

RULE CHANGE 2021(11)

PUBLIC ACCESS TO INFORMATION AND RECORDS

Rule 2

Rule 2. Public Access to Administrative Records of the Judicial Branch

This rule governs public access to all records maintained for the purpose of managing the administrative business of the Judicial Branch of the State of Colorado. Using the Colorado Open Records Act (CORA), sections 24-72-200.1 to -206, C.R.S. (2015), as a guide, the Supreme Court published a proposed Rule governing access to administrative records of the Judicial Branch, and the Chief Justice signed Chief Justice Directive 15-01 to govern interim access to administrative records. The Colorado Supreme Court received comments and held a public hearing on the proposed rule. The Supreme Court revised the rule in response to the comments received. Although CORA served as a guide in drafting this rule, the rule and CORA are not identical. Many of the rule's deviations from CORA reflect simple changes to language and streamlined organization of the rule for clarity and to better serve the public. Other, substantive deviations from CORA reflect the unique nature of the records and operations of the Judicial Branch. These changes are addressed in comments throughout the rule. This rule pertains only to administrative records and does not contemplate or control access to court records, which is governed by P.A.I.R.R. 1 and Chief Justice Directive 05-01. This rule is intended to be a rule of the Supreme Court within the meaning of CORA, including section 24-72-204(1)(c), C.R.S. (2015).

Section 1. Definitions [NO CHANGE]

Section 2. Access to Administrative Records [NO CHANGE]

Section 3. Exceptions and Limitations on Access to Records

(a) – (c)(8) [NO CHANGE]

(9) With the exception of any records that are accessible pursuant to C.R.C.P. 24251, any records related to reports of misconduct made to the Office of Attorney Regulation Counsel.

COMMENT: This provision is not in CORA. Records of reports of misconduct made to the Office of Attorney Regulation Counsel are governed by C.R.C.P. 24251 and that Rule should not be circumvented by P.A.I.R.R. 2.

(c)(10) – (d)(3) [NO CHANGE]

Section 4. Procedure to Access Records [NO CHANGE]

Section 5. Resolution of Disputes [NO CHANGE]

Rule 2. Public Access to Administrative Records of the Judicial Branch

This rule governs public access to all records maintained for the purpose of managing the administrative business of the Judicial Branch of the State of Colorado. Using the Colorado Open Records Act (CORA), sections 24-72-200.1 to -206, C.R.S. (2015), as a guide, the Supreme Court published a proposed Rule governing access to administrative records of the Judicial Branch, and the Chief Justice signed Chief Justice Directive 15-01 to govern interim access to administrative records. The Colorado Supreme Court received comments and held a public hearing on the proposed rule. The Supreme Court revised the rule in response to the comments received. Although CORA served as a guide in drafting this rule, the rule and CORA are not identical. Many of the rule's deviations from CORA reflect simple changes to language and streamlined organization of the rule for clarity and to better serve the public. Other, substantive deviations from CORA reflect the unique nature of the records and operations of the Judicial Branch. These changes are addressed in comments throughout the rule. This rule pertains only to administrative records and does not contemplate or control access to court records, which is governed by P.A.I.R.R. 1 and Chief Justice Directive 05-01. This rule is intended to be a rule of the Supreme Court within the meaning of CORA, including section 24-72-204(1)(c), C.R.S. (2015).

Section 1. Definitions [NO CHANGE]

Section 2. Access to Administrative Records [NO CHANGE]

Section 3. Exceptions and Limitations on Access to Records

(a) – (c)(8) [NO CHANGE]

(9) With the exception of any records that are accessible pursuant to C.R.C.P. 242, any records related to reports of misconduct made to the Office of Attorney Regulation Counsel.

COMMENT: This provision is not in CORA. Records of reports of misconduct made to the Office of Attorney Regulation Counsel are governed by C.R.C.P. 242 and that Rule should not be circumvented by P.A.I.R.R. 2.

(c)(10) – (d)(3) [NO CHANGE]

Section 4. Procedure to Access Records [NO CHANGE]

Section 5. Resolution of Disputes [NO CHANGE]

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

By the Court:

**Monica M. Márquez
Justice, Colorado Supreme Court**