Judicial Information System Committee Meeting October 22, 2021

DECISION POINT – JIS-Link Fees

MOTION:

One of:

- **[AOC set fees]:** I move that the JISC ratify the current JIS-Link fees set by AOC effective May 1, 2021, approve the updated click-through agreement drafted by AOC, and grant AOC the authority to set JIS-Link fees moving forward."
- **[Fees tied to fiscal growth factor]:** I move that the JISC approve the current JIS-Link fees set by AOC effective May 1, 2021, approve the updated click-through agreement drafted by AOC, and grant AOC the authority to adjust JIS-Link fees according to the fiscal growth factor."
- **[Fees set by JISC annually]:** I move that the JISC approve the current JIS-Link fees set by AOC effective May 1, 2021, approve the updated click-through agreement drafted by AOC, and add JIS fees as a standing item for future October JISC meetings.

I. BACKGROUND

The JIS-Link fee schedule was last set in February 2003. In May 2021, AOC adopted an updated fee schedule to increase the per-transaction fee rate in an attempt to align the fees more closely with the costs of maintaining the system. Shortly thereafter, AOC adopted a temporary transitional billing model to permit JIS-Link users to use both the legacy system as well as a new web-based system without penalty. The transitional billing model is a flat fee for each account based on the newly-adopted transaction fee and a discounted calculation of that individual account's historic usage of the system.

AOC and the JISC have received a few complaints from users regarding the updated fees, either the increased per-transaction fee or the structure of the transitional billing system.

II. Discussion

While AOC believes that it was granted authority by the JISC to set JIS-Link fees in 2003 (either explicitly or through approval of the click-through agreement that states fees are subject to change at any time), there is no documentation of that in JISC records. AOC staff spoke to two former AOC employees involved in that process as well as the former chairs of the JISC and the DDC at the time. All four noted that this would have been the standard practice at the time, but did not specifically recall this decision point.

AOC is asking the JISC to do three things:

1) Ratify the fee schedule AOC adopted in May 2021.
2) Approve the updated click-through agreement.
3) Provide AOC with direction on future fee increases. Options include, but are not limited to:
    a. Affirm AOC's authority to set fees in the future.
    b. Authorize AOC to increase fees in the future based on the fiscal growth factor.
    c. Make the JIS-Link fees a standing item on the October JISC meeting each year so the JISC can consider and approve the fees.

III. OUTCOME IF NOT PASSED –

If the JISC declines to ratify the AOC's new fee schedule, approve the new click-through, and provide guidance to the AOC on future fee increases, it would increase the risk of challenges to JIS-Link invoicing and create confusion in the user community. The May 2021 fee increase was intended to get the JIS-Link closer to a cost-recovery model, and anything that negatively impacts revenues or rolls fees back to the ones set in 2003 may require additional funding from another source, potentially the JIS account.