Court Data as a Strategic Asset for Research and Practice in the Access to Justice Space

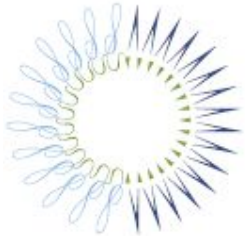
Friday, January 17

9:30am - 10:45am

LSC | America's Partner for Equal Justice

LEGAL SERVICES CORPORATION

Daniel Bernstein & Carlos A. Manjarrez



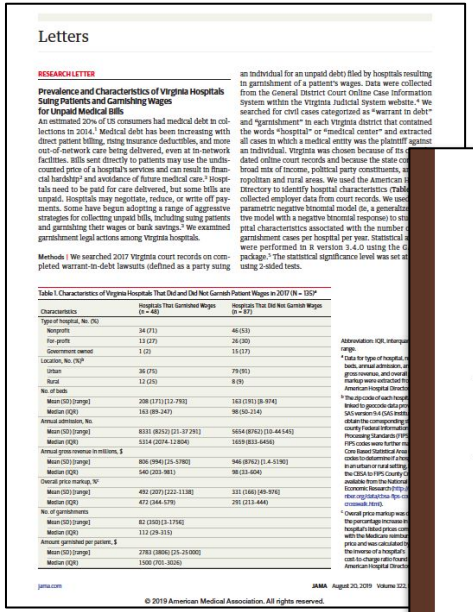
THE PEW CHARITABLE TRUSTS

Erika Rickard

GEORGETOWN UNIVERSITY LAW CENTER

Tanina Rostain

Debt Collection in VA



Letters

RESEARCH LETTER

Prevalence and Characteristics of Virginia Hospitals Suing Patients and Garnishing Wages for Unpaid Medical Bills

An estimated 20% of US consumers had medical debt in collections in 2014.[1] Medical debt has been increasing with direct patient billing, rising insurance deductibles, and more out-of-network care being delivered, even at in-network facilities. Bills sent directly to patients may use the undiscounted price of a hospital's services and can result in financial hardship[2] and avoidance of future medical care.[3] Hospitals need to be paid for care delivered, but some bills are unpaid. Hospitals may negotiate, reduce, or write off payments. Some have begun adopting a range of aggressive strategies for collecting unpaid bills, including suing patients and garnishing their wages or bank savings.[4] We examined garnishment legal actions among Virginia hospitals.

Methods | We searched 2017 Virginia court records on completed warrant-in-debt lawsuits (defined as a party suing an individual for an unpaid debt) filed by hospitals resulting in garnishment of a patient's wages. Data were collected from the General District Court Online Case Information System within the Virginia Judicial System website.[4] We searched for civil cases categorized as "warrant in debt" and "garnishment" in each Virginia district that contained the words "hospital" or "medical center" and extracted all cases in which a medical entity was the plaintiff against an individual. Virginia was chosen because of its c… dated online court records and because the state co… broad mix of income, political party constituents, a… ropolitan and rural areas. We used the American H… Directory to identify hospital characteristics (Table… collected employer data from court records. We used… parametric negative binomial model (ie, a generaliz… tive model with a negative binomial response) to stu… pital characteristics associated with the number … garnishment cases per hospital per year. Statistical a… were performed in R version 3.4.0 using the G… package.[5] The statistical significance level was set at… using 2-sided tests.

Table 1. Characteristics of Virginia Hospitals That Did and Did Not Garnish Patient Wages in 2017 (N = 135)[a]

Characteristics	Hospitals That Garnished Wages (n = 48)	Hospitals That Did Not Garnish Wages (n = 87)
Type of hospital, No. (%)		
Nonprofit	34 (71)	46 (53)
For-profit	13 (27)	26 (30)
Government owned	1 (2)	15 (17)
Location, No. (%)[b]		
Urban	36 (75)	79 (91)
Rural	12 (25)	8 (9)
No. of beds		
Mean (SD) [range]	208 (171) [12-792]	163 (191) [8-974]
Median (IQR)	163 (89-247)	98 (50-214)
Annual admission, No.		
Mean (SD) [range]	8331 (8252) [21-37 291]	5654 (8762) [10-44 545]
Median (IQR)	5314 (2074-12 804)	1659 (833-6456)
Annual gross revenue in millions, $		
Mean (SD) [range]	806 (994) [25-5780]	946 (876) [1.4-5190]
Median (IQR)	540 (203-981)	98 (33-604)
Overall price markup, %[c]		
Mean (SD) [range]	492 (207) [222-1138]	331 (166) [49-976]
Median (IQR)	472 (344-579)	291 (213-444)
No. of garnishments		
Mean (SD) [range]	82 (350) [3-1756]	
Median (IQR)	112 (29-315)	
Amount garnished per patient, $		
Mean (SD) [range]	2783 (3806) [25-25 000]	
Median (IQR)	1500 (701-3026)	

Abbreviation: IQR, interquar… range.

[a] Data for type of hospital, n… beds, annual admission, an… gross revenue, and overall… markup were extracted fro… American Hospital Directo…

[b] The zip code of each hospit… linked to geocode data pro… SAS version 9.4 (SAS Institu… obtain the corresponding c… county Federal Information… Processing Standards (FIPS… FIPS codes were further m… Core Based Statistical Area… codes to determine if a hos… in an urban or rural setting… the CBSA to FIPS County C… available from the National… Economic Research (https://… nber.org/data/cbsa-fips-co… crosswalk.html).

[c] Overall price markup was c… the percentage increase in… hospital's listed prices com… with the Medicare reimbur… price and was calculated by… the inverse of a hospital's … cost-to-charge ratio found… American Hospital Directo…

jama.com JAMA August 20, 2019 Volume 322,

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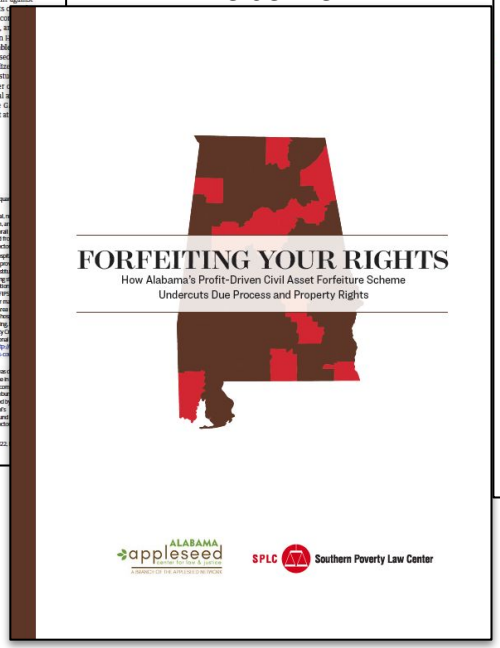
Civil Asset Forfeiture in Alabama



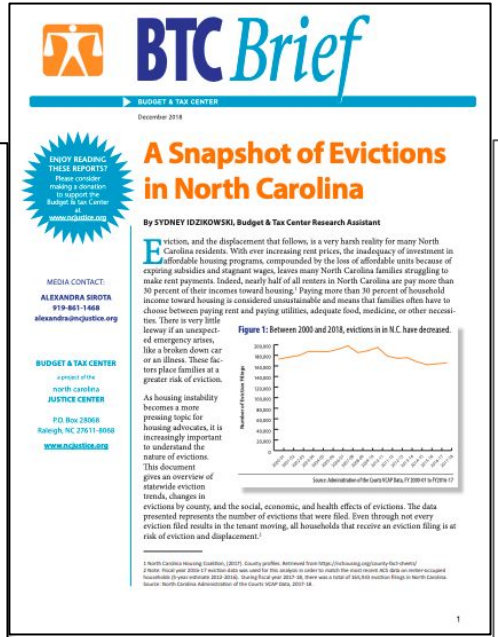
FORFEITING YOUR RIGHTS

How Alabama's Profit-Driven Civil Asset Forfeiture Scheme Undercuts Due Process and Property Rights

ALABAMA appleseed

SPLC Southern Poverty Law Center

Evictions (Everywhere)



BTC Brief

BUDGET & TAX CENTER

December 2018

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A Snapshot of Evictions in North Carolina

By SYDNEY IDZIKOWSKI, Budget & Tax Center Research Assistant

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Eviction, and the displacement that follows, is a very harsh reality for many North Carolina residents. With ever increasing rent prices, the inadequacy of investment in affordable housing programs, compounded by the loss of affordable units because of expiring subsidies and stagnant wages, leaves many North Carolina families struggling to make rent payments. Indeed, nearly half of all renters in North Carolina are pay more than 30 percent of their incomes toward housing.[1] Paying more than 30 percent of household income toward housing is considered unsustainable and means that families often have to choose between paying rent and paying utilities, adequate food, medicine, or other necessities. There is very little leeway if an unexpected emergency arises, like a broken down car or an illness. These factors place families at a greater risk of eviction.

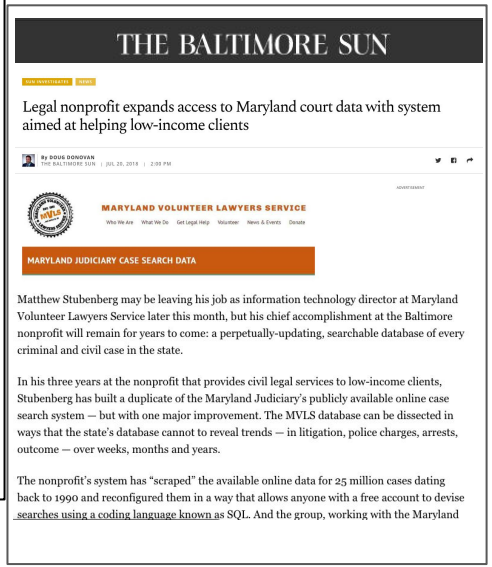
Figure 1: Between 2000 and 2018, evictions in in N.C. have decreased.

As housing instability becomes a more pressing topic for housing advocates, it is increasingly important to understand the nature of evictions. This document gives an overview of statewide eviction trends, changes in evictions by county, and the social, economic, and health effects of evictions. The data presented represents the number of evictions that were filed. Even through not every eviction filed results in the tenant moving, all households that receive an eviction filing is at risk of eviction and displacement.[2]

1 North Carolina Housing Coalition, (2017). County profiles. Retrieved from https://nchousing.org/county-fact-sheets/ 2 Note: Fiscal year 2016-17 eviction data was used for this analysis in order to match the most recent ACS data on renter-occupied households (5-year estimate 2012-2016). During fiscal year 2017-18, there was a total of 160,933 eviction filings in North Carolina. Source: North Carolina Administration of the Courts NCAP Data, 2017-18.

1

All Criminal and Civil (Maryland)



THE BALTIMORE SUN

Legal nonprofit expands access to Maryland court data with system aimed at helping low-income clients

By DOUG DONOVAN
THE BALTIMORE SUN | JUL 20, 2018 | 2:00 PM

MARYLAND VOLUNTEER LAWYERS SERVICE

Who We Are What We Do Get Legal Help Volunteer News & Events Donate

MARYLAND JUDICIARY CASE SEARCH DATA

Matthew Stubenberg may be leaving his job as information technology director at Maryland Volunteer Lawyers Service later this month, but his chief accomplishment at the Baltimore nonprofit will remain for years to come: a perpetually-updating, searchable database of every criminal and civil case in the state.

In his three years at the nonprofit that provides civil legal services to low-income clients, Stubenberg has built a duplicate of the Maryland Judiciary's publicly available online case search system — but with one major improvement. The MVLS database can be dissected in ways that the state's database cannot to reveal trends — in litigation, police charges, arrests, outcome — over weeks, months and years.

The nonprofit's system has "scraped" the available online data for 25 million cases dating back to 1990 and reconfigured them in a way that allows anyone with a free account to devise searches using a coding language known as SQL. And the group, working with the Maryland

- we've seen more and more cases where court data can be used to shine a light on legal process problems within the courts and bad actors who are leveraging courts for personal gain

- open data movement is strong (and not going away)

-considerable interest from organizations outside of the legal world for this information

-e-filing is improving data quality

-gathering the data today requires significant technical chops

-courts are cash strapped and making data publically accessible for secondary analysis is a low priority

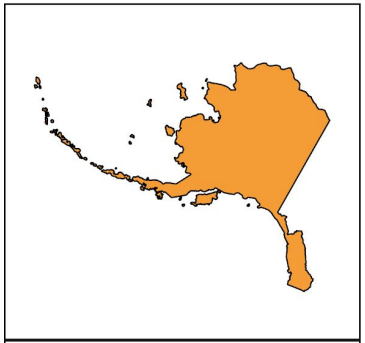
-administrative data needs to be cleaned/harmonized

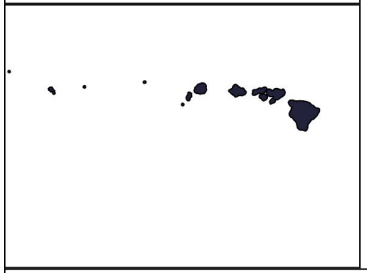
Office of Data Governance and Analysis goals….

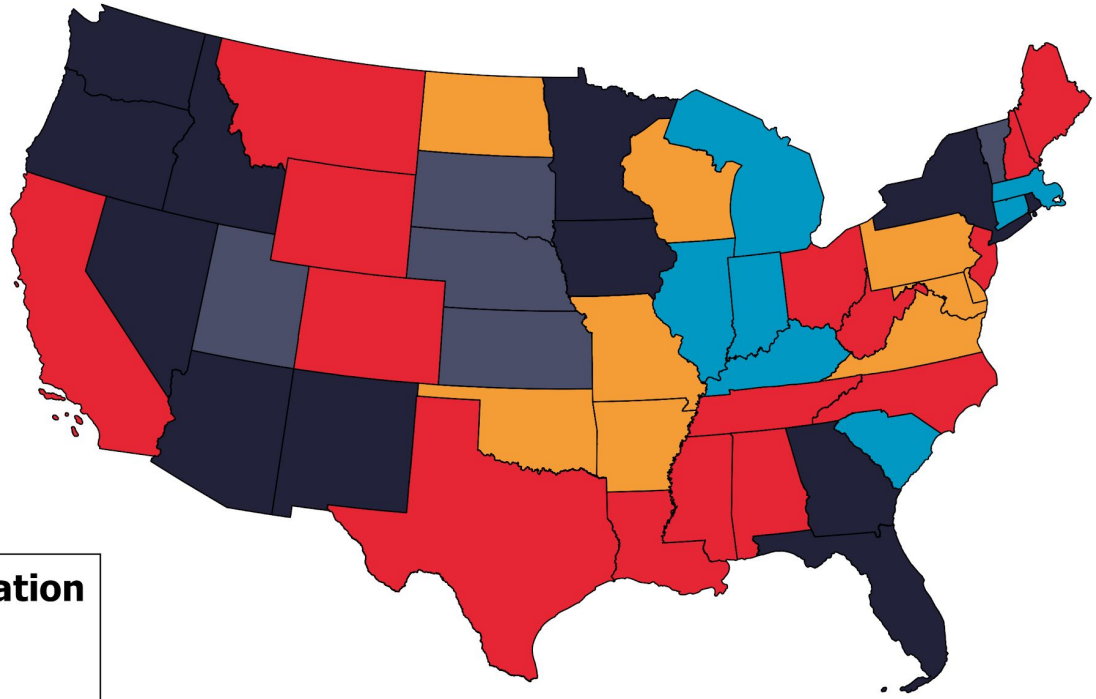
Inform Policy	We gather and analyze data to make evidence-based statements about the contours justice gap.
Monitor Services	We report on the nexus of legal services and community needs.
Build Capacity	We gather and share data, build tools and provide analytic support and training to the legal aid community.

State Court Data Availability

Criteria for "Available":
-Multi-year historical case records.
-hosted on a single state-wide website.
-not prohibited from scraping or blocked by CAPTCHA or paywall.



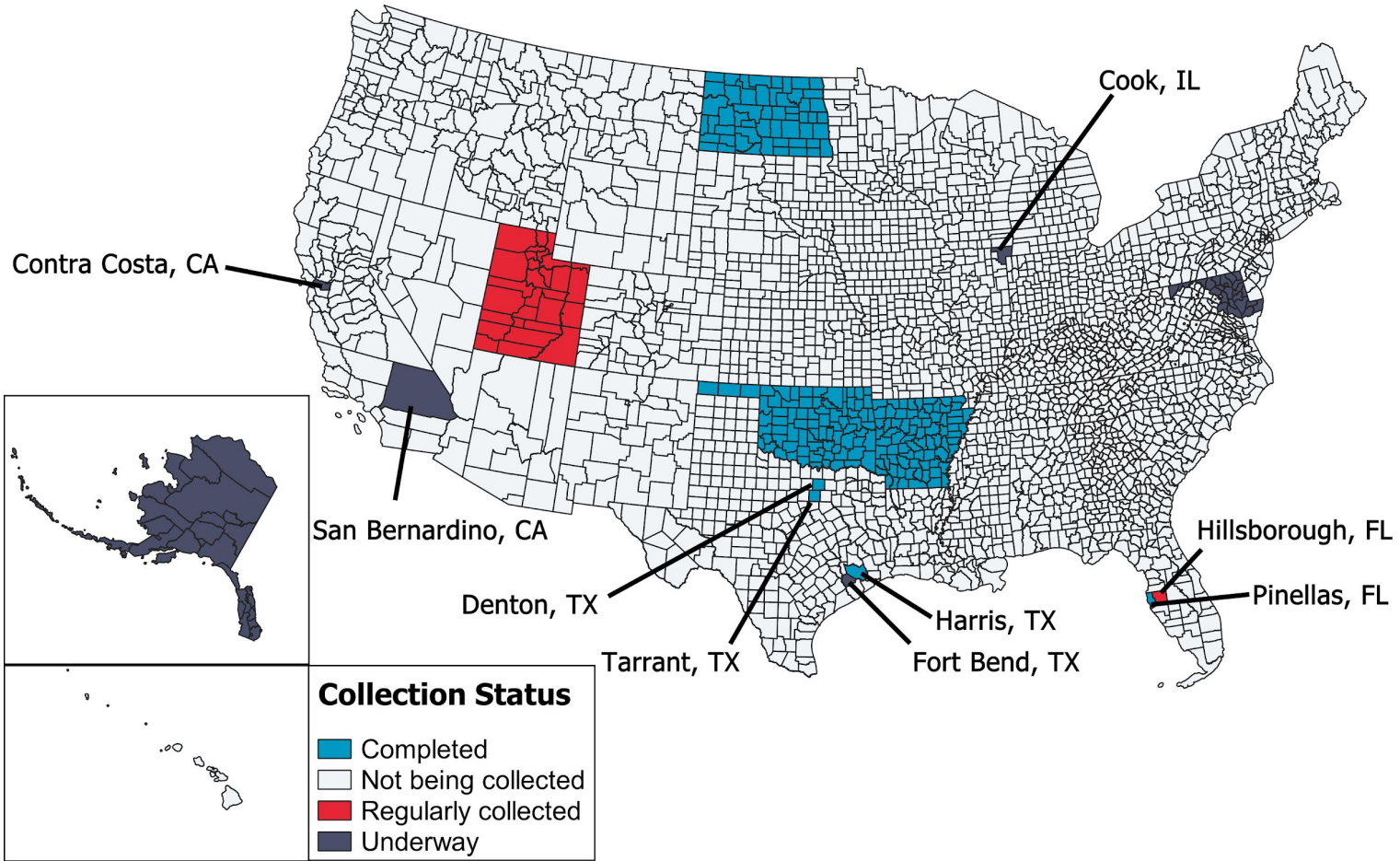




Availability Classification

- Available
- Unavailable: CAPTCHA
- Unavailable: Cost
- Unavailable: No website
- Unavailable: Prohibited

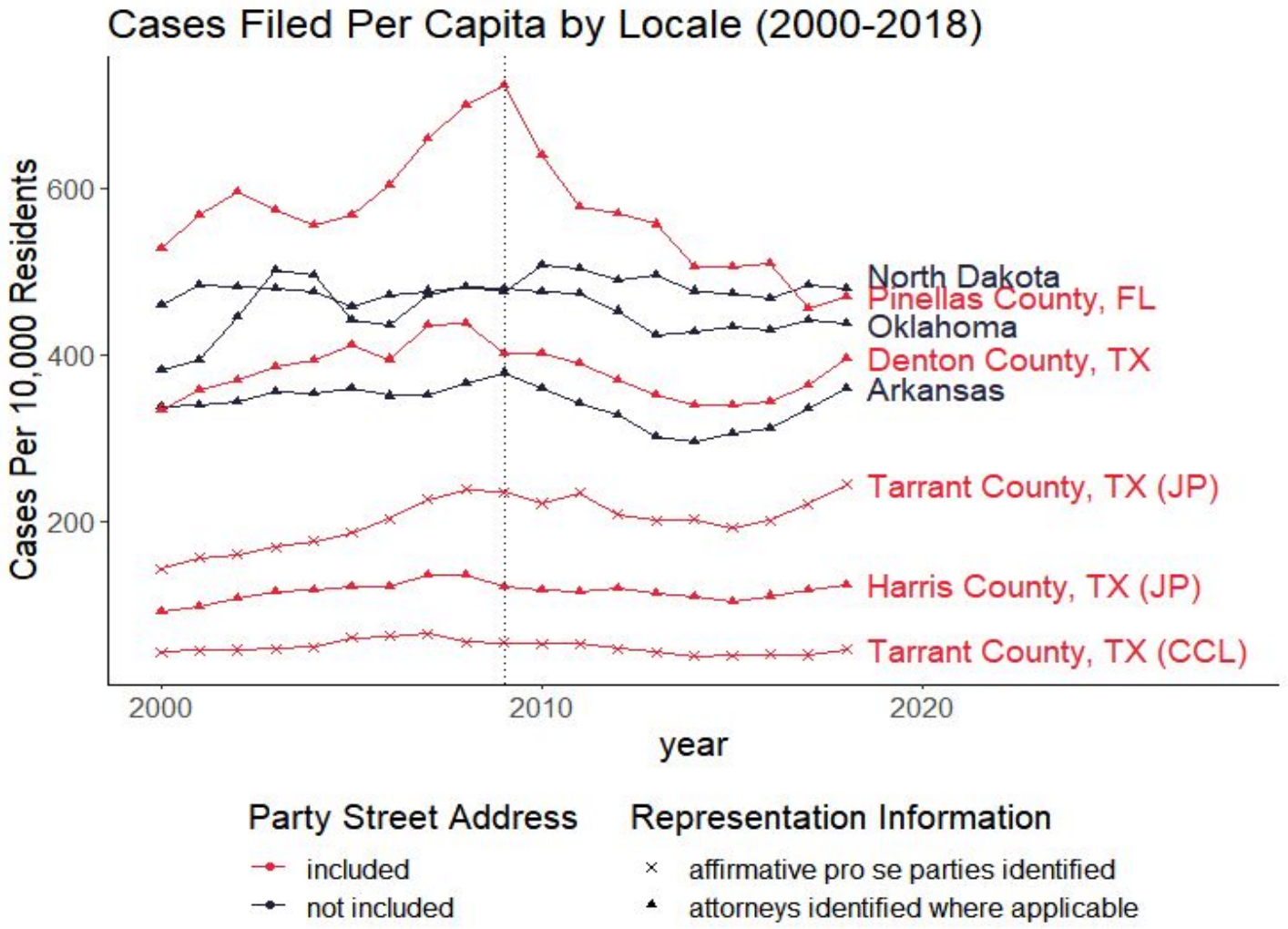
Data Collection Status (Jan 2020)

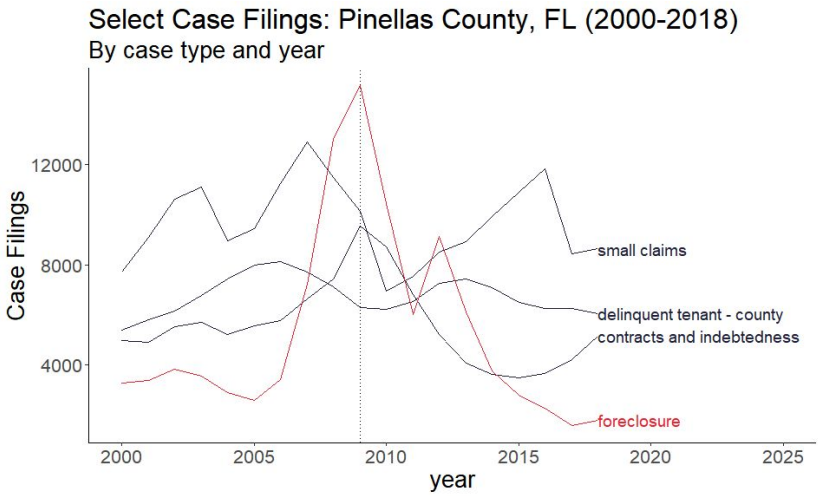


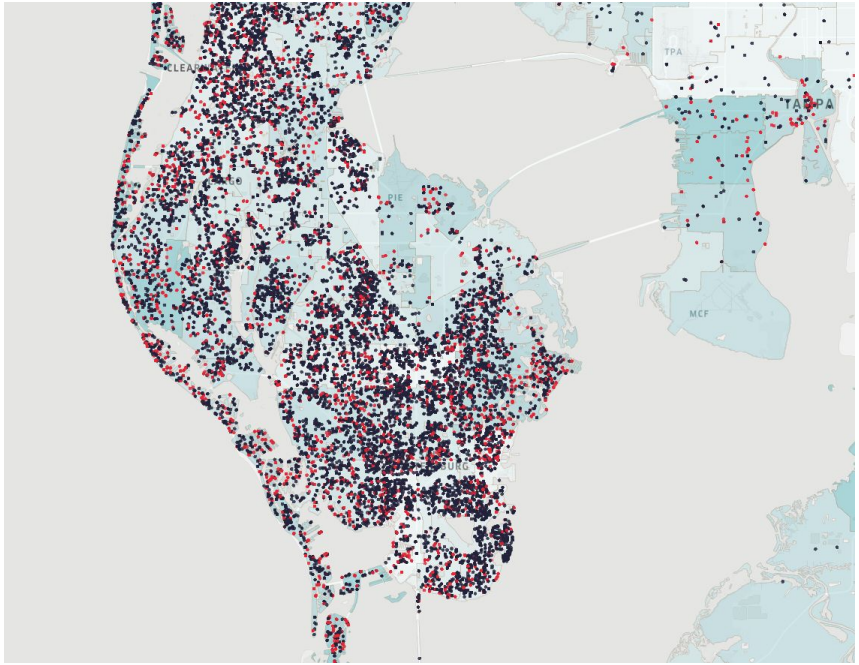
Data Quality

Cases Filed in 2018

Locale	AOC count	ODGA count	Percent Difference
Oklahoma	164234	172312	-4.9
Arkansas	105945	108351	-2.3
North Dakota	36322	36480	-0.4


Cases Filed Per Capita by Locale (2000-2018)
Cases Per 10,000 Residents
600
400
200
2000
2010
2020
year
North Dakota
Pinellas County, FL
Oklahoma
Denton County, TX
Arkansas
Tarrant County, TX (JP)
Harris County, TX (JP)
Tarrant County, TX (CCL)
Party Street Address
included
not included
Representation Information
affirmative pro se parties identified
attorneys identified where applicable


Select Case Filings: Pinellas County, FL (2000-2018)
By case type and year
Case Filings
12000
8000
4000
2000
2005
2010
2015
2020
2025
year
small claims
delinquent tenant - county
contracts and indebtedness
foreclosure


TPA
TAMPA
MCF

Capturing Court Data

The Data Gathering Process

- How did you approach the data collection?
- How long did it take?
- What roadblocks did you run into?
    - Discuss variations in data accessibility across jurisdictions

What did we learn?

- Overview/summary statements about data quality
- How comprehensive is the data (relative to AOC reports?
- What would you do differently knowing what you know now?

Analysis and Reporting

Descriptive Overview

- **[**Might want to insert a map displaying counties/states where we've gathered data]
- Provide overview of docket size/change over time
    - Might want to normalize to cases per 10,000 pop at the county or state level
- Provide more detailed info about a few substantive areas (e.g. debt, evictions)

What's next?

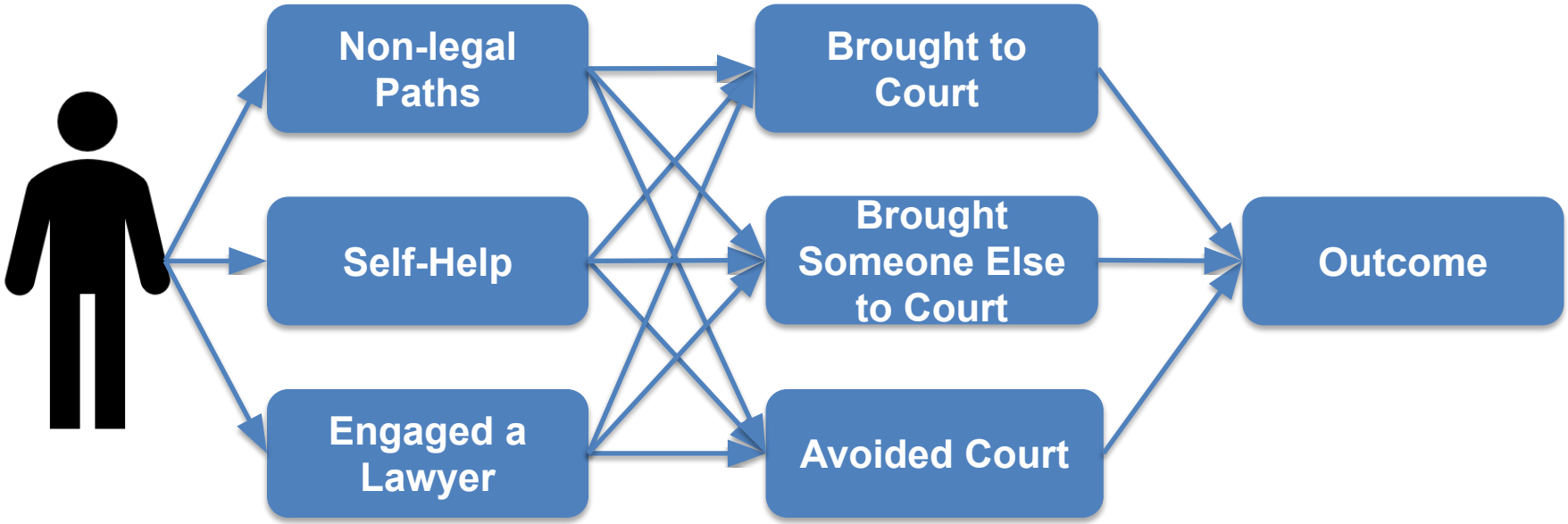
- Gathering more data from target rich areas (areas with high poverty concentrations and more detailed court data)
- Beginning more detailed analysis on characteristics of debt, eviction and pro se cases.

Leveraging court data
11497/58
Mrs Alka. P.
11497/68 Zentral-Archiv

CourTools | Trial Court Performance Measures

National Center for State Courts

1. Clearance rates
2. Time to disposition
3. Age of active pending caseload
4. Trial date certainty
5. Effective use of jurors
6. Access and fairness
7. Court employee satisfaction
8. Case file integrity
9. Cost per case
10. Legal Financial Obligations


Non-legal Paths
Self-Help
Engaged a Lawyer
Brought to Court
Brought Someone Else to Court
Avoided Court
Outcome

NORTHWESTERN REPORTER
BIBLICAL LIGHTS
MINING REPORTS
NORTHWESTERN REPORTER
AMERICAN ENGLISH RAILROAD CASES
ENCYCLOPÆDIA OF EVIDENCE
NEBRASKA REPORTS
AMERICAN RAILWAY REPORTS
AMERICAN ENGLISH RAILROAD CASES
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TREASON TO WAIVER
LADD
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VOL. 21
RIGHTS REMEDIES AND PRACTICE
DECISIONS OF THE SUPREME COURT
AMERICAN ENGLISH RAILROAD CASES
RIGHTS REMEDIES AND PRACTICE
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MINING REPORTS
MORRISON
VOL. XI
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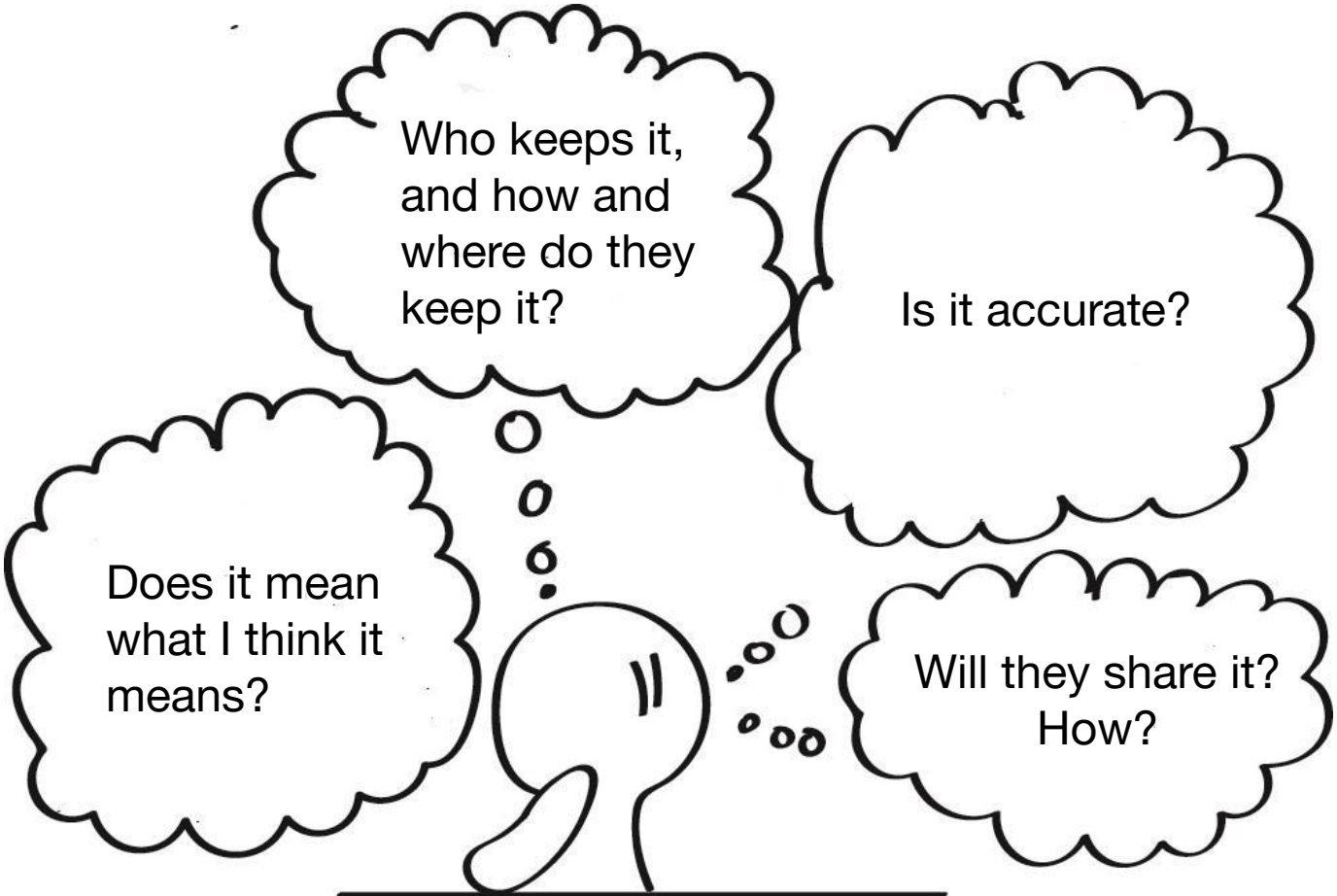
Common Data Questions



Civil Justice Data Commons

What?
Why?
How?

with Amy O’Hara

Georgetown McCourt

What data repository

- courts
- legal service providers
- administrative agencies

trusted intermediary (university)

- infrastructure

    storage, security, de-id

    software, interface, API’s, access

tiers

- governance regime (rules for access)

Genomic data commons
Cancer data commons
California Climate commons

Why

Researchers
- operations of court/LSP's
- long term consequences

Stakeholders (legal service providers)
- day-to-day operations
- consequences

Why

Opioid crisis

Parent gets treatment wants to regain child custody

- Legal services provider
- Court
- Child performs better in school?

Why

Stakeholders interests

- day-to-day operations
- understand effects of representation
- understand consequences of court involvement

what data out there? optimal governance structure? technical requirements? Infrastructure build and stress test

Communities

Cleveland, Oklahoma, DC, Wisconsin

What are some of the ways you have used court data to….

- assess or monitor legal needs of residents
- identify people/institutions abusing legal system
- improve court processes

….. in your community and how might easier access to this information help you moving forward?