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Ramsey County District Court Chief Judge John Guthmann speaks Oct. 11, 2017 at a listening session for residents and judges. (Staff photo: Kevin Featherly)

## Judicial Council wants to expand access to court documents

By: Kevin Featherly ◉ November 25, 2019

The electronic document-retrieval system in Minnesota courthouses that allows people to read opinions, complaints, motions and briefs is on “life support.”

Or at least that’s how Ramsey County Chief Judge John H. Guthmann phrased it during a Nov. 14 Minnesota Judicial Council meeting. Ann Peterson, the branch’s Strategic Planning and Projects Office project manager, gave a one-word answer when asked if that’s where things stand. “Basically,” she said.

In fact, at least in the short term, that might be a slight exaggeration. But things do appear to be on that trajectory.

The Judicial Branch has been struggling for months to replace its current Minnesota Public Access (MPA) Remote interface. That system has two iterations—one that reaches people’s homes and offices via the internet, and one that people access on courthouse terminals.

Only one is being discussed for near-term replacement. That’s the one—in Washington County District Court Judge John C. Hoffman’s colorful phrase—that lets people access digest descriptions of court-case activity while sitting at home in their boxers.

The other one, which people access at public courthouse terminals, hasn’t proved nearly as buggy or crash-prone as the home/office version, according to branch officials. The plan is to leave the courthouse iteration—the only one that currently gives people near-total access to courthouse records—in place for now.

The branch’s ambition is to give people access to almost that same level of access via the home/office interface, factoring in statutory and court-rule limitations. Earlier this year, the

branch thought it had a solution that not only would accomplish that goal, but do it essentially for free—because it would have happened under an existing vendor contract.

That company, Tyler Technologies, struggled for more than a year to build the new portal. But ultimately, it failed to deliver one that could perform needed tasks like charging money for document access or differentiating between private and public records. In May, the project was abandoned.

That set the Judicial Council scrambling to find a new solution. The 25-member group began examining its options in earnest on Nov. 14.

Guthmann and others at that meeting expressed worry that the entire MPA Remote system is in trouble because Tyler has announced it will stop supporting the existing system in either iteration.

“Tyler won’t support what we’re doing in courthouses,” Guthmann said. “So everything is on life support, basically.”

“Basically,” replied Peterson.

Still, if and when it pulls the plug, the twin interfaces won’t simply stop working. Alyssa Siems Roberson, the Judicial Branch’s director of communications, says Tyler would merely stop writing software patches and security updates. In effect, the application would be set on a slow path to obsolescence.

When Tyler plans to pull support is unknown. “At this point, we do not have a specific date from the vendor as to when they would stop offering support for the application,” Siems-Roberson said.

## Co-development

After the Tyler project collapsed, the Judicial Council agreed to put out a request for proposals to find another vendor to take on the project. It received just one bid—for \$1.8 million—from a company the branch declines to identify because the process remains open.

But branch staff at the Nov. 14 meeting made clear that the responding company is unqualified and recommended against pursuing that option.

The branch in May also agreed to explore other alternatives to the RFP, including working with other states to develop a new application or producing one in-house.

On Nov. 14, the co-development option was discussed. It would involve working with other states to either purchase a system or collaborate on writing code for a new document-retrieval interface.

Peterson and Judicial Branch staff attorney Sarah Novak recommended against it. Partly, that’s because working with another state could increase costs and extend the time it might take to complete the project, they said.

Partly, they said, it’s because other states have different business and legal requirements and the quality of a collaborative interface might suffer from having to accommodate those differences. So, under that scenario, the final product might not meet Minnesota’s unique needs.

“Basically, our recommendation is that we not pursue co-development,” Peterson said.

But state Supreme Court Chief Justice Lorie Gildea, the council’s chair, cautioned against slamming the door on the idea.

"I understand that, so far, we don't have a lot of fruit growing on the trees," she said. "But it just seems to me that that is something that we should keep thinking about, and talking about, and seeing if there aren't some additional opportunities."

State Court Administrator Jeff Shorba said his staff will return in December with more co-development options.

Perhaps court rules could be adjusted to accommodate a state like Indiana, which has a different approach to remote document access, he said. Or perhaps a co-developed system could be done in phases as South Dakota has done, he said, starting with full remote access only for lawyers at first.

"I think we should talk about some of those options," Shorba said.

## **Do-it-yourself**

The final option on the table, which won't be fully discussed until next month, is a do-it-yourself approach: writing a system to the state's unique specifications in house, perhaps with the help of consultants.

While that option wasn't fully vetted on Nov. 14 hearing, a ballpark cost—a \$1.5 million one-time expense, plus \$445,000 for annual maintenance and customer service—was mentioned.

Shorba suggested self-development is a viable option for his department. Minnesota's Judicial Branch has a more robust IT development staff than many other states have, he said, and it has some success with self-developed applications.

Among them, he said, is the MyMNConservator application, which allows conservators to file appropriate paperwork with the courts. MyMNGuardian, which performs a similar service for legal guardians, was also self-developed. So was Benchworks, an application used by Minnesota judges to update case files.

The state's e-File system was also largely an internal project.

Benchworks was big enough hit that officials in South Dakota at one point queried about purchasing it from Minnesota, Shorba said.

"We decided at the time that we would not get into the software sales business," he said. "But that is a possibility for us to consider."

The council made no final decisions. Nor is it limited to the three options currently on the table. The panel has full latitude to brainstorm entirely different interface options and to set branch staff to work exploring them.

Bottom line—it is likely discussions will go on for some time to come.

"The council will stay engaged in this project and its progress," Siems-Roberson said. "Obviously it has substantial impact statewide so we need their input before we can move forward."

There is no timetable for a final decision, Siems-Roberson said. "We're still in the determination process and timelines are a little premature at this point," she said. "But that will be a part of the council's decision making."

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## **ABOUT KEVIN FEATHERLY**

Kevin Featherly, who joined BridgeTower Media in mid-2016, is a journalist and former freelance writer who has covered politics, law, business, technology and popular culture for publications and websites in the Twin Cities and nationally since the mid-1990s.



ONE COMMENT

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*kevin@siebenedmunds.com*  
December 2, 2019 at 4:03 pm

Kevin – what’s missing from this story is that Minnesota’s rules were already amended to require this type of remote access. It was back in 2015 or 2016 I believe, and the rule has so far been ignored.  
-Sam (sam@siebenedmunds.com)

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