# Effective Lawyering Using Technology

Online Approaches to Legal Forms

#### Presenters

- Susan Ledray, Pro Se Services Manager Minnesota 4<sup>th</sup> Judicial Court
- Allison McDermott, Deputy Director Pro Bono Net
- Monica Mitchell, Supervising Attorney Self Help Services, Superior Court of San Bernardino County, Child Support Division
- Dina Nikitaides, Program Coordinator
   Center for Access to Justice at Chicago-Kent
   College of Law

#### Overview

- What Are Automated Documents?
  - LawHelp Interactive
  - A2J Author & HotDocs
- Creating Automated Documents
  - Student Editorial Board
  - Clinical Course
- Delivery of Services
  - Virtual Self Help
  - Court Based Self Help
  - The Future

# What Are Automated Documents?

Dina Nikitaides, Program
Coordinator
Center for Access to Justice &
Technology at Chicago-Kent

Allison McDermott, Deputy Director Pro Bono Net

# LawHelp Interactive

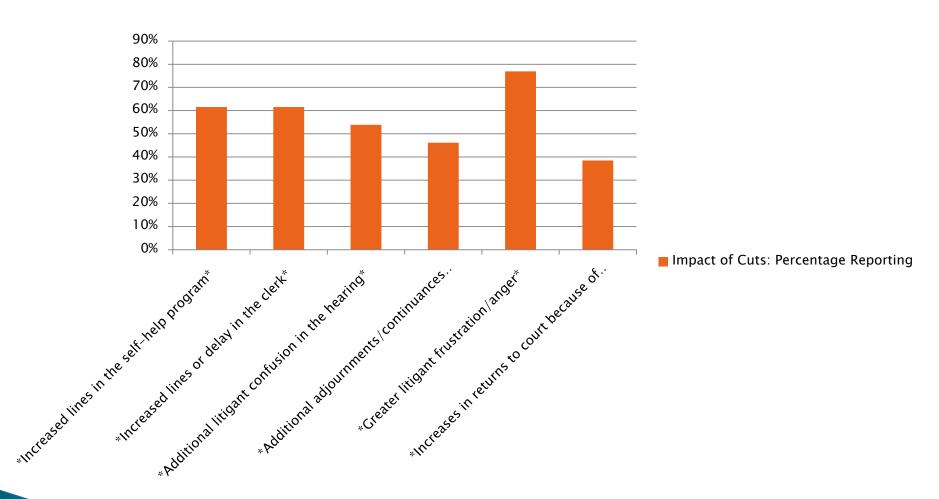
Allison McDermott Deputy Director Pro Bono Net

#### The Problem

- Courts, legal services and their partners are facing increased need, while resources to support them are cut.
- More people in court without lawyers.



# Impact of Cuts:



# The problem

- Litigants without lawyers produce forms that look like this.
- Hard to read and understand

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|---|---|
|   | 945 1/9/2009 88827  |
|   | 09 2 00103 6  |
| sattled ,                                     | suicide or suicidal behavior by the respondent:  Suicide or suicidal behavior by the respondent |

#### Solution

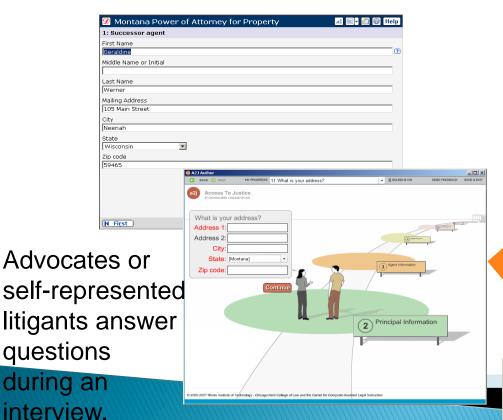
With document assembly, litigants prepare forms that look like this.

STATEMENT: The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

Describe the most recent incident or threat of violence and date:

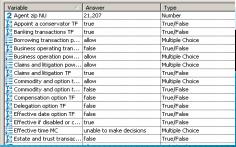
Due to sexual misconduct towards my minor daughter in November 2008 but was disclosed to myself on January 2 2008 as a result of the degree of information my daughter gave me. Mr. was not being allowed into the premises, upon discovering that he was not being let into our residence he began pounding and kicking the front door. My sister was in my home and witnessed the whole incident and was on the phone with 911 dispatch. The police arrived and escorted Mr. out of the home. At that point the officiers talked to myself, my sister, and my son and explained that there would be a detective and child advocates contacts me with the next week. At that time I was told that CPS would also receive a report. The responding officers informed Mr. that he was not allowed back on the premises without an officer present.

# What is Document Assembly?



Durable-Power-of-Attorney STATE-OF-MONTANA NOTICE-THE-FOWERS-GRANTED-BY-THIS-DOCUMENT-ARE-BROAD-AND-SWEEDING-THE-Y-ARE-EXPLAINED-IN-THIS-PART-E-YOU-HAVE-ANY-QUESTIONS-ABOUT-THESE-FOWERS, OBTAIN-COMPETENT-LEGAL-AD VICE-THIS-DOCUMENT-DOESNOTAUTHORIZE-ANTONE-TO-MAKE-MEDICAL-AND-OTHER-HEALTH-CARE-DECISIONS-FOR-YOU-YOU-MAY-REVOKE-THIS-POWER-OF-ATTORNEY-IF-YOU-I. Kate-Bladow of 5628-Prince-George-Street, Gwynn-Oak, Montana-21313, appoint Garrett R. Erwin-of 5628-PRince-George-Road, Gwynn-Oak, ME-25468 as my agent (attorney-in-fact) to act-for-me-in-any-lawful-way-with-respect to the following-subjects: (A) → real-property-transactions¶ (B) → tangible-personal-property-transactions¶ (C) → banking and other financial institution transactions (D) → claims and litigation¶ (E) → personal and family maintenance¶  $(F) \rightarrow benefits from social security, Medicare, Medicaid, or other governmental programs of the control of the$ ■ □ ■ □ □ □ □ = □ | Draw = 🖟 | AutoShapes = 🥄 🖎 🖂 🛇 🔛 🖂 🗳 🖟 🛣 🚎 🚎 🛍 📦 🎚 Page 1 Sec 1 1/3 At 1" Ln 1 Col 1

A personalized document is created from the answers.



The answers can be saved and reused.

#### Benefits

- Filings are legible and complete.
- Clerks file more forms in less time with significantly fewer rejections.
- Judges get information to make informed decisions, work more efficiently and reschedule fewer hearings.
- Litigants are more satisfied with process.
- Litigants understand the process better and feel ownership in the outcomes of the case.

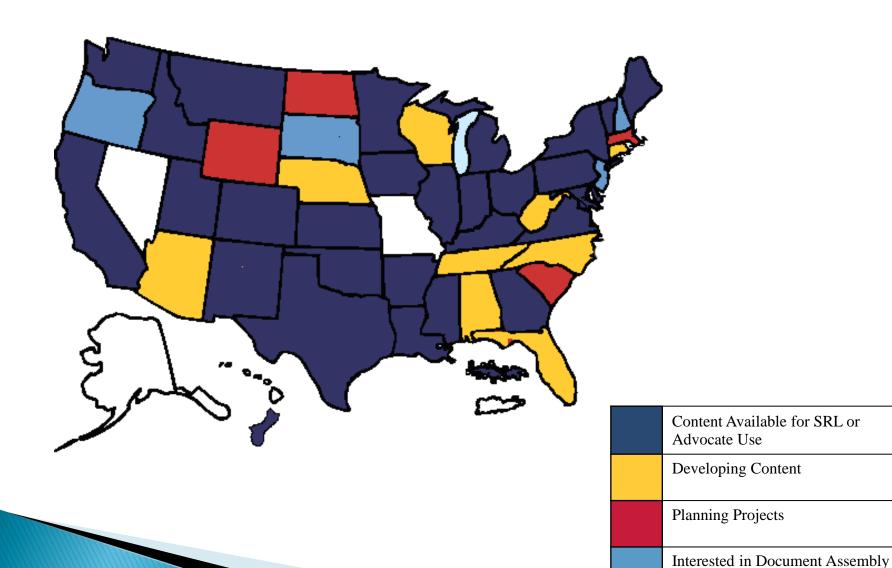
## What is LawHelp Interactive?

- National Software as a Service
  - Produces self-help friendly forms using HotDocs© software
  - Available to legal aid organizations and partnering court programs
  - SRLs access through legal services statewide websites
  - Managed by Pro Bono Net since 2005

Leverages significant national investments by

- Legal Services Corporation
- State Justice Institute
- Since 2005 has served over 1 Million interviews

#### Where LHI forms are used

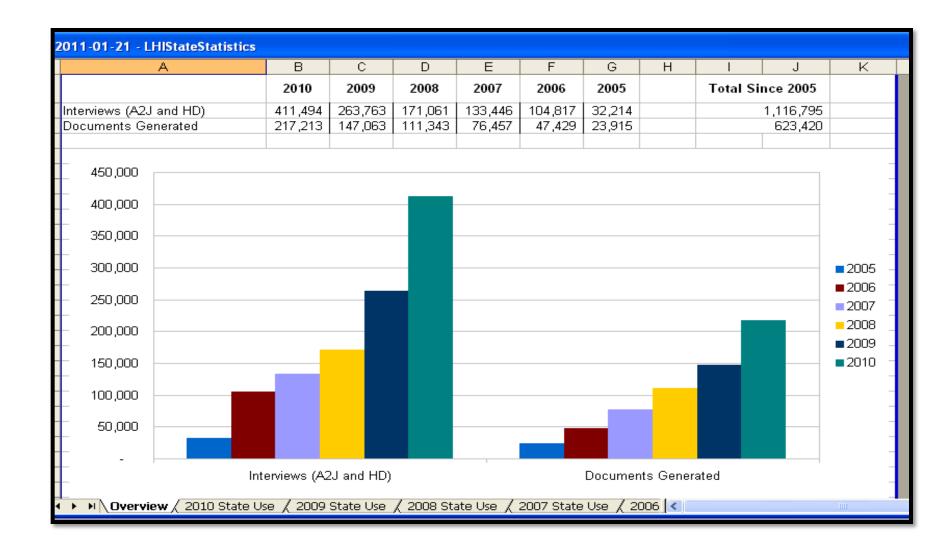


# General Experience

- High number of users are low income
- ▶ About ½ are not new
- ▶ Users report 15–40 minutes of time savings
  - More people give more relevant information to the court
- Majority are satisfied or very satisfied with experience

"All I can suggest is to keep up the good work here, it was very easy to use and I will be recommending this site to everyone I know that is going through this difficult time."

--Washington State LHI User



#### Areas of Law

|                   | 2010    | Q1 2011 |
|-------------------|---------|---------|
| Family Law        | 143,245 | 50,035  |
| Consumer Law      | 13,056  | 41,44   |
| Housing           | 12,671  | 4,438   |
| Wills and Estates | 7.057   | 2.275   |

### **Next Developments**

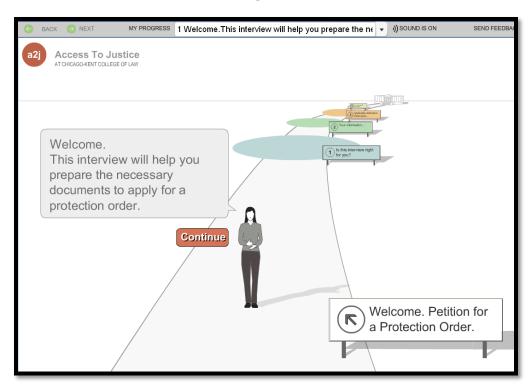
- Enabling online forms in languages other than English/Spanish
- Developing an LHI widget
- Developing an LHI e-filing solution that is friendly for SRLs
- Increasing federal law based templates

# A2J Author® & HotDocs®

Dina Nikitaides Program Coordinator Center for Access to Justice & Technology at Chicago-Kent

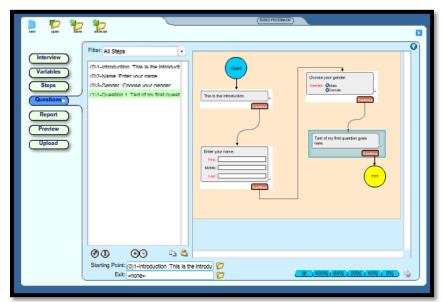
#### What is A2J Author®?

A graphical user interface for data collection specifically designed by Chicago-Kent & CALI for low-income, self-represented individuals.



#### What is A2J Author®?

Legal aid organizations & courts use A2J Author to create A2J Guided Interviews® to collect data from end-users one piece at a time.

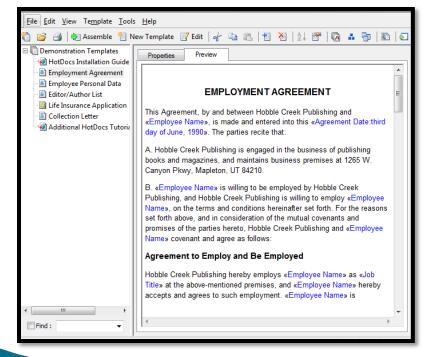


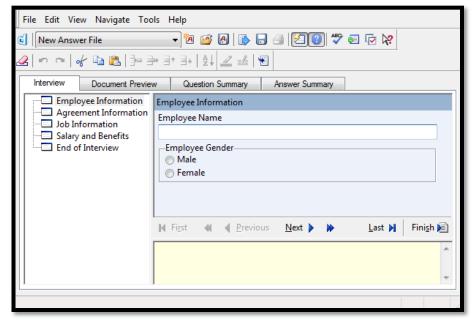


A2J Author® has "just in time" learning features for the end-user including: "Learn More" bubbles, definition pop-ups, audio, graphic and video capabilities.

#### What is HotDocs®?

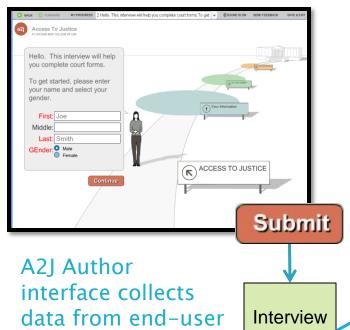
A document assembly software with a plain, form-like interface. Great for automating repetitive tasks for attorneys.





#### A2J Author® & HotDocs®

A2J Author® and HotDocs® work together to create the assembled court documents for pro se litigants.

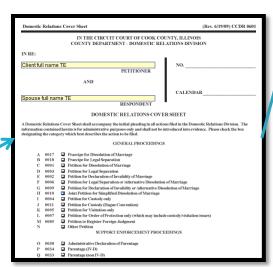


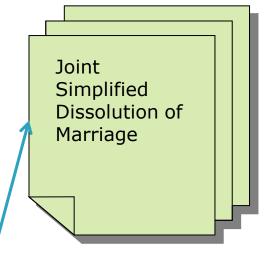
and stores data in

an answer file.

Answers

HotDocs reads the answer file and inserts data in the correct location on the form.





The completed document is returned to the end-user for printing or saving.

#### Impact of Automated Documents

- Legal aid and court developers in 32 states, the U.S. Virgin Islands, Guam, Canada and Australia use A2J Author.
- Nearly 600 A2J Guided Interviews are actively used by the public on the Legal Services Corporation supported national server Law Help Interactive (LHI)
- In 2010 over 217,000 documents were assembled using A2J Guided Interviews & HotDocs.

# Creating Automated Documents: The Power of Law Students

Dina Nikitaides, Program
Coordinator
Center for Access to Justice &
Technology

# Legal Aid & Court Staff

- Majority of automated court forms are created by legal aid organizations & courts
- Consistent creation of resources requires large time & staffing resources
  - Even with a dedicated technical developer creating automated documents, attorney knowledge is still needed to create resources that are beneficial pro se litigants' needs
- Once created, automated documents require consistent upkeep to be a valuable legal resource

#### Student Editorial Board Model

- Chicago-Kent established a law review type organization for automating legal forms
- Students applied & invited to participate
- Completely student run
- Issues with Student Editorial Board Model
  - School comes first
  - Amount of time needed for creation was more than most students have to give for no credit or pay
  - Incomplete projects

## Clinical Model: Justice & Technology Practicum

- New 4-credit course established Fall 2010 at Chicago-Kent: Students learn document assembly software & complete a project
- 7 students participated, committing 12hours/week
- Project completed to a level beneficial to legal aid organization
- 4 students chose to continue to Practicum II to polish projects & create a second automated document

#### Clinical Model: Course Outline

- Research substantive area of law for court form
- Meet with legal aid attorneys to learn areas of difficulty for pro se litigants with specific area of law & court form
- Participate as guides at Self-Help Web Center in courthouse to learn needs of pro se litigants
- Draft legal research memo

#### Clinical Model: Course Outline

- Learn HotDocs® & A2J Author®
- Learn "Plain Language" concept & exercises
- Storyboard (outline) content & flow of questions for complete project
- Create court form in HotDocs®
- Create data gathering interface in A2J Author®
- Reviews for functionality
- Reviews for language and flow

#### Clinical Model: Powerful Education

- Deep dive into specific substantive law
- Deep dive into procedural and heuristics of local practice
- Exposure to policy and ethical issues raised by legal services delivery & technology
- Key competencies for emerging law practice
  - ACC Value Challenge, AFA project management; and eLawyering, unbundling, web 2.0 and practice in the cloud

#### Clinical Model: Legal Aid Benefits

- Thoroughly researched and well thought out automated documents
- Timely construction of projects
- Minimal staff resources required of legal aid organization
- Free legal work!
  - Chicago-Kent had 7 students working 12 hours/week for 16 weeks of one semester
  - Equals:1,344 hours of free legal aid work in 4 months

#### The Power of Law Students

- If 3 schools started a cyber clinic:
  - 21 students per semester, 42 students a year
  - Working 12 hours/week for 16 weeks each
  - 8,064 hours of free legal work in one school year
  - Valued at \$10/hour = \$80,640
- If program expands to 200 law schools
  - 1,400 students per semester, 2,800 per year
  - Working 12 hours/week for 16 weeks each
  - 537,600 hours of free legal work per school year
  - Valued at \$10/hour = \$5,376,000

# Delivery of Services

Monica Mitchell, Supervising AttorneySuperior Court of San Bernardino County

Susan Ledray, Pro Se Services Manager Minnesota 4<sup>th</sup> Judicial Court

# Court Based Self Help

Monica Mitchell Supervising Attorney, Self Help Services Superior Court of San Bernardino County

#### California Courts

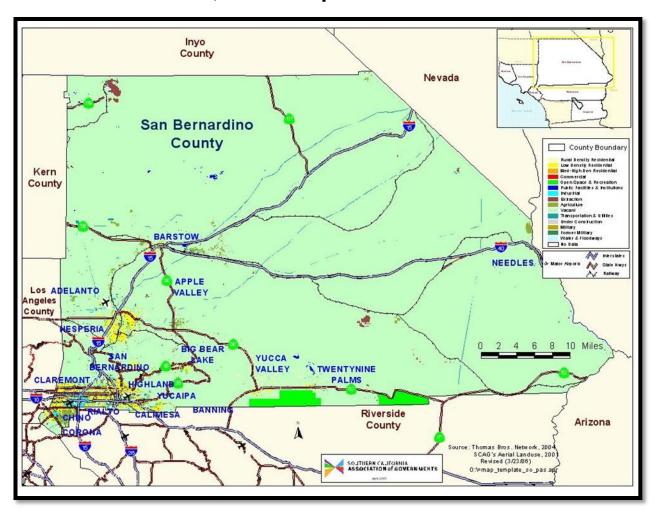
- Courts funded by the State to Administrative Office of Courts
- "Superior Court" (trial court level) in each of the 58 counties
  - Multiple districts
  - Judges in every county



#### SHC and Forms

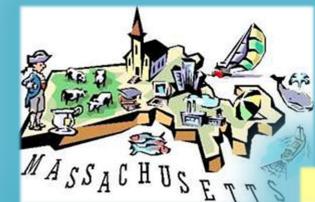
- Grant funding from State to each county specifically for a Self Help Center
- CA Courts master website with wide-range legal information
- CA Courts publishes state-wide forms
  - Fillable, saveable pdf forms
  - Over 250 forms just for family law
  - Very little e-filing

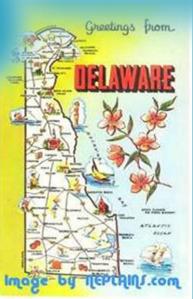
# 2,035,210 people 20,160 square miles



If one is to combine the square mileage of Connecticut, Delaware, Massachusetts and Rhode Island, San Bernardino County is still larger.









### San Bernardino County-What does it look like?

- Population:
  - 2 million
- Median Income: \*
  - \$54,678
- College Degree:\*
  - 16%
- High School:\*
  - · 74%





# Distinct populations within the County

- Urban
- Suburban
- Rural (desert & mountain)

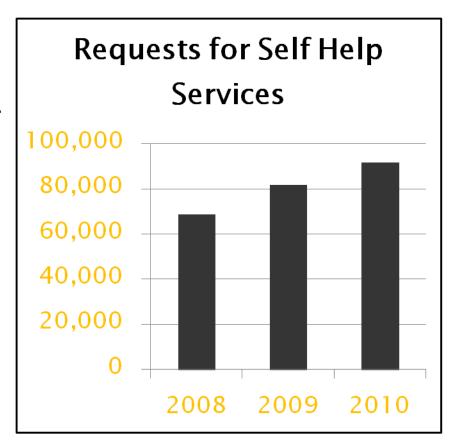


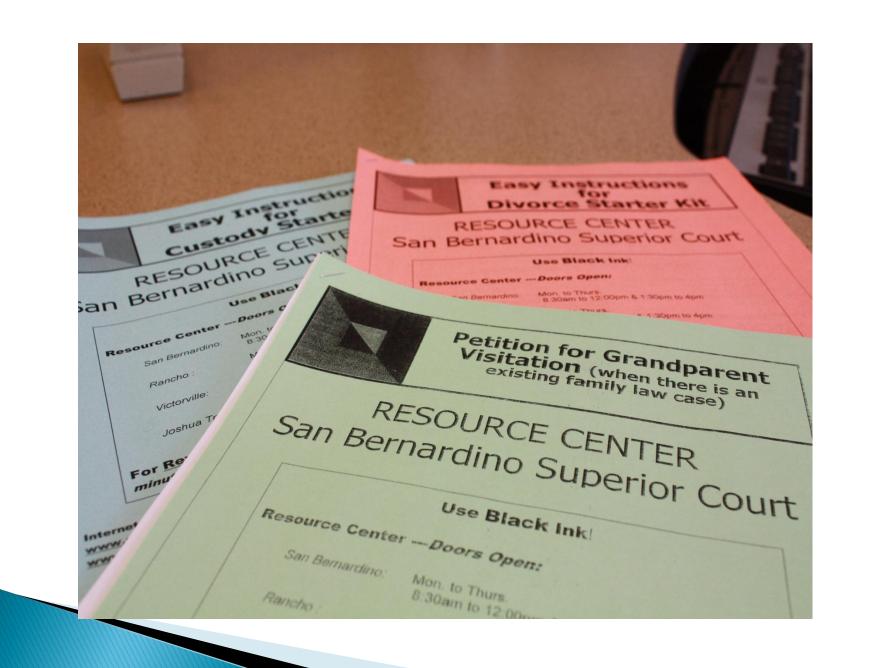
# San Bernardino Self Help



# **Program Information**

- Walk-In
  - 91,770 requests for service (2010)
  - Form Driven
    - Coaching
    - 90+ Samples





# More Program Information

- Attorney supervised
  - 18 persons; 6 centers



- 5 areas of law
  - Family Law, Gov't Child Support; Guardianships (kids); Landlord Tenant; and Small Claims (\$7500 or less)

# Do on-line forms improve access to justice? (YES)





# Why On-Line Forms Add Value

- Standardized content
- Electronic (remote sharing)
- Information Reusable
- Less training required
  - Self navigation or less skilled worker
- Basic computer needs

# Online Forms inside the courthouse -- Kiosk Model

- Use of plain language in interview questions
- Assess literacy level & comfort level
- Technical navigation concerns
- Staff to monitor



# Online Forms inside the courthouse -- Workshops

- Informational v. Paperwork Driven
- Document preparation prior to workshop with on-line forms
- Presentation to final processing



# Online forms in the global village

Start Your Case From . . .





# Partnerships for Virtual Help

- Partners Collaborate on documents via email
- Separate tasks for each partner:
  - Clerical/inputting
  - Substantive knowledge review

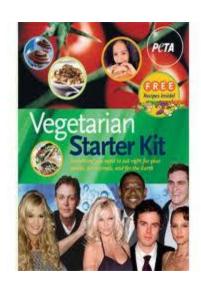


### How can it evolve?

- More programs (derivative & substantive)
- Changing use of programs
- Different types of programs
- Expand physical locations for use of programs
- Changing of roles of staff, paralegals, volunteers & litigants

## "Starter Kits"





Huh?



### Process for Start Your Divorce from Home:

- 1. Email request
- 2. Return worksheet
- 3. Papers emailed out
- 4. File for divorce



# Next Steps



Follow these simple steps in order to successfully start your case.

#### Review

After you have completed your forms, bring them back to the Resource Center to have them reviewed. It is important to follow this step because our staff has been trained to review these forms and help you make any necessary changes.

#### Copy

Make (2) copies of your corrected originals and then you will be ready to file your paperwork.

#### File

After copying, take your original **and** the (2) sets of copies to the clerk's office to file. Bring fee waiver forms or cash/check/credit card.

#### Serve

After filing, you will need to have the other party served with a copy of your documents and the BLANK forms. The proper way to perform the service is to have another adult (not you) hand deliver one of the stamped copies of your documents to your spouse. If you don't know how to find your spouse, ask us at the Resource Center about what you can do.

> ★ Your server person will be responsible of filling out the Proof of Service of Summons form and signing it.

#### Final step to start . . .

After service, file the following completed documents at the clerk's office: "Proof of Service" form (FL-115) and the "Declaration Regarding Service" of Declaration of Disclosure" form (FL-141). The server signs the Proof of Service form; you sign & date the Declaration Re: Service form, indicating when the papers were served on your spouse.

#### FYI:

ckest you can be divorced - 6 months after service of papers IF you get Judament papers turned in for the Judae's sianature. We will help you.

# Minnesota On-Line Forms

Susan Ledray Pro Se Services Manager, 4<sup>th</sup> Judicial District Court

### Outline

- About Minnesota Courts
- Beyond paper: Alternatives for forms
- Display and Promotion of forms
- Minnesota examples
  - Using Document Assembly at SHC

### Minnesota

- State Legislature funds Judicial Branch
- Each County has a courthouse (87 counties)
- Some counties have no sitting judge
- Well-governed state, Partnerships important

### **Forms**

- On Judicial Branch Website
- Accepted in all 87 Counties

 Committee structure for on-going review of forms (judges, court administrators, staff atty)

# Beyond Paper: MN Options

- Need to phase out paper: e-filing,imaging
- Word, PDF
- Fillable PDFs License issues
- Non-profit: A2J and I-CAN!
- For profit: Turbocourt (fee to print)
- Forms built by court IT

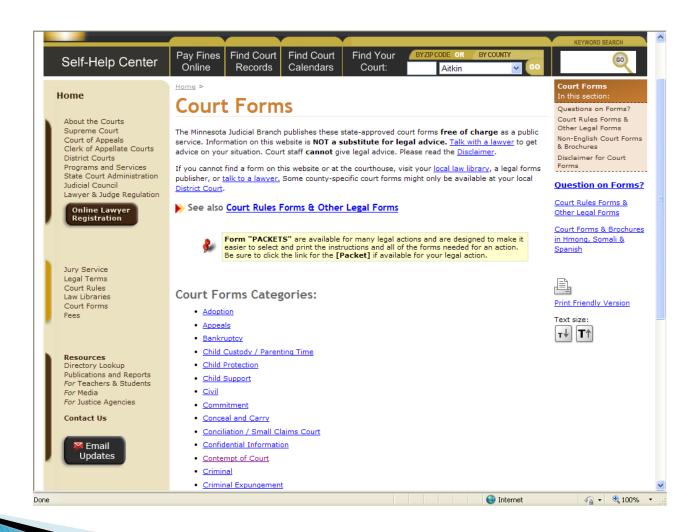
# Try Multiple Approaches

- What are your goals with a form?
- How complex is the action?
- Local talent, partnerships, licenses
  - Typed
  - Complete
  - Address common mistakes/misunderstanding
  - Guide and Educate
  - Avoid duplication within a form/across forms

# Making Forms Available

- Website
- Strategy to drive people to your forms
- Have alternatives for people without internet/printer access
  - Paper
  - Libraries, Pro Se Workstations, Friend

## www.mncourts.gov/forms



Appellate Court Records and Opinions Rules

Advanced Search

Search

Career Opportunities

Self-Help Center

Find Your District

### Self Help Center Representing Yourself in Court

#### HOME

Forms

Legal Advice Clinics & Self-Help in the Courts

Representing Yourself in Court Find a Lawyer

Laws, Rules & Legal Research Legal Terms

Videos & Tutorials

Law Libraries

Ask a Law Librarian

Contact Us @ SHC

Disclaimer

#### FIND HELP WITH:

Car Title Problems

Civil Actions (in District Court)

Conciliation Court

Criminal Expungement

Divorce, Custody & Family Law Domestic Abuse & Harassment

Fee Waiver (IFP)

Guardianship & Conservatorship

Judgments

Juvenile Law

Landlord & Tenant

#### Name Change

Probate/Wills/Estates

Settle a Case Out of Court

(ADR)

More Legal Topics...

#### LANGUAGE LINKS:

Español / Spanish Hmoob / Hmong Soomaali / Somali More Languages... Judicial Branch Home > HOME > FIND HELP WITH: >

### Name Change

Pay Fines Online | Fees | Court Forms | Find Court Calendars | Access to Trial Court Records

- Basics on Applying for a Name Change
  - Who May Apply for a Name Change
  - How to Apply for a Name Change
  - How to Change a Birth Certificate
  - · Applicant Lives in Minneapolis
  - · Applicant is Currently in Prison
- Forms -- Name Change
- Laws, Rules & Resources on Name Change
- What to Do After a Name Change
- Self-Help Services in the Courts

« Back to SHC Home

#### Name Change In this section:

Basics on Applying for a Name Change

Forms--Name Change Laws, Rules & Resources on Name Change

What to do after a Name Change



Print Friendly Version

Text size:









#### Get help with harassment forms and procedures at the Self-Help Center.



#### NEW! Harassment Petition Forms in A2J\*



#### **Restraining Order Forms**

| Form<br>Number | Form/Packet Name   |
|----------------|--|
| [Packet]       | Petitioner's Harassment Packet                                       |
| [Packet]       | Respondent's Harassment Packet                                       |
| HAR101         | Instructions - Applying for a Harassment Restraining Order           |
| HAR102         | Petitioner's Affidavit and Petition for Harassment Restraining Order |
| HAR802         | Order Upon Petition for Harassment Restraining Order                 |
| HAR103         | Law Enforcement Information Sheet - Harassment                       |
| HAR301         | Request for Hearing  |
| HAR201         | Notice to Respondent   |

#### Dismissal Forms

| Form<br>Number | Form/Packet Name   |
|----------------|--|
| HAR401         | Petitioner's Request and Order for Dismissal of Harassment Restraining Order |

#### Contempt Forms

| Form<br>Number | Form/Packet Name                               |
|----------------|--|
| HAR501         | Affidavit and Order to Show Cause for Contempt |

#### Modification Forms

| Form<br>Number | Form/Packet Name |
|----------------|------------------|



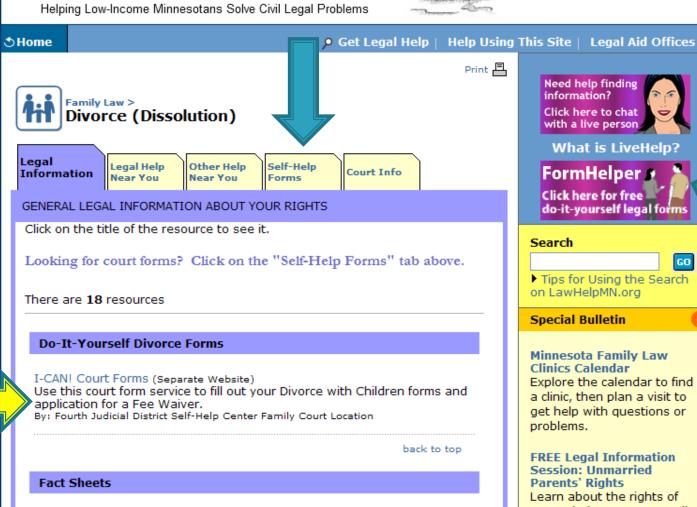
### LawHelpMN.org



Who We Are | Feedback Take Our User Survey

Language / Idioma





Need help finding information? Click here to chat with a live person

What is LiveHelp?

FormHelper > Click here for free do-it-yourself legal forms

#### Search

GO

Tips for Using the Search on LawHelpMN.org

#### Special Bulletin



Minnesota Family Law Clinics Calendar Explore the calendar to find a clinic, then plan a visit to get help with questions or problems.

FREE Legal Information Session: Unmarried Parents' Rights Learn about the rights of unmarried parents on April 13th at the Heritage Library in Lakeville. Free and open to the public.

What is a Guardian Ad Litem? Fact Sheet F-8 By: Legal Aid Society of Minneapolis Other Formats: UHTML Read this in: Spanish / Español

# Approaches with Document Assembly Forms

- Website no assistance
- Website ability to seek out help
- Use at SHC
  - Push to switch from paper

### **Harassment Petitions**

- Hennepin SHC averages 11 per day, pro se
- Walk-in customers use A2J at SHC
- Or, given web address to work at home)
- When documents are assembled, raise hand
- Staff review documents before printed

## Experience with Harassments

- People like using the computers
- Program is easy to use
- Small % need someone to type for them (volunteer opportunity)
- At SHC, don't "save" documents
- Saves staff time
- Improve program because "see" problems

### **Problems**

- Timing out lose work
- Go through interview and documents not there
- Glitches in how form is filled
- Server problems
- Upset customers
- Personal information on computers delete
- Concerns over inappropriate use of computers

### Recommendations

- Use A2J
- Test thoroughly before uploading
- Have mechanism for good feedback
- Plan on needing to make changes to A2J interview, functionality
- Have a clear understanding of how/when fixes will be made
- Back-up plan
- Volunteers can be trained to help litigants

### I-CAN!

- Legal Aid Society of Orange County
- MN has all divorces and Fee Waiver in I-CAN!
- All walk-ins at Hennepin SHC asked to use I-CAN!
- Prominently promoted on court and legal aid websites
- Hennepin SHC will review I-CAN! divorces in person or by email
- Litigant brings/emails I-CAN! password and staff bring up forms

### Statewide SHC

- www.mncourts.gov/selfhelp
- Drive people to I–CAN!
  - Website notices
  - www.lawhelpmn.org
  - Court staff
  - Handouts

Offer support
Screen help link
Review forms option

# I-CAN! reviews by Email

- Separate email box
- Get party name, email, phone #, password
- Staff use password to access I-CAN! stored documents
- Staff never change the documents send email
- Could co-browse and then change documents

### I-CAN! Review Email Outline

- Dear Donald:
- I am a staff attorney with the MN Courts Self-Help Center. As a court employee, I am not allowed to give legal advice, opinions, or strategy, but I can point people to legal resources and explain procedures for Minnesota courts.
- I had a chance to review your Joint Petition With Children and have the following comments/suggestions. To go back into I-CAN! to fix any of the issues I bring up in this email you can...

### **Email Outline**

- You may want to talk to an attorney to see if there is a more accurate way to phrase your agreement. See screen 161.
- Free 30-minute consultations with a volunteer attorney are available for people who live in or have a court case in Washington County. You must schedule an appointment by calling 651-430-6296. Family Law appointments are available every Tuesday from 1:00p 3:00p.
- To find other legal advice clinics in your community, see <a href="http://www.lawhelpmn.org/mn/searchresults.cf">http://www.lawhelpmn.org/mn/searchresults.cf</a> <a href="m/language/1?q=clinic">m/language/1?q=clinic</a>.

# Email: Closing

- I hope this information is helpful to you. If you have another question about the court forms, procedures or legal resources, feel free to call the MN Courts Self Help Center at 651-259-3888 during call center hours, Monday Friday from 8:30 a.m. to 3 p.m.
- Please tell us what you think about this service, and let us know your suggestions for improving our website.

### Outcomes

- I-CAN! improves quality of pleadings and reduces staff time to review/explain
- Reliable product, excellent response time if problem
- Low usage in other languages

# **Email Screening**

- Don't know if litigant follows through
- Tried co-browsing, hard to keep control
- Emailing comments allows staff to fit reviews in when it's convenient
- Hennepin: People like option of not coming downtown for forms review
- Gives everyone in the state access to service
- Talking with Bar about lawyer review option

# Questions?

