

How to Make Case Information More Available and Improve Court User Engagement

Steps for making civil courts more open

Overview

To prepare for and participate in their cases, court users need case information—such as which documents have been filed and when—that is readily available electronically in a centralized, easy-to-access location, in plain language, and in user-friendly formats.

Courts seeking to save time, reduce confusion, and improve how they provide information to court users can begin by implementing two key practices:

- Provide court users with case information for all of their cases, open and closed, securely online and at no cost.
- Make case information easy to understand and accessible to all court users, including people with disabilities and nonnative English speakers.

After extensive research, The Pew Charitable Trusts has developed a framework outlining how and why courts should modernize.¹ These steps arise from that work and can help programmatic and operational court staff, along with court leadership, assess how they share information with court users, identify opportunities to make that information more available and accessible, and decide—with input from relevant stakeholders—which of those opportunities to pursue, and how.

Step 1: Bring together relevant court staff and external stakeholders

These groups can contribute important perspectives and insights about making information available to court users.

Court users can test the online case-lookup platform to determine whether they can successfully and easily access their information and then complete quick voluntary surveys about their experiences.

Leadership can eliminate fees charged to court users for accessing case information and make information-sharing a priority for the courts.

Self-help staff can provide insight to decision-makers on how court users access their information and what challenges they face and can help with testing of new or upgraded platforms.

Clerks can describe to decision-makers the kinds of information that court users need most and explain how providing users with online access to case information would help clerks process documents and answer questions, such as which documents the court has received.

Research staff can provide guidance to court users on information sharing, including what information is publicly accessible already.

Legal counsel can ensure compliance with state statutes and court rules regarding data access for court users.

IT staff can update case management systems to better support court users' access to case information—or work with vendors to do so.

Access to justice staff can evaluate the information courts provide to ensure that it is accessible, identify gaps in current resources, and champion solutions that support court users in finding and using information about their cases.

Website administrators can monitor site analytics, lead user testing efforts, and maintain the website.

Policymakers can help eliminate state or local fees that court users pay to access their case information.

External researchers can audit case information and platforms for compliance with disability accessibility and language mandates (if they are better equipped for this task than internal staff).

Step 2: Assess current practices and set next steps

The following metrics can help courts assess their progress toward ensuring that litigants can access case information electronically, making necessary reforms, and conducting cross-jurisdictional comparisons. (See Tables 1-2.)

For each metric, determine whether the answer to the initial question is yes or no using the suggested measure. If the answer to the metric question is no, pursue the suggested next steps in collaboration with staff and stakeholders. The suggested steps are not prescriptive; instead, they provide ideas and options for getting started. The state examples can help courts determine what actions are feasible given available resources.

Table 1

Court Users Should Be Able to Securely Access Information About All of Their Cases Online at No Cost

Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources
<p>Are court users accessing their case information online at no cost?</p> <p><i>How to measure it:</i></p> <p>Review website analytics to determine whether and how often people are using the court’s online case-lookup tools, and how they find the site (e.g., via Google search).</p>	<ul style="list-style-type: none"> Review and update existing rules and technologies to support online sharing of case information with court users. Determine whether the state or local jurisdictions charge court users fees for electronic access to case information. Identify the entity with authority to remove any such fees. Note: This may be county or executive branch officials, not the court. <p>Who’s involved:</p> <div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">IT staff</div> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">Leadership</div> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">Legal counsel</div> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">Policymakers</div> <div style="background-color: #003366; color: white; padding: 5px; margin: 2px;">Researchers</div> </div>	<ul style="list-style-type: none"> Several states, including Connecticut, Minnesota, and Utah, provide no-cost access to case information online. The systems in Connecticut and Minnesota are public-facing and allow court users to access relevant PDFs and information about their cases (e.g., a hearing date may be included in the summons). A Maryland nonprofit, Civil Justice Inc., developed an online “Justice Passport” where court users can store court documents, keep track of court dates and deadlines, and share information with legal service providers. As of July 2023, users have created more than 800 Justice Passport accounts. Courts can use free online tools, such as Google Analytics, to track site usage and click-through rates.
<p>Is case information securely stored and protected from cyberattacks and other improper downloads?</p> <p><i>How to measure it:</i></p> <p>Conduct a security assessment or review.</p>	<ul style="list-style-type: none"> Determine who has access to court technology systems and data and remove access as needed (e.g., old accounts may still have access). Develop and test cybersecurity governance and plans. Consider working with external experts to test and review cybersecurity for case information. <p>Who’s involved:</p> <div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">IT staff</div> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">Leadership</div> <div style="background-color: #4b3621; color: white; padding: 5px; margin: 2px;">Software vendors</div> <div style="background-color: #003366; color: white; padding: 5px; margin: 2px;">Researchers</div> </div>	<ul style="list-style-type: none"> The Joint Technology Committee, a national consortium of court managers, administrators, and judges, has a report outlining cybersecurity basics for courts. The ABA Journal’s Digital Dangers collection has several articles related to cybersecurity and legal technology, including information on using simulations to prepare for a breach and on vulnerability disclosure or “bug bounty” programs, which tap good-faith hackers to alert courts about vulnerabilities in their systems.

Can court users get information on their open and closed cases through a single access point?



How to measure it:

Review the structure of existing case-lookup systems to determine whether they require court users to search for individual cases or if cases are linked by user.

Using one or more of the following strategies, courts should link all cases related to an individual litigant within their case information systems to support court users in accessing all their information in one place. Courts should begin by linking active cases to support court user engagement:

- **Statistical modeling.** Conduct a cluster analysis to identify and connect cases with the same name, address, or email and allow the court users to verify their cases. Clustering involves making a “best guess” that, for instance, “John Smith” is the same person as “John Smithe” on a different docket because both records use the same mailing and email addresses, and then linking those cases.
- **Collect new information.** Incorporate a new data field to create unique identifiers for all plaintiffs and defendants. When a case is filed, require that the plaintiff file with an identifier, similar to how attorneys will list their bar number on court documents.
- **Supporting manual linkage.** Allow court users to manually link their cases if they have all their case numbers.

Who’s involved:

- The Orange County (California) Superior Court developed a “Court Card,” which allows court users to look up their cases, track progress, download forms, and attend self-help workshops.
- The Civil Justice Data Commons (CJDC) has a [GitHub](#) site with sample code for cleaning addresses and clustering cases.
- The CJDC’s [Knowledge Base](#) has best practices from civil justice researchers for identifying repeat filers and defendants through clustering.
- Michigan Courts’ Justice for All Commission’s Technology and Data Sharing Committee recommends assigning unique identifiers to all parties at the outset of a case, which supports tracking how repeat plaintiffs use the court and provides a holistic view of civil legal issues in a defendant’s life.




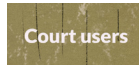
Does the case-lookup system comply with federal, state, and local requirements for accessibility by people with disabilities?

How to measure it:

Conduct accessibility testing, ideally with guidance from an appropriate expert.

- Work with relevant external experts, court staff, and vendors (if applicable) to update and test the case-lookup system for accessibility.
- Test the case-lookup system with court users with disabilities to ensure that the lookup system is not only compliant but also user-friendly and intuitive.

Who’s involved:

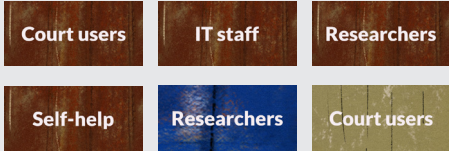

- The World Wide Web Consortium’s Accessibility Initiative has developed [Web Content Accessibility Guidelines](#) (WCAG) 2.1, international standards for online and website accessibility.
- A2J Tech has created an [accessibility guide](#) for web-based legal resources and tools that outlines appropriate structure, navigation, colors, design, fonts, typography, and other resources and information.

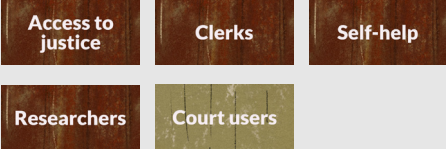
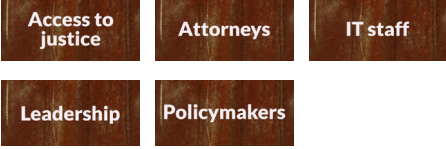
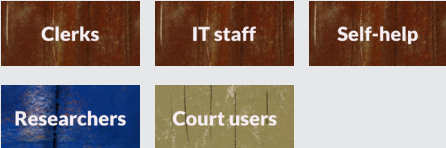
 Internal
  External
  Court users

Sources: State of Connecticut Judicial Branch, “Superior Court Case Look-Up”; Minnesota Judicial Branch, “Minnesota Court Records Online (MCRO)”; Utah State Courts, “MyCase (Access Your Case Online)”; Maryland Justice Passport, “Navigating Your Justice Passport”; Civil Justice Inc., “Mission and History”; Joint Technology Committee, “JTC Resource Bulletin: Cybersecurity Basics for Courts” (2021); *ABA Journal* and the ABA Cybersecurity Legal Task Force, “Digital Dangers: Cybersecurity and the Law” (December 2018); The Superior Court of California: County of Orange, “My Court Card Portal”; Civil Justice Data Commons, “Github”; Civil Justice Data Commons, “Knowledge Base”; Tactic 4 Subcommittee, (Justice For All Commission, Technology and Data Sharing Committee), (April 18, 2022); World Wide Web Consortium (W3C), “Web Content Accessibility Guidelines (WCAG) 2.1” (2018); A2J Tech, “Accessibility Guide” (2023)

Table 2

Court Users Should Be Able to Understand Their Case Information Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources
<p>Are court users successfully navigating through the case lookup platform?</p> <p><i>How to measure it:</i></p> <p>Review website analytics to identify drop-off points or barriers.</p>	<ul style="list-style-type: none"> • Provide court users with clear, easy-to-find instructions on how to access case information, such as by linking to guidance from the main court website and self-help page. • Test the platform with court users and staff who regularly interface with court users. • Capture user feedback to inform future updates. On each webpage that provides court users with case information, such as what documents are filed and when, embed a short question (e.g., “Was this information helpful?”) or thumbs-up/thumbs-down button to capture user feedback. • Have self-help staff invite court users who have accessed case information online to complete a short survey about the information-sharing experience. <p>Who's involved:</p> 	<ul style="list-style-type: none"> • Utah State Courts' self-help website provides users with plain-language instructions for accessing the state's online case-lookup system, MyCase. The system's user-friendly design draws on the expertise of staff who work with court users. The courts also capture user feedback through surveys and thumbs-up/thumbs-down widgets.
<p>Does the court's case-lookup system comply with federal and state language-access mandates?</p> <p><i>How to measure it:</i></p> <p>Conduct language accessibility testing, ideally with guidance from an appropriate expert.</p>	<ul style="list-style-type: none"> • Review local needs to account for all sizable non-English language populations. • Work with relevant staff to develop and deploy instructions and in-person or over-the-phone support, in users' primary language, for court users with limited English proficiency. <p>Who's involved:</p> 	<ul style="list-style-type: none"> • The U.S. Department of Justice provides resources on language access for state courts, including the American Bar Association standards, National Center for State Courts (NCSC) materials, and resources from 19 states, including memorandums of understanding and other efforts. • The American Bar Association's language access standards outline key practices for courts, such as how to select documents for translation and how to provide language access in court services.

<p>Does the court provide users with plain-language definitions or tools that explain case information?</p> <p><i>How to measure it:</i></p> <p>Review data fields in the case-lookup system.</p>	<ul style="list-style-type: none"> Set standards for plain-language usage in case file information. Identify the court's highest-volume case types and update related data fields to remove legalese or confusing terms (e.g., "dispositive motions" or "nunc pro tunc"). Test language with court users and relevant staff, such as clerks and self-help personnel. External experts can help with testing. <p>Who's involved:</p> 	<ul style="list-style-type: none"> OpenAdvocate, which was developed in collaboration with legal service providers, has a tool that supports website readability by flagging challenging words and phrases and recommending solutions, such as shortening sentences or using synonyms. NCSC has developed a glossary that identifies plain language alternatives to common legal terms and phrases (for example, using "according to" instead of "pursuant" and "delivery of court papers" instead of "service of process").
<p>Can court users tell whether a case has been removed, sealed, or expunged?</p> <p><i>How to measure it:</i></p> <p>Audit case-management system processes to determine what information is visible to court users about their removed, sealed, or expunged cases.</p>	<ul style="list-style-type: none"> Identify which cases are eligible for removal from personal records. Determine which third parties (e.g., registries or databases) have access to case information. Set up alerts to tell third parties to remove information from their systems. Work with policymakers to develop legislation to govern third-party use of court records. <p>Who's involved:</p> 	<ul style="list-style-type: none"> The Court Statistics Project has several resources related to data governance, including information on data breaches and deletion policies. During the development of Philadelphia's Renters' Access Act—which created guidelines for screening potential tenants, such as prohibiting searching for sealed, withdrawn, or satisfied eviction cases—local advocates, including Community Legal Services, sought input from local judges.
<p>Are court users regularly completing all the steps in the case-lookup system?</p> <p><i>How to measure it:</i></p> <p>Review website analytics to identify the points at which court users most often leave the online platform.</p>	<ul style="list-style-type: none"> Test the case-lookup platform with court users and relevant court staff, such as clerks and self-help staff, to learn where court users are having trouble, what they find helpful, and what they'd like improved. This testing does not have to be extensive or time-intensive; the court can capture informal user feedback by, for instance, setting up a table in the court lobby and asking court users to stop by and test the lookup system. External experts can also help with testing. <p>Who's involved:</p> 	<ul style="list-style-type: none"> The Massachusetts Trial Court partnered with user experience researchers to develop a guide to help courts test their forms and self-help materials. Although this effort was not specifically related to a case-lookup system, the methodologies outlined can help demystify user testing for courts.

■ Internal ■ External ■ Court users

Sources: Utah State Courts, "MyCase (Access Your Case Online)"; Judicial Branch of California, "Eviction Cases in California"; Ohio Legal Help, "Eviction in Ohio"; Federal Coordination and Compliance Section, "State Courts"; American Bar Association, "Standards for Language Access in Courts" (2012); OpenAdvocate, "WriteClearly"; National Center for State Courts,

“Interactive Plain Language Glossary”; Court Statistics Project, “Data Governance Policy Guide”; H. Beck, (Divisional Supervising Attorney, Housing Unit, Community Legal Services), (April 16, 2023); N. Player, (Jan. 9, 2023); D. Karis, “A Guide for Field Testing Court Forms & Self-Help Material” (2021)

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The work in action: MyCase platform gives Utah court users access to their information

In 2018, Utah State Courts launched MyCase, a free platform designed to dramatically improve users’ online experience with the courts.² The courts conceived MyCase as a flexible umbrella portal to support online dispute resolution, document assembly, and access to case information, and they designed the platform expressly for self-represented litigants.³

Through MyCase, court users can view all their case records and filings, make payments, file documents in select cases, and link multiple cases to their profile. To access the portal, users must verify their identity by providing an email address, case number, and photo of a government-issued ID. (Not all cases are supported by MyCase yet. For those that are not, court users can access their information online through the state’s Xchange platform for a \$5 fee.) MyCase had 18,492 accounts as of Nov. 2, 2022, and adds about 1,600 new accounts each month.⁴

The courts’ IT department, Court Services, and District Court administration co-developed the MyCase system with \$1.5 million from the federal American Rescue Plan Act, and the courts’ self-help center hosts the platform. As of this writing, the project team is conducting user testing and collecting feedback via surveys and thumbs-up/thumbs-down widgets to ensure that the platform works effectively and efficiently for the intended users.

Looking ahead, the self-help center wants to find ways to use MyCase to expedite and automate processes for court staff, in addition to users. For example, when litigants file paperwork for a case, they also must send it to opposing counsel through the court clerk, but if the user does not have a MyCase account, the clerk has to manually email or mail the document.⁵ A rule change could allow MyCase to automatically send filed motions and documents to the other party in a case, reducing the number of tasks that clerks—and self-represented litigants—must complete.

Other future plans include upgrades to make the platform more customizable and flexible and to ensure that it can be easily expanded with new templates and features as well as integration of the courts’ document assembly process into MyCase’s mobile-first and user-tested system. The self-help center hopes to structure the new document-assembly tool so that the court can identify sticking points, such as where people pause, spend the most time, or simply give up, and add motivational and instructional messages to help people complete forms and filings.

Endnotes

- 1 The Pew Charitable Trusts, “How to Make Civil Courts More Open, Effective, and Equitable” (2023), <https://www.pewtrusts.org/research-and-analysis/reports/2023/09/how-to-make-civil-courts-more-open-effective-and-equitable>.
- 2 Utah State Courts, “MyCase (Access Your Case Online),” accessed June 13, 2023, <https://www.utcourts.gov/en/self-help/services/mycase.html>.
- 3 N. Player (director, Self-Help Center and Utah State Law Library, Utah State Courts), interview with The Pew Charitable Trusts, Jan. 9, 2023.
- 4 K. Laterza, business analyst, Utah Administrative Office of the Courts, email to The Pew Charitable Trusts, Jan. 12, 2023.
- 5 Utah URCP Rule 5 (2021), <https://legacy.utcourts.gov/rules/view.php?type=urcp&rule=5>.

For more information, please visit: pewtrusts.org/modernlegal

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