

Minutes
Committee on Judicial Information Policy
December 15, 2009

Those present: Hon. Marshall Berger, Ms. Elizabeth Bickley, Hon. John Blawie, Hon. David Borden, Atty. Janice Calvi, Atty. Peggy Chapple, Atty. Jorene Couture, Atty. Joseph D'Alesio, Mr. P. J. Deak, Atty. Melissa Farley, Ms. Krista Hess, Atty. Daniel Horwitch, Atty. Nancy Kierstead, Prof. Elizabeth Marsh, Hon. Aaron Ment, Atty. Louis Pace, Ms. Dalia Panke, Hon. Joseph Pellegrino (chair), Atty. Norman Roberts II, Atty. Kevin Shay, Mr. Donald Turnbull, and Atty. Elizabeth Yen.

The meeting was called to order at 2:02 PM by Judge Pellegrino.

Judge Pellegrino introduced a new member, Attorney Margaret Chapple from the attorney general's office, and welcomed her to the committee.

1. Review and approval of minutes of October 13, 2009 – Upon motion by Justice Borden and second by Ms. Bickley, the minutes were approved unanimously.
2. Update on rules effective January 1, 2010 – The rules proposed by the committee on personal identifying information were approved by the Judges at their annual meeting and will become effective January 1, 2010. The rules have been the subject of discussion by the private bar and various attorneys from the office of the attorney general. An issue was raised by the family bar and attorneys general dealing with support enforcement issues and information required in pleadings and forms filed in family and SES cases. Those concerns have been addressed for now by the posting of a standing order for family matters, but further discussions are planned for January. A revision has been proposed regarding the need to redact government-issued identification numbers and the impact on such numbers as juris numbers, physician's license numbers, and home improvement contractor's license numbers. Further discussion of this revision will take place with Justice Zarella, the chair of the Rules Committee, Judge Berger and Atty. D'Alesio.

Discussion ensued about possible concerns with the proposed revised language and the handling of the issues raised in connection with family and SES cases and possible ways to address those concerns.

3. Proposed sensitive data rule – The prior discussion led to the next two agenda items: the proposed sensitive data rule and form. The purpose behind the rule was to provide a form to be used by a filer to provide to the court personal identifying information that is required by law or court order. A form would be created based upon the rule.

The committee discussed who should be able to view the form, in what types of cases this form might be needed, if a motion and a court order should be required to allow access to the form, whether a policy memo should or could be drafted to identify those who should have access to the form, whether a form would be filed by each party in a case, and what the procedure would be for filing a revised or updated form or handling the prior form.

After a lengthy discussion, the question of whether the sensitive data rule and form are actually necessary was raised. The underlying reason for having a rule like this was to allow compliance with federal or state statutes, court rules or court orders by a filer while protecting personal identifying information from exposure to potential abuse.

Upon motion and second, the committee voted unanimously to table the discussion until the next meeting to allow time for further consideration.

4. Report from Sensitive Data Form Subcommittee – This agenda item was discussed along with agenda item number 3.
5. Policy on Access to Court Records – The discussion of this item will take place at the next meeting of the committee.

Upon motion and second, the committee voted unanimously to adjourn the meeting at 3:50 PM.