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Pandemic Positives: Extending the Reach of Court and Legal Services

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Pandemic Positives: Extending the Reach of Court and Legal Services

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INTRODUCTION

The year 2020 is one that the legal system, and the world as a whole, will not soon forget. In the midst of a global pandemic, we have been asked to stay at home, people have lost their jobs in droves, and enforced social distancing protocols have caused courts throughout the country to close fully or partially. In an effort to minimize the disruptions caused by COVID-19, courts quickly began to restructure their processes and use virtual services to continue assisting the public. Now, months into the pandemic, it is clearer than ever that courts must provide both in-person and virtual self-help services, with an emphasis on increasing access to information in order for self-represented litigants to receive the help they need. Consider that in a normal year, more than 70 percent of civil and family cases involve at least one self-represented party.¹ Many of these litigants encounter great difficulty in understanding what to do and when to do it.

Recognizing that many courts and legal service providers have made successful initial transitions to virtual services, IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, wanted to explore in detail how these organizations accomplished it. The lessons learned from one organization can be helpful to others that are still amending their existing services or are exploring adding virtual services. IAALS reached out to organizations that have demonstrated a strong ability to adapt and have been innovative in how they provide services to self-represented litigants, both in-person and virtually. This report's appendix describes our methodological approach, including our participants, recruitment, and interview protocol.²

This report details how these courts, self-help centers, legal aid centers, and law/public libraries made the transition to remote services, including what their existing processes con-

sisted of, how they messaged the changes to their customers, the ways in which they balanced remote services with in-person needs, the technologies they used, and the limitations caused by existing infrastructure. We then highlight the specific considerations these organizations made due to the demands brought on by the pandemic, the immense value produced by partnerships, and the multitude of benefits created by moving services virtually, irrespective of the broader pandemic context.

BACKGROUND

This report is part of IAALS' contribution to the Family Justice Initiative (FJI) project, which is a partnership between IAALS, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ).³ FJI received oversight and guidance from a subcommittee of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) Joint Committee on Children and Families, and was supported by a grant from the State Justice Institute.

FJI was established in the fall of 2017 to provide courts across the country with validated, data-informed strategies for improving the way they process domestic relations cases. Project partners first conducted a national study of domestic relations case processing, which then informed the development of the FJI *Principles for Family Justice Reform*⁴: 13 ways courts can improve how domestic relations cases are handled. In February 2019, CCJ passed *Resolution 3* supporting the Principles.⁵

Due to the pandemic, implementation of the FJI Principles in four pilot jurisdictions was halted and the project shifted to providing insights that help courts navigate the new challenges they faced, including the development of additional recommendations that have been endorsed by CCJ and COSCA in *Resolution 4*.⁶ Two of the six recommendations focus on "simplify[ing] court proce-

Footnotes

1. NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF DOMESTIC RELATIONS CASES IN STATE COURTS ii (2018), <https://iaals.du.edu/publications/landscape-domestic-relations-cases-state-courts> (finding that 72% of domestic relations cases involved at least one self-represented party); NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS iv (2015), https://www.ncsc.org/__data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf (finding that 76% of civil cases involved at least one self-represented party).
2. See Appendix A.
3. *Family Justice Initiative*, NAT'L CTR. FOR STATE COURTS, <https://www.ncsc.org/services-and-experts/areas-of-expertise/children-and-families/fji-update> (last visited Oct. 19, 2020).
4. NAT'L CTR. FOR STATE COURTS, FAMILY JUSTICE INITIATIVE: PRINCIPLES FOR FAMILY JUSTICE REFORM (2019), <https://iaals.du.edu/publications/principles-family-justice-reform>.
5. CONF. OF CHIEF JUSTICES, RESOLUTION 3: IN SUPPORT OF THE FAMILY JUSTICE INITIATIVE PRINCIPLES (Feb. 13, 2019), https://ccj.ncsc.org/__data/assets/pdf_file/0024/23478/02132019-family-justice-initiative-principals.pdf.
6. CONF. OF CHIEF JUSTICES & CONF. OF STATE CT. ADM'RS, RESOLUTION 4: IN SUPPORT OF A CALL TO ACTION TO REDESIGN JUSTICE PROCESSES FOR FAMILIES (July 30, 2020), https://ccj.ncsc.org/__data/assets/pdf_file/0023/51197/Resolution-4-In-Support-of-a-Call-to-Action-to-Redesign-Justice-Processes-for-Families.pdf.

dures so that self-represented parties . . . can meaningfully engage in the justice system,” and “ensur[ing] that self-help information and services are available both in person and remotely so that all litigants can access the full range of court self-help in the manner that is most appropriate for their needs.”⁷ As the project shifted, there was an identified need to share how courts and legal service providers are navigating the challenges of serving the public in this unprecedented time, with an emphasis on how they reach self-represented litigants. This report does just that.

TRANSITIONING TO REMOTE SERVICES

EXISTING TECHNOLOGIES & PATHWAYS OF COMMUNICATION

It was clear when talking with our organizations that their existing channels of communication—both internal and external—were instrumental in efforts to adapt during the pandemic.

Simple and ubiquitous tools like phone lines and email accounts were effective in ensuring as little delay as possible in serving self-represented litigants remotely. Before the pandemic, Legal Aid Center of Southern Nevada’s standalone Family Law and Civil Law Self-Help Centers served customers in person and via email. In 2019, the Civil Law Self-Help Center served 47,725 people, the majority of whom were walk-in customers. When the pandemic hit, the Centers’ immediate transition to remote service involved setting up additional phone lines to connect customers with remote service providers. Similarly, before the pandemic, Legal Aid Center of Southern Nevada operated seven in-person Ask-A-Lawyer programs. During the pandemic, these programs were switched to remote telephonic consultations, and attendance has increased. At the Self-Help Center in Orange County, self-represented litigants previously had to stand in line to talk to window clerks, and only after a litigant spoke with a clerk and had completed forms could they be routed to a paralegal or an attorney for additional help. When transitioning to remote service, the Self-Help Center in many instances directed incoming calls from self-represented litigants to attorneys working remotely.

Like routing existing phone lines, forwarding email also proved for the organizations to be a simple but effective means of ensuring continuity of service for self-represented litigants. In Pima County, Arizona, the court’s website lists an email address for the Law Library, allowing customers to email their questions to staff. The Law Library staff working remotely were able to access their email account from home by entering their credentials on Office.com, which was a smooth transition because the Law Library had set up this configuration prior to the pandemic. Since all staff were receiving and responding to the emails, they used a tracking sheet to coordinate responses. The Orange County Self-Help Center created a separate email address as a means through which to allow self-represented litigants to file their forms electronically.

The organizations we spoke with also employed newer technologies, like video-conferencing and live chat platforms, to serve self-represented litigants remotely. The Deschutes County

Access to Justice Committee, in partnership with area libraries, runs a weekly Lawyer in the Library program, where individuals can receive free 30-minute consultations with an attorney on a variety of areas of law. When pandemic restrictions went into place, the library’s Zoom subscription was used to continue the program remotely on the same evening it was previously offered in person. Program intake forms are hosted on the library’s website and the completed online forms are sent directly to the library upon submission. Participants are sent Zoom information prior to the call and have an option of connecting with video or simply dialing in. The exit survey for litigants to fill out after their appointment was also moved online, but survey completion rates have since dropped. The feedback the library has received to date about the remote service, though, is very positive.

Similarly, the Alaska Self-Help Center will be using Zoom to broadcast a formerly in-person family law education class held every Friday for self-represented litigants. Currently, and until the launch of the Zoom class, Center staff are offering individual phone sessions. Parties are mailed or emailed the class Power-Point presentation, and self-represented litigants can call and speak with a facilitator to ask questions about it.

The decision of which technology would be best to reach clientele was not as cut and dry for every organization. While trial and error was necessary at times, the end result proved to be worth it.

The Salt Lake City Justice Court hears traffic and criminal cases, and like the majority of courts across the country, the court had to significantly limit the in-person services it provided when the pandemic hit. The court could only hear in-person cases if there were exigent circumstances, and it initially did not have the infrastructure to conduct virtual hearings. For the first 3 ½ months of the pandemic, the court was scheduling cases 16 weeks out, based on the Utah Supreme Court’s order that spoke of a June 1 restart date.⁸ Around the same time, the court began to create the infrastructure for virtual hearings. Once that infrastructure was created, the court put out disposition calendars where parties, on a voluntary basis, could come forward to handle their cases. These calendars remained mostly empty and, on top of that, many of the parties whose cases were set toward the beginning of the pandemic were failing to appear for their virtual hearings.

In an effort to whittle down the backlog of cases that was created from the need to cancel and reschedule hearings four months out, the court implemented two Doodle calendars (one for arraignments and one for hearings) through which parties were ordered to schedule when their case would be heard. The rationale was that cases would be heard when they were actually ready, including parties who were ready to have their cases heard now. Parties were provided options of 15-minute slots for every weekday from 9 a.m. through noon and from 1:30 through 4:30 p.m. These calendars were standalone, not integrated with the court calendars, so the court created calendars based on the bookings and provided them to the judges two weeks in advance

continued

7. *Id.*

8. In the Utah Supreme Court and Utah Judicial Council: Administrative Order for Court Operations During Pandemic (Mar. 21, 2020),

<https://www.utcourts.gov/alerts/docs/20200320%20-%20Pandemic%20Administrative%20Order.pdf>.

of hearings. In an effort to simplify this new scheduling process, the judges using this booking model agreed to hear each other's cases so parties booking a hearing or arraignment could do so on a single calendar without the worry that the judge of their case was not available at that specific time.

The initial purpose of using a Doodle calendar was to decrease the backlog of cases, which it achieved, but an added benefit was that the large failure to appear rates dropped dramatically to almost zero.

To provide self-represented litigants with greater access to help, the organizations looked at each of their existing channels of communication and formulated a plan to maximize the impact of each channel. Some of the organizations, such as the Pima County Law Library, also took into account each staff member's availability, based on whether they were working in person or remotely.

The Pima County Law Library has only four staff members, some of whom continued to work from the Law Library and some from home. In addition to using email to answer self-represented litigants' questions, library staff also utilize existing phone lines. Additionally, staff respond to a statewide live chat service housed on Arizona Court Help's general website.

All staff were tasked with responding to email inquiries, but telephone and chat requests were divided up based on where staff was working. To save IT the trouble of reconfiguring the phone lines so that they are routed to home phones, staff working in the Law Library are responsible for answering telephone call inquiries; staff working from home are tasked with answering emails and covering shifts on the statewide chat.

MESSAGING TO LITIGANTS ABOUT SERVICE CHANGES

The organizations we spoke with are justifiably proud of their rapid transition from in-person service locations to remote access services. One of the lingering challenges for many is the messaging to the community about the services that are available and how to access those services. In Pima County, Arizona, the Law Library staff learned that A-frame sidewalk signs with too much information were not as helpful as simple signs with limited information. They discovered that limiting contact information to only the Law Library's phone number on signs inside the courthouse allowed for the quickest response from the Law Library staff. Library staff also provided the clerk and the information booth staff on the first floor with some of the most commonly requested forms.

Several organizations proactively reached out to self-represented litigants to share information on how to access remote services, and even provided lists of available resources. This was accomplished through press releases and on the front page of their websites. In Madison County, Illinois, the Law Library has always had an active phone line and email address; however, these were not broadly advertised, as the Law Library encouraged

in-person visits. Today, the phone numbers and email addresses are publicized heavily through press releases and courthouse signage, and they remain in high usage, even though the Law Library has re-opened on an appointment-only basis.

Other organizations are reaching out to the public in ways not traditionally used by courts and legal service providers. Legal Aid Center of Southern Nevada has used social media to spread the word about legal updates and new programs. For example, the Center recently launched an Instagram account, given the popularity of that platform, in an effort to reach more people. Staff share on multiple other social media channels as well (e.g., Twitter, Facebook, and YouTube), with updates about the landscape of evictions in Nevada and the Centers for Disease Control and Prevention moratorium. The Center also has an eviction meme pinned to its Facebook page that has been shared over 200 times. Additionally, the Center has added more videos to its social media channels to explain programs such as the Small Business Legal Advice Project. At the end of June 2020, Legal Aid Center of Southern Nevada hired a Digital Media & Design Coordinator who has helped the Center improve its online outreach during this critical time. The new coordinator has created videos and memes, resulting in an increase in new followers across the different social media channels.

BALANCING REMOTE SERVICE DELIVERY WITH IN-PERSON LITIGANT NEEDS

How to serve self-represented litigants who have limited access to or limited levels of comfort with technology is an issue that courts and legal service providers were already wrestling with before the pandemic. Family Justice Initiative Principle 4 calls on courts to ensure that self-help information and services are available both in-person and remotely so that all litigants can access the full range of court self-help in the manner that is most appropriate for their needs.⁹

The Pima County Law Library manages a pickup station that sits right outside of the courthouse. Self-represented litigants can pick up forms and other self-help materials without being inconvenienced by checkpoint security and temperature stands, and it limits their exposure to others.

Law Library staff label envelopes containing paperwork for self-represented litigants with pseudonyms, to protect privacy and to ensure people pick up the correct packet. In communicating with self-represented litigants, staff use terms like "fake name," or "code word," or "code name"; they never use the word "pseudonym." Over time, staff learned that generic code words led to duplicate pseudonyms, which could cause people to pick up the wrong paperwork. Pseudonyms that are unique and memorable to the person picking up the paperwork worked much better.

The Law Library created a Packet Pickup Checklist to track the customer's first name and their choice of pseudonym. Packets are removed from the outdoor table after three days, and the tracking sheet allows staff to easily replicate the paperwork if needed. It was so rare that staff needed to create a duplicate packet for someone that they stopped tracking after a while.

9. NAT'L CTR. FOR STATE COURTS, *supra* note 4, at 7.

But prior to the pandemic, connecting with self-represented litigants in person or providing physical hard copies was usually an easy alternative to online services (barring geographic limitations). Some of the organizations we spoke with were able to continue in-person service—albeit in a limited fashion and often by appointment. But for others, ensuring that this backup pathway to service was still available through pandemic shutdowns and limited re-openings has taken some creativity.

Several of the organizations we spoke with have a protocol in place for leaving hard copies of forms and self-help materials in a place that self-represented litigants can physically access.

The transition to virtual hearings also presented challenges for self-represented litigants with limited or no access to technology. When the Salt Lake City Justice Court transferred to virtual hearings, self-represented litigants needing to access the court's Doodle hearing scheduler (discussed above), but who lacked the technology to do so, could either call the court or enter the courthouse and speak with a judicial assistant to schedule their hearing. For litigants who do not have access to the technology required to participate in their virtual hearing, they can go to the courthouse and use one of two courtrooms that have been equipped with Cisco Webex Room Kits. The court also has a few iPad stands that self-represented litigants can use from outside the courthouse to participate in their hearing if they are unable to enter the courthouse for safety reasons (e.g., a self-represented litigant is barred by the Utah Supreme Court's pandemic order but has court business that they absolutely need taken care of).

LIMITATIONS OF AND CHALLENGES WITH EXISTING INFRASTRUCTURE

Some of the organizations that we spoke with experienced a variety of service and staffing limitations upon being forced to go remote.

The challenges presented by having too few phone lines available to connect staff and customers came up in our conversations. For example, the Orange County Self-Help Center had a limited number of phone lines, so instead of clerks and paralegals serving as the first source of help for self-represented litigants and answering their calls, calls were instead re-routed to connect self-represented litigants with the Center's attorney providers. As a workaround to this limitation, the Center is currently working to expand their capacity, creating a hotline where callers will self-triage through a variety of recorded options (e.g., "for family law, press 3"), with the option of speaking with a clerk. If the clerk is unable to answer the caller's question or provide other information, the caller will ultimately be routed to a paralegal or attorney as appropriate for more specialized and in-depth services. In Illinois, the Madison County Law Library also did not have the capability to transfer calls to staff working remotely. Instead, a message was left on the main line voicemail instructing callers to leave their contact information so that Law Library staff could return their call or follow up via email. The line is shared across all staff, and Google Voice allows staff to return a litigant's call without releasing their personal phone numbers.

Philadelphia Legal Assistance provides free civil legal services to low-income people in Philadelphia. Prior to the pandemic, PLA had a limited number of staff and phone lines to help self-represented litigants. When the pandemic hit, PLA was forced to close down their in-person services, and during that time noticed that there was an increasing need to help people with their application for unemployment benefits. In order to reach self-represented litigants in greater numbers, PLA started to use Twilio to reach their clientele remotely. Twilio is a cloud communications platform that allows businesses to create a variety of tools, including configuration of phone numbers to receive and route phone calls, and automation of voice, text messages, and email.

Familiar with Twilio prior to the pandemic, PLA used the platform to create a robust hotline by providing the public with a contact number they purchased from Twilio. When someone calls that number, it first goes to Twilio, which then sends a message to a PLA web server, and that server responds to Twilio with instructions on what to do (e.g., route the incoming call to available phones used by PLA employees or volunteers). Twilio would know which phones to route calls to because PLA's server would guide Twilio to a dashboard they created that the volunteers had access to and through which they could indicate availability to take calls. This is a powerful tool because it allows PLA to use a product that can integrate with their existing systems; however, it did require someone at PLA to know how to write code to connect Twilio to their system.

At least one of the organizations, Philadelphia Legal Assistance (PLA), was able to take its limited existing infrastructure and, within a matter of days, transform it into a tool that could serve hundreds of people at a time.

The sudden need brought on by the pandemic to equip court and legal service provider staff with the technology and communications infrastructure necessary for remote work has prompted the National Center for State Courts (among others) to release best practices on post-pandemic technology and court operations. The *Guiding Principles for Post-Pandemic Court Technology* recommends that "[c]ourts should implement technology that is deliberately designed to allow court staff, judicial officers, and external court users to advance court processes remotely where appropriate, while respecting the fundamental court processes that will always be best served by live participation."¹⁰ The report goes on to state that courts should build supportive infrastructure, including the expectation of good home internet connections, for their employees to work from home.

PANDEMIC-SPECIFIC CONSIDERATIONS

This pandemic has created a large spike in demand on a handful of legal issues. As businesses were forced to close their doors and people were required to remain at home, legal service providers began to see an increase in need on the issues of unemployment benefits, eviction matters, and domestic violence. Some courts across the country remained open to hear matters

10. NAT'L CTR. FOR STATE COURTS, GUIDING PRINCIPLES FOR POST-PANDEMIC COURT TECHNOLOGY: A PANDEMIC RESOURCE FROM CCJ/COSCA 7 (July 16, 2020), https://www.ncsc.org/_data/assets/pdf_file/0014/42332/

Guiding-Principles-for-Court-Technology.pdf [hereinafter GUIDING PRINCIPLES FOR POST-PANDEMIC COURT TECHNOLOGY].

deemed essential (e.g., protection orders), but courts alone could not help the large swath of self-represented litigants with these specific needs.

The use of virtual services is one extremely effective way to assist self-represented litigants with high-volume issues because it is scalable across much broader populations than in-person services. As mentioned above, PLA noticed an increase in people reaching out for help with applying for unemployment benefits. PLA, through its newly created hotline, worked with volunteers to help far more people apply for unemployment benefits than it would have been able to do alone.

In addition to using technology to allow more people to be served, technology can also be used to reduce the amount of direct help self-represented litigants need from legal service providers. This can be accomplished in multiple ways, such as using technology to simplify the filling out of forms and also by providing a greater amount of legal information to self-represented litigants prior to them asking for help.

Legal Aid Center of Southern Nevada had been using Tyler Technologies' Odyssey Guide & File service for a few years prior to the pandemic. Odyssey Guide & File is an online tool that guides self-represented litigants through an interview, using their answers to generate completed court forms. The purpose of having self-represented litigants fill out forms in this way is that they are more likely to be able to correctly complete the form on their own without reaching out for help. While the Center had been using this tool for a number of its forms (e.g., divorce, custody, probate, and small claims), it recognized that the pandemic created a need for other forms to be more readily accessible and easy to complete.

When the pandemic hit, the main concern for Legal Aid Center of Southern Nevada was to ensure temporary protection order (TPO) applicants could still have access to the court. By mid-April, the online TPO interview was launched, allowing applicants to more easily complete forms at their convenience. E-signatures and e-filing capabilities were also added. To assist with e-filing questions, which are common for self-represented litigants, staff created an easy-to-follow e-filing guide, which is available online in English and Spanish. More recently, Legal Aid Center of Southern Nevada added an online Tenant Answer to Summary Eviction form with e-filing capabilities.

VALUE OF PARTNERSHIPS

Courts and legal service providers often partner with other organizations to support both their needs and the needs of self-represented litigants. The value of the partnerships these organizations create cannot be overstated.

Courts often have limited resources in terms of money, people, and space, and partnering with another organization is an easy and cost-effective way to increase the support they are able to provide to self-represented litigants. In 2016, the Deschutes County Circuit Court and the Deschutes County Bar Association organized an Access to Justice Committee. On that committee was a representative from the Deschutes County Public Library, and that same year the Law Library moved from the county's offices to the public library. This transfer allowed the Law Library to remain open for more hours per week, providing self-repre-

The Pima County Law Library determined that for a variety of reasons, including having limited staff, it was in the Law Library's best interest to go remote even though the courthouse remained open. The director made it a priority to inform every other department inside the courthouse of their decision. They spoke with each department about how their move to remote services would affect that department, and they provided a number of departments that frequently interact with litigants (e.g., the clerk's department) with hand-made flyers to hand out to self-represented litigants with information on how they can still receive help from the Law Library.

As previously noted, the Law Library created a pickup station for self-represented litigants to pick up documents they could not receive online or through email. The director reached out to court security to inform them about the pickup station right outside the courthouse. Understandably so, security was concerned about someone stealing the envelopes and obtaining sensitive information, but their concerns were alleviated when the director explained that each envelope had a fake name that only staff and the self-represented litigant recognized, and the forms inside each envelope did not have any personal, identifiable information.

The Law Library also had to inform external partnerships about the changes it was making. Prior to the pandemic, the Law Library held a subscription to Westlaw online, which allowed self-represented litigants access to Westlaw at the Law Library. When the Law Library went remote, the director reached out to her Westlaw representative who provided remote passwords for staff working from home, and suggested an immediate workaround involving Westlaw reference attorneys so that self-represented litigants could still access Westlaw content. At a later date, Westlaw provided direct remote access for self-represented litigants, and self-represented litigants can now have a limited amount of free time to look up legal issues from their personal devices.

sented litigants with increased access. In 2017, the Access to Justice Committee created the Lawyer in the Library program mentioned above, and it was this same partnership that determined they could use Zoom as a solution to keep running the Lawyer in the Library program.

Legal Aid Center of Southern Nevada collaborated with the Eighth Judicial District Court and the Las Vegas Justice Court in creating online options for TPOs and evictions, which have helped ensure access to justice for the community during the pandemic. In addition, the respective organizations' IT teams worked closely together to rapidly implement a new phone tree and phone lines so that self-represented litigants could connect with the Family Law and Civil Law Self-Help Centers that were closed to the public. These partnerships have proved to be invaluable.

Pennsylvania's PLA also leveraged partnerships to increase the organization's reach. When PLA recognized that there was an increased need in helping people apply for unemployment benefits, PLA also knew that its limited staff would not be sufficient to help with this specific need. PLA reached out to law schools, large law firms, and the Philadelphia Bar Association to find volunteers willing to help. These organizations advertised PLA's pro bono opportunity on email lists, and PLA received over 100 requests to help by mostly lawyers and law students—far more

than they needed. And because this service was completely remote, PLA even had one of its volunteers helping out from Puerto Rico.

In addition to external partnerships, courts and some larger legal service providers often have multiple internal departments that must work together and form their own partnerships in order to run smoothly and effectively. It is vital that these departments inform each other early and often as to what they are doing and how it will affect their partnership.

In moving services remotely, it is likely that legal service providers will need to form new partnerships due to the changes in the way services are provided. When Pima County's Law Library moved to providing services remotely, self-represented litigants could no longer use the Law Library's equipment to photocopy and scan their documents. Understanding that this is a service that many self-represented litigants would continue to need, the director provided information on its flyers about the public library across the street where self-represented litigants could scan and copy documents. The director also reached out to the staff at the public library to inform them that they would likely see an increase in people coming to use their photocopiers/scanners.

Whether looking to begin offering virtual services or wanting to increase the amount of virtual services offered, there are a variety of organizations looking to partner with legal service providers with the goal of making that transition easier.

BEYOND THE PANDEMIC

Courts and legal service providers are in the service industry, and any organization in the service industry must care deeply about the experience of its clientele. Even beyond the pandemic, moving court processes online provides a number of benefits for self-represented litigants. One benefit is the ease with which they can participate in their case without coming to the courthouse. They can quickly and easily access the court from home or from work without having to take time off work; find someone to watch their kids; or pay for public transportation to, or parking at, the courthouse building. Remote services also help the elderly, disabled, and others who have difficulty traveling with easier access to court services.

Another benefit of remote services is the access it provides to litigants who may not feel comfortable or safe walking into a courthouse to ask for help. As the NCSC's *Guiding Principles for Post-Pandemic Court Technology* points out, technology "provides a unique opportunity for courts to ensure that all parties to a dispute—regardless of race, ethnicity, gender, English proficiency, disability, socio-economic status or whether they are self-represented—have the opportunity to meaningfully participate in court processes and be heard by a neutral third-party who will render a speedy and fair decision."¹² With remote services, anyone¹³ can call, email, and even converse through online chat with

LawHelp Interactive (LHI) is a website operated by Pro Bono Net that helps self-represented litigants fill out legal documents for free. It was developed to help legal aid organizations, pro bono programs, and court-based access to justice programs implement the automation of documents. Document automation, or document assembly, software provides users with easy-to-understand interview-type questions, and uses the answers provided by the user to create a completed electronic document.

Organizations such as Legal Aid Services of Oklahoma partner with the LHI program to turn its existing forms into automated forms for self-represented litigants and pro bono volunteers. The use of automated forms is beneficial because it allows self-represented litigants the ability to fill out forms without assistance. Additionally, by courts and legal service providers moving their forms online¹¹ they are also providing self-represented litigants with the ability to access forms at any time and location that is convenient for them. And since the forms existed before the pandemic, enabling these remote workflows allowed the groups involved to focus on simplifying processes and strengthening their partnerships to quickly respond to needs in child support, child guardianship, and domestic violence cases.

court staff to get answers to legal information questions without the fear of entering a courthouse.

An additional benefit of providing remote services is that those who still wish to go into the courthouse for help will experience smaller crowds, shorter lines, and more readily accessible staff during their visit.

The organizations we spoke with are contemplating retaining at least some of the remote services they created when they were required to close in-person facilities. When Legal Aid Center of Southern Nevada moved to virtual services via telephone and email, they realized they were serving a greater portion of the population than when they provided mainly in-person services. Because of that, they have decided that after they return to providing in-person services, they will continue to offer remote assistance to all via phone and email, which will be of particular value to the elderly and disabled.

The Orange County, California, Court's pre-pandemic goal was to bring fewer self-represented litigants into the courthouse so that they could receive the help they need without leaving home, and thereby reduce foot traffic inside the courthouse building. The pandemic accelerated this goal and the Self-Help Center is working to create a hotline system to help answer self-represented litigants' questions. Another recognized benefit of remote services is that self-represented litigants who normally would not reach out for help because they are concerned about entering the courthouse for one reason or another are now calling and receiving the assistance they need.

In Madison County, Illinois, the Law Library has reopened but

11. It was stressed to us during our interviews that the preferred online format for forms is a court-maintained website that is updated regularly, as opposed to placing forms on the cloud where they have a greater potential to be abandoned.

12. GUIDING PRINCIPLES FOR POST-PANDEMIC COURT TECHNOLOGY, *supra* note 10, at 2.

13. It cannot be overstated that there is a digital divide where many peo-

ple lack access to the internet or the technology necessary to participate in remote services. There must be avenues available for all people to be able to receive the legal help they need. See Josh Waldman, *Pro Bono Net's Work on Digital Equity (Digital Divide Blog Series: Part 3)*, CONNECTING JUSTICE COMMUNITIES (Aug. 20, 2020), <https://www.connectingjusticecommunities.com/digital-divide-part-3/2020/08/>.

with only a limited number of self-represented litigants able to access it at a time, through scheduled appointments. Once a return to a more typical schedule is permitted, the Law Library plans to continue to encourage people to ask questions via email. The Law Library has received a positive response from those who have used email to communicate with staff, and continuing this option will save many self-represented litigants a visit to the Law Library and will free up space for others.

The Self-Help Center in Anchorage, Alaska, previously provided an in-person family law class for self-represented litigants. This class included a co-parenting video, a PowerPoint presentation, and a Q&A session. When the Self-Help Center could no longer provide in-person services, self-represented litigants were mailed or emailed a copy of the PowerPoint presentation along with a phone number to the Self-Help Center for them to call once they have reviewed all the information—in place of the Q&A session. The staff is now working on transitioning to a virtual class via Zoom, showing the same video and PowerPoint with a live Q&A session.

One benefit the Self-Help Center recognized in providing phone sessions for the class was that it is now able to reach a much larger percentage of the population. Given the vast size of the state, the widely dispersed population in Alaska, and the inability and impracticability for many to travel to Anchorage for this class, there is now the potential to modify the class even further so that anyone in Alaska can take the class from home.

The Self-Help Center staff recognize that some people learn better through hearing than reading, which is why the Center is working on using Zoom to broadcast its class rather than just sending the PowerPoint to parties with the option of a phone call. And if the class proves successful and can reach a greater number of self-represented litigants statewide, staff is unsure whether it will return to in-person classes after the pandemic.

CONCLUSION

Long before the COVID-19 pandemic, there has been a call for courts to use the readily available technology that so many other major industries are using to reach and serve their customers.¹⁴ While courts were slowly beginning to move in that direction, the pandemic forced them to make that transition a priority. No court or legal service provider would say that the abrupt nature with which their organization was forced to go remote was ideal, and while we all hope that one day we can gather together in large groups like we used to, we have learned as an industry that there are significant benefits to providing remote services. Self-represented litigants can have greater access to the help they need and can feel safer and more secure by receiving that help from the comfort of their own home. Additionally, they can have greater convenience when they seek help (especially when services are asynchronous and online), and they can avoid worrying about the need for childcare, the cost of parking, and the interference with work. Those providing the legal service help also benefit greatly as they can reach more peo-

14. JOHN M. GREACEN, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., EIGHTEEN WAYS COURTS SHOULD USE TECHNOLOGY TO BETTER SERVE THEIR CUSTOMERS (Oct. 30, 2018), <https://iaals.du.edu/publica->

ple using less resources and can do so without being limited to one location.

These organizations have provided examples of not only the benefits that come from moving services virtually, but also the important considerations that must be made while doing so. Courts and legal service providers should analyze their existing technological infrastructure, think through how they will effectively notify litigants of any changes made, resolve how to balance remote services with in-person needs, and develop the partnerships necessary to be successful. Though the pandemic has created immense challenges, we can and must use the lessons learned during this time to make a system that works better for everyone.

APPENDIX: METHODS

RECRUITMENT AND PARTICIPANTS

From March through June 2020, IAALS sought out organizations that either participated in or were mentioned in the following sources:

- Emails from a variety of Self-Represented Litigation Network working groups
- Weekly coronavirus podcast from the National Association for Court Management
- Court Talk podcast from the National Center for State Courts (NCSC)
- Tiny Chats from the NCSC
- Resources from the American Bar Association Coronavirus Task Force
- Resources from the Pro Bono Net COVID-19 webpage

Each of these sources provided examples of how courts and other legal service providers have restructured their processes to serve self-represented litigants virtually. We reviewed the information provided in these resources and selected nine organizations that varied in location, type of organization, and type of innovative transition to virtual services.

We reached out via email either to known contacts at these organizations or to constituents we work with who knew someone within these organizations. We requested an interview with someone who had worked directly on the process of transitioning to virtual services, and further asked to connect with the person most knowledgeable on the process in question. In total, we spoke with 11 participants (two participants each in Oklahoma and Oregon and one participant in each of the remaining jurisdictions).

MATERIALS AND PROCEDURE

We designed our interview protocol to explore three main phases of each organization's transition to providing services virtually:

- What services the organization provided pre-pandemic and how those services were provided;

tions/eighteen-ways-courts-should-use-technology-better-serve-their-customers.

	Roles of Interview Participants	Location	Type of Organization	Solution to Transition to Virtual Services (not exhaustive)¹⁵
Alaska Self-Help Center	Director of Alaska Court System Self-Help and Language Access Services	Anchorage, Alaska	Self-Help Center	<ul style="list-style-type: none"> • Transitioned existing family law class to a remote platform via phone; working to transition class to a virtual platform via Zoom.
Pima County Law Library	Director of Pima County Law Library and Resource Center	Pima County, Arizona	Law Library and Resource Center	<ul style="list-style-type: none"> • Utilized Office.com so staff could connect to their work email account from home. • Utilized phone, email, and live chat to help self-represented litigants. • Created easy-to-read signs with Law Library information both inside and outside the courthouse. • Provided clerk and information booth staff with most frequently requested forms to give self-represented litigants. • Created pick-up station for forms outside of courthouse.
Orange County Self-Help Center	Former Director of the Orange County Self-Help Center	Orange County, California	Self-Help Center	<ul style="list-style-type: none"> • Directed phone calls to staff working from home • Working to create a self-triage hotline service. • Created email address for self-represented litigants to e-file documents.
Madison County Law Library	Madison County Law Librarian	Madison County, Illinois	Law Library	<ul style="list-style-type: none"> • Advertised broadly phone number and email address to increase communication. • Utilized Google Voice to return calls without disclosing personal phone numbers.
Legal Aid Center of Southern Nevada	Director of Community Initiatives and Outreach at Legal Aid Center of Southern Nevada	Clark County, Nevada	Legal Aid Center	<ul style="list-style-type: none"> • Implemented a new phone tree and additional phone lines to connect self-represented litigants with remote staff. • Transitioned Ask-a-Lawyer programs from in-person to telephonic consultations. • Utilized social media to spread the word about legal updates and new programs. • Utilized Odyssey Guide & File to transition physical forms into automated forms with e-signature and e-filing capabilities.
Legal Aid Service of Oklahoma LawHelp Interactive	Community Education and Pro Se Coordinator at Legal Aid Services of Oklahoma Program Manager at LawHelp Interactive	Oklahoma City, Oklahoma	Legal Aid Center Website	<ul style="list-style-type: none"> • Transitioned physical forms into automated forms.
Deschutes County Access to Justice Committee Deschutes Public Library	Chair of Deschutes County Access to Justice Committee Community Librarian	Deschutes County, Oregon	Access to Justice Committee Public Library	<ul style="list-style-type: none"> • Transitioned in-person Lawyer in the Library program to a virtual platform via Zoom.
Philadelphia Legal Assistance	Contract Performance Officer at Philadelphia Legal Assistance	Philadelphia, Pennsylvania	Legal Aid Center	<ul style="list-style-type: none"> • Utilized Twilio to create a hotline that can support over 100 people. • Leveraged partnerships to gather over 100 volunteers for the hotline.
Salt Lake City Justice Court	Presiding Judge of the Salt Lake City Justice Court	Salt Lake City, Utah	Court	<ul style="list-style-type: none"> • Court Implemented Doodle calendar where litigants schedule their own hearings. • Utilized Cisco Webex Room Kits inside courtrooms to allow self-represented litigants to virtually participate in their hearings.

15. The interviews did not capture every service each organization has transitioned to virtual.

- What services the organization changed during the pandemic in order to continue serving its customers virtually; and
- What is working well and what is not working well with the new way services are being provided, including whether the organization is considering keeping these changes post-pandemic.

The IAALS project team conducted all interviews via phone or Zoom. The calls were scheduled for one hour, with some interviews ending earlier and some going longer. Each interview began with the interviewer providing an overview of the project and an explanation on how we first learned about the participant's organization and the changes they have implemented during the pandemic. The interviewer then guided the participant through the interview protocol.

The interviewer or a note taker on the project team took notes during each interview for purposes of analysis.

ANALYSIS

We began the analysis process by first identifying the main services transitioned to remote from each organization. We then identified themes within the interview transcripts (e.g., how litigants were notified of the changes). After we identified themes, we compiled all information from each jurisdiction and reached back out to the organizations asking for additional details. Once we gathered the additional information from these organizations, we grouped all the information by themes and by organization to inform the structure of the report.

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An empty courtroom with social distancing restrictions is emblematic of the pandemic times in jurisdictions all across the country.

Photo by Chelsea Olstad