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Daniel Domenico, Colorado Solicitor General  
1525 Sherman Street, 7th Floor  
Denver 80203

**RE: PUBLIC ACCESS TO COURT RECORDS**

"Government officials should not be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest." —LBJ's handwritten notes on the Signing Statement accompanying the Freedom of Information Act

Dear Mr. Solicitor General:

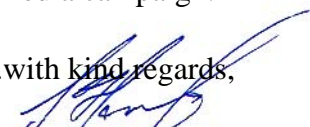
Chief Judge Jackson of the Jefferson County District Court earlier this year issued a directive denying public access to dissolution, child custody and child support matters. This directive was not authorized by our Chief Justice Directive 05-01, designed to prevent identity theft, and was an administrative –not a judicial –act, and, therefore, should not be subject to the same abstention considerations imposed by the Separation of Powers Doctrine.

Governor Owens vetoed a bill in 2002 that would have sealed judicial documents in divorce, child custody and child support cases, noting, "*If these records are unavailable to the public, we will have no effective means to determine how the judicial branch in general and individual judges in particular handle dissolution of marriage, child custody and child support matters.*" Justice Martinez of our Colorado Supreme Court has opined that the blanket sealing of cases is more restrictive than the Committee intended and, as a result, I believe that the public is now faced with a fundamental and serious restriction on its right of access, because of an inexplicable propensity of some State entities to favor secrecy.

I believe that Judge Jackson's restriction has 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).

Please consider taking up this matter on behalf of concerned citizens to restore our right to public access to public records, so that we do not have to undertake costly litigation or a media campaign.

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

. . . .with kind regards,  
  
Sean Harrington