

**Judicial Technology Council - Online Access Subcommittee**  
**Final Meeting Minutes**  
**James Noel, Chair**  
Judicial Information Division  
2905 Rodeo Park Drive East, Building 5, Santa Fe, New Mexico  
87505 Monday, August 2 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 Karen Mitchell, Barry Massey, Weldon Neff, Judge Mark Sanchez, Judge Micki Vega, Ian Bezpalko, Artie Pepin, Celina Jones Suzanne Winsor, Margarita Terrell, Laura Orchard*

*Guests: Celina Jones; Jason Greenlee and Donna Miles of DPS*

2. Approval of Agenda

*Laura Orchard requested an additional item be added to the agenda to provide a status report on the File & Serve Upgrade Project.*

*Ian Bezpalko made a motion to accept the agenda, Judge Sanchez seconded the motion, and it passed with no opposition.*

3. Approval of July 12, 2021 draft minutes

*Ian Bezpalko made a motion to accept the July 12, 2021 meeting minutes, Barry Massey seconded the motion, and it passed with no opposition.*

*Action Item: Laura to correct “Agenda” to “Minutes” and post final version*

4. Follow up on action items from prior meetings

*Laura Orchard provided an update on action items being tracked from prior meetings using the Action Items document.*

5. Criminal Record Expungement Act

- a. Update on procedures for the three charge categories – Celina Jones

*Celina Jones reminded the group that the topic is regarding amendments made to the Criminal Record Expungement Act that went into effect on June 29, 2021. The Rules of Civil Procedure Committee is working to draft rules as required by the statute related to procedure and automatic expungement. The work of the committee is ongoing, but there is nothing final to report yet. The committee believes it will take another six weeks to finalize the rules to submit to the Supreme Court. The action item today is to address the SOPA access for the Department of Public Safety.*

*The issue is around the automatic sealing of Release Without Conviction expungement petitions being filed. It has significant implications for the Department of Public Safety in order to track and respond to these petitions.*

*Celina Jones indicated Release Without Conviction can be applied to any criminal case type. Laura Orchard explained that in terms of providing a contained SOPA profile for DPS, the only profile currently available that would provide access to sealed cases across the broad range of criminal case types would be the Judicial Standards Commission profile. That profile has right to access to all case types and documents whether they are sealed or unsealed.*

*Judge Noel clarified that DPS would need to see the civil expungement case and the criminal matter. Judge Noel asked if the automatic sealing in rule applies to both the criminal case and the civil matter seeking expungement, or just the civil matter seeking expungement. Celina Jones answered that it is just the civil matter seeking expungement that would be sealed.*

*Suzanne Winsor explained that some changes will be required. There is an event code used to open the case with no conviction, (1543 OPN: Petition to Expunge With No Conviction), and it can be set up so the event code seals the case. However, what the Online Access Subcommittee had decided was that the cases would be sealed with the EXP Expunged case security group, and what is set up in re:SearchNM is for EXP not to be seen by users. She offered the option of using the regular SEALED Sealed Case code, in which case it would remain in SOPA and re:SearchNM so that only certain profiles would be able to see it while others could not. Then it would be changed to the EXP Expunged code once expungement has been granted by the court.*

b. SOPA request for Department of Public Safety – Jason Greenlee and Donna Miles of DPS

*Jason Greenlee introduced Donna Miles as the chief paralegal for DPS and explained that the amendments to the statute made it so that expungement petitions for are non-convictions are sealed upon filing. That has made it incredibly difficult for DPS to track these cases, can't easily look at them in SOPA, don't automatically get the filings or notices of hearing. DPS is requesting to view the EX cases, because the underlying criminal cases are available already. Right now there are 275 open expungement petitions across the state and the number is going up, but it will likely remain around 200 going forward. The inability to view the sealed cases makes it very difficult. Unlike some of the other pleading the judiciary seals, there is nothing other than a complete social security number, there is no other non-public information contained in the petition to expunge a non-conviction. Although these are being sealed by law, we are not requesting access to any sensitive information. DPS is requesting that the attorneys at DPS have access to all of the expungement petitions.*

*Laura Orchard recommended taking the current Judicial Standards Commission profile, copy it, and then reduce the case types down to just the Criminal Record Expungement cases so they would have access to both sealed and unsealed EX cases with that profile. They already have SOPA profiles that give them access to the publicly accessible case information, so this would be a second account to see these EX cases.*

*Jason Greenlee indicated there would be up to four attorneys and two paralegals, with very little turnover historically.*

*Suzanne Winsor suggested giving them the hybrid Laura Orchard recommended.*

*Judge Noel asked the committee if a vote is needed, with the proviso that it is possible to create the profile limited to the EX cases DPS is looking for.*

*Jason Greenlee asked if this SOPA access would give them the ability to file into the cases. Laura Orchard said no, the way File & Serve is configured, no sealed case of any type can be filed into*

*electronically. Donna Miles explained that she has an email address for 2<sup>nd</sup> District for filing into cases, and she asked if the attorney and paralegal can be added as a service contacts, but the court said only the attorney. So she, who is responsible for calendaring the notices of hearings, won't get a copy and have to be put on the attorney to take extra steps. Will there be email addresses for all of the courts in New Mexico?*

*Celina Jones indicated she could send the list of 34 court email addresses to Donna Miles.*

*Jason Greenlee restated his request of OAS: that the attorneys and legal staff at the Department of Public Safety be able to open and look at anything filed in any EX case whether it is sealed or not.*

*Judge Sanchez made the motion, which was seconded by Weldon Neff, and pass without opposition.*

*Judge Noel reminded the group that this relies on JID's ability to provide this technologically.*

**Action Items:**

- *Laura and Suzanne to develop the solution in SOPA;*
- *Laura to add a Policy 13 to the criteria spreadsheet for approval;*
- *Laura to send Mr. Greenlee and Ms. Miles the appropriate application forms for Laura to process; and,*
- *Celina Jones to send Ms. Miles the list of court email addresses*

6. Project Update for Magistrate eFiling – Margarita Terrell

*Margarita Terrell shared a set of slides in order to provide a wrap up for the three-phased Magistrate e-Filing project. The slides provided a brief recap of how the project began, some challenges, accomplishments, and outcomes.*

*Judge Noel, Artie Pepin, and Judge Mitchell all commended the project team.*

*Judge Noel noted that the Metro and Magistrate e-filing was a precursor to Self-Represented Litigant e-filing, so that project plan that has been back-burnered that may need to come before OAS at the next meeting. Suzanne Winsor agreed.*

**Action Item:** *Laura to add the SRL e-Filing project to the September agenda*

7. File & Serve Upgrade Project Update

*Laura Orchard displayed the project update document and reminded the committee that Microsoft has given an October 12 deprecation date for Silverlight in Internet Explorer. What this means is that both Review and Filer tool for the courts will go away and be replaced by a newly developed Review Tool and then they will use the Filer Tool currently used by external filing attorneys. Throughout August, September and October, the Odyssey Business Support team will be testing the new upgrade to the base software in Silverlight, then testing the new Review Tool for court reviewers, then training over 1,000 Metro, Mag, District, and Appellate court staff to use the new tool and the HTML5 Filer tool.*

*She pointed out the announcement for court staff on the shared drive and walked through the brief outline of the timeline to give a high-level overview of the project and the training that will take place.*

*The two concerns noted are:*

- *The load on Magistrate court staff, who have only just rolled out on File & Serve; and,*
- *The number of court users to train in a strategic manner*

*Suzanne Winsor let the committee know that Tyler Technologies has informed us that the HTML5 filer tool is being rebuilt as well, so this will continue to be a heavy lift.*

8. Project Update for re:SearchNM – Laura Orchard

*Laura Orchard displayed the project status report and provided a high-level overview of where the project currently stands.*

*The Tyler Technologies project manager for re:SearchNM, Phillip Vaden, asked if a promotional invitation can be sent out to civil attorneys using File & Serve to increase revenue for re:SearchNM.*

- *Currently 2/3 of the SOPA accounts are attorneys*
- *1,160 active re:SearchNM users*
- *With no promotions, re:SearchNM is making \$30k annually from 64 word of mouth subscriptions*
- *Because the criminal development isn't completely deployed, the focus would be on civil attorneys*
- *Currently, the users of re:SearchNM submit about 1 call per month to Tyler Support*

*There is no timeframe on rolling out the promotion. Suzanne Winsor said there needs to be another set of testing to make sure the data integrity is where it needs to be, and then Phillip Vaden needs to bring this request to OAS for approval. She felt it was premature for him to have made the request.*

*Judge Noel recommended this request go through the new CTO and Artie Pepin to make a recommendation to JTECH. Until everything is ironed out, broadening the use of re:SearchNM doesn't make sense.*

*Action Item: Laura to recommend Phillip Vaden take his request directly to the CTO and Artie Pepin*

*Artie Pepin informed the committee that a lawsuit has been filed by Courthouse News naming AOC, Kathleen Vigil from the 1<sup>st</sup> District, and himself as defendants.*

Meeting Adjourned

Next Meeting - Monday, September 13, 2021 at 1:30pm