

**Meeting Minutes of the 195th
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, August 18, 2011
9:40 a.m.-12:21 p.m.**

Voting Members present:

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

Voting Members absent:

Judge Camille Martinez-Olguin

JID Staff present:

Marlin Mackey
Carlos Cordova
Grace Catanach
Shawna Hockanadel

Non-Voting Members present:

Justice Petra Jimenez Maes
Arthur Pepin
Steve Prisoc
Renee Cascio

Guests present:

Greg Ireland (*2nd DC*)
Oscar Arevalo (*AOC-Fiscal*)
Jamie Goldberg (*13th DC*)
Frank Dimaggio (*2nd DC*)
Dr. Julie Carroll (*Burger, Carroll & Assoc.*)
Orlando Ulibarri (*9th DC*)(*via video*)
Deborah Torres-Gutierrez (*2nd DC*)(*via video*)
Dave Torres (*1st DC*)(*via video*)
Marcos Garcia (*1st DC*)(*via video*)
Ted Bartz (*13th DC*)
Phil Hedrick (*BCMC*)(*via video*)

Minutes taken by: LaurieAnn Trujillo

I. Approval of Agenda. Judge Michael Bustamante called the meeting to order at 9:40 a.m. and established a quorum. Judge Karen Mitchell asked that a project management request from the Bernalillo County Metropolitan Court (BCMC) be added to today's agenda. Judge Bustamante asked that this item be addressed under the *Odyssey Steering Committee* agenda item. Oscar Arevalo requested that a review of the *FY2013 Judiciary Capitol Outlay Requests* be added to today's agenda. Judge Bustamante asked that this be covered under the *Budget and Revenue* agenda item.

II. Budget and Revenue

JID Revenue Pipeline Report. Mr. Arevalo referred to the packet of documents that had been distributed, and he spoke of the following points:

- The documents entitled *Total SCAF Collections by Court Type and Fiscal Year, Total*

SCAF Collections by Court Type and Fiscal Year (without 13th month), and Total SCAF Collections by Fiscal Year (FY2011 Estimate without 13 Months)

- A gap adjustment will be done this year as a result of closing out Fiscal Year 2011.
- The thirteenth month adds more revenue, but it does not build in a trend on a year by year basis.
- The trend is up from Fiscal Year 2010 to Fiscal Year 2011.
- Revenue for the twelve months came in at just under \$3.8 million for SCAF Regular.
- His staff is gathering data to measure case filings for last year versus case filings for this year.
- The document with the footer labeled *SCAF Cash Flow Analysis.xls 8/18/2011*
 - Fiscal Year 2011
 - The numbers are unaudited, but he believes they are solid.
 - The Judiciary will not revert any monies in the General Fund for Fiscal Year 2011.
 - SCAF Regular revenue of \$4,218,775; expenditures of \$4,458,858, which puts the Judiciary in a deficit. His staff reduced the fund balance that was carried over from last year. The projected ending fund balance this year is \$1,132,821.
 - Odyssey rollout: The Judiciary had a fund balance carryover of \$895,000; estimated revenue of \$833,266; and estimated expenditures of \$1,790,000, so there is a deficit of \$61,734. His staff is working to determine how to cover this gap. Last year, red light camera revenue was used to cover a gap.
 - The fund balance carryover on red light camera revenue is \$227,164; estimated revenue of \$342,252; and SCAF red light expenditures total \$181,613.
 - The hot site expenditures came in below the \$190,000 that JIFFY authorized.
 - The fund balance of red light camera revenue came in at \$387,803. If the Judiciary uses some of this revenue to cover the Odyssey gap of \$61,734, the actual fund balance of red light camera revenue will be \$326,069.
 - Fiscal Year 2012
 - His staff is trying to keep in line with the budget that the Judiciary had for the General Fund.
 - He lowered the revenue projection to \$3.6 million from \$3.9 million.
 - If the Judiciary expends everything that it budgeted, and collects \$3.6 million, it will be in deficit \$1,064,500, which means that the fund balance beginning at \$1,132,821 will drop to \$68,328 in SCAF Regular.
 - \$75,000 was included from the red light camera revenue for a full-time employee.
 - His staff is projecting red light camera revenue to be around \$251,461.

- If the Judiciary spends the \$75,000 for a full-time employee, his staff will increase the fund balance.
- On the Odyssey rollout, the Judiciary will need about \$885,000, and the projected revenue is \$764,538, so there will be a deficit of \$130,462.
- The Judiciary will have a surplus on the red light camera revenue if this scenario is played out, and have a balance of \$502,530 of which \$130,462 will be used to cover the Odyssey rollout deficit, which gives the Judiciary an actual fund balance of \$372,068. That fund balance added to the SCAF Regular fund balance of \$68,321, equals \$440,389 as the fund balance for Fiscal Year 2012.
- He thanked JID Staff for keeping expenditures down.
- The Budget Committee requested to fully fund the JID building lease out of the General Fund, which would increase the SCAF Fund \$494,000 for Fiscal Year 2012.
- He then offered some scenarios and projections for Fiscal Year 2013.
- The document entitled *FY 2013 Judicial Capitol Outlay Request*
 - SCAF Fund capacity to purchase equipment as the Odyssey rollout proceeds and whether or not there will be sufficient funding to accomplish this objective.
 - If the Judiciary receives \$500,000 in Fiscal Year 2013, some funding would free up.
 - The magistrate courts have taken on some purchases that JID would normally cover due to strain on the SCAF Fund.
 - He asked JIFFY to review the individual district court requests.

There was a lengthy discussion on the following points:

- How the Judiciary should request equipment funding monies—have the district courts individually request monies, or consolidate the requests into one capitol request that is submitted by the Administrative Office of the Courts (AOC).
- Approximately \$180,000 is needed to purchase equipment for the upcoming magistrate courts that will rollout Odyssey through the end of the calendar year.
- JID expended \$260,000 for equipment for the Second Judicial District Court's (Second) rollout. This sum does not include software licenses.
- The audit that the Legislature issued to the Judiciary asking that the Judiciary take responsibility for the refresh of hardware every three years.
- Confusion was voiced about what the district courts are expected to cover from their budgets and what JID would cover.
- In the ordinary course of business, the SCAF Fund would fund the replacement of computers for the district courts, however, the Judiciary is not in the ordinary course of business. Due to significant reductions in the SCAF Fund, the Judiciary will not be able to fund computer replacements in Fiscal Year 2013.
- \$1 million was taken from the JID General Fund appropriation, which means the SCAF Fund has had to cover a lot more than it should have.

- A suggestion was offered to submit dual requests and ask the Legislature to choose which one they prefer to fund.
- The Supreme Court needs to make a policy decision in terms of how monies will be requested.
- The Budget Committee seeks direction from JIFFY in terms of how to proceed with the budget requests.
- The deadline to submit budgets to the Legislature is in September.
- Legislative dynamics.
- Upcoming Legislative Session will address Fiscal Year 2012 budgets.
- Computer purchases have been funded by SCAF and the computer enhancement fund.
- Other items that need to be funded, including telecommunications.
- Support was voiced to submit one budget request on behalf of the entire Judiciary.
- Suggestion to have JIFFY pre-screen information technology requests.
- This is the first year that the Judiciary has had to book thirteen months of revenue.
- The instance when some magistrate courts held onto over six months of transfers, which sparked monthly reconciliations of performance measures and monthly timely remittances.
- The decline in case filings.
- The court automation fee is not currently mandatory in district courts.
 - The court automation fee is mandatory in magistrate courts.
 - District court judges rarely assess fines and fees because some cases involve serious felonies that require confinement.
 - Some district court judges currently assess the court automation fees.
 - Suggestion to further explore district courts assessing the court automation fee.
 - Probation and Parole currently collect fines and fees, and they are supposed to send those fees to the courts to record against cases.
 - JID has the ability to report on what has been collected.
 - Some individuals are released from incarceration and probation and do not fulfill the fine and fee component.
 - There is hope that the use of credit cards will help with revenue collections.
- The document entitled *Cash Flow Analysis* notes a high number for contractual services—it includes some basic SCAF contractals. A maintenance component of \$475,000 was included in document. However, at this time, it is not clear what that figure will be and if electronic filing (e-filing) revenue will fully cover the Judiciary's maintenance obligation to Tyler Technologies (Tyler).
- Questions were raised about whether or not the video equipment requests listed in the document entitled *FY 2013 Judiciary Capitol Outlay Request* were acceptable. Steve Prisoc confirmed that they are doable in light of current staff resources.
- Bullcoming Committee will address video testimony.
- Budget Committee will be responsible for prioritizing the capitol request items.

Action Item: Per Judge Richard Knowles, Mr. Prisoc to check if free process for individuals has increased.

Action Item: Per Justice Petra Jimenez Maes, Arthur Pepin to add to the September Chief Judges Council (CJC) agenda the discussion of assessing the court automation fee in district courts. Prior to that meeting, she asked that Mr. Pepin conduct a survey of district court judges to determine who is currently assessing the court automation fee and to ask if they have any concerns with assessing the court automation fee.

Action Item: Per Judge Bustamante, Renee Cascio to generate data and compare where court automation fees are being imposed. He also asked for information on the number of cases times the percentage that has been collected.

Judge Mitchell moved that JIFFY recommend to CJC and the Supreme Court that the capitol expansion for the Odyssey project be made through JID. Judge Knowles seconded. There was discussion on whether or not the BCMC should be included in the capitol expansion for the Odyssey project. Brian Gilmore confirmed that the BCMC had its own funding stream that could support their equipment needs for the Odyssey rollout in Fiscal Year 2013. **Judge Mitchell amended her motion by clarifying that it only applied to the district courts. Judge Knowles accepted the amendment. No further discussion. No opposition noted. Motion carried.**

Judge Mitchell moved that JIFFY support the video equipment capitol requests from the Fifth Judicial District and the Eighth Judicial District, as listed in the document entitled FY 2013 Judiciary Capitol Outlay Request. Mr. Gilmore seconded. No further discussion. No opposition noted. Motion carried.

Judge Bustamante welcomed Dr. Julie Carroll of Burger, Carroll & Associates. Dr. Carroll added the following:

- The issues regarding public access in the Second and the version changes in the BCMC are being dealt with.
- With respect to the BCMC's project management hours change request, she mentioned that JID did this with the statewide rollout project, and it worked out fine.

III. JIFFY Subcommittee Activities

Odyssey Steering Committee. Judge Mitchell reported that the Odyssey Steering Committee (OSC) did not meet this month. She deferred to Mr. Gilmore to explain the BCMC's project management hours change request. Mr. Gilmore and Phil Hedrick offered the following:

- The BCMC has their Tyler project manager onsite.
- Mr. Gilmore referred to the untitled handout and noted that they currently have 241 hours reserved in the project management category and would like to increase those hours by 1100 by transferring hours from other categories.
- They proposed reducing the conversion category by 220 hours, reducing the configuration category by 200 hours, and reducing the development category by 900 hours, and placing those hours into the project management category to allow the BCMC

sufficient hours for Tyler's project manager to assist them with configuration and conversion tasks.

- A large fraction of development work has already taken place.
- The BCMC is comfortable with moving these hours.
- Tyler's project manager is essential to the configuration process.
- This request does not require a change to the contract.
- The BCMC has eighteen months left in its project.

Judge Knowles moved approval of the BCMC's request to move 1100 hours to the project management category. Robert Mead seconded. No further discussion. No opposition noted. Motion carried.

Action Item: Mr. Gilmore will forward the necessary paperwork to Mr. Pepin to execute.

E-Documents Committee. Judge Bustamante advised that the E-Documents Committee is ironing out a few items prior to presenting their draft proposal to JIFFY to consider.

IV. CIO Report. Mr. Prisoc offered to email JIFFY Members a summary of his CIO Report. He introduced Carlos Cordova, the new JID Client Team Manager, and he recognized Shawna Hockanadel for monitoring the video connections for today's JIFFY meeting.

Action Item: Mr. Prisoc offered to email JIFFY Members a summary of his CIO Report.

V. Purchase Requests

a. Second Judicial District Court's Purchase Requests (upgrade monitors to 24" for clerks and judges- \$100,000; wireless system for judges- \$50,000; wireless system for DA, PD and public- \$50,000; In-Session for judges and clerks- \$130,000, approximately). Frank Dimaggio presented on behalf of Greg Ireland. He explained the following:

- The funding that the Second is requesting for these items will not become available until July.
- The Second hopes to implement these items after Odyssey is rolled out and JID Staff are available to assist them.
- The Second is requesting to purchase 24" monitors for clerks and judges; a wireless system; and In-Session for judges and clerks.
- This is a capitol request, and the Second will fund the purchases.

Judge Clay Campbell added the following:

- The 24" monitors will facilitate the split screen function.
- The Thirteenth Judicial District (Thirteenth) uses 24" monitors.
- A wireless system is essential for judges to conduct legal research from the bench.
- The Second has received requests from the district attorney's office and the public defender's office to have a wireless system installed at the Second.

- The Second does not intend to implement In-Session in the near future. At this point, they are seeking approval to purchase the licenses when funding does becomes available.

There was discussion on the paperless system utilized in Lee County, Florida.

Judge Knowles moved that JIFFY approve the Second's request as laid out in the agenda. Judge Campbell seconded. There was discussion on the dollar figures; concerns were voiced about ensuring the wireless system is secure; the Judiciary has authorized wireless systems in some courts, but the district attorney's office funded the wireless system and they are completely separate from the Judiciary's system; In-Session for judges includes touch screens; Tyler has yet to release pricing for the In-Session statewide license; the Second's request is for a statewide In-Session license; the Second's request for monitors does not overlap the touch screens that will be included with In-Session for judges; the Thirteenth currently holds five individual In-Session for judges' licenses; Jamie Goldberg is the new court administrator at the Thirteenth; In-Session for clerks does not include touch screens; In-Session for judges would be a beneficial project to consider in 2013; and In-Session for clerks is a much larger project. **No further discussion. No opposition noted. Motion carried.**

VI. Review and Approval

a. Report on Second Judicial District's Issues Relative to Public Access. Mr. Prisoc reported the following:

- JID Staff are working with the Second to implement public access in the lobby area.
- Public access would be available to any walk-in using the Odyssey public access module.
- Modifications are necessary--restricted parties need to be obscured, and public access kiosks need to be configured, so records cannot be deleted and the operating system and network are not accessible.
- The Second expected to implement public access upon implementation of Odyssey; however, it was not practical given the public access module's deficiencies.
- JID Staff are moving as quickly as they can. JID will expend \$26,000 for enhancements to the public access module to make it usable.
- The anticipation of this project is that the technology can be utilized in other courts.

There was discussion on the following:

- The implications that the Second has suffered as a result of the public access issue.
- The Second respectfully requested that the September 1st e-filing pilot date be moved out to September 15th to allow their clerk's office the opportunity to catch up on case processing/docketing.
- The Second's e-filing pilot period has already begun with two law firms. The pilot will then be available to everyone else beginning on September 1st. The Second's e-filing go live date is set for October 31st.
- Concerns were raised about delaying e-filing at the Second.
- In the event that public access is delayed past the October 31st e-filing go live date, Mr.

- Pepin offered to seek funding to hire temporary staff to assist the Second's clerk's office.
- Concerns were raised about the Second's e-filing information already being publicized to the legal community, so it may not be possible at this point to change the e-filing dates.

Judge Campbell moved that the Second be allowed to move out the e-filing pilot date from September 1st to September 15th; and in the meantime, the Second continue the experiment with the two law firms. Motion failed for lack of a second.

Action Item: Judge Bustamante asked that Judge Campbell and Mr. Ireland meet with Mr. Pepin to discuss funding for temporary staff to assist the Second's clerk's office.

b. Discussion on Need to Limit New IT Expansion Tasks and Projects until CY2013. Mr. Mackey referred to the documents entitled *Odyssey Project Risk Summary August, 2011*; *JID Odyssey Schedule*; and *Odyssey Parking Lot List August 15, 2011*, which were emailed to JIFFY Members. He spoke of the following points:

- These documents define the framework for how JID Staff controls scope to ensure that Odyssey is fully implemented by the end of next year.
- OSC reviews the Risk Management Plan at every meeting. The plan originally had thirty-four risks. Nine risks have been closed, and twenty-five are currently outstanding.
- The document entitled *Odyssey Project Risk Summary August, 2011* outlines Risks 4, 7, 30 and 33, which he raised the level of risk on due to the workload that Odyssey has created for JID Staff.
- The document entitled *JID Odyssey Schedule*
 - Lines 1-10 reflect the Odyssey projects that JID Staff have been working on as of May 1st.
 - Lines 14-30 are items that have been added or will be added from today through the rest of the year and into next year.
 - There is a significant number of projects that have increased, such as e-filing, public access, conversion tasks relative to the BCMC attorney table, and Odyssey versions upgrades.
 - Computers will need to be refreshed between now and the end of next year.
 - The disaster recovery system is in place. The BCMC and the Second assisted JID Staff in a test of the disaster recovery site. The hot site switch over will need to take place at the BCMC or at the Second. Another test is scheduled to ensure that the latest data is being accessed.
 - E-Filing tasks that JID Staff are working on relative to the district courts that have already implemented Odyssey.
 - JID Staff are working on changes relative to desktop and network support that were requested in the security audit.
- The document entitled *Odyssey Parking Lot List August 15, 2011*
 - Items 1-15 reflect projects that have been requested throughout the Odyssey

- rollout and have been placed on the parking lot.
- The parking lot serves as a placeholder for projects that can be considered in the future.
- Items 13-17 reflect projects that were approved to be implemented; for example, e-filing, Odyssey version upgrades, and public access.
- JID Staff are working with Tyler to determine when they can test the public access module.
- JID Staff continue to support the old system.
- JID Staff recently delivered ninety computers to the magistrate courts for the September rollout.
- One item that is not currently on the parking lot list is the decision by the Motor Vehicle Department (MVD) to remove their current MVD access for law enforcement and courts and go to a new system that they designed. JID Staff have been involved in implementing this system in courts throughout the state.
- Risk increases significantly for those projects in the parking lot that reach the two year mark due to changes in industry and technology.

There was discussion about the unexpected conversion tasks that JID Staff were recently involved in relative to the BCMC's attorney table.

Action Item: Mr. Prisoc asked that the BCMC, the BCMC Tyler project manager, and the JID Applications Team work together to anticipate issues that could potentially arise relative to future implementations.

Action Item: Justice Maes clarified that no court can add attorneys to the attorney tables—this needs to be done solely by the Supreme Court.

c. Discussion on Display of Party Address on Public Court Websites. Mr. Gilmore advised that a committee was formed to address the whole public access issue.

d. Request for Guidelines on Criminal Sentencing Recording Standards in Odyssey. Ms. Cascio referred to the untitled documents that were attached to the JIFFY agenda, with the link labeled *standards.pdf*; and she spoke of the following:

- The documents reflect two screen prints from the Odyssey system.
- The Second receives judgment and sentence pleadings from the district attorney's office, and they indicate sentences as: five years, minus one day, for example.
- Odyssey is not configured to calculate that sort of transaction.
- She asked for JIFFY's direction in terms of how to proceed.

There was discussion on the following points:

- Tasking clerks with the calculation of sentences increases the amount of data entry time as well as risk for errors.

- A suggestion was offered to ask the Second's chief judge to contact the district attorney's office and ask that they include the sentence dates on the judgment and sentence pleadings that they generate.
- A suggestion was made to charge the judges to do the calculation at sentencing.

Action Item: *Ms. Cascio and Mr. Prisoc will meet with the Second's chief judge to further discuss this issue.*

e. Proposal to Use Odyssey Public Access (OPA) for E-Filing Attorneys without Limiting Access to Just Those Cases Assigned to the Attorneys, and the Need for JID Staff to Create 1,800 Logins, just to start, in order to ensure secure access OPA. Mr. Prisoc spoke of the following:

- JID Staff learned it is not currently possible to make Odyssey public access available to e-filing attorneys and still restrict their access to cases.
- The original plan to provide access to attorneys in a case does not work well.
- He proposed that JIFFY allow e-filing attorneys access to all cases and documents, except those that are sealed.
- He met with the AOC management team and they felt that a disclaimer on the front web page is essential. The disclaimer would include the following language: *"This is confidential information. Do not give out your login or password. You will not disclose this information to non-parties."*

There was discussion on the following:

- There would be issues if it is later decided that a fee will be assessed for access to documents.
- A question was raised as to whether or not Mr. Prisoc's proposal was an interim solution; and Mr. Prisoc confirmed that it was an interim solution.

Action Item: *Judge Mitchell asked that JID Staff clarify in the disclaimer that the proposal to allow e-filing attorneys access to all cases and documents, except those that are sealed, is an interim solution.*

Action Item: *Mr. Prisoc will draft a disclaimer for JIFFY to consider at its next meeting. Justice Maes asked that Mr. Prisoc include an "acceptance" in the disclaimer.*

f. Discussion on 2013 IT Plan. Mr. Prisoc referred to the document entitled *New Mexico Judicial Branch Information Technology Plan for Fiscal Year 2013 Draft (8/11/11) September 1, 2011*, which was attached to the JIFFY agenda, and he explained the following:

- The Judiciary has less than two weeks to present their plan to the Department of Finance and Administration, the Legislative Finance Council and the Department of Information Technology.
- The draft plan is an update from last year's plan.

- The draft plan includes the same initiatives from last year, such as continuity, disaster recovery, e-filing and EDMS support.
- The draft plan includes a new initiative for telecommunications. A full enhancement of telecommunications will get the Judiciary where it needs to be in order for Odyssey and document management to function properly. The enhancement will cost about \$614,000, and recurring costs would be \$480,000, once the Judiciary purchased the hardware. Refresh of hardware will need to be done, periodically.
- JID is currently refreshing all routers.
- JID is currently covering the telecommunications recurring costs of \$360,000, so the plan is to ask the Legislature to subsidize the Judiciary's statewide telecommunications network.

Action Item: Per Judge Bustamante, JIFFY Members to review the draft plan and provide comments to Mr. Prisoc.

VII. Future Meetings. Due to scheduling conflicts, Judge Bustamante cancelled the September JIFFY meeting.

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

IX. Adjourn. There being no further business, Judge Bustamante adjourned today's meeting at 12:21 p.m.

Final Minutes Approved by Judge Bustamante on August 31, 2011.