

## Preface

This document exists to meet the needs of people who are required to uphold the Access to Justice Technology Principles. It is a reference and resource<sup>1</sup> which will provide support for any involvement in designing, developing, acquiring, or deploying technology projects for the justice system in Washington State.

### Who should read this guide?

This document is intended to assist in the design, evaluation, and implementation of technology products of all types deployed for the justice system in Washington State. The intended audience includes purchasers, systems developers and architects, integrators, and information specialists employed by the courts.

### Why read this guide?

Readers may use this guide to enhance their understanding of the Access to Justice Technology Principles and the value that the Principles offer to their projects. This guide may also be used to support evaluation of existing projects' compliance with the Principles. Finally, this guide can act as a point of reference when specifying, procuring, and evaluating new technology affecting the courts.

### What does this guide contain?

This guide contains a checklist for implementers of the Access to Justice Principles. Technology changes frequently. Each year brings new surprises and opportunities for leveraging technology to increase access to justice. Unfortunately one of the consequences of this is that best practices, standards, and implementation advice quickly grow obsolete. This guide, therefore, does not attempt to provide concrete answers to implementation, but directs the reader to ask the right questions and steers the reader to resources and practice groups where answers will be updated with technology.

### How should this guide be used?

The checklist within should be used to guide discussion within your organization's existing development process. The guide should be consulted multiple times over a project's lifecycle: during initial requirements gathering, implementation, and evaluation.

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<sup>1</sup> The guide is available in two formats: (1) **HTML** (file suffix .html) on the web at [atjweb.org](http://atjweb.org) or through other Washington-based online court technology sites. This version is used more effectively online; some features will not work with localized versions; and (2) **Adobe Acrobat Document** (file suffix .pdf) in downloadable format appropriate for offline use. The content is identical to the online version.

## Access to Justice

- Has user input been gathered?
- Does the project have plain-language help documentation?
- Is there an effective feedback mechanism in place?

## Justice in Process

- Are the results of user requests accurate, consistent, and reliable?
- Does the information in your project update or is it static?
- Is the data of your project secured against loss?
- How will obsolescence be handled?

## Openness and Privacy

- What data about people is necessary for the project's success?

## Assuring a Neutral Forum

- Is integration with your jurisdiction's Alternate Dispute Resolution (ADR) processes into the project possible?

## Awareness and Use

- Is your project accessible in multiple places and formats?
- Does your project require a baseline of users to become effective or maintain its level of effectiveness?

## Best Practices

- Does your project comply with Section 508?
- Does your project utilize the latest Web Content Accessibility Guidelines?
- Does the project's GUI comply with best practices or industry standards?
- Does the project follow the best practices available in security?
- Has the project been tested for mobile compatibility?

## **Implementation of the Principles**

Six principles provide a framework which creators of technology products and projects may use to extend access to the justice system. The Supreme Court adopted these principles as binding upon any under their rule-making authority. Moving from principle to practice is difficult. If institutional users, the creators and evaluators of technology projects in the justice system, integrate the Principles into the earliest phases of project design, our technology systems' reality will gradually conform to the Principles.

### **Access to Justice: The first principle is a "first, do no harm" precept.**

The intent is to promote the use of technology to advance access whenever possible. For many, technology can be the first obstacle in their search for justice. The first Principle acknowledges this and aspires for the opposite: technology must promote access to and participation in the justice system. As part of compliance with the first Principle, consider the following suggestions when designing or evaluating a technology project.

#### Has user input been gathered?

Better understanding of user requirements is directly tied to the number of information exchanges with users: more tends to be better. There are multiple sources of information: customer support lines, surveys, interviews, focus groups, trade show experiences and user-shadowing are just a few examples. Studies show that successful projects average five different sources of information and do not rely too heavily on user intermediaries.

#### Does the project have plain-language help documentation?

Provide an online help function in plain language, for example a Frequently Asked Questions list, or FAQ. Anticipating questions users might have requires that users' input has been gathered and considered carefully. Recognize that users may need help with not only *how* to complete a task, but also *what* the available tasks or resources are, and *why* they should complete them.

#### Does the project have an effective mechanism for feedback in place?

Develop feedback and measurement practices to monitor progress toward reaching service populations, facilitating access, and providing understandable and usable resources. Both individuals and community organizations can provide feedback, both quantitative and qualitative. Consider using user surveys, user interviews, accessibility

and usability checklists, and outcomes surveys. Other tools and techniques may be available in the future and are worth considering. Seek feedback for at least four areas of evaluation: technology inputs (outreach, accessibility, understandability, usability); technology use (actual use of the project and training, use of the project over repetition and time); user satisfaction on various occasions and uses; and outcomes (user and system outcomes). Evaluate and analyze the data you receive from your users. Repeat evaluations on a periodic as well as on an as-needed basis.

Resources: At the very least, an email address should be available for user feedback. Free online survey tools are available, e.g. SurveyMonkey at [www.surveymonkey.com](http://www.surveymonkey.com).

**Justice in Process: process is integral to a just result.** A just process requires well-informed and impartial decision-makers; technology used in the justice system must serve this goal.

Are user interactions with your project answered accurately, consistently, and reliably?

This question is of primary importance to any project. Inaccurate, inconsistent, or misleading results cannot be part of any project used by the justice system.

Does the information in your project update with the times or is it static?

Static data and changing data pose different challenges. Changing data means new data will be entered into the system; this new data must be integrated accurately and without accidental redundancy. Static data on the other hand may be inflexible to new or exceptional situations and may grow stale with time. A good strategy for data integration grants many benefits by standardizing data exchange; it can improve information quality and drive down costs of data maintenance and updating.

Resources: A possible data integration strategy, the National Information Exchange Model, can be found at [www.niem.gov](http://www.niem.gov). Other state courts have opted to follow this model in whole or in part, including California and Vermont.

Is the data of your project secured against loss?

Hardware and software are prone to failure at inconvenient times. Data should be redundantly stored to some extent to prevent one accident or act of vandalism from wiping out accumulated information.

This can be done through cloud storage or hardware backups or proprietary services as circumstances dictate.

#### How will obsolescence be handled?

When a project, for example a filing method, is deemed in need of replacement, users should have access to information about why the old method is no longer available and how they can access a new method which suits their needs. Paper filing cannot be replaced entirely by electronic methods. Sometimes information becomes old or obsolete; there should also be mechanisms in place which alert justice system employees of this, even if the original workers on the project have moved on. A projected sunset or scheduled checkup posted to a group calendar may suffice.

#### **Openness and Privacy: Balance transparency and privacy concerns.**

Technology in the justice system must be designed and used to meet the dual responsibilities of being transparent to the public while protecting personal privacy.

What data about people is necessary for the project's success?

Compare the data needed for the project's success to the data actually being captured. Would additional data advance the project's goals or would it qualify as over-capture?

Resources: PrivacyTrust has resources which guide data collection so that it is done in a secure and legal manner. The website:

<http://www.privacytrust.org/guidance/index.html>.

Are security controls necessary to protect confidential or restricted data in your project?

Working with legal specialists within your organization, determine what information needs to be protected pursuant to statutes, rules, court orders and other legal authority. Identify technical requirements to implement the protections required. Hear from potential users and other interested parties what their concerns may be. Determine if the system, its processes and the technology is set up so that these concerns are addressed.

#### **Assuring a Neutral Forum: Technology should not determine forum.**

The justice system must ensure access to neutral and transparent forums regardless of changes in technology.

Is integration of your jurisdiction's Alternate Dispute Resolution (ADR) processes with the project possible?

Identify the data elements which the court currently uses in hard copy to determine if a case is ADR eligible. If they match, incorporate those data elements with your technology project, so that the cases get correctly routed. Build a system which allows flexibility so that it may be integrated with an ADR system currently in place (e.g. ADR at the court's discretion), but that it will also be capable of integration and use with other types of ADR (e.g. mandatory or at the option of the parties) should they be adopted or available for use in your court.

**Awareness and Use: For justice to be accessible, the public must know of the tools to access it.** The justice system must promote public knowledge and understanding of technology tools produced to enhance access to justice.

Is your project accessible in multiple places and formats?

Identify potential access points where the target user population can make use of your project at convenient times. Access points can include physical locations as well as internet or other technology portals. Ensure that the point-of-access used does not affect the functionality of the project, i.e. a site that cannot be accessed from a mobile device.

Does your project require a baseline of users to become effective or maintain its level of effectiveness?

Some projects are subject to what is called the network effect. To understand the network effect, think of a telephone: it is only useful to have a telephone if everyone else has one too. If your project is subject to the network effect, make sure the critical mass of users is explicitly stated as a goal during production and a part of evaluation.

**Best Practices: Best practices make the best policy.** Best practices grant both practical knowledge and further inspiration for technological tools. Best practices also are a means of evaluation of our use of technology in light of the values and objectives of the ATJ principles. A general guide to a broad array of justice-related best practices can be found at <http://lsntap.org/tech-library>.

Does your project comply with Section 508?

Section 508 requires that the federal government's Electronic and Information Technology (EIT) is accessible to people with disabilities. They set standards for accessibility, and provide tools, resources, and best practices to help meet those standards.

Resources: Section 508 has a website, [www.Section508.gov](http://www.Section508.gov). On the site, tools from everything from how to create an accessible Microsoft Office document to how to check a website for accessibility problems are available. One can also find resources pointing out the latest assistive technology devices, software, and hardware and product innovations in case your project requires accommodation for the disabled.

Does your project utilize the latest Web Content Accessibility Guidelines? WCAG and Section 508 overlap to a great degree.

Resources: The W3C Web Accessibility Initiative provided a useful list of techniques, complete with examples and implementation details, which aid in complying with WCAG 2.0. It is available here: <http://www.w3.org/TR/2012/NOTE-WCAG20-TECHS-20120103/Overview.html#content>.

Does the project's GUI comply with best practices or industry standards? A clean GUI with the most important items placed consistently at the top and center of the display helps create a positive first impression of a website and eases usability. There is an entire field of research and study devoted to this; it is called HCI or Human-Computer Interaction.

Resources: Check the appendix of this document for a quick-fix checklist for any website.

Does the project follow the best practices available in security?

Security can be too tight or too loose. Too little security can leave a system vulnerable to injection attacks, data theft, and fraud. Ethics breaches can arise if private data is available to unauthorized people because of weak security. Too much security can inconvenience customers or employees or reduce access to resources needed for a just result.

Resources: Security is a broad topic. For educational resources and useful links, consult KMBL's website at:

[http://www.kmbl.us/Education\\_resources/Education\\_resources.htm](http://www.kmbl.us/Education_resources/Education_resources.htm).

If you have a specific (for example: intrusion detection) already in mind, the Software Engineering Institute's Virtual Training Environment has an online repository of resources located at

<https://www.vte.cert.org/vteweb/Library/Library.aspx>.

Has the project been tested for mobile compatibility?

Design each page to be no more than a set usable maximum (this will change as broadband infrastructure changes and improves). This

includes the base file plus all images on the page. Remember that some file types are optimized for mobile web application (e.g. SVG). Make sure page loads occur quickly. Limit the use of graphics, video, audio, or flash in your project's mobile version.

Resources: The W3C has a list of mobile web best practices available here: <http://www.w3.org/TR/mobile-bp/>.

## **Addendum**

### Appendix A: Washington State Stakeholder Group List

Access to Justice Board  
Minority and Justice Commission  
Gender and Justice Commission  
Interpreter Commission  
Commission on Children in Foster Care  
WA State Center for Court Research  
Board for Public Guardians  
Board for Judicial Administration  
WSBA (including sections)  
WA Association of Sheriffs and Police Chiefs  
WA Association of Prosecuting Attorneys  
WA Association of County Officials  
Washington State CASA  
Council on Public Defense  
Washington Defender Association  
WA Association of Criminal Defense Lawyers  
Team Child  
County bar associations  
Asian Bar Association  
Korean American Bar Association  
Loren Miller Bar Association  
Northwest Indian Bar Association  
QLaw  
South Asian Bar Association  
American Immigration Lawyers Association (WA State Chapter)  
Government Lawyers Bar Association  
Washington Defense Trial Lawyers  
WA State Association of Municipal Attorneys  
WA State Association for Justice (formerly WSTLA)  
Washington Women Lawyers  
ACLU  
Equal Justice Coalition  
LAW Fund  
NW Immigrant Rights Project  
NW Justice Project  
NW Women's Law Center  
Allied Media  
National Association of Professional Background Screeners  
American Society for Industrial Security – WA Chapters  
Criminal justice agency partners  
Department of Licensing

## Appendix B: Quick-fix Checklist of Interface Problems

- inconsistent terminology (different terms for the same concept [output & result] or the same term for different concepts [view])
- unclear terminology: concepts too similar (membership & subscription), ambiguous terms
- jargon: ROMs, coded error messages
- careless writing in user-facing messages: ("invalid chars used"; "cannot delete cache")
- misuse or overuse of "..."; inconsistent use of :
- tooltips that say the same thing as their button
- same heading or titles on multiple pages with different purposes
- cluttered displays
- show all major options on the homepage
- place important items consistently
- place important items at top center
- no unsolicited windows or graphics
- limit use of color for information
- organize information clearly
- facilitate scanning
- ensure usable search results
- eliminate horizontal scrolling
- one-click access to homepage
- search engine
- use clear category labels
- use meaningful link labels
- distinguish required and optional data entry fields
- label pushbuttons clearly
- make action sequences clear.