

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

James Noel, Chair

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

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

1. Welcome and Introductions

In attendance: Judge Noel, Judge Mitchell, Barry Massey, Joey Moya, Jen Scott, Weldon Neff, Ian Bezpalko, Dick Wilkinson, Celina Jones, Suzanne Winsor, Margarita Terrell, Laura Orchard, and Phillip Vaden.

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*

2. Approval of Agenda

Judge Mitchell made a motion to approve the agenda. No second.

3. *Approval of June 1, 2020 minutes was moved to the August 3 agenda.*

4. Follow up on action item carried forward from May 4 meeting: *Weldon Neff to inform the CEOC on Thursday, July 9 about the e-Filing plans, draft rules, and SOPs will be coming before them and to let them know what their role will be in their development and the potential for staffing and process changes at the courts in light of e-filing.*

Joey Moya and Jen Scott indicated the draft rule for Metro e-Filing has some edits to incorporate from Dana Cox at Metro. The issue docs item is okay, but “what is not a civil action” has not been addressed yet.

Action Items:

- *Jen will send Judge Mitchell the Mag rule for review and send the latest Metro draft to Weldon for the CEOC meeting; and,*
- *Laura will send Weldon the latest implementation plans.*

5. New Case Types - Restrictions and Exceptions in SOPA and re:SearchNM – Celina Jones and Suzanne Winsor
 - a. Criminal Record Expungement Case Type (CRE)
 - *Celina and Suzanne explained that there is currently no statutory authority to seal the CRE case upon filing or the expunged case upon judge’s granting expungement. The CRE petition will likely contain specific information about the original criminal case, but a proposed rule is being developed to address this. Right now, each CRE case will need to have a request to seal that is granted by the judge. The statute reads: “...upon granting, the order shall prohibit all relevant law enforcement agencies and courts from releasing copies of such records to any person, except upon order of the court.”*
 - *OAS determined that, based on the statute:*
 - *the CRE case will be considered Tier 1 until, by order of a judge, the CRE becomes sealed; and,*
 - *no one, including the Attorney of Record, will get electronic access (through SOPA or re:SearchNM) to the CRE case or the expunged original criminal case, except by order of a judge.*
 - b. Public Health Emergency Order Case Type (PHEO)
 - *The case is sealed upon initiation due to HIPPA restrictions and is not e-filed.*
 - *OAS determined that no one will get electronic access (through SOPA or re:SearchNM) to the PHEO cases.*
 - c. Extreme Risk Firearms Protection Order Case Type (ERFPO)
 - *These are only filed by law enforcement (DAs and AGs), are not sealed and the court has no authority to seal.*
 - *OAS determined this case type is Tier 1.*
 - d. Fostering Connections Act Case Type (FCA)
 - i. Need guidance on whether to hide this case completely from SOPA and re:SearchNM until the details are defined (three initiating documents will be sealed)
 - *A family case type handled by the same judges who handle JQ (abuse/neglect) cases. It was an oversight that there was no provision made to seal upon initiation. CYFD is always the petitioner and request the case be sealed. The court does not have the authority to auto-seal.*
 - *OAS determined this case type will be available to the Attorney of Record and will be included in the Tier 2.5 profile.*
 - e. BCMC Misdemeanor Transfer for APPO Supervision (MCMT)
 - *OAS determined:*
 - *JID/OBS will create a new case type for BCMC Misdemeanor DV Transfer for APPO Supervision (XXXDV) to be handled differently from the non-DV transfers; and,*

- *MCMT transfers are to be Tier 1 and XXXDV transfers are to be Tier 2.2.*

Judge Mitchell made the motion to approve all OAS determinations for the CRE, PHEO, FCA, MCMT, XXXDV, and ERFPO case types. Ian Bezpalko seconded the motion, which passed without objection.

Action Items: Laura and Suzanne will follow up with configuring each case type in Odyssey, SOPA, Case Lookup, and re:SearchNM per OAS determinations.

6. Re:SearchNM (see “re:SearchNM” folder)
 - a. Case Type Exclusion/Inclusion Spreadsheet
 - i. Actual display verified on SOPA
 - ii. Seven District case types correctly identified for Tier 2.2?
 - iii. Eleven Domestic Violence case types correctly identified by tier for Case Lookup and SOPA?
 - *Laura Orchard displayed the 11 domestic violence case types as they are identified in the Inclusion/Exclusion spreadsheet, with indications where the real life behavior in the SOPA, Case Lookup and the Kiosk view.*
 - *OAS determined:*
 - *Rows 4 and 5 (VFR and VMR) - Barry Massey made a motion that the Magistrate and Metro domestic violence views should be consistent as Y,Y,N. Judge Mitchell seconded the motion, which passed without objection.*
 - *Row 6 (LDV) - Judge Mitchell made a motion to change configuration so the LDV case type view should match the LDVDA and LDVPA view. The motion passed with no opposition.*
 - *Row 9 (FDV) - Correct spreadsheet to show Y,Y,N to match LDVPA. Judge Mitchell moved to correct the spreadsheet. Barry Massey seconded and the motion passed without opposition.*
 - *Rows 10 and 11 (DVL and ZDV) - Change Kiosk configuration to exclude ZDV and move from Tier 2.2 to Tier 2.5 (row 11). Change and change the case type description in the spreadsheet to “Domestic Violence (Order of Protection)” on both DVL and ZDV for clarity. Judge Mitchell made a motion that the case type description in the spreadsheet be modified and the configuration at Case Lookup, Kiosk, Tier 1, and Tier 2.5 be consistent for both. Barry Massey seconded the motion, which passed without opposition.*

Action Items:

- *Laura to change the Kiosk anonymous to be a 2.2 profile (not tier 1);*
- *Laura to correct spreadsheet on VFR and VMR to Y,Y,N to make Mag and Metro views consistent (rows 4 and 5);*
- *Laura to correct configuration in SOPA Tier 1 profile to exclude LDV (row 6);*
- *Laura to correct spreadsheet on FDV to Y,Y,N (row 9);*

- *Laura to correct configuration in SOPA Kiosk profile to exclude ZDV and be moved from 2.2 to 2.5 profile (row 11);*
 - *Laura to change the spreadsheet description to “Domestic Violence (Order of Protection)” in Odyssey;*
 - *Laura to send the updated Inclusion/Exclusion spreadsheet to the OAS group and store on the shared drive*
- b. re:SearchNM Migration Plan – Laura Orchard and Phillip Vaden, Tyler
- i. Discuss the new timing on criminal deliverables
 - ii. Discuss the 90-day timing for old SOPA accounts
 - iii. Would OAS members like to be trained and/or be testers?

Laura provided a short review of the re:SearchNM migration implementation plan and discussed the timeframe of January 2021 testing and a migration of March 2021 (after the legislative session). The plan should be taken to JIFFY in September and be provided to the Supreme Court for informational purposes.

OAS members should be included for training and some testing. A recommendation was made to include a training at the 2021 conclave for judges.

Action Items:

- *Laura to update the implementation plan with the 2021 dates and conclave training, and request the plan be included in the September JIFFY (JTECH) meeting; and,*
- *Provide stats regarding the number of SOPA accounts that are deactivated each month for non-use.*

7. SOPA Requests (see “SOPA Request” folder)

- a. Grant Finch (682802) and Lori Martinez (685818) – Tier 1 Press applicants
 - i. See “Grant Finch Letter” and “Press Application Denials” which references 4 previous denials to Press applicants due to length of time they have been publishing.
 - *After discussion, OAS determined that both Grant Finch and Lori Martinez be provided with the Tier 1 Press account.*

Action Item: Laura to process the two Press accounts

- b. CSED Tier 2.5 Request (see “OBS – CSED Request”)
 - *After discussion, OAS determined the case types included in the 2.5 profile go far beyond what CSED is requesting, and perhaps a 2.6 profile for CSED should be created. It was recommended that Joey Moya and Celina Jones be invited to address this request at the August 3 meeting.*

Action Item: Laura to add this to the August 3 agenda.

- c. Request OAS document the policy for Pro Hac Vice and their staff.
 - i. Currently, a Pro Hac Vice only gets AOR access, not the secondary Tier 1 account for broad access to Tier 1 cases, but this policy is not documented on the

criteria spreadsheet. Because they don't get Tier 1, their staff is denied Tier 1 access, as well as access to their attorney's higher tier cases. This too is not documented as a policy. (683962)

- *After some discussion, OAS agreed that this process is correct, and Judge Mitchell provided a copy of the February 2017 policy for Pro Hac Vice that addresses this.*

Action Item: Laura to add this policy to the criteria spreadsheet for staff to reference and re-post.

8. *Sealed Case Policy and Exception for the Supreme Court (see "Sealed Case Policy") agenda item moved to August 3 agenda.*

9. Meeting Adjourned

Next Meeting

Monday, August 3, 2020 at 1:30pm