

MEETING MINUTES
Commission on Technology
November 5, 2020

MEMBERS PRESENT

Justice Shea
Peg Allison
Judge Audrey Barger
Judge Stacey Nerison
Judge Randal Spaulding
Mars Scott
John Mudd
Representative Ken Holmlund
Sarah McClain
Beth McLaughlin
Bowen Greenwood

Justice Shea called the meeting to order and introduced Judge Stacey Nerison from the Dawson County Justice Court as the new member replacing retired Judge Larry Carver.

Justice Shea asked for comments, changes, discussion of the November 26, 2018 meeting minutes. Seeing none, Representative Holmlund made a motion to approve the November 26, 2018 meeting minutes. Judge Spaulding seconded the motion. The motion passed unanimously.

PROJECT UPDATES

Lisa provided updates of the FullCourt Enterprise and Courts Electronic Filing projects.

PUBLIC ACCESS TO COURT RECORDS

The committee reviewed the July 2018 Draft Rules for Privacy and Public Access to Court Records and Lisa provided a brief demonstration of the Winnebago County Public Access to Court Records Portal.

The committee then reviewed and voted on Public Access to Court Records Items for Approval.

Item #1

1. Public Access and Privacy Rules:

The currently suspended rules include information already covered in statute and court rules. Rather than a comprehensive revision of the entire set of rules, the COT will give staff the authority to:

- *Determine which privacy protections are already covered in statute and/or rule.*
 - *Contract out for a review of rules and procedures applicable to Courts of Limited Jurisdiction (Justice, City, and Municipal);*
 - *Refer the review of rules and procedures applicable to District Courts to the Advisory Commission on Rules of Civil and Appellate Procedure and the Uniform District Court Rules Commission; and*
 - *Refer the review of Rules of Criminal Procedure to an appropriate source to be determined.*
- *Summarize current authorities in a concise format for court staff to rely on when challenged with a request that potentially falls under the privacy rules/statutes.*
- *Identify gaps where privacy rules are needed.*
- *Revise the narrowed set of privacy rules, using the Appellate Rules of Procedure as a model.*
- *Appoint a committee, including members of the public, to review the revised set of rules.*
- *Conduct education and training outreach for court staff, lawyers, and pro se litigants.*
- *Update the summary of authorities for court staff to incorporate the revised rules.*

Discussion

It was noted that the Commission struggled with training the currently suspended rules and that the courts would prefer a court rule.

Judge Carver also asked about releasing full file information without redaction. The concern is the potential accusation of falsifying records and then referenced 44-5-301.

44-5-301. Dissemination of public criminal justice information. (1) There are no restrictions on the dissemination of public criminal justice information.

(2) All public criminal justice information is available from the department or the agency that is the source of the original documents and that is authorized to maintain the documents according to applicable law. These documents must be open, subject to the restrictions in this section, during the normal business hours of the agency. A reasonable charge may be made by a criminal justice agency for providing a copy of public criminal justice information.

The committee discussed whether it would be necessary to gain an AG's opinion regarding the release of traffic offense information.

Judge Carver recommended Peggy Tonan to contract for a review of rules and procedures in the Courts of Limited Jurisdiction under the direction of the COCLJ.

Motion

Judge Barger made a motion that Item #1 and bullet points be the Public Access and Privacy Rules first step. Representative Holmlund seconded. The motion passed unanimously.

Item #2:**1. Online Public Access:**

The first phase of online public access will provide access to case numbers, party names and register of actions in certain case types. Document access will not be available on a web-based statewide portal.

District Courts and Courts of Limited Jurisdiction, as available, will continue to provide access to dockets as well as non-sealed/non-exempt case documents through public terminals located in clerks' offices.

The COT will determine subsequent phases, if any, based on the success of the initial roll-out of online public access.

Discussion

There was discussion that nothing would be done with the Online Public Access until Item #1 was complete.

Motion

John Mudd made a motion to record that the Commission on Technology is supportive of Online Public Access, unless work on Item #1 determines online access should not be provided. Judge Carver seconded the motion. The motion passed unanimously.

Item #3:**1. Bulk Data Requests:**

Requests for bulk data will continue to be referred to the applicable local court and will not be handled at the state (OCA) level.

Motion

Judge Barger made a motion to adopt Item #3. Representative Holmlund seconded the motion. Motion passes unanimously.

STRATEGIC PLANNING

The committee reviewed the strategic planning cycle, the 2018 Technology survey results, the IT Division Biennial Accomplishments, and the draft Strategic Plan Goals and Objectives.

Discussion

Peg Allison made a comment about the District Courts sending temporary and permanent Driver's License Suspensions and Driver's License Reinstatements.

Mars Scott commented that the Judge Signature on electronically filed documents was in an odd position.

John Mudd asked about the Water Court and FastCase and the possibility of using the State Bar developers to develop a Water Court database.

Peg Allison noted that texting notifications for Jury was an emerging technology that is badly needed.

Motion

Judge Carver made a motion to adopt the 2019 Strategic Plan as reviewed. Mars Scott seconded the motion. The motion passed unanimously.

The committee adjourned.