These Letters are

In Opposition of

JIS Rule 13

For JISC Meeting

FRIDAY ~ 03/06

December 1, 2014

Chief Justice Barbara Madsen
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: Proposed JISC Rule 13

Dear Chief Justice Madsen:

We are writing collectively to seek a delay in consideration of the proposed amendment to JISC Rule 13. When the Legislature passed the 2014 proviso requiring the adoption of uniform data standards (which we support in concept), the intent was not to eliminate electronic data exchange capacity. We question whether it was the Legislature's intent to decouple the data standards from data exchange capability. Without electronic data exchange capability, the data standards are an illusion for our courts, which collectively account for more than 41% of the State's data and generate more than 50% of JISC's funding. Operating a statewide data system lacking 41% of court data, presents a potential public safety challenge that we are sure we all want to avoid. Further, the Legislature's proviso does not reference courts of limited jurisdiction.

In acknowledging Pierce County's ability to choose not to participate in the new system, Justice Fairhurst points out in the December 14, 2011 letter to Judge Bryan Chushcoff: "That is the reason why the Data Exchange effort is so critically important and continues to be the JISC's highest priority initiatives. Regardless of what system a court uses, all courts need to be able to exchange their data." The answer is not rules without establishing the electronic data exchange. An appropriate comment period, to ensure all sides are heard before adopting this rule, is critical at this juncture.

Sincerely,

Susan J. Craighead
Presiding Judge, King County Superior Court

Corinna Harn
Presiding Judge, King County District Court

Kim Kondo
Presiding Judge, Seattle Municipal Court

Mary C. Logan
Presiding Judge, Spokane Municipal Court

WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Ruth Gordon, President
Jefferson County Clerk
P.O. Box 1220
1820 Jefferson Street Room 210
Port Townsend, WA 98368
360-385-9128

December 2, 2014

Hon. Chief Justice Barbara Madsen
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

In RE: Proposed JISCR 13

Dear Chief Justice Madsen,

I am writing in my capacity as the President of the Washington Association of County Clerks to ask that you and your colleagues elect to publish the proposed revision of JISCR 13 for comment when it comes before the Court in its En Banc session tomorrow.

As a county official and as a court manager I have several significant concerns with particular changes in this rule. I understand that it has come before the JISC and has been passed by a majority vote. While I respect that process, I remain uneasy regarding the 12 months' notice provision in the proposed rule. I cannot imagine a county technology procurement or development process that would accommodate that kind of lead time.

Judges, Prosecutors and Clerks owe duties to their constituents that include seeking functional efficiencies and incremental improvements in process at the local level. The changes to JISCR 13 still seem to me to be punitive to local entities which are seeking solutions that it is their responsibility to seek. The 12 months' notice is not a requirement of the budget proviso, and I respectfully request that if no comment period is allowed, that the Court strike that requirement and refer instead to a notice period to be set in policy rather than in the rule.

As officers of the court we also have a duty to support improvements at the statewide level. My opinion is that we are working within a context of shifting agreements and understandings as to various elements of the SC-CMS. A comment period for JISCR 13 would be a welcome opportunity to nail down some essential facts. I am not laying blame, but the reality is that there are many interpretations being repeated in the community and one no longer knows which former assumptions still hold and what agreements are no longer in force. I would welcome more clarity.

At present I do not know whether those courts that intend to "use the statewide vendor solution as chosen by the Judicial Information Systems Committee" (JISC Policy 10.2.1) include the Superior Courts that will retain their current document management systems or not. I can find comments on both sides of the question in the minutes of the SC-CMS Steering Committee and

the JISC. Therefore I can't tell whether JISCR 13 as proposed applies to only those courts that will be using an entirely separate case management system or whether it applies as well to courts that will implement Tyler Odyssey as their case management system, but already have a robust local document management system that meets all the legal retention standards and allows litigants to file electronically without a service fee. If these courts will be cut off from future JIS account funding as well it would be fair play to know prior to the adoption of this rule, rather than after the fact.

I recognize that the local courts, the state level courts and the Administrative Office of the Courts have been traveling down a complicated path in regard to technology for many years and that we do not have a clean slate to work with here. It may be that a comment period in the end will just be a delay. But it may also be perceived as a gesture of good will. We all share the same mandate to provide justice to the citizens of our State, and I remain hopeful that we can continue to work together for the common good.

I respectfully request a comment period on proposed JISCR 13 in the interest of creating a fuller dialog and better understanding of the implications of the rule change.

Sincerely,

Ruth Gordon

Ruth Gordon
WSACC President
Jefferson County Clerk

cc: Justices of the Supreme Court
WSACC Members

January 20, 2015

The Honorable Barbara Madsen
Chief Justice
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

Dear Justice Madsen:

I have had a strong interest in court technology for many years and have followed the innovations made by Superior Court. When I served in the State House of Representatives nearly 20 years ago, I was instrumental in getting some of the first computers for the court and I was on the original committee for JIN. The innovations made by the Court have allowed us to serve the public better, and have allowed the Court to absorb budget cuts because the use of technology has created efficiencies.

The King County Council decided to allocate capital funds during the last budget cycle, in a tight budget year, to enable the Court to replace SCOMIS along with its electronic court record system, which is on its last legs. The Council did so because it was clear that King County would be constrained in what services they could offer in the near future as well as more long term. The statewide case management system being built by Tyler would have effectively ended the Court's ability to innovate in real time as well as to better serve our constituents (e.g. bringing video hearings and e-orders to the ITA Court would not have been possible were the Court using Tyler, or at least not anytime soon).

We believed that replacing SCOMIS soon would save FTEs because it would be so much more efficient than a 34-year-old mainframe system. **Moreover, it is most cost effective to build the new electronic record system on the SCOMIS replacement system than to build it on SCOMIS and then redo it when a new system is in place in several years.** Because District Court will also be developing a new system, as well as the jail and public defense, we now have the opportunity to create an internal King County hub – leading to even greater efficiency by only entering data into the system once rather than into several separate systems.

I'm aware that the proposed rule, JISCR 13, and data standards adopted by JISC would require Superior Court to **hire a lot of data entry people to enter data in SCOMIS** while at the same time operating the new system that is being built. This is completely unacceptable - as we cannot justify hiring data entry people at the same time public health nurses are being laid off. In our highly technological area in 2015 there should be an electronic mechanism to send King County data to the AOC. The Council cannot afford to allocate money for double data entry.

Due to King County's population, it does have a large budget but there is also a greater volume of needs here. Each year our General Fund budget is more constrained and that drives us to pursue efficiencies relentlessly. King County wants to share its data with other county courts and local courts of limited

jurisdiction. However, the County cannot afford to turn back the clock on the efficiency gains we have made due to our innovative use of technology.

Please do not support the passage of JISCR 13 and instead **focus on developing electronic data exchange** between courts that are outside the statewide system and those that are inside it.

Sincerely,

Kathy Lambert
King County Councilmember
District 3

Superior Court of the State of Washington
for the County of King

Susan J. Craighead
Presiding Judge

King County Courthouse
516 Third Avenue, C-203
Seattle, Washington 98104-2381

January 21, 2015

Chief Justice Barbara Madsen
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Changes to JISCR 13

Dear Justice Madsen:

Thank you for the opportunity to comment on the proposed changes to JISCR 13.

King County Superior Court and Clerk are very supportive of the continuation of a statewide repository of court case information, and data standards that are underlying the repository. However, this rule change, which is purported to protect that repository, is premature, not well developed and will defeat the underlying intent of the proposed rule.

Instead we ask that time, attention and resources are spent establishing electronic data exchange technology between non JIS courts and the statewide repository. Once that technology is in place, rule updates should be considered. Adoption of this rule as-is, absent electronic data exchange, would require duplicate data entry for all the courts not using JIS systems. The cost to the tax payers to support this notion is truly overwhelming. In King County Superior Court alone, the cost could be as much as $1.8 million per year. No elected official, given the current economy, would support this notion.

The wording of these proposed edits is very problematic. For example, in paragraph 2, the language is unclear and contradictory. A court leaving the JIS does not have an alternative electronic court record system to approve twelve months prior to the purchase or acquisition of software or services. No court will have a vendor willing to hold open a bid for 12-18 months awaiting approval by the JIS committee before installing their product in a court. If the intent is for the JIS committee to give guidance and input on the to-be purchased system, then the wording does not support this and would need to be changed. If the underlying intent is to allow JIS to *veto* the decision of the court or clerk to use an alternative system, we would strongly disagree that the JIS has authority to do so.

This rule should not be passed. Instead we ask you to direct your attention to the real issue at hand: the JIS development of the technology that would allow data exchange to facilitate the

continuing existence of a statewide case history repository. We fully understand that AOC is working on data exchange now, but only that exchange necessary to facilitate the new SC-CMS integration to the existing JIS database. This letter addresses the fact that JIS is NOT WORKING on the data exchange necessary to support incoming data from non-JIS courts, which is more than 40% of the caseload data statewide. It is not being worked on even though Justice Fairhurst said in a December 2011 letter to Pierce County Judge Brlyn Chushcoff, "……*That is the reason why the Data Exchange effort is so critically important and continues to be the JISC's highest priority initiative. Regardless of what systems a court uses, all courts need to be able to exchange their data.*" We agree with this sentiment and ask that this statement by the Justice be supported with the action steps necessary to accomplish it.

Despite all the issues with the rule that we have described, I want to reiterate how strongly we feel about sharing data with the rest of the state and maintaining the incredible asset this state has in the JIS statewide court database. Our main issue is with the unacceptable notion of duplicate data entry. Another way to address our concern would be to add a new section to the proposed rule with language such as:

> *(d) This rule is to become effective only when JIS has implemented technology that successfully allows for data from non-JIS courts to be electronically exchanged with JIS systems.*

Thank you for considering our comments. I urge you to recognize the problems that this proposed rule change will create for the courts representing over 40% of the statewide caseload.

Sincerely,

Susan J. Craighead
Presiding Judge

cc: Fred Jarrett, Deputy County Executive
Paul L. Sherfey, Chief Administrative Officer
Barbara Miner, King County Clerk

WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Ruth Gordon, President
Jefferson County Clerk
P.O. Box 1220
1820 Jefferson Street Room 210
Port Townsend, WA 98368
360-385-9128

January 22, 2015

Barbara Madsen, Chief Justice
Washington Supreme Court
P.O. Box 40929
415 12th Avenue SW
Olympia, WA 98504-0929

RE: JISCR 13

Dear Chief Justice Madsen:

Thank you for the review and comment period on JISCR 13.

On behalf of the Washington State Association of County Clerks I write to express our request that the proposed changes to JISCR 13 not be adopted. We share the belief that shared court data is crucial to public safety, not to mention fully-informed decisions – but we don't think this rule will help get us there.

Subsection (c) is concerned solely with a threat to cut off JIS Account funds to courts with alternative systems unless they comply with data standards set in JISC policy. These data standards have recently been greatly expanded with no provision to automate data sharing between the non-JIS courts and a statewide data hub. In essence these courts, situated in jurisdictions that provide the lion's share of revenue to the JIS Account, are being told by the proposed JISCR 13 that they will do manual dual data entry into the case management systems provided by AOC or they will be cut off from all the benefits of the revenue they provide to the AOC.

Please step back and consider this from a local government perspective. Why would the independently elected local officials in the most populous and relatively prosperous areas of the state not now begin to lobby their legislators to change the rules of how JIS Account funds are collected, remitted and appropriated? Students of history know that when people have nothing left to lose they become unconstrained in their search for a different paradigm. The punitive tone and content of proposed JISCR 13 seems at a minimum to have been drafted for a political context that is perhaps different from the context in which your decision will be made.

In addition to bringing forward this significant cautionary consideration, the County Clerks take issue with the 12 months' notice requirement in subsection (b). Why is 12 months needed when at the end of 12 months the alternative court is still going to have to do manual double data entry?

We respectfully request that you bear in mind that the local judicial, executive and legislative branches are charged with providing the best possible solutions they can devise to meet the needs of their constituents. A 12 month moratorium on pursuing a contract with a successful IT vendor is very unlikely to be workable. Thus the new longer lead time would have the effect of preventing any local technology solutions in jurisdictions that choose to comply with JISCR 13, and of inviting other jurisdictions to ignore JISCR 13 entirely in favor of fulfilling their duty to the citizens they serve. Retaining the current form of JISCR 13 avoids these unwelcome results.

If JISCR 13 is due for revision, we hope that it will be revised to address the long-deferred dream of efficient, robust, and inclusive data exchange at a price Washington State can afford. We acknowledge that this will require a paradigm shift, but paradigms are shifting all around us. The best standard of practice for data exchange is more robust and flexible than it once was and no longer requires individually coded exchanges for each specific exchange. Maybe we can all come together and "get there from here."

Please reject the changes to JISCR 13 as currently proposed, and let's keep working to come together in common purpose to create a mechanism that meets state and local needs and by which all courts and justice partners can have access to statewide judicial information.

With respect, and with appreciation for the opportunity to comment on this rule,

Ruth Gordon

Ruth Gordon
President, Washington State Association of County Clerks

cc: The Justices of the Washington State Supreme Court
WSACC Members

Payne, Pamela

From: Payne, Pamela
Sent: Friday, January 23, 2015 10:20 AM
To: Diseth, Veronica; Dietz, Callie; Marler, Dirk; Radwan, Ramsey; McAleenan, Mellani; Hinchcliffe, Shannon
Cc: Cullinane, Vicky; Stoffle, Heather; Creighton, Jennifer; Keeling, Michael; Fairhurst, Justice Mary; Phillips, Cindy
Subject: FW: Jefferson County Clerk Comment re: JISCR 13 - opposed

All, this message was received from Mary today - see below. I am sharing with whom I believe should be aware. If I have missed anyone, please let me know.

Thank you,

Pam

From: Fairhurst, Justice Mary
Sent: Thursday, January 22, 2015 5:32 PM
To: Phillips, Cindy
Subject: Fwd: Jefferson County Clerk Comment re: JISCR 13 - opposed

Send to Pam please

Sent from my iPhone

Begin forwarded message:

> **From:** Ruth Gordon <RGordon@co.jefferson.wa.us>
> **Date:** January 22, 2015 at 4:47:41 PM PST
> **To:** "supreme@courts.wa.gov" <supreme@courts.wa.gov>, "Johnson, Justice Charles W." <Charles.Johnson@courts.wa.gov>, "Fairhurst, Justice Mary" <Mary.Fairhurst@courts.wa.gov>
> **Cc:** "shannon.hinchcliffe@courts.wa.gov" <shannon.hinchcliffe@courts.wa.gov>, "Jennings, Cindy" <Cindy.Jennings@courts.wa.gov>
> **Subject: Jefferson County Clerk Comment re: JISCR 13 - opposed**
>
> To the Hon. Justice Charles Johnson, Chair of the Rules Committee
>
> Dear Justice Johnson and Rules Committee Members,
>
> Thank you for the opportunity to address the proposed changes to JISCR 13.

After considering the various proposed changes to JISCR 13 for quite some time, I write in my own capacity as the Jefferson County Clerk and a former Trustee of on the governing board of the Washington Association of County Officials to comment on a particular element of the proposed language of this rule change that truly gives me pause. I'm referring to the presumption that the JISC, which is a stakeholder group within a bureacracy (sorry, AOC...) serving the state judicial branch, has any authority over the various governing boards of local governments – county and city elected officials – to enter into contracts with vendors to meet their locally identified and prioritized business needs.

The current JISCR 13 language does not raise this question in my mind. It says counties and cities shall give 90 days notice of new court record systems for the purpose of JISC review and approval. And certainly local governments are going to know 90 days before implementation what their new system is going to be, and of course they should work together with AOC because shared data is important to us all. So that doesn't sound harsh or unreasonable and no one is likely to get upset and object to that. Also, since we don't have automated data exchange after all these years, 90 days' notice doesn't seem to pose a problem.

The new proposed language changes the 90 days' notice to 12 months. As stated in the WSACC comment, 12 months is more lead time than agencies have from the date of executing a technology contract to the start of working to implement it. Is the JISC stating or implying that it has the authority to prevent local executive and legislative branchs, which are charged with providing the best possible solutions they can devise to meet the needs of their constituents, from executing contracts to meet their locally indentified needs? For that matter, since we do not work under a unified state court system, is it stating it has that authority over locally elected judicial officers? I do hope not.

And anyway, nine more months will not get us to automated data exchange, so what is the intended function of the 12 months? It's perplexing. And as I said, it gives me pause.

I don't believe elected officials need to concede our separate authority under the current structure of our state and local governments to work together in a spirit of true collaboration and good will for the best outcome for accurate, timely and accessible court information. We all will benefit by coorperating in a spirit of unity – loosely coupled unity, perhaps, but still, with good intention and common purpose, respecting each other's roles and mandates. A climate of mutual respect is key to making that possible.

I don't think the words in the proposed rule will change the choices local officials may make. But I do think these proposed changes injure the mutual respect that is necessary to foster willing collaboration for a common goal.

So, please let JISCR 13 remain in its current form.

Thank you for the oppportunity to comment. And thanks to the JISC for all the hours you spend in meetings trying to solve these truly difficult problems. I just don't think this rule change is going to help with that.

My sincere respects to the honorable members of the committee. Thank you for your consideration.

/s/Ruth Gordon
Jefferson County Clerk

Spokane Municipal Court
Public Safety Building
1100 W. Mallon
Spokane, Washington 99260
(509) 622-5867

Michelle Szambelan
Presiding Judge

January 22, 2015

The Honorable Barbara A. Madsen
Chief Justice, Washington State Supreme Court
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Sent via email to supreme@courts.wa.gov

Re: JISC Rule 13 – Electronic Court Records Systems

Dear Chief Justice Madsen:

On behalf of the Spokane Municipal Court, I am writing to express opposition to the passage of Judicial Information System Committee Rule 13 Concerning Local Court Systems (JISCR 13). Until further analysis has been completed outlining the impacts of this rule to our justice system, I am requesting the Supreme Court not pass this rule at this time. Spokane Municipal Court, Seattle Municipal Court, King County District, and King County Superior Court have each previously expressed our concerns related to JISCR 13. Although is not my intent to reiterate our collective concerns here, I would like to express the following additional issues Spokane Municipal Court with the proposed JISCR 13.

Regarding JISCR 13 Section (a), we appreciate that this rule provides a clear definition for electronic court records and we do not have objections to this provision.

Regarding JISCR 13 Section (b), we propose the following change: *"All electronic court record systems must receive the approval of the Judicial Information System Committee. Notice of the proposed development must be provided to the Judicial Information System Committee and the Administrative Office of the Courts in advance of the commencement of such projects, for the purpose of understanding the court's intent in moving to a non-JIS system and to ensure that a court's solution will provide necessary information to JIS and Washington Courts.*

The Spokane Municipal Court believes that the AOC's role should be limited to the review of the court's requirements to ensure that the JIS Data Standards will be met and to understand where there may be gaps in the provision of data so that solutions can be pursued.

Regarding JISCR 13 Section (c), we believe this section should be modified and rewritten. The requirements of this section as currently written is not reasonably achievable by courts of limited jurisdiction. The AOC itself has indicated that it is not currently capable of meeting the JIS Data Standards; nor is it clear if the Superior Court's CMS application – Tyler's Odyssey application -- will meet these Data Standards. AOC also recognizes that the JIS Data Standards will change over time, yet there is nothing in this provision that protects courts that may be using an alternative electronic court record system from having to incur increased costs by AOC-led changes to the Data Standards.

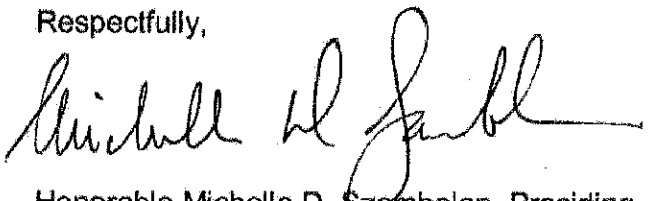
Regarding addition of a JISCR 13 Section (d), we believe the new section needs to be added to the rule that specifically directs the AOC, in concert with its promulgation of the JIS Data Standards for Alternative Electronic Court Records System, to develop, implement, and maintain a data/document exchange and synchronization interface between any future AOC developed and/or operated electronic court records system and all alternative electronic court records systems. This interface should use relational database formats and computer software industry-standard tools, programming language, and methods, as an ***initial*** element of AOC's development and implementation of the JIS Data Standards for Alternative Electronic Court Records System. Further, the interface is so important that AOC should be be required to include such interface in any RFP for the initial development of the anticipated replacement of its current electronic court records system.

In sum, JISCR 13 as proposed has far reaching implications for Washington State Courts. As written, it attempts to exercise more control over municipal court technology decisions than what we believe the Legislature intended in its most recent proviso. Adopting this Rule without addressing the concerns expressed by the Spokane Municipal Court and other courts, which have found it necessary to seek advanced case and document-management solutions to meet their courts' business requirements -- despite several attempts to work with the AOC on potential solutions, will continue to Balkanize courts and AOC.

The accelerated adoption of the JIS Data Standards and JISCR 13 is problematic, especially since the rule includes language from a Legislative Proviso that was limited to Superior Courts. More time should be allowed in order to develop a proposed rule that is acceptable to all courts.

I am requesting a two month delay in considering JISCR 13 in order to allow interested courts to work with the AOC and JISC in drafting a rule that will be more reasonable and attainable for all courts.

Respectfully,



Honorable Michelle D. Szambelan, Presiding Judge
Spokane Municipal Court

cc: SMC Judges, Commissioners, & Court Administrator

THE MUNICIPAL COURT OF SEATTLE

January 22, 2015

The Honorable Barbara A. Madsen
Chief Justice, Washington State Supreme Court
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Sent via email to supreme@courts.wa.gov

Re: JISC Rule 13 – Electronic Court Records Systems

Dear Chief Justice Madsen:

On behalf of the Seattle Municipal Court, I am writing to express opposition to the passage of Judicial Information System Committee Rule 13 Concerning Local Court Systems (JISCR 13). Until further analysis has been completed outlining the impacts of this rule to our justice system, I am requesting the Supreme Court not pass this rule at this time. Seattle Municipal Court, along with the King County District and Superior Court, has previously expressed our concerns related to JISCR 13, and it is not my intent to reiterate them here. However, I would like to express the following additional concerns with the proposed JISCR 13.

Regarding JISCR 13 Section (a), we appreciate that this rule provides a clear definition for electronic court records and we do not have objections to this provision.

Regarding JISCR 13 Section (b), we propose the following change: *"All electronic court record systems must receive the approval of the Judicial Information System Committee.* Notice of the proposed development must be provided to the Judicial Information System Committee and the Administrative Office of the Courts in advance of the commencement of such projects for the purpose of understanding the court's intent in moving to a non-JIS system and to ensure that a court's solution will provide necessary information to JIS and Washington Courts.

The Seattle Municipal Court believes that the AOC's role should be limited to the review of the court's proposed electronic court record system to ensure that the JIS Data Standards will be met. AOC should stand ready to provide technical advice to courts to identify gaps in the provision of data and identify solutions that courts can pursue. The common goal of maintaining data integrity and creating a data repository at the AOC should be priority and the overarching consideration.

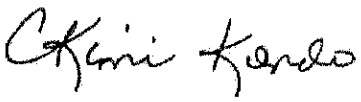
Regarding JISCR 13 Section (c), we believe this section should be modified and rewritten. The way this section is currently written appears to be punitive to those jurisdictions who may currently or in the future decide to adopt or remain with Alternative Electronic Court Record Systems. No current systems are capable of meeting the existing JIS Data standards. The AOC itself has indicated that they are not currently capable of meeting the existing JIS Data standards; nor is it clear that the Superior Court's CMS application (Tyler's Odyssey system) will meet those standards.

Additionally, AOC also admits that the JIS Data Standards will change over time. However, there is nothing in this rule that protects courts that elect to use an alternative electronic court record system from incurring additional increased costs if AOC makes future changes to the Data Standards. The accelerated adoption of the JIS Data Standards and JISCR 13 is problematic. Additionally, the Legislative proviso language included was intended to apply to Superior courts. As written, the rule attempts to exercise more control over limited jurisdiction court technology decisions than the legislature intended.

Seattle Municipal Court and several other courts were forced to seek alternative case management systems after failed attempts to work with AOC on potential solutions. Adoption of this rule without considering the issues expressed by these courts will continue to balkanize the Washington State Court System.

JISCR 13 as proposed has far reaching implications for Washington State Courts. . More time should be allowed in order to develop a proposed rule that is acceptable to all courts. I am requesting a two month delay in considering JISCR 13 in order to allow interested courts to work with the AOC and JISC in drafting a rule that will be more reasonable and attainable for all courts.

Respectfully,



Honorable C. Kimi Kondo, Presiding Judge
Seattle Municipal Court

Cc: All SMC Judges and Magistrates
Yolande E. Williams, Court Administrator and SMC Executive Leadership Team

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, January 23, 2015 10:57 AM
To: Tracy, Mary
Subject: FW: JISCR 13

Here you go ☺

From: Nelson, Michael [mailto:Michael.Nelson@leg.wa.gov] **On Behalf Of** Hill, Sen. Andy
Sent: Friday, January 23, 2015 10:51 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: JISCR 13

January 23, 2015

Barbara Madsen, Chief Justice
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: JISCR 13

Dear Justice Madsen:

I am writing today about proposed changes to state court rule JISCR 13. I ask that you not adopt these changes. At this time, it is not appropriate to implement a rule that would mandate that local governments pay for duplicate data entry.

I support the efforts to develop a CMS project for some of the counties in Washington State, even if some counties (King County included) choose to use their own systems instead. However, all judges will require access to the data that they need to make decisions, which is why a data exchange is critical. We need time, attention, and resources directed to the data exchange project in addition to the other projects you have in your portfolio. We must ensure that courts are not saddled with double data entry for extended periods of time.

I ask that you please do not adopt the changes to these rules and you prioritize the development of a data exchange.

Sincerely,

Andy

Andy Hill,

Chair, Senate Ways & Means Committee

King County
District Court
Office of the Presiding Judge
W1034 King County Courthouse
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Seattle, Washington 98104
Telephone: (206) 477-1720
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The Honorable Donna Tucker
Chief Presiding Judge

Othniel Palomino
Chief Administrative Officer

January 23, 2015

The Honorable Chief Justice Barbara A. Madsen
Chief Justice, Washington State Supreme Court
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: JISC Rule 13- Electronic Court Records System

Dear Chief Justice Barbara A. Madsen,

On behalf of the King County District Court thank you for the opportunity to comment upon the new proposed JISC Rule 13.

The King County District Court respectfully urges you to support the ability of all courts to provide quality, efficient and cost effective court services to their constituents through the use of innovation and current technologies. We urge you not to pass rule JISC 13 due to our concerns it will create further barriers to courts in providing services beyond the limited functionality of the existing JIS system.

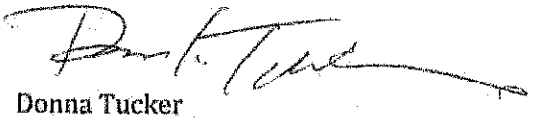
In the past several months, I have had the opportunity to talk to people with positions on both sides of the implementation of rule JISC 13. During these conversations, regardless of whether or not the individual was supportive or opposed to the implementation of the rule, they all appeared to agree on three things: (1) There is a need and everyone supports the exchange of important data between every court in Washington; (2) there is an urgent need for improved case management systems for all trial courts in Washington; and (3) the exchange of data between the different trial court case management systems can only be accomplished if there are appropriate and understandable data standards and a working system, provided by AOC, for the exchange of that data.

Justice Fairhurst's letter to Pierce County Superior Court dated December 14, 2011 emphasized this point when she wrote:

"It was anticipated that Pierce County Superior Court would likely not adopt the new system and would continue to use LINX. That is the reason why the Data Exchange effort is so critically important and continues to be JISC'S highest priority initiative. Regardless of what system a court uses, all courts need to be able to exchange their data."

KCDC is concerned that all the courts of limited jurisdiction subject to this new proposed rule, will suffer with the existing problems and limitations of DISCIS for years to come. There is currently no funding for a new state-wide system for courts of limited jurisdiction. We are concerned about the likelihood the legislature will provide any funding for courts of limited jurisdiction until after the successful implementation of the current Superior Court system. When contrasted with a new COTS CMS, the problems and limitations of Washington's 34-year-old system result in unnecessary costly management and processing of cases in the highest volume courts in the state. I know that even the small courts are in the process of seeking to purchase individual modules of new COTS CMS to help them process case files. All CLJ Courts large and small need to be able to efficiently and effectively continue to upgrade their systems to meet the needs of their constituents within the budget limitations that we all face. Our fear is that rule JISC 13 will have unnecessary impact upon the quality and costs of providing court services. We believe that the JISC can craft a solution and rule that will support and work for all courts in the State of Washington.

Thank you for your consideration,



Donna Tucker
Chief Presiding Judge
King County District Court

King County

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January 23, 2015

Barbara Madsen, Chief Justice
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

RE: JISCR 13 – Duplicate Data Entry

Dear Chief Justice Madsen:

Thank you for the review and comment period on JISCR 13. I ask that you not support the changes proposed to this rule.

We believe JISCRule 13 will force counties and cities to duplicate manual inputs into SCOMIS or its replacement, in addition to the data entry into their own system, something no jurisdiction, the state or counties will be willing or able to fund. The implications for King County, representing nearly half of the state's judicial records, are profound.

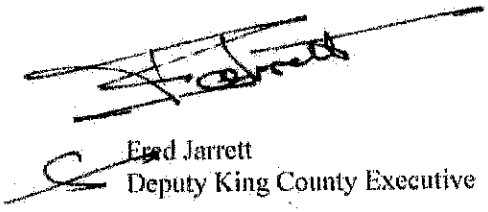
In general, it appears likely the number of independent court information technology systems will grow, not decline, over the time that the Tyler System implements by county and grows in functionality over the years. We believe managing this environment requires the development of a data exchange. This exchange must be a loosely linked, layered architecture capable of dealing with changes in technology, applications and needs. Mandating duplicate data entry, as opposed to implementing a modern electronic exchange, is not the answer.

King County's District Court and Superior Court systems cannot manage duplicate data entry. Our estimates are rudimentary, but for the Clerk's office at the superior court level, the King County department of Judicial Administration, we estimate the costs at 31 FTEs or $2.3 million dollars annually to do duplicate case management and financial system data entry. For King County District and Superior Court, the expense would be even higher. Given our financial

constraints, meeting this mandate would require deep cuts to courts, prosecution, defense, and detention systems.

Please do not pass this rule but instead do what is in your power to prioritize AOC's work on an electronic data exchange to support the non-JIS courts that want to submit data to the statewide court data repository. Over 40% of the data going to the database will be coming from non-JIS courts. It's time to recognize and address the technology development necessary to support this reality.

Sincerely,



Fred Jarrett
Deputy King County Executive

January 23, 2015

The Honorable Barbara Madsen, Chief Justice
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

I am writing to express the King County Bar Association's significant concerns about the proposed amendments to JISCR 13 -- Electronic Court Record Systems, currently under consideration by the Court.

KCBA has long been interested in helping our local courts develop and manage information systems that are appropriate for the hundreds of thousands of cases filed in King County each year in the municipal, district, and superior courts. On behalf of the over 14,000 lawyers in King County, KCBA has worked closely with our local trial courts on these projects and we have a strong interest in providing feedback on behalf of our members on technology issues.

The current statewide court database system, SCOMIS, was cutting edge technology -- in 1970. Now over forty years old, stakeholders agree that this system must be replaced. However, for many reasons, some understandable others unclear, the Administrative Office of the Courts has not succeeded in creating a new statewide replacement. As a result, some courts (e.g., Pierce County and Seattle Municipal Court) have already created independent case management systems. King County has now opted to follow those courts, with the Metropolitan King County Council appropriating public funds last year for such a system that is expected to go online within 12-24 months.

KCBA fully endorses the decision to move forward with a King County solution that can be expeditiously implemented.

Unfortunately, we are concerned that the wording of the proposed rule might negatively impact King County's plans. The proposal would effectively restrict counties from proceeding with technology upgrades absent compliance with burdensome and ill-defined AOC approval procedures. In addition, the rule seems to require data entry into both the county's new system and the state's antiquated SCOMIS system.

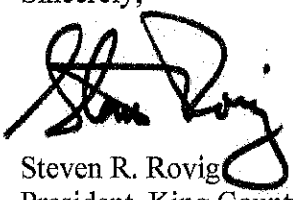
An alternative solution may be available: KCBA has recently learned that discussions are ongoing with state legislators to secure special state funding for AOC to create a new "data hub" project that would allow local courts to share data with the current state database system or any

future replacement. By using new funds dedicated for this purpose, AOC could continue developing a statewide database for those counties that choose to use it, while providing a data hub for all court systems to share information statewide.

We ask that the Court not adopt the proposed amendments to JISCR13 and instead direct AOC to work collaboratively with those local courts that desire to create their own case management systems. The development of a new data hub, with new dedicated funding provided by the state legislature, seems a much better alternative to adopting the proposed rule. KCBA stands ready to assist the Court with this effort.

Thank you for your consideration.

Sincerely,



Steven R. Rovig
President, King County Bar Association

cc: Justices of the Washington State Supreme Court

King County Superior Court

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Chief Justice Barbara Madsen
Washington State Supreme Court
P.O. Box 40929
Olympic, WA 98504-0929

Re Proposed Rule Change to JISCR 13

Dear Justice Madsen

King County Superior Court is committed to providing JIS with accurate, robust data so that law enforcement and other courts and agencies have complete data and can do their jobs and protect the citizens of Washington State. We enthusiastically received and supported Justice Fairhurst's earlier correspondence recognizing that data exchange is "critically important" and "JISC's highest priority initiative".

It seems to me there may be some confusion between the Tyler Odyssey product and the concept of data exchange. The fact that King County Superior Court determined that the Odyssey product does not meet our current needs, much less our needs in 2018, for a case management system does not mean we are any less committed to providing data to JIS. That is why we feel it so important that the first priority be a data hub capable of receiving and "translating" data from and to SCOMIS and Tyler and the systems of the other partners in the criminal justice system.

Unless and until there is a data hub, the King County Clerk's office will be forced to hire at least an additional 31 FTEs, at a cost in excess of two and a quarter million dollars a year, to do duplicate data entry. King County District Court's expenses will be even higher than this. Those are resources King County does not have. I suspect the other courts that have elected to implement their own case management systems rather than opt for a state-wide solution are in the same position. Together, those courts comprise more than 40% of the filings in Washington State.

The proposed changes to JISCR 13, particularly paragraph (b), jeopardize the full exchange of meaningful information by requiring courts to get approval from JISC 12 months before the purchase or acquisition of software or services. That timeframe is not simply workable. Articulating data standards, without a data hub, gets us further from the goal of an exchange of meaningful information, rather than closer to it.

Thank you for the opportunity to comment on the proposed changes to JISCR 13.

Very truly yours,

Palmer Robinson