



The Florida Courts E-Filing Authority Minutes

Florida Courts E-Filing Authority Board of Directors held a regular meeting on November 13, 2013, at 10:00 a.m., EST, at Sanibel Harbour Resort, Ft. Myers, FL, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Joseph E. Smith, St. Lucie County Clerk, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; Jon Tomasino, Clerk, Supreme Court; Bob Inzer, Leon County Clerk; Don Barbee, Hernando County; Sharon Bock, Esq., Palm Beach County Clerk; Alex Alford, Walton County Clerk; Karen Rushing, Sarasota County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:11 a.m. with a roll call. He welcomed those on the WebEx. He also recognized and welcomed John Tomasino, incoming Clerk of the Supreme Court, attending by WebEx.

Mr. Tim Smith noted Mr. Tom Hall was in attendance as consultant to the association staff for e-filing.

Mr. Bob Inzer moved adoption of the agenda. Mr. Don Barbee seconded the motion. All voted favorably.

- II. Mr. Tim Smith recognized Ms. Tara Green to pre the board also held in October. Hearing no suggested changes, Ms. Green moved adoption of the minutes. Mr. Inzer seconded the motion. All voted favorably to accept the minutes.

- III. Mr. Smith recognized Ms. Green to present the October financial reports. She noted that due to the complexity of the financials with the newly added service level agreement funding, that the October financial report would not be available until the December meeting.

- IV. Progress Reports:
Ms. Fishback reported that for the month of October was at a new high at over 1 million filings, equaling about 1.7 million documents. Filings on criminal cases comprised

73,265 of those filings, up from 20,000 in September. Currently, there were slightly over 54,000 registered filers. The Service Desk received over 300 new calls a day in October.

For criminal e-filing, Ms. Fishback reported that almost all counties went live on October 1 and were accepting single session criminal filings. Mr. Tim Smith reminded the elected Clerks that in order to certify their ability to accept batch criminal filings, that the Clerk must send a letter to the Authority stating so. He also urged them to be cognizant that in order to accept batch filings, it must have been tested with the local state attorney's office and public defender office – not the circuit office. There was a discussion about how the Clerk should be testing with their local offices before sending the certification letter to the Authority.

Ms. Fishback continued her report to say that the Support Desk had received 355 calls a day during October. The call volume was slightly higher than the previous month due to criminal and e-service going live in October.

Ms. Fishback reported that many counties were getting ready to do testing for the criminal batch filing, but no more have sent their letters to the Authority yet. She acknowledged that some State Attorney and Public Defender Offices were doing single session filings and not worried about batch interface. Mr. Smith asked for more clarity to the monthly status chart to show more detail on this issue, what counties were accepting single-session criminal filings, which counties were doing batch.

Mr. John Tomasino, Supreme Court Clerk, noted that he thought e-filing was going well in the Second DCA.

Mr. Tim Smith acknowledged Laurie Rice, Brevard County Clerk's Office who asked when information on the new release, 2013.3, would be available. Mr. Tim Smith noted he would like to improve the notification process and allow Clerks and filers more time to know when changes were coming to the portal. It was discussed that, in addition to twitter and notices on the portal, that Clerks could also assist in notifying their local Bar members of changes coming to the portal.

Ms. Carolyn Weber told the board that the e-service workgroup was going to be reconvened to look at some enhancements; for instance: how to remove an attorney from the service list, adding SA/PD offices by a specific person rather than a generic email. It was noted that with more than 1 million documents filed, far more than 1 million emails are going out.

Mr. Melvin Cox was recognized to give the Help Desk Report. He explained that this was a new monthly report to keep the Board updated on the help desk expansion. He told the board the goal was to have the Help Desk staffed and fully operational by February 1, 2014. He reported that six of the nine new staff had been hired and the new office space would be ready to use by the first of December. He hoped to report some beginning metrics at the January board meeting, such as call volumes, turn-around times, and the like. He said there would be a customer service component-focused on filers, and a technical component – focused on the tech side/Clerks’ offices. There has been discussion with an IVR provider. He hoped to be able to report data and allow the board to see how the metrics were working and allow the board to make adjustments over time.

V. Florida Courts Technology Commission Report

As Judge Munyon was unable to attend, Mr. Tim Smith recognized Mr. David Ellspermann, Ms. Sharon Bock and Ms. Karen Rushing, the Clerk FCTC members in attendance at this meeting. Ms. Bock told the board that attorneys were filing paper regardless of what court orders say. She asked, “Should Clerks set a drop-dead date for taking paper?” Ms. Rushing said her office was tracking what was coming to the office in paper form. She reported it was mostly out of county lawyers. She felt there were only two ways to handle the issue: 1) refuse the paper – but some do not like that; or 2) the Clerk could stamp the document as “filed in paper form,” digitize it, then allow the court to respond. Mr. Hall said that the Chief has said he is willing to establish a cut-off date for accepting paper form attorneys with common sense exceptions. He asked if the issue was going to start all over again, though, with criminal? Mr. Inzer urged a single drop-dead date. There was a general discussion about establishing this date and how to do it. Mr. Laird Lile was recognized. He explained to the board that currently the rule says that Clerks cannot refuse paper. He remarked that changing rules was a slow process. He felt perhaps the Chief Justice was looking for a process that was not quite so resolute. Mr. Barbee suggested adding wording to rule 2.520(f) to read “and the original filing will be returned,” to allow the Clerk to send back the paper. Mr. Hall suggested that the timestamp on the paper connoted the legal time of filing.

Ms. Bock moved that we recommend to the Chief Justice that there be a change in the rule that allows the Clerks to refuse paper after a specific date.

Ms. Rushing seconded the motion.

Mr. Smith asked if the Rules Committee could meet before the December meeting to see if they would recommend rule language to give to the Chief.

Ms. Bock withdrew her motion.

Mr. Tim Smith raised the issue of adding the various users groups by the FCTC and credentialing as provided by Judge Munyon. Ms. Bock explained that there was a motion made at the FCTC to include add pro se filers. She feels the Authority should put a timeframe on the addition of that group.

Mr. Hall responded that he had looked at other states' processes and, in general, they allow pro se and do not verify who they are. He commented that most states do not even verify the attorneys. Some states, he continued, use a "File and Serve" system where the user must have a credit card on file. This method creates a sort of verification. Without a card, one must file using paper. He noted that other states provide users a pin code. Another state allows attorneys to designate what pro se filers can or cannot view. He suggested that the variances be discussed at the next full Pro Se Subcommittee meeting and be brought back to the Board in December. Ms. Rushing told the Board she recognized the concern as to "who" is filing is in contrast to how it is handled in the paper world.

A discussion took place regarding whether filers should be verified or not. Ms. Bock asked, "What business rules do we want to apply to pro se filers and should verification be part of it?" Ms. Rushing responded noting that attorneys, as officers of the court, adhere to a different set of rules and access than pro se. Mr. Don Barbee pointed out that there be a differentiation in the discussion of filing and viewing. Mr. Hall pointed out that states that do not validate the pro se users did not report any problems with them. The Florida First and Third Appellate Courts allow pro se filers and have not had issues, either. Mr. Smith questioned the Authority's ability to make the policy, suggesting it was more in the realm of the court to make policy. Mr. Cox clarified that giving a filer access to view documents could be designed based on filer role. He also noted that viewing documents was based on local case maintenance systems, not the portal, per se. He also noted that the judges were already in the Bar database, that was linked to the portal for registration verification. There was some discussion as to developing a process for registering judges. Ms. Rushing commented that there was conversation at the Legislature as to how to keep a secure process for getting judges orders to the Clerk.

There was some discussion of the Clerk to Clerk function as being functional soon.

VI. Subcommittee Reports

Rules Subcommittee: Mr. Barbee reported that the subcommittee recently met and discussed diving up to monitor the various Florida Bar Rules Committees.

VII. Other Business

Ms. Lynn Hoshihara, Esq., reviewed the changes made to the supplemental agreement in regard to Help Desk services. Mr. Tim Smith said that the Authority expects the customer service delivery to be efficient and will be monitoring the success. He noted that the board can amend the document if needed and it will monitor and track improvements. Ms. Green asked the staff to report to the board metrics, such as repeat calls and the length of calls. Mr. Cox agreed that would be done.

Mr. Joe Smith commented about the technical comments being made at the meeting and asked those persons to contact staff outside of, and prior to, the meeting. Mr. Tim Smith also echoed the sentiment and asked that the delivery of notifications of changes to the portal be done in a more timely manner. Mr. Bob Inzer recognized that it had improved over time.

Public Comment: There were no comments.

VIII. Adjourn

The meeting was adjourned at 11:53 a.m.