greg Noose does not want the documents in this situation; therefore, it would be best to change the heading on the document so it would not be picked up by his process at night.

The Best Practices is about 14-15 pages long and Lisa has learned that if the Best Practices is too long, the clerks may not read it thoroughly. Greg Noose advised the committee they receive approximately 20 forms per week which are checked Misapplied by Court – remove w/o fees. There are approximately 1200 suspension requests per month sent to the DMV. Further, in November his office received 700 tickets from the Fairview court and 700 tickets from the Hysham court which had never been sent in. In the courts where the staff remains stable he does not see problems.

Marty went on with his demonstration after lunch. He said each day Driver Improvement will copy the information to a location on their network. One thing Marty does not like about this process is no feed back to the courts showing the information was distributed. If the process failed, Marty does get the message and he would be the one fixing the problem. Failures would be tied to technical problems, not with the actual document itself. However, if someone renamed the title this could cause a failure to be picked up. Lisa believes the system will work well and Best Practices will stress that the Document Title must stay the same. Lisa will look into the system to see if the document title can be locked. Marty said if this is an issue, he may have to get the information from an ROA, but he prefers to look for the documents. Judge Carver believes the system will work well right now as it is created.

The committee asked Marty how the document is picked up if he is suspended a second time on the same case. In other words, a defendant is suspended for Failure to Appear and he is reinstated because he appeared. But, later on the defendant fails to comply and the Judge suspends the defendant again on the very same case. Marty said his system would pick up all the documents and at the DMV the staff would have to sort through the record. Lisa advised right now the system recognizes it as a second suspension.

Marty updated the committee on the Highway Patrol project and how to notify the court when there is a mandatory appearance. Lisa believed this won't be a problem and she will explain it later.

OVERDUE PROCESSING-SCHEDULE:

Lisa and Claudia explained the DL suspension and reinstatement forms just discussed will not work with Overdue Processing. There would be a problem with the courts that do not have scanners, but run Overdue Processing. There are 20 courts currently set up with Overdue Processing. Lisa believed she had a staff person who was doing installs without her knowledge and this may explain why she didn't know about a few of them. They are wondering if the courts which do not have scanners would be better served by having Overdue print out a list. If they have a list, they could go into each of those cases and index the document to the case, or they could print out the copies and send them to the DMV. For courts that run scanners, you should print and scan to the case.

Claudia said they are recommending for the courts that do **not have scanners**, to mark Overdue Processing as print List only. Then the clerk would have to go into each case and suspend, or print the form, which would need to be marked. Lisa said this is a tough problem to resolve, deploy and to train. Sharon said when they run overdue each day, it prints out between 15-20 suspensions. Her court is equipped with scanners. After they were scanned in, they would have to be named properly. Judge Carver said he would rather have the List only and open the case and handle it with the 2 new forms created.

Claudia added the Overdue Processing rules would now need to be changed to make the DL suspension/revocation procedure work. Lisa wants the Best Practice to be determined by this committee. Judge Carver said for right now, advise courts the current Overdue Processing will not work with the new forms which are mandated to be used by the Department of Motor Vehicles and Greg Noose, as per statute. If the DMV refuses to accept the old forms, they will have no alternative but to follow the Best Practices. Sharon said the automation committee cannot come up with a program that works for every Judge and every clerk. Lisa said they must change the Overdue Processing rules to print a LIST for DL suspensions. Then the court must go to each individual case and input the information on the form, print the document, index it to the case, you sign it, and scan it if you want. Judge Carver noted the only thing different is you are looking at a LIST, not the document.

Judge Carver asked if this could be fixed by a program change or what was needed. The problem occurs when you index the form to the case. Claudia said the form still needs to be marked and signed by the Judge. The program deals with Failure to Appear and Failure to Pay, but not Failure to Comply as that is a manual process. Marty asked if right now Overdue Processing just prints documents, but does not attach any documents to the case. Lisa said this is the missing piece to Overdue Processing right now. Claudia said it does create an ROA. This probably occurred because Overdue Processing was in place before imaging came along.

Judge Carver recommends that Overdue Processing print the LIST ONLY right now for DL suspensions. Lisa said Sharon is willing to make that change, even though; they are one of the busiest courts in the State. Sharon noted that Overdue Processing must be standard.

Sharon wants Overdue Processing to follow these rules, where it is a LIST ONLY process for driver's license suspensions and then the courts are instructed to run Overdue daily. List only, run daily, the clerk in charge of Overdue goes in, brings up the form for the suspension, fills in the blanks and saves. They need to Image it and go to the imaged document to print a copy or two copies, one for the Judge to sign and one to send to the defendant if they want. Sharon made this a Motion, seconded by Sheri. The committee passed this Motion.

Judge Carver wants to have a conversation with Greg Noose that he will not accept the old forms for **new DL suspensions** with the only exception being the very old forms if the court needs to reinstate. Lisa said the reason for taking so long to get the statute tables done was because of the new Overdue Processing rules. It has been a daunting process and very hard to test, because it is based on time frames.

CITEPAY:

Lisa noted that the city court in Miles City was installed and in December the Richland County Justice/Sidney City courts were installed. When they were installed, a decision had to be made as to what cases would be uploaded. The only statute table that has CitePay settings is 201004, the current revision. That table was deployed to everyone by the 1st part of September, except for the courts that were running Overdue Processing. Therefore, a cutoff date had to be picked and it was 8-1-2010 which meant any cases disposed and the charge disposition date was after 8-1-2010, and any undisposed cases where the statute revision was 201004 and the case filing was after 8-1-2010.

What this means is the old charges that are sitting there prior to that time are not available right now on CitePay. Lisa talked to Barb and Jennifer and neither one had a problem with this. However, when discussing this with Ernie he was concerned that all those old charges that people could be paying on could not be accessed. Lisa noted it can be changed and they would look at the old statute revision tables to do this. The cutoff date could be set earlier and the older charge on CitePay would be there, but not eligible for payment and they would have to contact the Court. The other option is to propagate the CitePay settings to the older revisions and therefore, anything that is eligible to be paid would be available on CitePay. If there is an outstanding Warrant or the violation is a Must Appear, they will not be eligible for payment on CitePay. If there is a time pay without a time pay agreement, the clerk would need to go into each case and fill out the time pay tab.

Sharon expressed her need to have all the cases uploaded, to avoid the phone calls where some defendants can pay this way or that way. Lisa said Gallatin County has always been set up to make old and new cases available on CitePay, except Must Appear. But, it is easy to go back to the 3 courts that have been installed and make those changes to the old statute tables. Bill would show her how to upload those cases from the old revision. Judge Carver wondered if they could negotiate with Ernie on the change needed to Overdue Processing. Lisa said Ernie agreed to make any changes to the program that directly affects CitePay, but Overdue Processing is not a program that does.

Judge Mohr made a motion that the older revisions of the statute tables be propagated to the CitePay settings. Sheri seconded the motion. Motion was passed by the committee.

As soon as Lisa has all the member courts installed with the new statute table and CitePay, except Flathead and Carbon Counties, she will send out an e-mail to get their input. Marty asked if this resolved the issue of whether or not notification is needed for mandatory appearance. Lisa said if there is a mandatory appearance on a charge for the case, the message on CitePay is that You Must Appear for that Charge.

OVERDUE PROCESSING-SCHEDULE:

Lisa presented the committee with a written update of the Committee Member courts and what has been installed in those courts and what has not yet been installed. Also, she listed out the courts that have Overdue Processing adding that Yellowstone County Justice Court, Judith Basin Justice Court and Kalispell Municipal courts will be the first for the new rules. The plan is to get through these courts in one month. But, they will have to wait until MHP gets their statute table in place. This takes time as the mapping of documents is very time consuming. Marty added it is a very complicated procedure, involving many members of their staff. Claudia said they will do the Justice Courts first, since they are involved in the HP import process.

After all the courts on the list have been updated and Overdue Processing is added to the few committee courts that do not have it yet, they will discuss the next step. Judge Carver wants to add to the record that Enterprise is a completely new program and Overdue Processing will be an entirely different process. Lisa believes the benefit of using Overdue Processing for the next couple years before Enterprise will be positive to the courts. Judge Carver hopes that because Full Court V5 will be standard for the entire State it will help in the transition to Enterprise. Claudia said the setup for Overdue Processing in Enterprise is easier than what she has to deal with now.

NEXT MEETING DATE:

The 2 day meeting to work on ROAs is scheduled for February 3rd and February 4th. Lisa and Marty will get together on these before the committee works on it. Marty stressed the point of when the courts go to e-filing, standard ROA codes are critical. However, Lisa advised after the 2 day meeting, there is no way her staff can get working on them immediately. But, at least a set of standard will be developed. Marty is going to go through and match up all the ROA codes and then provide the committee with the list of ROA codes that come out of that project and do not match. Then the non-standard ROA codes will be mapped with the approved standard ROA codes. Lisa said when they did District Court they changed the ROA code, but they will not change any text that is typed in the ROA. Sheri asked if when standardizing ROA codes if the doc titles could be done as well. Right now, Sheri said the verbiage for some right now in the ROA is different than the title. As an example, the ROA code is agreement to pay fine, but in the title it says time pay agreement. Sheri wondered if it would be easier for everyone if the document titles were standardized. Judge Carver stated they could discuss this at the ROA meeting if it comes up on a regular basis.

Claudia noted having a standard set would at least get everyone on the same page, but down the line the ROA codes may need to be added to, such as the recent decision to have "Voided by Agency". When they worked with District Courts this procedure was followed.

NEXT MEETING:

The meeting will begin at 9:00 AM on February 3rd, 2011. They will start with the standard Justice Court and standard City Court ROA list that was developed many years ago.

NEW COMMITTEE MEMBERS:

The list of applicants to be recommended for the committee was handed out. Lisa came up with a list of Judges that use Full Court. Judge Carver said there are many judges who know the law better than anyone, but they do not know how to enter a ticket in Full Court. Judge Carver noted that Judge Linda Budeski approached him about the appointment as she uses Full Court and is anxious to learn more about it and use it more. Judge Mohr added that he is impressed with her as well, as they have had discussions. Judge Carver also added Audrey Barger, who is new but, she understands the program. Staff was inquired of their input. Lisa added Gary Olsen from Townsend because he runs the program for his City Court. Judge O'Malley and Judge McKenney both operate Full Court in their courts. A new Judge, Holly Fredrickson, was added after a meeting that Lisa attended with Beth and she was mentioned. Judge Carver asked if there were any other recommendations from the committee members.

Judge Mohr made a motion that Judge Linda Budeski be recommended as a new member of the committee. Sheri seconded. Motion was passed by the committee.

Lisa added that Holly Fredrickson has been active in trying to learn Full Court. Thelma commented that she wanted someone who had several years experience on Full Court. Judge Carver commented that Audrey Barger has District Court clerk experience. Gary Olsen would bring City Court experience to the committee. Thelma wondered how long Jessie McKenney has been a judge and Judge Mohr said for several years. Judge Carver said he could call the judges as they are listed. Lisa thought Judge Carver could contact all four of them on the list and hold a meeting by phone with the committee after that. Judge Carver agreed to do this.

GENERAL DISCUSSION:

Lisa wanted the committee's opinion on a problem a Judge had with the OOP forms in Full Court. The court had issued a non-expiring OOP, but when you are in Full Court the maximum allowed in days is 365 days. That field is locked so it cannot be changed. She had not tried 999 to see if that would fit in the field. After some discussion, it was decided the Court Administrator's office would try 999 and suggest that to the court if it worked. If that does not work, they will unlock the form this one time, change the days for that court, and then lock the fields again.

Meeting was adjourned at 2:38 PM Minutes submitted by member, Barb Pecos

