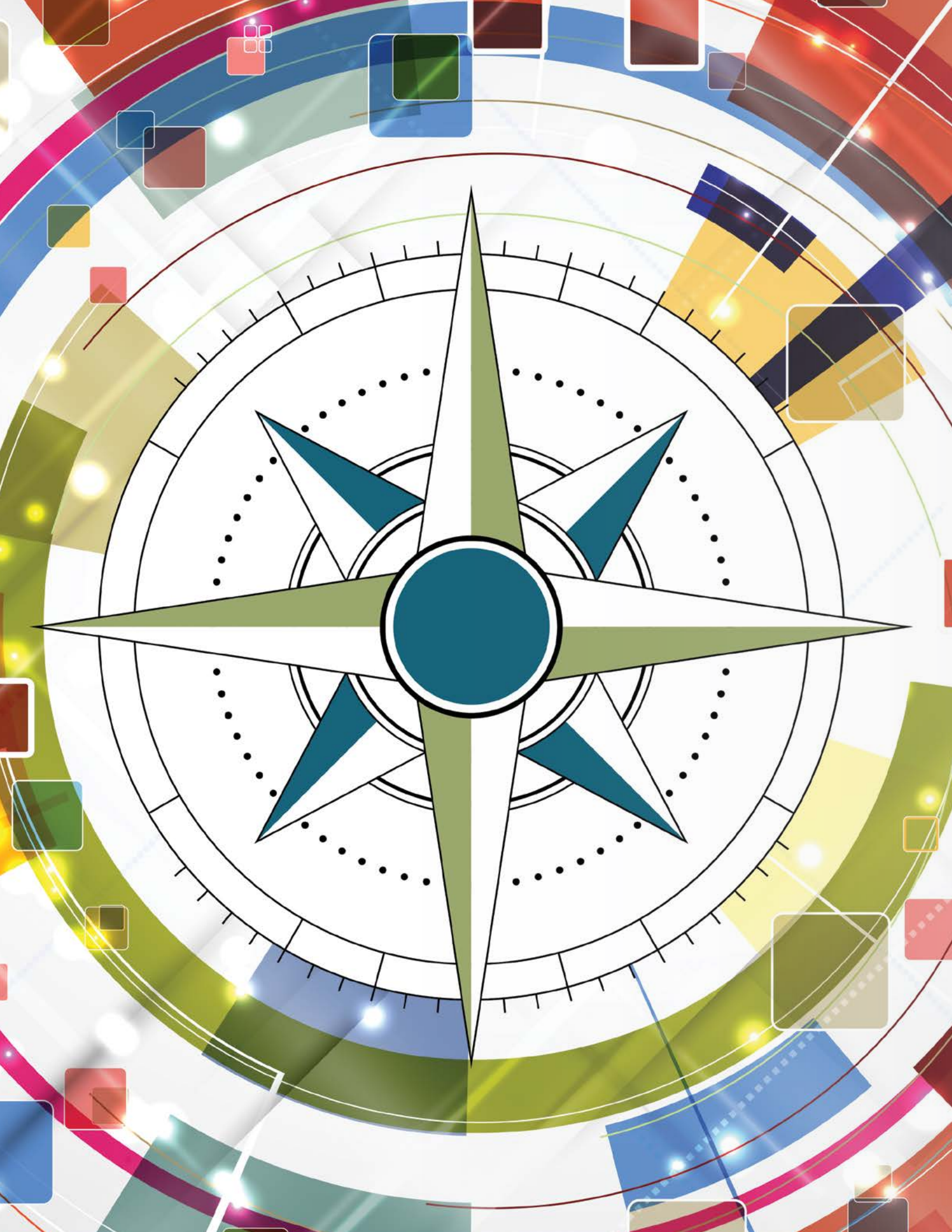
COURT COMPASS

Mapping the Future of User Access through Technology

IAALS Institute for the Advancement of the American Legal System
University of Denver



COURT COMPASS

MAPPING THE FUTURE OF USER ACCESS THROUGH TECHNOLOGY

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IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a "think tank" that goes one step further—we are practical and solution-oriented. Our mission is to forge innovative solutions to problems in our system in collaboration with the best minds in the country. By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models, and will to advance a more accessible, efficient, and accountable American legal system.

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INTRODUCTION

The world is changing—and the courts are being swept up in that change. Virtually all industries and sectors have seen the adoption of what are now considered traditional technologies, such as enterprise applications, web and social media presence, digital content, and electronic communications. More recently, innovative technologies, such as big data and artificial intelligence, have also become more accessible and available to address a much wider range of operational challenges. In the legal industry, document review, document assembly, legal analytics, and artificially intelligent legal research provide lawyers, courts, and litigants the ability to scale and, in many cases, deliver better services than has previously been possible.

In the court world, things are also changing. A 2015 study by the National Center for State Courts of the civil litigation landscape across the country found that in 76 percent of cases, at least one party is unrepresented. Nearly two-thirds of the state court caseloads are contract cases—primarily debt collection, landlord/tenant disputes, and mortgage foreclosures. That breakdown is significantly different than caseloads of two decades ago, when there were many more tort cases, more large cases, and a much lower number of self-represented litigants (SRLs).[1]

All of this suggests that the need for tools that smooth the way for litigants without lawyers to gain access to the courts is profound. Technology can even the playing field, empower litigants, and give life to the notion of a universally accessible system of justice.

Court-specific technology solutions have also evolved to improve and expand on services provided to justice partners, attorneys, and other customers of court services. With the advent of workflow automation, integration strategies, document management, online portals, and electronic filing and communications, the courts have a framework in place to better support the core of their operations. Undoubtedly, there is room for improvement in that framework and even slight modifications can offer a great deal of efficiencies. However, the next frontier in innovative court technology solutions must enable courts to reach out to the ever-increasing number of self-represented litigants and provide the support they need.

Much has been written about the plight of SRLs navigating their way through the American legal system.[2] In order to enhance the services currently available to SRLs, the National Center for State Courts recently published a report entitled *Building a Litigant Portal*.[3] Acknowledging a landscape that includes services offered by courts, legal services providers, and private entities, the report offered a unified and holistic vision that would provide a comprehensive set of services to SRLs through an interconnected network of solutions.

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1 Paula Hannaford-Agor, Scott Graves & Shelley Spacek Miller, Nat. Center for St. Cts., Civil Justice Initiative: The Landscape of Civil Litigation in State Courts iv-v (2015).

2 IAALS previously addressed the challenges and perspectives of self-represented litigants through a qualitative empirical research study. See Natalie Anne Knowlton, Logan Cornett, Corina D. Gerety, and Janet L. Drobinske, Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court (May 2016) *available at* http://iaals.du.edu/honoring-families/publications/cases-without-counsel-research-experiences-self-representation-us.

3 Thomas Clarke, Ph.D., Building a Litigant Portal Business and Technical Requirements (November 2015) *available at* http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/375.

IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, is committed to finding practical and innovative solutions for problems within the legal system. IAALS undertook a study of self-represented litigants in family law cases and, and through interviews with study participants, determined that the court system does an insufficient job of helping people navigate their way through the system to resolution. People feel frustrated, lost, disempowered, and disillusioned. In an effort to address that issue, IAALS convened a group of stakeholders from around the country to brainstorm solutions and discuss possible next steps. Out of that meeting came the Court Compass project[4] and a commitment to continuing to be a constructive catalyst for changes designed to benefit SRLs. This report represents one piece of fulfilling that intent. Through our efforts, we are intending to create a shared base of information that will allow us to move toward solutions that will ultimately change the way people experience and interact with the legal system.

4 Rebecca Love Kourlis et al., A Court Compass for Litigants (July 2016) *available at* http://iaals.du.edu/honoring-families/publications/court-compass-litigants.

SUMMARY

CURRENT LANDSCAPE

Based on research completed in January 2017, IAALS compiled a database[5] of technology offerings in production or development in courts around the country. The database of court technology solutions shows that court or court-endorsed initiatives for SRLs include a wide range of services that offer SRLs guidance, communications tools, filing support, and case tracking, while also offering courts infrastructure support.

This summary identifies the various implementations by simple frequencies; however, the scope and quality of the offerings vary greatly. Beyond the sheer volume of content, design and user experience (UX) can have a major impact on the effectiveness of the solution provided. While a large library of forms or guided interviews is helpful, they may not be very effective if they fail to incorporate plain language and UX design guidelines. To that end, analytics, surveys, and feedback loops are necessary—both in the short term and in the long term—for continuous improvement.

As of publication date, the following categories of solutions are available in one or more jurisdictions:

SOLUTION	FREQUENCY
Websites with Forms and Self-Help Content	48 States & All Federal Courts
Guided Interviews for Triage or Document Assembly	37 States, 2 U.S. Bankruptcy Courts, 6 U.S. District Courts, and U.S. Citizenship and Immigration Services (USCIS)
Video Libraries	19 States & U.S. Bankruptcy Courts
E-Filing from Document Assembly & Smart Forms	10 States, 2 U.S. Bankruptcy Courts, 6 U.S. District Courts, and USCIS
Live Chat	5 States, 7 U.S. Bankruptcy Courts, and USCIS
Online Legal Advice	9 States
Online Dispute Resolution	5 States (3 States Live, 2 States in Design Phase)
Online Courses	4 States
Mobile Application	3 States
Scheduling Tools	2 States
Customer Relationship Manager	2 States
Text Messaging	1 State

Note: Some solutions are only available locally and do not support statewide use.

5 *On file with* IAALS.

While the existing solutions offer an almost comprehensive set of tools necessary to support SRLs, they are inconsistently implemented from one jurisdiction to the next. Some jurisdictions have a wide range of services, yet no single jurisdiction offers every type of service. Additionally, while many courts offer the same solutions, the extent and effectiveness of the solutions vary greatly. For example, while Washington has several hundred forms available in plain language, many states only have a few forms covering a limited number of cases. Based on the survey results, the following states appear to offer the widest range of technology services:

STATE	SOLUTIONS
California	State & Local Websites, Large Number of Guided Interviews, E-Filing for Document Assembly Tools, Video Libraries, Live Chat, Scheduling Tools, Customer Relationship Manager, SRL Portal, Case Tracking, and Online Dispute Resolution
New York	State Website, Large Number of Guided Interviews, E-Filing for Document Assembly Tools, Video Libraries, Live Chat, Remote Hearings (Live Soon), Customer Relationship Manager (Live Soon), Mobile Application (Live Soon), and Online Dispute Resolution (Planned)
Massachusetts	State Website, Guided Interviews, E-Filing for SRL Form Generation Tools, Video Libraries, Live Chat, Text Messaging, Online Legal Advice
Arizona	State & Local Websites, Large Volume of Guided Interviews, E-Filing for SRL Form Generation Tools, Video Libraries
Utah	State Website, Large Volume of Guided Interviews, and Online Dispute Resolution (Planned)

Note: Some solutions are only available locally and do not support statewide use.

System Integrations

As SRLs encounter various technologies to help them complete individual tasks, integration capabilities can be leveraged to facilitate the flow of information from one solution to another. With system integrations in place, SRLs can provide information in one solution and have it available in another solution. In addition to a seamless flow of information, integrations can also guide, or even automate, decision making in subsequent steps, making it easier for SRLs to navigate the complex legal system.

Currently, the following examples of system integrations demonstrate the benefits of the free flow and exchange of information:

INTEGRATION	DESCRIPTION	FREQUENCY
E-Filing from Document Assembly Based on Guided Interviews or Smart Forms	Guided interviews can navigate litigants through the numerous potentially applicable forms by using answers to questions to add or skip forms based on the information. A guided interview or smart form assembles documents which can be electronically filed with the court's electronic filing manager or case management system. Based on information provided during the interview, filing codes and fees are automatically and accurately selected for SRLs.	10 States, 8 Federal Courts, and the USCIS
Customer Relationship Manager, SRL Portal, and Video Libraries	A database system used by courts to manage and track SRLs, which provides a web interface for SRLs to find step-by-step instructions, register for case tracks, schedule activities, and watch relevant videos. Based on case types and database profile, SRLs are only provided instructions and media that are relevant to their circumstances.	1 State
Online Dispute Resolution and Court Case Management System	An online dispute resolution system, which interfaces with the court's case management system to receive and send case information, submit filing events and documents, and prevent duplicate data entry by SRLs and administrators.	4 States (2 Live, 2 in Design Phase)

Integrations between the various solutions provided by courts or court partners offer a holistic experience, which increases adoption and continued participation from SRLs. A suite of existing technologies that includes a comprehensive set of interfaces between court case management systems, SRL portals, online dispute resolution modules, guided interview modules (triage and document assembly), and automated communications tools (online, email, and text messaging), can immediately transform the litigant experience. As courts deploy a range of solutions, an integration strategy is crucial to gaining user adoption and improving operational efficiencies.

TRENDING TECHNOLOGIES

As websites, document assembly tools, and media libraries have proliferated, new and innovative solutions have taken root. Examples of such new solutions include:

1. Online Dispute Resolution (ODR)
2. Litigant Case Manager (LCM) with an Online Portal
3. Case Alerts & Tracking

Online Dispute Resolution (ODR)

As a response to the increasing cost of litigation and complex court processes, ODR platforms serve as an alternative of choice for many would-be litigants. Ethan Katsh and Colin Rule's *What We Know and Need to Know About Online Dispute Resolution*[6] and the Joint Technology Committee's (JTC) Resource Bulletin titled *Online Dispute Resolution and the Courts*[7] offer an excellent overview on the state and future of ODR. According to the two reports, ODR has a proven track record in commercial disputes and is already being used to resolve tens of millions of disputes annually. Internationally, ODR has also been successfully implemented to support complex divorce cases[8].

ODR solutions are smart systems that use logic rules and often historical metrics to offer SRLs guidance on steps and outcomes, and to elicit information required to drive the matter to resolution. ODR solutions also provide communication tools that are meant to enhance and facilitate discussions between parties and neutrals during the mediation or arbitration process. ODR solutions can also be integrated with court case management systems to provide a free flow and exchange of information between the two platforms.

Decision making within the ODR process can occur through a) an automated smart system, b) asynchronously with a human neutral party, and c) synchronously with a human neutral party. In a synchronous process, parties can interact with each other and the neutral party in real time, in person, or through online conferencing. In asynchronous processes, adversaries and neutral parties interact with the ODR process at their own convenience. The ability to provide a hybrid platform that includes one or more of these options ensures that litigants can easily enter the ODR process and stick with it when they are not able to reach an agreement on their own.

ODR solutions were first used by courts outside of the United States. Successful implementations through the courts include the Netherlands' Rechtwijzer program and British Columbia's Civil Resolution Tribunal. The application developed by British Columbia is being leveraged by the Legal Aid Society of Orange County, California, to develop a small claims mediation solution with the cooperation of the Superior Court of Orange County.

Also worth mentioning is MyLawBC, provided by British Columbia's Legal Services Society. The Netherlands' Rechtwijzer and MyLawBC are powered by Modria.com, Inc., a private software company. British Columbia's Civil Resolution Tribunal was custom developed by the court.

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6 Ethan Katsh and Colin Rule, What We Know and Need to Know About Online Dispute Resolution (2016), *available at* http://www.americanbar.org/content/dam/aba/images/office_president/katsh_rule_whitepaper.pdf.

7 Joint Technology Committee Resource Bulletin: Online Dispute Resolution and the Courts (November 2016), *available at* http://www.ncsc.org/~/media/Files/PDF/About%20Us/Committees/JTC/ODR%20QR%20final%20V1%20-%20Nov.ashx.

8 Primary examples of such ODR for family cases include Modria's implementations in Netherlands (*see* rechtwijzer.nl) and British Columbia (*see* mylawbc.com).

In the United States, the following ODR initiatives are underway:

1. Consumer Complaints with Los Angeles County Department of Consumer and Business Affairs' eComplaint System
2. Small Claims Mediation with Franklin County, Ohio, using Court Innovation, Inc.'s Matterhorn
3. Traffic Infractions in several Michigan County Courts using Court Innovation, Inc.'s Matterhorn
4. Consumer Debt Mediation in New York Courts using a proprietary system (in design phase)
5. Small Claims Mediation in Utah Courts using a proprietary system (in design phase)
6. Family Law Mediation in San Mateo, California, using a proprietary system (in planning phase)

Below is a functional comparison of the two ODR solutions in production in the United States, with Modria, and the Civil Resolution Tribunal operating in other countries.

FEATURE	MODRIA	CIVIL RESOLUTION TRIBUNAL	LOS ANGELES ECOMPLAINT	MATTERHORN
Case Types	Family	Small Claims	Consumer Complaints	Small Claims & Traffic
Capability Provider	Government & Private Vendor	Government	Government	Government & Private Vendor
Decision Making	Hybrid	Hybrid	Synchronous Human	Hybrid
Guided Interviews to Triage & Route	✓	✓	✓	✓
Collect Information	✓	✓	✓	✓
Text & Video Conferencing	✓	✓	✓	✓
Neutral Party's Ability to Review Data & Interact Online	✓	✓	✓	✓
Generating Automated Agreements	✓	✓	✓	✓
Integration with the Court System	✓	✓	N/A	✓

As new ODR initiatives are being undertaken in multiple jurisdictions, and are likely to expand to many more, certain design considerations are necessary. First, the platforms should allow non-technical resources to create new processes, update questionnaires, workflows, and documents through an intuitive user interface. This will ensure that rolling out new case types, changes in legislation, and updated forms do not create a costly burden to the court. Guided interview builders, such as A2J Author and Tyler Technologies' Odyssey Guide & File provide great examples of solutions that allow non-technical, business users to deploy new and updated content for relatively complex offerings. A system that can only be updated or deployed by technical resources or through code change will become an obstacle to progress.

Second, the platforms should have an integration framework that allows a free flow and exchange of data and documents between the ODR solution and external systems, similar to court, legal aid, and law firm case management systems. The automated flow of data can save a tremendous amount of time and effort for service providers and SRLs, especially in jurisdictions that anticipate a high volume of ODR cases. Currently, private providers Matterhorn and Modria offer managed integration services for courts. However, an integration framework with a user interface that allows business analysts to map corresponding fields and messages between applications will ensure that when rules and business processes change, system interfaces do not fall apart.

Litigant Case Manager (LCM) with an Online Portal

Orange County, California, has implemented the Microsoft Dynamics CRM solution to serve as a case management tool for SRLs through the court's Self-Help Center. The database tracks SRLs' profile information, schedules, workflow tracks, referrals, and case information. The LCM also provides an online portal, which provides SRLs with a learning management system and other self-service tools, including scheduling workshops, monitoring case timelines, accessing guided interviews, and communicating with court resources.

Case Alerts & Tracking

Many U.S. Bankruptcy Courts have deployed a solution called Debtor Electronic Bankruptcy Noticing (DeBN). DeBN allows debtor filers to register for automated electronic communications. The solution provides automated email updates with PDF attachments for any hearing notices, activity triggers, and orders.

OTHER POTENTIAL LEGAL SOLUTIONS

Artificial Intelligence (AI)

AI is a general term for a rapidly growing set of technologies such as smart systems with built-in logic, natural language and other input processing, as well as system recognition and use of historical data.

In the legal space, some of the current trends fall under one of the following categories:

1. *Natural Language, Speech, and Image Processing*: AI systems now have the ability to decipher meaning from a variety of input methods, making it easy for users to interact with software. Users can use conversational text, speak into a microphone, or upload photos and documents to provide input. AI systems can translate conversational text, transcribe spoken word, and use optical character recognition to identify the content of documents. As computing power continues to increase, more software providers will be able to build solutions that take advantage of these input capabilities.

2. *Legal Research*: This category of AI involves storing and analyzing vast amounts of case law, statutes, and other data, and allows for searching of that information using natural language or documents as input. These solutions allow attorneys and others to easily search vast data banks, using "fuzzy" and relevant terms, and provides all applicable information, often ranked for relevancy. The output is generally relevant cases, statutes, and documents, which are beneficial to legal professionals. In order to support SRLs, the next step is to translate this information to plain language guidance that helps SRLs navigate the legal processes and recommends or points to an appropriate resolution.

3. *Chatbots*: Using identified keywords, AI can respond to natural language queries, and provide tagged information. Solutions, which can be embedded into websites, provide courts and legal services organizations the ability to create tagged content. When the user interacts with the chatbot, keywords from their entry trigger the relevant tagged content and provide information, links, articles, and other resources to the user.

While guided interviews, offered by courts around the country, are a great example of smart systems with logic rules, they are the current extent of AI available through courts. AI, however, has the potential to dramatically change the nature of services offered by courts to serve SRLs. Expanding input methods to allow easy interaction, leveraging machine learning to extract and capture historical data and outcomes, and using complex logic rules to present relevant information and steps will undoubtedly enhance the SRL experience. As "data lakes" of legal information become more common, data analytics can be applied to better guide litigants in navigating the legal processes by providing information about diagnosis, triage, possible options, typical outcomes, likelihood of success, available resources, etc. Analysis will also allow the new solutions to become more sophisticated and even "self-heal."

CHALLENGES

Content Development

As new and exciting technologies mature with regard to artificial intelligence, triage, online dispute resolution, and SRL case management, the greatest challenge to adoption is content development. Website and guided interview development have shown that it can be very time intensive and expensive to create content. These challenges are exacerbated when software solutions do not allow new content and variable workflows to be created with easy-to-use interfaces. As an example, if costly programmatic changes are required to roll out additional case types on an existing online dispute resolution solution, it becomes cost prohibitive to provide a comprehensive program to SRLs.

Integration

While software development is a challenging undertaking, it is even more challenging to ensure efficient communication with other software applications (e.g., case management and document management systems). As is clear by the lack of existing integrations—namely that only 10 states integrate document assembly solutions to electronic filing—orchestrating interoperable interfaces between a wide range of software applications will be a significant challenge.

In an effort to mitigate this challenge, the National Center for State Courts, IAALS, Los Angeles County Superior Court, and Journal Technologies have submitted a proposal to form a Technical Committee with the OASIS organization to standardize interfaces and messages between applications servicing SRLs. While this Technical Committee can publish standards, courts and legal aid organizations around the country will need to apply these standards and incentivize their vendors to develop to these standards.

Cost

An obvious barrier to deploying robust solutions for SRLs is funding. Significant resources are required not only to build, but also to maintain and improve these solutions. Court- or legal aid-offered solutions are typically provided at no cost to all SRLs. These programs often rely on grant or special funding, the unpredictability of which presents serious sustainability issues. Funding for start-up or enhancement of programs is even more problematic. At the same time, there is a fundamental disinclination to charge users, as these costs would just add to costs SRLs will incur for court fees and other impacts.

As technology-based solutions become increasingly important in supporting SRLs and improving their overall experience, courts may need to adapt their business models to successfully implement and support those solutions. Following are some recommendations on addressing funding and sustainability challenges:

1. Public-private partnerships that encourage for-profit entities to develop more sophisticated solutions at low or no startup costs to courts.
2. Courts joining in developing solutions where the development cost is shared across participating courts and internal court resources are leveraged.
3. Recognizing that expanded and more effective e-technology solutions can reduce the need for in-court personnel to assist SRLs, they may also help convince funding entities to provide resources to develop or improve programs in exchange for slowed or reduced funding in future years.
4. Consider nominal transactional fees, sliding-scale fees, or means-tested fees, with fee waivers for low income filers to support development of programs or expansion of content or functionality.

Continuous Improvement

As the legal system and the possible SRL scenarios are infinitely complex, a feedback loop is necessary to identify issues and enhancement opportunities. Technology solutions should include an ability to learn from users to provide more focused and effective services to future users. The capabilities should include both learning through artificial intelligence or similar tools and data analytics. These can only evolve when there is sufficient use of the solutions to provide a "data lake" capable of supporting useful analysis.

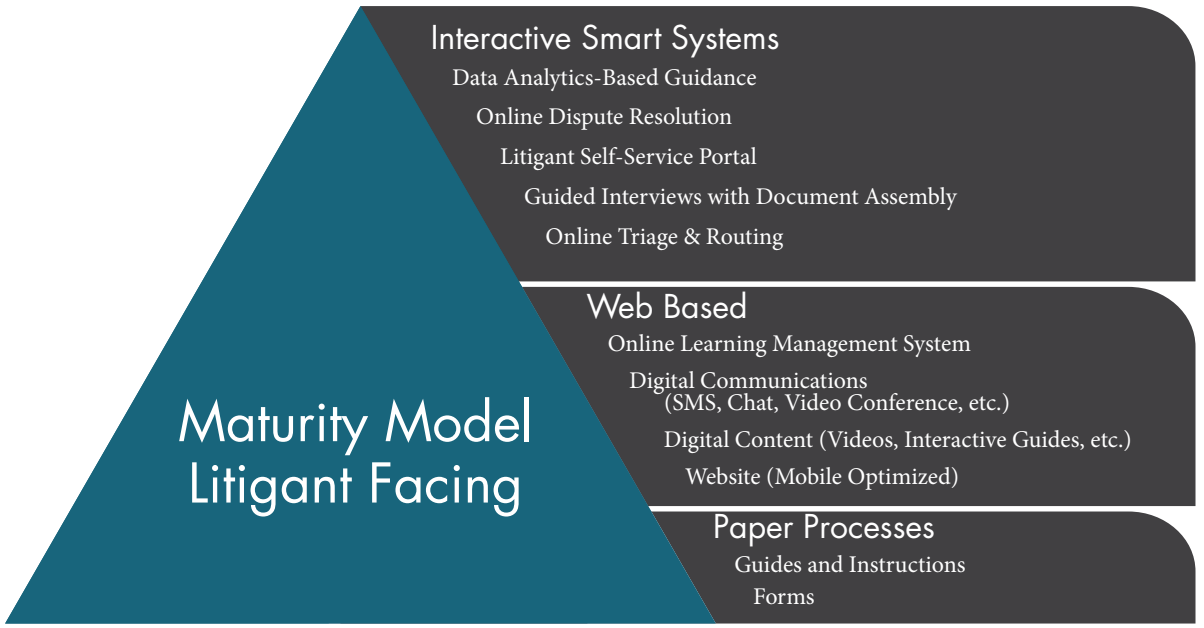
CONCLUSION

SRLs face many challenges as they go through the process of identifying and attempting to secure and enforce their legal rights. As *Building a Litigant Portal*[9] and *A Court Compass for Litigants*[10] envisioned, an ideal ecosystem would offer litigants the ability to diagnose their legal issues, learn about their legal rights and potential outcomes, access attorneys and other resources, generate and electronically submit documents to courts, track cases and receive actionable alerts, resolve cases, engage in online dispute resolution or alternate dispute resolution processes, and enforce judgments.

Many of the tools required to support this vision are already available. However, as courts, legal services organizations, and vendors move forward, they must leverage and integrate the solutions already in place rather than seek to replace those solutions with a new singular offering.

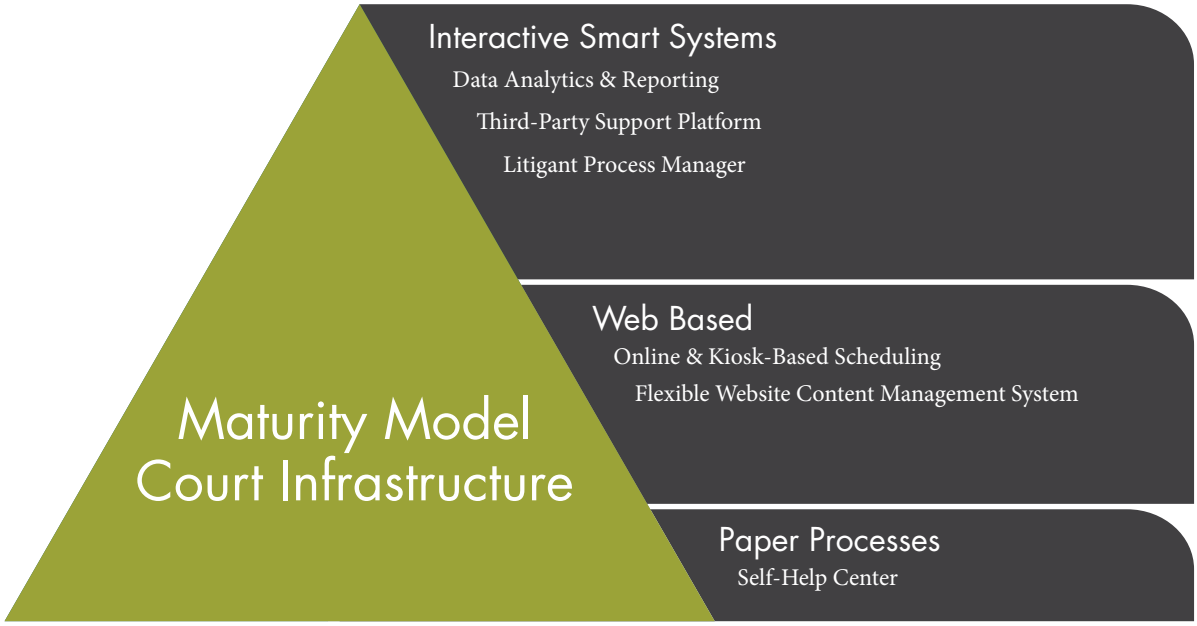
Maturity Models

Based on the current landscape and emerging technologies, the following maturity models illustrate the evolution of court-offered solutions for SRLs. These models take into account prerequisites as well as pathways to enhance court offerings. It is also important to point out that these solutions should be deployed in an integrated manner that allows information to flow between these systems. This ensures a seamless experience and greatly reduces confusion for SRLs. For additional details about each of the listed modules, please see Appendix A.



9 Clarke, *supra* note 3.

10 Kourlis et al., *supra* note 4.



Minimum Level of Service

While advanced solutions, like ODR and LCM systems, may still be out of reach for many courts, there are certain basic services that are essential to serving SRLs. Based on national trends and solutions available in the marketplace, the following solutions are recommended as a minimum level of service to be offered by courts or court partners:

1. Mobile-friendly websites with Content Management Systems allowing easy updates by the court.
2. Library of videos and documents with guidance and instructions.
3. Library of downloadable forms covering typical SRL filings.
4. Guided interviews with document assembly covering a wide range of SRL filing types.
5. Online communication tools, including live text or video chat with self-help center staff and a question and answer forum.

Providing truly comprehensible, integrated services to SRLs is nothing less than opening wider the doors to the courts. It is present-day access to justice. Meeting the expectations of the public is increasingly going to require mobile-optimized, fully serviceable tools that are geared for individuals who are litigants or potential litigants. These tools will also offer many benefits to the courts, including better informed litigants, more accurate pleadings, greater efficiencies in court operations, and a caseload that is much easier to manage. The sooner we can join forces to scale and share good ideas, the sooner that vision will become a reality.

APPENDIX A

The maturity models include solutions that offer SRLs self-help services and solutions that cover how courts manage SRL support. While there is some overlap between a number of the court infrastructure solutions and litigant-facing solutions, they are distinct and can be deployed separately. It is important to keep in mind that these solutions should be deployed in an integrated model, which will dramatically increase efficiencies and user experience.

LITIGANT-FACING SOLUTIONS

Paper Processes

- **Forms** – Paper forms, in plain language, that SRLs can complete on their own and file with the court. While the goal should be to cover all typical SRL filings, the forms development initiative would have its own maturity model that prioritizes higher frequency and complexity forms.
- **Guides & Instructions** – Guides and instructions, in plain language, to provide SRLs information on the litigation process, on how to complete forms, and details about the next steps.

Web-Based Solutions

- **Website (Mobile Optimized)** – A device-agnostic, easy-to-use, plain language-based website that includes and expands on digital versions of all of the forms and guides offered by the court. As further solutions are developed, the website should be the unified platform to surface those solutions.
- **Digital Content (Videos, Interactive Guides, etc.)** – Videos and interactive content, which make it easy for SRLs to navigate and understand the guides provided by the court.
- **Digital Communications (SMS, Chat, Video Conference, etc.)** – Live chat on the web, text/SMS messaging, video conferencing, message boards, and online questions and answers to support SRLs with queries, updates, and notifications.
- **Online Learning Management System** – Web-based courses to help SRLs understand the litigation process, their obligations, and support dealing with personal, familial, and financial issues.

Interactive Smart Systems

- **Online Triage & Routing** – Using simple webpages, chatbots, or complex guided interview systems to interact with SRLs and use automation to identify issues and guide SRLs to available resources.
- **Guided Interviews with Document Assembly** – Guided interview systems, such as A2J Author, Odyssey Guide & File, and TurboCourt, can be used to develop solutions like TurboTax, which use a question and answer format to identify and complete forms and letters. If court forms are assembled in the process, the system can determine the filing code combinations and fees, based on SRLs' answers, and submit an electronic filing to the court's e-filing manager.
- **Litigant Self-Service Portal** – A web-based, device-agnostic portal that provides SRLs information and updates about their cases, action items, next steps, educational material, and relevant resources. A more advanced portal would be integrated with the court's case management system to provide up-to-date information and dynamically update the next steps and content based on any changes in the court case. Another feature would be providing information about and assisting referral to service providers that can assist SRLs in addressing particular issues, such as counseling, substance abuse, or child custody or visitation options.
- **Online Dispute Resolution (ODR)** – A web-based platform that uses artificial intelligence and guided interviews to help collect information, suggest resolutions, and provide communication and conferencing capabilities, with or without the help of a human neutral party. For an overview on ODR, see Ethan Katsh and Colin Rule's *What We Know and Need to Know About Online*

Dispute Resolution[11] and the Joint Technology Committee's (JTC) Resource Bulletin titled *Online Dispute Resolution and the Courts*.[12] The capabilities of the ODR platform, around collecting data and generating documents, can also be leveraged to facilitate in-person Alternative Dispute Resolution models that support more complex issues, such as child custody and visitation.

- **Data Analytics-Based Guidance –** A major challenge for SRLs is understanding options and potential outcomes in order to do a cost-benefit analysis. As powerful computing capabilities arise, such as with IBM Watson, mining historical data to dynamically provide realistic advice regarding the pathways available, potential next steps, and outcomes would help SRLs, and possibly attorneys, make better informed and considered decisions.

COURT INFRASTRUCTURE SOLUTIONS

Paper Processes

- **Self-Help Center –** An in-person center that SRLs can visit in order to gather information, understand processes, and get forms and instructions. Self-help centers serve an important function even when advanced technology-based solutions are implemented. Whether it is to help SRLs who simply need or prefer in-person support or to serve as the focal point for all SRL-related initiatives, self-help centers are necessary to ensure access to justice.

Web-Based Solutions

- **Flexible Website Content Management System –** Websites offer a great way for courts to scale support offered at the self-help centers. Far more users can be supported with informative content on a website than can be supported in person. In order to make best use of their web presence, courts should implement a website with a flexible and easy-to-use content management system that allows court or self-help center staff to update and add informative content.
- **Online & Kiosk-Based Scheduling –** In order to manage traffic at self-help centers, workshops, and seminars, courts can deploy online or in-person kiosk-based scheduling tools to market and more efficiently match SRLs with relevant in-person resources.

Interactive Smart Systems

- **Litigant Process Manager –** An infrastructure solution integrated with the court's case management system, which allows courts to:
  - Track SRL activities and referrals;
  - Build workflows to dynamically determine next steps;
  - Provide guidance and next steps for SRLs on the Litigant Self-Service Portal; and
  - Use a variety of communication tools to alert SRLs of upcoming activities and action items.
- **Third-Party Support Platform –** If SRLs need support from legal aid attorneys, self-help center staff, legal technicians, or even the private bar, an online platform that allows such a third-party resource to monitor and review progress would ensure that SRLs do not end up on an island unsupported. This solution can pave the way for unbundled and "low bono" service providers to take on otherwise unrepresented clients and actively participate in the litigation process.
- **Data Analytics & Reporting –** As a court infrastructure counterpart to the litigant-facing Data-Analytics Based Guidance, analytics solutions can sort, mine, and report on large segments of historical data. The output of this data mining can be translated into plain language to provide actual guidance that can be surfaced for the litigant. While some of these capabilities exist on the federal court level (i.e. Lex Machina), state and local courts will need to build tools internally or partner with legal research providers to unlock this hidden value.

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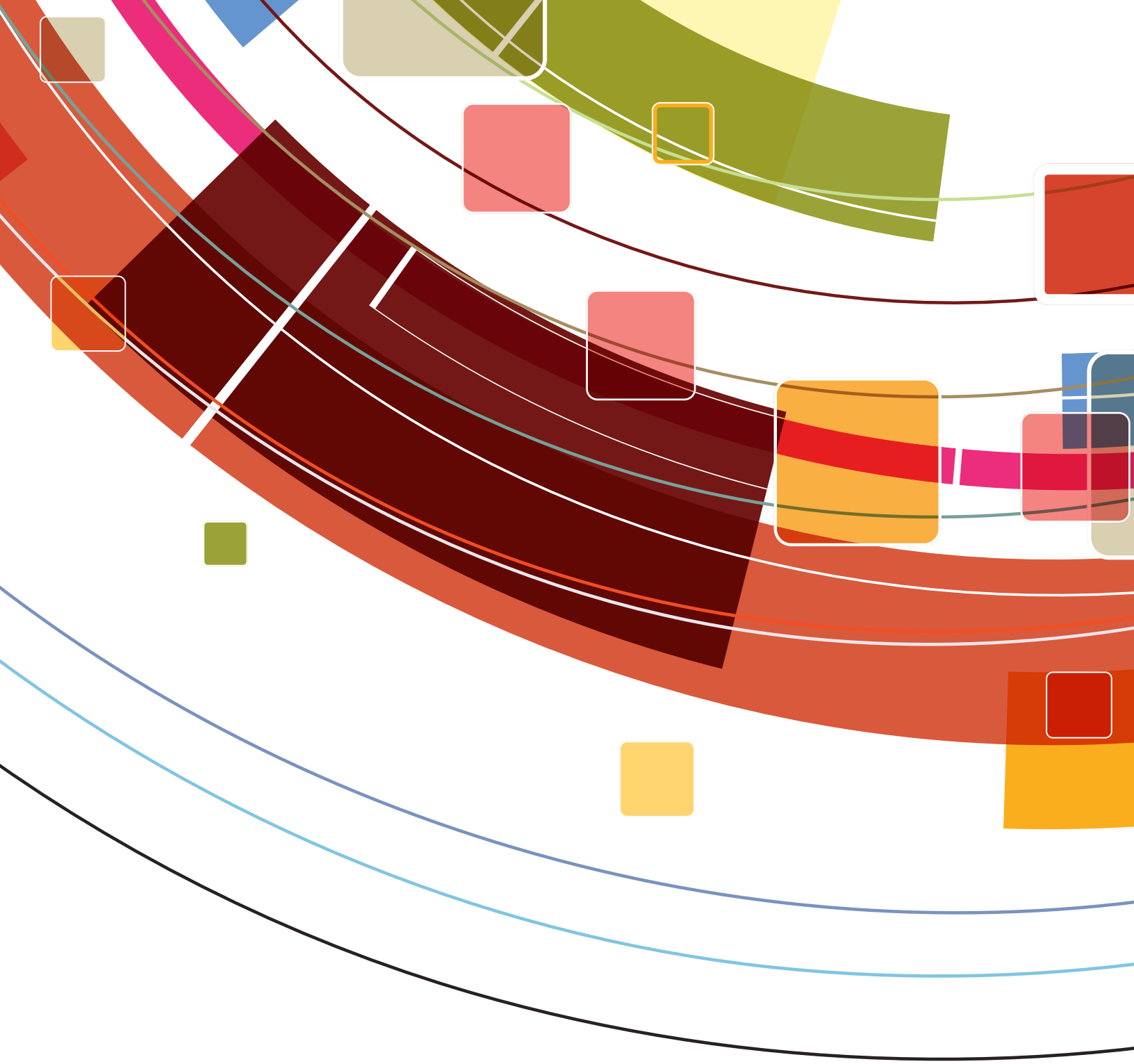
11 Katsh & Rule, *supra* note 6.

12 Joint Technology Committee, *supra* note 7.



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