

What's Up, Dockets?

By Virginia C. Thomas

State court dockets and case filings may represent the final transactional frontier for Michigan legal researchers. In the last decade, the legal community has come to expect web access to docket sheets and full-text case filings for federal circuit courts of appeals and district courts. Commercial publishers and courts, often in collaboration, have steadily increased online availability to state appellate and trial courts. A closer look at these resources reveals an impressive amount of docket information and delivery options available to Michigan attorneys.

The Big Three Legal Research Databases

The addition of transactional information to comprehensive legal research databases seems like a logical next step in the natural evolution of online legal information. Key legal research aggregators LexisNexis® and Westlaw® first began adding briefs and records to supplement reported appellate level cases for federal courts, then selectively for state courts. As these research enhancements were embraced by the legal marketplace, both aggregators expanded their offerings with specialized docket libraries or databases for a limited number of courts.

Westlaw® includes case-specific docket links among its ResultsPlus offerings. There are also hundreds of individual docket databases that allow the researcher to search with a high level of precision. For example, dockets from a case in the U.S. District Court for the Eastern District of Michigan are included in the database for the court (DOCK-MI-EDCT) but may also be researched in a broader jurisdictional¹ or topical context. Because larger databases usually cost more to search, these options allow some control over research expenses. Westlaw CourtExpress is available as a research

tool that offers delivery of hard-copy dockets from the court.

LexisNexis® offers comparable litigation and transactional resources including federal and state dockets and case filings. Dockets are linked directly to individual retrieved cases as part of Related Content. You also can enter a search through the “My Court-Link” tab in the Total Litigator library. The Single Search feature allows you to look for cases and dockets with one search. LexisNexis® docket searches may be limited to a single jurisdiction or practice area or expanded to a broader context.

Bloomberg Law^{®2} is a relative newcomer to the subscription-based legal research market. It links from all federal appellate, district, and bankruptcy cases to docket information through the Public Access to Court Electronic Records (PACER) system (discussed below) in a related docket(s) sidebar. Subscribers also have the convenient option of searching for specific docket information under a designated “Dockets” tab located on the home page.

In addition to providing downloadable PDF docket information, these services offer research enhancements for the user including the ability to track and manage updates on a case you are following, alerts to justified complaints, and fee-based delivery options for electronic or hard-copy dockets from the court.³

Docket-Specific Services

Today, attorneys practicing in Michigan have relatively comprehensive access to PACER and other docket services for the U.S. Court of Appeals for the Sixth Circuit and U.S. district courts. These services differ in scope, search capabilities, navigation tools, training options and, of course, cost.

The PACER⁴ system was developed specifically to provide electronic public access

to case and docket information from the federal courts. It became generally available in 2001. PACER gathers docket information from U.S. appellate, district, and bankruptcy courts and allows a basic level of federated searching across these venues through its case locator feature. Some of the PACER court sites now provide free automatic case notification through RSS feeds, though they must be individually subscribed.⁵ The RSS feeds are free, but access to PACER is not. Normally, access to an individual fee-based PACER account is needed to view linked documents. Some law libraries with institutional PACER subscriptions provide access as a service to the public for the nominal charge of 10 cents a page.

Several other web services offer selective access to federal court dockets and filings. Docket service is part of the primary level offerings at Justia.com.⁶ Free, searchable docket information for federal appellate and district courts is linked to PACER and other web sources for access to full-text case filings. Legal Dockets Online⁷ provides another web portal to docket information for federal and state courts and other public records. Like Justia.com, Legal Dockets Online is selective in its coverage and links to PACER for full-text dockets and filings not hosted at the site.

Michigan State Appellate and Trial Court Dockets Online

Access to Michigan federal court dockets is fairly well established. The same can be said for Michigan appellate court dockets accessible through LexisNexis®, Westlaw®, and the Michigan Courts website.⁸

The biggest challenge for Michigan practitioners these days is accessing docket information and records at the trial court level. A number of local Michigan courts make docket information available on the web at

no charge, while others provide access to subscribers only. The Michigan Courts website features an up-to-date list of links to circuit, district, probate, and municipal court websites with contact information for each court. These sites are helpful in determining the extent of the information available from each court and whether access is free or subscription-based.

The big three legal research databases have joined in local courts' efforts to provide access to court dockets. For example, Bloomberg Law[®] provides Genesee County Circuit Court records from 2007 to date, LexisNexis[®] covers Macomb and Oakland counties' circuit and probate courts from 2000 to date, and Westlaw[®] offers dockets from Genesee, Macomb, and Oakland counties' circuit courts from 2000 to date.

Other States' Trial Court Dockets

Michigan attorneys litigating cases with related activity or parties out of state and those practicing in other jurisdictions may need docket information for those cases. LexisNexis[®] and Westlaw[®] provide relatively complete access to other states' appellate-level dockets. As in Michigan, however, you can expect the availability of trial court dockets to vary widely. More and more trial courts offer some dockets and case filings on the web, but most do not. Generally speaking, if a local court makes dockets or filings available online, it will provide a link to this information on the website of the court or court clerk. Finding a link to the appropriate website is the first step in locating these dockets.

The National Center for State Courts⁹ offers a comprehensive list of links to judicial branch sites for each state on its State Court Web sites page.¹⁰ The site features links to the state's court administrative office and each appellate and trial level court. Specific contact information for local courts and courthouses has been added to facilitate communication with court officials.

The Future

Online docket information is an essential litigation support tool. As courts continue to integrate e-filing and other technologies into their business practices, it will become

easier and more cost effective for them to make their docket information available. Whether this information is distributed directly by the courts or in collaboration with legal publishers, Michigan lawyers and their clients will certainly benefit. ■



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FOOTNOTES

1. These broader docket databases include Dockets-U.S. District Court Michigan Combined (DOCK-MI-DCT), Dockets-U.S. District Courts-Sixth Circuit Combined (DOCK-DCT-CTA6), Dockets-U.S. District Courts Combined (DOCK-DCT-ALL), Dockets-All Federal Courts Combined (DOCK-FED-ALL), and Dockets-State and Federal Courts Combined (DOCK-ALL).
2. Bloomberg Law[®] was launched in 2009 by Bloomberg L.P. It may be accessed at <<http://about.bloomberglaw.com/>>. All websites cited in this article were accessed August 17, 2012.
3. Westlaw[®] CourtExpress is a commercial research tool apart from Westlaw[®] designed specifically for docket research. It also offers delivery of documents from the courts in hard copy. CourtExpress is available at <<http://courtexpress.westlaw.com>>. LexisNexis[®] CourtLink is offered as a subscription docket research service that includes delivery of

documents by e-mail or in print. Courtlink is available at <<http://www.lexisnexis.com/courtlink/online/>>. Bloomberg Law[®] subscribers may input a courier request for delivery of court dockets by completing a form provided on its "Dockets" tab. There is an additional fee for this service.

4. For a more complete discussion of PACER, see Koscielniak, *Litigation searching*, 83 Mich B J 44 (May 2004), available at <<http://www.michbar.org/journal/pdf/pdf4article699.pdf>>. While PACER has evolved in terms of its docket coverage, search capabilities, and cost, it has retained a consistent look and feel since its inception. Additional information about PACER may be accessed at <<http://www.pacer.gov>>.
5. See PACER, Automated Case Notification <<http://www.pacer.gov/announcements/general/rssnews.html>>.
6. Justia, Inc., is described as "a legal media and technology company focused on making legal information, resources and services easy to find on the Internet." Justia.com, *Justia Launches Free Federal District Court Filings & Docket Search* <<http://company.justia.com/2007-03-06-dockets-pr.html>>.
7. Legal Dockets Online may be accessed at <<http://www.legaldockets.com/>>.
8. Westlaw[®] and LexisNexis[®] coverage for Michigan Supreme Court and Court of Appeals cases begins in 2000. Bloomberg Law[®] does not include Michigan appellate court docket information in its database. The Michigan Courts website, <<http://www.courts.michigan.gov/>>, provides docket sheets with links to some documents; a template is provided for requesting other documents from the courts at <http://coa.courts.mi.gov/resources/public_search_sc.htm>.
9. Established in 1971 as a judicial reform organization, the National Center for State Courts strives to "be the premier provider of quality services meeting the current and future needs of the U.S. state court community..." National Center for State Courts, *Mission and History* <<http://www.ncsc.org/About-us/Mission-and-history.aspx>>.
10. The State Court Web sites page is available at <<http://www.ncsc.org/Information-and-Resources/Browse-by-State/State-Court-Websites.aspx>>.