

NOTICE OF PUBLIC HEARING AND PUBLICATION FOR COMMENT

NEW MEXICO JUDICIARY PROPOSED POLICY FOR ONLINE ACCESS TO COURT RECORDS

Attorneys and their staff, the press, and justice partners, including law enforcement and child welfare agencies, could be granted online access to electronic records in court case files under a proposal before the New Mexico Judiciary. If adopted by the New Mexico Supreme Court, the proposal would permit approved users to view public records from their computer terminals 24 hours a day, seven days a week through a restricted access system operated by the Judicial Information Division.

Interested parties are invited to comment on the proposal at a public hearing from 9 a.m. to noon on December 8, 2016, in Santa Fe conducted by the Online Access Subcommittee of the Judicial Information Systems Council. The hearing and meeting will be held at the Judicial Information Division, 2905 Rodeo Park Drive East, Building 5, Santa Fe, NM 87505.

Members of the public who cannot participate in the hearing at the Judicial Information Division office can comment through video conferencing available at the following courthouses across the state: the Third Judicial Court in Las Cruces, the Fifth Judicial Court in Roswell, the Eighth Judicial District Court in Taos, the Eleventh Judicial District Court in Farmington, and the Bernalillo County Metropolitan Court in Albuquerque.

The proposed online access policy, related application documents, and proposed rule amendments that are the subject of the public hearing are set forth below. In addition to, or in lieu of, attending the public hearing, interested parties are also encouraged to submit a written comment. If you would like to submit a written comment on the proposal under consideration by the Online Access Subcommittee, you may do so by either submitting a comment electronically through the Supreme Court's website at supremecourt.nmcourts.gov or by sending your written comments by mail, email, or fax to:

Joey D. Moya, Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
nmsupremecourtclerk@nmcourts.gov
505-827-4837 (fax)

Your written comments must be received by the Clerk on or before December 6, 2016, to be considered by the subcommittee before the public hearing. Written comments also may be submitted at the public hearing on December 8, 2016. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

Draft Online Case Access Policy - For Discussion Purposes Only			Version: 11/17/16 JIFFY Approved
Access Group	Definition	View/Print Access **	Access Point
Attorneys	Attorney licensed by the NM Supreme Court and in good standing	All public records in magistrate, metropolitan, district and appellate court case files.	Secured Odyssey Public Access (SOPA)
Attorney Staff	Staff working for attorneys with online access credentials	All public records in magistrate, metropolitan, district and appellate court case files.	SOPA
Pro Hac Vice	Out of state licensed attorney admitted to practice by the New Mexico Supreme Court on a specific case	Public records in cases of the Pro Hac Vice Attorney	SOPA
Justice Partners	State, municipal (per NMSA 1978, Section 3-1-2(G)) or federal law enforcement, corrections agencies, compliance programs (per NMSA 1978, Section 31-20-5.1), municipal judges and court staff, and any state or federal agency involved in adult, family or child welfare.	All public records in magistrate, metropolitan, district and appellate court case files.	SOPA
Press	Includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium and who successfully applies to participate in online access and agrees to comply with all court rules	All public records in magistrate, metropolitan, district and appellate court case files.	SOPA
Self-Represented Litigants	Self-represented parties in litigation	Public records in cases in which they are a party	SOPA
Public	Any person not defined above	Redacted public records *	Case Lookup

* View/print document access requires redaction to remove protected personal identifier information, that is NOT currently available and is contingent upon the Judiciary obtaining an appropriation to implement necessary redaction technology. View/print access is case-by-case. Bulk record download is prohibited by New Mexico Supreme Court Order No. 10-8500 dated September 15, 2010 and No. 13-8500 dated August 28, 2013.

** Public Records do not include cases or records that are sealed or otherwise confidential under statute, court rule, or court order. Content varies by court depending on court case files currently digitized. Appellate court cases are unavailable under current technology and funding.

THE FOLLOWING PROPOSED AMENDMENT WOULD APPEAR IN THE CORRESPONDING PARAGRAPHS IN RULES 1-079(D)(1); 2-112(C)(1), 3-112(C)(1), 5-123(D)(1), 6-114(C)(1), 7-113(C)(1), 8-112(C)(1), 10-166(D)(1), AND 12-314(D)(1) NMRA. TO CONSIDER THE PROPOSED AMENDMENT WITHIN THE CONTEXT OF THE ENTIRE TEXT OF THE RULE, A DRAFT OF RULE 1-079 FOLLOWS ON THE NEXT PAGE.

D. Protection of personal identifier information.

(1) The court and the parties shall avoid including protected personal identifier information in court records unless deemed necessary for the effective operation of the court's judicial function. If the court or a party deems it necessary to include protected personal identifier information in a court record, that is a non-sanctionable decision. Protected personal identifier information shall not be made available on publicly accessible court web sites. The court shall not publicly display protected personal identifier information in the courthouse. Any attorney or other person granted electronic access to court records containing protected personal identifier information shall be responsible for taking all reasonable precautions to ensure that the protected personal identifier information is not unlawfully disclosed by the attorney or other person or by anyone under the supervision of that attorney or other person. Failure to comply with the provisions of this subparagraph may subject the attorney or other person to sanctions or the initiation of disciplinary proceedings.

1 **1-079. Public inspection and sealing of court records.**

2 A. **Presumption of public access; scope of rule.** Court records are subject to
3 public access unless sealed by order of the court or otherwise protected from disclosure
4 under the provisions of this rule. This rule does not prescribe the manner in which the court
5 shall provide public access to court records, electronically or otherwise. No person or entity
6 shall knowingly file a court record that discloses material obtained from another court record
7 that is sealed, conditionally under seal, or subject to a pending motion to seal under the
8 provisions of this rule.

9 B. **Definitions.** For purposes of this rule the following definitions apply:

10 (1) “court record” means all or any portion of a document, paper, exhibit,
11 transcript, or other material filed or lodged with the court, and the register of actions and
12 docket entries used by the court to document the activity in a case;

13 (2) “lodged” means a court record that is temporarily deposited with the
14 court but not filed or made available for public access;

15 (3) “protected personal identifier information” means all but the last four
16 (4) digits of a social security number, taxpayer-identification number, financial account
17 number, or driver’s license number, and all but the year of a person’s date of birth;

18 (4) “public” means any person or entity, except the parties to the
19 proceeding, counsel of record and their employees, and court personnel;

20 (5) “public access” means the inspection and copying of court records by
21 the public; and

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 (6) “sealed” means a court record for which public access is limited by
2 order of the court or as required by Paragraphs C or D of this rule.

3 C. **Limitations on public access.** In addition to court records protected pursuant
4 to Paragraphs D and E of this rule, all court records in the following proceedings are
5 confidential and shall be automatically sealed without motion or order of the court:

6 (1) proceedings commenced under the Adoption Act, Chapter 32A,
7 Article 5 NMSA 1978. The automatic sealing provisions of this subparagraph shall not
8 apply to persons and entities listed in Subsection A of Section 32A-5-8 NMSA 1978;

9 (2) proceedings to detain a person commenced under Section 24-1-15
10 NMSA 1978;

11 (3) proceedings for testing commenced under Section 24-2B-5.1 NMSA
12 1978;

13 (4) proceedings commenced under the Adult Protective Services Act,
14 Sections 27-7-14 to 27-7-31 NMSA 1978, subject to the firearm-related reporting
15 requirements in Section 34-9-19 NMSA 1978;

16 (5) proceedings commenced under the Mental Health and Developmental
17 Disabilities Code, Chapter 43, Article 1 NMSA 1978, subject to the disclosure requirements
18 in Section 43-1-19 NMSA 1978 and the firearm-related reporting requirements in Section
19 34-9-19 NMSA 1978;

20 (6) wills deposited with the court pursuant to Section 45-2-515 NMSA
21 1978 that have not been submitted to informal or formal probate proceedings. The automatic

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 sealing provisions of this subparagraph shall not apply to persons and entities listed in
2 Section 45-2-515 NMSA 1978;

3 (7) proceedings commenced for the appointment of a person to serve as
4 guardian for an alleged incapacitated person subject to the disclosure requirements of
5 Subsection I of Section 45-5-303 NMSA 1978 1978 and the firearm-related reporting
6 requirements in Section 34-9-19 NMSA 1978;

7 (8) proceedings commenced for the appointment of a conservator subject
8 to the disclosure requirements of Subsection M of Section 45-5-407 NMSA 1978 and the
9 firearm-related reporting requirements in Section 34-9-19 NMSA 1978; and

10 (9) proceedings commenced to remove a firearm-related disability under
11 Section 34-9-19(D) NMSA 1978.

12 The provisions of this paragraph notwithstanding, the docket number and case type
13 for the categories of cases listed in this paragraph shall not be sealed without a court order.

14 **D. Protection of personal identifier information.**

15 (1) The court and the parties shall avoid including protected personal
16 identifier information in court records unless deemed necessary for the effective operation
17 of the court's judicial function. If the court or a party deems it necessary to include
18 protected personal identifier information in a court record, that is a non-sanctionable
19 decision. Protected personal identifier information shall not be made available on publicly
20 accessible court web sites. The court shall not publicly display protected personal identifier
21 information in the courthouse. Any attorney or other person granted electronic access to

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 court records containing protected personal identifier information shall be responsible for
2 taking all reasonable precautions to ensure that the protected personal identifier information
3 is not unlawfully disclosed by the attorney or other person or by anyone under the
4 supervision of that attorney or other person. Failure to comply with the provisions of this
5 subparagraph may subject the attorney or other person to sanctions or the initiation of
6 disciplinary proceedings.

7 (2) The court clerk is not required to review documents for compliance
8 with this paragraph and shall not refuse for filing any document that does not comply with
9 this paragraph. The court clerk is not required to screen court records released to the public
10 to prevent disclosure of protected personal identifier information.

11 (3) Any person requesting public access to court records shall provide the
12 court with the person's name, address, and telephone number along with a
13 government-issued form of identification or other acceptable form of identification.

14 E. **Motion to seal court records required.** Except as provided in Paragraphs
15 C and D of this rule, no portion of a court record shall be sealed except by court order. Any
16 party or member of the public may file a motion for an order sealing the court record. Any
17 party or member of the public may file a response to the motion to seal. The movant shall
18 lodge the court record with the court pursuant to Paragraph F when the motion is made,
19 unless the court record was previously filed with the court or good cause exists for not
20 lodging the court record pursuant to Paragraph F. Pending the court's ruling on the motion,
21 the lodged court record will be conditionally sealed. If necessary to prevent disclosure, any

1 motion, response or reply, and any supporting documents, shall be filed in a redacted version
2 that will be subject to public access and lodged in a complete, unredacted version that will
3 remain conditionally sealed pending the court's ruling on the motion. If the court denies the
4 motion, the clerk shall return any lodged court records and shall not file them in the court
5 file.

6 **F. Procedure for lodging court records.** A court record that is the subject of
7 a motion filed under Paragraph E of this rule shall be secured in an envelope or other
8 appropriate container by the movant and lodged with the court unless the court record was
9 previously filed with the court or unless good cause exists for not lodging the court record.
10 The movant shall label the envelope or container lodged with the court "CONDITIONALLY
11 UNDER SEAL" and affix to the envelope or container a cover sheet that contains the
12 information required under Rules 1-008.1 and 1-010 NMRA and which states that the
13 enclosed court record is subject to a motion to seal. On receipt of a lodged court record, the
14 clerk shall endorse the cover sheet with the date of its receipt and shall retain but not file the
15 court record unless the court orders it filed. If the court grants an order sealing a court
16 record, the clerk shall substitute the label provided by the movant on the envelope or
17 container with a label prominently stating "SEALED BY ORDER OF THE COURT ON
18 (DATE)" and shall attach a file-stamped copy of the court's order. Unless otherwise ordered
19 by the court, the date of the court order granting the motion shall be deemed the file date of
20 the lodged court record.

21 **G. Requirements for order to seal court records.**

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 (1) The court shall not permit a court record to be filed under seal based
2 solely on the agreement or stipulation of the parties. The court may order that a court record
3 be filed under seal only if the court by written order finds and states facts that establish the
4 following:

5 (a) the existence of an overriding interest that overcomes the right
6 of public access to the court record;

7 (b) the overriding interest supports sealing the court record;

8 (c) a substantial probability exists that the overriding interest will
9 be prejudiced if the court record is not sealed;

10 (d) the proposed sealing is narrowly tailored; and

11 (e) no less restrictive means exist to achieve the overriding
12 interest.

13 (2) The order shall require the sealing of only those documents, pages,
14 or portions of a court record that contain the material that needs to be sealed. All other
15 portions of each document or page shall be filed without limitation on public access. If
16 necessary, the order may direct the movant to prepare a redacted version of the sealed court
17 record that will be made available for public access.

18 (3) The order shall state whether the order itself, the register of actions,
19 or individual docket entries are to be sealed.

20 (4) The order shall specify who is authorized to have access to the sealed
21 court record.

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 (5) The order shall specify a date or event upon which it expires or shall
2 explicitly state that the order remains in effect until further order of the court.

3 (6) The order shall specify any person or entity entitled to notice of any
4 future motion to unseal the court record or modify the sealing order.

5 **H. Sealed court records as part of record on appeal.**

6 (1) Court records sealed in the magistrate, metropolitan, or municipal
7 court, or records sealed in an agency proceeding in accordance with the law, that are filed
8 in an appeal to the district court shall remain sealed in the district court. The district court
9 judges and staff may have access to the sealed court records unless otherwise ordered by the
10 district court. Requests to unseal such records or modify a sealing order entered in the
11 magistrate, metropolitan, or municipal court shall be filed in the district court pursuant to
12 Paragraph I of this rule if the case is pending on appeal.

13 (2) Court records sealed under the provisions of this rule that are filed in
14 the appellate courts shall remain sealed in the appellate courts. The appellate court judges
15 and staff may have access to the sealed court records unless otherwise ordered by the
16 appellate court.

17 **I. Motion to unseal court records.**

18 (1) A sealed court record shall not be unsealed except by court order or
19 pursuant to the terms of the sealing order itself. A party or member of the public may move
20 to unseal a sealed court record. A copy of the motion to unseal shall be served on all persons
21 and entities who were identified in the sealing order pursuant to Subparagraph (6) of

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 Paragraph G for receipt of notice. If necessary to prevent disclosure, the motion, any
2 response or reply, and supporting documents shall be filed in a redacted version and lodged
3 in a complete and unredacted version.

4 (2) In determining whether to unseal a court record, the court shall
5 consider the matters addressed in Subparagraph (1) of Paragraph G. If the court grants the
6 motion to unseal a court record, the order shall state whether the court record is unsealed
7 entirely or in part. If the court's order unseals only part of the court record or unseals the
8 court record only as to certain persons or entities, the order shall specify the particular court
9 records that are unsealed, the particular persons or entities who may have access to the court
10 record, or both. If, in addition to the court records in the envelope or container, the court has
11 previously ordered the sealing order, the register of actions, or individual docket entries to
12 be sealed, the unsealing order shall state whether those additional court records are unsealed.

13 J. **Failure to comply with sealing order.** Any person or entity who knowingly
14 discloses any material obtained from a court record sealed or lodged pursuant to this rule
15 may be held in contempt of court or subject to other sanctions as the court deems
16 appropriate.

17 [Adopted by Supreme Court Order No. 10-8300-004, for all court records filed on or after
18 July 1, 2010; as amended by Supreme Court Order No. 10-8300-023 temporarily suspending
19 Paragraph D for 90 days effective August 11, 2010; by Supreme Court Order No.
20 10-8300-037, extending the temporary suspension of Paragraph D for an additional 90 days,
21 effective November 10, 2010; by Supreme Court Order No. 11-8300-006, effective for all

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 court records filed, lodged, publicly displayed in the courthouse, or posted on publicly
2 accessible court web sites on or after February 7, 2011; as amended by Supreme Court Order
3 No. 13-8300-017, effective for all cases pending or filed on or after December 31, 2013; as
4 provisionally amended by Supreme Court Order No. 16-8300-003, effective for all cases
5 pending or filed on or after May 18, 2016; as amended by Supreme Court Order No.
6 effective_____.]

7 **Committee commentary.** — This rule recognizes the presumption that all
8 documents filed in court are subject to public access. This rule does not address public
9 access to other records in possession of the court that are not filed within the context of
10 litigation pending before the court, such as personnel or administrative files. Nor does this
11 rule address the manner in which a court must provide public access to court records.

12 Although most court records are subject to public access, this rule recognizes that in
13 some instances public access to court records should be limited. However, this rule makes
14 clear that no court record may be sealed simply by agreement of the parties to the litigation.
15 And except as otherwise provided in this rule, public access to a court record may not be
16 limited without a written court order entered in accordance with the provisions of this rule.
17 Unless otherwise ordered by the court, any limitations on the public's right to access court
18 records do not apply to the parties to the proceeding, counsel of record and their employees,
19 and court personnel. While employees of a lawyer or law firm who is counsel of record may
20 have access to sealed court records, the lawyer or law firm remains responsible for the
21 conduct of their employees in this regard.

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 Paragraph C of this rule recognizes that all court records within certain classes of
2 cases should be automatically sealed without the need for a motion by the parties or court
3 order. Most of the classes of cases identified in Paragraph C have been identified by statute
4 as warranting confidentiality. However, this rule does not purport to cede to the legislature
5 the final decision on whether a particular type of case or court record must be sealed.
6 Paragraph C simply lists those classes of cases in which all court records shall be
7 automatically sealed from the commencement of the proceedings without the need for a
8 court order. Nonetheless, a motion to unseal some or all of the automatically sealed court
9 records in a particular case still may be filed under Paragraph I of the rule.

10 For some of the classes of cases identified in Paragraph C, automatic sealing is
11 subject to other statutory disclosure or reporting requirements. For example, under NMSA
12 1978, Section 34-9-19, the administrative office of the courts (AOC) is required to transmit
13 to the federal bureau of investigation's national instant criminal background check system
14 (NICS) information about a court order, judgment, or verdict regarding each person who has
15 been "adjudicated as a mental defective" or "committed to a mental institution" under federal
16 law. Automatic sealing under Paragraph C therefore does not prevent the AOC from
17 transmitting such information to the NICS in the proceedings described in Subparagraphs
18 C(4), (5), (7) and (8). A person who is the subject of the information compiled and reported
19 by the AOC to NICS has a right to obtain and inspect that information. *See* NMSA 1978,
20 § 34-9-19(K).

21 Aside from entire categories of cases that may warrant limitations on public access,

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 numerous statutes also identify particular types of documents and information as confidential
2 or otherwise subject to limitations on disclosure. *See, e.g.*, Section 7-1-4.2(H) NMSA 1978
3 (providing for confidentiality of taxpayer information); Section 14-6-1(A) NMSA 1978
4 (providing for confidentiality of patient health information); Section 24-1-9.5 NMSA 1978
5 (limiting disclosure of test results for sexually transmitted diseases); Section 29-10-4 NMSA
6 1978 (providing for confidentiality of certain arrest record information); Section 29-12A-4
7 NMSA 1978 (limiting disclosure of local crime stoppers program information); Section
8 29-16-8 NMSA 1978 (providing for confidentiality of DNA information); Section 31-25-3
9 NMSA 1978 (providing for confidentiality of certain communications between victim and
10 victim counselor); Section 40-8-2 NMSA 1978 (providing for sealing of certain name
11 change records); Section 40-6A-312 NMSA 1978 (providing for limitations on disclosure
12 of certain information during proceedings under the Uniform Interstate Family Support Act);
13 Section 40-10A-209 NMSA 1978 (providing for limitations on disclosure of certain
14 information during proceedings under the Uniform Child-Custody Jurisdiction and
15 Enforcement Act); Section 40-13-7.1 NMSA 1978 (providing for confidentiality of certain
16 information obtained by medical personnel during treatment for domestic abuse); Section
17 40-13-12 NMSA 1978 (providing for limits on internet disclosure of certain information in
18 domestic violence cases) Section 44-7A-18 NMSA 1978 (providing for limitations on
19 disclosure of certain information under the Uniform Arbitration Act). However, Paragraph
20 C does not contemplate the automatic sealing of such items. Instead, if a party believes a
21 particular statutory provision warrants sealing a particular court record, the party may file

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 a motion to seal under Paragraph E of this rule. And any statutory confidentiality provision
2 notwithstanding, the court must still engage in the balancing test set forth in Subparagraph
3 (1) of Paragraph G of this rule before deciding whether to seal any particular court record.

4 Paragraph D of this rule recognizes that certain personal identifier information often
5 included within court records may pose the risk of identity theft and other misuse.
6 Accordingly, Paragraph D discourages the inclusion of protected personal identifier
7 information in a court record unless the court or a party deems its inclusion necessary for the
8 effective operation of the court's judicial function. Although the decision to include
9 protected personal identifier information in the court record is a non-sanctionable decision,
10 the rule nonetheless prohibits public access to protected personal identifier information on
11 court web sites and also prohibits the court from publicly displaying protected personal
12 identifier information in the courthouse, which would include docket call sheets, court
13 calendars, or similar material intended for public viewing.

14 The court need not review individual documents filed with the court to ensure
15 compliance with this requirement, and the clerk may not refuse to accept for filing any
16 document that does not comply with the requirements of Paragraph D. Moreover, the clerk
17 is not required to screen court records released to the public to prevent the disclosure of
18 protected personal identifier information. However, anyone requesting public access to court
19 records shall provide the court with his or her name, address, and telephone number along
20 with a government-issued form of identification or other acceptable form of identification.
21 The court may also consider maintaining a log of this information.

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 Paragraphs E and F set forth the procedure for requesting the sealing of a court
2 record. Any person or entity may file a motion to seal a court record, and all parties to the
3 action in which the court record was filed, or is to be filed, must be served with a copy of the
4 motion. Any person or entity may file a response to the motion to seal the court record, but,
5 if the person or entity filing the response is not a party to the underlying litigation, that
6 person or entity does not become a party to the proceedings for any other purpose.

7 Ordinarily, the party seeking to seal a court record must lodge it with the court at the
8 time that the motion is filed. A lodged court record is only temporarily deposited with the
9 court pending the court's ruling on the motion. Accordingly, a lodged court record is not
10 filed by the clerk and remains conditionally sealed until the court rules on the motion. To
11 protect the lodged court record from disclosure pending the court's ruling on the motion, the
12 movant is required to enclose the lodged court record in an envelope or other appropriate
13 container and attach a cover sheet to the envelope or container that includes the case caption,
14 notes that the enclosed court record is the subject of a pending motion to seal, and is clearly
15 labeled "conditionally under seal." If necessary to prevent disclosure pending the court's
16 ruling, the motion, any response or reply, and other supporting documents should either be
17 lodged with the court as well or filed in redacted and unredacted versions so that the court
18 may permit public access to the redacted pleadings until the court rules on the motion.

19 Although a lodged court record is not officially filed with the court unless and until
20 the motion to seal is granted, the clerk need not keep lodged court records in a physically
21 separate location from the rest of the court file. In this regard, the rule does not purport to

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 require the clerk to maintain lodged court records in any particular manner or location. As
2 long as the lodged record is protected from public disclosure, each court retains the
3 discretion to decide for itself how it will store lodged court records, and this rule anticipates
4 that most courts will choose to store and protect lodged and sealed court records in the same
5 way that those courts have traditionally stored and protected sealed and conditionally sealed
6 court records filed with the court before the adoption of this rule.

7 When docketing a motion to seal, the clerk's docket entry should be part of the
8 publicly available register of actions and should reflect that a motion to seal was filed, the
9 date of filing, and the name of the person or entity filing the motion. However, any docket
10 entries related to the motion to seal should avoid including detail that would disclose the
11 substance of the conditionally sealed material before the court has ruled. If necessary to
12 prevent disclosure, in rare cases, a court order granting a motion to seal may provide for the
13 sealing of previous or future docket entries related to the sealed court records provided that
14 the court's register of actions contains, at a minimum, a docket entry containing the docket
15 number, an alias docket entry or case name such as Sealed Pleading or In the Matter of a
16 Sealed Case, and an entry indicating that the pleading or case has been sealed so that anyone
17 inspecting the court's docket will know of its existence.

18 If the court denies the motion to seal, the clerk will return the lodged court record to
19 the party, it will not become part of the case file, and will therefore not be subject to public
20 access. However, even if the court denies the motion, the movant still may decide to file the
21 previously lodged court record but it then will be subject to public access. If the court grants

1 the motion to seal, it must enter an order in accordance with the requirements of Paragraph
2 G. The order must state the facts supporting the court's decision to seal the court record and
3 must identify an overriding interest that overcomes the public's right to public access to the
4 court record and that supports the need for sealing. The rule itself does not identify what
5 would constitute an overriding interest but anticipates that what constitutes an overriding
6 interest will depend on the facts of the case and will be developed through case law on a case
7 by case basis. The rule further provides that the sealing of the court record must be narrowly
8 tailored and that there must not be a less restrictive alternative for achieving the overriding
9 interest. To that end, the rule encourages the court to consider partial redactions whenever
10 possible rather than the wholesale sealing of pages, documents, or court files. Paragraph G
11 also requires the court to specify whether any other matter beyond the court record (such as
12 the order itself, the register of actions, or docket entries) will be sealed to prevent disclosure.
13 The sealing order also must specify who may and may not have access to a sealed court
14 record, which may include prohibiting access to certain parties or court personnel. In
15 addition, the sealing order must specify a date or event upon which the order expires or
16 provide that the sealing remains in effect until further order of the court. Finally, the order
17 must list those persons or entities who must be given notice of any subsequently filed motion
18 to unseal the court record or modify the sealing order.

19 Any court records sealed under the provisions of this rule remain sealed even if
20 subsequently forwarded to the appellate court as part of the record on appeal. However,
21 sealed court records forwarded to the appellate court as part of the record on appeal may be

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

1 reviewed by the appellate court judges and staff unless otherwise ordered by the appellate
2 court. Any other motions requesting modification to a sealing order in a case on appeal must
3 be filed with the appellate court.

4 Motions to unseal previously sealed court records are governed by Paragraph I of this
5 rule. A party or any member of the public may move to unseal a court record, and the rule
6 does not provide a time limit for filing a motion to unseal a court record. Motions to unseal
7 follow the same general procedures and standards used for motions to seal. A copy of a
8 motion to unseal must be served on all persons and entities identified in the sealing order as
9 entitled to receive notice of a future motion to unseal.

10 Although most court records should remain available for public access, when a court
11 record is sealed under this rule, all persons and entities who do have access to the sealed
12 material must act in good faith to avoid the disclosure of information the court has ordered
13 sealed. That said, the protections provided by this rule should not be used to effect an
14 unconstitutional prior restraint of free speech. But in the absence of a conflict with a
15 countervailing First Amendment principle that would permit disclosure, any knowing
16 disclosure of information obtained from a court record sealed by the court may subject the
17 offending person or entity to being held in contempt of court or other sanctions as deemed
18 appropriate by the court.

19 [Adopted by Supreme Court Order No. 10-8300-004, for all court records filed on or after
20 July 1, 2010; as amended by Supreme Court Order No. 11-8300-006, effective for all court
21 records filed, lodged, publicly displayed in the courthouse, or posted on publicly accessible

**DISTRICT COURT CIVIL
RULE 1-079**

**Discussion Draft
November 16, 2016**

- 1 court web sites on or after February 7, 2011; as provisionally amended by Supreme Court
- 2 Order No. 16-8300-003, effective for all cases pending or filed on or after May 18, 2016.]

Application for Online Access to New Mexico Judiciary Secure Court Cases for Attorneys

*New Mexico Administrative Office of the Courts
Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, NM 87505
505-476-6900
Fax: 505-476-6952
Email: helpdesk@nmcourts.gov*

Introduction

Pursuant to New Mexico Supreme Court Order No. 16-8300-XXX, attorneys licensed by the New Mexico Supreme Court and in good standing, practicing law in the State of New Mexico may apply to receive login credentials to access the New Mexico Judiciary's secure website to view court cases currently digitized in the Odyssey Case Management System "Secured Odyssey Public Access" (SOPA). The Administrative Office of the Courts reserves the right to redact information from SOPA court case files as required by law.

Use of this site for any purpose other than viewing individual electronic court records, or attempts to download multiple records, are strictly prohibited. Data use is subject to NMSA 1978, Section 14-3-15.1.

Application Process

If you would like to apply for login credentials to access SOPA court files, a completed Application for Online Access to New Mexico Secure Court Cases must be emailed to the New Mexico Administrative Office of the Courts Judicial Information Division ("JID") at helpdesk@nmcourts.gov. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID will be held confidential and will only be used to open and manage your account. Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Attorney License Information

Pro Hac Vice - Yes/No

Case Number(s) : _____

Please attach your Pro Hac Vice registration certificate with this application, as required by rule 24-106.

Prefix: Mr./Ms. Other (specify): _____

First Name: _____ Last Name: _____

Title: _____

E-mail: _____

Phone: _____

State Bar of New Mexico number: _____ Supreme Court CAID number: _____

*(To locate your CAID contact the NM Supreme Court Clerk's Office at 505-827-4860 or
nmsupremecourtclerk@nmcourts.gov)*

Business Contact Information

Business Name: _____

Business Physical Address: _____

Business Mailing Address: _____

Business City, State and Zip: _____

Business Phone: _____

Attorney Contact Telephone Numbers : _____ (Office)

_____ (Fax)

Attorney Business Email: _____

Personal Contact Information

Home Address: _____

City, State and Zip: _____

Home Phone: _____

Mobile Phone: _____ Personal Email: _____

Juvenile Case Access: Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Request access to Juvenile cases? Yes/No

Business need for Juvenile case access: _____

New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement

The New Mexico Administrative Office of the Courts Application for Online Access to New Mexico Judiciary Secure Court Cases is used to grant access to SOPA court case files to authorized users. The SOPA court case files contain protected personal identifiers that must be protected by law and other sensitive case information. The Administrative Office of the Courts reserves the right to redact protected personal identifiers and other sensitive case information from SOPA court case files. This agreement between the New Mexico Administrative Office of the Courts and you, the authorized user of the SOPA court case files, governs the conditions of use for this access.

As an authorized user of the New Mexico Judiciary's SOPA court case files, I agree to the following:

- To not share my login credentials with any individual;
- To not disclose any information protected by law from public disclosure that I gain through accessing SOPA court case files unless such disclosure is through the discharge of my official duties as an officer of the court;
- To take all reasonable precautions to protect personal identifiers gained through the SOPA court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA.

None of the provisions of this Agreement can be waived or modified by the AOC or its employees. The laws of the State of New Mexico, Supreme Court rules, including disciplinary rules, and any and all applicable legal remedies shall govern this agreement. This agreement may be terminated by AOC for any violation of its terms.

Applicant Signature: _____ **Date:** _____

Applicant Full Name: _____

Pro Hac Vice registration certificate attached

Application for Online Access to New Mexico Judiciary Secure Court Cases for Justice Partners

*New Mexico Administrative Office of the Courts
Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, NM 87505
505-476-6900
Fax: 505-476-6952
Email: helpdesk@nmcourts.gov*

Introduction

Pursuant to New Mexico Supreme Court Order No.16-8300-XXX, Justice Partners (as defined and approved in the Supreme Court Online Case Access Policy) in the State of New Mexico may apply to receive login credentials to access the New Mexico Judiciary's secure website to view court cases currently digitized in the Odyssey Case Management System "Secured Odyssey Public Access" (SOPA). The Administrative Office of the Courts reserves the right to redact information from SOPA court case files as required by law.

Use of this site for any purpose other than viewing individual electronic court records, or attempts to download multiple records, are strictly prohibited. Data use is subject to NMSA 1978, Section 14-3-15.1.

Application Process

If you would like to apply for login credentials to access SOPA court files, a completed Application for Online Access to New Mexico Secure Court Cases must be emailed to the New Mexico Administrative Office of the Courts Judicial Information Division ("JID") at helpdesk@nmcourts.gov. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID will be held confidential and will only be used to open and manage your account. Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to 60 days to process.

Justice Partner Applicant Information

First Name: _____ Last Name: _____

Title: _____

E-mail: _____

Phone: _____

Mobile Phone: _____

Organization Information (Government Agency, Judicial or Private Entity)

Agency/Department Name: _____

Agency/Department Physical Address: _____

Agency/Department Mailing Address: _____

Agency/Department City, State and Zip: _____

Agency/Department Phone: _____

Juvenile Case Access: Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Request access to Juvenile cases? Yes/No _____

Business need for Juvenile case access: _____

New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement

The New Mexico Administrative Office of the Courts (AOC) Application for Online Access to New Mexico Judiciary Secure Court Cases is used to grant access to SOPA court case files to authorized users. The SOPA court case files contain protected personal identifiers that must be protected by law and other sensitive case information. The Administrative Office of the Courts reserves the right to redact protected personal identifiers and other sensitive case information from SOPA court case files. This agreement between the AOC and you, the authorized user of the SOPA court case files, governs the conditions of use for this access.

As an authorized user of the New Mexico Judiciary's SOPA court case files, I agree to the following:

- To not share my login credentials with any individual;
- To not disclose any information protected by law from public disclosure that I gain through accessing the SOPA court case files unless such disclosure is through the discharge of my official duties as an officer of the court;
- To take all reasonable precautions to protect personal identifiers gained through the online SOPA court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA.

None of the provisions of this Agreement can be waived or modified by the AOC or its employees. The laws of the State of New Mexico, Supreme Court rules, including disciplinary rules, and any and all applicable legal remedies shall govern this agreement. This agreement may be terminated by AOC for any violation of its terms.

Applicant Signature: _____ **Date:** _____

Applicant Full Name: _____

Application for Online Access to New Mexico Judiciary Secure Court Cases for Attorney or Justice Partner Staff

*New Mexico Administrative Office of the Courts
Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, NM 87505
505-476-6900
Fax: 505-476-6952
Email: helpdesk@nmcourts.gov*

Introduction

Pursuant to New Mexico Supreme Court Order No. 16-8300-XXX Attorney or Justice Partner Staff (as defined and approved in the Supreme Court Online Case Access Policy) in the State of New Mexico may apply to receive login credentials to access the New Mexico Judiciary's secure website to view court cases currently digitized in the Odyssey Case Management System "Secured Odyssey Public Access" (SOPA). The Administrative Office of the Courts reserves the right to redact information from SOPA court case files as required by law.

Use of this site for any purpose other than viewing individual electronic court records, or attempts to download multiple records, are strictly prohibited. Data use is subject to NMSA 1978, Section 14-3-15.1.

Application Process

If you would like to apply for login credentials to access SOPA court case files, a completed Application for Online Access to New Mexico Secure Court Cases must be emailed to the New Mexico Administrative Office of the Courts Judicial Information Division ("JID") at helpdesk@nmcourts.gov. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID will be held confidential and will only be used to open and manage your account. Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Staff Contact Information

Prefix: Mr./Ms. Other (specify): _____

First Name: _____ Last Name: _____

Title: _____

E-mail: _____

Phone: _____

Business need for Attorney or Justice Partner Staff case access: _____

Juvenile Case Access: Requests for Juvenile case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Request access to Juvenile cases? Yes/No

Business need for Juvenile case access: _____

Supervising Attorney or Justice Partner Staff's Information

Pro Hac Vice - Yes/No

Prefix: Mr./Ms. Other (specify): _____

First Name: _____ Last Name: _____

Title: _____

E-mail: _____

Phone: _____

State Bar of New Mexico Number: _____ Supreme Court CAID Number: _____

(To locate your CAID contact the NM Supreme Court Clerk's Office at 505-827-4860 or nmsupremecourtclerk@nmcourts.gov)

Business or Agency Contact Information

Business/Agency Name: _____

Business/Agency Physical Address: _____

Business/Agency Mailing Address: _____

Business/Agency City, State and Zip: _____

Business/Agency Phone: _____

Attorney/Agency Contact Telephone Numbers: _____ (Office)

_____ (Fax)

Attorney/Agency Business Email: _____

New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement

The New Mexico Administrative Office of the Courts Application for Online Access to New Mexico Judiciary Secure Court Cases is used to grant access to SOPA court case files to authorized users. The SOPA court case files contain protected personal identifiers that must be protected by law and other sensitive case information. The Administrative Office of the Courts reserves the right to redact protected personal identifiers and other sensitive case information from SOPA court case files. This agreement between the New Mexico Administrative Office of the Courts and you, the authorized user of the SOPA court case files, governs the conditions of use for this access.

As an authorized user of the New Mexico Judiciary's SOPA court case files, I agree to the following:

- To not share my login credentials with any individual;
- To not disclose any information protected by law from public disclosure that I gain through accessing the SOPA court case files unless such disclosure is through the discharge of my official duties as an officer of the court;
- To take all reasonable precautions to protect personal identifiers gained through the online SOPA court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA.

None of the provisions of this Agreement can be waived or modified by the AOC or its employees. The laws of the State of New Mexico, Supreme Court rules, including disciplinary rules, and any and all applicable legal remedies shall govern this agreement. This agreement may be terminated by AOC for any violation of its terms or upon termination of the applicant's association by the supervising attorney or justice partner

Staff Applicant Signature: _____ **Date:** _____

Staff Applicant Full Name: _____

As the responsible attorney or justice partner supervisor for this staff user of the New Mexico judiciary's SOPA court case files, I agree to the following:

- I remain responsible for authorized staff's treatment and protection of SOPA court case file information;

- I shall immediately notify JID of the departure of authorized staff under my direct supervision so that new log in credentials can be applied for;
- I take all reasonable precautions to protect personal identifiers gained through the online court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA;
- Authorized staff shall not share their login credentials with any individual; and,
- Authorized staff shall not disclose any information protected by law from public disclosure that I, or authorized staff, gain through accessing SOPA court case files unless such disclosure is through the discharge of my official duties as an officer of the court.

Supervising Attorney or Justice Partner Signature: _____ **Date:** _____

Supervising Attorney or Justice Partner Supervisor Full Name: _____

If Applicable:

State Bar of New Mexico Number: _____ Supreme Court CAID Number: _____

Application for Online Access to New Mexico Judiciary

Secure Court Cases for the Press

New Mexico Administrative Office of the Courts

Judicial Information Division

2905 Rodeo Park Drive East, Building 5

Santa Fe, NM 87505

505-476-6900

Fax: 505-476-6952

Email: helpdesk@nmcourts.gov

Introduction

Pursuant to New Mexico Supreme Court Order No. 16-8300-XXX, the Press includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium (as defined and approved in the Supreme Court Online Case Access Policy) in the State of New Mexico may apply to receive login credentials to access the New Mexico Judiciary's secure website to view court cases currently digitized in the Odyssey Case Management System "Secured Odyssey Public Access" (SOPA). The Administrative Office of the Courts reserves the right to redact information from SOPA court case files as required by law.

Use of this site for any purpose other than viewing individual electronic court records, is strictly prohibited. Data use is subject to NMSA 1978, Section 14-3-15.1.

Application Process

If you would like to apply for login credentials to access the SOPA court case files, a completed Application for Online Access to New Mexico Secure Court Cases must be emailed to the New Mexico Administrative Office of the Courts Judicial Information Division ("JID") at helpdesk@nmcourts.gov. You must also submit documentation confirming your press affiliation. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID will be held confidential and will only be used to open and manage your account.

Request for case access may go before the Online Access Subcommittee for approval and may take up to sixty (60) business days to process.

Press Applicant Information

First Name: _____ Last Name: _____

Title: _____

E-mail: _____

Phone: _____

Mobile Phone: _____

Press Organization Information

Organization Name: _____

Organization Physical Address: _____

Organization Mailing Address: _____

Organization City, State and Zip: _____

Organization Phone: _____

Organization Website URL: _____

New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement

The New Mexico Administrative Office of the Courts Application for Online Access to New Mexico Judiciary Secure Court Cases is used to grant access to SOPA court case files to authorized users. The SOPA court case files contain protected personal identifiers that must be protected by law and other sensitive case information. The Administrative Office of the Courts reserves the right to redact protected personal identifiers and other sensitive case information from SOPA court case files. This agreement between the New Mexico Administrative Office of the Courts and you, the authorized user of the SOPA court case files, governs the conditions of use for this access.

As an authorized user of the New Mexico Judiciary's SOPA court case files, I agree to the following:

- To not share my login credentials with any individual;
- To not disclose any information protected by law from public disclosure that I gain through accessing SOPA court case files;
- To comply with all applicable court rules;
- To take all reasonable precautions to protect personal identifiers gained through the SOPA court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA.

None of the provisions of this Agreement can be waived or modified by the AOC or its employees. The laws of the State of New Mexico, Supreme Court rules, including disciplinary rules, and any and all applicable legal remedies shall govern this agreement. This agreement may be terminated by AOC for any violation of its terms or upon termination of the applicant's press affiliation.

Applicant Signature: _____ **Date:** _____

Applicant Full Name: _____

Please include the following with your application:

Press affiliation documentation attached

Application for Online Access to New Mexico Judiciary Secure Court Cases for Self-Represented Litigants

*New Mexico Administrative Office of the Courts
Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, NM 87505
505-476-6900
Fax: 505-476-6952
Email: helpdesk@nmcourts.gov*

Introduction

Pursuant to New Mexico Supreme Court Order No. 16-8300-005, Self-Represented Litigants (as defined and approved in the Supreme Court Online Case Access Policy) in the State of New Mexico may apply to receive login credentials to access the New Mexico Judiciary's secure website to view court cases currently digitized in the Odyssey Case Management System "Secured Odyssey Public Access" (SOPA) for which they are the attorney of record. The Administrative Office of the courts reserves the right to redact this information from court case files.

Use of this site for any purpose other than viewing individual electronic court records, or attempts to download multiple records, are strictly prohibited. Data use is subject to NMSA 1978, Sec. 14-3-15.1.

Application Process

If you would like to apply for login credentials to access the Secured Odyssey Public Access (SOPA) court files, a completed Application for Online Access to New Mexico Secure Court Cases must be emailed to the New Mexico Administrative Office of the Courts Judicial Information Division ("JID") at helpdesk@nmcourts.gov. Please allow up to thirty (30) business days for your application to be processed. You will be emailed your login credentials along with an initial password after your application has been approved. All information provided to JID will be held confidential and will only be used to open and manage your account.

Self-Represented Litigant Information

Prefix: Mr./Ms. Other (specify): _____

First Name: _____ Last Name: _____

Case Number(s): _____

E-mail: _____

Home Address: _____

City, State and Zip: _____

Home Phone: _____

Mobile Phone: _____

New Mexico Administrative Office of the Courts Terms of Use and Non-Disclosure Agreement

The New Mexico Administrative Office of the Courts (AOC) Application for Online Access to New Mexico Judiciary Secure Court Cases is to grant access to Secured Odyssey Public Access (SOPA) court case files to authorized users. The SOPA court case files contain protected personal identifiers that must be protected by law and sensitive case information. The Administrative Office of the courts reserves the right to redact this information from court case files. This agreement between the New Mexico Administrative Office of the Courts and you, the authorized user of the SOPA court case files, governs the conditions of use for this access.

As an authorized user of the New Mexico judiciary's SOPA court case files, I agree to the following:

- To not share my login credentials with any individual;
- To not disclose any information protected by law from public disclosure; and,
- To take all reasonable precautions to protect personal identifiers gained through the online court case file access as required by Rules 1-079, 2-112, 3-112, 5-123, 6-114, 7-113, 8-112, 10-166, and 12-314 NMRA.

None of the provisions of this Agreement can be waived or modified by the AOC or its employees. The laws of the State of New Mexico, Supreme Court rules, including disciplinary rules and any and all applicable legal remedies shall govern this agreement.

Applicant Signature: _____ **Date:** _____

Applicant Full Name: _____



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Rule Proposal Comment Form

1 message

mailservices4@sks.com <mailservices4@sks.com>

Mon, Nov 21, 2016 at 4:16 PM

To: supjdm@nmcourts.gov, suptls@nmcourts.gov

Your Name
Terence Cady

SUPREME COURT OF NEW MEXICO
FILED

Phone Number
5052316163

NOV 21 2016

Email
terencecady@comcast.net

Proposal Number
2016-065

Comment

Am I correct in assuming that the proposed access does not apply to sequestered children's court cases, neglect and abuse, etc.

Will it be possible for court appointed contract attorneys representing parties in neglect and abuse cases under the children's code to access SOPA information with a special credential?

Upload



New Mexico
Courts

Fwd: NM Judiciary Seeks Comment on Proposed Policy for Online Access to Court Records

1 message

----- Forwarded message -----

From: Peter St. Cyr <peter.stcyr@gmail.com>

Date: Mon, Nov 21, 2016 at 4:31 PM

Subject: Re: NM Judiciary Seeks Comment on Proposed Policy for Online Access to Court Records

To: Joey Moya <supjdm@nmcourts.gov>

This is great. I hope it is approved.

SUPREME COURT OF NEW MEXICO
FILED

NOV 21 2016

A handwritten signature in black ink, appearing to be "Joey Moya".



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

COMMENTS on Proposed Policy for Online Access to Court Records

1 message

Garrison, Jocelyn <jocelyn.garrison@lopdm.us>

Mon, Nov 21, 2016 at 5:03 PM

To: "nmsupremecourtclerk@nmcourts.gov" <nmsupremecourtclerk@nmcourts.gov>

To Whom It May Concern:

Use of Odyssey has made all attorneys and staff much more efficient. Prior to Odyssey, we had to request every pleading from the Court Clerk and wait days for it to return to us. I would request, as well as many other defense attorneys I have heard, that we be given access to juvenile, civil, and competency records. We are at a disadvantage in not being able to view this files.

SUPREME COURT OF NEW MEXICO
FILED

Sincerely,

NOV 21 2016



Law Offices of the Public Defender

Jocelyn A. Garrison

Managing Attorney

800 Pile, Suite A
Clovis, NM 88101

(575) 219-6323

(575) 763-9808 fax

jocelyn.garrison@lopdm.us

THIS MESSAGE MAY BE SUBJECT TO ATTORNEY-CLIENT PRIVILEGE OR CONTAIN CONFIDENTIAL INFORMATION OR ATTORNEY WORK PRODUCT. UNLESS YOU ARE THE ADDRESSEE (OR AUTHORIZED TO RECEIVE FOR THE ADDRESSEE), YOU MAY NOT USE, COPY, OR DISCLOSE TO ANYONE THE MESSAGE OR ANY INFORMATION CONTAINED IN THE MESSAGE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT OF THE RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE ADVISE THE SENDER BY REPLY E-MAIL TO JOCELYN.GARRISON@LOPDNM.US, AND DELETE THE MESSAGE. THANK YOU.



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Online access to court records

1 message

Lori L. Millet <lori@abqelderlaw.com>

Tue, Nov 22, 2016 at 7:29 AM

To: "nmsupremecourtclerk@nmcourts.gov" <nmsupremecourtclerk@nmcourts.gov>

Mr. Moya,

I am not in favor of allowing the press more access to court records. The press cannot be relied upon to accurately report on legal proceedings, and the risk of misinterpretation of the contents in the online court records if allowed more access to court records is very high. That does not help anyone.

SUPREME COURT OF NEW MEXICO
FILED

Have a good day,

NOV 22 2016

Lori Millet, J.D., LL.M.

Master of Laws in Elder Law

ABQ Elder Law, PC

4004 Carlisle NE, Suite L

Albuquerque NM 87107

Mailing Address:

3167 San Mateo NE #289

Albuquerque, NM 87110

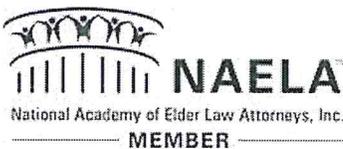
Phone (505) 830-0202

Fax (505) 872-0229

Email: lori@abqelderlaw.com

www.abqelderlaw.com

A handwritten signature in black ink, appearing to read "Lori Millet".



This message (including any of its attachments) is intended only for the individual or entity to whom it is addressed and is confidential and exempt from disclosure pursuant to the attorney-client privilege and other provisions of state and federal law. If you have received this message and you are not the designated recipient, please notify me immediately and delete the message; you are prohibited from reading or circulating it. Do not open any attachments. **IRS CIRCULAR 230 NOTICE:** Any U.S. tax advice contained in this message (including any of its attachments) is not intended or written to be used and cannot be used for the purpose of avoiding penalties under the Internal Revenue Code

11/22/2016

New Mexico State Judiciary Mail - Online access to court records

or promoting, marketing or recommending to another party any transaction or other matter addressed in this message (including attachments).



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

NEW MEXICO JUDICIARY PROPOSED POLICY FOR ONLINE ACCESS TO COURT RECORDS

1 message

James Madison <markfcoble@gmail.com>
To: nmsupremecourtclerk@nmcourts.gov

Wed, Nov 23, 2016 at 11:28 AM

Dear Joey D. Moya,

I am only addressing the part of the proposal that would restrict the public's access to the full pleadings and records of our public court house.

Hello. I have some questions regarding this proposed policy;

Whom are we addressing in this meeting?

Anyone other than a room full of attorneys who fear pro se litigants?

Who fears pro se litigants so much that they have come up with this policy to restrict access?

Who is the author of this proposal? Specifically?

Who is harmed under the current system where the public can read the actual records from home just like attorneys can?

Under what conditions would this proposal not be implemented? In other words, have the attorneys already made this a done deal and the hearing is just for show?

How does this possibly help the public who need access to these records?

Are attorneys so special that they get access while we, the public, are denied the same access?

How does this qualify as equal access under the laws of NM? Guessing you will say there is no law for equal access?

So to paraphrase this proposal.....we can still use "case look up" but we can not read the pages, only the headers. We would have to go to downtown Santa Fe, during court hours ONLY, to look up the actual pages we need and must read to know what is happening.

As a worker there you can't comment on how this is totally unfair, I understand.

Please pass these questions on to the unnamed parties (attorneys, no doubt) who will answer these questions. I look forward to your reply and answers.

Regards,

Mark Coble

Private Correspondence to intended party from Mark Coble Secured Party Creditor Confidentiality

Notice: This private email message, including any attachment(s) is limited to the sole use of the intended recipient and may contain Privileged and/or Confidential Information. ALL Intellectual Property Rights or Reserved Rights U.C.C.1-308. NOTICE TO AGENTS IS NOTICE TO PRINCIPALS. NOTICE TO PRINCIPALS IS NOTICE TO AGENTS.

SUPREME COURT OF NEW MEXICO
FILED

NOV 23 2016

A handwritten signature in black ink, appearing to be "Terri Saxon".



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Limiting access

1 message

Jack Sweeney <jnswe1@gmail.com>
To: nmsupremecourtclerk@nmcourts.gov

Sat, Nov 26, 2016 at 9:47 AM

We know what you are trying to do. Stop it

Sent from my iPhone

SUPREME COURT OF NEW MEXICO
FILED

NOV 28 2016

A handwritten signature in black ink, appearing to be "J. P. Saxon".



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Access to court records

1 message

Tom Miles <tmiles21@comcast.net>

Sat, Nov 26, 2016 at 12:47 PM

To: phaywood@sfnewmexican.com, editor@sfreporter.com, nmsupremecourtclerk@nmcourts.gov

Dear Sir or Madam,

A recent SF New Mexican article on access to publicly paid for and maintained court records was incomplete and possibly gratuitously distorting.

As of now pro se defendants have full online access to these public court cases just like attorneys.

While pro se defendants will have full document access to look up their own cases, they would only have access to headers for all other cases.

To research any other public case information under the proposed arrangement, individuals would have to travel downtown to the court house - during court hours - and pay for parking and copies of any documents of interest.

Meanwhile, bank attorneys will still have full anytime, anywhere access to look at this public-paid-for case information using an internet-based system, also paid for by the public.

This arbitrary restriction of access to public records is highly unfair and burdensome to taxpaying citizens in our internet society.

It is interesting this most important part was unmentioned.

What parties feel this threatened by public internet access? What parties are behind this totally one-sided idea?

It would certainly appear that for purposes no greater than personal professional job security, attorneys want to restrict free public internet access to these public records.

How equal access under the law NOT a continuing and protected necessity for any civilized society?

Tom Miles
1009 Matia Ct NE
Albuquerque, NM 87123
505-350-8447

SUPREME COURT OF NEW MEXICO
FILED

NOV 28 2016

A handwritten signature in black ink, appearing to be "Terri Saxon".



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Rule Proposal Comment Form

1 message

mailservices4@sk.com <mailservices4@sk.com>
To: supjdm@nmcourts.gov, suptls@nmcourts.gov

Sat, Nov 26, 2016 at 10:10 PM

Your Name
Patricia Wolff

Phone Number
5056999337

Email
paw952@gmail.com

Proposal Number
2016-065

Comment
November 26, 2016

I am writing to comment on the proposed policy for public access to court records.

"Justice partners" should include private investigators, process servers, public interest researchers, public record retrievers, and investigators employed by regulatory, licensing, and compliance agencies.

"Press" should be broadly interpreted to include online news media and Internet-based advocacy journalism.

Thank you for considering my input.

Patricia Wolff
Santa Fe, NM

SUPREME COURT OF NEW MEXICO
FILED

Upload

NOV 28 2016

A handwritten signature in black ink, appearing to be "Patricia Wolff".



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Rule Proposal Comment Form

1 message

mailservices4@sks.com <mailservices4@sks.com>

Mon, Nov 28, 2016 at 8:26 AM

To: supjdm@nmcourts.gov, suptls@nmcourts.gov

Your Name

David Tomlin

Phone Number

5752574001

Email

dtomlin@ruidosonews.com

Proposal Number

2016-065

Comment

My name is David Tomlin. I am a reporter for the Ruidoso News. The proposal for online access to court documents would have great practical benefit for the News and its readers. As matters stand, we have modest ability to monitor progress of cases online through nmcourts. But if we see that a pleading, motion or other document has been submitted in a newsworthy case, we must drive 35 miles to the courthouse in Carrizozo during business hours to obtain a paper copy from the court clerk. Significant news is often delayed, and of course we spend time on the road that could otherwise be used more efficiently. Sometimes it's hard to judge the newsworthiness of a document from the brief description on nmcourts, so we have to weigh the risks of wasting the drive time or missing a significant development. We therefore welcome the proposed 24-7 online access and look forward to the time when technology makes it feasible to offer it to the general public.

Upload

SUPREME COURT OF NEW MEXICO
FILED

NOV 28 2016



New Mexico
Courts

Terri Saxon <suptls@nmcourts.gov>

Comment for December 8 public meeting

1 message

Tom Miles <tmiles21@comcast.net>

Mon, Nov 28, 2016 at 2:11 PM

To: nmsupremecourtclerk@nmcourts.gov

I cannot attend your working session December 8, hence these comments:

We do not teach our children/students anything about the law, yet we say, "Ignorance of the law is no excuse".

Then when it behooves an individual tax-paying citizen to begin learning about the law in order to represent themselves "Pro-Se", we make it extremely difficult to access "public" records paid for by those same tax-paying citizens.

Why Pro Se?

- I'm retired and have the time to do the exploration and work - if I have access
- I don't have a half-a-million earning 6% I can use to pay for expensive lawyers over the extended time our judicial processes demand
- others also have time but not money to pay for lawyers
- after interviewing a dozen lawyers in ABQ and Santa Fe, all but one or two are only interested in working on getting new loans; none have interest in defending against bank deceit, fraud or gamesmanship
- stories abound about games banks play in the "loan modification" delay and obfuscate game/process

And, it is in the best interest only of the banks and their lawyers to deny access to publicly paid for court records which information taxpaying individuals should be able to study and use to defend themselves in accordance with the Constitutions of the United States and New Mexico.

How about we cut our citizen taxpayers a bit of slack here and allow more unfettered access to publicly-paid-for court activities and records ... without requiring that they get in a car, drive to the courthouse, find parking, wait for record retrieval, sort through, request, and pay for all document copies, pay for parking, then drive back home to become more NOT IGNORANT of the particular laws and procedures they should be entitled to easily access on-line just by being taxpaying citizens.

Thank you in advance for considering my request for MUCH MORE transparency and accessibility as opposed to the increasing restrictions on easy-to-get-to public information under current consideration.

Tom Miles
Albuquerque
505-350-8447

SUPREME COURT OF NEW MEXICO
FILED

NOV 28 2016

A handwritten signature in black ink, appearing to be "Tom Miles".