

**ASSESSMENT
OF THE STATUS OF
INFORMATION TECHNOLOGY
IN THE IDAHO JUDICIAL BRANCH**

**JOHN GREACEN
PRINCIPAL, GREACEN ASSOCIATES, LLC**

**TOM CLARKE
VICE PRESIDENT FOR RESEARCH AND TECHNOLOGY
NATIONAL CENTER FOR STATE COURTS**

**PAUL EMBLEY
CHIEF INFORMATION OFFICER
NATIONAL CENTER FOR STATE COURTS**

JUNE 12, 2012

Background

John Peay, the Idaho judiciary's long time director of information technology services, retired in January 2012. The Administrative Director of the Courts has assigned Peay's duties to two senior staff members and established a Court Technology Transition Team to provide guidance and oversight for the IT program until a permanent successor can be hired.

This transition provides an opportunity for the Idaho Supreme Court to examine the current status, structure and direction of its IT efforts.

The Idaho Supreme Court requested expert assistance from Greacen Associates, LLC. and the National Center for State Courts to provide the required assistance during this transition process.

John Greacen, Tom Clarke and Paul Embley have visited Idaho twice to obtain the information for this report. Our approach has involved demonstrations of the ISTARs application, Justice Systems, Inc.'s (JSI) partially completed e-filing application being built for Idaho, and its Full Court Enterprise application, extended discussions with the members of the Idaho Supreme Court and Court of Appeals, with Idaho's ISTARs support team and its hardware and network support team, with representatives from all other units of the Administrative Office, with the Clerk of the appellate courts, and with representatives of JSI, and interviews with all trial court administrators, selected trial court judges and court clerks, and with representatives of a number of justice partners with whom the Idaho Judicial branches shares information, including the Idaho Department of Correction, Idaho Department of Juvenile Corrections, Idaho Department of Transportation, Idaho Department of Health and Welfare, Idaho State Police Bureau of Criminal Identification and e-Citation project, and the Ada County Sheriff's Office (including the VINE victims notification program) and Prosecutor's Office.

This report begins with our catalog of the strengths and weaknesses of the Idaho judicial branch's current information technology program, including the IT infrastructure, case management and other software, data exchanges with justice partners, website, support, and staffing. It includes a general comparison of Idaho's judicial branch IT approach with the approach

pursued in other smaller states. It concludes with a number of recommendations concerning software and hardware development and deployment, recruitment of a Chief Information Officer, and restructuring and augmenting the current IT staff.

Strengths of the Idaho Judicial Branch IT Program

ISTARS

The Idaho judicial branch has successfully implemented two generations of case management software provided by JSI. AOC staff rolled out the first generation – an AS400-based application with “green screen” terminals – in the 1980s and the second – the current ISTARS client-server application – in the 1990s. ISTARS uses separate servers in each county connected to personal computers issued to every judicial branch employee and to all personnel of the County Clerk’s offices supporting the courts. The servers are linked together through a network provided by the Idaho Department of Transportation. Data is backed up overnight to a central database on a server in Boise, which in turn populates a data repository that contains most of the information in ISTARS to which justice partners and the public have access through the Internet. The Idaho courts provide daily reports from ISTARS to a number of outside entities including the Idaho State Police, Department of Juvenile Corrections, Department of Transportation, and the State Tax Commission. Real time data exchanges link the Ada County District Court and the Ada County Jail and JSI and the 44 county ISTARS databases for financial transactions completed through the CitePay Internet payment system hosted for the courts by JSI.

ISTARS is a sophisticated case management application that includes complete financial management capability for receipting, accounting for and disbursing filing and other court fees and all court fines. ISTARS includes specialized modules built for Idaho by JSI for problem-solving courts and misdemeanor probation. Its one major shortcoming is its inability to generate consistent statewide case management data due to the existence of different code sets in most counties. This is the result of a management

decision made at the time of the ISTARs rollout, responding to the rigidity of the AS-400 application, to give the local courts the flexibility to design their code tables to suit their local practices and preferences because the JSI client-server architecture made such flexibility possible.

The persons we interviewed from within Idaho's trial courts, and from the court system, are quite satisfied with the capabilities of ISTARs, the current data reports provided from ISTARs, and with the IT support provided by the AOC staff. The two exceptions to the general satisfaction with the current system relate to the inability of the system to produce consistent statewide judicial branch data and the perceived shortcomings of ISTARs's support of comprehensive criminal justice data exchanges among the criminal justice entities in Ada County. Ada County had a tightly integrated criminal justice data sharing process built upon the AS-400 application. The ISTARs application did not fully replicate the functionality of the earlier system, and there has been continuing criticism from the other Ada County criminal justice partners arising from that history.

Appellate automation

The appellate courts use a JSI-developed appellate case management application based not on the client-server architecture of ISTARs, but rather upon the web browser based architecture of JSI's next generation case management application called Full Court Enterprise. The appellate courts have added the capability to accept and use digital briefs and records on appeal; they now send all notices by email rather than the US postal service. The clerk has used Internet postings of the names of court reporters with overdue transcripts to improve significantly the timeliness of transcript production.

Regular reporting from ISTARs

Idaho's administrative district judges, trial judges, and trial court administrators get monthly caseload management reports from ISTARs and each county receives a monthly financial report showing revenue generated for the county by the court's processes. As noted previously, the current ISTARs structure, with different code tables in most counties, makes difficult the collection of completely consistent statewide data and limits the

usefulness of the caseload management reports. The Idaho Supreme Court has created an Advancing Justice Committee to promote effective caseload management practices and, as part of that mission, to rethink the current management reports, to propose better performance measures for Idaho courts, and to improve the quality of Idaho court data.

Idaho's relationship with JSI

Idaho has maintained a strong working relationship with JSI for over 30 years.

JSI follows a "bundled" approach to its software products. It licenses the underlying software on which its software operates (such as the Oracle database) and sublicenses that software to Idaho. JSI assumes total responsibility for the products it sublicenses in this way; when Oracle issues a new release, it is JSI's obligation to make any needed changes in its applications and to deploy the new Oracle product to Idaho. JSI's ISTAR contract specifically prohibits Idaho from connecting any software products to the ISTAR application. This protects JSI from having to respond to software problems created by the integration of another product.

Partly as a by-product of this JSI approach, partly because Idaho has developed a high level of trust in JSI, and partly as a result of the lack of its own IT staff with the expertise needed to perform independent analyses, the Idaho judicial branch has relied heavily on JSI to guide its IT development as well as to supply its information technology applications. For instance, rather than turning to a merchant bank or Internet payment vendor, Idaho turned to JSI to develop and operate an application to allow it to accept on-line payments of court fees and fines, resulting in the CitePay system.

On the whole, the JSI relationship has benefitted the Idaho judicial branch. JSI is intimately familiar with the particulars of Idaho's laws, rules, and court processes. It even knows the personalities of many of Idaho's county court clerks. JSI applications reflect this in depth understanding of Idaho's needs and wants, which is reflected in the broad scale satisfaction with the ISTAR application. The downside of the relationship is that Idaho is highly dependent on JSI not only for developing and maintaining its case management software, but for understanding how that software functions,

and for advice in setting the general course for its future IT efforts. However, the trusted relationship with JSI has enabled Idaho to maintain a very small IT staff of its own.

Audio recording equipment

The AOC has purchased and rolled out FTR Gold audio recording equipment in every county. The data from these applications is stored on the servers located in each county and backed up nightly to the central server in Boise.

A statewide judicial branch telecommunications network

The network upon which ISTARs operates and the configuration of the county servers reflects sophisticated IT planning, engineering, and programming.

Equipment replacement program

The AOC has implemented a sophisticated equipment replacement program designed to replace all servers and personal computers every four years – which represents a reasonable estimate of the useful life of this equipment. During the recent recession, the replacement cycle was extended to six years. The way in which the Idaho judicial branch purchases computers for its replacement program results in very significant cost savings for the state. The AOC hardware support staff personally replace all equipment throughout the state during these periodic equipment roll outs, ensuring that no data is lost in the replacement process.

Public access to the Idaho court information

Idaho provides a valuable public service through the public access feature of the ISTARs repository. The repository provides access only to the ISTARs case management information and not to actual court documents. The Idaho Supreme Court has promulgated rules to protect the confidentiality of all information in sensitive types of cases and of confidential information in all case records information. These privacy rules also extend to paper records in every Idaho court.

The Idaho courts were one of the first to provide access to the Law Help Interactive document assembly application for the production of court filings by self-represented litigants. Through an arrangement with Idaho Legal Services, persons seeking forms on the Idaho court website are directed to the LHI application on the Idaho Legal Services website.

The Idaho judicial branch website also provides a significant amount of information for members of the public, including persons who wish to pursue their own quest for judicial relief. As of May 1, a redesigned website has been deployed, increasing its ease of use for members of the public.

Knowledge management

The Idaho judiciary uses WestLaw's legal research services. It has also procured WestLaw's knowledge management application into which it has entered a wide-ranging library of resources for Idaho judges, court administrators and clerks. The AOC has a staff member assigned to maintaining the currency of its knowledge management database.

Imaging

Some Idaho courts have implemented imaging processes to convert paper records to digital electronic records. These efforts have been the initiative of county clerk's offices, in most instances to reduce the amount of paper they are required to store. In some instances the imaging process has been motivated by the desire to be able to use electronic records for pending cases and to be able to assemble and transmit records on appeal in electronic form. Because these imaging processes are not integrated with ISTARs, court staff cannot access electronic documents through the ISTARs register of action; they have to use a separate indexing application. It has come to our attention that the counties that are using imaging are not necessarily using the same imaging processes. For instance, at least two counties are saving images as TIFF files while others are saving them as PDF files. This inconsistency will create problems when it comes time to incorporate existing electronic document data bases into a statewide electronic filing application.

Teleconferencing

Idaho's approach to teleconferencing reflects the same experimental approach. The water court has had a teleconference application for several years. The AOC staff implemented a remote arraignment process for a judge in the Fifth Judicial District – a region of the state in which network bandwidth is available to support video and audio links; other judges have chosen not to use the application. Three pilot courtrooms in Ada County have been equipped with the equipment to support video arraignments. Other counties are putting in their own teleconference equipment, which may or may not be compatible with the equipment used in the state-sponsored applications.

Courtroom technology

Courtroom technology – installed to support lawyers' use of multimedia presentations – is present in some counties but absent in most, because it, too, has been supported by county rather than state funding.

In all three of these areas – imaging, teleconferencing, and courtroom technology – we applaud the initiative of the courts and counties that have developed and deployed these IT applications. On the other hand, as we note below, we urge the new Standing Committee on Court Technology to view IT development and deployment from a statewide perspective and to take steps to see that when local initiatives are used to fund new technology it is done within the framework of statewide standards that will ensure that equipment and software purchased will be useable within a statewide IT structure.

Judicial branch IT staff

We have been impressed with the sophistication and dedication of Idaho's judicial branch IT staff. Although the units are understaffed, and the staff, we believe, underpaid, they remain intensely loyal to the court system and dedicated to maintaining the highest level of service possible.

Weaknesses of the Idaho Judicial Branch IT Program

Despite the significant strengths of Idaho's judicial branch IT program catalogued above, it does have some serious weaknesses – many of which have already been addressed during the short transition period since Mr. Peay's retirement.

Lack of a strategic approach to IT program development

The Idaho Court Technology Plan for Fiscal Year 2012 would best be characterized as a list of current IT projects. It lacks a strategic focus.

Idaho engaged JSI to develop software to support electronic filing and management of documents within the Idaho courts, but did not first develop the policy framework for the business, technical, fiscal, operational, or legal issues associated with implementing an electronic filing environment.

The first two tasks of the newly established Standing Committee on Court Technology will be to develop a policy structure for electronic filing and an IT strategic plan.

Lack of a statewide governance structure for Idaho's IT program

Although Idaho employed statewide planning committees for configuring and implementing both generations of JSI case management applications, that structure was discontinued after the rollouts were completed. The Idaho judicial branch can be characterized in general as a transparent, participatory branch of government. The exception has been the information technology program for which policy decisions were made in by the IT Director with limited input from the Administrative Conference.

The Supreme Court has recently established a Standing Committee on Court Technology to remedy this shortcoming.

Obsolescence of the ISTARs technology

The ISTARs client-server application was introduced 20 years ago – when the Internet was an obscure application used only within the US defense

community. The IT infrastructure on which it is based is now obsolete. JSI no longer markets the product to its customers. It is inevitable that JSI will at some point cease to support ISTARs as the costs of support mount with no return for the company – which, like all software development entities must devote its attention to products at technology's leading edge. At the time that JSI support for the product ceases, Idaho will be forced to convert to a new case management application and will compete with all other JSI clients for limited company resources to make the transition to JSI's Full Court Enterprise application. The question is not whether Idaho will make that upgrade, but when.

Lack of statewide telepresence capability

Idaho would obtain great benefit from a statewide telecommunications network that could reduce significantly the travel burden on judges, lawyers, witnesses and sheriff's officers responsible for transporting prisoners to attend court proceedings in remote parts of Idaho. Telepresence could improve public safety by supporting the issuance of search and arrest warrants and temporary domestic violence orders of protection. As noted above, the water court, the Fifth Judicial District, and Ada several other counties are already conducting video proceedings, but this capability is not yet available to remote Idaho courts.

Creating a statewide telepresence capability will require a judicial telecommunications network with greater bandwidth and reliability than the current Department of Transportation network and the purchase and operation of a significant video conferencing equipment infrastructure.

Fragmentation of critical IT applications as a result of Idaho's county-centric orientation

We have been struck by the extent to which Idaho's judicial branch IT deployment has had a county-by-county rather than a statewide focus. When ISTARs was rolled out in the 1990s, code tables were created on a county-by-county basis. As noted previously, when the state judicial branch in Idaho has not deployed a statewide technology solution in some area, such as imaging, telecommunications, and courtroom technology, particular

counties take the initiative to develop their own capabilities unaided by statewide policies. Jury management software has been purchased and installed on a county-by-county basis. Collection of unpaid fees and fines has developed on a mixed statewide and county-by-county basis. Legislation authorizes collection activities to be conducted on a statewide or district-by-district basis. The tax intercept program to collect overdue court fees and fines from tax refunds otherwise owed by the state and the CitePay system have been developed on a statewide basis. However, each county has procured its own collections contractor and continues to use its own collectors for paper-based and phone-based collections even after CitePay has been implemented for its county. The development of criminal justice data sharing has also been undertaken in a mixed way, with statewide data sharing introduced for the transfer of conviction data to the Idaho State Police and of traffic convictions and license revocations to the Idaho Department of Transportation, but exchanges with prosecutors, defenders, jails and law enforcement developed on a county-by-county basis. There is no overall statewide approach or technical framework for the latter type of data exchange.

This county-centric IT development process reflects the reality of county-based funding as a source of much of the funding for Idaho's courts. In today's business environment, however, the lack of statewide planning and policy setting for these efforts reflects a lack of strategic focus for the Idaho judicial branch's IT program.

Lack of attention to the automation needs of Idaho's trial judges

Idaho has not addressed adequately the needs of trial judges to have computer access on the bench. Except for access to automated legal research and Idaho's knowledge management database, less thought appears to have been given to the automation needs of judges than to the needs of court clerical support functions. As the Idaho courts contemplate converting from paper to electronic documents, it is essential that judges become familiar with the use of technology on the bench.

Lack of sufficient IT staff support

Idaho's legislative and judicial branches have a longstanding "lean staffing" philosophy – to obtain a high level of performance from a limited number of staff. In the area of information technology the accretion of software applications and the hardware to support them has resulted in ever increasing requirements for ongoing support. The roll out of a new capability, such as audio recording, does not mark the end of an IT project; rather, it simply initiates the beginning of perpetual hardware, software and database maintenance responsibilities. Staffing levels have not reflected this steady increase in support requirements. Having servers in all 44 counties creates a particular challenge to which Administrative Office staff have responded in part by implementing software that allows them to install software upgrades remotely from Boise.

Salary levels for Idaho's IT staff – particularly the hardware and network support staff – appear to be low compared to other states and to the private sector. The compensation gap has grown during the last four years of salary freezes.

The result is that Idaho's IT program depends on a small number of critically important IT technical support staff who could earn significantly more money in the private sector. This produces an unacceptably high level of risk for Idaho's judicial branch IT program. The loss of one or two key employees could cripple the program.

Specific issues

Two specific problems warrant special mention.

Even though Idaho's appellate and trial courts both operate on JSI case management applications, because the two applications are from different technology generations they are not able to interoperate. Idaho would gain significantly if trial court case management information could be accessed directly through the appellate application. That will not be possible until ISTARs is replaced with Full Court Enterprise.

The ISTARs database is person-oriented rather than case-oriented. This is consistent with good IT practices. A single record is maintained for each person in the database. That record is linked to all cases in which that person is a party or participant. When a change is made to the information for that person (such as a change of address), the information is immediately shown for every case involving that person. However, the utility of a person-oriented database depends on the maintenance of a single record for each person in the database. ISTARs's functionality is substantially degraded by the existence of multiple records for the same individual in the current database. This is the result of legacy data from the AS-400 application, which did not collect other demographic data on a person such as social security number, date of birth, or address that can be used to verify that a John or Jack Jefferson is the same person as a John L. Jefferson. Idaho has been unable to date to find a way to consolidate person records when it lacks verifying information to show that two records in fact pertain to the same person. While the inappropriate merging of person records could result in inappropriate attribution of a criminal record to a law abiding citizen, Idaho needs to recognize that the maintenance of duplicate person records greatly increases the burden on court staff in using ISTARs. When they enter a new case they must consider many duplicate person records before deciding that the person involved in the new case is or is not already in the database. This problem will persist in any new version of case management software because it is a feature of the database and not of the software. We believe that Idaho must solve this problem before converting to a new case management application.

Peer State Comparison of Idaho Court Technology

Idaho asked that this assessment include a comparison of Idaho's IT program with that of other states of comparable size. There are multiple dimensions for identifying peer states and benchmarking Idaho technology capabilities. Comparisons along several dimensions are made here to provide a broader perspective for the assessment.

Idaho is a relatively small state in population, ranking thirty ninth among the fifty states. Its geography is relatively large and isolated in some areas.

Most of the state is rural with one very large population center. All of these characteristics have some relevance for court IT capabilities.

A small population means a small government budget and a relatively small size for the administrative office of the courts and its technology division. With a small staff there is little capability to build major software applications after taking care of essentially functions like networks, email, office software, computer hardware, legal research, website, helpdesk support and appellate case management functions. Of the eleven states with smaller populations, only one has built its own trial court system. The other ten purchased and customized commercial off-the-shelf vendor products. Those products came from Tyler, Maximus, ACS, JSI, New Dawn and LT CourTech.

Of the next nine larger states in population, only four purchased and customized commercial off-the-shelf products and the vendors were Tyler, ACS, and JSI. Three states built their own case management systems (Iowa, Utah, and Nebraska), sometimes starting with systems from other states and sometimes utilizing several large federal grants. These states have a relatively long history of internal development and larger IT staffs than Idaho. Two states have hybrid systems. Mississippi built a system partly based on the federal court system. Nevada customized the Maximus system for its smaller courts, but its two largest counties use Tyler and xxx. Again, the AOC IT staffs are larger than in Idaho and have some history of modest internal work.

Given Idaho's size and history, buying and customizing a commercial off-the-shelf product is a very sensible strategy that minimizes costs and risks while delivering a good case management product. Since there are only five statewide implementations of JSI and there will soon be only three, Idaho is well positioned to get the support it needs from JSI. The other two statewide JSI implementations (Kansas and Montana) are of similar size and nearby.

The ability to centrally host the major IT application is one strategy for a state court to minimize the need for IT resources. Some states have strong state funding, a unified governance system and a large AOC with an

established tradition of centralized provisioning of capabilities. Of the smallest eleven states, only two are not managed in a strong centralized way. On the other hand, only four of the nine next larger states are strongly unified. The other five states struggle to achieve less comprehensive IT capabilities than Idaho.

States with more county-based funding like Idaho have a hard time gaining the benefits from centralization. Nevada is a somewhat larger state that has failed to do so. The change was partly due to lack of consistent judicial and administrative leadership and partly due to the hiring of a talented CIO. That Idaho has managed to do so much with so little while working with a partly decentralized funding structure is notable, but a strong business-oriented CIO could help it achieve more business consistency.

The ability to support centralized capabilities is also partly dependent on the size and reliability of the wide area network that connects all of the courthouses. It is not uncommon for large or rural states to have difficulties connecting to smaller or more isolated locations. This can be a problem even in states with large budgets and IT staff. Significant investments in infrastructure are then needed to enable more efficient case management system architectures and desired capabilities like telepresence.

There is definitely a trend toward more out-sourcing of IT capabilities in the state court community. The list of capabilities so out-sourced may include the wide area network, email, office products, hardware and hardware support, e-filing and case management development and support. Whatever the size of the state and the AOC, it is becoming harder to justify custom application development when a relatively mature product market exists.

This means that courts will become more like private industry in the future by acquiring staff skilled at vendor management, contract management, project oversight and application integration. Court CIOs must become strategic business partners for court governance bodies and use technology to help achieve those strategic business goals. Doing things like managing networks then becomes more of a commodity that can be purchased. This is a way to leverage small staffs while retaining appropriate court control.

Idaho has not gone as far in this direction as some states, but it has utilized this strategy in several ways. It already reuses one executive branch statewide network and may reuse another one in the future. It leases hardware and uses a licensed case management system. That leaves the IT staff free to analyze business needs, document requirements, staff helpdesks and other appropriate tasks. The one significant gap right now is the absence of a CIO capable of translating business requirements into technical requirements and technical solutions into business solutions.

We have pulled together the following information about the status of case management applications, networks and e-filing in seven comparator states – smaller Western states with large areas of sparse population and court structures roughly comparable to that of Idaho. The table also shows each state’s annual IT budget and IT staff complement.

State	Annual budget	IT IT staff	Statewide CMS	Modern CMS	Reliable Statewide Broadband Network	E-filing
IDAHO	\$3.8 million ¹	9.4 ²	yes	no (legacy JSI)	no	no
Alaska	\$6 million	28	yes	no (legacy Maximus)	no	no
New Mexico	\$8.25 million	53.5	yes	yes -- Tyler	yes	yes
Kansas	\$3.1 million	16	yes	yes -- JSI	yes	no
North Dakota	\$3.87 million	14	yes	yes -- Tyler	yes	no
South Dakota	\$4.3 million ³	26	yes	yes – Tyler	yes	no
Utah	\$4.84 million	35	yes	yes -- Custom	yes	yes
Montana	\$3.7 million	18	yes	no (legacy JSI)	?	no

If this table had been constructed ten years ago, Idaho would have been in the forefront, with a statewide case management system at the state of the

¹ Idaho also maintains a \$1 million cash balance that the Idaho legislature allows it to carry over from year to year to pay current obligations as each year’s IT funds accumulate from fee and fine assessments.
² Includes webmaster, knowledge management, and vacant CIO position
³ The South Dakota legislature has appropriated an additional \$3 million for the current CMS implementation, making their current year budget \$7.3 million.

art and a statewide network for nightly backup of all data on a central server. But it has now fallen behind a number of similar states simply because it has not upgraded ISTARs.

Only New Mexico and Utah have managed to implement both a modern CMS and statewide e-filing. Both were put in place in New Mexico during the past four years characterized by the recession.

The universal strategy in other states appears to be to put a modern case management system in place before implementing e-filing.

The comparative resource data shows that Idaho has the third lowest annual IT budget among the eight Western comparator states. Its annual IT budget is 78% of the average of the other seven states. Idaho will, like South Dakota, need a one-time supplemental appropriation to support the purchase, modification and implementation of the Full Court Enterprise CMS application.

Although some Idaho court clerks are able to obtain some degree of IT support from their local county IT staff, our understanding of the amount of that support does not begin to explain the huge disparity in IT staffing between Idaho and even its nearest comparator – North Dakota, which has half again as many IT support staff. Idaho has 34.5% of the IT support staff of the average Western comparator state. Each of Idaho's current IT staff members is currently carrying roughly three times the burden of IT support as her or his counterpart in the other seven states.

To make a more exact analysis of the adequacy of Idaho's IT support – both in terms of its annual budget and of its IT support staff – would require detailed analysis of the applications supported by each of the comparator states and the extent to which their trial courts have their own IT staff members or are able to obtain support from county IT staffs. The gross numbers, however, are adequate for us draw the general conclusion that Idaho's courts need more funding for IT and a substantial increase in their IT support staff in order to be able to provide Idaho's trial courts, justice partners, and legal profession with modern, state-of-the-art case management, e-filing, and data sharing functionality.

Recommendations

Our recommendations fall into four categories – general strategic IT development decisions, recruitment of a chief information officer to replace Mr. Peay, organizational structure of the IT department, and the addition of IT staff to support Idaho’s IT efforts.

Strategic software and hardware development and deployment decisions

1. Maintain Idaho’s relationship with JSI.

As noted above, the Idaho judicial branch has a thirty year relationship with JSI. That relationship results in savings in the development of software applications for Idaho because of the company’s familiarity with the state’s courts and their operations. To convert Idaho’s case management data to the application of another vendor would be more expensive and time consuming than converting to the newer version of JSI’s case management products. These factors suggest to us that the Idaho Supreme Court should operate from a presumption that the state’s relationship with JSI will continue. That presumption would be over-riden if Idaho were to conclude that:

- JSI was taking advantage of the relationship,
- JSI begins producing and delivering IT products materially inferior to the offerings of other court IT vendors,
- JSI fails to provide promised deliverables on a timely basis, at a high level of quality, or with competent and responsive maintenance, or
- the company appears to lack sufficient financial strength to warrant continuing confidence in its ability to live up to its obligations.

Having reviewed the ISTARs and Full Court Enterprise applications, we believe that JSI’s case management offerings are consistent with the state of the art and in some regards quite impressive. As noted above, there is widespread satisfaction with JSI’s products and performance in Idaho. Our interactions with JSI principals leave us with an understanding and

appreciation of the company's candor and concern for Idaho's best interests, which form the historic basis for the high level of trust that the Idaho judicial branch feels towards the company. Consequently, we recommend that the Idaho judicial branch stay the course with JSI and not expend the time and resources to explore the offerings of other competing vendors.

2. Convert to Full Court Enterprise as quickly as possible and make this implementation the Idaho Judicial Branch's highest IT priority

We had the benefit of observing a demonstration of the Full Court Enterprise application in the company of a number of Administrative Office senior staff members. The universal assessment from that session was that Idaho would realize multiple benefits from immediate conversion to that application, reversing the current plan to add electronic filing to ISTARs before converting to Full Court Enterprise.

The greatest benefit is to mitigate the risk arising from the obsolescence of the ISTARs application, the inevitability that JSI will cease to support it, and the resulting run on JSI's conversion resources.

Development of e-filing in the ISTARs environment will require JSI to create additional ISTARs functionality that already exists in Full Court Enterprise. Converting to Enterprise before implementing e-filing will be less expensive than pursuing the current plan to implement e-filing with ISTARs. The total time required to implement e-filing and to convert to Enterprise will be shorter if Idaho converts to Enterprise before implementing e-filing. As shown in the state-by-state comparison, other states appear universally to have adopted the approach of implementing a modern case management application before undertaking e-filing.

However, the Idaho judicial branch would also realize very concrete benefits from moving to a case management application based on current state-of-the-art IT architecture. The Full Court Enterprise application will provide:

- the ability of the appellate application to interoperate with the trial court application;
- the ability of the judicial branch to establish and maintain a single set of statewide code tables for all common court events and

transactions, while allowing for the addition of county-by-county unique data elements such as local county and municipal ordinance citations and the names and contact information for local governmental organizations;

- dramatic improvement of the judicial branches ability to exchange information with business partners, using an "enterprise service bus" and national data exchange standards which are both features of the Enterprise application;
- the availability of a sophisticated scheduling capability which allows justice partners to send current information concerning law enforcement officer work assignments to Enterprise and have the application automatically calendar court events to reflect their availability. The application will also do automatic calendaring based on business rules entered by staff – such as setting of an event within 30 days of another event on a calendar with sufficient open time to accommodate it;
- the ability to generate court notices, orders, and other documents automatically upon the entry of an event into the system and to populate those documents with all data available from the system. In effect, Enterprise will automatically create notices and orders without requiring any data entry by court staff;
- the automatic sending of email notification of upcoming court events in lieu of or in addition to written notice;
- the availability of a sophisticated "supervision" module that will replace ISTAR's misdemeanor probation and problem solving courts modules with capability exceeding that of the current ISTAR's modules.

In addition, the Full Court Enterprise browser-based architecture will not require the maintenance of servers in every county. While Idaho may choose to retain the current servers for other purposes (such as the support of audio recording and other applications), Full Court Enterprise will operate best in an environment of a single statewide database or a limited number of regional databases.

In sum, implementation of Full Court Enterprise will mean significant savings of clerks' time now spent on routine scheduling and noticing tasks, allowing

clerk's office staff the opportunity to change their job duties to the support of electronic court records and electronic filing, which requires significant training and "hand-holding" for court users during its initial rollout.

3. Stop all ISTARS enhancement activity

All Idaho judicial branch IT resources should be directed to supporting the configuration and deployment of Full Court Enterprise. It makes no sense to continue investing in ISTARS when you have decided to replace it. It will be necessary to complete the process of accessing electronic health records to support the judicial branch drug treatment program.

4. Postpone further e-filing software development until Enterprise has been configured for Idaho

We urge that all of JSI's software development effort for Idaho focus on the conversion to Full Court Enterprise and that further e-filing software development await Idaho's development of a comprehensive strategy for implementing e-filing in the state court system.

5. Immediately commence a comprehensive planning process for implementing Full Court Enterprise

The planning process will have the following steps:

- a. Assign responsibility for the planning process
- b. Resolve initial design issues
 - i. Telecommunications strategy and resulting Enterprise architecture (whether to deploy a fully centralized or hybrid database model)
 - ii. Decide what to do with the repository (probably replace with three-tiered database structure – statewide production database, disaster recovery database [off-site], and mirrored public access database)
- c. Identify needed Idaho-specific configuration and enhancement requirements
- d. Obtain cost and time estimates from JSI

- e. Obtain funding to support JSI's configuration of the Enterprise application for Idaho and the costs of procuring, implementing, and maintaining the new application, including county-by-county conversion of existing code tables and databases
- f. Commence detailed Enterprise implementation planning
 - i. Develop statewide business models as recommended below
 - ii. Design and document multiple case management business practices, including models for large, midsize and small courts
 - iii. Develop standard forms for "smart documents" implementation
 - iv. Resolve the multiple person records issue prior to data conversion
 - v. Design data exchanges with all business partners
 - vi. Develop a detailed deployment plan, including the county by county conversion process, just in time training for court clerks, and incremental standing up of new data exchanges while preserving all existing data reporting processes

We strongly urge Idaho to minimize its "tailoring" of the Enterprise application to reflect Idaho-centric practices. Idaho can achieve excellence by adopting standard Enterprise solutions rather than contracting with JSI to develop Idaho-unique enhancements that reflect exactly the way in which Idaho courts have traditionally functioned. The addition of every enhancement to the basic software creates an opportunity to "break" its existing functionality; each such enhancement comes not only with an immediate software development cost, but also with a perpetual additional software maintenance cost arising from JSI's need to conform all future releases of Enterprise to Idaho's unique software elements. This should not pose any significant hardship for Idaho, since JSI relied on its extensive understanding of Idaho's needs in designing Enterprise.

6. Plan with JSI and other JSI Full Court Enterprise clients for development of missing Enterprise functionality

We urge Idaho to work with JSI to incorporate within Enterprise the ability to support electronic workflow management – the capability automatically to assign case management tasks and transfer associated electronic documents to a particular judge's or clerk's computer work queue. This functionality will

be particularly important in an electronic documents environment. It will allow the Enterprise application to replicate electronically the current process for moving paper records from one person's in-basket to another's. JSI told us that it is planning to announce that capability this fall.

We also suggest that Enterprise add the ability to support the sending of text messages as well as emailing and allowing court users to designate a preferred way of receiving court notices.

We urge Idaho to take the initiative to establish a user group comprised of the statewide JSI Full Court Enterprise application users who would meet at least twice a year to jointly plan with JSI for Enterprise enhancements of maximum benefit to the three current statewide implementers of the software. It may be of benefit to Idaho to initiate such a group immediately so that it can take advantage of Kansas's experience with the statewide implementation process as it plans for its own statewide rollout.

7. Develop a comprehensive e-filing business model, and supporting technical, fiscal, operational, and legal policies

The Supreme Court has assigned this task to the Standing Committee on Court Technology. It is an urgent task because JSI will need to know the architecture of the e-filing process to configure Enterprise for deployment in Idaho. We also urge Idaho to base all future e-filing development on the implementation of "smart documents" approach rather than on the maintenance of court documents in PDF format. A "smart documents" approach will provide the courts and other users of the documents with access to the data embedded within the documents, for instance to create a court order reflecting the relief requested in petition or motion.

8. Develop a statewide redundant high bandwidth telecommunications network capable of supporting as fully centralized as possible an Enterprise implementation and statewide telepresence.

Implementation of Full Court Enterprise will require greater bandwidth and higher reliability than the current Department of Transportation network provides. A higher capacity network will have additional benefits for the

judicial branch, such as the ability to implement high resolution videoconferencing on a statewide basis.

9. Commit to a statewide business model for developing and deploying all IT applications.

As noted previously, we believe that Idaho's IT development suffers from its traditional county-centric focus. We urge the judicial branch to develop specific plans for rolling out standard solutions and products for:

- a. Integrated criminal justice data sharing, including standard approaches to the creation of an automated judgment and sentence order that will support automatic notification of the Idaho State Police and the Idaho Department of Corrections of the conviction and the terms of the sentence.
- b. Collections – identify a single collections vendor, integrated on-line and phone-based payment options, and a merchant bank through whom to manage transfers to every county.
- c. Jury management.
- d. Scanning/imaging – establish as much consistency among existing scanning applications as possible.
- e. Teleconferencing
- f. Courtroom automation

10. Develop a strategy for bench automation and judicial involvement in case management process planning

Part of the Idaho judicial branch IT strategic plan will have to be a commitment to providing Idaho judges with access to digital information on the bench and to taking into account in the development of e-filing software of their needs in searching and accessing applicable documents during a court proceeding.

Recruitment of a new Chief Information Officer for the Idaho judicial branch

We urge the Idaho judicial branch to commence recruitment of a replacement for Mr. Peay. We recommend that the duties of this position be quite different from those of Mr. Peay, who oversaw district court services as well as IT. We recommend that district court services be a distinct function, but that the future position have the title Chief Information Officer to signify its responsibility not for hardware and software, but rather for the generation, safekeeping, and dissemination of information vital to the functioning of the Idaho judicial branch, its justice partners, and the public.

Critical functions

As noted in the state-by-state comparison, we believe that the future of Idaho's IT program will depend on recruiting a Chief Information Officer committed to an IT development and deployment strategy based on the use of commercial off-the-shelf IT products integrated with each other and with the IT systems of the other justice partners to provide the best solutions and performance for Idaho state and local governments.

An aggressive attitude on the part of a new Chief Information Officer, partnered with the new statewide governance structure and effective relationships with the justice partners, can produce impressive forward movement – as shown by New Mexico's recent progress.

The Chief Information Officer's principal functions will be:

- developing Idaho's judicial IT program within the general business model set forth above
- working effectively with the Standing Committee on Court Technology to ensure their maintenance of a strategic focus, to help the members to understand the technical language and issues faced, and to help them make sound decisions
- developing effective relationships with the Idaho judicial branch's justice and business partners, including the Association of Counties

- providing management and technical direction for the Information Division staff and insuring that their resources remain focused on the highest priorities by fending off competing demands for their time
- advocating effectively for the resources needed to achieve Idaho’s IT goals

Qualifications for the position

We urge the Administrative Director to establish the following selection criteria for the position of Chief Information Officer.

Management capability – the skills to define responsibilities, hold subordinates accountable for meeting them, establish and maintain an effective, cooperative work environment, maintain effective communications with all judicial branch and justice partner personnel, and advocate effectively for the policies and resources needed to develop, deploy and maintain Idaho’s judicial branch information structure.

Ability to translate from techno speak to English and vice versa – a critical role of the CIO will be to ensure understanding and communication between the technical and operational people of the Idaho judicial branch

Ability to tolerate the governmental operating environment – in some instances, persons recruited from the private sector have experienced intense frustration from the extended decision-making processes of the public sector.

IT knowledge and analytical ability – this is a critical skill set. The CIO must have a level of technical knowledge and experience sufficient to manage competently Idaho’s current IT staff. Prior court experience – this is a desirable, but not essential qualification for the position.

We will work with the Administrative Director and Human Resources officer to develop a detailed job description for the CIO position that incorporates these ideas.

Structure of a new Information Division within the Administrative Office

All functions that are part of the development and dissemination of judicial branch information should be brought together within a future Information Division within the Administrative Office. These functions include:

- ISTARS (Enterprise) support
- Hardware and network support
- Webmaster
- Knowledge management
- Planning and research
- Project management

While Idaho has performed the project management function successfully in previous rollouts of ISTARS and other applications, we urge that the function be separately identified and staffed. It will focus on vendor and user relations in tailoring commercial off-the-shelf software to the needs of the Idaho courts, planning in detail for the rollout of new applications, including conversion of existing databases, and transfer implemented systems to other Information Division personnel for maintenance activities. The immediate priority for this unit will be the Full Court Enterprise rollout, but that will be followed by e-filing and a number of other capabilities identified in this assessment or yet to come over the IT horizon. Establishing this function will recognize that the Idaho judicial branch will perpetually be in the business of planning for and rolling out new IT capabilities.

Establishment of an interim Information Division Structure

Final structuring of the Information Division will have to await the recruitment of a Chief Information Officer and decisions by the Administrative Director concerning the future structure of the remainder of the Administrative Office organization.

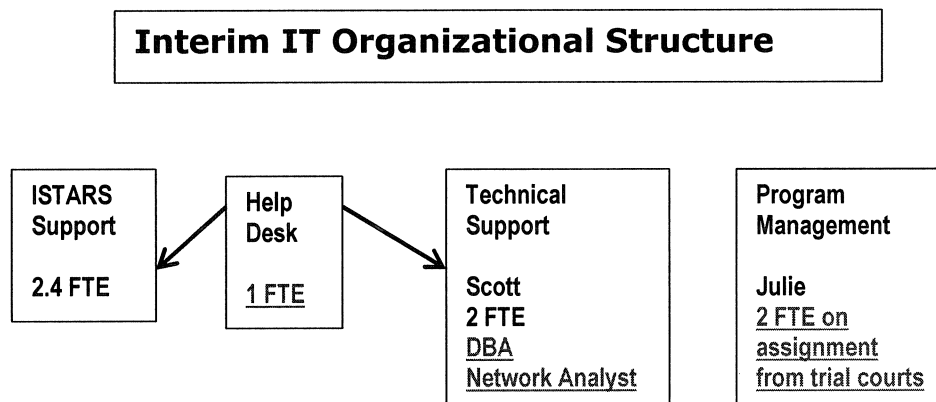
We urge the Administrative Director to establish and recruit for six new IT positions (including the position of CIO):

- Database administrator – a “DBA” is responsible for the integrity of the organizations databases, including their backups and security
- Network analyst – focused on development and daily monitoring and maintenance of the judicial branches internal and external connectivity
- Help desk manager – will serve as the initial point of contact for persons calling for help, but will view the help function in the broader context of web-based as well as phone based help resources.
- Two full-time experienced clerk’s office staff detailed to the Administrative Office for at least two years to support the program management function for the Enterprise and electronic filing rollouts

We suggest the following interim organizational restructuring to support the other recommendations that we have made in this report.

- Creation of a unified help desk function. Idaho currently operates two separate IT help desks – one for ISTARs support and one for support of IT hardware, network and all other applications. A mature IT program always has a unified help desk function in which the majority of calls are handled by generalists with escalation of the most complex issues to technical specialists. We suggest that Scott Haverfield initially oversee such a unified help desk function for Idaho.
- Creation of a program management function. We recommend that Julie Cottrell be relieved of all ISTARs support functions, including responsibility for rolling out CitePay to additional counties, so that she can focus exclusively on Idaho’s highest priority – configuration and implementation of Full Court Enterprise. We recommend that Janica Bisharat continue to oversee the ISTARs support team until a CIO is hired.

The interim IT structure would look like the diagram below. The new positions are underlined in the organizational chart. It shows that the manager of the unified help desk would refer questions that s/he is unable to resolve to experts in the ISTARs or technical support teams



We make these additional recommendations concerning the future use of all Information Division staff.

- Use helpdesk software for both technical and ISTARs support functions. Scott has implemented a software-supported helpdesk function for hardware and network issues; he should expand its use to include ISTARs support issues
- Augment telephone delivered support with website Frequently Asked Questions capability; use the webmaster to help design and implement this additional capability.
- Reduce the time of ISTARs Support devoted to reviewing daily reports to external agencies; we believe that ISTARs is sufficiently mature that the judicial branch can now depend on the external users to identify any data anomalies. Careful monitoring will be required again as Full Court Enterprise is rolled out.
- Reduce the time spent on Knowledge Management; we believe that transfer of Steve Caylor to Boise will result in additional resources becoming available to the Administrative Office generally.
- Focus webmaster resources on support for IT help desk and development of "just in time" training for clerk's office staff and others associated with the Enterprise roll out.