



## JUDICIAL COUNCIL OF CALIFORNIA

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January 28, 2020

Hon. Thomas Umberg  
Member of the Senate  
State Capitol, Room 3076  
Sacramento, California 95814

Subject: Senate Bill 444 (Umberg), as amended January 15, 2020 – Support, if amended

Dear Senator Umberg:

The Judicial Council supports SB 444 if amended to focus on research rather than implementation of a pilot project. As currently drafted, SB 444 requests the Regents of the University of California to enact a resolution, by or before July 1, 2021, to authorize the Berkeley and Irvine law schools, in collaboration with the Superior Courts of California for the counties of Alameda and Irvine, to participate in a pilot project “to develop artificial intelligence or machine learning solutions to address issues of access to justice faced by pro se litigants” who reside in the respective counties.

While the branch supports encouraging collaborative relationships between the courts and institutions of higher education, the council believes that SB 444 should be amended to focus on research and the feasibility of artificial intelligence, and emphasizes that it is premature for pilot projects that would assume the implementation, testing, and integration of the technology at this time. The need for this shift is based on several important points:

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- Any technology developed for implementation in a court must be consistent with the highest principles of integrity, transparency, and public service. While the Asilomar Principles referenced in the bill exemplify these elements generally, the principles in the Judicial Council's Strategic Plan for Technology are more directly consistent with, and reflect the role of, courts in a civil society.
- While the universities are well situated to play a role in evaluating the needs and opportunities for technological development in the courts, it is fundamentally the courts that must set the tone for, and ultimately manage the development of technology for their use. This balanced relationship will ensure that the Judicial Council's principles relating to the development and advancement of technology in the courts are upheld.
- Rather than developing/implementing an AI pilot project at this time, the next step is to establish a formal data analytics governance structure and its underlying architecture. Such a structure will ensure data consistency and accuracy while preserving public privacy and avoiding any potential for bias. (The council has yet to secure funding to establish this permanent governance structure.)

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,



Andi Liebenbaum

Attorney

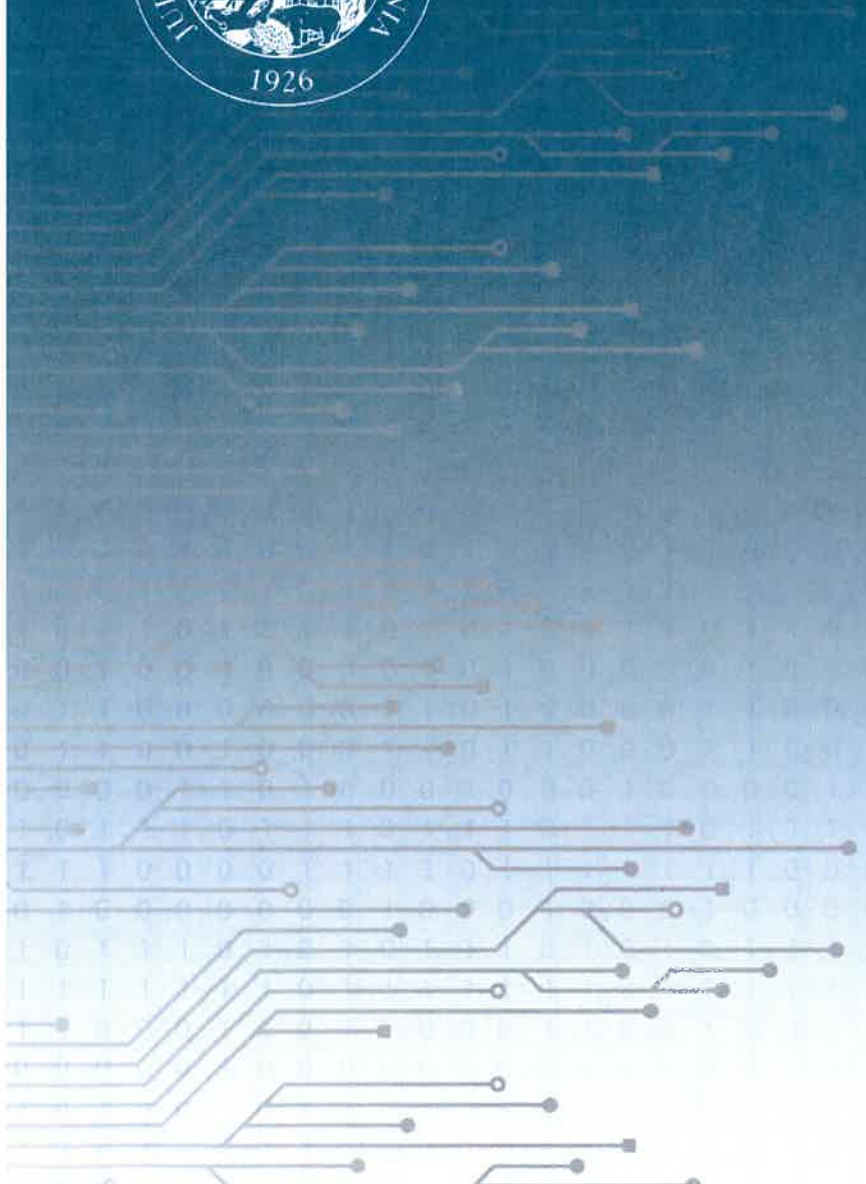
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cc: Ms. Jessica Devencenzi, Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California

# STRATEGIC PLAN FOR TECHNOLOGY

2019-2022



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# STRATEGIC PLAN FOR TECHNOLOGY

2019–2022

May 2019





# Strategic Plan Update Workstream

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With special thanks to our stakeholders who have provided reviews and valuable feedback for the update to this strategic plan, including members of the Information Technology Advisory Committee, the Court Information Technology Management Forum, the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the California Appellate Court Clerks Association, and the California Department of Technology.



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## Message from the Chair

Dear Friends of the Courts:

On behalf of the Strategic Plan Update Workstream and the Judicial Council Technology Committee, we are pleased to present the California judicial branch's *Strategic Plan for Technology 2019–2022*.

The original strategic plan was adopted by the Judicial Council in 2014. Since that time, considerable progress has been made to improve access to justice through technology. The courts, the Judicial Council, its advisory bodies and staff, and our justice system partners have worked collaboratively to implement the goals identified in the plan.



Over the past four years we have witnessed the true evolution of an information technology (IT) community. With the strategic plan as our road map, the community has worked in partnership to modernize case management systems, court data hosting centers, and business processes. The workstream model, adopted in the original plan, was grounded in working together to find and implement technology solutions. This model has proven time and again that success is built and multiplied when we work together. The workstream membership has been inclusive. It has extended throughout the trial courts and the courts of review, and has included our justice and community partners.

This updated plan highlights our success and points to the need for continued work along this same path: building on success through an IT Community. I am continually amazed by and grateful for the collaborative work of my colleagues over the past few years. I look forward to seeing what can be accomplished over the next four as we continue to work together to implement the strategic plan for the benefit of all Californians.

Marsha G. Slough

*Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two  
Chair, Judicial Council Technology Committee and Executive Sponsor, Strategic  
Plan Update Workstream*



## Introduction

This judicial branch Strategic Plan for Technology establishes the road map for the adoption of technology solutions to advance the administration of justice and meet the needs of the people of California.

California's court system—the largest in the nation with over 2,000 judicial officers, approximately 19,000 court employees, and 6.2 million cases annually—serves over 39 million people, nearly 7 million of whom have limited English proficiency. The judicial branch is diverse in population, geography, court size, and case types. Of the state's 58 superior courts—one in each county—the smallest has two judicial officers serving a population of just over 1,000 while the largest has 580 judicial officers serving a population of more than 10 million. Courts also have varying degrees of fiscal health and capabilities. These constraints, along with past budget shortfalls, have affected the ability of the courts to invest in technology, resulting in a court system that lacks consistency across the judicial branch. With some funding restored, the courts have begun to address the gaps between the courts' technology capabilities and the public's expectations of easy and consistent access.



The judicial branch's technology planning is governed by three guiding documents:

- The Governance and Funding Model;
- The Strategic Plan for Technology; and
- The Tactical Plan for Technology.

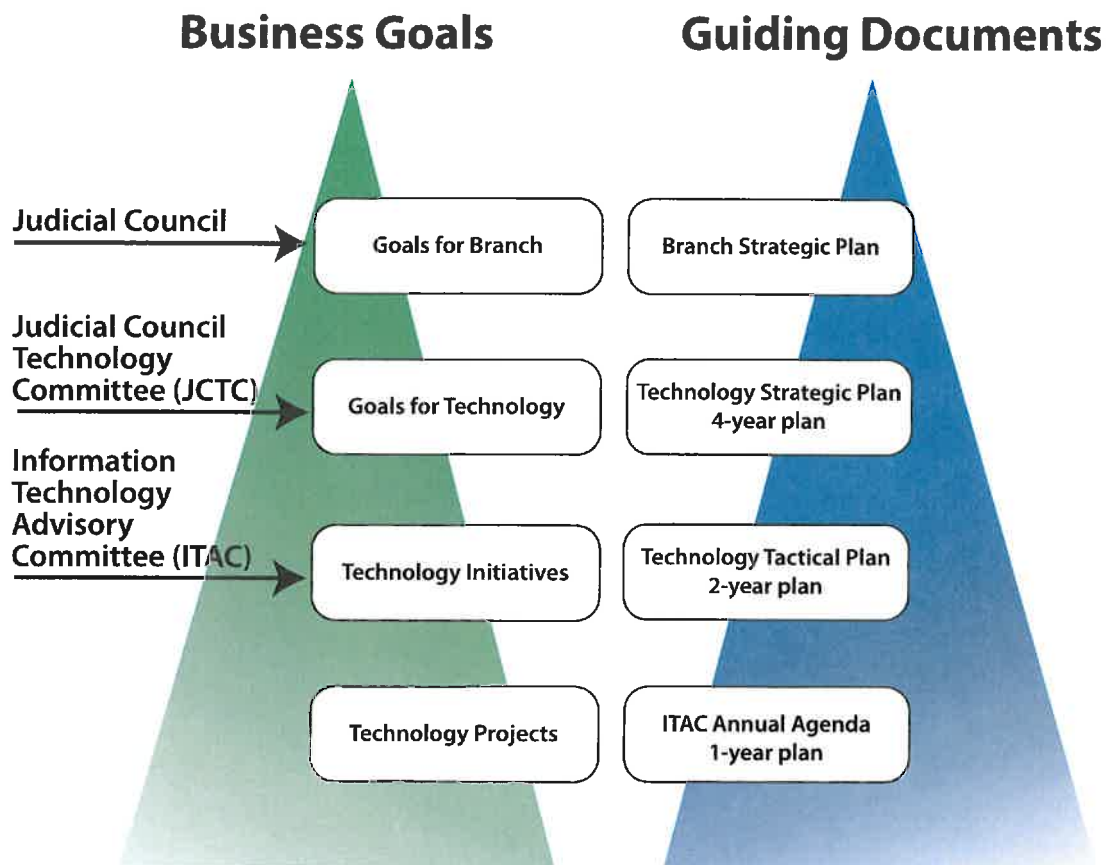
This four-year technology strategic plan contains clear, measurable goals and objectives that are aligned with the overarching goals from the judicial branch's strategic plan.<sup>1</sup> This plan also provides the strategic framework for the creation of the two-year technology tactical plan<sup>2</sup> that determines the individual initiatives that will be pursued to support these higher-level goals.

<sup>1</sup> See Judicial Council of Cal., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2016* (Dec. 2014).

<sup>2</sup> See Judicial Council of Cal., *Tactical Plan for Technology 2017–2018* (Jan. 2017).



The plan centers around working as a branch IT Community by using the established IT governance model to leverage and optimize resources to continue to achieve shared goals and objectives. The proposed strategies contained within this plan recognize the diversity of the IT Community, including judicial, administrative, operational, and technical expertise at all levels of the courts, and foundational expertise and support provided by Judicial Council staff. The future will be built on the continued success in innovation, collaboration, and leadership throughout the branch for the benefit of the legal community and the public, resulting in increased access to the courts.







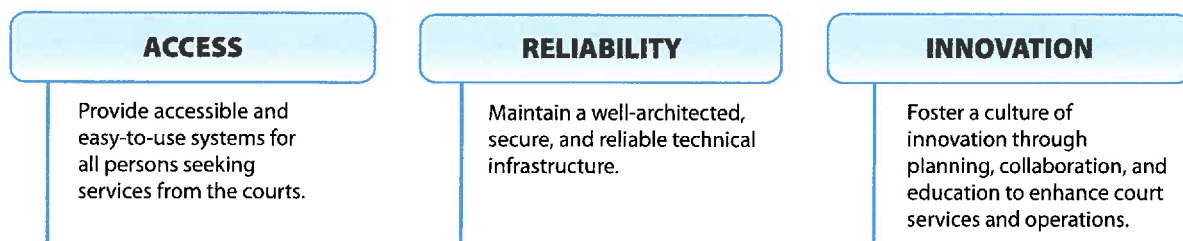
# Strategic Plan for Technology

## Executive Summary

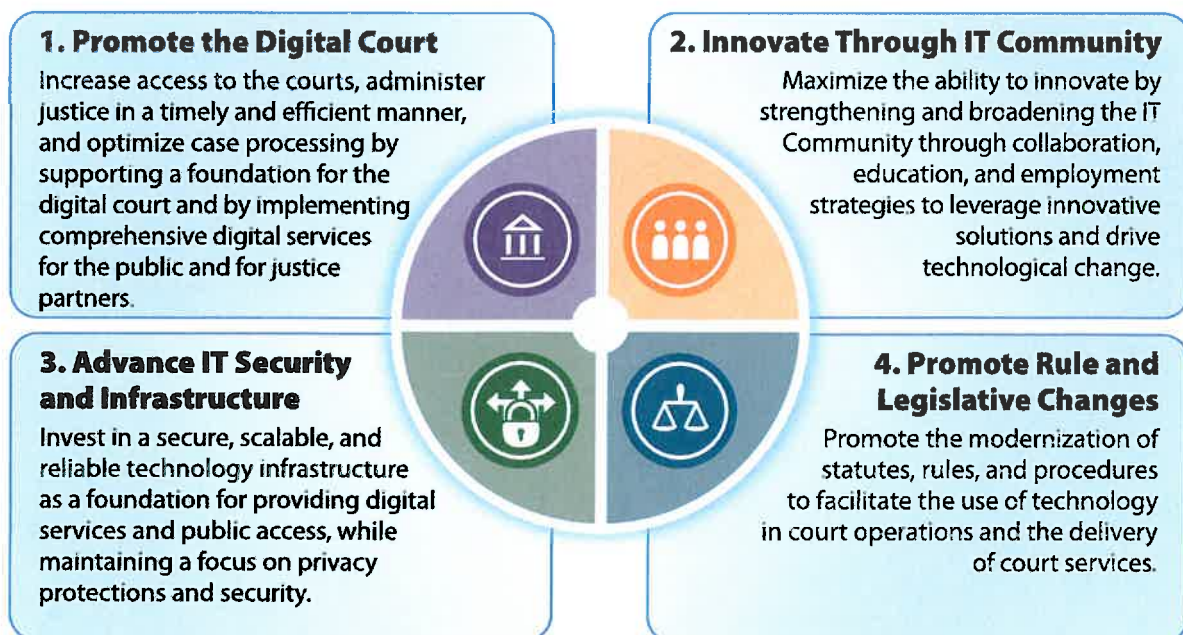
### Vision

Through collaboration, innovation, and initiative at a branchwide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to litigants, attorneys, justice partners, and the public.

### Principles



### Goals





# Technology Principles

These guiding principles establish a set of considerations for technology project decision makers that articulate fundamental values and provide overall direction to technology programs within the courts and throughout the justice community.

## ACCESS

Provide accessible and easy-to-use systems for all persons seeking services from the courts.

- **Ensure access and fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
- **Include self-represented litigants.** Provide services to those representing themselves as well as those represented by attorneys.
- **Preserve traditional access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
- **Design for ease of use.** Build services that are user-friendly and use technology that is widely available.

## RELIABILITY

Maintain a well-architected, secure, and reliable technical infrastructure.

- **Secure private information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
- **Provide reliable information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
- **Protect from technology failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
- **Plan ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to the changing expectations of the public and court users.
- **Improve branchwide compatibility through technology standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and for state justice partners.



## INNOVATION

Foster a culture of innovation through planning, collaboration, and education to enhance court services and operations.

- **Improve court operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
- **Provide education and support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
- **Consider branchwide collaboration and economies of scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
- **Foster local decision-making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
- **Encourage local innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.



# Strategic Plan for Technology

## Technology Goals 2019–2022



### **GOAL 1:** **Promote the Digital Court**

#### **Statement of Goal**

The judicial branch will increase access to the courts, administer justice in a timely and efficient manner, and optimize case processing by supporting a foundation for the digital court and by implementing comprehensive digital services for the public and for justice partners.

#### **Business Driver/Need**

The judicial branch must employ innovative solutions to better serve the public by administering justice in a timely and efficient manner through enhanced court operations, including improving public safety. The courts require technology systems that advance and optimize court operations, enabling data integration and exchange to meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the public, the judicial branch needs a foundational set of technologies. These include modern case and document management systems that facilitate the electronic filing of court documents by the public, fiscal and human resources systems, and databases and analytical tools and technologies that allow better collaboration with justice partners and that assist judicial and administrative decision makers in the administration of justice.

Although there has been significant progress, some of the technologies the courts use are functionally limited and are incapable of supporting the technology needs and expectations of the public and court personnel. An increasing number of court users are sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in private industry. They demand that courts be effective, efficient, and responsive. They want a customized or user-focused experience that requires less effort and is nonintrusive.

To improve service and access to the public, courts must explore new models, methods, and collaborations; look to new opportunities to share information with state and local partners; and find new ways to deliver services that make effective use of available technology.





## Objectives (Prioritized)

- Objective 1.1** Establish a foundation for the digital court by implementing modern and supportable digital services to allow all courts to efficiently and effectively deliver services to the public, enabling real-time 24/7 access to court services and information irrespective of digital device or platform.
- Objective 1.2** Facilitate or provide shared technology infrastructure for courts without local resources and for those courts that wish to collaborate or leverage other opportunities for shared services.
- Objective 1.3** Provide consistent, convenient, and secure digital access to court information and services for the public regardless of language need, geographic or jurisdictional limitations, or local resource constraints. Develop mobile applications and use intelligent chat, artificial intelligence, and machine learning to facilitate interactive online services. Establish appropriate technology to provide high-quality access services to court users inside and outside the courtroom.
- Objective 1.4** Increase court-to-court data sharing for data-driven decision-making.
- Objective 1.5** Establish standardized, automated, and timely data exchanges with justice partners and facilitate their digital access to court information to promote public safety and improve the effectiveness and efficiency of the California justice system.

## Benefits and Outcomes

- Provide 24/7 access to court information and services to the public to facilitate effective and efficient access to justice.
- Ensure accurate and timely sharing of information within the justice community to streamline access to justice.
- Facilitate data-driven decision-making through improved data analytics solutions.
- Achieve cost savings, operational efficiencies, and enhanced case processing with modern, standards-based document/content management systems leveraging branchwide economies of scale.

## Measures of Success

- Increased usage of digital court services.
- Reduced costs for the storage, retrieval, and archiving of paper documents.
- Reduced average time to process a case, by case type.
- Increased court-to-court data sharing and standard data exchanges with justice partners.



## **GOAL 2: Innovate Through IT Community**

### **Statement of Goal**

The judicial branch will maximize the ability to innovate by strengthening and broadening the IT Community through collaboration, education, and employment strategies to leverage innovative solutions and drive technological change.

### **Business Driver/Need**

Digital transformation is required for the judicial branch to meet the needs of the people of California. Innovative solutions will help automate the courts' manual processes, provide tools for judicial officers and staff, and expand digital services to the public. In addition to funding, creative approaches are required to deliver these solutions in an efficient and cost-effective manner across 58 counties with varying degrees of technological maturity, staff, and financial resources.

The judicial branch recognizes the value of working together to drive technological change. Working together as an IT Community has proven to accomplish more than any one court can do alone. The extent to which the judicial branch can maximize the use of its existing technical and staff resources is dependent on a purposeful effort by court leaders and technology professionals to continue to work together to share information and resources. Having an inclusive IT Community will allow courts to further leverage innovations across the branch and develop common strategies and solutions. Education will help to remove barriers to adoption and contribute to the success of the technology strategy.

The judicial branch is also connected to a broad community of external stakeholders such as justice partners, government agencies, vendors, and experts from private industry. Continuing to identify partnerships and opportunities for collaboration is essential for the branch to strengthen and grow its IT Community with the goal of increasing access to justice through the use of technology.

### **Objectives (Prioritized)**

- Objective 2.1** Promote technology adoption and effectiveness by providing educational resources and professional development programs for judicial officers, executives, and court staff.
- Objective 2.2** Harvest innovative solutions and best practices for use throughout the IT Community to improve the implementation and delivery of court programs and processes. Productize solutions as appropriate for use throughout the branch.



- Objective 2.3** Create an online shared knowledge bank of information and resources, including project profiles, procurement materials, and purchase agreements, to be utilized throughout the IT Community.
- Objective 2.4** Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology.
- Objective 2.5** Form groups and consortia with broad participation to support knowledge sharing to improve results and reduce overall costs and efforts.

## Benefits and Outcomes

- The judicial branch promotes a culture of innovation in which judicial officers and executive leaders champion the cause for technology adoption.
- Judicial officers, executive leaders, and staff are educated in technology and have continued development opportunities to do their best work.
- Competent IT leaders skillfully manage technology programs and staff while contributing their perspectives and talents to the broader IT Community.
- Overall branch IT maturity is enhanced when courts adopt common solutions to provide a broader set of efficiencies and services to the public.
- Information and resources are easily accessible so that IT best practices can be leveraged throughout the judicial branch.
- Enhanced working relationships with external stakeholders will allow the judicial branch to share information regarding its technology solutions, solicit feedback, and improve decision-making.

## Measures of Success

- An increase in the number of technology-related training, education, and development opportunities available throughout the branch.
- An increase in the number of court leaders throughout the branch actively participating in statewide technology leadership roles and initiatives.
- A reduction in the number of technology solutions adopted that provide similar functionality on different applications or platforms, while increasing the number of available automation solutions deployed.
- A reduction in the amount of time spent researching or developing IT policies and programs.
- An increase in the number of external stakeholders participating on workstreams and working groups.



## **GOAL 3: Advance IT Security and Infrastructure**

### **Statement of Goal**

The judicial branch will continue to invest in a secure, scalable, and reliable technology infrastructure as a foundation for providing digital services and public access, while maintaining a focus on privacy protections and security.

### **Business Driver/Need**

The judicial branch is addressing the increased expectations and reliance of court users on digital access to court information by transitioning to digitally driven processes and enabling automated electronic data and information sharing among the courts and with the public and state and local justice partners. A focus on advancing IT security and infrastructure is needed to establish a digital foundation that allows parties, the public, justice partners, and the courts to leverage existing and emerging technologies. This focus includes strengthening information security by verifying user identities when appropriate and ensuring that comprehensive audit trails/logs are provided. Finally, in order to ensure reliability and resiliency, there is a need for strengthening disaster recovery measures for all business-critical systems, services, and data maintained by the judicial branch.

This goal relies on an effective, reliable, efficient, up-to-date, and secure technology infrastructure monitored by highly trained staff.

### **Objectives (Prioritized)**

- Objective 3.1** Ensure secure, reliable, and sufficient data network connectivity throughout the branch.
- Objective 3.2** Provide a consistent level of technology infrastructure across the branch to empower innovation and growth, accommodate fluctuating demands, and mitigate the risk of data loss or service interruption.
- Objective 3.3** Ensure that critical systems, infrastructure hardware, and data can be recovered in a timely manner after a disaster.
- Objective 3.4** Allow for appropriate and validated access to court information through improved identity management protocols.



**Objective 3.5** Evaluate infrastructure needs to support next-generation technologies, including video remote appearances, voice-to-text technology, video remote interpreting, online chat, artificial intelligence, location-based services, and digital evidence presentation and preservation.

**Objective 3.6** Enhance cyber security through ongoing system improvements and ongoing training and awareness.

### **Benefits and Outcomes**

- Ensure the continued availability of technology infrastructure systems and services within the judicial branch that are essential for the support and delivery of public services provided by courts today.
- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support the development of new services and capabilities, and improve access to justice.

### **Measures of Success**

- Increased implementation of the disaster recovery framework.
- Increased branch participation in the branchwide identity management solution.
- Increased public use of the branchwide identity management solution.
- Increased implementation and use of remote video appearances and video remote interpreting.
- Increased adoption of automated chat capabilities.



## Objectives (Prioritized)

- Objective 4.1** Proactively determine whether future technology solutions will require the addition or modification of rules or legislation.
- Objective 4.2** Ensure current rules and legislation do not inhibit the use of technology solutions.
- Objective 4.3** Ensure that rule and legislative changes supporting technology initiatives promote equal access to justice.
- Objective 4.4** Ensure that rules and legislation are consistent with, and support, the four-year strategic plan and the two-year tactical plan.

## Benefits and Outcomes

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services; these will provide transparency, promote efficiencies, protect privacy, ensure data security, and foster innovation.
- Rules, legislation, and procedures that facilitate and enable increased access to court services and improved service levels; these will assist litigants, justice partners, and the public doing business with the courts.

## Measures of Success

- Significant legislation enacted that promotes and accomplishes the goals of the technology strategic plan.
- Significant rules, standards, and guidelines adopted that promote and accomplish the goals of the technology strategic plan.
- Successful advocacy for the elimination of legal barriers that impede innovation and reduce equal access to justice.





## Alignment of Technology Goals

The judicial branch's technology goals are strongly aligned with the branch's strategic goals as well as the goals of the California Department of Technology. The chart below illustrates the alignment of these three sets of initiatives and the cascading objectives that support common desired outcomes.

		JUDICIAL BRANCH TECHNOLOGY GOALS			
		Promote the Digital Court	Innovate Through IT Community	Advance IT Security and Infrastructure	Promote Rule and Legislative Changes
Judicial Branch Strategic Goals	Access, Fairness, and Diversity	✓	✓	✓	✓
	Independence and Accountability	✓	✓		✓
	Modernization of Management and Administration	✓	✓	✓	✓
	Quality of Justice and Service to the Public	✓	✓	✓	✓
	Education for Branchwide Professional Excellence		✓		
	Branchwide Infrastructure for Service Excellence	✓		✓	
	Adequate, Stable, and Predictable Funding for a Fully Functioning Branch				
California Department of Technology Goals	Create One Digital Government	✓			✓
	Ensure Secure Delivery			✓	
	Build a Dynamic Workforce		✓		





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