



American Association of  
Law Libraries

June 15, 2015

Mr. Joseph Stanton, Clerk  
Trial Court Public Access to Court Records Committee  
Massachusetts Appeals Court, Room 1200  
One Pemberton Square  
Boston, MA 02108-1705

Dear Trial Court Public Access to Court Records Committee:

The American Association of Law Libraries (AALL) is pleased to have the opportunity to provide written comments for the record to the Trial Court Public Access to Court Records Committee for the June 15 public hearing.

AALL was founded in 1906 to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information. Today, the Association represents nearly 5,000 law librarians and related professionals who are affiliated with a wide range of institutions: law firms; law schools; corporate legal departments; courts; and local, state, and federal government agencies. More than 150 of our members are located in Massachusetts.

Law librarians require equitable and permanent public access to legal information, including court information, to fulfill their responsibilities to improve the quality of justice in our free and democratic society. Law librarians are on the front lines of providing access; they are the first responders to questions from attorneys, students, researchers, small business owners, and members of the public about court cases and other legal information.

Unfortunately, recent steps by the Trial Court have reduced access to court records, making it more difficult for law librarians to effectively perform their jobs. Due to newly implemented changes, many users, including law firm librarians, are no longer eligible for online accounts to the electronic filing and access system, MassCourts.org, because accounts are exclusively for attorneys with Board of Board Overseers numbers. We urge the Trial Court to take immediate steps to roll back this change and provide law librarians and all other users with at the least the same level of no-fee access to docket information that was available prior to this change. In addition, we urge you to provide greater access to court documents and records, with appropriate steps taken to remove information that would violate an individual's privacy.

While recent changes in Massachusetts have restricted online public access to basic information about court cases, many states and even the United States Supreme Court are trending toward providing more information to the public. According to a 2013 survey commissioned by the Washington Access to Justice Board in cooperation with the Washington Administrative Office of the Courts, the majority of states with elected clerks of court and statewide automated case management information systems provide no-fee access to court docket information. In addition, Chief Justice of the United States John G. Roberts, Jr. announced in his 2014 Year-End Report

on the Federal Judiciary that the United States Supreme Court is developing its own electronic filing system, which will provide no-fee public access to all filings at the Court, including petitions and responses to petitions, merits briefs, and all other types of motions and applications. Docket information and opinions are already available on the Supreme Court's website.

AALL applauds the Trial Court Public Access to Court Records Committee for conducting a public hearing on public access to court records. As the Committee continues to consider public access issues, we urge you to hold regular public forums and comment periods and provide law librarians with opportunities to offer input on any proposed changes. With these steps, the Trial Court will come closer to meeting the goal identified in its 2013 Strategic Plan to "Enhance public trust and confidence in the judicial branch."

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Holly M. Riccio". The signature is written in a cursive, flowing style with a large, stylized "H" and "R".

Holly M. Riccio  
President  
American Association of Law Libraries