

The Judiciary, State of Hawai`i
Request for Information
Online Dispute Resolution

Date: December 19, 2018

To: All Interested Providers

From: The Judiciary, State of Hawai`i

Subject: Request for Information for Online Dispute Resolution, RFI J19245

The Judiciary, State of Hawai`i (“Judiciary”) is issuing this Request for Information (“RFI”) to understand the types of systems available in the current market for Online Dispute Resolution. This RFI is issued as a means of technical discovery and information gathering. This RFI is for planning purposes only and should not be construed as a solicitation nor should it be construed as an obligation on the part of the Judiciary, State of Hawai`i (“Judiciary”) to make any purchases. Vendors are encouraged to provide a “best practice” solution for the implementation of their software. Draft service specifications are attached to this RFI for your review, or are available through the Judiciary’s website at <http://www.courts.state.hi.us/> under “Doing Business with the Judiciary/Solicitations”.

Please review the information contained within this RFI and provide response or comment to the anticipated Online Dispute Resolution system for the Judiciary, State of Hawai`i. Please provide your response in pdf format by 3:00 p.m. Hawaii Standard Time, **January 2, 2019**, to the program contact person specified below. Responses will provide the Judiciary with recommendations that will serve to accomplish the work required by the procurement. Input received in response to this RFI may be incorporated into the specifications and be used in a formal Request for Proposal. Neither the Judiciary nor Responding Vendor has any obligations under this RFI. (Note: The receipt of comments to this RFI will not be a pre-requisite to submit proposals for a subsequent RFP.)

The Judiciary, State of Hawai`i may request product demonstrations based on information received. Not all respondents may be invited to provide a demonstration. Demonstration may be online and allow for multiple users to view the presentation.

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REQUEST FOR INFORMATION
Hawai`i Online Dispute Resolution
Service Specifications

I. Introduction

The Judiciary, State of Hawai`i (“Judiciary”) seeks to launch an integrated Online Dispute Resolution (ODR) portal that allows the public with little or no legal experience to initiate cases and manage them to conclusion. The portal would initially support Small Claims cases and later include non-criminal Traffic cases. The Judiciary envisions a multi-phased project to steadily increase online capabilities into the portal to include enhancements and integrations on a pre-determined rollout schedule.

The Judiciary is issuing this Request for Information (“RFI”) to solicit information regarding the availability of ODR solutions. The ODR solution must include the ability to integrate services for self-represented litigants to include online triage, form filling and submission, electronic payment, electronic reminders and electronic judiciary processing. The solution must have the capacity to integrate and/or interface with the existing case management system. If Commercial Off the Shelf (COTS) solutions are available, they should be mature software products that are fully configurable and scalable.

The Judiciary is a unified state court system that functions under one administrative head, the Chief Justice of the Hawai`i Supreme Court. The Judiciary consists of four circuits, First, Second, Third and Fifth that service the counties of Honolulu, Maui, Hawai`i and Kaua`i.

For fiscal year 2017-2018, the Judiciary handled 8,749 small claims cases and 504,307 non-criminal traffic and parking violation cases. For the most part, parties to these cases must engage with the court system in-person. Self-Represented Litigants (SRLs) often spend hours seeking appropriate guidance and legal assistance, or wait in lines at courts unprepared for the process of initiating their case and/or resolving their legal issue.

It is the Judiciary’s desire to increase access to justice for all court users and especially for that segment of the public that has limited time and resources to effectively engage with the court today. The portal would allow this interaction anywhere through smart devices connected to the Internet and an easy to navigate portal with features to:

- help the public easily select an appropriate process to solve their legal issue;
- facilitate and where possible, automate, and guide the input of information;
- make the court processes more understandable and accessible;
- help identify ability to pay; and
- enhance the public’s experience with the courts.

II. Current Situation

The Judiciary and its community partners have several technological services and ongoing projects to help deliver a modern justice system to the public. It is the Judiciary's desire to integrate and supplement these existing capabilities to create a single unified ODR solution for its District Courts in all four Circuits.

Case Management

The Judiciary's case management system provides case tracking and through an ongoing modernization initiative, will also provide e-filing for practicing attorneys.

Information and Education/Triage

In an effort to broaden the public's access to the courts, the Judiciary launched its free Hawai'i Courts Mobile app which provides access to records and information regarding the courts and its services.

The State of Hawai'i is fortunate to have been chosen along with Alaska for a Legal Navigator portal project which is supported by the Legal Services Corporation, Microsoft, the Pew Foundation and Pro Bono Net. The Legal Navigator is currently being designed to provide public access to web-based tools including artificial intelligence that will receive and understand common language questions, diagnose legal issues and provide paths for resolution. The Legal Navigator ties in services offered by Hawai'i legal services providers as well as the Judiciary.

Forms

Hawai'i court users currently have access to fillable court forms which are available on the Judiciary's website. In addition, interactive court forms are available through LawHelp.org/HI which is supported by LawHelp Interactive, HotDocs and the Legal Services Corporation. LawHelp.org/HI is locally administered by the Legal Aid Society of Hawai'i.

Mediation

In addition, the Judiciary has a long working relationship with the mediation centers in Hawaii. For many case types, including Small Claims, litigants are referred by courts to mediate. Generally, mediation takes place within the courthouses to facilitate dispute resolution. The Mediation Center of the Pacific which services residents on the island of Oahu, is gearing up to launch its online mediation service through the use of Matterhorn technology.

Payment

Lastly, the Judiciary currently accepts online payment for uncontested traffic tickets.

III. Envisioned ODR Service

The Judiciary envisions an ODR portal that will support the procedural needs of court-users and provide start-to-end services for those choosing to resolve legal issues on their own. At the initial launch, the envisioned portal will support a court-user's ability to engage almost entirely online to resolve their Small Claims dispute and if successful, the ODR project will expand to include online resolution of non-criminal Traffic cases.

The Judiciary is interested in a solution that would use one system or parts of multiple systems that integrate with, or replace or supplement the Judiciary's existing capability to create a single unified ODR portal. Please see Attachment A - Vendor Modules, which diagrams areas where ODR solutions are desired for Small Claims cases.

The envisioned ODR portal will comprise the following main areas:

- Vendor hosted with 24 x 7 x 365 availability with minimal downtime except for maintenance windows
- Information and triage including search capabilities to quickly direct customers to their area of interest
- A knowledge database that can be populated by the Judiciary
- Form filling capabilities with guidance with electronic submission capabilities
- Electronic payment capabilities
- User friendly dashboards with communication functions to include e-reminders
- 24/7 Customer Support

IV. Information Requested

The aim of this project is to identify solutions for the Judiciary that would leverage, integrate and supplement aspects of current capabilities. The Judiciary is most interested in learning about the solutions that exist in the marketplace, and the general costs associated with those proposed solutions. All information provided is for information gathering only.

A. General

1. How long has this company provided Online Dispute Resolution solutions?
2. Describe the primary customer base for this company the specific product(s)/service(s).
3. Describe this company's currently available products or services which courts might include in their ODR plans.
4. If possible, describe future products or service developments or plans. What is this company's long-term ability to service industry?
5. What is your engagement process?

6. Does this company engage in business process re-engineering or organizational change management?

B. Case Types

1. Provide a list of case types this company currently has implemented with other customers.
2. Describe your experience with Small Claims and non-criminal Traffic cases.

C. Triage

1. Describe how the proposed solution helps a litigant identify the legal issue.
2. Does the proposed solution provide guided interview to help navigate the court-user to the correct path? If yes, please describe.

D. Validation

1. Is the proposed solution able to filter non-meritorious complaints? If yes, please describe.

E. Negotiation and Mediation

1. Describe how the proposed solution helps shape constructive communication between parties.
2. Does the proposed solution provide a secured negotiation platform between opposing parties? If yes, please describe (chat, video, synchronous, asynchronous, private chat, etc.).
3. Does the proposed solution have interfacing capabilities with third-party mediation services? If yes, please describe.

F. Streamlining

1. Describe how the proposed solution improves existing processes.
Please see: Attachment B – current workflows for Small Claims
Attachment C – current workflows for non-criminal Traffic

G. Payment

1. Does the proposed solution help adjudicators understand a party's ability to pay? If yes, please describe.
2. Does the proposed solution provide automated payment reminders?
3. Does the proposed solution integrate with an online payment mechanism? If yes, please describe.
4. Describe how the proposed solution improves or supports online payment processing.
Please see: Attachment D – Paying Filing Fee Online Requirements

H. Post-Adjudication

1. Describe post adjudication enforcement capabilities (if any).

I. Automation

1. Describe the proposed ODR technology in terms of automation and human involvement. In what stages/instances could the process be fully automated?

J. Transparency

1. Identify system processes and algorithms that impact decision-making.

K. Communications

1. Does the proposed solution have the ability to provide email and/or text notifications for external court-users?
2. Does the proposed solution provide configurable, multi-channel customer support platform, integrating online chat, call center, and ticketing services?
3. Does the proposed solution offer configurable chat bots?
4. Is the proposed solution ADA accessible compliant?

L. Data

1. Identify data collection point in the resolution process.
2. Describe how personal identifying information is collected and secured.
3. Describe data ownership.
4. How long is data retained, by whom, and where?
5. Can data be accessed by litigants after a case is closed? If so, for how long?
6. What data retention and destruction policies are in place and how are they enforced?

M. Metrics

1. Describe how data used to inform decision making and improve justice processes.
2. What data elements are necessary? How will they be captured and what mechanisms are employed to ensure good data hygiene?
3. What reporting tools are included?
4. What information can be gleaned to help meet justice objectives?

N. Privacy and Security

1. Explain the proposed solutions data protection, security, redundancy, and disaster recovery mechanisms.
2. If this company utilizes a cloud provider, what are the vendor's privacy and security policies and processes?

3. Is a cybersecurity incident recovery plan in place, and if so, what is the victim notification policy and process?
4. Describe adherence to standards such as NIST and laws such as GDPR.

O. Documents

1. Does the proposed solution meet the court's current documentation requirements?
2. What automated processes could reduce forms requirements, and how could the implementation address both current and future documentation requirements?
3. Does the proposed solution provide document assembly/intelligent fillable forms services? If no, please describe alternative solution.
4. Does the system support electronic signatures?
5. Does the system support electronic submission of pdf, jpeg, tiff or other documents?

P. Interfaces to Other Systems

1. Describe in terms of the Court Component Model.

Q. Standards

1. Does the proposed solution adhere to current ODR technical and ethical standards?

R. Support, Training and Management

1. Describe the automated and human technical and user support mechanisms for both court personnel and the public. Include hours/days of coverage.
2. How much training is required in order to manage this product?
3. Approximately how much time will be required by court staff to support public users on this system?

S. Net Promoter Scoring

1. Describe how the proposed solution quantifies and utilizes net promoter score.
2. Describe the user evaluation/survey process.
3. How is this data transmitted to the Judiciary for evaluation?
4. Describe what mechanism can be employed to ensure timely response of complaints.

T. Usability Tracking

1. Describe how the proposed solution tracks and analyzes Judiciary acceptance rates of (case filings that are returned to parties for correction), resolution rates referred back from mediation with agreement and cases set for trial due to no agreement, and cases that fail to progress.

U. Technology

1. Describe the technologies the solution uses – platforms, architecture, etc.

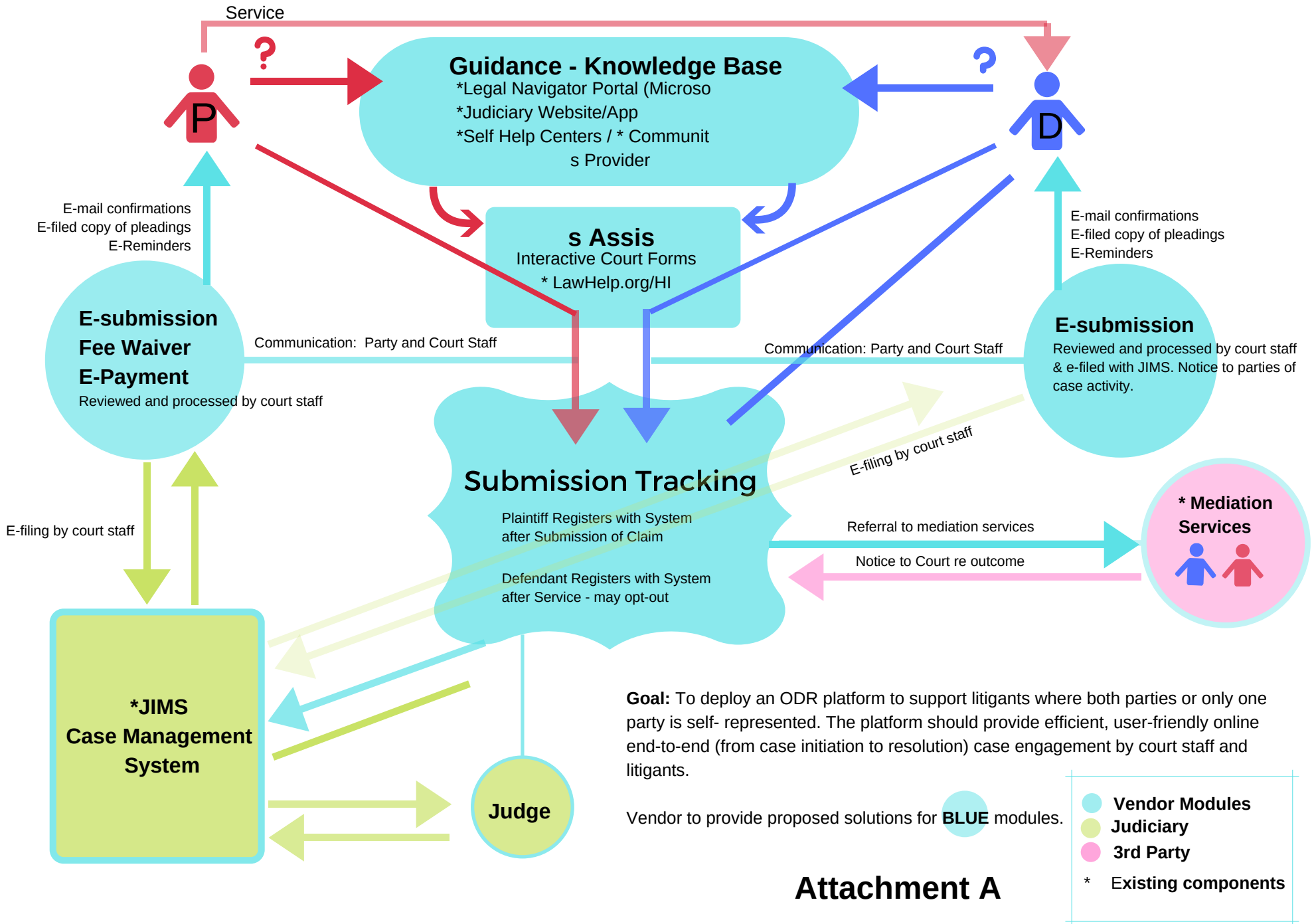
2. Which browsers are compatible with this product? Which is/are preferred?
3. What telecommunications connectivity or speeds are required for optimal operation of this product?

V. Total Cost of Ownership

1. Describe the proposed solution in terms of costs, include initial (one-time costs) for this product and additional costs for system requirements.
2. Is there an annual subscription or renewal fee required for proper function of the product? If so, what is the rate? For how long are quoted renewal prices guaranteed?
3. Approximately how often are major software updates offered for purchase?
4. Identify creative approaches beyond traditional transactional fee model. Describe enterprise pricing, if available.

Hawaii Online Dispute Resolution - Small Claims

Vendor Modules - Draft
November 29, 2018



Attachment A

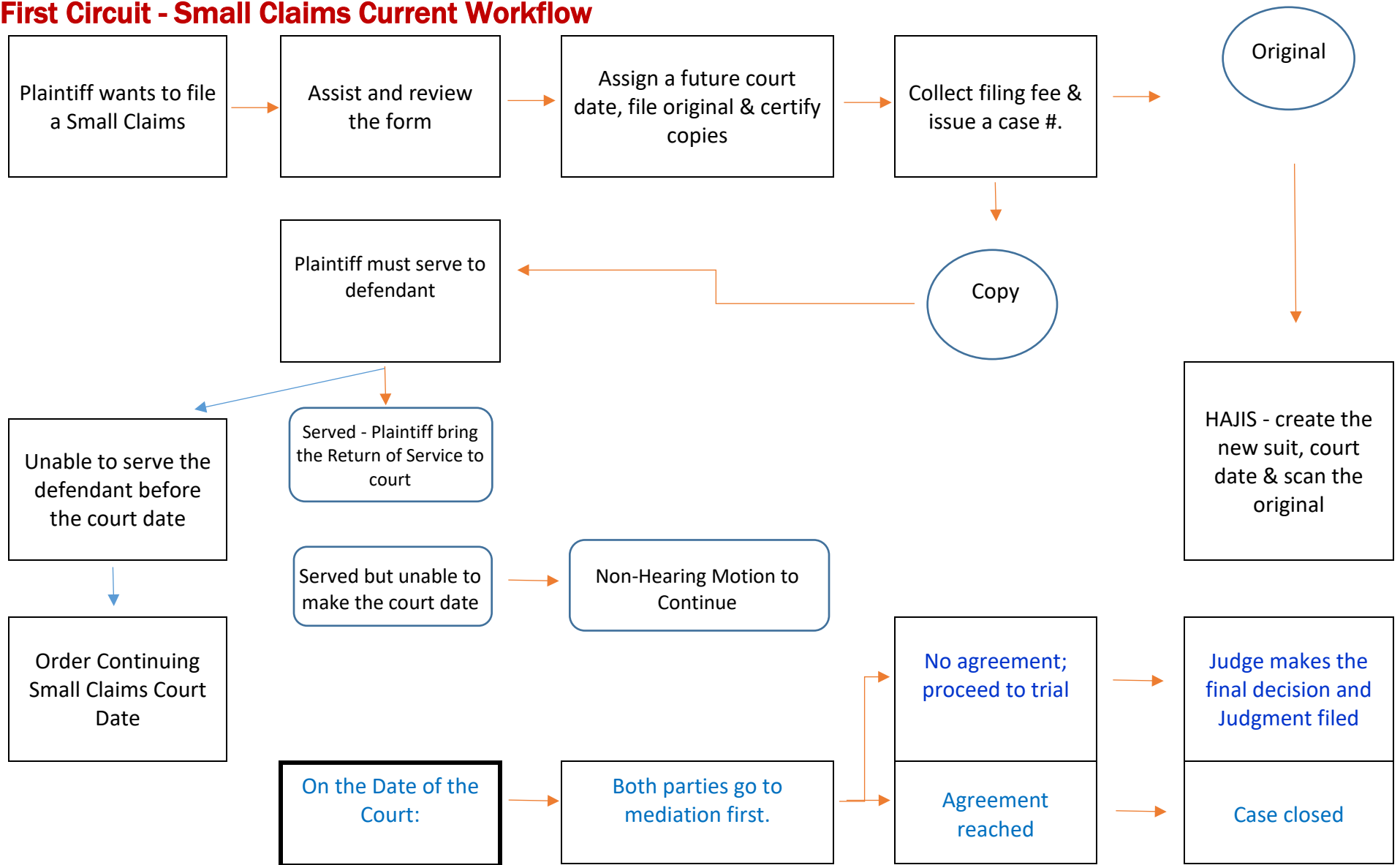
Online Dispute Resolution (ODR) for Small Claims Cases

Updated: November 26, 2018

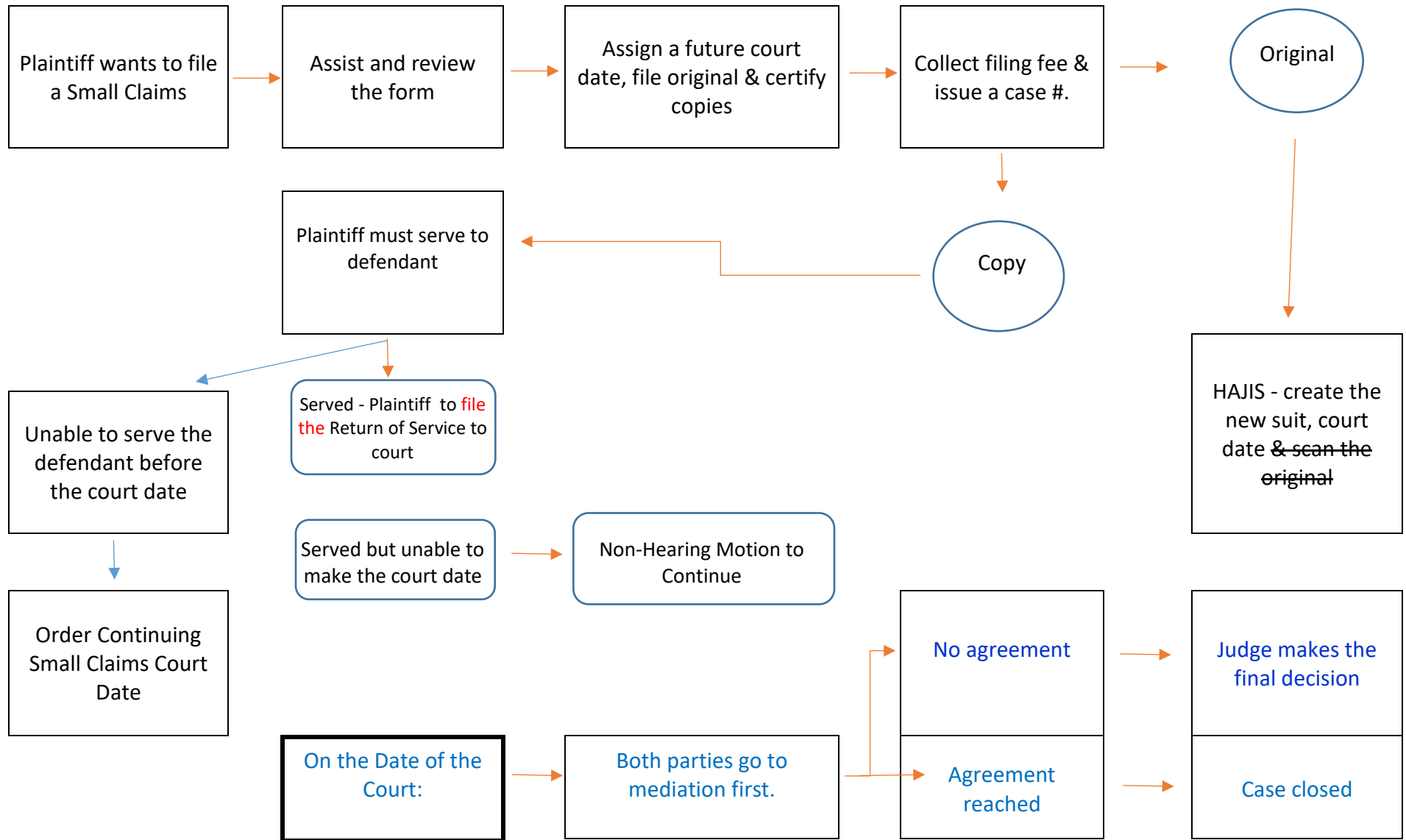
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- eSubmit Small Claims Form with ODR – Possible Workflow 6

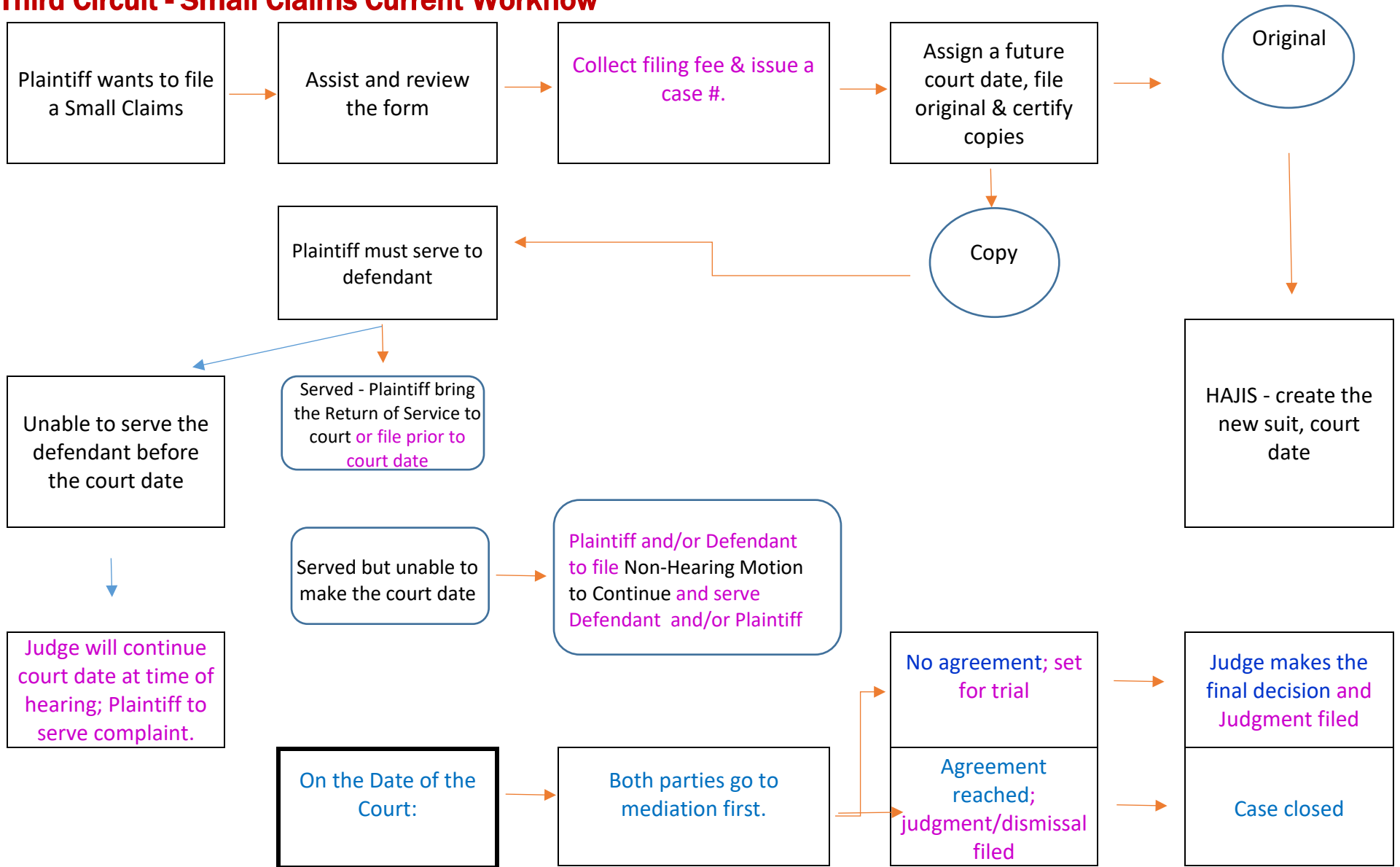
First Circuit - Small Claims Current Workflow



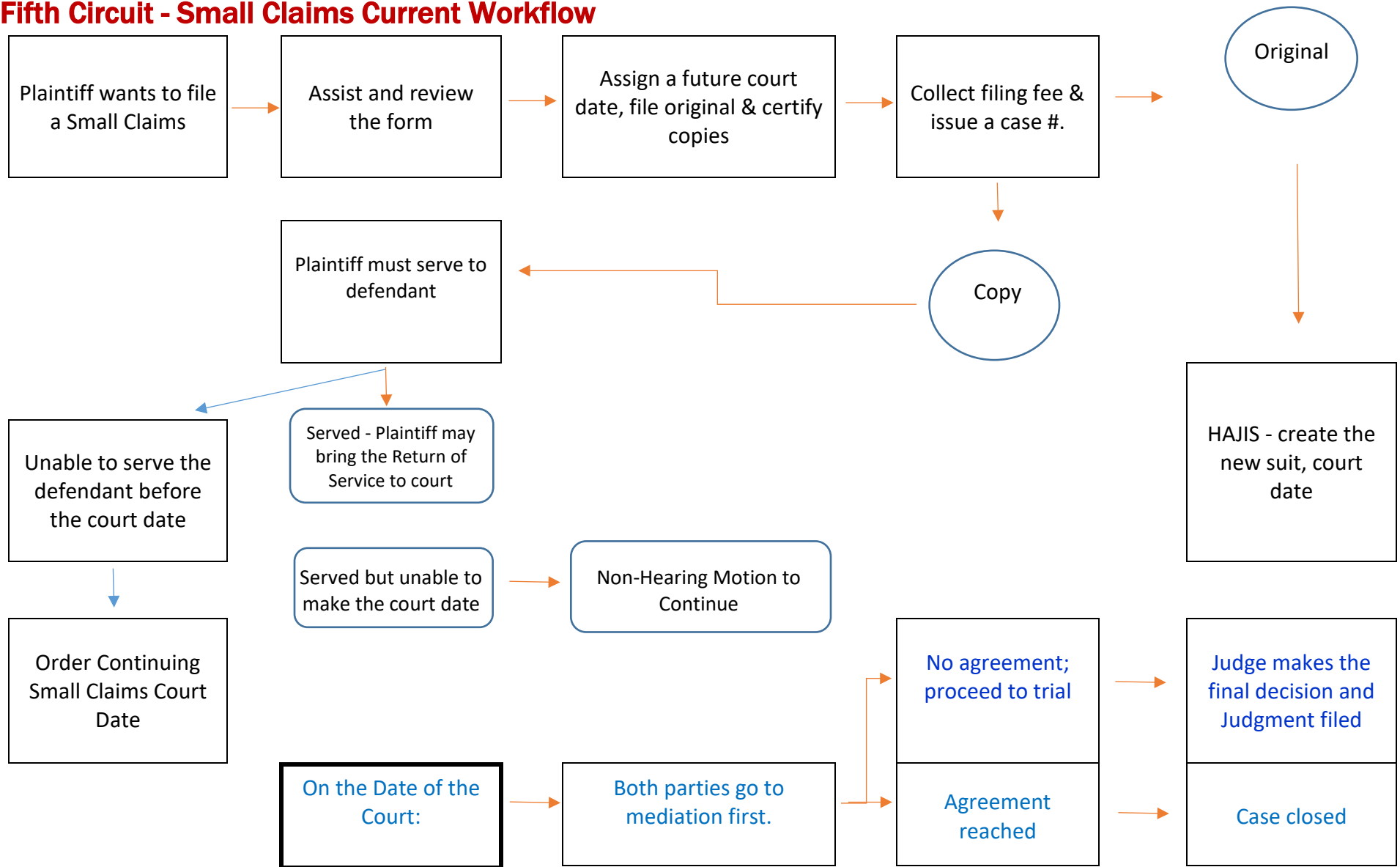
Second Circuit - Small Claims Current Workflow



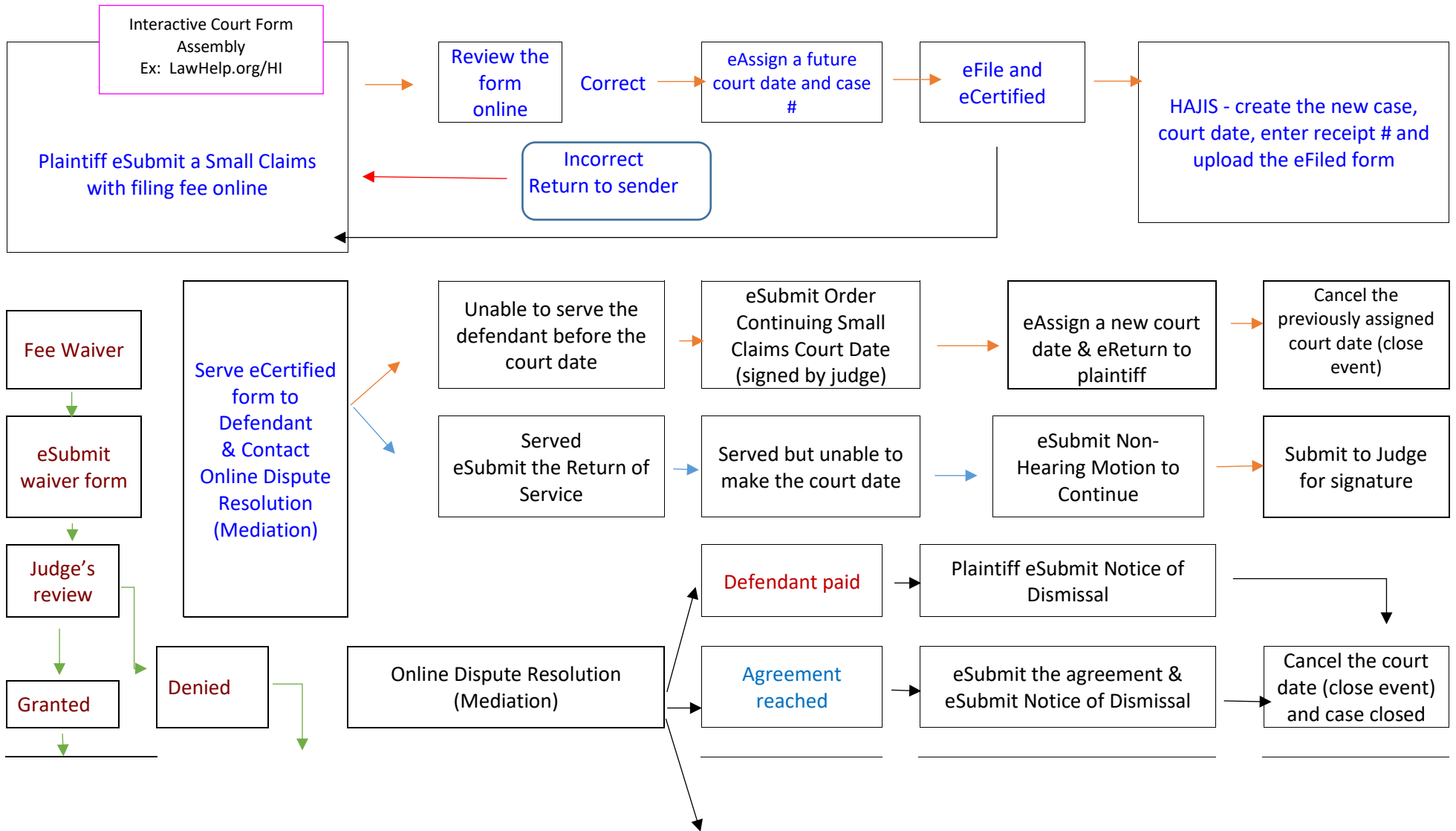
Third Circuit - Small Claims Current Workflow



Fifth Circuit - Small Claims Current Workflow



eSubmit Small Claims Form with ODR – Possible Workflow



Filing Fee
Amount will be
refunded

No Changes

No agreement



Go to Court on the scheduled
court date



Judge makes the
final decision

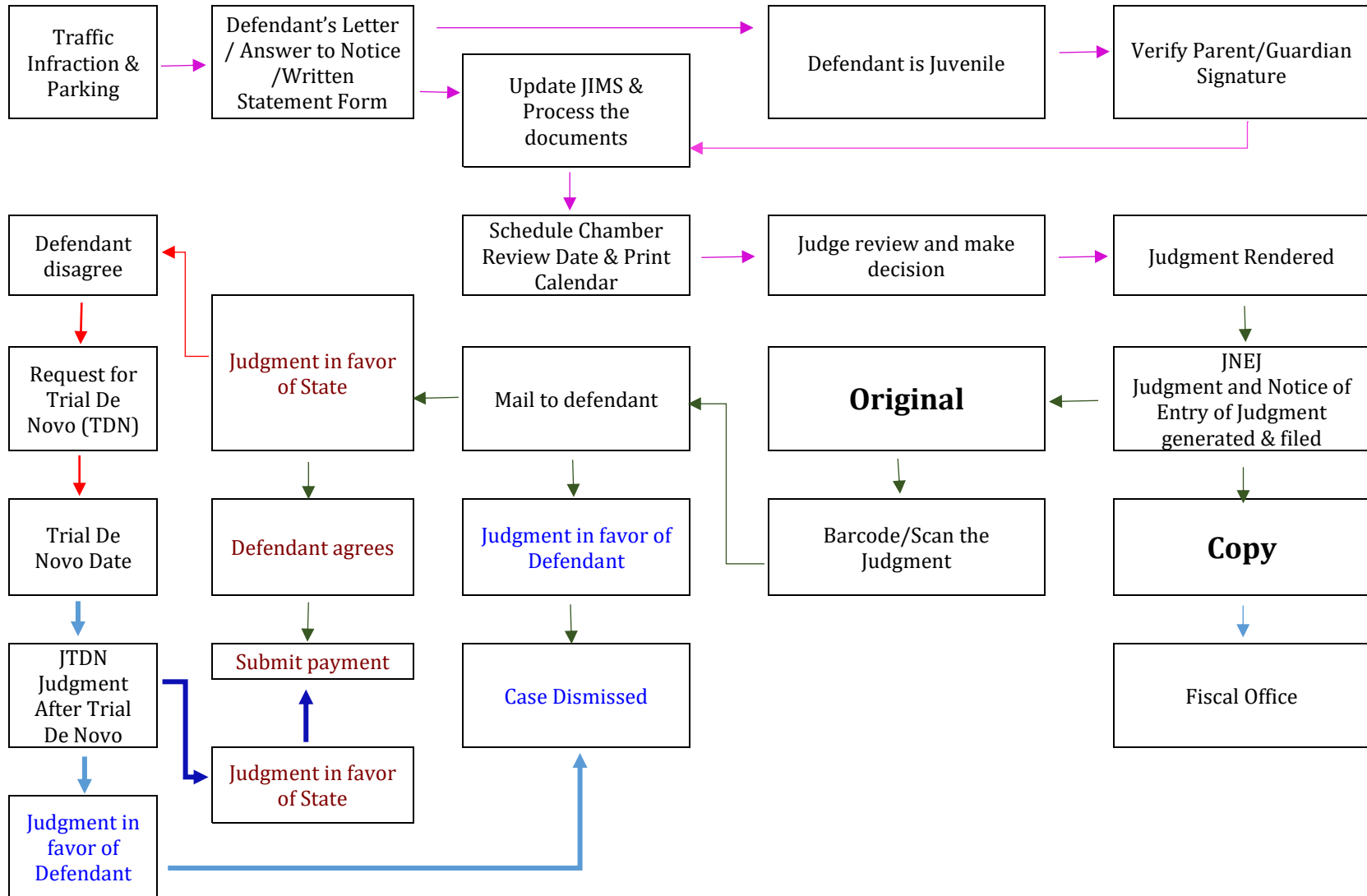
Online Dispute Resolution for Traffic Cases

Traffic Infraction (TI) and/or Traffic Parking (TP) Written Statement Current Workflow

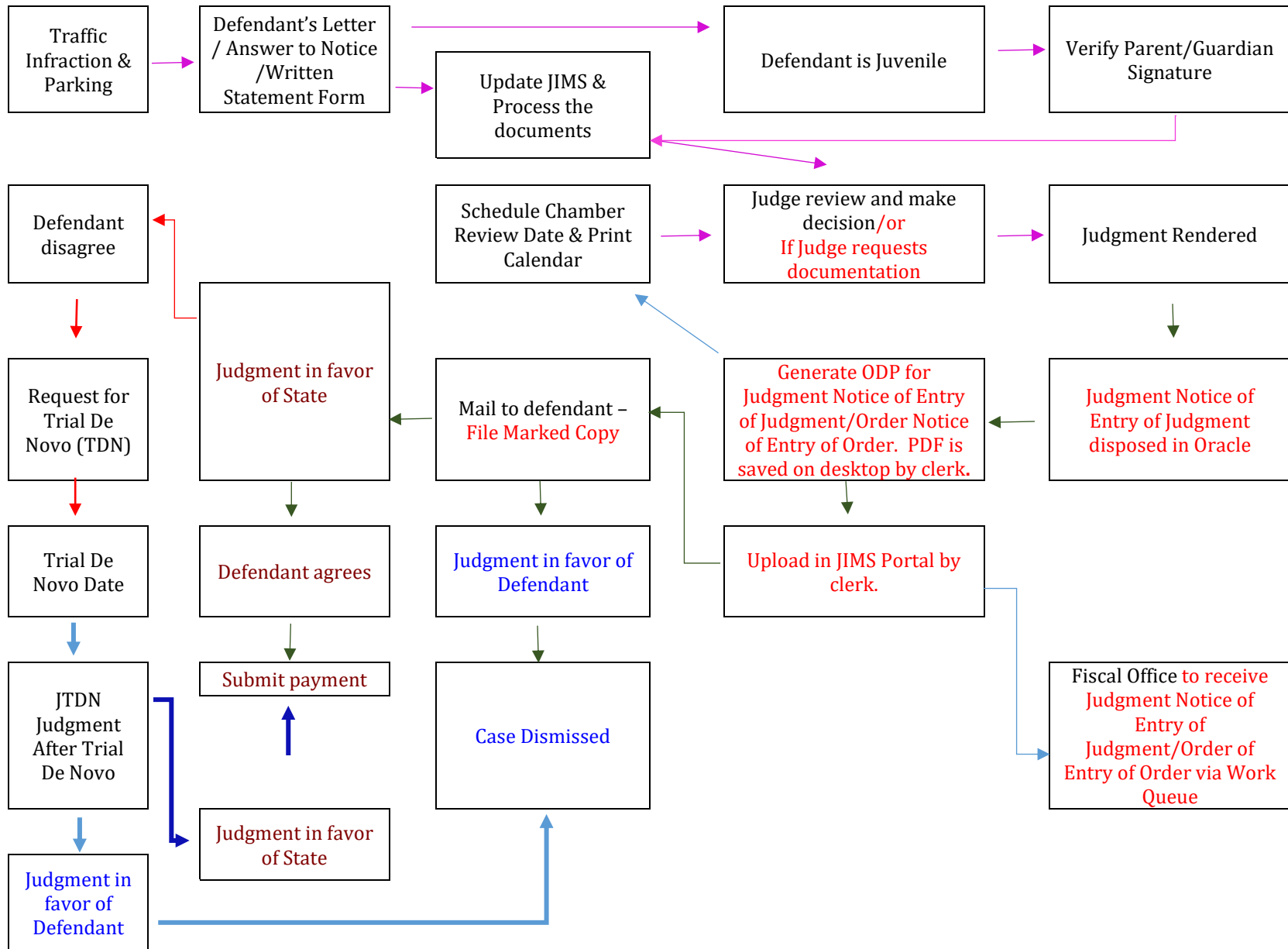
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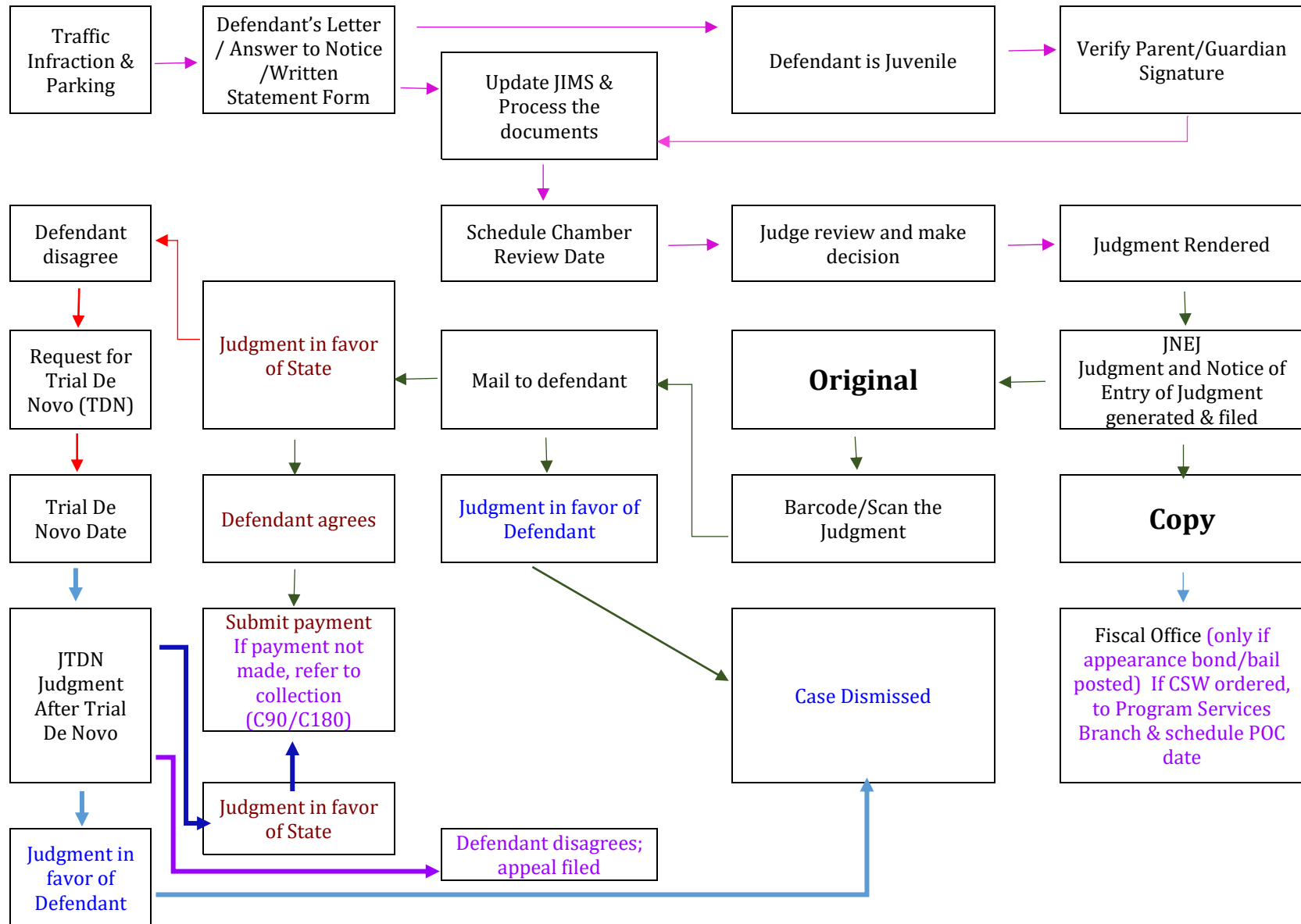
First Circuit - Written Statement Workflow



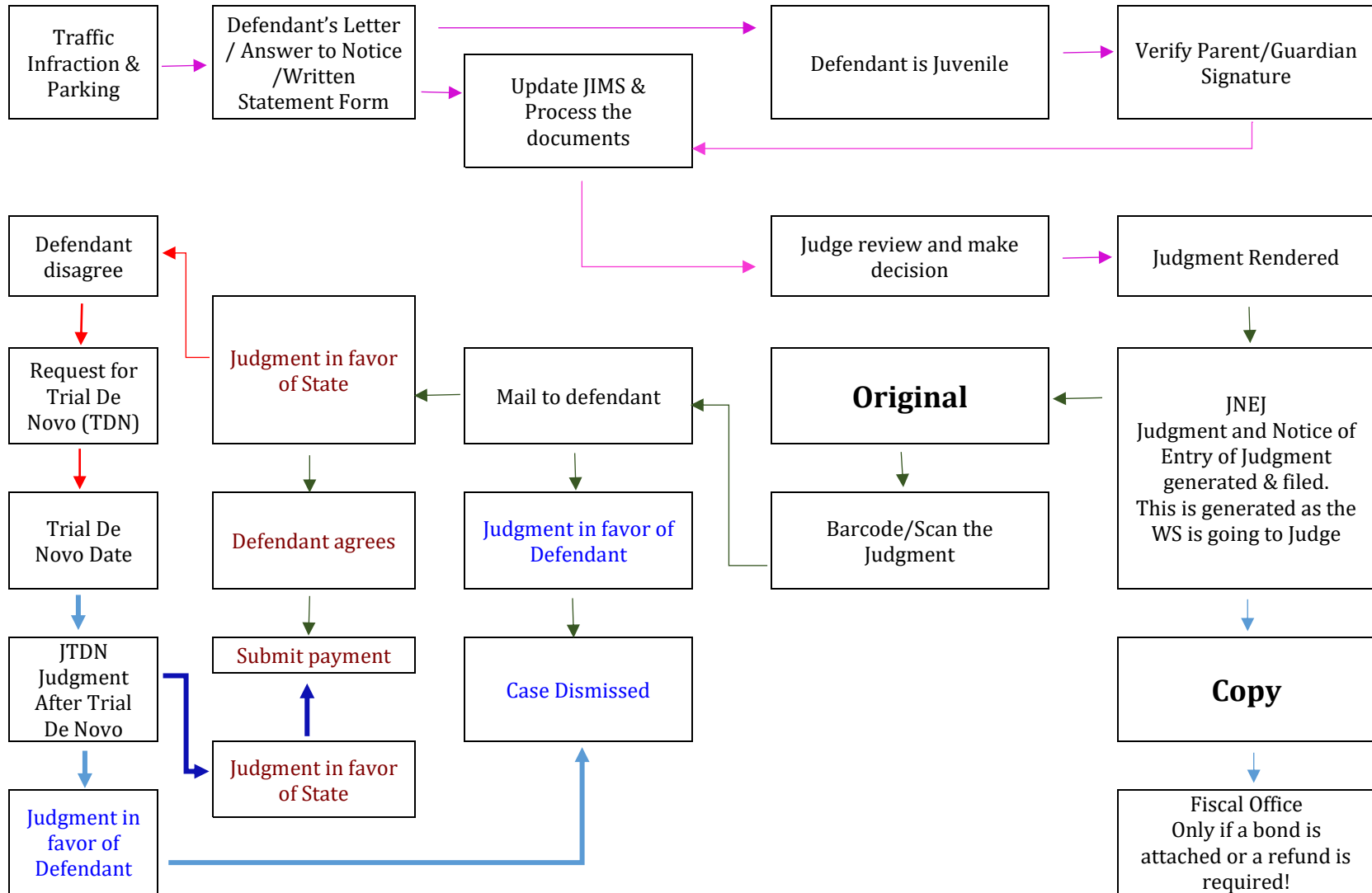
Second Circuit - Written Statement Workflow



Third Circuit - Written Statement Workflow



Fifth Circuit - Written Statement Workflow



Paying Filing Fee Online

Information/draft was provided by Terri Gearon, Paul Petro, Joon Kwock, Sharon Tojio, Deanna Corden, Jody Tinloy & Evelyne Luk

- Before eSubmitting the Small Claims Form, a filing fee of \$35.00 must pay online.
- A Receipt will be generated which include payor's full name, mailing address, credit card # (last 4 digits) and a receipt number.
- A check box of fee waiver should be available with a reminder that it is for consideration of Judge of any financial hardship.
- If the box is checked, the Cost Relief Filing Fees Form (1DC13) will be available online
- If the request is granted, the filing fee amount of \$35.00 will be refunded by Fiscal. A copy of the order and receipt number will be provided to Fiscal for processing of refund.

Docketing Filing Fee Paid Online

- ✓ Staff review the eSubmitted Small Claims Form and receipt online
- ✓ Docket the receipt number in case note (It is important if the filing fee were to be refunded)

Managing Filing Fee Paid Online

This is an operational issue per circuit. The collection of filing fees varies between Fiscal cashiers and Legal Documents clerks throughout the circuits.

Questions:

1. Should payment list be printed? If yes, who will print the payment list from the vendor website?
2. Should individual receipt be prepared? If yes, who will receipt the payment?

This is an internal control issue- suggestion:

For example: in 2CC-Fiscal print the payment list and Legal Documents receipt the payment.

Vendor Specifications:

1. The payment list provided by vendor must have the following information: Full name, receipt number, parties mailing address, dollar amount, credit card number (last 4 digits). Note: case # is not assigned at time of filing online
2. The list must show individual payments by receipt number and have a total deposit amount.
3. Will most like add more in by the time we do the RFP.
4. ACH monies to court within two (2) business days.

Information the Vendor Will Need from the Judiciary

Each circuit will provide the bank account number to deposit payment.

Reconciliation of Online Deposit

1. As currently done, Fiscal will audit the cashiers tally sheets (Fiscal should be notified who is receipting the online payment so that they can ensure the payment was processed daily.)
2. Fiscal will prepare the daily deposit.
3. Armored car pickup.

Legal Documents to Consider Statewide

Manual entry of case into HAJIS- document receipt number in HAJIS to show payment history.

Questions/Issues that May Arise

1. What happens if the party picks the wrong circuit when they file? Payment has been accepted and deposited to the wrong circuit.
2. Who will handle chargebacks? Vendor? Judiciary?

General Ledger Input

There is no impact to current processes of payment to the general ledger statewide.