

Access to Justice Innovations to Assist Pro Se Litigants PRESENTATION RESOURCE GUIDE

Compiled by

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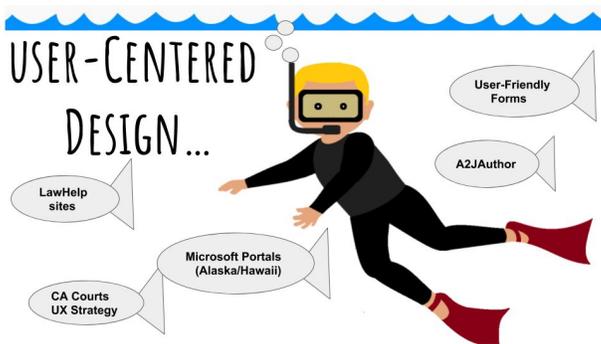
for the

2018 NAALJ Conference

A sampling of **LAW SCHOOL INNOVATION LABS** (there are many more!)

- The Access to Justice Lab at Harvard Law School: www.a2jlab.org
- The Stanford Legal Design Lab:
<https://law.stanford.edu/organizations/pages/legal-design-lab/>
- The Center for Legal Services Innovation at Michigan State University:
<http://legalrnd.org/>
- NuLawLab at Northeastern University School of Law: <http://www.nulawlab.org/>
- LawX at BYU School of Law: <https://lawxblog.wordpress.com/>
- Legal Innovation and Technology Lab at Suffolk University Law School:
<https://suffolkiltlab.org/>

USER-CENTERED DESIGN Is like a new set of goggles. It changes how you look at things. Have you looked at your website with user-centered goggles on?



- Judicial Council of California (JCC Web Standards & Usability Guidelines
<http://www.courts.ca.gov/partners/webservices.htm>
- National Center for State Courts redesigned homepage <https://www.ncsc.org/>
- Maryland Courts redesigned site
<https://www.mdcourts.gov/>
- *Dear Courts, How Well-Designed Are Your Public Websites?*

<https://medium.com/legal-design-and-innovation/dear-courts-how-well-designed-are-your-public-websites-c2a85354297e> (see below for working link to Web Design Review cited here)

- *Web Design Review for Legal Websites*
<http://www.legaltechdesign.com/LegalDesignToolbox/2018/02/07/web-design-review-for-legal-help-sites>
- What you connect to your website for your users should be seamless to access and user-friendly as well. , A2J Author interviews, forms, FAQs, should all themselves be user-friendly.

INTERACTIVE FORMS & DOCUMENT ASSEMBLY:

- A2J Author: <https://www.a2jauthor.org/>
- docassemble: <https://docassemble.org/>

LEGAL CLINICS can happen anywhere, including courthouses and local law or public libraries are easily accessible.

- Virtual Law Clinics Pikes Peak Public Library
<https://research.ppld.org/c.php?g=516916&p=3533556>
- *Lawyers in the Library* <http://publiclibrariesonline.org/2018/03/lawyers-in-the-library>
- Depending on your state's rules they can help SRL's complete forms or offer limited scope services. A state-by-state listing of self help/info resources/centers, unbundling rules and court forms can be found here:
<https://www.ncsc.org/topics/access-and-fairness/self-representation/state-links.aspx?cat=self+help+information+resources+and+centers>
- In 2014 the ABA published the results of their national self help center survey
https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_self_help_center_census.authcheckdam.pdf
- Better Access though Unbundling: From Ideation to Implementation

COURT NAVIGATORS, LIMITED LICENSE LEGAL TECHNICIANS AND SIMILAR PROGRAMS

- NYC Housing Court Navigator Program
<https://www.nycourts.gov/courts/nyc/housing/rap.shtml>
- *Roles Beyond Lawyers: Evaluation of the New York City Court Navigators Program*
<https://www.srln.org/node/1320/roles-beyond-lawyers-evaluation-new-york-city-court-navigators-program>
- Colorado Self Represented Litigant Coordinators (known as Sherlocks)
https://www.courts.state.co.us/Self_Help/information.cfm
- Washington Limited License Legal Technicians
<https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>
- *Chief Justice Proposes Legal Wayfinders to Assist Litigants in California*
<http://iaals.du.edu/blog/chief-justice-proposes-legal-wayfinders-assist-litigants-california>

INTERACTIVE MAPPING

- Geographic Information System (GIS) technology and data can provide useful information to drive decision making in the justice community.

Here are some

resources that can help. <https://www.srln.org/GISDataResources>

- Examples of SRLN's GIS for Justice state-by-state mapping work including online story maps, interactive mapping applications, and static maps from a select number of states. <https://www.srln.org/node/1297/maps-states>
- For a national picture down to the county level, see *America's Civil Courts: Whom Do We Serve?* <https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=7bed22dba4ec45f281b766181b862156>
- Interactive maps from across the Census Bureau <https://www.census.gov/geography/interactive-maps.html>



LEGAL TRIAGE

- Alaska and Hawaii Simplifying Legal Help Portal projects - LSC developed the vision for this portal working with leaders from across the access to justice community. Partners include The National Center for State Courts, Pro Bono Net, Microsoft and Avande..

<https://simplifyinglegalhelp.org/>

<https://www.lsc.gov/simplifying-legal-help>

- Legal aid programs building triage tools

<https://medium.com/innovations-in-legal-aid/insights-on-online-intake-and-triage-52eb67400638>

- What is Case Triage? Case triage is a more aggressive form of case management that involves the court staff and the litigants. By informing litigants early in the process of alternative tracks and processes, the litigant can make the choice as to which method to pursue before the case even begins.

<https://www.srln.org/node/552/weblink-national-center-state-courts-triage-page-ncsc-2015>



TRUSTED INTERMEDIARIES

- Recent Research shows 80% of individuals with legal issues never seek assistance any kind of professional assistance primarily because they do not know the problem they have might have a legal resolution. In order to get legal help to “the 80%”, consider reaching out to “trusted intermediaries” to create community gateways to legal information and services--through local domestic violence & homeless shelters, schools, churches, public libraries, healthcare and social service providers, etc.
 - Accessing Justice in the Contemporary USA (Rebecca Sandefur)
http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf
 - 2017 Justice Gap Report: Measuring the Civil Legal Needs of Low-income Americans <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>
 - 2018 MacArthur Fellow Rebecca Sandefur, who advised LSC about its justice-gap survey, noted, “...we need to completely re-think our outreach strategies—to radically re-think how we connect people to services.”<https://harvardmagazine.com/2017/11/unequal-justice-america>
- *Trusted Help: The Role Of Community Workers As Trusted Intermediaries Who Help People With Legal Problems*
<http://www.lawfoundation.on.ca/what-we-do/publications-research-and-evaluations/trusted-intermediaries-research>

BEFORE YOU INNOVATE Consider these four things.

1. Look at the processes you already have. Are they as simple, user-friendly and efficient as they could be?
2. Take a User Centered Design Approach in reviewing existing or new programs
3. Frame the right question and know what success will look like before you start
4. Does a systems or technological infrastructure already exist for you to piggyback on (like Law Help, or A2J Author)

PROCESS IMPROVEMENT Everything you do is a step by step process.

Every organization has multiple processes that, even if there are existing flowcharts and protocols, evolve over time--because, well, we're human. Mapping out the processes you have, and who decides what and when, can yield some surprising results. It can also help you identify areas that are truly ripe for innovation as well help you get to the root cause of issues you have struggled with for years.

Why is court process improvement/process simplification so important to your users?

- *Trapped in Marriage*, October, 2018
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3277900
- and a description of the Harvard ATJ Labs study here:
<http://a2jlab.org/current-projects/smaller-studies/divorce/>

Process mapping is a great first step for problem solving. It is also a terrific opportunity to understand, engage and align--creating greater integration, collaboration and resulting in better ideas and outcomes

Working together to map out all the steps in a process can quickly and visually lead everyone to (and provide alignment on) the identification of 2 or 3 major sticking points that, if resolved, can have a significant positive impact. Once a sticking point is identified it is critical not to jump to conclusions about why it exists without going through the "Five Whys"

The Five Whys is an iterative interrogative technique used to explore the cause-and-effect relationships underlying a particular problem. The primary goal of the technique is to determine the root cause of a defect or problem by repeating the question "Why?". Each answer forms the basis of the next question. The "5" in the name derives from an anecdotal observation on the number of iterations needed to resolve the problem.

EXAMPLE: The vehicle will not start. (the problem)

Why? - The battery is dead. (First why)

Why? - The alternator is not functioning. (Second why)

Why? - The alternator belt has broken. (Third why)

Why? - The alternator belt was well beyond its useful service life and not replaced. (Fourth why)

Why? - The vehicle was not maintained according to the recommended service schedule. (Fifth why, a root cause)[2]

The key is to encourage the trouble-shooter to avoid assumptions, logic traps and solution-jumping and point toward a process that is not working well or does not exist. A key phrase to keep in mind in any 5 Why exercise is "people do not fail, processes do" https://en.wikipedia.org/wiki/5_Whys

Process maps can take many forms. Have you ever thought about or mapped a user's journey? How might you do that? Have you thought about or mapped out all the stakeholders involved in a system? How might you engage them as your partners in problem-solving solving...or more traditionally how could you map out a process and use it and the 5 Whys for training or continuous improvement

- *User Experience Mapping For Dummies: Understand The User's Journey Before You Start Building.*
<https://uxdesign.cc/user-experience-mapping-alice-emma-walker-868259547ba8>
- *The User Journey Map for Lawyers*
<http://www.openlawlab.com/2013/10/12/user-journey-map-lawyers/>
- *A Service Design Approach To The Legal System: Mapping User Journeys*
<http://www.openlawlab.com/2017/01/20/a-service-design-approach-to-the-legal-system-mapping-user-journeys/>

DESIGN THINKING

Legal design is the application of design-thinking principles to make legal systems, products, services and processes more useful, useable, understandable and engaging for all. It involves a human-centered approach in which the users' needs, wants and desires are first identified and then used as a basis to develop solutions. When applied in a strategic manner, legal design can improve performance, innovation, employee volunteer and public engagement and many other metrics.

The Stages of Design Thinking (Taken from An Introduction to DesignThinking Process Guide

<https://dschool-old.stanford.edu/sandbox/groups/designresources/wiki/36873/attachments/74b3d/ModeGuideBOOTCAMP2010L.pdf>)

- *Empathize* - You must gain empathy for who your users are and what is important to them. The Empathize mode is the work you do to understand people, within the context of your design challenge.
- *Define* - Framing the right problem is the only way to create the right solution. The goal of the Define mode is to craft a meaningful and actionable problem statement.
- *Ideate* - Ideation is about pushing for a widest possible range of ideas from which you can select, not finding a single, best solution. The determination of the best solution will be discovered later, through user testing and feedback.
- *Prototype* - A prototype can be anything that a user can interact with – a wall of post-it notes, a gadget you put together, a role-playing activity, or a storyboard. Having a user role-play through a physical environment that you have created will likely bring out more responses, though.
- *Test* - The Test mode is when you solicit feedback, about the prototypes you have created, from your users. Why test?
 - To refine prototypes and solutions. Testing informs the next iterations of prototypes. Sometimes this means going back to the drawing board.
 - To learn more about your user. Testing is another opportunity to build empathy through observation and engagement—it often yields unexpected insights.
 - To refine your POV. Sometimes testing reveals that not only did you not get the solution right, but also that you failed to frame the problem correctly

Center Your Work Around Your Users

Everyone in this room has likely spent years in the justice system in one way or the other. You know your stuff. You all are committed to providing the best service you possibly can. It's natural to feel frustration when anyone (especially a presenter at a session on innovation) says, don't just adopt the next great idea you hear. Make the processes you already have the best they can be. Put a different pair of goggles on. Engage in a design process. Because it's not a great idea, process, product, program or service for YOUR users if no one can use it or wants to.

User Testing for Courts <http://www.openlawlab.com/2017/11/14/user-testing-for-courts>

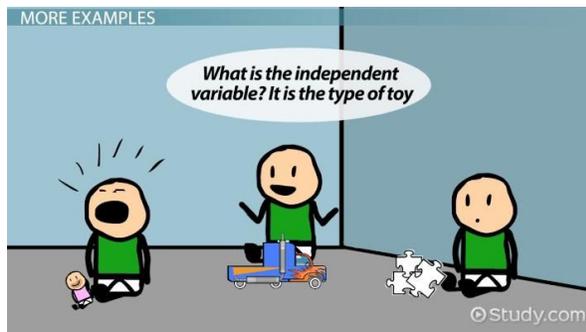
A Virtual Crash Course in Design Thinking

<https://dschool.stanford.edu/resources/a-virtual-crash-course-in-design-thinking> Online version of one of the d. schools most frequently sought after learning tools. Using video, handouts, and facilitation tips, it takes you step by step through the process of hosting or participating in a 90 minute design challenge.

EVALUATION

It is important to think of evaluation as part of the overall process when embarking on process improvement and improving innovations or tools to expand access to justice. Evaluation will allow you to determine if the solution you've developed actually does what you hoped it would do and that there aren't any unintended consequences that hinder its success. This hasn't always been the case in the law. Historically we have developed ideas and immediately put them into the field without taking that next step of evaluating with an eye toward iteration.

At [The Access to Justice Lab – at Harvard Law School](#), we are employing the randomized control trial, just as was done in the medical field, to learn about what interventions do and do not work. That's certainly not the only scientific methodology. For instance, you just learned about user-centered design from Melissa. To incorporate the RCT, we must determine what problem do we want to solve and what intervention are we going to use to solve it. Then we randomly assign some people to get the intervention and some people to maintain the status quo. This helps us to know if the intervention we've chosen, will have the intended result - to solve the problem we've identified.



So here you might imagine the problem is that the children in this daycare are crying a lot. The intervention are toys. Will a certain toy improve the happiness of the children in this daycare. The status quo toy is the doll. There are two possible interventions - a truck and a puzzle. From this small test, the status quo seems to keep the children unhappy, the puzzle seems to keep the children neutral, and the truck seems to make the children happy. From this trial we have learned

that the truck is the best intervention to solve the problem of crying children at the daycare. (but, it looks like you could use a puzzle too!)

At the lab we have taken steps to briefly summarize research methodologies. Take a look at the [resources and blog post](#) that endeavors to do just this.

ADDITIONAL RESOURCES

Toolkits:

- Stanford LegalDesignLab Toolbox
<http://www.legaltechdesign.com/LegalDesignToolbox/>
- *Interagency Human Centered Design Discover Stage Field Guide* (federal Office of Program Management-OPM)
<https://www.youtube.com/watch?v=MWAYNvhXTZw> and
<https://www.gsa.gov/cdnstatic/HCD-Discovery-Guide-Interagency-v12-1.pdf>

Readings

- *Wayfinding and Signage Strategies for Language Access in the California Courts Report and Recommendations February 2017*
<http://www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf> A wayfinding system encompasses all of the elements that assist people with orienting themselves in a physical location and navigating to their desired destination. Effective wayfinding techniques help court users by quickly informing them of their surroundings in a new and often intimidating or stressful space, and facilitating their ability to locate and access court services and functions
- *A Human-Centered Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly*, May 2018
<https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1083&context=ijlse> This article presents a new methodology: human-centered design research that can identify key opportunity areas for interventions, user requirements for interventions, and a shortlist of vetted ideas for interventions. It identifies seven key areas for courts to improve their usability, and, in each area, proposes a range of new interventions.
- *Resource Guide on Serving Self-Represented Litigants Remotely*, 2016,
<https://www.srln.org/node/997/report-resource-guide-serving-self-represented-litigants-remotely-srln-2016>
- *Transformative Justice: a Developmental Approach to System-Involved Emerging Adults*, May 2018,
<https://www.lonestarjusticealliance.org/transformative-justice-issue-brief.html>.
Posted as an example of a diversion program, where we divert cases meeting specific criteria from the normal case processing and send them down a specialized track for processing. While this is a criminal justice program, this can be done with any case type as long as there is justification and buy-in.
- *Self-Help, Reimagined*, Summer 2017,
<https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11255&context=ijl>. Provides guidance on developing plain-language materials and the empirical research to explain why this is so important.

DESIGN SPRINT SCENARIO AND USER PERSONAS

(Researched & developed by Melissa Moss, melissa@catalystzone.com)

Scenario[i]

Unemployment insurance appeal in the District of Columbia's central administrative court, the Office of Administrative Hearings (OAH).

Background

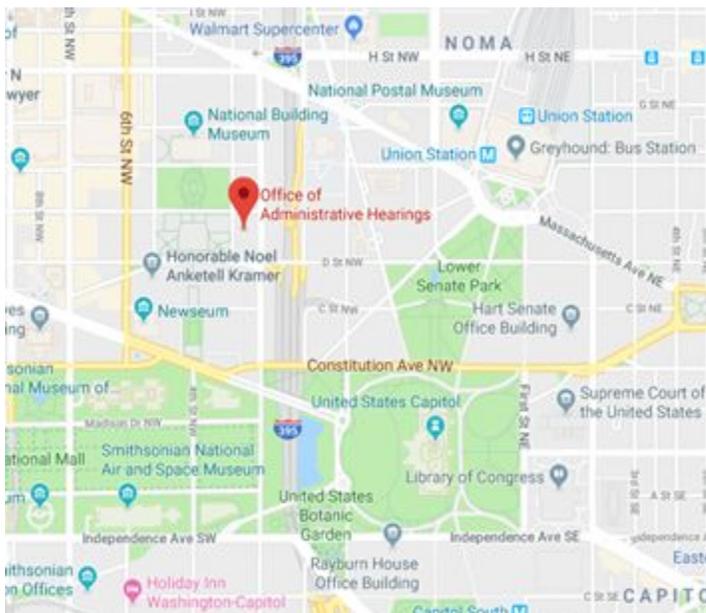
- Workers in these cases disproportionately hold low-wage jobs.
- Workers go without representation in 82% of cases.
- Self-represented parties are less likely to use procedures than represented parties.

The Department of Employment Services (DOES) administers the Unemployment Compensation benefits program, and decides which former employees meet the legal requirements to qualify to receive benefits. DOES then mails a notice of its decision, and right to challenge it. If either the former employee or the employer disagrees with the DOES decision, either can appeal the DOES decision to OAH for a hearing before an administrative law judge. Hearing requests must be filed within 15 calendar days of the date DOES mails notice. If the party misses the deadline, the judge may be able to make an exception if the party comes to a hearing and shows evidence and testimony that he/she a good reason.

Unemployment insurance appeals at OAH are de novo hearings, where the underlying agency determination has no legal weight and the agency record (other than the agency determination letter) is not introduced into evidence or even made available to the parties.

Discovery procedures are limited, and rarely used, save for a rule that requires the parties to share exhibits and witnesses three days before the hearing. In addition, the employer in these hearings bears the burdens of production and of proof. In practice, this means that if an employer does not appear at their hearing and the worker appears, the worker wins. Thus, pre-hearing requests are particularly important because these requests are necessarily about participating at all in one's case.

In the District of Columbia, there is explicit appellate authority for a “strong judicial and societal preference’ for the resolution of disputes on their merits rather than by default,” a preference that necessarily requires activity in the hearing room due to the procedural rules in these cases. Appellate law further provides that “resort to technicalities to foreclose recourse to . . . judicial processes is ‘particularly inappropriate’” in unemployment and other statutory schemes “in which laymen, unassisted by trained lawyers, initiate the process.”



The Setting

Proceedings at OAH look and feel similar to a court of general jurisdiction, in contrast to administrative proceedings in some other contexts. Judges hear cases in formal hearing rooms with a dais, witness box, gallery, and audio equipment. The judges wear robes, have gavels, and the parties sit at separate “counsel” tables. The process of these hearings is also formal, including objections, motions, and introducing documents. Every case results in a written decision.

THE PEOPLE

Situation - Sara K was a daytime desk clerk at a budget hotel close to her home that is being torn down to make way for more lucrative commercial development. It took her many months to find a new job as a daytime desk clerk at a hotel much further away.

Persona Summary - Sara K is single mom with two children under the age of 5. Shares 3-bedroom apartment with her sister and her sister's son, age 4. Sara can't afford daycare, so she works days while her sister stays home with the three children. She watches her kids and her sister's son at night, while her sister works as a waitress at a nearby nightspot. Neither she nor her sister have a car and they don't live within walking distance of a metro stop. Sara has to take a bus to a metro stop then change metro lines in order to get to work.

The problem to be solved – What tools, resources or processes might we consider that address Sara's needs?

Situation – Thanh D. worked for a garment company that makes, embroiders and screen prints t-shirts. His job was to add and remove shirts from the multistage screening press. His work was automated and his position was eliminated. He has not yet been able to find another job.

Persona Summary - Thanh is in his 60s. He is first generation Vietnamese and though he came to the U.S. in his early teens, he struggles to speak English. Thanh is very proud of his 12-year-old grandson Huy who helps him. Huy is especially proud of the smartphone he worked and saved to buy and amazes his grandfather with all the things it is able to do. Thanh lives next door to his daughter, her husband and Huy. Several of the family patriarchs who serve as elders in in their neighborhood, including Thanh, were sent here as children by fearful parents. Thanh is still quite anxious about dealing with "the authorities" in any way.

The problem to be solved – What tools, resources or processes might we consider that address Thanh's needs?

[i] Scenario/Background are modifications of a case study taken from Colleen F. Shanahan's THE KEYS TO THE KINGDOM: JUDGES, PRE-HEARING PROCEDURE, AND ACCESS TO JUSTICE, Wisconsin Law Review, April 9, 2018, pp 225-247
wisconsinlawreview.org/wp-content/uploads/2018/04/Shanahan-Final.pdf



Name:
Sara Jane Bolton

Employment:
Quality Inn Desk Clerk

Age: 22

Story: Sara was the firstborn in a large rural WV family. When she was 12, her Dad died of a heart attack. Her mom took a 2nd job while Sara raised her 4 siblings. Sara was 17 when her 1st child, Bobby, was born. Becky came along 2 years later--just before Sara's longtime boyfriend left her. When Sara's mom died in 2016, she moved to DC with her kids @ her younger sister, hoping to get a good job, her GED and go to college.

INTERESTS:
Loves to read crime novels with women detectives. Used to play banjo and loves bluegrass. She went to the Library of Congress once & it blew her away

NEEDS
More time.
More money.
More sleep.
More patience with her kids.
Friends her own age to talk to.
A better job closer to home.
Can't figure out when or how to go to school.

VALUES
Believes in hard work, family & education
She is frustrated that she spends 3 hours/day changing buses & metro lines to get to/from work.

Person research & development,
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melissam@cutecollege.com

POWERS
She lives close to a library, takes her kids there whenever she can & really likes using their computers

BEHAVIORS
Too tired at night to read to her kids.
Leaves for work @ 5 am & gets home @ 6pm just in time to make dinner.
Sometimes they have PBJs a few nights running

ASPIRATIONS
Sara wants to be a children's librarian someday. Her grade school librarian expanded her world. Sara wants Bobby, Becky and other children to love reading.



Name:
Thanh Dao

Employment:
Looking for work. Had worked at screen-printing shop until he lost his job to automation.

Age: 63

Story:
Thanh was born in Quảng Ngãi Province. In 1967, his parents scraped together enough to send him to America. Both were killed in the My Lai massacre. Thanh has lived in the Clarendon neighborhood of Arlington--before it became known as Little Saigon in the mid '70s. He is married to Linh & has a daughter who lives next door with her husband and son.

INTERESTS:
Dotes on his 12 year old grandson, Huy. Both delighted & confused by Huy's beloved smartphone. Wants the younger generation to retain Vietnamese language & culture.
Loves to cook traditional meals

NEEDS
To work so he is contributing to his family and the community.
Can't drive so relies on his daughter, son & public transportation

VALUES
Feels at home in his own neighborhood, but ill at ease elsewhere. Especially intimidated by authority figures
Is proud but not arrogant about his stature in the community.

Person research & development,
Melissa Mink,
melissam@cutecollege.com

POWERS
Thanh is a respected elder in his Vietnamese community. His neighbors ask his advice and he often mediates among community members.

BEHAVIORS
Speaks & understands a little English but can't read it.
Refuses to speak English at home.
Shops at the local Vietnamese market.

ASPIRATIONS
To work until he is physically unable.
To see his grandson graduate from college.
To see the Vietnamese community where he lives flourish and also retain the culture.