

Public Access Committee Meeting Minutes

September 21, 2016

The meeting was called to order at 1:32 p.m.

Voting Members Present: Judge Jerry Jones, committee chair; Chief Judge Michael Martinez; Judge Kathy Delgado; Karen Salaz, District Administrator; Sabra Millett, Clerk of Court; Rob McCallum, Public Information Officer; Polly Brock, Deputy District Administrator, Court of Appeals; Sandra Casselberry, District Administrator (via telephone); Lynette Cornelius, Clerk of Court (via telephone)

Non-Voting Members Present: Justice Monica Márquez; Terri Morrison, Legal Counsel, Colorado Judicial Department; Steven Vasconcellos, Sr. Manager Court Services; David Quirova Jr., Court Services; Dan Cordova, Colorado Supreme Court Law Librarian (via telephone)

Guests: Claire Walker, Court Services; Brian Medina, ITS; Lindy Frolich, Office of Alternate Defense Counsel; Kent Wagner, Office of Judicial Performance Evaluation; April McMurrey, Deputy Regulation Counsel; Ryann Peyton, Colorado Attorney Mentoring Program; Barbara Ezyk, Colorado Lawyer Assistance Program; Linda Weinerman, Office of the Child's Representative; Marc Milligan, representing BIS; Marilynn McCormick, and Tracey Rutherford representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Manual Martinez representing Bryan Cave; Paul Chessin, Esq.

Introduction of new members

Suggested names of new voting committee members from Judicial Branch agencies covered by the Public Access to Information and Records Rule 2 (PAIRR 2) have been submitted to Chief Justice Rice. Once Chief Justice Rice issues an order appointing new members, Judge Jones will notify them and the Committee

Minutes from the May 13, 2016 Meeting

Karen Salaz moved for the Committee to accept the minutes from the May 13, 2016, meeting as submitted. Judge Martinez seconded the motion. The motion passed unanimously.

Old Business/Updates

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

The committee revisited Mr. Chessin's proposal to allow read only access to Colorado Courts E-filing in public libraries across the state. Under the proposal, the public could access statewide case information via a Colorado Courts E-filing enabled terminal in a library. Mr. Chessin clarified that the proposal does not ask the State to provide hardware; the hardware would be provided by the libraries. Mr. Chessin said that he had presented the proposal to the Colorado Bar Association's Executive Council meeting; the Executive Council supports the proposal.

While the committee recognizes the potential merit of Mr. Chessin's proposal, it is beyond the scope of the committee's purview. The committee currently functions as a rules committee, and does not make

business policy decisions on behalf of the State Court Administrator’s Office. The committee is not prepared to make a recommendation without all of the issues resolved such as:

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

This proposal may be properly channeled through SCAO divisions such as ITS and Court Services, as they are already looking into this matter. Mr. Chessin may reach out to the committee to obtain contact information for SCAO divisions.

New Business

Revisions to Chief Justice Directive 05-01—Terri Morrison

Terri Morrison provided an overview of grammatical and substantive revisions to CJD 05-01.

Clarification is needed under section 4.60(b) regarding records excluded from public access. The items listed in this section will need to be reviewed to determine the level of access to parties and to the public as to each. Legal will work with the Clerks of Court and the Court Services Division to review this section. Recommendations will be given to the committee for review and finalization.

The revision to section 2.00 “*Who has access under this policy*” was discussed. The revised language in section 2.00(b)(4) states:

the primary parties to a case as defined by the custodian, their lawyers in that specific case, or other authorized representative, or persons appointed by the court regarding access to the court record in their specific case.... [Emphasis added.]

This limitation can cause problems for attorneys who require access to records for their clients in other cases in which they are not the attorney of record. It may also impact attorneys who require access to electronic files, as the system would have to identify the attorney without charging a separate fee for each case for which the attorney requires access. The proposed revised language “*their lawyers in that specific case, or*” is stricken. This provision will be discussed and revisited.

Chief Judge Martinez moved for the Committee to approve revisions to CJD 05-01 with the exception of revision to section 2.00(b)(4). The motion was seconded by Judge Delgado. The motion passed unanimously.

Redacting court filings

The Committee discussed if redacting court filings should also be the responsibility of the attorneys, instead of solely court staff. This may be a future agenda item.

Future agenda items

Please send any ideas for future agenda items to Judge Jones.

Public committee members

Chief Justice Rice wants members of the public to serve on this Committee. Please submit ideas about identifying public members to Judge Jones so that the ideas can be presented to Chief Justice Rice.

Next Meeting Date

The next committee meeting dates are,

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

The meeting adjourned at 3:16 p.m.