

Judicial Information Systems Council Meeting (JIFFY)  
Meeting Minutes  
Judicial Information Division  
Thursday, November 20, 2014  
9:33 - 11:33 a.m.

**JIFFY Voting Members Present:**

Judge Michael Bustamante, Chair  
Judge Henry Alaniz  
Judge Duane Castleberry  
Judge Stan Whitaker  
Tobie Fouratt  
Judge Alan Kirk  
Greg Ireland  
Dennis Jontz

**Non-Voting Members Present:**

Greg Saunders  
Justice Petra Jimenez-Maes

**Guests Present:**

Oscar Arevalo  
Orlando Ulibarri (video)  
Judge Sharon Walton (video)  
Robert Padilla  
Jonathan Ash  
Robert Mead  
Jason Rael

**Staff Present:**

Grace Catanach  
Annie Hall  
Steve Harrington  
Helen Miller  
April Sessions  
Pat Mente  
Jane Davenport  
Suzanne Winsor  
Vince Nicolosi

**I. Approval of Agenda.** Judge Bustamante called the meeting to order at 9:33 a.m. The agenda order was changed to accommodate guests who needed to leave early.

**II. Budget and Revenue.**

**JID Revenue Pipeline.** Oscar Arevalo presented the “*JID Revenue Pipeline*” and reported that SCAF collections for the first four months of this year are down somewhat from the first four months of last year; however the transfers from MVD are \$2000 ahead of the transfers from last year. Civil case filing collections are

down statewide, although the collections in criminal case are up 6%. Mr. Arevalo (p 3) is projecting that the cash utilized from SCAF in FY15 will be close to FY14 unless there are unexpected expenditures and that there will be a fund balance remaining of \$350,000 - \$400,000 at the end of this fiscal year. Out of the three SCAF sources ( p 4), SCAF Regular, Odyssey CMS and Red Light Camera, this is the first time that monies had to be used from Red Light Camera to offset recurring SCAF expenditures. Even if there is no growth accounted for in the budget, some of the costs will have to come from the general fund to keep up with inflation. Photo enforcement is still in effect in Rio Rancho (p 7) and the collections were over \$62,000 for last month.

### **III. Review and Approval.**

**LOPD Request for Access to Juvenile Cases in Odyssey.** Robert Mead introduced Jason Rael, head juvenile attorney for the Law Office of the Public Defender (LOPD) who was requesting inclusion of juvenile records into the PD's Odyssey access. Mr. Rael noted that without access to juvenile records, defense attorneys are at a disadvantage when trying to prepare cases, research client histories and prepare treatment plans. Up until a few years ago, defense attorneys did have access to juvenile records through NM Justice. Having access to juvenile records would allow attorneys to review the complete history of the child involved. In order for defense attorneys to have the total picture which allows them to formulate the proper treatment plans and probationary plans for their clients, it is necessary to review the complete history of that child. It is often difficult to locate the defendant without access to records which have addresses and phone numbers. Currently the DA's office has access to the Consolidated Offender Query (COQ) which gives access to juvenile records and this access is not afforded to LOPD. Mr. Rael requested access to juvenile cases for seven or eight attorneys of record in Albuquerque.

- Jane Davenport explained that all of the records do exist in Odyssey and the secured Odyssey Public Access (OPA) site does not allow anyone access to the juvenile records. The concern is that if access is given to one agency, all of the other agencies will want the same rights to that information. The other

agencies in question have a total of approximately 1200 users, each of whom , would need to have their access updated.

- Justice Maes expressed concern over LOPD having access to cases where they are not the Attorney of Record which would infringe on the juvenile's rights. The statute is to protect the juvenile defendant before the case is sealed.
  
- Robert Mead noted that LOPD does not have a system that can interface with Odyssey and as a result; records are not being moved from Odyssey into LOPD's system at this time.
  
- Judge Bustamante clarified that LOPD would not be given an answer at this meeting because JIFFY has been working on the question of access for many months and there is still work to do before it is completed.
  
- Dennis Jontz indicated that large quantities of monies were being spent to maintain data in the court system, and that LOPD deserves the right to the most accurate records the judicial system has available. Access should be broad and available to the people that work in the system.

***Action Item: Judge Bustamante requested that LOPD provide JIFFY with a written request that denotes all of the rationales stated by Mr. Rael and Mr. Mead. In addition LOPD was asked to provide answers to the questions posed to them by JIFFY for the next meeting.***

**Online Access Subcommittee.** Judge Bustamante reported that the Online Access Subcommittee (OAS) did not meet in November.

***Action Item: Artie Pepin to write up an explanation of the OAS Matrix to be sent with the matrix for public comment, before the January 2015 meeting.***

**Potential Renovation of NM Judiciary Website** – Greg Saunders referred to the handout which denotes the allocation of \$195,000 to create of a one-stop portal and the letter from Judge Bustamante certifying the release of the funds for the project. Mr. Saunders would like to do a Request for Information (RFI) and solicit proposals from companies as to how they would renovate the current NM Judiciary website in order to promote the Judiciaries public image. A committee would need to be formed and potential vendors would be brought in to offer their concepts.

**Greg Ireland moved to approve the Request for Information (RFI) process to explore the possible use of a portion of the \$195,000 allocated by the legislature to create a one-stop online portal for renovation of the NM Judiciary website. Judge Kirk seconded. No opposition note. Motion carried.**

#### **IV. JIFFY Subcommittee Activities.**

**Judges User Group** – Judge Stan Whitaker, standing in for Judge Karen Mitchell, recounted that Judge Sarah Singleton, Chair of the Disposition Code Committee is working on the criminal codes. The committee met on November 12, 2014, completed half of the codes and will meet again on December 11 and plan to have the completed codes to JIFFY by the January 2015 meeting to consider and hopefully adopt.

**Procedure for New Civil Rule 2-806 & 3-806 on Enforcement of Mediated Settlement Agreement** – Judge Whitaker stated that JID is working on developing codes and procedures to capture in Odyssey, stipulated dismissals by parties, when there is a mediated settlement agreement. One of the concerns was how to best capture the settlement when it is not a judgment and prevent files from being destroyed after the designated time period.

- Helen Miller described the new rule which says that when there is a mediated settlement agreement the case is closed with the dismissal, but within five years the parties can reopen the case anytime during that time period, if the other party does not live up to the stipulated agreement. The current practice in magistrate courts is that files are destroyed one year after dismissal. The procedure that must be worked out is how to keep those

cases so they do not go into the automated destruction process. A procedure and a set of event codes were created to allow those cases to be exempt from the destruction process.

**Task Manager (judge notification when motions are filed)** – Judge Whitaker recounted the discussion around Task Manager and notification of judges in Odyssey when motions and other pleadings are filed. The conversation began by discussing which motions judges would wish to be notified of; whether this was something that would be helpful for judges and did the judiciary wish to spend money on this initiative. The committee agreed that what would be more useful for judges would be more of a tickler system in conjunction with how Odyssey is already configured to allow judges to get notification of things such as timelines, instead of receiving notification of all motions. A subcommittee may be formed to allow judges and JID staff to research the possibility of developing a tickler system and to decide if the judge notification system through Task Manager would be helpful to judges.

- Jane Davenport clarified that Task Manager is functionality that is currently available in Odyssey. The logic portion of the task will be written by Tyler and the configurations of who is notified and which notifications they will receive will be prepared by JID. Ms. Davenport believes that Task Manager will probably have the ability to run a tickler program. In the logic that can be designed in Task Manager, it is possible to identify when the lack of something occurs.

**Approval of Incompetency Process** – Helen Miller referred to the handout entitled “*Odyssey Procedure for Criminal Competency*” and reported that a final draft was sent out to all of the members of OJUG which was approved. Ms. Miller requested that JIFFY approve the new procedure as well. The question was when a defendant was found incompetent and dangerous and confined to the mental health institute for the duration of the time in which they could be incarcerated, how that should be handled in Odyssey? It was impossible to separate that portion of the incompetency proceedings from the whole statute. The document looks at the whole statute and at different phases, events and stages, and explains how that should be docketed in Odyssey. There are seven new event codes and a new case

status of “*Incompetent/Dangerous/Stayed*” for those that are in a mental health institution for an extended period of time. District courts were putting in dispositions to the charges such as dismissed by judge, transferred or convicted. If a defendant is in a mental health facility for an extended period of time, their case should not be disposed of by the court and should be left open in the event that the defendant does reach competency.

**Judge Castleberry moved to adopt the new district court Odyssey procedure as outlined in the handout entitled “*Odyssey Procedure for Criminal Competency*” which was approved by Odyssey Judges User Group on November 6, 2014. Judge Whitaker seconded. No opposition noted. Motion carried.**

**Forms Committee.** Judge Bustamante was provided a commentary on the Forms Committee by Judge Mitchell. “The Forms Committee met on November 6<sup>th</sup> and finalized changes to the Magistrate Arraignment and First Appearance forms. Judges will be trained on the new format at the Magistrate Conference and given an opportunity to use the forms and comment on them. The committee is also working on modifying the Metro Order on Bench Warrant form so that it can be used in both Magistrate and Metro courts. The next forms meeting will be January 13, 2015 at Metro Court”.

## **V. CIO Report.**

**E-Payments.** Greg Saunders reported that the E-payments pilot in Torrance County has been moved to Dona Ana and approximately \$2845 has come through the system. The proposed statewide go-live for magistrate courts is January 1, 2015 at which time people can go on the judiciary website and pay their fines and fees from their own computer at home. JID is recommending removing Odyssey cases from Case Lookup and transferring the data to Odyssey Public Access (OPA) with e-payments for the states’ public access website. Current Case Lookup would be utilized strictly for municipal DWI and Domestic Violence (DV) cases.

- Ms. Davenport’s understanding is instead of going to Case Lookup; the user would go to the e-payments site and look up their cases. This would be for

all cases and would include a redirect from Case Lookup. E-payments must utilize the OPA website and OPA also contains all of the information currently found on Case Lookup.

- Judge Bustamante pointed out that converting from Case Lookup to OPA has been discussed for many months and there are concerns regarding going to OPA in order to replace Case Lookup. Some of the unease with making the transition revolves around how the system would work and how to control access to information for example and that more time and discussion is needed to work out all of the issues.
  
- Pat Mente made it clear that Case Lookup and OPA are two separate systems and reported that Renee Cascio is satisfied with the pilot tests on E-payments and is ready to go-live on January 1, 2015. When it is time to move to OPA, Case Lookup will be maintained for municipal courts.
  
- Judge Kirk expressed apprehension about researching prior convictions. If OPA is not checked, there could be someone with four priors but the judge may only have knowledge of two because the clerk only checked one site. One of the biggest criticisms in the state is multiple offenders of DWI and the courts are not aware that the defendant has a number of prior offenses that are on two different sites.
  
- Mr. Saunders clarified that there are two recommendations to JIFFY the first being e-payments go-live statewide for magistrate courts to take place on January 1, 2015. The second recommendation is to convert from Case Lookup to OPA which can occur at a later date after the public has been adequately informed of the impending conversion.

**Judge Alaniz moved to accept the recommendation by JID for e-payments to go-live statewide for magistrate courts on January 1, 2015. Tobie Fouratt seconded. No opposition noted. Motion carried.**

- Judge Bustamante indicated that discussion will continue on moving to replace Case Lookup with OPA pending further clarification from JID staff.

**CEOC Meeting.** Mr. Saunders attended the CEOC meeting on Nov 19 for the first time and the four areas that were brought to Mr. Saunders attention were 1) pilot for automated J & S 2) child support enforcement connection documents with Health and Human Services (HSD) 3) Session Works, how it works and how it should work 4) statewide e-filing. Mr. Saunders will examine the issues brought by CEOC and work on making necessary changes and/or adjustments.

- Greg Ireland and Judge Whitaker concurred that Session Works documents are not always downloading correctly overnight and sometimes documents are missing from the files.
- Mr. Mente informed JIFFY that there is a master Session Works PC in each court and the master PC queries the Odyssey database. There is no way to centrally manage those master PCs, it is managed from the individual court and there are no alerts to JID when something fails which is a design flaw. If the downloading is interrupted the documents may not have been downloaded into in the file the next day.

***Action Item: Greg Saunders and JID staff to work with Tyler to remedy the malfunctions in Session Works for judges.***

**Self-Represented Litigant Report.** Ms. Davenport stated that the reports were put into Odyssey production and rights were given to the users that were approved by OJUG including judges, court managers, chief clerks, court administrators, deputy court administrators and lead clerks to run those reports.

**TRACS in Dona Ana.** Mr. Saunders updated the committee that NM State Police is implementing TRACS in Dona Ana to begin the e-citation project of automatically accepting and creating cases. After that pilot, NM State Police will begin rolling out e-citations statewide.

**DOT Document Scanning.** NM Department of Transportation (DOT) is giving JID a \$190,000 grant to implement document scanning in the magistrate courts, however the total cost of the project is \$492,000. JID is developing a project plan starting with the large courts and it will be brought to JIFFY for approval as reported by Mr. Saunders.

**VI. Future Meetings** – The next meeting will be held on January 15, 2015, 9:30 a.m. at the Judicial Information Division in Santa Fe.

**VII. Adjourn** – Judge Bustamante adjourned the meeting at 11:24 a.m.