

**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, May 4, 2020 at 10:00am – remote conference

1. Welcome and Introductions

Attending remotely: Judge Noel, Judge Mitchell, Barry Massey, Weldon Neff, Joey Moya, Karl Brooks, Ian Bezpalko, Dick Wilkinson, Suzanne Winsor, Margarita Terrell, Tobie Fouratt, Jennifer Vallejos, Jinger Fiola, Tracy Nakai, Laura Orchard

2. Approval of Agenda

Judge Mitchell made a motion to approve the agenda, Barry Massey seconded the motion, which passed with no opposition.

3. Approval of March 2, 2020 minutes and April 6, 2020 minutes

Barry Massey made a motion to approve the March 2 minutes, Judge Mitchell seconded the motion, which passed with no opposition.

Judge Mitchell made a motion to approve the April 6 minutes, Barry Massey seconded the motion, which passed with no opposition.

4. e-File Implementation Plans for the Supreme Court (see “Implementation Plans” folder)
a. Draft Rules

Joey Moya and Jen Scott drafted two statewide rules using the District court statewide e-Filing rule, which means they are identical in intent, but with some language changes to suit the different court processes. The committee reviewed the draft Magistrate e-Filing rule 2-205, noting the following areas that need attention:

- 1. Section B, lines 11-13: as the Magistrate courts will be rolling out in groups of 16-21 courts, these courts will need to be specifically named by district in a schedule in order for the local rules to be created and posted;*
- 2. Section B, lines 17-18: this is placeholder text to explain how sealed cases and/or sealed documents will be handled by that court and to explicitly state and set boundaries on what will not be e-filed (i.e. since this is for Civil e-filing only, what is considered a “criminal case” at these courts? “Civil action” do not include...)*
 - a. This can be displayed as a list of case types determined by OAS or CEOC*
 - b. As new case types are created, the rule(s) will need to be updated*

3. *Section D, line 1: the “EFS User Guide” is referencing a NM-specific guide that explains court procedure rather than the technology, and back when File & Serve was first deployed, it may have also included some email addresses for the proposed text or issuance documents. Perhaps we are moving away from this document?*
4. *Section L, line 4: a list of issuance documents*

Questions:

- *What is the timeframe for creating a local rule? Joey indicated that as long as a schedule is provided up front, it would be immediate because it’s just a line change.*
- *Who creates the local rule? Joey does.*
- *OBS to confirm the “sealed process” in F&S*
- *Who will get the proposed text documents at the Magistrate court? Judge Mitchell said the court manager gets them in a generic queue and processes them from there – would need to work out a process for timely notification to the judge*
- *A general SOP would need to be created and modified based on court size. OBS to work with the court managers and CEOC to develop them.*

The committee reviewed the draft Metropolitan Court e-Filing rule 3-205, noting the following areas that need attention:

1. *Same sections that were highlighted for the Magistrate courts, except no local rules are required*

Questions:

- *Do the draft rules need to be finalized before the implementation plans go to the Supreme Court? Joey indicated they would not be central to implementation plan package going to the Supreme Court in May, and should not be presented twice. Judge Mitchell commented that the Supreme Court can be informed that the completion of the rules can be performed as part of the implementation to meet the target within the plans. Presenting the plans first in May and the rules in June would be a good approach.*
- *Will the CEOC be informed that the plans, draft rules, and SOPs will be coming before them and what their role will be in their development? Weldon Neff will inform the CEOC.*

Action items:

- *Draft rules will be fleshed out by OBS staff and CEOC in preparation for the June Supreme Court conference;*
- *Standard Operating Procedures will be drafted by OBS staff and CEOC in preparation for June 1 OAS meeting*
- *Weldon Neff will inform the CEOC about expectations and participation*

b. Metropolitan Court

Margarita Terrell presented the edits that had been incorporated into the Metropolitan Court e-Filing implementation plan. Minor edits were suggested by the committee.

c. Magistrate Courts

Margarita Terrell presented the edits that had been incorporated into the Magistrate Court e-Filing implementation plan. Minor edits were suggested by the committee.

d. Self-Represented Litigants

Laura Orchard presented the edits that had been incorporated into the Self-Represented Litigant e-Filing implementation plan. Minor edits were suggested by the committee.

With the understanding that the edits could be completed by the end of the following day, Judge Mitchell made the motion to present the implementation plans, without the draft rules being included, at the Supreme Court's May conference for consideration and authorization. Ian Bezpalko seconded the motion, which passed without opposition.

Karl Brooks introduced the advent of a new online payment system for District courts being pursued right now and wanted to know how this might impact the e-Filing projects. Dick Wilkinson assured the group that there is not a big conflict or a risk of resource management. He also mentioned that financial resources could influence whether Phase One of the SRL implementation is where we "get stuck", because Phase Two is resource intensive.

Action items:

- *Edits to be incorporated into the implementation plans and reviewed by Judges Noel and Mitchell, Margarita Terrell, Suzanne Winsor, and Laura Orchard.*
- *Finalized plans to be submitted to Deborah Dungan at the Supreme Court by Tuesday, May 5.*

5. SOPA Requests (see "SOPA Request" folder)

a. Theresa Wilkes – Santa Fe Dreamers Project Tier 3 Request

A letter of support from the Santa Fe Dreamers Project outlined the request for Tier 2.5 access. The organization is federally authorized as non-attorneys to represent immigrant groups and some staff are certified by the Department of Justice. The current criteria does not allow this non-law enforcement group to gain Tier 2.5 access. The sentiment of the group was to deny access.

Barry Massey reminded the group that a staff person in the governor's office was provided an exception to the criteria for Tier 2.5, and he is troubled by the inconsistency if OAS denies this level of access.

Barry Massey made a motion to provide an exception, similar to the one given to the governor's office, for the Santa Fe Dreamers Project to have Tier 2.5 access. Weldon Neff seconded the motion. The motion passed with three ayes, two opposed.

Action item: Laura Orchard will follow up with the requester to provide guidance on how to get the Tier 2.5 access approved, and will continue to track all exceptions made to the criteria spreadsheet and/or add the exceptions to the spreadsheet.

Judge Mitchell made a motion to move the rest of the agenda to the June 1 meeting. Barry Massey seconded the motion, which passed without opposition.

6. Case Type Restrictions in SOPA – Suzanne Winsor
 - a. Criminal Record Expungement Case Type (see “CRE Case Type” folder)
 - i. Once the original case is sealed, who should have access to it in SOPA?
 - b. Public Health Emergency Order Case Type
 - i. Is sealed on initiation. Aside from AOR, who should be able to see this in SOPA?
7. Re:SearchNM (see “re:SearchNM” folder)
 - a. Case Type Exclusion/Inclusion Spreadsheet
 - i. Seven District case types correctly identified for Tier 2.2?
 - ii. Eleven Domestic Violence case types correctly identified by tier for Case Lookup and SOPA?
 - b. Re:SearchNM Questions
 - i. Higher tier access to sealed cases within approved case type for that tier?
 - ii. Approval of roll out outline for higher tiers
8. Meeting Adjourned

Next Meeting

Monday, June 1, 2020 at 1:30pm