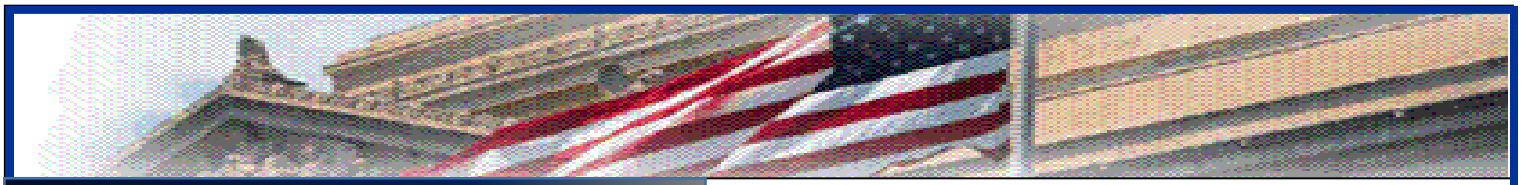

bluecrane

Management Consulting for State and Local Governments

Quality Assurance

Executive Advisement

Project Oversight

Project Management

Independent Verification and Validation (IV&V)

Risk Reduction

Quality Assurance Report

for the

State of Washington

Administrative Office of the Courts (AOC)

CLJ-CMS Project

January 31, 2018

Prepared by

Bluecrane, Inc.

bluecrane ®

Corporate Headquarters
210 Avenue I, Suite E
Redondo Beach, CA 90277-5608
www.bluecranesolutions.com
310-792-6243

January 31, 2018

Honorable Mary Fairhurst, Chief Justice
Washington Supreme Court

Ms. Callie Dietz
Administrator, Administrative Office of the Courts

Dear Chief Justice Fairhurst and Ms. Dietz:

This report provides the January 2018 quality assurance (QA) assessment by Bluecrane, Inc. ("*bluecrane*") for the State of Washington Administrative Office of the Courts (AOC) Courts of Limited Jurisdiction – Case Management System (CLJ-CMS) Project. As with the December 2017 report, this QA assessment departs from our typical format and provides our suggestions and insights on the current state of the CLJ-CMS Project.

bluecrane's assessment of the CLJ-CMS Project is based on the professional experience and judgment of our expert consulting team. The report was prepared independently of project participants and stakeholders.

Please contact me with any questions or comments.

Sincerely,

Allen Mills

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1. Background

As noted in our December 2017 Quality Assurance (QA) Assessment, the CLJ-CMS procurement effort resulted in the selection of an Apparently Successful Vendor (ASV) and then proceeded into contract negotiations. During the course of those negotiations (which started in August and ended in November), a number of issues arose for which the ASV's positions differed from the State of Washington's positions. Eventually, the ASV's refusal to comply with certain critical State of Washington terms and conditions became irreconcilable. As a result, contract negotiations ended.

In November, the CLJ-CMS Steering Committee decided to re-evaluate the product functionality of Odyssey, the product provided by the second-ranked vendor, Tyler Technologies ("Tyler"). The purpose of the re-evaluation is to: (1) assess the capability of the software to meet AOC and CLJ-CMS requirements, (2) seek answers to a variety of questions, and (3) allow a dialogue between the evaluators and the vendor.

In-person discussions between the CLJ Steering Committee, supporting AOC staff, and Tyler Technologies were conducted at SeaTac on January 23 – 24. Eric Olson of *bluecrane* attended all of the sessions. An Open Discussion without Tyler present was facilitated by Allen Mills of *bluecrane* on the morning of January 25, and the Steering Committee met on the afternoon of January 25.

Because the discussions on January 23 – 25 are of a "procurement sensitive" nature, we will not provide any details of those discussions in this report. We will update our recommendations from December 2017 and make further suggestions as appropriate.

2. *bluecrane's* Observations and Recommendations for Steering Committee and Sponsors

As discussed in our December 2017 report, we agree with the Steering Committee's approach to re-evaluate the second-ranked vendor's software product. It makes good sense and is a reasonable approach for determining if one or more of Tyler's Odyssey products can meet the business needs of Washington's CLJs – especially considering that Tyler was the only other vendor to bid in this procurement.

2.1. Obtain More Details about the Implementation of Odyssey by Other District and Municipal Courts

December 2017 Recommendation for CLJ-CMS: *bluecrane* recommends that the project contact a number of district and municipal courts that are currently using Tyler products to determine how well the products are meeting the courts' business needs. It would be helpful to gather more details regarding how other courts are using the Tyler software products. If there truly are issues with using Odyssey in a district or municipal court, these issues need to be factored into the decision-making process. It would also be helpful to understand these issues prior to the Tyler meeting next month so that Tyler can address the issues during in-person discussions. If the issues are a result of business decisions that certain individual courts made when configuring or implementing Odyssey, then that information would be useful to the Steering Committee and Sponsors as they finalize their decisions for the State of Washington.

January 2018 Update: Dirk Marler, the AOC Court Services Division Director provided some statistics on populations of 35 metropolitan areas, along with some initial case volume data. Aimee Vance, the CLJ-CMS Deputy Project Manager and other CLJ Project staff developed a

set of questions and have already begun contacting other jurisdictions to obtain information on their case management systems and how they are able to utilize them in some of the higher volume ("through-put") situations that are more typical of municipal and district courts in the State of Washington.

The output of this exercise may shed some light on the use of Tyler Technologies products. It may also provide a window on the court case management systems market and what alternatives exist beyond JTI's and Tyler's solutions in case the ultimate decision by the CLJ Steering Committee is to conduct a second procurement.

2.2. Invite Tyler to include Their Product "Visionaries" in January's Demonstration

December 2017 Recommendation for CLJ-CMS: *bluecrane* recommends that the CLJ-CMS Steering Committee explicitly request that Tyler make one of its product "visionaries" available for their January presentation. This should not be a "sales pitch," but a review of strategic product development plans that are intended to give the evaluation team a preview of where Tyler "intends to take Odyssey" within the next five to ten years.

January 2018 Update: Tyler provided information on the strategic direction of their product development plans. Again, we will not discuss details here, but it is interesting to understand the context of their product suite today and where they intend to take it over the next decade.

2.3. Demand that Tyler Send Their "A-Team" to January's Demonstration

December 2017 Recommendation for CLJ-CMS: *bluecrane* recommends that the Steering Committee and Sponsors explicitly communicate to Tyler the importance of bringing their "A-Team" with expertise and experience in configuring Odyssey for district and municipal courts to January's demonstrations. Although, it may be important to have sales staff who are skilled at making presentations at those demonstrations, Tyler should also include configuration and technical experts who can demonstrate Tyler software product configurations required to meet CLJ business and technical requirements. Part of the "invitation" needs to communicate that Tyler should take nothing for granted because the State of Washington has options *other* than awarding to the second-place bidder after negotiations ended with the ASV.

January 2018 Update: From our staff's perspective and from all other accounts, this message seems to have been taken to heart by Tyler. The Tyler staff in attendance at the SeaTac meetings was knowledgeable and engaged.

2.4. Analyze and Discuss the Alternatives with the Steering Committee

As we noted in December, if the Steering Committee decides that Tyler's Odyssey products do not meet the business and technical requirements for Washington, there are limited options. Several of these options were outlined by the project team for the November Steering Committee meeting and include (1) going out to bid for a COTS solution (2) going out to bid for a custom solution or (3) going to bid for a best of breed solution.

December 2017 Recommendation for CLJ-CMS: *bluecrane* recommends that the Steering Committee understand the alternatives prior to deciding for or against selecting a Tyler solution, and what the advantages and disadvantages of potential "third choices" are (i.e., if both Journal Technologies Inc. and Tyler are eliminated).

January 2018 Update: The meeting that *bluecrane* facilitated on January 25 included some discussions of the potential options and the pros and cons of each option. Thinking back to that discussion and considering the fact that most of the members of the CLJ Steering Committee do not deal with technology solution procurement issues frequently, it might be helpful for AOC to provide some “staff work” analysis of the options prior to the next meeting of the CLJ Steering Committee. *bluecrane* is available to contribute to the effort. The summary chart on the next page is a start (and could be refined with more detail and/or specifics in a “procurement sensitive” document) to help “crystalize” what the choices and their implications are.

If the CLJ Steering Committee decides to pursue a new procurement, we have several thoughts to offer related to refinement of requirements (particularly around volume and throughput), possible approaches for a “Proof of Principle” phase, and others. We are available to discuss these ideas in a “Procurement Sensitive” environment.

	Option	Number of CLJ Courts Participating in Project	Budget Implication	Reaction of Legislature	Technical Risk	Management Risk	Economies of Scale for AOC
1	Declare Tyler the ASV	Likely to decline due to perceived decline in customer service by some courts	None, unless customizations are added	Neutral?	Unchanged	Unchanged	High
2	Re-procure a COTS solution	Not clear	Costs of delay	Negative but manageable?	Unchanged	Unchanged	None (in fact, significant budget implications for Operations and Maintenance)
3	Procure a Systems Integration ("Best of Breed") Solution	Not clear	High	Non-starter?	High	High	None (in fact, significant budget implications for Operations and Maintenance)
4	Procure a Custom Solution	Not clear	High	Non-starter?	High	High	None (in fact, significant budget implications for Operations and Maintenance)

Another possibility is to combine options 2 – 4 through a new procurement that is "open" enough to permit responders to propose whatever approach they believe is the most feasible and let them address how the risks that are noted in the table above will be mitigated by their management approach.

3. *bluecrane's* Recommendations for the Project Team

As we noted in our December report, the CLJ-CMS Project team has made strides in many areas of the project that we have observed in reviewing project deliverables and through our attendance at various project team meetings and meetings with the Project Manager. Based on the activities to-date, we repeat our December recommendations below on reducing risks as the project team continues with preparations.

3.1. Project Staffing

Over the past few months, the Project Manager has developed a staffing plan and has been filling project positions in alignment with project funding. We are pleased with the progress to-date in staffing the project team and acquainting new staff with the project. We encourage the Project Manager to periodically review the staffing plan with Sponsors and appropriate AOC managers to ensure understanding throughout AOC regarding the project's staffing needs. It is important to inform the appropriate AOC managers of the roles and responsibilities of project team members throughout the various project phases – including post Go-Live and operations.

Although the project is staffed at a level appropriate for the current stage of the effort, it is industry best practice to designate a lead for each area of the project that reports to the Project Manager or Courts Business Office (CBO) Manager. While this is the case in most areas of the project, there is currently not a plan for a testing lead.

Recommendation for CLJ-CMS: Because of the critical importance of testing in determining the quality of the implementation, *bluecrane* recommends that one of the testing positions be filled with a testing manager who can: (1) develop and implement testing plans, (2) direct the other testers in the creation and execution of test cases and test data, and (3) monitor and report on testing results throughout the configuration and testing phases of the system development lifecycle. From our experience, it would be beneficial to fill this position "soon" and provide opportunities for the test lead to become emmeshed in a deep understanding of the CLJ business requirements as soon as possible.

3.2. System Integrations

As we have noted in our previous QA assessments, the CLJ-CMS Project has an extreme reliance on an operational Enterprise Data Repository (EDR) that in turn places a heavy dependency on the success of the Enterprise Data Exchange (EDE) Project.

Recommendation for CLJ-CMS: Although the project team has remained engaged in the EDE Project, *bluecrane* recommends continued vigilance in understanding the details of the design and implementation of that project to ensure compatibility with the CLJ business and technical requirements. We also recommend continued vigilance in understanding the details of the project management aspects of the project to ensure alignment with CLJ-CMS project plans

3.3. Project Strategies and Plans

Over the past year, the project team has been developing and refining strategies and plans in preparation for implementation. This includes strategies and plans for requirements management, testing, training, conversion, project management, and deployment. This early

start on planning not only helps the team to prepare for a successful implementation, it also reduces stress and increases efficiency in the early stages of implementation when project activities tend to be chaotic.

Recommendation for CLJ-CMS: *bluecrane* recommends that the project team continue to develop and refine plans, and engage AOC and court stakeholders during the development and refinement process. It may be helpful to engage stakeholders outside of the project team in work sessions for some of the planning activities. We have seen this approach used successfully in other projects as a way of not only building quality processes through multiple perspectives but also being able to share the workload of the project and build support for the project through expanded participation.

3.4. Organizational Change Management (OCM)

Over the past year, the OCM team has been active in working with the courts and their representative organizations to keep them informed of the procurement's status and preparing them for the upcoming changes that will likely result with a new system. As noted above in section 2.4, there may be stakeholders who have a bias against or towards one alternative solution or another. For example, there are probably stakeholders who have a bias against Tyler that is based on incorrect information. Even if facts are presented to correct the perspective, the bias may continue. If influential stakeholders maintain an unwarranted perspective, they may take the project in a direction that is not in the best interests of the majority of stakeholders. A first step in working with stakeholders is to identify those that are the influential leaders and then determine their level of support for the project's direction. Then, various communication strategies can be applied to assure the continued support of those positive toward the project's direction and modify the perspective of those that do not support the project's direction.

Recommendation for CLJ-CMS: *bluecrane* supports the project's OCM activities and encourages the team to continue with these types of communications and implementation of OCM strategies. It is equally important that the team continue to focus on fostering relationships with influential stakeholders - both those that support the direction of the project and those who do not. This type of stakeholder engagement will help to ensure positive involvement of supporting stakeholders who have the ability to sway the opinions of others. In addition, influential stakeholders can help shape the outcome of intermediary decisions such as the current issue regarding the selection of the desired vendor partner. Messages that come from influential stakeholders such as judges and administrators can be more powerful that the same messages delivered by AOC representatives.

4. Tracking Log of QA Recommendations and AOC Responses

Recommendation		Finding(s)	Date Offered	Date Closed	QA Status
1	As project timelines are refined, schedule contingency time should be allocated to mitigate the risk of unforeseen complexities, staff changes, or imprecise estimates of effort. Schedule contingency can be allocated to individual tasks, intermediate milestones, or at the overall schedule level.	The full project schedule will not be baselined until the vendor contract is executed and a project schedule has been developed collaboratively by the system vendor and project team and approved by the Steering Committee. Potential system vendors have been asked to provide a detailed schedule with their proposal submission.	07/31/16	Open	The project team is beginning to plan timelines for phases that are subsequent to the procurement phase, but the full project schedule will not be baselined until the vendor contract is executed and a project schedule has been developed collaboratively by the system vendor and project team and approved by the Steering Committee.
2	One or more members of the CLJ-CMS project team should attend EDE project meetings to stay informed on project progress, issues, and risks. We also recommend that the CLJ-CMS project be involved in EDR testing as early as possible to reduce the possibility of integration problems during and following pilot.	The CLJ-CMS project's reliance on the EDR establishes a very heavy dependency on the success of the EDE project.	07/31/16	Open	The CLJ-CMS project team has developed a contingency plan if the EDR integration ability is not available when needed.
3	*Closed Item – see end of table*				

Recommendation		Finding(s)	Date Offered	Date Closed	QA Status
4	Consider the possibility of developing several project portfolio scenarios using the proposed schedules from the CLJ-CMS vendor proposals, variations of EDE project schedules (incorporating the schedule for supporting the King County projects), and other projects underway at AOC to help inform resource allocation options from a broad project portfolio perspective.	Discussions regarding reallocation of CLJ-CMS resources to the Expedited Data Exchange (EDE) project that is constructing the Enterprise Data Repository (EDR) are on-going.	01/31/17	Open	From the perspective of the CLJ-CMS Project, the optimum solution would be to allocate the scarce AOC and vendor resources in such a way that the implementation of both CLJ-CMS and EDR were coordinated and neither project was waiting on the other.
5	Immediately raise the priority of addressing the apparent disconnect between AOC policy and the CLJ requirements with respect to e-filing. Resolution will almost certainly require the attention of the CLJ Project Steering Committee, AOC executive staff, and, possibly, the JISC.	The CLJ-CMS RFP contains explicit requirements for the solution to address e-filing. However, recent discussions among business, the project team, and other stakeholders have revealed a lack of clarity between AOC policy regarding e-filing and the CLJ e-filing requirements.	03/31/17	Open	Without clarity, there is risk to planning specific activities related to e-filing for CLJ implementation, putting scope and schedule at risk for “muddiness” at a minimum and possibly inadequate staffing and time allocation.

CLOSED ITEMS

Recommendation		Finding(s)	Date Offered	Date Closed	QA Status
3	Expectations should be set with evaluators and alternate evaluators as to the time commitment required to perform a quality evaluation of the RFP vendor proposals.	Evaluators will be expected to attend evaluator training, perform the evaluations, attend vendor demonstrations, and deliberate on vendor selection.	09/30/16	11/30/16	The procurement for the CLJ-CMS software vendor is progressing smoothly.