MEETING MINUTES
Commission on Technology
May 29th, 2025 (via Zoom)

MEMBERS PRESENT

Justice Jim Shea, Chair
Paige Trautwein, Ravalli Clerk of District Court
Judge Audrey Barger, COLJ Automation Chair (Hill County Justice Court Judge)
Judge Stacey Nerison, Dawson County Justice Court Judge
Judge Adam Larsen, 14th JD District Court Judge
Sean Goicoechea, Public Member (Attorney)
John Mudd, Executive Director State Bar of Montana
Representative Fiona Nave, Member of Legislature
Dave McAlpin, Supreme Court Administrator
Bowen Greenwood, Clerk of the Supreme Court
Franklin Runge, State Law Librarian
Ryan Davies, IT Division Director (Non-voting staff member)

Welcome and Introductions

- Justice Shea welcomed new members.
    - Judge Adam Larsen – replacing Judge Spaulding.
    - Paige Trautwein – Clerk of Court, Ravalli County.
    - Sean Goicoechea – Civil attorney, Kalispell.
    - Dave McAlpin – New Court Administrator.

Legislative Update

House Bill 10 – E-Filing System Refresh

- Purpose: Funds the upgrade of the current E-Filing system to a more secure and supported version.
- Funding Outcome: Requested $1.5M; received $1.475M (a $25K cut).
- Impact:
    - Avoids a full system replacement (estimated at $8M).
    - Extends the life of the current system, avoiding retraining and major disruptions.

- Concerns Raised:
    - Rep. Nave warned this may only delay the inevitable need for a new vendor/system.
    - Ryan explained the concept of technical debt—customizations that make systems harder to maintain and upgrade.
    - Justice Shea asked if the update would reduce customizations (technical debt); Ryan clarified it does not.
- Future Consideration:
    - Emphasis on minimizing future customizations to reduce technical debt.
    - Acknowledgment that a major overhaul may still be needed in the near future.

Senate Bill 41 – Random Judge Assignment

- Requirement: Mandates random assignment of substitute judges, even across districts.
- Current Capability: FCE randomly assigns judges within a district but not across districts.
- Vendor Estimate: $80,000 to implement cross-district randomization.
- Funding Status: No appropriation was provided.
- Next Steps:
    - OCA is exploring alternatives, including regional assignment logic.
    - Discussions ongoing with judges and stakeholders to find a cost-effective solution.

SB 52 & SB 385 – Chancery and General Claims Courts

- Intent: Proposed creation of specialized courts for complex civil or constitutional cases.
- Outcome: Both bills failed in the Senate.
- Technical Consideration:
    - FCE is not designed for appellate or en banc court functions.
    - C-Track (used by the Supreme Court) was considered as a better fit.
- Legislative Interest:
    - Legislative Audit Division is conducting a performance audit on district court caseloads.
    - Indicates continued interest in judicial efficiency and potential future revival of these ideas.

Senate Bill 92 – Voluntary Bar Membership

- Proposal: Would have made bar membership optional for attorneys.
- Technical Concern:

        - E-Filing and CMSs rely on bar numbers to link attorneys to cases.
        - Without a centralized bar list, attorneys could lose access to their cases.
- Discussion:
    - Rep. Nave asked how bar numbers became the standard for linking attorneys to their cases; Ryan cited Uniform Case Filing Standards as the likely source.

House Bill 117 – Judicial Branch Participation in Data Warehouse

- Purpose: Funded the Judicial Branch's participation in the statewide criminal justice data warehouse.
- Funding: $500,000 appropriated to the Board of Crime Control to be granted to the Judicial Branch.
- Implementation Plan:
    - Likely to use an API for data exchange.
- Legal Ambiguity:
    - MCA 44-7-126(2)(a) requires the court administrator to contribute data, but at the District Court, the Clerk of Court is the "keeper of the record."
- MOU Discussion:
    - Paige reported that the Board of Crime Control suggested each court sign its own MOU.
    - Ryan and others raised concerns about inconsistency in MOUs and the data that will be shared by each court.
- Data Privacy Issues:
    - Concerns about sealed records, deferred sentences, and juvenile data.
    - Historical efforts by Lisa Mader to clarify these issues were unsuccessful.
- Next Steps:
    - Suggestion for a facilitated meeting with the OCA and Board of Crime Control to resolve legal, technical, and privacy concerns.

House Bill 194 – Jury Questionnaire Timing

- Change: Allows jury questionnaires to be sent with either the annual notice or the summons.
- Technical Note:
    - New jury software must support this flexibility.
    - Vendor confirmed it can accommodate this.
- Additional Issue:
    - Currently, the new system only pulls jurors who returned questionnaires.
    - Plan to request vendor update to allow pulling from all jurors, regardless of response.
    - Vendor agreed to make this a core feature, avoiding technical debt.

House Bill 516 – Workers' Compensation Court Transition

- Change: Moves the Workers' Compensation Court from the Department of Labor & Industry to the Judicial Branch.
- IT Impact:
    - Current CMS (Clio) is not suitable for court operations.
    - Plan to migrate to FCE without importing historical data due to lack of funding.
- Funding Gap:
    - Court operations were funded, but migration and data conversion were not.
- Future Integration:
    - E-Filing integration will depend on future funding and resources.

House Bill 852 – Bail Bondsmen Access to Court Data

- Proposal: Would have required OCA to grant FCE access to bail bondsmen.
- Outcome: Bill failed.
- Concerns:
    - Would bypass local court authority over data access.
    - Risk of setting precedent for other groups (e.g., title companies, media) to demand access via statute.
- OCA Position: Access decisions should remain with local courts, not mandated by statute.

PROJECT UPDATES

FullCourt Enterprise (FCE)

- Status: Near completion.
    - District Courts: Only 3 courts remain.
    - Limited Jurisdiction Courts: 100% implementation (136/136 courts).
- Timeline: Began in 2017 (8-year project).
- Impact: Major milestone for statewide CMS standardization.

Electronic Filing (E-Filing)

- Status: Ongoing.
    - District Courts: Nearly complete; 2 judicial districts remain.
    - Limited Jurisdiction Courts: Slower adoption; outreach ongoing.
- Challenges: Requires courts to opt in; business process changes needed.
- Strategy: Sprint-based rollouts to accelerate adoption.

Avenu Jury Program

- Status: Contract negotiations nearly complete.
- Goal: Replace outdated and failing jury system.
- Timeline: Hopeful for initial testing before next jury term.
- Pilot Plan: 4–5 courts to test before beginning full deployment.
- Rollout Strategy: Predefined training dates; batch onboarding.

Courtroom Technology (HB 10 - 2023)

- Status: 20% complete.
- Scope: Audio and Video upgrades for Zoom-capable courtrooms.
- Recent Milestones: Gallatin County's new courthouse is fully equipped and upgrades to several other courtrooms around the state.
- Goal: To make all district courtrooms Zoom-capable by end of summer and improve the zoom experience in many of the courtrooms by December 2027.

Workers' Compensation Court Migration (HB 516)

- Status: Transitioning from Clio to FCE.
- Challenge: No funding for data migration; manual entry required.
- E-Filing: Planned but delayed due to funding constraints.

Criminal Justice Data Warehouse (HB 117)

- Status: Planning phase.
- Funding: $500K grant via Board of Crime Control.
- Technical Plan: Likely API-based data exchange.
- Key Issue: Data ownership and MOUs with courts.

Website Redesign & ADA Compliance

- Status: Upcoming.
- Scope: Over 1,000 pages to audit and update.
- Goal: Section 508 compliance; potential full website redesign.

Other Upcoming Projects

- Random Judge Assignment (SB 41).
- Legislative Audit: Performance audit on district court caseloads.
- Yellowstone County Expansion: Infrastructure support for 2 new judges.
- E-Filing System Upgrade (HB 10 - 2025): Security and stability improvements.

Discussion Topics

Zoom/FTR Recording Retention Policy

Context:

- The Judicial Branch uses both FTR (For the Record) and Zoom to record court proceedings.
- FTR recordings are stored on state-managed servers, consuming large amounts of storage.
- Zoom recordings are stored in the cloud under the state's enterprise license, which currently includes unlimited storage.

Key Issues:

- Storage burden: FTR recordings are accumulating terabytes of data, with no clear policy on when they can be deleted.
- Retention ambiguity: There is no uniform retention policy for audio/video recordings. Some statutes require indefinite retention; others are silent.
- Metadata limitations: FTR recordings are tagged only with the recording date, not with case closure dates, making automated deletion difficult.
- Zoom recordings: Over 34,000 recordings since 2020. While storage is currently free, long-term sustainability is uncertain.

Concerns Raised:

- Deferred sentences and sealed records: How will these be handled in long-term storage?
- Legal compliance: Retention schedules from the Secretary of State's office (via the Local Government Records Committee) may apply, but clarity is needed.
- Data privacy: Especially for juvenile and sealed cases, improper retention could violate confidentiality laws.

Next Steps:

- Ryan will research applicable retention schedules.
- The Commission may revisit this topic with a proposal for a standardized retention policy.

Technology Requirements for Zoom Court Reporting

Context:

- The IT department is equipping courtrooms with AV setups to support Zoom hearings.
- Two main configurations:
    - Basic: Polycom device (all-in-one mic, speaker, camera) for small or infrequently used courtrooms.
    - Full Setup: Four wired microphones (judge, witness stand, and both attorney tables).

Key Issues:

- Some courts request additional portable microphones, especially for jury trials (e.g., voir dire).
- Portable mics are expensive (~$500 each) and can cause feedback issues.
- Each portable mic must be configured to a specific courtroom, limiting flexibility.

Feedback from Members:

- Judge Larsen: Four-mic setup is sufficient for 95% of hearings.
- Sean Goicoechea: Jury trials often require more flexibility; poor audio can affect the record.
- Paige: Her court uses a portable mic during voir dire, managed by the bailiff.

Conclusion:

- The standard four-mic setup is generally sufficient.
- Portable mics are helpful for specific scenarios but should be limited and carefully managed.
- IT will continue to balance cost, technical complexity, and courtroom needs.

Use of Non-State Devices for Court Business

Context:

- Some clerks and judges use personal or county-purchased laptops or mobile devices to access court systems (e.g., FCE, E-Filing).
- This became more visible during the Clerk's Convention, where attendees were encouraged to bring laptops.

Key Issues:

- Security risks: Personal or non-state-managed devices may lack proper security controls (e.g., antivirus, encryption, access restrictions).

- Data exposure: Downloading court documents to personal devices could expose sensitive information (e.g., DOBs, SSNs, sealed records).
- VPN access: Only state-issued devices can connect to the state VPN, limiting secure access from county-purchased laptops.

Discussion Points:

- Paige: Uses a county-issued laptop with strict IT controls; deputies use desktops only.
- Judge Barger: Uses a laptop with VPN for 24/7 access; emphasized the need for secure remote access for judges.
- Rep. Nave: Suggested developing a formal policy outlining acceptable use of personal/county devices.
- Franklin Runge: Strongly supported discouraging personal device use for court business.

Proposed Approach:

- Discourage use of personal devices for accessing court systems.
- Remain neutral on county-purchased devices, but recommend they follow strict security protocols.
- Develop a written policy outlining:
    - Acceptable device types
    - Required security measures (e.g., VPN, encryption)
    - Restrictions on downloading sensitive data

Next Steps:

- Ryan will draft a policy for review at the next Commission meeting.
- The policy will clarify expectations and provide IT staff with a clear framework for support decisions.

Approval of Previous Minutes

- Motion by Stacey Nerison, seconded by Fiona Nave.
- Minutes approved unanimously.

Next Meeting

- Tentatively scheduled for October or early November.
- Ryan Davies to send out a scheduling poll.

Adjournment

- Motion to adjourn by Paige Trautwein, seconded by Dave McAlpin.
- Meeting adjourned.

Note: Meeting minutes were prepared by Ryan Davies with assistance of AI.