

Meeting Minutes of the 197th
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, November 17, 2011
9:33–11:36 a.m.

Voting Members present:

Judge Michael Bustamante, Chair
Judge Karen Mitchell, Vice Chair
Judge Clay Campbell (*via video*)
Judge Richard Knowles
Judge Alan Kirk
Judge Duane Castleberry
Jan Perry
Robert Mead
Brian Gilmore
Tobie Fouratt
Dennis Jontz
Greg Ireland

Voting Members absent:

Judge Camille Martinez-Olguin

JID Staff Present:

Marlin Mackey
Grace Catanach
Trixi Bubemyre
Pat Mente
Heather Burke
Shawna Hockanadel

Non-Voting Members present:

Justice Petra Jimenez Maes
Steve Prisoc
Artie Pepin
Renee Cascio

Guests present:

Lydia Romero (*AOC-Fiscal*)
Jamie Goldberg (*13th DC*)
Phil Hedrick (*BCMC*)
Judge Sharon Walton (*BCMC*)
Joey Moya (*NMSC*)
Cynthia Pacheco (*AOC*)(*via phone*)
Orlando Ulibarri (*9th DC*)(*via video*)
Mike Mellos (*Burger, Carroll & Assoc.*)
April Gallegos (*8th DC*)
Fred Sena (*4th DC*)
Karen Janes (*AOC*)
Frank Dimaggio (*2nd DC*)(*via video*)
Deborah Torres-Gutierrez (*2nd DC*)(*via video*)
Sandra Trujillo (*2nd DC*)(*via video*)

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.

II. Budget and Revenue

a. JID Revenue Pipeline. Lydia Romero referred to the *JID Revenue Pipeline Report*, which was attached to the JIFFY agenda, and reported the following:

- Revenues are low across the board.
- On the sheet entitled *Case Management SCAF Receipts Breakdown by Court Type-Fund 078 Fiscal Year 2012*, the red light camera revenue of \$51,756.80 for October 2011 was received from Rio Rancho Municipal.

- Red light camera revenue was also received from Las Cruces Municipal.
- Santa Fe Municipal has yet to submit their red light camera revenue.
- With respect to electronic filing (e-filing), the Fiscal Division is working with the next set of courts to prepare boarding documents for their ACH payments.

Artie Pepin mentioned that Oscar Arevalo is doing well and commended the Fiscal Division for doing a fine job in his absence.

III. JIFFY Subcommittee Activities

Odyssey Steering Committee. Judge Karen Mitchell reported the following:

- The Odyssey Steering Committee (OSC) met yesterday.
- OSC has two new members: Arlene Baca from the Thirteenth Judicial District (Thirteenth), who replaced Eric Erb; and Wendy Jones from the Court of Appeals who replaced Gina Maestas.
- Judge Sharon Walton will replace Brian Gilmore.
- No significant changes were made to the risk register.
- Administrative report
 - Electronic Citations (e-citations): Despite some outstanding issues with e-citations, the anticipation is that it will be up and running at the Dona Ana County Magistrate Court in January.
 - Tyler Technologies (Tyler) is providing additional resources to the e-filing project.
 - The hot site project is going well. JID Staff are investigating the cost to make the hot site a true disaster recovery for the entire state.
- The Odyssey project is on schedule. The project team implemented thirteen courts in the southern part of the state and is now preparing to implement another eleven courts in December. Conversions are going smoothly.
- Parking lot items are still on hold.
- OSC is still showing an anticipated shortfall of \$79,000 at the end of the project. JID is paying for travel and is being reimbursed by a grant from the Judicial Education Center.
- John Todd of Tyler provided OSC with a project status report and acknowledged the difficulties with the e-filing project. He assured OSC that Tyler is committed to making e-filing and Odyssey work, and they are reevaluating their resources and looking at how they can help New Mexico be successful. The New Mexico Judiciary is Tyler's e-filing pilot.
- Phil Hedrick provided the Bernalillo County Metropolitan Court (BCMC) report. They expect to reach 86% of their budget as far as hours are concerned by the end of their project. The BCMC and the Administrative Office of the Courts will begin working together to avoid duplicating some processes. For example, the citation entry template—the BCMC is attempting to streamline data entry, which would also benefit the magistrate courts.
- OSC reopened several issues that had been closed. One issue relates to the bond issue and how they will be tracked statewide.

- Several requests from the Odyssey user groups have been received relative to disposition codes and procedural changes. At this time, OSC will not authorize additional disposition codes, so procedures that are currently in place will remain in place.
- OSC will continue meeting every other month on the Wednesday prior to the JIFFY meetings. Judge Mitchell asked JIFFY to consider moving their September 2012 meeting to the week before due to a conflict with the Magistrate Judges Conference.
- Judge Mitchell distributed the document entitled *Odyssey Judges User Group Membership Proposal*. The Judges User Group (JUG) meetings were suspended and issues were being handled by OSC. She asked JIFFY to consider reactivating the JUG meetings to begin work on upcoming procedural issues. The first page reflected her proposal for the JUG membership (at least one representative from each district court, and as the districts go live on Odyssey, that district would have one voting member on JUG; four magistrate court representatives (one from a large court, one from a medium court, one from a small court, and Karen Janes or her designee); one BCMC judge, and one Court of Appeals judge. To avoid travel costs, she asked that the JUG meetings be held by Web Ex. JUG will meet again in January.

Action Item: Judge Bustamante approved OSC's request to change the OSC and JIFFY September 2012 meetings to the week before to accommodate JIFFY Members who would be attending the Magistrate Judges Conference.

Judge Mitchell moved approval of the *Odyssey Judges User Group Membership Proposal* and to activate the Judges User Group. Judge Richard Knowles seconded. No further discussion. No opposition noted. Motion carried.

There was a lengthy discussion on the following problems with the e-filing system:

- The Second Judicial District Court (Second) is currently behind 8-10 filing days.
- Financial issues with e-filing.
- E-filings are being rejected due to attorneys failing to use their Supreme Court-issued CAID number.
- Email notifications to attorneys do not indicate why an e-filing was rejected.
- The Second advised that there are currently forty items on the defect tracker—they asked that Tyler focus on resolving the most serious ones, so clerks in the Second are not having to maintain hand-written logs to verify what was transferred into Odyssey.
- Application errors are consistent in the First Judicial District, the Second and the Thirteenth.
- A suggestion was made to authorize voluntary overtime on Saturdays in the Second so staff can work on the backlog.
- A suggestion was made to have JID and Tyler fully analyze the problems at the Second before any interventions are implemented.
- The Judiciary is publishing multiple help center numbers and email addresses in the Bar Bulletin for attorneys to call or email for assistance.

- Tyler doubled the number of people on their helpdesk to more effectively respond, which has dramatically improved response and call-back times.
- In the meantime, if an attorney advises the Second that they received an e-filing rejection, the Second asks the attorney to bring in a hard copy of the pleading and they will stamp it with the date it was e-filed.
- Training issues.

b. E-Documents Committee. Joey Moya referred to the document entitled *Electronic Filing User Guide*, which was emailed to the JIFFY Members, and noted that the Supreme Court provisionally approved the First's, Second's and Thirteenth's e-filing user guides for ninety days. The E-Documents Committee's goal was to draft an e-filing uniform user guide for the Supreme Court to consider before the end of the year that would be used by all districts. He asked for JIFFY's approval of the guide.

Judge Mitchell moved adoption of the *Electronic Filing User Guide*. Mr. Mead seconded. No further discussion. Judge Bustamante advised that the guide would be provided to the Supreme Court for review and approval. No opposition noted. Motion carried.

Judge Bustamante asked the E-Documents Committee to continue addressing/tracking the e-filing project and report back to JIFFY in January. He asked Mr. Pepin and Mr. Mead to continue working with the New Mexico State Records Center & Archives on the electronic record/EDMS.

IV. CIO Report. Steve Prisoc reported the following:

- Public access terminals are working well in three districts. Frank Dimaggio led the project, and the suggestions from the Judiciary's security auditor were adopted.
- He asked JIFFY to keep in mind that the Judiciary's Odyssey public access system is available to attorneys at no cost for unlimited access to all e-filed cases. The federal court's e-filing system does not charge for e-filing but it does charge for public access.
- The Judiciary submitted three issues as capitol requests and through the computer enhancement fund (\$1.4 million for disaster recovery/business continuity to expand the Judiciary's hot site to include the entire judiciary; \$614,000 to fund statewide conversion of the Judiciary's inadequate DSL circuits; and \$942,000 to assist with statewide implementation of e-filing in New Mexico).
- He is satisfied with the Video Arraignment Program.
- The Video and Systems Teams will conduct a pilot in December to stream video to the internet for Supreme Court oral arguments.
- A legislator is reaching out to the legal community to gather feedback for Mr. Pepin regarding concerns about e-filing.

There was discussion on streaming video.

V. Purchase Requests - No purchase requests.

VI. Review and Approval

a. Discussion on General Odyssey Support Issues. Renee Cascio spoke of the following:

- JID Staff are extremely busy implementing Odyssey in multiple courts at once.
- She manages the help desk, and there are four staff members that routinely work 20-40 hours of overtime each week.
- JID Staff have had to deal with unexpected issues that have added to the load they are already carrying, and these unexpected issues involve analysis and configuration.
- JID Staff are still working to resolve the unexpected glitch in the attorney table. They have invested months on this project and they hope to complete it this weekend.
- E-filing problems also affect JID Staff.
 - Despite assurances that JID Staff would not be involved with the e-filing project, JID Staff are very much involved.
 - There has been a lot of time invested in correcting attorney registrations.
 - Because attorneys are now reviewing cases electronically, JID Staff are interacting more with the legal community than with court staff.
 - Most counsel are not aware that they are responsible for keeping the Supreme Court informed on their address of record, and they argue with JID Staff, which is very time-consuming.
 - JID Staff are also trying to determine how to deal with folks who registered as attorneys but do not have a Supreme Court-issued CAID number--anything that is e-filed without a CAID number will not be successful.
 - Her concerns with providing access to e-filed cases to those persons who registered as attorneys but do not have a CAID number. She is working with Mr. Prisoc on a letter to be sent to those individuals to provide them with the steps they can follow to resolve the issues surrounding their e-filing registration.

Action Item: Justice Maes advised that JID Staff should not be investing time on cases that do not have a Supreme Court-issued CAID number. She noted that if the Supreme Court does not have a person registered with an assigned CAID number, they are not authorized to practice law in New Mexico and they should not be allowed to register for e-filing or be given access to e-filed cases. She asked JID Staff to direct these types of cases to the Supreme Court.

Action Item: Judge Bustamante asked that the letter to counsel about correcting registration errors include a cut-off date for which they are to respond or their access to the e-filing system will be terminated. Judge Knowles suggested the alternative--that e-filing access be terminated and that the letter indicate that their access was terminated, why it was terminated and what they can do to reinstate their access to the e-filing system.

b. Information on District Court Assessing the Court Automation Fees. Mr. Pepin referred to his memorandum to JIFFY, which was distributed, and spoke of the following points:

- Per JIFFY, he drafted the memorandum to address legislation on the collection of fees with specific focus on the district courts.
- JID Staff ran data that indicated that there were 17,000 penalty assessments in district courts.
- It is possible that there could be a training issue relative to those who prepare the judgment and sentence pleadings as they may not be including the required fees, including the \$10 court automation fee.
- Court staff and the district attorney offices need to be mindful that a penalty assessment carries with it mandatory penalties that are in the statute which includes the \$10 court automation fee.
- The statute that is specific to magistrate and metropolitan courts notes that the fees shall be assessed and collected and not waived or further suspended. It could be argued that the district courts be included in this statute; however, he believes that the district courts are not processing many penalty assessments.
- He would like to review the data to determine if there are penalty assessment convictions of any volume in the district courts; and if they are, they need to assess the fees.
- The collections' obligation falls to Adult Probation and Parole and then they turn that money over to the courts.
- He suggested looking at the number of waivers that occur in civil cases.

Action Item: Judge Bustamante advised that JIFFY would not pursue any further action on this issue.

c. Draft Disclaimer for Judiciary Public Access Websites. Mr. Prisoc referred to the handout entitled *Odyssey Public Access Draft Disclaimer*. He thanked Justice Maes and Judge Mitchell for their help in drafting the disclaimer.

There was discussion on the following:

- Judge Knowles asked that the title be removed before it is posted to the websites. He also asked that the word "please" be removed from the second sentence.
- Mr. Mead asked that "(1995)" be removed from the end of the first sentence.
- Greg Ireland asked that the sentences be switched.

d. Security Policies. Marlin Mackey noted that since the last JIFFY meeting, he met with Judge Knowles, Mr. Hedrick and Mr. Dimaggio and they worked on the draft policies. The second draft was recently emailed to the JIFFY Members; however, it did not incorporate the comments he received from the BCMC and the Second last week, so he asked JIFFY to defer further review and approval of the draft policies until the next JIFFY meeting. He mentioned the upcoming draft policy that would relate to data access and data confidentiality. He thanked Mr. Hedrick and Mr. Dimaggio for their help on the policies.

VII. Future Meetings. Judge Bustamante cancelled the December JIFFY meeting. JIFFY will meet again on Thursday, January 19, 2012 at 9:30 a.m. at the Judicial Information Division.

JIFFY acknowledged Jan Perry's and Mr. Gilmore's contributions to JIFFY. They will retire from the Judiciary at the end of December.

VIII. Additional Attachments

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

b. JIFFY 2012 Meeting Calendar. Judge Bustamante referred to the *JIFFY 2012 Meeting Calendar*, which was attached to the JIFFY agenda, and reminded JIFFY Members that the September 2012 JIFFY meeting was moved up a week to accommodate JIFFY Members who would be attending the Magistrate Judges Conference.

IX. Adjourn. There being no further business, Judge Bustamante adjourned the meeting at 11:36 a.m.

Final Minutes Approved by Judge Bustamante on January 3, 2012.