



Checklist for Sealing Documents in Criminal Proceedings

- File a Notice of Appearance and Assertion of Victims' Rights (NOA).
- File a Motion to Seal that includes:
 - The jurisdiction-specific standard for the imposition of seal.
 - Legal support for sealing documents containing identifying, locating, or otherwise private victim information, including:
 - ▶ Federal constitutional right to privacy.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights to privacy.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights to protection.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights for victims to be treated with fairness, dignity, and respect.
 - ▶ Federal constitutional right to meaningfully access the courts.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based right to access justice.
 - ▶ Victim- or crime-specific authority (e.g., some jurisdictions provide protections for child-victims, sexual assault victims).
 - * If any of right is not explicit, case law may establish the right.
- Request that all original Versions of documents be placed under seal.
- Citing the above legal bases discussed above, request a protective order constructing parties not to use or disclose the identity of the victim or any other redacted information in future proceedings, filings, or public communications.
- Seek appellate review of adverse court rulings by appeal or appropriate writ.
- If a parallel civil case is proceeding against defendant, consider seeking a
- If party (prosecution or defense) moves for deaction or requests a protective order be sure to preserve independent standing to seek appellate review (e.g. formally joining the motion, filing a motion for reconsideration of an adverse decision).
- Anticipate future motion practice regarding requests to unseal documents.
- * If a party is moving to seal or for a protective order be sure to preserve independent standing to seek appellate review (e.g., by formally joining the motion, filing a motion for reconsideration of adverse decision).





to find ...

