

2005 ATJ Technology Principles Report to the Supreme Court

December 30, 2005

INTRODUCTION

The December 3, 2004 Supreme Court Order adopting the Access to Justice Technology Principles provides: “The Administrative Office of the Courts in conjunction with the Access to Justice Board and the Judicial Information System (JIS) Committee shall report annually to the Supreme Court on the use of the Access to Justice Technology Principles in the Washington State court system and by all other persons, agencies, and bodies under the authority of this Court.”

This report documents actions, developments, and efforts during the first year of the Principles by the Administrative Office of the Courts (AOC), Access to Justice (ATJ) stakeholders and others to use technology in ways that further the Principles.

JOINT ATJ AND AOC EFFORTS

- **Website Coordination and Improvement – Washington Lawhelp Content Consolidation** AOC and Northwest Justice Project (NJP) completed a joint project to improve and organize website content. This Washington Lawhelp Content Consolidation Project resulted in the consolidation of most self-help information originally in the AOC and NJP websites into NJP’s Washington LawHelp website. Except for materials the law requires the courts to provide, self-help materials in the Washington Courts website were moved to the NJP website or, if duplicated, removed. The result is a single source of information for the public and significant reduction of duplicated effort. Washington LawHelp is at: <http://www.washingtonlawhelp.org/WA/index.cfm>.

AOC and NJP continue to collaborate on website content and presentation. On an ongoing basis the AOC is funding the writing of new content for the Washington LawHelp website.

- **Website Advisory Group** A Statewide Website Advisory Group (SWAG) has been established; membership includes representatives from AOC, NJP, the Washington State Attorney General’s Office, the ATJ Board, the Council on Public Legal Education (CPLÉ), the King County Law Library, the Washington State Bar Association (WSBA), and the Northwest Women’s Law Center. The SWAG is charged with “bringing together website managers whose organizations provide substantial Access to Justice Internet content and services for all people in Washington State” and exploring “potential collaborative efforts among its members, and with other state, federal and

private organizations and companies.” The goals are to reduce redundancy, ensure consistency and promote quality and usability among member sites.

These efforts serve Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.

ATJ IMPLEMENTATION EFFORTS

- **Promising Practices Project** For the past two years, the Access to Justice Technology Bill of Rights (ATJ-TBoR) Promising Practices Committee worked to develop software and content for online tools designed to assist in implementing the principles in e-filing, website and public access terminal applications. These tools will encourage and enable decision makers and developers in the courts and other justice system agencies to incorporate the principles in their products by providing relevant guidelines and resources. The State Justice Institute (SJI) provided funding for the project. In addition, with the assistance of the Legal Services Corporation, the software to deliver the tools (NPower’s TechAtlas) was customized for the ATJ community. The software and content will be officially launched in Washington State in March 2006 following the close-out period for the SJI grant. During the close-out period an independent evaluation, by John Greacen, a national consultant on judicial branch issues, will be reviewed and finalized. This effort serves Principle 6: Best Practices.
- **Implementation Strategy Group** An Access to Justice Technology Principles Implementation Strategy Group has been organized and is engaged in developing practical strategies for institutionalization and implementation of the Principles. The Group recently hired Meg Crager as its project manager. She has had experience in project management, group facilitation, and formulating and writing products such as those the group will need to produce. She has worked in both the local justice and human services systems with such organizations as the City of Seattle, the King County Women’s Program, the Refugee Women’s Alliance, United Way of King County, and the King County Department of Judicial Administration. In addition to her professional experience she has an MA in Developmental Psychology from Columbia University.

In December 2005, with input from some several members of the Strategy Group, Ms. Crager drafted a proposed work plan for the ATJ-TBoR Implementation Strategy Group which was circulated for comment. The Group’s next meeting is January 6, 2006, at which a work plan and time line to accomplish the Group’s tasks will likely be adopted. This effort serves all of the Principles.

- **Translations** The Supreme Court Order and the adopted Access to Justice Technology Principles have been translated into Arabic, Chinese, Japanese, Russian, Spanish, Tagalog, and Vietnamese. Translations into other languages, including Korean and Amharic, are currently underway. This serves Principle 5: Maximizing Public Awareness and Use.

OCLA Contracts The newly established Office of Civil Legal Aid (OCLA) has included in its contracts with legal services providers a requirement that those organizations follow the Principles. Contractors must develop and implement a plan to evaluate ongoing and proposed technology-based initiatives to ensure consistency with the Principles and require their subcontractors to do the same. This serves all of the Principles.

ATJ-TBOR SPONSORED PROJECTS

- **SeaMar Project** For over a year, ATJ-TBoR has been working in a collaborative effort to create a pilot community-based technology justice center at the principal site of the SeaMar Community Health Centers in south King County. SeaMar has provided health and associated services to low-income, immigrant, and other vulnerable people from centers throughout the state for more than two decades. A large proportion of its clients are Hispanic and southeast Asian. This collaboration includes, among others, the ATJ-TBoR Committee, the SeaMar Community Health Centers, the Mexican Consul, the Administrative Office of the Courts (AOC), the Seattle Public Library, the King County Public Library, the City of Seattle Department of Information Technology-Community Technology Division, Northwest Justice Project, Columbia Legal Services, Northwest Immigrant Rights Project, the Washington Coalition of Citizens with Disabilities, and the Chicago-Kent Law School. The Legal Aid Society of Orange County California, which has implemented interactive programs for pro se litigants using kiosks, has provided advice and input.
- The goal, which is close to achievement, is a technology application for delivery of legal information and services to clients in the subject areas tailored to their needs and that is easy to use and easily accessible in places in their communities. A small Attorney General's Office Consumer Protection Division Grant was received to assist in this effort. The collaborative group was invited to apply through SeaMar for a significant grant from the Communities Connect initiative of the Gates Foundation. That grant request has been reviewed, constructive revisions were requested, and a decision will be made on it in early 2006. This project serves Principle 1: Requirement of Access to Justice and Principle 5: Maximizing Public Awareness and Use.
- **Assistive Technology Website** The Washington Assistive Technology Alliance (WATA) and the University of Washington Center for Disability Studies collaborated with the ATJ Technology Bill of Rights Committee to

develop and place on the internet a website titled “Using Technology to Improve Access to Justice for People with Disabilities.” The website is available at: <http://justice-at.uwctds.washington.edu/>. The website will be maintained and updated by the UW Center for Disability Studies at no cost. Many justice system and legal services organizations have already included links to it in their websites. It is also listed as a resource in both the printed and on-line versions of the new Guide to Courts in assisting and accommodating persons with disabilities recently developed and published (with full involvement by ATJ-TBoR) by the Impediments Committee of the Access to Justice Board. This serves Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.

- **ATJ-Bar Leaders Conference** A session on ATJ-TBoR as a living example of Inclusion, Diversity and Multi-Cultural Competence was presented at the ATJ – Bar Leaders Conference. The panel consisted of WSBA President Ron Ward, Supreme Court Justice Susan Owens, Immediate past President of the Northwest Indian Bar Association Gabriel Galanda, Consul of Mexico Jorge Madrazo, Grace Huang of the Washington State Coalition Against Domestic Violence, and Donald Horowitz. A DVD of the panel presentation will be available for informational or educational use. This serves Principle 5: Maximizing Public Awareness and Use.
- **Shidler Center Study** ATJ-TBoR initiated and is collaborating with the University of Washington Law School’s Shidler Center for Law, Commerce and Technology in conducting the first ever study of “Electronic Delivery of Legal Services: Ethical, Legal and Business Implications of the Use of Technology in the Delivery of Legal Services.” The first stage of this project has been completed, and a draft report issued describing progress to date and identifying the next steps to complete the project. It is anticipated that, with the help of an already hard-working advisory group of national and Washington state experts in legal ethics, the practice of law and the use of technology, the study will result in substantive recommendations and generate articles in law reviews and other publications. This serves Principle 2: Technology and Just Results, and Principle 4: Assuring a Neutral Forum.

AOC-JIS EFFORTS

- **Application Development** Soon after the Principles were adopted the AOC informed its information technology staff about them and the expectation that they will be used to guide JIS development projects. The AOC will continue to work to instill the principles and identify resources needed to implement them. This serves Principle 1: Requirement of Access to Justice and Principle 6: Best Practices.

- **Interactive Forms** The AOC has started a pilot project to develop an interactive forms application that will enable a self represented litigant to fill out the forms for a simple (without children) dissolution through an interview process similar to that in programs such as TurboTax. This project will be used to validate the interactive forms concept. The application will use access to justice interactive forms software developed by the Chicago-Kent School of Law and the national legal services server. This project serves Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.
- **New Usability Lab** In the summer of 2005 the AOC set up a usability testing lab in its newly refurbished offices in Olympia. The lab is used to test applications and ensure they are user friendly. It will be used to test the Washington Courts public website when it is redeveloped in 2006 as well as other web applications designed for use by the public. The lab is dedicated to the memory of Ken Meininger, long-time JIS educator who died in 2003. He was instrumental in establishing a usability ethic at AOC. This project serves Principle 1: Requirement of Access to Justice, Principle 5: Maximizing Public Awareness and Use, and Principle 6: Best Practices.
- **Judicial Information System Records** To facilitate access to court records by the public, superior courts are using a web-based case index provided by the AOC from the Judicial Information System. The Washington Courts website also includes a free "Find My Court Date" service for those with cases in courts of limited jurisdiction. This serves Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.
- **Revised ATJ for JIS Plan** The AOC is revising the ATJ for JIS Plan, originally written in 2003, to bring it up to date and ensure its consistency with the Principles. The plan identifies current and future JIS projects that are related to Access to Justice. This serves Principle 1: Requirement of Access to Justice, and Principle 6: Best Practices.

LOCAL COURTS

- **Electronic Filing** King County Superior initiated an electronic filing service that facilitates filing court cases by persons with disabilities and others who are disadvantaged. Electronic filing services are also available in the Chelan County and Pierce County Superior Courts. This serves Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.

ACCESS TO COURT RECORDS

- **Rules on Court Records** The JIS Committee sponsored a work group which proposed amendments to update GR 15 (Destruction and Sealing of Court Records) and GR 22 (Access to Family Law Court Records). ATJ representatives participated in the group and encouraged changes which serve a balance of access, and privacy and safety. The proposed amended rules are currently before the Supreme Court for consideration. This serves Principle 5: Openness and Privacy.
- **Fee Equity and Reasonableness** The Pierce County Clerk's Office has implemented electronic filing and access to court records through the Pierce County Legal Information Network Exchange (LINX). At the request of the JIS Committee, its Data Dissemination Subcommittee, and the ATJ Board, the ATJ-TBoR Committee Chair worked collaboratively with the Pierce County Clerk's Office to revise its fee schedule to ensure that all individuals and organizations, including the bar, the public, pro se litigants, and non-profit legal services providers, have reasonable and equal access to electronic records, that the fees do not discriminate against any group or exclude anyone on the basis of economic status, and that fees are waived where appropriate. As a result of these joint efforts, amendments to the fee schedule and the county ordinance which authorizes them were drafted, approved by the interested bodies, and passed by the Pierce County Council. The ordinance became effective on December 11, 2005. While still producing sufficient revenues to maintain the system, this will improve reasonable and equitable access to electronic court documents for all, and can be used as a model for adaptation statewide. For more information on LINX including fees see: <http://www.co.pierce.wa.us/cfapps/linx/Main.cfm>. This serves Principle 1: Requirement of Access to Justice, and Principle 5: Maximizing Public Awareness and Use.

NEXT STEPS

In working on the fee issue with Donald Horowitz, ATJ-TBoR Committee Chair, the Pierce County Clerk, Kevin Stock, identified an important lesson. He noted the importance of making it known to justice agencies that the ATJ-TBOR and other ATJ agencies are resources for projects that can help ensure that goals such as those embodied in the Principles are recognized at the inception of projects, and do not become shortcomings found after the fact. To accomplish this, it will be important to let those in the justice system know about ATJ-TBoR resources in the coming year.

Over the next year, the Access to Justice Technology Principles Implementation Strategy Group will develop and recommend concrete strategies and actions to institutionalize and implement the ATJ Technology Principles, in order to

transform the Principles into reality. Their output will include short and long term goals and a work plan for organizing and managing ATJ-TBOR projects, initiatives and partnerships going forward. In addition, the work plan will outline recommendations on how to practically implement the court order and ATJ Technology Principles throughout Washington.