

**Minutes of the 2nd
Judicial Information Systems Council (“JIFFY”)
Public Access Subcommittee (“PAS”)
Judicial Information Division (“JID”)
Tuesday, March 18, 2008
1:23-2:53 p.m.**

Voting Members present:

Judge Karen Mitchell, Chair
Judge Mark A. Basham
Judge Steve Lee
Arthur Pepin
Robert Mead
Steve Prisoc
Dana Cox
Dennis Jontz (*via phone*)
Geri Lynn Sanchez (*via phone*)

Voting Members absent:

Judge Steven Bell
Veronica Maestas

Minutes taken by: LaurieAnn Trujillo

Judge Karen Mitchell called the meeting to order at 1:23 p.m. A quorum was established.

I. Welcome and Introductions. Judge Mitchell welcomed the members and asked them to introduce themselves.

II. Minute Approval Process. Judge Mitchell noted that formal minutes were not taken of the first Public Access Subcommittee (“PAS”) meeting. However, she forwarded PAS a copy of her notes from that meeting. Henceforth, formal minutes will be taken and they will be recorded on the FTR Minutes software by LaurieAnn Trujillo. She explained the process in which the JIFFY meeting minutes are processed and approved, and the PAS will follow that same process.

III. Strategy Planning. Judge Mitchell asked how they should begin the process for sorting out the issues. She reminded PAS that the Judicial Information Systems Council (“JIFFY”) requested that they construct a document relative to Internet public access within eighteen months, which will be presented to JIFFY and then opened up to other agencies and the public, and then ultimately to the Supreme Court.

Judge Mitchell explained that JIFFY is a Supreme Court committee that serves as a board of directors for the Judiciary’s information technology (“IT”) issues. She spoke of the recent Legislative changes that authorized JIFFY to be the approving body to release appropriated funds for the Judiciary’s IT projects.

There was discussion on:

- Balancing the different interests involved in free public access.
- JIFFY's reliance on the PAS to help determine what information should be publicized.
- Types of cases that have been pulled from the Judiciary's website in accordance with state and federal statutes.
- Inspection of the Public Records Act as it applies to the Judiciary.
- The Administrative Office of the Courts ("AOC") currently making case by case determinations through JIFFY about what information is free public available and what information should not be.

Judge Mitchell welcomed Geri Lynn Sanchez and Dennis Jontz, who attended today's meeting via telephone; however, due to technical problems, Ms. Sanchez and Mr. Jontz were just able to participate in the meeting. Judge Mitchell summarized the discussions that had taken place thus far.

There was discussion about:

- How the outside Judiciary website works.
- Distributed databases becoming one centralized database when the new case management system is implemented in September.
- Consolidation of data from the distributed databases to generate reports for data requests.
- Bulk data versus individual requests.
- Determining if electronic access should be exactly the same as in person availability.
- The problems when a subsequent order is entered on a case that would dramatically affect the view of a person involved in a case.
- The significant impact people face relative to housing and employment.
- The differences in accessing a case by personally going into a courthouse and using the Internet to conduct a search using a common name.
- Liability issues.
- Charging people for information; and if so, needing a Legislative statute change.
- Levels of access and determining who gets what type of access.
- Disclaimer language.
- Setting up a gatekeeper function.
- Correcting incorrect court records.

Steve Prisoc spoke of the Florida Supreme Court moratorium on Internet publishing and their pilot to put all court records on the web. If the pilot is successful, the Florida Supreme Court will allow publication of court records with redaction of social security numbers and other sensitive information.

There was discussion relative to the differences between the New York and Minnesota policies.

Mr. Prisoc noted that the American Bar Association ("ABA") drafted a resolution which recommended that arrest information not be published. Only conviction information would be published. Justice Petra Jimenez Maes sat on the committee that drafted the resolution. He went on to explain that the board was going to vote on the recommendation, but the media outcry was

so opposed to the approach that the issue was tabled until the next meeting.

Action Item: Mr. Prisoc will provide PAS with a copy of the ABA resolution.

There was more discussion about how the PAS would breakdown the issues they are facing. Judge Mitchell pointed out that both New York and Minnesota received grant money to construct their policies. Arthur Pepin suggested that the PAS identify broad areas that the PAS needs to make a decision on, and then work on specific issues in subgroups to come up with an overall approach.

Action Item: Robert Mead will review New York's and Minnesota's policies and construct a flow chart of the common and differing issues. Judge Mitchell asked that he include issues that JIFFY has addressed.

Mr. Prisoc spoke of JIFFY's decision to eliminate the search by social security number capability from the outside Judiciary website, and how this decision has affected landlords and employers from easily identifying a prospective tenant or employee.

There was discussion on whether or not the Judiciary is interested in making it easier for the general public who use the court records to make decisions affecting their own private personal use, and for profit. Mr. Prisoc spoke of the trend across the country of states having criminal history repositories that provide this information to the public. PAS determined that they needed more guidance from JIFFY in terms of whether the Judiciary's overarching approach is to maximize public accessibility to information, or if it only wants to provide access that is simple, cost-free and convenient for the Judiciary to provide.

IV. Review of Background Readings Material. Judge Mitchell referred to the Background Readings binder, which contained literature on public access issues. She asked PAS to review the State of New York and the State of Minnesota policies and suggested that the PAS use these as a guideline.

Action Item: Per Judge Mitchell, Mr. Prisoc will post additional public access articles to the website, or he will email them to PAS.

V. Supreme Court Data Policy. Judge Mitchell asked Mr. Prisoc to speak on the status of the policy currently in effect. Mr. Prisoc pointed to the *Supreme Court of New Mexico Order In the Matter of the Approval of the Digital Recording Policy and Bulk Records Policy for the Judicial Branch of Government, No. 04-8500*, and the *New Mexico Judicial Branch Policy Regarding Release of Electronic Court Records in Response to Requests for Court Data, Revised*, which were distributed prior to today's meeting. He explained that the *New Mexico Judicial Branch Policy Regarding Release of Electronic Court Records in Response to Requests for Court Data, Revised*, was approved by JIFFY, and JIFFY asked that the PAS review it prior to it being forwarded to the Supreme Court. He spoke of the committee that was involved in drafting the policy and he went through the guidelines and noted that the guidelines are in accordance with the Public Records Act. There was discussion about language that may need to be modified in

the policy to adhere to the Public Records Act relative to the time frame in which requests must be completed, as well as incorporating language in the policy which would make it clear to the courts what their obligations are under the Act.

Action Item: *Mr. Pepin will summarize the Public Records Act for the PAS to review. He will send the summary to the courts so they are clear what their obligations are under the Act.*

VI. Review of Judges User Group Sealed Records' Discussions. Judge Mitchell referred to the PAS Meeting packet to the document entitled, "*Public Access Discussions at Judges User Group ("JUG"), Excerpts from JUG Minutes.*" She explained that JUG is another subcommittee of JIFFY that addresses how judges use the case management system. She noted that JUG has been addressing public access since 2002.

Dana Cox distributed the document entitled, "*Bernalillo County Metropolitan Court, Privileged Access, Confidentiality and Non-Disclosure Agreement.*" She spoke about how the Bernalillo County Metropolitan Court ("BCMC") allows access to law enforcement entities to view information from their case management system. Mr. Pepin noted that the BCMC currently has a case management system that is independent; however, the plan is for the BCMC to use the same system as the rest of the Judiciary. Judge Mitchell spoke about the two different Internet access websites that the Judiciary currently has in place (the outside website serves the general public and the inside website serves the Judiciary).

VII. Future Meetings. The next meeting will be held on Tuesday, April 15, 2008 at 1:00 p.m. at JID.

Judge Mitchell referred to the *Public Access Subcommittee Meeting Calendar for 2008*, which was distributed prior to today's meeting. She noted that the plan is for the PAS to meet on the third Tuesday of every month.

VIII. Adjourn. Judge Mitchell adjourned the meeting at 2:53 p.m.

Final Minutes Approved by Judge Mitchell on April 4, 2008.