

**COCLJ AUTOMATION & ACCOUNTING ADVISORY  
COMMITTEE MEETING – March 20<sup>th</sup>, 2014  
HELENA, MONTANA**

**MEMBERS PRESENT:**

Chairperson Judge Larry Carver  
Judge Gregory P. Mohr  
Judge Audrey Barger  
Judge Linda Budeski  
Lisa Mader, Montana Supreme Court Administrator's Office  
Claudia Anderson, Montana Supreme Court Administrator's Office  
Thelma Keys-Nicol, Kalispell Municipal Court  
Barbara Pepos, Richland Co. Justice Court-Sidney City Court  
Jackie Schara, President of Montana Justice, City and Municipal Court Clerk's Assoc.  
Sharon Skaggs, Yellowstone County Justice Court Administrator

**MEMBERS NOT PRESENT:**

Tina Schmaus, due to illness

**PUBLIC COMMENT:**

No one was present for public comment.

**APPROVAL OF MINUTES:**

Judge Budeski made a motion to approve the minutes of January 23<sup>rd</sup>, 2014, seconded by Judge Mohr. Committee voted and approved the minutes as submitted.

**CARVER UPDATE:**

The MJI Institute will be taking place as Beth, Peggy, and Greg have come up with some funding. There will be room for 24 judges to come to the Law School in 2015. This will be a two week course and will cover civil, criminal and contract law. This will be presented at the Conference in order for Judges to sign up. Judge Mohr said the cost was close to \$70,000. The judges who attend will need to give their 2 week commitment. Classes are held at the Law School. The instructors could keep some of the cost down if the judges could bring laptops. Carver inquired of Lisa and Claudia if a judge did not have a laptop, do they have some available for a judge to use and return? Lisa said laptops do not stay on their shelves very long and there are no extras. Lisa said the ones used for the computer lab are approximately 7 years old and trying to get them up and running for the Clerk's April training has been a challenge. Judge Carver said this will not take place until 2015, which allows time for some ideas. He believes out of 24 judges there will be some without laptops. Sharon suggested looking into renting laptops.

Judge Mohr said they did agree if a judge attends the MJI, he/she could be excused from one of the judges' semi-annual training conferences. This would even out some of the expense for that judge. The final registration fee has not been determined, but would be from \$150-300. The biggest expense is for the college professors. No dates have been picked, other than it will be run in the summer months.

Judge Carver said they address macro issues at the Commission Meetings. There is still a discussion to get more forms into FullCourt. The problem with adding merge codes is you must build a path for it in FullCourt. Therefore, anytime someone downloads a form from the internet and wants to access it in FullCourt, they would be calling the Court Administrator's office for help. This project is staff intensive.

Claudia has been working intensively on the Bond Book. She has been working closely with all the agencies involved. It is definitely getting better every year. Claudia believes the Bond Book will be available by the Judge Spring Conference.

#### **LISA UPDATE:**

Lisa said they partner with the Department of Justice on Smart Cop. The biggest issue right now is the paper world is ahead of the electronic world. Keeping the statute table up to date is critical in moving forward with e-filing, Smart Cop with Motor Carrier Services and Fish, Wildlife and Parks. This is a very time intensive project. Judge Carver said it is difficult to get the Bond Book out after a legislative session, because you have to wait until the statutes come out, which is usually in October. Judge Mohr said some items have been in the Bond Book for years and not addressed. As some of those statutes are finally being used, then you learn if the Bond Book needs to be changed. Judge Carver noted the amount of intensive work Claudia has done on the Bond Book and how making changes has become easier.

CitePay: There are a number of courts on citrix that want to be using CitePay. As in the minutes of the last meeting, Tammy has been working with the Dept. of Administration to move over to the new servers. Most of the issues have been worked out and Tammy will be working on getting the Fairview court on CitePay. This will be the test site. These are not our servers, therefore, it is unknown how many courts can have CitePay added.

#### **FullCourt Enterprise:**

Lisa and Beth met with Ron Baldwin, the State Chief Information Officer and discussed with him the projects they want to bring to the next legislative session, one being FullCourt Enterprise. He is very supportive and for now believes this will be included in HB 10. In Lisa's meeting with the Department of Justice, they agree with our proposal to integrate FullCourt with CJIN. One of the requests they had was if we could include their piece of the funding in our bill. The figure mentioned was \$50,000 to \$75,000. She discussed this with Beth, the finance office and the budget office and they agreed to do it that way. Because this is our project, DOJ won't need this funding unless our funding is approved. They will need to make changes to the Broker to make this work. They will meet again in April to discuss the concepts of the project. Right now, Lisa is in the beginning stages of getting this information submitted to the State CIO. Once submitted, he will ask questions of the agencies if he has any, and then approves what gets put into House Bill 10. Ultimately, the governor will receive the bill and advance it to the legislative session.

Lisa said Courtroom Technology will also be one of their proposals and they are expanding this to include public access machines for the courts, scanners and some video conferencing equipment which needs to be updated in the courts.

Lisa is on a traffic records coordinating committee with the Dept. of Transportation. Karen Nelson was a member of this committee when she was here. They are working on an assessment with the National Highway Traffic Safety Association. There are components of this assessment, such as driver, crash, courts and citations. There are 54 questions she needs to answer from a meeting she just attended on Monday of this week. Some of the questions deal with citation management and she cannot answer them. She can answer questions from the adjudication end. She is getting together with Greg Noose and Cal Schock from the Highway Patrol to answer some of these and make sure there is no overlap. One question is does the state have a method of tracking driver penalties and sanctions. Judge Carver said Greg Noose and his department deal with the administrative penalties. She has asked to see the report which was completed 5 years ago.

#### Strategic planning:

At some point this summer Lisa will be working on strategic planning, therefore, everyone will see the IT survey which they send out every two years. The Strategic Plan needs to be completed and to the State IT committee by October.

At the last meeting, Judge Carver inquired about the Fish, Wildlife & Parks Best Practices Guide which were on the previous web site. Kevin Cook, the Webmaster, was contacted about what was on the web site before moving to the new web site and the Best Practices was not there. Judge Carver still believes Best Practices and a Clerk's Training conference were options on the old web site. Fish, Wildlife & Parks statutes are on the web site, but do not need to be there now since they are in the Bond Schedule.

Justice Wheat has been appointed to the Commission on Technology. Lisa has not visited with him to date. The next meeting for the Commission on Technology has not been scheduled yet.

#### **Claudia Update:**

Claudia reported the first bond payment at the jail has been received through CitePay. It was a \$3000 bond posted by the defendant. Next, another bond was received through CitePay bond at the jail. It was in the amount of \$685.00 and posted by the Defendant. There was an issue of two people posting bond who were not in jail, but used CitePay Bond at the jail. Sharon from Yellowstone County received one of the bonds that belonged to BigHorn County. Claudia talked to Bill with JSI and asked if the wording could be changed somewhat on CitePay. She thought it should be changed from: Post Bond – to Post Bail – Jail. Her thinking was if the poster saw the bail and jail and was not in jail he/she would not use this option on CitePay.

Sharon added CitePay has not been responding correctly. Barb agreed with this statement and added it does not update immediately after a case in FullCourt has been updated. Claudia said this is CitePay's first priority to get it to refresh quickly when a

change has been made to the case in FullCourt. Bill from JSI assured her they are working on it. Claudia said her department needs to know when CitePay is down, because the last time JSI took it down no one from CitePay notified them. Lisa said she has her monthly conference call with Ernie, Tessa and Jim Mortensen and she will mention this. Claudia said if “accident” is marked on the citation, it will not be made available for payment on CitePay. Thelma asked if a disposition is completed on the case, do they still need to worry about the “accident” check. Claudia said no, it should work fine once the disposition has been entered.

Sharon said in the case of the \$3000 bond, it actually was a \$2000 bond for their court and \$1000 for Billings Municipal Court, who do not use CitePay bond at the jail right now. Sharon said her court received the entire \$3000, however, the person was still held in jail, even though, the \$1000 for Billings Muni had been posted. Sharon suggested trying the test cite in a smaller jurisdiction. Judge Carver did not believe this would solve the problem. Claudia said this is just a pilot phase, but once they open it up to all the courts, this should solve the problem. In other words, because the jail in Yellowstone County is regional, should they open the test cite up to Stillwater, Carbon County, BigHorn and Sweetgrass. Sharon also suggested it is important to have the right people notified by e-mail, so proper action can be taken once the bond has been posted. A good feature is on the receipt you know who posted the bond, their address and whether or not bond can be used to pay fines and fees. She also believes there needs to be publicity about the feature.

**Judge Mohr made a motion the CitePay bond at the jail pilot project can be expanded by Claudia as needed, with a 2<sup>nd</sup> by Jackie. Committee voted and approved this motion.**

**ROA Standard Mapping Project:**

Claudia reported her team is done with the standard ROA mapping project. They have one court left to do. She was very thankful for her trainers in getting this project done. Claudia said Custer County was very happy to have received the standard ROA mapping and generally speaking they had very few questions about it. This was very important to accomplish moving forward with Enterprise.

Lisa added Claudia and Gregory need to be complimented in doing all the work they did to enable this project to move forward. They were able to hand the work over to the trainers for them to complete with the courts. There was a lot of work done by the trainers as well in contacting the courts, then getting approval from Claudia and Gregory.

Thelma asked how cases will remain sealed when they move to public access kiosks in the courts. Claudia said it will all be done by who the user is, as it is now. When someone signs in as “public” they will only get to see what is allowed to the public. Claudia said the “public” will not be able to see anything on a sealed case. The reason behind the ROA project will be explained to the clerks attending the conference in April, of which 85 people have signed up for. Judge Carver believes there will be 3 judges there.

**Roadside Payments:**

Claudia handed out a report with Roadside Payment figures for the month of February, 2014. Richland County received the most for the month. Hill County was not on the list, but Judge Barger said they have new Montana Highway Patrolmen in her area. She also commented they are writing fewer tickets as well. Judge Carver said he has fewer MHP tickets as well. Colonel Butler with the Highway Patrol will be attending the Clerk's conference in April and Lisa wanted someone to ask him about the decline in tickets.

Judge Mohr commented whenever there is an accident, the Highway Patrol responds and does the accident investigation, which takes them off the highways from writing regular tickets. Judge Barger will be attending the Clerk's conference in April and she will ask Colonel Butler about the decline of MHP tickets.

Claudia stated they received the forms from Greg Noose which are used for the suspension and reinstatement of driver licenses. They also received the Request for Probationary license form, but have not gotten them into the courts. In a couple of weeks, they will replace the new forms with the old ones the courts are using now. One of the changes is the Court name has been removed.

Judge Carver addressed the committee about a few courts that refuse to use the forms which have been developed and added to FullCourt. He believes Greg Noose is accepting these. Sharon said Greg Noose commented if a court orders something, he will follow that order. Judge Carver said there may be no discretion in having to use the Pyette form, but they do have discretion when it comes to using the Driver's License forms, the disposition forms and the MANS forms. Lisa inquired about the TOP and OOP forms which were standardized for the courts. Judge Carver said the statute suggests the use of the forms, but it is not ordered. However, he thinks many courts are using the standard forms now.

Lisa believes Greg Noose has the philosophy to put something on the record, if he is ordered to do so and will not turn away the request because it is not on one of the FullCourt forms. Judge Barger believes it would be easier for Driver Improvement staff if information comes through on standard forms. Judge Carver said he should talk to Greg Noose to see if this is a problem for him. Brenda Nordlund may be a good contact person regarding this issue as well.

Judge Carver commented when Orders of Protection are incorporated into CJIN from FullCourt, these forms will need to be used. Lisa said that will be a direct exchange, in other words field for field. Everyone will need to comply and follow the forms provided when this takes place. Judge Carver agrees and said they are talking about documents that exchange information with other agencies.

Judge Barger recently attended a workshop where she viewed "apps" for your cell phone, where the officer has a search warrant "app"; he fills in the blanks and e-mails it to the

judge. The officer then calls the Judge and asks him to look at the search warrant on his iPad. Then the judge electronically signs it and sends it back. This information is never printed out. They started with the blood draw warrants, but now they are doing all their search warrants this way. This is where the technology is going with the courts. Judge Carver agrees there will need to be some statute changes before this can be done in Montana. Judge Barger said there are some District Court judges in Yellowstone County who have made a rule the recording is the record and they are not requiring it to be transcribed.

Lisa said in Missoula when discussing e-filing, the County Attorney and Public Defender were quite adamant about requiring a hard signature. But, in the e-filing rules an electronic signature is allowed.

**E-filing update:**

Lisa said they have met with the Dependent & Abuse and Neglect stakeholders to discuss those work flows and in February they met with the Involuntary Commitment and Developmental Disabilities stakeholders to discuss their work flows. They also met with the Yellowstone County Justice Court and gave them the high level demonstration of what e-filing is. They also met with the 5<sup>th</sup> Judicial District and gave the same demonstration. There is a possibility they will expand e-filing to the Limited Jurisdiction Courts as well. They went back to Missoula and met with the pilot working group of approximately 15-20 people. Basically, it is a group made up of every stakeholder in the project. We wanted to discuss with them a time frame, what are the implementation sequences and other details. Lisa wanted them to think about training and they had questions for us as well.

Judge Townsend was happy about the time frame changing, because right now they are involved in a 2 month work study. For every ten minutes of work throughout the day, the District Court judges record what they are working on, so they can determine how much time is spent on a specific court case. The National Center for State Courts will then use this information to determine if more judges are needed.

The Missoula County Attorney, Fred Valkenberg, did not want an install of a Justice Court without an install of the District Court. He wanted them installed at the same time. Basically, we talked about different options for sequences and they wanted us to decide, which is not the way we want to approach it. We want this as a collaborative effort and eliminate complaints they were not part of the process.

Since then, Shirley, the Clerk of the District Court in Missoula, contacted Lisa and advised every month they have a meeting with the County Commissioners, County Attorney office and Justice Court personnel. They discussed the fact Judge Odlin is retiring as a Judge of the Justice Court and will put them in a state of flux for 9 months. Amy may be moving into that judge role for the next 9 months. Jody will be taking on the responsibility of administrator of both of those courts. They are non-standard on how they operate FullCourt, particularly as compared to the Missoula Muni court. Plus the Justice Court is just beginning to scan documents. It was recommended the Justice Court

not be the first install for e-filing. Everyone at their monthly meeting agreed with this decision. Shirley spoke to the Missoula County Attorney who wanted to think about the situation for a bit. Lisa anticipates bringing both District Courts up at the same time, followed directly by the Missoula Muni Court, and then go to the Yellowstone County Justice Court for an install. After that, they will move back to the 4<sup>th</sup> Judicial District and finish over there. The time frames have not been set yet. Obviously, the ultimate decision will come from the 4<sup>th</sup> Judicial District working group.

Also, there is a state of flux in Mineral County and Judge James not on the bench at this time. Judge Carver suggested this discussion should be made with the e-filing committee as well. Shirley would like the Court Administrator's office to spend some time in the Missoula County Justice Court and assist them in getting up to speed with FullCourt. Lisa said it is important to remember the first phase is prosecutor initiated e-filing, which are criminal cases for the Justice Courts. Right now, what the 4<sup>th</sup> Judicial District stakeholders are telling her is the Justice Court is not ready to go to e-filing.

Lisa said they now have a staging site for the application through LT Court Tech. This has been going on for the past 3 weeks and Rex from the Supreme Court has been testing the application. The application in her opinion is not ready to move to the Montana test site. The implementation for the Appellate court has been delayed, due to the user testing being delayed numerous times. They are now looking at implementation in late May or early June. Therefore, they talked to the 4<sup>th</sup> Judicial District about user testing for all the courts during the summer, with an implementation in the fall.

Judge Carver found it interesting the bid went to LT Court Tech because they agreed to certain time tables, but now they are not meeting them. Sharon agreed as part of the e-filing committee this company has let them down. Lisa said when LT Court Tech became the vendor for CTrack in the Appellate court they were a small company. However, in the middle of the RFP process, they were bought out by Thomson Reuters. Lisa said they have been told this Montana project is being worked on by their largest group of developers. Montana is, however, handling e-filing different from other states, in that we are doing all court levels, all case types and all filer types. Most other states tackle a specific case type, or a specific court level or a specific filer.

In their defense, Lisa said they pushed LT Court Tech to develop very specific functions for this project. Judge Carver said Thomson Reuters also owns Lexis Nexis and it is a large company. It was anticipated when doing all courts this would be a difficult project. Lisa commented she has experienced these slips in IT projects and she would rather see the 6 month extension and see the project come out without any problems.

Lisa has relied on Bill Bainbridge from JSI as someone she can discuss the e-filing problems with and his calm demeanor has helped her. Bill has been working on this project from day one and LT Court Tech is finally getting together with him. Lisa commented this is a huge project and it is voluntary to the courts. One of the vendors in the RFP phase wanted Montana to start with civil procedure first. For one thing, there are

more case types in civil and many different users. Even now, there are many stakeholders to deal with, including private law firms and county attorneys.

This coming Monday, Karen and Lois will be working on gathering the comments and suggestions for rules from all the meetings with the working groups. This will go back to the working groups for their review and to the e-filing committee, which will enable them to move forward on the pilot phase. Karen is preparing the Appellate court case report and it will be published to the Appellate group, as well as the e-filing group and when the rules are complete, it will be put together in a single report for all the case types we have studied. Right now the focus is getting the information compiled for the e-filing advisory committee to look over and comment on.

#### Jury Module:

Claudia said JSI sent them an update to the Jury module, for them to test and install. There was a problem found with the postponed jury list, therefore, it is not ready to install. The District Courts are due to get their list on May 5<sup>th</sup>. Claudia said they will work with the Jury module already being used. Lisa advised JSI was informed Jury needed to be included in Enterprise, therefore, eliminating the managing of 200 plus databases now.

#### CJIN and NCIC Annual Validations:

Lisa said the Dept. of Justice wants to meet in regard to the concept of Enterprise working with their system. One thing they asked is if the courts do the annual validation of warrants and orders of protection. Right now the entering agency, such as the Sheriff Office, handles these validations with their CJIN operator. Judge Carver does not want these discussions to end with more work being put on our court clerks. Lisa said discussions right now are only conceptual. Until they actually get the funding, no specific work project will be discussed and when the time comes for that, she wants the actual stakeholders to be involved. Judge Carver said it would be nice if CJIN can just validate the warrants by going into our system. Lisa said the information CJIN will have is coming directly from Enterprise, therefore, this may eliminate the need for validations in the future.

Judge Carver replied right now there is a communication issue when cancelling a warrant. Courts now must call the serving agency and ask to have the warrant returned, when a defendant has paid it directly with the Court. He has found it necessary to document that contact. Lisa believes there will be a trigger in Enterprise to send information to CJIN once a warrant is taken care of in the court.

#### Judge Henry – Accounting issues:

A copy of a letter from the Commissioners of Prairie County was discussed. Lisa commented her IT Department has done everything they could do to solve the accounting issues in Judge Henry's court. Judge Carver asked the committee members to not discuss issues about judges with anyone. Lisa said what the County Commissioners in Prairie County are asking of her department goes beyond the current FullCourt Accounting Responsibility & Compliance Guidelines. The Accounting policy says her staff will not

be responsible for auditing issues. The judge and clerks are responsible for the accurate reporting of all monies taken in to the court and her department will assist by prescribing specific procedures to be followed. When the problem is a “user” issue and not a system issue, they must decline to be the department to clean up the accounting errors. Claudia added they have assisted this court with their bank reconciliation every month for the past several years. This is for Terry City Court and Prairie County Justice of the Peace account. Her department is willing to help her with accounting issues. In February, they received the bank statements for December, January and February and were asked by Judge Henry to help her balance them. However, she does not make timely deposits and there are many “memo” items in the bank reconciliations that need to be cleaned up.

Unfortunately, Claudia added they have a large file with notations on how they have tried to assist in the accounting. If Judge Henry tried to make her deposits correctly, they would help her in the rest of the accounting. This has been a time consuming endeavor for her staff.

Judge Carver suggested drafting a letter to the Prairie County Commissioners on behalf of the Automation and Accounting Committee. Include in the letter a copy of the FullCourt Accounting Responsibility & Compliance Guidelines. Suggest they supply this judge with staff to assist with the accounting. Judge Henry has said she is not given enough time in the office to perform all the accounting responsibilities. Claudia said Judge Henry does not use e-mail, so her staff must call her every time.

Judge Mohr suggested the letter should come from the Commission on Courts of Ltd. Jurisdiction and Judge Carver said this issue is on the agenda for their meeting the next day. Judge Mohr said this is not an issue for us to address at this time. Judge Carver agreed and if the Commission decides this committee needs to address item #1 on the letter, then we can draft a letter.

#### General Discussion:

Judge Carver asked if Claudia heard from Mr. Korn regarding any issues with the bond schedule or reporting of dispositions. Mr. Korn has not contacted her with any problems. Thelma asked if there has been any further contact from the office of Public Defender and there has not. The Office of the Court Admin. Office is still providing the Public Defender with the monthly report which had been developed for them. Judge Mohr commented he uses a form in court to record if the public defender’s office is asking for reimbursement of fees, usually the answer is no. Judge Barger said her public defender’s always say no, the defendant does not have the financial ability to pay fees.

Lisa said on **June 19<sup>th</sup>**, they should be able to provide a **live demo of e-filing** in the Appellate Court. Judge Carver said **Colonel Butler will be attending the next meeting**. Additionally, **priority projects** will be discussed and **Judge Carver will talk to Greg Noose and give an update**. Sharon wondered if we were any closer in getting Motor Carrier Services tickets on Smart Cop. Lisa said not at this time, but she will get an update.

Judge Carver stated MCS will not enter their warrants into CJIN. Jackie said their MCS warrants are entered into CJIN by the Sheriff's Office. Judge Carver said only a few counties do this. Once the Bond Schedule is out, they will make the changes to the statute table.

Judge Budeski made a motion to adjourn, seconded by Judge Barger. Committee members agreed and meeting was adjourned.

Next Meeting Date:  
June 19<sup>th</sup>, 2014

DRAFT