

**Meeting Minutes of the 190<sup>th</sup>  
Judicial Information Systems Council (JIFFY)  
Judicial Information Division (JID)  
Thursday, March 3, 2011  
9:34 a.m. - 12:09 p.m.**

**Voting Members present:**

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

**Voting Members absent:**

Judge Michael Bustamante, Chair  
Judge Camille Martinez-Olguin

**JID Staff present:**

Andre O'Brien  
Tom Edwards  
Renee Cascio  
Grace Catanach

**Non-Voting Members present:**

Arthur Pepin  
Steve Prisoc

**Non-Voting Members absent:**

Justice Petra Jimenez Maes

**Guests present:**

Mike Mellos (*Burger, Carroll & Assoc.*)  
John Todd (*Tyler Technologies*)  
Frank Dimaggio (*2<sup>nd</sup> DC*)(*via video*)  
Oscar Arevalo (*AOC*)  
Karen Janes (*AOC*)  
Orlando Ulibarri (*9<sup>th</sup> DC*)(*via video*)  
Angela Pineado (*AOC*)  
Eloisa Gonzales (*AOC*)  
David Torres (*1<sup>st</sup> DC*)  
Marlin Mackey (*new JID Deputy Director*)

*Minutes taken by: LaurieAnn Trujillo*

Judge Karen Mitchell advised that she would chair today's meeting due to Judge Michael Bustamante's hearing schedule. She called the meeting to order at 9:34 a.m. and established a quorum.

**I. Approval of Agenda.** Judge Mitchell reminded those who were participating by telephone and by video to mute their systems when they were not speaking.

**Robert Mead moved approval of today's agenda. Judge Richard Knowles seconded. No further discussion. No opposition noted. Motion carried.**

Judge Mitchell introduced and welcomed Marlin Mackey. Mr. Mackey will replace Tom Edwards on March 14<sup>th</sup>. Mr. Edwards' last day of work is April 29<sup>th</sup>.

## **II. Budget and Revenue**

### **Fiscal Year 2011 Projection Report.**

#### **JID Revenue Pipeline Report.**

Oscar Arevalo explained the document he distributed with the footer labeled *SCAF Cash Flow Analysis, 3/3/2011*, as follows:

- This report was prepared at the request of Judge Bustamante.
- The report reflected a forecast of where JID will be in FY2011 and in FY2012.
- He asked members to scratch the title of *Odyssey Rollout* at the bottom right hand corner and to write in *Red Light Camera*.
- The bottom part of the report reflected a four category analysis of the *Odyssey Rollout* and the *Red Light Camera* revenues.
- House Bill 2 passed yesterday by one vote and is now headed to the Senate for consideration.
- Information for FY2009 and for FY2010 was included in the report for historical purposes.
- The main SCAF funding for FY2011 was noted at the top of the report. A Budget Adjustment Request was submitted to purchase the Second Judicial District Court's (Second) equipment.
- A breakdown of expenditures by categories was included in the report.
- Projected revenue for FY2011 is \$3,900,000, and the fund balance is \$646,950.
- Last year, there was a carryover balance of \$1,372,904. His staff looked at using some of the fund balance to cover expenditures. At this time, it appeared there is an excess of expenditures over revenues of about \$122,547, which means the fund balance is going to decrease from \$1,372,904 to approximately \$848,501 by the end of this year. They estimated spending approximately \$70,000-83,000 of the fund balance. If all expenditures materialize and match the revenues, the year end SCAF Fund balance for FY2012 will be \$65,101.
- At this point, contractual services for FY2012 are budgeted at \$1,130,700. He is working with Grace Catanach to verify this amount. Maintenance expenses still need to be incorporated. In FY2012, the SCAF Fund will not have the capacity to purchase equipment.
- Ms. Catanach added that the SCAF Fund expended \$765,666 in contractual services for FY2011; and the majority of that amount is associated to software support services. She noted that annual escalations need to be considered every year.
- Recruitment restrictions that are currently in place at JID will have to continue into FY2012.
- The four categories at the bottom of the document note the fund balance carryover for FY2011 and for FY2012, both for Odyssey and red light camera funding. It is apparent that the \$895,000 amount projected from the \$10 civil filing fee increase to pay for

Odyssey will not materialize. OSC recommended using some of the red light camera carryover to cover the deficit. The estimated fund balance for the red light camera revenue for FY2011 is \$287,612. If some of this money is used to cover the deficit for Odyssey, the actual fund balance carryover will be \$180,287. He incorporated Mr. Edwards' estimations of \$768,065. For an estimated expenditure of \$895,000, there will be a deficit in FY2012 of \$126,935. The red light camera fund balance carryover of \$180,287, with estimated revenue of \$251,394, along with the expenditure of \$90,000 to fund a full time employee, the estimated carry forward fund balance for FY2012 on red light camera of \$341,681, he would take \$126,935 out of that amount to cover the gap, so the actual fund balance on that would be approximately \$214,746.

- They are working from two appropriations this year--the \$895,000 from a previous year that was not spent, and another \$895,000 that was received in FY2011.
- There could be duplication of encumbrances noted in the report for FY2011.
- The increase in supplies of \$225,695 in FY2010 to \$442,002 in FY2011 is a result of encumbering funds to purchase computers for the Second. Some of the other increases incorporated some of the hot site initiatives.
- They are investigating trends, but he believed the downturn in the economy is why many cannot afford to sue, thereby decreasing the collection from civil filings.
- He will begin projecting revenues for FY2013.

There was discussion on the following points:

- House Bill 2.
- Odyssey will not be completely paid for until FY2013.
- JID depends on the carryover balance to cover July's expenditures.
- The Odyssey Rollout amount of \$895,000 for the FY2011 fund balance carryover is the amount JID actually has. The \$787,675 figure is what we anticipate receiving.
- There is roughly \$5,000 left from the \$2,000,000 appropriation.
- The report is dire but is not the result of lack of adequate planning. The general fund appropriation for JID was over \$3 million, and next year it will be \$2,341,900, resulting in the dire outlook.
- In FY2012, JID will no longer fund printer toners for the magistrate courts.
- The plan is to implement Odyssey in the appellate courts immediately following the Odyssey rollout, however, there may be a delay depending on funding. A separate information technology appropriation for the appellate courts may be sought as part of our budget request for FY2013.
- Incorporating maintenance expenses for the disaster recovery equipment.
- The Legislature is very satisfied with the Odyssey project.

Judge Mitchell thanked Mr. Arevalo for preparing this report on short notice.

***Action Item: Mr. Arevalo offered to present JIFFY with a Tyler Technologies' (Tyler) analysis at the next JIFFY meeting.***

### III. JIFFY Sub-Committee Activities

**Judges User Group.** Judge Mitchell reported that the Judges User Group did not meet this month. They will meet again in April.

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

- The Odyssey Steering Committee (OSC) met yesterday.
- Mr. Mackey was introduced to OSC.
- Risk #32 was added and is associated with courts with information technology staff and ad hoc reports. Tyler has a report writer that may help in some of these areas. Two risks were lowered because of how things are progressing with the Bernalillo County Metropolitan Court (BCMC).
- She asked Steve Prisoc to report on electronic filing, the hot site and protective orders.
  - Mr. Prisoc spoke of the following:
    - The power upgrade for the hot site was completed, so the equipment will soon be installed at the BCMC. The goal for the completion of the hot site is June 30<sup>th</sup>.
    - New lines are being installed at JID to reduce the risk of short-term outages caused by a line being cut.
    - With respect to protective orders, there were articles recently published in the Santa Fe New Mexican and in the Albuquerque Journal relative to the national incident reporting repository, and the fact that New Mexico is one of five states that are not reporting involuntary commitments, criminal convictions, and protective orders that are in effect. This is a Department of Public Safety (DPS) responsibility, but DPS responded that they are not reporting because the Legislature has not authorized them to do so. He spoke to the National Instant Criminal Background Check System (NICS) representatives, and he believes the Judiciary can report this information as they do not require fingerprint based information, and assuming the Supreme Court approves. The NICS' repository is used by gun shops across the country. JID Staff are activating a domestic violence module in Odyssey that will allow for the collection of more data elements.
    - With regard to the TRACS' Project, JID Staff are working to obtain data from the Dona Ana Sheriff's Office to Odyssey prior to the Odyssey implementation in Las Cruces. This will be a huge benefit for the magistrate courts. They discovered that the TRACS' system is not using the New Mexico Sentencing Commission's charge code table. The University of Alabama is doing a fine job on the project.
- Judge Mitchell noted that OSC discussed moving the training for the third quarter of 2012 from Albuquerque to Santa Fe. Mr. Edwards explained that moving the training to the JID facility would save \$7,000 for the facility fee from the case management budget. The Judicial Education Center (JEC) will continue to cover travel expenses for the trainers and trainees.

- With regard to the financial situation with Odyssey and the anticipated deficit due to the reduction in the \$10 civil filing fee increase, OSC made a recommendation to JIFFY that there not be any more commitments on the red light camera money, except those that have already been identified, and any other balance in the red light camera money should remain to cover any deficiencies in the case management system budget, unless and until JIFFY approves use of those funds.
- OSC received an update from John Todd of Tyler and they are satisfied with how the project is progressing. The BCMC is back online in terms of their schedule, and they anticipate a May 2<sup>nd</sup> go live date for civil cases.
- Judge Mitchell asked Mike Mellos of Burger, Carroll & Associates to provide JIFFY with an IV&V update. Mr. Mellos referred to his February report, which was attached to the JIFFY agenda. He noted high level communication and cooperation between JID and the courts, but they are concerned that the same level of cooperation and communication take place not only on the business side but also on the technical side.
- Judge Mitchell called an OSC meeting on April 20<sup>th</sup> due to the transition of Mr. Edwards and Mr. Mackey.

There was discussion relative to concerns with JEC's regional trainings and how that might impact Odyssey's travel expenses being paid by JEC.

**Judge Knowles moved that JIFFY adopt OSC's recommendation that there not be any more commitments on the red light camera money, except those that have already been identified, and any other balance in the red light camera money should remain to cover any deficiencies in the case management system budget, unless and until JIFFY approves use of those funds. Mr. Mead seconded. No further discussion. No opposition noted. Motion carried.**

**E-Filing Committee.** The E-Filing Committee did not meet. However, Mr. Prisoc spoke of the following points:

- He accompanied Chief Justice Charles W. Daniels to the New Mexico State Bar Board of Governors meeting, and the Judiciary received their unanimous support for electronic filing.
- He acknowledged Dennis Jontz for his help in this regard.
- They discussed Senate Bill 388, which would have made electronic filing voluntary.
- The Administrative Office of the Courts (AOC) is considering an opt out provision for attorneys who for good cause do not want to electronically file.
- Mandatory electronic filing is essential for this project to succeed.
- The Solo Practitioners Board is positive about electronic filing.
- Attorneys are not using the service capabilities of the electronic system because they believe the fee is too expensive. The basic filing fee is \$6, and the service piece is \$4. They are working with Tyler to reduce the fees to encourage more interest in utilizing the service piece of the system.

- Electronic filing will be mandatory, but the service piece is voluntary.
- His research of electronic filing fees throughout the country has proven that New Mexico has the lowest electronic filing fees.
- The Thirteenth Judicial District Court is planning to initiate electronic filing for probate cases.

There was discussion on the following points:

- The Second is interested in implementing electronic filing when Odyssey is rolled out on June 13<sup>th</sup>.
- The Judiciary will advance on the electronic filing contract at the conclusion of the Legislative Session.
- The basic electronic filing fee is \$6.00 per packet, but several documents can be electronically filed under this cost.
- At some point, the E-Filing Committee will need direction from JIFFY on moving electronic filing into civil in all of the districts that have Odyssey, and implementing electronic filing for criminal in jurisdictions that already have electronic filing for civil.

**E-Documents Committee.** Mr. Prisoc advised that the E-Documents Committee consisted of the following members: Artie Pepin, Mr. Mead, Judge Mitchell and Mr. Prisoc. They will address changes in technology and how they affect access to court documents.

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

- Mr. Mackey will begin work at JID on March 14<sup>th</sup>, which will provide about a month and a half of training while Mr. Edwards is still with JID.
- Pauline Toevs officially retired on February 28<sup>th</sup>. He credited Ms. Toevs for her hard work in getting the video program going in the courts.
- Brian Eckert's last day of work was February 20<sup>th</sup>. The Systems Manager position will remain open. In the meantime, the Systems Team will report to Mr. Edwards and then to Mr. Mackey.
- He credited Leo Gonzales, Terry Leach and Shawna Hochandel for filling the gap after Ms. Toevs' departure.
- With respect to the New Mexico Sentencing Commission, Tony Ortiz advised that their budget was dramatically cut and they are no longer able to support the Consolidated Offender Query (COQ). The project manager for COQ will not be employed after June 30<sup>th</sup>. Discussions have begun to find a home for the COQ.
- He explained the document that was distributed entitled *DWI Cases Disposed for Calendar Years 1997 Through 2010*. Brian Gilmore validated the BCMC data on the report. The report will be published on the Judiciary's website once approved by the Supreme Court.
- He then explained the document entitled *Civil Filings By Calendar Year*, which was distributed. The first page is a summary, and the second page is the data for which the graph was created.

There was discussion on the following:

- Ms. Catanach reminded JIFFY that an appointment needed to be made to replace Ms. Toevs as a non-voting JIFFY member.
- Mr. Gilmore noted that the legends on the charts included in the DWI Report were incorrect.
- Mr. Gilmore voiced concern with the way dismissals are reported and how it reflected negatively on the BCMC. The BCMC included in their dismissal report cases that were nolle'd, so that took it from a 19% dismissal rate to a 32% dismissal rate for the BCMC.
- Concerns were raised relative to the conditional discharge percentages for Colfax and Valencia Counties.

***Action Item: Mr. Prisoc offered to talk to Judge Bustamante about a replacement of Ms. Toevs as a non-voting JIFFY member.***

***Action Item: Per Mr. Gilmore, Mr. Prisoc to correct the legends on the charts included in the DWI Report. He will ensure that the labels and legends match what JIFFY approved last year.***

***Action Item: Judge Knowles recommended that the "Total Dismissals" column in the DWI Report be moved to the last column on each table for easier reading and for clearer perception of the percentages.***

***Action Item: Per Judge Mitchell, Mr. Prisoc to contact Colfax and Valencia District Courts to verify the conditional discharge numbers noted on the page entitled "DWI Cases Disposed for Calendar Year 2010, District Courts by Location."***

***Action Item: When Mr. Prisoc and Mr. Pepin present the DWI Report to the Supreme Court, Judge Mitchell asked that they mention Judge Knowles' recommendation to move the "Total Dismissals" column to the last column on the DWI Report, and Mr. Gilmore's concern relative to the BCMC's dismissal rate including nolle'd cases.***

**Mr. Mead moved for Mr. Prisoc to make the changes discussed herein (correct the legends on the charts and to verify the conditional discharge numbers for Colfax and Valencia Counties) to the document entitled *DWI Cases Disposed for Calendar Years 1997 Through 2010*, and then to present it to the Supreme Court for approval prior to publishing. Judge Knowles seconded. No further discussion. No opposition noted. Motion carried.**

Mr. Pepin provided the following legislative update:

- House Bill 2 passed by a single vote in the House.
- He is working on a few amendments to House Bill 2.
- No federal funds for FY2012.

- He believes the budget will allow the Judiciary to avoid furloughs and not have to close any courts next year. This was objective number one with regard to the budget.
- At this point, it appeared Judiciary employees would see a reduction in their take home pay. There was a 2% reduction in social security for calendar year 2011 that everyone benefitted from. Once that goes away, an additional 1 3/4% may be taken out on top of what they are already taking out now for retirement for the first six months of 2012.
- Most of the Judiciary's bills are still alive. Things are going as well as they can with respect to the issues that JIFFY is concerned about.
- We are in survival mode for FY2012. It appears the Judiciary will survive in spite of no federal stimulus money.
- The Civil Finance Committee and the House Appropriations Committee have been very sensitive to the Judiciary's concerns. House Bill 2 has a 1% budget cut for the courts overall; however, some courts received a slight increase in their budgets.
- A potential fiscal impact on the budget relative to changes in jury pay.
- The meeting with the governor's husband at the governor's mansion. The main topic of discussion was data transfers to the executive branch. The governor would like to meet with Chief Justice Daniels, AOC representatives and three executive department representatives that have an interest to help facilitate the electronic citations project.
- Article based on California's case management system project.

## **V. Purchase Requests**

**New Agenda Item Added.** Mr. Prisoc advised that the Supreme Court would like to purchase computers for the Building Commission and for the clerk's office. He recommended approval of the purchase and estimated the cost below \$10,000. There was discussion on how the purchase would be funded and the ongoing support cost associated with the computers.

**Judge Knowles moved approval of the Supreme Court's request to purchase computers for \$10,000. Judge Alan Kirk seconded. No further discussion. No opposition noted. Motion carried.**

**Video Equipment for Eddy County Drug Court.** Angela Pineado, the AOC Statewide Program Manager, introduced Eloisa Gonzales, the Magistrate DWI Drug Court Supervisor. They requested approval to purchase a video conferencing unit for the Eddy County Magistrate Court to alleviate current scheduling conflicts. The cost is \$7,800.00. Mr. Prisoc suggested a spending cap of \$10,000 to allow for wiring and unexpected detail costs. Ms. Pineado noted that federal funds would be used to purchase the unit. There was discussion on whether this purchase request fit within the video conferencing policy. Mr. Prisoc noted that Ms. Toevs mentioned to him prior to her departure that this request could be supported. Karen Janes noted that video arraignments took first priority.

**Judge Knowles moved approval of the request to purchase a video conferencing unit for Eddy County Drug Court for \$10,000 to be paid out of federal funds. Mr. Mead seconded. No further discussion. No opposition noted. Motion carried.**

## **VI. Review and Approval**

**MVD Abstract Project.** Mr. Prisoc advised that they would like to have the magistrate courts report through JID to the Motor Vehicle Department (MVD), rather than the current manual procedure wherein a form is completed and sent to the MVD. The prior MVD administration supported this initiative and he is hopeful with the governor's support they could obtain cooperation from all of the agencies that the Judiciary exchanges data with. He recognized Ms. Janes and Tobie Fouratt for their help on this project. This project is now moving into the testing phase.

**Follow-Up on Case Lookup Performance.** Mr. Edwards explained the following:

- At the January JIFFY meeting, it was reported that Case Lookup had been slow for a few months.
- JID Staff performed research over the past six weeks and determined that over time Case Lookup's performance is very good.
- JID had internal and external queries that were generated that involved heavy access to the databases that support Case Lookup. JID Staff are working with the query builders to minimize impact to Case Lookup.
- The activity on Case Lookup is reaching a capacity. In the near future, JID Staff will provide JIFFY with information to refresh the hardware to keep up with the volume that they are experiencing and anticipate in the future.
- In summary, JID Staff feels that Case Lookup is a very successful application, but JIFFY needs to be aware that there are some performance issues that are outside of JID's control. JID Staff are managing Case Lookup issues as best they can.
- JID Staff frequently monitor Case Lookup to ensure that they can identify early on when there is a potential problem so it can be addressed before it becomes too visible.
- Data that is entered into the local servers are uploaded to the central database nightly.

***Action Item: Juanita Duran will send Mr. Edwards a case to investigate a potential synching problem with Case Lookup.***

**Discussion on Feasibility of Conducting Video Hearings in District Courts.** Mr. Prisoc reported the following:

- He received a request from a First Judicial District Court judge for a video hearing. The Video Arraignment Team believes they can handle this request as a pilot.
- He received another video hearing request from a law firm, but he has not responded to that request.
- He voiced concern relative to the resources that are needed to support such requests.

There was discussion on the following points:

- Video hearings are included in the video priority list. Judges can request a video hearing, but private attorneys are not allowed to.
- The video policy may need to be reviewed as the Judiciary receives more video requests.
- The increasing demand for telephonic appearances.
- It is a judge's responsibility to get all parties in a case to agree to a video proceeding. It is not JID's responsibility to ensure that all parties stipulate to a video proceeding.
- The increasing demand for video appearances is placing pressure on JID.
- Rules relative to video hearings.
- Suggestion to consider a fee system that could help support the expansion of the video program.
- The State Bar of New Mexico would support the effort to begin the rules process and let the technology capacity catch up with the rules.
- Ms. Janes prepared a rule for magistrate courts, and she encouraged JIFFY to contact the District Rules Committee about a rule for the use of video in district court cases.

#### **Discussion on Requests to Use Scanners in Courts to Capture Court Documents.**

Mr. Prisoc explained the handout entitled *JIFFY Handout on Use of Scanners to Capture Court Documents*, as follows:

- Fern Goodman, the AOC General Counsel, asked that Eric E. Griego's, of The Griego Agency, Private Investigators, LLC, letter be presented to JIFFY.
- Mr. Griego's request is to obtain the rules and policies that govern his ability to bring his own device into courthouses.
- The Judiciary is learning that it is providing a lot of information to commercial entities.
- Ms. Duran confirmed that the Second's revenues have declined as a result of new technologies.
- He asked JIFFY for guidance for how courts should deal with people who come into the courthouses with scanners and ask for hundreds of files to image and acquire an alternative repository of files.
- He spoke of Alabama's subscription system that allows subscribers to electronically access, download and print copies of any court document.

There was discussion on the following:

- Courts do not have the resources to pull files and make voluminous copies. Suggestion for the Judiciary to develop a system where it would charge for such services. It could prove profitable for the Judiciary.
- Concerns with denying someone access to paper files.
- Security and privacy concerns relative to people being allowed to use electronic devices to copy court files.
- This is a policy decision that needs to be addressed by the Supreme Court.
- The BCMC's policy allows only parties in a case to scan documents.

- Ms. Janes has instructed the magistrate courts to contact Mr. Prisoc if a clerk sees someone using electronic means to scan numerous documents.
- Suggestion for this issue to be forwarded to Joey Moya.
- Suggestion that this issue be addressed by the E-Documents Committee.
- Mr. Griego's request was sent to all of the district courts and to the BCMC.
- A question was raised about whether courts should respond separately to Mr. Griego's request.
- Suggestion to obtain feedback from Justice Petra Jimenez Maes.
- Odyssey courts that are currently scanning documents have a public computer where someone can access any file and print. The copies are printed behind the clerk's desk and then they stand in line for the clerk to charge them for the copies. The Second and the Supreme Court Law Library already follow this practice.

***Action Item: Mr. Prisoc will place this item on next month's JIFFY agenda for further discussion. He also offered to discuss this issue with Justice Maes in the interim.***

**VII. Future Meetings.** Judge Mitchell thanked everyone for adjusting their schedules for today's meeting. She apologized for the length of today's meeting and thanked everyone for their patience. The next meeting is scheduled on Thursday, April 21, 2011 at 9:30 a.m. at the Judicial Information Division.

Ms. Duran advised that the Second's night staff would need to coordinate with JID Staff in terms of updates, backups, etc.

Judge Mitchell adjourned today's meeting at 12:09 p.m.

**VIII. Additional Attachments**

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

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**Final Minutes Approved by Judge Mitchell on March 24, 2010.**