

June 16, 2015

Joseph Stanton, Clerk
Massachusetts Appeals Court, Room 1200
One Pemberton Square
Boston, MA 02108-1705

RE: Internet Access to Criminal Case Docket Entries and Files

Dear Clerk Stanton and the Trial Court Public Access to Court Records Committee:

I am the Legal Director at Gay & Lesbian Advocates & Defenders (GLAD), a legal rights organization, which is headquartered in Boston and serves the lesbian, gay, bisexual, transgender (LGBT) and HIV communities in the six New England states. Since our founding in 1978, our mission has been to end discrimination based on sexual orientation, HIV status and gender identity and expression.

We at GLAD understand that there are interests on both side of the question of public access to court records in criminal cases, but we believe that the interests and concerns in protecting these records from broad public access clearly outweigh any countervailing interest favoring disclosure.

Information released online surely gains a life of its own and tends to become accessible forever. Therefore, it is reasonable to believe that this will hurt people who need jobs the most. In the same vein, this broad availability seemingly runs into conflict with our laws on the sealing of records (whether immediately or within a period of years) and with our CORI laws.

We are also aware of how the criminal justice system negatively and wrongly impacted gay men for many years. Now, and historically, the racial disparities in our criminal justice system raise serious concerns about harms to people in communities of color as a result of internet access to records.

Lastly, we are concerned about errors in court records and how those unintentional errors become effectively compounded by broad dissemination by individuals and the criminal background checking industry. And, of course, both with

Through strategic litigation, public policy advocacy, and education, Gay & Lesbian Advocates & Defenders works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.

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and without errors, there is the danger of criminal use of court records to harass, bully and otherwise harm individuals who have reason to believe that their privacy should be protected in such matters.

Thank you for your consideration of these comments.

Sincerely,

/s/ Gary Buseck

Gary Buseck, Legal Director
Gay & Lesbian Advocates & Defenders
30 Winter Street, Suite 800
Boston, MA 02108
(617) 426-1350
gbuseck@glad.org