

**Meeting Minutes of the 21st
Odyssey Steering Committee (“OSC”)
Judicial Information Division (“JID”)
Wednesday, November 18, 2009
2:12-4:04 p.m.**

Executive Subcommittee Members present:

Judge Karen Mitchell, Chair
Judge Michael Bustamante
Arthur Pepin
Steve Prisoc
Tom Edwards

Executive Subcommittee Members absent:

Justice Petra Jimenez Maes

Voting Members present:

Judge Richard Knowles
Judge Camille Martinez-Olguin
Judge Robert Corn
Gina Maestas
Oscar Arevalo
Michelle Jones (*via video*)
Sandra Trujillo
Fred Sena (*via video*)
Karen Janes
Eric Erb
Madeline Garcia

Voting Members absent:

Judge Judith Nakamura
Brian Gilmore
Helen Miller

Guests present:

Dr. Julie Carroll (*Burger, Carroll & Assoc.*)
John Todd (*Tyler Technologies*)
Juanita Duran (*2nd District Court*)
Phil Hedrick (*BCMC*)
Deborah Dungan (*AOC*)

Minutes taken by: LaurieAnn Trujillo

Judge Karen Mitchell called the meeting to order at 2:12 p.m. and established a quorum.

I. Approval of Agenda. Judge Mitchell congratulated the Fourth Judicial District Court on their one year anniversary on Odyssey. The agenda was approved as presented. Judge Mitchell welcomed Phil Hedrick, who sat in for Brian Gilmore and Judge Judith Nakamura.

II. Update on Planning Document

Risk Register Update. With respect to the *Risk Management Plan*, which was attached to the OSC agenda, Tom Edwards advised that General Risk #2, on page 2, was elevated due to two upcoming JID employee retirements (Jerry Wise and Michael Gallagher).

Arthur Pepin confirmed that these two positions would not fall under the 120 day rule and could be filled immediately.

Issues Update. Mr. Edwards reported minor updates on the *Issue Management Plan*, which was attached to the OSC agenda.

III. Administrative Report

Tyler Contracts

Amendment to Existing CMS Contract. Steve Prisoc noted that OSC approved some amendments to the existing CMS contract. He asked Mr. Edwards to explain the additional amendments. Mr. Edwards referred to the screen and spoke of the following points:

- He reminded OSC that conversion efforts were the reason for having additional hours in the contract to carry the Judiciary through the pilot courts.
- The contract that was originally signed two years ago had 1950 hours allocated to conversion.
- Based on their projections, they will expend approximately 6200 hours in conversion by the time the pilot courts are completed..
- Last month, OSC discussed putting enough hours in the amendment to carry the Judiciary to the new contract; however, after his recent review of the original contract, he noted that the scope was to cover the entire pilot phase, so the amendment of conversion hours would fit better into the original contract.
- OSC conditionally approved the budget for the new contract for the rollout. The dollar amount will not increase, but rather they will move the conversion hours for the rest of the pilot courts that were in the new contract into the contract amendment. The contract negotiations team will meet on Thursday to discuss this further.

Rollout Contract for CMS. Mr. Prisoc advised that the contract needed to be updated for the post-pilot courts. A meeting of the contract negotiations team is scheduled to discuss the updates. They are seeking to cap the second contract at \$3,000,000.00.

Contract for Metro Implementation. Mr. Prisoc advised that the contract for the Bernalillo County Metropolitan Court (“BCMC”) will be separate from the rest of the Judiciary. Tyler Technologies (“Tyler”) will provide the final fit assessment results in the near future. The BCMC will then need to determine which pieces of the fit assessment they want to incorporate into their build. Their build will be different and will include a supervision/probation module. Mr. Edwards explained the reason for the delay in the BCMC final fit assessment was due to a second demonstration of the supervision module that was conducted. He expects Tyler to provide the results within the next couple of weeks. John Todd of Tyler confirmed that the Judiciary would receive the results on December 4th. Mr. Prisoc added that many of the enhancement hours that are being included in the BCMC’s contract will be used by other courts. For example,

the Second Judicial District Court (“Second”) is interested in the supervision module, so they will be piggy-backing on that feature.

Wiznet E-Filing. Mr. Prisoc noted that the Judiciary would be responsible for purchasing a connector for electronic filing. He received a quote for \$60,000.00 for the license, plus \$12,000.00 for professional services. Judge Camille Martinez-Olguin confirmed that electronic filing was turned on at the Thirteenth Judicial District Court (“Thirteenth”) yesterday. They have yet to receive their first filing.

Alabama E-Citations. Mr. Prisoc reported that the Alabama electronic citations project is going smoothly. Judge Robert Corn spoke of the potential for the New Mexico State Police to become involved in the project. He will follow up with Alabama to see where they are with the New Mexico citations. Mr. Pepin spoke of a possible inquisition of the Legislative Finance Committee with regard to TRACS because electronic citations and electronic filing are ways to obtain a swell in case filings without hiring people.

Rollout Schedule

Rollout Assumptions. Mr. Prisoc referred to the document entitled *Odyssey Statewide Rollout Schedule Assumptions*, which was attached to the OSC agenda. This was developed balancing the need to install Odyssey and to make the rollout as easy as possible while balancing the need on JID Staff. Other states were able to add staff to their implementation; whereas, JID will not be able to do that. He read through the ten assumptions listed.

There was discussion on what optimal class size meant.

Action Item: *Per Mr. Prisoc, Mr. Edwards to modify the document “Odyssey Statewide Rollout Schedule Assumptions” to note maximum training class size.*

Rollout Schedule. Juanita Duran thoroughly explained the document entitled *SJDC Odyssey Rollout After Pilot Courts*, which was distributed by Sandra Trujillo. She requested that Odyssey be rolled out to the Second in January of 2011.

There was discussion on the following points:

- If the Second is moved up on the rollout schedule, it would not affect the BCMC as they are on a separate system.
- The Second’s only concern is the hot site.
- The Second is interested in the supervision module but it is not critical.
- Mr. Prisoc reminded OSC of potential contingencies that may arise at the end of the pilot court phase that could set the project back.
- The Second sent a staff member to Roswell for three weeks. That individual will serve as the Second’s trainer. The Second sent another staff member to Las Vegas who then transferred that knowledge to the rest of the Second’s staff. The Second would like to begin training the

super users as soon as possible. The Second plans to work in collaboration with the Thirteenth when they rollout Odyssey.

- Suggestion to switch the Second to the first quarter of 2011.
- Alternative if the Dona Ana County Sheriff's Office is not ready to submit electronic citations.
- At the very latest, the Dona Ana County Sheriff would have to be ready to submit electronic citations by July 1, 2010.
- The need to consider if the police agencies are ready to deliver electronic citations.
- The implementation guide provides for a six-month process.
- Concerns if the Judiciary loses JID Staff for an extended period of time and how that would affect the rollout.
- The Second has been very proactive and has been preparing for their rollout.
- Is it helpful to have distance between courts when coordinating a rollout?
- Renee Cascio mentioned that she would rather work through a large court like the First Judicial District Court ("First") before Odyssey is implemented at the Second. She is reluctant to have the Second be the first big court in the rollout.
- The First should be automated before they move into their new building. The First is expected to move into their new building in 2012.
- Suggestion to pencil in the First for the first quarter in 2011; the Second for the second quarter in 2011; and, the Las Cruces Magistrate Court for the third quarter in 2011. If issues arise, OSC can meet to discuss them.
- Only the Second and the BCMC have integration projects beyond what JID Staff currently support.
- Concerns with potential strain on JID Staff to rollout three large courts in the first three quarters of 2011. Ms. Duran reiterated the pro-active approach at the Second.
- Concerns with the three month window that will be devoted at each court. Ms. Duran emphasized the importance of getting the Second's super users trained.
- Ms. Duran supported moving the Second to the second quarter in 2011.

Judge Knowles moved that what is currently in the second quarter of 2011 be moved to the first quarter of 2011; what is currently in the third quarter of 2011 be moved to the second quarter of 2011; and what is currently in the first quarter of 2011 be moved to the third quarter of 2011, with the footnote, if electronic citations are in place. Ms. Trujillo seconded. Judge Mitchell asked for a show of hands for those members in favor of the motion: Judge Knowles, Gina Maestas, Ms. Trujillo, Fred Sena and Michelle Jones. Those members opposed to the motion: Karen Janes, Judge Corn, Oscar Arevalo, Judge Martinez-Olguin and Madeline Garcia. Ms. Cascio abstained. Due to a tie, Judge Mitchell voted in favor of the motion. Motion carried.

Action Item: Per Judge Martinez-Olguin, Mr. Edwards to incorporate electronic citations into the schedule.

Action Item: Ms. Janes asked that her, Mr. Pepin and Mr. Prisoc write a letter to the Dona Ana County Sheriff's Office and the TRACS' representatives advising of the need to provide the Judiciary with electronic citations by September 1, 2010, so Odyssey can be implemented at the Las Cruces Magistrate Court in the third quarter of 2011.

IV. Project Manager Report

Change Requests Update. Mr. Edwards referred to the document entitled *State of New Mexico, Administrative Office of the Courts, Change Request Approvals*, which was attached to the OSC agenda. He reported a change to the last item relative to the fit assessment and review of Abuse and Neglect. The AOC identified three enhancements (contract attorneys in children's court; ICWA/CPC reporting; and time standards). The cost for the enhancements is \$101,400.00, which would be funded by a federal grant. He asked for OSC's approval for Tyler to produce the formal change request document for each of the three enhancements.

Judge Martinez-Olguin moved approval to request that Tyler produce the formal change request documents for the three Abuse and Neglect enhancements. Mr. Arevalo seconded. There was discussion on when this would happen. Mr. Pepin pointed out that the AOC is bringing its own money to the table on this request. **No further discussion. No opposition noted. Motion carried.**

Mr. Edwards then referred to the document entitled *Odyssey Project #4278 New Mexico Probation Component Enhancements Conceptual Project Design Document*, which was attached to the OSC agenda. The probation enhancement had been on hold because there were questions. Ms. Cascio referred to the screen and provided an overview of the probation component. She spoke of the following points:

- Sentencing component.
- Confinement component.
- The existing probation component.
- The existing conditions component.
- Fees.
- A lot of questions arose when JID Staff started working with Tyler on implementing the changes that were requested.
- The courts asked for the ability to record concurrent or consecutive on probation.
- The courts also asked for the ability to suspend probation and to add credit for time served for probation only.
- Questions came up as to whether suspend and credit for time served belonged at the higher total for the charge level, or if it belonged at the different kind of probation that is possible.
- If a charge has both supervised and unsupervised probation, would a judge suspend and give credit for time served for each of these individually, or would a judge apply the suspend and credit only against the total?
- She asked OSC not only to consider what is possible with the law but to also consider what the computer system has to do to record what is possible by law.

Ms. Cascio summarized her demonstration by asking the question of: “If a judge ordered supervised and unsupervised probation, would he/she suspend a part of each?”

There was discussion on the following:

- Applying suspend and credit only against the total after the five years.
- The probation component has nothing to do with the jail component.
- The maximum term a judge has on probation, with teeth, is five years, until the law changes.
- A judge does not suspend on probation. A judge suspends on condition of probation.
- It is possible to give credit for time served on probation if 100% of the sentence is suspended on condition of probation.
- Conditional discharge
- Three ways a sentence can be imposed (it can be suspended, all or in part; it can be deferred; or there can be a conditional discharge). Any of these ways can result in supervised or unsupervised probation or any combination of supervised or unsupervised. It is possible to give credit for time served if the sentence is suspended.
- Anything past the term of the original sentence, except for a first offense DWI, a judge loses the ability to do anything if a defendant actually violates the conditions of probation. For example, if it is an eighteen month underlying sentence, a judge could give the defendant five years supervised probation. Past those eighteen months, a judge can give credit for the time served on probation against any time the defendant already served on a revocation.
- Leave credit for time served at the probation aggregate level.
- It would make a difference with supervised and unsupervised because in order for a defendant to travel out of state, they need to be on unsupervised probation.
- Apply to sum total.
- Using the “comment” box for details.
- Concurrent and consecutive would also be applicable to the total.
- There will not be multiple concurrent levels or multiple suspend and credit levels because it will be at the probation aggregate level.
- The system does not calculate whether things are concurrent or consecutive in the grand total because Tyler advised that this option was a significant infrastructure change and they could not provide an estimate.
- Using the judgment and sentence document to verify sentence and probation.
- The ability to add multiple cases and how it is displayed.

Mr. Edwards asked OSC if they wished for the project team to continue with the development of the probation component. Tyler estimated 144 hours for this project. To date, 36 of those hours have been expended.

Action Item: Judge Knowles offered to meet with JID Staff and Tyler to brainstorm the requirements for the probation and sentencing components.

Judge Knowles moved that JID Staff and Tyler continue to pursue the development of the probation component. Ms. Janes seconded. No further discussion. No opposition noted. Motion carried.

Tyler Project Status Report. Mr. Todd referred to his project status report that was attached to the OSC agenda. He spoke of the following points:

- Risks remain the same until they get a repeatable, reliable process in place.
- Major achievements accomplished since the last OSC meeting:
 - Performed the Seventh Judicial District Court (“Seventh”) second data push.
 - Incorporated an online mapping tool.
 - JID Staff started testing Release 2009SP2.
- Ongoing/Upcoming Activities:
 - Still testing Release 2009SP2.
 - Began configuration for the Farmington Magistrate Court.
 - The first Farmington Magistrate Court data conversion is scheduled for December 4th.
 - A goal to get Release 2009SP2 into production in January, contingent upon testing and fixes. He would like this release in production before the Seventh is implemented.
 - Soon to perform the third data push for the Seventh.

At this point, it is difficult to determine the results of the Quality Assurance (“QA”) period. Mr. Todd suggested that the QA period be re-analyzed at the January OSC meeting.

Action Item: *Per Ms. Janes, Mr. Todd to provide OSC members with a summary of terms.*

AOC Project Status Report

Tyler Hours and Travel. For the sake of time, Mr. Edwards asked if there were any questions relative to the documents entitled *Administrative Office of the Courts, Odyssey Case Management Project* and *Tyler Hours and Travel, Plan vs Actual by Calendar Quarter*, which were attached to the OSC agenda. No questions were asked.

Project Schedule. Mr. Edwards asked if there were questions relative to the project schedule, which was attached to the OSC agenda. No questions were asked.

Financials. Mr. Edwards asked if there were questions relative to the document entitled *New Mexico Administrative Office of the Courts, Budget vs Actual, Project Life and Project to Date*, which was attached to the OSC agenda. No questions were asked. He added that the project team signed the operational acceptance and they are expecting an invoice from Tyler for \$500,000.00 for the second license payment.

QA Progress

Accomplishments. Mr. Edwards asked if there were questions relative to the document entitled *Accomplishments During the October QA Period*, which was attached to the OSC agenda. No questions were asked.

MOU. Mr. Edwards referred to the document entitled *Memorandum of Understanding Between the Administrative Office of the Courts and [court name]*, which was attached to the OSC agenda. The Memorandum of Understanding (“MOU”) was updated based on input from OSC members and JID Staff. The plan is to introduce the MOU to the Seventh at the kick off meeting for the conversion.

Conversion Data Cleanup Instructions. Mr. Edwards referred to the link: <http://inside.nmcourts.com/odyssey/conversion/DistrictCourtsConversionTool.pdf>. This link provides instructions on data cleanup for the district courts. The instructions for the magistrate courts were provided at the annual Magistrate Court Conference.

V. IV&V Update. Dr. Julie Carroll reported the following:

- Follow up on QA activities.
- Initiated IV&V activities with the BCMC and the Second.
- Traveled to the Moriarty and the Roswell pilot courts to verify things that were going on during the QA period. She found progress in the magistrate court forms. Operations were calmer in the magistrate court. The clerks she spoke with felt that a certain point had been reached where they could see this coming to an end and the forms that they frequently use had been largely fixed.
- There are issues in the courts relative to operational impacts. There were reports of judges waiting for clerks and some of the processes taking too long. The redistribution of workload between Trial Court Administrative Assistants (“TCAAs”) and clerks in the district courts is still difficult in Roswell. These issues need to be monitored throughout the pilot period.
- Not much evidence of progress in the mapping, but she recently received additional information.
- She increased the risk relative to the estimate for the BCMC. Originally, there was a goal for the BCMC to start this fall but that clearly is not happening. The BCMC has a lot of preparation to do, even if they are not implemented for a long period of time.
- She spoke of the Second’s significant progress on preparing for implementation of Odyssey.
- Instructions provided to the district courts are now available, as mentioned earlier by Mr. Edwards.
- There are other issues with the BCMC, the Second and JID Staff. There had been regular technical meetings among the three shops; however, those have not been scheduled in some time. There are a couple of documents in draft form that have not progressed. The BCMC and the Second are interested in continuing the meetings and progress.

VI. Future Meetings. Judge Mitchell cancelled the OSC meeting scheduled on Wednesday, December 16, 2009 as JIFFY will not be meeting in December and because there was not anticipation that a meeting was necessary in December. The next meeting is scheduled for Wednesday, January 20, 2010 at 2:00 p.m. at JID. If issues arise in the meantime, an OSC executive committee meeting will be called. Mr. Edwards suggested publishing the monthly information, even if there is not a meeting scheduled so as to keep OSC members informed of the project progress.

Action Item: Per Judge Mitchell, LaurieAnn Trujillo to publish the 2010 OSC meeting calendar.

VII. Adjourn. Judge Mitchell adjourned today's meeting at 4:04 p.m.

Final Minutes Approved by Judge Mitchell on December 3, 2009.