

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8050

FILED

November 4, 2019

OFFICE OF
APPELLATE COURTS

**ORDER REGARDING ACCESS TO DISTRICT COURT CASE RECORDS
FOR CERTAIN CIVIL LEGAL SERVICES PROVIDERS**

In an order filed on August 23, 2018, we established a pilot project to evaluate the use of remote access to public district court cases and case records for organizations that provide civil legal services to low-income individuals, specifically, lawyers and staff employed by Volunteer Lawyers Network, Mid-Minnesota Legal Aid, Legal Services of Northwest Minnesota, and Legal Aid Service of Northeastern Minnesota. The pilot organizations have each received grant funding from the supreme court's Legal Services Advisory Committee to support the civil legal services provided to the organizations' clients, and sought remote access to public case records for the sole purpose of providing civil legal representation to the organizations' clients. We directed the State Court Administrator and the designated representatives of each of the pilot organizations to file a written report with an update on the status of the pilot project and recommendations for continuation, expansion, or other modifications to the terms and operation of the pilot project.

The status report was filed on August 29, 2019. The organizations report that the remote access provided through the pilot project has had meaningful, positive, and beneficial impacts on the services provided to their clients, as well as substantial efficiencies gained for staff. Particularly with respect to clients located at a geographic distance from the organization, the pilot project participants reported that timeliness, effectiveness, and the

overall quality of representation was significantly enhanced through remote access to public case records. The State Court Administrator reports that access agreements, training materials, and procedures for implementing remote access were developed and used during the pilot project. The State Court Administrator and the pilot project participants therefore unanimously recommend that remote access to public case records be extended to other Minnesota civil legal aid organizations that provide civil legal representation services and receive supreme court grant funding; and that remote access be provided to case records in certain non-public case types which are or may be relevant to the client's request for the legal representation services provided by the organizations.

Access to records of the judicial branch, including remote access, is governed by the Rules of Public Access to Records of the Judicial Branch. *See* Minn. R. Pub. Access to Recs. of the Jud. Branch 8, subd. 2(a)(5) (defining "remote access" as electronic access to a court record "without the need to physically visit a court facility"); *see also id.*, Rule 1, subd. 1 (explaining that the "rules govern access to the records of all courts"). Rule 8, subdivision 2 of the Rules of Public Access to Records of the Judicial Branch governs remote access to district court case records, specifically identifying the data, records, and case types for which remote access is or is not available.

The pilot project has demonstrated that remote access to district court case records can significantly enhance the civil legal services provided by civil legal aid organizations. Further, the pilot project demonstrated that access to justice for the clients served by these organizations is advanced, which in turn enhances the value and efficiency of the funding provided by the judicial branch to support those services.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The remote statewide access to public district court cases and case records provided to lawyers and staff employed by Volunteer Lawyers Network, Mid-Minnesota Legal Aid, Legal Services of Northwest Minnesota, and Legal Aid Service of Northeastern Minnesota under the order filed on August 23, 2018, shall continue under the same terms and conditions set forth in the access and nondisclosure agreements between each organization and the State Court Administrator.

2. In addition to the organizations identified in paragraph 1 of this order, the State Court Administrator is authorized to extend remote statewide access to public district court cases and case records to the lawyers and staff of any other Minnesota civil legal aid organization that provides civil legal representation services and receives grant funding from the supreme court's Legal Services Advisory Committee. Remote statewide access to public district court cases and case records provided to lawyers and staff for any such organization shall be for the sole purpose of providing civil legal representation to the qualifying clients of those organizations. Access cannot be granted until the organization has submitted a written request for access to the State Court Administrator's Office and the organization has entered into an appropriate access and nondisclosure agreement with the State Court Administrator.

3. In addition to the remote statewide access authorized above, the State Court Administrator may authorize any of the civil legal aid organizations identified in paragraphs 1 and 2 of this order to have remote access to non-public, confidential case records in paternity, order-for-protection, and harassment-restraining-order case types. The State Court Administrator must reasonably determine that any organization that requests remote access

to these non-public, confidential case records has a legitimate business need on behalf of the lawyers and staff employed by the organization for the requested access for the provision of civil legal services to qualifying clients. No access to sealed or expunged cases or records will be provided.

4. Notwithstanding any rule, statute, or order to the contrary, the State Court Administrator has the authority to determine, based on a demonstrated legitimate business need, the electronic sharing of public and non-public document images associated with the case records that are the subject of this order. No access to documents that are classified as sealed or that are part of a case that has been expunged shall be provided pursuant to this paragraph.

5. The remote access authorized by paragraph 2 of this order will be provided through MNCIS Login Accounts as the State Court Administrator's Office has the resources and technical capacity to implement the access.

6. The pilot project authorized by the order of August 23, 2018 is terminated effective as of the date of this order.

Dated: November 4, 2019

BY THE COURT:



Lorie S. Gildea
Chief Justice