

## **oJUDICIAL BRANCH TECRA Implementation Group**

**Type:** Working Group  
**Established:** October 1, 2007  
**Chair:** Hon. Andrew M. Mead  
**Report Date:** June 1, 2008 and as requested by the Supreme Judicial Court  
**Reports to:** Supreme Judicial Court  
**Completion Date:** October 1, 2008

### **I. Purpose:**

The Working Group is charged with making recommendations, drafting proposed Administrative Orders, proposing rule changes, and proposing changes in Court practice to

- implement applicable recommendations of the Task Force on Electronic Court Records Access in its *Final Report to the Justices of the Maine Supreme Judicial Court*, and
  - address any other related court records issues, including clarifying the open/confidential status of all court records, paper or electronic,
  - recommend best practices for assuring the broadest appropriate public access to records, and
  - recommend procedures to effectuate any proposed changes or clarifications.

### **II. Background:**

Maine's state court records are available for in-person review at the courthouse where the particular file has been created, subject to various statutes and rules governing confidentiality. Some of the information contained in court files is stored in an electronic format through the Maine Judicial Information System (MEJIS). In the future, additional documents and additional case types will be recorded in the MEJIS system. Through advances in technology, wider public access to electronic records may, at some point, be achievable through several routes.

In July 2004, the Supreme Judicial Court created the Task Force on Electronic Court Records Access (TECRA), which analyzed existing court practices, policies, and systems with the future availability of electronic records in mind. TECRA submitted its Final Report to the Justices of the Maine Supreme Judicial Court on September 26, 2005. That report crystallized the issues facing the Judicial Branch and provided core definitions and a blueprint for further analysis.

Following the delivery of the TECRA report, further work on information technology has been undertaken within the Judicial Branch, but the progress that resulted in deferring final implementation of the TECRA recommendations is yet to be accomplished. Because that progress (for example, extensive electronic-filing capacity) appears to be some time away, the time has come to cease deferring all implementation, and to implement those recommendations of TECRA that apply to the current records system of the Judicial Branch.

As a result, the Judicial Branch is at a point where Administrative Orders may need to be amended or revised, rules need to be drafted and internal protocols created to establish a comprehensive and updated approach to providing public access to court records, both paper and electronic. The policy decisions and guidance received from TECRA will guide the Implementation Group.

This Working Group will build upon the foundation created by TECRA, receive an update on the Judicial Branch's technological capacity, review court practices regarding court records that are in paper format, review related policy considerations, and make concrete recommendations for updating and improving the court's public records systems.

### **III. Authority:**

The Working Group may seek input, suggestions, and recommendations from individuals and groups within and outside of the Judicial Branch.

The Working Group is authorized to study policies, procedures, and forms considered by or in effect in other court systems and any other model policies or procedures.

The Working Group shall propose its recommendations in the form of proposed rules, rule amendments, statutes, administrative orders, judicial orders, or policies.

The Working Group may, through its Chair, request such additional authority from the Chief Justice as may prove necessary to achieve the Working Group's purpose and may invite any input from any persons or organizations.

There is no funding authorized for the work of the Working Group.

#### **IV. Membership:**

The membership in the Working Group shall include those listed below, except in instances when the Chief Justice of the Supreme Judicial Court determines that modification of that list is necessary, and may be expanded at the recommendation of the Chair.

Hon. Andrew M. Mead, who shall serve as the Chair.  
Hon. Thomas E. Humphrey  
Hon. Ann Murray  
Hon. J. David Kennedy  
Charles Leadbetter, Esq.  
James T. Glessner, State Court Administrator  
Terry Gordon, Senior Court Technology Analyst  
Gladys Howard, Clerk Business and Consumer Docket

#### **V. Meetings:**

The Chair shall, in consultation with the members, schedule the meetings of the Working Group.

#### **VI. Reporting:**

The Working Group shall report to the Supreme Judicial Court with detailed recommendations on or before June 1, 2008 and at other times as requested by the Supreme Judicial Court.

**VII. Working Group Duration:**

Unless its charter is extended by the Chief Justice, the Working Group will cease to exist on October 1, 2008.

Dated: October 22, 2007

Approved by:

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Leigh I. Saufley  
Chief Justice