Administrative Office of the Courts

2020-2022 Access to Justice Technology Principles Report to the Supreme Court

December 1, 2021

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 2020 to June 2022.

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 the ATJ Board 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

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. Legal Advice vs. Legal Information

AOC staff, working with the Court Management Council, developed an interactive online tutorial to help court personnel understand the difference between giving legal advice and giving legal information. The Court Management Council consists of the State Court Administrator and leadership from the appellate court clerks, Washington State Association of Council Clerks, Association of Washington Superior Court Administrators, Washington Association of Juvenile Court Administrators, and the District and Municipal Court Management Association.

The tutorial is intended to explain ways court system personnel can and should assist the public. Court system personnel are sometimes wary of answering questions for fear they may be providing legal advice. The tutorial, paired with a model curriculum and materials also developed by the Court Management Council, should make court personnel better informed and more comfortable providing important information.

2. Inmate eFiling

In collaboration with the Department of Corrections (DOC) and the appellate courts, AOC successfully implemented Inmate eFiling in eight DOC facilities in the Washington State Penitentiary System. Inmate eFiling allows incarcerated persons to electronically file documents with the Supreme Court and all three divisions of the Court of Appeals. This program provides more timely access to the courts by inmates, reduces secure mail handling by staff at the institution, and is more efficient for the appellate courts.

There were a combined 1,100 successful filings in 2020 and 1,950 successful filings in 2021 to the Supreme Court and the three divisions of the Court of Appeals. DOC plans to expand the program to other institutions in the upcoming years.

Inmate eFiling serves the following Access to Justice Principles:

Principle 1: Requirement of Access to Justice, and

Principle 2: Technology and Just Results, and

Principle 4: Assuring a Neutral Forum

Principle 6: Best Practices

3. 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.

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 individuals to provide necessary information to the courts, and enable quicker, more efficient, and more affordable court services.

4. 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. In October 2017, the EDE Program implemented the Enterprise Data Repository (EDR) based on the statewide data sharing specified in the JIS Standard for Alternative Electronic Court Record Systems. The EDR provides a single source of data from all courts, including courts that have implemented local case management systems. The implementation of the EDR included integration with JIS.

In July 2019, the King County Clerk's Office (KCCO) became the first independent case management system to send court data to the EDR. King County District Court (KCDC) integrated its independent case management system to the EDR in November 2020. AOC processes data from KCCO and KCDC to establish links between matching person records from those systems and the JIS case management systems. AOC systems such as the Judicial Access Browser System (JABS) and the Juvenile and Corrections System (JCS) now retrieve and display data from the EDR. This enables AOC to present a complete, statewide record even when courts use different case management systems. AOC also uses data from the EDR to report statewide court data to other agencies, such as the Washington State Patrol.

AOC is currently working with Seattle Municipal Court and Kitsap County District Court as they implement independent case management systems and integrate to the EDR.

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

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

5. Superior Court Text Messaging and E-Mail Notifications

During the 2019 – 2021 Biennium, AOC began the Superior Court Text Messaging and E-Mail Notifications project. This effort will utilize Odyssey's messaging functionality to send notifications to case participants reminding them of upcoming proceedings and other important information. The functionality features three processes: hearing notifications, hearing reminders, and payment reminders. The goal of this work is to use text messages and e-mail communications to reduce the number of missed hearings and payments by providing timely reminders to the correct case participants. This project will be implemented during the 2021-2023 biennium.

The Superior Court Text Messaging and E-Mail Notifications project incorporates all six ATJ Principles.

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

AOC implemented a new content management system for the Appellate Courts and enhanced the system during the 2019-2021 biennium.

The AC-ECMS centralized 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 three divisions of the Court of Appeals.

For the 2019 – 2021 Biennium, the enhancements focused on automating the remaining business processes; and furthering data integration between the content management system and case management system.

The AC-ECMS project incorporates all six ATJ Principles.

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

AOC is working on implementing a new case management system for the Courts of Limited Jurisdiction (CLJ). The project will replace the current system supporting the district and municipal courts (the District Court Information System (DISCIS)) and provide new functions and capabilities that are needed by the CLJs. When complete, the project will provide an eFiling solution, a new case management system, and a probation system to most of the state district and municipal courts.

The CLJ-CMS project began in January of 2016. AOC contracted with Tyler Technologies in September 2020 to implement the Odyssey case management system for Washington's Courts of Limited Jurisdiction. Four courts have been identified to be the pilot courts for the CLJ-CMS project. Those courts are Pierce County District Court, Tacoma Municipal Court, Gig Harbor Municipal Court, and Fircrest/Ruston Municipal Court. AOC plans to implement the CLJ-CMS application in the pilot courts in the fall of 2022. After the pilot implementations, AOC will roll out the new system to courts in geographic groups in six month cycles throughout the state.

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.

8. JIS-Link Modernization

AOC is required by statute to provide public access to non-confidential case and person data from all courts. AOC provides this access through a system known as JIS-Link. The implementation of independent case management systems in some jurisdictions and the

integration of those systems to AOC's EDR necessitated a modernization of the existing JIS-Link application. During the period 2017 – 2021, AOC developed and deployed the new JIS-Link application to ensure public users would be able to access all case and person data through one application. The modernized JIS-Link application was implemented and made available to the public in April 2021. AOC continues to enhance the system to provide additional data services to public users.

The JIS-Link Modernization project serves the following Access to Justice Principles:

Principle 3: Openness and Privacy, and

Principle 5: Maximizing Public Awareness and Use.

ATJ Board Efforts Underway in Washington State

The ATJ Board, primarily through its Technology Committee, has also been working to promote and institutionalize the ATJ Technology Principles. Some of the more significant activities and accomplishments are summarized here.

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 State Supreme Court. During the reporting period the Technology Committee has had two central priorities: (1) promoting and educating about the update of the ATJ Technology Principles and (2) collaborating with the Practice of Law Board about a proposed sandbox for online legal services providers.

9. ATJ Technology Principles

Our update of the Technology Principles began in September 2016 with the Justice & Technology Symposium held at the University of Washington. Following the speakers, we invited participants to separate into groups to discuss each principle and how it might be updated. We compiled the information for future meetings. In addition to updating the principles consistent with developments in technology, we strove to use plain language to make the principles more accessible. The workgroup recognized the increasingly rapid change in technology capability and capacity and did our best to make sure the principles will continue to have relevance as technology changes. We held a number of small group events to work on revising the principles in real time. In addition, we asked Diverse Voices of the University of Washington to gather feedback. Diverse Voices gathered feedback from groups outside the

Alliance who may be impacted by the results of implementation. Those groups included formerly incarcerated, geographically diverse participants, active court players, and immigrants. We incorporated the feedback from those groups.

The revised principles were first forwarded to the Supreme Court in August 2018. Based on comments from AOC and others, the ATJ Board rescinded its request that the principles be adopted as rules. In addition, the Technology Committee proceeded to seek additional feedback from affected stakeholders. We engaged in conversation with AOC and the Judicial Information Systems Committee to address their concerns. We hosted a webinar on January 25, 2019, to allow any interested parties to call in, ask questions, and make comments. The final product was presented to the Supreme Court for adoption as principles on July 30, 2019. The ATJ Tech Principles were approved by the Supreme Court shortly thereafter. In the years since the ATJ Tech Committee met with various court organizations to discuss the ATJ Tech Principles, their use, and implementation. The ATJ Tech Committee also worked with WSBA to put on a free CLE discussing the ATC Tech Principles.

10. COVID-19 it's effect and the aftermath

As the COVID-19 pandemic swept our country and forced courts to reimagine the way justice is delivered the ATJ Tech Committee monitored programs and offered counsel to organizations through our liaisons. Members of the ATJ Tech Committee also published for the WSBA on advice for practitioners in adjusting to technologies made essential by the pandemic.

11. Liaisons to Judicial Information Systems Committee and Court–User Work Groups

The ATJ Board and the Technology Committee members continue to serve as liaisons to the SC-CMS CUWG, CLJ-CMS CUWG, JISC, and the Data Dissemination Committee. The Technology Committee has commented on the need to sign up through a separate system to access records for each court, including having a separate log in. This requirement impacts legal service organizations that provide representation to low income people. It also limits access for unrepresented parties to their own court records. We also expressed concern to the county clerks about the cost of access to court electronic court records. These issues are not easily resolved and conversations are continuing.

12. Proposed Legal Sandbox

As the Practice of Law Board has moved away from amending GR24 and toward the creation of a regulatory sandbox to manage online legal service providers the ATJ Tech Committee has continued to work alongside the POLB. The POLB has now created a draft proposal for a

regulatory sandbox that would allow alternative legal service providers to operate safely in Washington while maintaining oversight by the Supreme Court. After meeting with and seeking feedback from numerous stakeholders the proposal is in its final stages before being submitted to the Supreme Court for review.

Conclusion

This has been strange time for the ATJ Board, ATJ Technology Committee, and AOC in advancing the ATJ Technology Principles and managing a global pandemic that forced a spotlight onto the impact of technology on justice. 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.