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June 12, 2015

The Trial Court Public Access to Court Records Committee
c/o Joseph Stanton, Clerk
Massachusetts Appeals Court, Room 1200
One Pemberton Square
Boston, Massachusetts 02108-1705

To the committee:

Thank you so much for the opportunity to address an issue of vital public importance currently before the committee: Internet access to Massachusetts state court records.

At Law360, we rely on electronic access to public records to serve the lawyers, government officials, watchdog groups and other members of the public who read our news. Every day, our 80+ reporters in more than a dozen cities nationwide write nearly 200 original stories about developments in areas of the law such as intellectual property, employment, consumer protection, securities and more than 40 others. The breadth of our coverage means we're writing about many issues that no other publication is covering and that the public wouldn't otherwise know about. We publish our news stories as they happen on our website, Law360.com, and through a host of other tools to bring the news to our readers, including email newsletters, Twitter and RSS feeds.

Internet access to public records — including court records, agency documents and legislative materials — is critical to Law360 and all news organizations, enabling us to deliver so much needed information so quickly to readers. It makes our stories more accurate, more timely and more complete. That makes for better journalism and a more informed public.

Unfortunately, we enjoy none of these benefits in Massachusetts because of an outdated and unnecessarily restrictive policy of only allowing access to most court documents by physically inspecting them in local courthouses.

These restrictions place an undue burden on our reporting of Massachusetts news. For example, in recent months we've faced numerous roadblocks in our reporting on a variety of Massachusetts legal proceedings, from allegations the state was exploiting immigrant detainee labor to attempts to block a merger of two of the state's largest hospital systems. Without Internet access to court records, our reporters are left relying on the goodwill of individual lawyers to provide us with copies of documents they've filed, secondhand accounts of court proceedings, a rush to the courthouse or a helpful clerk who graciously helps locate a document minutes before closing time. Even then, we're left with an incomplete story filed long after the news actually happened: hardly the quality we're able to offer readers in our coverage of federal courts and other state courts.

Furthermore, we believe that Massachusetts' policy is out of step with other states and the federal government. For example, the federal judiciary's PACER system has provided Internet access to federal court proceedings to lawyers, the media and the public for many years. Others, including states such as California, New York and Texas, and government agencies such as the U.S. International Trade Commission and the Federal Energy Regulatory Commission, also allow the public to access their documents through the Internet.

Of course, privacy concerns to such access are real. But federal and state governments have managed to balance openness and privacy by redacting personal information such as Social Security numbers and requiring users to register for an account. Such minor restrictions on personal identifiable information protect individuals and don't significantly hamper journalists' ability to report the news.

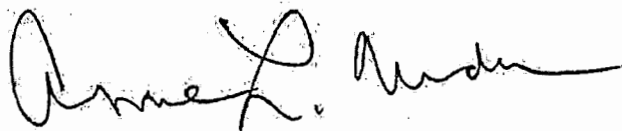
Half measures — such as only allowing attorneys who are admitted to practice in Massachusetts to access court records through the Internet — provide no benefit to the public and make it no easier to access court records.

Democratizing access to public court records through the Internet is not a luxury, but an imperative to improve the quality of the journalism the public reads about its judicial system.

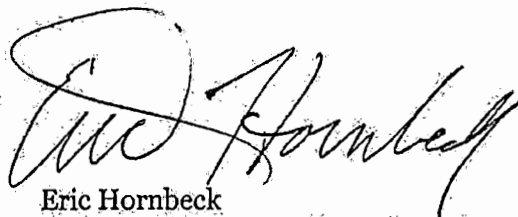
In fact, Internet access also allows readers to test the accuracy and fairness of journalism by giving everyone access to the same documents that jurists and journalists both rely on. Internet access to court records gives citizens direct access to the judiciary and removes unnecessary barriers between public documents and the public itself.

Thank you again for the opportunity to address the committee on this crucial issue.

Respectfully submitted,



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