



How to Share Civil Justice Data With Third Parties to Improve Public Knowledge, Oversight

Steps for making civil courts more open

Overview

Sharing bulk civil court data with authorized third parties can support the court in conducting robust evaluations, ensuring that data is accurately interpreted and improving the quality and breadth of court data. Authorized third parties—usually for-profit and nonprofit organizations, researchers, and service providers—use court data for statistical and other analyses and to help courts evaluate the effects of policy changes; support transparency; and provide courts with useful feedback about data collection, quality, and sharing.

Courts seeking to share data with authorized third parties can begin by implementing two key practices:

1. Provide third parties with a straightforward process for obtaining court data, including clear rules for its use and a data dictionary.
2. Share data in easily analyzable formats.

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 their data-sharing processes, understand and commit to meaningful data sharing, identify opportunities to share data with third parties to better understand what is happening in court, 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 data sharing.

Leadership can review and provide guidelines around who should have access to bulk court data and how that access is managed.

Legal counsel can review data-sharing agreements and ensure that data sharing follows policies and rules around privacy and confidentiality.

IT staff can support secure data sharing with authorized third parties and ensure that data is shared in compliance with disability accessibility and language access regulations and rules.

Research staff can handle data-sharing requests, answer questions about what fields mean, work with IT to securely share data, and work with third parties to identify challenges and improve how data is stored and shared.

Access to justice staff can work with authorized third parties to support interventions that improve how court users interact with the court (e.g., access to case information can support third-party record-sealing requests), ensure that privacy concerns are accounted for, and ensure that data is accessible.

External researchers who want or already have access to the court's data can help staff understand what constitutes meaningful data sharing and the benefits it can offer, as well as provide feedback on how the court shares its data, how and for what purpose third parties are requesting and using court data, and what changes would help improve the data's usefulness. To ensure litigants' data privacy, courts should consider how access to data could potentially harm their constituents and should share data only with approved third parties according to clear policies and usage rules.²

Step 2: Assess current practices and set next steps

The following set of key metrics can enable courts to assess their progress toward sharing data with third parties, undertake necessary reforms, and conduct cross-jurisdictional comparisons. (See Tables 1 and 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 which actions are feasible given available resources.

Table 1

The Court Should Have a Straightforward Process for Third Parties to Obtain Court Data

Metrics, suggested steps, and state examples and resources

Metric	If not, suggested next steps	Examples and resources
<p>Does the court have a standard process for sharing bulk civil data?</p> <p><i>How to measure it:</i></p> <p>Review rules and procedures for making bulk court data available to third parties.</p>	<ul style="list-style-type: none"> Identify who has access to court data, how they get it, and how much different types of users (e.g., researcher or business) pay for access. Assess terms and conditions of existing third-party data-sharing agreements. Develop a standardized process for third parties to request data and a data-sharing agreement that clearly outlines rules for the use of court data and penalties for misuse. <p>Who's involved:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">Leadership</div> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">Legal counsel</div> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">Researchers</div> <div style="background-color: #0056B3; color: white; padding: 5px; text-align: center;">Researchers</div> </div>	<ul style="list-style-type: none"> Indiana has a standardized process for requesting bulk court data and guidelines for its use outlined in its court rules. Researchers apply for bulk data online and pay a fee that depends on the number of files requested. Georgetown University's Civil Justice Data Commons recently published the results of a survey of four jurisdictions about their third-party data access to learn how they regulate data privacy and authorized third-party access. Georgetown University's Civil Justice Data Commons compiled model data-sharing agreements for civil courts.
<p>Does the court easily provide third-party access to bulk court data, such as through an application programming interface (API)?</p> <p><i>How to measure it:</i></p> <p>Review court processes to identify how the court shares bulk data (e.g., via CD-ROM, online portal).</p>	<ul style="list-style-type: none"> Develop an API that supports authorized third-party access to court data by allowing third parties to build apps or other tools that interface with the court data system, eliminating the need for court staff to manually respond to each data request. Work with third parties who have existing access to court data to test new data-sharing modalities. <p>Who's involved:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">IT staff</div> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">Leadership</div> <div style="background-color: #8B4513; color: white; padding: 5px; text-align: center;">Researchers</div> <div style="background-color: #0056B3; color: white; padding: 5px; text-align: center;">Researchers</div> </div>	<ul style="list-style-type: none"> Wisconsin provides an API for authorized third parties that includes sample code and output. For example, Theory and Principle, a legal technology firm working on behalf of LIFT Wisconsin, a nonprofit that helps people identify and respond to legal matters, uses the state's API to allow users to identify whether they have eviction or criminal records that are eligible for removal under state law.

■ Internal ■ External

Sources: Civil Justice Data Commons, "Model Agreements"; Civil Justice Data Commons, "Civil Court Data at the Local Level: Interviews and Insights From Four Locations" (2022); Indiana Judicial Branch Office of Court Services, "Bulk Data Application Rules and Forms"; Wisconsin Supreme Court and Court of Appeals, "Wisconsin Supreme Court and Court of Appeals Access Sample Code and Output"; N. Bradick and M. Boutet, (chief executive officer and chief technology officer, Theory and Principle), (May 18, 2023)

Table 2

Bulk Civil Court Data Should Be Easy to Analyze

Metrics, suggested steps, and state examples and resources

Metric	If not met, suggested next steps	State examples
<p>Is bulk court data shared in easily analyzable formats (e.g., comma-separated values)?</p> <p><i>How to measure it:</i></p> <p>Review a sample of court data that is available to authorized third parties to determine which fields are structured, hand-keyed, or stored only in PDFs.</p>	<ul style="list-style-type: none"> Identify the fields and information that should be stored electronically in the case management system (CMS) and work to ensure that the selected information is captured in the CMS. Assess whether optical character recognition can be used on documents stored in the CMS to convert them into searchable text. Work with relevant external experts, court staff, and vendors (if applicable) to test and update how data is stored and shared with third parties to ensure compliance with federal, state, and local accessibility requirements. <p>Who's involved:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #8B4513; color: white; padding: 5px; border: 1px solid black;">IT staff</div> <div style="background-color: #8B4513; color: white; padding: 5px; border: 1px solid black;">Leadership</div> <div style="background-color: #8B4513; color: white; padding: 5px; border: 1px solid black;">Researchers</div> <div style="background-color: #0056B3; color: white; padding: 5px; border: 1px solid black;">Researchers</div> </div>	<ul style="list-style-type: none"> The Court Statistics Project's data policy governance guide outlines best practices around sharing data with authorized third parties and offers sample data-sharing memorandums of understanding and public record request forms.
<p>Does the court have a data dictionary that includes clear definitions and outlines how fields have changed over time?</p> <p><i>How to measure it:</i></p> <p>Review the data dictionary's content.</p>	<ul style="list-style-type: none"> Share the dictionary as part of the response to all data requests or make it publicly available. Identify the fields that third parties most frequently ask about and prioritize refining those definitions in the data dictionary. <p>Who's involved:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #8B4513; color: white; padding: 5px; border: 1px solid black;">Researchers</div> <div style="background-color: #0056B3; color: white; padding: 5px; border: 1px solid black;">Researchers</div> </div>	<ul style="list-style-type: none"> New York has a publicly available data dictionary that indicates which data fields courts are required to capture, which are optional, and how data is entered in each field, such as via a drop-down menu. This helps third parties understand what the data will most likely include. Nebraska uses Zoho project management software to track who has access to state court data, document questions from authorized third parties about data fields, and identify which fields need clearer definitions.

■ Internal ■ External

Sources: H. Delgado, (Jan 2023); New York Courts Division of Technology and Court Research, "City and District Court Deidentified LT Data Extract Information" (2019); Court Statistics Project, "Data Governance Policy Guide"

The work in action: Connecticut helps Harvard University understand and support debt defendants

Connecticut provides bulk, standardized civil court data to authorized third parties through a robust online portal and makes the state's data dictionary publicly available through the state's court website.³ The Connecticut courts have had a policy of providing bulk data to third parties for more than a decade and have been committed to using this data to improve transparency of the judicial branch and allowing third parties to use this data to inform public policy.⁴

Access costs third parties \$720 a year—though the state waives the fee for some applicants—and includes daily data refreshes. Connecticut's flat fee, as opposed to a per-case-file charge, allows third parties to more accurately budget and can be significantly cheaper for them over time. For example, in fiscal year 2022, Connecticut courts handled 11,558 debt collection cases.⁵ At as little as \$1 per file, the total cost for the data for just half of those cases would far exceed the flat fee.

Connecticut is also working to streamline the process for applying for access. The existing process requires third parties to email the courts and detail what data they're looking for. The court then sends a user acknowledgment form outlining the rules for data use and instructions on how to pay the fee via check or money order. To speed up turnaround times for these requests, the court is building an online process in which the applicant fills out the form and pays by credit card in one visit. Applicants are then vetted before the payment is processed or access granted.

By making its court data easily accessible, Connecticut supports important research and legal outreach efforts, such as the Access to Justice (A2J) Lab's Financial Distress Research Project.⁶ This randomized controlled trial explores the effectiveness of self-help information and legal representation on court outcomes, credit, and well-being for consumers sued for debt collection.

During the data collection phase from 2017 to 2021, A2J Lab staff downloaded data from Connecticut's portal every week. The researchers sent weekly mailings to the addresses in the data, inviting defendants to participate in the study and informing them about helpful resources available through Connecticut Legal Services. The A2J Lab team used Connecticut's online public case-lookup system to track and analyze study participants' hearing dates and case outcomes.

Although Connecticut's portal does not support bulk downloads of documents, it does specify which documents litigants have filed (e.g., a garnishment request, notice of bankruptcy) and provide case ID information. Authorized third parties, such as the A2J Lab researchers, can use the portal to access full case records, including filed documents, via the state's online public case-lookup system.⁷

Connecticut's commitment to openness has paid off for the A2J Lab. Access to the state's data was essential to the study and allowed the researchers to send timely communications to defendants and to track case outcomes. As a result of this research, A2J Lab identified a set of best practices for designing court forms that support court user engagement.⁸

As Joseph Greelish, director of Connecticut's Performance Management, Quality Assurance, and Judicial Branch Statistics Unit, said, "The branch has improved transparency and expanded access to justice by producing critical data for both internal and external stakeholders. Many outside entities have expressed an interest in getting bulk judicial data to support their efforts, which include housing initiatives, clean slate legislation, domestic violence prevention, juvenile justice reform, and many critical state, federal, and private projects. Although the branch generally doesn't take a position in policy matters, it's often an essential source of data necessary to evaluate the efficacy of many of these initiatives."

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 J. Satow, “On the List, and Not in a Good Way,” *The New York Times*, Oct. 16, 2014, <https://www.nytimes.com/2014/10/19/nyregion/tenant-blacklist-culled-from-tedium.html>.
- 3 State of Connecticut Judicial Branch, Understanding the Display of Case Information (2017), <https://civilinquiry.jud.ct.gov/Understanding%20Display%20of%20Case%20Information.pdf>.
- 4 J. Greulich (director, Performance Management, Quality Assurance, and Judicial Branch Statistics Unit, Connecticut Judicial Branch), interview with The Pew Charitable Trusts, June 7, 2023.
- 5 Connecticut Judicial Branch, “Movement of Added Civil Cases by Case Types, Fiscal Year 2002-2003 and 2021-22” (2023), 1, line C40, https://jud.ct.gov/statistics/civil/civil_casetypeAdd_2022.pdf.
- 6 A2J Lab, “Financial Distress,” accessed July 6, 2023, <https://a2jlab.org/financial-distress/>.
- 7 State of Connecticut Judicial Branch, “Superior Court Case Look-Up,” accessed July 7, 2023, <https://civilinquiry.jud.ct.gov/GetDocket.aspx>.
- 8 D.J. Griener, D. Jiménez, and L. Lupica, “Self-Help, Reimagined,” *Indiana Law Journal* 92, no. 3 (2017): 1119-73, <https://www.repository.law.indiana.edu/ilj/vol92/iss3/6/>.

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

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