

Public Access Committee Meeting Minutes

September 16, 2015 meeting called to order at 1:35 p.m.

Voting Members Present: Justice Monica Márquez; Chief Judge Michael Martinez; Chief Judge Mark Thompson (via phone); Karen Salaz, District Administrator; Sandra Casselberry, District Administrator (via phone); Tammy Herivel, Clerk of Court; Sabra Millett, Clerk of Court; Chad Cornelius, Chief Information Officer; Rob McCallum, Public Information Officer

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

Guests: Sherry Stwalley, Director, Court Services; Claire Walker, Court Services; Jason Bergbower, ITS; John Nebel, Marc Milligan, and Steve Balcerovich representing BIS; Marilyn McCormick, Lee Codding, Alfreda Cotton, and Jerry Ouellette representing LexisNexis; Jeff Roberts representing Colorado Freedom of Information Coalition; Manuel Martinez representing Bryan Cave; Susan Thompson and Jerry Nielson representing TruDiligence

Committee Membership Change: Justice Márquez announced that Polly Brock, Deputy District Administrator, Court of Appeals is appointed as a new voting member of the Public Access Committee.

Minutes from the April 8, 2015 meeting approved, and minutes from the May 8, 2015 meeting approved as amended.

Old Business/Updates

Update Regarding Proposed Rule on Public Access to Administrative Records

Justice Monica Márquez, Supreme Court Justice

The Proposed Rule on Public Access to Administrative Records of the Judicial Branch was approved by this Committee on April 8, 2015 and submitted to the Supreme Court. The proposed Rule has been posted, and the comment period will close on Friday, September 18th. The Supreme Court will hold a public hearing regarding the proposed Rule on October 1, 2015 at 1:30 p.m. in the Colorado Supreme Court Courtroom, 2 East 14th Avenue, 4th Floor, Denver, Colorado 80203. Those interested in making oral comments to the court at that hearing must sign up in advance with Chris Ryan, Clerk of the Supreme Court.

Update Regarding Courthouse News Access Request

Carol Rigato, Court Programs Analyst-Public Access, SCAO

Carol 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 business day in 11 large judicial districts. August results were the best to date at 93%, which is a 16% improvement since January, and the third month in a row over 90%. Clerks of Court and local civil teams were thanked for their diligent efforts made in achieving these results. Manuel Martinez, legal counsel for Courthouse News Service (CNS), continued to express his appreciation for the Department's attention to this process. Results will continue to be reported monthly to Judicial Department leadership and CNS; however, this topic will be removed from the agenda of future meetings of the Public Access Committee.

Review Subcommittee Recommendations Regarding CJD 05-01: Public Access to Court Records

Carol Rigato and Subcommittee

The Subcommittee charged with reviewing CJD 05-01 and drafting recommended changes met several times over the past year, working through each section of the current policy. Revisions were considered regarding technical and language updates, and additions, deletions, and amendments that were necessary to reflect current business practices. All recommended revisions remain consistent with both components of current policy: to grant the public reasonable access to court records while simultaneously protecting the confidentiality interest of the people whose information may be subject to disclosure.

Carol presented the Subcommittee's recommended revisions for each section of CJD 05-01. Additional revisions were suggested and discussed, and further revisions were made by consensus.

The Committee was able to complete their review of recommended policy revisions through Section 4.20, and worked from the clean version that incorporated all recommended changes. This revised document is included with these minutes as a record of the Committee's work completed at this meeting. Additional revisions recommended by the Committee are displayed in "track-changes" format.

Set November Date for Additional Public Access Committee Meeting

The Committee was not able to review and discuss all of the recommended revisions to CJD 05-01 at this meeting, and therefore agreed to schedule an additional Committee meeting for November 18, 2015 at 1:30 to complete this work.

Next Meeting Dates

- November 18, 2015 at 1:30
- January 20, 2016 at 1:30
- May 13, 2016 at 1:30
- September 21, 2016 at 1:30

The meeting was adjourned at 4:05 pm.