

**Meeting Minutes of the 188th
Judicial Information Systems Council (JIFFY)
Judicial Information Division (JID)
Thursday, November 18, 2010
9:36 - 11:49 a.m.**

Voting Members present:

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

JID Staff present:

Brian Eckert
Andre O'Brien
Tom Edwards
Grace Catanach

Non-Voting Members present:

Justice Petra Jimenez Maes
Arthur Pepin
Steve Prisoc
Pauline Toevs

Guests present:

Lydia Romero (*AOC-Fiscal*)
Mike Mellos (*Burger, Carroll & Assoc.*)
Greg Ireland (*13th DC*)
Frank Dimaggio (*2nd DC*)(*via video*)
Deborah Torres-Gutierrez (*2nd DC*)(*via video*)
Laura Klaversma (*National Center for State Courts*)
Paul Embley (*National Center for State Courts*)
Aaron Boyd (*New Mexico Interactive*)
Wendy Newfeld (*New Mexico Interactive*)

Minutes taken by: LaurieAnn Trujillo

Judge Michael Bustamante called the meeting to order at 9:36 a.m. and established a quorum.

I. Approval of Agenda. Steve Prisoc asked that the Jury Subcommittee Report be added to today's agenda. Judge Bustamante added the Jury Subcommittee Report to the first item under *JIFFY Subcommittee Activities*.

II. Budget and Revenue

Fiscal Year 2011 Projection Report

JID Revenue Pipeline Report

Lydia Romero presented on behalf of Oscar Arevalo. She spoke of the following points:

- The numbers remain status quo.
- Motor Vehicle Department's (MVD) deposits are still behind one month. MVD plans to catch up next month. When their deposit is received, JIFFY will see two months worth

- for August and September collections for a total of approximately \$285,000.00.
- The first quarter of the Las Cruces red light camera revenue was received.
- She is working with the City of Santa Fe regarding their red light camera revenue, which is expected to be approximately \$45,000.00.

Artie Pepin spoke of the Judiciary's budget presentation to the Legislative Finance Committee (LFC).

III. JIFFY Subcommittee Activities

Jury Subcommittee. Jan Perry reported the following:

- The Jury Subcommittee (JS) is in the final stages of developing and standardizing the manual for jury users.
- JS is working to put the manual onto DVD for all of the district courts to use.
- The manual will be broken down for beginner, intermediate and advanced users.
- JS hopes to complete the manual in April.

There was discussion on the Judiciary moving to a new jury product in the future.

Judges User Group. Judge Karen Mitchell reported that the Judges User Group did not meet in November. They will meet again on January 20, 2011 and will begin discussions on the draft glossary of legal disposition terms that Mr. Prisoc submitted.

Odyssey Steering Committee. Judge Mitchell reported the following:

- The Odyssey Steering Committee (OSC) did not meet in November.
- The Lovington conversion was successful. The Lovington court did a really good job of preparing and getting their data ready.
- The entire Fifth Judicial District (Fifth) is now on document imaging and management and remote document storage, and they are pleased.
- The clerks are very pleased with Odyssey.
- Judges in the Fifth that were initially reluctant to use a computer are now participating in the training and find Odyssey beneficial.
- The OSC Meeting Calendar for 2011 was emailed to OSC and JIFFY members this morning. OSC will meet again on January 19, 2011 and every other month thereafter.
- The First Judicial District and the Tenth Judicial District will be implemented in January.

There was discussion on the following points:

- The Lovington conversion was successful primarily because the court did an excellent job of data clean up, and the project team's conversion process is becoming more efficient.
- Aurora Sanchez's audit report to the LFC. Judge Mitchell asked Mr. Pepin to report on Ms. Sanchez's report. Mr. Pepin referred to the handout entitled *Report by Aurora Sanchez to LFC, November 16, 2010*. He spoke of the following:

- Ms. Sanchez performed a full audit of Odyssey last year.
- She returned this year to perform a follow-up audit.
- Ms. Sanchez visited a number of courts to see how Odyssey is working.
- She noted positive things about the operation of Odyssey and the improvements that the project team made in terms of the way the conversions are done.
- She attended a number of meetings relative to advancing electronic citations to limited jurisdiction courts. Mr. Pepin credited Chief Justice Charles Daniels for his assistance in this regard. Chief Justice Daniels signed a contract for the Judiciary to use some of the New Mexico Department of Transportation's funds to get the electronic citations system to integrate with Odyssey, which they expect to work in the Las Cruces Magistrate Court in 2011.
- Ms. Sanchez's basic criticism relative to electronic filing was that users needed more training. Mr. Pepin credited the Thirteenth Judicial District (Thirteenth) for piloting the electronic filing system.
- Judge Mitchell asked Mike Mellos of Burger, Carroll & Associates to provide their IV&V report. Mr. Mellos spoke of the training at the Second Judicial District Court and at the Bernalillo County Metropolitan Court (BCMC). He suggested that more documentation be considered in terms of a more integrated project plan that included a forecast of the final budget, schedule and scope as the project moved into the larger courts.

There was discussion on the following:

- Concerns relative to generating more documentation in light of limited resources.
- Other statewide implementations that were not as successful as Odyssey.
- Concern about Tom Edwards' upcoming retirement and how it would affect the project.
- BCMC's civil implementation is planned for April, 2011.

Action Item: Mr. Mellos and Mr. Prisoc will meet to discuss Burger, Carroll & Associates' ideas for additional project documentation.

Record E-Mail Committee. Judge Clay Campbell asked Mr. Pepin to report on the activities of the Record E-Mail Committee. Mr. Pepin noted that JIFFY tasked the Record E-Mail Committee to draft an email retention policy. He explained the handout entitled *Draft E-Message Retention Policy for Discussion (11/14/10)*. Basically, the proposed policy is that a server would be installed at JID that would retain all Judiciary email, indefinitely.

There was discussion on the following:

- JID currently charges a database administrator fee of \$50.00 per hour to fulfill Inspection of Public Records requests.
- The subpoena that JID was issued several years ago that involved comprehensive effort to fulfill. The proposed policy would be less disruptive.
- Justice Petra Jimenez Maes suggested that Judiciary employees be alerted of the proposed policy. She indicated the proposed policy would have to be published for

- comment prior to the Supreme Court adopting it.
- Support for the proposed policy in terms of not placing the responsibility on Judiciary employees to determine if certain emails should be retained.
 - Suggestion to have a splash screen on all Judiciary computers that informs users of the policy.
 - Suggestion to include language relative to labor costs in the proposed policy.
 - Suggestion to include the policy in the Judiciary employee training and handbook.
 - Suggestion to have Judiciary employees sign a statement that they are aware of the email policy, and to retain those statements in employee personnel files.

Judge Richard Knowles moved that JIFFY recommend the “Draft E-Message Retention Policy for Discussion (11/14/10)” with all of the caveats discussed to the Supreme Court for consideration. Robert Mead seconded. No further discussion. No opposition noted. Motion carried.

Mr. Pepin introduced Paul Embley and Laura Klaversma of the National Center for State Courts. They sit on the Re-engineering Commission that determines how information technology can be leveraged to help the courts run more efficiently. They may have suggestions that find their way back to JIFFY.

Action Item: Mr. Pepin asked JIFFY members who have ideas about how information technology could be more efficient to let him know and he would provide them with Mr. Embley’s and Ms. Klaversma’s contact information.

E-Filing Committee. Greg Ireland reported the following:

- The Thirteenth has received more than 18,000 envelopes for electronic filing thus far.
- The integration with electronic filing and Odyssey has been stable. Automatic docketing is occurring.
- Further defining the membership of the E-Filing Committee.
- A solution is in place for attorneys to see all of the electronically filed pleadings. Mr. Prisoc added that Tyler Technologies (Tyler) would provide the Judiciary with the public access module at no charge. This module allows all parties to see all electronically filed documents in a case.

There was discussion on the following points:

- The level of access to electronically filed documents can be adjusted according to the Judiciary’s choosing. However, support and maintenance of public access will require a full-time Judiciary resource.
- Concerns that some sole practitioners have in terms of electronic filing giving an advantage to larger firms as they have support staff to assist with the litigation process.
- Suggestion to seek assistance from the New Mexico State Bar in gathering information on how attorneys feel about electronic filing.

Action Item: Dennis Jontz suggested that the E-Filing Committee seek information from the New Mexico Bankruptcy Court in terms of their mandatory electronic filing system.

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

- He introduced Aaron Boyd and Wendy Newfeld of New Mexico Interactive. New Mexico Interactive is the company that currently purchases data from the New Mexico Department of Taxation and Revenue. Mr. Boyd explained the handout entitled *New Mexico Interactive NIC Court Data Statistics*. He provided a detailed explanation of how New Mexico Interactive works with government agencies to provide services to the public for a fee, and how that fee is split between his company and the government agency.
- The final electronic citations contract with the University of Alabama was signed by Mr. Pepin, so the project team is ready to kickoff the project to electronically transfer citations from the Dona Ana Sheriff's Department to the Dona Ana Magistrate Court. The Chaves County Magistrate Court is performing an excellent job of establishing the client piece of electronic citations, so they will be able to assist with the Dona Ana project. He credited Chief Justice Daniels and Senator John Sapien for helping move the project forward. He spoke briefly about a recent article on the TRACS system that was published in the Santa Fe Reporter.
- He referred to the handout entitled *Wireless at the JID, AOC, and Supreme Court Buildings*. This document provided instructions for connecting to the new wireless networks at JID, the Administrative Office of the Courts and the Supreme Court.
- The upcoming kickoff meeting at Quay County.
- He referred to the handout entitled *Current Blackberry Users - 11/17/10*. This document provided a list of users who are now on the Blackberry enterprise server.
- Per JIFFY's request, he submitted a draft glossary of disposition legal terms to the Judges User Group. He used the Florida Department of Law Enforcement as the basis.

Action Item: Per Judge Camille Martinez-Olguin, JID to provide Blackberry server access to the JID Field Technicians.

Action Item: Per Judge Mitchell, Mr. Prisoc to email the draft glossary of disposition legal terms to the Judges User Group members so they can review it prior to their January meeting.

V. Purchase Requests

Continued Discussion on Request for Purchase of a New Multipoint Conferencing Unit to Replace Existing Unit. Pauline Toevs referred to her memorandum that was distributed. She spoke of the following points:

- The Magistrate Court Board approved \$311,500.00 to be used toward the purchase of a new video bridge or multipoint conferencing unit.
- She received bids, and per JIFFY, she went back and worked on a best and final bid, which was attached to her memorandum.

- The total cost with tax is \$278,234.00, which keeps the cost below \$311,500.00 and provides them room to purchase cameras.
- She is working with the vendor to provide the Judiciary the \$50,000.00 rebate for its old video bridge up-front. She will work with Karen Janes to draft the price agreement.

Mr. Mead moved approval of the purchase of the new video bridge. Judge Mitchell seconded. JIFFY members applauded Ms. Toevs for her hard work. No further discussion. No opposition noted. Motion carried.

VI. Review and Approval

Discussion on Tyler's Proposal to Increase the Judiciary's Share of E-Filing Fees, but Also Raise Software Maintenance Fees to Standard Odyssey Rates. Mr. Pepin explained the handout entitled *State of New Mexico Annualized Court E-File Fees*. Tyler is proposing that the Judiciary implement electronic filing in conjunction with the Odyssey implementation, and the revenue gained from electronic filing to be applied towards the Judiciary's annualized maintenance costs. He supported the proposal because it would not only provide the Judiciary with a means to pay the annual maintenance costs, but Tyler would also include criminal electronic filing at no charge. He asked for JIFFY's approval to further investigate Tyler's proposal.

There was discussion on the following points:

- In 2004, JIFFY approved the discontinuation of maintenance to Tiburon, which has saved the Judiciary approximately \$2.4 million over the last six years
- Reducing Tyler's maintenance costs.
- Suggestion that a procurement code analysis be done.
- Criminal electronic filing would only cover general jurisdiction courts.
- Justice partners.
- Tyler is providing the Judiciary with the public access module at no charge.
- Revenue received that is above the projected amount would be returned to the Judiciary.
- Legislative concerns.
- Tyler has a vested interest in seeing this state be highly successful because New Mexico is doing things with them that they have not done elsewhere.

Judge Martinez-Olguin moved that JIFFY allow Mr. Pepin to further investigate Tyler's electronic filing proposal. Mr. Pepin asked if JIFFY would authorize the E-Filing Committee and/or the Contract Negotiations Committee to assist him, and Judge Bustamante advised that he would think about who would assist Mr. Pepin and provide his decision next week. Justice Maes asked that JIFFY take into consideration the fact that the Judiciary would not be receiving further monies from the Legislature for quite a while and asked that they consider how the Judiciary would cover its operation costs with revenue that is being received at this time. Mr. Mead seconded. Mr. Artie asked JIFFY to review the document and direct any questions to him and the committee that Judge Bustamante

appointed to assist him. Judge Mitchell asked Judge Martinez-Olguin to repeat her motion. Judge Martinez-Olguin moved that Tyler's electronic filing proposal get fully vetted through Mr. Pepin and the committee that Judge Bustamante appointed to assist him. No further discussion. No opposition noted. Motion carried.

Continuation of Discussion on JID Support for Court "Smart" Phones. Judge Bustamante advised that this item was addressed in earlier discussions.

VII. Future Meetings. Judge Bustamante cancelled the December meeting. He adjourned today's meeting at 11:49 a.m.

Action Item: Per Justice Maes, JIFFY to review the Supreme Court Order on JIFFY meetings to ensure compliance.

VIII. Additional Attachments

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

2011 JIFFY Meeting Calendar. There was not discussion relative to the *2011 JIFFY Meeting Calendar*, which was attached to the JIFFY agenda.

Final Minutes Approved by Judge Bustamante on November 30, 2010.