

Access to Justice - Scaling Up For The Public Law Via The Internet

Durban, South Africa
Friday, November 27, 2009

John Mayer
Executive Director
Center for Computer-Assisted Legal Instruction/CALI
www.cali.org
www.a2jauthor.org
jmayer@cali.org

My name is John Mayer and I am the Executive Director of the Center for Computer-Assisted Legal Instruction - also known as CALI. CALI is a non-profit consortium of over 200 law schools. Almost all law schools in the United States are members and we have an increasing number of memberships among law schools outside the US as well as law firms, paralegal programs, undergraduate university departments, business schools, law libraries, government offices, legal aid organizations and individuals. CALI gets its funding from annual membership dues. US law schools pay US\$5000 per year and almost all others - international law schools, law firms, etc., pay US\$250 per year. Business schools pay US\$1000 per year.

CALI's primary product is a collection of web-based tutorials that are written by law professors to teach the law to law students. CALI has over 800 of these tutorials covering over 30 different legal subject areas and these tutorials were downloaded or run over 1 million times in 2008. The story about CALI lessons is actually interesting as it relates to the subject of my talk - Access 2 Justice: Scaling Up For The Public.

Almost all CALI lessons are created in a software program called CALI Author that was written by CALI. The key motivation behind CALI Author was to create a tool that would be used directly by law faculty to author their own lessons. Prior to CALI Author, lesson creation required a team collaboration between a programmer and and the law faculty. There were several problems with this model. Programmers are expensive and having them involved in the creation of every lesson was cost prohibitive. More importantly, the creation of educational materials is an iterative process. Faculty gets smarter about the tool and the medium the more they author and so they need to be able to iterate rapidly. The programmer becomes a barrier to rapid iteration and experimentation that is part of learning how to teach through a digital medium. This is a key point. In order to create sustainable system of development and delivery, the expert has to understand the medium that is being used to delivery the education.

In 2000, I saw a demo of a kiosk in a court self-help center called I-CAN (Interactive Community Assistance Network) created for the state of California to help self-representing litigants - the public - fill out a forms and get educated about legal matters. It's was/is a great system, but the automation of each new legal form required extensive collaboration between the legal expert and programmers. When the law changed or the expert wanted

to improve the system, it required a call to the programmer. My thought at the time was this was not a scalable system for automating the thousands of forms across hundreds of jurisdictions. This was the birth of the idea that became A2J Author.

It's possible to create HTML/Javascript versions of existing forms or use Adobe Acrobat to create fillable on line forms, but these solutions do not address the entire problem. Self representing litigants who cannot afford a lawyer often have trouble with English - it's not their first language. They might also be unfamiliar with the web or intimidated by technology. Quite likely they are under stress due to the particular legal problem they are trying to solve. All of these reduce the likelihood that they will successfully or correctly complete the on line form - just as they would not probably not complete a paper form.

The interface design of A2J Author is intended to address these issues. It is based on a two year study that was a collaboration between Chicago-Kent College of Law and the Illinois Institute of Technology/Institute of Design. This was a most unusual pairing of law students and design students to study the "design" of the court system. Students visited five courts in California, Delaware, Colorado and Illinois and published a book called "Access to Justice: Meeting the Needs of Self Represented Litigants". The book contains dozens of ideas about how to improve the delivery of legal services including concepts for websites and court forms. A2J Author is based on this research.

The design of the screen in A2J is very sparse. There is an avatar up front that greets you and a path with steps along the way that lead to your final destination - a court house - though any graphic can be inserted by the author. The user is asked for their name and gender so that another avatar can be displayed that represents the user and so that the user can be addressed by their first name. Questions are asked one at a time. It's intended to be straightforward and uncluttered and usability studies have demonstrated that users like and prefer the interface to classic HTML forms.

On any question, a little thought bubble or question can pop up from the user's avatar. This is used when the author wants to provide additional information or definitions of legal terminology. For example, the guide avatar might ask ... "Do you want to expunge a criminal record?" and the program can display a thought bubble question from the user avatar "What does 'expunge' mean?" ... since 'expunge' is not a common word that everyone would know - especially the type of people who are self representing litigants.

This is an important point. You or I may not be so savvy as to catch something simple like that, but the authors of A2J Author Guided Interviews - that's what we call them - "Guided Interviews" are typically experienced legal aid attorneys. They have dealt with thousands of legal aid clients and have extensive experience with the places where legal aid clients get confused. This is a unique and valuable type of expertise that we explicitly want to capture in A2J Guided Interviews.

Authors can also insert images, video or links to websites outside of A2J. Sometimes, a couple of sentences of explanation isn't enough, but you don't want to have to recreate all the information inside of an A2J Guided Interview. There are already thousands of well-written articles that reside on legal aid websites, so it makes more sense to just link to

them rather than copy and paste them into A2J. Authors have to balance the potential confusion of sending the user out of the interview with the need to keep them in context and focused on completing the interview.

When the user completes the interview, the data collected is sent to the Law Help Interactive website where there is server version of HotDocs that matches the data up with a previously created HotDocs template. HotDocs generates the document and sends it back to the user in PDF or Word .doc format for printing, signing and submission to the court or administrative agency. Law Help Interactive (<http://www.lawhelpinteractive.org>) is a national service for all LSC-funded legal aid organization to locate their A2J and HotDocs forms.

The main view of an A2J Guided Interview is a flow chart which should remind you of the flowchart I showed you earlier in CALI Author. The intellectual process of walking someone through filling out a legal form is quite similar to the intellectual process of a teacher walking a student through new material - it's basically an educational process. I find it doubly interesting because in CALI Author, we have law faculty as authors teaching law students to be lawyers and in A2J Author we have legal aid attorneys teaching self represented litigants to be lawyers for themselves. This is what led me to believe that CALI could succeed in this project - we were already familiar with the problem space.

An important capability of A2J Author is the ability to branch. There might not be a completely linear path through a Guided Interview. A simple example of this is the question: "Do you have any children?". If the user answers 'no', then the Guided Interview doesn't ask them any questions about children such. The author can construct the Guided Interview in such a way that only the relevant questions are asked.

This can get somewhat complex. Let's say that to qualify for some program, the user must live in a certain county, have wages below a certain amount, have children and not have assets above a certain amount - four criteria. The Guided Interview can ask about these items and then branch based on any, all or a combination of the answers. We call this conditional branching and it's a powerful feature of A2J Author.

Authors of Guided Interviews are using them to do more than just ask questions to collect data. The legal system is complex and confusing and many times, self representing litigants find themselves filling out the wrong form or addressing their communications to the wrong court, office or jurisdiction. Many Guided Interviews contain questions and materials that explain the context of the interview and ask questions to make sure that the person is in the right place, filling out the right form. If not, the interview can link to another interview or a website where more information can be found. This triage and training function of A2J Author is a huge value.

In 2009, there were over 1300 active A2J Author Guided Interviews and users completed over 97,000 interviews. There are A2J Author Guided Interviews in 33 states and we started working with the US Federal Courts and folks from other countries as well.

Several state-wide legal aid offices are experimenting with using A2J Author as an on line

intake system. Legal Aid intake is a complex process. The user must qualify for legal aid by providing extensive economic information. A large amount of information must be gathered and this has traditionally been done by a lawyer or other trained staff worker. Often, after 15-20 minutes of answering questions, the potential client finds out that they are not eligible for legal aid. This is frustrating for the potential client and also a huge time burden on legal aid staff. An on line intake system created by experienced intake staff reduces the amount of time that potential clients spend waiting on-hold and it reduces the amount of time that staff have to spend vetting potential clients. Further, CALI has worked with several states so that the data gathered from the on line intake process can be automatically loaded in the Legal Aid Office's case management system using XSL transforms.

There is a growing community of authors skilled in creating A2J Author Guided Interviews with an active discussion list, regular web-based training and a growing library of materials at the A2J Author website (<http://www.a2jauthor.org>). With a large library of interviews covering a wide array of forms, it is easy to start from an existing form and adapt it for a new jurisdiction, area of law or use. This greatly decreases the amount of time it takes a new state or jurisdiction to start developing their own online interviews. I am starting to see patterns of questions and we are exploring the idea of question modules that would be developed and standardized to further reduce the development time for new forms.

Access to the law is vital to an educated, informed and enfranchised public. I don't need to belabor this - the attendees of this conference represent the most innovative thinkers and do-ers in this space. As you well know, however, just being able to access the law is not enough if citizens are to obtain justice. They must also understand the law. They must interact with the courts, opposing parties, administrative agencies, organizations, etc. and quite often, these interactions are done with forms and structured documents. An A2J Guided Interview is a chunk of captured legal expertise - more or less.

Less because the captured expertise is fairly static. Guided Interviews are not expert systems or artificial intelligence - although the conditional branching capability - which lets an interview "make decisions" does start to resemble a poor-man's expert system.

Interviews are more than captured legal expertise because they are also capture best practices. The experienced legal aid attorney, with dozens of years of experiences working the system on behalf of clients imbues their savvy into the interview for the benefit of the user. This savvy may not track perfectly with the letter of the law, but it should track with the traditional methods of practice.

Is this software practicing law? I am not a lawyer and so cannot guarantee that it does not, but I can say that the authors are highly aware of this issue and work hard when authoring their interviews so that they do not raise questions about the unauthorized practice of law.

Let me finish on this provocative thought. Courts, administrative agencies, governments in general will come to see that automated forms - containing guiding expertise - will be the default way for citizens to interact with them. The forms will come to be "The Law" as far as anyone is concerned. We will want these forms and interviews to be open, transparent,

cheap to produce and open for inspection by standardized tools (i.e. XML).

A2J Author is free to Legal Aid organizations, CALI members and Courts. If you want to check it out, go to www.a2jauthor.org where you can download the software.