

HB20-1130 Online Availability of Colorado Court Opinions

Issue: The bill requires the judicial department to publish opinions of the Colorado supreme court and the Colorado court of appeals online. The opinions must be published online in a searchable format and be made available free of charge. Colorado supreme court and court of appeals opinions that are not published pursuant to state law or court rules are exempt from the online publishing requirement.

Reasoning:

- The law should be easily available at no cost to all citizens, and these opinions are valuable for the work of lawyers, journalists, academics, plaintiffs and defendants.
 - Goal is to increase accessibility for non-legal experts, who do not have access through other means

Current Situation

Current law (Section 13-2-122, C.R.S.) requires only printed and bound transcripts to be published which has the following challenges:

- These are not easily accessible by the general public – particularly those without access to law libraries.
- Some online versions are available, but they are not comprehensive and may be protected by copywrite by private companies requiring that a fee be paid for access.
- Currently, there is a gap in publicly available records from 1982-2000. (Only private providers have these)
- Colorado Supreme Court Library has four terminals for public use, but this puts areas outside Denver, particularly rural areas and the Western Slope, at a disadvantage.

Proposed Changes

This Bill calls for the Judicial Department to publish online, in a searchable format, and make available free of charge:

- Each opinion of the Supreme Court of the State of Colorado and the Court of Appeals issued on or after September 1, 2021; and
- No later than August 1, 2026, every opinion of the Supreme Court of the State of Colorado and the Court of Appeals issued prior to September 1, 2021

Related Points:

- According to the Constitution, the law is by, of, and for the people.
- The Bill applies to opinions only and not to annotated versions of Colorado's laws provided by private companies – which would remain under copywrite.
- Large companies such as Westlaw and Lexis own copywrites to annotated versions – the industry was estimated at \$5 Billion in 2007.

Contracted Services

Well-established private companies such as Lexis/Nexis and Westlaw already have scanned libraries of opinions going back to the 1860's.

- The best solution could be to engage private companies to make their files available.
- Could be done at modest cost:
 - \$50,000-100,000 to start service
 - \$1,00-\$5000/yr for maintenance
- Intention is to seek bids from several companies that could provide this service.

Other States' Access

- Most States have opinions dating to the 1990's (similar to Colorado)
- Most databases difficult to search
- Colorado has the opportunity to be in the top 5 states in on-line access with this bill