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July 30, 2004

Public Access Policy Comments
District of Columbia Courts
Executive Office, Room 1500
500 Indiana Avenue, NW
Washington, DC 20001

To whom it may concern:

We write today to offer the comments of the Council for Court Excellence on the DC Courts' Proposed Policy Regarding Remote Public Access to Electronic Case Files in Civil Division cases. The Council strongly supports the proposed policy because it will enhance public access to court records, provide a better tool for monitoring the operation of the judicial system and increase the public's trust and confidence in the courts.

Founded in 1982, the Council for Court Excellence is a nonpartisan, civic organization based in the District of Columbia. Our organizational purposes include promoting public education about the judicial system, fostering improvements in the administration of justice in the District of Columbia and in the nation, and supporting the federal and DC courts. Our membership includes attorneys, business people, judges, and members of the public. No judicial member of the Council for Court Excellence participated in the formulation of these comments.

From the Council's vantage as a civic organization, the proposed policy is completely sensible, simple to understand, and well-suited to the DC Courts' current technological capacities. We are encouraged to see the DC Courts moving in the direction of electronic case records systems, especially since internet access to case records will mean that members of the public can see these records without going to the courthouse. We also agree with the Courts' view that public access to electronic records is on par with the access now currently provided for paper records.

The Council supports the proposal's treatment of specified personal identifiers. Excluding them is critical to maintaining an appropriate balance between privacy concerns and an open government. Maintaining the last digits of personal identifiers, however, is important to ensure that parties are properly identified, while still protecting the information from theft.

As we understand it, the proposed policy will serve to define the types of data that will not be publicly accessible when the technology to provide electronic access is implemented. Electronic public access to Civil Division case records,



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therefore, will not be immediate. Such a policy is long overdue, and we strongly urge the court to consider and implement the following, as soon as possible:

- providing terminals at the courthouse to access electronic records;
- offering simple, internet-based software to access electronic records remotely; and
- expanding the policy to apply to all open case records, including Criminal, Family, Probate and Tax, and appellate matters.

The Council for Court Excellence is appreciative of the thorough and thoughtful process that the DC Courts have established to elicit public comment on this important issue. We hope that a public hearing is scheduled to take place this year and that the Courts will advertise it in lay and business publications, so that the broad community is invited to attend and to comment on the proposed policy. As we assisted the DC Courts with advertising their Town Hall meetings held during this spring and summer, the Council for Court Excellence stands ready to assist the DC Courts with notifying civic associations of the proposed policy and the public hearing.

Thank you for the opportunity to provide these comments. Public access to court records is critical to ensure the public accountability of government, and the proposed policy is the first step down a much longer road. The Council for Court Excellence would be happy to assist the DC Courts as it develops a longer-term strategy to provide more comprehensive electronic access to court records.

Sincerely,

Timothy J. May
President

Elliott S. Hall
Chairman