



## Technology Committee Minutes

**Date:** May 20, 2016

**Time:** 10:30 a.m. – 2:30 p.m.

**Location:** N.C. Judicial Center, 901 Corporate Center Dr., Raleigh, N.C.

### Attendees

**Committee Members:** Justice Barbara Jackson, Judge Susan Burch, Judge William “Mac” Cameron, Seth Edwards, Jennifer Harjo, Jason Hensley, Lori Kroll, Dean J. Rich Leonard, Judge Linda M. McGee, Dawn McDermott (on behalf of Tina McNair), Brooks Raiford (by phone), Carolyn Timmons, Rajesh Tripathi

**Presenters:** Andrew Flewelling, Sharon Gladwell, Darrell Miller, Rick Minor, Jim Pauli, Doug Rowe, Mildred Spearman, Judge William A. Webb

**Reporters:** Paul Embley, Kurt Stephenson

**Guests:** Joyce Brafford, Bryan Boyd, Elizabeth Croom, Charles Fraley, Ginger Helms, Scott Laster, Jennifer Lechner, Jeff Marecic, Mal Maynard, Sarah McQuillan, Matt Meinel, Tom Murry, Sylvia Novinsky, Jayme Owen, Emily Portner, Michael Robinson, Will Robinson, Danielle Seale, Alyson Stanley, Fred Wood

### Administrative Matters

A motion was made and approved to adopt the minutes from the March 18th Technology Committee meeting, as drafted and distributed.

Justice Jackson distributed paper copies of an email from Tina McNair in which she described the states of Utah and North Carolina, and their courts. Justice Jackson noted that it would be more appropriate to discuss the content of the letter at a time when Tina McNair could be present.

Will Robinson announced that interim committee reports are due by July 15<sup>th</sup>. Public hearings will be held in August, and the NCCALJ hopes to have participation from two Technology Committee members at each hearing. More details will be provided in coming weeks.

## **Presentations**

### **A Project to Update the Judicial Branch Website –**

*Sharon Gladwell, NCAOC Communications Office*

The Chief Justice recently announced the launch of a project to redesign the nccourts.org website. The current site is static with minimal database-driven content. It was developed by the North Carolina Department of Information Technology in 2000. The site is maintained by the NCAOC, and it includes multiple microsites in numerous programming languages. The site is arranged by constituent groups, and it does not currently meet all ADA guidelines. The current site has more than 17,000 pages.

The new site will use plain language and have the user in mind. The number of webpages will be reduced significantly. The site will be built with intuitive navigation using a Drupal platform. The Drupal platform will give content managers greater flexibility with plug and play tools. The site will be compliant with ADA Section 508 and WCAG accessibility standards. The goal of the website is to ensure consistency for each county thereby reinforcing the unified court system. It will be designed for a mobile platform first since analytics show more people currently view the site through mobile devices.

A project manager has been hired and an RFI was issued to solicit vendor feedback on what they would expect to see in an RFP. The RFP will likely be available by early June 2016. A vendor should be selected in the summer of 2016. A co-sponsor group, formed with judicial branch representatives, had its first meeting in April. Preliminary research has been conducted through surveys, in-person meetings, and a review of other state websites. The overall redesign project timeline will be influenced by the selected vendor. The redesign team will use Basecamp, a project management and collaboration tool.

### **Discussing Possible Intersections with Other NCCALJ Committees –**

*Rick Minor, Legal Professionalism; Mildred Spearman, Public Trust and Confidence; Darrell A.H. Miller, Civil Justice; Judge William A. Webb, Criminal Investigation and Adjudication*

#### **Legal Professionalism**

Excerpt from the committee's charge: "The Committee will explore ways to address structural challenges that affect access to justice, including the barriers that create a lack of affordable legal services for large segments of the population, the costs and debt associated with a legal education, and the challenges of developing and sustaining a legal career."

The group's work is organized around answering various questions and subcommittees are being used. The following information was provided in the PowerPoint slides of the committee representative.

## Technology-

How can North Carolina make and use technological improvements to help the public get greater and more efficient access to law-related information?

- use of electronic technologies based in public spaces for all instances of consumer interaction with counsel and/or the courts
- develop further comprehensive statewide self-help resources for consumers, such as the use of a “legal kiosk” (physical and virtual: a web enabled database with a user friendly interface) look to other states that are working with such enhanced access programs (Utah, California, Louisiana)
- greater use of virtual legal offices by lawyers to expand scope of coverage and increase network of access by clients in under-served areas of the state
- develop a set of NC standard forms for civil and criminal practice (for use by both *pro se* consumers and lawyers and accessible electronically at public locations) accepted by clerks in all 100 NC counties
- improve nccourts.org functionality through ability to accept secure payments, schedule appointments with parole officers and other court personnel, respond to email correspondence from the courts, etc.

## Education-

How can North Carolina use educational methods to improve awareness and knowledge of law-related information?

- targeting the community of legal services and law-related services to educate the service providers on the use of technology and web-based resources to deliver legal services: law schools, CLE certified topics, paraprofessional training programs.
- targeting the public and community of consumers and potential consumers with coherent guidance on the legal system and its service providers; reducing the complexity for a non-technical audience.
- technology, in terms of web-based resources, can and will play a significant role here

## Regulatory-

What kinds of structural and regulatory reforms could help North Carolina deal with the rapid changes and growing innovation in how legal services are delivered?

- defining “the practice of law” (who defines scope and how)
- relationship between NC Supreme Court and the NC Bar
- how to frame any new structure and supervision

## Legal Services Supply Chain-

What are the impediments to (a) pursuing a career in legal and law-related services; (b) providing services to those whose needs are not currently being met; and (c) persons who need legal or law-related services obtaining service from persons who have the ability to deliver the needed services?

- current and future rules for out of state lawyers, nonlawyer providers of law-related services, and online only providers

## Doing the Business of Legal Services Provider-

What methods could North Carolina use to improve the interaction of supply and demand for legal services?

- public sector and other non-profit options for the provision of legal services, current and future
- new business models for the private sector provision of legal services and legal-related services (e.g., internet based and corporate (v. lawyer partnership) structures)

## Public Access—Public Resources-

How can North Carolina use existing state resources in different ways to help the public get access to law-related information?

- physical locations: public libraries, community colleges, law schools, and courthouses
- expand the use of collaborative law services to offer consumers an additional avenue for conflict resolution, problem avoidance and legal redress
- consider the merits of publicly-funded legal call centers for consumer guidance on identifying the kind of legal matter and the related resources available; how to finance and staff

## **Public Trust and Confidence Committee**

The committee is working to identify and evaluate factors that influence public trust and confidence in the judicial system. The committee has draft recommendations that may intersect with technology.

## Court Forms

- online availability of standardized court forms, especially those forms commonly used by self-represented litigants
- online links to packets of forms that should be used in connection with a particular case type and instructions on how to use the forms
- document assembly programs that provide capability for electronic completion and filing of forms in case types with a high volume of self-represented litigants

## Access to Information

- enhanced quantity and quality of resources on Judicial Branch website, with enhanced navigation and search functions
- online electronic access to appropriate public court records
- centralized calendaring website that facilitates online search capability for case and docket information
- real-time video and audio streaming of proceedings before the Court of Appeals and the Supreme Court and access to archived oral arguments
- centralized repository for all court transcripts, and a centralized system for accepting transcript requests, receiving payment for transcripts, and ensuring production of a complete and accurate transcript of the record in a timely manner

- access to digital recordings of district court and superior court proceedings that are digitally recorded, if the recordings do not include confidential material
- centralized self-help center to provide information, education, and resources for self-represented litigants via telephone or online
- increased use of social media to enhance dissemination of information about the court system's programs, services, operations and events

#### Case Management

- increased efforts to create online service options that do not require a trip to the courthouse, such as electronic filing, online payment and disposition of compliance offenses
- enhanced use of video technology for court appearances
- increased data collection to facilitate objective analysis of court performance

#### Civil Justice

The committee is working on draft recommendations that complement the group's guiding principles that a modern civil justice system should be fair, accessible, transparent, efficient, and effective.

Potential areas that intersect with the work of the NCCALJ Technology Committee include support for statewide eFiling that feeds into case management and an integrated financial management system. Currently, there is a lack of uniformity in the use of case tracking, and even the methods used to track cases can differ court-by-court. It is also difficult to provide details about the collection of fines and fees. There may also be technological advantages to additional use of teleconferencing and videoconferencing.

The committee believes that a uniformly used eFiling system with an electronic wraparound case management component can generate additional data for monitoring cases and potentially reduce costs and delays. Captured data should be that which is found to reflect the values of the Judicial Branch rather than just focusing on collecting more information. Additional consideration should be given to the availability of the data and how cost savings can be reinvested in the justice system like Utah and other states.

The group also suggests that the underlying architecture and rules be established and specified in a flexible way to address the efficiencies of new technology before implementation. Ideally, the technology would incorporate an algorithm or decision tree to automatically determine the complexity of a filed case at initiation or soon after. This would allow parties to have a general sense of time expectations, and the courts could plan resources accordingly.

The NCCALJ Technology Committee members discussed the potential to use technology to share information across systems, whether for civil judgments or with the various agencies who document information about inmates in the criminal justice system.

## **Criminal Investigation and Adjudication**

The committee is working on a number of proposed recommendations, but in particular, two may have a technology component. A consultant with the National Center for State Courts is helping the committee examine opportunities around enhanced case management. This will include an online component with various tools for users. The committee also anticipates putting forward a proposal to raise the juvenile age to 18. The Juvenile Justice division of the N.C. Department of Public Safety has expressed support for this idea and is examining ways to gather data about the number of contacts a youth may have with the justice system, even if the result is not a filed complaint. There may also be a need to share access to data currently captured in JWISE.

## **Courthouse Facility Technology Guidelines and Other Member Suggestions – *Discussion for Technology Committee members***

Judge Cameron provided additional details about his previously emailed suggestion that the committee consider recommending the development of technology guidelines for courthouse facilities. The County Commissioners of Onslow County identified a need for a supplemental court building. Even though Onslow County has the 12<sup>th</sup> largest population in North Carolina, the architects and other planners don't have experience with designing courthouse facilities. As local court officials were engaged to participate in planning it was realized that North Carolina does not have a set of recommended features or guidelines that counties can use when building courthouse facilities. The National Center for State Courts and a number of states have developed such documents. In Virginia, the document is ten chapters, and one full chapter is planning for technology. Without such guidelines, there is a potential for the efficiencies and successes of technology to be minimized. If facilities aren't designed with future technology in mind, then the experience of court customers, and even the perception of justice, may vary depending on the user's location. It was suggested that perhaps a survey to inventory courthouse facility characteristics or recent build experiences might be a helpful step in the process to develop the needed guidelines.

During this discussion, it was also noted that there is surprisingly little information available about innovations or promising practices at the county level. It was suggested that it might be helpful to have a centralized database that could be searchable by issue. It was mentioned that regionally based technology services division staff often travel across counties and jurisdictions. They could be resources to identify technology-related information. Creating a listserv or email discussion group, similar to that of the National Center for State Courts, might be a way for people to pose questions about specific topics and have information tagged for search functionality. It was also noted that highlighting successes or new techniques through JUNO-based articles might be a helpful way to share information across the state.

## **eCourts Strategic Plan Updates –**

*Andrew Flewelling, Doug Rowe, and Jim Pauli of BerryDunn*

Two teams from BerryDunn conducted fact-finding interviews during a three week period in various locations around the state. The consultants met approximately 270 internal stakeholders, either individually or through focus groups. The NCCALJ Technology Committee recommended that consultants speak with Official Court Reporters and a limited number of private attorneys from a wide swath of practice types. The perspective of the private attorneys can provide broad insight on many topics, and in the future, the Judicial Branch should consider identifying representatives from external agencies or private industries who could offer specific details when a particular project is scoped.

BerryDunn will complete its process for documenting the current status of technology in the Judicial Branch in July. This will include major applications, governance, and some business processes. This review will identify inconsistencies, such as when technology is available but underutilized and how existing applications may or may not interact.

During the initial fact-finding phase BerryDunn identified a preliminary list of issues that includes paper-intensive work processes, the lack of a single repository of case data, calendaring, management reporting and analytics, financials, and public demands for service. BerryDunn also indicated that they heard from various constituency groups that are eager for implementation. Members of Technology Committee suggested that offering brief reports to constituency group associations and conferences in the near future would be helpful, and NCCALJ indicated that preparations were already being made.

As BerryDunn begins their gap analysis phase, they will use the NCSC Court Technology Framework, and a model adapted from the Judicial Tools Maturity Model, to determine alignment between the current state of technology and the desired future. This maturity model will define where the Judicial Branch stands in various categories and allow decision-makers to determine at what pace advancement should be made in those areas during the five year period of the strategic plan. It is anticipated that a subcommittee of the Technology Committee, and perhaps someone from NCAOC TSD, will be selected to assist in the initial prioritization process.

Berry Dunn also suggested that the committee consider further examination of three topics which are unlikely to be identified as strategic initiatives in the final plan, but nonetheless, are important uses of technology.

### **Topic #1: Video**

- The use of video is inconsistent in North Carolina and primarily for arraignment proceedings. Video has been used for decades in courts across the country as well as the private sector, as noted by committee members.
- The use of video conferencing could be increased in hearings for motions, remote witness testimony, language interpreting, trial proceedings, and communication between states.

- Potential concerns with video include quality, privacy, witness independence, loss of ability to gauge personal demeanor, availability, inference of guilt if located at detention facility, cost of establishing the needed infrastructure vs. the anticipated limited usage in certain courtrooms, etc.
- There are options for video including cloud-based, vendor service, and proprietary. The decision to use video should be evaluated using an outcomes and value approach.

Topic #2: Updating technology to support a unified court system

- Ensure that the investment in technology provides the best rewards.
- Utilizing a governance model to make decisions about strategy and funding is important.
- A technology strategy should focus on enterprise-level architecture solutions to reinforce the unified court system.

Topic 3#: Courtroom technology and exhibit management

The N.C. Judicial Branch should ask:

- What is the technology and why is it wanted?
- Who will manage courtroom technology during day-to-day proceedings?