

# Oregon eCourt

## The QUARTERLY

Oregon Judicial Department

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### OCM Project Team Gives Presentations To Courts Across Oregon On Oregon eCourt's Focus Areas

Budget reductions for 2009-2011 and the resulting need to take steps to minimize operational impacts to the courts made OJD's recalibration plan for Oregon eCourt unavoidable. There is a silver lining however, as explained by the Organizational Change Management (OCM) Project Team who have been giving presentations on focus areas that will bring benefits to the Oregon eCourt Program and OJD.

A major benefit of Oregon eCourt's recalibration efforts is the hiring of a single-solution provider (SSP). An SSP will bring a package of integrated

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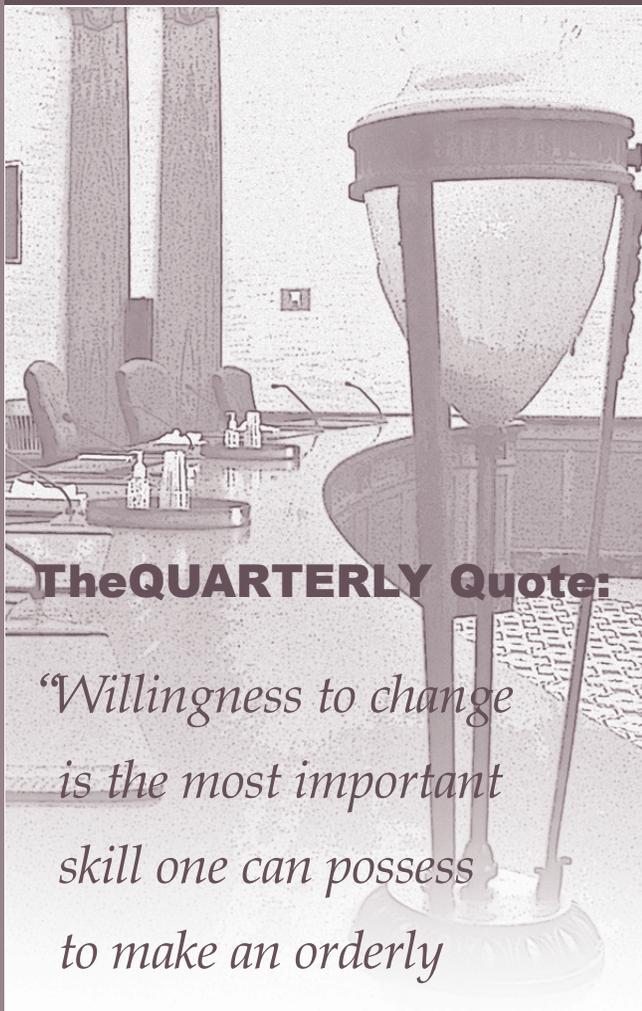
*Christopher Hamilton, OCM Project Team Member and Education and Outreach Manager-OETO, has been giving presentations on Oregon eCourt's focus in 2010 - 2011. A single-solution provider will be contracted to provide a suite of products integrating Oregon eCourt's technology system. The program will also focus on refining quality, flexibility, and accountability within various areas.*





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### The QUARTERLY Quote:

*“Willingness to change is the most important skill one can possess to make an orderly transition to Oregon eCourt.”*

— Michael C. Sullivan  
Presiding Judge  
Deschutes County Court

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### **Presentations...**

electronic court products that will become the basis of Oregon eCourt's technology system. The suite of products can be compared to Microsoft Office where diverse software like Word, Excel, and Access interact and share data in a seamless fashion. With Oregon eCourt, contracting with an SSP will eliminate the need for OJD to act as the prime contractor in integrating various "off the shelf" software modules. OJD will look to the SSP package to seamlessly flow case information from eFiling through case management, financial management, and enterprise content management. This approach is expected to increase speed of delivery, reduce program costs involving development and maintenance, provide the necessary expertise in

implementing court information systems on a large scale, and provide customer-driven upgrades for the suite of products purchased and configured specifically for the Oregon eCourt Program. The request for proposals (RFP) is on the street, and the new product will be selected in mid-December. OJD expects to begin work with the new vendor in early spring 2011.

Besides the budget and implementation advantages to using an SSP, the recalibration of the Oregon eCourt program has provided the time needed to develop three other valuable benefit areas. It will provide the time to refine quality, accountability, and flexibility within the program components of the new system (prior to a statewide rollout), governance, and additional budget solutions.

**Quality** is achieved when full attention is paid to performance and quality issues. The entire state will benefit from the opportunity for Oregon eCourt to work out business process and performance "bugs" that have already been identified in the pilot courts.

As stewards of public resources, OJD is accountable to the State of Oregon for developing solutions that will meet the needs of Oregon eCourt. **Accountability** is achieved through governance and the development of products that meet industry standards.

Developing greater **Flexibility** is achieved through the use of "off ramps" (structured re-evaluation points) to prepare for budget uncertainties. Evaluation points will re-direct work to specific projects within a given biennium if resources from certificate of participation (COP) bond dollars become unavailable. Oregon eCourt work completed to date will serve as a framework for OJD's future. The Oregon eCourt program's existing core infrastructure will continue to be maintained, ensuring that other Oregon eCourt components, including enterprise content management for the Appellate Court and the development of person-based record linking can be completed.

The silver lining of the recalibration plan for Oregon eCourt is coming up with solutions that will provide adjustments and benefits for OJD in response to the state's budgetary crisis. The solutions and benefits will allow the program to continue, and in the end will help produce a better end-product.



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### First Person Report...

## Person-Based Data Linking and the Oregon eCourt Vision

By Michael Marcus, Circuit Court Judge  
Multnomah County Court

In early 2008, the Chief Justice asked me and Trial Court Administrator Doug Bray to tell the legislature why Oregon eCourt funding should not be delayed in view of the State of Oregon's budgetary crisis. My statement focused on the originally controversial contention that Oregon eCourt should be used to improve our impact on public safety, the well-being of communities, and the lives of children and families in crisis. Thanks to the Chief and feedback from Oregon's Legislative Fiscal Office, that part of the Oregon eCourt Vision is now firmly in place:

**Oregon eCourt will give courts and judges the tools they need to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis. [emph. added]**

My testimony began with describing a painful lesson early in my career on the limitations of our case-based data system that led to my uninformed release of a defendant on the assembly line of release hearings. Upon his release, the defendant promptly beat up a mom-and-pop team while robbing their convenience store ([Oregon Judges on Urgency of Oregon eCourt](#)).

Person-based linking of data is so crucial to so much of the Oregon eCourt Vision that I will put to one side the fascinating technical challenges of achieving person-based data linking (exploiting our own data, requiring useful data to accompany eFilings, gathering data from our partners, establishing procedures and means of correcting false positives and negatives, and so on) and focus on the wide range of roles by which person-based data linking supports our pledge to the legislature.

Person-based data linking on the criminal side is most widely accepted, at least for purposes of "tracking" offenders. Although legislation for over 20 years (and more recent judicial proclamations) has encouraged pursuit of various means by which we might reduce criminal behavior of offenders ([smartsentencing](#)), with few exceptions, and in stark contrast to the standards of our really good juvenile, family law courts, and the penetration of specialty courts into the lower levels of crime, mainstream sentencing still has virtually nothing to do with public safety.

Person-based data linking is critical to risk assessment, which is coming soon. But person-based data linking is even more important to the most fundamental part of processing offenders which is: to learn who should be sent where to reduce their likelihood of new crime, and this depends upon a wide range of individual characteristics.<sup>1</sup> This data must be captured with each individual's identity so that we can track who benefits from what disposition (from probation to prison, treatment to sanction, and so on), which programs actually "work" on which offenders, and which programs do not work for anyone.

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<sup>1</sup> Douglas B. Marlowe, *Evidence-Based Sentencing for Drug Offenders: An Analysis of Prognostic Risks and Criminogenic Needs*, 1 [Chapman Journal of Criminal Justice](#) 167 (2009).



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One ultimate objective of person-based data linking is to give judges technology that contains the most thorough information to assist in making decisions on which disposition, for the particular offender in question,<sup>2</sup> will most likely work for public safety and other sentencing objectives.<sup>3</sup> The process will also benefit juvenile delinquency and dependency dispositions. Person-based data linking should alert us, for example, against placing a child with a family volunteer who has a sex abuse criminal history or a pending charge, domestic violence background, or a Family Abuse Protection Act (FAPA) protective order suggesting danger.

The Oregon eCourt Vision takes person-based data linking to additional critical roles in helping to improve public safety, community life, and children and families in crisis. It's easy to see how technology through electronic research and case management supports the "just" and "prompt" resolution of civil disputes, and assists in practical matters like avoiding calendar conflicts, but person-based data linking should do far more. Judges doing adjudication shouldn't know this stuff, but staff and security should be alerted to safety risks through person-based linking of data across case types when

a party or a witness has involvement in another proceeding – such as a restraining order, protective order, or a criminal history (including wants, holds, pending charges) that suggests risks of violence to or from parties or witnesses. At the dispositional phase of a civil proceeding, person-based data linking may assist a judge to consider safety when crafting a civil judgment, order, or decree – or even to consider practicality when handling payment scheduling and collection proceedings.

Person-based data linking facilitates efficient sharing of data concerning juvenile and adult subjects with Oregon Judicial Department partners such as the Department of Human Services, Probation Services, and the Department of Corrections, ultimately supporting statistical analysis of which disposition works best on which subject. The role of data sharing extends to incapacitated and mentally ill subjects who enter our courts.

Person-based data linking is at the heart of our mission to improve our impact on public safety, communities, children, and families. We have much to learn from and about it, as it provides a foundation for great improvement in fulfilling our mission.

<sup>2</sup> Most cases that best seek public safety also serve any social purpose of "punishment," but there are notable exceptions. *Responding to the Model Penal Code Sentencing Revisions: Tips for Early Adopters and Power Users*, 17 *S Cal Interdiscipl L J* 68 (2007); *MPC—The Root of the Problem: Just Deserts and Risk Assessment*, 61 *Fla L Rev* 751 (2009).

<sup>3</sup> Most cases that best seek public safety also serve any social purpose of "punishment," but there are notable exceptions. *Responding to the Model Penal Code Sentencing Revisions: Tips for Early Adopters and Power Users*, 17 *S Cal Interdiscipl L J* 68 (2007); *MPC—The Root of the Problem: Just Deserts and Risk Assessment*, 61 *Fla L Rev* 751 (2009). ■

*Judge Marcus has served for eight years on the Oregon Council on Court Procedures, and has served on Oregon Judicial Conference Committees related to criminal law, technology, and performance measures. He is a member of the Oregon eCourt Implementation Committee.*

*He has promoted legislation, judicial conference resolutions, and technology applications designed to improve sentencing measured by harm reduction. He has published and presented papers and articles in Oregon as well as nationally and internationally in pursuit of "smart sentencing."*



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### ADKAR Helps OJD Adjust to Changing Times

To paraphrase the words of Bob Dylan, “The times they are a-changin.”

Over the summer, the Organizational Change Management (OCM) Project Team sent members across the state delivering in-person change management education to OJD judges, TCAs, and staff. Sessions focused on Oregon eCourt and the utilization of an organizational change management process including five building blocks that foster **Awareness, Desire, Knowledge, Ability, and Reinforcement** (ADKAR™ [www.change-management.com](http://www.change-management.com)) in the face of change.

**Awareness** is achieved when judges and staff understand the business need for the change, the reasons we need to move away from the current environment into a future state. **Desire** for the change occurs when judges and staff determine what is in it for them – or what the benefits are in moving towards Oregon eCourt. **Knowledge** is preparation to work within the environment of Oregon eCourt and includes training, skills, and behaviors. **Ability** is applying the acquired knowledge and training as the new environment is

implemented. The final building block in ADKAR’s method for change management is reinforcement. **Reinforcement** is realized when Oregon eCourt becomes the standard by which we conduct our business and process cases.

The ADKAR method provides an opportunity for judges and staff to ask Oregon eCourt change management related questions and overcome “building block” obstacles and resistance. ADKAR education sessions provide worksheets that are filled out by judges and staff to determine where change resistance (specific barrier points) gets in the way of the program’s success. For those delivering OCM, the worksheet process raises awareness of specific ways judges and staff perceive and respond to change. Only through engaging in such direct communication can the OCM Project Team analyze existing concerns and develop solutions to help judges and staff overcome barrier points. By knowing where to focus our attention, we can maximize the relevance of organizational change endeavors for OJD judges and staff.

Oregon eCourt organizational change management efforts will continue to seek feedback and find ways to help OJD “start swimming so it won’t sink like a stone...for the times they are a-changin.” ■

*ADKAR session participants at Coos County Circuit Court take the opportunity to fill out their ADKAR worksheets.*





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### Records Section Gives Retrospective View of Appellate eCourt Program

By Rebecca Osborne, Appellate Court Services Director and Monica Waldrop, Management Assistant

While the trial courts chose implementation of ECM as their first step towards Oregon eCourt, the Appellate eCourt Program started with the development of a new case management system. In part, this was because the Oregon legislature requested that the appellate courts provide more elaborate statistical information than OJIN was capable of producing.

In 2005, LT Court Tech was selected as the vendor for what became known as the Appellate Case Management System (ACMS). Along with the technical expertise of OJD's Electronic Technology Services Division (ETSD) staff, three amazing appellate staff members devoted most of their working lives to the project: From the Supreme Court, Lisa Norris-Lampe; from the Court of

Appeals, Julie Smith; from Records, Judi Baker. The work that ETSD and the appellate staff group put into the design, development, and construction of ACMS reflects their incredible initiative, their ability to visualize difficult concepts and integrate them into this electronic tracking system, their diligence and persistence, and finally, the accomplishment that resulted. They were able to modify much of LT CourtTech's existing, off-the-shelf program into a specialized tool that now accumulates the needed and very specific data that is critical to generating statistics for the Oregon Appellate Courts.

Additional results of their work included integrating a complex scheduling methodology, inclusion of a public access version of the case management system, and a method to link directly from the docket entry on the case register to the associated document.

ACMS launch occurred in December of 2006 and performed as expected. It has been an invaluable tool for use in gathering information to help not only with individual case management, but also to assess trends in workload that provides critical information to management, and to enhance our ability to respond to inquiries from the legislature. From an Appellate Court Records Section perspective, the biggest improvement ACMS brings is the ability to link documents (those that we scan in, those we generate, and those received via eFiling) with the entry on the case register. In reply to case inquiries, the ability to quickly link from the document listed on the case register to an electronic image of the actual document, without the need to retrieve the paper file, is a major time-saving benefit.

With every project, there are lessons learned and improvements to consider. Significant to the Appellate Court Records Section, there has been a proportional increase between the amount of data gathered and the time required to input it. We in the records section would encourage a cost/benefit analysis of the need for each piece of additional data to be entered into the new system, and to develop a streamlined method to locate and insert data into ACMS. We are seeing that the addition of even one more data field, multiplied by the high volume of cases with which we all deal, converts to a HUGE staff time consideration.

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Because our work in the courts requires accuracy and timeliness, and because there is so much work, any help to staff who input data is a practical priority. In ACMS, inputting data can require entry on several different screens that are not concurrently visible. The staff must remember perhaps 15 or more data fields for the particular type of case on which they are working, then find the applicable screens on which to make those entries. For future enhancements to the system, we may want to look at methods that provide visual prompts for gathering needed information during initial case input, then subsequently uploading that data to the appropriate places in the case management system. In the last three plus years of using ACMS, we have been able to gather other efficiency improvement ideas from staff and have been able to implement many of them.

E-Filing became available for all case types before the Supreme Court in August 2008. In February 2009, eFiling expanded to include submissions of all case types to the Court of Appeals cases.

Currently, eFiling is available only to attorneys, but for them, this means that they are able to submit any type of appellate document to either the Court of Appeals or Supreme Court 7 days a week, 24 hours a day. They are able to pay filing fees via the electronic payment processor. They are able to avoid the costly and time-consuming effort of printing multiple copies of briefs, binding them and physically (or by mail) filing them at the Supreme Court building in Salem. We receive an average of 231 filings per week.

With two of the three Appellate eCourt pieces operational, we moved our efforts to development of the ECM system in late 2008. However, in the spring of 2009, the budget crisis required a temporary suspension of work on the Appellate ECM system. We were able to restart the Appellate ECM project again in December 2009, and are approaching its launch in January 2011. At that time, we will be able to scan all the conventionally filed (hard copy) documents, and push those through our new system's electronic "workflows" that will be implemented in several phases.

Until all portions of Appellate eCourt are operational, we live in both worlds, staffing both systems. Since many cases started with conventionally filed documents but now contain additional documents that have been submitted through eFiling, we have had to maintain the hard copy case file by printing out the electronic documents and filing them in the conventional method. Until we are able to turn conventionally filed documents into electronic documents via the ECM system, we will have one foot in each camp. In the end, we are confident that the conversion to electronic processing will produce additional efficiencies in the courts when we have all appellate systems operating simultaneously. We also look forward to implementation of Enterprise Content Management (ECM) in the trial courts when all of OJD will have the ability to function as a unified, department-wide Oregon eCourt system. ■

### PRINTING TIP:

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## Myth vs Fact

### Myth:

“Funding for Oregon eCourt could be used to offset budget cuts.”



### Fact:

The Oregon eCourt Program is funded almost entirely through financing from the sale of bonds called Certificates of Participation (COPs). These certificates are sold by the State of Oregon to investors who benefit by receiving COP debt repayment that includes interest income exempt from both federal and Oregon income tax. Funds that come from the sale of COPs must be used only for construction and acquisition of projects such as the Oregon eCourt Program and not for ongoing operating costs such as office supplies, hiring, and offsetting state-required furloughs and pay increases.

Departments and agencies within the state of Oregon, upon approval by the legislature and the executive branch, use COPs to finance capital investments such as construction, building retrofits, the purchase of major equipment, or as in the case of Oregon eCourt, development and implementation of major information technology projects needed for the delivery of public services. Once the legislature approves COP financing for a project, it outlines specific requirements that the project must meet both in terms of spending the funds and in the results produced by the funding. This process is designed to ensure that COP funding adheres to the certificate terms, remains closely monitored, and that the progress of the project is continuously reviewed by the legislature. COPs are a line of credit that OJD is using to develop Oregon eCourt. Because this is similar to the sale of bonds and securities there are also a number of federal and Securities and Exchange Commission regulations to follow.

An advantage of utilizing COP financing for needed capital improvement projects is that project costs will be spread out over several years, rather than expending current financial resources, which may not be available, or could impact the funding of existing services of the agency or department. ■

Please email your comments, questions, or suggestions for articles to: [OETO@ojd.state.or.us](mailto:OETO@ojd.state.or.us)

*Oregon eCourt will give courts and judges the tools they need to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis.*

## Tech Tip

Submitted by Nick Hodges, Desktop & Help Desk Supervisor, Enterprise Technology Services Division

### Keyboard Shortcuts for Windows

Here are some keyboard shortcuts to use in Windows that may save you some time:

KEY + KEYS TO PRESS	FUNCTION
Windows Logo Key	<b>Start menu</b>
Windows Logo+R	<b>Run dialog box</b>
Windows Logo+M	<b>Minimize all</b>
SHIFT+Windows Logo+M	<b>Undo minimize all</b>
Windows Logo+F1	<b>Help</b>
Windows Logo+E	<b>Windows Explorer</b>
Windows Logo+F	<b>Find files or folders</b>
Windows Logo+D	<b>Minimizes all open windows &amp; displays the desktop</b>
CTRL+Windows Logo+F	<b>Find computer</b>
Windows Logo+TAB	<b>Cycle through taskbar buttons</b>
Windows Logo+Break	<b>System Properties dialog box</b>
Windows Logo+L	<b>Lock your computer</b>



## Oregon eCourt Def-i-ni-tions:

### What are “Off-ramps”?

“Off-ramps” is a recalibration term that allows for project flexibility during budget uncertainties. Off-ramps allow selected projects to continue while others are put on hold within a given biennium. Off-ramps contribute to the ability to maintain core program infrastructure and implement developed products in the courts, without losing momentum. Off-ramped projects lay dormant or get scaled back until resources become available.