

Judicial Information Systems Council Meeting (JIFFY)

Meeting Minutes

Judicial Information Division

Thursday, May 21, 2015

9:31 - 12:03 p.m.

JIFFY Voting Members Present:

Judge Karen Mitchell, Chair

Judge Duane Castleberry

Judge Henry Alaniz

Tobie Fouratt (video)

Judge J. Miles Hanisee

Dennis Jontz

Judge Mark T. Sanchez

Judge Alan Kirk

Jason Jones

Brenda Castello

Ian Bezpalko

Lynne Rhys

Judge Sarah Singleton

Jim Noel

Guests Present:

Joshua Alt

Jeremy Toulouse

Frank DiMaggio (video)

Sean Pearson

Steven Smith

Robert Duran

Julie Ann Frazier

Robert Padilla

Jonathan Ash

Rachel Klump

Cindy Walker (video)

Judge Joseph Little

Staff Present:

Carlos Cordova

Kevin Succi

Tim Elsbrock

Wesley Reynolds

Mike Carney

Chip Leyba

Peter Jeantette

Danny Yantz

April Sessions

Marla Gabaldon

Grace Catanach

Non-Voting Members Present:

Justice Petra Jimenez Maes

Renee Cascio

Ron Sanchez
Pat Mente

Judge Mitchell welcomed Judge Mark T. Sanchez to JIFFY as this was his first in person meeting.

I. Approval of Agenda. Judge Mitchell called the meeting to order at 9:31 a.m. Jim Noel requested that the agenda item entitled “*2nd JDC request to add certain sealed case types to E-filing*” be deleted. The remainder of the agenda was accepted as presented.

II. JIFFY Project Status Reports.

Client Team Report Presentation. Carlos Cordova, the client team manager at JID, stated that the client team consists of eight IT specialists and one procurement specialist who are responsible for client site support and installations along with implementation used throughout the state. Client team personnel are located in six regions and a field staff member is assigned to each region for onsite support in over 75 courts and for over 2500 JID approved devices and software statewide. The Client Team also applies Windows Patches and anti-virus software, assists with court moves, assists with training setup, equipment refresh and disposal of obsolete or old IT equipment. In addition the Client Team works on projects such as the Supreme Court rollout. Approximately 420 helpdesk tickets are closed per month with a 97% customer satisfaction rating. All of the court projects are implemented statewide and the Client Team works closely with district court IT staff.

III. Budget and Revenue.

JID Revenue Pipeline. Robert Duran, Budget Analyst for AOC, presented the “*JID Revenue Pipeline*” and reported that (p 1) in FY14 3.4 million was collected and the projected revenue for FY15 is 3.2 million which is a \$220,000 decline this fiscal year. There is a decline in SCAF revenue collected (p 2) in magistrate courts, district courts, BCMC and MVD. The fund balance going forward into FY16 (p 3) from all sources is \$885,414. The special appropriations of electronic filing at BCMC in the amount of \$310,000 and the funds for video arraignment equipment in the amount of \$298,000 must be expended by June 30, 2015 in addition to the \$220,000 for the appellate courts, which

does not expire until June 30, 2016, has helped to maintain the fund balance. Last year the collection (p 6) of the ten dollar in the civil case fees amounted to \$681,000 and this year the projected revenue is \$634,245. There is a significant increase in the Red Light Camera revenue (p 7) contributed by Rio Rancho from the previous three months.

- Tim Elsbrock added that since File & Serve has been implemented the volumes have gone down 20% in the last five years as filings in criminal and civil cases are down.

IV. Review and Approval.

BCMC request to purchase Voiceover Internet Protocol System (VOIP) & request approval of QMATIC upgrade. Robert Padilla, the Court Executive Officer at BCMC explained that both the QMATIC system and the Cisco phone system service contracts will end on June 30, 2015 and requested approval to purchase upgraded equipment to replace the outdated systems. The requested upgraded systems have been approved by JID as being compatible with the state system in place.

Judge Castleberry moved to approve the purchase of a Voiceover Internet Protocol System (VOIP) & QMATIC Queuing system by BCMC. Judge Kirk seconded. No opposition noted. Motion carried.

Mescalero Tribal Court request to connect to vnoc for video arraignments. Judge Joseph Little, the Chief Judge for the Mescalero Apache Tribal Court, requested to connect to vnoc for video arraignments in Carrizozo. Presently, the Mescalero Tribal Court is doing arraignments on Mondays, Wednesdays and Fridays and hearing officers must transport detainees by van which takes two or three hours round trip. The internal fiber optic infrastructure for video arraignment should be put into operation in the next week. Judge Little mentioned that the tribal court is on a 72 hour rule and would be able to work around the magistrate court schedules.

- Mr. Elsbrock remarked that for a limited use, without expanding to other courts, the impact on the infrastructure is within acceptable limits, however JID is not in a position to provide further video arraignment services on a large scale to numerous

other entities. Consideration must be given as to how other requests would be dealt with, when JID no longer has the resources or bandwidth to provide this service.

- Shawna Hochanadel in discussion with the tribal courts noted that the tribal court would purchase their own video equipment and circuit and the communication would be point to point while utilizing JID's network and bandwidth.
- Judge Sanchez asked if this request had been looked at from the point of view of the anti-donation clause and if this were not an issue in this case, would support the request if a nominal fee was forthcoming for this service to alleviate any resource burdens on JID.
- Renee Cascio concurred with Justice Maes that scheduling would be a factor because at the jail there is only one video system which would have to be shared between the magistrate court arraignments and the Mescalero Tribal Court arraignments. Judge Mitchell clarified that there have been many requests since 2007 including municipal courts, district courts, public defenders and attorneys and there are a number of issues that must be taken into account.
- Ms. Hochanadel indicated that in 2007, due to staffing constraints, there was a moratorium put on municipal and district court video arraignment implementation that has not been lifted from a number of municipal courts. Justice Maes pointed out that JIFFY needs to consider when this moratorium should be lifted for the municipal courts.
- Judge Singleton proposed making this request a pilot project for similar requests and entities wishing to utilize this service would be required to pay for all of their own equipment and work out scheduling with the magistrate courts.

Action Item: The Mescalero Tribal request to connect to vnoc for video arraignments at the Carrizozo detention to be added to the June 18, 2015 JIFFY agenda.

Judge Kirk moved to approve a six month pilot in which the Mescalero Apache Tribal Court would connect to the JID Video Network Operations Center (vnoc) in order to do video arraignments with the detention center in Carrizozo. Judge Alaniz

seconded. Judge Mitchell summed up the thoughts of JIFFY that in theory JIFFY supports the idea of a pilot. Issues such as the cost, the effect of the anti-donation clause would have on the project and how to work out scheduling with the magistrate court need to be worked out before attempting a pilot. **Judge Alaniz then asked that the motion be tabled pending further study of the issues. No opposition noted. Tabling of motion carried.**

Action Item: Judge Joseph Little to confer with the magistrate court(s) who conduct video arraignments at the Carrizozo detention center to discuss possible arraignment scheduling.

Delay/continue electronic filing pilot at 2nd JDC by HSD. Jim Noel described his action item for the May JIFFY meeting as creating a flowchart of how the e-filing process works for domestic relations (DR) cases with CSED/HSD at the 2nd JDC and what the implications would be for discontinuing e-filing DR cases at the 2nd JDC. Mr. Noel does support holding off on a statewide rollout of e-filing for CSED/ HSD. CSED/HSD is in the process of converting to a new electronic management system. Mr. Noel then presented the handout entitled “2nd Judicial District Court File & Serve Flow Chart” which describes how civil cases go through the e-file process. In the civil process an attorney files a complaint or petition in File & Serve which goes to the court, the court reviews the petition and if it is accepted notice is sent back to the attorney and the attorney is given a link to see the file document. The attorney then submits a summons to File & Serve which goes to the court and if all of the papers are in order, the court issues the summons and it gets sent back to the attorney who can then serve the summons and complaint on the appropriate party. With DR cases, the filer who is submitting a petition along with the handout entitled “Domestic Relations Information Sheet” is sent in by the private attorney and submitted to the court. If it meets the requirements, it is then processed and information from the DR information sheet is also entered into Odyssey. The process is the same with CSED/HSD except a federal restriction on CSED/HSD requires that their DR information sheet is faxed to the 2nd JDC; a confirmation via email is sent back to CSED/HSD informing of receipt and from there on the process is the same as other DR cases. Mr. Noel pointed out that with the slight variations that were noted, the motion practice and the notice practice is the standard Tyler process for civil, DR and CSED/HSD DR cases.

- Judge Singleton wanted to know if it was the court or the attorney's obligation to send out notice to those who are not registered for e-service. Mr. Noel responded that in practice, it is the attorney that has taken on this part of the process in many cases, although the court does it as well. Justice Maes clarified that with electronic filing, instead of a notice being brought to the clerk with addressed envelopes, the attorneys are taking on this responsibility.
- Mr. Noel stated that e-filing in the 2nd JDC by CSED/HSD should continue as the 2nd JDC will ultimately be piloting CSED/HSD's new computer management system within CSED and dovetailing that with e-filing.
- Mr. Noel referred to p 9 & 10 of the flow chart "*Recommendations for Improvement*" and stated that electronic signatures could be created. An application called Nuance which allows the user to take signatures and apply them to PDFs, reducing the number of steps for scanning and submitting documents is in use at the 2nd JDC. If Tyler can come up with a statement that says they meet any security requirements imposed on CSED/HSD by the IRS related to this form, then CSED/HSD will be able to file the DR information sheet with the petition. Ms. Cascio, in conjunction with Tyler staff is of the belief that some of the recommendations can be put into operation through configuration.
- Tim Elsbrock confirmed with Steven Smith from CSED that the information on the DR sheet comes mostly from the IRS. Mr. Smith clarified that the information CSED obtains, is largely tax information and must be protected.
- In answer to Judge Castleberry's inquiry concerning where the money comes from that is paid to the 2nd JDC, JIM Noel replied that the 1.1 million paid to the 2nd JDC comes mostly from federal and state funds and is used for hearing officers and clerks.
- Steven Smith, Director of the Child Support Enforcement Division (CSED) of HSD commented that on the issue of whether this program should be rolled out statewide. Mr. Smith stated that CSED/HSD did not want to rollout the program statewide at this time due to all of the steps necessary to e-file petitions and motions with the 2nd JDC. CSED/HSD would like to submit everything at once through e-

filing, have the court approve it and send back confirmation so that CSED/HSD can complete the service to their clients and this will require Tyler to facilitate this change. CSED/HSD does have contracts with each district in the state and provides subsidies for hearing officers, staff, supplies and some travel. One third state general funds and two thirds federal funds make up the resources CSED/HSD pays to the various districts throughout the state. Mr. Smith agreed that the e-filing program at the 2nd JDC should continue in order to streamline the process, before it is rolled out statewide.

- Mr. Smith expressed concern about the ruling stating that e-filing of DV cases would begin throughout the state on July 1, however Mr. Smith received notification that this ruling did not apply to CSED/HSD. Renee Cascio concurred that CSED/HSD is exempt from the mandatory e-filing which will implemented on July 1, 2015.
- Mr. Smith is expecting that when their new case management system has been implemented at HSD, over the next two years, the system should interface directly with the courts, so that documents can be generated on the new system and be transferred to the courts without having to be printed out.
- Judge Mitchell cautioned that whatever PDF is being used for signatures or otherwise, that the program be certified by JID to run in the Odyssey system.
- Justice Maes requested that CSED/HSD keep JID informed, as they work through the development of their new case management system.
- Judge Mitchell summed up the decisions by JIFFY that e-filing by CSED/HSD at the 2nd JDC will continue but that there are questions that need to be answered before a statewide rollout can take place. If a number of the issues can be resolved such as the DR information sheet being filed electronically, as well as using File & Serve with electronic signatures, then Mr. Smith agreed with Judge Mitchell that there would be no reason at that time to postpone the statewide rollout of e-filing between CSED/HSD and NM Judiciary.

Action Item: *JID to report back to JIFFY on which items listed in the handouts “Recommendations for Improvement” by the 2nd JDC and CSED/HSD, Tyler has the capability to implement.*

V. JIFFY Subcommittee Activities.

Judges User Group. Judge Singleton reported that OJUG met on Thursday May 21, 2015 and discussed Habeas Corpus rules and petitions. The subcommittee that is researching this issue was asked to come up with a plan for a rule that will deal with all prisoner pro se file matters and to eliminate some of the duplication of effort in reviewing these petitions by the clerks, legal counsel and respondents. It was recommended that when a habeas case comes in, it would be opened as a civil habeas case, undergo the thirty day review period and during that time it would be determined whether it was a type A petition (challenging conditions of confinement) or a type B petition (challenging the underlying conviction and sentence). Type A cases, would be considered a civil habeas case. Cases that are determined to be Type B cases, the civil case that had been opened would be closed and the original criminal case would be reopened and the case would be sent to the original judge for disposition.

- Justice Maes stated that some amendments to the rule may be needed before directions are sent out to clerks on how to designate these cases in Odyssey. Renee Cascio suggested having a final review after procedures are developed and agreement on how notifications will be handled related to the thirty day review. Those submitting petitions or motions related to DR cases are asked to use the Supreme Court “*Domestic Relations Information Sheet*”.

Action Item: *JID to develop procedures on how notifications will be handled related to the thirty day review on habeas corpus cases and bring back to JIFFY in July for review and approval.*

Forms Committee. Judge Mitchell reported that the Forms Committee met Tuesday, May 19, 2015 and made sure the charges were added to “*Conditions of Release*” and discussed standardizing sentencing worksheets for the magistrate courts. The personal data form was reviewed and it was requested that it be placed into Odyssey as an administrative form. Black Book forms were compared to the Odyssey forms and the

100's were completed and the committee is halfway through the 200's. In the 100's, there was one difference in "*Appearance, Plea and Waiver*". The committee will meet again in June.

Action Item: Renee Cascio to modify et al on forms that are generated in the courts and remove the period that appears after et. on some forms.

Online Access Subcommittee. Judge Mitchell related that the Online Access Subcommittee (OAS) met on May 13, 2015 and the Matrix has been modified. Everything to the right of the black line on the chart including "*Redacted Documents, Redacted Documents (\$) and Reports (\$)*" are on hold due to redaction issues. Providing electronic documents to the public is a goal, however due to the cost of redaction NM Judiciary is not in a position to provide that service at present. Tyler will do a presentation at the June 18, 2015 JIFFY meeting to demonstrate Portal which will be a joint meeting with OAS.

- As there is currently no way to merge the municipal court DV and DR cases with Portal, those cases will be the only cases left in Case Lookup and there will be a link from Portal to Case Lookup to view those cases. The estimated cost of redaction will be around 2 million dollars plus maintenance costs and issues such as which documents are redacted must be answered before NM Judiciary will be able to get bids for redaction services. The committee is urging JID to pursue computer enhancement funds for this effort for next years' budget.
- In response to Dennis Jontz' question concerning where bulk users fit on the Matrix, Judge Mitchell responded that Greg Saunders reported to OAS that third party bulk data requesters do not show interest in purchasing reports as they would only have access to redacted documents. Brenda Castello explained that companies such as Westlaw, Lexus and Bloomberg provide information to LEAs, Homeland Security and Federal Government Agencies and that without PII's; most redacted documents have no value to them. Justice Maes clarified that the "*Bulk Data Subscriber*" fits under "*Registered User*" and at this time the only access they have is the "*Register of Actions*" and redacted documents (which will incur a charge) are currently on hold until the redaction question is worked out with Tyler. Ms. Cascio explained that access to secure sites is not granted to any outside vendors.

Data Standards. Judge Mitchell stated that she will be sending out letters of appointment in the next few days to the members of Data Standards and the first meeting will be held on July 13, 2015.

VI. CIO Report. Tim Elsbrock, Deputy CIO of JID, delivered the CIO report for Greg Saunders who was out of the office.

Staffing Changes. Water Rights Developer interviews were held on May 20, 2015. Tod Anderson was hired as the new Junior Software Developer who started May 11, 2015 for the Development Team. Recruitment is continuing for a Senior Developer. Leslie Bischoff, Data Base Administrator (DBA) and Statistician is retiring and her last day in the office is July 1, 2015. Artie approved double filling Ms. Bischoff's position as well as Grace Catanach's position as Financial Administrator.

E-payments. Since the go-live date of February 15, 2015 the collections total to date \$775,000.

Supreme Court Odyssey Rollout. Next week Supreme Court personnel will be trained on Odyssey and the go-live is scheduled for June 1, 2015. Mr. Elsbrock thanked BCMC for helping out by changing their court processes for an entire weekend to accommodate the Supreme Court rollout. Ms. Cascio noted that everything is on schedule for the go-live.

TRACS E-citation. The contract with University of Alabama has been reestablished and JID is ready to proceed with the TRACS project.

IT Purchases. JID management is working on revising the current policy regarding tracking and managing purchases of IT equipment and software for the entire judiciary. One of the planned initiatives is to have all court entities utilize a standardized form for requests brought before JIFFY.

Tyler Connect. A number of JID personnel attended the conference and improvements were made in the systems architecture and maintenance for Odyssey. Tyler will be coming to JID in June to explain how some of the changes that are being made in Odyssey will

affect the NM Judiciary. Tyler has a very large online educational resource with hundreds of Odyssey specific courses geared to clerks as well as judges. Odyssey 2016 will be available July of 2016, but will probably be implemented by JID in 2017, which may require an upgrade of computers and servers.

Tyler Overall. Mr. Saunders requested that Les Anderson be removed as Tyler project manager for JID, due to a number of issues. His replacement will be here within the next eight weeks to do a road map planning session. Tyler has agreed to demo Portal at the June JIFFY Meeting.

- JID is clarifying the revenue flow into Tyler and how that money is allocated and utilized. The contract period between Tyler and NM Judiciary ends July 2015 and JID is considering adjustments to the compensation levels for Tyler. An agreement was signed with Tyler that specified that when NM Judiciary implemented File & Serve, Tyler would collect all of the revenue and NM was given a portion that was billed against maintenance and additional services.

VII. Purchase Requests. Mr. Elsbrock explained that the request is to spend the special appropriation money of \$195,000 on refreshing the web presence of the entire NM Judiciary. The appropriation is to create a one-stop online portal to provide user access to all court services. Over 40,000 hits have been received by the nmcourts.gov website since May 1, 2015. Judge Mitchell stated that each individual court would be responsible for their own information, but requests for forms would direct the user back to Supreme Court approved forms which will eliminate courts creating and distributing their own versions of forms.

Judge Sanchez moved to approve JID's purchase request to utilize the special appropriation money in the amount of \$195,000 for the refresh of the NM Judiciary websites. Judge Kirk seconded. No opposition noted. Motion carried.

VIII. Future Meetings. The next meeting will be held on June 18, 2015 **9:00 a.m.** at the Judicial Information Division in Santa Fe.

IX. Adjourn. Judge Mitchell adjourned the meeting at 12:03 p.m.