



Joint Florida Courts E-Filing Authority/ Florida Courts Technology Commission/ Florida Court Clerks & Comptrollers Pro Se Subcommittee 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 February 4, 2014, at 10:00 a.m. The following members were present: Sharon Bock, Esq., Palm Beach County Clerk, Chair; Ken Burke, Pinellas County Clerk, vice chair; P. Dewitt Cason, Columbia County Clerk; Linda Doggett, Lee County Clerk; Al Fraser, Baker County Clerk; Bob Germaine, Highlands County Clerk; Judge Lisa T. Munyon, FCTC, Chair; Annie Mae Murphy, Taylor County Clerk; Judge George Reynolds; Tim Smith, Putnam County Clerk and Authority Chair;. Members not in attendance were Judge Martin Bidwill; Scott Ellis, Brevard County Clerk; Bob Inzer, Leon County Clerk; Marcia Johnson, Franklin County Clerk; and Joseph Smith, St. Lucie County Clerk. A quorum was present.

I. Ms. Sharon Bock, Esq., Chair, opened the meeting at 10:02 p.m. with a roll call. She reminded those on the WebEx to mute their phones when not talking.

II. Approve Minutes of the October 2013 meeting
Ms. Bock asked everyone to look over the minutes. Seeing no questions, she asked for approval of the minutes. Mr. Ken Burke moved their approval; Ms. Linda Doggett seconded the motion. All were in favor.

III. Progress Report

Ms. Bock reviewed how to help pro se filers through the process and provided a recap of the various meetings that had been held recently on the issues. She reviewed the following recommendations (shown on page 2 of the document presented):

- 1) Pro se use of the portal is not mandatory. The E-Filing Portal Service Desk will assist pro se filers.
- 2) The creation of web-based tutorials
- 3) Use A2J
- 4) To credential pro se filers or not has been a topic of discussion.
 - No database to verify person against
 - Nationally, verification is not required
 - AOSC 07-49 does not allow pro se filers to access court files
 - Unlike Bar members, no recourse against pro se filers

Judge Munyon asked if any Clerks were allowing attorneys access to confidential information in the files where they are attorney of records. Mr. Burke confirmed that the attorney of record can see everything, including confidential information, in the certain files. Judge Munyon continued, raising the point that if we cannot credential pro se filers, we cannot give them access, yet if we give attorneys access, we cannot restrict pro se. Mr. Burke said that attorneys have access through the Internet to the documents in his office. He noted that they are members of the Florida Bar and are already treated differently than citizens. Judge Munyon pointed out that denying access, even to certain documents in their own case, was unequal treatment, that a credentialing procedure should be put in place. Ms. Bock suggested that pro se filers come in to the Clerks' Offices to be verified and register.

Mr. Tom Hall reminded the committee that the Authority voted to ask the FCTC for clarification on this issue at the Portal Subcommittee meeting, chaired by Judge Reynolds, coming up, that the Authority would be presenting the issue. Ms. Bock noted that there are a lot of non-attorney filers that have some sort of certification number, but pro se do not. Mr. Hall suggested that this group should make a recommendation to the Portal Subcommittee then that committee could take it to the full FCTC. Ms. Bock said that recommendation #4 should be changed to reflect the committee's suggestion that there should be some requirement of physical registration at the Clerks; Offices prior to release of confidential information. She agreed that the recommendations should go the FCTC Portal Subcommittee.

Mr. Hall asked how a pro se litigant from out of state would be handled? He expressed the difficulty in allowing them to file with a Clerk in person.

Mr. Burke responded that they could not give an out of state pro se filer access to confidential documents.

Mr. Hall asked to how to allow a pro hac vice filer to have access to confidential documents? Mr. Burke suggested they had access because they had a Florida i.d. for purposes of practicing in Florida for a case and filing through the portal.

Judge Reynolds suggested that, as it relates to a party to a case, that recommendation # 4 be amended to have two levels: verification through email address for portal access, and in-person registration at the Clerks' office for purposes of access to the confidential documents in a case. Ms. Bock reiterated that AOSC 07-49 limits what is released. She felt that confidentiality is a dividing point. Mr. Burke again confirmed that his office could "tag" or otherwise limit a file as to who can see it.

Ms. Doggett asked if the committee had ever considered a convenience fee?

Ms. Bock responded that the committee had stayed on a narrow path or getting access for pro se filers. Ms. Doggett suggested a fee would help prevent mis-use of the system.

Ms. Annie Mae Murphy asked how she would register incarcerated persons who wished to file on their own behalf? Mr. Hall did not believe those persons currently had electronic access.

Judge Reynolds cautioned the committee not to get bogged down in too many details, that this was just a starting point.

Ms. Bock asked if the committee was ready to make a motion to send the four recommendations, as amended, to the FCTC as recommendations that we will build on going forward? Ms. Doggett moved to take the four recommendations, as amended, to the FCTC. Mr. Burke seconded the motion. All voted favorably.

IV. A2J Demonstration:

Ms. Bock asked staff to commence with a demonstration of the A2J software. Mr. Bryan Hetrick showed how the system assisted a filer in filling out a 3-day eviction and the initiating document for a small claims case. Access to the test site was offered to the committee, emailing support@flclerks.com. Ms. Bock offered Akilya Drake on her staff to assist fielding questions and comments she could bring back to the committee.

Judge Munyon asked if the forms generated would only be the Supreme Court approved forms? Ms. Bock responded that they would be.

V. Implementation Timeline:

Ms. Bock asked Mr. Cox about the implementation timeline. Mr. Cox said two variables have impact on when things can be done: Credentialing and access components. He explained that the filing component was in place. Content can be loaded by the tech team as they receive the information, but will need to be developed elsewhere. He felt that the timeframe offered at an earlier meeting of fall of 2014 was still on target for the implementation of the A2J for pro se filers, possibly quicker for limited case types, implemented in a phased-in approach. He said he wanted to do some research on the concept that certain filers could not have access to certain documents in the files. He noted he would like to see how much impact this complexity would have on the portal. Mr. Hetrick said that they were going to finish the small claims forms and move to the family law forms next, a series of about 50 forms.

VI. Next Steps:

Ms. Christina Blakeslee told the board that this issue was already on the agenda for the FCTC Portal Subcommittee, chaired by Judge Reynolds, and would be heard there before it went to the full FCTC. Ms. Bock offered to provide Judge Reynolds with talking points and the minutes from this meeting prior to the subcommittee meeting.

Mr. Burke complimented Ms. Bock for her exemplary leadership on this issue.

Ms. Bock said another meeting would be scheduled after the FCTC meetings to be held later this month.

VII. Ms. Bock adjourned the meeting at 11:12 a.m.