



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-171

For business meeting on September 25, 2020

Title

Judicial Branch Technology: Court
Modernization Funding

Agenda Item Type

Action Required

Effective Date

September 25, 2020

Rules, Forms, Standards, or Statutes Affected

N/A

Date of Report

September 4, 2020

Recommended by

Judicial Council Technology Committee
Hon. Kyle S. Brodie, Chair

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Executive Summary

The California Budget Act of 2020 appropriated \$25 million for the modernization of court operations. Chief Justice Tani G. Cantil-Sakauye subsequently requested that the Judicial Council Technology Committee make recommendations on how that money should be allocated. The committee recommends funding 13 separate technology projects. Individually, each project will significantly improve the way trial courts serve the public. Taken as whole, the projects will make great strides in advancing the judicial branch's technology goals, fostering the spirit of collaboration that has proved essential to modernizing court operations. The committee's recommended allocations are an investment that will pay dividends for years to come.

Recommendation

The Judicial Council Technology Committee recommends that the Judicial Council, effective September 25, 2020:

1. Approve allocation of the \$25 million designated for the modernization of court operations;
2. Approve the following 13 projects for this allocation, to be initiated this fiscal year:

- Remote Appearance Technology
 - Digital Evidence
 - Automated Messaging (notifications and reminders)
 - Data Driven Forms
 - Digitizing Documents
 - Virtual Customer Service Center
 - Trial Court Digital Services
 - Statewide Case Index
 - Judicial Branch Office of Information Security
 - Next Generation Data Center and Cloud Solutions
 - California Courts Protective Order Registry (CCPOR) Mobile Access and Modernization
 - Building a Digital Ecosystem
 - Data Governance;
3. Grant the Judicial Council Technology Committee authority to make individual allocations (with feedback from the Information Technology Advisory Committee and the trial courts); and
 4. Direct the Technology Committee to report back to the Judicial Council on the amount allocated to each specific project and on each project’s progress.

The 13 recommended projects are described in the table in the Analysis/Rationale section.

Relevant Previous Council Action

At the July 24, 2020, Judicial Council meeting, the Chief Justice directed the Technology Committee to recommend a proposal for allocating a \$25 million budget appropriation in the Budget Act of 2020 designated for modernizing court operations.¹

The Judicial Council has adopted three documents—the *Technology Governance and Funding Model*,² the *Strategic Plan for Technology*,³ and the *Tactical Plan for Technology*⁴—that collectively establish a road map for modernizing court technology. Those documents establish a set of priorities that should be considered as new technologies are implemented. The Technology Committee’s recommendations were guided by, and are consistent with, those priorities.

In addition to those plans, the Judicial Council adopted emergency rule 3, Use of Technology to Conduct Proceedings Remotely, on April 6, 2020. That rule supports the adoption of remote appearances during the state of emergency related to the COVID-19 pandemic. The importance of adopting new technologies was also recognized by the Chief Justice’s emergency order of

¹ The budget bill language explicitly limits the use of the funding to modernizing trial courts.

² Available online at www.courts.ca.gov/documents/jctc-Court-Technology-Governance-Funding-Model.pdf.

³ Available online at www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf.

⁴ Available online at www.courts.ca.gov/documents/jctc-Court-Technology-Tactical-Plan.pdf.

March 30, 2020, allowing courts “to conduct judicial proceedings and court operations remotely, suspend any rule in the California Rules of Court to the extent such rule would prevent a court from using technology to conduct judicial proceedings and court operations remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses.” The courts’ immediate need for technology has become one of the central drivers in providing courts with the technology resources they need to maintain access to justice.

Analysis/Rationale

Because of the reduced time frame for budget expenditures in fiscal year 2020–21, the Technology Committee needed to prioritize trial court modernization projects that could be started quickly or are already operational but could be expanded more broadly with additional resources. This methodology honors the Legislature’s and Governor’s intent in awarding the modernization funds, and aligns with the judicial branch strategic and tactical plans for technology. It also provides immediate and effective assistance to courts and court users affected by our nation’s public health crisis. The pandemic has fundamentally disrupted all plans and created new paradigms and opportunities. It has driven the focus for technology investment to solutions that enable courts to conduct business remotely, for both external court users and internal court staff and judicial officers.

Several budget change proposals (BCPs) were included in the initial budget released by the Governor’s Office in January 2020 and were eliminated in subsequent revisions. Because of the shortened time frame, these BCPs were the starting point for the list of potential technology projects. The list also included budget change concepts (BCCs) that were prepared for the next fiscal year and had been reviewed and recommended by the Technology Committee. These BCPs and BCCs were a natural first consideration to be funded from the \$25 million in court modernization funds because they align with the branch’s strategic and tactical technology plans and had been reviewed and recommended through the existing governance process for requesting funding.

Selection criteria

Because of the accelerated time frame, a sound, consistent methodology for evaluating technology projects was needed. For this reason, the committee used the following criteria:

- Does the project align with the branch strategic plan and the technology strategic and tactical plans?
- Are there definable milestones to show success?
- Can the funding be expended or encumbered this fiscal year?
- Does the project align with court priorities?
- Can the project be implemented in discrete phases?
- Does the project modernize court operations?

- If the project is implemented in phases, can the work continue even in the absence of a permanent additional funding source?

In the table below are descriptions of each recommended project, grouped by strategic priority.

Strategic Goal 1: Promote the Digital Court—Remote Appearances	
Remote Appearance Technology	Deploy video and related equipment for an integrated courtroom that enables remote appearances.
Digital Evidence	Provide funding for implementation costs, case management system (CMS) integration, and storage of digital evidence.
Automated Messaging (notifications and reminders)	Provide email notifications and text reminders for the public by enabling courts to access a statewide online reminder system for court appearances regardless of CMS or jury solutions.
Strategic Goal 1: Promote the Digital Court—Remote Access	
Data Driven Forms	Modernize Judicial Council forms to provide step-by-step and dynamic instruction for filling out required court forms, interactive chat and tool tips functionality, and mobile-friendly and Americans with Disabilities Act-compliant accessibility. Additionally, allow for data integration by courts, justice partners, and others.
Digitizing Documents	Provide services for courts to convert their paper and filmed documents to electronic documents.
Virtual Customer Service Center	Enable Judicial Branch to add online and live chat functionality to their public websites to provide customer support.
Trial Court Digital Services	Deploy mobile-friendly and customizable trial court website templates with integration to statewide digital services, such as intelligent chat.
Statewide Case Index	Create an online searchable case index for all = cases statewide.
Strategic Goal 2: Innovate Through IT Community	
Building a Digital Ecosystem	Expand efforts of the Court Innovations Grant Program—including refining and implementing the technical foundation and software modifications that will enable courts to contribute their solutions for branchwide use and

	consumption—and lay the foundation for future innovations.
Strategic Goal 3: Advance IT Security and Infrastructure	
Judicial Branch Office of Information Security	Establish and maintain an Office of Information Security to comply with best practices for management of information security, technical risks, and risks to the data held across the judicial branch.
Next Generation Data Center and Cloud Solutions	Create a consultant service for Judicial Council Information Technology staff to work with courts on next-generation hosting (cloud solutions) and related infrastructure frameworks.
California Courts Protective Order Registry (CCPOR) Mobile Access and Modernization	Modernize the CCPOR application, including by enhancing secure access of restraining and protective orders for law enforcement officers and for protected and restricted individuals.
Strategic Goal 4: Promote Rules and Legislative Changes	
Data Governance	Establish and implement a branchwide data governance infrastructure to ensure better use and management of data, including timely submission, accuracy, security, and data access.

Policy implications

Although individual technology projects might raise policy questions, the Technology Committee’s recommendations reflect well-established priorities for the judicial branch, as indicated most directly in the *Strategic Plan for Technology*. Modernizing the courts is a long-standing policy, and each of the recommended projects advances that goal. Furthermore, by awarding \$25 million in funding for the fiscal year already underway, the legislative and executive branches have shown that they agree with the need for immediate and effective improvements.

Comments

To ensure that the projects remain aligned with the branch’s strategic and tactical technology plans, and to include other views about technology priorities, the Technology Committee reached out to the Information Technology Advisory Committee (ITAC) and the Court Information

Technology Managers Forum (CITMF) for input. Those groups suggested the following technology priorities (in alphabetical order):

- Digital evidence
- Integration platform to enable a Digital Ecosystem (CourtStack)
- Remote case document access
- Remote court appearances
- Remote hearing technical support for participants
- Security

The Technology Committee chair, along with the Judicial Council's chief information officer, also gave a presentation at a joint meeting of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC), seeking additional comment and input. These bodies supported the consistent use of the governance plans and affirmed the technology priorities listed above. The presenters also discussed various methodologies for disbursement of the funds (both directly to courts and through branchwide solutions and services), dependent on the program.

This list was also provided to the Executive and Planning Committee and the Judicial Branch Budget Committee for their review and feedback, which was incorporated.

This proposal was not circulated for public comment because the August 25, 2020, Technology Committee meeting considering the proposal was open to the public. No public comments were received when the recommendation was considered.

Alternatives considered

The Technology Committee chair and vice-chair worked with Judicial Council Information Technology staff to evaluate alternative methods for selecting potential projects. The only readily apparent alternative would be to engage in a more thorough process for soliciting recommendations and investigating their feasibility. The chairs specifically considered using the same process used for creating and submitting BCPs, which would allow for such additional input and review.

Ultimately, the compressed time frame for awarding funding precluded using the BCP process. The committee nevertheless made extensive outreach efforts to gather as much input as possible. To that end, several groups—including ITAC, CITMF and CEAC/TCPJAC—were asked for their views on trial court technology priorities. Fortunately, the feedback received was largely consistent.

Given the feedback from the trial courts on their current priorities and the urgency of the need for new technology, the committee believes that any alternative approach would create excessive delay, to the detriment of courts across the state.

Fiscal and Operational Impacts

The operational and fiscal impacts to implement the recommendation are unknown. Because the budget bill language states that this funding is “for modernizing court operations with the goal of achieving efficiencies and increasing access to court services online,” the impacts are intended to realize operational efficiencies. For example, advancing the digital court through data-driven forms, digitized records, and chat services will increase access to justice in a timely and efficient manner, optimize case processing, and implement comprehensive digital services; improving security and protecting data will reduce the risk of potential breaches and minimize operational and fiscal impacts on such security and data; and developing and leveraging branch resources through the use of integrated platforms such as CourtStack will enable innovation through collaboration.

However, implementations could be challenged by a court’s readiness and ability to deploy services in the shortened time frame. Furthermore, this funding is allocated as one-time funds, requiring courts to focus on independent projects that require only a single year of funding. Should the efforts prove successful, additional funding would be needed for sustainability, for growth, and to maximize effectiveness.

The Technology Committee will determine individual allocations (with feedback from the Information Technology Advisory Committee and the trial courts) on the list of projects. The committee will also report back to the Judicial Council on the amount allocated to each specific project and on each project’s progress.

Attachments and Links

None.