

2006 ATJ Technology Principles Report to the Supreme Court

December 30, 2006

INTRODUCTION

The December 3, 2004 Supreme Court Order adopting the Access to Justice Technology Principles provides: "The Administrative Office of the Courts (AOC) 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."

The Preamble to the ATJ Technology Principles describes their purpose: "The use of technologies in the Washington State justice system must protect and advance the fundamental right of equal access to justice. There is a particular need to avoid creating or increasing barriers to access and to reduce or remove existing barriers for those who are or may be excluded or underserved, including those not represented by counsel."

There are six principles:

1. **Requirement of Access to Justice:** Use of technology must promote, and not reduce, equal access.
2. **Technology and Just Results:** The justice system must use technology to achieve the objective of a just result achieved through a just process and reject, minimize, or modify any use that impairs achieving it.
3. **Openness and Privacy:** Technology in the justice system should be designed and used to meet the dual responsibilities of being open to the public and protecting personal privacy.
4. **Assuring a Neutral Forum:** The justice system must ensure the existence of neutral, accessible and transparent forums which are compatible with new technologies, and discourage and reduce the demand for the use of those which are not.
5. **Maximizing Public Awareness and Use:** The justice system should promote public knowledge and understanding of the tools afforded by technology to access justice.
6. **Best Practices:** Those governed by the principles must use 'best practices' to guide their use of technology.

Full text of the Principles can be found in the Washington State Court Rules.

This report documents actions, developments and efforts during 2006 by the Administrative Office of the Courts (AOC), Access to Justice (ATJ) stakeholders and others to use technology in ways that further the Principles. Don Horowitz (ATJ liaison to the JIS Committee), Joan Fairbanks (Washington State Bar Association Justice Programs Manager), and Brian Backus (AOC Information Services Division Strategic Planning Manager) contributed to this report.

JOINT ATJ AND AOC EFFORTS

- **Web site Coordination and Improvement – Washington LawHelp Content Consolidation:** AOC and Northwest Justice Project (NJP) continue to collaborate on Web site content and presentation. On an ongoing basis, the AOC is funding the writing of new content for the Washington LawHelp Web site.

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

ATJ IMPLEMENTATION EFFORTS

- **ATJ Board’s Revised Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State:** In May 2006, the ATJ Board adopted its Revised State Plan. The State Plan includes eight statewide support functions, one of which is technology. The technology statewide function specifically provides that all technology initiatives will be developed and implemented consistent with the Washington State Supreme Court’s Access to Justice Technology Principles.

This serves all of the principles.

- **ATJ Board’s Technology Plan:** The ATJ Board has approved revisions to its 2004 Technology Plan. The revisions provide for the implementation of the ATJ Technology Principles as both a “Guiding Principle” of technology planning and implementation, but also as a “Critical Issue” which merits the time and attention of the ATJ Board. The strategy is to “Provide the Alliance and other Justice System Partners with the tools and expertise to implement the ATJ Technology Principles.” The Technology Plan assigns significant aspects of implementation to the ATJ Board through its Technology Committee, referencing the Final Report of the ATJ Technology Principles Implementation Strategies Group for guidance.

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- **Statewide Web site Advisory Group (SWAG):** SWAG is now a subcommittee of the ATJ Board’s Technology Committee. Its 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 Web site 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. A key aspect of its mission is to provide Web site managers with information and the tools with which to implement the ATJ Technology Principles.

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

- **Promising Practices Project:** The 2005 report described this project (substantially funded by a grant from the State Justice Institute) to develop software and content for online tools designed to encourage and enable incorporating the ATJ Technology Principles in e-filing, Web site and public access terminal applications and use, and to provide a model for the implementation and use of other technologies and applications in the future.

The tool assists users by providing or identifying information on how to plan implement technology projects. It also gives users information and resources on how to make their applications accessible, usable and useful. The synergy of high-quality technology practices and the ATJ Technology Principles has created a unique tool.

The project achieved two major benchmarks in 2006. First, the substantive content, which includes the recommendations, process steps and resources for all three applications (e-filing, public access terminal and Web sites) was completed. Developing the content for the online tool involved informed volunteers from courts, justice system organizations and others. Second, the Washington State Bar Foundation's financial commitments for use of the grant proceeds for development of the project were satisfied and closed out.

The plan for 2007 is to upload the content into an online tool and finalize the project for all three applications. With the assistance of the Legal Services Corporation, the software to deliver the applications (NPower's TechAtlas) was customized for the ATJ community. That software will be reviewed and tested to assure that the delivery medium can be easily used and the content accessed and understood by all users. The committee plans that the tool and content will be reviewed in mid-April by the SJI independent consultant, John Greacen. After SJI has signed off, all three applications will be made available on the internet.

This effort serves *Principle 6: Best Practices*.

- **Implementation Strategy Group:** Following the Supreme Court's adoption of the Principles, at the direction of the ATJ Board, a broad-based multi-disciplinary implementation strategy group was convened. Over a 12-month period, it developed a set of practical strategies and initiatives to transform the Principles from the words of a court-order into a pervasive operational reality throughout the state justice system.

Essential actions include: (1) Development and maintenance of a Web-based Resource Bank; (2) Initial and ongoing communication to and training for the justice system and associated agencies about the ATJ Technology Principles and available resources for implementation; (3) Demonstration projects; and (4) Public awareness and usable information. Additional requirements address policy-level governance and guidance as well as ensure the continuing relevance, effectiveness and use of the Principles over time. The implementation strategy group's report was published on June 30, 2006, along with forms for use and other documents contained in the appendices to that report. Since then, implementation the report's recommendations has begun and the ATJ Board's Technology Committee has assumed ongoing responsibility and oversight of

further implementation and institutionalization of the Principles and carrying out of the recommendations of the report.

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ATJ SPONSORED PROJECTS

- **SeaMar Project:** As described in the 2005 report, ATJ has been working on a collaborative effort to create a pilot community-based technology justice center at the principal site of SeaMar Community Health Centers in south King County. A very large proportion of its clients are poor or otherwise vulnerable, and many are Hispanic and Southeast Asian. The goal of the center is to provide an interactive technology application that delivers legal information and services to clients in the subject areas tailored to their needs that is easy to use and easily accessible throughout their communities. A successful pilot project will result in a model for use at statewide SeaMar facilities as well as at other community-based organizations and facilities, and the addition of other subject areas in the future.

In 2006, arrangements were made with Chicago-Kent Law School for the complimentary use of the A2J interactive technology tool which Chicago-Kent has developed. This tool appears to be user-friendly in conveying and receiving information in both interviews and other contexts, is easily adaptable to different subject areas and content changes, is designed to work with the HotDocs document creation and assembly tool and can readily be used for electronic filing if appropriate. However, the tool must first be carefully reviewed and tested to make sure that the delivery medium can be easily used and the content accessed and understood.

With SeaMar input, an answer to an eviction complaint module has been developed for use with the A2J tool. Equipment has been set up and staff identified at SeaMar. With the assistance of NPower Seattle, staff orientation and training as well as client testing procedures, materials, protocols and surveys were developed. As soon as the content and technology tool are completed and fine-tuned, SeaMar is ready to implement the service. This should be completed by January 2007. Then training, user testing and any necessary revisions will proceed followed by implementation approximately six weeks later.

It is anticipated that additional applications in the landlord-tenant subject area and in other areas such as domestic violence, domestic relations and employment practices will be developed. Full project review and evaluation will follow and will be reported along with recommendations.

This project serves *Principle 1: Requirement of Access to Justice* and *Principle 5: Maximizing Public Awareness and Use*.

- **Shidler Center Study:** The 2005 report described ATJ's collaboration 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." This project was completed in 2006. A final report is being edited and will be circulated to the project's advisory board in

January 2007. The report will include a section on perceived impediments to e-lawyering, an analysis of business models of companies that have attempted to deliver legal services electronically, and an assessment of existing Web sites (primarily for profit) evaluating their compliance with the ABA's recommended guidelines for legal information Web sites.

It is anticipated that, with the involvement 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

- **Implementation at AOC:** The AOC Information Services Division Strategic Planning Manager is developing recommendations for the AOC to implement the principles. The recommendations, along with an action plan, will be presented to AOC executive management in January for approval.

This serves all of the principles.

- **Informing the Courts:** A feature article on the principles was published in the Fall 2006 issue of *Full Court Press*, the AOC's quarterly newsletter for the courts. The Access to Justice Technology Resources page on the Washington Courts' Web site was enhanced to include information about the principles. In addition to existing links to the principles and the Supreme Court order, links were added to the Implementation Strategy group's report and to the checklists.

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