

**COLORADO SUPREME COURT
 ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
 Minutes of Meeting
 Friday, March 15, 2019**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge John Dailey at 12:45 p.m. in the Colorado Court of Appeals Conference Room on the second floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge John Dailey, Chair	X	
Judge Susan Fisch	X (phone)	
Judge Shelley Gilman	X	
Judge Deborah Grohs	X (phone)	
Judge Morris Hoffman	X	
Matt Holman	X	
Abe Hutt	X	
Kevin McGreevy	X	
Judge Dana Nichols		X
Donna Skinner Reed	X	
Robert Russel	X	
Karen Taylor	X	
Sheryl Uhlmann	X	
David Vandenberg		X
Non-Voting Participant		
Karen Yacuzzo	X	

I. Attachments & Handouts

- A. March 15, 2019 agenda
- B. January 18, 2019 minutes
- C. Memo from Chief Justice Coats to the Criminal Rules Committee
- D. Scanned materials from Steve Zansberg, President of the Colorado Freedom of Information Coalition
- E. Kathryn Michaels’ research

II. New Business

A. New criminal rule—Public access to court records

Judge Dailey began the meeting by reminding everyone that Chief Justice Coats sent a memo to this committee asking it to consider proposing a rule to the supreme court regarding public access to court records in criminal cases. The committee is here today to begin this process. Judge Dailey reported that if and when the committee makes a rule

proposal to the supreme court, it will likely present the proposal for public comment at a public hearing.

Judge Dailey informed the committee that others in the community had expressed interest in attending the committee's meetings on this subject. He has taken the position, however, that these meetings are not open to the public, but that individuals can be invited, from time to time, to assist the committee in its work. To this end, Justice Samour shared that with Judge Dailey's consent, he had invited Mr. Zansberg to address the committee and answer any questions at our next (April 19) meeting.

Judge Jones, the chair of the Colorado Supreme Court's Public Access Committee, was invited as a guest of the meeting. He informed the committee that his committee had formed a subcommittee to look at the overall issue of suppression and sealing of sensitive information, but that it did not get very far in the process.

Judge Dailey remarked that the process of coming up with a new rule on public access to criminal documents could well take some time.

Committee members discussed that a rule proposal should cover standards and procedures for courts to use in determining how, when, and for how long documents should be sealed or suppressed.

Judge Dailey had asked Kathryn Michaels to provide research to the committee on these issues. She explained her research to the committee.

Judge Dailey recommended that a subcommittee start with the general idea something akin to "all criminal filings are public unless..." and go from there. Judge Dailey asked for 6 volunteers (a district court judge, a county court judge, a trial prosecutor and a trial defense counsel, and an appellate prosecutor and an appellate defense counsel) for a subcommittee to more fully explore the issues. Judge Grohs, Matt Holman, Abe Hutt, Donna Skinner Reed, and Karen Taylor all volunteered for the subcommittee. Judge Dailey said he would ask Judge Nichols if she too would serve on the subcommittee. And he asked Kathryn Michaels to also serve on the subcommittee.

Judge Grohs will chair the subcommittee, which will report back to the full committee at the April meeting.

III. Future Meetings

April 19, 2019

July 19, 2019

October 18, 2019

The committee adjourned at 1:48 PM.

*Respectfully submitted,
Kathryn Michaels*