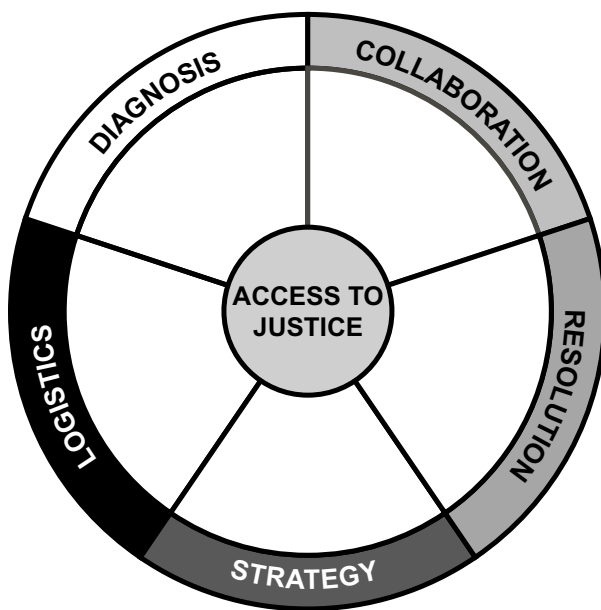


Access to Justice

Meeting the Needs of Self-Represented Litigants



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Access to Justice

Meeting the Needs of Self-Represented Litigants

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Contents

Introduction	1
Overview	2
System Elements	
Diagnosis	10
Logistics	34
Strategy	55
Resolution	74
Collaboration	118
Conclusion	170
Appendices	171

Introduction

This report is an effort to identify the problems that people face when they represent themselves, without attorneys, in today's civil justice system. It is also a venture into solutions that may address some pressing issues from the perspective of the self-represented litigant.

The justice system was created by attorneys to be maneuvered by attorneys. It is both procedurally and substantively complex and was not designed to be handled directly by lay people. The 6th Amendment of the U.S. Constitution affords citizens the absolute right to counsel at trial. Conversely, the people also maintain the right to self-representation. Even if it is not in the best interest of the defendant to represent himself, the Constitution guarantees him that opportunity. Until recently, however, most people have not chosen to invoke that right.

Several factors have driven people to begin representing themselves in civil court. The high cost of legal representation has been a primary cause. Other factors include a growing distrust in attorneys and a change in perception about the difficulty of self representation brought on by civil justice reform. Many people simply believe that going through the civil justice system will be cheaper and better through self representation.

What was an exceptional situation has become a norm. The judicial system in America was not built to withstand the tremendous influx of litigants that courts currently experience. As such, the courts' ability to provide litigants the resources they need has become limited.

Civil justice reform has tried to address many of the problems that self-represented litigants face when they attempt to manage the process on their own. However, changes in the law can mitigate the situation only after tools and procedures are developed to take advantage of them.

Today, self-represented litigants (SRLs) roam through the judicial system without structured guidance. They do not understand the process, the strategy, the remedies, tools, and alternative solutions available to them. The problem is complex and multifaceted. The Justice Web Collaboratory set out to learn about the current system, identify the processes necessary to maintain legal integrity, and systematically design solutions to combat the established barriers in this system.

The focus was on developing integrated concepts for improving access to justice for those who choose to represent themselves in court. We hypothesized that by opening the lines of communication in the system we could create a system that could support fairer outcomes. Through these solutions, we hope to be able to help educate, prepare, and transform ordinary citizens, into capable self-represented litigants.

System Overview

In our efforts to improve self-represented litigants' access to justice in the civil court system, we have observed problems and opportunities from the perspective of litigants, attorneys, mediators, clerks, judges and court administrators. This report attempts to address many of the issues we have uncovered and recommend an integrated system of solutions that may remove barriers to access that self-represented litigants face today.

Values

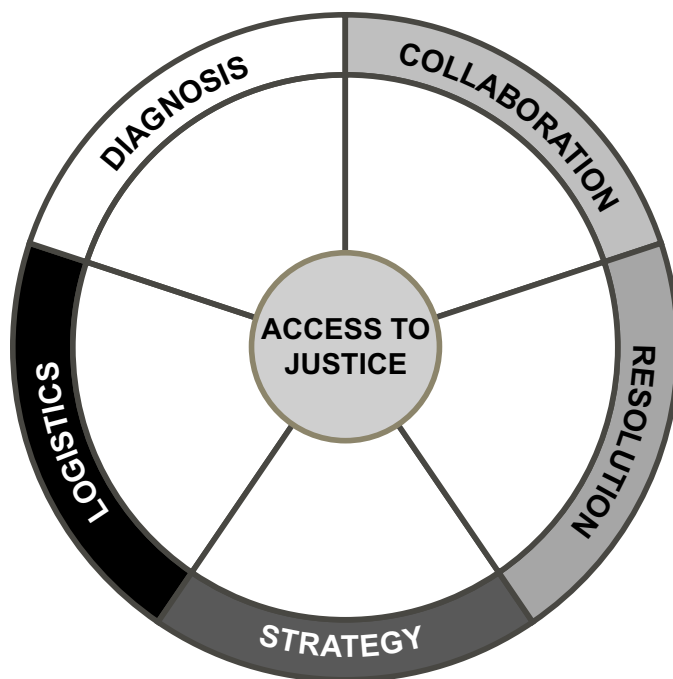
This system of solutions attempts to rectify many of the existing problems, propose new ways of settling disputes and recommend innovative ways for courts to partner with external organizations to help self-represented litigants. We have made a concerted effort to imbue the system with a set of guiding principles that we believe should be preserved in any implementation that takes form. These are summarized as follows:

1. Self-represented litigants should not be compelled to use any of the recommendations that are implemented and should have the alternative means of meeting their objectives within the current judicial system.
2. Tools developed to help self-represented litigants should attempt to make the process explicit, revealing possible implications and consequences of their actions, while providing assistance.
3. Educational tools should be provided “just in time” when problems occur, or when self-represented litigants are most receptive to learning from a problematic situation. When preventative measures cannot fix all problems, just in time solutions are useful.
4. The implementation of technological infrastructure and information-based resources should not impede or create barriers to access. Rather, they should remain transparent, creating an invisible safety net for self-represented litigants.
5. Computation-based decision support tools should not attempt to interpret, but rather, be employed in conjunction with human judgment.
6. Solutions must strive to balance inequities among parties even if the benefits of efficiency are lost.

System Overview

Solution Areas

Our view of the proposed system reveals five solution areas: Diagnosis, Logistics, Strategy, Resolution, and Collaboration. This overview summarizes the interaction of solutions within each area.



System Overview

DIAGNOSIS

Every time SRLs enter or re-enter the court system, they may have different needs or objectives. Each introduction or reintroduction into the court system is an opportunity to meet several goals:

Evaluate

Provide SRLs with tools to identify their problems and evaluate the cost and time of pursuing a case based on their identified problems. Help SRLs understand their objectives in the context of what the court system can and cannot do. Evaluate a course of action.

Prime

Prime the Access to Justice system to anticipate and specialize its subsequent interactions with the SRL based on a selected course of action.

Feed Back

Gather intake information and provide the court system with feedback on SRL needs to improve programs and initiate partnerships.

System Overview

LOGISTICS

Once litigants choose to pursue trial or mediation, they will need to begin clarifying their objectives, organizing their cases, and interacting with the court system.

Clarify

Learn while doing. Negotiating the legal process is fraught with hidden pitfalls not apparent to the novice SRL. Provide SRLs with explicit rationale and implications of what they are doing. Educate and inform while SRLs learn to maneuver the system.

Organize

Provide transparent, smart and efficient tools to improve system use without “getting in the way.” Create a safety net for SRLs by keeping track of their cases as they build them. Prototypical samples and physical organizers use categorization schemes, filters, and triage techniques to make the SRL aware of “common” or “idealized” court practices efficiently and sensibly.

Transact

Create new ways of communicating with the court, keeping records, and reducing transaction costs by minimizing the physical requirements of information exchange.

STRATEGY

Strategic planning is different from general education. These tools help a self-represented litigant to learn strategic tactics, build a coherent and persuasive case and prepare for negotiation either in trial or in mediation.

Educate

Teach SRLs the basics of good negotiation and provide a foundation to minimize inequities between parties. Solutions should help SRLs recognize that a multitude of outcomes are possible and to begin setting the stage for good negotiation practices. These tools have been developed to be engaging, personal and humane as they impart experience to their users.

Build

Elicit and capture salient aspects of a litigant's story through progressive, iterative, and interactive tools. Representation support tools, while not attorney substitutes, are designed to aid SRLs in producing a fair and coherent representation of their story, their needs and their objectives. These tools teach the SRL about what the court deems to be important, thus helping them better represent themselves.

Cooperate

Provide incentives and tools for parties in dispute to cooperate and settle their dispute without having to go to trial

RESOLUTION

Supporting fair and balanced dispute resolution may require a wide range of changes. The distinguishing characteristics of these solutions is they support fair negotiation by stabilizing emotions and using environmental changes and technology to balance inequities between SRLs and more experienced, possibly represented parties.

Support

Create litigant-centered environments and provide customer assistance in an effort to support fair outcomes before and after judgement. Provide customer service tools that help litigants focus on the issues at hand by minimizing the frustrations of navigating through the court.

Mediate

Provide an alternative means of dispute resolution that minimizes the involvement of the court. Take advantage of computation-supported tools that can be used effectively and efficiently to juggle multiple issues and provide SRLs a way to pursue resolution on their own.

Present

Support presentation and readiness for trial. Equip the court with technologies that support presentation. Seek alternative approaches to trial proceedings.

COLLABORATION

The court should not be solely responsible for aiding SRLs. Creating partnerships between the judicial system and external organizations strengthens both the court's role in the community and the likelihood of aiding SRLs in need. A particular group of people who have little recourse are SRLs who have lost judgments and have difficulties meeting their payments. These solutions are networked tools that strive to promote additional resources for SRLs when the court, alone, cannot address their problems.

Analyze

Gain insights from intake information captured in Diagnosis to better plan and initiate programs that match litigant usage and need.

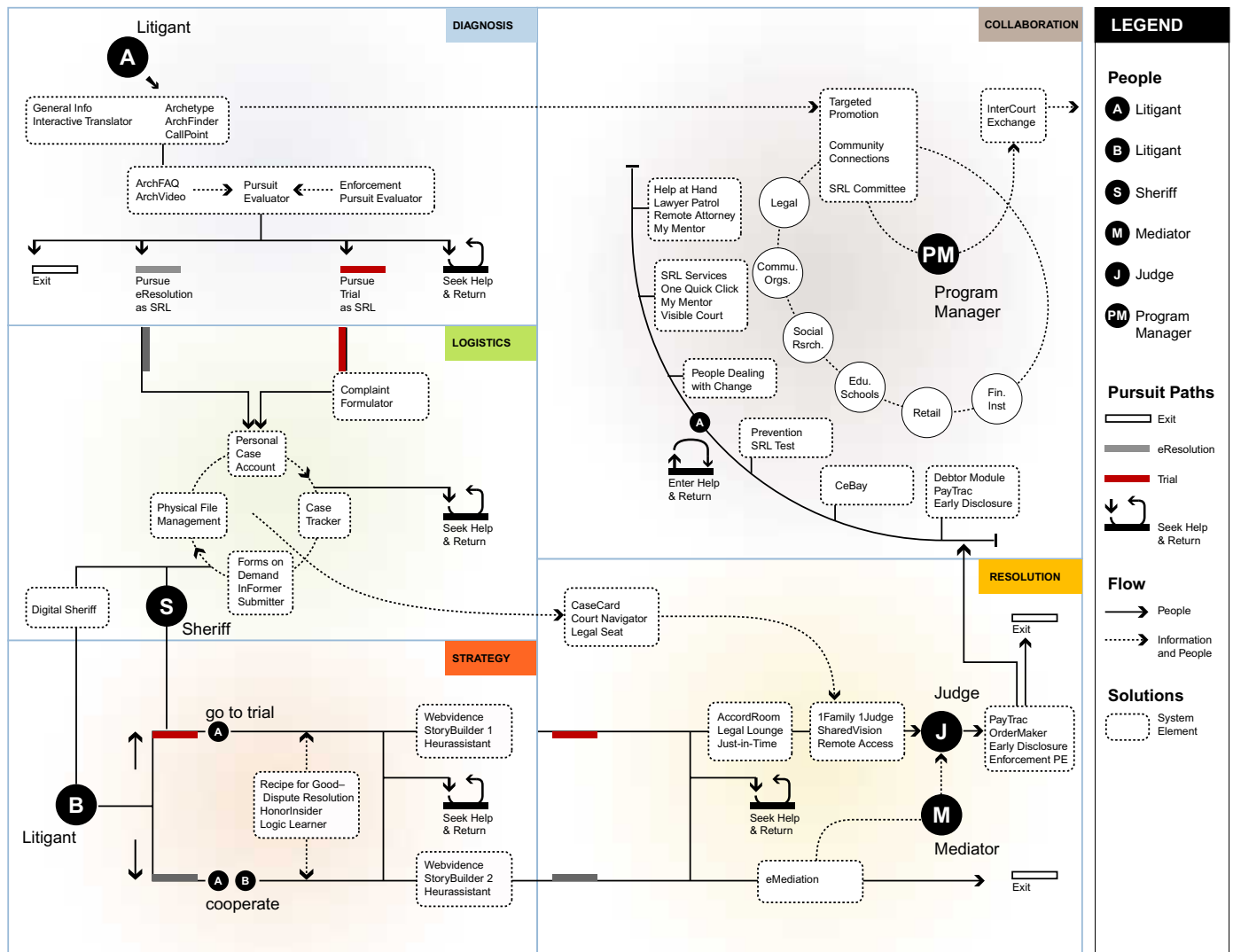
Partner

Work with external organization to create incentive and mutual value in developing programs to assist SRLs. Share insights and knowledge between court systems as well as expand programs to gain regional and statewide reach.

Deploy

Execute and monitor programs developed in conjunction with external organizations. Address litigant needs that the court cannot provide alone.

Map of the System



Description

CourtNet is a distributed network facility linking a set of applications and physical devices inside the court building, between state courts, and with the internet. The judicial staff, the clerk's staff and the public share this platform. It provides both communications infrastructure and data interchange for text, images, video and other forms of digital information. It forms the central backbone (infrastructure) for a range of information applications designed to improve access to the justice system. **CourtNet** should allow the integration of existing information technology in the court

Properties

- Distributed network of computing resources.
- High bandwidth private network
- Access to and from the Internet
- Data translation services to integrate with existing information

Features

- Links courts across the state: court personnel, information, and documentation.
- Allows litigants, lawyers and all court personnel in any courts the ability to communicate and share common case information.
- Provides the underlying functionality to recall for the user all the information specific to them. It allows a user to move across a wide system of applications without re-entering data.
- Opens access to the courts, by letting users of the justice system access services of the court from any place on the internet at any time of day.
- Provides a platform which can be leveraged to form new solutions as litigant needs change and legal practices evolve.

Discussion

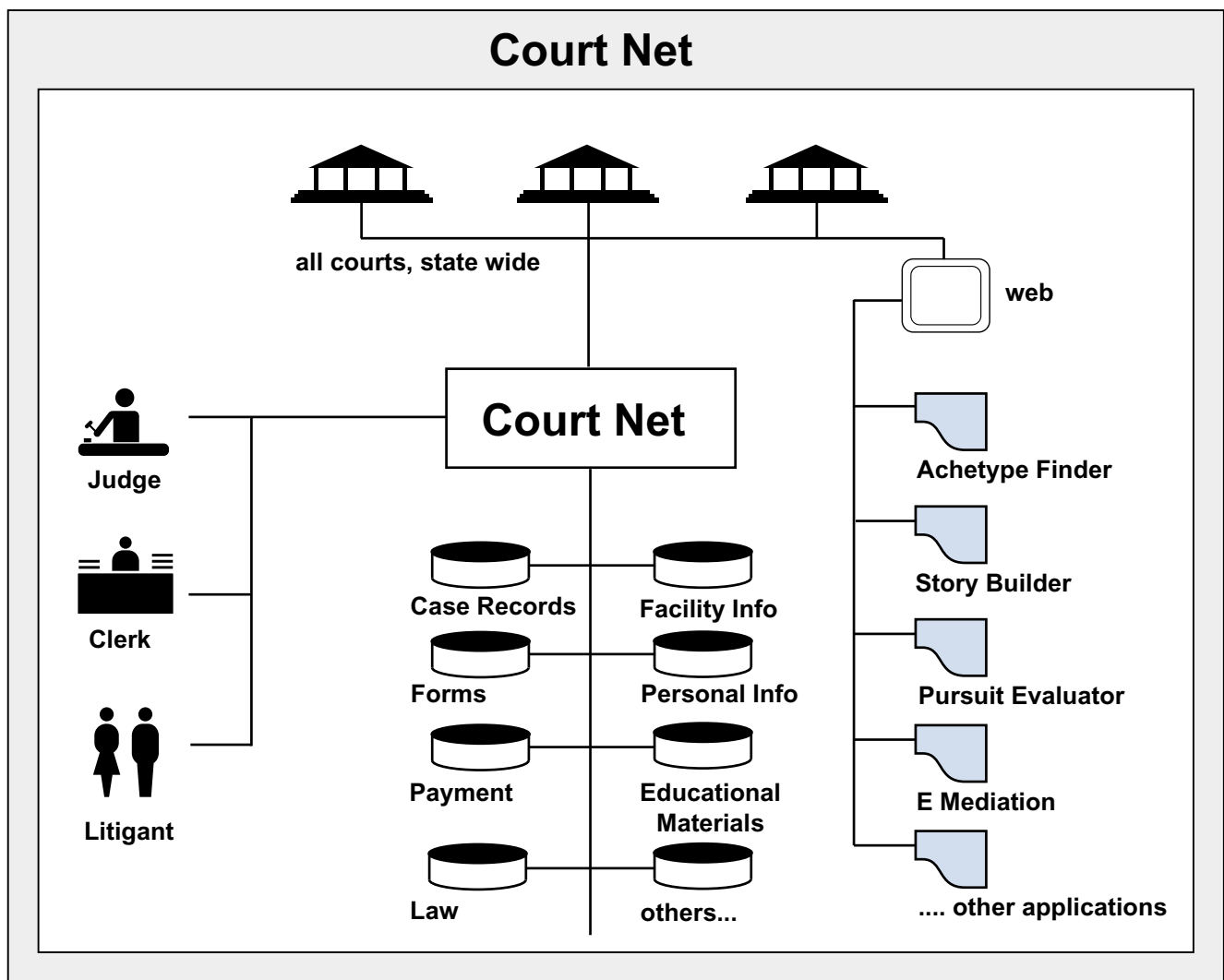
Information systems that support the legal system are just now making significant inroads to being part of the central function of a court. These systems often have two main functions; filing of a case without paper and recall of court records scanned and made available in digital format. As technology and the supported functionality improves, a much wider audience can be served a richer set of applications and information services.

CourtNet is the proposed backbone to providing a set of services that serves the internal court staff, the legal community which work with them, and the litigants who are seeking justice. This effectively allows the justice system to provide services to a wider set of locations at any time during the day.

When a litigant, for example, uses the tools that are implemented in the **CourtNet** system, they experience a unified but flexible environment. This is important for any

number of solutions which span the use of more than one tool. For instance the **Story Builder** and **E-Mediation** tools work together to allow divorcing parties to create and mediate a list of marital assets and other terms of the separation agreement on line. **CourtNet** allows the two applications to share information and provide the experience of a unified solution.

Extending the previous example, the divorce participants might chose to mediate their case in person with a neutral party rather than on-line. Information accumulated in the **Story Builder** could be accessed by the mediator to enable that process. Or should mediation be foregone in favor of dispute in trial, the story from **Story Builder** data could be accessed by help center staff and the judge to aid the resolution of the case via the **Shared Vision** application.



Discussion (Continued)

The court building can provide a much wider range of logistic help if it provides guidance through electronic means like touch screens and key card readers. The capability of these tools to provide information and support court process is extended by tying them to **CourtNet**. **CourtNet** will bring to the point of access any information asset held by the court or available on the internet.

To create the flexible and compatible applications, the **CourtNet** system should be modular and support open

standards in implementation. It should aid applications to store and retrieve information from a common resource. This allows users to take any path they choose through the online tools and information and see the accumulation of their efforts thus far.

The infrastructure of **CourtNet** should be considered an open platform. Court information and applications will always require modification as needs and procedures evolve. The open system should encourage the modification of current applications and the implementation of new technologies.

System Elements

DIAGNOSIS

Every time SRLs enter or re-enter the court system, they may have different needs or objectives. Each introduction or reintroduction into the court system is an opportunity to meet several goals:

Evaluate

Provide SRLs with tools to identify their problems and evaluate the cost and time of pursuing a case based on their identified problems. Help SRLs understand their objectives in the context of what the court system can and cannot do. Evaluate a course of action.

Prime

Prime the Access to Justice system to anticipate and specialize its subsequent interactions with the SRL based on a selected course of action.

Feed Back

Gather intake information and provide the court system with feedback on SRL needs to improve programs and initiate partnerships.

Interactive Translator

Description

The **Interactive Translator** is a highly sophisticated intelligent software able to translate languages and to understand human speech in different languages. It interacts with users and exchanges information with them. The answers given by the **Interactive Translator** are almost as fast as the ones given by a human, creating a real experience of communication. This software is also able to decode speech signals and convert it into text. It supports many of the applications available in through **CourtNet**.

Properties

- Artificial Intelligence software
- Multilingual database
- Voice recognition software
- Audio and video interface
- Database of multilingual keyboards

Features

- Translates languages from written form to speech, speech to written form and speech to speech
- Understands human speech in many languages without previous training on the user's particular voice
- Processes all the information to be displayed by the Court's information manager according to each language
- Activated by the **Case Card**
- Gives spoken instructions
- Accepts oral information for filling out forms
- Translates all the information to be submitted to court into English
- Translates all the information to be given into to his or her native language

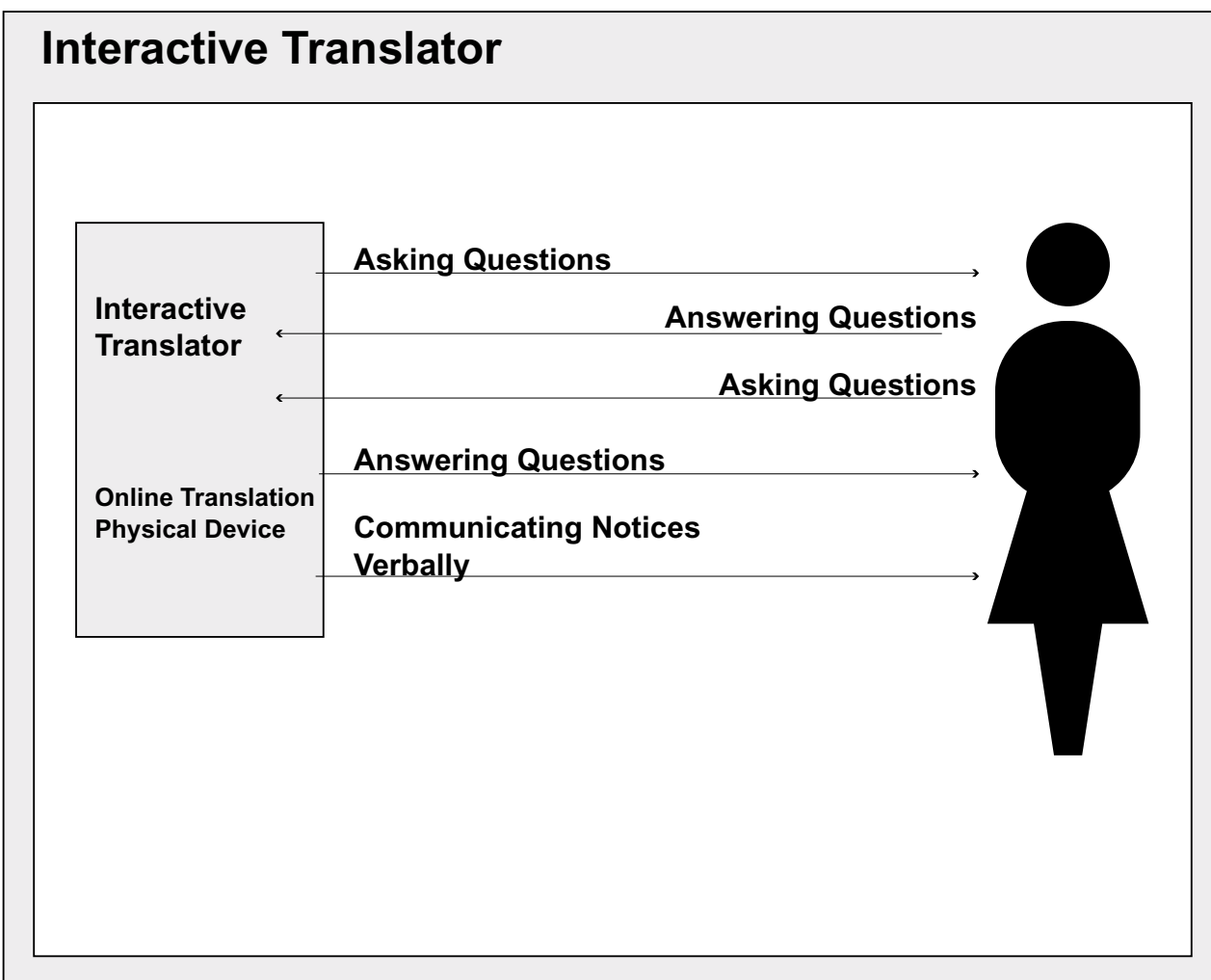
Discussion

Court communication instruments can be defined as information, documents, forms and notifications (which contain vital information for a process) that serve as a communication channel between court and litigants. The usefulness of these materials is in direct correlation to the ability of the litigants to understand and use the language in which these instruments have been written. Therefore, accuracy and clarity of court communications is critical to reach a good understanding between the system and litigants.

Surveys conducted by the National Center for State Courts showed that the percentage of self-represented litigants who do not speak English as a first language in Ventura, Kent, and Lake counties is 9.4%, 35.3%, and 12.3% respectively. Addressing the problems that language barriers present to this group of people will have a significant impact on access to justice.

Since this is a communication issue, there must be at least two parties involved. For example, the court communicates messages to litigants or vice versa. If they both use different languages, then communication is not going to take place. At least one of them has to be able to master the other party's language. The system should be able to understand and communicate basic information in different languages. Since most SRLs already have little time even to prepare their cases and because many are illiterate in their native language, it is unrealistic to expect them to learn a new language quickly at the level required to represent themselves in court.

Language barriers make access to justice very difficult for many self-represented litigants. Within the wide range of language barrier levels, we can identify that some people have more limitations than others. People who have a minimal



Discussion (Continued)

educational background may have trouble understanding written information. This situation is even worse for illiterate people. They face constraints impossible to overcome in a short period of time in terms of reading. Additionally, handicapped people may have trouble decoding what is written in documents, for various reasons.

This is a serious communication problem at a deep level. The pattern is that most of these people base their communication on oral/aural channels. The possibility of the court providing and taking oral information opens up the opportunity for access to justice with fairness in regard to this demographic.

Current technologies can support programs for opening alternatives to this group of people. The Interactive Translator is a highly sophisticated voice recognition software from the realm of artificial intelligence. It has the ability to translate from one language to another as fast as humans. It can convert

human speech into alphanumerical information so as to be understandable by any of the applications of **CourtNet** or by devices located in court facilities. According to experts in the field, spontaneous speech translation should be available by 2020.

The Interactive Translator is an internal software which supports at least three activities:

1. The litigant searching for information
2. The litigant filling out a form
3. The litigant receiving notifications from court

All three operations can be executed orally by both parties, the system and litigant.

At a system level, the Interactive Translator compiles the information from either the litigants or the system and converts it to text or to spoken messages. This information is carried into the whole system by operating system.

Scenario

Alberto Perez, is a self-represented litigant who does not speak English. Currently he is having problems with his landlord who is violating some points of the lease. Alberto decides to file a complaint against his landlord. But Alberto is really concerned about his level of education and language difficulties and is afraid of engaging in a process which he cannot understand. Additionally, the court building is far away and he cannot take much time out of his job to carry out a judicial process.

After asking peers and relatives for advice, he has been told that he doesn't have to go to the court to file a complaint; instead, he can access the court's web site and file the

complaint from a remote position. But the best part of this is that he can do it in his native language, getting a better understanding what the process is and the information required.

Alberto goes to the public library and accesses **CourtNet**. As soon as he establishes contact with the interface, he identifies options for written language or spoken language. He decides to try the written Spanish option, so he activates the Interactive Translator. After a few minutes of looking at some information, he starts asking the questions he is given. When he has trouble understanding some written expression, he chooses the spoken language option, recalling the Interactive Translator.

General Info

Description

General Info explains about the court system in general, e.g. the court's hours, locations, where to get forms. Not only does **General Info** help litigants, but also those who simply want a better understanding of the court system.

Properties

- Information about the court itself
- Office hours, locations and directions
- Directions for objects that are looking for
- Process of court
- What court does and does not
- Orientation of Court Net

Features

- Provides basic information about court itself
- Provides process about court
- Helps litigants to understand court system
- Accessible in public places
- Gives information where litigants can find what they want
- Provides sources that litigants can search.

General Info

Discussion

Some litigants prefer to learn general information before getting involved in the details of their cases. General Info provides general facts about the court itself, such as: the hours of court, the location of court buildings, and floor plans of sites.

The basic contents are:

- Frequently asked questions about the court system
- Map of court locations and directions
- Diagram of Process in court
- List of what court can and can not do
- Hours of different offices

The information is not only for litigants but also for people who want to find out general information about court.

Scenario

An SRL incurs damage to his car when he takes it to a local drive-thru car wash. Although, the tires his car were mutilated by the car wash's rails, the establishment denies fault.

This SRL has a number of questions regarding whether he can sue the company and, if so, how to prepare for the lawsuit. When he logs into General Info, he discovers that, he can file a suit, and where to go and how to find other information. He also learns basic principles about the court process.

Archetype Finder

Description

Archetype Finder is a system of web-delivered questions that guide an SRL to his/her matching **Archetype**.

Properties

- Web pages
- Questionnaire in a non-linear “smart” format

Features

- Gives the SRL a starting point for navigating through a pro se website
- Matches SRL to best **Archetype**
- Builds empathy
- Helps SRLs organize their thoughts
- Increases confidence in **E-Mediation** for SRLs whose disputes would be optimally resolved by using it
- Weeds out the SRLs whose cases would not be appropriate for **E-Mediation**

Archetype Finder

Discussion

Many Self-Represented Litigants (SRLs) have trouble understanding how to begin pursuit of a resolution to their dispute, either using court-based or non-court-based methods. This approach endorses the use of software to ask “general-to-specific” questions about the SRL dispute. After an SRL answers all of the questions, the system provide a meaningful result in the form of an **Archetype**.

Archetype Finder is a system of web-delivered questions that guide an SRL to his/her matching **Archetype**. This “questionnaire” asks the SRL key questions in order to determine which **Archetype**, either precise or general, most closely matches the SRL’s needs. **Archetype Finder** questions SRLs in a non-linear, “smart” format that provides different questions to the SRL based upon each answer. Some questions will be used to determine if **E-Mediation** is appropriate for the SRL at all.

Archetype Finder brings four primary benefits to the pro se website:

1. **Archetype Finder** serves as a friendly introduction to the website. People typically prefer answering questions to searching for a starting point.
2. **Archetype Finder** bridges the mental hurdle required for an SRL to find his/her **Archetype**.
3. **Archetype Finder** would build empathy amongst the SRL and the website because certain matters, which the SRL may think that no one can relate to or understand, would be addressed openly and plainly.
4. **Archetype Finder** makes it easier for an SRL to understand **Archetypes**, **E-Mediation**, and the rest of the pro se website.

Court Net

Archetype Finder : Classify your Case

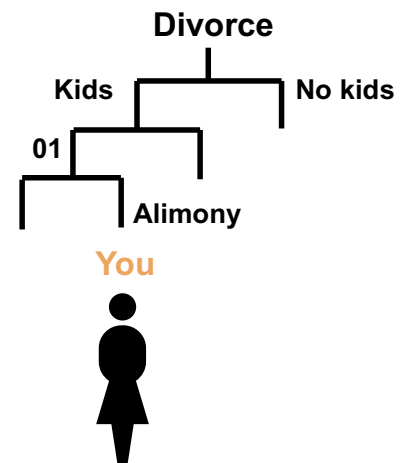
- ☒ **Divorce**
- ☐ **Landlord-Tenant Dispute**
- ☐ **Small Claims (sue for less than \$ 3,000.00)**
- ☐ **Child Support**
- ☐ **Domestic Abuse**

Questionnaire

Do you have children? Yes ☒ No ☐

How many children do you have? 01 ▼

Do you want alimony? Yes ☒ No ☐



Scenario

After first arriving at the pro se website, the SRL looks for a starting point for help with his/her dispute. The site emphasizes the use of an **Archetype Finder** to get the ball rolling.

After answering a series of questions, the SRL is lead to either a precise or a general **Archetype**.

Questions and Answers

Description

Questions asked and answered is an element of a web-based system accessible via the internet to assist SRL in gathering information that will help address their questions regarding various legal issues. The **Q&A** provides the SRL with the opportunity to ask them specific questions which it will provide an answer for in order to provide the SRL with basic information that will help them better understand the legal process. It is designed to enable the SRL to gather as much information that would enable them to communicate and interact more smoothly with the courts. It is one of the primary on-line sources of communication between the SRL and the courthouse. It provides the SRL with an on-line starting point through which the SRL can engage with any issue or question regarding the process of a case or basic court information.

Properties

- Allows the SRL to begin their interaction with the courts
- Addresses legal issues and questions
- Accessible from remote locations with access to internet
- A form tool that allows SRL to input their information and submit
- Provides links to relevant information
- Web page method of distributing information
- Method of distributing instructions
- Provides support
- Database of process, procedures and case information
- Includes a database of frequently asked questions and their answers
- Link to other agencies and relevant information
- Digital communication system

Features

- Provides the SRL with only “one stop” to gather and inquire about law and court related issues and procedures
- Sorts and contains only the most relevant information
- Provides the SRL with personalized or case specific information
- Provides the SRL with the freedom to ask questions and receive answers without the worry of being identified (private and anonymous)
- Helps SRL to properly prepare for the process
- Helps the courts assist citizens by providing information
- Provides SRL to attempt to solve their issues without human assistance ensures consistency in the information being given by the court
- Increases efficiency by providing SRL with vital information and preparing them through the process
- Saves the SRL and court personnel valuable time and money
- Allows you to get vital information without having to go to the court house or do searches which bring millions of hits
- Allows SRL to “call” or “E-mail” using digital visual interface and current E-mail system
- Provides visual and audio presentations in language of choice

Questions and Answers (Q&A)

Discussion

Today, when a SRL needs to interact with the courts (legal system) they need to go to the court house directly and perhaps must also know what floor or room they must go to-- and often they are redirected to another area. **Q&A** provides the SRL with a unified place to obtain information without going to the courthouse. From the privacy of their own home or from any location with internet access the SRL can access the **Q&A** and obtain information, instruction, forms, self help, and links to other agencies or specific legal information. It is designed to provide the SRL with detailed information on the law on the State/county specifically related to the legal area of their choice.

By providing links and other valuable information relating to the legal process within the courts the SRL gets a better understanding and grasp of the legal aspects which in turn

enables them to better represent themselves in the legal process.

Q&A enable the SRL to become more effective while representing themselves in addition to saving valuable time and money both for the SRL and the Courts.

In addition it may work better than **FAQ** because the response is more narrowly tailored and eliminates the hassle of searching through a database full of common questions.

The **Q&A** works much like the paperclip in Microsoft Word. It allows the litigant to type in a question and then press send. Then within seconds there is a response directing the litigant to other sites or specifically addressing their concern.

Scenario

Jane has decided to pursue her legal problem X. Jane wants to get a divorce from her late husband Ken. She is not sure what is needed or if their separation is enough. Jane goes to the library with her son and was told that the court has a website that may address many of her concerns. She is directed to the computers within the library and she now has decided to get information regarding the issue of divorce to see her options.

Jane logs on to the Courts homepage and searches the database. She sees a link titles **Questions and Answers**. She clicks on the link and is greeted by a friendly person. This person

introduces himself and asks her to type her question in the area provided and press send to receive a response. There is a space available in this link (similar to the paperclip in Microsoft word) she types in her question and is quickly given a response.

Now Jane is well informed and can decide if she will need to hire an attorney or whether she can proceed on her own – Pro Se.

Description

Archetypes is a diagnosis tool that describes every possible type of SRL that could benefit from a visit to the pro se website and gives the SRL a roadmap as to how to best use the site. These web pages are interwoven into the completed pro se website and provide data to Webvidence, StoryBuilder, and **E-Mediation**. **Archetypes** also serves as a platform for **Archetype Finder** and **Archetype Videos**.

Properties

- Web pages
- Descriptions of SRLs
- Descriptions of case types
- Descriptions of disputes

Features

- Gives the SRL a starting point for navigating through a pro se website
- Provides examples of SRLs that people can identify with
- Provides individualized “website roadmaps” or “website recipes” for different types of SRLs and disputes
- Partially pre-fills information for **Webvidence** and, subsequently, StoryBuilder and **E-Mediation**
- Provides examples of situations where **E-Mediation** is effective
- Increases confidence in **E-Mediation** for SRLs whose disputes would be optimally resolved by using **E-Mediation**
- Weeds out the SRLs whose cases would not be appropriate for **E-Mediation**
- Builds Empathy
- Orients SRLs to all of the resources that a jurisdiction has to offer relevant to the SRL’s type of dispute
- Orients SRLs to all of the community centers that may assist SRL’s with a particular type of dispute
- Provides answers using **FAQ**
- Allows SRLs to more easily navigate through the legal process
- Eases the load on government employees

Archetypes

Discussion

SRLs may not have confidence in the use of a jurisdiction-mandated internet tool. They may avoid its use due to a misperception that the web provides only impersonal, generalized information. This solution endorses an approach inspired by the psychological concept: “Modeling”.

Also, different types of disputes require different types of assistance. This solution endorses an approach inspired by the technological concept: “Codification”.

Archetypes is a diagnosis tool integrated into the pro se website that:

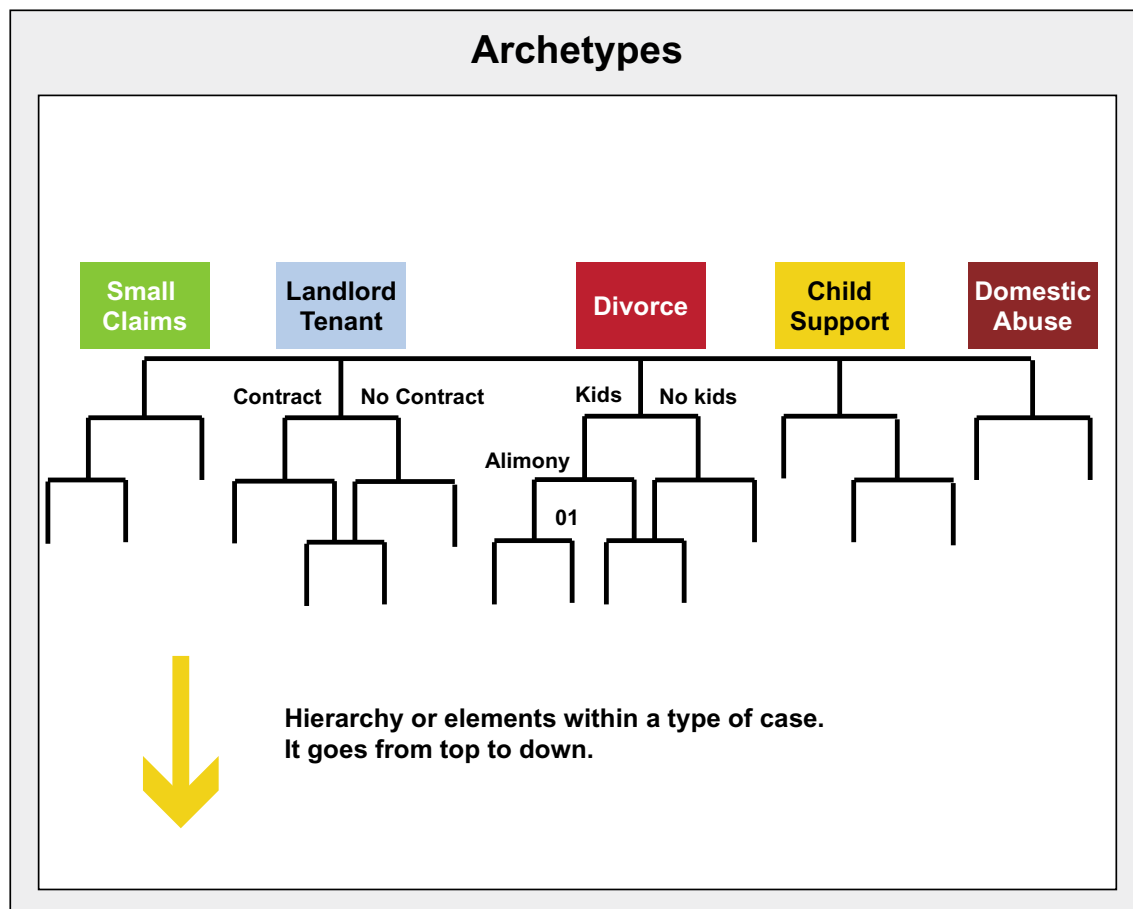
1. Presents a model SRL for each common type of SRL that may pursue dispute resolution in one of the following case types: divorce, child support, landlord/tenant, domestic abuse, small claims;
2. Inspires confidence in the use of the pro se website through the psychological technique “modeling”;
3. Facilitates an SRL’s use of the site by providing examples for the SRLs to imitate and learn from, and
4. Feeds data to many other facets of the website.

Presenting a Model SRL

The degree of variance in SRLs and disputes, for any case type, is nearly limitless. However, a large percentage of SRL disputes may be able to be resolved with little or no judicial intervention. The pro se website should offer two classes of **Archetypes** based on this principle: “Precise” **Archetypes** for cases that might be easily resolved with little judicial intervention and “General” **Archetypes** for cases that would not be easily resolved with little judicial intervention.

For the finite types of SRLs in which cases might be easily resolved with little judicial intervention, **Archetypes** presents a “Precise” Model SRL that:

1. Fully describes the SRL and the SRL’s dispute,
2. Provides a “roadmap” as to how that type of SRL could most effectively use the pro se website,
3. Qualifies the SRL for **E-Mediation** (an internet method of resolving disputes in which resolution could most likely be reached with little or no judicial intervention),
4. Provides a concise, informative listing of every other resource outside of the website which would be available to that type of SRL for help.



Discussion (Continued)

For SRLs that are involved in cases that would not be easily resolved with little judicial intervention, **Archetypes** presents a “General” SRL that:

1. Generally describes the SRL and the SRL’s dispute,
2. Provides a “roadmap” as to how that type of SRL could most effectively use the pro se website,
3. Provides a concise, informative listing of every other resource outside of the website which would be available to that type of SRL for help.

The concise informative listing of resources external to the website would include:

1. Every document associated with the specified type of dispute
2. Every resource that a jurisdiction specifically offers to aid an SRL with the specified type of dispute
3. Every resource that a jurisdiction generally offers to aid an SRL with any type of dispute (which would also be applicable to this type of SRL)
4. Every community center devoted to aid SRLs with the specified type of dispute

Inspiring Confidence in the Website

SRLs may hesitate to use a jurisdiction-mandated internet portal for a variety of reasons. However, if an SRL has a model to relate to and emulate, the SRL will become more comfortable with the idea that using the website is the right thing to do.

Witnessing a model perform an activity can increase (or decrease) diverse kinds of behavior. For example, “modeling” techniques have been used effectively to reduce fear of dogs in children. After witnessing a fearless model engage in various activities with a dog, initially fearful children showed a decided increase in their willingness to approach and handle a dog. Davison, Gerald. Neale, John. *Abnormal Psychology*. John Wiley & Sons, Inc. 46. (1994)

Facilitating Use of the Website

SRLs will find it easier to find necessary information (and in some cases to resolve their disputes) if the website provides individualized examples to follow and assists SRLs in quantifying their thoughts. Upon being introduced to the pro se website, SRLs would be encouraged to explore a section that describes the different types of SRLs. After finding the SRL **Archetype** that most closely matches them (or being directed to one via **Archetype Finder**), the SRL can follow that **Archetype**’s “recipe”: a roadmap individually geared for use of the pro se website by that particular type of SRL.

Displaying sample disputes and sample SRLs who are most likely to get positive results by the use of pro se website will:

1. Increase SRL confidence in the pro se website, the SRLs themselves, and their efforts when pursuing **E-Mediation**, traditional mediation, or trial;
2. Encourage the SRL that has the applicable type of case to use **E-Mediation**; and
3. Weed out the SRLs with inappropriate cases for **E-Mediation**. SRLs with inappropriate cases would be able to recognize that their case is inappropriate for **E-Mediation** because the SRL will not be able to match it to one of the “Precise” **Archetypes**.

Providing Data to Other Parts of the Pro Se Website

Archetypes provides data to **Webvidence** and, subsequently, Story Builder and **E-Mediation** and may provide data to many other facets of an SRL website. Each **Archetype** may be easily printed by the SRL or by Pro Se Help facilities. Additionally, **Archetypes** also serves as a platform for **Archetype Finder** and **Archetype Videos**.

Frequently Asked Questions (FAQ)

Description

Frequently asked questions is a sub-element of the **Archetypes**, a web-based system accessible via the internet, to assist the SRL in gathering information that will help address their questions regarding various legal issues depending on the chosen **Archetypes**. It is the primary on line source of communication between SRL and the courthouse. It provides the SRL with an on-line starting point through which the SRL can engage with any issue or question regarding the process of a case or basic court information. The **FAQ** provides links to other system elements that also provide the SRL with information that will help them better understand the legal process. It is designed to enable the SRL to gather as much information that would enable them to communicate and interact more smoothly with the courts.

Properties

- Allows the SRL to begin their interaction with the courts
- Narrowly tailored search engine addressing issues and questions
- Accessible from remote locations with access to internet
- A form tool allowing SRL to input their information and submit
- Provides links to relevant information
- Web page method of distributing information
- Method of distributing instructions
- Provides support
- Database of process, procedures and case information
- Database of frequently asked questions and their answers
- Link to other agencies and relevant information
- Digital communication system

Features

- Provides SRL with “one stop” to gather and inquire about law and court related issues and procedures
- Sorts and contains relevant information
- Provides SRL with personalized or case specific information
- Provides SRL with the freedom to ask questions and receive answers without the worry of being identified (private and anonymous)
- Helps SRL to properly prepare for the process
- Helps courts assist citizens by providing information
- Provides SRL to attempt to solve their issues without human assistance ensures consistency in the information being given by the court
- Increases efficiency by providing SRL with vital information and preparing them through the process
- Saves the SRL and court personnel valuable time and money
- Provides vital information without having to go to the court house or do searches which bring millions of hits
- Allows SRL to “call” or “E-mail” using digital visual interface and current E-mail system
- Provides visual and audio presentations in language of choice

Frequently Asked Questions (FAQ)

Discussion

Today, when a SRL needs to interact with the courts (legal system) they need to go to the court house directly and perhaps must also know what floor or room they must go to-- and often they are redirected to another area. **FAQ** provides the SRL with a unified place to obtain information without going to the courthouse. From the privacy of their own home or from any location with internet access the SRL can access the **FAQ** and obtain information, instruction, forms, self help, and links to other agencies or specific legal information. It is designed to provide the SRL with detailed information on the law (general to specific) on the State/county specifically related to the legal area of their choice (specific to chosen **Archetypes** in the **Archetypes Finder**).

By providing links and other valuable information relating to the legal process within the courts the SRL gets a better understanding and grasp of the legal aspects which in turn enables them to better represent themselves in the legal process.

FAQ enables the SRL to become more effective while representing themselves in addition to saving valuable time and money both for the SRL and the courts while also providing alternatives to going to trial (**E-Meditation**).

Scenario

Jane has decided to pursue her legal problem X. She is not sure what is needed or whether there is such a claim. Jane decides to get information regarding the issue X and her options.

Jane logs on to the court's homepage and searches the database. She searched through the **Archetypes Finder** and was provided with a matching **Archetypes** that best served her needs. The **Archetypes** was XYZ. She was automatically taken to the pages referring to XYZ there she was provided

with links and various options. She sees a link to **FAQ**. She clicks on the link and searches that database for questions that relate to her legal issue X.

Now Jane is well informed and can decide if she will need to hire an attorney or whether she can proceed on her own – Pro Se or if she should go through the alternative: **E-Mediation**.

Archetype Videos

Description

Archetype Videos is a system of web-delivered video files that are in internet accessible form. They are sub-elements to **Archetypes** and they provide the SRL with a starting point through which the SRL can engage with any issue or question regarding the process of a basic case or general court information. **Archetype Videos** includes simulated cases through a pop-up window (miniature screen) on your computer monitor (automatically accessed through real player or Quick Time).

Properties

- Web delivered video files
- Video files delivered via CD-ROM or VHS

Features

- Diagrams procedures of trial, mediation and **E-Mediation**
- Instructs on what to do and not to do when in court or in mediation
- Instructs on how to fill out forms
- Provides information to virtually every type of case
- Helps litigants to experience interaction with judge, mediators and other players involved
- Informs SRLs of general concepts such as FAQ and location of court
- Provides videos of how “closely-related” SRL disputes would likely be resolved in mediation
- Introduces SRLs to mediation as an alternative to the court system or to **E-Mediation**
- Discourages SRLs from going to trial
- Weeds out the SRLs whose cases would not be appropriate for **E-Mediation**
- Encourages resolution that doesn’t require enforcement

Discussion

Archetype Videos is a system of web-delivered video files that provides the SRL with a wide array of information based on the **Archetype** chosen. The information provided is digitally recorded information and accessible via the internet through a program such as Real Player or Quick Time.

The development of technology allows individuals to access information digitally without having to physically visit the location pertaining to the information. The information is accessible via internet or network connected computers as well as other portable devices, such as hand-held PC or PDA which may be provided at the courthouse through a network.

The basic contents in the **Archetype Videos** are :

- Frequently asked question which provide a general orientation per case type
- Map of location similar to a stuartist video a layout of the building and facilities within it would be displayed in a digital form
- Instruction of fill out forms providing a step by step explanation of how to fill out forms, clearly showing the forms and the filling in on the screen. The form would fill the page of the monitor and the parts which are referred to would be highlighted so that the litigant would understand the voice explaining the procedure. There would also be an option of pointing at sections of forms that need to be clarified.
- Example trial video providing general orientation per case type via a simulation of specific legal area.
- Example mediation video providing general orientation per case type via a simulation of specific legal area.
- Example **E-Mediation** video providing general orientation per case type via a simulation of specific legal area.
- Diagram of Process in court providing general orientation per case type via a simulation of specific legal area.

The information that is currently on pamphlets would be updated and would be animated in order to be put on CD's or VHS to give out to SRL with paper forms at court which would explain the process of filing, etc.

Archetype Videos bring four primary benefits:

1. **Archetype Videos** inspires confidence in the use of

ADR techniques, including **E-Mediation** as well as traditional mediation, through the psychological technique "modeling",

2. **Archetype Videos** would encourage SRLs to favor **E-Mediation** over a traditional mediation because they could predict what would happen if they went to a traditional mediation. SRLs would feel encouraged to avoid the time, expense, and emotional stress that traditional mediations elicit – and solve the matter on their own.
3. **Archetype Videos** would increase confidence in using **E-Mediation** and promote fairness when reaching **E-Mediation** agreements because the SRLs would have a reasonable idea of how a traditional mediation (as well as **E-Mediation**) would treat their dispute.
4. **Archetype Videos** empowers SRLs by providing examples for the SRLs to imitate and learn from.

Archetype Videos Inspires Confidence in E-Mediation

SRLs may hesitate to use a jurisdiction-mandated internet dispute resolution tool for a variety of reasons. However, if an SRL has a model to relate to and emulate, the SRL will become more comfortable with the idea that **E-Mediation** is the right thing to do.

Witnessing a model perform an activity can increase (or decrease) diverse kinds of behavior. For example, "modeling" techniques have been used effectively to reduce fear of dogs in children. After witnessing a fearless model engage in various activities with a dog, initially fearful children showed a decided increase in their willingness to approach and handle a dog. Davison, Gerald. Neale, John. *Abnormal Psychology*. John Wiley & Sons, Inc. 46. (1994)

Displaying samples that relate specifically to the kind of SRL who is most likely to get positive results by the use of **E-Mediation** will:

1. Increase SRL confidence in **E-Mediation**,
2. Encourage the SRL that has the "easy" type of case to use **E-Mediation**, and
3. Encourage the SRL who is not comfortable with **E-Mediation** to favor traditional mediation over a court trial.

Scenario

Jane has a legal problem X. She is unsure what steps to take or what the procedures are once a small claims trial has begun. Jane goes to the court house and she is given a CD to play on her computer. She loads the CD onto her computer and it provides her with general information on what occurs in trials. It also provides links to the court home page. She logs onto the internet and presses the link and it finds the courts homepage and there she looks through **Archetypes** and finds her **Archetype** under Small Claims. In that **Archetype**, she sees a link saying- **Archetype videos** . She clicks on the link and finds information relevant to preparing the suit and alternatives to suit (**E-Meditation**). Once there, she chooses

to see a sample case up before Judge Y who handles X cases. There she is given a brief introduction of where the court is, what floor, the likes and dislikes of the judge and a brief biography of the judge. The case is being displayed via the monitor. Jane understood what a difficult position a pro se litigant is put in when they are representing themselves in addition to what to expect and how to prepare for trial. This saved time and frustration on her part because she now knew her options. She could either go through **E-Meditation** or search for an attorney to represent her in this small claims legal matter.

Description

Many Self-Represented Litigants are not aware of money, time and energy involved in pursuing their own case. **Pursuit Evaluator** is an on-line tool that allows litigants to evaluate whether pursuing a case will be worth their time, money, and effort (gathering information, accessing resources, transportation, etc.). Depending on the diagnostic outcome (**Archetypes**) the **Pursuit Evaluator** runs best/average/worst scenarios. It helps Self-Represented Litigants to make an initial diagnosis and grounded decision about their further proceedings.

Properties

- A decision support tool
- Targeted information based on **Archetypes**
- Accessible via internet, intranet (within court facilities, Call Point, etc), and extranet (for referral units)
- Contains additional diagnosis modules for preparation, mediation, hearing and enforcement phases

Features

- Matches Precise **Archetypes** with specific information on costs, time and effort
- Matches General **Archetypes** with best/average/worst case scenarios on costs, time and effort
- Provides a means for SRLs to evaluate their personal priorities
- Provides information to make an informed decision regarding further proceedings

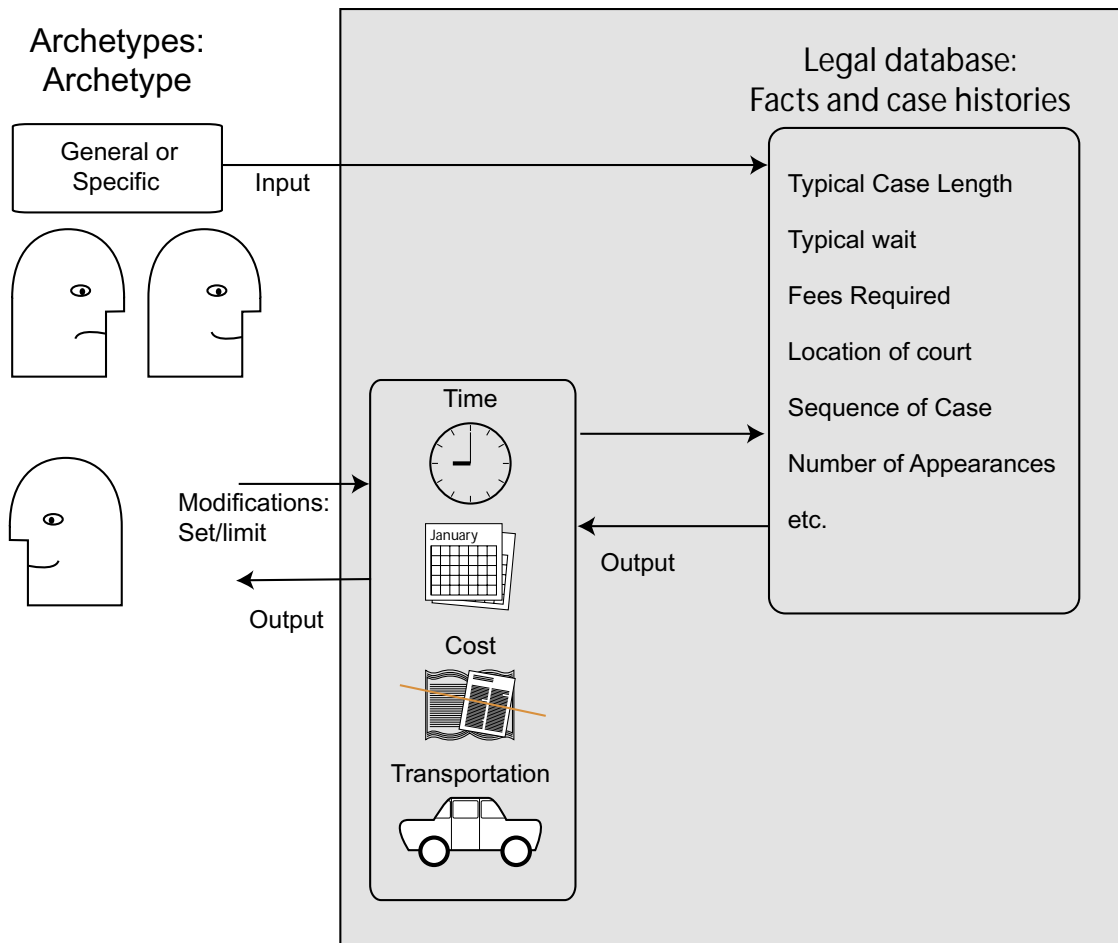
Pursuit Evaluator

Discussion

Court proceedings can be mentally and financially draining. One of the important facets of interaction with the judicial system is the impact of time and money.

Pursuit Evaluator is an on-line tool that allows litigants to evaluate whether the pursuit of a case will be worth their time, money, and effort. The tool comes into play, as soon as **Archetype Finder** identifies an **Archetype**. An **Archetype** is a specific case in one of the case categories: small claims, landlord/tenant case, divorce, child support, domestic abuse. The **Pursuit Evaluator** takes the Precise or General

Archetype as Input and, based on facts and case histories, which are stored in the legal database, attributes the expected values of money, time and effort. Based on the type of **Archetype**, it provides either specific and accurate information, or best/average/worst case scenarios, when a specific and accurate determination can not be made. By setting or limiting parameters (e.g. amount of money) SRLs can also influence the output of **Pursuit Evaluator**, thus enabling them to make an informed decision regarding further proceedings based on their personal priorities.



Scenarios

Scenario 1 (General **Archetype**)

Jane experiences a very annoying landlord/ tenant friction. Not only is her apartment in bad shape, but the superintendent's repeated attempts at repair are not having any substantial effect. The landlord, a large corporation, cannot be reached by phone and has not answered her letters of complaint. Subsequently, Jane stopped paying her rent. This provoked the landlord to start threatening her for her, as they call it, illegal behavior. Jane identifies her case as being a General **Archetype**. Although her reaction is not quite legally justifiable, the situation is highly complicated by an unbalanced power situation. Based on a concise listing of external resources, which she might consider to use, and which is provided by the General **Archetype**, the **Pursuit Evaluator** offers her best/ average/ worst case scenarios on costs, time and effort to be made. She gets disappointed, as all cost scenarios are beyond her budget. She then inputs the amount of money she would be willing to pay. With the result that **Pursuit Evaluator** then prioritizes differently and sets time and effort accordingly. Based on that range of options, she now can make an informed decision regarding her course of actions: getting more deeply informed of services that are free of charge.

Scenario 2 (Precise **Archetype**)

Horace and his wife just agreed to a divorce. They have been married for two years, and they realized that her marriage just doesn't work. Horace identifies their case as an uncontested divorce, where neither property nor children are involved (Precise **Archetype**). Asking for estimated costs, time and effort for the legal process, the **Pursuit Evaluator** comes up with specific and accurate information.

Pursuit Evaluator takes an **Archetype** as input and matches it with facts and case histories in order to provide the output. By setting or limiting parameters, a re-match with the database provides changes in the output.

System Elements

LOGISTICS

Once litigants choose to pursue trial or mediation, they will need to begin clarifying their objectives, organizing their cases, and interacting with the court system.

Clarify

Learn while doing. Negotiating the legal process is fraught with hidden pitfalls not apparent to the novice SRL. Provide SRLs with explicit rationale and implications of what they are doing. Educate and inform while SRLs learn to maneuver the system.

Organize

Provide transparent, smart and efficient tools to improve system use without “getting in the way.” Create a safety net for SRLs by keeping track of their cases as they build them. Prototypical samples and physical organizers use categorization schemes, filters, and triaging techniques to make the SRL aware of “common” or “idealized” court practices efficiently and sensibly.

Transact

Create new ways of communicating with the court, keeping records, and reducing transaction costs by minimizing the physical requirements of information exchange.

Complaint Formulator

Description

The **Complaint Formulator** changes the way we think about filling out a traditional complaint form. It is an electronic interface that helps the litigant extract data about his or her problem and then assembles it as useful information. The **Complaint Formulator** assembles that data into various formats not only to help the litigant understand his or her own problem better, but in order to be most useful to judges, clerks, and other process facilitators who need to understand that data.

Properties

- Largely text-based interface on computer screen
- Keyboard and mouse inputs
- Web based application

Features

- Helps litigants overcome the barrier of facing the “Blank page” of the complaint form
- Helps litigant take into account extended ramification of filing a complaint, such as the reaction of the respondent upon reading the wording of the complaint
- Simultaneously educates litigant about and ushers litigant through the complaint filing process so that litigant does not feel he or she is wasting time “reading instructions.”
- Isolates sections of the “form” to help litigants focus and to reduce intimidation of lengthy “forms.”
- Accessible online
- Usable offline

Complaint Formulator

Discussion

The importance of filling out the complaint form is underestimated. The **Complaint Formulator** helps litigants create a firm foundation for the rest of their resolution process. A complaint forms essentially frames a petitioner's problem; therefore, the process of filling out the form is the process of framing the problem.

Litigants often do not realistically have the opportunity or time to educate themselves before filing the complaint. The Complaint Formulator intertwines the process of filling out the form with the process of learning so that litigants do not see learning as a separate thus unnecessary part of the process.

Litigants often are not able to recognize or think through the effect of their written words on the respondent/defendant or themselves. This could start off any type of conflict resolution on the wrong foot and actually doom the process to failure. In

extreme cases, such as Protection from Abuse, an inflammatory complaint could cause a respondent to react violently and bring about harm to the petitioner or other people in the court system.

In filling out the complaint form, litigants are gathering together the basis of their argument and story for the first time. Once this line of thought has been put in motion it may be difficult for a litigant to see the argument in a different way. This could affect the course of any negotiations, especially should the petitioner be offered the opportunity down the line to mediate or settle such as in 11th Hour Negotiation.

The formality of the traditional complaint, literally, prepares the litigant to move in one direction, one line of thinking. Although the court system would like more litigants to settle or go to mediation, the complaint form is perhaps one factor that is actually setting up the opposite expectation. The **Complaint**

The screenshot shows a software window titled "Court Net" with a sub-window titled "Complaint Formulator". The "Complaint Formulator" window has a menu bar with "File", "Edit", "View", and "Help". Below the menu bar are four tabs: "Form", "Logic Learner", "Pursuit Evaluator", and "Informer". The "Form" tab is active, displaying a form for "Thomas Logan" with "Complaint # sm0043490". On the left side of the form, there are two checkboxes: "Check form progress" and "Save current form". Below these is a text box containing the instruction: "If you pay your rent within 3 days of it being due". The main area of the form contains two questions with radio button options. The first question is "When did you last pay your rent?" with options: "last month" (selected), "2 months back", "4 months back", and "6 months back". The second question is "Do you pay rent on time?" with options: "exactly on time", "within 1-2 days" (selected), and "5-10 days after rent is due". A vertical scrollbar is visible on the right side of the form area.

Complaint Formulator

Discussion (Continued)

Formulator attempts to mitigate the negative effects of this process of focusing and enhance the clarity-building qualities.

Of equal importance is considering the complaint document as information that a judge will look to for definition during a hearing. The **Complaint Formulator** extracts data from the litigant and reformats it into information the judge can use with **Shared Vision**.

The **Complaint Formulator** is developed with support from the **People Dealing with Change** database. This database gives

developers advice on how to present questions and information to litigants so as to be most effective at this early stage of their process. Filing a complaint is one of the first opportunities the court system has to support litigants in their effort to change the way they see their problem in order to come to a resolution that they were previously unable to achieve on their own.

Complaint Formulator can take carry over answers from pursuit evaluator so that the SRL does not have to answer the same general questions twice. These auto-fill in to the complaint and the SRL can edit them if she wishes.

Scenario

Thomas is a homeowner who has decided to file a complaint against a roofing contractor for a repair that is still leaking. His neighbor tells him he can now do this from home and online at the Access to Justice website. Thomas finds his way to the **Complaint Formulator** where he is asked a series of general multiple choice questions about his complaint such as what dollar amount or payment in kind he may be seeking.

Thomas is offered a description of and link to **Sample Cases** and **Logic Learner** where he can view cases and complaints similar to his. He peruses some sample cases and returns to the **Complaint Formulator**. When he finishes answering questions, he views the suggested, completed complaint form. Thomas sees there is an editing tool that allows him to type

in additional comments to describe his complaint. After having read the accompanying pop-up boxes of information while he was answering questions, Thomas learned that the roofing contractor and judge were going to read whatever he decides to type here. After momentarily considering letting the contractor have a piece of his mind, he decides to leave the form as is so as not to appear irrational to the judge.

Since his county does not allow payment online, Thomas sends his complaint to the court through **CourtNet** where it will be held until he makes the fee payment in person. Thomas is already feeling less angry about having to take this contractor to court as he considers he will only have to run in to make a payment and only have to stand in one line.

Personal Case Account

Description

Personal Case Account is an on-line container that enables access to all case-related information and tools (educational, strategic, planning, communication and logistical). It is a way to organize documents and, most importantly, achieve personalized access to education.

Properties

- An Internet based personal space that contains all case related information and tools, including:
My Mentor
Honor Insider
Case Tracker
Order Maker
Case Schedule
Case Reminder
Remote Attorney
Webvidence
- A portal that provides personalized legal information and resources
- Built on infrastructure of **CourtNet**
- Link to court database
- Link to daily E-mail service
- Input and update information by litigant
- Input and update information by court

Features

- Organizes all case related information and tools in a virtual space
- Enables litigants to input and update case related information
- Enables the court to communicate with litigants
- Provides customizable interface
- Set up by clerk after filing a case

Personal Case Account

Discussion






It has been observed that many SRLs are not well prepared to present their cases in court. Lack of preparedness may include being unable to present testimony clearly, or coming with insufficient evidence, which may deter from successful presentation of the case, resulting in an unfavorable outcome. This may ultimately contribute to an SRL's sense that justice was not served. **Personal Case Account** is a way to help SRLs organize their court-related information by providing an on-line container that is accessible anywhere there is Internet access.

SRLs do not always use court resources that are provided to assist them. In Boulder Justice Center, for example, a judge described a pamphlet explaining rules of hearing that SRLs apparently do not find useful, as they frequently make many mistakes that are warned against in the pamphlet. One potential explanation is that case related information is scattered and is not personalized, nor prioritized, for the individual user. **Personal Case Account** addresses this problem by providing customized information based on case type and stage of the process to make SRLs feel a sense of connection to the material being presented to them.

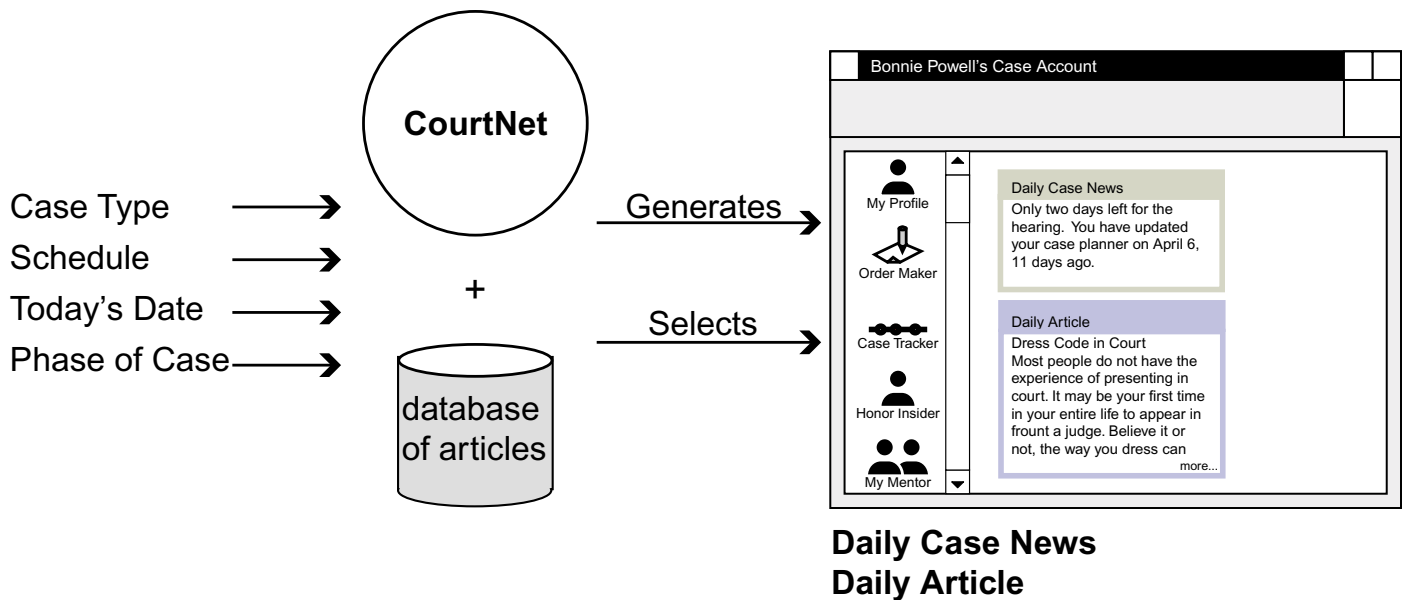
Personal Case Account is accessible online to the Internet-savvy SRL, and may be run independently, or otherwise may be set up by a facilitator and SRL together when filing a case. While setting up, the facilitator may demonstrate use to the SRL so that the litigant is aware of personalized features and able to use this resource effectively.

Personal Case Account delivers up-to-date information, such as schedule, every-day case news, and case tracking. Since it is customized to an SRL's specific needs at different times during the legal process, SRLs are likely check it out more often than other sources of information (e.g. brochures or web sites) that provides general, non-customized information. Repeated exposure to the information may also increase the chances that an SRL will absorb and benefit.

Personal Case Account is also a way to save the court time and energy otherwise spent answering frequently asked questions. It also aims to provide the judge with better prepared and organized SRLs, thus increasing the efficiency of the hearing.

Bonnie Powell's Case Account			
<div> My Profile</div> <div> Order Maker</div> <div> Case Tracker</div> <div> Honor Insider</div> <div> My Mentor</div>	<div>Daily Case News Only two days left for the hearing. You have updated your case planner on April 6, 11 days ago.</div> <div>Daily Article Dress Code in Court Most people do not have the experience of presenting in court. It may be your first time in your entire life to appear in front a judge. Believe it or not, the way you dress can more...</div>		

Personal Case Account



Scenario

Bonnie is appointed by her company to respond to a small claim dispute with a past client. Bonnie has no legal background and this is her first time pursuing a case, but she knows more about the client than others in her company.

When she received the small claims summons in the mail, Bonnie noticed a web site that she could access to receive regular assistance and to organize her case. She goes online and reads a brief introduction to Small Claims.

Case Tracker has a timeline framework of organizing evidence and other case information. Bonnie uses it to sort out information she has in hand that her boss gave her, including receipts, contracts, and phone call notes. After about an hour's work, she sorts out all evidence that she thinks relevant to the dispute and gets a clearer picture of the whole dispute. She makes notes on the points that need to be investigated and begins to contact relevant people from the sales department to gather further evidence.

Bonnie checks out the **Order Maker** to learn more of small claims rulings. She runs the multimedia version of **Order Maker** and **One Quick Click**, listening to the demos and in-depth explanation of legal terms she might hear during the hearing. This makes Bonnie feel more prepared.

A couple weeks later, when Bonnie opens her **Personal Case Account**, The Case News indicates that there is only a week until her hearing. She thinks that she needs to warm up. She reads the article "Common Factors Lead To Ineffective Argument." "Makes sure your story is relevant," it begins, "The judge wants to know the specific factors describing the dispute, not how good your business is..." "Maybe I should not present so much information about the customers' trust in my company," she thinks.

Case Tracker

Description

Interactive searchable archive of case history, available to litigants and judges for quick reference.

Properties

- Archive of case history
- Case issue
- Order history
- Link to court database
- Dynamic navigation tool
- Input interface that updates case information
- Links to other tools contained in **Personal Case Account** for cross-referencing, including litigant's profile, **Honor Insider**, **Order Maker** and **My Mentor**
- Note-taking capability to facilitate deliberation

Features

- Makes judge's task of determining initial case conditions quick and efficient
- Enables quick update and input of case information by court staff and litigants
- Is set up by clerk for each litigant upon filing
- Allows access via Internet
- Provides litigant a tool to organize and access case history
- Enables notes to be attached to facilitate deliberation
- Provides a communication tool in court to facilitate hearing proceedings

Case Tracker

Discussion

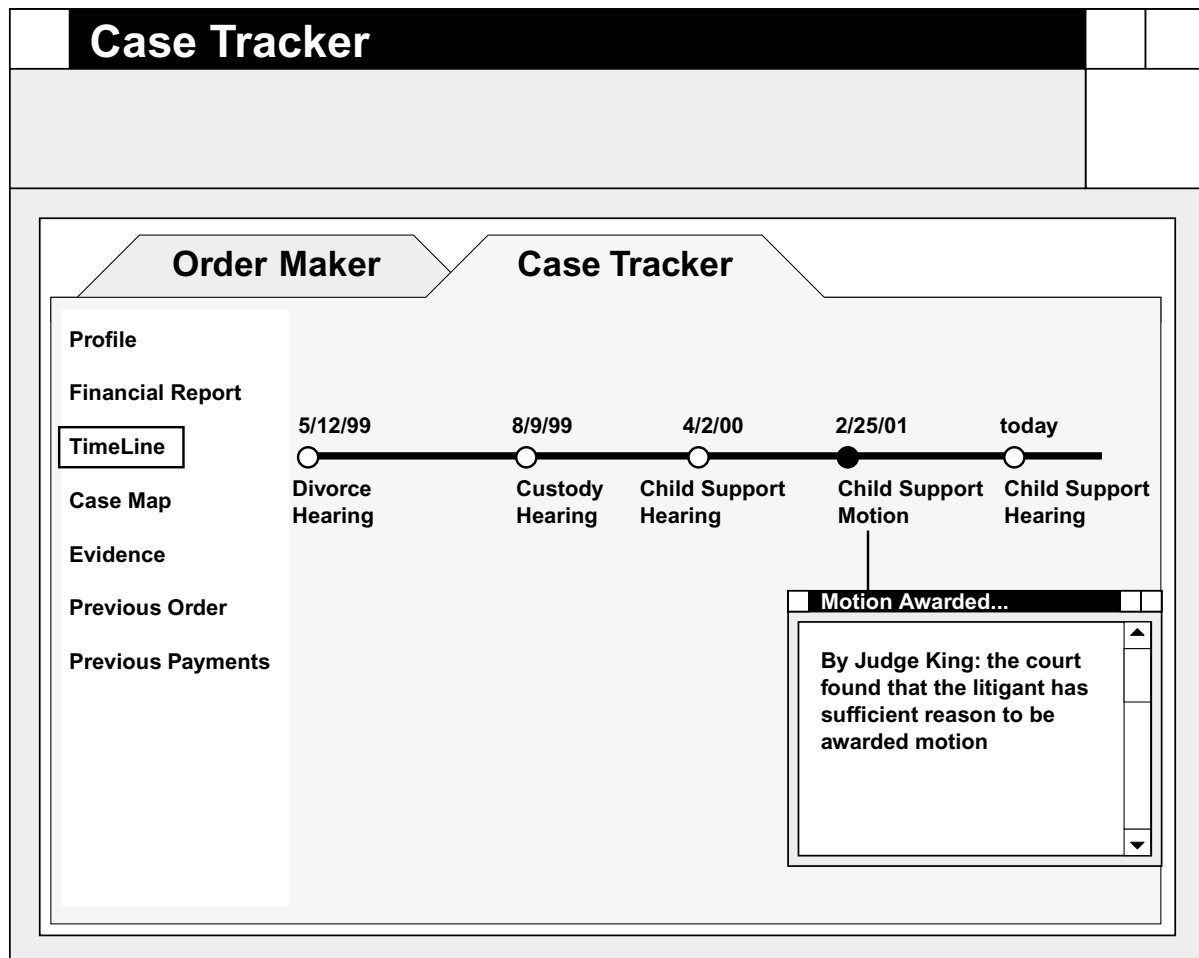
SRLs have need of tools that organize, copy and keep track of case materials. The day of the hearing is often the first exposure an SRL has to actual courtroom procedure. Anxiety of trial day and unfamiliarity with court procedure may exacerbate the consequences of poor organization, further disadvantaging the SRL.

We observed that several litigants made reference in court to documents that were not carried with them. When SRLs are in a position to realize how important it is to bring all evidence and documents, it is often too late. Most of those litigants did not have a chance for a second hearing. The Judge would say, "Today is the day." Even if an SRL decided to appeal, new evidence would not be accepted, since repealing is a process for reviewing the fairness of a judgment based on previously submitted evidence.

Within the court, case information is often stored in various places and in multiple files. It can be difficult for the SRL to acquire complete case information.

Despite the rapid advancement in computer and network technologies, administrative tasks associated with judge's duties are still largely managed by human hands. Communication and decision-making tasks are still not adequately supported by technology in most counties. A judge faces many cases of varied histories and conditions. To determine initial case conditions and make informed decisions, the judge needs to study relevant documents before hearing each case. Currently this task is inefficient and cumbersome, since case history and conditions are documented in multiple files in a variety of formats.

Case Tracker is an Internet-based software featuring dynamic and interactive organization of case history. Information in Case Tracker is input by judge, litigant and clerk. It is set up by the clerk for the litigant upon filing. It is a tool for litigants to organize, access and deliberate upon their own case histories. The judge uses **Case Tracker** to determine the initial conditions of case. He can write notes and memos about a case and associate it with appropriate files to facilitate deliberation.



Case Tracker

Discussion (Continued)

As a component of **Shared Vision**, **Case Tracker** also facilitates communication in court.

In complex cases (e.g. child-support cases) that often involve complex rules and calculations, **Case Tracker** can be used in combination with **Order Maker** to facilitate a judge's decision-making and communication of the final ruling. **Case Tracker** indicates absent information that needs to be investigated. **Order Maker** automatically takes relevant information from **Case Tracker** and financial information from

Litigants' profiles for calculation. **Case Tracker** provides basic information for rendering a verdict through **Order Maker**.

Case Tracker is important for a family involved in multiple cases to avoid conflicting rulings, providing a complete and coherent record. **One Family One Judge** is a way of assigning a single judge to cases involved with one family, where **Case Tracker** can play an essential role of integrating the context of each case.

Scenario

See **Personal Case Account**

Description

The Informer is a tool that helps a pro se litigants learn how to submit correctly the filing forms for their case. This system element will bridge the gap between a litigant's own case and how it must be reflected in the idiom of the judicial system's filing forms.

Properties

- Database of sample cases, sample forms
- Connection to court system

Features

- Sample cases
- Highlighted and editable information that points to the forms
- Possibility to modify information in the cases
- Form samples aligned to common case types
- Swap function to transfer information on a personal form
- Automatic hand in receipt

Discussion

Laypeople often have difficulty making their own case conform to filing requirements. People do not possess a conceptual model of the legal system's conventions.

Litigants should be more educated about how to file a complaint so that the likelihood of mistakes in this stage is lessened. Mistakes can slow down the process and reduce the likelihood of a positive outcome.

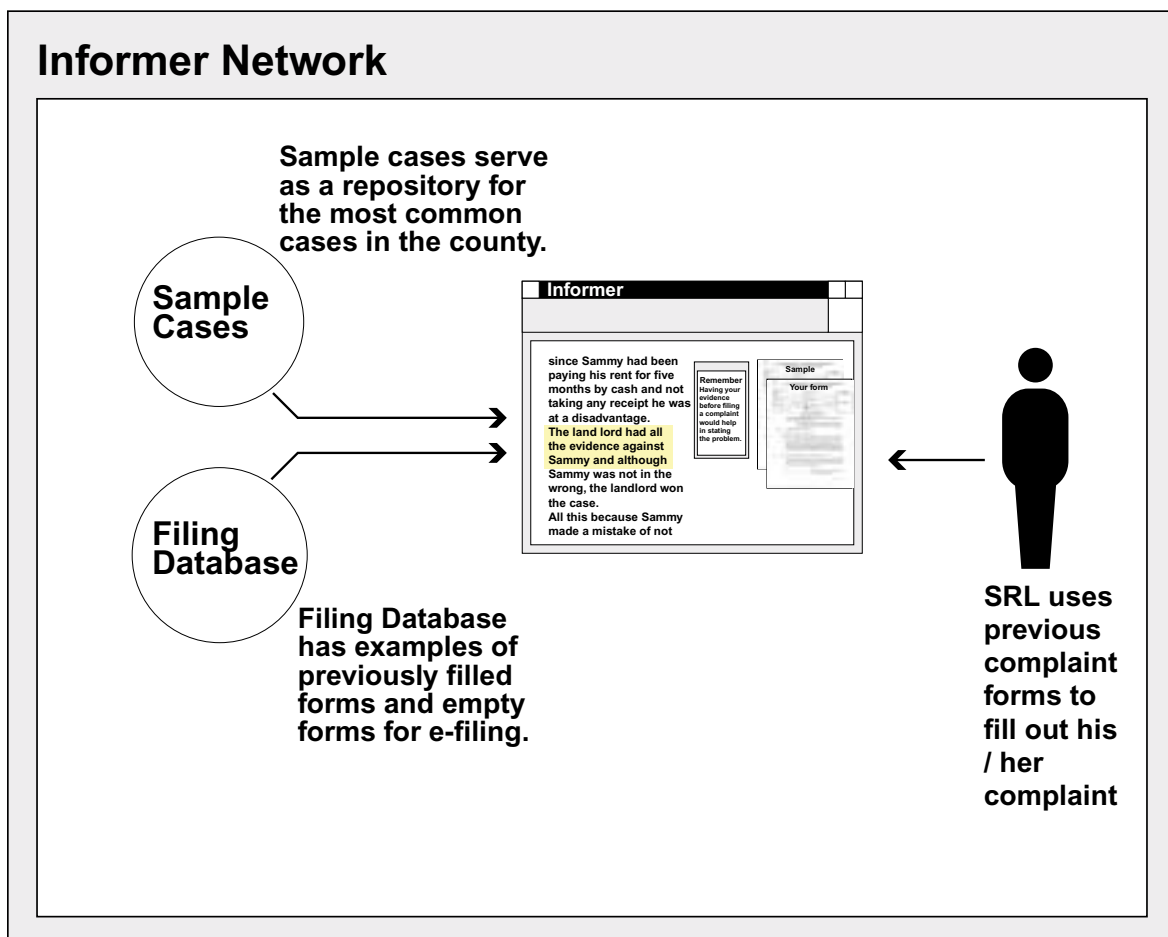
In order to make the filing process more transparent and easier to accomplish, the solution should match three basic requirements:

1. The litigant should be in a position to transform his story into the filing requirements of the legal system
2. The litigant should be able to filter out what has to become part of the filing documents
3. The litigant should recognize the relationship between the case and the filing content

Informer helps litigants to fill out their forms correctly. It is supported by tools that help a litigant to comply with the filing procedures and that process appropriate forms making them complete and ready for submission.

A set of comparable cases in the area of the self represented litigant's case is provided as text-based illustrative material. This could include areas such as landlord/tenant disputes, divorce, domestic abuse, and small claims cases. The system then provides litigants with editing tools that allow them to interact with the delivered case information along with the sample forms that contain the extracted case information.

Informer helps to reduce cognitive barriers by giving SRLs tools that allow them to localize their cases within a repository of similar cases. A general strategy for this is to have a narrative story that is analogous to the litigant's case. The retrieved cases come bundled with the forms necessary to file the case.



Discussion (Continued)

The repository contains a collection of sample cases with all forms that would accomplished the filing process with the court.

The litigant is provided with a navigation tool to find the case that is in closest proximity to his own. Step by step, on the basis of questions and answers, the user is able to find the sample cases that best match his or her own. If the SRL has already gone through **Archetypes**, he or she will be able to skip this part and **InFormer** will use the data from **Archetypes** to bring up the correct sample case.

Digital links provide a connection between the cases and the forms and also demonstrate what information has to flow into the forms. Highlighted passages in the text will point out what valuable information is needed in the filing form and where it must go. When clicked those highlighted sections will bring up the related passage in the form. The litigant can swap the appropriate information into the form step by step or all at once at the end of the editing process.

Scenario

A pro se litigant with issues in landlord/tenant law approaches the court system online in order to file the complaint. Since this is the first complaint that he has ever filed, he is also looking for some information on how such a process works.

In the section for e-filing he finds a tag on the screen that says “Click here if you want to use **InFormer** filing support system.” The system indicates on the default screen for e-filing that it is possible to get system based support if you are uncertain about court proceedings. The litigant joins that service and he is given a short, step-by-step explanation on how the system is going to help him.

Informer first prompts the litigant to pick a case out from a repository of ten sample cases in the area the litigant’s complaint resides. To find the cases that are similar to his case, **InFormer** asks him a set of general questions in a separate frame of the browser. He checks the answers that apply to his own situation. He then submits the questionnaire into the system.

Informer now brings up the right case, presented on a screen that is split in half. **InFormer** is now in read-only mode with highlighting capability. In the left column he can see the narrative form of the sample case as text; the right side contains the filled out sample form.

The litigant can go through the form and place the cursor on a information box on the form side of the screen. When he does this the analogous information on the narrative text side will automatically be highlighted. This functionality enables him to see how the case information flows into the form. Similarly, as he reads through the narrative case text he can click on the portions in the case text which then highlight the comparable information on the form side of the screen.

After he becomes familiar with the forms, he then should select the “Fill in mode” and the text fields in the forms get activated while at the same time the case text disappears and the text boxes get cleared out. He now fills in his personal information and completes the form.

Submitter

Description

Submitter is a tool that conducts the delivery process of the filing data. This system element mainly acts as a buffer between a litigant and the court system. Delivered data is temporarily delayed for a period of two days in which the litigant can withdraw the filing, edit or change it. After a timely period the filing data is accessible to the court and is entered into the system. **Submitter** protects the litigant from making errors in the filing process, and it protects the court system from difficulties of dealing with forms filled out incorrectly or spam.

Properties

- Transfer database for incoming filings
- Mail server for mail distribution
- Software attachments

Features

- Submission interface
- Withdrawal interface
- Linkups to Logic Learner
- Re-editing process of files that have been submitted
- Submission timer
- E-mail notification after submission
- “Submission Timer” software as attachment

Discussion

How will a court system that mainly operates with analog technology behave when its user system interaction is driven by hypertext media? What will be the downside when analog meets digital? How do the socio-technological aspects influence the impact it has on the operations of the court system? How will those changes influence issues on the flow of data between technologically empowered litigants and the court system? A deeper look at these issues will serve both litigants and the court system and provide protection from the downsides of technology mediated communication.

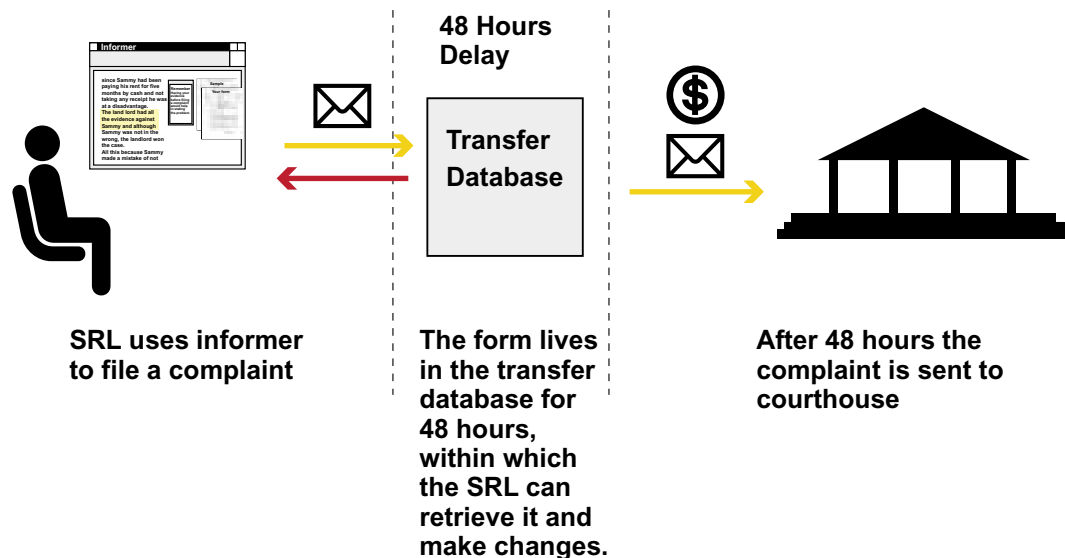
An assessment of basic observations will enlighten some factors that may tie into the preparations and logistics. Content is related to the technology that is used to deliver it. The quality and quantity of content is influenced by three interrelated factors related to information technology:

1. Time: digital technology dramatically increased the speed of communications
2. Distance: spatial distances do not produce delays anymore
3. Cost: cost of delivery of data become insignificant

Those technological improvements have a deeper influence on how people behave regarding their communication habits. The dramatic increase in the quantity of communication going on between entities has induced a downturn in quality of the content of communication. Here are three examples:

1. Trivialization: e.g. E-mail and instant messages are on the quality of telephone calls
2. Spams: more communication of poorer quality content, unimportant communication
3. Errors: wrong spelling, errors in content, messages send off by mistake

Submitter Flow Diagram



Discussion (Continued)

These fairly general issues will influence, of course each to a certain extent, the issues in court communication logistics.

It is natural that litigants react emotionally about events that occur in connection to their case. Somebody who files a case as emotive response and instantly delivers it electronically to the court system might not have acted very rationally. This person might act very differently when he is more rational and regret the hasty action. The complaint possibly would have never gone out or could have been framed better, more completely, or thought out more thoroughly.

Litigants are laymen and do not have all the knowledge and skills to completely deal with all legal issues that appear in relation to their case. Somebody who delivers information electronically to the court system and might have overlooked weaknesses in content, technical issues, or other factors. The litigant may obtain new information shortly after the delivery has been completed and may want to adjust the information.

Location independent availability of services, ease of use, and anonymity of the operations may lead to excessive use of the legal services. Since digital technology brought basically the whole world into the personal space of individual, the availability of “home based” services might overcome inhibitions regarding their use or abuse. The reach of legal services might invite people to use the electronic court system inappropriately and excessively.

In summary the key technological issue seems to be the speed, thereby making information delivery between litigants and the court system critical. Compared to analog forms of delivery e-filing has no delay like the post service does. When a litigant uses the post service delivery in order to file a complaint, it takes some time to prepare and submit the delivery to a post office. If the litigant delivers a complaint personally to the court stem he has to plan and evaluate whether it is worth the effort.

The delays inherent in physical forms of data delivery naturally gave individuals the time to consider the content, the appropriateness, and the consequences and risks attached to it before final delivery.

A delay has to be reintroduced in the case filing process so the litigant can deal with data. This time is meant to produce conscious reconsideration of the issues mentioned in the previous paragraph.

The **Submitter** comes into place after the **Informer**, the court’s filing support system. The submission of a complaint to court will take two days until it becomes accessible by the court system. The data will be stored on the technological property of the court system. The filing information is stored in a database belonging to the court system. At the same time the litigant gets sent a notification that his file has been submitted but it is not yet accessible by the courts clerks. Within these two days the litigant has the opportunity to withdraw the filing process at any time. After the two days the complaint is automatically accepted into the judicial processes.

After the litigant’s file is in the system he will receive notifications via E-mail that contains a graphical representation of the course of the next two days that remind the litigant of the ongoing process. This diagram is viewable in the viewer window of the E-mail application. In addition to that a downloadable representation of the submission period comes as attachment along with the confirmation. The diagram can be turned into an interface when clicked on. The hotlinks on the interface link the litigant with the court system to e.g., initiate the cancellation process that will unobtrusively live on the toolbar. Further notification about the submission period sent to the litigant will be available on wireless devices such as the Palm Pilot, the Vizio, and similar applications.

This can be tied to other system elements. For example, after two weeks the litigant could be linked up to an application that will support a critical assessment on the case. The linkup could be to any tools that could make use out of any existing system that allows a forward projection of outcomes, consequences, and perhaps include a linkup to human support sections.

Scenario

On any given day a litigant is online with the court system as he is about to submit a complaint that he just finished by filling in the appropriate information in the forms of the **Informer**. Although he is not ready to submit, he presses the submit button and after confirming the action the filing information is sent to court. Seconds afterwards the litigant receives a confirmation of his submission by mail. Viewing the mail in its window, the litigant reads a message that it will take two days until the file is processed into the court system. During the two day period he can reflect on making changes or withdrawing. And if there is no intervention the case is then accepted without further confirmation from the litigant.

The litigant can choose to download the **Submitter** Control Bar from the body of the E-mail message. He starts the installation process and afterwards views the little diagrammatic time module that represents the remaining time. After a day the litigant gets some additional information on his case from a friend. He gets back to his computer because he wants to do some slight adjustments on information in his

case. He clicks on the time bar icon which enlarges into the **Submitter** control bar. He clicks on the withdrawal button and then is prompted to type in his PIN number which came with the submission notification at the day before. He confirms the withdrawal and then picks the option to get the file viewed in the **Informer** again and gets ready to work on it.

On any given day another litigant retrieves his file within the two day period with the **Submitter**. He considers to put the process on hold since some uncertainties about his case came up. He is uncertain whether to withdraw because this would mean starting the submission period all over. He opens the **Submitter** Control Bar and examines the links to tools that would help him to help him decide whether to keep the filing process on the run or to reject it. Links similar to other system elements described in the above paragraph are available.

After the interaction with the system elements he is clear about his goals and his next steps and chooses to leave the submission process untouched.

Physical File Management

Description

A tangible organization binder that holds forms, instructions and accessories an SRL may need in order to manage the logistics of his or her case. The **Notebook** also serves to help the SRL create an explicit mental model of the process by way of simple structural elements like colored tabs corresponding to typical milestones of the process.

Properties

- Binder
- Color-coded tabs for large section organization
- Clear plastic sleeves that are color-coded for document type
- Reference label on each sleeve
- Certified mailing labels
- Blank forms
- Instructions

Features

- Provides a low cost solution whose simplicity makes the tools accessible to SRLs immediately
- Cues appropriate actions via visual reminders
- Helps SRLs recognize, organize and sort appropriate forms for personal record keeping
- Minimizes interference with current form inventory
- Makes process structure explicit with tab organization
- Eliminates redundancy and minimizes error

Physical File Management

Discussion

As more and more divorce cases are being pursued without representation, it is worthwhile to look at ways the court system can aid these litigants in this particularly document laden case type. Mitigating problematic issues (particularly logistic) in divorce should alleviate burdens on the court system through sheer number. Freeing courts of logistic burdens will enable them to provide better substantive support and service to legal customers.

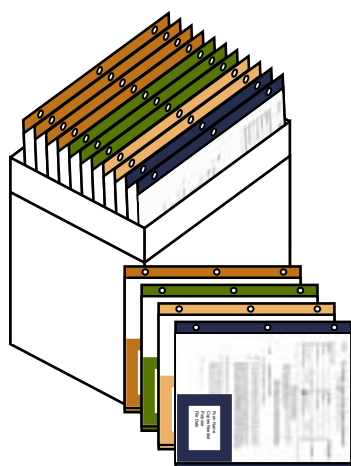
Divorce requires a tremendous amount of paperwork on behalf of the litigant (financial disclosure, etc.) and the court. By

virtue of complexity, this paperwork is prone to error in filling things out. Correcting errors, substantiating forms, contacting parties, serving notices – all these logistical issues drain the court's resources by quantity. Documentation and Forms need not be eliminated, just structured.

The **Notebook** is a collection of tools that enables litigants to select, access, edit and manage the appropriate files for meeting their divorce objectives. Although many current clerks office supply forms in packets, by providing the SRL with a physical

Notebook for Physical File Management System

Case Notebooks



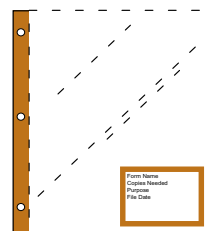
Notebooks for each case type is made available with color coding.

Divorce Forms



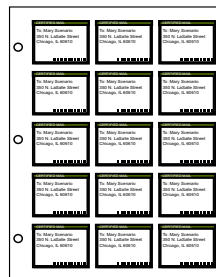
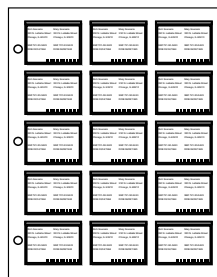
A Notebook for divorce forms. Color coded tabbed sleeves help SRL to identify different forms

Color Coded Sleeves



Empty sleeve gives a cue that a form is missing

Labels



Permanent labels for basic info such as case number, form name, number of copies required, a place for the clerk to stamp a submission receipt stamp (like certified mail)

Physical File Management

Discussion (Continued)

place to collect all documents and accessories we can actually enable the SRL to make decisions and take actions because the process becomes explicit.

Tab separators create the basic framework for the Notebook. Simply by scanning the tabs an SRL can get an idea of what is required during this process. For example, the divorce Notebook might include the following tabs:

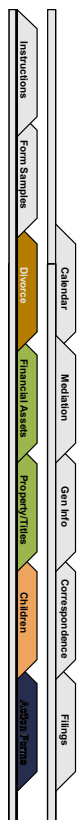
Instructions
Form Samples
Divorce/Annulment
Financial Assets
Property/Titles
Children
Action Forms (motions and services)
Calendar
Mediation
General Info Labels
Correspondence
Filings

Each sleeve has a permanent label for basic info such as case number, form name, number of copies required, receipt date, submission date and a place for the clerk to stamp a submission receipt stamp (like certified mail). Each one has a USPS tracking number so that when paper documents are submitted, they can be scanned to check if the same document was copied and submitted before. This helps the court as well as the SRL keep track of submissions.

The SRL will have a record of actions whether or not the form is actually in the sleeve. Indeed, a form's absence or presence signals an action or a message to the SRL.

As a next step in the evolution of court document management, it may be worthwhile to consider ways in which the underlying concepts off this system element could be translated directly into a digital file management system for SRLs.

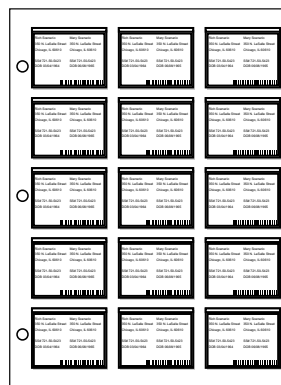
Notebook for Physical File Management



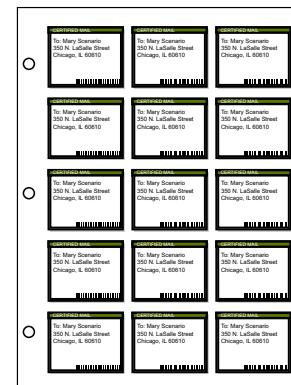
Color coded tabs help SRL identify different forms.

Proposed Tab Sections

- ☐ Instructions
- ☐ Form Samples
- ☒ Divorce/Annulment
- ☒ Financial Assets
- ☒ Property/Titles
- ☒ Children
- ☒ Action Forms (motions and services)
- ☐ Calendar
- ☐ Mediation
- ☐ Gen Info Labels
- ☐ Correspondence
- ☐ Filings



Labels with Name / Docket #/ Case



Certified Mailing Labels

Proposed Tab Selection

- ☒ Bar Code Identifier
- ☒ Certified Mailing Labels

Physical File Management

Scenario

Susan picked up a divorce **Notebook** at the Self-help Center at Family Court about two weeks ago. She has completed a set of forms and needs to make copies and submit the forms. She heads to Kinko's and sets herself up at a copier. She takes each form out from its sleeve, copies it and replaces the original and copy back in each sleeve. When she is done copying, she moves to a worktable to put forms in the supplied envelopes at the back of the **Notebook**. As she moves through the sleeves, she sees one is empty. She must have forgotten to make the copy! Susan makes a quick copy of that original. She continues stuffing envelopes and fills out the certified mail labels. Now all that's left to do is to get to the Post Office. Susan sets off confidently knowing she has a record of all her forms and actions.

STRATEGY

Strategic planning is different from general education. These tools help a self-represented litigant to learn strategic tactics, build a coherent and persuasive case and prepare for negotiation either in trial or in mediation.

Educate

Teach SRLs the basics of good negotiation and provide a foundation to minimize inequities between parties. Solutions should help SRLs recognize that a multitude of outcomes are possible and to begin setting the stage for good negotiation practices. These tools have been developed to be engaging, personal and humane as they impart experience to their users.

Build

Elicit and capture salient aspects of a litigant's story through progressive, iterative, and interactive tools. Representation support tools, while not attorney substitutes, are designed to aid SRLs in producing a fair and coherent representation of their story, their needs and their objectives. These tools teach the SRL about what the court deems to be important, thus helping them better represent themselves.

Cooperate

Provide incentives and tools for parties in dispute to cooperate and settle their dispute without having to go to trial

Recipe for Good Dispute Resolution

Description

An online tool that educates litigants through virtual role playing. This tool allows the litigant to view the process of resolving disputes through the eyes of the third party, for example through the eyes of the mediator or judge. Litigants learn about their role and level of involvement in the dispute resolution process.

Properties

- Web-based tool used in preparing for trial and/or negotiation process or alternate dispute resolution (ADR)
- Sample cases of the same category as the petitioner’s or respondent’s case
- Prompting tool that constantly gives feedback to the “player” about the inferences of his/her selections during the “game”

Features

- Prepares petitioners and respondents for hearing / ADR by helping them understand their role during the hearing / ADR session
- Orients petitioners and respondents to the ADR process
- Educates as the player progresses through the role play
- Allows the player to quit whenever he / she chooses to
- Prepares both parties for the hearing / ADR process with fairness
- Accommodates people’s different learning curves

Recipe for Good Dispute Resolution

Discussion

When self-represented petitioners or respondents go into proceedings for dispute resolution, they are often unaware of what role they play in contributing to a good dispute resolution or negotiation. The process of resolving disputes can be faced with an imbalance of power if there is one party who is better prepared than the other.

The purpose of this tool is not to help litigants strategize for trial or ADR in detail. It simply gives them a taste of the experience and elucidates general but vital aspects of the process such as typical levels of interaction between the mediator or mediator and the two parties.

Recipe for Good Dispute Resolution works in conjunction with the **Pursuit Evaluator** in helping orient the self-represented litigant as to what the negotiation process is about in general. Being internet based it allows access from many

places. Since it is interactive it does not force the player to go through the entire role play; rather, the player can choose to quit whenever he or she decides to do so.

One issue that only prototyping this product will address is how to accommodate the various attention spans of litigants. In addition one possible barrier to success for this concept is that people may perceive this role play as an extra, time-consuming step that does not immediately appear to involve their particular case. Litigants will have to be educated about the value of this kind of preparation. This could be easily accomplished by informing litigants that the other party may be better prepared for this process which could affect the outcome. Experts in the field could help determine which types of cases are most likely to be brought to ADR. So for example, the first national rollout of **Recipe for Good Dispute Resolution** may include 10 typical cases of divorce, or 10 typical cases

Recipe for Good Dispute Resolution		
<div><div><div>David Lim Case type: Uncontested Divorce</div><div>you chose to be mediator for Jake and Lori.</div><div>Please select topics you'd like to cover first.</div></div><div><div><div>Jake's List</div><div>Pg 1 - 8</div><div><input type="checkbox"/> John <input type="checkbox"/> Trust <input type="checkbox"/> House <input type="checkbox"/> Porche <input type="checkbox"/> Shoes <input type="checkbox"/> Job <input checked="" type="checkbox"/> Alimony</div><div>▶</div></div><div><div>Lori's List</div><div>Pg 1 - 9</div><div><input type="checkbox"/> Time lost <input type="checkbox"/> John <input type="checkbox"/> House <input type="checkbox"/> Cars <input type="checkbox"/> Vase <input type="checkbox"/> Silverware <input checked="" type="checkbox"/> Alimony</div><div>▶</div></div><div><div>Mediator Alison's List</div><div><input checked="" type="radio"/> Lori's alimony amount <input type="radio"/> John's summer school - decide town <input type="radio"/> Lori to keep John <input type="radio"/> Jake's visitation rights <input type="radio"/> John's school to remain the same</div><div>▶</div></div><div><div>It takes on an average 10 hours of mediation time for all the issues to be resolved if both parties agree to mediation.</div><div>Mediation is way more affordable than a contested divorce in terms of lawyer's fees, time energy and emotions involved.</div></div></div></div>		

Recipe for Good Dispute Resolution

Discussion (Continued)

of small claims. In the subsequent rollouts the decision about which sample cases should be included in the program could be based on local frequencies of occurrence of particular case types. For example, a rural area might experience frequency of certain types of small claims cases that an urban area might rarely see.

Recipe for Good Dispute Resolution works in conjunction with **E-Mediation** and **Mediation Videos** where the content

is stored. Case Card helps in storing information about what the SRL has learned from using **Recipe for Good Dispute Resolution**. **Pursuit Evaluator** and **Archetype Finder** feed information into **Recipe for Good Dispute Resolution** which helps the SRL focus in his / her area of dispute.

Scenario

Krista is a software engineer living in Sunnyvale, California. She has recently filed for a divorce. She and her husband have agreed to go through mediation. Krista is unsure as to what she may be expected to do in her role as one of the parties involved in the negotiation. She has gone through the **Pursuit Evaluator** and been given Rank 3 for the information she fed into it. (Rank 1 being ill prepared and 10 being well prepared with facts, issues needing to be dealt with, supporting evidence, etc.). The **Pursuit Evaluator** directs her to **Recipe for Good Dispute Resolution (RGDR)**. Here she gets to see a divorce case somewhat similar to hers that has gone through the negotiation process with a mediator.

In this sample case the filing party had also scored a 3 on the **Pursuit Evaluator**. Krista looks at the interactive screen and sees a list of issues that each party brings to the table. She also sees a list of questions that the mediator had asked. This is her first clue as to the amount of work she needs to do in collecting all the papers she may require and in getting a clearer picture about what she might want to talk about during mediation. This screen also gives her some idea about the issues that were dealt with in this case and that might come up during her negotiation process.

Krista then randomly chooses a question off the list of questions that the mediator asked. She sees responses to it by both parties. Being in the mediator's (third party) shoes here, she is able to analyze the scenario through a different set of lenses. Here she learns about the different questions the mediator could ask and also learns some new facts about mediation. She learns that mediation is not something that happens magically, that the parties are very involved. She is reminded that they are here because they both agreed to try to reach a common ground. Also she sees there will be some give and take and that the negotiator is not going to impose anything on either party.

While Krista is acting as a mediator, the software constantly prompts her with summaries about what she is learning. It helps her to realize the role of a mediator, her role and the role of the other party in the mediation process.

Krista is feeling more informed with the help of **Recipe for Good Dispute Resolution** when she realizes that its time for her to get back to work. She saves where she is in the program and decides to come back later.

Description

A home page for judges that would help SRLs make strategic decisions about their case based on information that attorneys and other “insiders” tacitly know. This web site would include two source of information that the SRLs could use when preparing for their case. The first source of information would be from the judge, in the form of a written statement and photograph. The second source of information would be from a court database that would provide general statistics on the judge’s ruling history. In having access to their judge’s profile in **HonorInsider**, the litigants can gain a better understanding of their judge’s prior practice and configure their strategy accordingly.

Properties

- Web site built from a template that would include space for a statement and photograph
- Ruling history pulled from fields in a rulings database (will require electronic record-keeping)
- Update reminders sent to judges every year to refresh the content on the site

Features

- Gives judges an opportunity to introduce themselves to SRLs, discuss their ideology, as well as offer tips and sticking points that they emphasize frequently in court.
- Allows litigants access to ruling history of judge (date, case type, ruling for/against plaintiff, reward).
- Provides the latest in legal theory (when dealing with SRLs) for judges to reflect and respond to when updating their web site’s content.

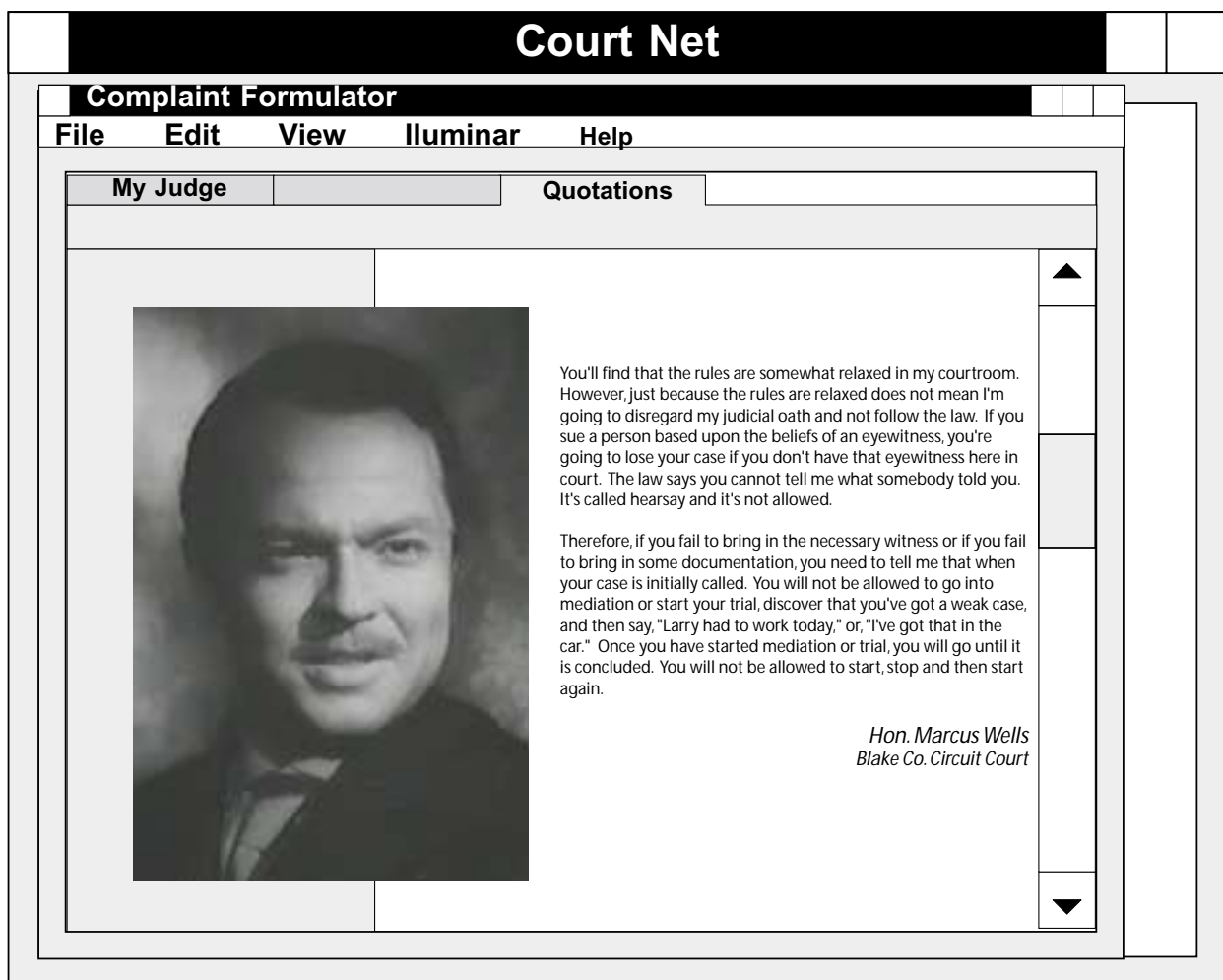
Discussion

When a self-represented litigant enters a courtroom, they encounter many disadvantages, especially when the opposing party is represented by a lawyer. One disadvantage for SRLs is their lack of the knowledge that frequent participants in the system have gained over time and use to develop strategy. This knowledge, such as the judge's personality and style, is leveraged by attorneys to develop a successful telling of the story and in prioritizing and presenting evidence. Since SRLs are usually novice users of the system, they lack this information about the judge and are seriously disadvantaged in use of legal tactics. **HonorInsider** begins to level the playing field by providing one way for litigants to gain the kind of understanding that might enable them to begin to develop courtroom strategy.

The main component of **HonorInsider** is a web site set up for judges to provide information to any participant in their court, whether it be a litigant or a lawyer. The judge would provide

the site developer information that would fit into a standardized template. This web site would enable the judge to convey her values and give the user an insight into her priorities and legal point-of-view. Case-specific dockets associated with a particular judge may help SRLs gain insight as to "standard" evidentiary needs for that case-type. SRLs could use this information to plan arguments and present their case accordingly in court. As for the judge, participating in this web site would be meaningful, as it would facilitate smoother interactions during the proceedings. **HonorInsider** would also be an opportunity for the judge to reflect on her interactions with SRLs and the special needs that arise when interacting with them in court.

The second layer of **HonorInsider** is an annotated history of rulings for a particular judge. This history would be pulled from the court's database (once court records are kept electronically) and provide general statistics to the litigant as



Discussion (Continued)

to patterns of legal outcomes. The intention of this feature is primarily to reinforce realistic expectations for the litigant. For instance, in a landlord-tenant court, an SRL defendant needs to be aware of the probability of a negative ruling against them. This prepares the litigant for the realities of an unfavorable outcome, while possibly motivating them to adjust their strategy and bring supportive evidence into court to strengthen their case.

With continued use of **HonorInsider**, a maintenance need arises. Update reminders would be sent to judges every year to refresh or review the content on their pages. To alleviate

this added burden on the judges' busy workload, a new content template could be provided with the any updates to inspire the judge to respond to the SRLs' needs. This would facilitate a reflective response from the judge, which in turn would create a powerful message to all participants in that courtroom. Ruling history would be automatically uploaded from a larger court-maintained database of case histories.

(Please note that many judges already post general rules of conduct outside their courtroom. This system element would expand on that tradition and allow greater access to this information through the internet.)

Scenario

Jeff Larsen is a self-represented litigant in a child support case. He experienced the court system previously when settling his divorce, but felt very unprepared in that situation. This time, however, Jeff is using the internet to help him prepare. From King County's web site, he finds a link to the tool called **HonorInsider**.

On this site, he is asked to click on the judge's name assigned to his case, if it is known. He left his summons at work, but does remember the court date. He chooses the "search by date" option. The site asks him to enter the plaintiff's and defendant's last names and the court date. He hits the enter button, submitting the data, and his case name appears on the screen along with a few others. He clicks on his case and it presents the name of the judge who will be hearing the case along with a few biographical points. Regarding Jeff's case, the following information about Judge Wilcox is displayed:

Hon. Cynthia M. Wilcox

Judicial Service:

U. S. District Court, Western District of Washington

Education:

University of Washington, B.A., 1951

University of Washington School of Law, J.D., 1953

Professional Career:

Deputy prosecuting attorney, King County, Washington, 1987-1990, 1994-1999

Private practice, Seattle, Washington, 1990-1994, 1983-1987
Judge, Northeast District Court, King County, Washington, 1999-current

This information is followed by a brief statement from the judge detailing in greater depth her experiences in the courts. She lists the general rules and expectations she has of participants in her courtroom. She also describes her general philosophy for working with self-represented litigants in the courtroom, along with the special needs that family court brings to her position. She further elaborates on her role in the courtroom as a neutral purveyor of justice and expects litigants to be prepared for trial.

Jeff is interested in being well-prepared for his child-support hearing, since he and his ex-wife disagree on his level of financial freedom. He reads further on this web page and sees that the judge has listed what she considers to be the "Top Evidentiary Needs in Family Court." Jeff reads the list under child support, which includes: pay stubs for the past 6 months, latest Federal Tax form, affidavits from bosses, detailed list of monthly expenses, etc. Jeff had gathered his pay stubs and tax forms, but had not considered documenting his monthly expenses. He plans to gather this information.

Jeff still would like to know more about his judge, and is particularly curious about her prior ruling history in child support cases. He clicks on the "Ruling Stats" button. The next window displays a break down of Judge Wilcox's rulings: the case categories, the breakdown of prevailing parties and financial rulings. From this information, Jeff realizes that in child support cases, Judge Wilcox tended to award between 10-25% of the debtor's monthly income in support of two children. From these numbers, he quickly figures a range that his settlement would fall within. Jeff realizes this payment would take a toll on his leisure activities, but is comforted having a clearer idea of what may happen during the hearing.

Description

Logic Learner is a tool that introduces litigants to the basic concepts of logic. The litigant has the opportunity to learn and practice logical reasoning skills which will empower him to craft arguments that are more logically sound.

Properties

- Database of case texts to elaborate on
- Set of multiple choice questions
- Web-based system
- Evaluator function

Features

- Introduces litigants to the foundation of logical arguments
- Highlights sections for core information collection
- Provides multiple choice questions on argument building
- Compares responses to other test takers
- Provides recommendations based on test results

Discussion

The preparation of a case and the hearing are critical for SRLs. Many SRL cases are lost in these two stages. The reasons for this are that litigants formulate complaints that lack sound reasoning and these weak arguments prove insufficient in the critical moment of a hearing or mediation.

This is mostly due to a lack of understanding in what information is necessary to form a complaint and how to construct a successful argument for the hearing. The latter is even more critical because the SRL has to make his case in an extemporaneous speech in an environment which is often distracting.

Lawyers who accompany litigants are trained in legal reasoning and how to craft an argument from the information in a case. Law schools provide certain frameworks that present the syntax that underpins the logic behind an argument.

SRLs do not have the education and knowledge to frame their problem in appropriate terms as lawyers do. However,

laypeople representing themselves in court proceedings still need those skills.

In order to be better prepared for the decisive moment, litigants need an empowering framework that helps them to discern the important pieces of information in their case and then assemble them in a compelling line of logic.

The criteria for an effective supportive tool to introduce SRLs to the above mentioned issues are:

1. Providing a framework and guidelines of what makes a “line of logic”
2. Provide an understanding of how to analyze and identify relevant information in the case
3. Synthesizing the information based on the rules of logic into an argument

Logic Learner				
Complaint Formulator	Form	Pursuit Evaluator	Informer	General Info
Thomas Logan May 04, 2001 Last visited May 2nd, 01 Link to Pursuit Evaluator	Scenario John Doe has a leak in his apartment. In spite of notifying his landlord twice no action was taken. He then decided to call in the repair service. After he got the damage repaired he send the receipt to the landlord. The landlord did not pay him back. He also told John that he was not told about the leak and never received a demand letter.			
Question Demand notification must be given served by a third party, else it cannot be considered as a notice.		What did John Doe do wrong in his procedure? <input type="radio"/> Doe didn't notify his landlord with a demand notification. <input type="radio"/> Doe's deduction of the rent wasn't in compliance with the process. <input type="radio"/> Doe didn't file a complaint on time.		

Discussion (Continued)

The educational content of **Logic Learner** comes out of a database of the court system. This content consists of basic frameworks of how logic arguments are constructed. Basically taken from textbooks of law school education, the content will be edited to be useful to laymen. As a means to strengthen the litigant's ability to actually apply what he learned to his own case, **Logic Learner** has a section where the learned lessons can be applied to a realistic case.

Similar to the **Logic Learner** the litigant will have to pick a sample case that is contained in the **Archetype's** data base. The method of choosing the right sample case will be done as a separate questionnaire. Here the litigant has to answer questions regarding his case by checking the provided answer boxes.

Once the right case has been retrieved from the database, the case will be linked up to the content data base of **logic learner** where the matching questions and multiple choice answers are stored. Those questions have been carefully determined to support the litigants learning process.

After the lesson has been taken the litigant is provided with the opportunity to map his results of the **Q&A** section against other people who took the test to see where he is in its development of skills.

Scenario

On any given day the pro se litigant help system is approached by those who seek further information on various aspects of their cases. Since many people have a number of points to reason through in their case, they must define what can be considered valuable information and then craft a case from it. On the other hand, nothing is more critical and not understood by most of the litigants how to make sense out from facts and how to fill it in a compelling argument.

The litigant has to prepare himself for the hearing and clicks the link to case preparations on the court web site. A label on this section points out that x% of cases are lost simply by the reason of a insufficient constructed hearing argument. An associated link to the **Logic Learner** promises to increase the capabilities of self defenders towards a better success rate in court trials.

He joins the **Logic Learner**. He is shortly introduced to the capability and goals of the **Logic Learner**. He is asked to indicate if he prefers a specific type of case in order to start the session. Since the case is to be filed against his landlord, he chooses landlord/tenant cases on which the lesson will be based upon.

The software prompts the litigant to pick a case out from a sample repository of ten typical cases from area the litigant's case is in. To find the cases that are similar to his case, he is

asked a set of questions in a separated frame of the browser. He checks the answers that apply to its own situation. Then he submits the questionnaire into the system. **Logic Learner** now brings up the right case.

The introduction starts with a lesson on how to find and evaluate useful information in a case and secondly, an introduction into frameworks of how information has to be assembled in order generate an argument.

After this section the litigant is prompted to answer a set of multiple choice questions according to the chosen cases to set the lessons learned into action. First he has to go through a text passage on a landlord/tenant issue and is then asked questions on the passage: (e.g. "What were the important pieces of information that should be mentioned in an argument?" or "Which one of the arguments that have been just presented mirrors the facts best?"). In all questions he has to pick one of the four provided answers. After the questions have been answered he clicks on the explanation to see more detailed explanations on the answer that he has chosen.

After completing a section of questions, the litigant chooses to get his questions evaluated and clicks on the Evaluator button. His score represented as "You received x number of points out of a total of z possible points." Next to the score he sees his score compared to the those from other first-time test takers.

Description

An online software container for **StoryBuilder** and **Heurassistant** that organizes and compiles files associated with both tools together. **Webvidence** serves as a storage facility for the user who employs these tools, and as a vehicle for exporting files created in **Story Builder** and **Heurassistant** to the courts or to a mediator. **Webvidence** is the interface through which files built in **Story Builder** and **Heurassistant** can be shared digitally in the courtroom when **Shared Vision** is in place.

Properties

- An online tool that litigants use independently to organize their intended submissions (testimony and documents)
- A digital container and storage space for **Story Builder** and **Heurassistant** files
- A vehicle communicating this information to shared spaces when both parties agree to meet online and negotiate
- A tool for facilitators to use in preparing SRLs for court
- A vehicle that transports prepared evidence and testimony to court for use by SRLs and judges during the hearing

Features

- Provides SRLs with a space to organize and assess documents related to their case
- Promotes self-sufficiency and a sense of preparedness in SRLs prior to the hearing
- Offers an opportunity to assess the intended submissions of the other party, potentially leading to settlement if testimonies are similar and an understanding between parties is fairly reached
- Structures and takes advantage of litigant's pre-trial time
- Encourages effective framing of issues (through testimony prep) to minimize the number of questions the judge needs to ask to understand the bounds of the case
- Secondary functions of this system: litigant checklist, preparation tool, promotes emotional readiness, maintains order in court

Discussion

Currently, litigants are expected, but not prepared, to come to court equipped with complete and organized documentation, ready to testify. **Webvidence** offers SRLs a means for presenting a better case by providing the litigant a space to organize intended submissions and thoughts regarding the case prior to the hearing or negotiation. Integration with tools like **Story Builder** and **Heurassistant** promote a comprehensive look at what documentation and arguments may be most effective within the given case type, and offer the litigant a standard against which to compare the documents and testimony that is submitted into the online space.

Litigants become aware of this tool when they file a complaint or receive a summons, as information about **Webvidence** may be included with the initial filing information or on the summons, encouraging the litigant to start preparing for the hearing right away.

If both parties realize while preparing, or perhaps with the aid of **Pursuit Evaluator**, that ADR might be a viable way to solve the dispute, **Webvidence** is the vehicle that delivers the documents to **E-Mediation** for on-line negotiation.

Should the litigants decide to pursue a hearing, **Webvidence** functions in the courtroom as a component of **Shared Vision**, offering the judge access to the files immediately before and during the hearing as a guide to what the litigants expect to present. With this tool, the judge can anticipate that litigants will have particular documents with them, and may organize those submissions as he sees fit to run the hearing. **Webvidence** is not a replacement for in-court presentation of authentic documents when requested by the judge, but is available to the court both for preparatory and archival purposes.

Scenario

See **Heurassistant** & **Story Builder**

Description

The story builder is an on line system that assembles a litigant’s story from a group of unorganized facts. The tool can be used by one litigant, or used cooperatively to build one story between two litigants. Asking a series of questions it incorporates the facts into small pre-authored paragraphs. It is intended to prepare a case for resolution on line, by traditional trial, or mediation. For divorce, a special case is created to build the “story” of marital property and assets.

Properties

- A component of a software system provided to litigants to prepare for resolution
- An intelligent agent question system, which surveys a case by events and facts
- A collaborative environment in which two litigants can build a common story
- A collection of text passages, which are combined to form the story

Features

- Extracts facts from a set of directed questions posed to the user on one side of the screen
- Builds a flow of text by inserting the facts into pre-written clauses of text (the story) on the other side of the screen
- Provides an iterative ability for the user(s) to revise, add, or remove parts of the story as it is built
- Provides a collaborative space where two litigants can build one story, maintaining differences where needed
- Suggests evidence for the story and links the **Heurassistant** to collect and evaluate evidence
- Allows, in divorce cases, the two parties to build a “story” of the full list of marital assets

Story Builder

Discussion

We observed that self represented litigants made a series of mistakes based on the common error of not knowing the legal argument they were making or subsequently the evidence that they needed to back it up. This placed the judge in the role of forming a legal argument for the litigant, and acting as inquisitor to fill out the information for the case.

Observations:

1. People didn't understand the relevance of the evidence they were presenting, and often tried to prove things like "I'm a good person"
2. People didn't understand the case they were making from a legal standpoint, and thus did not offer sufficient evidence to make the case.
3. The judge would fit a legal case around the Plaintiff's collection of related facts and then tease out relevant testimony from each litigant.
4. Litigants misinterpreted the implication of the judges legal case fit and were often uncooperative about answering direct questions concerning the case.

The **Story Builder** is a component of a proposed system that allows the litigant to prepare for the resolution of their case. The vehicle for the solution is **Webvidence** which contains the **Story Builder** and the **Heurassistant**.

The **Story Builder** allows the litigants to "experience" the formation of their facts into a legal argument prior to their appearance in court, where it is often too late to change the nature of the story, or gather pertinent information. The **Story Builder** starts its process by leaning about the category of the case from the **Archetype Finder**. For small claims and landlord tenant cases, the **Story Builder** will query for the most common claims, and then asks a series of questions to assemble the requisite facts. As the facts are entered, the user is recommended to enter evidence. When the user decides to enter a piece of evidence, the **Heurassistant** is invoked. This helps the litigant with the many aspects of determining evidence suitability.

Court Net			
Story Builder			
Name	Betsy Landlord	Role	Tenant
Type	Landlord-Tenant	Case Code	0333-37373-83838
Did tenant notify you of complain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Tenant (Dave Tenant) notified Landlord (Betsy Landlord) of a complaint by LETTER. The LETTER stated that there was a problem with PLUMBING - HOT WATER - NOT AVAILABLE. The LETTER was received by BETSY on Jan 10, 2001. BETSY responded with PHONE CALL. Call reached MESSAGED on January 10, 2001. BETSY responded with PHONE CALL. Call reached DAVE STUDENT on January 11, 2001	
How did tenant notify you? <input type="checkbox"/> Phone <input type="checkbox"/> E mail <input type="checkbox"/> Voice message <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Letter <input type="checkbox"/> In person			
Date you received notice of complaint: MM <input type="text" value="Jan"/> DD <input type="text" value="10"/> YY <input type="text" value="2001"/>			
Nature of complaint: <input type="checkbox"/> Building <input checked="" type="checkbox"/> Plumbing <input type="checkbox"/> Electric <input type="checkbox"/> Grounds		Enter Evidence Evidence _____ _____ _____ _____ _____ Evidence _____ _____ _____ _____ _____	
<div>Save</div> <div>Print</div>			

Discussion (Continued)

The **Story Builder** allows two litigants to work on one story. They collaborate by taking turns accessing the story. This keeps the communication coordinated. For the first litigant, the **Story Builder** works as described above. When the second party comes to the story, they are asked to read the existing story. To modify the story, they can edit the prior answers to **Story Builder** questions or add additional information. Two parallel versions of the story are displayed were differences exist. When the first participant returns to see the combined story, they would then have a few options:

1. Offer yet another version of the story which modifies the second parties details.
2. Accept the other parties version, and discard their first draft of the passage.
3. Mark the dispute as unresolved and leave it.

It is not the goal to resolve all differences but to allow a sufficient number of iterations that disputed aspects of the story are isolated. There should probably be a limit to the number

of iterations allowed, or some cost associated with iterating to prevent unproductive bickering. For Divorce cases, the **Story Builder** uses a unique approach that is designed to discover the list of marital assets and property. This generates a list which feeds into the **E-Mediation** engine. This allows divorce parties to negotiate the division of assets and property through on line negotiation. The iterative aspect of the **Story Builder** might be useful to establish a monetary value for items in the list before mediation.

Litigants can take a story, in any state, to **E-Mediation** to resolve the case. They can also reach a real mediator or arbiter through the Help At Hand referral system to resolve the dispute outside the computer based tools.

Litigants that decide to have the case decided in court are able to share the story they made with the Judge through the **Shared Vision** system software.

Scenario

Dave moved into a student apartment, in September, just after school started and has been having trouble. Often his hot water heater stops working and requires attention. The heater is probably on its last legs and needs to be replaced but the landlord Betsy, refuses to do so and claims that its OK. In November Dave went 3 days with no hot water, and during the month of December it went out the day before Christmas. This was not fixed until after New Years because Betsy claims that all her repair people were on vacation and other service people were charging unreasonable prices for emergencies during the holidays.

Dave decided that he was going to withhold rent in January and wrote a letter to Betsy stating so with demands for a water heater replacement.

Betsy decides to evict Dave, and starts an on-line search of the process. She comes across the courts online resolution system. There she finds a number of informative landlord tenant services including the **Story Builder**. Betsy starts the **Story Builder** and answers as many questions as she can about her case. She realizes that some details were not known and so saves the work, prints a list of things to find out, and logs out to find repair receipts and phone bills to verify who she talked to and when work was done.

Meanwhile Dave receives an E-mail notifying him that Betsy has initiated an online case for resolution. Given a web page

URL in the E-mail, he is requested to participate to resolve his dispute. He is told that this is not the court system, but that decisions made in the system are considered valid contracts. Dave responds to the service and agrees to try alternate resolution. He logs on and goes through much the same education process as Betsy. When he gets to the **Story Builder**, he can see Betsy's story which he audits to include the details he knows about when his hot water was off and when repairs were done. There is clearly a dispute about the length of time that the hot water was off in December. He logs off and waits for an E-mail alerting him of his next steps.

Meanwhile Betsy logs back in and enters the information from her call records but has only one receipt. She is sure there were more, but can't find them. **Heurassistant** explains the potential problem with her evidence. She guesses at the details. The details are different from Dave's and are shown side by side with the facts in dispute highlighted in red.

At this third round, the **Story Builder** recommends moving to a resolution phase. Betsy, in order to avoid a trial, decides to try mediation and goes to the **Help at Hand** system to find an acceptable mediator. The story Dave and Betsy built will be forward to the mediator they choose as a head start in the negotiation.

Description

An online educational/strategy tool that aids litigants in qualitative assessment of the relevance and quality of the evidence they might consider presenting at the hearing. In general, litigants are not prepared in court because they are not aware of what documentation and testimony would most effectively support their case. **Heurassistant** enables users to evaluate what they have, while providing them with a guide (or checklist) as to what further evidence might be helpful if attained.

Properties

- Online application
- Survey-based questions
- Multiple check box response
- Predetermined evidentiary categories
- Intrinsic qualities assessor
- Evidence score card
- Educational tool
- Glossary of terms
- Evidence explanation system

Features

- Compares the criteria and requirements of evidence
- Scores evidence that litigants would consider showing according to a general assessment of relevance
- Educates users as to the appropriateness of relevant evidence
- Explains terms and usefulness of particular elements of evidence
- Encourages litigant to seek consultation if scores deviate substantially from those expected, qualifying itself as a general assessment tool provided to educate the litigant, without any guarantee of success in the courtroom

Discussion

The process of discovery is one of the most important stages in litigation. Evidence is the driving force behind discovery. In Pro Se court, the rules dictate that discovery is not allowed. Cases are heard as summary judgments, meaning that the first hearing is usually a summary and conclusive proceeding of the case. As a result, SRLs are not given the opportunity to review documentation from opposing parties. This puts SRLs at a great disadvantage, because they are not prepared to counter the evidence or arguments of their opposition. The only time that SRLs review or even learn of the evidence against them is when that evidence is offered to the court during the hearing, at which point the SRL is unlikely to be given a second chance to evaluate their evidence without a continuance, which is a burden on the courts and litigants.

Preparation is the key to a successful hearing. SRLs are often unprepared to handle their case and are not sure how to assess the value of various sources of advice or assistance they may come across in their attempt to ready themselves for court.

Heurassistant is a tool that was created to combat one of the main problems facing SRLs: judging the relevance and quality of evidence.

This tool uses a survey method that questions litigants about the evidence they intend to use to support their case. It draws its information from a database of pre-defined lists of evidence that are important to specific case-types. Qualitative elements are filtered from these lists that **Heurassistant** compares with each piece of evidence submitted to determine how closely the submission fits the requirements. The intent is not to create a software program that wholly determines whether a piece of evidence can be submitted in court, and must be carefully configured so as not to mislead the litigant into believing that their case will be decided based on the outcome of the **Heurassistant** rating. Instead, **Heurassistant** only reviews evidence that correspond to the general standard of submission with regard to specific case-types, such as receipts, correspondence, contracts, photographs, and other documents.

Heurassistant	
<div><div>A receipt can include any document or slip that verifies payment of service or item.</div><div><div>Receipts <input checked="" type="checkbox"/></div><div>If you have a receipt, which of the following pieces of information is included?</div><div><div><input checked="" type="checkbox"/> Orinator Name and Address</div><div><input type="checkbox"/> Receipt Date</div><div><input type="checkbox"/> Service or Item Description</div><div><input checked="" type="checkbox"/> Price Paid</div><div>Physical Condition <input type="text" value="good"/> poor</div></div></div><div><div>Lease <input checked="" type="checkbox"/></div><div>If you have a lease, which of the following describes it?</div><div><div><input checked="" type="checkbox"/> Is it an original?</div><div><input checked="" type="checkbox"/> Does it have the date?</div><div><input checked="" type="checkbox"/> Is it signed by you?</div><div><input checked="" type="checkbox"/> Is it signed by your landlord?</div><div><input type="checkbox"/> Has it been modified since signing?</div></div></div></div>	

Discussion (Continued)

Relevance is extremely difficult to determine in a question format, since it requires interpretive skills and a sensitive reading of the law that most litigants do not possess. However, judges generally expect certain types of evidence that are deemed standard. In landlord/tenant cases, for instance, the original lease, receipts for rent payment and services rendered, as well as photographs of the apartment's physical condition are common pieces of evidence that a judge might commonly expect to see. A tool that lists these evidence types (as well as poses questions to determine whether the litigant has documents fitting proper descriptions), can provide an estimation of evidence quality and relevance. After the series of questions has been completely filled out, the program will rate the validity of the documents reviewed. The program gives detailed explanations as to why certain aspects are vital to specific pieces of evidence and how they are used in court, thus educating the litigant.

Current software-based tools exist that support quantitative evaluation and comparison (e.g. spreadsheets). However, tools that provide subjective interpretation based on context and qualitative analysis are far more difficult to develop (e.g. language translation, forecasting). Rules of evidence combine both objective evaluation (quality of evidence) and subjective interpretation (relevance). The latter component makes the task of creating a program that perfectly assesses evidence a formidable endeavor.

However, a tool that could provide an estimation of evidence quality would be extremely valuable to the unrepresented litigant. A relatively simple tool could use a common set of heuristics that legal professionals use to assess evidence.

Landlord / Tenant Evidence Heuristic

Contract (lease)

Intrinsic Qualities
Original
Unmodified
Signature and Date

Receipts Repairs (Labor / Parts)

Intrinsic Qualities
Original
Originator Info & Date
Service Description
Item Description
Price Paid

Witnesses

Intrinsic Qualities
Relationship
Proximity, Visual,
Auditory, Both

Photographs

Intrinsic Qualities
Original
Visibility
Time Stamp

Correspondence

Intrinsic Qualities
Original
Medium
(paper, electronic, voice)

Scenario

Summons to appear in court comes via service processor. Max takes the notice and reads it over to see why he's being sued. After reading over the document, Max learns that he's being sued by his landlord for nonpayment of rent. Max is furious because he knows he paid his rent last month. He recalls paying his landlord the rent in cash, and that he received a receipt at the same time. The summons has some information about resources Max can use to evaluate his evidence before the day of the hearing. Since Max does not have access to the web, he goes to the court the day of the hearing with all documents he thinks he might need.

Using one of the **Legal Seat** terminals at the courthouse, Max runs the **Heurassistant** program to evaluate the evidence he brought. He chooses from the touch screen menu his type of case (landlord/tenant), and continues. Next Max sees the list of relevant documents to cases of this type. This helps him evaluate his evidence, and also what the other side might look to dispute. He sees that "receipt" is one of the types of evidence relevant in these cases, and chooses that option. From that screen Max then sees a list of questions that asks him about the quality and components of his receipt. He looks at his receipt and selects the answers reflecting the quality of the evidence (whether the receipt has a date, if it is signed, if there is a breakdown of costs, etc). After reviewing other documents he has brought to court, Max learns that some of the documents are not on the list of recommended items, and therefore may not be relevant to his case. **Heurassistant** advises Max that other evidence may be relevant, but that it will now evaluate what he has submitted.

The program returns its result of how each piece of evidence relates and its quality. For those elements of the evidence that Max did not find, the program will explain their significance and why they are important to cases of that specific type. Also, the program will provide alternative solutions for establishing those elements through other pieces of evidence, if he has those.

Max next proceeds to the courtroom to await his turn. When the case is called, the judge pulls up **Webvidence** and asks Max to tell his story, following the submissions Max made into the system and is provided with the evidence that he has prepared for the case. Max, using the knowledge he has just acquired from the **Heurassistant** program, explains that he paid the rent and received a receipt that was dated and signed, but it does not spell out specifically what the costs were for. Max then tells the judge that he previously paid rent by a check in the same amount the month before that, in the same amount, and that it has the word "rent" on it. Max knows that this will help prove that the amount of rent is established not only by the lease, but by his last check payment, all of which is information that Max picked up from **Heurassistant**.

The judge is now able to review documents that are relevant to the case, instead of having to sift through a pile of documents, or none at all. The judge is restored to the position of evaluator of evidence and dispenser of justice, rather than having to gather the facts from scratch and pulling the arguments out of each litigant.

RESOLUTION

Supporting fair and balanced dispute resolution may require a wide range of changes. The distinguishing characteristics of these solutions is they support fair negotiation by stabilizing emotions and using environmental changes and technology to balance inequities between SRLs and more experienced, possibly represented parties.

Support

Create litigant-centered environments and provide customer assistance in an effort to support fair outcomes before and after judgment. Provide customer service tools that help litigants focus on the issues at hand by minimizing the frustrations of navigating through the court.

Mediate

Provide an alternative means of dispute resolution that minimizes the involvement of the court. Take advantage of computation-supported tools that can be used effectively and efficiently to juggle multiple issues and provide SRLs a way to pursue resolution on their own.

Present

Support presentation and readiness for trial. Equip the court with technologies that support presentation. Seek alternative approaches to trial proceedings.

Description

E-Mediation is an on-line, collaborative tool that facilitates negotiation and decision-making toward a mutually acceptable legal agreement. This leads to efficient use of time by facilitating out-of-court settlements. If the negotiation fails between the two participants, the partial results of the settlement can be forwarded to a live mediator for traditional mediation. Traditional mediation can either be done on the phone or in a face-to-face meeting. **E-Mediation** also acts like a professional forum for mediators to interact and offer services.

Properties

- Interactive software that facilitates negotiation, either real-time or delayed
- A secure record of interactions in the online workroom at all stages of negotiation from the initial login to the final agreement
- Database of information about mediation including sample case types, evidence requirements, etc.
- Professional forum for mediators to exchange information and offer services

Features

- Provides a forum for litigants to negotiate a settlement
- Allows the negotiation of a financial settlement or the division of marital assets
- Provides referrals, through **Help at Hand**, to mediators and lawyers
- Reflects the agreement as it's made between the two participants. Financial offers that do not reach agreement remain private
- Places reminders of the consequences of offers in a prominent way on the screen to confirm user intent
- Presents reminders to both participants to focus on common goals and intentions
- Sends timed reminders to promote timely resolution of issues.
- Provides a visual format for the offers to give the litigant a overall sense of the agreement.
- Documents the agreement in text format and saves the agreement in the system.
- Transfers the agreement to court through **Shared Vision**.

Discussion

E-Mediation offers a number of potential benefits to the litigant and the legal system. We observed that the option of alternate dispute resolution is not offered to litigants until they get to court where a judge may initiate mediation. In divorce cases, some jurisdictions mandate mediation where children are involved, but mediation does not get widely promoted otherwise. Mediation, which produces an agreement of mutual consent, has the potential benefit of reducing or eliminating enforcement-related issues. A case that reaches agreement in mediation requires far less court time and may avoid trial and judgment completely. Another advantage for self-represented litigants is that successful negotiation does not depend on deep legal knowledge of the case and trial procedure but only a willingness to negotiate.

Hence alternate dispute resolution through **E-Mediation** offers a means of settling outside court to save the participants time and money and reduce the number of cases coming to the courthouse.

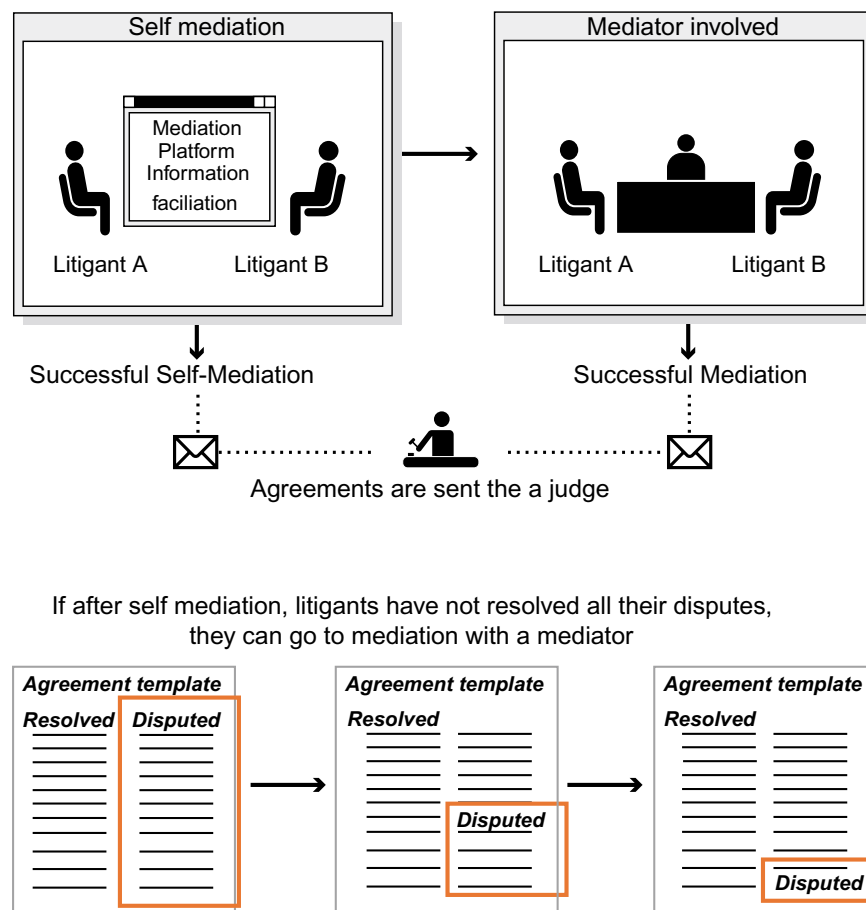
Self-represented divorce litigants face a difficult job of negotiating the terms of a divorce due to emotional

involvement. **E-Mediation** minimizes the potential for emotionally driven conflict between participants. Both litigants are at advantage when using this software as it facilitates a timely resolution of the issues without requiring personal contact.

E-Mediation allows each participant to interact based on their own schedule with adequate opportunity to review the other's views, collect relevant resources, and formulate responses. The software is presented as an "impartial" system focused on the financial facts, and not on the emotional details.

The visual interface facilitates a better understanding of the dispute by displaying the agreement in columns, making comparisons easier. An outcome-predictions option simulates best and worst case scenarios that give the users a sense of their position and facilitates reasonable expectations of potential outcomes.

E-Mediation can be used in the particular instance of a divorce as a tool for property and asset allocation. The list of all



E-Mediation

Discussion (Continued)

property and assets are identified by the **Story Builder**, which transfers the “story” along with a consensus on the value of property.

In the first pass of divorce in **E-Mediation**, parties negotiate property that can’t be divided, like furniture. Litigants have 3 choices for each item: Give it away, Keep it, or Don’t Care. Things in agreement are settled and pulled off the table.

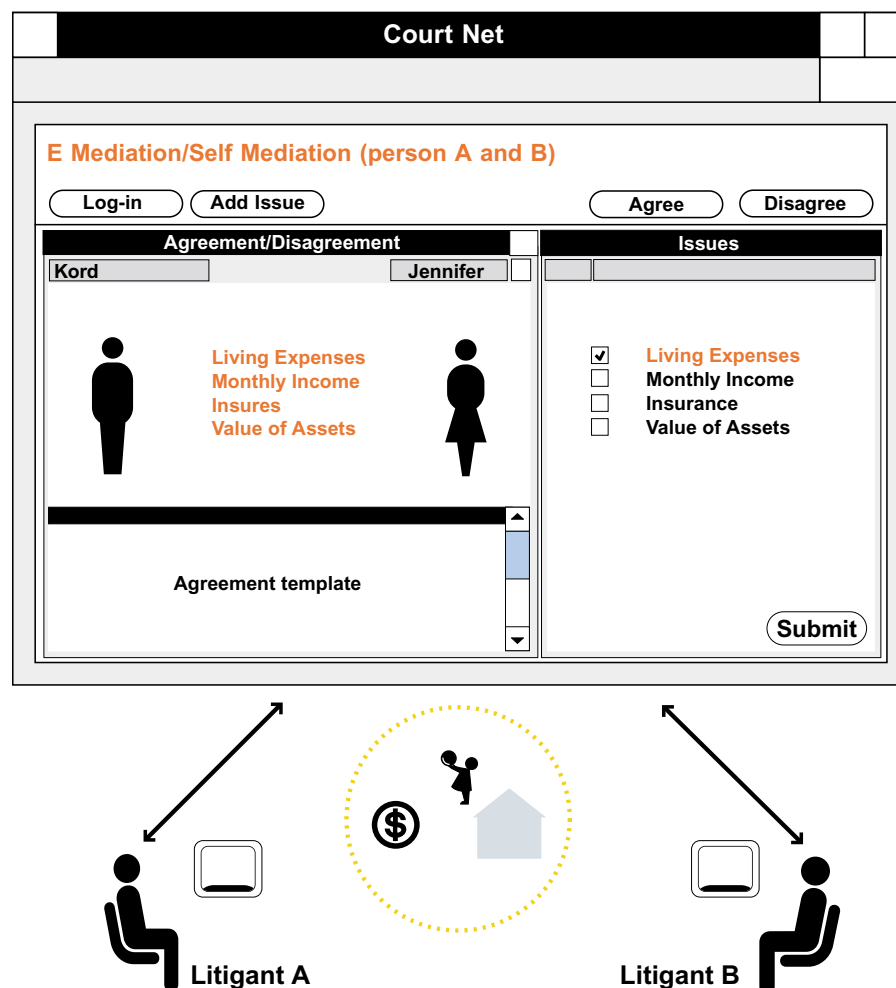
In the second pass, items still in dispute are included with the items that are divisible, like financial assets that might be sold. Chips (or a system of points) are used to bid for the remaining things litigants want. Neither party has enough chips to cover everything. Some reallocation of chips might need to occur if one party comes up with less monetary value on the first pass. Subsequent rounds of negotiation issue more points until all assets are divided.

Child support and alimony can be included in the negotiation, but will have their own section. Calculations of the legally-

prescribed amount are provided as guidelines.

It is important to limit the number of iterations that litigants have to go through in **E-Mediation**. Initially, a set of three to five passes might be set as the expectation, based on statistics for average cases. Additional passes might be offered, with a price just high enough (\$10-\$20) that each successive pass is an honest attempt at settlement but not prohibitive. If the participants fail to resolve the dispute in **E-Mediation**, they can choose to change venues and take the help of a mediator. Mediators, arbiters and lawyers are always available to the litigants through the Lawyer Patrol and SRL Services referral systems.

E-Mediation stores the results of any negotiation. When a mediator is brought in after an online mediation attempt, it is beneficial if they can also access the results. **E-Mediation** provides a mutual permission system by which the participants allow their results to be shared with a Mediator.



E-Mediation

Scenario

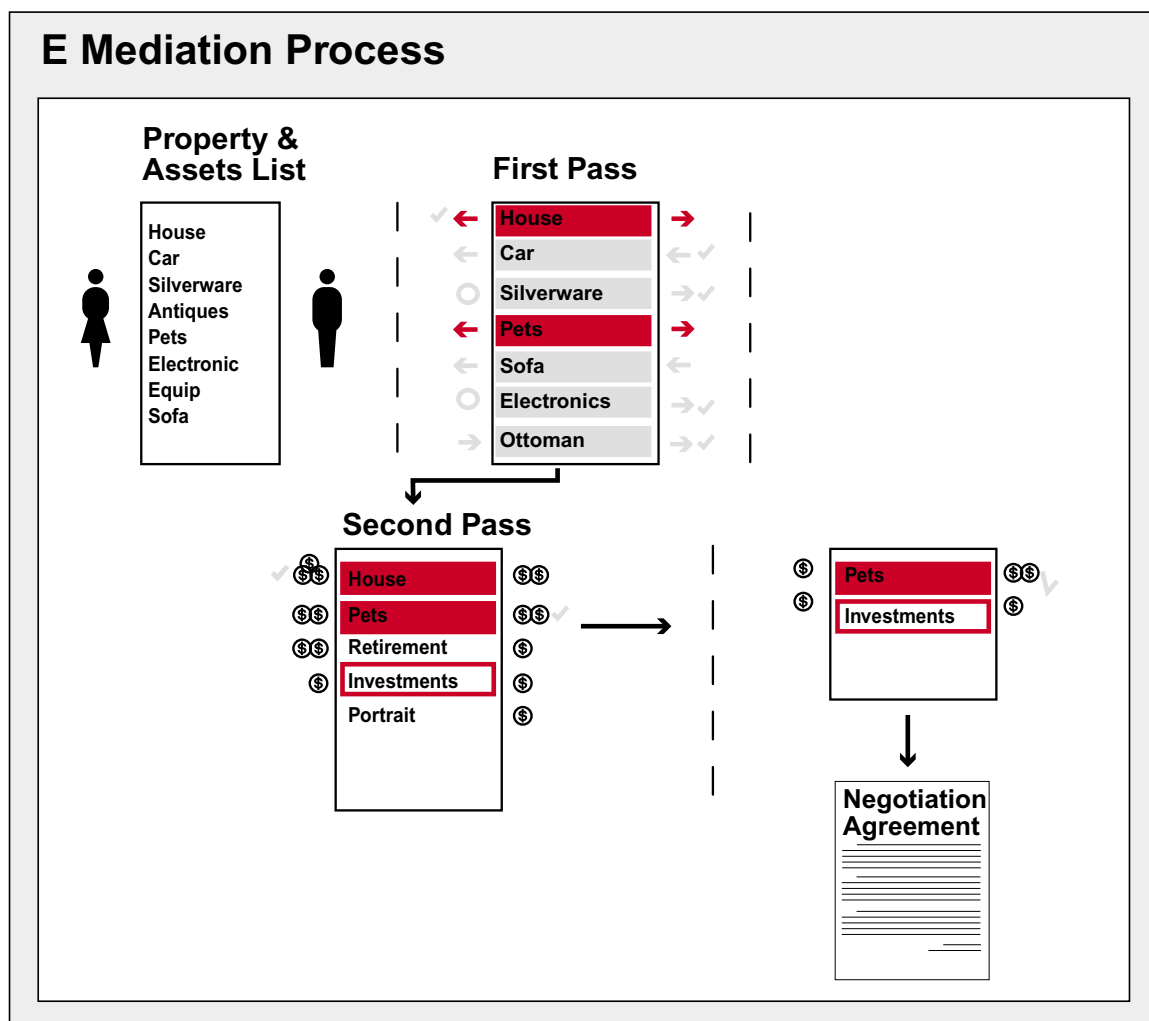
Joan and Allen have been separated for six months after a nine year marriage. Recently, they attended a hearing to obtain an order for the dissolution of their marriage. That was the easy part. They have yet to agree on the allocation of their property and assets.

Rather than setting up a hearing to have their financial fate be determined by a judge, they agree that it is in both their interests to come to an agreement together outside of court. However, the bitter disputes leading to their divorce haven't abated and they can hardly stand to be in the same room to talk, let alone go through the painstaking process of allocating nine years of property and memories.

While discussing their options with a clerk, they learn that a mediator can help them come to an agreement. The clerk also mentions that **E-Mediation** can help them come to terms without a mediator.

They agree to give it a try. Independently from different locations, Joan and Allen create a **Personal Case Account** and begin the process of **E-Mediation**. Before they do, **E-Mediation** requires that they build a list of property and assets using the **Story Builder**. **Story Builder** works similar to a standard financial disclosure form, but also includes an area for property. They also value the property added into **Story Builder**. If there's a dispute about the true value, they can either submit a receipt as proof using the **Heurassistant**, or a letter from an independent appraiser.

Once they agree to the list of property and assets in dispute, they can begin **E-Mediation**. In the first pass, they see the list of property that they added using **Story Builder**. Items like the house, car, silverware, antiques, electronics and furniture appear. Each item has an associated set of options that allow Joan and Allen to indicate how the item should be allocated.



Scenario (Continued)

These options are:

- 1) It should go to me
- 2) It should go to my spouse/partner
- 3) I do not care where it goes

Both Joan and Allen select the options, blind to each other's choices and enter Submit.

The **E-Mediation** system compares the responses and allocates property whenever both parties are in agreement or when one party feels strongly about the item while the other party responds with no preference. It displays the allocation results to both parties indicating the monetary value associated with each item and a total property value for each party after the end of the first pass.

In this case, Joan receives \$12,000 worth of property and Allen receives \$18,000 worth of property. The disparity is partly a result of Joan placing a high emotional value on several items of low monetary value.

E-Mediation attempts to rectify the imbalance by normalizing the two parties in the second pass. As a result, it imparts Joan

with greater purchasing power. That is, in the second pass, each party is given bidding points that is less than the total value of the remaining disputed property and the remaining financial assets. Since Joan received less in the first round, she receives more bidding points in the second pass.

In the second pass, all the property is liquidated into financial assets. The bidding points enable Joan and Allen to make a greater bid on those assets that they find most valuable. The use of limited bidding points reinforces the idea that concessions and trade-offs need to be made.

The bidding process continues iteratively until most if not all of the property and assets are allocated. Upon completion, or whenever Joan and Allen decide to stop, **E-Mediation** can generate an agreement that lists all of their agreements as well as those assets remaining on the table.

This partial agreement is a large first step to the allocation of property. They can bring it to a mediator who can assist them in completing the process or they can present it to the Judge who can adjudicate the remaining dispute.

The Case Card

Description

Case Card is an access key card that allows litigants to access records easily and conveniently, without having to type or enter information or provide verbal information. The **Case Card** triggers or recalls information from records to the different interfaces available within the court facilities. With the **Case Card** litigants perform payments and different operations as well as identify themselves within the court system. The main advantage of the **Case Card** is ease of use to users who are not technology savvy. Even though there are more sophisticated methods to input information, users are familiar with the functionality of a credit card like object.

Properties

- Flat, inexpensive magnetic band card dispensed at court facilities
- Unified storage of personal codes and case codes
- Personal access key to records, payments
- Electronic identification to be used within the court facilities
- Key to register attendance at hearing

Features

- Allows the recall of case information by swiping it in different input/output devices
- Activates the **Court Navigator**
- Triggers information regarding payments when swiped by the cashier
- Carries case and language codes
- Registers litigants for hearing
- Sends case to the judge's screen for hearing

The Case Card

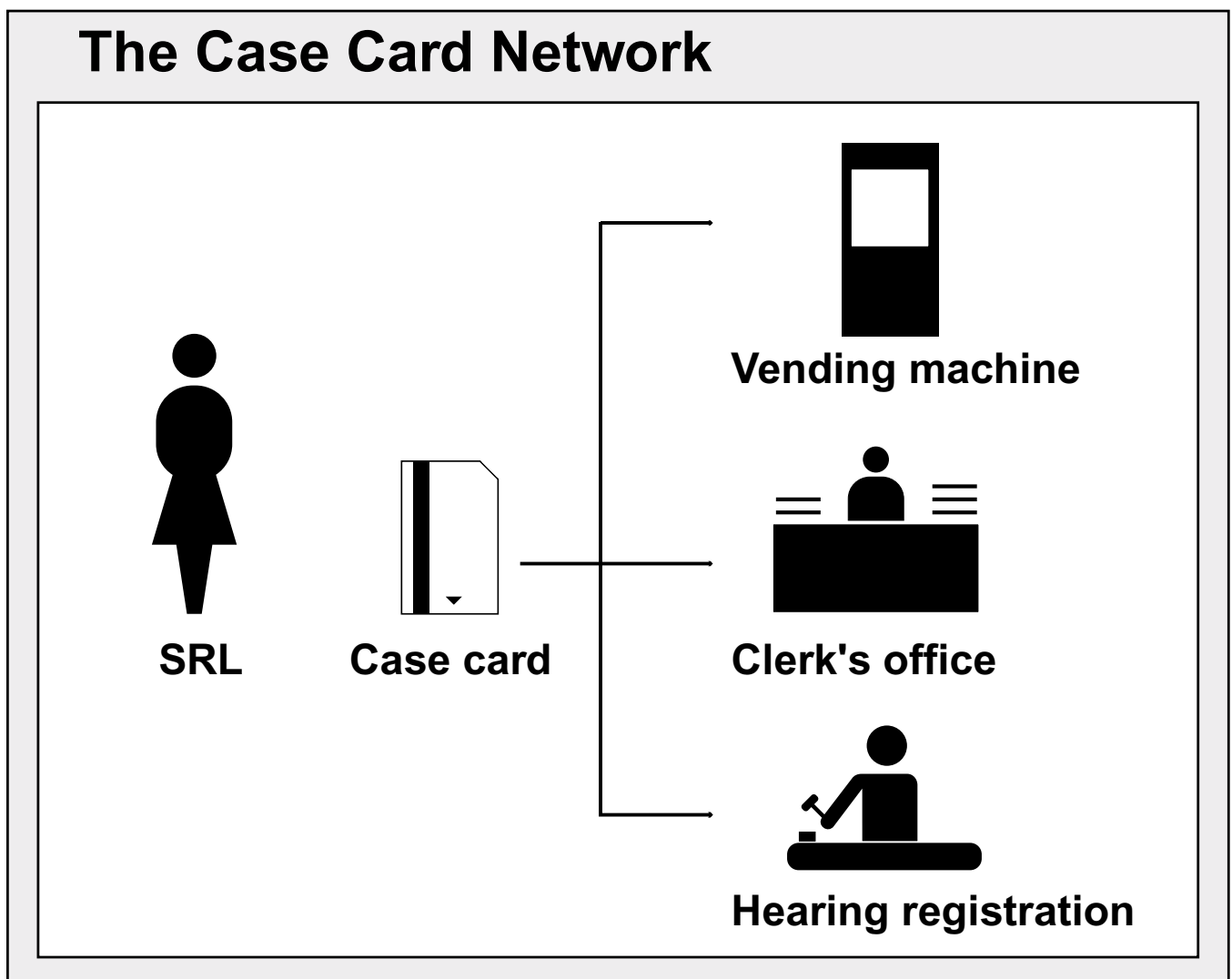
Discussion

The procedures related to a case can be complex and require many steps towards completion. As the process evolves, functions are performed by both litigants and court officers. These functions can be transactions that yield documents as a proof of fulfillment. Since we are speaking of a process, every step tends to lead to a next one; therefore, the document generated in one step is probably required to start the next one. This is particularly true when we speak about payments.

A user-centered approach to improve the Judicial System implies enabling litigants to better navigate through the system and manage their cases efficiently. This approach takes into account the different difficulties that litigants experience at the court buildings. Currently, many litigants encounter difficulties managing their cases, making payments or simply storing documents and receipts.

Many solutions are technological innovations that tend to simplify functions performed by both litigants and court officers. However any solution must recognize that there are different levels of familiarization with technology among litigants. For some litigants, having to type information into input devices can be hard to perform and for some others it is just tedious.

Another factor related with case document management is the transport and storage of the documents themselves. For instance, having to carry different documents for different cases, keeping receipts and having them hand at the right time can be critical in terms of efficiency. A solution that can simplify these problems would make the court experience less stressful for litigants as well as increasing the court's efficiency.



The Case Card

Discussion (Continued)

The identification issues for an automated system demand certain identification codes that can be related to data codes. For example, it is important to record activities performed by identifiable individuals. Sharing case records with the public is an ethical issue in which personal information is exposed. Moreover, file sharing over the internet would make the access to these documents much easier for many people. A person could very easily check files with personal information of a neighbor if proper safeguards aren't in place. In this sense, identification codes seem necessary. If someone wants to check a case, she should use the **Case Card** even though it is not related to the case. In this way the search of the case would be registered and people would know who has been reviewing their case.

Personal identification is also important in a possible

automated hearing attendance register, in which case the **Case Card** would make the registration just by swiping it in an input device. The **Case Card** also can activate customized court assistant devices such as the **Court Navigator**.

The **Case Card** is a solution that addresses the personal and case management issues within the court facilities. It allows litigants to access records of the different cases they might have just by swiping the card in input/output devices as well as enabling them to navigate throughout the system efficiently. The **Case Card** carries a litigant's personal information, case codes, and language codes. Litigants no longer have to interact with people they cannot understand. They just have to go to the appropriate terminals, either swipe or insert a card and the information required for the operation performed becomes available.

Scenario

Jane Busch is a married mother of three children. Her three children are from a first marriage, but she has got the custody of all three. Currently, her ex-husband has stopped paying child support and she is going to file a complaint. Jane's current marriage is also not working so she filed a demand of divorce one month ago against her current husband.

When Jane filed the divorce demand, she got a **Case Card** that contains personal code access to files. Despite the fact that she is going through so much stress, she finally goes to court to file a complaint against her ex-husband for not paying child support. She arrives at the court building and goes to the front desk to get the **Court Navigator**. She inserts her **Case Card** into the device. It reads the information contained in the **Case Card** and recalls the information from the court database. The **Case Card** also contains a language code so the information is presented to Jane in her native language: English. Jane enters the option of filing a complaint and the device drives her to an electronic terminal. Once there she swipes her **Case Card** in the input device of the electronic terminal and files a complaint. To complete the filing she is required to make the respective payments. She is not carrying her credit cards so she decides

to go to the cashier to pay with cash. Once there, the cashier asks her for her **Case Card**. The cashier swipes the **Case Card** on her electronic terminal. The information about the case is presented to the cashier, but the interface points out that she has not paid for filing. Jane makes the payment and this is saved in the record. Now the filing is completed. Jane is not a technologically savvy person. The **Case Card** helped her to not have to deal with typing her personal information into the terminals by performing every activity automatically, saving her time and making her stay at court shorter.

Court Navigator

Description

Court Navigator provides customized guidance within the court buildings. It is a portable device given to litigants when accessing court buildings. Litigants are guided according to their case by inserting a **Case Card** into the device. This function is particularly useful for people with disabilities, non-native speakers, or very crowded facilities.

Properties

- Portable information transmission device
- Portable navigation device
- Graphic, written and sound interface
- Wireless Web enabled device

Features

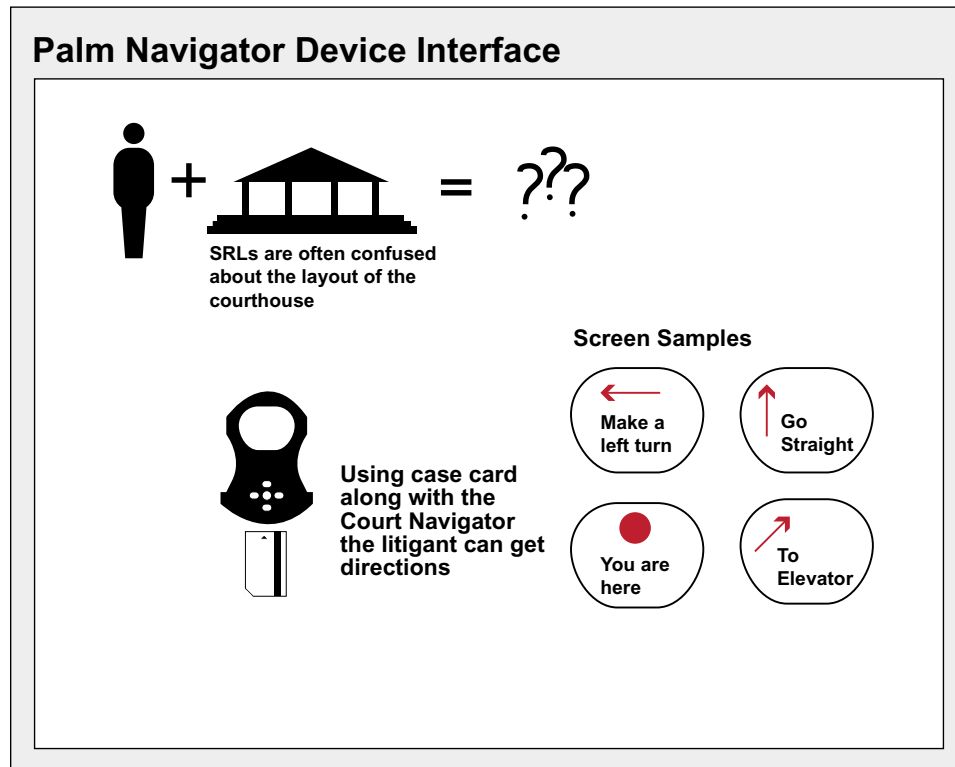
- Provides tailored instructions to litigants to navigate buildings according to their case and the stages of it
- Obtains the case information by referencing the court database
- Reads the location of the user by monitoring signals from sensors installed throughout the court building
- Reads the information from the **Case Card** and triggers case information
- Guides litigants through the court facilities
- Alerts security about people leaving the building with the device
- Alerts litigants about leaving the **Case Card** into the **Court Navigator**

Court Navigator

Discussion

Court houses can be crowded and confusing. Litigants, especially the physically handicapped and non-native English speakers, can be overwhelmed with disjointed building layouts and crowded corridors. Imagine not knowing where to go, who to ask. Everything is written in a language that is not your native tongue, and you are in a big building that is difficult to

navigate. An information guide can tell you where to go, but if they don't speak your language you will still need additional help. The **Court Navigator** will be able to tell the litigant EXACTLY where to go and when to go there. It will tell the litigant in a language they can understand and be with them the entire time.



Scenario

Zoltan is a 74 year old tenant. A native of Hungary, he came to the United States 6 months ago. He has not been able to pick up the English language at all and surrounds himself with only speakers of his native tongue.

Zoltan goes into the crowded court house and no one at the information desk speaks Hungarian. The information desk tries to help him, but the language barriers are too great. The court house is crowded and the information desk is unable to be Zoltan's personal guide and give him the personalized attention that he needs. The Information/Security desk gives him the **Court Navigator** (CN) device. The officer downloads Zoltan's court case number onto a **Case Card** and inserts it into the CN device. The **Case Card** calls the database to pull the related information with the code encrypted on the **Case Card**. It displays all of the information in Hungarian so that Zoltan can

understand it. On this day Zoltan has a hearing. The database sends the information related with his case. Zoltan reads the CN and the screen tells him that he has a hearing today at noon in court room 400. The CN reads the current location of Zoltan via sensors on the wall. The screen device displays arrows like a compass, has written instructions on how to get to the court house and gives spoken instructions on how to get to the court room. As Zoltan is moving, the CN continues to read the sensors on the walls until the litigant gets to the court room. The device records when the litigant gets to the specified location.

When Zoltan is finished with his day in court, he returns the device to security personnel. An alarm sounds on the device alerting Zoltan to take his **Case Card** out of the device.

Description

Legal Seat is a vehicle that delivers educational and logistical information to litigants digitally in the courthouse. **Legal Seat** is a LCD screen embedded around the courthouse (e.g. hallway kiosks or courtroom seats) with varying modes of input (keyboard, touchscreen etc.). Information presented on **Legal Seat** would be accessible through the court's intranet site with general topic areas related to litigants' needs. **Legal Seat** could also provide remote access to courtroom proceedings through the use of direct video feed. Modular options could be added to the **Legal Seat** to customize it to the needs of its context. Tools such as scanners, printers, and magnetic card reader could also supplement **Legal Seat** to facilitate efficient transactions between litigants and the court.

Properties

- LCD screen along with input device (e.g. keyboard)
- Connectivity to information source (e.g. Ethernet wiring)
- Portal to CourtNet Home Page, the courthouse intranet and external legal resources

Optional peripherals:

- Direct video feed from the courtroom proceedings
- Audio jack and headphones
- Video and sound feed from courtroom
- Copier / Scanner / Printer
- Magnetic card reader (for credit and ATM and **Case Cards**)

Features

- Enables SRLs to use their wait time productively by allowing them to access **Webvidence** and **Case Tracker** to see documents related to your case
- Allows access to courtroom scheduling information by indicating which case is being called, any schedule changes or alerts to any other administrative issues
- Promotes resources and services offered inside the courthouse such as the **Just in Time** resources
- Allows litigants to check-in and orient themselves in the courthouse
- Allows payment of court fees with ATM like interface
- Provides ability to get forms, fill them out online and file them or print them to complete and file later
- Provides attorney referral and contact assistance with **Remote Attorney**

Discussion

The idea behind **Legal Seat** is that a computer is an effective vehicle for a “self help center” to reach multiple users simultaneously in the courthouse. The public is comfortable accessing information and completing transactions on similar devices, such as ATMs and information kiosks. The hardware used to deliver this information could be flexible depending on a court’s budget and existing infrastructure (e.g. general PCs with a keyboard and mouse, or an interactive touch screen system or kiosk).

Litigants have been observed having a heightened awareness of their legal situation when entering a courthouse, especially just prior to their hearing. **Legal Seat** would provide just-in-time access to information relevant to the litigant, easing feelings of unpreparedness and using waiting time constructively. It provides a vehicle of self-sufficiency for those litigants who prefer to conduct their research within the courthouse. **Legal Seat** screens could also be placed prominently at the entrance to the courthouse to orient visitors.



If a court system were to implement **Legal Seat** with various peripherals attached, the use of the tool would expand, possibly including scanning and printing equipment to facilitate use of online systems, such as **Webvidence** and **Order Maker**. A litigant could possibly access case information by using their **Case Card**, browse the web, watch video with sound, etc. Varying needs can be met with this flexible digital access.

Waiting is another reality in a courthouse. Participants frequently waste time until their case is called. **Legal Seat** would facilitate a better use of this down-time by providing access to interactive educational materials. It would also give litigants a way to abate their nervousness productively.

Within a courtroom, **Legal Seat’s** content would be tailored to the needs of specific court users. Working with judges and clerks, the developers would present specialized resources that respond to the litigant’s needs when pursuing a particular case type, such as divorce, small claims, family law, etc. **Just-In-Time** resources would be integrated into the courts’ intranet and accessible through this medium, which could also connect litigants to **HonorInsider** to gather information about their judge.

Logistical communications would also be facilitated through **Legal Seat**. The courtroom clerk would communicate which case is currently being heard and provide access to the docket sequence. This could be presented in a window or ticker strip continuously running on an appropriately placed **Legal Seat** screen.

Legal Seat, if stationed outside a courtroom, would also support direct video feed from the proceedings inside the courtroom. Depending on the level of comfort with courtroom accessibility, the court could limit access to people physically present on the courthouse premises or open it fully to the public via the internet.

Legal Seat could also support in-court understanding of the proceedings that the litigants are witnessing by supplementing human interaction with visual support. With headphones linked to the video stream, **Legal Seat** could support a running commentary on the proceedings at hand. This solution would require human support, but could be adapted to specialized situations. For instance, a self-help center could run an in-court class that is facilitated through these tools. Giving litigants an initial understanding of the process, legal facilitators could actively comment on the legal proceedings, providing informative facts and strategic hints.

Discussion (Continued)

In summary, **Legal Seat** provides resources to meet three modes of activities: those requiring access to general logistical information, those requiring completion of a transaction with the courts, and those needing immediate legal education.

General Information Access Scenario:

Tina Smith enters the Cook County Courthouse and needs to find the courtroom in which her divorce case will be heard. She reaches into her wallet and pulls out the **Case Card**

that was sent to her from the court with her summons. She approaches a **Legal Seat** screen near the security area and swipes her card through the attached magnetic strip reader. On the screen, it states “Welcome, Tina Smith, to the Cook County Courthouse. Your case is scheduled to be heard today at 9:45a.m. in courtroom 1402 by Judge Blainey.” It then provides a visual map and written directions to the courtroom. Tina opts to print out these instructions and hits the “Print Directions” button.

Scenario

Transaction Scenario:

Since he works nearby, Micah Miller comes into the Cook County Courthouse during his lunch hour to make his child support payment using the **Legal Seat** in the entry vestibule. He uses his **CaseCard** to call up his **Personal Case Account** and is provided a menu of options: **CaseTracker**, **Pay Trac**, or **Webvidence**. He selects the “**Pay Trac**” button. A screen pops up with his previous transaction information, including current address, preferred method of payment, etc. Since he used his debit card to make the previous payments, he selects that default configuration and reviews the total payment. He hits the “Pay” button to finish the transaction and then opts for a printed receipt by selecting the “Print Receipt” button. This transaction takes less than a minute to complete and he leaves the building to enjoy the rest of his lunchtime.

Immediate Education Scenario:

Stephanie Wolzen is a defendant in a small claims case. She is waiting in the courtroom for her case to be called. Her case is scheduled to be heard in half an hour and she is extremely nervous. She feels unjustly accused of not making her monthly payment on her furniture. Stephanie is extremely busy and hasn’t had much time to prepare. She realizes how unprepared she is as she watches other litigants’ cases. Stephanie notices the **Legal Seat** display embedded in the gallery seat in front of her. She navigates some of the resources on the court’s intranet and locates a section for small claims cases. She finds the **Heurassistant** and begins to evaluate the evidence she has brought with her, which includes two cashed checks. Stephanie feels somewhat relieved with this supporting documentation when it receives a “7” rating.

Accord Room

Description

Accord Room is an environment, consisting of three main components, that responds to human needs in the courtroom. The first component would be a modular courtroom arrangement that provides semi-private work spaces for SRLs and lawyers, conference spaces for litigants and lawyers, easy access to online resources, and an area where the hearing takes place. The second component would be an adjacent Self-Help center, fully equipped with a variety of information sources, forms, and a trained legal facilitator. The last component may require a process change in some counties as it would provide judges with in-court legal intervention options, such as granting a continuance, giving SRLs deliberation time away from other participants, and allowing seriously disadvantaged SRLs a consultation with a facilitator in the adjacent Self-Help center.

Properties

- A modular courtroom arrangement that delineates specific work areas for different participants at appropriate times during the process
- **Legal Lounge:** a space designated for lawyers to work and keep their documents in the courtroom
- **Legal Seat:** a computer embedded into the **Legal Lounge** areas that allows litigant access to **CourtNet** tools
- An in-courtroom transparent screen with digital display capabilities that delineates the hearing space from the work area
- Active noise reduction equipment with environmental enhancements (e.g. directed lighting, microphones, headphones for translation)
- **Just In Time** resources: pamphlets, case booklets, phone advice line, videos, legal online chat, tip cards, etc.
- Self-Help Center adjacent to courtroom with trained facilitators to aid in answering questions and assist in filling out forms.
- In-court intervention options for judges

Features

- Allows judges and clerks the flexibility to arrange their courtroom according to their preferences
- Diminishes environmental distractions for all participants
- Allows for flexible space usage for such processes as mediation, completion of documentation, deliberation, etc.
- Gives SRLs timely access in the courtroom to relevant legal information for engaged courtroom learning (e.g. **Just In Time** resources)
- Allows specialized resources for each courtroom to be available in the adjacent Self-Help center for access mid-hearing when determined appropriate by the judge
- Provides focused human contact with court staff that acts as a comforting safety net when navigating the legal process
- Allows judges the ability to fluidly assist SRLs in the legal process
- Provides the courtroom clerk tools to assist and transition the parties into the courtroom
- Facilitates easy check in

Accord Room

Discussion

To the untrained observer, courtrooms appear surprisingly chaotic and disorganized. This apparent lack of focus clashes with the public's perceptions/expectations of a courtroom. While media representations of courtrooms depict an emphasis on control and formality, in reality self-represented litigants may find that efficient courts actually handle their cases perfunctorily and perhaps even with a degree of indifference.

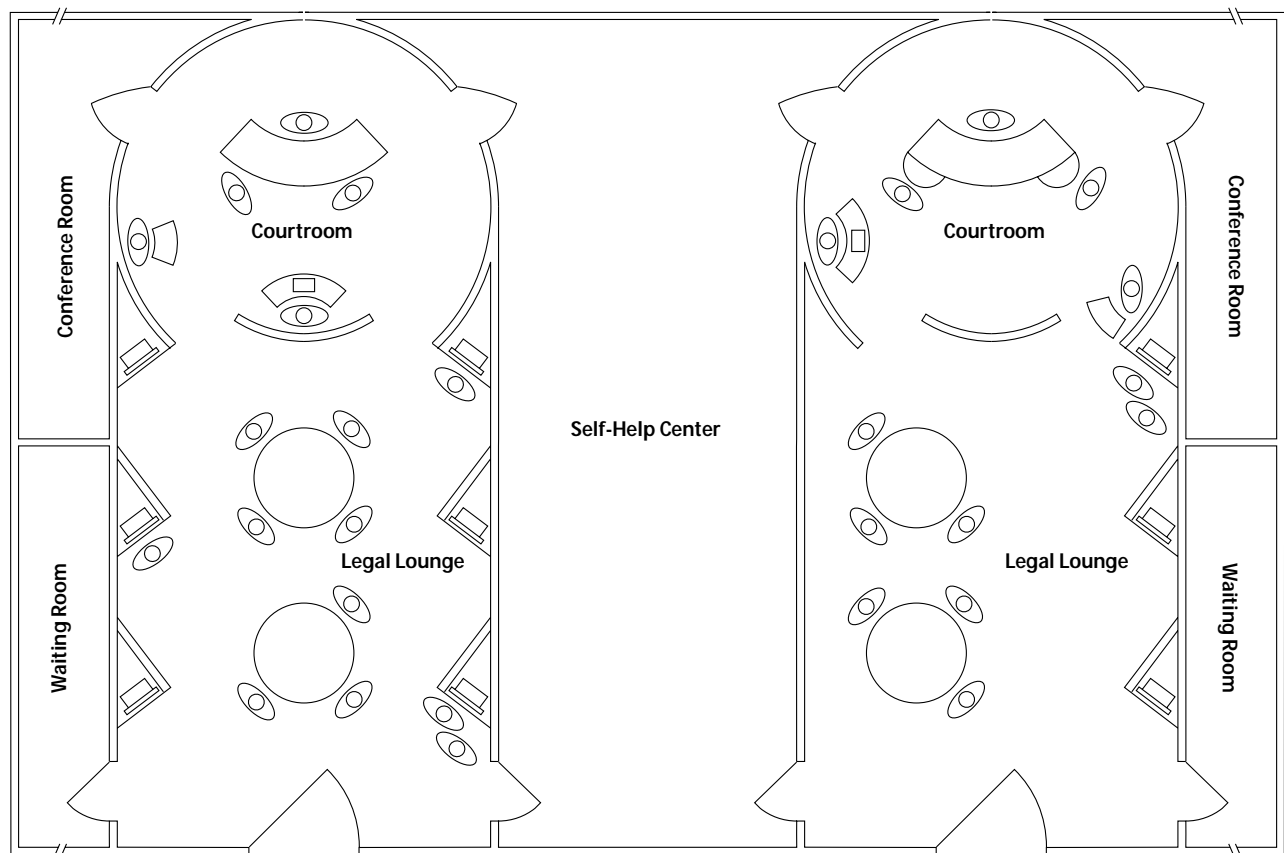
The high level of activity that occurs within this space can be attributed to several factors: most court systems are facing increased docket loads; proceedings tend to overlap; and most courtroom participants (clerks, judges, lawyers) are multi-tasking. These factors present an overly stimulating environment for litigants who are unfamiliar with the legal process. It also tends to increase their anxiety and discomfort while waiting.

Accord Room is a set of design solutions that makes the courtroom a more user-friendly place, while maintaining its legal decorum.

The major design activity involved analyzing the varying working modes engaged in by courtroom participants. Judges,

litigants, lawyers and clerks interact with each other, communicating in various ways and at different points in the process. For example, most participants fill out and exchange legal documentation. Lawyers use the tables near the judge's bench as work stations and convene with their clients over the gallery railing. There is constant movement of participants in and out of the courtroom. Litigants enter the courtroom with an unclear understanding of what they need to do and of who the participants are. After checking in, litigants frequently spend a long time waiting anxiously for their case to be called. This time could be better spent on activities that prepare the litigant for the hearing and simultaneously reduce anxiety.

The main strength of **Accord Room** is that it provides delineated work spaces within and adjacent to the courtroom. It provides resources for all participants. Judges and clerks are given the ability with modular furniture components to arrange their courtrooms according to their work styles. **Legal Lounge** provides litigants and lawyers work spaces and tools in the adjacent areas. Conference rooms are available for use by any of the participants. Waiting rooms provide space for litigants to wait without sacrificing access to the legal proceedings, delivered through audio and visual support tools.



Accord Room

Discussion (Continued)

Environmental enhancements, such as special lighting, microphones, headphones, and sound dividers, are used to minimize and direct sensory stimuli in the courtroom. **Case Card** can be used to facilitate an efficient method of checking into court. The glass room-divider that dampens sound may also have digital display capabilities providing current scheduling information to participants, while the transparent quality maintains a full view of the environment. Since many unprepared litigants do not foresee their lack of knowledge until they are within the courtroom, **Just In Time** resources

are strategically placed to be available to participants. The adjacent self-help facility housing an experienced staff would provide litigants with human support for working through the legal process and any last-minute needs. The staff in this center could range from an experienced clerk to a legal facilitator with prior law experience. The litigants who bring family or friends to support them could use the adjacent waiting room as a place near the courtroom where they can talk quietly or access courtroom information, using the **Legal Seat** screens or computer terminals located in that space.

Scenario

Kyle is a self-represented litigant in a landlord/tenant case. He is being sued by his landlord for back rent and has arrived for his court date. Kyle arrives at **Accord Room** 406 and swipes his **Case Card** near the door to check into court. He walks into the **Legal Lounge** space and notices computer terminals and conference tables in the space nearest to him. Several people are meeting quietly at the conference table, while another is using a computer screen embedded into the wall (**Legal Seat**). Beyond the workspaces, he notices the digital glass screen dividing the lounge space from the hearing, which projects the following information: “It is currently 9:40AM and the case of “Mendez vs. Johnson” is being heard by the judge.” When the next case is called, the clerk updates this schedule using her computer and scheduling software which is linked to the screen. Kyle also notices a revised schedule at the bottom of the screen, indicating that his case will be heard at 10:15. He surveys the rest of the room, noticing a door on one side with “Self-Help Center” written on it and another door saying “Waiting Room.” He does not see his landlord, Mr. Stauss, anywhere and decides to wait in the waiting room.

In the waiting room, Kyle sits down in a chair near several monitors embedded into the waiting room wall. One screen displays the same hearing schedule information he saw in the **Legal Lounge**. The second set of screens silently displays the live proceedings within the courtroom. Kyle notices another waiting litigant with headphones on, watching the screen. He looks down to the armrest on his own chair and notices a set of headphones. He puts them on and adjusts the volume with the knob attached to the cord, picking up on the proceedings going on in the hearing space. After 15 minutes, the current hearing wraps up and Kyle notices the schedule screen is blinking. His trial has been moved up, and he’s being called.

Kyle steps back into the **Legal Lounge** space adjacent to the

Accord Room. Kyle notices Mr. Stauss sitting at one of the conference tables. Since the room divider does not block viewing of the courtroom activities, he also notices the clerk leaning toward a microphone at her desk as she announces “Michael Stauss vs. Kyle Jones” over the intercom. The bailiff is also seen moving towards the opening on one side of the room divider, waving them forward. Kyle walks into the rounded courtroom area followed by his landlord. With active noise reduction technology (such as sound absorbing surfaces) placed throughout the room, he notices that it is distinctly more quiet in this space than in the **Legal Lounge**. Seated at her desk, the clerk asks each party to identify himself and directs the two men to two lower tables in front of the judge’s bench. They sit down and place their paperwork on the table. Kyle notices the **SharedVision** monitor, a component of **CourtTools**, embedded in the table in front of him. After a general greeting, the judge asks if they had tried to reach an agreement outside of court. The landlord, being aware that there is some confusion over whether his secretary did actually receive payment from Kyle, asks the Judge whether they might spend some time discussing this matter. The Judge asks Kyle if he would first like to visit the Self-Help Center before entering into negotiations. Kyle says that he would like this and the judge states that both parties should reconvene in the conference room in 30 minutes. Using her computer, the clerk adjusts the docket schedule for this hearing and places the word “Conferencing” into the “Status” column. Kyle walks to the Self-Help Center door and enters the Self-Help Center.

After discussing this matter with the legal facilitator in the center, Kyle feels more comfortable with his legal position and is willing to begin negotiations with Mr. Stauss. Kyle joins Mr. Stauss in the conference room and they discuss their situation, exchanging documents, and eventually reaching a settlement.

Legal Lounge

Description

Legal Lounge is a space adjacent to the courtroom dedicated to participants’ various activity modes: working, waiting, and conferencing. A dedicated space next to the courtroom would facilitate these activities without disturbing the legal proceedings inside the courtroom. **Legal Lounge** spaces include supportive legal resources for participants.

Properties

- Work spaces adjacent to courtroom with tables, pay phones, copy machines, fax machines
- Waiting areas that provide semi-private spaces for people to wait together
- Conference rooms adjacent to courtroom to facilitate negotiating or conferencing needs
- **LegalSeat**
- **Just-In-Time** resources: pamphlets, case booklets, phone advice line, videos, legal online chat, tip cards, etc.

Features

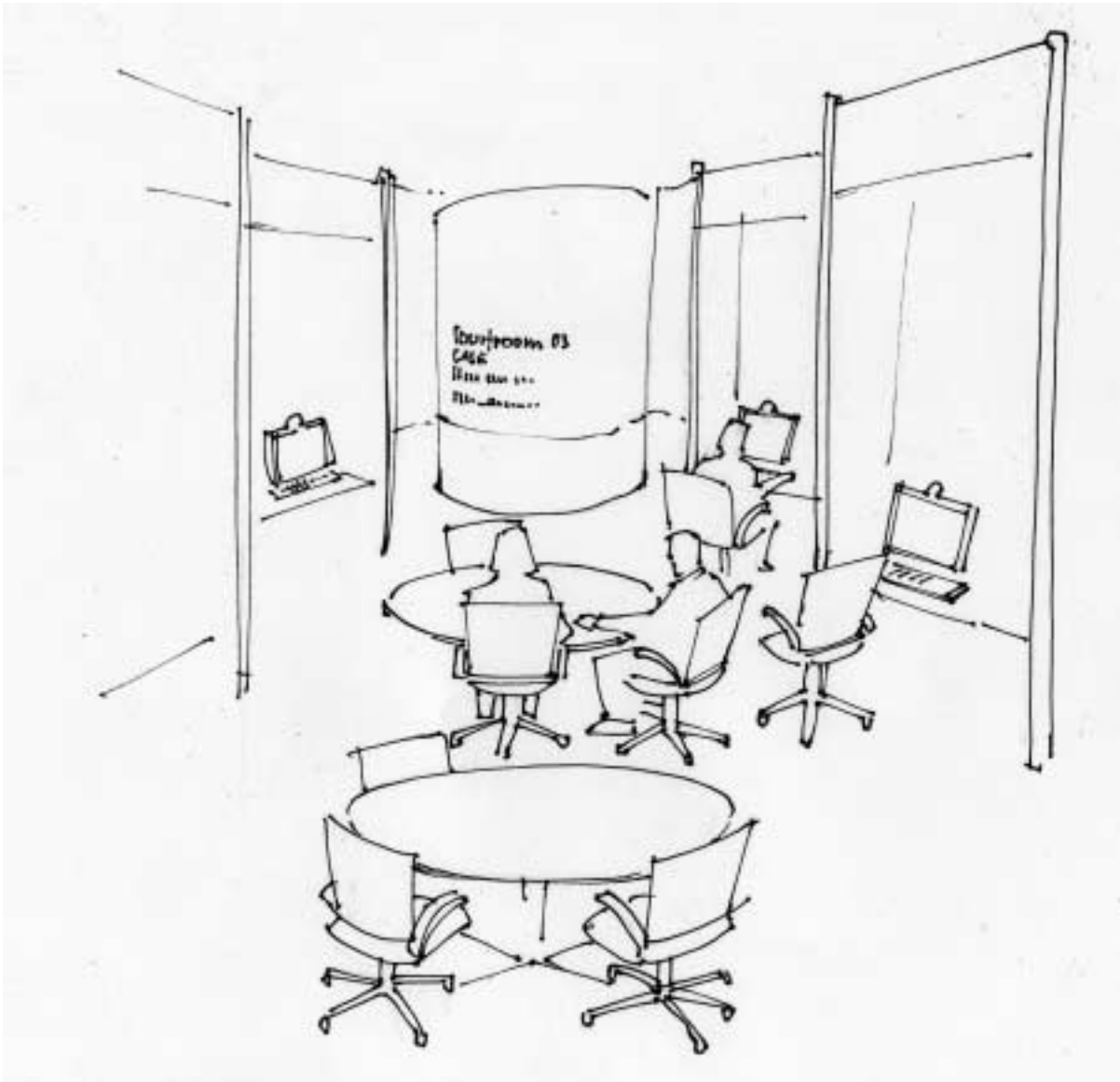
- Allows for flexible space usage for such processes as mediation, completion of documentation, deliberation, etc.
- Offers a comfort space to reduce anxiety for SRLs and related parties
- Gives SRLs timely access in the courtroom to relevant legal information for engaged courtroom learning (just-in-time resources)
- Promotes order in the court
- Diminishes environmental distractions for all participants

Discussion

Walking into a courtroom can be an intimidating experience for the uninitiated. Self-represented litigants usually have little experience in a courtroom, and when they do it is frequently under unpleasant circumstances. Litigants have preconceived ideas of how the process should be carried out, perhaps expecting justice to be delivered in a serious and reflective manner, and perceiving the judge's authority to be reinforced by a solemn, orderly courtroom. Yet, in reality, the courtrooms that hear many SRL cases are not characterized by formality, but by efficiency. Court cases overlap, the morning "cattle call" is chaotic, and lawyers use areas of the courtroom as a make-shift work space. This environment is not one that instills confidence in the system for litigants with stereotypical or idealized ideas of how a court is run.

The courts need to respond to this environmental condition by re-establishing the symbolic qualities of what the courtroom and the judge represent, without detracting from the need for efficiency. Through **Legal Lounge**, space is set aside from the courtroom to facilitate areas of activity. The current courtroom work modes are delineated and equipped with supportive resources. Separating these spaces helps to maintain judicial decorum and better matches reality with user's expectations.

The activity modes observed in the courtroom not directly related to the hearing are: working, waiting, and conferencing. As a sub-component of **Accord Room**, **Legal Lounge** provides separate areas to facilitate these activity modes.



Discussion (Continued)

Work spaces would be equipped with resources to support the needs of lawyers and litigants in last-minute preparation for trial, including tables, chairs, forms, phones, **Just In Time** publications, **Legal Seat** screens and computers.

An adjacent waiting room provides litigants with a chance to reflect on and prepare for their case outside the stimulating environment of the courtroom. They would be able to talk with friends or family who have accompanied them to court, talk on

the phone, or search through the court's intranet. The waiting room should provide a calming environment for the litigant.

The final component of **Legal Lounge** is the Self-Help Center. Immediate access to resources is essential for SRLs. Litigants may be referred to this resource mid-hearing by the judge, or they may access it themselves, e.g. for assistance in completing forms.

Scenario

Upon entering the **Accord Room**, Robert Smith realizes he is early for his hearing and is nervous. To make use of this time and to relieve his anxiety, Robert decides to sit down at one of the **Legal Seat** computers. He reads the menu on the computer screen and looks into **HonorInsider** to find out about his judge for this case. Robert finds Judge Nielsen's web page and reads through the Judge's statements. In one statement, the Judge writes about the importance of bringing proof of payment to prove a tenant's case in Landlord-Tenant disputes. Robert wonders if he can find out more about this. He goes back to the main menu to find a section on "Landlord-Tenant" cases. After a few minutes of reading through important facts, he finds out that the best option is for tenants to bring proof of rent payment in any form possible, with preference for an original check, written receipt, etc.

Feeling a bit more knowledgeable on the topic, Robert looks around to find a phone; all of his receipts are at home. He

decides to try the waiting room. He walks in and notices a family sitting together talking quietly around a table. A few other litigants are sitting at seats with headphones, listening to the courtroom proceedings while watching it on a monitor embedded into the wall. Another person is using a phone in a private corner. Robert waits for the litigant to finish, then calls his wife at home and asks her to bring the receipts to court. She would have difficulty bringing them on time for his appearance, but wonders if she could fax them instead. He tells her he will call her back in a few minutes, if he finds a fax machine. Robert decides to try the Self-Help Center for assistance. He is greeted by an attendant and is promptly told that they do have a fax machine for use by litigants in the **Legal Lounge**. Relieved, Robert calls home and makes arrangements for the receipts to be faxed.

Description

Just-In-Time tools are a series of educational materials, printed and on-line, made available to the SRL in the courtroom. These materials take advantage of the SRLs piqued interest in particular issues at crucial junctures in the legal process.

Properties

- Brief, bound or single-page documents on subjects such as: “Who’s Who in the Courtroom,” “List of Legal Terms,” and “How to Enforce Your Order”
- On-line versions of the same documents, available in the **Accord Room** (part of **Legal Seat**) while the litigant waits and as she exits
- Text written in plain language, frequently revised and updated (text is proof-read by staff’s family, friends, and children for accessibility and readability)
- Available in English, Spanish, and any other frequently occurring language among particular county’s SRLs
- Some versions may employ a comic-book format to increase comprehension among less literate SRLs

Features

- Provides SRL with pertinent resources in the courtroom, when they are likely to be developing new questions and a heightened sense of urgency for understanding proceedings
- Decreases confusion and provides clarity by providing educational materials strategically
- Promotes order and reduces emotional tension/anxiety
- Enables SRLs to anticipate next steps and concentrate on their hearing

Discussion

A variety of legal resources are available to the self-represented litigant on the Internet, but these resources are not targeted to the last-minute needs of litigants. A just-in-time resource in the courtroom is crucial, not only as a result of access barriers to resources, but because SRLs are frequently overwhelmed with other concerns prior to their hearing and are not always able to absorb pertinent information about the courtroom experience prior to the hearing. SRLs who are not the initiators of the case, who have nothing to gain by going to court, for whom the best outcome would be a re-establishment of status quo (e.g. a landlord/tenant case, where the unrepresentative party stands to lose her housing), may be among the most disadvantaged in terms of a lack of tools, access to resources, and litigious or strategic frame of mind.

These courtroom resources address observations of SRL confusion upon entrance into and exit out of the courtroom. SRLs report feeling anxiety about the unknowns they encounter while waiting for their case to be called; the sudden realization that they are in the courtroom and will shortly be standing in front of the judge puts a sense of urgency on the need to understand what goes on in the court. **Just In Time** resources acquaint the SRL with in-court processes in straightforward language which, like the explanatory documents

available at the self-help centers in Ventura County, may be carefully written, edited, and updated to be comprehended at a 5th grade reading level.

Just In Time resources are printed or online resources strategically placed - both with regard to their location in the courtroom and the juncture at which they are intended to appeal to the SRL. Timing is an essential component in effectively educating and initiating an SRL to the legal system, and until better systems of support are put into place, many SRLs will not be in a position to concentrate on knowledge of courtroom processes until the day of the hearing arrives.

SRLs have also been observed looking confused while exiting the court with nothing in hand to confirm and explain the details of the judge's ruling. One otherwise well-informed SRL stated in a post-hearing interview that he hesitated as he left the courtroom because he "had no idea what to do next" once he had received a judgment in his favor. Printed resources that the SRL may pick up and take out of the courtroom, detailing the legal process following a ruling, the terms of enforcement, and employing a clear and instructive tone, are intended to reassure and educate the SRL when he most needs it.

Scenario

A litigant walks into the courthouse for a 9 a.m. call. She received her summons a month ago regarding her potential eviction from her apartment. She spent the intervening time contacting friends and talking with associates who have been to court previously, trying to make arrangements should she be evicted, securing child care, and making alternate work arrangements for her day in court. Going to the courthouse to look through the helpful materials available at the self-help center has not made it to the top of her priority list in the midst of her busy schedule these past few weeks.

She finds the appropriate courtroom and steps inside. She sees a layout something like the one she recalls from Judge Judy, but she's not certain who all the people are and is surprised by how quickly the cases are called and orders decided. The courtroom seems more chaotic than she imagined. She notices people walking up to talk with a woman at a desk next to the judge, and wonders if she should also approach the desk. She is anxious and surprised, suddenly catapulted into the reality of the courtroom.

Then she notices a display of printed material near the gallery seating. She scans quickly over the titles, printed in bold letters clearly on the front of the booklets. Some of them are in Spanish, others are in a comic book format, and the one she chooses is called "Welcome to the Landlord/Tenant Courtroom: What to Do When You Arrive" She browses through the text, which explains to her in sequence how she should proceed to check in with the clerk and wait in the gallery, relax and listen to the other cases proceed until her name is called. The booklet includes illustrations of the courtroom, including all the people, where they sit and what they do. Oriented, she proceeds to follow the directions clearly spelled out in the booklet, and after registering with the clerk, she sits down to scan over "The Low-Down on Legal Lingo" in preparation for her case.

After the judge's ruling, the litigant is confused as to what she should do next. She is unable to formulate a concise question to obtain further explanation from the judge, and doesn't want to interrupt the flow of the court, as the clerk calls out the names of the next parties.

Scenario (Continued)

However, as she steps out toward the gallery, she notices another stack of booklets called “Understanding the Judge’s Ruling,” which she picks up and scans as she leaves the courthouse. In straight-forward language, the text seems to recognize her confusion and sympathetically offers an explanation of the process that she felt unable to ask for in the courtroom. The booklet begins with a set of if-then’s “If the judge said xx then you’ll be expected to...” It offers resources for seeking temporary housing after an eviction and lets her know that the court will be sending her official papers through the mail in the next few days.

One Family One Judge

Description

One Family One Judge is a system of organizing cases so that one judge deals with the entire portfolio of cases concerning a particular family. This would reduce confusion for individuals who otherwise stand to receive conflicting orders, creating overall coherency and greater potential for the family to be able to carry out the judge's order. This method of hearing cases also facilitates a better overall sense of the family's needs from the judge's perspective.

Properties

- An organizing scheme that handles several cases in a single court room with a single judge, ideally in a single day
- A change in process for most courts, potentially requiring policy changes at the county level
- A method of streamlining the court calendar
- A scheduling device for encouraging families with multiple issues to be seen as a synthetic whole, their issues correlated

Features

- Provides clarity to the self-represented family with multiple issues
- Rulings may be declared on each issue individually in sequence, or the judge may decide to rule on all issues simultaneously at the end
- Assists judge in development of consistent rulings
- Assists judge in comprehensive understanding of a litigant's case history, inclusive of any simultaneous cases
- Facilitates a family's ability to carry out judge's orders
- Encourages court efficiency and eases burden on SRLs by minimizing the number of court visits required

One Family One Judge

Discussion & Scenario

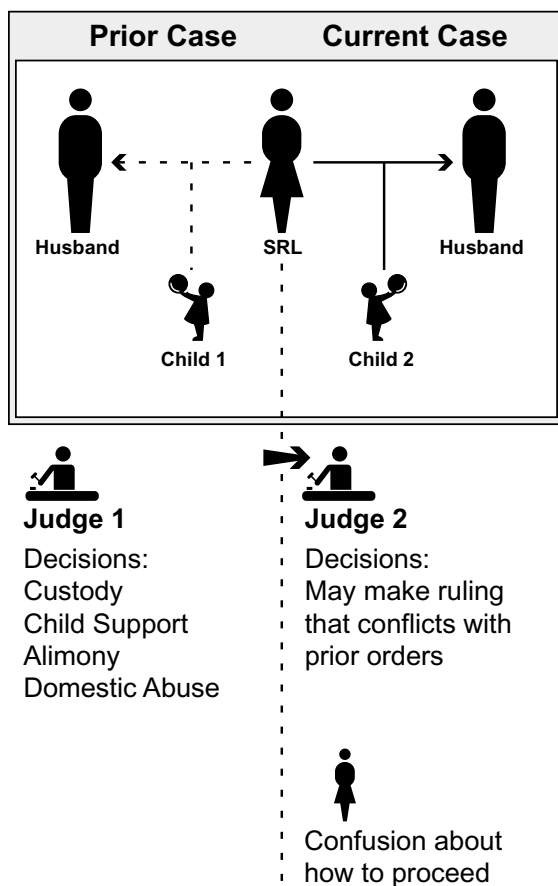
The potential exists for multiple judges to rule simultaneously on cases involving members of the same family to order conflicting rulings. While a judge always has access to the docket detailing all previous rulings regarding an individual's case, it can be difficult to amass all cases relating to that individual's family, and to recognize in which cases this would be a useful thing to do. Previous custody orders, or juvenile issues concurrent with divorce and domestic abuse among the parents, for example, can become complicated quickly, and hinder the family's ability to carry out rulings.

Consider this situation involving divorce and a custody battle over the children, one of whom is being taken to court on a juvenile offense. Perhaps this family returns to court frequently to handle their disagreements and transgressions, and both adults have children from previous marriages for whom custody arrangements have been made. If different judges rule on these individuals each time, they almost certainly have trouble juggling past details, keeping all relevant details of standing orders in mind while determining the current order.

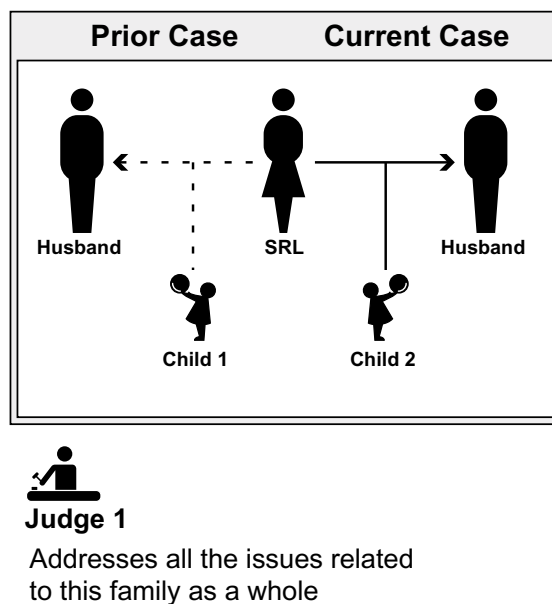
Families in this situation reportedly have difficulty asking the right questions and determining who to ask for help in clarifying the orders. They may be inclined to attribute their confusion to their own lack of knowledge instead of determining that there is a problem with the rulings.

However, a single judge handling this family's various woes on a single day in a single courtroom sees them as a whole with a range of problems that can be solved cohesively. A single judge experienced in family law can better ensure that each family member understands his role in carrying out the rulings, even if the judge sees these individuals at different times, involved in separate cases. Such a judge can be sure that complex custody visitation agreements are honored while new arrangements are made regarding current circumstances. This judge is able to handle the litigants appropriately, offering a sense of cohesiveness that a family with multiple problems requires.

Current System



One Family, One Judge System



Shared Vision

Description

Shared Vision is a series of tools in **Accord Room** that facilitates communications between all courtroom participants. Visual monitors embedded into the judge's bench give the judge the ability to access **Court Net** and allows the litigants to share any relevant courtroom information from their digital files. Using **Shared Vision**'s digital tablet, the judge would be able to control the flow of information discussed in the case and document notations digitally. The judge would be given an initial understanding of the conditions of the case by viewing **Case Tracker** on the monitors. Finally, use of **Order Maker** would augment communications between the judge, clerk and the litigants when finalizing the court proceedings. The printer would provide a final hard copy of the ruling to the plaintiff and defendant.

Properties

- A visual display system in the courtroom with computer screens and keyboards in both the judge's and litigants' spaces
- A digital tablet and stylus for use by the judge
- A printer
- **Court Net**: a system that creates connections between various technologies for easy access to information in the courtroom
- **Webvidence**: electronic files submitted pre-trial are available in the courtroom, shareable by the judge
- **Case Tracker**: a case history that could dynamically present case information to the judge
- **Order Maker**: a communication template that provides the judge or SRL with an efficient method of writing out the final order

Features

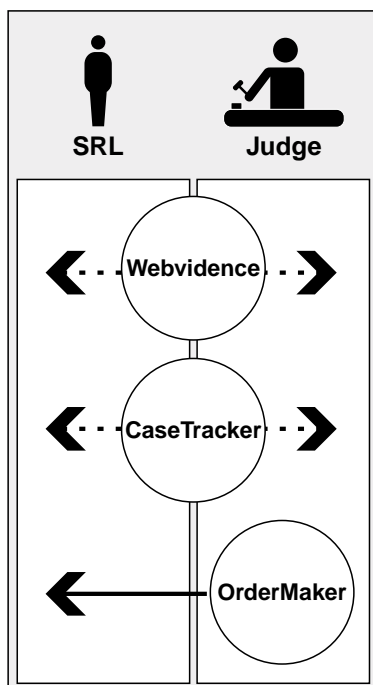
- Provides an efficient tool for the judge to be informed of initial case conditions.
- Facilitates clearer communication between all parties with supporting visual cues, especially during evidence submission and when clarifying the final order
- Gives the judge an organized, digital work space
- Allows for efficient processing of paperwork for judge, clerk and litigants
- Gives the judge overall control of the monitors with the ability to grant control to litigants when presenting their own case

Discussion

Communications within the courtroom tend to be limited to certain modes that have a long history of use in the legal system. Verbal discourse and communication through hand-written documents and forms are the predominant vehicles of communication between all courtroom participants. Most litigants, however, are not fully equipped to use these modes effectively when presenting or responding to their case in court, and could be well-served by new technologies that can enhance their ability to communicate in the courtroom. **Shared Vision** facilitates clear transmission of information and makes other modes of communication possible through use of document templates, as well as digital storage and retrieval of online and in-court produced files.

Shared Vision is a system of interlinked visual monitors placed before each party and the judge who is also equipped with a digital tablet/keyboard ensuring simultaneous visibility of documents under review. The judge controls how and when images and documents are shared between parties. When the judge prompts the litigant to present her case in court, **Shared Vision** brings up digital documents, acting as a memory cue to aid litigants in completely presenting their arguments. Software utilized to facilitate this sharing includes **Personal Case Account**, **Webvidence**, **Case Tracker** and **Order Maker**.

Court Net is the support system that creates connections between the data inputted in this software for easy access through **Shared Vision**.



Case Tracker is an information management software tool that organizes the case information, evidence, etc. within a central location (**CourtNet**). **Case Tracker** also provides a visual display format for **Shared Vision** of case information (i.e., dates, evidence submissions, prior rulings and case types). **Webvidence**, earlier used by the litigants independently to build testimony and analyze the quality of their submissions, is now used as a trigger on **Shared Vision** for the judge to review those documents in court as the litigants present.

Once **Case Tracker** has been called up on the screen by the judge, the litigants can have access to their evidence files. The litigants may enter their password on a keyboard which is linked to **CourtNet** through the judge's CPU. The judge has overall control of the monitors and can give or take away the ability to manipulate the documents on the screen by using the control strip on his screen.

Shared Vision also is accessorized with a digital tablet and stylus for the judge to annotate digital documents or take notes. This allows the judge to keep track of his documentation correlated with digital forms and files provided by the court.

Shared Vision might also facilitate an understanding of the progress of the hearing. For example, if two parties attempt mediation, using **Story Builder** tools in **Webvidence**, and fail to reach an agreement, the unresolved points of the case can be presented on **Shared Vision** and discussed with the judge while all parties look on. Once a resolution is agreed upon, the judge will access **Order Maker** on his screen, addressing details visible on the screens and explaining the ruling point-by-point if necessary.

Many litigants walk out of a hearing somewhat dazed and not always with a clear understanding of what next steps they need to take. Since access to technology is very limited for some SRLS, a hard-copy of an order is a necessary supplement to the technology tools. **Shared Vision** provides litigants with a hard-copy of any needed documentation as they leave the court. In order to enable this, the clerk should have access to a printer in the courtroom. With immediate access to the finalized order, litigants would not have to wait and request a copy from the clerk's office possibly days later. Through **Shared View**, the clerk can digitally facilitate the judge reviewing and signing the final order, then provide a copy to litigants before they leave the courtroom. These finalized orders would then be digitally stored in the court's database, creating an efficient paper-trail.

Shared Vision

Scenario

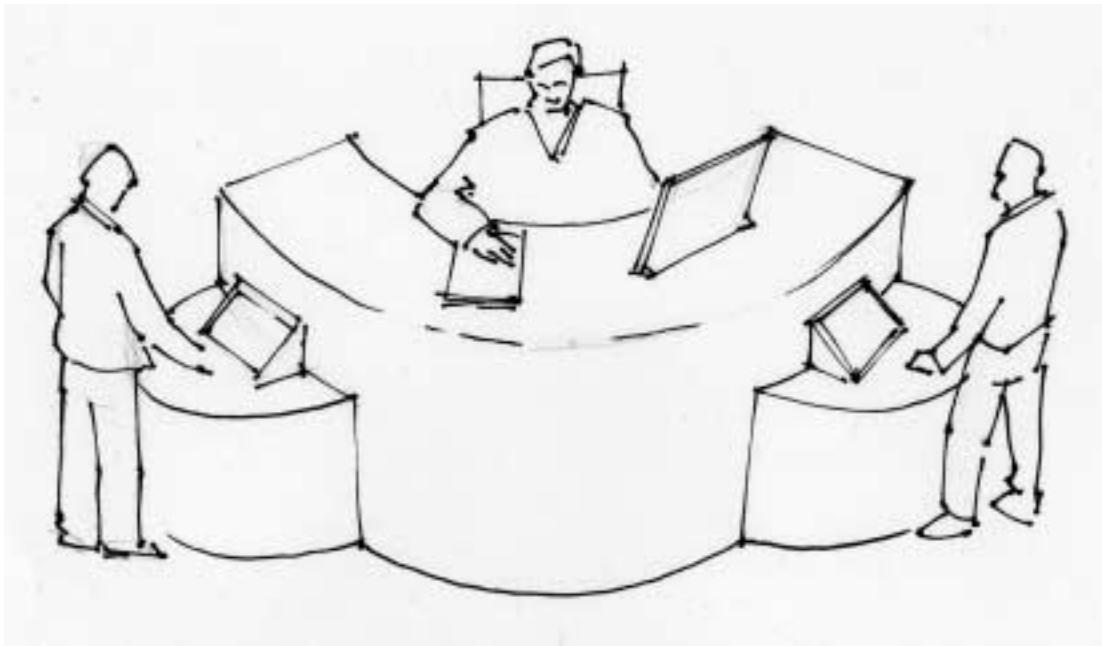
Kathy is a self-represented litigant in a small claims case. On the day of her trial, Kathy approaches the bench with the other party and notices the monitor in front of her. After introductions, the judge prompts each litigant to enter their password on the keyboard, which calls up their **Webvidence** files on the judge's **Case Tracker**. He briefly reads the case timeline from **Case Tracker** on his monitor. He activates **Shared Vision** by hitting the "Share" button on his digital tablet, which presents the current view on the monitors in front of each participant. Kathy views the timeline while the judge begins his inquiry. Kathy is able to view the image on the monitor in connection with the judge's questioning.

The judge asks Kathy to present her case and entitles her to control the **Shared Vision** monitors by pushing the "plaintiff" button in his control bar. Now both the judge and the plaintiff, but not the defendant, can manipulate the images presented in the monitor. Kathy pulls up the photographs from her **Webvidence** file that show the various stages of Kathy's damaged property. The judge asks for a few qualifying remarks from Kathy and using the stylus from his digital tablet writes a few private notes onto the tablet screen. (The judge's notes are not made visible to either side, unless the judge activates the "overlay" button noted below.) When completed, these notes will be sent to the judge's personal database by hitting the "Save" button. (An optional modification could be the attachment of these digital notes to the digital case file housed in the court's database.)

The judge acquires this initial understanding of the case, then questions the defendant, another SRL. The judge taps the

"Overlay" button which hides the display of any marks he made so all parties can view the original document without his personal notes. The judge circles the date on one of the photographs with his stylus, the black circle dynamically visible on the screens of both parties. The defendant asks the judge to call up a document on **Webvidence** that he feels will support his case. The judge hits the "defendant" button which allows the defendant access to his documents and he pulls up a letter. The judge reviews the letter image and asks if the defendant would like to present anything else in his defense. The judge deselects the "defendant" button on his control bar. He is the only person who can manipulate the **Shared Vision** window now. He drags the **Order Maker** into the window and pulls out law clauses #12345. He discusses the logic of his deciding for the plaintiff while presenting the major points on the screen.

Kathy is relieved to be the prevailing party, but is unsure of the next steps to be taken to get her money. Since she is in charge of writing the final ruling, the judge refers her to **Order Maker**, a software program installed in the nearby computers located in the work space of **Legal Lounge**. She uses **Order Maker** to create the final order and sends it to the clerk for finalizing. The clerk completes her process and submits it online through the court intranet to the judge, who digitally signs the order using the stylus on his digital table and beams the order back to the clerk. The clerk saves the final order in the court's database and prints out three hard copies: one for each litigant and one for the court.



Remote Access

Description

Remote Access consists of low-cost remote testimony stations accessible from selected public buildings and community centers, which allow litigants and/or their witnesses to give testimony remotely. The **Remote Testimony** station is facilitated by a certified attendant (either a court officer or community center volunteer) who coordinates the scheduling of testimony with the courtroom clerk. This system provides a convenient option for those who need to give testimony, but for one of the reasons described in the discussion, cannot attend the hearing at the scheduled location.

Properties

- A low-cost workstation, equipped with a PC, fax machine, printer, scanner and high speed internet connection, located in public buildings such as libraries, police stations, town halls and courts
- An attendant who facilitates remote testimony with the courtroom clerk, certified to swear in witnesses and notarize documents
- Mobile telecommunications system that enables real-time audio conferencing with the court and judge during a hearing
- Collapsible table and seats for easy set up and transport
- A web-based national lawyer referral site that connects litigants with lawyers offering pro bono services and/or reduced-cost legal services
- Remote video conferencing system linked to a video conference-enabled courtroom

Features

- Utilizes audio conferencing, a familiar and readily accepted medium of communication
- Enables evidence to be submitted remotely during the hearing via high-resolution scanning or low-resolution fax.
- Provides the judge with a fuller set of facts
- Allows convenient access at a variety of locations; encourages testimony and reduces the logistical challenges of attending a hearing

Remote Access

Discussion

Attending a hearing poses various challenges for all participants, including litigants, witnesses and attorneys, who are expected to appear in court. For the most part, these difficulties, which can be physical, geographic or logistical in nature, are annoyances that cause little detriment other than frustration. However, when these difficulties become barriers to equal access, they need to be addressed seriously.

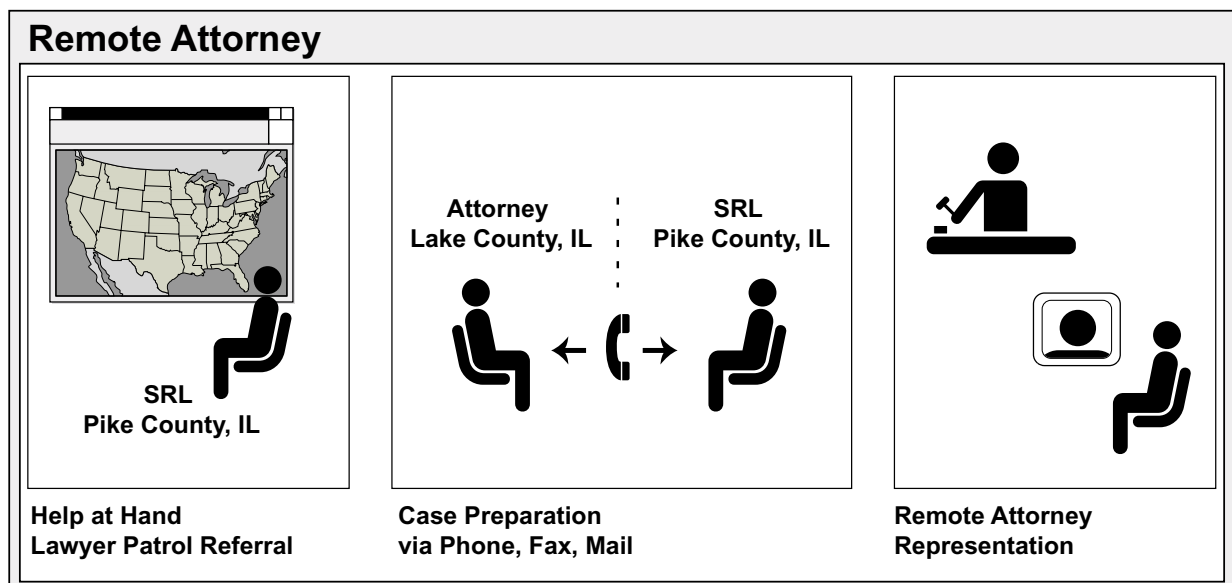
Courts are not sensitive to the detrimental consequences of missing days from every day life. A pervasive perception in the court is that a large portion of civil cases involve people who get themselves into trouble and drain the court's resources. This general attitude manifests itself in various ways. For instance, the court perceives its own time as paramount, taking on an attitude that litigants must accept inefficiency or unpredictable scheduling. As an example, consider the attitudinal differences in the way judges address jurors versus litigants. The following are some problems that emerge because of the physical requirements of being in court.

1. **Traffic and Transportation** – Getting to court, particularly in urban areas, is a logistical hassle. Traffic congestion and difficulty parking are both deterrents to prompt arrival. Some poor litigants and witnesses may have difficulty accessing transportation, or may be required to take public transportation over long distances.
2. **Missed Work Days** – Missing work can mean missed wages and a destabilization of a litigant or witness's job standing.
3. **Child Care** – Arranging for the care of children may be difficult and costly for those who do not have access to child care.
4. **Health** – Personal health issues or the caring of health problems for family members may make it difficult to travel or spend a day away from home.

Consequences that affect litigants and attorneys:

- Litigants arrive late or do not arrive at all, leaving themselves subject to ex parte rulings.
- Potentially valuable witnesses do not offer their testimony if it is optional.
- Attorneys who have an inclination to offer reduced cost or pro bono legal services are possibly deterred because of the logistical hassles of travelling to court.

Constraints and problems incurred by the traditional requirements of physical proximity could be extended to examine the court level, where geographic boundaries have not only kept courts physically separate, but legally separate as well. The conventionalized separation of courts by state-specific laws have prevented state courts from distributing the unequal burden of civil cases on a national level. We observed that in less urban courts, such as in Ventura and Boulder, the courts could handle self represented litigant case loads with relative ease. Cook and Lake counties in Illinois, however, were overwhelmed by the demand for their services. A national redistribution of cases, using **Remote Access** technologies, would help to alleviate pressure built up in urban counties.



Remote Access

Scenario

Anna has been asked by Sandra to testify in court as a witness on her behalf. In Sandra's child custody case, Anna could provide key testimony that supports Sandra's argument that Sandra was the primary care taker of her child. However, as much as Anna would like to help, several issues stand in her way. Just recently, Anna moved out of state, about 5 hours away from the scheduled court in Sandra's county. Furthermore, Anna just had a baby two months prior, and cannot find child care for the scheduled date.

Sandra asks the clerk's office what she could do to resolve this matter. The clerk tells her that Anna could still testify, remotely, from her local town courthouse. On the day of the hearing, Anna brings her baby with her to her local courthouse, 10 minutes from her house. The **Remote Testimony** attendant signs her in and contacts the courtroom clerk in Sandra's case that the witness has arrived. When it is time to give testimony, the attendant swears Anna in, and opens the audio conferencing line to the courtroom, where the hearing is in progress. Anna provides her testimony and Sandra is relieved to see that the judge will now take her argument into greater consideration.

Frank, a line cook living in Cook County Illinois, receives a notice to appear in court. He has not paid his full rent and

his landlord is trying to get him evicted. Frank believes that he has a case, since his landlord neglected to provide adequate heat during the winter. Aside from a witness at the landlord's real estate management company who could testify that Frank attempted to contact them repeatedly about the heating issue, Frank has written receipts from a repair service that he paid out of pocket to repair the heating system. However, Frank does not have much money and a friend tells him to look for reduced cost legal services on **Remote Attorney**, a web-based national lawyer referral service that connects litigants with lawyers who offer pro bono or reduced cost civil legal services, regardless of geographic distance.

Joe is an attorney living in DuPage County Illinois, who has a thriving private practice in civil law. He has always tried to promote pro bono work to his colleagues, and he himself has tried to provide pro bono services on a semi-regular basis. However, as his practice has been thriving, his motivation to offer pro bono services has dwindled, largely because of the time consumed in meeting with litigants, travelling to court and spending a day for hearings. Recently, however, a colleague informed him about the **Remote Attorney** system. Joe takes a look and joins the network.

Order Maker

Description

Order Maker is an in-court tool that provides electronic templates for judges and litigants to write up final orders quickly and easily. It also serves to educate SRLs about the law and the significance of the order itself.

Properties

- A software template for compiling judicial orders
- Database of judicial rulings from which judges can select to create custom orders
- Additional space for judges to write suggestions and additional information regarding the next step
- Template for judges to write or copy educational material to SRL
- SRL-accessible version

Features

- Facilitates judge's task of rendering and communicating order to litigants
- Educates SRLs on how a ruling is made
- Provides SRLs with relevant legal information
- Facilitates informed decision-making by SRLs

Discussion

In pro se court, justice is dispensed amidst a disorderly flow of paper from one individual to another. At the conclusion of every case, the judge will announce the ruling in the form of an order. The order is the direct finding of the court, and speaks to how each party should now act in resolution of the case.

Orders are an unusually paradoxical document. The short, often one-page document is misleading when complexity and significance are introduced. In certain circumstances, the orders are written on what is known as the half sheet. Other times, the judge will orally state the order to the parties so that the prevailing party might draft the order right there in the courtroom and thereafter distribute copies to all parties present. In other courtrooms, the orders are pre-drafted by the attorneys and submitted to the judge for consideration.

To the trained eye, the order is a simple set of legal jargon that speaks to the orders of the court. However, for pro se litigants, these concepts are often out of reach. The complexity of the terms coupled with the meaning of the document are lost due to the litigants' confusion. A new tool is needed to facilitate

understanding and comprehension of not only the significance of the order, but the content it contains and an explanation of that detailed content.

Information from **Case Tracker/Story Builder** can be transferred directly to **Order Maker** using the same database pool of information and auto-fill technology. It also provides a template for judges and litigants to draft orders. Using **Case Tracker/Storybuilder**, judges can enter various orders or instruct parties as to the order the judge would like them to draft. **Order Maker** contains a database of legal orders related to case specific or general courtrooms from which judges can select. The program includes a list of order options based on the type of case. The judge can choose from a pre-determined list or he may customize the order personally. Judges can assemble additional suggestions that serve to educate and inform the litigant, and supply these to the SRL in addition to the final order. The database of court orders will be drafted by a court-appointed official and those orders will be approved by the presiding judge of that court/division.

Order Maker							
<div><div>Order Maker</div><div>Case Tracker</div></div> <div><h3>1 Type of Case</h3><table><tbody><tr><td><input type="radio"/> Divorce</td><td><input type="radio"/> Small Claims</td></tr><tr><td><input type="radio"/> Child Custody</td><td><input type="radio"/> Child Custody</td></tr><tr><td><input checked="" type="radio"/> Landlord/Tenant</td><td><input type="radio"/> Landlord/Tenant</td></tr></tbody></table><h3>2 Case Number</h3><input type="text"/><div>Submit</div></div>		<input type="radio"/> Divorce	<input type="radio"/> Small Claims	<input type="radio"/> Child Custody	<input type="radio"/> Child Custody	<input checked="" type="radio"/> Landlord/Tenant	<input type="radio"/> Landlord/Tenant
<input type="radio"/> Divorce	<input type="radio"/> Small Claims						
<input type="radio"/> Child Custody	<input type="radio"/> Child Custody						
<input checked="" type="radio"/> Landlord/Tenant	<input type="radio"/> Landlord/Tenant						

Order Maker

Order Maker **Case Tracker**

Cook County Circuit Court

Plaintiff
v.
Defendant

Case # 1294745

☐ Default Judgement

☐ Default for Want of Prosecution

☐ Judgement to Plaintiff in Amount of \$

☒ Vacate Default Judgement

☐ Order

☐ Order

☐ Order

Help Top 10 Custom Submit

Scenario

The judge, after reviewing the evidence and testimony given to him in pro se court, explains his ruling to the parties, then turns to the PC on his bench and opens the **Order Maker** program. **Case Tracker/Story Builder** has the current case already up on the judge's screen with relevant case information. **Order Maker** puts the caption into the template, and then offers the judge various options for creating his order.

Using his touch screen monitor, the judge either selects the **Order Maker** option within **Case Tracker/Story Builder** to have the case caption auto-filled, or the judge can choose to run **Order Maker** independently by entering the case number and selecting the case type from a menu of options. Next, the judge sees a screen that has the caption and a list of common orders for cases of that type. The judge can either choose to select from the list of orders, or he may choose to customize the order personally to add new information. When the order

is complete, the judge can use **Shared Vision** to show the litigants the order and add comments, circle areas for them to focus on, etc. When the judge is finished and selects "submit order," **Order Maker** automatically searches the order to find keywords it recognizes from a database of key legal terms, and creates a detailed explanation sheet that will accompany that order when printouts are generated for the litigants. (For more common orders, there might be a pre-drafted sheet that fully explains the order and its significance.)

The judge prints out the order and instruction/information sheet that accompanies that order, and hands a copy to each party. The SRL then is aware not only of what he is expected to do to comply with the court's order, but he also has the information necessary to educate himself about the court's decision and how it may affect his future actions

Early Disclosure

Description

Early Disclosure is a system by which a judgment debtor's asset and employment information is provided to the court immediately after a judgment has been reached. **Early Disclosure** streamlines the enforcement process through efficient information discovery. By surrendering information in front of a judge, the importance of the asset information and its truthfulness is reinforced. **Early Disclosure** relieves the burden of financial discovery from the shoulders of the judgment creditor.

Properties

- Proceeding in which judgment debtor provides information about his/her assets
- Software to capture input data
- Computer terminal to input information
- Credit card reader
- Online credit check
- Judge overseen escrow account of credit information

Features

- Ascertains judgment debtor's credit information immediately after verdict
- Collects information about debtor and assets in an escrow account
- Initiates credit charge automatically if debtor does not appeal case after a specified time period
- Captures information necessary to contact judgment debtor for future proceedings
- Heightens the likelihood of truthful responses by taking place in front of a judge
- Covers comprehensive asset areas possibly unknown to judgment creditors

Early Disclosure

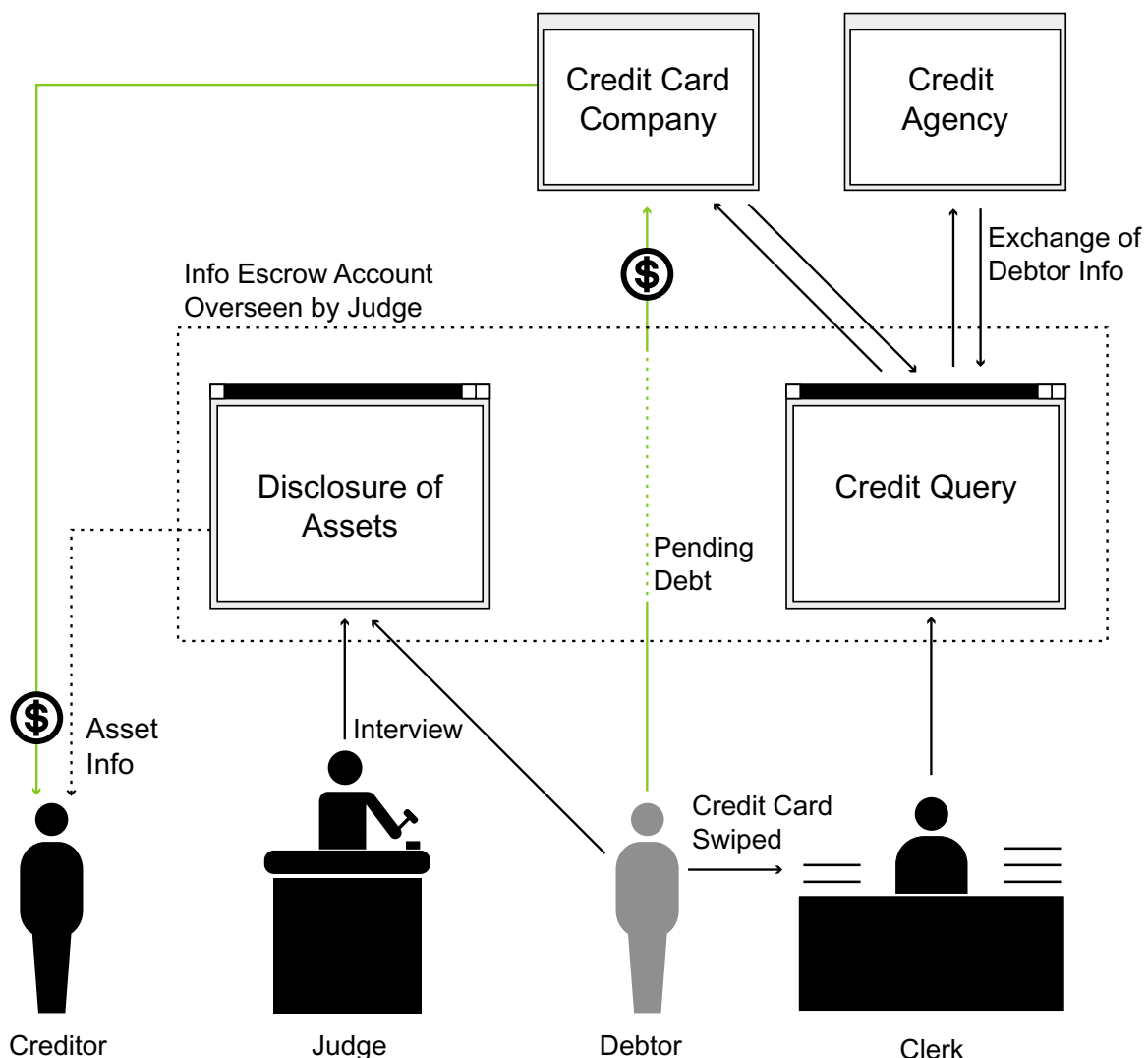
Discussion

The collection of a judgment can be difficult if the judgment debtor is uncooperative. In most places, the burden to collect is on the judgment creditor. He/she must file citations to bring the non-paying debtor back to court after the trial. In many cases, the debtor does not show up for court. The creditor must file additional citations and conduct a discovery of assets in order to assess the best enforcement strategy. By instituting an **Early Disclosure** procedure, the collection process could be simplified for the judgment creditor.

Early Disclosure begins AFTER a judgment has been entered while the two parties are still in the courtroom. The presiding judge asks the debtor a series of questions about his assets and personal information (driver's license number, social security number, permanent address, etc.). Using the **Early Disclosure**

software on his computer, the judge captures the debtor's information. The bailiff asks the debtor to open his wallet. The debtor's money is counted and his/her credit cards are swiped through a credit card reader.

Early Disclosure software runs an immediate credit check on the debtor from information sources available on the internet. The debtor's charge accounts are queried for their balances and credit limits. The software amasses a wealth of credit information virtually instantly. Once the information has been found, the judge can select how to enforce the judgment. Options include keeping the captured information in an escrow account in which the judge acts as a 3rd party holder. The debtor is given time to appeal the verdict or pay. If after the allotted time, the debtor does neither, the judge dissolves the



Early Disclosure

Discussion (Continued)

escrow account and the amount of the judgment is charged to the debtor's credit card. The money charged is transferred from the debtor's credit card company to the court and disbursed to the judgment creditor. The information about the judgment is also released to the credit reporting agencies within the network.

The purpose of the escrow account is to give the debtor time to appeal the verdict, make payments arrangements, and maintain a level of privacy—so that his/her personal information does not become public. By conducting the proceedings with the help of the judge the debtor is insured fairness, but is also induced to be more truthful in his/her reporting.

If the judgment debtor does not have any credit cards, **Early Disclosure** can still be used to gather information valuable

to the court and the creditor in order to pursue enforcement proceedings, including seizure or goods or garnishment of wages. For “judgment-proof” debtors (those with no assets or foreseeable assets), the **Early Disclosure** proceeding can be an efficiency measure that allows the creditor to assess and weigh the value of continued enforcement: “Maybe continuing to bring the debtor to court will just be a waste of my time and money.”

It might be possible to create an extended system that flags the debtor's name such that until the debt is paid, anytime the debtor applies for a credit card, his/her account gets charged. This might prevent him/her from cancelling cards before going to court and reinstating them after the trial.

Scenario

Tina sued her neighbor Rob for borrowing then breaking her lawn mower. Both parties represented themselves. After hearing the case, the judge ruled in favor of Tina. Rob was ordered to pay Tina \$450. As soon as the verdict was handed down, the judge explained to Rob that he had 4 weeks to appeal and that he would now begin the **Early Disclosure** proceeding.

The judge ordered Rob to empty his pockets and hand his wallet to the Bailiff. The Bailiff then counted Rob's cash, cataloged the contents of the wallet and ran each credit card through the terminal. The judge asked Rob a series of questions about his personal information. All answers were collected in the **Early Disclosure** software. The judge continued, collecting information about Rob's employment and assets. While the judge was conducting his questioning, the **Early Disclosure** software contacted credit report agencies querying Rob's credit history. Information about the credit card accounts from the cards in his wallet were also queried about credit limit and available credit.

Within minutes the **Early Disclosure** software had amassed Rob's credit information and collected it in an “Information Escrow Account.” The judge saw that Rob had a VISA card with a \$5000 credit limit and \$4500 available credit and a MasterCard with a \$3500 unused balance. He told Rob that everything in the escrow account was going to be frozen and kept private for four weeks. In those weeks, Rob could post

bond and appeal the verdict and/or make alternate payment arrangements with Tina. Rob was asked which card he would prefer to use and Rob chose the VISA. The judge informed him that if after 4 weeks, Rob had not paid or appealed, the \$450 verdict would be charged to his VISA card. If Rob attempted to cancel his VISA card, the credit card company would immediately be alerted that he had a \$450 outstanding charge from the court system and he would be required to pay before cancelling the card.

Tina listened to the proceedings and felt confident that Rob was able to pay for the lawn mower. She knew that **Early Disclosure** was making collection of the judgment easier for her than if she had to proceed alone. She was informed that the money due her would be available in 5 weeks and that she could come see the cashier then. Tina was asked if she preferred to be contacted via phone, e-mail or letter when her money was available. She selected e-mail.

After 4 weeks, Rob did not challenge the verdict. The \$450 charge was put through to his VISA card and appeared on his next month's bill. After 5 weeks, an e-mail was sent to Tina alerting her that \$450 was ready for her pickup at the court cashier's office. Upon pickup of the money, Tina signed a “satisfaction of judgment” and the case was considered closed. The “Information Escrow Account” on Rob was updated to reflect his payment of the debt.

Description

Pay Trac is a secure, on-line payment system that helps litigants generate evidence of payment and makes the payment process easier for debtors. The **Pay Trac** system can record completion of payment, monitor extended payments, and alert authorities of non-compliance. Multiple payment plans and access points such as currency exchanges, cash stations and on-line payments are provided to make paying debts more convenient.

Properties

- Service that acts as a payment intermediary between the judgment debtor and creditor
- Online network of payment access points, individual accounts, and data storage facilities
- Open public record of payment
- Password-protected system to maintain privacy for personal information
- Downloadable transaction history
- Fee for service system
- In court payment facilitator

Features

- Transfers funds electronically from debtor to creditor
- Accepts multiple forms of payment: cash, check, travelers checks, debit cards, etc.
- Tracks evidence of payment/non-payment
- Provides multiple access points for payment or receipt of payment: on-line, in court, currency exchanges, ATMs & banks, grocery store, etc.
- Creates payment reports with running balance issued to all parties after each payment
- Files satisfaction report/debtor release once debt is satisfied
- Sorts, filters, makes subtotals of payment records
- Automatically reminds debtors of due payments
- Facilitates negotiation for payment plan
- Supports other transaction-related modules (e.g. **Early Disclosure** module)
- Generates payment schedule options

Discussion

Once a judgment for payment is made, collecting the payment becomes a key issue for both creditors and debtors. When the judgment is large, debtors might face difficulty paying the whole amount. However, creditors desire the full payment as soon as possible. **Pay Trac** provides services to facilitate negotiation for payment. When the judgment is made, the payment facilitator present in court helps debtors and creditors agree upon a payment plan that is acceptable to both parties. The facilitator also establishes an account for the judgment and helps the two parties log on and establish passwords for the system. The payment plan is recorded so that **Pay Trac** can send automatic reminders to the debtor prior to each payment day.

Inaccessibility of payment points is one of the reasons that makes payment difficult for the debtors. **Pay Trac** provides multiple access points such as on-line, ATMs, banks, and currency exchanges.

To secure privacy for personal information, there are multiple layers of access levels to payment information. For example,

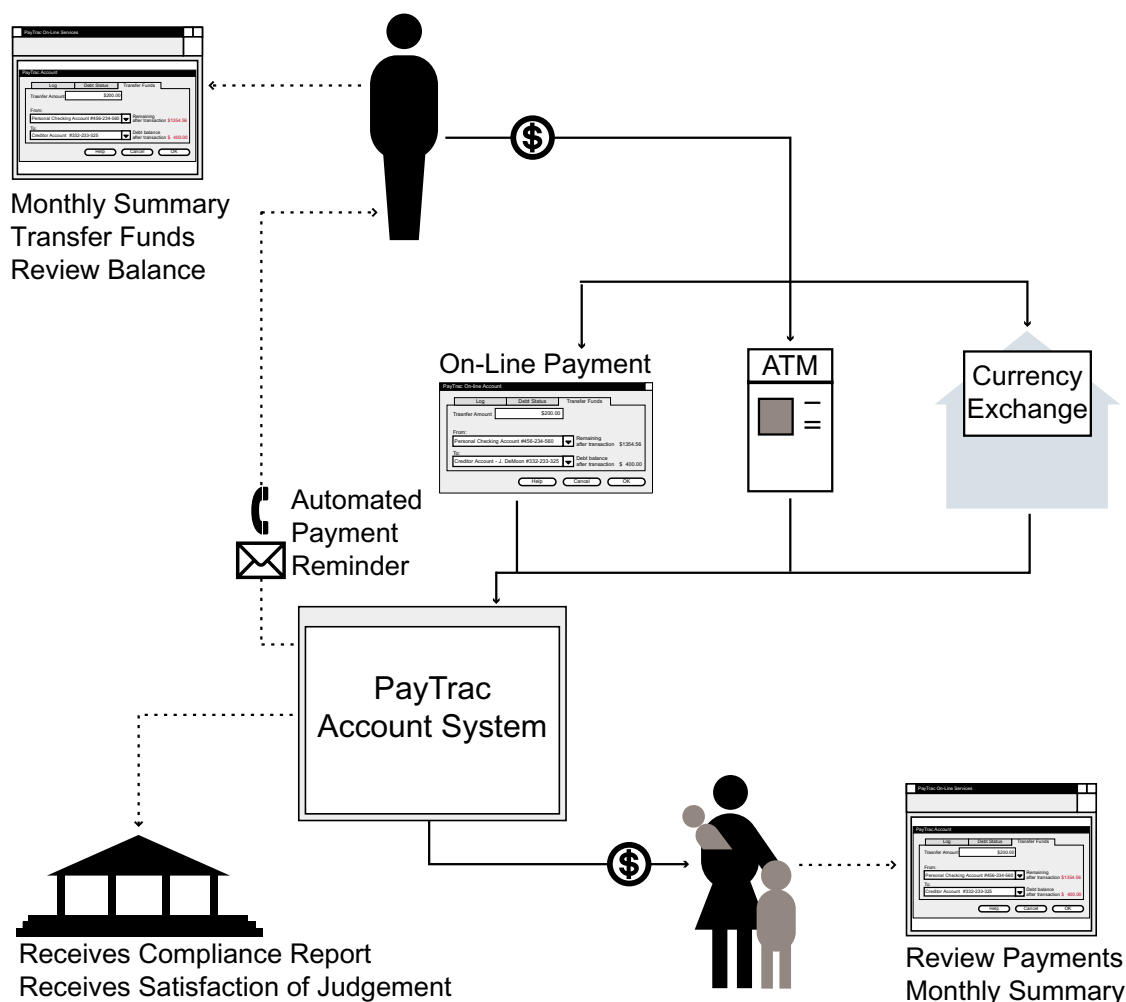
a judgment debtor paying off his debt in installments could access the system, but only see a log of his payments and print the log as a receipt. His password would not allow him access privileges to other areas of the system. Whereas a clerk inputting data about payments would be issued a password that allows him access to read/write capabilities allowing him to alter case status.

Tracking payment history is also an important issue for both debtors and creditors since it generates evidence of payment. When a payment is made in cash, it is hard for debtors to verify proof of payment.

For creditors, tracking payment history can be also used as proof of non-payment. **Pay Trac** generates payment evidence by issuing payment reports with a running balance to debtors, creditors and the court after each payment.

Pay Trac automatically sends a satisfaction report issued from the court to both parties. This reduces an unnecessary procedure of reporting actual compliance and reduces court appearances for both parties.

PayTrac On-Line Services		
<div><div>PayTrac Account</div><div><div>Transaction Log</div><div>Debt Status</div><div>Transfer Funds</div></div><div><div>Transfer Amount</div><div>\$200.00</div></div><div><div>From:</div><div>Personal Checking Account #456-234-560 ▼</div><div>Remaining after transaction \$1354.56</div></div><div><div>To:</div><div>Creditor Account #332-233-325 ▼</div><div>Debt balance after transaction \$ 400.00</div></div><div><div>Help</div><div>Cancel</div><div>OK</div></div></div>		



Scenario

Anthony Costello was ordered to pay Jason DeMoon \$600 for scratching his car.

Anthony was not doing well financially and asked if he could pay \$100 for 6 months instead. Jason was not happy about the deal and refused it. The payment facilitator at court mediated the case and both parties agreed to a three month payment plan, of \$200 a month.

The payment facilitator set up an account for Anthony and Jason and helped Anthony set up his user information such as social security number for identification and a password for access. The payment facilitator asked Jason's preferred method for receiving payment, Jason chose direct deposit to his account.

The payment facilitator explained how to use the **Pay Trac** system and gave Anthony a list of cash stations, currency exchanges and libraries where he could access the system.

When Anthony made his first payment on-line, an electronic payment record with running balance was sent to Jason, the court and himself. In the second month, Anthony was reminded to make a payment by the automatic payment reminder message left on his answering machine. He made the payment at a nearby ATM machine.

Jason decided to check on his payment and logged into the **Pay Trac** web site from his computer at work. He saw that Anthony made his payment on time. The check was in route to him. He received his money the next day.

When payment was completed, the **Pay Trac** system reported it to the court and soon a satisfaction report was sent to Anthony and Jason. Anthony was assured that his case was officially closed and Jason was relieved to hear that he did not have to be present at court to report on actual compliance.

Pursuit Evaluator (Enforcement)

Description

The **Enforcement Pursuit Evaluator** is an on-line tool that allows litigants to evaluate whether the pursuit of collecting a judgment will be worth their time and effort. The **Enforcement Pursuit Evaluator** can become part of a more comprehensive **Pursuit Evaluator** allowing a potential litigant to evaluate the worthiness of filing a lawsuit and then enforcing a judgment or it can be used alone after a judgment has been delivered. A litigant is asked to provide certain basic information about the assets of their judgment debtor and about their case. The **Pursuit Evaluator** then offers options for enforcement pursuit and runs best/worst/average outcome scenarios. The scenarios depict the expected time for collection and allow litigants to compare different pursuit strategies and evaluate whether the end result of enforcement will be worth their time and effort. Alternate settlement strategies are also suggested by the **Pursuit Evaluator**.

Properties

- Decision support tool that asks user about their case information and preferences
- Database of case-related enforcement statistics
- Information processor to ascertain viable options for litigants
- Simulation tools to project scenarios
- Graphic representations of scenario results

Features

- Can be used alone to evaluate time and effort necessary to collect a judgment or in conjunction with the case pursuit evaluator to gain a comprehensive view of the entire process
- Apprises litigant of information necessary to proceed with enforcement
- Identifies various options for pursuit of judgment
- Recommends routes to fastest settlement
- Simulates the results of making different choices in pursuit
- Displays results of simulation graphically, making it easy to compare routes of pursuit
- Provides information for litigants to make an informed decision regarding enforcement of a judgment

Pursuit Evaluator (Enforcement)

Discussion

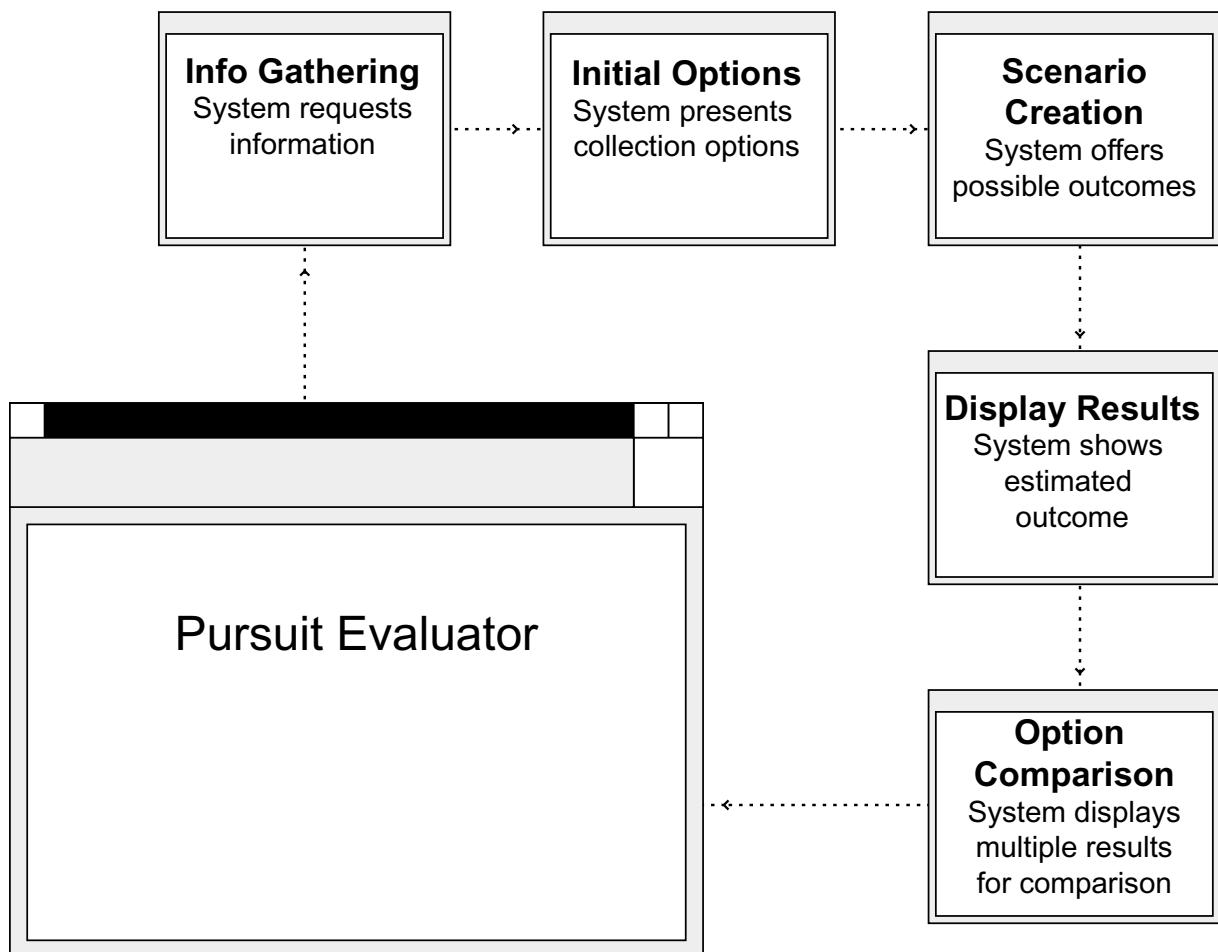
Pro Se litigants are often unaware of the difficulties that face them in collecting a judgment. Many believe that by winning their case, they are automatically awarded what they are due. However, collection is a complicated process that relies heavily on the cooperation of the judgment debtor. If a judgment debtor is resistant to paying or is unable to pay, the burden to collect falls heavily on the shoulders of the judgment creditor.

Creditors pursuing collection from an unresponsive debtor can be forced to file numerous citations to show cause, discover assets, and compel the debtor to appear in court. This process can be lengthy and expensive, and often unfruitful.

Knowing which supplemental proceeding to use to aid collection is important. Lawyers, because of their education and experience are able to help determine the most “efficient and effective method of recovery based on the nature of the asset being attached” (Heller, 2). In addition, lawyers are able to apprise their clients of collection difficulties before a trial. Thus, they can often work to reach out-of-court settlement agreements that speed up the process and more likely ensure

that their clients receive satisfactory restitution. Currently, Pro Se litigants do not have access to adequate information to be able to make informed decisions about their pursuit strategy. The **Pursuit Evaluator** acts much like a lawyer would: the software requests information about the case (case type, judgment amount) and the debtor (employment, salary, property holdings, bank accounts). Information can be actual or estimated. The system prompts its user to continue inputting information until it assess that it has an adequate amount of info to work with. The user is provided with options for pursuit of collection considered viable based up his/her specific information. Options could include things like seizing property, garnishing wages, cash settlements, or other pertinent legal pursuit paths.

After selecting an option or multiple options, the system offers the opportunity to view simulated courses of action—time lines and steps to follow. The user can view best, worst, or average case scenarios. The simulated scenarios are generated based on statistical analysis from sampling of actual cases. While this information is currently sparse, when pretender with other



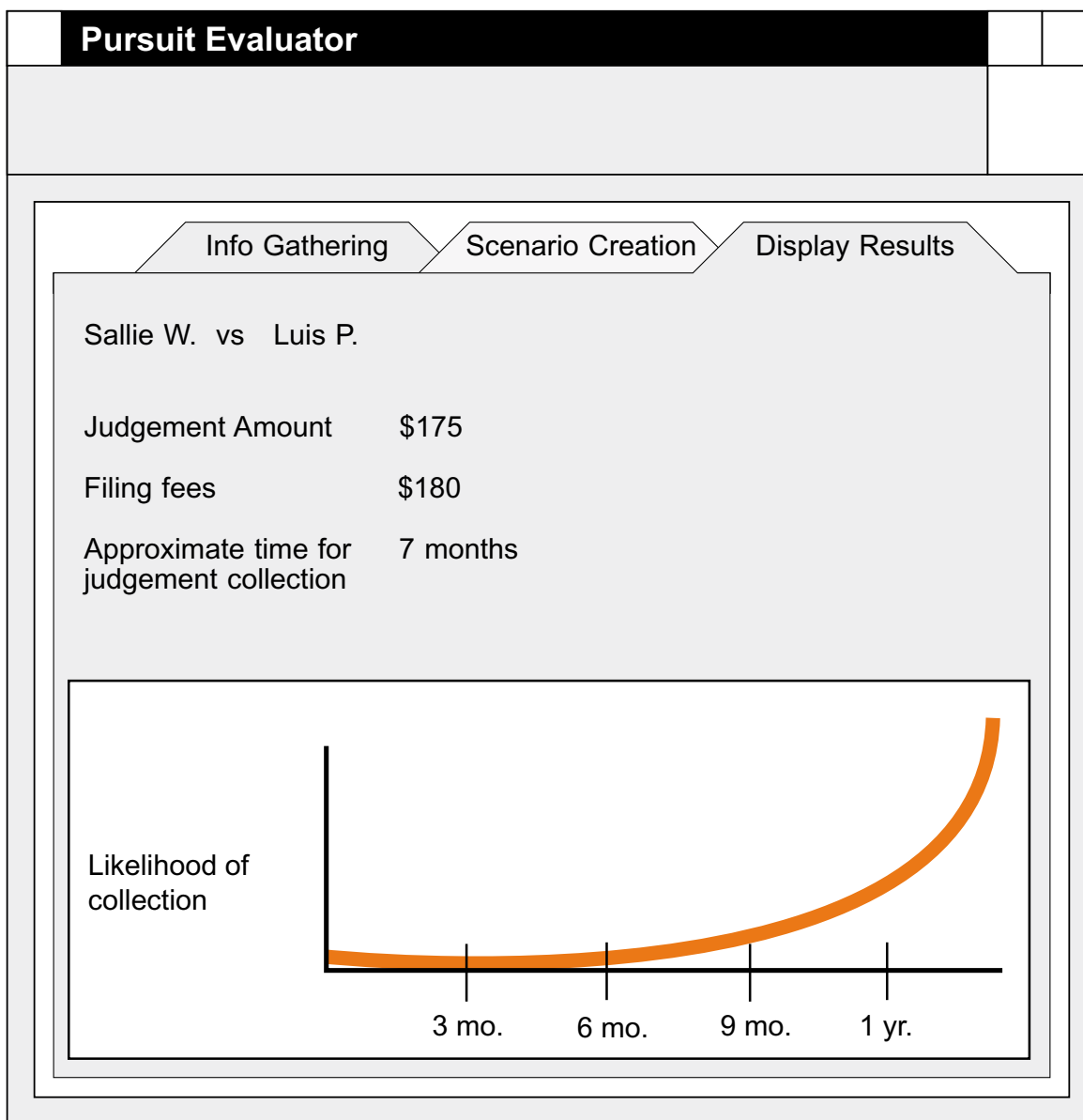
Pursuit Evaluator (Enforcement)

Discussion (Continued)

system elements such as **PayTrac**, collection of compliance information can contribute to more accurate simulations and projections (including the ability to make better predictions based on demographic information).

Simulations are displayed graphically, allowing the user to make comparisons between the different strategies. A time line can depict how the likelihood of collecting changes over time. Also, the steps required to collect can be outlined to inform or be followed as recommendations. Creditor expenditures such as time lost from work, miles driven to court, and filing costs are also estimated to aid in pursuit evaluation.

The Enforcement **Pursuit Evaluator** is an educational tool. Pro Se litigants unfamiliar with enforcement and collection issues can use it before beginning a lawsuit to learn about how the collection phase might play out. Pro Se litigants having just been awarded a judgment can use it to help them assess the best way to pursue collection. Knowing the possible time, effort, and cost of collecting a judgment ahead of time might help Pro Se litigants make more informed decisions about pursuing a lawsuit or collecting a judgment.



Pursuit Evaluator (Enforcement)

Scenario

Sallie's mom, Marge, is turning 75 in three months. Sallie really wants to do something special for her mother, but money is tight. She is barely making ends meet with her job at the grocery store. Marge's arthritis has been acting up and Sallie saw a warm paraffin spa tub specifically for people with arthritis that would be the perfect gift—luxurious and therapeutic. The paraffin tub costs \$150 and even saving a little every week, Sallie knows she won't be able to afford it.

In her spare time Sallie helps people write resumes. She wrote a resume for her neighbor Luis and he immediately got a new job and moved across town. He never paid her and still owes the agreed upon \$175 for Sallie's time and effort. When she calls Luis he just says, "I got the job on my own. Your resume was worthless. I'm not paying." Sallie has been trying to get Luis to pay for 6 weeks and knows that he'll never pay on his own. If she could just get Luis to pay her, she could buy her mom a great present. She decides to sue him.

She doesn't know any lawyers, so she gets out the yellow pages and starts calling listings in her neighborhood. Sallie explains to a lawyer's receptionist what she wants to sue for and the receptionist laughs and tells her that no lawyer would take her case. The receptionist suggests she sue as a pro se litigant and tells her to access the **Court Net** web site.

Sallie doesn't have a computer at home so the next day at work she uses her work computer to visit the **Court Net** web site. Sallie reads that sometimes cases take a long time to prosecute and that sometimes people aren't able to collect their judgment. She had no idea; Sallie always assumed civil cases were like

the People's Court and that when she won, Luis would hand her \$175 in cash. The site recommended trying the **Pursuit Evaluator** to see if litigation was a good idea for her.

Sallie double clicks on the **Pursuit Evaluator** icon and the program launches, prompting her to answer some questions about her case. Sallie enters that she wants to collect \$175 and estimates how much money Luis makes. She also inputs information about how many times she has tried to collect on her own. The **Pursuit Evaluator** shows her the option of settling out of court or suing for a cash payment. Sallie selects "sue for cash" and decides to view the average case scenario.

The **Pursuit Evaluator**, based on cases similar to hers, determines that she will have to spend \$180 in filing fees and that it would take approximately 7 months to collect her judgment. The process guide shows that she would likely have to file several motions to compel Luis to appear in court and that she would have to take a lot of time of work in order to file and appear herself.

Looking at the graph of how long it might take, Sallie realizes that litigation might not be worth her time. She decides to see the best case scenario as it might be more encouraging. The best case graph and steps are a little better, but suing would still require her to pay a filing fee up front and she would have to take time off work. Sallie decides that her time is better spent doing other things. She will continue to pester Luis on her own, but she would rather save her money for her mother's gift than pay to file a lawsuit.

COLLABORATION

The court should not be solely responsible for aiding SRLs. Creating partnerships between the judicial system and external organizations strengthens both the court's role in the community and the likelihood of aiding SRLs in need. A particular group of people who have little recourse are SRLs who have lost judgments and have difficulties meeting their payments. These solutions are networked tools that strive to promote additional resources for SRLs when the court, alone, cannot address their problems.

Analyze

Gain insights from intake information captured in Diagnosis to better plan and initiate programs that match litigant usage and need.

Partner

Work with external organizations to create incentive and mutual value in developing programs to assist SRLs. Share insights and knowledge between court systems as well as expand programs to gain regional and statewide reach.

Deploy

Execute and monitor programs developed in conjunction with external organizations. Address litigant needs that the court cannot provide alone.

Targeted Promotion

Description

Targeted Promotion is a system for collecting statistical data about SRLs entering the legal system in order to identify communities in need of specific information that could expedite their interaction with the court or prevent them from entering the court system in the first place. Courts partnered with community groups through the **Community Connections** program can use the information to develop targeted outreach and informational campaigns to get the right information out to the right people in the most appropriate way.

Properties

- Digitally collected intake surveys, in a questionnaire format
- Statistical analysis tool to analyze intake data to identify trends
- A dynamic data base of demographic and case data from court and help center in-take information
- A sub-set of **Inter-Court Exchange Net**
- Localized (city or county) and/or centralized (state or national) teams of marketing professionals and outreach coordinators
- Tool that can be used by existing court outreach coordinators to determine specific information needed in specific communities

Features

- Identifies communities in need of specific legal or social services
- Provides a mechanism to recognize trends in court use and community composition, helping courts design programs around the needs of their community
- Utilizes existing community organizations to disseminate information
- Improves the image of the court
- Leverages existing community groups as a means of generating and distributing information within the community
- Collects statistical data about particular communities that can be used to generate funding for educational and outreach programs

Targeted Promotion

Discussion

The **Targeted Promotion** system has two main goals:

- Improve the image of the court system by increasing the presence of the courts within the community
- Provide specific legal information to communities in order to prevent situations that may bring people to court, and to facilitate their interaction with the court.

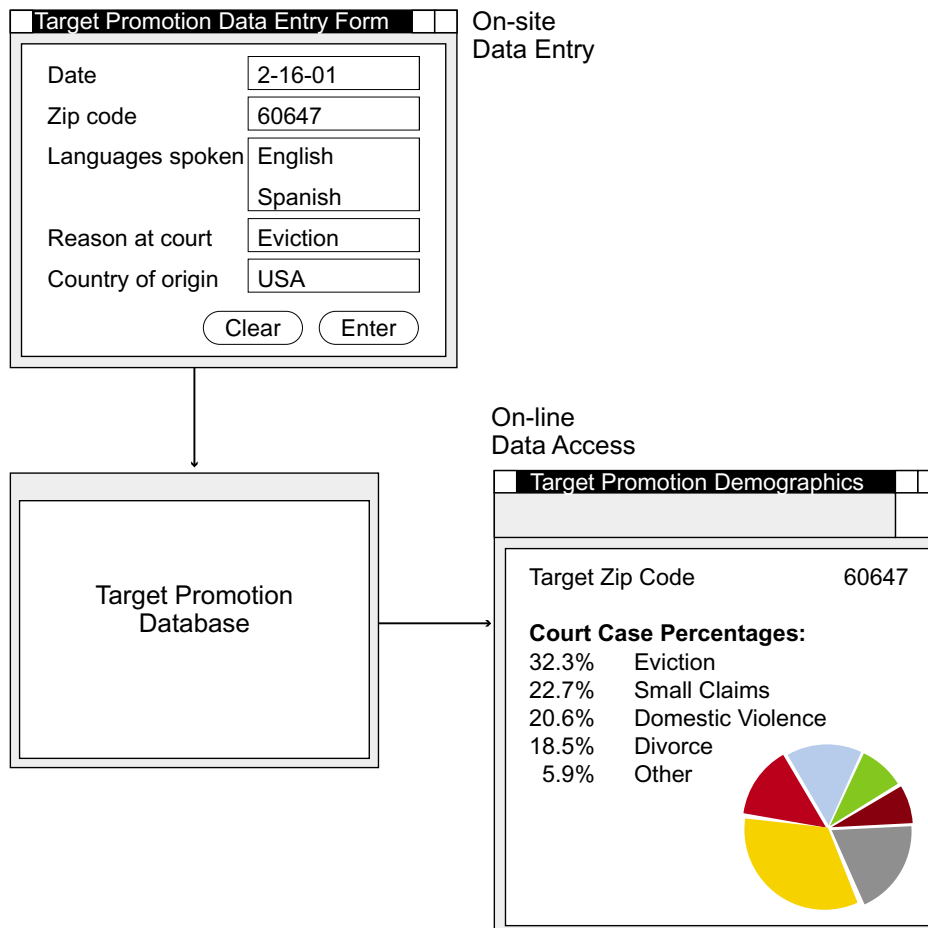
Even though the Access to Justice system is intended to be a pervasive system, interaction with the system is unlikely to happen serendipitously. The bulk of the system will be available on-line and it is likely that many of the people who need legal assistance do not have access to a computer, let alone know how to use one. In order to reach the individuals who need specific legal information, they must be identified and informed.

Intake data will have to be collected carefully, as not to add too much time or infringe on the privacy of the individuals being

polled. Key data could include: Zip code of SRLs, languages spoken, what brought them to court, country of origin, etc. Asking about country of origin has the potential to cause distrust and fear in the person being questioned within some communities, so it should be used with discretion.

The intent of **Targeted Promotion** is not to increase court traffic, but to provide individuals with the information they need to prevent situations that may lead them to court, and to provide them with information that can expedite their court experience

Awareness of the Access to Justice system is important, both for the citizens of a community and for the court staff. Promotion can be used as a means to stimulate awareness, and to improve the public image of the court accessibility to self-represented litigants. Public notification of a system change can also be used as a means to “cement” the commitment to use the new system for the court staff.



Targeted Promotion

Scenario

Court Administrator Jane has noticed that the number of families coming to court for evictions has risen over the past year. By analyzing the intake data of eviction cases she is able to identify that the bulk of the evictions are taking place in a particular neighborhood, and that most of those being evicted are non-English speakers. She also notices that the bulk of the evictions are happening at a particular time of year.

She next visits the **Community Connections** web site to look for community groups in the neighborhood where the evictions are occurring. The system pulls up the names of 5 organizations in the area where the evictions are occurring, along with a contact for each group. She calls a meeting with the courts outreach coordinator, marketing coordinator and the members of each of the community groups.

At the meeting, Jane explains the problem, and finds out from the community group representative that many of the men in the area where the evictions occur are migratory farm workers, and that their income fluctuates greatly throughout the year. The women of the house typically do not work, since they stay at home to care for their children. Most of the evictions occur a few months after the end of the men's work season. They also find out that the people being evicted are confused by the terms of leases, not always understanding the importance of paying their rent on time.

Together, the group meeting comes up with a multi-part plan:

- Working with the landlords in the area to create a lease more easily understood by the community
- Financial & budgeting information distributed in churches and at community sporting events
- Information about free English language classes at the local library and city job training programs posted in laundromats in the area
- Neighborhood church offers to subsidize child care for the families, so that the women can go to work

Jane stayed in contact with all of the people involved in the initiative in order to monitor the success of the programs. Through their efforts, they were able to reduce the number of evictions occurring within this neighborhood. Information about this program was posted to the **Community Connections** web site and the **Inter-Court Exchange Net**.

Community Connections

Description

Community Connections is an on-line networking system that links county courts with community organizations, advocacy groups, social service agencies, park districts, neighborhood groups, churches, ethnic organizations, etc. The networking system can be used by the courts to identify potential locations for legal resource centers and volunteers for educational outreach and by SRLs to identify free, or low-cost legal resources within their community. The primary intent of **Community Connections** is to provide a strong, continuous link between state and county court systems and the communities they serve so they can better meet the needs of their residents.

Properties

- An on-line data base of community organizations, their locations, affiliations, areas of focus, and the communities they serve
- A “steering” board or committee composed of members of the court and the community organizations represented
- Resource development body to bring in volunteers & sources of private and public funding
- Funded and run by a national nonprofit organization partially subsidized by the Federal Government in the form grants and other incentives to participating non-profit organizations
- Linked with **Targeted Promotion** data base of the demographic trends and needs of different communities

Features

- Identifies communities in need of expanded legal services
- Identifies potential locations for legal information centers
- Identifies volunteers to staff legal information centers
- Helps communities identify sources of public and private funding for community based legal assistance centers
- Provides community-based, legal educational programs
- Links self represented litigants to community legal assistance programs and pro bono lawyers
- Provides a means to disseminate legal information to communities in need
- Brings a greater awareness of community needs to the courts to allow for the development of specialized programs
- Incorporates existing court/community relationship building programs
- Matches existing legal assistance programs with communities in need

Community Connections

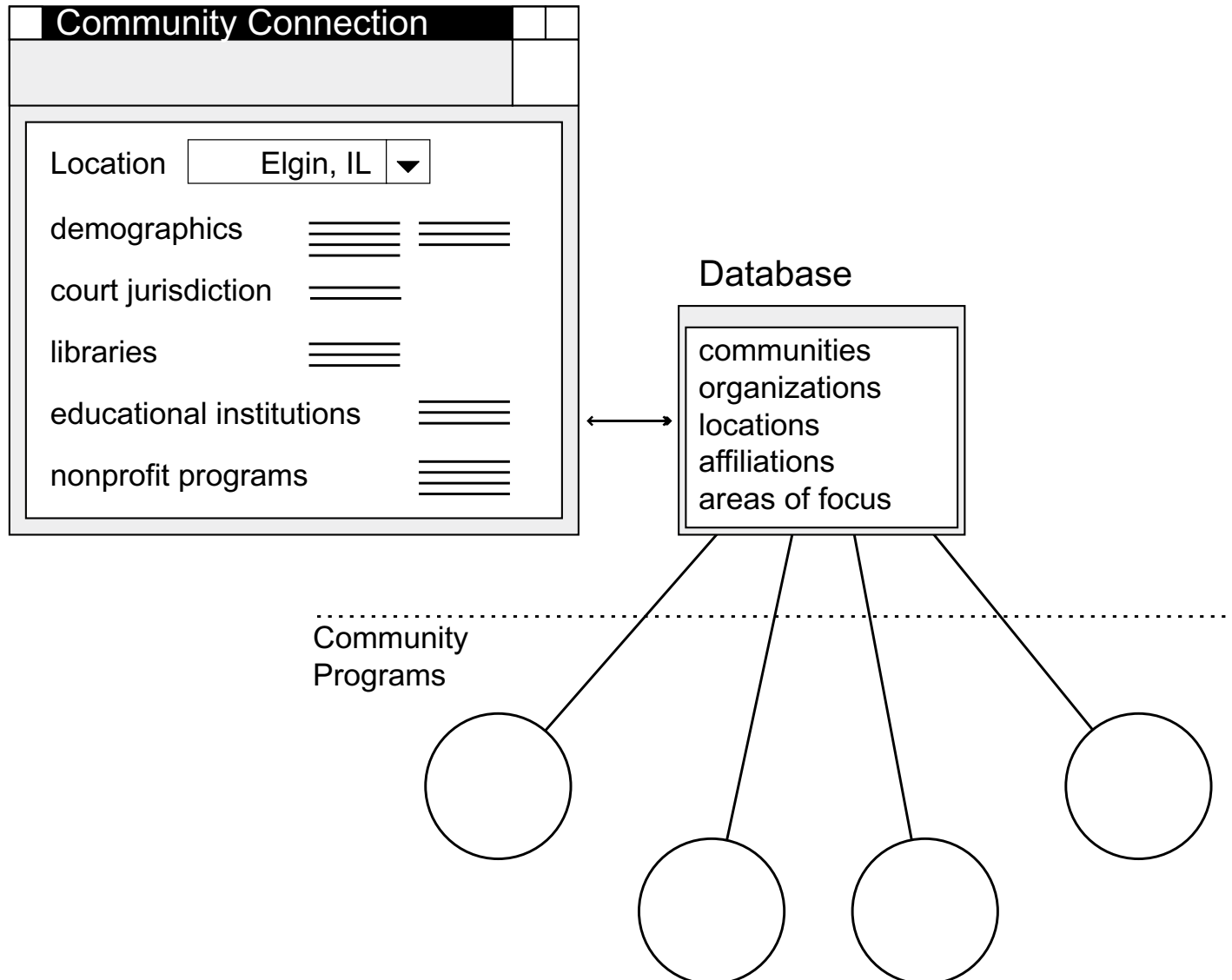
Discussion

Many court systems are over burdened with increasing numbers of people seeking to solve their problems through legal means, and shrinking budgets. With resources stretched thin, other modes of dispersing information are needed. The legal process is foreign to most self represented litigants, making their experience with the courts problematic, and lengthy. By providing people with assistance before and during their court experience, the process can be expedited.

Community organizations can become effective partners in educating potential self represented litigants. Community groups are more likely to be familiar with the particular needs, and most effective ways to reach individuals.

The state of California has a program to link courts and community groups. The web site, <http://www.courtinfo.ca.gov/programs/community/handbook.htm> includes several downloadable publications about how courts can reach out to their communities.

Courts can learn more about the needs of their communities and how they can better serve them by having close ties to existing community groups.



Community Connections

Scenario

The Lake County, Illinois court house is lacking in space and resources to provide assistance to self represented litigants (SRLs). They have had a very high influx of SRLs over the past few years, and their funding, staff and informational resources are not sufficient to cover the increased burden. The resource manager at the court house wants to increase the availability of legal information to SRLs.

His begins by vising the **Community Connections** web site, where he is asked to type the state and county of the court system he works for. From that information, several lists are generated: the demographic breakdown of his court's jurisdiction, libraries and other educational institutions within his area and a list of nonprofit and community based programs in his area.

From this list he is able to contact individuals from 10 different groups, and request a meeting to discuss the court's needs. He has also asked these 10 people to extend the invitation to other people who might be interested in helping the courts.

From the meeting, 8 people volunteer to be members of the county court outreach committee. Someone in the group mentions that the library in Libertyville has a space that is not being used. The Libertyville library is contacted, and a representative from the library agrees to let the space be used as a legal resource center site. The space needs to be remodeled to meet code requirements for accessibility.

Potential sources to fund the renovation project are identified through the **Community Connections** web site, which includes a database of philanthropists in the area, and agencies who make grants for legal assistance programs. Applications for grant money are filled out and filed on line. Within a few weeks they have secured funding for the project, and have secured a team of volunteers to staff the site.

Advertising of the new facility is done on a grass roots level, and the new facility is able to serve 40 SRLs per day.

SRL Committee

Description

A committee, consisting of former SRLs, could be very helpful to the courts and the SRLs since it would help bridge the gaps between the court’s offerings and the SRL’s needs.

Properties

- A committee, consisting of persons who have been in contact with the court system as SRLs

Features

- Votes in the court’s decisions that are relevant to SRLs
- Acts as a connecting link between current SRLs and the decision-makers within the court
- Answers current SRLs questions about court procedures and regulations
- Makes contacts between current SRLs sources of alternative conflict resolution

Discussion

Many SRLs in the diagnosis phase go through moments where they feel left alone, because they did not get the answers from the court staff that they would like to get.

During their first interaction with persons from within the court system, it is usually not easy to understand, why the court cannot give them advice when they need some.

A committee, which consists of persons who have made their own experiences as SRLS, could be of great help to current

SRLs by explaining rules and processes from an SRL's point of view. The committee could also reduce the current SRL's fear and anxiety that comes from their unfamiliarity with the situation they are in.

The committee can also help the court by keeping the court in touch with the current SRLs problems.

Scenario

A tenant gets a letter from the court that states he has to come to court to attend a hearing because his landlord has sued him for rent which is due.

As this is his first time in court, the tenant is nervous. There are a lot of questions he does not have answers for. The fact, that the court can only 'give him information, not advice', does not help him much. No one in the courthouse seems to be able to understand how he feels and what he needs.

By asking the **SRL Committee**, he can get some advice from people who have been in contact with the court system before and have experiences to share. There would not be any legal

implications to the court.

The **SRL Committee** looks at cases and the difficulties that the SRLs have. Then, the Committee makes suggestions for improvements to the court. Together, the Committee and representatives of the court system can look for solutions to the most common difficulties that SRLs encounter during their interaction with the court system.

Inter-Court Exchange Net

Description

The **Inter-Court Exchange Net (ICE Net)** is an on-line knowledge management system for state and county court administrators and other legal professionals. The **ICE Net** allows state and county court systems across the county to share problem solving information with one another through an on-line community. The **ICE Net** can be used to facilitate the implementation of the Access to Justice system and reduce transition time by creating a dynamic “user’s manual” of action plans, adaptations and customization ideas. The system allows individuals to search a data base, view and save information in a customizable, context specific, individually alterable view, while maintaining the original information stores.

Properties

- A knowledge management system
- An on-line, multi-user, relational data base with gateway access from the internet
- Public and secure domains, as required
- Data translation to integrate existing information repositories
- Dynamic database of demographic data of regional court systems
- A repository for statistical, procedural and causal knowledge of court administrative initiatives
- A bridge linking multiple legal professionals organizations

Features

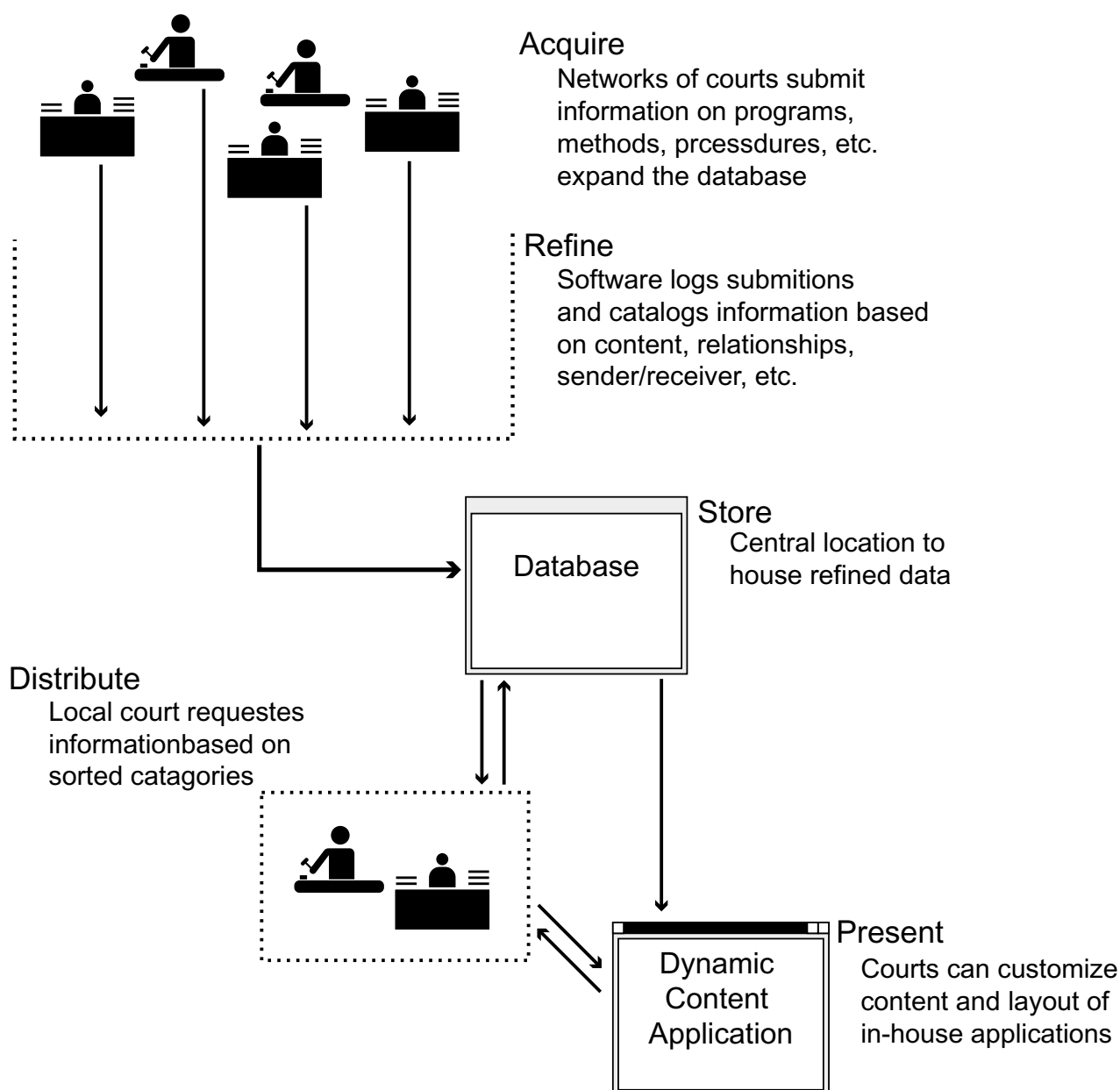
- Provides a means to capture, organize, locate and share explicit knowledge and expertise between state and county court systems
- Allows for multiple customizable views of the same record, so that the content can be indexed, manipulated, labeled, added to and stored by individual users
- Monitors customization made by individual users
- Tracks alterations and combinations made by individual users for use by other users
- Brings together discrete professional organizations and groups who typically do not interact directly
- Retrieves data from local and remote data storage
- Cross references content by multiple relationships dynamically determined by the community of users
- Allows generation of subscription lists, so as information is posted to the system in a particular topic area, notice of that information will be sent to subscribers automatically

Inter-Court Exchange Net

Discussion

The success of the Access to Justice system is dependant on each court's ability to implement and adapt to the changes a new system inherently brings. During the transition, court systems adopting the Access to Justice System would greatly benefit from the knowledge and expertise of other court systems that have already implemented the system, or that are in transition. Traditional methods of sharing this type of information are slow (newsletters), not easily searchable, expensive or time consuming (newsletters, conferences). These traditional methods do not allow for valuable information to be easily captured, stored or shared.

Currently, if a particular court is looking for good examples of a landlord / tenant brochure, they can send a message out to the National Center for State Courts list-serve. This is a very useful way to share information, but it is dependant on the recollection of individual members and on their willingness and ability to respond. An on-line repository of information could be available around the clock, and could be easily searched for relevant information. Current technology can provide a means to link communities of practice on-line, and allow for the dynamic sharing of text, graphic, audio, video and still images.



Inter-Court Exchange Net

Discussion (Continued)

The **ICE Net** would ideally share not just successful solutions, but failures as well. The sharing of failures can prevent other courts from making the same mistake. There is a possibility that people will not share their “lessons learned” for fear of appearing incompetent. This problem can be solved in several ways: problems and mistakes can be posted anonymously and hopefully, over time, the “stigma” of making mistakes can be reduced, recognizing that a great deal can be learned from them, if they are recognized and acted upon in a timely manner.

Personal customization of information is a key feature of the **ICE Net**. This system provides a means to customize and combine existing information and generate contextualized information so that it is specific to their situation; thus, making it more useful.

The **ICE Net** community of users can also be used to bring together other discrete networks of legal and social service professionals who typically do not interact with one another. Potential links could include: National Center for State Courts, ABA, Judicial College, National State Court Administrators and Urban Court Administrators.

ICE Net may be a feature of the National Center for State Courts’ web site (<http://www.ncsconline.org/>) which is already a great resource for legal professionals.

Inter-Court Exchange Net

Scenario

Jane Frost is a court administrator in Urban County. She is getting a lot of complaints from the judges who preside over the Pro Se court. A large percentage of self represented defendants show up in the courtroom not having paid their court fees. This is slowing down case flow since the judges have to send the defendants to the cashier to pay their fees before they begin the case.

To see if other courts have had this problem, Jane visits the **Inter-Court Exchange Net** web site. She's not sure how to do a search for this so she uses the Key Word Identifier tool. This tool helps her identify key words and processes related to paying court fees, and the initial appearance in court.

Her key word search has brought up several words and processes that she had not initially thought of, the list reads:

Process Server
Notice to Appear
Instructions
Fee Waiver
Form
Cashier
Form Design
Sheriff
Registered Mail
...etc.

Based on the information she gets from her key word search, she decides to take a closer look at the Notice to Appear form that her court currently uses. The same form has been used for many years, with minor modifications being made as needed. She noticed that the instructions for the person receiving the form, have been made much smaller and pushed to the bottom of the form. The form obviously needs to be redesigned. Next she visits the Compare-a-form area of the **ICE Net** web site here she can look at and compare her court's form with the

forms from other counties. She is able to find a form that she thinks will work very well for her community, with some minor modifications.

She also does a search for "instruction," "notice to appear" and "fee." She is able to locate several other solutions that other courts have implemented. One court system included a brochure about being served along with the notice, another added signs outside the court room reminding people that they need to pay the fee, or receive a fee waiver before their case can be heard.

Jane creates her own folder on the **ICE Net** web site, and includes all of the relevant information that she has collected. She then writes a quick summary of the solutions she plans to propose. She stores all of her work and information related to this issue within this folder, which is readable by all users of the **ICE Net**.

The **ICE Net** system gives her the option of tracking the success of her initiative through the Success Tracker. The Success Tracker allows her to implement a payment tracking system within her court following the launch of the first part of her plan, the addition of an informational brochure. She decides to track the success by looking at the time between when the plaintiff files, and when the defendant file for appearance and pays the fee. The system automatically e-mails her updates at weekly intervals, so she can monitor the success.

All of the information that Jane has collected from her original search, her solutions and her success tracking data is available to other court administrators through the **ICE Net**.

Description

Help at Hand is a web-based tool that provides assistance to the SRL who is using alternative methods of dispute resolution on the internet. The tool can be accessed at any point during E resolution—from **Archetypes**, during **Story Builder** or even after unsuccessful **E-Mediation**. It provides emotional support and guidance to the SRL by offering alternatives such as online counselling, telephone hot lines, various pro bono services, referrals to help resources, etc. It offers two services: **Lawyer Patrol** and **SRL Services**, which provide links to a variety of other services.

Properties

- Easy to use web based navigation tool that covers a host of different kind of referral services
- Option advisor for the SRL
- Accessible at any point of the **E-Mediation** procedure
- Provides a support system for the SRL who might easily get intimidated by having to communicate solely via electronic media

Features

- Provides alternatives for SRLs if **E-Mediation** doesn't work
- Provides a wide range referral services including pro bono services
- Provides SRL services ranging from telephone hotlines to chat room moderated sessions
- Provides moral support and guidance to SRLs who might be confused about how to use the system
- Connects SRLs to self-help centers and community centers

Help at Hand

Discussion

Help at Hand offers two services, **Laywer Patrol** and **SRL Services** which are explained in detail on the following pages.

Description

Lawyer Patrol is a referral service that connects the user with the type of legal aid they require. It provides a range legal services from pro bono to paid services that are selected for the user by a trained referral operator. It is part of the **Help At Hand** service that acts as an options provider to users to the **E-Mediation** site.

Properties

- Web-based tool providing help from any location
- A service that locates the right kind legal aid for litigants
- A trained referral operator who, through a network of lawyers, provides the user with the most suitable legal aid

Features

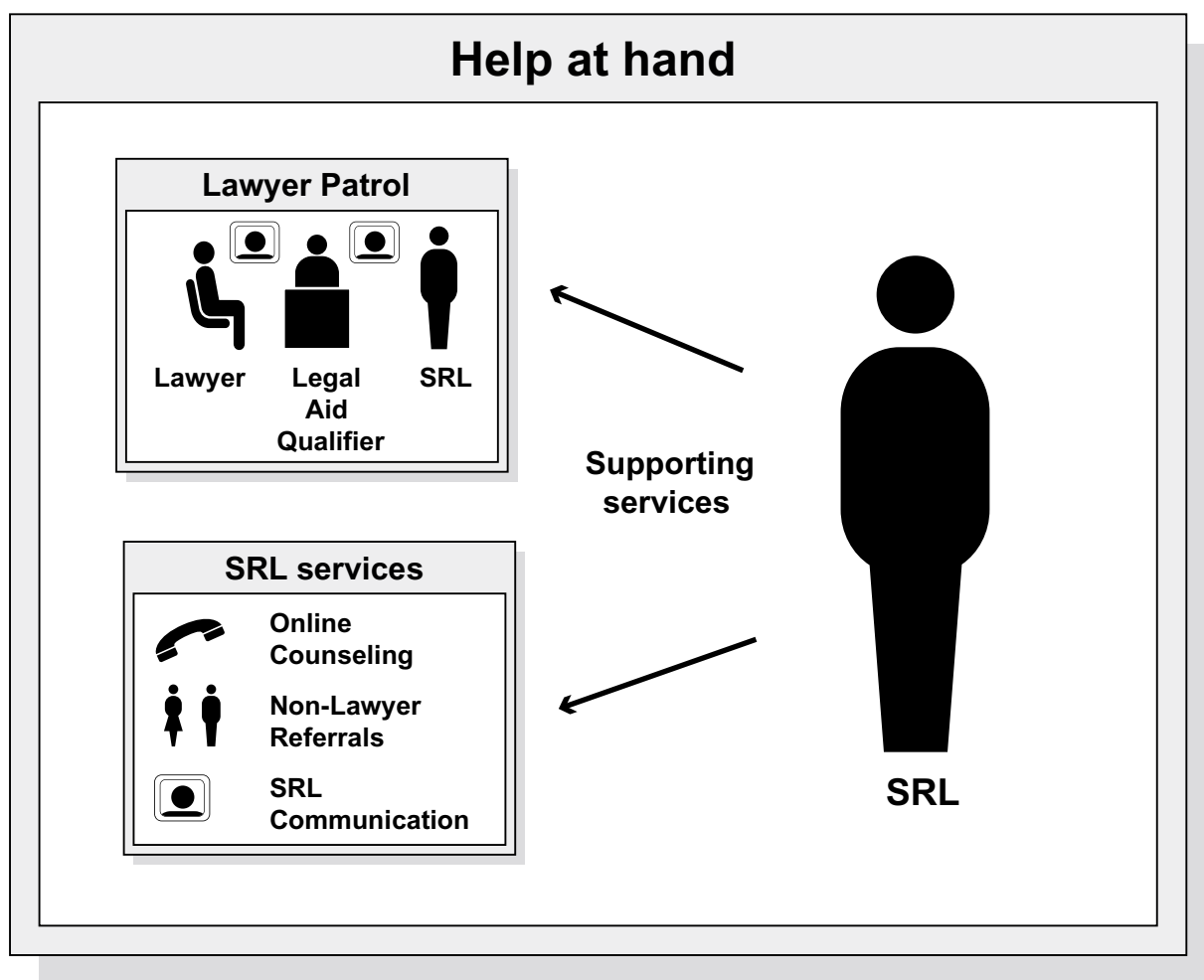
- Provides a variety of lawyer services ranging from pro bono to paid services
- Assesses what kind of legal aid user qualifies for
- Provides means by which user can communicate instantly with a lawyer
- Ensures you pay within your ability
- Allows lawyers to participate from where ever convenient
- Encourages more lawyers to contribute services as they can work on cases with limited contact
- Provides an element of human interaction that is otherwise missing from the other functions in the web site

Discussion

LawyerPatrol is an element of **Help At Hand** which is a complete service that provides assurance to the user that the web site is not just a mechanized process, but has been created for SRLs so they can bypass the court system and opt for alternate dispute mediation methods.

When we visited the Cook County courthouse we observed a few trials in progress and noticed that SRLs often did not understand the legalese used by the judge. This seemed to

LawyerPatrol is a service that helps the user find the best legal aid and service possible. In order to use **LawyerPatrol** the user needs to first fill out a Legal Aid Qualifier form. This form helps ascertain what kind of legal aid the user qualifies for. Pro bono lawyers are few and far between. Also, understandably, they can't take up huge volumes of pro bono cases as they have their own practices to look out for. The Legal Aid Qualifier form will therefore be able to help those users who desperately require pro bono lawyers as it is important that the system be



completely unnerve them. From our conversation with some of them regarding their cases and hiring lawyers, it seemed there was a dearth of pro bono legal help. With online legal sites, the SRL be relieved of going to the courts but can still avail themselves of various types of legal aid.

able to filter those who are really needy and unable to pay, and those who can afford to pay.

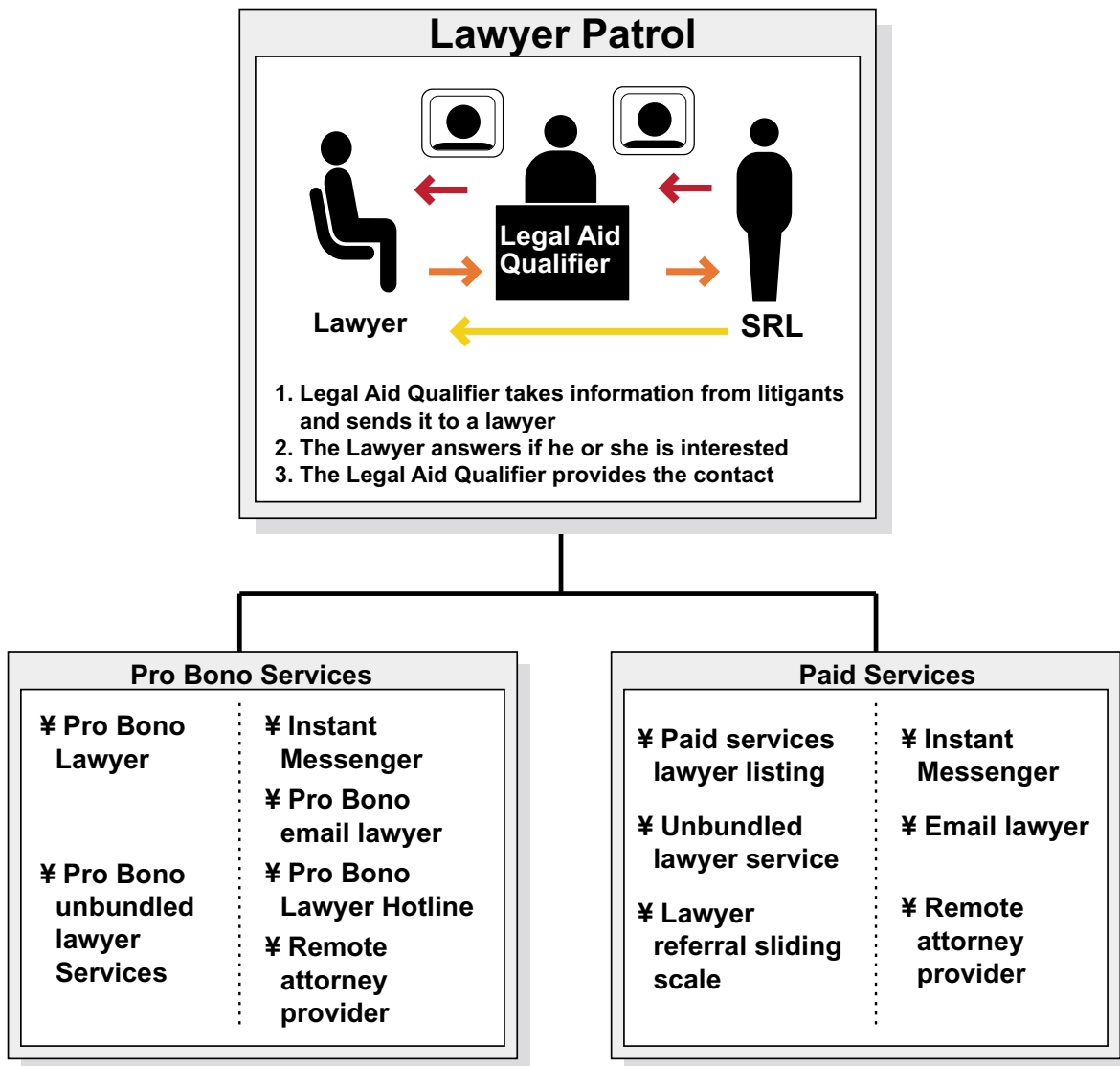
The Legal Aid qualifier is a trained referral operator who via a network of lawyers provides the most suitable legal aid for

Discussion (Continued)

SRLs. In order to avail themselves of this service the SRL needs to fill out a legal aid qualification form which requires the user to type in personal details which are then processed by the computer's database. User information is verified provided the user has completed the **Story Builder** form. This information is then reviewed by the Legal Aid Qualifier who places two options before the SRL. For those who don't qualify for pro bono services there are paid unbundled services, where a SRL can hire a lawyer for specific aspects of his case thereby not having to pay a huge sum for the entire case. The other option for them is paid lawyer services in which SRLs are

given a choice on the basis of a sliding scale of rates so the user can choose the best option or combination of options.

In addition, users may also e-mail or instant message lawyers based on their pro bono or paid status. Finally, **LawyerPatrol** offers a **Remote Attorney** provider that acts as an incentive for lawyers who have considered pro bono services but have withheld participation because of the logistical burden of spending time in court for hearings (refer to the **Remote Attorney** System Element).



Scenario

Dave moved into student housing in September just after school started and has been having trouble with his apartment. Often his hot water stops working and the hot water heater needs to be replaced. His landlord Betsy insists it's okay and doesn't see any reason why it should be replaced. In November, Dave went three days without hot water and in December the hot water system completely broke down.

Dave decided to withhold the rent for January and wrote to Betsy with his demands for a water heater replacement.

Betsy filed to evict Dave based on his refusal to pay rent. Betsy was referred to the **E-Mediation** system where she was taken to a number of informative services. She goes through the process of **Archetypes** and the **Story Builder** where Dave is contacted via E-mail. The E-mail notifies him that he is served with an **E-Mediation** case.

Dave logs on but decides to familiarize himself with the site before responding to the E-mail. At the **E-Mediation** site he reads about his case in the **Archetypes** Finder and reads Betsy's story in the **Story Builder**. He wonders what his legal rights are and whether he should contact a lawyer to find out whether he has a case or should he consider **E-Mediation**. He then goes to **Help At Hand** for that and finds three services: **LawyerPatrol**, Legal Index and **SRL services**. He goes to **LawyerPatrol** where he is requested to go through a Legal Aid Qualifier form. This form requires him to complete his story in the **Story Builder** before the service can be activated.

Once Dave completes the story in the **Story Builder** the information is verified by a legal aid qualifier who acts as an intermediary between the user and lawyer. His function is to review stories and then qualify them for pro bono or sliding scale services. After reviewing Dave's story and personal information that included financial status etc. the intermediary does the necessary qualification for him. He is informed through E-mail that he doesn't qualify for pro bono lawyer services but could qualify for pro bono unbundled help and a pro bono e-mail lawyer. Pro bono unbundled services offer free legal guidance only in specific areas of the case while the pro bono e-mail lawyer answers specific questions regarding the case.

Dave is then sent the contact number and E-mail for the lawyer and the lawyer is sent Dave's story. Since Dave is undecided about hiring a lawyer he E-mails him instead and asks him what his legal rights are concerning his case.

Dave gets a response the following day. The lawyer advises him to participate in **E-Mediation** as a lot of the facts are inconclusive (for both the parties) and Dave doesn't really want to move. He suggests though that in the interim, to collect any other information he has relevant to the case just in case **E-Mediation** is unsuccessful and the landlord takes him to court.

SRL Services

Description

SRL Services act as human and emotional support for the SRL who might feel intimidated and uncomfortable to find himself in the system that is completely mechanized. As a subcomponent of **Help at Hand**, it provides referral services to professionals, mediators, counseling and other self represented litigants.

Properties

- Web-based tool providing help from any location
- Service provider that looks after the emotional needs of SRL

Features

- Provides SRL with web based telephone hot-line
- Creates lawyer or mediator moderated chat rooms
- Protects identity of SRL by engaging in chat rooms
- Provides on-line counseling
- Helps locate mediator for real mediation
- Provides an element of human interaction that is otherwise missing from the other functions in the website
- Activates the SRL BuddyLocator search

Discussion

SRL Services is an online service that provides the SRL with different kinds of human support. There will be points in the **E-Mediation** process when the process becomes extremely mechanized. While this is necessary as it is part of simplifying procedures it takes away from the human interaction that provides an emotional support for the SRL as it can be unnerving to be completely in the hands of an expert system.

Help At Hand provides a net that lies on the periphery of the **E-Mediation** site. In order to assure SRLs that they are still in control of their situation, **Help At Hand** provides online **SRL Services** and gives emotional and psychological support to the SRL, but does not provide legal advice. The chat room is moderated by a qualified personnel and the “buddy” is certified by the court system.

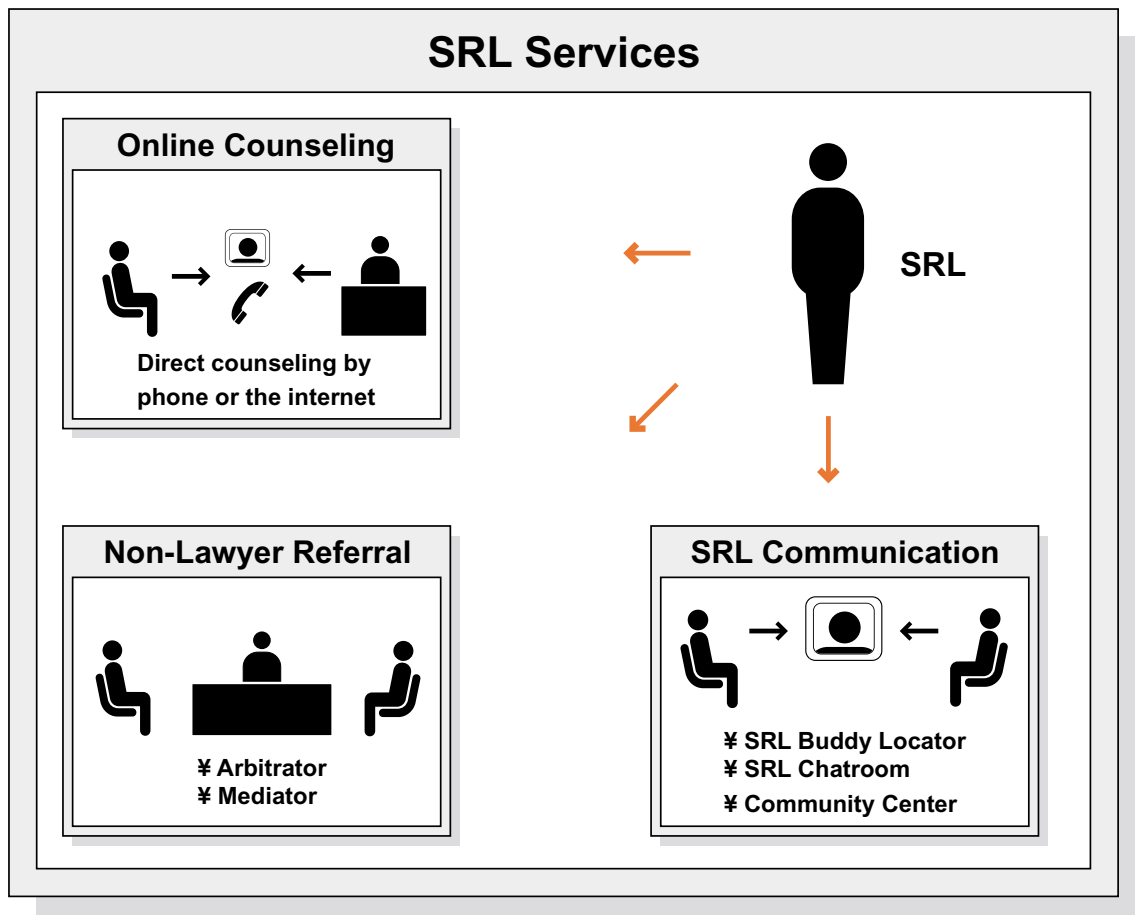
The SRL chat room is a virtual space where SRLs can discuss their cases, raise issues, ask questions, share problems and experiences. These chat room sessions will be moderated by qualified personnel certified by the court system so they can filter misinformation and help the system function efficiently.

This will help the SRL gain valuable information regarding ADR and other possible options.

The SRL BuddyLocator is service that refers to an SRL’s story from the **Story Builder** and helps find the SRL a “buddy.” The BuddyLocator helps partner the SRL with someone who has had previous experience with the ADR process and who had a similar case in the past. The buddy would have undertaken a basic program certified by the court system.

Online counseling will be in the form of telephone hot-line where distraught or upset SRLs can be given verbal support and advice.

Non-lawyer referrals are also available. A mediator/arbitrator service is available for SRLs who are not able to resolve their problem through **E-Mediation**. Both parties are asked via an interactive form to come to an agreement on the choice of a mediator or arbitrator.



Scenario

Dave moved into student housing in September just after school started and has been having trouble with his apartment. Often his hot water system stops working and needs to be replaced. His Landlord Betsy insists it's okay and doesn't see any reason why it should be replaced. In November Dave went three days without hot water and in December the hot water system completely broke down.

Dave decided to withhold the rent for January and wrote to Betsy stating demands for a water heater replacement.

Betsy filed to evict Dave based his refusal to pay rent. Betsy was referred to the **E-Mediation** system where she was taken to a number of informative services. She goes through the process of Case **Archetypes** and the **Story Builder** where Dave is contacted via E-mail. The E-mail notifies him that he is served with an **E-Mediation** case.

Betsy's having filed the case surprises Dave as it's completely unexpected. Dave has not had any interaction with law before and that makes him a little nervous. He logs on to the site but decides to familiarize himself with it before participating

in anything. At the **E-Mediation** site he reads about his case in the **Archetypes** Finder and reads Betsy's story in the **Story Builder**. He then goes to **Help At Hand** where he finds three services: **LawyerPatrol** and **SRL Services**.

He opens the **SRL Services** icon and immediately selects the SRL Hot-line as he feels it will be the quickest way to get information. Dave dials online and is connected to an **E-Mediation** Intermediary. The **E-Mediation** process is explained to him but Dave is still a little uncomfortable. The intermediary then suggests that he should avail of the BuddyLocator Service. At the BuddyLocator service Dave is asked to complete the **Story Builder** form first so that the story can be used as reference to find a buddy who would best be able to help him but ensuring that no personal information about Dave is divulged. Once Dave completes his story in the **Story Builder** he returns to the BuddyLocator service. He enters a request for a buddy and waits for a response. He receives a message that his request is being processed and that he would be notified via the E-mail. Dave feels a little more assured now and continues to proceed with the **E-Mediation** process.

Description

My Mentor is a court-facilitated service that conducts match-making and multi-channel message exchange. **My Mentor** mines otherwise under-utilized experience, knowledge, energy and goodwill of experienced litigants. It is a means to decrease the legal worker's burden of assisting SRLs and introduce a larger community of assistance. It provides person-to-person support on a wide range of subjects, including emotional issues, pre- and post-judgment experiences, court and ADR support, logistic facilitation re: navigation through the legal system, and completion and organization of documentation.

Properties

- Match making service that brings experienced SRLs together with those who have confronted similar situations
- Community, hot line and Internet access
- Volunteer mentors database
- Retired judges and lawyers as volunteer mentors
- A password-secured Internet communication channel for litigants and their helpers
- Mentors are approved by judges from a pool of experienced litigants who are willing to assist
- Mentors are recommended by ADR mediators from a pool of experienced SRLs
- Mentors and litigants are matched by the system according to case type, location, schedule, gender preference. Degree of need is also matched up with degree of availability (e.g. a new, Internet-savvy SRL may need only Instant Messenger access to their mentor twice a week, while other SRLs may prefer a greater time commitment over a more personal medium)
- Instant Messaging function for private conversation
- Chat room for live talk that is public and moderated

Features

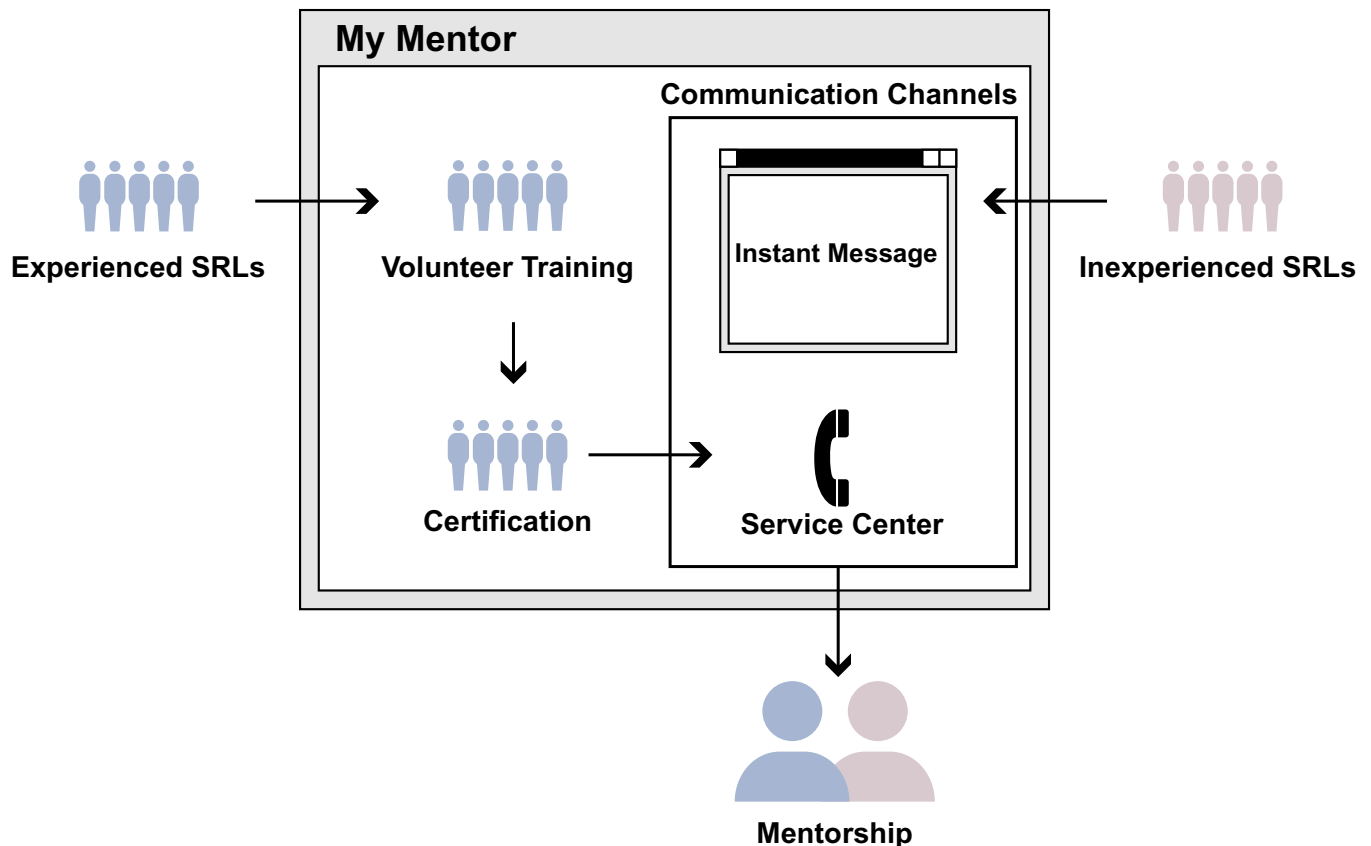
- Utilize energy and experience of past SRLs as a resource
- Enable person-to-person contact
- Build a community of sharing
- Enable access from different media
- Offer empathy, understanding and emotional support
- Enable peer-based informal learning and coaching
- Provides access to case history to both the SRL and the Mentor through **Case Tracker**

Discussion

1. Facelessness of the legal system and incompleteness of services provided

Every case has its life context. But when a life conflict becomes a legal case, only issues that are relevant from a legal perspective are explicitly resolved. A legal dispute may have dramatic impact on a litigant, but post-case care is not offered anywhere in the current legal system.

Observation and interviews have revealed that litigants accompanied by a friend or a family member who has experienced similar processes showed more confidence in court. Experienced litigants help the uninitiated navigate through the process, providing opinions, encouragement and support when needed.



Bringing in a mentor who cares about one's legal issue and life context, who is willing to share life experience and insights, is a richer solution for an SRL than just receiving a legal judgment.

2. Emotional support

SRLs are often encountering the legal system for the first time and have no idea of how it works. Many factors contribute to their feeling of isolation and anxiety: lack of familiarity with the process, emotional involvement, lack of practice, unrealistic expectations, and ignorance of rights and rules.

3. Human resource support is not maximized

Live experience in court offers the best opportunity for improving litigant's understanding of the court. A lot of litigants are willing to share, to some degree, the knowledge they acquire this way to help those who have similar problems in their lives. This very valuable experience is not optimized, since currently SRLs only access this kind of person-to-person tutoring if they have friends or family members who have gone through the legal process.

Discussion (Continued)

My Mentor addresses the issue by expanding the assistant community beyond court offerings and family or friends, to include a network of mentors. This allows distribution of assistance and support tasks, so SRLs receive help, encouragement and emotional support when they need it.

4. Effectiveness of peer-based learning

One-on-one relations between mentor and litigant enable individualized coaching. It is the most effective way of learning.

My Mentor is intended to utilize technology and internet capability to further enable mentorship.

My Mentor provides hot-line phone service, a court-organized mentor/mentee directory, and internet access, including instant messaging. Supporting multiple communication channels allows all the feedback and assessment through My Mentor to be based on a thorough understanding of case progress.

5. Varying levels of commitment

The system must support varying degrees of time and privacy commitment so that individuals who wish to become involved as mentors can participate on a variety of levels. Mentors may decide to communicate with mentees exclusively via E-mail and instant messaging, for instance. This might act as an incentive for more volunteers to participate in the program, as it requires a lower level of time than the face-to-face contract and allows the volunteer to maintain privacy.

6. Training that assures quality

A training program for volunteers of the My Mentor program can be conducted by Self-Help Centers or community centers which include a few talks or lectures given by legal aid workers on how a volunteer should interact with the SRL, what advice is useful and what might be considered to be misinformation. The volunteer must keep in mind and tell the SRL he assisting though, that this assistance should not be considered as legal aid,

Scenario

When Judy filed a child support motion with the clerk, he told her that she could use the same Personal Case Account that she used for her divorce last year. Having noticed that Judy is representing herself, the clerk suggested that she try out **My Mentor**, a free service.

Judy logs onto her account at a computer located in the courthouse. After reading an introduction of how to enroll in the **My Mentor** program, she sends out a request for mentorship. She only has to fill out a few fields of information since the rest—including her case type, the status of her case, her case story, and her judge—is automatically filled in from her Case Account data. She fills in her preference of a female mentor who lives close to her home. She also indicates that she prefers to have the mentor accompany her to court hearing on April 2. Knowing that her information is only accessible to court-authorized mentors, Judy also fills in her full name and phone number. She does not have a connection to the Internet at home, so she thinks phone connection would be the most convenient way of getting in touch.

She then enters the child support mentor-mentee chat room. There are eleven mentors and over thirty SRLs chatting. “I’m going to court next month. I feel very anxious thinking that I

have to face Jeff again. He is so violent,” Judy writes. Replies from chatters show great understanding and care. She logs out and leaves the courthouse feeling somewhat comforted.

Melissa, an independent realtor, receives a notification call from **My Mentor** Service Center telling her that there is a potential mentee who lives within her area code. Melissa inquires about the litigant and her case background, and decides to contact Judy. She gets the phone number that Judy provided when sending mentorship request.

Several days after submitting her mentorship request, Judy is glad to receive Melissa’s call. Melissa tells Judy that she went through the same process last year and would be very pleased to help Judy. “I was just as desperate as you are now...” Melissa says. Since Melissa has a flexible schedule, she says she’ll be able to accompany Judy to her hearing on Tuesday, April 2. They make an appointment to meet for coffee the next day.

Judy feels that she can tell Melissa her past relationship with Jeff without embarrassment. Melissa had a similar experience and understands her. Empathy soon brings the two women close.

Description

OneQuick Click provides direct hyperlinks from any word within digital legal documents to relevant sources about that word or topic. This contextual help tool creates value for the SRL, who may experience trouble navigating through legal language and intuiting links between related content. The **OneQuick Click** function can be integrated into existing web sites as a browser plug-in to provide an invisible layer of information. This layer is accessed by clicking on highlighted words that open secondary windows with links, map, definitions, etc. pertinent to the context of the word and the web site.

Properties

- Online system that works with all digital documents within a prescribed domain, specifically court web sites.
- Tool that allows specific content in one document to link to related information in another document
- State-sponsored databases that house all pertinent information and court-approved links to programs
- A plug-in for a browser application
- Links to real-time chat with a legal professional through instant messaging
- Secondary information window

Features

- Allows SRLs to “click” on any highlighted word within a digitally displayed document or web site to find out more information about the topic
- Provides contextually specific information to SRLs when they need it (e.g. info portals, maps, tutorials, etc.)
- Allows SRLs to instantly lookup the definitions of terms or concepts unfamiliar to them and gather contextual links
- Links community-sponsored programs that are designed to aid SRLs to the constituents they seek to assist
- Increases efficiency, since fewer human resources are needed for answering general or common-knowledge questions, as the system directs SRLs to appropriate resources
- Provides instant messaging contact to pro bono services for information deemed as legal advice

Discussion

Self-represented litigants commonly have questions about legal terminology and procedure as they try to navigate the court system. When questions arise while researching legal documents or searching for legal services and programs, there is typically a disconnect between the content and sought information. This disconnect comes from either, in the digital realm, pulling up an additional browser window to branch off to find the pertinent information, or in the physical realm, having to track someone down to answer the question and then retain that information until it can be applied. Information given out of context is difficult to integrate into something useful.

In addition, information given about forms and definitions can teeter on the boundary of legal advice. However, approaching these bounds is up to the discretion of the clerk answering the question. Some tend to err on the side of caution and minimize the aid given to the SRL. This leaves the SRL in a bind needing information and the clerk possibly feeling helpless or guilty for not giving more help. **OneQuick Click** reduces this anxiety level for both parties by providing consistent secondary information. Additional information required that might venture into legal advice will link to a pro bono attorney via instant messenger.

Joint Petition for Simplified Dissolution of Marriage			
<p>(i) Neither party has a gross annual income from all sources in excess of \$20,000.</p> <p>(j) The parties have disclosed to each other all assets and tax returns for all years of the marriage.</p> <p>(k) The Parties have executed a written <u>Agreement of Allocation</u> of all assets in excess of \$100 in value and allocating responsibility for debts and liabilities between themselves. A copy of the Agreement, filed with the joint petition, has been reviewed by the Court and is not unconscionable.</p> <p>(l) Each party has waived any rights to spousal support.</p>			
		Agreement of Allocation	
		Definition Both parties must agree on a fair division of assets. The allocation is reviewed by the judge to insure one party is not taking advantage of the other.	
		Programs E-Mediation Divorce Record Keeper Child Support Calculator	
		Links www.divorcesource.com www.to-agree.com www.internetmediator.com	

Discussion (Continued)

OneQuick Click is a vehicle for providing an SRL visiting a court-associated web site with contextual, clarifying information about a text item without disturbing the reading of primary text. A browser application (plug-in) retrieves requested information from a state-level database and displays the links in a secondary browser window. The secondary window might contain links to community programs related to the selected item as well as definitions, directions, maps, tutorials, etc.

The database is a searchable index provided by the state. Terminology and procedures for each county court system are housed on the server along with court-approved links to services and programs. Site maps are also stored in the database for use as contextual references.

When an item is selected on a web page, indicating a reader's interest in further information, the name of the item is sent to the server as a keyword along with the location of the active web site. The server queries the database for definitions, links and diagrams related to the information provided. A secondary window opens alongside the window being read to display the supplementary information to the user, which the user may then click to shift her contextual focus.

SRLs navigating the justice system range from first-time users unfamiliar with terminology, browsing generally, to litigants searching for specific information, services, and support groups. **OneQuick Click** provides definitions, process information, and related links within the context of a user's needs. As a result, community-sponsored programs designed to aid SRLs get more exposure to parties in need, since **OneQuick Click** increases accessibility to sites and information about these programs. **OneQuick Click** alleviates the burden on the clerks by providing better access to web-based information that targets questions frequently asked by SRLs as they go through the legal system. Efficiency in the clerk's office increases, since fewer resources are needed to answer general questions.

Requests can be tracked to assist content providers in identifying problematic areas around a specific web site or potentially around particular court processes. Resources can be properly allocated as determined by the characteristics of the information accessed (e.g. form redesign, staffing for community programs).

Scenario

Greta is doing on-line research at the library about divorce, particularly about the steps required for filing. While scrolling through her county court's publications, she notices several words and phrases underlined in yellow. She clicks on "dissolution" to see how the meaning of this legal term differs from "divorce," and another window pops up defining the word, citing links related to dissolution and divorce. After she reads the definition and related links, she clicks on the title bar to close this window.

Since she and her husband are both consenting to the divorce and already have an idea how the assets and property are going to be divided, she scrolls down to the section on property allocation. Again, she clicks on the underlined phrase "property allocation," and receives information in a pop up window from another legal web source about how and why these steps are pertinent to divorce. There are also links to **E-Mediation** programs and community support groups. Greta investigates one of the **E-Mediation** sites, since it seems to best suit her situation with consenting divorce.

All of the information Greta has accessed was submitted by the various jurisdictions to a state-level database. Authorization by these courts ensures that the information and links provided are relevant and reliable sources. The information Greta accessed was logged by the server to provide usage data for the various courts. For example, if information for the term "dissolution" continues to be requested, the server would suggest to that content provider a means of clarifying the term or possibly just calling it "divorce."

Description

Whenever an SRL is using the completed pro se website, the SRL can engage in one-to-one communication with a person who is knowledgeable about the pro se website by accessing Pro Se Website Assistant, a small chat box that can appear, independently, on top of any page in the website.

Properties

- Chat screen
- Digitized picture of human assistant
- Bank of people who are not legally trained, but have been trained to be very familiar with the pro se website

Features

- Provides human assistance for SRLs when using the pro se website
- Increases confidence in the pro se website for SRLs whose disputes would be optimally aided or resolved by its use
- Makes the pro se website seem friendlier
- Encourages SRL to use the website more effectively
- Weeds out the SRLs whose cases that would not be appropriate for **E-Mediation**

Pro Se Website Assistant


Discussion

Pro Se Website Assistant is a small chat screen that can appear independently on top of any page in the completed pro se website. Whenever using the pro se website, an SRL can engage in one-on-one communication with a human being who is knowledgeable about the site. This person would not have to be legally skilled, s/he would only have to be familiar with the pro se website. If a **Pro Se Website Assistant** encounters a dispute that goes beyond his/her training, the Assistant would recognize that, because the Assistant would not be able to match it to one of the **Archetypes**. When the Assistant encounters a dispute that goes beyond his/her understanding, the Assistant would inform the litigant about other options. Having this “human element” included in the website will make the website seem more friendly and can encourage the SRL to use the website more effectively.

Alternatively, “voice chat” may be a better option for the litigant than traditional text-based chat. Since the technology necessary for voice chat is becoming more widespread (e.g. Yahoo Chat), jurisdictions may wish to transform that mode in 5-10 years. A chat-based medium may help to curtail incidences of accidental legal advising, as chat transcripts can be easily reviewed by managers.

This idea was inspired by “Clippit,” the Microsoft Office Assistant. However, the **Pro Se Website Assistant** is not a vehicle for In-Context Help. Instead, it is a method of personal communication and tutorial over the web.

E-Resolution Assistant Chat Box	
<p>Thank you for using E-resolution.</p> <p>A request for an E-Resolution Assistant has been received.</p> <p>Your assistant will be with you in a moment.</p> <p>There are 4 people waiting to be assisted before someone will be available to help you.</p> <p>Estimated wait time: 10 minutes</p> <p>Please respond to the assistant as soon as the assistant becomes available. If you do not respond within one minute of the assistant's greeting, you will be dropped from the line and this box will close</p>	

Court Net	
<div><div><p>E Resolution Assistant</p><p>You are chatting with: Jane Counselor E-Resolutions assistant 312-555-5544 jcounselor@e-res.gov</p><p><input type="button" value="Send"/> <input type="button" value="Close"/></p></div><div><p>Jane: Hello, How can I help you today?</p><p>Me: hi, I am confused</p><p>Jane: What part of E-Resolution are you looking at?</p><p>Me: archetypes</p><p>Jane: Well, when starting to use Archetype, or sample litigant, that most closely matches your case</p><p>Jane: You can either browse the Archetypes or look at an Archetype Finder</p><p>Me: I am not sure what I am doing</p><p>Jane: Okay. Let's start from step one. Press the home button in the top border of the E-Resolution screen</p></div></div>	

Scenario

Since we do not currently have a name for our completed pro se website, this scenario assumes the name “**E-Mediation**” has been chosen.

When a SRL first requests to chat with an **E-Mediation** Assistant, the SRL will be greeted by a box. This box:

- notifies the SRL that a request for an Assistant has been received
- informs the litigant of how long the queue is and what the SRL's estimated wait time is.

When an Assistant becomes available, the Assistant will greet the SRL. A digitized picture (not a video) of the Assistant will appear at the top of the box (see example below). If the SRL does not respond within two minutes (as opposed to the one-minute warning that the SRL has been warned about), the SRL will be dropped from the queue, the Chat Box will close, and the Assistant will move on to the next litigant.

Description

Knowing about the court's SRL programs before people have to make use of them would prepare many people for emergencies, just as the education about the use of the 9-1-1 telephone number prepares children to deal with emergency situations.

Properties

- A court-initiated outreach program that makes use of:
- Radio Programs
- Newspaper Advertisements;
- Handouts/Flyers
- Handouts and newspaper advertisements can also publicize the schedule of the court's radio shows

Features

- Increases the visibility and knowledge about access points to the court system for SRLs
- Educates about the most frequently asked questions and topics of SRLs in the Diagnosis phase
- Informs about the local court's office hours, the different programs for SRLs, and the court's phone numbers, including emergency help line numbers

Discussion

In interviews conducted during field trips to the Delaware Family Courts, many of the interviewed SRLs stated that they did not know very much about the court's Pro Se Program prior to their use.

If the courts had advertised their special services and had helped people to find their way into the court system, these SRLs would not feel frustrated and left alone. Providing the information in physical form makes it more accessible for people.

Persons without access to the internet need alternative forms of interaction to give them access to the court system. The purpose of **Visible Court** is to educate people about the court's activities BEFORE they need to make use of any of the court's services.

Preparing the general public and making information accessible in multiple ways is important. People in immediate need can find out about the first steps of the interaction with the court system through **Visible Court**.

Scenario

In Delaware, there are rural areas where many people of Hispanic origin are working on farms. Their working hours are generally long and they do not have access to the Internet. These two factors limit the possibility of accessing the court during the regular office hours or through online channels.

Other problems consist of low level of awareness of their rights as employees, their status as foreigners and the fact that they do not understand or speak English.

Still, there may be moments where disputes arise among them or between them and their employer. In these cases, it would be helpful for each individual to know their rights.

These individuals are not supposed to leave their job during their working hours, so they cannot access the court during this time in order to gather information during the court's office hours. Also, there might be a language barrier which additionally complicates access to information for the workers.

By advertising on the radio and the newspaper, as well as by producing radio shows and handing out flyers, the courts can make their services known to a broader audience.

Radio shows can be listened to in the evening or while at work. They should be produced in a way that educates people about the court and its services, the ways of accessing the court and sample cases. They should be broadcast in different languages and during different times of the day.

The aim should be to educate all people about courts and the processes of courts, so that they know what to do in case they need legal assistance. It is similar to the education about accessing the paramedics or the firefighters (dial 9-1-1).

Handouts can reach specific audiences, if they are distributed at the right time in the right place. Flyers could be distributed in front of churches that are frequented by Hispanic workers. After the service is over, many people can pick up basic information without a problem. Other possible places for distribution of handouts would be schools and laundromats.

People Dealing with Change

Description

People Dealing with Change is a knowledge sharing program and database about behavioral change with regard to conflict resolution. It is primarily a resource for all Access to Justice personnel who would benefit from an understanding of how everyday people experience the challenge of behavioral change. It would be of most direct benefit to personnel who triage people; mediators or other conflict managers; software and interface designers; and SRL self-help center directors and staff.

Properties

- Database system of information about behavioral change theory and application
- Internet accessible at different levels for personnel and SRLs
- Workshops and conferences for discussion and strategic planning
- Team of directors or overseers to centralize efforts and promote implementation of programs

Features

- Draws upon advice from experts in the field of behavioral change
- Creates a team of Access to Justice professionals who understand what their “customers” might be going through during the conflict resolution process
- Addresses the crucial “people problem” aspect of building successful and fair resolution
- Simultaneously exists as a constantly updated resource for personnel and “customers”
- Looks at the process of resolution and the people involved more holistically and therefore more thoroughly
- Designates system resources to strategic planning for fundamental human aspects of the **E-Mediation** process
- Matches needs of customer according to their stage of behavioral change

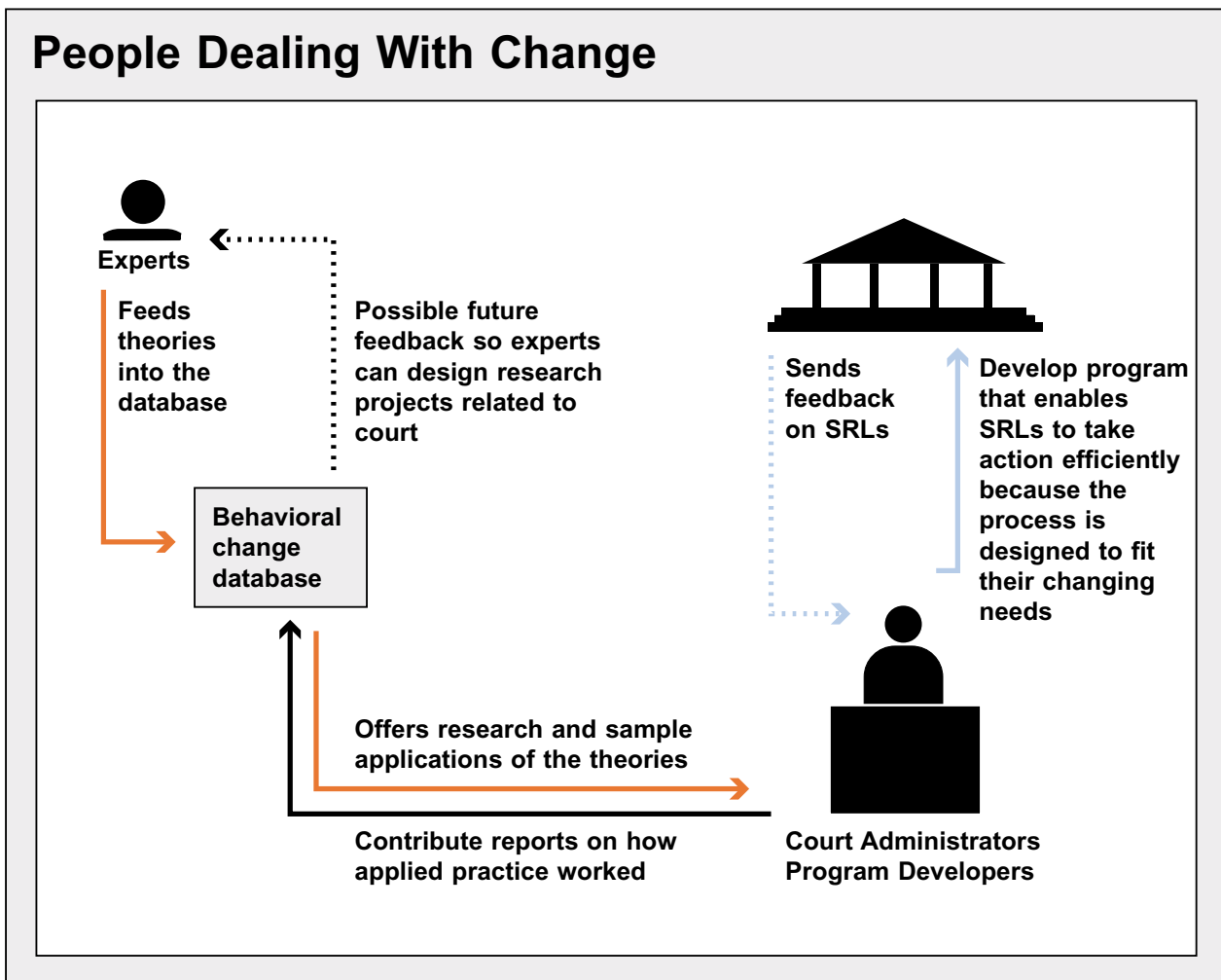
People Dealing with Change

Discussion

This is an ambitious undertaking but one that could change the fabric of the conflict resolution process in the Access to Justice system. **People Dealing with Change** relies on a basic concept. In order for resolution to take place between two parties who are in direct conflict with each other, there must be a significant change that takes place in the way both parties think, feel and or behave. This system element would bring in experts on behavioral change to contribute to the ongoing innovation for and maintenance to the overall process design.

Prochaska et al. call attention to “processes of change” where “any activity that you initiate to help modify your thinking, feeling, or behavior is a change process.” (p25) Behavioral change deals with support for people making decisions and then acting on them. This is directly applicable to the process of conflict resolution.

If conflict resolution were easy and did not involve human unpredictability, the traditional court system would have been



As has been discussed many times in this report, the face of the traditional court system is changing as more and more litigants arrive at the doorstep of the process without outside representation. As the new Access to Justice system is involved with addressing litigants directly throughout the mediation process, it is imperative that the system be ready to address the fundamental “people problem” of the mediation process as described by Roger Fry from Harvard University. Other experts refer to the “people problem” in different ways. James

out of business a long time ago. Divorce is a major life change for both parties. Landlord/Tenant may involve a behavior change for a tenant who is not paying rent. Small claims may involve a change in the way each party is used to thinking about the dispute in question as well as many surrounding issues. Research in the field of behavioral change has produced many ideas on how people can better get through these necessary life changes effectively.

People Dealing with Change

Discussion (Continued)

One of the most accepted ideas in behavioral change research is of thinking about the process of change in stages. A person who decides to file for Protection From Abuse (PFA) actually goes through several stages of change from “pre-contemplation” (denying there is a problem of abuse) to “action” (actually filing for the PFA) all the way to “maintenance” (making sure the victim stays away from the abusive relationship). In order for the court to best serve this litigant, the court’s offerings should be tailored to meet that litigant’s needs in terms of what state of change she is in. For example, if the court tries to offer her counseling services when she is in the pre-contemplation stage, she will refuse and the court will be wasting its time and money on such an effort. Worse still, the court might offer

all litigants this service at the wrong time and because they all refuse decide to cut this service out. The service may still be desperately needed, but simply offered at another stage of the process.

People Dealing with Change is a go-to resource for developers of other system elements. Each of these system elements deals with a litigant who should be in a specific stage of readiness to accept each of these services. Stages of readiness in the court process can be thought of as stages of change.

Scenario

Katherine administers the Access to Justice Center at the county courthouse. She is reviewing the intake worksheets from triage that have been formatted as Excel sheets. The intake sheets record the number of people coming in everyday and what services they ask for. She is also reviewing the data generated by CourtNet for people who log on to request forms.

She is reviewing these numbers and is struck by the number of people coming in for the same forms multiple times. Most of these people did eventually initiate a formal resolution process. It seems to Katherine that these are people who obviously want to resolve their conflicts but are finding some sort of barrier at the very beginning of the process. She thinks it’s possible that some people simply misplaced the forms. She guesses that in other cases people lost resolve or were perhaps unsure about whether they would like to proceed. This could be an issue involving the way people are thinking or feeling about the process. Before she undertakes a study of why people drop out of the mediation process at any given stage, she first checks the **People Dealing with Change** database.

When the **People Dealing with Change** database was first made available, Katherine learned from it that people coming to court are people trying to deal with a change in their lives. For example, in the case of divorce, there are at least two people who are making a change that affects every part of their lives and future lives. In the case of any mediation, there are two parties who will have to make some sort of change in their thinking in order to come to a resolution. Katherine learned that the court system could think of these litigants as customers who have come to the court in order to consult a third party (judge, mediator, etc.) for support in helping them bring about these changes. Several months ago, Katherine finished the short tutorials from the **People Dealing with Change** database

and found that experts in the field of behavioral change were seeking answers to the same problems the court was trying to resolve for its litigants. Katherine found the section on self-change of particular relevance to her work in administering programs for self-represented litigants.

Today, she finds several articles discussing reasons why people might start and stop a process that asks them to undergo a change in attitude or behavior. She thinks to herself, “This sound like the SRLs who come in for forms and never do anything with them.” Since this database draws on information from Inter-Court Exchange, she is also able to find examples of court programs in other counties that have implemented coaching for dealing with change as part of the mediation process. She wonders if this kind of coaching would be helpful earlier on, perhaps as part of intake.

Katherine begins to imagine how she could implement coaching at her facility. She could set up training for judges or mediators or could help set up consultation for SRLs. She could inform the designing of pamphlets so that SRLs receive information about behavior change -- ways to talk about behavior change without calling it by that name explicitly. For example, an added set of instructions that helps people understand that they are embarking on a request for changing their current situation that will require personal change on their part.

Katherine sends off an E-mail to one of the directors of such a program. She then reads through some of the articles and finds templates for building a change coaching program. She begins to formulate a plan for evaluating whether or not change coaching at intake would be valuable in her county.

An Ounce of Prevention

Description

There are a number of situations that transpire between people, in the normal course of life, which are prone to dispute. If not handled with some basic skill, these disputes can end up in the legal system. Situations like making or paying off a personal loan, buying a used car, or paying for a service in cash, all run a risk of being undocumented if called into dispute and escalating to a legal issue. The prevention solution takes the tack that a solid foundation of life skills can help conscientious people transact business with less risk of becoming involved in a legal proceeding and improve their ability to resolve disputes on their own.

Properties

- A set of simple contracts, printed on the backside of common objects like beer coasters and matchbook covers.
- A program of remedial skills taught at the seventh or eighth grade level that outline the individual's responsibility for keeping records and transacting common business.
- A program taught at the high school level that teaches the fundamentals of conflict resolution.
- A research initiative to measure the efficacy of the school programs and provide insight toward improving content.

Features

- Promotes the wide spread use of simple contracts which prevent disputes that require legal intervention for resolution.
- Normalizes the experience of signing a piece of paper on an agreement, even between friends.
- Promotes good practices standards with kids as they reach the point in life where they are forming habits about financial things.
- Gives all public school students some personal training to work through and constructively deal with conflicts.
- Promotes a general sense of community

An Ounce of Prevention

Discussion

This solution has a number of parts that all work toward the same goal, which is giving all people who have had an opportunity to complete high school or a GED, skills that effectively reduce their chance of becoming involved in a situation that needs intervention by the legal system.

Solution 1: Quick Contracts

On the back of beer coasters, printed on the inside of matchbooks, or on the inside of gum wrappers, a set of simple contracts could be drawn up which simply requires the names, date, amount and signature of the parties involved in a simple **transactions**. Useful for the loan of money, the payment of a personal debt, the receipt for the sale of second hand goods, or the payment in cash for anything, the receipt forms are easy and easily duplicated by hand if two copies are needed.

Contracts might look something like these examples but may include details, conditions or other prompts customized by a particular court system.

LOAN

\$_____ made on __/__/__
and to be repaid on __/__/__.

(signature)

Lender _____ Borrower _____

BILL of SALE

Item (_____) was sold for \$_____

on __/__/__

(signature)

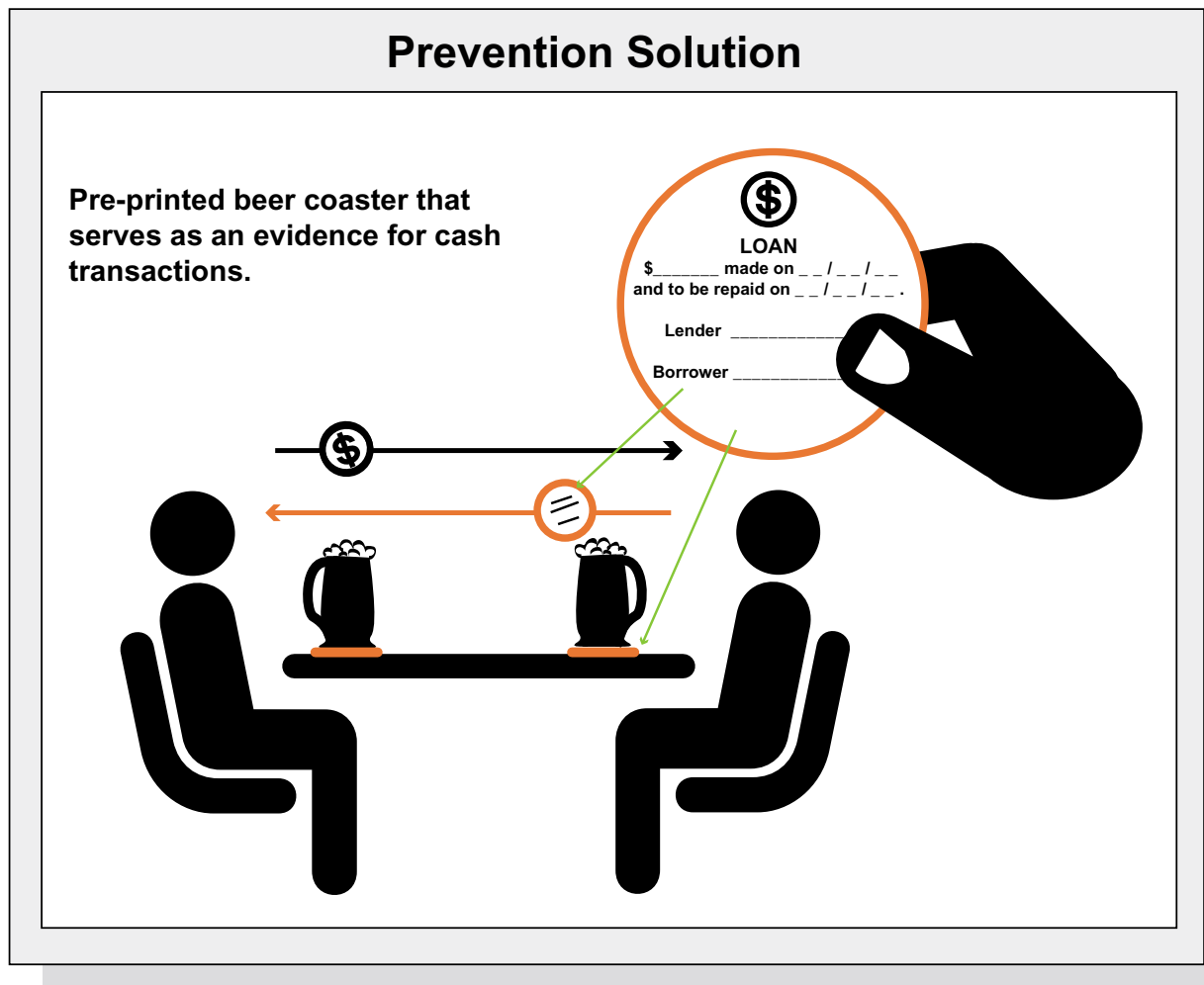
Seller _____ Buyer _____

CASH RECEIPT

_____ (payer) paid _____ (payee) the
sum of \$_____ on __/__/__.

(signature)

Paid _____ Payer _____



An Ounce of Prevention

Discussion (Continued)

Solution 2: Home Economics for Real People

There are a number of life skills that are taught to middle school children as introductions to adult responsibilities, like home economics (cooking) and health (sex ed). If Home Economics took on subjects of personal finance, good habits could be established early. Besides how to balance a check book, the class could teach simple contracts for work (lawn mowing etc.). It could give an example of a Bill of Sale used to sell or buy second hand things.

Solution 3: Conflict Resolution

In an effort to reduce gang violence, the NY City School System required a conflict resolution class amongst its high school students. In these classes, any number of conflicts were aired and worked to resolution with adult coaching. The effort was aimed directly at leaving the students with a set of skills to negotiate settlement in a conflict rather than resort to violence. If every student had to complete some form of this training, a higher standard of self sufficiency in negotiating resolution could be achieved. This might work to reverse the growing trend of using the legal system as a means of settling disputes.

Solution 4: Celebrity Promotions


Bar Room ads might recommend the use of beer coaster contracts as the other form of protection.


Celebrities might endorse the conflict resolution classes for high school students, the same way they do Stay-In-School public service campaigns to prevent drop outs.

Solution 5: Research to Test Solutions

It will be important to test the efficacy of a program's ability to reduce the rate of disputes brought to the legal system. While none of the solutions address the divorce rate, other indexes of civil matters should be investigated for measurable effect. It is important that programs implemented in the public schools, and thus at the expense of the tax payer, be measured and held accountable. Often prevention is less expensive than the cure and it is important to be able to roughly quantify a social benefit of reduced litigation. Research might also offer insight, allowing creation of programs with more sophisticated design, replacing the solutions offered here.

Prevention Solution

**Beer coaster available for free
in restaurants and bars.**

**LOAN**
\$ _____ made on ____/____/____
and to be repaid on ____/____/____
Lender _____
Borrower _____

BILL of SALE
Item (_____)
was sold for \$ _____
on ____/____/____

Seller

Buyer

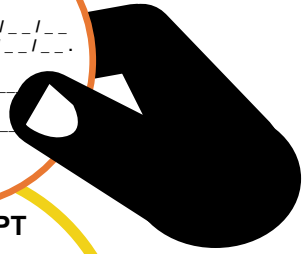
CASH RECEIPT

(payer) paid

(payee)
the sum of \$ _____
on ____/____/____

Paid

Payer



An Ounce of Prevention

Scenario

Dave, a college student, agrees to sell his old computer to Jack, a friend of a friend, over a couple beers at the campus bar. There are numerous questions about the computer's speed and specifications and Jack thinks that this computer is exactly what he wants. Dave only wants \$200 for it, and Jack gives Dave \$40 to prevent its sale to another person.

Dave turns a coaster over and writes down the potential buyer's name and number so that they can meet tomorrow and complete the sale. He notices that the coaster has a Bill of Sale on the other side, so he pops that in his pocket. He notices another that says Cash Receipt, which he fills it out, documents the \$40 retainer, and then makes another coaster just like it. Both Dave and Jack sign the coasters.

The next day when Jack visits Dave to buy the computer, he is alarmed to find that it is way too big and very ugly. He decides that he doesn't want it and asks Dave for his \$40 back. There is some hesitancy on Dave's part to refund the money. Jack relies on his conflict resolution class skills and sets out to clearly establish what he wants. After some negotiating, he gets Dave to agree that there was always an understanding that there would be a chance to see the computer, and that he agreed to pay \$200 only if he bought it. Jack is very nervous. He further states that he came to look it over in a timely way, and that there is no damage to warrant keeping the retainer. Dave finally relents and offers the money back. The conflict is resolved.

Description

The SRL Test is an official educational program that teaches litigants about basic litigation issues and the potential advantages of ADR over going to trial. The course is easy to administer and could be implemented in high school, over the internet or at special test centers within the court facilities. The software itself is interactive and asks questions as it provides information. The answers are scored by the computer. After the test, if the user gets a satisfactory score, the computer gives him or her a code that is a requisite for filing a case.

Properties

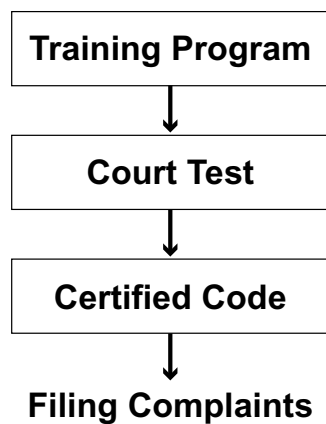
- An educational tool
- A personal preparation interactive course about ADR vs. trial cases with a brief and simple test
- A decision making support tool
- A filter for the judicial system
- A software available on-line or a program implemented in the court facilities
- A civic educational program implemented at high-schools

Features

- Explains the ADR process
- Provides graphic information to make the material easier to understand
- Asks the users questions and scores the answers
- Ensures that the people understand they have options for methods to resolve conflicts
- Assigns an Approval or Certificate Number which is a requisite to file certain type of cases
- Offers the information in several languages. It is supported by the Interactive Translator

Discussion

When litigants represent themselves in court they are exercising a constitutional right. The Judicial System is very complex and in order to navigate through it people require some knowledge, if not expertise. From this point of view, we should ask ourselves if having the right to represent ourselves is useful and, further still, whether self-representation might be harmful to those who choose to stand alone in court. People go to court to solve disputes and to seek justice. In order to reach a fair outcome in court, it would seem people should go to trial accompanied by law experts. So who benefits from the right of self-representation?



In complex systems certain knowledge about the system and how it works are a must for effective use of it. The gap between laymen and the judicial system might be summarized in one word: education. Education is necessary for a person to at least be able to recognize what options are available in pursuing a specific case or if it is even worth going through a judicial process.

In many instances where people access public services as independent agents, the law requires them to complete a process of education and training. For instance, to use the public road systems operating your own vehicle, people are required to take a simple test to ensure that the users know the rules and codes inherited to the common use of such a system and how to operate a car. If someone cannot complete these requirements there are options to access the system by using expert services. In this instance a bus driver or a taxi driver are some experts that offer a service of navigation through the transport system.

The reason for this is that people are accessing a public system in which they could harm others or themselves. So despite the fact that everyone has the right to buy a car or to access transport, rules that restrict it are implemented because nobody has the right to harm others.

In the same way, people have the right to access justice; however, they currently can do so without any knowledge or training. The results are what brings us to this project. We have been asked to make access to justice through self-representation a feasible reality.

Education and training are necessary to access justice successfully. So beyond any rules that might be adopted in a reform of the judicial system, education should be a

Court Test

Test taker - Samuel Rose Score 13/18

Scenario
Bill Busch wants to file a complaint against a contractor who did not finish the work on his kitchen. Bill paid \$400 in advance for these services. The contractor says he finished and the remaining items were not included in the arrangement. The contractor is aware of how court cases ruin people's records and is willing to negotiate.

Question
What is the best Direction that Bill should take?

☐ File a Complaint
☒ Take the case to mediation
☐ Exit

Submit Hint



Gets a code that is essential in the e-filing process

requirement in order to access justice, at least in cases that are not of extreme urgency as in abuse or when a life is in danger. An educational process hopefully would make people think twice before filing a case and would enable them to understand the options available. The diagnosis of the possible outcomes as well as a simple assessment of whether it is worthwhile to file a case or settle or just drop it could be performed by laypeople. This would prevent people from harming themselves when accessing justice.

The SRL Test

Discussion (Continued)

The **SRL Test** could be a 2 hour course implemented in high school as part of the Social Studies or History classes. The course might conclude with a short test, designed specifically to ensure people understand they have different options to solve their disputes. This implies a social improvement that leads to a better and appropriate use of the judicial system. The **SRL Test** could be a governmental program implemented in schools and available at court facilities and test centers. It is composed of an interactive course and a test offered by computer in which the user learns about the different options available in litigation and mediation. The information presented enables users to acquire a fair knowledge of the advantages of mediation over litigation as well as preparing users to diagnose and assess basic issues within the judicial context. In this way, many people will find their case better served by an ADR process rather than a

litigation process. Once people have completed the course and the test, and have gotten a satisfactory score, a Certificate Code is assigned. This code is a requisite to file a case. It ensures that people know and understand the options available to solve their disputes. Once they identify the best way to pursue a specific case, they can expect a more realistic outcome. In this way they avoid the frustration and the pain of being involved in a case that is carried out in a wrong or ineffective way.

The designers of the course and the test have to make sure it is easy to understand and very simple to complete. This is critical in order to be implemented at high schools. The purpose is not to create a difficult test but a very simple and didactic one.

Scenario

Bill Busch wants to file a complaint against a contractor who never finished the work on his kitchen. Bill paid \$400 in advance for the services but the contractor says he finished and the remaining items were not included in the arrangement. When Bill accesses the court web site and tries to file a complaint, the computer requires a code. He is not authorized to use the system. He learns that he must first take a test. So he accesses the course over the internet and prepares himself for the test. He learns about the advantages of mediation over litigation. He feels ready and goes to a test center to take the test. After getting a very good score, and of course getting a Certificate Code, Bill has completed the requirements to file a case. However, through the course he found out that it might be better and faster to resolve his specific case through a mediation process.

He carries the case to mediation, and the contractor, who has taken the test before, has learned that it is better to mediate because otherwise it might ruin his record. Both go to mediation and quickly settle. Now Bill knows that there are many options for conflict resolution and that the solution is not always litigation. Additionally, he has gotten a basic training that enables him to file a complaint if in some later situation he should determine it is necessary.

If everyone could be more educated regarding legal options and possible outcomes, perhaps more satisfactory results and fewer legal disputes would take place.

Description

C-Ebay is an on-line auction facilitator that links the court system and sheriff's office to Ebay, an on-line auction marketplace accessible to anyone via a single web address. Merchandise available on **C-Ebay** includes goods seized from debtors (cars, houses, etc.), and personal items put up for auction voluntarily in order to raise money to pay court-incurred debts. **C-Ebay** generates the postings for the auction sites and performs the monetary exchange, keeping a record of all transactions.

Properties

- Service linked directly with Ebay
- Transaction software that feeds a database for case/account records and transactions (**TransAct**)
- Central location for dropping off and registering items to auction
- Warehouse for receiving and storing goods prior to sale
- Description generator to standardize format and info of postings (**ItemProfiler**)

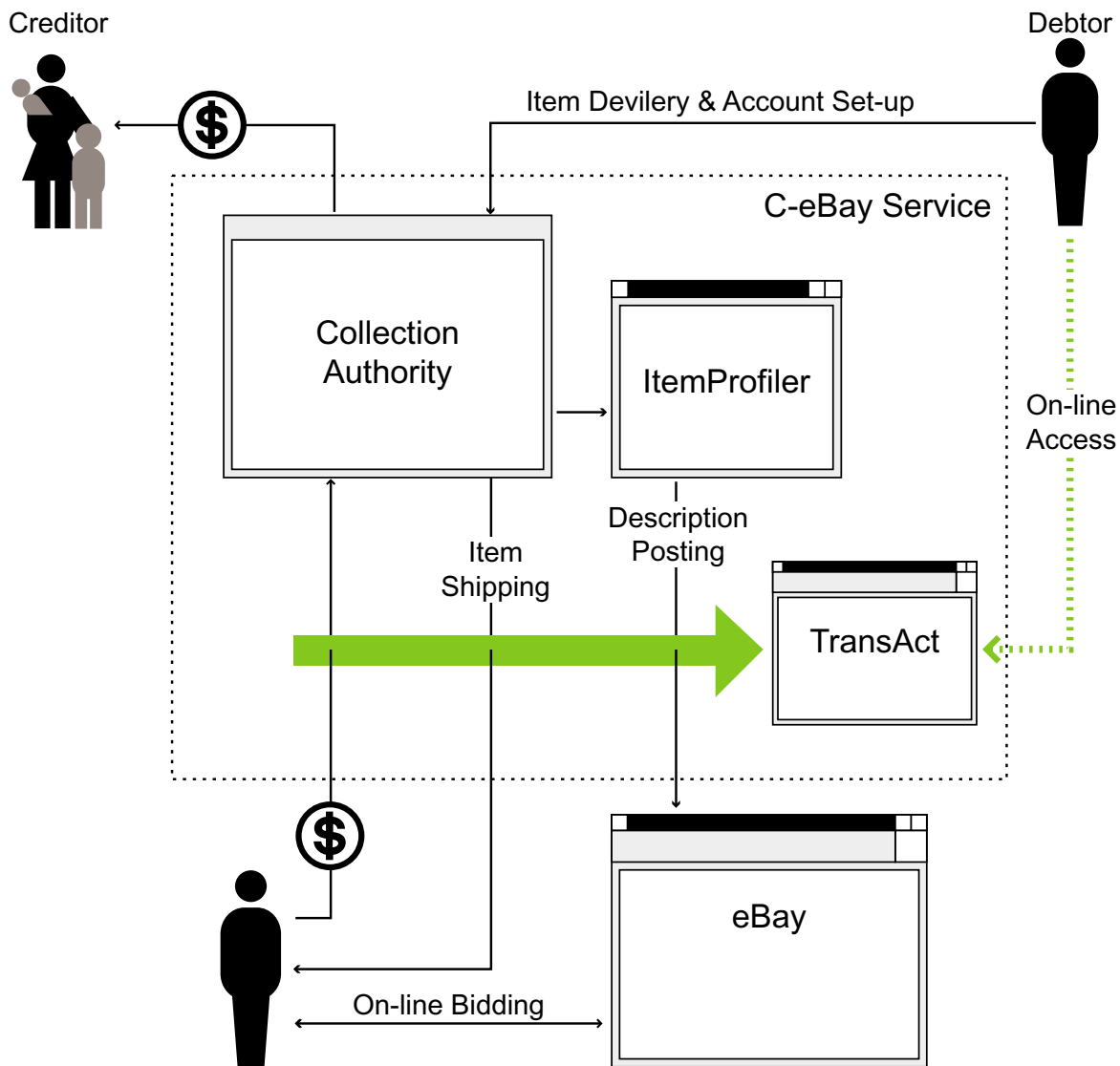
Features

- Creates a bigger market for liquidation of items (both seized and debtor-initiated)
- Offers debtors an additional, relatively painless method of paying off their debt
- Aids regular turnover of property through constant exchange reduces physical storage demands required for monthly auctions
- Keeps a detailed record of transactions, accessible by the courts, proving that the debtor is in process of paying his debt, even if items have not yet sold
- Links to **PayTrac** to ease the payment process and files satisfaction reports when payments are completed

Discussion

People tend to frequent seized property auctions because goods can be purchased at a low price relative to market value. This is good for the buyer but not for the debtor whose budget and credit record are dependent on this money. The auctions are attended by a limited audience who cannot appreciate the full value of the items up for bidding. Since the courts themselves are not in the business of collecting debts, **C-Ebay** is operated by the body appointed to seize and auction property.

in by a debtor are inventoried at the Collection Authority where daily shipments are made for the items sold. Once the item is sold, the buyer makes the payment to the Collection Authority, which then transfers the balance owed to the creditor, minus shipping costs and a percentage charged by the Collection Authority.



When debtors decide to sell their items, they must first open an account with the Collection Authority. The Collection Authority is housed inside the sheriff's office or the organization responsible for public auctions of seized property and assets. It is a combination of customer service counters and inventory/shipping warehouse. Seized goods and items brought

All items going through **C-Ebay**, either seized or brought in by the debtor, use the **Item Profiler** to create a standard description page used to post items on the on-line auction site. The page layout includes digital images representing the orthographic views of the item plus a text section detailing its make, model, year, history, etc. with an additional line worded

by the debtor.

Discussion (Continued)

The item's description is logged under the appropriate category on the auction site. People shopping Ebay can view items and bid on the goods in the normal fashion. The only discernible difference is the consistent layout between the **C-Ebay** posted items and a line attached by the Collection Authority stating that the item is being sold to resolve a debt.

TransAct records all of the items posted for auction by item

number and account number, and records the sales made on these items. Beyond the book keeping value of these records, summary and status statements can be provided for the debtor to present to the court if a question of compliance arises; an account number enables the system to summarize the debtor's **transaction** to show remaining debt to the creditor as well as prove to the court that an effort is being made to pay the debt.

Scenario

Dan recently had his overtime hours cut back at DeckBuilders, where he works, and as a result has experienced increasing difficulty in making his monthly alimony payments. The decreased pay is only temporary, since it is the off-season for deck construction. In the meantime, he needs to make up the difference to keep Johnny Law off his back.

Dan has a marine depth gauge which he has fine-tuned to detect conditions for small-mouth bass. Since he lost the boat in the divorce, the gauge has been collecting dust in the garage for some time. He knows the pawn shops would not understand the value in the device, his investment of countless pre-dawn mornings spent tweaking the gauge (he'd be lucky to get \$65 for it). He decides to try out **C-Ebay** to tap into the larger, small-mouth bass sportsman marketplace. He knows the online description space will allow him to detail something about those early mornings working on the gauge, potentially increasing the value of the item to other connoisseurs.

Dan shows up at the Collection Authority down the street from the courthouse and opens an account detailing the situation of his debt and who the creditor is. He hands the depth gauge over to the clerk, who places it in the photo booth linked to the **Item Profiler**. After a series of digital pictures are taken, four images showing the gauge from different points of view appear on the screen on the clerk's counter. Dan is then given the keyboard to detail information about the age, make and model of the gauge. For the brief description field, he enters the details about the focus on small-mouth bass, and the work he's put into the gauge over the years. The form is submitted to the Collection Authority auction queue for batch process submission to the

Ebay site. When the site item number is assigned and sent back, the completed form is printed out for Dan along with a bar code label, which is stuck to the depth gauge before it is placed on the holding shelf. **C-Ebay** submitted items are listed on the site for seven days with no reserve price set. Dan can call the automated phone lines at any time to check on the status of the bidding.

Stuart, a Chicago attorney, is searching through some of the Ebay items that are almost at the end of their bidding window. One of the items about to close is a depth gauge tuned for small-mouth bass. Stuart figures it would make a great gift for his father-in-law, a small-mouth-bass-fishing fanatic. He submits his highest bid of \$150 with 30 minutes left before the item closes. In the morning he finds that Ebay sent him an e-mail notice with his winning buying price of \$140, ten dollars less than his maximum bid. The notice indicates that he is to pay the Collection Authority with check, money order, or credit card, and the gauge will be sent once the payment clears.

The Collection Authority notifies Dan of the sale and the selling price. He will be credited all of the selling price minus 5% for the **C-Ebay** service and the shipping price. Greta, Dan's ex-wife, will receive the money directly. Dan must make up the remaining balance for this month's debt.

Meanwhile, the **TransAct** application has continuously logged the **transaction** information, including the initial submission, the bidding history, the shipping information, and the final **transaction**. This data is stored with Dan's account information.

Description

The **Item Profiler** is a software tool that utilizes digital images and text input to create a descriptive file of an item. This application is available within the **C-Ebay** system to facilitate the process of posting auction items for courts and sheriff offices as well as debtors.

Properties

- Template-based software application
- Digital camera ready input
- Browser ready output
- Bar coding system for item tracking (entry, sticker generation, scanner)

Features

- Facilitates digital recording, text detailing and documentation of an item for on-line auction
- Supports formats for on-line auctions
- Offers inventory control

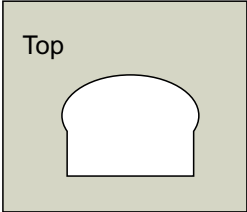
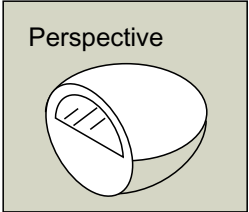
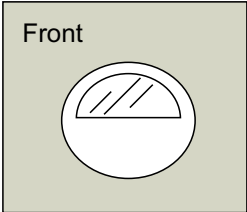
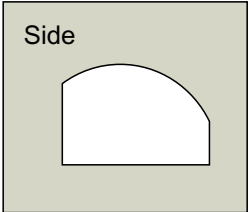
Discussion

All items going through **C-Ebay**, either seized or brought in by the debtor, use the **Item Profiler** to create the standard description page used to submit to an on-line auction site. The page layout includes digital images representing the orthographic views of the item plus a text section detailing its make, model, year, history, etc. with an additional line worded by the debtor.

Since descriptive photography is not everyone's strong point, a physical array of four digital cameras can be set-up as a permanent fixture to enable quick and consistent composition. This would allow for single placement of the item with minimal set-up to produce quality images for web viewing.

This array or a normal digital camera can be linked to the **Item Profiler** package to automatically load the images into the form. Minor image adjustments can be made once they are in the form layout.

The text entry is a straight forward web style questionnaire with flexible data fields based on the nature of the item (i.e. mileage for cars, sq. ft. for property, weight for bowling balls).

Item# 44-5929 Depth Gauge	
Top 	Perspective 
Front 	Side 
Name: Marine depth gauge Make: Grady White Model: MDB-3700e Age: 2 seasons Description: Tuned for small mouth bass	

Scenario

Dan opens up an account with the Collection Authority to start auctioning his personal items to help out with his alimony payments. He walks in and hands his depth gauge over to the clerk, who places it in the photo booth linked to the **Item Profiler**.

The photo booth has been set up with lighting and four digital cameras oriented to the front, top, side and perspective view of the item. Once the item is positioned and the "capture" button is pushed, four images showing the gauge from the different points of view appear on the screen on the clerk's counter.

Dan is then given the keyboard to detail information about the age, make and model of the gauge. For the brief description field, he enters the details about the focus on small-mouth bass, and the work he's put into the gauge over the years. The **Item Profiler** form is submitted to the Collection Authority auction queue for batch process submission to the Ebay site. When the site item number is assigned and sent back, the completed form is printed out for Dan along with a bar code label, which is stuck to the depth gauge before it is placed on the holding shelf.

Description

TransAct is a transaction recorder used to provide summaries and status reports of the transfer of property, artifacts, and payments for the **C-Ebay** system. Data is associated with the account number of the debtor/creditor and the item number assigned.

Properties

- Subset of **C-Ebay**
- Record keeping database
- Account summary generator

Features

- Records transactions between **C-Ebay** and Ebay or other on-line auction houses
- Links auction postings, monetary transactions and property transactions to the debtor's account number.

Judgment Debtor Aid

Description

Judgment Debtor Aid is an online toolkit made up of modules that provide information for litigants who lose a lawsuit and are required to pay a judgment. **Judgment Debtor Aid** tools include credit history education, bankruptcy evaluators, and finance organizers. Judgment debtors can learn about payment options available to them and use the evaluation tools to decide what their best option is.

Properties

- Online site that offers different tools geared to judgment debtors
- FAQ and information about credit histories
- Interactive, online quiz to assess whether bankruptcy might be a suitable option
- Online bankruptcy information including downloadable audio-visual information kit
- Interactive worksheet and budget software to evaluate different payment plans based on input information
- Links to web sites that might be of interest (e.g. job information, community sites, financial aid)
- Links to **C-Ebay** for supplementary financial aid source
- Database of aid agencies that can be referenced by location or type of aid provided

Features

- Provides multiple debt-assistance tools in one location
- Allows debtors to evaluate different budget plans
- Enables debtors to track their financial status
- Teaches debtors about their payment options
- Informs debtors about hidden asset information they might not know about
- Informs debtors about the reality of filing for bankruptcy
- Aids debtors in understanding the value of a good credit history
- Teaches debtors tips to deal with bad credit history

Judgment Debtor Aid

Discussion

Judgment debtors often do not fully understand how a judgment against them will affect their lives. They do not know that the judgment will affect their credit records and their ability to purchase a house. They might also not be aware of the different payment options available. Therefore, providing debtors with information that can help them deal with their post-judgment situation is important.

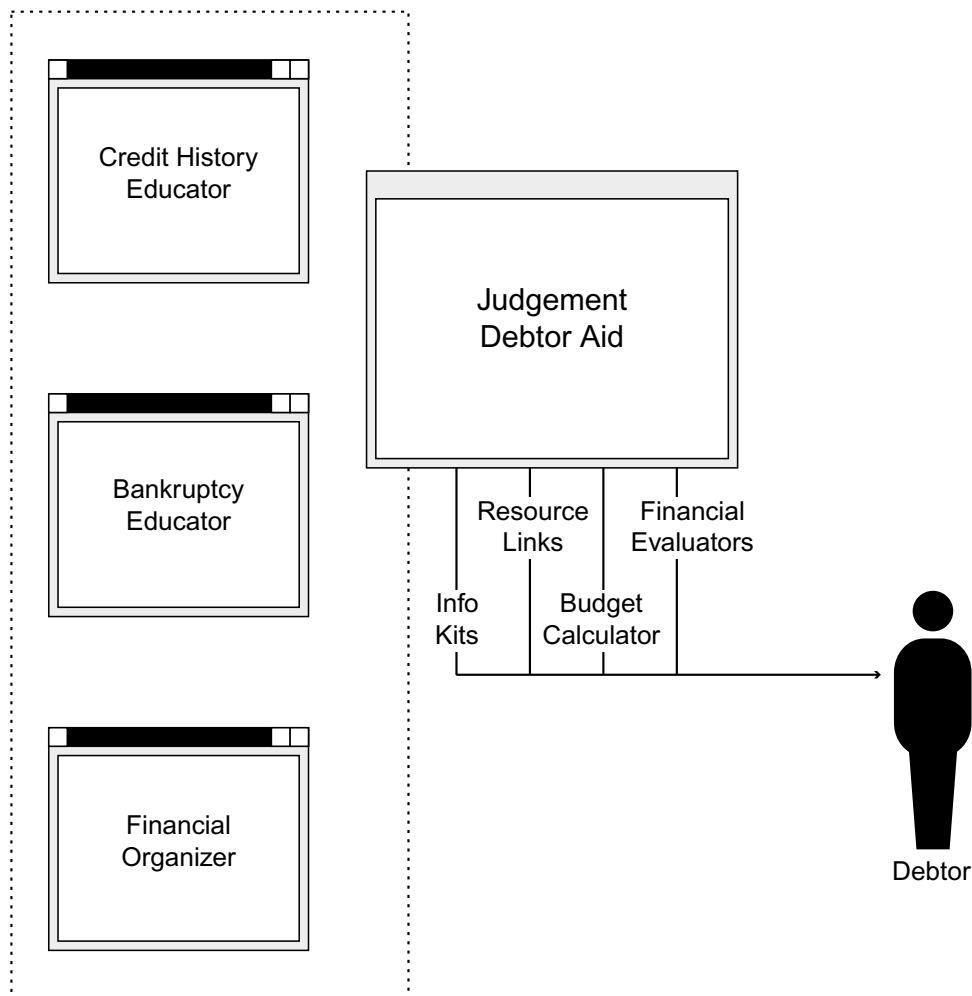
Judgment Debtor Aid is an on-line tool that provides information to help debtors manage their post-judgment financial activities. By educating debtors about what a credit history means, how it can affect them and providing tips they can use, it helps debtors confront and deal with the effect of the judgment effectively. It also identifies alternatives such as filing bankruptcy and appropriate payment plans based on each case.

When debtors input their financial status into the budget calculator, the program analyzes their problem spending areas

and helps debtors maintain a budget that can control their spending flow and free up cash to pay off their debt. Based on their budget, **Judgment Debtor Aid** provides debtors with the most appropriate payment plan for their case.

To help debtors pay off their debt, **Judgment Debtor Aid** points debtors to a database of aid agencies or links to web sites that have relevant information. It also provides information about hidden assets and links to related sites such as **C-Ebay**.

When identifying alternatives, **Judgment Debtor Aid** also gives debtors information about bankruptcy as an option. It informs debtors what bankruptcy means and whether it is suitable for their case in an interactive, online quiz format. Downloadable bankruptcy information including educational movie clips are available on-line for more detailed information.



Scenario

Samuel Zulepski, owner of Sam's Chimney Repair was ordered to pay \$1,000 for damages. Since the chimney repair business was in a slump, he needed a financial plan to help him pay off the debt while managing his other expenses.

Sam checked information in the **Judgment Debtor Aid** website and noticed that there were various options to deal with his situation. He went through the questionnaire for bankruptcy and found out that this option was not right for him.

Then, he tried the budget calculator. As he input his financial information to the interactive worksheet, it gave him a payment

plan based on his budget. In addition, it gave him information about hidden assets and linked him to **C-Ebay** where he can sell his belongings and make some extra money to pay off his debt.

It also gave him valuable information about the importance of keeping a good credit history and pointed him to links where he could potentially get loans. Thanks to the **Judgment Debtor Aid**, Sam was able to deal with this financial crisis more effectively and efficiently.

Conclusion

Change is inevitable. As courts make the slow but necessary transition toward digital transactions, opportunities beyond e-filing and electronic payment will emerge. The Access to Justice project was an effort to conceive of what to do when the courts are wired. In particular, we wanted to explore ways to help resolve problems associated with the influx of self-represented litigants in the civil court system.

Reducing transaction costs is only the first step; using technology and other supports to empower people through education and design ways to level the playing field by changing the conflict resolution environment is a loftier yet more valuable goal. We wanted to answer the question: in what ways can technology add value to people who use the civil justice system, and how should it do it?

As discussed in the overview, our system proposes that five integrated solution areas work together to help self-represented litigants diagnose their problem, communicate their objectives with the court or the opposing party, plan a strategy for alternate dispute resolution or trial, support means for dispute resolution, create partnerships between the court and external organizations, and provide feedback to the court to help it improve the way it initiates and develops its services. The last solution area ties back into the first, creating a closed loop.

From our exploration of potential solution concepts, our interaction with the courts themselves, and from the excellent feedback we received from distinguished members of the legal community, we learned several valuable lessons that may help reframe our solution ideas from what's possible, to what's plausible and still valuable.

We learned quickly that the most important and valuable resource in the court system are its people. Administrators, judges, clerks, attorneys, mediators and sheriffs work together to manage and deliver a complex system of services to those who need it. Nearly every decision they make has a subtle and unique context that bear on the final outcome. Because technology systems cannot interpret context as well as people, any good system will need to offer people a way to adapt it to changing needs.

For our system of solutions to adapt, it would have to provide a way for the Court, in particular its administrators, to gain feedback on how well the system is working. Feedback could come from any of the system's users, including self represented litigants, attorneys, clerks and judges. It is critical that the system provide administrators handles to get inside and change the rules by which the system works.

Change is inevitable, but it is slow. Incremental change in a complex system is smarter than sweeping change. Although we have focused on how technology can support improved access to justice, we have made a concerted effort to provide alternative, physically available measures to help self represented litigants. The physical file management system and changes to the physical courtroom experience attempt to address these issues.

To extend the physical even further, a large number of solution concepts involve the participation of people outside of the courtroom rather than inside a computer. The intent was to help extend what the court can do by creating a coordinated program of community and commercial affiliates that can jointly help self represented litigants resolve their conflicts, possibly without the need for court intervention.

In summary, our system of solutions recommends an integrated way to use technology to help educate and support self-represented litigants. While doing so, it enables the court to evaluate and improve the way the system works and coordinate the efforts of people outside of the court to help address needs that technology cannot reach. Finally, it recognizes the ease and availability of physical resources and attempts to preserve them when necessary.