

**Meeting Minutes of the 192nd
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, May 19, 2011
9:32-11:28 a.m.**

Voting Members present:

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

JID Staff present:

Grace Catanach
Andre O'Brien
Marlin Mackey
Trixi Bubemyre

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante called the meeting to order at 9:32 a.m. and established a quorum.

I. Approval of Agenda. To accommodate those who needed to leave early to attend the Re-engineering Commission meeting, Judge Bustamante moved *Review and Approval* to the first item for JIFFY to discuss.

II. Review and Approval

Contract Negotiations with Tyler Technologies. Judge Bustamante advised that the Judiciary received a proposed contract from Tyler Technologies (Tyler) yesterday. He will report back to JIFFY after the Contract Negotiations Team has reviewed the contract.

Discussion on Odyssey Recurring Outages. Renee Cascio reported that the project team experienced problems with Odyssey going down for 2-3 days in a row. The problem was

related to a server that JID Staff could not see, but it got resolved and there have not been any outages since. Marlin Mackey developed firm procedures on notification to courts when there are outages. When an employee is added to the Odyssey system, that employee's email address is added to an email notification list for JID Staff to keep Odyssey users fully informed.

Steve Prisoc referred to the handout entitled *Odyssey Change Control Process Draft* and added the following:

- The Judiciary is an enterprise, particularly with the inclusion of the Bernalillo County Metropolitan Court (BCMC) on Odyssey.
- Any Odyssey court has the ability to take the whole system down, particularly if courts are able to program interfaces that are communicating with Odyssey.
- The recent outage involved one computer at a remote location that was completely invisible to JID Staff.
- He thanked Tyler for helping JID Staff uncover the issue quickly.
- This problem will not occur again, but other problems will and JID Staff will do their best to prevent these problems by working together and making sure that any changes are vetted and thoroughly tested.
- The document outlined the process that JID Staff currently follow.
- He asked JIFFY to review the document and consider formal adoption of the process at some point.

Discussion on JID Proposal to Expand Support of Smartphones. Mr. Prisoc spoke of the following:

- Not long ago, JIFFY voted to support Blackberry smartphones, exclusively, so JID Staff built the infrastructure, and Blackberrys are now able to communicate with the Judiciary's internal systems.
- It has become abundantly clear that Blackberry is no longer the leading smartphone.
- He proposed that JID Staff begin to support Blackberry, I-Phone and Andriod.
- JID has the technology in place with Zimbra, and JID Staff have already tested these devices.
- Smartphone trends.
- JID Staff are currently handling technical support calls on personally-owned smartphones.

There was confusion about the level of support that Mr. Prisoc proposed. Mr. Prisoc explained that his proposal involved supporting personally-owned smartphones for work email and calendaring purposes. Initially, JID Staff would set up the smartphones and connect them to the Judiciary's systems; and then people would call the JID Help Desk and ask for support when their smartphones fail or when they do not synchronize. Justice Petra Jimenez Maes added that due to budgetary constraints, the Supreme Court justices purchased their own smartphones and they depend on JID Staff to provide technical support. There was discussion on calls that should be directed to phone carrier companies and security concerns relative to providing access to

Odyssey.

Judge Knowles moved approval for smartphone support for email and calendars at this point, and whatever else we take on as time goes on. Mr. Prisoc asked for direction in terms of what happens policy-wise if someone misused a personal smartphone while on court business and asked if a Memorandum of Understanding (MOU) should be executed with court employees to clearly define the Judiciary's responsibilities and the court employee's responsibilities. **Judge Knowles clarified that his motion allowed court employees to tie into Zimbra but all charges associated with the personally-owned smartphone would be the responsibility of the court employee.** Mr. Prisoc then asked how to handle roaming charges that a court employee may try to claim while performing court business. **Judge Knowles agreed that a MOU should be executed. He restated his motion as follows: JID provide support to smartphone owners within the court in the form of assisting to obtain access to email and calendars and with the provision that it be made clear that all phone charges, even if its phone charges to get access to court information, are the responsibility of the phone owner.** **Judge Alan Kirk seconded.** Justice Maes spoke of how her smartphone was set up and the \$50.00 corporate charge that she pays monthly in addition to her regular phone bill in order for her to access her work email and calendar from her personal smartphone. **Judge Clay Campbell opposed the motion because it seemed to include all court employees.** There was discussion about JIFFY's prior decision to provide smartphone support to judges and AOC Staff only. **Judge Knowles offered an amendment that support would be limited to those who were authorized to get Blackberry support. Brian Gilmore offered an amendment that smartphone support be extended to court administrators. Judge Knowles accepted Mr. Gilmore's amendment.** There was discussion about extending smartphone support to information technology staff and other court staff, however, due to limited resources at JID, the approach on smartphone support would be done incrementally. There was discussion about authorizing JID to make decisions on smartphone support based on need, however, Mr. Prisoc preferred that JIFFY continue to make those decisions. **No further discussion. Judge Mitchell and Judge Campbell opposed. Motion carried.**

Mr. Gilmore moved to include court administrators and chief clerks for smartphone support. Judge Kirk seconded. There was discussion on the number of chief clerks. **Robert Mead offered a friendly amendment to include all judicial agency heads. Mr. Gilmore accepted the amendment. No further discussion. No opposition noted. Motion carried.**

Continuing Discussion on Need to Refit Some Magistrate Courts to Allow for In-Court Processing. Judge Bustamante advised that JIFFY would address this item in the future.

Discussion on Possible Future Inclusion of Party Address on Public Court Websites.

Mr. Prisoc reported the following:

- JID received a request to include party address in the Odyssey public access module.
- The request was withdrawn.

- While the request was pending, JID Staff researched ten years of JIFFY minutes to determine if JIFFY had ever discussed party address on a public website, and JIFFY had not.

There was discussion on the following:

- The initial request came from the BCMC and it was restricted to civil cases, but they withdrew their request and are now being approached by private vendors that are saying that by not having the addresses available for civil cases, the Judiciary is tremendously increasing their workload and forcing them to come into the courthouses and review the physical files.
- Addresses are not restricted by the Supreme Court rule on personal identifiers.
- The Public Access Subcommittee did not discuss party addresses.
- Suggestion to maintain status quo and not include party address until a further study and review is conducted.

Action Item: Per Judge Bustamante, the Judiciary to maintain status quo of not providing party addresses on public court websites.

Action Item: Per Judge Bustamante, JID Staff to perform research on providing party address on public court websites for further discussion at the July JIFFY meeting. JID Staff to place this discussion on the July JIFFY agenda.

III. Budget and Revenue

Fiscal Year 2011 Projection Report.

JID Revenue Pipeline.

Oscar Arevalo distributed a packet of documents and spoke of the following:

- He apologized for not providing JIFFY with the *JID Revenue Pipeline Report* earlier.
- His staff is still in the process of reconciling and validating transfers to ensure the remittance reports are correct.
- His staff reviewed May's revenue and it appears to be below \$300,000. Typically, April, May and June are the high revenue months, so his staff is working to determine the cause of May's low revenue.
- Budget Adjustment Requests (BARs) were done to cover payroll.
- He referred to the document entitled *Case Management SCAF Receipts Breakdown by Court Type-Fund 078 Fiscal Year 2011* and noted that the Judiciary received another transfer from Las Cruces in the amount of \$36,335.00, and \$11,036.16 from the City of Santa Fe.
- The City of Rio Rancho initiated contact with his staff to get the logistics in place for their red light revenue transfers.
- He then referred to the document entitled *E-File Revenue Sharing Breakdown by Court-Fund 10790 Fiscal Year 2011* and noted that another transfer was received from Tyler in the amount of \$4,291.64 for the electronic filing activity at the Thirteenth Judicial District (Thirteenth). To date, the Judiciary has received a total of \$15,206.94.

There was discussion on Tyler's proposed new electronic filing contract.

Action Item: *Per Judge Bustamante, Mr. Arevalo to prepare revenue projections on what could be received when electronic filing is rolled out statewide.*

Action Item: *Per Mr. Arevalo, Grace Catanach to email the "JID Revenue Pipeline Report" to JIFFY members.*

IV. JIFFY Sub-Committee Activities

Odyssey Steering Committee. Judge Mitchell reported the following:

- The Odyssey Steering Committee (OSC) met yesterday.
- First meeting where Mr. Mackey presented and did a great job.
- OSC discussed Tyler's new electronic filing version and their proposed contract. On Wednesday, May 25th, a working group consisting of members from the Thirteenth, the First Judicial District (First), and the Second Judicial District (Second) will attend a web ex demonstration to view Tyler's new electronic filing product. The OSC Executive Committee will meet on Thursday, May 26th at 8:30 a.m. to consider the working group's recommendation.
- Everything else is on schedule. The BCMC is now live with civil. The project team is working through some issues with the judgment and sentence module.
- OSC will not meet in June. They are back to their every other month meeting schedule. If issues arise between now and their July meeting, the OSC Executive Committee will handle them, or they will be brought to JIFFY.
- Rollouts continue. The Second started their training Monday and it is going well.
- JID Staff are no longer dependent on the internet connection provided at the training facilities—they are now taking their server to training locations and the connection is more stable.

There was discussion on the following:

- The electronic filing rollout schedule will be pushed out if the Judiciary elects to go with the new electronic filing product.
- The impact on the Thirteenth if the new electronic filing product is implemented.
- Juanita Duran shared that the training at the Second is going well and she thanked JID Staff for their assistance.
- JID Staff would like to lock down the number of training attendees, so they can plan accordingly.
- The Second has found it helpful for employees to take actual copies of work product to the trainings to work through issues.
- The Second will address the issue of the Second's staff who did not attend scheduled trainings.
- If the Judiciary elects to go with the new electronic filing version, the Judiciary will be testing the product for Tyler, so there should be some sort of monetary benefit for the Judiciary from Tyler.

E-Documents Committee. Greg Ireland asked JIFFY if the E-Filing Committee should be expanded and he spoke of the following:

- The E-Filing Committee addressed issues specifically related to the pilot project in the Thirteenth.
- Voluntary and mandatory electronic filing periods.
- The Thirteenth recently opened up electronic filing for probate cases.
- Electronic filing decisions made by individual courts. For instance, one district may have voluntary electronic filing and another may have mandatory electronic filing, and the case types available for electronic filing in the different districts. He suggested that JIFFY consider a statewide electronic filing rule to avoid confusion in the legal community.
- He received a call from Tyler yesterday advising of Version 3 and their request for the Thirteenth to travel to Plano, Texas in June to test it for them.
- The new version offers case initiation.

There was discussion on:

- Formalizing the E-Filing Committee.
- Reiteration that the Judiciary receive some monetary benefit if they test Version 3 for Tyler.
- The case initiation piece imposes new data entry for attorneys.
- Going straight to mandatory electronic filing.
- The electronic filing pilot in the Thirteenth purposely adopted a lot of the federal conventions, which made it easier for the legal community in terms of training.
- The primary difference between the Tyler data entry and the PACER federal data entry is when attorneys enter data into the PACER system, it goes directly into the docket, errors and all. However, Tyler's system stops at the clerk's office first for data quality checks prior to the data becoming part of the docket.
- Adding more case types to electronic filing.

Action Item: Judge Bustamante advised that he would meet with Judge Camille Martinez-Olguin, Mr. Ireland and Mr. Prisoc about expanding the E-Filing Committee.

Judge Bustamante asked Mr. Ireland to report on the E-Documents Committee. Mr. Ireland reported the following:

- The E-Documents Committee has met several times.
- They prepared a draft proposal for JIFFY to consider that he will provide next week.
- He provided an outline of the draft proposal, as follows:
 - Moving from a paper-based system to an electronic-based system.
 - All electronic documents will have the same effect as paper documents.
 - Once there is an electronic document, the paper will be destroyed.
 - The public access portion of electronic documents will be the most difficult.
 - The Supreme Court identified protected personal identifying information, so the Committee recommended that JIFFY begin looking at and using redaction

technology. Until that point is reached, the Committee recommended that attorneys who file documents use cover sheets, which contain personal identifying information.

- The Committee recommended that the court adopt a new rule to make attorneys aware that they need to take personal identifying information out of documents and put it in cover sheets.
- The Committee is identifying the Supreme Court approved forms that require personal identifiers so as to advise counsel of the forms that they need to use in conjunction with cover sheets.
- The Judiciary is required by law to provide personal protected identifying information to other government agencies, but once that information is given out, the Judiciary loses control of it.
- Another concept the Committee considered is that electronic data can be mined and sold.
- The Committee recommended the PACER federal court model be the model that the Judiciary uses.
- The Committee recommended secure login.
- Organizations where charges would be waived.
- Recommendation that the Judiciary adopt the Second's recent approval from the State Records Center & Archives to recognize the electronic record as the official record of the court.
- Phase 2.

There was discussion on equipment and resources that would be needed if the Judiciary adopted a statewide rule that the electronic record be recognized as the official record of the court. Judge Bustamante recognized and thanked Joey Moya for his help in this regard.

Action Item: Mr. Ireland advised that he would email JIFFY the E-Documents Committee's draft proposal on Monday.

Action Item: Judge Bustamante asked JIFFY members to carefully review the E-Documents Committee's draft proposal for discussion at the June JIFFY meeting.

Mr. Ireland then advised that he met with Gina Maestas about the Record Proper module and they will select a small Record Proper to test. He asked for direction in terms of hardware, storage space allocated to the Court of Appeals to store Record Propers, and how to provide public access. Ms. Cascio added that she met with John Todd of Tyler and they began the process to determine where the electronic file will be stored at Court of Appeals as well as installing an additional job server to avoid conflicts with other Odyssey jobs.

Mr. Ireland reported that Odyssey is running slower in the Valencia and Sandoval courthouses. Ms. Cascio reported that Tobie Fouratt also noted a significant slowdown at the Roswell Magistrate Court.

Action Item: Mr. Mackey will arrange for bandwidth connections to be checked at the Thirteenth and at the Roswell Magistrate Court.

V. CIO Report. Mr. Mackey reported on behalf of Mr. Prisoc, as follows:

- NICS federal reporting on cases that would restrict some persons from purchasing firearms--New Mexico is one of five states that does not currently report this information. JID Staff tested a process to submit that data to the federal government and the last test proved successful, so the Judiciary is now ready to officially report the information.
- OSC approved Judge Richard Knowles' participation in the upcoming drug court fit assessment. Judge Knowles added that this is an association with the statewide drug court to work to get the drug court databases centralized on a statewide basis. Right now, each drug court has its own individual database.
- JID has been receiving requests from various courts for after-hours and weekend support. Due to current limited resources at JID, JID is only able to provide emergency support. JID is not prepared to go to a seven day work week. Other large state agencies have a central information technology shop and their staff is placed on call and are paid for their on call service.
- Andre O'Brien accepted a job at the City of Albuquerque. JID announced the job vacancy last week. He and Trixi Bubemyre will manage the Client Team until a replacement is hired.

There was discussion on the following:

- The Second's second shift works from 6:00 p.m. to 2:00 a.m., Monday through Friday. Mr. Mackey offered that while the Second is going through conversion and rollout, JID Staff could provide technical support; however, after production, the mechanics would not be available for JID Staff to continue to provide after-hours and weekend support to the Second.
- Ms. Cascio added that she spoke to Mr. Prisoc about after-hours and weekend support to courts when they learned the Second hired a permanent second shift. They agreed that JID is not a twenty-four hour shop. The project team is already working up to thirty hours a pay period overtime.

Action Item: Per Judge Bustamante, it is currently impossible for JID to provide after-hours and weekend support to courts, but this request will continue to grow, so he asked that JIFFY start planning for expanding JID technical support if more revenue materializes.

Action Item: Mr. Mackey offered to provide Ms. Duran with a list of JID Staff to contact for technical support between now and June 13, 2011.

VI. Purchase Requests

San Miguel County District Attorney's Request for Installation of DSL Access to the Internet in the Las Vegas Magistrate Court. Judge Bustamante advised that this request had been withdrawn.

VII. Future Meetings. The next meeting will be held on Thursday, June 16, 2011 at 9:30 a.m. at the Judicial Information Division. Judge Bustamante adjourned today's meeting at 11:28 a.m.

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

Final Minutes Approved by Judge Bustamante on May 26, 2011.