

**Meeting Minutes of the 178<sup>th</sup>  
Judicial Information Systems Council (“JIFFY”)  
Judicial Information Division (“JID”)  
Thursday, November 19, 2009  
9:34-11:41 a.m.**

**Voting Members present:**

Judge Michael Bustamante, Chair  
Judge Karen Mitchell, Vice Chair  
Judge Richard Knowles  
Judge Clay Campbell  
Judge Camille Martinez-Olguin  
Judge Robert Corn  
Judge Alan Kirk  
Jan Perry (*via video*)  
Juanita Duran  
Robert Mead

**Voting Members absent:**

Dennis Jontz  
Brian Gilmore  
Helen Miller

**JID Staff present:**

Andre O’Brien  
Tom Edwards  
Jerry Wise  
Trixi Bubemyre  
Renee Cascio  
Grace Catanach

**Non-Voting Members present:**

Justice Petra Jimenez Maes  
Arthur Pepin  
Steve Prisoc  
Pauline Toevs

**Guests present:**

Lydia Romero (*AOC-Fiscal*)  
Karen Janes (*AOC*)  
Deborah Gutierrez-Torres (*2<sup>nd</sup> District*)(*via video*)  
David L. Torres (*1<sup>st</sup> District*)  
Orlando Ulibarri (*9<sup>th</sup> District*)(*via video*)  
Dr. Julie Carroll (*Burger, Carroll & Assoc.*)  
Phil Hedrick (*BCMC*)  
Dana Cox (*BCMC*)(*via video*)  
Greg Ireland (*13<sup>th</sup> District*)

*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.**

**Judge Richard Knowles moved approval of today’s agenda. Judge Alan Kirk seconded. No further discussion. No opposition noted. Motion carried.**

## II. Budget and Revenue

### JID Revenue Pipeline Report.

### Fiscal Year 2010 Projection Report.

Lydia Romero presented on behalf of Oscar Arevalo. She spoke of the following:

- *JID's Revenue Pipeline-FY10*, which was attached to the JIFFY agenda.
  - The magistrate courts' revenue came in higher than usual.
  - The Motor Vehicle Division's ("MVD") revenue was not included in the report. She checked this morning and MVD transferred \$139,642.00 in late October.
  - Total revenues for the month of October were approximately \$412,000.00.
  - Mr. Arevalo is working on a report for the breakout of the increase of the civil filing fee. He hopes to present it at the next JIFFY meeting.
  - *Magistrate Court Financial Transactions for the Monies Received in the Month of September 2009*. Some of the courts were reported late due to a staff member who was out ill.
- There was not discussion relative to the *Fiscal Year 2010 Projection Report*, which was emailed to the JIFFY members.

## III. JIFFY Sub-Committee Activities

**Judges User Group.** Judge Karen Mitchell reported that the Judges User Group ("JUG") met this morning and discussed the following:

- Probation violations for juvenile cases.
- Data standards.
- The Odyssey aging clock configuration. JUG highlighted issues for JID Staff to review.
- No change relative to suspended, deferred and dismissals from FACTS to Odyssey. JUG provided JID Staff with guidance on how to proceed in Odyssey.

**Public Access Subcommittee.** Judge Mitchell referred to 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*, which was included in the JIFFY supplemental packet. She explained the following:

- This is the draft of the final document prepared by the Public Access Subcommittee ("PAS").
- PAS had a lot of really good discussions.
- She thanked Dana Cox, Robert Mead, Steve Prisoc and Dennis Jontz for being the primary writers of the document.
- She thanked LaurieAnn Trujillo for her help with the PAS minutes and for her outstanding proof-reading skills.
- The document was provided to JIFFY in hard copy form because PAS really encourages JIFFY to read it from cover to cover as this issue is very controversial.
- PAS worked hard to capture both sides of the issues.
- PAS voted on the issues.
- Through the course of research, discussions and debates, there is a chance that if PAS had re-voted on the issues, the votes might have changed. PAS made a conscious decision not to re-

vote because they felt it was critical to present the issues to JIFFY; and they felt that re-voting would not change the content of the document because PAS provided both sides of each argument.

- She reiterated that JIFFY members read the draft document.
- PAS would like to know how JIFFY will proceed with the draft document and if there will be an opportunity for members of the public to provide comment to JIFFY.
- The draft document is more of a white paper, rather than a policy or rule.
- PAS conducted open meetings. She spoke of audience members that attended the PAS meetings and how PAS captured their comments.

Mr. Mead added that PAS received active participation from the New Mexico Foundation for Open Government (“NMFOG”) and some participation from other interested groups. He suggested that JIFFY consider providing those interested parties with the opportunity to comment on the draft PAS document.

There was discussion on the following points:

- Excellent composition of membership on JIFFY and on the Supreme Court.
- PAS anticipates a lot of issues in the next few years with Odyssey and electronic filing.
- Suggestions for how JIFFY will handle public comment.
- Suggestion to accommodate any upcoming legislative changes into the document.
- Justice Petra Jimenez Maes spoke of her experience with public comment on the Access to Justice Initiative. She strongly supported a public comment before JIFFY. She asked JIFFY not to rush approval of the document and to take into consideration the upcoming holidays and the upcoming legislative session.
- Potential locations for the public comment meeting.
- Suggestion to have three meetings: a preliminary meeting amongst JIFFY in January; a public meeting in February; and, a final meeting in March to accommodate any legislative changes that may come from the session in January.
- JIFFY’s February meeting is currently scheduled on the last day of the legislative session. Suggestion to move the February JIFFY meeting to February 25<sup>th</sup>.
- What the Supreme Court is seeking in terms of an end product.
- Concerns that JIFFY may need to address other issues after the legislative session meets. Suggestion to have a regular JIFFY meeting the morning of February 25<sup>th</sup> and a separate JIFFY meeting that afternoon to accommodate public comment.
- Security is provided at the Second Judicial District Court (“Second”) and at the Bernalillo County Metropolitan Court (“BCMC”).

***Action Item: Per Judge Knowles, JID Staff to provide notice of the public comment meeting to interested groups and to post a notice on the Supreme Court website.***

*Action Item: Justice Maes offered to seek guidance from the Supreme Court in terms of what they want in terms of an end product.*

*Action Item: Judge Bustamante asked JIFFY members to carefully read the draft PAS document so it can be discussed at the January JIFFY meeting.*

*Action Item: JID Staff to find a location that will accommodate a public comment meeting on February 25th.*

**Odyssey Steering Committee.** Judge Mitchell reported that the Odyssey Steering Committee (“OSC”) met yesterday and discussed the following points:

- The one year anniversary for the go live in the Las Vegas District Court.
- Amendment to the existing case management system contract. The contract negotiation committee will meet this afternoon to consider shifting monies to accommodate the conversion effort.
- Amendment to the rollout contract for the case management system to include the life of the rollout, which is expected to be completed in 2014. The contract negotiation committee seeks to cap the contract at \$3,000,000.00.
- The BCMC implementation. Tyler Technologies (“Tyler”) soon to provide the fit assessment and gap analysis for the BCMC.
- The WizNet electronic filing contract was signed. A connector will need to be purchased so WizNet and Odyssey work seamlessly.
- Go live assumptions and rollout schedule. OSC moved the First Judicial District Court (“First”) to the first quarter of 2011; the Second to the second quarter of 2011; and the Las Cruces Magistrate Court to the third quarter of 2011.
- Assumptions include rolling out Odyssey to district and magistrate courts that are on the same server and regions.
- Change request that OSC approved for the Abuse and Neglect enhancements. The cost of the enhancements is approximately \$101,000.00 to be funded by a federal grant.
- Probation enhancement. OSC authorized 144 hours on that project and there have been 36 hours expended to date. OSC provided JID Staff and Tyler with additional direction on what the system needs to do. She asked JIFFY to approve OSC’s recommendation to authorize JID Staff and Tyler to continue with the development of this enhancement.
- Tyler will be invoicing the Judiciary for the next Odyssey licensing payment of \$500,000.00.
- Quality Assurance (“QA”) period progress. The Memorandum of Understanding (“MOU”) will be used beginning at the Seventh Judicial District Court (“Seventh”).
- Conversion data clean up instructions are now available for district and magistrate courts on the inside Judiciary website.

**Judge Camille Martinez-Olguin moved approval of the Abuse and Neglect enhancements. Judge Knowles seconded. No further discussion. No opposition noted. Motion carried.**

**Judge Mitchell moved approval of OSC's recommendation for JID Staff and Tyler to continue development of the probation component. Judge Knowles seconded. No further discussion. No opposition noted. Motion carried.**

There was discussion that the BCMC may be interested in Tyler's supervision module.

**IV&V Report.** Dr. Julie Carroll of Burger, Carroll and Associates, spoke of the following points:

- She followed up on QA activities, including trips to the Moriarty and the Roswell courts.
- She initiated IV&V activities with the BCMC and the Second.
- Progress on the magistrate court forms and improved ability for them to complete their work.
- In talking to court staff, there are issues with calendaring by the Trial Court Administrative Assistants ("TCAAs") and the adjustment of distribution of work between the clerks and the TCAAs. These issues need to be monitored. The issue involving the TCAAs may be a training issue. It could also be related to getting used to different distribution work between the clerks and the TCAAs, so those things need to be worked out.
- Recently Tyler submitted additional things relative to conversion; however, it is difficult at this time to judge the real impact of JID Staff's review of the data. This, and the delays in getting the final estimates and scope of work for the BCMC's project, have caused her to increase the risk related to Tyler's responsiveness to the project needs; however, she will continue to monitor these issues.
- She verified the Second's work on preparing for implementation of Odyssey regarding integration and data clean-up. They are contemplating trying to push the Second's data through the conversion tool.
- She has increased the risk relative to the integration tasks because of not meeting the goal for the BCMC to start on their project. She recommends that the information technology meetings and the work that is underway with that group resume.

She concluded her report by noting that her biggest worry is the schedule and continuing to make progress. The QA period was necessary but it caused a big delay. The project is in pretty good shape. There is always risk and it is usually related to schedule and budget. She is still not clear what caused the problems with the forms.

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

- The Thirteenth Judicial District Court ("Thirteenth") has funds that can be applied to Odyssey products. One of the products is the WizNet connector, which is necessary to make the electronic filing project work with Odyssey and the document management module. He spoke briefly of the other Tyler add-on products. He supported the Thirteenth's request to purchase the Tyler add-on products as it will save case management system funds. He asked for JIFFY's approval for the Thirteenth to spend up to \$350,000.00.
  - Greg Ireland advised that the total cost for the add-on products is \$300,000.00. He advised that these funds were appropriated to the Thirteenth in House Bill 2. He

requested approval to purchase the add-on products before the upcoming legislative session. He referred to the memorandum he distributed and explained it, as follows:

- The cost for the *Document Imaging Remote Storage* add-on is \$40,000.00.
- Contractual labor to assist the Thirteenth's staff with scanning is estimated at \$20,000.00.
- The *WizNet Connector* cost is \$72,000.00 for the statewide license.
- The *Record Proper* add-on is \$42,000.00 for the statewide license. This piece of software would provide for the compilation of an electronic file that could be eventually provided to the Court of Appeals and to the Supreme Court.
- The *In Session* add-on would cost \$126,000.00. He explained that the *In-Session* for judges allows them to retrieve their documents quickly using a touch screen. The *In-Session* for clerks is oriented for quick generation of forms.
- Mr. Prisoc referred to the document he distributed entitled *Odyssey Additional Products Pricing*. These products carry annual maintenance costs; however, he projected they could possibly be covered by the SCAF fund.

There was discussion on the following:

- *In-Session* for clerks will be a Thirteenth district-wide license. The Thirteenth can only afford five licenses of the *In-Session* product for judges. Tyler mentioned that they will take what the Thirteenth is spending on this product and credit it against the statewide license of \$275,000.00.
- Juanita Duran thanked the Thirteenth for the purchase of the *Record Proper* statewide license as she believes it is a positive step forward for the Judiciary. She encouraged the Court of Appeals and the Supreme Court to pilot this product.
- Support to move toward a statewide license for the *In-Session* product as it is likely every district will be interested in this product.
- The Thirteenth currently has \$292,000.00, so they are short \$8,000.00 for the all of the Tyler add-on products.
- Format for documents in the *Record Proper* will be pdf format.
- Justice Maes supported the Thirteenth's request to purchase the add-on products and hoped for the possibility of getting the Public Regulation Commission ("PRC") on the same system. She spoke of her thoughts that the Supreme Court may still want a hard copy of the *Record Proper*. She suggested taking the \$8,000.00 that the Thirteenth is short from *In-Session* for judges.
- Concerns with *In-Session* for clerks in the event the system goes down.
- Enormous labor savings with the *In-Session* product.
- E-Bench program at Lea County.

***Action Item: Mr. Prisoc offered to negotiate the maintenance costs on the Tyler add-on products, so they begin at the time of implementation rather than at the time of purchase. He also offered to check into licensing for the PRC.***

**Judge Knowles moved that the proposed expenditures be approved up to the amount of money the Thirteenth has available. Judge Robert Corn seconded. No further discussion. No opposition noted. Motion carried.**

Tom Edwards spoke of his concerns related to resources that may be needed to support these products. The install of the products is built into the prices; however, JID Staff may need to be involved in the maintenance.

Judge Martinez-Olguin announced that electronic filing is now live at the Thirteenth. No documents have been filed at this time. The system will be slowly implemented throughout the Thirteenth district so counsel and judges become comfortable with the system before it is mandatory. They are considering the date of July 1<sup>st</sup> to make electronic filing mandatory for civil cases.

Mr. Prisoc continued his report on the following:

- Jerry Wise will be retiring at the end of December. He spoke of Mr. Wise's contribution to the Judiciary.
- Michael Gallagher, one of JID's database administrators, will be retiring on December 26<sup>th</sup>. Mr. Gallagher will be going into professional photography.
- Performance measures relative to court efficiency were delivered to Chief Justice Edward Chavez last night.
- Mike Hall from the New Mexico Sentencing Commission ("NMSC") is seeking permission from JIFFY to provide the report that was distributed entitled *DV Disposition Summary Report* to the domestic violence czar.

There was discussion on the following:

- Concerns that the courts have not reviewed the NMSC report.
- The NMSC produced this report from the Consolidated Query.
- This report has not been sent to the Chief Judges Council ("CJC").
- BCMC is not included in this report because it does not provide data to JID; however, the BCMC provides data to the Consolidated Query.
- Data appears to be FACTS data only.
- Report is too small of a sample to provide a comparison.

***Action Item: Mr. Prisoc will transmit JIFFY's concerns to the NMSC and invite them to the January JIFFY meeting to answer questions about their request to provide data to the domestic violence czar.***

Mr. Prisoc continued his report, as follows:

- Aurora Sanchez from the Legislative Finance Council performed an audit and she is pleased with the management of Odyssey. She has some recommendations that JID Staff will address. He thanked Mr. Edwards and Renee Cascio for assisting Ms. Sanchez.
- SPAM has increased to 2.6 million. It is an epidemic. He learned that those of us that have

had our email addresses longer receive more SPAM.

- Average user in the court gets 126 messages per month.
- The Judiciary is getting about 3GB of email per week that is being stored on JID's servers. Storage is becoming a problem for JID.
- At the AOC Management Team meeting yesterday, he discussed the possibility of posting a glossary as a part of the *Case Lookup* system. He suggested providing a draft to the PAS or to JIFFY at a later time for consideration.
- He explained the document entitled *Online Court "Case Lookup" Systems, by State*, which was included in the JIFFY supplemental packet.

## V. Purchase Requests

**Sixth Judicial District Request for Scanner for Micro-Film File Conversions.** Mr. Prisoc referred to the document entitled *High Speed Document Scanner Proposal*, which was included in the JIFFY supplemental packet. The Sixth Judicial District Court ("Sixth") wishes to purchase a scanner that will convert their images not only to digital but to micro-film as well. Micro-film is the only media that the State Records and Archives Department will approve. The First and the Water Rights' project are supported by this same vendor. He recommended approval of the purchase. The Sixth will fund the expenditure.

**Mr. Mead moved approval of the Sixth's purchase request. Judge Kirk seconded. No further discussion. No opposition noted. Motion carried.**

## VI. Review and Approval

**Update on the Second Judicial District's EDMS Project.** Ms. Duran reported that the Second produced their first roll of film for its 1995 civil cases, and it was delivered to the State Records and Archives Department. They are awaiting approval so they can begin destruction of the documents.

**Continuing Discussion on E-Mail Retention Draft Policy.** Mr. Prisoc referred to the document that was distributed entitled *Draft E-Message Retention Policy for Discussion*. He explained that the Judiciary is quickly using up hard disk space as many users are not cleaning out their email boxes.

There was discussion on the following:

- No resources are currently available to provide a mechanism for review on the side of *retention*.
- Caveat for incoming email messages within the Judiciary to avoid duplicates being sent to *retention*.
- Under *1.0 Purpose*, note that policy is designed to facilitate already existing requirements under the Open Records Act.
- There are two *3.0* headings. Second *3.0* heading should be changed to *4.0* and then further change them going down.
- New *4.1* heading: "Outgoing e-messages classified as public records- Any creator of an

email message considered to be a public record, must “cc” a copy of the e-message and (add language ‘including all designated recipients’)..

- Modify new 4.2 heading to: “Incoming e-messages classified as public records not included in 4.1” taking care of the duplicate effort.

***Action Item: Judge Bustamante assigned Judge Clay Campbell to serve as the Chair of the E-Mail Retention Subcommittee. He assigned Brian Gilmore, Arthur Pepin, Mr. Prisoc and Mr. Mead to also serve on that subcommittee. He asked that they finalize the e-mail retention policy for JIFFY to vote on at the January JIFFY meeting.***

**Continuing Discussion on Possible Display of Protective Orders on Case Lookup.** Mr. Prisoc referred to the screen shot document of *Case Lookup*, which was distributed. The Judiciary is in compliance with the state statute and the Full Faith and Credit Act for Tribes and States. The document represents a test system of what the *Case Lookup* application would display on the inside and outside Judiciary websites relative to protective order cases. Currently no protective order cases are displayed on the outside Judiciary website. This test would modify the system so some protective order case information would be available on the outside Judiciary website.

There was discussion of concerns relative to the same family units eventually being displayed.

**Judge Knowles moved that the Judiciary maintain status quo with respect to domestic violence cases, specifically not releasing identifiers with respect to respondents. There were concerns raised that this issue would arise at a later time. Motion failed due to lack of a second.**

**Mr. Mead moved that JIFFY table this decision until the next meeting. Judge Mitchell seconded.** Judge Bustamante requested that this agenda item be placed earlier in the January agenda. Judge Martinez-Olguin commented that it would be helpful to her if she first understood the PAS document before voting on this issue. **No further discussion. No opposition noted. Motion carried.**

***Action Item: Per Judge Bustamante, JID Staff to place this agenda item further up at the January JIFFY meeting.***

**VII. The next meeting will be held on January 21, 2010 at 9:30 a.m.** Judge Bustamante mentioned that there would not be a meeting in December.

**VIII. Adjourn.** Judge Bustamante adjourned today’s meeting at 11:41 a.m.

## **X. Additional Attachments**

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

**JIFFY Meeting Calendar for 2010.** There was not discussion relative to the 2010 calendar, which was attached to the JIFFY agenda.

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**Final Minutes Approved by Judge Bustamante on December 3, 2009.**