

## **Online Access Subcommittee Policy Regarding Secure Odyssey Public Access Violations**

All violations of the terms and conditions of an individual's application for online access to New Mexico court case files are reviewed by the Online Access Subcommittee ("OAS") of the Judicial Information Systems Council ("JIFFY"). Upon discovery of a violation of any of the terms and conditions set forth in the Application for Online Access to New Mexico Judiciary Secure Court Cases in the Secure Odyssey Public Access system ("SOPA"), by any user, the following steps will be implemented:

1. The Judicial Information Division ("JID") will immediately disable the SOPA access of the user violating the terms and conditions of the SOPA Application.
2. The user will be notified by the JID Chief Information Officer ("CIO"), through the JID help ticket system, that said user's SOPA access has been disabled, and will be sent a notice describing the violation(s) and the process to follow to seek restoration of SOPA access.
3. For an attorney to seek restoration of SOPA access, the attorney must schedule a teleconference with Senior Justice Petra Jimenez-Maes, Supreme Court liaison to OAS, to discuss the policy violation. After the teleconference with the Senior Justice, the attorney will be required to submit a letter to the Senior Justice that either acknowledges the violation and the attorney's obligations under the SOPA access policy or that provides an explanation for the charged infraction and requests an appeal before JIFFY under Section 6 of the policy. The attorney's SOPA access will be reinstated upon receipt of the letter acknowledging a violation or will remain suspended pending the outcome of any requested appeal to JIFFY under Section 6.
4. For non-attorneys to seek restoration, the user must submit a new and complete application with a letter addressed to the OAS Chair detailing the reasons for, or the circumstances surrounding, the violation that led to the user's disabled access. OAS will first consider the new application and

explanatory letter to determine whether there are aggravating circumstances involved in the SOPA access violation. “Aggravating circumstances” will be determined by OAS on a case-by-case basis.

- A. If OAS determines that there are no aggravating circumstances, OAS can immediately restore the user’s SOPA access.
  - B. If OAS determines that there are aggravating circumstances, before SOPA access can be restored, the user shall appear before OAS at a designated date and time. Upon hearing from said user and considering the additional information provided by the user, OAS will decide whether to restore access.
5. All decisions by OAS will be communicated in writing by the Director of the Administrative Office of the Courts (“AOC”).
  6. You may appeal any decision to deny your request to reinstate your SOPA access by requesting a date to appear before JIFFY.
  7. When SOPA access is restored to any user whose access had been disabled, the user will be further advised in the written communication from the AOC Director that any subsequent violation will result in permanent termination of SOPA access and if the violator is an attorney, an automatic referral to the Disciplinary Board of the New Mexico Supreme Court.