



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of: )  
)  
ESTABLISHMENT OF AN AD HOC )  
COMMITTEE TO STUDY PUBLIC )  
ACCESS TO ELECTRONIC COURT )  
RECORDS )  
)

Administrative Order  
No. 2000- 54

In accordance with Administrative Order 90-13, as revised on June 6, 1990, the Chief Justice establishes advisory committees to the Arizona Judicial Council to assist the Council in carrying out its responsibilities.

Rule 123 of the Arizona Supreme Court Rules provides for release of court records to the public. Since that rule was promulgated, Arizona's courts have become increasingly reliant upon computer technology for docketing, case flow management and providing case-specific information to the public. Preparations are underway to accommodate electronic filing of documents, and a centralized database is being created to assist with administrative and policy planning.

Case files may include detailed financial information, including credit card and bank account numbers, psychological evaluations, medical information, and other personal data. Automation of court operations entails easier access to and redistribution of vast amounts of information than ever before imagined. Court automation has created an atmosphere in which the courts are quickly becoming a focal point for the growing conflict between the public's interest in observing and knowing about its public institutions and officers and individuals' interest in protecting private information from unwanted intrusion through the use of sophisticated automated search engines.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Ad Hoc Committee to Study Public Access to Electronic Court Records is established as follows:

1. **PURPOSE:**

The Committee shall examine the issues surrounding public access to computerized court records, including disclosure of bulk data, and develop recommendations to modify Rule 123, and to suggest additional rules governing access to information which may be contained within a computer program or other electronic media. The committee's recommendations must take into account the importance of balancing individual privacy and confidentiality with the public's interest in access to the court's

case and administrative records. The committee should articulate a sound basis for any distinctions it draws between access policies relating to paper records and access policies relating to electronic records.

2. **MEMBERSHIP:**

The membership of the Committee is attached as an Appendix.

3. **MEETINGS:**

Meetings shall be scheduled at the discretion of the Committee Chair. All meetings shall comply with the Public Meeting Policy of the Arizona Judicial Department.

4. **REPORTS:**

The Committee shall submit a report of its findings and recommendations to the Arizona Judicial Council in March 2001.

5. **STAFF:**

The Administrative Office of the Courts shall provide staff for the Committee and, as feasible, may conduct or coordinate research as requested by the Committee.

IT IS FURTHER ORDERED that the individuals designated in the appendix to this Order are appointed to serve as members of the Committee until completion of the committee's work.

IT IS FURTHER ORDERED that the Judge Sheldon Weisberg is appointed to serve as the Committee Chairperson.

Dated this 21st day of August, 2000.

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THOMAS A. ZLAKET  
Chief Justice

## APPENDIX

### COMMITTEE MEMBERS COMMITTEE TO STUDY PUBLIC ACCESS TO ELECTRONIC COURT RECORDS

Honorable Sheldon Weisberg (Chairman)  
Arizona Court of Appeals, Div. I

David Bodney, Esq.  
Steptoe & Johnson, LLP

Honorable B. Robert Dorfman  
Phoenix Municipal Court

Mr. John Fearing  
Arizona Newspapers Association

Michael Grant, Esq.  
Gallagher & Kennedy

Honorable Jeff Hatch-Miller  
Arizona House of Representatives

Mr. Karl Heckart, Director  
ITD, Administrative Office of the Courts

Honorable M. Jean Hoag  
Superior Court in Maricopa County

Mr. Rick Lewis, Court Administrator  
Superior Court in Mohave County

Honorable Michael Lex  
Tucson Municipal Court

Philip MacDonnell, Esq.  
Jennings Strouss & Salmon, PLC

Honorable Ruth McGregor  
Arizona Supreme Court

Honorable Clark Munger  
Superior Court in Pima County

Honorable Patricia Noland  
Clerk of Court  
Superior Court in Pima County

Pat Sallen, Esq.  
Attorney at Law

Professor Harvey Shrednick  
ASU, College of Business

David Withey, Esq.  
Legal Services, AOC