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Communications Office:
David Bookstaver, Director
Mai Yee, Assistant Director
(212) 428-2500

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Commission to Examine Future of Court Documents on the Internet

NEW YORK - Chief Judge Judith S. Kaye today announced the formation of the Commission on Public Access to Court Records, charged with examining the sometimes competing interests of privacy and open access relating to information in court case files. The findings and recommendations of the Commission will help shape the Judiciary's policies regarding the future availability of court records on the Internet. The 22-member panel will be chaired by nationally renowned First Amendment lawyer Floyd Abrams, a member of the New York City law firm of Cahill Gordon & Reindel.

In appointing the Commission members, Chief Judge Kaye said, "In keeping with society's increasing reliance on technology, the court system will begin to make case files available electronically within the next few years. But while providing greater access to this information, we also must be diligent to protect a litigant's right to privacy. We recognize that court records can contain sensitive information, such as social security and home telephone numbers, tax returns, medical reports and even signatures. I have charged this new commission with the hard task of examining any potential pitfalls, weighing the demands of both open access and individual confidentiality, and making recommendations as to the manner in which we should proceed. The Commission is being chaired by Floyd Abrams, who is one of the country's pre-eminent lawyers on First Amendment and privacy issues. He is joined by 21 stellar Commission members representing a broad spectrum of expertise, including academia, the law and the media. With such a multifaceted and talented panel, I am confident that the

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multifaceted and talented panel, I am confident that the Commission's work will serve as a solid foundation for the court system's sound entry into this most critical area."

"There is no doubt that the court system's next step in increasing public access will be to make court records available on the Internet," said Chief Administrative Judge Jonathan Lippman. "But subjecting case files that sit in practical obscurity in a dusty courthouse basement to the large-scale, high-speed searching capabilities of the Internet raises difficult questions regarding individual privacy rights, as well as concerns over how to prevent the misuse of personal data. These are the very same issues with which court leaders across the country are now grappling, and I look forward to hearing the Commission's recommendations on this subject with respect to New York."

Commission Chair, Floyd Abrams, noted, "The intersection of new technology with established legal principles is often difficult. It is especially so when the constitutionally protected values of openness and an informed public may clash with interests as significant as those asserted here. All of us on the Commission look forward to our task."

The Commission is expected to issue a report with its findings and recommendations by next spring. Its membership roster is attached.

Commission on Public Access to Court Records

Chair:

Floyd Abrams, Esq.
Cahill Gordon & Reindel
New York, NY

Commission Members:

Stephanie Abrútyń, Esq.
TribuneCompany
New York, NY
Maria Imperial, Esq.
Executive Director, Association of the Bar of the
City of New York Fund, Inc.
New York, NY

Yochai Benkler
Professor, NYU
School of Law
New York, NY
Pamela Jones Harbour, Esq.
Kaye Scholer LLP

Kaye Scholer LLP
New York, NY

Elizabeth Bryson, Esq.
Corporate Vice President,
New York Life Insurance Co.
New York, NY

Victor Kovner, Esq.
Davis Wright Tremaine LLP
New York, NY

Hugh W. Campbell, Esq.
Rodman and Campbell P.C.
Bronx, NY

Joseph Lelyveld
former correspondent and editor of
The New York Times
New York, NY

Christopher E. Chang, Esq.
Law Offices of Christopher E. Chang
New York, NY

David Miranda, Esq.
Heslin & Rothenberg, Farley & Mesiti, P.C.
Albany, NY

Julie Domonkos, Esq.
Executive Director, My Sister's Place
White Plains, NY

Hon. Gail Prudenti
Presiding Justice,
Second Department
Brooklyn, NY

William P. Farley, Esq.
The McGraw-Hill Companies, Inc.
New York, NY

Charles S. Sims, Esq.
Proskauer Rose LLP
New York, NY

Thomas F. Gleason, Esq.
Gleason, Dunn, Walsh & O'Shea
Albany, NY

Gary D. Spivey,
New York State Reporter
Albany, NY

Albany, NY

Norman Goodman, Esq.
County Clerk, New York County
New York, NY
Charles A. Stillman, Esq.
Stillman Friedman Shaw, P.C.
New York, NY

Hon. Victoria Graffeo
Justice, New York State Court of Appeals
Albany, NY
Nadine Strossen
Professor, New York Law School
New York, NY

Richard F. Griffin, Esq.
Philips Lytle Hitcock Blaine & Huber
Buffalo, NY

Counsel:

S. Penny Windle, Esq.
Cahill Gordon & Reindel
New York, NY

Staff Counsel:

Natalie Gomez-Velez, Esq. Mary C. Mone, Esq.
Special Counsel to the Chief Counsel to the Chief Judge
Administrative Judge New York, NY
New York, NY



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Eliot I. Bernstein
President, Founder & Inventor
Direct Dial: 561.364.4240

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Monday, February 28, 2005

Mr.

Re:

Dear :

With best regards,

A handwritten signature in black ink, appearing to read 'E.I. Bernstein', with a stylized flourish at the end.

Eliot I. Bernstein
President, Founder & Inventor
Iviewit Technologies, Inc.
10158 Stonehenge Circle
Suite 801
Boynton Beach, Fla. 33437-3546
561-364-4240
iviewit@adelphia.net
www.iviewit.tv