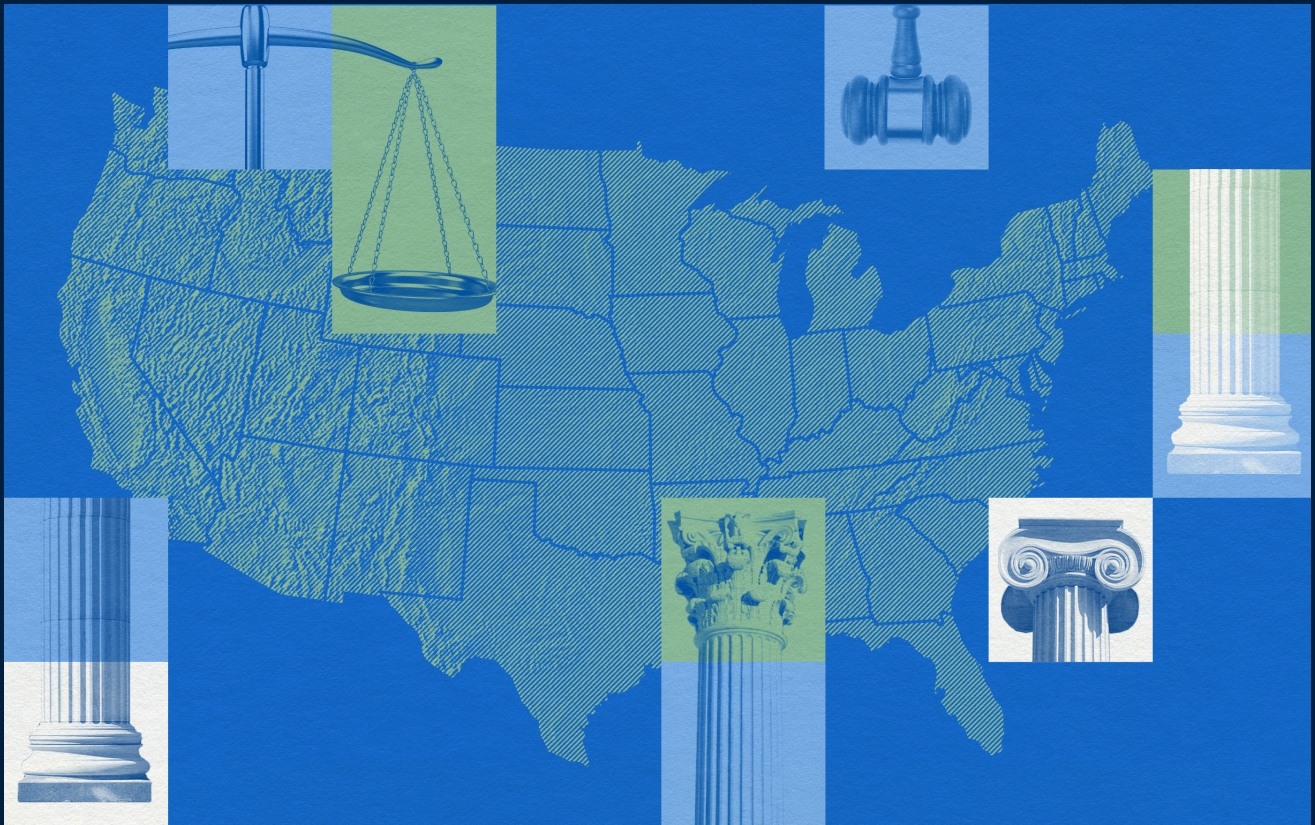


SCORECARD FOR STATE SUPREME COURT TRANSPARENCY

How Does Your State Stack Up?



ACLU

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Nearly 50 years ago, former Supreme Court Justice William Brennan, Jr., observed that “state courts no less than federal are and ought to be the guardians of our liberties.” He was right. More than 98 percent of court cases filed in the United States are in state courts, and state courts play an outsized role in certain areas of the law, including the rights of criminal defendants and family rights.

But the capacity of state courts to guard our liberties depends in significant part on whether those courts adopt transparent processes that allow members of the public to learn about, monitor, and participate in important state court cases.

Nowhere in the judiciary is the need for transparency more critical than in state supreme courts. Each state has its own constitution, and those constitutions can—and often do—go further than the U.S. Constitution to protect our rights. State supreme courts have the final say as to what state constitutions mean, and the U.S. Supreme Court has no power to review state court decisions that rest entirely on state law.

Accordingly, state supreme court decisions—much like those of the U.S. Supreme Court—can be enormously consequential for people’s everyday experiences. In reliance on state constitutions, state supreme courts have, for example:

- [Led the way](#) in recognizing the right of same-sex couples to marry, long before the U.S. Supreme Court did;
- [Declared](#) the death penalty unconstitutional despite contrary federal law;
- [Protected](#) access to reproductive health care, despite a U.S. Supreme Court decision eliminating the right to abortion; and
- [Provided](#) more robust protection to people who have or could be subject to unreasonable searches and seizures.

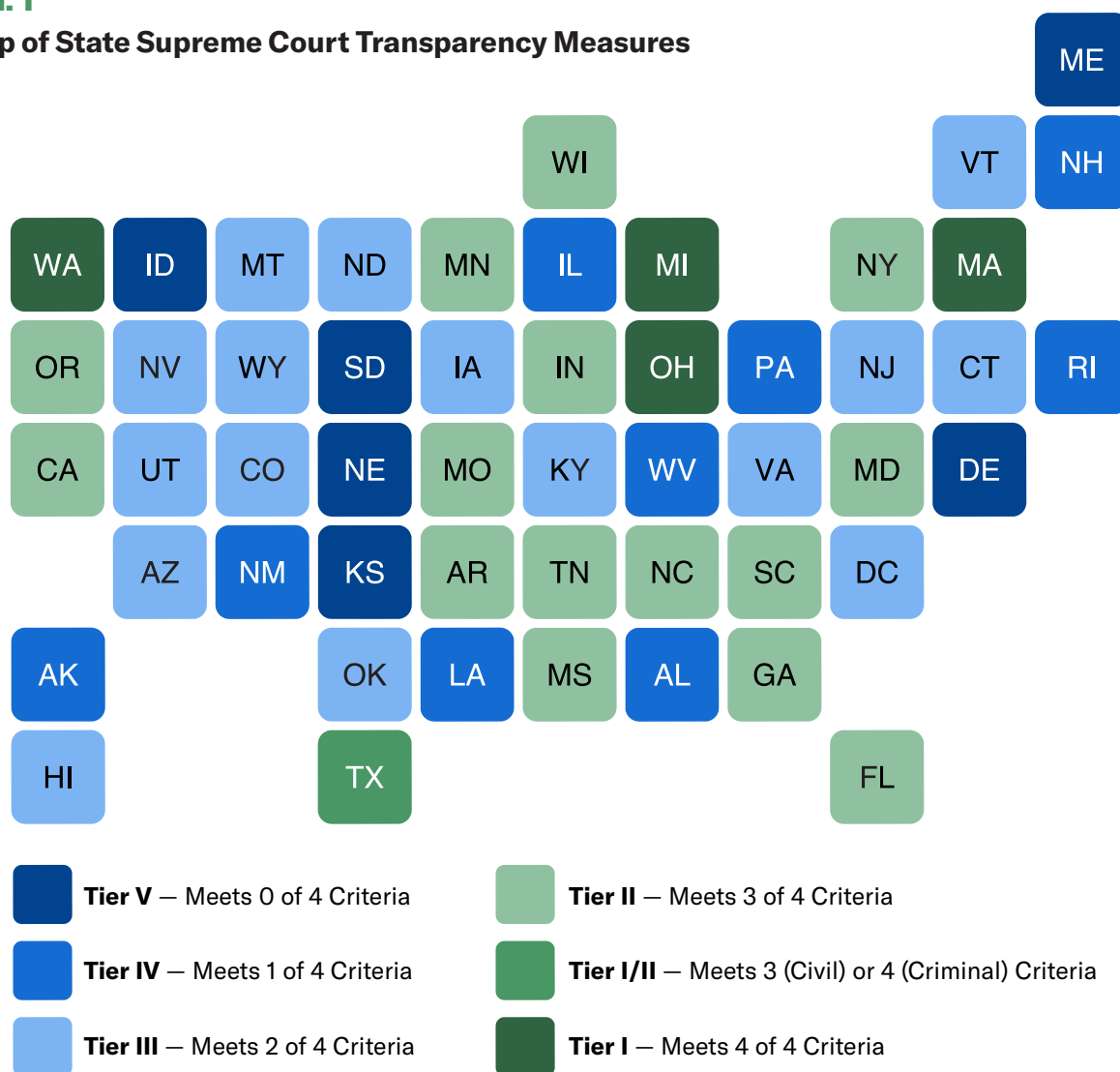
Given the stakes, it is imperative that the public have meaningful access to pending cases in state

high courts, yet access varies dramatically across the country. Some transparency is legally required by common law and the federal First Amendment, which gives the public a right to access certain court documents. But beyond this baseline, whether you can easily access briefs, dockets, and the issues under consideration in your state’s high court will depend on where you live.

To assess transparency, and to encourage improvements, the ACLU’s State Supreme Court Initiative reviewed all state high court websites for four key practices, all of which are already in place at the U.S. Supreme Court. These practices help ensure the public and the press are able to learn about, monitor, and—where appropriate—meaningfully participate in ongoing cases:

1. Timely publication of new pending case names and docket numbers.
2. Timely publication of the questions presented in pending cases.
3. Free and timely public access to docket information and lists of filings.
4. Free and timely public access to parties’ state supreme court briefs.

Based on the ACLU’s review of the four key practices identified above, we have assigned Tiers to each state and the District of Columbia. States in Tier 1 adhere to all four practices, while—on the other end—states in Tier 5 follow none of the four practices. With each state, we provide a summary of the available types of information and hyperlinks to relevant court websites.

FIG. 1**Map of State Supreme Court Transparency Measures**

See Appendix A for a full list of criteria and how each state ranks. >>

Most state supreme courts fall far short of providing meaningful public access to their pending cases.

As demonstrated in the map above, only 6 state supreme courts—Massachusetts, Michigan, Ohio, Texas (Criminal), Washington, and Wisconsin—qualify for Tier 1 by having practices that meet

these four criteria. In contrast, 6 state high courts fall into Tier 5, meaning they do not follow any of the identified transparency practices, and another 26 of them follow only one or two of those key practices.

Improving transparency in state high courts around the country would have numerous important benefits for the public. For example, when state supreme courts list pending cases and the legal issues they present, the public can more easily identify cases with statewide consequences before they are decided. When state supreme courts provide access to docket information, the public can track cases as they unfold. And when

state supreme courts make briefs available for free online, members of the public can understand what is at stake in each case and whether, in their view, the state supreme court's subsequent decision gets it right. In addition, the free availability of briefing helps level the playing field between repeat litigants like state prosecutors, who may have their own internal brief banks, and individual litigants, who do not.

Fortunately, state supreme courts with room to improve need not recreate the wheel. Ready examples exist in state high courts around the country and in the U.S. Supreme Court, and these examples could, at minimum, serve as a model for state-specific modification.

Where possible, we therefore link to examples on state high court websites in the information provided with each state below, with the hope that these examples help courts and advocates who appear before them identify promising practices that could be replicated in their states.

Limitations

There are, of course, some notable limitations to these findings that warrant further consideration.

Even in those states adhering to most or all of the transparency practices we highlight here, case access often excludes some subset of a court's docket, such as those cases involving a court's original jurisdiction. Our criteria gave state courts credit if we could access a meaningful number of new cases such that the public had a general sense of what cases a court was considering. In most state courts, posting grants of discretionary review qualified as a yes, even if they did not post original jurisdiction cases or appeals as of right. As a result of this approach, for certain types of cases, a court's level of openness may be decidedly lower than the grade assigned here would suggest.

The four criteria evaluated here, although serving as a necessary floor, are far from the only relevant measures of transparency. The public also has

an interest, for example, in ready access to oral arguments, information about judicial recusal, and openness as to a state court's handling of its "[shadow docket](#)." State supreme court rules on the filing of amicus curiae briefs and argument also vary widely, with states like New Jersey providing an interesting [model](#). Further research in and court attention to this area is needed.

These findings do not attempt to gauge how effectively a court uses its existing resources or whether a high court's lack of case transparency is related to a shortfall in state funding or staffing or an unusually [large caseload](#). Of particular concern, some state [legislatures have recently imposed limitations on state judicial resources in retaliation](#) for court decisions. And Delaware, District of Columbia, Maine, Montana, New Hampshire, Rhode Island, South Dakota, Vermont, and Wyoming do not have intermediate courts of appeals, so their high courts generally have far less control over the type and volume of cases they decide than courts in other states do.

Frequently Asked Questions

Q: Why are state supreme courts important to civil liberties and civil rights? What impact can they have?

In recent years, federal courts have grown increasingly hostile to the protection of civil liberties. In this time of retrenchment, state supreme courts play an especially important role in protecting — and expanding — constitutional rights.

For example, in reliance on state constitutional protections, the Supreme Court of Hawaii [led the way](#) toward recognizing the right of same-sex couples to marry long before the U.S. Supreme Court did. Similarly, the Connecticut Supreme Court [declared](#) the death penalty unconstitutional, and the Kansas Supreme Court [recognized](#) a right to make decisions about one's body, including to have an abortion, a ruling unaffected by the U.S.

Supreme Court’s decision eliminating a federal right to abortion.

Q: What types of cases do state supreme courts hear? What are some important issues before these courts?

The vast majority of court cases in the United States take place in state courts, including cases that implicate core civil liberties, from reproductive justice to policing, LGBTQ rights, freedom of speech, voting rights, and more.

For example, the Wisconsin Supreme Court is [considering](#) whether the Wisconsin Constitution protects a person’s ability to decide whether to have a child and to obtain an abortion. And the Supreme Court of South Carolina will soon [hear a challenge](#) to the state’s gerrymandered congressional map, which the ACLU and other groups argue is a violation of voters’ right to “free and open” elections protected by the state constitution.

Q: Our report shows that some state supreme courts are better at transparency than others. What can be done to improve transparency?

When the U.S. Supreme Court takes a case, the Court says on its website what the legal questions are, and the public has access to the briefs and schedule. The Court does this for good reason: These cases are important. The way they’re decided will have a dramatic impact on people’s daily lives. And people are more likely to trust and respect decisions that are made in the light of day.

The stakes in state supreme courts around the country are similarly high. Yet, in a substantial number of state supreme courts, it’s impossible for the public and the press to tell what issues are at stake in a pending case, or to even identify a new pending case, based on regularly released court information.

Q: Are there states that have already implemented robust transparency practices?

There are state supreme courts around the country — in big and small states, red and blue ones, and every region — doing innovative things when it comes to public access to pending cases.

The Washington Supreme Court, for example, allows members of the public to sign up to receive email notifications of newly granted cases. The Texas Court of Criminal Appeals maintains a running list of all pending cases and issues before it. And some courts have started making briefing available online in near real time.

Acknowledgments

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Appendix A

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Alabama Supreme Judicial Court	IV	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Alabama does not maintain any list of new or pending cases. Interested individuals can <u>search</u> online for decisions by the Court (leaving all other fields blank) to view lists of recent decisions and some orders from the Court, but grants of certiorari are not included in these lists. Dockets are generally <u>searchable</u> if the searcher knows the case information, but briefing is not.
Alaska Supreme Court	IV	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Alaska Supreme Court does not regularly list new cases. It does post <u>its oral argument schedule</u> at least a month in advance, but this posting does not include the questions presented and is typically posted too late for anyone to get involved in the case. While the Court generally has <u>searchable case dockets</u> , access to party briefing is inconsistent.
Arizona Supreme Court	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Arizona Supreme Court <u>publishes</u> a list of its decisions on petitions for review once or twice a month. This list occasionally includes the questions presented. The Court also maintains a <u>page collecting all granted cases</u> before the Court and awaiting decision. The Court provides <u>case summaries</u> for cases scheduled for oral argument, but because it typically does so on a delayed timeline, the summaries often are published too late to allow meaningful amicus participation in the case. While the Court provides <u>generally accessible dockets</u> for active cases, party briefing is not publicly accessible.
Arkansas Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Arkansas Supreme Court <u>posts</u> a “Syllabus” a couple times a month that includes court proceedings, per curiam orders, motions submitted, and cases submitted. Within this syllabus, it is easy to identify cases granted review in the per curiam subsection. While these case lists do not include any description of the questions presented, they include case numbers which can be used to <u>search</u> for docket info and party briefing on the Court website.
Supreme Court of California	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of California <u>posts weekly lists of results</u> from its weekly conferences. These lists identify which petitions for review were granted but does not include the questions presented. However, <u>another page</u> includes a regularly updated list of pending issue summaries (divided into civil and criminal issues), and the court also posts <u>regular weekly summaries</u> of recently accepted cases. While the case dockets are <u>available online</u> , party briefing is <u>accessible</u> on the Courts public website only after a case has been scheduled for oral argument. Finally, while not a part of our four criteria, the Court also posts <u>weekly lists</u> of which cases will be considered at the next conference.

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Colorado Supreme Court	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Colorado Supreme Court <u>posts a list of case announcements</u> several times per month from September through June. Within these lists, there are subsections for granted and denied petitions for writ of certiorari. These lists include the questions presented for the granted cases. Additionally, the Court posts all <u>original proceeding cases</u> in which it has issued a rule to show cause, which means it requested briefing, and includes the issues in these lists. And the Court <u>posts water appeals</u> currently pending in the Court along with the notice of appeal. Members of the general public cannot access case dockets or party briefing.
Connecticut Supreme Court	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Connecticut Supreme Court does not have any list of new cases. Instead, the Court regularly <u>posts a Supreme Court Docket PDF</u> which lists all the cases <u>scheduled to be heard</u> in a particular term of court, and at least some of these cases have hyperlinks to case summaries. These lists, while helpful, are posted after briefing on the cases is completed; at this point it is too late to meaningfully participate in a case. Case dockets and most briefing are <u>accessible</u> .
Delaware Supreme Court	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	There is no intermediate court in Delaware, so all appeals go to the Delaware Supreme Court. The Court does not maintain any list of new cases or the questions it is considering, nor are dockets and briefing publicly accessible online. When a case is scheduled for oral argument, the <u>briefing is posted</u> on the website, but by this point it is usually too late for amicus to get involved.
District of Columbia Court of Appeals	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	There is no intermediate court in D.C., so all appeals go to the D.C. Court of Appeals, the District's highest court. The Court does not maintain any list of new cases or the questions it is considering. If an individual knows of a specific case, they can <u>search</u> for it to access the case docket. Briefing is available online thanks to <u>recent orders</u> aimed at <u>increasing public access</u> .
Florida Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Florida Supreme Court posts <u>a list of cases</u> in which it has granted review. Clicking on the docket number in this list leads to an open docket with briefing available; and users can also <u>search for dockets</u> or <u>briefing themselves</u> directly on the Court's website. The Court does not provide questions presented unless the case is listed on the Court's <u>high profile cases</u> page or is <u>scheduled for oral argument</u> in the near future.
Supreme Court of Georgia	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Georgia maintains running lists of granted <u>petitions for certiorari</u> , granted applications for <u>discretionary appeal</u> , and granted applications for <u>interlocutory appeal</u> . The orders linked to in these lists typically include a summary of the case and/or the issues the Court wants the briefing to focus on. One can also <u>search for case dockets</u> and access them easily. However, there is no briefing publicly accessible until the case is <u>scheduled for oral argument</u> .

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Supreme Court of Hawai'i	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of the State of Hawai'i <u>maintains a list of applications for writ of certiorari/motions for reconsideration</u> . The issues presented are only identifiable once <u>argument has been scheduled</u> , usually too late for meaningful amicus participation. Dockets are accessible, but the public cannot access party briefing without paying a fee.
Idaho Supreme Court	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Idaho Supreme Court does not post cases on which it granted review or the issues presented, unless (1) it deems the matter a <u>case of interest</u> , which is rare (typically 2-4 times a year); or (2) (sometimes) the oral argument is <u>coming up soon</u> . No docket or briefing is accessible unless the Court considers the case one of interest.
Supreme Court of Illinois	IV	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Illinois Supreme Court <u>publishes</u> its Leave to Appeal dispositions and identifies which petitions for leave to appeal are allowed. No extra information is provided about cases on this page except for the case number and district court information. Questions presented and docket information are inaccessible. Briefing is also inaccessible unless the case is <u>scheduled</u> for oral argument or considered <u>high-profile</u> by the Court. Separately, the Illinois Office of the State Appellate Defender produces a <u>regular list of criminal cases</u> before the Supreme Court, which includes the questions presented. These cases are organized by topic.
Indiana Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	In Indiana, Court of Appeals decisions can be appealed to the Indiana Supreme Court in a motion referred to as "requesting transfer." The Indiana Supreme Court regularly <u>publishes a list of all motions to transfer dispositions</u> , which lists the cases it accepted. This list does not include the questions presented. Dockets are available <u>online</u> . Briefing is also available online, but typically on the court of appeals docket (rather than the Supreme Court's) because the Supreme Court usually decides the case based on the briefing in the court of appeals. Only after cases are <u>scheduled for oral argument</u> does the Court post the questions presented on its website.
Iowa Supreme Court	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Iowa Supreme Court maintains a <u>list of cases in which it has granted review</u> and a separate <u>list of pending cases</u> . Once a case has <u>been scheduled for oral argument</u> before the Court, users may be able to access party briefing and view the questions presented, but beforehand users may only <u>access the docket</u> of individual cases.

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Kansas Supreme Court	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Kansas Supreme Court <u>provides</u> the oral argument schedule, which only includes the case name, counsel, and argument date and which is often posted too late for amicus involvement in a case. There is no list pending issues. The Court website includes a <u>page</u> for “The Kansas Appellate Case Inquiry System” to search appellate cases online, but as of early September, 2024 the system is “offline” and dockets and briefing are inaccessible.
Supreme Court of Kentucky	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Kentucky posts its <u>monthly minutes</u> , which list cases accepted for discretionary review. The docket numbers in these minutes links to the <u>dockets</u> , which are public, but the questions presented and briefing are generally not available until after <u>oral argument</u> is scheduled. (Access to briefing on the docket is infrequent and inconsistent). The Court maintains a separate list of pending cases and the issues presented on its main website on the <u>side bar</u> (“Discretionary Review Granted”) but updates are extremely infrequent and delayed.
Louisiana Supreme Court	IV	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Louisiana Supreme Court <u>posts court actions</u> , which will include cases it has accepted for review. The Court does not provide questions presented. There are no public dockets or briefing available.
Supreme Judicial Court of Maine	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Judicial Court of Maine does not have any regular list or posting of new cases and does not provide the public with the issues or questions it is considering. Nor does the Court have accessible dockets or briefing; instead, the Court typically posts the docket and briefing for <u>cases scheduled for oral argument</u> a few days before argument, but this is too late for meaningful participation.
Supreme Court of Maryland	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Maryland has a <u>list of certiorari petitions</u> that it releases monthly. Issue summaries are presented for cases in which certiorari is granted. The Court also provides a <u>separate list of cases</u> before the Court that are scheduled for oral argument. Dockets can be <u>searched</u> on a separate page. However, users are unable to access party briefing with the exception of cases that the Court chooses to “ <u>highlight</u> .”
Massachusetts Supreme Judicial Court	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Massachusetts Supreme Judicial Court has a <u>regularly updated list</u> of recently entered cases and orders, including certified questions, cases on direct review, cases on further appellate review, and sua sponte transfers. This page directly links to the petitions for review, providing easy access to the issues presented in each case. Massachusetts also has <u>accessible dockets and briefing</u> .

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Michigan Supreme Court	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Michigan Supreme Court maintains a list of all <u>cases</u> in which further review has been granted but oral argument has not been scheduled, which is essentially a list of all pending cases. This list links to a summary of each case, the briefing, and links to the lower court opinions if applicable. An individual can also search for a case on the website to <u>pull up the docket</u> .
Minnesota Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Minnesota Supreme Court regularly posts a <u>list of granted petitions for further review</u> , which includes the questions presented and the docket numbers. The docket number can be used to <u>access the public docket</u> , but the briefing is not publicly accessible. The Court also <u>provides</u> "issue summaries" of cases scheduled for oral argument (under "Calendar" > "Issue Summaries").
Supreme Court of Mississippi	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Supreme Court of Mississippi publishes a " <u>Hand Down</u> " list every Thursday. Besides disciplinary orders, motions, and opinions, this list also includes orders on petitions for writ of certiorari, although parties have only ten days to file supplemental briefs once certiorari has been granted. While the questions presented are not available online, individuals can <u>search for dockets and party briefing</u> .
Supreme Court of Missouri	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	In Missouri, Court of Appeals decisions can be appealed to the Supreme Court in by filing an "application for transfer." The Court posts " <u>Minutes</u> " online at least once a month, and these Minutes include "sustained" applications for transfer (in other word, granted appeals). There is no readily accessible summary of the issues presented in cases before the Court (until a case is <u>scheduled for oral argument</u>), but the Court does provide <u>a way to search for dockets and the party briefing</u> .
Montana Supreme Court	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Montana Supreme Court does not provide a regular list or posting of new cases or any public list of all the questions it is considering. Instead, the Court provides a list of " <u>daily orders</u> " that typically include dozens of orders a day, including grants of extensions of time, admission of attorneys, and published opinions, but not identifiable orders on new cases. And the Court provides a list of " <u>cases in the news</u> ," with select case summaries. If a member of the public knows of a specific case, they can search for it on the Court's website and <u>access the docket and the briefing</u> . Individuals can also access the Court's <u>conference agendas</u> to identify cases ready for classification, which means the Court will decide how to proceed with the appeal, if there will be an oral argument, if the case can be summarily dismissed, etc. However, cases typically are not scheduled for classification until briefing is finished. Additionally, the link is updated regularly and access to previous agendas is gone once updated.

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Nebraska Supreme Court	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Nebraska Supreme Court posts <u>regular lists of outcomes</u> on petitions for further review (“PFR”), but cases in which it grants review do not consistently appear on these lists until later stages of an appeal, such as when briefing has been submitted or oral argument has been scheduled, which does not count as a yes under our metric. Issues presented in each case are not included in this list. Dockets and briefing are not regularly accessible for cases.
Supreme Court of Nevada	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	While the Supreme Court of Nevada lists cases in which a petition for review has been filed, it does identify which petitions are granted or the issues they present until those cases are scheduled for oral argument. A known case number can be used to access the docket and briefing, which are public. The Court also provides a list of <u>accepted certified questions</u> , but it is unclear how often it is updated.
New Hampshire Supreme Court	IV	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The New Hampshire Supreme Court <u>posts a monthly PDF</u> of all the cases in which it granted review in the previous month. It also posts <u>a quarterly report on the status</u> of supreme court cases. Neither of these lists include the questions presented in the cases. Dockets and briefing are not accessible online, unless the case is “ <u>frequently requested</u> ,” meaning it has “receive[d] significant public scrutiny.” The Court maintains an “ <u>ebriefs</u> ” <u>page</u> for cases previously decided in the calendar year; however, briefs are not available on this page prior to decision.
New Jersey Supreme Court	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The New Jersey Supreme Court maintains a regularly updated <u>list of new appeals</u> , including the questions presented and the docket number. <u>As of September 4, 2024</u> , the Court also posts all publicly filed briefs for cases being argued at least five days before oral argument, but this is too late to receive credit under our metric. The Court does not otherwise provide public docket and briefing access online.
Supreme Court of New Mexico	IV	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of New Mexico publishes <u>monthly Certiorari Tables</u> , identifying petitions denied and granted. Below the tables, the Court also posts pending cases lists of all cases pending before it. Despite these resources, New Mexico gets a “no” in the first column because the Court does not typically publish these resources in a timely manner. Neither of these resources provide the questions presented. Docket information can be found <u>online</u> , but briefing is not publicly accessible. However, once a case is scheduled for oral argument, <u>briefing may be accessible</u> on the Court’s website.

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
New York Court of Appeals	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The New York Court of Appeals website <u>regularly posts a list of new case filings</u> , including issues presented. The Court indicates that “ <u>dockets</u> ” can be <u>searched</u> using the case number, sometimes included in the list, or the case name, but these compilations have limited information and do not include all the docket entries, leading to a “no” in our criteria. However, party briefing is accessible to the public from these “dockets.”
Supreme Court of North Carolina	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	Supreme Court of North Carolina regularly <u>provides lists</u> of all petitions in the Court and its rulings. Interested members of the public can search this list for “allowed” petitions for review. These lists do not include the issues or questions presented in the case. But the Court does provide online access to case briefing and docket sheets, as well as a way to <u>search specifically for Court orders</u> in a certain case.
North Dakota Supreme Court	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The North Dakota Supreme Court does not post a list of new cases. Instead, it provides only an <u>oral argument schedule</u> a few weeks in advance of argument that does not provide the questions in the case. The schedule does include a clickable docket number that will bring individuals to the docket, where they can access the briefing in the case. Occasionally, this docket will include a case summary. Dockets and briefing are available for other cases only if someone knows of <u>a case to search</u> . Finally, interested individuals can generate their own list of all open cases in front of the Court by searching the <u>online portal</u> with no inquiries other than “exclude closed cases.”
Supreme Court of Ohio	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Supreme Court of Ohio website <u>regularly posts case announcements</u> that may include a section of “Appeals accepted for review.” Clicking on the case docket number leads to an <u>open public docket</u> with accessible briefing. The Court does not post questions presented concurrently with these lists but may indicate on which proposition(s) of law the appeal was granted, and those proposition(s) can be found in the jurisdictional brief accessible on the docket. Additionally, a different link collects all “ <u>issues accepted for review</u> .”
Oklahoma Court of Criminal Appeals (Criminal)	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Oklahoma Court of Criminal Appeals does not include any regular list or posting of new cases or issues. If an individual already knows of a case, however, they <u>can search</u> for the docket and access the briefing.

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Oklahoma Supreme Court (Civil)	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Oklahoma Supreme Court also does not include any regular list or posting of new cases or issues. If an individual already knows of a case, however, they <u>can search</u> for the docket and access the briefing.
Oregon Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Oregon Supreme Court posts regular <u>media releases</u> , which may contain “Allowed petitions for review,” a section that includes summaries of the cases granted and the issues on review. With a free account, the docket number can be used to <u>search and access the docket</u> , but the briefing is inaccessible to the public. Briefing is usually accessible for <u>cases scheduled for oral argument</u> , but not early enough to allow for meaningful participation.
Supreme Court of Pennsylvania	IV	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Pennsylvania allows individuals to search for orders on petitions for allowance of appeal from any date range. Granted appeals are labeled as such, and the orders include the issues presented. However, despite these resources, the Court still receives a “no” for the first two categories because cases accepted through the petitions for allowance of appeal are a <u>minority</u> of cases. The majority of cases come to the Court through other means, and there is no public list of those cases or summary of the issues presented. If an individual knows of a case, they can search for <u>case dockets</u> , but briefing is not publicly available online.
Rhode Island Supreme Court	IV	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Rhode Island Supreme Court does not provide any regular posting of new cases or of the issues it is currently considering (<u>only issues it has already decided</u>). If an individual knows of a specific case, they can <u>access the docket</u> but no briefing.
Supreme Court of South Carolina	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Supreme Court of South Carolina posts “ <u>Advance Sheets</u> ” several times a month. These sheets include actions on petition for certiorari and a list of petitions still pending. There is no list of issues presented in those cases until the <u>oral argument is coming up</u> soon, which is too late for meaningful participation. Dockets and briefing are <u>publicly accessible online</u> .
South Dakota Supreme Court	V	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The South Dakota Supreme Court does not have any regular list or posting of new cases or the issues those cases present, and dockets and briefing are not publicly accessible. For past cases, the Court maintains a “ <u>term of court</u> ” page listing cases heard in certain months, and for cases with an oral argument, that page links to briefing.

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Tennessee Supreme Court	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Tennessee Supreme Court <u>posts</u> regular “discretionary appeals” lists indicating when appeals are granted or denied. The issues presented can be found in a separate <u>pending case report</u> , although its updates are sometimes delayed. Each <u>docket is accessible</u> , but public access to filings online is inconsistent.
Texas Court of Criminal Appeals (Criminal)	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Texas Court of Criminal Appeals’ website includes an “Issues Granted” <u>tab</u> that links to regularly updated PDFs of pending issues before the Court, either from petitions for discretionary review or state habeas claims. Once a week, the Court also releases a <u>compilation of the orders and opinions</u> for that week, which includes the results for petitions for discretionary review and writs of habeas corpus. Finally, the Court also makes <u>dockets and briefing accessible</u> to members of the public.
Supreme Court of Texas (Civil)	II	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Supreme Court of Texas releases a summary order almost every week that includes new grants on petitions for review, certified questions accepted from the federal courts, and cases accepted for rehearing. The Court also maintains a “causes” page that includes cases set for oral argument, cases not set for oral argument, and cases that have been submitted for oral argument. But neither of these resources lists the questions presented in a case. The Court does make <u>dockets and briefing accessible</u> to members of the public if they are interested in figuring out the issues presented themselves, however.
Utah Supreme Court	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Utah Supreme Court maintains a page of <u>granted petitions for certiorari</u> , including the issues presented in each of those cases, but the Court does not update this page in a timely manner. For example, a petition that was granted in May 2024 was not put on the website until July 2024. <u>Case dockets are also accessible</u> to members of the public, but briefing is not.
Vermont Supreme Court	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Vermont Supreme Court does not have any regular posting of new cases available to the public. The Court posts its <u>oral argument schedule</u> around a month in advance, but this schedule does not include the issues presented. The Court does have an <u>online search system</u> where users can search for and access case dockets and most party merits briefing.
Supreme Court of Virginia	III	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Virginia maintains an “ <u>appeals granted</u> ” page on its website, which includes all granted appeals and the questions presented in those appeals. But the Court does not provide public access to full case dockets or merits briefing, instead <u>providing limited information</u> on each case.

STATE SUPREME COURT	TIER	CRITERIA	ADDITIONAL INFORMATION
Washington Supreme Court	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Washington Supreme Court's comprehensive web-site includes a list of all recent petitions for review , a list of accepted cases , and a regularly updated list of pending Supreme Court issues . Case dockets are searchable online , and the Court also posts all briefing on its web-site. Finally, the Court allows anyone to sign up for email notifications for "Supreme Court Granted Cases," making it easy to be notified of new cases without regularly checking for updates.
Supreme Court of Appeals of West Virginia	IV	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✗ Makes dockets accessible and free for the public ✗ Makes merit briefings accessible and free for the public 	The Supreme Court of Appeals of West Virginia posts order lists approximately every month; those lists set new cases for oral argument and include other dispositions on petitions for review. The lists do not include the issues presented. Dockets and briefing are not generally available online, but briefs are inconsistently available in some cases once they are scheduled for oral argument, a point at which is too late for meaningful amicus participation.
Wisconsin Supreme Court	I	<ul style="list-style-type: none"> ✓ Regularly posts or lists new cases ✓ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Wisconsin Supreme Court maintains a regularly updated table of all pending cases the Court has accepted for review, including the issues presented, the date of oral argument, and citations to the Court of Appeals opinions when applicable. The Court also maintains an online case search function that allows individuals to view case dockets and briefing.
Supreme Court of Wyoming	III	<ul style="list-style-type: none"> ✗ Regularly posts or lists new cases ✗ Provides timely information about issues presented by cases ✓ Makes dockets accessible and free for the public ✓ Makes merit briefings accessible and free for the public 	The Supreme Court of Wyoming does not provide any regular list or posting of new cases or identify the issues presented by its pending cases. The Court does maintain a search function allowing users to search for cases by issue areas-- i.e., a user could search for all "Civil Rights" cases filed in a certain time period. If a user finds a case this way or is otherwise aware of a certain case, the user can access dockets and briefing through the same site.