



## The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on April 10, 2014, at 10:00 a.m., EDT, by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court; Alex Alford, Walton County Clerk; Don Barbee, Esq., Hernando County; Bob Inzer, Leon County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:01 a.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. Bob Inzer moved adoption of the agenda. Mr. Joe Smith seconded the motion. All voted favorably.

- II. Minutes  
Ms. Tara Green asked if there were any corrections to the March 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  
Ms. Green reviewed the financial reports. There were no questions.

- IV. Progress Report  
Mr. Smith recognized Ms. Jennifer Fishback to present March Progress Report. Ms. Fishback reported that there were 1.1 million filings, which equaled over 1.7 million documents for the month. The number of users had increased to 59,673, up from 58,653 last month. She displayed a chart showing the times when filings were more prevalent than others and noted that it had really not changed from the previous months.

She noted that the March 29, release 2014.01, provided some enhancements and a hot fix on the e-service bounce-back emails had been performed Tuesday evening, April 8, 2014.

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The next release, 2014.02, was scheduled for June 20, 2014. By May, the aspects for that release would be available in the test environment.

Mr. Tim Smith, Chair, noted that Ms. Karen Rushing made a presentation to the Senate Criminal and Civil Justice Appropriations Committee earlier in the week and noted the positive feedback received.

#### Supreme Court /Appellate Report

Mr. Tim Smith recognized Mr. John Tomasino. He reported that the Supreme Court's ISS Department is working on the EFACS system, but, for now, would like to take this standing report off the regular agenda until there is more progress that can be reported. He also thanked Clerks for sending in their responses to the order requiring them to report by April 1 their readiness to submit the e-record to the appellate courts. He felt that in short time there would be an order from the court revising the date requiring the e-record.

#### Service Desk Report

Mr. Melvin Cox reported that the Service Desk call volume went up over March,; however, response time had not been impacted. H reported that the increase in contacts was due to three factors: the new release; the e-commerce upgrade mid-month and the software upgrade that took place at the end of the month. He reported that contact with the service desk was still 75 percent by email.

#### V. Florida Courts Technology Commission Issues FCTC Access Governance Committee Report:

Ms. Sharon Bock asked to combine this report with her report on the Florida Bar Foundation trip. She reported that the Access Governance Committee, led by Judge Hilliard, met on March 14 and was primarily focused on pro se filers. She noted there was no database to use for validation of pro se filers. She also commented that now that AOSC 14-19 lifting the moratorium was out and the matrix for access to images was provided, the committee task may be easier. The next meeting of that committee was going to be held on April 14, 2014.

As for the Bar Foundation trip to Cook County, Illinois, she reported that Akilya Drake, from her staff, had attended in her stead. Ms. Drake told the board that 12 people were invited to go on the trip, March 18-19, to see A2J. The group met with Legal Aid and court personnel in Cook County. There A2J was driven by the legal aid community there. She pointed out that unlike Florida, Illinois does not have e-filing or online document viewing. In addition to the A2J forms automation, Illinois' has taken other steps to assist pro se filers by allowing activities such as amending the judicial canons to permit judges to have conversations with pro se filers, allowing some non-state licensed attorneys to file, such as those in the military, allowing law students to assist indigent clients. Ms. Bock noted the distinction between "access" to e-filing and "access" to viewing documents. She suggested the definition of "access" as used by the United Nations be used to help separate the issues. To electronically allow the filing of documents through

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the portal, she remarked that the standards in Florida had not been updated to reflect is really happening in Florida. Secondly, she asked if the board would consider separating the two differing meanings of the word “access” in the case of e-filing – allowing them to file through the portal, and what can be viewed through the portal?

Mr. Tim Smith opened the floor for discussion on the issue. Mr. Inzer asked, from the Supreme Court’s perspective, was there any problem with separating this issue? Both Mr. Hall and Mr. Tomasino responded that there was not. Mr. Hall said there already had been acknowledgement that these were two separate issues by the FCTC.

Mr. Tim Smith commented that there were three components: 1) Can a pro se filer file through the portal? 2) Can a pro se filer view documents in his or her case? and 3) Regarding A2J, he suggested the issues be separated: filing and viewing; and asked that FCCC come back in May to show the board how it would work through the portal. He also commented that the issue should be discussed with FCTC to coordinate with their direction. He opened the invited anyone on the WebEx to comment. There were no comments.

#### VI. Committee Reports Rules Committee

Mr. Barbee reported that he felt that the committee had established a good relationship with the Bar in establishing the liaisons. He did tell the board that the liaisons did have to be attorneys and thanked them for any of their attorney staff who had offered to devote their time to this effort. He explained that the liaisons were charged with representing the authority and their Clerks Offices as a whole and understanding the rules of the committee they are assigned to. The liaisons would begin by attending the Rules Committee meetings at the Annual Florida Bar Conference held June 25-27, in Orlando,. He felt the formal invitation would be sent out by The Florida Bar soon.

#### VII. New Business AOSC 14-19

Mr. Hall reviewed the recent Supreme Court administrative order, ASOC 14-19, along with the matrix. He reported that it had nothing to do with the e-filing regarding the operation of the portal. He also told the board that the association staff was working on the impact to Clerks and he could report on that aspect to the board in May.

Ms. Bock asked if there was any reason that Melvin Cox and the staff couldn’t move forward with allowing pro se filers now? Mr. Tim Smith asked FCCC, as the vendor, to provide the board documentation before the May meeting to show how a pro se filer would file, then demonstrate it at the May meeting. He felt it was important to put this on the agenda as an agenda item to give the public fair notice of the discussion. Ms. Bock moved to ask FCCC as the vendor to develop how a pro se filer would access the portal, providing documentation prior to the May meeting. Mr. Inzer seconded the motion. There

was a brief discussion regarding ensuring the proper entity was named in the motion. All voted favorably.

Mr. Tim Smith recognized Ms. Rushing to give the board an update on her presentation to the Senate Committee the day before. She told the board that she felt it went well. She did comment that the Public Defender for the Second Circuit, Hon. Nancy Daniels, raised the issue of uniformity in regard to some, not all, judges wanting printed paper.

#### Public Comment

Hon. Paula O'Neil, Ph.D., thanked everyone for all their work on the e-filing portal.

There were no other comments. However, Mr. Tim Smith did recognize Hon. P. Dewitt Cason, attending the meeting by WebEx, former Authority chair. He recognized Mr. Cason's leadership in the early days of the portal and all his hard work in helping the system come to reality.

Mr. Tim Smith extended his wishes for speedy recovery to Dr. Ronald Fetters, a member of the public who had wanted to join the meeting but was unable to do so.

Mr. Tim Smith reminded all in attendance that the next meeting would be held May 5 from 1:00 p.m. to 3:00 p.m., in Crystal River in conjunction with the New Clerk Academy program, and by WebEx.

#### VIII. Adjourn

The meeting was adjourned at 10:56 a.m.