

PUBLIC ACCESS TO COURT RECORDS TASK FORCE
JANUARY 24, 2005
UALR LAW SCHOOL
LITTLE ROCK, ARKANSAS

Minutes

The Public Access to Court Records Task Force met on Monday, January 24, 2005 in Room 321 of the UALR Law School in Little Rock with the Honorable Ben Story, Interim Chair presiding.

The meeting was called to order by Steve Sipes. Those in attendance were: Ben Story, Judicial Council; Steve Sipes, Pulaski County Court Administrator; Rick Peltz, UALR Law School; Kathy Gattin, Office of Information Technology; Benjamin McCorkle, Attorney General's Office; Penny Ross, Arkansas Circuit Clerks' Association; Andy Gentry, Arkansas Public Defender Commission; Steven Peer, District Judges Council; Tim Holthoff, AOC; Mark Johnson, AOC; John Stewart, AOC; Pam King, AOC.

A motion was made, seconded and approved to accept the minutes of December 9, 2004 as presented. Karolyn Bond will post the minutes on the Website.

A revised draft of Sections I. through VI. was distributed to the Task Force for review.

Rick Peltz indicated that on page 13 of the draft, Section VI. C. (1.) (f) should have been deleted based on discussion held at the November 9th meeting. All were in agreement that subsection (f) should be removed.

Steve Sipes stated that on page 13, Section VI. C. (1)(a) and VI. C. (1)(c) seemed to be duplicating the process for the requester.

Rick Peltz suggested in Section VI. C. (1)(c) to strike the first part of the sentence ~~describe the purpose for requesting the information~~ and leave the remainder of the sentence ...explain how the information will benefit the public interest or public education; All were in agreement to make the suggested change.

Benjamin McCorkle stated that on page 14, Section VI. C. (3)(e) he would like to remove the last sentence of this subsection ~~...Application of this requirement may be conditioned upon consultation with the Attorney General to assess appropriate measures to protect privacy.~~ and the companion sentence in the third paragraph of the Commentary on page 15 ~~...When concerns arise as to the appropriate scope of protection for individual privacy, sub-section C(3)~~

~~contemplates that the Attorney General will be consulted to determine the propriety of individual notification.~~

A motion was made by Steve Sipes, seconded by Tim Holthoff and approved to incorporate all the identified portions (changes/deletions) of Section VI.

Kathy Gattin identified a typographical error on page 15, second paragraph, last sentence. Should read ... and let the requester, rather than the court,...

The group began the review of Section VII. Court Records Excluded from Public Access.

Tim Holthoff stated that on page 16, Section VII. A. Case records. Language should be added to the end of the sentence to read... The following information in case records is excluded from public access and is confidential absent a court order to the contrary:

Rick Peltz inquired of the sources for Section VII. A. (2)(g) and (h). He stated that if they could not be cited then they should both be removed from the list.

Benjamin McCorkle stated that the list under Section VII. A. (2) (a)-(f) and (i)-(n) should be placed in the Commentary for Section VII. rather than listing them under A. (2)

A motion was made by Benjamin McCorkle, seconded by Kathy Gattin and approved to add the language to Section VII. A. absent a court order to the contrary., as recommended by Tim Holthoff; to change under A.(2) the language from Arkansas ~~statute~~ to Arkansas Code Annotated.; and to move the list of (a)-(f) and (i)-(n) to the Commentary.

Rick Peltz inquired of the language in Section VII. A. (7) All personal notes and e-mail, and deliberative material... He suggested striking ~~All personal notes and email~~ and changing the language to read... (7) Notes, communications, and deliberative material. He suggested moving the concepts of *drafts* in sub-section (7) into the Commentary as examples of deliberative material, and remove completely the language... ~~and information recorded in personal data assistants (PDA's) or organizers and personal calendars.~~

A motion was made by Tim Holthoff, seconded by Steve Sipes and approved to accept Rick's recommendation to Section VII. sub-section (7).

Benjamin McCorkle stated that there should be a change to the organization of Section VII. or add a paragraph B.

Tim Holthoff responded that the intent was that paragraph B. would be Administrative Records.

Rick Peltz stated that he would look at redefining (2) Case Record and (3) Administrative Record under Section III.

Tim Holthoff and Steve Sipes will complete the Commentary for Section VII.

The next meeting was set for Monday, February 28, 2005 at 1:00 p.m. at the UALR Law School.

There being no further business the meeting was adjourned.