

COCLJ AUTOMATION ADVISORY COMMITTEE
MEETING – February 19th, 2009
Helena, Montana

MEMBERS PRESENT:

Karen Nelson, Supreme Court Administrator's Office
Chairperson Judge Larry Carver
Lisa Mader, Supreme Court Administrator's Office
Judge Johnny Seiffert
Sheri Bishop, Gallatin County Justice Court
Sharon Skaggs, Yellowstone County Justice Court
Barbara Pepos, Richland County Justice/Sidney City Court
Judge David Ortley, Flathead County Justice Court

MEMBERS PRESENT BY VISION NET:

Thelma Keys-Nicol, Kalispell Municipal Court

GUESTS PRESENT:

Chris Kiser, President of the MJC&MCCA

Meeting was called to Order by Chairperson Larry Carver at 8:30 A.M.

APPROVAL OF NOVEMBER 21ST, 2008 MINUTES:

The Committee approved the Minutes as written.

PUBLIC COMMENT:

No one was present for public comment.

THE ORDER OF PROTECTION FORMS:

Karen Nelson was absent at the present time, attending a legislative session. Lisa Mader was present to keep the committee informed of the Court Administrator's news.

Although, this committee had a close vote on the matter, it was decided that minor's names should be included in the Affidavit and Order of Protection forms. That information was brought to the Commission on Courts of Limited Jurisdiction meeting and the Commission decided they were going to ask for a formal opinion from Mr. Bullock. In the meantime Judge Carver and Karen Nelson met with Elaine Dahl from the Montana Legal Services Association.

Judge Carver discussed the Memorandum from the Department of Justice where they agreed to an interpretation of the Privacy Rules that was written by Elaine Dahl of the Montana Legal Services Association. Therefore, an Order of Protection must contain a minor's full name and the Judge may restrict access to the minor's name as per the Privacy Rules.

Judge Carver said the only difference between the forms approved by the Committee and the ones formulated is there will be more lines in the Affidavit, in other words a page and a half to write on. Lisa Mader commented that these forms were put into A2J and Hotdocs by Sue Jamison from their office.

LEGISLATIVE ISSUE:

Judge Carver stated that the Montana Magistrates in conjunction with Brenda Nordlund of the Department of Justice, introduced a bill to allow Courts to suspend DL's on title 45 and title 87 violations. Judge Ortley testified in front of the legislature on this matter. The bill has gone through the Senate and would be transferred to the House. The Driver Improvement Department is on board with this bill as well. The only change in the original bill was that the Senate believed the **"initial notice"** must either be hand delivered or delivered by Certified Mail. This referred to the ticket itself, not the reminder notices that the court sends out.

HIGHWAY PATROL CITATIONS:

Judge Ortley brought to Judge Carver's attention that on the Montana Highway Patrol court copy, the disposition part automatically enters the Defendant's name and that the bond is forfeited. Karen Nelson and Judge Carver will contact the Montana Highway Patrol and ask that this not be automatically added to the court's copy. Discussion would continue when Karen Nelson arrived at the meeting.

Sharon Skaggs of the Yellowstone County Justice Court inquired as to when the Montana Highway Patrol citations would be electronically sent to the courts. Judge Carver stated that the E-Filing committee that meets in the afternoon will be looking at this issue with vendors. Judge Carver believed it would be over a year before e-filing of citations could begin.

Sheri Bishop stated that in a phone conversation with Attorney Corbin, Attorney General Mike McGrath mentioned there would be no E-filing for at least a couple years. Judge Carver stated the recently formed E-filing committees will be dealing with these issues and making the rules for E-filing. Ed Smith, the Clerk of the Supreme Court is the Chairperson for all the E-filing committees.

GRANITE COUNTY UPDATE:

Lisa Mader advised that the Drummond City Court is now closed. The Automation Department in Helena is not funded for costs that occur due to changes at the local level. As an example, when local officials decide to move an office to another building, this may require new wiring and a new computer setup. Karen Nelson wanted the committee to decide if the Automation Department needed a Memorandum of Understanding with the government entities.

The second issue that Lisa discussed was the lack of a policy regarding what happens to the *"data"* when a court closes. Judge Seiffert advised this committee that he sent a letter to the City of Drummond in regard to their city clerk asking for a computer, as she was still taking payments in. Lisa again explained that their Department can remove the

equipment, but Lisa asked what is the expectation with the “*data base*”. This would essentially be the court records.

Judge Carver stated that he felt an agreement with the local entities would be a good idea. Judge Seiffert stated that the data must be kept. Judge Carver also stated that the financial information in the data base would have to be made available to the city or county entities. Judge Seiffert added there is no official Court in Drummond, therefore, a clerk cannot accept money from defendants.

Judge Carver asked if the committee felt it was a good idea to have some sort of written agreement with the local government entities. Many local governments do not know how the surcharge works and what the Court Administrator’s office does. Thelma Keys-Nicol inquired as to the jurisdiction issue regarding the Drummond court. Judge Carver stated that Drummond would either have to appoint a new Judge or close the court. Judge Ortlely stated that the “*data*” may have to come back to the Court Administrator's Office, for safekeeping.

Lisa said currently the Drummond court information is in the Central Repository. As long as there is a machine running, the data remains in the Central Repository. Once the “*data*” is removed, it is no longer in the Central Repository and if they want to rely on the Central Repository for the information, a machine must be up and running someplace. Judge Ortlely wondered if the Supreme Court had an Order already in effect stating that local entities must safeguard those records. Judge Carver felt that the Commission on Courts of Ltd. Jurisdiction should look at this issue.

Judge Seiffert stated that there is a line item on the state budget dealing with “*Court Automation*”, therefore, where is the line drawn. Lisa said that for example in Philipsburg, the City Court Judge was forced to move out of the county building. This caused the City to come up with office space, a new computer and wiring. The City Judge wanted to access his *data base* wherever he was, whether at home or at the office. The City Judge wanted this up on Citrix, which costs approximately \$3000 per year, a significant cost to the Court Administrator’s office. Judge Carver said that once the current judge retires, they may end up putting all the computers back where they were. Lisa said that these situations have occurred in Hardin and Conrad also. Judge Seiffert stated the government entity should pay for those types of changes.

Judge Ortlely stated that when they expanded in their court, the cable running was their responsibility. Judge Ortlely believed an agreement is especially needed in this current economic environment. Judge Carver suggested the Court Administrator’s Office give this committee sample agreements and Lisa agreed.

Lisa again asked the committee what the Court Administrator’s Office should do with the Drummond “*data base*”. Judge Carver stated that the information needs to be stored somewhere, where it can be accessed if necessary. Judge Seiffert agreed that the information needs to be protected. Lisa wanted to know if the “*data base*” should be kept up and running on the Central Repository. Judge Ortlely stated that if the Supreme Court

appointed someone to look at an issue in the Drummond Court, that information would have to be accessible. Lisa said they need to know the rules regarding the status of a “*data base*”, which has been taken down. After further discussion, Lisa and the committee agreed they would have to keep a server up and running in Helena, just for the courts that close down.

ENTERPRISE DEMONSTRATION:

Judge Ortley introduced Kim Dumont, the Court Administrator in his court, and she would be with us on Vision Net to look at Enterprise. The demonstration was held in such a manner that the Vision Net attendees could see the Enterprise screen, along with all the committee members.

Dolly and Tessa were handling the demonstration of Enterprise. This was a basic presentation to get a look and feel of the new program. Highlights included:

- a. Statute selection can be done by key words – if the statute # is not known.
- b. Hotkeys are available – instead of always using the mouse. A quick help field is available for the Hotkeys.
- c. The “breadcrumb trail” was explained, allowing the user to easily go back to other screens.
- d. Subpoenas can easily be issued and printed from the Defendant’s case.
- e. If a required field has been left blank, a “red alert” box comes up, reminding the user to fill in the required field.
- f. Findings of Fact have been added as an option. Items listed included BAC test result and the degree of the offense.
- g. The Payment Plan part of Enterprise shows the user all of the Defendant’s cases, so the payment plan can be consolidated; a payment plan end date can be entered, with the program automatically filling in how much is due each month; or if the amount due each month is entered, it automatically enters the date the agreement will be paid in full. The Payment Plan can be printed, allowing the Defendant to have a copy showing when and how much is due each month.
- h. E-payments can be performed at the window by the court clerk.
- i. Field Security levels in the tables menu allows for a citation entry clerk to not have access to any other part of the system, if that was needed.
- j. Court System Values has been shortened to 40 fields.
- k. Event driven production of documents was explained by Tessa as any ROA specific event would generate the document automatically. There is no limit to the number of documents that you could tie to an event. You could have it setup to print automatically, or list it first.
- l. Reminders can be generated from the ROA list.
- m. Overdue Processing will allow the user to generate a worksheet before printing the documents. When Overdue is running, Enterprise allows the user to move onto other parts of the program, such as entering a citation, or entering a payment, and then return to Overdue whenever the user is ready to do so.

- n. Tessa explained that Enterprise will allow the user to schedule when they want a report to run, such as Overdue, which could be scheduled to run at 1:00 A.M. When the worksheet prints, the user can go to the individual case and see if that Defendant should be on the list, or what documents would be printed. This allows for easy correction, should a user forget to extend the payment date on the case.
- o. Tessa explained how each Overdue setting can be modified as needed by the court, as in the case of a Failure to Appear, which may be different when it is Failure to Appear for a Trial, versus Failure to Appear on a traffic violation.
- p. Fees can be easily added to an Overdue step. Claudia commented that the Failure to Pay would be easy to setup.
- q. Civil cases – Enterprise will allow a batch process, where one check will take care of several civil case filings. One receipt can be done quickly, but the user can enter the cases at a later time.

Chris Kiser inquired if the reports can be exported into an Excel document, as Full Court allows now. Tessa said because of the architecture that Enterprise uses, you would not be able to do that on Enterprise. Tessa said that Crystal reports can be used, but they would have to be rewritten.

Judge Carver asked for a quick definition of a “Web based program”. Tessa explained that you can run multiple courts of the same or different jurisdiction on a single database. Therefore, the overhead is less for the Court Administrator's Office to support all the courts in the State. Data could be shared between the courts easily and quickly.

Tessa further explained that the statute table deals with \$, overdue, and reports, therefore, rules would need to be in place as to who gets access to the statute table. If local ordinances are added, they may not need to be shared in another jurisdiction. The rules for the statute table need to come from the users.

This year at the Full Court Conference which will be held in Phoenix, Tessa said they want to focus on Enterprise solely, with small workshops throughout the day. A lab will be set up so users can go there anytime and look at Enterprise. Tessa said that Thursday will be reserved for the grant process. Everything about grants will be presented, including how to obtain funds for your court. The date of the Phoenix conference is the week of September 15th.

Sharon Skaggs inquired as to when Enterprise would be installed in the Montana courts. Karen Nelson asked if the delay in deployment would be due to additional development needs. Tessa said there are issues that need to be resolved with Enterprise, as well as dealing with Montana specific issues.

Barb Pepos inquired if there were any other States currently using Enterprise. Tessa said no, but she said there are 7 Limited Jurisdiction courts installed with Enterprise. Karen Nelson wanted everyone to know that there is no signed

agreement, but a deployment plan has been discussed. In addition, testing of Enterprise would need to be done first. Once Cascade County District Court has been installed with Full Court, then the Court Administrator's Office can focus on Enterprise. Lisa said they are moving quickly on testing the product.

Lisa advised the committee that the Cascade County install is set for March 23rd. She believes the staff will be busy with that District Court install for at least a month.

The visitors who were in attendance at this demonstration were:
Chris Kiser, Great Falls Municipal Court and President of MJC&MCCA
Rob Bird, Trainer
Cindy Burns, Trainer
Margaret Rees, Trainer
Chad Cleveland, Trainer
Lois Cyer, Trainer
Claudia Anderson, Trainer
Kim Dumont, Office Administrator of Flathead County

Judge Seiffert inquired as to the rollout of Enterprise. Judge Carver said one problem is there is **no** conversion for the current Overdue Process into Enterprise. 14 courts currently use Overdue processing. Enterprise would need to be put into a test site. Judge Seiffert said that going to Phoenix and looking at Enterprise is very doable, but if the court does not see Enterprise for a year, it may not be beneficial. Judge Carver advised that the user conferences are valuable. He further stated that after actually using Enterprise in the lab, it is not intimidating to him anymore.

Karen Nelson said it may be necessary for members of this committee to spend a week in Helena with Lisa and her staff, in looking at all the Enterprise features and testing them. If there are gaps somewhere in the program, then the Court Administrator's Office will know better what the deployment plan will be, and not drag it out.

Chris Kiser wondered why there was a need to quickly move to Enterprise. Karen Nelson said that Version V of Full Court is already dated. Development is now concentrating on “*web based*” applications. Karen Nelson said right now every court has their own local “*database*”. Web based allows for more sharing of information. Karen Nelson said that moving to the next level of technology is part of the plan.

Judge Carver advised that the reason for the statewide E-filing committees is to make courts someday almost paperless. In fact the E-filing committee is meeting in the afternoon, following this meeting. Karen Nelson said that JSI is working on the new product, and will not be continuing work on the old product. Chris Kiser suggested a test Enterprise database be made available, that clerks could go

and look at before they use it. Karen said they are setting up the environment, so everyone can start getting used to Enterprise.

Judge Ortley asked regarding the security when everyone accesses the same server. Karen Nelson said that is a design option. Judge Ortley asked if a cable is clipped is the entire state down, which Karen agreed could happen. Karen stated that with the new architecture, they can decide how many servers are needed.

NEW FULL COURT RELEASE:

Lisa was going to show what is new on the latest release of Full Court.

Highlights are:

- a. Security has been enhanced. The old statute table will be locked out for most users
- b. Statute table – users will be able to go in and change the bond amounts and also decide if the case is a **MUST APPEAR**.
- c. Lisa said that further testing of import/export needed to be done and they were doing that in the Great Falls Municipal court. Also, in the Kalispell Municipal court they need to test the “unclaimed property” field.
- d. On Citation entry, a new field of race has been added. Accident, school zone, hazardous material, construction zone, and commercial vehicle were added here.
- e. Amended and Modified charges – for example, accountability, solicitation, conspiracy and attempt are listed.
- f. Hearing Results – Printing a calendar now will not show the Hearings that have been resulted. You can change the setting, however, to show all the resulted hearings on the calendar, if you want that.

Karen Nelson said they are working on the reporting dispositions to the ID Bureau. The following items were noted as items to be identified to get the information from the court system to the Broker:

Notice of Charges file
Hearing Notice
Hearing Result
Disposition
Court Order

All the above are triggered by a **MANS NUMBER** on the court record. This would replace the current reporting to the ID Bureau. Judge Carver stated that the courts will have the ability to send this information, long before the ID Bureau will be capable of receiving it. Therefore, he wanted to know if there was a MANS # entered in Full Court, could a disposition form be printed out. Lisa and Karen are scheduled to do some testing

next month with the DOJ. Karen Nelson said the Department of Justice is trying to get a statewide crime victim reporting system set up.

Karen Nelson stated the suspension notice is an overnight process, as far as notifying the Department of Motor Vehicles. Reinstatement, however, is a two step process. This was operational, but was shutdown. Judge Carver said the bill which is currently in the Legislature, dealing with the DL suspensions, if passed, would be effective July 1st, and should resolve any past issues with electronic reporting.

Lisa clarified further when you create a document in a case you can print it and you have an imaging option. If you say image, it takes that document and attaches it to the case, in the same manner that if you printed the document and then imaged it into the case. The only thing that it does not do is create an ROA.

Sharon Skaggs inquired about electronic signatures. Karen Nelson stated the electronic signature issue is part of the e-filing system. There needs to be rules made regarding electronic signatures. Karen Nelson said that one of the issues they want to resolve is that the electronic record is the “official court record”.

Judge Carver asked if any courts were still writing a disposition onto the Montana Highway Patrol citations. There are a few courts that still write on the disposition copies and one reason is for the auditors. Currently, on the court copy, automatically the Defendant’s name is populated with the bond amount in and says that Defendant is forfeiting bond. Most courts are asking the Montana Highway Patrol to print one copy for the court.

Sharon Skaggs suggested that clerks feel free to ask their Judges if certain pieces of paper still need to be kept. Just because something has been done for years, does not mean it is necessary in this new age of technology. Karen Nelson stated that statute 3-1-115 MCA deals with electronic records.

Thelma Keys-Nicol asked if the Jury module will have the capability of scanning in the juror questionnaires, so they do not have to be hand picked. Karen Nelson said that District Courts asked this also. The new Privacy and Access Rules, says that juror questionnaires are not public records. If they were scanned in, they would have to be removed at some point. Lisa said that if jury questionnaires were imaged in, how would the system know which questionnaire to print, in the case of overlapping juries. Karen Nelson said she has seen jury questionnaires that are on the web and they fill them out there. Karen Nelson suggested looking at Rule 9 of the Uniform District Court rules regarding who has access to jury questionnaires.

CIVIL AND SMALL CLAIMS INTERACTIVE FORMS:

Judge Carver stated that the State of Idaho has Small Claims forms and Civil forms on their Web site and they are interactive. Judge Carver asked all committee members to look at the forms available on: www.mt.gov and www.montanacourts.org , as well as look at the Idaho site (www.courtselfhelp.idaho.gov/smclaims.asp), which has

interactive forms. Judge Carver wants e-mail as to what changes need to be made to the forms already available on the internet, so they can be updated.

The committee agreed to look at all the available Small Claims and Civil forms, and come up with interactive forms for the internet. Sharon Skaggs brought her forms along to distribute to all committee members. Sheri Bishop said that all their forms are available on the Gallatin County web site. Judge Ortley has noticed that other states have already developed these forms. Judge Seiffert asked if the electronic forms were being used regularly and Sharon Skaggs and Sheri Bishop both agreed that they are. Sheri Bishop stated that E-filing would eliminate excess paperwork.

Sharon Skaggs said that their court has started scanning documents. Sheri Bishop said that their court is behind in their scanning. Once the document is scanned, then the time saving comes into play, when you have to retrieve it. Barb Pepos asked if the original documents were kept after scanning. Sharon Skaggs said that once a civil case is closed, and they verify all documents have been scanned, they shred the paper file. Sharon Skaggs said that they are not shredding citations as of this time, but they are working on a policy to do that. Judge Carver stated that Enterprise will come with the scanning module. Sharon Skaggs recommends outfitting all computers in the court with a scanner. Karen Nelson said that the ultimate goal is to receive the paperwork electronically. Judge Seiffert commented that in his court they still keep all the paperwork.

NEXT MEETING DATE:

Judge Carver suggested the next Automation Committee meeting be scheduled for:

March 19th, 2009 at 8:30 A.M.

The only Agenda item right now is the Civil forms we will all work on. Karen Nelson said that they may need to make changes to the jury module, and they will need to discuss that with this committee.

Meeting was adjourned at 12:00 P.M.