

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SP15-04

Title

Judicial Administration: Implementation of
*Court Technology Governance and Strategic
Plan*

Action Requested

Review and submit comments by July 6,
2015

Proposed Effective Date

September 1, 2015

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 10.16 and
10.53

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Proposed by

Judicial Council Technology Committee
Hon. James E. Herman, Chair
Hon. David De Alba, Vice-Chair

Executive Summary

This proposal would amend rules 10.16 and 10.53 of the California Rules of Court to implement the *Court Technology Governance and Strategic Plan*, recommended by the Technology Planning Task Force and adopted by the Judicial Council. Among the task force's recommendations was revising the roles and responsibilities of the Judicial Council Technology Committee (JCTC) and the Court Technology Advisory Committee (CTAC). The task force also recommended changing CTAC's name to the Information Technology Advisory Committee to reflect its broader role and responsibilities as sponsor of branchwide technology initiatives.

Background

On March 27, 2012, the Judicial Council voted to end the deployment of the California Court Case Management System (CCMS) as a statewide court technology solution. Among other directives, the council instructed the CCMS Internal Committee to work in partnership with the trial courts to establish a judicial branch court technology governance structure that would best serve the implementation of technology solutions. The name of the CCMS Internal Committee was later changed to JCTC, and the committee's purpose and charge were updated to reflect the council's directives.

A judicial branch technology summit took place on October 23 and 24, 2012. The summit assembled branch stakeholders for a collaborative discussion on forming the branch's technology

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

governance structure, vision, and road map. Input from the California Department of Technology during this summit focused on the need for an updated technology strategic plan and governance structure as a basis for funding support from the other branches.

In February 2013, Chief Justice Tani G. Cantil-Sakauye authorized the creation of the Technology Planning Task Force, a task force on judicial branch technology governance and strategy that would report to JCTC. The Chief Justice charged the task force with defining judicial branch technology governance, developing a strategic plan for technology, and developing recommendations for funding judicial branch technology. Relevant to this rules proposal, the Chief Justice specifically directed the task force to develop—in partnership with the trial courts—a comprehensive branchwide plan for technology governance that would delineate the parameters of state versus local decisionmaking for technology initiatives. The directive also included developing (1) a strategic technology plan that would provide direction and vision for technology within the branch, and (2) a tactical technology plan that would define the steps needed to achieve the goals in the strategic plan. The task force was composed of judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts, the State Bar, and the public.

Over the next year and a half, the Technology Planning Task Force developed the *Court Technology Governance and Strategic Plan*. The plan includes a “Technology Governance and Funding Model,” a “Strategic Plan for Technology,” and a “Tactical Plan for Technology.” The Judicial Council first voted to approve the plan’s concept during its January 2014 meeting based on the information provided in the Executive Summary. The council then adopted the plan, effective September 1, 2014, and later approved an updated plan that included changes related to language access on October 27, 2014.

The Proposal

The “Technology Governance and Funding Model” envisioned changing some, but not all, of the governance roles and responsibilities for JCTC and CTAC. To implement these changes, the Technology Planning Task Force recommended amending rules 10.16 and 10.53 of the California Rules of Court. These rules govern JCTC and CTAC, respectively.

Rule 10.16: Judicial Council Technology Committee

In the “Technology Governance and Funding Model,” JCTC continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council. The task force recommended making several changes to JCTC’s roles and responsibilities.

Technology policies for the branch. Subdivision (a) of rule 10.16 addresses JCTC’s roles and responsibilities in overseeing the council’s information technology policies. This proposal would amend (a) by adding language to provide that JCTC’s technology policy recommendations should focus on long-term strategic leadership and should align with judicial branch goals.

Strategic and tactical technology plans. The Technology Planning Task Force recommended that the Judicial Council adopt strategic and tactical technology plans to guide branch technology decisions. The task force envisioned the strategic technology plan as a cascading plan based on the overall Judicial Council strategic plan for the branch. The branch's strategic plan and goals would drive a four-year technology strategic plan that, in turn, would drive a detailed two-year tactical plan consisting of individual projects.

This proposal would add new subdivision (d) to rule 10.16 to describe the strategic and tactical technology plans and to specify the roles and responsibilities of the internal and advisory committees in the development and oversight of the plans.¹ New subparagraph (d)(1) provides that the strategic technology plan describes the technology goals for the branch. It also allocates responsibility to JCTC, with input from advisory committees and individual courts, for developing and recommending the strategic technology plan.

A new subparagraph (d)(2) would also be added to rule 10.16 to address the tactical technology plan. This new subpart provides that the tactical technology plan outlines the technology initiatives and projects that provide a road map for achieving the goals in the strategic technology plan. Whereas JCTC would provide oversight and prioritization of the tactical technology plan, the advisory committees would develop and recommend the plan, with input from the courts. Subdivision (b) of rule 10.53 would similarly be amended to recognize the advisory committee's responsibility for developing and recommending the tactical technology plan, with input from the individual appellate and trial courts.

Funding and relationships with other committees and advisory bodies. The Technology Planning Task Force found that the organizational flow of funding to courts and projects was inconsistent at times because it was not based on a branchwide model. The plan recommended clarifying the relationship of JCTC with other committees and advisory bodies.

This proposal would add new subdivision (g) to rule 10.16 regarding the funding of branchwide technology initiatives and projects. This new subdivision provides that JCTC reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. It also specifies relevant factors that the committee may consider in performing this function. These factors include overall return on investment, business risk, and alignment with the technology goals approved by the council in the strategic technology plan.

New subdivision (h) would also be added to clarify JCTC's relationship with other committees and advisory bodies. This subdivision provides that other committees and advisory bodies should

¹ Subdivision (d) of rule 10.16 would be relettered to subdivision (e). This subdivision currently provides that JCTC is responsible for establishing a strategic information technology plan for the judicial branch and the courts. Because this proposal would add a separate provision specifically addressing the strategic and tactical technology plans, this reference to a strategic plan would be deleted as duplicative.

collaborate or consult with JCTC before making decisions or recommendations on technology policies, standards, and projects. It also provides that other committees and advisory bodies should collaborate or consult with JCTC before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects. Requiring collaboration and consultation with JCTC would reduce the risk of making divergent or inconsistent decisions and recommendations on technology policies, standards, projects, and funding, while still respecting the authority and purview of each committee and advisory body.

Rule 10.53: Information Technology Advisory Committee

The Technology Planning Task Force recommended restructuring CTAC to focus on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It also recommended changing the committee name to the Information Technology Advisory Committee.

Renaming of the advisory committee. This proposal would rename CTAC as the Information Technology Advisory Committee. This change is intended to highlight the advisory committee's new charge and function and to clarify that its role is focused on information technology for the entire branch. Whereas the current name appears to limit the advisory committee's functions solely to the work of the courts, the proposed name would reflect the advisory committee's role in undertaking projects and initiatives that also support the needs of the broader justice community. The emphasis on information technology signals that the advisory committee's responsibilities do not include facility or other technologies that are the purview of other advisory committees.

Sponsorship of branchwide technology initiatives. The Technology Planning Task Force recommended modifying the advisory committee's structure and charge to include the sponsorship of technology initiatives. While recognizing the advisory committee's success in developing and recommending rules of court and statutes to enable technology adoption, the task force found that the advisory committee's role and activities around developing specific technology solutions have been less well defined. To improve IT project oversight, the task force recommended modifying the advisory committee's approach to carrying out technology initiatives.

This proposal would amend subdivision (a) of rule 10.53 to include a new area of focus for the advisory committee: promoting, coordinating, and acting as executive sponsor for projects and initiatives that apply technology to the work of the courts. It would also add overseeing branchwide technology initiatives to the advisory committee's duties by amending subdivision (b).

In addition, new subdivision (c) would be added to rule 10.53 to address in greater detail the advisory committee's sponsorship of branchwide technology initiatives. As stated in proposed subparagraph (c)(1), the advisory committee would be responsible for overseeing all branchwide

technology initiatives approved in its annual agenda, either by sponsoring a technology workstream or through its subcommittees. Subparagraph (c)(1) also defines the workstream and subcommittee models. Under the workstream model, committee members would sponsor discrete technology initiatives executed by ad hoc teams of technology experts and experienced project and program managers from throughout the branch. Under the subcommittee model, committee members would serve on subcommittees that carry out technology projects and develop and recommend policies and rules.

New subparagraph (c)(2) states that each technology workstream has a specific charge and duration that align with the object and scope of the technology initiative assigned to the workstream. It provides that the individual tasks necessary to complete the initiative may be carried out by dividing the workstream into separate tracks and clarifies that workstreams are not advisory bodies for purposes of rule 10.75, the rule governing open meetings of the Judicial Council.

The appointment of executive sponsors and their responsibilities would be stated in new subparagraph (c)(3). The advisory committee's chair may appoint up to two members to act as executive sponsors of each technology initiative monitored through the workstream model. In their roles as executive sponsors, the members would assume overall executive responsibility for project deliverables, would periodically provide high-level project status updates to the committee and council, and would be responsible for facilitating work plans for the initiative.

The responsibilities, appointment, and composition of the workstream teams are defined in new subparagraph (c)(4). The workstream team would serve as staff on the initiative and would be responsible for structuring, tracking, and managing the progress of the individual tasks and milestones necessary to complete the initiative. Members of the workstream team would be recommended by the executive sponsor and appointed by the chair of the advisory committee. Technology experts and experienced project and program managers from throughout the branch would compose the workstream team.

In addition, the proposal amends rule 10.16 by relettering subdivisions (e) through (i) and providing that JCTC oversees the branchwide technology initiatives sponsored by the advisory committees and task forces over which it has been assigned oversight by the Chief Justice. New subdivision (f) would also be added to rule 10.16 authorizing JCTC, where appropriate, to act as executive sponsor of branchwide technology initiatives under the workstream model.

Other advisory committee roles and responsibilities. In addition to its new role as executive sponsor of technology initiatives, the advisory committee would have several new duties. As described above, subdivision (b) of rule 10.53 would be amended to add the advisory committee's duty to develop and recommend the branch's tactical technology plan. Subdivision (b) would also be amended to add the duty of developing and recommending an annual agenda identifying the individual technology initiatives scheduled for the next year, as well as the duty

of providing input to JCTC on the technology and business requirements of court technology initiatives and projects in funding requests.

Advisory committee membership. The Technology Planning Task Force did not contemplate a change in the advisory committee's current membership positions. The current membership positions include at least one appellate justice, one trial court judicial officer, one trial court judicial administrator, one appellate court judicial administrator, one member of the Senate, one member of the Assembly, one representative of the executive branch, and one lawyer.

At the same time, the task force recommended increasing the advisory committee's technology subject-matter expertise and strengthening its executive-level sponsorship capabilities by appointing members who have acted in leadership roles and who have technology project or program management backgrounds. Based on this suggestion, and in light of the advisory committee's new structure and focus, JCTC recommends adding a new position for a trial court information technology officer and revising the member selection criteria.

This proposal reletters the subdivision on membership from (c) to (d) and adds new subparagraph (d)(5) specifying that at least one of the members must be a trial court information technology officer. In addition, this proposal reletters the subdivision on member selection from (d) to (e) and adds language stating that a candidate's technology expertise and experience, and ability to act as lead executive sponsor for technology initiatives, should be considered in appointing all members to the advisory committee, other than the legislative, executive, and lawyer members.

Alternatives Considered

Last year, the Judicial Council approved the *Court Technology Governance and Strategic Plan*. Because this proposal would implement the Judicial Council's directives, JCTC did not contemplate any alternatives to this proposal.

Implementation Requirements, Costs, and Operational Impacts

Since the Judicial Council approved the *Court Technology Governance and Strategic Plan*, JCTC and its advisory committee have begun implementing its recommendations. Workstreams have already been formed for several technology initiatives—including data exchanges, e-filing, next-generation hosting, and information security—and are in various stages of deployment. To reduce costs, workstreams have employed cost-saving measures and leveraged existing resources.²

By adopting the *Court Technology Governance and Strategic Plan*, the Judicial Council approved and authorized using the workstream model to sponsor technology initiatives. The

² Funding sources for individual technology initiatives must be identified to cover any costs required to carry out the initiative. The *Court Technology Governance and Strategic Plan* identifies existing funding sources and suggests possible funding options.

workstream model may result in some additional costs to the courts because workstream teams are intended to be staffed by technology experts and experienced project managers from throughout the branch. Individual court executive officers would be responsible for ensuring that their courts have sufficient resources before authorizing their technology experts and program managers to work on branchwide technology projects and initiatives.

Changing the name of CTAC to the Information Technology Advisory Committee would result in minimal costs for the branch.

Request for Specific Comments

In addition to comments on the proposal as a whole, the committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal result in any additional costs or cost savings? If so please quantify.
- What would the implementation requirements be for courts?
- How likely is it that courts could make their technology experts and program managers available to participate in workstreams?

Attachments

1. Proposed amendments to Cal. Rules of Court, rules 10.16 and 10.53, at pages 8–13
2. Judicial Council of Cal., *Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan* (Oct. 27, 2014), <http://www.courts.ca.gov/documents/jc-20141028-item4.pdf>

Rules 10.16 and 10.53 of the California Rules of Court would be amended, effective September 1, 2015, to read:

1 **Rule 10.16. Technology Committee**

2
3 **(a) Technology policies**

4
5 The Technology Committee oversees the council’s policies concerning information
6 technology. The committee assists the council by providing technology
7 recommendations focusing on the establishment of policies that emphasize long-
8 term strategic leadership and that align with judicial branch goals. The committee is
9 responsible for determining that council policies are complied with on specific
10 projects approved and funded by the council and that those projects proceed on
11 schedule and within scope and budget.

12
13 **(b) Coordination**

14
15 The committee coordinates the activities of the Administrative Director ~~of the~~
16 ~~Courts~~, council internal committees and advisory committees, the courts, justice
17 partners, and stakeholders on matters relating to court information technology. The
18 committee also, in collaboration or consultation with the Policy Coordination and
19 Liaison Committee, coordinates with other branches of government on information
20 technology issues.

21
22 **(c) Reports**

23
24 The committee seeks reports and recommendations from the Administrative
25 Director, the courts, and stakeholders on information technology issues. It ensures
26 that information technology reports to the council are clear, are comprehensive, and
27 provide relevant options so that the council can make effective final information
28 technology policy decisions.

29
30 **(d) Strategic and tactical technology plans**

31
32 **(1) Strategic technology plan**

33
34 The strategic technology plan describes the technology goals for the branch.
35 With input from advisory committees and individual courts, the committee is
36 responsible for developing and recommending a strategic technology plan for
37 the branch and the courts.

38
39 **(2) Tactical technology plan**

40
41 The tactical technology plan outlines the technology initiatives and projects
42 that provide a road map for achieving the goals in the strategic technology

1 plan. The committee provides oversight approval and prioritization of the
2 tactical technology plan, which is developed and recommended by advisory
3 committees with input from the courts.

4
5 **(d) (e) Technology needs, standards, and systems**

6
7 The committee will, in partnership with the courts, develop timelines and
8 recommendations to the council for:

- 9
10 (1) Establishing an approach and vision for implementing information
11 technology that serves the courts, litigants, attorneys, justice partners, and the
12 public, while considering available resources and information technology
13 needs;
14
15 (2) Improving judicial branch information technology governance to best serve
16 the implementation of technological solutions;
17
18 ~~(3) Establishing a strategic information technology plan for the judicial branch~~
19 ~~and the courts;~~
20
21 ~~(4) (3) Developing~~ Reviewing and recommending information technology
22 standards; and
23
24 ~~(5) (4) Developing standardized requests for proposals, identifying appropriate~~
25 ~~vendors, and~~ Encouraging the courts to leverage their collective economic
26 purchasing power in acquiring technological systems.

27
28 **(f) Sponsorship of branchwide technology initiatives**

29
30 The committee may act as executive sponsor of branchwide technology initiatives
31 under the workstream model in rule 10.53(c).

32
33 **(g) Funding of branchwide technology initiatives and projects**

34
35 The committee reviews, prioritizes, and recommends requests for the funding of
36 branchwide technology initiatives and projects with input from advisory
37 committees. Factors to be considered by the committee include overall return on
38 investment, business risk, and alignment with the technology goals approved by the
39 council in the strategic technology plan.

40
41 **(h) Collaboration and consultation with the committee**

1 Other committees and advisory bodies should collaborate or consult with the
2 committee (1) before making decisions or recommendations on technology
3 policies, standards, and projects and (2) before recommending funding priorities or
4 making recommendations to approve funding requests for branchwide technology
5 initiatives and projects.

6
7 **(e) (i) Oversight of advisory committees and task forces**

8
9 For those advisory committees and task forces over which it has been assigned
10 oversight by the Chief Justice, the Technology Committee ensures that the
11 activities of each are consistent with the council's goals and policies. To achieve
12 these outcomes, the committee:

- 13
14 (1) Communicates the council's annual charge to each; ~~and~~
15
16 (2) Reviews an annual agenda for each to determine whether the annual agenda
17 is consistent with its charge and with the priorities established by the
18 council; and
19
20 (3) Oversees the branchwide technology initiatives sponsored by each.

21
22 **Rule 10.53. ~~Court~~ Information Technology Advisory Committee**

23
24 **(a) Areas of focus**

25
26 The committee makes recommendations to the council for improving the
27 administration of justice through the use of technology and for fostering
28 cooperative endeavors to resolve common technological issues with other
29 stakeholders in the justice system. The committee promotes, coordinates, and acts
30 as executive sponsor for projects and initiatives that apply technology to the work
31 of the courts.

32
33 **(b) Additional duties**

34
35 In addition to the duties described in rule 10.34, the committee must:

- 36
37 (1) Oversee branchwide technology initiatives funded in whole or in part by the
38 state;
39
40 (2) Recommend rules, standards, and legislation to ensure compatibility in
41 information and communication technologies in the judicial branch;
42

- 1 ~~(2)~~ (3) Review and comment on requests for the funding of judicial branch
2 technology projects to ensure compatibility with goals established by the
3 council and standards promulgated by the committee; Provide input to the
4 Judicial Council Technology Committee on the technology and business
5 requirements of court technology projects and initiatives in funding requests;
6
7 ~~(3)~~ (4) Review and recommend legislation, rules, or policies to balance the interests
8 of privacy, access, and security in relation to court technology;
9
10 ~~(4)~~ (5) Make proposals for technology education and training in the judicial branch;
11
12 ~~(5)~~ (6) Assist courts in acquiring and developing useful technologies; and
13
14 (7) Establish mechanisms to collect, preserve, and share best practices across the
15 state;
16
17 ~~(6)~~ (8) Maintain a long range plan. Develop and recommend a tactical technology
18 plan, described in rule 10.16, with input from the individual appellate and
19 trial courts; and
20
21 (9) Develop and recommend the committee’s annual agenda, identifying
22 individual technology initiatives scheduled for the next year.

23
24 **(c) Sponsorship of branchwide technology initiatives**

25
26 (1) Oversight of branchwide technology initiatives

27
28 The committee is responsible for overseeing branchwide technology
29 initiatives that are approved as part of the committee’s annual agenda. The
30 committee may oversee these initiatives through a workstream model, a
31 subcommittee model, or a hybrid of the two. Under the workstream model,
32 committee members sponsor discrete technology initiatives executed by ad
33 hoc teams of technology experts and experienced project and program
34 managers from throughout the branch. Under the subcommittee model,
35 committee members serve on subcommittees that carry out technology
36 projects and develop and recommend policies and rules.

37
38 (2) Technology workstreams

39
40 Each technology workstream has a specific charge and duration that align
41 with the objective and scope of the technology initiative assigned to the
42 workstream. The individual tasks necessary to complete the initiative may be

1 carried out by dividing the workstream into separate tracks. Technology
2 workstreams are not advisory bodies for purposes of rule 10.75.

3
4 (3) *Executive sponsorship of technology workstreams*

5
6 The committee chair designates a member or two members of the committee
7 to act as executive sponsors of each technology initiative monitored through
8 the workstream model. The executive sponsor assumes overall executive
9 responsibility for project deliverables and periodically provides high-level
10 project status updates to the advisory committee and council. The executive
11 sponsor is responsible for facilitating work plans for the initiative.

12
13 (4) *Responsibilities and composition of technology workstream teams*

14
15 A workstream team serves as staff on the initiative and is responsible for
16 structuring, tracking, and managing the progress of individual tasks and
17 milestones necessary to complete the initiative. The executive sponsor
18 recommends, and the chair appoints, a workstream team of technology
19 experts and experienced project and program managers from throughout the
20 branch.

21
22 **(e) (d) Membership**

23
24 The committee must include at least one member from each of the following
25 categories:

- 26
27 (1) Appellate justice;
28
29 (2) Trial court judicial officer;
30
31 (3) Trial court judicial administrator;
32
33 (4) Appellate court judicial administrator;
34
35 (5) Trial court information technology officer;
36
37 ~~(5)~~ (6) Member of the Senate;
38
39 ~~(6)~~ (7) Member of the Assembly;
40
41 ~~(7)~~ (8) Representative of the executive branch; and
42
43 ~~(8)~~ (9) Lawyer.

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~~(d)~~ **(e) Member selection**

The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar. In making all other appointments to the committee, factors to be considered include a candidate’s technology expertise and experience, as well as an ability to act as lead executive sponsor for technology initiatives.

~~(e)~~ **(f) Chair**

The Chief Justice appoints a judicial officer ~~or justice member~~ to serve as chair.