

**Meeting Minutes of the 170th
Judicial Information Systems Council (“JIFFY”)
Judicial Information Division (“JID”)
Thursday, February 19, 2009
9:36-11:47 a.m.**

Voting Members present:

Judge Michael Bustamante, Chair
Judge Karen Mitchell, Vice Chair
Judge Richard Knowles
Judge Alan Kirk
Juanita Duran
Jan Perry (*via video*)
Maria Romero (*via video*)
Robert Mead
Helen Miller

Voting Members absent:

Judge Camille Martinez-Olguin
Judge Robert Corn
Judge Clay Campbell
Dennis Jontz

JID Staff present:

Renee Cascio
Tom Edwards
Zella Kay Cox
Jerry Wise
Trixi Bubemyre
Andre O’Brien
Jane Davenport
Grace Catanach

Non-Voting Members present:

Justice Petra Jimenez Maes
Steve Prisoc
Pauline Toevs

Non-Voting Members absent:

Arthur Pepin

Guests present:

Judge Stephen Pfeffer (*1st District Court*)
Orlando Ulibarri (*via video*)
Judge Theresa Baca (*2nd District Court*)(*via video*)
Oscar Arevalo (*AOC*)
Deborah Gutierrez (*2nd District Court*)
Karen Janes (*AOC*)
Frank Dimaggio (*2nd District Court*)
David Torres (*1st District Court*)
Greg Ireland (*13th District Court*)

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante called the meeting to order at 9:36 a.m. and established a quorum.

I. Approval of Agenda

Steve Prisoc asked that the agenda item *V. Purchase Requests - Continuation of discussion on video expansion for First Judicial District* be moved up to accommodate Judge Stephen Pfeffer’s court schedule. Judge Bustamante moved up this discussion to after the agenda item *II. Budget and Revenue*.

II. Budget and Revenue

JID Revenue Pipeline Report. Oscar Arevalo explained the documents entitled: *FY 2009 SCAF Revenue Pipeline Summary*; *SCAF Revenue Breakdown by Court Type - Fund 078, Fiscal Year 2008* and *Magistrate Court Financial Transactions for the Monies Received in the Month of December 2008*, which were attached to the JIFFY agenda.

Fiscal Year 2009 Projection Report. Mr. Arevalo spoke of the following points:

- House Bill 10 passed cutting budgets 1.4% out of every category in the column. He spoke of the impact to JID in the general fund.
- Bar authority was increased from 4% to 5%.
- Recommendation for Fiscal Year 2010 was received.
- Fiscal Year 2011 came in at \$5.7; Fiscal Year 2012 came in at \$5.9, and Fiscal Year 2013 came in at \$6.1.
- Reserves at 10.5% for recurring appropriations. State agencies have thirty days to respond to the government in terms of how they are going to distribute that money. Governor Richardson called a special session, and the state may gain \$1.5 billion but there are sunset provisions on some of that money. He spoke of the caveats that may be involved.
- Additional shavings when House Bill 2 comes out.
- AOC will ask for program transfers to re-balance the budget.
- Fiscal Year 2010 issue that will impact JID is the Department of Information Technology's ("DoIT") increase in the HRMS assessment fee per full time employee ("FTE").
- Fiscal Year 2010: the two positions (asset and video arraignment) were placed on the list of reconsiderers for House Bill 2.
- House Bill 2 language regarding the judicial case management system is too restrictive.
- Allowable funds to cover deficits.
- With respect to the agenda item *Update on the Second Judicial District's EDMS Project*, he mentioned that he supported the Second Judicial District Court's ("Second") request to shift maintenance costs to the EDMS appropriation.

There was discussion relative to the following points:

- Stimulus package.
- House Bill 263 could help the Jury and Witness Fund. A supplemental was received for the Jury and Witness Fund.
- JID paid the entire AOC DoIT bill for the HRMS assessment.
- General Services Department ("GSD") internet access fee bills. Concerns that some jurisdictions are still paying these bills.
- Alabama e-citations' contract. Total amount in reserves for this contract is \$161,000, including \$11,000 for tax.

Action Item: *Mr. Arevalo and Grace Catanach will meet to discuss the DoIT HRMS assessment bill.*

Action Item: *Per Juanita Duran, Mr. Prisoc will provide her with information as to when GSD no longer provided internet service to the Judiciary, so she can inform the Court*

Administrators Council that jurisdictions are no longer responsible for paying these bills.

Action Item: Per Judge Richard Knowles, Mr. Prisoc will contact GSD to remind them that the Judiciary should no longer be billed for internet access fees.

Action Item: Mr. Arevalo will work to amend the language in House Bill 2, so it is not too restrictive relative to the case management system.

Legislative Report. Arthur Pepin was not in attendance today.

III. Purchase Requests

Continuation of discussion on video expansion for First Judicial District. Stephen Pacheco, the Court Administrator for the First Judicial District Court (“First”), introduced Judge Pfeffer and David Torres, the First’s Information Technology (“IT”) Specialist. The First’s request was tabled last JIFFY meeting to allow the First to coordinate with the jail and Pauline Toevs to determine if the First’s proposed purchase would be feasible considering limited staffing on the Video Arraignment Team. The jail agreed to provide the First with a room to place the video equipment in. The First also offered Mr. Torres’ services to assist the Video Arraignment Team.

Judge Pfeffer explained that the First’s request primarily related to security issues that pertained to bringing inmates from the jail for docket call and pre-trial hearings. It also provided cost savings to the county because inmates do not need to be transported to the court for such hearings. At this time, the First utilizes the magistrate court’s video system when they are not using it; however, the First is requesting to purchase a second system to be placed in another room at the jail to use for pre-trials and docket calls. The second system would only be used if there are time conflicts with the magistrate court. Judge Michael Vigil may use the video equipment for probation violation matters. The First currently utilizes the video equipment to conduct hearings for Santa Fe County but would also be interested in using it for Rio Arriba County hearings.

Ms. Toevs explained the following:

- How the video system worked.
- The Video Arraignment Team has reached capacity and is only considering the First’s request because of the proximity of the court/jail and the volume of work that the First conducts.
- JID will not provide passwords to anyone outside of JID due to security concerns.
- Future requests for new video installations must be in writing to Mr. Prisoc. Those requests would stay with Mr. Prisoc until the Video Arraignment Team received more staffing.

There was discussion relative to the following points:

- The Fourth Judicial District Court's request.
- The First defers to the magistrate court's video schedule.
- Ms. Toevs will conduct a site assessment to ensure that the room the jail is offering to the First adheres to the court and jail standards.
- The First would not object to other courts using the video equipment.
- Karen Janes thanked the First for their adherence to the magistrate court's video schedule.
- Municipal courts currently utilize the magistrate courts' video equipment until the Video Arraignment Team receives more staffing.

Robert Mead moved to approve the First's request to purchase video equipment. Ms. Duran seconded. Judge Knowles, Judge Karen Mitchell and Helen Miller opposed the motion. They explained their opposition to the motion. **No further discussion. Motion carried.**

Mr. Mead moved to put a hard cap on all further video arraignment expansions until the Video Arraignment Team received more staffing. Ms. Miller seconded. Mr. Mead added that all further video arraignment expansion requests not come to JIFFY until the Video Arraignment Team received more staffing. Judge Pfeffer thanked JIFFY for granting the First permission to purchase the video equipment in light of the limited resources. Judge Mitchell suggested that the Chief Judges Council ("CJC") be informed of this decision so they are aware when the budget process begins. **No further discussion. No opposition noted. Motion carried.**

Action Item: Per Judge Mitchell, JID will communicate the JIFFY decision on further video arraignment expansions so they are aware when the budget process begins.

IV. JIFFY Sub-Committee Activities

Judges User Group. The Judges User Group did not meet this month.

Public Access Subcommittee. Judge Mitchell reported that the Public Access Subcommittee ("PAS") met Tuesday and discussed the following points:

- PAS are working on a proposal for policies for internet access. The proposal will be brought to JIFFY for consideration. If JIFFY approves the proposal, it will be forwarded to Supreme Court for their review and public comment. At this point, JIFFY has not approved any of the PAS positions.
- 2005 policy to remove magistrate court cases from the Judiciary web site once the paper files are destroyed. PAS made a proposal to more automate that process, and it created a firestorm of comments.
- PAS agendas, meeting materials and meeting minutes are currently not published to the outside Judiciary web site. The Odyssey Steering Committee agendas, meeting materials and meeting minutes are also not published to the outside Judiciary web site. JIFFY minutes are only published to the inside Judiciary web site, and JIFFY agendas without links to meeting

materials are published to the outside Judiciary web site. PAS recommended to JIFFY that JID publish the PAS agendas and meeting minutes to the outside Judiciary web site because PAS is a public meeting.

- PAS recommended to JIFFY that PAS be allowed to add a public comment period to their monthly agendas to obtain feedback from stakeholders on the PAS positions. This would provide PAS with a broader scope of understanding and provide a higher level of transparency as PAS developed a policy.
- PAS will provide JIFFY with a draft document in August.
- PAS cancelled the meeting in March due to the Legislature; however, a handful of PAS members will hold a working meeting to draft a document based on the work that PAS has conducted thus far. At the April meeting, PAS will work from that draft document and would like to begin taking public comment on the PAS positions.

There was discussion relative to the following:

- Inserting language on the PAS agendas encouraging the public to attend the meetings.
- A committee similar to PAS that disbanded years back.
- Having all of the stakeholders present could assist PAS to write the dissents on the positions.
- Other states that have gone through this process.
- Evaluating the process of accepting public comment, so it does not interfere with drafting the document.

Action Item: Per JIFFY, JID will publish PAS meeting agendas and minutes to the outside Judiciary web site.

Action Item: Per JIFFY, PAS will take public comment at their meetings.

Odyssey Steering Committee. Judge Mitchell reported that the Odyssey Steering Committee (“OSC”) met yesterday. She spoke of the following points:

- Magistrate court forms should be completed by the Moriarty go live date of April 27th.
- JID workload is beginning to hit a saturation point and has become an increased risk. She referred to the document distributed entitled *Projects*. This document outlined all of the projects that JID is currently involved in.
- 2005 policy regarding destruction of magistrate court case files. She referred to the document she distributed entitled *Odyssey Steering Committee*. She explained the process for destruction of case files in the magistrate courts, excluding DWI and domestic violence case files. OSC recommended to JIFFY that at this time destroyed cases in magistrate courts not be converted to the Odyssey system; however, after the rollout is complete, JIFFY would need to determine what to do with this information.
- The process for accessing *Case Lookup* information once courts got online with Odyssey. OSC endorsed the idea for JID to do what is expedient in reference to *Case Lookup*.
- Conversion hours may need to be adjusted from other areas where OSC does not anticipate heavy use.
- OSC will begin to look at the use and allocation of the \$2 million appropriation and focus on

the Bernalillo County Metropolitan Court's ("BCMC") fit analysis and the costs associated with that analysis. The increased filing fee would alleviate some pressure on the \$2 million appropriation.

- Dr. Julie Carroll's IV&V report.

Judge Bustamante spoke of the conversion problems experienced with the first pilot court, and OSC's discussion on how to help get the courts started in cleaning up their data. Magistrate courts enter their financial data into the case management system, but the district courts use a separate accounting system. There was discussion on outstanding bonds and what the district courts can do to ensure their case information is accurate. Renee Cascio suggested that district courts run their data quality and data standards' reports immediately and begin working on those. JID is also developing data conversion reports to make available to the courts.

OSC recommended that FACTS' data from magistrate cases where the file had been destroyed not be converted into Odyssey at this time. It is difficult to verify data because the paper file was destroyed. The data will remain in the FACTS' database and the matter can be revisited once Odyssey is in place, statewide.

Judge Knowles moved that at this time, destroyed magistrate court files will not be converted into Odyssey. Ms. Miller seconded. Judge Bustamante commented that a good number of data problems existed in these old files. He reiterated the conversion problems experienced with the first pilot court. Judge Knowles spoke of the BCMC's concerns relating to judges not having access to this information when sentencing individuals. **Maria Romero opposed the motion. No further discussion. Motion carried.**

Judge Knowles moved that JIFFY approve that JID be allowed to do what is expedient in reference to *Case Lookup*. Ms. Miller seconded. There was discussion on the COQ. **No further discussion. No opposition noted. Motion carried.**

Action Item: Per Ms. Duran, Tom Edwards will include the Second's rollout project plan on the next OSC agenda.

Action Item: Per Justice Petra Jimenez Maes, JID will provide the data quality, data standards and data conversion reports directly to the district court administrators, so they can begin cleaning up their data.

E-Filing Subcommittee. Mr. Prisoc reported that the E-Filing Subcommittee ("EFS") met Tuesday morning. He spoke of the following points:

- Several members were absent but he communicated with them to obtain their input on the items EFS discussed.
- Mark Schwartz from WizNet was present.
- EFS decided to negotiate a contract with WizNet as the Judiciary's e-filing vendor.
- All contracting would be done through Tyler Technologies ("Tyler") under the Judiciary's

umbrella case management contract. WizNet would provide training to attorneys and set everything up for them to file electronically. JID would set up the interfaces to capture the filings and automatically docket those filings into the Tyler document management system.

- EFS felt a contract with WizNet would be a better approach.
- State of Colorado will move away from Lexis Nexis to an in-house system.
- State of North Dakota, a recent Tyler customer.

There was discussion about the following:

- Tyler and WizNet are separate companies.
- How the Odyssey connector worked.

Judge Knowles moved to approve that the EFS proceed with a negotiable contract through Tyler and WizNet. Ms. Duran seconded. Judge Mitchell asked for an amendment that the contract is contingent on funding. No further discussion. No opposition noted. Motion carried.

V. CIO Report. Mr. Prisoc reported the following:

- Air conditioning and generator project is progressing well. Price increase of \$35,890 imposed by JID's landlord to move the generator, change piping and obscure the generator. This will be paid by SCAF.
- JID will not work with Tiburon to write an e-citation interface to FACTS. The price from Tiburon is \$70,000, and it would involve significant JID contributions. JID plans to resolve this situation by moving up the Las Cruces Magistrate Court for rollout of Odyssey shortly after the pilot courts are completed.
- Per JIFFY's direction, the JID Systems Team blocked *MySpace* and *FaceBook* web sites.
- Qwest and SkyWi. SkyWi will cease to exist next Thursday as an internet/telecommunications provider. They are taking with them what used to be Zia Net, which was the vendor that the Judiciary originally contracted with--they were the largest ISP in New Mexico. The JID Systems Team is working to move all of the Judiciary's DSL courts to other providers throughout the state, and this should be completed within a week.
- JID is now connected to Qwest via fiber. He spoke of the benefits.
- JID replaced the last piece of GSD wiring between the AOC and the Supreme Court. The only GSD circuits that the Judiciary is now using are the wireless microwave circuits for a handful of courts.
- He referred to the document entitled *Projects*. He asked for JIFFY's assistance with prioritization. He spoke of JID's priorities, as follows:
 - Fix what is broke.
 - Respond to statutory mandates.
 - Assignments from the AOC (reports, web postings, responding to rule changes).
 - Discretionary projects (special projects that have multiplied within the last five years).
- SPAM blocking service recently blocked 305 virus-infected emails.

There was discussion on the following:

- Concerns with the price increase relative to the generator.
- The Los Alamos courthouse and where it fit in JID's projects.
- GSD's facilities wiring guide adapted for the Judiciary.

Action Item: Per Judge Knowles, Mr. Prisoc will check the price increase relative to the generator project.

VI. Review and Approval

Update on Second Judicial District's EDMS Project. Ms. Duran reported that the Second's staff met with a representative from Tyler. The Second is awaiting Tyler's analysis of two or three options that would be best to convert. The estimate is expected within a week.

Ms. Duran referred to the document entitled *Second District EDMS Maintenance Costs*, which was attached to the JIFFY agenda. The cost is \$84,224.99. The Second is asking that they be allowed to pay this amount from the EDMS appropriation. Eventually, when the project is completed, the maintenance fees would be paid from the Second's general operating budget.

There was discussion relative to the following points:

- General operating budget.
- Fiscal year 2010, the Second was able to insert a reconsideration of their general operating budget to include maintenance costs.
- Affects to the project if the maintenance costs are not paid.
- First year's maintenance is typically paid from the project money, but after that, maintenance is usually paid from the general operating budget.

Judge Knowles moved to approve the Second's payment of maintenance costs of \$84,224.99 for the EDMS system be paid from the EDMS appropriation. Judge Mitchell seconded. No further discussion. No opposition noted. Motion carried.

Discussion on standardization of judicial web pages. Before Mr. Prisoc provided his report on judicial web pages, he spoke of a problem with judge assignment in FACTS that was reported to JID by the Eleventh Judicial District Court. JID determined that it was a set up problem, and JID responded by training the clerks on how to set up the judge pools properly. JID Staff are updating the FACTS' client version in every court, which should be completed within a few days. He noted that this issue may come up again at the next CJC meeting as JID is working with the courts on these problems.

Mr. Prisoc displayed a draft template that JID is proposing be the standard judicial web page. He spoke of the following:

- The template is a clean, easily-navigated template for a web site, and it is ADA compliant.
- A template will make it easier on the JID Development Team when creating new sites.
- Tribal State Consortium and the Judicial Standards will not be limited to the Supreme Court logo.
- This template will be used for *nmcourts.gov* web pages.

There was discussion relative to the following points:

- Municipal courts go through the Municipal League or their individual communities for their web pages.
- District courts' web sites. JID would only redesign a current district court web site if JID is requested to do so.

Judge Knowles moved that JID adopt the web site template for making it available to existing courts to convert as they wish and to provide it to new web sites for courts. Mr. Prisoc asked that the motion be simplified to: adopt the template for all new JID web work. Judge Knowles amended his motion to accept the language that Mr. Prisoc proposed. Judge Mitchell seconded. There was discussion regarding a reference to *nmmunicourts.org* on the *JIFFY Project Status Reports*, which were attached to the JIFFY agenda. Municipal courts are outside of the scope of this motion. Mr. Prisoc noted that he is attempting to protect the JID Development Team because they are over-booked at this time. **No further discussion. No opposition noted. Motion carried.**

Discussion on appointment of a JIFFY Jury Improvement Project Committee. Judge Bustamante advised that Mr. Prisoc informed him of the need to improve the Judiciary's jury software. Judge Bustamante appointed Jan Perry as the chairperson of the JIFFY Jury Improvement Project Committee. There was discussion relative to the jury management program; confusion with the jury committee appointed by the Supreme Court; and adding a representative from the Second.

Action Item: Judge Bustamante will provide Ms. Perry with a copy of the JIFFY Jury Improvement Project Committee membership list.

Action Item: Judge Knowles suggested changing the name of this committee to avoid confusion with the Supreme Court Jury Improvement Committee.

Action Item: Per Justice Maes and Judge Knowles, the JIFFY Jury Improvement Project Committee to be in communication with the Supreme Court's Jury Improvement Committee.

The next meeting will be held on Thursday, March 19, 2009 at 9:30 a.m. at JID. Mr. Prisoc announced that today marked the completion of his fifth year with the Judiciary.

VII. Adjourn. Judge Bustamante adjourned today's meeting at 11:47 a.m.

VIII. Additional Attachments

Project Status Reports. There was no discussion relative to the *JIFFY Project Status Reports*, which were attached to the JIFFY agenda.

Final Minutes Approved by Judge Bustamante on March 9, 2009.