WASHINGTON COURTS

Administrative Office of the Courts

2015-2017 Access to Justice Technology Principles Report to the Supreme Court

August 10, 2017

AOC Mission:

"To advance the efficient and effective operation of the Washington judicial system."

ATJ Board Mission:

"Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers"

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Introduction

Washington State Administrative Office of the Courts (AOC) and the Washington State Access to Justice Board (ATJ) Technology Committee are pleased to present the Biennial Access to Justice Technology Principles Report for the period July 2015 to June 2017.

The Washington judicial system believes in and is committed to its duty to protect individual rights, be accountable to the Constitution, defend against political interference, and to serve the public through equal, fair and impartial access to justice. The AOC provides services that support justice and more broadly, maintain an effective court system in Washington.

Since the Supreme Court established ATJ in 1994, the ATJ has recognized that access to the civil justice system is a fundamental right and the ATJ Board works to achieve equal access for those facing economic and other significant barriers. In 2004, the Washington State Supreme Court adopted the ATJ Technology Principles that guide the use of technologies in the Washington State justice system which must protect and advance the fundamental right of equal access to and delivery of justice for all.

There are six principles, summarized as follows:

1. **Requirement of Access to Justice**: Use of technology must promote, and not reduce, equal access.

2. **Technology and Just Results**: The justice system must use technology to achieve the objective of a just result achieved through a just process and reject, minimize, or modify any use that impairs achieving it.

3. **Openness and Privacy**: Technology in the justice system should be designed and used to meet the dual responsibilities of being open to the public and protecting personal privacy.

4. **Assuring a Neutral Forum**: The justice system must ensure the existence of neutral, accessible and transparent forums which are compatible with new technologies, and discourage and reduce the demand for the use of those which are not.

5. **Maximizing Public Awareness and Use**: The justice system should promote public knowledge and understanding of the tools afforded by technology to access justice.

6. **Best Practices**: Those governed by the ATJ Technology Principles must use 'best practices to guide their use of technology so as to protect and enhance equal access to justice and fairness, including evaluation of the use of technology in doing so.

The full text of the Principles and their associated Comments may be found at www.courts.wa.gov and www.atjweb.org .

In addition, in its amended order adopting the ATJ Technology Principles, the Supreme Court also required the AOC and ATJ Board to report biennially on progress and activities related to

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the Access to Justice Technology principles. This report has been prepared in compliance with that order.

Purpose

The purpose of this report is to document the progress and efforts of the Administrative Office of the Courts and the Access to Justice Board to implement and use technologies within Washington State's justice system in a manner that furthers the goals of the ATJ Technology Principles. It provides information on the progress made towards incorporating the ATJ technology principles in information technology projects and practices, special initiatives and technology governance processes.

ATJ Technology Committee members, ATJ staff and AOC staff contributed to this report. Both Judicial Information Systems Committee (JISC) and the ATJ Board have reviewed this report before presenting it to the Washington State Supreme Court.

This report is presented in the following sections:

- AOC Initiatives supporting the ATJ Board Mission and ATJ Technology Principles
- ATJ Board and Committee Efforts Underway in Washington State
- Conclusion

AOC Initiatives Supporting the ATJ Principles

AOC, through efforts of its Court Services, Management Services, Administrative Services and Information Services Divisions, has executed several projects and initiatives that support and further the ATJ Technology principles. This section describes efforts that have been completed in the last biennium or were started last biennium and are currently underway at AOC.

1. Pro Se Plan Elements

AOC was an active partner in the efforts of the ATJ Board through its Pro Se Project to convert all the Domestic Relations pattern forms to plain language.

The goal of the initiative is to:

> Create simple, clear, user-friendly forms written in easy-to-understand "plain language" and presented in an intuitive easy-to-navigate format. With plain language forms, users understand the content more quickly, don't need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they answer fewer phone calls, write fewer explanatory letters or e-mails, and generally can assist the public in a more user-friendly manner. Good forms educate litigants

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> about the law and help them better present their cases, better inform other parties of claims and issues, provide the judicial officers with information on which to base their decisions, and lead to decisions and orders that are more specific, easier to enforce and result in greater compliance by the parties.

A large number of people, including AOC staff and Washington Pattern Forms Committee members, participated in the development of the plain language forms. The draft forms were completed in 2016. The final plain language forms, now called the Family Law forms, became mandatory forms on July 1, 2016.

AOC continues to be an active partner in the project through its support of the Washington Pattern Forms Committee (Committee). Maintenance of the Family Law forms returned to the Committee on July 1, 2016.

The Plain Language Forms initiative aligns with the Preamble of the ATJ Technology Principles in that, among other things, the plain language forms will help persons to assert a claim or defense and to create, enforce, modify, or discharge a legal obligation.

The Initiative also aligns with the Principles' requirement of enhancing Access to Justice in that the plain language forms use updated Microsoft Word features and page layout concepts that assist persons in navigating through the forms. These advance access and participation by making the forms easier to use and more effectively navigate.

Technology and Just Results: The language in the plain language forms assists persons in understanding what kind of information they need to provide. If parties present clearer and more relevant information, judicial officers and other decision-makers will have a better understanding of the issues and circumstances and are better able to make well-informed decisions.

2. Online Document Assembly Capability, Part of Phase 1 of the Pro Se Plan

As part of the Pro Se Plan, AOC is an active partner with the Access to Justice Board, Northwest Justice Project, and the Office of Civil Legal Aid in the Technology Assisted Forms (TAF) Advisory Committee which is developing an online document assembly system for the users. The goal of the online document assembly system is:

> Along with plain language content and format, it is preferable that the online forms eventually be "interactive" which means that the user is "interviewed" and in fact coached in plain understandable language on necessary information in a logical format that assembles the document along the way. This interactive form technology walks the user through the process by using a graphical interface to assist in understanding and using legal terms. Users are able to preserve their information which will automatically populate the next form if the same information is called for. This interactive format could significantly benefit self-represented litigants through understandability, ease of usage, consistency of content and time savings.

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The online document assembly system aligns with the ATJ Technology Principles, in particular, Requirement of Access to Justice, in that online forms will be accessible from home, libraries, kiosks, community centers, and many other convenient places with internet access. An online program will help people complete forms and advance access as well as participation by making it easier for persons to provide necessary information to the courts, and enable quicker, more efficient and more affordable court services.

3. Fillable PDF Forms

Within available resources, AOC is creating fillable PDF versions of the plain language Family Law forms.

The goal of the fillable PDF initiative is to:

> Improve access for sight-impaired persons with visual and associated disabilities using screen readers which read the fillable PDF forms; make it easier for persons to complete forms, without needing to know how to use Microsoft Word; and ensure completed forms are legible and properly formatted when filed.

The fillable PDF project aligns with the ATJ Technology Principle of Requirement of Access to Justice in that use of the fillable PDF form increases access to justice by making the forms more accessible to persons with visual and associated disabilities and by making the forms easier for all persons to fill out.

4. Interpreter Profile System

The AOC implemented the Interpreter Profile System (IPS) web site. The Consortium for Language Access in Courts has recognized IPS with the award for the “Use of Technology and Software” to eliminate language barriers. AOC is planning to revise the Interpreter Program and Commission webpage content to enhance resource seeking opportunities for the courts and the public.

The goal of the system is to:

> Automate and streamline a system for tracking interpreters’ languages, contact information, work areas, certification and continuing education credits. The IPS allows interpreters to update their own profiles online which provides for more accurate and up-to-date information.

The IPS web site serves the following Access to Justice Technology Principles:

Principle 1: Requirement of Access to Justice,
Principle 2: Technology and Just Results,
Principle 4: Assuring a Neutral Forum and,
Principle 6: Best Practices.

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5. Information Networking Hub and Enterprise Data Repository

Since 2011, the AOC has undertaken an information exchange initiative called the Information Networking Hub (INH). In June 2015, the legislature approved funds for the Expedited Data Exchange (EDE) program for implementation of the next phase of the INH project. The EDE Program implements the Enterprise Data Repository (EDR) based on the statewide data sharing specified in the JIS Standard for Alternative Electronic Court Record Systems.

The INH project will provide AOC the capability to support data exchanges using a centralized database for information sharing among systems across the state. In addition, it enables building of the systems necessary to implement data validation, reporting, and data integration while maintaining existing applications and the data warehouse.

The goals of the project are to:

1. Provide a common repository for statewide shared court data
2. Provide services that enable receiving, storing and sharing of the statewide court data in accordance with the approved JIS Standard for Alternative Electronic Court Record Systems
3. Build integration with existing JIS applications that rely on statewide data

The timeline of this program is also tied to the procurement and deployment of the case management systems for King County District court and the King County Clerk's Office.

The INH EDR project serves the following Access to Justice Principles:

> Principle 1: Requirement of Access to Justice
> Principle 2: Technology and Just Results.

6. Superior Court Case Management System (SC-CMS)

AOC is currently implementing a new case management system, Odyssey, for Superior Courts and the County Clerks' offices.

The goal of the project is:

> To replace the current system supporting the superior courts (SCOMIS) and provide new functions and capabilities that is needed by the Superior Courts and County Clerks' offices.

The SC-CMS project implemented the Odyssey case management system at the pilot site (Lewis County) on June 15, 2015. To date, Odyssey has been successfully implemented in 16 Counties. The remaining 21 counties will be implemented in a series of three more Go-Live events in 2017 and 2018. Included with the implementation is the Odyssey Portal and a method for sharing and viewing documents on a case.

In addition to the project team, AOC teams supporting the Court Business Office (CBO) and Enterprise Architecture continuously review the future state business processes for Superior Courts as well as the technology to ensure that it conforms to the ATJ Technology Principles. In

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addition, the ATJ Board has a representative on the SC-CMS Court Users Work Group (CUWG).

The SC-CMS project incorporates all six ATJ Principles.

7. Appellate Courts Enterprise Content Management System (AC-ECMS)

AOC has recently implemented a new content management system for Appellate Courts.

The goal of this project is to centralize document and business workflow management into a common enterprise content management system for all appellate courts to use. AC-ECMS also provides an improved electronic filing system.

The AC-ECMS system has been deployed to the Supreme Court and all 3 Court of Appeals Divisions.

The AC-ECMS project will incorporate all six ATJ Technology Principles.

8. Courts of Limited Jurisdiction Case Management System (CLJ-CMS)

AOC is currently working on providing a new case management system for Courts of Limited Jurisdiction (CLJ).

The goal of the project is:

> To replace the current system supporting the district and municipal courts (DISCIS or JIS) and provide new functions and capabilities that are needed by the CLJs.

The CLJ-CMS project began in January of 2016 and has been conducting work for procurement of a Commercial Off-the-Shelf case management system. The project recently announced an Apparent Successful Vendor (ASV) with the expectation to complete contract negotiations by October 2017, and work to begin shortly thereafter.

The CLJ-CMS project team, AOC teams supporting the Court Business Office (CBO), and Enterprise Architecture Team continuously review the future state for CLJ Courts' business processes as well as the technology to ensure that they meet and support the ATJ Technology Principles. In addition, the ATJ Board has a representative on the CLJ-CMS Court Users Work Group (CUWG).

The CLJ-CMS project will incorporate all six ATJ Principles.

ATJ Board Efforts Underway in Washington State

In addition to efforts previously described in this report, and among many other ongoing initiatives, some of the current efforts of the ATJ Board that further the ATJ Technology Principles are described below through the work of the Technology Committee.

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The mission of the Access to Justice Board Technology Committee is to increase and improve access to the justice system by promoting efficient and effective inter-agency technology needs assessment, planning, collaboration and evaluation. The Committee oversees the implementation of the Access to Justice Technology Principles, adopted by order of the Washington Supreme Court. During the reporting period the Tech Committee has had two central priorities: (1) the update of the ATJ Technology Principles and (2) an associated Technology & Justice Symposium.

1. Symposiums and Workshops

1.1 Technology & Justice Symposium

The Access to Justice Board through the work of its Technology Committee organized and hosted the first Technology & Justice Symposium on September 9-10, 2016 at the University Of Washington School Of Law with the participation of the Seattle University School of Law. Nearly 100 people gathered together for the two-day event that focused on legal technology innovation, current court and legal system technology, and the Access to Justice Technology Principles. Washington State Supreme Court Chief Justice Barbara Madsen gave the opening remarks and was followed by Judge Don Horowitz (ret.) and Office of Civil Legal Aid Director Jim Bamberger who presented history of the Access to Justice Technology Principles and how they have been implemented to date. Other distinguished speakers included Justice Steven González, chair of the Supreme Court's Technology Committee, Internet co-founder Vint Cert, and Self-Representation Litigation Network founder Richard Zorza. Many of the attendees walked away with ideas for innovative ways to address the justice gap, creating new networks among legal professionals and technologists, and opportunities to update and better implement the Access to Technology Principles.

Video from the Symposium is available at http://www.atjweb.org/blog.

1.2 Washington State Access to Justice Conferences

In June 2015 and 2017 the Access to Justice Board organized a statewide conference. In 2015, the Technology Committee organized a workshop called "Social Media for Movement Building" where conference participants learned best practices and hands-on skills to use social media for advocacy and outreach. In 2017, technology focused workshops offered best practices on how to leverage technology to better and more effectively deliver legal services to low-income clients. The Workshop topics included: Reaching and Communicating with Clients through Client-Centered Design; Social Media training; and using the Access to Justice Technology Principles in Real Time.

Speakers included ATJ Board Tech Committee members: Sart (Brian Rowe), Professor and Techie, Northwest Justice Project, University of Washington, Seattle University; Destinee Evers, Practicing Management Advisor, Washington State Bar Association; Miguel Willis, Program Director, Access to Justice Technology Fellowship Program; and Claudia Johnson, LawHelp Interactive Program Manager, Pro Bono Net. Lillian Kaide, Seattle University Frances Perkins Fellow at the Unemployment Law Project led the panel organization.

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1.3 Social Justice Hackathon

In 2015, led by Seattle University School of Law student Miguel Willis, a two day hackathon was held to bring together technologists and legal aid organizations to build technical solutions to access to justice problems. The hackathon focused specifically on addressing the legal needs of the poor. The event contributed three new tech options for access to justice:

- **Paid It!** - A mobile app for clients facing eviction due to lack of evidence to present in legal cases.
- **Social Justice League** - A mobile-responsive webpage for volunteer lawyers to send self-help resources to clients.
- **Court Whisperer** - A mobile app enabling people to fill out court forms by speaking and producing a properly formatted court document.

2. Representation on Key Judicial System Bodies

The Washington State Administrative Office of the Courts (AOC) is developing two new statewide case management systems (CMS) that would enable the AOC to support the business functions of the state superior courts and county clerks, and the courts of limited jurisdiction, including the municipal and district courts, by acquiring and deploying a case management system. There are two ATJ Board representatives on the Court Users Work Groups (CUWGs), tasked with assisting in the development of the two systems. These representatives participate in the discussions from the perspective of potential public and self-represented litigant users. There is also an ATJ Board representative participating in meetings of the Judicial Information Systems Committee (JISC) and their Data Dissemination Committee.

3. Participation in National ATJ Issues

In 2015, the Access to Justice Board Tech Committee drafted comments per a solicitation by the Federal Communications Commission regarding the Lifeline Program. Stating that essential legal resources are moving online and into video formats that require broadband access in order to utilize them and that broadband access is also becoming essential for access to court records, the Access to Justice Board submitted comments to express its support of the proposal by the Federal Communications Commission to rebuild and modernize the Lifeline program so that all qualifying low-income consumers of Lifeline can utilize unlimited Internet.

4. Technology Assisted Forms (TAF) Family Law automated document assembly system and E-Filing

As referenced in AOC's section 2 above, "Online Document Assembly Capability, Part of Phase 1 of the Pro Se Plan," the Access to Justice Board, Northwest Justice Project, Office of Civil Legal Aid and AOC partnered together to form the Technology Assisted Forms (TAF) Advisory Committee to work on the development and implementation of an automated document assembly system for the new plain language forms. The committee includes representatives from the following organizations: ATJ Board, OCLA, AOC, JISC, Superior Court Judges Association's Family and Juvenile Law Committee, Association of County Clerks, Washington State Coalition for Language Access, Interpreter Commission, Northwest Justice Project, WSBA

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and KCBA Family Law Sections, Pro Bono Council, Courthouse Facilitators, and Limited Legal License Technician Board.

The committee has been working on drafting the Business Requirements and Technology Principle Requirements documents as well as the Request for Statement of Interest and Capability. They have also begun researching potential vendors and communities where they can send the Requirements documents and Request for Statement of Interest and Capability to. The goal is identify a document assembly technology platform that has the ability to provide user-friendly access and uses a plain language, iterative sequential inquiry process capable of effectively operating across multiple technology platforms (including mobile platforms). The intention is that the 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. The platform will be developed and implemented in accordance with the Supreme Court's Access to Justice Technology Principles. The Committee is also working on raising funding for this project. The Committee will meet regularly throughout 2017 to identify a platform and developed a plan for implementing a publicly accessible, user friendly, no-cost automated document assembly system within the FY 2017-19 biennium.

5. ATJ Tech Principles Update Workgroup

The Access to Justice Board and its Technology Committee have been working to assure that technology reduces or eliminates barriers and creates new pathways to equal and meaningful justice for more than 15 years. In 2004, the Access to Justice Technology Principles were adopted by the Washington State Supreme Court with that intent.

After 12 years of considerable change in the nature and use of technology in society generally, as well as technology's relationship with the justice system, it is time to evaluate and update the content and implementation of the ATJ Technology Principles. A workgroup has been established to begin the process of gathering input from stakeholders across Washington State and elsewhere. The ATJ board is collecting feedback on the ATJ Technology Principles through an online survey and through in person and online interviews with stakeholders. Following the information gathering period, the workgroup will move into revising the ATJ Technology Principles. The intention is to have a fully revised set of ATJ Technology Principles this biennium.

Conclusion

The 2015-2017 biennium has been a particularly active time for the ATJ Board, ATJ Technology Committee and AOC in advancing the ATJ Technology Principles. AOC and the ATJ Board continue to make significant progress in driving the implementation and usage of the technology principles through a variety of projects, programs and many new initiatives that continue to support access to and delivery of justice for all.

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