



## **The Florida Courts E-Filing Authority Minutes**

Florida Courts E-Filing Authority Board of Directors held a regular meeting on October 28, 2014, at 10:00 a.m., EDT, at the Tradewinds Resort, St. Pete Beach, Florida, and by WebEx. The following members were present: Tim Smith, Putnam County Clerk, Chair; Don Barbee, Esq., Hernando County, Vice Chair; Tara Green, Clay County Clerk, Secretary/Treasurer; John Tomasino, Clerk, Supreme Court, by WebEx; Alex Alford, Walton County Clerk; Bob Inzer, Leon County Clerk; Gail Wadsworth, Flagler County Clerk; Karen Rushing, Sarasota County Clerk; Sharon Bock, Esq., Palm Beach County Clerk; and Lynn Hoshihara, Esq., Authority General Counsel. All members were present.

- I. Mr. Tim Smith, Chair, opened the meeting at 10:00 a.m. with a roll call. He welcomed all in the room and on the WebEx. He reminded all those on the WebEx to mute their phones and keep extraneous noise to a minimum.
- II. Mr. Don Barbee moved adoption of the agenda. Ms. Gail Wadsworth seconded the motion. All voted favorably.
- III. Reading and Approval of Minutes  
Mr. Tim Smith recognized Ms. Green to present the September 2014 minutes. Hearing no suggested corrections or changes, Mr. Bob Inzer moved to approve the minutes. Ms. Wadsworth seconded the minutes and all voted in favor.
- IV. Financial Report  
Mr. Smith recognized Ms. Green to present the Treasurer's Report. She reviewed the September month-end statement. Mr. Bob Inzer moved to accept the Treasurer's report. Ms. Wadsworth seconded the motion. There were no questions and all voted favorably.

Ms. Green noted that the audit firm, Lanigan & Associates was ready to present their audit finding to the Board of Directors. Mr. Smith recognized Mr. John Keillor and Mr. David Strange, Lanigan & Associates. The auditors presented both the Financial Audit and the SSAE 16 Technical Audit. For the financial report, they told the board that there were no material weaknesses in internal controls. Mr. Smith commented in clarification

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that the capital contributions shown from The Florida Bar had not been given during the audit year. Mr. Inzer asked about the timing of one item in the accounts payable. Mr. Ron Webster, FCCC Chief Financial Officer, explained that the bill had been paid timely, as an annual cost, now the billing is being paid monthly.

Mr. John Keillor presented the SSAE it was an unqualified opinion on the controls of the system.

Mr. Smith asked for a motion to accept both audits. Mr. Inzer moved that the board accept both audits. Ms. Rushing seconded the motion. All voted in favor of the motion.

Mr. Inzer asked if the joinder agreements needed to be re-executed when the elected Clerk changed. Mr. Kenneth A. Kent, FCCC Executive Director, said he believed it bound the office, not the person. Mr. Smith asked Ms. Hoshihara to look into the matter.

Ms. Bock asked to be shown as present.

#### V. Progress Reports

E-Filing Authority Progress Report: Mr. Smith recognized Ms. Jennifer Fishback, FCCC Portal Project Manager, to review the monthly status report. Ms. Fishback reported that at the end of September the number of registered users was still increasing. At this point, she told the board, there were over 69,000 registered users. There were 1.1M filings in September, representing almost 1.8M documents. On an average workday, she reported there were 53,000 filings. New case initiation was still at 4.5 percent and it was taking just less than a day to docket. Of the new filer roles, she noted that there were 195 judges registered, 5,124 pro se filers, 13 court reporters, 14 law enforcement registrants, 18 mediators, 8 mental health providers, and 60 process servers.

Ms. Green asked Ms. Fishback to report to the Board in what areas of the state the different roles are filing through the portal.

Ms. Fishback shared what general projects the portal projects team had underway. She told the Board that there were many videos and manuals available on the help area of the portal screens and posted on the Authority website. She also noted that there were just over 400 followers on Twitter. She also noted that the News & Information area of the landing page gave the filer pertinent news.

Mr. Smith asked if, when a new filer registers, do they get an email or other alert that there is information on Twitter, on the website, about the videos, etc. Ms. Fishback said they currently do not but would look in to it.

She reviewed the October 24, 2014, release wherein a major component was to allow Clerks to file modifications of orders to the Florida Department of Corrections. She also noted that the portal would be upgraded to increase the filing size for appellate documents from 10 mb to 25 mb, and that in all criminal cases, the State Attorney would be served automatically unless the filer took the State Attorney off the service list. For

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these portal changes, implemented just the weekend prior to the meeting, she commented that there had been no Service Desk calls about the revisions. Mr. Inzer spoke positively about the search feature. There was a brief discussion how the State Attorneys moved on and off cases. Ms. Fishback spoke to the “Manage My E-Service” feature which would allow for easier management of e-service on the various cases. Additionally, in the “My Filings” screen, it allows the filer to keep track of who was served on a filing, or not, and whose email address bounced back. Ms. Green asked how many e-service emails were sent in September? Ms. Fishback responded that over 800,000 filings used the e-service function. Admittedly, she explained, attorneys do not have to use the method offered by the portal.

Ms. Fishback also noted that there were files purged from the servers to improve load speed. Ms. Hoshihara asked if purge meant “delete” or “move somewhere else”? Ms. Fishback said technical staff would know the answer to that, that it was shifting where the documentation was stored. She said she was getting some examples together and working on a document for Ms. Hoshihara to be able to explain where things were moved. Ms. Fishback said she would have it to her by the first of November.

In regard to the April 2015 release, she spoke to revisions to the portal that would help with matching filings up to the charges. She also commented that some Clerks were working on case maintenance system upgrades at that time and wanted to know when releases were going to be able to plan around them.

Ms. Green asked if the next report could show the volume that the judges are filing. Ms. Fishback acknowledged that could be broken out and would be on the next report.

There were a few questions about judicial batch filing as shown in the monthly progress report.

#### Service Desk Report

Ms. Brenda Standish reported examples of the call types coming from the new user groups. Ms. Bock asked about response time. Ms. Standish responded that it was little over 2 hours and the average turn-around time and resolution time were both going down. Still, she reported the major contact is through email. Ms. Green asked for the number one reason people were needing assistance. Ms. Standish said for the judges, pro se filers and attorneys the major issue is account set-up. But overall, it varied. She offered to give the top 10 requests of each filer type at the next meeting. Mr. Inzer asked about the term “acknowledgement” on her report. She explained that is meant the service desk was returning contact, an email or call to let the filer know that service desk had the request as was addressing it.

#### VI. Florida Courts Technology Commission

Mr. Smith recognized Judge Munyon who said she had nothing to report, but reminded everyone of the upcoming FCTC meeting next week.

#### VII. Committee Reports

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### Rules Committee

Mr. Barbee reported that he held several meetings with the Clerk liaisons recently, before and after the Bar Rules Committee meetings. He said that the meetings went well and the response from the Rules Committees is really turning around.

### FCCC Pro Se Committee

Ms. Bock reported that her committee met last Friday. She asked Mr. Melvin Cox, FCCC Director of Information Technology, to review the statistics of those self-represented litigants using the portal.

Mr. Cox told the board that there were about 5,000 accounts for pro se filers. Mr. Inzer recognized that there were different types of pro se filers, such as those who do property management. He suggested that pro se filers be categorized. He also addressed Mr. Smith and asked for a discussion of A2J at some point during the meeting.

Mr. Cox continued, noting that the calls from pro se filers were of a general nature, such as account set-up. Ms. Gia Howell, Portal Service Desk supervisor, offered to get more information about the questions and send the information to the board.

Ms. Bock commented that while e-filing is not mandatory for pro se filers, they were working on the interactive forms. She said that she felt there was confusion about what Access to Justice and the forms are. She explained that all her committee is looking for is the assembly of documents to assist pro se filers in filling out a Supreme Court form. If the forms are online, the courts will have a better product to work with. She noted that the questions for eviction, small claims and family law forms are completed. She told the board she would be doing a presentation on pro se e-filing before the FCTC next week and was waiting for a meeting with the Judicial Management Council (JMC) so that she could present for the court's review the document assembly process offered through A2J.

Mr. Inzer asked if it was something that was better sitting on the Clerks' site rather than the portal site? He noted that in Clerk's offices they historically have helped filers right there at their local help centers. Ms. Bock suggested that the JMC put forth a different model but nothing has happened. This has created a situation of having a soft launch. She said she envisioned a hard launch to promote this product. She suggested each Clerk have a button for this product and tutorials but wanted to formalize this with the Courts and the JMC. She said Florida would be farther ahead than any other state in the United States if we can get these interactive forms approved and online.

Ms. Green asked how to handle pro se filers as a party to a case, such as in a foreclosure case, and was there anything in the future that will assist this type pro se filer,? Ms. Bock felt that eventually there would be. The interactive documents are just assembling information. Currently, she remarked, Justice LaBarga was setting up the Access to Justice Commission, of which Linda Doggett, Clerk of Lee County, is a member. She feels that the commission will be able to identify the roles within the court system users for a system like this. Ms. Bock acknowledged that A2J was like TurboCourt.

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### VIII. New Business

#### Letter from Hon. John Tomasino

Mr. Smith spoke to a letter recently received from Hon. John Tomasino. He asked Ms. Hoshihara, Authority General Counsel, to review the letter so he can respond properly. The letter asks for assurance from the board that there never be a charge for using the A2J forms. He suggested the board meet in the near future to review the potential response. He asked Ms. Bock or Ms. Rushing to ask at FCTC where the JMC is so the board can move the process along.

#### Portal Policy on Filer Roles

Ms. Hoshihara spoke to the issue of process servers initiating cases. She reported to the Board that she had reviewed rule 2.525(b), Rules of Judicial Administration, related to the electronic filing of cases, and an ethics ruling from The Florida Bar, 12-2. She said they were each clear that the credentials of the attorney who signed the electronic document must be used to e-file that document. Cases could only be initiated through the use of attorney credentials. So, she noted, that when the new non-attorney filer roles were authorized to use the portal, the “new case” button was not disabled for those roles that should not initiate a case. She recommended that the option for initiating a case for those non-attorney roles be disabled. It was clarified that pro se filers could initiate a case.

Ms. Rushing made a motion to support the technical change to allow for the design of the portal to comply with The Florida Bar rules, prohibiting those non-attorneys from initiating cases. Mr. Inzer seconded the motion. Ms. Fishback asked for clarification – she said she understood that mental health professionals did initiate cases and they were not attorneys. The same applied to law enforcement officers. She asked that this motion only apply to process servers, court reporters and mediators? Ms. Bock asked about parties. Mr. Tom Hall commented that the rule was clear about who can file-only the attorney’s credentials can be used to file a document signed by the attorney. A pro se filer can still initiate a new case because they are filing their own case. Ms. Rushing amended her motion to include those three filer types.

All voted favorably on the amended motion.

### IX. Old Business

#### Portal Change Request Policy

Mr. Alford told the board that he had received no comments or changes from the board on the policy proposed at the last meeting, just a minor change to the name of the portal policy review group that would handle the bulk of the review. Mr. Alford moved to accept the revised document. Ms. Wadsworth seconded the motion.

Ms. Rushing asked was the impetus for this because of the remarks made about the changes made to the portal are coming to us as almost finalized?

Mr. Smith explained that this allowed for policy changes to be discussed at a meeting. Mr. Inzer gave an example of changes to search screens as those where the Authority

should have been shown the changes and been allowed to comment. He expressed sentiment that the board should be more involved in the policy for those changes being made to the portal, especially as it relates to those who we serve. Ms. Fishback agreed, stating that this would allow Clerks to have the detailed conversations and seek input for enhancements and the timing thereof.

Ms. Rushing asked about the process. Mr. Alford commented that all suggestions would come before the board monthly.

There was a general discussion of the process. Ms. Fishback noted that there is an IT Strategic Plan and the portal is part of that so it seemed to be a natural next step to this to make sure that it is aligned with the plan. Mr. Smith called the question.

All voted favorably to accept the portal change process as amended.

Mr. Smith recognized Mr. Joel Rosenthal, JLL Process, to speak. Mr. Rosenthal reported that his company was having difficulties in filing the return of service affidavits in nine counties and asked the Board for assistance. Mr. Inzer suggested the chair reach out to those counties and ask them if they intended to turn on that aspect. Mr. Barbee seconded the motion. All voted favorably. Mr. Rosenthal was asked to send the county names to Ms. Allman.

#### Standardization

Mr. Smith reviewed progress to date. He noted that Ms. Fishback had just sent out an email to all counties so they could begin reviewing their codes. He said that the portal team was moving forward on assessing those codes that are chosen the most times in each case type and we can perhaps find a path. He encouraged clerks to go back and rename those so that there more of the same choices across the counties, so we can build a solution.

Mr. Barbee asked if there was any discussion of creating a “standard” model? Mr. Smith felt that this exercise and the data would lead to that.

Ms. Rushing cautioned that Clerk to look at their CMS side, too, in addition to the portal side. Ms. Fishback clarified that the spreadsheets you got were that Clerks selected. That, no Clerk has to deactivate any document descriptions at all. The goal is to narrow what the filer sees. She offered to do workshops if necessary. She also mentioned that the Best Practice workgroup was involved in the effort. Mr. Inzer told the board that he had tracked filer errors for one month. He reported a 90-95% compliance rate. He felt it had to do with the choices available to the filer. He stated that he didn’t like system that required the Clerk to go behind the filer to do the work. He also felt that in a smaller county there may not be as much granularity in document selections. He said he supports standardization, but doesn’t want to lose efficiency.

Mr. Smith agreed with Mr. Inzer’s assessment and asked, “how do we get there?”

Ms. Green asked, as a starting point, is there was a minimum amount of standardization that can be adopted as a starting point? Mr. Hall gave an example and suggested that there would end up being a compromise to get the same end.

Ms. Fishback commented that the Best Practice had defined a starting point as entering the groups. Mr. Inzer stated that he did not believe that anyone had adopted those best practice suggestions because of the work involved in making the changes. Ms. Fishback said that no docket codes have to change to change the descriptions.

Mr. Smith commented that we still have to follow down this path until a recommendation is made to the Authority. He suggested no workshops be held that happens and the Authority makes a decision.

Public Comment: There were no comments.

X. Adjourn

The meeting was adjourned at 12:07 pm.