



National Association for Court Management

2016 GUIDE

CREATING A USER-FRIENDLY COURT STRUCTURE AND ENVIRONMENT

The Building • The People • The Technology and Resources



CREATING A USER-FRIENDLY COURT STRUCTURE AND ENVIRONMENT



National Association for Court Management

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Introduction

In their 2011 publication *Usability is Free: Improving Efficiency by Making the Court More User Friendly*¹, authors John Clarke and Bryan Borys maintain that “*Usability strategies involve more than simply dumping tasks online.*” The authors offer seven basic understandings that are required of court managers when considering ways to improve user-friendliness:

1. Understanding of the needs and desires of court users
2. Understanding users’ abilities—and sorting (or supporting self-sorting) of users into different service levels, each with appropriate supports
3. Understanding of the court’s processes, so as to build in fool-proofing and safeguards that will ensure that users are guided in the right directions
4. Understanding of legal constraints, so as to choose which user activities are allowable, and which must be prohibited
5. Having a greater appreciation of options for where and when to deliver services (e.g., online, at the user’s convenience)
6. Being able to redesign court processes to greater reflect the needs of court users, relative to court personnel
7. Avoiding the ubiquitous temptation to fill in the usability gaps by hiring staff.

How well are the courts doing? In the most recent State of the State Courts survey², researchers from the National Center for State Courts asked “How would you rate the job being done by courts in (your state)?” Only 41 percent of respondents reporting direct interaction with the courts rated them as good or excellent on this basic job performance measure. Clearly there is still work to be done.



Courts and their users vary widely. Some are specialty courts serving a single purpose or type of case. Others offer multiple services such as judicial services, land records, and marriage licenses. And still others may be part of an integrated service center that provides multiple social services to clients/customers/users. Consequently, different types of courts need to develop specific strategies to determine their mission, communication, and user priorities. The startling data in the survey mentioned above, only a tiny portion of which is highlighted, indicates that courts are struggling to determine, and make actionable, their user priorities. This guide endeavors to set courts on a path to strategically think about user priorities and how accommodation of those may fit into the overall mission of the court. More importantly, this guide hopes to go one step further and ask court managers not only to think about

¹ See <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1844>.

² See <http://www.ncsc.org/2015survey>.

the tools presented to create a user-friendly environment but also to create a strategy to implement the suggestions. As court managers, we must consider how to incorporate these tools without compromising access to justice and the actual delivery of justice.

In order to embrace the concept of a user-friendly court, it is important to recognize how the users present themselves when at the court, why that may be, and how the surroundings, people, and tools and conveniences can improve upon the experience. Consider that most users come to the courthouse in a stressed state. Few positive life events occur during an interaction with the court. That alone may cause the tension that results in poor behavior, which can then cause stress for those interacting with that user, including staff and judges or judicial officers. Creating an environment that can reduce stress and allow for easier navigation allows courts to neutralize those emotions and process cases and issues expeditiously and fairly.

Moving through the guide, you will find methods to improving user-friendliness in three main areas:

1. The building
2. The people
3. The technology and resources

Readers will come away with best practices and tools to improve upon the user-friendly environment in their court inclusive of 1) understanding how the structure and layout of the court contributes to the environment, 2) understanding how the people in the structure, i.e., staff, judges and judicial officers, and court users, contribute to the environment, and finally 3) understanding the array of resources a court can provide and technology that can be incorporated to create ease of process and improve efficiencies.

In a *Court Manager* article on the State of State Courts poll, NCSC's Jesse Rutledge notes, "we want to work in a system where the public feels heard, respected, and confident that they are receiving justice."³ The challenge courts face today is delivering on that desire: maintaining the austerity of the judicial branch and the system of justice while improving efficiencies and delivering respectful and competent service to court users. This guide will set out a roadmap to guide court professionals along the path to achieving that lofty goal.

³ Jesse Rutledge, "The State of State Courts: Reviewing Public Opinion," *Court Manager* vol. 31, no. 1.

The Building: Allowing Structure to Convey the Experience

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A USER-FRIENDLY BUILDING

A courthouse experiences daily tension between two roles—the first, inspiring awe at the role justice plays in our lives, and the second, facilitating infinite tiny steps that govern process. A well-designed courthouse gives equal attention to both facets of its existence. The result is a strong relationship between the design of a courthouse and how it functions.

Courthouse operations are predicated on staged conflict between citizens, resulting in the need for a circulation pattern where different user groups are kept separate until they meet in the highly choreographed courtroom context. Judges, employees, in-custody defendants, and the public enter through different points, use separate circulation, and have different goals. These distinct paths of travel, coupled with different expectations, create vastly different experiences. The fundamentals of courthouse design must acknowledge the needs of each user group and meet them, all while balancing form and function, openness, and security to create a user-friendly feeling.

Beyond the experience of immediate users, however, the justice system’s capacity to continue to serve our communities into the future is dependent upon the growing linkage between resilient planning and restorative justice. This interdependence is manifested in operational missions with complex and varied impacts on social order, community life, and the individual experience. Coordination across the justice system is fundamental in addressing (and reducing) the extraordinary societal costs of crime—and possible if guided by a sustainable model. The growing

awareness of the many facets of “sustainability” resulted in the Sustainable Justice Committee within the American Institute of Architects (AIA) Academy of Architecture for Justice developing an expanded definition of sustainability and a model for justice that synthesizes the traditional building role with a broader community vision and evidence-based research.

Designing a user-friendly building with many competing user expectations, in buildings that last 50 years or more, which must relate to both the grand and the commonplace aspects of justice, and in a context where the justice system is constantly adapting to societal needs, is a significant challenge. This chapter explores the building-related features that contribute to a positive user experience, whether those users are the public, staff, judiciary, or in-custody defendants.

ENDURING ICONIC BUILDINGS

Dating back to the Middle Ages, civic buildings such as the courthouse (together with the church and seat of government) have been the hub around which the social and commercial aspects of towns developed. In the United States courthouses persist as identifying civic structures. Courthouses (together with government buildings) carry a unique burden of significance in the identity of a community.

Look to any tour of another country for the other unique feature of courthouses. Like historic places of worship, seats of government, and palaces, courthouses were designed as glorious icons, meant to last. Tours throughout Europe, Asia, and Africa include a visit to the main city’s central

square, Platz, piazza, alun-alun, plaza, or kikar as a way to see and touch the history, government, and culture of the place. That square will often include the historic justice facility as a representation of the way government related to its citizens. Throughout history, the courthouse has been used as a way for government bodies to connect with their citizens. Understanding this idea and allowing it to endure is an important part of creating a user-friendly environment—one that causes citizens to connect with the separate branches of government that occupy the space.

THE COMMUNITY AS “USER”: A FRAMEWORK FOR EARLY COURTHOUSE PLANNING

Early planning for justice facilities starts well before programs and sites are determined, before budgets are set, and long before design commences; the decisions made early on affect all subsequent efforts. Thinking about user-friendliness starts with the pre-planning phase. Courts must make the decision in the beginning that they want the public to experience ease of use and plan the facility around that idea.

The AIA’s Sustainable Justice Committee has established a set of guidelines, planning principles for courthouses, which say the building must target four scales in which the system interfaces with the public, specifically the Societal, Community, Facility, and Human Scales. The AIA matches desired outcomes with metrics that define a new approach to “sustainability,” one that transcends resource conservation and extends outward to reinforce the unique connection public facilities have with a healthy society. This new “sustainability” balances resources with long-term expectations to provide the most successful continuum of restorative services, all facilitated through the courthouse. The result is a building that defines users not only as those who come to the building, but as the broader community in which the building exerts its judicial influence.

Justice facilities must meet higher criteria in this new context. Beyond inspiring awe and facilitating

the traditional justice process (factors associated with the traditional Facility Scale), courthouses must now meet a higher standard for Societal, Community, and Human Scales of sustainability; specifically, they must create a positive impact beyond what occurs inside their walls.

The link between community leadership, the building planning and design process, and the targeted justice outcomes is the community itself, the ultimate beneficiary and the most influential catalyst in a successful project. Balancing community goals with the value of the individual is at the core of the justice system, and that characteristic resonates outward into courthouse planning and design. Identification of community goals is entirely dependent upon engaging the community with the jurisdictional leadership and the justice system players so they all become collaborative stakeholders in defining the courthouse vision.

Engaging all users in a visioning process puts into practice a basic principle that undergirds the work of restorative justice—that nothing should occur in a community without the community’s active role in its creation. The visioning workshop encourages all participants to share their unique perspectives, contributing ideas from a wide variety of backgrounds, including local government representatives, community advocates and leaders, developers, business leaders, and others committed to envisioning a more just future.

The visioning process defines: 1) long-term goals for the project’s impact on the community and the justice system; 2) roles and level of engagement of the stakeholders who will develop these goals, and 3) the measures of success by which the building will be judged. This process also identifies all stakeholders (later to become building users) in a way that includes their values from the first steps in the process.

No matter what the visioning process elicits as goals, the most common user experiences are concentrated in one of five types of building space:

- Public Space (the public and public-facing court support groups)

- Restricted Areas (court staff and court-related staff)
- Secure Areas (holding)
- Litigation Spaces (places where judicial proceedings occur)
- External Users (the surrounding community)

All users except the surrounding community experience the courthouse from inside; this chapter focuses on them.

COURTHOUSE ORGANIZATION

The proper organization of the courthouse can aid in creating a user-friendly facility for all groups inside the building, from the public to staff and the judiciary. Properly placing the functions of the courts can ease traffic through the courts, support wayfinding, and facilitate enhanced security operations.

The key to logical courthouse organization is locating areas with high public traffic and security sensitive functions close to the courthouse entry and, in the case of multi-level court buildings, as close to the ground floor as possible. In court structures of several stories, the lower floors might have a larger footprint to allow all high-volume functions to be as low as possible, with the building's upper levels having a smaller floor plate to house less traveled functions.

Public Circulation and Wayfinding

The public's user-friendly experience should begin at the entry to the court facility. A reasonably sized queuing space directly adjacent to the main entrance can help orient the public while avoiding presentation of security-screening functions as the first impression of the courthouse. From the queuing/orientation space, the users can pass smoothly through security into courthouse proper, or main lobby.

Once inside the building, the main lobby should support wayfinding for new visitors through visual orientation and signage, with quickly and easily interpreted visual cues to guide the user to

the location of important functions. The most highly accessed functions (public-facing court support groups and high-volume litigation spaces) should be directly visible from the lobby. In multi-story facilities, a two-level lobby space can support this goal.

Accessing high-volume functions in multi-level facilities from the lobby should be by stair or escalator rather than by elevator, so the public can move toward their destination while maintaining visual continuity and taking in wayfinding cues. This open circulation style also supports visual surveillance of the public traffic within the courthouse by security staff, eases the burden on the building's elevators, and is more energy efficient.

THE PUBLIC USER

Once basic separation of circulation and building organization is addressed, the public user experience becomes paramount. The tension between functionality, comfort, and awe in the courthouse is a source of constant debate in the design world. Should a courthouse prioritize formality or user comfort? Should it prioritize security or convey a welcoming presence? Should the building be tough and intimidating or accommodating? These features are sometimes treated like competing priorities, where favoring one implies rejecting the other, which makes reconciliation difficult.

Reconciling Comfort with Operational Requirements

The simple solution is that comfort and effectiveness should not be treated as mutually exclusive goals. In the user-friendly courthouse, building and site environments must be inviting, accommodating, and responsive to visitors' physical and emotional needs. At the same time, other critical standards may not be sacrificed, some of which seem to contradict comfort. Security is non-negotiable, including perimeter controls, stand-off zones, weapons screening, ballistic protection, and blast hardening. Long-term durability is critical, suggesting tough, hard, and less accommodating materials. Courthouse formality and seriousness

will continue to be a consideration until courthouse traditions change course. A balanced justice facility design reconciles these and other seemingly competing imperatives; a balanced approach validates both the tangible requirements and intangible needs defining the user experience.

To achieve a desirable equilibrium—and the goal of a user-friendly courthouse—design strategies must negotiate between these aspects.

Discreet Security

Courthouse security requires tightly controlled perimeters: around the site, the building, and each of three independent interior security zones—public, restricted, and secure. Each perimeter must be maintained and protected, but need not be alienating. A user-friendly approach softens the impacts of this security control by utilizing discreet security integration strategies.

Vehicle ramming barriers are a good example. These barriers can have a positive public image as concrete bench seating or a more negative public image as reinforced stone retaining walls. Even simple landscaping can perform as vehicular access prevention. Courthouse steps and perimeter walled courtyards provide security buffering yet present themselves as visitor amenities. Weapons screening areas can be built into casework or rendered inconspicuous by using clear laminated-glass frameless barricades. In-custody transit and sallyport zones can be nested within or below the courthouse preventing them from “barricading” an entire back side of the building. It may be advantageous to perform a careful risk assessment to test security assumptions and minimize protections for threats deemed low risk.

Where visible fortressing is at odds with comfort, discreet security gets the job done without putting off building users.

Generous Public Waiting

Once inside the courthouse, the quality of the public user experience revolves around waiting,

which is one of the defining characteristics of the courthouse experience. If waiting opportunities are abrasive, uncomfortable, or inadequately considered, they will imprint the courthouse experience accordingly. A user-friendly experience accommodates process delays with creativity and abundance.

For example, if the queue at the security station extends outside, overhead canopies and wind screens can offer protection from the elements. Carrels and worktables in jury assembly areas allow for personal activities without having to balance them on your lap. Equipping the clerk’s counter with an automated number-card queuing system allows people to sit while waiting instead of standing in line. Widened corridors outside courtrooms provide for personal space and ample seating areas. All these locations for waiting should address visitor needs through thermal comfort, access to daylight and views, a sense of safety and security, and views of adjacent landscaped areas and/or public art.

As with discreet security, procedural necessity must be balanced with user benefit.

Childcare

The need for childcare is an issue many parents have when they come to court. To relieve that stress, many courts are establishing childcare centers in the courthouse so parents can bring their children and yet not have to bring them into the courtroom.

Loose-Fitting Formality

The overall bearing and demeanor of the courthouse also informs users' experience. Traditionally, courthouse design calls for conveying dignity and seriousness through design formality. Symmetry, solidity, balance, and strength through static composition are some of the formal design techniques used.

But courthouse formality and user comfort do not need to be mutually exclusive. A rigorous

and formal building does not need to translate to a rigorous and formal user experience. Physical presence ("bearing") and the movement of people ("flow") do not require a 1:1 relationship. The physical building can assert itself with seriousness and formal dignity while allowing for informal, sinuous, varying fine-grain visitor circulation. That public movement can pause and expand to include entry courtyards, intimate areas for contemplation, and areas for social interaction. People can be guided gently and sensitively through the structured frame of an otherwise solid and orderly environment focused on function.

Mitigating Stress

A foundation of the user-friendly courthouse experience is to reduce the stress that invariably accompanies a courthouse visit. It is not possible to alter the process itself. Tension, adversarial interactions, and confrontation all come with the territory; however, it is possible to alter the context in which the interactions take place, to counterbalance them, and to offer respite and rejuvenation where possible. The first means of reducing stress—specifically, locating frequently used public services near the entrance—has already been discussed, but there are a number of other ways architecture can ease tension and offer calm.

One is to provide a sense of control to building visitors, conveying that they, in a small way, are in command of their moment. For instance, the building layout can offer a series of "choice nodes," decision points with alternatives such as taking the elevator or taking the stairs; standing up or sitting down to do the same activity; taking a personal break inside or taking one outside, all within the secure envelope; deciding to be visible or tucked away into a corner. The building layout can also offer zones of retreat—seating niches, courtyard resting areas, small-scale waiting areas, other zones of restricted visibility—that provide a degree of privacy so that adversaries are not forced to confront each other outside of the courtroom environment. Personal control and

empowerment over small moments throughout the building may reduce user stresses by promoting personal agency.

Another way to mitigate stress is to offer a sense that "you are not alone." Stress can be triggered by a sense of insularity and isolation. Activities within the courthouse benefit from visual connectivity with the outside world, with views to surrounding communities or natural elements. Court waiting areas benefit from long distant views. Public corridors can parallel outdoor sidewalks and public rights-of-way, increasing the feeling that the corridor is part of the larger city. Windows at the terminus of a corridor allow space to "flow" out beyond the confines of the building. Through-building views—wherever achievable—allow building users to see out of the building in multiple directions, reducing a sense of enclosure.

An environment that allows choice and connects you to others is one that can counterbalance the stresses inherent in the courthouse environment.

The “Both / And” Solution

Courthouse design cannot afford to make user comfort mutually exclusive with operational requirements. Instead of an "either/or" relationship between comfort and effectiveness, the goal is a "both/and." In this effort to reconcile these varying aspects of the courthouse experience, design synergies may emerge.

Courthouse Information Management and Design

The data managed by the court—new case filings, including evidence, dispositions—and orders—can all exist in a highly secure electronic form that remains highly accessible, with little space required through new case management systems. Large file rooms, high-density file systems, microfiche, and other legacy remnants of the paper-based traditional process can be repurposed for office space and public accommodations.

In the courtroom, management and presentation of evidence through large monitors and projectors

has transformed the trial process. Complex graphics, audio and video recordings, and sensitive materials can all be made visible and accessible to jurors and the court using group or individual presentation screens. Early concerns for wiring infrastructure, audio quality, and lighting needs have become less significant with experience and simpler technology, and the incorporation of technology into the courtroom has become less obtrusive.

The use of video linkages from the courtroom to detention centers and prisons to reduce transportation costs and risks is increasingly common. Similarly, the ability to access remote witness testimony in civil cases has increased the flexibility of scheduling, thereby reducing the cost and duration of some litigation. A third application of video conference technology, although less common, is in the electronic assembly of the circuit courts of appeal, where court proceedings can have litigants in one city and the panel of judges in another venue.

An early challenge to technology in the courtroom was incompatibility of the audio, recording,

evidence, and other systems, each sourced from different vendors and each with varying requirements. Electronic integration controllers and comprehensive systems have streamlined the hardware and software, making even the interface between the judge and clerk simple to implement in the stressful environment of a trial.

Courthouse design still relies on building in wire ways and accessible connection points throughout the building. This feature has placed pressure on project delivery teams to identify the most cost effective infrastructure configuration, with premium systems (including raised courtroom floors) often outside available project budgets. Cellular deck and dedicated conduit approaches are more affordable, but reduce long term flexibility, particularly for emergent technologies not originally envisioned. Courthouse design, particularly renovation, must balance affordability with the rapidity of technology change to ensure courts can keep pace moving forward.

A Forward-Looking Approach to Justice

For courthouses, which have traditionally focused on the occasion of adjudication or the ongoing simplicity of the paper process associated with justice, the shift to restorative justice implies a higher level of ongoing engagement between the court and the individual, and between the court and the broader community. Higher engagement defines new spaces, new programs, and new demands from the users of a courthouse, and new ideas of what it means for the building to be “user friendly.” This view to a broader future, including the community beyond its boundaries, is perhaps the greatest challenge to user-friendly courthouse design in the future.

The People: The Environment Created by the People and for the People

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How do we consider people in the design of a user-friendly court? This consideration must include not only adapting a court to be user-friendly for the people who use the court but also for the people who access the court every day for work—the staff. It is important to remember that this concept also includes the role judges and judicial officers can play in creating a user-friendly environment.

CREATING A USER-FRIENDLY ENVIRONMENT FOR THE USERS OF THE COURT

Resources and Referrals

Courthouse staff should have information resources available for the public. Court staff should be familiar with navigating the court’s website, know what forms are available, and be ready to provide information about court-based services and programs and community service providers and government agencies. Ideally, this information should be available in the most common languages spoken in the local community, electronically on the court website and in hard copy such as brochures and information sheets. If the court orders individuals into services or programs, the court should have information about how to access them.

Court-based services and programs

Customer service staff should be familiar with services and programs that the court provides or other providers offer that are located within the court. Staff should be conversant enough to provide a basic description and location of where to access the service

or program. Such services or programs may include:

- self-help services
- language interpreter services
- disability accommodation services
- law library
- alcohol assessment services
- domestic violence advocates
- probation services

Legal services

Customer service staff should be familiar with how to find information about the full

spectrum of legal services. Customers often want to know how to find attorneys, and it is helpful to provide information through court websites and clerks about:

- bar association lawyer referral service for full representation
- bar association lawyer referral service for unbundled legal services
- legal aid and other pro bono providers
- self-help services

Who are External Users?

Broadly speaking, users fall into six major categories. People who:

- Provide information to courts—
e.g., filing pleadings in a court case.
- Seek information from courts—
e.g., finding judgments.
- Request administrative services—
e.g., requesting a marriage license.
- Need courts to make decisions—
e.g., parties to court cases and attorneys.
- Are needed by courts to make decisions—
e.g., witnesses and jurors.
- Gather in courts to observe proceedings and be members of the community including members of media.

In addition, individuals may be unhappy with attorneys they have hired and want to know how to file complaints, so it is helpful to have such information available.

Government services

Courts are often considered information centers for the community, particularly in rural locations where there may be no other government services. At a minimum it is helpful to have contact information about:

- public benefits
- child protection
- child support collections and enforcement
- Department of Motor Vehicles
- Recorder's office
- Bureau of Vital Statistics
- Social Security
- Veterans' assistance

Off-site services

Information about common programs and services that the court orders individuals to access or attend should be readily available. This includes:

- drug and alcohol assessment services
- substance abuse treatment providers
- behavioral health services
- batterer intervention programs
- community service programs
- job training programs
- supervised visitation programs
- co-parenting programs

In addition, staff should provide information regarding useful services such as:

- domestic violence programs
- shelters
- adult protective services
- parenting classes
- suicide prevention hotline.

Linking court users with their 211 provider (<http://www.211.org/>) who can direct litigants to a variety of appropriate social services can be helpful. Merely reminding litigants that this service exists is easy to do and helpful.

HELPING THE SELF-REPRESENTED

The user-friendly court embodies neutrality. While working with self-represented litigants may require unique skills, court managers want to be sure every court user is treated in the same manner. This section covers the skills needed when working with self-represented litigants and how to create a user-friendly environment for them, stressing the importance of neutrality and equal treatment of all court users, describing what that looks like, and showing how to accomplish it. While this section deals specifically with self-represented litigants, many of the tools and resources mentioned are helpful and useful for the represented court user as well. It is assumed that the represented court user has more information at his or her fingertips by virtue of the representation. That being said, it is not uncommon in the least for services and tools intended for the self-represented to be used by the represented or the attorney providing the representation. This is a good thing! The goal of all tools, resources, tips and tricks mentioned in this section is to provide an environment that is easy to understand and navigate in order to assist in the improvement of efficient case processing. If that is our goal, we want all court users to feel comfortable accessing these tools in moments of uncertainty, even the lawyers, to avoid unnecessary delay caused by a failure to understand process or an inability to complete the appropriate pleadings.

Rise in Self-Representation

In recent years, one of the most significant changes in courts across the country is the rise of people representing themselves in litigation. In case types such as divorce and custody, domestic violence, small claims, consumer debt, foreclosure, evictions and traffic, most cases now involve self-represented litigants, and the numbers are growing in general civil and other case types. Nationally, 60-90 percent of cases arising from separation and divorce are estimated to proceed with at least one party and frequently both parties representing themselves. People represent themselves for a variety of reasons. Some cannot afford to pay for attorneys. Others believe they can handle the

matter themselves or want control over their case. Some people simply do not want or trust lawyers to serve their best interests, a concept that bore out in the survey data from the State of the State Courts survey mentioned previously.

Self-represented litigants are a diverse mix of all kinds of people. They are your neighbors, family members, co-workers, stay-at-home parents, military service members, workers you come into contact with in your everyday experiences. They come from all backgrounds. While most are low-income, many are middle income and some are very high earners. Their education levels vary from less than high school to advanced college degrees. They come from varied cultures, including some where there is no parallel judicial system to what we have in the United States.

What unites self-represented litigants is usually no formal legal education and no or little experience with the judicial system. Most litigants in general do not want to be involved with a court case and wish the experience could be over as soon as possible. The issues that bring litigants to court often present a tremendous amount of stress and uncertainty about how they will resolve the issues and what their lives will look like after the case is over. Self-represented litigants may face other added challenges during their case that arise because of their lack of formal representation or their inability to acquire formal representation, for whatever reason. They may have limited income and the stresses associated with not having enough money. They may have to take time off work, often unpaid, have transportation problems or no child-care. Some are illiterate or do not speak English. Some have medical conditions or mental health challenges. These stressors often complicate their ability to absorb and process.

Some challenges that self-represented litigants face include preparing documents that comply with filing requirements, following procedural requirements, and arguing their cases in court proceedings. In recognition of these issues, in 2002, the Conference of Chief Justices and the Conference

of State Court Administrators passed Resolution 31 that urged court leaders

to take a leadership role in their respective jurisdictions to encourage the expansion of successful pro se assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and

support the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants.

Integration of services for the self-represented

If courts were created specifically for the self-represented population, they would probably look very different than most of today's courts. While it may not be possible to reconstruct our courts and services for these new court customers, it is important to consider their needs and perspectives to improve their experience, provide equal access to justice, and enhance the public's trust and confidence in the judicial branch.

Court managers should evaluate which case types and services involve large numbers of self-represented individuals. Once that information is known, a range of services can be created or modified to help this population efficiently and effectively move through the process to resolve their case. These services include:

- **Plain language forms.** These forms are designed for users with low literacy levels who do not have formal legal education and should be incorporated into self-help portions of court websites.
- **Self-help centers.** There are many existing models for self-help centers, including brick and mortar walk-in centers in courts or law libraries, as well as remote self-help centers that are phone and web-based, with no in-person services, using tools such as chat and text features. Some are staffed by

court employees and some partner with legal aid programs. Some provide one-on-one services, while others provide information through workshops and webinars. Most provide information about court procedures and forms.

- **Special court calendars.** These calendars are designed specifically for self-represented parties. Judges should be skilled in using procedural fairness techniques when overseeing such calendars. These techniques let self-represented parties know what they should expect, the type of information they need to tell the court, etc. Special calendars may involve volunteer attorneys, mediators, settlement judges, and relaxed procedures. It is often helpful to include court partners such as representatives from relevant government agencies, program representatives and service providers.
- **Simplified court processes.** Simple processes reduce the formality of procedures. For example, the court might adopt informal domestic relations trials where all evidence comes in but the judge determines the weight and asks the parties questions to gain information needed to make a decision.
- **Caseflow management techniques.** These emphasize early judicial intervention, recognition of the importance of making every court event meaningful to help resolve the issues and providing settlement options throughout the process.
- **Clinics or workshops.** Teach litigants about procedures and forms. This can be in-person or online through videos. They can be staffed by court-based, self-help personnel, legal aid staff, or other partners.
- **Self-help work stations.** Include computers, printers, scanners, and Internet access to prepare filings. Work stations may be located where convenient to self-represented parties in a walk-in self-help center, law library, or clerk's office.

- **Navigators.** Help people find where to go within the court building, explain processes, or direct them to specific services.
- **Access to court-ordered services.** Provide on-site space for intake or screening such as substance abuse assessments, custody evaluations, mediation, batterer intervention programs, etc.
- **Multilingual court staff.** Provide customer service in the most common non-English languages spoken in the community. For other languages, telephonic or video-remote interpreters can be used for immediate customer service needs.

For more information about ways that courts are responding to the growing number of self-represented litigants, see the free resources available through the National Self-Represented Litigation Network at www.srln.org. Comprised of judges, court staff, law librarians, the network has a wealth of information.

TAILOR COMMUNICATIONS TO FIT THE AUDIENCE

It is important to instruct court staff regarding interacting with individuals with varying levels of understanding of the court process. Court staff should be able to easily transition from speaking with an individual who has no experience with the court process to someone who has a high level of understanding and is a regular participant. It is important to remind staff that some information they feel is common knowledge, really is only common knowledge to them by virtue of their position. For example, as court professionals, we understand what it means to file a pleading. However, a new user may not. It is likely odd for readers to recognize that the act of filing in a clerk's office is actually jargon for court professionals. In the rest of the world, filing means putting something in a file folder for safe keeping. In the court world, it means making a document official and part of the public court case, and there may be a fee to complete that task. To the

laymen, paying a fee to put something in a filing folder can be unexpected and a foreign concept. This example is illustrative of just how much explanation may go into providing legal information or procedural guidance to new or infrequent users. But it is important to remember that the very next question could come from a seasoned attorney who transacts regularly with the court. In this instance, there is no need to provide extraneous explanation. In order to be a user-friendly court, court staff must recognize that every inquiry is addressed based on the savviness of the inquirer.

Know Your Audience: Determining the Extent to Which You Are Dealing with Represented vs. Self-Represented Clients

Courts face many barriers in effectively serving clients, not the least of which is the difficulty courts face in understanding the extent to which the self-represented appear before the court versus the extent to which parties are represented when appearing before the court, and the impact that has on the administration of justice. Often times this data changes depending on case type as well. Many legacy information systems are case-based rather than person-based. It is therefore often difficult to obtain information about the representational status of litigants. Even fewer courts have access to court users' educational backgrounds, income status, or demographics. Understanding these data points can help courts to understand their audience and thus tailor communications appropriately.

In order to design effective systems and communications to serve court users, courts need to know how often individuals appear in court or use the courts with and without benefit of counsel, the case types where individuals appear, their educational background, and language needs. What can courts do to obtain this information if it is not easily available from the current information system?

The following are some strategies courts can use to “leverage” existing information resources to get information that will help it plan services and direct communications:

Extrapolate from data already available. If the court’s legacy systems do not track representational status, the court may be able to generate data about litigants by looking at the frequency of attorney appearances. For example, in Maryland, the Department of Family Administration at the Administrative Office of the Courts uses a report that shows a list of court events in domestic cases (filing of the Answer, scheduling conference, pre-trial conference, trial, disposition) and the number of cases in which there is 0, 1 or 2 or more attorney appearances entered. While not all family cases are limited to 2 parties, this information permits the court to extrapolate that where there are no appearances entered, at least 2 parties are self-represented. Where 1 appearance is entered, at least 1 party is self-represented, and where 2 appearances are entered, the court can extrapolate that, unless there are third parties involved, there is full representation. As the court implements its new information system, Maryland Electronic Courts (MDEC), this report will become obsolete, but it provided a picture of the nature of representation and self-representation in domestic cases for many years before direct information about representational status was available. Understanding this information helps courts to understand how to present information and when to use the tools and resources discussed throughout this guide.

Collect demographic data from self-help programs or other court-based services to provide an approximate picture of court users. Few courts have in-depth demographic information about court users, yet this information is critical to developing a meaningful service and communication strategy. Where information is not readily available, the court may be able to develop an approximate picture of self-represented court users by collecting this data from users taking advantage of court-based self-help services. Collect information from walk-in, phone, or chat visitors before providing service. Collect demographic data and information about representational status from court users using other court-based services.

Get the most from phone and online measurement sources. If your court serves the public via phone, use call-routing tools to analyze call wait times and volume. When are callers contacting the court? If a self-help center provides services via phone and online chat, for example, the software used for chats indicates the platform users are on when chatting (tablet, computer, smartphone) as well as the browser. Paying attention to this information enables the court to design tools and resources to meet the users where they are and on the right platform. Use web analytics to determine the pages that receive the most hits and place links to key resources on those pages.

Disaggregate language services data by local jurisdiction. By disaggregating data about language services in the courts, administrators and policy-makers can see that some jurisdictions will need to invest more heavily in strategies to reach niche populations. One county in Maryland, for example, houses the Maryland School for the Deaf and, as a result, has a much larger community of deaf and hard-of-hearing persons. Another county has a significant Burmese population, while another jurisdiction may have to provide language services in nearly 100 languages during the course of a year.

Plan ahead. What resources will you need to effectively communicate with the public in your courthouse? It is important to plan for specific communication needs before the person is standing before you. Courts may want to do “scenario planning.” Anticipate the types of critical needs that are likely to arise on occasion and plan ahead.

Address language needs. Persons with limited English proficiency and persons who are deaf or hard of hearing may appear at the counter needing assistance. Are you equipped to handle these issues upon demand?

- *Prepare ahead for telephonic interpretation.*
 - Be sure to have a contract or account for telephonic interpretation you can use without advanced notice.

- Have an “I-speak” card or other tool handy to permit court users to identify the language they speak.

- Know your account information and keep it handy.

- Have a dedicated phone (preferably with two handsets) or a phone in a semi-private area where court users are permitted, to facilitate an effective conversation.

- Investigate Skype and other online services that allow for face-to-face interactions for persons with limited English proficiency.

- *Prepare ahead for ASL interpretation or other services for the deaf.*

- If a deaf person were to appear at the counter, do you have a means of communicating effectively? Consider having a contract for video-based ASL interpreting or other services. Know the account and keep it handy.

- What technology will you use to access the interpreter? Is there a computer nearby that can be used? A tablet?

- *Prepare ahead to assist the visually impaired.*

- If a blind person requests a court document, do you have a Braille printer? Court staff should be empowered to read documents to persons with visual impairments upon request, and without interpretation. Do court staff know the policy on this matter?

- Do you have a public access computer where the visual display can be adjusted to assist persons with visual impairments? Be sure court staff are trained on how to assist people seeking to display information in a large format.

Use plain language. By providing information, forms, and resources in “plain language,” courts can promote access to justice, improve the efficiency of court operations, and enhance the public’s trust and confidence in the courts.

Courts can use plain language to improve the public's ability to understand:

- webpages
- forms
- instructions
- brochures
- videos
- signs

Courts can also encourage the use of plain language among judges and court staff so that court proceedings and informal interactions become less frustrating for and more understandable to the self-represented and patrons. When users can completely understand web-based information or forms, they are less likely to contact the court by telephone to ask follow-up or clarifying questions. Users who can find what they need quickly and easily are less likely to feel frustrated. When information is presented in a clear, understandable fashion, court users may feel the court is transparent and accessible. By contrast, language that is obtuse, complex, or difficult to understand may make court users feel that they are outsiders to the court process. They may feel more vulnerable or afraid of what will happen at court or in their case.

Get trained. Writing in plain language is a skill. Consider dedicating a court employee who can be trained in the skill and provide a “plain language review” for all written materials and forms developed for the public in your court.

Be comprehensive. Subject all new forms and written material, including form orders, summonses, and documents automatically generated by the court, to a “plain language review.”

Consider procedures and nomenclature, not just the writing itself. Do you call the office that helps unrepresented persons a “pro per office” or “pro se program?” Most court users do not know those Latin terms. Consider using plain language to name programs and offices that will be frequented by the public. You may not need a change in the law to revise the terms used to refer to legal

dispositions or events. For example, if a case is “nolle pross’d” consider reflecting in the online docket that it was “not prosecuted.” Propose simplified procedures that allow court users to follow and understand the flow of events.

Basic principles. It is indeed a skill to write effectively for the public, especially in a legal setting where the “law is language.” There are some basic principles, however, that can improve writing even when terms of art must be used.

- *Use personal pronouns.* Refer to the reader as “you” and the court or organization as “we.”
- *Write in active voice.* Active sentences are shorter, the subject is clear, and the writing seems less stuffy or bureaucratic.
- *Use a direct, imperative (command) tone.* This eliminates unnecessary words that are often inserted to soften the tone. If you are writing instructions, be direct. Say “File your complaint with the Clerk’s Office,” rather than “You can file your complaint with the Clerk’s Office.”
- *Avoid nominalizations.* If you can use a verb rather than the noun-form of a word, do so. Say “Do not use cell phones,” rather than “Usage of cell phones is prohibited.”
- *Keep sentences short.* Break compound sentences into two short sentences.
- *User shorter words.* Words with fewer syllables are more readable.

Use layout to enhance readability. Provide ample white space to help the text stand out. Use visual aids to reinforce written information. Use tables, charts, or flowcharts. Display statistics in a graph. Show examples in illustrations.

Use tools to help. Check all documents with a readability tool. Word has a built-in tool to check a document for reading level. Or use WriteClearly to easily test the reading grade level of a webpage: <https://openadvocate.org/writeclearly/>. Also be sure to check to ensure documents posted online or printed are accessible to persons with sensory impairments.

Resources. The National Center for State Courts provides an online guide for courts on how to use plain language, www.ncsc.org/Topics/Access-and-Fairness/Plain-Language/Resource-Guide.aspx. The Self-Represented Litigant Network (SRLN) provides an excellent compendium of resources on plain-language writing for courts and legal providers: www.srln.org/node/150. The Maryland Access to Justice Commission published a guide for courts on the topic, *Writing for Self-Represented Litigants: A Guide for Maryland's Courts*

and Civil Legal Services Providers, available at: <http://mdcourts.gov/mdatjc/pdfs/writingforsrls.pdf>.

The federal government hosts a website dedicated to the use of plain language in government settings: www.plainlanguage.gov.

There are also free online classes and tools designed for clearer legal writing at: www.writeclearly.org

ReadClearly identifies complex legal terms on your website and displays a plain language explanation: <https://openadvocate.org/readclearly/>.

The Future of Serving the Self-Represented Litigant

In recent years, courts across the United States have accomplished much to serve the self-represented litigant. To truly meet the needs of this group, who are the majority of participants in many case types, courts should engage in innovative reform efforts. Instead of trying to get self-represented litigants to behave like attorneys, we need to create or revise the system to be designed specifically to be user-friendly and for litigants. This means reengineering the system to be simpler, more informal, and quicker from start to finish, while ensuring necessary procedural safeguards for fairness and transparency. It also means triaging cases to determine the appropriate resolution approach for a specific case based on that case's individual needs. Problem-solving courts have found success in the criminal area in the form of drug courts, veterans' courts, and other therapeutic courts. Courts should consider whether a problem-solving model could be effective in the civil arena. The challenge is figuring out how get there.

There are examples of forward-thinking court programs that have simplified processes to specifically meet the needs of the self-represented litigants.

In Idaho, Alaska, Utah, and a county in Oregon, informal domestic relations trials occur in divorce and custody matters with unmarried parents. The rules of evidence are not in effect, so all

evidence comes in and is weighed by the judge. The judge asks all of the questions. There is no cross-examination and there are no objections. The trials de-escalate the adversarial nature of the courtroom and take a much shorter time than the traditional trial process. These processes are not limited to self-represented litigants. Attorneys can opt in to use these early resolution methods as well, which can accomplish two things: 1) cases in which representation would be unaffordable become affordable when litigants can have some assurance that the process will be simplified and shorter, 2) attorneys are more willing to take on cases that may seem less lucrative when the attorney knows it will be a short expense of effort. These programs are not only allowing self-represented litigants to achieve access to justice, but also opening up the possibility to allow for increased representation. See Alaska's materials on informal trials, <http://courts.alaska.gov/shc/family/shcdr-trials.htm>, and Deschutes County Circuit Court in Oregon, http://courts.oregon.gov/Deschutes/docs/form/dissolution/IDRT_Brochure.pdf.

A housing-conditions court calendar in Washington, D.C., allows tenants to sue landlords for housing-code violations on an expedited basis. The process allows tenants to raise claims and an inspector will visit the rental to investigate the tenants' claims. If those claims are validated, landlords are given the opportunity to quickly address those code violations through the court case process.

(see www.dccourts.gov/internet/public/aud_civil/housingconditionscal.jsf.)

Triage is a hot topic for many courts. In the context of courts, case triage is a more aggressive form of case management that identifies the appropriate resolution approach for a specific case based on its issues and characteristics. Courts should be imagining online triage portals where litigants can determine which resolution approach is appropriate for their specific issues, including whether they would benefit from mediation, unbundled legal services, or full representation, or could proceed on their own with education and self-help assistance.

For family law cases, the Connecticut Judicial Branch Court Support Services Division pioneered a combination of an intake process, the Family Civil Intake Screen, and a menu of services that include mediation, a conflict resolution conference, a brief issue-focused evaluation, and a full custody evaluation. The screen includes questions that address level of conflict, communication and cooperation, complexity of issues, and level of dangerousness. It was designed to “streamline families into appropriate services by paving more efficient and appropriate paths through the family court system based on each family’s needs.”⁴ An evaluation of the Connecticut screening process showed that many positive outcomes accrued to parents and the court system by adding the new assessment and service alternatives.

The Alaska Early Resolution Program screens newly filed contested divorce and custody cases to determine if the case could resolve by agreement with the assistance of volunteer unbundled attorneys, mediators, or a settlement judge. The program’s goals are to help parties avoid protracted adversarial processes, to resolve their cases quickly, and to save time and money for the court system. Importantly, the screening process does not weigh heavily the level of conflict between the parties or their positions on the issues

because the adversarial process likely contributes to the parties’ conflict. Most cases resolve just a few weeks after filing within one hearing. (See http://justice.uaa.alaska.edu/forum/31/1-2spring-summer2014/d_erp.html).

Maintaining Neutrality

The court system has a duty to treat all visitors, attorneys, and self-represented litigants in a neutral and impartial manner, while providing good customer service. Court personnel often interpret this duty of neutrality as a prohibition on providing legal advice to self-represented litigants. While this is true and is discussed further in this guide, there is much more to maintaining a neutral and impartial courthouse. Maintaining neutrality includes providing equal treatment to all customers. This means there should be no disparity between treatment of attorneys and self-represented litigants. Court staff must avoid any showing of favoritism toward attorneys.

Attorneys who appear regularly in certain courts may interact with staff in an overly familiar manner. This should always be discouraged. Calling staff by their first names, joking or flirting with staff, or openly discussing personal lives, can create the impression that the attorney has an inside track or access to the court that the self-represented litigant lacks. Even if staff does not treat the substantive case differently, this kind of familiar treatment gives the appearance of impropriety.

Equal treatment extends beyond verbal interactions and includes affording similar treatment in the courthouse. For example, in one court, court staff allowed attorneys to walk into the courtroom and hang their coats up on a coat rack behind the bench, while the self-represented litigants sat holding their coats and watching. This left self-represented litigants with an impression that the attorneys received preferential treatment. Another court held calendar calls until the attorney appeared, although the self-represented

⁴ See M. K. Pruitt and M. Durrell, “Family Civil Intake Screen and Services Evaluation: Final Outcomes Report,” Connecticut Judicial Branch, Court Support Services Division, May 2009, p. 4, available at <http://www.afccnet.org/Portals/0/PublicDocuments/CEFCP/ConnecticutFinalReport.pdf>.

litigant was ready and waiting, but would default the litigant if he or she missed the calling of the case.

Examples of Unequal Treatment:

- Displaying a lawyer's business cards
- Allowing attorneys unfettered access to backrooms
- Separate elevators for attorneys' use
- Lawyers on first-name basis with court staff
- Lawyers bypassing security screening

Conversely, a very busy court allowed calendar calls to be held for attorneys appearing in other parts of the courthouse, reasoning that it would not help the self-represented litigants to have to come back to court again once the attorney vacated the default. Court managers should examine the situation from the self-represented litigant's perspective when accommodating lawyers and make every effort to provide consistent and equal treatment of all court customers. Generally, it is inappropriate to provide attorneys with accommodations that self-represented litigants do not also enjoy.

Neutrality is also enhanced by treating all visitors with dignity and respect. The demeanor of court staff is important to the impressions that are adopted of the court. Joking between staff about the litigants during breaks or at other times is inappropriate. Staff must be mindful of unintended biases, such as race, gender, language, and economic status that may come out when dealing with court users from a wide variety of cultures and backgrounds. Stereotypes and attitudes toward cases must be kept in check. For example, if staff act like self-represented cases take longer and are an annoyance, litigants will pick-up on staff negativity. Litigants have a right to expect respectful treatment from the court staff.

Finally, being neutral does not mean being cold or unresponsive. Staff can educate members of the public as to what can and cannot be done, while providing them with as much assistance as possible within ethical bounds. Through staff actions, visitors perceive that our courts operate in a fair and impartial manner and that they exist for everyone. Court personnel play a major role in the public's perception of our legal system.

GETTING COURT EMPLOYEES AND JUDGES ONBOARD

Preparing the Employee for the Environment

When preparing employees for work in a user-friendly court, the court manager, clerk, and leadership judge need to consider a different regimen of training and selection qualities. It is not enough to be able to complete accurate data entry, docket documents in the correct order, and transmit documents to the appropriate department or appellate level court in a timely fashion. Employees must be armed with knowledge of human dynamics, stress-relief techniques, and compassion. Some of these characteristics are inherent and perhaps unteachable. Some are training and professional development opportunities.

While subject-matter-specific training is an important part of onboarding and continuing education, trainings must look beyond this area. In order to create a user-friendly court through the staff, it is important to provide trainings regarding customer service, de-escalation, and the like. Further, it is not enough to provide this training merely to new employees; it should be provided to all employees on a regular basis in order to continue the dialogue and keep the atmosphere of user-friendliness alive and relevant.⁵ Through a series of ongoing trainings of this manner, the court and clerk's office leadership create an understanding that user-friendliness is a priority of the court and clerk's office. Incentive for employers to provide ongoing training include improved acquisition

⁵ G. P. Smith, "Front-line Employees—Key to Customer Service Success," *the balance*, website, August 9, 2016, available at <https://www.thebalance.com/front-line-employees-are-key-to-customer-service-success-1917883>.

and retention of employees in workplaces that include professional development opportunities.⁶

Additionally, and perhaps more importantly, employees will understand how to work in a high-stress environment, where the propensity to take on the stress of the consumer is prevalent, in a healthy manner while allowing the consumer to feel as though he or she has been heard. The results can be two-fold: an employee that maintains a positive working environment and the satisfaction rating of the consumer; thus, the access to justice provided is high.

Skills and Trainings

Cultural Competency

The diverse landscape of American culture requires our court managers and court staff to become culturally competent in order to effectively provide a fair, respectful, and just experience for all court users. Cultural competence involves understanding and appropriately responding to the unique combination of cultural variables. The word *culture* refers to the attitudes, beliefs, values, language, behaviors, practices, and communication patterns attributable to a variety of factors like race, ethnicity, religion, socio-economic status, historical or social context, physical or mental ability, age, gender, sexual orientation, or generational and acculturation status. The word *competence* is used because it implies having the capacity to function effectively. Courts should demonstrate behaviors, attitudes, policies, and structures that enable them to work effectively across cultures.

Understanding where, how, and why culture matters is important to every aspect of the user-friendly court. Culture influences how people communicate, how they show deference or respect, and how they comply with court rules, time requirements, and decorum. Culture impacts and shapes one's beliefs about how justice is established and maintained, and how the courts should function or be changed. Common court system

practices and assumptions can differ greatly with court visitors' experiences, beliefs, values, and behaviors. Lack of cultural competency can lead to improper assumptions and stereotypes, as well as disrespectful or discriminatory treatment.

Achieving cultural competency is not so easy. Most court personnel want to treat every court user with dignity respect and fairness. However, sometimes staff may discriminate due to deeply held beliefs. Often these biases and assumptions exist at unconscious levels, but they affect verbal and non-verbal communications. Many cultural stereotypes are reinforced by the media and our environment and are hard to shake. Sometimes staff members may feel justified in explicit biases toward people who are different. This may be due to lack of education and understanding as well as due to a lack of exposure.

The first step toward cultural competency is the capacity for cultural self-assessment. Once becoming aware of your own cultural worldview, you can be more conscious of your attitudes and understand how to interact in culturally diverse situations. Awareness and acknowledgement of our reactions is critical to ensure competency and neutral behavior.

Court managers can conduct cultural competency and anti-bias education for court staff. People become more able to understand the viewpoints of those who are culturally different when they have continued exposure to different cultures, conversations, regular dialogues about diversity, and increased knowledge. Many domestic violence agencies, LGBT advocates, healthcare organizations, religious groups, and mental health providers will provide free training to help staff understand differences and gain knowledge to deal with cross-cultural interactions. The New York State courts hold poverty simulation training for judicial and non-judicial staff to educate and sensitize staff about how economic privilege affects the justice system and to encourage the

⁶ M. Herman, "Planning for the Future: Strategic Human Resource Management," in C. R. Flango et al. (eds.), *Future Trends in State Courts 2004* (Williamsburg, VA: National Center for State Courts, 2004), pp. 123-26.

provision of services in a more respectful and understanding manner (see <http://nycourts.gov/ip/nya2j/povertysimulation.shtml>). Poverty simulation kits can be purchased online.

While cultural competency training serves as a good means to increase understanding, knowledge and skills, it is insufficient in and of itself to make your court culturally competent. Cultural competence is an ongoing developmental process. It is a process that involves continual self-assessment, and consciousness of one's personal reactions to people who are culturally different.

What Courts Can Do

Cultural competency must be integrated into all levels of court functions, including policy making, administrative decisions, and practice. In addition to providing cultural competency training, court managers can:

- Target underserved groups through community outreach to improve understanding of court rules, procedure, and available resources in order to educate and prepare litigants to navigate the courts.
- Teach staff to be patient and keep an open mind while interacting with culturally diverse litigants.
- Expand bilingual personnel and resources to facilitate greater access for non-English-speaking court users. Make sure the courthouse walls post multilingual signs to direct these litigants to resources.
- Use volunteer court navigators to guide litigants through the court process.
- Be mindful of religious practices that may conflict with court rules. For example, a courtroom rule that requires litigants to remove head coverings conflicts with Muslim and Jewish religious practices. Staff must stay flexible.

Cultural competence is not just understanding cultural differences. Instead it is about heightening our awareness and broadening our sensitivities through education and communication so that

we become more primed to cultural cues and can provide culturally appropriate service that helps litigants navigate the courts and justice system, process information, understand and comply with court orders, and receive fair and just treatment and service.

Resource:

J Martin, M. Reinkensmeyer, B. Rodriguez Mundell and J. Guillen, *Becoming a Culturally Competent Court*, 2007, available at: <http://www.courts.ca.gov/partners/documents/CultComp.pdf>.

Legal Information and Legal Advice—Quick Tips

Although most court staff know they are not permitted to give legal advice, they may have difficulty understanding exactly what that means in some situations. Thus, staff may become unnecessarily cautious and fail to provide the assistance that litigants need. One of the critical issues for courts to consider in maintaining neutrality is providing legal information but not legal advice. Other than giving directions to a courtroom, it is hard to imagine a question being asked in a court that doesn't involve some legal component. It is natural for people to ask court staff questions about the law and procedure. It is a general requirement for court staff to furnish accurate information as requested in a timely, competent, and cooperative manner. But not to give legal advice. Regardless of any question the public asks, court staff can always turn it into a legal learning opportunity. Even if the question is asking for advice—"Should" I do something?—staff can provide options and information.

It is helpful to define what we are talking about when discussing legal information and legal advice.

Legal information = facts about the law and legal process. What "can" I do?

Legal advice = advice about the course of action a client should take to further his or her own best interests. What “should” I do?

Questions that start with Who, What, When, Where, or How are generally legal information and appropriate to answer.

Questions that ask for an opinion about what the litigant should do are legal advice and should be reframed to provide legal information.

Information provided should be neutral. One thing to consider is whether you would say the same thing if the other side were standing there as well? If not, the information is probably not neutral. It is important to restate it or suggest that the person get legal advice.

The general guidelines for court staff are:

We Can Provide Legal Information:	We Cannot Provide Legal Advice:
Legal definitions	Legal interpretations
Procedural explanation	Procedural advice
Cites of statutes, court rules, and ordinances	Research of statutes, court rules, and ordinances
Public case information	Confidential case information
General information on court operations	Confidential or restricted information on court operations
Options	Opinions
Access	Deny access, discourage access, or encourage litigation
General referrals	Subjective or biased referrals
Forms and instructions on how to complete forms (may fill in if authorized by law or court rule)	Fill out forms for a party unless authorized by law or court rule

You can explain and answer questions about how the court works and give general information about court rules, procedures, and practices.

Q: How do I evict my tenant?

A: If you are going to represent yourself, I can get you the packet of forms you need. You can also get information about evictions at our law library or from the online self-help center.

Q: How do I get out of jury duty?

A: On the back of the jury summons you can find a list of the reasons for which the court may excuse you from jury service.

You can provide information from their court files as well as court forms and instructions.

You can provide case information to a court user that is public, including the material in most court files. Court files can be difficult to read and understand, so you may need to provide assistance. It is always appropriate to answer questions about the court procedures and legal terms reflected in public court files and to assist the court user in finding the specific information he or she is seeking. Some court files contain confidential information that should never be disclosed.

Providing court forms and, when available, written instructions on how to fill out those forms is an important part of a clerk’s job. Often court users will not know what forms to request in order to bring these matters before the court.

If you know the answer, you should provide the forms. If you don't, don't guess. You can direct people to legal resources to help them find the information.

Q: I want to see my daughter more than the old order allows. How do I get more time with my daughter?

A: It sounds like you want to obtain an order from the court changing your current custody order. Here is the section on the self-help website where you can get more information and the forms you need to make that request.

Do not tell a litigant what words to use in court papers or what to say in court.

You can always answer questions about how to complete court papers and forms. You cannot, however, tell a court user what words to put on a form. You can also check a court user's papers for completeness. Sometimes a court user will be unable to fill out a form without assistance because of a disability or illiteracy. In these situations, you may fill out a form for a court user, writing down the specific words that he or she provides.

Litigants may ask what they should say in court. You cannot give advice about specific arguments a person should make while in court or tell people what you think would be the best way to handle a court appearance. You can give out general information about appropriate courtroom behavior. This is often on websites or can be provided as an informational handout.

Q: Would you look over this form and tell me if I did it right?

A: It looks as if you have answered the questions. I cannot tell you whether the information provided is correct. Only you know that. You may want to review this with the self-help center to ask them any questions.

Q: What do I put here where it says "Petitioner"?

A: The petitioner is the person who is starting the case.

You cannot talk to a judge on behalf of a litigant or allow that person to talk to the judge outside of court.

A key rule in keeping the court neutral is that neither parties nor attorneys may communicate with the judge *ex parte*.

Q: I want to see the judge. Where is the office?

A: The judge only talks with all parties to a case at the same time. You would not want the judge to be talking to the other side about this case if you were not present. The judge will speak to you at your hearing.

You should provide court users with schedules and information on how to get a case scheduled.

You can always give out information on the court calendar settings and tell court users how to get matters placed on the calendar. This is one of the most important things you can do to make sure people have access to the court. When court users cannot figure out how to get a case scheduled for hearing, they cannot even begin the process of getting a judge to decide the case.

When it comes to court deadlines, a good rule to remember is that if you can reject a document as untimely, then you can assist a court user in understanding why it was untimely. You can also explain how to calculate the deadline for filing that type of document in advance so it can be filed in a timely way.

Q: When do I have to file my opposition papers on this motion?

A: Unless the court has ordered otherwise, the form says that all papers opposing this kind of motion must be filed and served on the opposing party 10 calendar days before the hearing. Here is a link to some information about how to calculate deadlines.

You can provide phone numbers for the local bar association lawyer referral service, legal services programs, court self-help programs, and other approved legal information services.

Courts will want to encourage litigants to use lawyers because court cases often involve legal issues that are quite complex. You can always make referrals to approved organizations that provide legal services or information. It is helpful to have an approved list to provide to litigants to avoid the appearance of favoritism and to make sure that the court has approved the referrals.

Q: I need a good lawyer. Who is the best?

A: I can't refer you to an individual lawyer because the court must always remain neutral. I can give you information on the lawyer referral service if you want help finding a lawyer who specializes in your kind of case. Here is a link to resources on ways to find a good lawyer.

Do not tell a litigant whether a case should be brought to court or give an opinion about the probable outcome.

Analyzing a litigant's particular fact situation and advising him or her to take a certain course of action based on the applicable law is a job for a lawyer, not for court staff. Even though you may have processed hundreds of similar cases, you are not in a position to know what is in a litigant's best interests. Your role is to provide information about the court's systems and procedures so that a litigant can know enough to make his or her own decision about how to proceed with a case.

Q: My friend's dog bit me. Should I sue him?

A: You need to decide that for yourself. You may want to talk to a lawyer to help you make that decision. If you decide to file a lawsuit on your own, I can give you a packet of information on how to file a civil action, along with the necessary forms.

Q: What sentence will I get if I plead guilty?

A: I cannot predict what the judge will do. The judge will decide what sentence to impose based on the facts and the law that apply to your case.

When the court has a robust self-help section on its website, with explanations of common procedures and forms, clerks and court staff can answer questions based on the online information or print it out and give it to the public. In California, the

court's self-help website <http://www.courts.ca.gov/selfhelp.htm> has more than 4,000 pages of information. Each page has a mirror page in Spanish, which is the most commonly spoken language other than English in California. So if a clerk or other court staff is asked a question, they can find the information or direct someone to the website with confidence that the information is neutral and accurate. Other states have home pages that link to trusted resources for legal information and again, clerks can use those resources to get the information they need and to provide helpful information.

It can be helpful to develop a "scavenger hunt" using frequently asked questions to encourage staff to try to find the information on the court or court partner's website to answer common questions. This allows court staff the opportunity to explore the website, and to make suggestions for improvement.

Legal Information vs. Legal Advice Training Program

Court managers should develop and implement a training program to ensure that court staff have the knowledge, tools, and resources to respond appropriately to the public's questions. The training program should help court staff to understand the information in the previous section: what information can be provided; what is and is not legal advice; and what are the appropriate responses to frequently asked questions.

Specific recommendations include development of:

1. **A training program** to be incorporated into new employee orientation and current employee training that provides court staff with the tools needed to distinguish between legal information and legal advice.
2. **A manual** for court employees that includes a chart and guidelines describing what information can and cannot be provided, as well as frequently asked questions with appropriate responses.

3. **Resources** to assist with the training program, such as presentations, videos, interactive games, and train-the-trainer materials.
4. A **poster/flyer** to display in courthouses to explain the guidelines to court users.
5. A **webpage** for court staff that includes the manual, resources, links, and a comment/suggestion page.
6. A **group** responsible for overseeing the training program, responding to court staff comments and suggestions, and updating and maintaining the resources as necessary.

An example of one court system’s “Legal Information vs. Legal Advice” resources can be found at: <http://www.mdcourts.gov/mdatjc/whatcanidotohelpyou.html>. On this webpage, the Maryland court system provides resources for their court staff to use in association with their “What Can I Do to Help You?” training program. The page includes links to a video for tutorial or training purposes, a booklet for court staff, desk card and poster for court visitors, an abundance of training materials, and contact information for assistance. Links to additional useful materials that can be replicated and adapted for other courts are listed in the section below.

Creating the Environment through the Employee and the Judge

Providing employees and judges with the tools they need to manage clients and consumers is one step to creating the user-friendly court. Instilling in employees and judges the need to exhibit professionalism and maintain decorum in the court environment is an important step to building the atmosphere of user-friendliness. Indeed, Elizabeth Ncube noted in “Maricopa Trial Courts New Employee Orientation: Assimilating New Employees and Promoting Court Mission and Values,”⁷ “[p]ublic perceptions about fairness and impartiality are formed through the public’s interaction with court staff.” The gravity of that responsibility is amazing. As court leaders, we must impress

Legal Information vs. Legal Advice Resources

“Legal Reference vs. Legal Advice,” Chapter 4, American Association of Law Libraries: <http://www.aallnet.org/chapter/scall/locating/ch4.pdf>.

“May I Help You? Legal Advice vs. Legal Information, A Resource Guide for Court Clerks,” Judicial Council of California, Administrative Office of the Courts, Access and Fairness Advisory Committee: <http://www.courts.ca.gov/documents/mayihelpyou.pdf>.

“What Can I Do to Help You?” Maryland Courts resources: <http://www.mdcourts.gov/mdatjc/whatcanidotohelpyou.html>.

Legal Information vs. Legal Advice, Guidelines and Instructions for Court Staff Who Work with Self-Represented Litigants in Utah’s State Courts, Education Subcommittee of the Utah Judicial Council Standing Committee on Resources for Self-Represented Parties: http://www.co.washington.or.us/LawLibrary/upload/TF_Utah_Legal_Info-v-Advise.pdf.

Legal Information vs. Legal Advice, Guidelines and Instructions for Clerks and Court Personnel Who Work with Self-Represented Litigants in Texas State Courts: <http://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf>.

Colorado Judicial Branch, Can and Cannot page: https://www.courts.state.co.us/userfiles/File/Self_Help/LegalAdvice.pdf.

Serving the Self-Represented Litigant: A Guide by and for Massachusetts Court Staff” <http://www.mass.gov/courts/docs/serving-self-rep-guide.pdf>.

upon our staff and upon judges and judicial officers that everything they do directly affects the public’s perception of the court system and the third branch of government. Operating with the upmost of professionalism and exhibiting

⁷ See *Justice System Journal* 29 (2008): 108

neutrality becomes quite important when the issue is framed as such.

Allowing and assisting employees and judges in the understanding of professionalism is very important to maintaining an atmosphere of user-friendliness. This includes understanding professional treatment of court users and colleagues, notwithstanding the reciprocal treatment. Including in the position description the understanding of courtroom decorum and professionalism is one step to allowing employees to recognize from the beginning of employment their role in creating the court environment. Periodically refreshing the understanding of what it means to exhibit professionalism and appropriate courtroom behavior is an important tactic. It is not lost on an employee that the manner in which one's supervisor, manager, or judge behaves is the accepted behavior. It may seem like antiquated advice, but it is important for leaders to set the tone and example for employees in all areas, including professional treatment of others and professional appearance. Setting the example means following the rules oneself, but it also means enforcing them. Part of leadership is being confident in leadership decisions and ensuring that those decisions turn into policy to which employees and court users adhere. What may seem like an obvious example for courts, but one that continues to be a struggle, is timeliness of proceedings. Asking litigants, attorneys, witnesses, victims, and other court users to be present for a court event at a certain time also requires the judge and court staff to be prepared to begin at that same time. When the court does not set the tone for timeliness of proceedings and the importance of each scheduled event, swift dispositions can be compromised and the atmosphere of fairness can be diminished.

While the leader is asked to be the example for employees, this can mean that employees are asked to be the example for the court users. Leaders should consider imposing upon staff the same rules and regulations imposed upon the public.

For example, if the public is asked not to bring drinks into the courtroom, employees, judges, and attorneys should not bring drinks into the courtroom. Treating everyone the same helps to avoid the appearance of impropriety and in turn creates an atmosphere of user-friendliness by eliminating the appearance that the user is less important than others in the courthouse. Further, treating each court user the same helps to improve the atmosphere of user-friendliness and fairness. For example, it is not uncommon for court staff to work regularly with members of the local bar. However, mingling, performing tasks outside of job responsibilities, or accepting gifts, even of a nominal value, diminishes the appearance of fairness and propriety. If an employee would not exhibit the same attitude or perform the same tasks for a court user not known to him or her, then it is not appropriate to exhibit that attitude or perform that task for a court user known to him or her. For example, accepting a tray of cookies as an end-of-the-year gift from a law firm causes other court users to wonder if they also must provide a gift to receive better outcomes. While preference may not actually be given, not everyone in the courthouse is aware of that and the perception is that preference is given.

Finding the Employee for the Environment

Finding the right employee for the office and the position is difficult and nerve-wracking. It is important to ask questions that will provide you with information that give you a glimpse into the person's inherent attitude and skills. Sometimes asking questions that are unexpected will elicit more honest answers and provide the hirer with a better understanding of the fit of the employee within the existing department. For example, in her article "10 Interview Questions for Hiring Great Customer Service Reps," Amanda Kleha suggests asking an interviewee to describe how he or she responds when he or she does not know the answer to a question.⁸ This seems like a

⁸ See <https://www.zendesk.com/blog/10-interview-questions-for-hiring-great-customer-service-reps/>.

simple question, but in the interview will give the hirer the opportunity to assess whether the candidate can be truthful⁹ and to understand whether the candidate has problem-solving skills.

Debra J. Schmidt in *How to Hire Customer-Focused Employees* offers the following list of questions for the interviewer to ask in order to find a customer-focused employee:

1. How do you define customer service excellence?
2. What is the nicest thing you ever did for a customer?
3. How would your former co-workers describe you?
4. Describe the most important part of your current or most recent job.¹⁰

Amanda Kleha adds some additional questions:

1. Point to the items on your resume upon which you are really an expert.
2. Describe what you do when a client tells you that you are taking too long to resolve an issue.
3. Describe a time when you turned a client around from a position of unhappiness to sheer joy.¹¹

The hirer should be cautioned to believe that inherent qualities can be molded, shaped, or changed. Personalities rarely change. Most subject-matter expertise can be taught, but things like compassion, patience, and actual kindness exist within a human being or do not.¹² Human resources experts note the importance of looking for employees that are friendly and enthusiastic for a customer service role.¹³ Not every person is suited to a customer service role and, therefore, may not be suited to create a user-friendly court. This is not a downfall of the person not suited to this role; it merely means their strengths exist elsewhere. It is important to determine in the interview and application process whether an employee meant to perform a customer service function has these inherent qualities.

Selection of the right people and then continued training and skill building for those people are the key steps to ensuring the staff are assisting in creating a user-friendly environment. Impressing upon staff the importance of what they do adds value in the minds of the employees and can create a desire to ensure the process is fair and professional. Further, and equally as importantly, showing staff the value in their job can create a sense of value in the employee which allows for a pleasant and productive working environment.

⁹ An example of an untruthful response would be “I’ve never found myself in that situation” or “I’ve always known the answer to the questions asked of me at work”, etc. We know these responses to be untrue just by understanding that we have all found ourselves in a situation of uncertainty on the job.

¹⁰ See <http://www.loyaltyleader.com/blog/how-to-hire-customer-focused-employees/>.

¹¹ See 10 Interview Questions for Hiring Great Customer Service Reps, <https://www.zendesk.com/blog/10-interview-questions-for-hiring-great-customer-service-reps/>.

¹² *Id.*

¹³ See Smith, *supra* n. 5.

Resources and Technology: Tools to Assist in the Improvement of Public Perception and Efficiencies

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Courts that leverage appropriate technologies in support of their customer service initiatives can expect more satisfied customers who are able to access court services on their terms. In addition to technology that moves the business of the court along in a way that is efficient and user-friendly, courts may consider technology that provides a better user experience. Every court should ask themselves which of these services and functions can be made more convenient for all stakeholders through the use of modern technology.

WITH INCREASED TRAFFIC, INCORPORATING TECHNOLOGY BECOMES INEVITABLE

Courts can be very busy, and busy courts can be crowded and very confusing. One basic tenet has been, if people do not need to come down to the courthouse to complete their business with the court, that is a good thing. With today's technology and court users who want electronic connectivity for filing, obtaining information, accessing records, and paying court fees and costs, this is more possible than ever. Increasingly, courts can provide 24/7 electronic access to court information with user-friendly systems that are intuitive and don't require special training or codes to use.

To the extent that these filing systems are connected to court case management systems, electronic connectivity can also reduce the court's administrative workload. There is an information technology principle that says, to reduce errors in the entry of information, have the person that cares the most about the data enter it into the systems. In the case of courts, this is the court user.

But let's face it, physical interactions at courthouses are here to stay. No matter how advanced or far-reaching online technologies become, it is difficult to imagine that we will ever completely replace brick-and-mortar facilities with cyberspace. In her article titled "Reinventing the



Courthouse,”¹⁴ Karen Levy reminds us that “Courts have an opportunity and a responsibility to serve as integral places, key parts of the communities in which they reside. Courts are, after all, the people’s houses of justice.” With this in mind, we must always strive to accommodate court users in the best, most efficient, and friendliest ways possible.

At various points in any court process we will likely interact with case parties and other participants like parents and family members, advocates, guardians, witnesses, victims, experts, attorneys, and even unrelated observers and information seekers, such as the media. Many times we are serving people who do not have an official case with our court and are trying to better understand

¹⁴ See <http://www.pps.org/reference/courts-in-a-new-paradigm-of-place/>.

our processes or gather information before proceeding with their own legal action. No matter their reason for being at the court, it is our very purpose to serve them to the best of our ability. Technology helps us to achieve this goal. This section of the guide will provide some simple and some futuristic methods for incorporating technology. The hope is that courts will discover some simple solutions to problems they are experiencing now and will begin the process of envisioning methods to improve problems they may have in the future.

Wi-Fi

The most obvious convenience technology that everyone expects wherever they go is free Wi-Fi. We live in an era where Wi-Fi is no longer a luxury, it is a necessity for both good customer service and efficient business process performance. Having publically available free Wi-Fi allows court users to access additional information necessary to interact with court staff and answer questions in a timely manner. As our courts and partner agencies go paperless, so will our users, and everyone will need to access information via technology on demand rather than having to bring physical documents to the courthouse. An additional customer service benefit to having Wi-Fi is the ability for jurors and other court users to continue to be productive while waiting to be called for a jury or waiting to be served by court personnel. It allows attorneys waiting to participate in a court hearing to avoid billing one client for wait time because he or she is able to work on another client's case during that wait time. Simple conveniences like this can result in improved and expanded services for court users. For example, if Wi-Fi has the ability to eliminate billing during wait times, does this then have the ability to reduce the cost of representation and thus expand the representation



possibilities for litigants and decrease the amount of self-represented litigants? This guide cannot definitively answer that question but it is a possibility to consider.

Websites

Court websites are typically the first stop for all court users and should provide easy-to-find information and resources. Websites should be designed for lay persons, using plain language to explain forms and procedures and providing education on topics for specific case types and legal and non-legal resources. Website information should be translated into the most commonly spoken languages in the community. A live-chat feature can help guide users through the website. Videos can provide information about procedures and forms and should be integrated into the website or housed on a YouTube channel or similar technology. Most simply, court staff should understand what is housed on the website and be able to navigate, and assist users in navigating, the website. Court staff should be empowered to suggest change to the website and should receive regular communication about updates and changes in functionality.

Websites should include information about what to expect when coming to court. For example, whether users travel to court by taking public transportation, walking, or driving a car, they need to know how to get to the court, where to enter the court, and where to go for their particular proceeding. It is good practice for courts' summons and notices to provide information on transportation, parking etc., and to refer users to the courts' websites. Websites should include:

- **Public transportation most convenient to the court.** Many public transportation websites have a routing service that tells which buses or trains people should use to go from one place to another. Google



Maps also shows how to use public transportation from point to point. Courts can provide links on their websites to these services.

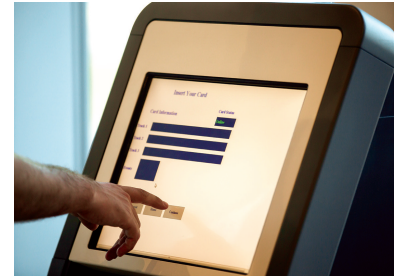
- **Driving instructions.** Those driving to court need to know the location of the court and directions to the court. It is especially important to identify unique or special traffic patterns around the court, e.g., one-way roads, closed roads, road or sidewalk construction, expected heavy traffic, etc. Drivers need to know where to park, how much parking costs, and how long it takes to park and walk to the courthouse.
- **Entry and security information.** Everyone who comes to the courthouse needs to know where to enter and what security measures to expect. Additionally, information on how long it takes to enter the courthouse is helpful. Many users appear at the doors of the courthouse five minutes before their scheduled court hearing and cannot make it through security and the building to arrive on time.

In addition to information about what to expect, court websites should have information about the services the court provides. Court websites should include information about local practice and procedure as well as forms or location of forms. Simple items like hours of operation, fee scales, and methods of accepted payment are pieces of information that can be displayed on a website easily and can help reduce the stress associated with the court experience.

The court's website is only as good as it is easy to navigate. It is worthwhile to take the time to test the usability of your court's website. How long does it take people to find certain things? Monitor the analytics to know what people look for the most and ensure those items are prominent. Take every opportunity to direct people to the website to find further information. Finally, do not underestimate the amount of time involved

in keeping the website current. This is a reflection on the court in general. The information must be usable and relevant. Stale information on the website or outdated forms are not helpful to the user and can begin a negative court experience before the user even approaches the courthouse steps.

Kiosks, or simply dedicated computers for public use, can provide website information, forms, case information, and legal research sites, and offer the ability to e-file or connect by video or chat to a customer service representative.



Technology also allows courts to offer customer service through self-service options like touch-screen kiosks, which mimic many of the touch-screen features on today's smartphones and tablets. Kiosks reduce the need for court users to wait in line to receive one-on-one service from staff. Instead, staff can provide assistance to multiple people answering questions of the kiosk users while those same people use the kiosk to provide self-service. Kiosks are not new to the court setting, but the touch-screen interface and frequency of use will continue to increase as more members of the general population become comfortable with touch-screen technology. Court customers are becoming more independent as a result of technology and as a result, they want to be able to handle much of their business online or in an automated fashion at whatever time of day is convenient to them. Well-placed kiosks provide self-serve opportunities that allow customers to conduct their business without much assistance from court staff.

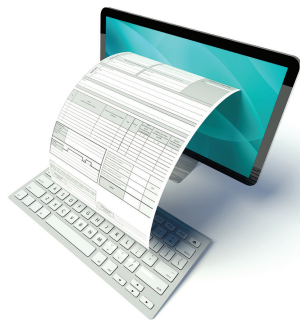
In San Antonio Municipal Court, certain traffic matters can be addressed through "Kiosk Court" locations around the city at certain grocery stores.¹⁵ Riverside County Superior Court in

¹⁵ See <http://www.sanantonio.gov/Court/About/Hours/KioskCourt.aspx>.

California utilizes self-help terminals to allow court users to print forms, schedule certain appointments and appearances, request a trial, pay a fine, get an extension, or sign up for traffic school.¹⁶ Another example is the use of self-service kiosks to speed up juror check-in and completion of juror questionnaires. Juror kiosks can also print vouchers or attendance letters, freeing up valuable staff time.

Online Forms

Many courts maintain libraries of forms and provide online access to them. Maricopa County, AZ, for example, provides about 1,500 fillable forms and instructions in English and in Spanish. Online instruction sheets or videos on how to file actions and the various steps in particular types of actions are an important component to making forms available to court users. Find more information about this specific project at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/>.



This court also maintains the ezCourt system for family and probate cases. This is an online portal for preparing court documents. It provides an interactive interview online that helps customers complete forms needed to create legal documents for separations, marriage dissolutions, etc., from their home computers or using a computer available in the court's self-service center.

Online Legal Research

With the widespread adoption of online legal research services, the law library is evolving from a storehouse of legal reference books to a resource center for facilitating access to the legal process. This new definition of the law library has become essential to process justice. The role of the

librarian is transformed from passive custodian to active facilitator, helping to guide effective utilization of the tools made available through technology.



The work patterns of judges, their relationships with their law clerks, and their access to legal precedent has been revolutionized by online legal research services. The process of review of legal precedent has become more consistent and accountable. Judges' book-lined chambers have become high-performance offices for management of the process, with computers the primary means of access to the relevant precedents that define a path to increased justice for all.

Virtual or Remote Hearings

So that attorneys and parties need not travel to the courthouse, courts continue to embrace adoption of



virtual or remote hearings. For example, the Family Justice Center of Alamance County, NC, has multiple agencies and services in one building. The domestic violence program in the center helps victims of domestic violence complete a complaint, file it electronically with the court, have a video hearing if necessary, and provide the sheriff's office an electronic copy for immediate service on the defendant.

Accessibility and Assistive Technologies

When people have impairments, courts must make every reasonable accommodation to ensure that they continue to enjoy effective communication and equal access to services. When court facilities cannot accommodate impaired persons as defined

¹⁶ See <http://www.riverside.courts.ca.gov/traffic/payticketatcourt.shtml>.

by the Americans with Disabilities Act (ADA)¹⁷ in a non-technological way, you may need to consider one or



more of the tools/systems/devices discussed below. The ADA protects all individuals who participate in court activities. The ADA also applies to all members of the public. NCSC has a resource guide¹⁸ on this subject.

Assistive listening devices (ALD) may be needed to help amplify sound within courtrooms and meeting rooms and at service counters. Essentially, these devices are amplifiers that bring sound directly into the ear and separate the sounds (particularly speech) that a person wants to hear from background noise. ALDs improve what is known as the “speech to noise ratio” and may use frequency modulation (FM), infrared (IR), or inductive loop technologies.

- *FM systems* use radio broadcast technology.
- *IR systems* utilize light-based technology.
- *Inductive loop systems* utilize an electromagnetic field to deliver sound.

Each of these assistive listening systems (ALS) has at least three components: a microphone, a transmission technology, and a device for receiving the signal and bringing the sound to the ear. The National Association of the Deaf (NAD) describes each in detail on their website,¹⁹ along with information about hearing-aid listening attachments and speech processors. It’s important that staff understand enough about the devices provided by the court to quickly troubleshoot them if needed. And since visitors may arrive with their own hearing aids or Cochlear implant, staff will need to know which connectors make sense for which

devices (for example, your customers cannot put an earplug into an ear that already has a hearing aid). Having a basic understanding of these ALSs is important if the court is to be perceived as user-friendly.

TTY/TDD and relay systems²⁰ are considered outdated by many these days, but it still may be necessary for courts to provide them for severely hearing-impaired and deaf customers to communicate remotely when alternative options (e.g., smart phone/text messaging, email, etc.) are unavailable.

- *TTY and TDD* are basically synonymous. They are Teletype devices of different sizes, both used to type messages back and forth over phone lines. They used to be a primary means of communication for deaf and hard of hearing people, but email and text messaging have all but replaced this technology. Still, if the court does not allow people to use their smart phones or it is difficult to connect to the Internet from within the building(s), consider an alternative such as TTY/TDD.
- *Relay systems* make it possible for deaf people who use TTYs to call others who may not have a TTY. For example, if the court does not have a TTY and a deaf person needs to communicate with the court remotely in a manner that is as quick and efficient as using the telephone would be for a hearing person, then consider using a relay system that connects people using a TTY to a center staffed by hearing people who also use a TTY and can hold a conversation with the court on behalf of the deaf person.

Like ALS, there are numerous manufacturers of TTY/TDD systems, with an average cost of around \$400 per unit.

Closed (or open) caption systems, subtitles, and computer-assisted real-time transcription (CART)

¹⁷ See <http://www.ada.gov/>.

¹⁸ See <http://www.ncsc.org/Topics/Access-and-Fairness/Americans-with-Disabilities-Act-ADA/Resource-Guide.aspx>.

¹⁹ See <https://nad.org/issues/technology/assistive-listening-systems-and-devices>.

²⁰ See <https://nad.org/issues/telephone-and-relay-services/relay-services/tty>.

are most useful in the courtroom, jury assembly rooms, or other meeting places where video, film, or other media that use sound are broadcast. It's important to ensure that the court's audio-visual (A/V) equipment includes a decoder so people can read what is being said. If the court uses a television that was manufactured in the last two decades, the court is probably covered—but check just to be sure. Other equipment, such as DVD players, should be checked to ensure that they have a built in decoder or other means of displaying words in place of or in addition to sound. Read more about captions and subtitles at the National Association of the Deaf website.²¹

CART is a service that can be delivered on location or remotely. It is required by the ADA if requested by a case party or participant and qualified interpreters are not available, or if the user does not understand sign language. The National Court Reporters Association (NCRA) describes CART services as “the instant translation of the spoken word into English text using a stenotype machine, notebook computer and real-time software.” Text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems. The NCRA hosts an online communication access information center²² for more information about captioning, subtitles, and CART capabilities.

Remote Infrared Audible Signage (RIAS) (sometimes referred to as “talking signs”) is a wireless communication system that uses transmitters and hand-held receivers to provide wayfinding information through human voice messages. According to the United States Access Board,²³ RIAS should be considered for providing wayfinding and general information to vision-impaired court users. An individual using this technology carries a

hand-held receiver (about the size of a TV remote), scans her/his environment, and “reads” signs by hearing the transmitted information through a speaker in the receiver or through an earphone attached to the receiver. The audible message from permanently installed transmitters is not detectable by others in the area. RIAS provides two critical pieces of information: signage information and the direction in which the sign lies. With this system, people with vision impairments can find their way without asking for assistance. The installation of RIAS wayfinding technology could significantly benefit users navigating the courthouse, enabling them to find elevators, escalators, courtrooms, jury rooms, and other places in the building generally accessed by the public that are often identified by print signs not otherwise accessible to individuals with poor vision or other impairments that make it difficult for them to read or understand signs.



Courtroom Technologies

State courts decide a majority of all of the legal cases and affect millions of people and businesses across the country every day. Nowhere is it more important to effectively manage the participants, resources, facts, and time that help judicial officials make impartial and fair decisions than in the courtroom. Fortunately, a number of advanced technologies are available to justice practitioners,

²¹ See <https://nad.org/issues/justice>.

²² See <http://captioningmatters.org/about/>.

²³ See <https://www.access-board.gov>.

and it is becoming more common to see at least some of them used in courtrooms. In general, courts should consider solutions that help them to:

- Store and structure information (to *better prepare* for case events)
- Share and clarify information (to *better convey* facts and evidence)
- Consume and understand information (to *better comprehend* facts and evidence)
- Organize and account for scheduled participants and resources (to *better manage* case events)

Practitioners and experts from all areas of justice agree that courtroom technology is both efficient and effective for certain tasks and situations that come up in trials. The NCSC Technology Resource Guide²⁴ and directory of technology vendors²⁵ are additional resources for your court and can help you better understand the courtroom technologies identified below:

- **“E-reminder” notifications** of hearing settings, preparation requirements, etc.
- **Automated check-in** and appearance tracking of parties and participants.
- **Laptops with touchscreens** to present and annotate evidence.
- **Adaptors and connectors** for Mac, iPad, and other Apple computers.
- **Document/evidence cameras or visualizers** that project three-dimensional objects onto one or more screens and allow the images to be digitally recorded.
- **Audio and video recording** to automate the process of capturing the record.
- **Two-way video conferencing** to allow interaction with witnesses and experts who cannot be in the courtroom.
- **Smartphone projection** for displaying and recording of digital photographs contained on participants’ smartphones.

- **Smartboards** that allow writing and drawing to be projected.
- **“Pink noise” systems** that play during private sidebar discussions to ensure that the jury cannot hear or be influenced by discussions between the judge and attorneys.
- **Dynamic calendar management tools** allowing a judge to assess the work of a calendar, rearrange the calendar, and display the revised calendar to all courtroom participants.
- **Collaboration portals** for data sharing among courts and justice partners.
- **Decision-support tools** like offender histories and risk-needs assessments.
- **Document content and management tools** to locate documents and display them for the parties on screens at counsel tables. These tools should also support confidential note taking and the ability to create, file, transmit, and print orders in real time for the parties and justice partners.
- **Evidence management tools** that allow marking of exhibits/evidence that may be accessed from separate sources and simultaneous display (e.g., showing an image from the evidence camera on monitor one, while at the same time showing on monitor two a video from the prosecutor’s laptop, the image of a still photograph from the defense attorney’s laptop on monitor three, a limiting instruction in PowerPoint from the judge’s computer on monitor 4, etc.)

94% of surveyed jurors agreed or strongly agreed: “Overall, the use of technology in the courtroom improved my ability to serve as a juror in this case.”

*The Evolution of a High-Technology Courtroom
DC Superior Courts survey results, 2011*

²⁴ See <http://www.ncsc.org/Topics/Technology/Technology-in-the-Courts/Resource-Guide.aspx>.

²⁵ See <http://www.ncsc.org/services-and-experts/technology-tools/technology-vendors.aspx>.

Wayfinding Technologies

Effective wayfinding is important for people to make their way through public buildings and other spaces because it improves efficiency, accessibility, and safety while decreasing frustration, stress, anxiety, late arrivals, and time spent giving or looking for directions. Good signage answers questions before they are asked and promotes good will with the public. It also eliminates the need to ask for directions or instructions from busy court staff. Comprehensive wayfinding systems often combine signage, maps, symbols, colors, and other communications. Increasingly, they integrate mobile applications, digital displays, Radio Frequency Identification (RFID), RIAs, and other wireless technologies. Examples of wayfinding technologies include:

- **Courtroom docket displays** that typically provide real-time information about scheduled court events such as the defendant name, case number, time, and courtroom.
- **Directional and informational signs and kiosks** that may include a directory, office names, room numbers, officials' names and titles, identifying signs, restricted access warnings, directional signs with arrows, signs designating special handicapped services, quiet zones, public notices, and brief procedural guides (e.g., "order and pay for photocopies here").
- **Jury information displays** to help prospective jurors find their names and where they are to report, as well as to show messages, live feeds, or other important information.
- **Mobile solutions** that provide information to visitors directly on their mobile device, including real-time case and schedule updates, facility information, building and contact directories, and detailed directions.

Many courts have installed at least some of these technologies, the most popular being courtroom docket displays. In 2015, the Allen County, Indiana, Superior Court implemented wayfinding in its misdemeanor and traffic court²⁶ after citizen

assessments and comments pointed to difficulty navigating to appropriate locations and courtrooms within the Justice Center facility. After studying available technologies, they selected a wayfinding solution and became the first court in the state to export data from its case management system into a docketing application, replacing the need for printed hard copy calendars. A fourth monitor is used to provide the public with instructions in both English and Spanish (and possibly Burmese) for court check-in procedures and direction to the appropriate window for service.

Wayfinding technology costs will vary depending on how extensive implementation is and whether a court develops its own signage systems or licenses them from industry suppliers.



Security Technologies

In the quest to be user-friendly, basic security of court facilities cannot be compromised. Participants in courthouse processes (judges, jurors, attorneys, parties, prisoners, families, witnesses, court staff, etc.) must be protected from other participants and the public. Likewise, it is important that public areas around and within our facilities are free from abuse by anyone. To ensure safety, most courts conduct universal entry screening of everyone who enters a courthouse, and bans are in place to keep weapons of all types out. The most common screening equipment includes both full-body and object scanning (x-ray) systems, as well as hand wands that may be used for localized metal detection. Generally, this type of facility security is staffed and managed by the local police or sheriff department. Other technologies may be used to monitor activities, broadcast emergencies or alerts, or control access to certain areas of the building. These include:

²⁶ See <http://indianacourts.us/times/2015/02/allen-superior-courts-innovative-wayfinding-project/>.

- **Duress alarms**, both hardwired and radio frequency (wireless)
- **Closed circuit television systems (CCTV)**, with high-resolution video recording
- **Intrusion alarm systems**, located at vulnerable entry points
- **Access cards/keypad systems**, tracking identity, time, and access points

Depending on the size and requirements for court facilities, costs for each of these technologies will typically range from a few



thousand to tens of thousands of dollars.

In 2010, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) collaborated on a handbook called *Ten Essential Elements for Court Security and Emergency Preparedness*.²⁷ Chapter eight of this handbook focuses on security technologies.

Queueing Technologies

No matter how efficient your staff is, most courthouses are besieged by long lines and need to do more than throw costly resources at the problem. Whether waiting to make payments, file documents, ask questions, or receive any number of other court services, court users of all types need to be acknowledged and assisted as quickly and professionally as possible. Research and experience show that few things frustrate people more than not knowing how long they will be waiting for service. In recent years, courts have started using technology to tackle this issue, and they've found that investing in automated solutions not only lets them serve people faster, but provides the court with valuable insight about customer needs,

ways to better allocate resources, and how to manage and reduce service costs all around. Many courts have implemented some type of customer service solution. Following are a few solutions to illustrate the kinds of technologies courts are using to help court users conduct business more efficiently when physically at the court.

- **The Wayne County Michigan Probate Court**²⁸ developed a customer check-in and service application after analyzing service needs and documenting the touch points involved to provide those services. The system lets court users check in upon arrival. The court has adopted a first-in/first-out methodology, and display monitors keep everyone informed of progress in customer waiting areas, at the counter, and throughout the court for personnel use. The system tracks and displays court users who are waiting (by service type), who is currently being served, wait and service time statistics, customers served per day, and a host of other information, depending on the view and specific user needs. The application runs in a browser and has a Structured Query Language (SQL) server back end, which allows ease in querying the database for purposes of reports and analysis of the data captured. Crystal Reports, a method of displaying data in a report from an existing database, have been developed to provide critical service, performance, and budgeting data to management.
- **The Merced County, California Superior Court**²⁹ built their self-help ticket service system to expedite paperwork and provide topnotch customer service. Visitors to their civil and traffic divisions now pull a ticket and wait to be called. Depending on the specific needs of the visitor, they are placed in one of two queues: a red queue is used

²⁷ See <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Web%20Documents/Court%20Security%20Handbook.ashx>.

²⁸ See <http://www.wcpc.us/>.

²⁹ See <http://www.mercedcourt.org/>.

for customers that need to see an attorney, and a green queue handles court users who need to see a court clerk. All other court users are seen by a designated clerk who routes or serves them as appropriate. The system is designed to grow along with the court's needs, and allows for an unlimited number of queues. It has both an internal-facing portal that is used by clerks to manage the tickets and record check-ins, and a public-facing portal that provides continuous updates about the current queue position being served. Court users can even view their status on mobile devices so they can opt to leave the court and return when their position moves closer to top. The application was developed using the Django web application framework for Python, making it quick and easy to deploy and maintain. You can learn more about Merced County's ticket service system online.³⁰

Similar electronic queueing systems are in use or on the horizon at many courts across the country. The most modern of these are almost completely virtual, allowing court users to sign in from onsite kiosks, by computer, or from their mobile phone. Once they've claimed their place in line, they can receive automatic status updates at defined intervals and are notified as their turn approaches, all by text message or automated voice calls. Court users can remotely request a delay or reschedule their appointment, too. These systems interact with monitors at the facility, typically displaying either the last four digits of the phone number for the person in line or their name. In some instances, when their number comes up, the computer will even announce that number or name, eliminating the need for staff to call it out.

Costs for these solutions varies, depending on whether the court opts for in-house development or a commercially available technology. Many commercial solutions are components of a larger

set of technologies intended to help organizations manage the end-to-end journey of their customers.

Automated Check-In Technologies

A close cousin of the service queue solutions are systems that automate check-in for other types of appointments like court hearings, probation reporting, and jurors. With an automated check-in system, parties and participants (attorneys, officers, witnesses, etc.) can quickly alert the court that they have arrived for their scheduled event, even before entering the courtroom or other meeting location. As individuals check-in, arrival time is logged and a pop-up message can be displayed. The same is true for probation and juror check-in; arrivals are accurately time/date stamped and displayed on staff computers.

These technologies reduce clerk and receptionist duties and provide a more efficient way to manage the arrival of participants and jurors coming to court and offenders reporting for supervision. You can even customize options that let you further categorize and sort arrivals for more specific routing. For instance, if a party plans to enter a plea of "no contest" or to ask the court for time payments, you may want to send that person to a particular room to receive additional information or to meet with designated personnel. Likewise, a probationer who is reporting for urinalysis can be routed to someone specifically assigned to that duty rather than waiting for their probation officer to become available. Juror kiosks can be configured to provide service certification for work or school at the end of the day and to print juror badges for easy identification.

Costs for these systems vary and usually scale by the average number of customers to be served. Most check-in systems can integrate with an existing case management or probationer-tracking system, too, which may add some additional cost.

Each of the technologies described is important regardless of who we are serving or why they

³⁰ See http://www.courts.ca.gov/documents/Merced-TicketServiceSystem-Implementation_ikc.pdf.

entered one of our facilities. There may be reasons to tweak specific aspects or features of any particular system depending on who is interacting with it, and this has been noted where applicable. Additional information about most of these technologies can be found online, including in materials published by the National Center for State Courts (NCSC) on courthouse planning and design.³¹

Customer Service Robot Technology

Customer service and telepresence robots are an emerging technology that will enhance customer service in courts. Robot technology has the ability to interact with customers, sometimes in more than one language, to assist court users in finding courtrooms or offices that they are looking for in the courthouse by both going with the client to the office, or showing the client how to get to the office using a touchscreen map.

Another exciting service in the future may be to offer defendants robot technology for certain appearances—telepresence robots. Telepresence robots have the ability to improve both customer service and access to the courts.

Defendants or court users can attend hearings or navigate other court offices using a telepresence robot that allows a person to live stream with a webcam and move around by clicking arrows on the laptop's keyboard or selecting from a predetermined set of options regarding which office to visit. In addition, a defendant could log in to a website at an appointed time and appear in the courtroom via live streaming on the robot's tablet rather than having to physically appear in the courthouse.

As courts continue to evolve in the 21st century, their customer service provision methodologies must evolve as well. However, courts need to keep the traditional assets of customer service intact while also moving to more convenient customer service platforms. It is important that the administration of justice is meaningfully maintained and that thoughtful discussions are had to determine what processes and functions are appropriate for provision over and with convenience technologies.

CONCLUSION

Creating a user-friendly court is not an easy task, and it is not one that can be accomplished quickly or without thought and planning. Court managers may not be able to use every section of this guide immediately but, rather, will use it over time and systematically; however, it is important to maintain an understanding of the user throughout the planning and strategy process. Continuously ask “how will this affect the user?” and continuously analyze who the user is in every scenario. Remember, court users are our patrons and litigants. They are our attorneys, victims, and witnesses. Court users are our staff and judicial officers. Each of those user groups plays a part in creating a user-friendly environment, and it is our responsibility as court professionals to understand how to allow each of those user groups to play that part successfully and in a way that maintains the dignity of the judicial branch of government.

³¹ See <http://courthouseplanning.ncsc.wikispaces.net/Technology>.



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