

# CONFERENCE OF STATE COURT ADMINISTRATORS

## Policy Statement

### Information Technology Development in the Courts

Information technology has become a driving force compelling changes in court operations and procedures. If managed properly, information technology can lead to dramatic improvements in our justice system. At the same time, if mismanaged it can absorb vast resources with little return or, worse, distortions in the judicial process. The effect will depend upon the willingness of judicial leaders at the state and trial court levels to actively lead the development of information systems in their courts to ensure that technology reflects and supports court priorities and practices.

Recent developments in information technology have enabled the design of systems that are consistent with the business processes of the courts. The advent of the Internet and, more importantly, hardware and software that supports the Web, have changed the technical requirements of system design and development. The effect is to make business processes the driving force behind system design rather than technical requirements driving business processes.

To realize the potential of information technology COSCA and NACM, on the advice of their Joint Technology Committee, have developed a nine part agenda that they will pursue, and that they urge the larger court community to adopt, as well.

#### **1. Strategic It Investment Management**

*The court community should approach technology as an evolving asset that requires a conscious investment strategy to ensure that development, maintenance, and renewal of technology systems is consistent with the business requirements of the judiciary.*

Strategic IT investment management is an ongoing, proactive planning and evaluation process that places information resources in the proper context of a court's mission, business and customer needs. It provides a common framework for decision-making and minimizes risks inherent with technology implementation. It focuses as much attention on the maintenance and development of personnel skills as it does on software and hardware development. It is based on the premise that activities encompassing application, infrastructure, and associated support services are driven by the business needs of a court, not technical requirements.

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A sound investment strategy will: (1) identify information as a strategic asset critical to developing sound policy, supporting court business operations, and fostering accountability; (2) determine a leadership role for information resource management because access to information is critical to accomplishing the court's mission and goals; (3) include a process that will be used to promote strategic IT investment management and planning; and (4) define key roles and responsibilities for carrying out IT investment management activities and for advising senior management. The key elements to accomplishing strategic IT investment management are education, analyses, planning, and ongoing evaluation.

## **2. Business Requirements**

*Judicial processes and procedures should drive the design and implementation of information technologies.*

Information system design and development must reflect the basic attributes of the judiciary. This includes addressing issues related to organization and funding as well as the more detailed requirements of due process, judicial decision-making, case flow, document management and information sharing. System designs that require a centralized management process and uniform hardware and software in a decentralized state are doomed to failure. By the same token, development strategies that require massive upfront investments in a time of budget shortfalls will suffer a similar fate.

The definition of business processes must be broadly defined to include how the court manages the sharing of information as well as its internal practices. Moreover, the definition is not a fixed target. Experience will lead, inevitably, to redefinitions.

This is not an endorsement of replicating paper-based processes in electronic form, sometimes summarized in the phrase "paving the cow path." Court leaders need to be as skeptical of current paper-based practices as they have always been when designing a new system.

## **3. Information Sharing**

*Courts should give as much attention to addressing the requirements for sharing information with their non-judicial partners as they do to their internal information needs.*

For the last twenty years technology for courts has been primarily inward looking. The focus has been on developing systems for clerks, case flow and document management that make us better managers of our own operations. That parochial approach is no longer sufficient from either a policy or a technological perspective.

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It has always been true that courts are dependent upon others for the information needed to administer justice, and, in turn, are a major source of information for others. That reality must now be an explicit objective in information system design and development. The policy imperative of information sharing can now be a reality due to developments centered on the use of the Internet that are providing technical solutions that simplify the task of moving data across institutional and system boundaries. Both governmental justice agencies and non-governmental organizations need to be included in this planning. Therefore, both criminal and civil court processes will continue to be affected. Judicial leaders can no longer use the excuse of cost or technical complexity to avoid the issues of information sharing. The most difficult problems are now the policy and political issues, not technological impediments. Mastering the policy and political issues is the strength of an effective court leader.

#### **4. Architecture**

*Judicial leaders should take an active part in the development of the concepts and components of service oriented architecture and its application to courts.*

Service Oriented Architecture (SOA) is emerging as the framework of choice for the development of information systems that exploit Web-based technologies. SOA is an approach to the design and implementation of information systems that is consistent with the decentralized, fragmented nature of our justice process. It assumes the task is to link together independent systems and databases, using multiple languages and hardware, developed to serve diverse purposes and business practices. The emphasis is upon moving messages back and forth among these systems rather than migrating them into a single set of hardware and software with a shared data warehouse.

The system is designed in terms of components, which lends itself to incremental development. Software is created around “services,” which can be shared by several operating systems on a need-to-use basis. It avoids the difficulties associated with the traditional approach, which assumed an integrated architectural design based on uniform hardware and software among the constituent parts.

SOA is still an immature technology at this time, but it is a technology that is developing rapidly in the private and public sectors. If courts are to take advantage of this trend they must be active participants in the evolution of SOA. In particular, judicial representatives should play an active part in national efforts to develop a consensus on the issues that must be resolved, that is, standards, registries, security, and privacy.

#### **5. Registries**

*The court community should experiment with establishing one or more judicial registries that can be linked to national registries in corollary disciplines.*

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If information and software are to be shared among different systems there must be a place where developers and users can turn for directions, that is registries. The development of registries is critical to the success of SOA, but their form and structure are still in a state of flux. The technology to support registries is still in the early stages of development. More important, there are numerous policy issues that must be resolved: registries may include directions to data sources or software components depending upon the needs of the user and the design of the registry; they may be accessed through the Internet, or over dedicated lines; they may be dedicated to a single subject area or be general; and they may be operated by a private entity or be a public service.

Courts need to participate in the development of registries to ensure that solutions address their own needs within a locality, a state, and nationally, as well as participation in interdisciplinary efforts. Courts must be willing to share their experiences--successes as well as failures--to ensure judicial requirements and needs are part of the solutions that emerge.

## **6. Standards**

*The judiciary must take responsibility for developing their own standards for business processes, system design, and technical requirements, and must be part of national and international standards development efforts that have court implications.*

Standards and registries are at the heart of SOA. In order for systems to share information and software they must have common understandings of processes, that is standards. There are currently many efforts to develop standards for Web based technology and for the business practices they are expected to serve. The judicial community has had an enviable record of developing business standards through the Functional Standards Working Group of the COSCA/NACM Joint Technology Committee. Court representatives have also been active participants in corollary standards development efforts such as the XML Justice Data Task Force. This record needs to be the foundation for further standards development efforts.

## **7. Security**

*The development of security standards and best practices for protecting the security of court information systems must be a high priority if we are to share information.*

The use of the Internet to publish court information has brought into focus the importance of protecting the integrity of the judicial systems. The policy requirements go far beyond the Internet, however. If courts are to have ready access to the information they need from other agencies such as health agencies, schools, prosecutors, law enforcement, and corrections, both partners must be assured that their systems are protected against external threats. The judicial community must make the development of standards for security a much higher priority than they have given these issues in the

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past, regardless of whether they use the Internet or dedicated lines as the communications medium.

Included in security is the need to develop both Digital Rights Management (DRM) protection and control for document related information and, electronic authentication for critical persons such as judges in justice systems. DRM is technology that embeds security within a document rather than relying on external systems such as databases and web sites to control access. This means that the security system travels with the information. Further, as documents such as warrants, protection orders, and release orders become electronic records, it is critical that the use of electronic signatures be supported through the use of authentication procedures, such as biometrics .

## **8. Privacy**

*All courts must have formal policies and procedures that balance the need to protect the privacy of individuals against the transparency requirements of due process of the law.*

There is no simple answer to the balancing of privacy issues and the public's need to have ready access to court information. COSCA urges all courts to develop formal policies on this issue, and to review those policies on a regular basis. To that end, COSCA commends the guidelines created and published by CCJ and COSCA: *CCJ/COSCA Guidelines for Public Access to Court Records*.

## **9. Implementation**

*Technology development is an on-going exercise in change management in which as much time and resources should be given to addressing the issues of implementation as is given to issues of design.*

The determining factor in whether information technology becomes a driving force in dramatically improving our justice system or whether it becomes a stumbling block to process improvement, absorbing vast resources with little return or, worse, distortions in the judicial process has as much to do with how technologies are implemented as it does with the strategies and technologies chosen.

Many large information technology projects fail to deliver what the users were promised or expected, go over budget or fail all together. Court leaders need to focus as much attention on issues of implementation as they do on selecting the IT project in the first place. Courts need to develop IT project management expertise commensurate with the size and scope of each project and ensure that adequate risk management techniques are being applied to each project.

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Too often it is assumed that technology is self-implementing and little attention is given to ensuring staff have the skills necessary to exploit the opportunities for process improvement, or to addressing the threats it poses to comfortable routines and practices. The promise of future benefits does little to assuage fear of change or motivate someone to adapt to new processes or procedures. The process begins with a representative team, from the bench to the front counter, which can lay the foundation for implementation as well as ensure the software meets the requirements of the business practices. But equally important is a systematic introduction of the changes that includes training, technical assistance, continuous communication, on-going review of experience, and a willingness to revise the software as experience dictates. None of this will occur or be effective without the active leadership from the bench and from court managers, beginning with the top.

## **10. Audit**

*Courts should institute regular audits of their technology practices to ensure they conform to established standards, policies and procedures.*

Standards, policies and procedures are only effective if they are reflected in the day-to-day practices of a court. There are established procedures available for conducting audits to ensure best practices are a reality and not just a declaration of intent in such crucial areas as data quality, security, privacy, and business recovery.