Comments on Rule 13 and JIS General Policy 10.2

Rich Johnson:

I would suggest leaving the rule as in tact as possible and make reference to compliance with JIS policy 10.2. I support the approach discussed at JISC to set policy through JISC policy as opposed to by rule. That gives the committee more control of the environment and facilitates changes over time without having to go through a rules committee.

Joan Kleinberg:

Regarding JISC Rule 13: I appreciate the fact that JIS may require more than 90 days to approve a proposed system; however, a requirement that notice be provided 12 months prior to acquisition requires cities and counties to work out the details of the system in order to give meaningful notice to JIS and then put the vendor on hold until approval is issued. I question (without a strong opinion one way or the other) whether a 12 month notice period is workable in terms of how technology acquisition occurs.

Judge Steve Rosen:

What happens when the data standards are passed or changed? How long will courts have to comply with the new standard? The time frame should be spelled out somewhere.

What happens to legacy systems that cannot exchange data with AOC because AOC hasn't built the exchange yet? Do Pierce and King County and various cities lose funding immediately? What happens if an exchange is not available within 5 years (I'm referencing the first FAQ here)? It seems fundamentally unfair to have jurisdictions with legacy systems financially punished for decisions made many years ago.

Aimee Vance:

Proposed Rule 13

RULE 13 ALTERNATIVE ELECTRONIC COURT RECORD SYSTEMS

(a) An "electronic court record system" is any electronic court records technology system that is the source of statewide court data identified in the JIS Standards for Alternative Electronic Court Record Systems.

(b) All alternative electronic court record systems must receive the approval of the Judicial Information System Committee.

~~(b)~~(c) Notice of the proposed development of an alternative electronic court record system must be provided to the Judicial Information System Committee and the Administrative Office of the Courts 12 months prior to the purchase or acquisition of software or services.

~~(c)~~(d) Alternative electronic court record systems must comply with the JIS Standards for Alternative Electronic Court Record Systems. These standards must be met in order for a court with an alternative electronic court record system to continue to receive Judicial Information Systems (JIS) account funding or equipment and services funded by the account.

Barb Miner:

We appreciate the new proposed versions of the rule and policy. Here are proposed edits from the King County Superior Court and Clerk's Office. We are happy to discuss these further with you, should you have any questions or want more information.

Barbara Miner

On behalf of the King County Superior Court and Clerk's Office

Proposed Rule 13

RULE 13 ELECTRONIC COURT RECORD SYSTEMS

(a) An "electronic court record system" is any electronic court records technology system that is the source of statewide court data identified in the JIS Standards for Alternative Electronic Court Record Systems.

(b) ~~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 ~~12 months~~ 90 days prior to the commencement of such projects ~~purchase or acquisition of software or services~~.

(c) Alternative electronic court record systems must comply with the JIS Standards for Alternative Electronic Court Record Systems. These standards must be met in order for a court with an alternative electronic court record system to continue to receive Judicial Information Systems (JIS) account funding or equipment and services funded by the account.

10.2 Alternative ~~Custom~~ ~~Local~~ Systems, Interfaces, Reports and Services

10.2.1 The JIS provides case management automation to courts and clerks and ~~maintains~~ provides ~~a~~ statewide ~~network providing~~ access to the JIS database. To implement this, the JISC selects and provides equipment and services. The JISC plans for, implements, and supports case management applications that provide baseline functionality to the courts of Washington State. The JISC acknowledges that some clerks and courts desire alternative services and/or applications to meet their local needs. Courts and clerks that implement alternative applications or services are responsible for the costs of acquiring, developing, implementing, and maintaining such systems.

For those courts and clerks that do not use the state~~wide vendor~~ - provided solutions as chosen by the Judicial Information Systems Committee, Judicial Information Systems account funds may not be allocated for (a) the local costs to meet the data collection and exchange standards developed by the Administrative Office of the Courts and the Judicial Information Systems Committee, and (b) the costs to acquire, develop, implement or maintain alternative court case management systems.

10.2.2~~1~~ Access to JIS systems will only be through AOC-supported data exchange methods. *Courts may create their own custom user interfaces, reports or services (including data exchanges) consistent with the standard JIS application programming interfaces (API's) for business services or the JIS enterprise data warehouse.*

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

October 8, 2014

Hon. Justice Mary Fairhurst, Chair
Judicial Information s Committee
Administrative Office of the Courts
P.O. Box 41170
Olympia, WA 98504-1170

In RE: Comments on Proposed JICSR 13, Proposed Policy 10.2

Dear Justice Fairhurst,

Thank you for the opportunity to comment on the proposed change to JISC Rule 13 and Policy 10.2.

In regard to JISCR 13, the Clerks' Association would support leaving the rule as it is currently formulated.

In regard to Policy 10.2, the a phrase in the first sentence in the second paragraph gives us some concern:

"…do not use the statewide vendor-provided solution as chosen by the Judicial Information Systems Committee…."

There should be no ambiguity as to the right of any court that uses Tyler Odyssey as their case management system to continue to receive JIS funding in support of their electronic court record systems functions. The vendor-provided solution includes functionality that was outside the scope of the original project and we strongly believe that courts that do not use the additional functionalities should in no way be penalized for their decisions in regard to whether they opt to use all the functionalities the COTS provides, or just the case management functions the original RFP included. Accordingly, we are proposing alternate language for the committee's consideration.

With respect,

Ruth

Ruth Gordon
WSACC President
Jefferson County Clerk

cc: WSACC Members

Current Rule 13

RULE 13 LOCAL COURT SYSTEMS

Counties or cities wishing to establish automated court record systems shall provide advance notice of the proposed development to the Judicial Information System Committee and the Office of the Administrator for the Courts 90 days prior to the commencement of such projects for the purpose of review and approval.

~~*Proposed Rule 13*~~

~~*RULE 13 ELECTRONIC COURT RECORD SYSTEMS*~~

~~*(a) An "electronic court record system" is any electronic court records technology system that is the source of statewide court data identified in the JIS Standards for Alternative Electronic Court Record Systems.*~~

~~*(b) 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 12 months prior to the purchase or acquisition of software or services.*~~

~~*(c) Alternative electronic court record systems must comply with the JIS Standards for Alternative Electronic Court Record Systems. These standards must be met in order for a court with an alternative electronic court record system to continue to receive Judicial Information Systems (JIS) account funding or equipment and services funded by the account.*~~

~~*NOTES:*~~

~~*1. The JISCR 13 definition of "electronic court record system" refers to the definition of "statewide court data" in the JIS Standards for Alternative Electronic Court Record Systems. Here is that definition, for reference:*~~

~~*"Statewide court data" refers to data needed for sharing between courts, judicial partners, public dissemination, or is required for statewide compilation in order to facilitate the missions of the Washington Courts, justice system partners, and the AOC.*~~

~~*2. The titles of the Standard and Implementation Plan, and all references, will be changed to "Alternative Electronic Court Record Systems" to be consistent with the new JISCR 13 language.*~~

10.2 Alternative ~~Custom~~ ~~Local~~ Systems, Interfaces, Reports and Services

10.2.1 The JIS provides case management automation to courts and maintains a statewide network providing access to the JIS database. To implement this, the JISC selects and provides equipment and services. The JISC

King County

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The Honorable Corinna Harn
Chief Presiding Judge

Othniel Palomino
Chief Administrative Officer

October 7, 2014

Justice Mary E. Fairhurst
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Subject: Rule 13 and Policy 10.2 Comments

Dear Justice Fairhurst:

Thank you for the opportunity to provide input with regard to Rule 13 and Rule 10.2

We seek the support of AOC and the JISC for the legitimate and necessary efforts of all courts to meet their obligation to provide court services in a fair, effective and efficient manner. As AOC does not have the band-width to move all levels of courts forward at this time, we ask that AOC and the JISC support those jurisdictions that have found the resources to make improvements in their service delivery, as any improvement to a part of the system will ultimately help to improve the entire system. To the extent that Rules 13 and 10.2 hinder such improvements they are not in the best interests of public safety or quality court services. We are concerned that these rules are too far reaching and will negatively impact justice in the State of Washington.

AOC has said that it opposed the legislature's proviso that limited funding for Superior Courts if they did not use the state-wide system. Rule 10.2 has the effect of expanding the proviso to courts of limited jurisdiction. Even the legislature did not include those courts for whom there still is no effective new case management system available through AOC. We suggest that AOC and the JISC should continue to do what they can rectify the impacts of the legislature's proviso, rather than

expanding it to courts with no current state-funded alternatives other than DISCIS. We also strongly urge you to support all courts by providing the means for effective and efficient data exchange for every court regardless of whether it must continue to struggle with the limitations of DISCIS because it lacks the resources to make improvements or it is able to develop or purchase alternative enhanced systems.

With regard to the JISC approval of alternative case management systems, Rule 13 gives no clarity of what the JISC would be expected to consider, except that the system must meet the JIS Standards for Alternative Court Records Systems. Are there other requirements for receiving approval? If yes, those should be clear from the inception. Even if just the JIS Standards for Alternative Court Records systems would have to be met, those as well are troubling and need further consideration. Most important, when attempting to promote data exchange, is to insure that the users can effectively and efficiently use the system. If it is too complicated, unclear, cumbersome and expensive it is not likely to be successful. While we understand that AOC and the JISC believe that they must develop standards for the legislature, we encourage AOC and the JISC to take the time to test and work through why those standards are being required, what impacts they will have, and whether those or other standards would be better or more effective. The courts have only had a limited time to provide feedback on the standards (and we will be sending what we can by separate letter). There has been not enough time or opportunity to flush out and consider the proposed standards. More time is needed before they become effective and time is not of the essence until there is a data hub which can handle the data.

King County District Court continues to express its willingness to work together with AOC and other courts in all areas; particularly to improve public safety through technology. We understand that AOC is unable to provide a state-wide case management system for courts of limited jurisdiction until after it has completed the implementation of the Superior Court case management system, which is anticipated to be in 2019. Unfortunately the limitations of the current 34-year-old system provided by AOC for courts of limited jurisdiction (DISCIS) are so great that a number of courts have found it necessary to develop or purchase alternative and supplemental systems in order to meet their obligations in an environment of declining resources and increasing responsibilities. The limitations of DISCIS, particularly for a court the size of King County District Court, are causing serious detrimental impacts on King County District Court's ability to manage its caseload and, more importantly, on the customers that it serves. King County District Court has made every effort to be patient and wait for a new system for more than 10 years; in fact, we have built a number of side systems over the years to supplement DISCIS which are now also at the end of their useful life. The impacts from our own separate outdated systems and DISCIS are so severe at this point that improvements cannot be delayed any longer. Therefore, on February 27 of this year, after meeting with Chief Justice Madsen and Justice Fairhust, Callie Dietz and members of the AOC staff, King County District Court provided notice to AOC under Rule 13 that it intends to purchase a more functional case management system to meet its needs.

King County District Court continues to hope that it can take advantage of a state-wide case management system when it becomes available and we have dedicated considerable resources, when permitted to do so, to support the development process. However, we must move forward and develop an alternative to at least bridge the gap.

We appreciate your consideration.

Sincerely,

Corinna Harn
Chief Presiding Judge
King County District Court

THE MUNICIPAL COURT OF SEATTLE

October 7, 2014

Justice Mary E. Fairhurst
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Callie T. Dietz, Court Administrator
Washington State Courts
P.O. Box 41170
Olympia, WA 98504-1170

Subject: Rule 13 and Policy 10.2 Revisions

Dear Justice Fairhurst and Ms. Dietz:

Thank you for providing the court with the revised versions of JISCR 13 and the JIS General Policies 10.2 which we have considered and provide the following comments and questions.

Court Rule 13 – We have the following questions and concerns:

Rule 13(b) states that "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 12 months prior to the purchase or acquisition of software or services."

Question: Seattle Municipal Court has utilized a separate court records system (MCIS) for more than 20 years. What approvals will we be required to secure from the JISC to continue using this system?

Rule 13(c) "Alternative electronic court records systems must comply with the JIS Standards for Alternative Electronic Court Record Systems. These standards must be met in order for a court with an alternative electronic court record system to continue to receive Judicial Information Systems (JIS) account funding or equipment and services funded by the account."

Question: the JIS Standards for Alternative Electronic Court Records Systems are currently under development, and it is clear that these standards will be modified in the future. If the AOC modifies the standards at some future point based on new information, will courts be penalized by having equipment funds withheld if they no

longer comply because of a modification decision impacting the Standards made by the AOC?

Additionally, Seattle Municipal Court cannot currently meet the data standards in their current form without significant business and technology changes. If meeting these standards will be a future mandate, we will plan to work independently with our legislative leaders to secure necessary funding to meet these standards.

JIS General Policies – We have the following questions and concerns:

JIS General Policies 4.1.8 Confidentiality Agreements

"An employee of a court or county clerk's office may access the JIS only if he or she has signed a confidentiality agreement in a form approved by the AOC." Employees of courts or county clerks' offices shall review the confidentiality agreement **annually**.

Question: New Seattle Municipal Court employees sign a Confidentiality Agreement when hired. This agreement is not reviewed nor updated annually. This proposed change requires annual review of the Confidentiality Agreement without describing why or how this is to occur. Does this proposed change require courts to provide an annual agreement for staff to review and sign?

How do you define annual? Are we to have employees sign these agreements at the beginning of the year, or on their hire date anniversary? Are we expected to maintain these forms in the personnel file or send them to AOC for their retention?

JIS General Policies Section 10.2. – Alternative Systems, Interfaces, Reports and Services

10.2.1 The JIS provides case management automation to courts and maintains a statewide network providing access to the JIS database. To implement this, the JISC selects and provides equipment and services. The JISC plans for, implements, and supports case management applications that provide baseline functionality to the courts of Washington State. The JISC acknowledges that some courts desire alternative services and/or applications to meet their local needs. Courts that implement alternative applications or services are responsible for the costs of acquiring, developing, implementing, and maintaining such systems.

For those courts that do not use the statewide vendor solution as chosen by the Judicial Information Systems Committee, Judicial Information Systems account funds may not be allocated for (a) the costs to meet the data collection and exchange standards developed by the Administrative Office of the Courts and the Judicial Information Systems Committee, and

(b) the costs to acquire, develop, implement or maintain alternative court case management systems.

Question: Who decides what "baseline services" a non-JIS system provides? Our existing MCIS system provides our court with Baseline Services as well as expanded functionality necessary to manage the court's workload. A considerable amount of this functionality may not be found in either the existing JIS system, or in products currently in the market place. We believe that MCIS currently provides Baseline Services and would hope that AOC would focus on building a data exchange to allow access to MCIS by other courts.

10.2.2~~1~~ **Access to JIS systems will only be through AOC-supported data exchange methods.** Courts may create their own custom user interfaces, reports or services (including data exchanges) consistent with the standard JIS application programming interfaces (API's) for business services or the JIS enterprise data warehouse.

SMC Concern: The AOC has informed courts that a data exchange will not be considered or developed until sometime after the Superior Court Tyler Odessey system implementation which is several years from now. The decision not to support courts in creating approved data exchanges must be reconsidered if courts like Seattle Municipal have any expectation to meet these proposed JIS standards. We agree that establishing practical Data Standards benefits all courts. You will recall that four years ago we requested an expansion of our data exchange to include both existing and infraction data elements.

We appreciate this opportunity to consider and submit comments and questions on these two areas of great concern which were identified at the September JISC meeting and await your recommendations on next steps.

Sincerely,

C. Kimi Kondo
Presiding Judge

Yolande E. Williams
Court Administrator

Cc: Seattle Municipal Court Judges
Sam Kurle
Josh Sattler