



TECHNOLOGY COMMITTEE

EXECUTIVE SUMMARY

**Recommendations and Funding Strategies for “One Court of Justice”
A Single Statewide Technology Infrastructure**

June 10, 2010

Acknowledgements

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Vision

For almost a decade Michigan has experienced wrenching job losses, pay cuts, benefit cuts, and reduced services from all sectors. The Justice System faces continued pressures to provide better service, due process and just results, while losing personnel and cutting services. Now is the time for the people of this state to boldly embrace the use of technology in our court system, positioning the people of Michigan to obtain just, speedy and economical administration of justice.

Imagine a court system that would allow a plaintiff from California to file suit in Michigan using an e-filing system. The court documents are stored in the court's docket management system. The judge has access to the court documents at any time he/she wishes to work on the file, and the clerks have access to the file at any time they need it. At trial, the plaintiff appears by videoconference from California and an expert witness testifies via video conferencing from another part of Michigan. This is the same video-conferencing system the court uses to conduct arraignments, thereby saving the time and the expense of transporting prisoners around the county. The suit is effectively adjudicated, without the additional time and expense of in-person testimony.

Imagine a court system where a defendant enters the courthouse and, although the defendant cannot speak or read English, she is able to hear an advice of rights played on a slide show in her native language. The court then connects her with an over-the-phone interpreter to communicate with the court. The defendant understands and can participate effectively in the proceedings without the time and expense of an in-person translator.

Imagine a court system where, within minutes of an arrest, the arraignment judge has every piece of data needed to make the best possible decision about a defendant's incarceration or release on bail. The system provides the judge with the following information on the defendant:

- Complete fingerprint-based, standardized national criminal history record, including juvenile records.
- Outstanding wants/warrants.
- Probation status and conditions.
- Schedule of all pending matters.
- Drug treatment status and test results.
- Outstanding protective orders and history.
- Alimony and child support orders.
- Pending gun purchase applications and permits held in states in which a permit for firearms possession is required and revocable.
- Sexual offense registration status.

These possibilities and more comprise the vision of the Technology Committee of the Judicial Crossroads Taskforce.

EXECUTIVE SUMMARY

Mission – “One Court of Justice”

The Michigan Constitution provides for “one court of justice” for the entire state, comprised of a supreme court, a court of appeals, a trial court, a circuit court, a probate court, and other courts of limited jurisdiction. Const 1963, Art 6, Sec 1. For many historical, fiscal and practical reasons, the courts that comprise Michigan’s judiciary have operated independently of each other when it comes to the identification, selection, and implementation of their technology infrastructure. But, we live in a time when this no longer needs to be the case. Indeed, we live in a time when we can no longer afford for this to be the case.

For over a decade, Michigan has faced fiscal and workload challenges that have forced all courts to seek some measure of relief through the use of technology. At the same time that technology has presented opportunities for unprecedented access to information, speed, and improving the quality of justice in even the most remote parts of our state, efforts to achieve statewide funding for Michigan’s courts have fallen short. As a result, technological improvement initiatives have proceeded separately at the state, county, and district levels, sometimes coordinated and sometimes on a court-by-court basis. Frequently, opportunities have been driven by grants, federal initiatives, local funding or county-wide justice system efforts that involved stakeholders outside of the justice system. The time has come when virtually all participants see the value of an integrated technology framework. In many instances the need for seamless integration is a fundamental principle of virtually every national group that participates within the justice system. We believe there must be clear, concise and enforceable standards that govern the future of technology in Michigan’s “one court of justice.”

Guiding Principles

Just, Speedy and Economical: In utilizing new forms of technology, we must always consider whether the changes preserve or increase the quality of justice, the fairness of the system, or its accessibility. Technology should never be implemented if its sole purpose is to increase speed, reduce costs, or make the administration of justice more convenient at the expense of justice itself. MCR 1.105 embodies this principle where it succinctly states that the purpose of the rules is “to secure the just, speedy, and economical determination of every action ...”

- A **just** system
 - is reliable, trusted by internal and external users
 - increases public access
 - informs users and the public
 - ensures the accurate distribution of data within and beyond the justice system
 - ensures each side is able to participate fairly and fully in the proceedings
 - provides full access to pertinent records, filings and documents for the judge and parties
 - increases public access at the courthouse and online

- A **speedy** system
 - is efficient to develop, maintain, train on, and use
 - leverages current and future technology to run quickly
 - is robust in terms of minimal downtime for maintenance or service

- An **economical** system
 - is financially less expensive to adopt and develop at a time when few courts have extra resources to devote to technology
 - is practically less time consuming because it is programmed to avoid duplication of effort in entering and maintaining data and documents
 - is sustainable when trusted developers maintain long-term responsibility for maintenance and enhancements
 - is centrally funded to the extent possible, in recognition that uniformity is facilitated when statewide systems are promoted at low or no cost to each court
 - is capable of supporting future user interfaces as statutory and other requirements evolve

Overview of current case management systems and major technology initiatives

The public has the right to expect that the justice system will use both standard and leading edge technology to further the aims of justice. Technology can improve the administration of justice by improving interactions among the court, litigants, jurors, press, and the public. In particular, technology can be leveraged to improve (1) provision of information to the court (for example, E-filing, criminal record checks, teleconferences, and video conference testimony), (2) distribution of information within the court (for example, paperless courtrooms and docket management systems), and (3) public access to the court's information (E-filing orders, online docket information, and electronic distribution of daily calendars).

For example, courtroom use of video for remote testimony, document cameras, and video display systems, along with the use of online information and self-help from websites, and on site public access to computers are just some of the many technologies the public expects to be available to save money and time. We now live in an age where over 75% of the population (and over 95% of those under 30) use the internet, with modern video displays. No wonder jurors often look for more modern evidence and techniques than they encounter in court; for them, technology is an expected element of establishing sufficient proof of facts at trial.

The current pace of technological development (witness the recent release of the iPad and android cell phone) makes predicting the future use of particular technologies futile. However, there is no doubt that leveraging technology is important to furthering the aims of justice. Deployment of current and leading edge technologies increases the productivity of the court, decreases overall costs for parties and litigants, and improves the public accountability and accessibility of the court system.

New technologies could be purchased, adapted and implemented for court use and could be added to the case management framework at lower cost and better quality if funds from a statewide source were available.

Problems that have hindered and are expected to hinder statewide technology development and delivery of services

Some efforts are being made to implement comprehensive systems to be used by the entire judiciary – Judicial Information Systems and its successor Next Generation JIS are both case management systems designed from inception to serve multiple court types and to reap the benefits of centralized computing. Approximately 75% of existing courts in the State of Michigan use JIS and are anxious to implement Next Generation JIS as soon as it is ready. The remaining 25% have developed in piecemeal fashion (22 separate systems). Some of these courts use very capable case management systems that may offer different features, but all are limited by local needs and some do not meet the needs of the public. Many are now incurring unnecessary costs, and some cannot implement needed changes that would benefit their system or the State as a whole because the changes are too costly.

Decentralized systems (a collection of independent autonomous systems) function effectively in an environment where everyone's needs are unique. This is not the case in our system of justice, where everyone is treated equally under the law. The public in one court should not have less access to information, filing, and judicial resources just because of where they live or work. While a decentralized system can be used to help a specific population with a local issue, these unique solutions only benefit a small subset of users; each group is left to develop its own expertise and solutions in a vacuum without the benefit of best practices or other lessons learned. Decentralized systems can also be more expensive, particularly if each autonomous organization repeatedly funds the creation of similar solutions to the same problem. By contrast, a centralized system benefits the entire public, built on an ever-expanding base of expertise that is shared widely between all users.

Options for developing and delivering technology services that have been used in other states

A number of states have attempted to gain control over their judicial technology. Three states, Illinois, Missouri, and California, have had some success with statewide technology initiatives. The Federal Model promotes equal justice across our 50 states and territories. Michigan should follow the federal model's principles across all 83 counties and adopt a working statewide strategy for the judicial branch.

Recommendation for a single case management system in Michigan courts, courtroom presentation technology, and creation of technology principles and technology standards for all court technology projects

A central system, fully compliant with current technology, can be the framework that allows the entire judiciary to take advantage of new technologies for benefit of the public. Creating a standard technology infrastructure and then implementing it statewide makes future upgrades easier and cheaper while inspiring innovation. A single statewide case management system is the main framework for an information hub, which would include an entire range of technological products and services, all having been tested and implemented in a proven

configuration that would remove significant guesswork from proposals for installations and upgrades and training processes. State funding for technology components should only be available from the statewide case management system.

This centralized system will also comply with the creation of more uniform data standards, which is in accordance with Michigan Supreme Court Administrative Order No. 1997-8 establishing court data standards. The Supreme Court recognized the importance of common court data standards years ago, but has not had a budget to mandate change. Courts need to know now that the statewide system being developed has two more years of development and possibly many years of implementation (depending on resources). Courts must be able to maintain and improve existing systems and purchase competitive products that will be compatible with and even enhance the state system, while waiting for its appearance. These standards should be completed quickly, with sample documents and bid requests available online. Standards are necessary not only for communication, cost savings, and better public service, but also to allow for local technology needs, such as pilot projects, that may not be a part of the overall system.

A minority of this committee wants continuation of the ability to develop local case management systems because of the good that comes from that process, including competition and less control by a central system. The majority position, however, recognizes these positives but grants greater weight to expanding the principles of equality and fairness, and desires a change from the morass of system incompatibility that Michigan's court system now finds itself in from years of using the former approach. The majority position also parallels the Federal Model, including central source funding that imposes a single system for the entire Federal Bench.

The Judicial Crossroads Task Force is also receiving recommendations from committees on "Access to Justice", "Business Impact", "Structure and Recourses", and "Technology". The Task Force expects that all of these committees will be making recommendations on fundamental principles of justice, fairness, and access for the public, as well as on technology. Thus, the Technology Committee will need to review and incorporate the technology needs and goals of these other committees in a subsequent report.

Overview of how technology systems and initiatives are currently funded on both the state and local levels

Current courts pay user fees, royalty fees and special upgrade costs. Funding units also pay for hardware, software and IT personnel.

Problems with the current funding strategies for technology

Because leading edge technology requires upfront investment, sustainable revenue streams are vital to upgrading, maintaining, and enhancing technological advances in the court system. Because local governments (which provide over 70% of all court funding for the Michigan Judiciary) are under intense budget constraints, such revenue is not likely to be of sufficient magnitude or uniformly available from local funding units. If the State of Michigan moves to a centralized information system and technology framework, statewide funding will be essential to ensuring its success. For example, while the cost of the development of Next Generation JIS is

being borne by the JTIF and the pilot counties of Washtenaw and Berrien, its maintenance, upgrades, and training would be made sustainable through statewide revenue streams. Such centralization should save courts and local funding units' personnel costs and budgets for technology. New state revenue streams could offset the taxpayer costs paid through the local funding units so as not to cause overall increases in costs to the taxpayer.

The Technology Committee is very sensitive to the directed projects of the recent past that have been scaled back to already approved pilot projects (E-Filing), or that have failed to meet the original operability goals (Friend of the Court). Any statewide effort must include strong commitments by the State to implement judiciary branch technology in an expeditious and competent manner, while allowing for local input. This includes keeping the designated revenue streams as free as possible from legislative or executive redirection.

Funding strategies used by other states

State general funds, user fees, and grant funding have been the traditional sources of funding, but they all have sustainability issues. With new technology fees, new revenue streams are added that can replace or supplement these traditional options.

Recommendations for a funding strategy to develop and deliver technology services statewide

In order to mandate a single case management system and to properly fund all the technology applications for users, all the selected revenue streams must be managed centrally by a State Fund such as the Judicial Technology Innovation Fund (JTIF), and be dedicated to obtaining and maintaining needed technologies for all courts. Some funding strategies using technology fees have great promise, and may collect enough to supplant court user fees.

The Technology Committee recommends additional analysis to obtain more detailed cost information and pursue a suite of new sustainable revenue streams. This more detailed analysis will provide the basis for seeking a statewide bond proposal for the judicial branch.

CONCLUSIONS

- **We must meet the public's expectation that our justice system be up to date and use familiar technology to further the aims of justice.**
- **A single encompassing system promotes justice, speed and cost savings better than the incompatible systems we have today.**
- **For the public to achieve the access, support and justice this technology can provide, funding must be found now so cost savings can be realized.**
- **Technology standards based upon a single information management system must be developed to ensure the public that courts follow these guiding principles and incorporate these recommendations.**



TECHNOLOGY COMMITTEE

REPORT

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A Single Statewide Technology Infrastructure**

June 10, 2010

JUDICIAL CROSSROADS TASK FORCE

TECHNOLOGY COMMITTEE REPORT

Mission of the Judiciary – “One Court of Justice”

Under Const 1963, Art VI, Sec 1, “The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction....”

Under Const 1963, Art VI, Sec 5, the Supreme Court of Michigan is given the express authority to “by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state.”

Under Michigan Court Rule 1.105, the Judiciary’s mission in Michigan is: “[T]o secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.”

Guiding Principles for Technology Use in the Judicial Branch

Based on the mission statements provided above, Michigan’s courts are constitutionally obligated to function as “one court of justice”, and are obligated to “secure the just, speedy, and economical determination of every action.” The recommendations included in this report are meant to further these missions through the principles outlined below in an earnest effort to improve the quality of justice provided in every court in Michigan. A court’s investment in a new technology must advance and enhance these basic principles of justice for all users. The following principles are recommended to guide the development and evolution of technology in the Judicial Branch:

- A **just** system
 - is reliable, trusted by internal and external users
 - increases public access
 - informs users and the public
 - ensures the accurate distribution of data within and beyond the justice system
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- A **speedy** system
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To meet these principles Michigan should establish and fully fund a single statewide judicial information system to support our “one court of justice”. This system would include all aspects of our justice system including filing, information management, access to court records, litigation, and appeals.

Overview of current case management systems and major technology initiatives

Michigan Courts historically have taken advantage of technology inconsistently. Some courts have invested significantly in technology, and the public, litigants and lawyers have reaped the benefits of electronic case files (available to any authorized user at any time), electronic filing (court documents can be filed and certified at any time), and video conferencing, which can reduce or eliminate travel for litigants and prisoners, making court houses safer and streamlining scheduling to the benefit the public. Courts are also looking to implement aspects of ecommerce – making the convenience most citizens enjoy routinely in other aspects of their lives (online communications, online transactions and payments, online information gathering and production) a significant part of the experience of interacting with the judicial system. For most people, spending less time in the court process is always a plus.

Some courts have enough local funding and sufficient IT expertise to have developed standalone, in-house systems, that can operate and connect with other systems, but many others have not. This has created silos of information that cannot be readily accessed by the public or law enforcement and are not available to aid the public. Data is only helpful to everyone if it is available for everyone. Data, and the benefits that come from accessing that data, are only easily accessible to the public at large if users can learn a common system for all courts, not 22 different systems. Many courts labor to maintain their existing systems and do not have the resources (both financial resources and technical expertise) to explore or exploit innovative uses of technology. These courts will undoubtedly continue to lag one or possibly two generations behind the rest of the Michigan judicial system in terms of using technology, and this pulls down everyone in the system, making the public less informed, less safe, and poorer.

As the examples at the beginning of this document indicate, the most critical consequence to the current “hands off” “let each court be autonomous” approach to judicial technology systems is

the inability to create comprehensive data sets for court personnel and for law enforcement. These data sets may be organized around a particular case, individual, or other category. Regardless of the organizing element, information from any relevant system should be available for display and analysis to everyone, in a faster, cheaper and easier way. At this point in history, the highest quality of justice is possible only if the public is served by modern and familiar technology.

The current situation does create a fertile environment for innovation and entrepreneurship. Many products are quickly evolving into new technologies. A minority viewpoint of the committee was doubtful that a single system will be given the resources to compete in some of these areas. This viewpoint would continue to favor local ability to choose all systems, including case management.

The committee does recognize the significance of the change it is recommending with this report. We all expect that the Next Generation-JIS must perform, and perform well. The position of the committee remains focused on expanding the principles of equality and fairness to the statewide public and beyond. This means gaining control of our own public information, safeguarding it, making it more available through enhanced access to all users, and securing statewide funding for full implementation and sustained support.

Judicial Information Systems, a division of the State Court Administrative Office, presently supports 75% of Michigan courts, but with some large counties with high caseloads not participating, JIS has less than 75% of the total state caseload. Many non-JIS courts are believed to be planning to join the JIS system when the Next Generation case management system is deployed in 2013. (Chart on next page.)

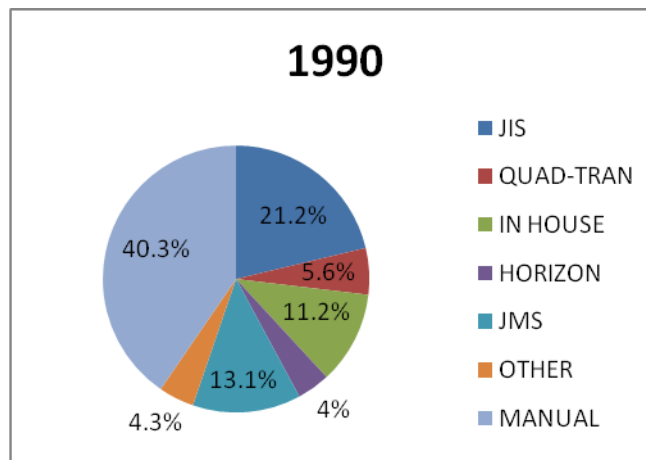
Although the other 25% of state courts presently use computer systems programmed to communicate with the Law Enforcement Information Network (LEIN) and the Secretary of State offices as required by statute, many of these courts work with vendors who are not committed to providing programming that will allow the courts to participate in the Judicial Data Warehouse (and other initiatives). These courts either do not demand that their vendors provide JDW compatibility (usually because of cost) or are not committed to the project despite the fact that JIS provides some funding to secure necessary programming for compatibility. Courts are not moving towards compliance with the formal and informal standards evolving in Michigan because of (1) a fundamental lack of trust that their local needs will be acknowledged and met, (2) a lack of experience with larger systems and the economies they can provide, or (3) a simple failure to appreciate the opportunities that statewide compatibility provides in advancing justice.

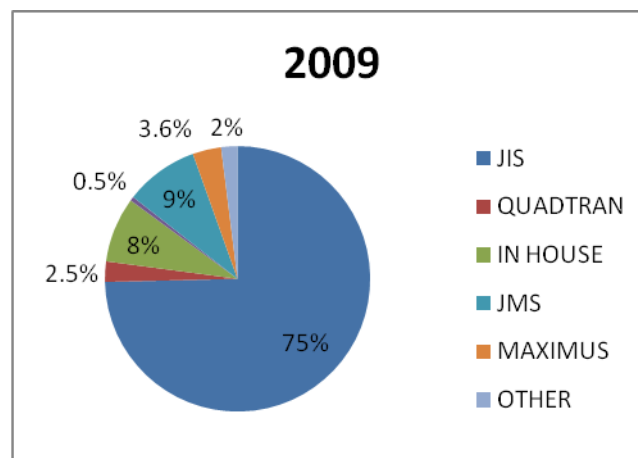
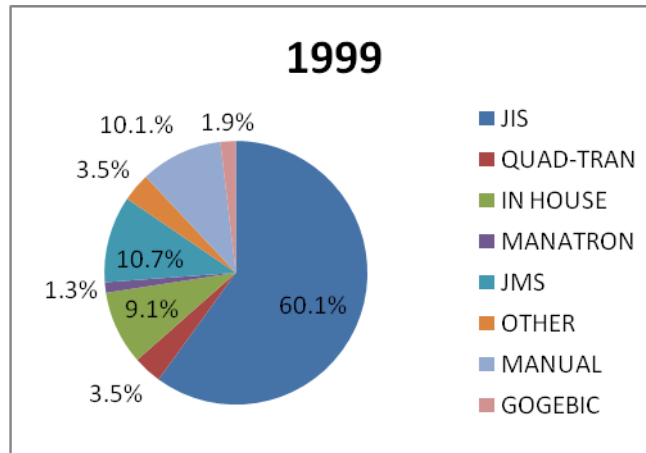
In Michigan, case data is maintained on 150 different servers, placed in local courts and all supported through local court budgets. Courts employing these independently-operated systems are all required to maintain and routinely update their systems on an ongoing basis. A centralized system would reduce the overall cost of system maintenance, ensure timely and consistent updates throughout the state, and allow for a uniform emergency response to and recovery from cyber attack or disaster.

Although some courts may currently have a disaster response plan or an emergency response plan in place, research indicates that plans vary significantly between courts. A centralized system can serve as the basis for a unified disaster and emergency plan using common techniques and strategies. Disaster and emergency preparedness is much more manageable with common systems as data from a single “downed” location can be copied from backups to an identical system at a different location. This kind of redundancy is standard practice in the professional IT community for good reason. The loss of public information during disaster can enhance the devastation, particularly when needed document filings and recorded evidence is lost, causing new litigation, failed settlements, and injustice to those who depended on the court system for just resolution.

Additionally, a centralized system would allow future investments to be leveraged for the benefit of all courts within the state. For example, online resources could be shared by many courts (online versions of statewide mandatory forms and instructions, website displays, etc.). Telecommunications technologies (video conferencing) require standard and compatible hardware platforms in order to operate at all. If different courts opt for non-standardized, non-compatible video conferencing systems (as they do now with information systems) the opportunity for reliable, synchronous, compatible, remote communications for every court in Michigan will be lost.

TRENDS IN COURT AUTOMATION PROVIDERS





Problems that have hindered and are expected to hinder statewide technology development and delivery of services

Although the Michigan judicial system is created as “one court of justice” by constitutional mandate, the trial courts located in each judicial district are funded by their local funding units and not by state appropriation. Historically, this autonomy at the local level has led to the development of disparate computer systems dependent on the level of funding provided by local sources and guided by whatever specific purpose was declared for the project. Further, although the Supreme Court is constitutionally empowered to establish the practice and procedure in each court in the state by court rule, the Supreme Court has not mandated courts in Michigan to adopt standard technology processes that address strategic justice and cost issues. Finally, even existing non-technology standards such as case file management standards cannot be enforced from court to court due to technology incapability and lack of interoperability.

The lack of enforcement mechanisms to promote uniformity between courts reflects a lost opportunity for the Michigan legal community. Michigan is at a crossroads technologically and

economically, and enforcement of uniform data standards could advance the development of more just, speedy and economical information systems. To the extent that a court's chief judge and administration are tasked with local responsibility for deciding which technology to purchase, Supreme Court mandates in some pivotal areas would establish a more uniform set of standards limiting the non-compatible options available to courts while increasing the likelihood that noncompliant, non-communicative systems would be rejected and a more complete system emerge. Administrative Order No. 1997-8 currently provides:

ADMINISTRATIVE ORDER NO. 1997-8

Establishment of Court Data Standards

In order to ensure effective administration of trial court information systems and facilitate the efficient exchange of trial court case information, it is ordered that the State Court Administrator establish court data standards. Chief Judges shall take necessary action to ensure their courts' information systems comply with data standards established by the State Court Administrator.

The State Court Administrator shall provide reasonable time frames for compliance with court data standards. Not less than two years will be provided for compliance with data standards initially established pursuant to this order.

Presently, state trial courts use over twenty different computer systems with features that may or may not be compatible. There is no top-down guidance on subjects that are critical to the investigation, purchase, development, maintenance, and use of court technology. Courts generally work alone on these projects, and, not surprisingly, some have made ill-advised technology decisions that have led to expensive failures in terms of economics, technology and the administration of justice. Where outside vendors have been involved, some courts have not appreciated the need to maintain control over source code, case data, or case documents. The degradation of traditional funding methods over the last several years has led to trial court in-house staffing reductions that have further hampered efforts to develop accurate, speedy, and economical technology.

The existence of disparate systems also leads to duplication of effort in the development of forms and data fields for reporting obligations both to the Supreme Court and to state and federal agencies. Changes in reporting obligations cannot be quickly and economically accommodated because each system must be updated in a different way while some cannot be updated at all and need replacement. Lessons that were learned at some expense cannot be shared between courts because their systems are inconsistent or the fixes unique to each system.

Funding is discussed in more detail later in this report, but a brief comment is appropriate here. The present statutory funding model requires JIS to charge local courts for JIS services. With regard to certain applications, these charges are viewed by some local courts as more expensive than outside vendor costs, and so those courts have rejected JIS services and contracted with outside vendors. This sort of action disregards any notion of a set of guiding principles or expanded technology framework and is detrimental to the implementation of a fully statewide system. The current funding models should be reconsidered and modified to promote low-cost statewide computing services to all courts. It is also worthwhile to note here that a shared system

could help leverage other costs as well. Training and technical support costs can be shared; the resulting savings have the potential to be greater than the upfront costs.

Cyber attack/Disaster Response can also be hampered by disparate systems as many courts do not include remote or offsite backup systems. Emergency response plans are a prudent practice, and uniform plans can result in coordinated and joint response to disasters that span multiple jurisdictions. With a statewide judicial information system courts can provide backup and technical support to each other, and serve as temporary locations of service to the public and temporary remote work locations for staff. Without compatible systems and a certain level of interoperability, courts cannot work together quickly to respond to and overcome an emergency.

Options for developing and delivering technology services that have been used in other states

Illinois –Illinois Integrated Justice System

“Justice Agencies throughout Illinois recognize the central importance of sharing accurate and complete information in a timely manner. Enterprise-wide information sharing improves the quality of justice and public safety by eliminating error-prone redundant data entry, providing timely access to critical information, enabling information sharing without regard to time or space, and improving the consistency and reliability of information at key decision points”.

In recognition of these evolving priorities, members of state, local, and county agencies throughout Illinois began planning for a broad, integrated justice information program. With assistance from the National Governors’ Association, Illinois obtained a \$973,666 grant from the United States Department of Justice to initiate an integrated justice planning process in Illinois. In 2001, the Governor signed Executive Order Number 12 (2001) creating the Illinois Integrated Justice Information System (IIJIS) Governing Board, comprised of representatives from state and local justice agencies, social service agencies, and other key stakeholders.

The Governing Board was charged with coordinating and directing the state’s integrated justice planning efforts. In order to provide formalized guidance, the Governing Board created two committees: the Planning Committee and the Technical Committee. A third committee, the Outreach Committee, was subsequently convened to develop general information and educational resources for the public and the justice community regarding integrated justice, to identify and garner support from statewide decision-makers, and to seek commitment from stakeholders.

The Technical Committee was convened to conduct a needs assessment to investigate and analyze the existing components of the Illinois justice process in order to document any gaps between the desired state of integration and existing information sharing practices in Illinois. The needs assessment included the identification of data exchange points in the Illinois justice system, i.e. places where automation would enhance the timely sharing of accurate and complete information.

The work of the Governing Board continues – currently three projects, aimed at serving the needs of the board and providing the basis of continued justice integration, are ongoing:

- 1) Adoption and Development of Data Exchange Standards
- 2) Survey of Local Justice Agency Information Management Practices
- 3) Outreach to County Integration Planning Initiatives

Missouri – Missouri Court Automation

The Missouri Supreme Court's Operating Rule 1 authorized the development of a Statewide Judicial Information System to provide statistical and management information to the state's courts. This role expanded greatly in 1994, with the enactment of Missouri Revised Statutes section 476.055, which established a statewide court automation project to be funded with a \$7 per-case court fee and overseen by a Missouri Court Automation Committee. This funding was authorized for a period of 10 years. The committee's primary role is to establish and oversee the services and activities necessary to systematically plan and build an electronic network and a collection of application solutions connecting courts across Missouri.

The objectives of Missouri Court Automation, popularly known as Statewide Court Automation, are:

- a sophisticated and integrated justice system with great potential for improvement in the provision of services;
- an integrated court system that renders geography largely irrelevant and presents the user with a modern justice system that reduces costs for litigants and taxpayers, operates with greater efficiency, and provides wider access and enhanced accountability;
- a system that takes advantage of new technologies to improve the day-to-day operations of the courts;
- timeliness in processing cases without sacrificing the quality of justice;
- economies of scale and efficiencies within the judiciary by utilizing similar facilities statewide based on standards for hardware, software and common data definitions;
- facility selections which will be viable solutions for long-term implementation and low lifecycle cost;
- compatibility, or ability to interface electronically with other state and local systems and networks.

Missouri's Statewide Case Management System:

In 1997, the State awarded a contract for a statewide case management system. The system is ACS Justice Information System (JIS, formerly SCT Banner Courts). It is being rolled out statewide through a series of phases. These began with pilot courts in 1997 and expanded to over 76 courts in mid-2004. All circuit, associate, and appellate courts are slated to have JIS in place.

In December, 2008 the Missouri Office of State Courts Administrator published a list of Benefits of Court Automation in Missouri saying “Court automation makes case processing more efficient, saves taxpayer dollars and enhances public safety.”

California – Tactical Plan

California's court system has also identified the creation of disparate systems by local courts as a critical issue that has led to "disastrous effects in the community at large: criminal defendants have escaped legally prescribed penalties because judges have lacked full information on their prior offenses; jurors have sat idle because prisoners have not been scheduled for transportation to a courtroom; warrants have gone unserved because police lack current information and public access to information has been slowed because of lack of automated tracking systems or mishandling of paper files."

In an effort to overcome these problems, and because the executive and legislative branches of California have become unwilling to "fund 58 different approaches to the same problem" (there are 58 local jurisdictions), the Trial Court Funding Act of 1997 transferred funding responsibility for the trial courts to the state and added funding specifically for technology via the Judicial Administration Efficiency and Modernization Fund.

The Tactical Plan for Court Technology in California proposes to affect a statewide comprehensive and integrated justice system by "managing all funding related to technology and by identifying a limited number of common solutions for technology in the courts." The Tactical Plan recognizes that local courts will have local management needs, and thus proposes a "menu" of products and services from which each court can select to ensure a prescribed amount of data compatibility and communication between any and all systems within the state. This compromise acknowledges that a single solution may not work in every environment or for every circumstance, and allows for a moderate level of local control. It also seeks to leverage economies of scale where possible by providing a limited number of choices.

Recommendation for a single case management system in Michigan courts, courtroom presentation technology, and creation of technology principles and technology standards for all court technology projects

The Technology Committee recommends that the Michigan judicial branch as "one court of justice", should plan for a single statewide judicial information computer system to be used by all state courts. The Next Generation JIS case management system would serve as the backbone for the statewide information system, providing the framework for additional network components. Document management, video conferencing and E-filing are three components that can be piloted and implemented almost immediately. This list is not meant to be exhaustive – it is contemplated that an extremely broad range of options exist and should be included when the principles advocated by this committee are met. These could include additional self-help websites, designed to complement new technologies.

A minority viewpoint of this committee (especially Judge Passenger who wanted to be noted specifically as dissenting to the majority view), wants continuation of the ability to develop local case management systems based on the following rationale:

- a state mandated system will likely undermine flexibility and innovation at the local level;

- specific local needs, already addressed in several existing local systems, will be ignored or omitted by a state system;
- state-sponsored initiatives in the past have had mixed results. Some have been cancelled (E-filing) and some have been inferior to the systems that they replaced (friend of the court).
- whether a new state system will result in the benefits promised is unknown at best;
- if the state provides a superior product, local courts will adopt it;
- if the state provides a poor product, the entire state will be forced to use a poor product;
- the timeframe for a state system is so lengthy that newer technologies will supersede and surpass the system, resulting in built-in obsolescence in a mandated statewide system.

The majority position recognizes that there are some advantages to local choice, but gives greater weight to expanding the principles of equality and fairness to the entire public, and desires a change from the morass of incompatibility that Michigan's court system now finds itself in as result of years of using the former approach. The majority position also parallels the Federal Model, which successfully imposes a single system for the entire Federal Bench.

It is critical to understand that appropriate use of information technology can directly impact and improve each and every aspect of the administration of justice. Information technology can provide better access to the court system, increase the productive exchange of data, as well as the timeliness, integrity and accuracy of the data itself, increase productivity, and improve the quality of decisions made by court users and personnel at all levels of the system. While the Technology Committee does not have the final recommendations of the other three committees (Access to Justice, Business Impact, and Structure and Resources), it is anticipated that all will call for more integrated, and accessible databases, and technologies designed to improve the case process and provide for more timely and effective outcomes, at the lowest possible cost.

A centralized statewide system creates a singular solution enforcement mechanism for information standards that can account for local adaption within a standardized format, while promoting high levels of interoperability, which will lead to streamlined and facilitated data exchange, data analysis, and communication.

Furthermore a single system will:

- Provide enhanced services through centrally managed options that do not need to be maintained in each locale. For example:
 - Self-help modules.
 - Imaging options.
 - Interpreting – certified interpreters or interpretation software.
 - Enhanced access to multiple databases.
- Provide one case management system that is the most cost-efficient use of limited resources available. A single case management system will also promote:
 - Uniform data definitions
 - Uniform case definitions

- Communication between components.
- Provide consistent processes that will benefit Michigan attorneys and filers who interact with multiple courts and reduce costs to litigants.
- Promote dynamic flows of information between courts, participating agencies (such as LEIN, Secretary of State, Judicial Data Warehouse) and other stakeholders, providing a complete and accurate picture of data at every opportunity.
- Enable electronic transfer of cases with transcripts and exhibits between courts (venue) and through the appellate process.
- Achieve economies of scale for courts.
- Minimize data incompatibility issues as courts join the new system and transition away from their legacy systems.
- Allow judicially ordered and collected funds to support shared resources that are centrally managed.

Planning for a single statewide system will require the immediate development of statewide standards for the acquisition of technology. Given the timeframe for the implementation of Next Gen – a completion date of 2013, with all courts participating in the system by 2018 – it is impractical to expect there to not be any technology deployment in this interim period, including other case management systems. To the maximum extent possible, courts need reassurance that technology purchases will integrate into the statewide system. At a minimum, courts will require guidance on which technology options to avoid because of complete incompatibility with the future statewide system.

After much thoughtful discussion, the Technology Committee concluded that it should not recommend standards based on specific technologies, but rather on the general principles, core functions for future development, and the interoperability of the system being proposed. The Technology Committee is making recommendations to provide guidance for future development. The recommended technology model recognizes that courts are information centers that require a Central Case Management System as the integrated data hub.

Attaching to this case management system are a host of other applications that enhance the quality of justice through cost savings, increased security, and expected enhanced evidence presentation for litigants, attorneys, and jurors. With these applications, litigants can e-file pleadings and documents that are immediately accessible, saving litigation costs, increasing court revenue, and reducing local funding unit costs for paper, ink, and employee expense. Traffic citations can be filed remotely and be paid online the next business day. Website links can direct court users to local rules, docket scheduling, directions, statute forms, frequently asked questions, and legal support services. A non-exhaustive description of these important applications follows:

TECHNOLOGY APPLICATIONS FOR THE COURT SYSTEM

E-filing

The federal courts have implemented e-filing. This system has reduced paper costs, facilitated the service of paperwork on all counsel involved in a case, and improved access to the court file for the judge, court staff, and general public.

E-Tickets

Traffic tickets are generated by the millions each year, and most are handwritten by the police officer. The police department then has to enter the data again to keep track of the tickets. The court has to enter the data again. This takes time and thus costs money. It may be a day or two after the ticket is issued before the ticket is entered into the court's computer. There is also danger of typographical errors and errors in reading the police officer's handwriting. Automating ticket issuance through e-ticketing eliminates the possibility that the police officer will issue a ticket using the citation number for one offense and the description for another offense- a mistake that causes significant problems for the court and the motorist.

With an e-ticket system, the police officer can issue the tickets more quickly, and the data is downloaded into the police department's and court's computers. There is no clerical time involved and the information is entered once, quickly and accurately.

If the defendant pays the ticket over the website, there will be no clerical time involved in the processing of the ticket. Before computers, the court clerk had to enter the information on an index card, type up a file, prepare a receipt for the ticket on a pegboard, and then type an abstract to send to the Secretary of State.

Websites

Websites can give 24/7 access to the court's records and calendar, eliminating phone calls to the court. They can also provide information on the court's procedures. The court's website can be set up to take payments over the Internet, for the public's convenience. The court benefits in that the computer receipts the money and the clerk does not have to spend time processing the payment. The jury pool can access information about the need to report to court and jury procedures.

Video-conferencing

Video-conferencing that follows standardized interoperability protocols can be used so that witnesses and parties who are unable to come to court easily can appear in court and be cross-examined. For example, expert witnesses from the state crime lab who may be subpoenaed to appear in several courts in one day, and prisoners housed in prisons far from the court, can appear by video.

Transporting a defendant to court is expensive and can be dangerous. Prisoners have been killed in car crashes going to and from courts and some (most notably Lee Harvey Oswald) have been murdered. Other defendants have been attacked. There is always the possibility of escape. The costs of transporting the defendants is significant.

With a video-conference court appearance, security concerns are eliminated and the costs are minimal. Furthermore, many defendants have to appear in several courts to take care of multiple cases. With a video-conference the defendant can sit in one room at the jail and appear in several courts in one day, eliminating unnecessary jail costs.

Evidence Presentation Systems

Educators inform us that according to Dale's Cone of Learning Experience one retains 10% of what one reads, 20% of what one hears, and 50% of what one reads and hears. Some people are aural learners while others are visual learners. Efficient and effective communication and education are especially important concerns in high-volume, limited jurisdiction courts. Evidence presentation technology can enhance that communication.

An evidence presentation system may include a document camera, inputs for computers, microphones, and speakers. Some courts have put individual monitors in front of the judge and jurors, others have installed one plasma screen for the jurors to look at, and some even use a projector system to place the images on a wall or screen that can be seen by the judge and jury. These installations allow everyone (the attorneys, the witness, the judge, and the jury) to see the exhibit or image at the same time.

Courts being constructed today are installing evidence presentation systems. The cost is about \$90,000 per courtroom, but that is a one-time cost. Over the life of the building the evidence presentation system will be well-used. More and more attorneys are trained in the use of this technology.

- **Document cameras**

Document cameras are very easy to use, even for the technologically challenged. The document camera is useful in displaying an object that is dangerous (e.g. a murder weapon).

Without a document camera, the fact-finder often does not see the exhibit while the witness is testifying about it unless the attorney publishes the exhibit or provides copies to each fact-finder. If the attorney publishes an exhibit to the jury it takes time for each juror to review the exhibit and there is pressure on each juror to pass the exhibit to the next juror. If the attorney does not wait for each juror to examine the document and continues examining the witness, then the jurors are distracted from listening to the witness's testimony.

- **Videos (police car, etc.)**

Surveillance videos have become commonplace in our society and are often used in court. Police cars and retail stores have cameras that record activities, and these videos are used in the

courtroom. Many police departments now record interrogations of defendants and confessions. In a traditional courtroom, TV monitors have to be set up and connected with a VCR or DVD to play back the video for the fact finders, witness, and attorneys. With a video presentation system, the monitors are already in place.

In a courtroom with video recording, the attorneys can use video clips of witness testimony in their closing arguments.

- **Audio files (911 calls, etc.)**

Frequently, parties have audio files that they wish to introduce. These may be the 911 calls or confessions.

In a courtroom with audio recording, the attorneys can use audio clips of witness testimony in their closing arguments.

- **Exhibits**

Exhibits can be presented on the document camera or the image can be scanned into the attorney's computer. After the exhibit has been admitted, it can be displayed to the jurors.

- **Annotated Drawings**

The evidence presentation system can include an annotation system so that exhibits displayed on the monitor can be highlighted. An attorney can highlight certain parts of an exhibit to focus the judge and jury's attention.

- **Computer Animation**

Computer animations can be used to explain a party's theory of a case. While some computer animations are quite expensive to produce, PowerPoint-through its custom animation-allows an attorney the opportunity to present an effective computer animation. See *Litigation Technology* by Mike Rogers.

- **Opening Statements/Closing Arguments**

Opening statements and closing arguments can be prepared on a computer using a slide show or trial presentation software, such as Trial Director or Sanctions. Photographs, excerpts of testimony (if recorded by the court on video or audio), and computer animations can effectively be used to persuade the jury. With the trial presentation software, exhibits can be enhanced promptly to demonstrate to the jurors key parts of an exhibit.

Language

- **Over the Phone Interpreters**

If someone needs an interpreter, the court clerk looks for an interpreter. Finding an interpreter can be difficult in some areas of the state. The court and the non-English speaker have to wait until the interpreter appears or the court may have to reschedule the event. The interpreter may charge by the hour, including transportation time, waiting time in the courthouse, and the time spent interpreting.

The court sometimes is tempted to use a friend or relative of the defendant who speaks both languages. Without training as an interpreter, the friend or relative often becomes a spokesman or attorney for the non-English speaker. Courts sometimes proceed without an interpreter even when the defendant is not entirely fluent in English. .

Several companies including Language Line and Telelanguage, have interpreters in more than 150 languages available over the phone. The court can be connected with a trained interpreter in a matter of seconds. The court clerk does not have to spend any time looking for an interpreter. The cost is about \$2.50 per minute, but there is no charge for transportation to the court or waiting in the courthouse. This service is ideal for short hearings and motions. It is also useful for finding an interpreter fluent in a rare language.

- **Translated forms**

The State Court Administrative Office has prepared a number of forms for use in the court system. The District Court Advice of Rights form, DC 213, has been translated into Arabic, Chinese, Hmong, Korean, Russian, and Spanish. The advice of rights form can be translated into additional languages. Other forms could also be translated.

- **Audio enhancement for those with hearing impairments**

Infrared and other systems now provide enhanced audio for the hearing impaired.

- **PowerPoint slide show forms/required colloquy in multiple languages**

Courts are required to advise defendants of their rights before accepting a guilty plea. Reciting the litany of rights can be boring for a judge, and the recitation may be difficult for a defendant to understand. Judges might become distracted and skip an important right in the colloquy. When the rights are given in writing, illiterate people (a significant percentage of defendants) are unable to read the document and literate people just scan the document looking for a place to sign.

In a high tech courtroom, the judge can give the advice of rights from his or her own personal computer in a slide presentation (Microsoft PowerPoint or Corel Presentations) using *.wav files for the spoken words. By using a slide presentation, the judge does not have to give the rights *ad nauseam*. The rights are given accurately and completely. Pictures can be included on the slides. When the defendant reads and hears the rights, comprehension and retention are increased. The slide shows are easy to create and easy to modify as court rules and procedures change.

The slide shows can be given in any language that is commonly spoken in the court's jurisdiction. The defendant can hear the rights and read the rights in his or her own language, and pictures speak a universal language.

Slide shows can also be created to advise parties of their rights in landlord tenant cases, small claims cases, and other cases. Slide shows can also be used for juror orientation. The slide show programs are much easier to produce and edit than videotapes, and because they provide written instructions they are easier to comprehend and retain.

Jury Trials

- **PowerPoint slide show**

A slide show can be used to give preliminary instructions to jurors. This increases comprehension and retention of information. If a person is hearing impaired, the person can easily follow along as the judge instructs the jury.

- **Written instructions**

With a word processor and a disk of the patterned jury instructions a court can easily prepare the jury instructions in 20-25 minutes. The instructions can then be printed and copied for the jurors to read as the judge reads them aloud in court. The comprehension and retention of information is dramatically increased if the juror can read the instructions as the judge is reading them. If the jurors have the written instructions in the jury room, there is no need for the jurors to return to the courtroom to ask the judge to read a particular instruction again.

- **Noise suppression system**

Using white or pink noise at side bar conferences to block the jury from hearing the conversation allows trials to continue without interruption.

Appearances by Telephones

- **Attorneys**

Several courts allow attorneys to appear for pretrial conferences by telephone. The court can send the pretrial summary and notice of any future hearings to the attorney by e-mail.

Several courts now allow attorneys to appear for motions by telephone. Some courts use an outside service to arrange for the call and will charge the attorney a fee for the convenience. The attorneys are willing to pay for the service because they can be more productive if they are not required to travel to court, park, wait for their hearing, and then travel back to their offices or go to another court.

- **Parties Unable to Appear in Court**

People who live at a great distance or who are unable to appear in court are able to appear by telephone.

Current technology, specifically cloud computing and web-based applications, is now sufficiently advanced as to provide a way to centralize some court applications at relatively minimal cost. It is strongly suggested that the judiciary work to leverage emerging technologies to the benefit of the administration of justice in Michigan. Web-based technologies also provide an opportunity to begin using shared funding for some applications.

To the extent that courts continue contracting with outside vendors for technology purchases during the transition period, they should be required to include in their contracts a provision that obligates the vendor to accept and incorporate Michigan Judicial interim technology standards into core application development.

The Judicial Crossroads Task Force is receiving recommendations from committees on “Access to Justice”, “Business Impact”, “Structure and Recourses” and “Technology”. The Task Force expects that all of these committees will be making recommendations on fundamental principles of justice, fairness and access for the public, as well as on technology. Thus, the Technology Committee will need to review and incorporate the technology needs and goals of these other committees and give the Task Force an enhanced report after this report is filed.

Overview of how technology systems and initiatives are currently funded on both the state and local levels

Technology infrastructure is paid for in Michigan through various means:

- Courts using JIS for case management pay user fees based on caseload.
- Courts using private vendors for case management pay user fees and royalties based on various models.
- Court hardware and office productivity software is mostly paid for at the local level.
- JIS Next Generation Project funded by: increased user fees, funding from JTIF, and contributions from Berrien and Washtenaw counties.
- Justice Data Warehouse is funded by JTIF and other grant monies.

Problems with the current funding strategies for technology

A need for a Strategic Statewide Vision and Plan – There is currently no complete statewide strategic vision for the selection and implementation of technology products and services for the Michigan Judiciary. A plan for the sustainable long term funding of these technology initiatives must also be developed. It is also likely that many individual courts lack a long term, wide ranging vision for technology. Failure to adopt a statewide comprehensive plan incorporating all the recommendations from the Judicial Crossroads Task Force will increase disparities in levels of functionality and integration.

A need for reliable consistent funding statewide - Local funding of court technology systems has limited and will continue to limit the scope of technology projects and efforts to increase interoperability. Historically, the selection of a case management system and other applications has been a local decision because both funding and technology needs have been local. This has clearly hindered the implementation of a fully integrated statewide system, which needs revenue streams from a statewide fund. Local funding units should see reduced technology budgets from courts as a result.

No Minimum System Requirements – The absence of enforceable statewide standards for functionality and connectivity has also greatly impaired efforts to promote the exchange of information.

Limited Coordination and Sharing – Limited public resources are not being utilized effectively because of uncoordinated development efforts and duplication of services. Economies of scale support the position that a statewide integrated system would provide opportunities for significant cost savings. Shared expertise would undoubtedly result in more consistent and higher quality service throughout the system.

A Narrow Technology Support Fee Currently Under Assessed –Michigan only assesses a technology fee on a very limited category of cases that comprise a small percentage of a court’s total caseload. Currently, 11% of circuit and district court civil filing fees are collected for the Judicial Technology Information Fund. Although other case types such as criminal, traffic, and parking are also dependent on court automation, there is no technology fee assessed. It is only common sense to assess fees on all court types that benefit from technological products and services provided, while allowing for a waiver process for indigents.

No Standard Level of Automation – Local funding for technology has been inconsistent and resulted in the “proliferation of non-standard automation systems.” (JISAC Report) Because each court has differing levels of technological expertise, the experience of each user varies wildly from court to court.

Meeting Future Needs - There are insufficient resources to meet increasing demands for court services and anticipated future needs. The current funding level and structure will not support the continuous increase in demand that is being experienced by the Michigan courts. The other Task Force Committees- Access to Justice, Business Impact, and Structure and Resources- are calling for technological solutions for many of their specific recommendations. Courts must continue to digitize and to eliminate paper as the primary storage media. Reducing costs with technology almost always means using less employee time to accomplish the same amount of work.

While no complete salary figures are available for all deputy court clerks statewide, the Michigan Supreme Court Finance Department notes from a current survey that a midrange salary for an entry level clerk position is \$29,000, and that \$52,000 is a midrange benefits impacted salary. Using this average range for a benefit impacted salary (\$52,000) and dividing by dollar per hour, the average deputy clerk salary is approximately \$25.00 per hour. In the Oakland

County E-Filing project alone, it is estimated that over \$66,000 a year has been saved due to reduced clerk processing time -- basically more than the equivalent of one full time employee. Local funding unit spending on just judicial technology represents millions of the approximately \$1.42 billion (figures from SCAO) that local budgets set aside to operate Michigan's Justice system.

A central system allows for every dollar of funding to be leveraged across multiple groups, resulting in economies of scale, and an improved "opportunity cost", both of which are proven economic benefits. A centralized system creates a single solution that, though it must take into consideration the need for local adaptation, provides a natural enforcement mechanism for information standards. That promotes a level of interoperability leading to streamlined and facilitated data exchange, data analysis, and communication. In short, if we can all talk the same language we can share our information and understand each other better, faster and with less expense.

Funding strategies used by other states

Most states use a combination of filing fees and legislative appropriations (at minimum) to fund automation efforts and judicial technology. Filing fees are both sustainable and long term whereas appropriations require ongoing congressional reporting and lobbying. Occasional grant funding can be obtained for initial efforts or for special capital investments, but grants are not in and of themselves suitable for funding ongoing operational budgets.

The following various general funding sources were identified in the 1999 JISAC Final Report and Recommendations and are still applicable today.

- State General Funds – "State general funds are an obvious potential source of funding. However, state general funds ...have historically been difficult to obtain and to sustain. The annual appropriation process makes it difficult to establish an assured and continual funding source to maintain the systems in order to ensure reliability and currency."
- User Fees Paid from Local Funding Unit General Funds – In Michigan and in many other states where there is no state court funding, user fees paid from local funding unit general funds have been, "the traditional source of funding for local trial court automation expenditures." As previously discussed, this has "resulted in inconsistent funding levels and the proliferation of non-standard automation systems."
- Statutory Technology Fee - "A number of states have imposed statutory technology fees for deposit in a Court Automation Fund to be used for court technology and automation projects. This type of fee would establish a dedicated funding source removed from the forces that make the appropriation of funds at

both the state and local level uncertain. Examples of fees enacted by other states include: levies on traffic tickets, surcharges on filing fees, fees to be paid by each party in civil cases at the filing of the initial pleading, special assessments on criminal convictions, and combinations of these fees.”

As previously mentioned, while other states assess a technology fee on a wider group of cases and some post judgment activities, Michigan currently only collects 11% of circuit and district court civil filing fees for the JTIF. Thus far, JTIF funds have been used for global integrated trial court projects, including a statewide communications network and infrastructure, the Judicial Data Warehouse, E-Filing, E-Pay, E-conferencing projects and a portion of the JIS Next Generation Project.

- Grant Funding – Grant funding has been used successfully in some areas and is an option for specific areas of new development, but it would not provide the long term sustainability needed to support integrated statewide technology.

Recommendations for a funding strategy to develop and deliver technology services statewide

The identification of a statewide funding strategy as well as new, sustainable, and dedicated funding sources is critical to the success of the Judicial Crossroads Project. The Technology Committee has outlined below a number of recommendations for how to fund the establishment of a single statewide system, and other technology initiatives.

- Development of a strategic long-term plan for sustainable centralized funding of statewide integrated court technology initiatives.
- Creation of multiple new sources of sustainable, dedicated state funding that will be used to (1) promote integration of court information and services through a single case management system and (2) develop new statewide technology solutions to support and maintain the technology vision and plan going forward.
- Priority should be given to the creation of new funding sources for statewide court technology projects before existing fees assessed and collected by courts for outside agencies are increased.
- There is no one miracle funding cure. The solution should be a combination of approaches and funding sources, especially as political realities will make some avenues more difficult.

Some specific new funding strategies for consideration include the following:

- Augment JTIF by increasing civil filing fees \$5 across the board for district, circuit and probate courts. Civil filing fees have not been increased since 2003. The entire increase would be deposited in JTIF. Estimated new revenue is \$3,250,000 to \$3,500,000 based on the following estimated projections:

District Court \$2,750,000 - \$3,000,000 (550,000 – 600,000 cases per year)

Circuit/Probate \$500,000 (100,000 cases per year)

- Expand the JTIF fee to cover criminal, traffic and parking dispositions by creating a new JTIF fee to be collected as part of state minimum costs on all misdemeanors, a new JTIF fee to be collected as part of JSA fees on all civil infractions and a new JTIF fee on all parking dispositions. Based on approximately 2.4 million district court dispositions and a 75% collections rate, the following chart summarizes potential new revenues based on different fee levels.

<u>Proposed New JTIF Fee</u>	<u>Projected New Revenues</u>
\$2	\$3.6 million
\$3	\$5.4 million
\$4	\$7.2 million
\$5	\$9 million

- Assess specific enhanced access fees, as have the SOS and other states, to E-filing, E-tickets, searchable E-records, and the Judicial Data Warehouse. Revenue projections would be based on the nature and scope of the surcharge. The Michigan Supreme Court would approve the parameters for these fees and collect the revenue stream into the JTIF. In the Oakland County Pilot E-filing Project, charging a \$5.00 E-filing alone or with a \$3.00 E-service fee in 2008 collected over \$205,000 for 27,000 filings. In 2009, Oakland County collected close to \$350,000 with over 44,000 filings. The Oakland Project noted approximately \$66,000 in reduced employee costs that resulted directly from less staff time spent handling paper. When the processing minutes per file are reduced to seconds per file the savings add up quickly. One E-ticket vendor charges about \$5.00 for paying e-tickets online. Some courts currently use other systems and charge no fee. This type of fee could be added to the judicial branch revenue stream along with other specific fees that help courts maintain, upgrade, and develop technology.
- Phase out or reduce user fees for all courts on single mandated systems as implementation progresses because higher levels of implementation staff will no longer be necessary. For example, reduce all fees by 50% when implementation is 50% complete etc. This will move funding out from local court budgets.

- **Bond Proposal** – A bond proposal could be packaged as a method for expediting the integration process across the state. 100% participation by all courts in the statewide system is critical. A significant amount of revenue, generated quickly, could be used to initiate that process and create sufficient momentum to ensure maximum compliance. The concern here is that the lifespan of the bond would be shorter, requiring multiple revenue streams to ensure sufficient funds. Moreover, the revenue streams must be sufficient to convert courts to the new case management system, add courtroom presentation systems and video conferencing, and also cob.

All these options can be tied together into a single strategy targeted to different goals – for example:

In order to provide local courts with technical assistance to address their most pressing technology needs and assist them financially with interim technology purchases so as to ensure they are positioned to quickly take advantage of the statewide infrastructure as it becomes available, a large infusion of funding in the short term is desirable. Assistance (both technical and financial) on the front end, in addition to participation with the Michigan Supreme Court Technology Advisory Group and/or other oversight committees, would go a long way to engendering support and a sense of project ownership at the local level.

However, a large lump sum does not provide for long term sustainability – a different kind of funding strategy is needed to ensure the continued viability of the statewide infrastructure.

Multiple funding plans can be used to ensure that both of these objectives are met. A bond proposal could be put forth to obtain a large source of funding upfront, and new fees or fee increases could be instituted parallel to the bond proposal in order to provide revenue to pay back the bond over a period of years. While a portion of the fee revenue pays off the debt, remaining funds support the ongoing expansion of the statewide infrastructure. Several fees/fee increases are proposed to provide some much needed flexibility that would allow for nominal increases to be spread across several or all courts so the obligation is not burdensome.

Additionally, once the short term debt has been eliminated the continued revenue generated by fees/fee increases could be used to reduce the cost of participation in JIS/Next Gen, making participation in the statewide infrastructure even more attractive.

The funding opportunities presented here should not be viewed from an either/or perspective but as a range of tactics that can be combined in a number of ways, thereby maximizing their impact.

CONCLUSIONS

- **We must meet the public’s expectation that our justice system be up to date and use familiar technology to further the aims of justice.**
- **A single encompassing system promotes justice, speed and cost savings better than the incompatible systems we have today.**

- **Technology standards based upon a single information management system must be developed to ensure the public that courts follow these guiding principles and incorporate these recommendations.**
- **For the public to achieve the access, support, and justice this technology can provide, funding must be found now so cost savings can be realized.**

Additional Sources of Research:

Administrative Office of the United States Courts – *Long Range Plan for Information Technology in the Federal Judiciary, Fiscal Year 2009 Update* – 2009

Arizona Commission on Funding – *Automation Funding* (Presentation) – September, 2002

Bermant, Gordon PhD, J.D., consultant – *Courting the Virtual: Federal Courts in an Age of Complete Interconnectedness*; Parts 2 and 5 – undated

Board for Judicial Administration, Court Funding Taskforce – *Justice in Jeopardy: Court Funding Crisis in Washington State* – December, 2004

Conference of Chief Justices and Conference of the State Court Administrators - *CCJ Resolution 22 and COSCA Resolution IV: In Support of Problem-Solving Courts* – August, 2000.

Conference of State Court Administrators – *Position Paper on Court Leadership in Justice Information Sharing* – August, 2002

Court Technology Advisory Committee of the California Judicial Council and the Warner Group Management Consultants - *Tactical Plan For Court Technology* – January, 2000

Eighth National Court Technology Conference, Kansas City, Missouri – *Funding Court Technology Initiatives* – October, 2003

Kalamazoo County, Michigan – *Vision and Mission Statements: Ninth Judicial Circuit Court* – undated

Municipal Court of Phoenix – *Phoenix Municipal Court Progress Report* – November, 2005

National Center for State Courts, Knowledge and Information Services – *Funding Automation: 50 State Survey* – undated

National Center for State Courts – *Trial Court Performance Standards* – 2003

Office of State Court Administrator – *Benefits of Court Automation in Missouri* – December, 2008

Palmer, Kenneth - *The National Consortium On State Court Automation Standards* – undated

State Bar of Wisconsin - *Commission on the Judiciary as a Co-Equal Branch of Government* – June 1997

State Court Administrators Office (Michigan) - *Administrative Memorandum 1997-1: Data Standards* – November, 1997

Supreme Court of Michigan, Judicial Information Systems Advisory Commission – *Final Report and Recommendations* - 1998

Supreme Court of Texas – *Judicial Committee on Information Technology: First Annual Report* – January 1999

Texas Judicial Council Annual Report: 1998-1999 - *Performance Measures for Texas Appellate and District Courts* – 1999

U.S. Department of Justice, Bureau of Justice Assistance – *Report of the National Task Force on Court Automation and Immigration* – July, 1999

U.S. Department of Justice, Bureau of Justice Assistance – *Planning Guide for using the Trial Court Performance Standards and Measurement System* – July 1997

U.S. Department of Justice, Bureau of Justice Assistance – *Trial Court Performance Standards with Commentary* – July 1997

