

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

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

Monday, April 6, 2020 at 1:30 pm – remote conference

1. Welcome and Introductions

**In remote attendance: Judge James Noel – Chair, Joey Moya, Jen Scott, Barry Massey, Weldon Neff, Ian Bezpalko, Judge Mitchell, Robert Padilla, Judge Dominguez, Suzanne Winsor, Laura Orchard, Tracy Nakai, Margarita Terrell, Dick Wilkinson, Tobie Fouratt, Jennifer Vallejos, Jinger Fiola**

**Guests: Gabrielle Abousleman, Aaron Martinez, German Zapata, Pat Rogers, Bill Girdner**

2. Approval of Agenda

**Judge Noel announced that, 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 relegated to three items until the situation returns to business as usual:**

- 1. SOPA Access Requests**
- 2. re:SearchNM completion**
- 3. Expanded e-Filing, which will enhance how individuals engage with the court without actually having to go to the court physically**

**With apologies to Pat Rogers and Bill Girdner, the only items to be discussed at today's meeting will be items 5, 7, and 8 from the draft agenda (which correspond to items 1,2, and 3 noted by Judge Noel).**

**Pat Rogers asked if the Press Review Queue agenda item would be rescheduled to next month. Judge Noel said he would not entertain broadening the scope of the focus for OAS until the Supreme Court issues revised orders changing the priorities.**

**Pat Rogers and Bill Girdner were dismissed from the meeting.**

**The discussion began with the review of SOPA requests.**

3. SOPA Requests (see "SOPA Request" folder)
  - a. **Sherry Pratt did not attend and will be moved to the May agenda.**

- b. German Zapata – UNM Hospital Transition Planning Team (for Tier 2 DV – see two German Zapata attachments) – OAS reviewed request at March 2, 2020 meeting and requested more information about what the group specifically does before making a determination.

**German and his supervisor, Aaron Martinez explained that as contractors for Bernalillo County and MDC, they use data like the conditions of release and Domestic Violence information and a recidivism assessment score to determine how to guide citizens who are transitioning back into the public. Currently the majority of the team has SOPA access, only German is in need of access.**

**After some discussion, Judge Noel suggested that due to the absence of access to court and county staff who typically assist in providing data, that the committee mitigate in favor of providing Tier 2 DV access to German Zapata and address the policy implications after normal operations resume.**

**Judge Mitchell made a motion, in light of the 7 UNMH colleagues that have the Tier 2 DV access, that the same Tier 2 DV access be given to German Zapata, with the caveat that OAS will continue to explore the NMdataXchange option as a long term solution. The motion was seconded by Ian Bezpalko. There was no opposition.**

**Action Item: Laura Orchard will follow up with German Zapata via the service desk incident to provide access, will track items for NMdataXchange review, and will track all items that need OAS review again once normal operation resume.**

- c. Gabrielle Abousleman – New Mexico Intimate Partner Violence Death Review Team (for Tier 2.5 access) – does not get the data needed via NMdataXchange

**Gabrielle Abousleman cited statute 31-22-4.1 in which the NMIPVDRT was established and directed to track and report on deaths within a given year on cases that have already been adjudicated in order to recommend systems to prevent these deaths. In order to provide accurate data, the Domestic Violence Orders of Protection are requested from the courts one by one. The case information she analyzes is not passed along to her staff, only the filtered data. She cannot currently see the Domestic Violence Order of Protection. The case load has increased and the access to courts has been restricted. Access to this information via SOPA would decrease the level of effort through written and in-person requests by the NMIPVDRT and the court staff across the state.**

**Judge Mitchell noted that the commission (CVRC) requires at least one attorney to be on the board, and could be the supervisory signatory.**

**Judge Noel suggested that under the current circumstances of scaled back operations and staffing, this may be a moment to make this work for them.**

Barry Massey noted that the restriction is based on not providing any information about the protected party, but because the protected party is most often the deceased, the protected party disclosure is not an issue in this situation. This group is also statutorily required to comply with confidentiality requirements regarding the personally identifying information.

Judge Dominguez communicated with Judge Cosgrove Aguillar, who served on the commission since 2004, said this activity is essential in knowing whether there is an order and what the details of the order are.

After discussion, Judge Dominguez made the motion to allow the death review team, specifically Gabrielle Abousleman, to have access to the DV Orders of Protection for purposes of the team's mission. Barry Massey seconded the motion. There was no opposition.

**Action Item:** Laura Orchard will follow up with Gabrielle Abousleman with the Justice Partner application process.

4. e-File Implementation Plans for the Supreme Court (see "Implementation Plans" folder)

Judge Noel read an excerpt from the Supreme Court letter to Judges Noel and Mitchell regarding the e-Filing implementation plans:

*After considering the matter, the Court has authorized implementation of Civil e-Filing for attorneys in all Magistrate courts and the Bernalillo Metropolitan court. However, I would like to receive from you a project implementation plan that I may share with the court before the Civil e-Filing project gets underway. The plan should include a timeline, estimated costs, and a detailed explanation of the impact of implementation on any existing projects. For example, the Court has approved implementation of ODR Traffic cases and the project is well underway and cannot be delayed by Civil e-Filing. Additionally, the Court requests that Online Access Subcommittee develop and submit to the Court a phased-in implementation plan for SRL e-Filing. The plan should begin by allowing Self-Represented Litigants to use forms posted on nmcourts.gov and File & Serve as attorneys are currently allowed to do in New Mexico, and ultimately result in a system of standardized forms that are integrated into online interviews that are integrated into the Guide & File program.*

Margarita Terrell walked through each of the Metro and Magistrate Courts e-Filing implementation document. Discussion, questions, and action items resulted.

Suzanne Winsor explained that the Metropolitan Court roll out is going to go first, because it is a single physical location, many of the codes are the same as the Magistrate Court's, and it would provide JID with the opportunity to get their processes in place before implementing in the multiple Magistrate court locations.

Metropolitan Court plan questions and action items:

- Does the ODR Traffic project have a schedule?

- No, after Dave Wasson left, the I-Team told OBS to take ODR Traffic back to the drawing board, and although this project is high priority for Justice Nakamura;
  - A preliminary set of requirements has been developed by JID, but has not been provided to Tyler yet;
  - Judge Levy needs to determine how to proceed with the resources she has;
  - No work has been performed on this project yet;
  - The I-Team would need to request it from the vendor as part of the contractual agreement
  - Will staff need to be contracted to support these projects?
    - No, the Odyssey Business Support team is fully staffed and able to support these projects.
  - Action Items:
    - Expand on the ODR Traffic project impact in the plan document;
    - Ready for OAS review at May 4 meeting to submit on May 6 for the Supreme Court's May 20 agenda
- a. Magistrate Courts plan questions and action items:
- What would the logical groups of 18 be for Magistrate Courts?
    - It could be grouped by geographic location, by bandwidth, by court size, volume of filings, courts that are fully staffed, or by tech-savvy court staff (those currently handling e-Citations)
    - Consider adding a low bandwidth court to the first roll out could help reveal whether any issue exists
  - There is a concern about having a “mandatory” rule if bandwidth is an issue for certain rural courts, and they cannot meet the mandatory requirement.
    - It also may not be a real concern, because District courts already process F&S filings with their limited bandwidth. The smaller courts with less bandwidth may also not have a high volume of filings.
    - Weldon mentioned that even with bandwidth issues at his court, he wants to be high on list for rolling out the Magistrate e-Filing.
  - Have CEOC review the plan and be told about the groupings of 18?
  - When will it be presented to the Supreme Court?
    - Materials due on May 6 for May 20 conference
  - Needs JIFFY approval?
    - As a Supreme Court directive, would not need JIFFY approval first
  - Each plan and each roll out has a Supreme Court Rule task included in the schedule – can this be consolidated into one rule for all?
    - May be a question for the Supreme Court
    - Joey Moya said there would be two statewide rules, one for the Magistrate courts and one for Metropolitan court, and when SRLs become involved, they would be amended. If phasing in for the Magistrate courts, he suggested using the District Court rule as a

template to develop two (one for statewide and one local as those locations become mandatory) and have those phasing specifics ready for the Court to see.

- Statewide rule for Magistrate courts that becomes enforceable when there is a local rule that indicates e-Filing is available in that district, where bandwidth is sufficient. If there are bandwidth problems at a court, the local rule will not be implemented.
- CEOC may have some insight into the phased groups.
- Will the Supreme Court want to see the draft rules?
  - Joey indicated they would likely want to see them.
- How will the F&S Upgrade impact the current District court e-Filing that's in Production?
  - This is a maintenance process that is performed after hours and won't introduce any new features, so it should have no impact
- Margarita noted that one of the challenges of identifying the court groupings now is the timing – if the Supreme Court approves the plans in May, then Metro court will begin their project and June, with the possibility of ODR Traffic slipping in between, the Magistrate court implementation wouldn't begin until the fall, which could mean the criteria for the groupings might change.
- Action Items:
  - Margarita Terrell:
    - Remove mentions of TCAAs in the document
    - Identify the groups of 18 in the document – Tobie Fouratt, Jinger Fiola, Tracy Nakai, and Weldon Neff to determine groups – possibly to present to CEOC
    - Identify the bandwidth risk in the document
  - JID:
    - Provide Magistrate groupings to CEOC for input
  - Judge Mitchell requested Judge Dominguez, and Robert Padilla to develop the draft rules for Metro and she will work with JID staff to develop the Magistrate rule using rule 1.005.2 for District as a starting point. Joey offered to do this during the week of 4/6/2020.
  - Documents to be ready for OAS review at May 4 meeting to submit on May 6 for the Supreme Court's May 20 agenda

#### **b. Self-Represented Litigant**

Laura Orchard presented the Self-Represented Litigant e-Filing Implementation Plan, with the following discussion points, questions, and action items:

- For Phase 2, is there any way to provide a timeframe for any of the case types?
  - Not until a deep dive is done to process map the specific case type
- Would like to see an itemization of the problems we may encounter by just opening up File & Serve to SRLs (Phase 1)

- Phase 1 could present a disruption for the courts' operations in unknown ways – the foreseen issues should be spelled out in the document as a risk (i.e. separate queues for SRLs, etc.)
- The court staff resource to support SRLs is not clearly stated
- Recommendation is to break out the estimated costs by adding 1.3.1.1 Development and 1.3.1.2 Court Operations for the additional support required during Phase 1 while Phase 2 is being developed
- There is an argument for not implementing Phase 1, but begin with Phase 2 in order to avoid the court operations issues
- Add a task to convert the existing G&F interviews into e-Fileable interviews
- Action Items:
  - Laura Orchard:
    - Add 1.3.1.1 to identify the cost of court resources
    - Add conversion of existing interviews task
    - Add specifics about court operations
    - Add verbiage explaining why we think 4 dedicated staff would be needed on 1.3.2
    - Add a risks section to document
    - Add information about court support, guiding document development, etc.

5. Meeting Adjourned

Next Meeting

Monday, May 4, 2020 at 1:30pm