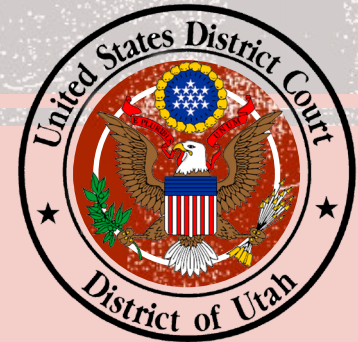


RESTRICTED ACCESS LEVELS PILOT PROGRAM



Presentation for Government and Defense Counsel Sept. 2024



WHAT WILL WE COVER



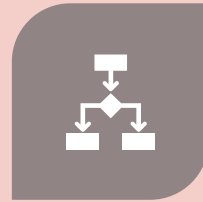
HOW IT WORKS NOW



WHY WE ARE
CHANGING



PILOT PROGRAM



WHAT WILL CHANGE
(RULES, DOCKETS,
PERMISSIONS)



HOW DOCKETS WILL
LOOK



HELP AVAILABLE

HISTORY OF SEALED AND RESTRICTED ACCESS

Public Access Presumption: Historically, court records and proceedings have been open to the public to ensure transparency and trust in the judicial system. This presumption of openness is a fundamental principle but has been tempered by the need to protect certain information.

Sealed Documents: Over time, courts have recognized the need to seal documents or entire cases to protect the identity of someone wrongly accused of a crime, preserve the integrity of criminal investigations, and avoid exposing national security matters. Sealed documents are typically not accessible to the public, and even their existence might not be apparent on public dockets.





WHY THE CHANGE?

- To maintain the public's right to access cases, documents, and docket entries, but allow counsel greater access to filings with protected information, the court is launching a Pilot Program for criminal cases.
- Under this program, certain documents, and docket entries will have a presumptive restricted access level, determining who can electronically access the information.





NOT THE FIRST TO DO IT

- We consulted with other districts to understand their approaches to restricted access.
- Our model is a modified version of the Colorado framework, particularly in its tiered access levels.



PILOT PROGRAM

- Begins December 1, 2024
- Will run for 1 year
- Criminal cases only
- Tiered access levels
- Initiated by General Order 24-004
 - Some local rules will be suspended in whole or in part during the pilot program.



WHAT WILL BE ACCESSIBLE?

There are 3 levels of restriction, separate from “SEALED,” under this Pilot Program that give certain parties remote electronic access:



Restricted level 1: provides access to the parties (which includes all defendants in a multi-defendant case) and the court (which includes probation);



Restricted level 2: limits access to the filing party, counsel for the affected defendant(s), the government, and the court;



Restricted level 3: limits access to the filing party and the court.



Sealed: limits access to court and probation employees.



PUBLIC DOCKETS

- **DOCKET ENTRIES WITH RESTRICTION LEVELS 1, 2, AND MOST 3 WILL BE VISIBLE ON A PUBLIC DOCKET.**
- The docket text will reflect the entry level.
- Public will **not** be able to view the document if they click on the hyperlinked docket number.

03/14/2024	<u>25</u>	**RESTRICTED - Level 2** ORDER FOR MEDICAL EXAM as to Issa Jassim Sadon. Signed by Judge Ted Stewart on 3/2/24.(jwt) (Entered: 03/14/2024)
03/14/2024	<u>29</u>	** RESTRICTED DOCUMENT Level 1** RETURN OF SERVICE Executed for personal <i>service and</i> served on Victim No. 1 on 2/29/24 as to Oscar Rene Lopez filed by Oscar Rene Lopez (Attorney, John) (Entered: 03/14/2024)
04/02/2024	<u>39</u>	** RESTRICTED DOCUMENT Level 3** RETURN OF SERVICE Executed for Complaint served on Avalos on 3/29/2024 as to Nadia Caroline Avalos.(nl) (Entered: 04/02/2024)



WHAT WILL HAPPEN IF YOU DON'T HAVE ACCESS?

- Depends on the level of restriction.
 - An entire docket entry may be skipped, or
 - Attorneys who are not counsel of record will not be able to view the document.
 - This message will appear when someone without access clicks the hyperlinked document number.



US ATTORNEY ACCESS

- **DOCKET ENTRIES WITH RESTRICTION LEVELS 1, 2, AND MOST 3 WILL BE VISIBLE ON A DOCKET.**
- The AUSA of record will be able to open the documents by clicking the hyperlinked docket number for Levels 1 & 2.
- The AUSA of record will only be able to open Level 3 documents if they are the filer of the document.
- A Notice of Electronic Filing will be sent to the AUSA of record for Levels 1 and 2, and most 3 filings.



DEFENSE COUNSEL ACCESS

- **DOCKET ENTRIES WITH RESTRICTION LEVELS 1, 2, AND MOST 3 WILL BE VISIBLE ON A DOCKET FOR THE APPLICABLE DEFENDANTS.**
- Public dockets for all defendants will show the docket entries for all co-defendants. However, defense counsel of record will only be able to open documents that relate to their defendant.
- Defense counsel of record will only be able to open Level 3 documents if they are the filer of the document.
- A Notice of Electronic Filing will be sent to all defense counsel for Levels 1 and 2, and most 3 filings.



NOT ALL LEVEL 3 ENTRIES WILL APPEAR ON A DOCKET

- Some Level 3 events will be restricted to only the applicable or filing party.
- New filing events have been created to make it clear when that will occur.
- These new events will have a **(Restricted)** notation next to them on the list of Available Events. For example:
 - Motion types –
 - Re-appoint Counsel (Restricted)
 - In Camera Review (Restricted)
 - Ex Parte Defense Authorization (Restricted), requesting:
 - Excess Compensation
 - Issue Subpoena
 - Jail Visit
 - Appoint Expert
 - Miscellaneous
 - Subpoena Under DUCrimR 17-2 (Restricted)
 - Return of Service – Defense Subpoena (Restricted)

EXCEPTION!



NOT ALL LEVEL 3 ENTRIES WILL APPEAR ON A DOCKET

- Example: Defendant files a pro se motion for re-appointment of counsel.

Applicable-Defendant Defense Counsel Docket

09/12/2024	47	** RESTRICTED DOCUMENT Level 1** RETURN OF SERVICE Executed for Subpoena served on Government Witness on 8/1/2024 as to Snack Pack, Pudding Pop filed by Snack Pack, Pudding Pop (Taft, William) (Entered: 09/12/2024)
09/12/2024	48	**RESTRICTED - Level 2** ORDER FOR PSYCHIATRIC EXAM as to Snack Pack. Signed by Magistrate Judge Dustin B. Pead on 9/12/2024.(jwt) (Entered: 09/12/2024)
09/12/2024	49	** RESTRICTED LEVEL 3** MOTION to Re-Appoint Counsel (Magistrate Judge Dustin B. Pead originally appointed counsel.) by Snack Pack as to Snack Pack. Motions referred to Dustin B. Pead.(Addams, Gomez) (Entered: 09/12/2024)
09/12/2024	50	MOTION to Continue <i>Jury Trial</i> filed by Snack Pack. Motions referred to Dustin B. Pead.(Addams, Gomez) (Entered: 09/12/2024)

AUSA/Other Defense Counsel/Public Docket








09/12/2024	47	** RESTRICTED DOCUMENT Level 1** RETURN OF SERVICE Executed for Subpoena served on Government Witness on 8/1/2024 as to Snack Pack, Pudding Pop filed by Snack Pack, Pudding Pop (Taft, William) (Entered: 09/12/2024)
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09/12/2024	50	MOTION to Continue <i>Jury Trial</i> filed by Snack Pack. Motions referred to Dustin B. Pead.(Addams, Gomez) (Entered: 09/12/2024)

*Docket No. 49 is missing



PROBATION FILINGS - VIOLATION PETITIONS

- Petitions for supervision violations will continue to be processed under the current practice.
 - Summons requested – Petition=public access, Summons=Restricted Level 2 Access.
 - Warrant requested – Petition and Warrant both **Sealed**.
- Petitions and warrants will be unsealed upon the filing of the returned warrant (may be redacted similar to summons practice).

10/17/2024	  61	*SEALED* PETITION and ORDER for Warrant for Person Under Supervision. Issuance of: Arrest as to Snack Pack Signed by Judge Robert J. Shelby on 10/17/2024.(jwt) (Entered: 10/17/2024)
10/17/2024	  62	*SEALED* Warrant Issued Electronically by Judge Robert J. Shelby in case as to Snack Pack. (jwt) (Entered: 10/17/2024)
10/17/2024	 61	PETITION and ORDER for Warrant for Person Under Supervision. Issuance of: Arrest as to Snack Pack Signed by Judge Robert J. Shelby on 10/17/2024.(jwt) Modified on 10/17/2024 - Unsealed per filing of executed warrant (jwt). (Entered: 10/17/2024)
10/17/2024	 62	Warrant Issued Electronically by Judge Robert J. Shelby in case as to Snack Pack. (jwt) Modified on 10/17/2024 - unsealed per filing of executed warrant (jwt). (Entered: 10/17/2024)
10/17/2024	 63	Arrest Warrant Returned Executed on 10/17/2024, filed on 10/17/2024 in case as to Snack Pack. (jwt) (Entered: 10/17/2024)



**WARNING ABOUT
MULTI-DEFENDANT
CASES**

- **WARNING:** In multi-defendant cases, **DO NOT** select the main case number unless the filing applies to all defendants in a case.

Criminal Case Number

2:24-cr-4 Hide Case List

Select a case:

☒ 2:24-cr-00004-RJS-DBP USA v. Pack et al ▾

☐ 2:24-cr-00004-RJS-DBP-1 Snack Pack

☐ 2:24-cr-00004-RJS-DBP-2 Pudding Pop

Criminal Case Number

2:24-cr-4-1 Hide Case List

Select a case:

☐ 2:24-cr-00004-RJS USA v. Pack et al ▾

☒ 2:24-cr-00004-RJS-1 Snack Pack

☐ 2:24-cr-00004-RJS-2 Pudding Pop

WARNING ABOUT MULTI-DEFENDANT CASES

- When filing documents with restrictions, if prompted, make sure you select only the parties on the case who should have access to the document.

Select parties on the case who should have access to this docket entry and document.

[Collapse All](#)[Expand All](#)

☐ USA pla

☐ Snack Pack dft

☐ Pudding Pop dft

Select the filer.

Select the Party:

USA [pla]

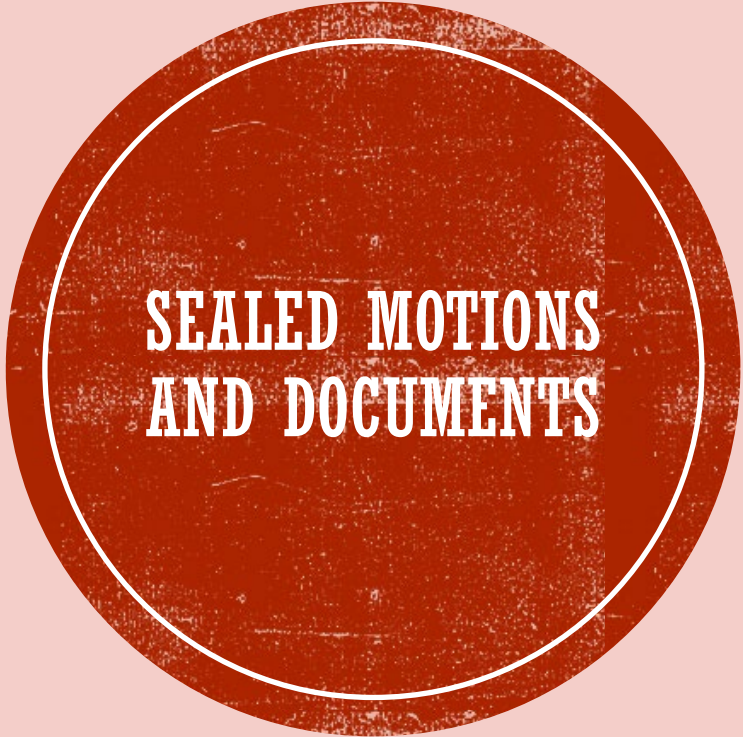
Pack, Snack [dft]

Pack, Snack [dft]

Pop, Pudding [dft]

Next

Clear



SEALED MOTIONS AND DOCUMENTS

Defense and USAO counsel will continue to have the ability to file motions or documents under seal in unsealed cases.

Defense and USAO counsel will continue to be restricted from accessing sealed cases and sealed filings in unsealed cases.

No Notice of Electronic Filing will be sent for sealed entries. A certificate of service/ mailing certificate must be attached to sealed filings, if sent to the other parties.

Numbers will continue to be skipped on the docket protecting these entries.

A WORD ABOUT COOPERATORS

- Documents discussing cooperation **MUST** be filed using the **SEALED MOTION** OR **SEALED ENTRY-DOCUMENT** EVENTS.
- **EXCEPTION:** If filing a "Motion to Reduce Sentence – USSC Amendment" that discusses cooperation*, you must file it using that event and choose the sealing option.

Should this ENTRY be sealed?

☒ Yes
☐ No

Next









Clear

*May also be sealed if sensitive information like medical records attached.




COURT AND PROBATION USERS

- Court and Probation staff will continue to have access to all entries and documents for every defendant, including sealed and “court only” entries.

04/04/2024	  56	*SEALED* PETITION and ORDER for Person Under Supervision. Issuance of: Arrest re 55 Report on Person Under Supervision as to Ramon Cruz Preliminary Revocation Hearing set for 4/15/2024 at 11:00 AM in Rm 7.100 before Magistrate Judge Paul M. Warner. Signed by Magistrate Judge Paul M. Warner on 4/3/2024.(nl) (Entered: 04/04/2024)
04/04/2024	  57	*SEALED* Warrant Issued Electronically by Magistrate Judge Paul M. Warner in case as to Ramon Cruz. (nl) (Entered: 04/04/2024)
04/04/2024	 	(Court only) ***STAFF NOTES as to Ramon Cruz: Petition and Warrant (4/4/2024) emailed to Probation Officer, USAO and USMS. (nl) (Entered: 04/04/2024)
04/04/2024	 58	ORDER SETTING HEARING OR TRIAL as to Ramon Cruz Initial Appearance on Revocation Proceedings set for 4/5/2024 at 11:00 AM in Rm 8.400 before Magistrate Judge Paul M. Warner. Signed by Magistrate Judge Paul M. Warner on 4/4/2024.(nl) (Entered: 04/04/2024)
04/04/2024	 59	Arrest Warrant Returned Executed on 4/4/2024 filed on 4/4/2024 in case as to Ramon Cruz. (nl) (Entered: 04/04/2024)





**A MOTION MUST BE
FILED TO ADD OR
CHANGE A
RESTRICTION LEVEL**

The motion will be unrestricted and public.

The motion must be supported by a separately filed, sealed memorandum.

The sealed memorandum must explain the basis for adding or changing the restriction level.

HELP!
HOW AM I GOING
TO REMEMBER
ALL OF THIS?

Materials will be posted on the court's website):

- Finalized and effective General Order explaining the different levels.
- A list of documents and their respective restriction levels.
- Step-by-step instruction and tip sheets.
- Video demonstrations how to file:
 - Restricted Motions
 - Motion and Memorandum to Change Restriction Level.

Clerk's Office Team ready to help.

- Aimee Trujillo, Docketing Clerk
- Nancy Lealaisalanoa, Data Quality Analyst
- Jeff Taylor, Operations Manager
- Tiffany Brown, Staff Attorney
- Alison Adams, Chief Deputy Clerk



WE NEED YOUR HELP

- Adjustments to these processes will be made during the Pilot Program.
- Provide feedback to the clerk's office team!
 - Aimee Trujillo, Docketing Clerk
 - Nancy Lealaisalanoa, Data Quality Analyst
 - Jeff Taylor, Operations Manager
 - Tiffany Brown, Staff Attorney
 - Alison Adams, Chief Deputy Clerk





This initiative reflects the court's ongoing commitment to modernizing practices in an increasingly digital world.



The Pilot Program marks a significant step forward in balancing the public's presumptive right to access with the need to protect sensitive information in criminal cases.



By implementing structured levels of restricted access, the United States District Court for the District of Utah is enhancing transparency while ensuring fairness and security for all parties involved.



The program's results will be carefully monitored. Adjustments to the program will be made to uphold the integrity of the judicial process.



We need your help to ensure the success of this program! Please communicate any issues or suggestions to the court as they arise.

CONCLUSION

