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June 11, 2015

Trial Court Public Access to Court Records Committee  
Massachusetts Appeals Court, Room 1200  
One Pemberton Square  
Boston, MA 02108-1705

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

To the Trial Court Public Access to Court Records Committee:

I am writing to oppose online access to criminal, Probate and Family, and Housing Court records from the Trial Court website. I have represented indigent defendants in our criminal courts as a bar advocate for many years, and have also assisted victims of abuse by helping to start the Women's Bar Foundation's Family Law Project for Battered Women. As a former Women's Bar Association President and former member of the Supreme Judicial Court's Standing Committee on Pro Bono Legal Services, I have dealt with many related public policy issues over the years, and believe that permitting such access would be ill-advised.

People who have CORI's and/or have suffered domestic violence and/or sexual assault face many challenges in rebuilding their lives. Internet release of record information on the Trial Court website would make it harder for many unemployed people to find jobs. Once information is released online, it takes on a life of its own. Internet release of information defeats the purpose of our criminal record sealing statutes which permit people to seal cases after a waiting period. Another problem is that court records sometimes have errors and if released online, the errors too live on.

A large industry of background checking companies do business on the web and it is not unheard of for these entities to fail to comply with consumer protection laws and to report stale and erroneous information. Putting information online would hurt the public because it means that the data will be exploited for commercial gain, rather than promote access to justice.

Thank you for your time and your efforts on this important issue.

Very truly yours,



Sarah McClean

SMcC/ms

cc: Joseph F. Stanton, Clerk