

Joseph Stanton, clerk

Massachusetts Appeals Court

Dear Mr. Stanton,

Thank you for affording me the opportunity to testify at the Trial Court Public Access to Court Records Committee hearing Monday.

I appreciate the hard work the Committee faces in weighing the various interests expressed at the hearing.

Below please find a copy of the testimony I gave at the hearing.

My name is Lee Hammel. I was a reporter for 40 years for the Telegram & Gazette in Worcester until taking a buyout in 2012. I've been a freelancer since then.

I thank the Trial Court Public Access to Court Records Committee for holding this public hearing. **Justice and good government demand that the public have easy access to the court's records.**

While I've covered the state's district and superior courts, most of my court coverage involved the federal system.

I want to compliment the state courts for being ahead of the federal courts in allowing access, for the most part, for tape recorders and cameras to the courtrooms.

**But sadly, the state courts are far behind the federal courts in electronic access to court records.**

It used to be possible to get at least limited information online about the state's criminal and civil cases through the Trial Court Information Center. However, one had to know in which court the case was filed. And even then one could get only limited information such as the caption of documents or the dates of previous and upcoming hearings. Also available were the names of lawyers and charges in a criminal case.

**Unfortunately you could not see or copy the contents of documents online.** For that, you had to go physically to the clerk's office. **To get copies, I believe the charge could vary from 50 cents to \$1 per page.**

**Now, after 19 years and reportedly more than \$75 million, even that minimal amount of online access is no longer available for the majority of counties.** If you want any information whatsoever about cases in Worcester and most other counties, you either have to prevail over the telephone upon the reduced, busy staff of clerks offices or get yourself to the clerks office wherever the case may be from Hampshire County to Dukes County.

Contrast that to the federal courts PACER system (Public Access to Court Electronic Records). In addition to court dates, charges, parties and attorneys, **it is possible to view and get copies online of entire motions and other documents** provided they are not impounded. **Through the**

**PACER system, the public can be nearly as knowledgeable about cases as the attorneys even before attending a hearing in court.**

**The cost of viewing dockets, motions, and other documents online through PACER from one's own office is 10 cents per page. There is no charge for judicial opinions.**

**Viewing any documents at public access terminals in the clerk's office is free. And the charge for having the clerk print out the documents is 10 cents per page.**

**It is possible to get court documents through PACER from any of the three divisions of the U.S. District Court in Massachusetts and from the 93 other federal district courts in the country, from the 13 circuit courts of appeals and from the bankruptcy courts across the country.**

**Additionally, at least in Massachusetts, the federal district court has set up a system, called Virtual Press Box, in which credentialed journalists are notified by email each time there is a docket entry in cases in which the journalist wishes to be notified.**

**I am told that PACER pays for itself with the per-page fees.**

**With the kind of access to records available in the federal courts it is frustrating to deal with the state courts, even with many of the members of the clerks offices trying to be as helpful as possible under the circumstances.**

**It is hard to understand why the state can't simply replicate PACER, which has been online for 14 years.**