



**STATE OF MAINE
SUPREME JUDICIAL COURT**

NOTICE OF OPPORTUNITY FOR COMMENT

**Proposed legislation regarding
transparency and privacy in court records:
the “Digital Court Records Access Act”**

Comments must be filed by 4:00 p.m. on Friday, January 25, 2019

The Maine Supreme Judicial Court invites comments on its planned proposal to the Legislature to adopt the “Digital Court Records Access Act,” which would address the case types, documents, and information that will be accessible by the public as the courts’ new electronic case management system is implemented. The proposal reflects a balance between transparency and privacy in the era of digital court records. The proposed legislation is available on the Court’s website at www.courts.maine.gov/dcraa.

In drafting the description of non-public matters within this proposal, the Judicial Branch relied heavily on the work of the Right-to-Know Advisory Committee and current Maine laws. The overarching concepts of the bill are as follows:

- Public case-related records will be accessible through the internet. For non-parties, there may be a fee.
- Case types, specific documents, and specific information that are already made non-public by law or rule will remain non-public.

- In almost all cases, the litigants and their lawyers will have internet access to the case records.
- Specific information that is often used in identity theft, such as social security numbers, full dates of birth, and financial account numbers, will not be public.
- Specific documents, particularly medical and mental health records and detailed financial records, will remain non-public.

The proposed bill should be consulted for details. Generally, however, case types will be treated as follows:

- Criminal cases will be primarily public (recommendations regarding non-conviction resolution are under consideration by the Criminal Law Advisory Committee).
- Civil cases will be primarily public.
- Juvenile cases will be primarily non-public.
- Child protective and adoption cases will be non-public.
- Family cases will be a hybrid: family details will be non-public, but summary filings and summary judicial actions may be public in some case types.
- Mental health commitments will be non-public.

The Supreme Judicial Court is providing this brief opportunity for the public to provide further input before the draft is completed for formal presentation to the Legislature. The Legislature's Judiciary Committee will provide more opportunities for written and oral comment on the proposal when it considers the bill.

For timely consideration of your comments at this stage, comments must be filed with the Clerk of the Supreme Judicial Court by 4:00 p.m. on Friday, January 25, 2019. Comments may be in writing, mailed to the address below, or in an email sent to lawcourt.clerk@courts.maine.gov. If the documents are in an attachment to the email, the attachment must be a document in portable document format (pdf). The office will acknowledge receipt of the email by reply email.

All comments must contain (1) the name and mailing address of the individual submitting the comments, and (2) the name, mailing address and primary telephone number of the organization (if any) on whose behalf the comments are submitted. An individual need not be an attorney to submit comments individually or on behalf of an organization.

Comments are public documents and may be posted on the Court's website.

Dated: January 14, 2019

Matthew Pollack
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