

**Meeting Minutes of the 177th
Judicial Information Systems Council (“JIFFY”)
Judicial Information Division (“JID”)
Thursday, October 22, 2009
9:35-11:44 a.m.**

Voting Members present:

Judge Michael Bustamante, Chair
Judge Karen Mitchell, Vice Chair
Judge Richard Knowles
Judge Clay Campbell
Judge Camille Martinez-Olguin
Judge Robert Corn
Jan Perry (*via video*)
Juanita Duran
Brian Gilmore
Helen Miller
Robert Mead

Voting Members absent:

Judge Alan Kirk
Dennis Jontz

JID Staff present:

Andre O’Brien
Tom Edwards
Jerry Wise
Trixi Bubemyre
Suzanne Winsor
Grace Catanach

Non-Voting Members present:

Justice Petra Jimenez Maes
Arthur Pepin
Steve Prisoc
Pauline Toevs

Guests present:

Oscar Arevalo (*AOC-Fiscal*)
Deborah Gutierrez-Torres (*2nd District*)
Frank Dimaggio (*2nd District*)
Karen Janes (*AOC*)
David L. Torres (*1st District*)
Orlando Ulibarri (*9th District*)(*via video*)
Dr. Julie Carroll (*Burger, Carroll & Assoc.*)

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante called the meeting to order at 9:35 a.m. and established a quorum.

I. Approval of Agenda. The agenda was accepted as presented.

II. Budget and Revenue

JID Revenue Pipeline Report.

Fiscal Year 2010 Projection Report.

Arthur Pepin advised that the Special Legislative Session is moving at different speeds so it is not clear of their direction. They will work on cash funds and fixing FY2009.

Oscar Arevalo reported the following:

- The amount for the Bernalillo County Metropolitan Court (“BCMC”) should have been split on the page entitled *SCAF Revenue Breakdown by Court Type-Fund 078, Fiscal Year 2010*, which was included as part of the *JID Pipeline Report* that was attached to the JIFFY meeting agenda.
- He received a report from Tom Edwards on the receipts. He is working with JID Staff to figure how much is being generated from the additional \$10.00 civil filing fee.
- He received reports from the BCMC and the new Odyssey system for the first quarter. Starting next month, his staff will start tracking these by month once the deposits clear.
- The Department of Finance and Administration (“DFA”) had not yet closed the books. The estimated collection at this point for September is about \$415,000.00, taking into account the additional \$10.00 civil filing fee.
- He addressed concerns related to the significant fund balance by noting that there are bills coming due that will reduce the fund balance significantly.
- He explained the *Fiscal Year 2010 Projection Report*, which was emailed to the JIFFY members. Any decrease in the general fund will need to be absorbed by the SCAF fund. He is projecting a significant increase in the FY2010 budget because the general fund was cut approximately \$300,000.00 from 2009 to 2010, so SCAF will have to pick that up. Another expenditure that will hit the SCAF fund this year is the Odyssey maintenance agreements.
- He referred to the projections for FY2010 and FY2011. He noted that \$406,000.00 was boxed in for the recurring equipment replacement that needs to be built into the SCAF budget.

There was discussion on the following points:

- A 2% cut equates to about \$28,000.00 for JID.
- Any cut will need to be absorbed by the SCAF fund.
- Priority-fixed costs.
- Cost cutting measures at JID.
- Cost cutting measures for the magistrate courts.
- The legislative session in January could prove more painful to the Judiciary.
- Red light camera revenue.

III. JIFFY Sub-Committee Activities

Judges User Group. Judge Karen Mitchell reported that the Judges User Group (“JUG”) met this morning, reviewed the disposition codes and identified the sentencing indicators for DWI and aging clock configuration. JUG hopes to discuss decisions at next month’s meeting.

Public Access Subcommittee. Judge Mitchell commended LaurieAnn Trujillo for her hard work on the minutes and for capturing the discussions, history and evolution of the Public Access Subcommittee (“PAS”) document. PAS did not meet in October to allow time for revisions to be made to the draft document. PAS will meet again on November 10th. PAS plans to present their draft document to JIFFY in November.

Odyssey Steering Committee. Judge Mitchell spoke of the following points:

- The Odyssey Steering Committee (“OSC”) met yesterday.
- The Odyssey Executive Committee met on October 1st. She referred to the handout entitled *Odyssey Executive Committee Meeting, Executive Summary*. They voted to extend the QA Period by eight weeks thereby moving back the rollout for the remaining pilot courts. They felt it was necessary to do this based on forms and conversion issues. They do not anticipate that this extension will add to the end of the rollout and believe this time will be made up at the back end. JID communicated this plan to the remaining pilot courts and they were supportive of having a product that works.
- Forms issue. JID Staff seek direction on the scope of the forms. Mr. Edwards will provide OSC with a position to vote on and then OSC will bring that recommendation to JIFFY for consideration.
- Contracts relative to the remote document storage and the electronic filing projects.
- OSC made a recommendation that Mr. Edwards be allowed to continue to explore contract negotiations with Tyler Technologies (“Tyler”) to expand the contract for project management and conversion hours through the pilot courts. She referred to the handout entitled *Impact of Conversion on Remaining Pilot Courts*. JID Staff estimate a shortfall of \$101,430.00 on project management and conversion hours, despite already moving hours from other buckets. She spoke of possible funding sources.
- Accomplishments during QA Period
 - Data cleanup.
 - Reports for magistrate courts.
 - JID Staff can develop tokens.
 - Testing three versions of Tyler’s product.
 - Farmington Magistrate’s first data conversion push will occur in early December.
 - Second push for the Seventh Judicial District Court will be done in a month.
 - Implementation guide.
 - Memorandum of Understanding (“MOU”) between the AOC and the courts. OSC made recommendations to the draft MOU and OSC will bring the revised MOU to JIFFY next month for consideration.
- Status reports
- Judicial Education Center (“JEC”) will provide travel funds for the rollout process.
- Redesigning user groups in the future.

Judge Richard Knowles moved approval of OSC’s decision to extend the QA Period by eight weeks. Judge Clay Campbell seconded. No further discussion. No opposition noted. Motion carried.

Judge Mitchell moved to allow Mr. Edwards to continue to explore negotiations with Tyler to expand the contract for project management and conversion hours and to also identify a funding source. There was discussion on funding sources. Robert Mead seconded. No further discussion. No opposition noted. Motion carried.

IV&V Report. Dr. Julie Carroll of Burger, Carroll & Associates reported on the following points:

- Increased risk relative to extension of the QA Period. There is potential to make up the time on the back side.
- Training
 - JID added pre-training for the Trial Court Administrative Assistants.
 - Training on data clean up was provided to magistrate clerks.
- New error reports are being provided earlier to JID Staff, so they can correct problems earlier with the pushes.
- Not yet seeing reduced time in the schedule for data reviews
- Tyler is performing field to field mapping and improving documentation. She encouraged a collaborative effort with JID Staff.
- Forms continue to be problematic.

There was discussion on the following:

- Information has been obtained from the State of Minnesota concerning their problems with forms.
- JID Staff were aware of token deficiencies in the forms a year ago. They have communicated with other jurisdictions to see how they dealt with the problems. JID Staff were not aware of how flexible the forms had to be to satisfy the judges.

E-Filing Subcommittee. Steve Prisoc reported the following:

- The E-Filing Subcommittee (“EFS”) did not meet in October.
- The need for meetings has decreased since a vendor has been selected.
- EFS started working on a contract with the vendor, WizNet.
- Training is scheduled in Grants on October 27th.
- EFS hopes for the first filing in the near future.
- Many projects will be occurring at the Thirteenth Judicial District Court (“Thirteenth”), so activities will have to be staggered.

Judge Camille Martinez-Olguin added that notifications had gone out to the local bar. The target for e-filing at this point is civil cases. Attorneys and court staff are interested and positive. They are hoping to start in mid-November. The pilot will begin in Grants, then move to Sandoval in January and then to Valencia.

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

- New plaques awarded to the JID Field Technicians and to the Video Arraignment Team from the Magistrate Clerks Association.
- Helen Miller was recognized as employee of the year at the Magistrate Court Clerks Conference.
- Mr. Pepin was also recognized for his work.
- Mr. Prisoc recognized Karen Janes for her great work.
- JID Staff completed production of the core tools performance measures on the three

efficiency measures for courts.

- New inside website for immigration topics. The JID Development Team has taken on all of the Judiciary's web work. Vacancy savings with the webmaster position.
- SPAM emails have increased significantly recently. Judges can request that JID Staff elevate their level of SPAM blocking.
- Virus-infected emails.
- He serves as a member of the Technology Users Committee of the New Mexico Bar.

Action Item: Per Mr. Prisoc, Judiciary employees to contact the JID Help Desk at 505/476-6911 to report if a computer's performance has slowed down, so JID Staff can diagnose the problem and recommend tools that Judiciary employees can use to correct problems.

Action Item: Per Mr. Mead, Mr. Prisoc to invite the Technology User Committee to the PAS meetings.

V. Purchase Requests

Second Judicial District Storage Server. Juanita Duran noted that in November of 2008, JIFFY discussed the remote document storage license that was \$175,000.00 for the entire Judiciary. The Second Judicial District Court ("Second") was to pay \$25,000.00 of that amount with other agencies being responsible for the remainder. The amount included a server up to the amount of \$5,000.00. The server is \$2,300.00, but the memory the Second needs is \$7,800.00. She asked JIFFY for clarification.

Judge Knowles moved approval of the revised budget for the server and associated memory. Judge Mitchell seconded. No further discussion. No opposition noted. Motion carried.

Court of Appeals VoIP for New Building. Judge Bustamante referred to the quote from Access Technologies, Inc., which was included in the JIFFY supplemental meeting packet. He advised that the Court of Appeals ("COA") building in Albuquerque is near completion; and in an effort to future-proof the building, the COA would like to purchase two WiFi systems, one for the public and one for the court. The quote is for \$11,651.06.

There was discussion on the following points:

- Security concerns
- WiFi for court purpose would be locked.
- Mr. Prisoc supported the purchase.

Mr. Mead moved approval of the COA WiFi purchase request of \$11,651.06 based on JID's comfort with the security. Mr. Prisoc mentioned that JID Staff are working closely with COA employees. **Judge Knowles seconded.** There was further discussion on the BCMC's and the Thirteenth's WiFi systems and suggestions on how to set up the public's WiFi system. Mr. Prisoc offered to meet with Brian Gilmore and Phil Hedrick as well as other state agency

representatives relative to their experiences with WiFi systems. Judge Bustamante invited interested parties to contact him to schedule a tour of the new COA building. **No further discussion. No opposition noted. Motion carried.**

VI. Review and Approval

Update on Second Judicial District's EDMS Project. Ms. Duran advised that the Second is moving forward on phase three. The projection report had not been updated since the Second's recent major purchases. She understands that as of this morning, there is \$291,000.00 left of the \$1.3 million appropriation. The Second is waiting on consulting services on the software/hardware purchase and they anticipate that by June 10th all of the fund will be expended.

Discussion on Odyssey Business Continuity for the Second Judicial District Court and the Metropolitan Court. Mr. Prisoc referred to the monitors which reflected a graphic of the existing Odyssey server array at JID. He spoke of the following points:

- Definition of a "hot site".
- BCMC data center would receive data through Qwest's metropolitan Ethernet.
- Redundant routes. Intermediate redundant service is \$2,000-3000/month.
- JID: new generator, new switches, power conditioning and excellent UPS systems which raise the Judiciary to a much higher redundancy and business continuity capability.
- If systems fail, JID will have back-ups.
- Most likely failure would be a break in communications.
- Business continuity.
- FACTS servers throughout state go down frequently.
- Communication outages on T1 lines and 56K courts.
- Once all courts are on Odyssey, it would be a serious failure because all courts would be down. This would affect the larger courts most.
- Collective number of courts increases the overall consequence.
- Odyssey court versus FACTS courts.
- Clustering servers and using virtual service.
- Not sure how much the hot site will cost.
- Geographic cluster for Santa Fe, Albuquerque and Las Cruces.
- The Second will connect to the BCMC through the Qwest Ethernet.
- As the Judiciary nears this, quality of service guarantees would be negotiated with Qwest.

There was discussion on the following points:

- Data from courts outside of Albuquerque would be stored at the hot site.
- Periodic updates.
- Risk factors for the case management system would be reduced.
- Hot site is not budgeted for in the case management budget.
- Memory, server functionality and disk space.
- Wireless radio link for the Second and the BCMC.
- Primary link between the Second and Children's Court is the wireless radio link. The T1 is

the back up link.

- Time line for a hot site. Mr. Prisoc noted that a hot site needed to be done before the Second and the BCMC go live with Odyssey.

Action Item: *Per Judge Bustamante, Mr. Prisoc to obtain an estimate for the total cost of a hot site.*

Action Item: *Per Mr. Gilmore, Mr. Prisoc to explore redirecting IP addresses to the new servers for the outlying courts to get them up and running more quickly.*

Action Item: *Per Frank Dimaggio, Mr. Prisoc to investigate a wireless radio link for the Second and the BCMC.*

Action Item: *Ms. Duran requested that ongoing discussions with the Second, the BCMC and JID Staff continue as the Second and the BCMC near the implementation of the case management system to ensure there is sufficient speed and connection.*

Email Retention Draft Policy. Mr. Prisoc referred to the document entitled *Draft E-Message Retention Policy for Discussion*, which was attached to the JIFFY meeting agenda. He spoke of the following:

- A committee was appointed to explore and draft a policy.
- The committee reviewed other email retention policies.
- He is proposing that JID create an email address labeled "retention@nmcourts.gov" and anyone who has a retainable email would copy or forward that retainable email to this address and it will be saved indefinitely.
- The draft policy proposes that all of the Judiciary's email would be erased after 180 days to free up server space.

There was discussion on the following points:

- Server space
- Inspection of Public Records Act ("IPRA") concerns.
- Concerns with the retainable email address and putting earnest on the user to decide whether or not to save a particular email.
- Concerns with the draft policy.
- Concerns that JIFFY may not be the appropriate body to be deciding this issue for the entire Judiciary.

Action Item: *Per Judge Bustamante, JIFFY members to email their ideas about the draft policy to other JIFFY members and to Mr. Prisoc before the next JIFFY meeting.*

Action Item: *Per Justice Petra Jimenez Maes, Mr. Mead to email JIFFY members the link to the Public Regulations.*

Discussion on Proposal from the New Mexico Department of Public Safety to Supply “Flat” Print Technology to Courts. Mr. Prisoc explained the document entitled *New Mexico AFIS FastID Upgrade*, which was included in the JIFFY supplemental meeting packet. He spoke of the following points:

- What flat print technology involved.
- This cost of this device is \$2,500.00.
- The court would need an internet connection.
- He spoke of an expungement.
- The New Mexico Department of Public Safety (“DPS”) believes this device would be a great tool for the courts.
- DPS would provide these devices for as many courts as we want at a cost of \$2,500.00 per device.
- This information was provided to the Administrative Office of the District Attorneys.

The following points were discussed:

- Concerns with the courts paying for this device.
- Suggestion for information to be provided to the courts and the individual courts could then decide if they are interested in purchasing the device.

Action Item: Per Judge Knowles, Mr. Prisoc to provide the information to the courts so they can decide if they wish to purchase the DPS device.

Discussion on Hiding Petitioner on Case Lookup Domestic Violence Protective Order Cases. Mr. Prisoc referred to the handout entitled *Zimbra Protective Orders*. He explained the following:

- The handout is a printout from his email of an Albuquerque Journal article relative to the problems that private investigators believe the Judiciary created when it stopped putting petitions for protective orders online.
- State statute from 2007 and the act for tribes and states.
- Problems with displaying victim names.
- Complaints received.
- The inside and outside Judiciary web sites.
- Spot check of cases.

There was discussion on the following points:

- The register of actions.
- Not displaying petitioner party types.
- Cases that involve circumstances where there are two causes and both parties filed against each other.

Action Item: Per Justice Maes, Mr. Prisoc to investigate other states that are not displaying petitions for protective orders online.

VII. The next meeting will be held on November 19, 2009 at 9:30 a.m.

VIII. Adjourn. Judge Bustamante adjourned today's meeting at 11:44 a.m.

IX. Additional Attachments

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

Final Minutes Approved by Judge Bustamante on November 12, 2009.