

Public Access Committee Meeting Minutes

January 31, 2014 meeting called to order at 1:30 p.m.

Members Present: Justice Monica Márquez; Chad Cornelius, CIO; Karen Salaz, District Administrator; Lynette Collins, Clerk of Court; and Tammy Herivel, Clerk of Court

Non-Voting Members Present: Carol Haller; Steven Vasconcellos; Carol Rigato

Guests: Sherry Stwalley, Director, Court Services; Marc Milligan, John Nebel, Kathy Oatis, and Steven Balcerovich representing BIS; Dennis Thompson representing Acxiom; Marilyn McCormick and Lee Codding representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Manual Martinez representing Bryan Cave; Steve Zansberg representing Levine, Sullivan, Koch & Schultz

Committee Membership Changes: Chief Judge Hyatt retired and will be replaced on the committee by Chief Judge Michael Martinez. Carol Rigato has replaced Linda Bowers as SCAO staff support for the committee.

Minutes from October 2, 2013 meeting approved.

Old Business

Update on Public Access System Enhancements/Status of Data Replication Request

Chad Cornelius, CIO Colorado Judicial Branch

Chad provided information regarding two enhancements to the Public Access System currently being implemented that further enhance system speed and performance. ITS has been working closely with BIS and has implemented a dedicated circuit between Judicial's data center and BIS; testing is currently in process. Also, ITS is proceeding with implementing newer technology regarding the way data is transferred to vendors; currently in the testing phase for the "person search" function. John Nebel inquired as to when physical equipment will be moved to our data center on site, as BIS was experiencing some connectivity problems due to State OIT. Chad indicated that equipment transitions may not begin until spring of 2015, but offered to talk directly with BIS regarding any technical issues they may be experiencing.

Justice Márquez noted that the Committee has not yet taken a vote on whether data replication should be permissible from a policy perspective. In October, the Committee agreed to table the vote due to ongoing and productive conversations between Judicial and BIS. The Committee again agreed to table the vote to allow these conversations to continue. BIS concurred. The topic will remain on the agenda for a status update at the May meeting.

Courthouse News Access Request

Carol Haller, Deputy State Court Administrator and Legal Counsel

Carol informed the committee that SCAO continues to share information with CNS regarding the timeliness of electronically accepting civil case types. CNS had expressed concern regarding the length of time it takes for judicial staff to accept new civil case types after they are e-filed with the courts. On January 24th, Judicial staff met with CNS to discuss and compare data regarding acceptance timeframes, mutually defined how to count a business day, and agreed to track and compare data for 6 months.

Judicial will also be examining the time of day that the court receives e-filed civil cases to determine if business practices or expectations may need to be adjusted if the majority of e-filed civil cases are received late in a business day. Judicial continues to work toward same day data entry, but has not yet established a data integrity standard for civil case types. Both CNS and Judicial continue to work cooperatively regarding case acceptance timeliness. This item may become less of a committee concern and more of a process issue, but will remain on the agenda for an update in May.

Manuel Martinez, counsel for CNS, also commented on the positive relationship between CNS and Judicial, and the productive meeting recently held.

LexisNexis VitalChek Alert Request Update – Chad Cornelius

Several vendors have asked for alert request functionality. Judicial understands that alerts are important to the vendors; however, significant programming will be required to create a public access alert and notification system. This request has been added to the list of projects for Judicial's ITS department and will be prioritized along with other branch-wide programs and project requests. A final determination has not yet been made regarding the ITS prioritization list. Chad will report back in May to identify where the project has been ranked.

Remote Access Request Consideration – Chad Cornelius

Judicial has received requests to provide the same access on home computers as is available on public access terminals in Courthouse file rooms. Although the technology is currently available to create this type of access capability, it will require significant development time, as well as staff to support this access once created. A determination has not yet been made regarding how this issue ranks among other branch-wide priorities. Also, additional discussions would be needed to ensure that providing this type of access would not create a conflict with our existing vendors. This item will remain on the agenda for a status in May.

Report on Expanding Public Access Policy to include all Judicial Department Records – Carol Haller

Carol Haller reported that this project continues to move forward, but noted the monumental nature of the task. Carol aims to have a draft to be ready for the May 9th meeting date and will seek the Committee's recommendation on how to best send the document out for comment at that time. Colorado Courts and Probation receives numerous CORA-type-requests, such as requests for information related to court financial records, probation records, personnel records, court registry information, etc. Carol and her staff are drafting a judicial branch policy regarding how to answer and manage requests for judicial administrative and court records. This policy is expected to be incorporated into the Public Access Rule in Chapter 38 rather than as a CJD.

This item will remain on the agenda for a status in May.

New Business/Updates

Request to Form a Subcommittee to Review Public Access Policy and Update as Necessary to Reflect Current Practices – Carol Haller, Chad Cornelius

A recommendation was made to form a subcommittee to review the current Public Access Policy and propose updates as needed. The scope of the committee's work will be to review CJD 05-01 and provide recommendations regarding: 1) updates that may be needed to reflect current business practices or other suggested amendments, and; 2) technical updates, such as to terminology that reflects current technology utilized within the branch. The committee adopted the

recommendation and appointed Chad Cornelius, Steven Vasconcellos, Karen Salaz, and Sabra Millett as members of the subcommittee. The Clerk's Advisory Committee may be able to assist the subcommittee with identifying items in the current policy that may benefit from a review. This item will be on the May agenda for status.

Probate Pilot Project Proposal – Carol Rigato, Karen Salaz

The 19th Judicial District was investigating the feasibility of making a formal request to allow electronic access to estate cases at the courthouse. Karen Salaz confirmed that an initial review was completed, and informed the Committee that her district would not be pursuing this request at this time. She suggested that the Committee may wish to revisit this project in the next year or two, once other committees have completed work that may impact redaction or access policies. No objections were raised. This item will be removed from the agenda at this time.

Public Access: Arrest Charges – Carol Rigato, Chad Cornelius

As a result of a public complaint received by ITS, the question was raised whether initial arrest charges should be displayed through the court's public access system. The question arose in a case where the original arrest charge was much more severe than the charge ultimately filed. Currently, the system does display arrest charge information; however, the Committee agreed there is a need to discuss this issue with CBI, and to review applicable federal and state laws to investigate if they may supersede our public access policy. Chad also suggested that a review be made of the public access system to determine if the manner in which arrest charge information is being displayed may be causing an issue or should be changed. Steven Vasconcellos and Chad Cornelius were appointed to coordinate resolution of this issue. This item will be added to the May agenda for status.

Words of Appreciation – Chief Justice Nancy E. Rice

The Chief Justice joined the committee meeting briefly to express her appreciation for the important work that the committee does, and thank the members for their commitment and service.

SCA/Record Custodian Update

Carol Rigato provided a brief report on Data Requests from the last quarter; requests received were able to be addressed within the existing Public Access policy.

Next Meeting Dates

- May 9, 2014 at 1:30
- September 24, 2014 at 1:30
- January 30, 2015 at 1:30

The meeting was adjourned at 3:00 pm.