

The implementation of Maryland Electronic Courts (MDEC) will change the way courts will conduct business in the future. This quarterly bulletin provides information about these changes and the work that lies ahead.

SCHEDULE FOR NEXT PHASE OF MDEC IMPLEMENTATION ANNOUNCED

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The start of the MDEC pilot in Anne Arundel County is a year away, but already the planning has begun for the next implementation phase. The Eastern Shore and Baltimore County courts will receive MDEC following the completion of the pilot program in Anne Arundel County. The MDEC Advisory Committee, which oversees the implementation of the State's new electronic case management system, announced the roll-out plan in a March 13 memorandum.

The committee made the decision to move next to the Eastern Shore, then to Baltimore County based on a JIS recommendation to establish a "reliable repeatable process." The goal is to migrate from the pilot to a larger set of installations in a short period of time in order to test and refine the methodologies used in the pilot. That requires smaller jurisdictions with

Judicial Circuits and Districts logistically comparable and in sufficient number to facilitate the necessary validation. The nine counties of the Eastern Shore represent the optimal sites for this purpose.

After the Eastern Shore sites, Baltimore County will be the next large jurisdiction to receive the MDEC system. It was selected because it has the largest number of District Court locations and because it has the only large circuit court fully subscribed to the present UCS case management system, making data conversion and interoperability easier.

Based on the experience gained in implementing the system in larger and smaller courts, JIS will propose an implementation schedule for the remaining jurisdictions.

MDEC PILOT WILL INCLUDE ALL FOUR LEVELS OF COURT

Maryland's appellate courts will receive the MDEC case management system concurrently with Anne Arundel County. The Court of Appeals and the Court of Special Appeals will be counted among the forerunners in adopting the state's new electronic case management system.

As a result of implementing the system, the appellate courts will begin offering e-filing of appellate cases, including briefs. Until the new system has migrated to all jurisdictions, the appellate courts will need to maintain both electronic and paper-based processing systems.

The courts in Anne Arundel County were chosen to pilot the new system for several reasons. First, because of their proximity to the Administrative Office of the Courts, the communication between the courts and the implementation team is enhanced. Preparing for and testing the transfer of cases from the lower courts to the appellate courts will also be easier. Because the Circuit Court for Anne Arundel County uses the UCS case management system which is used by 22 other jurisdictions, the circuit court pilot experience will be more easily replicable to the next phase of the implementation. Additionally, Anne Arundel County presents an optimal size for a pilot program because it is a larger jurisdiction, but not too large. Added to those reasons, the Circuit Court for Anne Arundel County had been considering implementing its own electronic filing program even before plans for the MDEC system developed. The initiative and enthusiasm on the part of judges and staff in both the Circuit and District Courts for ushering in an electronic court environment makes them an ideal site for the pilot program.

Once a circuit court implements the new system, it will be able to prepare the case record and make it electronically available to the appellate courts.

HOW TYLER TECHNOLOGIES IS ADDRESSING THE GAPS

The Gap-Fit Analysis described in the first issue of *Moving Justice Forward*, was only the first step in the extensive process to determine which gaps will be addressed and how and when. Some gaps will be addressed through changes to business processes. Some will be taken care of using the current Odyssey functionality. Others will require programming within the software. For gap items that will need programming, priority was given to those that need to be in place prior to the pilot implementation.

Here are examples of some of the software development Tyler Technologies is working on currently in order to enhance the present system with functionality specific for Maryland:

- ⇒ Easier entry of traffic citation data through the creation of templates
- ⇒ Capture of Maryland-specific judgment and sentencing information through the creation of templates
- ⇒ Monitoring of child welfare placements
- ⇒ Acceptance and tracking of property bonds
- ⇒ Creation of checkboxes to note receipt of assurances by e-filers that, before submitting, they have 1) redacted (removed) confidential information; 2) served the parties
- ⇒ Support of Differentiated Case Management (DCM)
- ⇒ Creating peace and protective orders through the creation of custom screens
- ⇒ Allow judges and clerks to sort cases by law enforcement officer
- ⇒ Allow scheduling of traffic cases based on officer availability
- ⇒ Interfaces with the Tyler e-filing component to accommodate access to approved third-party web services vendors
- ⇒ Interfaces to share information electronically with 88 justice partners (called “interoperability”)

Additional gaps will be addressed in the next version of the Odyssey software, which will be used after the pilot.

“I learned that we can do anything, but we can't do everything... at least not at the same time. So think of your priorities not in terms of what activities you do, but when you do them. Timing is everything.”

Dan Millman
Author

CHANGES ARE ALSO COMING TO OUR COURTHOUSES

Changes that will be brought about by MDEC are not limited to implementing new software and learning new business practices. Courthouses will also need to change to accommodate the new technology and business practices.

To prepare for these and other facility changes, Assistant Chief Clerk Lisa Ritter, Engineering and Central Services for District Court, and Applications Analyst Ann Looker, JIS, are assessing the physical space, wiring, and computer connections in courtrooms, clerk's offices, and public access areas in all courthouses. To date, they have visited courts in Annapolis and have begun assessments in courts on the Eastern Shore.

"We're trying to figure out what equipment they have there today and what they'll need in the future," Looker said. Courtrooms will need scanners,

and may also require additional electrical power, Internet connections and computer monitors so defendants, plaintiffs and jurors can view electronic exhibits. Clerk's offices may need additional equipment to scan documents such as exhibits and filings from self-represented litigants. Ritter and Looker will evaluate needs, such as combination scanner/copier/printers for locations with limited space, and will identify the best placement for shared equipment. Another consideration is placement of printers for public access terminals for the purchase of documents by the public.

There is no "one-size-fits-all" solution, since court facilities vary greatly, and are not beginning with the same infrastructure and equipment in place, Ritter explained. "This is very much a courthouse by courthouse installation," she said.

"We're looking at the wiring, the cabling, and the internet connections in all the courtrooms. We're looking to see if we need routers or if we need to change the layout of a particular courtroom to fit the new equipment such as scanners."

Ann Looker
Lisa Ritter

Picture Caption: (L-R) Lisa Ritter, Asst. Chief Clerk,, DCHQ, Joan Nairn, MDEC Project Manager, and Tamera Chester, Administrative Clerk, District 7, evaluate wiring and other needs in a courtroom in Anne Arundel District Court.



MDEC TEAM MEMBERS OUT IN THE COURTS



(L to R) Tara Glover, Joan Nairn, Mary Hutchins, Ann Looker, Karen Lista

Judicial Information Systems— The MDEC Implementation Team, led by Joan Nairn, MDEC Project Manager, works with courts to prepare for the installation of MDEC and with the vendor to customize the software for Maryland.

Court Operations— The business analyst team, led by Carla Jones, Deputy Executive Director of Court Operations, works to develop efficient and effective MDEC business processes while considering Maryland Rules and Statutes, reporting requirements, system functionality and Judiciary policy decisions.



(L to R) Cherie Coulter, Al Tsamoutalis, Carla Jones, Gareth Lushis, Sharon Davis.

There are many people involved in rolling out a project as big as MDEC.

Here we introduce you to a few you will likely see in your court, preparing for implementation.



(L to R) John Todd, Willie Sanchez

Tyler Technologies— John Todd is Tyler's project manager, responsible for managing the statewide implementation of MDEC. Willie Sanchez assists JIS and Court Operations with system configuration, data conversion, business process reviews, and training.

“CONVERSION” AND WHY WE REALLY NEED IT

When the MDEC Odyssey system is implemented in a court, active cases from current systems will need to be available in the new system. The process of migrating cases from the current source systems to the new case management system is called “conversion.”

To convert data from one system to another, the codes for all events must be defined. The current systems use more than 12,000 codes to label these events, which typically have a different code name in each existing system. JIS and Court Operations staff have been working together to develop new event codes for the Odyssey system, and Tyler Technologies staff have been mapping the data and “pushing” it into the new database.

Data review is probably the most important step in conversion. Staff from both the Circuit and District Courts in Anne Arundel County have spent time comparing the information in their current system with the information after it has migrated to the new system to make sure it is accurate.

“We want to make sure the information we are seeing in the current system is the same as what we are seeing in Odyssey,” said Karen Lista, who is overseeing the data conversion process for JIS.



Photo Caption: Keshena Johnson, left, Glen Burnie District Court courtroom clerk, and Leigh Neugebauer, right, Glen Burnie domestic violence clerk, compare mainframe data on one screen with the same data on another screen after it has been entered into the Odyssey system.

FORMS ARE BEING CREATED FOR THE NEW SYSTEM

Court forms will become the template for much of the work in the new electronic environment. The 24 circuit courts and the District Court use different forms that need to be evaluated for possible consolidation in the new system. Judges, court administrators, court clerks, and court staff have been contributing to this effort.



The first step in this process is nearing completion. Using an IBM Lotus Quickr application, staff statewide were able to look at forms and provide feedback from their offices. Committee members viewed the comments and edits online to produce final drafts. In addition, final drafts for the District Court were reviewed by a District Court judges committee chaired by District 6 Judge Gary G. Everngam, while the Department of Legal Affairs has reviewed all forms for legal sufficiency.

The next step in creating the forms involves assigning tags, called “tokens” in the Odyssey software application. JIS, Court Operations and District Court Headquarters staff have been trained in assigning tokens, and have begun work so the forms will be ready when the pilot is implemented. The tokens will import case information into various documents, such as notices and court orders, and allow for an electronic copy to be saved to the database.

Tokens will allow names and addresses of specific parties to a case to be automatically inserted in an official court document such as a notice, subpoena, or court order.

HOW WE ARE LETTING ATTORNEYS KNOW ABOUT THE CHANGES IN STORE

Attorneys are major stakeholders in the changes that will be brought about by MDEC. There have been many presentations made to State and local bar associations over the past two years, with more scheduled. Presentations have been made by Chief Judge Ben C. Clyburn of the District Court; Joan Nairn, JIS MDEC Project Manager; Mark Bittner, Director of JIS; and staff from Tyler Technologies. Recent and scheduled presentations include the Anne Arundel County Bar Association on March 16, the Maryland Bar Association on June 13, and the Maryland State's Attorneys' Association Conference on June 19. MDEC will provide many benefits to attorneys as it modernizes the ways justice information is delivered, accessed, processed, and exchanged between attorneys and the courts.

Training on the use of the MDEC e-filing component will be offered to attorneys as the system is implemented in jurisdictions where they practice.

First and foremost among the benefits MDEC offers to attorneys is e-filing. Like the federal system, MDEC will give attorneys (and other filers) the convenience of submitting court filings electronically at any time. MDEC will also provide the benefit of online access to case documents. Parties will be able to access documents online.

By implementing e-filing and allowing electronic access to records, MDEC will afford a host of benefits:

- ⇒ Certainty of filing by electronic confirmation
- ⇒ Elimination of mailing delays
- ⇒ 24-hour access for the parties to file documents
- ⇒ Electronic service of parties
- ⇒ Document reviews for attorneys
- ⇒ Expanded search and reporting capabilities to ensure easier tracking of case activity across all four levels of courts



L to R: John Todd, Tyler Technologies, Joan Nairn, JIS, and Chief Judge

Training will be provided to members of the Maryland Bar on the use of the new system before it is launched in the jurisdiction in which the attorney practices.

Court of Appeals Adopts New Rules

On April 18, 2013, the Court of Appeals met to hear public comments on the Rules Committee Supplement to the 176th Report, and discuss the proposed rules. At the end of those presentations, the court voted to adopt proposed Title 20 (Electronic Filing and Case Management) and Rule 1-322.1, and the proposed amendments to other Rules in Titles 1 and 16. A Rules Order was issued on May 2, 2013. The Order is posted on the Judiciary website at:

<http://www.courts.state.md.us/rules/rodocs/ro176.pdf>.

Judge Alan M. Wilner (retired), Chair of the Rules Committee, described some of the unique challenges the preparation of these proposed Rules presented to the Committee in an interview on April 26, 2013. “The difference with developing these Rules was that they concerned matters not within the normal knowledge and experience of the members of the Rules Committee.” Thus, in promulgating these rules, members relied more heavily on information about the experiences of other state and federal courts that have implemented e-filing, and on technology experts.

Maryland will differ from the many other installations, especially the federal courts, due to the volume and variety of cases that will be electronically filed, Judge Wilner pointed out. In addition, the number of self-represented clients and the need to assure they will be able to easily file cases was a key concern. Judge Wilner also noted that the scope of these Rules changes and the time period within which they were accomplished was also out of the ordinary.

“The challenge with developing these Rules was that they concerned matters not within the normal knowledge and experience of the members of the Rules Committee.”

**Hon. Alan M. Wilner,
Retired**

Chair, Maryland Rules
Committee

New Rules (continued)

New Title 20, Electronic Filing and Case Management contains new Rules that govern MDEC. Among other things, these Rules:

- Provide that the Rules apply only to the jurisdictions in which MDEC has been implemented. Once a jurisdiction is implemented, appeals and other proceedings in the appellate courts from that jurisdiction will be subject to these rules.
- Place the responsibility for administering the system on the State Court Administrator (SCA), and authorize the SCA to adopt policies and procedures necessary or useful for the implementation of the MDEC system. The SCA is also required to prepare and make available to the public an instructional pamphlet explaining the MDEC system, how to access it and limitations to its use.
- Define how an individual may apply to become a registered user of MDEC, and allow for the cancellation of the registration if the user does not comply with Rules and policies.
- Require attorneys to electronically file all submissions pertaining to the case (with certain exceptions based on nature of the submission).
- Allow for self-represented litigants who are not registered users to file a submission in paper form. Such forms will be scanned into the MDEC system by the clerk. Allow the clerk to decline to scan the submission, and notify the filer why the submission was rejected (e.g. fee not paid, lack of signature, lack of certificate of service if one is required, or lack of certificate that restricted information has been redacted). Allow the clerk to dispose of a paper submission subject to policies and procedures.
- Provide for required signatures by electronic filers and clerks to be accomplished by inserting a facsimile or typographical signature. Provide for a judge or judicial appointee to sign a submission electronically by either personally affixing a digital signature or hand-signing a paper version of the submission which is then scanned to create a facsimile signature. When a person is required to sign a document under oath, the signer shall hand-sign the document and the filer will scan the document and submit electronically, retaining the original hand-signed document until the action is concluded or as ordered by the court.
- Allow parties and attorneys of record to have full remote access to their respective cases.
- Allow judges, and judicial appointees to have full access, including remote access to all court records to the extent such access is necessary to the performance of their official duties.
- Allow clerks and judicial personnel to have full access from their respective work stations to all court records to the extent such access is necessary to the performance of their official duties.

New Rules (continued)

- Provide for members of the public to have free access, including remote access to unshielded information from terminals at the courthouse. The user will not be able to download, alter or forward the information, but is entitled to a copy of or printout of a case record for a fee as prescribed by the Rules.
- Establish requirements for electronic filing, effective date of filing, review by clerk, shielding of information.
- Define the official record to consist of the electronic version of all submissions filed electronically or filed in paper form and scanned into the MDEC system, as well as certain other items.
- For appellate cases, allow appellate court judges, law clerks, staff attorneys, and clerks full remote access to the electronic record of the trial court. A docketed notice declaring that from and after the date of the notice, the record so certified is in the custody and jurisdiction of the appellate court. At the conclusion of the appeal, the appellate court would add to that record any opinion, order, or mandate of the appellate court disposing of the appeal and a notice declaring that, subject to any further order of the appellate court, the record is returned to the custody and jurisdiction of the circuit court.
- Define documents that must be filed electronically and by paper. Allow for acceptance of paper filings and extend expiration for submission of electronic filing during a system outage.
- Establish that the AOC will develop a certification process to allow entities other than Tyler Technologies (third-party vendors) to provide electronic filing services to attorneys and self-represented litigants.

New Rule 1-322.1, Exclusion of Personal Identifier Information in Court Filings, disallows an individual's social security number, taxpayer identification number, date of birth, or financial and medical account identifiers (with certain exceptions) from being included in any electronic or paper filing with a court.

(Note: the above bullets are intended to give an idea of some of the topics the new Rules cover. The reader is advised to read the new Rule Order in its entirety.)

In future issues

Consistent Court Practices

Judges and MDEC

Preparations for MDEC

Handling Change

Tell us about a time you had to make a change. What did you learn?

Send your story to:
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