ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	**Type of Action Requested:**	**Subject:**
June 19, 2017	X Formal Action/Request __ Information Only __ Other	Arizona Code of Judicial Administration (ACJA)

FROM:

Administrative Office of the Courts, Legal Services

DISCUSSION:

We continue to amend the Arizona Code of Judicial Administration to provide administrative direction to judicial officers and employees throughout the state.

The following proposals are submitted for consideration as non-consent items:

1. **ACJA §1-501: Court Automation Standards** (amendment) – Mr. Stewart Bruner, Strategic Planning Manager, AOC Information Technology Division, will be available to answer questions.
2. **ACJA §1-506: Filing and Management of Electronic Court Documents** (amendment) – also presented by Stewart Bruner.
3. **ACJA §5-205: Collections** (amendment) – presented by Candace Atkinson, Consolidated Collections Unit Manager, AOC Court Services Division.

RECOMMENDED COUNCIL ACTION:

Recommend adoption by the Arizona Judicial Council of the proposed amendments to ACJA §1-501 as presented.

Recommend adoption by the Arizona Judicial Council of the proposed amendments to ACJA § 1-506 as presented.

Recommend adoption by the Arizona Judicial Council of the proposed amendments to ACJA §5-205 as presented.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	**Type of Action Requested:**	**Subject:**
June 19, 2017	_X_ Formal Action/Request __ Information Only __ Other	AUTOMATION CODE SECTION REVISIONS

FROM:

Stewart R. Bruner, Commission on Technology Staff Member

DISCUSSION:

Stewart will briefly review proposed, periodic updates to two code sections related to statewide automation recommended by Commission on Technology for approval by AJC members.

Proposed changes to ACJA 1-501, Court Automation Standards, would update the listing of authorized systems to replace specific product names, Appellamation and AZTurboCourt, with more generic product descriptions and would add a subsection describing the process of petitioning for a local exception to adoption of a state system. The latter change conforms the language of the code section to the long-term practice of the Commission on Technology regarding exceptions for local automation systems.

Proposed changes to ACJA 1-506, Filing and Management of Electronic Court Documents, would replace all references to AZTurboCourt and the single-vendor electronic case filing model used throughout the state with references to a statewide electronic filing portal used in a multi-vendor e-filing model. The technical definition of "electronic filing system" would be updated and procedures for maintaining electronic documents would be reformatted into their own subsection for clarity. The proposal would also add a reference to new hyperlinking capability to previously e-filed documents that will soon be available.

Blacklines of both documents appear in members' packets.

RECOMMENDED COUNCIL ACTION:

Approve the changes to the two automation code sections, as presented. Changes are largely editorial in nature, related to the executive decision to pursue multi-vendor e-filing. The description of the exception process reflects long-standing practices that were not documented previously.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-501: Court Automation Standards

1. Effect of the proposal:
The proposal updates the listing of authorized systems to replace specific product names, Appellamation and AZTurboCourt, with more generic product descriptions and adds a subsection describing the process of petitioning for a local exception to adoption of a state system. The latter change conforms the language of the code section with the long-term practice of the Commission on Technology regarding exceptions for local automation systems.

2. Significant new or changed provisions:
See above.

3. Committee actions and comments:
The revised language was posted on the AJCA Web Forum and shared with staff for Commission on Technology, Limited Jurisdiction Courts Committee, and Committee on Superior Court. The forum posting had 251 views with no feedback. Staff reported no feedback from the committees. Lack of feedback most likely results from the change simply conforming the document to long-standing practices for granting local exceptions.

4. Controversial issues:
None. Replacing product names with generic product descriptions is editorial in nature. The description of the exception process reflects long-standing practices that were not documented previously.

5. Recommendation:
Recommend approval of the changes following review by the various committees.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-501: Court Automation Standards

A. Automation of Courts. All courts shall automate their business functions, including, at a minimum, case management, court financial cash management, document management and statistical reporting.

B. State Sponsored and Authorized Systems. Courts shall use state sponsored and authorized automation systems except as provided in subsection C below. The state sponsored and authorized systems include but are not limited to the following:

- Arizona Court Automation Project Software Application
- Juvenile On-Line Tracking System
- Adult Probation Enterprise Tracking System
- ~~Appellamation~~ Appellate Case Management System
- JURY+
- ~~AZTurboCourt~~ Electronic Filing (e-Filing)

C. Existing Automation Systems.

1. Courts operating on systems other than state sponsored and authorized systems prior to January 1999 which otherwise meet the minimum standards for automation and reporting are not required to replace existing systems. These courts shall migrate to state sponsored systems when they replace their current systems except as provided in subsection D or E.

2. Pursuant to plans adopted by the Commission on Technology (COT), these courts shall participate in mandated statewide automation initiatives with no expectation for state funding. These initiatives include but are not limited to statewide projects such as:

   - Electronic statistical reporting
   - Electronic filing
   - Electronic public access to data
   - Central data repository
   - Central document repository
   - Justice integration
   - Electronic document management

D. New Automation Systems. A court may petition for the adoption of a new state sponsored and authorized system due to deficiencies in existing ones. The petitioning court shall prepare a functional needs justification and perform a business case analysis of both the state and local return on investment. The process is as follows:

1. The court shall submit needs and investment analysis documents to COT in a format COT prescribes.

2. COT shall review court-submitted documentation and develop a recommendation. The recommendation shall be forwarded to the chief justice for consideration.

3. The chief justice shall determine whether to approve the adoption of a new state sponsored and authorized system, or to take other actions recommended by the COT or believed to be in the best interests of the judiciary.

E. Local Exception System. A court may petition for a local exception to any state sponsored and authorized system based on a compelling business case. The requesting court shall prepare a detailed comparison of functional needs to the capabilities of the state system along with a business case analysis of both the local and state return on investment. The process is as follows:

1. The court shall submit an exception request document to COT along with a detailed functional comparison in a format COT prescribes.

2. COT shall review court-submitted documentation and develop a recommendation in the form of a formal motion at a scheduled meeting. COT may place certain conditions on the exception system or project when in the best interests of the judiciary.

3. Where warranted, the recommendation and conditions shall be forwarded to the chief justice for final consideration.

~~E~~F. Automation Funding. The administrative office shall fund court automation and technology projects that are part of the state sponsored and authorized systems and initiatives, if funds are available. For court automation projects that are not part of the statewide initiative or to support participation in mandated statewide initiatives which are listed in section C.2, courts shall secure local funds unless state funds are granted.

~~F~~G. ~~Annual~~ Information Technology Strategic Plan. The administrative director on behalf of the supreme court, the chief judges on behalf of each division of the court of appeals, and the presiding judge on behalf of the municipal, justice and superior courts of the county shall submit a three year information technology strategic plan to COT for review and approval, on a schedule determined by COT. Each plan shall include a description of all automation and technology projects and any plans for required migration to state sponsored and authorized systems. COT shall specify the plan format.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-506: Filing and Management of Electronic Court Documents

1. Effect of the proposal:
The proposal replaces all references to AZTurboCourt and the single-vendor electronic case filing model used throughout the state with references to a statewide electronic filing portal used in a multi-vendor e-filing model. It updates the definition of "electronic filing system" and reformats procedures for maintaining electronic documents into their own subsection. It also adds a reference to the Court's new hyperlinking capability to previously e-filed documents.

2. Significant new or changed provisions:
Removes references to AZTurboCourt to allow for use of a more generic e-filing portal as the front end for e-filing across the state.

3. Committee actions and comments:
The revised language was posted on the AJCA Web Forum and shared with staff for Commission on Technology, Limited Jurisdiction Courts Committee, and Committee on Superior Court. The forum posting had 279 views with no feedback. Staff reported no feedback from the committees. Lack of feedback most likely results from the change simply conforming the document to the executive decision to pursue multi-vendor rather than single-vendor e-filing.

4. Controversial issues:
None. Changes are largely editorial in nature, related to the executive decision to pursue multi-vendor e-filing, or descriptive of the new "DocLink" hyperlinking feature for rapid reference to previously filed documents.

5. Recommendation:
Recommend approval of the changes following review by the various committees.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-506: Filing and Management of Electronic Court Documents

A. Definitions. In this section the following definitions apply:

"Browser" means a computer application that interprets hypertext markup language (HTML), the programming language of the Internet, into the words and graphics that are viewed on a web page.

"Electronic document management system (EDMS)" means a collection of computer software application programs and hardware devices that provides a means of organizing and controlling the creation, management and retrieval of documents through their life cycle. It may include workflow software which enables organizations to define routing and processing schemes to automate the business processes for document handling. It may also include imaging and optical character recognition (OCR) software and devices to support the capture, storage, and retrieval of document images from paper ("imaging").

"Electronic filing (e-Filing) system" means a collection of software application programs used to 1) assemble, pay for, and transmit case information to courts (filing assembly system); 2) facilitate case related message exchanges between e-filers and courts (the Arizona court electronic filing portal); and 3) enable the review and transmission of clerk-accepted case information (clerk review) to the various systems of record (case management systems). In addition to the transmission and exchange of case information, court notifications, reports, and document retrieval enable case participants to remain apprised of the status of a case. ~~transmit documents and other court information to the court through an electronic medium, rather than on paper, most notably AZTurboCourt, but including local pilot systems being superseded by AZTurboCourt. An electronic filing system includes functions to send and review filings, pay filing fees, and receive court notices and information.~~

"Graphics document" means a picture or image (even of text) processed by a computer only as a single entity. Graphics files are not searchable by computers.

"IEC" means the International Electrotechnical Commission, an international organization that sets standards for electronics, headquartered in Geneva, Switzerland.

"ISO" means the International Organization for Standardization, a network of the national standards institutes of more than 150 countries coordinated by a central secretariat.

"Non-proprietary" means material (particularly software) that is not subject to ownership and control by a third party. "Proprietary" generally refers to vendor-owned material whose specifications are not public.

"Portal" means the Arizona court electronic filing system used to route and process case information between third-party e-filing systems and local court information systems.

"Render" means to convert digital data from an image or text file to the required format for display or printing.

"Text-based document" means a collection of characters or symbols that can be individually manipulated but are processed collectively to comprise a document. Text-based documents are searchable by computers.

B. Purpose. This section provides administrative requirements, standards and guidelines to enable Arizona courts to implement a uniform, statewide, electronic filing system and to achieve the reliable, electronic exchange of documents within the court system as well as between the court and court users.

C. Authority. Consistent with ~~Rule 124, R~~rules of the Supreme Court of Arizona and related administrative orders, electronic filing is authorized as part of a uniform, statewide approach. All pre-existing, local electronic filing systems shall be transitioned into the ~~statewide system,~~ portal ~~AZTurboCourt,~~ using a timetable ordered by the supreme court in specific administrative orders.

D. Document Specifications. Documents filed or delivered electronically shall comply with the following:

1. All documents shall be preserved so that the content of the original document is rendered without any material alteration.

2. Text-based documents shall be in a format that provides for browser accessibility and high fidelity to the original and should be searchable. Documents shall be formatted in either:

   a. PDF (Portable Document Format) version 2.x or higher;

   b. Open Document Format for Office Applications, ISO/IEC 26300:2006 or subsequent; or

   c. Open Office XML (OOXML), ISO/IEC 29500-1, -2, -3, -4:2008, or subsequent.

3. Hyperlinks to static, textual information or previously filed documents may be included within a document solely for the convenience of judicial officers, attorneys, and pro se litigants. Materials accessed via hyperlinks to locations outside the court's document repository or included without use of the portal's DocLink feature are not part of the original record since they ~~could~~ may become unavailable during the retention period of the filed document.

4. Bookmarks are allowed in documents. A bookmark shall only be used to direct the reader to another page within the same document. When multiple documents are contained within a single submittal, a separate bookmarked entry for each appended document shall be included in a table of contents.

5. Graphics, multimedia and other non-text documents may be permitted as follows:

   a. Documents in imaged or graphic formats (for example, pictures or maps) shall be in a non-proprietary file format (for example, TIFF, GIF, or JPEG) and shall comply with ACJA § 1-504.

   b. Other multimedia files (for example, video or audio files) shall adhere to established industry standards and shall be in a non-proprietary format (for example, MPEG, AVI, and WAV).

6. E-mail communications may be used for receipt, confirmation, and notification correspondence.

7. An electronic filing system~~, such as AZTurboCourt,~~ may provide fill-in forms for routine matters. Courts may accept electronically-filed Arizona traffic ticket and complaint forms from law enforcement agencies or affidavit of service forms from process servers. The forms-based electronic filing system shall be capable of reproducing or printing the form with the data supplied by the filer, however, courts are not required to preserve the form's text and data together in PDF. ~~The~~ Any forms-based electronic filing system shall comply with all other requirements of this section.

8. In accordance with ~~S~~supreme ~~C~~court ~~R~~rules ~~124~~ and related administrative orders, electronic, case-related documents shall be submitted exclusively through the statewide electronic filing portal~~, AZTurboCourt.gov~~.

E. Authentication.

1. Authentication of document source. ~~AZTurboCourt~~ The portal shall contain an ~~registration~~ authentication system having sufficient security to verify ~~and authenticate~~ the source of electronically filed documents. ~~and~~ Any third-party systems interacting with the portal shall maintain current contact information for filers.

2. Authentication of documents. ~~AZTurboCourt~~ The portal shall indicate the date and time when submittal of each electronic filing occurred.

~~3. Maintenance of electronic documents.~~

F. Maintenance of Electronic Documents. Any individual court maintaining electronic records shall employ local security procedures that prevent unauthorized access to, modification of, or deletion of the records. These procedures shall include all of the following, as a minimum:

~~a~~1. Establishing written procedures to ensure the integrity of electronic documents, so that any copies produced may be regarded as true and correct copies of the original document;

~~b~~2. Performing virus checking to ensure documents are free from viruses prior to storage on any device attached to the court's data network;

~~c~~3. Employing procedures that ~~insure~~ ensure the availability of at least one other copy of the electronically filed document at all times;

~~d~~4. Performing system backups at least daily;

~~e~~5. Using recording media for storing electronic records that comply with industry standards; and

~~f~~6. Using non-reusable media for archiving court records electronically.

Courts placing case documents in an EDMS controlled by the AOC meet the above maintenance requirements.

~~4. Filing of Confidential and Sealed Documents.~~

G. Filing of Confidential and Sealed Documents. Courts shall employ standard keywords or metadata, as determined by the Commission on Technology's Technical Advisory Council, with associated security procedures to protect electronically filed or scanned confidential and sealed documents from unauthorized access.

~~F~~H. Communications. The statewide electronic filing system shall:

1. Provide for electronic filing via the Internet and

2. Provide for appropriate party, attorney, arbitrator, public, and governmental entity access, in accordance with Supreme Court Rule 123, using standard browser technology.

~~G~~I. Processing.

1. The statewide electronic filing system shall generate an acknowledgment receipt for electronically filed documents.

2. All case management and document management systems used by courts shall have automated interfaces with the statewide electronic filing system that will:

   a. Provide and validate case management data;

   b. Automatically docket e-filed documents; and

   c. Automatically index documents as required for locating the document and facilitating integration with the case and document management systems. Indexing elements shall include, at a minimum:

      (1) Full case number;
      (2) ~~Document~~ Case management system document storage identifier;
      (3) Restricted security indicator; and
      (4) Sealed security indicator.

3. The official court record shall be the one stored by the clerk's or court's EDMS, whether in native electronic format or scanned into the system from paper. Unless otherwise directed by the ~~S~~supreme ~~C~~court, each standalone EDMS shall communicate case-related documents stored locally to the AOC's central document repository and receive documents from the statewide electronic filing system, prior to implementing electronic filing in the court.

   a. Each court imaging paper documents shall comply with ACJA § 1-504 (C) and (D) to ensure usefulness of those documents for public access.

   b. Each court having or implementing an EDMS shall coordinate the transfer of case-related electronic documents to and from the AOC's central document repository and electronic filing portal, respectively.

~~H~~J. Periodic Review. These requirements are designed to be flexible to allow for technical innovations and shall be reviewed biennially by the Commission on Technology and updated to adapt to technological changes or changes in e-filing strategy.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	**Type of Action Requested:**	**Subject:**
June 19, 2017	_X_ Formal Action/Request __ Information Only __ Other	**Proposed Amendments to ACJA § 5-205: Collections**

FROM:

Candace Atkinson, Manager, Consolidated Collections Unit, Court Services Division

DISCUSSION:

The statewide Fines, Fees and Restitution Enforcement Program (FARE) has been in operation since 2003, and is now in place in almost every court in the state. This proposal is intended to update the Amnesty Code section of ACJA § 5-205 to improve future program implementations.

Significant new or changed provisions:

- Changes title from "Amnesty" to "Fine Reduction"
- Expands definition of Amnesty Program to include criminal traffic charges and fines (excluding violations of A.R.S. §§ 28-1381 and 28-1382)
- Eliminates 5 year limitation on program implementation

Committee actions and comments: The proposal will be posted to the ACJA Web Forum in April and presented to the Committee on Limited Jurisdiction Courts (April), the Committee on Superior Courts (May), AJC and Presiding Judges in June.

RECOMMENDED COUNCIL ACTION:

Approve the amendments as proposed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-205: Collections

1. **Effect of the proposal:** The statewide Fines, Fees and Restitution Enforcement Program (FARE) has been in operation since 2003, and is now in place in almost every court in the state. This proposal is intended to update the Amnesty Code section, ACJA § 5-205 to improve the program's implementation.

2. **Significant new or changed provisions:**

   Changes title from "Amnesty" to "Fine Reduction"

   Expands definition of Amnesty Program to include criminal traffic charges and fines (excluding violations of A.R.S. §§ 28-1381 and 28-1382)

   Eliminates 5 year limitation on program implementation

3. **Committee actions and comments:** The proposal will be posted to the ACJA Web Forum in April and presented to the Committee on Limited Jurisdiction Courts (April), the Committee on Superior Courts (May), and Arizona Judicial Council and Presiding Judges in June.

4. **Controversial issues:** None known.

5. **Recommendations:** Approve the amendments as proposed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-205: Collections

A. Definitions. In this section, the following definitions apply:

"~~Amnesty~~ Fine reduction program" means a program to reduce the amount of outstanding criminal and civil traffic fines, penalties, and surcharges pursuant to A.R.S. § 28-1601.

"Court" or "courts" means the limited jurisdiction courts or superior court in each county.

"Delinquent cases" means all cases for which court ordered financial obligations have not been paid and not been otherwise assigned to private collection services, or actively worked by a warrant officer or other governmental collection activity.

"DSO/TIP program" means the debt setoff/tax intercept program established by A.R.S. § 42-1122.

"DSO/TIP participants" means the limited jurisdiction courts, the superior court, county attorney's office, and probation departments in each county participating in the DSO/TIP program.

"Excess FARE revenue" means the remaining balance of any revenues in the FARE fund after payment of the FARE vendor, other governmental agencies and the Administrative Office of the Courts (AOC) for costs incurred.

"Expansion" means any activity that requires capital fund expenditures, binding contractual obligations or technology development or enhancement, including web related services. It does not include maintenance of existing collection services or renewal of an existing contract.

"Extraordinary circumstances" means incarceration, deployment for military service, hospitalization, a serious medical illness or a death in the immediate family that would prevent payment of any fines, fees or restitution.

"FARE" means the fines/fees and restitution enforcement program established to collect delinquent court ordered restitution, fines, fees, and surcharges.

"FARE fund" means an account established by the supreme court with the state treasurer and the General Accounting Office.

"FARE participant" means a court participating in the FARE program.

"FARE vendor" means the vendor contracted with the AOC to provide FARE program services.

"State tax intercept" means the interception of a state tax refund through the Arizona Department of Revenue for the payment of delinquent restitution, fines, fees, and surcharges.

"TTEAP" means the Traffic Ticket Enforcement Assistance Program established by A.R.S. §§ 28-1630 et seq., where a hold is placed on the registration of all vehicles registered to the defendant until all delinquent restitution fines, fees, and surcharges have been paid or a waiver has been issued.

"Vendor" means a contracted vendor to provide collection services to a court.

B. through **H. [no changes]**

I. ~~Amnesty~~Fine Reduction Programs

1. The presiding judge of any court may periodically conduct a program for the purpose of reducing the amount of outstanding criminal and civil traffic fines, penalties, and surcharges with the prior approval of the supreme court, in accordance with A.R.S. §28-1601, and Administrative Order No. 97-57.

2. Prior to conducting ~~an amnesty~~ a fine reduction program, the court shall have exhausted all available collection opportunities including utilization of the FARE program.

3. Proposed ~~amnesty~~ fine reduction programs must meet all the following criteria:

   a. The purpose of the program shall be to reduce outstanding criminal and civil traffic fines, penalties, and surcharges which are at least twelve months delinquent.

   b. The program shall provide for reduction of the outstanding amounts due up to 50%. All categories of receivables due (fines, penalties, sanctions, and surcharges), including the FARE special collections fee, shall be reduced proportionately. The time payment fee imposed pursuant to A.R.S. § 12-116, the FARE general services fee, and the FARE delinquency fee shall not be reduced or waived.

   c. The proposed program shall apply exclusively to penalties and surcharges resulting from criminal and civil traffic violations, except a fine ordered as a result of a violation of A.R.S. §§ 28-1381 or -1382 .

4. A ~~amnesty~~ fine reduction program shall include the following elements:

   a. Identification of the last time the court conducted ~~amnesty~~ a fine reduction program~~.~~ ~~Amnesty programs shall not be conducted more than once every five years.~~

   b. A description of existing in-house collection efforts or efforts with a vendor or the FARE program, including results of those efforts. If no collection activity has taken place, then an explanation of why these cases should not be forwarded first to the FARE program.

c. The beginning and ending date of the proposed ~~amnesty~~ fine reduction program. The program duration shall not exceed 60 days.

d. A defined schedule of which violations/violators shall be eligible for the program. Delinquent amounts shall be at least twelve months delinquent. The program shall note that ~~penalties~~ fines and surcharges as a result of A.R.S. §§ 28-1381 and -1382 and other non-traffic related criminal ~~or traffic~~ offense statutes shall not be eligible for the program.

e. A defined schedule of how fines, penalties, and surcharges shall be reduced. The schedule shall state the amount of the reduction, the criteria which determine the amount of reduction, how the deduction will be applied consistently across all eligible violations and procedures the violators will follow to receive the reduction.

f. The procedure that shall be used to notify violators eligible to participate in the program.

g. A plan for court staff, judges and facilities that shall be used to handle increased workload as a result of the program.

h. A plan that shall measure the program goals and objectives. Suggested measurements include:

   (1) Outstanding receivables at the beginning of the program, planned percentage reduction in receivables and actual percentage of reduction at the end of the program.
   (2) Number of cases with delinquent receivables at the beginning of the program.
   (3) Estimated cost to run the program and the actual cost to run the program in excess of normal operating costs.
   (4) Cost per dollar collected compared to actual program costs.

i. A plan for increased enforcement efforts for those cases/penalties not closed during the program and the expected results.

j. A plan for involvement of other agencies or departments in the program including a resource impact statement and what contacts have been made to involve them.

5. ~~Amnesty~~ Fine reduction program proposals shall be reviewed according to the following:

   a. The presiding judge of the court and the presiding judge of the county shall sign the proposal.

   b. The presiding judge of the court shall submit the proposal to the AOC court services division director 60 days prior to the anticipated start date for the program.

c. The AOC court services director shall send recommendations for program approval to the administrative director for final approval.

d. The AOC court services director shall notify the court within 30 days of the approval or disapproval, or if additional information is required.

6. Within 30 days of program completion the court shall forward an "end-of-project" report to the AOC court services director which shall include a description of the program implementation and the statistical measures of the program's achievements to the stated goals and objectives.