

MINUTES

Meeting of SUPREME COURT OF GEORGIA COMMITTEE ON COURT TECHNOLOGY February 20, 2004

McKenna, Long & Aldridge
303 Peachtree Street, NE, Suite 5300
Atlanta, GA 30308

MEMBERS PRESENT/AFFILIATION

R. William Ide, III, **Chair**
Judge Timothy A. Pape, **Co-chair**
A. James Elliott, **Reporter**
Judge John D. Allen, Superior Court judge
Carlton W. Blair, State Court clerk
Barbara Bledsoe, Juvenile Court clerk
Gayle Collins, Magistrate Court clerk
Judge William M. Coolidge, III, Municipal Court judge
John E. Cowart, Jr., District Court Administrator
Jane Gaguski, Municipal Court clerk
Judge N. Jackson Harris, GCAC
Kimberly Hunnicutt, Georgia Board of Court Reporting
Judge Joseph Iannazzone, State Court judge
Judge Cliff L. Jolliff, Juvenile Court judge
Stephen D. Kelley, Prosecuting Attorney's Council
William L. Martin, III, Clerk, Court of Appeals
Jody Overcash, District Court Administrator
Rudolph N. Patterson, State Bar of Georgia
Judge John C. Pridgen, Superior Court judge
Jean H. Rogers, Superior Court clerk
V. Natasha Perdew Silas, Georgia Public Defender Standards Council
Rosa Stroud, Probate Court clerk
Judge Brenda S. Weaver, Superior Court judge
Sherie M. Welch, Clerk, Supreme Court of Georgia
F. Barry Wilkes, Georgia Clerks' Cooperative Authority

ADVISORY COMMITTEE MEMBERS/AFFILIATION

Sue Aiken, Policy Coordinator, Office of Planning and Budget
John Stewart, CIO, Dept. of Human Resources
Joy Hawkins, Deputy COO, Governor's Office
Tom Wade, Executive Director, Georgia Technology Authority
Ross Potts, Director, Dept. of Motor Vehicle Safety

Joe Hood, Criminal Justice Coordinating Council
John Myers, Georgia Superior Court Clerks Cooperative Authority

INVITED GUESTS

Chief Justice Norman S. Fletcher, Supreme Court of Georgia
Jim McMillan, Principal Court Management Consultant, National Center for State Courts

OTHERS IN ATTENDANCE

David Ratley, Director, Administrative Office of the Courts
Cynthia Clanton, General Counsel, AOC
Debra Nesbit, Asst. Director, AOC
Rex McElrath, Information Services, AOC
Casey Jackson, Research, AOC
Bonnie E. Tinker, Deputy General Counsel, AOC
Patricia Smith, Human Resources, AOC
Philippa Maister, Communications, AOC
Bob Cucchi, Principal, North Highland
Mark Sanders, President, Sanders & Associates
Jeremy Berry, McKenna, Long & Aldridge
J. William Holland, Assistant Deputy Director of Research & Development, GCIC

1. At 9:30 am, Mr. Ide called to order the first meeting of the Supreme Court of Georgia Committee on Court Technology. He welcomed those present and asked them to identify themselves. He then invited Chief Justice Norman S. Fletcher to address the Committee.
2. Justice Fletcher said he was very excited about this technology program. He said he appreciated very much the advisory members who were present to help the Committee try to set up the right oversight structure to integrate technology into all levels of courts. He noted that the Committee involves people from all levels of court, and that good information and technology is needed for all levels of court.

Justice Fletcher stated this was not to be considered criticism of anything that has been done in the past. He said the Georgia Courts Automation Commission has been underfunded in the past and there is a need to come up with something that will help all the courts.

Justice Fletcher pledged that as long as he was Chief Justice he would provide the same level of support to the Committee that he gave to the Chief Justice's Commission on Indigent Defense, and whoever succeeds him, whether Justice Sears or Justice Hunstein, will also support its work. He said he hoped the Committee would come up with unanimous recommendations, as the Indigent Defense Commission did. He said we have worked miracles with indigent defense, and if

Committee members worked together on technology in the same way, he could see great things coming out of the Committee that would be implemented and financed.

3. Mr. Ide thanked the Chief Justice for his remarks, and said he was very excited about what technology can do. He invited Judge Pape to introduce the keynote speaker. Judge Pape then introduced Jim McMillan, Director of the Court Technology Lab, National Center for State Courts (NCSC).
4. Mr. McMillan began his PowerPoint presentation (attached in outline to these minutes) with a brief introduction to the work of the NCSC and provided its web address, www.ncsonline.org. In addition to working with state and federal courts, the NCSC also works extensively with courts in other countries. He noted that there's no one court that has cornered the market on using technology for everything, but the Supreme Court of Singapore comes the closest. Mr. McMillan said:
 - 4-1 The courts have **two kinds of technology needs**. One kind relates to business processes, like case management, scheduling, and administration. The other relates to how judges use technology to reach decisions, such as for document management, workflow, analysis, decision support and document production.
 - 4-2 He presented a "**five bubble model**" of document flow in courts. Bubble #1 consists of information about persons such as judges, attorneys, clerks and parties. Bubble #1 is linked to Bubbles #2-4: Case History, Future Events (like hearings and scheduling) and Financial. All these elements lead to Bubble #5, Documents, and the need to store them. Information is at <http://ctl.ncsc.dni.us/CaseMgtSystems.pdf> and <http://ctl.ncsc.dni.us/fifthbubble2.pdf>. The cost to store information electronically is minimal compared to the costs of paper storage; storage has gone away as a problem because of advances in technology. However, computer systems are very complex because of the need to mesh them together. The NCSC has the ability to build functional standards for what a good case management system should do. The standards are available on the NCSC website for use by courts.
 - 4-3 Document management in the "**E-World**" is better, because storage is cheaper, retrieval is faster and processing can be distributed. For example, if there is a backup in one system, documents can be sent for processing to another which is not so busy. The E-World deals with the real problem, **complexity** in the legal and judicial systems.
 - 4-4 Paper is useful for thinking and organizing the decision-making process. However, it should not be used for **permanent storage**, because it is not permanent by nature and can lead to mould and sick-building syndrome.
 - 4-5 Technology can **reduce complexity** through access to information. For example, when communication systems in a Bankruptcy Court and a federal court in New York City were knocked out on 9/11, and the courts were closed, the courts were able to operate the next day because they had a mirror document storage system in Washington, DC and were able to use court rooms in other areas for hearings. The court in Osceola County, Fla. is an example of best practice in **archiving**. Court documents are sent in DVD format to a company that prints the pages from the

- DVD into microfiche format, which meets archival standards. The process costs very little.
- 4-6 He presented a map of the United States depicting the **case management systems** in use in different states. We are not the United States in terms of case management systems. He described how some states have tied different systems together. New Jersey has a single mainframe computer, to which 10,000 people are connected. In Kentucky, the SUSTAIN case management system had been distributed throughout the state. A central mainframe computer was installed, and each local system reports data to it every night. This created a single database that can be queried for information from every county, yet each county retains its own database.
- 4-7 The **Federal courts** have adopted a case management system that is very flexible, using e-filing as a foundation. Information is available at <http://www.uscourts.gov/cmecf/cmecf.html>.
- 4-8 Mr. McMillan showed a slide depicting sample **case contents displayed** on the window of a court's computer monitor in Washington state, using an example from King County (Seattle), a local system that layers on top of a state database. The state system was five years in the planning, and e-filing has only now started. The state experimented with a variety of document storage options. Now, most paper documents are only kept in the courthouse for 20 days. After 20 days, they are destroyed. However, documents more than 75 pages long are stored.
- 4-9 Information about issues related to **public access** to court documents is available on the NCSC website, <http://ctl.ncsc.dni.us/publicaccess>.
- 4-10 **Access to Justice**, a self-help resource, was developed by faculty and students at Illinois Institute of Technology, in collaboration with NCSC and others. It is a research project that uses the most advanced process design technologies and the power of the Internet to fundamentally reengineer civil court processes. Information is at www.justicelink.org. www.moneyclaimonline.org, a United Kingdom website offers a professional debt-recovery service.
- 4-11 The Microsoft application, **InfoPath**, generates forms, including some legal documents, in XML language. The document is completely open, can be modified and is easy to use. InfoPath forms can be on court websites or be embedded in the database. They can be used by people inside and outside the court system.
- 4-12 The **Top Ten Court Websites** selected at CTC-8 are listed on its website, www.ctc8.net. The password is trillan.
- 4-13 **Wireless networking** is coming quickly. New courthouses should plan for two wireless networks: an internal government network and a public access network. Wireless is being installed in North Carolina courthouses. This saves a lot of rewiring problems in courthouses and information can be accessed by palm pilot or laptop computers. In New Jersey, wireless access is provided for police enforcement officers.
- 4-14 **Tablet computers** can be used both as laptops and as a tablet that can be written on and the script converted into text. Over time this could become the machine of choice for judges. **Multiscreen displays** on the bench allow judges to view multiple screens at once instead of requiring a big screen. Combining tablet

- computers and multiscreen displays allows a user to do many of the things paper allows, like spreading documents out.
- 4-15 Regarding **phone/voice mail/Interactive Voice Response and text messaging**, with better networks and communications, courts could start to amalgamate things like call centers. Arizona has taken all the collections from every court and feeds them to a single collections center to do all the collection work for all the courts. It is taking advantage of the network to make collections more effective.
- 4-15.1 **Digital dictation** is possible. Medical transcription is being outsourced to India, and this may be coming to the law. Court reporters could use videoconferencing to get a digital feed and do court reporting from their home office, eliminating the need for them to be in court and travel around the state to produce transcripts. Georgia Tech is working on voice recognition software. Stenomask voice transcribers are making a comeback because they can be trained to recognize a person's voice.
- 4-15.2 **Voice mail** is being used for people calling in.
- 4-15.3 **Interactive voice response** is used in the federal PACER system that lets you enter a case number and tells you the latest developments in the case. The VINES (Victim Notification System) lets an individual provide a phone number to be notified when a particular person is being released from jail. Mr. Ide stated that phone notification can make the jury system more user friendly, but can be a problem when the caller wants to speak to a live person. Mr. McMillan said voice mail should be used discriminately and carefully planned to give access to a live person. Juror education can be made available on the Internet or public access TV, and the juror questionnaire can be placed on the Internet. Some courts now use bar-coded juror badges that can be used in ATM's to immediately pay the juror for service, eliminating the need to send checks. RFID tags that identify a person entering the court are also coming.
- 4-16 A **Court Performance Index** has been developed that uses data in the case management system and other information to develop a cost per case index taking into account the complexity of a case. It can be used for planning purposes.
- 4-17 The goal of technology is to provide **decision support** for better decisions. Courts in New York City, Oregon and New Zealand offer case studies. The 5th Circuit's ISYS text search system allows text from any word processing system to be entered into a computer and indexed and searched. Text in any electronic format can be pulled together without being reformatted. The Midtown Community Court in Manhattan amalgamates information from different sources. Before sentencing, people who have been arrested can be interviewed and screened to see whether there are any open cases against them. After the interview process, the data appears on a single screen before the judge, who can scroll through to determine what type of risk an individual presents to the community, or whether the individual is suited for a drug treatment program and refer if there are available openings.

- 4-18 Technology is used to facilitate **charge selection** in sentencing by Judge Michael Marcus in Oregon. <http://www.smartsentencing.com>. He uses data to determine the best sentence for the particular person before him based on the type of crime and the individual's criminal background. He uses a spreadsheet listing all types of sentencing charges, and compares it to a bar chart listing various factors. In Scotland, there is a computer program that collects information about sentencing for specific crimes, to promote consistency across the country.
- 4-19 An electronic Judicial Toolkit has been developed by a New Zealand judge that creates electronic judicial **workspaces** where documents can be stored and managed. See http://www.ctc8.net/presentations/E08_Judicial_Decision_Support_Systems.pdf.
- 4-20 *Out of Control: The New Biology of Machines* by Kevin Kelly (<http://www.kk.org/outofcontrol>) is recommended reading. Quotes include, "The central act of the coming era is to connect everything to everything....Complexity must be grown from simple systems that already work."
- 4-21 It is not bad that Georgia has a lot of different systems in the courts, because one can grow and make the different systems communicate and work together. Systems can be designed to deal with errors. You cannot assume that automated systems are perfect. You design around imperfections. Systems can be interconnected but not dependent.
- 4-22 The Integrated Criminal Justice Information System (ICJIS) in Orlando, Fla., which Mr. McMillan helped design, uses Services Oriented Architecture (SOA). The system was designed to allow communication between the various entities without requiring that the entity's system be changed. Over time, new software will be able to talk to all the different systems, like Walmart's system can communicate with its suppliers' systems. A survey was sent out to find out what information was already being exchanged between agencies. Nineteen basic messages were being sent between the different entities. An ICJIS can be a single database that is searchable, or a system that lets you search individual organization's computers with permission. In Orlando, elements of both models were used. There is a single data warehouse that can be searched by name and by case. A police officer can create a complaint form on a mobile laptop and enter a name. The name is entered in the master name index. The complaint form is transmitted directly to the State Attorney's office and updates the case index. A similar system is used in Mecklenberg County, North Carolina.
- 4-23 Because Georgia has lots of wonderful individualized systems, there is a great opportunity to use services like a case index, name index, and calendaring for integration. E-filing and document management could be grown to shared case services. Looking at it from a services approach, there's a lot of strength in being able to take advantage of these shared services. Over time, data becomes integrated. Some wonderful things have been built in Georgia, such as the Georgia computer network. Services that can start to amalgamate information and pull things together have a lot of attractiveness.

- 4-24 Other states have been able to grow their systems because they have funding from the state and central direction. Wonderful things have also been done in states that are locally funded because they have allowed individual courts to be very proactive and innovative. The networks are there, the technology is there, and a top-down single-system approach is not needed. You can have single systems if you connect them. Service Oriented Architecture is the approach that lets everyone take advantage of them.
- 4-25 People must be given a financial incentive to join in the service. The incentive may be positive or negative.
5. The Committee applauded Mr. McMillan for his presentation. Mr. Ide thanked him.
6. Mr. Elliott asked about safeguards related to security and privacy issues, for example, in juvenile courts. Mr. McMillan said it is clear that there is a lot of information from schools that could be used in juvenile justice, and vice versa. Similarly with family issues. However, the information is not being put together. In Orlando, law enforcement has the option to put a flag next to a name, indicating that the department has information on a person, but requiring additional permission to get specific information. Biometric fingerprints can be used to allow entry into a data system. Regarding privacy, from the technical viewpoint, the court controls how information is presented. Data can be identified upfront as not for public view. There has to be some standardization of the rules and the forms, but privacy protection is not a really hard problem. Most states are making the rules of access congruent between electronic and paper data.
7. The public session adjourned at 12:30 pm. The Committee went into executive session.