



## **BEST PRACTICES PROVIDING ACCESS TO COURT INFORMATION IN ELECTRONIC FORM**

### **OVERVIEW OF PROJECT METHODOLOGY**

In December 2012 the American Bar Association Fund for Justice and Education awarded the Washington State Access to Justice Board a \$20,000 Access to Justice Commission Expansion Grant to develop best practices for providing access to court information in electronic form. (Best Practices attached)

The ATJ Board's experience developing the Washington State Access to Justice Technology Principles (ATJ Technology Principles, adopted by the Washington Supreme Court in 2004) uniquely qualified it to tackle the issue of best practices for electronic court records. Indeed, this project is part of the ATJ Board's continuing efforts to implement the ATJ Technology Principles, as directed by the state Supreme Court.

#### **A. Planning**

The initial step in the planning process was to convene an advisory committee, which included the Access to Justice Board Manager and current and past chairs and several members of the ATJ Board Technology Committee. With the assistance of national consultant Richard Zorza, the advisory committee identified and invited John Greacen of Greacen & Associates to provide technical consultation for the project. As a former court clerk, John has expertise developing systems for improving access to the courts for self-represented litigants. He has evaluated programs to assist self-represented litigants in Alaska, Arizona, Arkansas, California, Florida, Maryland, Minnesota, and Virginia, and was a consultant to the Florida and Utah judicial branch committees in the development of their strategic plans for providing assistance to self-represented litigants.

The advisory committee then identified and invited Emily McReynolds, a current ATJ Board Technology Committee member, to serve as the project manager. In addition to her legal training, she previously worked as a grant coordinator for both a philanthropy consulting firm and a corporate social responsibility nonprofit.

The advisory committee defined its initial task as the evaluation of existing electronic filing arrangements and records systems, and developed key considerations for an accessible system which include:

- examining the cost barriers to widespread usage;
- understanding the business model of the third party provider;
- ensuring that information can travel between and among discrete data management systems via robust data exchange systems; and
- ensuring that information about accessing and using these systems, as well as any fee waiver information, is published in a way that meets some acceptable standard of public visibility and easy access and usage.

## B. Outreach and Surveys

Necessary to the success of the project was building and fostering collaboration with key stakeholders.

The advisory committee drafted a survey to engage the Washington Association of County Clerks (WACC). The survey was developed with the input of John Greacen, Emily McReynolds and the current and immediate past chairs of the ATJ Board's Technology Committee Brian Rowe and Hon. Don Horowitz (ret.). The survey was conducted through an e-mail request to Washington's thirty-nine county clerks. Initially only ten clerks responded. Follow-up e-mails and phone calls improved the response rate, but the involvement of the WACC President Sonya Kraski was critical in ultimately achieving an impressive thirty-three of thirty-nine responses.

In an effort to strengthen support for the project, the advisory committee expanded its membership by adding WACC President Sonya Kraski and County Court Facilitator Connie Mayer.

Callie Dietz, Washington State Court Administrator, provided the consultant with contact information for all state court administrators in the United States for the purpose of his conducting a survey to collect information on information access policies and processes in other states. This led to the development of a survey of states with elected clerks of court and statewide court case management systems (whether or not the systems were implemented in every court in the state). Nineteen of twenty-four states having these characteristics responded. Callie Dietz also was very helpful in supporting the ATJ Board's request for technical assistance for this project through the Center on Court Access to Justice for All at the National Center for State Courts.

Based on all this information, John Greacen prepared a first draft of the "black letter" Best Practices. The one page "black letter" Best Practice statements were reviewed and revised by the advisory committee. A proposed draft with comments was in turn presented for review at the October 15, 2013 stakeholder meeting.

## C. Stakeholder Meeting

The October 15, 2013 stakeholder meeting was convened to solicit input from key stakeholders on the draft Best Practices. Facilitated by John Greacen, participants reviewed data collected during the project and then engaged in in-depth discussions on each proposed principle set forth in the draft. During the four-hour meeting, participants were both candid and helpful in their comments, which in turn informed the final draft of the Best Practices. A list of attendees follows:

Attendees:

- Rita Dermody – King County Law Librarian
- Connie Mayer – Kitsap County Court Facilitator
- Threesa Milligan - King County Bar Association, Pro Bono Services Director
- Vonnie Diseth – Director, Information Services Division, Administrative Office of the Courts
- Dirk Marler – Director, Judicial Services Division, Administrative Office of the Courts
- Geoff Revelle – Washington State Access to Justice Board
- Sonya Kraski – Snohomish County Clerk and President of the Washington Association of County Clerks
- Peggy Semprimoznik – Lincoln County Clerk

- Michael Killian – Franklin County Clerk
- Donald Horowitz – Former Superior Court Judge and past Chair of the ATJ Board Technology Committee
- Brian Rowe – Project Coordinator for the Legal Services National Technical Assistance Project (LSNTAP), Chair of the ATJ Board Technology Committee
- Joan Fairbanks – Access to Justice Board Manager
- Emily McReynolds – Best Practices Project Manager
- John Greacen – Best Practices Technical Consultant

#### D. Final Drafting and Work Product

Following the stakeholder meeting, the advisory committee continued to edit and refine the draft Best Practices. Drafts also were shared with members of the ATJ Board Technology Committee and staff at the Administrative Office of the Courts.

The structure of the final Best Practices document is designed to maximize the utility of this project both for the State of Washington and for other states. Each Best Practice “black letter” statement is followed by a general commentary with general applicability and a second commentary discussing its applicability within Washington. Therefore, both the process and the results of the project should provide insights for other states seeking to use or replicate Washington State’s Best Practices for **Providing Access to Court Information in Electronic Form**.

A report on the state level survey results has been provided to the National Center for State Courts for inclusion in its knowledge databases relating to current court information access practices.

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