

CALIFORNIA JUDICIAL BRANCH

Technology Governance, Strategy, and Funding Proposal

Executive Summary

Technology Planning Task Force

October 2, 2014

Introduction

This document provides an **executive summary** of the **proposed recommendations for judicial branch technology governance, strategy, and funding**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Additional documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary (this document)	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

This document contains a summary of the proposed recommendations for judicial branch technology governance, strategy, and funding.

¹ BSA has been renamed to California State Auditor.

GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

Technology Vision

The proposed technology vision for the branch is:

“Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.”

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. The Judicial Council has adopted a set of Guiding Principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

At its August 31, 2012 meeting, The Judicial Council adopted principles 1–10 below. The Technology Planning Task Force recommends the addition of principles 11–14.

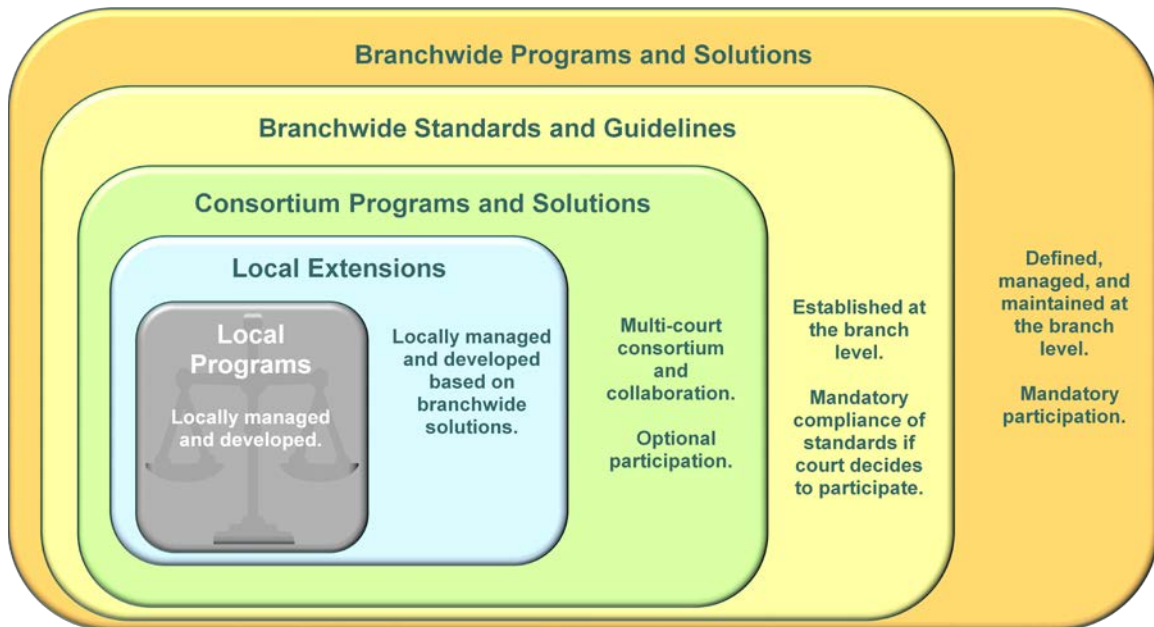
1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **(NEW) Improve Branchwide Compatibility through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch’s goal of greater compatibility for the public and state justice partners.
12. **(NEW) Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **(NEW) Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **(NEW) Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

Technology Initiative Categories

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Branchwide programs and solutions

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

Branchwide standards and guidelines

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations more than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

Consortium programs and solutions

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multi-court document management system RFP, case management system RFP.

Local extensions of branchwide/shared programs

- Local court-developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

Local programs and solutions

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

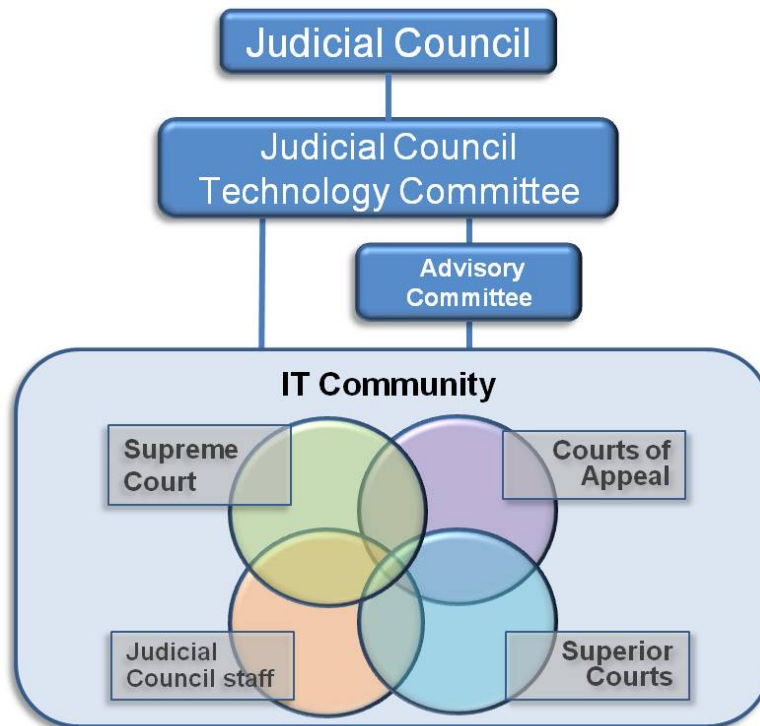
To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Roles and Responsibilities

Working together as an IT community

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Summary of major elements in the proposed model

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the

courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.

- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide, consortia (groups of courts working together) and local innovations that solve local business problems with a view towards their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee.

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial Officers 15% Court Executive Officers 10% Chief Information Officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and Legislative Proposals 2. Technology Projects	1. Technology Projects 2. Rules and Legislative Proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff.	IT Community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

Governance roles and responsibilities—General

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Supplementing limited program resources from the Judicial Council and the courts.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.

Governance of the strategic plan

General responsibilities for governing the strategic plan are summarized below. For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves. For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

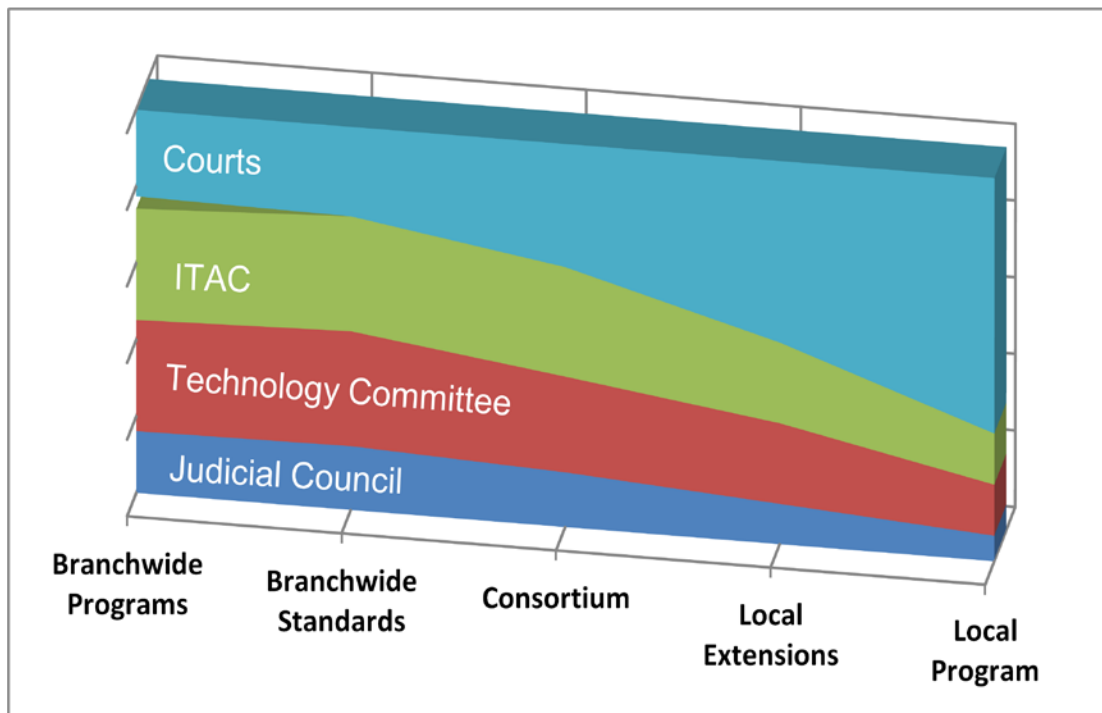
	IT Strategic Plan (4 Year)	IT Tactical Plan (2 Year)
Judicial Council	Final Approval	Final Approval
Technology Committee	Develops, recommends, seeks input, oversees.	Oversight approval and determination of priorities.
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provides input.	Provides input. Leads/ participates in initiatives.

Governance of technology initiatives—Participation by initiative type

The governance roles and responsibilities can be illustrated in terms of the amount of participation of each group in the different types of technology initiatives. In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives.

The chart below illustrates the areas of focus for each group.

Governance Focus Areas by Technology Initiative Type



Governance of technology initiatives—Summary

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final Approval	Final Approval	N/A	N/A
Technology Committee	Oversight and approval. Prioritize.	Oversight and approval.	Oversight and approval.	N/A
Information Technology Advisory Committee	Develop and recommend initiative.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	N/A
Trial Court Budget Advisory Committee	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

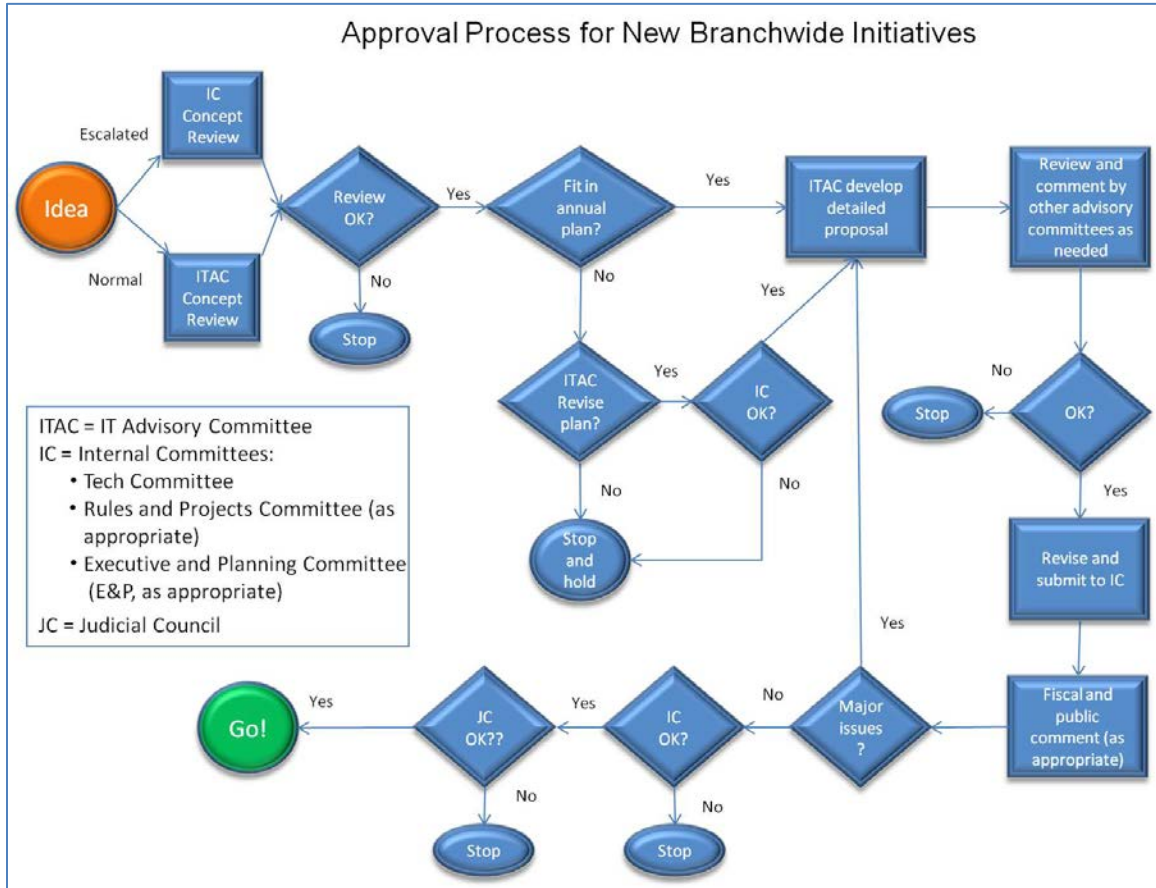
Approval of New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiatives Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee and they are responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



Program Prioritization Criteria

The Judicial Council Technology Committee should use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard is illustrated below.

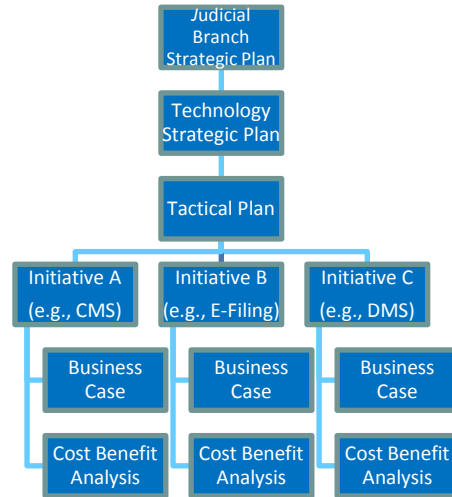
DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					19	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					25	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					31	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					25	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					27	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					15	
					142	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted score calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

STRATEGIC PLAN AND TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

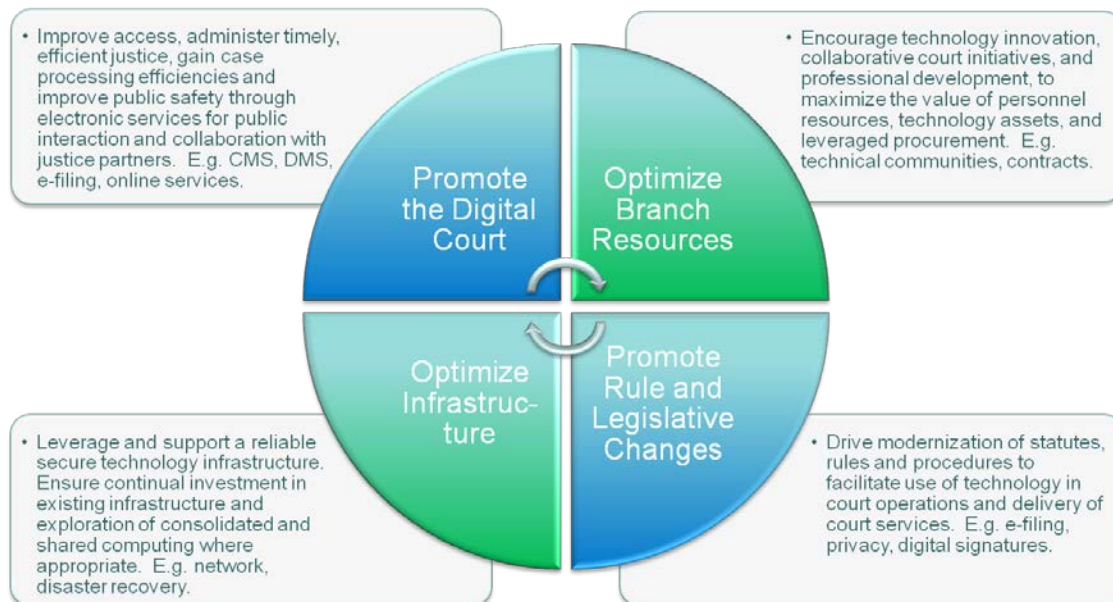
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services. These include modern case and document management systems, fiscal and human resource systems and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

Furthermore, the Digital Court will also facilitate data and information sharing across the courts and provide enhanced collaboration and cooperation between and among courts.

Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

Technology solutions should not create barriers to access, especially to indigent clients, people with disabilities, and those who need language access assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology.

Goal 2: Optimize Branch Resources

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Goal 3: Optimize Infrastructure

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where the official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, and to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure which includes technology to support local area networks, wide area networks, infrastructure and information security, local, shared, and centralized data centers, unified communications (voice, video), an enterprise service bus, and disaster recovery technologies.

Goal 4: Promote Rule and Legislative Changes

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Technology Initiatives (2014–2016)

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Strategic Goal	Initiative	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	Determine strategy and plan
	Document management system (DMS) expansion	Deploy where appropriate
	Courthouse video connectivity	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	Continue deployment
	Implement a portal for self-represented litigants	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	Develop process
	E-filing deployment	Determine implementation plan
	Identify and encourage projects that provide innovative services	Investigate and prepare proposal
	Establish an “open source” application-sharing community	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	Expand program
	Transition to next-generation branchwide hosting model	Investigate and prepare proposal
	Security policy framework for court information systems	Investigate and prepare proposal
	Court disaster recovery framework and pilot	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	Identify and draft changes

FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

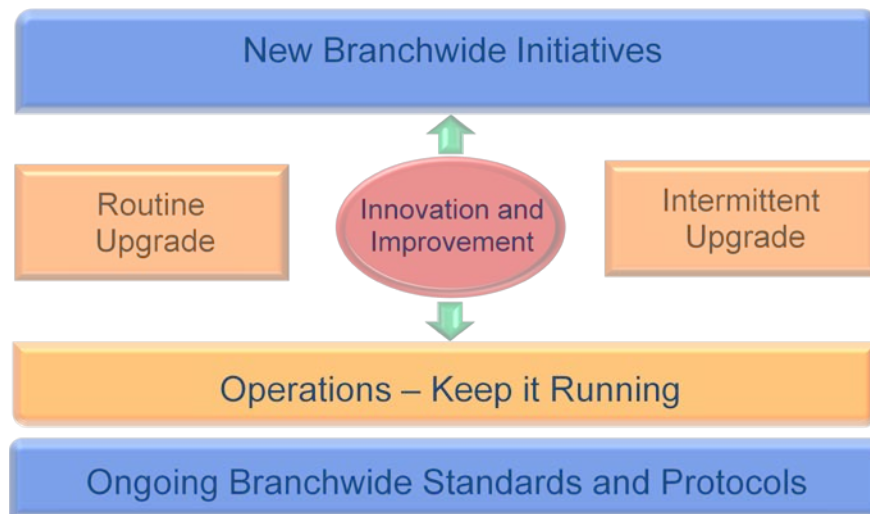
Once funding is restored, the following funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably.

Technology Funding Categories

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance as to how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations – Keep it Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

Operations—Keep It Running

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

Routine upgrade

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.

Intermittent upgrade

- Some upgrade expenditures are more episodic and are often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.

- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.
- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; language access kiosks, appellate e-filing.

Ongoing branchwide standards and protocols

- A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

Funding Sources and Governance

	Funding Sources	Governance
Operations—Keep It running	<ul style="list-style-type: none"> • Court operations budget • Judicial Council operating budget • Budget Change Proposal (BCP) for gap in needed funds 	<ul style="list-style-type: none"> • Allocated by formula by the Judicial Council. • Expended by courts based upon local priorities and needs. • Expended by the Judicial Council for branchwide initiatives.
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> • Limited amount of funds set aside at the branch level 	<ul style="list-style-type: none"> • Reviewed and recommended by the Judicial Council Technology Committee. • Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. • Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.
New branchwide initiatives	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	<ul style="list-style-type: none"> • Reviewed and recommended by the Judicial Council Technology Committee. • Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. • Expended by appropriate agency, usually the Judicial Council, based upon the approved plan.

CONCLUSION

Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.