



maine public

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December 14, 2017

Mark Vogelzang, President & CEO
Maine Public Broadcasting Corporation
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Matthew Pollack, Executive Clerk
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine 04101

Via E-Mail (lawcourt.clerk@courts.maine.gov)

Re. Recommendations Presented to the Court in the Report of the Task Force on
Transparency and Privacy in Court Records - Comments by the Maine Public
Broadcasting Corporation

Dear Mr. Pollack:

Maine Public urges the court to continue the long-standing practice of allowing public access to the documents and records of their court system in whatever form those records are maintained.

Through its statewide network of 13 radio stations and 5 television stations and on its digital website, Maine Public provides coverage of critical issues, ideas, and lifelong learning to a wide and diverse public. These services are available to everyone at no charge. Hundreds of thousands of people tune in and value Maine Public's services every week. Private donations

comprise the largest source of revenue for the organization. The financial support from these voluntary contributions alone totals over 48,000 households who form the largest nonprofit membership group in the state.

As a statewide journalism organization, we are concerned with the majority report of the Task Force that recommends that information submitted to the courts by parties to a matter be made electronically available only to those directly involved in the matter before the court. The Task Force majority would require people who are not a party to a case to come to a courthouse to view the information, as they have since the state was founded nearly two hundred years ago.

As Mainers have benefited from advances in digital technology that has allowed Maine Public to provide greater access to news and information, they should also benefit from that digital technology that will allow the courts to more efficiently operate and serve Maine citizens. The court need only look to the federal court system to observe an electronic court records system that has functioned for over a decade that is open to use by the public. Court records that by law or court rule have been determined to be confidential in a matter will remain not accessible on line, or in person, at a federal court house. Of course, truly sensitive information as determined by law or the courts should be protected from dissemination, period. All other information should be available online as it is now available at the court house.

As U S Supreme Court justice Louis Brandeis famously said, "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." Transparency allows citizens to better understand their government, and their courts.

The majority recommendation of the Task Force, if followed, will undermine the ability of Mainers to understand their court system and that could erode their faith and trust in the courts.

Maine Public respectfully requests the court reject the notion that public records should be treated differently when they are in electronic form than when they are on paper.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Vogelzang', with a long horizontal flourish extending to the right.

Mark Vogelzang
President & CEO

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