COCLJ AUTOMATION ADVISORY COMMITTEE
MEETING – September 4th, 2008
Helena, Montana

MEMBERS PRESENT:
Karen Nelson, Supreme Court Administrator's Office
Chairperson, Judge Larry Carver
Judge Scott Wyckman
Judge Gregory P. Mohr
Sharon Skaggs, Yellowstone County Justice Court

MEMBERS PRESENT BY PHONE CONFERENCE:
Barbara Pepos, Richland County Justice Court/Sidney City Court

MEMBERS PRESENT BY VISION NET:
None

GUESTS PRESENT:
Rick Franklin and Sue Jamison

Meeting was called to Order by Chairperson Larry Carver at 10:00 A.M.

APPROVAL OF July 25th, 2008 Minutes:
Minutes were approved as written.

PUBLIC COMMENT:
None.

Judge Carver started out by commenting that the Commission on Courts of Ltd. Jurisdiction granted approval to this committee to create the new TOP and OOP forms. Also, Judge Carver would be meeting with the newly formed E-Filing Committee on Friday.

KAREN NELSON – OVERDUE PROCESSING UPDATE:
Karen reported on the hiring of Rick to implement the Rules adopted by this committee on Overdue Processing. Many decisions on how Overdue Processing works deals with how each separate court wants it to work. Rick spent some time with the Lewis & Clark Justice Court clerks to find out what they do. He will be working on this project for the next 3 months and hopefully, by midterm, he will have a pilot program put together that can be tested. Part of his duties will be to look at the "grandfathered" in courts and make recommendations as to how their programs work. At the last meeting, Karen explained the problem with having too many "Types" for Overdue Processing.

Sharon Skaggs from the Yellowstone County Justice Court wanted to know if Rick would be visiting her court and discussing some of the "glitches" they still have in their Overdue Processing program. Rick explained that that is a goal of this project.

Karen Nelson felt it would be a good idea to send a Memo out to the "grandfathered" in Courts and get their problems and concerns in writing back to Rick. She said their Department would take care of this. Judge Wyckman advised that his court has held off on Overdue Processing as his court has so much work to do now, that any unnecessary paperwork generated by the Overdue Processing program would just add to it. He would look forward to a new simplified version of that program.

Sharon Skaggs asked if they changed to the new simplified rules, would that create a lot of work to make the changeover. Karen Nelson said that due to the fact the Overdue processing types have been reduced and they are using defaults more often, it should be a good product when finished.

Judge Wyckman suggested that someone talk to the JSI people and ask how Overdue Processing is working in other courts around the country. His experience in talking with people is that it is not used that much. Also, he felt the same way about the Jury Module, which they are using. Although, it was approved by the District Courts, they found a few problems with the Jury Module as it is now. Karen stated she would ask these questions of the JSI people.

Karen Nelson also reiterated that the new Overdue Processing system would print a "list only", which the courts can use to make their decisions regarding which notices need to go out to which defendants. Judge Carver said that if the court simply forgets to "Result a Hearing", even if everything else is done on the case, a Bench Warrant is generated, due to the fact that Hearing is shown as pending with no result. Rick added that the program will only be as good as the people who are operating it. Judge Mohr added that in the future "voice activation" would be good!

ORDER OF PROTECTION FORMS UPDATE:
Sue Jamison has been working since May 2008 on the A2J and Hotdocs for the Orders of Protection. These 2 programs are used to make interactive forms. She is creating the templates which will be used and has looked at templates from various states so far. Karen Nelson further explained to the committee exactly what A2J and Hotdocs meant as far as having interactive forms that can be used by the Petitioner and the Respondent.

A draft of the Petition which came from the Attorney General's office was then discussed by the committee. Karen felt that within a week she would have a final draft of the Petition for a Restraining Order from the Attorney General's office and then she would e-mail this out to all members of the committee.

The committee discussed how Orders of Protection were renewed and Sharon Skaggs advised there is no authority to renew an Order of Protection. A new application must be filed by the Petitioner. A new Hearing must be held. If a Temporary Order of Protection is issued and not served within the time period, then the paperwork gets a new hearing date, so the Sheriff's Office can attempt again to serve the Respondent. Karen Nelson

advised that in the title 40 rules, the hearing must be held in 20 days or if not by then can be held in 45 days.

Judge Wyckman wanted the committee to be cautious as to how technical the forms would look to someone unfamiliar with the legal system. Karen sent all forms that this committee had worked on to the AG's office and to Montana Legal Services and presently they are only working on the Petition form. She inquired if the program should automatically generate an Order for the Judge to sign, once the Petitioner has completed filling out the forms.

The Brady indicator was again brought up with much discussion. Karen said there must be an established relationship to qualify, and this could be found under Title 19. Judge Wyckman said he finally developed a form that goes over to Law Enforcement with his Orders of Protection, giving a Yes or No to the Brady indicator. Judge Carver stated that he wanted the Protection Order to be done as simply as possible, so Law Enforcement knew when Brady applied.

Judge Mohr felt the Relationship to Protected person could be changed, so as not to take up too much room. Such as: spouse or former spouse on one line; living together or previously living together on one line; dating or in a previous dating relationship. It was noted in the previous minutes that the last box should actually say victim of assault, sexual assault or stalking.

Judge Mohr explained that orders of Protection can be filed as a Civil Case, without the emergency Temporary Order of Protection procedure. They would fill out the application and give 20 days for the Respondent to answer the complaint. Sharon Skaggs noted that there was no notation on the dismissal forms that stated removal of case to the District Court. Her system has a drop down list, where you pick the reason for the dismissal of a TOP or OOP.

The discussion with TOP and OOP was ended with Judge Carver stating they would look at the final draft from the AG's office. This committee had approved the Montana specific forms earlier and the minutes of the previous meetings specified the changes they made to the Idaho forms.

SMART COP PRESENTATION – COL. GRIMSTAD:
Colonel Grimstad of the Montana Highway Patrol, Officer Butch Huseby and Phil Griffenberg presented Smart Cop to the Committee. A short synopsis of that presentation follows:
>Will print out citations, rather than the Officer handwriting them
>Will be able to scan the DLs
>Officer's vehicle will be on a map to identify their location while on duty hours
>Will be able to electronically process crash investigations
>Vehicle will have video equipment
>Dispatchers will always know where a MHP officer is
>Will print 3 different documents – a must appear, appear or post bond & warning

Will know what the appearance date is for the Court
Will know the defendant's previous contact record with Law Enforcement
Will access NCIC
Will access the vehicle registration information
Be able to look at a picture of the defendant, if he is in the database

Sharon Skaggs from the Yellowstone County Justice Court reported they are already receiving the tickets printed out. They are printed out in black and white, so their court is stamping them with an "original" stamp. Right now, the Officer is signing each citation. Barbara Pepos inquired as to how they obtain the defendant's correct mailing address, if the one listed on the DL is not current. Col. Grimstad and Officer Huseby advised that all MHP officers are trained to ask "Is this your current mailing address". That is the address that would be on the ticket, as the Officer can type that in, before the citation prints.

Judge Wyckman asked if a citation prints for each charge, or can they combine charges on one citation. Right now, the system will print out one citation for each charge, however, that could be changed if they had an Order from the courts to do so. Judge Wyckman also wondered if there should be legislation adopted to allow for the electronic signatures from the Officers, as other states have already done this.

Officer Huseby believed the current setup for Smart Cop would stay the same for at least one year, to make sure there are no "bugs" in the system, or changes needed. From then on, they could keep adding features to the program. The committee members in particular were interested in knowing if the Officers would someday be able to take credit cards as payments. It was also noted that the latest version of Full Court - Enterprise- would have the credit card availability.

Sharon Skaggs noted that if e-citations would start to come into the Court during the Week of September 29th, we should ask the Officers to speak to the clerks at the Conference in Helena. Barbara Pepos advised that she would get together with Claudia from the IT division and discuss this option.

CENTRAL REPOSITORY:
Judge Carver pointed out to the Committee that someone from another court, printed out a case from his Court from the Central Repository. Although, there were no identifiers on the paperwork printed out, he asked the committee if this was a good idea. Judge Wyckman stated he did not believe that was a good idea, due to what clerks or judges may be entering into the ROAs. Sharon Skaggs thought this may have been done by a new clerk, who did not have proper training regarding the Central Repository. Karen Nelson stated that there is always the possibility that the Central Repository does not have the most current information on it, and therefore, a record may not have been updated. Barbara Pepos felt that the court that had the outstanding Warrant should have been contacted directly.

Judge Wyckman suggested at the log-in, it should be noted that this information is not to be disseminated. Sharon Skaggs then wondered if some clerks were performing "record checks" from the information off the Central Repository. Judge Carver made note of this information and would address it with the Clerks at the Fall Conference during the Nuts and Bolts session.

STATISTICS-FILINGS-CASE CATEGORIES:
Discussion then focused on how cases were entered into the Full Court system and the statistics that could be printed out from the Full Court program. It was noted again that no statistics were being printed regarding Revocation Hearings, Juvenile Hearings, Out of County Warrant appearances, and Preliminary Hearings. Also discussed was whether every court was entering tickets the same. Sharon Skaggs advised anything with a 45 code was entered as a CR in their court and not a ticket. Barbara Pepos advised that tickets were always entered as tickets, whether there were 45 code violations on them or not and only filings from the City or County Attorney were entered in the CR bracket. Judge Wyckman stated that his court enters all tickets as TK also. Claudia from the IT Division would be contacted in regards to how they train clerks on this.

Karen Nelson did advise that she prints a report according to the statute entered, not just whether it was filed as TK or CR. Then her office does print a report based on cases filed. Karen Nelson said they could print a report combining the TK and CR if that would solve the problem. Judge Carver believed we needed to study this more and discuss at a later meeting date.

NEXT MEETING DATE:
Will be scheduled at a later date.

Motion to adjourn was made and seconded. Meeting was adjourned at 3:30 P.M.

Minutes submitted by: Barbara J. Pepos, member