



**The Florida Courts E-Filing Authority
Minutes**

Florida Courts E-Filing Authority Board of Directors met on June 10, 2013, at 10:30 a.m. at Saddlebrook, Wesley Chapel, Florida. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Bill Kinsaul, Bay County Clerk, Secretary/Treasurer; Tom Hall, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. P. Dewitt Cason, Columbia County Clerk, was in attendance by WebEx. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the Annual meeting at 10:35 a.m. with a roll call. He welcomed those on the WebEx and those in the room.
- II. Mr. Tim Smith asked for a motion to adopt the agenda. Mr. P. Dewitt Cason moved adoption of the agenda. Mr. Bill Kinsaul seconded the motion. All voted to accept the agenda as presented.

Annual Meeting

- III. Mr. Tim Smith opened the Annual meeting of the Authority and provided an overview of the year's activities. He thanked all those involved in the making the portal a success: the Clerks and their offices, the Courts and The Bar committee; the association staff and attorneys Lynn Hoshihara and Fred Baggett. He commented that April 1 went well and October 1 was on its way with its unique issues. He urged all Clerks to begin preparing for October 1 immediately to make it as successful. He thanked the Chief Justice for his support of the portal, the Authority and e-filing, and his comments made at the conference opening session that morning.

He welcomed the new members of the board in attendance, Hon. Tara Green, Clerk of Clay County, and Hon. Alex Alford, Clerk of Walton County. He thanked Hon. Don Barbee, Clerk of Hernando County, for stepping in early to take the place of retiring Clerk Hon. Karen Nicolai. He recognized Hon. Tom Hall for his representation of the courts and commonsense approach to issues.

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- IV. Mr. Tim Smith moved into the election of the Vice Chair and Secretary/Treasurer. First, Mr. Tim Smith thanked Mr. Joe Smith for his service as Vice Chair the past year. Mr. Bob Inzer nominated Mr. Joe Smith to be Vice Chair for the next year. Mr. Barbee seconded the nomination and all voted favorably.

Mr. Tim Smith then thanked Mr. Kinsaul for his service the past year as Secretary/Treasurer and asked for nominations from the floor for that position. Mr. Inzer nominated Hon. Tara Green for Secretary/Treasurer. Mr. Barbee seconded the motion and all were in favor.

With the elections over, Mr. Tim Smith concluded the Annual Meeting and opened the Annual Meeting of the Board.

Annual Meeting of the Board

- V. Mr. Tim Smith recognized Mr. Kinsaul to present the May 2013 minutes. Hearing no suggested changes, Mr. Bob Inzer moved adoption of the minutes. Mr. Kinsaul seconded the motion. All voted favorably to accept the minutes.
- VI. Mr. Smith recognized Mr. Kinsaul to present the Treasurer's Report. Mr. Kinsaul noted that the financial statements showed a year-to-date profit of \$429,959.

Mr. Kinsaul reviewed the proposed 2013-2014 Authority budget. There was comment that while it showed \$20,000 in partner support, there was no commitment as of yet for those funds. As the funding had been provided the past years, it was shown as a placeholder. Mr. Barbee moved the adoption of the budget. Mr. Kinsaul seconded the motion. All approved the proposed budget.

Mr. Kinsaul reviewed the Lanigan & Associates letters for the annual audits as required by the Interlocal Agreement. Mr. Inzer moved to approve the expenses for the annual audit. Mr. Joe Smith seconded the motion. All voted favorably.

- VII. Legal Counsel Report
Mr. Tim Smith recognized Lynn Hoshihara, Authority counsel. Ms. Hoshihara asked to move her report to the July meeting to provide more time to review the issue. Mr. Inzer made the motion to allow Ms. Hoshihara to bring back the issue at the July meeting. Ms. Sharon Bock seconded the motion. All voted favorably.

- VIII. Progress Reports
Monthly status: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that the volume of filings and calls to the support desk were still high. In May, there were almost 45,000 filings a day. Registered users were over 45,690. She reported that the service desk was receiving a large call volume and running a few weeks behind in begin able to answer calls. The majority of the calls, she said were filers, not clerk's offices. She said the

technical staff expected the call volume to increase as the number of filers using the portal increased.

Mr. Hall reported that he was working with the Second DCA and they were working in their case maintenance system. Ms. Rushing suggested that there was some discrepancy as to the final requirements. Mr. Hall suggested that at least one DCA may request an extension of time that will be addressed by Supreme Court order.

Mr. Hall then spoke to the standards and getting records, potentially, in three different formats. Mr. Inzer asked for a meeting between the vendors and the courts which Mr. Hall offered to organize.

Criminal Pilot: Ms. Fishback reported that the criminal pilot was complete for the test counties. She was working with the various circuits on getting their codes in and having bi-weekly calls with the different State Attorney and Public Defender offices.

E-Service: Ms. Carolyn Weber reported that e-service was being deployed in a q/a environment. The project was still on track for implementation late summer.

IX. Subcommittee reports:

Website Subcommittee: Mr. Hall explained that the subcommittee was working to get the site ready for roll-out in this summer. He reported that the subcommittee had met and was working to make one url, making the homepage he had shown as the main sign-in page. He noted that he would need to work with Amcad to get this done and noted that authority staff would keep the site maintained. He moved to accept the subcommittee report. Ms. Bock seconded the motion. Mr. Tim Smith spoke positively to the efforts of the subcommittee.

X. Other Business

a. FCCC Pro Se/Self Help Committee:

Ms. Bock reported that her association committee met and looked at when it might be possible to allow pro se filers to use the portal. According to Mr. Melvin Cox, it would be cautious to say about October 1, 2014. She said they would be working toward that date and discussing how to do it best. She noted that there was an issue of forms and would be forming a forms workgroup to look at how to manage the forms and what forms to use online. She spoke to wanting to allow pro se filers to use the system in a TurboCourt styled method, where they walk through a series of questions to generate the correct documents. She noted that there should be different ways to enter the portal, rather than just through a Bar number. She expressed desire to keep the Authority updated on her committee progress. Mr. Hall cautioned that the forms committee should stay in touch with the courts as they reviewed the forms as well as the UPL section of The Florida Bar. Ms. Bock said that her committee had documented the main areas that pro se filers were filing in. Mr. Tim Smith remarked that the FCTC had a committee to look at other filer types and were looking at what order those filers should be brought onto the portal. He said he would like to move as quickly as the portal could handle the volume. He recognized that a hold-back was the help desk services and would also like to move that issue as quickly as possible.

b. Standardization:

Mr. Tim Smith reminded everyone of the Chief Justice's wishes as set forth at the morning's general session: 1) the need for increased Help Desk services; 2) Filers should be able to see the documents in a case; 3) the Portal should be a two-way street; and, 4) there should be standard drop-down menus for filers.

He recognized Ms. Karen Rushing. Ms. Rushing spoke to trying to come up with a matrix, an "inventory of docket descriptions." She wanted to come up with that for criminal. She referenced the need to adopt standard drop-downs and cross-walk what is needed in the office and the standard drop-downs. Mr. Inzer referenced the Best Practices presentation at the last meeting and the document of standard drop-down menus that the board adopted at the May meeting. The board discussed three issues: 1) should the board continue to support simple and full e-filing; 2) how to roll out the Best Practice; and, 3) docket descriptions, the largest issue being how to roll out and make sure everyone adopts the Best Practice document. Ms. Rushing asked if the board should just set a date a make everyone comply?

Mr. Shore, Manatee Clerk, was recognized. He asked how do we set uniformity among the judges? He spoke to keeping his system the way it is, that he doesn't want to change. Mr. Inzer noted that Mr. Ken Burke, Pinellas Clerk, has some administrative orders that tell that circuit how the portal must be used. Mr. Shore and Ms. Rushing debated the issue, Shore saying that it took more time to correct the choices made by attorneys as they reviewed the documents; Ms. Rushing noting that there is not consistency as to how Clerks treat a document.

Mr. Joe Smith said technology will get easier down the road, but they needed to begin.

Ms. Sharon Bock told the board that she was hearing from attorneys that the choices should be narrowed down. Mr. Kinsaul said that anything that changes the fee amount that would allow the list to be shortened could bridge the gap between simple and full e-filing. Mr. Inzer suggested that the Best Practices adopted last month were more useful. Ms. Rushing said the choices should reflect the SRS categories and help formulate the SRS report. Mr. Inzer noted that the information collected should eventually allow for the creation of a civil cover sheet. Mr. Hall commented that, in the long run, standardization of codes will also help with the record on appeal.

Mr. Inzer said the authority sets standards and should address this. He made a motion: the Board has adopted the Best practices for standardized drop-downs as guidance, feels the board adopt it and require all clerks be consistent with the best practice adopted, but not sure of a timeframe of when to adopt. Ms. Rushing seconded the motion. Ms. Rushing asked for clarification, "what are we voting on?" The case types? Mr. Inzer wanted to add docket codes in the case types as a separate motion. Mr. Inzer replied, "case types and sub-types and what is the third category?" Ms. Rushing asked if it followed the SRS

categories? Mr. Inzer said it did. He added, it had been worked over the course of 17 months with clerk staff helping put it together. Mr. Shore asked if the Best Practices had been sent out? Seeing that they had not been sent out, Mr. Inzer asked for the motion to be postponed to the next meeting and withdrew his motion. He asked for the Best Practices to be sent out. He noted that it went down to document descriptions. Ms. Laura Roth, Volusia Clerk's Office, asked if there was a user group so it could be seen how the filers liked the proposed standard drop-down menus as Volusia only uses SRS case types and prefers the simpler approach.

Mr. Tim Smith asked to reschedule the topic for the July meeting and asked for the Best Practices to be sent out by email.

XI. New Business

The next meeting was set for July 18, 2013, location to be noticed.

Public Comment

Mr. Ken Burke, Clerk of Pinellas County, spoke to local administrative orders dictating local practice, such as requiring that exhibits be filed as separate documents, rather than filed as one document. He pointed out that even in his two-county circuit, a different set of documents was required in each of the two counties in the circuit for the same type of cases. He addressed the inefficiencies had by not having the judicial viewers ready and suggested some counties needed to file a waiver for accepting criminal cases electronically by October 1. He asked that the board ask OSCA to do a readiness survey of the courts in regard to criminal e-filing. He asked that this be on the July agenda..

Mr. Buddy Irby, Clerk of Alachua County, thanked the association staff for all their assistance in getting the e-filing portal operational.

Mr. P. Dewitt Cason, Clerk of Columbia County and Authority Board member, thanked everyone for a second year on the board.

Mr. Tim Smith thanked Mr. Cason and Mr. Kinsaul for their service on the board and noted Mr. Cason's and Ms. Lydia Gardner's leadership as chairs of the Authority and in this project.

Mr. Hall informed the board that court staff let him know that the FCTC had already formed a special committee to look into local administrative orders and how they may impact e-filing and that the courts had already done a survey of judicial readiness and offered to review the findings at the July meeting.

VIII. Adjourn

The meeting was adjourned at 12:05 p.m.