

**Meeting Minutes of the 169<sup>th</sup>  
Judicial Information Systems Council (“JIFFY”)  
Judicial Information Division (“JID”)  
Thursday, January 15, 2009  
9:34-11:59 a.m.**

**Voting Members present:**

Judge Michael Bustamante, Chair  
Judge Karen Mitchell, Vice Chair  
Judge Richard Knowles  
Judge Camille Martinez-Olguin  
Judge Robert Corn  
Dennis Jontz  
Juanita Duran  
Leigh Anne Chavez  
Jan Perry (*via video*)  
Maria Romero  
Helen Miller

**Voting Members absent:**

Judge Alan Kirk  
Robert Mead

**JID Staff present:**

Renee Cascio  
Tom Edwards  
Zella Kay Cox  
Jerry Wise  
Trixi Bubemyre  
Andre O’Brien  
Grace Catanach

**Non-Voting Members present:**

Arthur Pepin  
Steve Prisoc  
Pauline Toevs

**Non-Voting Members absent:**

Justice Petra Jimenez Maes

**Guests present:**

Theresa Delgado (*4<sup>th</sup> District Court*)  
Dr. Julie Carroll (*Burger, Carroll & Assoc.*)  
John Todd (*Tyler Technologies*)  
Stephen T. Pacheco (*1<sup>st</sup> District Court*)  
Judge Michael Vigil (*1<sup>st</sup> District Court*)  
Oscar Arevalo (*AOC*)  
Orlando Ulibarri (*9<sup>th</sup> District Court*)(*via video*)  
Jamie Goldberg (*13<sup>th</sup> District Court*)  
Ted Bartz (*13<sup>th</sup> District Court*)  
Oscar Arevalo (*AOC*)  
Brian Gilmore (*BCMC*) (*via video*)

*Minutes taken by: LaurieAnn Trujillo*

Judge Michael Bustamante called the meeting to order at 9:34 a.m. and established a quorum.

**I. Approval of Agenda**

- Grace Catanach asked that the agenda item *First Judicial District Jury Management Application Request* be dropped from today’s agenda. Judge Bustamante approved this request.
- Judge Robert Corn asked that the agenda item *First Judicial District Video Equipment Purchase Request* be moved up on the agenda. Judge Bustamante moved this discussion to after *Odyssey Steering Committee (OSC)*.

- Judge Bustamante moved up the agenda item *Discussion on Funding of an E-Citation Project for Chaves County* to the first item to be discussed under VI. *Review and Approval*.

## II. Budget and Revenue

### JID Revenue Pipeline Report.

**Fiscal Year 2009 Projection Report.** Oscar Arevalo began his presentation by explaining the *JID Revenue Pipeline Report*, which was attached to the JIFFY meeting agenda. With respect to the SCAF revenue, AOC is missing the November deposit from the Motor Vehicle Department (“MVD”). The AOC is currently on track to receive \$3.7-\$3.9 million, depending upon MVD’s November deposit. The Taxation and Revenue Department is behind on reconciliations.

There was discussion about the reduction in the magistrate courts’ revenue for December and receipting in the magistrate courts.

Mr. Arevalo noted that there had been new developments since Monday. He distributed a packet of documents and explained them, as follows:

- The document entitled *FY 2009 Proposed AOC Budget Reductions* reflected what the AOC is proposing relative to the general fund cut of 1.35%.
  - Legislative Finance Committee (“LFC”) proposed cut of 1.35%.
  - Department of Finance and Administration (“DFA”) proposed cut of 1.2%.
  - A Chief Judges Council meeting is scheduled for tomorrow to discuss worst case scenarios relative to the proposed reductions.
  - How a 1.35% cut would affect JID.
  - JID’s components in the general fund.
  - 2010 recommendations have been received from DFA and LFC.
  - AOC originally projected a 2% reduction as the worst case scenario. The Judiciary received the lowest reduction compared to the other branches of government.
  - Reductions facing other state agencies.
  - Revenue swap.
  - Reduction could affect the video arraignment program.
  - This document was distributed to all of the chief judges.
- The next two sheets entitled *FY2010 DFA Budget Recommendations for AOC* and *FY2010 LFC Budget Recommendations for AOC* served as a comparison between the LFC’s and the DFA’s recommendations.
  - Historically, the AOC accepted the LFC’s recommendation.
  - This year, DFA’s recommendation is more acceptable.
  - DFA’s proposed cut to JID is 5.66%. LFC’s proposed cut to JID is 7.36%. Both recommendations excluded salaries, so the cut would affect the lease payment in both recommendations.
  - BAR authority to adjust the budget to move general fund salaries down to the lease.
  - Both analysts’ narratives noted language to cut general fund information technology (“IT”) equipment and infrastructure. However, the Judiciary’s IT is funded through

SCAF.

- The magistrate courts received additional general fund money to resolve lease issues.
- The last page entitled *Information Technology* was taken from the LFC document in terms of IT recommendations. AOC will not receive new IT funding. However, there is language that indicates that *AOC, Taxation and Revenue and DoIT all assess fees that can be either increased slightly or used under the existing statute to fund the proposed system development or enhancements.*
  - Potential for a sunset clause.
  - Invitation to JIFFY to support a bill sponsored by the House Majority Leader Ken Martinez to add a \$10 increase in a limited number of civil case filings.
  - AOC would like the \$10 increase made permanent to provide more stable funding for all of the AOC automation projects that are supported by JID.
  - There was discussion relative to the following points:
    - \$1.8 million request to complete the Odyssey rollout.
    - Concerns related to a potential delay in the Odyssey rollout due to lack of funding.
    - JID's \$1.1 million unaudited carryover balance.
    - Critical that AOC receive part of the \$1.8 million for case management or the increase in fees to cover the \$400,000 committed to the JID Data Center Upgrade. Steve Prisoc signed the authorization of \$160,000 for maintenance to Tyler Technologies ("Tyler"). This amount will escalate until Odyssey is rolled out to all of the courts. The AOC has not paid case management maintenance for five years, so this is an expense the AOC needs to consider, henceforth. Maintenance costs will be paid by SCAF.
    - As courts are converted to Odyssey, they will come off of Informix, which will save some money; however, there will be SQL maintenance fees to consider.
    - Submitting BAR language to exceed 5%, so AOC can increase the SCAF beyond the 4% limit for 2009 and 2010.
    - Filing fees.
    - Increase fees for lack of prosecution cases.

**Action Item:** *Per Judge Bustamante, if JIFFY members have suggestions on how to increase fees, he asked that they email Arthur Pepin.*

### **III. JIFFY Sub-Committee Activities**

**Judges User Group.** Judge Bustamante noted that the Judges User Group did not meet this month.

**Public Access Subcommittee.** Judge Karen Mitchell reported that the Public Access Subcommittee ("PAS") met Tuesday and discussed the activities of the Joint Sealing Rule Committee ("JSRC"), a committee enacted by the Supreme Court to draft a sealing rule for court files, statewide. PAS hopes to receive direction and guidance from the JSRC. The PAS

anticipates having a draft document for JIFFY to review in the near future.

***Action Item: Judge Mitchell offered to provide JIFFY with a list of positions that the PAS has adopted thus far.***

**Odyssey Steering Committee.** Judge Mitchell reported that the Odyssey Steering Committee (“OSC”) met yesterday. She spoke of the following points:

- OSC voted that no future expenditures would be approved or paid unless requests come to OSC for consideration and a recommendation to JIFFY. In the event that time is of the essence, and OSC is not scheduled to meet, those requests should go before the OSC executive committee for consideration.
- OSC discussed an AOC contract to have an attorney work on the New Mexico Sentencing Commission’s (“NMSC”) charge code table. The contract has a \$20,000 cap on it. To date, \$9,000 has been paid from the case management appropriation, which has caused the case management contract line item to go over by \$3,899. OSC is concerned that this money was paid from the case management appropriation without having first come to OSC for consideration and a recommendation to JIFFY. OSC could not make a determination as to how to proceed with this contract due to lack of information.
- There was discussion relative to the following points:
  - If the full amount of the contract is paid, there could be another \$11,000 + in expenses.
  - Purchase order for full contract amount of \$20,000 was not issued. It was based on projected expenditures.
  - Procedural concerns.
  - Merits of contract seem to be within scope.
  - Mr. Pepin apologized for not following the OSC review and approval process.
  - Shifting the costs of the contract to SCAF.

**Leigh Anne Chavez moved to ratify the amount that has been paid to the contract attorney working on the NMSC’s charge code table. Future payments under this contract will be paid out of SCAF. There was further discussion on how this contract came about. Judge Camille Martinez-Olguin seconded. Judge Richard Knowles opposed the motion because he believed it was necessary for JIFFY to have more information on the remaining amount and the product produced because the remaining monies owed on the contract will be paid from the SCAF fund. No further discussion. Motion carried.**

Judge Mitchell continued her report by noting that the go live date for the Moriarty Magistrate Court had been pushed back to April 27, 2009. Fred Sena replaced Diane Ulibarri on OSC. Odyssey is working well in the Fourth Judicial District Court (“Fourth”) and they are now performing their financial month-end reports for the second month.

**First Judicial District Video Equipment Purchase Request.** Stephen Pacheco, the Court Administrator with the First Judicial District Court (“First”), explained the following purchase requests (*please refer to the documents attached to the JIFFY meeting agenda*):

- Small video conferencing unit. The cost is \$4,856.62.
- Wall unit for video arraignment at the jail. The cost is \$9,343.98.

Mr. Pacheco introduced the First’s subject matter expert, Judge Michael Vigil. Judge Vigil spoke of the First’s security concerns and issues with the current set up. The First shares video arraignment equipment with the magistrate and municipal courts. The First has the funds to purchase the requested equipment.

There was a lengthy discussion on the following points:

- Concerns relative to the shortage of staff on the Video Arraignment Team to support additional video connections.
- JIFFY’s denial of similar requests from other district courts due to shortage of staff.

**Helen Miller moved to deny the First’s requests to purchase video arraignment equipment.**

There was discussion relative to the following points: (1)Potential to have a technical support position from the district courts available to assist the Video Arraignment Team.

(2)Unauthorized positions within the Video Arraignment Team. (3)The First’s offer to send their technician to JID to assist with the First’s video arraignments. (4)Security concerns.

(5)Judge Robert Corn invited all of the district court judges and court administrators to join him at the Legislature to seek additional staffing for the Video Arraignment Team. (6)Suggestion to discuss a pilot with the First to determine if there is a way that the First’s request could work.

**Judge Bustamante asked that the First’s staff meet with Pauline Toevs to determine if there is a way that their request could work before JIFFY decides on how to proceed with the First’s requests. Ms. Toevs asked that Jerry Wise be involved in the meeting. Ms. Toevs will return to JIFFY next month with a recommendation.**

Judge Vigil concluded his report by noting that the video system worked beautifully for the First’s writ of habeas corpus cases. Ms. Toevs noted that the First’s judges conducted the highest number of arraignments in the state. Judge Bustamante reiterated Judge Corn’s invitation for all district court judges and court administrators to join him at the Legislature to lobby for more staff for the Video Arraignment Team. **Motion failed for a lack of a second.**

**Discussion on CMS IV&V Report.** Dr. Julie Carroll reported the following:

- December was slower than previous months due to the holidays and other activities.
- The operational policies and procedures are being built by JID Staff at this time.
- JID Staff are reinforcing the infrastructure that is in place for the case management system.
- OSC’s discussion yesterday on all that needs to be done prior to the next pilot and subsequent pilots. Her assessment is that the conversion issues are the real bottle neck in terms of advancing the course. She recommended getting the courts involved earlier in the process.
  - Risks were reduced in the last couple of months.

- Calendaring needs enhanced training for implementation in the courts.
- Many of her recommendations are on the schedule.

**E-Filing Subcommittee.** Before Mr. Prisoc gave his report on the E-Filing Subcommittee (“EFS”), Mr. Pepin spoke of the State of Colorado’s e-filing project. There was discussion relative to other costs that may be funded by SCAF.

Mr. Prisoc reported the following in terms of the EFS:

- Continued discussion on vendor selection.
- Since November, there have been concerns about Lexis Nexis and their overall financial health. Layoffs at Lexis Nexis. Lexis Nexis’ online services are suffering.
- West Group is also suffering from financial problems.
- Lexis Nexis is losing the State of Colorado.
- State of Colorado will move to their system within the next three years.
- Tyler is working with Wiznet. Potential for a merger.
- Wiznet is now working with Odyssey in Clark County.
- If Tyler acquires Wiznet, there could be contractual coverage for the State of New Mexico Judiciary. If not, the Judiciary would have to go through a Request for Proposal (“RFP”).
- EFS recommended that EFS initiate discussions with Wiznet and continue discussions with Lexis Nexis. EFS will report back to JIFFY within sixty days. If the EFS decides to issue an RFP, EFS will inform JIFFY at February’s meeting.

**Judge Knowles moved that the EFS initiate discussions with Wiznet. Dennis Jontz seconded. No further discussion. No opposition noted. Motion carried.**

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

- JID Staff initiated electrical work at the Supreme Court that will allow the Judiciary to have fiber between the AOC and the Supreme Court. The cost is \$18,000.
- On Tuesday, December, 30, 2008, Qwest cut off internet services. Back up internet services are now provided for the Judiciary through City Link, a company recommended by a JID staff member.
- Qwest will soon be the Judiciary’s new ISP. Fiber has been installed.
- DSL at the Lovington District Court was dropped last week by Windstream.
- SPAM problem due to human error at JID.
- JID will not replace computers this year due to budget crunch. To conserve SCAF, JID will purchase more memory to upgrade computers. JID may refurbish existing computers. As a result, the Judiciary could suffer from hard disk, mother-board and memory failures.
- JID would like to eliminate desktop printers throughout the Judiciary to save money on toners. JID would like the Judiciary to print to network printers.
- Zimbra pilot proved successful, and JID will begin rolling it out to the AOC, the Supreme Court, the Court of Appeals, and then to the rest of the state. He spoke of Zimbra’s features. Zimbra works well with Treos. JID is currently testing it with Blackberrys.
- Data Center Upgrade work to begin next week with the delivery of the air conditioning unit.

Vendor is working on the city permits. Concrete will be poured on the east side of the JID Building.

- Dell mini laptop.
- Per JIFFY at the November meeting, JID has completed their work to provide access to the Human Services Department (“HSD”) hearing officer to work with the Second Judicial District Court (“Second”). He asked for JIFFY’s approval to provide the HSD hearing officer with the final rights and passwords to FACTS. The access would work once the case management system is converted to the Odyssey system. The HSD hearing officer would have access to read and write to the case management system.

**Ms. Chavez moved to approve that JID provide the HSD hearing officer final rights and passwords to FACTS. Juanita Duran seconded. Judge Mitchell opposed the motion** because she did not hear some of the things that JIFFY asked be addressed, such as concerns of a potential precedent that may be set, security concerns and technical solutions for other sites. Mr. Prisoc noted that he did not foresee any problems with security. He agreed that this is setting a precedent and suggested that every request relative to this be dealt with individually. **No further discussion. Motion carried.**

#### **V. Purchase Requests**

**Fourth Judicial District IT Purchase Request.** Theresa Delgado referred to the document attached the JIFFY meeting agenda outlining the Fourth’s request for twenty-eight 22" monitors and four 24" monitors. She spoke of the reasons for the Fourth’s request. The total cost is \$9,292.48, which would be paid by the Fourth’s budget. Mr. Prisoc supported the Fourth’s request.

**Judge Corn moved for approval of the Fourth’s IT purchase request. Ms. Miller seconded. No further discussion. No opposition noted. Motion carried.**

Judge Mitchell thanked the Fourth’s staff for their hard work on the Odyssey rollout. Ms. Delgado concluded her report by offering her condolences to the Second’s staff for the loss of Lynn Castillo.

#### **IV. Review and Approval**

**Discussion on Funding of the E-Citation Project for Chaves County.** Mr. Pepin spoke of the following points:

- JIFFY’s approval to use some of the funds available for case management exploration for the e-citation project in Chaves County.
- Sheriffs in Dona Ana County use TRACS to write citations. Other counties plan to do the same. TRACS does not integrate with the current case management system causing problems for court staff.
- His recommendation is to use a portion of the balance of the \$750,000 appropriation to create an integration with TRACS and the current case management system. The remaining monies would be dedicated to the e-citation project in Chaves County.

- A balance of \$366,000 remaining in the \$750,000 appropriation.
- If the integration between TRACS and the current case management system proves too costly, the effort would be abandoned and all of the remaining \$750,000 appropriation would be dedicated to the e-citation project.

**Judge Corn moved to approve that some of the \$750,000 appropriation be used to hire a contractor to write an interface with TRACS and the current case management system.**

**Judge Mitchell seconded.** There was discussion relative to the following points: (1)Using some of the remaining appropriation to include an interface with Odyssey. (2)The interface with the current case management system to include that the contractor perform a business analysis, so JID Staff are not pulled into this project. (3)Integration and conversion concerns. (4)Ensuring that it is clear to the Legislature that eventually this project will be integrated with Odyssey. **No further discussion. No opposition noted. Motion carried.**

**Update on Second Judicial District's EDMS Project.** Ms. Duran reported that the Second's staff was at Tyler last week looking at their new applications and they believe they have a solution to imaging/document management. Tyler staff will visit the Second in February to conduct a workflow process. Once that has been completed and it is determined that it will work, the Thirteenth Judicial District Court ("Thirteenth") will pilot the product before the Second gets involved.

**Continued Discussion on Possible Restriction of Internet Social Networking Sites.** Mr. Prisoc reported that JIFFY discussed this item in November but a conclusion was not reached as to whether or not JID should block social networking sites. He explained a report that reflected that the *Face Book* web site got 6,694 hits in one month (one person had 814 hits, which is about five per hour); and the *My Space* web site got 4,845 hits in one month (one person had 438, which is about twenty-two per day). The report noted that it was the same IP address hitting these web sites.

**Judge Knowles moved that JID block internet access for all of the Judiciary to the *Face Book* and the *My Space* web sites, and the only exception would be that if someone sought and received approval from a chief judge to visit these web sites, that person could have access.** Judge Knowles explained that some Judiciary employees may use these web sites for professional purposes. Mr. Prisoc noted that blocking internet access to social networking sites would increase the Judiciary's internet bandwidth. **Ms. Miller seconded. No further discussion. No opposition noted. Motion carried.**

**Request from National Center for Juvenile Justice.** Mr. Prisoc referred to the letter received from the National Center for Juvenile Justice ("NCJJ"), which was attached to the JIFFY meeting agenda. He explained that the NCJJ requested that JID provide them with data for their publications on juveniles. They would like delinquency data to begin with and would be interested in other types of dependency information later on. He asked that the one copy of the 2005 NCJJ publication be distributed among JIFFY for review.

There was discussion relative to the following points:

- The frequency to which the data would be released to the NCJJ.
- JID Staff time involved.
- Data to be released in the aggregate—no identifiers.
- Similar requests.
- Children's Youth and Families Department and/or Juvenile Probation and Parole may request this type of information.

**Judge Knowles moved that JID release aggregate data to the NCJJ on juvenile delinquency. Judge Martinez-Olguin seconded.** There was discussion relative to the bulk data policy. **Judge Bustamante asked for a show of hands for those members in favor of the motion: Judge Knowles, Judge Martinez-Olguin, Ms. Miller, Ms. Duran, Maria Romero, Mr. Jontz and Ms. Chavez. Those members opposed: Judge Mitchell, Judge Corn and Jan Perry. No further discussion. Motion carried.**

Mr. Prisoc then referred to the following additional documents that were distributed:

- *Odyssey Newsletter*, to be expanded to include an article on Lynn Castillo's contribution to the Odyssey efforts. Mr. Prisoc thanked Ms. Duran for allowing Ms. Castillo to work with JID. JID Staff will definitely miss her. Ms. Duran noted that Ms. Castillo really enjoyed her work at JID.
- *Reply-all email storm hits State* article.
- *Judicial Information Division Accomplishments and Activities for Fiscal Year 2008* to be used for the AOC annual report. He encouraged JIFFY to review it. He believed JIFFY would be impressed with all that JID had accomplished last year.

**VII. JIFFY Location and Meeting Dates.** The next meeting will be held on Thursday, February 19, 2009 at 9:30 a.m. at JID.

**VIII. Adjourn.** Judge Bustamante adjourned today's meeting at 11:59 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.

**JIFFY 2009 Meeting Calendar.** There was no discussion relative to the *JIFFY 2009 Meeting Calendar*, which was attached to the JIFFY meeting agenda.

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**Final Minutes Approved by Judge Bustamante on February 4, 2009.**