Kitsap County District Court
State of Washington

CLAIRE A. BRADLEY
JUDGE, DEPARTMENT 1

JEFFREY J. JAHNS
PRESIDING JUDGE, DEPARTMENT 2

614 DIVISION STREET
PORT ORCHARD, WA 98366
360-337-7109
kitsapgov.com/dc KCDC@co.kitsap.wa.us

MARILYN G. PAJA
JUDGE, DEPARTMENT 3

KEVIN P. KELLY
JUDGE, DEPARTMENT 4

CLINT L. CASEBOLT
COURT ADMINISTRATOR

April 18, 2019

Chief Justice Mary E. Fairhurst
Washington Supreme Court
Temple of Justice
Post Office Box 40929
Olympia, WA 98504-0929

Re: Kitsap County District Court JISCR 13 Request and Proposed JISCR 13 Amendment

Hello Chief Justice Fairhurst –

JISCR 13 Request

Kitsap County District Court requests the JISC to review and approve our JISCR 13 proposal to upload our future Journal data through Journal's data exchange software into JIS. We have complied with all JISCR 13 requirements and are excited for the incredible impact Journal's new software system will provide to Kitsap County.

Chief, your support of Kitsap County District Court is essential to successful implementation of our new software program. We hope you deem our project worthy of such support.

Proposed Amendment to JISCR 13

Kitsap County District Court learned two days ago that a request has been submitted to JISC to completely re-write JISCR 13. This proposal was submitted by Ms. Paulette Revoir, Chair of the CLJ-CMS Project Steering Committee. We found this proposal on the Washington Court's website under the JISC link. This proposed amendment is listed as item 6 on JISC's April 26th agenda as a "Decision Point" and not as a discussion item. The intent appears to be for JISC to consider and act on the proposed amendment on April 26.

Our JISCR 13 request is listed as item 7 on the agenda. It is unclear whether this amendment, if passed before JISC decides our matter, will apply retroactively to our proposal which was submitted to JISC and AOC last November.

This morning, we decided to look into the history of JISCR 13. Unbeknownst to us, significant discussion about this rule has occurred since at least 2011. The attached GR 9 cover sheet discusses the rule's history. The attached document is taken from a fascinating 125 page document found at https://www.courts.wa.gov/jis/scmfs/proposedChangesToJiscr13.pdf.

It appears that the JISC took action on October 24, 2014 to amend the rule as shown by the attached JISC minutes obtained from the JISC link at Washington Courts.

The Supreme Court apparently declined to approve the proposed JISCR 13 amendment. Comments sent to the Supreme Court can be found at http://www.courts.wa.gov/court_rules/?fa=court_rules.commentDisplay&ruleId=407.

GR 9(i) outlines the rulemaking process, which can be lengthy. Since the new amended rule could potentially apply to Kitsap County District Court's JISCR 13 request, we offer several observations.

Right now, it is believed Kitsap County District Court is the only court with a pending JISCR 13 request before JISC. Although other limited jurisdiction courts may be considering implementing their own new software systems, there does not appear to be a need to act immediately to change the rule before obtaining input from various stakeholders.

For example, limited jurisdiction courts are the only level of court with a current need to consider their own software. Given the DMCJA's unanimous support of our JISCR 13 request, DMCJA's input on the proposed amendment is critical. The SCJA may also desire to provide input since it is also a heavy user of JIS. Both trial court agencies may need time to work together on this topic through the Trial Court Coordination Council.

Proposed paragraph (c) is difficult to understand. The proposal requires 6 months notice to JISC and AOC of a "detailed plan to comply with the JIS Data Standards" before "beginning a procurement process" for the purchase of a software system. Compliance with the rule's language would be difficult if not impossible. A court would need to select a specific software vendor before it could possibly present a detailed plan as to how that software will comply with JIS Data Standards.

The next portion of proposed paragraph (c) not only requires the JISCR 13 requesting court and its vendor to commit in writing "that they understand their obligations and will comply with the JIS Data Standards," the rule also requires the court's county executive and council, county board of commissioners, or municipal mayor and council to also agree in writing to this requirement. Such a requirement may be beyond the JISC's authority to promulgate.

In our situation, the Kitsap IS Department is seeking to enter a contract with Journal. Negotiations are almost complete. The Board of County Commissioners, if they choose to do so, will sign the contract with Journal. Once that happens, the Commissioners expect our court to utilize Journal's software, both document generation and case management functions, because the fully-integrated software adds many efficiencies and better serves the public. This is precisely why the CUWG and AOC chose Journal in the first place. We of course will comply with the Commissioners' expectations.

Finally, proposed paragraph (f) provides that a court's non-compliance with any term of the new rule requires the AOC to withhold any funds previously appropriated by the Legislature and Governor to AOC for local courts. Any such legislatively appropriated funds for Kitsap County District Court pass through AOC to Kitsap County's general fund. We are certain our county state legislators and Board of County Commissioners would want to provide input on such a divestment of legislatively-approved county funds. SCJA and DMCJA may also have thoughts about AOC's ability to decline to pass through funds appropriated for local courts.

The proposed rule is unclear as to which entity decides whether the local court is in non-compliance. Does JISC decide after notice to the potentially offending court and an opportunity to be heard? Or does AOC sua sponte decide to withhold local funds? Is there an appeal process?

Such a funding death penalty also presents serious constitutional issues. Presumably AOC's and JISC's authority to promulgate such a rule has been researched.

Response to April 10, 2019 Letter – Our Perspective

I was surprised to receive your letter to me dated April 10, 2019. After reading it many times, I remain especially surprised by its formality. The last time we spoke was at Judicial College in January. We had a lengthy discussion about our families and all things judicial. I enjoyed our conversation very much. You called me "Jeff" and asked me to call you "Mary." Your letter now refers to me as "Judge Jahns" and to you as "Chief Justice and Chair of JISC." I regret deeply this turn of events.

Your letter to me is the first and only feedback our court has received following Kitsap County District Court's meeting with the AOC on March 20. I was therefore surprised at the initial dissemination of your letter beyond just Kitsap County District Court to a few other people. Late in the afternoon on April 16th, I learned that your letter is now public through Washington Court's website under the JIS link.

A letter by a Chief Justice of Washington's Supreme Court carries weight with the reader because of the power our Constitution grants the Chief Justice position. A letter from you carries incredible significance because of the tremendous person you are.

Your letter to me is based only upon a perspective of that meeting. I really wish I would have been contacted before your letter was sent to others, and certainly before it became public. I feel either I or another member of my court should have been given the opportunity in advance to provide our very different perspective of that meeting.

Of course, the final recommendations/orders in your letter are well-taken, and we want further discussion. But the remarks within your letter seem very personal and were disseminated not just to us as the Kitsap County District Court or solely to me as presiding judge, but first to other members of Washington's judicial branch and now to the public.

We considered responding only to you, or perhaps only to the same recipients to which your letter was initially disseminated. We did not intend nor want to have a back-and-forth about this, but because of your letter's tone we suspect there are facts, at least from our perspective, of which you were unaware.

As you can imagine, your letter has been on our minds since we received it last Thursday. We have been thinking about what to do since we received your letter and have been working on various drafts.

We offer this letter of our perspective of the March 20, 2019 meeting with AOC.

Background

In 2010, Kitsap County District Court began creating electronic court files and generating electronic documents through SharePoint. I believe we were the first Washington court to both create electronic court files and generate documents from within the same program. We did so in great part to create a jail video courtroom so that corrections officers would no longer have to daily parade up to 25 in-custody defendants through the Courthouse hallways for hearings. We needed a way to have documents easily flow from the court to the jail courtroom. Electronic court files and document generation through SharePoint was a relatively cheap option. As we became proficient with SharePoint, we expanded our electronic files and electronic document generation to all civil and criminal cases filed in our court. We were lauded for our innovation.

Now, our court files are available to the public through our website. Our court files and the documents themselves are available to anyone with access to the Internet. I believe we were one of first Washington courts to offer Internet access to court files. The public response has been very positive. Attorneys especially like the easy access rather than having to come into the Courthouse to look at our court files. As one example, for over a year our sentenced defendants have been able to download and complete a *Blazina* LFO reconsideration request called "I Can't Afford to Pay Motion" directly from our website so that they have convenient access to our courts on this most important matter.

At SharePoint's inception in 2010, we were told by Kitsap County's Information Services Department that SharePoint was not built for courts and could only be a temporary solution. The county's IS Department has been, and continues to be, incredibly helpful in implementing SharePoint for us. We trust them completely. We are now about to enter our tenth year with this "temporary" SharePoint solution. In 2010, we were certain that limited jurisdiction courts would have a timely implemented statewide JIS replacement. No one knew that such a solution would not be available a decade later.

We have successfully been able to significantly reduce office expenses and staff because of SharePoint and our electronic efficiencies. Reducing staff was especially important to Kitsap's Board of County Commissioners during the horrible economic downturn in 2010, and remains a critical point for us and Kitsap's Commissioners who fund us. We now have 4 judges and 20 staff. According to AOC reports, at a ratio of 5 staff per judge, Kitsap County District Court has one of the lowest staff per judge ratios for all of Washington's District Courts. We achieved this in large part because of a paperless electronic document generation system.

Years ago, AOC Administrator Callie Dietz came to Port Orchard to talk with us about the needed update to JIS for limited jurisdiction courts. She asked if we would support AOC's efforts to obtain funding and move forward with a JIS replacement. She also told us that Superior Courts would have priority because of its ancient SCOMIS system. We were enthusiastic about a

JIS replacement, and certainly understood the need to replace SCOMIS first. We told Callie that we would absolutely do whatever might be helpful towards the goal of a JIS replacement.

As we promised Callie, when it came time to begin the process for a JIS replacement, we were honored to suggest the services of long-time Kitsap County District Court Administrator Maury Baker to help on the Court Users Work Group. Maury was the driving force in our implementation of SharePoint. Maury may have more trial court experience working with electronic court files and document generation than anyone in Washington. We believe his input and years spent working on the CUWG offering his insight concerning a JIS replacement was helpful. We were glad to volunteer Maury. While he was working hours and hours on this state project along side other dedicated volunteers and AOC staff, we transferred his Administrator duties of running our four courts to the judges and other supervisors.

As the CUWG progressed over the next several years, Maury became extremely excited about what was coming for limited jurisdiction courts. A case management system replacing JIS along with an integrated document generation system seemed almost too good to be true. All the hard work of the CUWG and AOC paid off. It was widely reported throughout Washington's judicial branch that Journal Technologies was chosen as the hands-down best solution for Washington's limited jurisdiction courts.

We all believed that implementation of a new statewide JIS system would begin as soon as the Superior Court Odyssey project was near completion. Judge Svaren, DMCJA president at the time, committed his number one agenda item as president towards the successful implementation of a new software system for DMCJA members. I was a DMCJA Board member during his administration and remember the excitement we all had for a new state-of-the-art software system.

During this same time, our IS Department continued to reiterate increasingly grave concerns about SharePoint's limited lifespan. We kept them briefed as we received information about the new statewide system. We asked IS to keep SharePoint functional until the new state system was ready in a few years. Amazingly, IS has kept SharePoint working for us, but only with considerable effort to do so.

Unfortunately, no agreement was reached with Journal for a statewide system. We have heard many explanations about why, but the reasons really do not matter. Today, but for the needs study, we are at square one with a JIS replacement for limited jurisdiction courts. We have faith and confidence that eventually there will be a JIS successor, and that it will work great. But that solution is years away.

Everyone understandably is frustrated by this. Limited jurisdiction court judges and managers. The AOC. The CLJ-CMS Project Steering Committee. Everyone.

JIS is important to limited jurisdiction courts, which use it every day. It provides a quick summary of Washington cases. It informs judges of a defendant's criminal history and outstanding warrants. AOC's efforts to keep this old system working are impressive, especially considering the number of limited jurisdiction courts who daily access and enter case management data into JIS.

JIS is antiquated and does not meet the needs of limited jurisdiction courts. Everyone acknowledges this. JIS does not include any document generation. It cannot send out hearing or warrant reminder

notices electronically to defendants, which is especially important for Kitsap's transient population whose only method of communication is through a cell phone. There are few vendors that can meet all these needs without sourcing scores of non-integrated software programs.

When our county IS Department learned last summer that a new statewide system was no longer imminent, IS immediately began planning to include the cost of a new SharePoint software replacement in their budget. This was a really big deal for us. I was asked to speak to the Kitsap County Board of Commissioners at the IS Department's budget presentation last fall. The Commissioners shared IS' concerns about the instability of SharePoint, and unanimously funded IS to purchase a new state-of-the art case management and document generation software system for our court. The Commissioners were excited to fund a new system. The Courthouse remains abuzz with eagerness about our new system. I am frequently asked for updates by our staff, local attorneys and other county officials.

Chief, obviously we are excited about Journal. We are going to implement a new software system which will transform Kitsap County District Court hopefully for decades. This software will make us far more efficient, accurate, and certainly help us better serve the public.

Upon receiving confirmation of the funding, we followed the JISC rules. We promptly gave notice and submitted our request to the JISC and AOC in mid-November 2018. AOC asked us to first submit the request to DMCJA for its approval, which we did on December 14, 2018. I attended the DMCJA Board meeting and submitted our proposal to be allowed to upload our new Journal data into JIS when we go live. The Board unanimously supported Kitsap's proposal.

We were not provided any notice whatsoever that our JISCR 13 request was added to JISC's February agenda despite many on-going communications with AOC about our JISCR request. We only found out about this incredibly important meeting from another JISC attendee a couple weeks before the JISC meeting. But for this happenstance conversation, I would not have known about the February JISC meeting and would not had the opportunity to attend. I immediately obtained a pro tem to cover my court calendar, and our Administrator Clint Casebolt and I attended the JISC meeting. Frankly, and only in hindsight, this oversight of AOC failing to provide notice to us seems less than coincidental.

After our JISC presentation on February 22, 2019, Judge Leach suggested we meet with AOC to discuss the matter. I immediately agreed to do so because we needed to learn what we did not know from AOC about implementation of our own software system.

<u>March 20, 2019 Meeting With AOC</u>

Our understanding of the purpose of the March 20, 2019 meeting with AOC as suggested by Judge Leach was to have a full discussion of our request to upload our Journal data through the data exchange into JIS when we go live with Journal sometime in 2020. We needed to learn the risks of such a project and needed to hear from AOC about the items we did not know so that our Journal implementation would be a success.

We believed AOC's help and information would be huge. AOC prepared and sent us in advance "Responsibilities and Considerations for Courts Implementing Local Case Management Systems." This document is very thorough, and full of really important information for us to know.

We are a very busy court. All four of us are daily in our four courtrooms handling cases. We had a previously scheduled judges meeting for March 20. Pro tem judges had already been procured, which is why we suggested March 20 as a possible meeting date. Had anyone objected, we would have selected another date. It just would have required us to obtain more pro tem coverage.

We were really excited to meet with AOC so quickly. We wanted to learn what we did not know and appreciated AOC's willingness to travel to Port Orchard to give us this information. We also wanted to share our reasons explaining why we are doing what we were doing because we are excited about our future with this new software.

Unfortunately, the very day before our anticipated AOC meeting, Maury Baker informed us that he was just notified by AOC, effectively immediately, that after almost five years of his volunteer service to the JIS replacement project, he would no longer be permitted to serve as part of the project to replace JIS. AOC notified Maury, but not Kitsap County District Court, that no one from Kitsap County District Court would be allowed to be on the project.

Maury retired as our Administrator two years ago. He does not work for us, nor has he represented our court since his retirement. He was surprised and disappointed by his dismissal because he really wanted to help create a great new JIS. Maury ran our court for decades, and we are forever grateful for his significant impact on Kitsap County District Court. His knowledge of electronic court systems from the "trenches" is unsurpassed. We were confused and apprehensive about the timing of AOC's summary dismissal of Maury and apparent rejection of Kitsap County District Court. Again, only in hindsight, this AOC dismissal and rejection seems less than coincidental.

Nonetheless, I asked my bench mates to not bring up the situation between AOC and Maury at our meeting. I did not want to have the meeting lose focus.

Our request of the JISC and AOC is to allow us to upload our Journal data into JIS through the data exchange program that Journal is writing. King County District Court is close to going live with criminal cases and uploading their Journal data into JIS. Journal is the vendor writing the data exchange since we knew nothing about the topic. It has been no secret that we are working with King County and Journal. I said that at the February JISC meeting.

King County District Court and Journal, along with AOC, have the most current information about what is involved with uploading Journal data to JIS. They are the subject matter experts in this area. It made sense to have them at our meeting to discuss what we needed to know about data exchange. It did not occur to me that King County's and Journal's presence at the meeting would be a problem since both Othniel Palomino, King County District Court Chief Administrative Officer, and Journal have been working with AOC on the very topic our meeting with AOC was meant to discuss.

Just before the meeting started, Tukwila Municipal Court Judge Kimberly Walden, Vice-Chair of the CLJ-CMS Project Steering Committee, expressed to me her concerns about Journal being at the meeting. I asked Journal to leave after Judge Walden mentioned to me possible future bidding or informational concerns with a new statewide limited jurisdiction system going forward. Like all limited jurisdiction courts, we want a new statewide system as soon as possible, and I did not want to do anything to interfere with that effort. Without any contest and at my request, Journal personnel left the meeting room before we began and never participated in our meeting.

I began the meeting with a brief outline of why Kitsap County District Court was purchasing Journal. I then turned the meeting over to AOC.

What happened next was unexpected. AOC told us we would be better off not hiring Journal and should wait until a statewide system was available. Judge Walden opined that our concern was really SharePoint's document generation software, and not a case management system. She suggested that we consider exploring other document generation systems and wait for the new JIS replacement for case management needs. Judge Walden recommended utilizing a multi-platform low cost approach with different vendors and software programs until the new JIS replacement was available. She found that such an approach worked for her one-judge municipal court.

Why would we go with multiple non-integrated software platforms when we already have the funding for the very best CUWG-approved and AOC-approved integrated case management and document generation system any Washington limited jurisdiction court could possibly purchase?

With respect, our court is a much different operation than that faced by Judge Walden and demands an integrated system. For example, we have a significant volume of collection and other civil cases. Journal's handling of the filing of electronic civil documents is incredible. King County's training video for law firms about the electronic filing of civil pleadings, including a checklist of necessary documents and a shopping cart for purchased and filed civil documents, is amazing.

Cobbling together multiple programs to address our needs is unworkable and frankly, a step backwards from our current SharePoint software.

This was a confounding start to the meeting. We thought AOC was coming to meet with us to help us implement our new system. It was especially surprising that Judge Walden suggested we not purchase Journal. The CUWG and AOC have been a proponent of replacing JIS with the best software system possible and concluded that Journal is that product for limited jurisdiction courts.

The meeting next turned to a discussion about the responsibilities Kitsap County District Court was undertaking. This part was very helpful. AOC has put significant time into helping courts understand what they are getting themselves into by choosing to use a local software system.

The topic of AOC funding for our project next arose. AOC stated that the King County data exchange project was funded by the Legislature only for King County, and that AOC would need to procure money from the Legislature before being able to work on Kitsap's project. For the first time at the meeting, Mr. Palomino spoke to report that funding for the data exchange was for King County as a pilot court but was legislatively intended to be available for subsequent courts deciding to purchase their own software system. AOC did not dispute his assertion.

Significantly, we learned from both AOC technical staff and Mr. Palomino that the Kitsap Journal data exchange should go relatively smoothly if we use King County's Journal data points and do not deviate too much from them. This makes sense because once King County's Journal data is successfully uploaded to JIS through the data exchange, our use of the same Journal programming should logically work quite well.

The final topic of discussion did not go well. Timing. We thought we were being very helpful by not only following JISCR 13's 90-day notice requirement, but by giving more than a year

advance notice before we would need AOC's services to complete the successful Kitsap Journal data exchange into JIS. It might even be closer to a year and a half because we may not be ready to go live with Journal until spring 2020. We gave over a year's advance notice and were planning ahead to avoid any problems with timing according to the rule.

Mr. Marler told us that AOC services would not be available to help us transfer Kitsap Journal data to JIS for perhaps two years or longer. AOC has many other priorities which have already been set, including current projects with the State Patrol, DOL and other executive branch offices. According to Mr. Marler, AOC does not have the financial resources to help us.

I asked AOC several times to identify ways we could help AOC with our Journal data exchange implementation. No suggestions were forthcoming. Marilyn also asked what we could do to help with timing. At one point she suggested that we would do everything we could to contact our local legislators to attempt to get additional state funding for Kitsap's project. We were asked to not do that due to AOC's fear the Legislature may take money out of AOC's budget for our Kitsap project rather than adding general fund money to AOC's budget.

We certainly understand the incredible demands placed on AOC as a state agency. Frustrated, I asked whether AOC would consider rearranging some of its work with the executive branch projects to help our court about a year from now. Mr. Marler said no and was unwavering with AOC's two or more year time frame to begin work on our data exchange project.

Mr. Marler's answer was devastating. Several times I asked him without success to please help Kitsap. His answer was no. It became clear to us then that AOC does not want us to have our own case management system. We thought AOC would join our excitement about our Journal initiative. We were wrong. It appears that AOC's objective at the meeting was to convince us to not move forward.

No one had anything left to say. I thanked everyone for attending and ended the meeting.

Unlike what is described in your letter, our bench has a much different perspective of the meeting. We thought it was candid, open and useful for everyone to be able to discuss their perspective. And discuss we did. At times discussion did become focused and spirited. Everyone attending the meeting was rightfully passionate because the topic was so important to all in attendance.

As limited jurisdiction judges, we see passion and frustration on a daily basis in court. But passion and frustration are not intended to be disrespectful. Their presence means the person is communicating from the heart because he or she really cares. I am glad everyone felt comfortable providing full and complete input at our meeting with AOC. I would not have had our meeting go any other way.

I believe everyone at the meeting who had something to say was able to do so. I am grateful to AOC for its willingness to come to Port Orchard to meet with us. Their information will help us going forward.

Your letter is the first I have been told by anyone that Judge Walden felt disrespected at the meeting. I am surprised to hear this. I spoke with her for about five to ten minutes right after the meeting. I thanked her profusely for coming to Kitsap County, and for her many hours of work

on behalf of limited jurisdiction courts. Marilyn also sent Judge Walden a thank you by email. Judge Walden's optimism about the JIS project is infectious. I received no indication that there was anything but respect between us. Marilyn and I have known Judge Walden for a long time. We are glad to have had a chance to know and to continue to work with her.

Conclusion

Kitsap County District Court is a small and relatively insignificant court from a statewide judicial perspective. We understand that. But we believe we have been a positive presence in Washington's judiciary. Our court has a strong belief that we should do more than just show up for work. For decades, we have worked nights and weekends away from our families volunteering our time on behalf of Washington's judicial branch. This responsibility is a core value of our court, which started with Jim Riehl, Dan Phillips, Marilyn, Steve Holman, and Maury Baker. We continue this tradition today.

With 36 years of judicial experience and a former DMCJA president, Marilyn continues to work hard on the Supreme Court Pattern Forms Committee, the DMCJA Diversity Committee, and the Gender and Justice Commission. Claire taught at Judicial College this year and will do so again at DMCJA's spring conference. She was recently appointed by the DMCJA Board to serve on the CJC. Our newest judge, Kevin, hopes to start volunteering next year.

As for me, in my ten years as a judge I have given 21 separate seminar presentations to all levels of Washington's judicial branch. I have written over 2,000 pages of training materials for Washington's judicial officers, including authoring the entire "Traffic Stops in Washington Bench Book," several chapters in the "DUI Bench Book," and numerous bench guides, bench cards, primers, pro tem training materials, and forms. Like my bench mates, I have done most of this work on nights and weekends away from my family.

Kitsap County District Court does all this because we see our role as judges as much more than a job. It is a vocation to us. We believe we have a professional responsibility to volunteer and will continue to do so where or for as long as our services are welcome.

We have until now always felt to be a part of a team with Washington's judicial branch. Recent events cause us to feel this may not be the case. To summarize recent events –

- February 2019. No AOC Notice to Us. Despite on-going communications, AOC failed to provide notice of the JISC February meeting to us, or that our JISCR 13 request had even been added to the agenda. We found out by happenstance.
- March 19, 2019. Maury Baker Dismissal. The day before our March 20 meeting, AOC summarily dismissed Maury Baker from the JIS replacement project because of Kitsap County District Court and we are told AOC stated no Kitsap County District Court member could participate. AOC did not, and still has not, provided notice to us about this decision.
- March 20, 2019. The AOC Meeting.
    - Journal. AOC requested we not purchase Journal. Instead, we were asked to wait until the JIS replacement plan is completed. We were told there would not be a long delay because the CLJ-CMS Project Steering Committee would be unveiling the new JIS replacement

plan at the next JISC meeting in April. We learned yesterday that this agenda item was removed from the JISC April meeting.

- Funding. AOC told us it could not proceed with our request due to a lack of funding. We offered to try to procure legislative funding and were told by AOC not to do so.
- Timing. AOC initially told us it may be years before our Journal data could be uploaded into JIS because of the incredible amount of work required of AOC. Yet an AOC staff member told us during the same meeting that Kitsap's Journal data exchange might work smoothly with limited AOC effort so long as we preserved King County's Journal data points. Mr. Palomino agreed with the AOC staff member. No AOC member disagreed.

- April 11, 2019. The Letter. With no post-meeting discussion with AOC, or attempt to ask for our perspective of the meeting, we unexpectedly received your letter. The letter, without any input from us, was first disseminated to a few people and is now available to the public.
- April 16, 2019. Rule Amendment. Now there is an effort to completely re-write JISCR 13 while our request is pending. The proposed verbiage purports to make it impossible for any court to proceed.

We feel we are not being treated fairly. We do not know what Kitsap County District Court did to deserve this overwhelming negative response to our request. We have at all times acted in good faith on behalf of our court. The odd thing is, we cannot figure out why our JISCR 13 request has become such a big deal from the state judicial branch perspective. Journal is the perfect product and solution for us and Kitsap County.

Chief, we are saddened and frustrated by the report you received about the meeting. Kitsap County District Court prides itself on innovation. We still do not understand why AOC is not united with us about our decision to significantly upgrade our system software to better serve the public. Will the AOC have to expend some time and resources to help us so our Journal data can be electronically uploaded to JIS? Yes, but most of the resources will be expended at our local level.

As I did several times at the AOC meeting, I am again asking for help. If Marilyn or I spoke too candidly or inadvertently hurt feelings at the meeting, we are truly sorry and will take personal steps to make amends. However, we are passionate about our court and will continue to advocate for its benefit.

We look forward to seeing everyone on April 26th.

Sincerely,

JUDGE JEFFREY J. JAHNS
KITSAP COUNTY DISTRICT COURT

Sent Via E-Mail Only

Judge Marilyn G. Paja

Judge Claire A. Bradley

Judge Kevin P. Kelly

cc –

Dawn Marie Rubio
Vonnie Diseth
Judge J. Leach
JIS Committee members (pending JISC approval)
Washington Court's website, JIS Committee link (pending JISC approval)
Judge Kimberly Walden
Judge Rebecca Robertson
Kitsap County Superior Court
Craig Adams, Kitsap County Information Services Department
Othniel Palomino, King County District Court Chief Administrative Officer
Journal Technologies

The motion fails. Justice Fairhurst called for the vote on the original motion made by Judge Wynne.

Voting in Favor: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Rich Johnson, Judge Leach, Barb Miner, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
Opposed: None
Abstain: Judge Rosen
Absent: Yolande Williams

Justice Fairhurst then moved to the official decision point for the JIS General Policies.

Motion: Judge Thomas J. Wynne

I move to amend the JIS General Policies, as indicated in the attached draft, with the amended section 10.2.

Second: Judge James Heller

Voting in Favor: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Rich Johnson, Judge Leach, Barb Miner, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
Opposed: None

JISC Rule 13

Justice Fairhurst opened the discussion on the JISC Rule 13 amendment. Ms. Cullinane provided an overview of the changes to the proposed Rule 13. Justice Fairhurst noted that some of the prior comments and letters were placed in Tab 3, and requests from King County Bar Association and King County District Court to delay action came in yesterday, October 23, 2014. Judge Alicea-Galvan indicated that this rule has divided the DMCJA Board, and, on behalf of the DMCJA Board, asked that action be delayed as well.

Ms. Diseth stated the primary frustration with delaying a decision comes from all of the time and energy that has been put into working on this issue. The JISC formed a workgroup several years ago to deal with this issue, and provide an update to the JISC Rules. The committee met for two years and could not reach consensus on changes. There were proposed minority and majority proposals which were brought before the JISC for a decision, but the group could not reach consensus, and eventually the workgroup was disbanded without an agreement being reached. Ms. Diseth does not believe delaying action will solve the issue or create consensus.

Ms. Miner stated that the rule, as is, is preferred by the Clerks and Mr. Rich Johnson. Ms. Miner made a motion to not amend the rule, and leave JISC Rule 13 as is. Judge Leach stated the motion is unnecessary because if we don't vote to change the rule, it will remain the same. Judge Wynne stated the proposed rule is consistent with Legislative expectations, and the adoption of this rule may strengthen our position with the Legislature in terms of funding. And it also sets future standards that will continue the existence of a JIS system.

Justice Fairhurst asked if there was a second to Ms. Miner's motion.

Motion: Ms. Barb Miner

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I move to not amend JISC Rule 13, and keep Rule 13 as currently written.

Second: Mr. Rich Johnson

Voting in Favor: Rich Johnson, Barb Miner, Judge Leach
Opposed: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
Absent: Yolande Williams, Judge Rosen

The motion fails. Justice Fairhurst asked if there were additional motions.

Motion: Judge Thomas J. Wynne

I move to recommend the proposed Rule 13 to the Supreme Court on an expedited basis.

Second: Judge Jeanette Dalton

Judge Larson commented that the frustration expressed by Ms. Diseth is a result of trying to force a one-size-fits-all system on the individual courts. This is creating an "us vs. them" mentality that will slow down the process. It will not work to force courts into a system that does not work for them. The current problems with superior courts will multiply ten-fold when you add courts of limited jurisdiction. There needs to be a way to incorporate all systems, which is different from what is currently planned. Judge Larson stated that the decision needs to be delayed.

Judge Harn stated that under the existing Rule 13, King County District Court gave the JISC 90-days' notice, and that time has expired. There has been no response from AOC that King County's system isn't approved, and no concerns have been raised. King County District Court has spent over $1 million on their case management system, and they gave notice in February of their intent to implement a new system. The King County IT Director has told them their systems cannot continue to operate without risk of failure. Their court is in compliance under the existing rule.

Justice Fairhurst responded that they have not received JISC approval yet because the data standards weren't finalized, and they need the standards to make a decision. AOC has worked with King County diligently to accommodate their feedback on the standards. In response to Judge Larson, the JISC has already decided to proceed with a statewide case management system at the various court levels. The JISC moved the data exchange to the end of each project to first enable those going with the statewide system, approved by JISC and funded by the Legislature, and then meet the needs of other courts.

Mr. Johnson doesn't believe there is a need to change the rule. Mr. Johnson expressed a fundamental concern with changing the rule because it requires us to go back to Supreme Court to adopt future changes. He suggests adding a sentence to the rule that says the courts with alternative systems have to comply with JIS policies. Ms. Miner stated that when the JISC made the decision to prioritize various CMS projects, it did not understand that it was at the cost of moving data exchanges further out. Ms. Miner continued, stating that JISC has not made a purposeful decision to deprioritize the data exchange, but that is the end result, which is not workable.

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Judge Alicea-Galvan stated that the DMCJA 100% supported the CLJ CMS being a priority. She disagreed that data exchange was off the table, but it's a question of timing. Right now we don't even know what systems we'll be exchanging data with. We can't pour resources into data exchange with obsolete systems. Once the system is built, that will be the appropriate time to discuss different needs, and now is not the time to address that. If we were to focus on two different tracks, it will delay the ultimate goal.

Justice Fairhurst noted the JISC's original decision was to do a statewide system, and the Legislature included provisos that the project had to meet King County's needs. The goal of the Legislature was to have a single statewide system. It is recognized that some courts may not want to have the same system, which makes data exchanges necessary. However, we cannot implement a statewide system while at the same time developing data exchanges for those that aren't using the system. Justice Fairhurst continued, stating those that make that choice have an opportunity to come back to the statewide system. Regardless of the outcome of this vote today, the JISC would have to make a different decision to elevate data exchange to its former priority. Those decisions have already been made and funding has been appropriated.

Ms. Miner stated that if there were resources allocated and different priority decisions, it would be possible to complete the case management systems and the data exchange at the same time. Judge Larson added that he was not suggesting data exchange with JIS, but data exchange with future systems. When creating new systems, it's important that they are able to talk with each other. It is better to plan ahead, instead of waiting to the end, when there will be many problems with the data exchange that already exist by having divergent systems. Judge Wynne responded that by establishing clear policies and standards, it becomes part of that process. Judge Larson responded that the current process is not allowing courts to develop other systems. Judge Wynne stated that a mechanism is necessary for standards and policies to be implemented on a local level. In the past, a district court system was created independently, but it did not communicate with AOC or other courts. There is a need statewide to look at the system as a whole, and the need for statewide information sharing. Justice Fairhurst called for a vote.

> **Voting in Favor**: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
> **Opposed**: Rich Johnson, Barb Miner, Judge Leach
> **Absent**: Yolande Williams, Judge Rosen

JIS Data Standard and Implementation Plan

Mr. Eric Kruger presented the proposed changes to the JIS Data Standards for Alternative Court Record Systems. He reviewed the changes made to the last draft and provided brief explanations. Mr. Kruger noted that the current draft included clarification of what was considered baseline data. All the data that is considered baseline is what is required now, and can be accepted in JIS. Mr. Kruger then provided a brief summary of the associated implementation plan.

Ms. Cullinane stated that the detail for the data elements will be in the Procedures and Guidelines document that is under development now. Procedures and Guidelines are the appropriate place for that level of detail. At the last stakeholder meeting, there was an outline of what will be included, along with examples of what it will look like for the level of detail. The

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timeline calls for the document to be finalized by the end of November. Mr. Johnson requested that the data standards and implementation plan be separated for discussion. Mr. Johnson advocated separating the topics, as there may be some issues with each, and it could better focus discussion. Justice Fairhurst agreed to split the discussion.

Ms. Miner urged the committee not to adopt the standards, and distributed a letter written on behalf of herself, Lea Ennis, King County Superior Court, Othniel Palomino, King County District Court, Kevin Stock, Pierce County Clerk, Yolande Williams, Seattle Municipal Court, and Howard Delaney, Spokane Municipal Court. Ms. Miner stated that the current version of the standards is markedly different from the version adopted in June 2014, raising more questions than have been answered. Ms. Miner cited concerns with the proposed standards document, including that they apply to CLJ's, that they are overreaching as a policy statement, and they prioritize AOC's needs to report statistics over the impact on local court costs, and the implementation date is unrealistic. Ms. Miner stated that there are no electronic methods to transmit this required data to AOC, and that there was insufficient time to review the standards at the meeting with stakeholders on October 6, 2014.

Ms. Miner noted that all five of the courts included in the letter are willing to transmit the data, and no one disputes the benefit of having a statewide repository. However, none of the courts have the staff or financial resources to perform data entry to transmit it to AOC; it is costly and wasteful of time. Without the ability to perform electronic data exchange with AOC, the standards and the implementation plan in their current forms will have negative impacts on the court system as a whole. Ms. Miner noted this letter was submitted to have an official record of their concerns, and she plans to vote "no". It is understood that the "what" component meets the legislative proviso, but we do not believe the "how" is in the proviso. Particularly when the "how" dictates duplicate data entry.

Judge Alicea-Galvan noted that the DMCJA Board concurs with the request to delay the vote based on some objections they had.

Judge Wynne asked how much time would be necessary to fully review and discuss the standards. Ms. Miner responded that it is such a large, important document, and would like a minimum of 4-6 months. Judge Leach inquired if Ms. Miner was asking to delay both the adoption of the standards and the implementation plan. Ms. Miner responded that the issue is largely with the standards. Judge Leach followed, asking if delaying the implementation plan until the INH is established would alleviate the concerns. Ms. Miner responded that having the INH plus data exchange mechanisms are both necessary.

Judge Leach asked if all of the data that alternative systems are required to report will be accepted by the Odyssey system when the Odyssey system is up and running. Mr. Kruger responded that they will not have to report through Odyssey. The data will be reported through the INH, and the electronic data sharing will be for superior courts only. Judge Leach additionally asked if the superior courts using the Odyssey system would be reporting the same data that is required of the alternative systems under these standards. Mr. Kruger responded that superior courts would report the same baseline data.

Judge Wynne stated that the data standards were received in June and many parts have already been adopted, and asked what the differences were. Mr. Kruger noted that some data elements have been removed, and no data elements have been added. Judge Wynne clarified that the standards today were largely consistent with what is already in effect. Mr. Othniel

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Palomino explained that he feels that the "what" of the standards keeps changing. We should not be held accountable for changing standards.

Judge Dalton addressed Ms. Miner's statement of objecting to the "how" of the standards. Judge Dalton asked about the mechanisms, such as the Superior Court Data Exchange, that are already in place to enter baseline information. Ms. Miner wasn't sure of the technical aspect of the exchange, and indicated that she is fine to send data to the JIS, or the new case management system.

Judge Dalton replied that the proviso intended to construct a statewide case management system and standards for getting data to the statewide case management system, and anyone not using the system will be responsible for getting their data to the statewide system. The Legislature does not want to pay for other systems; that will be the responsibility of those choosing not to opt in. Ms. Miner does not believe that is the case, and the proviso reads that there will be no funding for courts to have a local system. It is necessary to clarify if it is their intention to have counties to do double data entery into the state system.

Mr. Dirk Marler explained that if passage of the data standards is delayed until electronic data exchange is available, the net effect would be to prioritize data exchange in front of everything else, including a statewide case management system for CLJ's.

Judge Harn said the real issue is how to work together to share as much data as possible without the expense sky-rocketing for courts that made a decision that they cannot operate their system effectively for their customers. Judge Harn's primary concern is that by implementing these standard immediately, it will prohibit those courts from operating effectively.

Mr. Kruger provided information about the implementation requirements, which are segmented into two paths. Path A is trial courts using JIS as the primary system as of April 4, 2014, which is the proviso date. Those courts will have to comply with the data standards on the date they leave JIS. Path B is trial courts not using JIS as of April 4, 2014. Those courts are required to continue sending data to the statewide system at the same level as they were on that date.

Ms. Miner noted that she had spoken to Ms. Yolande Williams, who was appreciative of the changes made, however it shows that this document is still a work in progress. Judge Wynne asked what it was about the implementation plan that was still a work in progress. Ms. Miner stated that the courts' letter is specific to the standards, and the implementation plan was seen for the first time on October 3, 2014.

Mr. Kruger noted that Pierce County uses a mix of electronic and manual data entry, as they implemented 6 of the superior court data exchanges.

Ms. Cullinane noted that Spokane Municipal Court came to the JISC requesting, under Rule 13, to go onto their own system, and were told that they would proceed at their own risk, and that they would have to manually enter their data into JIS.

Mr. Palomino stated that his objection to the standards is because they don't have enough detail, and they have changed recently. His court is trying to figure out how to communicate the data elements to AOC. There has not been enough time to figure out whether it makes sense for them and what aspects are applicable. Ms. Aimee Vance asked, since King County District Court doesn't even have a system yet, how would he know the timeframe required for passing the data standards? Mr. Palomino replied that they are currently working on the business

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requirements for their system. The implementation plan will impact their new system, and has very little to do with their current usage areas.

Justice Fairhurst explained that by taking out the phased implementation plan, it gives time to get SC-CMS up and the CLJ-CMS immediately after. Those who don't use the statewide system, we've agreed, can have alternative electronic court record systems, but they must send their data to the statewide system. Currently, we have the ability to get data from those courts with alternative systems through SCOMIS and DISCIS. SCOMIS and DISCIS will not be turned off until the new statewide systems are complete. The standards are helpful because they identify the baseline information needed from courts choosing alternative systems.

Part of Justice Fairhurst's concern is that AOC has been directed and funded to do the SC-CMS project, and CLJ's are fighting for attention for a new CMS as well. The time spent focusing on courts with alternative systems is taking away from these projects. AOC must be able to work on what has been adopted and prioritized by the JISC. As a body, we need to make a decision and go forward, recognizing that we will continue to work under the implementation plan as written, and hopefully as adopted, trying to take into consideration all of the concerns. But first the projects must get done. A statewide solution will be provided that courts can choose or not choose. Justice Fairhurst remains hopeful that those choosing the alternative systems will decide to come back to the statewide system. It was the goal to serve all courts, counties, and cities. As a body, a decision must be made in order to get on with the work that AOC has been tasked with.

Ms. Miner doesn't believe the JISC made a purposeful decision to deprioritize data exchange, but that is what happened. There was never a vote to make that decision. Ms. Miner also does not think that Pierce and Spokane Counties are okay with duplicate data entry, and they fall into that exemption from previously being off the system. Spokane Municipal Court, King County Clerk's Office, King County Superior Court, King County District Court, Pierce County Superior Court, and the DMCJA are asking the JISC to not pass the standards because they are not ready.

Ms. Vance disagreed with Ms. Miner's assertion that the JISC did not make a purposeful decision to deprioritize data exchange. The JISC clearly prioritized the CLJ-CMS over the Seattle Municipal Data Exchange. Ms. Vance also noted that there has not even been an IT Governance request for a statewide data exchange.

Mr. Johnson said his largest concern is that we will move forward with another case management system on the heels of the SC-CMS, and we will be left with the data exchange issue. We are doubling our problems if we go forward with another system before we resolve the lack of ability to exchange data. When there is a large portion of constituents stating that they are uncomfortable moving forward at the rate we are trying to progress, it is not in our best interest to ignore that. This is a prescription for failure at the highest level, and it forms an "us vs. them" attitude. Mr. Johnson is supportive of the standards and of the effort, but this is so critical that taking more time to vet the document would be beneficial.

Judge Dalton disagreed with Mr. Johnson's perspective that a large part of constituents have concerns. Three counties out of 39 counties is relatively small. Those three counties may have a larger share of data, but they are not a large part of the constituents and they have opted not to use the statewide solution. Judge Dalton's concern is providing standards and certainty for all of the counties in the state; they are the constituents. Judge Dalton does not believe that we should delay the approval of standards simply because the people that wrote the letter have

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made their own decisions not to utilize the state system and have concerns about how they are going to get the data into JIS. The only objection they have is with double data entry, and are not objecting to the electronic transmission of any of the data. It is also difficult to meaningfully address the issues being raised when we are handed this letter during the meeting.

Mr. Bob Taylor commented that as far as standards continuing to evolve, they will always change and it is time to either vote them up or down.

Judge Larson agreed with Mr. Johnson, and disagreed with Judge Dalton's statement, indicating that the DMCJA Board opposes the standards, and they represent over 200 courts. Judge Alicea-Galvan clarified that the DMCJA Board does not oppose the standards. The standards were sent to the DMCJA Board for comment, and the board's vote was split as to whether they should request a delay of the JISC vote on the standards. Judge Alicea-Galvan was tasked to inform the JISC of the request to delay the decision, but it was not an overwhelming vote to ask for a delay.

Ms. Miner noted that the five courts that wrote the letter together comprise approximately 50% of the data statewide. The letter explicitly urges the JISC not to adopt the standards, and it specifically stated the only issue is not just the "how"; there are other issues here. The standards sweep in the CLJ's, which was not part of the proviso. The data transmission issue is the largest source of current and future problems.

Ms. Dietz stated that the standards were never meant to polarize the courts, but we must get to a place of action and we have invested several years into the standards. It is inaccurate to state that these standards have been rushed and dropped on individuals. The issues have been worked on in a number of different ways for years, and that will not change. Once the standards are passed, they will still evolve and be a work in progress, but we must start somewhere. Ms. Dietz also noted that other states with decentralized case management systems are moving to statewide case management systems. We should not make the assumption that there will always be counties that don't use the statewide system. Ms. Dietz urged adoption of the standards because it gives us a baseline to move forward and see how the case management systems roll out.

Ms. McAleenan noted that there is a budget proviso that requires standards to be developed. Even though it only specifies superior courts, legislators have made it very clear that this proviso will extend to all courts. Given Mr. Radwan's comments about the budget environment we are moving into, it would not be in our collective best interest to go into the next legislative session without having standards. Ms. McAleenan noted that Ms. Miner's preference for a six month delay would push us to April 2015, which is when the Legislature will adjourn. Personal experience with the legislators indicates that waiting could adversely impact us as a whole.

Ms. Delilah George agreed that standards will never be perfect, but as long as we can modify them, it makes sense. Courts have to have this document as a guide if they are even considering not using the statewide system.

Mr. Johnson stated that there has been a tremendous effort, but he believes the standards are incomplete. If the requirement for manual data entry was removed, and changed to electronic data transfer, the tenor of the discussion would be different. Mr. Johnson said this is the point of opposition, and removing that requirement may bridge the gap.

Judge Dalton made a combined motion to approve the data standards and implementation plan, which was seconded by Ms. Dietz. Judge Leach moved to divide the decisions so the data

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standards were voted on before the implementation plan, which was taken as a friendly amendment.

Motion: Judge Jeanette Dalton

I move to approve the Data Standards for Alternative Electronic Court Record Systems as written.

Second: Ms. Callie Dietz

Voting in Favor: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Judge Leach, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
Opposed: Rich Johnson, Barb Miner
Absent: Yolande Williams, Judge Rosen

Judge Harn stated that adopting the implementation plan will limit courts choosing an alternative system from having other methods of transmitting the data other than manual entry. Justice Fairhurst replied that the intention was for alternative courts to continue providing baseline information through the same method that they originally provided information. This will not freeze courts into a system, but to ensure the information will continue to be received. Judge Harn is concerned that by agreeing to the implementation plan, that courts will not have problems solved through technology. This hinders the state from moving forward in a positive way. Judge Harn urged the JISC to delay accepting the implementation plan.

Mr. Marler stated that by continuing to divert AOC resources for courts with alternative systems, it becomes a self-fulfilling prophecy: the state will not be able to implement a statewide system any time soon. Chasing individual implementations for any county will prevent us from finalizing a statewide system. This is a backdoor way of reprioritizing data exchange first. The JISC has already made the decisions, and has not changed them, but if we delay implementation of the standards until the build out of data exchanges, it will be the net effect. Mr. Marler explained that there must be a method to input data into the system. Judge Harn responded that if the JISC allowed for the type of data exchange that already exists with Seattle Municipal Court, courts with alternative systems would be comfortable with the implementation.

Justice Fairhurst clarified that courts choosing alternative systems would not be precluded from inputting data. Judge Leach explained that Seattle Municipal Court is not providing a complete set of data, so they will receive a “pass”, and King County District Court will be required to provide all of the data points, and need a data transfer method beyond what is available. Referring to Mr. Marler’s statement, Judge Leach questioned whether or not the case management systems should be in place first, and then develop the tools to allow for the electronic transmission of information from the alternative systems, or vice versa.

Motion: Judge Jeanette Dalton

I move to approve the Implementation Plan for Alternative Electronic Court Record Systems as written.

Second: Ms. Callie Dietz

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Voting in Favor: Justice Fairhurst, Larry Barker, Chief Berg, Judge Dalton, Callie Dietz, Delilah George, Judge Heller, Brooke Powell, Robert Taylor, Jon Tunheim, Aimee Vance, Judge Wynne
Opposed: Rich Johnson, Barb Miner, Judge Leach
Absent: Yolande Williams, Judge Rosen

ITG #2 - SC-CMS Update

Ms. Maribeth Sapinoso provided an update on the SC-CMS project to the JISC. Ms. Sapinoso began with the most recent project activities including the DMS responses received, from all the counties implementing Odyssey, as of October 24, 2014: total of 33 counties responded (12 Odyssey DMS, 11 Link Only, 5 Lack of Agreement, 5 Undecided, and awaiting 4 counties to respond). A more current map reflecting these updates was provided to the members. Two monthly Project Steering Committee meetings occurred since the September 5, 2014 JISC meeting of which some major decision occurred not mentioned in the presentation slides. Cowlitz County's request to be an early adopter site was placed in reserved status by the Project Steering Committee should an existing early adopter should withdraw. The Project Steering Committee agreed that there was no need at this time to add another early adopter to minimize any further project related risks. Ms. Sapinoso indicated just returning from the ACCIS conference that went really well especially the demonstration of Odyssey Case Manager, Document Management System, and Judge Edition at the project's booth. The project team also provided technical specifications for these modules at the conference. Last, the project had a recent meeting with Thurston County's 3rd Party Vendor support (Liberty - Techline Communications) to address the schedule and high level design for the Link Option. The proof of concept for the Link Only solution has been developed by the AOC and is up and running and will be provided to Techline. Ms. Diseth has also been in contact with LaserFiche. Meanwhile, the project continues to work with Lewis County in preparation for training and reviewing of person and case data converted in Odyssey.

INH Update:
Mr. Dan Belles, Project Manager, provided a status update on the INH/SC-CMS Integration Project. Mr. Belles began by reviewing a high level diagram of the INH/SC-CMS integration solution. Mr. Belles stated that the primary components of the integration effort included party data and case data replication between Odyssey and JIS. Mr. Belles stated that there were other integration efforts underway including the Document Management System (DMS) integration with Odyssey. Judge Leach asked if Tyler would be using the National Information Exchange Model (NIEM) for its application interfaces in Odyssey to send case data. Mr. Belles stated that Tyler would not be using NIEM for case data replication, but that INH could receive the Odyssey case messages using standard XML. Judge Leach also asked if the INH would be using NIEM to exchange data with other case management systems in the future. Mr. Belles stated that decision on whether to NIEM in the future needed to be discussed and was currently being considered by AOC. Vonnie Diseth stated that there was no formal policy requiring NIEM and that AOC would be looking into whether NIEM would be a standard going forward.

Mr. Belles then provided an update on recent project activities. Mr. Belles stated that the party data replication design was taking longer than expected and was projected to be completed by January 31st, instead of the end of October as originally planned. Mr. Belles also stated that Tyler had made good progress with the case data replication builds and that they would be delivering 90% of the code by the end of October. Mr. Belles stated that the remaining builds for case and party would be delivered in mid-January.

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GR 9 COVER SHEET

Proposal to Amend Judicial Information System Committee Rule 13
Concerning Local Court Systems

A. Name of Proponents: Submitted by the Judicial Information System Committee

B. Spokesperson: Justice Mary Fairhurst

C. Purpose:

JISCR 13 (effective May 15, 1976) requires counties or cities wishing to establish automated court record systems to provide 90 days' notice of the proposed development to the Judicial Information System Committee (JISC) and the Administrative Office of the Courts (AOC) for review and approval.

The proposed rule defines "electronic court record system," clarifies that JISC approval is required for all electronic court record systems, provides for increased notice of proposed systems, and requires courts with alternative electronic court record systems to comply with the JIS Data Standards for Alternative Electronic Court Record Systems.

HISTORY

On March 28, 2011, the JISC and the State Court Administrator received a letter from Spokane Municipal Court requesting approval to purchase *JustWare* software from New Dawn Technologies (see attached letter from Judge Tracy Staab, March 28, 2011).

The District Court Information System (DISCIS) is the current statewide person-centric court case management system used at the Courts of Limited Jurisdiction (CLJ) level. DISCIS is used for initiating case filing for well-identified persons and CLJ cases. It is also used to manage persons, case-related financial activities, CLJ calendaring and to perform other functions including delinquent payment processing.

The JIS is the designated statewide repository for criminal and domestic violence case histories. A complete case and person history is essential to the business of the courts for judicial decisions regarding public safety. Therefore, all Washington State Municipal, District, and Superior Courts are required to enter cases into JIS for the purpose of providing a central, statewide data repository for criminal and domestic violence related information.
References: RCW 26.50.070(5), 7.90.120, 10.95.045.

The JISC first discussed Spokane Municipal Court's request at their May 6, 2011 meeting (see attached JISC History on Spokane Municipal Request and JIS Local CMS Policy, 2011-2012). The JISC agreed to consider Spokane's request at its next meeting, June 24, 2011. AOC provided key questions for discussion and responses from Spokane in areas including: the alternate system's unique functionality, data sharing, data integrity, security, and technical requirements (see attached Spokane Municipal Court Request for Approval to Implement a Local Automated Court Record System, May 11, 2011). AOC also provided an analysis and cost estimates for three options for data transfer from Spokane's system to the statewide system (see attached Spokane Municipal Court to Implement a Local Court Management System Options, June 24, 2011).

Option One:
AOC would prioritize the creation of a nightly batch transfer for Spokane, ahead of previously approved and prioritized IT Governance projects. This was estimated to take 1,400 hours of AOC staff time, 6-12 months to complete, and at a cost to AOC of $100,000.

Option Two:
Spokane would continue its implementation of JustWare, and commit to continuing to enter the full set of required data separately into JIS (which may grow and change over time) until an expanded data transfer was available.

Option Three:
Spokane would defer implementation of its separate JustWare system until expanded data transfer was complete.

AOC recommended Option Two or Option Three, and not Option One, as it would prioritize this over other projects that had already been approved through the IT Governance process, and would provide limited data to other courts in the state, updated once every 24 hours, which could pose a safety risk.

AOC also outlined unanswered policy questions:

1. Who bears the cost of taking the court off JIS?
2. Who bears the cost of putting the court back on if it decides to come back later?
3. If there are differences of opinion as to fee splits or other things, whose opinion rules?

The JISC voted to defer a decision until its August 5, 2011 meeting, and also to form an ad hoc workgroup to propose a draft policy on implementation of local court systems for JISC approval.

The JISC Policy Workgroup on Implementation of Local Court Systems met twice in August, but was not prepared to propose a policy to the JISC in August. The

decision on the policy and on Spokane's request was deferred until October 7, 20011. In the interim, AOC had numerous meetings with Spokane to understand their data exchange issues and how to make it work.

On August 16, 2011, Spokane Municipal Court sent a letter to Justice Mary E. Fairhurst stating that they had chosen to proceed with Option Two, and that they planned to proceed with implementation of their own local system. Option Two: Commit to continuing to enter the *full set of required data* (emphasis added) separately into JIS (which may grow and change over time) until the generic expanded data transfer (ITG #27) is available for use (see attached letter from Judge Mary Logan, August 16, 2011).

At their September 9, 2011 meeting, the JISC decided to send Spokane a letter clarifying the JISC position on Spokane's request.

On September 21, 2011 Justice Fairhurst, on behalf of the JISC, sent a letter to Judge Mary Logan, Spokane Municipal Court Presiding Judge, acknowledging that the JISC was not in a position to approve or deny Spokane's request because "there is not currently a corresponding policy in place to provide the necessary guidance and conditions to support an individual court's efforts to implement a non-JIS system, while ensuring the integrity of data and information upon which all courts depend." The letter went on to state, "the JISC feels it is prudent to inform you of the possible risks associated with implementing a local court system that has not been vetted in advance by the AOC to certify that it meets a predetermined set of business and technical standards. If problems are discovered at a later time, it could potentially be quite costly to you to make the needed corrections." (See attached letter to Judge Mary Logan, September 21, 2011).

On December 14, 2011, Pierce County opted out of the Superior Court Case Management System (SC-CMS) project, opting to retain their existing separate case management system, LINX (see attached letter to Judge Bryan Chushcoff, December 14, 2011).

In November 2012, AOC became aware that Spokane Municipal Court did not plan to enter complete data into JIS, as they had agreed in their August 18, 2011 letter. Justice Fairhurst and Callie Dietz, the State Court Administrator, sent a letter to Spokane Municipal Court on December 3, 2012, warning that "this decision can have significant consequences, including jeopardizing the Administrative Office of the Court's ability to produce consistent statewide caseload reports and to provide estimates of judicial need." (See attached letter to Judge Mary Logan, December 3, 2012). Spokane responded December 13, 2012, stating that the court intended to do double-data entry, but not each event, citing as an example the limited case information sent from Seattle Municipal Court to JIS (see attached letter to Justice Fairhurst and Callie Dietz, December 13, 2012). Since Spokane Municipal implemented its JustWare system in 2013, Spokane has entered significantly less than the full set of data into JIS. In particular, hearing date information and

accounting information are missing. Subsequently, AOC received information from Spokane District Court indicating numerous difficulties created because Spokane Municipal Court was not entering hearing information.

The JISC Policy Workgroup on Implementation of Local Court Systems continued to meet through 2011 and 2012 with the purpose of developing first a policy and then amendments to JISCR 13, but could not come to consensus. The draft policy contained references to an AOC data standard that would detail the data elements required for courts on local systems to share with the statewide system. On June 22, 2012, the workgroup brought majority and minority drafts to the JISC, declared it had reached an impasse, and requested direction from the JISC. The JISC gave the workgroup direction as to several questions, but did not approve either raft. The JISC ordered the workgroup to continue its work and bring a revised draft back to the committee (see attached summary of JISC minutes). The workgroup met through November 2012, but still could not reach consensus. The workgroup then became dormant, until it was finally disbanded in 2014. Having been unable to reach consensus on the policy, the workgroup never addressed the planned amendments to JISCR 13. Because a policy was never passed, the accompanying AOC data standards were also never passed.

In late 2013, AOC became aware that several other courts were pursuing independent local systems, including King County District Court, Yakima County District Court, and Federal Way Municipal Court, in addition to Seattle Municipal Court and Spokane Municipal Court, which already had separate local systems. Representatives of the District and Municipal Court Judges' Association, the District and Municipal Court Management Association, and AOC met on January 24, 2014, to discuss the courts' future plans for independent systems, and the impact on the statewide court information database. If all of these courts of limited jurisdiction leave the statewide system, there must be data standards in place so that their information is visible to other courts and justice partners.

On January 27, 2014, AOC received a letter from King County Superior Court declaring that they were withdrawing from the SC-CMS project (see attached letter from Judge Craighead, January 27, 2014). When King County Superior Court implements its own case management system, there will be a need for King County Superior Court's information to continue to be in the statewide system. Without it, there will be a significant gap in the case information available statewide.

In the 2014 Supplemental Budget, the legislature attached the following proviso to AOC's funding for the Superior:

> The administrative office of the courts and the judicial information systems committee shall develop statewide superior court data collection and exchange standards. Upon implementation, these standards must be met by each superior court in order to continue to receive judicial information

systems account funding or equipment and services funded by the account.

For those courts that do not use the statewide superior court 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 administrative office of the courts and judicial information systems committee, and (b) the costs to develop and implement local court case management systems.

Responding to the legislature's direction for superior courts, as well as the growing need to ensure the integrity of statewide information for courts of limited jurisdiction, the JISC passed JIS Data Standards for Alternative Court Record Systems and the accompanying Implementation Plan on October 24, 2014 (see attached data standards and implementation plan).

The proposed amended JISC Rule 13 was distributed to JISC members and stakeholders on August 25, 2014, for consideration at the September 5 JISC meeting. Justice Fairhurst received numerous requests to delay consideration of the proposed rule. At the September 5th meeting, the JISC agreed to delay the decision until their October 24th meeting, and had a lengthy discussion about the proposed rule. Justice Fairhurst requested written comments from members.

After receiving suggestions and comments, Justice Fairhurst sent a revised version of the rule to JISC members on September 29, with a request for comments by October 7. More comments were received from members and court stakeholders. A final proposed version of the rule was sent to JISC members and stakeholders on October 13, 2014 for the October 24 JISC meeting. Shortly before the meeting, Justice Fairhurst again received requests to delay a decision on JISCR 13. When the JISC member requesting more time was asked how much more time would be needed, the response was six months.

On October 24, 2014, the JISC approved the proposed amendment to JISCR 13 to include the language in the first paragraph of the legislative proviso above, and made it applicable to both superior and limited jurisdiction courts. The JISC's rationale is to give the JISC authority to enforce the new data standards for courts with independent systems by tying compliance with JIS funding, as the legislature did in its 2014 budget proviso. As more limited jurisdictions contemplate using alternative systems, it is also necessary to ensure the integrity of statewide information for all courts (see attached excerpt from draft minutes, JISC October 24, 2014 meeting).

On October 24, the JISC also added the second paragraph of the legislative proviso to its JIS General Policies, ensuring that JIS funds would not be used for

costs for local systems or for those systems to meet the data standards. (See attached JIS General Policy10.2).

Proposed Change to JISCR 13

The proposed rule defines "electronic court record system," clarifies that JISC approval is required for all electronic court record systems, provides for increased notice of proposed systems, and requires courts with alternative electronic court record systems to comply with the JIS Data Standards for Alternative Electronic Court Record Systems.

D. Hearing: None needed.

E. Expedited Consideration: Requested.

RULE 13 ELECTRONIC ~~LOCAL~~ 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 Data Standards for Alternative Electronic Court Record Systems.

Comment: The JIS Data Standards for Alternative Electronic Court Record Systems define "Statewide court data" as "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."

(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 Data 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.

~~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.~~