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June 3, 2015

By First-Class Mail and Email

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

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APPEALS COURT

Re: Public Access to Massachusetts Superior Court Dockets on www.masscourts.org

Dear Clerk Stanton:

I am writing to you in your capacity as the Reporter to the Public Access to Court Records Committee (the "Committee"). We understand the Committee is considering certain issues regarding access to Superior Court records through masscourts.org, including access to docket information.

LexisNexis is a global leader in data technology and business information solutions. We provide information technology and analytics to a wide range of public and private sector industries to help them predict, assess and manage risk and to prevent fraud, waste and abuse. We play a vital role in supporting law firms, government employees, corporations and others who derive insight from data to effectively advise their clients and carry out important public policy functions. As public records, court cases are integral to the data that we provide to our customers.

Two LexisNexis services – Law360 and Mealey's – are publishers that primarily serve the law firm legal news market. With access to dozens of practice- and industry-specific sections, as well as coverage of topics across the legal industry, our customers are able to keep informed about the latest issues and events affecting their clients. LexisNexis CourtLink provides a similar service, by collecting dockets and document content from state and federal courts across the United States. CourtLink has contractual and other working relationships with scores of U.S. state and federal courts.

For many years and continuing to this day, the Superior Court Administrative Office granted access to www.ma-trialcourts.org to legal news publishing and other media companies like Law360, Mealey's, and LexisNexis CourtLink. However, in recent months, as individual Massachusetts counties have migrated to the new Masscourts.org system, our employees have been told that a Board of Bar Overseers number is required to obtain login credentials. Under this new policy, only members of the Massachusetts Bar have access to the dockets of the Superior Court.

We are writing to respectfully request that the Committee restore access to the docket information hosted on www.masscourts.org to media and legal news publishing companies like those run by LexisNexis. Limiting access to Massachusetts Superior Court dockets to BBO members has the effect of reducing transparency in the Superior Court and preventing Massachusetts law firms from enjoying the value-added functionality produced by vendors like LexisNexis. We agree with the Boston *Globe* editorial: "It's undemocratic and counter to the public interest to limit court records to a select few."

Joseph Stanton
Clerk, Massachusetts Appeals Court
June 2, 2015 - 2

There are numerous examples of states similar to Massachusetts that have studied the public access issue and resolved to provide access to the media and to the public, including firms like LexisNexis. New York, for example, has since 2003 provided near real-time access to the trial court dockets of all 62 NY counties. Other states, like Wisconsin, provide access to its trial court dockets for a modest annual fee. New Jersey, Washington, Oregon, Oklahoma, and Arkansas are other examples of statewide court systems where policy makers agreed to provide access to news organizations, journalists, and indeed to the general public.

In states like California and Florida, where there is no centralized, statewide case management system, most courts provide electronic access to their trial court records as a matter of course. Very recently, one large metropolitan court (Broward County, the second largest county in FL) decided to provide access to its trial court records *at no charge*, reversing a long-standing decision to charge for its content. In addition to viewing docket content, users will be able to download and print documents at no charge once the system is fully implemented in August, 2015.

We would be pleased to provide the Committee with any additional information that would assist it in restoring access to this important public information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Paul Stutler", with a long horizontal flourish extending to the right.

Paul Stutler
Vice President, Legal News, LexisNexis