

**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, February 1, 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; Barry Massey, Ian Bezpalko, Judge Micki Vega, Weldon Neff, Judge Mark Sanchez, Judge Karen Mitchell, Pat Mente, Suzanne Winsor, Margarita Terrell, Laura Orchard

Guests: Michelle Graham; Phillip Vaden

2. Approval of Agenda

Motion to approve the minutes was made by Ian Bezpalko, seconded by Judge Mitchell, and passed without opposition.

3. Approval of January 11, 2020 draft minutes

Motion to approve the agenda was made by Barry Massey, seconded by Judge Vega, and passed without opposition.

4. Follow up on action items from December and January meetings (see attached)

Laura Orchard provided a brief summary of the status on each action item from the January meeting.

5. SOPA Requests (see SOPA Requests on drive)

- a. Forensic Scientist SOPA request – Michelle Graham (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 says the information is not always in Case Lookup. She has been directed to seek the info through NMdataXchange. Does not meet the criteria as Law Enforcement non-officer in support of officer safety.

Michelle Graham explained that she is seeking case information about arrestees where there is a documented arrest, probable cause, in a felony (but not those cases where they were dismissed or had no probable cause) in order to determine if the arrestee qualifies to have a DNA sample taken. Also, searching by SSN or alias is possible through SOPA.

Because her affiliation does not meet the criteria for SOPA access, a further discussion of the NM dataXchange took place.

Darla Goar explained that the NM dataXchange provides 10 days' worth of (including criminal data and disposition data), without any documents, and it may provide what she is looking for and will assist in determining that. Laura Orchard will exchange their contact information for Ms. Graham and Ms. Goar to examine this further.

- b. SOPA misuse – Marvin Garcia – self-reported accidental misuse of his account.

Laura Orchard explained that Mr. Garcia filed an incident on his own behalf, both with the FBI and with JID admitting that he'd accidentally used his SOPA account for personal use.

After discussion, the committee determined that a letter will be sent from Judge Noel to Mr. Garcia thanking him for self-reporting the breach and to be careful because future breaches could be an issue. At this time no adverse action will be taken against him.

- 6. re:SearchNM Project
 - a. Status Update

Laura Orchard gave a brief update, informing the committee that the re:SearchNM testing is still on track to begin on February 4 with training the JID testers.

- b. Tyler presentation and demonstration of subscription features and searching capabilities in re:SearchNM – Phillip Vaden and Will Richardson, Tyler Technologies

Phillip Vaden, of Tyler, and Laura Orchard provided a presentation of the search capabilities within re:SearchNM that users (attorneys, justice partners, and judges) will have once re:SearchNM rolls out.

Judge Sanchez indicated that some of the fears judges may have are that attorneys will start shopping for judges based on things like leniency of sentences or size of civil awards tried at the bench. Judge Noel also suggested the number pre-emptory challenges, challenges for cause, how many times they were reversed on appeal. The hope is to make sure the power of re:SearchNM to provide this type of information is made clear to judges and justices during their training to avoid surprises.

Judge Mitchell reminded the group that historically, this data has been provided to the public on a per-court basis and not a per-judge basis, so this is a departure from that.

Suzanne pointed out several event codes, like Judge Excusal/Challenged on Cause or Judge Excusal/Pre-emptory Challenge, and Recusal, which are searchable. Even so, it will be a case-by-case search by the user to find the details they are seeking.

Phillip Vaden informed the group that if there is a code that the court does not want users to be able to search on, they can be hidden.

Judge Noel asked if there is a published diagram of all the search options for the customer. Phillip Vaden showed how to use the “FAQs” section of the re:SearchNM site and the Landing Page.

Action Item:

- *Judge Noel requested documentation for the March OAS meeting regarding a diagram of the search options, the subscription service features, and which of those are included for Judges.*

7. Project Prioritization Discussion for JIFFY Recommendation (see Project folder)
 - a. After Phase 3 roll out for Magistrate Courts, the Self-Represented Litigant e-Filing project was to begin with direction from the Supreme Court. The number of projects in the pipeline and in the parking lot have increased and need to be prioritized to manage the resources responsible for implementing them.

Judge Noel introduced the topic of project prioritization in light of the success of JID’s work and projects that arise while implementing other projects, such as Task Manager and e-Signature. The original intention was to implement three e-filing projects for Metro, Magistrate and then SRLs, which have implementation plans the Supreme Court reviewed and approved. If there are projects or requests that will compete with the SRL e-Filing project, those will need to be examined and presented to the Supreme Court.

Suzanne Winsor explained that we rolled out SRL access to their cases in re:SearchNM, and then by rolling out e-filing at Metro and Magistrate, where the bulk of SRLs have cases, the roll out of SRL e-filing would make more sense. Also, making sure all the court staff were comfortable with e-filing by attorneys would make it easier to deal with e-filing from SRLs. The question is not whether to roll out the SRLs, but the timing.

With over a year of having SRLs in re:SearchNM, there are only 16 active accounts. We need to analyze why there is such a low turnout. Will this low engagement translate to e-filing? Suzanne recommended a review of the SRL implementation plan to make sure we have a plan to get the numbers up. In terms of the SRL access to re:SearchNM, perhaps we need to ask Grace Spulak of AOC to review the plan and offer suggestions for how to increase engagement with the SRLs.

re:SearchNM works best with PDF files, and with so many using their phones to access court information, TIF files require an app to open them. Currently, we have more TIF files than PDF files in Odyssey, because the current version of Odyssey has a Lead Tools feature that allows the clerk to modify the scan (straighten skewed pages, etc.). That works on TIFs, but not PDFs. The Lead Tools in the next version of Odyssey works on both. Clerks have been vocal about not moving to PDFs until they have that tool.

The next version of Odyssey has a different user interface that will be a heavy lift in terms of training. The user interface is so different that in-person training is the preferred route, but Covid has interfered with that. It’s likely we’ll have to wait until the fall or early 2022 for everyone to feel safe enough for that.

The Metro and Magistrate roll out of e-Signature and Task Manager has gotten very good feedback, and the District courts are going to want this capability too. The functionality isn’t

difficult, but the configuration on the back end is very time consuming. The legislature gave us a special appropriation for e-Signature, and the feature allows judges to sign things remotely, so it makes sense to get it out to all the courts (District and Appellate) sooner rather than later.

The struggle is how to prioritize these projects.

Judge Noel reminded the committee that the Supreme Court's request was for SRLs to e-file, but due to interaction with JID they agreed to rolling out Metro and Magistrate first due to the prevalence of SRLs in those courts. When we revisit the implementation plan, if anything changes regarding timing or priority, the Supreme Court will need to know through OAS or JIFFY.

Pat Mente added the comment that there are daily maintenance activities that are a huge part of the OBS responsibilities. Suzanne agreed and said she had identified that OBS staff, because of their work load, have about 2-3 hours per day to apply themselves to projects, so pacing is very important.

Judge Sanchez said Justice Thomson would like the March JIFFY meeting to focus on best practices and lessons learned regarding technology used during the pandemic, as well as court processes that changed, which should be kept and become a standard. Which were pieces were inadequate and should be ended. The outcome could impact the prioritization. Judge Sanchez said he would approve including prioritization on the JIFFY agenda.

Judge Mitchell added that each project that gets completed becomes a maintenance burden for JID staff. A reassessment of all the technology that has been used during the pandemic is probably in order.

Judge Noel recommended Suzanne provide a list of projects, including maintenance for the JIFFY discussion.

Action Item:

- *Laura to add the SRL Implementation Plan to the March OAS meeting*
- *Judge Noel to request a project prioritization discussion at the March JIFFY meeting*
- *Suzanne to provide a list of project, including maintenance for the JIFFY discussion*

8. Magistrate and Metropolitan Courts E-Filing Projects Update – Suzanne Winsor, Margarita Terrell

Margarita Terrell provided a status update on Phase 1 and Phase 2 of the Magistrate e-Filing project. Phase 2 will include 16 courts from 1st, 3rd, 6th, and 13th and will roll out by April 26, 2021.

The OBS team held a post-mortem to identify lessons learned in Phase 1 that can be applied going forward. Most of those improvements were internal processes, such as separating the e-Signature/Task Manager piece from the File & Serve piece to lessen the burden on both OBS and court staff.

Action Item:

- *Add the documented lessons learned to the March OAS Agenda for informational purposes*

- a. “Electronically Served” event code for Metro and Magistrate courts

Suzanne Winsor explained that there is a service type code of “Electronically Served” being requested by Metro clerks and it was unclear whether it is allowed by rule and whether OAS would be the group to bring this to. This code records how the summons was served, by postal mail, process server, etc. The legality of serving the summons electronically is a question.

District court doesn’t have an event like this, the rule governing this is Rule 4 for the District Courts, and it has no provision for electronic service. The guiding philosophy is whether it is likely to get into the hands of the respondent. Rule 2-202 for Magistrate courts also does not have a provision for electronic service, and the rule was not changed when Magistrate Courts moved onto File & Serve.

Judge Mitchell indicated it might be premature to create the event code and have the steering committee and some legal review of the rules to make sure there isn’t a procedural issue. The subsequent filings are eligible for e-service because there has been an agreement through the parties. The original filing doesn’t allow for that – there is no provision for e-serving a summons.

Judge Vega indicated the Rules Committee has not discussed this issue.

Judge Noel recommended the clerks take their request to the Metro CEO and Judge Dominguez for evaluation.

9. Meeting dates for 2021

- a. Jan 11, Feb 1, Mar 1, Apr 5, May 3, June 7, July 12, Aug 2, Sept 13, Oct 4, Nov 1, Dec 6

10. Meeting Adjourned

Next Meeting

Monday, March 1, 2021 at 1:30pm