



# Exiting technology projects.



**small  
scale.**



# How to use this booklet

The best time to plan for the end of a technology contract is before the contract is signed. This booklet is designed to help procurement officers and other court stakeholders ensure continuity of service, enable seamless future technology upgrades, and plan for contingencies. You can use it to evaluate a prospective vendor contract or bid, or to document how a project went.

Ending projects gracefully is a critical skill for courts, and one that's often overlooked. You have limited resources and time to devote to projects. Inevitably, some of them won't work out. Well-planned transitions can help you efficiently pivot to a new idea, tweak existing projects, and minimize sunk costs. Done right, the end of a technology project can be a collaborative, amicable process that ensures your core values continue to be maintained and upheld.

Here, you'll find simple questions to ask about a technology project, aimed at ensuring that an eventual transition away from the project is as smooth as possible. There are also places to record actions you need to take or have taken, reflect on what you could do better, and log additional issues.

Not every question may be relevant to every project. That's okay. You can mark individual questions as not applicable. There are also a few pages in the back where you can add additional questions and issues.

# Types of pages

**Guidance.** Additional context or information to help you think through your project.

**Questions and follow-up questions.** Questions meant to guide you toward best practices, where appropriate.

**Actions.** A place to record actions that need to be taken in response to questions you've answered.

**Reflections.** A place to note what worked, what didn't, and how your processes or procedures should change or improve.

**Asides.** Pages for adding additional issues that aren't covered in the booklet.

# Framing questions

Before you begin, take a step back and reflect on your project's values. A technology project is often deployed in support of some underlying value or values, whether improving efficiency, protecting vulnerable litigants, or something else entirely.

Reflecting on these values now can help you evaluate possible vendors, highlight successes, proactively identify issues, or set priorities in a transition.

Almost every technology project is an opportunity to learn something new, and apply that to your next iteration. While these questions may not require direct action from you, they can help you identify what matters most in your project.

**A. What are this project's core values?**

**B. Who is responsible for ensuring the project lives up to its values?**

**C. What lessons, successes, or failures have you applied from past projects to this one? What are you hoping to learn from this project?**

**D. When evaluating this project, how do you assess the project's alignment with your values? How do you weigh values against other factors, such as price and features?**

**E. How might the project's values be put at risk during a transition? Who might be affected by that risk?**

# How long will the provided software or service be supported?



**Support** could include security updates, bug fixes, feature updates, and technical support availability. Different support activities may have different timelines. Support usually comes from the vendor or technical team who created the project, but it could also come from a third party (for large enterprise software, for example).

## Follow-up questions

**1A** If the support timeline is indefinite, how much notice is required before discontinuing support?

**1B** Can support be extended? Under what terms?

**1C** Who is responsible for providing support? (e.g., a vendor, a subcontractor)

*Support*

## **Action checklist**

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*Support*

# **Reflections**

*Reflections* should help future you (or others) understand what went well, what didn't go well, and what new best practices should be adopted as result.

## *Termination and transition*

# Types of transitions

No technology implementation lasts forever.

You might move on to a more modern tech stack. A small engagement might not work out. Or a pilot might be wildly successful, necessitating new infrastructure to keep it going.

Whether an upgrade, wind-down, or migration, good transition planning can ensure it goes smoothly.

When answering these questions, consider the different ways a transition or termination could start:

- A transition could be **client-initiated**. A pilot or an experiment might fail, requiring you to pivot. A technology implementation or strategy might not solve your underlying business problem. Your technical or business needs might change: you may decide to move from an in-house product to a commercial one, or

vice versa. Or, the vendor may fail to live up to your expectations or values.

- A transition could be **vendor-initiated**. The vendor could go out of business or get acquired. Or, a vendor might end support for or stop offering a technology product.
- Finally, a transition could have **natural causes**. A grant or pilot could expire, or a contract could end without renewal.

You may not be able to predict how or when a project will end, but you can ensure there's a plan for when it does. The questions in this section will help you do that.

## Who can **terminate** the project, and under what circumstances?



Be expansive in how you define a project's **termination**. It doesn't have to involve misconduct—it could just be the decision to end a project.

If this project is funded by a grant or other finite funding, who is responsible for deciding what happens to the project when the grant ends?

## **Follow-up questions**

**2A** How is service wound down after termination?

**2B** Who is responsible for bearing the costs of an early termination?

## Is there a **transition plan** integrated into the agreement?



While you ultimately have responsibility for managing your court's technology stack, you may require support from your vendor while transitioning away. Incorporating a **transition plan** into your vendor contracts can help ensure that support is there when you need it.

## **Follow-up questions**

**3A** What assets (e.g., data, IP rights) and credentials does the vendor need to provide or delete during the transition?

**3B** Does the agreement include a transition support period and requirements?

**3C** If the agreement includes an Service Level Agreement (SLA), is there a transition SLA?

*Termination and transition*

## **Action checklist**

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*Termination and transition*

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## How is **client data** defined? Does the agreement define and assign retention rights to user-generated data?



Technology projects may generate and store **client data**. People who aren't employees of the court might depend on data stored in a technology project: credentials for submitting filings, contact details for receiving reminders, or bank information for making installment payments. Transitioning client data from one platform to another can minimize service disruptions and other harms.

## **Follow-up questions**

**4A**

**Is vendor prohibited from using client data for any purpose other than those necessary to provide services to client?**

**Does the software allow for bulk export of client data?**

## **Follow-up questions**

**5A** Can the export be initiated without vendor intervention?

**5B** Is the data export free?

**5C** Is data exported in a usable format?

**5D** What data will you need to evaluate this project in the future?

**When is the vendor required to delete data after transition or termination?**

## **Follow-up questions**

- 6A** How long is the vendor required to retain data?
  
  
  
  
  
  
  
  
  
  
- 6B** Is vendor prohibited from using client data after services end?
  
  
  
  
  
  
  
  
  
  
- 6C** How long do vendor's confidentiality requirements persist after termination?

**What security responsibilities does vendor have during and after transition?**



## **Follow-up questions**

- 7A** What access does vendor have to client systems? When will that access be removed?
  
- 7B** How long will vendor retain logs for tracing potential security incidents?
  
- 7C** When does formal responsibility for data security transition from vendor?

*Data handling and security*

## **Action checklist**

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*Data handling and security*

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## What is a dependency?

Technology projects are rarely islands. They often depend on other projects, infrastructure, or laws to keep functioning. When those dependencies change, they may require your technology project to change too, sometimes unexpectedly.

A project may depend on:

- **Infrastructure**, like a cloud provider (e.g., AWS) or your own servers or operating systems.
- **Legacy systems**. Chances are you have at least one outdated data or software system, maybe even with an ad hoc customization or two. Be careful with these dependencies; they may be fragile or poorly-documented.
- **A subvendor**, who may provide an underlying service to keep your project running (e.g., a phone number service for a text reminder program).

- **Software.** Open-source (and commercial) software increasingly depend on other software packages that provide specialized functions, like logging or encryption.
- **Personnel.** Individual staff members may be responsible for managing vendor relationships or technical projects. You'll need to have a plan in place to ensure a project will thrive after their tenure.
- **Bureaucracy.** Finally, a technology project might rely on real-world processes, laws, or rules. If they change, your project's business logic may need to change too.

One more thing. Your technology project may **create** dependents: people who rely on it in order to advance their case, access the court, or maintain their livelihood. As you navigate this booklet, consider how your transition plans might burden or support the people and communities who depend on the court and its technology.

# **What are the project's dependencies?**

## **Follow-up questions**

**8A** Who is responsible for managing the project and the vendor relationship?

**8B** What knowledge, credentials, relationships, or other assets need to be transferred if the responsible person leaves?

**If the vendor offers multiple software or services, are they co-dependent? Can a service be replaced with third-party providers?**



*Interoperability and lock-in*

**Are vendor software/  
service functions  
accessible via API?**

**Does the vendor allow  
modifications or  
customizations of  
provided software?**

## **Follow-up questions**

**11A**

**Can modifications or customizations be made by parties other than the vendor?**

*Interoperability and lock-in*

## **Action checklist**

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*Interoperability and lock-in*

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## **Has the vendor provided a business continuity plan?**



While it may be rare for your vendor to close or go under during a contract, the impact of a closure can be extremely disruptive. For small vendors, consider having a plan in place to ensure that you can continue using a software or service in the event something does go wrong.

## Follow-up questions

12A

**When is the business continuity plan activated?**

**Has the vendor provided complete and sufficient documentation for the software/service?**



## Follow-up questions

13A

**If the vendor is producing custom software, is documentation (including source code documentation) a core requirement of the contract?**

*Risk to vendor*

## **Action checklist**

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*Risk to vendor*

## **Reflections**

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*Aside*



You can add additional questions or issues here. They may specific to your project or your court.

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## About us

This booklet was written by Keith Porcaro (small scale), Zach Zarnow (NCSC), and Danielle Hirsch (NCSC).

**small scale** helps communities navigate a digitizing world. We design training materials, build simulations, and consult on data and technology governance.

**The National Center for State Courts** Access to Justice team provides technical assistance and support to courts to help them ensure meaningful access to the courts for all. We work on process simplification and improvement, legal information, and a bunch of other stuff. Let's talk.



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scale.**



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