JUDICIAL INFORMATION SYSTEM COMMITTEE

Oct 25, 2013
9:00 a.m. to 3:00 p.m.
AOC Office, SeaTac, WA

DRAFT - Minutes

Members Present:
Mr. Larry Barker
Chief Robert Berg
Judge Jeanette Dalton
Ms. Callie Dietz
Justice Mary Fairhurst, Chair
Judge James Heller (phone)
Mr. William Holmes
Mr. Rich Johnson
Ms. Joan Kleinberg
Judge J. Robert Leach
Ms. Marti Maxwell
Judge Steven Rosen
Mr. Jon Tunheim
Judge Thomas J. Wynne

Members Absent:
Ms. Barb Miner
Ms. Aimee Vance
Ms. Yolande Williams

AOC/Temple Staff Present:
Mr. Kevin Ammons
Ms. Tammy Anderson
Ms. Kathy Bradley
Mr. Bill Cogswell
Ms. Vicky Cullinane
Ms. Vonnie Diseth
Ms. Stephanie Happold
Mr. Mike Keeling
Ms. Kate Kruller
Mr. Dirk Marler
Ms. Mellani McAleenan
Ms. Pam Payne
Mr. Ramsey Radwan
Ms. Maribeth Sapinoso
Mr. Mike Walsh
Ms. Heather Williams (phone)

Guests Present:
Mr. Ken Arnold
Mr. Tom Bartel
Mr. Paul Emhoff
Ms. Lea Ennis
Mr. Paul Farrow
Ms. Vanessa Torres Hernandez
Ms. Ann Howard
Mr. Allen Mills
Mr. Roland Thompson
Ms. Kristen Wheeler
Ms. Kathy Wyer

Call to Order

Justice Mary Fairhurst called the meeting to order at 9:00 a.m. and introductions were made.

September 6, 2013 Meeting Minutes

Justice Fairhurst asked if there were any additions or corrections to the September 6 meeting minutes, hearing none, Justice Fairhurst deemed them approved with corrections.

JIS Budget Update (13-15 Biennium)

Mr. Ramsey Radwan provided the budget update for the 2013-2015 biennium. The green sheet, representing the amount allocated for projects listed, shows the expenditures and current allocations for the current biennium for the INH, SC-CMS, AC-ECMS, and the equipment replacement projects. A supplemental budget request is planned to fulfill the contract budget requirements for the AC-ECMS and SC-CMS projects. Expenditures levels look promising, with the greatest concern being focused on additional allocation of funds from the Legislature in the spring of 2014.

Mr. Radwan presented the JIS fund forecast to the members of the JISC. The addition of costs for the IT Security request, software and hardware maintenance, and the estimated costs for the King County phase of the SC-CMS project were included in the new forecast. The costs were netted out in comparison to the current biennial budget. The fund balance available decreased for the next several biennia as a result. Revenue due to infractions and filings has decreased as projected.

Data Dissemination Committee – GR 15

Judge Thomas Wynne presented the JISC with GR 15 amendments approved by the Data Dissemination Committee (DDC). Materials provided to the JISC included comments from stakeholders, a transcript from a DDC public hearing, and a memo explaining the reasoning behind the proposed amendments and the procedural process thus far. Goals in drafting the new amendments included: providing a basis for sealing non-conviction records, addressing juvenile offender records consistent with chapter 13.50 RCW, providing a basis for sealing non-conviction adult and juvenile court records, emphasizing that party names may not be redacted as the existence of a sealed or redacted adult case is always available to the public, and providing that Orders to Seal or Redact shall contain an expiration date unless specific to a juvenile record. Furthermore, the proposed draft provides that a notation of "nonconviction" will be used in the public indices for certain cases and a process to unredact records as well as unseal them. The proposed rule takes no position on using Ishikawa factors for sealing juvenile records. Judge Wynne also mentioned that the legal community wanted direction in GR 15 to address non-conviction records which the draft provides.

The JISC undertook consideration of the following amendments.

Judge Wynne discussed GR 15(f) and presented an amendment to move GR 15(f)(2)(C) to GR 15(f)(1)(B).

Motion: Judge Leach
Second: Judge Dalton
Vote: Unanimous except Justice Fairhurst, who abstained. She explained that she was abstaining on all the GR15 votes because she will consider it when it goes to the WA Supreme Court.

In GR 15(c)(2) additional language was proposed to the JISC based on the October 21, 2013, DMCJA letter.

Motion: Judge Leach
Second: Judge Rosen
Vote: Unanimous except Justice Fairhurst, who abstained.

The new GR 15(c)(2)(B) language was presented. Mr. Roland Thompson asked how notice would be provided and by whom. Ms. Vanessa Hernandez and numerous JISC members weighed in on who should provide the notice, how the notice should be provided, and what edits to the subsection should be made in order to provide clarity. Edits were proposed to GR 15(c)(2)(B)(ii) and the following comment.

Motion: Judge Leach
Second: Judge Dalton moved to amend Judge Leach's motion and amendment language
Vote: In Favor: Mr. Larry Barker, Chief Robert Berg, Judge Jeanette Dalton, Ms. Callie Dietz, Judge James Heller (phone), Judge J. Robert Leach, Mr. Jon Tunheim, and Judge Thomas Wynne.

Opposed: Judge Rosen, Rich Johnson, Marti Maxwell, William Holmes
Abstained: Justice Fairhurst

Judge Rosen suggested splitting GR 15(c)(5) into subsections (A) and (B) and moving some of the sentences.
Motion: Judge Rosen
Second: Judge Leach
Vote: Unanimous except Justice Fairhurst, who abstained

Judge Wynne suggested additional language to GR 15(8)(B) based on the DMCJA letter.
Motion: Judge Leach
Second: Judge Dalton
Vote: Unanimous except Justice Fairhurst, who abstained.

Judge Wynne presented the proposed changes to GR 15(c)(9) and reiterated that party names should not be redacted from a case and should remain visible to the public. This applies only to adult cases as sealed juvenile records currently in JIS systems are not available to the public. This amendment will not change current practice. Minor language edits were suggested for GR 15(c)(9). Judge Wynne previously discussed with Ms. Vonnie Diseth if any of the changes in GR 15 (c)(9) would require substantial ISD resources and time. Ms. Diseth stated that it would take approximately 200 hours to do the changes proposed.

Judge Wynne reviewed the proposed amendment and comment section in GR 15(i)(5)(B). He stated that due to issues raised by the Clerks and disagreements in the DDC about the language, the subsection should go back to the original language and the comment should be stricken.
Motion: Judge Wynne moved not to include the amendment and the comment, and to go back to the subsection's original language.
Second: Judge Leach
Vote: Unanimous except Justice Fairhurst, who abstained.

Justice Fairhurst provided the process if the proposed rule was to be approved and forwarded on to the Supreme Court.

Motion: Judge Thomas Wynne

I move to approve the DDC proposed GR 15 draft as amended this morning and to recommend adoption of the proposed GR 15 amendments by the Washington State Supreme Court on an expedited basis.

Second: Judge J. Robert Leach

Voting in Favor: Mr. Larry Barker, Chief Robert Berg, Judge Jeanette Dalton, Ms. Callie Dietz, Judge James Heller (phone), Mr. William Holmes, Judge J. Robert Leach, Ms. Marti Maxwell, Judge Steven Rosen, Mr. Jon Tunheim, and Judge Thomas Wynne.
Opposed: None
Abstain: Justice Fairhurst and Mr. Rich Johnson
Absent: Ms. Barb Miner, Ms. Aimee Vance, and Ms. Yolande Williams

ITG #2 - SC-CMS Update

Mr. Tom Bartel, Vice President of Professional Services for Tyler Technologies, Inc., presented

their kick-off presentation to the JISC members. Mr. Bartel introduced Tyler's key staff to the SC-CMS Project: Ms. Kristin Wheeler, Regional Project Manager – Western Region, and Mr. Paul Farrow, Project Manager. Mr. Bartel presented background information of Tyler as a corporation and of their Courts & Justice Division and included information about their case management system implementation throughout the United States, contract highlights, key business drivers, governance and project execution, and critical success factors.

Ms. Maribeth Sapinoso followed with her update of the Superior Court Case Management System (SC-CMS) Project. Ms. Sapinoso provided status of the kickoff activities presented early September to the Project Steering Committee, AOC Management and Staff, Court User Workgroup and the AOC Project Team. Ms. Sapinoso announced that the Pilot sites were selected by the Project Steering Committee on September 10, 2013. Eight counties that originally submitted interest as pilot candidates were automatically considered for Early Adopter candidates. The project requested response for interest of Early Adopters from all counties by Friday, November 1, 2013. To date, in addition to the original eight Pilot Candidates, the following counties have expressed interest as Early Adopters: Kitsap, Grays Harbor, Cowlitz, Klickitat, Walla Walla, and Spokane. Ms. Sapinoso expressed the map displaying Pierce County as opting out of the new CMS implementation; therefore, were not included in the final contract negotiations for statewide implementation which resulted in approximately $760,000 in savings.

Other project related activities include the Project Steering Committee Charter that was approved by the JISC on September 6, 2013, was finalized with all members' signatures. Project updates were presented to the following groups and associations: Washington Judicial Conference, AWSCA Fall Conference, WACO Conference, Access to Justice Committee, and the Association of County & City Information Systems (ACCIS). Tyler successfully delivered their two day Pre-Design Training in SeaTac early October. The purpose of the Pre-Design Training is to familiarize attendees with the Odyssey application in preparation for the Fit Assessment. This training was well attended by members of the Court User Workgroup, Subject Matter Experts (SME) from the Pilot sites including Financial SMES. The training also included a demonstration of their document management system that was demonstrated for the first time to the SMEs since this functionality was originally out of scope until negotiated in scope as a result of the final contract. The following week, Tyler successfully completed their two week Business Fit Assessment which included most of the same SMEs from the Pre-Design training. The purpose of the Business Fit Assessment discusses Washington Superior Court and County Clerk's Office business practices in much greater detail addressing whether or not the RFP requirements are being met in Odyssey. Next to come is the two week Technical Fit Assessment which discusses the statewide and local integration efforts.

Ms. Sapinoso and Mr. Allen Mills, representing Bluecrane, presented and discussed the three high risks outlined in the September 2013 report.

CIO Report

Ms. Vonnie Diseth presented the JISC with the report from the CIO. Ms. Diseth discussed the sources of IT requests, including ITG requests, legislative requests/mandates, infrastructure maintenance projects, and other unplanned activities that impact staff resources and availability. The IT Project list was reviewed, and Ms. Diseth described the process for allocating work and projects for the biennium with the AOC project managers. Ms. Diseth provided a summary of how AOC staff reviews requests with the ITG process, including an analysis of time and projected results. In addition, Ms. Diseth proposed that, in order to preserve resources, AOC adopt a policy

to screen out ITG requests that will be addressed within the scope of the SC-CMS project. She expressed that, with the JISC's blessing, it could be done as an internal AOC process. There was also a suggestion that the ITG groups be educated regarding the threshold. Justice Fairhurst inquired about the feasibility of establishing time periods for reviewing ITG requests. Justice Fairhurst asked the JISC membership to approve the establishment of an AOC screening process for ITG requests that will be addressed by SC-CMS, and to AOC sending a message to requesting groups regarding that policy. There were no objections.

CLJ Probation Case Management Inclusion in CLJ Case Management Project

Mr. Larry Barker provided the JISC with an overview of the history and proposal for CLJ Probation case management to be included in the CLJ Case Management project. Repeated attempts have been made over the past several decades to obtain a statewide case management system, which have fallen by the wayside due to a number of concerns. An ITG request has been started by the Washington State Misdemeanant Corrections Association (MCA) to revisit the issue of a statewide probation case management application. Mr. Barker noted the analysis conducted by the AOC included the possibility of a feasibility study. The CLJ-CLUG met and decided not to request a feasibility study, an expense that was felt to be too much. The MCA felt it would be beneficial to be involved in the process of developing the CLJ-CMS rather than initiating an individual process. The scope of the CLJ-CMS request has not changed as a result of this request. Juvenile probation matters would also be part of the process, since they have similar business processes. Additional review of the system being implemented by Tyler Technologies for the Superior Courts will be done as part of the evaluation, in particular the supervision piece of the Odyssey product. Ms. Vicky Cullinane noted that the CLJ-CLUG did not agree to the inclusion of juvenile probation within the CLJ-CMS. Mr. Barker agreed that this was not agreed to, rather it has been discussed outside of the ITG process.

JIS Data Dissemination Policy Amendment

Judge James Heller presented the JISC with an amendment regarding the JIS data dissemination policy on CLJ data destruction. After providing a brief history, Judge Heller described the results of the last meeting of the JISC workgroup tasked with bringing a new draft policy to the JISC. The workgroup discussed using the Adult Static Risk Assessment severity codes to categorize cases that should be kept in perpetuity. It was determined this would significantly more work for the ITG 41 project, both in terms of time and resources. Judge Steven Rosen observed there is a need to clean up the records in order to maintain a fair hearings and sentencing. Judge Rosen noted there were certain records that would need to be kept for extended periods, even if the cases are dismissed. Judge Rosen noted that the majority on the three-member committee were not in favor of carte-blanche destruction of records after the prescribed number of years as proposed in the current draft of the policy, unless certain charges or case types or severity codes, or a flag, are maintained. The question exists of how this should be handled with the resources available. Judge Heller noted the problem is with non-conviction data and the reasons for dismissals. A recommendation is not ready, the committee is only presenting options to the JISC and asking for guidance. Judge Jeanette Dalton asked if the retention scheduled is required by statute, and the answer was it is not mandated by statute; JISC Rule 8 allows AOC to establish retention schedules. Judge Dalton suggested the possibility that a retention schedule related more to the physical storage of paper records, and may not be relevant to digital records. Judge Rosen responded that screen cluttering could be cumbersome to navigate, and the presence of some dismissed case records could influence the opinion of a judge. Judge J. Robert Leach noted there is a fairness issue here, not just a matter of convenience for the courts. Justice Fairhurst

asked, from the perspective of the current methodology, which recommendation would work best, and Judge Heller replied that any of the recommendations, other than option six, would be a business decision on which would meet the needs best. Ms. Vicky Cullinane noted the original 2008 memorandum provided general direction, but more specific policy direction was requested. The memo directed that civil domestic violence cases be kept, but did not address criminal domestic violence cases in any manner, and a request was made to clarify the intent. A recommendation was made to maintain domestic violence records for 15 years, and there were no objections to the decision. Justice Fairhurst proposed flagging domestic violence records as permanent records. If the policy allows case-by-case flagging, Judge Rosen requested some criteria be established, either through the DMCJA or the DDC, and be publicly available. There were no objections to the proposal, if criteria are established. Ms. Stephanie Happold noted per JISC Rule 8, once the retention schedule and criteria are approved, they will go to the AOC for establishing the policy, and will be disseminated to court staff and the public.

Justice Fairhurst noted the recommendation is to proceed with Option 2 for destruction of records, with the exception for domestic violence cases being retained for 15 years, and establishing the ability for a judge to flag a case for permanent retention, pursuant to criteria to be developed. A friendly amendment was proposed to keep records set to be deleted after three years be held for five years, pending the results of the Judicial Needs Survey. Ms. Kate Kruller indicated this would have no significant impact on the project.

Motion: Judge James Heller

I move to adopt Option 2, which is to destroy records as originally proposed by the Data Dissemination Committee, with the exception that domestic violence case will be retained for 15 years, including the ability for a judge to flag individual cases for permanent retention, after consideration of guidelines that will be proposed by the DMCJA, then approved by the Data Dissemination Committee and the JISC. The approved guidelines will be proposed to AOC, which will write and publish them. Records set to be deleted after three years would be held for five years, until the data needs for the Judicial Needs Estimate are resolved, then records will be deleted after three years.

Second: Judge Steven Rosen

Voting in Favor: Mr. Larry Barker, Ms. Callie Dietz, Judge James Heller, Mr. William Holmes, Ms. Joan Kleinberg, Judge J. Robert Leach, Judge Steven Rosen, Judge Thomas J. Wynne, Justice Fairhurst, and Mr. Rich Johnson
Opposed: None
Absent: Chief Robert Berg, Judge Jeanette Dalton, Ms. Marti Maxwell, Ms. Barb Miner, Ms. Aimee Vance, and Ms. Yolande Williams

JIS Priority Project #3 (ITG 45) Appellate Court ECMS

Mr. Kevin Ammons provided an update for the AC-EMCS Project. Mr. Ammons informed the committee that the contract with ImageSoft was executed on September 13th and that the kickoff meeting for the project was scheduled to be conducted on October 28th. Finally, Mr. Ammons provided a high level project schedule.

ITG #121 Superior Court Data Exchange Update

Mr. Mike Walsh presented a close-out report on the Superior Court Data Exchange (SCDX) Project. Pierce County went live on September 3, 2013 with the six services provided, and the AOC is transitioning to a support role. Mr. Walsh will provide an update on the function of the SCDX during the first few months at the scheduled February JISC meeting.

Information Networking Hub

Mr. Ammons then gave the update on the INH project. He informed the JISC that the INH team is currently working with the SC-CMS team and Tyler to begin determining how INH will be used to integrate Odyssey with the JIS systems.

ITG #41 Remove CLJ Archiving and Purge Certain Records

There was no discussion regarding the information provided for ITG #41 during the meeting.

Committee Reports

Data Dissemination Committee:
No Report.

Data Management Steering Committee:
No Report.

AOC Re-Organization

Ms. Callie Dietz provided the JISC with a review of the AOC re-organization. A goal of the re-organization was to facilitate communication and collaboration between divisions at the AOC. The final result was produced utilizing input from recommendations and information from stakeholders, court officials, internal employees, and observations. Ms. Dietz detailed what areas of the agency were moved and how roles may have changed as a result.

Adjournment

The meeting was adjourned by Justice Fairhurst at 3:00 p.m.

Next Meeting

The next meeting will be December 6, 2013, at the AOC SeaTac Facility; from 10:00 a.m. to 2:00 p.m. – (Meeting was canceled)

Action Items

	Action Item – From October 7th 2011 Meeting	Owner	Status
1	Confer with the BJA on JISC bylaw amendment regarding JISC communication with the legislature.	Justice Fairhurst	