



**Joint Florida Courts E-Filing Authority/ Florida Courts Technology Commission/ Florida Court Clerks & Comptrollers Pro Se Committee Minutes**

Florida Courts E-Filing Authority Pro Se Subcommittee, comprised of Authority members, Florida Courts Technology Commission members, and the Association's Pro Se/Self Help Committee members, met by WebEx on October 30, 2013, at 1:00 p.m. The following members were present: Sharon Bock, Esq., Palm Beach County Clerk, Chair; Joseph Smith, St. Lucie County Clerk; Tom Hall, Clerk, Supreme Court; Ken Burke, Pinellas County Clerk; Linda Doggett, Lee County Clerk; Al Fraser, Baker County Clerk; Marcia Johnson, Franklin County Clerk; Judge Lisa T. Munyon, FCTC, Chair. Members not in attendance were Tim Smith, Putnam County Clerk and Authority Chair; P. Dewitt Cason, Columbia County Clerk; Scott Ellis, Brevard County Clerk; Bob Germaine, Highlands County Clerk; Annie Mae Murphy, Taylor County Clerk; Judge Martin Bidwill; Judge George Reynolds. Staff members included Beth Allman, Melvin Cox and Carolyn Weber. A quorum was present.

- I. Ms. Sharon Bock, Esq., Chair, opened the meeting at 1:09 p.m. with a roll call.
- II. Approve Minutes of the June 2013 meeting  
Ms. Bock asked everyone to look over the minutes as the meeting she held over the summer of the Association Pro Se committee. She commented that was when Mr. Melvin Cox noted the possible timeframes for potentially adding pro se filers to the portal. It was noted that this group could not approve those minutes as the minutes were of another committee. Ms. Bock asked the Clerks on the call who were on the Association Pro Se committee to approve those minutes. Mr. Joe Smith moved the approval of those minutes and Mr. Al Fraser seconded the motion. The clerks on the association committee voted them favorably.
- III. Update on Pro se litigants using the portal:  
Ms. Bock led a discussion about access and limiting what pro se filers could potentially file. She provided a recap of the Florida Courts Technology Commission discussion on the issue of non-attorney users. Ms. Karen Rushing, Association Legislative chair and Sarasota County Clerk of the Court, told the committee that she was presenting before the Legislature the next week about the security needed in the courthouse when certain types of documents were being sent between Clerks and Judges. She spoke to the fact that in there is more anonymity in the electronic world and agreed with the need for security.

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Mr. Melvin Cox suggested that if there was to be a way to authenticate pro se users, there would need to be a way to provide credentials. He then suggested that the committee would need to consider defining business rules and then, what document types that pro se filers could file electronically. Then, he said, the committee could suggest how they pro se filers could file, e.g., A to J model, or provide another portal interface just for that user type.

Ms. Bock suggested two ideas: 1) limiting the amount of documents, and 2) put safeguards in place for public records.

There was a discussion of whether the committee would want to keep a person from using another person's name to file or not, how to keep it from happening, and how to prevent improper access. Judge Lisa Munyon advocated for limiting the types of documents a pro se filer could see, but felt that is had to be equal to what attorney filers could view.

Mr. Ken Burke remarked that the Supreme Court's moratorium on viewing case data encompassed the attorney of record, but not non-attorneys. Ms. Linda Doggett noted that a pro se filer could come to the office and gain access to confidential information.

Ms. Bock clarified that the issue was not access to records or to the courts, but access to the portal. Mr. Cox offered to do a plan, or develop scenarios, to help the committee make decisions. There was continued discussion about how to validate a person applying for portal credentials, such as using a driver license or credit card for validation. Cox observed that it seemed that the public expected the electronic world to be held to a higher standard than the paper world.

Mr. Hall asked the committee to identify the issues then find solutions to each. He had already sent out questions to the listserve of which he was a member on behalf of the board, but offered to send out a few more questions to get some information about how other states were validating pro se filers. He mentioned that the North Carolina Courts' e-filing site provided a separate sites for non-attorney filers, including pro se filers. Other states, he remarked did not allow pro se to file electronically, nor does the federal government. He offered to follow up and see if the other states had any problems in not validating the pro se users. There was a discussion regarding what pro se filers could do in the PACER. Neither pro se nor attorneys can initiate cases, but can view anything that is not redacted in the federal system. Attorneys have to file with the Clerk for payment purposes.

Mr. Cox noted that bringing on pro se filers will cause a spike in support desk contacts and will need to staff it and prepare for it properly. He also mentioned that it will take additional training for staff on how to handle the questions that will come in related to the legal aspects of filing, what is legal advice and what is not.

Ms. Bock asked the group to:

- 1) Get options of how to credential pro se filers to Melvin

- 2) Define the business rules
- 3) Tutorial guide for pro se filers, a “how to file guide”
- 4) How to handle and staff the help center

Ms. Rushing asked for a recap of this meeting and the assignments for the next meeting.

Ms. Bock responded that she would:

- 1) Like to develop a policy for validation , or not, for pro se filers and take it to the full Authority for consideration, then to the FCTC to recommend a validation process.
- 2) Define the business rules of how pro se filers can use the portal, then ask Melvin to define: the case types pro se can file on, the document types, and what access to post-filing, if any. And, further, to decide whether the portal would help generate the documents or not.

Ms. Rushing recommended that anything that was to be sent to the FCTC be well thought-out if taking it to the FCTC.

Ms. Bock said she would be sending out some information regarding the action items. She said a date for another subcommittee meeting would be set soon.

There was no comment by those of the public in attendance.

Ms. Bock adjourned the meeting at 2:12p.m.