

**Special Report
on the
Legal Services Corporation's
15th Annual
Technology Initiative Grants
Conference**

The largest legal aid technology meeting in the world

SAN ANTONIO, USA (14-16 JANUARY 2015)

Roger Smith

Introduction

The Legal Services Corporation (LSC) had a record attendance of close to 300 at its recent annual technology gathering. Held this year in San Antonio, the LSC's Technology Initiative Grants (TIG) conference is a showcase for projects funded through the TIG and a forum for discussion by a mixed audience of techies, managers and others interested in the field. Glenn Rawdon, LSC's TIG's Grants Programme Counsel, certainly saw it as a success:

"The conference always energises me ... so many people have said that they enjoyed this conference."

Over two and a half days, the conference contained no less than 42 break out sessions, generally organised on the basis of five at any one time, together with the usual plenaries. There were affinity meetings (like that for those interested in self represented litigants) and small affinity dinners to force people to circulate (I went to International Access to Justice).

The end of the second day was enlivened by a 'rapid fire tech' session in which a succession of people got limited time and slides to present ideas ranging from an Ohio lawyers' app to a potted history of the TIG programme.

One session divided participants into groups to demonstrate 'scrumming', collaborative work, on a model app.

The conference opened internationally with contributions from the Netherlands (the *Rechtwijzer*),



British Columbia (*MyLawBC* and the Civil Resolution Tribunal),



Legal
Services
Society

British Columbia
www.legalaid.bc.ca



Civil Resolution Tribunal

California Courts (family skills collaboration with BC)



The
Legal
Education
Foundation

and a round up of global developments based on the report published by The Legal Education Foundation (www.thelegaleducationfoundation.org) in December - of which participants got a hard copy version on registration.

You do not pack that much in without a considerable degree of discipline and some early starts. We were in our seats by 8.30am but a big part of the conference was clearly the networking encouraged by breaks in the programme during the day and a couple of receptions.

The introduction of an international element went down well. Glenn Rawdon reported,

“I can’t tell you how many people came up to me and said how it made them think”

Indeed, the evident interest in the international contributions emphasised the way in which global implications of technology are overcoming the national limitations of law.

On the one hand, this has been driven by institutions like the International Legal Aid Group (California’s Bonnie Hough, an ILAG stalwart and I were on the international panel) and, on the other, by practical collaborations (like that between BC’s Justice Education Society and California’s courts).

Indeed, the most obvious area for collaboration is skills which are transferable between jurisdictions. The BC and now Californian FamiliesChange programme is about helping parents and children deal with divorce - a universal issue.

The Context

The core of the conference was, naturally, domestically focused. LSC's funding role gives it considerable weight with its grantees which, unlike England and Wales, are not for profit institutions and not private practitioners - although it also supports pro bono assistance.

The LSC's total budget (for FY 2015) is \$375m (just under £250m), of which \$4m (£2.64m) is specified for the TIG programme and \$343m (£226m) for field grants. These go about 130 recipients.

There are various requirements on funding - some of the more contentious of which derive from political battles in Congress (such as lists of excluded clients and cases) but the LSC imposes some common standards on its own behalf.

These include baseline expectations of the technology in each office. These require a degree of automation which would be similar in most large legal aid practices in England and Wales (but lacking in some of the smaller providers). There must, for example, be computerised case management and diary systems. The LSC also require agencies to have 'a compelling web presence' for the purposes of description and fund-raising.

The baseline technology standards represent the mandatory whip but the TIG programme is the carrot for the deployment of technology by LSC grantees. Its purpose is to

"support ... projects to develop, test and replicate technologies that enable programs to improve client access to high quality assistance in the full range of legal services, and to improve program efficiency."

The total spend of the TIG programme since its inception in 2000 is around \$46m and it has funded approx. 570 projects.

In any year, the pattern of spending tends to be a small number of large grants and a larger number of smaller ones. In 2013, for example, the programme funded 33 recipients in 21 States.

The grant process is a combination of open application and guided priorities. A 'Technology Summit Report' issued in December 2013 backed the guiding vision of 'an integrated service delivery system' based on a strategy with five components:

- the creation of statewide legal portals
- the encouragement of automated document assembly
- adaption to the growth of mobile
- the extension of business processes to all access to justice
- greater use of expert systems.

These goals provide the overall context of the TIG programme.

It has addressed them through a range of individual 'pathfinder' projects with a high emphasis on replicability if they prove successful. Plus, the LSC also supports, on a continuing basis, a number of key supporting institutions - like Pro Bono Net.

On an annual basis, the LSC consults on 'proposed areas of interest' for grants. For 2015, it is flagging:

- projects that move organisations above the technology baselines
- tools that facilitate access to substantive law across jurisdictions
- automated navigators for self-represent litigants
- innovations in legal information design and delivery.

All this is taking place in an environment of:

- historically low civil legal aid spending in the US compared with the UK or the countries of Northern Europe
- acknowledged unmet need
- an obvious pressure to get 'the best bang for each buck'.

An expressed purpose of the investment in technology is to be able to serve a wider range of those eligible for services than can be done in a traditional manner. The overall challenge faced by the LSC was put in an end of year message from its President and Chairman to the projects it funds:

"The number of people now eligible for LSC-funded assistance has risen 30% since 2007 to an all-time high, but, as you have experienced, federal funding per eligible client has dropped to an all-time low, shrinking your ability to handle cases by more than 20%".

Internationally Recognized Successes

For all the stresses on the system as a whole, the existence of a central strategy and a central pool of finance has brought the TIG programme some major successes and means, in international terms based on spending per head, that the LSC has punched above its weight in delivering technology-based innovation.

The TIG programme is obtaining some international recognition. A TIG project was runner up in the innovative ideas awards of the Hague Institute for the Internationalisation of Law (Hiil) in December. This was the concept of developing an online game to help self-represented litigants to have more confidence and ability in court. It is a collaboration between an academic department, the NuLawLab at NorthEastern University School of Law, Statewide Legal Services of Connecticut and New Haven Legal Assistance. As described by NuLawLab's Executive Director, Dan Jackson,

“This game will be a unique product: as a self-help resource, interactive online games have not yet been systematically explored and deployed as we envision. Once complete, the game will first be available free-of-charge on *CTLawHelp.org*, a website that provides free legal information to low-income self-represented litigants in Connecticut. We also intend a unique process of creation – a multidisciplinary project team of legal aid lawyers, technology managers, experienced game designers, legal educators, law students, and artists will engage self-represented parties, judges, court personnel, and others through collaborative design rounds that translate the experience into game scenarios.”



Online Advocacy Simulation for Self-Represented Parties
Runner-up in the Hiil Innovating Justice Award—Innovative Idea 2014

There are three elements of this project worth stressing.

First, it is applying the idea of serious gaming for serious purposes. An assistant professor at the NuLawLab, Dr Casper Harteveld, showed the possibilities of the gaming approach at the conference. He drew on work with which he had begun his career in training dike supervisors back in his native Netherlands. He had proved that their performance in identifying dikes likely to break was increased by playing simulations. He is now turning his attention to the law.

Second, the project is, as HiiL and LSC recognise, inherently replicable. A game on self representation that works in New Haven, Connecticut, would require minimal change to work, for example, in Newport, Gwent.

Third, technology is bringing together different institutions and people. The project is designed to be collaborative.

The other project recognised in the HiiL awards is also designed for self represented litigants. The A2J software creates automated form completion for a user who proceeds down a road to a virtual courthouse, adding information in response to requests and ending with a completed standard form that can be printed out. John Mayer, director of the Centre for Computer Assisted Legal Instruction and a long time leader of the project wrote for HiiL that,

“A2J Author is the first court form automation software designed to be [self represented litigant] friendly. This allows non-technical law students, legal aid attorneys, and courthouses to build customer friendly interfaces that help self-represented litigants complete necessary forms. These A2J Guided Interviews® ask questions in plain language and process the information provided by the user to be assembled into a saveable and printable document ... We have over 1000 A2J Guided Interviews that are live on the national server. These ... have helped almost 2.5 million people in less than 10 years. ... A2J Author is completely free for any non-profit organization to use for non-commercial purposes. Our A2J Guided Interviews offer “Just in Time” learning features like pop-up explanations of legal terms, hyperlinks to additional information, videos, and graphics that help the end user (the person without an attorney) fill out the complicated court forms. Our method of service delivery is also unique. We partner with attorneys and court staff at the local level to create customized A2J Guided Interviews. We provide the software tool and the local legal staff provides the heuristics and legal knowledge to guide those who cannot afford an attorney.”

Indeed, the A2J programme has become the workhorse in much provision for self-represented litigant provision in the US. A current TIG grant will adapt the programme to work on mobile phones. Deployment of the software within the US is assisted by a central database of forms that can be used with A2J that is held by LawHelpInteractive.org, a Pro Bono Net project in part funded by the LSC as a strategic resource.

Themes

A report on a conference with so much choice of content will inevitably reflect to some degree the interest, choice and chance experience of the reporter. In addition to the themes indicated in the two HiilL projects, my selection of most important themes was:

- issues about medium - from the growth of mobile to the appropriate use of video and text;
- the integration of skills education;
- the convergence of court and legal aid administrations in helping self-represented litigants;
- the continuing exploration of what can be done through apps;
- the re-orientation of information websites around user-oriented content - something which might be posed as meeting 'the challenge of the Rechtwijzer', demonstrated by HiilL's Jin Ho Verdonschot in the opening plenary.

It is only fair to add that Glenn Rawdon indicated that he liked, in addition, the discussions of business process:

“One of the surprises for me was business process analysis. The room was full for the business process analysis sessions. I didn't think that the community would come round so quickly. Last time, we had outside speakers. This time it was our own people doing it, showing expertise, telling their contemporaries. It was more effective.”



The LSC's priority of adapting to mobile was sustained by conference contributors.

Teri Ross from Illinois confirmed major increases in access from mobiles to the extent of around 40% and 20% from tablets to Illinois Legal Aid Online.

Access was higher from Spanish speakers and users stayed longer on the site if using mobile. That seemed a pretty common experience.



But, other changes of medium were reported, in particular greater use of video. Its growing importance - both as source of referral from locations like *YouTube* - and as a means of communication was a major discussion topic.

A number of legal aid providers already had extensive video libraries as part of their websites. For example, CTlawhelp.org, serving Connecticut, has a suite of videos under 11 different headings on its main website - from how to prepare for court to how to file a complaint with the Federal Trade Commission.

One of the most interesting sessions (at least for me) was the nicely named session 'Trust the process and Oh the places you'll go'. This slot included a speaker, Joshua Gunn, from Planet Nutshell, into the business of increasing 'funderstanding' (geddit?) through video. He reported that 60% of people prefer video and don't like reading online. They also like their videos short. Planet Nutshell tries to work within a two minute framework.

His session had a discussion about the relative merits of using YouTube or Vimeo to store video - he thought the former better for sharing but, overall, preferred the latter. There was also an interesting discussion about live action versus cartoon - with the former potentially being overused but capable, he felt, of additional authority.

Further evidence of LSC's strategic approach comes in the form of its funding of sharelaw.org which allows resources to be shared among different projects around the country. This has a specific section on videos which encourages projects not to continually reinvent the wheel. There were some moves into social media. LawHelpNY.org had established a RealNY blog as a way of seeking to establish its outreach.

There continued to be interest in the use of the most basic and cheapest technology - such as the use of text (SMS).

One of the projects which got a good deal of coverage was a TIG grant for a comparative test with five different providers - in New York, Georgia, Washington, Illinois in co-operation with the national Pro Bono Net - on how texting might be used in legal information campaigns.

Illinois got the topic of 'expungement' - a form of rehabilitation of offender provision which allows the removal or masking of convictions on appropriate application. In their case, they were interested in targeting juveniles for whom convictions might unduly affect their job prospects. They ran an advertising campaign with bus adverts and other publicity inviting people to text a central number for more information. Their aim was to increase the number of applications: statistics on the outcome are awaited.

A number of jurisdictions were using texts for the simple but effective task of reminding clients (and lawyers) of appointments and hearings.



The integration of skills training with assistance on legal processes was also an important theme.

The California-BC collaboration showed the way in family cases. That is now extending to California's use of a BC online training programme for parents going through divorce.

The possibilities of skills training on the net linked to self representation is also explored in the Connecticut project that received HiiL recognition. In turn, its joint focus on courts and litigants is linked to a growing convergence of interest between legal aid providers and court administrations.

Snorri Ogata, the Chief Information Officer of the Los Angeles County Superior Court, presented on a revolutionary business redesign for his courts. They were reconceiving the courts' relationship with litigants as one with customers. Orange County was developing a 'my court card' for litigants through which, for example, log visits, prompt reminders and could be extended to assisting liaison with legal aid assistance.



There were, of course, apps galore. Three of the most developed come from Pro Bono Net and are available from the iTunes Library.

Pocket DACA (Deferred Action for Child Arrivals) gives advice on eligibility for the programme. It guides applicants who think that they might be successful to a related online application.

Citizenship Works is another app on immigration.

At the opposite end of the spectrum was Joshua Goodwin's Ohio Legal Assistance App (available from Google Play in beta form). This was developed for an impressively low \$25 outlay but clearly took significant time. It contains various benefit calculators and offline access to rules of evidence and civil procedure.

Conclusions

If I were the LSC, I would be pretty pleased both by the conference and the TIG programme in general. Its model of a competitive funding programme linked to strategically agreed prior objectives has delivered a critical mass of people and institutions engaged in, and committed to, innovation. Even without the personal friendliness and professional commitment that you can expect from people in LSC funded projects, that alone would guarantee a good conference.

The programme is working well to advance the five ways determined in 2013 by which the vision of an integrated technology-based delivery system might be delivered. If you go back to look at these, then it may be that subsequent developments mean that a concentration on mobile should be extended to video - if that is going to become as important as it looks.

The way in which training 'just in time' skills are coming to the former is genuinely exciting. As is the national - and increasingly international - collaboration that might be possible.

The conference had a wealth of innovation on display and those interested in the field should keep in touch with new developments through the TIG website: tig.lsc.gov.

This was a conference for enthusiasts. There was little discussion of the limitations in access to the internet. Skeptics would have stayed away. At some stage, there will need to be serious grappling with this issue; but, the conference was not the time and the place for that. At the moment, there is surely a need to see what works and to encourage the enthusiasm to test the limits around the world.

A particular issue for the LSC and the TIG programme is managing the intake process so that projects can winnow out the cases that they want and refer the ones they don't. This is where the example of the *Rechtwijzer*, my candidate for world leader in the field of user-based interactive advice provision, may be fertile.



World leader in the field

Even shorn of its ambition in its latest version to become an "end to end" provider from diagnosis to determination, the *Rechtwijzer* shows the way in which information provision can be transformed to take advantage of the unique interactive nature of the web.

Glenn Rawdon reported,

"I had two or three people inspired by the Rechswijzer and wanting to take it further. When we began, people resisted working out of their own jurisdictions, now that we have got people interested that hurdle has gone."

Watch this space!