



June 16, 2015

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

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Re: Criminal Cases and Internet Access to Docket Entries and Court Files

To the Trial Court Public Access to Court Records Committee:

The Massachusetts Black Lawyers Association (MBLA), opposes online access to criminal records for the reasons stated herein. Since 1973, the MBLA has been dedicated to providing a valuable network and visible presence for attorneys of color in the Massachusetts legal community. In addition to providing professional development and career advancement opportunities through trainings, mentoring programs and networking opportunities for its MBLA members, the MBLA also provides programs and forums for communities of color focused on current, relevant topics impacting communities of color and is concerned with legal issues that affect these communities.

The MBLA believes that granting unfettered online access to criminal records from the trial court would have many negative and, perhaps, unintended consequences, including, but not limited to:

- disproportionately impacting communities of color due to the racial disparities that exist in the criminal justice system; as the Committee is aware a disproportionate number of defendants come from communities of color;
- negatively impacting the ability of named defendants, including those who have not yet been convicted of any crime, to obtain or maintain employment due to the inability to control the dissemination, updating or correction of information obtained online once it is released, which would undoubtedly be accessed by potential employers for use in making employment decisions;
- interfering with the ability of Massachusetts resident to request that their criminal records be sealed, which is typically available between 5 and 10 years after a conviction, and immediately for non-convictions;
- violating the Massachusetts CORI laws which limit access to criminal records data based on the person requesting the information, the type of disposition and whether the charge was felony or misdemeanor;
- increasing the opportunity for the widespread dissemination of court records containing erroneous information;
- perhaps most concerning, the provision of online data will act as a financial windfall to the industry of criminal background checking companies that

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already produce reports that are out of date, erroneous and/or fail to comply with consumer protection laws; and

- increasing the opportunity for cyberbullying by giving individuals the ability to send links to the court website to an employer to harass former defendants, including but not limited to individuals, who were misidentified or falsely accused, or later have their criminal records expunged.

Thank you again for your attention to this matter. Should you need any additional information, we can be reached at [president@massblacklawyers.org](mailto:president@massblacklawyers.org).

Please note that the views expressed in this letter are of the MBLA as an organization and should not be attributable to any individual officer or director of the MBLA.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Angela Gomes', written over a horizontal line.

Angela Gomes  
President