

**Judicial Information Systems Council
Online Access Subcommittee
Draft Meeting Minutes
James Noel, Chair**

Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, New Mexico 87505

Monday, April 5 2021 at 1:30pm – remote conference

1. Welcome and Introductions

In accordance with the Supreme Court orders regarding the pandemic and the imperative to make court access the top priority while operating under scaled back operations, for the foreseeable future the focus of the Online Access Subcommittee meetings will be on the following three items until further Order of the Court.

- SOPA Access Requests
- re:SearchNM completion
- Expanded e-Filing

In attendance: Judge James Noel, Chair; Judge Micki Vega, Judge Maria Dominguez, Judge Karen Mitchell, Ian Bezpalko, Weldon Neff, Artie Pepin, Barry Massey, Dick Wilkinson, Celina Jones, Monica Baca, Suzanne Winsor, Margarita Terrell, and Laura Orchard

Guests: Michelle Graham, Aaron Borrego, Peter Hepburn

2. Approval of Agenda

A motion was made by Barry Massey to accept the agenda, which was seconded by Ian Bezpalko and passed with no opposition.

3. Approval of March 1, 2021 draft minutes

A motion was made by Barry Massey to accept the minutes, which was seconded by Ian Bezpalko and passed with no opposition.

4. Follow up on action items from prior meetings (see attached)

Laura Orchard briefed the committee on the status of the action items being tracked from previous meeting.

5. SOPA Requests (see SOPA Requests on drive)

- a. Michelle Graham - Returning Tier 1 request. Forensic Scientist SOPA request – (703417) – on behalf of the City of Albuquerque, she searches on First, Last, DOB, SSN and booking offenses to see if it is still a valid felony offense – enters this same info into their DNA database as either an eligible offender so the officer will know whether to collect a DNA sample or not. She met with Darla Goar to discuss NMdataXchange and they determined it would not work for her. Should she be considered 2.5 Law Enforcement Staff or Investigator?

Michelle Graham and her supervisor, William Watson, explained that the NMdataXchange will not work for accessing the data they need and are returning to request tier 2.5 Law Enforcement Staff access.

Judge Mitchell made a motion to approve the request, and Weldon Neff seconded the motion, which passed without opposition.

Action Item: Laura Orchard to process the request through the service desk incident.

b. Press Discussion

- Press definition
- Aaron Borrego – Tier 1 Press request – not currently published

Aaron Borrego explained that he is a realtor seeking foreclosure and predatory lending data for realtors and realtor associations. He does not currently publish anything.

Barry Massey made a motion to deny his request, and Ian Bezpalko seconded the motion, which passed with one opposed.

- Peter Hepburn, Princeton University – Tier 1 Press request for five accounts in order to gather eviction data – possibly put him in contact with UNM law student who developed the software for this purpose.

Peter Hepburn explained that he would like the same data that Samuel Taub currently accesses through his UNM Law Clinic account so he can work with the eviction data in a similar manner. Committee members asked if he can just use Samuel Taub's data.

Action item: Dick Wilkinson and Barry Massey to work with Peter Hepburn and Samuel Taub to understand whether the raw data Samuel Taub gleans from SOPA can be used. Those finding to be brought back to the May OAS meeting for consideration.

- c. New Mexico Gaming Control Board – Sergeant and Special Agents of the state agency requesting Law Enforcement Agency access for background checks on personnel. Does this meet the criteria?

Laura Orchard explained that there is a group at the New Mexico Gaming Control Board with 2.5 Law Enforcement access, and wanted to be sure they meet the criteria. The committee asked for more information from the requestors.

Action Item: Laura Orchard to gather more information about law enforcement certification from the requestor to present at the May OAS meeting.

6. File & Serve Account Request

- a. Michelle Muncy, non-attorney e-filing certificates of completion to the court on behalf of Education and Planning Co-Parenting Education Classes. Requesting a unique CAID number.
- Misuse of the Court's CAID number for e-Filing and data cleanup for courts

Laura Orchard provided the background regarding clerks having provided non-attorneys with the court's court filer attorney number so they could use File & Serve to submit certification

documents. Michelle Muncy explained that this has been their practice for about 6 years at various court locations in New Mexico, and didn't know it was against any rules.

Michelle Muncy indicated her organization had stopped this practice when asked to by JID, but wanted the committee to know their group and others would like to have way that is as easy as File & Serve is to submit these certificates.

Judge Dominguez said that the Metropolitan court has an application that provides this type of thing for their certificate submissions. She said she would look into it and bring back her findings to the committee in May.

In the interim, Michelle Muncy's organization will use email to submit their certificates to the court.

Action Items:

- *Judge Dominguez to meet with Probation Services Director at Metro Court for information about how third party providers submit certificates to the court for May agenda;*
- *JID to develop process for obsoleting the 12345 court filer accounts and replace with node-specific accounts in File & Serve;*
- *Judge Noel to alert JIFFY and the Supreme Court of the situation and possible solutions; and,*
- *Dick Wilkinson to communicate with court managers and CEOs to stop the practice of sharing the 12345 court filer account and accepting non-attorney filings through File & Serve.*

7. Partial Expungement Discussion and Demo – Monica Baca, Suzanne Winsor

- a. Instances where an individual has multiple convictions within the same case, in which some may be eligible for expungement and some may not. Discuss options for how to implement partial expungement and align manually redacted document content with the partial expungement for online access.

Suzanne Winsor and Celina Jones explained how the details of implementing the partial expungement of charges is more complicated than expected.

Suzanne Winsor demonstrated a feature in Odyssey that allowed individual charges to be expunged. She then demonstrated the application of a case flag.

Because it is a partial expungement of an unsealed case, it leaves the data in the documents exposed. The question for OAS is how to treat the order to partially expunge and the documents that may contain data about the expunged charge.

No action was taken, and the discussion is to be resumed at the May 3 meeting.

The meeting needed to be cut short, so the remaining topics (items 7 through 11) will be moved to the May 3, 2021 agenda.

8. Meeting Adjourned

Next Meeting: Monday, May 3, 2021 at 1:30pm