

FILED
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Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN THE MATTER OF ADOPTING RULES ON
THE USE OF COMPUTERS IN THE MONTANA
JUDICIARY

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WHEREAS, the Montana Judiciary has both a need and a responsibility to coordinate the automation of information management systems in the various courts; and

WHEREAS, the efficient provision of uniform software packages and computer training for district and limited jurisdiction courts is only possible if court automation systems are coordinated and uniform; and

WHEREAS, the Supreme Court feels a strong responsibility to encourage the greatest possible uniformity and efficiency in the administration of justice; and

WHEREAS, Article VII, section 2 of the Montana Constitution vests the Supreme Court with general supervisory control of all courts in Montana and with authority to make rules governing procedure in courts in Montana.

NOW, THEREFORE, IT IS ORDERED: Unless otherwise provided, all courts in Montana that computerize judicial functions must adhere to the following computerization standards:

STANDARD I: HARDWARE

The following hardware standards are adopted for judicial offices:

- 1) IBM compatible Personal Computers (PC's) with an 80286 or 80386 processor chips;
- 2) IEEE 802.5 Token Ring standard network card;
- 3) IBM or Hewlett Packard or compatible laser printers;
- 4) IBM Proprinter or compatible dot matrix printers.

STANDARD II: SOFTWARE

The following software standards are adopted for judicial offices:

- 1) PC-DOS version 3.3 operating system;
- 2) WordPerfect Library and WordPerfect Office;
- 3) Wordperfect version 5.0 or 5.1;
- 4) Lotus 1-2-3 version 2.2;
- 5) Novell Netware version 2.15 or OS2 Local Area Network Server;
- 6) Advanced Revelation Data Base Management System;
- 7) Court Management Software supported by the Office of the Court Administrator using Advanced Revelation.

STANDARD III: SECURITY

The following security standards are adopted for judicial offices.

- 1) Uninterruptible power supply on any network servers;
- 2) Surge protector on all workstations;
- 3) Tape backup system for any Local Area Network;
- 4) Backups of all files must be done on a daily basis using either tape backup units or floppy disks. A five-day backup system is required with backup files stored off-site for the Friday backup;
- 5) The installation of all public domain software on judicial computers is prohibited without express approval of the Office of the Court Administrator;
- 6) Standard password security procedures and network security procedures recommended by the Office of Court Administrator are required to be followed so as to ensure information security.

STANDARD IV: STEWARDSHIP AND CONTROL OF JUDICIAL INFORMATION

The following standard of judicial information stewardship and control is adopted:

- 1) The Judicial Branch has sole stewardship and control of all information processed by and stored on any computer used by judicial offices, subject to

applicable Constitutional and statutory provisions.
STANDARD V: EXISTING SYSTEMS

The following standard for existing computerization within the Judicial Branch is adopted:

- 1) Nothing in the uniform computer standards is meant to displace computer equipment or software in use in judicial offices on the effective date of the Court's Order. The Court specifically recognizes that several courts have existing systems that function well and are serving the purposes for which public money was expended.
- 2) Judicial officers with existing computer equipment that does not meet the standards of this Order are encouraged to work with the Commission on Appropriate Technology and the Office of the Court Administrator whenever existing systems are modernized or replaced in order to facilitate the eventual migration of all judicial computer systems towards the uniform standards herein established.
- 3) Court computerized systems in existence prior to the effective date of the Supreme Court Order must be able to provide electronic information on judicial activities, when requested, in and industry standard format such as ASCII.

STANDARD VI: ADMINISTRATION AND EXCEPTIONS

- 1) The Administrator of the Office of the Court Administrator is designated by this Court to administer these standards.
- 2) Exceptions to the above standards may only be made on a case-by-case basis. The Administrator of the Office of the Court Administrator must review all requests for exceptions and may approve requests, after consultation with the Court's Commission on Appropriate Technology, only when the benefits clearly outweigh the disadvantages.

IT IS FURTHER ORDERED that these proposed standards shall be distributed to allow comments from the bench and bar of Montana. The Court will accept comments on the proposed standards for a period of 60 days from the date of this order, after which time the Court will consider whether to reject the proposed standards, or to adopt them in whole or in part.

The Clerk is directed to mail a copy of this order to each District Court Clerk, District Court Judge, and Judge or Justice

of the Courts of Limited Jurisdiction of the State of Montana with a request that the standards be made available for review by the bench, bar and public in the Clerk of Court's office. The Clerk is further directed to mail a copy of this order to the State Bar of Montana, with the request that this order be published in The Montana Lawyer.

DATED this 8th day of March, 1990.

J. A. Ternage
Chief Justice

John Conway Harrison

John L. Shuby

Dani S. Barr

William E. Hunter

R. C. McDougall

[Signature]
Justices