



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors met on April 11, 2013, at 10:00 a.m. at the Renaissance Orlando Airport Hotel. 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, by WebEx; Tom Hall, Clerk, Supreme Court; P. Dewitt Cason, Columbia County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk, by WebEx; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were in attendance.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:02 p.m. with a roll call. He welcomed those on the WebEx and those in the room. He recognized Hon. Judge Lisa Taylor Munyon, Florida Courts Technology Commission chair and Ms. Christina Blakeslee, Office of the Supreme Courts Administrator, as special guests.

Mr. Smith took a point of personal privilege to make some comments in recognition of April 1 and the monumental task that had been undertaken. Mr. Smith first thanked Hon. Dewitt Cason, former chair, for leading the Authority through its first year. He then thanked Hon. Lydia Gardner, former chair, for helping the Authority get to where we are today. He thanked the Chief Justice for his support of the effort and for allowing Hon. Tom Hall to serve on the Board. He acknowledged Mr. Hall's role in providing communication with the courts which has allowed the Authority to have better direction. He went on to thank technical staff and leadership at the Association. He thanked the Florida Courts Technology Commission for their years of involvement in the issue. He thanked the Florida Bar, who have been supporters all along through their membership and financial efforts. He thanked all who have been in the effort. He acknowledged that all were aware that there are improvements to be made. But we had to get through the date first. "Now," he said, "we can begin to refine the process. This is not a sprint; it is a marathon. We know there are other filers who want to access the portal, but we are going about this in a methodical process to be able to make it work. We felt that the proper approach was to start with Bar members. Then we will be able to allow other groups as quickly as we can. The next mandate is October 1, 2013." He concluded his remarks by urging Clerks to reach out to their local Bar members as they each were ready to accept

criminal filings, noting that those Clerks who did this for civil cases have had an easier transition this April 1.

- II. Mr. Smith asked for a motion to adopt the agenda. Mr. Bob Inzer moved adoption of the agenda. Mr. P. Dewitt Cason seconded the motion. All voted to accept the agenda as presented.
- III. Mr. Smith recognized Mr. Kinsaul to present the March 2013 minutes. Hearing no suggested changes, Mr. Kinsaul moved adoption of the minutes. Mr. Joe Smith seconded the motion. All voted favorably to accept the minutes.
- IV. Mr. Smith recognized Mr. Kinsaul to present the March 2013 financial reports. There were no questions.
- V. Progress Reports

Monthly status: Mr. Smith recognized Mr. Melvin Cox, FCCC Director of IT, to review the monthly status report. Mr. Cox reported that there had been an incremental increase in the number of filings and documents. He noted that portal performance was well under volume. At the peak times, the portal was operating at about 21 percent capacity. He also told the board that they had seen volumes of more than 100 filings per minute during the first week. Peak filing times were at 11:00 a.m. to Noon and again around 3:00 p.m. to 4:00 p.m. in the afternoon. This was important information when needing to judge staffing and monitoring of portal operations—both at the central site and in the counties. Ms. Karen Rushing commented that in her county she was still receiving paper documents, but believed it represented less than five percent of all filings. Her office was giving out the flyer to remind filers to file electronically. Mr. Cox noted that if projections using the current portal filings were accurate, there would be up to 6.7 million filings, or 10.8 million documents, filed just in civil cases. The Scope of Work document required the portal to handle 5 million filings per year.

He told the board that the majority of the filings were still on existing cases, that still only about seven percent of the filings represented new cases. The majority of the filings were on Circuit Civil cases, 58.71 percent.

On the issue of capacity, Mr. Cox reported that the SOW require that there was the ability to scale and add resources if reaching a threshold. On April 1 there was a technical tweak, adding resources to be able to get filings up to the counties more quickly. This did not impact filers, as their use of the portal was not delayed, but the timeliness was in getting filings to the local case maintenance systems. He commented that technical staff would continue to address issues as they arose. He also said that he would be anticipating doubling the capacity of the fiber channels to stay ahead over the course of the year.

As for the Service Desk, Mr. Cox reported that call volumes were high. Questions ranged from the simplest of questions to much more complex questions on using the portal. He noted that with the current staffing, technical staff was struggling in the short term. Judge

Munyon asked if Mr. Cox thought there would be any legislative budget relief for the support function? Mr. Tim Smith said he was not sure, but remained hopeful. Judge Munyon also recognized that Clerks' Office were getting a high volume of calls from filers as well. Mr. Tom Hall remarked that his office was also receiving many calls. He also commented that many were trying to help callers, but the project was never funded for the support feature. Mr. Tim Smith felt that the call volume would diminish after some time, spikes coming as more users are added. Mr. Inzer commented that once pro se was allowed to use the portal, those users would take a higher level of assistance, but overall the issue needed to be addressed. Mr. Cox remarked that based on the current call volumes, the volumes may exceed the ten support persons noted as needed in the legislative budget request projections.

Appellate Report: Mr. Hall told the board that they were already meeting with the appellate courts. He shared that there would be some issues as the appellate courts come on. At least when the first appellate court comes on, there will be growing pains, but with each subsequent one those will diminish.

Criminal: Mr. Cox said they were working live e-filing verification with the State Attorney and Public Defender offices. He felt that the big push would come as we near October 1.

Supreme Court e-filing: Mr. Hall said that all filings in his office were going well. As of the day before the meeting, his office had received 325 filings, 421 documents. He knew that was low compared with the usual number of filings his office received. The only major issue he experienced was attorneys filing documents on a case right after they filed the initiating document. His staff had not had time to load the case into the portal yet so the subsequent filings could be put into the case. He allowed those attorneys to email the briefs to his office. The other issue he noted was attorneys calling his office to say they had forgotten their password. He expected that type call to drop off.

Ms. Alexandra Rieman reported having a problem filing county to circuit appeals in Broward.

e-Service: Ms. Carolyn Weber updated the board on the e-service project. Ms. Weber reported that the e-service package was complete and had been sent to Judge Stevens. Judge Stevens will present it to the Florida Courts Technology Commission at their early May meeting then bring it to the Authority Board later that month. She said the e-service functionality should be able to be implemented and live by late summer. Mr. Bob Inzer suggested the need for a communications plan to let filers know of major changes. Mr. Hall felt that the ability to share news with filers was being addressed through a function of the new website.

The Board took a brief break from 10:48 a.m. to 10:55 a.m.

VI. FCTC Report

When the meeting resumed, Mr. Smith recognized Judge Lisa Munyon who thanked the E-Filing Authority for a smooth April 1, moving from paper to electronic. She asked the Authority to think about the security of filings going through the portal and the ability to use the credentials of another. Mr. Hall said they had seen the issue at the Supreme Court level and reported it to FDLE. He believed it was not a portal problem. Mr. Cox noted that once an attorney had an account, there cannot be a second. The portal matches the Bar i.d. with the name registered with the Bar. He said it was a case where if everyone registered, there could not be filings made in their name.

Mr. Harvey Ruvin, Clerk of Miami-Dade County was recognized. He thanked the Authority and asked what to do about attorneys who did not comply with the Supreme Court order. Mr. Tim Smith said the board was still reviewing issues and seeing how April 1 went overall. He felt it was still a local decision as to how to handle the paper, but suggested everyone use common sense in approaching the issue. He suggested that if attorneys continue to file in paper (noncompliance) it will get back to the Chief Justice. He felt the clerks should have the flexibility to handle it locally. Mr. Hall said his office had an order reminding those attorneys who file in paper reminding the filer of the Supreme Court order.

Ms. Sharon Bock asked if there was a method of keeping track of the types of issues so that Clerks would be made aware of the various issues? Both board members Mr. Hall and Mr. Cason asked for the report. Ms. Weber felt it could be done. Ms. Beth Allman said some of the issues were included in the new FAQs being written.

VII. Subcommittee reports

- a. Website Subcommittee report: Mr. Hall showed the draft authority homepage site to the board. He explained that his was just a homepage and would house all the Authority information, then link to the e-filing portal. He showed the areas of the draft site for News and buttons to lead one to the site to file. He spoke to the possible use of Twitter and explained how well the Supreme Court has used it to get information out to filers. He spoke positively to the Authority site using Twitter. Felt Facebook might work, but wasn't sure about the ads. Explained the Court had not used it because of the ads. He suggested the videos may be put into a consistent format. He asked the Board for authorization to move forward and hoped to bring them a final site for approval at the June meeting. Mr. Inzer also noted that certain news specific to counties would be soon coming on the filing page. Mr. Hall spoke to eventually using various courthouse pictures rotating on the homepage. Mr. Joe Smith made a motion for the board to allow the subcommittee to move forward with the concept. Mr. Inzer seconded the motion. All voted favorably.
- b. Portal Process Subcommittee: Mr. Inzer reported that his subcommittee met and identified two issues 1) how does a filer know the local processes of a county? and 2) consistency –how to be as consistent as possible from county to county. Mr. Cox showed the righthand column where news can be placed and noted that each county can utilize this section for the news. Mr. Inzer noted that while there is not a lot of room, links can be put in that area for more information and that staff would be working to making the feature more obvious. Mr. Cox affirmed that making the

column default to open rather than closed when the filer selected a county, and making the button larger, could hopefully be in production in about two weeks. Mr. Inzer noted that the use of this sidebar was the recommendation of the subcommittee. He also asked to make the Clerks more aware of this feature and provide them direction as to how to use it. Ms. Bock noted that the Clerks could use a template so that the same issues were addressed by each county. He asked Ms. Beth Allman to put together a communication to clerks with the template. Mr. Hall asked to use this news feature in the appellate filing pages, too, but wanted all those pages standardized. He suggested informing the user in the news column as to how long it might take to docket a filing. He has seen at his office, that filing electronically seems to create an expectation that the document be filed as rapidly. Noting a timeframe would be helpful. Mr. Tim Smith moved that the recommendation of the subcommittee be the recommendation of the board as well.

Mr. Inzer spoke to the need for internal and external communication, such as communication to clerks as to how to deal with the execution of summonses, a suggested process. Mr. Shore asked if the term “Pending Queue” could be changed, that it causes confusion. He asked who was responsible for making the changes to the portal, such as this? Mr. Smith said that having the association staff hear this conversation made them recognize the need to look into it.

Ms. Bock asked how far can the subcommittee go when a local level administrative order (a.o.) creates limits? Mr. Inzer responded that any a.o. at the local level that would dictate how the portal worked would not be appropriate. He reiterated that the statewide portal should be uniform. He moved that Mr. Tim Smith communicate with the appropriate court authorities, FCTC?, on the issue. Ms. Bock seconded the motion. Judge Munyon suggested that the FCTC look at the issue and make a recommendation to the Supreme Court. All voted favorably.

Ms. Rushing supported discussion on the motion but noted that each head of any branch wants flexibility. She noted it was important to describe how the a.o. was impacting the local processes. Mr. Shore said that Polk Court had just put out an a.o. requiring paper follow-up.

Mr. Tim Smith authorized the subcommittee to send information to Clerk users.

VIII. New Business

Mr. Tim Smith opened a discussion on April 1 issues. There was no comment.

Mr. Tim Smith recognized Mr. Joel Rosenthal, J.L. Process. He shared with the board that they had heard that a competitor had used a lawyer’s name and password and was filing in bulk. Mr. Cox commented that, outside the criminal pilot, the ability to file in bulk does not exist. Ms. Bock invited Mr. Rosenthal to come to her office if he needed to discuss any issues.

IX. Other Business

There was a brief discussion of SC 13-12 and the implication of paragraphs three and four. The first two paragraphs provide a waiver for Sarasota and Clay counties to use their own local e-filing systems until they can connect to the portal, October 1, 2013. The last two paragraphs relate to the discussion of what should and should not go through the portal. It was noted to be positive, allowing local automation to continue. Those aspects do not need to be incorporated into the portal at this time.

Public Comment:

Ms. Alexandra Rieman, Rules of Judicial Administration chair, asked if the board would be wanting any more rule changes.

Mr. Hall mentioned rule 2.520 and removing the authority for paper.

Ms. Rieman suggested that in light of e-service coming to the portal, that 2.516 e-service may need to be revised, but would need detailed language. Mr. Tim Smith suggested looking at the rules and identifying the issues for her.

Mr. Hall thought there may need to be changes to the time stamp standard in order to give enough space at the top of the page. He will work with Ms. Rieman and the FCTC subcommittee dealing with it. Ms. Rushing asked if it included the single document with different titles in it? Mr. Hall thought Ms. Rieman was looking into it.

Mr. Inzer asked if the civil cover sheet is still needed? Mr. Cox told the board that the portal was being programmed so that the data elements needed for a cover sheet would be gathered from the data filled in by the filer. He thought it may be ready by summer. After that point, there would not need to be a cover sheet filed and the requirement for one could be removed.

There was brief discussion of the next meeting being held May 22 or 23, that it would include a demonstration of the portal and a report from the Best Practices Committee on the standardization of the drop-down menus. Mr. Hall and Ms. Bock suggested May 23 was a better date.

XI. The meeting was adjourned at 12:03 p.m.