

Minutes of the Media / Courts Committee Meeting

Monday, May 12, 2014 // Harrison Room // Supreme Court, Boise, Idaho

Welcome and Introductions: The Media/Courts Committee meeting was called to order on Monday, May 12, 2014 at 3:00 pm MDT by Court of Appeals Judge John Melanson, sitting in for Chief Justice Burdick who was “riding circuit” with the Court in eastern Idaho. Judge Melanson welcomed the Media/Courts Committee, including: Karlene Behringer, Becky Boone, Joan Cartan-Hansen, Joel Hazel, Debora Kristensen, Judge Gregory Moeller, Betsy Russell, Russ Webb, Linda Wright, Libby Smith, Michael Henderson, and Patti Tobias.

A. Approve Minutes of the November 4, 2013 Meeting/Teleconference

Noting a correction to include the hyphen in her surname, IT WAS MOVED BY JOAN CARTAN-HANSEN AND SECONDED BY JUDGE MOELLER TO APPROVE THE MINUTES OF THE NOVEMBER 4, 2013 MEETING / TELECONFERENCE AS CORRECTED. THE MOTION PASSED UNANIMOUSLY.

B. Court Technology Update

1. A technology update is maintained on the committee’s agenda regarding the ongoing progress on the Court’s IT efforts and strategic plan, and the transition to a more modern case management system. Kevin Iwersen, Chief Information Officer, was invited to the meeting to provide the update.

Kevin Iwersen, Chief Information Officer, briefed the committee on the status of the transition from ISTARS to the implementation of the Odyssey system, including:

- comprehensive fit analysis is underway to identify critical gaps between Idaho’s business processes and existing systems and Odyssey
- integration assessment to understand and define the data exchange integration needs between entities (i.e., Ada County jail, e-citations, Fish and Game, Juvenile Corrections, NCIC – Idaho State Police, tax intercept (State Tax Commission), transportation (ITD), victim information notifications), as well as with the State Bar, Corrections, Health and Welfare, and prosecutor offices
- case management configuration for daily court management and operations
- financial configuration of the general ledger, bank accounts, transaction types, fees, fines, court costs, fee schedules, and financial distributions
- supervision configuration involving problem-solving courts and misdemeanor probation
- jury fit assessment to evaluate the new jury application, compared to existing systems and business processes used throughout Idaho’s trial courts has been completed
- data conversation and mapping process for converting existing data from ISTARS into Odyssey has begun in Twin Falls County

Betsy Russell inquired whether a more appropriate fee structure for access to court documents would be forthcoming as a result of this project. Patti Tobias noted that there will be a review of the fee schedule for electronic records, and a proposed plan will be available for review and comment by this committee when available.

Libby Smith commented that being in the midst of a new technology plan for the federal courts and having watched other jurisdictions undertaking a similar technology update, that the Idaho Court’s process and planning is the best example of implementation she has seen.

Action Items

- The Rule 32 Committee will review the fee structure for access to court documents and any rule changes needed as a result of the move to the Odyssey system.
- The Media/Courts Committee will be kept abreast of the status of the Court’s move to the Odyssey system.

2. Status of review of ICAR 32 as amended re: concerns noted in 11-16-12 letter from Betsy Russell and Deb Kristensen. It was noted that the Rule 32 Committee will review this issue at its next meeting in December. (See also agenda item K.3.)

C. Court Website

The Court's Website was evaluated for openness and accessibility, including:

1. Discussed Tweeting of the schedules of Oral Arguments on the day of the Oral Argument. It was noted that other documents or announcements will also be Tweeted, such as the Annual Report and the yearly reports.

Action Item

- Following discussion, it was suggested that Tweeting pertinent information by late afternoon on the day prior to an oral argument would be most helpful to reporters.
2. The status of opinion summaries were discussed regarding the readability and if they are helpful to the media. Joan Cartan-Hansen referenced an important water case, noting that the summary was difficult for non-lawyers to interpret the outcome of the case because the style of writing was extremely challenging to comprehend. Judge Moeller commented that law clerks should be reminded of the intended audience for the opinion summaries, and suggested "writing like you are describing the case to your mom" might be a helpful reference point.

Action Items

- Instructions for law clerks on the fine points of writing a case summary for the media will be drafted and brought back to this committee for review and input. (Judge Melanson)
 - Committee members were asked to forward "difficult-to-understand" case summary examples to Patti Tobias.
3. The status of posting a link for paying court fines and fees online and to pay for media requests was discussed.
 4. The status of Idaho Public Television's archiving of live-streaming oral arguments was discussed. Patti Tobias reported that archiving of Supreme Court oral arguments is underway, and it is hoped the archived cases will be available in June 2014. Once they are added to the Court's website, a press release will be distributed and Tweeted.

Action Item

- Once the archived oral arguments have been added to the Court's website, a press release will be distributed and Tweeted.

- D. Media Guide to the Idaho Courts** was reviewed. Michael Henderson noted the need to update the Guide regarding retained jurisdiction, and he will review the entire Media Guide for any necessary updates.

Action Item

- Michael Henderson will review the Media Guide to the Idaho Courts for any additional updates necessary.

- E. Judges Guide to the Media** was reviewed. No updates were suggested at this time.

- F. ICAR 49 Electronic Devices in Court Facilities** was discussed, with the understanding that the media has the right to use “tools of the trade” and that the judge is responsible for communicating an admonition to witnesses who are excluded from the courtroom that they are not to read or listen to reports of the trial or to receive any information concerning the testimony of other witnesses.

Betsy Russell reported that a reporter was told that no electronics were allowed in the courtroom and had to close her laptop at a sentencing in Canyon County.

Action Items

- A note will be included in the *Court E-News*, reminding judges of the updated ICAR 49 and what it means regarding electronics in the courtroom. (Michael Henderson)
- A reminder about the updated ICAR 49 will also be placed on the July Administrative Conference agenda for discussion. (Patti Tobias)

G. Media-Court Meetings in Each of the Judicial Districts or as the Court Travels

Following Judge Moeller’s description of the media orientation that he facilitates, and Russ Webb commented that Judge Moeller is a “super star” for his efforts with the media.

Action Item

- Judge Moeller was asked to report on his media outreach efforts at the July Administrative Conference.

H. Cameras in the Courtroom

Betsy Russell reported that during a Canyon County trial, the reporter was approved for video only, and that following the trial, was told that the audio would be available for a fee.

Action Item

- Patti Tobias will inquire of the Third Judicial District’s Administrative District Judge and Trial Court Administrator to help understand when and why this would occur.

I. Idaho Press Club

Betsy Russell reported that the Press Club recently held their awards banquet.

J. Idaho Courts

Patti Tobias reported “surviving” the legislative session, and will address any press releases regarding items of particular interest to the judiciary would have been helpful or appropriate.

K. Other Business

1. Case Study: Miguel Perez Sentencing: Judge Moeller reviewed the background of the case and how misinterpretation lead to untrue headlines, noting that these circumstances reinforce the idea of getting a reporter into the courtroom to listen to the sentencing, how headline writers need to proceed with caution, and the need for more training of reporters, especially dealing with a felony sentencing. Judge Moeller also emphasized that reporters are welcome to contact a judge for clarification about a story.
2. Contested Judicial Elections: Patti Tobias reported that there are eight contested judicial elections in the May primary. Judge Moeller suggested clarification of who is running for what judicial position, similar to legislators running for position A or B in their districts.

Action Item

- The suggestion to clarify of who is running for what judicial position, similar to legislators running for position A or B in their districts, will be added to the Legislative Inventory for consideration. (Michael Henderson)

3. ICAR 32 Developments were discussed. Michael Henderson reported that there was vigorous discussion at the Rule 32 Committee meeting, and a subcommittee was established to review how other states handle this and to make recommendations to the Rule 32 Committee. Patti Tobias noted that there may be new functionality within Odyssey that will affect this as well.
4. Review Committee Membership Updates / Current Roster: Patti Tobias and other members of the committee reviewed the roster and will make suggestions for others to be invited to participate on the committee.

Action Item

- Shirley Throop will update the roster and make any necessary adjustments before the November meeting.
5. Next Meeting is set for Monday, November 17, 2014 from 3:00–5:00 pm MST.

Judge Melanson thanked the committee members present and participating on the phone for their contributions, and the meeting adjourned at 4:44 pm MDT.