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# Call it Big Data's Big Dig — \$75m, 19 years, still not done

Long overdue, state courts' new computer system crimps public access



JONATHAN WIGGS/GLOBE STAFF

**Despite a new computer system, citizens visiting Quincy District Court have to look up criminal cases in paper indexes.**

**By Todd Wallack** | GLOBE STAFF APRIL 12, 2015

Even construction on the Big Dig didn't take this long.

Google, Facebook, and YouTube hadn't been founded when the Legislature originally approved \$75 million in bond money to build a new computer system for the state's courts in 1996. AOL was the country's dominant online service provider. And William Weld was governor.



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years longer than it took to submerge Boston's Central Artery and complete other related highway work.

And the computer system still is not finished, making it the longest- running major state information technology project in memory.

"The idea of a project taking 19 years on its face seems completely outrageous," said Michael Krigsman, an independent software industry analyst from Boston who has written extensively about troubled IT projects. "Most IT projects do run late or over budget, but this one definitely seems extreme."

The new system, called MassCourts, is intended to link more than 100 courthouses across the Commonwealth, for the first time allowing court officials to look up information about cases anywhere in the state. Court administrators said the new system will help them better track caseloads, allocate staff more fairly, and share information more easily with other agencies. It will also be used to warehouse court documents.

But even when it is complete, the system is likely to cost millions more than originally anticipated and lag far behind the federal government and many states, including Connecticut and Arkansas, in providing access to court records to the public. You still will not be able to view court documents — or even find basic docket information on most civil and criminal cases — over the Internet. Instead, you'll have to call a clerk or visit the courthouse in person.

Harry Spence, administrator of the Massachusetts Trial Court who has helped oversee the project for the last three years, acknowledged there were some early missteps that delayed the project and cost tens of millions, including the original plan for a custom-built computer system that was abandoned more than a decade ago.

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*The idea of a project taking 19 years on its face seems completely outrageous.'*

Michael Krigsman, independent software industry analyst

But Spence said the courts are finally on track to finish the project by November without additional funding from the Legislature.

"I actually consider it a remarkable accomplishment," Spence said.

But in addition to the original \$75 million in bond money that is nearly exhausted — all



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have spent millions more on the system from their normal operating budget over the past decade.

For instance, the court system has relied solely on its regular budget to pay the salaries of employees assigned to work on the project over the past eight years (including to install the software and train new workers how to use it). And it has used more than \$3 million in operating funds for payments to the software vendor for “annual maintenance and support.”

Spence said it made sense to use operating funds to help pay for the project as more courts gradually began using the new system. But Spence said he didn't know how much money the courts have spent in total on MassCourts, including the operating funds.

In addition, Spence also pointed out that other states, such as California, have had their own problems with major tech projects. California wound up spending at least \$333 million on a system to link the state's 58 county courts, before canceling the project as too expensive three years ago.

Other agencies in Massachusetts have had their own failures, including the state's health insurance exchange site, which worked so poorly in 2013 that the state wound up having to enroll 300,000 people temporarily in Medicaid at taxpayer expense and hire a new company to retool the software. That same year, the state Department of Revenue fired Deloitte Consulting after finding 1,000 defects in a new tax collection system, while an unemployment claims system built by Deloitte for the state was two years late, \$6 million over budget, and initially so buggy that department phone lines were flooded with people struggling to obtain benefits.

But state officials struggled to think of any state IT project that has taken as long as the courts' computer project.

“I don't know of anything going back that far,” said Bill Oates, the state's chief information technology manager.

Like other state computer fiascos, the courts' problems involved consultants.

The court system initially selected Deloitte & Touche in 1997 to construct a single system to track data from the roughly 1 million cases filed a year throughout the state, replacing 14 separate systems used by various departments.



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to completing the new system. The courts ultimately decided to cut ties with Deloitte in 2001.

A scathing review by the House Post Audit and Oversight Bureau in November 2001 found the courts didn't do enough to supervise Deloitte, failed to file mandated reports on the project with the Legislature, and took years to hire an experienced project manager to oversee the initiative.

The court's "failure to establish strong project management has resulted in lengthy project delays, cost overruns, and ad hoc planning," the report found. A Deloitte spokesman insisted the company successfully performed some initial work for the courts, but was unable to agree on a new contract to complete a statewide system. He also defended the company's role in other troubled IT projects for the state.

After their own review, court officials decided to try a different approach, agreeing to buy a program marketed to courts across the country, instead of developing their own from scratch. Maximus, whose court software business is now part of CourtView Justice Solutions in Ohio, promised to install the software by May 2006.

Indeed, court officials were so confident they were back on track that then-Superior Court Judge Timothy Hillman publicly lauded the deal at a meeting of the Massachusetts Bar Association in January 2003, saying the software would be installed soon. "It's nice to stand up here and give good news," said Hillman, who has since been appointed to the federal bench. "This system will be a national leader."

But the new deadline came and went.

"They thought they were going to deploy it in 24 months," Spence explained. "It took them a lot longer."

He said the executive branch also impeded progress on the project by clamping down on how quickly the courts could spend the bond money, while many courts had to first spend time altering the way they track cases to match the new software.

Court officials said the system is finally edging close to completion with the remaining courts scheduled to be converted this fall. MassCourts is already tracking nearly 19 million cases and storing more than 13 million documents.

Yet even after the work is finished, Spence acknowledged the system probably will not



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around the country.

For instance, while the federal government and more than a dozen states let the public view at least some court documents online, MassCourts does not yet have that capability. Spence said it is something the court hopes to eventually work on once it completes the MassCourts rollout.

## State lags behind peers in public access

Massachusetts trails many other courts around the country in making basic case information, such as hearing dates and party names, or the actual legal documents available to the public online. Some selected examples:

		Criminal case info	Civil case info	Any documents available?
<b>Mass.</b>	Superior Courts*	✗	✗	✗
<b>Mass.</b>	District Courts	✗	✓	✗
<b>US</b>	District Courts	✓	✓	✓
<b>Ark.</b>	Pulaski County Circuit	✓	✓	✓
<b>Conn.</b>	Connecticut courts	✓	✓	✓
<b>Fla.</b>	Manatee County	✓	✓	✓
<b>Hawaii</b>	District Courts	✓	✓	✓
<b>N.Y.</b>	Nassau County	✓	✓	✓
<b>Ohio</b>	Cuyahoga County	✓	✓	✓
<b>Texas</b>	Harris County District	✓	✓	✓
<b>Wash.</b>	King County Superior	✓	✓	✓



\*Online case info is available only to attorneys on the new system, not the general public.

SOURCE: Individual courts

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In addition, the courts have decided to deliberately block the public from being able to look up basic docket information for most cases while a committee debates what to put online — despite a 2003 policy from the Supreme Judicial Court requiring the courts to make at least some information about almost every type of case available to the public on the Web.

Spence said he hopes the committee evaluating public access will wrap up its work by the end of the year. But the panel, which has been meeting since November 2013, has not made any of its own monthly meetings, agendas, or minutes public. A court spokeswoman said it would be premature to consider outside comments now, but they will invite the public to comment once they release a draft new policy. The courts are exempt from the state's public records and open meeting laws.

For now, the system does allow citizens to look up basic docket information on most civil cases filed in small claims, housing, probate, and land court on the Web. But the courts have blocked the general public from viewing information online for some other types of cases, including criminal cases in district courts and both criminal and civil cases alike in superior court.

Spence said the committee is trying to balance the public's right to access records with the privacy rights of the people involved in the cases. However, Spence acknowledged it would help alleviate the burden on busy clerks if people could look up more information themselves. And some former judges and watchdogs questioned the court's decision to block online access to the public.

"I personally don't think the court system should be withholding information," said retired Superior Court judge Allan van Gestel. "It's a public court and the public is entitled to know" what happens with cases.

Some journalists complain the new system is even worse than the system Massachusetts Superior Court officials had been using for two decades.

Historically, the courts permitted journalists to look up basic information about Superior



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decided to restrict access on the new system to Massachusetts lawyers and gradually cut off the media, one county at a time, as they make the switch.

“It’s like the lights going off,” said Bill Girdner, an editor at Courthouse News Service, which reports on court filings around the country. “Soon, we’ll be in the dark across the state.”

Even lawyers still have to go to individual courthouses to find information on criminal cases at the District Court level, which involves the bulk of the state’s criminal filings, because the courts have blocked online access to the data for everyone.

And even at the courthouse, the public must often rely on clerks to pull paper files or look up information in the computer system for them, because so many district courts either lack public access terminals or block access to criminal case information.

In addition, Spence said the courts are reluctant to release detailed data from the new system that might expose individual judges to uncomfortable scrutiny. He said the public has no right, for instance, to see “personnel and performance” data showing that some judges have a lighter caseload than others, take longer to make decisions, or rule differently on cases than their colleagues.

“We don’t provide personnel performance information on anyone, nor would we ever,” he said. Spence noted, however, the courts already release statistics on the court’s overall caseload.

Retired judge George Sprague, who publicly complained about the delays in 2006 when he was still on the bench, said he was amazed the project still has not been completed. “The only thing I can think that went longer was our wait for the Red Sox to win the World Series.”

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