

Sean Harrington
P.O. Box #351855
Westminster, Colorado 80035

June 30, 2006

Justice Alex Martinez

Colorado State Judicial Building
2 East 14th Ave., Fourth Floor
Denver, CO 80203

RE: PUBLIC ACCESS TO COURT RECORDS

Dear Justice Martinez:

Please find attached hereto a request that I have submitted to the Chief Judge of the First Judicial District regarding his recent implementation of an administrative order denying public access to dissolution, child custody and child support matters, which he attributes to a Chief Justice Directive [05-01].

I agree with you that the blanket sealing of cases is more restrictive than the Committee intended. I believe that the public is now faced with a fundamental and serious restriction on its right of access to public records, because of an inexplicable propensity of some State entities to favor secrecy.

I respectfully assert that Chief Judge Jackson's restriction on public records exceeded his authority under Chief Justice Directive 95-01 (AUTHORITY AND RESPONSIBILITY OF CHIEF JUDGES). *See, e.g., Pena v. Second Judicial Distr. Court*, 681 P.2d 653 (Colo. 1984) (*en banc*) (discussing the Supreme Court's promulgation of administrative rules governing the internal operations and administration of the Colorado judicial system and concluding that, "[A]lthough the respondent judge possessed the inherent power . . . she exceeded her authority in th[e] case"); *see also In re Court Facilities for the Routt County Combined Court*, 107 P.3d 981 (Colo. App. 2004) (in the absence of "demonstrated approval" by the Chief Justice, an exercise of authority not contemplated in CJD 95-01 cannot stand).

I further believe that, without the need for me to establish standing and petition under Rule 21, you already have the administrative latitude over the lower courts, either formally or informally, to abolish such expansive restrictions or to strongly encourage the districts to abandon them without the need for further public scrutiny or costly litigation or a forthcoming amendment to the Chief Justice Directive. *See, e.g., In Interest of J.E.S.*, 817 P.2d 508, 511 (Colo. 1991) (the inherent powers of the judiciary include "[a]ll powers reasonably required to enable a court to perform efficiently its judicial functions, to protect its dignity, independence, and integrity, and to make its lawful actions effective.") (quoting *Pena v. District Court, supra*).

Please take this urgent matter under consideration and reply at your earliest convenience.

Most Respectfully,

A handwritten signature in blue ink, appearing to read 'Sean Harrington', written over a horizontal line.

Sean Harrington

cc: Thomas B. Kelley, FAEGRE & BENSON, LLP
Steven D. Zanzberg, FAEGRE & BENSON, LLP