

INCREASING ACCESS TO JUSTICE FOR THE SELF-REPRESENTED THROUGH WEB TECHNOLOGIES

Madelynn Herman

KIS Analyst, National Center for State Courts

The courts' use of Web technologies to aid self-represented litigants is evolving and includes second-generation Web sites geared toward their specific needs, interactive Web sites, online document-assembly programs, e-filing and e-delivery mechanisms, and live-chat features. In the future, the use of both RSS feeds to bring up-to-date content and news to court customers and Wikis to allow justice organizations to collaborate on access-to-justice projects will become more commonplace.

A New Generation of Court Web Sites

Providing and improving access to courts for self-represented litigants is a value espoused by many courts today. The court Web site is seen as a cost-effective means of increasing access to justice and providing much-needed information and resources. The evolution of court Web sites has gone from providing directions to the courthouse and court opinions to providing form-completion programs in different languages and live chat to address the needs of court customers in real time. Proactive courts today are increasingly looking for opportunities to enhance access to justice for self-represented litigants and are using Web sites and other technologies to help achieve this goal.

While most courts have had Web sites for years, many courts are rethinking the purpose and goals of their sites. They are using technology and Web sites to encourage, facilitate, and increase dialogue with not only self-represented litigants, but also community stakeholders.

Best Use of Resources

The tremendous increase in the numbers of self-represented litigants has impacted all levels of the court system. Using resources effectively and efficiently and improving the quality of information to increase access to courts for self-

represented litigants are goals of many courts today. Courts are developing a wide range of programs and services to address these needs.

The Internet provides access to court information for litigants, as well as for judicial staff and community stakeholders. Court information and technology tools, such as downloadable forms, document-assembly programs, and e-filing, allow access around the clock. Court Web sites allow for greater and more-sophisticated dissemination of legal information and materials to assist the self-represented, and they create new methods and opportunities to educate the public on legal topics. Internet technologies also make it easier for courts and other service providers to work together in meeting the needs of self-represented litigants.

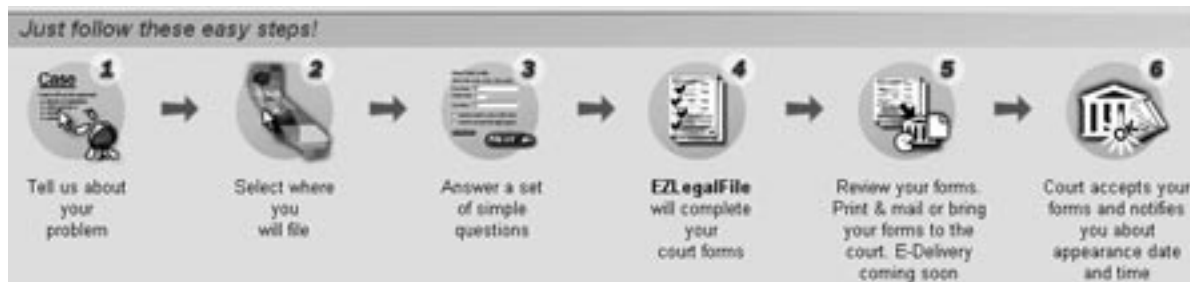
Courts today are providing through their Web sites a wide range of programs, services, and information to assist self-represented litigants. This includes access to online forms, including plain-language and multi-language forms; document-assembly programs and tutorials; online resources, such as guides to assist self-represented litigants, form-instruction packets, tips for preparing for court, and legal glossaries; and virtual self-help centers, which may include alternatives to court such as mediation services, attorney-referral services, and links to legal- or social-service assistance.

Creative Uses of Web Technology

Some courts are becoming increasingly creative in their use of Web technology combined with other forms of assistance, such as streaming video and videoconferencing (California); Web sites combined with telephone help/hotline assistance (Alaska); virtual support to self-represented litigants, including live help or Internet chat (Montana and Iowa); personal Web spaces for self-represented litigants; online workshops and clinics; interactive assessment tools for problem diagnosis or triage (Illinois and Maryland); and document-assembly programs (California and Idaho).

While many courts have recognized the need and benefit of a court Web site with content geared toward the self-represented, the challenge to meet the growing and ever-changing needs of these court customers is tremendous. While many self-represented litigants are very tech savvy, others, such as low-income groups, are the least likely to have access to a computer. Litigants with limited skills in English face

California Superior Court - Internet Based Case Filing - Screenshot of EZ Legal File System



Source: California Superior Court

additional challenges in understanding court information provided through court Web sites.

Higher Expectations of Court Customers

Regardless of economics or language, all Web customers have high expectations when it comes to finding helpful information on court Web sites. They expect fast, accurate, and on-point information that is meaningful, timely, up-to-date, and, more important, relevant to their needs. They expect a usable Web site that has a logical navigational system so that they can find what they are looking for with ease. Today, courts face a great challenge in meeting the needs of more and more self-represented litigants.

Best Practices for Developing Web Content and Meeting Specific Audience Needs

Once the site's purpose is clear, meeting the Web content needs of a specific user, such as the self-represented litigant, requires careful planning and analysis of current user needs and expectations. An accurate assessment of what the user really needs from your Web site, knowing what the user cares about the most, using the right words, and a less-is-more approach to Web site design will increase the chances that your Web site will meet the exact needs of your user. Utilizing caseload statistics and information from court staff to pinpoint the greatest need provides a starting point for developing on-point Web content. Data on user needs can also be gathered through surveys, focus groups, or an online user-feedback tool. Involving court staff, community stakeholders, and the self-represented themselves in the development of content will help to ensure useful Web sites that will meet the ongoing information needs of this audience.

Once content is developed, usability studies will help courts pinpoint navigational difficulties on their Web sites. Content that is written for the Web from the start, focused on the greatest needs of the user, and geared toward a specific audience, such as self-represented litigants, will help ensure a successful court Web site. Dedicated staff to maintain and update the content, and an ongoing user-feedback tool, will help to continuously improve information and resources provided on a court's Web site.

Some courts already have interactive Web pages that allow self-represented litigants to fill out forms and e-deliver their paperwork to the court. In the future, it will become increasingly common for self-represented litigants, court staff, and community stakeholders to be invited to contribute to the development or review of Web content/materials through Wikis (see <http://www.lsnatp.org/bookshelf?&tid=10&name=Wikis>) or other online information-sharing tools that allow users to interact and collaborate on a project or resource over the Internet.

Web content developers should reduce information for self-represented litigants into writing that can easily be published on the Web and in handouts. Web content also should also be designed to encourage self-represented litigants to connect to court or legal-service staff by phone, e-mail, or real-time chatting with specially trained staff that can answer questions and further meet their needs.

Costs and Funding for Technology Projects

Technology costs to courts can be minimal if Web technology, such as the Internet, is already in place; however, upgrading to high-speed Internet connections might be necessary. Staff time to develop Web content geared toward the self-represented litigant and to keep Web content up-to-date will be an ongoing cost. Likewise, if e-filing/e-delivery and videoconferencing technologies are already in place, the cost involved in adapting applications to self-represented litigants will be minimal, other than technology staff time.

If new Web technology innovations are added such as live chat, streaming Web videos, or document-assembly programs, then additional costs will incur. Costs

might include the installation of high-speed modem lines to new locations, the purchase of any additional software, licenses, and staff time for installation and maintenance. Shifting existing staff responsibilities to maintain new technology applications for these programs can also make adding new technologies more cost-effective.

Courts and other agencies can share the expenses of developing and maintaining these new technologies. Collaborative projects between courts and legal-service providers, law libraries, and bar associations are becoming more commonplace. LiveHelp in Montana and Iowa are collaborative projects, as are many of the LawHelp projects, both of which deliver assistance to self-represented litigants through the Internet.

Courts and other providers using technology to assist self-represented litigants are funding their initiatives through a wide range of sources. These include centralized funding and planning through judicial-branch budgets; county or state legislative appropriations; or public/private/nonprofit collaborations, as well as grants. An excellent source for technology grants to fund pro se technology projects is the Legal Service Corporation's Technology Incentive Grant Program (see <http://tig.lsc.gov/>). It is noteworthy to mention that under a grant from the Legal Services Corporation (with a generous software donation from LexisNexis) a national legal-document-assembly server was created. States have access to this server to help litigants create legal documents using programmed templates (see <https://npado.org/faq>).

Challenges to Developing and Implementing New Technology

Skepticism and resistance to change from staff and stakeholders is not uncommon when new technology projects are brought to the table. It is important to learn which new innovations work best to achieve the goals you are seeking. Researching all options and risks to determine the best possible solution will help in the planning and priority-setting process. Support and buy-in from court leadership and other stakeholders is vital. Additional challenges to using innovative technologies to increase access for self-represented litigants include staff willingness to learn and adapt to new technologies. Training manuals may need to be developed, and training must be delivered. Funding technology training, software updates, and upgrades can be an additional challenge if budgets are tight.

When asked about the challenges to developing and implementing the new LiveHelp technology for Iowa's LivePerson project, Eve Ricaurte, managing attorney for pro se projects at Iowa Legal Aid, stated, "LivePerson has comprehensive online training and support for LiveHelp navigators—including Live Chat for support. There have been very few challenges with the technology, it is seamlessly incorporated into our website and is a useful tool that people take advantage of 24 hours a day. The challenges in setting up a new service like this are mostly internal, deciding on who should be staffing the service and the guidelines for staff to follow. Also, it requires some attention so that we reflect changes in the law or services that we can pass on to the users."¹

Examples of Innovations and Models

Virtual Self-Help Centers. Many courts have developed virtual self-help centers with comprehensive online information. For example:

- The New Hampshire Judicial Branch virtual self-help center at <http://www.courts.state.nh.us/selfhelp/index.htm> is particularly well designed for self-represented litigants. Its clean design allows litigants to find the information they need with few if any navigational difficulties.
- The Alaska Family Law Self Help Center at <http://www.state.ak.us/courts/selfhelp.htm> combines Web content with a telephone help line.
- The California Online Self Help Center at <http://www.courtinfo.ca.gov/selfhelp/> is considered the most comprehensive self-help Web site, and it includes information in multiple languages. The California Judicial Council's Ralph N. Kleps Award recognizes many technology-related innovative programs for the self-represented (see <http://www.courtinfo.ca.gov/programs/innovations/allprograms.htm>).

Live-Help and Live-Chat Programs. LiveHelp allows Web site visitors to ask a remotely located Web site specialist for help finding online legal information and resources, including help with intake. The specialist can send the visitor URLs to specific resources through the chat box, or escort them to a particular page on the Web site using a co-browse feature.² Currently, LiveHelp technology is being used by Montana and Iowa legal services to assist self-represented litigants over the Internet. MontanaLawHelp.org at <http://www.montanalawhelp.org/MT/index.cfm> is a collaborative project.

Platforms Available for Interactive Forms-Completion Programs. Several California courts use the form-completion platforms of EZLegal file, I-CAN, and TurboCourt. The I-CAN software used by the Legal Aid Society of Orange County, California, has applications for both document assembly and e-filing for self-represented litigants. The Idaho Supreme Court has a very comprehensive interactive forms program (see <http://www.courtsselfhelp.idaho.gov/>). For further information on document-assembly/forms-completion programs, see:

- EZLegal file, <http://www.ezlegalfile.com>
- I-CAN, <https://secure.icandocs.org/ca2/Start.aspx>
- Turbo Court, <http://turbocourt.com/index.jsp>

California Superior Court - Internet Based Court Case Filing - Screenshot of EZ Legal File System - Domestic Violence Online Form

Source: California Superior Court

Document-Assembly and Interactive Tools. The A2J Author software developed by the Chicago-Kent College of Law allows self-represented litigants to complete a self-guided Web interview for Web-based interfaces for document assembly (see <http://www.kentlaw.edu/cajt/A2JAuthor.html>). Illinois Legal Aid uses this software (see <http://www.illinoislegalaid.org/>).

The National HotDocs Server at <https://npado.org/> allows states to post online forms free. Idaho already has 140 forms posted, and California is building forms and putting them on the server.

Interactive Tools for Problem Assessment. The Maryland Legal Assistance Network provides interactive tools for problem assessment or triage (see <http://www.peoples-law.org/family/divorce/self%20quiz.htm>).

Use of Collaborative Online Tools to Develop Content. The legal-service community has already begun to use the Wiki technology to collaborate on the development of resources over the Internet. The Arkansas Legal Services Partnership has developed a *Poverty Law Practice Manual* through the Wiki technology. FemaAnswers.org, a project of the Shriver Center, is another example of a current Wiki project (see http://femaanswers.org/index.php/Main_Page).

The Legal Services National Technology Assistance Program provides links to innovative technology projects. See especially their resources on Wikis at <http://www.lsnatp.org/bookshelf?&tid=10&name=Wikis>.

National Collaborative Efforts. LawHelp.org at <http://www.lawhelp.org> is a national effort to provide legal information to the self-represented using the Pro Bono Net technology. Several state courts, such as Texas and other states, have collaborated with legal-service providers to provide comprehensive legal information online for self-represented litigants. Selfhelpsupport.org serves as a national clearinghouse on self-representation.

Conclusion

Judges, court administrators, and Webmasters agree that court Web sites are a useful and efficient tool to provide much-needed information and resources to the public and the self-represented. In addition to improving access to justice, the quality of justice is improved, smoother caseload is achieved, and public trust and confidence in the courts is increased. With continued technological advancements and an increasingly tech-savvy constituency, the courts' use of their Web sites to increase access to justice will continue to play an important role in the broader continuum of services offered by courts today and in the future.

The courts' use of other innovative Web technologies, such as document-assembly programs, e-filing/e-delivery programs geared toward the self-represented, live chat, and other innovations is expected to increase in the coming years. The trend to meet court customer needs, especially for the self-represented litigant, will continue for years to come, and the use of technology to increase access to justice will be an integral part of this trend.

The key will be to combine an ongoing assessment of litigant needs with the use of court staff and appropriate technologies that increase access to justice. Finally, we must never forget the importance of the human component behind the technology.

ENDNOTES

¹ E-mail correspondence with Eve Ricaurte, August 29, 2007.

² How does LiveHelp Work? LiveHelp FAQs available at: <http://www.ajs.org/prose/Midwest%20No%20tebook%20Contents/Tab%209/How%20Does%20LiveHelp%20Work.pdf>.