

**Meeting Minutes of the 179th
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, January 21, 2010
9:34 a.m.–12:34 p.m.**

Voting Members present:

Judge Michael Bustamante, Chair
Judge Karen Mitchell, Vice Chair
Judge Richard Knowles
Judge Clay Campbell (*via video*)
Judge Camille Martinez-Olguin
Judge Alan Kirk (*via phone*)
Judge Duane Castleberry
Juanita Duran
Jan Perry (*via video*)
Helen Miller (*via phone*)
Dennis Jontz
Brian Gilmore

Voting Members absent:

Robert Mead

JID Staff present:

Renee Cascio
Suzanne Winsor
Tom Edwards
Andre O'Brien
Trixi Bubemyre
Grace Catanach

Non-Voting Members present:

Justice Petra Jimenez Maes
Arthur Pepin
Steve Prisoc
Pauline Toevs

Guests present:

Dana Cox(*BCMC*)(*via video*)
Paula Chacon (*Quay County Mag. Ct.*)(*via phone*)
Oscar Arevalo (*AOC-Fiscal*)
Deborah Gutierrez-Torres (*2nd DC*)(*via video*)
Frank Dimaggio (*2nd DC*)(*via video*)
Orlando Ulibarri (*9th DC*)
Greg Ireland (*13th DC*)
Banyat Adipat (*NM Sentencing Commission*)
Tony Ortiz (*NM Sentencing Commission*)
Michael Hall (*NM Sentencing Commission*)
Sharon Pino (*Governor's DV Czar*)

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante called the meeting to order at 9:34 a.m. and established a quorum.

I. Approval of Agenda. No changes to the agenda were requested.

Judge Bustamante welcomed Judge Duane Castleberry from the Quay County Magistrate Court. Judge Castleberry will fill the position of Judge Robert Corn, who recently retired. Judge Bustamante hoped everyone enjoyed the holidays. He reported that he is now housed at the new Court of Appeals (COA) building in Albuquerque. He thanked Andre O'Brien and other JID Staff for all of the hard work they did at the new COA building.

II. Budget and Revenue

JID Revenue Pipeline Report.

Fiscal Year 2010 Projection Report.

Oscar Arevalo reported the following:

- The HAFC adopted the Legislative Finance Committee's (LFC) recommendation, which would cut an additional \$172,000.00 from the JID General Fund.
- From Fiscal Year 2009 to date, the total loss to the General Fund for the Statewide Automation Program is \$535,000.00, which is a 17% reduction, more than any other program in the Administrative Office of the Courts (AOC). The proposed cut would be recurring and the SCAF Fund would have to cover the deficiency. The majority of the proposed cut would come from salary and benefits and the JID building lease.
- LFC's recommendation also included losses to jury and magistrate court matters.
- Possible expectation that the Judiciary needs to rely more on fees to fund some of its services.
- The Judiciary needs to be very careful about putting other projects into the budget because the case management system needs to be rolled out.
- The potential affects to the jury program if the proposed cuts are approved.
- The AOC is facing critical financial situations in all areas.
- The Judiciary could receive \$895,000.00 to use for the case management system rollout, going forward.
- The \$2,000,000.00 could be extended to Fiscal Year 2012.

Mr. Arevalo referred to the *JID Revenue Pipeline Report*, which was attached to the JIFFY agenda. He also referred to the document he distributed entitled *Case Management SCAF Receipts Breakdown by Court Type – Fund 078, Fiscal Year 2010*.

He spoke of the following points:

- The pipeline report included the \$10.00 additional civil filing fee. He will begin providing monthly spreadsheets to JIFFY of the breakdown of the \$10.00 civil filing fee and the red light revenues.
- The pipeline noted the projected revenue of \$4,120,930.66; and about \$278,000.00 of that amount will be shifted to the case management appropriation. He will meet with Tom Edwards tomorrow to verify the totals.
- Revenues from the red light program. A meeting is scheduled to discuss transfer details.
- Year comparisons.
- If the magistrate courts do not receive additional relief, the Judiciary will have to limp along with video arraignment.
- Going forward, tightening up cash flow projections in terms of rollout and costs.
- Lobbying hard to recover losses to the General Fund.
- Projection of fund balances will deplete quicker than anticipated, especially if the proposed additional cuts are approved.
- The Judiciary will swing back but it is a matter of time.
- The Justices, Artie Pepin and Fern Goodman are lobbying hard for the Judiciary.

II. JIFFY Sub-Committee Activities

Judges User Group. Judge Karen Mitchell reported the following:

- The Judges User Group (JUG) met this morning.
- Several vacancies are currently available on JUG.
- Judge Castleberry will fill Judge Corn's position on JUG.
- JUG will begin meeting on an as-needed basis.
- She asked for recommendations to fill the two district court judge positions.
- Odyssey Aging Clock- Issue in the Second Judicial District Court (Second) and in the Thirteenth Judicial District Court (Thirteenth). District attorneys in those areas are filing documents in juvenile probation violation cases that are contrary to the Judiciary's data standards.
- JUG will not meet in February.

There was discussion on the following points:

- Communication with the district attorney regarding the Judiciary's data standards.
- Suggestion for JIFFY to send a letter to the district attorneys reminding them of the Judiciary's data standards.
- Suggestion to reject filings if they are contrary to Judiciary's data standards.
- Concerns with rejecting pleadings.
- Suggestion for JIFFY to meet with the judges in these courts and then to meet with the district attorneys in those areas.
- History of communication with the district attorneys.
- There should not be exceptions to the Judiciary's data standards.
- Ensure children's court judges are aware of the issue.

Action Item: Judge Bustamante will contact Judge Monica Zamora at the Second and Judge Louis McDonald at the Thirteenth regarding the issues relative to the Judiciary's data standards.

Public Access Subcommittee. Judge Mitchell referenced the document entitled *Report and Recommendations of the Public Access Subcommittee to the Judicial Information Systems Council an Information Technology Advisory Board to the New Mexico Supreme Court on Public Access to Court Case Records Via the Internet, November 10, 2009*, which was attached to the JIFFY agenda. She spoke of the following points:

- In November, the Public Access Subcommittee (PAS) submitted their draft document to JIFFY.
- JIFFY will take public comment on the draft PAS document in February.
- She thanked Dana Cox, Dennis Jontz, Steve Prisoc and Robert Mead for their instrumental work in drafting the document. She also thanked and recognized LaurieAnn Trujillo for her assistance.
- PAS voted on various positions.
- The most significant recommendation is that the Judiciary would restrict public access to cases that did not result in a conviction.

- Records retention issues. PAS recommended that the records retention committee reconvene because the standards were set at a time when the Judiciary did not have Internet access.
- PAS recommended restricting public access to certain confidential personal identifiers.
- Deferred cases would remain available for public access.
- PAS recommended that the Judiciary's Internet access mirror the hard copy retention schedule.
- PAS reviewed the Supreme Court bulk records policy and the consensus on PAS was the policy did not require changes at this time.

There was discussion on the following points:

- Ms. Cox added that PAS really worked hard to present a balanced approach on the issues and the document was definitely a team effort. PAS also considered actions taken in other states.
- Conditional discharge does not seem to be addressed in the draft document. The question of: How to handle charges that have been dismissed upon successful completion of probation?
- Request that JID Staff be kept informed if changes are made to how statistical data is recorded.
- Gratitude to PAS members for battling very difficult issues.
- Record retention. The electronic record in *Case Lookup* should mirror the court's paper record. Why should an electronic court record be retained if the paper record is destroyed?
- Storage of electronic records.
- JID Staff does not convert data on cases that are marked for paper destruction.
- Historical data.
- PAS discussed options for storing destroyed case file information.
- Mr. Prisoc's research on the Violence Against Women's Act.
- JIFFY's February meeting will accommodate a public forum on the PAS document.
- Support for selling bulk records.

Action Item: Per Judge Knowles, PAS to consider incorporating language relative to conditional discharge in the PAS document.

Action Item: Per Judge Mitchell, Mr. Prisoc to construct a chart based on the research he conducted on the Violence Against Women's Act. He will provide that chart to JIFFY for the February meeting.

Odyssey Steering Committee. Judge Mitchell reported the following:

- The Odyssey Steering Committee (OSC) met yesterday.
- OSC's recommendation relative to district court forms.
- OSC's recommendation relative to document imaging.

- OSC's recommendation that the Bernalillo County Metropolitan Court (BCMC) governance board be structured the same as district and magistrate courts' forms committees.
- BCMC's fit analysis. The amount is higher than OSC anticipated. Brian Gilmore is working with the BCMC judges to determine what the BCMC needs in order to go live with Odyssey and what can be delayed to a later date.
- Amendment to the case management contract.
- Rollout contract has been drafted.
- Tyler Technologies purchased Wiznet.
- Alabama electronic citations project is moving forward. Mr. Pepin will meet with TRACS' members regarding the exchange of information.
- Dr. Julie Carroll is out sick today. Dr. Carroll's November IV&V Report requested additional documentation on testing. However, she recognized that the project team would document more if they had more time and resources. Overall, Judge Mitchell believed that Dr. Carroll is pleased with the project.
- The LFC quoted the Judiciary's case management project as a model project.
- The draft Memorandum of Understanding (MOU) is available online and she encouraged Judiciary employees to review it. She reminded the Judiciary that every judge in a district would be required to sign the MOU in order for that court to remain in sequence of where they are in the rollout schedule.
- OSC's February meeting was rescheduled to February 24, 2010 at 2:00 p.m. at JID.

Judge Mitchell moved approval of OSC's recommendation that JIFFY recommend that the Supreme Court form a small committee of up to nine members to address district court forms that will recommend to JIFFY the district court forms to be used as Odyssey is implemented. The committee should consist of the following members: Joey Moya to chair the committee; 2 members to be recommended by the Chief Judges Council (CJC), preferably judges; 2 members to be recommended by the Court Administrators Council (CAC); at least one Trial Court Administrative Assistant; 1 district court clerk; and 1 appellate court clerk. Judge Camille Martinez-Olguin seconded. Judge Knowles offered a suggestion that the proposed committee have authority to handle matters that are not of controversy to avoid time delays. There was discussion on the composition of the committee membership. No further discussion. No opposition noted. Motion carried.

Judge Mitchell moved approval of OSC's recommendation that JIFFY not expand document imaging to courts beyond the Second, the Thirteenth and the BCMC until the case management rollout is complete. No further discussion. No opposition noted. Motion carried.

Judge Mitchell moved approval of OSC's recommendation that JIFFY recommend to the Supreme Court that the BCMC's internal governance board be structured in the same way as the district and magistrate court forms' committees; that the ultimate appointment be made by the Supreme Court; and the BCMC committee report to OSC and to JIFFY. Judge Knowles seconded. There was a lengthy

discussion on why this recommendation would be necessary given the BCMC's representation on OSC and on JIFFY. **Mr. Gilmore offered an amendment to the motion that JIFFY table this decision until the BCMC could obtain further clarification.** Mr. Edwards advised that he received an email from Dr. Carroll this morning and there is confusion in the choice of words that she used in her November IV&V report. **Judge Bustamante tabled this discussion.**

Action Item: Judge Mitchell will request that OSC be on the next CJC agenda to ensure that district court chief judges are aware of the MOU requirements.

IV&V Report. Judge Mitchell reported that Dr. Carroll was out sick today.

IV. CIO Report. For the sake of time and due to inclement weather, Mr. Prisoc offered to email JIFFY members his CIO Report.

Action Item: Mr. Prisoc will email JIFFY members his CIO Report.

V. Purchase Requests. None submitted this month.

VI. Review and Approval

Discussion on Request to Compile DV Reports from the Consolidated Offender Query. Michael Hall of the New Mexico Sentencing Commission (NMSC) spoke of the following points:

- He thanked JIFFY for the MOU on data sharing that the NMSC entered into with the Judiciary several years ago.
- He reiterated the NMSC's commitment not to publish data without bringing it to JID first.
- NMSC has been working with Sharon Pino, the Governor's Domestic Violence (DV) Czar. Ms. Pino is requesting that the NMSC produce a report on DV cases. Once this report is approved, Ms. Pino will be able to run it on a monthly basis to track DV cases.
- The NMSC now has access to the BCMC DV cases.

Ms. Pino offered the following:

- She thanked JIFFY for the opportunity to speak with them today.
- As part of her performance and accountability standards, she is required to internally report how New Mexico is doing statewide regarding DV cases.
- Data is critical to plan and track statewide initiatives.

There was discussion on the following points:

- Event codes are available in the system to indicate treatment; however, those codes are not specific to the types of treatment ordered.
- Ms. Pino's request is for criminal data.
- NMSC ran the report entitled *DV Disposition Summary Report*, which was distributed to the JIFFY members.

- Ms. Pino advised that the data would be used internally and could be used to respond to inquiries from legislators. She assured JIFFY that she would first seek approval from the NMSC before the data was used for outside purposes.
- The process used to publish the DWI Report provides an opportunity for the Judiciary to verify the accuracy of the report.
- Process used to breakdown dismissals, so it is clear which cases were not prosecuted.
- How plea agreements are displayed.
- Concerns that the courts have not received the report to verify its accuracy.
- Tony Ortiz from NMSC advised that NMSC did not have the resources necessary to verify the numbers.
- Support for the Judiciary to provide information but allowing the Judiciary the opportunity to verify the accuracy of the report.
- Protective orders that are issued in addition to criminal cases.
- Banyat Adipat of NMSC explained the report.
- Mr. Pepin thanked the NMSC for generating this report. He reminded JIFFY that Ms. Pino could request this information through the Inspection of Public Records Act, and JID Staff would be responsible for generating it.

Action Item: Per Judge Clay Campbell and Juanita Duran, Mr. Ortiz to provide them with the DV report so they can determine if the numbers for the Second are accurate.

Judge Mitchell moved approval of the NMSC's request to compile the DV report from the Consolidated Offender Query, with the caveat that the same procedure used for the DWI Report be followed and that we allow the courts the opportunity to review and verify the accuracy of the report. She noted that the DV report was not ready for publication at this time. Judge Martinez-Olguin seconded. There was discussion on how the report would be distributed to the courts and how often the report should be generated. Judge Bustamante suggested that the report be distributed to JIFFY today so it can be distributed to the courts with an explanation of the methodology, so they can perform an audit for accuracy. He asked that this process be done and then JIFFY would determine if it worked and if it should continue. Ms. Duran suggested that NMSC send the courts a list of the cases so they can verify the numbers against their paper files. No opposition noted. Motion carried.

Action Item: NMSC to present the DV Report and lists of cases to Mr. Prisoc and he will distribute them via email to all of the courts.

Action Item: NMSC and Mr. Prisoc to work on how to break up the lists of cases that will be provided to the courts.

Update on Second Judicial District's EDMS Project. Ms. Duran reported the following:

- First set of 1995 civil case type records have been converted and saved on the server; and the Second is awaiting the destruction letter from the State Records and Archives (SRA) to destroy the paper records.

- They are now working on DV cases and they should be ready to send them to the SRA within a month.
- The Second has begun their support division transition to document management.
- A majority of the EDMS appropriation has been spent to date.

Discussion on Use of Telle-Court for Video Appearances in District Courts. Mr.

Prisoc reported the following:

- He referred to the letter of January 15, 2010 addressed to him from Pauline Toevs, which was attached to the JIFFY agenda.
- Vendors are presenting products to the courts requiring the use of the Judiciary's networks. Their services do not cost the courts direct funds, except the Judiciary would have to maintain bandwidth and suffer slowdowns to the extent that they use the Judiciary's internal services.
- He explained some of the products.

Ms. Toevs added the following:

- How conferencing with web cam works.
- How the Judiciary's video system is managed.
- The need to research more on web traffic concerns.
- Bandwidth concerns.
- Pros to using web cam in the future should the Judiciary be able to support the bandwidth.
- Teleconference versus video services.

There was discussion on the following:

- Information technology policies currently in effect do not require the courts to seek JIFFY's approval if there are no costs to the courts.
- Mr. Prisoc is agreeable to revisiting fast-moving technology issues.
- Mr. Prisoc thanked Ms. Toevs for volunteering to research these services further.

Judge Mitchell moved that any agreements for courts to enter into a contract with video service providers, regardless of the cost to the court, need to be approved by JIFFY first. Judge Martinez-Olguin seconded. Justice Maes asked that this decision be communicated to all Judiciary staff through the "justice" email distribution list. No further discussion. No opposition noted. Motion carried with the understanding that JIFFY would revisit this issue should the Judiciary receive funding or as technology changes.

Action Item: Per Justice Maes, Mr. Pepin and Mr. Prisoc to construct an email advising all Judiciary employees of JIFFY's decision relative to video service providers.

Continuing Discussion on Proposed Display of Protective Orders on Case Lookup. Mr. Prisoc referred to the untitled handout he distributed reflecting two online screenshots of a DV case. One screenshot reflected what is currently displayed on the

outside Judiciary *Case Lookup*. The other is a test view that excludes petitioner information on the outside Judiciary *Case Lookup*. He spoke of how this issue came about and of some of the cons involved by displaying petitioner information. Ms. Pino added that federal law prohibits displaying information on victims on any public website. She spoke of her concerns relative to displaying respondent information online because DV victims could potentially be tracked. She suggested that the Judiciary seal DV cases online.

There was discussion on the following points:

- Suggestion not to make DV cases available online.
- Complying with federal statute.
- Consequences suffered by victims if DV cases are displayed online.
- Law enforcement agencies have access to the Consolidated Offender Query to obtain DV information.
- Unit families stay within the same DV file.

Judge Knowles moved that JIFFY exclude domestication cases--cases from other states from public access. Mr. Prisoc advised that this would be procedurally difficult for JID Staff given the need for resources and the great possibility for error. **Judge Knowles withdrew this motion and moved that the Judiciary come into compliance with federal law with respect to disclosure of DV cases online.** Judge Mitchell noted that the Judiciary is in compliance with federal law as of today. Judge Knowles restated his motion: **JIFFY maintain status quo for fear that the Judiciary might risk violation of federal law or regulations.** Judge Mitchell seconded. No further discussion. No opposition noted. Motion carried.

VIII. The next meeting will be held on Thursday, February 25, 2010 at 9:30 a.m. at the State Bar of New Mexico in Albuquerque.

IX. Adjourn. Judge Bustamante adjourned today's meeting at 12:24 p.m.

X. Additional Attachments

Project Status Reports. No discussion was held with respect to the *Project Status Reports*, which were attached to the JIFFY agenda.

JIFFY Meeting Calendar for 2010. No discussion was held with respect to the *JIFFY Meeting Calendar for 2010*, which was attached to the JIFFY agenda.

Final Minutes Approved by Judge Bustamante on February 9, 2010.