



Administrative Office of the Courts

P.O. Box 4820, Portland, Maine 04112-4820

Tel: (207) 822-0792 FAX: (207) 822-0781 TTY: (207) 822-0701

Julia Finn, Esq.
Legislative Analyst

Tel: (207) 822-0767
julia.finn@courts.maine.gov

Judicial Branch testimony neither for nor against LD 1823, An Act to Promote Transparency in the Criminal Justice System by Requiring the Posting of Criminal Case Decisions:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some testimony neither for nor against this bill.

LD 1823 requires the courts to post the “final decision of a criminal case” on a publicly accessible website within 60 days of the case’s final disposition. While the Judicial Branch appreciates the legislative objective of making court outcomes readily available to the public online, there are difficulties in achieving the stated goal, including significant cost.

First, “decision” is not defined. Many criminal cases conclude with something other than what we might typically think of as a “decision,” such as plea agreements, deferred dispositions and sometimes a verdict at trial. Deferred dispositions are not final dispositions in a case, as a person is not sentenced until the conclusion of the deferred disposition term (which ranges from 6 months to 2 years), so a potential notation of “dismissal” will not fully represent how the case was resolved. Trial verdicts are often appealed and thus would not be final until decided by the Law Court. Law Court decisions are published and available publicly.

Second, most court records and proceedings are available and open to the public. As you know, the Judicial Branch is in the midst of implementing the Maine eCourts system. The first courts to come online with criminal dockets are scheduled to do so in June, only a few weeks away. Part of the new Maine eCourts system that is still under development is called ReSearch and will provide an online database of cases that will be publicly searchable. It has been challenging to finalize this part of the project due to difficulties with redaction and the necessary protection of nonpublic material. We are optimistic that this aspect of Maine eCourts will be ready in 2027, however.

Turning to the language of the bill, there are additional problems. There is only one publicly available Judicial Branch website; there are not individual websites maintained by

clerks. There are approximately 37,000 criminal cases disposed of each year statewide. The labor cost of posting so many cases onto a website separate from the case management system will be significant. We assume that any such publicly available website would need to be organized and searchable in many ways, and the cost of creating and maintaining a such a website would also be significant.

Thank you for your consideration.