COMMISSION ON TECHNOLOGY
MEETING MINUTES

November 3, 2006
10:00 a.m. – 2:00 p.m.

Arizona Supreme Court

Conference Room 119 A/B
Administrative Office of the Courts
1501 W. Washington
Phoenix, AZ 85007

MEMBERS PRESENT

Louraine Arkfeld
Kent Batty
Michael Baumstark
Rebecca Berch, *Chair*
Robert Brutinel
Christopher Cummiskey (*Brad Tritle, proxy*)
B. Robert Dorfman
Peter Eckerstrom
John Gemmill
Michael Jeanes
Gary Krcmarik
Martin Krizay
Sheri Newman
Catherine O'Grady
Marcus Reinkensmeyer *(John Barrett, proxy)*
John Rezzo

MEMBERS ABSENT

Jessica Blazina
Mark Candioto
Roger Klingler

GUESTS

Vicki Aguilar, *Gila COSC*
Kip Anderson, CACC
Peggy Bair, *Yavapai County*
John Barrett, *PACC*
Tom Brady, *CACC*
Janet Cornell, *CACC*
Beverly Frame, *Yuma COSC*
Sue Hall, *Apache COSC*
Gordon Mulleneaux, *CACC*
Gregg Obuch, *TAC, CACC*
Michael Pollard, *CACC*
Rick Rager, *Tempe Muni Court*
Kyle Rimel, *TAC*
David Stevens, *TAC*
Eloise Price, *TAC*
Carl Ward, *Maricopa COSC*

AOC STAFF

Jack Bigwarfe, *ITD*
Stewart Bruner, *ITD*
Phillip Ellis, *ITD*
Karl Heckart, *ITD/TAC*
Paul Hrisho, *ITD*
Tim Lawler, *ITD*
Pat McGrath, *CSD*
Stephanie Nolan, *ITD*
Pam Peet, *ITD*
Renny Rapier, *ITD*
Robert Roll, *ITD*
Susann Young, *ITD*

WELCOME AND INTRODUCTIONS

Vice Chief Justice Rebecca Berch, Chair, called the Commission on Technology (COT) meeting to order at 10:00 a.m. She welcomed members and the public present then asked members to introduce themselves and share the constituency they represent. Staff confirmed that a quorum existed.

Justice Berch made introductory comments on several items of interest to members:

- Welcoming new member Sheri Newman, Clerk of the Superior Court in La Paz County, representing the rural Clerks of Court, and thanking Jeanne Hicks, Clerk of the Superior Court in Yavapai County, for her service to the Commission;
- Providing COT and subcommittee 2007 meeting dates and thanking Stephanie Nolan for her hard work in securing them;
- Clarifying the difference between having an architectural exception approved and having the funding associated with implementing the exception approved;
- Reporting on the progress of the statewide Jury+ Web Interactive project as it heads toward conversions and implementation next summer; and
- Summarizing the Auditor General's recent positive report with its focus on strengthening independent reviews of statewide projects underway.

MOTION: A motion was made and seconded to approve the minutes of the September 8, 2006, Commission on Technology meeting. The motion passed unanimously. TECH 06-41.

e-COURT SUBCOMMITTEE UPDATE

Justice Andrew Hurwitz, chair of the e-Court Subcommittee, updated members on the subcommittee's approach for obtaining results at each level of court in the State in addition to criminal filing. He outlined the projects determined by working groups and currently in play at the various levels:

- General Jurisdiction – Installing full-featured electronic document management systems (EDMSs) in all superior courts and proving the multi-vendor model and functionality across more case types in Maricopa Superior Court.
- Limited Jurisdiction – Creating a fast track approach for law enforcement to implement electronic citations (e-citations) to lessen the civil-traffic-related workload on courts and eventually enable prosecutor long form/ordinance filing. The other project involves working at the grassroots level to standardize forms data in preparation for paper filing in the short term but to enable *pro se* electronic filing of cases in the long term.
- Appellate Courts – (specifically Supreme Court and Division One) Installing EDMSs in both courts, electronically transmitting the record using architectural standards between Yavapai Superior and Division One, and electronically distributing copies of the filings submitted to the Supreme Court.
- Criminal Filing – Mr. Karl Heckart, the e-Court member working with Arizona Criminal Justice Commission (ACJC), described the goal as getting to a standard set of transactions and technologies used to exchange data throughout the criminal justice process, building a cohesive solution a piece at a time. The Arizona Disposition Reporting System (ADRS) under construction now is the embodiment of that strategy. Karl stated that a demonstration version of ADRS would be unveiled at the ACJC Symposium on December 16 where Justice Hurwitz will be delivering the keynote address.

Justice Hurwitz also detailed some decisions the subcommittee is requesting from COT:

- Designation of the case management system that will handle the statewide e-filing functionality, either AGAVE or AZTEC. The selection affects the cost and timeline for implementing the multi-vendor model statewide.
- Examining the function of signatures and determining whether a technical solution is really required beyond rule alterations. For those items that require a technical solution, the hope is that it would be very limited and therefore not very costly.
- Preventing 125 plus separate procurements throughout the state after expiration of the Tucson contract for handheld devices in April 2007. Funding for e-citation may become an issue when the stated goal is a uniform citation filing system with a statewide procurement.
- Approval and ownership will be needed of the statewide standard forms once submitted by the grassroots organizations.
- Consideration of the long- and short-term impacts of changes to the way of doing business spurred by electronic documents.
- Whether searchability of submitted documents needs to be required prior to mandated e-filing.

Justice Hurwitz left members some things to think about, including:

- The composition of an e-signature team, since the issue cuts across all levels of court and
- How to motivate adoption of electronic filing.

He pointed out that arriving more rapidly at electronic filing reduces the transition time clerks will spend scanning documents and more rapidly provides searchable filings to replace unsearchable images scanned from paper submittals.

COURT TO COURT E-ROA PILOT PROGRESS UPDATE

John Gemmill, Chief Judge of Division One, reported on the progress of the electronic record on appeal pilot. He showed an electronic index of record and the process flow associated with transfers, a list of standards used, and graphs of the transmit times/file sizes/number of documents since September 11. He listed the issues that have been uncovered during the pilot:

- Inconsistency in titles and document numbers in the index of record as well as inconsistent methods of amending a transmitted index;
- Lack of searchability in pdf documents transmitted from the superior court clerk;
- Bandwidth constrictions leading to lengthened transfer times;
- Assembler and clerk review software enhancements required (and made);
- Workstation equipment configuration testing; and
- The necessity of rule changes.

Judge Gemmill emphasized the importance to judges and staff attorneys of having every word in the electronic record be searchable, but posed the question to members concerning what level of court should be required to expend the extra money and effort to convert scanned images into text searchable documents. The project is now beginning to consider the next court to expand to at the completion of the six month testing period with Yavapai. There is talk of taking on another rural county or possibly getting started with Maricopa Superior on only a partial basis.

Jeanne Hicks agreed with the judge's assessment that the pilot is working exceptionally well and added that savings in both staff time and copying costs are clearly evidenced in the pilot.

Discussion ensued about whether standards exist for text searchable formats and whether expanding the Supreme Court e-distribute program to superior courts would hasten the need for standards. A recommendation was made that submission of pdfs having searchable text be the requirement for any documents submitted on disk from the beginning, since submittal of the copy on disk is entirely optional at this time.

EXPANSION OF FORCIBLE DETAINER PILOT PROJECT

Mr. John Barrett, Chief Technology Officer for Maricopa Superior Court, shared recent progress made on the forcible detainer pilot up to the point of testing with the *Arizona @ Your Service* web portal payment gateway. Testing thus far has used a manual payment process since the certificate has not yet been obtained from the payment processing vendor. On behalf of Judge Steven McMurry, John requested permission to expand testing to the four other precincts that will share the new downtown justice building with the Encanto Precinct previously approved. Expansion will allow programmers to focus on the way the system works with other judges. John re-affirmed that the project will return for COT approval before it goes live in the full set of 23 consolidated justice court precincts.

MOTION: Approve the expansion of the forcible detainer pilot to any of the other four precincts that will be housed in the new downtown justice center. The motion passed unanimously. TECH 06-42

STATEWIDE DEVELOPMENT PROJECTS DETAILED UPDATES

NEW STATUS REPORT FORMAT FOR STATEWIDE PROJECTS

Judge Michael Pollard, co-chair of the Court Automation Coordinating Committee (CACC), reviewed CACC's proposed, more stringent reporting format for statewide projects. He described the weaknesses of the current text-based reporting format and the ways those weaknesses are addressed by the new red/yellow/green milestone format, especially measuring the current progress of the project toward distant deliverables. Justice Berch pronounced the new format very useful and a good visual tool.

MOTION: Approve the new format for monitoring statewide projects. The motion passed unanimously. TECH 06-43

Judge Pollard then framed the upcoming reports from the individual statewide projects that are currently being monitored.

TEMPE CMS UPDATE

Mr. Rick Rager, Deputy Administrator for the Tempe Municipal Court, updated members on progress being made on the Tempe CMS project. He summarized the cost thus far ($966,370.31) and showed a breakdown of all state and local contribution percentages. He also characterized the skill sets and number of resources used on the project. Rick recapped the functionality that has been built and demonstrated to date. The disposition and diversion modules are next in line for release. A detailed decomposition analysis

effort is currently underway to determine the functions that absolutely must be included in Tempe's summer 2007 implementation. Rick promised to return to COT to report what he determines from the analysis. Tempe will also be leveraging the AOC's domestic violence module when it has been completed.

MOTION: Approve the scope, project milestones, and continued investment in the Tempe CMS project as the candidate limited jurisdiction case management system. The motion passed unanimously. [Louraine Arkfeld abstaining] TECH 06-44

MARICOPA CLERK'S IFIS UPDATE

Mr. Gordon Mulleneaux, from the Office of the Clerk of the Superior Court in Maricopa County, reported on the effort to create a financial module in iCIS to process payments related to both adult and juvenile probations as a joint process between the Clerk and the Court. Gordon described in detail the strategy for replacing the RFR system in a couple of distinct steps – juvenile first and then adult probation receivables. He shared the staffing levels and skills used for the project. He summarized the total cost of the project ($1.162M) and breakdown of funds expended by their source.

Questions were raised regarding the apparent movement of milestones from Phase 3 to Phase 4 and change of dates since the last appearance at COT. Gordon shared that the project is running about 9 months behind the original schedule. The chair's concern is that the money could be exhausted before the project is complete and the Commission's influence is diminished once all funds have been disbursed. Maricopa representatives stated that they are committed to expend whatever funds are necessary to complete the project once the state's funds run out. Mike Baumstark pointed out the strength of the milestone funding approach as described in the Auditor General's report. He encouraged members to stay the course with that strategy.

MOTION: Approve the scope, project milestones, and continued investment in the Maricopa Clerk's iFIS project. The motion passed unanimously. [Michael Jeanes and John Barrett abstaining] TECH 06-45

MOTION: Approve the release of $120,000.00 of the requested $228,000 in state funding with the balance kept as a retainer against completion of the Phase III milestones. The motion passed unanimously. [Michael Jeanes and John Barrett abstaining] TECH 06-46

PIMA AGAVE UPDATE

Mr. Kent Batty, Administrator of the Superior Court in Pima County, emphasized that the Pima AGAVE project has accomplished what COT directed in the annual meeting. He introduced the new program manager, Mr. Phillip Ellis, to provide the details. Phillip provided a brief recap of his credentials and experience. He reviewed the functions provided by Release 1.0 currently in operation and showed the decreasing bug trend associated with the release. He also described the plans for adding financial functions in Release 1.5 and CACIS functions in 2.0. Items beyond those are under consideration for Release 3.0. The cost to date has been $2.137M and the amount requested to complete Release 2.0 is another $1.368M. Mike Baumstark reminded members that ITAC approval must be obtained before the project exceeds $1M in state funding. Phil showed

the number of people and skills dedicated to the project. He also informed members of the two risks that concern him the most of all: data conversion and being able to hold the scope while executing the plan. He suggested milestones for receiving funding as follow: completion of infrastructure, financials (Release 1.5), CACTIS design, and CACTIS implementation (Release 2.0).

Discussion focused on the actual versus expected functionality that would be delivered in Release 2.0 and subsequent releases (like e-filing and juvenile case management). Karl Heckart described the process used by AOC to compare various case management system solutions against a matrix created from a set of functional requirements gathered from several sources. These functions were each labeled by court representatives as "critical," "desirable," or "enhancement." Karl showed a graph depicting the way AZTEC, AGAVE 1.0, iCIS, and a specific vendor system stack up against the 258 requirements by category. Partial functionality of current systems was also considered. No attempt was made to validate the data provided and each requirement was given equal weight for speed and simplicity.

Much discussion ensued about the advantages and disadvantages of exercising any of the possible options for a statewide general jurisdiction case management system.

- AZTEC, though working at the moment, has been deemed end-of-life due to lack of supportability, even though it has much of the required functionality. AOC is down to a single programmer and having difficulty finding additional support resources. AZTEC is not a long-term solution worthy of continued investment.
- AGAVE's primary mission was to replace failing Wang technology in Pima and Release 2.0 appears to do that, regardless of whether it eventually becomes a statewide solution. The project manager is confident that the schedule will be met with the scope unveiled today, as documented in a 40-page detailed report. In general, members are not confident that Release 2.0 will provide the full functionality users need in superior courts throughout the state, requiring AOC to fill in the gaps before statewide rollout. Clerks feel they may be able to work around some of the excluded functionality if it means the new CMS is installed sooner. The possibility of adding functionality like probate, juvenile court, and e-filing externally, then integrating them into AGAVE later was also raised.
- iCIS appears enticing from the perspective of "like to have" features, but poses supportability issues in its present state. Some of those features may even introduce difficulties for rural courts. Waiting for it to be converted to .NET architecture adds time and cost, possibly beyond those of AGAVE. Maricopa is not convinced resources are available to speed the .NET conversion significantly and is unable to support a statewide system, leaving that to AOC.
- A vendor system will meet many of the functional requirements but will not be tailored to Arizona, will still take time to procure, and comes with a high price tag to purchase and install. It is not likely to be in place much earlier than the local version of AGAVE would.

The general theme of the members' questions was, "if AGAVE is determined not to be the statewide system of the future, then what will be?" Karl summarized that inclusion of custom options takes the timeline to the end of 2008 before any statewide deployment while a vendor solution may prove both cost- and flexibility-prohibitive. He recommended "letting the horses run" by continuing AGAVE development but still keeping an eye on the iCIS .NET and vendor options. Members felt more comfortable

tabling the vote of confidence until a later meeting where input about functionality of all the options and effect of adding resources to speed their delivery could be discussed, as long as funding for AGAVE was still considered today.

MOTION: Table the discussion about members' confidence in Pima AGAVE as the candidate general jurisdiction case management system until input from stakeholders regarding the functionality of all options and effect of adding resources to speed delivery of options can be examined. The motion passed unanimously. [Kent Batty abstaining] TECH 06-47

MOTION: Approve the use of $829,921.00 in local JCEF for continued development of the Pima AGAVE case management system. The motion passed unanimously. [Kent Batty abstaining] TECH 06-48

MOTION: Postpone the discussion on approval of the requested $521,000.00 in state JCEF for continued development of the Pima AGAVE case management system but continue use of previously approved state JCEF to pay the independent AGAVE project manager, Phillip Ellis. The motion passed unanimously. [Kent Batty abstaining] TECH 06-49

Project representatives confirmed that postponement of the approval of State JCEF would not be a detriment to the overall progress of the AGAVE project.

CALL TO THE PUBLIC

Justice Berch made a call to the public. Hearing no items from the public, members took to opportunity to make a couple of final comments:

- Gray Krcmarik reported on the positive impact of a letter sent by the chair to Coconino Superior Court regarding the need for an EDMS in the court.
- Kent Batty explained his apparent restraint in advocating for the AGAVE project as a function of his being a Commission member and not as an indication of any lack of faith in or commitment to the project.
- John Barrett announced that he will become a contractor working with Maricopa's Integrated Criminal Justice Information System (ICJIS) project. Members congratulated John and wished him well on his retirement. John introduced David Stevens, the new CIO for the Superior Court in Maricopa County.

The motion to adjourn was made by John Barrett, proxy for Marcus Reinkensmeyer, as his final public action prior to retirement.

The next COT meeting is scheduled for January 5, 2007, in Conference Room 119 A/B of the Arizona State Courts Building. This meeting cannot be vacated due to its impact on AGAVE project funding.

The meeting adjourned at 2:55 p.m.