

ICCES Oversight Committee

Minutes of Meeting

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| <u>Facilitator:</u> | Jared Pedersen |
| <u>Date:</u> | 11/12/2010 |
| <u>Location:</u> | Grandview – Arvada, CO |
| <u>Attendees:</u> | Jared Pedersen, ICCES Manager; Bob Roper – CIO; Chad Cornelius – SCAO DCIO; Reba Nance – Colorado Bar Association; Rita Trujillo – Denver County Court; Debra Sather-Stringari, 11 th Judicial District Clerk of Court; Terri Cook, Office of the Public Defender, Weld County; Jerry Marroney, State Court Administrator; Mick O’Hara, 14th Judicial District Chief Judge; Tom Romola, Private Collections; Jacques Machol Jr., Private Collections; Dea Shantz, Boulder County Attorney’s Office; Nancy Burke, Private Collections; Mike Sullivan, Division of Water Resources; Julie Hernandez, Public Pro-Se Litigants Rep (Colorado Springs).; Sabino Romano, 17 th Judicial District Judge; John Kuenhold, 12 th Judicial District Chief Judge <i>Via Phone:</i> Lisa Hamilton-Fieldman, 20 th Judicial District Magistrate; Andy Toft, Colorado Bar Association |
| <u>Note Taker:</u> | Rebecca Collins |

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 9:11 am | Welcome | Jared Pedersen |
| Discussion: Introductions of new members | | |
| Decisions: | | |

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 9:17 AM | Status of Small Claims | Jared Pedersen and Bob Roper |
| <ul style="list-style-type: none">• The Small Claims design phase has finished and programming has begun.• The new case management system is also making progress. As stated previously, first quarter of 2011 is the target for Small Claims’ deployment.• Bob indicated that within the next few weeks, we should have working prototypes and will be revisiting counties for feedback on the prototypes.• County court civil will be next for designing.• With County court civil, contact with the various IT representatives across the state will have to be made due to the use of batch filing.• Batch filing will take time to get hands around and make seamless transition. The goal is | | |

to assign these representatives after the first of the year. To curb any present fears, all members should make word that this is coming and that individuals will be contacted.

- In approximately 4-6 weeks, the first prototype will be released. All of the hardware and infrastructure are in place, and programmers are working to get the test sites active.
- Bob indicates that E-filing will need a user group of pro-se people formed. What is the best way to form this group? Do we formulate based off of frequent flyers? Or a random selection of court visitors? Do we expand to pro-se' user groups based off of the current case type being designed?
- Magistrate Hamilton-Feldman suggested that the pro-se user-group focus remain on small claims. If we are trying to build an elaborate interconnected system and integrate users that still have to work with Lexis-Nexis, it is a wasted effort. User groups should be formed based on what our system can currently offer to pro-se litigants.
- Jacques Machol suggested that Magistrate Burns of the 18th be included in designing a pro-se user group. Mr . Machol indicated that Magistrate Burns has been instrumental to the Small Claims process and is an expert with working on rules, etc. He would be an appropriate, intelligent person to handle this group.
- Deborah Sather-Stringari indicated that it is important to make an effort to capture even those pro-se litigants that do not know how to or frequently use a computer. She recommended we try to capture a brand new user, and identify how to better reach that group of people; since there is still a large segment of those that are not technologically savvy. Question raised by Deborah: Do we assume that there will always be a segment of pro-se users that we will never reach? Or, ultimately, who is the intended target, everyone?
- Bob stated that we will have to assume that we will not reach everyone and that there will still be those individuals that come to the court and turn in their filings via paper. Additionally, there is a concern that this will consume additional court staff while the public becomes educated on this e-filing system.
- Chris Ryan recommended building a user-group with pro-se litigants from the appellate side since it would be easier to capture a smaller group of people.
- Judge O'Hara recommended pro-se litigants within the water court arena. Indicated that the trial court level requires a lot of hand holding whereas water court has less processes and could be easier for the early stages of this process.
- Bob stated that court services has begun meeting on a new pro-se initiative. Their objective is to determine how we can best take care of pro-se users. A special committee was formed as a result of the AMAC meeting. Their objective is to review the various options of serving pro-se litigants. A report is expected in the upcoming weeks.

- Jerry Maroney suggested capturing those pro-se people that cannot be taken at legal services. Specifically, to have someone be setup at the various pro-se legal facilities. When someone cannot be served by the pro-bono facilities, they can be directed to the representative that is housed in the legal offices. By this, we can see what problems are surfacing and receive feedback from professional level staff.
- Magistrate Hamilton-Feldman suggested that we may need to talk to the various family court facilitators across the state. Additionally, in lieu of hand selecting these pro-se users, utilize the pilot areas to locate the user group. Volunteers can be captured by possibly handing out the information in small claims packets and if they choose to volunteer they can call and be added to the user group. This method can help get pro-se litigants to self-select versus trying to capture them on our own.
- Andy Toft recommended using Metro Volunteer Lawyers or other pro-bono groups in identifying the necessary pro-se user groups.
- Jared Pedersen – Jefferson County will be the small claims pilot site. However, we will be able to give testing access anywhere. We do not have to bring in groups to test. Subsequently, we can have different pockets of groups across the state.
- Something else to consider – if clerks are required to spend more time trying to get pro-se' on board with this system, we need to review how it will affect staffing loads.
- Jared Pedersen – A subcommittee for pro-se users will need to be formed. There will need to be an individual that puts this all together and heads up the entire subcommittee. Are there any volunteers to head up this committee? Julie Hernandez (pro-se litigant representative) has volunteered.
- The pilot site and working with actual clerks in the field will be some of the most critical items in forming this group.
- Additional suggestions: we will need to standardize an instruction sheet to help take away some of the front-counter time. However, this instruction sheet should ultimately leave the understanding that some of the specific procedures will be different across the various court locations.
- Jared Pedersen – our internal legal department has reviewed all the work thus far to ensure we are not giving legal advice but ultimately a specific attorney will be allocated to the entire project to ensure we continue to not provide legal advice.
- Concerns were raised as to how the wizard based system would not offer legal advice since the system ultimately selects the form for a pro-se person. However, the selected forms are based on the answer to a question given to the pro-se person. As long as you rely on their answer, then it eliminates the concern of legal advice.
- The goal of this e-filing system is to get them a form they can access as quickly as possible. Additionally, it will make it better for the judge and counsel to review even if the sentences are not entirely cohesive. This system will also prevent users from having

to come back to court, review their files, which alleviates court clerk's time to do other tasks, like educate on this system.

- Julie Hernandez asked what will happen when service is completed.
- Jared Pedersen - Everything that is comprised within Small Claims has been built in to the online system. Essentially, a user will never step foot into the courthouse until you have to show up to court for the actual hearing date. It is designed so both parties can go online or only one individual goes online. There will always be the option for the pro-se user.
- There was a question regarding Small Claims Rule 507 – which states that response and filing fee are filed at the date of trial. However, many courts are not following that procedure. A rule change will be required on this issue.
- Jared Pedersen – with Return's of Service, the sheriff's office or a private process server will have to file their ROS online. Jeffco Sheriff's office will obviously have to pilot this program.
- Magistrate Hamilton-Feldman indicated that there is a National Organization of Process Servers that would need to be involved if we are going to make these levels of process changes and rule changes.
- A question was raised in regards to the notary requirement on returns of services. Rules and/or statutes have to be changed to accommodate the system. The goal is to no longer require this component; we need to allow for the electronic capability of signatures and verification.
- The Notary Public association should be included as well, especially with the recent overhaul of rules that notaries are now required to follow.

Decisions: Pro-se Subcommittee – headed up by Julie Hernandez.

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 10:01 AM | Pilot site | Jared Pedersen |
| Discussion: | | |
| <ul style="list-style-type: none"> • Jefferson County has agreed to be the pilot site. They will test both the internal and external portion of this system. • However, users and user groups can be tested anywhere | | |
| Decisions: | | |
| <ul style="list-style-type: none"> • | | |

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 10:27 AM | Screen Designs | Jared Pedersen |
| <p>Discussion:</p> <ul style="list-style-type: none"> • Jared presented a handpicking of screenshots from within ICCES and JPOD to show the group. • All screens are not finalized at this point in time; many have not been through the formal approval process at this time and can change. • Some of the new functionalities include: allowing a user to locate the proper Registered Agent for businesses, locate the jurisdiction of their case to avoid incorrect filings, complete “sub-wizards” such as the MIFP and ultimately, be able to pick their court date. • Suggestion: the calendaring component should send an email reminder to the pro-se user that their court date is approaching. • Bob Roper discussed that Lexis Nexis currently pays all the court fees up front and deals with collecting from the attorney’s independently. However, we will now be responsible with invoicing these attorneys. Billing policies will need to be updated in addition to the various rules on filing fees. • Questions were raised as to how we will be charging attorney’s who file; will they pay per document or per filing? • Jared and Bob – this is something that will need to be discussed in greater detail. • Judge Romano asked if the “note to judge” component of JPOD will be able to be used inversely, triggering a note back to the clerk. • JPOD currently allows for instant messaging, in addition to the Outlook communicator. <p>Decisions:</p> <ul style="list-style-type: none"> • | | |

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 11:16 AM | Document Management System | Bob Roper, Chad Cornelius |
| <p>Discussion:</p> <ul style="list-style-type: none"> • Chad Cornelius explained what a Document Management System (DMS) is. • This system is what will be utilized to store those pieces of paper that we simply cannot get rid of within the courts, whether they are images, etc. • Multiple options for the DMA have been reviewed, but the lead option has been with Adobe. • Adobe has a DMS that would build/integrate with all the other features that Adobe currently has. This is beneficial because Adobe Lifecycle is currently part of the process | | |

to create the dynamic forms that we will be creating through the web. Adobe's system would allow us to integrate this into any of our current systems.

- Ultimately, it would be considered a document retrieval mechanism that would replace File bound. Additionally, there is an indexing system that it creates with metadata. It will have the capability to search an entire document which Lexis-Nexis does not permit. Furthermore, it will reduce the footprint on the system by reducing the file-size.
- Bob Roper indicated that they will be meeting with a team from Adobe next week and a final decision is expected to be made by next Friday.

Decisions:

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 11:22 AM | Milestone Plan for ICCES and JPOD | Jared Pedersen |

Discussion:

- ICCES/JPOD Milestones chart was displayed for the group.
- Both ICCES and JPOD have to deploy its components together
- Small Claims will go live with JPOD 3/31/2011 but will be available for testing prior to that.
- Jared requested any input on the next case types worked on by ICCES team. The current flow has County and District Civil followed by Domestic as the next case-types to be designed.
- No comments were made to the current milestone form/direction or.
- The milestone plan is available on the public section of the court website for ICCES/JPOD.
- Any questions or feedback regarding milestone plan should be directed to Jared.

Decisions:

| <u>Time</u> | <u>Agenda Item</u> | <u>Presented By</u> |
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| 11:35 AM | Role of Sub-Committees | Jared Pedersen/Bob Roper |

Discussion:

- Jared asked the group what sub-committees will be needed. Do these committees need to be by case type?
- If these subcommittees are formed, the membership list will need to be given to Jared within the next few weeks.
- Andy Toft will be attending a meeting with the Bar tomorrow and will solicit volunteers for each case-type sub-committee.
- Committees should be given standards and Jared will notify when the various screens

are designed that need additional input. This will avoid the committees having to meet prior to the case-type being ready.

Decisions:

- Sub-Committees will be: Civil, Domestic Pro-Se, Domestic Attorney, Water, Criminal, Mental Health/Probate, and Juvenile.
- Tom Romolo and Judge Romano will form a civil sub-committee. Debora Sather-Stringari will work with Clerks Advisory for input.
- Chris Ryan will lead
- Judge Kuenhold will lead a Water Sub-Committee with input from Judge O’Hara.
- Julie Hernandez is leading a pro-se sub-committee.
- Terri Cook will lead a criminal and would like input on Domestic
- Dea Schantz will lead Juvenile sub-committee
- Mental Health/Probate has an existing committee formed so they will be utilized as the sub-committee.

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| 11:56 AM | Next Meeting’s Agenda | Jared Pedersen |

Discussion:

- Jared briefly indicated the talking points for the next meeting, after the holidays.
- The next meeting will cover Lexis Pads – going over the various likes, dislikes and wishes for the e-filing system.
- Any additional JPOD updates will be discussed.
- Additionally, need to think about how to get attorney’s informed of what we’re doing and keep them updated.
- Reba Nance would like to see some sort of vehicle that will allow attorney’s to quickly offer their feedback to the system.

Decisions:

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| <u>Things to Remember:</u> | Rule changes may be needed; Lexis likes and dislikes; How to keep attorney’s informed. |
| <u>Concerns/Fears:</u> | N/A |
| <u>Meeting Adjourned:</u> | 11:56 AM |
| <u>Next Meeting Date:</u> | January 14, 2010 – 9AM |