

**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, July 12 2021 at 1:30pm – remote conference

1. Welcome and Introductions

*In Attendance: Judge James Noel, Chair; Judge Maria Dominguez, Judge Karen Mitchell, Judge Mickie Vega, Weldon Neff, Dick Wilkinson, Ian Bezpalko, Barry Massey, Suzanne Winsor, Laura Orchard, Celina Jones, Grace Spulak, and Cynthia Martinez.*

2. Approval of Agenda

*Laura Orchard requested that an additional item 6.d. be added to the agenda to approve an update to the website and the SOPA application forms.*

3. Approval of June 7, 2021 draft minutes

*A motion was made by Barry Massey to approve the minutes, which was seconded by Judge Dominguez and passed without opposition.*

4. Follow up on action items from prior meetings

*Laura Orchard provided updates on two outstanding action items from the prior meetings (the deactivation of inactive SOPA accounts, and a draft policy for a time limitation on accounts).*

5. Criminal Record Expungement Act updates – Celina Jones, Department of Public Safety staff

- a. The automatic sealing will affect DPS, so they'll need to request SOPA access so that they can respond to petitions.

*Celina Jones provided an update on the Criminal Record Expungement Act, which includes a requirement for certain records related to arrest and conviction for activities involving cannabis be auto-expunged. The statute directed the Supreme Court to adopt rules to put some of those changes into effect. The Supreme Court has referred the matter to the Civil Rules Committee, which will be meeting on July 15 to discuss draft rules.*

*AOC and the Department of Public Safety(DPS) have collaborated on drafting a procedure to allow an individual to petition the court in order to request certain records be expunged.*

*AOC has also put together a draft process to implement the automatic expungement. The statute distinguishes between the work the court has to do and the work DPS has to do. DPS has to identify all of the cases and records that are implicated by the Cannabis Regulation Act that have to be expunged. The court is responsible for identifying all of the applicable charges.*

*The act create three different categories for which individuals may seek expungement: Identity Theft, Arrest Without Conviction, and Records Related to a Conviction. In addition to automatic expungement, the new law requires petitions to expunge records under the category of Arrest Without Conviction be sealed upon filing.*

*Judge Noel asked if DPS will need direct access to the petitions and whether they had reached out to JID directly regarding SOPA access that would allow them to respond to petitions. Laura Orchard said they had not yet.*

*Celina Jones indicated DPS will need to be able to access the case information, presuming they will be sealed upon filing, they are required under the statute to evaluate the petitions and participate in the process.*

*Judge Noel asked if the automatic sealing is part of the new statutory framework, and if so, is it only a certain kind of case. Judge Noel reminded the committee that historically, the criminal matter and the civil filing of a petition for expungement of the criminal matter are both public until the judge grants expungement, then both are expunged and no longer viewable to the public. So this is a new type of expungement case where there is automatic expungement and sealing of the case.*

*Celina Jones explained that the working group has interpreted “expungement” under this statute is “sealing” rather than complete destruction of the record. Under the definition in the statute, it is just removed from public view, but is still accessible by law enforcement or the court. For purposes of this act “expungement” and “sealing” are synonymous.*

*Celina Jones explained that some of the changes made during the special session were not applied across the board, particularly regarding sealing upon filing. The rules that will come out of the committee may clarify and extend more broadly the sealing requirement. At this time, the court may order the petition and the subsequent expungement proceeding to be sealed, it is not automatically sealed for any of them. Instead of providing that all petitions for expungement be sealed upon filing, they specified it for one category, (Arrest Without Conviction), and the working group is not clear if that is what was intended. The working group will be talking with the Legislature about it.*

*To clarify, Judge Noel reiterated that in Arrest Without Conviction cases, the civil petition is automatically sealed upon filing and asked if this has taken effect yet.*

*Celina Jones indicated that although the act took effect on June 30, 2021, the working group has been directed to await the work of the rules committee, which will report back the Supreme Court in September. She said she does not believe the petitions are being sealed upon filing yet, and Suzanne Winsor agreed that nothing has been set up in Odyssey to effect that.*

*Laura Orchard noted that although DPS has not yet requested access to SOPA for this type of case, if the case and/or the petition are sealed upon filing, the only SOPA profiles with the ability to see sealed documents or cases are the Self-Represented Litigant, the Attorney of Record, and Judges.*

*The petitioner is required to notify the Department of Public Safety regarding their petition, and only the petition will be sealed upon submission, not the criminal matter for the Arrest Without Conviction. DPS would be able to see the criminal matter through their normal SOPA account. It is unknown whether DPS will need access to the sealed civil matter.*

*Celina indicated the working group will be meeting regularly and suggested she be asked by OAS to return to provide an update at the August 2 meeting.*

*Judge Mitchell asked if Odyssey currently has the capability to automatically seal a specific type of petition. Suzanne Winsor said no. This becomes a broader technical question that the rules committee will need to provide some direction for how to comply with the specificity of the act.*

*Judge Noel asked if the mechanics exist in Odyssey, and Suzanne Winsor explained that the system can be configured to have an event automatically seal a case, but there is no configuration to allow an event to automatically seal a document.*

*Judge Noel indicated that the civil petition would seal the case, and Celina Jones agreed. Suzanne Winsor explained that currently the civil cases are not sealed when they are opened and the direction is for the judge to order the expungement, and although the statute didn't indicate it, the SOP highly recommends the judge order the expungement for both the criminal and the civil matter using the*

*same case security code. This is what the courts have been doing so far. If the judge denies the request, there is no need to seal the case.*

*Judge Noel noted a complication: of the three types of case types (Identity Theft, Arrest Without Conviction, and Records Related to a Conviction), are they all using the same type of civil expungement petition, and if so, how to separate them for two to not be sealed upon opening, and one to be sealed upon opening? Suzanne Winsor said there were three different opening event codes created and if one needs to be set to automatically seal the case, that this can be done.*

*Suzanne Winsor asked for clarification that the request is to seal the entire case and not just the petition. Celina Jones agreed that this is the request.*

*[Cynthia Martinez' request for DFA Tier 1 SOPA access had been granted at the June 7 meeting, so she and Grace Spulak were dismissed from the meeting.]*

*Action Item:*

- *Laura Orchard will invite Celina Jones to the August 2 OAS meeting for an update; and,*
- *Will invite general counsel from DPS to make their SOPA request directly to OAS at that time.*

6. SOPA

- a. For approval: correction on Exclusion Inclusion spreadsheet

*Laura Orchard displayed the current Exclusion/Inclusion spreadsheet of case types per tier and asked the subcommittee to confirm whether the two YR case types that indicated "N" for displaying on the court kiosk are supposed to be "Y", in keeping with Tier 2.1 and other YR case types. The committee discussed the matter and determined the two case types should be marked "Y" on the spreadsheet.*

*A motion was made by Barry Massey to correct the "N" to "Y" for Youthful Offender Homicide and Youthful Offender Miscellaneous. The motion was seconded by Judge Dominguez, and passed with no opposition.*

*Action Item: Laura Orchard to make the correction and distribute the spreadsheet as needed.*

- b. For discussion: an Academics SOPA profile for Tier 1
- Peter Hepburn, Princeton University request update

*Laura Orchard updated the group on the SOPA request from Peter Hepburn, informing the committee that his needs have been satisfied by providing him with the same data that is being provided to DFA on a weekly basis.*

*Laura also introduced the topic for discussion regarding a possible new profile for Academics to resolve the requests from non-law university staff going forward. The committee discussed the difficulty of maintaining these accounts, similar to the credential monitoring and maintenance of Press accounts, as well as access to unredacted documents, and determined this group would likely find the raw data (not case details) more useful for their needs.*

*A per-fee data pull was discussed as a service to provide to these requesters, but Dick Wilkinson explained that this is not something JID is staffed to provide to external requesters. The OBS group is focused on cleaning up the data in Odyssey by seeking a training coordinator who will assess the issues and guide court staff through the corrections.*

*Ian Bezpalko asked if Tyler Technologies has provided any new mechanisms that would allow an academic profile to be limited by the type of documents that profile could see. Laura Orchard explained that re:SearchNM has the ability to provide a profile with documents, without documents, or with redacted documents. If the information the academic was looking for could be gleaned from the event*

*code rather than the content of a document, then a Tier 1 with no documents would work. This is what the general public profile will be once it has been developed. Suzanne Winsor explained that her understanding is that the development of this new profile is folded into the new contract, but we don't know when it will be delivered.*

*No action was taken regarding the academic profile.*

*Action Item: no action was taken regarding the academic profile, and Laura Orchard will make a note for the committee to revisit the issue in one year*

- c. For discussion: draft of time limit policy on SOPA accounts – Dick Wilkinson

*Laura Orchard explained that the idea for a time limit policy came up at the June meeting suggested by Dick Wilkinson. After reviewing with Dick Wilkinson and Logan Fernandez the Odyssey configuration that forces a 90-day password reset, and the quarterly deactivation of account that have not been active in previous 90 days, Dick and Logan didn't feel an additional stand-alone documents was required and suggested adding language to the application forms. The new text was displayed to the committee showing two new bullets on the Terms and Conditions.*

*Dick Wilkinson explained the new text highlights the account being related to the role the requester had when they applied in the first place.*

*A motion was made by Dick Wilkinson to adopt the new language. Judge Mitchell seconded the motion, which passed with no opposition.*

*Action Item:*

- *Laura Orchard will update all of the application forms for SOPA and re:SearchNM;*
- *Laura Orchard will submit the new application forms to be linked on the nmcourts.gov website and the re:SearchNM site.*

- d. Website and Application Form Update

*Laura Orchard explained that she would like approval to remove the term "Tier 3" from the application form and the website, because it is an old term for SOPA tiers that is no longer applicable to the outside world.*

*A motion was made by Judge Mitchell to approve the updates. The motion was seconded by Ian Bezpalko, and passed with no opposition.*

## 7. Document Security Group Configuration Update

- a. Configuration and data cleanup becomes imperative for the future general public profile, if documents are to be provided;

*Laura Orchard explained that it is not imperative to have this piece completed at this time for the re:SearchNM migration, but will be once the general public profile has been developed and deployed – if documents will be surfaced for that profile.*

- b. Discuss a recommendation to JTECH for someone to spearhead an OBS project to analyze the document types and document security groups and work with ODUG/OMUG to reduce and streamline the codes in Odyssey in preparation for general public profile.

*Laura Orchard continued by requesting the committee discuss making a recommendation to JTECH. Suzanne Winsor provided the background, which included legacy configuration from FACTS and the old restrictions from court to court that prevented one from seeing another court's data. Now that those*

*restrictions are no longer in place, these numerous and specific document security groups are unnecessary and could be greatly simplified.*

*Judge Noel agreed that there was enough confusion around this effort that OAS should make this recommendation to JTECH. Judge Mitchell agreed that it is an important effort and a part of data cleanup.*

*A motion was made by Ian Bezpalko for OAS to recommend JTECH that JTECH work with JID to identify an individual to spearhead an analysis and assessment of the document security groups, work with ODUG and OMUG to reduce and streamline the document security groups in Odyssey in preparation for the general public profile. Dick Wilkinson seconded the motion, which passed with no opposition.*

*Action Item: Laura Orchard will submit the agenda request for the July 15, 2021 meeting.*

8. re:SearchNM

a. Export Feature Decision – Dick Wilkinson

*Laura Orchard closed the loop on this item that has been an outstanding decision on re:SearchNM configuration that allows the export on search results. With more information, and a discussion between Dick Wilkinson and Justice Thomson, the flaws in the feature helped determine it would not be rolled out to any of the profiles in New Mexico.*

b. Project status update – Laura Orchard

*Laura Orchard updated the committee on the re:SearchNM project. Phillip Vaden, of Tyler Technologies, will be on site the week of July 19 to 23 to perform some targeted testing to make some movement on some the more sticky issues. Colleen Reilly of Tyler Technologies has pulled in Meagan Brown of Tyler Technologies, who is an experienced project manager to help Will Richardson and Phillip Vaden and the developers stay on top of the project issues. We are getting more timely results now.*

*Out of 51 issues in the list, 32 have been moved into ready for JID to test, leaving 19 being actively worked on by Tyler. After the on-site work with Phillip Vaden, we hope to be providing a more positive status report at the next OAS meeting.*

*Judge Noel asked to make sure the Supreme Court is apprised of the status of this project.*

*The Phase III Magistrate eFiling Project is in the training segment at this time, slated to roll out on Monday, July 26 as planned. Mandatory Magistrate eFiling becomes mandatory for civil cases with attorneys on September 9, 2021. Attorney training begins on July 20. Barry Massey and Beth Wojan are submitting a press release to the Bar Bulletin on this roll out.*

*Judge Mitchell commented that she learned Suzanne Winsor had figured out how to provide a blue signature through task manager. Suzanne Winsor said that Metropolitan court is using Task Manager and is very pleased with the efficiencies it provides.*

9. (Short) discussion on resuming in-person meetings

*Judge Noel explained that in-person meeting can resume, if desired. We can preserve the ability to provide both in-person and remote using Google Meet or Polycom. Judge Dominguez made a recommendation to continue remote with one in-person meeting every six months. Judge Mitchell noted that meetings that require a significant review of codes or tiers might be better in person.*

*Judge Noel suggested continuing remote meetings, with one in-person meeting at JID/AOC in Santa Fe in January and one at Metropolitan Court in Albuquerque in July. Judge Mitchell reminded the*

*committee that in the past, there has been a standard meeting room at JID where people who were in the area could meet from that room while the others attended remotely. She also asked what the ERT recommends.*

*Judge Noel recommended sending a note to ERT letting them know the plan to continue remote through 2021 and switch to remote with two in-person meetings in 2022 so if there is feedback from ERT it can be discussed at the August meeting.*

*Action Item: Judge Noel to send a meeting plan note to ERT*

10. Meeting Adjourned

Next Meeting - Monday, August 2, 2021 at 1:30pm