

**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, March 2, 2020 at 1:30 pm in the JID 1<sup>st</sup> Floor Meeting Room

1. Welcome and Introductions

*In attendance: James Noel, Chair; Joey Moya, Jennifer Scott, Judge Mitchell, Dick Wilkinson, Weldon Neff, Barry Massey, Ian Bezpalko, Suzanne Winsor, and Laura Orchard.*

*Guest: Pat Rogers*

*Recommended changes to agenda: add item 2.g. SOPA request from contract attorney at District 2 DA; and change item 7 to information only (no presentation). Motion to approve was made by Ian Bezpalko, second by Judge Mitchell, passed.*

2. SOPA Requests

- a. Ethan Watson, Albuquerque Deputy City Clerk (*see two "Ethan Watson" attachments and recording of December 2019 OAS meeting – min 16:05 to 42:02*)
  - i. Requesting Tier 3 access (referred to as "civilian law enforcement" access) for 7 staff of the Albuquerque Records Office, which is serving as the court of record for APD. OAS "denied for now" at the December 2019 meeting, and recommended all 7 staff re-apply for Tier 2 access as attorney staff through the APD attorneys.
  - ii. Criteria spreadsheet only provides Tier 3 access for LEA staff for officer safety.
  - iii. OAS to provide a final determination to Ethan Watson's request.

*The committee discussed options for access and decided not to change the current policy because the requested access is not for officer safety, as noted for LEA non-officer accounts. [A clarification of what external users refer to as "Tier 3" is actually "Tier 2.5", which includes children's court, criminal domestic violence, and civil domestic violence case types. This is noted throughout the minutes.] The recommendation is for Mr. Watson to request access to NMdataXchange, which by agreement does not allow the data to be repackaged or shared. Motion to deny Tier 3 (Tier 2.5) access was made by Judge Mitchell, second by Ian Bezpalko, passed.*

*Action: Laura Orchard will communicate this to Ethan Watson.*

- b. Lindsey Fooks, New Mexico Family Advocacy Program (*see NMFAP attachment*)
  - i. Contract social workers for NMFAP need to see the case information available to the attorneys on their legal team. OAS to determine exception to policy or policy

change. If given access, they could not have access only their cases, but would get broad Tier 3 access.

***Discussion included information about how all of the NMFAP technology needs have been unique and that this group is under the General Counsel office of the AOC as a respondent social team. It was determined that they should be treated just like any attorney staff, who currently do not gain Tier 3 (Tier 2.5) access even though the attorneys they support may have attorney of record access to Tier 3 (Tier 2.5) cases. Motion to deny Tier 3 (Tier 2.5) access was made by Judge Mitchell, second by Ian Bezpalko, passed.***

***Action: Laura Orchard will communicate this to Lindsey Fooks.***

- c. Kristie Parish, Records Custodian, Lea County Detention Center (*see 169 page “Kristie Parish” attachment*)
  - i. Discuss the SI/MH policy and her request to consider detention officers to be LEAs for Tier 3 access

***The committee discussed the type of information that can be gleaned by detention officers from hearing information provided through NMdataXchange instead of Tier 3 (Tier 2.5) access to SOPA. No motion was presented, but the committee recommended Kristie Parish seek access to NMdataXchange for the Lea County Detention Center.***

***Action: Laura Orchard will communicate this to Kristie Parish.***

- d. James Veley – Intelligence Analyst for NM HIDTA ISC
  - i. Requesting Justice Partner Tier 1 access to SOPA – are they “law enforcement staff – non officer”? If so, the criteria spreadsheet indicates “deny”.
  - ii. Website: <https://www.nmhidta.org/?AspxAutoDetectCookieSupport=1>

***Does not meet the criteria of a Justice Partner based on the information provided, but Mr. Veley can present justifications for the request, and an explanation of whether they are a government agency in a letter addressed to Judge James Noel, OAS Chair.***

***Action: Laura Orchard will communicate this to James Veley.***

- e. German Zapata – UNM Hospital Transition Planning Team (for Tier 2 DV) (*see “UNMH” attachment*)
  - i. Currently there is narrow criteria for UNM Law Clinic, UNM Law Librarian, and UNM Institute for Social Research, and there is no criteria for hospitals to gain access;
  - ii. JID staff may have erroneously provided UNMH staff with 6 accounts – should these be revoked – is this a NMdataXchange opportunity?

***Discussion was held and the committee concluded that more information is required about what this group specifically does in order for a determination or recommendation to be made.***

**Action: Laura Orchard to communicate this to German Zapata.**

- f. CYFD Clarification (see “CYFD Clarification” attachment)
  - i. Approve clarifying text to be added to the criteria spreadsheet

**Committee approved adding clarifying language to the criteria spreadsheet with the amended text to read “...attorneys and staff...”.**

**Action: Laura Orchard will make the update to the spreadsheet and post the new version on the shared OAS drive.**

- g. Katy Wray, contract attorney for the District 2 DA’s office criminal bench requesting Tier 2 (Tier 2.3) access.

**The supervising criminal attorney, Joy Willis, should sign for Katy Ray.**

**Action: Jim Noel will respond to Katy Ray by email and copy Laura Orchard.**

- h. FBI request for Tier 3 (Tier 2.5) access for contract staff working with FBI staff on NICS.

**The situation is that if the buyer of a gun is flagged in the NICS database, the FBI staff sends a request to the court for details, court replies to FBI in a timely manner, if the court doesn’t reply in X days, the seller can decide whether to sell the gun to the buyer or not. Providing access to these staff would relieve court staff from being a bottle neck in this process.**

**Answers to the following questions need to be provided as justification for access:**

- **What percentage of the staff is contract and not FBI staff?**
- **Is there a confidentiality agreement in place?**
- **If no access is provided, what is the impact on the work product?**
- **Where are the contract staff located – are they remote workers?**

**Action: Laura Orchard to communicate with the applicant to provide more information at April 6 meeting.**

### 3. Update on Self-Representative e-Filing

**Jim Noel and Judge Mitchell provided the update from their recommendation to the Supreme Court and showed the letter from the Supreme Court dated February 27, 2020. The discussion included:**

- **The Supreme Court’s directive to implement civil e-filing at Metro and Magistrate courts first;**
- **Prior to starting this project, the Supreme Court wants to see an implementation plan;**
- **Implementation of e-filing for SRLs would be in a phased approach using existing forms first and Guide & File interviews later, as per Supreme Court;**

- *Planning meetings have been scheduled for Metro and Magistrate court e-filing, and Jim Noel and Judge Mitchell will be included in those meetings;*
- *Issues with work load and court process have arisen with the introduction of criminal e-filing at District courts;*
- *Suzanne and her staff will visit non-corridor locations to understand the network connectivity implications on criminal e-filing and the additional load Magistrate and SRL e-filing would introduce;*
- *Magistrate courts are heavily rural and with e-filing, the network becomes critical to the TCAAs and clerks being able to do their work efficiently without the application timing out;*
- *Network upgrade plan update provided by Dick Wilkinson;*
- *Each new e-filing implementation adds to the network issues for rural courts.*

*Action: Suzanne Winsor's team will develop the implementation plans and continue with the planning meetings for Metro and Magistrate courts. She will provide the implementation plans by April 29 for Jim Noel and Judge Mitchell to present to the Supreme Court at the May 13 Supreme Court Conference.*

4. Press Review Queue Discussion (*see five "Press Review Queue" attachments*)
  - a. Courthouse News Service requesting special access for press prior to court review of filings

*Synopsis of the issue: Courthouse News Services (CNS) is a subscription service that is requesting direct access to the electronic filing review queue prior to submitted filings being processed, reviewed, accepted/rejected by the court clerk. This request is to prevent any delay in publishing news about large issues (class actions, etc.)*

*Discussion included:*

- *what other states may or may not be doing (both technologically and by court process),*
- *what Tyler may be able to provide,*
- *the pre-review filing being unstamped and therefore not the court record,*
- *liability if CNS publishes anything damaging,*
- *the argument by Pat Rogers that the clerk review is "superficial" and not substantive enough to change the context of the complaint,*
- *whether the NM Bar has a perspective or opinion on this type of request,*
- *whether a court process change could provide what technology should not,*
- *the rights of being served prior to news of the complaint being published,*
- *the nature of "stale" information,*
- *the back dating rule in NM,*
- *sealed cases are not currently e-filed at the District courts (abuse neglect, mental health, adoptions, etc.)*
- *documents available to CNS prior to understanding whether to seal or redact,*
- *the federal Pacer model in regards to requests to seal,*

- *worst case scenario includes damage to the reputation of the client, financial documents or personally identifying information being included with filing*
- *being able to answer potential questions from the Supreme Court regarding cost of implementation and how to solve the request without technology (changing court hours to 8x7, stop back dating to match paper filing process, etc.)*

*Information to be gathered, compiled with letters to Artie Pepin, and disseminated to OAS prior to April 6 meeting:*

- *Tyler technical contact, if not Colleen Reilly,*
- *Details about Tyler’s implementation in other states – which states?*
- *What are the court processes in those states that make it possible?*
- *If not implemented already, what is Tyler’s capability to accommodate request?*
- *Which case types included?*
- *NM Bar’s position?*
- *Cost of delivering solution?*
- *How documents are dealt with (motion to seal, redaction, etc.)?*
- *How to treat electronic civil vs paper initial criminal?*
- *One-page description of the motion to seal process from Jim Noel*
- *Attorney General’s opinion*

*No motion was made, but the following action items were recommended:*

- *Laura Orchard to:*
  - *Distribute answers to above questions to OAS members prior to April 6 meeting;*
  - *Invite Tyler expert to the April 6 OAS meeting;*
  - *Invite JIFFY members to the April 6 OAS meeting;*
- *Jim Noel to forward the one-page motion to seal process to Laura Orchard*
- *Jim Noel, Judge Mitchell, Suzanne Winsor, and Laura Orchard to:*
  - *Draft a recommendation document for April 6 OAS meeting (ultimately to deliver to JIFFY to present to the Supreme Court – material due April 29 for the May 13 Supreme Court Conference)*
- *Ian Bezpalko to forward the Attorney General’s opinion to Laura Orchard for distribution*

5. Criminal Record Expungement Case Type – Suzanne Winsor (*see “CRE Case Type” attachment*)

a. Review restrictions as case becomes sealed

*The case is unsealed and open to the public until the judge grants the expungement, then it becomes sealed. The CRE case type should be Tier 1 while unsealed. The question is who gets to see the CRE case type after it has been sealed and the original case expunged?*

***Action: Suzanne Winsor to work with Celina Jones to develop a recommendation for how the CRE case should behave in Odyssey/SOPA, and then present to OAS at the April 6 meeting.***

6. Re:SearchNM Status Report - Laura Orchard (*see "Status" attachments*)

***This status report can be viewed on the shared drive.***

7. Status on NMdataXchange – Genevieve Grant (*see "NMdataXchange" attachment*)

***This status report can be viewed on the shared drive.***

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***Meeting Minutes Discussion:***

***OAS is not subject to the Open Meetings Act, but is open for guests to attend. There is an OAS page on the nmcourts website that has one public meeting notice and the minutes from it posted from 2016.***

***Other than the agenda, everything else is a work product of the committee.***

***For now, the decision is to wait for a minute-writing resource, and when that person is in place, begin posting the agenda and minutes (not the recording) on the nmcourts.gov website and the OAS shared drive. The minutes can be the agenda with the committee decisions and action items inserted after each item.***

***For April Agenda:***

- ***Courthouse News Services representative and Pat Rogers – main topic***
  - ***Pat Rogers to invite Courthouse News representative***
  - ***Laura Orchard to invite Tyler representative and BAR representative***
- ***CRE Case Type recommendation***
- ***SOPA requests***
- ***Project status reports***

8. Meeting Adjourned

Next Meeting

Monday, April 6, 2020 at 1:30pm