

The Court-PASS Project:

Balancing Access with Privacy in an Online Court Records System



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Graduate Student Paper Session

ARCHIVES ★ *RECORDS*: Ensuring Access, SAA/CoSA/NAGARA Meeting, August 2014

Literature Review

Online access to public court records is complicated by competing public policy interests.

Access

- Open government
- Transparency
- Accountability
- Informed public



“Public is Public”

- Public access policy should be the same regardless of format or location



Privacy

- Identity theft
- Personal safety
- Personal privacy



“Practical Obscurity”

- Emphasizes increased exposure facilitated by remote online access



Literature Review

U.S. Legislation

- Freedom of Information Act (FOIA) (1966)
- E-Government Act (2002)
 - Public Access to Court Electronic Records (PACER)

New York Legislation

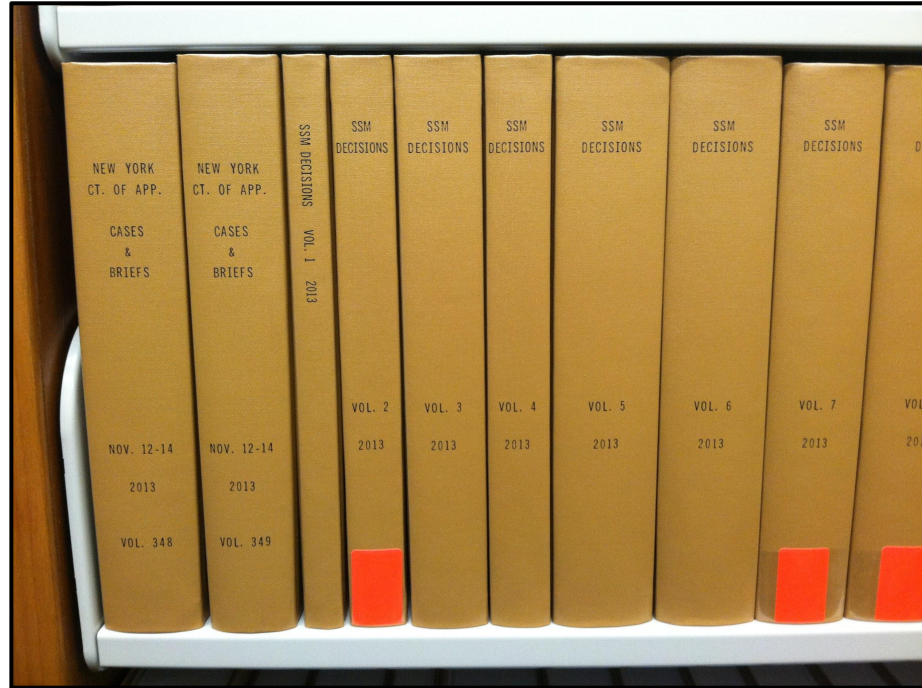
- Judiciary Law § 255

State level: lack of uniformity in policies and systems for online access to public court records

- National Center for State Courts (NCSC)
 - Kilpatrick & Jennen Reports (1995)
- Conference of Chief Justices & Conference of State Court Administrators
 - CCJ/COSCA Guidelines (2002)

Court-PASS Project Context

- Founded 1847, Court of Appeals is the state's court of last resort
- Records and briefs collection: binding organized by library personnel
- Bound volumes & microfiche accessible through NYS Archives and NYS Library
- Some access via commercial databases
- Court of Appeals website: access to decisions, transcripts & videos of oral arguments (videos also at Albany Law School Library)
- Public access to paper records at courthouses
- NYS Unified Court System E-Courts initiative
 - Electronic filing pilot programs



Project Goals

Project committee: NY Court of Appeals and Law Reporting Bureau

- Attorneys, library and information technology staff

Goals:

- To allow parties to submit electronic case materials to the Court online
- To develop a system for managing workflow of electronic records
- To implement standards for the permanent preservation of electronic records
- To develop policies and procedures for ensuring sealing or proper redaction of electronic records
- To develop an online access portal to a database for all electronic records determined to be suitable for public inspection
- To create a system which is always free to use and is user-friendly to the general public
- To enhance overall public accessibility to Court of Appeals records and information

Database Coverage

- **Dates:** prospective, beginning with cases pending as of or filed after January 1, 2013
- **Record series included:**
 - Case materials filed with the Court: records/appendices and briefs
 - Motion papers for civil cases in which leave to appeal has been granted
 - Videos and transcripts of oral arguments before the Court
 - Court of Appeals decisions
- **Other information included:**
 - Argument date
 - Decision date
 - Authoring Judge
 - Lower court citation
 - Subject matter classification

Database Coverage

Types of documents *not* included:

- Based on statutory provisions or court orders that mandate confidential filing
 - Types of cases for which **all** documents are sealed (e.g., involuntary commitment proceedings, youthful offender adjudications)
 - Types of documents which are **individually** sealed (e.g., pre-sentence reports, grand jury minutes)
 - Sealed document types should be submitted in a separate file labeled “confidential”

Types of information *not* included:

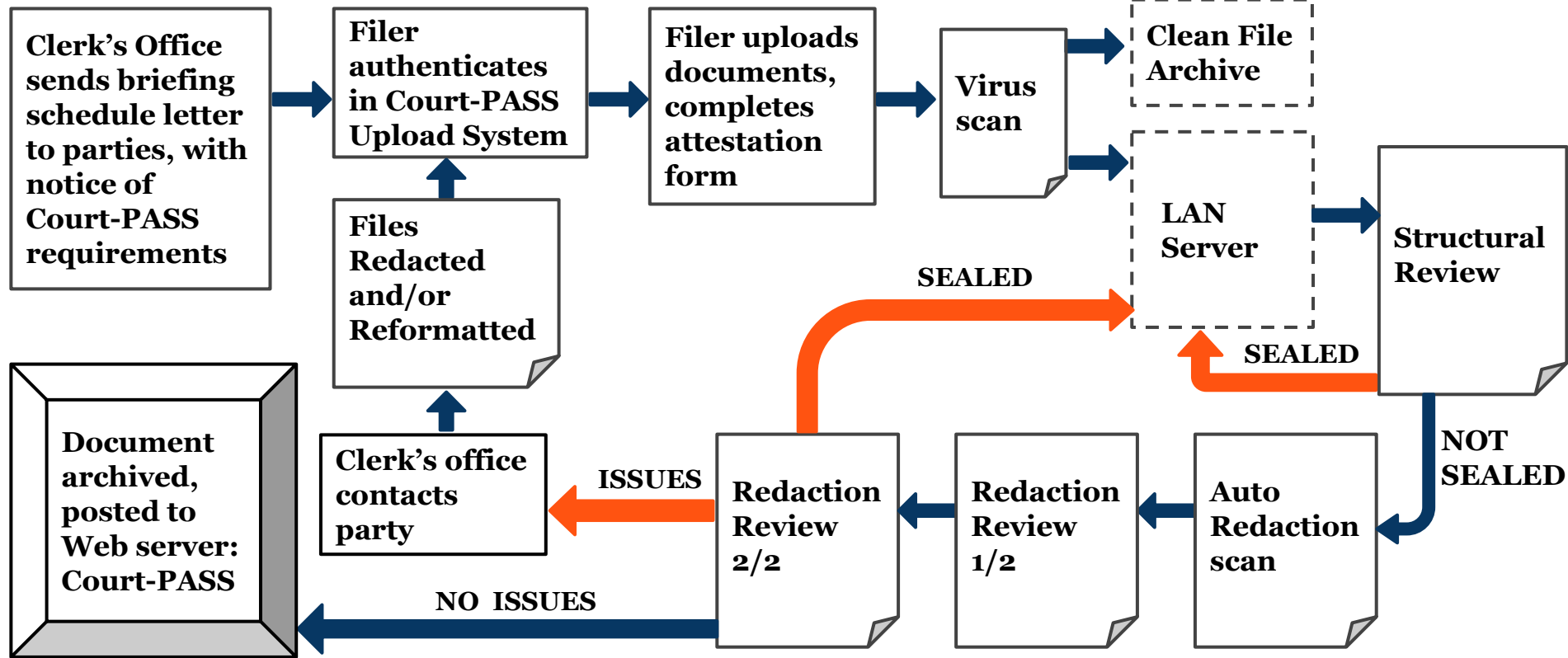
- Sensitive personal information (e.g., Social Security numbers, financial account numbers, home addresses, phone numbers, names of minor children)
 - Should be redacted or abbreviated according to rules

System & Workflow Development

- Redaction review process
 - Automated redaction software
- Electronic filing process
 - Authentication
 - Attestation form
- Technical specifications
 - Best practices for archival preservation of electronic records
- Technical infrastructure
 - Database
 - Electronic Document Management System
 - User Interface

Defendant was adjudicated as a youthful offender . . . at the time of the incident, police arrived at the home at 110 Main Street . . . also present at the scene was a minor child, Mary Jones, age 12 . . .

Workflow



User Interface

Court of Appeals

STATE OF NEW YORK

 Search

Advanced Decision Search

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The Court of Appeals, New York State's highest court, is composed of a Chief Judge and six Associate Judges, each appointed to a 14-year term. New York's highest appellate court was established to articulate statewide principles of law in the context of deciding particular lawsuits. The Court thus generally focuses on broad issues of law as distinguished from individual factual disputes. There is no jurisdictional limitation based upon the amount of money at stake in a case or the status or rank of the parties.

Notice to the Bar - Amicus Curiae Participation

On October 15, 2014, the Court will hear oral argument in *People v Dwight R.*

COURT CALENDAR

< Aug 2014 >

27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

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Oral Arguments

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[Oral Argument Archive](#)
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Pending Cases:

	Title	Calendar Date	Argument Number
Select	Sciara v Surgical Associates		

Decided Cases:

	Title	Decision Date	Citation
Select	Bessie Caldwell v Cablevision Systems Corporation	02/07/2013	2013 NY Slip Op 00783
 Select	Brenda Cornell v 360 West 51st Street Realty, LLC	03/27/2014	2014 NY Slip Op 02096
Select	Bustos v Lenox Hill Hospital	05/01/2014	

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Court-PASS

Brenda Cornell, Respondent,

v.

360 West 51st Street Realty, LLC, et al., Defendants, 360 West 51st Street Corp., Appellant.

Argument Date: 01/14/2014
Decision Date: 03/27/2014
Opinion By: Hon. Susan Phillips Read
Reported Below: 95 AD3d 50

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Witnesses--Expert Witness

The following documents are currently available for download.
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Cornellv360West-app-360West-Rec-vol 3	Not Available
Cornellv360West-app-360West-Rec-vol 4	Not Available
Cornellv360West-app-360West-Rec-vol 5	Not Available
Cornellv360West-app-360West-Rec-vol 6	Not Available
Cornellv360West-app-360West-replybrf	Select
Cornellv360West-res-Cornell-addendumtobrf	Select
Cornellv360West-amic-CouncilofNYCoops-brf	Select
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Date (or Start Date for Date Range):	End Date:
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Case Filter: All Cases
 Only Decided Cases

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(or Start Date for Date Range):

1/1/2014



End Date:

1/31/2014



	Title	Argument Date	Decision Date
Select	Biotronik A.G. v Conor Medsystems	01/07/2014	03/27/2014
Select	Cornell v 360 West 51st Street Realty	01/14/2014	03/27/2014
Select	Country-Wide Insurance Company v Preferred Trucking	01/15/2014	02/18/2014
Select	Executive Plaza, LLC v Peerless Insurance Company	01/06/2014	02/13/2014
Select	Fabrizi v 1095 Avenue of the Americas, LLC	01/09/2014	02/20/2014
Select	In re: Coudert Brothers LLP	01/08/2014	07/01/2014
Select	K2 Investment Group v American Guarantee	01/07/2014	02/18/2014
Select	Landauer Limited v Joe Monani Fish Co.	01/16/2014	02/25/2014
Select	Matter of Baldwin UFSD v County of Nassau	01/07/2014	02/18/2014
Select	Matter of Estate of Muriel M. Nealon	01/07/2014	01/09/2014

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Search by Party Name(s) :	
<input type="text" value="volvo"/>	
Find All Words (AND) ▾	
Search by APL, CTQ, or JCR Number (e.g., APL-2013-00001):	
APL ▾	<input type="text"/> - <input type="text"/>
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Search Results:


	Title	Argument Date
Select	Reis v Volvo Cars	06/04/2014

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Title Manuel Reis,, Respondent, v. Volvo Cars of North America, et al.,
Appellants. (And a Third-Party Action.)

No.  [APL-2013-00132](#) (Click on the number to view filed documents. Documents are not available for viewing until they are processed by the Clerk's Office.)

Argument Date: 06/04/2014

FILINGS

Type	Party	Date Due	Date Rec'd
Appellant Appendix	Volvo Cars of North America, L.L.C. (A)	11/04/2013	11/04/2013
Appellant Brief	Volvo Cars of North America, L.L.C. (A)	11/04/2013	11/04/2013
Respondent Appendix	Manuel Reis (R)	12/19/2013	12/19/2013
Respondent Brief	Manuel Reis (R)	12/19/2013	12/19/2013
Appellant Reply Brief	Volvo Cars of North America, L.L.C. (A)	01/03/2014	01/03/2014

ATTORNEY DETAILS

Party Name: Manuel Reis
Party Role: Respondent
Firm: Kreindler & Kreindler, LLP

Conclusions

- Transition from paper to digital
- Efficiency
- Collaboration
- Future improvements to Court-PASS
- Future work to consolidate resources and standardize policies on a national level
- Need robust technical infrastructure and policies for managing electronic court records in addition to detailed public access policy for records

References

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