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BY EMAIL AND U.S. MAIL

Matthew Pollack
Executive Clerk
Maine Supreme Judicial Court
205 Newbury Street
Portland, Maine 04101-4125
Lawcourt.Clerk@courts.maine.gov

*Re: Response to Comments on the Recommendations of the Task Force on
Transparency and Privacy in Court Records*

Dear Mr. Pollack:

In accordance with the Court's Notice I am writing to respond briefly to the varied comments submitted by others several weeks ago.

The comments in the aggregate tend to demonstrate that the questions presented are worthy of serious and thoughtful discussion and perhaps not as easily resolved as some of the commenters seem to believe. I find myself generally in accord with the views expressed by the Honorable Thomas D. Warren and other commenters who raised proper concerns about family law and other issues as well as risks of disclosure of

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confidential personal information, including bank account numbers and social security numbers, which can only facilitate some level of increased identify theft.

My response to all of the comments is that a more careful analysis of the scope of “the public interest” is needed. The “public interest” in the work of the judicial branch is not to be doubted. It seems intuitively obvious to me that every document generated by a judge or any other court employee ought to be readily accessible online by anybody at any time.

It seems about equally obvious to me that documents submitted by litigants and lawyers ought not to be readily available online for the kinds of reasons that several of the commenters mentioned. Unproven and unprovable allegations of serious misconduct can be weaponized through social media with only the slightest effort. I have personally observed circumstances in which an individual pursuing an agenda makes reference to “court filings” so as to imply that they might be filings *by* the Court and not filings *in* the Court by the individual’s own lawyer.

There is undoubtedly substantial true public interest in the operations of the institutions of government. Public interest ought to be distinguished from private curiosity. There is no real public interest in the intimate details of some struggling family’s dysfunction.

Finally, it is understandable that media businesses would prefer to reduce their overhead and simplify their work by the most open electronic access possible. That their

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objectives are not illegitimate does not mean that they are to be preferred to the private interests of litigants, especially litigants who do not even choose to be embroiled in the court system at all.

It may be too simple, but I think a balance may be struck by providing unlimited electronic access to any activity *by* the Court without providing unlimited electronic access to all of the activity of parties and lawyers *at* the Court.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald F. Petrucci", with a stylized flourish extending to the right.

Gerald F. Petrucci

GFP/kc