

**Meeting Minutes of the 194<sup>th</sup>  
Judicial Information Systems Council (JIFFY)  
Judicial Information Division (JID)  
Thursday, July 21, 2011  
9:53-11:48 a.m.**

**Voting Members present:**

Judge Michael Bustamante, Chair  
Judge Karen Mitchell, Vice Chair  
Judge Camille Martinez-Olguin  
Judge Richard Knowles  
Juanita Duran (*via video*)  
Jan Perry (*via video*)  
Robert Mead  
Brian Gilmore  
Dennis Jontz  
Tobie Fouratt

**Voting Members absent:**

Judge Clay Campbell  
Judge Duane Castleberry  
Judge Alan Kirk

**JID Staff present:**

Marlin Mackey  
Grace Catanach

*Minutes taken by: LaurieAnn Trujillo*

Due to technological problems with the video system, the meeting was delayed. Judge Michael Bustamante called the meeting to order at 9:53 a.m. and established a quorum.

**I. Approval of Agenda.** The agenda was accepted as presented.

**II. Budget and Revenue**

**JID Revenue Pipeline.** Lydia Romero presented on behalf of Oscar Arevalo. She reported the following:

- The final Fiscal Year 2011 numbers for SCAF relative to the additional civil filing fee and red light camera revenues.
- The thirteenth month of revenue will be booked this year. She performed an audit on each of the pipelines to ensure that the numbers reconciled to what was actually received.

- They have yet to receive the red light camera and electronic (e-filing) revenue for the fourth quarter.

There was discussion on the following points:

- City of Albuquerque's red light camera revenue.
- City of Rio Rancho is now submitting their red light camera revenue.
- Historical trends.
- Steve Prisoc thanked Ms. Romero for the AOC Fiscal Division's assistance with JID's emergency end of the fiscal year purchases.

***Action Item: Per Mr. Prisoc, Mr. Arevalo to provide JIFFY with historical financial trend information at next month's meeting.***

### **III. JIFFY Sub-Committee Activities**

**Odyssey Steering Committee.** Judge Karen Mitchell reported the following:

- The Odyssey Steering Committee (OSC) met yesterday.
- OSC continues to be sensitive to Risk #33, which is the over extension of JID Staff.
- Marlin Mackey introduced the parking lot concept, which is a list of projects to be considered in the future.
- OSC received an administrative report from Mr. Prisoc on electronic citations (e-citations), e-filing and the hot site.
- Telecommunications and bandwidth issues.
- Tyler Technologies' (Tyler) hours and travel remain within budget, and the project remains on schedule.
- The Thirteenth Judicial District Court (Thirteenth) will implement the new e-filing version on September 1<sup>st</sup>.
- The project is approximately 5% under budget.
- Remote access for judges to access court documents from their home computers and public access issues at the Second Judicial District (Second).
- Odyssey Magistrate Users Group issues.
- IV&V Report. Mike Mellos of Burger, Carroll & Associates advised that from a project management standpoint, they are happy to see the coordination and communications that have taken place with Tyler and JID Staff.
- Successful implementation at the Second.
- OSC will discuss case type issues in the future.
- OSC's next meeting is on September 14<sup>th</sup>.

There was discussion on the following:

- Mr. Prisoc clarified that project management for the Odyssey project is conducted at JID. He credited Tom Edwards for his excellent project management skills and recognized Mr. Mackey for jumping in and managing the project well.
- Mr. Prisoc received two quotes from Tyler to address the Second's public access issues; however, it appears that Tyler may not understand the business processes, so he will

- request a revised quote and then meet with Arthur Pepin to discuss financing a solution.
- Juanita Duran emphasized her concern with the public access issues at the Second. They do not have resources to perform dual processing, nor do they have space to maintain paper files. She also spoke of budgetary concerns. The Second worked hard to get the electronic record to be the authentic record in anticipation of this and now no destruction can be done.
- Tyler does not currently have a solution to the public access situation at the Second.
- Security concerns relative to public access.

***Action Item: Per Judge Bustamante, Mr. Prisoc to inform Tyler that their solution to public access does not fit the Judiciary's needs, prior to his meeting with Renee Cascio to further discuss a solution.***

**IV. CIO Report.** Mr. Prisoc reported the following:

- The National Instant Criminal Background Check System (NICS) manages gun sales throughout the country. NICS is now receiving criminal history information for New Mexico.
- The Judiciary's computer enhancement fund requests for e-filing and disaster recovery were presented to JIFFY last month. The plan is to lobby the Legislature for these initiatives every year.
- The Judiciary also needs to lobby the Legislature for telecommunications' funds. The Judiciary is currently investing \$300,000.00 per year on telecommunications. It is likely that it will be paying 10-20% more in future years to keep up with Odyssey courts, because Odyssey requires more bandwidth than the former case management system.
- JID had been holding off on filling its vacant positions for cost-saving purposes, however, JID is at a point where it needs the help, and the positions need to be filled for the September snapshot.
- Over the last three years, JID has suffered more than a 25% reduction in the JID General Fund appropriation, so he hopes JID will not incur additional cuts in Fiscal Year 2013.
- JID is working with PDS West to convert all of the imaged documents from the First Judicial District (First) into Odyssey. This project involved more labor for the First and JID Staff, but it saved about \$34,000.00.
- JID continues to receive more and more demands for service, and JID Staff counts have reduced in the last few years, so it is impossible for JID to take on new projects at this time. The parking lot concept will place valid requests on a list that JID Staff can consider when more resources are available and when the Odyssey rollout is complete.
- There is pressure for JID to become a 24/7 shop, however, this cannot be considered until JID is able to expand its staff.
- Next month, he will distribute the Fiscal Year 2013 Information Technology Plan for JIFFY's review. He hopes to include telecommunications in the Judiciary's C1 and C2 budgets.

**V. Purchase Requests.** No purchase requests were received this month.

## **VI. Review and Approval**

**First Judicial District Court Report on Information Technology Needs for the New Courthouse.** Stephen Pacheco from the First reported the following:

- The courthouse structure has begun, and the First expects to move into their new courthouse on December 20, 2012.
- The First plans to lobby the upcoming Legislature for appropriations to complete the new building.
- It had been about two years since they reviewed the project plans, so last month JID Staff and the First attended a meeting with Santa Fe County and the construction manager. They plan to meet again and go over the plans to ensure they conform to the Judiciary's standards.
- The architect and engineers informed him that the system is designed to be a turn-key system, so the First should be able to go right to work once they move in. For The Record (FTR), video and security are built into the system.
- The panic system is not built in, but there have been discussions to address this.
- The need to purchase a monitor for the public to view video arraignments.
- There is a possibility that the First may need to upgrade their FTR system.

There was discussion on the following points:

- Justice Petra Jimenez Maes asked if Mr. Pacheco had any figures for JIFFY to consider prior to the upcoming Budget Committee meetings. There was discussion about ballpark estimates to cover emergency expenses that could arise.
- JID incurred approximately \$50,000.00 in emergency, unanticipated expenses for the Taos District Court move.
- Suggestion to use the monitor that the First currently has to double as the monitor for video arraignments.

**Robert Mead moved for authorization for the First to spend up to \$40,000.00 for information technology needs for their new courthouse. Judge Mitchell seconded but emphasized that the money would come from the First's budget. Justice Maes suggested that the First consider requesting additional spending authority to cover any contingencies that could arise. Mr. Pacheco noted that the First did not currently have the budget to cover such expenses but would seek funding from the Legislature. He asked for additional spending authority of \$25,000.00 to cover unexpected contingencies. There was discussion about the spending authority amount being too low. Mr. Mead amended his motion to give the First spending authority of up to \$100,000.00 of their funding to be spent on information technology needs for their new courthouse. Judge Mitchell accepted Mr. Mead's amendment and encouraged Mr. Pacheco to schedule a meeting with Ruth Dygert, the AOC Magistrate Courts Facilities Manager. There was discussion about the third party project manager. No further discussion. No opposition noted. Motion carried.**

**Report on Contract Negotiations with Tyler Technologies.** Mr. Pepin reported the following:

- He referred to his *Memo to JIFFY Re: File & Serve Contract*, which was distributed to JIFFY Members. It provided an update on the Judiciary's three contracts with Tyler.
- He expects to have a final contract that he can email to JIFFY Members tomorrow.
- The three contracts include: a File & Serve Contract; a Maintenance & Support Contract; and an Interim E-Filing Contract to extend the e-filing project to the end of the year.
- The File & Serve and the Maintenance & Support Contracts will be effective January 1, 2012 and run for four years.
- The most important thing to note regarding the Maintenance & Support Contract is that the Judiciary is budgeted to pay Tyler \$600,000.00 a year, and under this contract, the Judiciary may not have to make those payments depending on how much profit it receives from e-filing.
- The Judiciary obtained a statewide license for File & Serve, which is the e-filing system. It involves the new product that will be implemented at the First, Second and Thirteenth this fall. Under the new contract, the Judiciary has target numbers of e-filings that it has to achieve, and that will determine if the Judiciary needs to make a maintenance and support payment or not.
- Target volumes for e-filings.
- The current contract is for the e-filing pilot in the Thirteenth, and the Judiciary receives \$1.00 per e-filing. Under the new contract, the Judiciary will receive a \$3.70 credit per e-filing to be applied towards the Judiciary's maintenance and support obligation.
- He provided examples for when the Judiciary would receive money back from e-filing after it met its maintenance and support obligation.
- The fees set for e-filing are \$10.00 for file and serve; \$6.00 for file only; and \$4.00 for service only—these fees are inclusive of taxes and any convenience fee that would be charged for credit cards.
- The new File & Serve Contract includes initial case e-filings.
- Next week, the Thirteenth will begin its pilot on initial case e-filings with two law firms. There will be a service fee associated with initial case filings. The fees average below the 4% he promised to legislators.
- The Maintenance & Support Contract integrates with the File & Serve Contract.
- The Judiciary was able to cap the escalator, so the maintenance and support will increase by the lesser of the CPI highest over two years, or 7%, whichever is smaller.
- The Maintenance & Support Contract includes a Support Account Manager (SAM), which is someone at Tyler who is devoted to monitoring the Judiciary's contract and needs.
- Mr. Pepin distributed the document entitled *State of New Mexico, Administrative Office of the Courts and the Thirteenth Judicial District Court, Information Technology Agreement for an Electronic Filing System, Amendment No. 1*. This document extends the existing agreement that the Judiciary has in the Thirteenth to allow it to bring e-filing to other districts and to allow the Judiciary to accept initial case filings.

There was discussion on the following points:

- The Judiciary will continue to customize and enhance Odyssey, so any profit the Judiciary receives from e-filing will be used to cover such costs.
- SCAF savings.
- A transaction could involve filing several documents under one e-filing fee.
- There was discussion on potential e-filing revenue projections based on the Thirteenth's current e-filing pilot.
- The plan is to implement civil e-filing in the First, Second and Thirteenth, and then to implement e-filing in all of the Odyssey courts.
- The new contracts provide the Judiciary with the option to extend e-filing to other case types.
- State agencies will be billed \$4.00 for each e-service at the end of every month, however, they will not be billed for the \$6.00 e-filing charges.
- Mr. Pepin advised that Chief Justice Charles Daniels had been fully apprised of the contracts.
- Tyler resisted language for the SAM to be jointly managed by JID and Tyler.
- Mr. Pepin recognized Mr. Mackey for his help with the contract negotiations.
- 21% is the gross percentage that Tyler will apply to the Judiciary's maintenance cost.
- There is hope that a statewide e-filing rule will be in place by January 1<sup>st</sup>.

***Action Item: Mr. Mackey asked that the Odyssey district courts complete their e-filing boarding documents by October of this year.***

**Brian Gilmore moved that JIFFY Members review the File & Serve Contract and the Maintenance & Service Contract and respond to Mr. Pepin within one week if there are any substantive concerns. Judge Richard Knowles seconded.** There was discussion on a possible delay in executing the contracts if concerns are raised. **Judge Knowles asked for an amendment that JIFFY Members commit to review and comment on the contracts to Mr. Pepin by Monday, July 25<sup>th</sup> at 5:00 p.m. Mr. Gilmore accepted Judge Knowles' amendment. No further discussion. No opposition noted. Motion carried.**

Judge Mitchell suggested that JIFFY Members take time during the meeting to review and approve the document entitled *State of New Mexico Administrative Office of the Courts and the Thirteenth Judicial District Court Information Technology Agreement for Electronic Filing System Amendment No. 1*. Mr. Pepin advised that the only changes made to this document were the addition of the convenience fees' chart and the removal of the references to the Thirteenth.

**Mr. Gilmore moved that JIFFY authorize Mr. Pepin to execute the document entitled *State of New Mexico Administrative Office of the Courts and the Thirteenth Judicial District Court Information Technology Agreement for Electronic Filing System Amendment No. 1*. Mr. Mead seconded. Mr. Pepin noted that references to the Thirteenth would be removed from this document. No further discussion. No opposition noted. Motion carried.**

**Discussion on Party Addresses on Public Court Websites.** Mr. Gilmore spoke of the following:

- The problem is closely tied to the problem the Second is currently experiencing with public access.
- The issue involves researchers wanting access to addresses on civil restitution cases.
- Tyler does not currently have a solution to this problem. If Tyler turns on access to addresses, addresses would appear in all case types.
- Because the issue involves larger policy matters, he suggested that the issue be turned over to Mr. Prisoc and Mr. Mackey to further investigate.

Mr. Prisoc noted that there are two problems to address: (1) the flexibility of public access so the Judiciary can display information to the public; and (2) deciding what information to display to the public. He noted that he would begin an analysis with Tyler, Ms. Cascio, Jane Davenport and Mr. Gilmore.

There was discussion on the following:

- It is premature to assume that the Judiciary would close Case Lookup once it turned on Tyler's public access.
- The Supreme Court referred back to the Public Access Subcommittee (PAS) the issue of whether or not there would be fees associated with public access.
- Concerns were voiced that there are outstanding philosophical public access issues that still need to be addressed.
- Suggestion to first focus on resolving the public access issues at the Second, and then to resolve the broader policy public access issues at a later time.
- Since February, the e-filing pilot at the Thirteenth has provided a small test to registered attorneys on public access for civil cases.
- Mr. Prisoc reiterated that he would meet with Ms. Cascio, Ms. Davenport, Tyler, Mr. Gilmore and the Second to come up with a solution to the Second's public access issues.
- Suggestion to reactivate the PAS to address the outstanding philosophical public access issues.

***Action Item: Judge Bustamante and Judge Mitchell will meet to determine if the PAS should be activated, or if a new committee should be formed to address the outstanding philosophical public access issues.***

***Action Item: Judge Bustamante asked Ms. Cascio, Ms. Davenport, Mr. Prisoc, Mr. Gilmore, a representative from the Second, and John Todd to investigate a solution to the Second's public access issues.***

**VII. Future Meeting.** Judge Bustamante advised that the next meeting is scheduled on Thursday, August 18, 2011 at 9:30 a.m. at the Judicial Information Division.

**VIII. Additional Attachments**

**JIFFY Project Status Reports.** There was not discussion relative to the *JIFFY Project Status Reports*, which were attached to the JIFFY agenda.

**IX. Adjourn.** There being no further business, Judge Bustamante adjourned today's meeting at 11:48 a.m.

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**Final Minutes Approved by Judge Bustamante on August 3, 2011.**