

**Meeting Minutes of the 196<sup>th</sup>  
Judicial Information Systems Council (JIFFY)  
Judicial Information Division (JID)  
Thursday, October 20, 2011  
9:33–11:41 a.m.**

**Voting Members present:**

Judge Michael Bustamante, Chair  
Judge Karen Mitchell, Vice Chair  
Judge Clay Campbell (*via video*)  
Judge Richard Knowles  
Judge Camille Martinez-Olguin  
Judge Duane Castleberry  
Jan Perry (*via video*)  
Robert Mead  
Brian Gilmore  
Tobie Fouratt (*via video*)  
Greg Ireland

**Voting Members absent:**

Judge Alan Kirk  
Dennis Jontz

**JID Staff present:**

Pat Mente  
Marlin Mackey  
Jim Coberly  
Trixi Bubemyre  
Grace Catanach  
Shawna Hockanadel

**Non-Voting Members present:**

Justice Petra Jimenez Maes  
Steve Prisoc  
Renee Cascio

**Non-Voting Members absent:**

Artie Pepin

**Guests present:**

Lydia Romero (*AOC-Fiscal*)  
Frank Dimaggio (*2<sup>nd</sup> DC*)  
Jamie Goldberg (*13<sup>th</sup> DC*)  
Dr. Julie Carroll (*Burger, Carroll & Assoc.*)  
Mike Mellos (*Burger, Carroll & Assoc.*)  
Orlando Ulibarri (*9<sup>th</sup> DC*)  
Dave Torres (*1<sup>st</sup> DC*)  
Fred Sena (*4<sup>th</sup> DC*)  
Sharon Pacheco (*4<sup>th</sup> DC*)  
Phil Hedrick (*BCMC*)

*Minutes taken by: LaurieAnn Trujillo*

**I. Approval of Agenda.** Judge Michael Bustamante called the meeting to order at 9:33 a.m. and established a quorum. The agenda was accepted as presented. Justice Petra Jimenez Maes announced that the Supreme Court appointed Greg Ireland to fill the JIFFY voting member vacancy left when Juanita Duran retired.

**Action Item:** *Grace Catanach asked that Ruby Mayer of the Supreme Court provide her with a copy of the Supreme Court Order appointing Mr. Ireland to the JIFFY Membership.*

**II. Budget and Revenue**

**a. Fiscal Year 2011 Projection Report.**

### **b. JID Revenue Pipeline.**

Lydia Romero presented on behalf of Oscar Arevalo by reporting the following:

- Mr. Arevalo sent his regards to JIFFY.
- First quarter revenues are low but are on track based on the revenues received from this time last fiscal year.
- She referred to the document entitled *SCAF Revenue Breakdown by Court Type-Fund 078 Fiscal Year 2012*, which was included in the *JID Revenue Pipeline* report that was emailed to JIFFY.
  - ♦ The Bernalillo County Metropolitan Court's (BPMC) revenues for July were \$9,273.00.
  - ♦ The carryover fund balance is unaudited. The audited fund balance will be provided to JIFFY at their January 2012 meeting.
- Quarterly reminders have been sent out to Las Cruces, Rio Rancho and Santa Fe relative to their red light camera funds, and she expects those deposits soon. By the November JIFFY meeting, the Judiciary should have the first quarter's red light camera funds for Fiscal Year 2012.

Judge Bustamante asked Ms. Romero to send JIFFY's regards to Mr. Arevalo.

### **III. JIFFY Subcommittee Activities**

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

- The Odyssey Steering Committee (OSC) did not meet this month.
- The southeastern magistrate courts had a successful rollout. This set of courts was the largest rollout to date as far as the number of locations that were implemented at one time.
- OSC will meet again in November.

Renee Cascio added the following:

- Thirteen data sets were configured, so most of the southeastern magistrate courts were closed.
- Due to limited JID resources, court staff from Odyssey courts assisted the project team by providing go live support to the courts, and it went incredibly well.
- This has been their best implementation thus far because the courts took their responsibilities seriously, and the project team is more experienced with the implementation process.
- It had been a while since the project team implemented a magistrate court.
- The data set for the southeastern magistrate courts was close to the size of the Second Judicial District's (Second) data set.
- The southeastern magistrate courts have not experienced problems with speed.
- The north central magistrate courts will be implemented next.
- The next three quarters will be focused on magistrate court implementations.
- Every magistrate court will be on Odyssey as of July 1, 2012, and then the remaining six district courts will be implemented.
- She credited Karen Janes for her invaluable help throughout the magistrate courts' implementations.

Judge Duane Castleberry agreed that the Odyssey implementation was successful at his court.

Dr. Julie Carroll of Burger, Carroll & Associates (BCA) reported the following:

- Second
  - ♦ The transition to a new court administrator has been seamless.
  - ♦ The Second implemented Odyssey with the exception of public access. A solution is underway to provide public access kiosks.
  - ♦ The Second is working on district court forms; however, they were hampered by lack of access to their environment, which has since been resolved.
- BCMC
  - ♦ Successful civil implementation.
  - ♦ BCMC is awaiting changes to the judgment component that was developed by Tyler Technologies (Tyler).
  - ♦ BCA's recommendations for the BCMC
    - Implement project management tools and controls for the criminal implementation.
    - Development and utilization of a schedule, formal issues and risk tracking systems, and monitoring.

Steve Prisoc thanked Dr. Carroll for her contribution to the Odyssey project.

**b. E-Documents Committee.** Mr. Ireland referred to draft Supreme Court Order No. 11-8500 *In the Matter of Policies Regarding the Creation, Access, Use, Maintenance, and Retention of Electronic Court Records in the Judiciary*, which was attached to the JIFFY agenda. He explained the following points:

- The E-Documents Committee drafted the document.
- Some of the Judiciary's processes have outgrown current policies.
- The proposed order would only apply to district courts.
- The proposed order provides authority so that electronic documents have the same force and effect as traditional paper documents.
- Paragraph C, pages 2-3, is a protection clause for those courts not on Odyssey.
- Paragraph D, page 3, relates to scanning documents. After January 1, 2015, it will become mandatory for all courts to scan documents.
- Paragraphs D and E, page 3, are a bit controversial, so the Committee chose language that would be less restrictive.
- Paragraph D, page 3, basically states that if a court scans a document, the court may destroy the original document.
- Paragraph E, page 3, ensures that if a court only has electronic documents, the public would have free access to those documents at the courthouse. It also serves as a placeholder for further development of the policy.
- Paragraph F, page 3, states that in an electronic world, electronic documents will have the same protections as paper documents. For example, if a document is sealed in the paper world, it would also be sealed in the electronic world. The paragraph also notes that the Judiciary is required by law to provide documents to other government agencies, so once the information is

released, the Judiciary cannot protect that information.

- Paragraph G, page 3, explains the current practice in place with electronic filing and attorneys having access to their documents.
- Paragraph H, pages 3-4, provides public access to the public at no charge, unless someone requests a hard copy for which they will be charged a fee.
- Paragraph I, page 4, refers to maintenance and retention of electronic court records. The intent of this paragraph is that until the Judiciary has an approved plan with New Mexico Records Center and Archives (NMRCA) on electronic documents, JID would be entrusted to redundantly store electronic documents.
- Paragraph J, page 4, notes that the proposed order would apply to documents, not other file types, such as audio files, etc.
- The last paragraph on page 4 develops the concept of a protected coversheet that could be used with electronic documents.
- The second paragraph on page 5 asks JIFFY to look into incorporating the best redaction software.
- The third paragraph on page 5 provides that policies be put into place to govern electronic court records in the appellate and limited jurisdiction courts.
- The last paragraph asks JIFFY to consider revenue proposals.

There was discussion on the following points:

- The document provides courts the opportunity to prepare for mandatory scanning by setting the target date of January 1, 2015.
- The transfer of digital documents from the First Judicial District's (First) scanning system into Odyssey was problematic.
- The First obtained prior approval of their scanning project; however, the project proved more difficult than initially anticipated.
- Concerns were raised as to why the proposed order did not include the BCMC and the magistrate courts. A clause in the proposed order asks that these courts be included at a later time.
- Paragraph H is important for probate cases because original documents are required to be kept, such as a Last Will & Testament.
- A suggestion was offered to address how exhibits will be handled.
- The intent of Paragraph C is not to prohibit courts from currently scanning documents to comply with the records retention policy, however, courts should not expect JID to convert those scanned documents into Odyssey.
- Concerns were raised about the suggestion to have JID pre-approve scanning projects for conversion into Odyssey due to the bad experience they had with the First's scanning project.
- BCMC's concern relative to the fact that they have been scanning documents since 1994 and have over 2.5 million criminal documents to convert. If the images cannot be linked to case files, they are virtually useless. In anticipation of a similar policy coming forth for the limited jurisdiction courts, a suggestion was offered for the BCMC to begin investigating options with Tyler and JID Staff about how they would eventually convert their scanned images into Odyssey.

- After Odyssey is completely rolled out, JID may have staff and financial resources to deal with retro-scanning projects; however, at this point, they cannot guarantee that they can support such projects given their current resources.
- The Judiciary is currently sharing information with its justice partners using the Consolidated Offender Query.
- The Fourth Judicial District has a dedicated server where their scanned images are stored.
- Remote document storage servers are in place in all courts so images can be stored locally to make the statewide imaging scheme work, otherwise, if images are only stored at JID, the connection would be too slow.
- Copying charges vary from court to court.
- The statute for civil cases notes a cost of thirty-five cents per photocopy.

***Action Item: Paragraph H, replace the word “traditional” with the word “usual”.***

***Action Item: Paragraph I, “...Administrative Office of the Courts shall maintain all electronic court records” add “,stored in Odyssey,...”***

***Action Item: Justice Maes asked that the statute on copying fees be reviewed to determine if legislation is necessary to have the fee amount changed to cover printing costs.***

**Judge Camille Martinez-Olguin moved to approve the form of order with the amendments discussed. Judge Castleberry seconded. No further discussion. No opposition noted. Motion carried.**

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

- He referred to the document that was distributed entitled *CIO Report for JIFFY, August 19, 2011 with Updates from October 19, 2011*. This document reflected the projects that JID Staff are currently engaged in and the status of those projects as of yesterday.
- He introduced Carlos Cordova, the new Client Team Manager.
- He introduced Pat Mente, the new Systems Team Manager.
- JID Staff helped the First resolve the problems they were experiencing with the Odyssey server relative to the file and serve system. They spoke with Tyler about the issue and Tyler advised that they would be devoting more resources to the system.
- He attended the Court Technology Conference with Artie Pepin two weeks ago. They were invited as a result of the re-engineering project they are involved in. The New Mexico Judiciary is receiving recognition for being on the cutting edge of technology.
- The goal is to have electronic filing live in all district courts beginning in 2013.
- Lexis Nexis is interested in bidding for the Judiciary’s data.
- A meeting with the NMRCA was held relative to the acceptance of digital documents. The Library of Congress, National Records and Archives and the national federal courts have all made *pdf* their digital standard because microfilm is too expensive to maintain.

There was discussion on the following:

- Ms. Cascio asked that out-of-state attorneys contact the JID Helpdesk, rather than the Supreme Court, to obtain their CAID number information.
- With other districts soon to go live with electronic filing, the E-Filing Committee will be meeting next week with the First, Second and Thirteenth Judicial District.

## **V. Purchase Requests (No purchase requests this month)**

### **VI. Review and Approval**

**a. Report on progress with public access kiosk computers.** Mr. Prisoc reported the following:

- There is an assumption that once the Judiciary goes paperless, it would have local current access to electronic documents.
- Sub-projects have proven to be more work for JID Staff than originally anticipated.
- JID Staff worked with their security vendor and the Second to come up with the protocol of kiosk computers for public access.
- He deferred to Frank Dimaggio to speak about his research on this project. Mr. Dimaggio distributed the document entitled *CAaNES Second Judicial District Court System Hardening Report, October 9, 2011* and explained the following:
  - This report is one of two reports the Second received from CAaNES, JID's security vendor.
  - CAaNES conducted an analysis on the Second's workstations and they made modifications, which are contained in the report.
  - The Second is working with JID Staff to lock down the URL for the Odyssey public access site, so the public can access Case Lookup from the Second's lobby kiosks.
  - The Second has ten computer kiosks that they wish to install in the first four lobbies as well as the installation of six computer kiosks on the second floor and another in the children's court.
  - The Second requested JIFFY's approval to deploy Odyssey public access terminals in their court.
  - This project plan can be used for other courts throughout the state.

There was discussion on the following points:

- The computer kiosks will have software installed that will lock down the computers so the public will not be able to do things they should not be doing.
- A suggestion was offered that the software be installed on all public-available kiosks.
- One of the benefits of using the software instead of Case Lookup is if a court images documents, the software would allow someone to view the images whereas Case Lookup does not.
- The kiosk computers will provide a drop down list of all Odyssey courts. A user can then select a court that they want to get images from and print the documents they want behind the clerk's counter and then pay a fee for those printouts. This eliminates the need for the public to travel to the different court locations to obtain copies of the documents they wish to have.

**Mr. Ireland moved approval of the kiosk system. Judge Richard Knowles seconded.** There was discussion about offering this solution in the magistrate courts in the future. **No opposition noted. Motion carried.**

**b. District Courts assessment of court automation fees.** Mr. Prisoc presented on behalf of Mr. Pepin. He referred to the document entitled *Sheet 1 Fiscal Year 2011 District Court Automation Fee Eligible Criminal Charges*, which was attached to the JIFFY agenda. He generated this report at the request of JIFFY. The report reflected that district courts are not assessing fees at a high rate.

There was discussion about the statute on court automation fees not including the district courts.

***Action Item: Per Justice Maes and Judge Bustamante, Mr. Pepin will draft legislation for JIFFY to consider relative to the current statute on assessing court automation fees to include the district courts.***

***Action Item: Per Justice Maes, Judge Mitchell will mention JIFFY's discussion on this matter at tomorrow's Chief Judges Council meeting.***

**c. Odyssey Public Access draft disclaimer.** Mr. Prisoc referred to the document entitled *New Mexico Courts Records Inquiry*, which was attached to the JIFFY agenda, and noted the following:

- JIFFY requested that he provide disclaimer language for them to consider for use in the Odyssey public access system.
- If adopted, this disclaimer would appear on all public access systems.
- This draft was taken verbatim from the Judiciary's existing Case Lookup system.
- JIFFY approved this language seven years ago.

There was a lengthy discussion on how best to revise the disclaimer language.

***Action Item: Per Judge Bustamante, Judge Mitchell and Mr. Prisoc to arrange a meeting with Justice Maes to revise the disclaimer language.***

**d. JID Security Guidelines for Odyssey courts.** Marlin Mackey referred to the document entitled *IT Security Policy General Policy Overview JIFFY Draft Revised 10/14/11*, which was attached to the JIFFY agenda, and he explained the following:

- CaANES is JID's security vendor. They performed the kiosk review for the Second.
- CaANES performs JID's yearly security audit. Last year, they provided their report, and JID's technical staff met with them and discussed how to come up with an implementation plan to address all of the things that they mentioned in their report. They determined that they needed to start off with a set of standards to set the foundation for how JID Staff will address security risks.
- JID Staff went through the policies that are currently in effect and what needed to be added

or changed.

- They came up with a sixteen point action plan that they would like to implement by the end of the calendar year.
- They determined that the Judiciary needed ten policies to direct its activities. Of those ten policies, JID Staff drafted six.
- Each internal technical team looked at the areas, developed the policies and tested them several times.
- The policies were then provided to the Odyssey courts that attend JID's weekly meetings, and JID Staff received comments back from them.
- JID Staff finalized the policies and provided them to CaANES. CaANES then offered suggestions and JID Staff made those changes.
- After the policies are adopted, an implementation plan will be developed because JID Staff cannot immediately implement the changes at this time.
- A process for courts such as the BCMC and the Second has been set up where they would complete a form to indicate which policies they should be exempted from. CaANES will then go through the exemption requests to verify that they would not impose a security risk.
- Of the sixteen items and the ten policies, JID Staff presented JIFFY with six policies to consider. He explained each of the policies, as follows:
  - ♦ *Policy 2.0 Secure Protocols.* This is a security protocol policy, which defines which core pilot the Judiciary will and will not use going forward once the final plan is implemented, so it removes from certain protocols the Judiciary is using today which are not considered secure processes. People could use those protocols to break into JID and various systems and change information, so the goal is to narrow the protocols that the Judiciary accepts as its standard.
  - ♦ *Policy 3.0 Network Access.* This describes the policies and procedures for how and when a person or machine could and could not get access to the JID infrastructure. There are firewall statements in the policy to ensure JID has passwords and the passwords are at a certain standard level and changed, periodically.
  - ♦ *Policy 5.0 Simple Mail Transfer Protocol.* This sets the standard for how the Judiciary exchanges mail inside JID. The BCMC would be exempt from this policy because they have a separate mail system.
  - ♦ *Policy 7.1 Network Device Installation.* This states that whenever the Judiciary implements a network device, it has to follow certain standards. There are some grandfather clauses in the policy because some of the Judiciary's older equipment does not have the capability to provide security, so as JID replaces old equipment with new equipment, the new equipment would have to follow the standards set.
  - ♦ *Policy 10.5 Video Network Equipment.* Deals with the video environment and video access. This policy has grandfather clauses due to older equipment that will eventually be replaced with new equipment that will have to meet the set standards.
  - ♦ *Policy 11.0 Email Management.* This is how the Judiciary will manage its email accounts if a person leaves the Judiciary. The Human Resources Department and the court would notify JID to remove persons no longer with the Judiciary from email access. This policy would not apply to the BCMC because they have their own email system.

- He spoke about the incident where the Chinese government broke into the New Mexico Health Department's (NMHD) database.

There was discussion on the following:

- The Judiciary is more vulnerable to security risks due to the implementation of the Odyssey enterprise system with electronic filing. Damage to the Judiciary's Odyssey servers would take the entire Judiciary down.
- Concern was voiced that the *Disciplinary Actions* section did not clearly state what actions constituted a violation of the policies.
- Concern was raised that the proposed policies were not fully discussed with the BCMC and the Second. Mr. Mackey advised that he sought feedback from the BCMC and the Second on the content of the policies but had not received any input back. Brian Gilmore advised that both the Second and the BCMC provided feedback, but their feedback was not incorporated into the proposed policies.
- A suggestion was offered that the feedback JID received from the BCMC and the Second be provided to JIFFY for consideration.

**Judge Knowles moved that JIFFY defer a final decision on the proposed security policies at least until the next JIFFY meeting and that JIFFY receive copies by email of comments that JID has already received in relation to the proposed policies within the next week. Robert Mead seconded. Mr. Gilmore offered an amendment that JID Staff also arrange to meet with the BCMC and the Second to discuss potential implications. Judge Knowles did not accept Mr. Gilmore's amendment because he felt JIFFY did not have enough information at this time to make an informed decision on the proposed policies. He felt it was necessary for JIFFY to see the comments that the BCMC and the Second provided to JID.** There was discussion about the security policies being fully vetted before they are approved and implemented; concerns about the policies being technically-written and difficult for some to understand; ensuring that the proposed policies are consistent with current information technology policies currently in place; whether or not the proposed policies would be provided to the Chief Judges Council; the Supreme Court supports gathering input from everyone involved; and concerns that some may be over-reading the policies. **Judge Knowles called the question and reiterated that JIFFY had not been provided with the BCMC's and the Second's comments to consider. Judge Bustamante asked that Mr. Mackey provide all of the comments to JIFFY via email. No opposition noted. Motion carried.**

*Action Item: Judge Bustamante asked Mr. Mackey to email the proposed policies to all courts, so they have an opportunity to provide input. He also asked that Mr. Mackey arrange meetings with the BCMC and the Second to discuss their concerns.*

Mr. Prisoc pointed out that the policies would become a living document once approved due to technology changes and conditions that exist.

**VII. Future Meetings.** Judge Bustamante advised that JIFFY would meet again on Thursday, November 17, 2011 at 9:30 a.m. at the Judicial Information Division.

**VIII. Additional Attachments.** 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 11:41 a.m.

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**Final Minutes Approved by Judge Bustamante on November 7, 2011.**