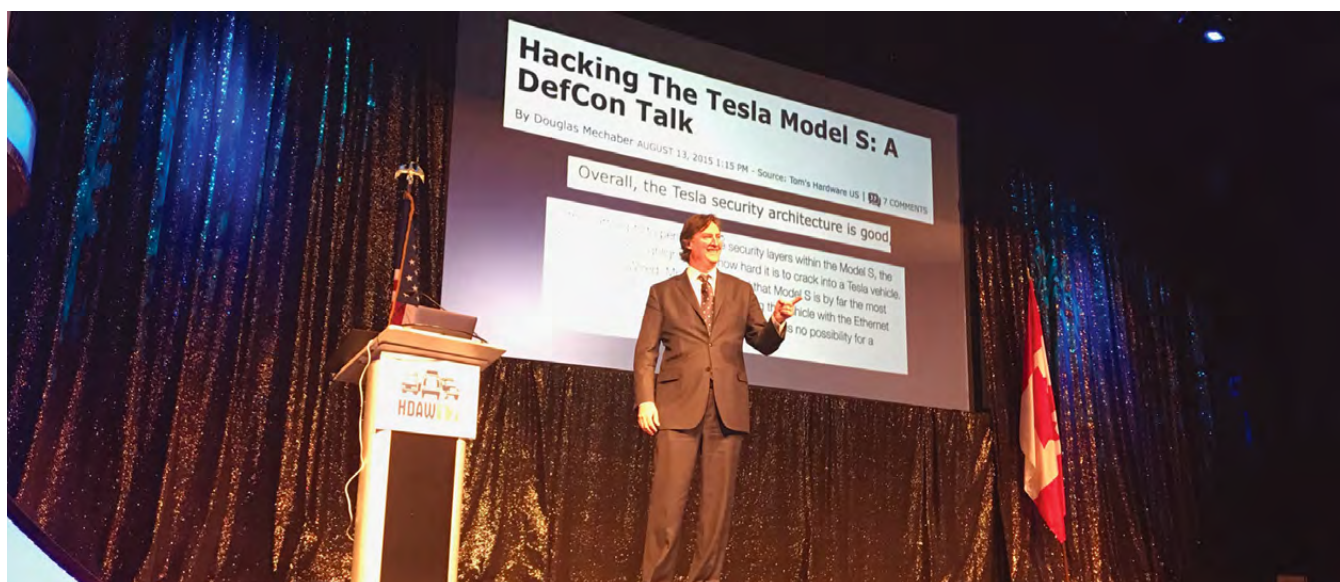


Q & A

TOP TECH CHALLENGES & SOLUTIONS

Courts Today asked a select group of judicial leaders – both administrators and from the tech industry – their thoughts on the difficulties faced by the courts and ways to tackle them. Here are their responses.



Mark Lanterman, founder and chief technology officer, Computer Forensic Services, Inc., discusses how future technology can change courthouse processes. He is expected to deliver the keynote at the CTC conference in Salt Lake City in September.

A Q&A OF PROBLEMS AND SOLUTIONS FROM PROMINENT PROFESSIONALS IN THE COURT ENVIRONMENT: INDUSTRY LEADERS, TECH LEADERS, COURT ADMINISTRATORS, COURT-RELATED COMPANIES—WERE ASKED TO HASH OUT PRESENT AND FUTURE TECH PROBLEMS & SOLUTIONS.

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What is the greatest technological challenge for courts now and in the next five years?

What do you see as the solution?

Judiciary and Court Industry Leader Answers:

PROBLEM: Presently, courts and those within the legal community tend to focus on e-discovery. With this in mind, I believe that the greatest future challenge will be the pre-



Mark Lanterman,
Founder and
Chief
Technology
Officer,
Computer
Forensic
Services, Inc.,
CTC Keynote
Speaker

sentation and review of evidence generated by the ever-expanding and developing Internet of Things. This includes the analysis of digital evidence related to hacking water processing plants, electrical systems in hospitals, and wind turbines, among others. In this sense, cybersecurity cases will become increasingly prevalent and dangerous, and will require a broader scope of understanding than what simple e-discovery methodologies currently offer.

SOLUTION: At the present time, there are no clear-cut, cure-all, solutions. The complexity of the Internet of Things and its constantly evolving nature requires an understanding of cybersecurity as being flexible and adaptive to current digital climates. With that being said, the only "solution" or counter-measure is educa-

tion. Only through education and training will judges, juries, and attorneys be able to communicate using the same language.

PROBLEM: Courts have been hesitant to adopt technology, especially in older or historic courthouses. Bringing something new and advanced into a well-established judicial system seems contradictory, but with technology being the norm for our everyday lives, it's no won-



Maddie Flowers,
Director of
Sales, Infax

der that courts are starting to implement dynamic digital systems. That said, the challenge that courts are faced with is the ever-growing amount of technology offered.

SOLUTION: With multiple companies offering variations of the same technology, the court is often left comparing their practices with the solution that best covers all their needs. The solution to the challenge of an oversaturated court technology market is education. Courts can educate themselves on the various software companies, the options they provide and how each option will best help the court move from the past, into the present and continue to help in the future.

PROBLEM: The greatest technical challenge right now is digital transformation and disruption. All industries are facing challenges by historic outsiders entering their arena in a disruptive fashion. To stay relevant we must remember that we are a great repository of



Jack McCarthy,
Chief Information Officer (CIO), State of NJ Judiciary

information, in some cases dating back decades in various silos within legacy systems. That information must be leveraged to make processes more efficient, allow decision-making to occur real-time with the most up-to-date information to the decision makers, and make data available to the public to continue the transparency of the government processes.

SOLUTION: First, don't treat legacy systems as a burden. They are a goldmine and generally serve the purpose they were designed to achieve. Spend resources exposing those legacy systems using services and APIs (application programming interfaces make it easier to develop a software program). Once the data is available, build new systems that leverage modern technologies to efficiently analyze data. Exceptional solutions are found visiting insurance, finance, energy [and those in other fields]. We all have the same problems: We should leverage data to be more efficient.

PROBLEM: The greatest technological challenge is for the courts to



Jeffrey A. Newman,
Business Development, CourtSmart Digital Systems Inc.

keep pace with the expectations of attorneys and litigants who will demand instant, 24-hour access to the courts. According to the Pew Research Center, Mobile Fact Sheet, January 12, 2017, the majority of Americans—95 percent—own a cellphone; 77 percent smartphones, up from 35 percent in 2011.

SOLUTION: Courts no longer can close their doors at the end of the day. Courts must find ways to provide services after hours such as paying fines, filing cases, issuing

warrants and protective orders, arraignments, visitation, and many other services. Attorneys and litigants will expect to use smartphones to present evidence on monitors, obtain docket information, and to navigate the facilities. Jurors will expect information on parking, transportation, and where to eat lunch. This requires the courts to build and maintain robust websites which scale to any screen size, and to design easy to navigate court Apps to assist litigants.

PC to AI: The Path to Beyond

When asked about technology challenges the courts face, I reflected on 35 years of creating court-focused software solutions, starting in the days of the first IBM PC, then the next greatest thing called the Internet, and most recently, artificial intelligence (AI) and machine learning. Over this period of time the concept that litigation is expensive, time consuming, and that no one wants to go to court if they can avoid it has remained constant. Thus, over time we see the business of the courts going to alternative sources of resolution—processes that take less time, are less expensive, are easier to participate in, etc.

With such alternatives for dispute resolution, a significant challenge facing the courts is to remain the gold standard for justice, while at the same time adopting technologies to remain competitive. The courts are a business; they have customers—albeit some not by choice—but as a business they need to make use of the advancements in technology the same as private sector businesses. E-filing surely has helped, but automation of court workflows to provide case information to discern dispute fact from fiction is still a manual human-centric process.

I suggest that the fourth industrial revolution, artificial intelligence (AI), is upon us and that the courts can use AI software to reduce the time and effort to process cases. That is not by eliminating responsibilities and years of judicial expertise, but by providing guided assistance with document summaries, case facts, conflict of facts, timelines, relationships and data that exist within documents requiring human review to locate. AI will not make case decisions, but will make facts more accessible and transparent to those who require them.

One can't always determine where the next backlog will occur, the past being our foreclosure crisis, our current being the opioid epidemic, or America's immigration case backlog. Instead of hiring or reassigning judicial resources to assist with the increased workload, I suggest providing the courts with tools available and in use by private sector organizations, which will revolutionize the valuable gold standard in services that courts provide.

— Henry Sal, president, Computing System Innovations



Henry Sal, President,
Computing System Innovations



The Justice Building, Arkansas Judiciary, Little Rock, Ark.

Tim Holthoff, Director, Court Information Systems, Administrative Office of the Courts, Arkansas

PROBLEM: I think the greatest challenge is to meet the growing technology expectations of court customers resulting from the ubiquity of powerful and easy-to-use commercial software on mobile devices. Nearly everyone is Internet-connected through a plethora of mobile devices, and they expect to interact with government entities, including the courts, in the same fashion with which they've become accustomed in the commercial sector.

SOLUTION: Court technology leaders must continue to work strategically to find secure, affordable, and possibly non-traditional sources to leverage in order to meet growing expectations. Further, as technologies provide increases in efficiency and improvements in service, court leaders should shift those savings towards technology to continue improvement and prevent stagnation.

PROBLEM: Our judicial system faces many challenges, of which two very significant factors are budgetary and time constraints. Real-time reporters



Debra A. Dibble: RDR, CRR, CRC, National Court Reporters Association (NCRA) Secretary-Treasurer

provide many technological solutions to facilitate efficiency in courtrooms and legal system.

SOLUTION: When every infrastructure dollar counts, real-time reporters offer smart 21st Century solutions by improving efficiency with their ability to connect to judge's and counsel's laptops to instantly view, highlight, or make written remarks/reports of the testimony in real-time; allowing judges and counsel access to instant "read-backs," rough drafts, daily copy, and expedited transcript services. Unlike electronic recordings or voice recognition software, if a witness mumbles, speaks with an accent, or nods, a real-time reporter will clarify while ensuring testimony is not obliterated by overlapping dialogue. When millions of dollars or someone's freedom is on the line, the services of real-time reporters using sophisticated computer-aided transcription software can be the difference between winning and losing, incarceration or freedom, life or death.

PROBLEM: The biggest challenge I see facing courts revolves around the "change management" that is needed to move court staff from outdated systems to newer, more efficient processes. The human side



Kendall Smith, Business Development Manager, Thomson Reuters C-Track

of changing the way people have always done something can be scary and overwhelming to staff. Preparing for, as well as the ongoing management of the various responses to the change, can either

help or hinder the adoption of technology.

SOLUTION: I see two areas of focus for court IT staff. The first is purchasing and building technology systems that are configurable and easily adapt to the unique process of their court and that are built on modern platforms that will evolve and scale as the court user community changes. The second focus is to incorporate "change management" strategies into your rollout of new technologies to your team. If proper energy is devoted to "change management," new technologies will be adopted with excitement and ease, versus resistance and headaches.

PROBLEM: Today courts use a broad variety of disparate technology tools to manage a diverse range of clients



James Newman, Vice President of Sales and Marketing, cFive Solutions

and court requirements. Just as there is not a "one size fits all" path to community supervision, there is not a single technology that handles all of a court's pretrial, parole and probation supervision needs.

"Smartphones can support and empower community"

SOLUTION: Smartphones are the X factor. As technology continues to develop, so does the ability for smartphones to support and empower community. Emerging smartphone-enabled technology,

like cFive Catalyst, allows courts to elevate remote supervision to true client management. Catalyst integrates instantaneous client communication, personalized client contact and electronic monitoring services into a single mobile app. Smartphone technology can provide enhanced levels of communication and supervision that combine 24/7 secure biometric client access with supervision services including interactive appointment notification and acknowledgement, distribution of contact questionnaires, secure messaging between client and case manager, virtual check-ins and location monitoring with inclusion/exclusion zone reporting.

Michael Kleiman, Director of Marketing, Tyler Technologies Courts & Justice Division

PROBLEM: Courts will continue to be challenged by responding to changes in public policy and the public's ever-increasing appetite for digital convenience, all while also reducing costs. Technology is rapidly changing how routine transactions are handled in other industries and courts have the opportunity to leverage those successes toward enhancing services for citizens and increasing access to justice.



SOLUTION: To further advance court automation, new solutions for mediation and online dispute resolution will make justice available to a wider audience with lower cost. Tyler's Modria combines the social science of alternative dispute resolution practices with rules-based technology and case management. As bail bond reforms occur, Tyler Technologies' Odyssey Pretrial Services module provides an auto-

mated tool for handling all aspects of the pretrial release process while defendants await trial either supervised or unsupervised.

PROBLEM: Courts have embraced technology to facilitate their internal processes—whether entering data more efficiently or triggering actions



Sue Humphreys, Director of Industry Relations, equivant

through workflow or assembling and reporting information to help decision making. Now, they need to work toward making those same processes more manageable and accessible externally—for their customers.

SOLUTION: Court websites do a decent job of letting people look up cases or make payments electronically, but they aren't ideal for someone who is trying to figure out whether the issue is appropriate for court or how to gather the right materials filing a case. There are a few steps that courts can take to help people; for instance, they can ensure that websites use plain language and include translation technology for limited English. An automated interview, along the lines of the A2J Author, can narrow down issues and suggest appropriate forms and next actions.

Scott Bade, President, ImageSoft, Inc.

PROBLEM: The biggest challenge that we see is that courts lack the ability to achieve an electronic workflow because most court systems do not exchange data well with other systems. Courts have solved these integration gaps by manually keying in redundant data or printing documents to route or share. This creates huge inefficiencies in the court and makes public access and



Software that enables a seamless flow of data throughout the court can achieve a leap in transparency and efficiency.

transparency a challenge.

SOLUTION: The JusticeTech Solution Suite integrates with any existing court system that can exchange data and even some that can't. This enables the seamless flow of data and documents throughout the court and eliminates much of the redundant keying, printing and scanning of documents. By using JusticeTech to capture data and documents and route them through configurable electronic workflows, courts can achieve a leap in efficiency and transparency.

PROBLEM: Challenges are: Disparate judicial systems lack information transparency between one another; lack of policies and laws that foster the use of technology; funding required to upgrade and procure new technology while retaining skilled AV and IT staff.

SOLUTION: The Connected Justice consortium finds answers to judicial challenges mapping technology to



Terry Burdett, Vertical Solution Architect (VSA), Cisco, Public Sector, Office of the Chief Technology Officer, Connected Justice

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judicial challenges. This system offers an end-to-end approach and step-by-step guidance allows short term tactical steps that are tied to longer term strategic planning. The Connected Justice team will be at CTC showcasing a new application designed to generate revenue streams to help offset the funding requirements to implement technology solutions that solve the various challenges found within courts.

PROBLEM: I am not sure what the greatest challenge is—but almost every week there is a court that is shut down because they have received suspicious powder and/or a



**Eric Giroux,
CEO,
RaySecur Inc.**

mail threat of some sort. This is the weakest link in the court's overall physical security plan. For years courts have relied on X-ray technology to detect powder in the mail, even though it is not recommended by the Department of Homeland Security.

SOLUTION: The good news is that a new device, MailSecur, is now able to detect 50 milligrams, or two percent of a teaspoon, of powder and a single drop of liquid in the mail. The technology is millimeter-wave based and is completely safe for the operator. It is a plug-and-use device the size of a small printer. The system can be operated with a minimum of four hours of training and can be deployed overnight.

PROBLEM: Courts today are faced with a number of challenges ranging from how best to serve a growing, diverse population to managing the technology that will provide the services. Creating an integrated system that incorporates all the various audio, video, and digital signage needs, while ensuring it is future proof (aka, easily upgradeable) can

create an overwhelming and costly situation.

SOLUTION: It is crucial to find a partner that understand the needs courts face now, as well as evolving technology and how these affect courts in the future. As population diversity continues, courts need to provide services in multiple languages. An example is the increasing need for access to interpreters. Courts that have access to a high-quality audio/video system can easily support the use of remote interpreters throughout their state.

**Joe Golemo, Principal Marketing Officer,
Integration Architects**

PROBLEM: One area of the criminal justice system where compliance is particularly lacking is the defendant's appearance in court for minor offenses such as traffic offenses, misdemeanors, and low-level felonies. Non-custodial criminal defendants often fail to appear for court in various instances: arraignment, pretrial (post-arraignment) hearings, trial, and post-trial. Initial (i.e., arraignment) failure-to-appear (FTA) rates for non-waiverable offenses are particularly problematic, as they involve the greatest volume of defendants.

SOLUTION: By sending automated electronic hearing reminders via text and/or email messaging helps reduce failure to appear rates for defendants. Specifically, reducing excessively high FTA rates helps defendants avoid negative consequences of failing to appear, such as job loss, family stress, incarceration, and the resulting emotional trauma; the court improves utilization of important system resources by conducting hearings as scheduled; law enforcement avoids executing warrants on minor criminal or traffic offenses; and the public safety system need not take additional action and expend resources to compel appearance. **CT**

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