

Case.net files should offer all information

Proposal would remove some details

While I make my living creating court documents, I realize that many of you make your living reading and writing about those court documents. Having been a reporter before I became a lawyer, and having covered federal courts as a beat at one time, I am well aware of how important access to court documents is to a reporter.

Back in “those days,” access meant walking down the street to the federal courthouse. Today, for many of you, access to court information is available on your computer via the Internet. Stories can be written in a much more timely fashion, and in greater volume, as a result of the miracle of online access.

On the state level, the Missouri Supreme Court likely soon will be presented a recommendation from the Office of State Courts Administrator (OSCA) regarding possible changes in what information is available on Case.net, the online repository of state court case information. The members of the committee working with OSCA on these recommendations have issued some proposals to restrict some of the information that previously has been available on Case.net, seeking to solve some concerns committee members have about identity theft.

The Missouri Press Association has been monitoring that closely, aware of how important access to this information is to newspapers.

Missouri’s court system has struggled for many years with how to address the issue of public access to court records. Not long ago, OSCA sought proposals for creation of an electronic filing system

in Missouri, similar to the PACER system that the federal courts use.

The benefit to the public and Missouri media would be access to not just the docket entries that you get on Case.net, but the ability to actually download copies of pleadings filed at the court. (Right now, you have the ability to access briefs filed at the Supreme Court level online at the www.courts.mo.gov website, but no other pleadings are generally available online for Missouri court cases.) As those of you who use PACER know, for a few pennies a page you are allowed to download pleadings from almost any federal court case into your own computer.

Unfortunately, those working on a similar system in Missouri found the cost was going to be substantially more than was expected, and with tight money concerns pressing, the project is still on the table.

But the judiciary is a key component in the foundation of a free society, and access to court records is a critical component of that system. I believe that making public records available for easy access to the public — yes, even by making them easily available for republication by third parties — there is a dramatic increase in public access to public information and a better understanding of the judicial system and the way it operates.

I understand the concern that some raise about privacy. At the same time, bankruptcy records are available on the PACER system, with the responsibility for redacting certain information placed upon the lawyers filing the documents.



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As far as I know, the world has not come to an end despite those court records being made freely available online.

And for those of you familiar with RECAP, you are aware of how many of the PACER documents are now available online for free. If you don't know about RECAP, you should. RECAP is a small add-on (extension) you may add to Firefox, your web browser, for free. It lets you know when a document you seek on PACER is already in the Internet Archive database, allowing you to access it for free. (You can only use the RECAP utility when you are on PACER — it isn't a website you can access outside PACER. But you can read about RECAP at www.recap-thelaw.org).

Obtain documents you download from PACER and adds them to its database. (Similar to the Google Scholar database of Supreme Court decisions back to the 18th century, lower federal court decisions since the 1920s and state Supreme Court and appellate decisions going back to the 1950s.)

Still, all of these issues rest on the foundation I mentioned at the beginning — our country's founders believed in public access to judicial proceedings. Nobody has time in this day and age to sit at the courthouse all day to watch judicial proceedings or read court files. We get much of that information online. That information needs to remain detailed and complete.

There are lessons to be learned as we progress with large-scale open access. But those lessons should move us forward, not backward.

Podcasts on legal issues

Legal Hotline counselor Jean Maneke has recorded a number of discussions about legal issues that newspapers face.

These recordings (podcasts) and others can be heard on the Missouri Press website at <http://www.mopress.com/podcasts.php>.

Change would address concern about problem that doesn't exist.
