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Supreme Court Adopts Albin Committee's Proposed New Rule on Public Access to Court Records

New Jersey's Supreme Court today announced the adoption of a [new rule on public access](#) to court records. The rule and recommendations about court access were submitted in a report by the Court's Special Committee on Public Access to Court Records. The Court also released its [administrative determinations](#) on the committee's recommendations.

The committee, commonly referred to as the "[Albin Committee](#)" for its chair, Associate Justice Barry T. Albin, was formed in February 2006 to conduct a review of Rule 1:38, "Confidentiality of Court Records," in order to recommend changes to the rule that will facilitate the public's access to court records as well as safeguard legitimate privacy interests.

"The [report of the Albin Committee](#) represents the most comprehensive examination of and update on public access to court records in more than 30 years," said Chief Justice Stuart Rabner.

"Under Justice Albin's leadership, the committee presented a revised rule that brings us into the age of electronic access while it addresses privacy concerns. This rule maintains the traditional presumption of access to court records and meets our obligation to sustain transparent court processes. On behalf of the entire Judiciary, I thank Justice Albin and the committee for their extraordinary effort," Rabner said.

The revised Rule 1:38, now called "Public Access to Court Records and Administrative Records," will become effective on Sept. 1. The rule includes

- . an expanded definition of court records;
- . a definition of administrative records and a statement on their availability to the public;
- . a comprehensive listing of records excluded from public access with the relevant statutory or court rule references;
- . a definition of confidential personal identifiers;
- . certain prohibitions on submission of and access to personal identifiers;
- . a section on redaction of personal identifiers;
- . a section on sealing and unsealing court records;
- . a process to appeal a decision denying access to a court record.

"The committee included judges, court staff, privacy advocates, media representatives and attorneys from various practice disciplines. Together they provided a breadth of experience and differing viewpoints, which enriched our discussions on many difficult issues. It has been my great honor to work alongside this dedicated group of professionals," Justice Albin said. "We are confident that this new rule balances the public's right to an open court system with the recognition that litigants have a right to privacy in certain instances."

The committee made recommendations to the Supreme Court to explain in detail the reasons for some of the changes in the rule. For example, some of the recommended changes to the public access rule were made specifically to protect the privacy of children in families going through divorce, custody disputes or other family issues where the children could

be hurt by the public release of certain family information.

The committee also recommended that the Judiciary

- . make more court records available at public access computer terminals in courthouses across the state;
- . post on the Internet information about every civil case filed, as well as information about all criminal convictions;
- . create a permanent advisory committee on public access;
- . launch a public education effort on issues related to open court records;
- . address the availability of electronic records and other public access issues; and
- . continue to address public access issues as circumstances change.

"Some of our recommendations are intended to ensure that the Judiciary provides free, readily available electronic access to court records wherever appropriate, while others take into account that in today's world of instant access to electronic information litigants need a certain measure of protection from unnecessary disclosure of their financial and other personal records," Justice Albin said.

"In some instances, the rule and our recommendations simply reaffirm longstanding policies regarding the public's right to access court records in every court throughout the system."

"In summary, we believe we have achieved a balance that will keep the work of the courts in full view of the public, but offer responsible protections to individuals who come to us for resolution of their conflicts," Albin said. "With the Court's approval, the Judiciary can begin the process of incorporating the new Rule 1:38 into the day-to-day operations of every court in the state," said Albin.

The "administrative determinations" comprise a formal document issued by the Supreme Court justices to respond to reports and recommendations presented to them. In response to the Albin Committee's report, the Court went through the committee's recommendations and approved or modified each. Only one, a recommendation to shield from public access a complaint on which no probable cause finding has been entered, was rejected by the Court. In its comment the Court said, "There is a need for transparency and public scrutiny of the entire judicial process, beginning at the time the complaint is filed."

The new rule will be published formally and will be posted on the Judiciary's Web site at njcourts.com.

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