

CONFERENCE OF CHIEF JUSTICES

Resolution 13

Implementation of Automation Standards

WHEREAS, the Conference of Chief Justices recognizes the expertise and authority of the Conference of State Court Administrators and the National Association for Court Management in developing and approving national standards for the application of technology to the state courts; and

WHEREAS, those organizations will in the coming years promulgate technology standards, including functionality standards for case management information systems, standards for electronic filing of court documents, and standards for the use of XML in transmitting data to and from courts; and

WHEREAS, effective implementation of those standards depends upon their adoption and use by state courts; and

WHEREAS, chief justices and chief judges of the state courts of last resort have the responsibility to provide leadership to ensure that courts adopt and use technology standards;

NOW, THEREFORE, BE IT RESOLVED that the Conference encourages its members to do the following:

1. Disseminate information about proposed and approved technology standards among the courts of their states;
 2. Encourage the inclusion of approved technology standards in state strategic plans;
 3. Encourage executive branch agencies to use approved communication protocols and standards in information-sharing systems that involve the courts;
 4. When they have the power to do so, adopt rules or orders directing courts within the state:
 - a. to comply with applicable national communication protocols and standards when procuring or developing new electronic filing and information-sharing systems or when adding these functions to existing case management information systems;
 - b. to comply with applicable national standards when procuring or developing other new applications, unless there is compelling justification not to do so;
- and

c. to comply with, or migrate toward, applicable national standards when enhancing existing applications.

Adopted as proposed by the CCJ/COSCA Court Management Committee in Seattle, Washington at the 53rd Annual Meeting on August 2, 2001.

Commentary to Resolution on Implementation of Automation Standards

State and local courts traditionally view their automation needs as unique, requiring the development and implementation of applications specially built to meet those needs. In fact, the commonalities among courts dwarf their peculiarities. Lack of common standards discourages development of sophisticated applications usable in multiple jurisdictions, slowing the pace at which new automation capabilities are applied to solve court needs. The National Consortium for State Court Automation Standards, a subgroup of the COSCA/NACM Joint Technology Committee, relying on funding from individual state court systems and federal grants, is developing functional standards for case management information systems for civil, domestic relations, criminal, juvenile, probate and traffic cases. Those standards will define the standard functionality needed by all courts in their case management applications and should spur the development of sophisticated software applications supplying the defined functionality. Courts may use the functionality standards in procuring new or enhanced automated applications, supplementing them as necessary to define unique local needs.

Other court technology standards are currently under development to assist in the implementation of electronic filing and information sharing among courts, lawyers, and other justice system entities. These standards, which include standards for the use of XML, are specifically designed to ensure the use of standard policies and technical protocols so that effective communication can be achieved among multiple courts and their multiple users operating in different states. Without such standards, electronic filing will develop as if each court were creating its own telephone system to communicate with its own court users. Law firms and agencies practicing in multiple courts will need to subscribe to the equivalent of hundreds of different telephone systems each using its own operating system and rules.

It is the responsibility of the Conference of State Court Administrators and the National Association for Court Management, working through their Joint Technology Committee, to develop and approve these standards.

For both of these types of standards to succeed, however, they must be implemented in the courts of the various states. Commercial software providers will not develop applications that comport with national functionality standards unless they are confident that courts will use those standards in their procurement of new and enhanced case management information systems. Electronic filing and justice system information sharing will not occur in the absence of consistently implemented national communication standards and protocols.

It is part of the leadership responsibility of courts of last resort or judicial councils in each state to see that these standards are implemented in their states. This resolution brings this

responsibility to the attention of each chief justice and chief judge, and provides guidelines for an effective implementation strategy that can apply to all states. The resolution calls for courts of last resort or judicial councils to see that approved national court technology standards come to the attention of all courts in the state and that state and local courts are encouraged to incorporate them into strategic planning efforts. It calls on the courts to urge executive branch agencies that need to communicate with the courts to adopt the same standards. Finally, the resolution calls for courts of last resort or judicial councils to promulgate administrative rules or orders requiring state and local courts to abide by approved technology standards. This step cannot be taken in states in which the state judicial system has no authority over the automation procurement decisions of local courts.

This last clause has been worded carefully to avoid creating a requirement that courts procure new automated systems in order to implement technology standards immediately. Such an implementation approach would require huge automation expenditures in every state. Instead, the resolution calls for administrative rules or orders to require that when courts are procuring or building new systems, the new systems comply with all applicable national technology standards. When the new systems are electronic filing and information sharing systems, they shall comply with applicable standards. When the new systems are for other purposes, such as case management information systems, they shall comply with applicable standards unless there is a compelling reason not to. The most usual such reason would be the lack of resources to implement a standard, such as a functionality standard, completely. For instance, a local court that cannot afford to buy a new system with all of the functionality recommended by the functional standards would be allowed to procure one with lesser capability. The resolution also makes clear that courts are not prevented from requiring greater functionality than that set forth in the standard, based on unique local needs.

Courts upgrading their existing systems would not be required to come into full compliance with newly approved standards; they would merely be required to move in the direction of full compliance. The concept of migration towards a standard is a familiar one for information technology managers.

If these steps are taken, the technology standards development investment of the Conference of State Court Administrators and National Association for Court Management will have immediate and significant pay offs both for individual courts and for the state courts of the nation as a whole – as more robust automation products are developed and made available at reasonable prices throughout the country.