

Access to Court Records: Developing a Matrix

TAP MEETING

MAY 15, 2017

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PROPOSED FRAMEWORK FOR MAKING RECOMMENDATIONS

- ▶ Focus is on Case Records and Information in the State Court's Case Management System only (not paper files & not Probate cases)
 - ▶ Incorporates Maine's Policies regarding Public Access and Confidentiality
 - ▶ Scope of Access Based Upon Relationship to the Case and Role of Requestor
 - Exclusive of Internal Judicial Branch employee/judicial Roles, MJB Contractor/Court Participant Roles (e.g., mediators, interpreters, Guardians ad litem) & Data Exchanges with justice partners
 - ▶ Type of Access may vary Based Upon Role of Requestor
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TAP WEBSITE: RESEARCH TOOLS Part I

VI. Overview of State and Federal Research

- A. [CCJ/COSCA Guidelines](#) (PDF, 122KB)
- B. [Updated CCJ/COSCA Guidelines](#) (PDF, 582KB)
- C. Federal PACER Information
- D. [Selected State Overview](#) (XLS, 37KB)
- E. [Indiana's 2016 15 State Survey](#)
- F. [NCSC Privacy/Public Access to Court Records State Links](#) (added 5/1/17)
- G. Law Review Articles
- H. [Florida Framework](#)
- I. Rhode Island Judiciary–
<https://www.courts.ri.gov/Pages/access-caseinfo.aspx>
- J. *Remote Public Access to Electronic Court Records: A Cross-Jurisdictional Review for the D.C. Courts (to be added today)*

TAP WEBSITE :

RESEARCH TOOLS Part 2

VII. Overview of Maine Specific Research

- A. [TECRA Report](#) 2005 (PDF, 2MB)
- B. [Behind the Courthouse Door and Attachments](#) (added 4/26/17)
- C. [Statutory Authorization: Supreme Judicial Court Control of Records \(4 M.R.S. §7 \)](#) (PDF, 10KB)

- A. Updated Rule and AO Chart
- B. Chart of Statutory Provisions

- A. [Maine Legislature's Searchable Exceptions to Maine's Freedom of Access laws](#)

VIII. MEMBER PROVIDED INFORMATION

SJI RESEARCH OVERVIEW:

Case Types

Types of Cases (out of 21 responses)

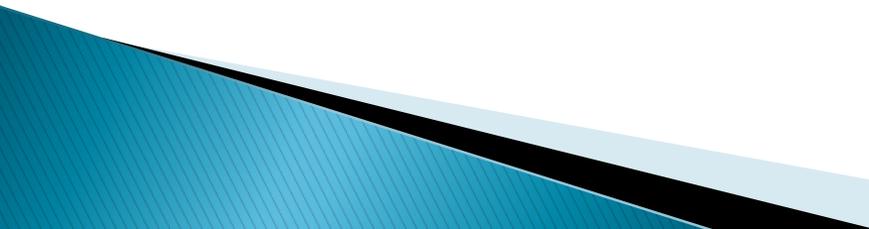
- 20 reported online access in Civil cases
 - Slightly fewer permit access in Criminal cases
 - Half or less permit access in Family or Probate cases

 - ▶ Remote access to these case types NOT allowed
 - adoptions
 - juvenile
 - domestic violence
 - child abuse cases
- although some states permit public access to these case types at the courthouse

SJI RESEARCH OVERVIEW:

Document Types

Types of Documents (out of 28 responses):

- 21 states reported providing various forms of remote access to court records
 - 21 states allow access to records showing court case results (such as opinions, orders and judgments)
 - 18 states allow access to the docket or chronology of case
 - 16 states allow access to party filings
 - (such as complaint, briefs—referred to as “documents”)
 - 10 states allow access to motions and discovery
- 

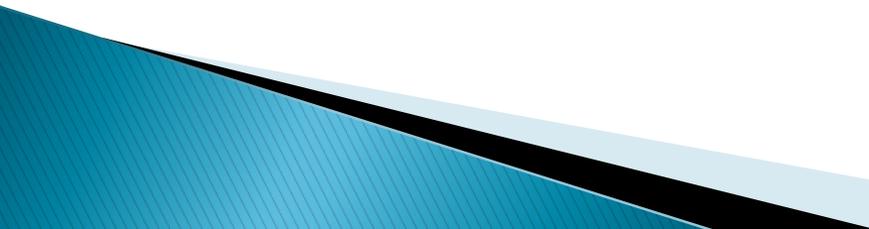
SJI RESEARCH OVERVIEW:

Conditions & Fees

▶ Conditions Imposed (out of 20 responses)

- 8 registration was mandatory for all users
- 7 had a mixed policy featuring unrestricted docket access but registration for further access
- 5 allowed access without registration

▶ Imposing Charges (out of 21 responses)

- 6 states reported imposing charges
 - 15 states did not charge
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SJI RESEARCH OVERVIEW:

Bulk Data Requests

Bulk Data Requests (out of 16 responses)

- 9 states denying bulk access or allow bulk access only where users agree to special arrangements.
 - 7 states control the practice by releasing only certain data elements in bulk or requiring users to work through a contract intermediary that checks to assure users follow rules such as mandatory updating and audit.
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TAP WEBSITE:

V. Working Documents

Categorization of Information Declared Confidential by the Legislature and the Courts—Memorandum described by Jack Baldacci

Maine Access Matrix—what we are beginning to think about today



Developing an Access Matrix

- ▶ Information in the Case Management System (electronic information)
 - ▶ Information available in the Public Portal
 - Remote Access
 - Kiosk/Courthouse Access
 - ▶ Access with Staff intervention
 - Requires verification of identity
 - Requires customization of reports
 - Involves programming or research time
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WE HAVE A LOT TO DO

- ▶ READ WHAT HAS BEEN PROVIDED
 - ▶ DO ADDITIONAL RESEARCH
 - ▶ THINK ABOUT THE ISSUES
 - ▶ COME TO THE JUNE MEETINGS READY TO WORK
 - ▶ HAVE A GREAT WEEK
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BREAK TIME

