MOU17503

MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT OF AN AUTOMATED DOCUMENT ASSEMBLY SYSTEM FOR WASHINGTON STATE'S PLAIN LANGUAGE FAMILY LAW FORMS

PURPOSE

This Memorandum of Understanding (MOU) establishes clear expectations among the key entities working together to establish an automated document assembly system for the recently adopted Washington State plain language family law forms. The objective is to develop and bring on line a system that will allow self-represented litigants to complete a sequential set of questions in an electronic platform. The answers to those questions will automatically and correctly populate into the new plain language family law forms adopted by the Washington State Supreme Court.

The organizations working to further the goals of this MOU understand that family law litigants are increasingly unrepresented. Some 80% of family law cases have at least one litigant who is not represented by counsel, and both parties are unrepresented in about half of all family law cases. Sixty-five percent (65%) of all family law litigants are not represented by an attorney. The family law system is complex and highly forms driven. Self-represented litigants have historically had difficulty accessing, completing and filing required family law forms.

Over the past six years, the Supreme Court's Access to Justice Board along with the Administrative Office of the Courts and the state funded Northwest Justice Project developed new mandatory forms that are drafted in plain language and are much easier for self-represented litigants to fill out. As ordered by the State Supreme Court, these forms will become mandatory for all family law cases effective July 1, 2016.

The organizations each play complementary roles in developing and maintaining mandatory forms, developing and supporting new technologies that enhance access to the civil justice system and underwriting capacity to expand access to the justice system for low and moderate income people, and others who are vulnerable and suffer disparate treatment or disproportionate access obstacles and barriers in Washington State – all of whom are hereinafter referred to in this document as "low income and other vulnerable people" . Each of the parties to this MOU is intentionally committed to the effective and expanded use of technology-based systems to provide meaningful access to the justice system, to expand the ability of persons to understand how the justice system works; enhance the ability of persons to navigate the same with or without the assistance of an attorney; and ensure that technology tools and systems promote and enable access, remove barriers, protect privacy and safety, and facilitate just results, all consistent with the Washington State Supreme Court's Access to Justice Technology Principles.

RESPECTIVE INTERESTS OF THE KEY ORGANIZATIONAL PARTNERS

1. Administrative Office of the Courts

The Administrative Office of the Courts (AOC) is an independent judicial branch agency that serves as the principal statewide provider of administrative, budget and technology systems planning and support for the Supreme Court, the Court of Appeals, the Superior Courts and the courts of limited jurisdiction in Washington State. Among other functions, AOC hosts and staffs the Washington State Supreme Court's Pattern Forms Committee and Judicial Information Systems Committee.

Pursuant to the Supreme Court Order establishing it, the Pattern Forms Committee is responsible for; developing and facilitating the adoption of uniform and mandatory forms; consideration of proposed changes to adopted pattern forms; and overseeing all necessary redrafting of forms. The Pattern Forms Committee served as the host entity for development, consideration, user testing and recommendation of the plain language family law forms adopted by the Washington State Supreme Court for mandatory use effective July 1, 2016. The Pattern Forms Committee is staffed and supported by AOC.

Created by statute and governed by court rule, the Judicial Information Systems Committee (JISC) has responsibility for developing, managing (including managing access to) and supporting Washington State's judicial information system (JIS). The JIS provides case management automation to appellate, superior, limited jurisdiction and juvenile courts. Its two-fold purpose is: (1) to automate and support the daily operations of the courts and (2) to maintain a statewide network connecting the courts and partner civil and criminal justice agencies to the JIS database.

Under the JISC Rules (JISCR), design and operation of the judicial information system is assigned to the AOC under direction and authority of the JISC and subject to approval of the Washington State Supreme Court. The JISC is principally responsible for facilitating the development, support and maintenance of technology systems and infrastructure on which the courts of Washington State rely. The JISC has oversight and governance responsibility for the development and implementation of the Odyssey statewide superior court case management system, including policy decisions about whether, when and how automated document assembly systems will be able to access the Odyssey CMS. Statewide judicial branch technology systems are funded in substantial part through a dedicated JIS account created and governed by RCW 2.68.020.

2. Access to Justice Board –Justice Without Barriers and Technology Committees

The Washington State Access to Justice Board (ATJ Board) was established in 1994 by the Supreme Court to, among other things, develop and promote efforts to expand access to the civil justice system for low income and other vulnerable people subject to the Washington State justice system. Among the ATJ Board's responsibilities are to "develop and implement new programs and innovative measures designed to expand access to justice in Washington State" and to "promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers." The ATJ Board has established two committees with substantive responsibility for developing, promoting and expanding systems that enhance access to the civil justice system for low and moderate income Washingtonians. The ATJ Board's Justice Without Barriers Committee is charged with identifying and developing strategies to overcome barriers that operate to limit the ability of low and moderate income people to secure access to and effectively navigate the civil justice system, including the court system. The ATJ Board's Technology Committee is responsible for identifying opportunities to employ technology strategies to expand access to justice for low income and other vulnerable people consistent with the purposes and objectives of the Supreme Court's Access to Justice Technology Principles.

The ATJ Board's Justice Without Barriers Committee (JWOB Committee) played a principal role in promoting, staffing and supporting the effort to translate Washington State's family law forms into plain language. In its Pro Se Plan, the JWOB Committee has identified the need to develop an automated form document assembly system to enable self-represented litigants to access, complete, download, print and, where technology systems allow, electronically file completed family law forms.

The ATJ Board's Technology Committee developed and secured Supreme Court adoption of the ATJ Technology Principles and is responsible for coordinating ATJ-related statewide technology initiatives such as the development of an automated document assembly system for the plain language family law forms.

While not a party to this MOU, the ATJ Board supports the objectives outlined above, reviewed and voted on July 15, 2016 to endorse it and participate in the manner contemplated below.

3. Office of Civil Legal Aid

The Office of Civil Legal Aid (OCLA) is an independent state agency responsible for securing funding, contracting for the delivery of civil legal aid services and related support functions and overseeing the state-funded civil legal aid system in Washington State. OCLA actively supports efforts to expand access to the civil justice system for

low income people with legal problems that fall within the areas outlined in RCW 2.53.030(2).

On behalf of the Washington State Supreme Court's Civil Legal Needs Study Update Committee, OCLA staffed and facilitated the publication of the 2015 Civil Legal Needs Study Update which documented the substance and prevalence of civil legal problems experienced by low income and other vulnerable people in Washington and the barriers that effectively deny them access to necessary legal help and self-help assistance. OCLA is in the process of developing and seeking legislative funding to support a multi-year Civil Access to Justice Reinvestment Plan to address the structural and systemic barriers that deny low-income and other vulnerable people in Washington the ability to secure the legal help and related services they need to solve important legal problems.

4. Northwest Justice Project

The Northwest Justice Project (NJP) is the sole recipient of federal funding for civil legal services made available through grants from the Legal Services Corporation (LSC). NJP is also the qualified legal aid program that receives state appropriated legal aid funds in the first instance through a contract with the Office of Civil Legal Aid. As a recipient of LSC funding, NJP is eligible to seek and secure funding through LSC's Technology Initiative Grant (TIG) Program, a separate program funded by Congress to stimulate and expand the effective use of information technology in fostering access to the civil justice system and the delivery of civil legal aid to low-income and other vulnerable people.

CORE UNDERSTANDINGS AND AGREEMENTS

1. Adoption of the plain language family law forms will significantly enhance the ability of self-represented family law litigants to understand and participate in family related legal proceedings.
2. Development and implementation of a free, publically accessible and automated document assembly system for the plain language family law forms will significantly enhance the ability of self-represented litigants to effectively represent themselves in legal proceedings that will profoundly affect their legal rights.
3. Development and implementation of an automated document assembly system is an access to justice program and not a program designed to build or sustain core judicial information system technology infrastructure. Funding for this effort will not originate from the judicial information systems account (JIS account).
4. AOC staff affiliated with the Pattern Forms Committee (and other staff as appropriate) may participate in but will not serve as principal staff assigned to the family law automated document assembly system (FLADAS) development effort.

Subject to the discretion of the State Court Administrator, AOC staff may participate on the FLADAS Advisory Committee that will oversee the selection of document assembly platforms, development of standards, identification of priorities and other activities associated with development of the FLADA system. Subject to approval of the State Court Administrator and the JISC Chair, the FLADAS may be hosted on the AOC public website.

5. The ATJ Board's Technology and JWOB Committees have agreed to jointly convene a Family Law Automated Document Assembly System Advisory Committee (FLADAS Advisory Committee). The FLADAS Advisory Committee will develop protocols and priorities to guide the development of the FLADAS. In addition to members of the ATJ Board's Technology and Justice Without Barriers Committee, the following groups will be invited to appoint a representative to the FLADAS Advisory Committee: AOC, JISC, the Association of County Clerks, court users, the Washington State Alliance for Language Access, the Interpreter Commission, the Northwest Justice Project, the Superior Court Judges Association, and OCLA. Representatives of other groups may also be invited in the discretion of the ATJ Board's Technology and JWOB Committees.
6. The FLADAS Advisory Committee will review and recommend a proven document assembly technology platform that has the ability to provide user-friendly access, uses a plain language, iterative sequential inquiry process capable of effectively operating across multiple technology platforms (including mobile platforms). It is the intent that any such platform be able to produce and transmit data in a manner that will appropriately populate Odyssey and other Superior Court CMS fields at such time as e-filing into Odyssey and these other platforms becomes available.
7. The FLADAS will be developed and implemented in accordance with the Supreme Court's Access to Justice Technology Principles.
8. Nothing in this MOU will interfere with the independent authority of the JISC to, at a later date, use Guide and File or another platform for automated document assembly and e-filing access into Odyssey.
9. The Office of Civil Legal Aid will seek funding from the Washington State Legislature and other sources to fund development and implementation of the FLADAS. OCLA will not seek and will not utilize funding that originates from the JISC account for this purpose. Assuming that funding is secured, OCLA will serve as the primary contractor for development of the FLADAS.
10. In coordination with the FLADAS Advisory Committee, OCLA and the ATJ Board's JWOB and Technology Committees, NJP will seek LSC TIG funding to help support the family law automated document assembly project.

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MODIFICATION

The various participant signers may come together subsequent to signing in order to modify this MOU by mutual agreement.

TERM OF MEMORANDUM OF UNDERSTANDING

This MOU is effective upon execution and will terminate on June 30, 2019 unless terminated by any party upon 90 days prior notice or extended by mutual agreement.

Signed:

Callie Dietz, State Court Administrator — Date 8/17/16

Signed:

James Bamberger, Director
Office of Civil Legal Aid — Date 8/16/16

Signed:

César E. Torres, Executive Director
Northwest Justice Project — Date 8/23/16