MEETING MINUTES
Commission on Technology
October 24, 2024 (via Zoom)

MEMBERS PRESENT

Justice Shea, Chair
Peg Allison, Flathead Clerk of District Court
Judge Audrey Barger, COLJ Automation Chair (Hill County Justice Court Judge)
Judge Stacey Nerison, Dawson County Justice Court Judge (appeared remotely)
Judge Randal Spaulding, 14th JD District Court Judge (appeared remotely)
Mars Scott, Public Member
Representative Fiona Nave, Member of Legislature
Beth McLaughlin, Supreme Court Administrator
Bowen Greenwood, Clerk of the Supreme Court (absent)
Franklin Runge, State Law Librarian

John Mudd, Executive Director State Bar of Montana - Absent

Lisa Mader, IT Division Director
Ryan Davies, incoming IT Division Director
Brandon Conroy, IT Security Specialist

The meeting was called to order. The Commission reviewed the March 21, 2024 meeting minutes.

Motion

Franklin Runge made a motion to approve the March 21, 2024 meeting minutes. Judge Nerison seconded the motion. Motion passed unanimously.

CIO TRANSITION PLAN

Lisa explained the transition in IT staff, explaining that Ryan had accepted the position of Chief Information Officer for the IT Division. Lisa explained that she would be working closely with Ryan to transfer knowledge until he officially takes the reins on December 16th. Lisa will continue working in the background to support Ryan. Additionally, she would be extending her retirement date into January. She will be working in a limited capacity and will specifically be assisting Ryan and the new Court Administrator with monthly, quarterly, and annual reports, as well as the annual statistics,

workload study, judicial resource needs, and case filing review reports. All reports that are critical to the new Court Administrator as the 2025 legislative session approaches.

Lisa also explained additional staff movement. Holley DeWitt has accepted Ryan Davies, E-Filing Program Manager position and will be working to fill her vacant position. Kevin Cook retired on August 5th and Kathleen Androlewicz accepted the position with a start date of August 28th. In addition, Brandon Conroy would be leaving the Judicial Branch on November 1st. She explained that recruitment was done internally and interviews would be held on October 30th.

Beth announced her retirement and transition plans for the new Court Administrator, Davie McAlpin. Beth will also be working into the first part of the year in a limited capacity, supporting and assisting the new Court Administrator.

PROJECT UPDATES

Lisa walked through FullCourt Enterprise, E-Filing, and Courtroom Technology (HB10) project updates.

She also provided detail of the happenings since the March 2024 COT meeting as it pertained to the jury system replacement discussion. She explained that the OCA put out a Request for Information (RFI) to gather additional vendor input, that 4 vendors submitted RFIs, and that of the 4 vendors, they either could not meet the functional requirements or commit to the budget constraints. She explained that they received Sole Source Approval from the State Procurement Bureau and were in contract negotiations with Avenu for the Avenu | Jury Management System. In addition, she outlined additional jury activities, including automation committee demonstrations, the formation of the Jury Management Advisory Group (JMAG), and the activities of the JMAG.

E-FILING SYSTEM VENDOR CHANGE

Lisa explained the e-Filing system activities since the March 2024 COT meeting. She explained that they received the final proposal from JSI/FSX in the amount of $9.5 million and that Beth had a meeting with the Budget Office explaining the OCA's predicament and the JSI/FSX proposal. The Budget Office responded that the budget could not tolerate a nearly $10 million proposal and suggested the OCA find another way to sustain the system.

Lisa explained that she and Beth met with Thomson Reuters to determine if there was any condition in which they would consider continuing maintenance and support of the existing system. TR explained that they suggested discontinuing support because Montana's system is highly customized and heavily utilized under an aging license model, and that negotiated maintenance agreements are not fiscally adequate for TR to sustainably continue support and maintenance in the ever changing and

hostile security world. TR later came back with a proposal to continue maintenance and support. The $1.5 proposal would bring Montana's e-filing system to a modern, supported, and routinely patch environment allowing TR to review internal software packages, conduct vulnerability scanning, reduce cybersecurity risks, as well as to create automated regression, quality assurance and testing routines for both new and existing features. Lisa explained the benefits of the TR proposal and impacts of a new, replacement system. The $9.5 FSX proposal was withdrawn from Avenu, and the $1.5 TR proposal was moved forward as a 2025 Legislative HB10 request.

Representative Nave asked if the OCA was confident in the proposal and in TR's ability to support the customizations. Lisa explained that TR was the vendor that developed the many Montana customizations. Additionally, TR did a deep dive analysis into every customization and underlying system components to develop the proposal that was provided. Lisa and Ryan both indicated their confidence in the TR proposal. Representative Nave stated that she understood the decision but voiced her concern that the system would still be a unique system, not a part of TR's current generation, Enterprise system and asked that the OCA be cautious of the cost and the definition of the TR's long-term support process.

CYBER SECURITY UPDATE

Brandon Conroy provided a comprehensive cybersecurity update, outlining the important accomplishments that have come to fruition under his tenure. He went on to explain the outstanding projects that would fall under the purview of the new IT Security Specialist when hired.

COMMITTEE MEMBER REPLACEMENTS

Justice Shea began by offering to Representative Nave, Judge Nerison, and Mars Scott an extension of their terms with the Commission on Technology. He then went on to ask about member replacements for Judge Spaulding and Peg Allison. Judge Spaulding indicated that the incoming JD14 District Court Judge, Adam Larsen (current County Attorney) was very tech savvy and interested in serving on the Commission. Peg Allison indicated that she thought the COT preference for the District Clerk seat be held by the District Court Automation Committee Chair. She explained that Paige Trautwein is currently co-chair alongside Peg, but all indications were that Paige would be the incoming District Court Chair when Peg retired and should be considered for the COT seat. Justice Shea indicated he too thought the District Court Automation Chair had been the defacto appointee to the Commission. Beth and Lisa agreed.

Justice Shea asked that an email be sent with this information asking for additional recommendations and feedback. He asked that a follow-up email be sent for an official vote of Commission member replacements.

VOTE

On November 22nd, Ryan Davies sent an email to the COT members identifying committee member replacements and asked for member votes. On December 6th, the following committee member replacements were unanimously approved.

- Judge Adam Larsen, 14th Judicial District Court Judge – Judge Randal Spaulding Replacement
- Paige Trautwein, DC Automation Chair/Ravalli Co. DC Clerk – Peg Allison Replacement
- Sean Goicoechea, private attorney – Mars Scott, Public Member Replacement

NEXT MEETING

Lisa indicated that typically she would send out a Need to Meet poll for March/April/May but that due to her retirement, Ryan would be sending the poll. Lisa suggested that perhaps the meeting should be closer to the end of session, end-April to early-May so that an update on the HB10 e-Filing upgrade proposal could be provided.

Lisa then asked about the Credit Agency Data Request topic that had been moved forward from the October 2023 COT meeting. She admitted that she did not recollect how the topic came to her attention but explained that the courts receive extensive data requests from Credit Agencies, and others, and asked if the data request was an extract that could/should be developed from within internal IT staffing.

Peg Allison provided an explanation of an extraordinary data request situation she is dealing with. The request comes from a Probate attorney who is using the data to solicit business, essentially connecting with loved ones of deceased individuals to get families in touch with other attorneys and resources. Peg explained that she receives these requests weekly and gathering the information and documents is causing an unbelievable burden on her and her staff, causing them to sometimes be weeks behind on data or records requests.

Judge Barger explained that she too receives records search requests and is very concerned about the use of court data to make money. She indicated that involving the OCA IT Division would be a big ask and require extensive subject matter expert involvement. She was ultimately concerned that even if we extracted data, it would not alleviate the burden on the courts because the documents would still need to be provided.

Justice Shea stated that he is sympathetic to the courts/clerks in the trenches but that the issue would seem to require some sort of legislative or statutory change because the courts are putting weeks of effort into the request and only receiving very nominal statutory fees in return. He stated that it doesn't make sense but stated that we're somewhat constrained by legislation and the constitutional

right to know but that the right to know should not shift the burden to the courts. It's concerning that the automation of a case management system has shifted burden to the clerks, where prior to automation it was somewhat of a deterrent when individuals were required to come into the offices to search through files themselves.

Further discussion followed but ultimately the consensus was to table this topic with the understanding that it could be brought back in front of the COT at a time when protocols allowed for other options.

ADJOURNMENT

Having no further discussion topics, Beth moved to adjourn the meeting. Bowen seconded the motion. The meeting adjourned at 1:52 p.m.