

State Court Civil Justice Data Considerations for Federal and Local Partners

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Contents

Acknowledgements.....	1
Overview	2
Who is This Guide For?	2
What are State Courts?.....	3
Common Levels of State Courts	4
State Court Structure	4
How Can State Court Civil Data Help Me?	5
Research/Information Gathering	6
Policy Development	7
Resource Assistance	9
Program Assessment and Evaluation	10
Program Enhancement	11
Enforcement.....	12
Where and How Do I Get State Court Data?	12
Variations in Court Data	13
National Open Court Data Standards.....	14
State Court Data Partnerships.....	15
Sample Data Sharing Agreement.....	17
Other Avenues for Obtaining Court Data.....	18
Public Record Requests	18
Case-Specific Lookup Tools.....	18
Data Scraping or Bulk Downloading	19
Purchasing Court Data	19
State Court Public Data Resources.....	19
The National Center for State Courts	19
Georgetown Civil Justice Data Commons.....	20
Legal Service Corporation Civil Court Data Initiative	20
The Bureau of Justice Statistics' Civil Justice Survey of State Courts	20
Maryland Access to Justice Commission Housing Data Dashboard	20

What State Court Data Should I Ask For?	21
Caseload Data	21
Party Information	21
Case Outcomes	22
I Have Data, Now What?.....	22
Cautions and Considerations	23
Understand Who Owns the Data	23
Protect Court User Privacy	24
Understand Your Responsibilities	24
Think Critically About What the Data Actually Shows	24
Looking Forward	25

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Overview

State court civil case data can inform academic and applied research, program assessment and improvement, and national and local policy decisions. This guide is designed to give non-court actors, specifically federal, state, and local government entities, advice on accessing and using state court data, as well as to help courts identify opportunities to share data and partner with organizations and agencies interested in court data. While it focuses mainly on civil case data (e.g., state court cases that are not criminal), many of the same considerations apply in the criminal data context.

Although there is variation in how courts collect and share information as discussed in this resource, courts want to partner and share information.

The [Tiny Chat Data Series](#) highlights a number of court data considerations and programs discussed in this brief as well, including court data resources such as the [National Open Court Data Standards](#) (NODS) and [Georgetown Civil Justice Data Commons](#), how courts can better use their data, and how courts might learn from other contexts, such as the medical field, about how to share information regularly and responsibly.

Who is This Guide For?

This guide is intended for a broad audience of state and federal stakeholders who recognize the importance of using court data to enhance their work. This includes federal and state policymakers who work on issues related to poverty, housing, urban development, consumer protection, civil rights, and child welfare.¹ This guide is intended to help spark conversation among all stakeholders about how court data can be used to advance shared goals and to provide some tools to enter into data sharing partnerships with courts.

While this guide contains contextual information for stakeholders other than courts, courts may also find the information helpful, including information about how to share data and available data-sharing tools.

¹ Civil state court data can be particularly relevant for many federal programs, including housing programs such as eviction prevention/housing stability, consumer protection, federal grant reporting and evaluation, and state compliance with federal funding mandates. Furthermore, federal agencies including the U.S. Department of Justice Bureau of Justice Services and Office for Access to Justice through the prospective civil court survey redesign, can play a critical role in supporting efforts to improve and expand collection of state court data.

What are State Courts?

This may seem like an easy question to answer, but state courts and state court structure can be complicated. Understanding the overall landscape of state courts will help guide data requests and illuminate challenges that might arise in requesting, collecting, and analyzing data.

When working with state court data, it is important to figure out which courts have the data you need.

State courts are responsible for enforcing state and local law in the criminal and civil contexts and are created by state constitutions and statutes. State courts encompass a diversity of courts, from state supreme and intermediate level appellate courts to local trial courts, probate courts, and municipal courts. These courts can have a variety of names depending on the state, and courts with the same name (e.g., district court) may be responsible for different case types from one state to the next.

State courts are also managed differently from state to state. In some states, a state supreme court and central court administration manage data requests for the entire state and set consistent policies for all courts in the state (often called a unified judiciary). In other states, where local courts and judicial districts are independently run and managed (often called non-unified judiciaries) data requests must go to each individual court or jurisdiction. And in some states, such as Florida or Arizona, local courts are administratively overseen by elected clerks who may not be judiciary employees but will be necessary partners for data exchange or sharing agreements.

Trial courts are courts that hear evidence and make initial decisions in cases. Trial courts may also re-hear cases heard by lower-level trial courts in some situations. **Appellate Courts** review decisions made by trial courts (and in some situations decisions made by other appellate courts).

Common Levels of State Courts:

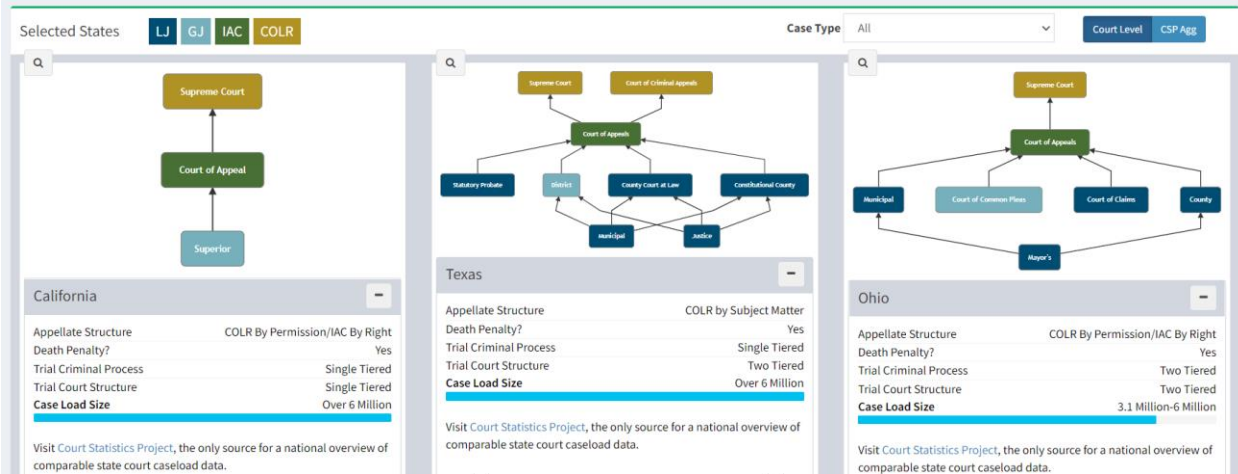
Trial Courts (decisions may be appealed)				Appellate Courts	
Municipal Courts	Lower-Tier Trial Courts/Courts of Limited Jurisdiction ²	Upper-Tier Trial Court/Courts of General Jurisdiction	Issue-Specific Courts	Intermediate Level Appellate Courts	Courts of Last Resort
Hear cases that deal with city and municipality laws and ordinances, both civil and criminal.	Typically hear cases with dollar amounts ranging from <\$5,000 to <\$10,000, although some may hear cases with amounts up to \$50,000. May also be responsible for some or all misdemeanor criminal cases.	Hear cases with greater dollar amounts at issue. Also handle felony criminal cases and possibly some misdemeanor criminal cases.	Many states have separate courts or separate court divisions that hear, for example, housing, probate, juvenile, and family cases.	Some states have appellate courts that hear all appeals from the upper-level trial courts. Decisions from these courts can be appealed to courts of last resort.	These are courts that provide the final level of relief in appeals.

State Court Structures

The Court Statistics Project at NCSC has developed an [interactive map](#) where state court structures for individual states can be explored in detail.

² For more information on courts of limited jurisdiction, *see*, National Center for State Courts, Limited Jurisdiction Courts Resource Guide, available at <https://www.ncsc.org/information-and-resources/archived-items/special-jurisdiction/limited-jurisdiction-courts/limited-jurisdiction-courts-resource-guide> (last accessed April 24, 2023); *see also*, National Center for State Courts, Limited Jurisdiction Cases Processed in State Courts, Nov 23, 2022, available at <https://public.tableau.com/app/profile/ncscviz/viz/CourtsOfLimitedJurisdiction/Story1> (last accessed April 24, 2023).

This image from the interactive map shows the complexity of state court structures in a range of states:



The Court Statistics Project also has court organization resources available [here](#) that describe the structure of each court and court management.

How Can State Court Civil Data Help Me?

State court civil data contains a wealth of information about communities and the legal challenges they face, such as housing instability, as indicated by eviction or foreclosure cases, or financial pressures, as indicated by consumer debt cases or civil child welfare cases.

The real and hypothetical examples in this section give context to some of the many ways that state court civil data can be used. Note that these categories are not exhaustive, and that there is often overlap among the categories. For example, research using court data is often performed with the goal of encouraging policy change or reform. Regular review of data enhanced by research or academic partners can help courts create better practices and procedures.³ Researchers and policy analysts frequently use court data with the goal of encouraging policy change or reform. Courts also partner with researchers to evaluate and improve their practices and procedures.

³ *See e.g.*, The Pew Charitable Trusts, *To Reform Debt Collection Litigation, Courts Need Better Data*, October 25, 2022, available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/10/24/to-reform-debt-collection-litigation-courts-need-better-data> (last accessed February 20, 2023).

Research/Information Gathering

Social science research performed using state court data can identify legal and social challenges communities face and inform potential solutions. For example, court data can show how many eviction cases, foreclosure cases, or debt collection cases were filed in a particular judicial district in a given period. This data can help identify the extent of housing instability or financial distress in a jurisdiction.

This research can be used to drive policy at the state or federal level, help courts improve their processes and business practices, and help community organizations understand legal and social needs for their populations and constituents.

Court data alone may not provide sufficient information or context for quality research, but it can be combined with other information, such as census data. The [Cautions and Considerations Section](#) of this document discusses how to think carefully about possible inferences to be drawn from state court data, particularly high-level data such as caseload information.

Some examples of research⁴ that court data can inform include:

- Data about how and where people connect to remote proceedings and data about broadband availability can be used to learn about outcomes and bias in remote hearings. For example, if parties who appear in person have better outcomes than parties who appear remotely, or if parties who connect via video have better outcomes than parties who connect by telephone, there may be a need to explore how court decision-makers approach virtual hearings.⁵ It can also have significant impact on fairness for people in rural parts of the country.
- Housing court data can improve our understanding of eviction. Court data can identify neighborhoods where evictions are most common and can be cross-referenced with other data sets, including census data, to identify racial and other disparities. Court data about eviction cases may also surface frequent eviction plaintiffs, patterns among corporate and small landlords, and potential court processes that drive eviction.
- Criminal and civil court data can highlight the impact of fines and fees on low-income people. Court data can be used to track collateral legal consequences for people who have criminal fines and fees by identifying whether these people have civil legal challenges like eviction, child support, or consumer debt cases.
- Data about representation or other assistance received by parties (e.g., help with court forms, other legal information from self-help centers) can indicate whether attorney representation or other kinds of assistance impacts outcomes in eviction cases, or how

⁴ Note that much of this research could lead to policy development or be the basis for program or service enhancement.

⁵ See e.g., https://www.ncsc.org/data/assets/pdf_file/0023/72554/title-iv-d-and-march-case-study.pdf.

the presence of domestic violence lay legal advocates impacts whether victims secure restraining orders.

- HUD's Office of Policy Development and Research conducted a study about the feasibility of developing a national eviction database and found that court data across jurisdictions is not sufficiently consistent to accurately track court-based evictions.⁶ This finding can be used to encourage courts to report and track eviction case data in line with data standards.
- HUD's Office of Research Evaluation and Monitoring provided a grant to New York University's (NYU's) Furman Center and the Urban Institute to link data on court-ordered evictions to HUD administrative data to better understand how housing choice voucher recipients might be vulnerable to eviction.⁷

Policy Development

State court data can help inform federal and state policy by providing information about needs in particular communities. Some examples of how state court data might help with policymaking include:

- Eviction case data can reveal patterns in cases filed by corporate landlords to assist the Federal Trade Commission (FTC) and HUD with policymaking.
- Federal broadband and internet policy can be informed by court data that shows geographic locations where people opt in and out of remote hearings as well as data that shows where people use access points or appear in person for a remote hearing rather than appearing from home.
- Case data on race and ethnicity in traffic violations can identify disparities in policing that can lead to new training or legislation.
- Trends in state court filings can identify national financial and economic trends, giving policymakers information to respond early to potential financial crises. In 2007, legal aid providers observed an uptick in foreclosure filings, portending the housing collapse of 2008.⁸

⁶ HUD Office of Policy Development and Research, *Report to Congress on the Feasibility of Creating a National Evictions Database*, November 16, 2021, available at <https://www.huduser.gov/portal/publications/Eviction-Database-Feasibility-Report-to-Congress-2021.html> (last accessed February 14, 2023).

⁷ Jacquie Bachand, *New HUD PD&R Research Awards Aim to Shed Light on Evictions From HUD's Housing Choice Voucher Program*, <https://www.huduser.gov/portal/pdredge/pdr-edge-trending-111522.html> (last accessed January 30, 2023).

⁸ Maggie Barron and Melanca Clark, *Foreclosures: A Crisis in Legal Representation*, The Brennan Center, October 6, 2009, available at <https://www.brennancenter.org/our-work/research-reports/foreclosures-crisis-legal-representation> (last accessed February 14, 2023).

- Information about state court policy and practice regarding filing requirements in debt collection cases could inform the Consumer Finance Protection Bureau’s (CFPB) efforts to strengthen protections around the pre-court filing debt validation notice requirement.
- Reviewing state court data to understand when default judgments are granted despite a plaintiff’s failure to furnish adequate proof that a debt is valid could also help CFPB identify upstream consumer protection policy solutions and rulemaking.
- Information about veteran involvement in the justice system can be used to create policies to improve mental health services and transition services for veterans.⁹
- A recent study of consumer debt collection cases in Michigan used court data combined with other data sources to show racial disparities in debt collection cases, resulting in policy recommendations to address these disparities.¹⁰
- The Utah Judiciary used analyses of case data in debt collection and eviction cases to identify and understand barriers for litigants, including lack of participation and lack of representation for defendants in these cases. With this information, the Utah Judiciary developed better informational resources for people representing themselves and created a regulatory “sandbox” to identify ways to help people who are not able to afford lawyers.¹¹

A lack of access to court information can also hinder policy development. For example, the Government Accountability Office (GAO) noted in its report on the CDC’s eviction moratorium that lack of access to state court data on eviction filings made it challenging to measure the efficacy of the moratorium in preventing evictions as well as determining whether federal rental assistance reached those most at risk of eviction.¹²

⁹ See, <https://counciloncj.org/veterans-justice-commission/> (last accessed February 20, 2023).

¹⁰ Natasha Khwaja, *Michigan Courts Seek Justice for All in Debt Collection Lawsuits*, November 16, 2022, available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/11/16/michigan-courts-seek-justice-for-all-in-debt-collection-lawsuits> (last accessed January 30, 2023).

¹¹ See, Erika Rickard & Charlotte Stewart, *Utah Is Using Data to Drive Debt Litigation Reform*, April 20, 2022, available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/04/20/utah-is-using-data-to-drive-debt-litigation-reform> (last accessed February 20, 2023).

¹² United States Government Accountability Office, *Covid-19 Housing Protections: Moratoriums Have Helped Limit Evictions, but Further Outreach Is Needed*, March 2021, available at <https://www.gao.gov/assets/720/713141.pdf> (last accessed February 14, 2023).

Resource Assistance

Sharing data between courts and government agencies can help determine if someone is eligible for benefits or court programming. Data sharing can streamline application processes and increase the likelihood that people will be able to access benefits and programs for which they are eligible. Some examples of how this might happen include:

- Cross-referencing court party information with public benefit agencies can help determine if the parties are eligible for court fee waivers, eliminating the need for fee waiver applications in many situations.
- Medical-legal partnerships can allow medical providers to access court case information about patients to help with health care and mental health care provision. For example, a healthcare provider, knowing that a person has a civil debt collection lawsuit filed against them, can both direct the person to resources and assess for health needs that might arise from the stress of dealing with a lawsuit.
- The Indiana courts have a partnership¹³ with the VA to collect information on veteran status both to refer people to veteran treatment courts when appropriate and to enroll people in VA healthcare if necessary.
- A Bureau of Justice Assistance-funded program in the Massachusetts trial courts connects any court-involved individuals with substance use challenges to treatment and housing services, and provides recovery navigation services, transportation to court and to court-ordered recovery services.¹⁴
- The courts in Lawrence Township, Indiana share eviction case information with local school districts who cross reference case party names with student information to determine which students may be experiencing housing instability and provide resources to these students and families.
- The Maryland Justice Passport allows legal aid providers and clients to share data, including court data, to help court users track applications for legal aid services, document where they are at in their case process, and determine any next steps they need to take.
- The New Mexico Administrative Office of the Courts sends juvenile justice case information to law enforcement agencies when those cases are eligible for automatic sealing to ensure that all law enforcement records are sealed.

¹³ See, Mary L. DePrez, *Multi-Agency Help for Veterans*, Indiana Court Times, October 10, 2019, available at <https://times.courts.in.gov/2019/10/10/multi-agency-help-for-veterans/> (last accessed March 6, 2023).

¹⁴ See, <https://www.mass.gov/project-north>

- Many courts share case information with social service organizations as part of eviction prevention programs that incorporate legal aid, mediation, and rental assistance.¹⁵ See the [Program Enhancement](#) Section of this document for more information about data and case information sharing in eviction diversion programs.

Program Assessment and Evaluation

State court data can help show the success of various programs that are either court or agency driven. Again, as noted in the research section above, court data alone may not provide a whole picture of a program and its effectiveness, so additional data sources may be required.

Some examples include:

- Civil case information about parties who participated in pre-trial diversion or release programs can help researchers understand the benefits of these programs, whether they decrease collateral consequences of detention such as job loss, housing instability, and loss of child custody, as well as whether these programs help people show up to future hearings.
- Using court data on appearances and outcomes to evaluate a court text message-based reminder program.¹⁶
- Reviewing court data about whether parties completed and filed plain language forms, as well as case outcomes for those parties, to help evaluate the effectiveness of such forms.

¹⁵ *See e.g.*, National Center for State Courts, *Tiny Case Studies: Pandemic Recovery Funds Help Support Eviction Prevention in Cobb County, Georgia*, March 8, 2022, available at https://www.ncsc.org/data/assets/pdf_file/0031/77467/Cobb-County-GA-Eviction-Prevention-4.18.22.pdf (last accessed March 6, 2023) and National Center for State Courts, *Tiny Case Studies: Pandemic Recovery Funds Support Court-Based Eviction Prevention Programs in Cook County, Illinois*, June 2, 2022, available at https://www.ncsc.org/data/assets/pdf_file/0029/77465/Eviction-prevention-in-IL_6.2.22.pdf (last accessed March 6, 2022).

¹⁶ NCSC has done work evaluating court text reminder programs in some jurisdictions, including Kentucky. For information on NCSC work regarding appearance rates, *see*, <https://www.ncsc.org/consulting-and-research/areas-of-expertise/access-to-justice/appearance-rates>.

Program Enhancement

Court data can be used to enhance social, educational, and other community-based programs by identifying people who may have a particular need based on court cases.

- During the COVID-19 pandemic, many of the state agencies and organizations administering federal rental assistance money developed data sharing agreements with courts to obtain information about parties in eviction cases to provide information and outreach about rental assistance early in the eviction court process. Some examples of data sharing partners in eviction diversion programs include:
 - Rental Assistance Providers (Cook County, IL¹⁷ & New Mexico¹⁸): Information about newly filed eviction cases is shared with rental assistance providers to prioritize distribution of rental assistance to parties with active eviction cases, and information about rental assistance cases is shared with the court so judges can determine the status of rental assistance for parties in eviction cases.
 - Legal Aid Providers (Milwaukee, WI & Cook County, IL): Information about new eviction cases is shared with Legal Aid organizations so Legal Aid can target outreach.
 - School Districts (Lawrence Township, IN): Information about newly filed eviction cases is shared with school social workers who assist families on their caseload with rental assistance and other school-based assistance. This partnership is discussed in the [Resource Assistance](#) and [Enforcement](#) Sections of this document as well.
 - State Department of Health & Human Services (Grand Rapids, MI): Information about newly filed eviction cases is shared with HHS who cross references this information with information about current HHS benefit recipients to determine if HHS benefit clients need other assistance.
 - County Government (Chattanooga, TN & Las Vegas, NV): County government assistance providers receive information about eviction cases to help target outreach to county assistance recipients and to determine if current recipients need additional county-based housing or income support assistance.

Courts often share data with justice partner agencies in criminal justice cases to ensure that court orders are followed, warrants are received by law enforcement, and information about court dates is received by relevant agencies.¹⁹ This sharing often allows law enforcement to access or communicate with court case management systems. This sharing could be a model in other case types, such as child welfare or eviction, when state agencies are involved.

¹⁷ National Center for State Courts, *Tiny Case Studies: Pandemic Recovery Funds Support Court-Based Eviction Prevention Programs in Cook County, Illinois*, June 2, 2022, available at https://www.ncsc.org/data/assets/pdf_file/0029/77465/Eviction-prevention-in-IL_6.2.22.pdf (last accessed March 6, 2022).

¹⁸ See, <https://www.nmevictionprevention.com> (last accessed March 6, 2023).

¹⁹ See e.g., David Colarusso & Erika J. Rickard, Speaking the Same Language: Data Standards and Disruptive Technologies in the Administration of Justice, 50 Suffolk U. L. Rev. 387, fn. 45 (2017).

Enforcement

State court data can support federal and state oversight responsibilities when institutions may be struggling to meet federal mandates or civil rights laws.

- Having regular data from state courts could assist agencies like the Consumer Finance Protection Bureau (CFPB) or state consumer protection agencies in identifying predatory practices early and responding with appropriate investigation and protective action. Identifying debt collection or foreclosure plaintiffs that routinely file inadequate complaints can help flag potential violations of federal consumer protection laws, target investigation and enforcement activities, and guide evidence-based policy development. Similarly, tracking debt collection and eviction filings could help the CFPB and FTC identify predatory practices on the part of creditors and corporate landlords.
- The CFPB and FTC could use state court eviction data to help identify violations of the Fair Credit Reporting Act in situations where landlords or property managers have furnished incorrect or improper information to Credit Reporting Agencies. This could include comparing state court eviction data such as data about rental assistance and eviction diversion programs to information supplied to Credit Reporting Agencies to identify violations and understand the scope of these violations.²⁰
- Court data can help non-court agencies and institutions meet state and federal requirements. For instance, schools must identify students experiencing homelessness, and in the Lawrence Township, IN example above, having court data about eviction helps schools meet their responsibilities.

Where and How Do I Get State Court Data?

These next sections discuss how courts collect data, how to enter into data sharing agreements with courts, what to do if a data sharing agreement is not possible, and publicly available sources of state court data.

²⁰ *See e.g.*, Consumer Financial Protection Bureau, *As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately*, July 1, 2021, available at <https://www.consumerfinance.gov/about-us/newsroom/as-federal-eviction-protections-come-to-an-end-cfpb-warns-landlords-and-consumer-reporting-agencies-to-report-rental-information-accurately/> (last accessed February 14, 2023).

Variations in Court Data

The way that courts collect, store, and organize data varies greatly from court to court and state to state.²¹ These differences are the result of internal court policies and procedures, individual court needs regarding data, statutory constraints, static technology and outdated case management systems, and funding limitations. Working with courts and court data can lead to important insights and opportunities about legislative or funding changes needed to streamline and improve court data management and collection.

Most courts use some type of case management software to store case data. These systems differ from court to court as does the ability of courts to pull data from these systems. For example, one court may be able to run case reports that show case notes about outcomes and another court may not be able to do this, due to case management system software constraints.

Available data also depends on what data courts collect at the case level. Just as state courts are structured differently from jurisdiction to jurisdiction, courts also collect and organize data very differently.²² Some of these differences include:

- The way cases are named or classified. For example, in one court, eviction cases may be classified as landlord-tenant cases, and in another court, they may be classified as unlawful detainer cases, whereas in a third court, they may simply be called eviction cases.
- The way case outcomes are noted. Some courts may simply indicate that one party or the other prevailed, and some courts may have detailed notes about case outcomes or judgment amounts.
- The type of party data. Many courts do not collect race or ethnicity data about parties, or if they do, this information is collected in a way that may not be reliable as discussed below.²³

²¹ For a vision of a data standardization model for court data, *see*, David Colarusso & Erika J. Rickard, *Speaking the Same Language: Data Standards and Disruptive Technologies in the Administration of Justice*, 50 Suffolk U. L. Rev. 387 (2017).

²² For a discussion of the problems and harms that can come from non-centralized collection of state court data and some ways to resolve these problems, as well as examples of how state court data can be used for policy reform, *see*, Jeff Reichman, *I'm rooting for an obscure line item in the Texas budget*, January Advisors, available at <https://www.januaryadvisors.com/im-rooting-for-an-obscure-line-item/> (last accessed January 30, 2023).

²³ For more discussion on how courts collect race and ethnicity data and considerations about using race and ethnicity data from court systems, *see*, Court Statistics Project, *Collecting Race and Ethnicity Data*, February 8, 2021, available at https://www.ncsc.org/data/assets/pdf_file/0016/60343/Race_special_topic_v2.pdf (last accessed March 13, 2023).

- The way data is collected, particularly party data. Some courts will take party information from court pleadings without verifying the information is correct with the party. With race and ethnicity data, some courts ask parties to self-identify (the preferred way of collecting this data) whereas other courts will guess based on appearance or name or input race and ethnicity data from other sources such as jail records or driver's licenses.

To use data for the purposes discussed above, the data will need to be collected regularly, and data collected at the case level may need to be modified or enhanced by other sources. There are many courts that already have easily collectable data. But other courts will need to change the way they collect and think about data to do this. Working in partnership with courts and highlighting court data sharing success can encourage other courts to improve the way they collect, manage, and share data. It will also identify areas where legislative change and additional funding may be necessary to create better data collection and sharing practices and to enhance the use of available resources to guide court data collection and comparison.

National Open Court Data Standards

The [National Open Court Data Standards](#) (NODS), developed by the National Center for State Courts, is a framework that courts can use to standardize data. NODS provides business and technical court data standards to support the creation, sharing, and integration of court data, in order to:

- make case-level state court data available to researchers, policymakers, the media, and the public to provide for transparency in court operations and to improve public policy;
- make data available for public and court system use in a consistent manner that reduces the possibility of error and misinterpretation; and
- reduce the burden on court system staff in responding to data requests.

Traditionally, courts have not published data publicly, making it difficult for the public to understand the judiciary and difficult for researchers to use court data. NODS reflects a shift toward promoting evidence-based practices in the judiciary and among judicial partners such as legal aid organizations and criminal justice partners. Without data about court programs and processes, it is impossible to understand how these programs and processes impact the people who come before the courts. Likewise, NODS encourages transparency in the judiciary, which is critical given the low levels of trust many people have in the court system.²⁴

²⁴ *See*, National Center for State Courts, *2022 State of the State Courts Report*, available at <https://www.ncsc.org/consulting-and-research/areas-of-expertise/court-leadership/state-of-the-state-courts> (last accessed January 8, 2023).

The Data Framework for Promoting Civil Access to Justice,²⁵ also developed by the National Center for State Courts, shows how court information can be collected, with the help of NODS, to identify common characteristics of litigants in essential civil legal cases (e.g., housing, family law, consumer debt), how these individuals are accessing court services, and what barriers they face.

The standards promoted by NODS are one attempt to create standards for state court civil data. Others are discussed below.²⁶

State Court Guide to Statistical Reporting

The Court Statistics Project's [State Court Guide to Statistical Reporting](#) is a standardized reporting framework for state court caseload statistics to promote intelligent comparisons among state court data. It addresses some of the case-type definition challenges discussed above and case count considerations for caseload reporting.

State Court Data Partnerships

To ensure access and understanding about state court data, it is best to develop partnerships with courts and enter into data-sharing agreements if possible. This will allow you to pinpoint specific information needed, work with courts to understand the best way to use court data, and determine agency responsibilities for handling data and protecting privacy.

Courts often have data sharing partnerships with other justice partners, particularly with regard to criminal justice data, which gives courts and other stakeholders a blueprint to use as a data sharing model.²⁷

²⁵ Andrea L. Miller, Ph.D., J.D., Lindsey Wylie, Ph.D., J.D., Erica Boyce, Ph.D., *Data Framework for Promoting Civil Access to Justice*, National Center for State Courts, June 2022, available at https://www.ncsc.org/data/assets/pdf_file/0033/77667/Data-Framework.pdf (last accessed March 14, 2023).

²⁶ For more discussion on the need for a court data commons, *see*, Margaret Hagan, Jameson Dempsey, & Jorge Gabriel Jiménez, *A Data Commons for Law*, Medium.com, April 1, 2019, available at <https://medium.com/legal-design-and-innovation/a-data-commons-for-law-60e4c4ad9340> (last accessed February 20, 2023) and The Pew Charitable Trusts, *To Reform Debt Collection Litigation, Courts Need Better Data*, October 25, 2022, available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/10/24/to-reform-debt-collection-litigation-courts-need-better-data> (last accessed February 20, 2023).

²⁷ *See*, David Colarusso & Erika J. Rickard, *Speaking the Same Language: Data Standards and Disruptive Technologies in the Administration of Justice*, 50 Suffolk U. L. Rev. 387, fn. 45 (2017)

Data sharing agreements are critical to these partnerships and to ensuring that data is shared and used responsibly.

Some key questions to consider with data sharing agreements include:

- What information will you receive from the courts?
- How will you need to sort or analyze the information (remember that different courts may code and track information differently)?
- What can you use the information for?
- If you are receiving party-specific information, who is responsible for anonymizing that information and how will this happen?
- If you are responsible for data scrubbing, do you have a plan and policies to protect data?
- How long can you keep the data you receive from the court?
- What do you need to do to destroy data after any retention period?
- Are there other laws that restrict sharing particular information? (e.g., HIPAA for health information or federal laws protecting confidentiality of alcohol or substance abuse treatment or homelessness information collected via the Homeless Management Information System)²⁸

Common elements in data sharing agreements²⁹ include:

- **Parties to the agreement:** As discussed in the [Cautions and Considerations](#) section below, ownership of court case data may be complicated by case management vendor agreements, and these vendors may need to be parties to the agreement depending on the data needed and how it will be shared. Likewise, if multiple non-court parties will

for examples of data sharing between law enforcement in Massachusetts and Virginia. *See also*, National Center for State Courts, National Open Court Data Standards (NODS), available at <https://www.ncsc.org/consulting-and-research/areas-of-expertise/data/national-open-court-data-standards-nods> (last accessed April 24, 2023).

²⁸ *See*, American Academy of Arts and Sciences, *Measuring Civil Justice for All: What Do We Know? What Do We Need to Know? How Can We Know It?*, February 2021, available at <https://www.amacad.org/publication/measuring-civil-justice-all/section/5> (last accessed January 8, 2023) for more information about other confidentiality laws that intersect with civil court information.

²⁹ The information in this section comes from American Academy of Arts and Sciences, *Measuring Civil Justice for All: What Do We Know? What Do We Need to Know? How Can We Know It?*, February 2021, available at <https://www.amacad.org/publication/measuring-civil-justice-all/section/5> (last accessed January 8, 2023) and The University of Chicago's University Research Administration's website at <https://ura.uchicago.edu/page/data-sharing-agreements> (last accessed January 8, 2023).

access the data, all of these organizations may need to be part of an agreement even if they are not the primary recipient of the data.

- **Purpose of the agreement:** The agreement should clearly state why the data is being shared and how it will be used. Be clear about whether the recipient can use the data for purposes that are not described in the agreement.
- **Description of the data:** The agreement should describe the data with specificity to make sure there is not confusion about what data is being exchanged and that any concerns about confidential or protected data have been addressed.
- **How the data will be transmitted:** This includes how data will be protected during transmission, if necessary, who will be responsible for sending and receiving data, and any responsibilities receiving parties have upon receipt of data.
- **Data confidentiality:** Some court data may not be confidential because of public records laws, and if this is the case, the agreement should make this clear. Even data that is not confidential may contain sensitive information, such as party names, dates of birth, and addresses. There should be careful consideration about protecting this information as well as other information that is not public record.
- **Data security:** The agreement should list particular security measures the data recipient must undertake when storing and working with data. These may be things like keeping hard copies in a locked file cabinet, password protecting and encrypting electronic files, and determining who has access to data.
- **Conditions around re-release of information:** The agreement should be clear about whether and how the recipient can re-release information to people or entities that are not part of the data sharing agreement.
- **Time period of the agreement:** There should be a clear start and end date in the agreement and clarity about what happens to shared data once the agreement ends (i.e., Will it be destroyed? How? Deleted from hard drives? Hard copies shredded?).
- **Costs and fees:** Clearly delineate any anticipated costs and fees and which parties are responsible for any costs and fees associated with sharing the data.
- **Termination:** How parties can end the agreement before the agreement period is over if necessary.
- **Amendment:** How parties can amend the agreement if necessary.
- **Appropriate signatories:** The agreement should be signed by individuals who have authority to authorize release of information and make decisions about how the recipients of information can handle information.

Sample Data Sharing Agreement

[This](#) sample agreement is part of the article *Measuring Civil Justice for All: What Do We Know? What Do We Need to Know? How Can We Know It?* from the American Academy of Arts and Sciences. It is also available in an editable Word format [here](#).

Other Avenues for Obtaining Court Data

Although data sharing partnerships with courts are preferable and most courts are willing to share information, some courts may not be able to enter into partnerships or have the staffing or capacity to share data in a coordinated, consistent way. In these situations, there may be other ways to access state court data, although this data may be limited and incomplete. This section talks about some of these methods.

Public Record Requests

Some court data will be available via public record requests, but some states limit information that can be obtained under public record laws, especially identifying information. Some case types, such as adult guardianships, child welfare, and juvenile justice cases, are also considered confidential, and information about these cases is not publicly available. When making a public records request, it is important to be specific about the information needed, including case types, specific information about cases (e.g., whether parties in the cases were represented or not, case outcomes), and the timeframe for your request (e.g., cases that were filed or disposed of between particular dates).

Case-Specific Lookup Tools

Some courts also have online, case-specific lookup features where a person can look up individual case information based on a party name or case number. The information that can be obtained this way is limited due to the need to know a party name or case number; there is often no ability to search by case type.³⁰ Furthermore, this information can often be confusing without context.³¹

³⁰ Note that some jurisdictions do allow searches by case type. *See e.g.*, Arkansas Administrative Office of the Courts Public CourtConnect Website, https://caseinfo.arcourts.gov/cconnect/PROD/public/ck_public_qry_main.cp_main_idx (last accessed April 24, 2023).

³¹ For more information on the limitations of using online record look-up tools, see, National Center for State Courts, *Why Court Records DON'T Provide a Person's Criminal History*, available at <https://www.ncsc.org/consulting-and-research/areas-of-expertise/technology/online-records> (last accessed March 14, 2023).

Data Scraping or Bulk Downloading

Collecting case information via data scraping³² or bulk downloading court records from court websites is also a possibility when not prohibited by website terms of service. Data scraping should be approached with caution as it can also result in incomplete information and information that lacks context. Data scraping software can only collect publicly available information from court websites, and many court websites do not contain complete case information or contain information that needs context to be fully understood. Data scraping for comparison purposes between courts or court systems can also result in inaccurate comparisons due to the differences in how courts collect and categorize data, as discussed above. Data obtained through data scraping often requires considerable sorting and cleaning to be useable. As noted above, partnerships with courts will often lead to the best information. However, data scraping is an option to obtain public court data when a data sharing agreement for the information cannot be obtained for some reason. Data scraping is how the Legal Service Corporation gets information for its Civil Court Data Initiative discussed [below](#). With data scraping, it is important to understand the terms of use governing the websites you will collect data from as some sites prohibit data scraping.

Purchasing Court Data

It is also possible to buy data from courts or court technology vendors who operate case management systems or cloud storage in some circumstances.³³ Again, this is less ideal, because it encourages court data selling, a practice that has ethical implications given courts' roles as government entities and their required impartiality.

State Court Public Data Resources

Here are some resources that collect publicly available state court data:

The National Center for State Courts

The [Court Statistics Project](#) collects information from a number of state courts about caseloads by [case type](#) and has a number of [reports](#) about court data practices, including some contributed by various courts.

³² Data scraping is a process where a computer program automatically collects information and content from websites and organizes it (usually in spreadsheet form).

³³ See e.g. <https://vimeo.com/showcase/8099547/video/704189618>

Georgetown Civil Justice Data Commons

The [Georgetown Civil Justice Data Commons](#) is a repository for civil court data, focused on eviction and consumer debt, that will grant access to researchers on request.

For more, check out NCSC's [Tiny Chat](#).

Legal Service Corporation Civil Court Data Initiative

The Legal Service Corporation's Office of Data Governance and Analysis's [Civil Court Data Initiative](#) also collects publicly available court data.

For more, check out NCSC's [Tiny Chat](#).

The Bureau of Justice Statistics' Civil Justice Survey of State Courts

The Civil Justice Survey of State Courts (CJSSC) was a broad, systematic investigation of the nature of civil litigation (i.e., tort, contract, and real property cases) in a sample of state general jurisdiction courts. Data collected includes information about the types of civil cases litigated at trial, types of plaintiffs and defendants, trial winners, amount of total damages awarded, amount of punitive damages awarded, and case processing time. The 2005 CJSSC marked the first time that the data collection examined general civil trials concluded in a nationally representative sample of urban, suburban, and rural jurisdictions. The prior data collections in 1992, 1996, and 2001 were designed so that inferences could be made about general civil trial litigated in the nation's 75 most populous counties.

Visit the [Civil Justice Survey of State Courts](#) webpage for more information.

Maryland Access to Justice Commission Housing Data Dashboard

Although state specific to Maryland, the [Dashboard](#)³⁴ is an example of interactive, real-time publicly available court data. The Dashboard collects eviction and rent court case data from the Maryland Judiciary and displays it in searchable, interactive ways.

³⁴ For more information about the Dashboard and its development, *see*, Maryland State Bar Association, *A2JC's New Housing Data Dashboard Provides Easy Access to Rent Court Cases and Evictions*, September 20, 2022, available at <https://www.msba.org/a2jcs-housing-data-dashboard/> (last accessed March 6, 2023).

What State Court Data Should I Ask For?

The specific data requested will depend on the needs of a particular project or program and the information a court has available. However, this section discusses some common types of state court data that might be helpful.

Caseload Data

Caseload data is information about the number of a case type filed or resolved in a particular time period. This may be very high-level, such as numbers of criminal and civil cases filed in a particular court in a given year, or it may be more detailed, such as numbers of felony cases or numbers of a particular type of civil case (e.g., evictions or order of protection petitions).

This can give information about specific legal issues faced by a community, especially when cross-referenced with other social data such as income or average rents. But the number of cases filed does not tell the whole story about what is happening with an issue.

Party Information

Beyond caseload numbers, state courts have information about parties to cases that can be critical for research, assessment, and program enhancement. Some examples of party information that may be helpful are discussed below.

Party Addresses

Party addresses can be cross-referenced with census data (see the [Cautions and Considerations](#) Section for a discussion of privacy considerations when working with state court data), to identify areas and communities that are struggling with particular challenges. This can include housing challenges, such as eviction or foreclosure, substance use problems, violence, or family conflict.

Race and Ethnicity Information

State court data can contain critical information about social conditions, racial inequities, and legal and social needs in particular communities. Many state courts are examining how to collect race and ethnicity data to address racial disparities, particularly in the criminal justice

system.³⁵ However, keep in mind that race and ethnicity data may be incomplete or may be based on observation rather than on party self-reporting.³⁶

Case Outcomes

Outcome data can be critical to helping understand whether a program or intervention is successful. For example, knowing whether a party was evicted after participating in a diversion program and receiving rental assistance can help assess the success of the diversion program. However, case outcomes can also be influenced by a variety of factors, including whether a party appeared for a hearing, the party's ability to navigate the court system and hearing, and other outside social pressures such as poverty, that have little bearing on the merits of a case. Therefore, outcome data should be used carefully.

I Have Data, Now What?

Data analysis can be complicated, and it is important to be as clear as possible about what court data shows and what data you have received. If you are working in partnership with a court, clarify this in the data sharing agreement and ask questions of court partners if you need additional clarification. If you are not able to partner with a court and are unclear about the data's limits, you may be able to consult with subject matter experts in a particular area of law (e.g., local legal service attorneys who practice eviction) to get more information. It will also be important to be clear about the limits of the data and your understanding of it in any analysis, research, or evaluation.

³⁵ Michigan's Justice for All Commission recently released a report that matched defendant addresses in debt collection cases with census race data to understand how racial disparities appear in debt collection cases. *See*, Michigan Justice for All Commission, *Advancing Justice for All in Debt Collection Lawsuits*, available at https://misc01mstrtu25qprod.dxcloud.episerver.net/4ac33d/siteassets/reports/special-initiatives/justice-for-all/jfa_advancing_justice_for_all_in_debt_collection_lawsuits.pdf (last accessed February 20, 2023).

³⁶ For more discussion on how courts collect race and ethnicity data and considerations about using race and ethnicity data from court systems, *see*, Court Statistics Project, *Collecting Race and Ethnicity Data*, February 8, 2021, available at https://www.ncsc.org/data/assets/pdf_file/0016/60343/Race_special_topic_v2.pdf (last accessed March 13, 2023).

It is also important to have a clear plan and expertise around how to analyze and use data, and one that includes courts when appropriate.³⁷ This [toolkit](#)³⁸ from the Legal Services National Technology Assistance Project contains a number of tips and resources for organizations engaging in data analysis including:

- How to assemble a team to analyze data.
- How to make sure the data collection and analysis is equitable and does not result in further harm or burden to historically marginalized communities.
- How to prepare raw data for analysis.
- How to use a variety of [tools](#), including Excel, Google Sheets, Python, R, SAS, SPSS, and Stata to organize and analyze data.
- Common [types](#) of data analysis including descriptive, diagnostic, predictive, and prescriptive analysis, and the goals of each.

Cautions and Considerations

Because court data contains sensitive information, it is important to think carefully about how data is collected, transferred, and used. This section will help you think through some common concerns about court data and how to use it.

Understand Who Owns the Data

Ownership of court data can be complicated, due to agreements between courts and case management system vendors as well as nuances that may arise in jurisdictions where clerks are separate constitutional officers. Case management system vendors may own data entered in case management systems and agreements between courts and vendors may limit how courts may share data. These agreements may also limit how data shared from case management

³⁷ The Utah Judiciary’s analysis of data from debt collection and eviction cases is a good example of how courts can be active participants in data analysis and policy creation. As discussed above, the Utah Judiciary used the information from their analysis to create better resources for people representing themselves and developed a regulatory “sandbox” to identify ways to help people who are not able to afford lawyers. *See*, Erika Rickard & Charlotte Stewart, *Utah Is Using Data to Drive Debt Litigation Reform*, April 20, 2022, available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/04/20/utah-is-using-data-to-drive-debt-litigation-reform> (last accessed February 20, 2023).

³⁸ *See*, Legal Services National Technology Assistance Project, *2023 Data and Evaluation Toolkit*, available at <https://www.lsntap.org/node/535/2023-data-evaluation-toolkit> (last accessed March 14, 2023).

systems can be used and may limit courts' ability to share data collected by case management systems that are no longer in use.

Learn More About Data Ownership with these NCSC Resources:

[Contracting Digital Services for Courts](#)

[Exiting Technology Projects](#)

Protect Court User Privacy

Court data can contain sensitive information, including identifiers such as social security numbers, dates of birth, and addresses, as well as information about criminal charges, mental health challenges, and domestic violence. If this information is not protected and used responsibly, court users can be at risk.

Additionally, some case types, such as child welfare, mental health commitment proceedings, juvenile justice cases, and adult guardianships, are sequestered, and records in these cases are sealed. This means that you will likely need to enter into special data sharing agreements with heightened confidentiality provisions if you want to access information about these types of cases. (Most state statutes and court rules allow access to information about these cases for researchers and others who may have an interest in the proceedings.)

Understand Your Responsibilities

When you enter into a data sharing agreement with a court or judicial entity, make sure you understand your responsibilities, particularly when it comes to data scrubbing and retention. Review any agreements carefully and make sure that there is clear information about how data will be anonymized and how data must be stored and disposed of.

Think Critically About What the Data Actually Shows

State court data only provides a limited snapshot, so it is important to think carefully about inferences. For example, in many jurisdictions, filings for domestic violence orders of protection dropped during 2020. However, this was likely due to court and other closures due to the

COVID-19 pandemic, not because there was a decrease in domestic violence. (In fact, other data sources show that domestic violence increased during the pandemic.³⁹)

Using state court data in conjunction with other data sets can help give context to state court data as can partnerships and conversations with court administrators.

Looking Forward

State court civil data can provide critical insights for research, policy, and program enhancement purposes. Building partnerships with state courts and using court data will encourage the public to look to courts as an important source of data. It will also help promote transparency with regard to court data and encourage courts to see data sharing as valuable to court programs and practice. Data sharing partnerships can also promote the use of standards such as NODS and court data repositories to simplify data requests and the public's ability to access data.

³⁹ See, Liz Mineo, "Shadow Pandemic" of Domestic Violence, *The Harvard Gazette*, June 29, 2022, available at <https://news.harvard.edu/gazette/story/2022/06/shadow-pandemic-of-domestic-violence/> (last accessed December 5, 2022).