

DRAFT MINUTES
JUDGES' ADVISORY COMMITTEE ON E-FILING
Bridgeport Juvenile, 1st Floor Conference Room
March 7, 2012 – 9:00 – 11:00 a.m.

Those present: Hon. Patrick L. Carroll III (Chair), Hon. Barbara Bellis, Hon. Linda K. Lager, and Hon. Lynda Munro.

Staff in attendance: Beth Bickley; P.J. Deak; Lucio DeLuca; Tais Ericson; Johanna Greenfield; Dan Horwitch; David Iaccarino; Nancy Kierstead; and Alice Mastrony.

1. Welcome & Acceptance of Minutes from 01/04/2012 – Judge Carroll welcomed Judge Munro to the committee, and the minutes from the meeting of January 4, 2012 were unanimously approved.
2. Update: Focus Groups with Attorneys / Paralegals RE: E-Filing – Attorney D'Alesio reported out on the focus groups that have been conducted over the past six weeks. The overall feedback was very positive, and some good suggestions for enhancing the system were brought up by the attendees. Brief discussion ensued about the costs of providing wireless access in all courthouses and the future availability of remote access to family files. In the context of making family files publicly available, the growing issue of people filing the same motion to recuse, for example, using the same language and attaching the same huge attachments in multiple files was raised and discussed.
3. Update: Secure Server / Email Notice to Attorneys – Related to item #2 is the concept of electronic noticing. Every focus group raised the lack of electronic noticing and suggested its implementation in the state courts. Preliminary discussions are taking place on the feasibility of electronic noticing, perhaps providing electronic notices of events, court orders and markings in a first phase, and in a second phase, notice of filings. Electronic notice would be provided to all appearing counsel of record, but paper notices from the court and paper certification by the attorneys would continue to be provided to self-represented parties. If the time projected for developing electronic noticing is a couple of months, it might be beneficial to provide this capability before we implement e-filing in family cases. Electronic notice of filings would address the short service issues, which the bar has complained of, and would save the Branch money currently spent on mailing paper notices.
4. Update: Personal Identifying Info in Files & Public Access to Civil Docs – The amount of personal identifying information in civil files has been reduced. A memo has gone out to all judges alerting them to the continuing need to monitor filings for personal identifying information. At this time, the committee is comfortable with permitting remote public access to these civil files.

After discussion, the committee decided that it was time to provide remote access to the files to the public. The target date for opening the files online is May 1, 2012.

A related issue has come up in connection with documents that are redacted. Currently the rules do not require someone to retain the original of a redacted document that is filed with the court. Judge Bellis suggested revising the rule to require a person filing a redacted document to retain the unredacted document.

Attorney Horwitch will come up with language for P.B. Sec. 4-7 regarding the retention of the original of the redacted document filed with the court.

Judge Munro raised the issue of personal identifying information in family files. Currently, there is a standing order regarding personal identifying information in document filed in family

cases, but the rule and the standing order together are creating some confusion. It is probably time to figure out the best way to handle this issue in family cases. Judge Munro will talk to the family judges and Chief Family Support Magistrate Sosnoff Baird to identify some judges who are interested in working on this issue in order to form a work group that would include representation from other interested agencies (i.e., DSS and SES).

5. Personal Identifying Information in Decisions and Orders – see discussion above
6. 4.0+ Issue: Transfer of Paperless Files From Civil to Juvenile – Cases that begin as civil cases sometimes must be transferred to juvenile court. When files were on paper, the Court would remove the documents and send the file to the juvenile court. In an electronic world, the documents remain accessible after the transfer, and someone could still file in the case. The BPAs proposed that once particular legend codes are entered on a case, the case detail should no longer be viewable and the case should not be available for e-filing on the attorney site. The message displayed would simply say that the case is not available. This proposal makes sense when a case is transferred to juvenile, but it should not apply to cases transferred to federal court. When a case is transferred to federal court, the case detail information would remain.
7. 4.0 – Short Calendar – Clearer Notice & Elimination of full-page insert – With the release of 4.0, self-represented parties will receive an individual notice of the short calendar, containing only the matters that they have on the calendar. One side of the notice contains the information about the date, time, location and matters to be heard; the second side contains information that was part of the notice section of the old calendars. The old calendar notice and the one-page flyer that accompanied the calendar have been shortened, simplified and combined. The separate flyer will no longer be sent out.
8. 4.0 - Release Update: Edison & E-Filing – Edison work is virtually completed, and testing is scheduled for later this month for caseload people and data terminal people. In April, P.J. is planning to a short calendar prep testing session. The conversion process from the old system to the new system was successfully tested. CATER has driven noticing and short calendar for the last 40 – 43 years. The release on June 25, 2012 takes us out of old environment and provides more flexibility. Training sessions are planned so that essential staff will be trained in the three weeks in June, while less critical staff will be trained in the beginning of July. The loss of the Meriden facility has hurt us.

P.J. reviewed the arrangements for the week of July 4th: no short calendars will be scheduled during that week, but family support magistrate calendars will print except that courts that would normally have magistrate calendars on July 4th will not move those calendars to another day that week. Edison can still be used as a mechanism for write-ins so if something has to be heard, it can be handled off the printed calendar. P.J. will send Judge Munro an outline of the proposal, and Judge Bellis will send an initial notice to the judges that no calendars will take place that week. Subsequent notices will go out as the date gets closer.

The next release in the fall involves self-represented parties, and a discussion will have to take place about the role the court service centers might play in the ongoing training of the self-represented parties. P.J. will meet with Krista Hess and Alice Mastrony.

9. 4.1 - Edison - 120 Day Decision Reminder in JOE-Q – P.J. and Judge Bellis have been working to develop a tool for judges to use to track of their 120-day deadlines. It will be available later this summer, after the 4.0 release. Judge Munro asked about the possibility of using Edison to track appellate motions (e.g., articulations and motions for review). Judge Bellis said that when the papers are processed electronically, it is a simple matter to track those papers. Standards would need to be developed for whoever does the processing.

10. 4.1 - Edison - Use of "By The Clerk" Juris Number on Electronic Orders – P.J. reported that the BPAs had looked at ways to clarify the signature when an order was entered "by the clerk." To address concerns raised, the proposal is to have the "processed by" name on the JOEQ PDF default to the name of the person logged in, and not be editable by the user. If the "processed by" field is blank, and the order is opened by a clerk for editing, the name of that clerk should be placed in that field, and the field should not be editable. A policy should be established and circulated that prohibits anyone other than the logged-in user from processing transactions under the user name. These items will be implemented as part of the 4.0 release or shortly thereafter.
11. 4.1 – Edison – Use of Generic Docket by TSR (Tolland Habeas) –Edison provides the option of entering information that is not case-related. For example, in a small unified court like Tolland, which uses a unified calendar, Edison allows the entry of non-case related items. Judge Bellis asked about the possibility of expanding the availability of this option, for example, to allow the entry of mediations so that they would show up in the daily docket. Currently, that type of information appears in the notes section in Edison. Providing this capability now is not feasible, but it would be possible to deliver this capability in late December.
12. Motions To Seal Or Close – Proposed Practice Book Revision – Attorney Horwitch reported that after last meeting, he circulated some proposed revisions, but ultimately, the decision was to design the system to mirror civil but not to change the rule.
13. PDF-A Document File Format – Beth Bickley provided information about the new PDF-A format, which is becoming the new standard for PDF documents because it is a format that can be retained and viewed for a longer time. In a PDF-A document, the formatting of the document, including a font is incorporated into the document. IT is looking at PDF-A, and determining what to recommend as the standard going forward. Currently, we have about 5 million PDF documents, and conversion services that exist now are not that good – the error rate was approximately 5% of the documents converted contained errors. Consequently, there is a risk that documents converted will not be rendered accurately. The committee decided that conversion of any existing PDF documents should wait until conversion programs are more reliable. Atty. Horwitch also pointed out that the PDF-A documents cannot be "locked down" like PDF documents can. IT will look further into PDF-A. It was suggested that any new PDF-A standard for attorney filings should be in place prior to the family release. If the Branch moves to PDF-A going forward, it will impact scanning and JOE-Q documents so the Edison Team will need to know about the decision.

The issue of requiring OCR for documents filed with the court was raised. OCR'd documents require much more storage space, but they do provide judges and others with the ability to search documents and copy and paste from documents. No decision was made on this requirement going forward.

The committee also talked about documents with imbedded hyperlinks or attachments, and whether links and attachments should be permitted. Attachments can carry viruses, and a hyperlink can change over time so that the page to which it once pointed may no longer exist, or may be an entirely different page. Also, a document with an attachment will not accurately reflect the number of pages in the document. A filer can eliminate attachments by bookmarking the location within the document.

After discussion, the committee decided that links would not be permitted in documents filed with the court. Beth Bickley will check with IT to determine what is involved in terms of time in getting the system to recognize these filings, providing an error message, and blocking the filing. She will report back to the committee.

14. Post-4.0 - New Case Type Codes – Judge Berger asked about the feasibility of adding case type codes. Currently, in CATER, a limited number of case types exist. P.J. said it should be simple to a case type code that just behaves like all the others once we are off CATER. Additional case type codes would be helpful in family as well as in civil. Judge Munro asked about the feasibility of transitioning to a different case type code post judgment. That type of change might negatively impact statistics on family cases.
15. Judge Access To Juvenile Shared Calendars In Edison – Steps will be taken in the future (post-4.0) to provide any judge, whether assigned to juvenile or not, with access to juvenile calendars.
16. Update: Judges And Video Conferencing - No issue of problems to report.
17. Pre-6.0 – Update: Family Templates in Edison – Work is ongoing in developing templates for judges' use in family cases. Discussion ensued on how to make the family templates available to the family judges in Edison so they could become accustomed to using them, and gain the benefit of the templates now. After discussion, P.J. said that it would be possible to put the family templates into each individual family judge's template file for now, so they would have access without adding the family templates to the existing civil global templates. Once Judge Munro has the templates for family set, she will provide P.J. with the names of the judges who will need the templates uploaded to their templates, and it will be taken care centrally.

The option could be available as soon as this fall in Edison to view and import global templates from three separate categories: civil, family and family support magistrates.

18. 6.0 - Report Back: Family Issues For Discussion – Two issues came up for discussion. The first is the number of improperly-filed attachments to pleadings. Once a document is filed electronically, what happens when a motion to expunge is filed and granted, resulting in an order to remove something from the filing? A brief discussion ensued on the use of 11-20B by the court to seal a document and require the filing a redacted document. A second issue is the high volume of documents that are filed in the court on the day of a calendar, such as financial affidavits and appearances. How will those documents be handled? A third issue concerns fee waiver applications. These documents need to be in the file. Will they be scanned in? Fee waivers are scanned in to civil files.

Attorney Horwitch will look into the fee waiver question and report back to the committee.

19. 6.0 - Update: Clerk Electronic Signatures & Editing/Appending E-Docs – Both this agenda item and the following agenda item have been assigned to two smaller work groups which will be meeting next week.
20. 6.0 - Update: Hybrid Files in Family when Family Becomes Paperless – See above, #19.
21. 6.0 - Update: Family Equipment Needs & Family File Analysis – Lucio DeLuca reported that all family courtrooms have been wired and the benches in the courtrooms have the appropriate “holes” drilled. The installation of the family bench PCs is underway, and it should be completed around the beginning of July.

P.J. Deak reported that data had been collected on about 400 family files, and the results show that when family becomes paperless, it looks as though we will have approximately 50% more documents than we have now. Even more significantly, the volume of scanning will be four times greater than it is today. Although it will be worth it in the long run, there will be a time and hardware investment up front in order to handle the increased volume. The high volume of paper filings in the courtroom will also increase the volume of scanning. A

discussion ensued on ways to address the filings in the courtroom, including having scanners on each floor or going to a more form-based system.

Atty. Horwitch raised the issue of filing an appearance in the courtroom. The current certification on the appearance form requires a party filing an appearance to certify that he or she sent a copy of the appearance to other counsel and appearing parties. When the form is filled out and filed in the courtroom, it would be impossible for the person to have sent a copy to anyone. To address this issue, a proposed revision to Section 10-14 of the Practice Book is proposed that would change the certification to say that a copy "was or will immediately be mailed or electronically delivered" to other counsel and self-represented parties. The committee approved the proposed change and Attorney Horwitch will forward the proposal to the Rules Committee. Judge Lager will make the Civil Commission aware of the proposal.

22. Pre-6.0 - Family Use of the Workflow Queue for Internal Communication – A brief discussion ensued on the benefits of providing the family judges with access to a workflow queue in Edison to communicate with caseload, the clerk's office, etc. Until family files are paperless, the workflow queue is perhaps not as beneficial as it is in civil cases, although it would encourage judges to become accustomed to using Edison more. Before judges could use the queue, though, they would have to be trained. The decision of the committee was to hold off on the workflow queues for family judges until after the summer.
23. Policy on PB 7-10/7-11 and Destruction of Files – Electronic Storage – Currently, electronic files are not destroyed. They are removed from the website, but the file remains available. Multiple issues are associated with the retention of electronic files. The original rules were created for paper files, but the same reasoning may no longer be applicable. This issue will go on the agenda for the next meeting.
24. Providing Personal Identifying Info over the phone (esp. Criminal) – This item will go on the next agenda as well.
25. Update: Personal Identifying Information (P.B. 11-20B / 4-7) Workgroup – 33% had personally identifying information. I assume it is a small number of offenders.
26. Update: Appellate Court Access to Paperless Civil Files – Judge Carroll is meeting on this paperless file. He is continuing to emphasize how important this issue is to the trial courts.

The next meeting will be May 16, 2012 at 9:00 a.m.