Administrative Office of the Courts

2013-2015 Access to Justice Technology Principles Report to the Supreme Court

November 30, 2015

AOC Mission:

"To advance the efficient and effective operation of the Washington judicial system."

ATJ Board Mission:

"Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers"

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Introduction

Washington State Administrative Office of the Courts (AOC) and the Washington State Access to Justice Board (ATJ) Technology Committee are pleased to present the Biennial Access to Justice Technology Principles Report for the period July 2013 to June 2015.

The Washington judicial system believes in and is committed to its duty to protect individual rights, be accountable to the Constitution, defend against political interference, and to serve our citizens through equal, fair and impartial access to justice. The AOC provides services that support justice and more broadly, maintain an effective court system in Washington.

Since the Supreme Court established ATJ in 1994, the ATJ has recognized that access to the civil justice system is a fundamental right and the ATJ Board works to achieve equal access for those facing economic and other significant barriers. In 2004, the Washington State Supreme Court adopted the ATJ Technology Principles that guide the use of technologies in the Washington State justice system must protect and advance the fundamental right of equal access to and delivery of justice for all.

There are six principles, summarized as follows:

1. **Requirement of Access to Justice**: Use of technology must promote, and not reduce, equal access.

2. **Technology and Just Results**: The justice system must use technology to achieve the objective of a just result achieved through a just process and reject, minimize, or modify any use that impairs achieving it.

3. **Openness and Privacy**: Technology in the justice system should be designed and used to meet the dual responsibilities of being open to the public and protecting personal privacy.

4. **Assuring a Neutral Forum**: The justice system must ensure the existence of neutral, accessible and transparent forums which are compatible with new technologies, and discourage and reduce the demand for the use of those which are not.

5. **Maximizing Public Awareness and Use**: The justice system should promote public knowledge and understanding of the tools afforded by technology to access justice.

6. **Best Practices**: Those governed by the ATJ Technology Principles must use 'best practices to guide their use of technology so as to protect and enhance equal access to justice and fairness, including evaluation of the use of technology in doing so.

The full text of the Principles and their associated Comments may be found at www.courts.wa.gov and www.atjweb.org .

In addition, in its amended order adopting the ATJ Technology Principles, the Supreme Court also asked the AOC and ATJ Board to report biennially on progress and activities related to the Access to Justice Technology principles. This report has been prepared in compliance with that order.

Purpose

The purpose of this report is to document the progress and efforts of the Administrative Office of the Courts and the Access to Justice Board to implement and use technologies within Washington State's justice system in a manner that furthers the goals of the ATJ Technology Principles. It provides information on the progress made towards incorporating the ATJ technology principles in information technology projects and practices, special initiatives and technology governance processes.

ATJ Technology Committee members, ATJ staff and AOC staff contributed to this report. Both Judicial Information Systems Committee (JISC) and the ATJ Board review this report before it is presented to the Washington State Supreme Court.

This report is presented in the following sections:

- AOC Initiatives Supporting the ATJ Board Mission and ATJ Technology Principles
- ATJ Board and Committee Efforts Underway in Washington State
- Conclusion

AOC Initiatives Supporting the ATJ Principles

AOC, through its Judicial Services Division and Information Services Division, has executed several projects and initiatives that support and further the ATJ Technology principles. This section describes efforts that have been completed in the last biennium or were started last biennium and are currently underway at AOC.

1. Pro Se Plan Elements

AOC is an active partner in the efforts of the ATJ Board through its Pro Se Project to convert all the Domestic Relations pattern forms to plain language.

The goal of the initiative is to:

> Create simple, clear, user-friendly forms written in easy-to-understand "plain language" and presented in an intuitive easy-to-navigate format. With plain language forms, users understand the content more quickly, don't need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they answer fewer phone calls, write fewer explanatory letters or e-mails, and help more people in a way that is more useful. Good forms educate litigants about the law and help them better present their cases, better inform other parties of claims and issues, give the court good information on which to base their decisions, and lead to decisions and orders that are more specific, thus easier to comply with and to enforce.

A large number of people, including AOC staff and Washington Pattern Forms Committee members, participated in the development of the plain language forms. The draft forms were completed in 2015. The final plain language forms, now called the Family Law plain language forms, are scheduled to become mandatory forms in April, 2016.

The Plain Language Forms initiative aligns with the Preamble of the ATJ Technology Principles in that, among other things, the plain language forms will help persons to assert a claim or defense and to create, enforce, modify, or discharge a legal obligation.

The Initiative also aligns with the Principles' requirement of enhancing Access to Justice in that the plain language forms use updated Microsoft Word features and page layout concepts that assist persons in navigating through the forms. These advance access and participation by making the forms easier to use and more effective.

Technology and Just Results: The language in the plain language forms assists persons in understanding what kind of information they need to provide. If persons present clearer and more relevant information, judicial officers will have a better understanding of the issues and are better able to make well-informed decisions.

2. Online Document Assembly Capability, Part of Phase 1 of the Pro Se Plan

As part of the Pro Se Plan, AOC is developing an online document assembly capability for the users. The goal of online document assembly program is:

> Along with plain language content and format, it is preferable that the online forms eventually be "interactive" which means that the user is "interviewed" and in fact coached in plain understandable language on necessary information in a logical format that assembles the document along the way. This interactive form technology walks the user through the process by using a graphical interface to assist in understanding and using legal terms. Users are able to preserve their information which will automatically populate the next form if the same information is called for. This interactive format could significantly benefit self-represented litigants through understandability, ease of usage, consistency of content and time savings.

The Online Document Assembly program aligns with the ATJ Technology Principles of Requirement of Access to Justice in that online forms will be accessible from home, libraries, kiosks, community centers, and many other convenient places with internet access. An online program would help people fill out the forms. The online forms would advance access and participation by making it easier for persons to fill out the forms, provide necessary information to the courts, and enable quicker, better and more affordable court services.

3. Fillable PDF Forms

Fillable PDFs of approximately one-third of the mandatory Domestic Relations forms are available on the courts' web site. AOC is preparing to create fillable PDF versions of the plain language Family Law forms. AOC plans to have available fillable PDF versions of frequently used plain language Family Law forms when those forms become mandatory in 2016.

The goal of the fillable PDF initiative is to:

> Improve access for sight-impaired persons with visual and associated disabilities using screen readers which read the fillable PDF forms; make it easier for persons to fill out forms, without needing to know how to use Microsoft Word; and ensure completed forms are legible and properly formatted when filed.

The fillable PDF project aligns with the ATJ Technology Principle of Requirement of Access to Justice in that use of the fillable PDF form increases access to justice by making the forms more accessible to persons with visual and associated disabilities and by making the forms easier for all persons to fill out.

4. Interpreter Profile System

The AOC implemented the Interpreter Profile System (IPS) web site. The IPS was recognized by the Consortium for Language Access in Courts with the award for the "Use of Technology and Software" to eliminate language barriers. AOC is planning to revise the Interpreter Program and Commission webpage content to enhance resource seeking opportunities for the public and other courts.

The goal of the system is to:

> Automate and streamline a paper-based system for tracking interpreters' languages, contact information, work areas, certification and continuing education. The IPS allows interpreters to update their own information online which provides more accurate and up-to-date information on interpreters available online.

The IPS web site serves the following Access to Justice Technology Principles:

Principle 1: Requirement of Access to Justice,
Principle 2: Technology and Just Results
Principle 4: Assuring a Neutral Forum and,
Principle 6: Best Practices.

5. JIS Standard for Alternative Electronic Court Record Systems

As some courts migrate away from the state provided case management systems (CMS) and obtain their own local systems, there is potential for the statewide view of information to become fragmented. In order to ensure that access to information is maintained on a statewide basis and level, the AOC developed a data standard that specifies the data that must be shared by a local court that maintains its own system. JISC approved these standards in 2014.

The development of the JIS Data Standards supports all Access to Justice Technology Principles and ensures that implementation of the standards with local counties will enable access to statewide justice information in a timely manner.

6. Data Quality and Governance Initiative

The AOC is implementing a data quality and governance initiative. Data quality and governance will ensure the quality and usability of data by monitoring it for completeness, timeliness, and accuracy.

The goals of the initiative include:

- Making more reliable data available for all users of JIS systems and data.
- Creating processes to investigate and resolve data quality issues,
- Identifying areas for data quality improvements and maintaining business and usage rules.
- Establishing a data governance and accountability process to ensure that courts and AOC are able to resolve data quality issues in a timely manner

Future direction includes the establishment of a data governance framework, securing and implementing a data quality tool, and outreach with the courts and other stakeholders to ensure the data quality needs of all parties are addressed within this initiative.

The data quality and governance initiative serves all Access to Justice Technology Principles.

7. Information Networking Hub and Enterprise Data Repository

Since 2011, the AOC has undertaken an information exchange initiative called the Information Networking Hub (INH) project. In May 2015, the legislature approved funds for implementation of the next phase of the INH project to implement the Enterprise Data Repository (EDR) based on the statewide data sharing specified in the JIS Standard for Alternative Electronic Court Record Systems.

The INH EDR project will provide AOC the capability to support data exchanges using a centralized hub and spoke model for information sharing among systems across the state. In addition, it enables building of the systems necessary to implement the data validation and reporting, data integration while maintaining existing applications and the data warehouse.

The goals of the project are to:

1. Provide a common repository for statewide shared court data
2. Provide services that enable receiving, storing and sharing of the statewide court data in accordance with the approved JIS Standard for Alternative Electronic Court Record Systems
3. Build integration with existing JIS applications

The timeline of this program is tied to the procurement and deployment of the King County CMS systems for District courts and the King County Clerk's Office.

The INH EDR project serves the following Access to Justice Principles:

> Principle 1: Requirement of Access to Justice and
> Principle 2: Technology and Just Results.

8. Superior Court Case Management System (SC-CMS)

AOC is currently working on providing a new case management system for Superior Courts and the County Clerks' offices.

The goal of the project is:

> To replace the current system supporting the superior courts (SCOMIS) and provide new functions and capabilities that is needed by the Superior Courts and County Clerks' offices.

The SC-CMS project implemented the Odyssey case management system at the pilot site (Lewis County) on June 15, 2015. Early adopter courts are due to implement the system in early November 2015, Snohomish County in May 2016 and then Spokane County and several smaller counties in November 2016. The remaining counties will be implemented in a series of three Go-Live events in 2017 and 2018. Included with the implementation is the Odyssey Portal. The Odyssey Portal is the public view of court records from the Odyssey case management system.

In addition to the project team, AOC teams supporting the Court Business Office (CBO) and Enterprise Architecture continuously review the future state business processes for Superior Courts as well as the technology to ensure that it conforms to the ATJ Technology Principles. In

addition, the ATJ Board has a representative on the SC-CMS Court Users Work Group (CUWG).

The SC-CMS project will incorporate all six ATJ Principles.

9. Appellate Courts Enterprise Content Management System (AC-ECMS)

AOC is currently working on providing a new content management system for Appellate Courts.

The goal of this project is:

- AC-ECMS seeks to replace the Washington Appellate Court Record and Data System (ACORDS) by providing an enterprise content management system for all appellate courts to use. AC-ECMS is also intended to provide a web interface for the public, and support electronic filing of court documents.

The project is designed with four separate iterations and is currently in the test and acceptance stage of the second iteration.

The AC-ECMS project will incorporate all six ATJ Technology Principles.

10. Adult Static Risk Assessment

The AOC developed and implemented the Adult Static Risk Assessment (ASRA) application in May of 2012. The ASRA application is based on the static risk assessment portion of the Static Risk and Offender Needs Guide (STRONG) instrument created by Dr. Robert Barnoski and validated by the Washington State Institute for Public Policy.

The goal of the application is to:

> Provide an indicator of a defendant's risk to re-offend and an easily accessible criminal history summary. This indicator provides additional objectivity into the court's pre-trial release and sentencing decision process. The risk assessment provides an easily accessible summary of criminal history for the judicial officer, prosecutors, and defense counsel. This information can be helpful to the court to determine appropriate conditions for the offender pending trial/plea and sentencing. The risk assessment may be conducted pre-sentence, prior to the first appearance (if the person is in custody), or prior to the arraignment (if the person is summoned to appear). Because the risk assessment portion is based entirely on Washington State and Non-Washington State criminal conviction history and other static information, it can be completed without contact with the offender.

Currently, the Trial Court Sentencing and Supervision Committee is interested in expanding the Adult Static Risk Assessment to include information on failure to appear (warrants). This expansion is in the investigative, requirements gathering phase.

The ASRA application serves Access to Justice Technology Principle 2: Technology and Just Results by providing additional objective data for judicial officers making bail, sentencing and other dispositive decisions.

11. Courts of Limited Jurisdiction Case Management System (CLJ-CMS)

AOC is currently working on providing a new case management system for Courts of Limited Jurisdiction (CLJ).

The goal of the project is:

> To replace the current system supporting the district and municipal courts (DISCIS or JIS) and provide new functions and capabilities that are needed by the CLJs.

The CLJ-CMS project implemented the CLJ-CMS Court User Work Group (CUWG) to begin gathering the business requirements. On June 30, 2015, the legislature approved budget for the CLJ-CMS project beginning in January of 2016.

The CLJ-CMS project team, AOC teams supporting the Court Business Office (CBO), and Enterprise Architecture Team continuously review the future state for CLJ Courts' business processes as well as the technology to ensure that they meet and support the ATJ Technology Principles. In addition, the ATJ Board has a representative on the CLJ-CMS Court Users Work Group (CUWG).

The CLJ-CMS project will incorporate all six ATJ Principles.

ATJ Board Efforts Underway in Washington State

In addition to efforts previously described in this report, and among many other ongoing initiatives, some current efforts of the ATJ Board that further the ATJ Technology Principles include the following:

1. Best Practices Development

The Best Practices for Providing Access to Court Information in Electronic Form (Best Practices) is a resource for any county judiciary and associated system and stakeholders seeking to institute and implement an electronic court records system and is the result of a project of the Washington Access to Justice (ATJ) Board. This project was supported by the American Bar Association with funding from the Public Welfare Foundation. The development of the Best Practices included a survey of the Washington County clerks and a survey to other states with elected clerks and statewide court case management systems. The surveys were analyzed to produce a first draft of best practices, which was shared with the advisory committee in preparation for a stakeholder meeting. The stakeholder meeting provided an opportunity for in-depth discussion on each of the proposed principles. Following the meeting the Best Practices were edited and refined with the advisory committee. The project benefitted from a broad-based advisory committee including County Clerks, representatives of the Administrative Office of the Courts, a family law courthouse facilitator, a county law librarian, a judge, representatives of the ATJ Board and its Technology Committee, and Washington State Bar members.

The report and overview of methodology was presented at the Access to Justice Board meeting March 28, 2014. *Best Practices – Providing Access to Court Information in Electronic Form* can be found at http://bit.ly/1B2voQv

2. Collaboration with the Bar and the Courts on Statewide Civil Rules on Discovery of Electronically Stored Information

The ATJ Board and its Technology Committee have continued working with the Washington State Bar Association (WSBA) Court Rules Committee to adopt statewide rules that will better

serve the courts, lawyers and the public, including the poor, vulnerable and pro se litigants. The Committee worked on three important rules over the past two years: The committee:

- participated in the drafting and adoption of Civil Rule 34, that impacts the identification, discovery and production of electronically stored information,
- recommended changes to Civil Rule 33 which deals with interrogatories to parties, and
- worked on Civil Rule 26, to assure that necessary changes will increase efficient, meaningful and fair discovery for all, including self-represented litigants.

3. Representation on Key Judicial System Bodies

The Washington State Administrative Office of the Courts (AOC) is developing two new statewide case management systems (CMS) that would enable the AOC to support the business functions of the state superior courts and county clerks, and the courts of limited jurisdiction, including the municipal and district courts, by acquiring and deploying a case management system. There are two ATJ Board representatives on the Court Users Work Groups (CUWGs), tasked with assisting in the development of the two systems. These representatives participate in the discussions from the perspective of potential public and self-represented litigant users.

Conclusion

AOC and the ATJ Board continue to make progress in implementing and institutionalizing the ATJ Technology Principles. Many projects and initiatives undertaken by ATJ Board as well as AOC continue to support advancing access to and delivery of justice to all.