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Technology for Justice Customers

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Introduction

The most important new technology development for justice customers was stimulated by the Legal Services Corporation's Technology Innovation Grants (TIG). The creative efforts of legal assistance projects to use technology established a nationwide platform for innovation and service delivery. In Part I, this paper explains the emergence of these statewide internet platforms for improving access to justice. In Part II, the bulk of the paper presents insights, solutions and a detailed

¹Professor of Law, Chicago-Kent College of Law, Illinois Institute of Technology. This paper was prepared for a University Maryland School of Law Symposium delivered on January 13, 2005. The speech and commentaries can be viewed in streaming video at http://www.law.umaryland.edu/news_detail.asp?news=21, last viewed on February 5, 2005. I am grateful to Professors Brenda Brom and Teresa McMaster for inviting me to deliver the symposium lecture and to Professor Michael Milliman and Richard Grant for participating in the lecture and advising me on this paper. Ayn Crawley, initially scheduled to participate, leads a series of pioneering projects in Maryland using technology to improve access for justice customers. Many people have worked on the projects described in this paper and many have contributed suggestions, ideas, reactions and excellent criticisms. Omitting many I need to mention let me thank here: Richard Granat, Ayn Crawley, Chuck Owen, Todd Pedwell, Jay Carle, Roger Warren, Clark Kelso, John Mayer, Lisa Colpoys, David Hall, Torn Galligan, Will Hornsby, Bob Cohen, Marc Lauritsen and Hal Krent. Funding from many sources supported this research. The largest most generous benefactor was my own university: The Illinois Institute of Technology and Chicago-Kent College of Law, especially the Robert Galvin and Robert Pritzker Challenge Fund which contributed more than \$1, 000,000 to these projects. Other important benefactors include LexisNexis, a division of Reed Elsevier, Inc, the State Justice Institute, the Open Society Institute, Center for Access to Courts Through Technology, the Illinois Lawyers Trust Fund, the Chicago Bar Foundation and the Legal Services Corporation. Jeff Marks provided valuable research assistance. All of the opinions in this paper are my own and not the official position of any of the organizations just listed. I claim, as my own, all of the errors as well.

prototype from "Meeting the Needs of Self Represented Litigants: A Consumer Based Approach."² This unique investigation by designers and lawyers developed customer centered solutions to help self represented litigants achieve access to justice. The conclusion argues that the solutions proposed by these lawyers and designers can now be delivered to justice customers using the technology platforms established by TIG grantees. A postscript suggests that technology also may unleash resources from law schools to make justice accessible to low income customers.

I. LSC Statewide Websites: Platforms for Innovation

Starting in 2001 LSC earmarked a modest grant pool for a competition solely aimed at using technology to address the overwhelming unmet need for legal services. As stated in a recent LSC report to Congress:

The primary purpose of the Technology Initiative Grants program ("TIG") is to harness technology to assist programs in providing assistance to low income persons who would not otherwise receive legal assistance. This is accomplished by means of technologically enhanced *pro se* and community legal education efforts and also by enhancing state justice systems' technology infrastructures to allow centralized telephone intake and delivery systems and to allow greater coordination among programs.³

The Legal Services Corporation provided TIG money to many different state programs for a wide variety of innovative projects. Grants have supported the purchase and programming of kiosks in court houses to inform and build documents for SRLs. Grants have supported experiments in the use of videoconferencing as a way to bring lawyers and clients together over long distances. Chat software has been deployed to help low income people contact law librarians who can guide them to specific requested legal resources. Voice over IP systems have been deployed to connect remote offices and clients over great distances.⁴ But the crowning achievement of this grant program has been the creation of a coordinated network of statewide web sites for members of the public who are seeking access to the justice system.⁵

² *Meeting the Needs of Self-Represented Litigants: A Consumer Based Approach* was a study completed by the National Center for State Courts (NCSC), and the Illinois Institute of Technology's Chicago-Kent College of Law and the Institute of Design, and was funded by grants from the State Justice Institute (SJI-00-N-248), the Open Society Institute (No. 20001562), the Center for Access to the Courts through Technology, and the Illinois Institute of Technology. This ambitious project spanned three years. The detailed description of the methodology, observations and system solutions designed by the interdisciplinary team is available at the project web site, <http://a2j.kentlaw.edu/a2j/>. (Last viewed January 31, 2005.)

³ Legal Services Board of Directors SemiAnnual Report To The Congress For The Period October 1, 2002 – March 31, 2003, May 31, 2003, p. 8, last viewed January 31, 2005 at <http://www.lsc.gov/foia/other/bodsarc0303.pdf>.

⁴ The descriptions of all of the TIG grants from the start of the program in the 2000 funding cycle are available on the Legal Services Corporation website at <http://www.lscopp.com/Techsite/SitePages/grants.htm>, last viewed February 3, 2005.

⁵ Two "templates" have been approved for use by LSC agencies over the several years of the TIG programs. These templates are built and maintained by two application service providers: ProBono.net and

Stimulated by the TIG grants, most states created a centralized web site for the entire state to deliver legal information to the public. In each of these states a wide collaboration of many legal aid groups and bar associations participate to inform the public of legal rights and remedies and to provide assistance for self help law. In Maryland, the Peoples Law Library was an early example of a statewide web site for legal information and delivery of web based legal services aimed directly at self represented low income customers of the justice system.⁶ The Peoples Law Library was constructed with initial support from the Open Society Institute under the leadership of Richard Granat while he served as an adjunct faculty member at the University of Maryland Law School. Its success offered validation for the LSC initiative to try to stimulate the creation of these platforms for justice innovation in every state.⁷

In Illinois, the statewide website for the public, IllinoisLawHelp.org, was built and is maintained at Chicago-Kent College of Law by the Illinois Technology Center for Law and Public Interest (hereinafter ITC, though soon to be renamed Illinois Legal Aid Online).⁸ The ITC has developed user-friendly, graphical presentations of legal information including frequently asked questions; brief legal summaries; illustrative examples; forms and instructions; guided support modules, and video instruction. IllinoisLawHelp.org provides materials on legal rights and responsibilities in substantive areas of the law that address problems commonly faced by members of the public, especially areas of the law that affect lower-income Illinois residents (e.g., housing, consumer and credit issues, family law). In addition, the portal instructs on topics such as the operation of the court system and helps users obtain legal representation through an on-line legal aid search tool. Because of the wealth of valuable information on IllinoisLawHelp,⁹ thousands of Illinois citizens and others have found it to be an important source of the legal information they need. For example, in November, 2004, monthly web use statistics report over 19,097 unique visitors logging a total of 104,704 page views with an average of 3.58 pages per visit.

LSC supported statewide websites present an unprecedented opportunity to use technology to reduce the massive unmet need for legal services to low income people.¹⁰ As platforms for internet innovation, the web sites can be used to explore

Kaivo. ProBono.net can be found at www.probono.net. It was launched with support of the Open Society Institute. Kaivo, at www.kaivo.com is an open source developer using the Zope tools to provide web site hosting and development for statewide legal services sites. Maryland uses the Kaivo template. Illinois uses its own content management and task management system but its development has been closely coordinated with ProBono.net and Illinois has a technology sharing agreement with ProBono.net.

⁶ See <http://www.peoples-law.info/Home/PublicWeb>, last visited February 3, 2005. "The Peoples Law Library (PLL) is a legal information and self-help website supported by Maryland's [28 non-profit legal services providers](#), in partnership with the [courts](#), and is offered as a service to the public."

⁷ Most of these statewide websites for legal aid to low income people can be located by linking through ProBono.net's law help site, www.lawhelp.org last viewed January 31, 2005.

⁸ The partners in the collaboration that formed the ITC as well as its primary funding sources and content contributors are described at www.itcweb.org, last viewed February 3, 2005.

⁹ The ITC has studied its users and discovered that most of its visitors come from Google or the other search engines. There has been some marketing of IllinoisLawHelp through legal services offices in the state but the search engines predominate as a source of customers.

¹⁰ The unmet legal needs of low income Americans consistently have been found to be at least 80%. See, for example, LEGAL NEEDS AND CIVIL JUSTICE, A Survey of Americans Major Findings from the

new interfaces for informing the public and to test new solutions to help break down barriers to access to justice.

The next part of this paper explores the barriers facing self represented litigants who seek access to courts and proposes solutions to help courts serve these customers more effectively.

II. Observing Justice Customers and Designing Solutions to Meet Their Needs

During 1999 and 2000 a team of professors, researchers and students from Chicago-Kent College of Law, the Institute of Design at the Illinois Institute of Technology and the National Center for State Courts visited five courts in four states to study self represented litigants (SRLs) from a customer perspective.¹¹ In a sense, our ethnographic study of self represented litigants put us, as observers, in the role of the SRLs.¹² We arrived early and waited outside court house buildings for the Sheriff's deputies to unlock the doors and channel us through the metal detectors. We watched in the Court Clerk's office for hours at a time while SRLs tried to file new lawsuits or respond to complaints that had been served on them. We crowded into court rooms with hundreds of SRLs and watched them as they appeared before the judge in small claims cases, evictions, dissolution hearings and child support cases.

Our observers catalogued a long list of barriers facing justice customers who would represent themselves: The justice system is too complex and intimidating. Court buildings are imposing, frequently inconveniently located and always intimidating. Signage is confusing or absent. Paperwork needed to navigate the system is completely baffling and filled with legal jargon. Writing space is hard to find! Help deciphering the paper requirements is scarce. Often, professional rules about giving legal advice prohibit the most knowledgeable court employees from explaining those requirements to customers. Court hearings are unnerving and often dehumanizing. Cattle calls and long waits are followed by brisk rejection of a normal social exchange of information. Enforcement can be a hidden horror of additional process, cost, wasted time and frequently illusory results. When alternate dispute resolution is offered SRLs often resist. ADR is mysterious and seems vaguely "wrong" as a dispute resolution tool. "Doesn't the judge decide?"¹³

Complexity in court systems and process causes a large amount of the dissatisfaction of court customers. The worst aspect of the complexity is the confusion of justice customers about their roles and responsibilities in this complex arena at each varying stage of the process. Other sources of dissatisfaction, like lengthy delays, long waits for court calls and scheduling inefficiency, affect both unrepresented litigants and lawyers. Even the most customer centered courts are quite poor at reducing these inefficiencies that burden the time of all court customers.

Comprehensive Legal Needs Study, American Bar Association, 1994,
<http://www.abanet.org/legalservices/downloads/sclaid/legalneedstudy.pdf>, last viewed February 3, 2005.

¹¹ Charles L. Owen, Ronald W. Staudt & Edward B. Pedwell, *Access to Justice: Meeting the Needs of Self Represented Litigants* (2002). (Hereinafter, "Access to Justice.")

¹² Ronald Staudt and Paula Hannaford, *Access to Justice for the Self-Represented Litigant: An Interdisciplinary Investigation by Designers and Lawyers*, 52 *Syracuse L. Rev.* 1017, 1022-25 (2002).

¹³ *Access to Justice*, supra, 336, 342, 344, 346, 351-354.

Structured Planning

From hundreds of observations the team distilled functional descriptions of the civil justice system as seen by its customers, especially from the perspective of the self represented litigant.¹⁴ Guided by Professor Chuck Owen of the Institute of Design, law and design students worked through a Structured Planning process to explore how customers interacted with the courts and to design solutions to the problems that they faced.¹⁵ Our report suggests a series of innovations and system improvements that can begin to make courts more customer centered. Modern information technology is at the core of many of the innovations. Others solutions suggest new architecture for courtrooms and connections to people and programs outside of the courtroom that could assist SRLs.

The design team worked for three months to develop new ideas to streamline the process and to educate the customer. The group envisioned tools and products that would empower the customer and the court personnel alike to resolve disputes with efficiency and transparent fairness. The guiding principle in all of these design efforts was the most palatable of all the change management ideas: success requires that the change begins with the customer and drives all processes to meet the customers' needs. The team was deeply committed to design new mechanisms that would help the courts get closer to court customers.

A Caution about Values and the Importance of People in the System

While the team was encouraged to design new solutions for SRLs from a blank slate, observing SRLs showed that they have a deep respect for the traditional operations of the existing judicial system. Self represented justice customers wanted to tell their story to a judge who would resolve their disputes. SRLs respected the people who worked in the justice system, the judges and clerks and bailiffs.

To emphasize the importance to court customers of these core human activities and their direct interaction with court personnel the team set out six "values" in the System Overview.¹⁶ The first value was that self represented litigants "should not be compelled to use any of the recommendations that are implemented and should have the alternative means of meeting their objectives within the current judicial system." Two additional values out of a total of six stress the importance of the humans in the judicial system:

"4. The implementation of technological infrastructure and information based resources should not impede or create barriers to access..." And

"5. Computation based decision support tools should only be employed in conjunction with human judgment."¹⁷

¹⁴ Access to Justice, supra, 213-234.

¹⁵ Charles Owen, Structured Planning: A Process for Finding, Structuring, Using and Communicating the Information Necessary for Planning and Design. (1999).

¹⁶ Access to Justice, supra, 23.

¹⁷ The design work of this project preceded the release of the Access to Justice Technology Bill of Rights and its earlier drafts that were developed in a remarkable project in the State of Washington. There is

Technology to Improve Customers' Access to Courts: Joint Simplified Dissolution of Marriage Prototype

The technology solutions proposed by the Access to Justice team ranged from interactive translators¹⁸, to diagnostic interview software¹⁹, to scenario building evaluation tools that estimate costs and likelihood of success²⁰, to interactive smart cards that track location and case status of individual actions²¹, to a variety of document building tools and organizing devices linked to court records and personal case information.²² The next section of this paper describes a web based prototype that was built to combine several of these solutions into a working model.

To test the design conclusions of the Chicago-Kent/ NCSC Study (and inspired by the pilots constructed by I-CAN! in California²³), Chicago-Kent built a prototype web application to educate unsophisticated customers, to help those court customers prepare pleadings and other court papers and to provide instruction on how to file those papers. The first pilot project was released to customers as the Illinois Joint Simplified Dissolution of Marriage (JSDM) system.

The JSDM pilot includes a "soft" graphical interview that is designed to be customer friendly. The interview helps determine client eligibility for the special dissolution procedure and gathers all the data needed to complete all the court papers that both the husband and wife need to sign to obtain dissolution. This data is formatted and sent to a web server running HotDocs Online, a document assembly system donated to the legal aid community by LexisNexis. The document assembly server compiles all the court forms and a set of graphical instructions and sends the packet electronically to the customer's web site. In Illinois, the documents are printed either at home, a legal aid office or at a special Self Help Desk installed in the Circuit Court of Cook County in February, 2004. The same tools could be used to format and deliver to an electronic filing server if a court were equipped to accept electronic filing.

Hundreds of hours of design effort were devoted to the user interface. We used simple screens that presented users with a single step per screen. Instead of a full motion video guide like I-CAN!, we used voice and graphics so that our prototype could be replicated and maintained at a lower cost. The holistic concept that captivated the designers and appealed to the testers was a "road" to the courthouse. A sparsely detailed female guide stands on the road to draw the user into the screen.

significant symmetry between the values derived from the TBOR initiatives and the values created in our wholly independent effort by the design and law students working in Chicago in 2001. For a full description of the TBOR project, the principles adopted by the Washington State Supreme Court on December 4, 2004 and the rich array of studies and analysis comprising the project, see <http://www.atjtechbillofrights.org/>. (Last viewed January 31, 2005.) See also Symposium Technology, Values and the Justice System, 79 Wash L. Rev. 1-470 (2004).

¹⁸ See, Interactive Translator, Access to Justice, *supra*, 40-42.

¹⁹ See Archetypes, Archetype Finder and Archetype Videos, Access to Justice, *supra*, 45-52.

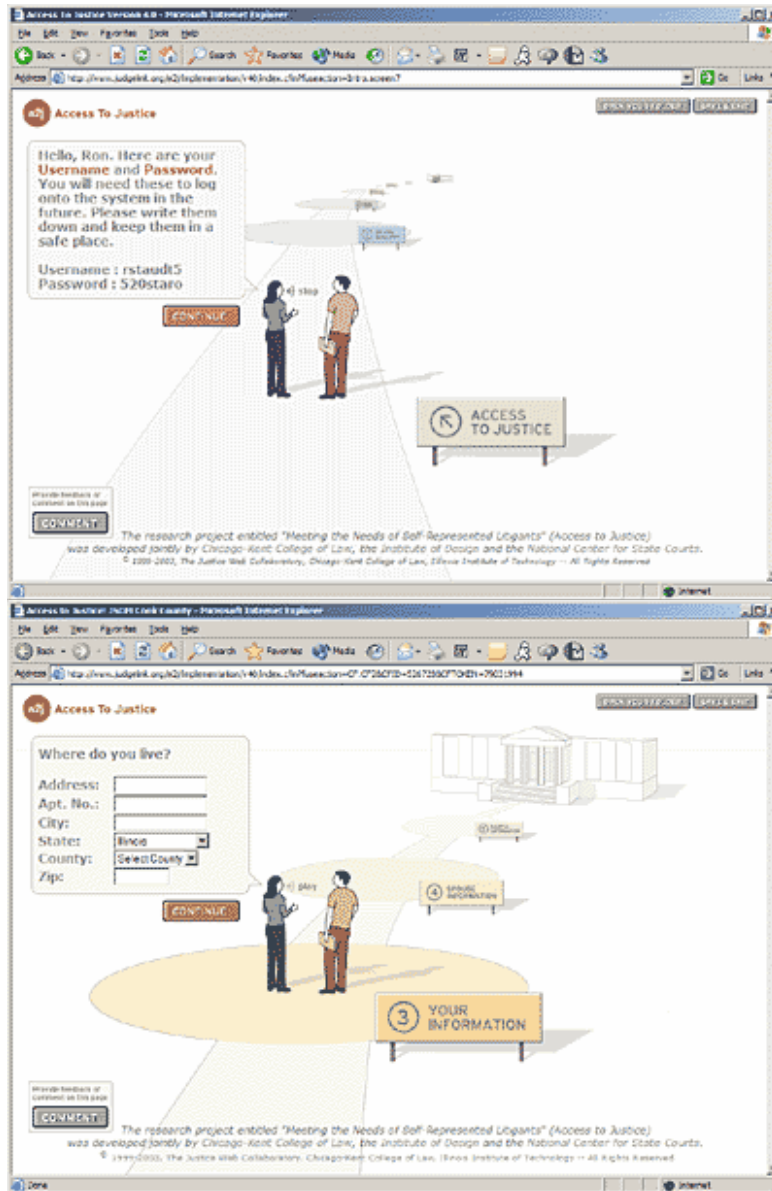
²⁰ See Pursuit Evaluator and Enforcement Pursuit Evaluator, Access to Justice, *supra*, 55-57, 147-150.

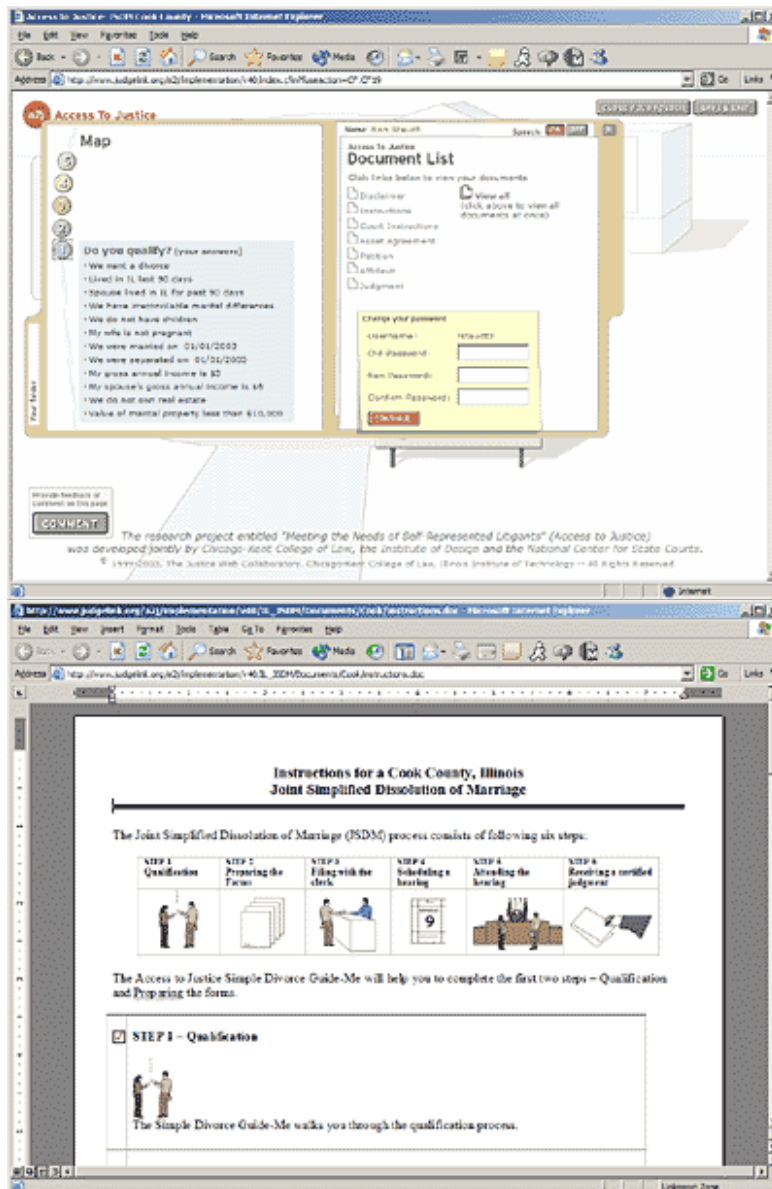
²¹ See The Case Card, Access to Justice, *supra*, 113-115.

²² See Story Builder, Complaint Formulator, Access to Justice, *supra*, 62-64 and 97-99.

²³ A significant number of excellent interview and document assembly form sets have been prepared and delivered to the public in California and several other states by ICAN! a project of the Legal Aid Society of Orange County California under the leadership of Robert Cohen. See, <https://secure.icandocs.org/Language.asp> last visited January 29, 2005.)

We asked each user for name and sex and then inserted a graphical man or woman into the scene to walk with the guide past a series of signposts on the road to the courthouse. Signposts along the road show progress and help position the user within the inevitable complexity by indicating what stage of the process is currently at work. The prototype included five clusters of questions and information screens titled: "Do you Qualify?" "Your Information?" "Your Spouse's Information?" "Do You Agree?" and "Marital Information." Here are some sample screens from the Chicago-Kent Dissolution Prototype:





The last screen shows the instruction set printed with the completed forms. All of this documentation is assembled by HotDocs and printed with the appropriate number of copies of each document at any internet connected computer.

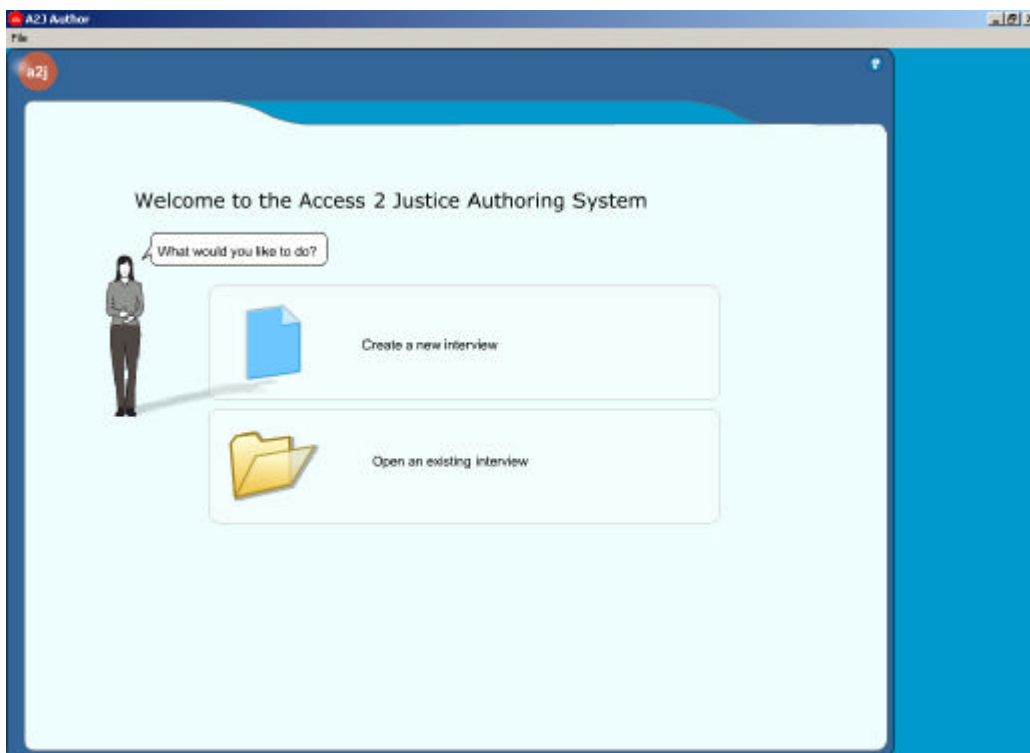
From Prototype to Production- A2J Author

Experts from the Illinois Institute of Technology Usability Lab evaluated the user interface of the JSDM Prototype. While the total number of testers was small the JSDM Prototype proved to be an effective tool to make court document assembly more widely accessible to self represented litigants. The Illinois JSDM Prototype is only that, a prototype. It is fully functional but it was built by hand, like a "concept car." The next step in delivering the solution to customers was to make a factory or

a software machine to empower authors to make, at a very low cost, hundreds of these "front ends" to educate or to guide or to prepare court forms.

Beginning in 2004 Chicago-Kent College of Law joined with the Center for Computer Assisted Instruction²⁴ to build Access to Justice Author - A2J Author - a tool to build tools.²⁵ A2J Author is an "interview builder" designed to help authors simplify diagnostic interviews, document preparation and guided instruction delivered over the web to self represented litigants. Once a HotDocs template for any document is completed, the author can import the variables from the template into A2J Author and build a "soft" graphical interview that will deliver to HotDocs the computer code needed to print out a customized set of forms.²⁶

Here are some sample screens from A2J Author.



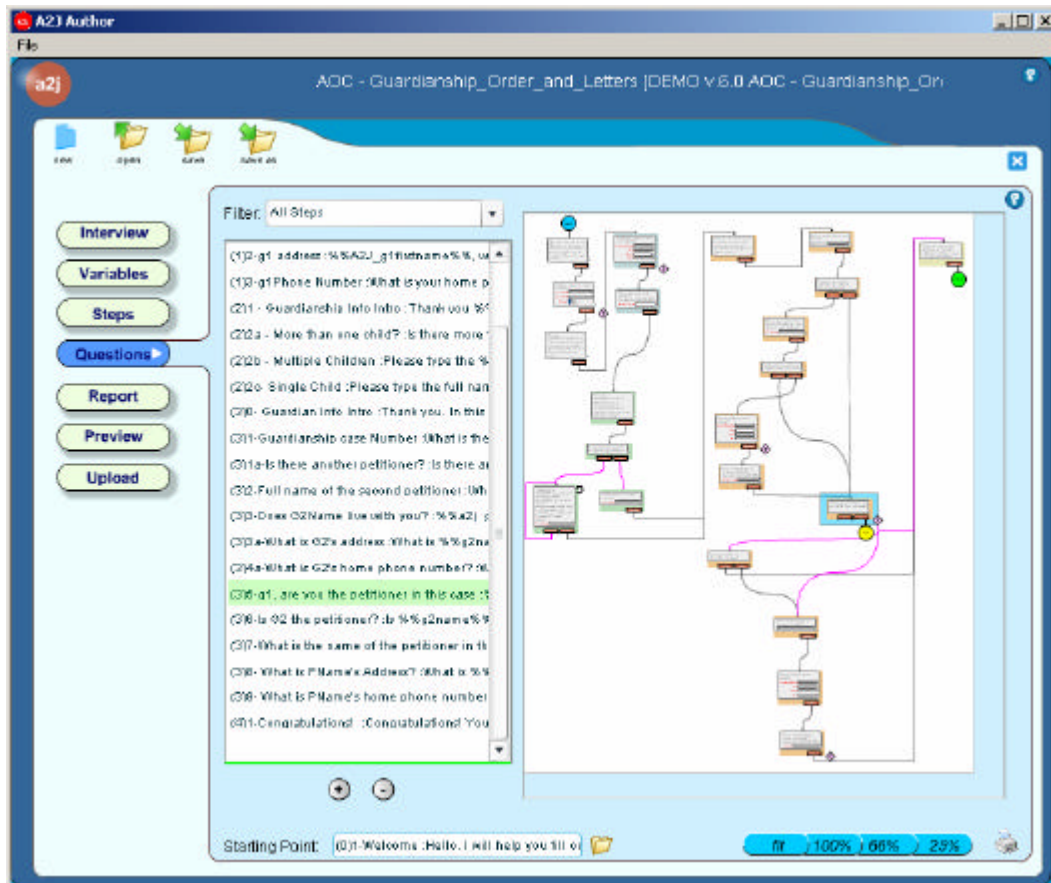
The opening screen uses the same guide to welcome authors as did our prototype client system for simple divorce customers. But authors are usually lawyers or law students who can manage complexity. The second screen, reproduced below, shows

²⁴ CALI is itself a non-profit consortium of 188 law schools. CALI does research on and develops computer mediated learning in the law and supports institutions and individuals using technology in legal education. CALI has 20 years of experience in building easy to use authoring tools to teach the law.

²⁵ The A2J Author Project is supported by the State Justice Institute and the Center for Advancement of Courts through Technology together with matching contributions from the Illinois Institute of Technology, Chicago-Kent College of Law and the Center for Computer Assisted Instruction.

²⁶ See Access to Justice Author homepage, http://a2j.kentlaw.edu/A2J_Author/, last viewed February 5, 2005.

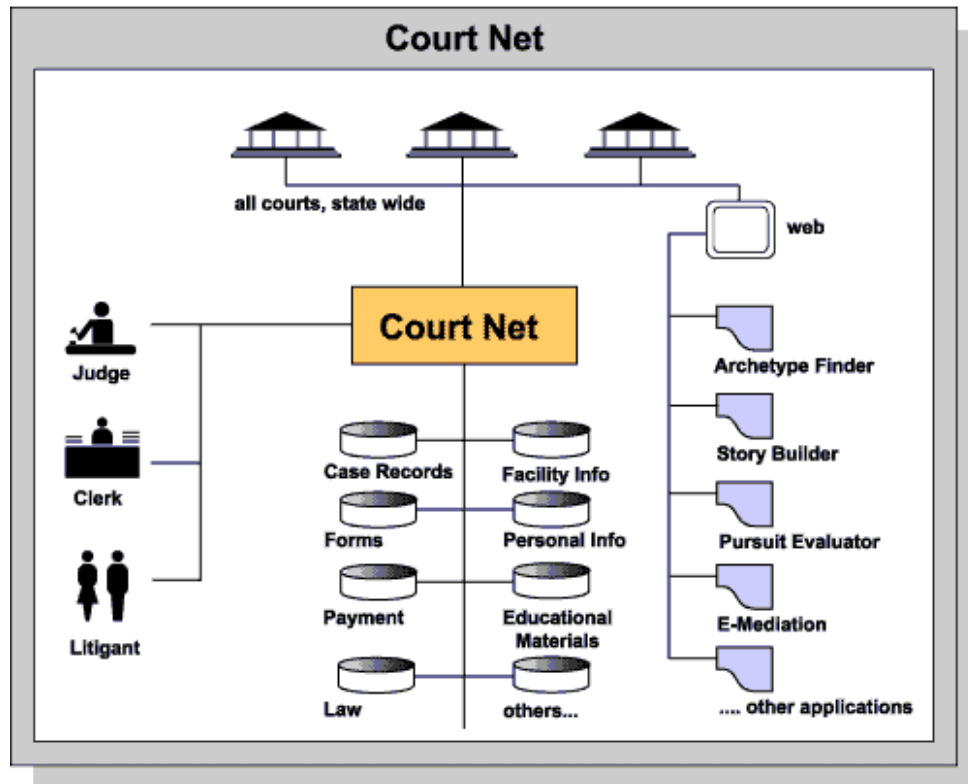
some of the graphical tools we use to help authors prepare long and detailed interviews. On the left is a navigation bar to let the author choose the part of the project on which to work. In the following illustration, the author has selected "Questions" and A2J author opens a list of all the questions that the author had prepared for this guardianship petition interview. On the right of the question list is a graphical portrayal of the interview flow chart illustrating the relationship between the questions and how branching lines of questions can be seen in the authoring process.



Distribution of Solutions to Justice Customers

The final and perhaps most critical step in completing any solution is delivering it to the customer. The Meeting the Needs project envisioned the Internet as the distribution vehicle for court supported solutions to deal with a court centered problem of overwhelming numbers of self represented litigants. Modern information technology is a core requirement of any redesign of the court system. The team named this pervasive technology infrastructure Court Net. The following diagram illustrates the expansive but simply stated mission of the technology infrastructure:

to digitize all the information that anyone connected to the courts will use and make it available wherever and whenever they need it.



This illustration shows all the actors on the left: judges, clerks and litigants; all the information in the middle: case records, forms, law, payment records, facility and personal information, and on the right, all the tools that a systematic redesign could deliver: Archetype Finder, Storybuilder, Pursuit Evaluator, etc. All the people and all the information and all the tools are connected by a line, a wire, a network. Scaled small this network could be the local network of a small integrated court system. Scaled large, it could be the Internet with necessary and relevant privacy and security protections. The key insight here, the critical “going forward” assumption, is that once court information is digitized then modern computing and networking and communication techniques can be employed to solve severe problems of poor customer service, inefficiency and lack of effectiveness.

The study did no cost benefit analysis demonstrating the gains in customer service that can be built on a system of digital court records. It is self evident that digital infrastructures are essential to modern banking, finance, international trade, manufacturing, retailing, communication and entertainment. Millions of songs are distributed to millions of listeners in minutes using iTunes and peer to peer file sharing. All banking is digital. If you want a book, it takes 3 minutes to find it and buy it and have it shipped to your house or office by Amazon.com. It was

inconceivable to this team and to this author that courts and court records could be less important than popular music and novels.

Yet today, in the face of this obvious statement of societal priorities, Court Net is a distant ideal, more of a dream than a reality. Federal courts have made significant progress implementing the CM/ECF system throughout most bankruptcy and district courts. Even appellate courts are expected to have digital case management and electronic filing by the end of 2006.²⁷ While there are significant numbers of self represented litigants in federal courts the raw totals are dwarfed by the huge numbers of such cases in the state and local courts.²⁸

State and local courts move paper, not digital information. These courts are aware of the possibilities of efficiencies and service improvements that digital reengineering may offer. Dozens of courts have made significant steps to begin implementing electronic filing projects.²⁹ Court systems are in desperate need of massive infrastructure investment to be able to deliver the type of service that today's customers deserve and expect. But continuing federal, state and local budget deficits will make it difficult to find the funding needed for this huge retooling.

III. Statewide Websites Can Deliver Solutions for Justice Customers

Faced with the serious problem of finding automated state courts to serve as the hosts for A2J Author solutions, we turned to the national network of LSC inspired statewide websites for the public. A gift of software from LexisNexis helped the Legal Services Corporation launch a national effort to make document assembly expertise and software available to all of the statewide web sites. In 2002, LexisNexis donated 100 HotDocs 6.0 software packages, two sets each to the legal services programs for each statewide website in the nation. HotDocs 6.0 is used by lawyers and paralegals to build document assembly templates that speed the creation and printing of forms and pleadings and other documents needed to provide access to courts for low-income people. In addition, LexisNexis donated three licenses for HotDocs Online, a server based software program that supports the delivery of document assembly services to low-income customers over the web.

TIG funding from the Legal Services Corporation beginning with the 2003 grant cycle supported hiring new staff at legal aid organizations to build HotDocs templates for statewide web sites. These grants also supported the creation of the National Legal

²⁷ Case Management/Electronic Case Files (CM/ECF) January 2005, http://www.uscourts.gov/cmecf/cmecf_about.html (Last viewed January 30, 2005.)

²⁸ "Nationally, in three or four of every five cases, one of the two parties is unrepresented." Handbook on Limited Scope Legal Assistance: A Report of the Modest Means Task Force, ABA (2003) (Michael A. Milleman, Reporter.) The most recent legal needs study was released in Illinois on February 8, 2005. Its results are the same finding that low income Illinoisans are only able to get legal help for one out of every six legal problems they face. In 2003 alone poor people in Illinois faced more than 1.3 million civil legal problems. See *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*, available at www.ltf.org/legalneeds.htm, last viewed February 7, 2005.

²⁹ A current listing of the LexisNexis File and Serve courts can be found at <http://www.lexisnexis.com/fileandserve/courtsavailable.asp> (Last viewed January 30, 2005.) The National Center for State Courts also maintains a list of state courts with e-filing projects at <http://www.ncsc.dni.us/NCSC/TIS/TIS99/ELECTR99/Efilinglinks.htm>. This site was viewed on January 30, 2005 but it had not been updated since 2002.

Services Document Assembly Server.³⁰ This Server provides HotDocs Online software to all statewide websites to make document assembly available over the web.

"This site has been built and operated by [Kaivo Software](#) and [Capstone Practice Systems](#) under contract with the [Ohio State Legal Services Association](#), under a grant from the [Legal Services Corporation](#). [HotDocs Online](#) has been donated by [LexisNexis](#). Document templates themselves are being supplied by developers in legal services programs and other nonprofit organizations around the country."³¹

The national server makes it feasible for any legal aid organization to author HotDocs document assembly templates that can be used by local justice customers from any web enabled computer.

CALI and the National Server partners are building the connections between the A2J Author modules and the National Legal Services Document Assembly Server.³² The interview guides built by A2J Author will be housed on the National Legal Services Document Assembly Server. A full "end to end" solution will be available when this work is done in early 2005. The insights of the Meeting the Needs Project and the innovations of the TIG grant programs will combine to make it possible to build thousands of very friendly web solutions for self represented litigants.

The success of the TIG grant program to stimulate innovation has been remarkable. The table is set with strong technology models for improving the delivery of legal information and legal services to the massive numbers of unrepresented customers of the justice system. Statewide legal services web sites for the public now offer powerful and widely accessible delivery platforms for information and services. Achieving this delivery capability in a few short years is an amazing achievement.

Our observations of self represented litigants trying to navigate the judicial system inform a system of proposed improvements to court design and process. Many of the solutions depend on the ability of courts to establish a digital information infrastructure as a base for technology product innovation. State and local courts burdened by limited funds and distributed management will struggle for decades before these digital infrastructures are built. The statewide websites built by legal services coalitions can jump start the delivery of many of these innovations while courts slowly automate. The time to ramp up production of justice solutions is now.

Postscript: Law Student Participation in Delivering Technology Solutions to Access to Justice Problems.

³⁰ The home page of this service, now called Automated Documents Online for NonProfit Legal Services, is <https://npado.org/>, last viewed February 5, 2005.

³¹ Id.

³² Like the core work on the National Legal Services Document Assembly Server, this user interface innovation is collaboration, this time of CALI, [Kaivo Software](#) and [Capstone Practice Systems](#), under a grant from the [Legal Services Corporation](#) to Land of Lincoln Legal Assistance Foundation.

Technology offers new opportunities to engage law students more fully in addressing the unmet legal services need for low income people.³³ First, as is already apparent, the University of Maryland School of Law and the Chicago-Kent College of Law have been deeply involved in building statewide web sites. The People's Law Library and the IllinoisLawHelp, respectively, were built at these two law schools. Students helped build the content that is the central asset of the statewide websites. While legal services lawyers are the experts on the topics that the websites cover, law students prepared drafts for these experts, edited and validated expert contributions and helped organize the process of gathering the expertise. These tasks are very similar to the work of a typical student run law review. As new types of content emerge, like document assembly systems, students will be excellent authors. Drafting document assembly systems will be a superb learning experience.

Second, law students from the earliest days in school can be guides and navigators for customers of the justice system who need help using technology. Even the simplest web interface requires skills in using a computer and access to the Internet. Law students can bridge that aspect of the "digital divide." In many cases, the simplified user interfaces of Internet based legal information and referral services are not enough. The act of browsing the Web or filling out Internet enabled forms raises challenges that the many SRLs cannot overcome on their own. These customers need self-help support centers staffed with facilitators who help SRLs find legal information and legal aid services.³⁴

In Chicago, the Self-Help Web Center provides "human" guidance for self-represented litigants.³⁵ The Center is located in a busy Chicago courthouse on the floor where thousands of self represented litigants first encounter the justice system – the Clerk's office. The Illinois statewide legal aid website, www.IllinoisLawHelp.org, is the core resource that the staff of the Center uses to help SRLs. The Self-Help Web Center not only makes Internet resources publicly accessible, it also fulfills a key insight of the *Meeting the Needs* study discussed in the first part of this paper- that self-represented litigants must be guided through processes that are foreign to them. The AARP uses lay volunteers serve as navigators backed up by sophisticated web sites and telephone connections to attorney experts. AARP lay volunteers handle "digital divide" issues facing SRLs, help them use the computer resources and call for attorney support when needed to deliver what the client needs.³⁶

³³ Harold J. Krent & Ronald W. Staudt, *Leadership Opportunities Hiding in Plain View*, 36 Toledo L. Rev. 111 (2004).

³⁴ California has instituted a statewide program of family law facilitators who are supported by web based self help centers to provide services for self represented litigants. See, California Self Help Support Center at <http://www.courtinfo.ca.gov/selfhelp/family/support/>, last viewed January 31, 2005). The University of Maryland School of Law successfully provided advice and support to more than 4400 unrepresented litigants in domestic cases using supervised law students. The Report on this project is summarized on Richard Granat's unbundled family law site in Maryland at <http://www.mdfamilylawyer.com/assistprose.asp> last viewed on January 31, 2005.

³⁵ "The Self-Help Web Center is the result of close collaboration between Dorothy Brown, Clerk of the Circuit Court of Cook County; the Tim Evans Chief Judge of the Circuit Court of Cook County; and, Chicago-Kent College of Law's Justice Web Collaboratory ... and the Illinois Technology Center for Law and the Public Interest." <http://www.kentlaw.edu/jwc/shwc.html>, last viewed February 5, 2005.

³⁶ Wayne Moore, *Technology: Changing the Way Low and Middle-Income People Receive Legal Services Around the World, Perspectives*, available at <http://www.aarp.org/international/Articles/a2003-09-17-ia-perspectives.html>, last viewed January 31, 2005.)

Third, technology reduces the transaction costs of bringing law students to clients who need representation or to self represented litigants who need information and guidance. For decades, traditional clinics and poverty law courses have been aimed at the civil legal services needs of the poor. These clinical courses and associated law offices teach interviewing, fact investigation, counseling, negotiation, pretrial and trial skills in settings that mirror a community legal aid office. Some, like the Hale and Dorr project at Harvard locate the law office within the community at some distance from the law school.

Technology can lower the costs and eliminate some of the time and distance barriers that traditional clinical courses face. Students can deliver internet based services to low and moderate income people in person, by telephone or over the internet through email and instant messaging. Supervision can be handled using the same tools. A supervising attorney can be in the same room with a student and client or across town or even across the country.³⁷

At the University of Tennessee Law School Dean Thomas Galligan supervises a student project that uses technology to deliver legal research to legal aid offices throughout the State of Tennessee. The project is funded by a 2003 Legal Service Corporation grant to the Legal Aid of East Tennessee. Legal Aid attorneys can request research support from University of Tennessee law students over the web. The requests are monitored as they arrive and the results are reviewed as they are delivered to the attorneys by Dean Galligan.

Chicago-Kent College of Law's first attempt to mix together telephone services, web based professional support and in person supervision is a "hotline" clinic. The Coordinated Advice and Referral Program for Legal Services (CARPLS) and Chicago-Kent College of Law have created a legal aid hotline clinical program at the Law School for Chicago-Kent students starting in the spring 2004 semester. The 2 credit clinical program was open to a maximum of 5 second and third year students, with preference being given to evening-division students. The participating students provided legal information and advice to CARPLS clients who call the CARPLS Hotline seeking legal advice in the areas of landlord-tenant and family law. The students are supervised by an experienced CARPLS attorney who is available in the telephone "war room" with the students when clients call.

The opportunity inherent in the coexistence of massive unmet legal need and thousands of law students presumably eager to practice law has been frequently discussed. We have student practice rules, many clinical programs and a growing public interest movement in law schools, including new ABA rules requiring that significant public interest opportunities be available for law students. Yet the examples just reviewed have not been wildly popular with students or faculties. The writing and editing opportunities for students that the statewide websites offer are generally filled by paid interns rather than public interest volunteers or a "law

³⁷ Perhaps the best implementation of this idea is the diagnostic interviewing system for Texas Rural Legal Aid. David Hall, its executive director describes it as follows: , "What we need to do is handle cases as efficiently as we can, leveraging the amount of time of the lawyer that goes in there and maximizing the number of people that they can help at one time.... law students assist the organization by interviewing potential clients, helping clients fill out legal documents, and answering telephones for the legal hotline, freeing up TRLA lawyers to work on more complicated cases." http://www.brennancenter.org/programs/lse/pages/view_elerts.php?category_id=33&page=25, last viewed February 2, 2005.

review” variation. The Texas students do the largest proportion of initial intake and diagnostic interviews of any large legal services program. By far, the bulk of this student involvement is performed by paid interns. The Chicago Self Help Web Center has successfully recruited staffing support from a significant number of first year student volunteers. Northwestern University School of Law will also attempt to recruit student volunteers to help staff this court based help desk. But, the CARPLS clinic at Chicago-Kent has struggled to enroll five students each semester. Other law schools in the Chicago area have shown no interest in offering a similar course despite attempts by CARPLS to export the model.

New models take time to become a part of the established order and law schools are rigid and slow to change. It is tricky business to get the incentives tuned for each of these various projects to appeal to students. Incentives include course credit, public interest satisfaction, law practice exposure, resume enhancement, skill building and interest in how technology can assist lawyers to serve their clients.³⁸ Of all these, the technology angle seems to be the most problematic. When Chicago-Kent established an all electronic web based Intellectual Property Law Journal some years ago the first thing that student authors wanted was a paper reprint of their student notes and comments. We must line up these incentives properly to unleash the energy and talent of law students.

³⁸ For a discussion of these incentives in the evolution of law school pro bono programs, see Deborah L. Rhode, *Access to Justice*, 156-160 (2004.)