

**Judicial Information Systems Council
Online Access Subcommittee
Draft Meeting Minutes**

Jim Noel, Chair

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

Tuesday, January 14 at 9:00am in the JID Training Room

1. Welcome and Introductions

In attendance: James Noel, Chair; Artie Pepin (arrived at 11:45), Judge Karen Mitchell, Barry Massey, Weldon Neff, Joey Moya, Celina Jones, Patricia Galindo, Ian Bezpalko, Pat Mente, Suzanne Winsor, Laura Orchard, Darla Goar, Genevieve Grant, Steve Harrington, Colleen Reilly of Tyler Technologies, Zach Grant of New Mexico State Sentencing Commission.

The agenda was rearranged to discuss item 4, then 2 and 3 in order to accommodate Artie Pepin attending toward the end of the meeting.

2. NM dataXchange Demonstration and Discussion

NMdataXchange platform based on the Socrata software was demonstrated by Genevieve Grant. She showed how a justice partner would use the web application and the approach being taken for providing data to justice partners. NMdataXchange came out of House Bill 267, which was enacted for criminal justice partners to share data among the agencies. Access to this product based on the Justice Partner tiers and application form for SOPA. Data sets will include:

- *Court Hearings*
- *Warrants*
- *Domestic Violence Orders of Protection*
- *Release Orders*
- *Preventative Detention/Release*
- *Sentencing*
- *Disposition*

One data set per month, through the end of June 2020, is being integrated into the platform in order to meet the grant requirements. Data is updated nightly and no documents are provided.

There are two ways the data can be utilized: by the entity integrating the full data set into their system via an API and blended with their own data, or for smaller entities to use the NMdataXchange interface to filter and sort the data for themselves and then provide that filtered information to their staff. Either way, the intent is for the agency or organization provide information to their officers, for instance, but not for the officers to have individual account access.

The committee discussed at length both data quality the implications of sharing data with the other justice partners and what it might mean if the data were to be used by a bad

actor.

Genevieve's request to OAS is for:

- *approval to stand up the hearing data set;*
- *approval to allow access to hearing data and warrant data to all of the justice partners;*
- *approval to share DVL order of protection data with all of the justice partners (no confidential addresses unless law enforcement is an exception)*
- *OAS endorsement and approval process and access points – where is the SC on this? Artie: SC endorsed the project and the discrete data sets, so he can report to them that hearing data has been released*

Judge Mitchell made a motion for the Online Access Subcommittee to recommend to JIFFY for Supreme Court approval, the release of all hearing data in Odyssey, regardless of case type or sealing. If there is a hearing, it should be on NMdataXchange, because no documents are being provided, just hearing information, which is not protected information at any level. Artie Pepin seconded the motion, which passed with .

Judge Mitchell made a motion for the Online Access Subcommittee to recommend JID continue to work on standing up warrant data set to NMdataXchange. Artie Pepin, seconded the motion.

Clarifications: regardless of case type, sealing or tier access? Yes, they may not have access to the case information due to the tier they are in, but they should know the case number and the name of the person who has a warrant on them. If they don't have access to the case by the tier, they don't have access to the documents. This pertains to bench warrants and arrest warrants, no search warrants.

Motion passed with 5 votes.

Barry Massey suggested that all of the tier restrictions are based on the data not being "publicly accessible", and because NMdataXchange is not publicly accessible for any public person to troll, all of the data sets should be approved.

Barry Massey made a motion for the Online Access Subcommittee to recommend JID proceed with standing up the remaining 5 data sets. Artie Pepin seconded the motion.

Clarification: Celina indicated she supports sharing the DVL information with the AODA.

Motion passed with 5 votes.

Action item: add these recommendations to January JIFFY meeting agenda.

3. New Online Access Policies discussion – committee homework was to review the tiers and criteria to come prepared with any policy additions or changes. (documentation on the shared drive)
 - a. Municipal judge policy for T2 - website says one thing, criteria spreadsheet does not

address it at all – Jim Noel approved an Espanola Muni Judge T2 request

Judge Mitchell made a motion that municipal judges and their staff be granted Tier 2 access. Artie Pepin seconded the motion, which passed without opposition.

- b. Clarify definitions of “Justice Partner” and "Law Enforcement Officer"

Laura explained that Law Enforcement Officer definition does not include DAs (in relation to DV orders of protection) and the DAs have been requesting access to DVL cases on SOPA. They are getting this information in person at the court. Prior meetings included stakeholders who were opposed to the DAs gaining access to this tier, which also includes mental health cases.

Barry Massey made a motion to provide DVL access to DAs as law enforcement agencies.

Clarification: would this be available to the DA staff as well? Yes.

Artie Pepin seconded the motion. Barry clarified the motion to include DA staff.

Joey reminded the group that this decision is now being made without the public input that was provided during the initial discussion.

The motion passed with 5 votes.

- c. Change in policy for the new Criminal Record Expungement for 2.5 profile?

Suzanne explained that the CRE case type will not be sealed on initiation, and should be considered Tier 1.

Barry Massey made the motion to make the CRE case type publicly available on SOPA as Tier 1. Artie Pepin seconded the motion, which passed with 5 votes.

4. eFiling for Self-Represented Litigants Concept Document

The Supreme Court has requested OAS provide a conceptual plan for allowing Self-Represented Litigants to e-file to be presented at the February Supreme Court conference.

Suzanne Winsor provide some background regarding methods and approaches other states have used, which she learned at the 2019 National Center for State Courts conference.

The three approaches were:

- to allow SRLs to e-file whatever attorneys are allowed to, without providing guided interviews;***
- build the guided interviews from scratch;***
- use a product, like Tyler Technologies’ Guide & File, to build guided interviews;***
or,
- pay Tyler to build the guided interviews for New Mexico.***

Suzanne recommended using Guide & File, since it is free for New Mexico, it is already rolled out, and we have experience with it. Tyler has supported Guide & File well with their depth of resources.

The committee discussed the current usage of Guide & File interviews in New Mexico and the resources needed to author the interviews that are already in the pipeline. Laura informed the committee that Washington State utilizes a department that is fully staffed with four authors who work with one case type at a time with the help of a sponsor court so legal answers are dealt with very quickly.

Questions that arose involved:

- *Volume of filings by SRLs in other states?*
- *Signatures and/or notarization requirements and how other states are dealing with that?*
- *Standardized forms – if used for SRLs, would those be imposed on attorneys as well?*
- *Which case types to logically start with that SRLs are typically involved with?*
- *How is Free Process being handled? Although the G&F interview for this application is in place in NM, the court process requires the application be submitted before the case is initiated, signed order is included with initiating documents.*
- *Obstacles to Guide & File success?*
 - *Internet Explorer is a technical issue;*
 - *Length of interview;*
 - *Internet service/access;*
 - *Account creation to save data;*

Patricia Galindo suggested that the PQ annual reports would be a good pilot opportunity for family members who have to fill out a lengthy fillable PDF. If it were e-filed, then everyone would receive a copy of the submitted report. She also suggested that the current DV Order of Protection interview could be made e-file-able in order to provide safe access to those filing from a shelter or from home in rural districts. With 10k cases per year and 80% of them initiated by SRLs, this case type would be a game-changer for electronically transmitting the orders of protection for service to law enforcement. And the notarization is not a requirement for orders of protection.

Based on Suzanne's group working on civil e-filing for attorneys at Metro and the Magistrate Courts, Judge Mitchell recommended having the e-filing rules in place for attorneys for those courts before allowing SRLs to e-file.

Action items:

- *Run an Odyssey report on the types of civil cases SRLs are involved in;*
- *Reach out to the other states to*
 - *see how they prioritized their lists;*
 - *understand the obstacles they encountered;*
 - *understand how they addressed signatures/notarization;*
- *Create a document outlining the options for SRLs to e-file in New Mexico for inclusion on the agenda for the February 12 Supreme Court conference (due January 29). The document will be routed to OAS by email for review;*

- *Present Landlord-Tenant process maps for the G&F interviews already created in NM.*

5. Meeting Adjourned

Next Meeting
Monday, February 3 at 1:30pm