

**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, November 2, 2020 at 1:30pm – remote conference

1. Welcome and Introductions

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

*In Attendance: Judge Noel, Chair; Barry Massey, Mickie Vega, Weldon Neff, Joey Moya, Dick Wilkinson, Judge Dominguez, Suzanne Winsor, Laura Orchard, Jinger Fiola, Tracy Nakai, Margarita Terrell, Ian Bezpalko*

*Guests: Peter St. Cyr, Tom Johnson, Samuel Taub*

2. Approval of Agenda

*Motion to approve the agenda was made by Judge Dominguez, with a second by Barry Massey, which passed without opposition.*

3. Approval of October 5, 2020 draft minutes

*Motion to approve the October minutes was made by Judge Dominguez, with a second by Barry Massey, which passed without opposition.*

4. Follow up on action items from October 5 meeting (see attached)

*Laura Orchard reviewed the outstanding action items from the October meeting.*

- *Update of the Magistrate Implementation plan to be completed by Margarita Terrell, Suzanne Winsor, and Laura Orchard;*
- *Laura Orchard to submit Tyler's slide deck for the re:SearchNM project for the November JIFFY meeting; and,*
- *Implementation of the configuration changes approved by the Supreme Court.*

5. E-Filing Project Updates – Margarita Terrell, Tobie Fouratt

- a. Metro Court Civil e-Filing

*Margarita Terrell announced that Metropolitan Court is now accepting mandatory e-filings while working through a couple of court process modifications. The upcoming demo will show*

*a possible solution, using Odyssey Workflows, to address the proposed text issue they have. The current email solution used by the District Courts doesn't work for Metropolitan Court. The demo will show that both the proposed text and the order can be submitted through File & Serve instead of separating the two documents – one going through email and the other through File & Serve. This week there is training and testing using this Workflow process to see if it will work better for them. It is also being introduced to the Magistrate Courts for the same reason.*

*If the courts decide they want to use this process, it will require a rule change for the Metropolitan Court rule that is in place now, and a change in wording for the new Magistrate Court rule yet to be posted.*

b. Magistrate Court Civil e-Filing

- Demo of Task Manager as alternative to email for Judge's signature on proposed text documents. Requesting OAS recommendation for Magistrate e-Filing Rule to accommodate both email and task manager solutions.

*Suzanne Winsor provided a demonstration of the process within Odyssey:*

- *the proposed order would be submitted through F&S by the attorney using Proposed Default Judgement as a non-docketable event;*
- *the court would accept the filing and the document would be attached to the non-docketable event in Odyssey;*
- *from the case, the clerk would create a "task" using Task Manager, link the proposed text document and send it to their judge's queue in Odyssey;*
- *from My Odyssey Task Manager, the judge will open the proposed text document in their queue to review and make a determination;*
- *if approved, the judge will then e-sign the document and move the task back to the clerk's (or TCAA's) queue. If not approved, the judge will move the task back to the the clerk (or TCAA) to merge the court's form instead;*
- *if the proposed document was approved and signed, the clerk (or TCAA) will add a file stamp and complete the task; and,*
- *the clerk (or TCAA) will change the non-docketable event to Default Judgement (a docketable event) with the signed document still attached.*

*The current rule indicates that attorneys need to send proposed text to the proposed text emails, so if Task Manager were to be used, the email process would go away. For this reason, the wording in the rule will need to be changed.*

*For a December roll out, it is important to get the rule updated to address the new process.*

*Judge Vega believes the court would want to use the new process.*

*Judge Noel indicated concern about vague language being misinterpreted.*

*Joey Moya said the rule should be specific to what the court wants to happen. By providing vague language means you can't really fault an attorney for submitting it one way or another. A vague rule won't really give them guidance. It's an easy matter to write it up either way.*

*Margarita Terrell clarified that the intention is to get consensus from Metro so all the judges would do it the same way, and then with Magistrate, do the same thing. So the consensus*

would be for one or the other (submitting by email or through File & Serve), so it wouldn't be up to the attorney to decide.

Joey Moya said this is why the rule needs to be more specific.

Judge Noel asked for clarification about the wording of 5.b's request for OAS recommendation.

Suzanne Winsor reiterated the dilemma of the December 7 roll out date, the next OAS meeting being on December 7, this new process having come to light when it did, and a rule change needing to be made.

Margarita Terrell noted that this e-Signature/Task Manger option wasn't available as an option when the project began, but after working to resolve Metropolitan Court's issues this came up as a solution. So it has thrown a good wrench into the project, because it appears to be a good solution.

Judge Noel reiterated that both the Magistrate and Metropolitan Court rules need to reflect this new solution, and the Supreme Court needs to know about the slippage to the roll out date due to the new solution. OAS could ask them for another out of cycle rule change.

Joey Moya suggested, unless there are other reasons to stick to the December 7 roll out, it would be good if both Metropolitan Court and the Magistrate Courts can test this to be sure this is what is wanted. Then the rule can be presented to the court in December.

Suzanne Winsor asked if this would mean rolling out after Christmas.

Judge Dominguez confirmed that even though it's a new development, Judge Sedillo does like it as a solution and thinks it would be beneficial to work on it to make it as user friendly to the judges as possible. Would defer to Joey regarding the out of cycle rule change if will cause delays.

Joey Moya said the rule change will be out of cycle either way, and the timing of the rule shouldn't drive the decision, but it's more important that it's tested and the court is comfortable with it. If there is no inordinate delay, a few more weeks to test and vet it properly wouldn't impact getting the rule completed.

Judge Dominguez wants to have the best product in place, but will comply with the Supreme Court's decision.

Judge Noel reminded the group that the three e-Filing implementation plans were developed in tandem to be sequential, (Metro, Magistrate, and SRLs), due to the volume of SRLs in those courts. It means that as dates are moved out, it will impact the SRL roll out. For this reason, we need to make sure all changes and schedule impacts are relayed to the Supreme Court.

Joey Moya indicated that if actions from the OAS December 7 meeting were to go before the Supreme Court, their December conference is on the 9<sup>th</sup>, which is too tight a turnaround. The Supreme Court is having their January conference on the 6<sup>th</sup>, so after the OAS meeting on December 7<sup>th</sup>, if there is a recommendation to the Supreme Court with idea that if the Court doesn't do it on paper, and it needs to be discussed at their January 6<sup>th</sup> conference, it could be done then.

Action Items:

- **Judge Noel: Provide notification to the Supreme Court on the delay of the Magistrate Court roll out, with the updated Implementation Plan for their November 18 conference (due November 4).**
- **At the December 7<sup>th</sup> OAS meeting, provide the determination from both Metro and Magistrate courts whether the Task Manager solution is the tool to move forward with;**
- **Judge Noel: Based on the Metro and Magistrate determination, provide Supreme Court with a recommendation for an out of cycle rule change at their January 6<sup>th</sup>, 2021 conference;**
- **JID: Postpone the roll out of the Phase I Magistrate Courts until January;**

6. Supreme Court response to OAS Recommendations

a. OAS September 23, 2020 Request:

- Approved Tribal Court Judges and staff access to Tier 1;
- Approved DV civil orders of protection and DV criminal matters appearing in Tier 1;
- Approved parentage cases appearing in Tier 1; and,
- Approved the sealed case policy that only attorneys of record and an SRL can have access to their sealed case files, regardless of tier.

**Laura Orchard explained the approved recommendations by the Supreme Court. The follow up activities involved in making the DV and Parentage cases Tier 1 configuration in Odyssey are multi-faceted and will involve OAS approval of updated application forms. Completing all of the tasks will take some time.**

b. OAS October 7, 2020 Request:

- They do want petitions seeking quarantine or isolation to be sealed upon opening, and are going to do two things: (A) Issue and interim order doing so; (B) Send the matter to rules committee for an out-of-cycle amendment to Rule 1-079(C), adding a number "11" to include these petitions as sealed upon opening.

**Joey Moya asked whether the courts know how to seal these cases upon initiation. Suzanne Winsor indicated she has configured the case type to automatically seal upon initiation.**

- They were very grateful to learn about the June 2021 transition to re:SearchNM from SOPA, and the decommissioning of SOPA at that time. They want to be kept apprised of the status of this schedule, and want an update at their April conference.
  1. For January OAS meeting a presentation of draft judge training materials for the Conclave;
  2. Contact Justice B. Vigil in February regarding Conclave training; and,
  3. Submission for February SC conference regarding re:SearchNM status update on transition from SOPA to re:SearchNM

**Laura Orchard provided an update on the information and will follow through on the implied action items in this section.**

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

- a. Dr. Alex Paret – Tier 2.3 request – court appointed evaluator for competency determinations (699425)

**Dr. Paret does not meet any of the current criteria. Judge Noel questioned whether Mr. Paret is appointed to do competency evaluations for adults, but wants juv del records if they have**

*them. Or whether he's appointed to do evals on juveniles have capacity to stand trial. Additionally, Judge Noel questioned whether if he's been asked to do a comp eval he should be provided through the def counsel through court the materials he needs to do the eval.*

*Joey Moya agreed that it would make more sense for this to be for a case-specific access rather than open-ended access to juvenile proceedings.*

*Judge Dominguez does the comp docket for Metro with DOH, he is not one of the evaluators Metro uses, so we would need more information. Is it part of a pilot project that District Court is doing? Without the information, would say no.*

*It was agreed that the court, working through the defense counsel, should be supplying the evaluator with the information they require.*

*Motion by Judge Dominguez, with a second by Joey Moya, to deny and find more information from the court that appointed Mr. Paret so they can work through those problems. Motion passed without opposition.*

*Action Item: Laura to write a response and share with Judge Noel before sending*

- b. Dustin Segovia – Tier 1 request – federal prosecutor in New Mexico, member of the Pennsylvania bar, the U.S. District Court for the District of New Mexico, and the U.S. Tenth Circuit Court of Appeals, but not a member of the New Mexico bar. No CAID. (700177)

*This attorney doesn't meet the criteria – there is a gap for federal attorneys not licensed in New Mexico.*

*Joey Moya made a motion for Mr. Segovia submit an Attorney Staff application with a New Mexico-licensed attorney signing as a supervisor, which was seconded by Ian Bezpalko. The motion passed without opposition.*

*Action Items:*

- *Laura to reply to Mr. Segovia*
- *OAS to review this gap at the December 7 meeting*

8. Reminder: Homework to review criteria and exclusion/inclusion spreadsheet for December 7 meeting. To invite Joey Moya, Celina Jones, Rachelle Klump

*Action Items: Laura to send the highlighted documents to the committee, including guests*

9. Meeting Adjourned

Next Meeting  
Monday, December 7, 2020 at 1:30pm