

Public Access Committee Meeting Minutes

May 8, 2015 meeting called to order at 1:35 p.m.

Members Present: Justice Monica Márquez; Chief Judge Michael Martinez; Judge Devin Odell; Karen Salaz, District Administrator; Sandra Casselberry, District Administrator; Tammy Herivel, Clerk of Court; Lynette Cornelius, Clerk of Court

Non-Voting Members Present: Terri Morrison, Legal Counsel, Colorado Judicial Department; Steven Vasconcellos, Sr. Manager, Court Services; Terrie Langham, Court Administrator, Denver County Court; Carol Rigato, Court Services

Guests: Sherry Stwalley, Director, Court Services; Connie Lind, Court Services; John Nebel, Kathy Oatis, and Marc Milligan representing BIS; Marilyn McCormick representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Manual Martinez representing Bryan Cave; Susan Thompson representing TruDiligence

Old Business/Updates

Minutes from the January 30, 2015 meeting approved.

Justice Márquez announced that she will remain in her role as Chair of the Public Access Committee. Minutes from the April 8, 2015 special meeting and this May 8, 2015 meeting will be reviewed for approval in September.

Update Regarding Proposed Rule on Public Access to Administrative Records

Justice Monica Márquez, Supreme Court Justice
Terri Morrison, Legal Counsel, Colorado Judicial Department

The Proposed Rule on Public Access to Administrative Records of the Judicial Branch was adopted by this Committee on April 8, 2015 and submitted to the Supreme Court. If ultimately approved by the Court, the Rule will be incorporated into Colorado Court Rules, Chapter 38: Public Access to Records and Information.

In the interim, the Chief Justice has issued CJD 15-01: Public Access to Administrative Records of the Judicial Branch. This CJD will become effective May 11, 2015, and will remain in effect unless and until the Court adopts a formal Rule. CJD 15-01 follows the proposed Rule as submitted to the Court with one exception. In Section III(A) of the proposed Rule and CJD 15-01, the Court added language stating that, "if such inspection could compromise the safety or security of a Judicial Branch employee," then access to a record can be denied.

CJD 15-01 sets forth that each Judicial Branch agency will develop and make information available to the public outlining how to obtain access to administrative records. Judicial Branch agencies are drafting policies and procedures regarding how a requestor may access administrative records for Colorado Courts and Probation, and any applicable fees that may be charged. These policies and procedures will be accessible on the Court's website by May 11, 2015.

The Supreme Court has submitted the proposed Rule for publication and will hold a public hearing for comment approximately the last week of September.

Update Regarding Courthouse News Access Request

Steven Vasconcellos, Senior Manager, Court Services Division, SCAO

Steven provided the Committee with a brief update regarding the process of tracking the percentage of new civil cases e-filed and accepted within the same day in eleven large judicial districts. April results were the best to date at 87 percent, which is a ten percent improvement since January, and the third month in a row over eighty percent. Arapahoe, Douglas, Jefferson Courts had results in the high ninety percent range.

Since the January meeting, CNS and Judicial have had additional conversations regarding CNS' concern regarding a potential lag between the time that a court accepts a civil case filing and the time that case appears on the public access terminals. This concern has been addressed. Manuel Martinez, legal counsel for CNS, continued to express his appreciation for the Department's attention to this issue.

Update Regarding Subcommittee Reviewing Public Access Policy

Carol Rigato, Court Programs Analyst-Public Access, SCAO

The Subcommittee reviewing CJD 05-01 and drafting recommended changes has met several times and is continuing its work. Justice Márquez thanked Subcommittee members for their time and dedicated commitment to completing this work. The Subcommittee is considering technical and language updates, recommended additions, and policy amendments that reflect current business practice. Once the Subcommittee completes its review, it will send a "track-changes" version of recommended changes to CJD 05-01 to all Committee members. The subcommittee will present recommended policy revisions to the Committee at the September meeting for open discussion and approval.

Update Regarding Request for Attorney Access to Probate Trust/Estate Case Information

Judge Devin Odell, District Court Judge, 8th Judicial District

In January, the Public Access Committee was asked to consider granting attorneys electronic access to probate trust and estate case types. Judge Odell has led a subcommittee charged with investigating the issues discussed, and proposing amendments to CJD 05-01, Section 4.20(b)(3) that may be needed. The subcommittee is proposing that probate trust and estate case types be considered opened electronically. The Probate Advisory Committee has reviewed this draft proposal and did not object. Judge Odell is aware that the Larimer County Bar Association approves of this proposal, and he will also seek feedback from the Probate Section of the Colorado Bar Association to get a statewide perspective. This subcommittee's recommendations will be incorporated into the recommended revisions to CJD 05-01 being presented to the Committee in September.

Next Meeting Dates

- September 16, 2015 at 1:30
- January 20, 2016 at 1:30
- May 13, 2016 at 1:30

The meeting was adjourned at 2:00 pm.