

Draft Minutes

Judge's Advisory Committee on E-Filing

Bridgeport Juvenile, 1st Floor Conference Room

Tuesday October 1, 2019

2:30 P.M.

Those in attendance: Hon. Patrick L. Carroll III, Hon. James W. Abrams, Hon. Michael A. Albis, Hon. Barbara N. Bellis

Staff in attendance: Joseph D'Alesio, P.J. Deak, Joseph DelCiampo, Lucio DeLuca, Tais Ericson, Damon Goldstein, Daniel Grabowski, Johanna Greenfield, Cheryl Halford, Krista Hess, Reny Mathew, Nancy McGann, Luke Petruzzello, Rebecca Schmitt and Don Turnbull.

1. Welcome and Acceptance of Minutes from 5/23/2018- Judge Carroll welcomed the committee. Then, upon motion by Judge Bellis and second by Judge Abrams, the minutes were unanimously approved (Judge Albis not present).

2. Legal Notice by Web Publication- P.J. Deak provided information regarding the process for legal publication. Many of the newspaper publication orders are accomplished via fee waiver, with the Judicial Branch covering the cost. Legal notice by web publication moves the publication component to Court Operations, with publication on a website. This method of publication allows an ordinary commercial search engine to pick up a name, increasing the likelihood that someone can find their name. Per Alaska, which has had an electronic publication process for four years, it also slightly increases the number of people who appear. The new process does not change the Clerk's Office procedures for legal publication. The system is already built and operational. The targeted release date is 1/2/2020. P.J. Deak has been tasked with coming up with a notification plan to the appropriate entities, whether internal or external.

3. Review Habeas Electronic Document Access- P.J. Deak/Nancy McGann

Habeas matters became paperless and e-filable on 2/1/2019 and the transition was successful. The habeas unit staff requested that the Committee review granting limited electronic access to the State's Attorney's Office and the Public Defender's Office, to certain documents in paperless habeas files prior to filing an appearance. This limited access was already extended to the AG's Office in habeas files for three docket legends, in keeping with the access they had in family files to view certain documents prior to appearing. Currently, the habeas clerk manually provides information from these documents to the State's Attorney's Office and the Public Defender's Office, prior to those offices E-filing an appearance. This information is provided in order for those offices to determine if an appearance is necessary. Providing limited electronic access to the State's Attorney's Office and the Public Defender's Office in habeas files is a time savings for both the habeas clerk's office and the receiving offices. The committee approved the limited access to habeas files for the AG's Office, PD's Office, and State's Attorney's Office.

4. Electronic Redaction of PDF Exhibits- P.J. Deak

A question arose as to whether tools and processes should be developed to enable the clerk of the court to electronically redact a medical record that was subpoenaed to the court, prior to the record being admitted into evidence. Currently, either the party or a clerk would redact the document on paper prior to it being offered into evidence. The Civil/Family E-Filing committee, Court Operations, and the JD and GA clerks recommended that electronic redaction tools and processes not be implemented at this time. The Adobe Pro software required to implement electronic redaction is costly and the process is complex and exacting. At this time, electronic redaction appears to offer no time savings to the Judicial Branch and appears to be more costly than current practices. It was noted that in most situations the attorneys are responsible, not the clerk, for redaction of exhibits. The Committee will continue to monitor the technology and revisit the topic should it become more cost efficient.

5. Family Mediators Access to CV/FA E-Filing- Johanna Greenfield

Currently a neutral family mediator is unable to file a case or motions electronically on behalf of self-represented parties. There was a legal opinion issued a number of years ago that advised that family mediators do not have standing to file on behalf of parties. There has been no recent inquiry regarding this topic. Therefore, the topic can be reconsidered at a later date, if necessary.

6. Letters Filed by Litigants in Family Cases – Johanna Greenfield

Family court occasionally receives letters from litigants. There was discussion as to whether the clerk should or should not be filing such letters, and how to clearly distinguish a letter from a pleading or motion. There was discussion as to whether letters, if not in proper format for placement in the court file, should be returned to the sender. There was discussion as to the possible need to propose a rule change regarding the filing/return of letters and the minimum requirements for the clerk to accept a letter as a filing. There was discussion as to whether a rule change should be proposed to ensure consistency throughout the Judicial Districts on this issue. There was discussion as to the role of the clerk in determining whether a document is a letter or a pleading. It was noted that although the e-filing system does not allow for the electronic filing of a document as a “letter”, a filer could e-file the document and name it something other than “letter.” Judge Bellis will research whether a rule change should be proposed and if so, will circulate a proposed draft. This matter will remain on the agenda.

7. Electronic Exhibits/Digital Evidence- P.J. Deak

The Digital Evidence Committee drafted recommendations regarding the electronic exhibit processes and rules. Three components were identified; 1) courtroom display of exhibits, 2) electronic submission of exhibits by a party to the clerk, and 3) electronic display of exhibits in the jury room. The Digital Evidence Committee visited the Federal Court to observe how they handle electronic evidence, however the Federal rules regarding exhibit retention differ significantly from Connecticut’s rules regarding exhibit retention. There are issues remaining regarding how the Judicial Branch will store and display electronic evidence. A pilot location in Waterbury was selected and a determination was made to focus on courtroom display of exhibits. The upgrades needed for the pilot were to be paid for with bond money for upgrades to courtroom audio, but the funding is currently not available to do them. This matter will remain on the agenda.

8. Pre-Filling Case Information on SRP Appearance Form- P.J. Deak/Johanna Greenfield

Self-represented litigants often are required to file an appearance when at court. Filling out the basic information on the appearance form (docket number, case name, return date, court location) is time consuming for SRPs and/or the clerk. The basic case information needed for the top portion of an appearance form is available through the e-file system. Per ITD the technology required to generate a form with these fields pre-printed could be built. Tools for printing an appearance form with the case information pre-filled could be used in the courtroom and be available to other courthouse staff such as the Court Service Center, Support Enforcement Services, and the Clerk's Office. The matter was referred to Lucio DeLuca to look into. A meeting is already being scheduled with Legal Services and Court Operations to discuss changes to the appearance form (JD-CL-12). JIS will be included and the potential for creating an appearance form with some fields pre-filled will also be discussed.

9. Update: Digital Signage – P.J. Deak

Digital signage is live in Rockville (2 screens), Torrington (10 screens) and Hartford Family (1). There is currently a "micro-signage" experiment in the lobby of 95 Washington Street using a standard PC and three monitors. The software is web-based and can be put on any computer on the Judicial Branch network. The administrative tools for managing the digital signs are working well – all known glitches have been worked out. The next step is making the digital signage mobile friendly with an outward facing web app. The software will be tested on mobile devices. The potential use of QR codes to direct people to the proper courtroom were also discussed. Judge Carroll expressed an interest in sharing information about the digital signage with External Affairs once the micro-signage project at 95 Washington Street has been implemented.

10. Update: Developing a Policy for Destruction of Electronic Records – P. J. Deak

A SJI grant was awarded for consultant recommendations regarding the destruction of electronic records (CV, FA, HS, SC, and UIFSA). A RFP for the consultant was drafted and is currently with purchasing. A small committee will be formed to provide guidance to the consultant.

11. CV/FA System: Accomplishments Since Last Meeting – P.J. Deak

Discussion Item: Judge Abrams raised the issue of judges entering lengthy orders electronically in paperless files via the E-Filing/Case Management system, instead of preparing paper memorandums of decision which would be scanned and uploaded. There is enthusiasm among the judges for using the E-Filing/Case Management system to enter orders electronically, but there is a concern with losing searchable case law because orders entered electronically are not currently reported to the Reporter of Judicial Decisions. Judge Abrams will consult with the Civil Unit to look into a way for legal publications to capture relevant electronic orders.

Accomplishments Since Last Meeting:

- UIFSA docket is paperless & e-fileable (08/01/2018)
- SES Mailings of Magistrate orders substantially automated saving approximately 75% to 80% of their mailings and significant savings in postage costs (08/01/2019)
- Elimination of Small Claims Legacy application – necessary features consolidated into existing web application - and streamlining of multiple Small Claims databases (09/01/2018)
- Enhancements for ODR implemented (01/01/2019) – Nancy McGann

- Live in HHD and NNH for contract collection cases filed on or after 1/2/2019.
- Despite multiple focus groups indicating interest from the bar and substantial marketing there are only three cases that have used ODR, with two settling prior to mediation. All three cases involved the same plaintiff's law firm and the same plaintiff.
- Refocusing efforts on ODR in small claims, which is where most other states are using it.
- Small claims ODR may require a practice book rule change and a change to the current business process adopted for the C40 pilot.
- There are also issues to address regarding the use of asynchronous technology and possible staffing issues.
- Civil Unit will continue to look into ODR in small claims and report back.
- Habeas docket is paperless & E-Fileable (02/01/2019)
- Write-Once Document Servers have been implemented (02/01/2019)
- Web Server upgrades completed for CV/FA E-Filing and Case Management Systems (03/01/2019)
- Enhancements to GAL Tracking tools enhanced (07/01/2019)
- Web based SC/MV Magistrate Matters management / scheduling application implemented. Magistrate Matters office to handle scheduling centrally, resulting in a time saving for the clerks' offices (09/12/2019)
- Elements of CV/FA case management system upgraded (03/01 & 09/25/2019)
- HHB Courthouse scheduler application migrated to web (JIS support is retiring) (09/25/2019)
- Legal Notice By Web Publication functionality in production but not activated (09/25/2019)

12. CV/FA System; Upcoming Releases – P.J. Deak

Web & Database server upgrades for many systems - critical completion date of 01/14/2020.
Upgrade Judicial's Case Management System and numerous other web applications to a more sustainable platform - critical completion date of 01/01/2025.

Review/confirm prioritization of future EFiling/Edison items...

1. CV/FA E-Filing & Case Management: All Database Servers to be Upgraded (before 01/14/2020)
2. CV/FA E-Filing & Case Management: Encryption upgrade (est. 03/01/2020)
3. CV/FA Case Management: complete system upgrade (est. 3 year project)
4. CV/FA E-Filing & Case Management: UIFSA Hague Convention Cases– international child support (est. 4/1/20)
5. CV/FA E-Filing & Case Management: Asset Forfeiture/Firearms Safety Cases in Criminal Locations
 - a. Incorporate into system initially as paper files, rather than current stand-alone systems or no systems in each criminal court location
 - b. Can become paperless when scanning resources are allocated in Criminal locations
6. Resilience & Sustainability - There are at least 68 database applications supported by Court Operations, this does not include applications supported by JIS or Judge Support Services.
 1. State auditors recently requested information, which is being provided
 2. A plan is being made to upgrade many applications in the coming year for enhanced security and sustainability.

CONCLUSION: A significant priority for the coming year should be to upgrade many applications for enhanced security and sustainability.

13. Report Back: Mandatory E-Filing for Self-Represented Parties & Form Assembly Tools for SRPs Completing / E-Filing Court Documents – P.J. Deak

An analysis of current e-filing by Self-represented parties was presented and discussed, along with possible options for taking steps towards implementation of mandatory SRP e-filing if a determination is made that this would be beneficial. Discussion of this analysis and of other states experience with mandatory self-represented litigant e-filing concluded that this item should be placed on hold for re-evaluation in the future. There does not currently seem to be time or labor savings for the clerks' offices in pursuing this.

Next Meeting to be scheduled in six months.
The meeting adjourned at 3:47 p.m.