Part 20: Comments on Project Management, Acquisition, and Development

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A major question for courts is whether their CCMS/Electronic Document Management System/E-Filing system should be built or purchased? This simple question creates a cascade of others such as, what amount and kind of funding is available? Does the court have the technical capability to build the system? Does the court have the ability to manage such a project either as a developer or an implementor?

Next, concerns control? Is it important for court IT project managers is to be able to plan and have control over the future system capabilities? There will be changes over time. Is There a good project policy approach with the judges and court staff? Are there technical capabilities within the court? Can the court manage this, or would they benefit from help?

Scope? What is the environment where the system will be implemented? Is it are placement for an existing system? Is there a need to convert data or is it a new
implementation from a paper-based court? And/or is the court in a state of change due to changing jurisdiction, demographics, and law?

These and many other questions are all classic project management issues. But many items are often not considered. For more see the Project Management Institute guide and standards "bookshelf" and consider engaging a Certified Project Manager?

Option 1: Solutions Based Procurement

I have found it is often best, and easier, to define the desired outcome for what the new system must or should do and, not necessarily "how" to do it. Focusing on the outcome allows everyone to think about the solution that benefits them individually and not undefined requirements.

Therefore, most of my Requests for Proposals (RFP and "Tenders" in international"admin-speak") in recent years use the Solutions/Outcome-Based Procurement approach. To help explain this concept, here is an example of the introduction of one of our RFP's:

"This is a Solutions Based Procurement which states a problem. Your solution should state your company's answers the problem. Through this method, the Court has attempted to provide the minimum amount of detailed specifications and requirements in order not to transform this RFP into a Bid. As a result, the Court does not want to limit your
creativeness or ingenuity by over-specifying the requirements of this solicitation. However, please note that in your response, following the "Checklist for Off errors" general format will assist the Court and the State in evaluating your submission."

The key benefit of this approach is that it lets responders propose what their system and their company do best. A court/court system will normally only do only one or two CCMS of projects over the course of several decades of time. They simply do not have the experience to micro-specify and manage a project of this size and complexity of a CCMS. More importantly, the vendor's solution allows the court to learn about, and hopefully adopt, new ideas that are the result of years of vendor court experience and systems development.

I often "joke" that we should not use the popular phrase in our field, "court re-engineering". This is because in my experience, the court organization and processes were never "engineered" in the first place. To be fair with technology changes, an original design would not be the best solution today anyway. With this kind of solutions-based approach, there is now an opportunity to do collaborative "engineering" via the vendor's experience with many courts.

Allowing the vendors to propose, train, and implement their system based upon their design and experience, also lowers costs. This is because configuration/functional changes can be minimized if the court allows. From the court's point of view, the strategies to adapt old processes to the new system rather than the system to the old processes. In short, the court should change processes to take advantage of the new advanced system.
Ideally the court should have a two-phase approach to these changes because they initially don't understand how a new system will work in their operational situation. The first phase is then is the best guess at how it should be used. And then the second phase involves evaluation and making changes to both court processes and the CCMS. As a result, I recommend giving a court and vendor a two-year schedule to accomplish both phases.

Another great benefit of the solutions-based approach is that one can visit other courts to see firsthand how the new proposed system and processes are used. This allows a court to reject the conceit that they have thought of all the possible solutions and approaches? Again, they can learn from others including the selected system vendor. This approach can save a great deal of time and cost as the functionality has already been developed and implemented by other courts. In other words, one is adopting is a proven solution. A new system will very likely have additional data and capabilities such as built-in integrated document management that can accept and process the e-filed/scanned documents. The new document management capability could allow for digital signatures, workflow, "e-bench", and provide the foundation for smart public access since the CMS will "know" what can and cannot be openly posted.

Project Organization and "Selling your Court"

Courts often think they are good customers. In my experience that is often not the case. First, the court may not know what they want their new system to do. You need to show the vendors that you "have your act together". I explain below.

Unfortunately, many times, the automation system is purchased to solve internal disagreements and power struggles among participating leaders and departments. Budgets can be altered especially if the system affects different political entities included elected officeholders, and state, and local departments. It can be a dysfunctional family.

The best CCMS/technology vendors often have many courts they can choose to work with. I have seen vendors choose not to bid on a project because the court either does not explain their project management and organization or they have already failed and thus has a bad reputation. And a poor RFP that does not discuss the court's project leadership and organization sends up a red flag that they are not serious about the project's success. If the vendor has to "fix" the court's dysfunctions then they will need to charge a premium to cover the time and effort and risk to do it.

Another warning for potential vendors an RFP that is confusing, too long, and/or too complex. This approach is often taken by a court because they may be trying to solve every problem that they have and/or use the project to overcome their dysfunctions. They Are essentially looking for a hero to rescue them. IT is hard enough without trying to perform miracles.

I think that a better approach is to first, find or hire an experienced solutions-oriented project manager (PM). You can think of this person as the court's psychologist. They Work with the judges, managers, and court staff to understand their issues and define the goals to be accomplished. They also work with the county/state/national IT management institute their standards.

They can also discover and take advantage of existing software licensing contracts. Many times, I have saved a project hundreds of thousands of dollars because software licenses suchas those for database, office productivity, and servers were already paid for by government or grant programs.

Trust in the PM is key since there are going to be many, many decisions that will need to be made. The project manager can also be designated as the "single point of contact" for the research, RFP, negotiation, and working with the winning vendor. This single point of contact is key for a successful project because it keeps the lines of communication simple. Also, the PM can consolidate/filter information and save everyone time.

The second tip is to have/create a good court project organizational structure. We teach a three-tier organizational structure in our NCSC ICM class. The three-tiered committees: Policy, Business Process, and Technology. You can take our class to learn more. But I am sure many of you can figure this out.

The third step is documentation. Document everything; especially court processes(current and desired). After collecting the documentation then organize it. The vendors need to understand the court's beginning organizational structure, staff size, duties, and roles. They need to know the computer technology that is existing including network equipment, and any other technical help/expertise that might be available from the other parts of government. I like to include examples of all court forms/documents/templates along with management lists and statistical reports.

One also needs to provide information from any existing CCMS. This can be features that the court likes, reports, and especially data sharing/exchange connections and messages.

The fourth step is for the project manager and committees define the goals and results the court

wishes to achieve by acquiring and implementing a new CMS. But please note, unless there is a problem with the funding availability schedule, I do not want to have the court's team define a hard implementation schedule in the RFP. A goal yes, but not the schedule. Again, the court does not know the vendor's system and their recommended timetable that they have learned through experience.

Shopping for a CCMS and Other Tech

Many courts/governments have policies regarding contact between the courts and vendors. This restriction is primarily implemented as part of the formal acquisition process. However, prior to that restricted time after the RFP has been issued, I think that one should educate themselves with online materials and by visiting with the vendors at the various court and court technology conferences. I think it is also good to have materials sent by the vendor. And if not restricted by contact rules, see the systems in operation in other courts and view the training and support materials.

In other words, it is OK to shop. A smart consumer is preferred by technology vendors because it saves time. It allows for constructive conversation about the systems features and the reasons behind their design choices. It can provide an insight as to whether one wishes to work together in the future. This "shopping" can open your court to new possibilities

I have taken the opportunity when visiting other courts to ask for copies of the RFP documents that resulted in the system they selected. If it is a good system, I will borrow ideas from the RFP. If it is a bad system, I know what not to ask.

When budgeting for a project, I have found that it is generally easy to discover the price of the system as it is documented in government budget/approval meeting minutes. This in turn may change the scope and timeframe of an RFP in order to fit into our project's financial parameters.

Last, I try to avoid a Requests for Information (RFI) process. I have found that RFI's can used as a filter qualify some unqualified vendors that do not have the ability to be successful. But they can be expensive to answer by the vendor and if made optional, there may not provide any useful information to the court or the vendor.

Option 2: Building a CCMS

The other option of course is to build a CCMS. I have become more of a proponent of this approach in recent years, especially for developing nations. This is the long-term approach and so it can mean years of commitment to the effort by the judges, court staff, court management, and IT. A large court system, such as a state or national level have had success with this approach. Prominent examples are the US Federal Courts and the states of Connecticut, New York, New Jersey, Alabama, Mississippi, Missouri, Arkansas, Wisconsin, Iowa, Nebraska, Colorado, and Utah. Internationally I would point to Singapore, South Korea, and Brazil.

The first reason to build is to control costs. The web, cloud, and open-source and free software components have made it much quicker and less expensive to write software today. Second, the

world now has formal technology training using open source software available in universities everywhere. The key is to use the software packages that is taught in your court project. While that approach might not be the "cool" tech, it can get the job done.