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December 11, 2017

Matthew Pollack, Executive Clerk
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine 04101

re: Report of the Task Force on Transparency and
Privacy in Court Records

Mr. Pollack:

I retired after practicing for 41 years at Drummond Woodsum and am a member of the Maine bar working pro bono. These comments are mine and are not submitted on behalf of any organization.

I urge the Court to reject the Report's recommendation to allow public on-line access only to the docket, and instead urge the Court to follow the federal PACER system in allowing full public on-line access to court filings. Here are my reasons:

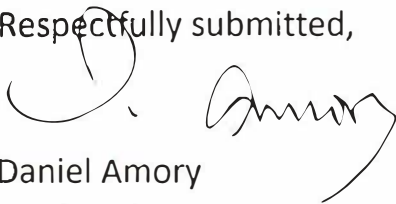
- Meaningful public access to court records and case filings is part and parcel of open access to the courts, an essential part of our democracy. Access that is meaningful must be judged in terms of current technology and expectations; what worked and was acceptable in the paper era, would, if continued now, constitute a deliberate attempt to restrict access to the courts.
- Equally important, denying on-line access and requiring in-person visits to obtain court records will be perceived as part and parcel of other attempts to restrict civic engagement and civil rights, akin to voter ID and welfare "reforms" that impose onerous burdens on the exercise of civil rights. Perceptions matter.

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- Access to court filings on line facilitates access by persons who, because of disability, health, lack of transport, poverty, child care or jobs, cannot visit the courthouse in person. The converse is true: denying on line access would disproportionately burden these challenged populations. The courts must serve all, not erect barriers against those in need.
- Confidentiality of personal identifiers and similar information can be maintained thru proper system design, and on demonstrated need other confidential information could be exempted from on-line access. Have those arguing for restricted access shown specific examples of abuse of PACER? How have the federal courts dealt with those alleged risks? The burden is on those who seek to limit public access to show that the risk of abuse cannot be reasonably reduced through system design, rather than blanket prohibition of public access.
- Ease of access to court filings makes it easier for the journalists, of whatever ilk, to report on judicial proceedings, whether as watchdog against governmental malfeasance or in general exercise of their First Amendment role. It is no secret that the press is under increasing financial stress and has fewer resources to devote to investigations and reporting. Requiring journalists and interested citizens to travel to the courthouse to obtain filings will inevitably reduce coverage and public knowledge of judicial proceedings, which is essential to an informed citizenry.

Thank you for passing on these comments to the Court.

Respectfully submitted,



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