

**Meeting Minutes of the 187th
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, October 21, 2010
9:34 a.m. - 12:15 p.m.**

Voting Members present:

Judge Karen Mitchell, Vice Chair
Judge Camille Martinez-Olguin
Judge Clay Campbell (*via video*)
Judge Duane Castleberry
Juanita Duran
Jan Perry (*via video*)
Brian Gilmore (*via video*)
Robert Mead
Tobie Fouratt

Voting Members absent

Judge Michael Bustamante, Chair
Judge Richard Knowles
Judge Alan Kirk
Dennis Jontz

JID Staff present:

Brian Eckert
Andre O'Brien
Tom Edwards
Grace Catanach

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante was out of town, so Judge Karen Mitchell presided on his behalf and called the meeting to order at 9:34 a.m. She established a quorum and welcomed Tobie Fouratt, who replaced Helen Miller as the magistrate court representative on JIFFY.

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

II. Budget and Revenue

Fiscal Year 2011 Projection Report. Oscar Arevalo explained the *Fiscal Year 2011 Projection Report* that was emailed to the JIFFY members.

Non-Voting Members present:

Justice Petra Jimenez Maes
Arthur Pepin
Steve Prisoc
Pauline Toevs

Guests present:

Oscar Arevalo (*AOC-Fiscal*)
Mike Mellos (*Burger, Carroll & Assoc.*)
Karen Janes (*AOC*)
David Torres (*1st DC*)
Deborah Torres-Gutierrez (*2nd DC*)(*via video*)
Frank Dimaggio (*2nd DC*)(*via video*)
Aurora Sanchez (*Legislative Finance Committee*)
Orlando Ulibarri (*9th DC*)(*via video*)
Greg Ireland (*13th DC*)

JID Revenue Pipeline Report. Mr. Arevalo distributed the following documents: *JID's Revenue Pipeline-FY11*; *SCAF Revenue Breakdown by Court Type-Fund 078 Fiscal Year 2011*; *Case Management Revenue Pipeline-FY11*; and, *Case Management SCAF Receipts Breakdown by Court Type-Fund 078 Fiscal Year 2011*. He explained the following points:

- These documents replaced the ones that were attached to the JIFFY agenda.
- *JID's Revenue Pipeline-FY11*
 - Estimated unaudited carryover of \$1,372,904.55 in the SCAF Fund.
 - With the projected revenue of \$3.7 million and a budget of \$4,283,000.00, the fund balance dropped approximately \$550,000-600,000. The fund balance will be depleted this year.
- *SCAF Revenue Breakdown by Court Type-Fund 078 Fiscal Year 2011*- the Motor Vehicle Division's (MVD) September transfer of \$138,682.00 arrived late. That amount will be applied to October along with the regular October deposit.
- *Case Management Revenue Pipeline-FY11*- this document noted the funds reserved from the extra \$10.00 civil filing fee that his staff is tracking in terms of what they did as a carryover.
- *Case Management SCAF Receipts Breakdown by Court Type-Fund 078 Fiscal Year 2011*- this document noted the breakdown of the additional \$10.00 civil filing fee on the left side, and the red light revenue received from Las Cruces on the right side. Red light camera revenue will be tracked from Santa Fe Municipal once it starts coming in.

There was discussion on potential budget scenarios and future budget concerns.

III. JIFFY Subcommittee Activities

Judges User Group. Judge Mitchell reported that the Judges User Group did not meet in October.

Odyssey Steering Committee. Judge Mitchell reported the following:

- The Odyssey Steering Committee (OSC) met yesterday.
- The project team completed a successful implementation at the Carlsbad District Court.
- No changes to the risk and issue documents.
- She asked Steve Prisoc to report on the maintenance cap. Mr. Prisoc spoke of the upcoming meeting with Tyler Technologies (Tyler) representatives on November 2nd to work towards capping maintenance at \$500,000.00, annually.
- Judge Mitchell referred to the document entitled *Hot Site/Disaster Recovery Communications Proposal*, which was included in the JIFFY Supplemental Packet. OSC approved the Service Level Agreement (SLA); but disaster recovery was not budgeted for in the case management appropriation.
 - Judge Mitchell asked Tom Edwards to explain the SLA. He noted that the SLA outlined the responsibilities of JID, the Second Judicial District Court (Second), and the Bernalillo County Metropolitan Court (BCMC) should an outage occur. It also outlined how we move through the process until we reach a point where we

- determine either that we found and resolved the problem and are back online, or it is a significant event and we have to invoke the disaster recovery plan.
- Brian Eckert, JID Systems Manager, then provided a presentation of the diagrams attached to the document entitled *Hot Site/Disaster Recovery Communications Proposal*. Mr. Eckert spoke of the following:
 - The most likely outage is network.
 - Currently, JID has one line that runs out the front of the building to a Qwest central office in Santa Fe (see diagram on page 4). If that line is cut, JID would be out of business. JID is proposing that a second line be established (see page 5) and run out the back of the building and to a different Qwest office in Santa Fe. The one-time cost for this proposed solution is \$28,000.00, with a monthly recurring cost of \$3,005.68.
 - Page 6 illustrated the current configuration at the Second and at the BCMC. Both courts have their own connections to the same Qwest office in Albuquerque. Page 7 illustrated a proposal to install a laser link between the Second and the BCMC. This proposal has a one-time cost of \$6,000.00, with a monthly recurring cost of \$700.00.
 - The solution noted on page 8 would establish two separate lines out of the Second and out of the BCMC. The one-time cost for this solution would be \$40,000.00, with a monthly recurring cost of \$5,616.00. This option is not being considered at this time due to the budget crisis.
 - The Hot Site Project Charter is also supported by the SLA. Mr. Edwards explained that the biggest concern is bringing the system back to Santa Fe once JID is back online. The Judiciary would not want to arbitrarily invoke the disaster recovery plan or start using the hot site if it is clear that the outage is for a couple of hours. JID will perform regular testing of the hot site.
 - OSC received a positive report from Tyler.
 - Tyler's project manager for the BCMC project is now on full-time. Brian Gilmore shared that the BCMC's project is progressing well.
 - Mike Mellos of Burger, Carroll & Associates reported that they are pleased with the completion of the pilot phase, the approval of the compressed schedule and the progress of the BCMC project.
 - Compressed rollout schedule. Judge Mitchell referred to the document entitled *Odyssey Compressed Rollout Schedule*, which was included in the JIFFY Supplemental Packet. This document illustrated the project team's proposal to shorten the rollout schedule by one year. In order for the compressed rollout schedule to be successful, training sessions would need to be held in Albuquerque, Las Cruces and Santa Fe as these are the only cities that have facilities large enough to accommodate large training groups. The project team would also need more support from the courts relative to having Subject Matter Experts (SMEs) and Trial Court Administrative Assistants (TCAAs) assist the project team with go live support. This requirement is currently in the Memorandum of Understanding (MOU); however, the project team has

experienced difficulty with the courts complying with this requirement due to short-handedness at the courts and budget constraints. Mr. Edwards spoke of the changes relative to travel expenses and the reduction of conversions if the compressed schedule is approved.

- OSC will begin meeting bi-monthly beginning on January 19, 2011. OSC does not plan to meet in November and December.
- Judge Mitchell congratulated JID on a successful Odyssey pilot phase. She thanked Mr. Edwards for all of his hard work on the project.

There was discussion on the following points:

- The Judicial Education Center (JEC) agreed to cover travel expenses in Fiscal Year 2011 in lieu of holding the annual magistrate court conference. However, at this time, JEC is unable to commit to cover travel expenses for Fiscal Year 2012.
- Aurora Sanchez shared her thoughts on the project:
 - Overall, the project is progressing well.
 - Suggestion to move quickly at the Second to ensure there are not any big risks that would halt progress.
 - The Fourth Judicial District Court has been on Odyssey the longest and they are seeing some good efficiencies.
 - Suggestion that judges be more willing to use the system and not be completely reliant on their staff.
 - The Thirteenth Judicial District Court (Thirteenth) is seeing some really good efficiencies with electronic filing. She suggested that the glitches get resolved before electronic filing is rolled out to other courts.
 - She is thoroughly impressed with the practices adopted by the Roswell Magistrate Court. She suggested that other magistrate courts consider adopting the electronic citations system for efficiency purposes.
- Odyssey fit assessment for the appellate courts.

Judge Camille Martinez-Olguin moved approval of the proposal to establish a second line at JID and for the laser link between the Second and the BCMC, with the caveat that funding not come from the case management appropriation. Robert Mead seconded.

There was discussion on how to fund this project. Mr. Arevalo recommended that the non-recurring costs come out of the red light camera revenue and the recurring costs come from the SCAF Fund. There was more discussion on the communication proposal supporting other enterprise applications; JID testing the connections; the risk/benefit ratio; the SLA being part of the communications package; and recognition to all of the people involved in negotiating the communications package. **No further discussion. No opposition noted. Motion carried.**

Judge Martinez-Olguin moved approval of *Project Charter for Business Continuity/Disaster Recovery Hot Site*. Mr. Mead seconded. No further discussion. No opposition noted. Motion carried.

Mr. Mead moved approval of the compressed Odyssey rollout schedule. Judge Martinez-Olguin seconded. No further discussion. No opposition noted. Motion carried.

Record E-Mail Committee. Judge Clay Campbell advised that the Record E-Mail Committee worked hard to deal with a number of different issues. He asked Mr. Prisoc to report on the concept that was discussed at their last meeting. Mr. Prisoc advised that he met with Judge Bustamante, Judge Campbell, Mr. Mead and Arthur Pepin. They discussed a record email policy that would allow all users to address any record emails to an archive server where they would be housed, indefinitely. However, due to the failure of a similar policy at the Public Regulation Commission, they discussed archiving all emails to a server at JID. The BCMC is currently archiving their emails.

Action Item: Per Judge Mitchell, Mr. Prisoc and Mr. Pepin to present JIFFY with a written proposed email policy at their November meeting. JIFFY can then determine if they will recommend the policy to the Supreme Court for consideration.

E-Filing Committee. Mr. Prisoc advised that Greg Ireland was appointed the chairperson of the E-Filing Committee. Mr. Ireland referred to the document entitled *Thirteenth Judicial District Court Transition to Electronic Document*, which was included in the JIFFY Supplemental Packet, and he spoke of the following points:

- Odyssey is working well in the Thirteenth.
- The Thirteenth is currently testing EDMS, and it is working well.
- The Odyssey, EDMS and electronic filing implementations have caused a bandwidth slowdown in the Thirteenth. Technological updates were made in Grants which have helped.
- For other districts that plan to adopt EDMS, he noted that the Thirteenth purchased more scanners than anticipated because most clerks found that individual scanners were easier to use than batch scanners, and the individual scanners are cost-efficient.
- Electronic filing is working well. There are currently 800 registered users. The Thirteenth has received over 12,000 envelopes. Rejection rate is at 15%, but that percentage is decreasing.
- The integration with Odyssey has been stable for a couple of weeks. He provided a brief explanation of how integration worked.
- Issues
 - Electronic filing: Currently, counsel does not have access to all of the documents in a case, and counsel that are substituted in are unable to access documents that were previously filed. They met with Tyler and this functionality would require 15-25 hours of programming time and \$2,000-3,000 worth of expense. He asked

that JIFFY consider funding this functionality from a statewide source, but noted that the Thirteenth would fund this functionality if no statewide funding source was available.

- They are in the process of reconciling the financial accounting.
- The court seal is expected to work better when Word 2003 is installed.
- Judges electronic signature is working satisfactory.
- The Thirteenth resolved an internal training issue by putting notifications on the opening of a case advising attorneys who want to be served to add their information to the service list on a case.
- Mandatory use of credit cards and mandatory fees.
- Mr. Ireland recognized Tyler for their cooperation.
- Phase Two
 - It is important to start talking about pushing documents out to a registered, limited public through Case Lookup.
 - Record Proper module.

Ms. Sanchez suggested that someone familiar with electronic filing in New Mexico meet with Tyler to resolve the glitches that are currently in the attorney training offered by Tyler prior to expanding electronic filing to other courts.

Mr. Pepin recognized Mr. Ireland for his fine work with the implementations at the Thirteenth.

Mr. Mead moved that JIFFY authorize the E-Filing Committee to negotiate that Tyler pay for the functionality to access electronically filed documents. If that is unsuccessful, we pay Tyler for the 15-25 hours of programming time. Judge Martinez-Olguin seconded. Ms. Sanchez advised that she reviewed the AOC/Thirteenth/Tyler/Wiznet Agreement and it appeared that the Judiciary had already purchased the functionality to access electronically filed documents. **No further discussion. No opposition noted. Motion carried.**

Action Item: Judge Mitchell offered to meet with Judge Bustamante about his thoughts of adding members of the Public Access Subcommittee to the Electronic Filing Committee to further explore issues relative to electronic access to documents. Juanita Duran asked that a representative from the Second be added to this committee.

Action Item: Per Judge Mitchell, Mr. Ireland will meet with Ms. Sanchez about her findings relative to the online electronic filing training offered to attorneys.

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

- Electronic citations. The Judiciary will receive a \$45,000.00 sub-grant from the Department of Transportation (DOT) Traffic Safety Bureau to work with the University of Alabama to establish the exchange of electronic citations for the Dona Ana Magistrate Court on Odyssey. The Santa Fe Magistrate Court will adopt Odyssey next year and the

plan is to implement the electronic citations system there as well. He reiterated Ms. Sanchez's comments about the efficiencies in using the electronic citations system. This project is not low risk and the Judiciary does not control all of the variables. He recognized Ms. Sanchez, Chief Justice Charles Daniels, Senator John Sapien and Mr. Pepin for their efforts in this project.

- SPAM and viruses: in September, JID blocked 1.7 million pieces of emailed SPAM and approximately 165,000 of emailed viruses.
- JID Initiatives
 - JID replaced Websense with an open source solution called Dan's Guardian—it works better and it saves the Judiciary \$20,000.00, annually.
 - JID moved thirty FACTS courts to what JID is calling the FACTS Central server. The problems with this conversion have been resolved. This solution is saving the Judiciary \$80,000.00, annually. He recognized JID Staff for their efforts in this project.
 - JID made changes to the telecommunications infrastructure that will save more than \$20,000.00, annually.
 - JID Staff installed better wireless at JID and at the Administrative Office of the Courts (AOC). JID is working on authentication for public use.
 - In January, JID Staff will upgrade MS Office at the AOC and at JID to version 10. The cost is approximately \$20,000.00. JID will also upgrade XP to Windows 7 because XP will no longer be supported by Microsoft. The software will be configured to save documents in a format that everyone can open.
 - The Children, Youth & Families Department (CYFD) data exchange is pending. This data exchange will populate Odyssey with all of the mass sealed cases. At this time, CYFD will only provide the Judiciary with the name and date of birth but not the case number, so we cannot automatically seal those cases in FACTS for the courts. AOC is working on this issue with CYFD.
 - Per statute, the Department of Information Technology (DoIT) consolidates data from the MVD, the Secretary of State and the Taxation and Revenue Department and sends it to the Judiciary to use in its jury system to then send out notices to appear to prospective jurors. He and Mr. Pepin met with Marlin Mackey, the Executive Branch Chief Information Officer, and they were able to negotiate the reduction of the \$31,000.00 charge for consolidating the data to \$11,000.00.
 - Data requests - he had conversations with Westlaw, LexisNexis and others about the new Supreme Court direction when providing information to private vendors, and they have agreed to wait until JIFFY devises a plan for distributing data to vendors. He asked that data requests from private vendors be directed to him.

Action Item: At the November JIFFY meeting, Mr. Prisoc offered to provide JIFFY with instructions for how to access the new wireless network while at JID.

Action Item: Mr. Mead asked that the State Law Librarian be included in all conversations with Westlaw and LexisNexis regarding content acquisition in order to maximize access on the Judiciary's accounts and explore cost-saving opportunities.

V. Purchase Requests

Request for Purchase of a New Multipoint Conferencing Unit (MCU) to Replace Existing Unit. Karen Janes advised that the magistrate courts were appropriated \$311,000.00 in capitol monies from the last legislature. The Magistrate Court Board of Directors acted favorably on Pauline Toevs' presentation that the bridge needed to be replaced. Mr. Pepin agreed that the entire magistrate court appropriation be devoted to replacing the bridge, and if there are any monies left over, that they be used to fund new cameras in the field. Ms. Janes referred to the document that was distributed entitled *Request for Quotes Polycom Products JIFFY- October 2010*. The manufacturer's recommended retail price for the equipment is \$536,500.00. Ms. Toevs received three quotes from vendors on the GSA price list that are below that amount. Ms. Janes asked for JIFFY's approval for Ms. Toevs to continue the process of negotiating the best price and then return to JIFFY with a formal recommendation. Ms. Toevs added that the current bridge is six years old, and she asked for quotes on three pieces of equipment (the multi-conferencing unit, the converged management system that will manage all of the video ports, and the recording and streaming server). Ms. Janes pointed out that replacing the bridge did not replace the need for more video arraignment personnel.

There was discussion on the significant differences in maintenance costs among the three quotes.

Judge Martinez-Olguin moved approval for Ms. Toevs to further negotiate the proposal of the bridge and to return to JIFFY with a firm proposal. Mr. Mead seconded. There was discussion on Ms. Toevs trying to negotiate the reduction of the equipment and yearly maintenance costs. Ms. Toevs confirmed that the new equipment would not become obsolete any time soon. Mr. Prisoc recognized Ms. Toevs for all of her hard work. **No further discussion. No opposition noted. Motion carried.**

VI. Review and Approval

Discussion on Bulk Sales or Distribution of Case Data. Judge Mitchell referred to the Supreme Court Order, 10-8500, which was attached to the JIFFY agenda. This Order was a result of the Public Access Subcommittee's (PAS) recommendations concerning public access. The Supreme Court Order directed JIFFY to:

- Section C: Bulk sales- JIFFY to propose specific policies to address appropriate terms and conditions on which such sales may take place, including measures for keeping the data updated and accurate. There was discussion of the expanded E-Filing Committee addressing this issue.

- The Sealing Rule Committee will meet today to reconsider revisions to the sealing rule.
- Section B: JIFFY to study the question of retention of records by courts of limited jurisdiction and the relationship, if any, of that question to the retention schedule adopted by the executive branch and report its results of that study to the court. Mr. Mead advised that he was reconstituting the Judicial Records Retention and Disposition Committee to go through the entire executive branch schedule in light of the technological changes in the last ten years and change the records and disposition schedule.

Action Item: Per Judge Mitchell, JIFFY to expand the Electronic Filing Committee to consider and come up with a policy specific to the Supreme Court Order directive in Section C of Supreme Court Order 10-8500.

Action Item: Mr. Mead offered to reconstitute the Judicial Records Retention and Disposition Committee to study the entire executive branch schedule to consider changes in light of the technological changes in the last ten years, and provide a presentation to JIFFY of that study, so JIFFY can determine compliance relative to online records.

Action Item: Mr. Mead will add a member from all court levels to the Judicial Records Retention and Disposition Committee. Per Judge Mitchell, Mr. Mead to report to JIFFY in November the membership of the Judicial Records Retention and Disposition Committee.

Discussion on Simplifying Language on Case Lookup or Creation of an On-Line Glossary to Assist the Public in Understanding Legal Terms Used in Case Lookup. Judge Mitchell referred to the Supreme Court Order, 10-8500, page 3. The Supreme Court rejected the recommendation that records of closed criminal cases be removed from the court internet record where the charges were dismissed, nolle'd, acquitted, or vacated, but with the exception that records of dismissals subsequent to a deferred sentence not be removed from court internet records. The Supreme Court directed JIFFY and other relevant committees to review orders of dismissal and simplify the language in such orders for the benefit of the public, or, alternatively, create a glossary of terms to assist the public in understanding legal phrases within such orders.

Action Item: Per Justice Petra Jimenez Maes, the Supreme Court is looking at changing the names of pleadings and requiring all judges and attorneys to use those names. For the time being, she authorized that the Judiciary provide definitions for the Latin terms, but asked that the Judiciary move away from using Latin terms.

Action Item: Per Judge Mitchell, Mr. Prisoc to submit a draft glossary of terms to the Judges

User Group for review.

Continuation of Discussion on JID Support for Court “Smart” Phones. Mr. Prisoc asked for JIFFY’s direction for the class of users who should receive JID support for court “smart” phones. JID is currently paying for the software, the Blackberry enterprise server, and maintenance.

There was discussion on:

- The Judiciary cannot afford to use “smart” phones at this time.
- Access to the Blackberry enterprise server should be limited to judges and those with statewide-type jobs.
- Odyssey calendar synchronization with the “smart” phones.
- On August 19, 2010, JIFFY decided that the Blackberry enterprise server be limited to judges and AOC Staff.
- What benefit does the Judiciary receive if they expand the service to other court staff?
- Limiting the service to Odyssey courts only. Justice Maes asked for an exception for the Supreme Court.
- Zimbra has been fully installed throughout the Judiciary.
- Blackberrys can synch with Zimbra.
- Concerns with purchasing licenses for this service even if those authorized do not use it. Judge Mitchell clarified that the license would be purchased for those judges who purchase a Blackberry and if they are using the service.
- Suggestion that judges purchase their own Blackberry phone and service, and JID just provide access to the server.
- Questions about the cost of the service.
- Pending request from the Eleventh Judicial District Court.
- Concerns about making this service available to those on a first come, first served basis.
- Questions about how many users per license.

Action Item: Per Judge Mitchell, Mr. Prisoc to provide JIFFY with information on the number of Blackberry licenses and the number of Blackberry users as well as information on the cost to have the approved class of users licensed to access the Blackberry server.

VII. The next meeting will be held on Thursday, November 18, 2010 at 9:30 a.m. at the Judicial Information Division.

VIII. Additional Attachments

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

Final Minutes Approved by Judge Mitchell on November 12, 2010.