RECOMMENDATIONS FOR IMPROVING THE RECORDKEEPING SYSTEM OF THE MENOMINEE (WISCONSIN) TRIBAL COURT

CONSULTANT:
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November 2008
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I. INTRODUCTION

A. Background of Request

In July 2008, a technical assistance request was submitted to the Bureau of Justice Assistance (BJA) Criminal Courts Technical Assistance Project by Chief Justice Rita Keshena of the Menominee Indian Tribe of Wisconsin on behalf of the Tribal Judiciary to assist the Tribe in improving court recordkeeping. The problem statement indicated that the Tribal Judiciary's recordkeeping system is manual, and our objective of the requested technical assistance was to obtain an assessment of the Tribe’s current judicial recordkeeping system needs and recommendations for improving the recordkeeping system.

The Tribe has a BJA grant that has provided funding for case management software, hardware, codification of Tribal laws, and revision of court rules. The grant was awarded for the grant period from July 2006 to June 2008 and currently has an approved amendment for extension until June 2009. The extension reallocated funds to provide for two (2) temporary part-time Data Entry Technicians and end user/administrative training.

The case management software selected by the Tribe through competitive procurement was JustWare from New Dawn Technologies. New Dawn has modules for Courts, Prosecutors, Probation and Parole. The Tribe made the decision to purchase the Courts module and use that also for Prosecution and Probation and Parole.

Article V: The Tribal Judiciary of the Tribal Constitution places recordkeeping responsibility with the Tribe’s Supreme Court. 1 Since the technical assistance request, a vacancy has developed for the Chief Justice position. In December 2008, the Menominee Tribal Legislature will appoint a new Chief Justice. In order to proceed with improvements in the recordkeeping system, the new Chief Justice will need a background

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1 Section 7. Records and Court Clerk. The Supreme Court shall implement the system of keeping records of proceedings of the Tribal Judiciary in accordance with Section 3(b) of Bylaw II of this Constitution and Bylaws. The Supreme Court shall appoint a court clerk which shall be responsible for keeping the records of the Judiciary and generally for administering the daily business of the Judiciary.

Section 8. Appropriations. The Tribal Legislature shall give priority for appropriations of such funds as may be necessary to enable the Tribal Judiciary to carry out the provisions of this Article. Section 3(b) of Bylaw (in part): The Tribal Legislature, in consultation with the Supreme Court of the Tribal Judiciary, shall provide for the keeping of all records of proceedings, decisions, and orders of the Tribal Judiciary. The Supreme Court of the Tribal Judiciary shall be responsible for implementing the record keeping system so established.
report, recommendations for improvement and an implementation plan as supporting
documentation for a budget presentation to the Tribal Legislature.

Tribal judicial officials would like the plan to also include provisions for data
exchange with the record systems of law enforcement (CISCO system) and Finance Department
(American Fundware), as well as for scanning and archiving 30 years of case files.

B. **Site Schedule and Methodology**

On site interviews, additional document reviews, and data collection were conducted
during the week of October 6-10, 2008 by Tom Lane, Senior Consultant, with the BJA Criminal
Courts Technical Assistance Project at American University.

The following is a list of individuals with whom Mr. Lane met during his site visit and
documents reviewed.

Jon Askenette, JustWare Coordinator
Toni Caldwell, Prosecutor
Jessica Cottle, New Dawn Technologies
AnnMarie Johnson, Office Manager
Associate Justice Robert Kittecon
Stephen Rambeaux, Pokagon Tribal Court Administrator
Laurie Sackatook, Data Entry Technician
JD Shatswell, Director, IT Department
Reynel Tucker, Clerk
Dawn Turney, Deputy Clerk
Warren Warrington, Law Enforcement
Lori Waupoose, Data Entry Technician
Rebecca Waupoose, Assistant Probation Officer

The following documents and related resources were reviewed

- Menominee Web Site
to Chief Justice Rita Keshena
- Bid recommendation Summary 8-May-07
- Response to November 2007- Internal Audit-Tribal Courts
- MITW Strategic Plan, Section I – Justice
- Chapter 8: Records Management
- General Standards (for processing court documents)

* Corrected page
• Statement of Work – CSCO Citations to New Dawn Technologies May 19, 2008
• Excerpt from: Contract to the Menominee Indian Tribe of Wisconsin – QT-1797/1 RE: JusticeBroker Data Exchange
• Integrated Images Proposals
• Tribal Court Dockets, July, August, September
• Rules of Criminal Procedure
• Rules of Civil Procedure
• Handbook of Appellate Procedure
• Chapter 9 Case Initiation Traffic and Non Traffic
  (same for Paternity, Guardianship, Family, Estate, Criminal, Civil and Small Claims, and Adoptions)
• Court Staff Job Descriptions
II. ANALYSIS OF EXISTING SITUATION

A. General

As indicated, the Tribe received a grant from BJA in 2006 for hardware, software, consultant assistance and training (and two additional tasks\(^2\)). The grant also provided resources to install hardware, software and to plan for the implementation of the case management system within the Tribal Court.

All court, prosecutor and probation and parole case files are hard copy (paper). The system does not have digital copies and is at risk for record loss/destruction.

During the first two years of the grant, the Tribe has managed to install the software, train staff and begin data entry within the JustWare software for Tribal Courts. The current version of JustWare is 4.6.

In order for the software to automate case flow through the stages of law enforcement, prosecution, court, probation and parole, additional resources are needed to continue implementation into more areas, in addition to the court. Currently, the two temporary data entry technicians will be employed using grant dollars until June 2009. The Justware Project Manager and Prosecutor Data Entry Technician are currently being paid through BIA funds through the approval of the interim Chief Justice.

The Tribal Court has operating procedures that were developed and documented in 1981. A review of current processes indicates these documented procedures were never fully implemented. The procedures contain sections for Case Initiation and Processing as well as a Records Management section.

Case numbering was historically assigned by case type and to each individual specifically; once an individual was assigned a case number in each case type, the individual kept that case number for life.

Once records are automated, storage issues within the network will need to be resolved.

During these past 15 months, the Tribe has struggled to fully implement the automated case management system and has made minimal progress, inadequate to reap the significant potential benefits from the project. The Tribe now realizes that additional resources are

\(^2\) Codification of laws, and revision of court rules.

needed to go beyond the accounting area where improvements in judicial recordkeeping have been made.

The Court is in need of an improved case management system for its recordkeeping which the Justware software can provide. Present recordkeeping has evolved slowly over the past 25 years and cannot keep up with the increases in caseload and complexity. However, potential labor-saving benefits can result from the improvements in case processing and information exchange among the Court and Tribal departments that could result from implementing the Justware system. At this point, these improvements have yet to be realized despite substantial efforts that have been made.

While the Court, related Departments (Prosecution, Probation & Parole, and Law Enforcement), and Information Technology (IT) have participated in many aspects of the implementation effort, what appears to have been missing is a Project Manager - a single person responsible for adhering to a schedule, coordinating task progress, resolving issues, and coordinating all the necessary elements to achieve a successful implementation. This finding, and more, are documented in the report by court staff “Performance Analysis and Project Management Plan, March 2008, Report to Chief Justice Rita Keshena.”

The current paper recordkeeping system, including forms, procedures, and information flow needs to be critically reviewed in light of developing an electronic system of records. Case numbering is inconsistent, hampering retrieval of management information and case processing statistics. It is impossible to know how many criminal cases have been filed or disposed.

IT support has been adequate although scheduling of those resources appears sporadic, leading to project delays. The Court has had little or no control over selection and deployment of IT resources. IT support is determined by the Tribal IT Department for which the court is only one of a number of users.

Data security is a major concern among judges and staff, notwithstanding security capabilities within the JustWare application. The real issue appears to be system administration.

B. Staffing

The Tribal Court organization currently consists of the following:

While the structure and organization of the Court is beyond the scope of this technical assistance assignment, it is mentioned because two of the recommendations presented are for designating/hiring professionals for the orderly completion of this records automation project. It is also in recognition of the significant changes to the organization of the court support staff that will occur. Implementation of an efficient and effective electronic system of case information will provide court staff and the public with better service.

Proper funding for staff to continue implementation of JustWare is essential in support of the modern evolution of the court systems.
III. RECOMMENDATIONS

A. General

A business process re-engineering project needs to occur for the current processes to improve recordkeeping of the court system. Procedures need to be updated to reflect current processes and be implemented uniformly.

End User Training needs to occur for all staff.

Computer upgrades are needed as current users should have the ability to scan, store, and retrieve case documents, and listen to recordings of court hearings.

The newer version of JustWare needs to be implemented. JustWare version 5.0 needs to be installed on all user pc's, staff need to be re-trained and a test criminal case needs to successfully pass through each area within the system.

B. Specific

The specific recommendations are:

1. The Court should assume control over the project to manage all aspects through implementation and subsequent operations.

Implementing this recommendation will require immediate appointment of a full time JustWare Project Manager, supported by the Judiciary and the Administration. This position should not be confused with an office manager whose duties and responsibilities should remain within the day to day administration of the court.

The JustWare Project Manager provides the leadership to successfully implement automation of the Court's improved system of records, rather than merely automating the current paper-based processes.

2. Use Suggested Implementation Plan (Section IV) as Framework for Proceeding with the Project

A suggested Implementation Plan (Section IV) with task descriptions and proposed schedule is included. It will be difficult to project staff resource requirements to operate the new system before the new designs and incorporated labor saving processes are defined. Likewise, implementation will require some additional start-up tasks, such as data conversion

(scanning pending cases and ancillary documents) and parallel runs (operating the old and new systems until the new procedures are verified) that are temporarily labor intensive, but after which the system can become labor saving.

For these reasons it is recommended that one case type be initially implemented and evaluated before moving on to additional case types. Criminal case processing should be considered for this pilot role since all the participants have some knowledge of JustWare and a good working relationship. It can also demonstrate the benefits from an intelligent implementation in a shared environment, with appropriate data exchange. In addition to Criminal, the following case types will need to be automated: Motor Vehicle, Ordinance, Small Claims, Juvenile, Commitment, Civil, Probate, Divorce, Paternity, Release, Child Support, Guardianship, Custody, Adoption, Indian Child Welfare Act, Filiation, and Appeals. Some consolidation of case types with similar processing requirements may be possible during the analytical phase of process reengineering for each case type (see Section IV – Task 5).

3. Contact another JustWare Tribal Court User Regarding Implementation Experience

A recommended JustWare Tribal Court user to contact for shared experiences is Steve Rambeaux, Court Administrator for the Pokagon Tribal Court in Michigan. He may be contacted at (269) 783-0505 or stephen.rambeaux@pokagon.com. Although that court is smaller in terms of staffing and caseload, it has implemented the system for all case types, is producing case documents, and has developed database triggers for the system to send emails and update Outlook when events are due. The technical assistance consultant has spoken with Mr. Rambeaux and he will welcome the Tribe's contact.

4. Establish an Inhouse IT Maintenance Capability

As the Court moves towards an electronic system of records, that system will become mission-critical – e.g. if/when the system stops, the Court will stop! For this reason the Court should plan on having a day to day, in house, IT maintenance capability for systems administration, scanning and related functions. Given the other uses of technology by the court, such as audio recording of hearings and their storage and transcription, and video

Recommendations for Improving the Recordkeeping System of the Menominee (Wisconsin), Tribal Court. BJA 9
conferencing with remote locations, the IT person will become the *de facto* Court Technology Manager, and should be appointed as such.

As mentioned, the Court Technology Manager will be responsible for the Court’s IT operations, which should include systems administration, operation of the JustWare server, local networking, scanning, peripheral hardware, and on-going coordination with the Tribal IT Department and New Dawn Technologies. Other areas of responsibility should include maintenance of the Court’s enhanced web site, the data exchanges with the Law Enforcement’s Cisco system and the Finance Department’s Fundware system.

5. **Need for Development of a Multi-Year Court Technology Plan**

In order for these technology-related tasks to be accomplished in an orderly manner (with adequate coordination and support, both technical and financial), a multi-year, Court Technology Plan needs to be developed as soon as possible.

The Plan should address Records Management, a short and long term Electronic Records Plan, and a Security Plan for physical and data security which should include access by case type and level of confidentiality. The Plan should support the goals and objectives of the Court as articulated in MITW Strategic Plan, Justice Goals and Objectives, and include both short term and long term Internet and Intranet use for communicating with Departments and with the public. Courts are now incorporating electronic records into their contingency of operations plans (COOP), in recognition of their mission critical nature and the desirability of redundant, off site storage.

Other considerations should include scanning, archiving and storage of the current paper records pursuant to records retention schedules. (See also Final Report, DOA-WHS, Public Records Retention Study, April 2007 a copy of which may be found with the Office Manager.)

The Plan should also address the verbatim transcripts recorded during Court hearings, which must be indexed, stored, and possibly transcribed. As media formats age, archiving becomes more than a storage process.

Consideration should be given to widespread dissemination of the Court’s Technology Plan since it involves resources, planning, and other related departments requiring coordination. Some courts establish a Technology Planning Committee to provide
participation in the planning process by Tribal stakeholders, who will be affected by the Court’s use of technology. Sample court technology plans can be found at the web site of the National Center for State Courts

6. Commencing Conversion of Paper Case Files

Paper case file conversion should commence with each case type implementation as a case is “acted upon” by the Court or when a new case is filed. Consideration for scanning and archiving closed case files can begin after JustWare implementations. By then the benefit of in-house experience with scanning will assist in evaluating the quotes from Integrated Imaging, Inc.
IV. PROPOSED JUSTWARE IMPLEMENTATION PROJECT PLAN

A. JustWare Implementation Project Plan Tasks

1. Appoint Justware Project Manager & Justware Project Team Members – The JustWare Project Project Manager for implementation is a full time leadership position to assume control over the project and manage all aspects through implementation and subsequent operations. The Justware Project Project Manager is supported by team members with knowledge of current operations, and includes representatives from Departments involved with information flow to and from the court, such as Law Enforcement, Prosecution, Probation & Parole, among others. Team members may be grouped by case type.

2. Review & Revise Project Task Plan & Schedule – Once the team is assembled and meeting schedules negotiated, the Task Plan can be adjusted to reflect tasks and schedule that reflect the commitment of all necessary parties.

3. Establish Goals for the JustWare Case Management System – An agreed set of goals is required to direct team discussions of potential changes to documents, procedures, responsibilities. See “Internal Audit Recommendations”, “Performance Analysis and Project Management Plan, March 2008, Report to Chief Justice Rita Keshena” and Task 5, infra. Typical goals might include elimination of redundant data collection through information sharing, or elimination/reduction of paper, or to justify the need for every piece of information collected.

4. Document the Current Information Flow for each Case Type – A flowchart is typically used as a graphic description of the information flow, documents, and processes for each case type. The purpose is to achieve a common understanding among the case type group members so that what is done may be questioned and improved, rather than simply focus on existing practice, e.g. “We have always done it that way!”

5. Process Reengineering for each Case Type – Given the description of the current flow of information, and the opportunity to replace and improve it with an electronic system of shared information, the case type group, assigned in Task 1, should consider the goals and objectives and suggest changes to the flow of information, forms, procedures, even organizational responsibilities. Changes may be grouped into those which can be accommodated in the short run, and those that may require more time or resources, but offer

considerable benefit. Even JustWare system modifications or enhancements can be so

grouped. The group should first become familiar with the enhancements in Version 5 of

JustWare which facilitate a shared environment.

developed in the preceding Task should be documented along with the anticipated potential
benefits, and any concerns. Quantification is desirable so that the extent of work avoided or
other benefit can be measured. The Draft Recommendations will be presented to decision
makers in the next task, so their description needs to be clear and understandable.

7. **Present Recommendations to Judges and Department Heads for Approval** –

Presentations by the case type groups to the appropriate authorities, who may raise questions
or provide additional insights, is beneficial for all involved. These recommended changes
usually offer significant, long lasting benefits that go beyond those of mere automation, and
should therefore take place before implementation of the system. Some Rule changes may be
required, where paper forms are referenced which may be replaced.

To merely automate current operations without also making improvements in
operations, as needed, is to lose potential long lasting benefits.

8. **Install the Latest Version (5) of JustWare** – Since the latest version has
upgrades that benefit the systems users, it should be installed along with other related
applications, such as scanners or printers, for supporting the recommendations approved in
Task 7. Some of the enhancements in JustWare version 5 include:

- Smart client, does not run in a browser, but uses web services;
- Reduced number of screens for users entering data;
- Capability to customize user views;
- Increased financial capability;
- JDA editor is in client, for easier document creation;
- Convergence of reporting & case data in the client, can “drill down”
  from reports to detailed case information; and
- Dashboard reports with above mentioned drill down.

9. **Design the New Information Flow** – Document the new procedures supporting
enhanced information flow, including changes to forms and reports. Review and revise the
paper-based “Operations Policies and Procedures” for Court case files and documents, and the
case type specific processing “Procedures”, both of which may be obsolete.

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10. **Incorporate Changes into JustWare** – User defined tables, forms and reports need to be incorporated into the system. If program enhancements are required then a decision will have to be made to either have them made by New Dawn Technologies if they modify the database, or obtain support elsewhere if they do not affect the licensed software.

11. **Develop a New eRecords Management System** – Given the new system with electronic records, scanned documents, information sharing, and data exchanges among systems, a new Records Management System will need to be defined. In addition to records retention and disposition schedules and responsibilities, a Data Security component will be required that defines access privileges (read/write/update) for case types and for sensitive information that may be contained within. Rules for information dissemination, including Internet and Intranet use must be articulated. Responsibility for assigning logins and access privileges must be assigned. Finally, a quality control (QC) function with edit and other criteria should be designed and incorporated into the system.

12. **Implement a Pilot Case Type** – To gain experience and minimize the impact on staffing, it is recommended that one case type be selected for implementation. This will require a data conversion plan (scan all pending cases and enter them into the system or scan and enter cases as they appear on the calendar or some other choice), as well as detailed procedures and staff training. An analysis of court calendars for August showed 182 cases listed for hearings on 13 court dates, which cases would have to be scanned with information keyed into the system in advance of the court hearing under one scenario. This workload would be in addition to the normal staff workload in preparing cases for hearing. Hence, the recommendation is to begin data conversion with one case type. Criminal cases should be considered for this pilot process since most of the players have been involved in the early stages of JustWare and can conceptually benefit from it. These benefits may be used in reallocating staff for other case type conversions.

13. **Evaluate** – Stepping back and evaluating the pilot process can offer improvements not only to that process, but to the succeeding case types as well. Input should be solicited from all participants, including the judges, who may be viewing case information on-line.

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3 Did not include traffic, ordinance, curfew, truancy, wellness, or AODA court sessions

14. **Implement Subsequent Case Types** – Using the experience from the pilot implementation, schedule and assign the remaining case types for implementation. This may require additional training to court staff and to other Departments or case participants, depending on the designs developed in Task 9, and the experience gained in tasks 12 & 13.

15. **Implement Data Exchanges** – Data exchanges require programming for both the system exporting data and for the recipient system importing the selected information. Systems development has increasingly made this task easier, especially for those planning on communication among systems, and would be a topic for a Tribal-wide IT Plan. This task may have been accomplished as part of the previous case type implementations and is offered separately here if those exchanges have been deferred. Data exchanges offer both labor saving benefits and improvements in data accuracy.

   New quotes for data exchanges should be obtained after the data elements, the cycles and methods have been defined. Quotes may also be obtained from local, reputable programming sources in the interest of saving money.

16. **Expand System for Other Departments Shared Use** - Courts receive information from others and report information to others, so information sharing has mutual benefits. These benefits may have been described in Task 9, but have been deferred awaiting additional resources. They may also be part of the Court’s or Administration’s longer range Strategic Information Technology Plan.
B. Proposed JustWare Project Plan and Task Schedule

<table>
<thead>
<tr>
<th>Task Name</th>
<th>Duration</th>
<th>Start</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Appoint Project Manager &amp; Project Team</td>
<td>5 days</td>
<td>Mon 12/8/08</td>
<td>Fri 12/12/08</td>
</tr>
<tr>
<td>2. Review &amp; Revise Project Task Plan &amp; Schedule</td>
<td>5 days</td>
<td>Mon 12/15/08</td>
<td>Fri 12/19/08</td>
</tr>
<tr>
<td>3. Establish Goals for Case Management System</td>
<td>5 days</td>
<td>Mon 12/15/08</td>
<td>Fri 12/19/08</td>
</tr>
<tr>
<td>4. Document Current Information Flow for each Case Type</td>
<td>30 days</td>
<td>Mon 12/22/08</td>
<td>Fri 1/30/09</td>
</tr>
<tr>
<td>5. Process Reengineering for each Case Type</td>
<td>20 days</td>
<td>Mon 2/2/09</td>
<td>Fri 2/27/09</td>
</tr>
<tr>
<td>7. Present Recommendations to Judges &amp; Dept Heads</td>
<td>0 days</td>
<td>Fri 3/13/09</td>
<td>Fri 3/13/09</td>
</tr>
<tr>
<td>8. Install Latest Version (V) of JustWare</td>
<td>5 days</td>
<td>Mon 12/22/08</td>
<td>Fri 12/26/08</td>
</tr>
<tr>
<td>9. Design New Information Flow</td>
<td>20 days</td>
<td>Mon 3/16/09</td>
<td>Fri 4/10/09</td>
</tr>
<tr>
<td>10. Incorporate Changes into JustWare</td>
<td>20 days</td>
<td>Mon 4/13/09</td>
<td>Fri 5/6/09</td>
</tr>
<tr>
<td>11. Develop New eRecords Management System</td>
<td>20 days</td>
<td>Mon 4/13/09</td>
<td>Fri 5/6/09</td>
</tr>
<tr>
<td>12. Implement for Pilot Casetype (Criminal)</td>
<td>30 days</td>
<td>Mon 5/11/09</td>
<td>Fri 6/19/09</td>
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<tr>
<td>13. Evaluate the Process</td>
<td>10 days</td>
<td>Mon 6/22/09</td>
<td>Fri 7/3/09</td>
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<td>Estimate for other case types: data conversion, training</td>
<td>10 days</td>
<td>Mon 6/22/09</td>
<td>Fri 7/3/09</td>
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<td>14. Implement Subsequent Casetypes</td>
<td>60 days</td>
<td>Mon 7/6/09</td>
<td>Fri 9/25/09</td>
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<tr>
<td>15. Implement Data Exchanges</td>
<td>20 days</td>
<td>Mon 6/22/09</td>
<td>Fri 7/17/09</td>
</tr>
<tr>
<td>16. Expand System for Other Depts Shared User</td>
<td>20 days</td>
<td>Mon 7/6/09</td>
<td>Fri 7/31/09</td>
</tr>
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Note: The Gantt chart above shows the schedule for each task, with start and finish dates for each month from December to August.