



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on March 10, 2014, at 1:00 p.m., EST, at 3544 Maclay Blvd, Tallahassee, 32312 and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. Don Barbee, Esq., Hernando County; and Joseph E. Smith, St. Lucie County Clerk, Vice Chair; were not present.

- I. Mr. Tim Smith, Chair, opened the meeting at 1:00 p.m. with a roll call. He welcomed all on the WebEx and reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum. Mr. Tim Smith recognized Hon. Paula S. O'Neil, Ph.D., Association President, Mr. Fred Baggett, Esq., Association General Counsel, Mr. Murray B. Silverstein, and Mr. Tom Hall.

Mr. Bob Inzer moved adoption of the agenda. Ms. Karen Rushing seconded the motion. All voted favorably.

- II. Minutes
Ms. Tara Green asked if there were any questions about the February minutes. Seeing none, Ms. Green made a motion to adopt the minutes as presented. Mr. Inzer seconded the motion. All voted favorably.
- III. Financial Reports
Mr. Smith deferred the financial reports until Ms. Green, present on the phone, could be present in the room.
- IV. Progress Report
Mr. Smith recognized Ms. Jennifer Fishback to present February Progress Report. Ms. Fishback reported that there were 1,031,067 filings, which equaled over 1.6 million documents. The average number of filings through the portal was 50,887 a day. There were almost 3.5 million e-service emails and 58,653 user accounts. She displayed a chart

showing that filings occur every hour of the day, with peaks between 10:00 a.m. and Noon, and between 3:00 p.m. and 5:00 p.m. She also displayed a chart showing that it was taking fewer days to docket filings and fewer cases were going to the pending queue. The number going to the pending, she noted, had decreased since January. She told the board that the portal had 100 percent uptime for the month of February. She reported that the information about the new portal software upgrades was posted on the portal News Feed pane. Training dates had been established for March and April and a new CLE number was available.

She noted that the March 29, release 2014.01, would provide enhancements so that the user could file on a case from the My Cases screen, provide some enhanced search capabilities and e-service functions. The next release was being defined for a release date of June 20, 2014.

Mr. Tim Smith, chair, commented about the e-service volume. Mr. Inzer noted the significant savings that it already represented to law firms. Mr. Kenneth A. Kent, Executive Director, Florida Court Clerks & Comptrollers, thanked Ms. Fishback, Portal Project Manager, and staff for their hard work in making the February 3 criminal roll-out a non-event.

Mr. Tim Smith expressed appreciation for how smoothly it went. He said that now the project had gotten past the two major deadlines, it was time to go back and refocus our efforts on the filer experience, to put enhancements into place, and continue to make their experience faster, more efficient and continue the progress we have made with our partners.

Supreme Court /Appellate Report

Mr. Tim Smith recognized Mr. John Tomasino. He told the board that according to AOSC 13-29, the Clerks of Court were to report to the Supreme Court their readiness to meet the June 30, 2014, date for meeting the appellate e-record standard. Mr. Kent said that the association was sending out a reminder to Clerks.

Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume was trending downward. His statistics showed that the average amount of time it took for a Customer Service contact (filers) to be acknowledged was about one hour. The time it was taking to resolve the issue, was about .45 days. Mr. Tim Smith asked what the most typical customer service questions were. Mr. Cox responded that the most common questions were, forgotten password, how to do e-service, where is my document, and the like. He felt if the numbers kept trending downward, there might be an opportunity to go to a live chat type feature.

V. Florida Courts Technology Commission Issues:

Mr. Tim Smith asked the FCTC members and staff who had attended the FCTC meeting to report on the issues for the benefit of the rest of the board and those listening.

Mr. Kent reported that there were three issues that FCCC was looking into: 1) Clerks providing a date to no longer accept paper filings; 2) the status of Clerks with the electronic case record; and, 3) time standards in case processing. He told the board that the issues were still under revision, but in the case of the electronic case record, preliminary reports show that about 50 percent of the Clerks keep both a complete electronic copy and a complete paper copy of the record. Twenty-five percent just provide the electronic copy, and 25 percent had a mixed file. Mr. Kent stated that Association President Paula O'Neil, Ph.D., felt that this was indicative of a transition period. Mr. Kent felt that it may stay in this way until the judge viewers were in place. Mr. Kent also briefed the board about time standards and noted that those are established by the Clerk of Courts Operations Corporation.

Mr. Inzer felt that in an office such as his, wherein records were kept in both paper and electronic format, it might not be the best time to change as it is a costly proposition. Mr. Kent mentioned exhibits as an example, and noted there should be a single, uniform approach. FCTC voted to store exhibits digitally.

Mr. Kent reported that there was a discussion at FCTC about numbering docket entries for filer ease. Mr. Rushing agreed the subject had some unresolved issues and should be well thought out if it becomes a subject that is developed any further.

Ms. Sharon Bock reported on the Technology Subgroup and their decision as to whether or not Clerks needed to create and store searchable pdf documents. The decision, she noted, was not to store, but to render them in such format if needed.

As for the issue of pro se filers, Ms. Bock reported that the credentialing and verification was sent to the Access Governance Committee, led by Judge Hilliard. Mr. Tim Smith asked how long it might take to get pro se filers on the portal? She responded that the committee was meeting this Friday.

Ms. Bock also noted that the FCTC Compliance Committee discussed and rejected the idea of the Commission having broad subpoena powers.

Mr. Cox reported that he made a presentation to the FCTC on how the portal could be accessed by judges. Based on a security framework, they voted to add judges to the portal as soon as possible. He identified an administrator in each circuit to add and delete judge accounts. He said judicial access was anticipated to be included with the June software release. He commented that some judges want to wait until the judicial viewer is in place before they send documents to the Clerk or the file electronically.

Mr. Tom Hall reported to the board about the addition of other filer types. He reminded the board that the Authority referred back to the FCTC the issue of how to add the other non-attorney filer types. He commented that Judge Hillard's Access Committee will handle the issue and hopes to make a recommendation at the May FCTC meeting. Mr. Tim Smith asked when the portal could accept other non-attorney filers? Mr. Cox responded that they could be added in the June 20 release, but if the rules for access for those filer types are complex, it may take a little longer. Mr. Tim Smith cautioned the board that he wanted the portal to be ready so that once the policy is finalized there will be no hold up. There was a brief discussion of whether the moratorium would be lifted or not and how to deal with document access.

VI. Committee Reports

a. Rules Committee

Mr. Hall gave a Rules Committee report in Mr. Barbee's absence. He reported that he had met with the Florida Bar earlier that week and they had agreed to allow Clerks' attorneys as ad hoc members to the Bar Rules Committees. He reported that he would be working with Mr. Barbee to finalize the list of those members from both the Authority Rules Committee and from Clerks' offices. Those liaisons would be starting with the June meeting of The Florida Bar.

b. Joint Authority/FCTC/FCCC Pro Se Committee

Ms. Bock reported the FCTC had voted to make the pro se filers part of the non-attorney filer groups. She also noted that the most commonly used forms used by pro se filers are those found in the tenant eviction, small claims and family law areas.

She told the group that the Florida Bar Foundation was sponsoring a trip, March 17-19, to Cook County, Illinois, to see how they handled pro se filers filing electronically. Akilya Drake from her staff was going on the trip.

VII. New Business

Judicial Management Council (JMC) Access Workgroup recommendation

Ms. Rushing commented that there already two committees at the Florida Courts Technology Commission (FCTC) handling the issues that were included in the JMC recommendation, and that the recommendation seemed to omit the Clerks. She remarked that the Clerks have always helped or assisted pro se litigants and she was not sure why this was being done.

Ms. Bock responded to the JMC recommendation by stating that her subcommittee was more broadly based than the JMC group. Mr. Inzer asked if a pro se filer would be required to use an interactive form? Ms. Bock responded that they would not. They could file their own forms, as does an attorney filer. A2J is a service, not a mandatory method of filing.

Ms. Rushing suggested that the Association write a letter to JMC expressing concern that the Clerks have been left out of this effort and express interest in being involved as an asset to the process.

Financial Reports:

Mr. Smith reverted to the order of business as Ms. Green had arrived at the meeting in person. Ms. Green presented the January financial reports. There were no questions. She also presented a budget amendment to allow for a shift in funds between two budget entities in the approved budget. The shift would allow for funding the two quarterly portal software upgrades coming. Ms. Green made a motion to approve the budget amendment and associated activities. Mr. Inzer seconded the motion. There was no discussion and all voted in favor of the budget amendment.

Public Comment: There were no comments.

Mr. Tim Smith thanked everyone for attending the meeting. He asked those who could stay to do so as the Chief Justice would be coming at 3:00 p.m. to tour the Service Desk facility.

VIII. Adjourn

The meeting was adjourned at 2:18 p.m.