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Crook County chosen to be test site for eCourt initiative

The program is slated to start in June with small claims and eviction cases

Jason Chaney

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Work is under way in Oregon to eventually provide a large bulk of the public records in the state judicial system on the Internet.

The Crook County circuit court will soon be involved in that effort.

Oregon eCourt is an Internet-based electronic court that will offer online access to case data as well as case filing and fine payment capabilities. The online court, still in the early stages at this point, recently chose five statewide locations to launch pilot courts. Crook County was chosen as one of the five.

As a pilot court, the Crook County circuit court will gradually take portions of their system online.

"The first phase of eCourt is electronic content management," said Crook and Jefferson counties trial court administrator Amy Bonkosky. "Crook County is slated to start in June with small claims and eviction cases."

The electronic content management involves scanning digital copies of all the documents pertaining to those specified case types for use online. Initially, Bonkosky said the data would only be available within the judicial system until any potential bugs in the system are worked out. However, the intent is to eventually provide access to that data, and all other case data to the public.

For Crook County District Attorney Daina Vitolins, allowing online access to circuit court public records will make some of her work easier.

"My goal is to have a paperless office," she said. "The federal courts are all eCourt. It's wonderful." Because of this, Vitolins said she is able to use the Internet to look up federal court records.

Although the goal of electronic content management is to grant the public online access to case data throughout the Oregon judicial system, some of that information will be safeguarded. In fact, a law and policy work group is working with the Oregon State Bar to determine exactly what information should be protected. The primary concern is that people will be less hesitant to access public information of a sensitive nature from the computer than they would be if they had to show up in person and request it at a courthouse. For people intending to commit crimes like burglary or identity theft, accessing information from a computer could be less of a deterrent.

"The ease of access from putting stuff online can be a double-edged sword," said Oregon Legislative Communications Manager Phillip Lemman. "It's much easier to go on a fishing expedition with your computer."

The work group has approached the state bar regarding these concerns in three different law sections - criminal, domestic relations, and probate. The bar will examine the concerns the work group has identified for each section.

The main concern at the criminal level, according to Lemman, is the release of police reports that contain graphic descriptions of sexual assault as well as the name of the victim.

"The downside (to eCourt) is having personal identifying information on the Internet," Vitolins said. "Victims don't choose to become a part of the court process. They are kind of thrown into it."

At the domestic relations level there are multiple concerns that the work group is currently addressing that primarily revolve around divorce cases. Lemman pointed out that potential burglars could access settlement information and learn which spouse ended up with what valuable assets. Along with that concern, the children of a divorced couple, or their friends, could access the details of the court case, which Lemman said could be a disturbing revelation for them. He went on to point out that a child is far less likely to visit their local courthouse and sift through legal documents.

With the probate section of law, the chief concern under review is the online release of public records pertaining to the disposal of assets as laid out by a will. Like the release of divorce case information, Lemman said that a person intending to steal valuable materials would know where to find them.

At this point, the work group still awaits firm decisions on these issues.

"We have done that outreach to the bar," Lemman said. "We are waiting for their formal response."

Following the official response from the bar, the information goes back through the eCourt governance process, which Lemman said could take "a matter of months to work through." From there, the decisions are looked over by a group of "eCourt sponsors" comprised of the Chief Justice of the Supreme Court, the Chief Judge of the Oregon Court of Appeals, and the presiding juvenile court judge in the Multnomah County Circuit Court.

Assuming the decisions pass these checkpoints, a second phase in the process will go into effect converting the decisions to law.

"The Uniform Trial Court Rule (UTCRC) will put the decisions in legal language," Lemman said. "They would go out to public comment. When it comes back, the UTCRC considers the comments, makes any necessary changes, and then submits the decisions to the Oregon Supreme Court Chief Justice who has the final say."

Like the law and policy work group process, the full implementation of the eCourt system in Crook County will not happen in the near future.

"It's a five-year implementation plan with all case types," Bonkosky said. "We have a lot of catching up to do."