

Putting the Law Online: Balancing Litigant Privacy and Access to the Law

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Those that operate websites that provide free access to court opinions experience something that few others will: frequent, sometimes daily, requests that court opinions be removed from their site or blocked from discovery by search engines.

This presentation presents an empirical study of the nature of these requests made upon collections of federal Circuit Court of Appeal decisions, and answers questions such as:

- Who requests removal? Plaintiffs? Defendants? the Accused? Winners? or Losers?
- Why do individuals request removal of these documents? Are they merely embarrassed or do they have a legitimate privacy interest that free law sites should respect?
- What should be the policy of free law sites that wish to both provide the public with access to the law and respect the reasonable privacy interests of litigants?
- What types of cases are most likely to receive such a request?

The results of this study show requests that range from former criminal defendants that wish to limit the availability of information about their prior conviction, to individuals that had an asylum request denied and that upon removal from the United States to their native country fear retribution or even death.

The presentation will also provide recommendations for striking an appropriate balance.