

Public Access Committee Meeting Minutes

May 13, 2016

The meeting was called to order at 1:35 p.m.

Voting Members Present: Judge Jerry Jones, committee chair; Chief Judge Michael Martinez; Chief Judge Mark Thompson; Karen Salaz, District Administrator; Sabra Millett, Clerk of Court; Chad Cornelius, Chief Information Officer; Rob McCallum, Public Information Officer

Non-Voting Members Present: Justice Monica Márquez; Terri Morrison, Legal Counsel, Colorado Judicial Department; Steven Vasconcellos, Sr. Manager Court Services; Eileen Kinney, Sr. Manager Probation Services; Carol Rigato, Court Services

Guests: Claire Walker, Court Services; David Quirova, Court Services; Jason Bergbower, ITS; Lindy Frolich, Office of Alternate Defense Counsel; Chip Mortimer, Office of Attorney Regulation Counsel; Kent Wagner, Office of Judicial Performance Evaluation; Ryann Peyton, Colorado Attorney Mentoring Program; Barbara Ezyk, Colorado Lawyer Assistance Program; Kathy Oatis representing BIS; Marilynn McCormick, Tracey Rutherford, and Lee Codding representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Manual Martinez representing Bryan Cave; Jerry Nielson representing TruDiligence; Scott Foley representing Research by Scott Foley, Inc.; Paul Chessin, Esq.

Minutes from the January 20 Meeting

Karen Salaz made a motion for the Committee to accept the minutes from the January 20, 2016 meeting as submitted. Judge Martinez seconded the motion. The motion passed unanimously.

New Business

Expansion of Public Access Committee Membership—Judge Jerry Jones

Chief Justice Rice would like to expand the number of voting members on the Committee. New members would come from the Judicial Branch agencies covered by the Public Access to Information and Records Rule 2 (PAIRR 2). Representatives from the PAIRR 2 agencies, present at the meeting, were asked to submit names of potential members for review and consideration by Chief Justice Rice.

The Chief Justice is also considering adding a member of the public to the committee. Judge Jones requested that Committee members provide him feedback via e-mail on the characteristics in a public member that would benefit the Committee along with possible names.

Possible Conversion of Chief Justice Directive 05-01 to a Court Rule—Judge Jerry Jones

The Colorado Supreme Court would like feedback from the Committee on whether Chief Justice Directive (CJD) 05-01 should be converted to a court rule. A brief discussion of the pros and cons of converting CJD 05-01 included:

- A CJD is easier to update than a rule allowing greater fluidity to respond to changing business needs;
- Converting CJD 05-01 to rule would create symmetry within the court rule with PAIRR 2; and

- Delaying conversion of the new CJD to court rule may be beneficial to allow any implementation issues with the new CJD to be addressed.

The committee was asked to provide feedback to Judge Jones for distribution to Chief Justice Rice.

Structure of Future Meetings—Judge Jerry Jones

Judge Jones sought preliminary feedback from the Committee about different ways to structure future meetings. Since the committee membership will be expanding, and members tend to have a greater interest in either CJD 05-01 or PAIRR 2 over the other, different meeting structures may maximize a member’s time depending on their interests.

One option would be to organize the meeting agenda to group CJD 05-01 related topics separate from PAIRR 2 topics. This would allow a member to attend the portion of the meeting that covers their greatest interest. Similarly, separate meetings for CJD issues versus PAIRR 2 issues could be convened. Implications on the membership required for a voting quorum and agenda management will need to be considered. The Committee will continue this discussion at their next meeting.

Request to Place Public Access Terminals in Public Libraries—Paul Chessin, Esq.

Mr. Chessin presented a proposal to allow read only access to ICCES in public libraries across the state. Under the proposal, the public could access statewide case information via an ICCES enabled terminal in a library. Currently, access to statewide case data via ICCES is only available at the Supreme Court Library. Most state court locations also have ICCES access but only to civil cases filed in the county where the terminal is located. Mr. Chessin believes the increased access to court information would boost public trust and confidence in the courts.

A number of issues that need to be addressed to implement the proposal were identified including:

- The potential monetary cost;
- Manpower concerns;
- IT infrastructure requirements; and
- The impact on current contractual relationships with public access vendors.

The committee will discuss this issue again at the next Public Access Committee meeting.

Old Business/Updates

Revisions to Chief Justice Directive 05-01; Section 4.40(f)(3)—Carol Rigato

The Committee completed its review of all recommended revisions to CJD 05-01 at the January 20th Public Access Committee meeting and voted to adopt all revisions made as of that date. However, the Committee noted that further discussion was required regarding Section 4.40(f)(3) and agreed to table this discussion until the May 2016 meeting.

Section 4.40 addresses requests for compiled or aggregate data that is derived the Judicial Department’s case management system. Representatives from the Court Services Division, Probation Services Division, and the Legal Unit at the State Court Administrator’s Office met to clarify when data requests should use Addendum C, a Memorandum of Understanding, or both. Additional language for the CJD was drafted to clarify which document to use. The new language was presented to Justice Márquez and

adopted by Chief Justice Rice as part of the final policy revisions signed on March 31, 2016. Section 4.40(f)(3) now states,

Requestors approved to receive the data pursuant to this section will be required to submit Addendum C concerning the protection and release of electronic data. Requestors will also be required to enter into a Memorandum of Understanding if issues unique to the request are not adequately covered by Addendum C.

Next Meeting Date

The Committee set a future meeting date for May 12, 2017 at 1:30pm. The next three committee meeting dates are,

- September 21, 2016 at 1:30;
- January 18, 2017 at 1:30; and
- May 12, 2017 at 1:30.

The meeting adjourned at 2:45 p.m.