

Public Access Committee Meeting Minutes

January 20, 2016 meeting called to order at 1:35 p.m.

Voting Members Present: Justice Monica Márquez; Chief Judge Michael Martinez; Chief Judge Mark Thompson; Judge Kathy Delgado (via phone); Judge Devin Odell (via phone); Karen Salaz, District Administrator; Lynette Cornelius, Clerk of Court; Tammy Herivel, Clerk of Court; Sabra Millett, Clerk of Court; Polly Brock, COA Deputy District Administrator; Chad Cornelius, Chief Information Officer; Rob McCallum, Public Information Officer

Non-Voting Members Present: Terri Morrison, Legal Counsel, Colorado Judicial Department; Carol Rigato, Court Services

Guests: Judge Jerry Jones, Court of Appeals; Sherry Stwalley, Director, Court Services; Claire Walker, Court Services; Jason Bergbower, ITS; Kris Cummings, 19th Judicial District; Lindy Frolich, Office of Alternate Defense Counsel; Chip Mortimer, Office of Attorney Regulation Counsel; Kent Wagner, Office of Judicial Performance Evaluation; Linda Weinerman, Office of the Child's Representative; John Nebel and Marc Milligan representing BIS; Marilynn McCormick and Tracey Rutherford representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Chris Eby representing Bryan Cave; Susan Thompson representing TruDiligence; Robert Reddick representing Rapid Court, LLC

Minutes were approved from the September 16, 2015, and the November 18, 2015 meetings.

New Business

Changes to the Public Access Committee

Justice Monica Márquez, Supreme Court Justice

Justice Márquez addressed all attendees regarding forthcoming changes to the structure of the Public Access Committee (Committee). Because the Court invited the Committee to expand the scope of its work with P.A.I.R.R. 2, the mission of the Committee has broadened. The scope of the Committee's work now includes a Chief Justice Directive (CJD 05-01) and a Rule (P.A.I.R.R. 2). As a result, the Chief Justice has requested that the structure of the Committee be changed to resemble that of a Rules committee. Specifically, an Appellate Judge will serve as Chair, and a Supreme Court Justice will serve as a liaison to the Court. Judge Jerry Jones will be appointed to serve as the Chair of the Public Access Committee, and will be appointed before the next Committee meeting scheduled for May. Justice Márquez will continue to work with the Committee but in a liaison role. Judge Jones was introduced and welcomed by the Committee.

P.A.I.R.R. 2 governs a number of Judicial Branch agencies, and a representative from each of those agencies was invited to attend this meeting. Justice Márquez informed these representatives that each agency will be asked to provide a member to serve on the Committee. The Chief Justice is also considering whether to add a member of the public to serve as a voting Committee member. Justice Márquez also noted that because P.A.I.R.R. 2 has a larger scope than CJD 05-01, questions regarding how to structure meeting agendas, what meets the criteria of an official quorum, and other questions regarding Committee structure still need to be decided. Questions or comments regarding these pending changes may be directed to Justice Márquez, Judge Jones, or Carol Rigato.

Old Business/Updates

Continue Review of Recommended Revisions to CJD 05-01: Public Access to Court Records

Carol Rigato, Court Services/SCAO and Subcommittee

The Subcommittee charged with reviewing CJD 05-01 continued to present recommended revisions to this policy. At the November 2015 meeting, the Committee ended their discussions of recommended policy revisions after completing a review of Section 7.00, and therefore resumed discussions with Section 8.00. The Committee completed its review of all recommended revisions to the remaining Sections of the policy, including the Addenda. The Committee also completed its review of the items noted at the November meeting that required further discussion. Those items are shown below:

- References in CJD 05-01 “law, rule, or order” were amended to “federal or state statute, court rule, or court order” for consistency with P.A.I.R.R. 2.
- Section 4.40(a)(3) was amended to clarify that all compiled and aggregate data released outside of the Department must comply with CJD 05-01, including the requirement that the data requestor fill out Addendum A. Use of a Memorandum of Understanding will not be required in this Section.
- The Committee discussed the Civil Judgment Report referenced in Section 4.40(d). After discussion, the Committee agreed to retain the provision because the report provides a useful service.
- The Committee discussed whether section 4.40(f)(3) requires language clarifying when Addendum C or a Memorandum of Understanding should be used, and under what circumstances both documents may be required. The Committee was unable to reach an agreement and tabled this discussion for the May, 2016 meeting.
- The Committee discussed section 4.60(e)(6) and whether to redact all forms of a Social Security Number from documents prior to releasing them to the public (including partial SSNs). The Committee questioned the need to redact partial SSNs. After reviewing information and research conducted by SCAO legal staff, the Committee agreed that redaction is a best business practice.
- The Committee adopted further amendments made to Section 5.00(d) to conform more closely to P.A.I.R.R. 2 regarding accessing court records. The Committee agreed that if records cannot be provided upon request, the custodian will provide records in three business days. If, due to extenuating circumstances, the custodian cannot provide records within three business days, the custodian may have an additional seven business days to respond. The Committee also adopted the definition of extenuating circumstances under which the custodian may provide records within the seven business day extension.

Following the discussion, a motion was made and seconded to adopt all revisions made to CJD 05-01 as of the date of this meeting (January 20, 2016). The motion was passed by a unanimous vote of Committee members.

Justice Márquez and Judge Jones agreed to assist with a final proofread of CJD 05-01. Once that process has been completed, Justice Márquez will sign the amended policy into effect.

Discussion of Public Access Terminals

The Committee agreed to table this agenda item for a future meeting date.

The Committee thanked Justice Márquez for her years of dedicated service and commitment to the Committee.

The Committee set January 18, 2017 as the next January meeting date. This meeting will begin at 1:30.

The meeting was adjourned at 3:50 p.m.

Next Meeting Dates

- May 13, 2016 at 1:30
- September 21, 2016 at 1:30
- January 18, 2017 at 1:30