

**THE STATE BAR OF CALIFORNIA**

**BUSINESS CASE FOR A NEW CASE MANAGEMENT SYSTEM  
FOR THE OFFICE OF THE CHIEF TRIAL COUNSEL  
STATE BAR COURT AND OFFICE OF PROBATION**

Submitted pursuant to and satisfying State Bar Policy:

“For all contracts, projects and expenditures reasonably expected to exceed \$2,000,000, State Bar staff will develop and present a written cost-benefit analysis to the Board of Trustees before committing to, or making a binding agreement for the contract, project or expenditure.”

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## Executive Summary

State Bar of California (Bar) staff are proposing that the Bar enter into a contract with Tyler Technologies, Inc. to purchase and deploy a new Case Management System (CMS) for the Office of the Chief Trial Counsel (OCTC), the State Bar Court (SBC) and the Office of Probation (Probation). Consistent with best practices articulated by the California State Department of Technology and Bar policy on major Information Technology (IT) projects, this report provides the Business Case for the staff proposal to enter into this contract. This Business Case serves as the vehicle for complying with the Board of Trustees policy requiring that a written cost-benefit analysis be submitted to the Board prior to the procurement of any services anticipated to cost over \$2,000,000<sup>1</sup>.

The staff recommendation is based on:

- A review of the historical development of case management systems in OCTC and the SBC and the current state of these systems focusing on the manner in which information technology is currently used by OCTC and the SBC;
- Documentation of the specific functions for which the new technology is expected to improve efficiency and effectiveness in OCTC and the SBC and estimates of the benefits of deploying a new CMS;
- Two separate reports on technology options available to OCTC and the SBC provided by independent technology consulting firms. The analyses by COPLAN and Company and the Gartner Group, completed in 2007 and 2000 respectively, – provided in full as appendices to this report – evaluate various technology options and are summarized here in three broad categories:
  - a status-quo scenario in which the Bar chooses not to acquire and deploy a new CMS;
  - a custom solution (building a new system from the “ground up”);
  - a Commercial Off-The-Shelf (COTS) product configured to meet the needs of OCTC and the SBC.
- A 2014 analysis prepared by an independent consultant regarding the State Bar’s recent effort to develop a CMS for OCTC under a contract with Sustain Technologies, Inc. (Sustain);
- An evaluation of two bids presented to the Bar – one from Trinity Technology Group (Trinity), the other from Tyler Technologies, Inc. (Tyler) – in response to a 2015 Request for Proposals (RFP). The evaluation provides detail on:
  - the process followed to solicit, review and analyze the bids;
  - the contents of the bids;
  - an assessment by Bar IT and Executive Office staff of the merits of the bids.

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<sup>1</sup> See Agenda Item 147, July 2015.

Staff concludes that of the two bids, Tyler Technologies' CMS, Odyssey, offers the most benefits with the fewest risks to the Bar. Odyssey is a COTS system which makes the staff recommendation consistent with the findings of the studies conducted by COPLAN and Company and the Gartner Group. Both of these reports concluded that:

- the status quo was unacceptable and would fail to meet the needs of OCTC or the SBC;
- a custom-build solution was excessively risky and offered uncertain benefits for the Bar;
- a COTS option provided the optimal balance of benefits while mitigating the risks inherent in the acquisition and deployment of a large IT system.

In recent years, efforts to build custom, ground-up case management systems in the California State judiciary have reinforced the findings from these two reports. The attempt by the Administrative Office of the Courts to create the California Case Management System (CCMS) for the Superior Courts resulted in a massive expenditure of human and financial resources over a decade, only to be abandoned with almost nothing to show for the effort.<sup>2</sup> Similarly, within OCTC, attempts to build a custom case management system using developers from Sustain Technologies, Inc. (Sustain) floundered for years without yielding any discernable benefit to the State Bar.

The RFP issued by the State Bar for this project attracted bids from two potential vendors<sup>3</sup>; Tyler proposed configuring its COTS CMS, Odyssey, in response to the RFP. Odyssey has been implemented for 11 statewide systems. In addition, the product has been adopted by the Superior Courts of approximately 26 California counties. Odyssey has the added benefit of being an integrated *justice system* case management system, which means that the COTS product is not exclusive to the courts but includes a prosecutorial module which can serve as the foundation to meet OCTC's needs.

In its bid, Trinity asserts that its product is a COTS solution. However, while there are some similarities between the functionality of OCTC and some of Trinity's current customers – for example the California Department of Business Oversight and the California Department of Insurance – Trinity Technology Group does not have any experience with a judicial process similar to that of the SBC. Nor does Trinity

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<sup>2</sup> See California Bureau of State Audits, *Administrative Office of the Courts: The Statewide Case Management Project Faces Significant Challenges Due to Poor Project Management*, February 2011, Report 2010-102

<sup>3</sup> The Request for Proposals was issued with the State Bar Court and the Office of the Chief Trial Counsel as mandatory modules; Probation and Member Records and Compliance were identified as optional. The inclusion of these two optional components in the solicitation in the first instance reflects the inter-connectivity and interdependence that defines their relationship with SBC and OCTC processes. Given, however, that the core discipline functions to be addressed by the new CMS encompass SBC and OCTC alone, Probation and Member Records and Compliance were optional, not mandatory, elements. Both Tyler and Trinity submitted proposals addressing the optional modules. After an initial review of their proposals, it was determined that the development of the functionality needed to provide the full scope of Member Records and Compliance functionality, beyond that which directly relates to SBC and OCTC, would require significant customization and resource investment. As a result, this component was dropped from proposal analysis fairly early on in the process. Because of the optional nature of the Probation module and its relatively low proportional cost in both the Tyler and Trinity proposals, the business case analysis provided in this report is based on an analysis of OCTC and SBC requirements alone.

have a base CMS product comparable to Odyssey, making it difficult to determine what the product is that would be configured (as opposed to custom-built) to meet the State Bar's requirements.

Instead, Trinity is offering a Microsoft Customer Relationship Management (CRM) system. The CRM system is an application that helps organizations manage relationships with current and prospective customers/clients. Although a system like this can be configured and customized to manage business data and the information associated with them, Bar IT staff concluded that the Trinity proposal is not comparable to a true COTS product and would require a significant amount of configuration and customization to successfully deploy. In the simplest of terms, Trinity does not have an "on-the-shelf" product which could be configured and deployed for OCTC or SBC. Instead, it offers a CRM platform that has never been developed as a justice system solution, and as such would need to be designed from the ground-up.

Although the initial cost of entering into a contract with Tyler will exceed that of procuring the Trinity product at an estimated difference of \$541,340, State Bar staff believe that an agreement with Tyler will, in the long-run, result in the most economical and the most effective solution for the Bar with the lowest risk of unanticipated, unbudgeted project costs, lowest risk of overall project failure, and the greatest likelihood of timely CMS deployment for both OCTC and SBC. In other words, Tyler is the *best value* selection.

Following the review of the alternatives available to the Bar and the evaluation of the bids presented in response to the RFP, this report concludes with a timeline and project plan for deployment of the new system and a discussion of risk-mitigation strategies.

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## 1 Overview

This report documents the Business Case for the State Bar of California (Bar) to enter into a contract with an Information Technology (IT) vendor to purchase and deploy a new Case Management System (CMS) for the Office of Chief Trial Counsel (OCTC) and State Bar Court (SBC). A Business Cases provides a high-level evaluation of whether an organization should make a particular investment and, if so, provides guidance for selecting among various alternatives.

In 2013 the California State Department of Technology drafted a Project Management Methodology indicating that a Business Case should communicate essential information about a proposed technology project to stakeholders and participants, identifying, among other things, “the program background, strategic alignment, business drivers, business problems, opportunities and measurable objectives.”<sup>4</sup> Similarly, in 2015, the State Bar Board of Trustees (BOT) approved a policy requiring a cost-benefit analysis for major projects, such as capital or IT projects that cost more than \$2,000,000. Specifically, the policy dictates that:

For all contracts, projects, and expenditures reasonably expected to exceed \$2,000,000. State Bar staff will develop and present a written cost-benefit analysis to the Board of Trustees before committing to, or making a binding agreement for the contract, project, or expenditure. The Board of Trustees, or the relevant Board committee, must then affirmatively approve the contract, project, or expenditure. All such cost-benefit analyses must discuss a recommended course of action and alternatives.<sup>5</sup>

Thus, consistent with both the California State Department of Technology’s Project Management Methodology and the BOT policy on contracts expected to exceed \$ 2 million, this report will provide the following information and analysis:

- Background on the historical development of case management systems in OCTC and the SBC and the current state of these systems;
- A summary of case management system options and alternatives for OCTC and the SBC provided by two independent technology consulting firms;
- A review of the responses to the RFP issued for this project by two technology vendors: Trinity Technology Group (Trinity) and Tyler Technologies, Inc. (Tyler);
- The timeline and project plan for deployment of the new system including overall project cost;
- A discussion of risk-mitigation strategies.

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<sup>4</sup> See State of California Department of Technology, *California Project Management Methodology, Reference Manual Statewide Information Management Manual* – Section 17A, July 2013, p. 17.

<sup>5</sup> See Agenda Item 147, July 2015.



## 1.1 Background

### 1.1.1 The Current State of Information Technology in OCTC and the SBC

The primary computer systems used by OCTC and the SBC to manage their caseloads are reaching the end of their useful lifespans. The software supporting these critical functions of the Bar, the AS/400, was custom-written in the late 1980s in a proprietary IBM Report Program Generator (RPG) language. The current production release of the AS/400 is not capable of supporting a number of important functionalities such as e-filing or integration with web-based programs.

Although some of the principal administrative support functions of the Bar – Finance and Human Resources, for example – run on newer systems, both OCTC and the SBC rely on the AS/400 for case management. Increasingly the system itself has become a barrier to the efficient and effective management of OCTC and the SBC. The system is currently:

- incompatible with modern IT industry standards and development platforms;
- costly and soon impossible to maintain as the pool of IT developers who can work with the code that runs the AS/400 continues to shrink
- incapable of supporting essential modern functions such as integration with web sites;
- inefficient for users who must navigate irrelevant and redundant screens to find and enter data required for the management of cases;
- inflexible in its configuration making it:
  - difficult to streamline business processes, and;
  - difficult to extract data and run reports that are required by the legislature and essential to the effective tracking of cases and protection of the public.

### 1.1.2 OCTC Functions

OCTC uses the AS/400 to track complaints about attorney conduct. The system serves as the electronic record of the case and is used for management of complaints regarding attorney conduct from inception (intake) through investigation, pre-filing and prosecution. Of the roughly 45,000 calls per year that OCTC receives inquiring about the process for lodging a formal complaint, approximately 15,000 formal complaints are ultimately submitted and entered into the AS/400.

Cases may also be initiated in the AS/400 as “reportable actions” either from third parties who are required to report specific problems triggered by an attorney’s action – the overdraw of a trust account for example – or by attorneys who self-report. OCTC also tracks criminal cases that involve attorneys as defendants and activate these cases in the AS/400 if the attorney is found guilty. OCTC may also bring an action against an attorney directly if the office learns of misconduct but has no complaining witness. The AS/400 is also used to track Agreements in Lieu of Discipline and audit and review (“second look”) cases.

Most OCTC staff and workload are located in the Los Angeles offices of the Bar while a smaller office operates in San Francisco. A number of unique functions are centralized in the Los Angeles office

including intake functions, criminal case monitoring and data management. While all cases are initiated in Los Angeles, the investigation phase (“investigation”), case-preparation phase (“pre-trial”), and prosecution phase (“trial”) are each performed in both Bar locations.

Case management using the AS/400 requires that staff perform a large number of repetitive tasks to move cases through the various phases of case processing. Redundant data entry is driven, in part, by a lack of integration among different components of the AS/400. In addition, even where specific actions and processes are not redundant, the AS/400 programs require a linear progression through their functions, some of which may not be relevant to a particular need. In other words, staff are required to scroll through screens that have no relevance to the function that they are performing simply because there is no other path within the program to the screens that are pertinent to their work.

Illustrations of current system limitations abound. For example, the AS/400 does not allow for the tracking of parties and their compliance with OCTC or SBC orders. Where a respondent is ordered to attend ethics training, OCTC must track compliance manually. Similarly, the AS/400 does not support the tracking of attorneys who are working in California Pro Hac Vice or as foreign legal consultants, making it impossible for intake staff to verify whether such attorneys are qualified to practice under these programs.

### **1.1.3** SBC Functions

The SBC is the venue with jurisdiction over OCTC cases and the vast majority of work in the SBC is driven by OCTC filings. The State Bar Court handles approximately 29 different case types including: Original Discipline, Arbitration Enforcement, Conviction Referral, Moral Character, Probation Revocation, and Reinstatement.

For cases filed by OCTC, the SBC uses the AS/400 to pull information from a client-server application that warehouses information from the production AS/400. The SBC pulls information from that system to begin the case management process for the Court. The SBC also pulls in information from other parts of the Bar that run AS/400 software, including information from Member Records and Compliance.

In the SBC, the AS/400 is used to support case processing functionality, primarily Court clerk functions but also judicial functions, legal research, and some administrative functions. For Court clerks, AS/400 is used to manage cases by calendaring events (conferences and hearings), recording and tracking the outcome of hearings and conferences (including stipulations, orders and decisions). The system is used to monitor the status of cases and party profiles. In the Effectuation Unit, the system is used to record resignations and update the record of discipline for California attorneys.

Respondent attorneys who reach a stipulated agreement with OCTC and respondent attorneys who have been sentenced to a term of probation are generally ordered to comply with a range of conditions which may include attending ethics courses and/or developing law-office business plans. The AS/400 is also used by Probation to track respondent compliance with orders.

Outside of the AS/400, on a separate technology platform, the Lawyers Assistance Program (LAP) also provides reports to the SBC on respondent attorneys who have entered into the Court's Alternative Discipline Program (ADP). These respondents frequently have substance abuse or mental health problems that contributed to their misconduct and are required, as part of their participation in the ADP, to attend programs, attend counseling, and even submit to drug testing. The LAP tracks compliance with these orders outside of the AS/400 and communicates the status of respondent attorneys to the SBC.

Consistent with the experience of OCTC, the utilization of the AS/400 by the SBC involves a significant number of redundant, un-productive case-processing practices:

- SBC staff must navigate through irrelevant screens to reach the screen with data that they need simply because no path exists within the AS/400 to skip directly to the relevant screen;
- data do not automatically populate fields in one part of the system when they are entered in identical fields in another part of the system and, instead, require configuration to link data fields;
- data cannot be shared with internal or external stakeholders through the web without considerable additional effort and manipulation of the data;
- reports needed to comply with legislative mandates and to evaluate and improve operations cannot be easily extracted from the system.

#### **1.1.4 Previous Efforts to Replace the AS/400**

Over more than a decade, State Bar staff have attempted to replace the AS/400. Although piecemeal modifications and upgrades have been made to the system over the years, efforts to completely replace the system have failed. It is worth noting that previous attempts to acquire a new CMS have been conducted in relative isolation by different segments of the Bar with little consideration of the integrated nature of the work.

Indeed, despite the fact that the underlying system that needs to be replaced – the AS/400 – is the same for both OCTC and the SBC, in the late 2000s each of these entities contracted individually with outside IT consulting firms to produce a business case for acquiring a new CMS. While these reports are both valuable and provide a wealth of information that remains relevant today, they appear to have been produced with almost no consideration of the possibility of integrating the systems – operationally or technically – or to the potential benefits of coordinating the evaluation of alternatives or selecting a new CMS.

As early as 2003, the State Bar issued a Request for Proposals seeking consulting services to develop a project plan and software functional requirements necessary to upgrade the existing OCTC case management system. The resulting contract, awarded to COPLAN and Company, was executed in July 2004 and resulted in a comprehensive evaluation of the alternatives available to OCTC. The report delivered by COPLAN and Company in 2007 is attached to this report as Appendix A.

Drawing on the report by COPLAN and Company, OCTC developed a formal RFP for a new CMS. The bulk of this work involved the drafting of scripted user requirements; technical requirements necessary for the State Bar to host software components were also developed. In early 2012, OCTC issued an RFP seeking to purchase and implement a new CMS and by the fall of 2012 had selected a vendor and entered into a contract for the system, Sustain.

While the report by COPLAN and Company clearly recommended a COTS system as the option with the greatest likelihood of success, OCTC did not follow this recommendation. Instead, OCTC entered into a contract for a custom build CMS<sup>6</sup>. Moreover, despite estimates by COPLAN and Company that a custom build would cost over \$2,000,000 to implement and another \$400,000 per year for maintenance and licensing, the selected vendor promised to build and implement the system for only \$200,000 with annual maintenance and licensing fees of only \$181,000.<sup>7</sup>

Almost immediately after entering into the contract, the project appears to have begun to falter. The original project timeline envisioned an approximate one-year period between contract initiation and go-live. Instead, by 2014 the project was so significantly delayed that the State Bar hired MTG Management Consultants (MTG) for assistance.

MTG was asked to evaluate the project, the overall approach and project design and to assist with the development of an implementation plan. Almost two full years after entering into the contract for the development of the CMS, MTG concluded that the Sustain project was seriously flawed. MTG went on to provide recommendations related to 17 project areas that needed to be addressed including:

- Two (2) critical findings that are fundamental problems for the project;
- Four (4) priority findings that must be remedied to allow project efforts to be successful;
- Seven (7) priority findings that need to be corrected;
- Four (4) other findings that should be corrected.

The critical findings included the observation that there was a “project leadership gap,” specifically that the Bar failed to devote sufficient resources to project management from its staff. For brief periods of time the Chief Trial Counsel and Director of Budget and Performance Analysis took the lead on managing the project on behalf of the Bar, but neither was ever assigned exclusively to this important project. MGT also noted that internal divisions within the State Bar prevented the establishment of clear expectations regarding system requirements or responsibilities and warned that there was a “high potential to seriously disrupt OCTC during implementation.”

The priority findings included observations that the project charter was out of date, that the business processes were not clearly documented nor had requirements been clearly defined. Apparently

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<sup>6</sup> While Sustain’s eCourt CMS is a COTS product, the attempt to deploy in a prosecutorial environment required a customized solution.

<sup>7</sup> A detailed summary of the recommendations from COPLAN and Company can be found below in Section 2; the full report of COPLAN and Company is attached as Appendix A. The cost estimates provided by COPLAN and Company can be found in Exhibit 8, page 28 of Appendix A.

unwilling to attest to the viability of the project, MTG instead made the highly qualified observation that:

“The case management system (CMS) project assessment revealed a number of fundamental project issues; however, the assessment also revealed the Bar believes the solution is capable of doing what the Bar desired from its CMS solution.”<sup>8</sup>

In late 2015, when the Bar’s new Executive Director and Chief Operating Officer came on board, it was discovered that a CMS product had been delivered following the issuance of the MGT report. That product, however, was rejected by the State Bar as unworkable, with key OCTC personnel indicating that even basic case processing functions could not be performed using the product as delivered. Further analysis by the Bar’s new executive leadership team in conjunction with Sustain confirmed MGT’s earlier analysis: expectations were not clearly specified in the contract, project management was weak, the Bar had not devoted sufficient dedicated and consistent resources to the effort, and there was poor documentation of system requirements, key decision points and progress on the project.

Further exacerbating the challenging situation encountered by the Bar’s new leadership team was the fact that Sustain alleged that the State Bar was unreasonably modifying and increasing its requirements, creating a situation where neither party was satisfied and no viable CMS was in sight. In light of these facts, in January, 2016, the State Bar terminated its contract with Sustain.

At the same time that OCTC was working on building a business case to acquire a new CMS, the SBC contracted with a different independent technology consulting firm to produce a business case for replacing the AS/400. In early 2008 the Gartner Group delivered a detailed business case for replacing the AS/400, attached to this report as Appendix B.

Following the release of the report by the Gartner Group the SBC began exploring the possibility of adopting the California Case Management System (CCMS) for use in the SBC. CCMS was a custom-build system being developed by the Administrative Office of the Courts for California’s Superior Courts. In 2012, however, CCMS was abandoned following a scathing report by the Bureau of State Audits and was largely defunded.

In early 2012 an SBC project team then began working with Bar IT staff to develop system requirements and by late 2012 the requirements were incorporated into an RFP that was issued soliciting vendors to offer a technology solution for the SBC’s CMS. In early 2013, SBC staff and Bar IT staff evaluated proposals and developed follow-up questions for potential vendors. Additional review and communication with the vendors continued throughout 2013 and by September a request for “best and final offer” was drafted.

This request, however, was never completed or sent. The demands that were being placed on Bar IT resources during this time for the Sustain implementation in OCTC left the SBC without sufficient technology support to finalize this work.

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<sup>8</sup> See Appendix F, page 1.

## **1.2 Strategic Alignment, Challenges and Opportunities**

### **1.2.1 Essential Functions of the California State Bar**

Business and Professions Code section 6001.2 establishes that “Protection of the public shall be the highest priority for the State Bar of California and the board of trustees in exercising their licensing, regulatory, and disciplinary functions.” In OCTC, protection of the public is operationalized by the early and comprehensive detection of attorney misconduct, thorough investigation of reports of misconduct, and vigorous prosecution of cases in which misconduct has been established.

The role of the SBC in supporting the Bar’s top priority is somewhat more complex than OCTC’s in that the SBC, like any court, must uphold essential standards of due process while adjudicating cases. For the SBC, protection of the public is no less important, but that public also includes the attorneys accused of wrong-doing who come before the court.

The essential functions of OCTC and the SBC are documented in part in sections 1.1.2 and 1.1.3 along with some of the challenges represented by performing these functions using the AS/400. In general, the legacy CMS application built on the AS/400 platform requires duplicative data entry, prevents users from moving directly to the screens dictated by the logic of case management and, instead, requires users to scroll through irrelevant screens to reach the data that they need.

The intersection between these inefficiencies and the essential purpose for which the Bar exists – public protection- can be seen in:

- Inefficient operational practices requiring higher numbers of staff devoted to maintaining and operating the AS/400 and, as a result, fewer resources available for investigation and prosecution staff to detect and prosecute attorney misconduct;
- Weak controls for tracking compliance with policies and procedures and statutory mandates;
- Inflexible architecture and configuration making it difficult to address emerging issues such as notario and immigration cases or Unauthorized Practice of Law (UPL);
- Poor reporting functionality requiring labor-intensive extraction and transformation of data for purposes of reporting making it difficult to track backlog and expedite case processing.

### **1.3 Anticipated Benefits of Acquiring and Deploying a New CMS**

The anticipated benefits of acquiring and deploying a new CMS for OCTC and the SBC are documented in the business cases developed for each of these entities by COPLAN and Company and the Gartner Group. There is substantial overlap between the benefits identified by each of the consulting firms. Those benefits include:

- Improving the Bar’s ability to provide the public and members with Internet access to information;
- Improving the Bar’s ability to comply with operational standards of efficiency and effectiveness;
- Improving data sharing among key stakeholders and across different entities within the Bar;

- Allowing for the timely development and delivery of system reports including standard, customizable and ad hoc reports;
- Creating defined workflow processes and end user help functionality to guide users through system and staff functions during the entire case management process from intake through case disposition;
- Automating business processes, workflow and reducing case-processing time frames, enabling redirection of staff to case processing activities that increase the number of cases meeting time pendency standards;
- Assisting with the balancing of staff workload, conducting data quality assurance activities;
- Tracking and reporting on additional case data facilitating increased transparency and accountability.

In the aggregate, these improvements in case processing in OCTC and the SBC will result in the more efficient utilization of State Bar staffing resources allowing for more attention and personnel to direct public protection activities.

## **2 Case Management System Options and Alternatives**

### **2.1 Option 1: Maintaining the Status Quo**

Under a status-quo scenario, the State Bar would continue using the existing CMS to support OCTC and the SBC. In order to continue operating under the status quo, however, the AS/400 would require certain enhancements.

When COPLAN and Company evaluated the CMS needs of OCTC they facilitated group discussions with subject matter experts in OCTC to develop an extensive list of system requirements. System requirements were then organized and documented. Appendix B of the COPLAN and Company report lists the system requirements as 228 discrete “data objects” identified by OCTC staff such as “Criminal charge,” “Receive 6007(b)(2) case,” “Transfer to active enrollment.” Appendix C of the report organizes the requirements into 91 functional groupings that it refers to as “Use cases or groups of related activities” such as “administer assumption of practice”, “Issue warning letter,” or “Prepare non-trust account financial subpoena.”

Looking at the gap between what the AS/400 is capable of and the requirements identified by OCTC staff, COPLAN and Company concluded that the status quo was not a viable option. Looking at capabilities by the number of data object requirements identified by OCTC staff, the AS/400 provides full support for only 23 percent, partial support for another 3 percent, and no support for 75 percent of the data object requirements. Organized under sample test cases, the AS/400 is similarly deficient, providing full support for only 7 percent of the requirements, partial support for 87 percent of the requirements, and no support for 7 percent of the requirements (Table 1).

**Table 1: Gap Between Status Quo (AS/400) and OCTC CMS Requirements<sup>9</sup>**

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<sup>9</sup> For additional detail, see Appendices B and C of Appendix A.

<u>AS/400 Capabilities</u>				
	<b>Number of Requirements</b>	<b>Full Support</b>	<b>Partial Support</b>	<b>No Support</b>
Data Object Requirements	228	23%	3%	75%
Use Cases or Groups of Related Activities Requirements	91	7%	87%	7%

When the Gartner Group evaluated the CMS needs of the SBC it took a similar approach to COPLAN and Company. Looking at the AS/400 as a system that would require significant investment to modernize, the Gartner Group framed the status quo option of continuing to run the current system but converting the code to accommodate this upgrade. The Gartner Group then evaluated the gap between upgrading the AS/400 and the State Bar’s system requirements in terms of seven broad categories: Business Fit, Total Cost of Ownership, Return on Investment, Technical Fit, Maintainability, Schedule, and Risk.

Similar to the findings of COPLAN and Company, the Gartner Group found that upgrading the AS/400 was not a viable option. The Gartner Group’s equivalent to a “status quo” option for the AS/400 as a solution for the SBC found that it met system requirements in only two of the seven categories – Technical Fit and Schedule – while it rated as “poor” or “caution” in the remaining five categories (See Table 2).

Table 2: Gap Between Status Quo (AS/400) and SBC CMS Requirements<sup>10</sup>

<u>Requirements Category</u>	<u>AS/400 Rating</u>
Business Fit	Poor
Total Cost of Ownership	Caution
Return on Investment	Poor
Technical Fit	Acceptable to Excellent
Maintainability	Caution
Schedule	Acceptable to Excellent
Risk	Poor
<b>Final Rating</b>	<b>Caution</b>

## 2.2 Option 2: Developing a Custom Solution

The custom solution option involves building a new system “from the ground up.” The custom solution option, per se, does not specify whether the system would be built internally by IT staff or through a contract with a software developer. However, given the current resources and capacity of State Bar IT staff, this evaluation of the custom solution option assumes that work would be conducted under contract with a firm that specializes in software development.

<sup>10</sup> For additional detail, see Appendix B, pp. 62-66.



One of the clear benefits of a custom solution is that, in theory, the gap between system requirements and the custom solution is zero. In other words, a custom solution is designed around the exact specifications of the customer and meets the customer’s needs completely. As a result, there is no value in estimating the extent to which this option would satisfy specified requirements.

In its evaluation of the custom solution, or “build” option, for OCTC, COPLAN and Company looked at a total of seven factors that need to be satisfied in the acquisition and deployment of a CMS. For each of these categories, COPLAN and Company ranked the option as “Yes,” “No,” or “Partial.” The custom solution option is shown in this evaluation as “meeting requirements” and, as a result, is also shown as providing a “high benefit” to OCTC.

In all five of the other categories, however, the custom solution option does not appear as attractive. COPLAN and Company see a custom solution as only partially meeting the needs of OCTC in balancing costs and benefits, risk, and the likelihood of achieving stated objectives. The custom solution was found not to meet OCTC’s needs at all in terms of cost and high-investment performance (Table 3).

Table 3: Assessment of Custom Solution for OCTC CMS<sup>11</sup>

Requirements Category	Custom Build Suitability
Achieve Objectives	Partial
Meet Requirements	Yes
Low Cost	No
High Benefit	Yes
High Cost / Benefit	Partial
Low Risk	Partial
High Investment Performance	No

The Gartner Group also assessed the suitability of a custom build option for the SBC. Similar to the findings of COPLAN and Company, the Gartner Group rated a custom solution high on measures of business fit and technical fit. Again, by designing and building a CMS according to specified technical and business requirements, these two categories are where a custom solution excels.

When assessed along other dimensions, however, the Gartner Group found the custom solution wanting. Using the same categories that were applied to the status quo option, the Gartner Group found that the custom solution actually poor in four of the remaining categories – Total Cost of Ownership, Maintainability, Schedule, and Risk, with a rating of caution in the final category, Return on Investment (Table 4). In summarizing its assessment of the custom solution for the SBC, *the Gartner Group actually rated this option below that of the status quo option.*

<sup>11</sup> For additional detail, see Appendix A, p. 38.

Table 4: Gap Between Custom Solution and SBC CMS Requirements<sup>12</sup>

Requirements Category	AS/400 Rating
Business Fit	Acceptable to Excellent
Total Cost of Ownership	Poor
Return on Investment	Caution
Technical Fit	Acceptable to Excellent
Maintainability	Poor
Schedule	Poor
Risk	Poor
<b>Final Rating</b>	<b>Poor</b>

### 2.3 Option 3: Acquiring a Commercial, Off-the-Shelf (COTS) product

The COTS option assumes that there is a product in the marketplace that the State Bar can buy. To evaluate this option, it is necessary to further assume that a suitable vendor exists with an application software package that is available for organizations with technical and business needs similar to those of the State Bar.

Using the same methodology employed in its evaluation of the status quo option, the report by COPLAN and Company also evaluated the COTS option for meeting the needs of OCTC. The report found that there are vendors who produce case management systems for criminal case processing with functions that are sufficiently similar to the functional requirements of OCTC to explore this option. The report went on to conduct a preliminary assessment of the capabilities of these systems relative to the same system requirements against which it evaluated the status quo option.

In contrast to the status quo option, the COTS option was estimated by COPLAN and Company as fully meeting 89 percent of the data object requirements specified by OCTC, partially meeting another 8 percent, and not supporting, three percent. Evaluated against the use case requirements specified by OCTC, the COTS option was estimated to fully support 86 percent of these functions and partially support 14 percent (Table 5).

Table 5: Gap Between COTS and OCTC CMS Requirements<sup>13</sup>

	<u>COTS Capabilities</u>			
	<b>Number of Requirements</b>	<b>Full Support</b>	<b>Partial Support</b>	<b>No Support</b>
Data Object Requirements	228	89%	8%	3%
Use Cases or Groups of Related Activities Requirements	91	86%	14%	0%

<sup>12</sup> For additional detail, see Appendix B, pp. 62-66.

<sup>13</sup> For additional detail, see Appendices B and C of Appendix A.

The Gartner Group’s evaluation of system requirements and alternatives available to the SBC found similar benefits to those identified by COPLAN and Company for OCTC. The Gartner Group is careful to specify that a COTS system will need to be configured to meet the needs of the SBC. Moreover, the report by the Gartner Group indicated that the State Bar should make a number of important IT investments to improve the chances of success of the project, specifically:

Gartner recommends that the State Bar Court utilize the services of a system integrator and an outside project manager to review business processes, configure the COTS system, and test and implement the system. We also recommend utilizing the services of an independent verification and validation (IV&V) project oversight vendor to help assess and make recommendations related to system implementation throughout the life of the project. These services can help identify new project risks and expedite issue resolution.

Using the same categories that they used in evaluating the status quo and custom build solutions, the Gartner Group found a COTS solution to be “Acceptable to Excellent” in five of the seven categories and scored a COTS solution as “Caution” in only two categories (Table 6).

Table 6: Gap Between COTS and SBC CMS Requirements<sup>14</sup>

Requirements Category	COTS Rating
Business Fit	Caution
Total Cost of Ownership	Acceptable to Excellent
Return on Investment	Acceptable to Excellent
Technical Fit	Acceptable to Excellent
Maintainability	Acceptable to Excellent
Schedule	Caution
Risk	Acceptable to Excellent
<b>Final Rating</b>	<b>Acceptable to Excellent</b>

## 2.4 Summary of the Three Options and Recommendations

Looking at the three alternatives evaluated here side-by side, the COTS option is clearly preferable to either the status quo or custom build options. Two independent analyses by IT consulting firms, looking at the CMS options for OCTC and the SBC, each determined that a COTS solution provides the most benefits to OCTC and the State Bar while minimizing the risk inherent in large-scale IT projects.

According to COPLAN and Company:

The COTS option offers the best balance of any option by supporting the objectives and meeting user requirements while achieving optimum benefits and highest investment performance. Further, it represents the lowest risk option and CalBar can implement it for moderate cost when compared to the other alternatives. (p. 37)

<sup>14</sup> For additional detail, see Appendix B, pp. 62-66.

Similarly, the Gartner Group recommended:

that State Bar Court look to buy as opposed to build an application to reduce overall business, budget, schedule, operational and organizational risks. The purchased application should reside on a contemporary platform, and utilize contemporary languages and database technologies. In doing so, this will help in implementing a system that is integrated, supportive, highly configurable to meet the State Bar Court's needs.

### **3 Responses to the Current Request for Proposals**

#### **3.1 Solicitation of Requests for Proposals for a new CMS**

The current proposal to acquire and deploy a new CMS draws on the experiences and documentation produced during previous efforts to replace the AS/400 and improve the Bar's ability to protect the public. In late 2015 a new RFP was drafted with the goal of integrating OCTC and SBC needs into a single CMS. The solicitation also included as optional modules Member Records and Compliance and the Office of Probation, and was released on December 21, 2015.

The RFP stated the Bar's interest in acquiring a CMS that would:

- Improve the Bar's ability to share and exchange relevant data among staff, the public and key stakeholders;
- Utilize defined work-flow processes and end-user functionality to guide users through the system during the entire life of the case, from initiation through final disposition;
- Provide dashboard overviews to monitor key performance indicators and track workflow;
- Improve the capture of and access to information about case investigations and prosecutions;
- Increase efficiencies and accuracy through automation and reduction of manual entry.

The RFP divided the system requirements into mandatory and optional components as shown in Tables 7 and 8 on the following pages.

Table 7: CMS RFP, Mandatory System Requirements

<b>System Wide</b>	<b>OCTC</b>	<b>SBC</b>	<b>Service</b>	<b>Technical</b>	<b>Accessibility</b>
Document generation	Case initiation	Case initiation and indexing	Project management	Database	Compliance with WCAG 2.0, Level AA accessibility guidelines
Document management	Inquiry	Docketing and record keeping	System design, configuration, and construction	Availability	
System integration	Investigation	Exhibit and property management	System testing	Interoperability	
Reporting and searches	Litigation	Calendaring	System delivery	Operating System	
System administration	Close Out	Scheduling	System implementation	Environment	
User interface	File Retention	Case management	Training	Architecture	
	Cost Tracking	Event management	System support	Performance Web Access	
	Audit and Review	Adjudication  Disposition Case close Accounting Effectuation E-Filing	Problem resolution protocol	Security	

Table 8: CMS RFP, Optional System Requirements

Probation	Membership Records
Case initiation	Records management
Case management	Compliance management
Calendaring	Registrations
Event management	Online portal interface
Docketing and record keeping Exhibit and property management	Customer service management
Conditions management	

A vendor pre-bid conference was hosted on Tuesday January 12; 14 vendors participated, but ultimately proposals were only received from two<sup>15</sup>: Trinity Technology Group and Tyler Technologies, Inc. The full proposals are attached to this report as Appendices D and E.

An evaluation team consisting of multiple representatives from OCTC, State Bar Court, IT, Member Records and Compliance, the Executive Director's Office, and General Services (Procurement), began the analysis of written proposals and conducted several workshops to review over 2,675 individual system requirements. These components were weighted by individual functional areas (must have, should have, nice to have, not important) and evaluated against individual responses from each bidder (whether each functional requirement identified could be demonstrated, requires configuration, will be available in a future release, requires customization, can be demonstrated through alternative functionality, or is not proposed at all).

During the course of reviewing the two proposals, several factors were taken into consideration by the IT team who facilitated the reviews, reference checks, and customer demonstrations; these factors specifically guided several of the reference checks and customer demonstrations that took place:

- The number of customers for whom each vendor has installed their system (the "install base");
- Implementation experience of the vendor with similar IT systems;
- System integration capabilities;
- Portal application and e-filing capabilities;
- Compatibility and capacity for integration with document management systems;
- IT resources needed to administer, support, and maintain the solution; and Vendor support and maintenance.

### **3.2 Tyler Technology, Inc.'s Proposed Solution**

Tyler's CMS is a Commercial Off-The-Shelf product called Odyssey. Rather than a system, Odyssey is a suite of products for different components of the justice system including CMS for jail management, district attorney's offices, courts, and departments of probation. This integrated suite of justice system products reflects Tyler's organizational model overall; Tyler is the largest software company in the nation solely focused on providing *integrated* software and technology services to the public sector — cities, counties, states and school districts, and their corresponding justice system entities.<sup>16</sup>

Within the last two years, Tyler has been selected as the vendor for 26 Superior Courts in California, of which over 20 have "gone live" with the implementation of Odyssey. Additionally, Tyler has over 70 customers across 21 states in the country, including statewide deployments in 11 states. The State Bar evaluation team conducted reference checks and hosted demonstrations provided by customers of Tyler for both court and prosecutorial implementations.

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<sup>15</sup> Note that technically three proposals from two vendors were received; Tyler submitted proposals for both Local (State Bar server hosted) or a Hosted (Tyler hosted) solutions. The Hosted option was determined to be unfeasible early on in the process.

<sup>16</sup> <http://www.tylertech.com/>

For the SBC, Odyssey appears to provide a majority of the court's requirements "out of the box" that is ready to implement, including an integrated document management system. Additionally, Tyler provides Session Works Judges Edition that judicial officers can use on a tablet device on the bench. For OCTC, Odyssey will likely require more configuration than for the SBC. Although Odyssey has been deployed in many district attorneys' offices across the country, the functions of OCTC are not exactly parallel to those of a criminal prosecutorial agency. Feedback received from prosecutor's offices where Odyssey has been deployed – including a scripted demonstration of Odyssey functionality – reassured the State Bar evaluation team that Odyssey could be deployed primarily through configuration with some amount of customization required. The following entities provided the evaluation team candid responses regarding their implementation experience with the Tyler team:

- Santa Clara Superior Court
- San Bernardino Superior Court
- Fresno Superior Court + Session Works demo
- Colin County, Texas District Attorney's office
- Fort Bend County, Texas District Attorney's office
- Williamson County Texas, District Attorney's office

Reference checks with each of these entities indicated that Tyler can deliver on the representations made in its bid and meet the demands of the State Bar. Each of the references listed above described a successful implementation of the Odyssey Court and Prosecutorial CMS<sup>17</sup>.

Tyler's integrated application, experience with justice system CMS deployment, and easily configurable product will minimize the level of State Bar IT and subject matter expert (SME) investment needed to develop and implement the system. In addition, the impact of learning a new system on the bar's end users will be minimized by the fact that, although reflecting distinct functionality, the OCTC, SBC, document management system, e-filing, and public interface will all be part of an integrated Odyssey solution, thereby reducing the number of disparate applications and tools that users must learn. Other key points regarding Odyssey and Tyler:

- Justice systems are a core focus of Tyler, and their implementation approach and processes, including training, are mature;
- Tyler has deployed all necessary components for prosecutorial, court, and probation systems in numerous jurisdictions throughout the country, including ancillary functionality such as e-filing, public portal, assessment and collection of costs, monitoring tools, and document management;
- Odyssey has integrated document management system, public portal, and e-filing functionality;
- Odyssey includes Judge Edition, a proprietary touch-screen application that SBC judges can use on the bench to easily access all information and documents regarding cases on the docket, take electronic notes using a stylus, and assign work to research attorneys and other staff;

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<sup>17</sup> This is not to say that these implementations have been without challenges. The San Bernardino Superior Court in particular expressed significant concern regarding the readiness of the court's IT infrastructure for deployment; the lack of adequate infrastructure was identified as being the result of performance and communication challenges on both the court and Tyler's parts.

- Odyssey's functionality can be readily self-administered by the customer;
- The Odyssey licensing fee includes automatic access to all product upgrades and modifications. For example, the first California District Attorney and Public Defender offices to come online with Tyler will launch in the fall. Because of the unique nature of California's public defender practices, the development of the California module will include the functionality to assign cases to a conflict public defender's office, or panel, and to track those assignments. This functionality is precisely what OCTC and OGC will need to address Rule 2201 conflict case assignment and management. Though not currently existing, the bar will automatically have access to this functionality as soon as it is deployed, at no additional cost.

### 3.3 Trinity Technology Group's Proposed Solution

Trinity begins the presentation of its bid by asserting that its technology solution is "built upon a proven commercial off-the-shelf (COTS) platform" and goes on to state that "On a scale from 1 to 5, where a custom-built solution represents a 5, our COTS solution is a 1.0." Upon closer review of the Trinity Proposal, however, State Bar Staff have come to the conclusion that the Trinity Technology Group's proposal is actually more like a custom build than a COTS.

Trinity's proposal is based on Microsoft Customer Relationship Management (CRM) system. A CRM has the ability to exercise considerable control over development, workflow functionality, and the ability to react quickly to requirement changes. A CRM can be configured and customized to manage business data and information. This flexibility inherent in the technology, however, makes a CRM more akin to a development platform than to a true COTS product. Further, while Trinity has deployed its product for agencies that receive and investigate complaints, arguably similar (though not equivalent to) OCTC, it has never developed a CMS for a court; in other words, there is no "on-the-shelf" version to be configured as part of a State Bar deployment.

As a result, Bar IT staff concluded that in fact Trinity offers a *custom* solution, that deployment of the system would require a significant commitment of State Bar staff resources to participate in development sessions, and represents overall a much riskier proposition than Odyssey. Given the nature and unique characteristics of the Bar's discipline system, and as evidence by the Bar's failed effort with Sustain, it is inherently difficult to manage requirements inflation during the progression of the implementation schedule, a risk that becomes difficult to estimate and manage. Staff strongly believes that selection of this option will delay an already seriously delayed initiative. Additionally, IT will need to invest in training current staff or bring in CRM talent to develop, manage and support this platform, further impacting both cost and time to viable implementation.

While Trinity has no experience working in the judicial branch or developing solutions for branch entities, the following entities listed below were provided by Trinity as references:

- California Department of Business Oversight (DBO)
- California Department of Insurance (DOI)
- California Hospital Association
- California Department of Social Services



The evaluation team conducted reference checks and demonstrations for the DBO and DOI; the other two entities were not able to serve as references due to availability. Both DBO and DOI were pleased with the implementation and support services provided by the Trinity team. DOI is a licensing agency for insurance agents and brokers, and a consumer protection agency for investigating and prosecuting insurance fraud. The demonstration of the DOI CMS was limited to the public facing application; this is the portal by which the public can access licensing and fraud information. This application is built with ADX Studio, a third party add-on to the CRM. The demonstration was further limited by the fact that the DOI continues to use Oracle Forms, rather than SharePoint, the add-on document management system contemplated by the Trinity CMS. In addition, DOI's investigative unit solution was unavailable for demonstration pending a CRM upgrade.

The DBO licenses and regulates financial services providers and serves as a consumer protection agency for entities including banks, credit unions and brokers. At the time of the State Bar's reference check with DBO, the project manager indicated that a CRM is designed to be a customer relationship management tool and that DBO did not use any of those features. What Trinity had developed instead was a customized licensing, examinations, enforcement, and a complaint system. DBO indicated that they needed additional enhancements, therefore requiring several Trinity staff and an additional contract to continue to provide customization services based on additional needs and requirements post-implementation. Other key points regarding Trinity's proposal:

- Trinity lacks implementation experience with a prosecutorial or court system which likely reflects the fact that there would be a steep learning curve for system design and development;
- The Trinity solution would require additional software (ADX Studio) to meet dependency requirements for public facing application portals. This adds additional cost, complexity and risk with respect to added resources necessary to support and maintain a separate system;
- Trinity's solution for a document management system requires the installation and integration of the CMS and SharePoint. This adds additional complexity and risk with respect to added resources necessary to support and maintain a separate document management system;
- For a member management system, a CRM platform is more appropriate as there are functionalities built in out of the box, but the bar's current project is focused on its discipline system;
- Custom-build solutions require clarity and cohesion regarding the business processes which are modeled for replication in the design of those systems. The current environments for which the new CMS will be deployed do not meet such standards. Instead, there are arcane and convoluted processes in place that have been developed over time as workarounds and should not be replicated in the new CMS;
- Selection of the Trinity solution is likely to delay CMS implementation. Though Trinity's proposal reflects a very aggressive timeline, the Bar's recent experience with a custom-build effort with Sustain, the Trinity solution's reliance on multiple systems (CRM, SharePoint, ADX), and the fact that Bar IT staff are unfamiliar with any of these, leads to the conclusion that selection of this option will significantly delay successful deployment;

- An advantage for Trinity is licensing cost, as the company proposes to take advantage of the Bar's Enterprise License Agreement with Microsoft, therefore making licensing costs significantly lower than those related to the Tyler solution.

#### 4 Project Cost and Summary of Cost-Benefit Analysis<sup>18</sup>

##### 4.1 CMS Procurement and Licensing

Implementation of Tyler's Odyssey product will total \$2,703,830 million; Trinity's parallel costs total \$2,162,490. In addition to these costs, estimated to be incurred in 2016 and 2017, annual support expenses will be incurred. Trinity's annual support costs total \$83,251 over the timeframe outlined in the proposal, or an average of \$20,813 per year; Tyler's annual licensing fees total \$723,857 over the same period, or an average of \$181,000 annually. Over the five year total timeline reflected in bid proposals, the difference between the Trinity and Tyler proposals totals \$1,181,946 as outlined in the table on the following page:

Table 9: CMS System Procurement Costs

Vendor	Trinity	Tyler	Difference
Year 1 + Licenses	\$2,162,490	\$2,703,830	\$541,340
Annual Support (Years 2-5 combined)	\$83,251	\$723,857	\$640,606
<b>Totals</b>	<b>\$2,245,741</b>	<b>\$3,427,687</b>	<b>\$1,181,946</b>

##### 4.2 Other Implementation Costs

The State Bar will incur other significant costs as related to CMS development and deployment. These costs specifically include project management and SME staffing as follows:

<sup>18</sup> Fully articulated pricing is provided as Appendix A. For purposes of the Business Case, Implementation and Annual Licensing Costs, the primary cost drivers, are reflected. Note that Appendix A pricing includes estimates for certain ancillary costs generated by the Bar's Procurement staff pursuant to a standard bid analysis approach. Only the actual costs identified by Tyler and Trinity directly are reflected here.

Table 10: Other Implementation Costs

Expenses	CMS Total Project Costs			Project Total	FTE
	Aug-Dec 2016	Jan-Dec 2017	Jan-Jul 2018		
<b>Personnel *</b>					
Project Manager	73,100	180,700	108,600	362,400	1.0
Discipline SMEs <sup>19</sup>	352,100	1,175,900	706,600	2,234,600	8.0
IT Staff	90,500	159,900	68,600	319,000	1.0
<b>Total Personnel Costs</b>	<b>515,700</b>	<b>1,516,500</b>	<b>883,800</b>	<b>2,916,000</b>	<b>10.0</b>
<b>Procurement</b>					
Tyler Technology	2,703,800				
<b>Total Procurement Costs</b>	<b>2,703,800</b>	-	-	<b>2,916,000</b>	
<b>Total CMS Project Costs</b>	<b>3,219,500</b>	<b>1,516,500</b>	<b>883,800</b>	<b>5,619,800</b>	

Note that although the project timeline outlined in Section 5 below refers to a period of work through 2017 only, staff recommends additional resources be maintained through mid-2018, to support the full implementation period. The cost analysis is predicated on this recommendation.

#### 4.3 Total Cost Analysis

The difference between Trinity and Tyler’s Year 1 implementation and licensing costs totals \$541,340; the difference between the Tyler and Trinity proposals over the five year period contemplated by the RFP process totals \$1,181,946. Although it is accurate that the Trinity proposal is less costly than Tyler, staff believes that Trinity costs are understated, in that they specifically do not include the cost of additional State Bar IT staff who will be needed to support the Trinity solution, namely the CRM, ADX and SharePoint platforms that comprise the Trinity CMS. A conservative estimate pegs this cost at 2 FTE, or approximately \$300,000 annually. In addition, and as outlined extensively above, the risk associated with selection of a system that has never been deployed in a court or prosecutorial environment, and is essentially a custom-build solution, far outweigh the additional cost associated with procuring a proven product widely deployed in court and justice system contexts. Further, maintenance of the status quo is not an option, as the AS/400 platform itself needs upgrading and modification to stay viable, and there is a shrinking pool of professionals available to do this work. Staff strongly believes that when considering this Business Case in its entirety, Tyler presents the best value option for the State Bar.

<sup>19</sup> At this time these positions have been identified as an Assistant Chief Trial Counsel, Attorney, Investigator, Paralegal and Coordinator of Records (OCTC), a Senior Attorney (Probation), a Court Administrator and Case Administrator (SBC).

#### 4.4 Proposed Funding Sources

Annual licensing fees will be absorbed in the State Bar’s operating budget; as such, funding sources have been identified for only the limited-term costs associated with development and deployment. These costs total \$5,619,800:

- Tyler Contract: \$2,703,800
- Project Management and SME’s: \$2,916,00

The project will be funded as follows:

Table 11: Project Funding Sources

<b>Funding Source</b>	
IT Special Assessment Fund	\$1,215,200
Technology Improvement Fund	\$2,004,300
2016 General Fund Savings	\$1,000,000
2017 Proposed Elimination of Bank Processing Fee	\$800,000
Future Transfer from Fund 88 <sup>20</sup>	\$600,300
<b>Total Costs</b>	<b>\$5,619,800</b>

#### 5 Timeline, and Project Plan

Tyler’s implementation approach involves seven major phases of work:

- Phase 1: Project Initiation and Planning
- Phase 2: Solution Design and Development
- Phase 3: Data Conversion
- Phase 4: OCTC Odyssey Deployment
- Phase 5: Court Odyssey Deployment
- Phase 6: Probation Deployment
- Phase 7: Project Conclusion

Phase 1: Project initiation and planning consists of three primary tasks that would be completed over approximately three-and-a-half months: project planning, business process review, and infrastructure planning. Phase 1 lays the foundation for the entire project by establishing and documenting clear, specific expectations regarding the sequencing, timing, and scope for the project. The culmination of these tasks involves the delivery by Tyler of a Project Management Plan, a Project Operational Plan, and a Business Process Review Report, and a solution design all of which serve to establish common, transparent project expectations and objectives.

Phase 2: Solution design and development begins about a two months into Phase 1 and involves four primary tasks to be completed over approximately six months: infrastructure set up and

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<sup>20</sup> These proposed funding sources are explained in more detail in the cover memorandum accompanying this Business Case.

installation, application development, integration development, and the conducting of an integration toolkit workshop. This phase will establish the detailed specifications and development of application refinements identified in Phase 1; development and testing of customizations identified in Phase 1 and establishing the technical infrastructure and application installation processes. Phase 2 concludes with the training of State Bar IT staff on the tools that they will need to successfully manage the IT infrastructure using Tyler's product and tools.

Phase 3: Data conversion involves conducting multiple iterations of an automated data conversion to transfer existing and historic electronic records out of the AS/400 and into Odyssey.

Phase 4: OCTC deployment consists of five primary tasks that begin in the fifth month of the project and are completed over the course of the next about eight months: configuration, testing, the development of a go-live plan, training, and the go-live implementation.

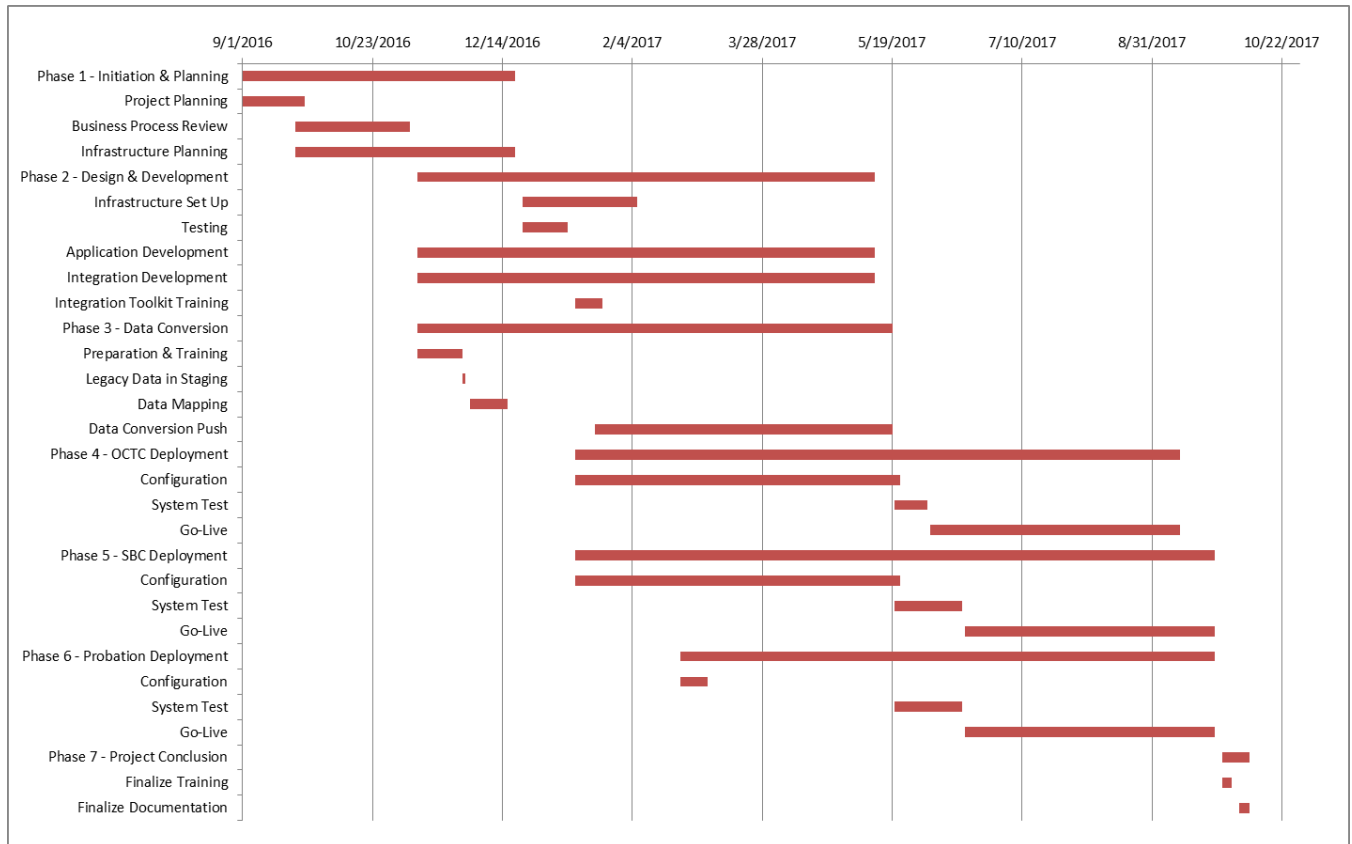
Phase 5: SBC deployment runs on parallel track, simultaneous with the OCTC deployment and consists of the same primary tasks completed on the same time frame: configuration, testing, the development of a go-live plan, training, and the go-live implementation, all culminating approximately eight months after this phase is initiated.

Phase 6: Probation deployment follows the same basic steps as OCTC and SBC deployment but will need to be modified somewhat to take into account the fact that Member Records and Compliance will not be incorporated into the system. Tyler's original proposal included both Probation and Member Records and Compliance as part of Phase 6.

Phase 7: Project conclusion is a relatively short but essential phase of work consisting in knowledge transfer so that Bar staff are fully capable of managing day-to-day system functioning and ensuring that all documentation regarding the system is complete. The project conclusion phase lasts approximately two weeks.

The Gantt Chart on the following page illustrates the rough timeline presented by Tyler in their bid. This has been adjusted around a hypothetical start date of September 1, 2016 to illustrate the approximate timing and sequence of the project. Final details related to the exact project schedule will need to be evaluated and negotiated before entering into the agreement.

Figure 1: Draft Timetable for Completion of Major Phases of Work



## 6 Risk Mitigation Strategies

Staff concludes that of the two bids, Tyler Technologies' CMS, Odyssey, offers the most benefits with the fewest risks to the Bar, and the greatest likelihood of timely and successful implementation. In light of consultant reports going back at least 16 years outlining numerous problems with the status quo legacy system, and a three-year failed effort with Sustain, a custom solution, the bar cannot afford to take the risk that engaging Trinity represents. The likelihood of continued delays in CMS implementation is too great, as is the risk of unanticipated cost escalation. Odyssey is a COTS system which makes the staff recommendation consistent with the findings of the studies conducted by COPLAN and Company and the Gartner Group.

The many struggles that the State Bar has faced over the years to implement a new CMS provide at least one important benefit: lessons to be learned that will help the Bar avoid the pitfalls of previous efforts. These lessons are documented in many of the reports provided to the Bar by technology consultants. By following these recommendations, the Bar can mitigate the risk inherent in large IT projects while improving its ability to protect the public.

The first and most important recommendation for mitigating risk relates to selecting a COTS system. Both COPLAN and Company and the Gartner Group listed the COTS solution as the lowest risk technology option with the highest benefit relative to costs. COTS products can sometimes be viewed as

unattractive because they force users to follow a pre-defined case-management solution. Users who are accustomed to certain, specific functionalities, in particular, may find the COTS solution less appealing because it forces them to change their practices. By recommending that the Bar enter into a contract with Tyler, staff are rejecting the hypothetical and highly risky “perfect” solution of a custom build in favor of a real, less-risky, “good” solution.

Other key areas for mitigating risk relate to project planning, resource allocation and project management. In its review of the failed Sustain implementation, MTG Management Consultants cited poor documentation of essential project components. For example, MTG found that the project charter had not been kept up-to-date, Bar executives were not kept up-to-date regarding key decisions, the project plan was not complete, and OCTC’s business processes had not been documented.

The Tyler project plan, summarized above, exemplifies a project management approach designed to mitigate these types of risks. Phase 1 of the project plan involves extensive work building the organizational infrastructure essential to the success of the project. Contained within the Project Management Plan, Tyler includes a Project Charter, Communications Plan, Statement of Work, and Project Schedule. Twenty business days are devoted to Project Planning at the outset of the project followed by another 35 business days devoted to Business Process Review.

Another key challenge facing the Sustain implementation was referred to by MTG Management Consultants as a “project leadership gap,” noting that “there is no OCTC or Bar staff member authorized to lead the project and ensure that the application is implemented effectively for the organization.” A key part of the project management plan, outlined in Table 10, above, is the creation of a project manager position whose work is focused exclusively on the successful implementation of the CMS.

Further mitigation of the risk is also documented in Table 10 in the allocation of funding to free subject-matter experts (SMEs) from their regular work so that they can devote themselves completely to the successful development of the new CMS. IT projects frequently fail to devote adequate resources to securing the institutional knowledge necessary for success because key staff are not available to participate in business process review, configuration and design, or testing. By setting aside funding for the backfill of 8 full-time equivalent staff, SMEs from both OCTC and the SBC will be able to devote themselves fully to the implementation of the new CMS.