



CHAMBERS OF
DALE V. SANDSTROM
JUSTICE

State of North Dakota
SUPREME COURT

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SUPREME COURT

OCT 24 2011

20110230

STATE CAPITOL
BISMARCK, NORTH DAKOTA 58505
(701) 328-4212

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

OCT 24 2011

STATE OF NORTH DAKOTA

October 24, 2011

Penny Miller
Clerk of the Supreme Court
State Capitol
Bismarck, ND 58505

Re: Proposed Amendments to Court Rules - 20110230

Dear Ms. Miller:

The Court Technology Committee has voted unanimously to recommend that the Supreme Court not adopt the changes to North Dakota Administrative Rule 43, Section 6, Requests to Prohibit Public Access to Information in Court Records.

Under the proposal, people seeking truthful information from the courts would be denied it over the Internet.

It is important to note that the information available on the Judicial Branch's public Internet site is not information found by a Google or similar search. It is found by people who specifically come to our Court website seeking accurate, public information about specific individuals.

If the rule change was adopted, the public would no longer know if it is getting complete accurate information. The clerks of court workload will be significantly increased by persons calling to find out what publicly available information is excluded from the Internet search.

Those who buy our data in bulk will receive the information excluded from our Internet site. Those firms will be able to sell our complete information to those with sufficient resources and knowledge, while the public will be denied this information from our own website.

In some cases, a Google-type search will yield news stories about persons being charged with crimes, but because information about a case will be excluded from our Internet site, the searcher may not, for example, be able to find on our website that a case has been dismissed.

In some cases, those receiving lengthy prison sentences could have their criminal records excluded from the Internet by the time they are released from prison.

Our staff is concerned about having to maintain multiple versions of our data, and is working to ensure that the publicly available information is set forth as clearly as possible.

Finally and importantly, the claims of a problem with public access to truthful information are anecdotal and unsupported by any study.

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale Sandstrom". The signature is fluid and cursive, with a large initial "D" and "S".

Dale V. Sandstrom
Chair, Court Technology Committee