

ALIANA BRODMANN E. von RICHTHOFEN
7 Hampden Street
WELLESLEY, MA 02482-7004 / USA

TEL. 001-781-239 34 57 / FAX 001-781-239 13 85
aliana_bevr@hotmail.com

Access to Trial Court Records Committee

Suffolk County Superior Court

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Honorable Justices,
Chief Justice Carey, Committee Members:

I much appreciate being able to comment here today on the important matter of how to best achieve greater transparency and access to court records. However, why is the public only invited to comment 2 years after clandestine, behind closed doors meetings when our comments are supposedly to be incorporated in the outcome?

In fact, it wouldn't surprise me if these secret meetings were the consequence of my complaints to the SJC since 2010 on the gross mishandling of court files by two clerks, who were dismissed last year.

To begin, with the SJC as interested party cannot possibly be the authority to determine appropriate conduct when it is itself in violation of the proper keeping and disseminating of public records. That's like leading the cat to the milk.

The lack of transparency and access to court files that we are here to discuss are merely secondary symptoms to the scourge of favoritism and corruption that permeate the courts all the way through the SJC, where records are routinely falsified to give the appearance that proper procedure was followed when in fact it was not. Hence the denial or obstruction of access to these records when they are requested. – It is so much easier to disclose these records than the laborious exercises of prolonged acts of stonewalling.

The recent scandal at the Probation Department brought to light how records were doctored there to favor well connected parties for lucrative jobs. The same process is prevalent throughout the MA court system to favor well connected litigants.

Here is how I came to find out: I was told in 2010 by SJC clerks that the entire physical file of my Appeal had gone "inexplicably missing" (!) when I asked for it subsequent to discovering a multitude of filing errors and omissions in the electronic docket online. *It had disappeared*, I was supposed to believe, *into thin air*. (In fact, Security was called on me: a little old lady asking for the file on her appeal. Of course I wrote to Security to ask why they had been called and I received in writing that there was *no record of them having been called to the clerks office that day*. No record of calls going to Security at the SJC?- Whom were they kidding? But that can of worms aside...)

Only after the threat of an impending investigation was I eventually given what was termed the "reconstructed file" – (reconstructed from where? How, if the original was gone? – No-one would say). But, importantly, this alleged "reconstructed" file inadvertently released to me by the SJC's lawyer, actually exposed the evidence for why it had been declared "inexplicably missing": Reviewing it, I discovered that of the 17 documents submitted by both parties (appellants and appellees) in total, and of these only ours, the appellants', 9 were missing, either in total, missing significant attachments or had been altered/falsified on a crucial date.

In addition, no assurances could be made to me as to whether any justice of the seven had actually ordered the very questionable "denial" of this appeal, that was signed by one clerk and later amended and rendered invalid by another clerk, and, ultimately, leaving this appeal hanging without an actual decision in fact after 15 years of litigation.

(Everything I have told you is verified and documented in writing and available for review by any interested party.)

This is an example of the unconscionable level of fraud, cover up and disregard for the constitutional rights of every MA resident to equality and due process prevalent in our courts of law. Egregious violations at the SJC, the highest court in the State that sets the standard for propriety – or the lack thereof- in all the lower courts!

The brazenness of the actions and the Court's stoicism in face of the damning evidence only indicates that mine isn't the only case that was mishandled by the SJC. In fact, I have come to know of a great number more. Hardly all, since most litigants or their lawyers don't ask to see the content of their files.

Justice Carey, committee members, if you are genuinely interested in improving the public trust in government and the judiciary, then clearing the way to reasonable transparency and access to court records must be a two prong endeavor with fighting the metastasized corruption that has permeated our courts like a cancer and become routine practice and, as many lawyers have told me, part of the system.

Any serious effort must begin with the establishment of reliable oversight over the SJC by a body of citizens from outside the legal community, similar to a grand jury, along with the implementation of enforceable rules and regulations on how documents are to be recorded, stored both in hard copy as well as electronically, and disseminated.

Without these measures the quest for better accessibility is futile as we first and foremost need to be able to trust the veracity of court records to begin with, as the documentation of a process and its outcome, the whole purpose of keeping records - are only relevant if its accuracy can be relied on. This is currently not the case at the SJC, which does not act like a US *Court* of law at all, but at best as the Supreme Judicial *Club*.

Thank you very much.