

STATE OF MAINE
SUPREME JUDICIAL COURT
DRAFT MAINE DIGITAL COURT RECORDS ACCESS RULES

PREAMBLE

These rules implement the recommendations of the privacy workgroup regarding public access to court records created or maintained by the Maine Judicial Branch. Given the extent and breadth of information contained in court records and the growing understanding of the dangers associated with online aggregation and/or dissemination of personal information, it is fundamentally necessary that the new format through which court records are available be tailored to ensure that there is an appropriate balance between access and privacy.

In weighing the competing interests associated with the public's right of access to the courts, the legitimate expectations of privacy held by those who choose or are required to come to court to resolve disputes and seek justice, and the need for effective court administration, the following principles have been adopted in these rules:

1. The public has a general right of access to court records in both civil and criminal cases and proceedings, unless otherwise restricted by federal or state law, court rule, or administrative order;
2. Public access to court records informs and educates the public about the workings of the courts and acts as a mechanism for oversight and accountability;
3. The protection of personal privacy is also critical, and the public right of access to court records is not absolute. Certain private, personal information contained in court records need not be made public in order to promote the interests served by access to court records;
4. Therefore, access to court records, including remote electronic access, should be encouraged and facilitated to the extent it is consistent with the preservation of legitimate privacy interests and with state and federal laws.

Pursuant to those principles, these rules provide for access to court records in a manner that:

- provides maximum reasonable accessibility to court records,
- supports the role of the judiciary,
- promotes governmental accountability,
- contributes to public safety,
- minimizes the risk of harm to individuals,
- protects individual privacy rights and interests,
- makes effective use of limited court resources,
- protects proprietary business information,
- minimizes reluctance to use the court to resolve disputes,
- provides excellent customer service,
- does not unduly interfere with the function of the Judicial Branch to administer justice to litigants,
- protects individuals from the use of outdated or inaccurate information, and
- contributes to the body of knowledge of effective practices of courts.

RULE 1. PURPOSE AND APPLICABILITY

The purpose of these rules is to provide a comprehensive framework for public access to digital state court records maintained or created by the Maine Judicial Branch. The rules apply to litigants and all other persons and entities seeking access to digital state court records and to judicial officers and court personnel responding to requests for access. These rules apply to all court records and data that are accessible as digital records in the Maine Judicial Branch's digital case management system. Except as otherwise explicitly stated in these rules or by court order, remote access to digital state court records as provided in these rules shall be co-extensive with access to such records at courthouses. The county probate courts are not included in the scope of these rules.

RULE 2. DEFINITIONS

As used in these rules, unless the context otherwise indicates, the following terms have the following meanings.

(a) “Accessible by the public” means that a court record may be inspected or copied by any member of the public. A fee may be required for the inspection or copying.

(b) “Aggregate data” means summary information extracted, assembled, or derived from compiled data. “Aggregate data” eliminates any case or party-identifying information such as case numbers, names, and addresses.

(c) “Bulk data” means an electronic collection of data composed of information from multiple records, whose primary relationship to each other is their shared origin from single or multiple databases.

(d) “Clerical errors” are errors or omissions appearing in a court record that are patently evident, and that occur as a result of court personnel’s action or inaction.

(e) “Compiled data” means information that is derived from the selection, collection, or reformulation of all or some of the information from the records of more than one case or judicial proceeding.

(f) “Court Clerk” means a Manager, Clerk of Court, Deputy Clerk, Assistant Clerk, or Associate Clerk.

(g) “Court record”

(1) “Court record” means any file, document, information, or data received or maintained by a state court in digital form in connection with a particular case or proceeding, including, but not limited to:

(A) Pleadings, motions, briefs and their respective attachments, and evidentiary exhibits;

(B) Any order, judgment, opinion, or decree; and

(C) Any registry of actions, calendar, or other information created or prepared by court clerks or staff that is related to a case or proceeding.

(2) For purposes of these rules, “court record” does not include the following materials, even if they exist in connection with a particular case or proceeding:

(A) Unfiled discovery materials;

(B) Information gathered, maintained, or stored by a governmental agency or other entity to which the court has access but that is not part of the case record or file;

(C) Notes, memoranda, and drafts thereof, and any other material prepared or collected by a judicial officer or other court personnel at the direction of a judicial officer and used in the process of a judicially assisted settlement conference, in recording the jurist’s notes of a proceeding, or in the preparation of a decision or order;

(D) Internal draft working documents prepared for or by a judicial officer or other court personnel related to court practices and procedures;

(E) The identity of any justice of the Supreme Judicial Court, other than a justice sitting as a publicly designated single justice in a particular matter, assigned to prepare a written decision or opinion if the decision or opinion has not yet been issued;

(F) The legal work product and other records of any attorney, law clerk, or other person employed by or representing the Judicial Branch that are produced in the regular course of business or during representation of the Judicial Branch;

(G) Records of consultative, advisory, or deliberative discussions pertaining to the rendering of decisions or the management of cases; or

(H) Any other court records maintained by the Judicial Branch not expressly defined as court records.

(h) “Family matter proceedings” include cases or proceedings for divorce, annulment, or judicial separation; parental rights and responsibilities, including but not limited to the establishment or enforcement of a child support obligation; paternity or any type of parentage (including actions to enforce or obtain remedies for noncompliance with a gestational carrier agreement¹); grandparent visitation; or the adoption, guardianship, or emancipation of a minor.

(i) “Nonpublic case, document, information, or data” means any case, document, information, or data to which public access is restricted pursuant to federal or state law, court rule, or administrative order.

(j) “Public”

(1) “Public” includes:

(A) Any person, business, or entity;

(B) A government agency or commission for which there is no existing federal or state statute, court rule, or court order defining that agency’s access to court records; and

(C) Media organizations.

(2) “Public” does not include:

(A) Judicial Branch staff, including court employees, Administrative Office of the Court employees, and judicial officers;

(B) The parties to a specific case or proceeding, their lawyers, or persons identified by the court as having access to the court record in that case or proceeding;

¹ We intend to ask the Legislature to make nonpublic any case and proceeding involving the establishment of parentage by assisted reproduction (19-A M.R.S. §§ 1921–1929), noncompliance with a gestational carrier agreement (19-A M.R.S. §§ 1931–1939), and the emancipation of a minor (15 M.R.S. § 3506-A).

(C) Private or governmental persons, vendors, or entities that assist the Judicial Branch in performing its functions;

(D) Persons or governmental entities whose access to court records is governed by another statute, court rule, or court order, or by a policy set by the State Court Administrator; or

(E) Persons who are authorized by statute, court rule, or administrative order to access court records.

(k) “Registry of actions,” formerly identified as “docket entries,” means the list of case information maintained by the Court Clerk that contains the case caption; docket number; a chronological entry identifying the date and title of each complaint, motion, order, judgment, notice, or other document filed in a case; and the dates of events in the case.

(l) “Sealed or impounded case, document, or information” means any public case, document, or information that has been sealed or impounded from public access by order of a court.

RULE 3. GENERAL ACCESS POLICY

(a) Court records as defined in these rules are open for public inspection and copying except as otherwise provided by federal or state law, court rule, court order, or administrative order.

(b) Restrictions on inspection or copying pursuant to these rules shall not be applicable to named parties or attorneys of record in a specific case or judicial proceeding, except for restrictions pursuant to Rule 7 of these rules, or unless otherwise restricted or limited by statute, court rule, court order, or administrative order.

(c) Unless otherwise ordered by the court, a digital court record accessible to the public shall be available no later than three business days after it is received, filed, or entered in the Registry of Actions by the court clerk.

RULE 4. [RESERVED FOR RULE GOVERNING ACCESS TO AGGREGATE, BULK, AND COMPILED DATA]

[Neither the effective date nor the final content of Rule 4 has been established. The Judicial Branch will undertake a review of the operational capacity of the Odyssey case management system and the resources of the Judicial Branch eighteen months after the case management system has been fully operational at all court locations before promulgating rules relating to dissemination of aggregated, compiled, or bulk data.]

RULE 5. SPECIFIC INFORMATION EXCLUDED FROM PUBLIC ACCESS

In all cases, the following information is not accessible by the public:

(a) Names and dates of birth of minors (first names and initials may be public), except in juvenile actions to the extent that public access is permitted by statute;

(b) Any images of minors;

(c) Any images depicting nudity or sexual acts or sexual contact;

(d) Personally identifiable information, including, but not limited to:

(1) Home addresses;

(2) Telephone numbers;

(3) Personal email addresses;

(4) Social Security and employer identification numbers;

(5) Financial account numbers or statements, such as those that identify loans, bank accounts, mortgages, investment accounts, credit card numbers, personal identification numbers, or similar numerical identifiers;

(6) Driver's license numbers;

(7) Other personal identification numbers, such as passport numbers and state identification numbers; and

(8) DNA-identifying data or information.

(e) Cases, documents, or information sealed by court order issued pursuant to Rule 7 of these rules;

(f) All personal health information and medical records, including, but not limited to, all mental health evaluations and records, forensic evaluations, and substance use evaluations and treatment records;

(g) Psychological and intelligence test documents and results;

(h) School records, including scholastic achievement information and data;

(i) HIV/AIDS testing information;

(j) Death certificates;

(k) Immigration documents;

(l) "Confidential criminal history record information," as defined by the Maine Criminal History Records Information Act, Title 16, chapter 7;

(m) Information and documents relating to applications for court-appointed counsel, including *in forma pauperis* affidavits;

(n) Documents involving a protection from abuse order or some other protective order that would reveal the identity or location of a protected person under the order;

(o) Identifying information in a protection from harassment case, when it is alleged that the health, safety, or liberty of a party or minor child would be jeopardized by disclosure of the personally identifiable information;

(p) The names of jurors, their juror qualification forms, and any personally identifiable juror information;

(q) Witness subpoenas that extend to privileged or protected documents;

(r) Arrest warrants and associated affidavits to the extent such material is not accessible to the public pursuant to Rule 4 of the Maine Rules of Unified Criminal Procedure;

(s) Subpoenae *duces tecum* that extend to privileged or protected documents;

(t) Search warrants and associated affidavits to the extent such material is not accessible to the public pursuant to the Maine Rules of Unified Criminal Procedure, Rule 41; and,

(u) Presentence reports, including attachments.

RULE 6. COURT RECORDS IN SPECIFIC CASE TYPES AND PROCEEDINGS EXCLUDED FROM PUBLIC ACCESS

Some court records are not accessible to the public because federal or state law, or court rule, or administrative order prohibits disclosure of the information. Court records that are not accessible to the public include, but are not limited to, court records in the following case types and proceedings:

(a) Adoption proceedings;

(b) Child protection proceedings;

(c) Mental health civil commitment proceedings;

(d) Juvenile proceedings, to the extent that the records are not open to public inspection;

(e) Medical malpractice screening panel proceedings;

(f) Sterilization proceedings;

(g) Proceedings for a court-authorized abortion for a minor;

(h) Grand jury proceedings;

(i) Noncompliance with gestational carrier agreement proceedings (legislation to be proposed this session);

(j) Emancipation of a minor proceedings (legislation to be proposed this session);

(k) Protection from Abuse records, although otherwise publicly available at a courthouse, will not be available on the internet.

All other family matter proceedings except that, pursuant to Rule 10 of these rules, in some family matter proceedings, the summary complaint, summary answer, registry of actions, and summary of judgment will be accessible to the public.

RULE 7. IMPOUNDING OR SEALING PUBLIC CASES, DOCUMENTS, OR INFORMATION FROM PUBLIC ACCESS

(a) Procedure for impounding or sealing. Any party to a court case or any person or entity that has standing to do so may file a motion to have a public case, document, or information impounded or sealed from public access. Such a motion must be accompanied by an affidavit stating the basis upon which the movant has standing, and the reason for the request to seal or impound, including a statement describing the harm that is alleged will occur should the motion be denied. As soon as a motion to impound or seal is filed, the public case, document, or information that is the subject of the motion shall be impounded or sealed, pending the court's ruling on the motion.

In weighing a reasonable expectation of privacy against the public interest in the transparency of court records, the court shall consider whether an individual's personal safety, health, or well-being, or a substantial personal, business, or reputational interest outweighs the public interest in the information in the court records.

(b) Handling of impounded or sealed cases, documents, or information. It is the responsibility of the filing party to ensure that any impounded or sealed cases, documents, or information are submitted to the court in accordance with Rule 9.

**RULE 8. OBTAINING ACCESS TO IMPOUNDED OR SEALED CASES,
DOCUMENTS, OR INFORMATION**

(a) A party to the case or proceeding or a member of the public, as defined in Rule 2(j)(1), may request access to a public case, document, or information impounded or sealed from public access by court order issued pursuant to Rule 7 of these rules by filing a motion in accordance with the Maine Rules of Civil Procedure, the Maine Rules of Unified Criminal Procedure, the Maine Family Division Rules of Procedure, or the Maine Rules of Appellate Procedure. A nonparty seeking access to an impounded or sealed public case, document, or information shall be considered a party in interest for the limited purposes of the motion brought pursuant to this rule.

(b) When a court receives a motion for access to any public case, document, or information that has been impounded or sealed from public access by court order, it must:

- (1) Provide notice of the motion for access to all affected persons or parties; and
- (2) Provide the moving party or party in interest and the affected persons or parties an opportunity to be heard.

(c) The motion shall be granted upon a showing of good cause. In determining whether good cause has been shown to grant the motion, the court shall consider the public access and privacy interests served and whether the moving party or party in interest has demonstrated that:

- (1) Extraordinary circumstances exist that require the impounded or sealed materials to be made available or
- (2) The public interest in disclosure outweighs any potential harm in disclosure.

(d) If the court allows access, it may impose any reasonable conditions to protect the privacy interests at issue.

(e) A party or party in interest that seeks to appeal from a trial court order granting or denying access to impounded or sealed cases, documents, or

information pursuant to this rule shall file an appeal of that order in accordance with the Maine Rules of Appellate Procedure. While that appeal is pending, there shall be no stay of the underlying action unless the appealing party has sought and obtained a stay from the trial court.

RULE 9. IDENTIFICATION AND HANDLING OF SEALED, IMPOUNDED, OR NONPUBLIC CASES, DOCUMENTS, INFORMATION, AND DATA

It is the responsibility of the filing party to ensure that sealed, impounded, or nonpublic cases, documents, and information are redacted and/or submitted to the court in accordance with this rule.

(a) For any cases designated as sealed, impounded, or nonpublic by federal or state law, court rule, court order, or administrative order, every filing must be clearly and conspicuously marked, “NOT FOR PUBLIC DISCLOSURE.”

(b) When any document or other filing that is nonpublic or has been impounded or sealed is submitted to the court in a public case, that document or filing must be clearly and conspicuously marked, “NOT FOR PUBLIC DISCLOSURE.”

(c) No categories of information or data that are designated as sealed, impounded, or nonpublic by federal or state law, court rule, court order, or administrative order shall be submitted to any court as part of a public document. Where required, an active financial account number may be identified by the last four digits when the financial account is the subject of the litigation and cannot otherwise be identified.

(d) If any filed document does not comply with the requirements of these rules, a court shall, upon motion or its own initiative, order the filed document returned, and that document shall be deemed not to have been filed. A court may impose sanctions on any party or person filing a noncompliant document.

RULE 10. SUMMARY INFORMATION ACCESSIBLE BY THE PUBLIC IN SOME FAMILY CASES OR PROCEEDINGS

In cases or proceedings for divorce, annulment, or judicial separation; parental rights and responsibilities, including but not limited to the establishment or enforcement of a child support obligation; and de facto

parenthood, the public may access the summary complaint, summary answer, registry of actions, and summary of the judgment.

RULE 11. FEES

Reasonable fees established by the Judicial Branch may be imposed for providing public access to court records and data, as allowed by these rules. A fee schedule shall be in writing and publicly posted.

RULE 12. CORRECTING CLERICAL ERRORS IN COURT RECORDS

(a) A party, or the party's attorney, seeking to correct a clerical error in a court record may submit a written request for correction to the custodian of the court record, using the form designed and published by the Administrative Office of the Courts.

(b) The requesting party shall specifically state on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requesting party's allegation that the information in question is erroneous.

(c) The requesting party shall send copies of the request to all parties to the case.

(d) Within 21 days after receipt, the custodian shall respond in writing to the requesting party and all parties to the case in one of the following manners:

(1) The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

(2) The request does not concern a court record that is covered by this policy, and no further action will be taken on the request.

(3) A clerical error does exist in the court record, and the information in question has been corrected.

(4) A clerical error does not exist in the court record.

(5) The request has been received, and an additional period not exceeding 35 days is necessary to complete a review of the request.

(e) A requesting party may seek review of the custodian's response under subsections (d)(1)-(4) within 14 days after the mailing date of the response on a form that is designed and published by the Administrative Office of the Courts.

The request shall be reviewed by the judge(s) who presided over the case.

Drafters' Notes – 2019

Rule 1 explains the purpose and the applicability of the rules. Most court records that are accessible to the public will be available on the Judicial Branch website. Records of Protection from Abuse actions, however, will be available to the public only at court houses. This limitation on access is required by 18 United States Code, Section 2265(d)(3). Rule 2 provides definitions, and Rule 3 explains the Judicial Branch's general policy of access.

Rule 4, when promulgated, will establish the rules for public access to aggregate, bulk, and compiled data.

Rule 5 lists categories of information contained in court records that are not accessible to the public. In some contexts, access to most of the categories of information identified as nonpublic in Rule 5 was already restricted through statutes, court rules, or administrative orders. Each subsection in Rule 5 describing documents or information protected by law and not available for public inspection is further explained below:

(b) and (c) Private images as described in Title 17-A, section 511-A, subsection 1 are not available for public inspection;

(d)(5) Financial statements in family cases are not available for public inspection pursuant to M.R. Civ. P. 108(d)(3), and records of personal financial information submitted in mediation on the Foreclosure Diversion program are confidential pursuant to Title 14, section 6321-A, subsection 4;

(f) Health and medical records are confidential pursuant to Title 1, section 402, subsection 3, paragraph H, the Health Insurance Portability and Accountability Act of 1996, PL 104-191, and 42 United States Code, Section 290dd-2;

(g) Psychological and intelligence test documents and results are confidential pursuant to the Family Educational Rights and Privacy Act, 20 United States Code, Section 1232g, and Title 34-B, section 1207;

(h) School records, including scholastic achievement data on individuals are confidential pursuant to the Family Educational Rights and Privacy Act, 20 United States Code, Section 1232g, and 34 Code of Federal Regulations, Part 99;

(i) HIV/AIDS testing information is not, pursuant to Title 5, section 19203, *et seq.*, available for public inspection unless an exception contained in that statute applies;

(j) Death certificates are not available for public inspection pursuant to Title 22, section 2706;

(k) Immigration documents are confidential pursuant to the Privacy Act of 1974, 5 United States Code, Section 552a;

(l) “Confidential criminal history record information” is confidential pursuant to the Maine Criminal History Records Information Act, Title 16, chapter 7;

(m) Personal and identifying information concerning individuals with court-appointed counsel is not available for public inspection pursuant to Title 4, section 1806

(n) Documents in proceedings involving a Protection from Abuse Order or some other protective order that would reveal the identity or location of a protected person under the order are confidential pursuant to 18 United States Code, Section 2265(d)(3);

(o) Identifying information in protection from harassment actions may not be disclosed when it is alleged that the health, safety, or liberty of a

party or child would be jeopardized by disclosure of personally identifiable information, pursuant to Title 5, section 4656;

(p) Juror qualification questionnaires are confidential pursuant to Title 14, section 1244-A, subsections 7 through 9; juror information used during the selection of jurors is confidential pursuant to Title 14, section 1254-B, except as allowed by section 1254-B(3); and jurors' notes are confidential pursuant to Rule 24(g) of the Maine Rules of Unified Criminal Procedure and Rule 47(f) of the Maine Rules of Civil Procedure;

(q) Witness subpoenae that extend to privileged or protected documents are not available for public inspection pursuant to the Maine Rules of Unified Criminal Procedure, now in Rule 17(d), and Rules 26(b)(5) and 45(c) and (d) of the Maine Rules of Civil Procedure;

(r) Arrest warrants and associated affidavits for probable cause and indictment that have not been executed are not available for public inspection, pursuant to Rule 4(d) of the Maine Rules of Unified Criminal Procedure;

(s) In forma pauperis affidavits are not available for public inspection, except by order of court, pursuant to the Maine Rules of Civil Procedure, Rule 91(a)(2);

(t) Subpoenae *duces tecum* that extend to privileged or protected documents are not available for public inspection, pursuant to the Maine Rules of Unified Criminal Procedure, now in Rule 17 A;

(u) Search warrants and associated affidavits ordered impounded or sealed by the court or that have not yet been executed are not available for public inspection pursuant to the Maine Rules of Unified Criminal Procedure, now in Rule 41(f) and Rule 41B; and

(v) Presentence reports, including attachments are not available for public inspection, pursuant to the Maine Rules of Unified Criminal Procedure, now in Rule 32(c).

The categories of nonpublic information in Rule 5 include personally identifiable information that must be protected from public access to ensure that court records do not become a cache of valuable and dangerous information for data-miners or identity thieves, and those categories that protect the names and images of minors.

Rule 6 lists case types for which court records are not accessible to the public. With the exceptions of subsections (j) through (l), public access for the case types and proceedings identified in Rule 6 is already restricted through statutes, court rules, or administrative orders, as follows:

- (a) Adoption proceedings are not open to the public pursuant to Title 18-A, section 9-310;
- (b) Child protective proceedings are not open to the public pursuant to Title 22, section 4007;
- (c) Mental health civil commitment proceedings are not open to the public pursuant to Title 34-B, section 3864, paragraphs (5)(G) and (H);
- (d) Juvenile hearings are partially closed to the public, pursuant to Title 15, sections 3307 and 3308;
- (e) Medical malpractice screening panel proceedings are closed to the public pursuant to Title 34, sections 2853(1-A), 2854(1-A), and 2857;
- (f) Sterilization proceedings are closed to the public pursuant to Title 34-B, section 7014;
- (g) Petitions for court-authorized abortions for minors are closed to the public pursuant to Title 22, section 1597-A, subsection (6), paragraphs (B) and (C); and
- (h) Grand jury proceedings are closed to the public pursuant to the Maine Rules of Unified Criminal Procedure, Rule 6.

Subject to the enactment of legislation and the promulgation of court rules, Rule 6, subsections (j) and (k) will establish that access to digital court records will be closed to the public in certain family cases and proceedings in

which a great deal of private information is filed with the court. Currently, among the variety of family cases filed in Maine's courts, only adoption and child protection matters are closed to the public; and in those cases, the public is excluded by statute from all hearings and is precluded from having any access to case records.

Although the public does have the right to know what happens in court, that right does not extend to the personal information generated in family cases. M.R. Civ. P. 101 already provides for orders preventing public access to "identifying information" when a party alleges that "the health, safety or liberty of a party or minor child would be jeopardized by disclosure" of that information. The purpose of Rule 6(j) and (k) is to reflect the reality that by making family case records electronically accessible, the court could be jeopardizing "the health, safety or liberty of a party or minor child."

Because there is a benefit to making some limited information available for review by the public in cases or proceedings involving divorce, annulment, or judicial separation; parental rights and responsibilities, including but not limited to the establishment or enforcement of a child support obligation; and de facto parenthood, "summary" documents to be used by the parties in litigating these cases, and "summary" orders containing information about the court's decisions will be made available to the public, as provided in Rule 10. In addition, the public will have access to the registry of actions, a term of art for what used to be known as "docket entries." This access will allow any member of the public to have sufficient information to understand and evaluate court operations.

Rule 7 establishes a method for requesting the impounding or sealing of public court records, Rule 8 establishes a method for seeking access to sealed or impounded public court records, and Rule 9 establishes the methods for identification and handling of sealed, impounded, or nonpublic cases, documents, information, and data.

Rule 10 establishes a method for providing summary case record information to the public in some types of family matter proceedings. The Family Division will publish forms to be used by parties litigating divorce, annulment, or judicial separation; parental rights and responsibilities, including but not limited to the establishment or enforcement of a child support obligation; and de facto parenthood, so that summary complaints and answers

will be available for public review. In addition, judicial officers will create summaries of judgments that provide some information about the resolution of the case or proceeding, including whether there was an order of shared, allocated, or sole parental rights and responsibilities, whether there was an award of spousal support, and whether real property was awarded to either party.

If any party to a pending case needs additional information concerning a separate divorce, annulment, or judicial separation; parental rights and responsibilities, including but not limited to the establishment or enforcement of a child support obligation; and de facto parenthood case or proceeding, that party may request information about the separate case or proceeding through discovery. If the person from whom the information is requested does not agree to provide the requested information, the parties may request a conference with a judicial officer. *See* M.R. Civ. P. 26(g).

Rule 11 concerns the Judicial Branch's establishment of fees to support access to digital court records.

Finally, Rule 12 creates a process for correcting clerical errors in digital court records. Court records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. It is important to emphasize that this rule does not provide a party who is dissatisfied with a court's order or judgment a new avenue to appeal the same by alleging there is an error in the court's order or judgment. Rather, this rule permits a party to "fix" information that appears in a court record that is not, for one reason or another, correct.

Particularly in the context of internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a registry of actions in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without the need for a court order. However, the process in Rule 12 is not to be used when the alleged inaccuracy is found in an order or judgment. Parties claiming inaccuracies in orders and judgments themselves must bring those inaccuracies to the attention of the court that issued the order or judgment in accordance with existing procedures.