

Questions and Answers for Self-Represented Litigant Access to re:SearchNM

General:

1. What is re:SearchNM for?

- It is a free web application that pulls a copy of limited case data out of the Odyssey database, allowing users to search for cases across all courts across the state.
- It is for external attorneys, self-represented litigants, and justice partners to see their court case and filings online.
- It is like SOPA, which the attorneys and justice partners currently use.

2. When does this new registration process for Self-Represented Litigants begin?

- Friday, November 22 is when clerks, court Self Help Centers and Access to Justice groups can begin to inform SRLs about re:SearchNM and SRLs can begin to apply for access.

3. Will re:SearchNM be available on the court kiosk like SOPA is now?

- Yes, it will have the same type of Anonymous Tier1 user access that SOPA has on the kiosk, with no personal sign on allowed.
- The management of adding that link on the physical kiosk will be handled by JID.

4. Will the SRL be able to log into re:SearchNM from the court's public access computer to initiate this process or to access re:SearchNM?

- No, for PCI compliance, the court should not be providing a public computer where the Internet is accessible. The SRL's registration process needs to be completed off site.

5. Will court staff who don't work in the Clerk's office be trained on re:SearchNM?

- Yes, anyone can request training or view the video.

6. Is this only access for civil District Court cases?

- No it is for all case types (minus a short list of excluded case types) across the state with cases from the Supreme Court, Court of Appeals, District Courts, Magistrate Courts, and Metropolitan Court.

SRL Rights and Restrictions:

7. Will SRLs be able to see Parentage cases, Domestic Violence cases, etc?

- There will be a short list of case types SRLs will not have access to – it is the JID Service Desk's responsibility to approve or deny those requests.

8. Will you provide a list of case types that will be excluded for SRLs?

- Once the Online Access Subcommittee has finalized that list, it will be distributed to the courts.

9. If denied access to a case, will the SRL be given a reason why?

- Yes, however it is yet to be determined exactly how specific the notation will be.

10. Why wouldn't you have both the SRL and the attorney have access?

- The technology has to have either "Pro Se" checked on the party in the case OR the attorney CAID number linked – those are the keys that allow access to work for one or the other, but not both at the same time.

11. What about companies that file civil cases and the party is under the company rather than a named individual?

- For the company to have access to the case in re:SearchNM, an individual representing the business must be doing business as (DBA) the corporation and be a party on the case.

12. Can someone who has Power of Attorney apply for access to a case?

- No, they must be the individual who is the party on the case acting as Pro Se on their own behalf.

13. Can SRL's see closed cases as well?

- Yes, the status of the case does not matter, as long as they are still marked "Pro Se" on the case.

14. Do the SRL's see the scanned images and can they print them?

- Yes. Whatever documents the Attorney of Record has access to see, the SRL will have access to see unless and until policies are enacted to restrict access to documents.
- Yes, they can download and print the documents attached to an event for free.

SRL's Responsibilities:

15. Can the SRL use a smartphone or device to apply?

- Yes, unless their phone or device does not have access to a printer.

16. Can they use a smartphone to use re:SearchNM?

- Yes, currently, re:SearchNM has a responsive screen display for phones and devices. Plus, a re:SearchNM app is in development now.

17. If the SRL forgot to include all of their case numbers, or if they open a new case, do they have to apply again for all of the case numbers or just the new one?

- They will submit an application form to the JID Service Desk and include just the new or forgotten case numbers.

18. Do they have to fill out a new Unsworn Affirmation form again?

- Not unless their personally identifying information has changed.

19. How can litigants get access to the many older case they may have with only a handful of lines on the application form?

- They can add additional numbers on the back of the form or on a second page included with the signed application form.

20. If an SRL fires their attorney, and they previously had access, once they go back to pro se, will the system give them access automatically or will they have to reapply?

- It is not automatic, the SRL will need to reapply by sending an application to the JID Service Desk.

21. If the SRL's have multiple cases in different Counties/Courts, where do they file their affirmation, at one court or all individually to each court?

- They can file the Unsworn Affirmation form at any one of the locations, or simply at the court where they first encounter the information about re:SearchNM. They do not need to file at each location separately.

Clerk's Responsibilities:

22. Is the court clerk responsible to send the Unsworn Affirmation form and SRL application to JID or is it the responsibility of the SRL?

- The clerk provides the Unsworn Affirmation form and Quick Guide at the counter
- The SRL submits the application form on their own

23. What if one party record is linked to one of their cases and another party record is linked to another? Does the clerk need to enter the personally identifying information in both?

- No, it should be entered in the global party record linked to the case the clerk is working in.
- NOTE: There should be only one global party record per person, so if the JID Service Desk staff determine there is more than one global party record, a request will be made to have JID merge the multiple records into one, which will link the one global party record to all of their cases.

24. Will those in custody or prison be able to have access as well?

- Yes, just like other SRLs, *if they are marked Pro Se on the case, and have the technology in place, with permission to use it, they will be able to apply for access.*
- When mailing the copy of the filing to the SRL, include an Unsworn Affirmation Form and the SRL Quick-Start Guide. If the incarcerated person has the technology in place and Internet privileges, they will be able to apply to the JID Service Desk. Like any other SRL, if the incarcerated person does not have use of the Internet or an email address or access to a printer and scanner, they will not be able to apply for access or navigate to the re:SearchNM site.

25. Clarification on Sealing the address steps:

- Clerks currently have a standard operating procedure for processing the order to seal an address. In addition to those steps, the SOP for clerks called "Manual re:SearchNM Registration for Self-Represented Litigants" has instructions starting on step 4 that are specific to managing sealed addresses for re:SearchNM.

26. Is the Clerk required to check the SRL's government issued photo ID to confirm their identity?

- Only if it is currently the practice of your court, or they have provided that ID data on their unsworn affirmation
- The SSN and government issued photo ID are not required fields on the form, but if the SRL provides those, enter them in the global party record

27. Does the Clerk add the unsworn affirmation to each case the SRL is requesting access to?

- No, the SRL is only providing their personally identifying information to the clerk, not asking the Clerk for access, so at the time of the filing, just process the form for the case being filed.
- When the JID Service Desk reviews the request, if the SRL is asking for access to multiple cases, the Service Desk staff will check the global party record to verify the data, and determine which of the cases has the Unsworn Affirmation docketed.

28. Do SRL's complete only one Affirmation form even if they submit multiple application forms the JID Service Desk?

- Yes, unless their personally identifying information changes.

29. What happens if a clerk makes an error in adding an attorney? Will this take the SRL's access away and will they have to reapply?

- Yes, if an error is made and the SRL loses their access, the SRL will contact the JID Service Desk to use their old application form to re-approve access.

30. If the clerk accidentally entered the attorney on the wrong case. Would they need to notify JID or would it be up to the SRL to notify?

- Depending on the timing of the error, and when it was discovered, either the clerk or the SRL can notify the JID Service Desk.

31. Will the limited entry of appearance by an attorney revoke the SRL's access?

- Yes, the SRL will need to contact the JID Service Desk to reinstate access when the attorney is removed.

32. (At larger courts) will the clerk at the counter who takes in the Affirmation Form be responsible for entering the information in the case, or will it be the clerk who usually docket that case type?

- The clerk at the counter will make sure the form is complete and signed;
- The clerk who usually docket that case type will enter the data from the Unsworn Affirmation into the case.

JID Service Desk Responsibilities:

33. If an SRL already has access, what is the lag time between the SRL filing their pleading and when they can actually see it on re:SearchNM?

- If the SRL was already given access to a case and is filing into that case, whenever the clerk updates the information in the Odyssey case it will transmit within minutes to re:SearchNM.
- If the SRL is initiating a new case, they need to re-apply to the JID Service Desk and it can take up to 30 days to process their request.

Public Relations and Outreach:

34. Will the Quick-Guide be translated into Spanish?

- Yes, the SRL Quick-Start Guide will be translated and posted on our website. When it is complete, it will be emailed to all of the court managers.

35. How will it work with CSED when CSED is filing the opening petition for a Pro Se?

- JID has provided the Quick Guide and the Unsworn Affirmation form to CSED offices to distribute to the SRLs.

36. How does this information about SRL access get to other Pro Se parties on the case? Are clerks supposed to attach the Quick-Guide and Unsworn Affirmation form with the civil summons when it is sent out?

- Because SRLs do not belong to a single group that can be targeted with marketing materials, this is a passive marketing approach. So when SRLs come to the court, read our website, utilize New Mexico Legal Aid resources, or other access to justice service, they will learn about it and apply.
- The respondent or defendant in a case will have to have filed their answer to the complaint and be a party on the Odyssey case before they can apply for access to it via re:SearchNM. Therefore, the recommendation is to wait to provide SRLs with the Quick-Guide and Unsworn Affirmation when they come into the court to file.