

**Washington Courts**

**Court Recovery Task Force  
Technology Committee**

**Court Website Guidelines**

**May 2022**

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## Technology Committee Members

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## Introduction

In response to the COVID-19 pandemic and its impact on Washington State courts, the Board of Judicial Administration (BJA) approved the creation of a Court Recovery Task Force (CRTF) in May 2020. The mission of the CRTF was to assess the impact of the pandemic on courts, develop and implement strategies regarding court operations, and provide recommendations on ongoing court procedures and recovery after the public health emergency subsided.

The pandemic spurred a swift and dramatic change in court operations throughout the state. Many courts switched over to conducting video and telephone hearings in lieu of in-person proceedings, and quickly adopted remote working policies. Suddenly, the use of technology to deliver court services was paramount—and practically ubiquitous; a sea change from 2019.

The adoption and implementation of new technologies varied widely from county to county, and even from court to court. Recognizing the challenges and opportunities presented by this change led the BJA to create a Technology Committee of the CRTF, whose mission was to establish guidelines for courts to use and reference to evaluate and implement court technology.

## Overview

The Technology Committee's priority was drafting guidelines for the implementation and use of technology by courts. The committee reviewed information and published materials regarding courts and their use of technology, including the Washington State Bar Association's Access to Justice Technology Committee's Technology Principles and the National Center for State Courts' "Guiding Principles for Post-Pandemic Court Technology." The committee also considered the reasons members of the public interact with the courts while drafting the guidelines.

In April 2021, the committee published its "Guiding Principles for Identifying, Developing, Implementing, and Utilizing Court Technology," which contains specific recommendations for courts to consider when adopting and implementing technology (Appendix 1).

Next, the committee reviewed all superior and district court websites throughout the state to inventory the types of information easily identifiable on the sites. The review was done from the point of view of a member of the public who may not be familiar with court operations or terminology and may be unsure where to go for information. From that inventory, the committee created a chart of recommended basic information to be included on a court's home page, which could be provided as links to more detailed information (Appendix 2).

The Technology Committee produced this "Court Website Guidelines" report to guide courts in creating an accessible, efficient, and person-friendly website that the public will find useful. Because of the uniqueness of Washington State's judiciary and individual court resources, website changes may be a challenge. Updates and changes require technology support or the funding to hire outside resources to make those changes.

These guidelines are intended to be suggestions on what courts could consider while developing or updating their websites.

This report includes information on:

- Reasons the public goes to a court's website
- Website guidelines
- Special considerations, such as
  - Website translations
  - Usability testing
  - Look and feel of court websites
  - ADA considerations
  - Data capture

## Why Do People Go to Courthouse Websites?

Why do members of the public interface with courts? The information below is based on anecdotal interviews with a small number of people and is not part of any scientific or statistical survey. The information is listed in the order the reason was most frequently mentioned.

### Jury Duty

- They received a summons for jury duty and need to know where the courthouse is, where they must report, parking, and other ancillary issues with being a juror.
- They received a summons for jury duty, and they need to find out if they can reschedule, or they have a problem with reporting (e.g., they are sick).
- They received a summons for jury duty for a person no longer at their address, or no longer able or competent to respond to the summons.

### Minor Issues/Traffic Issues/Misdemeanors

- They received a traffic or other ticket, and they want to pay it, fight it, etc.

### Protection Orders

- They need to obtain a protection order against an individual.
- They court issued a protection order, and they do not understand what it means, or they want to object to or quash it.

### Court Case (Major)

- They are a party in a legal matter (criminal or civil).

### Family Law

- They want to file for a divorce.
- They want to change an aspect of a divorce agreement.

### Small Claims Court/Ex Parte Court

- They want to take someone to small claims court (they want details about small claims court).
- They received a summons to small claims court.
- They received a summons and complaint and are not sure what to do (particularly evictions).

### Civics/General

- They want to attend or observe a trial (includes schools and other organizations).

- They want to tour the courthouse.
- They want to obtain a passport.
- They passed the bar exam and want to be sworn in.
- (King County) They need to go to the Sheriff's Office (Concealed Carry Permit or other interaction with Sheriff).

## Special Considerations

### Translation of Web Content into Non-English Languages

Websites have increasingly become a crucial tool for communicating with and providing resources to the public. However, people with limited English proficiency (LEP) operate at a disadvantage and are not equally able to prepare for, understand, and utilize court services when website content is only available in English. There is no easy solution to the translation of all online content. Court websites often contain a large volume of information, in many jurisdictions court customers speak a wide variety of languages, and website content can change quickly.

However, there are steps that courts can take to make their websites linguistically accessible and to improve communication with LEP communities. Courts should start small by identifying the most frequently accessed web information, translating it into the most used languages, and building from there.

### Automated Translation – Use with Caution

Automated translation is a tool that can save time and money, but when used alone it carries many risks. Automated translation is the use of software or online applications that automatically translate written materials from one language to another without the involvement of a human translator. The software looks for patterns in existing translated documents to identify what words or phrases to use in translating content. By detecting patterns, the artificial intelligence guesses what an appropriate translation should be. Automated translation is often low cost or free and is available in dozens of languages. However, limitations and risks include:

- There are **no guarantees of accuracy**;
- **Subtle meanings will be lost within different contexts.** This can be particularly problematic when words or phrases carry specific legal meanings which can be confused with common meanings—e.g., *calendar*, *information*, *sentence*, or *service*;
- **The degree of accuracy will differ between languages.** Because the software relies on analysis of already existing translated content, it draws from a greater pool of resources in more frequently used languages compared to others. Therefore, while automatically translated content may appear reliable in one language it will not be equally reliable in others.

The following are some examples of automatically translated text into different languages:

**Original English Text:**

*"Unlawful harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.*

**Vietnamese Translation (Google Translate)**

*"Unlawful harassment" means a knowing and intentional act directed at a particular person that causes that person to alert, upset, harass or seriously disadvantage that person and serves no purpose, justifiable or legal.*

**Khmer (Cambodian) Translation (Google Translate)**

*"Illegal harassment" means a deliberate and intentional act that refers to a specific person who is concerned, disturbed, disturbed or harms that person and has no legal or legal purpose.*

- **Website content will not be searchable in the non-English language.** Machine translation dynamically generates text on-the-spot, and therefore is not searchable by search engines. If a person is searching for information in a non-English language, a website's content will not come up in the search if it relies on automated translation.

## Recommendations

1. The use of automated translations as a sole solution for websites is strongly discouraged, even if a disclaimer is added;
2. If a court uses translation software for websites, have the automated translation reviewed by a credentialed language professional before posting online to ensure that the content is correctly worded;
3. Translations (automated or not) will always most closely mirror the original English text if written in plain language. Avoid long, run-on sentences with technical terminology;
4. Automated translation software should never be used in the translation of court forms.

## Professional Translators

Translation is a specialized skill that requires more than just the ability to understand two languages. Professional translators have the education, experience, and expertise to understand the nuances in one language and transfer them to another. Translators maintain the structure of the original meaning, keeping ideas and facts accurate. They avoid errors that might occur with automated translation, and work collaboratively with courts to ensure that the information is conveyed with the proper context. They also transmit technical terminology or cultural references, including slang and other expressions that do not translate literally. Another critical benefit for using human translators is ensuring consistency in language. As a court builds its translated web content, a translator can apply terminology already used on previously translated pages when developing newly translated content.

## Other Tips for Translated Web Content

After developing translated content another challenge is making sure it is accessible to the LEP communities. It is recommended that the following steps also be taken so translated content is effectively developed, accessed, and maintained.

- **Conduct usability testing** to determine whether the language is culturally relevant and understandable to the target community.
- **Make translations easy to find with a hyperlink at the top right corner of the web page.** Enable LEP website users to find the multilingual options by making them prominent on the English site.
- **If a hyperlink will connect the user from translated text to English-only text, manage expectations by indicating that to the user.** For example, the text in a hyperlink could say (*en inglés*) on a Spanish translation to alert the user that the link will take them to English-only text.
- **Plan for regular updates and maintenance** to ensure that your multilingual content remains comparable to the English language content.

Please see Appendix 3 for additional resources.

## Usability Testing

The best way—and perhaps the only real way—to understand if your website is usable is to watch people use it. This is called “usability testing.”

Usability testing can be free, fast, and incredibly informative. Even if only one informal test is run with a friend, the court is guaranteed to learn something that helps improve its website. Here are some basic rules for a simple usability test:

1. Try to ensure the person testing your website is **representative of the people expected to access your website**. For example, does the tester have roughly the same level of:
  - a. technological skills?
  - b. knowledge of legal terms and processes?
  - c. literacy in the language your website is in (please note: there are free tools available that scan your website and determine the reading level of the text—please see the additional resources section).
2. If possible, **test first on mobile devices**. Studies show that most people, and particularly lower-income people, access the internet primarily on their phone.
3. It’s ideal to **test with multiple people**. Testing with more than one user is always extremely helpful; any individual may be unique in their use and understanding of the website, so it is important to get a wider sample before making changes based on lessons learned from testing. Most researchers agree that the majority of what there is to learn can be gained from the first five test users.

### How to Design a Basic Usability Test

- Pick a task for someone to complete on the court’s website. Examples include finding contact information for interpreter services, finding hearing schedules, finding instructions on attending remote hearings, etc.
- Decide where the test should start (i.e., will someone open the court website for the user to get started? Will the user be expected to find it through Google?).
- Explain the task at a high level (i.e., ask the user “Let’s pretend you know you have a hearing coming up, but you don’t know where or when it is. Your name is [pre-selected name from hearing schedule]. Starting on Google, how would you find out the time and place of your hearing?”).



- Watch the user do the task. Ask them to talk you through their impressions of the website and explain the decisions they are making.
- Try to avoid influencing the user's decisions unless they are stuck and frustrated. Make sure to understand what is confusing them before helping them move on. Watching a user get lost using a website gives you valuable insight into possible improvements.

### More Advanced Usability Testing

- **Recording test sessions allows for focusing on the user during testing.** Easy ways include taking a video, recording audio, or taking notes. Make sure to have the user's permission if you record. A simple consent waiver from the user may be advisable.
- **Provide incentives for participants.** Typically, a gift card to a store that provides a range of products such as food or clothing is a great way to reward participants in your test. Try to align incentives to the expected amount of time testing will take (i.e., a longer test should come with a higher incentive).
- **Collect participant demographic data.** If a court is trying to design for a particular population (for example, speakers of a common local language) collect participant demographic data by asking participants to fill out a simple survey before the test to make sure they are representative of the targeted population.
- **Ask additional questions after the test** about overall satisfaction with the site. A common way to do this is to ask the user to rate their satisfaction on a scale of one to five or one to seven, with the lower range being "completely dissatisfied" and the upper limit being "completely satisfied" for example.
- **Make sure to explain to the user that the software is being tested, not their technical skills.** The website should be clear and usable, and it is not the user's fault if they are confused by the design and functionality.

Please see Appendix 3 for additional resources.

### The Look and Feel of Court Websites

The "look" and "feel" of our court websites is accomplished through the design and access provided by the created interface with the public. It is important to define some key aspects of design and access points of a webpage. These key aspects operate as an umbrella to our court webpages and should be applied to each webpage that a court may provide.

- What is the purpose of a webpage, and what does the court hope to accomplish? Courts should identify the services that are being made available to community members and court participants. Once these services have been identified, have a discussion on what to accomplish in development of webpages. Through this, establish primary court services and points of contacts such as virtual proceedings, e-filing, or court contact information on the main page, while appropriately categorizing service information through each of our linked/secondary webpages.
- Who is the audience? Court participants, attorneys, and members of the public will access court websites for a wide array of information. Knowing that audience, ensure that everyone accessing the webpage is receiving transparent, easy, clear direction to how to access court services.

Once the above has been established, transition the design and access (purpose and audience) to the “look” and “feel” of the webpages.

- Layout: keep the webpages simple. Users should be able to digest the information provided on a page easily, and this can be accomplished through appropriate layout of a webpage. This also includes the transition to linked/secondary webpages; accessing court services and information should be no more than three clicks away.
- Color themes: webpages should be pleasing, while acknowledging that an overabundance of color and transitions can make a page difficult to digest.
- Dynamic elements: buttons, boxes, drop-downs, and menus provide a means to clearly direct users to the court services they are seeking. Considering layout and color themes when identifying how and where these can be used.

When restructuring a court website, establish goals early. Again, what does the website hope to accomplish? Compare these goals to other court and government webpages. Have staff members or other courts look at your website to provide feedback. When looking at an internally designed webpage, it is helpful to get input from others who can look at the access and ease of use from another perspective.

## Making Web Content Accessible to Persons with Disabilities

It is essential to strive for fair online accessibility and experience for all users, regardless of disability. State and federal laws require that court services and activities, including web content, be made equally accessible to individuals with disabilities. In fact, similar to other accommodations, making web sites accessible to people with disabilities often improves usability for all users in general.

People with disabilities use a variety of assistive technologies to use computers and access web content. Some examples include screen readers, text enlargement software, and voice-controlled programs, as well as technologies built into computer operating systems such as adjusting color schemes, contrast settings, and font sizes. Web design decisions on the court’s end can impact those technologies’ ability to access web content.

Some common problems with website accessibility include images that lack text equivalents, documents posted in inaccessible formats, locked color and font settings, and instructional videos that lack captions and/or audio descriptions. Many organizations, including the Washington State Office of the Chief Information Officer, refer government agencies to the Web Content Accessibility Guidelines (WCAG) as a reference point for guidance on making web sites more accessible.

Please see Appendix 3 for additional resources.

## Data Capture

Corporations are meticulous about collecting data, sifting through it, and reporting on its meaning. Unfortunately, in courts with limited resources, website usage data collection

and analysis are often overlooked. However, collecting and interpreting data related to how users interact with a courts website can make the difference between having a court website that meets court users' needs and a court website that misses the mark.

There are several free and low-cost tools to help courts gather data about their website use.

## What are Web Analytics?

Before discussing tools and how-to of website data collection, here is information about the what and why of website analytics.

### Website Analytics Involves Three Activities

1. Collecting data about the court website use;
2. Analyzing the data and making decisions based on what it's telling you;
3. Implementing changes or strategies to improve how the court serves website users based on data analysis and not intuition or comments from vocal users.

### Why Should Courts Collect Data

The goal in data collection is to make court websites run efficiently and meet court users' needs. Court staff have limited time and finances to spend on court websites and do not want to either build or maintain websites that are not reliably responding to user needs. Website usage data provides granular details so courts can focus their time and resources on activities that result in an effective user experience.

### What Data Should Courts Collect?

There are many types of data courts can collect regarding their website. The most essential data you should collect include:

**Unique Visitors:** The number of individual people who visit the court website. This is not the total number of visits. For example, if visitor A visits your site 3 times and visitor B comes to your site 1 time, that is 2 unique visits (A and B).

**Referrals:** Referrals describes from where users have come, including search, social media networks, and other websites.

**Keywords:** Keyword data tell courts what words and phrases people are using to find the portions of the court website, and what court users are interested in. This is particularly helpful as it can tell courts what sorts of information to include or services to provide on the court website.

**Top Pages:** Similar to keywords, knowing the top ten or so pages people visit on a courts website and can help guide decisions about how to present information on landing pages.

**Exit Pages:** This can give courts insights about which pages you need to improve on your site. While you can expect a high number of exits from the last page of an order system, if you have other pages with high exit numbers, you should work on improving them to retain the visitor. This includes your "thank you" page from email

sign up or order form, where you can redirect people to more content on the court's website.

**Bounce Rate:** The bounce rate is different from exit pages in that a bounce comes from someone who visits the site and then quickly leaves. It's usually an indicator that the visitor didn't find what they wanted. This can happen because a link to a page of document is not working as designed. Bounce rate information can bring problems to the attention of court staff that might otherwise be overlooked.

**Conversion Rate:** This is one of the most important metrics to collect because it indicates how clearly a website is set up to help users complete a task, such as downloading a form, clicking on the "contact us" button, completing a survey, or viewing a specific page.

### How to Collect Website Data

There are several tools for collecting the metrics described above on a court's website. Google Analytics through the Google Console offers a free and robust set of tools. With Google Analytics courts can set goals and better track conversions on specific pages of their website.

### Using the Data Collected

The data that courts collect only helps when analyzed and used to make decisions based on what it reveals. Before courts can interpret and respond to analyzed data, they must be clear on their goals. The data will tell them if they meet the goals.

### Conclusion

The information included in this report is intended to help courts create an accessible, efficient, and person-friendly website that the public will find useful. While all courts may not have the resources to create new websites, this information can be used to improve websites and provide better access to justice for their court customers.

## Appendices

Appendix 1 – Court Recovery Task Force Technology Committee: Guiding Principles for Identifying, Developing, Implementing, and Utilizing Court Technology  
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Appendix 2 – Suggested Basic Content

Appendix 3 – Resource List by Category

Appendix 1 Court Recovery Task Force Technology Committee Report: Guiding Principles for Identifying, Developing, Implementing, and Utilizing Court Technology.

**Court Recovery Task Force  
Technology Committee:  
Guiding Principles for Identifying, Developing,  
Implementing, and Utilizing Court  
Technology.<sup>1</sup>**

**April 2021**

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<sup>1</sup> Key elements and concepts contained in this document were incorporated from National Center for State Courts' "Guiding Principles for Post-Pandemic Court Technology" (July 16, 2020) and the Washington State Access to Justice Technology Principles.

The Washington State Court Recovery Task Force Technology Committee prepared these Guiding Principles to assist in making Washington courts more accessible, transparent, efficient, and people friendly. Throughout this document there are basic, reoccurring themes regarding use of technology:

- Increase and maintain access to justice by eliminating or reducing social and economic barriers to people using court technology;
- Prioritize and focus on people’s experiences when implementing court technology;
- Ensure due process and procedural fairness in all court proceedings, processes, and procedures regardless of technology used; and
- Maintain transparency and public confidence when implementing and utilizing court technologies.

### **Technology Committee Members**

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Association of Washington Cities

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Washington State Association for Justice



## **1.0 Introduction**

Because of the COVID-19 pandemic, courts in Washington increasingly relied on technology to continue court operations and meet demands of people with matters before the courts. The goal in relying on technology was to mitigate the risk of coronavirus transmission while seeking to increase access to justice. Courts rushed to identify, learn, and adopt online platforms for people to engage with the courts without appearing in person. Courts also drafted and adopted emergency rules and orders to facilitate remote access to the courts through newly identified technology platforms.

However, because of the uniqueness of Washington State's judiciary and individual court resources, court technology deployment and use varied dramatically amongst court jurisdictions and court levels. The lack of uniformity in technology, rules, procedures, and resources amongst the different courts in Washington made it difficult to identify and assess the use of those technologies across the State.

As a general principle, it would be optimal for all courts in Washington to identify, develop, and employ similar, if not identical, technology. Uniformity in technology across Washington would allow people to easily engage with courts in different jurisdictions without the need to learn different technologies, policies, and procedures for engaging and interacting with courts. It could also lead to the identification of barriers that prevent or reduce access to justice and lead to developing solutions that address those barriers. Such solutions could be more easily implemented across uniform technology.

Acknowledging there are structural and systemic barriers preventing uniformity of technology across the different courts and jurisdictions in Washington, and acknowledging that eliminating such barriers should be addressed through legislative enactment and possibly constitutional amendments, this document offers only guiding principles for Washington courts to consider when identifying, developing, implementing, and utilizing court technology.

## **2.0 Ensure Principles of Due Process, Procedural Fairness, Transparency, and Equal Access are Satisfied When Adopting New Technologies.**

Although adopting new technologies may allow courts to be more efficient, it is imperative that the principles fundamental to the courts are preserved when processes rely on technology.

### **2.1 Due Process and Procedural Fairness**

#### **2.1.1 Proper Notice**

Ensure parties receive proper notice and case related documents throughout the duration of a case. This includes adapting court rules to allow for electronic service and other technology options.

### **2.1.2 Plain Language**

Provide plain language procedural and substantive information for all parties at various stages of their cases, so people can access easy-to-understand and relevant information in real time. Information should be provided for both traditional in-person court processes and in online court processes.

Within online systems specifically, people accessing courts need plain language information directly from the court website or court annexed online dispute resolution (ODR) platforms without having to toggle between multiple websites or additional sources of information.

People should be provided information in multiple formats (such as hard copies of information for in-person court processes), as access to technology varies greatly in any population. Information should be provided in multiple languages and interpreters should provide information in a person's preferred language where needed.

### **2.1.3 Interactive Communications**

Provide options for obtaining information from the courts. Examples include: live chat for the public, chatbots, telephone hotlines, and other interactive features allow people to submit questions to court staff, and to locate referrals on court websites, within ODR platforms, and within remote hearing platforms.

These features also allow further access to the courts by providing support through systems that connect litigants to available help and, if applicable, develop solutions where attorneys can participate fully with their clients during remote hearings or ODR.

Utilize systems that allow for multiple people to simultaneously access case files and information.

Systems used should also accommodate or allow for clients and attorneys to confer privately during proceedings.

### **2.1.4 Technology Access and Testing**

Assess and test all new technologies to be adopted and develop policies and procedures to manage these resources. The Washington [Access to Justice Technology Principles](#) can further guide procurement, testing, and equitable use of technology.

## **2.2 Transparency**

Discuss and share policy and rule changes as they relate to court proceedings with all participants.

### **2.2.1 Accessibility**

Have updated information available and easily accessible on the court website, or other means, for parties, litigants, and the public.

### **2.2.2 Online Dispute Resolution (ODR)**

In ODR, facilitate court or staff review of proposed agreements and orders before hearings or enforcement.

Once reviewed and confirmed by a judicial officer, orders should be enforceable.

Parties should maintain the same rights to appeal whether a judge resolves the case via ODR or in a traditional court process. For ODR specifically, cases that do not resolve through online systems should promptly proceed through an in-person court process.

## **3.0 Focus on the People's Experience**

Courts should implement technology designed to enhance the experience of all people and reduce barriers to access, while increasing participation. People in court include not only judges, clerks, and court staff, but also attorneys, self-represented litigants, community partners, researchers, and the public.

Courts should implement technology accessible to people with the traditionally and systemically highest barriers to accessing the courts (including people of color, low-income people, people living in rural communities, people with disabilities, and limited English proficient people). Dispute resolution forums should remain neutral, accessible, and transparent, and best practices should be utilized when developing, implementing, or evaluating technology.

### **3.1 Overall User Experience**

Engage feedback and/or participation of litigants, especially pro-se litigants, in design and testing of technology systems. Survey people using the court system regarding their experience with technology to inform improvements.

Ensure the public has access to available, understandable information about the justice system and how to access technology tools in use by the court.

Ensure that online services are mobile friendly, compatible with the most-used browsers, and easy for people to advance their cases.

Prioritize the use and development of online-fillable forms to collect data from court users and facilitate transfer of data to the court system. Ensure documents may be signed electronically.

Determine the impact that proposed technology or innovation would have on people of color, low-income people, people living in rural communities, people with disabilities, and people who are limited English proficient. Ensure their perspectives and needs are effectively addressed in design and functionality.

Implement technologies only after carefully considering the benefits, costs and burdens on people in court and ways to bridge the digital divide and ensure the technology does not reduce the likelihood of a just process or result.

### **3.1.1 Accessibility**

Comply with the Americans with Disabilities Act, the Washington Law Against Discrimination, and regulations and commonly accepted accessibility guidelines related to accommodations for persons with disabilities.

Ensure compatibility of online platforms with screen-reading software. Confirm that web pages can be easily magnified. Use video technology that integrates closed captioning.

Comply with Title VI of the Civil Rights Act, the Washington Law Against Discrimination, and regulations and guidelines related to equitable access for limited English Proficient people.

Design systems that allow for online translation and remote live interpretation. Offer online tools in the languages represented in the jurisdiction, consistent with the court's language access plan.

Create videos and spoken language assistance to address the needs of people with low literacy, American Sign Language, and limited English proficiency.

Ensure that low-income litigants have access to a consistent process for mandatory waiver of fees associated with technology use.

### **3.1.2 Public Availability and Confidentiality**

Make non-protected court case records and documents publicly available online and, where appropriate, enforce confidentiality requirements for information, pleadings, proceedings, negotiations, and communications in online settings. Create a simple process for low-income litigants to secure fee waivers for obtaining documents through electronic systems.

### **3.1.3 Adequate Alternatives**

Provide alternatives, such as telephone or SMS texting services, to ensure information is available to the broadest range of communities, including those without internet access.

### **3.1.4 Fee and Costs**

Avoid requiring people to pay additional costs to use technology or remote services and streamline the process for obtaining civil fee waivers. This may require amendments to General Rule 34.

Accommodate the payment of fees and fines via electronic, telephone, or community pay point (such as gas stations, grocery, or convenience stores) eliminating the requirement for individuals to come to courthouses to make payments. Be mindful of unbanked people; and consider payment options from credit card and/or electronic wallet options (like Venmo, Apple Pay, PayPal) and cash through community pay points.

Ensure that any additional costs for using electronic or other options to pay fines and fees are not passed on to the person who owes the debt.

## **4.0 Prioritize People-Centered Technology**

Courts should eliminate redundancies and unnecessary procedures through developing people-centered technology.

Courts should evaluate their own needs on a local or regional level and drive the technology development process through requests for competitive proposals that will meet the needs of all people using the courts (court users, staff, administration, judicial officers, etc.). Courts should not limit themselves by the constraints and capabilities of available technology.

The focus should be on optimizing court processes and procedures without regard to past policies, procedures, rules, and habits, and the needs of people appearing in courts should be the driving force for developing technology.

### **4.1 Standardization**

Work with other courts locally or regionally to develop standardization of technology and software to lower the costs of customization. Development of these standards should focus on end results and user needs. Do not let existing policies, procedures, rules, and habits drive the development and incorporation of technology. A comprehensive assessment of current needs and people's preferences should drive development and incorporation of new technology. Review administrative orders, rules, procedures, and habits throughout this process and update when necessary.

### **4.2 Competitive Proposals**

Request competitive proposals to meet the identified needs and test the proposed technology on diverse end users to optimize the technology for all court uses.

Remain focused on due process, procedural fairness, transparency, and equal access during the development and testing phase.

Consider using low-code applications and platforms to allow flexibility and local adjustments as opposed to off-the-shelf technology. Off-the-shelf technology may

be more affordable but is likely harder and more costly to modify and may be more likely to conflict with existing court technology.

Consider repurposing existing technology where possible.

#### **4.3 Leadership Role**

Utilize access to local private sector technology leaders to make Washington State a premiere jurisdiction in developing technologies that can be used and customized to courts nationwide. Recognize the risk that large multinational companies may seek to drive the technology choices for courts. Do not let technology leaders overshadow the importance of people-centered technology needs.

### **5.0 Embrace Flexibility and Willingness to Adapt.**

Courts should identify the problem technology is intended to address before implementing a technology-based solution. This may require implementing various forms of technology to address different end user needs.

This approach is an iterative on-going process that shapes technology solutions through multiple platforms until the court's goals are achieved. Identifying those goals at the outset is an important first step to developing any technology-based solution. Adopted technologies should continue to be improved and reassessed to better meet the changing law and user needs. This process also provides opportunities to streamline and simplify court operations through technology choices throughout the implementation process.

#### **5.1 Flexibility**

Maximize the return on scarce court technology resources by identifying and avoiding expensive mistakes early in development.

Adopt an agile approach to piloting innovation and technology. Embrace a willingness to test and adapt, anticipating that changes will be required after the initial launch. Be willing to try things and fail.

Be willing to jettison technologies or court processes that do not deliver intended benefits and/or cause unanticipated harms. By identifying problems quickly, expensive mistakes can be avoided, corrections will be easier to make, and overall success is more likely.

#### **5.2 Minimum Viable Platform**

Start with a minimum viable platform or platforms, pilot test, survey user experience, and identify needed changes. Learn how the technology works in practice to inform how to improve future versions. This will likely result in more cost-effective innovation.

Examine every technology platform under consideration to avoid adding features and functionality without addressing the effects on access.

Assure the platform remains oriented to the identified solution, including considerations of due process, procedural fairness, transparency, and equal access.

### **5.3 Public Private Partnerships**

Be open to public/private partnerships, including with civil legal aid offices, law school technology innovation labs, charities, community organizations, non-profits, start-up technology ventures, private vendors, public entities, and practitioners to accomplish stated goals.

### **5.4 Preserve Due Process**

Neither the initial technology solution nor the updates or changes that follow should affect fundamental due process.

## **6.0 Adopt Remote-First (or at Least Remote-Friendly) Planning, Where Practicable, to Move Court Processes Forward.**

Courts should implement technology deliberately designed to allow court staff, judicial officers, and people to advance court processes remotely where appropriate, while respecting those fundamental court processes best served by live participation. Courts, however, must ensure that the needs of those who use the courts external people are paramount in all decisions with an emphasis on increasing equitable access to the court and opportunities for participation.

Courts should consider four basic areas: (1) developing the internal infrastructure, (2) establishing rules and procedures for remote alternatives for most court functions, (3) identifying and facilitating access for persons with limited technological resources, and (4) providing understandable instructions for all persons who interact with the courts remotely.

### **6.1 Internal Infrastructure to Support Remote Access**

Create a supportive infrastructure that includes technology, policies, training, and resources to support remote work for court staff and clerks, judicial officers, probation and pre-trial officers, self-help staff, court-appointed mediators and arbitrators, interpreters and other court employees or third-party contractors who provide services during court proceedings.

Promulgate employee and human resources policies that allow employees to work remotely and set standards such as reliable internet connections and quiet working spaces.

Create training and reference materials that are easily accessible to all internal participants. Internal participants must become knowledgeable and proficient in the use and capabilities of the technologies to perform their duties and appropriately counsel end users who may not be familiar with the remote processes.

## **6.2 Local Rules and Procedures for Remote Access to Court Services**

Attempt to move as many court processes online as possible. This ensures continuous resolution of legal issues to protect vulnerable populations. Remote access to court services reduces the inconvenience and burden of in-person appearances, including taking time off from work, arranging childcare, and/or commuting far distances to courthouses.

Consider formal modifications of existing court rules and procedures allowing for broad remote interactions with the court by end users and the public. This includes rules and procedures for electronic signatures; electronic filing of court documents; remote attendance at hearings (by telephone, video, or through counsel); and public access to observe the court proceedings to maintain open and transparent court operations.

Seek input from the local bar, victim advocates, and other key stakeholders in developing rules and procedures to ensure fair access and participation for all groups. Particular attention should be given to guard against barriers for people with limited English proficiency or disabilities.

### **6.2.1 Preserving Fundamental Rights**

Consider the need to keep certain hearings and proceedings in-person to preserve fundamental rights or to ensure compliance with court obligations. For example, in criminal adult and juvenile matters all critical stages of the proceedings should be in person unless personal appearance is waived by a court based on the circumstances. Similarly, civil matters that involve fundamental rights (such as dependency matters) should be carefully evaluated to identify which hearings should be in person versus those that can be conducted remotely.

### **6.2.2 Open and Transparent Court Operations**

Be mindful of hearings or subject matters that may not be appropriate for public viewing over the internet because of safety or privacy concerns involved. Consider the inability to prevent recording and subsequent dissemination of private affairs over the internet once the proceedings have been completed. Balance these considerations with the need for open and transparent court operations to promote public confidence in the judiciary.

Consider safety and privacy concerns that arise in matters such as those involving children or particularly heinous conduct. When safety or privacy concerns are raised, consider meeting open courts requirements by allowing for public viewing in person or via a closed-circuit broadcasting rather than public broadcasting over the internet.



### **6.3 Identifying and Facilitating Access for Persons with Limited Technological Resources**

Place no undue financial burden on those individuals who face obstacles in accessing technology.

Attempt to bridge “the digital divide” by ensuring that end-users have easy access to technologies for remote participation in court activities. Consider installing court and community-based kiosks (publicly accessible computer stations individuals could use to access remote hearings). Kiosks could be installed throughout court campuses, at local libraries or at designated community centers, and could be supported by a collaboration of multiple courts in a nearby geographic area. With appropriate internet connectivity, they could be vital in both urban and rural areas to help facilitate interaction with the courts by those who lack access to technology.

Consider implementing day loan programs where a person appearing in court can borrow tablets or other devices for a limited period, allowing for interaction with the court.

Adequately display on court websites and throughout court campuses basic information about free broadband hotspots in the community that people might utilize for interacting remotely with the court.

### **6.4 Understandable Instructions and Tutorials for All Remote and Internal Participants**

Prepare media, such as video tutorials or short audio clips, and literature that trains and instructs all court participants on court technology so they can meaningfully access and interact with the courts. These materials must be produced in friendly, easy to understand language remembering that many end users may not be sophisticated in using technology or any court processes in general.

Translate training and instruction materials into prevalent local languages of those persons who may not be English proficient.

Prominently display training and instructing literature on court and clerk websites. The public should be able to obtain hard copies of any written instructions directly from the court at no cost, so all members of the public can gain a better understanding of how to access and utilize court technology.

## **7.0 Take an Open, Data-Driven, and Transparent Approach to Implementing and Maintaining Court Processes and Supporting Technologies.**

Court should recognize that “open” has two meanings regarding court processes and supporting technologies: (1) open and transparent court records, and (2) open source. Open and transparent court records are governed by General Rules 22 and 31. Open-source materials are data and software subject to free redistribution without restrictions from the original creator or owner. Courts, however, should acknowledge the tension

between privacy and transparency in court processes and that not all court matters can be transparent.

### **7.1 Licensing**

Attempt to use the most effective solution possible. Any custom software developed should be licensed under an open-source license so it can be easily distributed to and used by other courts. Similarly, all documents and reports related to technology should be open source to allow for distribution and use by other courts.

### **7.2 Data-driven decisions**

Decisions should be determined by or dependent on the collection or analysis of data rather than by intuition or personal experience.

Courts should strive for data-driven decisions and review any data gathered and collected by organizations such as the Administrative Office of the Courts, the Washington State Bar Association or other interested organizations.

#### **7.2.1 Making Data-Driven Culture**

Court leadership is necessary for implementing data-driven decisions and creating a data-driven culture. Courts must set expectations that all technology decisions be anchored in data that utilizes evidence-based metrics and standards. All data should be available for use by interested parties or organizations.

Courts should be prepared to deal with high uncertainty, particularly at the beginning of the change to data-driven decisions.

### **7.3 Personally Identifiable Information (PII)**

Courts should carefully consider how to make open and transparent decisions regarding technology while respecting the confidentiality and privacy of Personally Identifiable Information found in court records. Courts should also be mindful of how evaluating technology performance may be complicated by the collection and use of Personally Identifiable Information.

## **8.0 Closing Remarks**

The Washington State Court Recovery Task Force Technology Committee hopes these guiding principles offer courts assistance when implementing court technology. Courts should be mindful that increasing and maintaining access to justice for all people using court technology is a primary objective. In addition, the priority and focus when implementing court technology should be on people's experiences, while ensuring due process and procedural fairness in all proceedings, processes and procedures. Any decisions implementing court technology should also be transparent and instill public confidence.

## Appendix 2 Table of Suggested Basic Content

Element	Superior Court and Clerks' Websites	District and Municipal Court Websites
<b>Court Operating Hours and Contact Information</b>	<ul style="list-style-type: none"> <li>• Hours in-person assistance available for filing/obtaining records</li> <li>• Lunch/break closure times</li> <li>• List of court holidays observed</li> <li>• Info on court tours, if available</li> <li>• <b>About Us</b> <ul style="list-style-type: none"> <li>○ Clerk's office function and responsibilities</li> </ul> </li> <li>• <b>Law Library</b> <ul style="list-style-type: none"> <li>○ Hours open, and whether in-person assistance is available</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Court hours of operation</li> <li>• How to contact your court</li> <li>• List of court holidays observed</li> <li>• Link to Adult Probation</li> <li>• COVID instructions</li> <li>• Security procedures</li> <li>• Accommodations</li> <li>• District/Municipal Court function and responsibilities</li> <li>• Interlocal Agreements (contracts municipal courts)</li> <li>• <b>Law Library</b> <ul style="list-style-type: none"> <li>○ Hours open, and whether in-person assistance is available</li> </ul> </li> </ul>
<b>Filing Documents and Obtaining Records</b>	<ul style="list-style-type: none"> <li>• <b>Start (File) a Case</b> <ul style="list-style-type: none"> <li>○ Description of how to file a new case</li> <li>○ Description of how to file documents into an existing case</li> <li>○ Link to fee waiver info</li> </ul> </li> <li>• <b>View Court Records (Find A Case)</b> <ul style="list-style-type: none"> <li>○ Link to electronic records search</li> <li>○ Description of how to get help/technical assistance</li> </ul> </li> <li>• <b>Request Court Records</b> <ul style="list-style-type: none"> <li>○ Description of how to request records in person or by mail</li> </ul> </li> <li>Advanced Info</li> <li>• <b>File a Case (E-filing)</b> <ul style="list-style-type: none"> <li>○ Link to electronic filing, including Ex Parte via Clerk</li> <li>○ Link to confirm hearings</li> <li>○ Description of how to get help/technical assistance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Link to electronic filing if available</li> <li>• How to request documents and what is available to the public</li> <li>• Can I make a public record request</li> <li>• Link to public records request form</li> </ul>
<b>Dockets and Court Calendars</b>	<ul style="list-style-type: none"> <li>• <b>Find a Hearing</b> <ul style="list-style-type: none"> <li>○ Link to list of scheduled hearings</li> <li>○ Link to/description of how to confirm a hearing</li> <li>○ Description of how to get help/technical assistance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Court Calendar</li> <li>• <b>Find a Hearing</b> <ul style="list-style-type: none"> <li>○ Link to list of scheduled hearings</li> <li>○ Link to description of how to confirm a hearing</li> <li>○ Description of how to get help/technical assistance</li> <li>○ Link to virtual hearing</li> </ul> </li> </ul>

<b>Fee Information</b>	<ul style="list-style-type: none"> <li>• <b>Fees &amp; Fee Waivers</b> <ul style="list-style-type: none"> <li>○ List of fees</li> <li>○ Description of how to request a fee waiver (including for LFOs) and links to Word and pdf versions of forms</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Fees &amp; Fee Waivers</b> <ul style="list-style-type: none"> <li>○ Link to list of fees</li> <li>○ Description of how to request a fee waiver (including for financial obligations) with links to Word and pdf versions of forms</li> </ul> </li> </ul>
<b>Protection Orders</b>	<ul style="list-style-type: none"> <li>• <b>Protection Orders</b> <ul style="list-style-type: none"> <li>○ List of forms needed to file</li> <li>○ Description of how to get help</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Protection Orders</b> <ul style="list-style-type: none"> <li>○ List of forms needed to file</li> <li>○ Link to forms</li> <li>○ Link to local advocate groups</li> <li>○ Definition of the different protection orders</li> </ul> </li> </ul>
<b>Legal Assistance</b>	<ul style="list-style-type: none"> <li>• <b>Find Legal Help</b> <ul style="list-style-type: none"> <li>○ Link to CLEAR</li> <li>○ Link to walawhelp.org</li> <li>○ Link to local legal resources</li> <li>○ Link to WSBA.org and Legal Directory</li> <li>○ Link to public defense provider</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Find Legal Help</b> <ul style="list-style-type: none"> <li>○ Link to CLEAR</li> <li>○ Link to washingtonlawhelp.org</li> <li>○ Link to local legal resources</li> <li>○ Link to WSBA.org and Legal Directory</li> <li>○ Link to public defense provider</li> </ul> </li> </ul>
<b>Translation and Interpreter options</b>	<ul style="list-style-type: none"> <li>• <b>Interpreter Service</b> <ul style="list-style-type: none"> <li>○ Description of how to request interpreter service</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Interpreter Service</b> <ul style="list-style-type: none"> <li>○ Description of how to request interpreter services</li> <li>○ Link to forms if required</li> </ul> </li> </ul>
<b>Remote Hearings</b>		<ul style="list-style-type: none"> <li>• Virtual hearings</li> <li>• Instructions for participating remotely.</li> </ul>
<b>Court Rules/Court Emergency Orders</b>	<ul style="list-style-type: none"> <li>• <b>Superior Court Website (Court Rules)</b> <ul style="list-style-type: none"> <li>○ Description of difference between Clerk and Superior Court</li> <li>○ Link to SC home page</li> <li>○ Link to SC local court rules</li> <li>○ Link to SC emergency orders</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Link to local court rules</li> <li>• Link to emergency court orders</li> </ul>
<b>Forms</b>	<ul style="list-style-type: none"> <li>• <b>Forms</b> <ul style="list-style-type: none"> <li>○ List of court-specific forms required for filing documents with links to Word and pdf versions</li> <li>○ Description of how to get help/technical assistance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Forms</b> <ul style="list-style-type: none"> <li>○ List of court-specific forms required for filing documents with links to Word and pdf versions</li> </ul> </li> </ul>
<b>Links to Other sites</b>	<ul style="list-style-type: none"> <li>• <b>Find Legal Help</b> <ul style="list-style-type: none"> <li>○ Link to CLEAR</li> <li>○ Link to walawhelp.org</li> <li>○ Link to local legal resources</li> <li>○ Link to WSBA.org and Legal Directory</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Add link to county Clerk's Office and Superior Court.</li> <li>• <b>Find Legal Help</b> <ul style="list-style-type: none"> <li>○ Link to CLEAR</li> <li>○ Link to washingtonlawhelp.org</li> <li>○ Link to local legal resources</li> <li>○ Link to WSBA.org and Legal Directory</li> <li>○ Link to local court rules</li> <li>○ Link to electronic filing if available</li> </ul> </li> </ul>

<b>Civil, Small Claims Cases, &amp; Name Changes</b>		<ul style="list-style-type: none"> <li>• Link to Small Claims Brochure and forms to file</li> <li>• How to file small claims and the costs</li> <li>• Defendant in small claims action, FAQ's and links to resources</li> <li>• How to file for a name change, forms, costs, etc.</li> </ul>
<b>Traffic Violations</b>		<ul style="list-style-type: none"> <li>• How do I respond to my ticket</li> <li>• Link to electronic records search</li> <li>• Description of how to get help/technical assistance</li> <li>• How do I pay my ticket</li> </ul>
<b>Jury Duty</b>		<ul style="list-style-type: none"> <li>• <b>Jury Duty</b> <ul style="list-style-type: none"> <li>○ Link to FAQs</li> </ul> </li> </ul>
<b>FAQs</b>	<ul style="list-style-type: none"> <li>• <b>FAQs</b> <ul style="list-style-type: none"> <li>○ List of other services performed by the Clerk's office</li> <li>○ Answers to most commonly asked questions: <ul style="list-style-type: none"> <li>▪ Working copies</li> <li>▪ Jury duty</li> <li>▪ Wills &amp; probate</li> <li>▪ Passport</li> <li>▪ Legal aid organizations</li> <li>▪ LFOs</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Frequently Asked Questions</b> <ul style="list-style-type: none"> <li>○ List of other services performed by the District/Municipal Court Office <ul style="list-style-type: none"> <li>▪ Mental Health &amp; Veteran Service</li> </ul> </li> <li>○ Delinquent accounts</li> <li>○ What to expect when I come to Court: <ul style="list-style-type: none"> <li>▪ Where should I go?</li> <li>▪ Where do I park?</li> <li>▪ What to wear to court?</li> <li>▪ When should I arrive?</li> <li>▪ Where should I go when I enter the courthouse?</li> <li>▪ Where should I go when I enter the courtroom?</li> <li>▪ What conduct is expected in the courtroom?</li> <li>▪ How long will court last?</li> <li>▪ What paperwork will I need to fill out for court <ul style="list-style-type: none"> <li>▪ For criminal cases</li> <li>▪ For traffic</li> </ul> </li> <li>▪ What will happen at arraignment?</li> <li>▪ What is a pre-trial?</li> <li>▪ Weddings</li> </ul> </li> </ul> </li> </ul>

## Appendix 3 Resource List by Category

- **Translation**
  - [Improving Access to public Websites and Digital Services for Limited English Proficient \(LEP\) Persons](#)
  - [Machine Translation Ensuring Meaningful Access for limited English Proficient Individuals, U.S. Department of Labor Civil Rights Center \(2014\)](#)
  - [Machine Translations: Good Enough for Government Work? GCN.com \(2015\)](#)
  - [Practitioner's Corner: Top 10 Best Practices for Multilingual Websites, Migration Policy Institute](#)
  - [Guide to Translation of Legal Materials, National Center for State Courts \(2011\)](#)
  - [Translation - Getting it Right: A Guide to Buying Translation, American Translators Association \(2011\)](#)
  
- **Where to Find Professional Translators:**
  - [Northwest Translators and Interpreters Society Translator Directory](#)
  - [American Translators Association Language Services Directory](#)
  
- **Usability testing**
  - [Nielsen Norman Group](#)
  - [UsabilityTesting.Gov](#)
  - [Interaction Design Foundation](#)
  - [Readability Analyzer](#)
  - [WebFX Readability Test](#)
  
- **ADA guidance**
  - [Web Content Accessibility Guidelines \(WCAG\) 2.1](#)
  - [Washington State Office of the Chief Information Officer – Web Content Accessibility Policies, Resources, and Free Trainings](#)
  - [ADA Best Practices Tool Kit for State and Local Governments, Chapter 5 – Website Accessibility Under Title II of the ADA](#)
  - [Accessibility of State and Local Government Websites to People with Disabilities, U.S. Department of Justice](#)