

**COCLJ AUTOMATION & ACCOUNTING ADVISORY
COMMITTEE MEETING – August 16th, 2012
HELENA, MONTANA**

MEMBERS PRESENT

Chairperson Judge Larry Carver
Judge Linda Budeski
Judge Audrey Barger
Lisa Mader, Montana Supreme Court Administrator's Office
Claudia Anderson, Montana Supreme Court Administrator's Office
Barbara Pepos, Richland Co. Justice Court-Sidney City Court
Thelma Keys-Nicol, Kalispell Municipal Court
Tina Schmaus, Missoula Municipal Court
Sharon Skaggs, Yellowstone County Justice Court

MEMBERS NOT PRESENT

Judge Gregory P. Mohr was absent

PUBLIC COMMENT:

No one was present for public comment.

APPROVAL OF MINUTES:

Sharon Skaggs said she was present for the meeting. Audrey Barger made a motion to accept the minutes with the one correction, seconded by Linda Budeski. Motion passed by the committee.

CARVER UPDATE:

Judge Carver updated on the e-filing project that they are down to 3 vendors, from a total of 8 submitted proposals. The members spent several days on the selection process. Demonstrations from the 3 vendors will be August 27th, 28th and 29th. Each vendor will do a 4 hour presentation on their product. The group will then come to a consensus as to who will get the bid. Lisa added the three are Tibera, URL Integration and LT Court Tech. Lisa did visit with Ernie from JSI after he was notified of not making the top 3, due to technical flaws in his RFP. Ernie had a hard time believing this. Lisa reminded him several times the committee was extremely consistent in the manner they scored the RFP's and other vendors were docked for that very reason.

Judge Carver said the way it worked is there were numerous questions sent out to these folks and the questions equaled a certain amount of points. Each person on the RFP committee graded it by a percentage; if they thought the answer was superior it counted for 100%. There were no points for a failed answer. The group came to a consensus after that. If Judge Carver graded 100% and Lisa 65%, then they came to an agreement on what it should be. JSI, unfortunately, did not answer a question which was worth a lot of points. Lisa said they answered it in the next criteria and the committee made a decision they were not going to other criterion to glean the answer.

Judge Carver said they actually missed 2, which was 8000 points lost. This was an unfortunate error which kept them out of the top 3. Sharon said Karen Nelson did a great job of teaching the members who did not come from a technical background how the process works. Sharon commented it was a great learning experience and she would recommend it to everyone – at least once. The maximum points that could be earned were 65,000. There were between 85-100 different elements needing a response. Lisa added it was a rigorous effort on the part of the members going through the questions and answers. She did research to figure out some of the answers and it was a great learning experience for her as well.

They did have funding for Phase 1, which was NCHIP funding through prosecutors on criminal and certain civil cases, however, it was set to expire September 30th, 2012. Lisa got a continuance on that grant till September 2013. She was cautiously warned to get through all the criteria on Phase 1 and saw no problem in doing this. There had been a delay because they needed to clarify something in the RFP. Then had to go back out to the vendors and allow them to respond again, rescored and came together to score the remainder of that section. This delayed the dates for the demonstrations from the top 3 and Lisa did not feel they could have gotten the vendor negotiations done in time before the grant expires the end of September. That was the reason for requesting a continuance on the grant. The members spent 10 days on this part of the project alone.

Lisa said Ernie commented he has worked with 2 of the vendors, but not mentioning any names, if one particular vendor is chosen, the project will be difficult. He added our choosing that one vendor would be a poor choice on our part, again not giving any details, which Lisa did not want. Lisa was not surprised Ernie was upset and this comment may have been genuine or it may have been out of frustration.

BOND BOOK:

Claudia, Lisa, Judge Mohr, Judge Herman and Judge Carver had a bond book meeting. There was one issue which needed to be ironed out with Greg Noose and Judge Carver was going to meet with him on it. Lisa said with budgetary constraints there was no plan to print the bond book again. Due to the manner in which the bond book was bound, it was difficult to fix an error or update. Updates are now made and put on the web site. There needed to be changes to the Aggravated DUI statute.

Judge Carver met with Brenda Nordlund and Greg Noose regarding the on-line insurance database. It is ready to go and Judge Carver believed it could be accessed by the Fall Training. Currently Judge Carver is under the impression the officers will access this database through CJIN when they run the registration. The site will say, vehicle insurance was confirmed, but never comes back stating there is No insurance. Judge Carver had a conversation with Brenda Nordlund whether it is a duty of the court to investigate all these tickets. He believes it is a borderline ethical question. If the Defendant comes in and states they have insurance and the court goes on line to verify that, is one thing, but if the court investigates tickets without the defendant's approval, then is the Court going over the line? Brenda said with CJIN available to the officers, the court should not see these citations. Brenda added the database goes back 6 months on

the insurance information. Sharon inquired if they can go back and see the effective date, which Judge Carver said you enter the date of violation and get the result. A concern of Judge Carver is it's a web-based system and could be accessed from home. Each person will have a password and every office will have an administrator. The concern is someone accessing criminal history when it is not work related. Judge Carver gave an example of a mother seeing her daughter with a young man and then running the license plate number to get history on the family and the boy. Therefore, court personnel will need to sign a document they are only using the site for work related purposes. This web site has a monitoring system where they can type in a user name and look at the records checked by that user.

Barb commented one of their highway patrolmen said he would only be accessing this information if an accident occurred, or for an investigative reason, not for proof of insurance. Currently in Sidney, a copy of the proof of insurance is sent back to the Officer for verification. Thelma said they check every insurance card to verify it is effective. They noticed some defendants print something out of the computer and actually do not have coverage. Claudia said most courts do verify the insurance.

Judge Carver was appointed to a case for removal of the Judge and it was a court of record. He went into the case and learned the defendant had previously won an appeal because during trial the Judge told the clerk to call and verify the insurance. The appeal was it is the burden of the prosecutor to prove there was no insurance, or for the defendant to provide it. If the defendant does not provide it, it is not the court's place and they won the appeal. At that time, Judge Carver said there was a different set of ethics because courts could not do any investigations. The new set of ethics allows courts to access the system to verify insurance. It is specifically stated in that manner.

Thelma asked since they were making the phone call, versus going on line, would there still be a problem. Judge Carver presented his opinion and only an opinion if the defendant provided a copy of the insurance, that is one thing, but if a ticket is filed and the court on its own goes to the web site, then it's investigative in nature.

Lisa said back in December of 2011 she was on the phone with Joe Chapman, who is the IT Director for the Dept. of Justice and was asking him about the system and he said it was ready to come up. Lisa then asked when courts will have access and he answered police officers will have access first, with the possibility 6 months later allowing court access. Lisa has not asked him anything recently about the site. Judge Carver will talk to Brenda Nordlund about this and try to find out the most recent information. She actually could have shown Judge Carver how if you enter one license plate number, all that person's vehicles will come up. Greg Noose did provide Brenda with a license number and information popped up such as his wife's name and dates of birth.

Lisa said Beth got a call from Brenda Nordlund as to if they wanted to manage this. One question was if it could be done through List Serv. Judge Carver said List Serv is not a good vehicle for this, because 15 judges have asked to be removed from List Serv. Lisa feels, however, it is a good communication vehicle, especially with the clerks.

Unfortunately, Judge Barger said there are a few people who did not use it correctly. The e-mail box gets filled up with unnecessary correspondence. Judge Carver stated this is the reason from the judges, because should they be gone for a week, they must go through all that e-mail.

Judge Budeski commented if the rules are made clear as to how to use this insurance verification site, there should be no problems. Brenda told Judge Carver she is working on the document and they are ready to go from there. The document will be a real clear user agreement. Judge Carver added it must be made clear user's access is traceable. To end the discussion, Judge Carver had a feeling it may end up being the courts that do the verification.

HELENA MUNICIPAL COURT-Auto Pay:

Recently there was a television ad about auto pay in the Helena City Court. It was on how to manage payment of court fines. Judge Carver investigated and learned the court has contracted with Collection Bureau services to manage the fines. The bureau charges the Defendant \$15 for a start up fee and \$5 per month to manage their outstanding fine. He said it is like overdue processing. Claudia believed it was any current time pay over \$100.00. This company does collect the fines and sends monthly statements out to the defendants. Judge Carver said what they are really doing is contracting with Collection Bureau Services to do overdue processing. He does not think it will be very successful across the State, but Helena Municipal court likes it.

Sharon inquired if going to Auto Pay takes it out of the judge's discretion, as in the example of someone truly not being able to make the payment. The court has the authority to grant leniency, as in a lesser payment. How does Auto Pay interact with the court on these issues? Judge Carver's experience with Collection Bureau Services is they will request a Judgment and ask the court to issue a writ. Judge Barger said the problem she has is it will come right back to her court as a civil filing. She wonders if the civil cases are filed in the Lewis & Clark Justice Court and Helena Municipal does not deal with the civil cases. Judge Carver has always wondered if he signed a contract with Collection Bureau Services on one of his defendants and it comes back to his court as a civil case, is he allowed to handle it. Obviously, if he ruled against the defendant it would look like a case of impropriety, because he has a business relationship with Collection Bureau Services.

Sharon relayed she had concerns about the collections coming back as a civil case before they contracted with a collection services company, which is located out of State. However, it has not increased their civil case load. The fine is considered a judgment, even on a criminal case, and you have the right to execute against it. The company they use does not file civil actions. Judge Carver agreed you already have a judgment.

Judge Carver ended by saying they took care of the CFR issues and Lisa would discuss it further in her update.

LISA MADER UPDATE:

Andy's position on the eastside of the State is still open. They are in the process of rewriting the position with Human Resources. One of the developers, not one of the newer ones, but Don Peterson who worked under Marty is leaving his position. He is going to the Office of Public Instruction to handle database administration. That position has been posted as well. The two new developers are doing well.

The new FullCourt Accounting Responsibility Compliance guidelines document was sent out to all courts via List Serv. The e-mail stated if any questions contact the Court Administrator's office, or anyone on the committee.

The Court Administrator's office is still on hold with the issue of MHP imports in Fergus County and Culbertson in Roosevelt County. The developers have had the coding done for months. They have discovered a Microsoft issue and have been working with Microsoft on it. Microsoft has acknowledged it is a bug within their application and they would provide us with a hot fix. Her department has been in constant contact with them, but so far no results. They are also working with the Dept. of Administration, since the contract is with them. She hopes to have this done very soon, as they are ready. These courts will require different training, because files will be pushed to the FTP server, with the clerks being notified of this. The clerks will need to get the files and bring them in for import. Lisa said her department will write the instructions and train the courts in this procedure. She thought it was interesting that Greg, a new developer, stumped Microsoft.

Motor Vehicle Reporting:

Lisa has been working the past 2 weeks on issues and enhancements and been on the phone constantly with JSI. They are finally understanding what the issues are and agreeing to work on the fix. She hopes to have that fix by the end of the week and test those codes on their test environment, which took some time to set up. Claudia and Lisa have also had discussions on how to implement new courts, as there are only 12 courts currently reporting dispositions electronically to the Motor Vehicle Department. This was a high priority from the committee, but they could not begin working on it with the issues they were dealing with in the transactions.

Enterprise:

Since the last meeting Lisa did receive the quote back from JSI regarding what the cost would be for their services to implement Enterprise in our courts. The quote came back as \$1.7 Million. She had anticipated the cost in the range from \$700,000 to \$1Million. In previous discussions, Lisa explained the requests for funding from the legislature and the fact that FullCourt is working now in our courts. She indicated they do not have enough staff to take on the Enterprise project at this time. Additionally, Lisa is not sure Enterprise is ready for the State of Montana. Therefore, they are not going to the legislature with the \$1.7 million request.

Idaho did contract with JSI to do e-filing. She has not spoken with Idaho since then. But, in her conversation with Ernie from JSI, the National Center for State courts went in

and evaluated where they were at with a statewide system. Idaho uses FullCourt statewide and is highly customized as well. The result of the evaluation was to stop e-filing and move your current system to Enterprise. The National Center for State courts recommended getting out of the customization in the move to FullCourt Enterprise. JSI and Idaho are currently in meetings for contracts, designs, conversions, and implementation. What Lisa likes about this is the National Center is also evaluating their infrastructure, because they want to do a 100% centralized FullCourt Enterprise solution. Lisa said the advantage to Montana is they would not be the first state.

In June, Beth and Lisa got a call from Ernie advising he did not want us to be surprised when we got a letter stating they will be winding down the support of V5 by the end of 2014. He said the majority of his clients will be off of V5 by 2015. What that means to Montana is they need to work together on a plan and renegotiate the contract. Lisa reiterated what she has said previously and that is not to do any more enhancements to V5, because they will have to pay for them again, when and if they go to FullCourt Enterprise.

Lisa wanted to talk to Kansas because they are in the middle of an e-filing project with Tibera, which is one of the vendors coming in to demonstrate their product. They also received the same call from Ernie and they are too far down the road on e-filing with a projection of 2015 to be finished. They made it clear to Ernie a 2 year notice regarding FullCourt V5 was not enough time. As state government they can only pay with the funds they have. Ernie did say he would work with us here in Montana and Lisa believes when they renegotiate the contract, it may be at a higher rate.

Kansas has sole source rules and the court administrator told Ernie on the phone they would not move to Enterprise at a much higher cost, without going for an RFP. Lisa feels Montana is in a similar position, even though, she is not endeared to moving to a new product. Her office will be mired down in e-filing, yet have to work out those negotiations and she will rely heavily on her management team. Judge Carver asked if the price of a new case management system would be close to the \$1.7 Million upgrade to Enterprise. Lisa commented the \$1.7 Million does not include the hardware. She said a good chunk of the \$1.7 Million is the conversion portion of it. She does not think she can request \$1.7 Million from the legislature to go system to system from the same vendor. They have already provided the \$1 Million to get the statewide licensing. Therefore, they are now looking at close to \$2 Million for just JSI services. They may be better off putting out a Request for Information or an RFP. The reasons they do not want to do that is they have 2 central repositories and have just gotten the District Court clerks up on FullCourt.

Regarding the central repositories, they run the electronic exchanges. There may be a better solution for their small IT Department to manage, move data and exchange data quicker than is done now. Claudia commented new software may have a bus that would handle those exchanges. Lisa said they are in no way headed that direction now, but the question needed to be answered and Ernie provided it when he called. Lisa did tell Ernie

they are 5 years out because they run on a 2-year funding cycle, meaning it will be the next legislative session where they will ask for funding to move to FullCourt Enterprise.

Judge Carver inquired how much support is being done to V5 now. Lisa said they are not doing enhancements, however, they will at a high price if needed. Lisa added they were supposed to get a FullCourt update twice per year, January and June. We did not get the June revision of that release which fixes the little bugs and mistakes found until October 2011. Now they just received their 8th revision, after just pushing out the 7th revision. Keep in mind this is an update of a revision we should have received in June 2011. Therefore, we did not get a January, nor June revision of 2012. Claudia reported at the last meeting they were testing their 7th revision before pushing it out to the courts. There were some minor issues with the 7th revision and just now the 8th revision showed up, which needs to be pushed out after testing.

Lisa did ask Ernie if there has been a lot of turnover in his organization. Ernie denied this, but Lisa said there has been turnover in their oracle department, programming department and in their support department. Lisa is not sure the Enterprise application is ready and she is not sure JSI has the resources needed to support that move, along with JSI's portion of the e-filing project. Judge Carver said this is not the 1st time that Ernie has said they were going to stop supporting V5, as he heard it 4 years ago. Lisa said their conversation took place on June 13th and Ernie said he would follow up with a letter, but to date she has not received it.

Judge Carver thought Lisa's response to Ernie was very good in that the State may need a new RFP. If the state is going to purchase a new system, they could look at one which is already web based and supported. CitePay at the jail was discussed with Bill and Ernie in March 2011. Lisa sent Ernie an e-mail message last week about the status of CitePay at the jail. Ernie replied they had begun the coding on it and hoped to have a version of it by late August or September 2012. Ernie went on to say he was told this AM they needed to run a few questions by Montana to get clarification. Who should the programmer contact?

Lisa responded there was an upcoming Automation Committee meeting later this week and she attached the last e-mail received in January 2012 about the CitePay enhancements. In March she had a conversation with Bill, Ed and Jim and was told we were closer to a May time frame for the enhancement. Lisa continued in her e-mail that she was sure Ernie could appreciate the committee is going to get restless about an enhancement they had been discussing since March. Lisa also replied that she and Claudia were available for any questions. Ernie replied they were doing design code as they speak and he felt confident they would meet the time frame specified in the e-mail this month.

Thelma inquired about incentives in the contract with JSI, which Lisa had explained in previous meetings wasn't negotiated by her or Karen Nelson. Lisa replied any new contract will have incentives, hold back, or milestones to meet. Going back to discuss the e-filing project and JSI not being picked in the top 3, she noted that JSI is working with

Tibera in the State of Kansas for their e-filing. The State of Idaho has put their e-filing project on hold; therefore, JSI has not completed e-filing in that state. Claudia also would like to know JSI's succession plan. Ernie did comment JSI was going to be around a long time to be the court's management system.

Judge Carver noted an entirely new system would require an enormous amount of work and there will be courts not willing to change over. However, Lisa commented moving to Enterprise will be a large undertaking, with the program being somewhat familiar, but still a massive move. Judge Barger stated Claudia and her department should not have to work so hard on each new release. Although, as Tina commented in the last meeting the programmers are not the end users. Claudia said it is time consuming to test and test and test again once they have tried to fix something, but something else is broken. Then, they must put the release in a court for testing. Claudia further stated there are programs out there which test software and JSI apparently does not do that before sending an update out.

Beth and Lisa discussed they need to meet with Dick Clark, the State CIO, because he works with all the agencies and knows what problems are out there. Lisa again just wanted the committee to know what is going on with V5 and the renegotiation of a contract with JSI. Lisa commented another concern whether going forward with FullCourt Enterprise or another court computer program, is keeping experienced staff on board.

Judge Carver wanted to discuss new installs of CitePay as he had officers ask why Cascade County was not using it. Claudia said they experienced a delay in new installs due to the problems with the updates. They are now back installing CitePay and the courts know this. Claudia stated the courts recently installed with CitePay are: Missoula Muni, Phillips County, Missoula Justice Court, Malta City, Belgrade City and Dawson County. Further, any courts requesting CitePay will be scheduled to receive it.

MONTANA INTERACTIVE:

Judge Carver commented he has had -0- transactions so far. Claudia gave the committee the following numbers: These numbers are since May.

Richland County	35 payments	total of \$1400
Hill County	29 payments	total of \$815
Yellowstone Co.	12 payments	total of \$300
Park County	25 payments	total of \$980

Judge Barger commented she has 2 highway patrol officers that will do roadside payments and the rest won't. Most of these citations were \$20.00 tickets. Lisa asked Sgt. Tenney why Yellowstone County would be so low in their roadside payments. Sgt. Tenney said it has a lot to do with the fact they can only take it in Yellowstone County, not the other adjacent counties. He believes once the entire state is on board, there will be more highway patrol officers using roadside payments. Sgt. Tenney reported the ability to accept Canadian credit cards will start in the next week. Lisa said the courts

must realize that it takes about 3 weeks from the time they start Montana Interactive, make a test deposit and then withdraw it before it is up and running. Judge Carver inquired if the installation of Montana Interactive would be optional. Lisa said the Montana Highway Patrol may have a problem if Montana Interactive is optional to the courts. Another issue is Butte, because they get the data, but go through and manually input cases, due to the two judges with two different bank accounts.

A discussion was held on how to present roadside payments to the courts that have the highway patrol import. Lisa believes CitePay is optional, but whether a court wants it or not does not affect another agency. In the case of roadside payments, it does affect the highway patrol. Lisa believes if you opted to have the Smart Cop import from the highway patrol, then you should have roadside payments.

Judge Barger made a motion to update the highway patrol import portion of FullCourt to provide roadside payment capability. Judge Budeski seconded the motion. Motion was passed unanimously by the committee.

Lisa said they will work with Scott to begin deployment of roadside payments to the other courts. Judge Barger commented the instruction on the roadside payments is excellent. Claudia noted the roadside payments are on the schedule for the clerks attending the Fall Conference.

Lisa introduced Norma who is the programmer at the Dept. of Justice and must look at the citation import process every single day. The new developers have worked on a new process which will work better. One of the things this new process changes is the location of the BAC level. Because their form does not include the BAC level in the upper portion of the NTA, it is placed in the lower level of the citation. Lisa said you will see this when they move to the new system. The other part you will see is the check box in the Court Minutes the committee wanted. Sgt. Tenney added the BAC does not print on the Defendant copy. Judge Carver wants the BAC to print on the defendant copy as well, which Sgt. Tenney said can be done, but must be done for all the courts. Lisa will, therefore, request that change to the defendant copy as well.

The other change Lisa explained is below the VIOLATION portion on top. The above named Defendant is charged with violating: Now it will say CFR, or Montana Code, or Tribal Code, whichever it is. Gregory, one of the developers, who has coded for this, as opposed to having DOJ push the data to us, has been running it for a month without any failures. The one outstanding issue is voided citations. When they developed this process, they developed the voided citation. That voided citation is being developed through a process that Norma is creating. The new process of looking into their database and pulling the citations over does not include a voided citation. They cannot provide the PDF file. They can still provide the e-mail which tells us Citation # is voided. Added to this e-mail will be the Officer name, Defendant name, date of the violation. For courts that use scanners they can scan this e-mail and attach it to the ROA.

Lisa will look at less expensive scanners for the courts and send out e-mail which ones will interface with FullCourt. The scanners recommended in the past are expensive, but they are very reliable. Tina relayed their court just purchased some scanners and they are worth every penny. When you budget for them, you will find they are not too much money. Judge Carver agreed he has saved on mailing costs and copy costs. Lisa will get together with Tammy and try to find some less expensive scanners. FullCourt is only coded to a specific subset of scanner models. If they can get this done, they will have one attached to one of the computers at the computer lab. Unfortunately, her department does not have the budget to purchase scanners for the courts.

In order to make these changes discussed to the voided citation e-mail, it may take a little longer to get the information out to all the courts and clerks.

Judge Barger made a motion that we adopt the new CFR Template, the new BAC template with the modification that it prints on the defendant copy and we accept the e-mail of the agency voids. Sharon seconded the motion. Committee unanimously voted to accept this motion.

Judge Barger asked Sgt. Tenney about a few citations she has seen where the first name is reversed with the last name. Sgt. Tenney said Minnesota and Washington DL's scan with the names backward. He said it is a training issue and they tell the officers to look at it before they print. Sgt. Tenney advised to let him know and they will work with the officer to look more carefully at the names. Norma added it makes a difference on their end as well, because if the same defendant is stopped further down the road in another county, this will not show up if one of the citations has a reversed first and last name. Sgt. Tenney asked Judge Barger to send him some specific citations and he would address it with the officers.

Claudia asked which courts look at the PDF files, since there is important information on there, such as Crash checked. Judge Barger prints all of hers, as well as several other courts in attendance. Claudia added there is important information on the PDF file itself such as crash which does not populate during the import process. Lisa and Claudia will talk about this and look at the file layout specification, which would be modified on their end.

Claudia showed Sgt. Tenney a copy of a citation where the street address printed and the officer put the P. O. Box right next to it. This created a problem for Judge Orzech in Missoula, due to the fact when the ticket was imported, only the street address showed up. Therefore, when Judge Orzech needed to send this defendant a warning notice on his DL, he never received the mail. When the defendant showed up and told Judge Orzech he did not receive any warning notices, his copy showed the two addresses. But, the court copy just shows the one address. Lisa said this is a crystal reports issue which will be resolved when we go to the new system. Sgt. Tenney also noted in many small towns, that is how it is listed on the driver's license. He commented in Big Horn County, address might say 30 miles south of Hardin. Another example is Colstrip, where address

will be 40 miles south of and the Box #. Lisa said it should pull both of those addresses in FullCourt during the import process and they will check on that.

Lisa noted a bigger issue down the road with dispositions is they are receiving imports with NE for Nebraska. Sgt. Tenney said they will delete NE, but they need a catch all code for the international DL. When they delete NE, the officer won't be able to pick that for Netherlands either. Right now NE is the Netherlands and NB is Nebraska. Sgt. Tenney said the highway patrol officers think NE is Nebraska, so they use it. Lisa said one answer is to instruct the clerks to do a paper disposition when an international DL imports. The manual disposition is necessary because they will not pass validation in the automated DMV reporting process.

Sgt. Tenney explained they may get 10 drivers who have a Poland international DL and if they had a generic code for those foreign countries, the officers could just use that. Lisa said one way to address it is to mark it unresolved and send the paper disposition in. Sgt. Tenney agreed "xx" will work with a warning that advises the officer to add the country in the comments field. Sgt. Tenney said they will make it an error message, where if they use "xx", they will need to put something in the comment field. After some discussion, the Highway Patrol will send a list of all their international codes to Claudia and Lisa, therefore, expanding the list.

WEEKEND BATCH FILE:

Now when you do imports, you get a Friday citation file, a Saturday citation file and a Sunday citation file. Lisa said it would be easy to combine them into one file. Barb commented in Sidney the clerks are alternating coming in on Sundays and catching up on the imports, as well as getting prisoner files ready. They are probably the only court in Montana doing this on Sundays. Lisa said it would have to be all courts or no courts when deciding if one e-mail on Monday could take care of the weekend. Judge Carver noted he has gotten calls about a defendant in jail on Sundays and he has gone in to import citations. In Judge Carver's case, even though, the jail is in another county and could possibly e-mail him a copy, it does not always happen that way. Judge Barger does not need the weekend import, but she does see where other counties could have a need to receive the citations on the weekend.

Lisa said they have had clerks ask to change it to one e-mail, because right now they get 3 different e-mails for the weekend imports. This would make the process more efficient to send out the one e-mail on Monday. Lisa added for right now, they could make the process one e-mail on Monday for all the courts, with the exception of the Richland County Justice Court, due to their unique situation at this time.

Judge Barger made a motion the citation import process be changed to send one e-mail out on Monday, rather than send the citations out on Saturday & Sunday, with the exception of Richland County. Judge Carver commented if they make an exception for one court, what will they do when another court wants an exception. Sharon is not comfortable with making an exception for one court. Lisa then recommended they leave the imports as is. Judge Carver said the problem for him when he does appearances on

Saturday or Sunday is he would not have a docket number without the import. Judge Barger retracted her earlier motion.

In previous minutes of this committee, Lisa and Judge Carver noted a Motion voted on cannot be retracted by one person, the committee must vote again. Lisa read the original motion by Judge Mohr which stated Marty would provide the voided citations and the images of those citations. Judge Budeski seconded. The committee voted in favor of this motion. However, there was further discussion when Jack Marks from the Dept. of Justice was at the meeting and Lisa noted the easiest way for this to be done as it is now, less the PDF. Judge Budeski asked if the motion needed to be revisited, since it was to provide an image of the citation. The motion was withdrawn at that time. The issue of voided citations has been resolved but Judge Carver asked we all be careful about motions and retractions of those motions, as the whole committee must vote on the retraction.

Remote Access Rules & Guidelines:

Lisa handed out a draft of a Remote Access Rules & Guidelines sheet which stemmed from the earlier request by Judge Snowberger to have access to Judge Brandis' application and the minutes reflected there needed to be a remote application systems policy. Lisa looked at the policies that were out there and attempted her first draft. Lisa sent this out to the committee after talking with Judge Carver. However, in taking the draft to Beth, a couple of concerns were brought up. The only body that has the authority to approve policy is the Supreme Court and it would be judicial branch wide policies. Beth did not know if this was policy or more guidelines, but it has only been one instance. Beth felt this would open up a policy and ask for more problems. Claudia and Judge Carver knew of another incident, but it was circumvented.

After Lisa talked to Beth, she went through her draft and took all reference to "policy" out. Judge Carver said Beth was right when she said if you do a system application policy; it should be consistent all through the branch. Lisa put some language in her draft that was in their internal use policy. She also took into consideration the District Courts, because you have judges in the Sixteenth Judicial District who are allowed access into other courts within their districts. Under her Application and Information Access paragraph she wrote: State and FullCourt User IDs are to be used for the job-related activities for which a business user is assigned. Business users employed in an individual court will be granted access to the FullCourt application and information within the system for that particular court. Judge Hegel is a business user for many different courts, but Judge Swandal is not a business user to those courts. She thought this draft would be a start to the process.

Judge Carver stated the accounting issues are covered in the FullCourt Accounting Responsibility and Compliance Guidelines. Therefore, Judge Carver did not feel this is a priority at this time. Lisa and Beth also discussed if they decide on a Remote Access Rules & Guidelines form, do they run it by the Commission, the Clerk of District Courts automation committee, and does this need to be approved by the District Court council. Judge Carver said this committee has authority by Supreme Court rule with the case

management system. Lisa said the branch has a state computer use policy. Lisa will send it out to the committee members.

In the year and 4 months of Tina's employment, she discovered many people using their FullCourt. The Police Dept. has access and they are going under attorney-attorney. The City Attorney has access and Crime Victim advocates office has access as they were physically walking over to city hall for access. She said they have cut the access with the crime victim advocates and they haven't made any big moves with the attorneys, but they have limited some of their reporting activities. There is no user agreement in place with the city attorney and police department. She sees this as a huge security issue with their access, no user agreement and a person outside of the court was allowing that use. Judge Barger asked if they logged on a public user? Tina said no, they log in as attorney and attorney. Lisa thought they were probably in the "public group". Tina said they were seeing everything on FullCourt, but they are not anymore.

Claudia said the access probably wasn't meant for all those people, just attorneys originally and then other people asked and received access. Tina said in her opinion the City Attorney does not need to look at the court's accounting, such as how much money is assessed and how much is paid. However, they want that access, but right now it is limited. Tina asked if other courts have user agreements. Lisa said for example, in Missoula County Justice Court, the Justice Court, the District Court and the county attorney's office are in the same building and same network. The county attorney can access FullCourt on their computer, if allowed to do so. Lisa said from IT position, when a request for access comes in, provided the court approves it, they will tell them how to get access and only access to whatever the court approved. Therefore, Lisa said she does not want to get in the business of adopting user agreements statewide. She thinks they should be court user-agreements.

Sharon commented that in Yellowstone County, the county attorney and public defender's office have access, but it is limited. They also have public access terminals. Tina said the public defender's office is asking for access to FullCourt. Tina feels they must have user agreements in place. She talked to City IT and no more users will be allowed on at this time. Tina said the draft from Lisa is helpful to look at, as she tries to draft a user agreement. She also noted vendors have access to their database and she wants to sign user agreements with them as well. Judge Barger has allowed public log on access, which limits the information and does not show personal information, such as DOB. The City Attorney's office can come up and look at the public access terminals anytime they want. They can see the images and the dates that are coming up on a case. Claudia said you have to be careful with images and docs as well, in making sure the confidential information is blocked off. Judge Barger said documents can be marked Confidential and do not show up on the public access terminal. Tina said the City Attorney and PD could even run reports off FullCourt.

Sharon said law enforcement does not have access to FullCourt in Yellowstone County, but she has found access for the county attorney and public defender's office has been a valuable tool to their office. Judge Carver said there is a program which is available to

the prosecutor called FullCase and it allows them to tie into FullCourt. Tina said their city attorney uses Justware. Lisa commented that Justware is in use with the Missoula County Attorney's office and they have been helpful to work with in being able to integrate with FullCourt. In the beginning it was difficult because they would file a document that FullCourt did not have the statute for. Fred Vulkenberg with Justware conceded our statute table would work better, so he put it in use in Justware. Lisa said they have access to FullCourt because it was granted by the court. Claudia said a court can limit the access to FullCourt and the attorney's offices cannot see the reports or the financials.

Municipal Infractions Status:

Claudia received a change request form for Municipal infractions. Judge Carver said there is a form letter developed which states they must provide us with the changes requested, signed document from the judge, and the governing body ordinance. Judge Carver explained this process is decriminalizing some of the statutes and making them civil infractions, where it becomes more of a small claims process. To do that in FullCourt the statute table, the disposition table and several other changes have to take place in the program.

Lisa said it becomes a project in and of itself and when it becomes time to push out an update or change overdue there are all these "one-off" courts to look at separately. Billings Municipal court was moved to civil infractions in December 2010. They were writing the civil infractions in May 2010. Claudia spent weeks in Billings and this project took months of work. The Dept. of Justice was contacted in regards to the dispositions, which are now: proven, not proven, stipulated, and default. Billings turned some of the state codes into municipal infractions and they received a memo from an Assistant Attorney General the state statutes turned into municipal infractions were still reportable to motor vehicle. Lisa worked with Greg Noose on this part of the project. Lisa thought the Dept. of Justice had updated their table that validates those transactions. There were issues with the code at their end which wasn't picking up those municipal infractions and they are now at the point where they can get this going. However, they find out that DOJ did not update their table. Discussions are taking place as to how this will be handled. Lisa said either they will have to change the code on the broker side, or they will have to insert every municipal infraction which is reportable in their table. In Billings, the infractions were all made 1st, 2nd and 3rd offenses. There are 1700 total new entries.

Lisa does not think Kalispell Municipal changed any of the state codes, so in that case it is not an issue. However, in Ennis and if other courts request different state statutes be turned to civil infractions, those codes will all have to be entered individually. Lisa said this does not just affect their office; it affects the broker manager and the motor vehicle transactions. Judge Budeski asked if they could standardize the process. Lisa said they can for state codes, because Billings was very thorough in their changes. It is always their goal to standardize as much as possible. However, a new legislative session may change some state statutes.

Judge Carver said unfortunately, the city fathers are not always contacting the courts before they make this change. There may not be any input from the county attorney's office as well, which makes their change generic and difficult to implement. The draw to doing this is for example, court appearances in Billings Municipal Court went from 300 down to 15. Defendants do not care if they find out there are no points put on their driving record. Because it is like a small claims procedure, if the defendant does not show up it becomes default.

Lisa said there are 3 findings which do go on the record; proven, stipulated and default judgment. MI-deferred imposition does not go on the record and of course, not proven does not go on the record. Lisa said the points do go on the record because they are state codes, based on the same UVC codes and state points. Lisa said ordinances that are traffic related are reportable as well. Lisa said they give Greg Noose a list of the ordinances and he tells them which ones are reportable. The Billings Muni court knows they are reportable as well. Claudia believes the officers in Billings probably tell the defendants it will not appear on their driving record.

Claudia continued she received a list of codes from Ennis, some are ordinances, state codes and some are zoning codes. Susie Sprout, the clerk in Ennis, was advised the paperwork would be going through the Automation and Accounting committee. Claudia spoke with Scott Newell and he said they followed what Billings had done. She explained to Scott how the process took place with the Billings Municipal court. Judge Carver looked at the paperwork from Ennis and wanted some time to look it over. Claudia noted ordinances and civil infractions are entirely different things, as their office has handled ordinances. Lisa said they try to standardize the system, but civil infractions cause a deviation to that process. Even if they have a standard code already for some of the civil infractions Ennis has noted, their fee may be different than Billings, causing a change to the table in FullCourt. Judge Carver recommended tabling this discussion until all the paperwork is received from Ennis.

Whitefish City Court is talking about changing to civil infractions, but no paperwork has been received from them. Lisa handed out the attorney general reply when Brenda Nordlund requested an opinion from them. Judge Carver said this is not a formal opinion from the Attorney General's office, but is a memo. Billings Muni did not decriminalize any of the DUI statutes and Ennis also did not. Lisa commented that Kalispell is still waiting for the program changes; therefore, Ennis will have to wait until they are done with that project. Judge Carver will discuss the change request with Greg Noose from the Driver Improvement Bureau. He believes the big "carrot" to make this change is the defendant does not go to trial and there are no points added to your driving record.

Lisa would like some control over these changes from an IT standpoint before it gets out of hand. Anytime a new release comes out making a change to say CitePay, it will take their department manpower hours because of the changes made to some of the court tables. Judge Barger discussed her opinion that state IT should not be involved in these changes. In other words, the local government or entity should get their own computer program to track the civil infractions and changes they made to the state statutes. Judge

Carver would have a conversation with Deputy City Attorney for Billings, Kelly Addy, and try to learn more about their procedure. Lisa agreed with Judge Barger that her department is here to provide technical support to the courts, but in this specific case there is no benefit to her IT department. This change request provides benefit to the city and is creating havoc in terms of standardization. In addition, Judge Barger says it puts the IT Department in a position of trying to figure out what is correct and what is not correct. Sharon stated the city has enacted an unfunded mandate. Judge Barger stated the state legislature will do the same thing. But, these are individual entities making changes for their specific area, not a statewide change. Sharon said there is no uniformity between what the cities are proposing.

Thelma suggested bringing this issue up to another authority, because, precedence has already been set by implementing the changes to FullCourt for Billings Municipal. Lisa said these projects are not part of their strategic plan. Although, Karen Nelson, wrote the white paper and instructed the IT staff to work with Billings on their project. Lisa added it is a drive-by project which could eat up all their resources. To expand that further, if the state moves on to Enterprise and tries to enable data sharing with standard tables, they run into the non-standard tables from these other courts.

Judge Carver said the courts get stuck with these changes and they still need to operate as a court and need a case management system to do that. If the IT does not do this, then they are taking a step back from trying to get the courts to all operate in the same manner. Thelma suggested each city or municipality would have to pay for the cost of these changes, but Lisa noted they have no authority to take in revenue. Judge Carver suggested giving the civil infractions list to the court and let them decide which ones are reportable to driver improvement and which ones are not. In other words, they would have to meet with Greg Noose and figure these out. Claudia also said documents must be provided, such as the default judgment and she doubts the court knows about these at this point. Sharon suggested in addition to the paperwork needed by the IT Department, also should be in writing their city attorney has approved all the changes.

Claudia said Kalispell is ready to go; they just need the time to work on it. Thelma, who wanted the record to reflect that she was speaking as a member of the Automation Committee, wanted the Kalispell project on hold until they see what may come out of the Commission Meeting. Judge Carver will speak to Judge Kolar at the Billings Muni court and the new judge in Ennis as well. Since Billings Municipal court is the only court operating with these civil infractions right now in FullCourt, Sharon agreed with Thelma that any future projects be put on hold. Sharon suggested the IT Dept. develop a form so the requests are at least submitted in a workable layout. Claudia said perhaps they could put together a packet, because there are action items for both the IT Department and the courts. Putting together the documents is a big part of it and the IT Department cannot put their documents together. Once they receive the court's wording on the documents, they can put them in FullCourt with the proper merge codes. Judge Carver suggested asking Greg Noose for an official letter from Driver Improvement stating this is how municipal infractions will be treated. This may not be a legal opinion, but a procedural opinion on how they handle the civil infractions.

E-Citations request:

Claudia reported that Bozeman Municipal and Three Forks wanted to receive e-citations. These are similar to the MHP import, but these courts would be importing their city citations. Great Falls and Billings were courts already using this, but Great Falls will be losing their e-citations, because it is not compatible with their new system. In Great Falls they will be hand entering their PD citations again. Whitefish should be on this list as well, because they are working with the same software company, Digiticket. Bozeman has purchased the software, but Claudia is unsure how far along Three Forks is in this procedure. Lisa said the issue is they provide the standard file format and they need to provide the files to the Court. They can train the court on how to import. They request help from the IT Dept. with a test site. If the test does not work, the IT Department gets the phone calls as to why it does not work. Lisa feels this is another drive-by project which uses up their resources.

Sharon said it works well for them in Billings since the PD and Sheriff are on the same system; her court was able to import the sheriff's department tickets as well. Claudia said it is the same procedure as the Highway Patrol, but they have not tested anything at this point. These courts have not made a change request either. Lisa said they are bringing this up to show what requests they receive and what resources it takes to complete the project.

DMV REPORTING:

Greg Noose talked to the Judges about this at the last training. Judge Barger said their department would lose funding if a certain percentage of citations were not reported within a certain time frame. Right now there is a hold in reporting dispositions for a certain period of time because of a statute in the laws. Judge Carver said Greg Noose is proposing legislation to change this. Judge Barger said he asked the courts that report manually to be sure to get their dispositions in on a timely basis. Dispositions need to be sent in on a weekly basis, not on a monthly basis. Lisa said that is one reason DMV reporting was a priority set by this committee. The way Judge Carver understood Greg Noose was there is no problem with the electronically reporting courts; it is the manually reporting courts that are not sending in the dispositions as soon as they need to.

Going along with this, Judge Carver attempted to meet with Eleanor Cooper on the MANS forms. She will be providing training to the clerks at the fall conference. Judge Carver asked if they entered the MANS # in the case, is there a way to create a MANS form document from there. What Judge Carver is doing now is printing a manual disposition on the criminal case, attaching it to the green MANS form and sending it in that way. It would be much easier to e-mail the disposition from the case, since they already received the fingerprint electronically.

Lisa is a member of the IJIS group and they submitted a request for a NCHIP grant to review MANS processing in Montana. The grant is to bring a contractor in and figure out where the gaps are. What they hope to do is figure out how to bridge those gaps in the MANS form procedure and provide some training. She has not heard anything on the

grant request so far. The MANS manual instructs the courts to send in dispositions on 45 code violations only, not any contempt violations or DUIs. The committee members want to know if the ID Bureau is accepting the MANS forms sent in with a disposition stapled to it, as Judge Carver has been doing for a month now. Lisa will check with Eleanor on a procedure if the MANS # is on the disposition sheet, can the court send e-mail dispositions through FullCourt.

5 YEAR UPGRADE SCHEDULE:

Lisa explained in 2006 before the legislature, they had to come up with a 5% operating expense reduction. Most of the agencies opted to go with moving from a 4 year replacement schedule to a 5 year replacement schedule. Work stations and laptops went to a 5 year replacement schedule. Servers are still on the 4 year replacement schedule. The equipment that would have been replaced in 2012 will not be replaced until 2013. This is the first equipment to have reached the 5 year replacement schedule. Printers and peripherals are not part of that replacement schedule, because sometimes they last longer and sometimes they do not. Therefore, they stock up on those and will replace if they fail. 2013 will be a big equipment replacement year. Because there were some vacancy savings, the department was able to purchase a good supply of equipment from the current budget. Tammy keeps a spreadsheet and tries to keep all of the court's equipment on the same replacement schedule. In other words, it does not work out well to have District Court equipment replaced one year and then 2 years later have the Justice Court in that same area need replacement equipment. Lisa said when they replace equipment, they will move to Windows 7.

Tina commented they go to Western States Contracting Alliance website and tag on the bid to get the best price on computer equipment and supplies. You can check it out at www.wsca.com.

DCD UPDATE – New Form:

Claudia handed out the new Court-Authorized Eligibility for Restricted Probationary DL – Supplemental Report to MVD. This is the form for the restricted DL on 2nd or 3rd DUI charges. Claudia said Greg Noose will talk about this form to the clerks at the Fall Conference. It is one of those forms already in the Docs, ready to be printed and filled out. This will be a form going through the Central Repository, same as the DCD Suspension and Reinstatements are now. Tina inquired about the form for the suspension of the license plates on insurance violations and Claudia said it will be available as well. That form is not going through the Central Repository; it will be printed out of FullCourt and sent in manually to Drive Improvement in Helena.

She wants to name it “Restricted Probationary Driver License – DCD”. It will show up as “Restricted Prob Driver License – DCD” and the committee agreed with that. The form will be put into everyone's database after Greg Noose has instructed the clerks how to use it. After our Fall Training, they will set up a “Best Practices” guide as well. Greg Noose did talk to the judges about this form at their last training in Helena.

Lisa wanted to take time to commend the new developers who reworked the procedure that Marty had designed. It is working flawlessly now. They have already worked in this new form, but they just need the name to finish that part. Claudia learned from Driver Improvement they will receipt the reinstatement fee, but do not match it up with the reinstatement form. They only match it up when the defendant calls in about his DL.

The issue of CitePay bond at the jail was tabled at the last meeting. The question was do we anticipate Montana Highway Patrol accepting bond via roadside payments. When Lisa wrote Major Butler about this, he replied they do anticipate doing that. However, there was discussion pertaining to the copy of the warrant not being available at the stop. Judge Carver commented at the last meeting the officer would only have the hit on CJIN, would they want the officer to take the defendant to the jail for the MANS form process. Lisa wanted to know if this was still a question, as to their accepting bond. Sharon said if the warrant is traffic related, no MANS form should be generated. In Judge Carver's county, the dispatcher takes care of the MANS forms and this is due to the fact the MHP will not jail defendants on Misd. Drug charges. The Sheriff, however, wants those convictions on the defendant's criminal record.

Judge Barger said the law states if the defendant is charged with a felony, he must be fingerprinted and a MANS form generated. Sharon said a court order should require a Misd. Offender to be fingerprinted, but Judge Carver said he did that and Cascade County Detention would not honor his order, because the defendant was not jailed.

Judge Carver went back to the bond issue and it will work at the jail, because they will have the documents with the citation #, TK # or CR #. Bond taken on a warrant by a MHP officer from his car will be trickier, because they will not have the docket and will not have any document numbers. He did not know how Roadside Payments would handle this. Sgt. Tenney or someone from MHP will have to work on that procedure. Lisa said they will pursue it with the MHP, but it won't be done until statewide Roadside Payment capability. Judge Carver said the defendant's name will not be enough information.

Lisa updated the committee on the DUI, MIP and occupant restraint data request from Montana Highway Traffic Safety. Lisa noted in the 2008 minutes, Judge Mohr made a motion to provide the data to Highway Traffic Safety; it was seconded and approved then. Lisa said a developer is working on providing them with all the information they are asking for, except accident and fatal, which must come from another agency. She will ask them what date they want to start for the statistics and then get this project off the table.

The IT Department is getting requests from Municipal courts and Justice Courts of Record to provide recording equipment. Lisa said this is outside of the scope of the services they provide to the courts. She wanted the committee to know they do not provide the connections this may require and they cannot accommodate housing these recordings on their servers. Unfortunately, that could harm the server when it performs a backup. Therefore, if the city or county is going to enact a court of record, the cost of

doing so falls back on that city or county. This is an FYI. Judge Carver commented there is no way of attaching a recording to the case management system and Lisa agreed there is not. Sharon said they have a separate recording system which is kept on a separate server. Judge Carver has used the recording system at the Great Falls Municipal court and the Cascade County Justice Court and it is an easy system to use. Sharon said it sounds like its FTR.

Judge Carver stated October 30th is the State IT committee meeting which will have Justice Morris on it. Justice Rice will be the new liaison on the Commission on Courts of Ltd. Jurisdiction. This committee will work on the new strategic plan for IT. Lisa said they will be sending out the technology survey which assists them in updating the strategic plan. She will be updating accomplishments and action plans in the new plan. Based on the findings from the survey, they will update the IT needs.

AGENDA ITEMS FOR NEXT MEETING:

Municipal Infractions guidelines
Bond at the Jail
Update on Roadside Payments
Electronic Reporting issues
Revisit priorities
Next step in ROA project

NEXT MEETING DATE:

Friday, October 26th, 2012 at 9:00 A.M.

Meeting adjourned.

Minutes submitted by member, Barbara Pepos