



North Carolina General Assembly
House of Representatives

REPRESENTATIVE ROBERT T. REIVES, II
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CHATHAM & RANDOLPH COUNTIES

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RULES, CALENDARS AND OPERATIONS OF THE
HOUSE

April 17, 2023

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Rm. 2304
Raleigh, NC 27601-1096

Dear Speaker Moore:

I am writing to you today to respectfully request that either GovOps or House Oversight open an inquiry into the eCourts system rollout.

What was originally intended to help the State of North Carolina transition from a traditional paper-based courts filing system to a digital, cloud-based system, a system that would help address the ongoing problems of court backlogs, overextended judicial resources, and judicial delays, has in reality multiplied those problems, not reduced them. Simple paperwork that once could take minutes when done by paper, now takes hours in some cases. In addition to our State's judges, attorneys throughout the State in each of the pilot counties have experienced significant obstacles to representing their clients effectively, and the efficacy of the rollout raises concerns for the future expansion of the program as more counties are subject to a system that has more bugs than features.

This was a program that was originally supposed to be rolled out in July of 2021, yet due to delays was only able to rollout in February of this year. Despite a year and a half of delay, the eCourts system is a product that has few satisfied users in any jurisdiction, and does not breed confidence in the reliability of our court system.

Despite an initial bill for the State of \$100 million, the project has had cost overruns in the millions, and has inflicted costs that are difficult to quantify in terms of additional time and labor for judges and attorneys as the dockets of courts in pilot counties have slowed to a glacial pace due to bugs, an overly complex user interface system, and a lack of training and awareness on the part of its users in how to navigate the system. Judges and attorneys must spend even more time in court per case, and processing delays and miscommunications between different IT systems has led to delays in releasing incarcerated persons by months at a time and wrongful arrests of persons against whom cases were already dropped.

It remains an open question whether these delays and filing errors will expose the State to civil liability which could cost the State millions more in damages and labor hours spent defending the State in court.





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Additionally, it does not appear that sufficient consideration was given to how the eCourts system communicates with other IT systems in our government, such as the Department of Motor Vehicles ("DMV"), an oversight which could result in the wrongful suspension of driver's licenses and improper point totals on citizens' driver's licenses.

At a time where we in the State of North Carolina are working diligently to help improve the quality of life in the rural parts of our State, rural counties have been the most severely afflicted in many cases, in part because of the unequal distribution of broadband infrastructure in rural North Carolina. In counties where there is no public defender, private attorneys are assigned to defend cases and must rely on their own IT infrastructure, which can significantly hamper their ability to represent their clients in court, an obstacle which did not exist when the court filing system was paper-based, raising significant questions about the unequal opportunities for justice in rural North Carolina.

While some glitches may be expected when implementing new software, this is a system on which rests the fundamental questions of liberty and justice in our State. The bidding process and criteria used for choosing a vendor were not developed in such a way as to encourage innovation or careful tailoring of an information system to the unique requirements and peculiarities of the North Carolina court system. Furthermore, there was ample evidence that this particular vendor has had issues with court-related IT systems in other states such as Tennessee and California, in which lawyers and their clients faced at-times significant problems that had a direct, negative impact on the administration of justice in those states. Persuasive arguments could be made that the issues intendent with this vendor were foreseeable, and greater care should have been taken in the formation of vendor criteria, selection of a vendor, and management of the vendor's contract, including whether said vendor is meeting its contractual obligations to the State of North Carolina.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "R. T. Reives, II".

Rep. Robert T. Reives, II

