

ACCESS TO JUSTICE

Meeting The Needs Of Self-Represented Litigants

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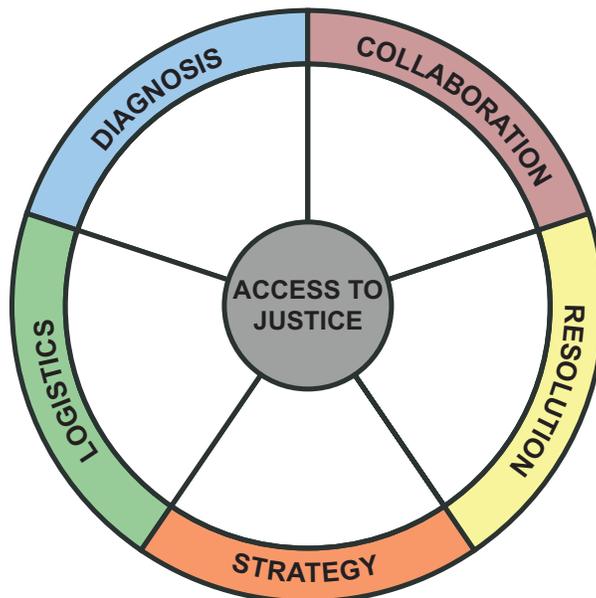
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Access to Justice

Meeting the Needs of Self-Represented Litigants

Introduction



Introduction

The U.S. system of government, admired around the world as a model of democracy, is grounded in the rule of law. In theory, justice is available readily and equally to all. In practice, access to justice is easier for some than for others, and for those unable to afford legal services, justice may be difficult to obtain at all. The American ideal for justice is not unreasonable or unattainable. It can be achieved by systematically removing the unnecessary, simplifying the necessary, and rethinking processes from the standpoints of those who must use them.

Today an increasing flood of people, numbering in the hundreds of thousands, have begun to try to handle their own court cases rather than rely on lawyers. However, modern court systems in the United States are too complex for all but the most sophisticated non-lawyer. Courts, in their efforts to improve access to justice, have inadvertently made the system more complex by adding more procedural layers and rules.

The Problem

Civil justice reform in the United States has failed to address the problems faced by self-represented litigants in their efforts to obtain access to the justice system. Although the great majority of cases filed by self-represented litigants are factually and legally uncomplicated, many litigants in these simple cases struggle to navigate through an unfamiliar and procedurally complex court system. Court systems employ difficult, even arcane terminology, and impose highly technical requirements to prosecute or defend cases. To date, most approaches to this problem have failed to address this inherent complexity from the “customer’s” perspective.

To address these shortcomings, the National Center for State Courts (NCSC) has joined with the Illinois Institute of Technology’s Institute of Design and the Chicago-Kent College of Law to draw upon the most advanced design techniques and the power of the Internet to fundamentally reengineer, from the customer’s perspective, civil court processes in which self-represented litigants seek access to judicial services.

Our project arises out of a Concept paper and grant proposal to the State Justice Institute submitted by the National Center for State Courts on June 19, 2000 in partnership with Chicago-Kent College of Law and the Institute of Design. The problem we address in our project is best described in the following quote from the “Need for the Project” section of the Program Narrative written by the National Center for State Courts:

Perhaps the most fundamental criticism Americans make of the civil courts is that they are not affordable. In the NCSC’s 1999 national public opinion survey 68 percent of the public said that it is not affordable to bring a case to court. Eighty-seven percent said that obtaining legal representation contributes “a lot” to the cost of going to court. A majority of survey respondents also believed that the complexity of the law contributes “a lot” to the cost of going to court. (How the Public Views the State Courts, 1999)

Increasing Number of Pro Se Cases

The most visible consequence of unaffordability is the growth in the number of self-represented litigants appearing in state courts, especially, but not exclusively, in limited jurisdiction courts and domestic relations cases. (Goerd, 1995) In the mid-1990s at least one party was self-represented in more than two-thirds of domestic relations cases in California and in nearly 90 percent of divorce cases in Phoenix, Arizona and Washington, DC. (Goldschmidt, 1998) In her remarks at the National Conference on Pro Se Litigation, Scottsdale, Arizona (Nov.

18-21, 1999), Justice Barbara Pariente of the Florida Supreme Court reported that half of the cases filed in family court are entirely pro se, and over 80% have at least one pro se litigant. The implications of these increases for judges and court staff go far beyond the simple need for additional staff and resources to manage these cases. Most courts report that pro se cases require a disproportionate amount of time and court resources because many litigants are unprepared or have inaccurate or incomplete information about how to proceed.

Perceived Inaccessibility

The volume of legal problems that are not being brought to the civil justice system is a measure of the public's perception of the inaccessibility of existing civil processes. A majority of Americans report legal problems that they did not seek to resolve through the public court system, typically because of a fear of the costs involved or a view that "the justice system would not help." (Consortium on Legal Services, 1994) The consequences of a lack of access are particularly acute for the poor because their legal needs relate to the essentials of life: "shelter, minimum levels of income and entitlements, unemployment compensation, disability allowances, child support, education, matrimonial relief and health care." (Committee to Improve the Availability, 1991) Judges, court managers, and others attending the National Conference on Public Trust and Confidence in the Justice System ranked re-thinking the role of lawyers as the second highest priority for national action.

Public Expectations

There is more to the story than excessive legal costs. The public now has experience and confidence in transacting business directly with large and complex organizations like banks and stockbrokers. The role of the middleman is shrinking. Public expectations of easy and direct access in non-court contexts will inevitably affect the state courts. Already the majority of Americans believe that they can represent themselves in court if they want to. (How the Public Views the State Courts, 1999)

Failure of Traditional Responses

Civil justice reform in the United States has failed to address the problems that self-represented litigants experience and create for judges and court staff. The traditional reform mechanism has been to give judges greater control over the legal process by imposing case management rules on attorneys. Such reforms sidestep the needs of self-represented litigants. Moreover, traditional court reforms may actually exacerbate the problems of self-represented litigants by making the legal process more complex, and thus less easily navigated by litigants without lawyers.

Assistance programs are the traditional way of providing relief to pro se litigants. Such programs are only marginally successful in making self-represented litigants effective consumers of court services. Self-represented litigants will always be second-class participants in traditional court processes because of the legal complexity of those processes. Provision of assistance, whether delivered in the form of simplified court forms and instructions or through self-help centers, cannot place a pro se litigant on an equal footing with litigants with legal representation. And, often, pro se assistance programs do not satisfy the sense of entitlement to act as one's own attorney that motivates many self-represented litigants.

In addition, pro se assistance programs often highlight the ethical dilemmas that arise in traditional court processes when one party to a dispute has a lawyer and the other party does not. The two parties are inherently unevenly matched. To place the parties on a more equal footing the court seeks to aid the self-represented litigant. No ethical rule can provide a judge a clear answer to the question "just how far can one go without compromising oneself or the

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court process?” (Miller, 1999)

A New Approach to System Reform

Our analysis, as summarized above, leads us to propose a partnership and a two-pronged strategy to better meet the needs of self-represented litigants. This project brings together the respective expertise of the National Center for State Courts in court management, of the Illinois Institute of Technology’s Institute of Design in systems design, and of the Chicago-Kent College of Law in computer and Internet technology. Together, they will reduce the complexity of court processes through a systemic, human-centered design process that works from the ground up. The design process is sensitive to the cultural, language, educational background, and computer literacy of people who choose or need to represent themselves in court. The design process generates and develops concepts that are: “*different* - freshly imagined to match the best of new technology to emerging needs and interests, *better* - thoroughly and systematically thought through for all users, and *right* - sensitively positioned to meet environmental, personal, social and cultural needs.” (Owen, 1998) The new processes will also be designed in a way that maximizes equitable and fair treatment of *all* litigants.

In August 2000, the following four organizations agreed to fund a three phase, two year project to redesign courts from the customer’s perspective: the State Justice Institute, the Open Society Institute, the Center for Access to the Courts through Technology, and, the Justice Web Collaboratory.

This report presents the results of the Structured Planning and Design phase of the project which started in January 2001 and concluded with the Final Presentation in Chicago, Illinois on May 4, 2001. A Structured Planning process was employed to develop concepts for improving conditions for self-represented litigants. Using this process, teams of graduate law and design students analyzed information from the field, organized it and developed system concepts for services, organizational entities, procedures and products based on the “user’s” viewpoint.

The Process

The process methodology is best summarized by the class description written by Professor Charles Owen:

The semester-long **Systems and Systematic Design** course is a project-based course where students apply the computer-supported Structured Planning process to complex planning problems. The goal for each project is to develop information thoroughly, propose innovative solutions, and integrate these ideas into system concepts that can both be evaluated in their own right and (in a real situation) be comprehensive problem statements for the next phase of development.

Course Issues

- **Complexity.** What is the nature of “systems” concepts, where products, processes, services and settings are organized to act together to achieve multiple goals? What can be done to assure that a concept is as complete as possible, covering many functions and attaining a high degree of “wholeness” and organic reliability?
- **Design methods.** What methods can be used for collecting, structuring and handling information in projects of greater complexity than is comfortably dealt

with intuitively? How can planning methods be used by a team to increase each member's effectiveness?

- **Teamwork.** How do individuals work successfully on teams? What roles are there to be played and what difficulties must be overcome?

Procedure

Theoretical study of the planning process is the subject of other courses (e.g., Structured Planning and Information Structuring). In the Systems and Systematic Design course, the process is applied practically. Work proceeds in the following six segments generally, although adaptations can be made to any or all to fit the special needs of the project:

Metaplanning.

From an initial project statement, research and discussion are undertaken to understand the context of the problem, establish resources, customize planning methodology and establish major issues. This results in a refined project charter (see next section) and a schedule for the planning activity.

Project Definition.

From the project charter and a list of issues it suggests, research focuses on the interpretation of the issues and the ways they can be resolved. Arguable positions are sought that can become goals for the project -- directions for the planning work to follow. All information is incorporated in Defining Statement documents (see Appendix). Through them, positions on the issues are expressed, background information is presented, and arguments are made for the position suggested vs. other possible positions.

Information Development.

A technique called Action Analysis is employed to uncover Functions (what the system must do), to discover Design Factors (insights about the behavior of users and the system), and to invent Solution Elements (tentative solution ideas).

Information Structuring.

Computer programs (RELATN and VTCON) are used to organize the Functions for concept development. The structuring is hierarchical, its result an Information Structure relating those Functions that ought to be considered together. Because the insights of the Design Factors are associated automatically with the Functions, the planning team can access related problems, insights and ideas organized for design to verify ideas as they are developed.

Concept Development.

Working with the Information Structure as a guide for ideation and evaluation, the team selects, modifies, extends or creates new concepts to cover the Functions necessary to the system under design. Using one or more creative support techniques, the process moves from highly verbal descriptions supported with rough sketches and diagrams to more defined studies and, finally, to formal presentations of ideas as System Elements of an overall plan.

Communication.

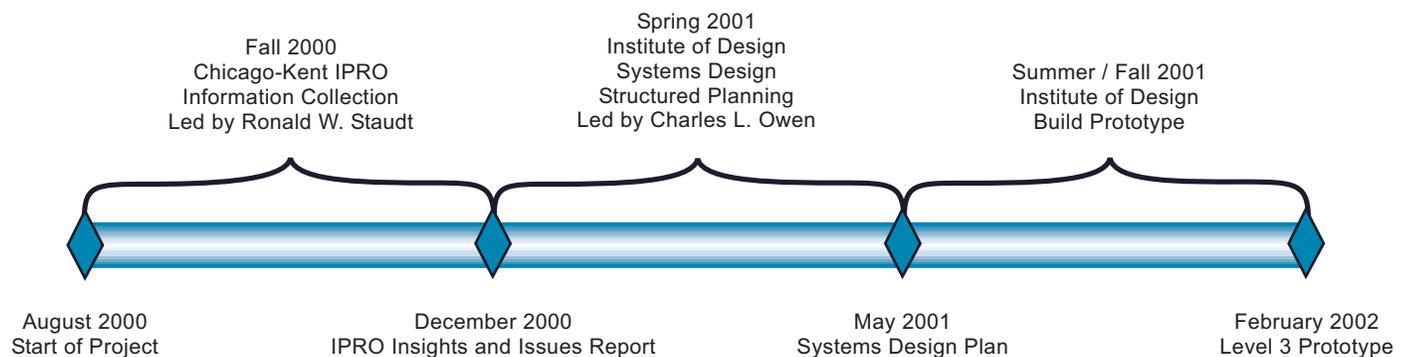
A detailed write-up of the System Elements of the plan is augmented with an Overview and illustrations of important aspects of key ideas. Illustrations are produced with computer visualization software that allows realistic 2-D and 3-D illustrations to be made of important ideas where appropriate.

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The Project

Meeting the Needs of Self-Represented Litigants: A Consumer Based Approach has three phases extending over 18 months:

- Phase One - Investigation of Existing Systems: Identify the major barriers to access to justice facing self-represented litigants;
- Phase Two - Systems Planning and Design: Employ the latest system design methodology to redesign court processes, removing barriers and providing self-represented litigants with efficient and effective access to the justice system; and,
- Phase Three - Building an Internet prototype: Translate the conceptual model for the redesigned court system into an Internet-based prototype for implementation by the courts.



Phase One – Investigation of Existing Systems

The investigation phase began in August 2000, centered around a course taught by Professor Ronald W. Staudt entitled, the Justice Web Collaboratory Interprofessional Research Opportunity (IPRO). This class included 13 law students from Chicago-Kent and 5 graduate design students from the Institute of Design. Under the supervision of Professor Ronald W. Staudt and Edward B. Pedwell and in cooperation with Paula Hannaford and Nicole Mott of the NCSC, teams explored existing *pro se* assistance programs identifying the processes and issues faced by self-represented litigants. The researchers, in teams, observed the Chicago-Kent Advice Desk and gathered information from litigants and courts in Cook and Lake Counties, Illinois; Delaware; Boulder County, Colorado; and, Ventura County, California.

The IPRO accomplished two main tasks:

- Creation of a design protocol; and,
- An assessment of existing processes.

Phase One, Task 1: Creation of a New Curriculum to Build a Design Protocol – August, 2000

Paula Hannaford from the NCSC completed the site selection for the project to include: Cook County (IL) Circuit Court, Lake County (IL) Circuit Court, Colorado 20th District Court, Ventura County (CA) Superior Court, and Delaware Family Court. These sites were chosen based on several criteria including: geographic and demographic diversity, variation in local *pro se* assistance initiatives and variation in types of cases in which litigants appear *pro se*. Each court has demonstrated a willingness and institutional capacity to

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implement the redesigned court process model at the conclusion of this project.

In August 2000, the project staff from Chicago-Kent College of Law developed the curriculum for the IPRO class in which 18 graduate students (13 law, 5 design) participated. Professor Staudt, with assistance and contributions from Paula Hannaford and Edward Pedwell, assembled background literature on pro se issues and solutions in order to help the students become familiar with the problem and some of the efforts already underway to improve access to justice by self represented litigants.

Phase One, Task 2: Assessment of the Existing Process – September – December, 2000

(1) Information Gathering – Mapping the Domain

The IPRO students were split into teams of 4 to 5 students. Under the guidance of Ronald W. Staudt and Edward B. Pedwell, each team conducted extensive on-line research to learn as much as possible about existing court procedures and resources available to self-represented litigants in the jurisdictions participating in the study. Within the study sites, research focused on landlord/tenant, small claims, and family law issues.

Before visiting the study sites, each team created a site visit plan that defined the nature and scope of the information that they would collect. All of the teams made extensive plans to interview judges, court administrators, court staff and *pro se* litigants. Each plan described the major objectives the team expected to accomplish during the site visits.

Accompanied by representatives from the NCSC, Professor Staudt and/or Edward Pedwell, students visited each of the cooperating court systems . The site visits occurred as follows:

- Cook County (IL) Circuit Court – September-November 2000;
- Colorado 20th District Court (Boulder) – October 18-20, 2000;
- Delaware Family Court – October 31 – November 2, 2000;
- Ventura County (CA) Superior Court – November 6-8, 2000; and,
- Lake County (IL) Circuit Court – November 15-19, 2000.

(2) Identification of Design Issues – Observations – Design Factors

The key activity of each visit involved ethnographic observation of the “customers” as they interacted with the court system. Court clerks, judges and court facilitators were “shadowed” by student observers. Unrepresented litigants were interviewed before and after court appearances, and asked about their reasons for using the court system and their reactions to current practices and procedures. The teams interviewed and tape-recorded *pro se* litigants, judges, clerks and court staff to solicit their views about how court processes might be made more accessible for self-represented litigants. As permitted by court personnel, the teams gathered a photo record of the buildings and processes. While on site, each of the teams collected pamphlets, court forms, instructional materials and other information that each court provided, and explored any other resources that each jurisdiction offered. The teams examined hundreds of case files

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and set up survey procedures to gather case management data, demographic information, and opinions from self-represented litigants at each court observation site.

The information was used to identify the major barriers to justice for self-represented litigants, and to begin formulating “design factors” for the redesign phase of this project, a task that is the first stage of the structured design process described next. The most important purpose of this information accumulation was to establish an ethnographic base upon which to build Phase Two.

Phase Two – Systems Planning and Design

The Systems Planning and Design phase began in January 2001, with the Institute of Design’s Systems and Systematic Design Workshop. This class consisted of 22 graduate-level students, consisting of 4 law students from Chicago-Kent College of Law and 18 design students from the Institute of Design.

Under the supervision of Professor Charles Owen, Professor Ronald W. Staudt, Edward B. Pedwell and in cooperation with Paula Hannaford and Nicole Mott from the NCSC staff, the teams continued the exploration of existing *pro se* assistance programs by identifying the processes and issues faced by self-represented litigants while employing a computer-supported planning process called Structured Planning (see Appendix: Structured Planning). Using this methodology, the students were tasked with developing a system that would redesign court processes, removing barriers and providing self-represented litigants with efficient and effective access to the justice system.

To begin this Phase of the project, the 22-person project team was organized into five teams of four or five members. Each team was given the responsibility to analyze a mode of the legal process which, for this purpose, was divided roughly along a timeline into the following five categories; diagnosis, preparation, alternative dispute resolution (ADR), hearing, and enforcement. Alternative dispute resolution, a mode not usually restricted to a fixed position in the timeline, was treated as a process that might occur at any time in a litigant’s experience with the legal system.

In keeping with the Structured Planning methodology of Project Definition, Information Development, Information Structuring, Concept Development, and Communication (see Introduction: The Process), this phase of the project was divided into six segments

The first segment required the five teams to define the problem by looking at issues important to the problem as a whole and to their particular mode of interest - Project Definition. The result of the work was a Charter (see Charter) that set out the project and a set of Defining Statements that raised critical issues and established positions to be taken on them.

Starting with the data gathered in Phase One, the students began to gain insights into the major barriers to justice for self-represented litigants - Information Development. The numerous design factors gathered during the investigation phase represented a collection of unedited thoughts that contained undeveloped ideas, unexplored observations, intriguing concepts, criticisms and general observations of the judicial system. To further understand the judicial system, two students visited each of the participating jurisdictions

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accompanied by representatives from the NCSC and a faculty member. The site visits occurred as follows:

- Cook County (IL) Circuit Court – January-February 2001;
- Colorado 20th District Court (Boulder) – February 13-16, 2001;
- Delaware Family Court – February 13-16, 2001;
- Ventura County (CA) Superior Court – February 6-9 2001; and,
- Lake County (IL) Circuit Court – February 8-16, 2001.

Using all the data that was collected during the first phase and the site visits, the students were able to gather and process information about the judicial system during the initial stages of the Systems Planning and Design process, helping them to understand the complexity of the problems that self-represented litigants face.

In the second segment, the team structure remained the same, but the focus of planning turned to analysis as the teams developed functional descriptions of each of their areas of concern. The teams worked within these descriptive structures for insights about problems faced by self-represented litigants and began to describe ideas to deal with the problems.

The third segment was a structuring segment requiring examination of all the Functions uncovered in comparison with all the ideas that had been discovered or invented in the second segment - Information Structuring. For this segment, the teams were reconstituted into four “interaction” teams, each with members from all five of the original teams. The result of the interaction process and computer structuring was an “Information Structure” optimally suited to the tasks ahead of synthesizing system solutions.

Fourth segment teams were once again reconstituted into five teams, this time charged with using the Information Structure as a “road map” for developing final solutions. Each of the teams in this segment viewed its inventive tasks against the particular needs of one of the five case types most frequently seen in self-represented litigation: small claims, landlord-tenant, divorce, child support and domestic abuse.

In the fifth and sixth segments, the organization of the teams returned to the first model, with each team applying its breadth and depth knowledge to extending and refining concepts - Concept Development - (in the fifth segment) and constructing a communication document for the many ideas (sixth segment) - Communication.

Using this methodology, the project team during Phase Two developed the “Access to Justice” system presented in the following pages of this document.

Introduction

This book contains a Charter, System Overview, System Elements and Appendices. Following this introduction is the Charter, which outlines the scope of the project and defines the project's goals and mission. The Charter is followed by a System Overview in which the Access to Justice system and its underpinning structural themes are described. Immediately following is a detailed description of the 53 elements that make up the proposed system.

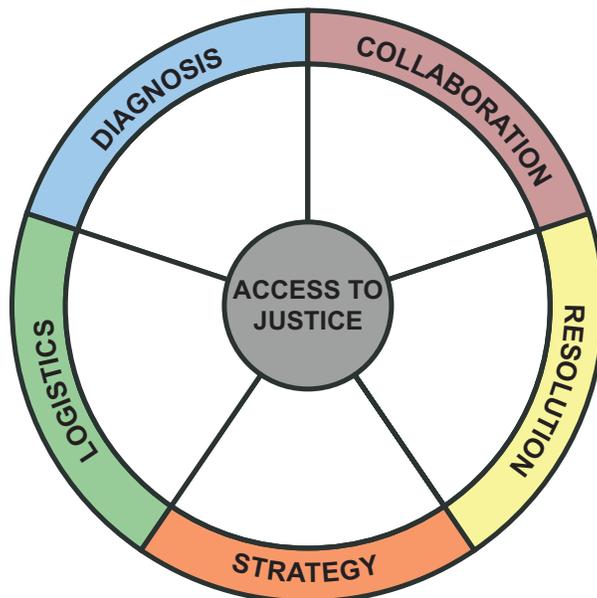
Each system element is presented in several parts: Description, Properties, Features, Related System Elements, Fulfilled Functions, Associated Design Factors, Discussion, and Scenario. First, the "Description" sets out the basic concept. "Properties" describes the element's characteristics. The "Features" section describes what the element does. Next, various linkages are established by listing the "Related System Elements", "Fulfilled Functions" (see Appendix: Function Structure), and the "Associated Design Factors" (see Appendix: Design Factors). The "Discussion" section offers a more detailed explanation of the reasoning behind each element and its operation. Finally, the "Scenario" section illustrates the way the element works using specific hypothetical examples.

The Appendix includes a detailed explanation of the Structured Planning process. Next, the Defining Statements, Function Structure, Design Factors, and Information Structure developed by the project team during the Systems Planning and Design phase are presented in their entirety. Finally examples of the other informational forms that were used during this phase are set out.

Access to Justice

Meeting the Needs of Self-Represented Litigants

Charter



Background

The U.S. system of government, admired around the world as a model of democracy, is grounded in the rule of law. In theory, justice is available readily and equally to all. In practice, access to justice is easier for some than for others, and for those unable to afford legal services, justice may be difficult to obtain at all.

An increasing number of citizens are attempting to represent themselves in court without the aid of an attorney. “In the mid-1990’s, at least one party was self-represented in more than two-thirds of domestic relations cases in California and in nearly 90 percent of divorce cases in Phoenix, Arizona and Washington, D.C.” (Goldschmidt et al 1998).

As it was intended, “the Sixth Amendment does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense. It is the accused, not counsel, who must ‘be informed of the nature and cause of the accusation,’ who must be ‘confronted with the witnesses against him,’ and who must be accorded ‘compulsory process for obtaining witnesses in his favor.’ Although not stated in the Amendment in so many words, the right to self-representation – to make one’s own defense personally – is thus necessarily implied by the structure of the Amendment. The right to defend is given directly to the accused; for it is he who suffers the consequences if the defense fails.” (*Farett v. State of California*, 95 S. Ct. 2525, 2532 (1975) as cited in Goldschmidt 1999, 1). In fact, the complexity of the legal system prevents this right from being exercised easily. Self-represented (pro se) litigants encounter many difficulties in gaining access to the legal system.

Factors Restricting Access

Among a number of dauntingly restrictive factors are:

Economic barriers. Access to lawyers or advocates is stratified according to economic means. Pro se litigants are more likely to have low incomes and small claims, making it almost impossible to find a lawyer who will take their case. Nearly 68% of respondents to the Hearst survey did not believe that it was affordable to bring a case to court (*How the Public Views the State Courts, A National Survey Funded by the Hearst Corporation*. Proceedings of the **1999 National Conference on Public Trust and Confidence in the Justice System** as quoted in Webster 2000, 3).

Complexity. Obtaining justice is a complicated process made unreasonably difficult by the sheer complexity of the legal system. Almost 83% of those asked in the Hearst Survey attributed the excessive cost of justice to be “more than a little” the product of complexity (Webster 2000, 4).

Intimidation. Many who come in contact with the legal system – not only litigants, but visitors and citizens seeking information – feel as though they are not heard, properly taken care of, or treated with dignity. The mandate of judicial neutrality justifies communication policies that create major informational barriers to litigants’ needs.

Lack of knowledge. Litigants may avoid costly legal representation by representing themselves, but if they do so, they must confront bewilderingly complex requirements, processes and events for which they are ill prepared by normal experience.

Language and understanding. Pro se litigants often face institutional barriers to communication and understanding: specialized legal jargon, procedures required to be completed in English when the litigant's primary language is not English, and inadequate access for those with sight or hearing disabilities.

Distrust. Among pro se litigants, as among the general public, there is widespread low and waning confidence in the legal system. "If court leaders focus on the needs of judges, staff, and lawyers, rather than on the needs of the public when designing courthouses, court processes, and technology-based services, citizen trust and respect [for] judicial institutions is problematic" (Webster 2000, 2). When potential litigants are disenchanted and cynical, they are less likely to avail themselves of information, advice and help they consider suspect – and are more likely to try to make their own way through the legal system.

Commitments. Family commitments and work responsibilities often place an unmanageable burden on the amount of time self-represented litigants can dedicate to working on their cases or understanding what is required of them. The effect may well be an unfair outcome if the self-represented litigant is pitted against a represented litigant.

Inconsistent information. Multiple sources of information and the variety of media forms used for dissemination frequently lead to inconsistencies that are difficult for the self-represented litigant to resolve (caused, for example, by failures to update revised instructions uniformly).

Costs of reform. Funds available to courts and legal service systems vary considerably among the states. Courts seldom have large discretionary funds for reforming obsolete systems, and cost effectiveness must be a key consideration for any changes.

Location. The location of a self-represented litigant's residence in relation to the courthouse and his or her ability to travel can pose problems in keeping appointments, meeting court dates and simply gaining access to needed information. Costs of travel also are not insignificant when they well may include loss of pay for an entire day's work.

Lack of uniformity. Laws governing pro se litigation are different from state to state. Further, individual court systems vary in size, volume and types of cases heard, demographics of residents, age of the court system, adaptability to change, and resources for making changes. These incompatibilities hamper the dissemination of improvements among court systems.

Relevant Trends

Among trends supporting the call for change are:

Changing Distributions of Wealth. The traditional American middle class society with its bell-curve concentration of middle class citizens is flattening and stretching out. The growing gap between wealthy and poor is placing additional strain on institutions committed to providing “safety nets” for poor and lower-income citizens.

Growing immigrant numbers and diversity. A growing immigrant population, coupled with greater diversification among entering immigrants, is precipitating an accelerating need for multi-lingual services in both volume and range.

Increasing litigation. An increasingly litigious society is filing cases far faster than the population growth (Webster 2000, 2, 3). Growing case loads indicate that social problems are not being adequately solved, and a public, ill-informed by inaccurate (but ubiquitous) media representations of the legal process, is going to the courts in ever-greater numbers.

Greater access to information technology. The percentage of Americans with access to computers and the ability to use them effectively in the information environment is climbing steadily. Computer literacy is increasing in parallel with the explosive growth of the computing industry.

Increasing expectations. Daily encounters with the computer-supported transaction processes routinely being innovated by service providers to the public (e.g., banks), is leading the public to expect like improvements and less complex interactions with all institutions, private and public – including the courts.

In spite of current restrictive factors and trends changing the playing field, the American ideal for justice is still reasonable and attainable. It can be achieved by systematically addressing current processes, removing the unnecessary, simplifying the necessary, and rethinking all from the standpoints of those who must use them.

Project Statement

Develop integrated concepts for improving access to justice for those who choose or are forced to represent themselves in court.

Using Structured Planning methodology, conduct an advanced planning project to develop concepts for an integrated system solution. The proposed solution should be sustainable, scalable and adaptable to changing needs.

Goals

As general guidelines the proposed solution should:

- Explore the full range of civil court processes, paying especial attention to the needs of representative, high-volume kinds of cases (e.g., divorce, tenant/landlord, child support, domestic abuse and small claims).
- Consider both high- and low-tech solutions as they are appropriate.
- Include ideas for systems, processes, tools and/or products including procedures, services, events, activities, organizational concepts and any relevant relationships among them.
- Enable self-represented litigants to use institutional artifacts and resources more effectively.
- Project possibilities for both public and private involvement as best suits the situation.
- Explore revolutionary as well as evolutionary ideas.
- Develop educational tools through which self-represented litigants may better access the legal system.
- Cater to the need for privacy.
- Help judges to be more efficient.
- Accommodate all users of projected concepts and provide for them in the design. Thoroughness is a step toward product integrity.
- Consider potential costs broadly; the proposal should not advocate unnecessary frills, but it should not sacrifice quality for low cost.
- Provide for adaptivity: adaptive at installation for users; adaptable by users to changing needs.
- Treat the planning problem as planning from the inside out; user needs come first, with priorities among users influencing decisions when necessary. Products, systems and services exist to meet user needs.
- Conceive the properties and features of elements of the system as a means to further trust and well-being in the community.
- Plan for means to communicate positive change in the evolving system. Help the courts to overcome the “Judge Judy” media image.

Charter

- Inspire confidence in the judicial system.

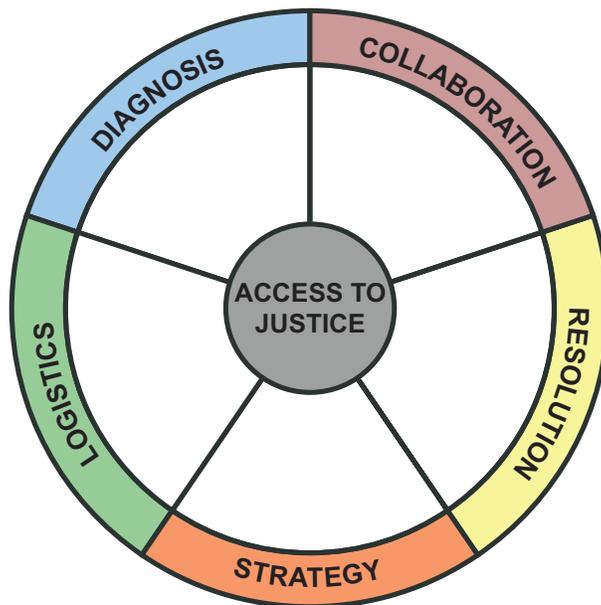
Overall, the solution should:

- Assume that the proposal can be acted upon as it is conceived. Do not underpropose on the assumption that a concept might be politically opposed.
- Demonstrate what might be achieved. The value of the proposal is in its ideas, not its direct attainability. Ideas that might not be attainable under today's conditions may be highly successful tomorrow – if they are known.

Access to Justice

Meeting the Needs of Self-Represented Litigants

System Overview



System Overview

In our efforts to improve self-represented litigants' access to justice in the civil court system, we have observed problems and opportunities from the perspective of litigants, attorneys, mediators, clerks, judges and court administrators. This report attempts to address many of the issues we have uncovered and recommend an integrated system of solutions to remove barriers to access for self-represented litigants.

Values

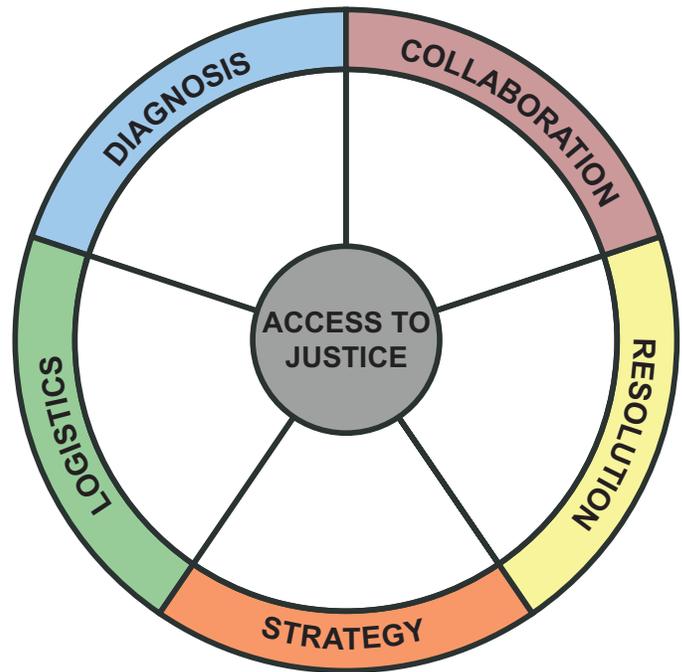
This system of solutions attempts to rectify many of the existing problems, propose new ways of settling disputes and recommend innovative ways for courts to partner with external organizations to help self-represented litigants. We have made a concerted effort to imbue the system with a set of guiding principles that we believe should be preserved in any implementation that takes form. These are summarized as follows:

1. Self-represented litigants should not be compelled to use any of the recommendations that are implemented and should have the alternative means of meeting their objectives within the current judicial system.
2. Tools developed to help self-represented litigants should attempt to make the process explicit, revealing possible implications and consequences of their actions, while providing assistance.
3. Educational tools should be provided “just in time” when problems occur, or when self-represented litigants are most receptive to learning from a problematic situation. When preventative measures cannot fix all problems, “just in time” solutions are useful.
4. The implementation of technological infrastructure and information-based resources should not impede or create barriers to access. Rather, they should remain transparent, creating an invisible safety net for self-represented litigants.
5. Computation-based decision support tools should only be employed in conjunction with human judgment.
6. Solutions must strive to balance inequities among parties even if the benefits of efficiency are lost.

System Overview

Solution Areas

Our view of the proposed system reveals five solution areas: Diagnosis, Logistics, Strategy, Resolution, and Collaboration. This overview summarizes the interaction of solutions within each area.



System Overview

DIAGNOSIS

Every time SRLs enter or re-enter the court system, they may have different needs or objectives. Each introduction or reintroduction to the court system is an opportunity to meet several goals:

Evaluate

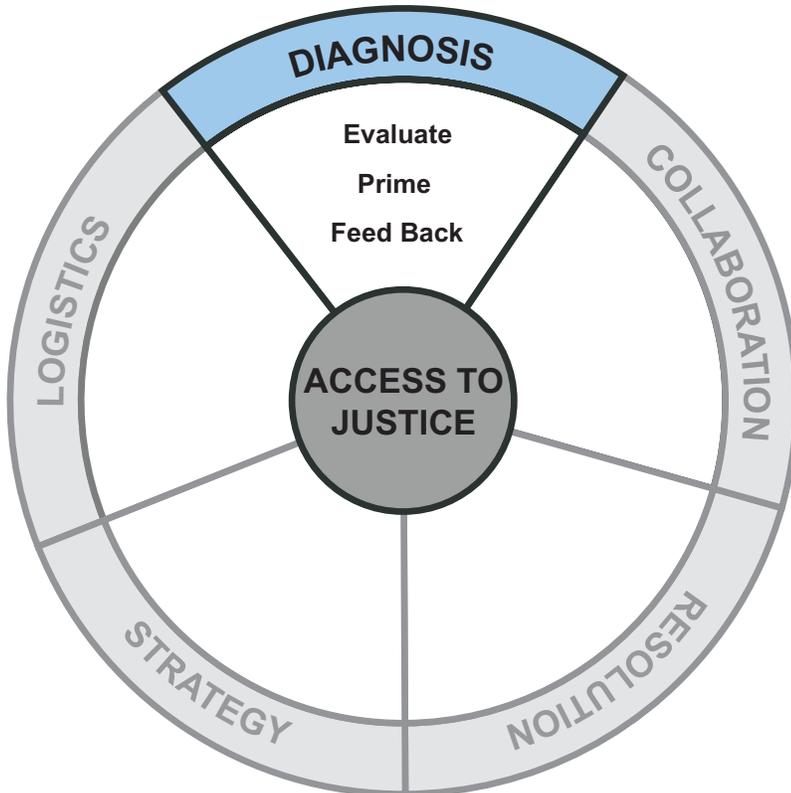
Provide SRLs with tools to identify their legal problems and evaluate the cost and time of pursuing a case. Help SRLs understand their objectives in the context of what the court system can and cannot do. Evaluate a course of action.

Prime

Prime the Access to Justice system to anticipate and specialize its subsequent interactions with the SRL based on a selected course of action and changing needs.

Feed Back

Gather intake information and provide the court system with feedback on the needs of SRLs, allowing the improvement of programs and initiation of new partnerships.



System Overview

LOGISTICS

Once litigants choose to pursue trial or mediation, they will need to clarify their objectives, organize their cases, and begin to interact with the court system.

Clarify

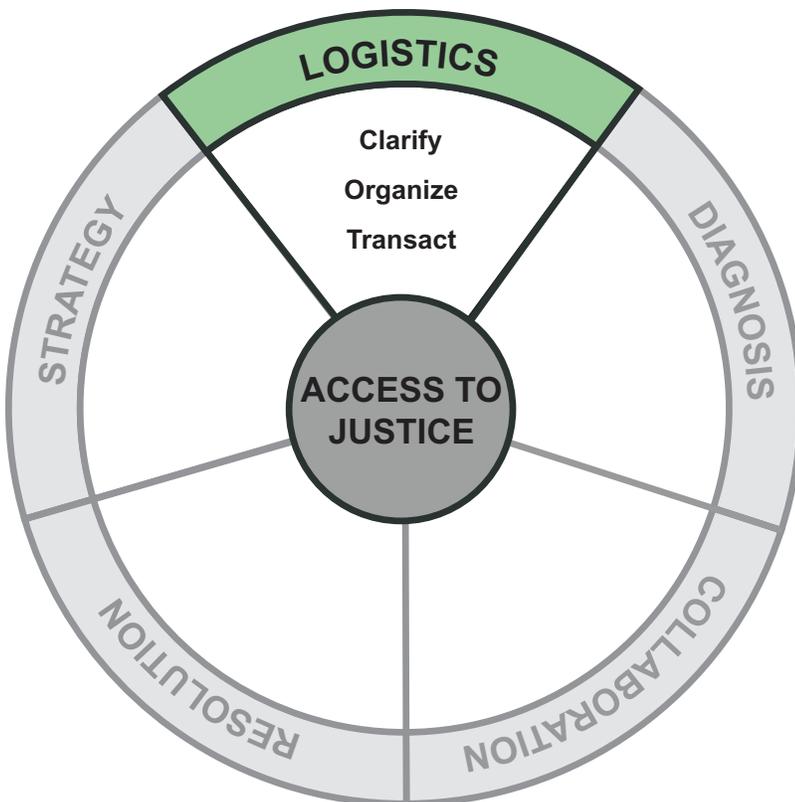
Learn while doing. Negotiating the legal process is fraught with hidden pitfalls not apparent to the novice SRL. Provide SRLs with explicit rationale and implications of what they are doing. Educate and inform SRLs while they learn to maneuver within the system.

Organize

Provide transparent, smart and efficient tools to improve system use without “getting in the way.” Create a safety net for SRLs by keeping track of their evolving cases. Prototypical samples and physical organizers use categorization schemes, filters, and triage techniques to make the SRL aware of “common” or “idealized” court practices.

Transact

Create new ways of communicating with the court, keeping records, and reducing transaction costs by minimizing the physical requirements of information exchange.



System Overview

STRATEGY

Strategic planning is different from general education. These tools help a self-represented litigant learn tactical solutions, build a coherent and persuasive case and prepare for negotiation either in trial or in mediation.

Educate

Teach SRLs about the basics of good negotiation and provide a foundation to minimize inequities between parties. Solutions should help SRLs recognize that a multitude of outcomes are possible and to begin setting the stage for good negotiation practices. These tools should be engaging, personal and humane as they impart experience to their users.

Build

Elicit and capture salient aspects of a litigant’s story through progressive, iterative, and interactive tools. Representation support tools, while not attorney substitutes, are designed to aid SRLs in producing a fair and coherent representation of their story, their needs and their objectives. These tools should teach the SRL about what the court deems to be important, thus better helping them to represent themselves.

Cooperate

Provide incentives and tools for parties in dispute to cooperate and settle their dispute without having to go to trial



System Overview

RESOLUTION

Supporting fair and balanced dispute resolution may require a wide range of changes. These solutions support fair negotiation by stabilizing emotions and using environmental changes and technology to balance inequities between SRLs and parties who are more experienced or who have representation.

Support

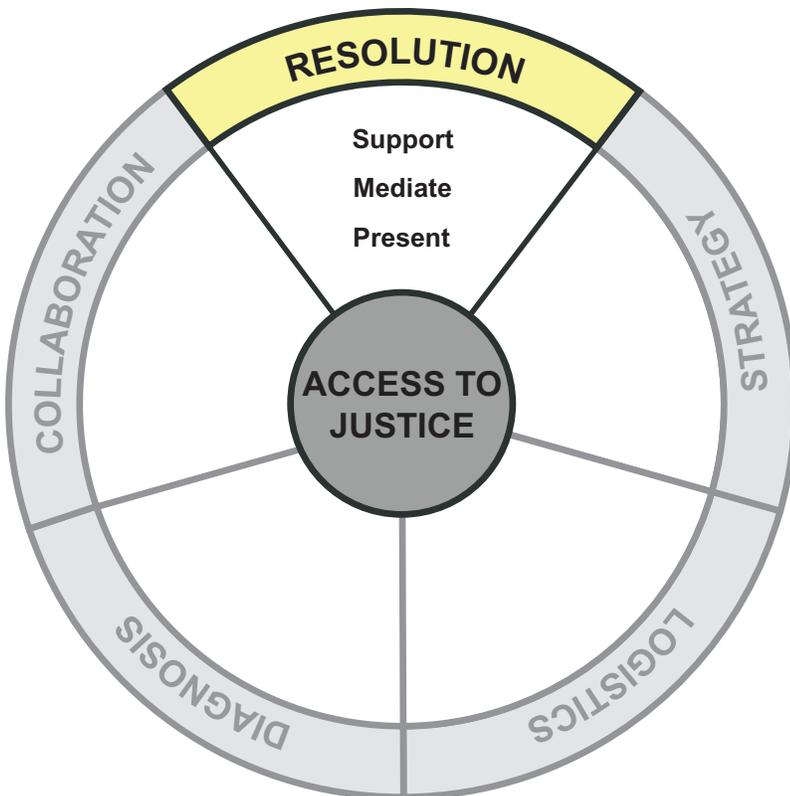
Create litigant-centered environments and provide customer assistance in an effort to support fair outcomes before and after judgment. Provide customer service tools that help litigants focus on the issues at hand by minimizing the frustrations of navigating through the court.

Mediate

Provide an alternative means of dispute resolution that minimizes the involvement of the court. Take advantage of computation-supported tools that can be used effectively and efficiently to juggle multiple issues. Provide SRLs with a way to pursue resolution on their own.

Present

Support presentation and readiness for trial. Equip the court with technologies that support presentation. Seek alternative approaches to trial proceedings.



System Overview

COLLABORATION

The court should not be solely responsible for aiding SRLs. Creating partnerships between the judicial system and external organizations strengthens both the court's role in the community and the likelihood of aiding SRLs in need. A particular group of people who have little recourse are SRLs who have lost judgments and have difficulties meeting their payments. These solutions are networked tools that strive to promote additional resources for SRLs when the court, alone, cannot address their problems.

Analyze

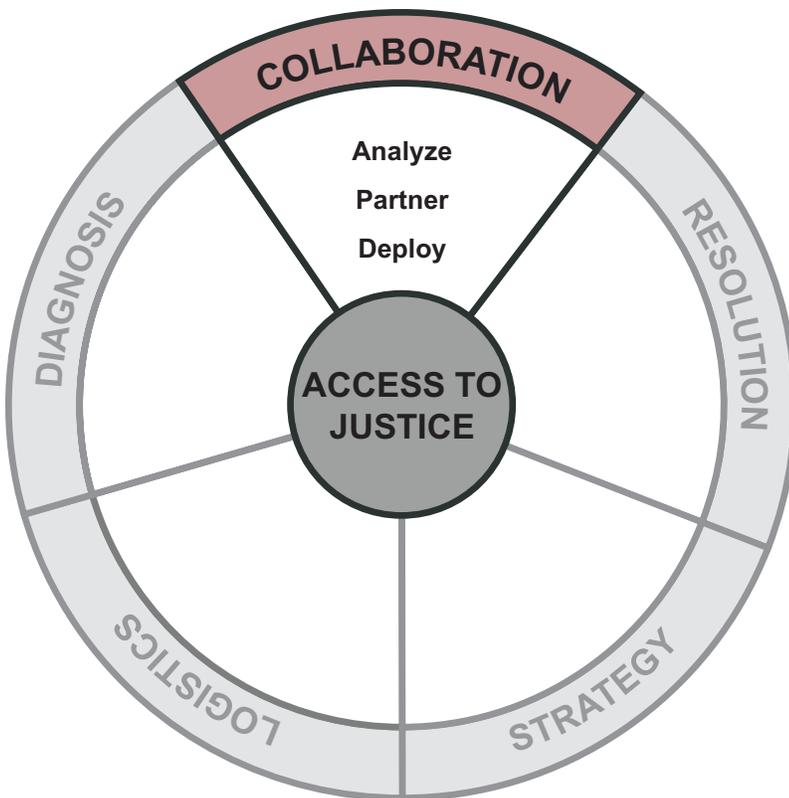
Gain insights from intake information captured in Diagnosis to better plan and initiate programs that match litigant usage and need.

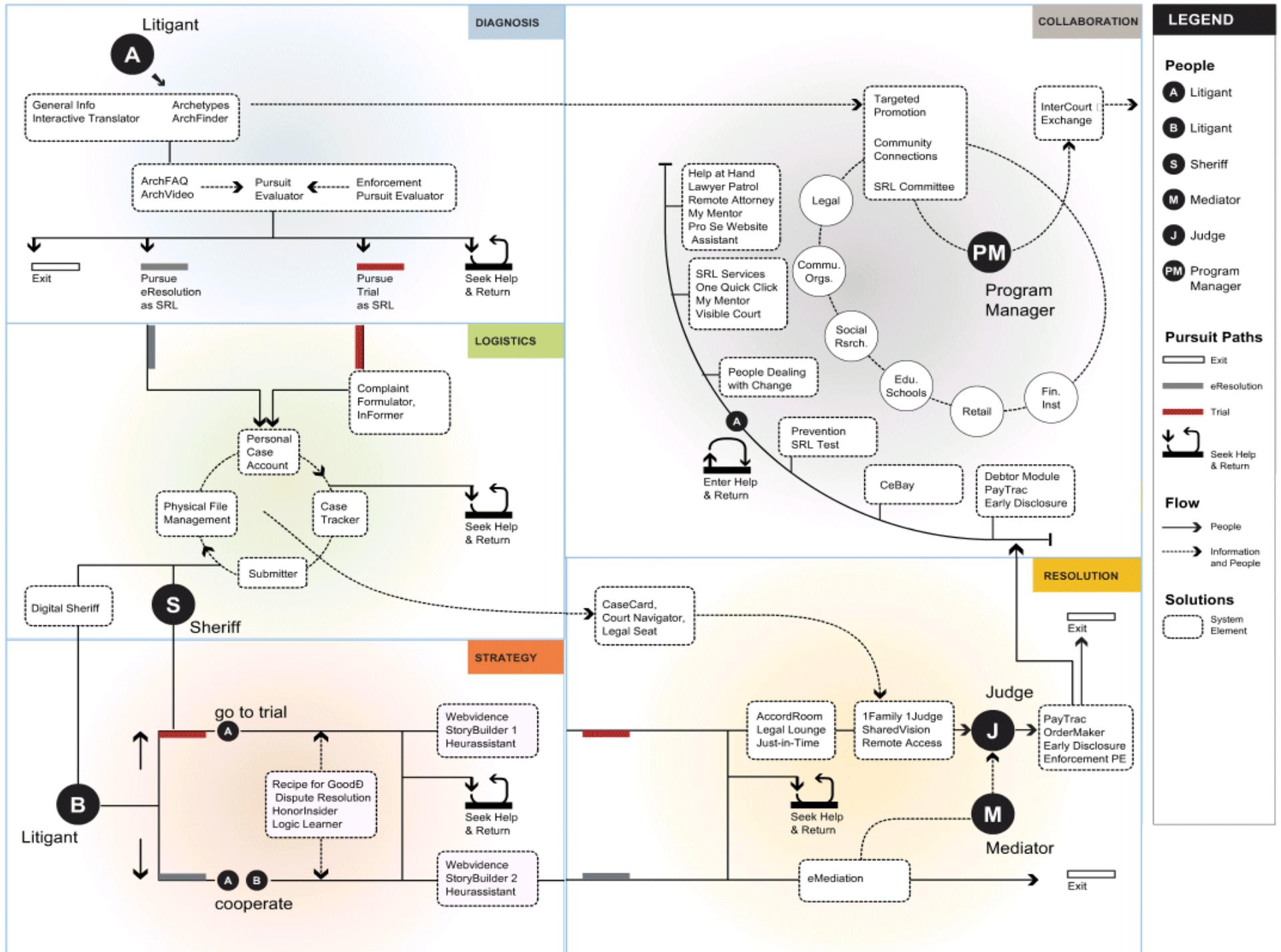
Partner

Work with external organizations to create incentives and mutual value in developing programs to assist SRLs. Share insights and knowledge between court systems. Expand programs to gain regional and statewide reach.

Deploy

Execute and monitor programs developed in conjunction with external organizations. Address litigant needs that the court cannot address alone.





Description

CourtNet is a distributed network facility linking a set of applications and physical devices inside the court building, between courts within each state, and with the internet. The judicial staff, the clerk's staff and the public share this platform. It provides both communications infrastructure and data interchange for text, images, video and other forms of digital information. It forms the central backbone (infrastructure) for a range of information applications designed to improve access to the justice system. The 53 system elements to follow are the applications that function within the **CourtNet** network. *CourtNet also allows for integration of information technology that currently exists in the courts today.*

Properties

- Distributed network of computing resources
- High bandwidth private network
- Available via the Internet
- Data translation services to integrate with existing information
- Structured in order to facilitate translation by data translation services and applications

Features

- Links courts across the state: court personnel, information, and documentation
- Allows litigants, lawyers and all court personnel to communicate and share common case information
- Retains user-specific information in order to allow a user to move across a wide system of applications without re-entering data
- Opens access to the courts by letting users of the justice system access services of the court from any place on the internet at any time of day
- Provides a platform which can be leveraged to form new solutions as litigant needs change and legal practices evolve

Discussion

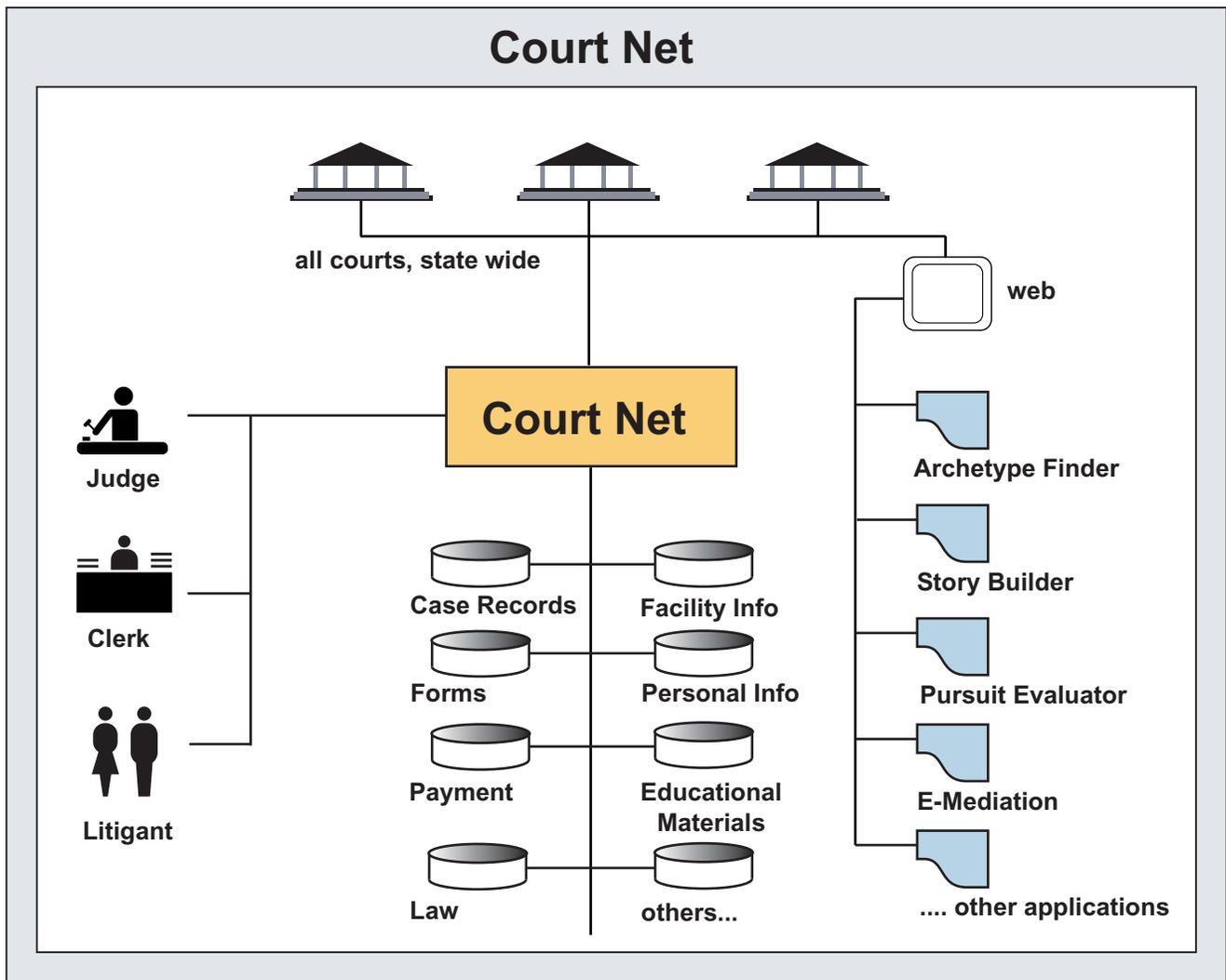
Information systems that support the legal system are just now making significant inroads into the central function of courts. These systems often have two main functions: filing of a case without paper and recall of court records scanned and made available in digital format. As technology and the supported functionality improves, a much wider audience can be served by a richer set of applications and information services.

CourtNet is the proposed platform for the 53 proposed system elements. It serves the internal court staff, the legal community, and the litigants who are seeking justice. This backbone effectively allows the justice system to provide services to a wider set of locations at any time.

When litigants use the tools that are implemented in the **CourtNet** system, they experience a unified but flexible environment. This is important for any number of solutions

which span the use of more than one tool. For example, the **Story Builder** and **E-Mediation** tools work together to allow divorcing parties to mediate on-line the allocation of a list of marital assets and other terms of their separation agreement. **CourtNet** allows the two applications to share information and provides the experience of a unified solution.

Extending the previous example, the divorce participants might choose to mediate their case in person rather than on-line. Information accumulated in the **Story Builder** could be accessed by the mediator to enable that process. Should mediation fail or be abandoned in favor of trial, **Story Builder** data, as permitted under prevailing court rules, could be accessed by help center staff and the judge to aid the resolution of the case via the **Shared Vision** application.



Discussion (Continued)

The court building can provide a much wider range of logistic help if it provides guidance through electronic means like touch screens and key card readers. The ability of these tools to provide information and support court processes is increased by their relation to **CourtNet**. **CourtNet** will bring any information asset held by the court or available on the internet to the point of access.

To create flexible and compatible applications, the **CourtNet** system should be modular and support open implementation

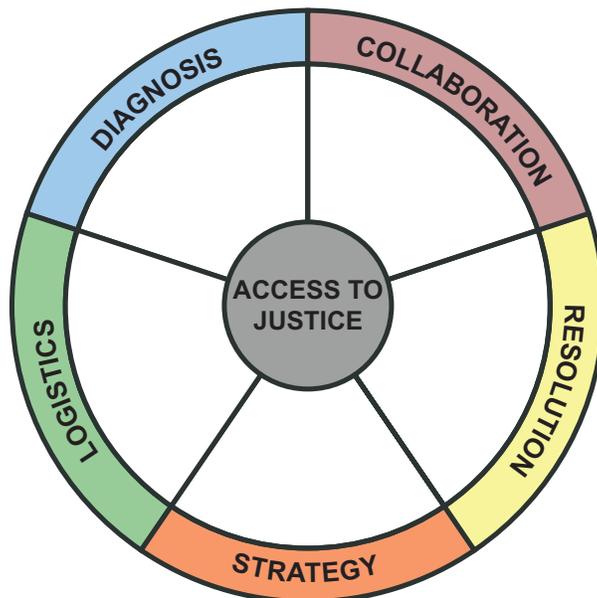
standards. It should coordinate with other applications to store and retrieve information from a common resource. This allows users to take any path they choose through the on-line tools and see the accumulation of their efforts thus far.

The infrastructure of **CourtNet** should be considered an open platform. Court information and applications will always require modification as needs and procedures evolve. The open system should encourage the modification of current applications and the implementation of new technologies.

Access to Justice

Meeting the Needs of Self-Represented Litigants

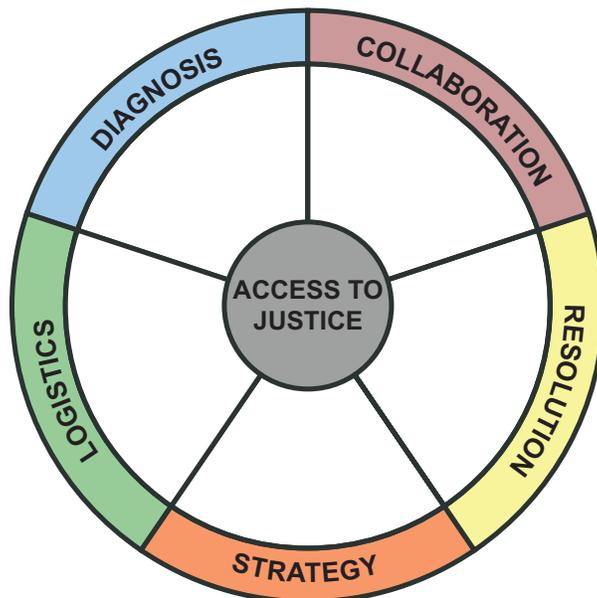
System Elements



Access to Justice

Meeting the Needs of Self-Represented Litigants

System Elements: Diagnosis



System Elements

DIAGNOSIS

Every time SRLs enter or re-enter the court system, they may have different needs or objectives. Each introduction or reintroduction to the court system is an opportunity to meet several goals:

Evaluate

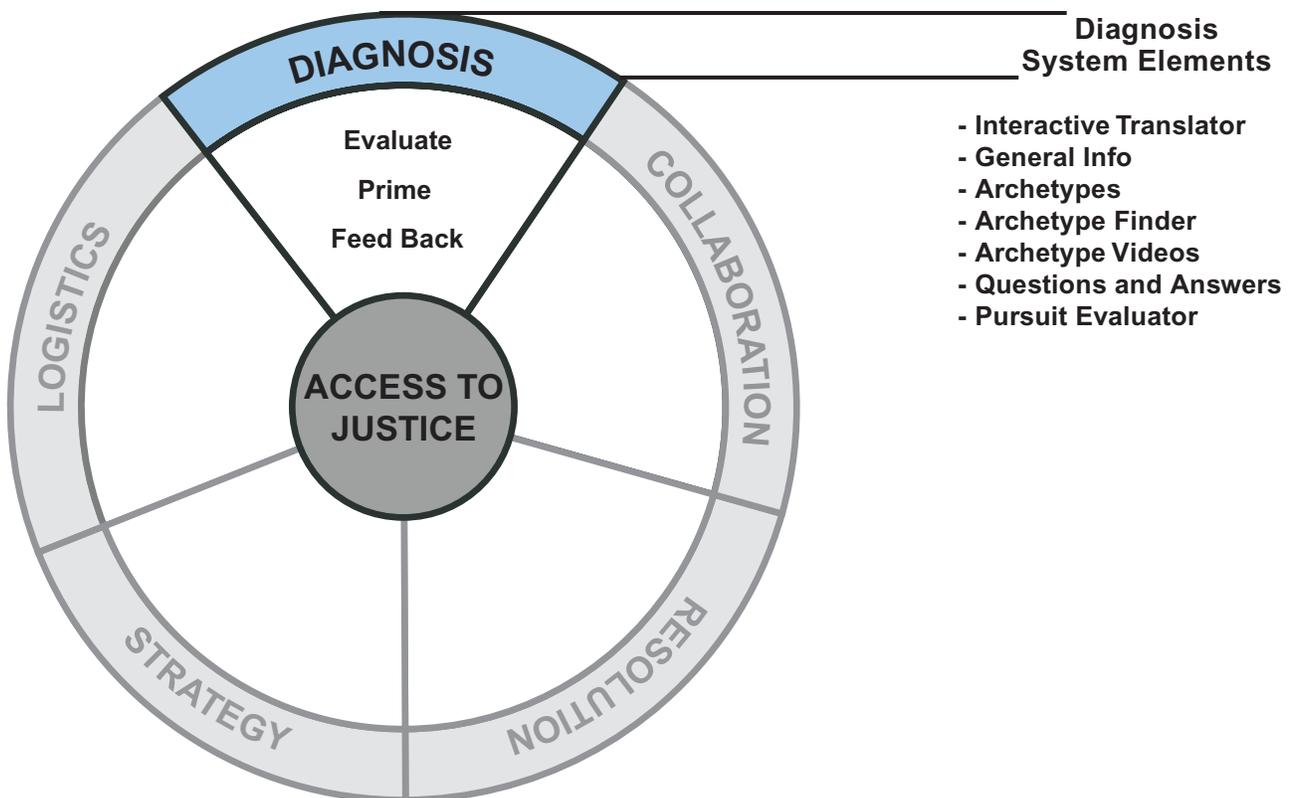
Provide SRLs with tools to identify their problems and evaluate the cost and time of pursuing a case. Help SRLs understand their objectives in the context of what the court system can and cannot do. Evaluate a course of action.

Prime

Prime the Access to Justice system to anticipate and specialize its subsequent interactions with the SRL based on a selected course of action.

Feed Back

Gather intake information and provide the court system with feedback on the SRL's needs to improve programs and initiate partnerships.



Interactive Translator

Description

The **Interactive Translator** is a highly sophisticated, intelligent software tool able to translate verbal and text-based information into different languages. It interacts with users and exchanges information with them. The answers given by the **Interactive Translator** are almost as fast as the ones given by a human, creating a real experience of communication. This software is also able to decode speech signals and convert them into text. It supports many of the applications available on **CourtNet**.

Properties

- Artificial Intelligence software
- Multilingual database
- Voice recognition software
- Audio and video interface
- Database of multilingual keyboards

Features

- Translates languages from written form to speech, speech to written form and speech to speech
- Understands human speech in many languages without previous training on the user's particular voice
- Processes all the information to be displayed by the Court's information manager according to each language
- Activated by the **Case Card**
- Gives spoken instructions
- Accepts oral information for filling out forms
- Translates all the information to be submitted to court into English
- Translates all the information to be given to litigants into the litigants' native language

Related System Elements

HonorInsider
Case Card
Court Navigator
Legal Seat
Accord Room
Legal Lounge
The SRL Test

Fulfilled Functions

4. Gather information
16. Understand process
20. Examine facts and evidence
29. Establish structure
34. Fill out forms
35. Collect evidence
41. Relay oral information
42. Search legal cases
43. Browse websites
92. Prepare documents
95. Tell story
102. Meet with mediator and other party
106. Take notes
115. Write agreement
130. Educate litigant
133. Summarize facts

Associated Design Factors

43. Documents Mostly in English

Interactive Translator

Discussion

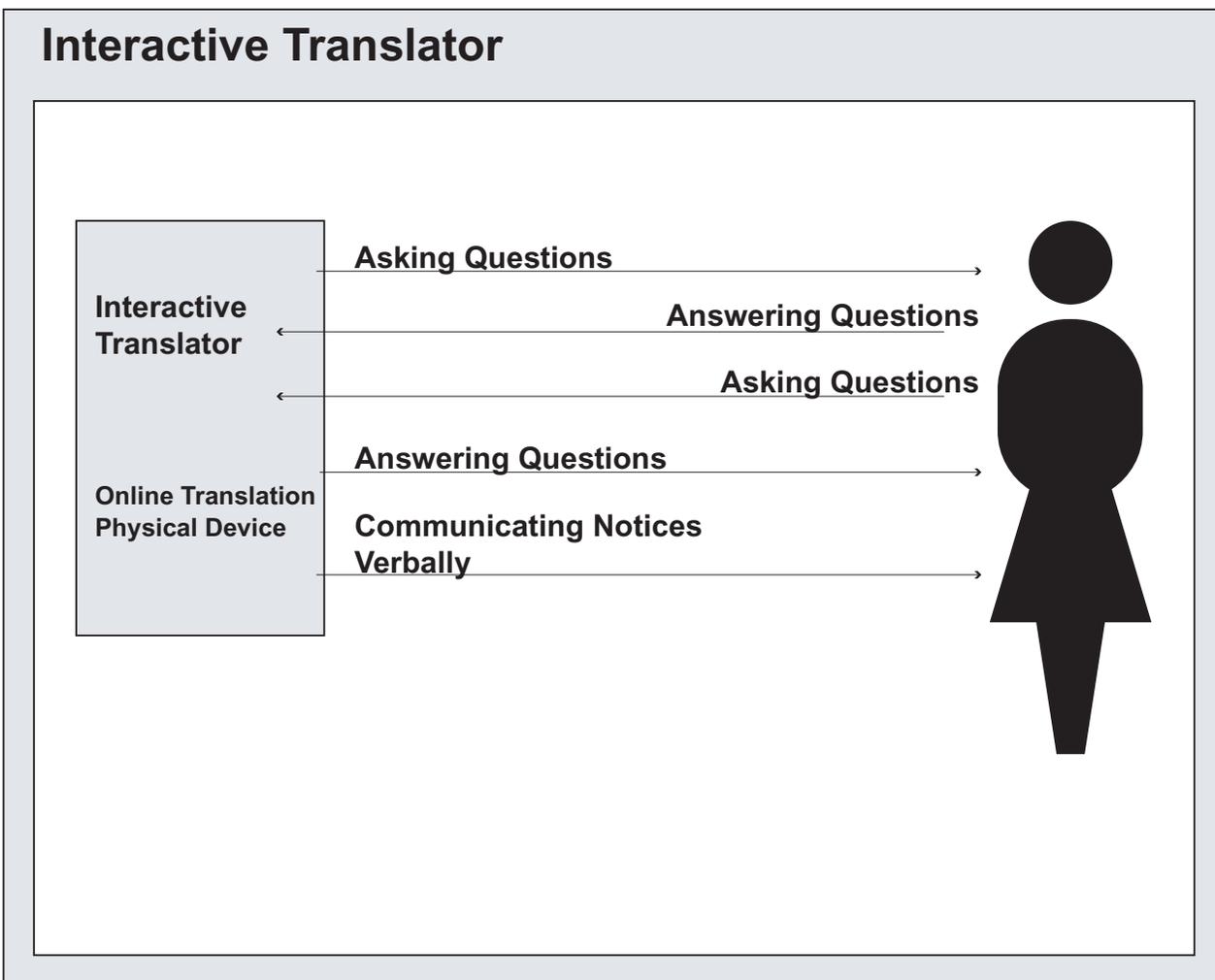
Documents, forms and notifications serve as a communication channel between courts and litigants. The usefulness of these materials is in direct correlation to the ability of the litigants to understand and use the language in which these instruments have been written. Therefore, accuracy and clarity of court communications is critical to reach a good understanding between the system and litigants.

Surveys conducted by the National Center for State Courts showed that the percentage of self-represented litigants who do not speak English as a first language in Ventura County, California, Kent County, Delaware, and Lake County, Illinois is 9.4%, 35.3%, and 12.3% respectively. Addressing the problems that language barriers present to this demography will have a significant impact on access to justice.

If both the court and the litigants use different languages, then clear communication will be difficult. One party has to be able

to master the other party's language. Since most SRLs already have little time to prepare their cases and because many are illiterate in their native language, it is unrealistic to expect them to learn a new language quickly at the level required to represent themselves in court.

Language barriers make access to justice very difficult for many self-represented litigants. Within the wide range of language barrier levels, we can identify that some people have more limitations than others. People who have a minimal educational background may have trouble understanding written information. The situation is even worse for illiterate people who face constraints impossible to overcome in a short period of time. Additionally, handicapped people may have trouble decoding what is written in documents for various reasons.



Interactive Translator

There exists a serious communication barrier within the justice system. Most litigants base their communication on oral channels. The possibility of the court providing and taking oral information increases accessibility to justice with fairness.

Current technologies can support programs for opening alternatives to this group of people. The Interactive Translator is a highly sophisticated voice recognition software utilizing artificial intelligence. It has the ability to translate from one language to another nearly as fast as humans. It can convert human speech into alphanumeric information so as to be understandable by any of the applications of **CourtNet** or by devices located in court facilities. According to experts in the field, spontaneous speech translation should be available by 2020.

The Interactive Translator is an internal software which supports at least three activities:

1. The litigant searching for information.
2. The litigant filling out a form.
3. The litigant receiving notifications from court.

All three operations can be executed orally by any party.

At a system level, the Interactive Translator compiles the information from either the litigants or the system and converts it to text or to spoken messages. This information is then carried into the applicable location in **CourtNet**.

Scenario

Alberto Perez is a self-represented litigant who does not speak English. Currently, he is having problems with his landlord who has been violating some points of the lease. Alberto wants to file a complaint against his landlord, but Alberto is really concerned about his level of education, his language difficulties, and his naivete with the legal system. Additionally, the court building is far away and he cannot take much time out of his job to pursue his case.

After asking friends and relatives for advice, he learns that he doesn't have to go to court to file a complaint. Instead, he can access the court's web site and file the complaint from a

remote location. Alberto is especially happy to learn that he can compose the complaint in his native language.

Alberto goes to a public library and accesses **CourtNet**. As soon as he establishes contact with the interface, he identifies options for written language or spoken language. He decides to try the written Spanish option, and he activates the Interactive Translator. After a few minutes of looking at some information, he starts answering the questions he is given. When he has trouble understanding some written expression, he recalls the Interactive Translator to choose the spoken language option.

General Info

Description

General Info explains about the court system in general, e.g. the court's hours, locations, where to get forms. Not only does **General Info** help litigants, but also those who simply want a better understanding of the court system.

Properties

- Information about the court itself
- Office hours, locations and directions
- Process of court
- List of what court can and cannot do
- Orientation of **CourtNet**

Features

- Provides basic information about court itself
- Provides information about court procedure
- Helps litigants to understand court system
- Accessible in public places
- Gives information where litigants can find what they want
- Provides sources that litigants can search

Related System Elements

Archetype Finder
Archetypes
Complaint Formulator
The SRL Test

Fulfilled Functions

2. Give directions
3. Inform rules/sources
8. Find locations
9. Inform about rules
10. Explain process
11. Provide information and direction
16. Understand process
19. Offer references/resources
33. Find location
45. Find appropriate court
50. Show directory
54. Provide maps and instructions
122. Identify courtroom participants
158. Accommodate resources
165. Provide access to information

Associated Design Factors

3. Visibility of Services
4. Accessibility of Information
13. Ability to Perform According to Rules
14. Convenient and Flexible Services
15. Scope of Direction
36. Mental Model for Processes Not Available
47. Inability to Critically Evaluate
49. Inappropriate Advice from Peers
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
80. SRLs Lack Crucial Skills
82. Unfamiliar Process
85. Orienting Newcomers to Basic Procedures
86. Uncertain Role Identity
122. Unfamiliar With Civil Procedure

General Info

Discussion

Some litigants prefer to learn general information before getting involved in the details of their cases. General Info provides general facts about the court itself, such as: the hours of court, the location of court buildings and floor plans of sites.

The basic contents are:

- Frequently asked questions about the court system
- Map of court locations and directions
- Diagram of court process
- List of what court can and can not do
- Hours of office operation

The information is not only for litigants but also for others who simply want to find out general information about court.

Scenario

An SRL incurs damage to his car when he takes it to a local drive-thru car wash. Although, the tires of his car were mutilated by the car wash's rails, the establishment denies fault.

This SRL has a number of questions regarding whether he can sue the company and, if so, how to prepare for the lawsuit. When he logs into General Info, he discovers that he can file a suit and how to find other information. He also learns basic principles about the court process.

Archetypes

Description

Archetypes is a diagnosis platform that models, classifies, and offers referral services. It utilizes four system elements to assist SRLs in the preliminary stages of their case. **Archetypes** incorporates **Archetype Finder**, **Questions and Answers**, and **Archetype Videos**. These system elements are designed to categorize SRL's based on their type of case and provide assistance through modeling. **Archetypes** provides data to other system elements such as **Webvidence**, **Story Builder**, and **E-Mediation**.

Properties

- Web pages
- Descriptions of SRLs
- Descriptions of case types
- Descriptions of disputes

Features

- Provides a starting point for navigating through **CourtNet**
- Provides examples of SRLs that people can identify with
- Gathers information useful for **Webvidence**, **Story Builder** and **E-Mediation**
- Increases confidence in **E-Mediation**
- Determines SRL cases that are not appropriate for **E-Mediation**
- Builds empathy
- Advises SRLs of all available resources relevant to the SRL's case
- Provides links to supplementary system elements: **Archetype Finder**, and **Archetype Videos**
- Eases the caseload on government employees

Related System Elements

General Info
Archetype Finder
Questions and Answers
Archetype Videos
Pursuit Evaluator
Informer
Submitter
Logic Learner
Webvidence
Story Builder
E-Mediation
Just in Time
Targeted Promotion
Pro Se Website Assistant

Fulfilled Functions

2. Give directions
4. Gather information
11. Provide information and direction
19. Offer references/resources
20. Examine facts and evidence
22. Compare case
24. Make sense of position
26. Provide guideline
29. Establish structure
55. Define position in process
79. Introduce ADR
130. Educate litigant
131. Find facts
132. Examine evidence
133. Summarize facts

Associated Design Factors

2. Professional Competence
5. Information Overload
7. Barriers of Language
10. Complexity of Information
16. Relevance of References
17. Claim Matches Law Category
18. Time Need
19. Complexity of Position
20. Misestimation of Own Competence
22. Strategy Matches Relevant Information
26. Understanding of Terms
36. Mental Model for Processes Not Available
49. Inappropriate Advice from Peers
105. Encountered Legalese

Archetypes

Discussion

SRLs require assistance in determining their case type, both to categorize the options that are possible and to assess the difficulty of achieving a rapid resolution. The degree of legal difficulty involved in cases varies depending on a multitude of factors. Archetypes establishes a hierarchy of case types that reflects the type of problem requiring resolution and its expected degree of difficulty.

Archetypes classifies cases as “precise archetypes” or “general archetypes.” Precise archetypes represent disputes or court services that can be expected to be resolved without difficult legal analysis or fact finding. General archetypes describe cases that can be predicted to require extensive legal analysis or difficult fact finding and evidentiary presentations. On the legal side, this division reflects the work of AI and Law research (see Anne von der Leith Gardner and Karl Branting) showing that AI tools can do effective legal analysis in “easy” cases but that “hard” legal analysis is too open textured for computation.

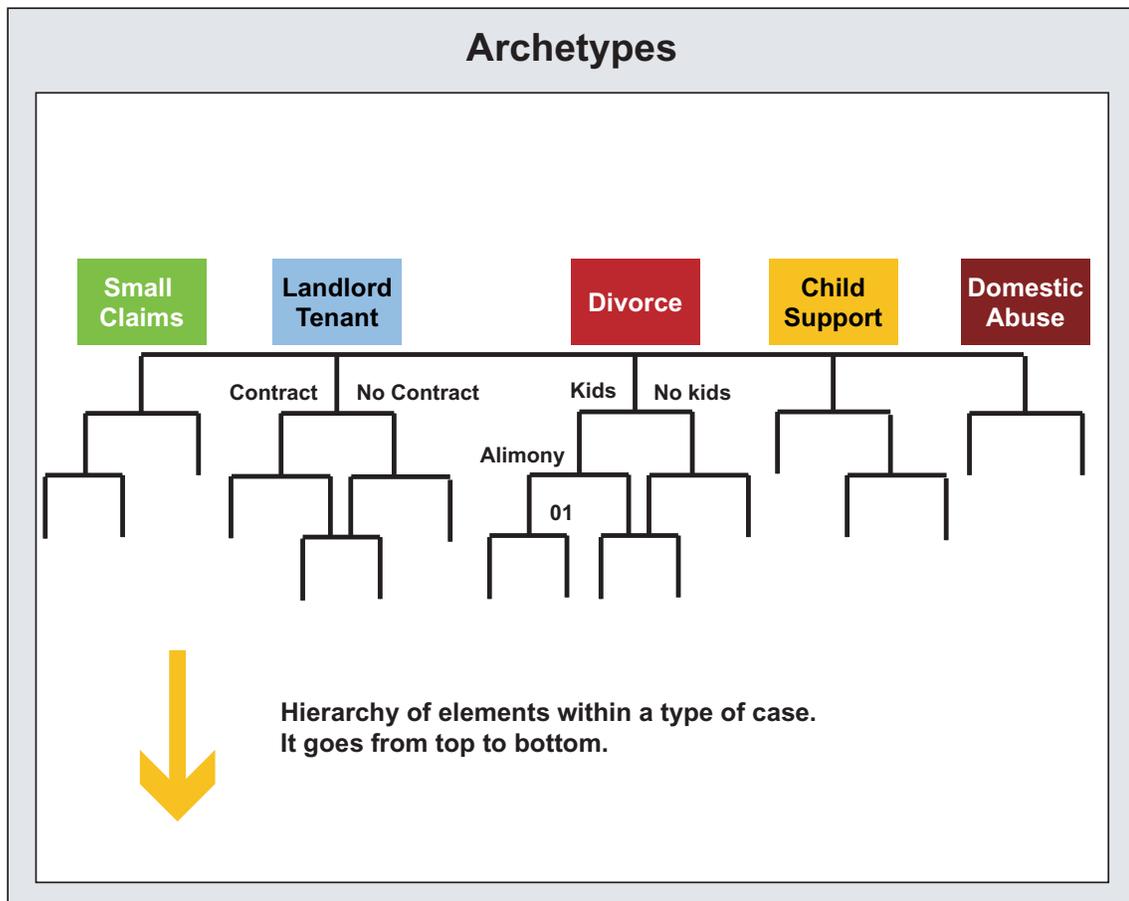
SRLs navigate to the precise or general archetype that best fits their circumstances by pointing and clicking through options

presented as illustrative models. (Alternatively, SRLs can use the question and answer format of Archetype Finder to locate the precise or general archetype most similar to their dispute.) Archetypes presents models for each common type of SRL dispute, i.e., divorce, landlord tenant, small claims, child support and domestic violence. Within each type of dispute, precise models are presented in fine detail with specific action options.

Precise models can:

1. Describe the legal options available to the SRL,
2. Provide tools to generate simple documents that can trigger such options,
3. Qualify and refer the SRL to E-Mediation as an alternative to court process and
4. Provide a list of resources and referrals.

For “general archetypes,” the pro se website is not likely to be able to describe with much confidence the full set of legal options, and the problem is less likely to be amenable to E-Mediation. For these cases, Archetypes provides more general information and an informative listing of all known



Archetypes

Discussion (Continued)

help resources, outside the website, including lawyer referral services as appropriate. E-Mediation is not precluded for those whose cases do not fit within the precise archetypes, but the website, through Archetypes, emphasizes use of alternative dispute resolution tools in high volume, easy cases.

Facilitating Use of the Website

SRLs can easily locate necessary information (and in some cases, to resolve their disputes) if the website provides individualized examples to follow and assists SRLs in finding additional useful resources. Initially, SRLs are encouraged to explore a section that describes the different types of SRLs. After determining which SRL **Archetype** most closely matches themselves (or being directed to one via **Archetype Finder**), the SRL can explore the model that **Archetypes** uses geared specifically for that particular type of SRL.

Providing Data to Other Parts of the Pro Se Website

Archetypes provides data to all other platforms that utilize basic user data such as **Webvidence**, **Story Builder**, and **E-Mediation**.

Archetype Finder

Description

Archetype Finder is a system of web-delivered questions that automatically guides an SRL to his/her matching **Archetype**.

Properties

- Web pages
- Questionnaire in a non-linear “smart” format

Features

- Gives the SRL a starting point for navigating through a pro se website
- Matches SRL to best **Archetype**
- Builds empathy
- Helps SRLs organize their thoughts
- Increases confidence in **E-Mediation** for SRLs whose disputes would be optimally resolved by using it
- Weeds out the cases that would not be appropriate for **E-Mediation**

Related System Elements

General Info
Archetypes
Pursuit Evaluator
Recipe for Good Dispute Resolution
Story Builder
E-Mediation

Fulfilled Functions

10. Explain process
11. Provide information and direction
15. Understand roles
16. Understand process
18. Explain law
19. Offer references/resources
20. Examine facts and evidence
21. Find issues
22. Compare case
24. Make sense of position
26. Provide guideline
29. Establish structure
40. Display information
42. Search legal cases

Associated Design Factors

1. Individual Cases Allow No Standard
3. Visibility of Services
10. Complexity of Information
13. Ability to Perform According to Rules
16. Relevance of References
17. Claim Matches Law Category
19. Complexity of Position
36. Mental Model for Processes Not Available
49. Inappropriate Advice from Peers

Archetype Finder

Discussion

Many self-represented litigants (SRLs) have trouble understanding how to begin pursuit of a resolution to their dispute, either using court-based or non-court-based methods. This approach endorses the use of software to ask “general-to-specific” questions about the SRL dispute. After an SRL answers all of the questions, the system provides a meaningful result in the form of an **Archetype**.

Archetype Finder is a system of web-delivered questions that guide an SRL to his/her matching **Archetype**. This “questionnaire” asks the SRL key questions in order to determine which **Archetype**, either precise or general, most closely matches the SRL’s needs. **Archetype Finder** questions SRLs in a non-linear, “smart” format that provides different questions to the SRL based on each answer. Some answers will be used to determine if **E-Mediation** is appropriate for the SRL.

Archetype Finder brings four primary benefits to the pro se website:

1. **Archetype Finder** serves as a friendly introduction to the website. People typically prefer answering questions to searching for a starting point.
2. **Archetype Finder** bridges the mental hurdle required for an SRL to find his/her **Archetype**.
3. **Archetype Finder** would build empathy because certain matters, which the SRL may think that no one can relate to or understand, would be addressed openly and plainly.
4. **Archetype Finder** makes it easier for an SRL to understand **Archetypes**, **E-Mediation**, and the rest of the pro se website.

Court Net

Archetype Finder : Classify your Case

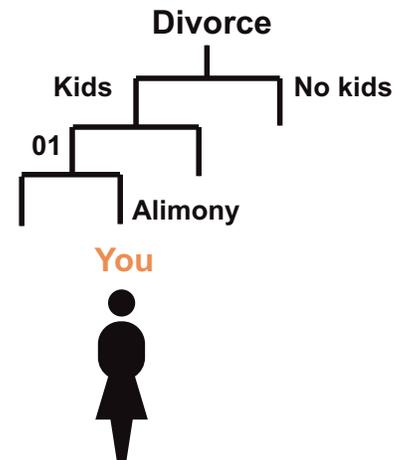
- Divorce**
- Landlord-Tenant Dispute**
- Small Claims (sue for less than \$ 3,000.00)**
- Child Support**
- Domestic Abuse**

Questionnaire

Do you have children? Yes No

How many children do you have? 01

Do you want alimony? Yes No



Scenario

After first arriving at the pro se website, the SRL looks for a starting point for help with his/her dispute. The site emphasizes the use of an **Archetype Finder** to get started.

After answering a series of questions, the SRL is led to either a precise or a general **Archetype**.

Archetype Videos

Description

Archetype Videos is a system of web-delivered video files that are in internet accessible form. They are sub-elements to **Archetypes** and provide the SRL with videos that describe various law-related processes.

Properties

- Web delivered video files
- Video files delivered via CD-ROM or VHS
- Streaming video, AVI, MPG, MOV files

Features

- Diagrams procedures of trial, mediation and **E-Mediation**
- Instructs on what to do and not to do when in court or in mediation
- Instructs how to fill out forms
- Helps litigants to experience interaction with judge, mediators and other players
- Shows how “closely-related” SRL disputes might be resolved in mediation
- Introduces SRLs to mediation as an alternative to the court system or to **E-Mediation**
- Weeds out the SRLs whose cases would not be appropriate for **E-Mediation**

Related System Elements

Archetypes
Case Tracker
Webvidence
E-Mediation

Fulfilled Functions

1. Provide materials
2. Give directions
10. Explain process
11. Provide information and direction
19. Offer references/resources
20. Examine facts and evidence
30. Provide support
42. Search legal cases
79. Introduce ADR
87. Decide to attempt mediation

Associated Design Factors

4. Accessibility of Information
5. Information Overload
9. Clarity of Information Material
13. Ability to Perform According to Rules
16. Relevance of References
17. Claim Matches Law Category
22. Strategy Matches Relevant Information
24. Accessibility of Forms
25. Clarity of Forms
26. Understanding of Terms
36. Mental Model for Processes Not Available
41. Posting Boards Are Confusing
49. Inappropriate Advice from Peers
85. Orienting Newcomers to Basic Procedures

Archetype Videos

Discussion

Archetype Videos is a system of web-delivered video files that provides the SRL with a wide array of information based on the **Archetype** chosen. The information provided is digitally recorded information and accessible via the internet through a program such as RealPlayer or QuickTime.

Different types of **Archetype Videos** may include:

- General Introduction for each **Archetype**.
- Diagram of Court Procedure for each **Archetype**.
- Example Trial Video for each **Archetype**.
- Example Mediation Video for each **Archetype**.
- Example **E-Mediation** Video for each **Archetype**.
- Instructions on How to Fill Out Forms. This type of video would provide step-by-step explanations of how to fill out forms, clearly showing the forms and filling them in on screen. Relevant parts would be highlighted as the video proceeds so that the litigant would better understand the procedure. Litigants would also be able to point at sections of forms for further clarification.

Information that is currently in pamphlets would be updated and animated in order to be put on CDs (or VHS tapes) to distribute to SRLs with paper forms.

Archetype Videos bring four primary benefits:

1. **Archetype Videos** inspires confidence in the use of ADR techniques, including **E-Mediation** as well as traditional mediation.
2. **Archetype Videos** would help SRLs see the advantages of **E-Mediation** over a traditional mediation. SRLs would feel encouraged to avoid the time, expense, and emotional stress that traditional mediations elicit – and solve the matter on their own.
3. **Archetype Videos** would increase confidence in using **E-Mediation** and promote fairness when reaching **E-Mediation** agreements because the SRLs would have a reasonable idea of how a traditional mediation (as well as **E-Mediation**) would treat their dispute.
4. **Archetype Videos** empowers SRLs by providing examples for the SRLs to imitate and learn from.

SRLs may hesitate to use a jurisdiction-mandated internet

dispute resolution tool for a variety of reasons. However, if an SRL has a model to emulate, the SRL will become more comfortable with the idea that **E-Mediation** is the right thing to do.

Witnessing a model perform an activity can increase (or decrease) diverse kinds of behavior. For example, “modeling” techniques have been used effectively to reduce fear of dogs in children. After witnessing a fearless model engage in various activities with a dog, children who were initially fearful showed a decided increase in their willingness to approach and handle a dog. Davison, Gerald. Neale, John. *Abnormal Psychology*. John Wiley & Sons, Inc. 46. (1994)

Archetype Videos

Scenario

Jane has a legal problem and is unsure of what steps to take. She logs onto the court's webpage (**CourtNet**) for some direction.

Soon after accessing **CourtNet**, Jane discovers her **Archetype** via the **Archetype Finder**. In that **Archetype**, she also sees a link titled **Archetype Videos**. Jane clicks on the link and finds information relevant to preparing the suit as well as alternatives to suit (**E-Meditation**). Once there, she chooses to see a sample trial that involves SRLs with her matching **Archetype**.

After viewing the video, Jane begins to understand some of the mistakes that she may have made in pursuing self-representation in Small Claims Court. She now feels more informed about what to expect and how to prepare for trial. However, she becomes curious about other options to a court hearing and decides to view the sample **E-Mediation** video which also involves SRLs with her matching **Archetype**. Jane finds **E-Mediation** to be an easier and, potentially, more effective option than a trial. Jane returns to her **Archetype** page to learn more about this option.

Questions and Answers

Description

Questions and Answers (Q&A) is an element of a web-based system accessible via the internet to assist SRLs in gathering information that will help address their questions regarding various legal issues. The **Q&A** provides the SRL with the opportunity to ask specific questions to help them better understand the legal process. It provides the SRL with an on-line starting point through which the SRL can engage in an interaction with another human being to discuss any issue regarding the SRL's case or general court procedure.

Properties

- Allows SRLs to begin their interaction with the courts
- Addresses legal issues and questions
- Accessible from remote locations via the internet
- Form tool that allows SRLs to input information
- Web page method of distributing information
- Method of distributing instructions
- Database of process, procedures and case information
- Database of frequently asked questions and their answers
- Links to other agencies and relevant information
- Digital communication system

Features

- Provides the SRL with “one stop” to inquire about law-related issues and procedures
- Sorts and contains the most relevant information
- Provides personalized or case specific information
- Provides the SRL with the freedom to ask questions and receive answers without the worry of being identified (private and anonymous)
- Helps SRL to properly prepare for the process
- Saves time and money for both SRLs and court staff
- Allows SRL to “call” using HTML and e-mail systems

Related System Elements

Archetypes
E-Mediation
The SRL Test
Logic Learner

Fulfilled Functions

11. Provide information and direction
19. Offer references/resources
20. Examine facts and evidence
21. Find issues
26. Provide guideline
29. Establish structure
40. Display information
42. Search legal cases
43. Browse websites
45. Find appropriate court
46. Search for legal rules
58. Ensure security
62. Communicate court dates/notices
71. Identify need to file
130. Educate litigant

Associated Design Factors

6. Relevance of Information
10. Complexity of Information
12. Degree of Information
13. Ability to Perform According to Rules
16. Relevance of References
17. Claim Matches Law Category
19. Complexity of Position
20. Misestimation of Own Competence
26. Understanding of Terms
36. Mental Model for Processes Not Available
48. Difficulty in Finding Information
49. Inappropriate Advice from Peers
51. Inability to Understand and Communicate
82. Unfamiliar Process
105. Encountered Legalese

Questions and Answers (Q&A)

Discussion

Today, when SRLs need to interact with the courts, they must go directly to the courthouse and must often know what floor or room to go to. Often, they are redirected multiple times in this process.

Q&A provides the SRL with a “place” to obtain information without going to the courthouse. From the privacy of their own home or from any location with internet access, the SRL can access Q&A and obtain information, instruction, forms, self help, and links to other agencies or specific legal information. It is designed to provide the SRL with detailed information on the law in the State/County specifically related to the legal area of their choice.

The Q&A works much like the paperclip in Microsoft Word. It allows the litigant to type in a question and then press send. Then, within seconds, there is a response directing the litigant to other sites or specifically addressing his/her concern.

By providing links and other valuable information relating to the legal process, SRLs get a better understanding of the legal process and, in turn, become enabled to better represent themselves in the legal process.

Q&A enables SRLs to become more effective while representing themselves in addition to saving valuable time and money both for SRLs and the courts.

Scenario

Jane wants to get a divorce from her husband Ken. She is not sure what is needed or if their separation is enough. Jane goes to the library with her son and is told that the court has a website that may address many of her concerns. She is directed to the computers within the library and decides to learn more about her options.

Jane logs on to the court’s homepage and searches the database. She sees a link titled “**Questions and Answers**”. She clicks on the link and is greeted by a friendly person. This person introduces himself and asks her to type her question in the area provided and press send to receive a response. There is a space available in this link (similar to the paperclip in Microsoft Word). Jane types in her question and is quickly given a response.

After her questions are answered, Jane becomes well informed and can decide if she will need to hire an attorney or whether she can proceed on her own.

Pursuit Evaluator

Description

Many self-represented litigants are not aware of how much money, time and energy is involved in pursuing their own cases. **Pursuit Evaluator** is an on-line tool that allows litigants to evaluate whether pursuing a case will be worth their time, money, and effort. Depending on the diagnostic outcome (**Archetypes**), the **Pursuit Evaluator** runs best/average/worst case scenarios. It helps self-represented litigants make an initial diagnosis of their options when deciding how to proceed.

Properties

- A decision support tool
- Targeted information based on **Archetypes**
- Accessible via internet, intranet (within court facilities, Call Point, etc.), and extranet (for referral units)
- Contains additional diagnosis modules for preparation, mediation, hearing and enforcement phases

Features

- Matches precise **Archetypes** with specific information on costs, time and effort
- Matches general **Archetypes** with best/average/worst case scenarios on costs, time and effort
- Provides a means for SRLs to evaluate their personal priorities
- Provides information to make an informed decision regarding further proceedings

Related System Elements

Archetype Finder
Archetypes
Complaint Formulator
Recipe for Good Dispute Resolution
Heurassistant
Enforcement Pursuit Evaluator
Pro Se Website Assistant

Fulfilled Functions

10. Explain process
11. Provide information and direction
40. Display information
55. Define position in process
127. Determine initial case conditions

Associated Design Factors

1. Individual Cases Allow No Standard
4. Accessibility of Information
5. Information Overload
6. Relevance of Information
7. Barriers of Language
10. Complexity of Information
11. Time Constraints
12. Degree of Information
14. Convenient and Flexible Services
17. Claim Matches Law Category
18. Time Need
20. Misestimation of Own Competence
30. No Time to Consider Ramifications
37. Retrieval of Data is Time Consuming
53. Research Legal Position
123. Difficulty Coordinating Schedules

Pursuit Evaluator

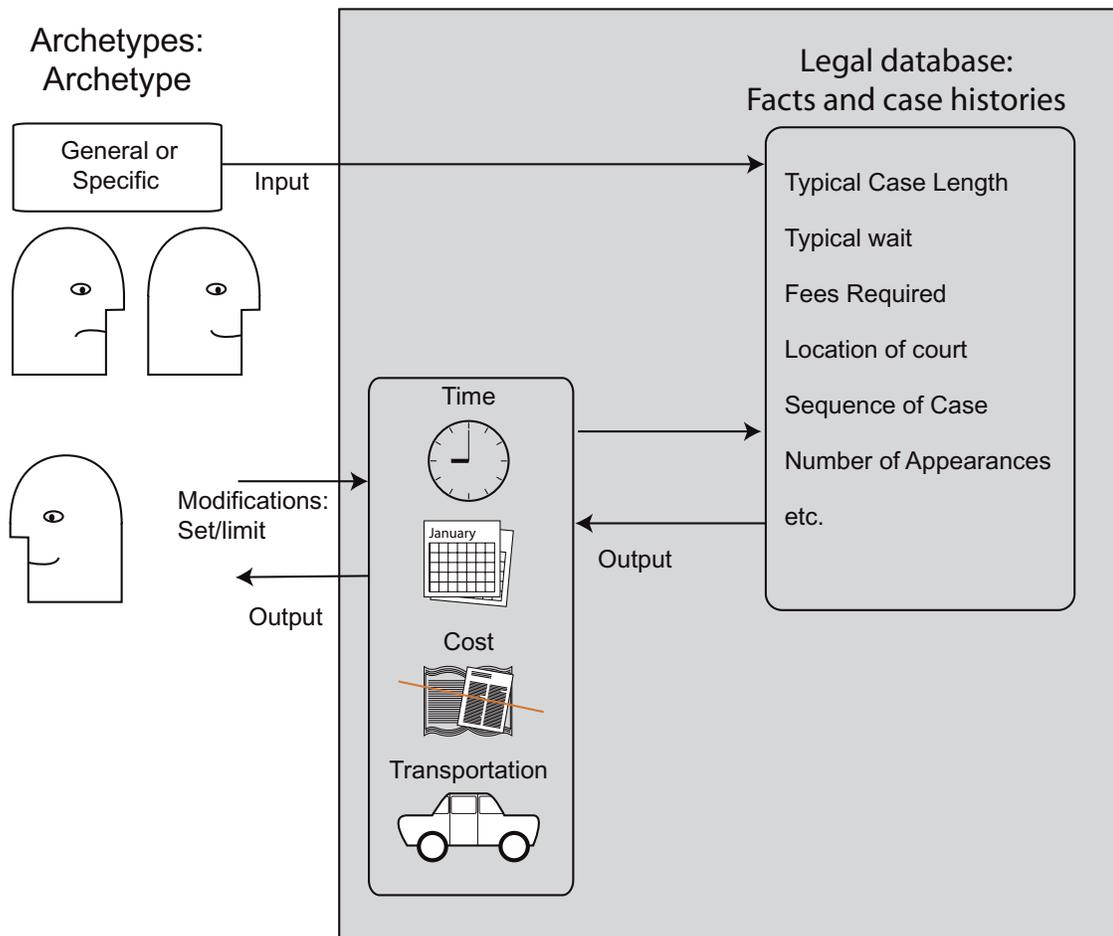
Discussion

Court proceedings can be mentally and financially draining. One of the important aspects of interaction with the judicial system is the impact of time and money. SRL's need information that can help them determine whether alternative dispute resolution systems such as **E-mediation** would be more beneficial and less costly than going to trial.

Pursuit Evaluator is an on-line tool that allows litigants to evaluate the options and associated costs of time, money, and effort in pursuing a case. The tool comes into play, as soon as **Archetype Finder** identifies an **Archetype**. An **Archetype** is either a "Precise" or "General" case template in one of the following categories: small claims, landlord/tenant case, divorce, child support, domestic abuse.

The **Pursuit Evaluator** takes the Precise or General **Archetype** as input. Using the facts, case history, and whether court or non-court options are selected, the **Pursuit Evaluator** estimates the time, effort and money the SRL should expect to expend as well as the possible return on investment.

Based on the type of **Archetype**, it provides either specific information or best/average/worst case scenarios when a specific determination can not be made. By setting or limiting parameters (e.g. amount of money) SRLs can also influence the output of **Pursuit Evaluator**, thus enabling them to make an informed decision regarding further proceedings based on their personal priorities.



Scenarios

Scenario 1 (General **Archetype**)

Jane experiences a very annoying landlord/tenant friction. Not only is her apartment in bad shape, but the superintendent's repeated attempts at repair are not having any substantial effect. The landlord, a large corporation, cannot be reached by phone and has not answered her letters of complaint. Subsequently, Jane stopped paying her rent. The landlord was provoked to start threatening her. Jane identifies her case as being a General **Archetype**. Although her reaction is not quite legally justifiable, the situation is highly complicated by an unbalanced power situation. Based on a concise listing of external resources, which she might choose, and which is provided by the General **Archetype**, the **Pursuit Evaluator** offers her best/average/worst case scenarios on costs, time and effort for court and non-court options. She gets disappointed, as all cost scenarios are beyond her budget. She then inputs the amount of money she would be willing to pay. **Pursuit Evaluator** then prioritizes differently and sets time and effort accordingly. Based on that range of options, she now can make an informed decision regarding her course of actions: getting more deeply informed of services that are free of charge.

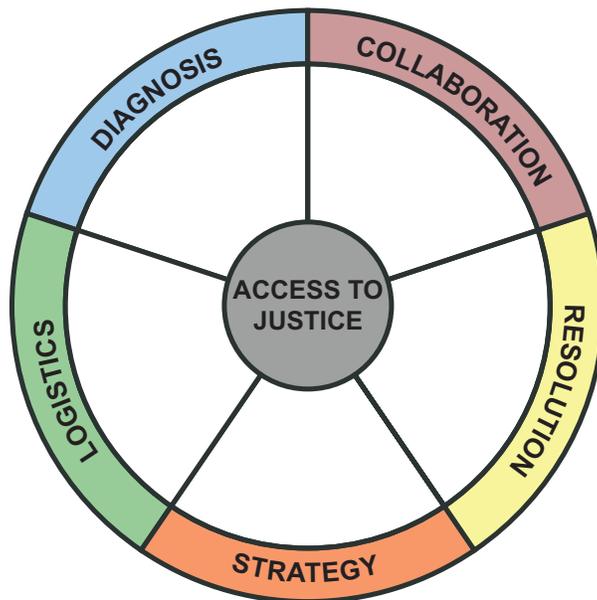
Scenario 2 (Precise **Archetype**)

Horace and his wife agreed to get a divorce. After being married for two years, they realized that their marriage just doesn't work. Horace identifies their case as an uncontested divorce, where neither property nor children are involved (Precise **Archetype**). Asking for estimated costs, time and effort for the legal process for both court and non-court options, the **Pursuit Evaluator** comes up with specific information.

Access to Justice

Meeting the Needs of Self-Represented Litigants

System Elements: Logistics



System Elements

LOGISTICS

Once litigants choose to pursue trial or mediation, they will need to begin clarifying their objectives, organizing their cases, and interacting with the court system.

Clarify

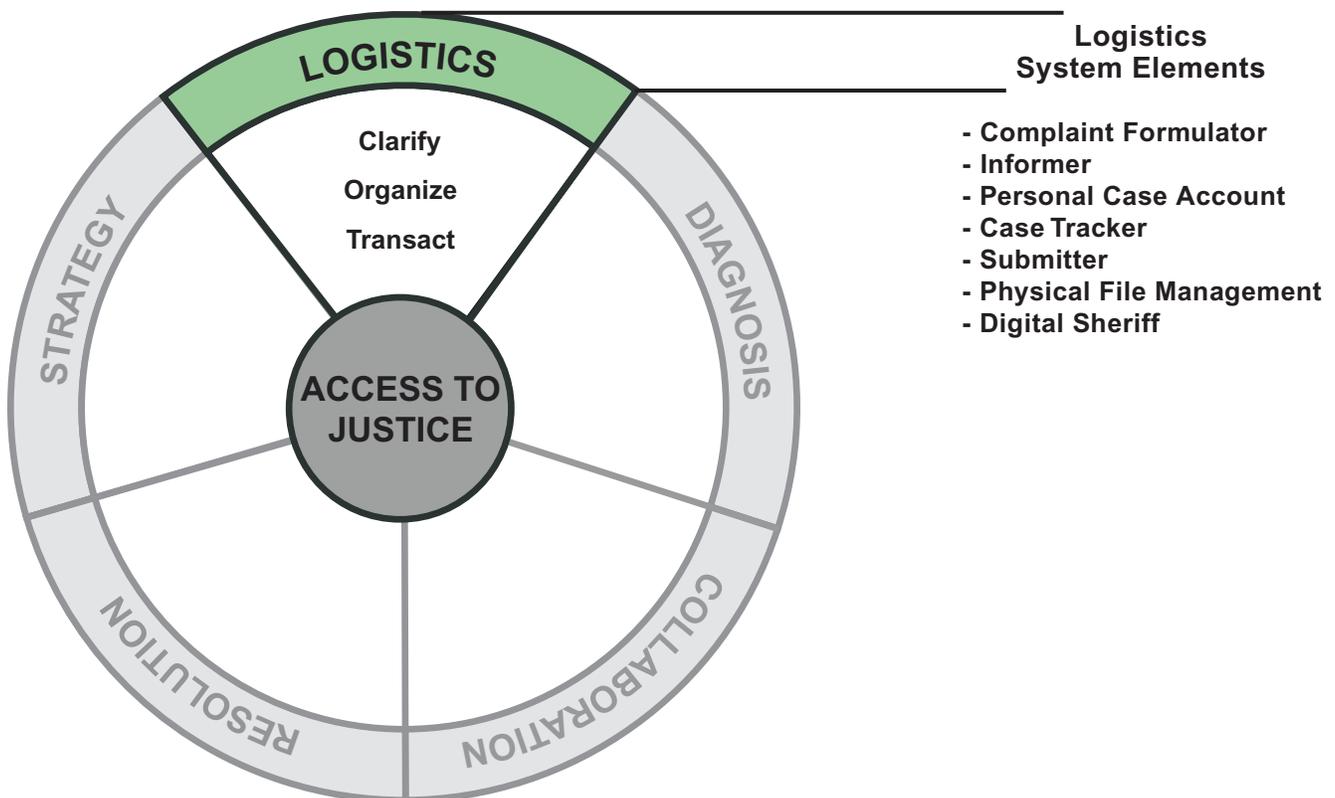
Learn while doing. Negotiating the legal process is fraught with hidden pitfalls not apparent to the novice SRL. Provide SRLs with explicit rationale and implications of what they are doing. Educate and inform while SRLs learn to maneuver the system.

Organize

Provide transparent, smart and efficient tools to improve system use without “getting in the way.” Create a safety net for SRLs by keeping track of their cases as they build them. Prototypical samples and physical organizers use categorization schemes, filters, and triaging techniques to make the SRL aware of “common” or “idealized” court practices.

Transact

Create new ways of communicating with the court, keeping records, and reducing transaction costs by minimizing the physical requirements of information exchange.



Complaint Formulator

Description

The **Complaint Formulator** changes the way we think about filling out a traditional complaint form. It is an electronic interface that helps the litigant extract data about his or her problem and then assembles it as useful information. The **Complaint Formulator** assembles that data into various formats not only to help the litigant understand his or her own problem better, but in order to be most useful to judges, clerks, and other process facilitators who need to understand that data.

Properties

- Largely text-based interface on computer screen
- Keyboard and mouse inputs
- Web based application

Features

- Helps litigants overcome the barrier of facing the “blank page” of the complaint form
- Helps litigant take into account extended ramifications of filing a complaint, such as the reaction of the respondent upon reading the wording of the complaint
- Simultaneously educates litigant about and ushers litigant through the complaint filing process so that litigant does not feel he or she is wasting time “reading instructions”
- Isolates sections of the “form” to help litigants focus and to reduce intimidation of lengthy “forms”
- Accessible online
- Usable offline

Related System Elements

General Info
Archetypes
Pursuit Evaluator
Digital Sheriff
Logic Learner
Webvidence
Story Builder
Heurassistant
Case Card
Shared Vision

Fulfilled Functions

1. Provide materials
2. Give directions
3. Inform rules/sources
4. Gather information
11. Provide information and direction
20. Examine facts and evidence
21. Find issues
26. Provide guideline
28. Develop strategy and position
29. Establish structure
34. Fill out forms
35. Collect evidence
42. Search legal cases
46. Search for legal rules
55. Define position in process

Associated Design Factors

1. Individual Cases Allow No Standard
5. Information Overload
6. Relevance of Information
7. Barriers of Language
9. Clarity of Information Material
10. Complexity of Information
12. Degree of Information
13. Ability to Perform According to Rules
17. Claim Matches Law Category
19. Complexity of Position
20. Misestimation of Own Competence
36. Mental Model for Processes Not Available

Complaint Formulator

Discussion

SRL's underestimate the importance of filling out the complaint form. The **Complaint Formulator** helps litigants to frame their problems and, hence, create a firm foundation for the rest of the resolution process.

Litigants often do not realistically have the opportunity or time to educate themselves before filing a complaint. The **Complaint Formulator** intertwines the process of drafting a complaint with the process of learning so that litigants do not see learning as a separate or unnecessary part of the process.

Litigants are often unable to recognize or think through the effect of their written words. This could start off any type of conflict resolution on the wrong foot and eventually doom the process to failure. In extreme cases, such as Protection from Abuse, an inflammatory complaint could cause a respondent to react violently and bring about harm to the petitioner or other people in the court system.

In filling out the complaint form, litigants are often documenting the basis of their argument for the first time. Once this line of thought has been put in motion it may be difficult for a litigant to see the argument in a different way. This could affect the course of any negotiations, especially should the petitioner be offered the opportunity down the line to mediate or settle.

The formality of the traditional complaint prepares the litigant to move in one direction, one line of thinking. Although the court system would like more litigants to settle or go to mediation, the complaint form is perhaps one factor that actually sets up the opposite expectation. The **Complaint Formulator** attempts to mitigate the negative effects of this process by enhancing clarity-building qualities.

The screenshot shows a software window titled "Court Net" with a sub-window titled "Complaint Formulator". The interface includes a menu bar with "File", "Edit", "View", and "Help". Below the menu bar are four tabs: "Form", "Logic Learner", "Pursuit Evaluator", and "Informer". The "Form" tab is active, displaying a form for "Thomas Logan" with "Complaint # 00M123456". On the left side of the form, there are two checkboxes: "Check form progress" and "Save current form". A yellow highlighted box contains the text: "If you pay your rent within 3 days of it being due". The main content area contains two questions with radio button options:

When did you last pay your rent?

- last month
- 2 months back
- 4 months back
- 6 months back

Do you pay rent on time?

- exactly on time
- within 1-2 days
- 5-10 days after rent is due

Complaint Formulator

Discussion (Continued)

The **Complaint Formulator** also considers how a judge will look at the document for definition during a hearing. Additionally, the **Complaint Formulator** extracts data from the litigant and reformats it into information the judge can use with **Shared Vision**.

The **Complaint Formulator** is developed with support from the **People Dealing with Change** database. This database gives developers advice on how to present questions and information to litigants so as to be most effective at this early stage of their process. Filing a complaint is one of the first opportunities the

court system has to support litigants in their effort to change the way they see their problem in order to come to a resolution that they were previously unable to achieve on their own.

The **Complaint Formulator** is integrated with **Archetypes** and the **Pursuit Evaluator** so that the SRL does not have to answer the same general questions twice. **Complaint Formulator** uses **Informer** as its educational resource containing sample cases and similar documents.

Scenario

Thomas is a homeowner who has decided to file a complaint against a roofing contractor who failed to seal leaks in Thomas' roof. His neighbor tells him he can now do this from home and on-line at the Access to Justice website. Using **Archetypes**, Thomas finds his way to the **Complaint Formulator** where he is asked a series of general multiple-choice questions about his complaint, such as what dollar amount he may be seeking.

Thomas is offered a description of and link to **Informer** and **Logic Learner** where he can view cases and complaints similar to his. He peruses some sample cases and returns to the **Complaint Formulator**. When he finishes answering questions, he views the suggested, completed complaint form. Thomas sees there is an editing tool that allows him to type

in additional comments to describe his complaint. After having read the accompanying pop-up boxes of information while he was answering questions, Thomas learns that the roofing contractor and judge were going to read whatever he decides to type here. After momentarily considering letting the contractor have a piece of his mind, he decides to leave the form as is so as not to appear irrational to the judge.

Since his county does not allow payment online, Thomas sends his complaint to the court through **CourtNet** where it will be held until he makes the fee payment in person. Thomas is already feeling less angry about having to take this contractor to court as he considers he will only have to run in to make a payment and only have to stand in one line.

Description

The **Informer** is a tool that helps SRLs to learn how to correctly file forms for their case. This system element bridges the gap between a litigant's own case and how it must be reflected in the framework of the judicial system's forms.

Properties

- Database of sample cases, sample forms
- Connection to court system

Features

- Sample cases
- Highlighted and editable information that points to the forms
- Form samples aligned to common case types
- Ability to modify information in the cases
- Swap function to transfer information on a personal form
- Automatic hand in receipt

Related System Elements

Archetypes
Pursuit Evaluator
Complaint Formulator
Submitter
Physical File Management
Logic Learner

Fulfilled Functions

25. Give advice
30. Provide support
31. Provide legal forms
34. Fill out forms
61. Process files
65. Organize forms
123. Complete forms
162. File pleadings

Associated Design Factors

13. Ability to Perform According to Rules
20. Misestimation of Own Competence
32. SRLs Often Fail in Self Expression at Trial
39. Information is Incomplete
40. No Space for SRLs to Process Form

Discussion

Laypeople do not possess a conceptual model of the legal system's conventions and often have difficulty making their own case conform to filing requirements.

Litigants should be more educated about how to file a complaint so that the likelihood of mistakes in this stage is lessened. Mistakes can slow down the process and reduce the likelihood of a positive outcome.

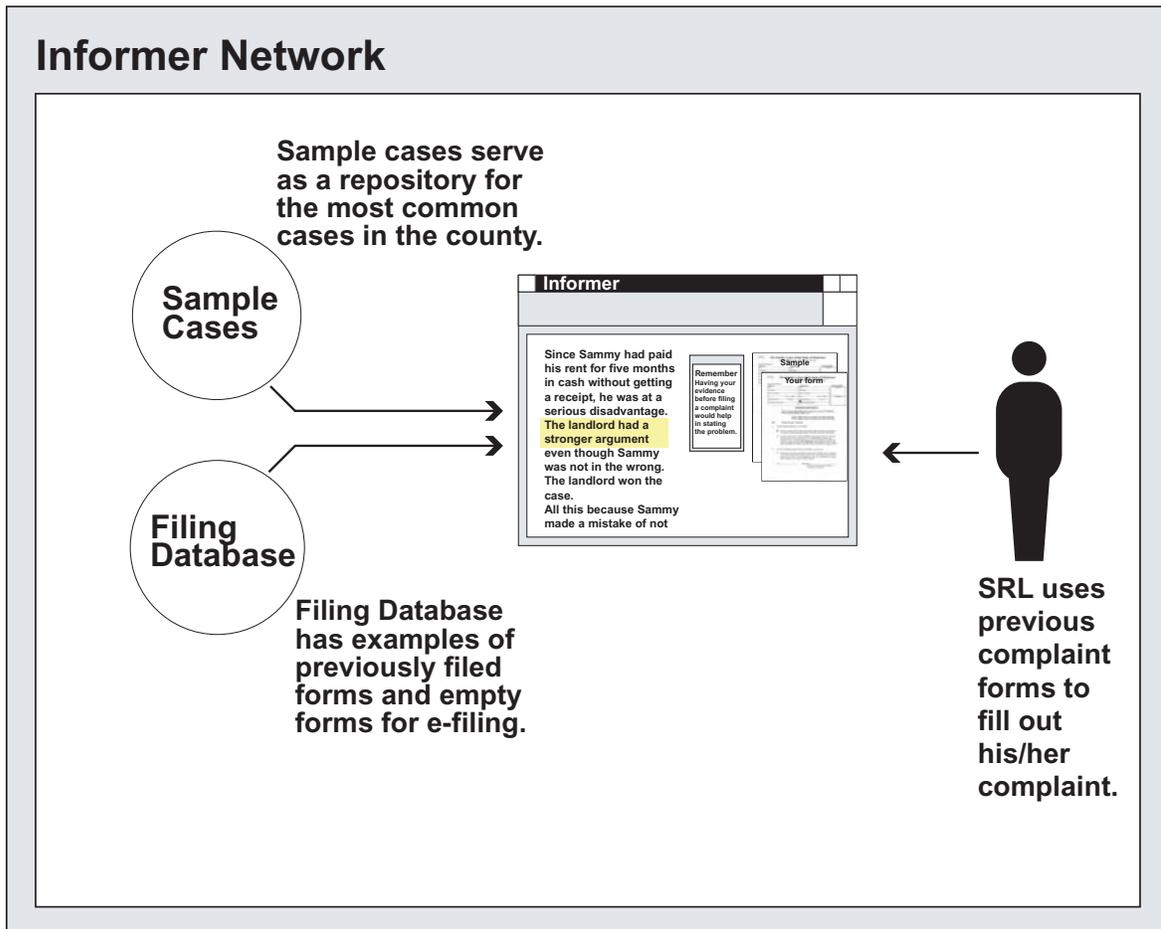
In order to make the filing process more transparent and easier to accomplish, the solution should match three basic requirements:

1. The litigant should be in a position to transform his story into the filing requirements of the legal system.
2. The litigant should be able to filter out what information should be filed.
3. The litigant should recognize the relationship between the case and the filing content.

Informer helps litigants to fill out their forms correctly. It is supported by tools that help a litigant comply with the filing procedures and that process appropriate forms, making them complete and ready for submission.

A set of comparable cases in the area of the self represented litigant's case is provided as text-based illustrative material. Cross links are provided to **Archetype Videos** for multimedia case examples. This could include areas such as landlord/tenant disputes, divorce, domestic abuse, and small claims cases. The system then provides litigants with editing tools that allow them to interact with the delivered case information along with the sample forms that contain the extracted case information.

Informer helps to reduce cognitive barriers by giving SRLs tools that allow them to localize their cases within a repository of similar cases. A general strategy for this is to have a narrative story that is analogous to the litigant's case. The retrieved cases come bundled with the forms necessary to file the case.



Discussion (Continued)

The repository contains a collection of sample cases with all appropriate forms.

The litigant is provided with a navigation tool to find the case that is in closest proximity to his own. Step by step, on the basis of questions and answers, the user is able to find the sample cases that best match his or her own. If the SRL has already gone through **Archetypes**, he or she will be able to skip this part and **Informer** will use the data from **Archetypes** to bring up the correct sample case.

Digital links provide a connection between the cases and the forms and also demonstrate what information has to flow into the forms. Highlighted passages in the text will point out what valuable information is needed in the forms and where it must go. When clicked, those highlighted sections will bring up specific instructions. The litigant can swap the appropriate information into the form step-by-step, or all at once at the end of the editing process.

Scenario

A pro se litigant with issues in landlord/tenant law approaches the court system online in order to file a complaint. Since this is the first complaint that he has ever filed, he is also looking for some information on how such a process works.

In the section for e-filing he finds a tag on the screen that says “Click here if you want to use the **Informer** filing support system.” The system indicates on the default screen for e-filing that it is possible to get system based support if you are uncertain about court proceedings. The litigant joins that service and he is given a short, step-by-step explanation on how the system is going to help him.

Informer first prompts the litigant to pick a case out from a repository of ten sample cases in the area the litigant’s complaint resides. To find the cases that are similar to his case, **Informer** asks him a set of general questions in a separate frame of the browser. He checks the answers that apply to his own situation. He then submits the questionnaire into the system.

Informer now brings up the right case, presented on a screen that is split in half. **Informer** is now in read-only mode with highlighting capability. In the left column, he can see the narrative form of the sample case as text; the right side contains the filled-out sample form.

The litigant can go through the form and place the cursor on an information box on the form side of the screen. When he does, the analogous information on the narrative text side will automatically be highlighted. This functionality enables him to see how the case information flows into the form. Similarly, as he reads through the narrative case text he can click on the portions in the case text which highlight the comparable information on the form side of the screen.

After he becomes familiar with the forms, he then should select the **Complaint Formulator** and the text fields in the forms get activated while at the same time the case text disappears and the text boxes get cleared out. He now fills in his personal information and completes the form using **Complaint Formulator**.

Personal Case Account

Description

Personal Case Account is an on-line container that enables access to all case-related information and tools (educational, strategic, planning, communication and logistical). It is a way to organize documents and, most importantly, achieve personalized access to education.

Properties

- An Internet based personal space that contains all case related information and tools, including:
My Mentor
Honor Insider
Case Tracker
Order Maker
Remote Access
Webvidence
- A portal that provides personalized legal information and resources
- Built on infrastructure of **CourtNet**
- Link to court database
- Link to daily e-mail service
- Input and update information by litigant
- Input and update information by court

Features

- Organizes all case related information and tools in a virtual space
- Enables litigants to input and update case related information
- Enables the court to communicate with litigants
- Provides customizable interface
- Set up by clerk after filing a case

Related System Elements

Case Card
One Family One Judge
Shared Vision
My Mentor

Fulfilled Functions

1. Provide materials
2. Give directions
3. Inform rules/sources
4. Gather information
10. Explain process
11. Provide information and direction
16. Understand process
19. Offer references/resources
26. Provide guideline
28. Develop strategy and position
30. Establish structure
33. Find location
34. Fill out forms
35. Collect evidence
52. Monitor processes
55. Define position in process

Associated Design Factors

18. Time Need
22. Complexity of Position
24. Accessibility of Forms
26. Understanding of Terms
29. Procedures for Strategizing Are Not Obvious
35. SRLs Not Aware of Uniqueness of Court Documents
42. Uncertain Court Dates
45. Many Receipts
49. Inappropriate Advice from Peers
53. Research Legal Position
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
67. Creating a Record
115. Documentation Difficult to Coordinate

Personal Case Account

Discussion

It has been observed that many SRLs are not well prepared to present their cases in court. Lack of preparedness may include being unable to present testimony clearly or coming with insufficient evidence. **Personal Case Account** is a way to help SRLs organize their court-related information by providing an on-line container that is accessible anywhere there is Internet access.

SRLs do not always use court resources that are provided to assist them. On one of our site visits, for example, a judge described a pamphlet explaining rules of hearing that SRLs apparently do not find useful, as they frequently make many mistakes that are warned against in the pamphlet. One potential explanation is that case related information is scattered and is not personalized, nor prioritized, for the individual user. **Personal Case Account** addresses this problem by providing customized information based on case type and stage of the process to make SRLs feel a sense of connection to the material being presented to them.

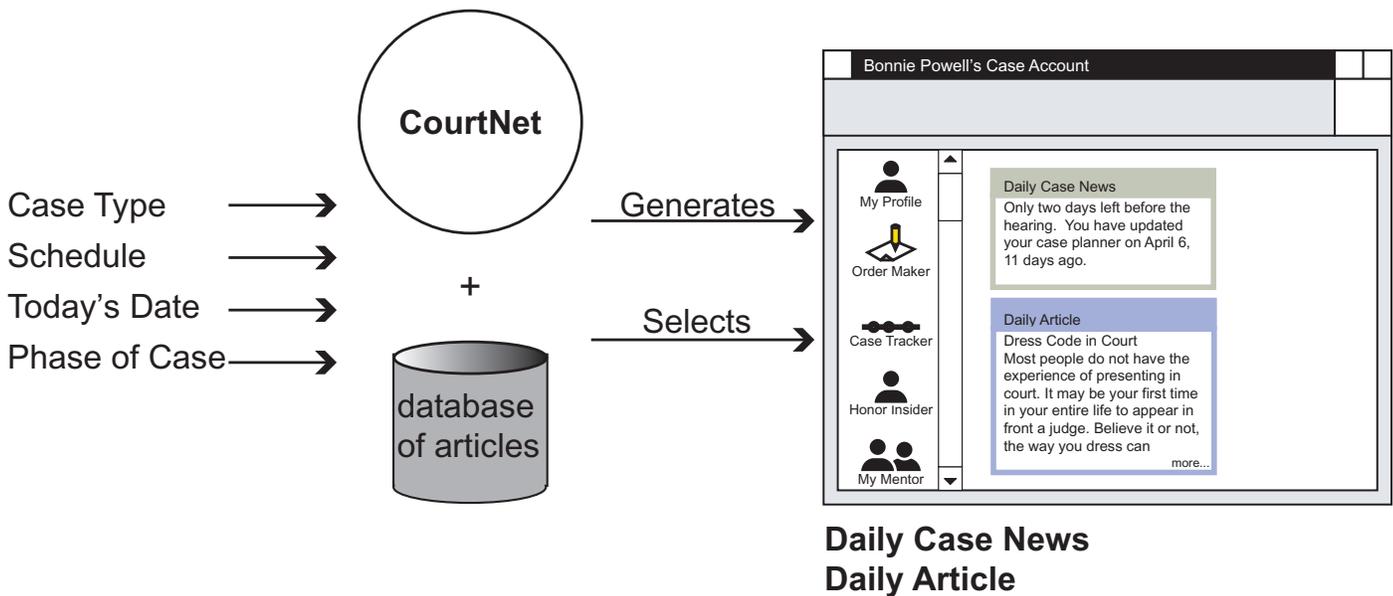
Personal Case Account is accessible online to the Internet-savvy SRL, and may be run independently, or otherwise may be set up by a facilitator and SRL together when filing a case. Once an SRL's account is set up, the facilitator may demonstrate its use to the SRL so that the litigant is aware of personalized features and able to use this resource effectively.

Personal Case Account delivers up-to-date information, such as schedules, every-day case news, and case tracking. Since it is customized to an SRL's specific needs at different times during the legal process, SRLs are likely to check it out more often than other sources of information (e.g. brochures or web sites) that provide general, non-customized information. Repeated exposure to the information may also increase the chances that an SRL will absorb and benefit.

Personal Case Account is also a way to save the court time and energy otherwise spent answering frequently asked questions. It also aims to provide the judge with better prepared and organized SRLs, thus increasing the efficiency of the hearing.

The screenshot displays a web interface titled "Bonnie Powell's Case Account". On the left is a vertical navigation menu with icons and labels: "My Profile" (person icon), "Order Maker" (notepad icon), "Case Tracker" (gears icon), "Honor Insider" (person icon), and "My Mentor" (two people icon). The main content area features two cards: "Daily Case News" with a green header, stating "Only two days left before the hearing. You have updated your case planner on April 6, 11 days ago."; and "Daily Article" with a blue header, titled "Dress Code in Court" and starting with "Most people do not have the experience of presenting in court. It may be your first time in your entire life to appear in front of a judge. Believe it or not, the way you dress can more...".

Personal Case Account



Scenario

Bonnie is an employee of a small company assigned to resolve a small claims dispute with a past client. Bonnie has no legal background and this is her first time pursuing a case, but she knows more about the client than others in her company.

When she received the small claims summons in the mail, Bonnie noticed a web site that she could access to receive regular assistance and to organize her case. She goes online and reads a brief introduction to Small Claims.

Case Tracker has a timeline framework for organizing evidence and other case information. Bonnie uses it to sort out information that her boss gave her, including receipts, contracts, and phone call notes. After about an hour's work, she sorts out all evidence that she thinks relevant to the dispute and gets a clearer picture. She makes notes on the points that need to be investigated and begins to contact relevant people from the sales department to gather further evidence.

Bonnie checks out the **Order Maker** to learn more of small claims rulings. She runs the multimedia version of **Order Maker** and **One Quick Click**, listening to the demos and in-depth explanation of legal terms she might hear during the hearing. This makes Bonnie feel more prepared.

A couple weeks later, when Bonnie opens her **Personal Case Account**, The Case News indicates that there is only a week until her hearing. She thinks that she needs to warm up. She reads the article "Common Factors Lead To Ineffective Argument." "Make sure your story is relevant," it begins, "The judge wants to know the specific factors describing the dispute, not how good your business is." Bonnie thinks, "Maybe I should not present so much information about the customers' trust in my company."

Case Tracker

Description

Case Tracker is an interactive searchable archive of case history, available to litigants and judges for quick reference.

Properties

- Archive of case history
- Case issue
- Order history
- Link to court database
- Dynamic navigation tool
- Input interface that updates case information
- Links to other tools contained in **Personal Case Account** for cross-referencing, including litigant's profile, **Honor Insider**, **Order Maker** and **My Mentor**
- Note-taking capability to facilitate deliberation

Features

- Enables quick update and input of case information by court staff and litigants
- Is set up by clerk for each litigant upon filing
- Allows access via Internet
- Provides litigant a tool to organize and access case history
- Enables notes to be attached to facilitate deliberation
- Provides a communication tool in court to facilitate hearing proceedings

Related System Elements

Archetype Videos
Case Card
Legal Seat
Accord Room
Legal Lounge
Shared Vision
Order Maker
My Mentor

Fulfilled Functions

4. Gather information
26. Provide guideline
27. Collect relevant documents
29. Establish structure
32. Gather legal forms
35. Collect evidence
39. File documents and payment
50. Show directory
52. Monitor processes
73. Gather evidence/depositions
132. Examine evidence
136. Support story
166. Manage documents

Associated Design Factors

5. Accessibility of Information
6. Relevance of Information
10. Complexity of Information
13. Ability to Perform According to Rules
23. Mode of Distribution
24. Accessibility of Forms
35. SRLs Not Aware of the Uniqueness of Court Documents
37. Retrieval of Data is Time Consuming
38. Uncertainty of Court Date Communication
39. Information is Incomplete
67. Creating a Record
88. Form Synchronization and Dissemination

Case Tracker

Discussion

SRLs need tools that organize, copy and keep track of case materials. The day of the hearing is often the first exposure an SRL has to actual courtroom procedure. Anxiety of the trial day and unfamiliarity with court procedure may exacerbate the consequences of poor organization, further disadvantaging the SRL.

Within the court, case information is often stored in various places and in multiple files. It can be difficult for the SRL to acquire complete case information.

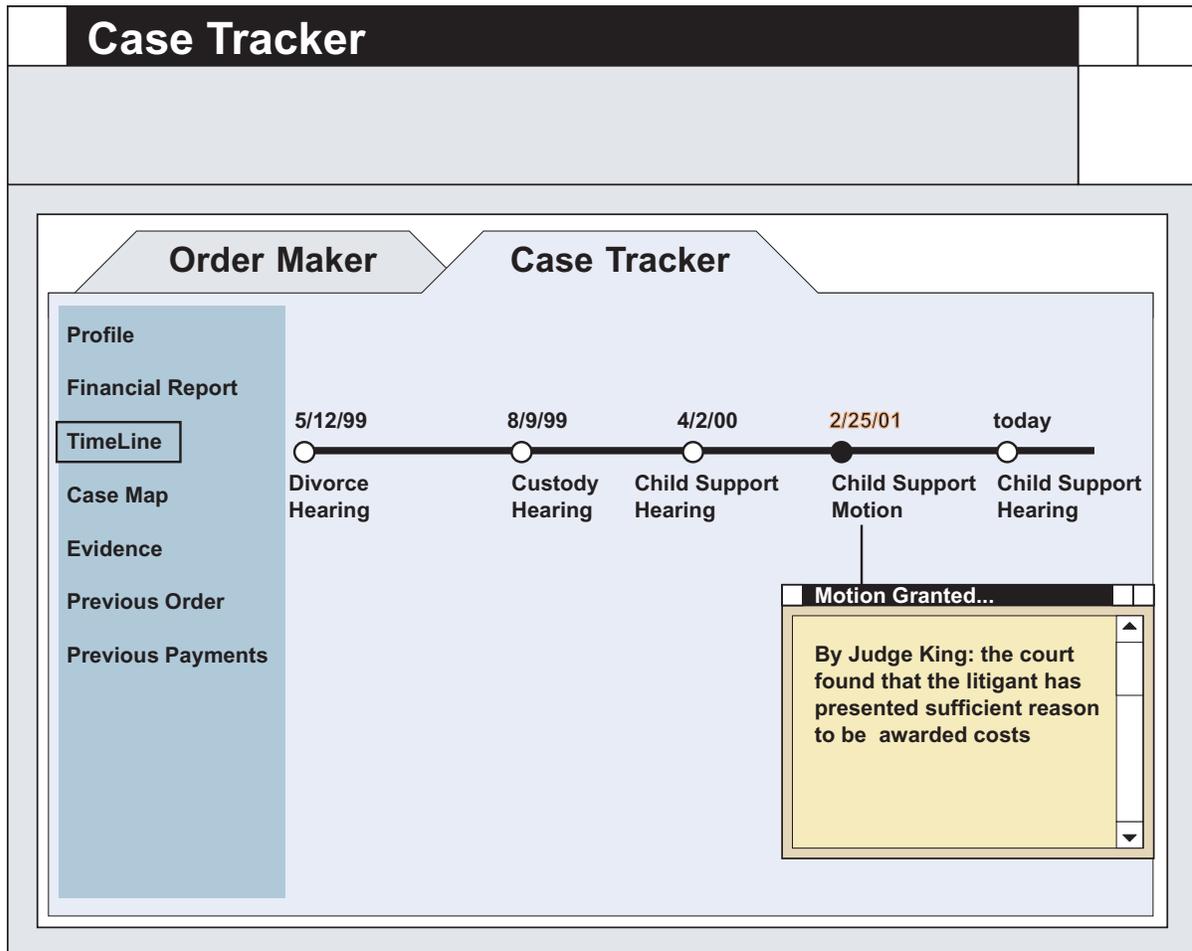
Despite the rapid advancement in computer and network technologies, administrative tasks associated with judge's duties are still largely managed by human hands. Communication and decision-making tasks are still not adequately supported by technology in most counties. A judge faces many cases of varied histories and conditions. To determine initial case conditions and make informed decisions, the judge needs to study relevant documents before hearing each case. Currently this task is inefficient and cumbersome, since case history and conditions may be documented in

multiple files in a variety of formats.

Case Tracker is an Internet-based software featuring dynamic and interactive organization of case history. Information in Case Tracker is input by judge, litigant and clerk. It is set up by the clerk for the litigant upon filing. It is a tool for litigants to organize, access and manage their own case histories. The judge uses **Case Tracker** to note the initial conditions of case. He can write notes and memos about a case and associate it with appropriate files to facilitate deliberation.

As a component of **Shared Vision**, **Case Tracker** also facilitates communication in court.

In complex cases (e.g. child-support cases) that often involve complex rules and calculations, **Case Tracker** can be used in combination with **Order Maker** to facilitate a judge's communication of the final ruling. **Case Tracker** indicates absent information that needs to be investigated. **Order Maker** automatically takes relevant information from **Case Tracker** and financial information from litigants' profiles for



Case Tracker

Discussion (Continued)

calculation. **Case Tracker** provides basic information for rendering a verdict through **Order Maker**.

Case Tracker is important for a family involved in multiple cases to avoid conflicting rulings, providing a complete and coherent record. **One Family One Judge** is a way of assigning a single judge to cases involved with one family, where **Case Tracker** can play an essential role of integrating the context of each case.

Scenario

See **Personal Case Account**

Submitter

Description

Submitter temporarily delays e-filed forms for a period of two days. During this period, the litigant can withdraw the e-filed form and edit it. **Submitter** protects the litigant from making errors when filing and protects the court system from difficulties that arise from impulsive actions.

Properties

- Transfer database for incoming filings
- Mail server for mail distribution
- Software attachments

Features

- Submission interface
- Withdrawal interface
- Links to **Logic Learner**
- Re-editing process of files that have been submitted
- Submission timer
- E-mail notification after submission
- “Submission Timer” software as attachment

Related System Elements

Archetypes
Informer
Digital Sheriff
Logic Learner

Fulfilled Functions

25. Give advice
30. Provide support
65. Organize forms
69. Hand in forms
123. Complete forms

Associated Design Factors

37. Retrieval of Data is Time Consuming
39. Information is Incomplete

Discussion

How will a court system that mainly operates with analog technology behave when its user system interaction is driven by hypertext media? What will be the downside when analog meets digital? How do socio-technological aspects influence the impact digital evolutions have on the operations of the court system? How will those changes influence issues on the flow of data between technologically empowered litigants and the court system? A deeper look at these issues will serve both litigants and the court system and provide protection from the downsides of technologically-mediated communication.

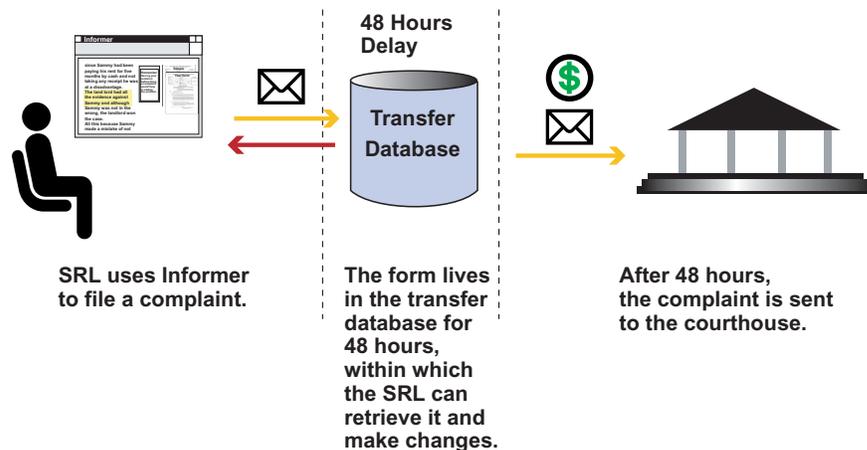
An assessment of basic observations will spotlight some factors that may tie into Diagnosis and Logistics. Content is related to the technology that is used to deliver it. The quality and quantity of content is influenced by three interrelated factors related to information technology:

1. Time: digital technology dramatically increases the speed of communications
2. Distance: spatial distances do not produce delays anymore
3. Cost: cost of delivery of data become insignificant

Technological improvements have also had a deeper influence on how people behave regarding their communication habits. The dramatic increase in the quantity of communication going on between entities has induced a downturn in quality of the content of communication. Here are three examples:

1. Trivialization: e.g. E-mail and instant messages have the quality of telephone calls
2. Spams: more communication of poorer quality content, unimportant communication
3. Errors: misspellings, errors in content, messages sent off by mistake

Submitter Flow Diagram



Discussion (Continued)

These fairly general issues will influence the issues in court communication logistics.

It is natural that litigants react emotionally about events that occur in connection to their case. Somebody who files a case as an emotive response and instantly delivers it electronically to the court system might not have acted very rationally. This person might act very differently after a few hours and regret the hasty action. The e-filed complaint may have been framed better, thought out more thoroughly or, possibly, may never have gone out at all.

SRLs rarely have the knowledge and skills to competently deal with the legal issues in their cases. Somebody who delivers information electronically to the court system might have overlooked weaknesses in content, technical issues, or other factors. The litigant may also obtain new information shortly after the form has been e-filed and may want to adjust the information.

Since digital technology brought the whole world into the personal space of the individual, the availability of “home based” services might overcome inhibitions regarding their use or abuse. The reach of legal services might invite people to use the electronic court system inappropriately and excessively.

In summary, the key technological issue seems to be speed, thereby making information delivery between litigants and the court system critical. Compared to analog forms of delivery, e-filing has no delay unlike postal services. When a litigant uses the post service to file a complaint, it takes some time to prepare and submit the delivery to a post office. If the litigant delivers a complaint personally to the court, he has to plan and evaluate whether it is worth the effort.

The delays inherent in physical forms of data delivery naturally give individuals the time to consider the content, the appropriateness, and the consequences and risks attached to it. A delay should be reintroduced in the case filing process to produce conscious reconsideration of these issues.

The **Submitter** comes into place after the **Informer**, the court’s filing support system. The submission of a complaint to court will take two days until it becomes accessible by the court system. The data will be stored on the technological property of the court system. The filing information is stored in a database belonging to the court system. At the same time, the litigant gets sent a notification that his file has been submitted but it is not yet accessible by the clerk. Within these two days, the litigant has the opportunity to withdraw the e-filed form. After the two days have passed, the complaint is automatically accepted into the court’s hands.

After the litigant’s file is in the system, he will receive notifications via e-mail that contain a graphical representation of the course of the next two days that remind the litigant of the ongoing process. This diagram is viewable in the viewer window of the e-mail application. In addition, a downloadable representation of the submission period comes as an attachment along with the confirmation. The diagram can be turned into an interface when clicked on. The hotlinks on the interface link the litigant with the court system to initiate the cancellation process. Further notification about the submission period, sent to the litigant, will be available on wireless devices such as the Palm Pilot, the Vizion, and similar applications.

This can be tied to other system elements. For example, after two weeks the litigant could be linked up to an application that will support a critical assessment on the case. The linkup could be to any tools that could make use of any existing system that allows a forward projection of outcomes, consequences, and perhaps include a linkup to human support sections.

Submitter

Scenario

The SRL has just finished filling in the appropriate information in the forms of the **Informer**. Although he is not ready to submit, he presses the submit button and, after confirming the action, the form is sent to court. Seconds later, the litigant receives a confirmation of his submission by mail. This message informs the litigant that it will take two days until the file is processed into the court system. During the two-day period, he can reflect on making changes or withdrawing. Then, if there is no intervention by the SRL, the form is then accepted into the system.

The litigant can choose to download the **Submitter** Control Bar from the body of the e-mail message. He starts the installation process and afterwards views the little diagrammatic time module that represents the remaining time. After a day, the litigant gets some additional information on his case from a friend. He gets back to his computer

because he wants to do some slight adjustments to the form he submitted. He clicks on the time bar icon which enlarges into the **Submitter** control bar. He clicks on the withdrawal button and then is prompted to type in his PIN number which came with the submission notification on the day before. He confirms the withdrawal and then picks the option to get the file viewed in the **Informer** again.

Another SRL retrieves his file within the two day period by using the **Submitter**. He weighs the option of putting the process on hold since some uncertainties about his case came up. However, he is uncertain whether to withdraw because this would mean starting the submission period all over. He opens the **Submitter** Control Bar and examines the links to tools that would help him to decide whether to keep the form e-filed or to withdraw it.

Physical File Management

Description

Physical File Management (PFM) is a tangible organization binder that holds forms, instructions and accessories that an SRL may need to manage the logistics of his or her case. The **PFM** also helps the SRL create an explicit mental model of the process by way of simple structural elements (e.g., colored tabs corresponding to typical milestones of the process).

Properties

- Binder
- Color-coded tabs for large section organization
- Clear plastic sleeves that are color-coded for document type
- Reference label on each sleeve
- Certified mailing labels
- Blank forms
- Instructions

Features

- Provides a low cost solution whose simplicity makes the tools accessible to SRLs immediately
- Cues appropriate actions via visual reminders
- Helps SRLs recognize, organize and sort appropriate forms for personal record keeping
- Minimizes interference with current form inventory
- Makes process structure explicit with tab organization
- Eliminates redundancy and minimizes error

Related System Elements

Informer
Webvidence

Fulfilled Functions

4. Gather Information
10. Explain Process
11. Provide Information and Direction
16. Understand Process
27. Collect Relevant Documents
29. Establish Structure
31. Provide Legal Forms
32. Gather Legal Forms
34. Fill Out Forms
39. File Document and Payment
52. Monitor Processes
55. Define Position in Process

Associated Design Factors

1. Individual Cases Allow No Standard
37. Retrieval of Data is Time Consuming
39. Information is Incomplete
45. Many Receipts
54. Preparing Financial Documents
67. Creating a Record
115. Documentation Difficult to Coordinate
116. Evidence Difficult to Keep Track Of
132. Unable to Verify Completeness

Physical File Management

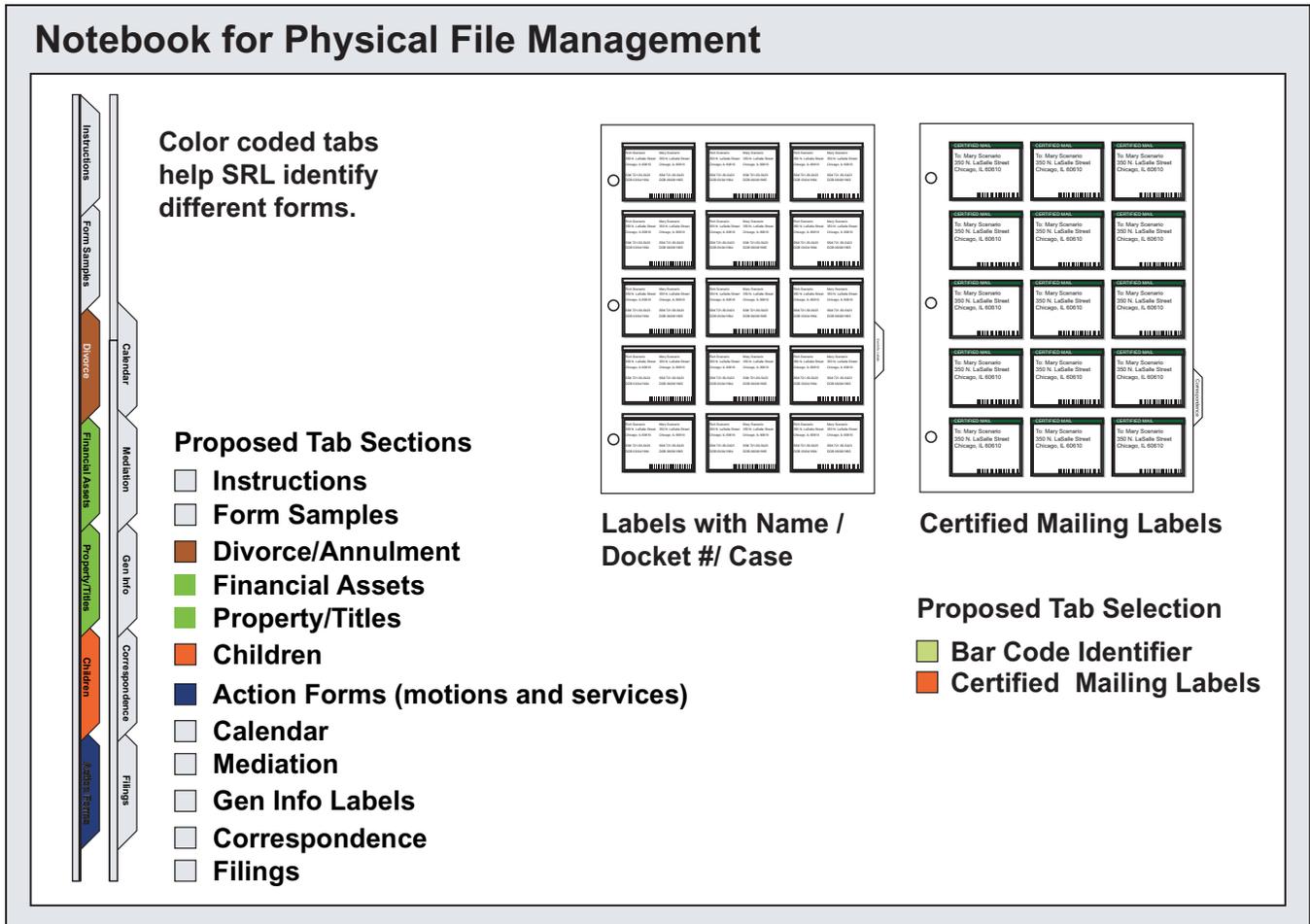
Discussion

As more and more divorce cases are being pursued without representation, it is worthwhile to look at ways the court system can aid these litigants in this particularly document laden case type. Freeing courts of logistic burdens will alleviate burdens on the court system and enable them to provide better substantive support to legal customers.

We observed that several litigants made reference in court to documents that they did not bring with them. When SRLs are in a position to realize how important it is to bring all evidence and documents, it is often too late. Most of those litigants did not have a chance for a second hearing. The Judge would say, "Today is the day." Even if an SRL decided to appeal, new evidence would not be accepted, since appealing only allows for a review of the fairness of a judgment based on previously submitted evidence.

Divorce requires a tremendous amount of paperwork on behalf of the litigant (financial disclosure, etc.) and the court. By virtue of complexity, this paperwork is prone to error in filling things out. Correcting errors, substantiating forms, contacting parties, serving notices – all these logistical issues drain the court's resources. Documentation and forms need not be eliminated, just structured.

The **PFM** is a collection of tools that enables litigants to select, access, edit and manage the appropriate files for meeting their objectives. Although many current clerks' offices supply forms in packets, by providing the SRL with a physical place to collect all documents and accessories, we can actually enable the SRL to make wiser decisions because the process becomes explicit.



Physical File Management

Discussion (Continued)

Tab separators create the basic framework for the **PFM**. Simply by scanning the tabs an SRL can get an idea of what is required during this process. For example, the divorce **PFM** might include the following tabs:

- Instructions
- Form Samples
- Divorce/Annulment
- Financial Assets
- Property/Titles
- Children
- Action Forms (motions and service)
- Calendar
- Mediation
- General Info Labels
- Correspondence
- Filings

Each sleeve has a permanent label for basic info such as case number, form name, number of copies required, receipt date, submission date and a place for the clerk to stamp a submission receipt stamp (like certified mail). Each one has a USPS tracking number so that when paper documents are submitted, they can be scanned to check if the same document was copied and submitted before. This helps the court, as well as the SRL, to keep track of submissions.

The SRL will have a record of actions whether or not the form is actually in the sleeve. Indeed, a form's absence or presence signals an action or a message to the SRL.

As a next step in the evolution of court document management, it may be worthwhile to consider ways in which the underlying concepts of this system element could be translated directly into a digital file management system for SRLs.

Scenario

Susan picked up a divorce **PFM** at the self-help center at Family Court about two weeks ago. She has completed a set of forms and needs to make copies and submit the forms. She heads to Kinko's and sets herself up at a copier. She takes each form out from its sleeve, copies it and replaces the original and copy back in each sleeve. When she is done copying, she moves to a worktable to put forms in the supplied envelopes at the back of the **PFM**. As she moves through the sleeves, she sees one is empty. She must have forgotten to make a copy! Susan makes a quick copy of that original. She continues stuffing envelopes and fills out the certified mail labels. Now all that's left to do is to get to the Post Office. Susan sets off confidently knowing she has a record of all her forms and actions.

Digital Sheriff

Description

Digital Sheriff is a virtual process serving service. It is integrated with the current physical process serving services used for summons, complaints, citations, and other like documents.

Properties

- On-line serving tool for petitioners and respondents

Features

- Helps litigants serve notices without having to physically go to the courthouse
- Maintains a record of activity
- Keeps litigants whereabouts unknown to the respondent
- Integrates with current system

Related System Elements

Pursuit Evaluator
Complaint Formulator
Submitter

Fulfilled Functions

62. Communicate court dates/notices

Associated Design Factors

11. Time Constraints
24. Accessibility of Forms
44. Only at Court Building
114. Filing Procedure Complex

Discussion

The service of process to a respondent is time consuming. A plaintiff must go to the courthouse, post office, or have notices or summons sent through the sheriff or via certified mail. It is often difficult for a plaintiff to make the trip.

The internet-based **Digital Sheriff** removes that inconvenience. The **Sheriff's** authentication assures its validity when requesting service of notices and/or summons.

Digital Sheriff is modular to accommodate both virtual as well as physical serving. If both parties agree to virtual serving, all such notices and summons will be sent electronically. If not, **Digital Sheriff** collaborates with the U.S. postal service to deliver such notices by certified mail.

Scenario

Molly has recently become a victim of domestic abuse and decides to file for PFA (Protection From Abuse). She has already used the **Pursuit Evaluator** to see what the consequences of filing for PFA are and what often happens to victims of abuse once they file. She knows that this is a serious issue and she does not want to take any chances. She has moved some of her belongings to her friend's house.

Once she moves into her friend's house, Molly decides to file for PFA. She uses the **Complaint Formulator** and files her complaint. Then, she uses the **Digital Sheriff** from her friend's house to serve her husband Sam. Since the **Digital Sheriff** is an internet tool, Molly does not have to worry about being identified by her husband or any of his friends en route to the court or post office. Sam is not on the court's virtual list, so the complaint that Molly filed must be served on him physically.

Complaint Formulator helps litigants to formulate their complaint before using **Digital Sheriff** to issue a summons to the respondent party.

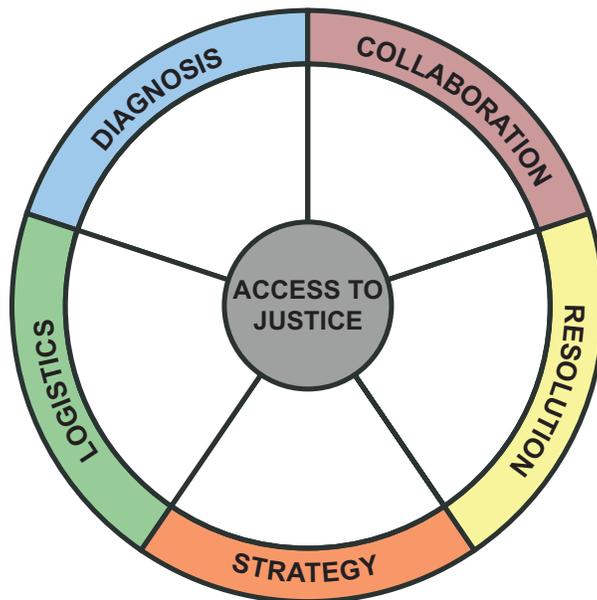
The **Digital Sheriff** asks Molly if she is willing to serve Sam physically by certified mail. Molly agrees and gives the address where Sam lives. She then pays the **Digital Sheriff** by credit card. Later, at the courthouse, Molly's complaint is printed out at a clerk's desk along with a certificate that service was sent out to Sam by certified mail before the end of the day.

Once Sam has been served, he needs to reply to the summons. He signs the document and mails it back to the courthouse. Upon arrival, the signed notice is scanned into the **Digital Sheriff** and a physical copy is sent to Molly by certified mail. This allows her further privacy from her abuser, Sam.

Access to Justice

Meeting the Needs of Self-Represented Litigants

System Elements: Strategy



Solution Elements

STRATEGY

Strategic planning is different from general education. These tools help a self-represented litigant learn tactics, build a coherent and persuasive case and prepare for negotiation either in trial or in mediation.

Educate

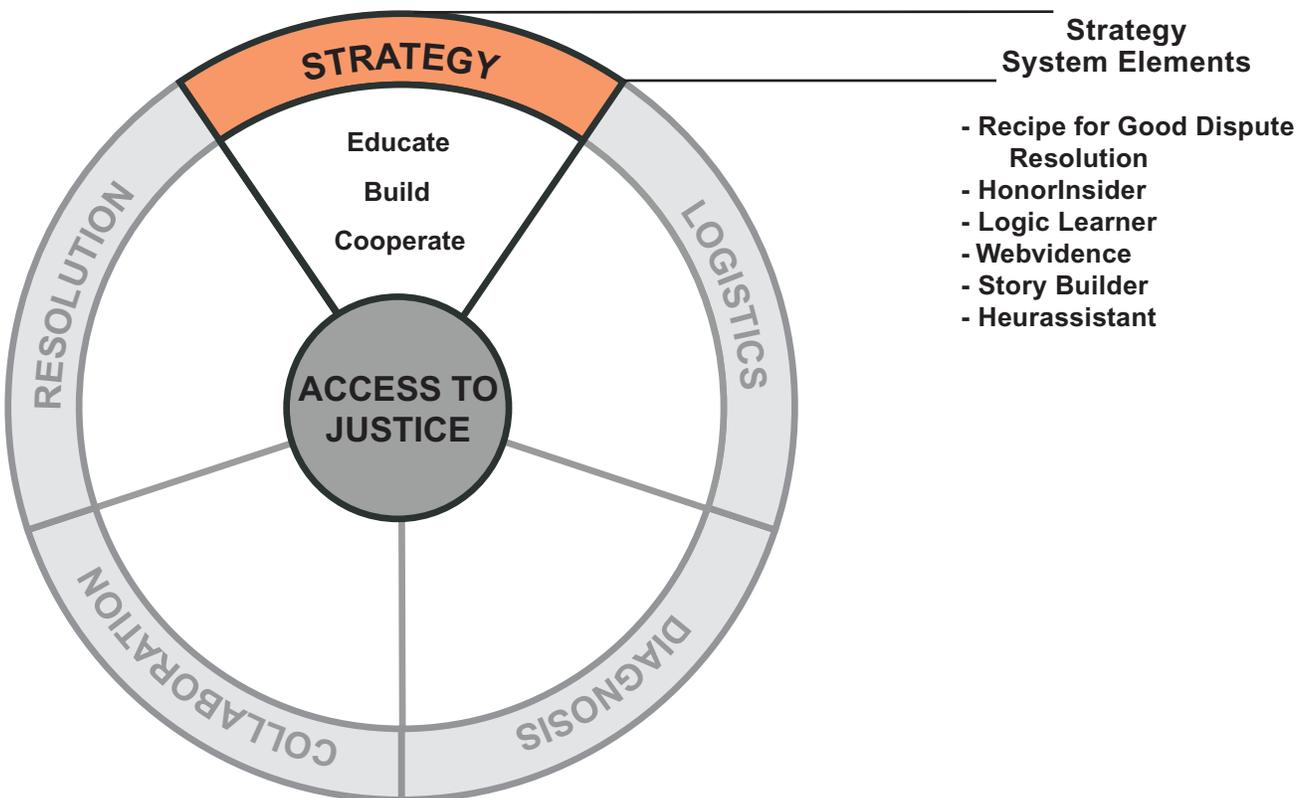
Teach SRLs about the basics of good negotiation and provide a foundation to minimize inequities between parties. Solutions should help SRLs to recognize that a multitude of outcomes are possible and to set the stage for good negotiation practices. These tools have been developed to be engaging, personal and humane as they impart experience to their users.

Build

Elicit and capture salient aspects of a litigant’s story through progressive, iterative, and interactive tools. Representation support tools, while not attorney substitutes, are designed to aid SRLs in producing a fair and coherent representation of their story, their needs and their objectives. These tools teach the SRL about what the court deems to be important, thus helping them better represent themselves.

Cooperate

Provide incentives and tools for parties in dispute to cooperate and settle their dispute without having to go to trial



Recipe for Good Dispute Resolution

Description

Recipe for Good Dispute Resolution is an online tool that educates litigants through virtual role playing. This tool allows the litigant to view the process of resolving disputes through the eyes of a third party, such as the mediator or judge. Through this approach, litigants learn about their role and their level of involvement in the dispute resolution process.

Properties

- Web-based tool used in preparing for trial and/or negotiation process or alternate dispute resolution (ADR)
- Sample cases of the same category as the petitioner's or respondent's case
- Prompting tool that constantly gives feedback to the "player" about the inferences of his/her selections during the "game"

Features

- Prepares petitioners and respondents for hearing / ADR by helping them understand their role during the hearing / ADR session
- Orients petitioners and respondents to the ADR process
- Educates as the player progresses through role play
- Allows the player to quit whenever he / she chooses to
- Prepares both parties for the hearing / ADR process with fairness
- Accommodates people's different learning curves

Related System Elements

Archetype Finder
Pursuit Evaluator
Story Builder
Case Card
The SRL Test

Fulfilled Functions

16. Understand roles
22. Compare case
30. Provide support
39. File documents and payment
60. Determine intention/objective
95. Tell story (ADR)
99. State objectives
100. Identify the reasons behind objectives
105. Share information

Associated Design Factors

1. Individual Cases Allow No Standard
5. Information Overload
6. Relevance of Information
10. Complexity of Information
12. Degree of Information
13. Ability to Perform According to Rules
17. Claim Matches Law Category
19. Complexity of Position
26. Understanding of Terms
27. Legitimacy of Documents
29. Procedures for Strategizing Are Not Obvious
36. Mental Model for Processes Not Available
53. Research Legal Position
63. SRLs Don't Know What Avenues of Finding Info are Available to Them

Recipe for Good Dispute Resolution

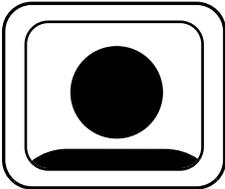
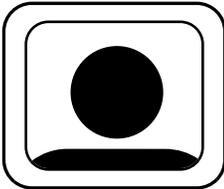
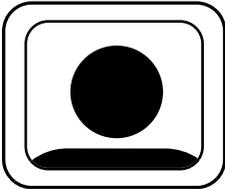
Discussion

When self-represented petitioners or respondents participate in dispute resolution proceedings, they are often unaware of their role in contributing to a positive outcome or successful negotiation. The process of resolving disputes can be unbalanced if one party is better prepared than the other.

The purpose of this tool is not to help litigants strategize for trial or ADR in detail. It simply gives them a taste of the experience and elucidates general but vital aspects of the process.

Recipe for Good Dispute Resolution works in conjunction with **Archetypes** and the **Pursuit Evaluator** to help orient the self-represented litigant to the negotiation process. The internet-based setting allows access from many places. Since it is interactive, it does not force the “player” to go through the entire role play; rather, the player can choose to quit whenever he or she decides to do so.

One issue that only prototyping this product will address is how to accommodate the various attention spans of litigants. Another possible barrier to success for this concept is that people may perceive this role play as an extra, time-consuming step that does not immediately appear to involve their particular case. Litigants will have to be educated about the value of this kind of preparation. This could be easily accomplished by informing litigants that the other party may be better prepared for the case which could affect the outcome. Experts in the field help determine which types of cases are most likely to be brought to ADR. So, for example, the first national rollout of **Recipe for Good Dispute Resolution** may include 10 typical divorce cases.

| Recipe for Good Dispute Resolution | | | |
|---|--|---|--|
| <hr/> | | | |
| Case type: Uncontested Divorce You chose to be a mediator for Jake and Lori. |  Jake's List Pg 1 - 8 <input type="checkbox"/> John <input type="checkbox"/> Trust <input type="checkbox"/> House <input type="checkbox"/> Porche <input type="checkbox"/> Shoes <input type="checkbox"/> Job <input checked="" type="checkbox"/> Alimony |  Lori's List Pg 1 - 9 <input type="checkbox"/> Time lost <input type="checkbox"/> John <input type="checkbox"/> House <input type="checkbox"/> Cars <input type="checkbox"/> Vase <input type="checkbox"/> Silverware <input checked="" type="checkbox"/> Alimony | |
| | Select the topics that you would like to cover first. |  Mediator Alison's List <input checked="" type="radio"/> Lori's alimony amount <input type="radio"/> John's summer school - decide town <input type="radio"/> Lori to keep John <input type="radio"/> Jake's visitation rights <input type="radio"/> John's school to remain the same | <div style="background-color: yellow; padding: 5px; font-size: small;">It takes an average of 10 hours of mediation time for all issues to be resolved if both parties agree to mediation. Mediation is way more affordable than an uncontested divorce when considering lawyer's fees, time, energy and emotions involved.</div> |

Recipe for Good Dispute Resolution

Discussion (Continued)

In subsequent rollouts, the decision about which sample cases should be included in the program could be based on local frequencies of occurrence of particular case types. For example, in the small claims area, a rural area might experience frequency of certain types of cases that an urban area might rarely see.

Recipe for Good Dispute Resolution works in conjunction with **E-Mediation** and **Archetype Videos** where the content is stored. **Case Card** helps in storing information about what the SRL has learned from using **Recipe for Good Dispute Resolution**. **Pursuit Evaluator** and **Archetypes** feed information into **Recipe for Good Dispute Resolution** which helps the SRL focus in his/her area of dispute.

Scenario

Krista is a software engineer living in Sunnyvale, California. She has recently filed for a divorce. She and her husband have agreed to go through mediation. Krista is unsure as to what she may be expected to do in her role as one of the parties involved in the negotiation. Her **Archetype** directs her to **Recipe for Good Dispute Resolution (RGDR)**. Here she gets to see a divorce case somewhat similar to hers that has gone through the negotiation process with a mediator.

Krista looks at the interactive screen and sees a list of issues that each party brings to the table. She also sees a list of questions that the mediator had asked. This is her first clue as to the amount of work she needs to do in collecting all the papers she may require and in getting a clearer picture about what she might want to talk about during mediation. This screen also gives her some idea about the issues that were dealt with in this case and that might come up during her negotiation process.

Krista then randomly chooses a question off the list of questions that the mediator asked. She sees responses to it by both parties. Being in the mediator's (third party) shoes here, she is able to analyze the scenario through a different perspective. Here she learns about the different questions the

mediator could ask and also learns some new facts about mediation. She learns that mediation is not something that happens magically, that the parties are very involved. She is reminded that they are here because they both agreed to try to reach a common ground. Also she sees there will be some give and take and that the negotiator is not going to impose anything on either party.

While Krista is acting as a mediator, the software constantly prompts her with summaries about what she is learning. It helps her to realize the role of a mediator, her role and the role of the other party in the mediation process.

Krista is feeling more informed with the help of **Recipe for Good Dispute Resolution** when she realizes that its time for her to get back to work. She saves where she is at in the program and decides to come back later.

Description

HonorInsider is a home page for judges that would help SRLs make strategic decisions about their cases based on information that attorneys and other “insiders” tacitly know. This web site would include two sources of information that the SRLs could use when preparing for their case. The first source of information would be from the judge, in the form of a written statement and photograph. The second source of information would be from a court database that would provide general statistics on the judge’s ruling history. In having access to their judge’s profile in **HonorInsider**, the litigants can gain a better understanding of their judge’s prior practice and configure their strategy accordingly.

Properties

- Web site built from a template that would include space for a statement and photograph
- Ruling history pulled from fields in a rulings database (will require electronic record-keeping)
- Update reminders sent to judges every year to refresh the content on the site

Features

- Gives judges an opportunity to introduce themselves to SRLs, discuss their ideology, as well as offer tips and advice that they emphasize frequently in court.
- Allows litigants access to ruling history of judge (date, case type, ruling for/against plaintiff, award).

Related System Elements

Interactive Translator
Webvidence
Just in Time

Fulfilled Functions

122. Identify courtroom participants

Associated Design Factors

86. Uncertain Role Identity

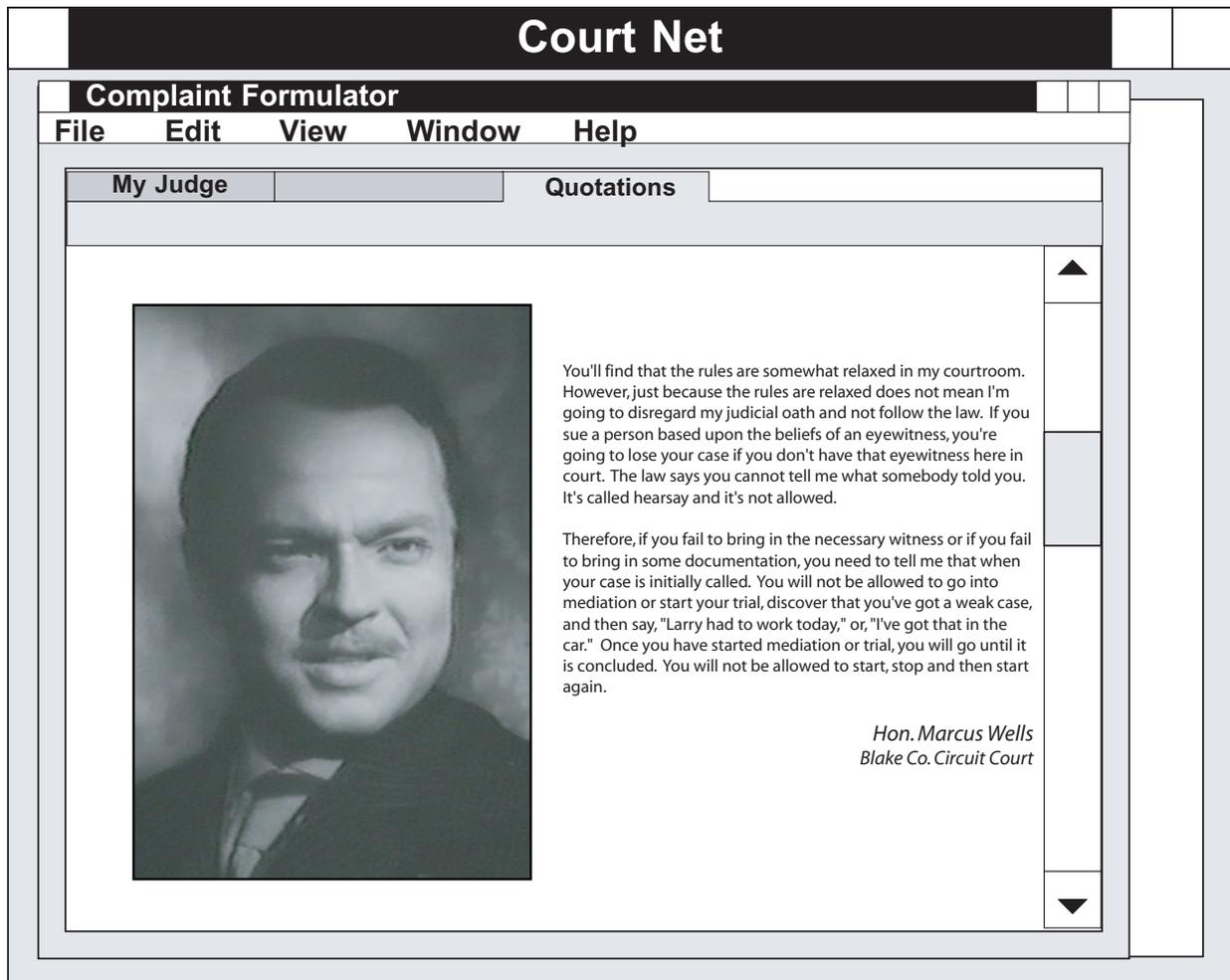
Discussion

When self-represented litigants enter a courtroom, they encounter many disadvantages, especially when the opposing party is represented by a lawyer. One disadvantage for SRLs is their lack of the knowledge that frequent participants in the system have gained over time and use to develop strategy. This knowledge, such as the judge's personality and style, is leveraged by attorneys to develop a successful telling of the story and in prioritizing and presenting evidence. Since SRLs are usually novice users of the system, they lack this information about the judge and are seriously disadvantaged in use of legal tactics. **HonorInsider** begins to level the playing field by providing one way for litigants to gain the kind of understanding that might enable them to begin to develop courtroom strategy.

The main component of **HonorInsider** is a web site set up for judges to provide information to any participant in their court, whether it be a SRL or a lawyer. The judge would

provide the site developer with information that would fit into a standardized template. This web site would enable the judge to convey her values and give the user an insight into her priorities and legal point-of-view. Case-specific dockets associated with a particular judge may help SRLs gain insight as to "standard" evidentiary needs for that case-type. SRLs could use this information to plan arguments and present their case accordingly in court. As for the judge, participating in this web site would be meaningful, as it would facilitate smoother interactions during the proceedings. **HonorInsider** would also be an opportunity for the judge to reflect on her interactions with SRLs and the special needs that arise when interacting with them in court.

The second layer of **HonorInsider** is an annotated history of rulings for a particular judge. This history would be pulled from the court's database (once court records are kept electronically) and provide general statistics to the litigant as



Discussion (Continued)

to patterns of legal outcomes. The intention of this feature is primarily to reinforce realistic expectations for the litigant. For instance, in a landlord-tenant court, an SRL defendant needs to be aware of the probability of a ruling against them. This prepares the litigant for the realities of an unfavorable outcome, while possibly motivating them to adjust their strategy and bring supportive evidence into court to strengthen their case.

With continued use of **HonorInsider**, a maintenance need arises. Update reminders would be sent to judges every year to refresh or review the content on their pages. To alleviate this added burden on the judges' busy workload, a new content

template could be provided with any updates to inspire the judge to respond to the SRL's needs. This would facilitate a reflective response from the judge, which in turn would create a powerful message to all participants in that courtroom. Ruling history would be automatically uploaded from a larger court-maintained database of case histories.

(Please note that many judges already post general rules of conduct outside their courtroom. This system element would expand on that tradition and allow greater access to this information through the Internet.)

Scenario

Jeff Larsen is a self-represented litigant in a child support case. He experienced the court system previously when settling his divorce, but felt very unprepared in that situation. This time, however, Jeff is using the internet to help him prepare. From King County's web site, he finds a link to the tool called **HonorInsider**.

On this site, he is asked to click on the judge's name assigned to his case, if it is known. He left his summons at work, but does remember the court date. He chooses the "search by date" option. The site asks him to enter the plaintiff's and defendant's last names and the court date. He hits the enter button, submitting the data, and his case name appears on the screen along with a few others. He clicks on his case and it presents the name of the judge who will be hearing the case along with a few biographical points. Regarding Jeff's case, the following information about Judge Wilcox is displayed:

Hon. Cynthia M. Wilcox

Judicial Service:

King County Superior Court, Washington

Education:

University of Washington, B.A., 1951

University of Washington School of Law, J.D., 1954

Professional Career:

Deputy prosecuting attorney, King County, Washington, 1987-1990, 1994-1999

Private practice, Seattle, Washington, 1990-1994, 1983-1987
Judge, Superior Court, King County, Washington, 1999-current

This information is followed by a brief statement from the judge detailing in greater depth her experiences in the courts. She lists the general rules and expectations she has of participants in her courtroom. She also describes her general philosophy for working with self-represented litigants in the courtroom, along with the special needs that family court brings to her position. She further elaborates on her role in the courtroom as a neutral purveyor of justice and expects litigants to be prepared for trial.

Jeff is interested in being well-prepared for his child-support hearing, since he and his ex-wife disagree on his level of financial freedom. He reads further on this web page and sees that the judge has listed what she considers to be the "Top Evidentiary Needs in Family Court." Jeff reads the list under child support, which includes: pay stubs for the past 6 months, latest Federal Tax form, affidavits from bosses, detailed list of monthly expenses, etc. Jeff had gathered his pay stubs and tax forms, but had not considered documenting his monthly expenses. He plans to gather this information.

Jeff still would like to know more about his judge, and is particularly curious about her prior ruling history in child support cases. He clicks on the "Ruling Stats" button. The next window displays a break down of Judge Wilcox's rulings: the case categories, the breakdown of prevailing parties and financial rulings. From this information, Jeff realizes that in child support cases, Judge Wilcox tended to award between 10-25% of the debtor's monthly income in support of two children. From these numbers, he quickly figures a range that his settlement would fall within. Jeff realizes this payment would take a toll on his leisure activities, but is comforted having a clearer idea of what may happen during the hearing.

Logic Learner

Description

Logic Learner is a tool that introduces litigants to the basic concepts of logic. The litigant has the opportunity to learn and practice logical reasoning skills which will empower him to craft arguments that are more logically sound.

Properties

- Database of case texts to elaborate on
- Set of multiple choice questions
- Web-based system
- Evaluator function

Features

- Introduces litigants to the foundation of logical arguments
- Highlights sections for core information collection
- Provides multiple choice questions on argument building
- Compares responses to other test takers
- Provides recommendations based on test results

Related System Elements

Questions and Answers
Archetypes
Complaint Formulator
Submitter

Fulfilled Functions

2. Give directions
4. Gather information
10. Explain process
11. Provide information and direction
16. Understand process
18. Explain view
30. Provide support
42. Search legal cases
129. Identify issue

Associated Design Factors

29. Procedures for Strategizing Are Not Obvious
30. No Time to Consider Ramifications
32. SRLs Often Fail in Self Expression at Trial
36. Mental Model for Process Not Available
49. Inappropriate Advice from Peers
59. SRLs Don't Know How to Ask Questions in Examination
130. Lack Guidance of Procedure
140. Unable to Comprehend Material

Discussion

Preparation is critical for SRLs. Many SRL cases are lost because litigants formulate arguments that lack sound reasoning, and these weak arguments prove insufficient in the critical moment of a hearing or mediation.

Some SRLs lack understanding of what information is necessary to form a complaint and how to construct a successful argument for the hearing. The latter is even more critical because the SRL has to make his case in an extemporaneous speech in an environment which is often distracting.

Lawyers who accompany litigants are trained in legal reasoning and skilled in crafting an argument from the facts of a case. Law schools provide certain frameworks that present the syntax that underpins the logic behind an argument.

SRLs do not have the education or experience to frame their problem in appropriate terms as lawyers do. However, laypeople representing themselves in court proceedings still need those skills.

In order to be better prepared for the decisive moment, litigants need an empowering framework that helps them to discern the important pieces of information in their case and then assemble them in a compelling line of logic.

The criteria for an effective supportive tool to introduce SRLs to the above mentioned issues are:

1. Providing a framework and guidelines of what makes a “line of logic”
2. Provide an understanding of how to analyze and identify relevant information in the case
3. Synthesizing the information into an argument based on simple logic

| Logic Learner | | | | |
|--|---|-------------------|----------|--------------|
| Complaint Formulator | Form | Pursuit Evaluator | Informer | General Info |
| <p>Thomas Logan May 04, 2001</p> <p>Last visited May 2nd, 01 Link to Pursuit Evaluator</p> | <p>Scenario</p> <p>John Doe has a leak in his apartment. Although John left a voice mail message for his landlord informing him of the problem, the landlord did not reply to John’s phone call or send a repairman to fix John’s roof.</p> <p>John had the damage repaired by a contractor that he hired and sent the receipt to his landlord.</p> <p>The landlord claimed that John never informed him of the leak in the first place and refused to pay him back.</p> | | | |
| <p>You may want to explore other options to resolving your dispute before filing a complaint.</p> | <p>Question</p> <p>What did John do wrong?</p> <p><input type="radio"/> John didn’t notify his landlord and the court with a demand notification.</p> <p><input type="radio"/> John did not make an honest effort to inform his landlord of the problem.</p> <p><input type="radio"/> John didn’t file a complaint on time.</p> | | | |

Logic Learner

Discussion (Continued)

The educational content of **Logic Learner** is based on sample cases from **Complaint Formulator** and **Archetypes**, that set the stage for hypothetical logic problems. As a means to strengthen the litigant's ability to actually apply what he learned to his own case, **Logic Learner** has a section where the learned lessons can be applied to a realistic case.

Based on the SRL's **Archetype**, the **Logic Learner** will present questions that have been carefully determined to support the litigant's learning process.

After the lesson has been completed, the litigant is provided with the opportunity to map his results against others who took this test in order to compare himself to his peers.

Scenario

To prepare himself for a hearing, the SRL logs on to **CourtNet**. While exploring the site, the SRL discovers that xx% of cases are lost due to an insufficiently constructed argument. An associated link to the **Logic Learner** promises to increase the capabilities of SRLs towards a better success rate in court trials.

The SRL joins the **Logic Learner**. He is introduced to the capability and goals of the **Logic Learner**. He is asked to indicate if he prefers a specific type of case in order to start the session. Since the case is to be filed against his landlord, he chooses landlord/tenant cases.

The software prompts the litigant to pick a case out from a sample repository of ten typical cases from the area that the litigant's case is in. To find the cases that are similar to his case, he is asked a set of questions in a separated frame of the browser. He checks the answers that apply to his own situation. Then he submits the questionnaire into the system. **Logic Learner** now brings up the right case. (If the SRL had already used **Archetypes** or **Pursuit Evaluator** or **Informer** or **Complaint Formulator** the lesson context would be set automatically.)

The introduction starts with a lesson on how to find and evaluate useful information in a case and secondly, an introduction to different ways that information can be assembled to generate an argument.

After this section the litigant is prompted to answer a set of multiple choice questions. After reading a passage on a landlord/tenant issue, he is asked questions on the passage (e.g. "What were the important pieces of information that should be mentioned in an argument?", or "Which one of the arguments that have just been presented mirrors the facts best?"). In all questions he has to pick one of the four provided answers. After the questions have been answered, he clicks on the explanation to see more detailed explanations of the answer that he has chosen.

After completing a section of questions, the litigant chooses to get his questions evaluated and clicks on the Evaluator button. His score represented as "You received x number of points out of a total of z possible points." Next to the score he sees his score compared to those from other first-time test takers.

Webvidence

Description

Webvidence is an online software container for **Story Builder** and **Heurassistant** that organizes and compiles files associated with both tools. **Webvidence** serves as a storage facility for the user who employs these tools, and as a vehicle for exporting files created in **Story Builder** and **Heurassistant** to the courts or to a mediator. **Webvidence** is the interface through which files built in **Story Builder** and **Heurassistant** can be shared digitally in the courtroom when **Shared Vision** is in place.

Properties

- An online tool that litigants use independently to organize their intended submissions (testimony and documents)
- A digital container and storage space for **Story Builder** and **Heurassistant** files
- A vehicle communicating this information to shared spaces when both parties agree to meet online and negotiate
- A tool for facilitators to use in preparing SRLs for court
- A vehicle that transports prepared evidence and testimony to court for use by SRLs and judges during the hearing

Features

- Provides SRLs with a space to organize and assess documents related to their case
- Promotes self-sufficiency and a sense of preparedness in SRLs prior to the hearing
- Offers an opportunity to assess the intended submissions of the other party, potentially leading to settlement if testimonies are similar and an understanding between the parties can be reached
- Structures and takes advantage of litigant's pre-trial time
- Encourages effective framing of issues (through testimony preparation) to minimize the number of questions the judge needs to ask to understand the bounds of the case
- Secondary functions of this system: litigant checklist, preparation tool, promotes emotional readiness, maintains order in court

Related System Elements

Archetypes
Archetype Videos
Physical File Management
HonorInsider
Case Card
Legal Seat
Accord Room
Legal Lounge
Shared Vision
Pro Se Website Assistant
ItemProfiler

Fulfilled Functions

4. Gather information
7. Take notes
20. Examine facts and evidence
27. Collect relevant documents
28. Develop strategy and position
29. Establish structure
93. Plan personal finances
95. Tell story
96. Support story

Associated Design Factors

1. Individual Cases Allow No Standard
4. Accessibility of Information
5. Information Overload
24. Accessibility of Forms
37. Retrieval of Data is Time Consuming
39. Information is Incomplete
45. Many Receipts
48. Difficulty in Finding Information
52. Communicating Information Through a Story
53. Research Legal Position
54. Preparing Financial Documents
132. Unable to Verify Completeness

Webvidence

Discussion

Currently, litigants are expected, but not prepared, to come to court equipped with complete and organized documentation. **Webvidence** offers SRLs a means for presenting a better case by providing the litigant an outline space to organize intended submissions and thoughts regarding the case prior to the hearing or negotiation. Integration with tools like **Story Builder** and **Heurassistant** promote a comprehensive look at what documentation and arguments may be most effective within the given case type, and offer the litigant a standard against which to compare the documents and testimony that is submitted into the online space.

Litigants become aware of this tool when they file a complaint or receive a summons, as information about **Webvidence** may be included with the initial filing information or on the summons, encouraging the litigant to start preparing for the hearing right away.

If both parties realize while preparing, or perhaps with the aid of **Pursuit Evaluator**, that ADR might be a viable way to solve the dispute, **Webvidence** is the vehicle that delivers the documents to **E-Mediation** for on-line negotiation.

Should the litigants decide to pursue a hearing, **Webvidence** functions in the courtroom as a component of **Shared Vision**, offering the judge access to the files immediately before and during the hearing as a guide to what the litigants expect to present. With this tool, the judge can anticipate that litigants will have particular documents with them, and may organize those submissions as he sees fit to run the hearing. **Webvidence** is not a replacement for in-court presentation of authentic documents when requested by the judge, but is available to the court both for preparatory and archival purposes.

Scenario

See **Heurassistant & Story Builder**

Story Builder

Description

The **Story Builder** is an on-line system that assembles a litigant's story from a group of unorganized facts. The tool can be used by one litigant, or used cooperatively to build one story between two litigants. By asking a series of questions, it incorporates the facts into small pre-authored paragraphs. It is intended to prepare a case for resolution on-line, by traditional trial, or mediation. For divorce, a special case is created to build the "story" of marital property and assets.

Properties

- A component of a software system provided to litigants to prepare for resolution
- An intelligent agent question system, which surveys a case by events and facts
- A collaborative environment in which two litigants can build a common story
- A collection of text passages, which are combined to form the story

Features

- Extracts facts from a set of directed questions posed to the user on one side of the screen
- Builds a flow of text by inserting the facts into pre-written clauses of text (the story) on the other side of the screen
- Provides an iterative ability for the user(s) to revise, add, or remove parts of the story as it is built
- Provides a collaborative space where two litigants can build one story, maintaining differences where needed
- Suggests evidence for the story and links the **Heurassistant** to collect and evaluate evidence
- Allows, in divorce cases, the two parties to build a "story" of the full list of marital assets

Related System Elements

Archetype Finder
Archetypes
Recipe for Good Dispute Resolution
Heurassistant
E-Mediation
Legal Seat
Accord Room
Legal Lounge
Shared Vision
LawyerPatrol
SRL Services
My Mentor
Pro Se Website Assistant

Fulfilled Functions

27. Collect relevant documents
28. Develop strategy and position
29. Establish structure
93. Plan personal finances
95. Tell story
96. Support story
105. Share information
108. Exchange information

Associated Design Factors

1. Individual Cases Allow No Standard
6. Relevance of Information
36. Mental Model for Processes Not Available
39. Information is Incomplete
52. Communicating Information Through a Story
59. SRLs Don't Know How to Ask Questions in Examination
75. Bad Communication Flow
76. Emotion Hinders Performance
78. Inaccessible Resources
81. Unclear Communication of Goals

Story Builder

Discussion

We observed that self-represented litigants made a series of mistakes based on the common error of not knowing the legal argument they were making or subsequently the evidence that they needed to back it up. This placed the judge in the role of forming a legal argument for the litigant, and acting as inquisitor to fill out the information for the case.

Observations:

1. People didn't understand the relevance of the evidence they were presenting, and often tried to prove things like "I'm a good person."
2. People didn't understand the case they were making from a legal standpoint, and thus did not offer sufficient evidence to make the case.
3. The judge would fit a legal case around the Plaintiff's collection of related facts and then tease out relevant testimony from each litigant.
4. Litigants often misinterpreted the implication of the judge's legal case fit and were often uncooperative about answering direct questions concerning the case.

The **Story Builder** is a component of a proposed system that allows the litigant to prepare for the resolution of their case. The vehicle for the solution is **Webvidence** which contains the **Story Builder** and the **Heurassistant**.

The **Story Builder** allows the litigants to "experience" the formation of their facts into a legal argument prior to their appearance in court, where it is often too late to change the nature of the story, or gather pertinent information. The **Story Builder** starts its process by learning about the category of the case from **Archetypes**. For small claims and landlord tenant cases, the **Story Builder** will query for the most common claims, and then asks a series of questions to assemble the requisite facts. As the facts are entered, the user is prompted to specify any evidence that s/he has which may help to prove his/her case. When the user decides to enter a piece of evidence, the **Heurassistant** is invoked. This helps the litigant with the many aspects of determining evidence suitability.

Court Net

Story Builder

| | | | |
|------|-----------------|-----------|------------------|
| Name | Betsy Landlord | Role | Tenant |
| Type | Landlord-Tenant | Case Code | 0333-37373-83838 |

Did tenant notify you of complaint?
 Yes No

How did tenant notify you?
 Phone E mail Voice message
 Fax Letter In person

Date you received notice of complaint: MM DD YY

Nature of complaint:
 Building Plumbing
 Electric Grounds

Tenant (Dave Tenant) notified Landlord (Betsy Landlord) of a complaint by LETTER. The LETTER stated that there was a problem with PLUMBING - HOT WATER - NOT AVAILABLE. The LETTER was received by BETSY on Jan 10, 2001.

BETSY responded with PHONE CALL. Call reached MESSAGED on January 10, 2001.

BETSY responded with PHONE CALL. Call reached DAVE TENANT on January 11, 2001.

Enter Evidence

Evidence

Evidence

Story Builder

Discussion (Continued)

The **Story Builder** allows two litigants to work on one story. They collaborate by taking turns accessing the story. This keeps the communication coordinated. For the first litigant, the **Story Builder** works as described above. When the second party comes to the story, they are asked to read the existing story. To modify the story, they can edit the prior answers to **Story Builder** questions or add additional information. Two parallel versions of the story are displayed where differences exist. When the first participant returns to see the combined story, they would then have a few options:

1. Offer yet another version of the story which modifies the second parties details.
2. Accept the other parties version, and discard their first draft of the passage.
3. Mark the dispute as unresolved and leave it.

It is not the goal to resolve all differences but to allow a sufficient number of iterations that disputed aspects of the story are isolated. There should probably be a limit to the number

of iterations allowed, or some cost associated with iterating to prevent unproductive bickering. For Divorce cases, the **Story Builder** uses a unique approach that is designed to discover the list of marital assets and property. This generates a list which feeds into the **E-Mediation** engine. This allows divorce parties to negotiate the division of assets and property online. The iterative aspect of the **Story Builder** might be useful to establish a monetary value for items in the list before mediation.

Litigants can take a story, in any state, to **E-Mediation** to resolve the case. They can also reach a real mediator or arbiter through the **Help At Hand** referral system to resolve the dispute outside the computer-based tools.

Litigants that decide to have the case decided in court are able to share the story they made with the Judge through the **Shared Vision** system software.

Scenario

Dave has been having trouble with his apartment. Often, his hot water heater stops working and requires attention. Dave suspects that the hot water heater needs to be replaced. His landlord, Betsy, insists it's okay and doesn't see any reason why it should be replaced. In November, Dave went three days without hot water and in December the water heater completely broke down. Betsy refused to have it fixed until after New Years because Betsy claims that all of her repair people were on vacation and other service people were charging unreasonable prices for emergencies during the holidays.

Dave decided that he was going to withhold rent in January and wrote a letter to Betsy stating so with a demand for a water heater replacement.

Betsy decides to evict Dave, and starts an on-line search to learn more about the process. She comes across the courts online resolution system. There she finds a number of informative landlord/tenant services including the **Story Builder**. Betsy starts the **Story Builder** and answers as many questions as she can about her case. She realizes that some details were not known and so she saves the work, prints a list of things to find out, and logs out to find repair receipts and phone bills to verify whom she talked to and when the work was done.

Meanwhile, Dave receives an E-mail notifying him that Betsy has initiated an online case for resolution. Given a web page

URL in the E-mail, he is requested to participate to resolve his dispute. He is told that this is not the court system, but that decisions made in the system are considered valid contracts. Dave responds to the service and agrees to try alternate resolution. He logs on and goes through much of the same education process as Betsy. When he gets to the **Story Builder**, he can see Betsy's story, which he audits to include the details he knows about when his hot water was off and when repairs were done. There is clearly a dispute about the length of time that the hot water was off in December. He logs off and waits for an e-mail alerting him of his next steps.

Meanwhile, Betsy logs back in and enters the information from her call records but has only one receipt. She is sure there were more, but can't find them. **Heurassistant** explains the potential problem with her evidence. She guesses at the details. The details are different from Dave's and are shown side by side with the facts in dispute highlighted in red.

At this third round, the **Story Builder** recommends moving to a resolution phase. Betsy, in order to avoid a trial, decides to try mediation and goes to the **Help at Hand** system to find an acceptable mediator. The story Dave and Betsy built will be forwarded to the mediator as a head start in the negotiation.

Description

An online education and strategy tool that aids litigants in qualitative assessment of the relevance and quality of the evidence they might consider presenting at the hearing. Often, litigants are not prepared in court because they are not aware of what documentation and testimony would most effectively support their case. **Heurassistant** enables users to evaluate what they have, while providing them with a guide (or checklist) as to what further evidence might be helpful if obtained.

Properties

- Online application
- Survey-based questions
- Multiple check box response
- Predetermined evidentiary categories
- Intrinsic quality assessor
- Evidence score card
- Educational tool
- Glossary of terms
- Evidence explanation system

Features

- Compares the criteria and requirements of evidence
- Scores evidence that litigants would consider showing according to a general assessment of relevance
- Educates users as to the appropriateness of relevant evidence
- Explains terms and usefulness of particular elements of evidence
- Encourages litigant to seek consultation if scores deviate substantially from those expected, qualifying itself as a general assessment tool provided to educate the litigant, without any guarantee of success in the courtroom

Related System Elements

Pursuit Evaluator
Story Builder
Legal Seat
Accord Room
Legal Lounge

Fulfilled Functions

20. Examine facts and evidence
24. Make sense of position
27. Collect relevant documents
73. Gather evidence/depositions
132. Examine evidence

Associated Design Factors

79. Rules of Evidence
80. SRLs Lack Crucial Skills
106. Deadline to Prove a Case
107. Case Boundary
108. Irrelevant Argument and Facts
109. Unaware of Self Role and Responsibility
110. Validity of Evidence
111. Implication of Procedure
112. Trip for Rescheduling a Case
115. Documentation Difficult to Coordinate

Discussion

Preparation is the key to a successful hearing. SRLs are often unprepared to handle their case and are not sure how to assess the value of various sources of advice or assistance they may come across in their attempt to ready themselves for court.

Heurassistant is a tool that was created to combat one of the main problems facing SRLs: judging the relevance and quality of evidence.

This tool uses a survey method that questions litigants about the evidence they intend to use to support their case. It draws its information from a database of pre-defined lists of evidence that are important to specific case-types. Qualitative elements are filtered from these lists that **Heurassistant** compares with each piece of evidence submitted to determine how closely the submission fits the requirements. The intent is not to create a software program that wholly determines whether a piece of evidence can be submitted in court, and must be carefully configured so as not to mislead the litigant into believing that their case will be decided based on the outcome

of the **Heurassistant** rating. Instead, **Heurassistant** only reviews evidence that corresponds to the general standard of submission with regard to specific case-types, such as receipts, correspondence, contracts, photographs, and other documents.

Relevance is extremely difficult to determine in a question format, since it requires interpretive skills and a sensitive reading of the law that most litigants do not possess. However, judges generally expect certain types of evidence that are deemed standard. In landlord/tenant cases, for instance, the original lease, receipts for rent payment and services rendered, as well as photographs of the apartment's physical condition are common pieces of evidence that a judge might commonly expect to see. A tool that lists these evidence types (as well as poses questions to determine whether the litigant has documents fitting proper descriptions), can provide an estimation of evidence quality and relevance. After the series of questions has been completely filled out, the program will rate the validity of the documents reviewed. The program gives detailed explanations as to why certain aspects are vital

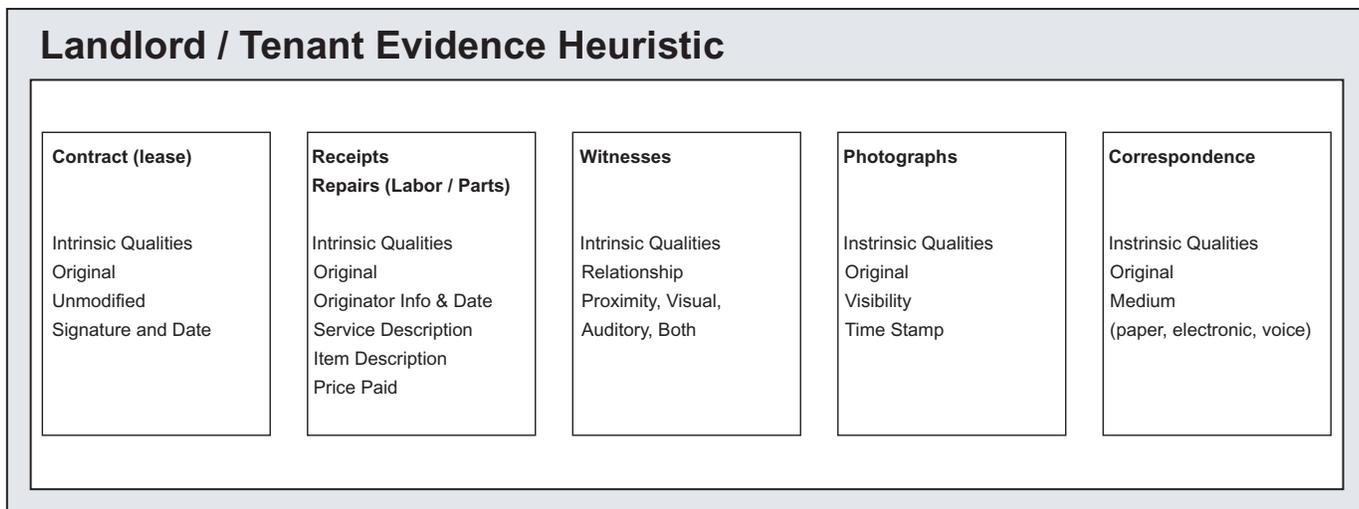
The screenshot shows the Heurassistant interface. At the top, there is a header with the text "Heurassistant". Below the header, there is a large white area containing two survey sections. A callout box points to the "Receipts" section, stating: "A receipt can include any document or slip that verifies payment of service or item." The "Receipts" section is titled "Receipts" with a checked checkbox. It asks: "If you have a receipt, which of the following pieces of information is included?" and lists four options: "Orinator Name and Address" (checked), "Receipt Date" (unchecked), "Service or Item Description" (unchecked), and "Price Paid" (checked). Below these options is a "Physical Condition" slider ranging from "good" to "poor", with a yellow indicator positioned near "good". The "Lease" section is titled "Lease" with a checked checkbox. It asks: "If you have a lease, which of the following describes it?" and lists five options: "Is it an original?" (checked), "Does it have the date?" (checked), "Is it signed by you?" (checked), "Is it signed by your landlord?" (checked), and "Has it been modified since signing?" (unchecked).

Discussion (Continued)

to specific pieces of evidence and how they are used in court, thus educating the litigant.

Current software-based tools exist that support quantitative evaluation and comparison (e.g. spreadsheets). However, tools that provide subjective interpretation based on context and qualitative analysis are far more difficult to develop (e.g. language translation, forecasting). Rules of evidence combine both objective evaluation (quality of evidence) and subjective interpretation (relevance). The latter component makes the task of creating a program that perfectly assesses evidence a formidable endeavor.

However, a tool that could provide an estimation of evidence quality would be extremely valuable to the unrepresented litigant. A relatively simple tool could use a common set of heuristics that legal professionals use to assess evidence.



Scenario

Max has been served with a summons and complaint. After reading the document, Max learns that he's being sued by his landlord for nonpayment of rent. Max is furious because he knows he paid his rent last month. He recalls paying his landlord the rent in cash, and that he received a receipt at the same time. The summons has some information about resources Max can use to evaluate his evidence before the day of the hearing. Since Max does not have access to the web, he goes to the court the day of the hearing with all documents he thinks he might need.

Using one of the **Legal Seat** terminals at the courthouse, Max runs the **Heurassistant** program to evaluate the evidence he brought. He chooses from the touch screen menu his type of case (landlord/tenant), and continues. Next, Max sees the list of documents relevant to cases of this type. This helps him evaluate his evidence, and also what the other side might look to dispute. He sees that "receipt" is one of the types of evidence relevant in these cases, and chooses that option. From that screen Max then sees a list of questions that ask him about the quality and components of his receipt. He looks at his receipt and selects the answers reflecting the quality of the evidence (whether the receipt has a date, if it is signed, if there is a breakdown of costs, etc.). After reviewing other documents he has brought to court, Max learns that some of the documents are not on the list of recommended items, and therefore may not be relevant to his case. **Heurassistant** advises Max that other evidence may be relevant, but that it will now evaluate what he has submitted.

The program reports how each piece of evidence relates and its quality. For those elements of the evidence that Max did not find, the program will explain their significance and why they are important to cases of that specific type. Also, the program will provide alternative solutions for establishing those elements through other pieces of evidence, if he has those.

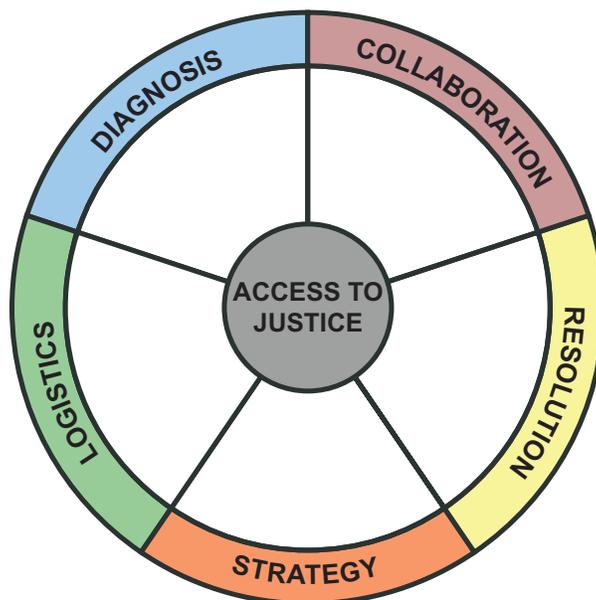
Max then proceeds to the courtroom to await his turn. When the case is called, the judge pulls up **Webvidence** and asks Max to tell his story, following the submissions Max made into the system. Max provides the evidence that he has prepared for the case and, using the knowledge he has just acquired from the **Heurassistant** program, explains that he paid the rent and received a receipt that was dated and signed, but it does not spell out specifically what the costs were for. Max then tells the judge that he previously paid rent by a check in the same amount the month before and that it has the word "rent" on it. Max knows that this will help prove that the amount of rent is established not only by the lease, but by his last check payment, all of which is information that Max picked up from **Heurassistant**.

The judge is now able to review documents that are relevant to the case, instead of having to sift through a pile of documents, or none at all. The judge is restored to the position of evaluator of evidence and dispenser of justice, rather than having to gather the facts from scratch and pulling the arguments out of each litigant.

Access to Justice

Meeting the Needs of Self-Represented Litigants

System Elements: Resolution



System Elements

RESOLUTION

Supporting fair and balanced dispute resolution may require a wide range of changes. These solutions support fair negotiation by stabilizing emotions and using environmental changes and technology to balance inequities between SRLs and more experienced, represented parties.

Support

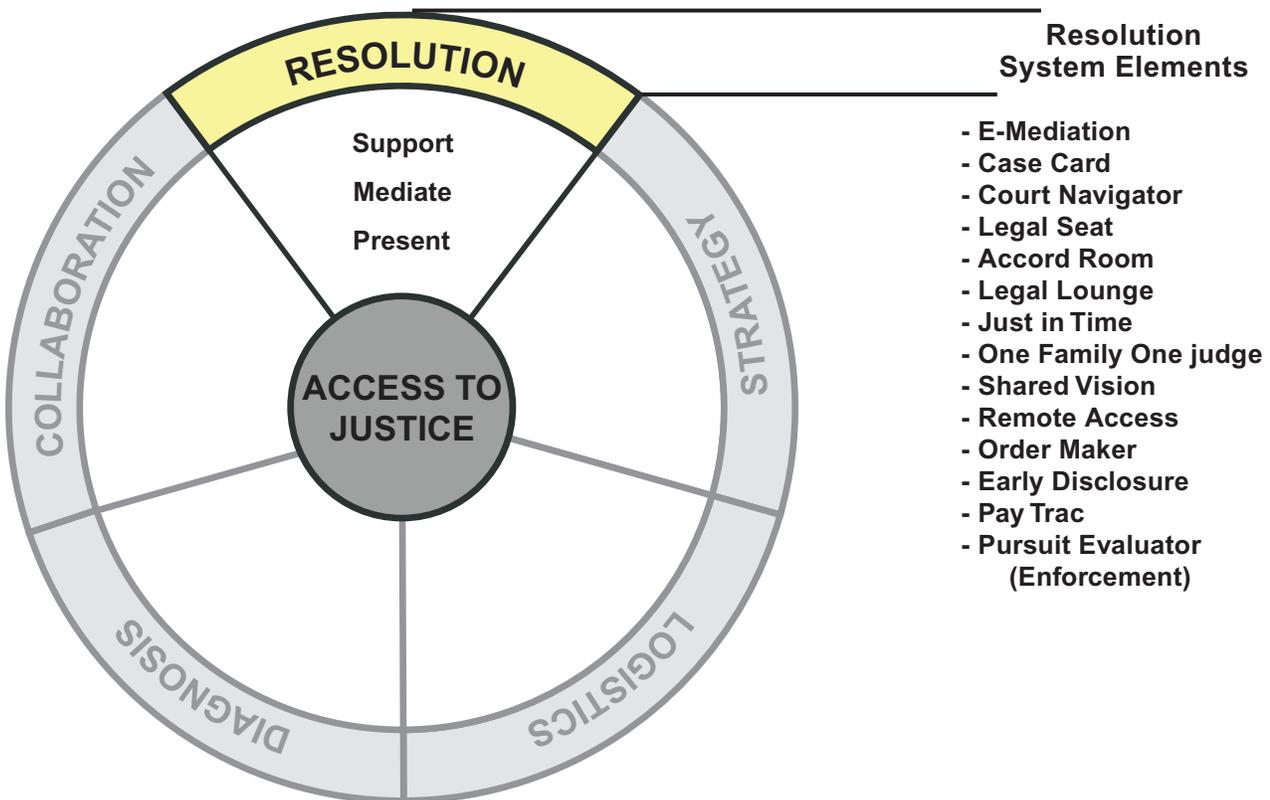
Create litigant-centered environments and provide customer assistance in an effort to support fair outcomes before and after judgment. Provide customer service tools that help litigants focus on the issues at hand by minimizing the frustrations of navigating through the court.

Mediate

Provide an alternative means of dispute resolution that minimizes the involvement of the court. Take advantage of computation-supported tools that can be used effectively and efficiently to juggle multiple issues. Provide SRLs with a way to pursue resolution on their own.

Present

Support presentation and readiness for trial. Equip the court with technologies that support presentation. Seek alternative approaches to trial proceedings.



E-Mediation

Description

E-Mediation is an on-line mediation tool used to facilitate collaboration and negotiation between opposing parties to reach a mutually acceptable legal agreement. **E-Mediation** reduces the amount of court traffic and time by supporting and encouraging out-of-court settlements. If a negotiation fails between the parties, the partial results of the settlement can be forwarded to a live mediator for traditional mediation. Traditional mediation can either be done on the phone or in a face-to-face meeting. **E-Mediation** also acts like a professional forum for mediators to interact and provide services.

Properties

- Interactive software that facilitates negotiation, either real-time or delayed
- A secure record of interactions in the online workroom at all stages of negotiation from the initial login to the final agreement
- Database of information about mediation including sample case types, evidence requirements, etc.
- Professional forum for mediators to exchange information and offer services

Features

- Provides a forum for litigants to negotiate a settlement
- Allows the negotiation of a financial settlement or the division of marital assets
- Provides referrals, through **Help at Hand**, to mediators and lawyers
- Dynamically reflects the agreement as it's made -- financial offers that do not reach agreement remain private
- Places reminders of the consequences of offers in a prominent way on the screen to confirm user intent
- Sends timed reminders to promote resolution of issues
- Provides a visual format for the offers to give the litigant an overall sense of the agreement
- Saves the agreement in the system as a text file
- Transfers the agreement to court through **Shared Vision**

Related System Elements

Archetype Finder
Questions and Answers
Archetypes
Complaint Formulator
Informer
Frequently Asked Questions
Archetype Videos
Story Builder
Remote Access
Help at Hand
LawyerPatrol
SRL Services
Pro Se Website Assistant
People Dealing with Change

Fulfilled Functions

77. Find mediation provider
79. Introduce ADR
89. Agree to mediation terms
99. State objectives
101. Propose terms
102. Meet with mediator and other party
103. Accept terms
104. Reject terms
105. Share information
108. Exchange Information (disclosures)
109. Propose compromise
110. Learn difference in perception
111. Propose counteroffers
115. Write agreement
116. Sign/notarize written agreement

Associated Design Factors

57. Other Party is Unagreeable to ADR
58. Consulting with a Lawyer is Expensive
61. SRLs Don't Know How to Begin Pursuing Mediation
62. SRLs Do Not Know What ADR Is
64. SRLs Don't Want to Try Mediation Even After Judge Suggests It
65. Mediation Requires a Lot of Human Resources

E-Mediation

Discussion

E-Mediation offers a number of potential benefits to the litigant and the legal system. We observed that the alternate dispute resolution option is not offered to litigants until they arrive at court where a judge may initiate mediation. In divorce cases, some jurisdictions mandate mediation where children are involved, but mediation does not get extensively promoted otherwise. Mediation, which produces an agreement of mutual consent, has the potential benefit of reducing or eliminating enforcement-related issues. A case that reaches agreement in mediation requires far less court time and may avoid trial and judgment completely. Another advantage for self-represented litigants is that successful negotiation does not depend on deep legal knowledge of the case and trial procedure but only a willingness to negotiate.

Hence, alternate dispute resolution through **E-Mediation** offers a means to settle outside of court, save the participants time and money, and reduce the number of cases coming to the courthouse.

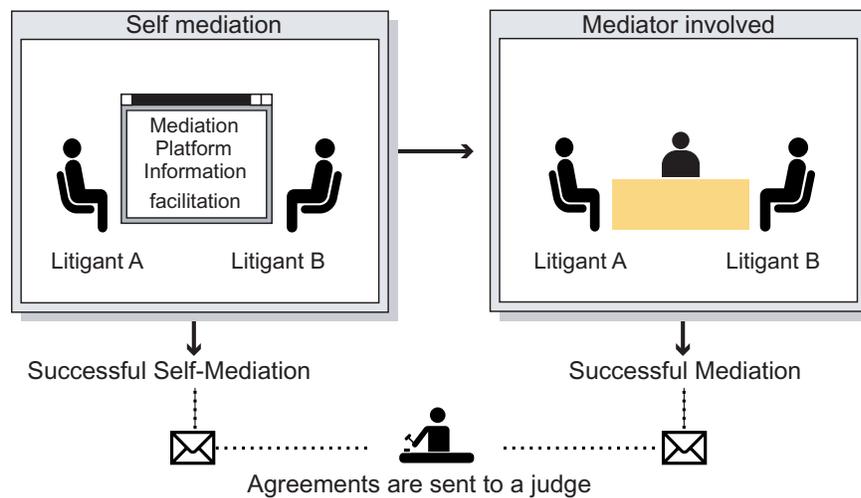
Self-represented divorce litigants face difficulty when negotiating the terms of a divorce due to their own personal

emotional involvement. **E-Mediation** minimizes the potential for emotionally driven conflict between participants. Both litigants have an advantage when using this software because it resolves the issues in a timely manner without requiring personal contact.

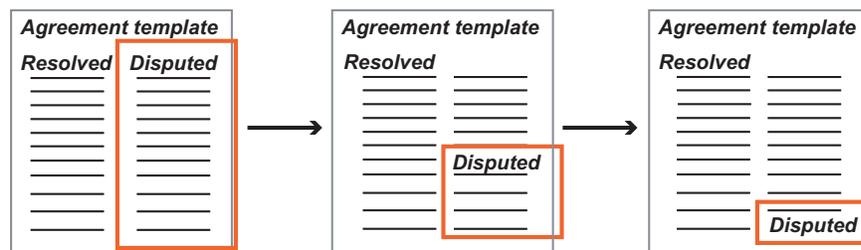
E-Mediation allows each participant to interact based on their own schedule with adequate opportunity to review the other's views, collect relevant resources, and formulate responses. The software is presented as an "impartial" system focused on the financial facts, and not on the emotional details.

The visual interface facilitates a better understanding of the dispute by displaying the agreement in columns, making comparisons easier. An outcome-predictions option likened to **Pursuit Evaluator** simulates best and worst case scenarios that give the users a sense of their position and facilitates reasonable expectations of potential outcomes.

Additionally, **E-Mediation** can be used in the particular instance of a divorce as a tool for property and asset allocation.



If after self mediation, litigants have not resolved all of their disputes, they can go to mediation with a mediator



E-Mediation

Discussion (Continued)

The list of all property and assets are identified by the **Story Builder**, which transfers the “story” along with a consensus on the value of property.

In the first pass of divorce in **E-Mediation**, parties negotiate property that can’t be divided, like furniture. Litigants have three choices for each item: Give it away, Keep it, or Don’t Care. Things in agreement are settled and pulled off the table.

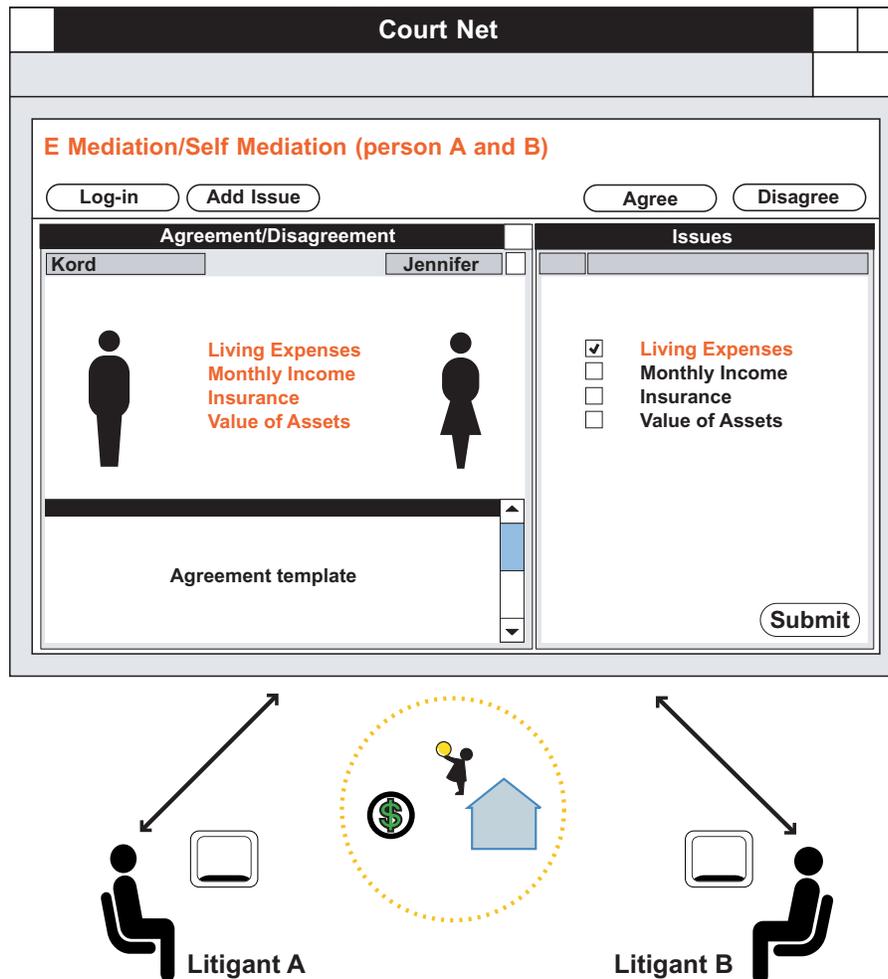
In the second pass, items still in dispute are included with the items that are divisible, like financial assets that might be sold. Chips (or a system of points) are used to bid for the remaining things litigants want. Neither party has enough chips to cover everything. Some reallocation of chips might need to occur if one party comes up with less monetary value on the first pass. Subsequent rounds of negotiation issue more points until all assets are divided.

Child support and alimony can be included in the negotiation, but will have their own section. Calculations of the legally-

prescribed amounts are provided as guidelines.

It is important to limit the number of iterations that litigants have to go through in **E-Mediation**. Initially, a set of three to five passes might be set as the expectation, based on statistics for average cases. Additional passes might be offered, with a price just high enough (\$10-\$20) to insure that each successive pass is an honest attempt at settlement but not prohibitive. If the participants fail to resolve the dispute in **E-Mediation**, they can choose to change venues and take the help of a mediator. Mediators, arbiters and lawyers are always available to the litigants through the **Lawyer Patrol** and **SRL Services** referral systems.

E-Mediation stores the results of any negotiation. When a mediator is brought in after an online mediation attempt, they have access to the online results. **E-Mediation** provides a shared permission system by which the participants allow their results to be shared with a Mediator.



E-Mediation

Scenario

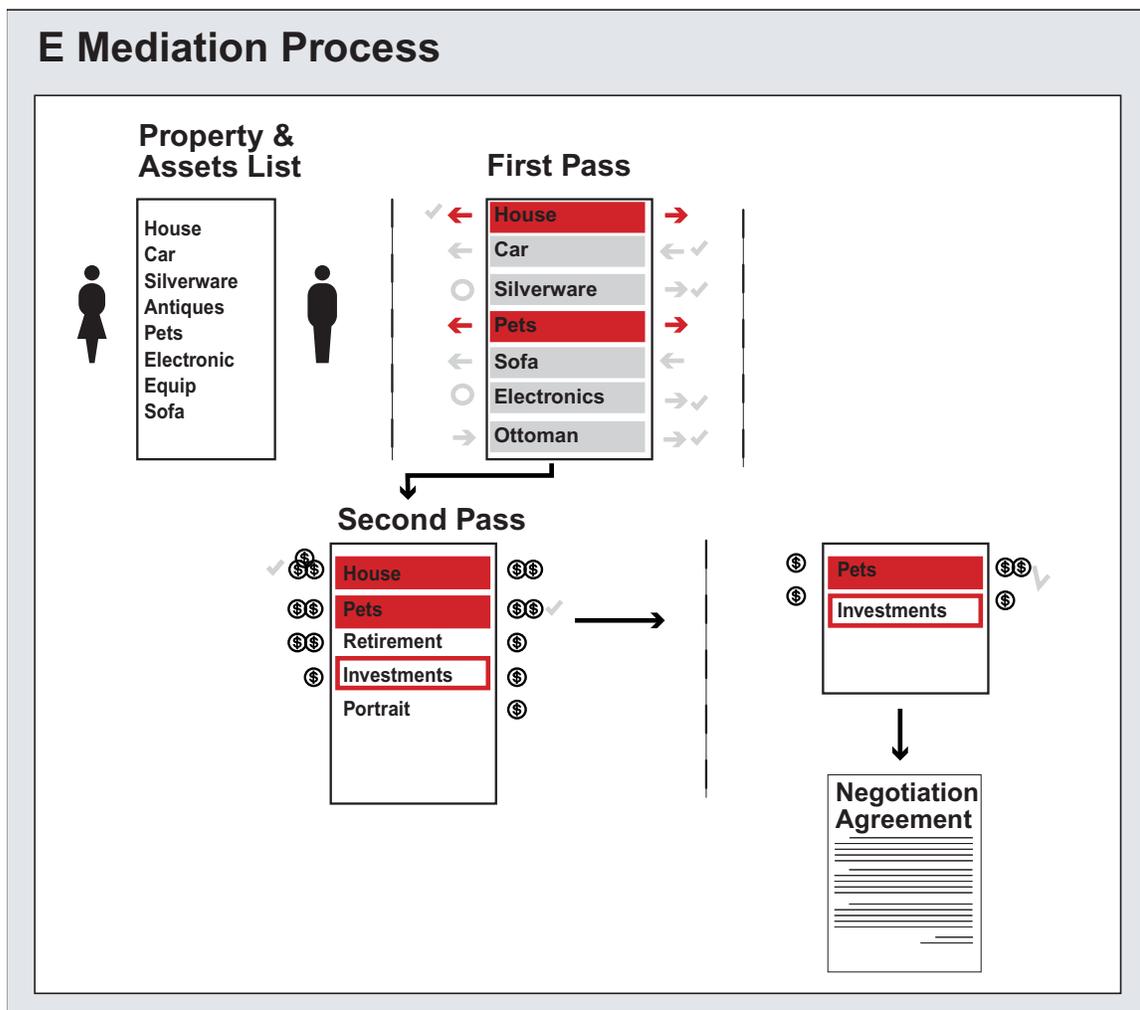
Joan and Allen have been separated for six months after a nine year marriage. Recently, they attended a hearing to obtain an order for the dissolution of their marriage. That was the easy part. They have yet to agree on the allocation of their property and assets.

Rather than setting up a hearing to have their financial fate determined by a judge, they agree that it is in their best interests to come to an agreement together outside of court. However, the bitter disputes leading to their divorce haven't abated and they can hardly stand to be in the same room to talk, let alone go through the painstaking process of allocating nine years of property and memories.

While discussing their options with a clerk, they learn that a mediator can help them come to an agreement. The clerk also mentions that **E-Mediation** can help them come to terms without a mediator.

They agree to give it a try. Independently, from different locations, Joan and Allen create a **Personal Case Account** and begin the process of **E-Mediation**. Before they do, **E-Mediation** requires that they build a list of property and assets using the **Story Builder**. **Story Builder** works similar to a standard financial disclosure form, but also includes an area for property. They then value the property added into **Story Builder**. If there's a dispute about the true value, they can either submit a receipt as proof using the **Heurassistant**, or a letter from an independent appraiser.

Once they agree to the list of property and assets in dispute, they can begin **E-Mediation**. In the first pass, they see the list of property that they added using **Story Builder**. Items like the house, car, silverware, antiques, electronics and furniture appear. Each item has an associated set of options that allow Joan and Allen to indicate how the item should be allocated.



Scenario (Continued)

These options are:

- 1) It should go to me
- 2) It should go to my spouse/partner
- 3) I do not care where it goes

Both Joan and Allen select the options, blind to each other's choices and enter Submit.

The **E-Mediation** system compares the responses and allocates property whenever both parties are in agreement or when one party feels strongly about the item while the other party responds with no preference. It displays the allocation results to both parties indicating the monetary value associated with each item and a total property value for each party after the end of the first pass.

In this case, Joan receives \$12,000 worth of property and Allen receives \$18,000 worth of property. The disparity is partly a result of Joan placing a high emotional value on several items of low monetary value.

E-Mediation attempts to rectify the imbalance by normalizing the two parties in the second pass. As a result, it imparts Joan

with greater purchasing power. That is, in the second pass, each party is given bidding points that is less than the total value of the remaining disputed property and the remaining financial assets. Since Joan received less in the first round, she receives more bidding points in the second pass.

In the second pass, all the property is liquidated into financial assets. The bidding points enable Joan and Allen to make a greater bid on those assets that they find most valuable. The use of limited bidding points reinforces the idea that concessions and trade-offs need to be made.

The bidding process continues until most, if not all, of the property and assets are allocated. Upon completion, or whenever Joan and Allen decide to stop, **E-Mediation** can generate an agreement that lists all of their agreements as well as those assets remaining on the table.

This partial agreement is a large first step to the allocation of property. They can bring it to a mediator who can assist them in completing the process, or they can present it to the Judge who can adjudicate the remaining dispute.

The Case Card

Description

Case Card is an access key card that allows litigants to access records easily and conveniently, without having to enter personal information. The **Case Card** triggers or recalls information from records to the different interfaces available within the court facilities. With the **Case Card**, litigants execute payments and different operations as well as identify themselves within the court system. The main advantage of the **Case Card** is ease of use to users who are not technologically savvy. Even though there are more sophisticated methods to input information, users are familiar with the functionality of a credit card like object.

Properties

- Flat, inexpensive magnetic band card dispensed at court facilities
- Unified storage of personal codes and case codes
- Personal access key to records, payments
- Electronic identification to be used within the court facilities
- Key to register attendance at hearing

Features

- Allows the recall of case information by swiping it in different input/output devices
- Activates the **Court Navigator**
- Triggers information regarding payments when swiped by the cashier
- Carries case and language codes
- Registers litigants for hearing
- Sends case to the judge's screen for hearing

Related System Elements

Interactive Translator
Complaint Formulator
Personal Case Account
Case Tracker
Recipe for Good Dispute Resolution
Webvidence
Court Navigator
Legal Seat
Accord Room
Legal Lounge
Pay Trac
Enforcement Pursuit Evaluator
Inter-Court Exchange Net
Help at Hand
C-eBay

Fulfilled Functions

3. Inform rules/sources
4. Gather information
5. Search directories
7. Take notes
15. Understand roles
26. Provide guideline
29. Establish structure

Associated Design Factors

4. Accessibility of Information
12. Degree of Information
24. Accessibility of Forms
35. SRLs Not Aware of the Uniqueness of Court Documents
45. Many Receipts
48. Difficulty in Finding Information
67. Creating a Record
78. Inaccessible Resources
85. Orienting Newcomers to Basic Procedure
115. Documentation Difficult to Coordinate
121. Lack of Compliance Tracking
132. Unable to Verify Completeness

The Case Card

Discussion

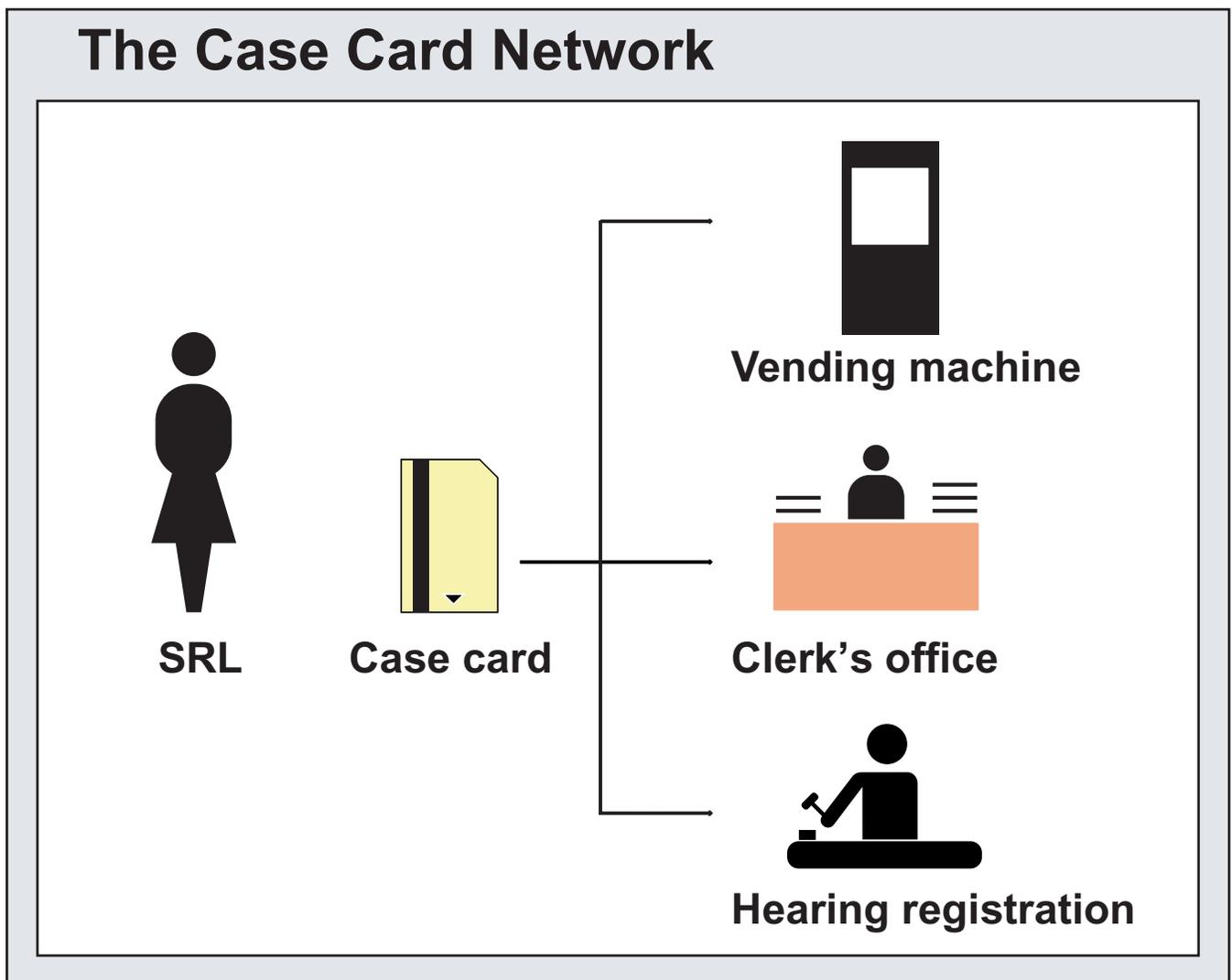
The procedures related to a case can be complex and require many steps to complete. As the process evolves, functions are performed by both litigants and court officers. These functions can be transactions that yield documents as a proof of fulfillment. Since we are speaking of a process, every step tends to lead to the next; therefore, the document generated in one step is probably required to start the next one. This is particularly true regarding payments.

A user-centered approach to improve the judicial system implies enabling litigants to better navigate through the system. This approach takes into account the different difficulties that litigants experience at the court buildings. Currently, many litigants encounter difficulties managing their cases, making payments or simply storing documents and receipts.

Any solution developed in this project must accommodate different levels of familiarization with technology among litigants. For some litigants, having to type information into input devices can be hard to perform.

Another factor related to case management is the transport and storage of the documents. For instance, having to carry different documents for different cases, keeping receipts and having them at hand at the right time can be critical in terms of efficiency. A solution that can simplify these problems would make the court experience less stressful for litigants as well as increase the court's efficiency.

It is important to record activities performed by identifiable individuals. However, file sharing over the internet would make access to these documents much easier for many people.



The Case Card

Discussion (Continued)

A person could very easily check files with the personal information of a neighbor if proper safeguards aren't in place.

In hearings, instead of speaking to the clerk, the SRL could use an automated hearing attendance register, in which case the **Case Card** would register the SRL by swiping it in an input device. The **Case Card** can also activate customized court assistant devices such as the **Court Navigator**.

The **Case Card** is a solution that addresses personal and case management issues within the court facilities. It allows litigants to access records of the different cases they might be involved in by just swiping the card in input/output devices. The **Case Card** carries a litigant's personal information, case codes, and language codes. Litigants no longer have to interact with people they cannot understand. They just have to go to the appropriate terminals, either swipe or insert a card and the information required becomes available.

Scenario

Jane Busch is a married mother of three children. Her three children are from a first marriage, and she has custody of all three. Currently, her ex-husband has stopped paying child support and she is going to file a complaint. Jane's current marriage is also not working so she filed a petition for divorce one month ago against her current husband.

When Jane filed for divorce, she got a **Case Card** that contains a personal access code. Despite the fact that she is going through so much stress, she finally goes to court to file a complaint against her ex-husband for not paying child support. She arrives at the court building and goes to the front desk to get the **Court Navigator**. She inserts her **Case Card** into the device. It reads the information contained in the **Case Card** and recalls the information from the court database. The **Case Card** also contains a language code so the information is presented to Jane in her native language: English. Jane enters the option of filing a complaint and the device directs her to an electronic terminal. Once there, she swipes her **Case Card** in the input device of the electronic terminal and files a complaint. To complete the filing process, she is required to make the respective payment. She is not carrying her credit cards so she

decides to go to the cashier to pay with cash. Once there, the cashier asks her for her **Case Card**. The cashier swipes the **Case Card** on her electronic terminal. The information about the case is presented to the cashier, but the interface points out that Jane has not paid for filing. Jane makes the payment and this is saved in the record. The **Case Card** helped Jane avoid re-typing her personal information into the terminals by performing every activity automatically, saving her time and making her stay at court shorter.

Court Navigator

Description

Court Navigator is a portable device that provides customized guidance within court buildings. Litigants are guided according to their case by inserting a **Case Card** into the device. This function is particularly useful for people with disabilities, non-native speakers, or for very crowded facilities.

Properties

- Portable information transmission device
- Portable navigation device
- Graphical, textual and audio interface
- Wireless, web-enabled device

Features

- Provides tailored instructions for navigation through buildings according to an SRL's needs
- Obtains case information by referencing **CourtNet**
- Reads the location of the user by monitoring signals from sensors installed throughout court buildings
- Reads the information from the **Case Card** and triggers case information
- Guides litigants through the court facilities
- Alerts security about people leaving the building with the device
- Alerts litigants about leaving their **Case Cards** in the **Court Navigator**

Related System Elements

Interactive Translator
Case Card

Fulfilled Functions

2. Give directions
8. Find locations
11. Provide information and direction
19. Offer references/resources
38. Approach location/service
54. Provide maps and instructions
68. Wait in line
121. Check in to court
125. Wait
170. Find location
172. Check in with court clerk
173. Verify schedule
175. Wait for turn

Associated Design Factors

41. Posting Boards Are Confusing
42. Uncertain Court Dates
101. Unpredictable Calling
103. Irregularly-Paced Procedures
104. Repetitive Procedures
114. Filing Procedure Complex
128. Complicated Schedule Board
129. Hard to Navigate
130. Lack Guidance of Procedure

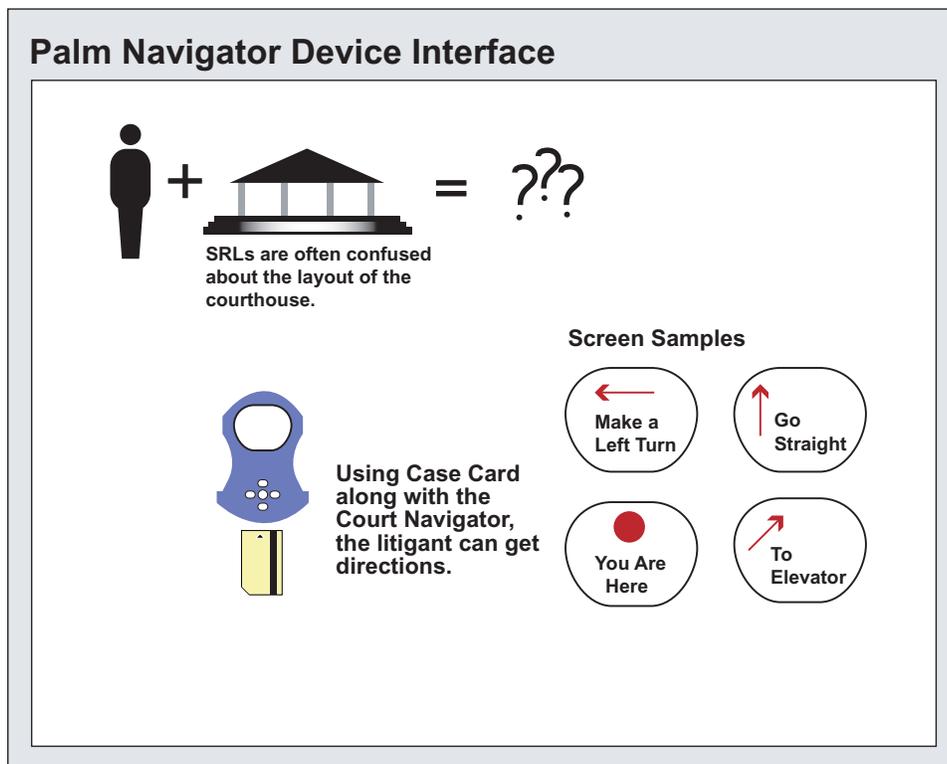
Court Navigator

Discussion

Courthouses can be crowded and confusing. Litigants, especially non-native English speakers and the physically handicapped, can be overwhelmed with disjointed building layouts and crowded corridors.

Handouts can tell litigants where to go, but if they are not

in the litigants' language -- those litigants will still need additional help. The **Court Navigator** will be able to tell the litigant EXACTLY where to go and when to go there. It will instruct the litigant in a language that they can understand and accompany them at all times when in court buildings.



Scenario

Zoltan is a 74 year old tenant. A native of Hungary, he came to the United States 6 months ago. He has not been able to pick up the English language at all and surrounds himself with only speakers of his native tongue.

Zoltan goes into a crowded courthouse where no one at the information desk speaks Hungarian. The information desk tries to help him, but the language barriers are too great. Since no one is able to give Zoltan the personalized attention that he needs, the Information/Security desk gives Zoltan a **Court Navigator (CN)** device. The officer downloads Zoltan's court case number onto a **Case Card** and inserts it into the CN device. The **Case Card** calls to the database to pull all related information into the CN based on the code encrypted on the **Case Card**. The CN displays all information in Hungarian so that Zoltan can understand it.

Today, Zoltan has a hearing. The CN displays information related to Zoltan's case. Zoltan reads the CN and the screen tells him that he has a hearing today at noon in court room 400. The CN reads the current location of Zoltan via sensors on the wall. The screen device displays arrows like a compass, along with written instructions and spoken instructions on how to get to the appropriate court room. As Zoltan is moving, the CN continues to read the sensors on the walls until Zoltan reaches the court room. The device records when the litigant arrives at the specified location.

When Zoltan is finished with his day in court, he returns the CN to security personnel. An alarm sounds on the device alerting Zoltan to take his **Case Card** out of the device.

Legal Seat

Description

Legal Seat is a tool that delivers educational and logistical information to litigants digitally in the courthouse. **Legal Seat** uses LCD screens embedded in different places around the courthouse (e.g. hallway kiosks or courtroom seats) with varying modes of input (keyboard, touchscreen, etc.). Information presented on **Legal Seat** would be accessible through the court’s intranet site with general topic areas related to litigants’ needs. **Legal Seat** could also provide remote access to courtroom proceedings through the use of direct video feed. Modular options could be added to the **Legal Seat** to customize it to the needs of its context. Tools such as scanners, printers, and magnetic card readers could also supplement **Legal Seat** to facilitate efficient transactions between litigants and the court.

Properties

- LCD screen along with input device (e.g. keyboard)
- Connectivity to information source (e.g. Ethernet wiring)
- Portal to CourtNet Home Page, the courthouse intranet and external legal resources
- Optional peripherals include:
 - Direct video feed from the courtroom proceedings
 - Audio jack and headphones
 - Video and sound feed from courtroom
 - Copier / Scanner / Printer
 - Magnetic card reader (for credit and **Case Cards**)

Features

- Enables SRLs to use their wait time productively by allowing them to access **Webvidence** and **Case Tracker**
- Allows access to courtroom scheduling information by indicating which case is being called, any schedule changes or alerts to any other administrative issues
- Promotes resources and services offered inside the courthouse (e.g. the **Just in Time** resources)
- Allows SRLs to check in and orient themselves
- Allows payment of court fees via an “ATM-like” interface
- Provides ability to get forms, fill them out online, file them, and/or print them out
- Provides attorney referral and contact assistance via **Remote Access**

Related System Elements

Interactive Translator
Case Tracker
Webvidence
Story Builder
Heurassistant
Case Card
Just in Time
Shared Vision

Fulfilled Functions

4. Gather information
5. Search directories
19. Offer references/resources
20. Examine facts and evidence
39. File documents and payment
40. Display information
43. Browse websites
44. Watch trial/hearing
52. Monitor processes
53. Show schedules
92. Prepare documents
123. Complete forms
156. Analyze information
166. Manage documents
174. Review documents

Associated Design Factors

4. Accessibility of Information
11. Time Constraints
27. Legitimacy of Documents
40. No Space for SRLs to Process Forms
67. Creating a Record
89. Wait Time Underutilized

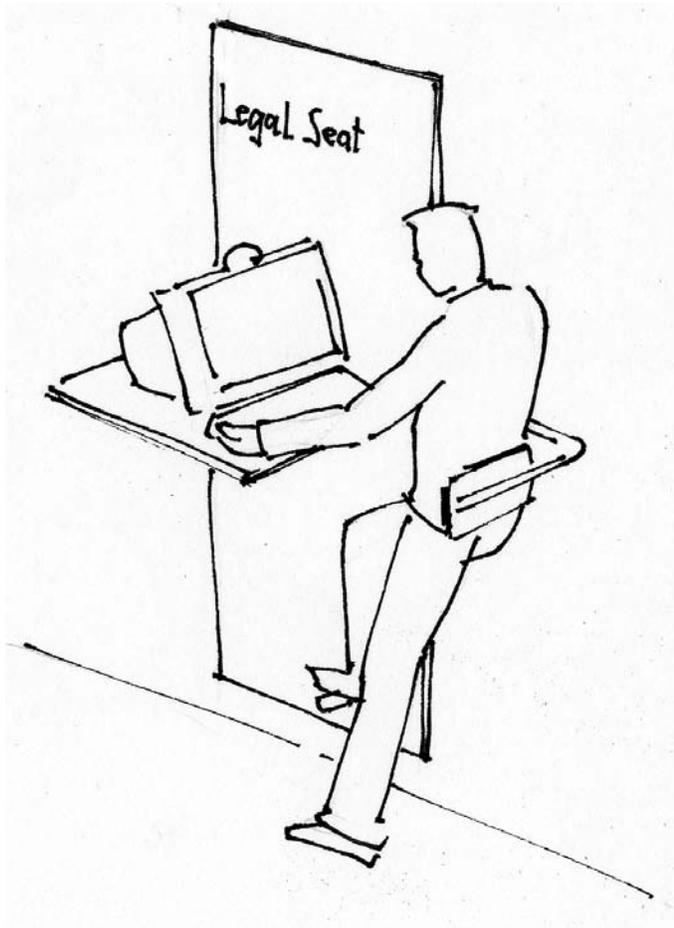
Legal Seat

Discussion

Our society has become comfortable accessing information and completing transactions on public computers (e.g. ATMs and information kiosks). The **Legal Seat** solution proposes that public computers can be used by self-help centers to reach out to multiple users simultaneously in the courthouse. The hardware used to deliver this information could be flexible depending on a court's budget and existing infrastructure (e.g. general PCs with a keyboard and mouse, or an interactive touch screen system or kiosk).

Legal Seat strives to: provide last-minute legal education, provide access to general logistical information, and aid in the completion of transactions with the courts. Ideally, **Legal Seats** would be placed both in the courtroom and at the entrance to the courthouse.

Many litigants acquire a heightened awareness of their legal situation when entering a courtroom, especially just prior to their hearing. These litigants frequently do nothing but waste time until their case is called.



Legal Seat would facilitate a better use of this down-time by providing access to interactive educational materials. It would also give litigants a way to abate their nervousness productively.

Legal Seat provides “just in time” access to information relevant to the litigant, easing feelings of unpreparedness and using “wait time” constructively. It also provides a vehicle of self-sufficiency for those litigants who prefer to conduct their research within the courthouse.

Logistical communications would also be facilitated through **Legal Seat**. The courtroom clerk would communicate which case is currently being heard and provide access to the docket sequence. This could be presented in a window or ticker strip continuously running on an appropriately placed **Legal Seat** screen.

If stationed outside a courtroom, **Legal Seat** would support a direct video feed from the proceedings inside the courtroom. (These proceedings could also be stored, webcast over the internet and/or accompanied by a running commentary supplied by a legal facilitator, if desired.)

If stationed within a courtroom, **Legal Seat's** content would be tailored to the needs of specific court users. Working with judges and clerks, the developers would present specialized resources that respond to the litigant's needs when pursuing a particular case type, such as divorce, small claims, family law, etc. **Just In Time** resources would be integrated into the court's intranet and accessible through this medium, which could also connect litigants to **HonorInsider** to gather information about their judge.

After implementing **Legal Seat**, a court may wish to expand its capabilities by:

- including scanning and printing equipment to facilitate use of other on-line systems (e.g. **Webvidence** and **Order Maker**), or
- allowing recognition of litigants by a **Case Card**.

Scenario

General Information Access Scenario:

Tina Smith enters the Cook County Courthouse and needs to find the courtroom in which her divorce case will be heard. She reaches into her wallet and pulls out the **Case Card** that was sent to her from the court with her summons. She approaches a **Legal Seat** screen near the security area and swipes her card through the attached magnetic strip reader. On the screen, it states “Welcome, Tina Smith, to the Cook County Courthouse. Your case is scheduled to be heard today at 9:45 a.m. in courtroom 1402 by Judge Blainey.” It then provides a visual map and written directions to the courtroom. Tina opts to print out these instructions and hits the “Print Directions” button.

Transaction Scenario:

Since he works nearby, Micah Miller comes into the Cook County Courthouse during his lunch hour to make his child support payment using the **Legal Seat** in the entry vestibule. He uses his **Case Card** to call up his **Personal Case Account** and is provided a menu of options: **CaseTracker**, **Pay Trac**, or **Webvidence**. He selects the “**Pay Trac**” button. A screen pops up with his previous transaction information, including current address, preferred method of payment, etc. Since he used his debit card to make the previous payments, he selects that default configuration and reviews the total payment. He hits the “Pay” button to finish the transaction and then opts for a printed receipt by selecting the “Print Receipt” button. This transaction takes less than a minute to complete and he leaves the building to enjoy the rest of his lunchtime.

Immediate Education Scenario:

Stephanie Wolzen is a defendant in a small claims case. She is waiting in the courtroom for her case to be called. Her case is scheduled to be heard in one-half hour and she is extremely nervous. She feels unjustly accused of not making her monthly payment on her furniture. Stephanie is extremely busy and hasn’t had much time to prepare. She realizes how unprepared she is as she watches other litigants’ cases. Stephanie notices the **Legal Seat** display embedded in the gallery seat in front of her. She navigates some of the resources on the court’s intranet and locates a section for small claims cases. She finds the **Heurassistant** and begins to evaluate the evidence she has brought with her, which includes two cashed checks. Stephanie feels somewhat relieved with this supporting documentation when it receives a “7” rating.

Accord Room

Description

Accord Room is an environment of three components that responds to human needs in the courtroom. The first component is a modular courtroom arrangement that provides conference spaces, semi-private work spaces for SRLs and lawyers, easy access to on-line resources, and an area for the hearing. The second component is an adjacent Self-Help center, fully equipped with a variety of information sources, forms, and a trained legal facilitator. The last component provides judges with in-court legal intervention options, such as: granting a continuance, giving SRLs deliberation time away from other participants, and allowing seriously disadvantaged SRLs a consultation with a facilitator in the adjacent Self-Help center.

Properties

- A modular courtroom arrangement that delineates specific work areas for different participants at different times
- **Legal Lounge:** a space designated for lawyers to work and keep their documents in the courtroom
- **Legal Seat:** a computer embedded into the **Legal Lounge** areas that allows litigant access to **CourtNet** tools
- In-courtroom transparent screen with digital displays that delineate the hearing space from the work area
- Noise reduction equipment with environmental enhancements (e.g. directed lighting, microphones, headphones for translation)
- **Just In Time** resources: pamphlets, case booklets, phone advice line, videos, legal online chat, tip cards, etc.
- Self-Help Center adjacent to courtroom with facilitators that answer questions and assist in filling out forms
- In-court intervention options for judges

Features

- Allows judges and clerks the flexibility to arrange their courtroom according to their preferences
- Diminishes environmental distractions for all participants
- Allows for flexible space usage for such processes as mediation, completion of documentation, deliberation, etc.
- Gives SRLs timely access in the courtroom to relevant legal information for engaged courtroom learning
- Allows specialized resources for each courtroom to be available in the adjacent Self-Help Center for access mid-hearing when determined appropriate by the judge
- Provides focused human contact with court staff when navigating the legal process
- Allows judges to more fluidly assist SRLs
- Provides the courtroom clerk with tools to assist and transition the parties into the courtroom
- Facilitates easy check-in

Related System Elements

Interactive Translator
Case Tracker
Webvidence
Story Builder
Heurassistant
Case Card
Just in Time
Shared Vision

Fulfilled Functions

1. Provide materials
4. Gather information
5. Search directories
14. Consult advisors
19. Offer references/resources
27. Collect relevant documents
34. Fill out forms
39. File documents and payment
42. Search legal cases
48. Consult legal professional
49. Consult non-professional
72. Prepare arguments
84. Visit legal self-help center
86. Consult an attorney

Associated Design Factors

4. Accessibility of Information
40. No Space for SRLs to Process Forms
77. Environmental Chaos
89. Wait Time Underutilized

Accord Room

Discussion

To the untrained observer, courtrooms appear somewhat chaotic. This clashes with the public's perceptions/expectations of a courtroom. While media representations of courtrooms depict an emphasis on observable formality, self-represented litigants may find that actual courts handle their cases quite differently.

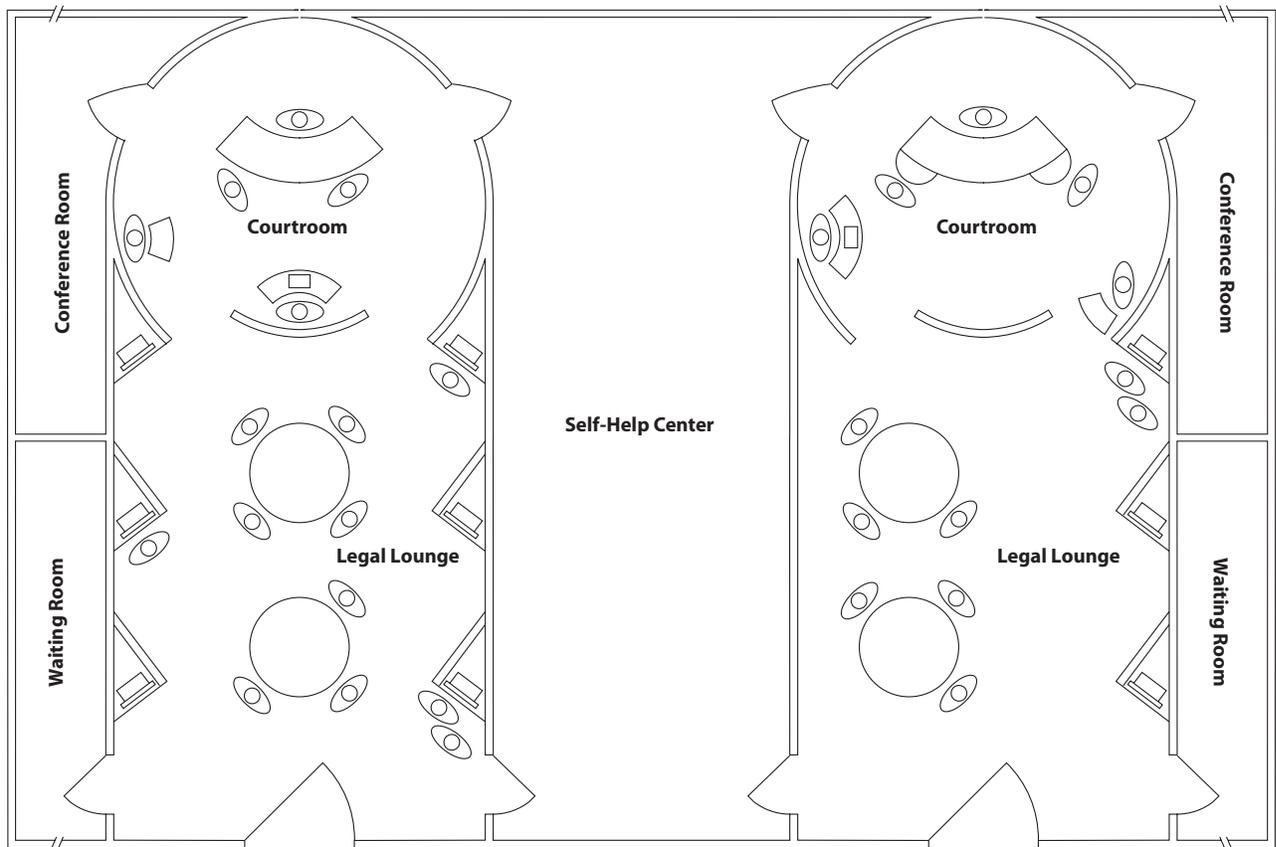
The high level of activity that occurs within this space can be attributed to several factors: most court systems are facing increased docket loads; proceedings tend to overlap; and most courtroom participants (clerks, judges, lawyers) are multi-tasking. These factors present an overly stimulating environment for litigants who are unfamiliar with the legal process. It also tends to increase their anxiety and discomfort while waiting.

Accord Room is a set of design solutions that makes the courtroom a more user-friendly place, while maintaining its legal decorum.

The major design activity involved analyzing the varying working modes engaged in by courtroom participants. Judges, litigants, lawyers and clerks interact with each other,

communicating in various ways and at different points in the process. For example, most participants fill out and exchange legal documentation. Lawyers use the tables near the judge's bench as work stations and convene with their clients over the gallery railing. There is constant movement of participants in and out of the courtroom. Litigants enter the courtroom with an unclear understanding of what they need to do and of who the participants are. After checking in, litigants frequently spend a long time waiting anxiously for their case to be called. This time could be better spent on activities that prepare the litigant for the hearing and simultaneously reduce anxiety.

The main strength of **Accord Room** is that it provides delineated work spaces within and adjacent to the courtroom. It provides resources for all participants. Judges and clerks are given modular furniture components to arrange their courtrooms according to their work styles. **Legal Lounge** provides litigants and lawyers with work spaces and tools in the adjacent areas. Conference rooms are available for use by any of the participants. Waiting rooms provide space for litigants to wait without sacrificing access to the legal proceedings, delivered through audio and visual support tools.



Accord Room

Discussion (Continued)

Environmental enhancements, such as special lighting, microphones, headphones, and sound dividers, are used to minimize and direct sensory stimuli in the courtroom. **Case Card** can be used to facilitate an efficient method of checking into court. The glass room-divider that dampens sound may also have digital display capabilities providing current scheduling information to participants, while the transparent quality maintains a full view of the environment. Since many unprepared litigants do not foresee their lack of knowledge until they are within the courtroom, **Just In Time** resources

are strategically placed to be available to participants. The adjacent self-help facility housing an experienced staff would provide litigants with human support for working through the legal process and any last-minute needs. The staff in this center could range from an experienced clerk to a legal facilitator with prior law experience. The litigants who bring family or friends to support them could use the adjacent waiting room as a place near the courtroom where they can talk quietly or access courtroom information using **Legal Seat** screens.

Scenario

Kyle is a self-represented litigant in a landlord/tenant case. He is being sued by his landlord for back rent and has arrived for his court date. Kyle arrives at **Accord Room** 406 and swipes his **Case Card** near the door to check into court. He walks into the **Legal Lounge** space and notices computer terminals and conference tables in the space nearest to him. Several people are meeting quietly at the conference table, while another is using a computer screen embedded into the wall (**Legal Seat**). Beyond the workspace, he notices the digital glass screen dividing the lounge space from the hearing, which projects the following information: “It is currently 9:40 a.m. and the case of ‘Mendez vs. Johnson’ is being heard by the judge.” When the next case is called, the clerk updates this schedule using her computer and scheduling software which is linked to the screen. Kyle also notices a revised schedule at the bottom of the screen, indicating that his case will be heard at 10:15. He surveys the rest of the room, noticing a door on one side with “Self-Help Center” written on it and another door saying “Waiting Room.” He does not see his landlord, Mr. Stauss, anywhere and decides to wait in the waiting room.

In the waiting room, Kyle sits down in a chair near several monitors embedded into the waiting room wall. One screen displays the same hearing schedule information he saw in the **Legal Lounge**. The second set of screens silently displays the live proceedings within the courtroom. Kyle notices another waiting litigant with headphones on, watching the screen. He looks down to the armrest on his own chair and notices a set of headphones. He puts them on and adjusts the volume with the knob attached to the cord, picking up on the proceedings going on in the hearing space. After 15 minutes, the current hearing wraps up and Kyle notices the schedule screen is blinking. His trial has been moved up, and he’s being called.

Kyle steps back into the **Legal Lounge** space adjacent to the

Accord Room. Kyle notices Mr. Stauss sitting at one of the conference tables. Since the room divider does not block viewing of the courtroom activities, he also notices the clerk leaning toward a microphone at her desk as she announces “Michael Stauss vs. Kyle Jones” over the intercom. The bailiff is also seen moving towards the opening on one side of the room divider, waving them forward. Kyle walks into the rounded courtroom area followed by his landlord. With active noise reduction technology (such as sound absorbing surfaces) placed throughout the room, he notices that it is distinctly more quiet in this space than in the **Legal Lounge**. Seated at her desk, the clerk asks the parties to identify themselves and then directs the two men to two lower tables in front of the judge’s bench. They sit down and place their paperwork on the table. Kyle notices the **SharedVision** monitor, a component of **CourtTools**, embedded in the table in front of him. After a general greeting, the judge asks if they have tried to reach an agreement outside of court. The landlord, being aware that there is some confusion over whether his secretary did actually receive payment from Kyle, asks the judge whether they might spend some time discussing this matter. The judge asks Kyle if he would first like to visit the Self-Help Center before entering into negotiations. Kyle says that he would like this, and the judge states that both parties should reconvene in the conference room in 30 minutes. Using her computer, the clerk adjusts the docket schedule for this hearing and places the word “Conferencing” into the “Status” column. Kyle walks to the Self-Help Center door and enters the Self-Help Center.

After discussing this matter with the legal facilitator in the center, Kyle feels more comfortable with his legal position and is willing to begin negotiations with Mr. Stauss. Kyle joins Mr. Stauss in the conference room and they discuss their situation, exchanging documents, and eventually reaching a settlement.

Legal Lounge

Description

Legal Lounge is a space adjacent to the courtroom dedicated to participants' working, waiting, and conferencing. The **Legal Lounge** facilitates these activities without disturbing the proceedings inside the courtroom.

Properties

- Work spaces adjacent to courtroom with tables, pay phones, copy machines, fax machines
- Waiting areas that provide semi-private spaces for people to wait together
- Conference rooms adjacent to courtroom to facilitate negotiating or conferencing needs
- **Legal Seat**
- **Just In Time** resources: pamphlets, case booklets, phone advice line, videos, legal online chat, tip cards, etc.

Features

- Allows for flexible space usage for such processes as mediation, completion of documentation, deliberation, etc.
- Offers a comfort space to reduce anxiety for SRLs and related parties
- Gives SRLs timely access to relevant legal information for engaged courtroom learning (**Just In Time** resources)
- Promotes order in the court
- Diminishes environmental distractions for all participants

Related System Elements

Interactive Translator
Case Tracker
Webvidence
Story Builder
Heurassistant
Case Card
Just in Time
Shared Vision
People Dealing with Change

Fulfilled Functions

1. Provide materials
4. Gather information
14. Consult advisors
19. Offer references/resources
39. File documents and payment
48. Consult legal professional
49. Consult non-professional
72. Prepare arguments
84. Visit legal self-help center
86. Consult an attorney

Associated Design Factors

4. Accessibility of Information
40. No Space for SRLs to Process Forms
77. Environmental Chaos
89. Wait Time Underutilized

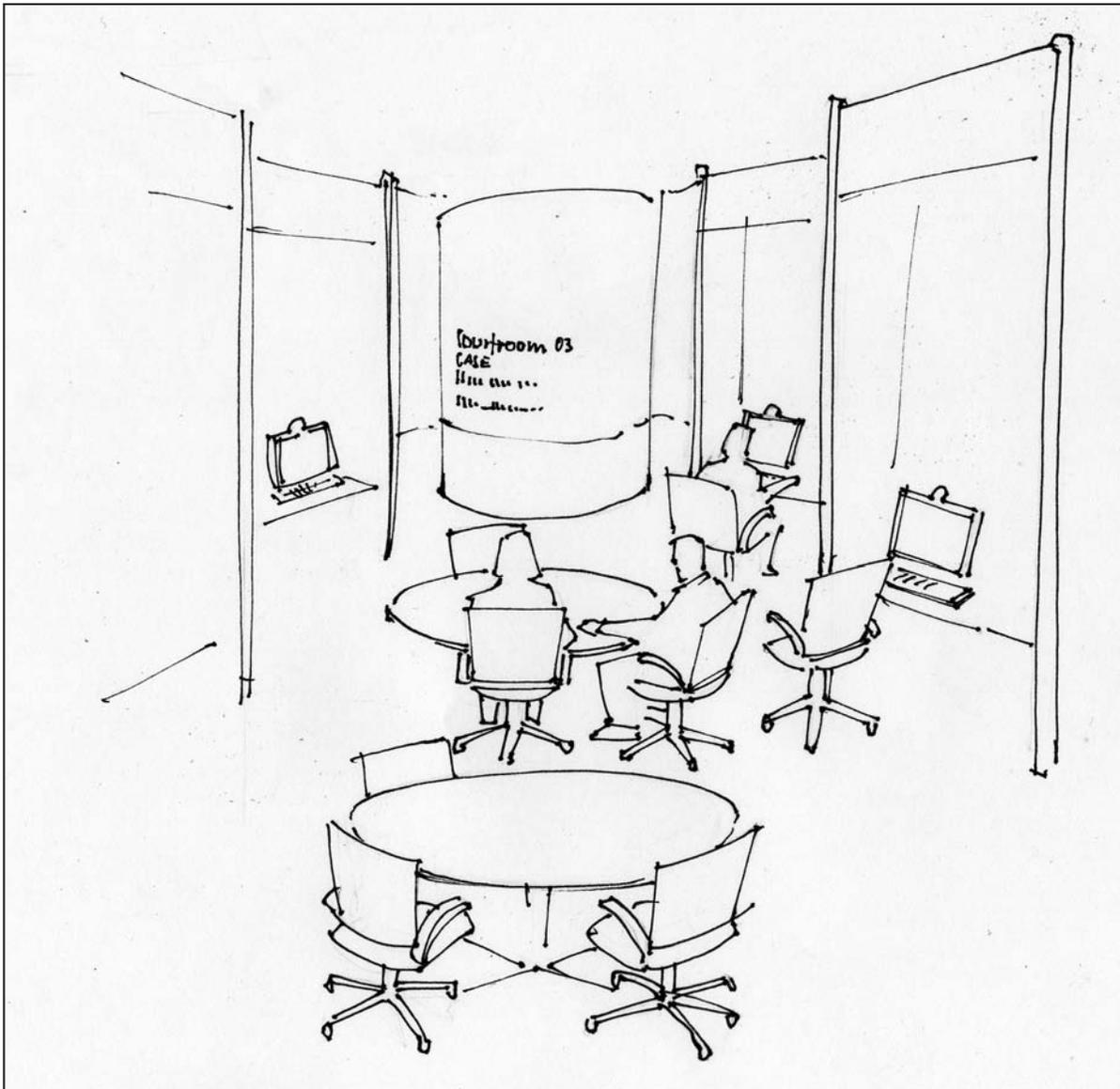
Legal Lounge

Discussion

Walking into a courtroom can be an intimidating experience for the uninitiated. Self-represented litigants usually have little experience in a courtroom, and when they do it is frequently under unpleasant circumstances. Litigants have preconceived ideas of how the process should be carried out, perhaps perceiving the judge’s authority to be reinforced by a solemn, orderly courtroom. Yet, in reality, the courtrooms that hear many SRL cases are not characterized by formality, but by efficiency. Court cases overlap, the morning “cattle call” is chaotic, and lawyers use various areas of the courtroom as a make-shift work space. This environment does little to instill confidence in the system for litigants with stereotypical or idealized ideas of how a court is run.

The courts can respond to this environmental condition by re-establishing the symbolic qualities of what the courtroom and the judge represent, without detracting from the need for efficiency. Through **Legal Lounge**, space is set aside from the courtroom to facilitate areas of activity. The current courtroom work modes are delineated and equipped with supportive resources. Separating these spaces helps to maintain judicial decorum and better matches reality with user’s expectations.

Working, waiting, and conferencing are all activities observed in the courtroom that were not directly related to the hearing. As a sub-component of **Accord Room**, **Legal Lounge** provides separate areas to facilitate these activities.



Legal Lounge

Discussion (Continued)

Work spaces would be equipped with resources to support the needs of lawyers and litigants in last-minute preparation for trial, including tables, chairs, forms, phones, **Just In Time** publications, **Legal Seat** screens and computers.

An adjacent waiting room provides litigants with a chance to reflect on and prepare for their case outside the stimulating environment of the courtroom. They would be able to talk with friends or family who have accompanied them to court, talk on

the phone, or search through the court's intranet. The waiting room should provide a calming environment for the litigant.

The final component of **Legal Lounge** is the Self-Help Center. Immediate access to resources is essential for SRLs. Litigants may be referred to the Self-Help Center mid-hearing by the judge, or they may access it themselves, e.g. for assistance in completing forms.

Scenario

Upon entering the **Accord Room**, Robert Smith realizes that he is early for his hearing and is nervous. To make use of this time and to relieve his anxiety, Robert decides to sit down at one of the **Legal Seat** computers. He reads the menu on the computer screen and looks into **HonorInsider** to find out about his judge for this case. Robert finds Judge Nielsen's web page and reads through the Judge's statements. In one statement, the Judge writes about the importance of bringing proof of payment to prove a tenant's case in Landlord-Tenant disputes. Robert wonders if he can find out more about this. He goes back to the main menu to find a section on "Landlord-Tenant" cases. After a few minutes of reading through important facts, he finds out that the best documentation to support his case would be something that proves that he paid his rent (e.g. a cancelled check, written receipt, etc.).

Feeling a bit more knowledgeable on the topic, Robert looks around to find a phone; all of his receipts are at home. He

decides to try the waiting room. He walks in and notices a family sitting together talking quietly around a table. A few other litigants are sitting at seats with headphones, listening to the courtroom proceedings while watching it on a monitor embedded into the wall. Another person is using a phone in a private corner. Robert waits for the litigant to finish, then calls his wife at home and asks her to bring the receipts to court. She would have difficulty bringing them on time for his appearance, but wonders if she could fax them instead. He tells her he will call her back in a few minutes, if he finds a fax machine. Robert decides to try the Self-Help Center for assistance. He is greeted by an attendant and is promptly told that they do have a fax machine for use by litigants in the **Legal Lounge**. Relieved, Robert calls home and makes arrangements for the receipts to be faxed.

Description

Just In Time tools are a series of educational materials, printed and on-line, made available to the SRL in the courtroom. These materials take advantage of the SRLs piqued interest in particular issues at crucial junctures in the legal process.

Properties

- Brief, bound or single-page documents on subjects such as: “Who’s Who in the Courtroom,” “List of Legal Terms,” and “How to Enforce Your Order”
- On-line versions of the same documents, available in the **Accord Room** (part of **Legal Seat**) while the litigant waits and as she exits
- Text written in plain language, frequently revised and updated (text is proof-read by staff’s family, friends, and children for accessibility and readability)
- Available in English, Spanish, and any other frequently occurring language among a particular county’s SRLs
- Some versions may employ a comic-book format to increase comprehension among less literate SRLs

Features

- Provides SRLs with pertinent resources in the courtroom, when they are likely to be developing new questions and a heightened sense of urgency for understanding proceedings
- Decreases confusion and provides clarity by providing educational materials strategically
- Promotes order and reduces emotional tension/anxiety
- Enables SRLs to anticipate next steps and concentrate on their hearing

Related System Elements

Archetypes
HonorInsider
Legal Seat
Accord Room
Legal Lounge
OneQuick Click
People Dealing with Change

Fulfilled Functions

1. Provide materials
3. Inform rules/sources
9. Inform about rules
10. Explain process
11. Provide information and direction
12. Read materials
13. Experience court
15. Understand roles
19. Offer references/resources
24. Make sense of position
26. Provide guideline
122. Identify courtroom participants
130. Educate litigant

Associated Design Factors

4. Accessibility of Information
11. Time Constraints
13. Ability to Perform According to Rules
36. Mental Model for Processes Not Available
85. Orienting Newcomers to Basic Procedures
130. Lack Guidance of Procedure

Discussion

A variety of legal resources are available to the self-represented litigant on the internet, but these resources are not targeted to the last-minute needs of litigants. A just-in-time resource in the courtroom is crucial because SRLs are frequently overwhelmed with other concerns prior to their hearing and are not always able to absorb pertinent information about the courtroom experience prior to the hearing. SRLs who are not the initiators of the case, who have nothing to gain by going to court (e.g. a landlord/tenant case, where the unrepresented party stands to lose her housing), may be among the most disadvantaged when considering access to resources and the ability to exercise a litigious or strategic frame of mind.

These courtroom resources address observations of SRL confusion upon entrance into and exit out of the courtroom. SRLs report feeling anxiety about the unknowns they encounter while waiting for their case to be called; the sudden realization that they are in the courtroom and will shortly be standing in front of the judge puts a sense of urgency on the need to understand what goes on in the court. **Just In Time** resources acquaint the SRL with in-court processes in straight-forward language, like the explanatory documents available at many self-help centers across the country. These documents should be carefully written, edited, and updated to

be comprehended at a 5th grade reading level.

Just In Time resources are strategically placed with regard to: (1) their location in the courtroom and (2) the juncture at which they are intended to appeal to the SRL. Timing is an essential component in effectively educating and initiating an SRL to the legal system, and many SRLs may not be in a position to concentrate on knowledge of courtroom processes until the day of the hearing arrives.

SRLs have also been observed looking confused while exiting the court with nothing in hand to confirm and explain the details of the judge's ruling. One otherwise well-informed SRL stated in a post-hearing interview that he hesitated as he left the courtroom because he "had no idea what to do next" once he had received a judgment in his favor. Printed resources that the SRL may pick up and take out of the courtroom, detailing the legal process following a ruling, the terms of enforcement, and employing a clear and instructive tone, are intended to reassure and educate the SRL when he most needs it.

Scenario

A litigant walks into the courthouse for a 9 a.m. call. She received her summons a month ago regarding her potential eviction from her apartment. She spent the intervening time talking with associates who have been to court previously, trying to make arrangements should she be evicted, securing child care, and making alternate work arrangements for her day in court. Going to the courthouse to look through the helpful materials available at the self-help center has not made it to the top of her priority list in the midst of her busy schedule these past few weeks.

She finds the appropriate courtroom and steps inside. She sees a layout something like the one she recalls from Judge Judy, but she's not certain who all the people are and is surprised by how quickly the cases are called and decided. The courtroom seems more chaotic than she imagined. She notices people walking up to talk with a woman at a desk next to the judge, and wonders if she should also approach the desk. She is anxious and surprised, suddenly catapulted into the reality of the courtroom.

Then she notices a display of printed material near the gallery seating. She scans quickly over the titles, printed in bold letters clearly on the front of the booklets. Some of them are in Spanish, others are in a comic book format, and the one she chooses is called "Welcome to the Landlord/Tenant Courtroom: What to Do When You Arrive." She browses through the text, which explains to her, in sequence: how she should check in with the clerk, then wait in the gallery and listen to the other cases until her name is called. The booklet includes illustrations of the courtroom, including all the people, where they sit, and what they do. Oriented, she proceeds to follow the directions clearly spelled out in the booklet and, after registering with the clerk, she sits down to scan over "The Low-Down on Legal Lingo" in preparation for her case.

After the judge's ruling, the litigant is confused as to what she should do next. She is unable to formulate a concise question to obtain further explanation from the judge, and doesn't want to interrupt the flow of the court, as the clerk calls out the names of the next parties.

Scenario (Continued)

However, as she steps out toward the gallery, she notices another stack of booklets called “Understanding the Judge’s Ruling,” which she picks up and scans as she leaves the courthouse. In straight-forward language, the text seems to recognize her confusion and sympathetically offers an explanation of the process that she felt unable to ask for in the courtroom. The booklet begins with a set of if-then’s, e.g.. “If the judge said xx then you’ll be expected to...” It offers resources for seeking temporary housing after an eviction and lets her know that the court will be sending her official papers through the mail in the next few days.

One Family One Judge

Description

One Family One Judge is a system of organizing cases so that one judge deals with the entire portfolio of cases concerning a particular family. This would reduce confusion for individuals who otherwise stand to receive conflicting orders, creating overall coherency and greater potential for the family to be able to carry out the judge's order. This method of hearing cases also facilitates a better overall sense of the family's needs from the judge's perspective.

Properties

- An organizing scheme that handles several cases in a single courtroom with a single judge, ideally in a single day
- A change in process for many courts, potentially requiring policy changes at the county level
- A method of streamlining the court calendar
- A scheduling device for encouraging families with multiple issues to be seen as a synthetic whole, their issues correlated

Features

- Provides clarity to the self-represented family with multiple issues
- Rulings may be declared on each issue individually, in sequence, or the judge may decide to rule on all issues simultaneously at the end
- Assists judge in development of consistent rulings
- Assists judge in comprehensive understanding of a litigant's case history, inclusive of any simultaneous cases
- Facilitates a family's ability to carry out judge's orders
- Encourages court efficiency and eases burden on SRLs by minimizing the number of court visits required

Related System Elements

Personal Case Account

Fulfilled Functions

- 130. Educate litigant
- 131. Find facts
- 132. Examine evidence
- 133. Summarize facts
- 182. Rule
- 184. Explain rule

Associated Design Factors

- 1. Individual Cases Allow No Standard
- 18. Time Need
- 97. Multiple Case Confusion
- 104. Repetitive Procedures
- 107. Case Boundary
- 123. Difficulty Coordinating Schedules
- 124. Explanation of Rulings Not Understood

One Family One Judge

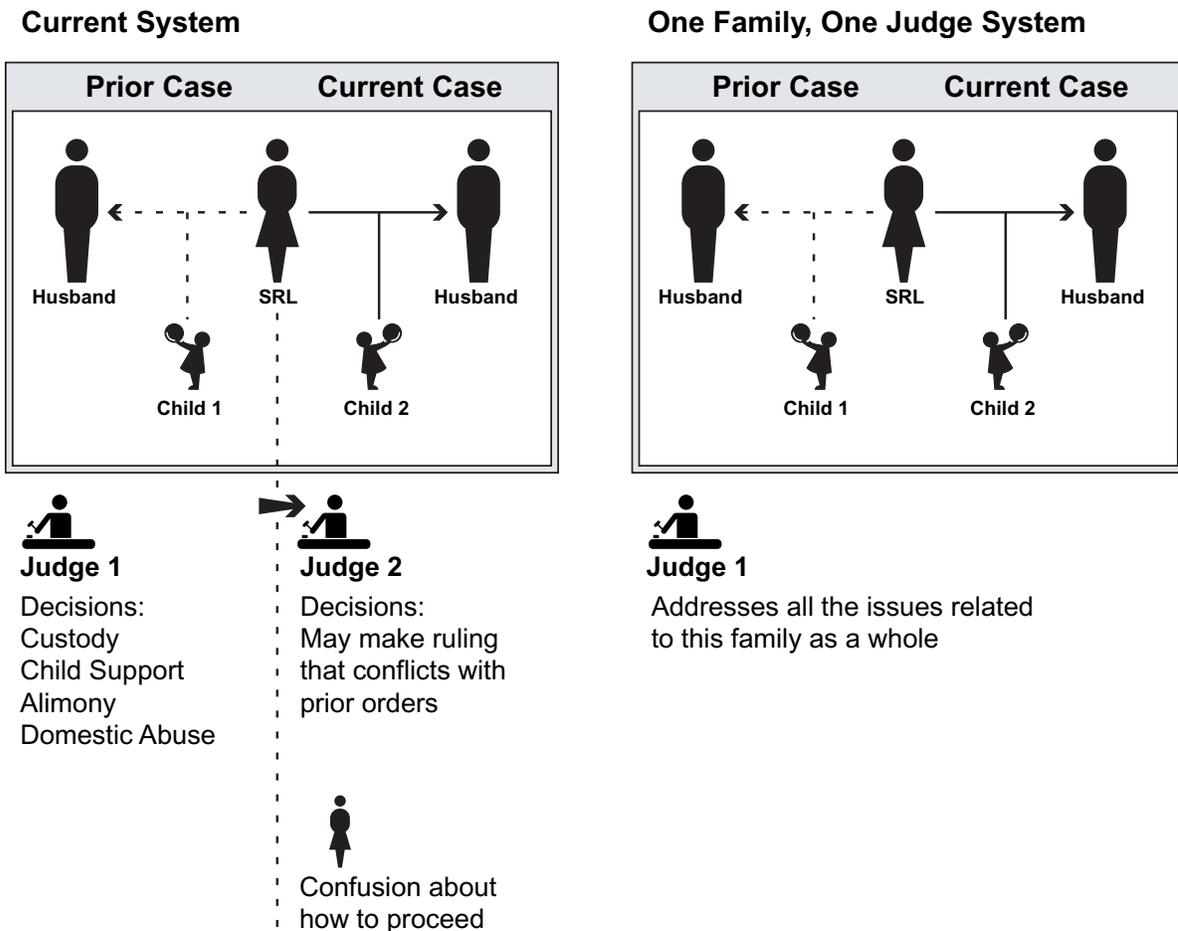
Discussion & Scenario

The potential exists for multiple judges to simultaneously order conflicting rulings on members of the same family. While a judge always has access to the docket detailing all previous rulings regarding an individual's case, it can be difficult to amass all cases relating to that individual's family, and to recognize the cases in which this would be a useful thing to do. For example, disparate rulings on custody orders and spousal domestic abuse can hinder the family's ability to carry out both rulings.

Consider this situation involving divorce and a custody battle over the children, one of whom is being taken to court on a juvenile offense. Perhaps this family returns to court frequently to handle their disagreements and transgressions, and both adults have children from previous marriages for whom custody arrangements have been made. If different judges rule on these individuals each time, they almost certainly have trouble juggling past details and keeping all relevant details of standing orders in mind when determining the present order.

Families in this situation reportedly have difficulty asking the right questions and determining who to ask for help when trying to observe multiple orders.

However, a single judge handling this family's various woes on a single day in a single courtroom sees them as a whole with a range of problems that can be solved cohesively. A single judge experienced in family law can better ensure that each family member understands his role in carrying out the rulings, even if the judge sees these individuals involved in separate cases. Such a judge can be sure that complex custody visitation agreements are honored while new arrangements are made regarding current circumstances. This judge is able to handle the litigants appropriately, offering a sense of cohesiveness that a family with multiple problems requires.



Shared Vision

Description

Shared Vision is a series of tools in **Accord Room** that facilitates communication between all courtroom participants. Visual monitors embedded into the judge's bench give the judge the ability to access **CourtNet** and allows the litigants to share any relevant courtroom information from their digital files. Using **Shared Vision's** digital tablet, the judge would be able to control the flow of information discussed in the case and document notations digitally. The judge would be given an initial understanding of the conditions of the case by viewing **Case Tracker** on the monitors. Finally, use of **Order Maker** would augment communications between the judge, clerk and the litigants when finalizing the court proceedings. The printer would provide a final hard copy of the ruling to the plaintiff and defendant.

Properties

- A visual display system in the courtroom with interfaces in both the judge's and litigant's spaces
- A digital tablet and stylus for use by the judge
- A printer
- **CourtNet**: a system that creates connections between various technologies for easy access to information in the courtroom
- **Webvidence**: electronic files submitted pre-trial are available in the courtroom, shareable by the judge
- **Case Tracker**: a case history that could dynamically present case information to the judge
- **Order Maker**: a communication template that provides the judge or SRL with an efficient method of writing out the final order

Features

- Provides an efficient tool for the judge to be informed of initial case conditions.
- Facilitates clearer communication between all parties with supporting visual cues, especially during evidence submission and when clarifying the final order
- Gives the judge an organized, digital work space
- Allows for efficient processing of paperwork for judge, clerk and litigants
- Gives the judge overall control of the monitors with the ability to grant control to litigants when presenting their own case

Related System Elements

Complaint Formulator
Personal Case Account
Case Tracker
Webvidence
Story Builder
Legal Seat
Accord Room
Legal Lounge
Order Maker
Early Disclosure

Fulfilled Functions

131. Find facts
132. Examine evidence
133. Summarize facts
141. Exchange documents
145. Evaluate arguments
156. Analyze information
164. Research assets
165. Provide access to information
179. Offer evidence

Associated Design Factors

91. Computer Proficiency
98. Paper Document Towers

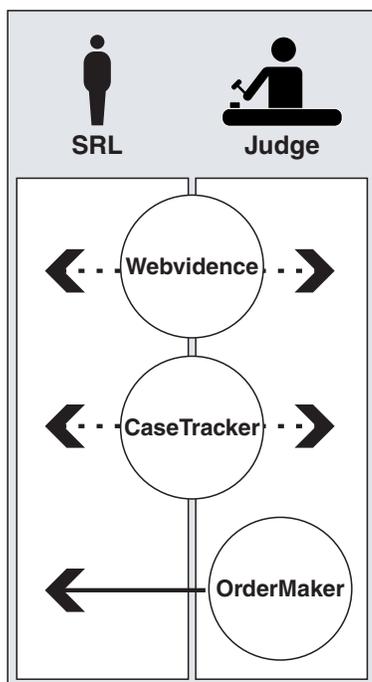
Shared Vision

Discussion

Communications within the courtroom tend to be limited to certain modes that have a long history of use in the legal system. Verbal discourse and communication through hand-written documents and forms are the predominant vehicles of communication between all courtroom participants. Most litigants, however, are not fully equipped to use these modes effectively when presenting or responding to their case in court, and could be well-served by new technologies that can enhance their ability to communicate in the courtroom. **Shared Vision** facilitates clear transmission of information and makes other modes of communication possible through use of document templates, as well as digital storage and retrieval of online and in-court produced files.

Shared Vision is a system of interlinked visual monitors placed before each party and the judge -- who is also equipped with a digital tablet/keyboard ensuring simultaneous visibility of documents under review. The judge controls how and when images and documents are shared between parties. When the judge prompts the litigant to present her case in court, **Shared Vision** brings up digital documents, acting as a memory cue to aid litigants in completely presenting their arguments. Software utilized to facilitate this sharing includes **Personal Case Account**, **Webvidence**, **Case Tracker** and **Order Maker**.

CourtNet is the support system that creates connections between the data inputted in this software for easy access through **Shared Vision**.



Case Tracker is an information management software tool that organizes the case information, evidence, etc. within a central location (**CourtNet**). **Case Tracker** also provides a visual display format for **Shared Vision** case information (i.e., dates, evidence submissions, prior rulings and case types). **Webvidence**, used earlier by the litigants to independently build testimony and analyze the quality of their submissions, is now used as a trigger on **Shared Vision** for the judge to review those documents in court as the litigants present.

Once **Case Tracker** has been called up on the screen by the judge, the litigants can have access to their evidence files. The litigants may enter their password on a keyboard which is linked to **CourtNet** through the judge's CPU. The judge has overall control of the monitors and can give or take away the ability to manipulate the documents on the screen by using the control strip on his screen.

Shared Vision also is accessorized with a digital tablet and stylus for the judge to annotate digital documents or take notes. This allows the judge to keep track of his documentation correlated with digital forms and files provided by the court.

Shared Vision might also facilitate an understanding of the progress of the hearing. For example, if two parties attempt mediation using **Story Builder** tools in **Webvidence** and fail to reach an agreement, the unresolved points of the case can be presented on **Shared Vision** and discussed with the judge while all parties look on. Once a resolution is agreed upon, the judge will access **Order Maker** on his screen and address details visible on the screens while explaining the ruling point-by-point, if desired.

Many litigants walk out of a hearing without a clear understanding of what steps they will next need to take. Since access to technology is very limited for some SRLs, a hard-copy of an order is a necessary supplement to these technological tools. **Shared Vision** provides litigants with a hard-copy of any needed documentation as they leave the court. In order to enable this, the clerk should have access to a printer in the courtroom. With immediate access to the finalized order, litigants would not have to wait and, perhaps, later request a copy from the clerk's office. Through **Shared Vision**, the clerk can digitally facilitate the judge reviewing and signing the final order, and then provide a copy to litigants before they leave the courtroom. These finalized orders would then be digitally stored in the court's database, creating an efficient paper trail.

Shared Vision

Scenario

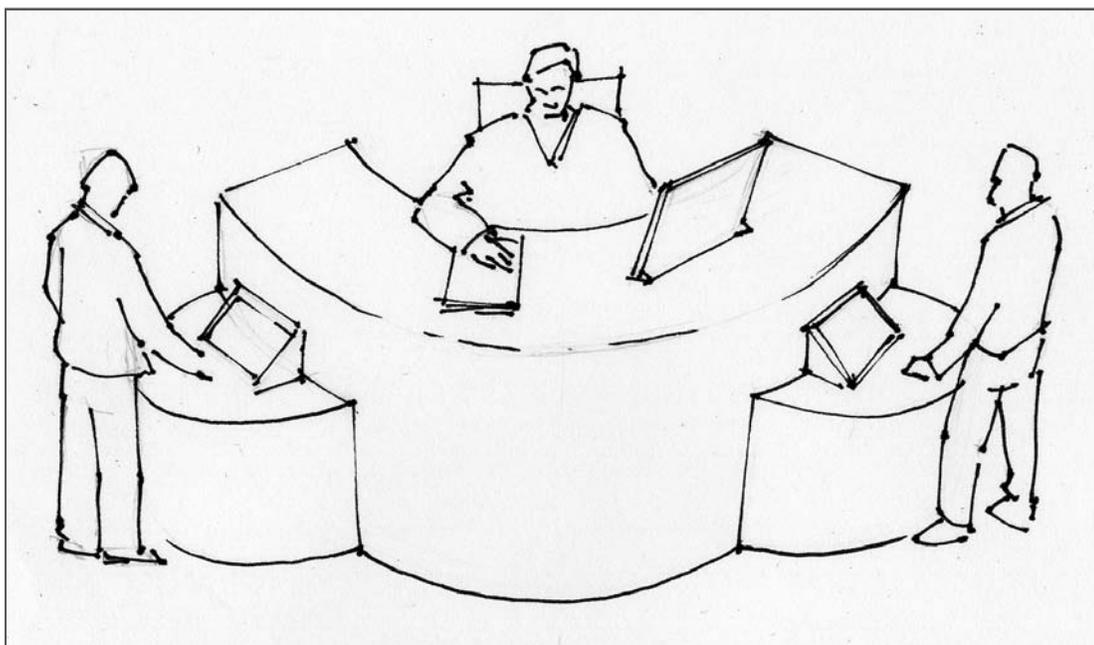
Kathy is a self-represented litigant in a small claims case. On the day of her trial, Kathy approaches the bench with the other party and notices the monitor in front of her. After introductions, the judge prompts each litigant to enter their password on the keyboard, which calls up their **Webvidence** files on the judge's **Case Tracker**. He briefly reads the case timeline from **Case Tracker** on his monitor. He activates **Shared Vision** by hitting the "Share" button on his digital tablet, which presents the current view on the monitors in front of each participant. Kathy views the timeline while the judge begins his inquiry. Kathy is able to view the image on the monitor in connection with the judge's questioning.

The judge asks Kathy to present her case and entitles her to control the **Shared Vision** monitors by pushing the "plaintiff" button in his control bar. Now both the judge and the plaintiff, but not the defendant, can manipulate the images presented in the monitor. Kathy pulls up the photographs from her **Webvidence** file that show the various stages of Kathy's damaged property. The judge asks for a few qualifying remarks from Kathy and using the stylus from his digital tablet writes a few private notes onto the tablet screen. (The judge's notes are not made visible to either side, unless the judge activates the "overlay" button noted below.) When completed, these notes will be sent to the judge's personal database by hitting the "Save" button. (An optional modification could be the attachment of these digital notes to the digital case file housed in the court's database.)

The judge acquires this initial understanding of the case, then questions the defendant, another SRL. The judge taps the

"Overlay" button which hides the display of any marks he made so all parties can view the original document without his personal notes. The judge circles the date on one of the photographs with his stylus, the black circle dynamically appears on the screens of both parties. The defendant asks the judge to call up a document on **Webvidence** that he feels will support his case. The judge hits the "defendant" button which allows the defendant access to his documents. The defendant pulls up a letter. The judge reviews the letter image and asks if the defendant would like to present anything else in his defense. The judge deselects the "defendant" button on his control bar. The judge is now the only person who can manipulate the **Shared Vision** window. He drags the **Order Maker** into the window and pulls out law clauses #12345. He discusses the logic of his decision for the plaintiff while presenting the major points on the screen.

Kathy is relieved to be the prevailing party, but is unsure of the next steps to be taken to get her money. Since she is in charge of writing the final ruling, the judge refers her to **Order Maker**, a software program installed in the nearby computers located in the work space of **Legal Lounge**. She uses **Order Maker** to create the final order and sends it to the clerk for finalizing. The clerk completes her process and submits it on-line through the court intranet to the judge, who digitally signs the order using the stylus on his digital table and beams the order back to the clerk. The clerk saves the final order in the court's database and prints out three hard copies: one for each litigant and one for the court.



Remote Access

Description

Remote Access consists of two components: a remote attorney connection service and a network of low-cost remote testimony stations. The remote attorney connection service connects SRLs with attorneys in their state who want to provide pro bono and/or low cost services but currently cannot due to geographic distance. Remote Testimony stations, located in selected public buildings and community centers, allow litigants and/or their witnesses to give testimony remotely with facilitation by a certified attendant (either a court officer or community center volunteer).

Properties

- A low-cost workstation, equipped with a PC, fax machine, printer, scanner and high speed internet connection, located in public buildings such as libraries, police stations, town halls and courts
- An attendant who facilitates remote testimony with the courtroom clerk, certified to swear in witnesses and notarize documents
- Mobile telecommunications system that enables real-time audio conferencing with the court and judge during a hearing
- Collapsible table and seats for easy set up and transport
- A web-based national lawyer referral site that connects litigants with lawyers offering pro bono services and/or reduced-cost legal services
- Remote video conferencing system linked to a video conference-enabled courtroom

Features

- Utilizes audio conferencing, a familiar and readily accepted medium of communication
- Enables evidence to be submitted remotely during the hearing via high-resolution scanning or low-resolution fax.
- Provides the judge with a fuller set of facts
- Allows convenient access at a variety of locations
- Encourages testimony
- Reduces the logistical challenges of attending a hearing

Related System Elements

E-Mediation
Accord Room
Webvidence
Case Tracker
Help at Hand
Lawyer Patrol
Shared Vision

Fulfilled Functions

41. Relay oral information
135. Tell story (Hearing)
136. Support story (Hearing)
137. Rebut story (Hearing)
142. Call witness
145. Evaluate arguments

Associated Design Factors

11. Time Constraints
83. Barriers to Arriving in Court
112. Trip for Rescheduling a Case

Remote Access

Discussion

Attending a hearing poses various challenges for SRLs, lawyers and witnesses. Typically, these difficulties, which can be physical, geographic or logistical in nature, are merely annoyances that can be overcome with little detriment other than frustration. However, when these difficulties become barriers to equal access, they need to be addressed seriously.

Courts are not sensitive to the detrimental consequences of missing days from everyday life. The court perceives its own time as paramount, taking on an attitude that litigants must accept the court's efficiency over their own. For example, consider the attitudinal differences in the way that judges address jurors versus litigants.

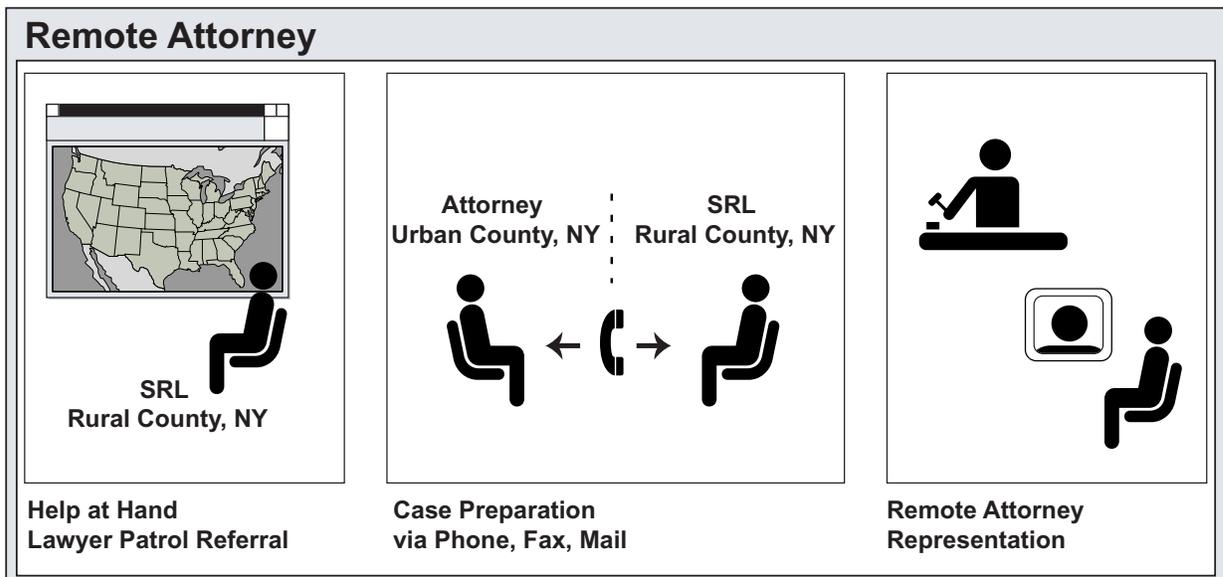
The following are some problems that emerge because of the physical requirements of being in court.

1. Traffic and Transportation – Getting to court, particularly in urban areas, is a logistical hassle. Traffic congestion and difficulty parking are both deterrents to prompt arrival. Some poor litigants and witnesses may have difficulty accessing transportation, or may be required to take public transportation over long distances.
2. Missed Work Days – Missing work can mean missed wages and a destabilization of a litigant or witness's job standing.
3. Child Care – Arranging for the care of children may be difficult and costly for those who do not have access to child care.
4. Health – Personal health issues or the caring of health problems for family members may make it difficult to travel or spend a day away from home.

Consequences that affect litigants and attorneys:

- Litigants that arrive late (or do not arrive at all) leave themselves subject to ex parte rulings.
- Potentially valuable witnesses do not offer their testimony if they feel it is optional.
- Attorneys who have an inclination to offer reduced cost or pro bono legal services are possibly deterred because of the logistical hassles of traveling to court.

Lastly, we observed that in less urban jurisdictions, courts could handle self-represented litigant case loads with relative ease. Urban jurisdictions, however, seemed overwhelmed by the demand for their services. A redistribution of cases within the state, using **Remote Access** technologies, would help to alleviate pressure built up in urban counties.



Remote Access

Scenario

1st Scenario

Anna has been asked by Sandra to testify in court as a witness on her behalf. In Sandra's child custody case, Anna could provide key testimony that supports Sandra's argument that Sandra was the primary care taker of her child. However, as much as Anna would like to help, several issues stand in her way. Just recently, Anna moved out of state, about 5 hours away from the scheduled court in Sandra's county. Furthermore, Anna just had a baby two months prior and cannot find child care for the scheduled date.

Sandra asks the clerk's office what she could do to resolve this matter. The clerk tells her that Anna could still testify, remotely, from her local town courthouse. On the day of the hearing, Anna brings her baby with her to her local courthouse, 10 minutes from her house. The **Remote Testimony** attendant signs her in and contacts the courtroom clerk in Sandra's case to let her know that the witness has arrived. When it is time to give testimony, the attendant swears Anna in, and opens the audio conferencing line to the courtroom, where the hearing is in progress. Anna provides her testimony and Sandra is relieved to see that the judge will now take her argument into greater consideration.

2nd Scenario

Frank, a line cook living in Urban County, NY, receives a notice to appear in court. He has not paid his full rent and his landlord is trying to get him evicted. Frank believes that he has a case, since his landlord neglected to provide adequate heat during the winter. Aside from a witness at the landlord's real estate management company who could testify that Frank attempted to contact them repeatedly about the heating issue, Frank has written receipts from a repair service that he paid out of pocket to repair the heating system. However, Frank does not have much money and a friend tells him to look for reduced cost legal services on **Remote Attorney**, a web-based national lawyer referral service that connects litigants with lawyers who offer pro bono or reduced cost civil legal services, regardless of geographic distance.

3rd Scenario

Joe is an attorney living in Rural County, NY, who has a thriving private practice in civil law. He has always tried to promote pro bono work to his colleagues, and he himself has tried to provide pro bono services on a semi-regular basis. However, as his practice has been thriving, his motivation to offer pro bono services has dwindled, largely because of the time consumed in meeting with litigants, traveling to court and spending a day for hearings. Recently, however, a colleague informed him about the **Remote Attorney** system. Joe takes a look and joins the network.

Order Maker

Description

Order Maker is an in-court tool that provides electronic templates for judges and litigants to write up final orders quickly and easily. It also serves to educate SRLs about the law and the significance of the order itself.

Properties

- A software template for writing judicial orders
- Database of judicial rulings from which judges can select to create custom orders
- Additional space for judges to write suggestions and additional information regarding the next step(s)
- Template for judges to write or copy educational material for SRLs
- SRL-accessible version

Features

- Facilitates judge's task of rendering and communicating orders to litigants
- Educates SRLs on how a ruling is made
- Provides SRLs with relevant legal information
- Facilitates informed decision-making by SRLs

Related System Elements

Case Tracker
Shared Vision
Story Builder

Fulfilled Functions

9. Inform about rules
11. Provide information and direction
105. Share information
150. Write summary of order
152. Finalize order
153. Evaluate and execute order
154. Educate litigant

Associated Design Factors

100. Real-World Translation of Order

Order Maker

Discussion

In pro se court, justice is dispensed amidst a flow of paper from one individual to another. At the conclusion of every case, the judge will announce the ruling as an order. The order is the direct finding of the court, and speaks to how each party should now act in resolution of the case.

In some jurisdictions, orders are written on “half sheets”. In others, the judge will orate an order to the parties so that the prevailing party might draft the order right there in the courtroom and thereafter distribute copies to all parties present. In other courtrooms, the orders are pre-drafted by the attorneys and submitted to the judge for consideration.

To the trained eye, the order is a set of legal jargon that implements the decision of the court. However, for pro se litigants, these concepts are often out of reach and, subsequently, orders are often misunderstood. A new tool is needed to facilitate understanding of not only the significance of the order, but also to better explain that detailed content.

Order Maker contains a database of case-specific legal orders. This database will be drafted by a court-appointed official and those orders will be approved by the presiding judge of that courtroom or division. The judge can choose an order from this database and customize the order personally.

Information from **Case Tracker/Story Builder** can be transferred directly to **Order Maker** using auto-fill technology. Using **Case Tracker/Story Builder**, judges can enter various orders or instruct parties as to the order that the judge would like them to draft.

Additionally, for each order, judges can include suggestions and comments, as an addendum to the final order, that serve to educate and inform the SRL.

Order Maker

Order Maker **Case Tracker**

1 Type of Case

Divorce Small Claims

Child Custody Child Custody

Landlord/Tenant Landlord/Tenant

2 Case Number

Submit

Order Maker

Order Maker | **Case Tracker**

Sample County Court

Plaintiff v. Defendant | Case # 1294745

Default Judgment

Default for Want of Prosecution

Judgment to Plaintiff in Amount of \$

Vacate Default Judgment

Order

Order

Order

Help | Top 10 | Custom | Submit

Scenario

The judge, after reviewing the evidence and testimony given to him in pro se court, explains his ruling to the parties, then turns to the PC on his bench and opens the **Order Maker** program. **Case Tracker/Story Builder** has the current case already up on the judge's screen with relevant case information. **Order Maker** puts the story into the template, and then offers the judge various options for creating his order.

Using his touch screen monitor, the judge either selects the **Order Maker** option within **Case Tracker/Story Builder** or the judge can choose to run **Order Maker** independently by selecting an order from a menu of options. Next, the judge sees a screen that has a list of common orders for cases of the type he is currently hearing. The judge can either choose to select from the list of orders, or he may choose to customize the order personally to add new information. *If the SRLs have used Case Tracker or Story Builder, the order will be auto-filled as*

appropriate with this previously entered information. When the order is complete, the judge can use **Shared Vision** to show the litigants the order and add comments, circle areas for them to focus on, etc. When the judge is finished and selects "submit order", **Order Maker** automatically searches the order to find keywords it recognizes from a database of key legal terms, and creates a detailed explanation sheet that will accompany that order when printouts are generated for the litigants. (For more common orders, there might be a pre-drafted sheet that fully explains the order and its significance.)

The judge prints out the order and the instruction/information sheet that accompanies that order, and hands a copy to each party. The SRL then is aware not only of what he is expected to do to comply with the court's order, but he also has the information necessary to educate himself about the court's decision and how it may affect his future actions.

Early Disclosure

Description

Early Disclosure is a system by which a judgment debtor's asset and employment information is provided to the court immediately after a money judgment has been entered. **Early Disclosure** streamlines the enforcement process through efficient information discovery. By surrendering information in front of a judge, the importance of the asset information and its truthfulness is reinforced. **Early Disclosure** relieves the burden of financial discovery from the shoulders of the judgment creditor.

Properties

- Proceeding in which a judgment debtor provides information about his/her assets
- Software to capture input data
- Computer terminal to input information
- Credit card reader
- Online credit check
- Judge overseen secure data account of credit information

Features

- Ascertains judgment debtor's credit information immediately after verdict
- Collects information about debtor and assets in a secure data account
- Initiates credit charge automatically if debtor does not appeal case after a specified time period
- Captures information necessary to contact judgment debtor for future proceedings
- Heightens the likelihood of truthful responses by taking place in front of a judge
- Covers comprehensive asset areas possibly unknown to judgment creditors

Related System Elements

Shared Vision
Pay Trac
Judgment Debtor Aid
C-eBay

Fulfilled Functions

- 58. Ensure security
- 67. Show proof of payment
- 73. Gather evidence/depositions
- 76. Perform discovery
- 105. Share information
- 108. Exchange information (disclosures)
- 155. Gather information
- 164. Research assets
- 165. Provide access to information
- 179. Offer evidence
- 186. Negotiate settlement
- 187. Transact payment
- 188. Monitor compliance
- 192. Release duty
- 193. Seize assets

Associated Design Factors

- 45. Many Receipts
- 99. Payment Variations
- 113. Debtor Information Difficult to Find
- 117. Debtor Difficult to Find
- 118. Asset/People Locator Too Expensive to Hire
- 136. Unable to Locate Information

Early Disclosure

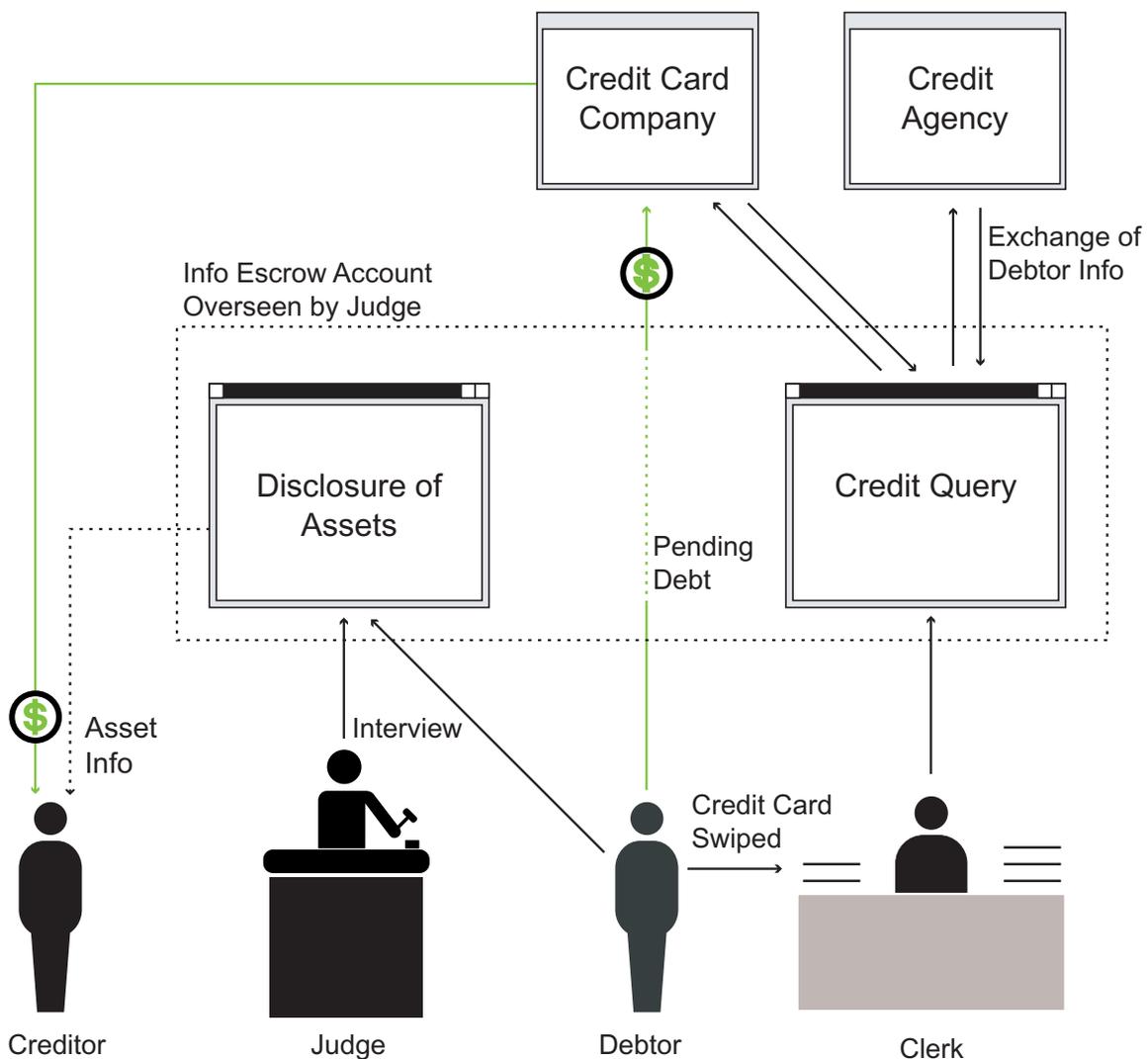
Discussion

The collection of a judgment can be difficult if the judgment debtor is uncooperative. In most places, the burden to collect is on the judgment creditor. He/she must file citations to bring the non-paying debtor back to court after the trial. In many cases, the debtor does not show up for court and the creditor must continue to file additional citations and conduct a discovery of assets in order to assess the best enforcement strategy. By instituting an **Early Disclosure** procedure, the collection process could be simplified for the judgment creditor.

Early Disclosure begins AFTER a judgment has been entered while the two parties are still in the courtroom. The presiding judge asks the debtor a series of questions about his assets and personal information (driver's license number, social security number, permanent address, etc.). Using the **Early Disclosure**

software on his computer, the judge captures the debtor's information.

Early Disclosure software runs an immediate credit check on the debtor from information sources available on the internet. The debtor's charge accounts are queried for their balances and credit limits. The software amasses a wealth of credit information virtually instantly. Once the information has been found, the SRL can select how to enforce the judgment. Options include charging some or all of the amount due to the debtor's credit card as an escrow in where the judge acts as a 3rd party holder. The debtor is given time to appeal the verdict or pay. If the debtor does neither after an allotted time, the judge dissolves the



Early Disclosure

Discussion (Continued)

escrow account and the amount of the judgment is charged to the debtor's credit card. The money charged is transferred from the debtor's credit card company to the court and disbursed to the judgment creditor. The information about the judgment is also released to the credit reporting agencies within the network.

The purpose of the escrow account is to give the debtor time to appeal the verdict, make payment arrangements, and maintain a level of privacy. By conducting the proceedings with the help of the judge, the debtor is insured fairness and is also encouraged to be more truthful in his/her reporting.

If the judgment debtor does not have any credit cards, **Early Disclosure** can still be used to gather information valuable to the creditor to pursue enforcement proceedings, including

seizure of goods or garnishment of wages. For "judgment-proof" debtors (those with no assets or foreseeable assets), the **Early Disclosure** proceeding can be an efficiency measure that allows the creditor to assess and weigh the value of continued enforcement: "Maybe continuing to bring the debtor to court will just be a waste of my time and money."

Scenario

Tina sued her neighbor Rob for borrowing, and subsequently breaking her lawn mower. Both parties represented themselves. After hearing the case, the judge ruled in favor of Tina. Rob was ordered to pay Tina \$450. As soon as the verdict was handed down, the judge explained to Rob that he had 4 weeks to appeal and that he would now begin the **Early Disclosure** proceeding.

The judge asked Rob a series of questions about his personal information. All answers were collected by the **Early Disclosure** software. The judge continued, collecting information about Rob's employment and assets. While the judge was conducting his questioning, the **Early Disclosure** software contacted credit report agencies querying Rob's credit history. Information about the credit card accounts from the cards in Rob's possession were also queried regarding his credit limit and available credit.

Within minutes the **Early Disclosure** software had amassed Rob's credit information and collected it in an "Secure Data Account." The judge saw that Rob had a VISA card with a \$5000 credit limit with \$4500 currently available to him, and a MasterCard with a \$3500 unused balance. The judge told Rob that information in the secure account was going to be frozen and kept private for four weeks. In those weeks, Rob could post bond and appeal the verdict and/or make alternate payment arrangements with Tina. Rob was asked which card he would prefer to use and Rob chose the VISA. The judge informed

him that, if after 4 weeks, Rob had not paid or appealed, the \$450 verdict would be charged to his VISA card. If Rob attempted to cancel his VISA card, the credit card company would immediately be alerted that he had a \$450 outstanding charge from the court system that he would be required to pay before cancelling the card.

Tina listened to the proceedings and felt confident that Rob was able to pay for the lawn mower. She knew that **Early Disclosure** was making collection of the judgment easier for her than if she had to proceed alone. She was informed that the money due her would be available in 5 weeks and that she could come see the cashier then. Tina was asked if she preferred to be contacted via phone, e-mail or letter when her money was available. She selected e-mail.

After 4 weeks, Rob did not challenge the verdict. The \$450 charge was put through to his VISA card and appeared on his next month's bill. After 5 weeks, an e-mail was sent to Tina alerting her that \$450 was ready for her pickup at the court cashier's office. Upon acquiring the money, Tina signed a "Satisfaction of Judgment" form and the case was considered closed. The "Information Escrow Account" on Rob was updated to reflect his payment of the debt.

Description

Pay Trac is a secure, on-line payment system that helps litigants generate evidence of payment and makes the payment process easier for debtors. The **Pay Trac** system can record completion of payment, monitor extended payments, and alert authorities of non-compliance. Multiple payment plans and access points such as currency exchanges, cash stations and on-line payments are provided to make paying debts more convenient.

Properties

- Service that acts as a payment intermediary between the judgment debtor and creditor
- Online network of payment access points, individual accounts, and data storage facilities
- Password-protected system to maintain privacy for personal information
- Downloadable transaction history
- Fee for service system
- In court payment facilitator

Features

- Transfers funds electronically from debtor to creditor
- Accepts multiple forms of payment: cash, check, travelers checks, debit cards, etc.
- Tracks evidence of payment/non-payment
- Provides multiple access points for payment or receipt of payment: on-line, in court, currency exchanges, ATMs & banks, grocery store, etc.
- Creates payment reports for all parties after each payment
- Files satisfaction report/debtor release when debt is satisfied
- Sorts, filters, makes subtotals of payment records
- Includes payment scheduling options that automatically remind debtors of due payments
- Facilitates negotiation for payment plan
- Supports other transaction-related modules (e.g. **Early Disclosure**)

Related System Elements

Case Card
Early Disclosure
C-eBay
TransAct

Fulfilled Functions

67. Show proof of payment
77. Find mediation provider
158. Accommodate resource
166. Manage documents
179. Offer evidence
187. Transact payment
188. Monitor compliance
191. Enforce Penalty

Associated Design Factors

45. Many Receipts
110. Validity of Evidence
120. Unclear About Need For Proof of Payment
121. Lack of Compliance Tracking
125. Evidence is Invalid or Unobtainable

Discussion

Once a judgment is entered, collecting the payment becomes a key issue for both creditors and debtors. When the judgment is large, debtors might face difficulty paying the whole amount. However, creditors desire the full payment as soon as possible. **Pay Trac** provides services to facilitate negotiation for payment. When the judgment is entered, the payment facilitator present in court helps debtors and creditors agree upon a payment plan that is acceptable to both parties. The facilitator also establishes an account for the judgment and helps the two parties log on and establish passwords for the system. The payment plan is recorded so that **Pay Trac** can send automatic reminders to the debtor prior to each payment day.

Inaccessibility of payment points is one of the reasons that makes payment difficult for debtors. **Pay Trac** provides multiple access points such as on-line, ATMs, banks, and currency exchanges.

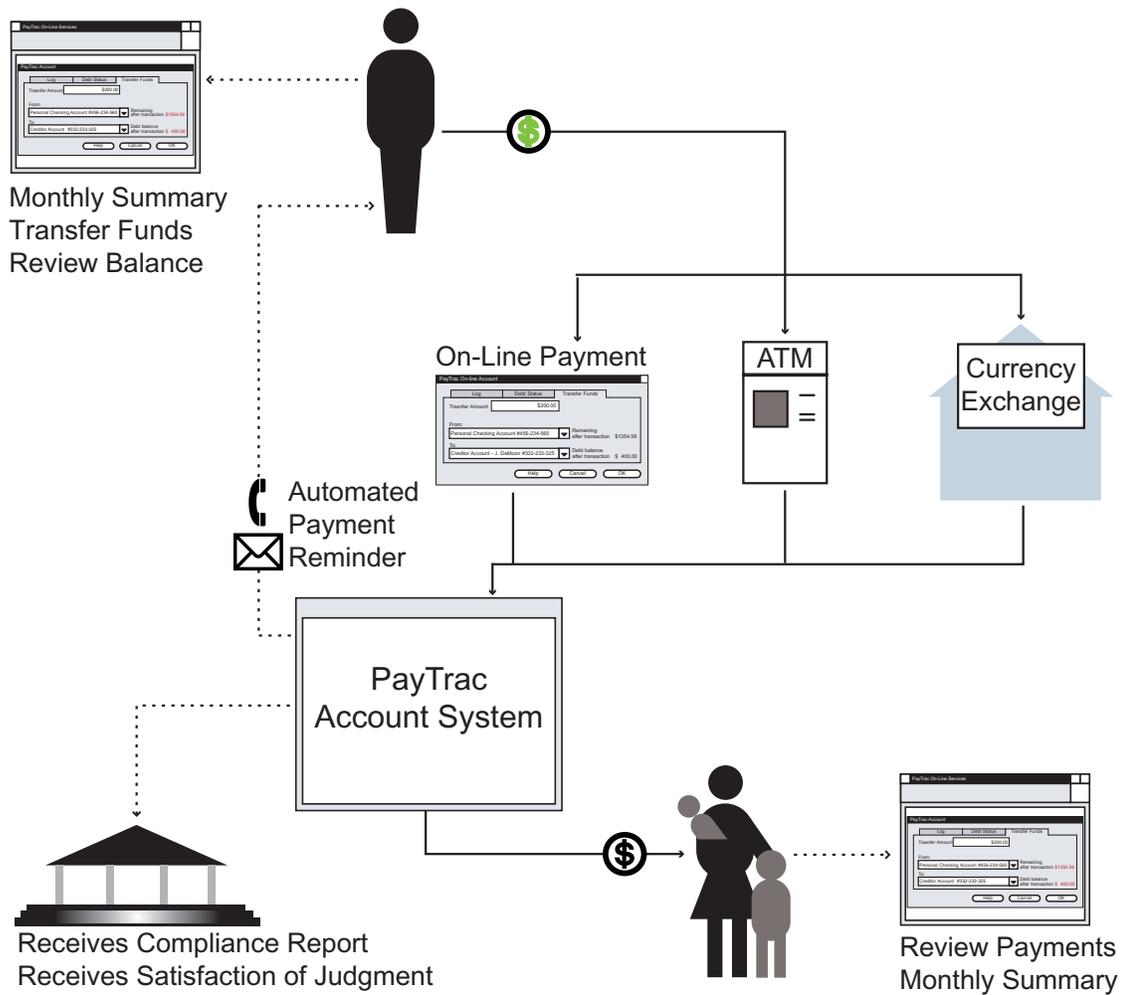
To secure privacy for personal information, there are multiple layers of access levels to payment information. For example,

a judgment debtor paying off his debt in installments could access the system, but only see a log of his payments and print the log as a receipt. His password would not allow him access privileges to other areas of the system. Whereas a clerk who inputs data about payments would be issued a password that allows him access to further capabilities.

Both creditors and debtors have an interest in maintaining a payment history. When a payment is made in cash, it is hard for debtors to verify proof of payment. Creditors may also use a payment history to prove non-payment. **Pay Trac** generates payment evidence by issuing payment reports with a running balance to debtors, creditors and the court after each payment.

Pay Trac automatically sends a satisfaction report issued from the court to both parties. This reduces an unnecessary procedure of reporting actual compliance and reduces court appearances for both parties.

The screenshot shows a web-based interface for 'PayTrac On-Line Services'. A central window titled 'PayTrac Account' is open, displaying a 'Transfer Funds' tab. The interface includes a 'Transfer Amount' field set to '\$200.00'. Below this, the 'From:' field is set to 'Personal Checking Account #456-234-560' and the 'To:' field is set to 'Creditor Account #332-233-325'. To the right of the 'From:' field, it shows 'Remaining after transaction \$1354.56'. To the right of the 'To:' field, it shows 'Debt balance after transaction \$ 400.00'. At the bottom of the window, there are three buttons: 'Help', 'Cancel', and 'OK'.



Scenario

Anthony Costello was ordered to pay Jason DeMoon \$600 for damage to his car.

Anthony was not doing well financially and asked if he could pay \$100 for 6 months instead. Jason was not happy about the deal and refused it. The payment facilitator at court mediated the case and both parties agreed to a three month payment plan of \$200 a month.

The payment facilitator set up an account for Anthony and Jason and helped both of them set up user information such as: a social security number for identification purposes and a password for access. The payment facilitator asked Jason for his preferred method for receiving payment and Jason chose direct deposit to his account.

The payment facilitator explained how to use the **Pay Trac** system and gave Anthony a list of cash stations, currency exchanges and libraries where he could access the system.

When Anthony made his first payment on-line, an electronic payment record with a running balance was sent to Jason, the court and himself. In the second month, Anthony was reminded to make a payment by the automatic payment reminder message left on his answering machine. He made the payment at a nearby ATM machine.

Jason decided to check on his payment and logged into the **Pay Trac** web site from his computer at work. He saw that Anthony made his payment on time and the money reached his account that same day.

When payment was completed, the **Pay Trac** system reported it to the court and sent a satisfaction report to Anthony and Jason. Anthony was assured that his case was officially closed and Jason was relieved to hear that he did not have to be present at court to report on actual compliance.

Pursuit Evaluator (Enforcement)

Description

The **Enforcement Pursuit Evaluator** is an on-line tool that allows litigants to evaluate whether the pursuit of collecting a judgment will be worth their time and effort. The **Enforcement Pursuit Evaluator** can become part of a more comprehensive **Pursuit Evaluator** allowing a potential litigant to evaluate the worthiness of filing a lawsuit and then enforcing a judgment, or it can be used alone after a judgment has been entered. A litigant is asked to provide certain basic information about the assets of the judgment debtor and about the case. The **Enforcement Pursuit Evaluator** then offers options for enforcement pursuit and runs best/worst/average outcome scenarios. These scenarios depict the expected time for collection and allow litigants to compare different pursuit strategies and evaluate whether the end result of enforcement will be worth their time and effort. Alternate settlement strategies are also suggested by the **Pursuit Evaluator**.

Properties

- Decision support tool that asks SRLs about their case information and preferences
- Database of case-related enforcement statistics
- Query fields for asset and case information
- Information processor that ascertains viable options for SRLs
- Simulation tools for project scenarios
- Graphic representations of scenario results

Features

- Can be used alone to evaluate the time and effort necessary to collect a judgment or in conjunction with the **Pursuit Evaluator** for a comprehensive view of the entire process
- Apprises litigant of information necessary to proceed with enforcement
- Identifies various options for pursuit of judgment
- Recommends routes to fastest settlement
- Simulates the results of different enforcement options
- Displays results of simulation graphically, making it easy to compare routes of judgment enforcement
- Provides information for litigants to make an informed decision regarding enforcement of a judgment

Related System Elements

Pursuit Evaluator
Case Card
People Dealing with Change

Fulfilled Functions

4. Gather information
10. Explain process
11. Provide information and direction
13. Experience court
16. Understand process
20. Examine facts and evidence
54. Provide maps and instructions
60. Determine intention/objective
74. Predict outcome
124. Select tactics
154. Educate litigant
157. Weigh value of pursuit
159. Build enforcement strategy
160. Select appropriate pleading
176. Orient to procedure

Associated Design Factors

2. Professional Competence
11. Time Constraints
21. Individual Cases Allow No Standard
47. Inability to Critically Evaluate
58. Consulting with a Lawyer is Expensive
82. Unfamiliar Process
85. Orienting Newcomers to Basic Procedures
93. End of Trial Confusion
95. Expectation of Immediate Enforcement
99. Payment Variations
122. Unfamiliar With Civil Procedure
130. Lack Guidance of Procedure
135. Unable to Assign Value to Options

Pursuit Evaluator (Enforcement)

Discussion

Self-represented litigants are often unaware of the difficulties that face them in collecting a judgment. Many believe that by winning their case, they are automatically awarded what they are due. However, collection is a complicated process that relies heavily on the cooperation of the judgment debtor. If a judgment debtor is resistant to paying or is unable to pay, the burden to collect falls heavily on the shoulders of the judgment creditor.

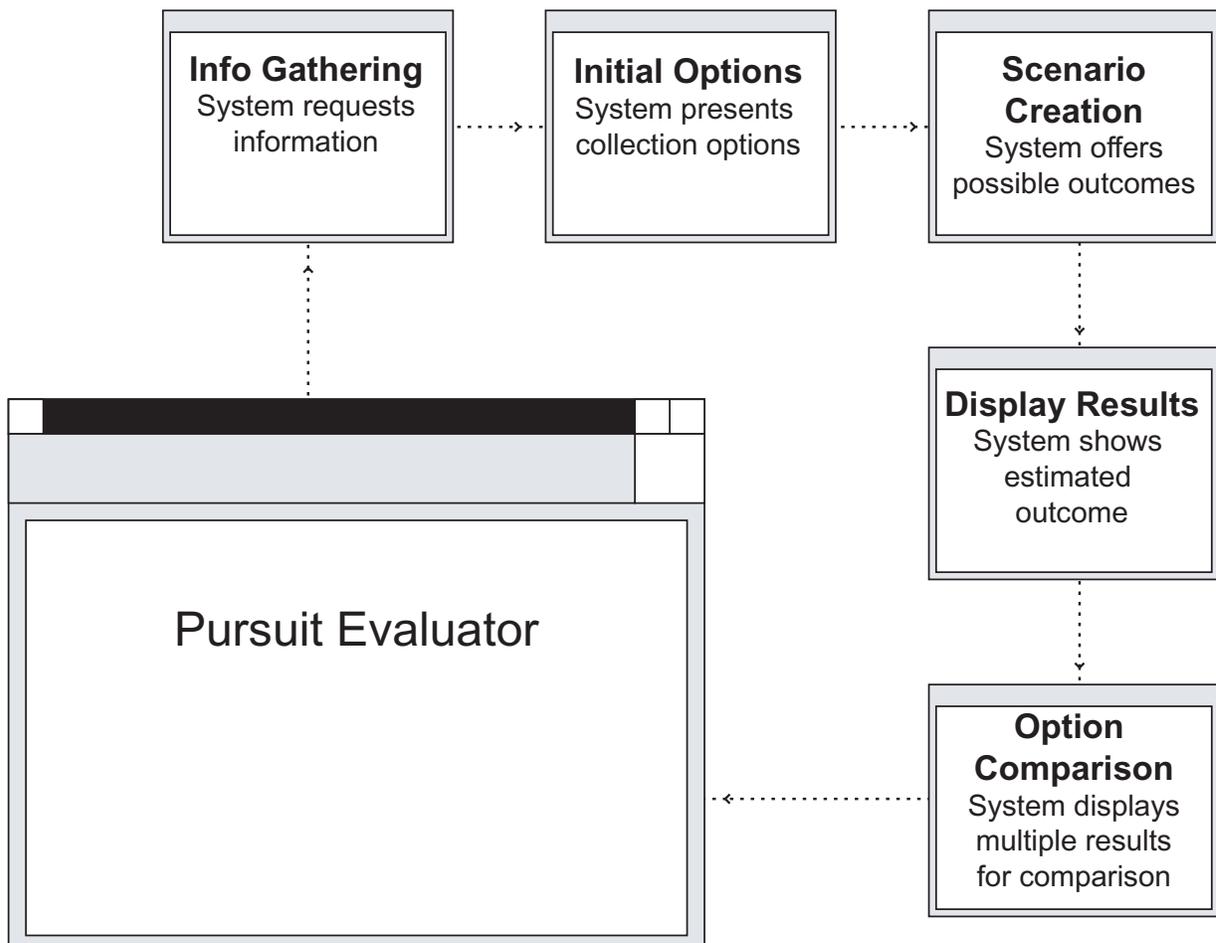
Creditors pursuing collection from an unresponsive debtor can be forced to file numerous citations to show cause, discover assets, and compel the debtor to appear in court. This process can be lengthy, expensive, and often unfruitful.

Knowing which supplemental proceeding to use to aid collection is important. Lawyers, because of their education and experience are able to help determine the most “efficient and effective method of recovery based on the nature of the asset being attached” (Heller 2001, 2). In addition, lawyers are able to apprise their clients of collection difficulties before a trial. Thus, they can often work to reach out-of-court

settlement agreements that speed up the process and more likely ensure that their clients receive satisfactory restitution.

Self-Represented litigants today seldom have access to information adequate enough to enable them to make informed decisions about a pursuit strategy. The **Enforcement Pursuit Evaluator** acts much like a lawyer would: the software requests information about the case (case type, judgment amount) and the debtor (employment, salary, property holdings, bank accounts). Information can be actual or estimated. The system prompts its user to continue inputting information until it assesses that it has an adequate amount of information to work with. The user is provided with options for pursuit of collection considered viable based on the entered information. Options could include things such as seizing property, garnishing wages, obtaining cash settlements, and other pertinent legal pursuit paths.

After selecting an option or multiple options, the system offers the opportunity to view simulated courses of action -- timelines and steps to follow. The user can view best, worst or average



Pursuit Evaluator (Enforcement)

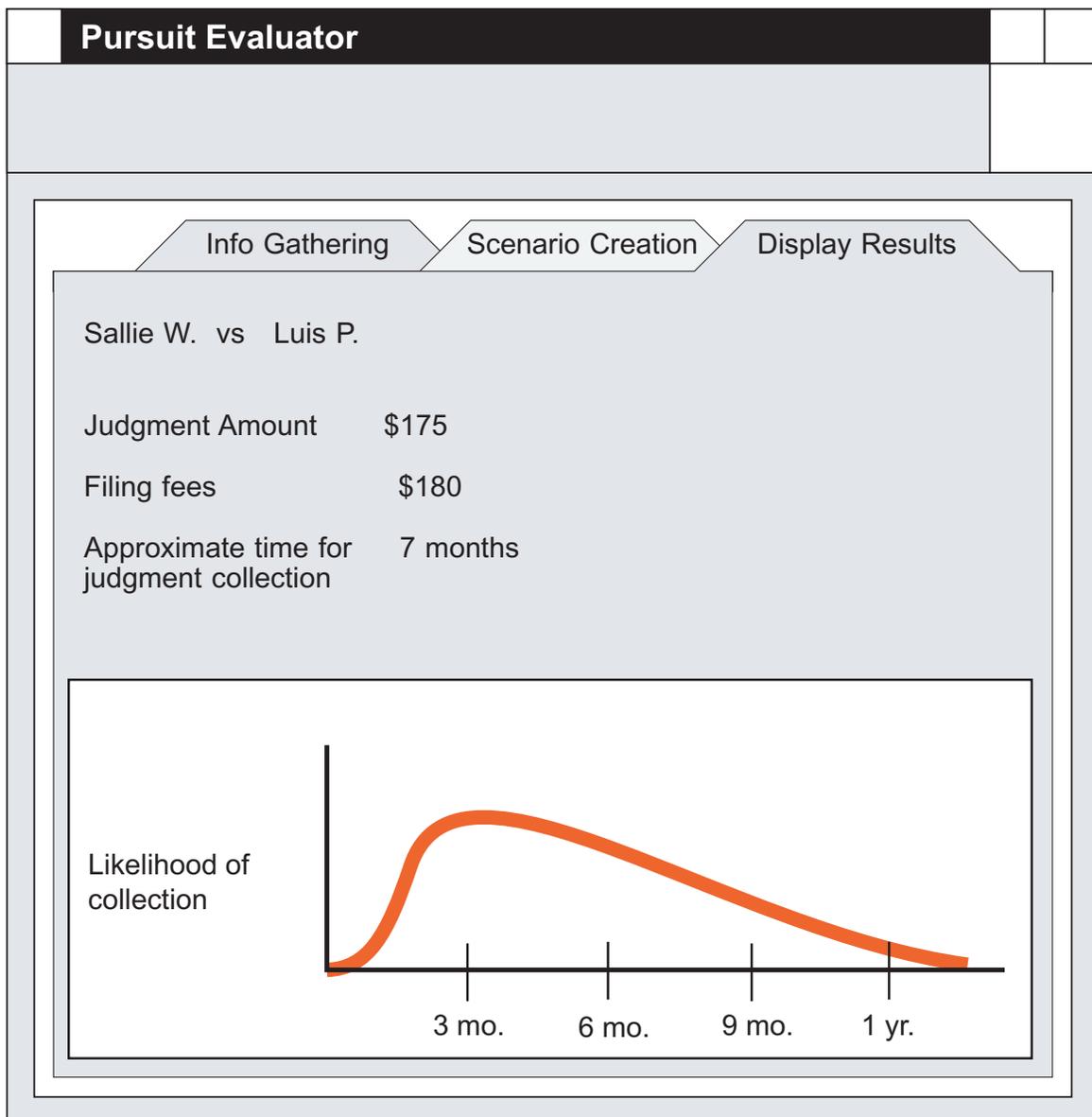
Discussion (Continued)

case scenarios based on statistical analysis of samplings of actual cases. While this information is currently sparse, when partnered with other System Elements, such as **PayTrac**, compliance information collected can contribute to more accurate samplings and projections (including the ability to make better predictions based on demographic information).

Simulations are displayed graphically, allowing the user to make comparisons between the different strategies. A timeline depicts how the likelihood of collection changes over time. Steps required to collect can be outlined for informational purposes or to be followed as recommendations. Creditor expenditures, such as time lost from work, miles driven to

court, and costs of filing are also estimated to aid in evaluating the costs/benefits of pursuit.

The **Enforcement Pursuit Evaluator** is an educational tool. Self-represented litigants unfamiliar with enforcement and collection issues can use it before beginning a lawsuit to learn about how the collection phase might develop. Self-represented litigants awarded a judgment can use it to help them assess the best way to pursue collection. Knowing the possible time, effort and cost of collecting a judgement ahead of time helps the litigant make more informed decisions about pursuing a lawsuit and/or enforcing a judgement.



Pursuit Evaluator (Enforcement)

Scenario

Sallie's mom, Marge, is turning 75 in three months. Sallie really wants to do something special for her mother, but money is tight. She is barely making ends meet with her job at the grocery store. Marge's arthritis has been acting up and Sallie saw a warm paraffin spa tub specifically for people with arthritis that would be the perfect gift -- luxurious and therapeutic. The paraffin tub costs \$150 and, even saving a little every week, Sallie knows she will not be able to afford it.

In her spare time, Sallie helps people write resumes. She wrote a resume for her neighbor Luis, and he immediately got a new job and moved across town. He never paid her and still owes her \$175 for her time and effort. When she calls Luis he just says, "I got the job on my own. Your resume was worthless. I'm not paying." Sallie has been trying to get Luis to pay for six weeks and knows that he'll never pay on his own. If she could just get Luis to pay her, she could buy her mom a great present. She decides to sue him.

She doesn't know any lawyers, so she gets out the yellow pages and starts calling listings in her neighborhood. Sallie explains to a lawyer's receptionist what she wants to sue for, and the receptionist laughs and tells her that no lawyer would take her case. The receptionist suggests she sue as a self-represented litigant and tells her to access the **CourtNet** web site.

Sallie does not have a computer at home, so the next day at work she uses her work computer to visit the **CourtNet** web site. Sallie reads that sometimes cases take a long time to prosecute and that sometimes people are not able to collect

their judgments. She had no idea; Sallie always assumed that civil cases were like the People's Court and that, when she won, Luis would hand her \$175 in cash. The site recommends trying the **Enforcement Pursuit Evaluator** to see if litigation is a good idea for her.

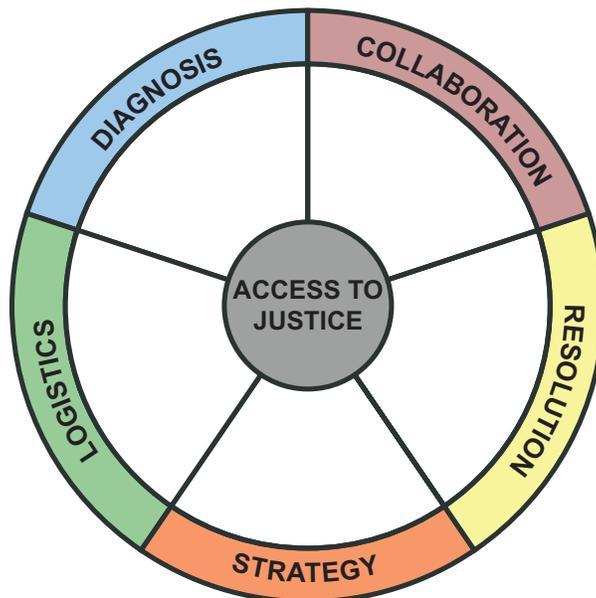
The **Enforcement Pursuit Evaluator**, based on cases similar to hers, determines that she will have to spend \$180 in filing fees, and that it would take approximately seven months to collect her judgment. The process guide goes on to show that she would likely have to file several motions to compel Luis to appear in court, and that she would have to take a lot of time off work in order to file and appear herself.

Looking at the graph of how long it might take, Sallie realizes that litigation might not be worth her time. She decides to see the best case scenario as it might be more encouraging. The best case graph and steps are a little better, but suing would still require her to pay a filing fee up front, and she would have to take time off work. Sallie decides that her time is better spent doing other things. She will continue to pursue Luis on her own, but will save her money for her mother's gift, rather than pay to file a lawsuit.

Access to Justice

Meeting the Needs of Self-Represented Litigants

System Elements: Collaboration



System Elements

COLLABORATION

The court should not be solely responsible for aiding SRLs. Creating partnerships between the judicial system and external organizations strengthens both the court's role in the community and the likelihood of aiding SRLs in need. A particular group of people who have little recourse are SRLs who have lost judgments and have difficulties meeting their payments. These solutions are networked tools that strive to promote additional resources for SRLs when the court, alone, cannot address their problems.

Analyze

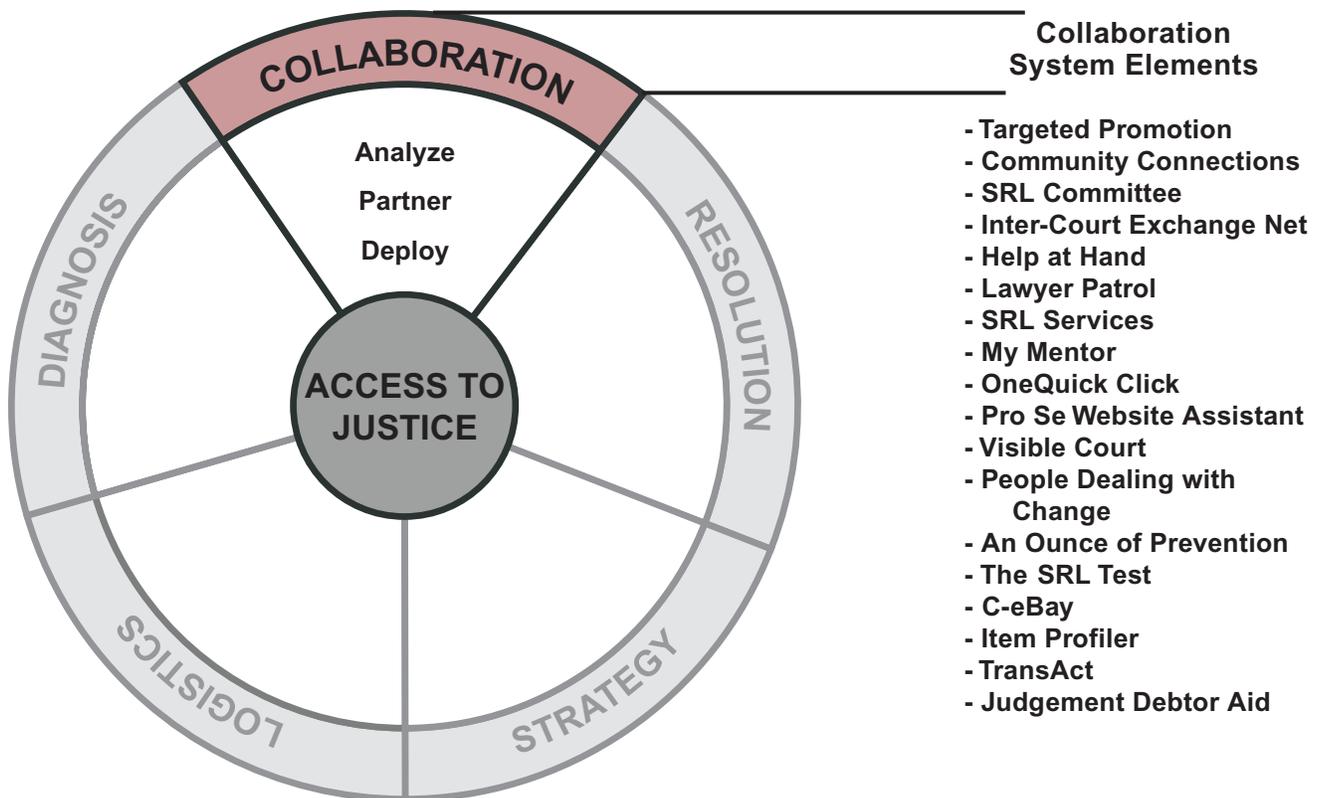
Gain insights from intake information captured in Diagnosis to better plan and initiate programs that match litigant usage and need.

Partner

Work with external organizations to create incentives and mutual value in developing programs to assist SRLs. Share insights and knowledge between court systems. Expand programs to gain regional and statewide reach.

Deploy

Execute and monitor programs developed in conjunction with external organizations. Address litigant needs that the court cannot provide alone.



Targeted Promotion

Description

Targeted Promotion is a system for collecting statistical data about SRLs entering the legal system in order to identify communities in need of specific information that could expedite their interaction with the court or prevent them from entering the court system in the first place. Courts partnered with community groups through the **Community Connections** program can use the information to develop targeted outreach and informational campaigns to get the right information out to the right people in the most appropriate way.

Properties

- Digitally collected intake surveys, in a questionnaire format
- Statistical analysis tool to analyze intake data to identify trends
- A dynamic data base of demographic and case data from court and help center intake information
- A sub-set of **Inter-Court Exchange Net**
- Localized (city or county) and/or centralized (state or national) teams of marketing professionals and outreach coordinators
- Tool that can be used by existing court outreach coordinators to determine specific information needed in specific communities

Features

- Identifies communities in need of specific legal or social services
- Provides a mechanism to recognize trends in court use and community composition, helping courts design programs around the needs of their community
- Utilizes existing community organizations to disseminate information
- Improves the image of the court
- Leverages existing community groups as a means of generating and distributing information within the community
- Collects statistical data about particular communities that can be used to generate funding for educational and outreach programs

Related System Elements

Archetypes
Community Connections
SRL Committee
Visible Court
The SRL Test

Fulfilled Functions

1. Provide materials
2. Give directions
3. Inform rules/sources
9. Inform about rules
18. Explain law
19. Offer references/resources
21. Find issues
25. Give advice
26. Provide guideline
30. Provide support
40. Display information
41. Relay oral information
130. Educate litigant
147. Explain rights
165. Provide access to information
176. Orient to procedure

Associated Design Factors

138. Resources Not Consolidated
139. Tools Not Available
140. Unable to Comprehend Material

Targeted Promotion

Discussion

The intent of **Targeted Promotion** is not to increase court traffic, but to provide individuals with the information they need to prevent situations that may lead them to court, and to provide them with information that can expedite their court experience

The **Targeted Promotion** system has two main goals:

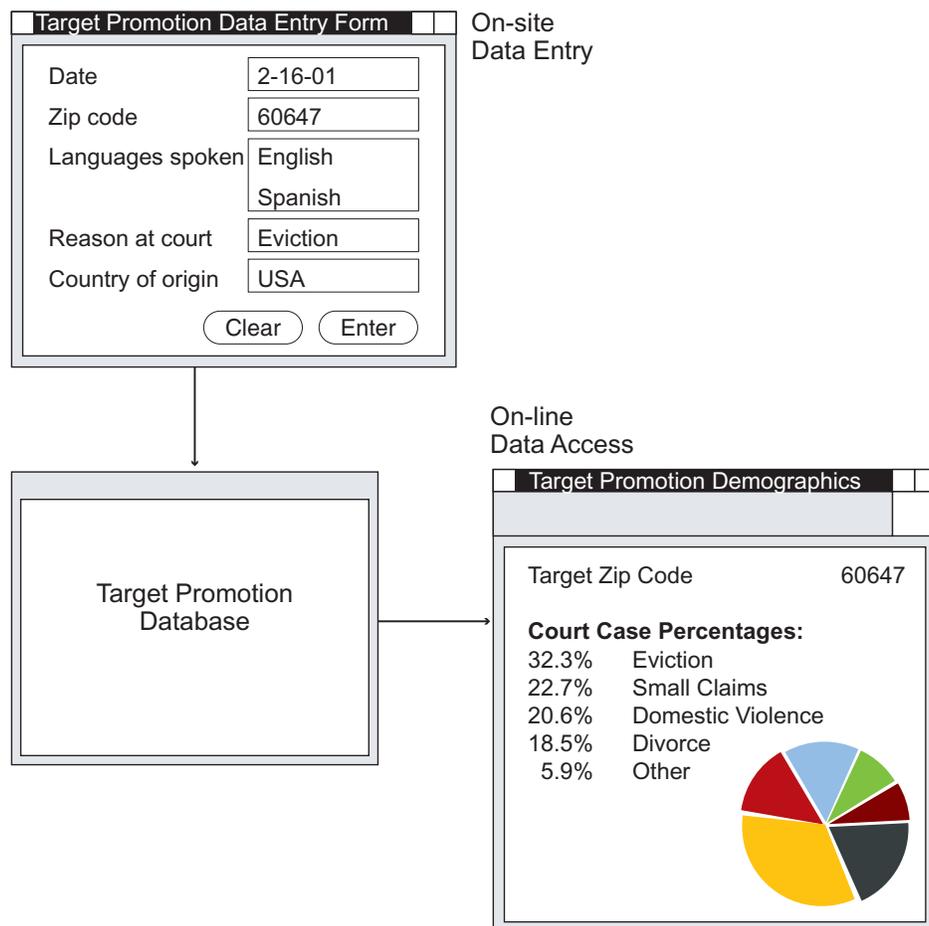
- Improve the image of the court system by increasing the presence of the courts within the community.
- Provide specific legal information to communities in order to prevent situations that may bring people to court, and to facilitate their interaction with the court.

Even though the Access to Justice system is intended to be a pervasive system, interaction with the system may not happen serendipitously. The bulk of the system will be available on-line and it is likely that many of the people who need legal assistance do not have access to a computer, let alone

know how to use one. In order to reach the individuals who need specific legal information, they must be identified and informed.

Intake data will have to be collected carefully, as not to add too much time or infringe on the privacy of the individuals being polled. Key data could include: Zip code of SRLs, languages spoken, what brought them to court, country of origin, etc. Asking about country of origin has the potential to cause distrust and fear in the person being questioned within some communities, so it should be used with discretion.

Awareness of the Access to Justice system is important, both for the citizens of a community and for the court staff. Promotion can be used as a means to stimulate awareness, and to improve the public image of the court's accessibility to self-represented litigants. Public notification of a system change can also be used as a means to "cement" the commitment to use the new system for the court staff.



Targeted Promotion

Scenario

Court Administrator Jane has noticed that the number of families coming to court for evictions has risen over the past year. By analyzing the intake data of eviction cases, she is able to identify that the bulk of the evictions are taking place in a particular neighborhood, and that most of those being evicted are non-English speakers. She also notices that the bulk of the evictions are happening at a particular time of year.

She next visits the **Community Connections** web site to look for community groups in the neighborhood where the evictions are occurring. The system pulls up the names of 5 organizations along with a contact for each group. She calls a meeting with the Court's outreach coordinator, marketing coordinator and the members of each of the community groups.

At the meeting, Jane explains the problem, and finds out from the community group representative that many of the men in the area where the evictions occur are migratory farm workers, and that their income fluctuates greatly throughout the year. The women of the house typically do not work, since they stay at home to care for their children. Most of the evictions occur a few months after the end of the men's work season. They also find out that the people being evicted are confused by the terms of leases and do not always understand the importance of paying their rent on time.

Together, the group meeting comes up with a multi-part plan:

- Working with the landlords in the area, the group creates a lease that is more easily understood by the community.
- They agree to distribute financial & budgeting information as well as information about free English language classes and city job training programs at churches, laundromats and community sporting events.
- Neighborhood churches offer to subsidize child care for the families, so that the women can go to work

Jane stayed in contact with all of the people involved in the initiative in order to monitor the success of the programs. Through their efforts, they were able to reduce the number of evictions occurring within this neighborhood. Information about this program was posted to the **Community Connections** web site and the **Inter-Court Exchange Net**.

Community Connections

Description

Community Connections is an on-line networking system that links county courts with community organizations, advocacy groups, social service agencies, park districts, neighborhood groups, churches, ethnic organizations, etc. This networking system can be used by the courts to identify potential locations for legal resource centers and volunteers for educational outreach, and by SRLs to identify free, or low-cost legal resources within their community. The primary intent of **Community Connections** is to provide a strong, continuous link between state and county court systems and the communities they serve so, they can better meet the needs of their residents.

Properties

- An on-line database of community organizations, their locations, affiliations, areas of focus, and the communities they serve
- A “steering” committee composed of members of the court and the community organizations represented
- Resource development body to bring in volunteers & sources of private and public funding
- Funded and run by a national nonprofit organization partially subsidized by the federal government in the form of grants and other incentives to participating non-profit organizations
- Linked with **Targeted Promotion** database of the demographic trends and needs of different communities

Features

- Identifies communities in need of expanded legal services
- Identifies potential locations and volunteers for legal information centers
- Helps communities identify sources of public and private funding for community based legal assistance centers
- Provides community-based, legal education programs
- Links self-represented litigants to community legal assistance programs and pro bono lawyers
- Provides a means to disseminate legal information to communities in need
- Brings a greater awareness of community needs to the courts for the development of specialized programs
- Incorporates existing court/community relationship

Related System Elements

Targeted Promotion
SRL Committee
Inter-Court Exchange Net
Visible Court

Fulfilled Functions

1. Provide materials
2. Give directions
9. Inform about rules
10. Explain process
11. Provide information and direction
15. Understand roles
16. Understand process
19. Offer references/resources
26. Provide guideline
28. Develop strategy and position
29. Establish structure
30. Provide support
130. Educate litigant
158. Accommodate resources
165. Provide access to information

Associated Design Factors

135. Unable to Assign Value to Options
136. Unable to Locate Information
137. Space Not Provided
138. Resources Not Consolidated
139. Tools Not Available
140. Unable to Comprehend Material

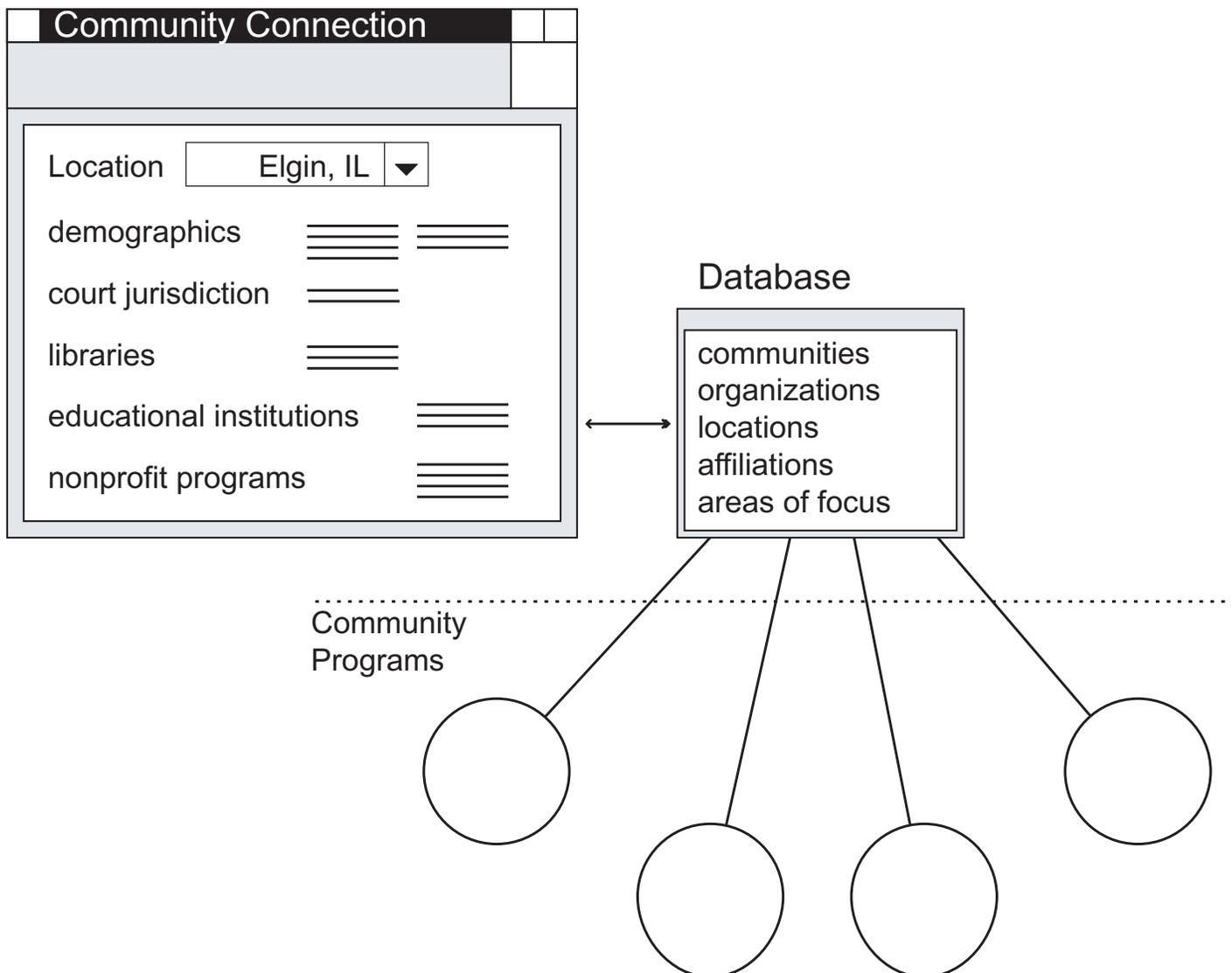
Community Connections

Discussion

Community organizations can become effective partners in educating potential self-represented litigants. These groups are more likely to be familiar with the particular needs of the individuals in the community, and the most effective ways to reach them. By providing assistance through community groups both before and during their court experience, SRLs can achieve further access to justice.

The state of California has a program to link courts to community groups. The web site, <http://www.courtinfo.ca.gov/programs/community/handbook.htm> includes several downloadable publications about how courts can reach out to their communities.

Courts can learn more about the needs of their communities and how they can better serve them by having close ties to existing community groups.



Community Connections

Scenario

The Sample County courthouse is lacking in space and resources to provide assistance to self-represented litigants (SRLs). They have had a very high influx of SRLs over the past few years, and their funding, staff and informational resources are not sufficient to cover the increased burden.

The resource manager of Sample County wants to increase the availability of legal information to SRLs. He begins by viewing the **Community Connections** website, where he is asked to type the state and county of the court system he works for. From that information, several lists are generated: the demographic breakdown of his court's jurisdiction, libraries and other educational institutions within his area, and a list of nonprofit and community based programs in his area.

From this list, the manager requests a meeting with individuals from 10 different groups to discuss the community's needs. He has also asked these 10 people to extend the invitation to other people who might be interested in helping the courts.

From the meeting, 8 people volunteer to be members of the Sample County Court Outreach Committee. Someone in the group mentions that the library in a neighboring town has a space that is not being used. This library is contacted, and a representative from the library agrees to let the space be used as a legal resource center site.

Potential sources to fund the renovation project are identified through the **Community Connections** web site, which includes a database of philanthropists in the area, and agencies who make grants for legal assistance programs. Applications for grant money are filled out and filed on line. Within a few months, they secure funding for the project, as well as a team of volunteers to staff the site.

Advertising of the new facility is done on a grass roots level, and the new facility begins helping 40 SRLs per day.

SRL Committee

Description

A committee, consisting of former SRLs, could be very helpful to the courts and the SRLs since it would help bridge the gaps between the court programs and SRL needs.

Properties

- A committee of people who have been in contact with the court system as SRLs

Features

- Acts as a connecting link between current SRLs and the decision-makers within the court
- Answers current SRL questions about court procedures and regulations
- Makes contacts between current SRL sources of alternative conflict resolution

Related System Elements

Targeted Promotion
Community Connections

Fulfilled Functions

2. Give directions
3. Inform rules/sources
9. Inform about rules
10. Explain process
11. Provide information and direction
15. Understand roles
16. Understand process
19. Offer references/resources
26. Provide guideline
30. Provide support
40. Display information
130. Educate litigant
147. Explain rights
154. Educate litigant
158. Accommodate resources
165. Provide access to information

Associated Design Factors

10. Complexity of Information
122. Unfamiliar With Civil Procedure
135. Unable to Assign Value to Options

SRL Committee

Discussion

In early stages of interacting with the judicial system, many SRLs feel that they are unable to find direction from talking to court staff. They may feel isolated because they may not understand why the court cannot give them legal advice.

A committee of experienced SRLs could be of great help to current SRLs by explaining rules and processes from an SRL's point of view. The committee could also reduce the fear and anxiety that comes from the SRL's unfamiliarity with legal proceedings.

This committee would also provide feedback to the courts in order to keeping the courts in touch with the current SRL problems.

Scenario

A tenant receives a summons from his landlord for past due rent. Since this is the first time that he has ever interacted with the judicial system, the tenant becomes nervous. There are a lot of questions that he does not have answers for. He does not understand that court staff can only “give him information, not advice,” and becomes confused when they refuse to answer certain questions. No one in the courthouse seems to be able to understand how he feels and what he needs.

Upon being referred to the **SRL Committee**, the tenant meets someone who has had a similar experience.

The **SRL Committee** learns more about the difficulties that the SRLs have by interacting with the tenant and others like him. Together, the **SRL Committee** and representatives of the court system look for solutions to the most common difficulties that SRLs encounter during their interaction with the court system.

Inter-Court Exchange Net

Description

The **Inter-Court Exchange Net (ICE Net)** is an on-line knowledge management system for state and county court administrators and other legal professionals. The **ICE Net** allows state and county court systems across the county to share problem solving information with one another through an on-line community. The **ICE Net** can be used to facilitate the implementation of the Access to Justice system and reduce transition time by creating a dynamic “user’s manual” of action plans, adaptations and customization ideas. The system allows individuals to search a data base, view and save information in a customizable, context specific, individually alterable view, while maintaining the original information stores.

Properties

- A knowledge management system
- An on-line, multi-user, relational database with gateway access from the internet
- Public and secure domains, as required
- Data translation to integrate existing information repositories
- Dynamic database of demographic data of regional court systems
- A repository for statistical, procedural and causal knowledge of court administrative initiatives
- A bridge linking multiple legal organizations

Features

- Provides a means to capture, organize, locate and share expertise between state and county court systems
- Allows for multiple customizable views of the same record, so that the content can be indexed, manipulated, labeled, added to and stored by individual users
- Tracks alterations and combinations made by individual users for use by other users
- Brings together discrete professional organizations and groups who typically do not interact
- Retrieves data from local and remote data storage
- Dynamically cross-references content as determined by the community of users
- Allows generation of subscription lists, so as information is posted to the system in a particular topic area, notice of that information will be sent to subscribers automatically

Related System Elements

Case Card
Community Connections
People Dealing with Change

Fulfilled Functions

- 9. Inform about rules
- 10. Explain process
- 18. Explain law
- 19. Offer references/resources
- 26. Provide guideline
- 30. Provide support
- 61. Provide forms
- 64. Process files
- 79. Introduce ADR
- 130. Educate litigant
- 145. Evaluate arguments
- 147. Explain rights
- 148. Explain order
- 158. Accommodate resources
- 165. Provide access to information

Associated Design Factors

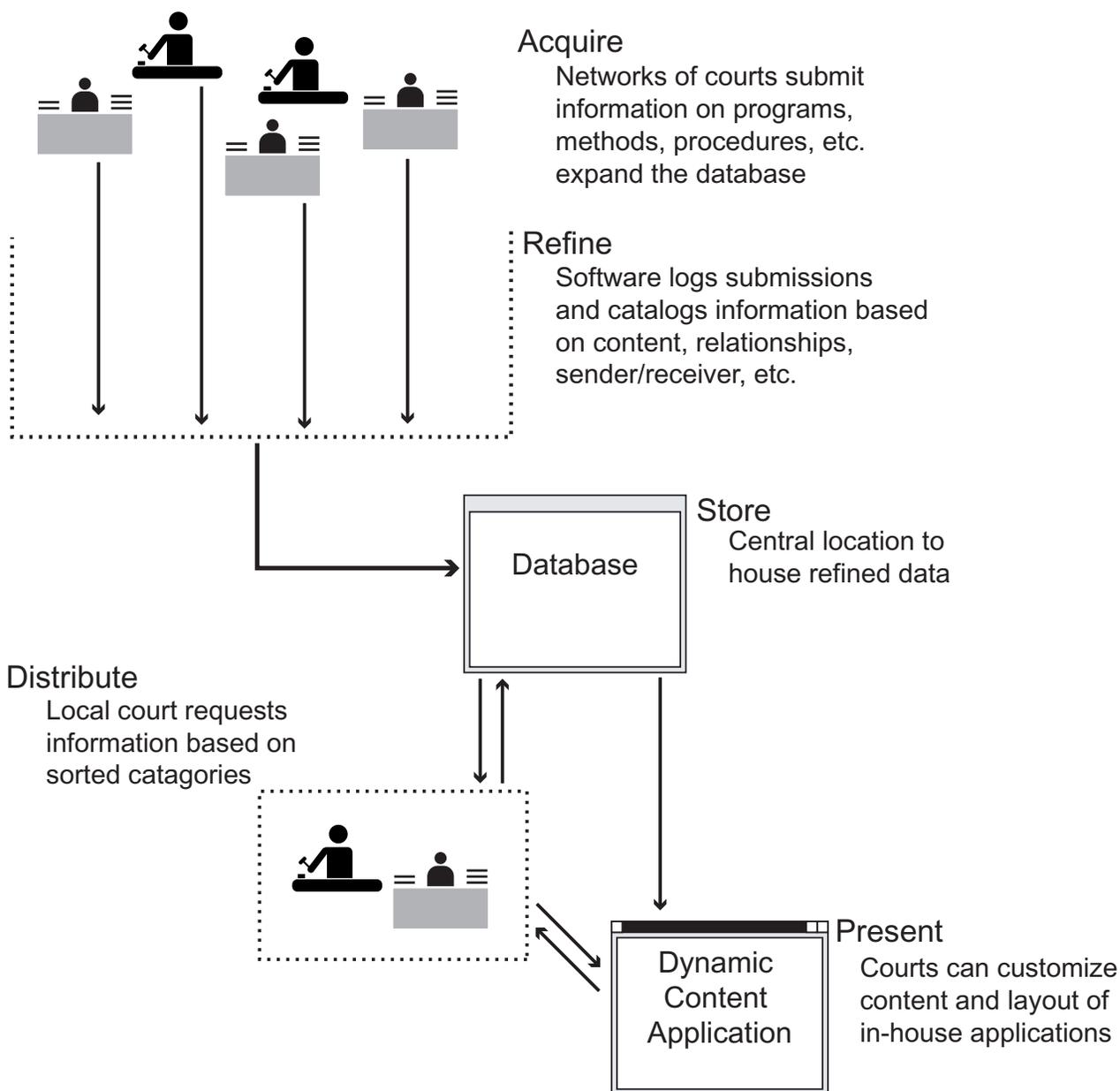
- 138. Resources Not Consolidated
- 139. Tools Not Available

Inter-Court Exchange Net

Discussion

The success of the Access to Justice system is dependent on each court's ability to implement and adapt to the changes inherent in a new system. During the transition, court systems adopting the Access to Justice System would greatly benefit from the knowledge and expertise of other court systems that have already implemented the system, or that are currently in transition. Traditional methods of sharing this type of information are slow, not easily searchable, expensive and/or time consuming (e.g. newsletters, conferences). These traditional methods do not allow for valuable information to be easily captured, stored or shared.

Currently, if a particular court is looking for good examples of a landlord/tenant brochure, they can send a message out to the National Center for State Courts list-server. This is a very useful way to share information, but it is dependent on the recollection of individual members and on their willingness and ability to respond. An on-line repository of information could be available around the clock, and could easily be searched for relevant information. Current technology can provide a means to link communities of practice on-line, and allow for the dynamic sharing of text, graphic, audio, video and still images.



Inter-Court Exchange Net

Discussion (Continued)

The **ICE Net** would ideally share stories of both success and failure. The sharing of “failure stories” may prevent other courts from making similar mistakes. There is a possibility that people will not share their “lessons learned” for fear of appearing incompetent. For these people, the **ICE Net** would allow problems and mistakes to be posted anonymously. Hopefully, over time, the “stigma” of making mistakes can be reduced, since a great deal can be learned from them.

Personal customization of information is a key feature of the **ICE Net**. This system provides a means to customize and combine existing information and generate contextualized information that is situation-specific.

The **ICE Net** community of users can also be used to bring together discrete networks of legal and social service professionals who typically do not interact with one another. Potential links could include: National Center for State Courts, ABA, Judicial College, National State Court Administrators and Urban Court Administrators.

ICE Net may be a feature of the National Center for State Courts’ web site (<http://www.ncsconline.org/>) which is already a great resource for legal professionals.

Scenario

Jane Frost is a court administrator in Sample County. She learns that a large percentage of SRLs who respond to a “Notice to Appear” form have confused one part of the form with another.

To see if other courts have had this problem, Jane visits the **Inter-Court Exchange Net** website. She’s not sure how to do a search for this so she uses the “Key Word Identifier” tool. This tool helps her to identify key words and processes related to initial appearance in court.

Her key word search has brought up several words and processes that she had not initially thought of, the list reads:

- Process Server
- Notice to Appear
- Instructions
- Fee Waiver
- Form
- Cashier
- Form Design
- Sheriff
- Registered Mail

Based on the information Jane gets from her key word search, she decides to take a closer look at the “Notice to Appear” form that her court currently uses. The same form has been used for many years, with minor modifications being made as needed. She notices that the instructions for the person receiving the form have been made much smaller and pushed to the bottom of the form. Jane concludes that the form may need to be redesigned.

Jane visits the “Compare-a-Form” area of the **ICE Net** website. After comparing her court’s form with the forms from other counties, she finds a form that she thinks will work very well for her court after some minor modifications.

She also does a search for “instruction,” “notice to appear” and “fee.” She is able to locate several other solutions that other courts have implemented. One court system included a brochure about being served along with the notice.

Jane creates her own folder on the **ICE Net** website, and includes all of the relevant information that she has collected. She then writes a quick summary of the solutions she plans to propose. She stores all of her work and information related to this issue within this folder so that it may be read by all users of the **ICE Net**.

The **ICE Net** system gives her the option of tracking the success of her initiative through the “Success Tracker”. The “Success Tracker” allows her to implement a tracking system within her court following the launch of the first part of her plan: the addition of an informational brochure.

All of the information that Jane has collected from her original search, her solutions, and her success story is available to other court administrators through the **ICE Net**.

Help at Hand

Description

Help at Hand is a web-based tool that encompasses **LawyerPatrol** and **SRL Services**. This tool can be accessed from any point in **CourtNet**.

Properties

- Easy to use web-based navigation tool that covers a host of different kind of referral services
- Option advisor for the SRL
- Accessible from any point in **CourtNet**

Features

- Provides a support system for the SRL who might easily get intimidated by having to communicate solely via electronic media
- Provides alternatives for SRLs if **E-Mediation** doesn't work
- Provides a wide range referral services including pro bono services
- Provides SRL services ranging from telephone hotlines to chat room moderated sessions
- Provides moral support and guidance to SRLs who might be confused about how to use the system
- Connects SRLs to self-help centers and community centers

Related System Elements

E-Mediation
Case Card
OneQuick Click

Fulfilled Functions

2. Give directions
10. Explain process
11. Provide information and direction
19. Offer reference/resources
30. Provide support
48. Consult legal professional
49. Consult non-professional
77. Find mediation provider
94. Research Legal Position
130. Educate litigant

Associated Design Factors

4. Accessibility of Information
5. Information Overload
10. Complexity of Information
47. Inability to Critically Evaluate
50. Intimidation of SRLs
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
82. Unfamiliar Process
130. Lack Guidance of Procedure

Help at Hand

Discussion

Help at Hand offers two services, **LaywerPatrol** and **SRL Services**, which provide emotional support and guidance to SRLs by offering alternatives or aid (e.g. online counseling, telephone hotlines, various pro bono services, and referrals to other resources).

Description

As a part of **Help At Hand**, **LawyerPatrol** acts as a referral service that connects SRLs with the type of legal aid they require. This service involves a wide range of legal services, from pro bono to paid assistance, that are suggested to the SRL by a trained, referral operator.

Properties

- Web-based tool providing help from any location
- A service that locates the right kind of legal aid for litigants
- A trained, referral operator who, through a network of lawyers and services, provides the user with the most suitable legal aid

Features

- Provides a variety of lawyer services ranging from pro bono to paid assistance
- Assesses the type of legal aid that the SRL qualifies for
- Provides means by which SRLs can communicate instantly with lawyers
- Ensures that SRLs are only connected to services that they within their price range
- Allows lawyers to participate from remote locations
- Encourages more lawyers to contribute services since they can work on cases with limited contact
- Provides an element of human interaction that is otherwise missing from other functions in **CourtNet**

Related System Elements

Story Builder
E-Mediation
SRL Services
OneQuick Click
Remote Access

Fulfilled Functions

94. Research Legal Position
100. Identify Reasons Behind Objectives
117. Consult Attorney
120. Propose Trial

Associated Design Factors

25. Give Advice
32. SRLs Often Fail in Self Expression at Trial
36. Mental Model for Processes Not Available
51. Inability to Understand and Communicate
53. Research Legal Position
58. Consulting With a Lawyer is Expensive
59. SRLs Don't Know How to Ask Questions in Examination
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
82. Unfamiliar Process
130. Lack Guidance of Procedure

LawyerPatrol

Discussion

As a part of **Help At Hand**, **LawyerPatrol** acts as a referral service that connects SRLs with the type of legal aid they require.

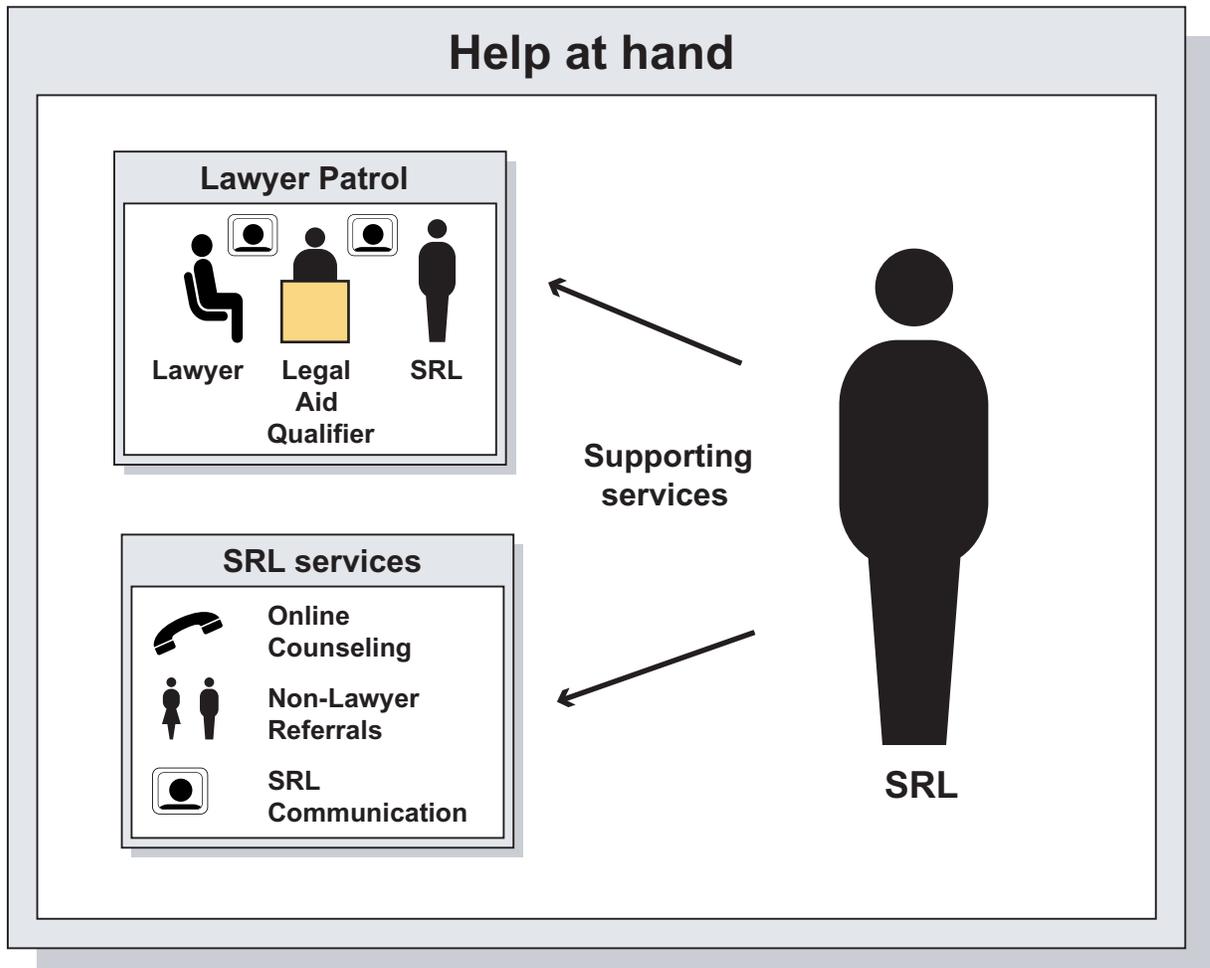
In order to use **LawyerPatrol**, the SRL completes a “Legal Aid Qualifier” form. This form allows the **LawyerPatrol** service to ascertain the type of legal aid that the SRL qualifies for.

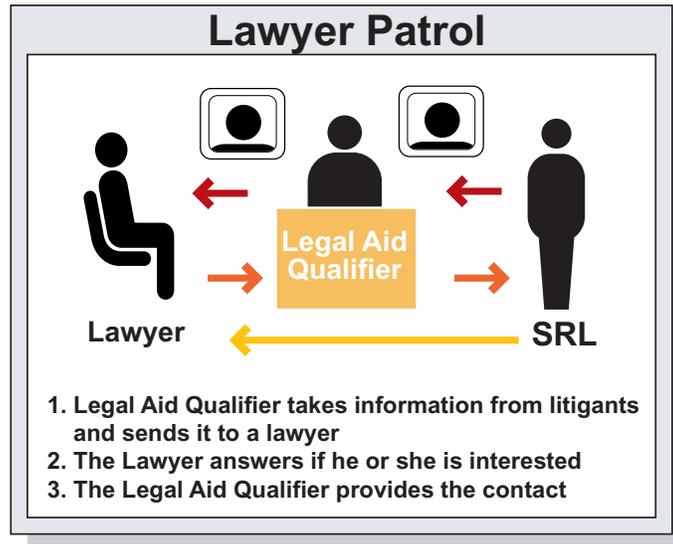
Pro bono services are limited. Understandably, many lawyers cannot commit to huge volumes of pro bono cases because they have other obligations and responsibilities. The “Legal Aid Qualifier” form will distinguish those SRLs that desperately require pro bono lawyers from those who could afford to pay for legal assistance.

SRL-entered information is reviewed by a “Legal Aid Qualifier”. For those who don’t qualify for pro bono services, they can learn more about paid, unbundled services (where a SRL can hire a lawyer only for specific aspects of his case) or paid, lawyer services (listed by rate structure).

Additionally, users may e-mail or “instant message” lawyers based on their pro bono or paid status. Lastly, **LawyerPatrol** links with **Remote Access** to link SRLs with lawyers who have considered pro bono services but have withheld participation because of various logistical burdens.

LawyerPatrol will encourage alternate dispute mediation methods.





| Pro Bono Services | |
|--------------------------------------|----------------------------|
| ¥ Pro Bono Lawyer | ¥ Instant Messenger |
| | ¥ Pro Bono E-mail Lawyer |
| ¥ Pro Bono Unbundled Lawyer Services | ¥ Pro Bono Lawyer Hotline |
| | ¥ Remote Attorney Provider |

| Paid Services | |
|---------------------------------|----------------------------|
| ¥ Paid Services Lawyer Listing | ¥ Instant Messenger |
| ¥ Unbundled Lawyer Service | ¥ E-mail Lawyer |
| ¥ Lawyer Referral Sliding Scale | ¥ Remote Attorney Provider |

Scenario

Dave has been having trouble with his apartment. Often, his hot water heater stops working and requires attention. Dave suspects that the hot water heater needs to be replaced. His landlord, Betsy, insists it's okay and doesn't see any reason why it should be replaced. In November, Dave went three days without hot water and in December the water heater completely broke down. Betsy refused to have it fixed until after New Years because Betsy claims that all of her repair people were on vacation and other service people were charging unreasonable prices for emergencies during the holidays.

Dave decides that he is going to withhold rent in January and writes a letter to Betsy stating so with a demand for a water heater replacement.

Betsy decides to evict Dave and is referred to **CourtNet** to help her achieve this end. Betsy begins the **E-Mediation** process which invites Dave to participate.

Dave logs on but decides to familiarize himself with **CourtNet** before responding to the e-mail. Dave learns about his case **Archetype** and reads Betsy's story in the **Story Builder**. He wonders what his legal rights are and if he should contact a lawyer or if he should consider **E-Mediation**. Dave finds the **Help At Hand** link and, through that, discovers **LawyerPatrol**. This service directs him to complete a "Legal Aid Qualifier" form as well as to participate in the **Story Builder** before **LawyerPatrol** can offer referrals for help.

Once Dave completes his side of the story in the **Story Builder**, all information is reviewed by a "Legal Aid Qualifier" who qualifies applicants for either pro bono or sliding scale paid services. After reviewing Dave's story and personal information, the intermediary informs Dave that he doesn't qualify for pro bono lawyer services but does qualify for paid, unbundled help and/or a pro bono e-mail lawyer.

Dave is then sent contact numbers for organizations that provide paid, unbundled help and an e-mail address for the lawyer willing to help him for free via e-mail. Dave decides to e-mail the lawyer to ask him what his legal rights are concerning his case.

Dave gets a response the following day. The lawyer advises Dave to participate in **E-Mediation** because a lot of the facts are inconclusive (for both the parties) and Dave doesn't really want to move. The lawyer suggests that Dave collect all relevant information just in case **E-Mediation** is unsuccessful and the landlord decides to go to court.

SRL Services

Description

SRL Services acts as human and emotional support for the SRL who feels intimidated by a system that involves automation. As a subcomponent of **Help at Hand**, **SRL Services** provides referral services to professionals, mediators, counselors and other self-represented litigants.

Properties

- Web-based tool providing help from any location
- Service provider that looks after the emotional needs of SRL

Features

- Provides SRL with web-based telephone hot-line
- Creates lawyer or mediator moderated chat rooms
- Provides on-line counseling
- Helps locate mediators for real mediation
- Provides an element of human interaction that is otherwise missing from the other functions in **CourtNet**
- Activates the SRL BuddyLocator search

Related System Elements

Story Builder
E-Mediation
LawyerPatrol
My Mentor
OneQuick Click
People Dealing with Change

Fulfilled Functions

105. Share Information
107. Vent Feelings
110. Learn Differences in Perception

Associated Design Factors

20. Misestimation of Own Competence
36. Mental Model for Processes Not Available
47. Inability to Critically Evaluate
48. Difficulty in Finding Information
49. Inappropriate Advice from Peers
61. SRLs Don't Know How to Begin Pursuing Mediation
62. SRLs Don't Know What ADR Is
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
66. Unsure if ADR Really Is a Better Option Than Trial
76. Emotion Hinders Performance
80. SRLs Lack Crucial Skills
82. Unfamiliar Process
140. Unable to Comprehend Material

SRL Services

Discussion

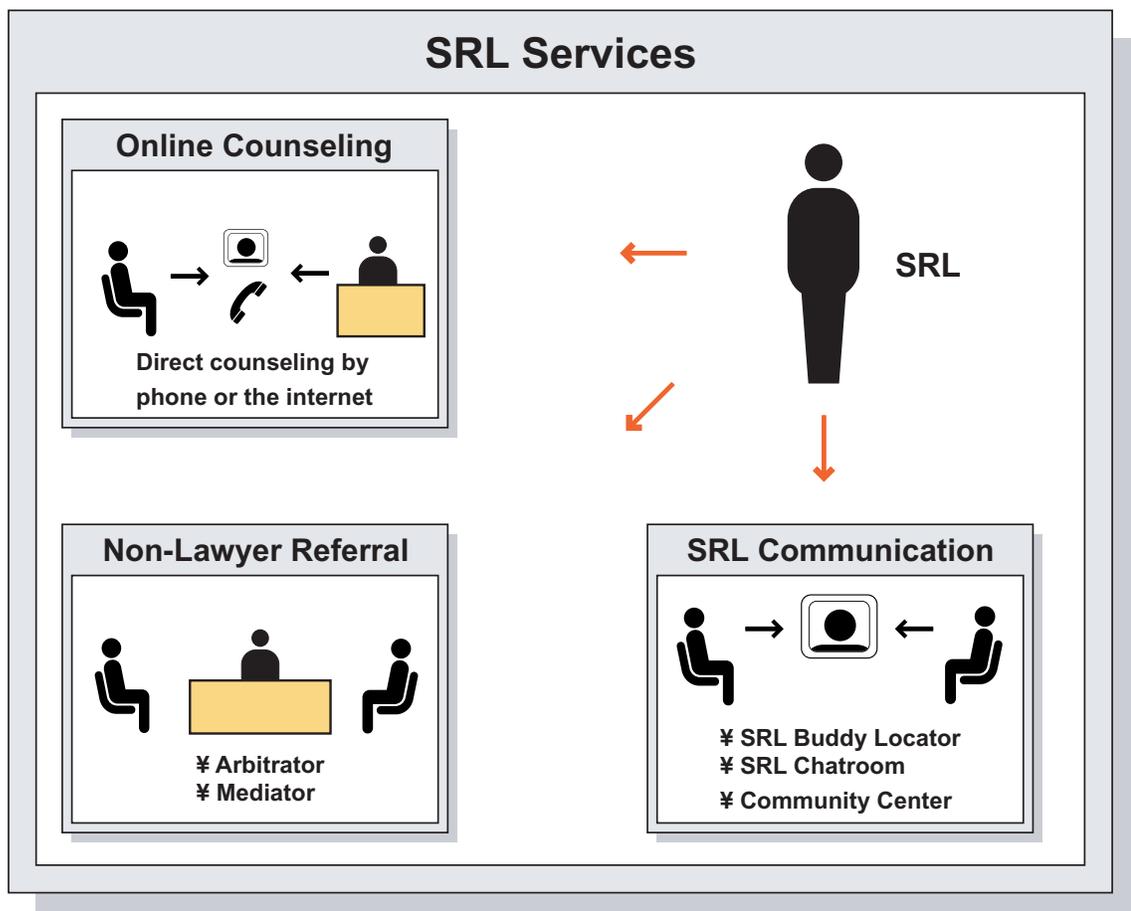
Automated elements of **CourtNet** remove the emotional support of human interaction. As a part of **Help At Hand**, **SRL Services** is a collection of on-line services that provide emotional and psychological support including: SRL BuddyLocator, SRL Chat Room, SRL Hotline, and ADR Referral.

The SRL BuddyLocator is a service that locates potential “buddies” for the SRL based off of the SRL’s **Archetype** and/or the information submitted to the **Story Builder**. The BuddyLocator helps partner the SRL with someone who has had a similar experience in the past and has completed a certification program offered by the Court.

The SRL Chat Room is a virtual space where SRLs can discuss their cases, raise issues, ask questions and share experiences. These chat room sessions will be moderated by Court-certified personnel who will filter misinformation to aid in the chat’s productivity. The SRL Chat Room will help the SRL gain valuable information regarding ADR, trial, procedure, and other possible options.

The SRL Hotline will provide on-line counseling where distraught or upset SRLs can be given verbal support and advice.

The ADR Referral program will offer mediator and arbitrator referrals. This program will also educate the SRL to the benefits of **E-Mediation** and offer facilitated assistance to the **E-Mediation** process.



Scenario

Dave has been having trouble with his apartment. Often, his hot water heater stops working and requires attention. Dave suspects that the hot water heater needs to be replaced. His landlord, Betsy, insists it's okay and doesn't see any reason why it should be replaced. In November, Dave went three days without hot water and in December the water heater completely broke down. Betsy refused to have it fixed until after New Years because Betsy claims that all of her repair people were on vacation and other service people were charging unreasonable prices for emergencies during the holidays.

Dave decides that he was going to withhold rent in January and wrote a letter to Betsy stating so with a demand for a water heater replacement.

Betsy decides to evict Dave and is referred to **CourtNet** to help her to achieve this end. Betsy begins the **E-Mediation** process which invites Dave to participate.

E-Mediation's invitation frightens Dave. Dave logs on but decides to familiarize himself with **CourtNet** before responding to the e-mail. Dave learns about his case **Archetype**

and reads Betsy's story in the **Story Builder**. He wonders what his legal rights are and if he should contact a lawyer or if he should consider **E-Mediation**. Dave finds the **Help At Hand** link and, through that, discovers **SRL Services**.

He opens the **SRL Services** icon and selects the "SRL Hotline". Dave dials on-line and is connected to an **E-Mediation** intermediary. The **E-Mediation** process is explained to him but Dave is still a little uncomfortable. The intermediary then suggests that he should try the "SRL BuddyLocator Service". At the "SRL BuddyLocator Service," Dave is asked if he'd like to use **Story Builder** to find the closest possible match. The disclaimer ensures that no personal information about Dave will be divulged. Once Dave completes the questions asked by the **Story Builder**, he returns to the "SRL BuddyLocator Service". He enters a request for a buddy and waits for a response. He receives a message that his request is being processed and that he would be notified via e-mail once potential "buddies" have been located. Dave feels a little more assured now and continues to proceed with the **E-Mediation** process.

Description

My Mentor is a court-facilitated service that conducts match-making and multi-channel message exchange. This solution provides person-to-person support on a wide range of subjects, including: emotional issues, pre- and post-judgment experiences, court and ADR support, logistics and organization of documentation. **My Mentor** mines the otherwise under-utilized experience, knowledge, energy and goodwill of experienced SRLs.

Properties

- Match making service that brings experienced SRLs together with those who have confronted similar situations
- Community hotline and internet portal
- Volunteer mentors database
- Retired judges and lawyers as volunteer mentors
- Mentors can be experienced SRLs that are recommended by mediators and approved by judges
- Password-secure internet channel for SRLs and their helpers
- Instant messaging function for private conversation
- Chat room for moderated, live discourse

Features

- Utilizes energy and experience of past SRLs as a resource
- Enables person-to-person and community contact
- Enables access from different media
- Offers empathy, understanding and emotional support
- Enables peer-based informal learning and coaching
- Provides access to case history to both the SRL and the Mentor through **Case Tracker**
- Mentors and litigants are matched by the system according to case type, location, schedule, gender preference.
- Mentors and litigants are also matched according to “degree of time commitment.” For example, a new, internet-savvy SRL may only need to “instant message” their mentor twice a week, while other SRLs may prefer a greater time commitment over a more personal medium.

Related System Elements

Personal Case Account
Case Tracker
Story Builder
SRL Services

Fulfilled Functions

2. Give directions
3. Inform rules/sources
9. Inform about rules
10. Explain process
11. Provide information and direction
15. Understand roles
16. Understand process
19. Offer references/resources
26. Provide guideline
30. Provide support
130. Educate litigant. (Hearing)
147. Explain rights
158. Accommodate resources
165. Provide access to information

Associated Design Factors

10. Complexity of Information
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
65. Mediation Requires a Lot of Human Resources
66. Unsure if ADR Really Is a Better Option Than Trial
80. SRLs Lack Crucial Skills
82. Unfamiliar Process
122. Unfamiliar With Civil Procedure
135. Unable to Assign Value to Options
140. Unable to Comprehend Material

My Mentor

Discussion

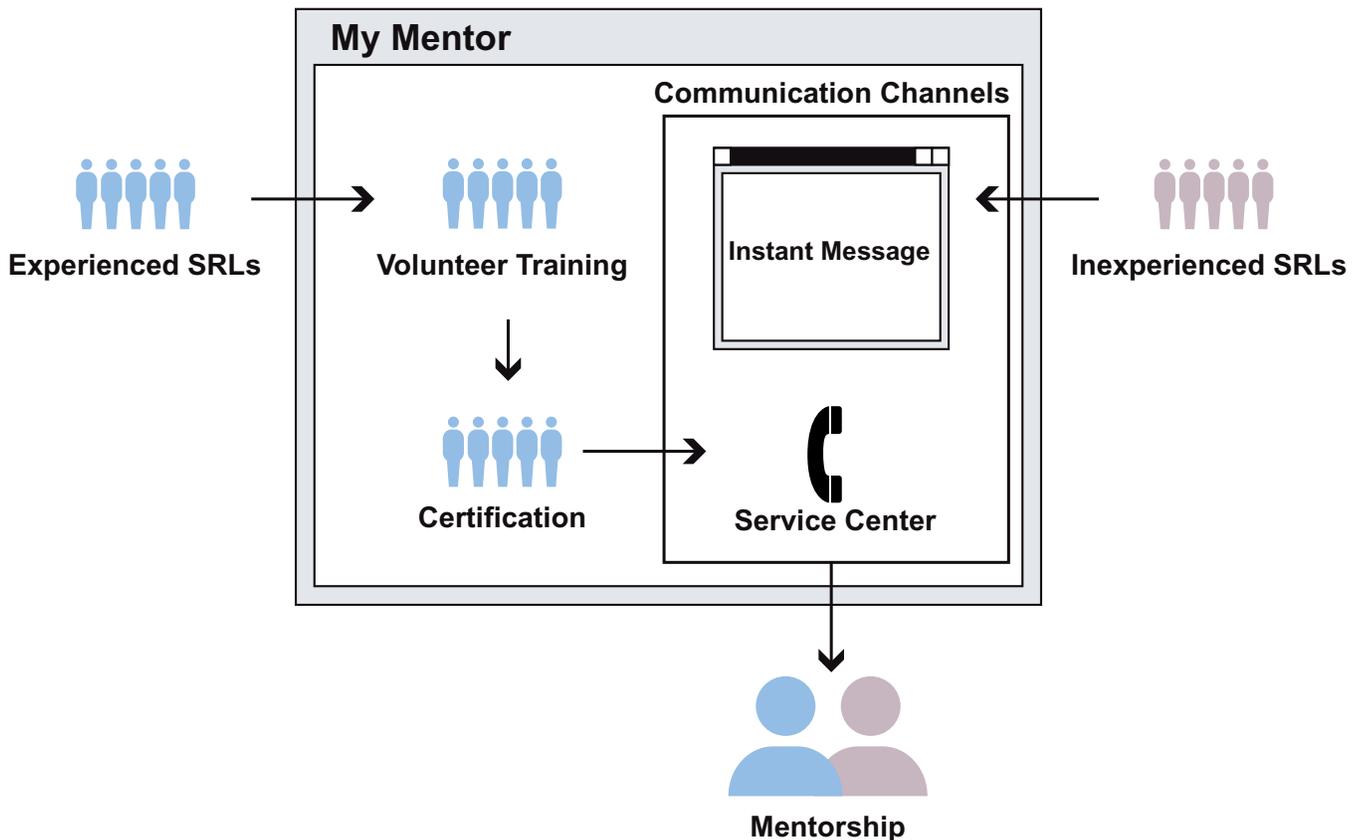
Observation and interviews have revealed that SRLs show more confidence in court if they are accompanied by friends and/or family that have experienced similar processes. Experienced litigants help the uninitiated navigate through the process, providing opinions, encouragement and support when needed.

Many factors contribute to SRLs' feelings of isolation and anxiety: lack of familiarity with the process, emotional involvement, lack of practice, unrealistic expectations, and ignorance of rights and rules.

My Mentor decreases the burden on Pro Se Help Centers by harvesting a currently untapped resource. **My Mentor** introduces a network of mentors that help SRLs receive encouragement and emotional support when they need it. One-on-one relationships between mentor and litigant enable individualized coaching. Introducing mentors who care about SRL's legal issues in context, and are willing to share life experience and insights, provide a richer solution to SRLs.

My Mentor provides hotline phone service, a court-organized mentor/mentee directory and internet-based communication channels, including chat rooms and instant messaging.

My Mentor volunteers attend a training program that covers: how a volunteer should interact with the SRL, what advice is useful, and the difference between information and legal advice. After completion, the volunteer determines the type of commitment that s/he can offer. Mentors may decide to communicate with mentees exclusively via e-mail and instant messaging, for instance. This might act as an incentive for more volunteers to participate in the program, since they can control their level of commitment.



Scenario

The clerk suggests to Judy that she try out **My Mentor**, a free service from the Court. At work, Judy logs onto **CourtNet** and, after reading an introduction of how to enroll in the **My Mentor** program, she sends out a request for mentorship. She fills in her preference for a female mentor who lives close to her home. She also indicates that she would like to have the mentor accompany her to court on April 2. Knowing that her information is only accessible to court-authorized mentors, Judy also fills in her full name and phone number. She does not have a connection to the Internet at home, so she thinks that using the telephone would be the most convenient way of getting in touch.

Jane then enters the child support mentor-mentee chat room. There are eleven mentors and over thirty SRLs chatting. "I'm going to court next month. I feel very nervous about facing Jeff again. He is so violent," Judy writes. Replies from chatters show great understanding and care. She logs out and leaves the courthouse feeling somewhat comforted.

Melissa, an independent realtor, receives a notification call from the **My Mentor** service center telling her that there is a potential mentee who lives near her zip code. Melissa inquires about the litigant and her case background, and then decides

to contact Judy.

Several days after submitting her mentorship request, Judy is glad to receive Melissa's call. Melissa tells Judy that she went through the same process last year and would be very pleased to help Judy. "I was just as desperate as you are now," Melissa says. Since Melissa has a flexible schedule, she says she'll be able to accompany Judy to her hearing on Tuesday, April 2. They make an appointment to meet for coffee the next day.

Judy feels that she can talk to Melissa without feeling embarrassed. Melissa had a similar experience and understands her. Empathy soon brings the two women close.

OneQuick Click

Description

OneQuick Click provides direct hyperlinks from any word within digital legal documents to relevant sources about that word or topic. This contextual help tool creates value for the SRL, who may experience trouble understanding legal jargon. The **OneQuick Click** function can be integrated into existing websites as a browser plug-in to provide an invisible layer of information. This layer is accessed by clicking on words to open secondary windows which define the word(s) used.

Properties

- On-line system that works with all digital documents within a prescribed domain, specifically court websites.
- Tool that allows specific content in one document to link to related information in another document
- State-sponsored databases that house all pertinent information and court-approved links to programs
- A plug-in for a browser application
- Links to real-time chat with a legal professional through instant messaging
- Secondary information windows

Features

- Allows SRLs to “click” on any highlighted word within a digitally displayed document or website to find out more information about the topic
- Provides contextually specific information to SRLs when they need it (e.g. definitions, maps, tutorials, etc.)
- Allows SRLs to instantly look up the definitions of terms or concepts unfamiliar to them and gather contextual links
- Links community-sponsored programs that are designed to aid SRLs to the constituents they seek to assist
- Increases efficiency, since fewer human resources are needed for answering general or common-knowledge questions, as the system directs SRLs to appropriate resources
- Provides instant messaging contact to pro bono services for information deemed as legal advice

Related System Elements

Just in Time
Help at Hand
LawyerPatrol
SRL Services
Judgment Debtor Aid

Fulfilled Functions

11. Provide information and direction
12. Read materials
19. Offer references/resources
25. Give advice
30. Provide support
42. Search legal cases
43. Browse websites
48. Consult legal professional
49. Consult non-professional
131. Find facts
156. Analyze information
165. Provide access to information

Associated Design Factors

1. Individual Cases Allow No Standard
26. Understanding of Terms
39. Information is Incomplete
53. Research Legal Position
63. SRLs Don't Know What Avenues of Finding Info are Available to them
105. Encountered Legalese

OneQuick Click

Discussion

Self-represented litigants commonly have questions about legal terminology and procedure as they try to navigate through the court system. When questions arise while researching legal documents or searching for legal services and programs, there is typically a disconnect between the content and sought information. Information given out of context is difficult to integrate into something useful.

OneQuick Click is a vehicle for providing an SRL with contextual, clarifying information about a text item without disturbing the reading of primary text. A browser application (plug-in) retrieves requested information from a state-level database and displays the links in a secondary browser window.

The secondary window might contain links to community programs related to the selected item as well as definitions, directions, maps, tutorials, etc.

The database is a searchable index provided by the state. Terminology and procedures for each county court system are housed on the server along with court-approved links

The image shows a screenshot of a legal document titled "Joint Petition for Simplified Dissolution of Marriage". The document contains several numbered items (i, j, k, l) detailing financial and asset disclosure requirements. A secondary window is overlaid on the right side of the document, titled "Agreement of Allocation". This window contains a "Definition" section explaining that both parties must agree on a fair division of assets, which is reviewed by a judge. Below the definition are "Programs" listed: E-Mediation, Divorce Record Keeper, and Child Support Calculator. At the bottom of the secondary window are "Links" to three websites: www.divorcesource.com, www.to-agree.com, and www.internetmediator.com.

Joint Petition for Simplified Dissolution of Marriage

(i) Neither party has a gross annual income from all sources in excess of \$20,000.

(j) The parties have disclosed to each other all assets and tax returns for all years of the marriage.

(k) The Parties have executed a written Agreement of Allocation of all assets in excess of \$100 in value and allocating responsibility for debts and liabilities between themselves. A copy of the Agreement, filed with the joint petition, has been reviewed by the Court and is not unconscionable.

(l) Each party has waived any rights to spousal support.

Agreement of Allocation

Definition
Both parties must agree on a fair division of assets. The allocation is reviewed by the judge to insure one party is not taking advantage of the other.

Programs
E-Mediation
Divorce Record Keeper
Child Support Calculator

Links
www.divorcesource.com
www.to-agree.com
www.internetmediator.com

OneQuick Click

Discussion (Continued)

to services and programs. Site maps are also stored in the database for use as contextual references.

When an item is selected on a webpage, indicating a reader's interest in further information, the name of the item is sent to the server as a keyword along with the location of the active website. The server queries the database for definitions, links and diagrams related to the information provided. A secondary window opens alongside the window being read to display the supplementary information to the user, which the user may then click to shift her contextual focus.

Information given about forms and definitions can teeter on the boundary of legal advice. Approaching these bounds is up to the discretion of the clerk answering the question. Some tend to err on the side of caution and minimize the aid given to the SRL. This leaves the SRL in a bind, needing information, and the clerk possibly feeling helpless or guilty for not giving more help.

OneQuick Click reduces this anxiety level for both parties by providing consistent secondary information. Requests for legal advice can be referred to a pro bono attorney via instant messenger.

SRLs navigating the justice system range from first-time users unfamiliar with terminology, to litigants searching for specific information, services, and support groups. **OneQuick Click** provides definitions, process information, and related links within the context of a user's needs. As a result, community-sponsored programs designed to aid SRLs get more exposure to parties in need, since **OneQuick Click** increases accessibility to sites and information about these programs. **OneQuick Click** alleviates the burden on the clerks by providing better access to web-based information that targets questions frequently asked by SRLs as they go through the legal system.

Scenario

Greta is doing on-line research at the library about divorce, particularly regarding the steps required for filing. While scrolling through her county court's publications, she notices several words and phrases underlined in yellow. She clicks on "dissolution" to see how the meaning of this legal term differs from "divorce," and another window pops up defining the word, citing links related to dissolution and divorce. After she reads the definition and related links, she clicks on the title bar to close this window.

Since she and her husband are both consenting to the divorce and already have an idea how the assets and property are going to be divided, she scrolls down to the section on property allocation. Again, she clicks on the underlined phrase "property allocation," and receives information in a pop up window from another legal web source about how and why these steps are pertinent to divorce. There are also links to **E-Mediation** programs and community support groups. Greta investigates one of the **E-Mediation** sites, since it seems to best suit her situation.

All of the information Greta has accessed was submitted by the various jurisdictions to a state-level database. Authorization by these courts ensures that the information and links provided are relevant and reliable sources. The information Greta accessed was logged by the server to provide usage data for the various courts. For example, if information for the term "dissolution" continues to be requested, the server would suggest to that content provider a means of clarifying the term.

Pro Se Website Assistant

Description

Whenever an SRL is using **CourtNet**, the SRL can engage in one-to-one communication with a person who is knowledgeable about **CourtNet** by accessing **Pro Se Website Assistant**, a small chat box that can appear, independently, on top of any page in the website.

Properties

- Chat screen
- Digitized picture of human assistant
- Bank of people who are not legally trained, but have been trained to be very familiar with **CourtNet**

Features

- Provides human assistance for SRLs using **CourtNet**
- Increases confidence in **CourtNet** for SRLs whose disputes would be optimally aided or resolved by its use
- Makes **CourtNet** seem friendlier
- Encourages SRL to use **CourtNet** more effectively
- Weeds out cases that would not be appropriate for **E-Mediation**

Related System Elements

Archetypes
Pursuit Evaluator
Webvidence
Story Builder
E-Mediation
People Dealing with Change

Fulfilled Functions

10. Explain process
11. Provide information and direction
14. Consult advisors
19. Offer references/resources
24. Make sense of position
43. Browse websites
49. Consult non-professional
55. Define position in process
57. Ask for correct form
61. Provide forms
84. Visit legal self help center
130. Educate litigant

Associated Design Factors

2. Professional Competence
4. Accessibility of Information
48. Difficulty in Finding Information
51. Inability to Understand and Communicate
105. Encountered Legalese
140. Unable to Comprehend Material

Pro Se Website Assistant

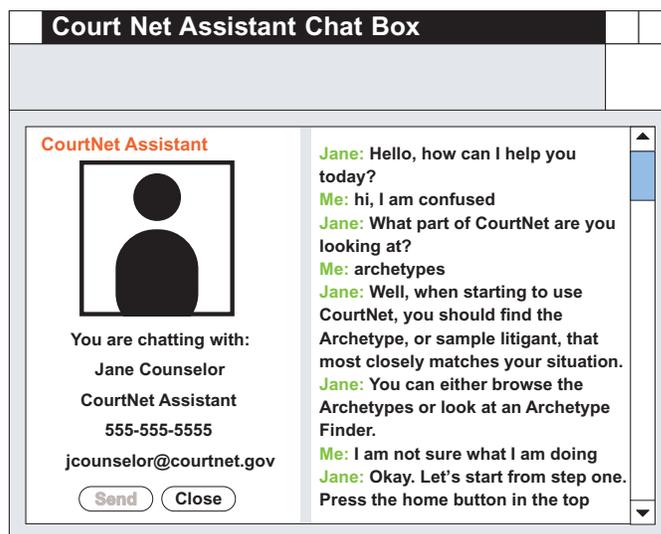
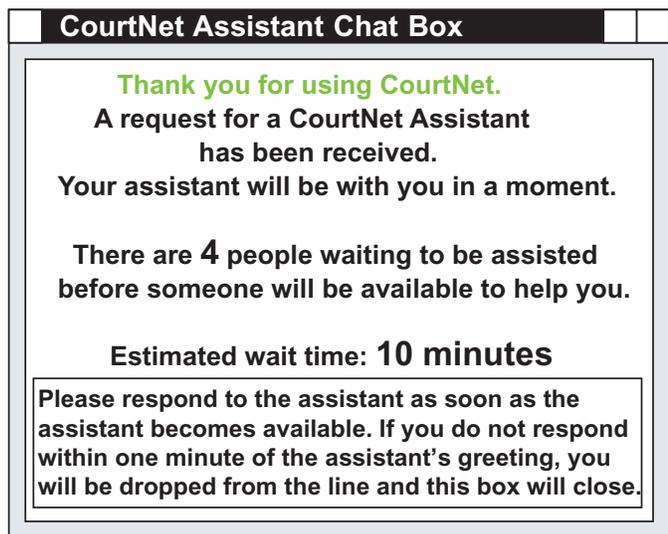
Discussion

Pro Se Website Assistant is a small chat screen that can appear independently on top of any page in **CourtNet**. Whenever using **CourtNet**, an SRL can engage in one-on-one communication with a human being who is knowledgeable about the site. This person would not have to be legally skilled, s/he would only have to be familiar with **CourtNet**. When the Assistant encounters a dispute that goes beyond his/her understanding, the Assistant would inform the litigant about other options. Having this “human element” included in the website will make the website seem more friendly and can encourage the SRL to use the website more effectively.

Alternatively, “voice chat” may be a better option for the litigant rather than traditional text-based chat. Since the technology necessary for voice chat is becoming more

widespread (e.g. Yahoo! Chat), jurisdictions may wish to transition to that mode in 5-10 years. However, a text-based medium may help to curtail incidences of accidental legal advising since chat transcripts can be easily reviewed by managers.

This idea was inspired by “Clippit,” the Microsoft Office Assistant. However, the **Pro Se Website Assistant** is not a vehicle for In-Context Help. Instead, it is a method of personal communication and tutorial over the web.



Scenario

When a SRL first requests to chat with a **Pro Se Website Assistant**, the SRL will be greeted by a box. This box:

- notifies the SRL that a request for an **Assistant** has been received
- informs the litigant of how long the queue is and what the SRL's estimated wait time is.

When an **Assistant** becomes available, the **Assistant** will greet the SRL. A digitized picture (not a video) of the **Assistant** will appear at the top of the box (see example below). If the SRL

does not respond within two minutes (as opposed to the one-minute warning that the SRL has been warned about), the SRL will be dropped from the queue, the chat box will close, and the **Assistant** will move on to the next litigant.

Visible Court

Description

Knowing about the court's SRL programs before people have to make use of them would prepare many people for emergencies, just as the education about the use of the 9-1-1 telephone number prepares children to deal with emergency situations.

Properties

- A court-initiated outreach program that makes use of: radio programs, newspaper advertisements, handouts/flyers

Features

- Increases the visibility and knowledge about access points to the court system for SRLs
- Educates about the most frequently asked questions and topics of SRLs in the Diagnosis phase
- Informs about the local court's office hours, the different programs for SRLs, and the court's phone numbers, including emergency help line numbers

Related System Elements

Targeted Promotion
Community Connections

Fulfilled Functions

1. Provide materials
2. Give directions
3. Inform rules/sources
4. Gather information
6. Contact court
8. Find locations

Associated Design Factors

3. Visibility of Services
4. Accessibility of Information
7. Barriers of Language

Visible Court

Discussion

In interviews conducted during field trips to the Delaware Family Courts, many of the interviewed SRLs stated that they did not know very much about the court's Pro Se Program prior to their use.

Persons without access to the internet need alternative forms of interaction to give them access to the court system. The purpose of **Visible Court** is to educate people about the court's activities BEFORE they need to make use of any of the court's services.

Preparing the general public and making information accessible in multiple ways is important. People in immediate need can find out about the first steps of the interaction with the court system through **Visible Court**.

Scenario

In Delaware, there are rural areas where many people of Hispanic origin work on farms. Their working hours are generally long and they do not have access to the internet. These two factors limit the possibility of accessing the court during regular office hours or through on-line channels.

Even though these workers typically have a low level of awareness of their rights as employees, and may not understand English, there may be moments where disputes arise among them or between them and their employer. In these cases, it would be helpful for these individuals to know their rights.

These individuals are typically not allowed to leave their job during working hours, so they cannot access the court during this time to gather information. Also, a language barrier may complicate acquiring access to information.

By advertising on the radio and the newspaper, as well as by producing radio shows and handing out flyers, the courts can make their services known to a broader audience.

Radio shows can be listened to in the evening or while at work. They should be produced in a way that educates people about the court and its services, the ways of accessing the Court and sample cases. They should be broadcast in different languages

and during different times of the day.

The aim should be to educate all people about courts and the processes involved, so that they know what to do in case they need legal assistance. This endeavor is similar to other education campaigns that educate people about emergency services (dialing 9-1-1).

Handouts can reach target audiences if they are distributed at the right time in the right place. Flyers could be distributed in front of churches that are frequented by these workers, or at schools and laundromats.

People Dealing with Change

Description

People Dealing with Change is a knowledge sharing program and database about behavioral change with regard to conflict resolution. It is primarily a resource for all Access to Justice personnel who would benefit from an understanding of how everyday people experience the challenge of change. It would most directly benefit intake personnel, mediators, software and interface designers, and SRL self-help center employees.

Properties

- Database system of information about behavioral change theory and application
- Internet accessible at different levels for personnel and SRLs
- Workshops and conferences for discussion and strategic planning
- Team of directors or overseers to centralize efforts and promote implementation of programs

Features

- Draws upon advice from experts in the field of behavioral change
- Creates a team of Access to Justice professionals who understand what their “customers” might be going through during the conflict resolution process
- Addresses the crucial “people problem” aspect of building successful and fair resolution
- Simultaneously exists as a constantly updated resource for personnel and “customers”
- Looks at the process of resolution and the people involved more holistically and therefore more thoroughly
- Designates system resources to strategic planning for fundamental human aspects of the **E-Mediation** process
- Matches needs of customer according to their stage of behavioral change

Related System Elements

E-Mediation
Legal Lounge
Just in Time
Enforcement Pursuit Evaluator
Inter-Court Exchange Net
SRL Services
Pro Se Website Assistant

Associated Design Factors

2. Professional Competence

People Dealing with Change

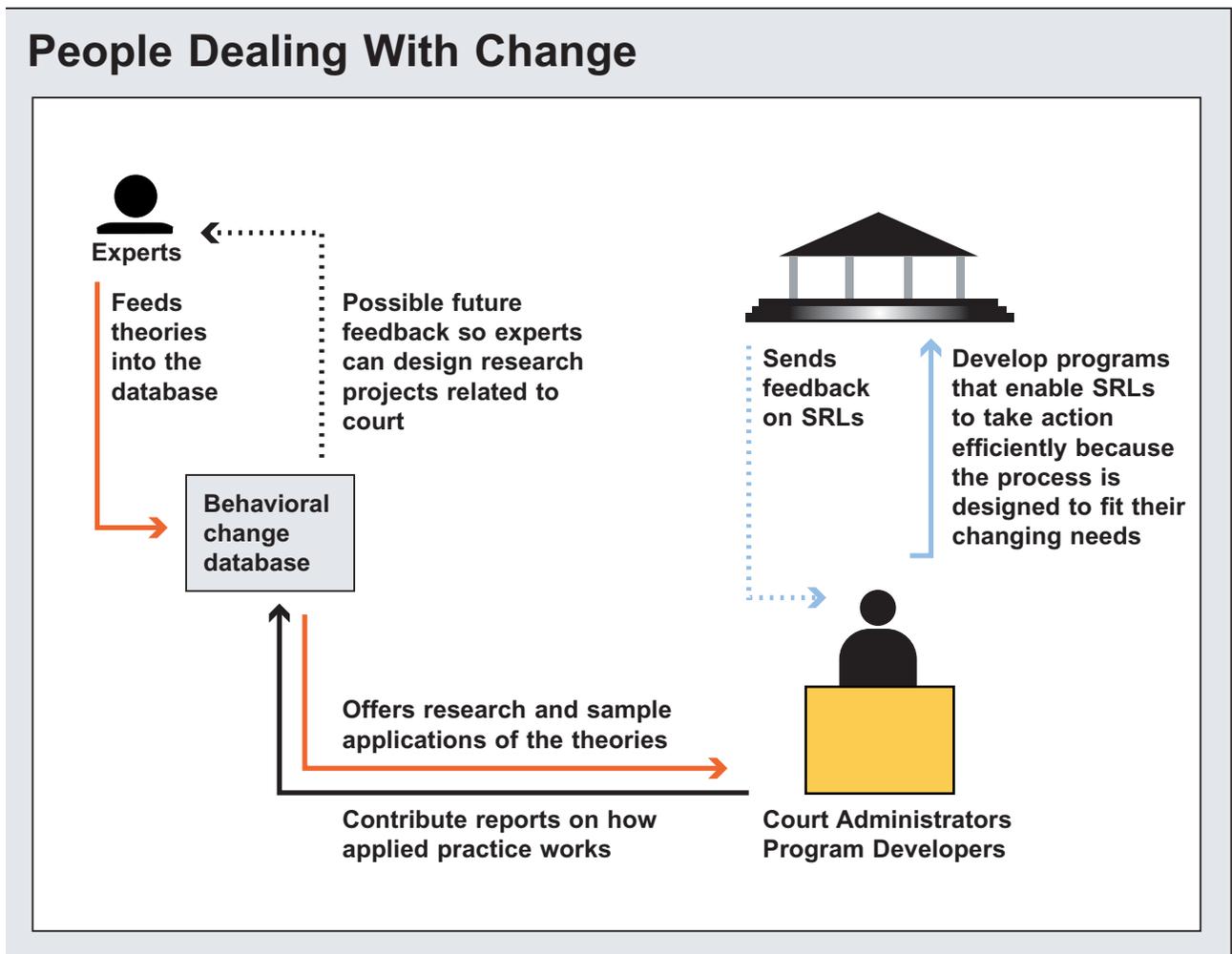
Discussion

People Dealing with Change relies on a basic concept. In order for resolution to take place between two parties who are in direct conflict with each other, there must be a significant change that takes place in the way both parties think, feel and or behave.

Research in the field of behavioral change has produced many ideas on how people can better get through necessary life changes effectively. One of the most accepted ideas in this area is that the process of change occurs in stages. A person who decides to file for Protection From Abuse (PFA) actually goes through several stages of change when taking this action - from “pre-contemplation” (denying there is a problem of abuse) to “action” (actually filing for the PFA) all the way to “maintenance” (making sure the victim stays away from the abusive relationship). In order for the Court to best serve this SRL, the Court’s offerings should be tailored to meet that SRL’s needs depending upon the state of change that she is in.

For example, if the court tries to offer her counseling services when she is in the pre-contemplation stage, she will refuse and the court will be wasting its time and money on such an effort. Worse still, the court might offer all litigants this service at the wrong time and because they all refuse decide to cut this service out. The service may still be desperately needed, but simply offered at another stage of the process.

People Dealing with Change is a go-to resource for developers of other system elements. Each of these system elements deals with a litigant who should be in a specific stage of readiness to accept each of these services. This system element brings in experts on behavioral change to contribute to ongoing innovation.



People Dealing with Change

Scenario

Katherine is an administrator for Sample County who reviews intake worksheets from the Sample County's Self-Help Center and from **CourtNet**. The intake sheets record the frequency of services requested. Upon reviewing these numbers, she detects that a number of people are coming in for the same forms multiple times. Most of these people eventually initiate a formal resolution process. Katherine deduces that these people may have dropped out of the mediation process at a sensitive juncture. This could involve the way people are thinking or feeling about the process. Before she undertakes a study of why people drop out of the mediation process at any given stage, she first checks the **People Dealing with Change** database.

When the **People Dealing with Change** database was first made available, Katherine learned from it that people coming to court are people trying to deal with a change in their lives. For example, in divorce cases, there are two people who are making a change that affects every part of their lives and future lives. In any mediation, there are at least two parties who will have to make some sort of change in their thinking in order to come to a resolution. Katherine learned that the court system could think of these litigants as customers who have come to the court in order to consult a third party (judge, mediator, etc.) for support in helping them bring about these changes. Several months ago, Katherine finished the short tutorials from the **People Dealing with Change** database and found that experts in the field of behavioral change were seeking answers to the same problems that the court was trying to resolve for its litigants. Katherine found the section on self-change of particular relevance to her work in administering programs for self-represented litigants.

Today, she finds several articles discussing reasons why people might start and stop a process that asks them to undergo a

change in attitude or behavior. She thinks to herself, "This sounds like the SRLs who drop out of mediation at a certain stage." Since this database draws on information from **Inter-Court Exchange Net**, she is also able to find examples of court programs in other counties that have implemented coaching for dealing with change as part of the mediation process. She wonders if this kind of coaching would be helpful earlier on, perhaps as part of intake.

Katherine begins to imagine how she could implement coaching at her facility. She could set up training for mediators or could help set up consultation for SRLs. She could request that the pamphlet designers to include ways that SRLs could talk about behavioral change without calling it by that name explicitly. For example, the pamphlet could include an additional set of instructions that would help people understand that they changing their current situation, requiring a personal change.

Katherine sends off an e-mail to one of the directors of such a program. She then reads through some of the articles and finds templates for building a change coaching program. She begins to formulate a plan for evaluating whether or not change coaching at intake would be valuable in her county.

An Ounce of Prevention

Description

Many situations are prone to dispute. If not handled with some basic skill, these disputes can end up in the legal system. **An Ounce of Prevention** submits that a solid foundation of life skills can help conscientious people improve their ability to resolve disputes on their own and incur less risk of becoming involved in a legal proceeding.

Properties

- A set of simple contracts, printed on the backside of common objects like beer coasters and matchbook covers
- A program of remedial skills taught at the seventh or eighth grade level that outline the individual's responsibility for keeping records and transacting common business
- A program taught at the high school level that teaches the fundamentals of conflict resolution
- A research initiative to measure the efficacy of the school programs and provide insight toward improving content

Features

- Promotes the widespread use of simple contracts which prevent disputes
- Normalizes the experience of signing a piece of paper on an agreement, even between friends
- Promotes "good practice" standards with kids as they reach the point in life where they are beginning to form financial habits
- Gives all public school students some personal training to work through and constructively deal with conflicts
- Promotes a general sense of community

Related System Elements

Visible Court
Targeted Promotion

Fulfilled Functions

10. Explain process
16. Understand process
24. Make sense of position
31. Provide legal forms
34. Fill out forms
115. Write agreement
116. Sign/notarize written agreement
179. Offer evidence

Associated Design Factors

24. Accessibility of Forms
27. Legitimacy of Documents
35. SRLs Not Aware of the Uniqueness of Court Documents
57. Creating a Record

An Ounce of Prevention

Discussion

This solution has a number of parts that all work toward the same goal - providing skills to high school/GED students that effectively reduce their chance of becoming involved in a dispute involving legal intervention.

Solution 1: Quick Contracts

On the back of beer coasters, printed on the inside of matchbooks, or on the inside of gum wrappers, a set of simple contracts could be drawn up which simply requires the names, date, amount and signature of the parties involved in a simple transactions. Useful for loans, the payment of a personal debt, the receipt for the sale of second hand goods, or the payment in cash for anything, the receipt forms are easy to understand and easily duplicated by hand if two copies are needed.

Contracts might look something like these examples but may include details, conditions or other prompts customized by a particular court system.

LOAN

\$ _____ made on ___/___/___
and to be repaid on ___/___/___.
(signature)

Lender _____ Borrower _____

BILL of SALE

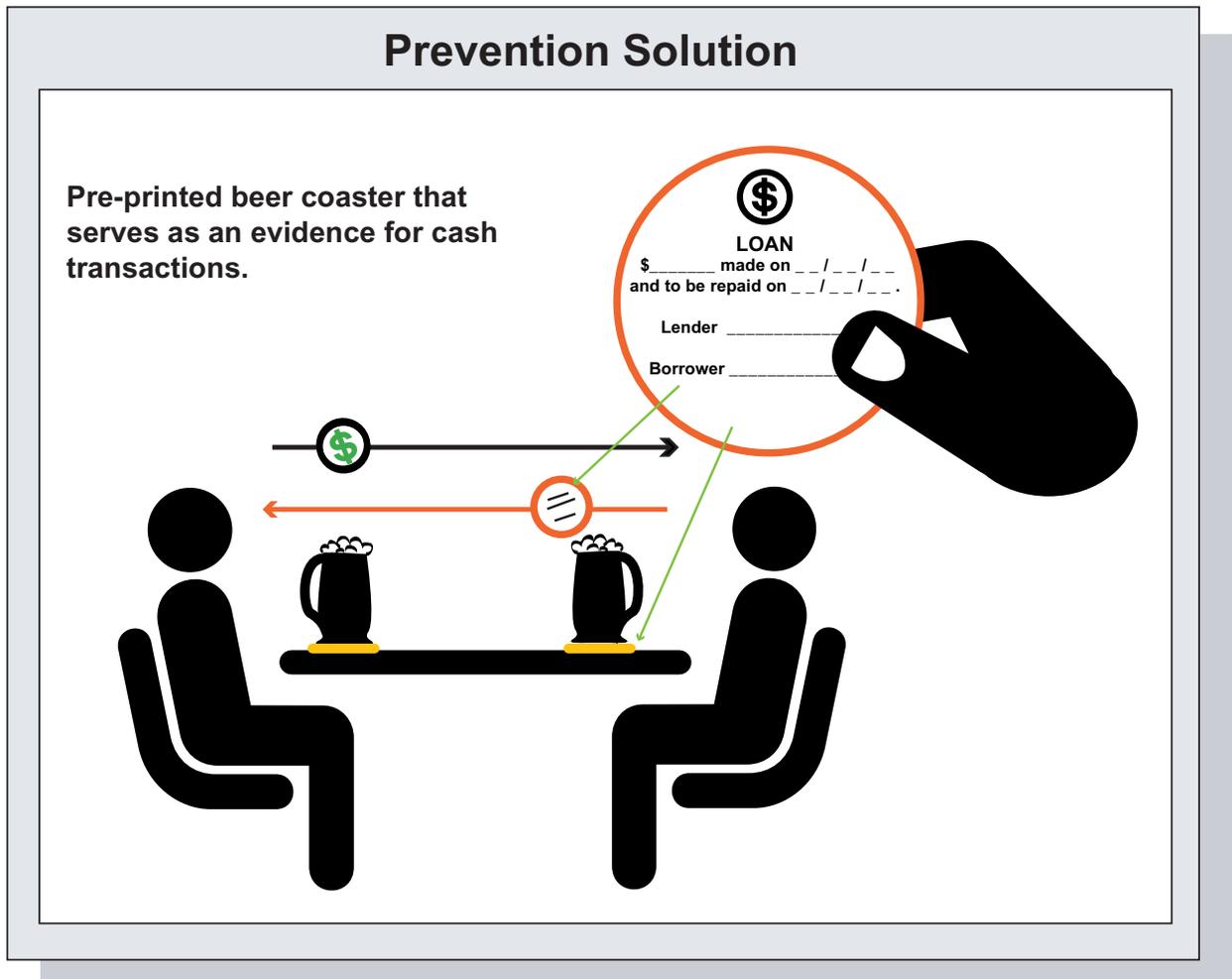
Item (_____) was sold for \$ _____
on ___/___/___
(signature)

Seller _____ Buyer _____

CASH RECEIPT

_____ (payer) paid _____ (payee) the
sum of \$ _____ on ___/___/___.
(signature)

Paid _____ Payer _____



An Ounce of Prevention

Discussion (Continued)

Solution 2: Home Economics for Real People

There are a number of life skills that are taught to middle school children as introductions to adult responsibilities, like Home Economics (cooking) and Health (sex ed.). If Home Economics took on subjects of personal finance, good habits could be established early. Besides how to balance a check book, the class could teach simple contracts for work (lawn mowing, etc.). It could give an example of a Bill of Sale used to sell or buy second-hand merchandise.

Solution 3: Conflict Resolution

In an effort to reduce gang violence, the New York City School System required a conflict resolution class amongst its high school students. In these classes, any number of conflicts were aired and worked to resolution with adult coaching. The effort was aimed directly at leaving the students with a set of skills to negotiate their disputes rather than resort to violence. If every high school and GED student had to complete a similar form of training, the growing trend of increased litigation may be reversed.

Solution 4: Celebrity Promotions

Bar Room ads might recommend the use of beer coaster contracts as “the other form of protection”.

Celebrities might endorse the conflict resolution classes for high school students in the same way that Stay-In-School campaigns try to prevent kids from dropping out.

Solution 5: Research to Test Solutions

Since these programs would be implemented in public schools at the expense of the taxpayer, their efficacy should be measured and held accountable. Often prevention is less expensive than cure, but it is important to be able to roughly quantify the social benefit of reduced litigation.

Prevention Solution



Beer coaster available for free in restaurants and bars.



LOAN
\$ _____ made on ____/____/____
and to be repaid on ____/____/____
Lender _____
Borrower _____

BILL of SALE

Item (_____)
was sold for \$ _____
on ____/____/____

Seller

Buyer

CASH RECEIPT

_____ (payer) paid
_____ (payee)
the sum of \$ _____
on ____/____/____

Paid

Payer



An Ounce of Prevention

Scenario

Dave, a college student, agrees to sell his old computer to Jack, a friend of a friend, over a couple beers at the campus bar. There are numerous questions about the computer's speed and specifications and Jack thinks that this computer is exactly what he wants. Dave only wants \$200 for it, and Jack gives Dave \$40 to prevent its sale to another person.

Dave turns a coaster over and writes down the potential buyer's name and number so that they can meet tomorrow and complete the sale. He notices that the coaster has a Bill of Sale on the other side, so he pops that in his pocket. He notices another that says Cash Receipt, which he fills it out, documents the \$40 retainer, and then makes another coaster just like it. Both Dave and Jack sign the coasters.

The next day when Jack visits Dave to buy the computer, he is alarmed to find that it is way too big and very ugly. He decides that he doesn't want it and asks Dave for his \$40 back. There is some hesitancy on Dave's part to refund the money. Jack relies on his conflict resolution class skills and sets out to clearly establish what he wants. After some negotiating, he gets Dave to agree that there was always an understanding that there would be a chance to see the computer, and that he agreed to pay \$200 only if he bought it. Jack is very nervous. He further states that he came to look it over in a timely way, and that there is no damage to justify keeping the retainer. Dave finally relents and offers the money back. The conflict is resolved.

The SRL Test

Description

The **SRL Test** is an official educational program that teaches SRLs about basic litigation issues and about the potential advantages of ADR over trial. The test is easy to administer and could be implemented in high schools, over the internet, or at special test centers within the court facilities. The software itself scores the test and asks questions as it provides information.

Properties

- Educational tool
- Preparation course about ADR vs. trial
- A decision making support tool
- A filter for the judicial system
- A Software available on-line or a program implemented on public access computers at the court facilities
- A civic educational program implemented at high-schools

Features

- Explains the ADR process
- Provides graphic information to make the material easier to understand
- Asks the SRLs questions and scores the answers
- Ensures that the people understand they have options for methods to resolve conflicts

Related System Elements

Interactive Translator
General Info
Questions and Answers
Frequently Asked Questions
Recipe for Good Dispute Resolution
Targeted Promotion

Fulfilled Functions

9. Inform about rules
10. Explain process
12. Read materials
71. Identify need to file
79. Introduce ADR
130. Educate litigant

Associated Design Factors

13. Ability to Perform According to Rules
20. Misestimation of Own Competence
36. Mental Model for Processes Not Available
82. Unfamiliar Process
85. Orienting Newcomers to Basic Procedures
122. Unfamiliar With Civil Procedures

The SRL Test

Discussion

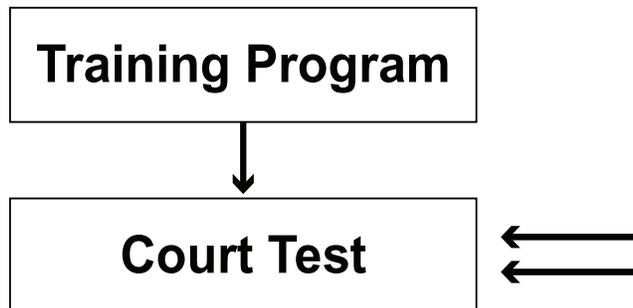
SRLs must have certain knowledge about the judicial system to make effective use of it. The gap between laymen and the judicial system can be summarized in one word: education. Education is necessary for a person to be able to recognize what options exist in dispute resolution and if trial is a worthy option.

The **SRL Test** is a 2 hour course implemented in high school as part of the Social Studies or History classes. The course concludes with a short test, designed specifically to ensure that people understand that they have different options to solve their disputes.

The **SRL Test** is also a government program implemented in schools and available at court facilities and test centers. It is composed of an interactive test offered via computer in which the user learns about the different options available in litigation and mediation.

The information presented empowers users by providing them with a fair knowledge of the advantages of mediation over litigation. The **Test** also prepares SRLs to diagnose and assess basic issues within the judicial context. Through this exposure, many people may prefer to explore ADR process rather than litigation.

The **SRL Test** will help people to understand all of the options available to them. The designers of the **Test** will have to make sure it is easy to understand and very simple to complete. This is critical in order to be implemented at high schools. The purpose is not to create a difficult test but a very simple and didactic one.



The screenshot shows a web-based interface titled "Court Test". At the top, it displays the user's name "Test taker - Bill Busch" and a score of "Score 13/18". Below this is a "Scenario" section with a text block: "Sam Rose wants to file a complaint against a contractor who did not finish the work on his kitchen. Sam paid \$400 in advance for these services. The contractor says he finished and that the remaining items were not included in the arrangement." This is followed by a "Question" section: "What is Sam's best next step?". There are three radio button options: "File a Complaint", "Suggest mediation" (which is selected), and "Learn more about how the Court views Small Claims". At the bottom right of the question area are two buttons: "Submit" and "Hint".

The SRL Test

Scenario

Bill Busch wants to file a complaint against a contractor who never finished the work on his kitchen. Bill paid \$400 in advance for the services, but the contractor says he finished and the remaining items were not included in the arrangement. When Bill accesses **CourtNet** and tries to file a complaint, he learns of **The SRL Test**.

Bill is interested in understanding as much as he can about the court system before embarking on a journey into litigation. He accesses the course over the internet and prepares himself for the test. He learns about the advantages of mediation over litigation.

Shortly, Bill feels ready to take **The SRL Test** and goes to a test center. Bill receives a high score and, through the course, discovers that it might be better and faster to resolve his case through mediation.

He carries the case to mediation, and the contractor, who has taken the test before, has learned that it is better to mediate because trials are time-consuming. Both go to mediation and quickly settle.

Bill now realizes that there are many options for dispute resolution and that the solution is not always litigation. Additionally, he has received some basic training that enables him to file a complaint if some later situation requires it.

Description

C-eBay is an on-line auction facilitator that links the court system and sheriff's office to eBay, an on-line auction marketplace accessible to anyone via a single web address. Merchandise available on **C-eBay** includes goods seized from debtors (cars, houses, etc.), and personal items put up for auction voluntarily in order to raise money to pay court-incurred debts. **C-eBay** generates the postings for the auction sites and performs the monetary exchange, keeping a record of all transactions.

Properties

- Service linked directly with eBay
- Transaction software that feeds a database for case/account records and transactions (**TransAct**)
- Central location for dropping off and registering items for auction
- Warehouse for receiving and storing goods prior to sale
- Description generator that standardizes the format of the postings (**ItemProfiler**)

Features

- Creates a bigger market for the liquidation of items (both seized and debtor-initiated)
- Offers debtors an additional, relatively painless method of paying off their debt
- Aids regular turnover of property through constant exchange.
- Reduces physical storage demands required for monthly auctions
- Keeps a detailed record of transactions, accessible by the courts, proving that the debtor is in the process of paying his debt, even if items have not yet sold
- Links to **PayTrac** to ease the payment process and files satisfaction reports when payments are completed

Related System Elements

Case Card
Pay Trac
ItemProfiler
TransAct
Judgment Debtor Aid

Fulfilled Functions

164. Research assets
187. Transact payment
193. Seize assets

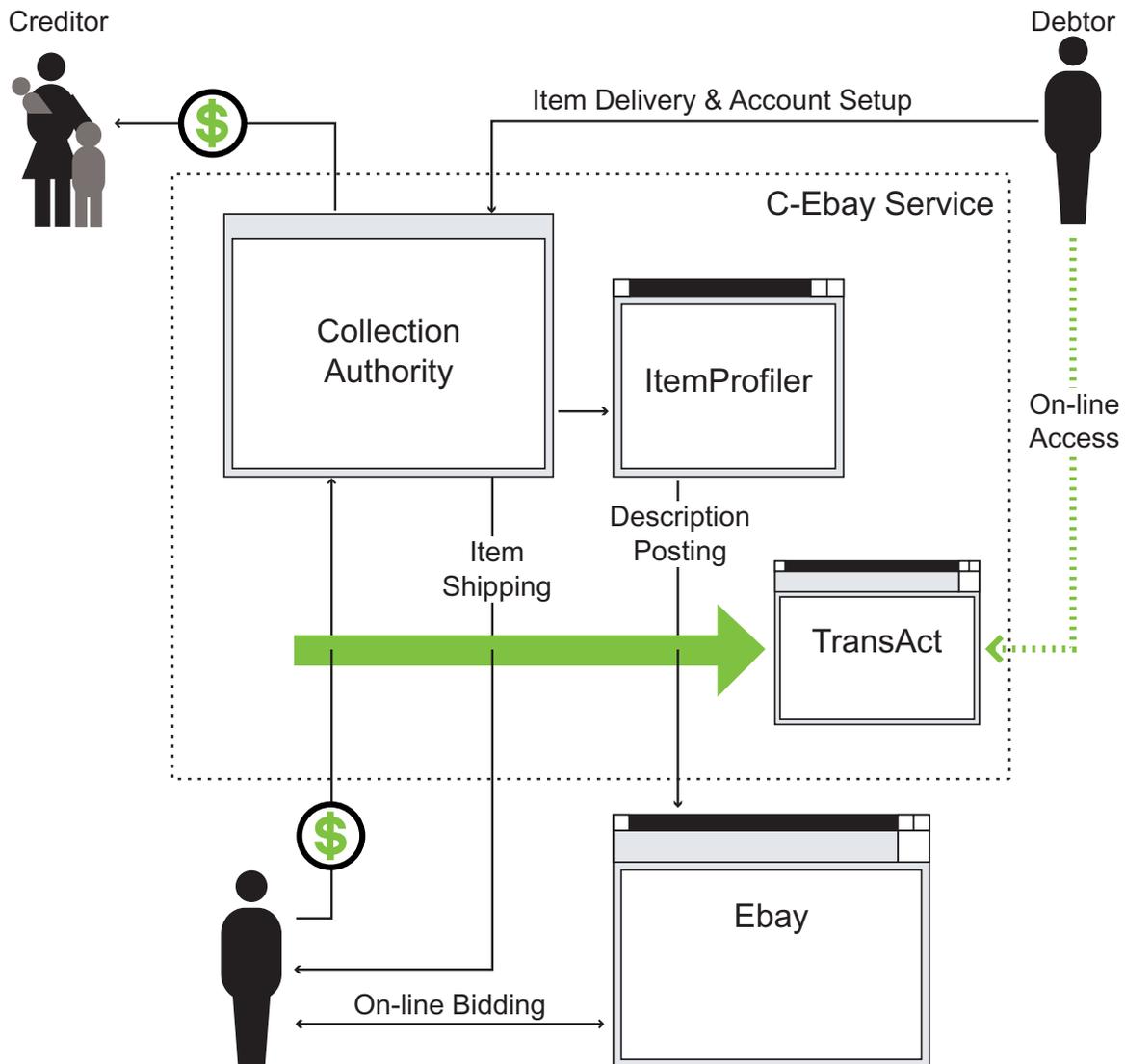
Discussion

People tend to frequent seized property auctions because goods can be purchased at a low price relative to market value. This is good for the buyer, but not for the debtor whose budget and credit record are dependent on this money. The auctions are attended by a limited audience who will not pay the full value of the items up for bidding. **C-eBay** is operated by the body appointed to seize and auction property.

When debtors must liquidate their assets, they must first open an account with the Collection Authority. The Collection Authority is housed inside the sheriff's office or the organization responsible for public auctions of seized property and assets. It is a combination of customer service counters and an inventory/shipping warehouse. Seized goods and items brought in by a debtor are inventoried at the Collection

Authority where daily shipments are made for the items sold. Once the item is sold, the buyer makes the payment to the Collection Authority, which then transfers the balance owed to the creditor, minus shipping costs and a percentage charged by the Collection Authority.

All items going through **C-eBay**, either seized or brought in by the debtor, use the **Item Profiler** to create a standard description page to post items on the on-line auction site. The page layout includes digital images representing the orthographic views of the item plus a text section detailing its make, model, year, history, etc. with an additional line worded by the debtor.



Discussion (Continued)

The item's description is logged under the appropriate category on the auction site. People shopping at eBay can view items and bid on the goods similar to any other item listed on the site. The only discernible difference is the consistent layout between the **C-eBay** posted items and a line attached by the Collection Authority stating that the item is being sold to resolve a debt.

TransAct records all of the items posted for auction by item number and account number, and records the sales made on

these items. Beyond the bookkeeping value of these records, summary and status statements can be provided for the debtor to present to the court if a question of compliance arises; an account number enables the system to summarize the debtor's transaction to show remaining debt to the creditor as well as prove to the court that an effort is being made to pay the debt.

Scenario

Dan recently had his overtime hours cut back at DeckBuilders and, as a result, has experienced increasing difficulty in making his monthly alimony payments. The decreased pay is only temporary, since it is the off-season for deck construction. In the meantime, he needs to make up the difference.

Dan has a marine depth gauge which he has fine-tuned to detect conditions for small-mouth bass. Since he lost the boat in the divorce, the gauge has been collecting dust in the garage for some time. He knows the pawn shops would not understand the value in the device, including his investment of countless pre-dawn mornings spent tweaking the gauge. He decides to try out **C-eBay** to tap into the larger, small-mouth bass sportsman marketplace. He knows the on-line description space will allow him to detail something about those early mornings working on the gauge, potentially increasing the value of the item to other connoisseurs.

Dan shows up at the Collection Authority down the street from the courthouse and opens an account detailing the situation of his debt. He hands the depth gauge over to the clerk who places it in the photo booth linked to the **Item Profiler**. After a series of digital pictures are taken, four images showing the gauge from different points of view appear on the screen on the clerk's counter. Dan is then given the keyboard to detail information about the age, make and model of the gauge. For the brief description field, he enters the details about the focus on small-mouth bass, and the work he's put into the gauge over the years. The form is submitted to the Collection Authority auction queue for batch process submission to eBay. When the site item number is assigned and sent back, the completed form

is printed out for Dan along with a bar code label, which is stuck to the depth gauge before it is placed on the holding shelf. **C-eBay** submitted items are listed on the site for seven days with no reserve price set. Dan can call the automated phone lines at any time to check on the status of the bidding.

Stuart, a Chicago attorney, is searching through some of the eBay items that are almost at the end of their bidding window. One of the items about to close is a depth gauge tuned for small-mouth bass. Stuart figures it would make a great gift for his father-in-law, a small-mouth bass fishing fanatic. He submits his highest bid of \$150 with 30 minutes left before the item closes. In the morning he finds that eBay has sent him an e-mail notice informing him that his bid won the gauge. The notice indicates that he is to pay the Collection Authority with check, money order or credit card, and the gauge will be sent once the payment clears.

The Collection Authority notifies Dan of the sale and the selling price. He will be credited all of the selling price minus 5% for the **C-eBay** service and the shipping price. Greta, Dan's ex-wife, will receive the money directly. However, Dan must make up the remaining balance for this month's debt.

Meanwhile, the **TransAct** application has continuously logged the transaction information, including the initial submission, the bidding history, the shipping information, and the final transaction. This data is stored with Dan's account information.

ItemProfiler

Description

The **Item Profiler** is a software tool that utilizes digital images and text input to create a descriptive file of an item. This application is available within the **C-eBay** system to facilitate the process of posting auction items for courts and sheriff offices as well as for debtors.

Properties

- Template-based software application
- Digital camera ready input
- Browser ready output
- Bar coding system for item tracking (entry, sticker generation, scanner)

Features

- Facilitates digital recording, text detailing and documentation of an item for on-line auction
- Supports formats for on-line auctions
- Offers inventory control

Related System Elements

C-eBay

Fulfilled Functions

187. Transact payment
191. Enforce penalty
193. Seize assets

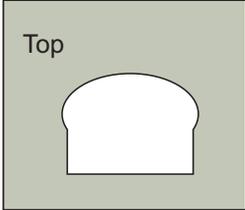
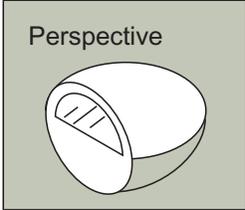
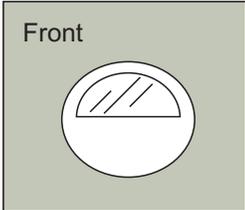
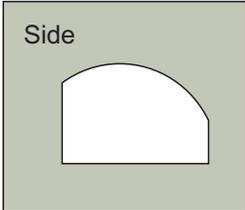
Discussion

All items going through **C-eBay**, either seized or brought in by the debtor, use the **Item Profiler** to create the standard description page used to submit to an on-line auction site. The page layout includes digital images of the item plus a text section detailing its make, model, year, history, etc. with an additional line worded by the debtor.

Since descriptive photography is not everyone's strong point, a physical array of four digital cameras can be set-up as a permanent fixture to enable quick and consistent composition. This would allow for single placement of the item with minimal set-up to produce quality images for web viewing.

This array or a normal digital camera can be linked to the **Item Profiler** package to automatically load the images into the form. Minor image adjustments can be made once they are in the form layout.

The text entry is a straightforward web questionnaire with flexible data fields based on the nature of the item (i.e. mileage for cars, sq. ft. for property, weight for bowling balls).

| Item# 44-5929 Depth Gauge | |
|--|---|
|  |  |
|  |  |
| <p>Name: Marine depth gauge Make: Grady White Model: MDB-3700e Age: 2 seasons Description: Tuned for small mouth bass</p> | |

Scenario

Dan opens up an account with the Collection Authority to start auctioning his personal items in order to help out with his alimony payments. He walks in and hands his depth gauge over to the clerk, who places it in the photo booth linked to the **Item Profiler**.

The photo booth has been set up with four digital cameras oriented to the front, top, side and perspective view of the item. Once the item is positioned and the "capture" button is pushed, four images showing the gauge from the different points of view appear on the screen on the clerk's counter.

Dan is then given the keyboard to detail information about the age, make and model of the gauge. For the brief description field, he enters the details about the focus on small-mouth bass, and the work he's put into the gauge over the years. The **Item Profiler** form is submitted to the Collection Authority auction queue for batch process submission to the eBay site. When the site item number is assigned and sent back, the completed form is printed out for Dan along with a bar code label, which is stuck to the depth gauge before it is placed on the holding shelf.

TransAct

Description

TransAct is a transaction recorder used to provide summaries and status reports of the transfer of property, artifacts, and payments for the **C-eBay** system. Data is associated with the account number of the debtor/creditor and the item number assigned.

Properties

- Subset of **C-eBay**
- Record keeping database
- Account summary generator

Features

- Records transactions between **C-eBay** and eBay or other on-line auction houses
- Links auction postings, monetary transactions and property transactions to the debtor's account number.

Related System Elements

Pay Trac
C-eBay

Fulfilled Functions

187. Transact payment
191. Enforce penalty
193. Seize assets

Discussion

TransAct records all of the items posted for auction by item number and account number, and records the sales made on these items. Beyond the bookkeeping value of these records, summary and status statements can be provided for the debtor to present to the court if a question of compliance arises. An account number enables the system to summarize the debtor's

transaction to show remaining debt to the creditor as well as prove to the court that an effort is being made to pay the debt.

TransAct relates to **PayTrac** by providing another avenue for reporting payment of a debt. **TransAct** can utilize the same account number the customer has with **PayTrac**.

| TransAct Compliance Service | | | |
|---|------------|---------------|---------------|
| Summary | | Pending Sales | Sales To Date |
| Account # 3523 | | Roster, Dan | |
| Pending Items | Reserve \$ | Past Sales | Price |
| Golf Clubs | \$ 75 | 35mm Camera | \$ 230 |
| Depth Gauge | \$100 | Ratchet Set | \$ 70 |
| Car Stereo | \$ 70 | House Boat | \$2140 |
| Oil Painting | \$120 | | |
| Pending Sales | | Sales to Date | |
| \$365 | | \$2440 | |
| <input type="button" value="Submit"/> to Courts | | | |

Scenario

Dan has been able to sell seven items through **C-eBay** over the past three months. Meanwhile, the **TransAct** application has continuously logged his transaction information, including the initial submission, the bidding history, the shipping information, and the final transaction. This data is stored with Dan's account information. Since he has to return to court to

report on his debt due to inadequate alimony payments, Dan requests an account summary to prove that he is doing all he can to make the proper payments. By having a record to show his good faith, Dan will be better able to prove his side of the story.

Judgment Debtor Aid

Description

Judgment Debtor Aid is an on-line toolkit made up of modules that provide information for litigants who lose a lawsuit and are required to pay a judgment. **Judgment Debtor Aid** tools include credit history education, bankruptcy evaluators, and finance organizers. Judgment debtors can learn about payment options available to them and use the evaluation tools to decide what their best option is.

Properties

- On-line site that offers different tools geared to judgment debtors
- FAQ and information about credit histories
- Interactive, on-line quiz to assess whether bankruptcy might be a suitable option
- On-line bankruptcy information including downloadable audio-visual information kit
- Interactive worksheet and budget software to evaluate different payment plans based on input information
- Links to websites that might be of interest (e.g. job information, community sites, financial aid)
- Links to **C-eBay** for supplementary financial aid source
- Database of aid agencies that can be referenced by location or type of aid provided

Features

- Provides multiple debt-assistance tools in one location
- Allows debtors to evaluate different budget plans
- Enables debtors to track their financial status
- Teaches debtors about their payment options
- Informs debtors about hidden asset information they might not know about
- Informs debtors about the reality of filing for bankruptcy
- Aids debtors in understanding the value of a good credit history
- Teaches debtors tips to deal with bad credit history

Related System Elements

Early Disclosure
OneQuick Click
C-eBay

Fulfilled Functions

4. Gather information
19. Offer references/resources
26. Provide guideline
30. Provide support
43. Browse websites
154. Educate litigant
155. Gather information
156. Analyze information
158. Accommodate resources
187. Transact payment

Associated Design Factors

135. Unable to Assign Value to Options
136. Unable to Locate Information
138. Resources Not Consolidated

Judgment Debtor Aid

Discussion

Judgment debtors often do not fully understand how a judgment against them will affect their lives. They often do not know that the judgment will affect their credit records and their ability to purchase a house. They might also not be aware of the different payment options available. Therefore, providing debtors with information that can help them deal with their post-judgment situation is important.

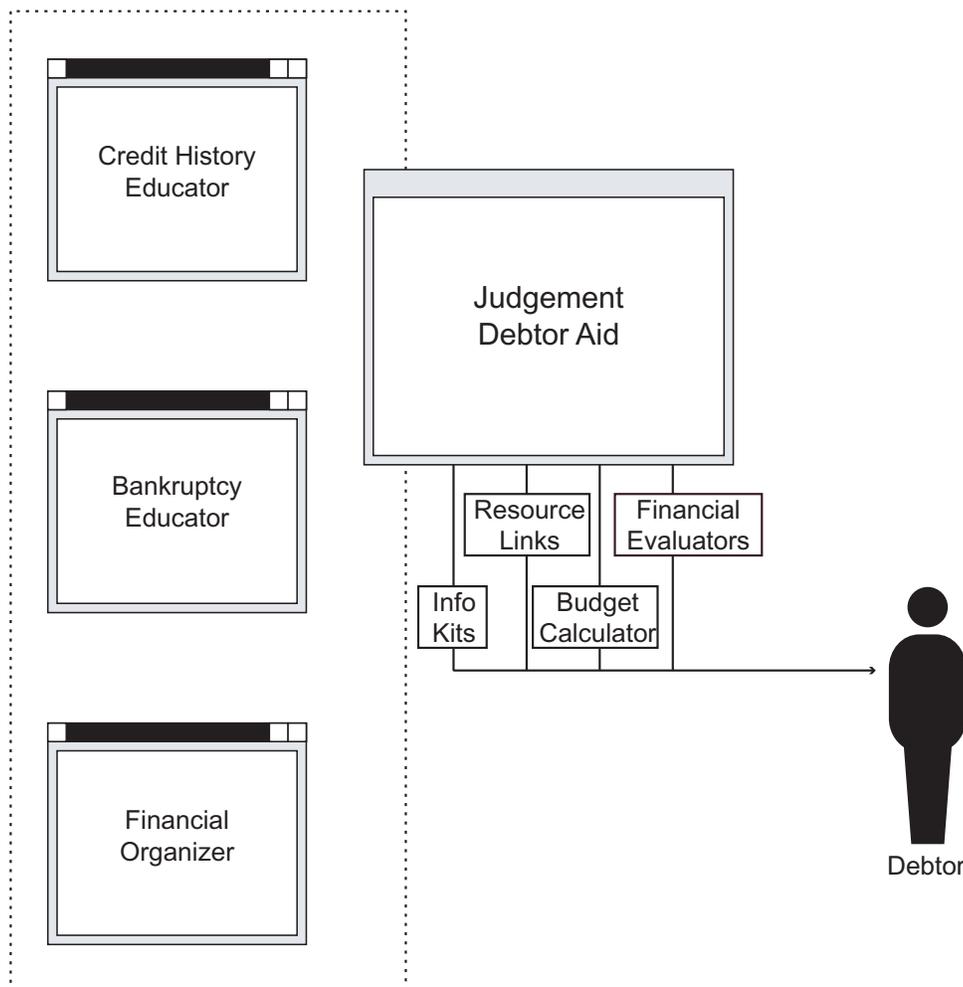
Judgment Debtor Aid is an on-line tool that provides information to help debtors manage their post-judgment financial activities. By educating debtors about what a credit history means, how it can affect them, and providing tips they can use, it helps debtors confront and deal with the effect of the judgment effectively. It also identifies alternatives such as filing bankruptcy and appropriate payment plans based on each case.

When debtors input their financial status into the budget calculator, the program analyzes their problem spending areas

and helps debtors maintain a budget that can control their spending flow and free up cash to pay off their debt. Based on their budget, **Judgment Debtor Aid** provides debtors with the most appropriate payment plan for their case.

To help debtors pay off their debt, **Judgment Debtor Aid** points debtors to a database of aid agencies or links to web sites that have relevant information. It also provides information about hidden assets and links to related sites such as **C-eBay**.

When identifying alternatives, **Judgment Debtor Aid** also gives debtors information about bankruptcy as an option. It informs debtors about what bankruptcy means and whether it is suitable for their case in an interactive, online quiz format. Downloadable bankruptcy information including educational movie clips are available on-line for more detailed information.



Judgment Debtor Aid

Scenario

Samuel Zulepski, owner of Sam's Chimney Repair was ordered to pay \$1,000 for damages. Since the chimney repair business was in a slump, he needed a financial plan to help him pay off the debt while managing his other expenses.

Sam checked information in the **Judgment Debtor Aid** website and noticed that there were various options to deal with his situation. He went through the questionnaire for bankruptcy and found out that this option was not right for him.

Then, he tried the "Budget Calculator". As he input his financial information to the interactive worksheet, it gave him

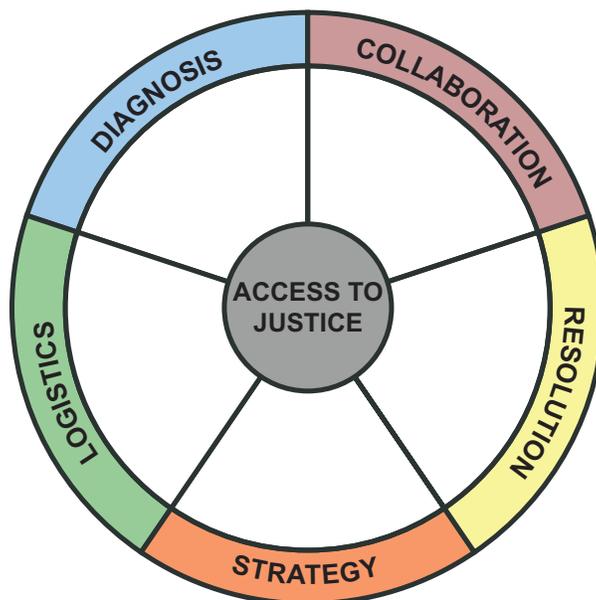
a payment plan based on his budget. In addition, it gave him information about hidden assets and linked him to **C-eBay** where he can sell his belongings and make some extra money to pay off his debt.

Judgment Debtor Aid gave Sam valuable information about the importance of keeping a good credit history and pointed him to links where he could potentially get loans. Thanks to the **Judgment Debtor Aid**, Sam was able to deal with this financial crisis more effectively and efficiently.

Access to Justice

Meeting the Needs of Self-Represented Litigants

Conclusion



Conclusion

Change is inevitable. As courts make the slow but necessary transition toward digital transactions, opportunities beyond e-filing and electronic payment will emerge. The Access to Justice project strove to answer the question: in what ways can technology add value to the civil justice system, and how should it do it? In particular, we wanted to explore ways to help resolve problems associated with the influx of self-represented litigants in the civil court system.

Reducing transaction costs is only the first step; using technology and other supports to empower people through a conflict resolution environment is a loftier, yet more valuable goal.

As discussed in the overview, our system proposes that five integrated solution areas -- Diagnosis, Logistics, Strategy, Resolution and Collaboration -- work together to help self-represented litigants diagnose their problem, communicate their objectives with the court or the opposing party, plan a strategy for alternate dispute resolution or trial, support means for dispute resolution, create partnerships between the court and external organizations, and provide feedback to the court to help it improve the way it initiates and develops its services. The last solution area ties back into the first, creating a closed loop.

From our exploration of potential solution concepts, our interaction with the courts themselves, and from the excellent feedback we received from distinguished members of the legal community, we learned several valuable lessons that helped us to increase the sophistication of our solution ideas from being simply possible to being both plausible and valuable.

We learned quickly that the most important and valuable resource in the court system are its people. Administrators, judges, clerks, attorneys, mediators and sheriffs work together to manage and deliver a complex system of services to those who need it. Nearly every decision they make has a subtle and unique context that bears on the final outcome. Since technological systems cannot interpret context as well as people, any good system will need to offer ways to adapt itself to changing needs.

For our system of solutions to adapt, it would have to provide a way for the Court, in particular its administrators, to gain feedback on how well the system is working. Feedback could come from any of the system's users, including self-represented litigants, attorneys, clerks and judges. It is critical that the system provide administrators with direction so they may change the system as societal change dictates.

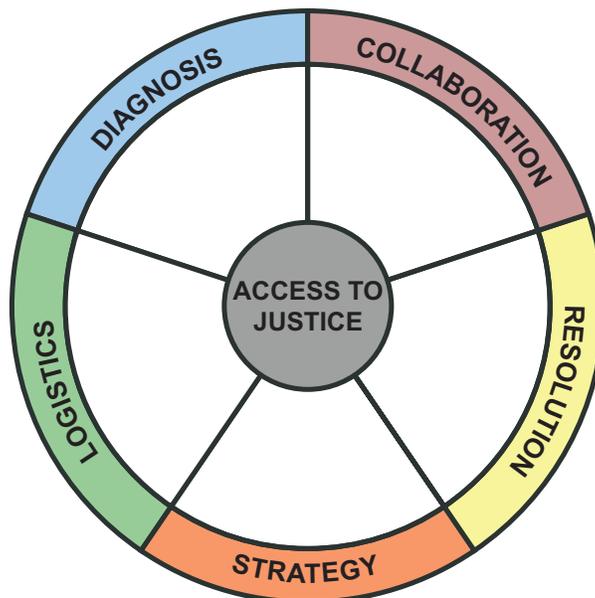
Although we have focused on how technology can support improved access to justice, we have also made concerted efforts to provide alternative, non-computer based measures to help self-represented litigants. A large number of solution concepts involve the participation of people outside the courtroom. The intent was to help extend what the court can do by creating a coordinated program of community and commercial affiliates that can jointly help self-represented litigants to resolve their conflicts, possibly without the need for court intervention.

In summary, our system of solutions recommends an integrated way to use technology to help educate and support self-represented litigants. While doing so, it enables the court to evaluate and improve the way the system works and coordinate the efforts of people outside the court to help address needs that technology cannot reach. Finally, it recognizes the ease and availability of physical resources and attempts to preserve them when necessary.

Access to Justice

Meeting the Needs of Self-Represented Litigants

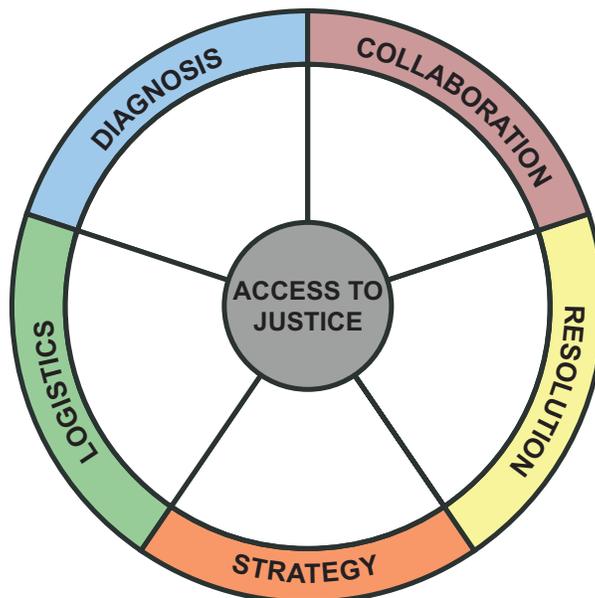
Appendices



Access to Justice

Meeting the Needs of Self-Represented Litigants

Appendix: Structured Planning



Structured Planning

Introduction

Structured Planning is a process for finding, structuring, using and communicating the information necessary for design and planning activities. It is a front-end process for developing concepts.

A number of projects have been undertaken with it and used to continue its development. Among well over 60 of these, an early published project for Chicago's transit authority (CTA) was *Getting Around: Making the City Accessible to Its Residents* (1972). In 1983, the *House of the Future* project won the Grand Prize in the **Japan Design Foundation's** First International Design Competition. In 1985, a project on *Space Station* was undertaken for **NASA**; in 1987, the *Aquatecture* project again won the Grand Prize in the **Japan Design Foundation's** Third International Design Competition. In 1991, *Project Phoenix* on global warming was honored as Environmental Category Grand Winner in **Popular Science** magazine's "100 Greatest Achievements in Science and Technology" for the year. In 1993, two projects, *NanoPlastics* and *Aerotecture*, won awards and were widely publicized in Europe and Japan, and in 1995 the *National Parks* project developed plans for the future of the National Park Service. As the process has evolved, it has become an increasingly useful planning tool for products, systems, services and organizations. It is now being used commercially.

This appendix provides a general overview of Structured Planning. As the latest version of the description of an evolving process, it uses materials developed in the project of this report as examples.

Defining a Project

Projects cannot be prescribed absolutely. There is always something more to say about issues that should be addressed. Nevertheless, it is important to take stands on how a project should proceed in the early stages of specification. These stands, or positions, are formative and help to clarify issues and limitations that must be recognized, as well as special viewpoints that exist within the planning team.

The Structured Planning process begins with a **Charter**. This is a "brief" that sets out what must be done without overly burdening the project with preconceived ideas or conceptual frameworks.

Access to Justice

Develop integrated concepts for improving access to justice for those who choose or are forced to represent themselves in court.

Using Structured Planning methodology, conduct an advanced planning project to develop concepts for an integrated system solution. The proposed solution should be sustainable, scalable and adaptable to changing needs.

Figure 1. A **Project Statement** is a succinct sentence that describes the goal of the project in operational rather than noun-name terms.

The Charter serves as an initial communication vehicle between client and planners. It contains background, context, basic goals and a project statement that cuts to the heart of the planning task (Figure 1). Definition then builds around these foundation materials and project statement with the addition of "white papers" on issues that must be addressed. In the Structured Planning process, these are called **Defining Statements**.

Defining Statements serve to focus the project within the general direction of the project statement. They pick out issues that are important and suggest the specific direction that the project should follow with regard to them. The word issue is used advisedly with the intention that the subjects for Defining Statements should

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be particularly selected from topics that are controversial, or at least have plausible alternatives associated with them. Figure 2 shows two Defining Statement examples.

To make it easier for team members to cooperate in the generation of Defining Statements, they are carefully written to a common format. The format is five-part: (1) **Issue Topic** – one or two words establishing the subject of the Defining Statement; (2) **Question at Issue** – a short question raising an important issue under the topic; (3) **Position** – a sentence stating the position to be taken on the issue; (4) **Alternative Positions** – other plausible positions that were considered, but not taken; and (5) **Background and Arguments** – as much discussion as is necessary (in narrative form) to explain the reason/s why the position was selected (and why others were not). There are three kinds of Defining Statements, differentiated by the force they exert on the planning process.

| Defining Statement | | Issue Topic: Legal Procedure | 11 |
|---|-------------------|---|--|
| Project | Access to Justice | Question at Issue | |
| Originator | Charles Owen | How far should the system go in suggesting changes to legal procedure? | |
| Contributors | | Position | |
| Source/s | | <input checked="" type="checkbox"/> Constraint <input type="checkbox"/> Objective <input type="checkbox"/> Directive | The system must deal fundamentally with both legal procedures and supporting information systems, managing reform through the introduction of better decision support and information processes. |
| | | Alternative Positions | |
| | | <input checked="" type="checkbox"/> Constraint <input type="checkbox"/> Objective <input type="checkbox"/> Directive | The system must concentrate on basic reforms to procedure, taking risks as necessary to incorporate innovative simplification. |
| | | <input checked="" type="checkbox"/> Constraint <input type="checkbox"/> Objective <input type="checkbox"/> Directive | The system must concentrate on improvements to information and communication processes, avoiding risky changes to legal procedure that might prove unacceptable. |
| Background and Arguments | | | |
| Civil court procedures have evolved in complexity to the extent that, today, rather than protecting rights and guaranteeing fairness, they often actually impede the effective administration of justice. Layers of formal procedures (that serve the interests of lawyers more than those of either court or litigants) take up precious time, add confusion and put litigants at serious disadvantage in navigating a labyrinthine legal process. The result is frustrating, costly—and largely unnecessary. | | | |
| The problem for reform is to simplify processes for all users while staying within the spirit and principles of the law. Three approaches merit consideration. | | | |
| The first is to revise court procedures fundamentally. In this approach, the process is abstracted, expected outcomes are established, typical initial conditions are enumerated, and the most direct means to ascertain condition and assign outcome are then incorporated in procedure. All classical court procedures are open to question and revision or dismissal. | | | |
| The second approach leaves court procedures basically intact, but regards all requests for information and processes for obtaining it as subject to reform. The overall process is treated as communication with the approach being to simplify requirements for information and how it is generated. | | | |
| The third approach takes a path between procedural reform and communication reform. In this model, procedures are augmented or supplemented with processes to improve decision making and information processing. | | | |
| The first model has strong appeal because it streamlines access to justice at a fundamental level—the reform of court procedure. It has three difficulties: first, it is potentially politically charged, running the risk of unacceptability; second, it is sensitive to legal error in that statutes must not be violated; and third, it ignores benefits available at no risk from the application of information technology. The second model is attractive for its safe approach to the legal issues, but falls short of the level of reform possible and desirable. It is too safe. | | | |
| The third model has the greatest potential. It offers an integrated approach with the best of both of the other models. It offers more than either alone, while avoiding the risk of unacceptability and the disappointment of less-than-expected results. | | | |
| Version | 1 | Date: | 31 March, 2001 |
| | | Date of first version: | 31 March, 2001 |

| Defining Statement | | Issue Topic: Enforcement Assistance | 15 |
|--|-------------------|---|---|
| Project | Access to Justice | Question at Issue | |
| Originator | Jennifer Joos | What part should the system play in assisting judgment creditors in the enforcement process? | |
| Contributors | | Position | |
| Source/s | | <input type="checkbox"/> Constraint <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | The system should support flexible procedures that streamline the process of enforcement and help successful litigants to enforce creditor judgments. |
| | | Alternative Positions | |
| | | <input type="checkbox"/> Constraint <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | Programs and procedures ought to be established at federal and state levels to enforce the collection of judgments in civil cases. |
| | | <input type="checkbox"/> Constraint <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | Litigants should be wholly and independently responsible for collecting their judgments. |
| Background and Arguments | | | |
| For the self-represented litigant, receiving a verdict is not the end of the problem; in fact, it only begins the harrowing process of enforcement. The procedures that constitute enforcement basically reprise the entire litigation process. Diagnosis, preparation and hearing must be repeated in order to achieve reparation. Collection is further complicated when the debtor refuses to cooperate and the litigant—with a judgment—is unable to locate either debtor or assets. | | | |
| In Cook County, Illinois, supplemental proceedings currently require that unless the debtor (defendant) provides financial statements, the plaintiff must first file a Citation to Discover Assets, compelling the debtor to appear in court with proof of his or her assets. If the respondent fails to appear, a Rule to Show Cause is filed compelling the respondent to appear in court and explain why he was not in court the first time. If the respondent fails to appear again, an Attachment Order of the Court directs the sheriff to physically apprehend the debtor and bring him to court (Heller 2000). Clearly, the pursuit of collection can be a long process, potentially frustrating enough to lead a litigant to abandon a rightful claim. There is no consistent or comprehensive support system in place to aid litigants in their search for information about debtors and assets. | | | |
| In 1975, the US Department of Health and Human Services established the Child Support Enforcement Program. State child support programs, on a local level, establish and enforce support orders and collect child support payments (Handbook on Child Support Enforcement). Information available to child support enforcement agencies could be helpful to anyone needing assistance enforcing a judgment. Child support enforcement programs are able to access information such as state tax files, real and titled personal property records, occupational and professional licenses and business information, information from employment security agencies, public assistance agencies, motor vehicle departments, and law enforcement departments as well as records of private entities such as public utilities and cable television companies. This includes names and addresses of individuals and their employers as they appear in customer records; information obtainable from financial institutions can include asset and liability data (Handbook on Child Support Enforcement). | | | |
| Guidelines that standardize access to this wealth of information coupled with procedures to aid in the discovery of assets would ensure more successful enforcement of verdicts. | | | |
| Version | 4 | Date: | 26 April, 2001 |
| | | Date of first version: | 2 February, 2001 |

Figure 2. A Defining Statement helps to bound the problem. In decreasing strength from Constraint, to Objective and Directive, it sets goals for where good fit must be sought for the concept. These two are examples of a Constraint and an Objective.

Constraints are the strongest statements. They state what must or must not be done. They fix positions that **must** be held as conscientiously as possible. The word **must** is used in the position statement to amplify the force of commitment.

Objectives are Defining Statements less forceful than Constraints, and more forgiving in their demands. It is possible to settle for less than complete satisfaction of an Objective, although the planning team will strive to achieve as much of its prescription as possible. The word **should**, which carries with it a sense of

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obligation, is appropriate for the position statement. In choosing between the Constraint or Objective labels for a Defining Statement, the decision is made with regard to the force of commitment that can reasonably be expected. If achievement cannot really be guaranteed, the statement probably should be an Objective. Objectives can be thought of as having more of a scalable measure of achievement than Constraints, which tend to be thought of as thresholds that must be observed.

Directives are somewhat different from the other two statement types. In the hierarchy, they have the least force and, accordingly, are used for goals that are *desirable*. They are also used to express the biases of the planning team. Everyone brings biases of style or preference to the projects they work on. Some planners become well enough known for them that they are sought out for the very *brand* or trademark their style places on a project. Unfortunately, all biases are not readily observable, but that doesn't mean that they should not be expressed! A major problem that often develops in client/planner relations stems from the failure of one or both parties to communicate the subtleties of their intent. The Directive provides a place for this kind of expressive statement. English also has a nice wording for this level of commitment: **ought to**. The words suggest almost a moral or ethical force – appropriate for a bias or a statement of style.

Developing Information

All things exist in time. They are not unchanging, and they cannot be designed without regard for the way they operate and are used over time. Any product can be viewed as a system operating with a user or users in different ways that are appropriate for its modes of existence. To plan effectively, a planning team must recognize these **Modes**, identify **Activities** that occur in them, and isolate the **Functions** that the system must perform (or the user must perform for it) within each Activity (Figure 3).

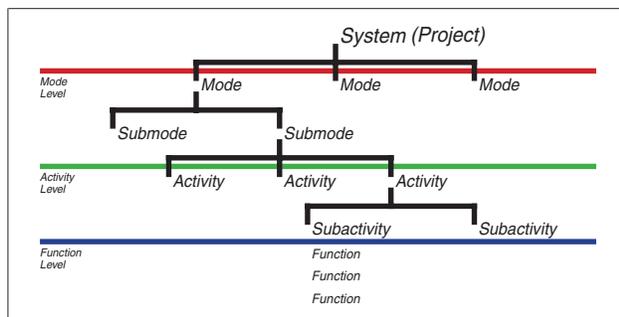


Figure 3. For thorough coverage of what must be considered in the design of a system, it is helpful to organize the analysis hierarchically. A three-level model enables the analyst to break down system actions nicely to find the primary **Functions** it must perform through all its **Modes** of behavior.

Typical Modes through which familiar hardware systems pass include: manufacture, distribution, transportation, storage, use, maintenance, repair, and retirement. For any given system, these may be replaced, augmented or supplemented with others; and major Modes may be subdivided into Submodes specialized for the individual case. In this project, the Modes were Diagnosis, Preparation to Initiate Proceedings, Alternative Dispute Resolution (ADR), Hearing, and Enforcement. Listing the Modes is generally not difficult, and the stage then is set to identify Activities that take place within them.

By definition, an **Activity** is a set of purposeful actions taken by users and system in an environmental setting. The actions of an Activity, thus, should be cohesive enough in purpose to be thought about collectively. Two difficulties make it hard to assign titles to Activities. First, the general complexity of real-life systems tends to make it difficult to bound Activities neatly. Second, the multiplicity of word choices available makes it difficult to find the right set of titles to achieve an intellectually satisfying balance.

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By trial and error, however, it is usually possible to name a set of Activities satisfactorily to cover the actions of a Mode neatly.

As a way to begin an analysis, it is helpful to think of Activities as scenes in a play. The analogy is completed by thinking of the set on which the play takes place as having props that are actively used in scenes (the system components) and others which provide background (environmental components). From scene to scene, new props may move into the center of attention, while ones of previous interest become background. Users, in the analogy, are the actors. The roles they assume reveal the special characteristics of users' interests.

Setting the stage for an Activity and playing out the scene enable the planning team to see the **Functions** that are involved in the "performance". It is these that must be identified, since these are, ultimately, what the system must do well (or help the user to do well). Each Activity entails the performance of a number of Functions, either by the system or by its users. Whether these Functions are retained in their original user or system categories in the final design is unimportant; Functions can be assigned and reassigned fluidly between user and system to obtain the best resolution of the problem within the set of Defining Statements. What is important is that a good coverage of the Functions is obtained.

Half of the purpose of the foregoing process is the enumeration of Functions. The other half is the development of information about these Functions that will shed insight on what happens as they are performed.

Treating the system to be designed as a user/system model allows it to be analyzed from the perspective of the system or of the user. From the system standpoint, classic systems analysis observes operations and determines relationships among components – toward the creation of a system model with features that can be described and processes that can be simulated. The analysis of Activities scrutinizes users' actions for the purpose of building an organization of Activities describing user behavior. Both kinds of analysis are useful for producing *hard* data and constructing a model. In fact, the process model just discussed draws from both. But the *hard* data is not enough to guarantee a good conceptual design.

What is necessary is *insight; information* as distinguished from *data*. Information has surprise – it reveals something not known before, or not thought of in the same way before. In the search for patterns, data may lead to information; when it does, a considerable amount of data may be distilled into a much smaller (and more manageable) amount of information, producing what is most useful to the conceptual planner: real insight into the nature of a problem. This frequently can only be expressed in *soft* or qualitative terms, a form difficult to deal with by quantitative means – but most valuable for the generation of ideas.

In the **Action Analysis** process, Functions are associated with insights – about why things go wrong in performing the Functions, or about how special factors combine to allow other Functions to be performed well. These insights are documented as **Design Factors** and become part of a qualitative information file along with the Functions.

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Figure 4. The **Activity Analysis** form (on the left) is used to identify **Functions** and **Design Factors** associated with an activity. It helps an analyst to cover the areas of inquiry thoroughly. A **Design Factor** (on the right) records insights and information about **Functions** (**Observation** and **Extension**) along with ideas for how to use that knowledge (**Design Strategies** and **Solution Elements**).

Activity Analysis forms (left in Figure 4) record information at the Activity level. **Design Factor** forms (right in the figure) document insightful observations and ideas associated with the Functions of an Activity.

The **Activity Analysis** form is divided into three sections. In the first section, at the top, the *scene* is set. Users are listed by roles or types, and system and environmental components are identified. In the sections below, Functions are listed either as actions taken by the system or actions performed with the system by users. As they are developed, **Design Factors** are listed to the right of the Functions to which they pertain.

Formats for naming Functions and **Design Factors** are fixed. Since a Function is essentially an action or maintenance of a condition, the most natural way to describe it is with a verb phrase. **Design Factors** are about problems and insights. To make titles for them most useful, they should capture in a concise phrase the essence of the insight the analyst has realized. In that way it is most likely to remind planners accurately of the problem (or opportunity) when they see it.

The **Design Factor** document contains a number of entries. Its primary purpose, however, is the provision of information of two kinds: *information about the problem (or opportunity)* detected, and *information about what might be done about it*. The fact that problem and solution are both covered in the same document is

Structured Planning

not accidental. It is important that when insights are recognized, ideas be sought for how to use them. These ideas may not be used in a final concept for the system, but they are important as progenitors and are used in structuring the information file later in the process.

The ***Observation*** section is the first of two sections dealing with the problem. An Observation is a sentence in which an insight about the performance of a Function is recorded. As much as possible, it should distill the essence from the observed phenomenon. Frequently it is helpful to express the sentence in a condition/occurrence format. In this format, a condition is defined in a dependent clause; and an occurrence that takes place when this condition is present is described in a following independent clause. If this format is used, the conjunctions “if”, “when”, “while”, “because”, “where” or others may be helpful in introducing the condition. It is important, however, not to overstate (or overrate) the certainty of the relationship between condition and occurrence – the term *Observation* is meant to indicate that a phenomenon is observable, nothing more. A cause/effect relationship should not be inferred when, in fact, that strong a relationship cannot be justified (more than one cause may be required for the effect; the effect may be one of many and not justifiably isolated; the effect may not always follow from the cause; etc.).

Associated with the Observation section is a section labeled **Extension**. In this section, explanatory material is placed to extend or develop the information of the Observation. No matter how thoughtfully worded, the single sentence of the Observation seldom is enough to convey the insight adequately. The *whys* and *what-do-you-means?* that inevitably are asked are addressed in the Extension. Supplementary material from other sources may be discussed; examples may be cited; contributing phenomena other than those mentioned in the Observation may be introduced; side effects may be considered. After examining the Extension section, readers should have a good understanding of the insight of the Design Factor. They should be able to appreciate its value and, perhaps, even anticipate the directions for using it that will be suggested in the next sections.

The first of two sections dealing with ideas is the ***Design Strategies*** section. Design Strategies are, by definition, generalized suggestions for how to react to the information of the Observation and its Extension. They express the *implications* that this information has for design. For a format, they take an imperative verb phrase, carefully crafted to prescribe an approach without specifically describing a solution. Typically, Design Strategies are specialized for the situation from general strategies for problem solving such as: confront the problem, remove the cause of the problem, avoid the problem, block the problem, divert the problem, break up the problem, reduce the problem, etc.

The ***Solution Elements*** section is the second solution section. Specific ideas go into this section. Solution Elements are ideas well enough described to be evaluated as useful to the system being developed. They do not have to be original; in fact, they are distinguished as being *existing*, *modified* or *speculative*, depending on the level of innovation that the planning team feels that it has contributed. They are important for determining interaction among Functions (as shall be discussed) and may actually be used in the overall solution, but they should not be overly valued at the time they are written. For a name format, they take a noun phrase. Noun phrases express concepts well and are easy to remember – especially if they include colorful phraseology. A good name for a Solution Element has an adjective and a noun chosen to create an evocative title. Such a title, once explained, is readily retained in memory, and a wealth of detail associated

Structured Planning

with the concept is usually recalled with it.

Other sections on the Design Factor form serve administrative needs. The **Originator** section records the author of the Design Factor. The **Associated Functions** section ties the Design Factor to the Functions for which it was written (the title should appear as it does on the Activity Analysis forms). The **Title block** names the Design Factor and is the name found on the Activity Analysis form as the Associated Design Factor for a given Function. For **Source/s**, an entry following standard bibliography format is used (with footnote entries in the text to locate specific reference pages). If the information is derived

from the Originator's direct observation or personal experience, the Source entry may read "Personal observation".

| | | | | |
|---|---------------------------|---|--------------------------|-----|
| Solution Element | | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative | Title: Pursuit Evaluator | 242 |
| Project | Access to Justice | Description: A tool to assist self-represented litigants in identifying the means for enforcement of a judgment made their favor. Helps them to decide whether or not to pursue enforcement. | | |
| Mode | Enforcement (Preparation) | | | |
| Activity | Orienting | | | |
| Originator | Holly Roeske | | | |
| Contributors | Charles Owen | Source (if existing or modified) New concept. | | |
| 29 Apr., 2001 | | | | |
| Properties — what it is: | | | | |
| <ul style="list-style-type: none">• A decision support tool• An interactive computerized data base• Access via internet or intranet (within court facilities)• Multiple interface modes• Means for comparing user input information with information in data base• Software for calculating and comparing user resources with estimated resources required for enforcement actions | | | | |
| Features — what it does: | | | | |
| <ul style="list-style-type: none">• Provides a means for self-represented litigants to evaluate their personal priorities• Identifies the financial, time and travel resources that self-represented litigants have available• Identifies the various means that can be used to pursue enforcement of a judgment• Identifies the potential financial, time and travel investments associated with the various means of enforcing the judgment• Overlays personal means (resources) with the investments that must be made for each potential judgment collection route• Provides information for self-represented litigants to make an informed decision regarding enforcement of a judgment | | | | |
| Associated Function/s | | Source Design Factor/s | | |
| 157. Weigh value of pursuit 160. Select appropriate pleading | | 135. Unable to Assign Values to Options | | |
| Version 2 | | Date: 29 April, 2001 | | |
| | | Date of first version: 20 February, 2001 | | |

Figure 5. Ideas first conjectured in a Design Factor, are given form in a Solution Element. Intended to be brief "sketches", these capture what it is and what it does in simple notes.

teams will want to know (what has to be developed), and Features are what the communications, and/or marketing teams will need (why someone will appreciate it).

The simplicity of the Solution Element form and the directness that it requires for description give it its value. In the press of analysis, observation and search for understanding, many insights unfold and many ideas emerge almost unbidden. In conventional processes, these are mostly lost for lack of any systematic way to capture them. In Structured Planning, the Solution Element form is the tool for capture.

The results of the Action Analysis process are collected in a **Function Structure** (Figure 6). The Function Structure reveals what must be accounted for by the project in both breadth and depth, and provides a

Structured Planning

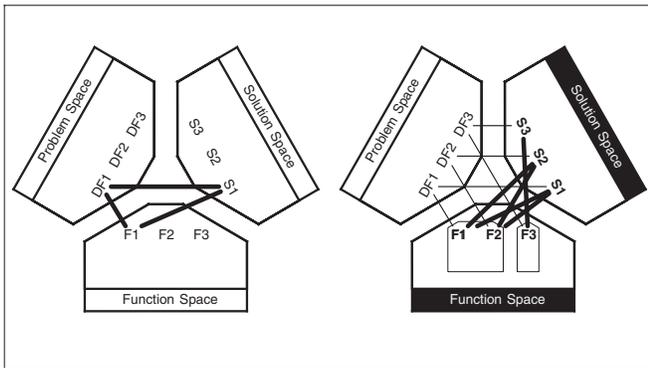


Figure 7 (left). **Functions, Solution elements** (solution ideas) and **Design Factors** are related by mappings from space to space as a Design Factor records insight about a Function, a Solution Element takes advantage of a Design Factor's insight, and a Function is fulfilled by a Solution Element (or would be made difficult to fulfill by the presence of the Solution Element in the final solution). Right: the entities of one space, in this case Functions, can be clustered by their associations with entities of another

a number of potential solutions in *common* – that is, a solution for one Function also, in some way, is a solution for a second Function – there is an excellent chance that they will be able to fine-tune one or a few solutions so that they will meet the requirements of the Functions under consideration very well. In the second case, if they can see Functions together that have potential conflict problems because of some of their potential solutions (a solution for one Function, if accepted for the overall system concept, aggravates or prevents meeting the needs of a second Function), they have the opportunity early-on to select or devise solutions that will avoid the difficulties.

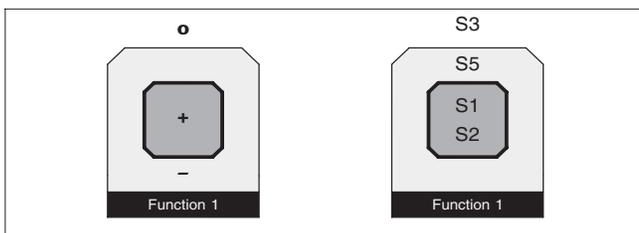


Figure 8. Located on a "bull's-eye" diagram, all **Solution Elements** developed for a project can be categorized according to how they support (+), obstruct (-) or have no bearing (0) on fulfillment of any particular **Function**

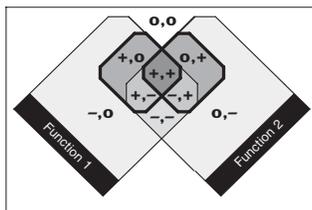


Figure 9. The combination of bull's-eye diagrams for two **Functions** establishes all possible regions of combination of support or obstruction for both Functions. Only regions supporting one (+,-), (+,0), (-,+), (0,+), or both Functions (+,+) contain **Solution Elements** that might be chosen for a design

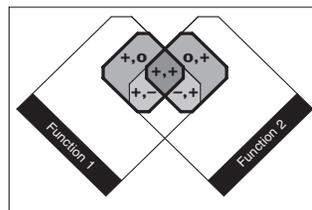


Figure 10. Intuitively, the amount of interaction between two **Functions** is proportional to the number of **Solution Elements** in the three overlapping regions relative to those in all five regions from which **Solution Elements** might be chosen for a design.

Christopher Alexander suggested another way of thinking that leads to a much more sophisticated concept for organization.

The controlling factor for whether two Functions are related from the planning standpoint is not whether they are *alike*, but whether they share potential solutions – or, put more correctly, whether a significant number of their potential solutions are *of concern* to both Functions (Figure 7). This includes, in a sense, whether they are *unlike* because of their potential solutions. The concept, once examined, is very appealing. In the first case, if planners consider those Functions together that have

The **RELATN** program uses this concept to establish links between Functions based on the Solution Elements given for a project. How it does this can be illustrated with two diagrams. In the first diagram (Figure 8), the "bull's-eye" represents a two-part abstract space that contains all of the Solution Elements for a project that in some way are of concern to a Function (Function 1, for example). The diagram has a bull and a ring because some of the Solution Elements help to *fulfill* Function 1 (+), and some – if they are used to fulfill other Functions in the project – will make it *difficult to fulfill* Function 1 (-). Both kinds of Solution Elements are obviously of concern. There are, of course, other Solution Elements in the collection for the whole project; they are represented in this diagram as being outside the bull's-eye space (0), because they have no bearing on Function 1 – they neither support nor obstruct its fulfillment. On the left in Figure 8, the spaces are shown; on the right, the Solution Elements of Figure 7 have been inserted for Function 1.

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In the diagram of Figure 9, a similar bull's-eye for Function 2 is combined with that for Function 1. The intersection of the two creates regions with all the possible combinations of the characteristics from the two original bull's-eye diagrams. The pairings of positive, negative and zero values indicate the support or obstruction the Solution Elements in each region exhibit for the Functions: left position for Function 1, right for Function 2. The five regions of importance are those which contain the *positive* Solution Elements, in other words, all the solutions that might be selected to fulfill either of the two Functions. Using these five regions, the amount of *interaction* between the two Functions (the degree to which the two Functions are related) can be established.

In the (+,+) region are the Solution Elements that fulfill both Functions. These are, in a way, the elegant solutions because each fulfills both Functions at once. The (+,0) and (0,+) regions also contain Solution Elements that might be used with confidence. Two Solution Elements, one from each of these regions, would create a total solution for the two-Function system. While not as elegant, this set of choices at least does not introduce difficulties and, in fact, the independence thus identified may be important in some planning considerations. The two remaining regions, (+,-) and (-,+), are troublesome. A Solution Element chosen from either will create a situation in which it will be difficult to successfully fulfill the Function for which the (-) value was given. Based on the effect they have on the two Functions, the five regions are labeled: reinforcement (+,+); independence (+,0) and (0,+); and conflict (+,-) and (-,+).

The concept of interaction can be drawn intuitively from the diagram. Assuming that the reason two Functions should interact (or be linked) is that they have potential solutions of concern in common, the amount of interaction should be proportional to the number of Solution Elements in the *common* regions of reinforcement and conflict relative to those in all five regions including those and the two independence regions (Figure 10). None of the other regions is relevant because no Solution Element would be chosen from them to fulfill either Function. Thus, in its simplest form, a measure for interaction is the ratio of the number of reinforcing and conflicting Solution Elements to those plus the number of independent Solution Elements.

In the **RELATN** program, the interaction concept is extended with three additions. First, instead of simply counting the presence of Solution Elements in a region, the program accepts scaled evaluations for how much a Solution Element supports or obstructs fulfillment of a Function. Scales may be of any resolution, but usually have five values: strongly supports (+2), supports (+1), no bearing (0), obstructs (-1) and strongly obstructs (-2).

Second, weights are accepted for the Solution Elements. With weighting, the impact of any Solution Element can be increased or decreased in its effect on the amount of interaction. Weights typically are used to reflect the likelihood that a Solution Element will be used in the final system solution – some ideas are more practical than others, for example; or some may be favored or even required by constraints placed on the project.

Finally, a balancing factor is incorporated to take care of the problem that some Functions have more Solution Elements of concern than others. The problem arises when a Function with only one or two positive Solution Elements is considered with one that has many (fifty would not be uncommon). If they

Structured Planning

have one common Solution Element in the reinforcement or conflict regions, what should the amount of interaction be? Intuitively, it is different depending on which Function's viewpoint is chosen. The balancing factor finds a middle ground.

To prepare for using the **RELATN** program, the planning team assesses the collective set of Solution Elements against the set of Functions (Figure 11). Data for each Solution Element includes its name, weight and the scale used to assess it (different scales can be used for each Solution Element – although, in practice, a common scale is usually used for all). Data for each Function includes the Function's

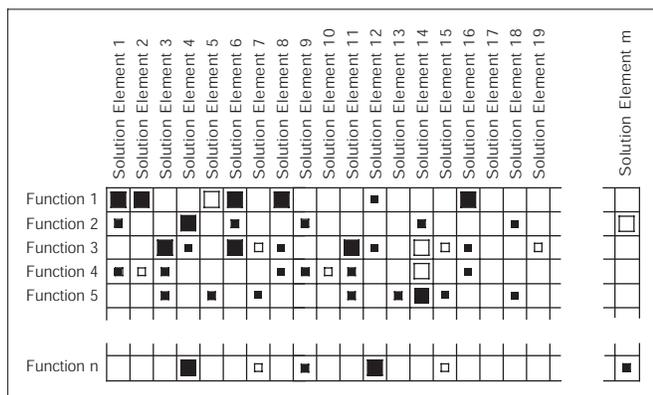


Figure 11. **Solution Elements** are assessed for their potential support (solid marks) or obstruction (hollow marks) of **Functions** to establish the data for determining interaction among Functional pairings.

name and value assessments for how all the Solution Elements support or obstruct it. Experience has shown that the considerable job of assessment can be made manageable by splitting up the task among the team members. The Functions are divided up among two-member subteams. Each subteam assesses all Solution Elements for its subset of the Functions. Both subteam members independently do the entire assessment for their subteam's Functions and then compare results. Consultation (the greatest time demand) is, therefore, only required for disagreements. The loss of accuracy (agreement of the results with what would have been derived from a full-team consensus on each assessment) has been acceptably small in test comparisons.

The result of operations with the **RELATN** program is a nondirected graph, or network, in which Functions are the vertices (or nodes). Links between Functions indicate which Functions have enough interaction to warrant being considered together in any conceptual development activity (Figure 12). For many purposes, this level of organization is sufficient; but for most planning projects, further structuring is valuable.

Structuring the Information II

Another program, **VTCON**, is called into play to provide additional structure beyond that inherent in the graph. The graph establishes paths through the Functions by linking Functions when they are related to each other, but, unlike a road map, a graph is not necessarily arranged nicely for visual inspection. As it is obtained from the **RELATN** program, a graph is only a list of what Functions are linked to what other Functions. To draw out the analogy, it is like being in a town and having a list of towns that are next on each road out of town, but not being able to find out whether any of those towns have roads between them without going to one of

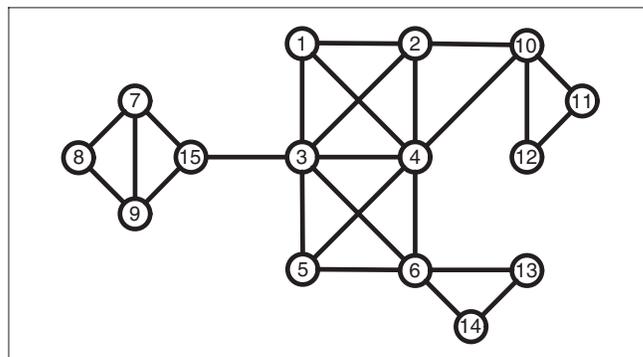


Figure 12. Links determined by the **RELATN** program indicate which **Functions** (vertices) have high enough levels of interaction to suggest consideration together (the graph in this example has been optimally arranged for visual inspection).

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them or consulting a similar list of roads for each town. If a bird's-eye view were possible, clusters of towns interconnected by roads would be obvious. Unfortunately, for complex graphs, endless visual interpretations are possible, and it is extremely difficult to show one as an optimally arranged "map". What can be done – and what the **VTCON** program does – is to find the clusters of Functions (vertices) algorithmically (Figure 13). With that information, the purposes of the map can be achieved.

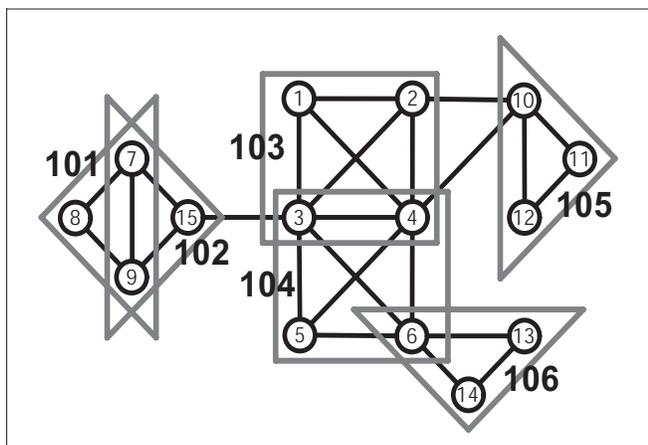


Figure 13. As its primary task, the **VTCON** program locates clusters of

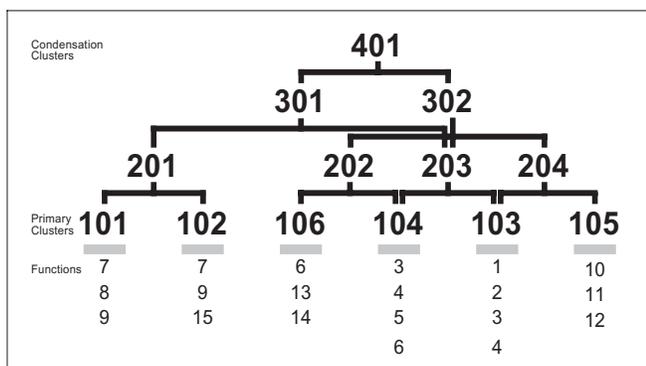


Figure 14. Continued clustering at successively higher levels by the **VTCON** program produces a hierarchical organization of the entire set of Functions—an Information Structure useful for concept development and evaluation.

The clusters are important because they represent primary groupings of Functions. Once the clusters have been found, the planner can choose a Function at will and know which other Functions are of direct concern. Of course, Functions are also linked to others outside their primary clusters or the graph would be unnaturally disjoint. These cross-cluster links provide the basis for higher level, broader-reaching clustering, and **VTCON** uses them to create a *condensation* hierarchy (Figure 14). Clusters are themselves clustered based on Functions held in common, and links between Functions in different clusters. Levels of hierarchy are produced with smaller numbers of larger clusters at each succeeding level until the entire graph is condensed into a final cluster, the original set of all Functions. In form, the hierarchical structure is a semi-lattice rather than a tree because Functions can be in more than one cluster and clusters can be themselves members of more than one higher level cluster. This is a very general form of hierarchy and one most appropriate for planning – where it is natural to expect a Function to be performed in more than one Activity. Functionally, the hierarchy is an **Information Structure**, a specialized structure for synthesis. The actual Information Structure developed for this project is shown in Figure 15.

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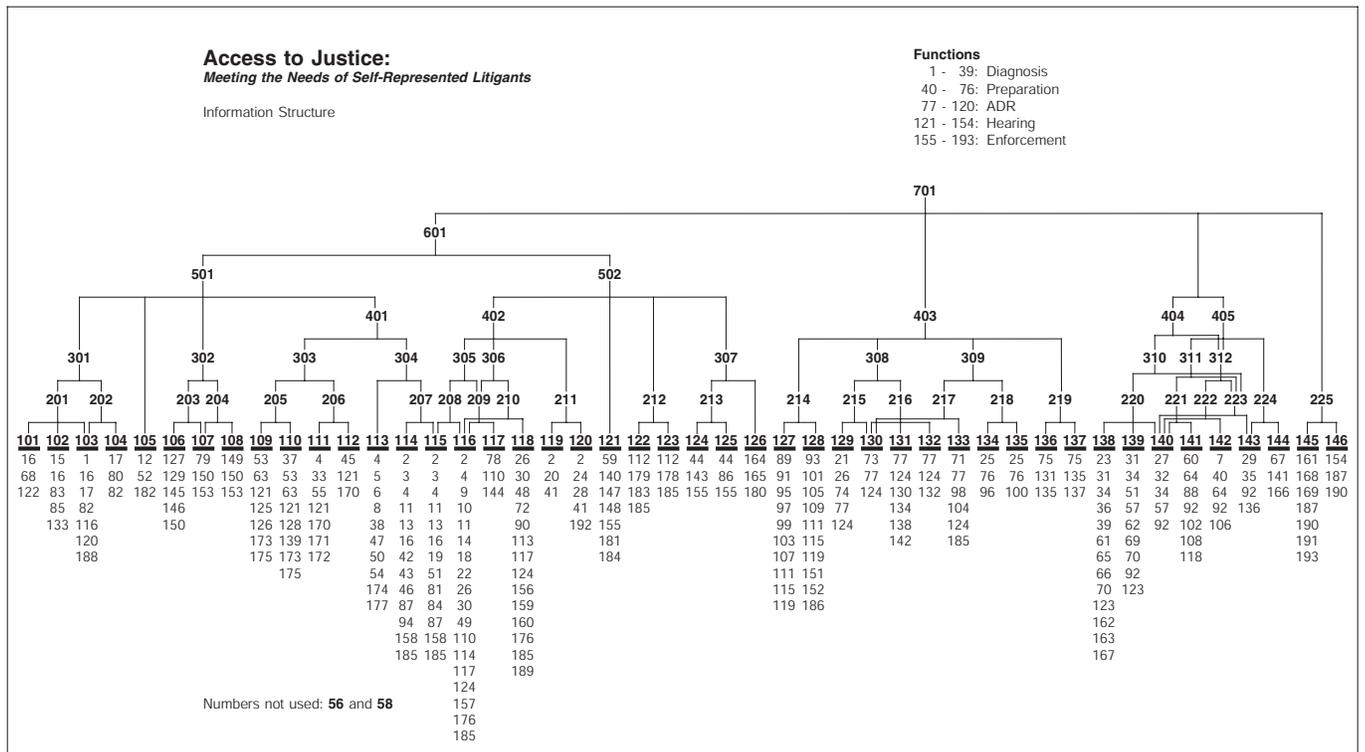


Figure 15. The Information Structure produced by the VTCON program for the Access to Justice project.

Using the Information

The results of the VTCON program are given in three parts: (1) a list of the primary clusters with their component Functions, (2) a compilation of links within these clusters and links between clusters as they are revealed in condensing clusters at succeeding higher levels of the hierarchy, and (3) the Information Structure, a listing of the hierarchy giving the clusters at each level by code name (e.g. 302, meaning “level 3, cluster 2”) with their next-lower-level component clusters. This information enables the Functions, Design Factors and Solution Elements to be brought together for optimal support of the ensuing processes of synthesis.

Several means for synthesis have been developed in Structured Planning. Each has certain strengths, and combinations are possible.

The technique used for this project reconstructs a traditional idea-generating process, Means/Ends Analysis, as two complementary processes: **Means/Ends Analysis** and **Ends/Means Synthesis**. To begin, a cluster of workable size is selected from the Information Structure and transferred as structure (subcluster numbers and membership information) and Functions (list) to a Means/Ends form (Figure 16).

The task of Means/Ends Analysis is to create labels for all clusters. Moving from left to right through the subclusters, the question is asked, “To what end are these Functions *means*?” The answer is *purpose* expressed in the format for an Activity or, at higher levels, a Mode or Submode of operation.

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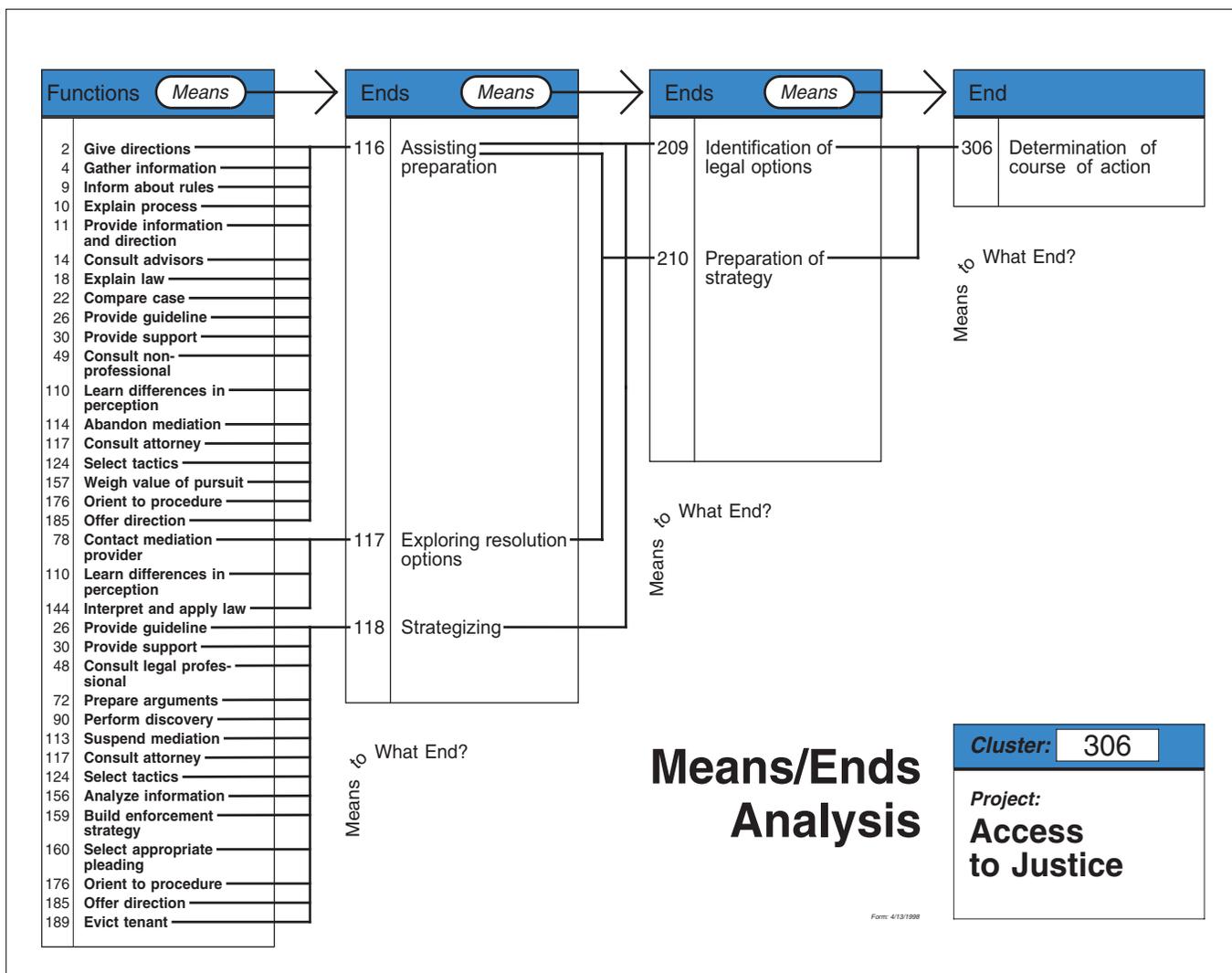


Figure 16. A cluster from the Information Structure (306) is subjected to Means/Ends Analysis to establish meaning for the structure. Beginning with the **Functions** at the left, clusters are given labels that express the functionality of the structure as insightfully as possible.

When the wording of all the labels has been fine-tuned in the context of a completely labeled Information Structure (see a partial example in Figure 17), clusters are subjected to Ends/Means Synthesis. In this process, just the opposite activity occurs. Where the essence of the Means/Ends Analysis is the “discovery” of purpose seen freshly, the essence of the Ends/Means Synthesis is the “invention” of concepts to accomplish these purposes. In Figure 18, the same cluster given labels in Figure 16 is now re-examined as a challenge for invention. The highest level “purpose” is treated as the ultimate end to be reached, and the question is asked, “What *means* would meet this *end*?” New means are then generated left to right, increasing in specificity as preceding means are treated as new ends. Much as Design Strategies are treated in Design Factor documents, means are best stated as imperative verb-phrase “strategies”. When ideas for means become specific enough to be final Elements of the solution package, they are given evocative noun-phrase titles (as Solution Elements were) and status as **System Elements**.

Labels given for subclusters at intermediate levels in the Means/Ends Analysis of the chosen cluster are checked for coverage as the Ends/Means Synthesis progresses, and Solution Elements originally conceived

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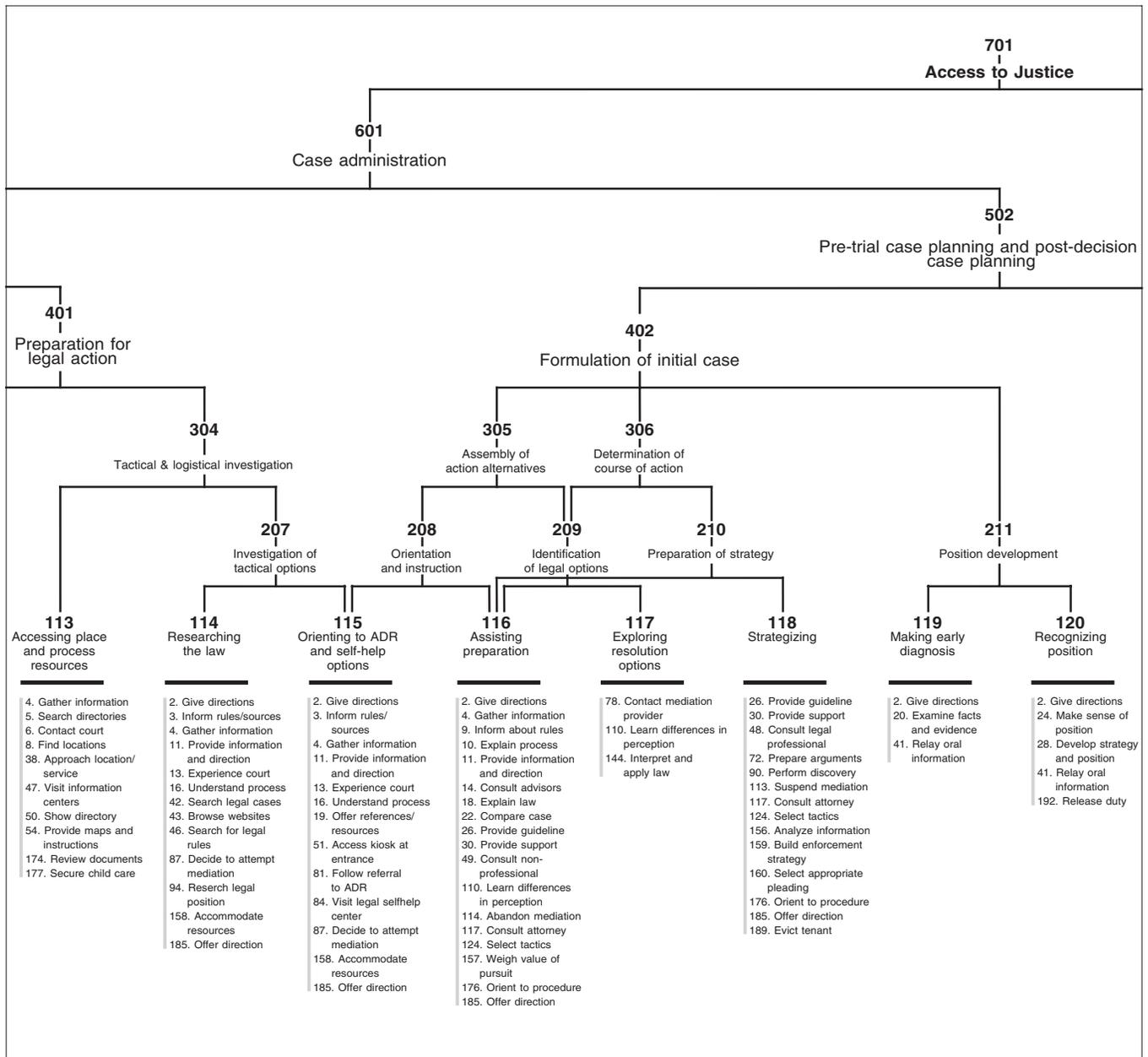


Figure 17. A segment of the named **Information Structure** show the results of the **Means/Ends Analysis** process. Function names filled in, along with named clusters, help the team to see order and pattern.

for the Functions involved are constantly reviewed as possible end products. New ideas, however, are encouraged, and original ideas may be modified or combined in the light of the ends/means that evolve.

What remains is to describe the properties and features of the System Elements, ensure that there are ideas to fulfill all the Functions, and consider the System Elements against each other to draw out all systemic properties that can be gained. For the first of these tasks, the team begins to fill out what will become a System Element form (Figure 21). Although this task will have to be addressed later for completion, it is usually best to collect properties and features for an idea at the time the idea develops. Elaborations can be made at any time – if something has been recorded to elaborate upon.

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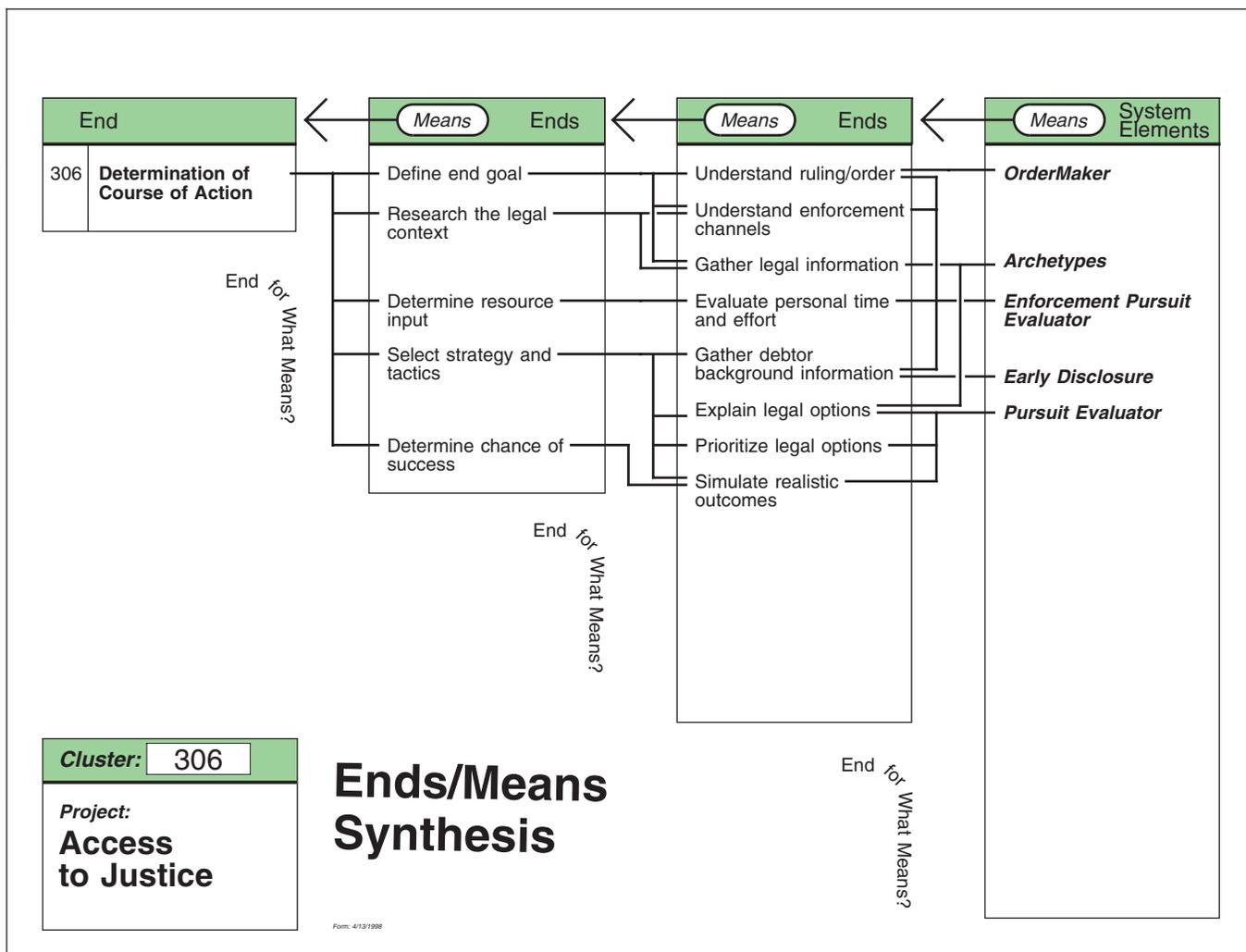


Figure 18. Using **Ends/Means synthesis**, the nodes of the Information Structure are subjected to structured brainstorming. Key nodes are established as ends, and means are sought for them with progressively sharpening focus until specific **System Element** concepts are identified that satisfy the needs. System Elements may be newly invented or selected from existing Solution Elements that have been refined or modified.

The second task, checking features against required Functions, is accomplished on a tabular form, shown in Figure 19. Features are evaluated here for their contribution to fulfilling the Functions present in the primary clusters of that part of the Information Structure being addressed in the Ends/Means process. If a feature contributes significantly to fulfilling a Function, the feature/Function cell is marked boldly; if there is some contribution, the cell is marked, but less boldly. In practice, a three-option decision scheme (significant contribution, some, none) works well. A special value of this activity is that, in the process of considering how a feature of an idea may help to fulfill a Function, the thought process about how that specific fulfillment occurs often helps to crystallize the nature of the feature and the properties that generate it. Additional features may also occur to the team at this time and, of course, if there are Functions for which there are no System Elements, this is the signal to return to the Ends/Means process for more work.

Finally, the third task pits System Element against System Element in a search for additional synergies that can contribute to systemic qualities. At this stage, although the Ends/Means process is complete, it is

Structured Planning

| | | Project: Access to Justice | | | | | | | | | | | | | | | | Cluster: 306 | | | Page: 1 | | | | | | | | |
|-----------------|-----|-------------------------------|---|---|---|---|---|---|---|-------------|---|---|---|-------------------|---|---|---|--------------|---|---|---------|---|---|------------------|---|---|---|---|---|
| System Elements | | Enforcement Pursuit Evaluator | | | | | | | | Order Maker | | | | Pursuit Evaluator | | | | Archetypes | | | | | | Early Disclosure | | | | | |
| Features | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 |
| Functions | 78 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 110 | | | | ■ | ■ | | | | ■ | ■ | | | | ■ | ■ | | | | | | ■ | | | ■ | | | ■ | |
| | 144 | ■ | | | | ■ | ■ | | | ■ | ■ | ■ | | | | | | | ■ | | | ■ | | | | | | | |
| | 26 | ■ | ■ | ■ | ■ | ■ | | | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | 30 | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | 48 | | | | | | | | | | | | ■ | | | | | | | | | ■ | | | | | | | |
| | 72 | ■ | ■ | | | | | | | | | | ■ | | | | | ■ | ■ | | | | | | | | | | |
| | 90 | | | | ■ | ■ | | | | | | | ■ | | | | | | | | | | | ■ | ■ | ■ | ■ | ■ | ■ |
| | 113 | | | | | | | | | | | | | | | | ■ | | | | | ■ | | | | | | | |
| | 117 | | | | | | | | | | | | | | | | ■ | | | | | ■ | | | | | | | |
| | 124 | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | | | | | ■ | ■ | ■ | | ■ | ■ | | | ■ | | ■ | | | | | |
| | 156 | ■ | ■ | ■ | ■ | | | ■ | ■ | | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | | | ■ | ■ | ■ | ■ | ■ | ■ |
| | 159 | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | | | | | ■ | ■ | | | | | | | | | ■ | | | | ■ | ■ |
| | 160 | | ■ | | | | | ■ | ■ | ■ | | | | ■ | ■ | | | ■ | ■ | | | ■ | | | | | | | |
| | 176 | ■ | ■ | ■ | ■ | ■ | | ■ | | ■ | ■ | ■ | | ■ | ■ | | | ■ | ■ | | | ■ | | | | | | | |
| 185 | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | ■ | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | ■ | | ■ | | | | ■ | | |
| 189 | | | | | | | ■ | | ■ | | | | | | | | | | | | | | | | | | | | |

Strongly supports fulfillment of the Function
 Supports fulfillment of the Function

Figure 19. Features of the System Elements are cross-checked against Functions for each key cluster to show how needs are being met. Large squares indicate strong contribution to fulfillment, small squares indicate partial contribution.

still possible to mold System Element properties and features in ways to optimize system functionality. Figure 20 shows a form used to consider System Elements four at a time against four others. The boxes in the form are used to note ways in which the pair of System Elements can work together. Rather than simply recognizing relationships, the planning team proactively seeks out ways for the System Elements to work together – to the extent of modifying one or the other, or both, to create synergy. Any changes are incorporated in the properties and/or features of the individual System Elements. At this stage of the synthesis process, when the system is at a high level of description and the team knows more about it than it ever has, it is the best possible time to extend ideas to higher levels of cooperation. The systematic consideration of relationships is a powerful creative tool.

The organization provided by the Information Structure and the synthesis support processes for using it give the planning team the bird’s-eye views they need of the problem. Information is juxtaposed *insightfully* with effectiveness well beyond the capability of conventional information retrieval systems. The effect is having at hand not only what you *need to know*, but also what you *didn’t know you needed to know!*

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| | | | |
|----|--------------------------------------|---|------|
| 33 | Early Disclosure | Archetypes' codification system provides guidelines for discovery in Early Disclosure | none |
| 34 | Pursuit Evaluator | Archetypes targeted information base correlates with Pursuit Evaluator's evaluation tool | none |
| 35 | OrderMaker | OrderMaker links with an Arche-type to ascertain case type and presents a list of common orders specialized to the case type | none |
| 36 | Enforcement Pursuit Evaluator | Archetypes' information base feeds into Enforcement Pursuit Evaluator to tailor interactions to specific case type | none |

Project: Access to Justice

System Element Pairings: 25 28 with 33 36 **Page:** 119

row elements column elements

System Element Relationships

| | | | |
|----|--|---|------|
| 33 | | | none |
| 34 | | e-Mediation utilizes Pursuit evaluator to create awareness of the resources needed for litigation | none |
| 35 | | OrderMaker provides resolution templates for e-Mediation | none |
| 36 | | Enforcement Pursuit Evaluator can provide users of e-Mediation with realistic appraisals of costs/benefits of enforcing an order vs mediating a settlement | none |
| 36 | | Enforcement Pursuit Evaluator can, with My Mentor , link a user to a paralegal in legal services who has knowledge of the experience to be expected | none |
| 36 | | Just In Time provides information as needed within the Enforcement Pursuit Evaluator application | none |

Some questions to ask:

1. How should System Element X work with System Element Y?
2. What new feature/s are possible if System Element X works with System Element Y?
3. What new property/ies would make System Element X work with System Element Y?

| | | | |
|-------------------|-------------------------------|------------------|---------------------|
| Archetypes | e-Mediation | My Mentor | Just In Time |
| System Elements | Preliminary Numbers 25 | 26 | 27 |

Form: 2/10/2001

Figure 20. Systemic associations are strengthened and created using System Element Relationships worksheets. The direct confrontation of System Elements with each other generates ideas for how they can work together more fully. All pairings can be examined systematically, or groupings (as in this case) can be explored for special associations.

Communicating the Concept

The product of the Structured Planning process is a **Plan**, made up of **System Elements** (Figures 21, 22 and 23) that describe the ideas developed to meet the needs of the project as they are outlined in the Charter and Defining Statements and refined through the Action Analysis process. Each System Element has five major parts:

Title. The title is no more than a few words (two or three, typically), in a noun phrase that captures the essence of the System Element. A good title is unique and memorable.

Related System Elements. Other System Elements that ought to be read with this one are listed in this section. The best grasp of a complex concept is achieved when ideas are appreciated in a meaningful order. Especially when there are large numbers of System Elements, there is a need to know which are strongly associated. Establishing the multiple relatedness of Elements is a hypertext concept; it allows the Plan to be

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Appendix: Structured Planning

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examined in more than one way – with options suggested, but the actual order determined by the reader. For a large number of System Elements, the structure of association can be further extended by using VTCON to create a hierarchical *Communication Structure* in which clusters and hierarchy are established under the relation, “should be considered together”.

Superset Elements and Subset Elements. In the process of organizing the System Elements (possibly using VTCON), it is frequently possible to group them hierarchically. The System Element form has provisions for indicating higher and lower level associations where they exist as superset or subset relationships.

| System Element | | Status: | Title: | Enforcement Pursuit Evaluator | 1 |
|---|--|---|--|-------------------------------|---|
| Originator | Jennifer Joos | <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative | | | |
| Contributors | Holly Reeske Loren Gulak Jin Lee Charles Owen | Superset Element/s: Pursuit Evaluator | Related Elements: Early Disclosure Pay Trac Judgment Debtor Aid | | |
| 19 Apr., 2001 | | Subset Elements: None | | | |
| 30 Apr., 2001 | | | | | |
| Source (if Existing or Modified): N.A. (speculative) | | | | | |
| Description: An on-line tool that allows litigants to evaluate whether the pursuit of collection of a judgment would be worth their time and effort. The Enforcement Pursuit Evaluator is part of a more comprehensive Pursuit Evaluator that allows a potential litigant to evaluate whether it is worthwhile to file a lawsuit and then enforce the judgment. | | | | | |
| Properties — what it is: <ul style="list-style-type: none"> Decision support tool that asks users about their case information and preferences Database of case-related enforcement statistics Query fields for asset and case information Information processor to ascertain viable options for litigants Simulation tools for projecting scenarios Graphic representations of scenario results | | | | | |
| Features — what it does: <ul style="list-style-type: none"> Provides information for litigants to make an informed decision regarding enforcement of a judgment Can be used alone to evaluate time and effort necessary to collect a judgment Can be used with the Pursuit Evaluator to gain a comprehensive view of the entire process Apprises a litigant of information necessary to proceed with enforcement Identifies the options possible for pursuit of a judgment Recommends routes of fastest settlement Simulates the results of making different pursuit choices Displays results of simulation in a fashion that makes it easy to compare pursuit routes | | | | | |
| Version 3 Date: 30 April, 2001 Date of first version: 11 April, 2001 | | | | | |

Figure 21. As elements of a Plan, **System Elements** present individual concepts describing ideas and specifying essential properties and features

Properties. Expressed in the same noun-phrase, bullet format as they were for Solution Elements, Properties are *what it is*. Together with Features, these are the essential “specifications” for what the System Element must be and do.

Features. These are verb-phrase, bullet lines highlighting the special functions that the System Element performs – *what it does*. They point out what is expected of the final product in as general terms as possible; specifying without over-specifying. A balancing act is required here (as well as for Properties) to provide sure guidelines without taking away too much of the maneuvering room required for creative work by the follow-on design team charged to develop the details.

| System Element | Continuation page: | 1 | Title: | Enforcement Pursuit Evaluator | 1 |
|---|--------------------|---|--------|-------------------------------|---|
| Fulfilled Functions | | | | | |
| 4. Gather information (Diagnosis) | | | | | |
| 10. Explain process (Diagnosis) | | | | | |
| 11. Provide information and direction (Diagnosis) | | | | | |
| 13. Experience court (Diagnosis) | | | | | |
| 16. Understand process (Diagnosis) | | | | | |
| 20. Examine facts and evidence (Diagnosis) | | | | | |
| 54. Provide maps and instructions (Preparation) | | | | | |
| 60. Determine intention/objective (Preparation) | | | | | |
| 74. Predict outcome (Preparation) | | | | | |
| 124. Select tactics (Hearing) | | | | | |
| 154. Educate litigant (Hearing) | | | | | |
| 157. Weigh value of pursuit (Enforcement) | | | | | |
| 159. Build enforcement strategy (Enforcement) | | | | | |
| 160. Select appropriate pleading (Enforcement) | | | | | |
| 176. Orient to procedure (Enforcement) | | | | | |
| Associated Design Factors | | | | | |
| 2. Strategy-Matched Relevance of Information | | | | | |
| 8. Time Constraints | | | | | |
| 23. Relevance of Information | | | | | |
| 29. Procedures for Strategizing are Not Obvious | | | | | |
| 30. No Time to Consider Ramifications | | | | | |
| 44. Mental Model for Court Processes not Available | | | | | |
| 46. Retrieval of Data is Time Consuming | | | | | |
| 47. Inability to Critically Evaluate | | | | | |
| 58. Financial Planning | | | | | |
| 64. Unconvinced of Legitimacy of Option | | | | | |
| 82. Unfamiliar Process | | | | | |
| 85. Orienting Newcomers to Basic Procedures | | | | | |
| 93. End of Trial Confusion | | | | | |
| 95. Expectation of Immediate Enforcement | | | | | |
| 122. Unfamiliar with Civil Procedure | | | | | |
| 135. Unable to Assign Value to Options | | | | | |
| Discussion Self-represented litigants are often unaware of the difficulties that face them in collecting a judgment. Many believe that by winning their cases, they are automatically awarded what they are due. However, collection is a complicated process that relies heavily on the cooperation of the judgment debtor. If the debtor is resistant to paying or is unable to pay, the burden to collect falls heavily on the shoulders of the judgment creditor. Creditors pursuing collection from an unresponsive debtor can be forced to file numerous citations to show cause, discover assets, and compel the debtor to appear in court. This process can be lengthy and expensive, and often unfruitful. Knowing which supplemental proceeding to use to aid collection is important. Lawyers, because of their education and experience are able to help determine the most “efficient and effective method of recovery based on the nature of the asset being attached” (Heller 2001, 2). In addition, lawyers are able to apprise their clients of collection difficulties before a trial. Thus, they can often work to reach out-of-court settlement agreements that speed up the process and more likely ensure that their clients receive satisfactory restitution. Self-represented litigants today seldom have access to information adequate enough to enable them to make informed decisions about a pursuit strategy. The Enforcement Pursuit Evaluator acts much like a lawyer would; the software requests information about the case (case type, judgment amount) and the debtor (employment, salary, property holdings, bank accounts). Information can be actual or estimated. The system prompts its user to continue putting in information until it assesses that it has an adequate amount to work with. The user is provided with options for pursuit of collection considered viable based upon the specific information. Options include things such as seizing property, garnishing wages, obtaining cash settlements, and other pertinent legal pursuit paths. After selecting an option or multiple options, the system offers the opportunity to view simulated courses of action—timelines and steps to follow. The user can view best, worst or average case scenarios based on statistical analysis of samplings of actual cases. While this information is currently sparse, when partnered with other System Elements, such as PayTrac , compliance information collected can contribute to more accurate simulations and projections (including the ability to make better predictions based on demographic information). | | | | | |
| <pre> graph TD A[Information Gathering System requests Case type, judgment amount] --> B[Initial Options System presents Case type, judgment amount] B --> C[Scenario Creation System offers Pursuit options] C --> D[Display System shows Estimated outcomes] D --> E[System Comparison System displays Multiple results for comparison] E --> F[Enforcement Pursuit Evaluator] F --> A F --> B F --> C F --> D F --> E </pre> | | | | | |
| Version 3 Date: 30 April, 2001 Date of first version: 11 April, 2001 | | | | | |

Figure 22. Page 2 of the **System Element** contains track-back information to **Functions** fulfilled and formative **Design Factors**. Discussion of ideas helps to fill out understanding for design teams to follow

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Building on the hill-climbing metaphor often used in optimization theory, good Properties and Features will keep the design team climbing the right hill, but will let them find their own best path to the top.

Fulfilled Functions. This section simply lists the Functions (from the entire Function list) that the System Element fulfills. The Function list allows the design team to track the solution back to the Functions that were considered by the concept development team.

Associated Design Factors. Along with Fulfilled Functions, this section provides “track-back” information that helps the design team to understand the motivating insights that led to the ideas incorporated in the System Element.

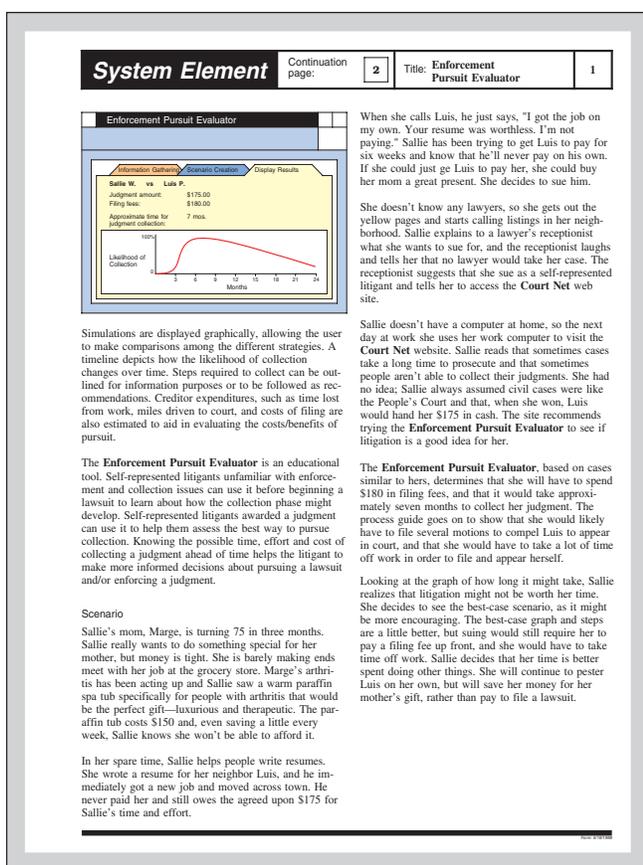


Figure 23. Completing the System Element is a Scenario that complements the static Discussion with an active description of the concept in operation

Conclusions

Generally speaking, two schools of thought exist on the structure of the planning and design process. In the simplest formulation of the traditional model, the process flows from analysis to synthesis to evaluation. More complex versions break down the three phases into substeps and introduce feedback loops, but the procedural dependence remains intact – analysis is done before synthesis, and synthesis is done before evaluation.

Discussion. A full narrative description of the idea is given in the discussion section, including reasons for why the form evolved as it did. The concept development team uses this section to provide all the detail that has surfaced in the planning process, even though the purpose of the Plan is to express concept rather than detail. In effect, what is said to the design teams who will continue on is: “Use this if you don't come up with better ideas”. Diagrams, mathematical analyses, drawings, photographs – even video clips and animations, if the medium of the Plan can support them – may be used here to supplement text. The goal is to make the description as helpful as possible. No limit exists for the discussion section.

Scenario. Where the Discussion illuminates the structure of the System Element with regard to its essential components, the Scenario does the same thing for the way it works. The best static description never quite explains as well as following an example in operation. The Scenario employs that insight to provide a dynamic description. Expressed in present-tense style, the scenario delivers a user's-eye view of the System Element's features in action.

Structured Planning

The conjectural/evaluative model challenges the lockstep relationship of the phases. In this version, ideas are generated and evaluated as they take form. Advantages are that ideas are less likely to be lost and that mistakes can be detected earlier. In a large project, this may mean avoiding massive redesign. To use this approach, however, there must be effective means of evaluation along the way. An appropriate model is the apprentice under continuous review by the master – the master not only reviews the work incrementally, but possesses the sum of experience and information necessary for judgment on a global as well as local basis. For a process to work in like fashion for a planning team acting as its own master, information should be explicit, available in detail, insightful enough to provide bases for both invention and evaluation, and richly cross-related.

Not coincidentally, the Structured Planning process has the means to take advantage of the conjectural/evaluative approach. First, there must be a way of knowing what to work on: the information base produced by Action Analysis provides that. Second, there must be a way to know whether an idea is contributing to a good solution: the Design Factors in the information base provide that at a local level, and the Defining Statements provide it at a global level. Third, there must be a mechanism to ensure that the planning team is not “climbing the wrong hill” in the parlance of optimization theory – creating piecemeal solutions that will be less than optimal once other Functions are considered. The structuring induced with the **RELATN** and **VTCO** programs reduces that danger significantly by tying together those Functions which ought to be considered concurrently.

The best approach to structure for the planning process, however, should use the best of both schools of thought. Good design philosophy refutes the folk adage, “You can’t have your cake and eat it too” – in fact, creative thinking quite often finds a way to blend seemingly independent or even opposing ideas into a single, better solution. A perceptive planner tries never to be placed in the position of having to choose among goods; it is far better to think a bit harder and create one more alternative that integrates the best features of the competing choices. So, too, in this case.

The good in the traditional process model maximizes incubation time, holding off final ideas and evaluation of them until the last possible minute. As any planning or design project leader knows, more becomes known as the project proceeds, and the most is known at the end. The longer decisions can be responsibly delayed, the better is the chance that a more creative, higher-quality end result will be achieved.

The conjectural/evaluative model optimizes situational creativity, encouraging ideas when they occur and significantly reducing the likelihood that good ideas will be forgotten before they are considered “at the proper time”. It also directs the progress of a project earlier because it encourages evaluation and, therefore, selection of ideas, as information is uncovered. Projects developed in this way are less likely to swing widely from concept to concept in later stages of synthesis.

Structured Planning draws from both models. Action Analysis dynamically juxtaposes discovery and invention in the creation of Design Factors, pressing early in the project for insights and ideas for how to use them. The virtues of the conjectural/evaluative early-action model are incorporated in that process. The strength of the traditional model appears when the information from Action Analysis, structured for optimal order of consideration, is finally arrayed for synthesis. The selection, modification and invention

Structured Planning

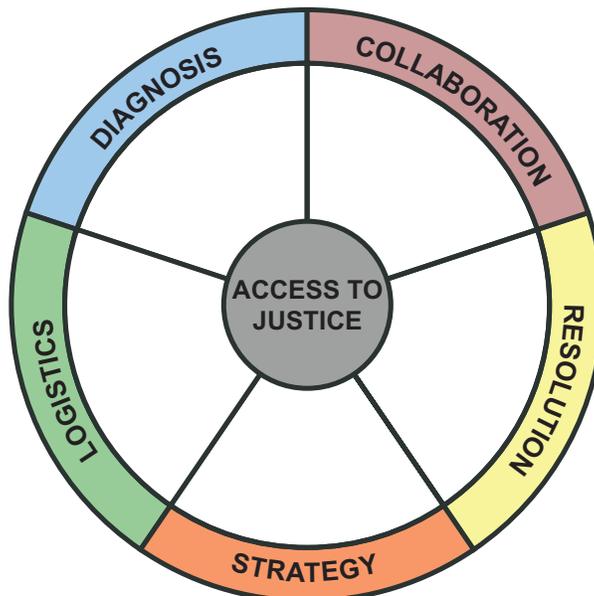
of ideas takes place then in an information environment rich in ideas – and steeped in the seasoning of incubation.

Planning and design are complex tasks. Products and systems can be made without good planning and design, but *excellent* products and systems cannot. Today, quality standards and development cycles do not permit the luxury of random success. The planning process must be *reliable* and *predictable*; reliable in that it can be depended upon to produce excellent concepts, predictable in that it can be expected to produce them on demand. Structured Planning is designed to meet those constraints.

Access to Justice

Meeting the Needs of Self-Represented Litigants

Appendix: Defining Statements



Defining Statements

1. Alternative Dispute Resolution
2. System Implementation
3. Role of Technology
4. Efficiency/Perception of Fairness
5. Document Preparation
6. Communication and Language
7. Implementation Cost
8. Communication Among Pro Ses
9. Information Needs
10. Relevant Information
11. Legal Procedure
12. Efficiency/Deliberation
13. User Focus
14. Distribution Channels
15. Enforcement Assistance
16. Educational Obligations
17. Validity of Claims
18. Enforcement
19. Unbundled Legal Services
20. System Flexibility
21. Promotion
22. System Usability
23. Information Form
24. Intimidation/Respect
25. Community Involvement
26. Legal Advice
27. Language and Communication
28. Case Status Tracking
29. Procedural Reform
30. Image of the Courts
31. Enforcement Awareness
32. Courtroom Knowledge
33. Documentation of Evidence
34. Scope of Legal Services
35. Volunteerism

Defining Statements

| Defining Statement | | Issue Topic: Alternative Dispute Resolution | 1 |
|--|---|--|----------|
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Margaret Alrutz</p> <hr/> <p>Contributors</p> <p>26 Jan., 2001 Charles Owen</p> <p>27 Jan., 2001 Bernd Kretschmer Shivani Kothari Adrian Burstein</p> <p>1 Feb., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>American Bar Association. American Bar Association Family Legal Guide. New York: Time Books, 1996. Available from: http://consumer.pub.findlaw.com/newcontent/fig/</p> | <p>Question at Issue</p> <p>How should the courts approach alternative dispute resolution with regard to place in the legal process?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint Courts should not be directly involved, but should be proactive in spreading information and awareness about alternative methods for resolving disputes.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input checked="" type="checkbox"/> Constraint Courts must restrict any suggestions regarding alternative dispute resolution to the time of the hearing.</p> <p><input type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <p><input type="checkbox"/> Constraint Courts should provide pre-screening to suggest alternative dispute resolution for all potential self-represented litigation cases, even before a complaint is filed.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

Courts routinely suggest to litigants that they try to settle before making the decision to go to trial or continue a hearing.

[By] some estimates upwards of 90 percent of all civil cases are "settled" before trial. The courts actively work to encourage settlements and will often require the parties to a suit to engage in pre-trial settlement conferences to see if some mutually satisfactory compromise might permit them to avoid the need for a full-blown trial. Most non-profit dispute resolution centers offer mediation or arbitration services for free or at only a modest cost (American Bar Association 1996).

In redesigning the system, the courts have the opportunity to provide special consideration for those litigants and potential litigants who might be best served outside the court system. Current procedures let litigants get all the way to the first hearing before mediation is even suggested. It may be that the authority of a judge is needed to force litigants to consider mediation; but a considerable amount of the resources spent by all parties could potentially be saved if court processes could be avoided.

As one approach, courts might provide a sort of "foyer" for the legal process that would divert potential self-represented litigation cases into mediation directly. This would greatly ease the burden on existing parts of the process. Whether it is within the court's jurisdiction to direct people's actions before they have even filed a complaint—in other words, before they have technically entered into the legal process—however, is a question with direct bearing on how this process might ultimately be structured.

It is clear that an alternative to the courts system is the answer for many litigants. But to preserve the authority and dignity of the adversarial system (which is necessary for truly complicated disputes), it makes sense to keep alternative dispute resolution at a distance from the court. The court, on its part, should be proactive in spreading information about alternative dispute resolution, perhaps through other community-based channels. Informed citizens will be better prepared to decide for themselves where and how they would like to resolve their disputes.

Version **4** Date: 1 February, 2001

Date of first version: 24 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---------------------------|--------------------------|--|----------|
| Defining Statement | | Issue Topic: System Implementation | 2 |
| Project | Access to Justice | Question at Issue How should the system be implemented? | |
| Originator | Holly Roeske | | |
| Contributors | Charles Owen | Position | |
| 1 Feb., 2001 | | <input type="checkbox"/> Constraint The system should allow for phased, individualized implementation, permitting time for resource aggregation, systematic training and transitional adaptations to take place. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s | | Alternative Positions | |
| Team deliberations | | <input type="checkbox"/> Constraint The system should allow for fast, full-scale implementation to minimize disruption and down time. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

The U.S. civil court system is made up of courts of widely varying sizes and case volumes, each with its own procedures and traditions of operating. The concepts of the Access to Justice project will vary in their impact on individual court systems because of this, offering more to some, less to others and requiring different commitments of resources to implement. Courts will have to be able to evaluate their situations to be able to determine which elements of the system will provide the greatest benefit and how they may be implemented with the least amount of disruption.

Full-scale change, done quickly by all personnel, is attractive because it restricts disruption to a short period and commits all to making the change, thus avoiding the problems of trying to maintain operations for some activities in one mode while related activities operate in another. And when it's done, it's done!

The very nature of the projected system concepts, however, suggests a less dramatic, phased approach to implementation. All elements of the system may not be urgently necessary to a court, and won't be equally easy to install. Phasing them in on the basis of priority of need, ease of installation (relative to seasonal differences in court activity, for example), cost, availability of required resources, and other variables offers a flexibility well-suited to a highly variable court system. Each court should be able to implement its choices at a suitable pace.

Successful implementation also will depend on thorough understanding of the properties, features and functional intent of the system. For the system to be fully accepted, implemented and utilized, a comprehensive training program will be necessary as part of the phasing program.

Version **2** Date: 1 February, 2001

Date of first version: **28** January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---|--------------------------|---|----------|
| Defining Statement | | Issue Topic: Role of Technology | 3 |
| Project | Access to Justice | Question at Issue | |
| Originator | Divya Singhal | What role should technology be asked to play in improving the judicial process? | |
| Contributors | Charles Owen | Position | |
| 1 Feb., 2001 | | <input checked="" type="checkbox"/> Constraint Technology must play an active but supportive role in the judicial process, aiding but deferring to human legal service providers. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s | | Alternative Positions | |
| <p><i>Recommendations for a Court's Web Site for Self-Represented Litigants: A Continuation Grant for the Self-Service Center, Superior Court of Arizona in Maricopa County, State Justice Institute Final Report</i> SJI 94-12A-325-P97-1, Washington, DC: State Justice Institute, 1998.</p> <p>Zorza, Richard. Designing from the Ground Up, A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation.</p> | | <input checked="" type="checkbox"/> Constraint New technology must be adopted that can simplify legal procedures, improve access to information and provide easier access to the courts. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

...Statistics report that in 1997, of the 260 million citizens in the United States, 9% have Internet access (23.4 million). By the year 2000, an estimated 270 million citizens will reside in the United States and 34% (91.8 million) citizens will have access to the Internet... Given the current trend of self-represented litigants, it is safe to predict that users of the services offered by the center will continue to increase. The website is an ideal point of distribution for these services because the site can be designed within the given legal constraints and the content completely controlled. (Recommendations for a Court's Web Site for Self-Represented Litigants 1998)

The information technology revolution already is affecting the judicial process, and it has considerable potential for additional impact. The paper-based systems still too widely used in the courts require many workers for filing tasks, occupy large amounts of storage space, and are not easily accessible for use in the legal process. On-line filing systems, information access through court websites, chat rooms for pro-se advice and video conferencing for distant mediation are just some of the tools of new information technology now available to reduce the work of both court staff and litigants.

Information technology available today, as revolutionary as it is, is only a harbinger of what is to come. Many processes will become totally automatable, and for many applications in business and industry it will no longer be necessary to deal with people to accomplish complex tasks. This potential for drastic automation—complete in many potential applications—raises the issue of the proper role of technology in different areas of human endeavor.

The judicial process is an intensely human activity. Full of ambiguity, interpretation, tradition, and cultural norms translated into guidelines for social interaction, the entire concept of law and its application to social order is grounded in human understanding and communication. Information technology in this context must play a role of support. As seductive as automatic systems may be for efficiency, as effectively as they can collect information, conduct analyses, make decisions and exert control, they cannot substitute for the roles played by thoughtful officers of the court.

Technology should help to bridge the vast gap between the users and providers of legal services—and it should reaffirm trust in the legal system that forms the backbone of the country's social structure.

Version **2** Date: 1 February, 2001

Date of first version: 29 January, 2001

Form: 5/19/1998

Defining Statements

| Defining Statement | | Issue Topic: Efficiency/Perception of Fairness | 4 |
|--|---|---|----------|
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Jun Lee</p> <hr/> <p>Contributors</p> <p>24 Jan., 2001 Emily Ulrich</p> <p>2 Feb., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Boulder County Team Report. Justice Web Collaboratory, 2000.</p> <p>Todd Pedwell. Interview by Jun Lee, Institute of Design, IIT, Chicago, IL, 23 January, 2001.</p> | <p>Question at Issue</p> <p>How should the contradiction between efficiency (for the court) and perceptions of fairness (for the self-represented litigant) be resolved?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint Perceptions of fairness should be preserved through procedures that do not severely compromise the need for efficiency (efficiency taking precedence as long as litigants understand how to appeal).</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint Efficiency should take priority over perceived fairness as long as all procedures and processes are legally performed.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <p><input type="checkbox"/> Constraint Perceptions of fairness should be paramount; self-represented litigants should have full understanding of what is at stake.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

Interviews conducted by the Fall 2000 research component of this project (Boulder County Team 2000) reveal that self-represented litigants value a sense of fairness nearly as strongly as they do a favorable outcome. This suggests that litigants enter the judiciary process with expectations of fairness. Courts with high case loads, such as housing courts, typically see attorneys representing landlords with multiple disputes. Opting for efficiency, these contracted cases are typically heard consecutively—with as little as 2 minutes per case. Uninformed litigants "processed" in this way may feel that decisions made in such a rapid manner are unfair.

Self-represented litigants' perceptions of fairness depend on several factors, some of which include:

1. being able to tell their whole story and perceiving that the court and opposition understand what they are trying to say
2. knowing which step of the judiciary process they are in (predictability of sequence)
3. understanding if a step in a judiciary process is reversible or irreversible
4. anticipating surprises or understanding consequences and outcomes of a decision

While some processes are time sensitive, particularly during a hearing, others are not. When efficiency is not severely compromised, procedures and tools should ensure that questions and uncertainty that litigants may have are addressed before decisions are made. When a conflict arises, efficiency can take precedence as long as litigants understand how to appeal a decision. This approach places appropriate weight on managing the litigants' perceptions of fairness without slowing processes to a halt.

Fully streamlined or contracted processes neglect litigants' need to understand the sequence of the procedure. Litigants who exit the process believing the system is arbitrary may return several times as appellants until a favorable outcome is realized. In contrast, ensuring that litigants have full and complete understanding of all procedures will inevitably cripple courts that have high case loads. Balancing the need for efficient processes with litigants' need to perceive the process as fair will enable processes to be streamlined and avoid delays caused by inappropriate appeals or abuse of the system.

Defining Statements

| | | | |
|---------------------------|--|---|--|
| Defining Statement | | Issue Topic: Document Preparation | 5 |
| Project | Access to Justice | Question at Issue | |
| Originator | Joerg Kriwath | How should the system approach the problem of errors and omissions in self-litigants' document preparation? | |
| Contributors | | Position | |
| 26 Jan., 2001 | Esperanza Rivera Hajeong Noh Hans Kaspar Hugentobler | <input type="checkbox"/> Constraint | The system should accept responsibility for proper and complete documentation by checking litigants' files in progress for both errors of omission and commission. |
| 4 Feb., 2001 | Charles Owen | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |
| Source/s | | Alternative Positions | |
| Team deliberations | | <input type="checkbox"/> Constraint | The system should include several checkpoints to help the litigant to ensure required documents are present and properly prepared. |
| | | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |
| | | <input type="checkbox"/> Constraint | Well-structured information keyed to specific procedures should be given to litigants to enable them to prepare and properly file all documents. |
| | | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |

Background and Arguments

Most self-represented litigants are not familiar with court procedures in a law suit. As a consequence, they generally do not know which documents are needed nor how to properly prepare them for presentation in the process. Incomplete documents are the reason for a large proportion of the extra work and time spent by all users of the court system. Proper documentation ensures a law suit's smooth flow through each step of the process and produces faster results.

The polar approaches of total user or system responsibility are instructive for their potential effects on the problem:

1. If the self-represented litigant is responsible for checking for completeness:

- in the short term, program costs necessary for in-progress checking for completeness will be saved.
- the workload for the average litigant will be increased because extra information (about the process itself) must be gathered.
- the process will be less efficient for both court and litigant because it will take more time.
- more mistakes are likely to occur.
- multiple appearances will be likely because the litigant will still make mistakes.
- the litigant will learn by doing, but at a price of frustration and cynicism.

2. If the system is responsible for checking for completeness:

- over the long term, time, money and other valuable resources will be saved; the process will be more efficient for both court and litigant.
- multiple interactions with the court system will be reduced or eliminated.
- there will be less stress on court workers and litigants, and complaints will drop.
- mistakes will be significantly reduced or eliminated.
- litigants will undergo a less thorough learning experience, but one also less stressful—perhaps, even interesting.

For a person without legal training or former pro-se experience, the legal system and its requirements can seem formidably complex. Gaining deep knowledge is not a practical solution and will not directly help self-represented litigants to solve their problems anyway. Document filing should be monitored by the system to prevent delays and keep additional work created by filing mistakes to a minimum.

Version **3** Date: 4 February, 2001

Date of first version: 24 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---------------------------|--|---|--|
| Defining Statement | | Issue Topic: Communication and Language. | 6 |
| Project | Access to Justice | Question at Issue | |
| Originator | Adrian Burstein | How should the courts make laws and legalese more understandable for the average self-represented litigant? | |
| Contributors | 27 Jan., 2001 Margaret Alrutz 3 Feb., 2001 Shivani Kothari 6 Feb., 2001 Shivani Kothari 23 Apr., 2001 Charles Owen | Position | <input type="checkbox"/> Constraint The courts should implement a high-tech support system that helps self-represented litigants to fully understand laws regardless of their complexity and legalese. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive |
| Source/s | Zorza, Richard. Designing from the Ground Up. A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation. Mitchell, Ilene. Technology and the Removal of Access Barriers for Pro Se Litigants. www.judgelink.org, 1999. Greenspun, Philip and Marc Lauritsen. Making Way for Intelligence in Case Space. MIT Journal of Computer-Aided Information (1995). | Alternative Positions | <input type="checkbox"/> Constraint The courts should provide self-represented litigants with personal assistance performed by a legal staff to help them to understand laws and legalese. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive |

Background and Arguments

Legalese and the way laws are written create barriers to understanding for self-represented litigants. "Most self-help assistance programs reported the key problem that telling people the law was not enough. They often need far more help than the program could give them in analyzing its implications, and taking that law, applying it to facts, and then forging out of the two a coherent and persuasive legal argument." (Zorza 2001, 4)

Courts are now confronting this problem of understanding and jargon. For instance, the California courts are providing personal assistance to self-represented litigants by court attorneys in a non-attorney/client relationship. Other courts, like those in Vermont, provide self-represented litigants with tools to better understand the laws, such as manuals for legalese that contain over 100 legal words for Family Court alone. This approach is a good first step toward making justice more accessible to those who represent themselves. It also raises issues regarding the court giving advice and who among self-represented litigants gets better consultation from the court—and it might prove costly if widely implemented because of the demand it would generate for professional advice.

"Even when forms and instructions are in litigants' native language, litigants still may have difficulty completing them. ...Through the use of Internet-based forms, pro-se litigants could help themselves by using online information and on-line assistance. A pilot program run by the Fund for the City of New York uses Internet-based terminals that provide audio and video help to the user" (Mitchell 1999). "KTA (Knowledge Theorist for Attorneys) is a Common Lisp program that captures structured legal arguments from litigants and judges. ...Another obvious place for AI is in advisory systems for litigants, attorneys, and judges. Such systems ought to be able to advise parties what moves are possible or recommended in given contexts" (Greenspun and Lauritsen 1995, 2,3).

Technology could help self-represented litigants through a highly developed web system that processes the information of their cases and applies the law to it in the language that laymen use. The process performed for the system should "narrow issues, diagnose, and make procedural recommendations and customized statements of the pertinent law in plain language" (Zorza 2001, 25). This alternative would enable people to receive an objective judgment without bias, would bring self-represented litigants to an appropriate level of understanding, would be accessible from remote locations and would reduce significantly the judge's burden and the court's spending on legal staff. Litigants would be able to exercise their right of self-representation efficiently and at low cost.

Version **5** Date: 23 April, 2001

Date of first version: 26 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---|---|---|----------|
| Defining Statement | | Issue Topic: Implementation Cost | 7 |
| <p>Project Access to Justice</p> <hr/> <p>Originator Divya Singhal</p> <hr/> <p>Contributors 9 Feb., 2001 Anjali Kelkar Benjamin Singer Steven Raminiak 13 Feb., 2001 Ronald Staudt 23 Feb., 2001 Charles Owen</p> <hr/> <p>Source/s <i>Pennsylvanians for Modern Courts.</i> Memorandum on Statewide funding of Local Courts. http://www.libertynet.org/pmc/pms/fundmemo.htm, July 1997.</p> | <p>Question at Issue How should the system address the financial costs to the courts of implementing a new system?</p> <hr/> <p>Position</p> <p><input checked="" type="checkbox"/> Constraint The essential elements of the system must be accessible by all courts; remaining solutions can be implemented as needs present themselves and funding permits.</p> <p><input type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should be compact, robust and inexpensive enough to implement that funders can pool resources and enable distribution to all desiring jurisdictions.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <p><input type="checkbox"/> Constraint The system should be modular and flexible enough to enable jurisdictions to implement component solutions based on their individual needs and resources.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

The state courts have limited resources, and there will be a cost burden involved in the implementation of any new system. The National Center for State Courts reports that state funds are the primary funding source for court systems in approximately 30 states. (*Pennsylvanians for Modern Courts 1997, 4*). There, costs are borne by the state's taxpayers, elsewhere they are borne partially by state funds and otherwise by local (usually county) government. Special programs may also attract interested funders and philanthropic third parties who are concerned about improving the present system of law procedures.

Funds available to each state and county vary widely, as they are based on the economy and demographics of the individual states. This suggests that any system must have a core of useful solutions that can be afforded by all if there is to be any equitable distribution. That core must be robust on its own, and as a universally distributed part of the system, should be paid for by all jurisdictions as a cost of reform. As a universally distributed element, a core program would also provide a basic linking mechanism helping jurisdictions to help each other.

As funds are available or become available, additional features of the system should be incorporable. This strategy will allow the system to be projected at a more sophisticated level. Cost for a such a complete implementation, although probably difficult to absorb immediately by all jurisdictions, would—over time—be available to all. Based on the resources available to each jurisdiction, a basic system with appropriate supplementary elements should be obtainable as needed.

A justice network can be more easily integrated across the states if there is a common system core. Such a system would improve the courts' ability to transfer information efficiently. With timely access to information, judges will be able to work more effectively and make more informed decisions.

Traditional costs may also be reduced. In Lake County, Illinois, the cost of printing forms has dropped significantly since forms were put online. These saved resources can be channeled toward the implementation of additional elements of the system—all possible if the system is designed to be implemented in phases to distribute costs over time as well as service.

Version **4** Date: 23 February, 2001

Date of first version: 7 February, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---------------------------|--|---|----------|
| Defining Statement | | Issue Topic: Communication Among Pro Ses | 8 |
| Project | Access to Justice | Question at Issue | |
| Originator | Steven Raminiak | Should communication among pro se litigants be encouraged, discouraged or ignored? | |
| Contributors | | Position | |
| 9 Feb., 2001 | Anjali Kelkar Benjamin Singer Divya Singhal Jin Lee | <input type="checkbox"/> Constraint Communication among pro se litigants should be encouraged until the hearing phase, discouraged then, and encouraged again during the enforcement phase. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 22 Mar., 2001 | Charles Owen | Alternative Positions | |
| Source/s | | <input type="checkbox"/> Constraint Communication among pro se litigants should be encouraged throughout his/her experience with the legal system. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Team deliberations | | <input type="checkbox"/> Constraint Communication among pro se litigants should be discouraged throughout his/her experience with the legal system. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | | <input type="checkbox"/> Constraint Communication among pro se litigants should be ignored. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

Misery loves company. By meeting with each other through a jurisdiction-encouraged support structure, pro se litigants would not only learn more about the legal system, but would also learn about how to cope better with the real problems that they are facing.

Court staff can act as a bridge of knowledge among self-represented litigants, but this staff cannot guide self-represented litigants completely. A system that enables self-represented litigants to share their knowledge will save unnecessary time and effort and also help these litigants to go through court processes more easily.

A little knowledge, however, is a dangerous thing. Courtroom strategy based on the kind of untrained advice that is passed freely among amateurs could prove disastrous to those who rely on that advice. Encouraging pro se litigant communication—at any phase that precedes the hearing of the case—will most likely result in some conversation on courtroom strategy. The system might, thus, discourage pro se communication in order to avoid such potential disasters. On the other hand, the system could adopt the stance that communication among pro se litigants should be entirely ignored since people in similar situations often have a way of finding each other on their own. In any case the problem is real. Nothing will shake someone's confidence in our court system more than if the system provides a method to obtain bad advice.

But if the system heavily discourages "trial strategy swapping" by warning litigants about the uniqueness of cases, this problem may be minimized, and the advantages of communication at all of the other states of the process are quite beneficial.

Defining Statements

| | | | |
|--|--|---|----------|
| Defining Statement | | Issue Topic: Information Needs | 9 |
| Project Access to Justice | | Question at Issue How should the system address different types of users with regard to their different information needs? | |
| Originator Joerg Kriwath | | Position | |
| Contributors | | <input checked="" type="checkbox"/> Constraint The system must have a dynamic focus; it must be able to shift readily between the perspectives of plaintiff and defendant in the case of a cross action. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 30 Jan., 2001 Hajeong Noh Esperanza Rivera Hans Kaspar Hugentobler | | | |
| 5 Feb., 2001 Ronald Staudt | | | |
| 22 Mar., 2001 Charles Owen | | | |
| Source/s | | Alternative Positions | |
| Team deliberations | | <input type="checkbox"/> Constraint The system should individually address different user groups, custom tailoring attention to user type. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | | <input type="checkbox"/> Constraint The system should address all users in the same way, providing information about the legal process neutrally. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | | <input type="checkbox"/> Constraint Communication among pro se litigants should be ignored. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

In the eyes of the legal system, there are two primary types of user: plaintiffs and defendants. Each has a distinct perspective and needs, and the legal system is bound to help both to diagnose the legal process adequately. Plaintiffs, for example, have to analyze evidence properly in order to know how to state their claims. Defendants need to know the many possible legal means to counter a suit. The system must be able to provide both groups with the information necessary to proceed smoothly through the legal process.

Frequently defendants launch counter-claims against the original plaintiffs, adding at that moment new perspectives for both. They must now have information as both plaintiff and defendant. The ease with which this perspective shift can occur emphasizes the need for dynamic focus in the information system. Having a dynamic focus would ensure that perspective shifts can be readily handled and that, in the case of cross-action, the flow through the suit will be smooth with each side in firm grasp of the legal process.

One way to achieve this would be to keep users separated as plaintiffs or defendants. In this model, each action would be dealt with separately, keeping the process simple from the system's standpoint.

Another approach would entail organizing the system as a neutral provider. A neutral provider would equally address all users in providing advice about legal procedures. This approach, however, has a critical flaw: users would have to deal with much information irrelevant to their cases. Pro se litigants should be confronted with less, not more, complexity.

The best position is a combination of the two alternatives. The system should be able to dynamically respond to either user's needs, flexibly providing information directly relevant to plaintiff or defendant, but neutrally able to meet the needs of either as the demand presents itself.

Defining Statements

| Defining Statement | | Issue Topic: Relevant Information | 10 |
|--|--|--|-----------|
| <p>Project</p> <p style="text-align: center;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: center;">Hans Kaspar Hugentobler</p> <hr/> <p>Contributors</p> <p>30 Jan., 2001 Joerg Kriwath</p> <p>5 Feb., 2001 Hajeong Noh</p> <p>13 Feb., 2001 Esperanza Rivera</p> <p>20 Apr., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Zorza, Richard. Designing from the Ground Up, A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation.</p> | <p>Question at Issue</p> <p>How should self-represented litigants look for relevant information?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system, in collaboration with community and advocacy organizations, should teach self-represented litigants how and where to look for both general and case-specific information.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should offer self-represented litigants information and access to resources, but should not offer kinds of advisory assistance that would help them to diagnose their cases.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <p><input type="checkbox"/> Constraint The system should actively search for all relevant information and provide the self-represented litigant with complete access to advice and resources.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

In addition to gathering case-related information specific to their problem, one of the most important tasks for self-represented litigants is to create a "big picture" of the legal process. The big picture is necessary in order to decide what kinds of information are relevant to their specific cases— independent of their preparation for an initial pleading or response to a pleading. In almost any case, however, the universe of the law is too broad for the litigant to assemble independently a view complete enough to support an optimal decision.

If the litigant were represented by an attorney, this would not be a problem, but the law does not permit legal advice to be given except by qualified lawyers, and self-represented litigants may only receive "information" from most of the court officials they encounter—who seldom are lawyers. Walking the narrow path between *advice* and *information* is a difficult task for any court employee, and most courts find the best solution is simply to place severe limits on what may be said to any self-represented litigant.

In court, a solution might be to enhance access to information through specialized resource centers. This would improve the situation and even make it easier to avoid advice giving (because information handling could be centralized), but it would still be difficult for litigants to uncover what they need to diagnose their situation because diagnosis depends partially on advice.

Providing a form of "automatic" diagnosis to provide relevant information places overdependence on the system's capabilities. The litigant should be able to come to an independent decision.

A better approach would be to enlist the resources of the community to enable the self-represented litigant to obtain more than simple information through educational and advisory efforts of qualified advisors—paid or volunteer—supported with information resources.

A core capacity of the self-help court will be in its collaboration with community and advocacy organization. These organizations will be able to do things that the court itself cannot do for fear of violating or appearing to violate neutrality norms (Zorza In preparation, 73).

Defining Statements

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|---------------------------|--|--|-----------|
| Defining Statement | | Issue Topic: Legal Procedure | 11 |
| Project | Access to Justice | Question at Issue | |
| Originator | Charles Owen | How far should the system go in suggesting changes to legal procedure? | |
| Contributors | | Position | |
| Source/s | Discussion with Judge Roger Warren, President, National Center for State Courts, at the Institute of Design, 30 March, 2001. | <input checked="" type="checkbox"/> Constraint The system must deal fundamentally with both legal procedures and supporting information systems, managing reform through the introduction of better decision support and information processes. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | | Alternative Positions | |
| | | <input checked="" type="checkbox"/> Constraint The system must concentrate on basic reforms to procedure, taking risks as necessary to incorporate innovative simplification. <input type="checkbox"/> Objective <input type="checkbox"/> Directive <input checked="" type="checkbox"/> Constraint The system must concentrate on improvements to information and communication processes, avoiding risky changes to legal procedure that might prove unacceptable. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

Civil court procedures have evolved in complexity to the extent that, today, rather than protecting rights and guaranteeing fairness, they often actually impede the effective administration of justice. Layers of formal procedures (that serve the interests of lawyers more than those of either court or litigants) take up precious time, add confusion and put litigants at serious disadvantage in navigating a labyrinthine legal process. The result is frustrating, costly—and largely unnecessary.

The problem for reform is to simplify processes for all users while staying within the spirit and principles of the law. Three approaches merit consideration.

The first is to revise court procedures fundamentally. In this approach, the process is abstracted, expected outcomes are established, typical initial conditions are enumerated, and the most direct means to ascertain condition and assign outcome are then incorporated in procedure. All classical court procedures are open to question and revision or dismissal.

The second approach leaves court procedures basically intact, but regards all requests for information and processes for obtaining it as subject to reform. The overall process is treated as communication with the approach being to simplify requirements for information and how it is generated.

The third approach takes a path between procedural reform and communication reform. In this model, procedures are augmented or supplemented with processes to improve decision making *and* information processing.

The first model has strong appeal because it streamlines access to justice at a fundamental level—the reform of court procedure. It has three difficulties: first, it is potentially politically charged, running the risk of unacceptability; second, it is sensitive to legal error in that statutes must not be violated; and third, it ignores benefits available at no risk from the application of information technology.

The second model is attractive for its safe approach to the legal issues, but falls short of the level of reform possible and desirable. It is too safe.

The third model has the greatest potential. It offers an integrated approach with the best of both of the other models. It offers more than either alone, while avoiding the risk of unacceptability and the disappointment of less-than-expected results.

Defining Statements

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|---------------------------|---------------------------------------|--|--|
| Defining Statement | | Issue Topic: Efficiency/Deliberation | 12 |
| Project | Access to Justice | Question at Issue | |
| Originator | Emily Ulrich | What balance should be sought between efficiency of process and quality of participants' deliberation? | |
| Contributors | | Position | |
| 2 Feb., 2001 | Ronald Staudt Todd Pedwell | <input checked="" type="checkbox"/> Constraint | Improvements in efficiency must preserve and/or enhance procedures that encourage thoughtful deliberation. |
| 5 Feb., 2001 | Jun Lee Shawn Stokes Tairan Sun | <input type="checkbox"/> Objective | |
| 23 Apr., 2001 | Charles Owen | <input type="checkbox"/> Directive | |
| Source/s | | Alternative Positions | |
| Team deliberations | | <input type="checkbox"/> Constraint | Efficiency should be sought wherever it can prevent abuse of the system. |
| | | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |
| | | <input type="checkbox"/> Constraint | Meaningful deliberation cannot be forced and, therefore, should not be explicitly imposed. |
| | | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |

Background and Arguments

Easy decisions should be made efficiently; those with far-reaching consequences should be considered deliberately. Both self-represented litigants and judges stand to benefit from time spent considering the ramifications of important decisions. For the self-represented litigant, this may be whether to pursue a case; whether to enter a particular judgment is an analogous decision for a judge. Aspects of the system that encourage these decisions to be made as deliberations should be preserved. While efficiency should be an important goal of the system, changes for efficiency's sake must not encroach upon processes that encourage participants to reflect on the consequences of their decisions—however peripheral deliberation may be to the process.

The system must balance the potential benefits that increased efficiency might bring with the benefits of time-consuming but appropriate deliberation. Educational requirements, for example, or an effective counseling/mediation program could prove to be essential vehicles for deliberation in certain kinds of cases. Inappropriate for a majority of cases, this degree of attention to deliberation should be considered necessary for such high-stakes proceedings as those in which the future of a minor or similarly dependent individual is concerned. In the case of a divorce where expedience is key and further deliberation is only a source of pain and delay, additional deliberation will not be a decisive or even relevant factor. A divorce in which child custody is at question, however, would clearly benefit from systematic consideration of consequences and ramifications of intended actions.

Increased opportunities for reflection on actions or consequences need not overly lengthen the legal process. As a small portion of the total process, well-planned procedures for deliberation need add only marginally to an already drawn out legal process.

In any case, procedural efficiency should not be sought automatically as an uncontested virtue. It must be thoughtfully employed where it can have a positive and substantive effect. Improved access to justice will be a welcome side effect of the system—a byproduct of increased efficiency—if, along with increased efficiency, processes that encourage quality deliberation are recognized, preserved and encouraged where they need to exist.

Version **4** Date: 23 April, 2001

Date of first version: 22 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|--|--|--|-----------|
| Defining Statement | | Issue Topic: User Focus | 13 |
| Project Access to Justice | | Question at Issue What users should the system focus upon as the primary users of its service? | |
| Originator Jin Lee | | Position <input checked="" type="checkbox"/> Constraint The system must serve the needs of all users—self-represented litigant, judges, court staff and others concerned with self-represented litigation. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Contributors 23 Jan., 2001 Jennifer Joos Holly Roeske 12 Feb., 2001 Loren Gulak Jennifer Joos Holly Roeske 1 May, 2001 Charles Owen | | Alternative Positions <input type="checkbox"/> Constraint The system should primarily serve the needs of self-represented litigants. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint The system should primarily serve the judges and court staffs who guide self-represented litigants through civil court proceedings. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s Branting, L. Karl. <i>An advisory System for Pro Se Protection Order Applicants. International Review of Law, Computers & Technology</i> (November, 2000). | | | |

Background and Arguments

Three main groups of users are potential users of the system: self-represented litigants, court staffs and judges. Other groups that are likely to be in contact with the system include lawyers, the bar, legal service providers, and community groups concerned with the legal process.

Self-represented litigants face many problems as they enter the complex court system. They typically know little about the substantive requirements for the relief that they seek, the procedures that must be followed to establish that these substantive requirements have been met, or the documents required to initiate the legal procedures (Branting 2000, 357). Lack of professional legal advice makes them anxious and bewildered as they go through the civil proceedings.

However, the increase in the number of self-represented litigants has also led to a growing unease among judges and court staffs. Ill-informed about the procedures and requirements, the self-represented litigant often presents judges and court staff with a dilemma. Providing too much help can constitute unauthorized practice of law (for the court staff) or bias (for a judge), but providing too little help can effectively deny the litigant access to the courts (Branting 2000, 357).

A system focus on the problems of the self-represented litigant would go a long way toward improving the lot of the litigant, but that focus would ignore the interactions that take place throughout the process. Equally suboptimal would be a system that focused on the problems of staff and judges. It could improve efficiencies in much of the logistical activities that are part of court process, but would still leave litigants with no better means to act responsibly on their own behalf.

Concepts for an alternative civil justice system must be aware of the interactions among users that take place throughout the process. A successful system will incorporate ideas that are activity focused and serve equally the needs of all parties. To achieve at the highest level, the system should be an indispensable tool for judge and litigant alike.

| Defining Statement | | Issue Topic: Enforcement Assistance | 15 |
|--|---|--|-----------|
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Jennifer Joos</p> <hr/> <p>Contributors</p> <p>5 Feb., 2001 Holly Roeske 14 Feb., 2001 Ronald Staudt 26 Apr., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Handbook on Child Support Enforcement. U.S. Department of Health and Human Services Administration for Children and Families. <http://www.pueblo.gsa.gov/cic_text/children/childenf/index.htm></p> <p>Zorza, Richard. Designing from the Ground Up, A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation.</p> <p>Heller, Paul. <i>Speech on Collection.</i> Chicago, 2000.</p> | <p>Question at Issue</p> <p>What part should the system play in assisting judgment creditors in the enforcement process?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should support flexible procedures that streamline the process of enforcement and help successful litigants to enforce creditor judgments.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint Programs and procedures ought to be established at federal and state levels to enforce the collection of judgments in civil cases.</p> <p><input type="checkbox"/> Objective</p> <p><input checked="" type="checkbox"/> Directive</p> <hr/> <p><input type="checkbox"/> Constraint Litigants should be wholly and independently responsible for collecting their judgments.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

For the self-represented litigant, receiving a verdict is not the end of the problem; in fact, it only begins the harrowing process of enforcement. The procedures that constitute enforcement basically reprise the entire litigation process. Diagnosis, preparation and hearing must be repeated in order to achieve reparation. Collection is further complicated when the debtor refuses to cooperate and the litigant—with a judgment—is unable to locate either debtor or assets.

In Cook County, Illinois, supplemental proceedings currently require that unless the debtor (defendant) provides financial statements, the plaintiff must first file a Citation to Discover Assets, compelling the debtor to appear in court with proof of his or her assets. If the respondent fails to appear, a Rule to Show Cause is filed compelling the respondent to appear in court and explain why he was not in court the first time. If the respondent fails to appear again, an Attachment Order of the Court directs the sheriff to physically apprehend the debtor and bring him to court (Heller 2000). Clearly, the pursuit of collection can be a long process, potentially frustrating enough to lead a litigant to abandon a rightful claim. There is no consistent or comprehensive support system in place to aid litigants in their search for information about debtors and assets.

In 1975, the US Department of Health and Human Services established the Child Support Enforcement Program. State child support programs, on a local level, establish and enforce support orders and collect child support payments (Handbook on Child Support Enforcement). Information available to child support enforcement agencies could be helpful to anyone needing assistance enforcing a judgment. Child support enforcement programs are able to access information such as state tax files, real and titled personal property records, occupational and professional licenses and business information, information from employment security agencies, public assistance agencies, motor vehicle departments, and law enforcement departments as well as records of private entities such as public utilities and cable television companies. This includes names and addresses of individuals and their employers as they appear in customer records; information obtainable from financial institutions can include asset and liability data (Handbook on Child Support Enforcement).

Guidelines that standardize access to this wealth of information coupled with procedures to aid in the discovery of assets would ensure more successful enforcement of verdicts.

Defining Statements

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| Defining Statement | Issue Topic: Educational Obligations | 16 |
| Project <p style="text-align: right;">Access to Justice</p> <hr/> Originator <p style="text-align: right;">Emily Ulrich</p> <hr/> Contributors 5 Feb., 2001 Jun Lee Steven Raminiak Shawn Stokes Tairan Sun 26 Apr., 2001 Charles Owen | Question at Issue To what extent should the system be responsible for enabling self-represented litigants to fare competently in court against represented parties? | |
| Source/s Team deliberations | Position <input checked="" type="checkbox"/> Constraint The system must ensure access to resources that will enable self-represented litigants to understand their cases and construct thorough presentations of them. <input type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | Alternative Positions <input type="checkbox"/> Constraint The system should allow access to resources, and should pay special attention to resources that assist in troublesome areas of the law. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint Individuals who represent themselves in court ought to be responsible themselves for learning what they need to know before attempting to access the legal system. <input type="checkbox"/> Objective <input checked="" type="checkbox"/> Directive | |

Background and Arguments

The system should address the need for self-represented litigants to be informed about basic legal terminology before being introduced to environments where they must determine and differentiate appropriate courses of action. Typically, self-represented litigants move blindly and relatively unassisted through the court system, often unaware of what will be required of them in the next series of steps, unable to prepare for or anticipate the consequences of their decisions.

Many websites and legal information sources are not well suited to the special needs of the self-represented litigant, often assuming, for example, that the litigant has or will procure a lawyer. Even such a preliminary task as filtering the information available to find that which applies to a particular case requires some knowledge of legal terminology—at the very least, enough to determine what is pertinent to the case.

At a philosophical level, judges confront a difficult problem whenever a self-represented litigant comes before them against a party or parties that are represented by lawyers. How can the trial be certain to be fair? It is the court's responsibility to ensure that a decision rendered is as just as possible, but if one party knows the law, procedures and the culture of the court—and the other does not—how far can the judge go toward leveling the playing field?

Barring legal advice to the unrepresented, the very minimum the legal system should provide is access to the same resources that are made available to lawyers—in straight-forward language. Two key concepts are: (1) direct language that uses simple English (in conjunction with other languages where applicable) to explain and relate appropriate law terms and procedures, and (2) organized resources that allow users to get quickly to what they need and to avoid what they do not need.

The court's educational obligation to the self-represented litigant should be met, at least in part, with readily accessible resources that can be understood by the layman willing to invest reasonable personal time in a self-learning process.

Defining Statements

| | | | |
|---------------------------|---|--|-----------|
| Defining Statement | | Issue Topic: Validity of Claims | 17 |
| Project | Access to Justice | Question at Issue | |
| Originator | Joerg Kriwath | How should the system approach freeing the courts from excessive workloads caused by invalid claims? | |
| Contributors | Margaret Alrutz Adrian Burstein Danielle DeCarlo Hans Kaspar Hugentobler Shivani Kothari Hajeong Noh Esperanza Rivera | Position | |
| 5 Feb., 2001 | | <input type="checkbox"/> Constraint Appropriate evaluation and mediation, where advised, should be made mandatory prior to filing a case. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 26 Apr., 2001 | Charles Owen | Alternative Positions | |
| Source/s | | <input type="checkbox"/> Constraint Before filing, cases should be evaluated for validity and non-binding recommendations should be made for most appropriate forms of remedy. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Team deliberations | | <input type="checkbox"/> Constraint Validity of case claims should be sought through improved communication of judicial processes, goals and values. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

The courts are overloaded with cases, many of them frivolous. Reducing the load is a growing necessity. But reducing it through increased efficiencies may, paradoxically, be counterproductive. Implementing the Access to Justice projects effectively, for example, may actually raise the likelihood of increasing the load. Improved efficiency may signal an opportunity to take advantage of the improved system with more suits! The phenomenon is common in other fields, for instance, in transportation where better highway infrastructure leads invariably to more cars on the road.

This having been said, there is still a great need for appropriate ways to divert cases to other forms of conflict resolution—before they enter the court system. One way is to inform potential litigants more correctly about the legal process. Popular television series such as "Judge Judy" trivialize and distort concepts of law, the courts and the nature of legitimate cases. The responsibilities of citizenship are becoming more and more an educational necessity. People must understand that the judicial system is a last-resort means for settling disputes peacefully—not a first-choice instrument for pressing personal advantage.

On the other hand, self-represented litigants sometimes hold strong feelings about their claims, turning to the court more from a need for vindication than any material remedy. Such litigants may press their cases in spite of advice to the contrary, because they want the authoritative conclusiveness of a court judgment. Having the system evaluate the validity of claims will help, but will not provide a complete solution to case overload. Preventing citizens from going to court also takes away from them their ultimate right to appeal a dispute judicially.

Not all disputes need to be settled by a judge. In some states it is mandatory for certain types of cases to undergo some form of mediation before being processed further by the court system, and in some branches of law, mediation resolves a majority of the cases considered. Mediation also brings with it solutions on which both parties agree.

The system should estimate the validity of evidence prior to filing and recommend alternative ways to resolve the conflict where applicable. Balancing the personal need of litigants to take action with the system's need to conserve resources will enable the courts to handle more claims more effectively.

Version 3 Date: 26 April, 2001

Date of first version: 4 February, 2001

Form: 5/19/1998

| | | | |
|---|--|---|-----------|
| Defining Statement | | Issue Topic: Enforcement | 18 |
| Project Access to Justice | | Question at Issue How should the system approach post-trial issues of enforcement? | |
| Originator Jin Lee | | Position <input type="checkbox"/> Constraint The system should include resources that can help self-represented litigants to craft enforcement strategies. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Contributors 23 Jan., 2001 Jennifer Joos Holly Roeske 12 Feb., 2001 Loren Gulak Jennifer Joos Holly Roeske 1 May, 2001 Charles Owen | | Alternative Positions <input type="checkbox"/> Constraint The system should concentrate on first-time litigation, allowing self-represented litigants to extrapolate from that experience to develop their own enforcement strategies. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s Zorza, Richard. Designing from the Ground Up. A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation. | | | |

Background and Arguments

The typical self-represented litigant believes that once a judgment has been rendered, the court will automatically collect it for him. To his chagrin, he inevitably finds that is not the case, and another complex process awaits if he is to collect the judgment.

In the process of obtaining a judgment, however, self-represented litigants must learn considerably about the judicial process—whether or not they have extensive support services. Since enforcement litigation procedures in many ways duplicate the procedures they will have experienced in obtaining the judgment, they will be much better prepared to prosecute their own cases. In spite of the similarities, though, enforcement is much more than an extension of procedure. The knowledge necessary to pursue the labyrinthine paths of collection is in many ways more challenging than what has gone before. The court should have a role in helping the self-represented litigant through the enforcement process simply on the basis that leaving it to the self-represented litigant is both unfair and impractical (Zorza 2001, 56).

Building an enforcement strategy is crucial if a litigant is to navigate through the complexities of the enforcement process. The variety of steps, constraints to be met and time limits for options create confusion. To reduce the confusion, the system should provide means to help self-represented litigants to build effective strategy. Assisted by a system that points out needs and leads the litigant through steps, self-represented litigants should be able to go through the process with considerably less cost in time and resources to them and to the courts.

Defining Statements

| | | | |
|---|---|--|-----------|
| Defining Statement | | Issue Topic: Unbundled Legal Services | 19 |
| <p>Project</p> <p style="text-align: center;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: center;">Benjamin Singer</p> <hr/> <p>Contributors</p> <p>1 Feb., 2001 Ronald Staudt Divya Singhal Anjali Kelkar Steven Raminiak</p> <p>28 Feb., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Greacen, John M. The Distinction between Legal Information and Legal Advice: Developments Since 1995. n.p., n.d.</p> <p>Mosten, Forrest S. Unbundling of Legal Services and the Family Lawyer. Family Law Quarterly, American Bar Association, 1994.</p> | <p>Question at Issue</p> <p>What role should unbundled legal services play in the system's assistance to the self-represented litigant?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should take advantage of the availability of issue-based unbundled legal services.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input checked="" type="checkbox"/> Constraint The system must encourage full legal representation when legal service is required to avoid liability for malpractice.</p> <p><input type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

Having entered the legal process without a lawyer, the self-represented litigant finds quickly that he or she is in an advice/information bind. Self-represented litigants looking for legal advice (What should I do?) vs. legal information (How can I...? How do I...?), find that almost everyone they encounter in the courthouse is prohibited from telling them what they most want to know. The definition of legal advice is not black and white (Greacen n.d.), but in general, court staff are very wary of requests for advice and err on the side of restraint.

The system should make self-represented litigants aware of the opportunity to confer with a lawyer for limited purposes. Unbundled legal service can provide the answers difficult for the uninitiated to find. Legal help in small doses would allow self-represented litigants to get professional help for the most difficult or technical portions of cases that could be otherwise responsibly self-managed. Examples include drafting of a contract in legal language, research of legal precedent, discovering facts of the opposing party, representation in court, and other discrete services (Mosten 1994) that would be difficult or disadvantageous for litigants to undertake on their own.

Often, these legal contacts can be made financially affordable by limiting the time involved and charging a fixed fee rather than an hourly rate. Lawyers can benefit from this financial arrangement in cases that are not financially viable for full representation.

While immunity in full or limited form is being considered for advice givers in the courthouse, the best protection from liability is the same as for any lawyer-client relationship: clear communication and a positive personal relationship. The risk of malpractice dwindles if there is clear understanding of what is and what is not being done (Mosten 1994).

Given the scarcity of legal advice for self-represented litigants, the increases in self-represented litigation, and the chaotic process of the uninformed attempting to manage their cases in the structured court environment, the use of unbundled legal services is a very constructive compromise between unaffordable full representation and chaotic uninformed participation.

Defining Statements

| Defining Statement | | Issue Topic: System Flexibility | 20 |
|--|--|--|-----------|
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Holly Roeske</p> <hr/> <p>Contributors</p> <p>8 Feb., 2001 Loren Gulak Jennifer Joos Jin Lee</p> <p>2 May, 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Miller, Thomas D. and Per Elgård. Defining Modules, Modularity and Modularization. IPS Research Seminar, Fuglsø, Denmark, 1998.</p> | <p>Question at Issue</p> <p>How should system architecture be defined with regard to advantages of standardization and flexibility?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should be flexible, employing modular system design to create individualized system solutions for context-specific application.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should be monolithic to enable the benefits of standardization to be achieved across the court systems.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <p><input type="checkbox"/> Constraint The system should be composed of multiple, discrete, relatively monolithic systems keyed to similar court systems.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

Individual courts and the communities they serve across the U.S. vary greatly in scale as well as their legal, functional and demographic characteristics. Any support system for legal processes must reckon with variation as the natural state of things.

In spite of this, a standardized, monolithic approach to system design is attractive in that it enables a system to be built at lower cost and offers considerable communication advantages through standardization. A standardized system allows easy transfer of information and encourages the dissemination of technology from advanced to less advanced users.

A more flexible approach would be to develop several discrete, relatively monolithic systems of different characteristics keyed to needs of clusters of similar courts. Courts implementing the same versions of the system would achieve the benefits of the single monolithic system through the network.

A truly flexible "kit of parts" system, however, offers the best chance to meet the problems of variability and is likely to be more cost effective in original cost than multiple discrete systems. A flexible system not only can accommodate present differences, it can respond much more readily to future changes in laws, case loads and the demographic makeup of the community.

Combining the advantages of the standardized monolithic system and the flexible system, a modularized architecture can respond both to variety of need and resource limitations. Utilizing the three basic drivers for modularization in industry—"creation variety, utilization of similarities and reduction of complexity" (Miller and Elgård 1999, 1)—such a system would be composed of multiple modular components that could be combined in system designs to suit the needs of individual court communities. Though its initial cost might be higher, it would quickly make up for that in its ability to adapt to change with substantially lower costs, and its ability to closely fit the needs of individual court systems would enable high quality response to the problems of self-represented litigants across the courts spectrum.

Defining Statements

| | | | | | | | | | | | | | |
|---|--|--------------------------|------------|--------------|--------------|---|--------------|--------------|-------------|--------------|----------|--|---|
| Defining Statement | Issue Topic: Promotion | 21 | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">Project</td> <td style="border-bottom: 1px solid black;">Access to Justice</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Originator</td> <td style="border-bottom: 1px solid black;">Holly Roeske</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Contributors</td> <td style="border-bottom: 1px solid black;">Loren Gulak Jennifer Joos Jin Lee</td> </tr> <tr> <td style="border-bottom: 1px solid black;">8 Feb., 2001</td> <td style="border-bottom: 1px solid black;">Charles Owen</td> </tr> <tr> <td style="border-bottom: 1px solid black;">2 May, 2001</td> <td style="border-bottom: 1px solid black;">Charles Owen</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Source/s</td> <td style="border-bottom: 1px solid black;">National Center for State Courts. Public Trust & Confidence: Court Performance: The Public's Evaluation. <www.ncsc.dni.us/PTC/results/finding3.htm#s1-1></td> </tr> </table> | Project | Access to Justice | Originator | Holly Roeske | Contributors | Loren Gulak Jennifer Joos Jin Lee | 8 Feb., 2001 | Charles Owen | 2 May, 2001 | Charles Owen | Source/s | National Center for State Courts. Public Trust & Confidence: Court Performance: The Public's Evaluation. < www.ncsc.dni.us/PTC/results/finding3.htm#s1-1 > | <p>Question at Issue</p> <p>How should the system be promoted?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should be promoted at appropriate levels of awareness by the courts themselves.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should not be promoted; it should be implemented without overly raising the community awareness level.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p><input type="checkbox"/> Constraint The system should only be promoted within court facilities.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> |
| Project | Access to Justice | | | | | | | | | | | | |
| Originator | Holly Roeske | | | | | | | | | | | | |
| Contributors | Loren Gulak Jennifer Joos Jin Lee | | | | | | | | | | | | |
| 8 Feb., 2001 | Charles Owen | | | | | | | | | | | | |
| 2 May, 2001 | Charles Owen | | | | | | | | | | | | |
| Source/s | National Center for State Courts. Public Trust & Confidence: Court Performance: The Public's Evaluation. < www.ncsc.dni.us/PTC/results/finding3.htm#s1-1 > | | | | | | | | | | | | |

Background and Arguments

The degree of awareness accorded the Access to Justice system will be an important factor affecting not only self-represented litigants, but court operations, the perception of the courts and the administration of justice throughout the community.

In a survey of public trust and confidence in the court system sponsored by the National Center for State Courts, a large percentage of people felt that it was expensive to bring a case to court. The cost of hiring a lawyer was perceived as the number-one cost factor. Twenty-eight percent of people surveyed strongly disagreed that they could represent themselves in court if they wanted to (National Center for State Courts). If people are made aware that they *can* go to court without a lawyer—supported by an Access to Justice system—they may be less likely to castigate the process. Promoting the Access to Justice system could go a long way toward changing perceptions about expensive courts and lawyer requirements.

A probable consequence of this, however, would be the encouragement of more people to consider pro se litigation, increasing traffic into the courts. If the pro se process becomes highly effective and easy to employ, the practice may also proliferate to additional types of cases with financial consequences for the legal community that could diminish the effectiveness of the system overall.

If the system is promoted solely within court facilities, only people who are already seeking problem resolution through the courts will be made aware of it, and the risk of increasing court traffic will be minimal—but the undesirable public perception problem will remain.

A solution sensitive to these problems is to assign responsibilities for promotion to the individual courts, allowing them to promote the system within the courts and community at a level in harmony with the conditions present locally.

Defining Statements

| | | | |
|---------------------------|---|--|-----------|
| Defining Statement | | Issue Topic: System Usability | 22 |
| Project | Access to Justice | Question at Issue How should operation of the system be presented to users? | |
| Originator | Shawn Stokes | Position | |
| Contributors | | <input type="checkbox"/> Constraint System interfaces should be intermediate in level with special attention to the problems of novices moving to intermediate status. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 22 Jan., 2001 | Jun Lee Emily Ulrich | Alternative Positions | |
| 5 Feb., 2001 | Jun Lee Tairan Sun Emily Ulrich | <input type="checkbox"/> Constraint System interfaces should have courthouse expert versions for court staff use in facilitating problems of self-represented litigants. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 2 May, 2001 | Charles Owen | <input type="checkbox"/> Constraint System interfaces in the courthouse should accommodate a full range of user expertise from novice to expert. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s | Singhal, Divya. Digital Divide . v. 2, Observations taken at Cook County Courthouse, Chicago: Access to Justice Project, January 19, 2001. | | |

Background and Arguments

Technology changes at a rapid pace. Expert users of computer systems yesterday are novices again today as the systems they once routinely used are replaced with newer ones. The problem of the interface is confronted today by everyone.

Computer interfaces are regarded for design purposes as novice, intermediate or expert depending on how much they depend on prior knowledge for their operation. Novice interfaces assume no prior knowledge and take the user through every step carefully with backup help available for steps that might require greater understanding. Expert interfaces expect that the user knows the system well and wants to execute a task in the most expedient way. Means are made available to shortcut all but crucial steps. Intermediate interfaces assume that a user has worked with the system before, but may not recall everything necessary for smooth operation. Accordingly, help is made available discreetly, and steps and help are added as necessary where confusion might occur.

Analysis indicates that most normal users are neither novices nor experts. Because being a novice only lasts as long as it takes to learn what to do, novicehood is usually a short period. On the other hand, expert level is only attained by using a system continuously. Most people use a system, become reasonably proficient, do other things, and return to the system not quite remembering all that they mastered the last time. They are perpetual intermediates.

Self-represented litigants, in the course of full case development, will be novices universally at the beginning, but will become intermediates quickly and will retain that level of accomplishment normally as long as interfaces in the system have enough commonality to engage what they have learned.

Most self-represented litigants entering the courts are reluctant to try the unfamiliar computer systems they see (Singhal 2001). They perceive the systems as much more difficult to engage than a member of the court staff. If they do become engaged, they begin as novices. Because users of the system will also include many intermittent staff and service providing users in addition to self-represented litigants, system interfaces should reflect the characteristics of intermediate users, helping them to pass through the novice stage when necessary, but then helping only as required.

Defining Statements

| | | | |
|---|--|---|-----------|
| Defining Statement | | Issue Topic: Information Form | 23 |
| Project Access to Justice | | Question at Issue To what extent should digitized information integrate with or replace existing documents? | |
| Originator Jun Lee | | Position <input type="checkbox"/> Constraint Digitized information should be employed for transaction-based procedures, incorporating tools that clerks have created for handling the idiosyncracies of transcription. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Contributors 5 Feb., 2001 Emily Ulrich Steven Raminiak Shawn Stokes Tairan Sun 13 Feb., 2001 Divya Singhal 2 May, 2001 Charles Owen | | Alternative Positions <input type="checkbox"/> Constraint Paper documents should be eliminated and their information incorporated in digital form within databases able to produce paper documents on demand. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint Digital information should complement, not replace, paper-based methods developed naturally over time by skilled law practitioners. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s Woo, Maryanne. Interview by Jun Lee, Sidley and Austin, Chicago, IL, 2 February, 2001. | | | |

Background and Arguments

Our legal infrastructure, vast and complex, has at its center: documentation. More than any other profession, the legal profession insists that tacit decision-making or spoken interaction among its practitioners be made explicit and manifest as language recorded on paper. The bulk of the legal infrastructure has been designed to support the transcription of this information onto physical media. Legal documents undergo the following predictable life cycle:

Court documents are designed and approved by state chief justices. They do not change form frequently. Buildings and computing equipment are committed to housing them, and large staffs of clerks maintain and disseminate them to attorneys, support staff and litigants. According to Woo (Woo 2001), who worked as a clerk in Milwaukee County Court for one year, documents are written on, annotated, appended, exchanged, duplicated and sometimes voided. This form of use, transcription—the act of translating conscious thought to language—is a process highly influenced by the individualities of human activity and, so, is the least consistent or regulatable. While they are active, documents require dedicated physical space in the court and a large staff of clerks to manage them. After a case is closed, documents are archived physically in a storage space and, in recent years, on digital media.

Proposals to digitize documents should focus on the transactional operations that deal with document creation, data entry, dissemination, exchange, filing, storage and retrieval. Aspects of the process that deal with transcription, should be changed or replaced only to the extent that the new system maximizes flexibility by supporting a wide range of transcription modes and approaches. Tools that clerks have developed on their own to address annotations and amendments should be discovered and integrated into the proposed system.

Modifying aspects of document handling to improve access and reduce unnecessary complexity will benefit not only self-represented litigants, but all those professionals who spend valuable time managing a system that is now artificially conserved under historical precedent. But a system that insensitively ignores traditional modes of document handling will lose flexibility and adaptability, the ability to record accurately the subtleties of human intent.

Defining Statements

| | | | |
|---|---|---|--|
| Defining Statement | | Issue Topic: Intimidation/Respect | 24 |
| Project | Access to Justice | Question at Issue | |
| Originator | Anjali Kelkar | How should the system address the problem of commanding respect without intimidation? | |
| Contributors | | Position | |
| 23 Jan., 2001 | Steven Raminiak Benjamin Singer Divya Singhal | <input checked="" type="checkbox"/> Constraint | The system must temper a thoughtful mix of environmental and ceremonial symbolism with user-centered support tools as guides for self-represented litigants. |
| 29 Apr., 2001 | Charles Owen | <input type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |
| Source/s | | Alternative Positions | |
| Berman, Greg, ed. <i>What Is a Traditional Judge Anyway?: Problem-Solving in State Courts</i> . Judicature 84, No. 2 (Sep/Oct 2000): | | <input type="checkbox"/> Constraint | The system should emphasize visual symbolism, but reduce ceremonial intimidation through in-process explanations. |
| | | <input checked="" type="checkbox"/> Objective | |
| | | <input type="checkbox"/> Directive | |

Background and Arguments

Like two faces of a coin, intimidation or respect are two opposite impressions a court can make on a visitor. Depending on the visitor's place in the proceedings and knowledge of court processes, the impression can be positive and supportive or negative and destructive.

The symbolism and ceremony surrounding court activities have been consciously designed to remind participants of the high regard the country places on justice and the rule of law. For those involved in court processes and those represented in court by lawyers—as well as those brought before the court as accused—the ceremony works to evoke respect or induce intimidation as intended.

In contrast, when self-represented litigants appear in court, they face a blood-pressure raising experience not well matched to the circumstances of their appearance. A court proceeding is not a familiar activity for most litigants. Court officials play out formal roles. The court environment is highly ceremonial, requiring proper actions and timely responses. If the other party has a lawyer (an expert on the ceremony), the self-represented litigant is additionally disadvantaged. And, completing the aura of alienation, the judge, in his robes at an elevated station controls not only the unfolding ceremony but also any chance for reward. The self-represented litigant, afraid to make mistakes, is intimidated (Berman 2000).

The goal of this ceremony, however, is respect, not intimidation. The system with all of its trappings and formal procedures is intended to assure respect for the law. What has happened is that a system devised for one set of circumstances has found itself in another created by the increase in self-represented litigation. Compounding the dislocation, the evolution of electronic systems is creating an entirely new virtual legal environment away from the courts within which some sense of the courtroom respect for justice needs to be recreated.

A litigant's experience in the system—real or virtual—should leave the impression of respect expected, but should also reflect the concern for rights prominent among the system's purposes and the commitment of the courts to fairness and justice. To accomplish this, some access to support must be put in the hands of self-represented litigants, and the ceremonial, symbolic qualities of court surroundings must be retailored to the appropriate purpose of respect without intimidation.

Version **3** Date: 29 April, 2001

Date of first version: 20 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---------------------------|--------------------------|--|-----------|
| Defining Statement | | Issue Topic: Community Involvement | 25 |
| Project | Access to Justice | Question at Issue | |
| Originator | Margaret Alrutz | How should the system make use of community organizations with regard to support for self-represented litigants? | |
| Contributors | Charles Owen | Position | |
| 20 Apr., 2001 | | <input type="checkbox"/> Constraint The system should establish new community resources as support channels for educational outreach to citizens. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| Source/s | http://www.legalhelp.org | Alternative Positions | |
| | | <input checked="" type="checkbox"/> Constraint The system must maintain tight control over any community outreach efforts as responsibilities of the courts. <input type="checkbox"/> Objective <input type="checkbox"/> Directive <input checked="" type="checkbox"/> Constraint The system must preserve the separation of government responsibilities for administering justice from those of administering social services. <input type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint The system should rely on already existing community organizations as channels for educational outreach. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

Lack of education, English as a second language, poverty, domestic abuse, divorce—all of these can be thought of as social problems. They can also be thought of as contributing factors adding to the scale of the legal system's problem created by increasing numbers of self-represented litigants.

There are many organizations from which self-represented litigants can gain legal information and advice. These range from a handful of court-sponsored self-help centers to Internet publications from organizations such as the ABA or APSA. Many of the latter's programs, unfortunately, do not reach those who need help the most—the poor. By its own definition, "APSA is a self-help organization for the middle class and professional person—the rich can afford attorneys and the poor do not usually possess other elements [necessary] or have access to a PC to produce their own letters, documents and court papers" (www.legalhelp.org).

Should many court systems choose to follow the lead of more progressive state court systems offering self-help centers, the question of establishing appropriate channels for social outreach will become paramount. But it is not realistic, for many reasons, to think that the system should take on the burden of basic education or look after other social needs of citizens.

Socialized legal services may sound better than they work. Large branches of state and federal governments are already devoted to areas of social service that intersect with court system responsibilities. For example, DHHS (the Department of Health and Human Services) has taken on child support enforcement, a sensible decision as this often involves multiple states. DHHS, because of its size, may have found success in this one area; for more locally-based problems, which may require carefully individualized educational programs, community organizations make more sense.

To avoid "tacking on" law-related services to already established and specialized community organizations, it is more reasonable to consider specially designed, new community organizations that can take on the complex problems of the law and social problems of the poor. These community organizations should maintain a close, but not subordinate, relationship with the justice system.

Defining Statement

Issue Topic: **Legal Advice**

26

Project

Access to Justice

Originator

Shivani Kothari

Contributors

29 Jan., 2001 Margaret Alrutz
Adrian Burstein
Bernd Kretschmer

4 Feb., 2001 Adrian Burstein

10 Feb., 2001 Margaret Alrutz
Adrian Burstein
Bernd Kretschmer

21 Apr., 2001 Charles Owen

Source/s

Goldschmidt, Jona. **Materials on Pro Se Litigation and Related Issues**. National Conference on Pro Se Litigation, Scottsdale, Arizona, 1999.

Zorza, Richard. **Designing from the Ground Up, A Self-Help Centered Court**. Washington, DC: State Justice Institute, In preparation.

Question at Issue

To what extent should the court assist self-represented litigants with legal procedure?

Position

Constraint Courts should not be directly involved in giving advice, but should be proactive in directing self-represented litigants to the resources they need.
 Objective
 Directive

Alternative Positions

Constraint Courts should not assist self-represented litigants in any matters involving legal advice.
 Objective
 Directive

Background and Arguments

"The Founders believed that self-representation was a basic right of free people. ...Thomas Paine, arguing in support of the 1776 Pennsylvania Declaration of Rights, said: 'Either party ... has a natural right to plead his own case; this right is consistent with safety, therefore, it is retained ...'" Faretta, supra, 95 S. Ct. at 2539, n. 39. (Goldschmidt 1999, 1).

The sobering reality is that, although more and more people are choosing to represent themselves,

"Our intellectual, jurisprudential and even physical model of courts is built around the assumption that every litigant has a lawyer literally standing beside him or her ... in many courts, many or almost all of the cases do not fit that model. Rather, one or frequently both, parties stands alone" (Zorza In preparation, 2).

To make matters worse, no person working for a court can give any kind of advice or guidance to the litigant, since that conflicts with the court's commitment to neutrality. Self-represented litigants, nonetheless, constantly need guidance since the system is new to them and, being complex, difficult to understand. Court staff members, knowing exactly what the litigant should do next, feel helpless in these circumstances, and sometimes even risk their jobs to give guidance that they think is appropriate, compromising the court's stand of neutrality.

State-wide assistance programs addressing this problem have been put into practice—good examples being in California, Delaware and Colorado. As an auxiliary court service, Ventura County, California has a self-help center for cases where litigants typically choose to represent themselves. Facilitators supply legal information and emphasize that nothing they say is confidential. Despite its usefulness, this is not really enough. It is important for the litigant also to be able to plan strategy.

Most self-help assistance programs reported the key problem that telling people the law was not enough. They needed far more help than the program could give them in analyzing its implications, taking that law and applying it to facts, and then forging out of the two a coherent and persuasive argument (Zorza In preparation, 4).

Advice by a court contradicts its requirement for neutrality. Thus, it is mandatory that it not give advice. But it can refer the self-represented litigant to other resources outside the court where information and advice can be dispensed. In this way, it can maintain its neutrality while helping self-represented litigants to find what they need to understand the law, strategize and construct a case.

Version **5** Date: 21 April, 2001

Date of first version: 28 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---------------------------|--|--|-----------|
| Defining Statement | | Issue Topic: Language and Communication | 27 |
| Project | Access to Justice | | |
| Originator | Shivani Kothari | | |
| Contributors | 26 Jan., 2001 Charles Owen 27 Jan., 2001 Margaret Alrutz 3 Feb., 2001 Adrian Burstein 11 Feb., 2001 Danielle DelCarlo 21 Apr., 2001 Charles Owen | | |
| Source/s | National Center for State Courts website. www.ncsc.dni.us/RESEARCH/INTERP/index.html . Field observations from IPRO 597-380, Illinois Institute of Technology, Fall, 2000. | | |
| Question at Issue | To what degree should the courts provide foreign language translation? | | |
| Position | <input type="checkbox"/> Constraint Courts should provide full foreign language translation and legal interpretation service to litigants who do not speak English. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | | |
| Alternative Positions | <input checked="" type="checkbox"/> Constraint Courts must provide foreign language translation at the time of a hearing. <input type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint Courts ought to require representation for litigants who do not speak English. <input type="checkbox"/> Objective <input checked="" type="checkbox"/> Directive | | |

Background and Arguments

"To a minority for whom English is not a primary language, language barriers only heighten the desperation that justice is simply beyond reach, no matter what the truth or consequences ... [The prosecution of a non-English-speaking defendant without the aid of an interpreter] loses its character as a reasoned interaction and becomes an invective against an insensible object — Florida Supreme Court Task Force on Racial and Ethnic Bias" (NCSC web site).

Non-English-speaking immigrants live in numbers in both rural areas and densely populated urban areas. Current court practice allows a certain amount of foreign language translation to take place, for example, in a hearing. The court appoints an interpreter for cases where there is a non-English-speaking self-represented litigant. At present, this is the practice in the Superior Courts of Ventura County, California and Maricopa County, Arizona. Litigants observed and interviewed in Ventura County (Ipro 597-380 2000) expressed the desire that the system be made more flexible to allow filing complaints, finding information, etc. to be done in languages other than English. This could be facilitated to some extent now with the help of technology, and automated language translators are not too far away.

If courts were to allow interpreters and translators to be brought in by litigant, the issue of malpractice would necessarily arise. Whether the interpreter was simply translating or also advising the litigant is the issue. A translator can also edit what the litigant has said to make the argument stronger. This alternative is not an acceptable solution.

The court could also enforce a rule that those who do not speak English be represented, but this would be highly discriminating unless the court were to provide the attorney.

All of the above strongly suggests that the court should be responsible for providing neutral interpretation and language translation. Done with the help of court-trained interpreters and automated translators, this would help self-represented litigants understand and be understood in court. As the technology improves, more of the task can be assumed by automated systems, and as an additional benefit, similar services would serve self-represented handicapped litigants who are hearing, sight or speech impaired.

Defining Statements

| Defining Statement | | Issue Topic: Case Status Tracking | 28 |
|--|---|--|-----------|
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Hajeong Noh</p> <hr/> <p>Contributors</p> <p>30 Jan., 2001 Hans K. Hugentobler</p> <p>5 Feb., 2001 Hans K. Hugentobler</p> <p>13 Feb., 2001 Joerg Kriwath Esperanza Rivera</p> <p>25 Apr., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Team deliberations</p> | <p>Question at Issue</p> <p>What means should be employed to afford closer control of case information flow and feedback to interested parties?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should employ digital information tracking with feedback on case status available on demand.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should employ team-based file handling with beginning-to-end case responsibilities.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

After a suit is filed, there is little feedback from the court to the self-represented litigant. This makes it hard for litigants to prepare cases efficiently. There is always uncertainty about case status, whether deadlines have been met, and whether files are where they should be in the process.

It is possible to examine a file in court by obtaining an order and submitting it by hand to the clerks, but this is time consuming and requires the applicant to be in the courthouse to carry out the submission tasks. There is little question that an improved process for information handling is desirable; the question is what should it be?

Team-based working procedures are one answer. Complex tasks in this approach are handled by teams that work with whole cases, managing all records of a case from the time it is first filed until the end of any enforcement processes. Team members in this model know the cases under their control, are better able to monitor the entire flow of information, and are in position to be able to provide detailed information on status to an inquiring litigant.

A tracking system, such as used by UPS or FedEx, is another option. If the information system is computerized, the many advantages of digital tracking can be realized: knowing where documents are and in what state of the process, being able to anticipate next steps and dates, being able to synchronize personal schedules with court processes and, in general, being able to deal efficiently with the necessities of the case.

As desirable as the team process model is for the improvement in staff morale and service, this option requires greater staff skill levels (with increased personnel costs likely), and it pursues a trend counter to what is happening in court information systems. An electronic tracking system takes advantage of that trend with well-established precedent in the package delivery industry.

| | | |
|---|---|-----------|
| Defining Statement | Issue Topic: Procedural Reform | 29 |
| Project <p style="text-align: center;">Access to Justice</p> <hr/> Originator <p style="text-align: right;">Divya Singhal</p> <hr/> Contributors 26 Jan., 2001 Anjali Kelkar Benjamin Singer Steven Raminiaak 1 Feb., 2001 Charles Owen | Question at Issue How should the system address the fitting of information technology to legal procedure? | |
| Source/s Zorza, Richard. <i>2659 Re-Conceptualizing the Relationship between Legal Ethics and Technological Innovation in Legal Practice: From Threat to Opportunity</i> . Fordham Law Review (1999). Engler, Russell. <i>1987 and Justice for All—Including the Unrepresented Poor: Revisiting the Role of Judges, Mediators and Clerks</i> . Fordham Law Review (1999). | Position <input type="checkbox"/> Constraint The system should apply information technology from the inside out, simplifying and streamlining procedure before supporting it with computerized information processing. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| | Alternative Positions <input type="checkbox"/> Constraint Electronic forms and other information technology tools should be applied progressively, changing procedures evolutionarily as benefits become apparent. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

Most courts require documents to be written and filed for each legal procedure. Besides being unfamiliar to self-represented litigants, these procedures require standing in long lines at multiple locations and filling out forms laced with legal terminology—at a cost of considerable frustration and lost time. The fewer persons at the court that the litigant must deal with, the smaller are the chances for confusion and alienation. The procedures of filing and payment should be streamlined into a smooth path of interaction (Engler 1999, 23).

Standardized forms encourage people to be less dependent on lawyers and more able to benefit from self-help materials and legal help centers. Unfortunately, standardized forms are still the exception to the rule. Few courts offer them, and in most places they are available only for a few matters, such as temporary restraining orders—and those courts that do have forms pass them out without instruction, leaving litigants to fend for themselves.

"At all times, court and process designers must think of the flow of the case. They must analyze each step of the process in terms of what each litigant knows, needs, gets and provides and the relationship between each stage. They need to think how one step can be designed so that it helps prepare litigants for the next" (Zorza 1999, 2).

The simpler the procedures and substantive law, the less likely is there to be need for comprehensive legal advice and assistance, and the greater is the likelihood that the development of forms and information systems can overcome the problems facing unrepresented litigants. The more complicated the substantive law and procedures, the more help the unrepresented litigant will need.

Information technology can strongly complement the reform of procedure. Electronic and Internet "intelligent" forms can incorporate their own information and help provisions, automatically leading the litigant through the information submission process and building database entries. But automating irrational procedures will only give them new permanence. Procedure must be overhauled before codification in information technology.

| | | | |
|---|---|---|-----------|
| Defining Statement | | Issue Topic: Image of the Courts | 30 |
| Project | Access to Justice | Question at Issue | |
| Originator | Anjali Kelkar | How should the image of the courts be strengthened to instill confidence in the legal system? | |
| Contributors | | Position | |
| 23 Jan., 2001 | Benjamin Singer Steven Raminiak Divya Singhal | <input type="checkbox"/> Constraint The system should reposition the image of the courts with the methods of institutional identity programs. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |
| 20 April., 2001 | Charles Owen | | |
| Source/s | | Alternative Positions | |
| Berman, Greg, ed. <i>What Is a Traditional Judge Anyway?: Problem-Solving in State Courts</i> . Judicature 84, No.2 (Sep/Oct 2000) | | <input type="checkbox"/> Constraint The system should expand the mix of communication modes to distribute positive information about the courts more extensively. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

As society and community undergo change—physically, sociologically, culturally—the infrastructure that supports community systems also must change. Reforming how individuals in the community are beginning to view the court system—unapproachable, cold, complex and unfriendly—is becoming increasingly important.

Repositioning an image need not mean drastic change in the physical properties of the system. It could simply mean that the system finds different ways of communicating its mission to a new and larger audience.

Repositioning with a classical institutional identity program would entail identifying the core values of the court, the mission of the court, its community identity and its processes of operation—and communicating them so that perceptions clearly reinforce values. A major benefit would be that the courts would prove their ability to progressively change with the times. This is a two-edged sword, however. While it projects the court as progressive and responsive to change, it must not reduce court credibility where tradition and continuity are important. If the credibility of the courts is in any way at question, it could be damaging to the legal system. It is very important, therefore, that any changes be instituted in a manner that is fluently associated with community outreach programs.

A less radical alternative than attempting to alter the court's image might be to extend the modes through which a court distributes information about itself. This could be a particularly effective use of the Internet. Information could be given in different forms: animated procedure examples, video clips of court cases, informative written pieces on court activities—all communicated in friendly and simply-stated language with minimum legalese. For those with access to the web, this would make the courts easier to understand; for the poor and those without easy access to the web, other communication modes through community outreach programs could distribute the same information in different form.

While the public's opinion of the courts has not always been high, the public has demonstrated faith in judges and the legal system. This dichotomy must be broken since courts, judges and clerks are inextricably interwoven in the legal system. Repositioning the image of the courts as flexible, progressive and approachable will serve both court and community.

Defining Statements

| | | |
|---|---|--|
| Defining Statement | Issue Topic: Enforcement Awareness | 31 |
| Project <p style="text-align: right;">Access to Justice</p> <hr/> Originator <p style="text-align: right;">Holly Roeske</p> <hr/> Contributors 5 Feb., 2001 Jin Lee 8 Feb., 2001 Loren Gulak Jennifer Joos Jin Lee 22 April., 2001 Charles Owen | Question at Issue When should full information about the enforcement process be introduced to self-represented litigants? | Position <input type="checkbox"/> Constraint Self-represented litigants should be made aware of the enforcement process prior to case initiation. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive |
| Source/s Zorza, Richard. Designing from the Ground Up, A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation. National Action Plan: A Guide for State and National Organizations. Conference proceedings, National Conference on Public Trust and Confidence in the Justice System. Washington, DC, 1999. | Alternative Positions <input type="checkbox"/> Constraint Self-represented litigants should be made aware of the enforcement process only after they have been issued a judgment in their favor. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive <input type="checkbox"/> Constraint Information on the enforcement process should be provided on an as-needed basis. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | |

Background and Arguments

Many self-represented litigants are unaware of the procedures required to seek enforcement of a judgment in their favor. The current system essentially "leaves enforcement to counsel"—which leaves the self-represented litigant in a bind with substantial, unexpected work ahead (Zorza In preparation, 53). 59% of people asked feel that "courts do not make sure that their orders are enforced" (National Action Plan: A Guide for State and National Organizations 1999, 11). Self-represented litigants are on their own to seek enforcement of their judgments.

Given that self-represented litigants need to learn how to pursue enforcement themselves, how should that information be obtained? One argument is that information about the enforcement process should only be provided after a judgment is made. The process of filing suit is already complicated; if information about the enforcement process is provided before the litigant needs it, it is less likely to be retained, and the litigant will have to seek it out again anyway.

There are two drawbacks to this approach. First, if litigants are made aware of the enforcement process only after they are issued a judgment in their favor, and they then decide that they will not seek enforcement because the process is too complicated, then the original court case may be considered a waste of time and money. Second, if potential litigants are made aware of the enforcement process early and decide that the whole process is too long and complicated, they may seek another route to settle their grievances; they may never go to court!

Though information overload is a risk, it is important for potential self-represented litigants to be well informed of the process before entering into the system. Individuals should be made aware of the implications of the various paths they may take, before beginning the process. Providing a means for informed decision making in the enforcement process before the self-represented litigant enters the system will reduce surprises, unexpected costs and time commitments—and frustration.

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|---------------------------|--|---|-----------|---------------|---------------------|--------------|---------------------|---------------|-----------------------------------|-----------------|--------------|
| Defining Statement | | Issue Topic: Courtroom Knowledge | 32 | | | | | | | | |
| Project | Access to Justice | | | | | | | | | | |
| Originator | Hajeong Noh | | | | | | | | | | |
| Contributors | <table border="0"> <tr> <td>30 Jan., 2001</td> <td>Hans K. Hugentobler</td> </tr> <tr> <td>5 Feb., 2001</td> <td>Hans K. Hugentobler</td> </tr> <tr> <td>13 Feb., 2001</td> <td>Joerg Kriwath Esperanza Rivera</td> </tr> <tr> <td>22 April., 2001</td> <td>Charles Owen</td> </tr> </table> | | | 30 Jan., 2001 | Hans K. Hugentobler | 5 Feb., 2001 | Hans K. Hugentobler | 13 Feb., 2001 | Joerg Kriwath Esperanza Rivera | 22 April., 2001 | Charles Owen |
| 30 Jan., 2001 | Hans K. Hugentobler | | | | | | | | | | |
| 5 Feb., 2001 | Hans K. Hugentobler | | | | | | | | | | |
| 13 Feb., 2001 | Joerg Kriwath Esperanza Rivera | | | | | | | | | | |
| 22 April., 2001 | Charles Owen | | | | | | | | | | |
| Source/s | Team deliberations | | | | | | | | | | |
| Question at Issue | How should the system help self-represented litigants to become competent in handling their cases? | | | | | | | | | | |
| Position | <input type="checkbox"/> Constraint The system should pro-actively encourage self-represented litigants to view live or recorded court activities and evaluate their own competence through self-assessment. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | | | | | | | | | | |
| Alternative Positions | <input type="checkbox"/> Constraint The system should set standards for competence and test litigants on court-related knowledge to ensure that they are competent to pursue self-representation. <input checked="" type="checkbox"/> Objective <input type="checkbox"/> Directive | | | | | | | | | | |

Background and Arguments

One of the greatest challenges for any self-represented litigant is making the shift from theoretical understanding of legal procedure to practical application.

A plaintiff or defendant can act with considerably more effectiveness given hands-on understanding of the court process and its different phases. When litigants are well-prepared, their suits can be processed smoothly and the legal process is accelerated. Accordingly, the system should proactively encourage first-time litigants to learn as much as possible about the legal process before going to court with their own cases. How should this be done and with what level of insistence?

One way to learn the practicalities is to view as many court settings as possible. An obvious limitation to this, of course, is the amount of time required—time that must come out of working hours—but this problem may be avoided with video tapes of court sessions that could be offered as "library loans". Self-represented litigants could also be tested about their court-related knowledge to confirm their competence.

Improved efficiencies would be assured if some level of competence was required and litigants were barred from participation until they could prove attainment of a minimum standard. In a way, this already happens when a judge directs an unprepared litigant to do additional preparation before returning to a hearing. Because going to court as a self-represented litigant is an individual decision, and filing a suit is a right, however, it may be difficult to require such a test. It may also be difficult for a court to determine what is adequate knowledge for self-representation. In sum, setting up assessment requirements may create more problems than it is worth, considering the uncertainties and the resources that would have to be invested.

Since it is in the self-represented litigant's own interest to learn what is necessary, it should be the responsibility of the litigant to gain that knowledge and experience. Actual or virtual courtroom experience and self-assessment by choice should be encouraged, even promoted, but not imposed.

Defining Statement

Issue Topic: **Documentation of Evidence**

33

Project

Access to Justice

Originator

Hans Kaspar Hugentobler

Contributors

30 Jan., 2001 Joerg Kriwath

5 Feb., 2001 Hajeong Noh
Esperanza Rivera

29 April., 2001 Charles Owen

Source/s

Zorza, Richard. **Designing from the Ground Up, A Self-Help Centered Court.** Washington, DC: State Justice Institute, In preparation.

Question at Issue

How should the court advise the self-represented litigant regarding the gathering and use of evidence?

Position

Constraint The system should advise collecting as much evidence as possible; show kinds of useful evidence by example; and when evidence has been collected, suggest through example how strategies can be constructed for its use.

Objective

Directive

Alternative Positions

Constraint The system should point to information sources (e.g., a database of similar cases) that could potentially help the self-represented litigant to construct a case.

Objective

Directive

Background and Arguments

Evidence is key to building a case. If the evidence is insufficient, the case will be lost, but what is sufficient, and how should the court communicate that to the self-represented litigant?

The task for the self-represented litigant is to find evidence that will support the case; but evidence can also weaken a case, depending on how it is introduced, the context in which it appears, and the overall strategy followed in presenting the case. In many instances, the same document might support or weaken a case, depending on the circumstances of its use.

In order to assess the value of evidence (particularly documentary evidence), the self-represented litigant must become knowledgeable about the roles documents play in pleadings. Although facts alone do not guarantee success, facts in context can be used to build a good argument; and while not every document makes a stronger case, having more documentary evidence increases the number of potential arguments.

Information alone, unfortunately, is not enough to construct a strong case. The self-represented litigant will need additional help. Richard Zorza points out:

"Those who have built self help programs find, perhaps not surprisingly, that information is not enough, that court users need help in analyzing, in applying the facts (that they know or think they know themselves) to the law that they have learned from the informational part of the courthouse" (Zorza In preparation, 24).

But the court must step carefully in matters of advising. There is strong pressure to leave the process of diagnosing a case and compiling relevant information strictly to the self-represented litigant; for, otherwise, the court may find itself acting as lawyer and losing its impartiality. It can also be argued that, because cases are specific in context, it is beyond the capability of a court to reasonably customize help.

Self-represented litigants should be advised to expand the context of a case as broadly as possible, and should be given examples of forms of evidence that might be useful. From a wide variety of evidence, the litigant will be able to form a big picture and have a better chance of creating a strong case. The system should then help the litigant to construct the case by means of example. Case studies of uses of evidence can provide worthwhile examples without compromising the court's impartiality.

Version **4** Date: 29 April, 2001

Date of first version: 30 January, 2001

Form: 5/19/1998

Defining Statements

| | | | |
|---|---|---|-----------|
| Defining Statement | | Issue Topic: Scope of Legal Services | 34 |
| <p>Project</p> <p style="text-align: right;">Access to Justice</p> <hr/> <p>Originator</p> <p style="text-align: right;">Hajeong Noh</p> <hr/> <p>Contributors</p> <p>30 Jan., 2001 Hans K. Hugentobler</p> <p>5 Feb., 2001 Joerg Kriwath</p> <p>13 Feb., 2001 Esperanza Rivera</p> <p>21 April., 2001 Charles Owen</p> <hr/> <p>Source/s</p> <p>Team deliberations</p> | <p>Question at Issue</p> <p>How should the system bridge the gap between the self-represented litigant's expectations and the services the court can actually deliver?</p> <hr/> <p>Position</p> <p><input type="checkbox"/> Constraint The system should take advantage of popular notions of court practice to present procedures, services and insights from the court's perspective in agreement or contrast with media-created perceptions.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> <hr/> <p>Alternative Positions</p> <p><input type="checkbox"/> Constraint The system should maintain its position of impartial neutrality while explaining available services and distinguishing between legal information and advice.</p> <p><input checked="" type="checkbox"/> Objective</p> <p><input type="checkbox"/> Directive</p> | | |

Background and Arguments

Self-represented litigants have widely different expectations about the services that a court is entitled to deliver. At one end of the spectrum, they may expect the court to provide services expected properly of a lawyer; at the other end, they may have very low expectations and may be quite surprised at how much the court can do to assist them.

To maintain consistency with the court's need to be neutral, impartial and disassociated from individual cases, the court could present itself and its services clearly as processes concerned with the administration of justice, apart from the concerns of either plaintiff or defendant, able to provide information, but not advice, and equally concerned for all under the rule of law. This would establish the tone desired, but would lose the advantage of the popular understanding of the courts strongly ingrained in the general population.

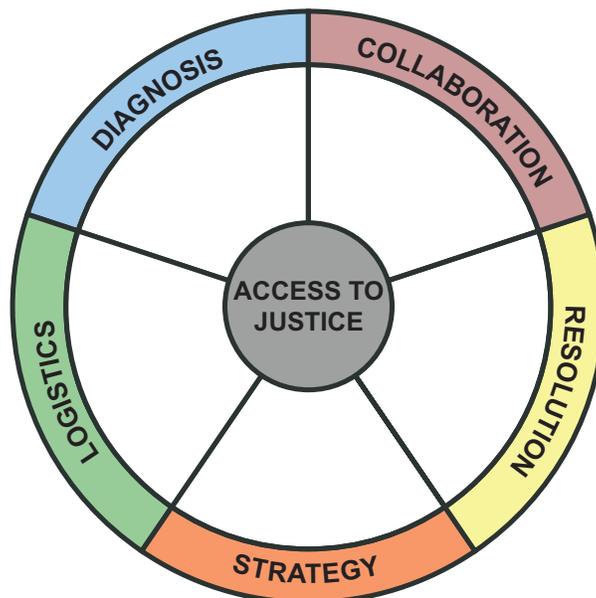
Television is an omnipresent influence that has colored almost everyone's perceptions about legal practice—frequently presenting misleading information. Considering the almost certainty that litigants have television-induced misconceptions, the court should take a proactive approach, taking advantage of the well-known stereotypes to present actual court practices in contrast to—or agreement with—what might be expected. The likelihood that litigants would learn and retain information presented against their previously held beliefs is strong, while the capability of the system to communicate insights about judicial process and the contexts in which it actually takes place should be excellent.

Giving the self-represented litigant a reality-based, practice-oriented view carries with it the advantage of being able to inform them about the system from the system's point of view. From that viewpoint, self-represented litigants can get a better understanding of the context in which their case will be considered, and how the opposing parties will fit into the process.

Access to Justice

Meeting the Needs of Self-Represented Litigants

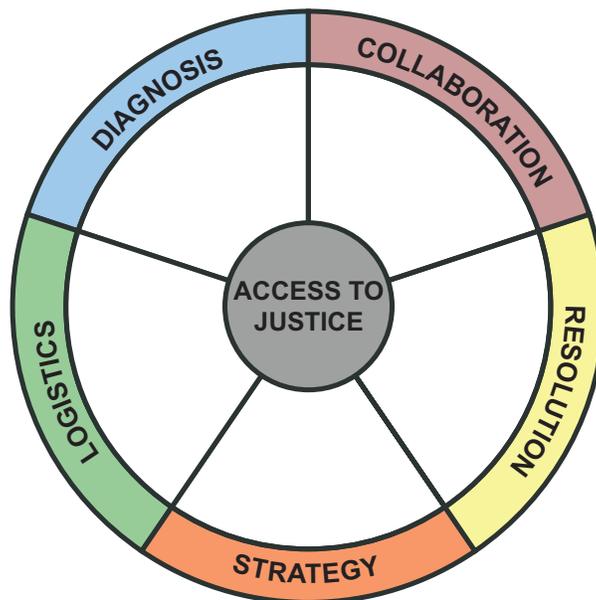
Appendix: Function Structure



Access to Justice

Meeting the Needs of Self-Represented Litigants

Appendix: Design Factors



Design Factors

1. Individual Cases Allow No Standard
2. Professional Competence
3. Visibility of Services
4. Accessibility of Information
5. Information Overload
6. Relevance of Information
7. Barriers of Language
8. Courtroom Learning
9. Clarity of Information Materials
10. Complexity of Information
11. Time Constraints
12. Degree of Information
13. Ability to Perform According to Rules
14. Convenient and Flexible Services
15. Scope of Direction
16. Relevance of References
17. Claim Matches Law Category
18. Time Need
19. Complexity of Position
20. Misestimation of Own Competence
21. Limited Availability of Help Center Staff
22. Strategy Matches Relevant Information
23. Mode of Distribution
24. Accessibility of Forms
25. Clarity of Forms
26. Understanding of Terms
27. Legitimacy of Documents
28. Confusion Created by Distractors
29. Procedures for Strategizing Are Not Obvious
30. No Time to Consider Ramifications
31. Paucity of Legal Advice
32. SRLs Often Fail in Self Expression at Trial
33. Distraction Through Visible Objects
34. Distraction Through Physical Objects
35. SRLs Not Aware of the Uniqueness of Court Documents
36. Mental Model for Processes Not Available
37. Retrieval of Data is Time Consuming
38. Uncertainty of Court Date Communication
39. Information is Incomplete
40. No Space for SRLs to Process Forms
41. Posting Boards Are Confusing
42. Uncertain Court Dates
43. Documents Mostly in English
44. Only at Court Building
45. Many Receipts
46. No Privacy
47. Inability to Critically Evaluate
48. Difficulty in Finding Information
49. Inappropriate Advice from Peers
50. Intimidation of SRLs
51. Inability to Understand and Communicate
52. Communicating Information Through a Story
53. Research Legal Position
54. Preparing Financial Documents
55. Mediation Forms
56. Unconvinced of Legitimacy of Option
57. Other Party is Unagreeable to ADR
58. Consulting with a Lawyer is Expensive
59. SRLs Don't Know How to Ask Questions in Examination
60. SRLs Don't Realize That Going to Court Could Mean Jail
61. SRLs Don't Know How to Begin Pursuing Mediation
62. SRLs Do Not Know What ADR Is
63. SRLs Don't Know What Avenues of Finding Info are Available to Them
64. SRLs Don't Want to Try Mediation Even After Judge Suggests It
65. Mediation Requires a Lot of Human Resources
66. Unsure if ADR Really Is a Better Option Than Trial
67. Creating a Record
68. Emotional Involvement
69. Financial Planning
70. Living Outside Banking
71. Litigant Changes Mind
72. Last Minute Uncertainty
73. SRL Not Convinced That Agreement Is Fair
74. Compromise Impossible
75. Bad Communication Flow
76. Emotion Hinders Performance
77. Environmental Chaos
78. Inaccessible Resources
79. Rules of Evidence
80. SRLs Lack Crucial Skills
81. Unclear Communication of Goals
82. Unfamiliar Process
83. Barriers to Arriving in Court
84. Unpredictable Scheduling
85. Orienting Newcomers to Basic Procedures

Design Factors

86. Uncertain Role Identity
87. Last Minute Form Changes
88. Form Synchronziation and Dissemination
89. Wait Time Underutilized
90. Common Workplace Familiarity
91. Computer Proficiency
92. Deliberation Conditions
93. End of Trial Confusion
94. Engaged Courtroom Learning
95. Expectation of Immediate Enforcement
96. Judges' Isolation
97. Multiple Case Confusion
98. Paper Document Towers
99. Payment Variations
100. Real-World Translation of Order
101. Unpredictable Calling
102. Recounting the Case
103. Irregularly-Paced Procedures
104. Repetitive Procedures
105. Encountered Legalese
106. Deadline to Prove a Case
107. Case Boundary
108. Irrelevant Argument and Facts
109. Unaware of Self Role and Responsibility
110. Validity of Evidence
111. Implication of Procedure
112. Trip for Rescheduling a Case
113. Debtor Information Difficult to Find
114. Filing Procedure Complex
115. Documentation Difficult to Coordinate
116. Evidence Difficult to Keep Track Of
117. Debtor Difficult to Find
118. Asset/People Locator Too Expensive to Hire
119. Unexpected Incarnation
120. Unclear About Need For Proof of Payment
121. Lack of Compliance Tracking
122. Unfamiliar With Civil Procedure
123. Difficulty Coordinating Schedules
124. Explanation of Rulings Not Understood
125. Evidence is Invalid or Unobtainable
126. Creates Adversarial Situation
127. No Place to Wait
128. Complicated Schedule Board
129. Hard to Navigate
130. Lack Guidance of Procedure
131. Feel Uncomfortable
132. Unable to Verify Completeness
133. Suddenly Homeless
134. Environment Unsuitable
135. Unable to Assign Value to Options
136. Unable to Locate Information
137. Space Not Provided
138. Resources Not Consolidated
139. Tools Not Available
140. Unable to Comprehend Material

Design Factors

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| Design Factor | | Title: Individual Cases Allow No Standard | 01 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Structuring | | |
| Originator | Hajeong Noh | | |
| Contributors | | | |
| 23 Feb., 2001 | H.K. Hugentobler Esperanza Rivera Joerg Kriwath | | |

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| <p>Observation</p> <p>Because every case is unique, it is impossible to deal with cases as if they are the same -- even though they are of the same case type.</p> | <p>Extension</p> <p>Just like every individual is different, every single case represents a different situation. Divorce cases are a good example. Each case is different from the next. Some cases involve children and are much more complicated than others. Nevertheless, sometimes they are grouped together.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Show the guide line | <input checked="" type="checkbox"/> 22. Guideline of cases | |

Version Date: 12 May 2001 Date of first version: 22 February 2001

Design Factors

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|----------------------|--|---|---|
| Design Factor | | Title: Professional Competence | 02 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations, On-Site Observations | 2. Give directions 3. Inform about rules/sources |
| Activity | Collecting Information | | |
| Originator | Joerg Kriwath | | |
| Contributors | | | |
| 23 Feb., 2001 | H.K. Hugentobler Esperanza Rivera | | |

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| <p>Observation</p> <p>At the courthouse, traffic volumes of SRLs who are waiting to be served, vary considerably during the day. When SRLs come to file their cases, they expect good service from the court.</p> | <p>Extension</p> <p>During the court's office hours, the number of SRLs per day is hardly predictable. Due to the great variability, it is hard to manage staffing levels appropriately.</p> <p>In one court, all members of the Clerks Office are cross-trained so that they can fill any position. The Clerks Office can respond flexibly and quickly to varying needs of SRLs. Even so, there was a shortage of available space, which limited the number of staff members who could actually serve SRLs.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Make staff more knowledgeable | <input type="checkbox"/> 37. Cross-Trained Staff | |
| Provide alternative sources of info | <input type="checkbox"/> 38. Information Kiosks | |
| | <input type="checkbox"/> 39. Easy-to-Read Quick Info | |
| Provide more office space for Intake | <input type="checkbox"/> 40. Flexible Office Spaces for Multiple Tasks | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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|----------------------|--|---|-----------------------|
| Design Factor | | Title: Visibility of Services | 03 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations, On-Site Observations | |
| Activity | Collecting Information | | |
| Originator | Joerg Kriwath | | |
| Contributors | | | |
| 06 Feb., 2001 | H.K. Hugentobler Esperanza Rivera | | |

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| Observation | Extension |
| SRLs were not informed about the range of services and resources made available by the court. | During the field interviews, some SRLs stated that they did not know very much about the court's Pro Se Programs. Many of the frustrations, experienced by SRL's, can be alleviated if the court's general principles are made clear and court services are sufficiently advertised. |

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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Advertise Pro-Se Program | <input type="checkbox"/> 41. Radio Programs | |
| | <input type="checkbox"/> 42. Newspaper Advertisements | |
| Clarify court's "Can's" and "Can-not's" | <input type="checkbox"/> 43. Handouts/Flyers | |
| Explain Pro Se Program | <input type="checkbox"/> 41. Radio Programs | |
| | <input type="checkbox"/> 42. Newspaper Advertisements | |
| | <input type="checkbox"/> 38. Information Kiosks | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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|----------------------|---|--|--|
| Design Factor | | Title: Accessibility of Information | 04 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations On-Site Observations | 4. Gather information 5. Search directories |
| Activity | Collecting Information | | |
| Originator | Joerg Kriwath | | |
| Contributors | | | |
| 06 Feb., 2001 | H.K Hugentobler Esperanza Rivera | | |

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| <p>Observation</p> <p>Prior to filing a lawsuit, some SRLs call the court asking for information. The information requested ranges from legal advice to court process and procedures.</p> <p>The staff must offer information to the callers without giving them legal advice.</p> | <p>Extension</p> <p>When SRLs call the court to file lawsuits, they are often emotionally upset by a recent incident.</p> <p>The court staff must be competent in its knowledge of legal issues, but must be careful not to offer legal advice. We observed the staff making a point to avoid giving legal advice. When SRLs called, the staff explained the office hours to them and informed them of the clerks's availability. In this way, an SRL was given the time to reflect on the incident before deciding on the next step to take.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Explain the principles of court | <input type="checkbox"/> 44. Walk-In-Our-Shoes | |
| Give information about court's services | <input type="checkbox"/> 45. Explanation Sheet | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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|----------------------|---|------------------------------------|--|
| Design Factor | | Title: Information Overload | 05 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Collecting Information | | |
| Originator | Joerg Kriwath | | |
| Contributors | Hajeong Noh Esperanza Rivera | | |
| 06 Feb., 2001 | | | |

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| <p>Observation</p> <p>For some SRLs, the amount of information is too much to process.</p> | <p>Extension</p> <p>Many SRLs have a difficult time trying to make sense of all of the information available in a jurisdiction.</p> <p>Most available information does not directly answer the questions that are most important to the SRL. This makes it even harder for the SRL to separate the gathered information that is important from that which is not.</p> <p>Most information is delivered in bulk form - everything from A-Z. Those SRLs, who cannot deal with this much information should have their special needs addressed.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide "Just-in-time" information | <input checked="" type="checkbox"/> 46. Know-As-You-Go | |

Design Factors

| Design Factor | | Title: Relevance of Information | 06 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Collecting information | | |
| Originator | Hajeong Noh | | |
| Contributors | Hajeong Noh Esperanza Rivera | | |
| 06 Feb., 2001 | | | |

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| <p>Observation</p> <p>When SRLs gather information, they find it difficult to discover the most relevant pieces of information.</p> | <p>Extension</p> <p>Many SRLs find it difficult to evaluate all available information. Most of the information does not directly answer the questions the SRL may have. The sheer volume of material makes it difficult for the SRL to organize and comprehend the relevant information.</p> <p>The first problem for an SRL is understanding the fact that courts can not provide legal advice.</p> <p>During their interaction with the court, SRL's will be put into situations where important decisions must be made. Helping SRLs see the connections between different topics and evaluate the importance of these topics to their cases can help them recognize which actions are appropriate and which documents to file.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Put things into context | <input type="checkbox"/> 46. Know-As-You-Go | |
| | <input type="checkbox"/> 47. Context Web | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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|----------------------|---|------------------------------------|--|
| Design Factor | | Title: Barriers of Language | 07 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Understanding | | |
| Originator | Joerg Kriwath | | |
| Contributors | Hajeong Noh Esperanza Rivera | | |
| 06 Feb., 2001 | | | |

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| <p>Observation</p> <p>Many SRLs do not speak English as their first language. This causes difficulties and delays in their interaction with the court system.</p> | <p>Extension</p> <p>Observations showed that some SRLs, who do not speak English as their first language, feel that they are in an unfavorable position when dealing with the court system.</p> <p>These SRLs perceived their lack of fluency as a big drawback, because they claimed that the court staff would run out of patience while dealing with their requests. In order to keep the staff member patient and “well-inclined”, these SRLs refrained from asking further questions even though they needed more clarification.</p> <p>The system should provide some non-embarrassing or non-hindering way to let SRLs, who have problems with the English language, access information at their own pace.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide non-hindering access to info | <input checked="" type="checkbox"/> 48. Multilingual Facilitators | |
| | <input type="checkbox"/> 49. Pro Se Resource Centers | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Courtroom Learning | 08 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations On-Site Observations | 9. Inform about rules 10. Explain process 11. Provide information and direction |
| Activity | Understanding | | |
| Originator | Hajeong Noh | | |
| Contributors | | | |
| 06 Feb., 2001 | H.K. Hugentobler Hajeong Noh Esperanza Rivera | | |

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| <p>Observation</p> <p>SRLs are not familiar with the courtroom procedures and actors. They feel intimidated by their surroundings and their own inability to navigate through this environment successfully.</p> | <p>Extension</p> <p>Most SRLs are not familiar with courtroom procedures and the roles of the various participants. Most of these fears seem to come from a feeling of uncertainty when they are in the courthouse.</p> <p>The environment and the importance of the decisions which are made within this space can easily intimidate a layman. A person who is more familiar with the procedures and rules of the court can:</p> <ul style="list-style-type: none"> - navigate the space with more confidence, and - is more familiar with the terms used by the members of the legal system. |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Educate SRLs about courtroom etiquette | <input type="checkbox"/> 50. Dress Rehearsal | |
| | <input type="checkbox"/> | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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| Design Factor | | Title: Clarity of Information Materials | 09 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations On-Site Observations | 11. Provide information and direction |
| Activity | Understanding | | |
| Originator | Joerg Kriwath | | |
| Contributors | E. Rivera H.K. Hugentobler Hajeong Noh | | |
| 06 Feb., 2001 | | | |

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| <p>Observation</p> <p>Court documents and other jurisdictional materials are often perceived by SRLs to be written in a manner that precludes their understanding, leading to a feeling of uncomfortability and an inability to control events.</p> | <p>Extension</p> <p>Many of the SRL's complaints stem from the fact that they do not know what the court is actually doing for them. Although some courts are trying to provide the SRLs with information, the litigants' frustration is still deep, because they feel that the information has been made for "somebody who is smarter than me" (one SRL during an interview in Delaware).</p> <p>SRLs would benefit from reading comprehensive literature that explains different parts of a lawsuit. To facilitate understanding, the whole story could be divided into chapters, which reflect the stages of a lawsuit. It should also be written as if seen through the eyes of an average SRL. The set of literature should be targeted towards the SRL, without using dumbed down language. This literature should be available in different media, so that a SRL can access this information in different forms - depending on convenience and availability.</p> <p>In the end, the user would have picked up some literature that provides the SRL with understandable information that does not lose its value after the end of trial. The SRL should perceive his/her role as the role of a customer of the court system - not as a petitioner or defendant.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Involve SRLs in creation of info material | <input checked="" type="checkbox"/> 52. SRL Committee | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Complexity of Information | 10 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team Deliberations On-Site Observations | 12. Read materials 13. Experience court 14. Consult advisors 15. Understand roles |
| Activity | Understanding | | |
| Originator | Joerg Kriwath | | |
| Contributors | E. Rivera H.K. Hugentobler Hajeong Noh | | |
| 06 Feb., 2001 | | | |

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| <p>Observation</p> <p>Many SRLs are bothered by their perceptions of the legal system as overly complex.</p> | <p>Extension</p> <p>Whenever SRLs ask a question about legal matters, the result is either: (1) a friendly comment about the court's impartiality, which is not followed by further information or (2) a whole plethora of information, which seems to be overly complex and not suitable to answer a single, short question.</p> <p>This phenomenon induces stress in many SRLs.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Help SRLs to make sense of info | <input type="checkbox"/> 46. Know-As-You-Go | |
| Lead SRL to alternative sources for info | <input type="checkbox"/> 47. Context Web | |
| | <input type="checkbox"/> 53. Alternative Advisor | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Time Constraints | 11 |
|----------------------|---|--------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 12. Read materials 13. Experience court 14. Consult advisors 15. Understand roles 16. Understand process |
| Activity | Understanding | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs have to diagnose the situation, prepare a case, and file a suit while attending a regular job. They have to do most, if not all, of these activities in their spare time.</p> | <p>Extension</p> <p>Daily schedules for most people do not leave much free time for other activities. Existing tools to help them --for example, help desks -- are court-centered, only accessible during working hours, and do not offer what SRLs expect: advice. They also are frequently too bureaucratic to be readily useful. To make court systems more accessible , services should be available around the clock -- especially outside regular working hours! In addition, court support systems should seek ways to reduce the workload involved with gathering information, learning about court processes, and using court resources in general.</p> <p>Using internet technology and smart tools, the court could facilitate access to and content of court resources.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Adapt to SRL 's time constraints | <input type="checkbox"/> 1. Prerecorded Court Settings <input type="checkbox"/> 2. Call Center | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Degree of Information | 12 |
|----------------------|---|-------------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Understanding | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>Because SRLs are usually encountering the court system for the first time, they have not yet learned the fundamentals about court processes that are necessary to the efficient development of a case.</p> | <p>Extension</p> <p>For any specific kind of case, the understanding required of court processes varies. The SRL must assimilate both general and particular information. One cannot conclude that more information alone leads to better performance, but it certainly leads the SRL to more confidence in his or her own capabilities.</p> <p>The way that information is provided is more important than the amount of information provided. First, information is better understood when vernacular is used and/or compared with legal language. Second, information made accessible as needed and provided in a timely manner is most effectively applied directly to a case.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Provide related information as needed | <input checked="" type="checkbox"/> 3. Information Modules | |
| Use common speech in all material | <input checked="" type="checkbox"/> 3. Information Modules | |
| Focus on coherence in contrast to facts | <input checked="" type="checkbox"/> 3. Information Modules | |
| | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |

Version Date: 12 May 2001 Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Ability to Perform According to Rules | 13 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Personal observation | Associated Function/s 15. Understand roles 16. Understand process |
| Mode | Diagnosis | | |
| Activity | Understanding | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>Because most SRL's have no court experience, they don't know the rules: both rules that are appropriate for different settings, and rules that apply to their specific cases.</p> | <p>Extension</p> <p>Court settings follow highly formalized formats that incorporate well-defined, explicit rules. Even when SRLs know them, following them rigorously in their first case can be very difficult. SRL's ignorance of procedure and rules is an obstacle not only to themselves, but also to the judge. Without court experience, SRLs suffer disadvantages that affect both their performance and their implementation of strategy.</p> <p>In order to implement their strategy optimally, SRLs must not only know their case, but must also be aware of options and counter options and how to introduce them in case of a change in strategy by the opposing party. They have to act as lawyers -- with the added handicap of doing so probably for the first time. And in the worst case, they may also be confronted by an experienced lawyer. The opportunity for mistakes and inadequate performance is great.</p> <p>The court system should find ways to either enable SRLs to gain experience or systematically reduce the burden on SRLs and the court by providing tools for dispute resolution outside the court. Following the latter direction would reduce the number of cases to be heard, allowing the SRL greater accommodation in a less-pressing court environment.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Teach basic rules | <input checked="" type="checkbox"/> 4. Court Game | |
| Encourage court experience | <input checked="" type="checkbox"/> 5. Guided Tour | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

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|----------------------|---|--|--|
| Design Factor | | Title: Convenient and Flexible Services | 14 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Understanding | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>Since mediation, hearings and other court activities take place only at designated, specific locations, SRLs with children must find ways to care for them while they travel to court.</p> | <p>Extension</p> <p>Court jurisdictions frequently cover large geographical areas, requiring those who must attend court functions to travel distances great enough that significant periods of time are added to the time actually in court. In addition, court dates are almost always scheduled for daytime periods, making it difficult for SRLs with children to rely on traditional baby-sitters, who are most likely in school or working.</p> <p>Just as today's commercial and institutional organizations are considering their customers' needs more thoughtfully, the courts need to recognize the special burden child care places on SRLs. Providing childcare support for the children of litigants would allow parents to focus unhampered attention on their legal problems.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide convenient facilities | <input type="checkbox"/> 6. WebGirl/BoyWeb | |
| | <input type="checkbox"/> 11. Access Booths | |

Design Factors

| Design Factor | | Title: | Scope of Direction | 15 |
|----------------------|---|----------------------|---|----|
| Project | Access to justice | Source/s | Associated Function/s | |
| Mode | Diagnosis | Personal observation | 18. Explain law 19. Offer references/resources | |
| Activity | Analyzing | | | |
| Originator | Hans Kaspar Hugentobler | | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | | |
| 23 Feb., 2001 | | | | |

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| <p>Observation</p> <p>Through ignorance of the process, SRLs can unwittingly tax the courts' capacities and resources by expecting unreasonable explanations of the law and overly generous amounts of staff and/or judicial time for their cases.</p> | <p>Extension</p> <p>Since SRLs generally are quite unfamiliar with the judicial system and court processes, they will want (and need) a broad range of information. Their unfamiliarity with the system also means that they seldom have any useful knowledge about how to start or conduct the search for what they need.</p> <p>Although courts, in fact, have a wide range of information to offer, helping SRLs to navigate is problematical. One problem is how to direct SRLs to the right sources. Another is how to direct them, within those sources, to the information most relevant to their particular needs.</p> <p>SRLs can easily become lost in the almost unlimited information available in the courts. As a remedy, there should be a system of portals and referral sources with entry support that can be accessed online -- without direct support from court personnel. As backup to this, where questions cannot be answered easily from primary court resources, out-sourced information providers might be enlisted for supplemental support.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Standardize explanations | <input checked="" type="checkbox"/> 3. Information Modules | |
| Provide time-limited individual support | <input checked="" type="checkbox"/> 13. Touch Tone | |
| Build knowledge base | <input checked="" type="checkbox"/> 7. Expert System | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Relevance of References | 16 |
|----------------------|---|---------------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 25. Give advice 26. Provide guideline |
| Activity | Analyzing | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs do not need to become knowledgeable about all aspects of court procedure; they need to know what is necessary and sufficient for them to proceed with their cases.</p> | <p>Extension</p> <p>In the search for information, extremes are counterproductive. Finding too much information wastes time and generates confusion; finding too little misses the objective completely. For the novice SRL, both extremes are probable and -- paradoxically -- probable together for the same case. The number of web sites, books and other sources inside and outside the courts set up the dilemma; too exhaustive a search may turn up multiple (perhaps conflicting) elements of information adding to confusion rather than understanding; a search rendered shallow by too many resources to investigate and too little time to search may turn up little of direct value.</p> <p>Two options would seem to have merit for directing SRLs to the right references: Option one would establish a navigational "meta-system" as an interface between user and resource. Such a tool would help the SRL to use time effectively on focused search of large numbers of resources. Option two would create an information system designed from the ground up as a user-centered resource. This would combine appropriate materials from many resources, integrating them in the service of providing functionally relevant information. In either case, the objective would be pertinent information obtained quickly and reliably.</p> |
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| <p>Design Strategies</p> <p>Match inquiry with reference</p> | <p>Solution Elements</p> <p><input checked="" type="checkbox"/> 9. FaceOut</p> | <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> |
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Version Date: 12 May 2001

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Design Factors

| Design Factor | | Title: Claim Matches Law Category | 17 |
|----------------------|--------------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 21. Find issues |
| Activity | Analyzing | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath | | |
| 23 Feb., 2001 | Hajeong Noh | | |
| | Esperanza Rivera | | |

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| <p>Observation</p> <p>SRLs may find it difficult to identify what law category their case is related to. They may not even know that they could make more than one case out of a single situation.</p> | <p>Extension</p> <p>The judicial system was designed for its professionals, not for SRLs. Although there have been attempts to make judicial concepts more accessible to SRLs, the means for access to important core ideas are still not commonly available in most court systems.</p> <p>The further an SRL moves into the court system, the more complicated judicial concepts become. For example, SRLs face the problem of identifying the category and sub-category to which their case belongs. Potentially, a case can also be subdivided into several cases, and an opposing party can be projected to act or react in multiple ways depending on the way a case is configured. As it takes time to collect relevant information for any kind of case or action, it is important to move as decisively as possible through the judicial diagnostic process. This is difficult for an SRL to do; still, if aspects of categorical structure and similar specialized concepts can be made accessible through abstracted, interactive learning procedures, SRLs may be able to use them to develop successful strategies on their own.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Match issues with law category | <input checked="" type="checkbox"/> 9. FaceOut | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Time Need | 18 |
|----------------------|---|-------------------------|---|
| Project | Access to justice | Source/s | Associated Function/s 20. Examine facts and evidence 21. Find issues 22. Compare case 23. Request documents 24. Make sense of position |
| Mode | Diagnosis | Personal observation | |
| Activity | Analyzing | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | | | |
| 23 Feb., 2001 | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |

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| <p>Observation</p> <p>Since SRLs are not familiar with the court system, they need a lot of time to get a basic understanding of the overall context. They also need time to analyze their situation in order to develop the right strategy.</p> | <p>Extension</p> <p>If an SRL has never been involved with a court system, getting a basic understanding of it is a major task. When this has been accomplished and the SRL has a reasonable grasp of the overall judicial process, the challenge is to develop the case. This is what lawyers do and are trained professionally for. Building the case alone with all the decisions that must be made in conducting diagnosis and analysis, and the options that must be evaluated for strategy and tactics is dauntingly time consuming. Without professional help, even navigating this information is potentially all-consuming. Drawing the right conclusions and developing sound strategy under current court procedure requires more time than is normally available to the SRL.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative |
| Provide analyzing tool | <input checked="" type="checkbox"/> 7. Expert System | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Complexity of Position | 19 |
|----------------------|---|--------------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 20. Examine facts and evidence 24. Make sense of position |
| Activity | Analyzing | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>The complexity of the court system does little to support an SRL's confidence that one can adequately represent oneself.</p> | <p>Extension</p> <p>SRLs face the dual challenges of making sense of a complex court system and planning how to present their specific cases successfully within it. The perceived complexity of the system derives substantially from the natural differences between everyday activities and the much more formalized processes required for activities that invade the personal spheres of individuals in a democracy -- the pursuit of justice is not a casual activity. Real complexity also has built up over generations as courts have added layers of procedure in an inevitable bureaucratic evolution."</p> <p>Reducing perceived and actual complexity will involve removing obstacles. Removing obstacles will require simplifying access -- making the court system and its processes more transparent. This can be achieved by both simplifying and facilitating navigation of court processes at the entry point and within the system."</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Reduce complexity | <input checked="" type="checkbox"/> 5. Guided Tour | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Misestimation of Own Competence | 20 |
|----------------------------|--|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 20. Examine facts and evidence 24. Make sense of position |
| Activity | Analyzing | | |
| Originator | Hans Kaspar Hugentobler | | |
| Contributors | Joerg Kriwath Hajeong Noh Esperanza Rivera | | |
| 23 Feb., 2001 | | | |
| Observation | <p>SRLs frequently are unaware of the range of information and competence they need to develop and manage their cases successfully in court.</p> | | |
| Extension | <p>SRLs, understandably, are concerned with navigating the court system and obtaining the information critical to developing their cases. They frequently, however, underestimate or ignore completely the procedural competence they must acquire to perform well in the hearing that will actually determine their case.”</p> <p>A hearing is structured in a specific manner, and a set of explicit rules applies to creating the setting and conducting the process. Performing according to these rules is a distinct challenge to an SRL concerned at the same time with managing a strategy and responding to the strategy of the opposing party. Courts could remove much of this pressure by offering SRLs the opportunity to see how the process works beforehand and test their own competence.</p> | | |
| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative | |
| Check degree of competence | <input checked="" type="checkbox"/> 8. Competence Checker | | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Limited Availability of Help Center Staff | 21 |
|----------------------|---|---|---|
| Project | Access to Justice | Source/s | Associated Function/s |
| Mode | ADR/Preparation | Fall 2000 observations of site visits | 82. Attend orientation 84. Visit legal self-help center 88. Meet mediator |
| Activity | Orienting | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>Pro se help centers are often understaffed and only open during times when most pro se litigants have to work.</p> | <p>Extension</p> <p>SRLs do not get paid for following through on their own legal interests and often must do their legwork in their off-work hours. Many people do not have the flexibility in their jobs to get time off in the middle of the day to make phone calls or ask questions to others.</p> |
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| <p>Design Strategies</p> <p>Minimize need for visit</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 159. SRL Resource Guide</p> |
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Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Strategy Matches Relevant Information | 22 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Team - Research for Structured Planning, observation report | 27. Collect relevant documents 28. Develop strategy and position 29. Establish structure |
| Activity | Structuring | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler Esperanza Rivera Joerg Kriwath | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>Because of the variety of information in each specific case, SRLs sometimes mismatch information due to their inexperience. It is difficult for pro se litigants to match the right information and find the essential information for their cases.</p> | <p>Extension</p> <p>Most attorneys are used to structuring their cases so that they have a clear concept about what to say in the court; however, SRLs have a difficult time building up their arguments since they have little knowledge of what structures exist and why they are followed in court.</p> <p>From on-site observations conducted for this project, litigants frequently appear in court without relevant documents, evidence or a plan of action. Some litigants do not seem to know what to say when before a judge, often speaking only when directed to answer a question. Litigants so intimidated may miss opportunities to provide essential information that was not requested.</p> <p>Although SRLs may collect a lot of information, what they collect often seems to be too broad or too narrow in scope for the SRL to find the relevant connections between it and their cases.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------------|---|--|
| Match up relevant documents | <input checked="" type="checkbox"/> 23. Checklist of Documents | |
| | <input checked="" type="checkbox"/> 24. Sample Questions to Ask | |
| | <input checked="" type="checkbox"/> 25. Steps to Follow | |
| Think about scenario | <input checked="" type="checkbox"/> 26. Pre-Trial System | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Mode of Distribution | 23 |
|----------------------|--------------------------|------------------------------------|-------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 31. Provide legal forms |
| Activity | Preparing | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler | | |
| 23 Feb., 2001 | Esperanza Rivera | | |
| | Joerg Kriwath | | |

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| <p>Observation</p> <p>Because the court staff is instructed not to give legal advice, it is difficult for the SRL to determine who or what to turn to for any but the simplest help in solving legal problems.</p> | <p>Extension</p> <p>Even though some courts have clerks to help SRLs, the help they can give is very limited since they cannot give legal advice. Sometimes, SRLs need more than just general information (eg. finding out where they can get legal forms). However, in many courts, it seems that there is no easily understandable distribution method to provide legal forms as well as legal information. SRLs sometimes visit jurisdictional services several times simply to collect forms or to discover a piece of information that they need. SRLs waste time doing similar tasks again and again.</p> |
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| <p>Design Strategies</p> <p>Provide help from outside the court</p> | <p>Solution Elements</p> <p><input checked="" type="checkbox"/> 27. Litigant Organization</p> | <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> |
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Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Accessibility of Forms | 24 |
|--|---|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 32. Gather legal forms 34. Fill out forms |
| Activity | Preparing | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler Esperanza Rivera Joerg Kriwath | | |
| 23 Feb., 2001 | | | |
| Observation | Extension | | |
| It takes time for SRLs to find the forms that they need. | Until recently, most legal forms were only provided on paper - so it took time for SRLs to find and gather the forms that they needed. Even after they found the general depository of forms, they still had to figure out which form to fill out and how to do so. Sometimes SRLs who have very little time fill out forms as they are gathering them. This “gathering and completing” process frequently forces the SRL to provide the same information over and over, redundantly. Because the SRL is not able to envision the complete process, and the system of forms is not keyed to a blind step-by-step process, unnecessary overlapping steps are unwittingly required. | | |
| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative | |
| Provide different formats | <input checked="" type="checkbox"/> 28. Format of Forms | | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Clarity of Forms | 25 |
|----------------------|---|--------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 32. Gather legal forms 34. Fill out forms |
| Activity | Preparing | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler Esperanza Rivera Joerg Kriwath | | |
| 23 Feb., 2001 | | | |

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| <p>Observation</p> <p>Although forms that an SRL must fill out are different for each case, it is not always clear which forms to fill out for which kind of case and how many forms are needed.</p> | <p>Extension</p> <p>Many forms look so similar that it is difficult for SRLs to distinguish the forms that they need. Sometimes SRLs may have more than one case involving forms that look similar but have different purposes. If a form is misplaced or missing, it may be very difficult for an SRL to determine what the form is or where in the sequence the missing form fits. Documents need to be distinguishable for both their unique purpose and place in a process.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Identify documents uniquely | <input checked="" type="checkbox"/> 29. Label of Document | |

Design Factors

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|----------------------|--------------------------|--------------------------------------|-----------------------|
| Design Factor | | Title: Understanding of Terms | 26 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 34. Fill out forms |
| Activity | Preparing | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler | | |
| 23 Feb., 2001 | Esperanza Rivera | | |
| | Joerg Kriwath | | |

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| <p>Observation</p> <p>When SRLs have difficulty in understanding legal terms, the difficulty extends to uncertainty over which forms are appropriate to their case.</p> | <p>Extension</p> <p>SRLs sometimes do not understand the purposes of forms because they don't understand the terms used in the forms.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Use general terms | <input checked="" type="checkbox"/> 30. Glossary of Legal Terms | |
| Translate into easy words | <input checked="" type="checkbox"/> 31. Case-Related Cluster of Legal Terms | |
| Understand terms | <input type="checkbox"/> 32. Quiz About Terms | |

Version Date: 12 May 2001

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Design Factors

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|----------------------|--------------------------|---------------------------------------|-----------------------|
| Design Factor | | Title: Legitimacy of Documents | 27 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Diagnosis | Personal observation | 35. Collect evidence |
| Activity | Preparing | | |
| Originator | Hajeong Noh | | |
| Contributors | H K Hugentobler | | |
| 23 Feb., 2001 | Esperanza Rivera | | |
| | Joerg Kriwath | | |

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| <p>Observation</p> <p>The evidence that litigants bring to the court is frequently not acceptable.</p> | <p>Extension</p> <p>The special rules of evidence are not generally well understood by SRLs. In many small claims cases, for example, SRLs assume that any indication of payment is acceptable. Sometimes that proof is just a copy of an unrelated document or a document that has not yet been filed for the case. Improper or inadequate evidence is a prime time waster in court proceedings.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Evaluate the documents | <input checked="" type="checkbox"/> 33. Pre-Checking System | |
| | <input checked="" type="checkbox"/> 34. Self-Checklist | |

Version Date: 12 May 2001

Date of first version: 22 February 2001

| Design Factor | | Title: Confusion Created by Distractions | 28 |
|----------------------|--|---|---------------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal observation | 2. Give directions |
| Activity | Obtaining Documents | http://www.idealibrary.com/links/artid/jvlc.1998.0083 | 39. File documents and payment |
| Originator | Margaret Alrutz | | 57. Ask for correct form |
| Contributors | | | 68. Wait in line |
| | | | 73. Gather evidence/depositions |

Observation

Whether entering a busy court building or navigating an information heavy web site, litigants can get confused and frustrated by the distractions of simultaneous and incidental information.

Extension

It is important to remember that self-represented litigants are often first time visitors to the court system. This being the case, they are taking in every piece of data as information. As an SRL familiarizes him/herself with a signage system that relies on inconsistently posted, handmade signs, one may learn to ignore elements peripheral to a specific task. New or infrequent users of a system will need clearer visual hierarchies as guides.

The basic design principle is: users need to “understand how an environment is organized and how they can utilize the knowledge to find their way through the environment.” (<http://www.idealibrary.com/links/artid/jvlc.1998.0083>)

Design Strategies

Unify signage and messaging

Accommodate users’ mental models

Solution Elements

Status: Existing Modified Speculative

100. eInk Adaptable Signage

101. Preparation in a Nutshell

118. Trial Video

Design Factors

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|----------------------|--|--|---|
| Design Factor | | Title: Strategies are Not Obvious | 29 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal observation | 71. Identify need to file 72. Prepare arguments 73. Gather evidence/depositions |
| Activity | Obtaining Documents | | |
| Originator | Margaret Alrutz | | |
| Contributors | | | |

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| <p>Observation</p> <p>Some procedures are more easily determined than others by SRLs.</p> | <p>Extension</p> <p>Some procedures are obvious because they require a recognizable sequence of forms. Although they may be much less structured, non-required procedures, such as filing motions, can be just as important to the SRL.</p> <p>Litigants could make the mistake that they have done everything they can to prepare for a hearing because they have filled out all the forms in order to receive a court date. In represented cases, lawyers generally complete an additional series of procedures to prepare for hearings. Procedures such as motions and depositions may require much more than simple filling out of forms. The knowledge required to utilize the optional forms falls into the area of strategy.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Inform holistically | <input type="checkbox"/> 108. In-Former | |
| | <input type="checkbox"/> 58. Trial-Reality Lab | |
| Provide legal advice | <input type="checkbox"/> 117. Pro-Bono Attorney Requirement | |
| | <input type="checkbox"/> 57. Scenario Builder | |
| | <input type="checkbox"/> 7. Expert System | |

Version Date: 12 May 2001

Date of first version: 11 February 2001

Design Factors

| Design Factor | | Title: No Time to Consider Ramifications | 30 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s Observation from sites | Associated Function/s 25. Give advice 57. Ask for correct form |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Obtaining Documents | | |
| Originator | Margaret Alritz | | |
| Contributors | | | |

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| <p>Observation</p> <p>If litigants do not have enough time to consider the ramifications of initiating a proceeding, they may find themselves in over their heads.</p> | <p>Extension</p> <p>Litigants in certain emergency situations are just aware enough of legal options to pursue them (e.g., petitioning for an Order of Protection From Abuse). In a rushed situation, litigants may not have time to inform themselves about the full meaning of the proceedings or the full extent of possible legal action. Some litigants find themselves in a court hearing before they even really know what is going on.</p> <p>Unlike litigants who file complaints and have a few weeks to decide if they would like to continue or drop, litigants in stressful emotional situations may not have proper support or time to make those decisions. In ex parte cases, litigants may find themselves in a hearing on the same day as filing.</p> <p>Furthermore, the letter of the law may prove to present a frightening and unexpected ultimatum. The speed of court procedures may produce a rushed decision on the part of the litigants.</p> <p>Currently, some courts may encourage victim advocacy services or may suggest that petitioners at least think twice about the wording of the complaint. It is not clear whether there are sufficient measures taken to ensure the petitioner understands the full ramifications of initiating these types of proceedings. Presumably, many courts might consider this administration of advice.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|------------------------------------|--|--|
| Provide counseling | <input checked="" type="checkbox"/> 53. Alternative Advisor | |
| Slow down the process | <input checked="" type="checkbox"/> 106. Second Thought | |
| Prepare Respondents | <input checked="" type="checkbox"/> 110. Respondent-Made-Ready | |
| Redirect petitioners | <input checked="" type="checkbox"/> 111. Compliance Checklist | |
| Provide transitional respite sites | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |

Version Date: 12 May 2001

Date of first version: 11 February 2001

Design Factors

| | | | |
|----------------------|--|--|---|
| Design Factor | | Title: Paucity of Legal Advice | 31 |
| Project | Access to justice | Source/s Goldschmidt, Jona. Materials on Pro Se Litigation and Related Issues. Prepared for the National Conference on Pro Se Litigation, Scottsdale, AZ, 18-21 November 1999. | Associated Function/s 21. Find issues 31. Provide legal forms 39. File documents and payment 45. Find appropriate court 69. Hand in forms 73. Gather evidence/depositions |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Obtaining Documents | | |
| Originator | Margaret Alrutz | | |
| Contributors | | | |

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| <p>Observation Because SRLs in most states do not have satisfactory access to legal advice, SRLs often look to clerks for advice on how to navigate the process.</p> | <p>Extension Judges have a duty “to assure court staff provide assistance in an impartial manner.” (J. Goldschmidt, p11) Since the entire legal process is also a learning process for the SRL, he or she naturally sees every encounter with a court staff member as an opportunity to ask a question about how the process works.</p> <p>Unfortunately, according to the law in most states, court staff persons are supposed to act as enablers of the process only in so far as their knowledge allows them to know which papers go where and when. The natural intersection of a learner with a potential instructor during many court transactions often ends up in frustration for both parties. Both parties can almost taste the information that could be exchanged to make the process smoother, yet they can do nothing to make the exchange happen.</p> <p>Yet, if court staff were allowed to give legal advice, it may take time to explain things to SRLs while others are standing in a line devoted to another process.</p> |
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| <p>Design Strategies Separate processes</p> <p>Allow feedback regarding difficult processes</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 7. Expert System</p> <p><input checked="" type="checkbox"/> 53. Alternative Advisor</p> |
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Version Date: 12 May 2001 Date of first version: 31 January 2001

Design Factors

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|----------------------|--|---|---------------------------------|
| Design Factor | | Title: SRLs Often Fail in Self Expression at Trial | 32 |
| Project | Access to justice | Source/s Personal Observation: | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Court House | 31. Provide legal forms |
| Activity | Strategies for hearing | 22 January 2001 | 32. Gather legal forms |
| Originator | Bernd Kretschmer | | 39. File documents and payment |
| Contributors | | | 68. Wait in line |
| 16 Feb. 2001 | Shivani Kothari | | 73. Gather evidence/depositions |
| | Adrian Burstein | | |

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| <p>Observation</p> <p>Because of the stress of presenting and their inexperience with persuasive speech, SRLs are often emotionally overwhelmed when presenting a case.</p> | <p>Extension</p> <p>The critical moment in an SRL's court life is the trial. SRLs often feel exposed when they walk up to a judge and -- even if they are sure about what to say and how to act -- few compose themselves well. Most SRLs do not know about the conventions of the court, how to make their cases, or even how to use language in a way that serves the situation well. Consequently, they become emotionally overwhelmed by the situation.</p> <p>Most situations would be handled better if SRLs knew what they were about to face. Proper preparation can strengthen a litigant, help him or her to act more confidently, and ease the load on the court. Judges can then focus on the SRL's story rather than on the state of unpreparedness.</p> |
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| <p>Design Strategies</p> <p>Support SRL's ability to present a case</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 69. Experiential Court</p> <p><input checked="" type="checkbox"/> 70. Behavioral Guidelines Trial</p> |
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Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

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|----------------------|--|--|---|
| Design Factor | | Title: Distraction Through Visual Objects | 33 |
| Project | Access to justice | Source/s Personal Observation | Associated Function/s 50. Show directory |
| Mode | Preparation to Initiate Proceedings | Court House 22 January 2001 | |
| Activity | Orienting | | |
| Originator | Bernd Kretschmer | | |
| Contributors | Shivani Kothari Adrian Burstein | | |
| 16 Feb. 2001 | | | |

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| <p>Observation</p> <p>People are distracted and often confused by visual “noise” in the court building.</p> | <p>Extension</p> <p>Court buildings frequently contain multiple sources of visual distraction. Oddly placed, hand-made signs create visual “noise” and may even become visual obstacles.</p> <p>On some signs, computer printouts display data in typefaces only readable at two feet. Handwritten notes appear in public offices and on posting boards. Highlighters are used to mark text. Much of the information is temporary and is changed frequently by a variety of administrators who annotate it inconsistently. An SRL cannot be sure that information will be given in the same way from posting to posting.</p> <p>Directions are not followed because they are overlooked. Documents are handed in at the wrong counter or, sometimes, not at all. Trials are delayed. Visual “noise” where clear communication is important contributes significantly to confusion and process failure when understanding and efficiency are most necessary.</p> |
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| <p>Design Strategies</p> <p>Take perceptive skills of humans into consideration</p> <p>Create visual identity for the court buildings</p> <p>Educate clerks about visualizing information</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 74. Court Identity Program</p> <p><input checked="" type="checkbox"/> 81. Environment Guidelines</p> <p><input checked="" type="checkbox"/> 82. Visual Information for Clerks</p> <p><input checked="" type="checkbox"/> 83. Announcement Templates</p> |
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Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: Distraction Through Physical Objects | 34 |
|----------------------|--|--|--|
| Project | Access to justice | Source/s Personal Observation: | Associated Function/s 50. Show directory 51. Access kiosk at entrance 52. Monitor processes |
| Mode | Preparation to Initiate Proceedings | Court House | |
| Activity | Strategies for hearing | 22 January 2001 | |
| Originator | Bernd Kretschmer | | |
| Contributors | Shivani Kothari Adrian Burstein | | |

Observation
People seek orientation when they enter the court environment

Extension
Sensual stimuli can have subtle influences on SRLs as users of the court environment. The impact of objects and arrangements of objects have influences on human behavior. Objects that don't fit the context will distract users of the court environment. A building has to be coherent in its typology. The changing paradigms in the court system stir up the question of how the traditional type of a court building is still appropriate. How can SRLs cope with the setting of a court room? The elevated position of the judge sitting behind a massive board? The audience sitting in the back of the room? People often feel so intimidated by the setting of objects that they behave differently - mostly to their disadvantage. The typology of the court building has to be coherent with its current usage. Its first function, the symbolic meaning of the courtroom, stays the same: a place where law is practiced on an equal basis. Its second functionality has to reflect this significant shift in the type of users.

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Reorganize the physical court towards SRL supportive environment | <input checked="" type="checkbox"/> 74. Court Identity Program | |
| Create typology of a Pro Se specific court | <input checked="" type="checkbox"/> 81. Environment Guidelines | |

Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: SRLs Not Aware of the Uniqueness of Court Documents | | 35 |
|----------------------|--|---|--------------------------------|-----------|
| Project | Access to justice | Source/s | Associated Function/s | |
| Mode | Preparation to Initiate Proceedings | Personal Observation: | 39. File documents and payment | |
| Activity | Submitting | Court House | 67. Show proof of payment | |
| Originator | Bernd Kretschmer | 22 January 2001 | | |
| Contributors | Shivani Kothari | | | |
| 16 Feb. 2001 | Adrian Burstein | | | |

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| <p>Observation</p> <p>Some SRLs lose documents. For example, if a the payment receipt gets lost the litigant has to pay twice, even though the proof of payment is registered somewhere in the court computer system.</p> | <p>Extension</p> <p>People aren't conscientious about the importance of their documents. A good example might be the proof of payment for filing - a receipt that documents payment of court fees. People often aren't told that if they lose the receipt, the system will consider it as not being paid.</p> <p>The court's information system keeps track of all records regarding a litigant's file, so the court could possibly retrieve the information that could be use as evidence of payment. However, timely efforts that have to be taken to access the files in the database. The process of data input, searching for a file, and retrieving a file have to be simplified -- for the convenience of the court staff and others who need to use the data. Litigants should also have easier access to their personal information in the court system.</p> |
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| <p>Design Strategies</p> <p>Dedicate and create temporary workplaces to support SRLs</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 91. Modular Work Desk</p> |
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Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

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|----------------------|--|---|-----------------------|
| Design Factor | | Title: Mental Model for Processes Not Available | 36 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal Observation: Court House 22 January 2001 | |
| Activity | Orienting within process | | |
| Originator | Bernd Kretschmer | | |
| Contributors | | | |
| 16 Feb. 2001 | Shivani Kothari Adrian Burstein | | |

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| <p>Observation</p> <p>People find it difficult to understand and adapt to legal administration processes.</p> | <p>Extension</p> <p>Most SRLs who approach court are confronted with the same alien situation. People are unclear about the proceedings and the things that have to be accomplished to conform with the flow of legal processes. SRLs who have not submitted all required documents to the court or do not know about possible alternative dispute resolution options do not recognize the different waypoints offering options that they could take.</p> <p>People act based on what they know and what they can do. All activities are underpinned by a mental model that either has been newly learned or has been aggregated on the basis of an earlier one. The mental model of court processes is hard to impart to SRL's. Court procedures have been developed over a long time by experts that always assumed that experts would be the main users. Now, the system has to deal with a large number of laymen who don't even possess the knowledge of how to go through the basic steps of executing their case.</p> <p>SRLs need instruction to bring their cases properly through the process. Present levels of support do not provide a mental model to guide the unexperienced. The flow of activities that have to be performed is not addressed clearly and often seems outside the view of process planners.</p> |
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| <p>Design Strategies</p> <p>Explain the procedures of court along with the activities that SRLs have to perform.</p> <p>Provide a court system framework for SRLs that allows the process to become more user-centric.</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 77. Process Monitor</p> <p><input type="checkbox"/> 78. Process Locator</p> <p><input type="checkbox"/> 79. Alternative Option Reminder</p> <p><input checked="" type="checkbox"/> 80. Process Checklist</p> |
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Version Date: 12 May 2001 Date of first version: 23 January 2001

Design Factors

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|------------------------------|--|---|---|
| Design Factor | | Title: Retrieval of Data is Time Consuming | 37 |
| Project | Access to justice | Source/s Personal Observation: | Associated Function/s 64. Process files 67. Show proof of payment |
| Mode | Preparation to Initiate Proceedings | Court House 22 January 2001 | |
| Activity | Submitting | | |
| Originator | Bernd Kretschmer | | |
| Contributors 16 Feb. 2001 | Shivani Kothari Danielle De Carlo Adrian Burstein | | |

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| <p>Observation</p> <p>People who lose proof of payment for court processes usually are charged a second time.</p> | <p>Extension</p> <p>People are not told that if they lose the proof of payment for certain court functions (e.g., filing a case) they have to pay the fees twice. The court system keeps track of all transactions, so there is actually a proof of payment in the system. The problem is that retrieving the data is quite time consuming because accessing the file where this information is stored requires a certain amount of data input. On a busy day, the clerks might not be in a position to retrieve this data.</p> <p>This problem also translates on a more generic level to the daily interaction between clerks and litigants. Information has to be retrieved every time when an interaction happens between these parties.</p> <p>After the input of information, the data retrieving speed is at a satisfying level. Yet, people do not have the opportunity to easily access their documents in case they need to back something up.</p> |
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| <p>Design Strategies</p> <p>Improve retrieval process of data</p> <p>Provide access on backup data</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 84. Court Card</p> |
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Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: Uncertainty of Court Date Communication | 38 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal Observation: Court House 22 January 2001 | 62. Communicate court dates/notices 63. Schedule court dates |
| Activity | Orienting within process | | |
| Originator | Bernd Kretschmer | | |
| Contributors | | | |
| 16 Feb. 2001 | Shivani Kothari Adrian Burstein | | |

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| <p>Observation</p> <p>Because they are clearly important, but are not easily read or understood, court posting boards are frequently more a source of confusion than information.</p> | <p>Extension</p> <p>Announcements for hearings are posted on boards in the court building. These posts are printouts from a dot-matrix computer printer. In larger courts, these lists contain long columns of information.</p> <p>The posting board is one of the many sources of visual distraction in court. This communication confuses litigants and might cause delays in the process. All necessary information is there, but it is not structured to be easily read and understood by the litigants.</p> <p>Clerks also annotate these lists by hand and use highlighters to call attention to important parts of the information in an effort to make the posting more usable for the litigants. The postings, nevertheless, remain very confusing and, when they are misunderstood, SRLs miss their hearings.</p> |
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| <p>Design Strategies</p> <p>Make info understandable</p> <p>Communicate information in multiple ways</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 83. Announcement Templates</p> <p><input checked="" type="checkbox"/> 95. Automated Hearing Scheduler</p> <p><input checked="" type="checkbox"/> 292. Email/Autophone Notification</p> |
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Version **3** Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: Information is Incomplete | 39 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s Personal Observation: | Associated Function/s 50. Show directory |
| Mode | Preparation to Initiate Proceedings | Court House 22 January 2001 | |
| Activity | Submitting | | |
| Originator | Bernd Kretschmer | | |
| Contributors | Shivani Kothari Adrian Burstein | | |
| 16 Feb. 2001 | | | |

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| <p>Observation</p> <p>Because place names don't always correspond to the functions performed there, first-time SRLs often find it difficult to navigate the court building.</p> | <p>Extension</p> <p>Navigation systems are provided in all court buildings. However, while SRLs can see the signs, they have something else on their minds and may get confused.</p> <p>The navigation system lets people know where the physical offices are, but they can't make the leap to the tasks that have to be done in this place. Certainly, pointing to the physical location is a requirement that has to be fulfilled. But what does the physical location mean to a first-time SRL? There are many things that an SRL has to do to pursue a case in court.</p> <p>Rather than place, the SRL usually is concerned with function. An SRL wants to know, "What do I have to do first, and where do I go to accomplish that?" Orientation systems at court should take into account the SRLs functional disposition and the fact that novices need much more information than the experienced.</p> |
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| <p>Design Strategies</p> <p>Relate orientation to functional goals</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 74. Court Identity Program <input checked="" type="checkbox"/> 75. Signage System <input checked="" type="checkbox"/> 76. Site Explanation Folder |
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Version **3** Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: No Space for SRLs to Process Forms | 40 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s Personal Observation: | Associated Function/s 70. Fill out forms |
| Mode | Preparation to Initiate Proceedings | Court House 22 January 2001 | |
| Activity | Submitting | | |
| Originator | Bernd Kretschmer | | |
| Contributors | Shivani Kothari Adrian Burstein | | |
| 16 Feb. 2001 | | | |

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| <p>Observation</p> <p>People do not have any space to fill out forms at the courthouse.</p> | <p>Extension</p> <p>Court procedures involve a lot of paperwork that has to be processed by the litigants.</p> <p>Litigants today frequently do their paperwork at court. What was once exceptional now happens every day, although few courts pay any attention to this. Since SRLs have become a greater proportion of litigants, a set of needs has evolved that is new to the system. People have to leave work to file a case in court. Then they have to time off to attend the trial. Because litigants want to minimize the number of returns, they do as much of the required paperwork as they can at court. The space to do this, however, is seldom available, or if it is, it is not well designed for this use.</p> <p>The act of filling out forms can be made much more efficient if conditions are optimized. Forms completed under supportive conditions are more likely to be correct the first time, saving time for both court and litigant.</p> |
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| <p>Design Strategies</p> <p>Dedicate and create temporary workplaces to support SRLs</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 91. Modular Work Desk</p> |
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Version Date: 12 May 2001

Date of first version: 23 January 2001

Design Factors

| Design Factor | | Title: Posting Boards Are Confusing | 41 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Institute of Design & Kent Law School. I PRO Research . Fall 2000. | 62. Communicate court dates/notices 63. Schedule court dates |
| Activity | Submitting | Personal Observation. Visit to Court Building. Jan 2001. | |
| Originator | Adrian Burstein | | |
| Contributors | | | |

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| <p>Observation</p> <p>Unless court dates are communicated clearly, litigants may become confused and cause delays in the process.</p> | <p>Extension</p> <p>Often, when filing a case or a motion, litigants are not given a court date. Instead, they are given a date in which the litigant can come back again to check when the hearing is going to occur. Later on, the litigant gets notification of the court date through mail.</p> <p>Once at court, the order in which cases are called does seem unpredictable. Schedules are posted on a small paper outside of the courtroom where cases to be heard are listed. Litigants do not know when they are going to be called, nor the order. As a result many litigants can miss their turn for the hearing, delaying their cases. Not having been assigned a court date in the beginning may also contribute to forgetfulness.</p> <p>The inability of the courts to assign court dates when the SRL is filing, the delays in the schedule introduced almost every day -- with the need to go back to court just to check a court day-- create an overall sense of unpredictability and a negative perception of the process on the part of litigants. All this could be changed with an efficient, human-centered communication system.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Display Information Clearly | <input checked="" type="checkbox"/> 83. Announcement Templates | |
| | <input checked="" type="checkbox"/> 95. Automated Hearing Scheduler | |
| Emphasize court date | <input checked="" type="checkbox"/> 292. Email/Autophone Notification | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Uncertain Court Dates | 42 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Institute of Design & Kent Law School. IPRO Research . Fall 2000. | 62. Communicate court dates/notices 63. Schedule court dates |
| Activity | Submitting | Personal Observation. Visit to Court Building. Jan 2001. | |
| Originator | Adrian Burstein | | |
| Contributors | | | |

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| <p>Observation</p> <p>Court schedules are organized without regard for maximizing throughput.</p> | <p>Extension</p> <p>Day to day, the court posts schedules or lists of cases that are going to be heard each day - approximately. Of course, these lists may vary because of delays on previous cases.</p> <p>“With dozens of people all assigned to a single call time, nearly everyone spends a long time waiting. This is specially irksome for people with a simple matter such as a name change and for those who must get time off work to attend” (ID-KLS 2000, 3).</p> <p>The problem lies with the way the schedules are organized. First, all kinds of cases are scheduled together in order of submission. Schedules are prepared without considering the nature of each case and the time they would take. Second, once the judge gets a pile of cases for a morning, the judge revises and decides what cases to call without knowing whether the litigants have shown up. As a result, some litigants have to wait out of court for a long time for a simple case. This may discourage litigants from staying at court, thus delaying cases, reducing productivity and increasing the burdened schedule.</p> <p>The scheduling process could improve by changing scheduling methods. The solution should categorize cases based on the amount of time expected according to average times in hearings, and the judge should include in the criteria for the revision of the schedule the absence or presence of the litigants at the time of the revision.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Categorize Cases | <input type="checkbox"/> 95. Automated Hearing Scheduler | |
| Maximize Waiting Time | <input type="checkbox"/> 96. Automated No Show Processor | |
| | <input type="checkbox"/> 97. Automated Attendance Register | |
| | <input type="checkbox"/> 98. No Show Penalty Fee | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Documents Mostly in English | 43 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | John A. Tull. Technology and the Future of Legal Services . N 1999. www.equaljustice.org | 61. Provide forms 62. Communicate court dates/notices 70. Fill out forms |
| Activity | Submitting | Raymond Kurzweil. When Will HAL Understand What We Are Saying? MIT press, 1998. www.mitpress.mit.edu | |
| Originator | Adrian Burstein | Personal Observation. Visit to Court Building. Feb 2001. | |
| Contributors | | | |

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| <p>Observation</p> <p>Because many litigants do not speak English, the court communication instruments written in English may not be effective.</p> | <p>Extension</p> <p>Court communication instruments can be defined as documents, forms and notifications (which contain vital information for a process) that serve as a communication channel between the court and litigants.</p> <p>“The usefulness of materials is strongly correlated with the language capacity and literacy level of the reading” (Tull 1999, 3). Therefore, accuracy and clearness in the content of courts’ communication instruments is critical to reach a good understanding between the system and litigants. However, due to language diversity, litigants who do not speak English encounter difficulties. Necessary tasks to carry a judicial process (e.g. filling out forms, understanding notifications from court asking for relevant documentation, or communicating information that litigants must understand) become impossible tasks to accomplish.</p> <p>Accuracy and clearness in communication cannot be achieved when the parties speak different languages. Good communication will only happen if one of the parties is able to speak in the other party’s language. Changing the system to speak the language of the litigants will create the communication channel required to pursue a legal process successfully.</p> <p>Advances in language translation, specifically in the Artificial Intelligence field, could contribute significantly. An actual machine “is capable of understanding the speech of a person it has not heard speak before and can recognize a vocabulary of up to sixty thousand words” (Kurzweil 2000,10).</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Base communication instruments on multilingual diversity | <input type="checkbox"/> 87. E-Multilingual Manager | |
| | <input type="checkbox"/> 85. Language Track Keeper | |
| Offer alternatives for illiterate handicapped litigants | <input type="checkbox"/> 86. Interactive Translator | |

Version Date: 12 May 2001 Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Only at Court Building | 44 |
|----------------------|--|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Robert Plotkin. Electronic Court Filing: Past, Present, and Future. Boston Bar Journal Article. May/June 2000 | 61. Provide forms 69. Hand in forms 70. Fill out forms |
| Activity | Submitting | Institute of Design & Kent Law School. IPRO Research Summary. Fall 2000. | |
| Originator | Adrian Burstein | Personal Observation. Visit to Court Building. Jan 2001. | |
| Contributors | | | |

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| <p>Observation</p> <p>Because uncertainty surrounds almost every act involving the scheduling of court dates and calling of cases, litigants can easily miss their appearances.</p> | <p>Extension</p> <p>Often, when filing a case or a motion, litigants are not given a court date. Instead, they are given a date in which the litigant can come back again to check when the hearing is going to occur. Later on, the litigant gets notification of the court date through the mail.</p> <p>Once at court, the order in which cases are called can be highly unpredictable. Schedules are posted on a small paper outside of the courtroom where cases to be heard are listed. Litigants do not know when they are going to be called, nor the order. As a result many litigants can miss their turn for the hearing, delaying their cases. From the beginning, when a court date is not assigned at the time of filing, the process creates multiple opportunities for failure.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Detach the filing task from the court building | <input type="checkbox"/> 88. Web-Based Electronic Filer | |
| | <input type="checkbox"/> 90. Mobile Pro Se Center | |
| Decentralize the filing desks within the court building | <input type="checkbox"/> 89. Electronic Filing Station | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Many Receipts | 45 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal Observation. Visit to Court Building. Feb 2001. | 66. Issue receipts 67. Show proof of payment |
| Activity | Submitting | | |
| Originator | Adrian Burstein | | |
| Contributors | | | |
| | 16 Feb. 2001 | | |

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| <p>Observation</p> <p>Because many receipts (that must be retained by the litigant) are issued during the filing process, there is a high probability that one or more may be lost.</p> | <p>Extension</p> <p>The process of filing a case and following it through to resolution requires many steps. Each step demands work from all involved in the judicial system as well as the litigants. Each task can be viewed as a service that has a price tag attached to it. The litigants have to pay a fee which covers these costs every time the services are used.</p> <p>When filing a complaint, the litigants receive a receipt that has to be shown to the cashier. Then, the cashier takes the payment for filing a case and issues another receipt. Finally, the litigant goes back to the clerk's office and, after showing the proof of payment, he or she gets another small receipt with a day to come back to check the hearing schedules. Along the process, this model can be repeated many times, litigants going back and forth, collecting receipts that have to be kept for many reasons.</p> <p>When people are waiting in line, time is important. The fact of carrying many documents and many receipts to be presented in different instances causes delays in the line, because many litigants are simply not ready to show what they need to show. Additionally, SRLs might be under different kinds of emotional pressures. Just looking for one receipt among many when the SRL's turn comes can be a stressful experience. Worse, if a receipt is lost, anxiety can set in, bringing anger and delays with it as well as double payments.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Consolidate Proof of Payments | <input checked="" type="checkbox"/> 92. Payment Record Card | |
| Process Payments Immediately | <input checked="" type="checkbox"/> 93. Codified Register of Payment | |
| | <input checked="" type="checkbox"/> 94. Electronic Record Dock | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: No Privacy | 46 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Institute of Design & Kent Law School. I PRO Research . Fall 2000. | 61. Provide forms 69. Hand in forms 70. Fill out forms |
| Activity | Submitting | Personal Observation. Visit to Court Building. Jan 2001. | |
| Originator | Adrian Burstein | | |
| Contributors | | | |
| | 16 Feb. 2001 | | |

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| <p>Observation</p> <p>Many litigants feel uncomfortable about the lack of privacy when filling out forms or talking about their cases with the Clerk in front of strangers.</p> | <p>Extension</p> <p>Most of the time, the reason litigants are in court is for a perceived wrong committed by them or against them. The judicial processes, especially in Pro-Se courts, have a strong emotional factor. Disputes are often a bitter time for litigants.</p> <p>The simple fact of being in the court building can be awkward for many people, but this situation becomes worse when SRLs' privacy concerns are ignored. Some people are even embarrassed to talk to the Clerk in order to obtain the right forms, especially if it is a busy day and the facilities are crowded.</p> <p>After obtaining their forms, SRLs must fill them out. Appropriate space for this activity, however, is seldom provided. Litigants fill out their forms while seated or standing next to each other in close proximity. It is clear from observation that they try to hide their forms from each other with their bodies. Still, litigants usually try to look at each others' forms -- perhaps, because they have doubts regarding their own and are looking for help.</p> <p>Litigants at court often are going through a bad time. Providing some privacy would make their experience a little more comfortable.</p> |
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| <p>Design Strategies</p> <p>Provide personal work spaces</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 91. Modular Work Desks</p> <p><input type="checkbox"/> 89. Electronic Filing Stations</p> |
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Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

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|----------------------|--|--|--|
| Design Factor | | Title: Inability to Critically Evaluate | 47 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alritz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

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| <p>Observation</p> <p>Lawyers go through Law School to learn ‘to critically evaluate how the opponent could argue when in court’. Self Represented Litigants do not have access to this valuable resource.</p> | <p>Extension</p> <p>Before a hearing, lawyers critically evaluate cases and try to figure out how the other party will develop its arguments and what counter arguments one needs to plan on. This knowledge is imparted to a lawyer in law school and while working in the field of law. The self represented litigant is but a layman. Getting his / her own argument prepared is challenging, but, being able to critically think of the counter arguments of his / her opponent is even more difficult. Additionally, the litigant has an emotional involvement in the case being heard. This could impede their objective thinking and critical evaluation.</p> <p>Lawyers are better able to analyze a situation objectively and prepare arguments and counter arguments because they are not emotionally involved in the proceedings. Any system designed for SRLs should emulate this by creating an environment supportive of greater objectivity and lower emotional stress.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Stimulate critical thinking | <input type="checkbox"/> 55. Spoon Feeder | |
| | <input type="checkbox"/> 54. Brochure-Dozer | |
| Reduce emotional stress | <input type="checkbox"/> 53. Alternative Advisor | |

Version Date: 12 May 2001 Date of first version: 17 February 2001

Design Factors

| Design Factor | | Title: Difficulty in Finding Information | 48 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

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| <p>Observation</p> <p>When strategizing for the hearing, SRLs would benefit from compiling information and making it more comprehensible.</p> | <p>Extension</p> <p>Obscure means difficult to understand, difficult to find and little known. All of which can be applied to the legal process with respect to the layman. Self represented litigants often face problems in trying to decipher what the law means, and what they need to do in a certain legal process.</p> <p>Every case is different. The complexity of the process makes it more difficult to understand. To find a case similar to the one being fought by the self represented litigant is probably an impossible process. For example, if a self-represented litigant is looking for a contested divorce where the husband is from a country with political unrest and does not have U.S. citizenship status, and the couple has a child with multiple citizenship, he or she may not know where to look. If a similar case is found, there may still be other issues that are unique to that case and it may not be at all clear how to filter them out.</p> |
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| <p>Design Strategies</p> <p>Build guides on how to argue</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 54. Brochure-Dozer</p> |
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Version Date: 12 May 2001

Date of first version: 17 February 2001

Design Factors

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|----------------------|--|---|--|
| Design Factor | | Title: Inappropriate advice from peers | 49 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

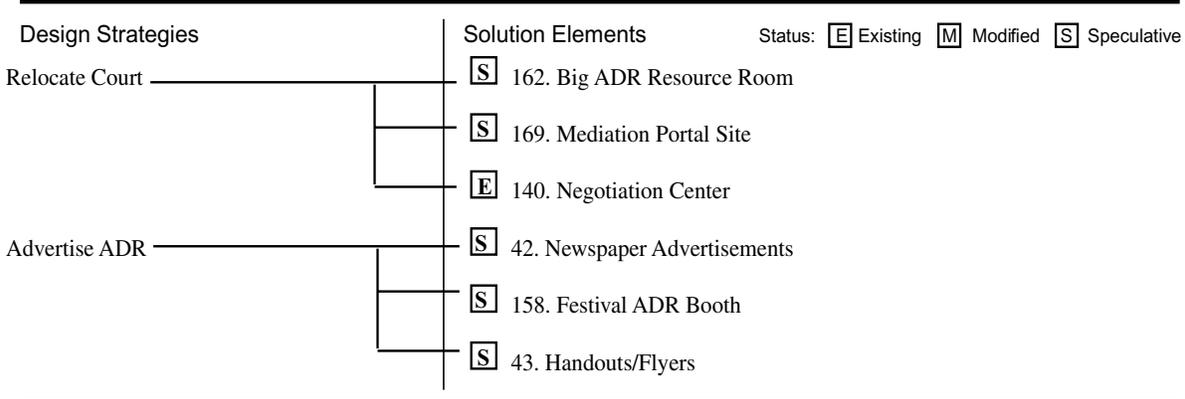
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| <p>Observation</p> <p>Friends and family may not give correct advice regarding what is the best strategy.</p> | <p>Extension</p> <p>Litigants often turn to family and friends to gain advice, understand the legal issue and to draw emotional support during rough times. These people could be absolute novices to the court system or may have been involved in a hearing, filed a complaint, or been sued over a very different issue.</p> <p>Whatever the case, getting accurate advice about the legal process from layman friends and family is like shooting an arrow into the dark.</p> <p>Lawyers are an expensive resource, but every case is different and -- although experience from involvement in a few cases as a self-represented litigant may be beneficial in the initial filing process -- it will seldom be very helpful in the hearing process. Good advice is important enough to be sought diligently from all available resources, including the law profession as it is economically feasible.</p> |
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| <p>Design Strategies</p> <p>Understand the hearing process</p> <p>Get real help</p> | <p>Solution Elements</p> <p><input checked="" type="checkbox"/> 54. Brochure-Doser</p> <p><input checked="" type="checkbox"/> 53. Alternative Advisor</p> | <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> |
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Design Factors

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| Design Factor | | Title: Intimidation of SRLs | 50 |
| Project | Access to justice | Source/s 1. Interview with administrator 2. Personal Observation 3. Courthouse web site (http://courts.countyofventura.org) 4. Field Observations and video | Associated Function/s 53. Show schedules 54. Provide maps and instructions |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |
| Feb 18, 2001 | | | |

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| Observation <p>The court seems to intimidate some self represented litigants, particularly those from low income groups.</p> | Extension <p>Some litigants are afraid to go to “official” places where justice is administered. Some specifically avoid going to court to obtain information, preferring instead of the courthouse, the less-formal off-site Self Help Centers. Others find even off-site centers intimidating.</p> <p>During an interview in Ventura County, California, a volunteer from one of the Self Help centers said that some SRLs came to him personally and he would then bring their problems to the off-site locations because they were afraid to go to any official site for help. For these people, almost no courthouse-based service is acceptable.</p> |
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| Design Factor | | Title: Inability to Understand and Communicate | 51 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Mikio Nakano. Spoken Language Systems MIT Laboratory for Computer Science. 1999. http://www.sciam.com/1999 | 61. Provide Forms 62. Communicate court dates/notices 70. Fill Out Forms |
| Activity | Strategizing for hearing | Raymond Kurzweil. http://www.mitpress.mit.edu | |
| Originator | Shivani Kothari | Personal Observation. Visit to Court Building. Feb 2001. | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

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| <p>Observation</p> <p>Court communications create barriers instead of bridges for people who do not speak English.</p> | <p>Extension</p> <p>Court communications are the channel of interaction between courts and litigants. They have considerable control over the effectiveness of court processes.</p> <p>Courts are exceptionally sensitive to the abilities of litigants to understand and communicate in both written and spoken English. Litigants who are not fluent in English encounter significant barriers that affect not only the success of their case, but also the efficiency of the court.</p> <p>In some jurisdictions, providing court translators is an effective solution, but in others, particularly in urban areas, the number of languages spoken is too great to permit translators to be used economically. As large numbers of non-English speakers continue to immigrate to the U.S. the need to bridge language barriers mounts.</p> <p>Hope is growing for help from computerized language translation systems. As the language domain is circumscribed to the specialized terminology of the courts, the potential for machine translation is great. A machine now exists that "...is capable of understanding the speech of a person it has not heard speak before and can recognize a vocabulary of up to sixty thousand words" (Kurzweil 2000, 10). And progress is not limited to a few easily translated languages.</p> |
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| <p>Design Strategies</p> <p>Base communication instruments on multilingual diversity</p> <p>Offer alternatives for illiterate or handicapped litigants</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 87. E-Multilingual Manager</p> <p><input type="checkbox"/> 85. Language Track Keeper</p> <p><input type="checkbox"/> 86. Interactive Translator</p> |
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Version Date: 12 May 2001 Date of first version: 17 February 2001

Design Factors

| Design Factor | | Title: Communicating Information Through a Story | 52 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Jeff Ettenhofer, Observation notes- IPRO 2000 | Associated Function/s 60. Determine intention/objective 72. Prepare arguments 75. Rehearse argument with friends 91. Prepare story 95. Tell story 96. Support story 97. Rebut story |
| Mode | ADR/Preparation | Personal observations at observation sites January 22nd 2001 | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | | | |
| 01 Feb., 2001 | Anjali Kelkar Ben Singer Steven Raminiak | | |

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| <p>Observation</p> <p>Self represented litigants are not well prepared to convey the details of their cases.</p> | <p>Extension</p> <p>Preparing the structure of a story is important to conveying the right information to a judge.</p> <p>A lawyer knows how to tell a story within the constraints of court rules and limitations. He determines the strengths and weaknesses of the case, fits it as carefully as possible into a classical structure, and supports it with witnesses and evidence. Unfortunately, what comprises a clear, convincing and legal presentation is not necessarily clear to the SRL. Worse, help from peers and friends cannot be expected to improve the story within the requirements of court expectations. In the end, the sympathetic, but novice-level story that the SRL prepares seldom has the coherence necessary to convince and adds little to the credibility of the case.</p> <p>Most SRLs do little to prepare for a hearing. Their focus is mainly the preparation of the legal documents that the court tells them to complete. They see going to court as the opportunity to “tell their story”, but the story usually fails to fit the expected structure, takes unnecessary time, is difficult for the judge to evaluate, and only convinces the SRL of his inability to represent himself in court.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Provide information access | <input type="checkbox"/> 165. On-line DocPrep | |
| | <input type="checkbox"/> 176. Agreement Template | |
| | <input type="checkbox"/> 167. Medforms | |
| Distribute handouts and brochures | <input type="checkbox"/> 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> 178. Group Prep | |
| Provide access to Pro-Bono lawyers | <input type="checkbox"/> 183. Self- Help Centers | |

Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Research Legal Position | 53 |
|----------------------|---|--|---|
| Project | Access to justice | Source/s Personal Observation at Observation sites | Associated Function/s 4. Gather information 12. Read material 16. Understand process 42. Search legal cases 43. Browse websites 48. Consult legal professional 86. Consult an attorney |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | Anjali Kelkar Ben Singer Steven Raminiak | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>Litigants often do not come prepared or organized with their documents and evidence.</p> | <p>Extension</p> <p>Many resources are available for SRLs to use for research on their cases, however few SRLs are aware of those that are available on the web and in libraries.</p> <p>A litigant may easily be intimidated by court staff as they are unable to offer any legal advice. According to one source, "We provide a service, yet we do not provide a service." The very thin line between providing information and advice makes it difficult for court staff to do much of anything for the SRL except point to resources. The court should provide some kinds of tools to allow SRLs to help themselves. These might very well include a form of access to the electronic legal databases that otherwise are virtually limited to the exclusive use of law firms because of their high subscription costs.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---------------------------|---|--|
| Explore mediation options | <input type="checkbox"/> 169. Mediation Portal Site | |
| | <input type="checkbox"/> 170. I-Research | |
| | <input type="checkbox"/> 149. SRL Chat Room | |
| Distribute information | <input type="checkbox"/> 168. Remote Pocket Lawyer | |
| Use a library | <input type="checkbox"/> 238. Pro Se Legal Library | |

Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Preparing Financial Documents | 54 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Ben Singer, Observations | Associated Function/s 92. Prepare documents 93. Plan personal finances |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | | | |
| 01 Feb., 2001 | Anjali Kelkar Ben Singer Steven Raminiak | | |

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| <p>Observation</p> <p>Because of the comprehensiveness of requirements, it is difficult for SRLs to prepare financial documents for mediation.</p> | <p>Extension</p> <p>Settlements involving financial transactions are an important part of mediation. A settlement is based both on present financial assets and the requirements of the solution.</p> <p>Preparing financial documents involves getting all the financial details of an SRL's current life together; it requires organization of bills, checks, receipts and other documents over a time long enough that it might easily include periods in which records were not well kept. Determining the relevant facts for those periods -- and documenting them -- may be difficult if not impossible.</p> |
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| <p>Design Strategies</p> <p>Provide information on financial planning</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <ul style="list-style-type: none"> <input type="checkbox"/> 172. Financial Planner <input type="checkbox"/> 53. Alternative Advisor <input type="checkbox"/> 131. Financial Planning Night |
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Design Factors

| Design Factor | | Title: Mediation Forms | 55 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Observations at court site February 15th, 2001 | Associated Function/s 34. Fill out forms 57. Ask for correct form 70. Fill out forms 92. Prepare documents |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | Anjali Kelkar Ben Singer Steven Raminiak | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>Because of the complexity of the process, mediation forms are not filed at one place or time; litigants must file several times in different places to complete the separate steps of the process.</p> | <p>Extension</p> <p>Mediation should be an option that SRLs can easily choose at any time without the need for complicated forms. That is seldom the case. Forms in the courthouse are usually located in different rooms -- rooms that may be far from each other. The filing process is often difficult to determine; the SRL has to ask repeatedly and visit multiple locations to find the forms and the right places to file them.</p> <p>The result of a court action determines additional forms that must be filled out for next steps. Litigants are usually uninformed ahead of time about the role of these documents and the reasons for multiple filings over the entire process. In addition, the legal terminology usually employed in the forms is not readily understandable to the SRL because it is meant for law professionals and is specific to the class of the problem. For those SRLs who do not have a good command of English, the process is almost unpenetrable.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Provide information access | <input type="checkbox"/> 119. Legal Site Search Engine | |
| | <input type="checkbox"/> 38. Information Kiosks | |
| | <input type="checkbox"/> 49. Pro Se Resource Center | |
| Distribute information | <input type="checkbox"/> 64. Tailored Packages I | |
| Provide individual assistance to SRL's | <input type="checkbox"/> 54. Brochure-Dozer | |

Version Date: 12 May 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Unconvincing Legitimacy of Option | 56 |
|----------------------|---|--|---|
| Project | Access to justice | Source/s Fall 2000 observations of site visits Site visit, 2/16, Interview with Judge , 2/16 | Associated Function/s 79. Introduce ADR 81. Follow referral to ADR |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer Divya Singhal | | |

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| Observation Mediation is not perceived as “official” or “binding” as a court proceeding. | Extension Most pro se litigants feel that if they could talk it out with the opposing party, they wouldn’t be suing them (or being sued) in the first place. There is a certain glamour that our society pairs with a court proceeding - and pro se litigants often prepare themselves so much for a trial when a suit begins that they often don’t let any other image enter their heads. However, a court proceeding is bound by the rules and regulations that bury pro se litigants and their cases. Ironically, a pro se litigant would most likely find an experience closer to what he perceives a courtroom to be in a mediation meeting. |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------------|--|--|
| Make Look More Official | <input type="checkbox"/> 146. Mediation Form | |
| Educate litigant | <input type="checkbox"/> 159. SRL Resource Guide | |
| | <input type="checkbox"/> 147. Interactive Game | |
| | <input type="checkbox"/> | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Other Party disagrees to ADR | 57 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Fall 2000 observations of site visits Site visit at court, Interview with Judge | Associated Function/s 83. Propose ADR to other party |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Michael Heller | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>In some cases, one party may be interested in pursuing ADR while the other refuses to consider it.</p> | <p>Extension</p> <p>Self represented litigants are often reluctant to negotiate an out-of-court settlement with the other party. Many litigants feel that the time spent in coming to court is worthy of a legal battle. While one party may be interested in pursuing alternative means to a resolution, it is often the case that the opposition refuses. This imbalance in objectives poses a problem for any party attempting obtain a settlement. Attempting to find ways in which ADR may be encouraged is needed to help satisfy this concern.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------|---|--|
| Convince Other Party | <input checked="" type="checkbox"/> 159. SRL Resource Guide | |
| Offer option at trial | <input checked="" type="checkbox"/> 140. Negotiation Center | |
| Provide mechanism | <input checked="" type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input checked="" type="checkbox"/> 141. Mediator Finder | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Consulting with a Lawyer is Expensive | 58 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Fall 2000 observations of site visits | Associated Function/s 86. Consult an attorney |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs face barriers when trying to obtain “unbundled” legal advice.</p> | <p>Extension</p> <p>While many SRLs would benefit from limited conversations with lawyers about the complexity of their case as well as their chances for success, this resource is too expensive for most SRLs to consider. Unbundled advice from lawyers has been a hot topic of conversation lately. Perhaps this time has come.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Provide mechanism for short reviews | <input type="checkbox"/> 149. SRL Chat Room | |
| | <input type="checkbox"/> 150. Pro Bono Lawyer Day | |
| | <input type="checkbox"/> 151. Form E-mails/Letters to Pro Bono Lawyers | |
| | <input type="checkbox"/> 2. Call Center | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

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|----------------------|--------------------------|---|---|
| Design Factor | | Title: SRLs Don't Know How to Ask Questions in Examination | 59 |
| Project | Access to justice | Source/s Presentation from Site Visit | Associated Function/s 95. Tell story 96. Support story 97. Rebut story |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Emily Ulrich | | |
| 01 Feb., 2001 | Michael Heller | | |

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| <p>Observation</p> <p>SRLs are not trained in how to best conduct cross-examination of witnesses.</p> | <p>Extension</p> <p>SRLs ask questions in the wrong manner and harm their case by asking incorrectly. Most questions posed to a witness being cross-examined should be phrased in the manner of a “yes” or “no” question. For example, instead of asking, “Why do you want to take the child to Mexico?” which leaves a witness with ample “wiggle-room”, an SRL should be encouraged to ask a more focused question, such as, “Are you trying to take the child to Mexico in order to get him away from me?”</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Educate litigant | <input type="checkbox"/> M 159. SRL Resource Guide | |
| | <input type="checkbox"/> S 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> S 153. Court-In-Context Audio Examples | |

Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: SRLs Don't Realize That Going to Court Could Mean Jail | 60 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | ADR/Preparation | Site Visit - Interview with SRL | |
| Activity | Encountering | Site Visit - Interview with administrator | |
| Originator | Steve Raminiak | Site Visit - Interview with Judge | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer | | |
| | Divya Singhal | | |

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| <p>Observation</p> <p>Some SRLs have no idea that the consequences of going to court may include jail time.</p> | <p>Extension</p> <p>SRL violated order of protection by: (1) Driving by his old house, stopping the car momentarily, and mouthing the words "I love you" to his daughter and (2) calling his ex-wife at her workplace. (He claims he didn't do this.) SRL went to court 3 or 4 times previous to this interview. SRL dismissed his attorney before attending court the first time because the attorney seemed inept.</p> <p>SRL decided just to say that he was guilty on both counts and just get it over with. He reasoned that the consequences could not be THAT bad for what little he had done. During one of the hearings, he spoke to the states' attorney and told his case to the state's attorney informally. The attorney then called his wife and updated her on the situation. She then dropped the charges. (This happened today.)</p> <p>Administrator's note - Observation Sites take violation of protection orders very seriously. They consider it their Number One Problem. The wacky thing is about these cases is that, for months, nothing can happen - or, perhaps, some small violation of a protection order (e.g., Driving by a house, showing up one day at a workplace) - and then all of the sudden, something can snap in these people - and somebody winds up dead. Domestic violence is a big problem in the US. Bird said that, if convicted, the SRL probably would have done jail time.</p> <p>Question to Judge - Is there anything that you wish that you could communicate to the SRLs before they get to court? Yes. If it is found that they have not paid child support, they are going to jail. 80% of offenders don't return after a first visit. With knowledge of this result, the system may be able to provide an alternate avenue of coercion to comply with court-ordered obligations</p> |
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| <p>Design Strategies</p> <p>Inform litigant</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 154. Jailed Offender Telemarketing Pool</p> |
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Version Date: 12May 2001

Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: SRLs Don't Know How to Begin Pursuing Mediation | 61 |
|----------------------|--------------------------|---|--|
| Project | Access to justice | Source/s Site Visit - Interview with an SRL | Associated Function/s 77. Find mediation provider 78. Contact mediation provider |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer | | |
| | Divya Singhal | | |

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| <p>Observation</p> <p>SRLs don't have any idea on how to begin pursuing ADR.</p> | <p>Extension</p> <p>Some SRLs are completely unfamiliar with ADR and have no idea how to pursue that option in their jurisdiction. One SRL that I talked to seemed quite interested in the option -- but didn't know where to start to actually initiate it in his case.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------|--|--|
| Educate litigant | <input type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input type="checkbox"/> 156. Consumer Litigant Monthly Magazine | |
| | <input type="checkbox"/> 159. SRL Resource Guide | |
| | <input type="checkbox"/> | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: SRLs Do Not Know What ADR Is | 62 |
|----------------------|--------------------------|--|--|
| Project | Access to justice | Source/s Site Visit Observation reported by Anjali Kelkar and discussed among our group | Associated Function/s 79. Introduce ADR |
| Mode | ADR/Preparation | | |
| Activity | Encountering | Presentation by Michael Heller and Emily Ulrich | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer | | |
| | Divya Singhal | | |

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| <p>Observation</p> <p>Many SRLs have misconceptions about mediation and are ignorant of ADR.</p> | <p>Extension</p> <p>Anjali reported that, when she visited the Pro Se Court, she encountered a woman who was convinced that mediation was not for her. She refused to consider it until the judge recommended that they try it in the Jury Room. Surprisingly, the conflict was resolved there. She commented afterwards that she had no idea that the other side of the story had so much to it. She seemed satisfied with the results.</p> <p>Michael and Emily reported similar attitudes in their presentation to the class regarding their site visit.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------|--|--|
| Advertise | <input type="checkbox"/> 157. Subpoena/Filing Companion Pamphlet | |
| | <input type="checkbox"/> 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> 153. Court-In-Context Audio Examples | |
| Educate litigant | <input type="checkbox"/> 158. Festival SRL Booth | |
| | <input type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input type="checkbox"/> 156. Consumer Litigant Monthly Magazine | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Uncertain Court Dates | 42 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Institute of Design & Kent Law School. IPRO Research . Fall 2000. | 62. Communicate court dates/notices 63. Schedule court dates |
| Activity | Submitting | Personal Observation. Visit to Court Building. Jan 2001. | |
| Originator | Adrian Burstein | | |
| Contributors | | | |

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| <p>Observation</p> <p>Court schedules are organized without regard for maximizing throughput.</p> | <p>Extension</p> <p>Day to day, the court posts schedules or lists of cases that are going to be heard each day - approximately. Of course, these lists may vary because of delays on previous cases.</p> <p>“With dozens of people all assigned to a single call time, nearly everyone spends a long time waiting. This is specially irksome for people with a simple matter such as a name change and for those who must get time off work to attend” (ID-KLS 2000, 3).</p> <p>The problem lies with the way the schedules are organized. First, all kinds of cases are scheduled together in order of submission. Schedules are prepared without considering the nature of each case and the time they would take. Second, once the judge gets a pile of cases for a morning, the judge revises and decides what cases to call without knowing whether the litigants have shown up. As a result, some litigants have to wait out of court for a long time for a simple case. This may discourage litigants from staying at court, thus delaying cases, reducing productivity and increasing the burdened schedule.</p> <p>The scheduling process could improve by changing scheduling methods. The solution should categorize cases based on the amount of time expected according to average times in hearings, and the judge should include in the criteria for the revision of the schedule the absence or presence of the litigants at the time of the revision.</p> |
|---|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------|--|--|
| Categorize Cases | <input type="checkbox"/> 95. Automated Hearing Scheduler | |
| Maximize Waiting Time | <input type="checkbox"/> 96. Automated No Show Processor | |
| | <input type="checkbox"/> 97. Automated Attendance Register | |
| | <input type="checkbox"/> 98. No Show Penalty Fee | |

Version Date: 12 May 2001 Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Documents Mostly in English | 43 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | John A. Tull. Technology and the Future of Legal Services . N 1999. www.equaljustice.org | 61. Provide forms 62. Communicate court dates/notices 70. Fill out forms |
| Activity | Submitting | Raymond Kurzweil. When Will HAL Understand What We Are Saying? MIT press, 1998. www.mitpress.mit.edu | |
| Originator | Adrian Burstein | Personal Observation. Visit to Court Building. Feb 2001. | |
| Contributors | | | |

| | |
|--|---|
| <p>Observation</p> <p>Because many litigants do not speak English, the court communication instruments written in English may not be effective.</p> | <p>Extension</p> <p>Court communication instruments can be defined as documents, forms and notifications (which contain vital information for a process) that serve as a communication channel between the court and litigants.</p> <p>“The usefulness of materials is strongly correlated with the language capacity and literacy level of the reading” (Tull 1999, 3). Therefore, accuracy and clearness in the content of courts’ communication instruments is critical to reach a good understanding between the system and litigants. However, due to language diversity, litigants who do not speak English encounter difficulties. Necessary tasks to carry a judicial process (e.g. filling out forms, understanding notifications from court asking for relevant documentation, or communicating information that litigants must understand) become impossible tasks to accomplish.</p> <p>Accuracy and clearness in communication cannot be achieved when the parties speak different languages. Good communication will only happen if one of the parties is able to speak in the other party’s language. Changing the system to speak the language of the litigants will create the communication channel required to pursue a legal process successfully.</p> <p>Advances in language translation, specifically in the Artificial Intelligence field, could contribute significantly. An actual machine “is capable of understanding the speech of a person it has not heard speak before and can recognize a vocabulary of up to sixty thousand words” (Kurzweil 2000,10).</p> |
|--|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Base communication instruments on multilingual diversity | <input type="checkbox"/> 87. E-Multilingual Manager | |
| | <input type="checkbox"/> 85. Language Track Keeper | |
| Offer alternatives for illiterate handicapped litigants | <input type="checkbox"/> 86. Interactive Translator | |

Version Date: 12 May 2001 Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Only at Court Building | 44 |
|----------------------|--|--|--|
| Project | Access to justice | Source/s Robert Plotkin. Electronic Court Filing: Past, Present, and Future. Boston Bar Journal Article. May/June 2000 Institute of Design & Kent Law School. IPRO Research Summary. Fall 2000. Personal Observation. Visit to Court Building. Jan 2001. | Associated Function/s 61. Provide forms 69. Hand in forms 70. Fill out forms |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Submitting | | |
| Originator | Adrian Burstein | | |
| Contributors | | | |

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|---|---|
| Observation Because uncertainty surrounds almost every act involving the scheduling of court dates and calling of cases, litigants can easily miss their appearances. | Extension Often, when filing a case or a motion, litigants are not given a court date. Instead, they are given a date in which the litigant can come back again to check when the hearing is going to occur. Later on, the litigant gets notification of the court date through the mail. Once at court, the order in which cases are called can be highly unpredictable. Schedules are posted on a small paper outside of the courtroom where cases to be heard are listed. Litigants do not know when they are going to be called, nor the order. As a result many litigants can miss their turn for the hearing, delaying their cases. From the beginning, when a court date is not assigned at the time of filing, the process creates multiple opportunities for failure. |
|---|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|--|
| Detach the filing task from the court building | <input type="checkbox"/> 88. Web-Based Electronic Filer | |
| | <input type="checkbox"/> 90. Mobile Pro Se Center | |
| Decentralize the filing desks within the court building | <input type="checkbox"/> 89. Electronic Filing Station | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: Many Receipts | 45 |
|----------------------|--|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Personal Observation. Visit to Court Building. Feb 2001. | 66. Issue receipts 67. Show proof of payment |
| Activity | Submitting | | |
| Originator | Adrian Burstein | | |
| Contributors | | | |
| | 16 Feb. 2001 | | |

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| <p>Observation</p> <p>Because many receipts (that must be retained by the litigant) are issued during the filing process, there is a high probability that one or more may be lost.</p> | <p>Extension</p> <p>The process of filing a case and following it through to resolution requires many steps. Each step demands work from all involved in the judicial system as well as the litigants. Each task can be viewed as a service that has a price tag attached to it. The litigants have to pay a fee which covers these costs every time the services are used.</p> <p>When filing a complaint, the litigants receive a receipt that has to be shown to the cashier. Then, the cashier takes the payment for filing a case and issues another receipt. Finally, the litigant goes back to the clerk's office and, after showing the proof of payment, he or she gets another small receipt with a day to come back to check the hearing schedules. Along the process, this model can be repeated many times, litigants going back and forth, collecting receipts that have to be kept for many reasons.</p> <p>When people are waiting in line, time is important. The fact of carrying many documents and many receipts to be presented in different instances causes delays in the line, because many litigants are simply not ready to show what they need to show. Additionally, SRLs might be under different kinds of emotional pressures. Just looking for one receipt among many when the SRL's turn comes can be a stressful experience. Worse, if a receipt is lost, anxiety can set in, bringing anger and delays with it as well as double payments.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------------------|--|--|
| Consolidate Proof of Payments | <input checked="" type="checkbox"/> 92. Payment Record Card | |
| Process Payments Immediately | <input checked="" type="checkbox"/> 93. Codified Register of Payment | |
| | <input checked="" type="checkbox"/> 94. Electronic Record Dock | |

Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

| Design Factor | | Title: No Privacy | 46 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Institute of Design & Kent Law School. I PRO Research . Fall 2000. | 61. Provide forms 69. Hand in forms 70. Fill out forms |
| Activity | Submitting | Personal Observation. Visit to Court Building. Jan 2001. | |
| Originator | Adrian Burstein | | |
| Contributors | | | |
| | 16 Feb. 2001 | | |

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| <p>Observation</p> <p>Many litigants feel uncomfortable about the lack of privacy when filling out forms or talking about their cases with the Clerk in front of strangers.</p> | <p>Extension</p> <p>Most of the time, the reason litigants are in court is for a perceived wrong committed by them or against them. The judicial processes, especially in Pro-Se courts, have a strong emotional factor. Disputes are often a bitter time for litigants.</p> <p>The simple fact of being in the court building can be awkward for many people, but this situation becomes worse when SRLs' privacy concerns are ignored. Some people are even embarrassed to talk to the Clerk in order to obtain the right forms, especially if it is a busy day and the facilities are crowded.</p> <p>After obtaining their forms, SRLs must fill them out. Appropriate space for this activity, however, is seldom provided. Litigants fill out their forms while seated or standing next to each other in close proximity. It is clear from observation that they try to hide their forms from each other with their bodies. Still, litigants usually try to look at each others' forms -- perhaps, because they have doubts regarding their own and are looking for help.</p> <p>Litigants at court often are going through a bad time. Providing some privacy would make their experience a little more comfortable.</p> |
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| <p>Design Strategies</p> <p>Provide personal work spaces</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 91. Modular Work Desks</p> <p><input type="checkbox"/> 89. Electronic Filing Stations</p> |
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Version Date: 12 May 2001

Date of first version: 10 January 2001

Design Factors

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|----------------------|--|--|--|
| Design Factor | | Title: Inability to Critically Evaluate | 47 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

Observation

Lawyers go through Law School to learn ‘to critically evaluate how the opponent could argue when in court’. Self Represented Litigants do not have access to this valuable resource.

Extension

Before a hearing, lawyers critically evaluate cases and try to figure out how the other party will develop its arguments and what counter arguments one needs to plan on. This knowledge is imparted to a lawyer in law school and while working in the field of law. The self represented litigant is but a layman. Getting his / her own argument prepared is challenging, but, being able to critically think of the counter arguments of his / her opponent is even more difficult. Additionally, the litigant has an emotional involvement in the case being heard. This could impede their objective thinking and critical evaluation.

Lawyers are better able to analyze a situation objectively and prepare arguments and counter arguments because they are not emotionally involved in the proceedings. Any system designed for SRLs should emulate this by creating an environment supportive of greater objectivity and lower emotional stress.

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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Stimulate critical thinking | <input type="checkbox"/> 55. Spoon Feeder | |
| | <input type="checkbox"/> 54. Brochure-Dozer | |
| Reduce emotional stress | <input type="checkbox"/> 53. Alternative Advisor | |

Version Date: 12 May 2001

Date of first version: 17 February 2001

Design Factors

| Design Factor | | Title: Difficulty in Finding Information | 48 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

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| <p>Observation</p> <p>When strategizing for the hearing, SRLs would benefit from compiling information and making it more comprehensible.</p> | <p>Extension</p> <p>Obscure means difficult to understand, difficult to find and little known. All of which can be applied to the legal process with respect to the layman. Self represented litigants often face problems in trying to decipher what the law means, and what they need to do in a certain legal process.</p> <p>Every case is different. The complexity of the process makes it more difficult to understand. To find a case similar to the one being fought by the self represented litigant is probably an impossible process. For example, if a self-represented litigant is looking for a contested divorce where the husband is from a country with political unrest and does not have U.S. citizenship status, and the couple has a child with multiple citizenship, he or she may not know where to look. If a similar case is found, there may still be other issues that are unique to that case and it may not be at all clear how to filter them out.</p> |
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| <p>Design Strategies</p> <p>Build guides on how to argue</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 54. Brochure-Dozer</p> |
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Version Date: 12 May 2001

Date of first version: 17 February 2001

Design Factors

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|----------------------|--|---|--|
| Design Factor | | Title: Inappropriate advice from peers | 49 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Preparation to Initiate Proceedings | Field Observation | 72. Prepare arguments 74. Predict outcome |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | | | |
| Feb 18, 2001 | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |

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| <p>Observation</p> <p>Friends and family may not give correct advice regarding what is the best strategy.</p> | <p>Extension</p> <p>Litigants often turn to family and friends to gain advice, understand the legal issue and to draw emotional support during rough times. These people could be absolute novices to the court system or may have been involved in a hearing, filed a complaint, or been sued over a very different issue.</p> <p>Whatever the case, getting accurate advice about the legal process from layman friends and family is like shooting an arrow into the dark.</p> <p>Lawyers are an expensive resource, but every case is different and -- although experience from involvement in a few cases as a self-represented litigant may be beneficial in the initial filing process -- it will seldom be very helpful in the hearing process. Good advice is important enough to be sought diligently from all available resources, including the law profession as it is economically feasible.</p> |
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| <p>Design Strategies</p> <p>Understand the hearing process _____</p> <p>Get real help _____</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 54. Brochure-Doser</p> <p><input type="checkbox"/> 53. Alternative Advisor</p> |
|--|---|

Design Factors

| Design Factor | | Title: Intimidation of SRLs | 50 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s 1. Interview with administrator 2. Personal Observation 3. Courthouse web site (http://courts.countyofventura.org) 4. Field Observations and video | Associated Function/s 53. Show schedules 54. Provide maps and instructions |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |
| Feb 18, 2001 | | | |

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| Observation <p>The court seems to intimidate some self represented litigants, particularly those from low income groups.</p> | Extension <p>Some litigants are afraid to go to “official” places where justice is administered. Some specifically avoid going to court to obtain information, preferring instead of the courthouse, the less-formal off-site Self Help Centers. Others find even off-site centers intimidating.</p> <p>During an interview in Ventura County, California, a volunteer from one of the Self Help centers said that some SRLs came to him personally and he would then bring their problems to the off-site locations because they were afraid to go to any official site for help. For these people, almost no courthouse-based service is acceptable.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------|---|--|
| Relocate Court | <input type="checkbox"/> 162. Big ADR Resource Room | |
| | <input type="checkbox"/> 169. Mediation Portal Site | |
| | <input type="checkbox"/> 140. Negotiation Center | |
| Advertise ADR | <input type="checkbox"/> 42. Newspaper Advertisements | |
| | <input type="checkbox"/> 158. Festival ADR Booth | |
| | <input type="checkbox"/> 43. Handouts/Flyers | |

Version Date: 12 May 2001

Date of first version: 17 February 2001

| Design Factor | | Title: Inability to Understand and Communicate | 51 |
|----------------------|--|---|--|
| Project | Access to justice | Source/s Mikio Nakano. Spoken Language Systems MIT Laboratory for Computer Science. 1999. http://www.sciam.com/1999 Raymond Kurzweil. http://www.mitpress.mit.edu Personal Observation. Visit to Court Building. Feb 2001. | Associated Function/s 61. Provide Forms 62. Communicate court dates/notices 70. Fill Out Forms |
| Mode | Preparation to Initiate Proceedings | | |
| Activity | Strategizing for hearing | | |
| Originator | Shivani Kothari | | |
| Contributors | Margaret Alrutz Adrian Burstien Bernd Krestchmer Danielle Del Carlo | | |
| Feb 18, 2001 | | | |

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| Observation Court communications create barriers instead of bridges for people who do not speak English. | Extension Court communications are the channel of interaction between courts and litigants. They have considerable control over the effectiveness of court processes. Courts are exceptionally sensitive to the abilities of litigants to understand and communicate in both written and spoken English. Litigants who are not fluent in English encounter significant barriers that affect not only the success of their case, but also the efficiency of the court. In some jurisdictions, providing court translators is an effective solution, but in others, particularly in urban areas, the number of languages spoken is too great to permit translators to be used economically. As large numbers of non-English speakers continue to immigrate to the U.S. the need to bridge language barriers mounts. Hope is growing for help from computerized language translation systems. As the language domain is circumscribed to the specialized terminology of the courts, the potential for machine translation is great. A machine now exists that "...is capable of understanding the speech of a person it has not heard speak before and can recognize a vocabulary of up to sixty thousand words" (Kurzweil 2000, 10). And progress is not limited to a few easily translated languages. |
|--|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Base communication instruments on multilingual diversity | <input type="checkbox"/> 87. E-Multilingual Manager | |
| | <input type="checkbox"/> 85. Language Track Keeper | |
| Offer alternatives for illiterate or handicapped litigants | <input type="checkbox"/> 86. Interactive Translator | |

Design Factors

| Design Factor | | Title: Communicating Information Through a Story | 52 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Jeff Ettenhofer, Observation notes- IPRO 2000 | Associated Function/s 60. Determine intention/objective 72. Prepare arguments 75. Rehearse argument with friends 91. Prepare story 95. Tell story 96. Support story 97. Rebut story |
| Mode | ADR/Preparation | Personal observations at observation sites January 22nd 2001 | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | | | |
| 01 Feb., 2001 | Anjali Kelkar Ben Singer Steven Raminiak | | |

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|---|--|
| <p>Observation</p> <p>Self represented litigants are not well prepared to convey the details of their cases.</p> | <p>Extension</p> <p>Preparing the structure of a story is important to conveying the right information to a judge.</p> <p>A lawyer knows how to tell a story within the constraints of court rules and limitations. He determines the strengths and weaknesses of the case, fits it as carefully as possible into a classical structure, and supports it with witnesses and evidence. Unfortunately, what comprises a clear, convincing and legal presentation is not necessarily clear to the SRL. Worse, help from peers and friends cannot be expected to improve the story within the requirements of court expectations. In the end, the sympathetic, but novice-level story that the SRL prepares seldom has the coherence necessary to convince and adds little to the credibility of the case.</p> <p>Most SRLs do little to prepare for a hearing. Their focus is mainly the preparation of the legal documents that the court tells them to complete. They see going to court as the opportunity to “tell their story”, but the story usually fails to fit the expected structure, takes unnecessary time, is difficult for the judge to evaluate, and only convinces the SRL of his inability to represent himself in court.</p> |
|---|--|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|------------------------------------|---|--|
| Provide information access | <input type="checkbox"/> 165. On-line DocPrep | |
| | <input type="checkbox"/> 176. Agreement Template | |
| | <input type="checkbox"/> 167. Medforms | |
| Distribute handouts and brochures | <input type="checkbox"/> 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> 178. Group Prep | |
| Provide access to Pro-Bono lawyers | <input type="checkbox"/> 183. Self- Help Centers | |

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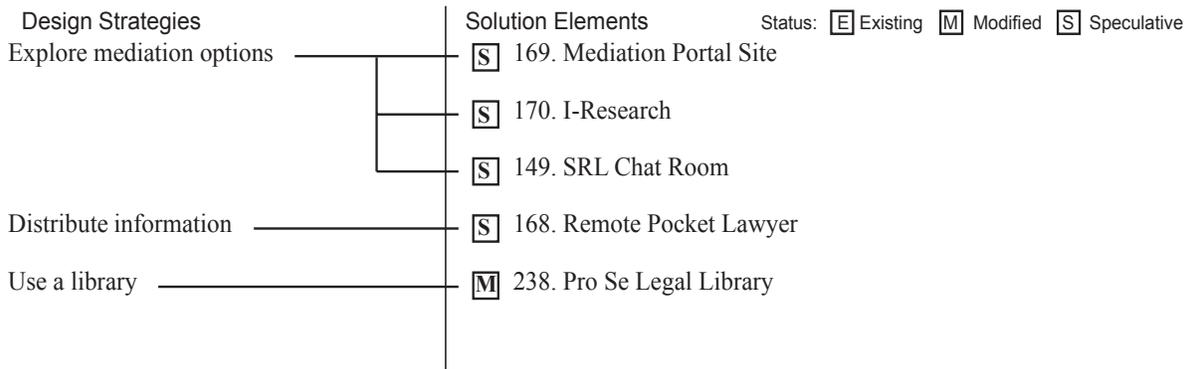
Design Factors

| Design Factor | | Title: Research Legal Position | 53 |
|----------------------|---|--|---|
| Project | Access to justice | Source/s Personal Observation at Observation sites | Associated Function/s 4. Gather information 12. Read material 16. Understand process 42. Search legal cases 43. Browse websites 48. Consult legal professional 86. Consult an attorney |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | Anjali Kelkar Ben Singer Steven Raminiak | | |
| 01 Feb., 2001 | | | |

Observation
Litigants often do not come prepared or organized with their documents and evidence.

Extension
Many resources are available for SRLs to use for research on their cases, however few SRLs are aware of those that are available on the web and in libraries.

A litigant may easily be intimidated by court staff as they are unable to offer any legal advice. According to one source, "We provide a service, yet we do not provide a service." The very thin line between providing information and advice makes it difficult for court staff to do much of anything for the SRL except point to resources. The court should provide some kinds of tools to allow SRLs to help themselves. These might very well include a form of access to the electronic legal databases that otherwise are virtually limited to the exclusive use of law firms because of their high subscription costs.



Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Preparing Financial Documents | 54 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Ben Singer, Observations | Associated Function/s 92. Prepare documents 93. Plan personal finances |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | | | |
| 01 Feb., 2001 | Anjali Kelkar Ben Singer Steven Raminiak | | |

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|---|---|
| <p>Observation</p> <p>Because of the comprehensiveness of requirements, it is difficult for SRLs to prepare financial documents for mediation.</p> | <p>Extension</p> <p>Settlements involving financial transactions are an important part of mediation. A settlement is based both on present financial assets and the requirements of the solution.</p> <p>Preparing financial documents involves getting all the financial details of an SRL's current life together; it requires organization of bills, checks, receipts and other documents over a time long enough that it might easily include periods in which records were not well kept. Determining the relevant facts for those periods -- and documenting them -- may be difficult if not impossible.</p> |
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| <p>Design Strategies</p> <p>Provide information on financial planning</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 172. Financial Planner <input checked="" type="checkbox"/> 53. Alternative Advisor <input checked="" type="checkbox"/> 131. Financial Planning Night |
|--|---|

Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Mediation Forms | 55 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Observations at court site February 15th, 2001 | Associated Function/s 34. Fill out forms 57. Ask for correct form 70. Fill out forms 92. Prepare documents |
| Mode | ADR/Preparation | | |
| Activity | Preparing | | |
| Originator | Divya Singhal | | |
| Contributors | Anjali Kelkar Ben Singer Steven Raminiak | | |
| 01 Feb., 2001 | | | |

Observation
Because of the complexity of the process, mediation forms are not filed at one place or time; litigants must file several times in different places to complete the separate steps of the process.

Extension
Mediation should be an option that SRLs can easily choose at any time without the need for complicated forms. That is seldom the case. Forms in the courthouse are usually located in different rooms -- rooms that may be far from each other. The filing process is often difficult to determine; the SRL has to ask repeatedly and visit multiple locations to find the forms and the right places to file them.

The result of a court action determines additional forms that must be filled out for next steps. Litigants are usually uninformed ahead of time about the role of these documents and the reasons for multiple filings over the entire process. In addition, the legal terminology usually employed in the forms is not readily understandable to the SRL because it is meant for law professionals and is specific to the class of the problem. For those SRLs who do not have a good command of English, the process is almost unpenetrable.

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Provide information access | <input type="checkbox"/> 119. Legal Site Search Engine | |
| | <input type="checkbox"/> 38. Information Kiosks | |
| | <input type="checkbox"/> 49. Pro Se Resource Center | |
| Distribute information | <input type="checkbox"/> 64. Tailored Packages I | |
| Provide individual assistance to SRL's | <input type="checkbox"/> 54. Brochure-Dozer | |

Version Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Unconvincing Legitimacy of Option | 56 |
|----------------------|---|--|---|
| Project | Access to justice | Source/s Fall 2000 observations of site visits Site visit, 2/16, Interview with Judge , 2/16 | Associated Function/s 79. Introduce ADR 81. Follow referral to ADR |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer Divya Singhal | | |

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| Observation Mediation is not perceived as “official” or “binding” as a court proceeding. | Extension Most pro se litigants feel that if they could talk it out with the opposing party, they wouldn’t be suing them (or being sued) in the first place. There is a certain glamour that our society pairs with a court proceeding - and pro se litigants often prepare themselves so much for a trial when a suit begins that they often don’t let any other image enter their heads. However, a court proceeding is bound by the rules and regulations that bury pro se litigants and their cases. Ironically, a pro se litigant would most likely find an experience closer to what he perceives a courtroom to be in a mediation meeting. |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------------|--|--|
| Make Look More Official | <input type="checkbox"/> 146. Mediation Form | |
| Educate litigant | <input type="checkbox"/> 159. SRL Resource Guide | |
| | <input type="checkbox"/> 147. Interactive Game | |
| | <input type="checkbox"/> | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Other Party disagrees to ADR | 57 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s Fall 2000 observations of site visits Site visit at court, Interview with Judge | Associated Function/s 83. Propose ADR to other party |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Michael Heller | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer | | |
| | Divya Singhal | | |

Observation
In some cases, one party may be interested in pursuing ADR while the other refuses to consider it.

Extension
Self represented litigants are often reluctant to negotiate an out-of-court settlement with the other party. Many litigants feel that the time spent in coming to court is worthy of a legal battle. While one party may be interested in pursuing alternative means to a resolution, it is often the case that the opposition refuses. This imbalance in objectives poses a problem for any party attempting obtain a settlement. Attempting to find ways in which ADR may be encouraged is needed to help satisfy this concern.

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------|---|--|
| Convince Other Party | <input checked="" type="checkbox"/> 159. SRL Resource Guide | |
| Offer option at trial | <input checked="" type="checkbox"/> 140. Negotiation Center | |
| Provide mechanism | <input checked="" type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input checked="" type="checkbox"/> 141. Mediator Finder | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Consulting with a Lawyer is Expensive | 58 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Fall 2000 observations of site visits | Associated Function/s 86. Consult an attorney |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs face barriers when trying to obtain “unbundled” legal advice.</p> | <p>Extension</p> <p>While many SRLs would benefit from limited conversations with lawyers about the complexity of their case as well as their chances for success, this resource is too expensive for most SRLs to consider. Unbundled advice from lawyers has been a hot topic of conversation lately. Perhaps this time has come.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------------------------|--|--|
| Provide mechanism for short reviews | <input type="checkbox"/> 149. SRL Chat Room | |
| | <input type="checkbox"/> 150. Pro Bono Lawyer Day | |
| | <input type="checkbox"/> 151. Form E-mails/Letters to Pro Bono Lawyers | |
| | <input type="checkbox"/> 2. Call Center | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

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|----------------------|--------------------------|---|---|
| Design Factor | | Title: SRLs Don't Know How to Ask Questions in Examination | 59 |
| Project | Access to justice | Source/s Presentation from Site Visit | Associated Function/s 95. Tell story 96. Support story 97. Rebut story |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Emily Ulrich | | |
| 01 Feb., 2001 | Michael Heller | | |

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| <p>Observation</p> <p>SRLs are not trained in how to best conduct cross-examination of witnesses.</p> | <p>Extension</p> <p>SRLs ask questions in the wrong manner and harm their case by asking incorrectly. Most questions posed to a witness being cross-examined should be phrased in the manner of a “yes” or “no” question. For example, instead of asking, “Why do you want to take the child to Mexico?” which leaves a witness with ample “wiggle-room”, an SRL should be encouraged to ask a more focused question, such as, “Are you trying to take the child to Mexico in order to get him away from me?”</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Educate litigant | <input type="checkbox"/> M 159. SRL Resource Guide | |
| | <input type="checkbox"/> S 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> S 153. Court-In-Context Audio Examples | |

Version **3** Date: 12 May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: SRLs Don't Realize That Going to Court Could Mean Jail | 60 |
|----------------------|---|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | ADR/Preparation | Site Visit - Interview with SRL Site Visit - Interview with administrator Site Visit - Interview with Judge | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>Some SRLs have no idea that the consequences of going to court may include jail time.</p> | <p>Extension</p> <p>SRL violated order of protection by: (1) Driving by his old house, stopping the car momentarily, and mouthing the words "I love you" to his daughter and (2) calling his ex-wife at her workplace. (He claims he didn't do this.) SRL went to court 3 or 4 times previous to this interview. SRL dismissed his attorney before attending court the first time because the attorney seemed inept.</p> <p>SRL decided just to say that he was guilty on both counts and just get it over with. He reasoned that the consequences could not be THAT bad for what little he had done. During one of the hearings, he spoke to the states' attorney and told his case to the state's attorney informally. The attorney then called his wife and updated her on the situation. She then dropped the charges. (This happened today.)</p> <p>Administrator's note - Observation Sites take violation of protection orders very seriously. They consider it their Number One Problem. The wacky thing is about these cases is that, for months, nothing can happen - or, perhaps, some small violation of a protection order (e.g., Driving by a house, showing up one day at a workplace) - and then all of the sudden, something can snap in these people - and somebody winds up dead. Domestic violence is a big problem in the US. Bird said that, if convicted, the SRL probably would have done jail time.</p> <p>Question to Judge - Is there anything that you wish that you could communicate to the SRLs before they get to court? Yes. If it is found that they have not paid child support, they are going to jail. 80% of offenders don't return after a first visit. With knowledge of this result, the system may be able to provide an alternate avenue of coercion to comply with court-ordered obligations</p> |
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| <p>Design Strategies</p> <p>Inform litigant</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 154. Jailed Offender Telemarketing Pool</p> |
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Version Date: 12May 2001

Date of first version: 20 February 2001

Design Factors

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| Design Factor | | Title: SRLs Don't Know How to Begin Pursuing Mediation | 61 |
| Project | Access to justice | Source/s Site Visit - Interview with an SRL | Associated Function/s 77. Find mediation provider 78. Contact mediation provider |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation SRLs don't have any idea on how to begin pursuing ADR.</p> | <p>Extension Some SRLs are completely unfamiliar with ADR and have no idea how to pursue that option in their jurisdiction. One SRL that I talked to seemed quite interested in the option -- but didn't know where to start to actually initiate it in his case.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Educate litigant | <input type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input type="checkbox"/> 156. Consumer Litigant Monthly Magazine | |
| | <input type="checkbox"/> 159. SRL Resource Guide | |
| | <input type="checkbox"/> | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: SRLs Do Not Know What ADR Is | 62 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s Site Visit Observation reported by Anjali Kelkar and discussed among our group | Associated Function/s 79. Introduce ADR |
| Mode | ADR/Preparation | | |
| Activity | Encountering | Presentation by Michael Heller and Emily Ulrich | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>Many SRLs have misconceptions about mediation and are ignorant of ADR.</p> | <p>Extension</p> <p>Anjali reported that, when she visited the Pro Se Court, she encountered a woman who was convinced that mediation was not for her. She refused to consider it until the judge recommended that they try it in the Jury Room. Surprisingly, the conflict was resolved there. She commented afterwards that she had no idea that the other side of the story had so much to it. She seemed satisfied with the results.</p> <p>Michael and Emily reported similar attitudes in their presentation to the class regarding their site visit.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Advertise | <input type="checkbox"/> 157. Subpoena/Filing Companion Pamphlet | |
| | <input type="checkbox"/> 152. Court-In-Context Video Examples | |
| | <input type="checkbox"/> 153. Court-In-Context Audio Examples | |
| Educate litigant | <input type="checkbox"/> 158. Festival SRL Booth | |
| | <input type="checkbox"/> 155. "ADR Division" Contacts SRLs | |
| | <input type="checkbox"/> 156. Consumer Litigant Monthly Magazine | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

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|----------------------|--------------------------|--|--|
| Design Factor | | Title: SRLs Don't Know What Avenues of Finding Info are Available to Them | 63 |
| Project | Access to justice | Source/s Presentation Site Visit - Joerg Kriwath, Margaret Alrutz | Associated Function/s 79. Introduce ADR |
| Mode | ADR/Preparation | Site Visit | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer | | |
| | Divya Singhal | | |

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| <p>Observation</p> <p>SRLs don't know what resources their jurisdiction provides to them.</p> | <p>Extension</p> <p>Finding information in a bureaucracy can be a nightmare. Litigants are often faced with a huge "Skinner Box" of agencies and governmental resources to navigate through and they do not know what is offered -or- where to start.</p> <p>Litigants should be provided with answers to frequently asked questions (FAQ) regarding orientation to the jurisdiction's resources so that: SRLs can more easily navigate through the legal process, the load can be eased on government employees and the SRLs can feel more empowered.</p> <p>Common questions:</p> <ul style="list-style-type: none"> What resources are available on the Internet?, What types of cases will the Pro Se Help Center assist me with? What types of cases will different NGOs or GOs assist me with? What pamphlets or tutorials are available for which subjects? What's the best method to do X? What are different methods to accomplish X? <p>This should be considered as a high level guide to all of the guides. Each type of high-volume case (e.g. Landlord/Tenant), should have one of these.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide guide | <input checked="" type="checkbox"/> 164. "Mediation Matches Me" Booklet | |
| | <input checked="" type="checkbox"/> 159. SRL Resource Guide | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

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|----------------------|---|---|--|
| Design Factor | | Title: SRLs Don't Want to Try Mediation Even After Judge Suggests It | 64 |
| Project | Access to justice | Source/s Site Visit - Interview with court staff | Associated Function/s 79. Introduce ADR |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar Ben Singer Divya Singhal | | |
| 01 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs who enter mediation because of the court's encouragement typically do not approach it with the right frame of mind.</p> | <p>Extension</p> <p>SRLs who attempt mediation at a judge's suggestion often do not approach this discourse openly and are not prepared to settle at a compromise. Mediators have to really struggle with such SRLs -- just to get them to consider the other SRL's point of view. Perhaps if the SRLs were better prepared for what mediation is and how it can work for them, they would approach it more readily -- regardless of why they got to the mediation table in the first place.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Prepare litigant | <input type="checkbox"/> 160. Courthouse "Tips" Pamphlet | |
| Change frame of mind | <input type="checkbox"/> 161. Courthouse Hallway Video Presentation | |

Version Date: 12May 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Mediation Requires a Lot of Human Resources | 65 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s Presentation of Site Visit by Joerg Kriwath and Margaret Alrutz | Associated Function/s 88. Meet mediator |
| Mode | ADR/Preparation | | |
| Activity | Encountering | | |
| Originator | Steve Raminiak | | |
| Contributors | Anjali Kelkar | | |
| 01 Feb., 2001 | Ben Singer Divya Singhal | | |

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| <p>Observation Mediation requires trained people to guide it.</p> | <p>Extension Joerg and Margaret commented that the site was quite aware of the cost of human resources required to perform mediations. One of their methods to overcome this involved a big room which hosted multiple mediations simultaneously. They reasoned that, if multiple mediations were going on simultaneously, human resources could be spread among more SRLs than was possible with a one-mediator-to-one-case ratio. By handling mediations in this manner, more mediations could be accomplished in a single day and the service could be more productive.</p> |
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| <p>Design Strategies Lessen Mediator ratio</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 162. Big ADR Resource Room</p> |
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Version Date: 12May 2001

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Design Factors

| Design Factor | | Title: | Unsure If ADR Really Is a Better Option Than Trial | 66 |
|----------------------|--------------------------|----------|--|---------------------------------|
| Project | Access to justice | Source/s | Site Visit Observation reported by Anjali Kelkar and discussed among our group | Associated Function/s |
| Mode | ADR/Preparation | | | 87. Decide to attempt mediation |
| Activity | Encountering | Source/s | Presentation by Michael Heller and Emily Ulrich | |
| Originator | Steve Raminiak | | | |
| Contributors | Anjali Kelkar | | | |
| 01 Feb., 2001 | Ben Singer | | | |
| | Divya Singhal | | | |

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| <p>Observation</p> <p>SRLs are unsure if mediation really is a better option for them than trial.</p> | <p>Extension</p> <p>Some SRLs are not aware of the benefits of ADR. Since ADR is nothing like any court process, SRLs tend to be more weary about whether their needs and concerns will be properly addressed. Site visits have shown us that SRLs clearly do not understand the ADR process, but that given the opportunity to learn more about what is involved, they are willing to attempt ADR to get better, more amicable results.</p> |
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| <p>Design Strategies</p> <p>Educate litigant</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 164. "Mediation Matches Me" Booklet</p> <p><input type="checkbox"/> 155. "ADR Division" Contacts SRLs</p> |
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Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Creating a Record | 67 |
|----------------------|----------------------------|---|--|
| Project | Access to justice | Source/s Presentation of Site Visit by Joerg Kriwath and Margaret Alrutz | Associated Function/s 105. Share information 106. Take notes |
| Mode | ADR - Participation | | |
| Activity | Mediating | | |
| Originator | Ben Singer | | |
| Contributors | | | |
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| <p>Observation</p> <p>While mediating discussions occur, it is important that both parties have a record of what was discussed and proposed.</p> | <p>Extension</p> <p>Most of the important discussion in mediation are recorded with pen and paper which must then be xeroxed and passed around to allow all participants to have a similar record of the issues discussed. This is imprecise and prone to omission.</p> <p>Also, it is difficult to participate in discussion and take notes. It would be easier if other people's notes were available to fill in when participation interferes with note taking.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Capture writing on computer | <input checked="" type="checkbox"/> 134. Cross Pad Mutual Note Taker | |
| Take master notes for both parties | <input checked="" type="checkbox"/> 140. Negotiation Center | |
| | <input checked="" type="checkbox"/> 135. Mediation Note Pads | |
| Improve skills | <input checked="" type="checkbox"/> 136. Note Taking Training | |
| Capture discussions with recording equip | <input checked="" type="checkbox"/> 137. Text-terizer | |

Version Date: 12 May 2001

Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Emotional Involvement | 68 |
|----------------------|----------------------------|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | ADR - Participation | 12/15/00 Personal mediation experience | 102. Meet with mediator and other party 107. Vent feelings 109. Propose compromise |
| Activity | Mediating | | |
| Originator | Ben Singer | | |
| Contributors | | | |

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| <p>Observation</p> <p>If litigants have pent up emotions, it can prevent resolution of differences and further productive conversation.</p> | <p>Extension</p> <p>When engaging in mediation, people are often communicating with people that they have been in conflict with for some time. Whether it's a divorcing couple or litigants attempting to resolve some other matter, an emotional component is always involved. People who have been emotionally upset for a period of time sometimes find it hard to stick to facts, find the boundaries of the conflict, and productively seek resolution.</p> |
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| <p>Design Strategies</p> <p>perform physical relaxation methods</p> <p>learn emotional management</p> <p>learn communications skills</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 138. Mediator's Exercise Discounts</p> <p><input checked="" type="checkbox"/> 139. Justice Center Zen Room</p> <p><input checked="" type="checkbox"/> 140. Negotiation Center</p> <p><input checked="" type="checkbox"/> 145. Best Questions List</p> <p><input checked="" type="checkbox"/> 142. Listening Skills Training</p> |
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Version Date: 12 May 2001

Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Financial Planning | 69 |
|----------------------|----------------------------|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | ADR - Participation | 12/15/00 personal mediation experience | 101. Propose terms 111. Propose counteroffers |
| Activity | Mediating | | |
| Originator | Ben Singer | | |
| Contributors | | | |

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| <p>Observation</p> <p>If you don't know what the financial consequences are, it is difficult to accept or counter an offer.</p> | <p>Extension</p> <p>Keeping a detailed record of your finances is difficult, detail oriented, and tedious work. Organizing the many details of a personal financial statement requires skill and is time consuming. People may lack the ability and/or the initiative to do a complete job. Understanding the consequences of financial decisions and running what-if scenarios on financial decisions requires another set of skills beyond just tracking expenses. If people could clearly understand the consequences of an offer or a counter offer, they would be able to better understand where compromise can be afforded.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Create a Scenario Based Financial Plan | <input type="checkbox"/> 131. Financial Planning Night | |
| | <input type="checkbox"/> 132. eBanking Auto Budget | |
| | <input type="checkbox"/> 133. Agreement Catcher | |

Version Date: 12 May 2001

Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Living Outside Banking | 70 |
|----------------------|----------------------------|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | ADR - Participation | 2/15/01 Observations: Small Claims Court | |
| Activity | Mediating | | |
| Originator | Ben Singer | | |
| Contributors | | | |

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| <p>Observation</p> <p>Because they did not use conventional banking practices, a number of litigants found that their disputes had escalated to legal trouble.</p> | <p>Extension</p> <p>There are a number of people who live a functional adult life but do not use the banking system that most of us participate in. They pay bills and settle debts entirely in cash and do not have any physical evidence of the transactions. This not so much a problem of financial resources as (presumably) intentional avoidance of records to reduce their tax burden. When any issue concerning dispute of payment arises, these people are at a serious disadvantage because they cannot produce a viable legal record.</p> |
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| <p>Design Strategies</p> <p>Make self made receipts</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 143. Life Skills Training</p> <p><input type="checkbox"/> 144. U-Paid Self Made Receipts</p> |
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Version Date: 12 May 2001 Date of first version: 31 January 2001

Design Factors

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|----------------------|---|-------------------------------------|---|
| Design Factor | | Title: Litigant Changes Mind | 71 |
| Project | Access to justice | Source/s Team deliberations | Associated Function/s 113. Suspend mediation 114. Abandon mediation 116. Sign/notarize written agreement |
| Mode | ADR - Participation | | |
| Activity | Formalizing | | |
| Originator | Anjali Kelkar | | |
| Contributors | Divya Singhal Ben Singer Steven Raminiak | | |
| Feb. 15th, 2001 | | | |

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| <p>Observation</p> <p>Litigants may change their minds if they feel an agreement does not look right.</p> | <p>Extension</p> <p>It is important to insure that during and after the mediation process, the parties clearly understand what needs to be done. All the parties concerned should put utmost effort in honouring resolutions. The advantage of mediation is that it is far less formal than a court proceeding, perhaps in that stands its disadvantage too. Litigants need to take notes painstakingly so as to remember details of their discussions, failing which can seriously affect their understanding of future procedures.</p> |
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| <p>Design Strategies</p> <p>Provide opportunity for SRL's to reference past discussions</p> <p>Provide evidence of discussion to ensure litigants don't change their mind</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 130. Verbal Visual Agreement record</p> <p><input type="checkbox"/> 174. Story Compiler</p> <p><input type="checkbox"/> 128. SRL readiness Checklist</p> <p><input type="checkbox"/> 129. SRL Comparison checklist</p> |
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Version **3** Date: 12 May 2001 Date of first version: 31 January 2001

Design Factors

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|----------------------|---|---------------------------------------|--|
| Design Factor | | Title: Last Minute Uncertainty | 72 |
| Project | Access to justice | Source/s Team deliberations | Associated Function/s 115. Write agreement 116. Sign/notarize written agreement 118. Revise agreement |
| Mode | ADR - Participation | | |
| Activity | Formalizing | | |
| Originator | Anjali Kelkar | | |
| Contributors | Divya Singhal Ben Singer Steven Raminiak | | |
| Feb. 15th, 2001 | | | |

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| <p>Observation</p> <p>The very informality that marks mediation sessions may be counterproductive when closure approaches.</p> | <p>Extension</p> <p>Before signing a mediated agreement, litigants can feel anxious. This happens for a variety of reasons, including unavailability of funds as well as sudden changes of mind regarding what was verbally agreed upon. An SRL may also feel intimidated or may feel emotionally unprepared to handle the responsibility of signing an agreement.</p> <p>Situations like this are very likely as mediation sessions -- which are fairly casual, unlike the formal court atmosphere -- move to a more formal closing where a signing must take place. The switch to finality from the non-confrontational atmosphere that has made the SRL feel comfortable and confident may in itself trigger vacillation.</p> |
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| <p>Design Strategies</p> <p>Make SRLs more confident</p> <p>Increase certainty about funds</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 130. Verbal Visual Agreement record</p> <p><input type="checkbox"/> 128. SRL readiness Checklist</p> <p><input type="checkbox"/> 129. SRL Comparison checklist</p> <p><input type="checkbox"/> 172. Financial Planner</p> |
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Version **3** Date: 12 May 2001 Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: SRL Not Convinced Agreement Is Fair | 73 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Team deliberations | Associated Function/s 113. Suspend mediation 114. Abandon mediation 116. Sign/notarize written agreement |
| Mode | ADR - Participation | | |
| Activity | Formalizing | | |
| Originator | Anjali Kelkar | | |
| Contributors | Divya Singhal Ben Singer Steven Raminiak | | |
| Feb. 15th, 2001 | | | |

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| <p>Observation</p> <p>An SRL may wish to consult a lawyer before signing an agreement at the final stage of a case.</p> | <p>Extension</p> <p>The final stages of a case can be just as nerve-wracking as the initial ones. After all, for the SRL, all the stages are equally important since the slightest error could mean interminable delays and added frustration with the system.</p> <p>At this stage, although the mediator has been able to resolve the issue successfully for the SRL, the SRL may feel uncomfortable about signing an agreement without additional inspection by a lawyer as trusted expert. Once committed to paper, the agreement could easily contain language that, because of its legal terminology, creates confusion or distrust for the SRL.</p> |
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| <p>Design Strategies</p> <p>Help SRLs to use legalese</p> <p>Provide SRL tips for legal guidance</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input type="checkbox"/> 124. Pro Bono Email lawyer service</p> <p><input type="checkbox"/> 168. Remote Pocket Lawyer</p> <p><input type="checkbox"/> 166. Legal Index</p> <p><input type="checkbox"/> 170. I-Research</p> |
|---|---|

Version **3**

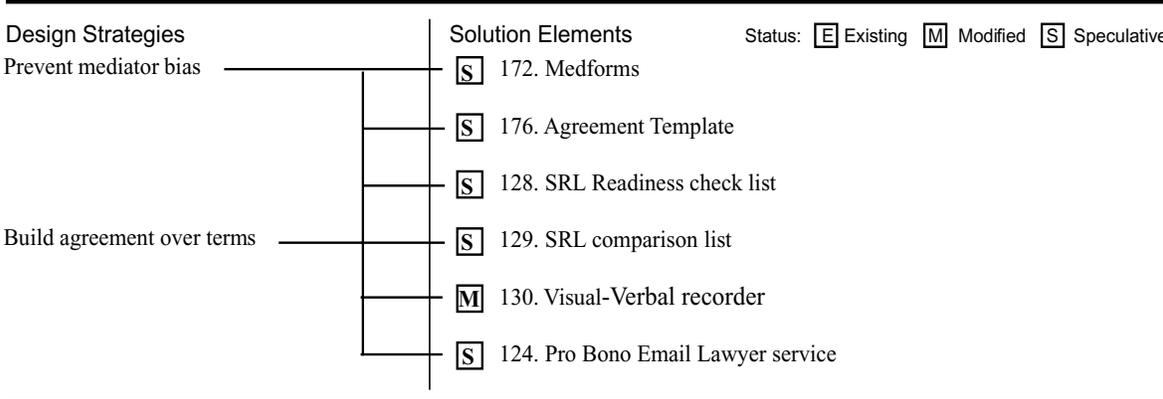
Date: 12 May 2001

Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Compromise Impossible | 74 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s Best Practices: A participant accuses you of taking sides... Thomas- Larmer, Jennifer, 01/99, Issue of Consensus, Published by: Consensus Building Institute and MIT-Harvard Public Disputes Program. http://www.mediate.com/takingsides.cfm | Associated Function/s 113. Suspend mediation 114. Abandon mediation |
| Mode | ADR - Participation | | |
| Activity | Formalizing | | |
| Originator | Anjali Kelkar | | |
| Contributors | Divya Singhal Ben Singer Steven Raminiak | | |
| Feb. 15th, 2001 | | | |

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| Observation SRL decides to opt out of mediation process because it is not able to provide a satisfactory resolution to the SRL's case. | Extension Mediation can often be a cheaper and swifter way for litigants to resolve their differences. It has proven to be more efficient and cost efficient not only for the SRL, but for the courts. A good mediator should be able to help litigants resolve their disputes in an unbiased, impartial manner. Yet, as a partner at CDR associates says, "Sometimes it is possible that the client feels there is a bias, and it's up to the mediator to be sensitive, pursue that insight and, accordingly, be pro-active in that situation" (Thomas-Larmer 1999). While mediation may be swifter, cheaper and cost effective, it is not usually the SRL's first choice. An SRL might choose mediation over hiring a lawyer simply because the lawyer's fees are too expensive or because lawyers won't take the case because it is too small and unlikely to be profitable. As a result, SRLs may feel themselves forced into the mediation option and are quick to suspect the whole process of bias. It is then possible that the process of finalizing the agreement can become difficult or impossible when an already uneasy litigant is confronted with variation between the language used in verbal discussions and the legal language that appears in the final agreement. |
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Version **3** Date: 12 May 2001 Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Bad Communication Flow | 75 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | County observations by Emily Ulrich, Feb 2001. | 139. Maintain order |
| Activity | Managing | | |
| Originator | Emily Ulrich | | |
| Contributors | | | |
| 22 Feb., 2001 | Jun Lee | | |

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| <p>Observation</p> <p>Confused and/or emotionally strained SRLs may talk out of turn. This issue can be complicated if the litigants are expected to wait for language interpretation to occur.</p> | <p>Extension</p> <p>Three-way discussions are common. Litigants often address each other rather than the judge, which subsequently causes confusion for all parties, particularly when litigants speak in a language other than English.</p> <p>The interpreter was observed sitting between the two litigants, one of which was represented, although separated from his lawyer by a podium. The litigants were tethered to the interpreter with headphones, and were constrained to testifying from their seats. Their close proximity to the interpreter and to each other caused the litigants to ask inappropriate questions to the interpreter and to address each other personally. These comments were exchanged so quickly at times of emotional intensity that the interpreter had no time to interpret for the judge, and when she was able to, sometimes it was unclear to the judge for whom she was interpreting.</p> |
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| <p>Design Strategies</p> <p>Separate litigants _____</p> <p>Individualize communication tools _____</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 214. Hand the Conch</p> |
|--|---|

Version

Date: 22 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Emotion Hinders Performance | 76 |
|----------------------|--------------------------|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Ben Singer and Tairan Sun, Feb 2001. | 135. Tell story 136. Support story 137. Rebut story 138. Request desired outcome |
| Activity | Presenting | observations by Jun Lee, Feb 2001. | |
| Originator | Emily Ulrich | observations by Emily Ulrich, Feb 2001. | |
| Contributors | Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Litigants experiencing emotional stress when representing themselves have difficulty both understanding and following procedure, as well as testifying rationally, effectively, and succinctly.</p> | <p>Extension</p> <p>Emotional distraction was observed among litigants, represented as well as self-represented, especially in family and divorce court. Litigants under distress undermine their own testimony, which can cause communication breakdown and confusion between all parties in the courtroom. A court staff member said that almost everything is over the heads of SRLs in family court because they are so involved personally and emotionally. "I've been practicing family law for almost 20 years, and no way would I walk into that courtroom as my own attorney." However, the reality is that many SRLs have no choice - often for financial reasons - but to represent themselves.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Bring tools to help familiarize SRL with proceedings | <input checked="" type="checkbox"/> 203. My Mentor | |
| | <input checked="" type="checkbox"/> 191. HearingLib | |
| Allow time for thinking | <input checked="" type="checkbox"/> 225. Think Pod | |
| Help SRLs to plan | <input checked="" type="checkbox"/> 217. Facilitated Rehearsal | |
| | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |

Version

Date: 22 February 2001

Date of first version: 21 February 2001

Design Factors

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|----------------------|---------------------------------------|------------------------------------|----------------------------------|
| Design Factor | | Title: Environmental Chaos | 77 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Jun Lee, Feb 2001. | 125. Wait 139. Maintain order |
| Activity | Managing | | |
| Originator | Emily Ulrich | | |
| Contributors | Jun Lee Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Courtroom activities are more chaotic than the uninitiated SRL may expect, a factor which contributes to nervousness and confusion of proceedings.</p> | <p>Extension</p> <p>Lawyers, clerks and bailiffs move about the courtroom with ease and familiarity. Clerks and bailiffs conduct business during hearings, and lawyers are active on the floor. This image of courtroom proceedings may run contrary to the expectations of litigants who imagine an orderly courtroom. The amount of activity engaged in or control exerted by the bailiff has an effect on the overall demeanor of the courtroom.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Make orderly processes easy to follow | <input checked="" type="checkbox"/> 200. Whole Hearing | |
| Strive for clear and deliberate processes | <input checked="" type="checkbox"/> 214. Hand the Conch | |
| Create havens away from chaos | <input checked="" type="checkbox"/> 213. Legal Lounge | |
| | <input checked="" type="checkbox"/> 191. HearingLib | |
| | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Inaccessible Resources | 78 |
|----------------------|---------------------------------------|--------------------------------------|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000. | 123. Complete forms 124. Select tactics 125. Wait |
| Activity | Preparing | | |
| Originator | Emily Ulrich | | |
| Contributors | Jun Lee Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Once an SRL arrives at the courthouse and is awaiting trial, access to materials that would further strengthen her case, supply her with understanding of proceedings, or answer any new questions is limited.</p> | <p>Extension</p> <p>Their day in court is often the first exposure SRLs have to actual courtroom procedure. It is likely that in the time she spends waiting for her case to be called, an SRL generates new questions and is inspired to collect further resources to strengthen her case. While judges observe that some SRLs do not read all relevant educational material in preparation for their trial, the impetus to understand proceedings may be enhanced by anxiety associated with their trial and the reality of waiting in the courtroom while other cases are called and tried. Unfamiliarity with court procedure potentially begets disinterest, but once a litigant has some exposure to the process first-hand, her need for and interest in educational documentation may become more focused. The problem is one of appropriately timed introduction to the process, and how to handle this small window of opportunity to maximally increase the efficiency and effectiveness of court proceedings.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Educate litigants in the courtroom | <input checked="" type="checkbox"/> 187. Just in Time | |
| | <input checked="" type="checkbox"/> 203. My Mentor | |
| | <input checked="" type="checkbox"/> 195. Legal Seat | |
| | <input checked="" type="checkbox"/> 215. Active Comment | |
| Provide access to wide variety of resources on day of hearing | <input checked="" type="checkbox"/> 183. Self-Help Centers | |
| | <input type="checkbox"/> | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Rules of Evidence | 79 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Jennifer Joos, Feb 2001. | 136. Support story |
| Activity | Presenting | observations by Emily Ulrich, Feb 2001. | |
| Originator | Emily Ulrich | | |
| Contributors | Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Not understanding the value of evidence or the rules of evidence submission places SRLs at a severe disadvantage.</p> | <p>Extension</p> <p>Some SRLs do not understand how critical evidence can be in determining the outcome of a hearing. Those who do typically do not understand the rules of presenting evidence, which are complex and difficult to learn. Exacerbating the situation, SRLs are held up to the same rules as their represented counterparts.</p> <p>When a family law facilitator pressed an SRL to recognize that she would need factual evidence to support her case, the SRL said, "Well, the evidence to <i>me</i> is..." at which point the facilitator advised her to get a lawyer.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Educate SRLs about evidence | <input checked="" type="checkbox"/> 210. EviDoc | |
| | <input checked="" type="checkbox"/> 179. JusticeXpress Van | |
| Create awareness of rights and responsibilities | <input type="checkbox"/> 203. My Mentor | |
| | <input type="checkbox"/> 182. Pre-Hearing Station | |
| Provide immediate pre-hearing resources | <input type="checkbox"/> 215. Active Comment | |
| | <input type="checkbox"/> | |

Version Date: 26 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: SRLs Lack Crucial Skills | 80 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000. | 135. Tell story |
| Activity | Presenting | observations by Emily Ulrich, Feb 2001 | |
| Originator | Emily Ulrich | | |
| Contributors | Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Being able to tell a good story is key to presenting an effective case, but SRLs are frequently incapable of telling their story clearly and with concentration on relevant points.</p> | <p>Extension</p> <p>Many factors contribute: anxiety, initiation to the process, emotional involvement, lack of practice, incorrect expectations, ignorance of rights and rules. According to one librarian, having an “organized mind” that effectively “marshals assets” and eloquently presents them in the courtroom is essential for self-representation. One judge commented that litigants can rarely “tell a good story...with a beginning, a middle and an end.”</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------------|----------------------------|--|
| Rehearse before hearing | <input type="checkbox"/> S | 219. RolePlayDay |
| | <input type="checkbox"/> M | 217. Facilitated Rehearsal |
| | <input type="checkbox"/> S | 196. Legal Lore |
| | <input type="checkbox"/> M | 197. Testimony Template |
| | <input type="checkbox"/> S | 188. SIMsuit |
| Anticipate SRL crises | <input type="checkbox"/> M | 212. CourtEquip |

Version Date: 26 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Unclear Communication of Goals | 81 |
|----------------------|--------------------------|--|---|
| Project | Access to justice | Source/s observations by Shawn Stokes, Feb 2001. | Associated Function/s 138. Request desired outcome |
| Mode | Hearing | | |
| Activity | Presenting | | |
| Originator | Emily Ulrich | | |
| Contributors | | | |
| 22 Feb., 2001 | Shawn Stokes | | |

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| <p>Observation</p> <p>From lack of experience, SRLs often have difficulty communicating to the judge the outcomes they desire from their cases.</p> | <p>Extension</p> <p>Clearly stating a desired and appropriate outcome to the judge is key in the hearing process. An experienced lawyer may even be challenged by this requirement: in a landlord/tenant case, a defense attorney was confused about how many defendants a particular motion affected and what outcome they would like. SRLs may experience a substantial disadvantage in attempting to formulate their desired outcome, especially when up against a litigant represented by legal counsel.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|------------------------------------|--|---|
| Impress knowledge of rights | <input checked="" type="checkbox"/> 217. Facilitated Rehearsal | |
| Explore range of possible outcomes | <input type="checkbox"/> 218. Intention Display | |
| Improve understanding of process | <input checked="" type="checkbox"/> 197. Testimony Template | |
| | <input type="checkbox"/> 204. Emergency Legal Aid | |
| | <input type="checkbox"/> | |
| | <input type="checkbox"/> | |

Version Date: 26 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Unfamiliar Process | 82 |
|----------------------|--------------------------|---|--|
| Project | Access to justice | Source/s observations by Emily Ulrich, Feb 2001. | Associated Function/s 141. Exchange documents |
| Mode | Hearing | | |
| Activity | Managing | | |
| Originator | Emily Ulrich | | |
| Contributors | Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Court procedures are learned by trial and error during the hearing.</p> | <p>Extension</p> <p>The bailiff handles delivery of documents to the judge, but when the judge asks for documents, it is not necessarily clear to the SRL that he/she is not expected to approach the bench. The bailiff approaches the SRL and takes the documents, which are then delivered to the judge. The bailiff moves quickly and purposefully toward the litigant, who learns through this experience that he/she is not to deliver documents to the judge him/herself.</p> <p>In-court learning is stressful.</p> |
|--|--|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Familiarize SRLs with courtroom procedures prior to hearing | <input type="checkbox"/> S 194. Orientation Workshop | |
| | <input type="checkbox"/> S 188. SIMsuit | |
| | <input type="checkbox"/> M 216. Tip of the Day | |
| Encourage use of resources in courtroom | <input type="checkbox"/> S 203. My Mentor | |
| Clarify processes through innovative in-court practices | <input type="checkbox"/> S 215. Active Comment | |
| | <input type="checkbox"/> M 212. CourtEquip | |

Version

Date: 26 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Barriers to Arriving in Court | 83 |
|----------------------|--|---|------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Emily Ulrich, Jan 2001. | 121. Check in to court |
| Activity | Preparing | observations by Jun Lee, Feb 2001. | |
| Originator | Jun Lee | observations by Emily Ulrich, Feb 2001. | |
| Contributors | Emily Ulrich Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs often fail to arrive in court at designated dates and times, and may even wait in the wrong courtroom.</p> | <p>Extension</p> <p>Several factors contribute to SRLs' not appearing in court at a designated date and time. They can be categorized into the following:</p> <ol style="list-style-type: none"> 1. Distance / Transportation. In some rural areas, SRLs may not have access to the court because they live too far away or don't have the means of getting there. 2. Time. SRLs frequently have to wait all day for their court appearance. Some SRLs may take the risk or accept the trade-off of not appearing in court because they cannot leave work or other obligations. 3. Fear of arrest or indictment. Some SRLs may avoid a court appearance because they have an outstanding warrant on another charge, or because they fear being deported. 4. Absent-mindedness. In some cases, SRLs simply forget to show up. 5. Physical limitations or health issues. 6. Unclear signage. One woman in a landlord/tenant dispute who arrived late for trial claimed that she was sitting and waiting in the wrong courtroom. The court recorded that she missed her trial, disregarding her explanation. This placed her in a difficult situation when negotiating a new court date. |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Provide remote access to courts. | <input checked="" type="checkbox"/> 179. JusticeXPress Van | |
| Provide a more specific time frame for court appearance. | <input type="checkbox"/> 180. CourtPage | |
| Notify SRL a day before scheduled court date. | <input checked="" type="checkbox"/> 181. Dynamic Scheduler | |
| Provide alternative hearing times that do not conflict with work (while recognizing the difficulty in negotiating a judge's schedule). | <input checked="" type="checkbox"/> 193. CourtBoard | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Unpredictable Scheduling | 84 |
|----------------------|--|---|------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observation by Emily Ulrich, Feb 2001. | 121. Check in to court |
| Activity | Preparing | | |
| Originator | Jun Lee | | |
| Contributors | Emily Ulrich Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Afternoon continuances of morning cases cause radical impromptu rescheduling of the courtroom agenda.</p> | <p>Extension</p> <p>Rescheduling hearings is a common task conducted in court. It requires a brief negotiation and affirmation of the new date and time. Although the judge and clerk use paper desktop calendars to assist them in the scheduling process, SRLs may not be prepared to refer to their own schedules.</p> <p>Rescheduling can lead to frustration when an SRL is prepared to present and is asked to return at a later time. The SRL may have had to take time off from work and rescheduling requires another appearance and more lost work time.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|---|
| Improve scheduling logic and consistency | <input checked="" type="checkbox"/> 181. Dynamic Scheduler | |
| Minimize delay tactics taking advantage of schedules | <input type="checkbox"/> 180. CourtPage | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Orienting Newcomers to Basic Procedures | 85 |
|----------------------|--------------------------|---|------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Feb 2001. | 121. Check in to court |
| Activity | Preparing | | |
| Originator | Jun Lee | | |
| Contributors | | | |
| 08 Feb., 2001 | Steve Raminiak | | |
| 14 Feb., 2001 | Divya Singhal | | |
| 20 Feb., 2001 | Jun Lee | | |

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|---|---|
| <p>Observation</p> <p>If an SRL misses orientation to basic courtroom procedures, either by arriving late or failing to attend the “cattle call”, he or she will be seriously disadvantaged in knowing how to proceed.</p> | <p>Extension</p> <p>The “cattle call” is used as an opportunity by the court to orient the day’s participants (in varying degrees of specificity and clarity), to the court’s basic procedures. During this time, clerks and bailiffs handle administrative tasks, assist SRLs in completing necessary forms, and swear in those who will testify.</p> <p>Some observations from one site:</p> <ol style="list-style-type: none"> 1. Late arrivals often interrupt or disrupt proceedings to ask the clerk or bailiff about basic questions related to court administrative procedure. 2. There is no indication of what case is currently being held. 3. Schedules are posted on paper outside the courtroom, but are not updated although they change frequently throughout the day. 4. Basic rules and procedures of the court are not available after they have been given verbally at the beginning of each call. |
|---|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|---|
| Ensure participants are informed of basic court rules | <input checked="" type="checkbox"/> 193. CourtBoard | |
| | <input checked="" type="checkbox"/> 194. Orientation Workshop | |
| Update case information continuously | <input checked="" type="checkbox"/> 195. Legal Seat | |
| | <input type="checkbox"/> 196. LegalLore | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Uncertain Role Identity | 86 |
|----------------------|--------------------------|---|--------------------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Emily Ulrich, Jan 2001. | 122. Identify courtroom participants |
| Activity | Orienting | observations by Jun Lee, Feb 2001. | |
| Originator | Jun Lee | observations by Emily Ulrich, Feb 2001. | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Shawn Stokes | | |
| | Tairan Sun | | |

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|--|---|
| <p>Observation</p> <p>Roles and responsibilities of court officials vary in each courtroom, causing confusion among litigants.</p> | <p>Extension</p> <p>Non-uniformed courtroom participants are difficult to identify. These include clerks, attorneys, translators and record keepers. More importantly, different courts ask officers of the court to take on different roles to varying degrees, but these roles are not always explicitly communicated to the uninitiated.</p> <p>In one court, for instance, the bailiff was relatively inactive and did not interact with litigants. In contrast, another court had a bailiff that was actively involved with managing the courtroom. In many cases, attorneys and litigants have difficulty finding each other, causing disruptions. Role uncertainty frequently leads to inappropriate conduct. In several instances, a litigant approached the clerk during another hearing to ask questions.</p> <p>In one situation, a plaintiff asked the interpreter a question. In response, the interpreter said, "I can't answer that," in both English and Spanish.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Indicate court officers' title | <input checked="" type="checkbox"/> 186. IdentityMarks | |
| Communicate the scope of each officer's role | <input checked="" type="checkbox"/> 187. Just in time Series | |
| Provide rules of conduct | <input checked="" type="checkbox"/> 188. SIM Suit | |

Version

Date: 22 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Last Minute Form Changes | 87 |
|----------------------|--------------------------|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Shawn Stokes, Jan 2001. | 123. Complete forms |
| Activity | Orienting | observations by Jun Lee, Feb 2001. | |
| Originator | Jun Lee | observations by Emily Ulrich, Feb 2001. | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Shawn Stokes | | |
| | Tairan Sun | | |

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| <p>Observation</p> <p>Resources for completing documentation may not be available at the time when they are most critical (immediately before an SRL's hearing).</p> | <p>Extension</p> <p>The realization that additional forms need to be completed, or that completed forms need to be edited/appended often occurs at the last minute. SRLs were frequently seen either completing or editing required forms in the gallery (sometimes writing on their laps) before their hearing.</p> <p>SRLs may not have supporting resources nor the knowledge to competently make these final adjustments before their hearing. A final hurdle in the process is that many completed documents need to be presented in multiple copies. Incomplete or poorly completed documents are a common problem that SRLs face at the time of trial.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Provide a semi-private workplace for SRLs to make last minute changes to their case documentation. | <input checked="" type="checkbox"/> 182. PreHearing Station | |
| Offer appropriate legal resources to aid them in completing the forms. | <input type="checkbox"/> 183. Self Help Centers | |
| | <input type="checkbox"/> 245. Speak My Language | |
| Provide a work surface and necessary hardware to support last minute document completion activities. | <input checked="" type="checkbox"/> 184. Zip Forms | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Form Synchronization and Dissemination | 88 |
|----------------------|--|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Jun Lee, Feb 2001. | 123. Complete forms |
| Activity | Preparing | observations by Emily Ulrich, Feb 2001. | |
| Originator | Jun Lee | | |
| Contributors | Emily Ulrich Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Active management and dissemination of courtroom forms yields better litigant compliance in terms of the usage and completeness of appropriate forms.</p> | <p>Extension</p> <p>The dissemination of courtroom forms is controlled to varying degrees. At some sites, forms are freely available in the gallery. However, they are not managed actively and can become disorganized. The number and complexity of forms presented on a single rack can be confusing for the SRL. The complexity of maintaining and synchronizing courtroom forms with clerk's office forms may lead to disorganized presentation and varying dissemination tactics.</p> <p>The complexity of maintaining and synchronizing courtroom forms with clerk's office forms encourages a variety of dissemination schemes with frequently disorganized results.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Provide appropriate forms at the correct time. | <input checked="" type="checkbox"/> 189. DynaForm | |
| Make forms freely accessible to all constituents. | | |
| Offer aid or support in accurately and fully completing forms. | <input checked="" type="checkbox"/> 190. FormAssistant | |
| Manage form changes and updates. | | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Wait Time Under utilized | 89 |
|----------------------|--------------------------|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | observations by Emily Ulrich, Jan 2001. | 125. Wait |
| Activity | Preparing | observations by Jun Lee, Feb 2001. | |
| Originator | Jun Lee | observations by Emily Ulrich, Feb 2001. | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Shawn Stokes | | |
| | Tairan Sun | | |

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| <p>Observation</p> <p>Litigants in the gallery who are nervous/preoccupied frequently do not use their wait time productively to prepare tactics for their case. Those litigants who actively observe other hearings are better prepared and competent in presenting their case</p> | <p>Extension</p> <p>Several factors exacerbate the general anxiety and discomfort that litigants endure while waiting for their case, while other factors create barriers to litigants who are actively trying to educate themselves by observing others.</p> <p>Sources of discomfort:</p> <ol style="list-style-type: none"> 1. Dim lighting conditions. 2. Uncertainty over when their case will be called. 3. Attorney negotiations in the floor area. 4. Unfamiliarity with basic court proceedings. <p>Barriers to active observation and education.</p> <ol style="list-style-type: none"> 1. Tacit informality and unexplained activity. 2. Difficulty hearing proceedings (in one court room, a glass wall separated the gallery from the floor and bench). 3. Difficulty determining who is available for assistance. <p>These factors either make SRLs uncomfortable waiting in the gallery (while making them feel trapped) or prevent some SRLs from actively observing and learning about basic court proceedings.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|---|
| Provide conditions that don't force litigants to wait in the gallery if they are uncomfortable. | <input checked="" type="checkbox"/> 191. HearingLib | |
| Notify litigants just in time before their hearing | <input type="checkbox"/> 192. ServiceTicket | |
| Offer support resources outside the court room for litigants to prepare their case. | | |
| Support SRLs while waiting | <input type="checkbox"/> 180. CourtPage | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Common Workplace Familiarity | 90 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000 | 151. Negotiate order |
| Activity | Managing | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Jun Lee | | |

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| <p>Observation</p> <p>Officers of the court are familiar with each other. Some self-represented litigants feel that the court attends to familiar or “regular” attorneys during trial proceedings.</p> | <p>Extension</p> <p>Since attorneys and judges know how to address each other and see each other with some degree of regularity, SRLs sometimes confuse their quick, punctual dialogues with familiarity, or even bias.</p> <p>Although some judges also accommodate the SRL in a variety of ways (e.g. explaining to the SRL what a leading question is)-SRLs may conclude that the judge favors the party that needs less help in presenting a case.</p> <p>Judges also must deal with the dilemma of how to interact with participants in a trial where one party is represented and the other is not. Their role of neutrality must ultimately override their desire to aid the SRL to avoid giving the appearance of bias.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|---|
| Help SRLs to better present their case | <input checked="" type="checkbox"/> 217. Facilitated Rehearsal | |
| Teach SRLs how to address members of the court | <input checked="" type="checkbox"/> 186. Identity Marks | |
| Introduce Judges | <input checked="" type="checkbox"/> 185. Honor Insider | |

Version

Date: 22 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Computer Proficiency | 91 |
|----------------------|---------------------------------------|--|---|
| Project | Access to justice | Source/s Observation by Tairan Sun, Fall 2000. | Associated Function/s 144. Interpret and apply law |
| Mode | Hearing | | |
| Activity | Investigating | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>If the judge is given technology to facilitate a more efficient courtroom process, yet is uncomfortable with its use, the efficiency is lost and the technology soon gathers dust.</p> | <p>Extension</p> <p>When calculating child support, judges follow certain guidelines. In some jurisdictions, this must be both calculated and explained at the hearing. This process is time consuming. Technology can be a barrier for some participants. For example, one judge was not comfortable with the large PC that he used exclusively to visually display a basic, child support calculator.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---------------------------------|---|--|
| Let litigant or clerk calculate | <input checked="" type="checkbox"/> 220. SupportDoc | |
| Give judges technology options | <input checked="" type="checkbox"/> 221. JuviCalc | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Deliberation Conditions | 92 |
|----------------------|---------------------------------------|---------------------------------------|---|
| Project | Access to justice | Source/s | Associated Function/s 146 Deliberate |
| Mode | Hearing | | |
| Activity | Investigating | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>The pace of activity in a courtroom can make it difficult for either the judge or litigants to proceed with a case thoughtfully or deliberately.</p> | <p>Extension</p> <p>Judges need time away from the chaos of the courtroom to deliberate, but their case loads are demanding. There are few opportunities for time away from the bench; if they absolutely need a break from the courtroom, judges usually call official recesses.</p> <p>In a crowded courtroom, litigants also experience pressure to race through a proceeding. Without time to understand all the implications, litigants can easily make mistakes and miss opportunities to help their cases. Litigants, anyway, are generally not as comfortable with the process and procedures as officers of the court. Judges and lawyers can speed up the pace of proceedings to get through the docket, while SRLs have no control. For all participants, few options exist for unpressured deliberation.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Reduction of courtroom stimuli | <input type="checkbox"/> 225. ThinkPod | |
| | <input type="checkbox"/> 226. Sound Blocker | |
| | <input type="checkbox"/> 200. Whole Hearing | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: End of Trial Confusion | 93 |
|----------------------|---------------------------------------|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000 | 148. Explain order 154. Educate litigant |
| Activity | Presenting/Managing | observations by Emily Ulrich, 21 February 2001 | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Litigants sometimes leave a courtroom after judgment without understanding the full implications of the proceedings.</p> | <p>Extension</p> <p>After judgment, some SRLs leave the courtroom looking lost. Their understanding of what the full impact of the decision is, what their responsibilities are, and what is to be done next is vague at best.</p> <p>Example: Judge didn't explain how an order of protection was to be followed when obtained against a wife but not her son. Without any explanation, one can foresee difficulty for a defendant who would want to see his young son without having any interaction with the mother.</p> <p>Litigants frequently receive paperwork from the clerk at the end of a trial. Their desire to leave the courtroom quickly leads them to read while they are exiting, producing visibly confused looks on their faces as they puzzle over the legalese in the documents. Questions arise later, either in the courthouse hallways or at home or work.</p> <p>When a verdict has been rendered, litigants are often confused about their options. The appeals process is different from a continuance (which they may have encountered), yet they may confuse the requirements of the one (timeliness, for example) with the other.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Facilitate post-trial understanding | <input checked="" type="checkbox"/> 230. Post-hearing Counseling | |
| | <input type="checkbox"/> 187. Just-in-Time | |
| Aid SRLs in court | <input checked="" type="checkbox"/> 203. My Mentor | |
| Develop peripheral information centers | <input checked="" type="checkbox"/> 231. Legal Chat | |
| | <input checked="" type="checkbox"/> 232. Advice-line | |

Version Date: 22 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Engaged Courtroom Learning | 94 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000 | 154. Educate litigant |
| Activity | Managing | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Jun Lee | | |

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| <p>Observation</p> <p>The immediacy of a ruling increases litigants' interest in legal proceedings. This, in turn, causes litigants to gain most of their knowledge of legal process from observations in a courtroom.</p> | <p>Extension</p> <p>When litigants are in court, awaiting their cases or conducting their cases, they are acutely aware of the legal process. This increased awareness energizes a highly effective learning environment that can be utilized for teaching courtroom procedure and legal tactics.</p> <p>Without a source of legal advice, SRLs gain most of their legal knowledge by watching other, similar cases or listening to the judge's explanations. A litigant is better prepared after he/she has been in court for prior case or just for a visit. Many cases end with SRLs intending to take further action based on what they have learned by being in court.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Imitate the court experience prior to case | <input type="checkbox"/> 188. SIM-suit | |
| Facilitate learning in courtroom | <input type="checkbox"/> 195. Legal Seat | |
| | <input type="checkbox"/> 199. View Tool | |
| | <input type="checkbox"/> 215. Active Comment | |

Version

Date: 22 February 2001

Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Expectation of Immediate Enforcement | 95 |
|----------------------|--------------------------|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court Observations, 24 January 2001 | 152. Finalize order |
| Activity | Managing | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Some litigants expect immediate enforcement of the ruling.</p> | <p>Extension</p> <p>The relationship between ruling and enforcement is not always clear to SRLs -- one plaintiff in this study asked, "Can I get the first installment today?" Enforcement procedures, because they are separate and subsequent, are frequently not well understood.</p> <p>Some litigants would like to collect or pay as soon as possible. Others, for a variety of reasons, want enforcement delayed. Payment options vary among cash, money orders, credit cards, etc. with courts preferring some methods over others. If the losing party resists the judgment, the enforcement process must be initiated. SRLs seldom appreciate fully the additional procedures that must be undertaken in this process to ensure satisfaction.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--------------------------------|--|--|
| Facilitate ease of transaction | <input checked="" type="checkbox"/> 233. Immediate Enforcement | |
| | <input checked="" type="checkbox"/> 234. PaymentPerk | |
| | <input checked="" type="checkbox"/> 220. SupportDoc | |
| | <input checked="" type="checkbox"/> 187. Just In Time | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Judges' Isolation | 96 |
|----------------------|--------------------------|---------------------------------|--|
| Project | Access to justice | Source/s | Associated Function/s 146. Deliberate |
| Mode | Hearing | | |
| Activity | | | |
| Originator | Shawn Stokes | | |
| Contributors | | | |
| 22 Feb., 2001 | Emily Ulrich | | |

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| <p>Observation</p> <p>Judges working with SRLs face similar difficulties and legal dilemmas everyday in court.</p> | <p>Extension</p> <p>Judges are isolated by the policies of preserving neutrality, but many have found creative methods of facilitating SRLs' special needs. In larger court systems, judges specialize in specific types of cases--pro se court, family court, landlord-tenant court, etc. The resources that these judges commonly utilize are focused on that topic. The insights from these practitioners should be shared.</p> |
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| <p>Design Strategies</p> <p>Facilitate communication among judges</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 235. Judge Net</p> <p><input type="checkbox"/> 236. Judicial Toolkit</p> |
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Version

Date: 22 February 2001

Date of first version: 20 February 2001

Design Factors

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|----------------------|--------------------------|---------------------------------------|--|
| Design Factor | | Title: Multiple Case Confusion | 97 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, February 2001 | 153. Evaluate and execute arguments 154. Educate litigant |
| Activity | Investigation | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Families facing multiple cases have difficulty sorting out conflicts and carrying out orders. SRLs may not understand the boundaries of specific legal cases.</p> | <p>Extension</p> <p>Litigants with multiple cases often get confused. One litigant had assumed that the multiple notices she received in the mail were for the same issue or case. During her hearing she discovered otherwise and remarked, "I didn't realize I had two cases."</p> <p>Litigants frequently do not realize that multiple motions, hearings, etc. may be necessary to resolve what they consider to be a single issue. Paternity, visitation and child support are frequently assumed to be soluble in a single court appearance. If a single family has multiple issues, sometimes they are handled by different judges. With these different rulings, family members may have conflicting orders that lack contextual understanding. This method of processing litigation creates inefficiencies during multiple court dates. Litigants and their families have to return to the courthouse repeatedly. With a one-judge-one-family system, the judges get a better understanding of the situation and their rulings synthesize better.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Visualize the case boundaries | <input type="checkbox"/> 223. Boundary Map | |
| Facilitate case clustering | <input type="checkbox"/> 224. One Stop Shop | |
| | <input type="checkbox"/> 199. ViewTool | |
| | <input type="checkbox"/> 228. QuickView Docket | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Paper Document Towers | 98 |
|----------------------|--------------------------|-------------------------------------|-----------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000. | 150. Write summary of order |
| Activity | Presenting | Personal observations | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Jun Lee | | |

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| <p>Observation</p> <p>Paper documents tend to pile up on clerk's and judge's desks & judge's desk.</p> | <p>Extension</p> <p>One judge in this study referred to the files stacked on the bench during court as the "twin towers." He used the height of the towers to gauge how many cases would be heard that day and to adjust his pace accordingly. In another courtroom, the judge spent a considerable amount of time (while the litigants waited) searching in his file for a particular document pertinent to a landlord-tenant case.</p> <p>Paper documents can be very inefficient because management of them is time consuming when there are more than a few. The fact that paper management can be organized idiosyncratically by the individual -- normally an advantage -- becomes a disadvantage when there are many documents and/or the document manager is not highly disciplined.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Minimize the bulk | <input type="checkbox"/> M 184. ZipForms | |
| Simplify the presentation of documents | <input type="checkbox"/> S 227. ViewClue | |
| | <input type="checkbox"/> S 207. Order Notes | |
| Simplify the searching process | <input type="checkbox"/> M 228. QuickView Docket | |
| | <input type="checkbox"/> M 206. CaseTracker | |

Version

Date: 22 February 2001

Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Payment Variations | 99 |
|----------------------|--------------------------|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Observations by Shawn Stokes, 24 January 2001 | 151. Negotiate order |
| Activity | Managing | Team observations by Shawn Stokes, 15 February 2001 | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Jun Lee | | |

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| <p>Observation</p> <p>Many payment variations exist for the enforcement of a judgment, but few options exist within a courtroom to facilitate an immediate transaction between the litigants.</p> | <p>Extension</p> <p>A plaintiff stated, "I don't want to accept a check from him. He's not trustworthy at all." A judge can make recommendations for how to proceed with the enforcement of a judgment, but rarely does a judge facilitate a payment.</p> <p>Within the court system, the clerk's office normally facilitates the payment process. At one clerk's office, a sign was posted stating payment options acceptable as: money order, Discover Card, etc. Inefficiencies in the payment process could be reduced by bringing the process, where applicable, into the courtroom where the aura of the judge's authority adds an atmosphere of immediacy to the need for resolution.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------------|---|---|
| Facilitate transaction | | |
| Increase trust of recipient | <input checked="" type="checkbox"/> 222. Financial Mediator | |

Version

Date: 22 February 2001

Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Real-World Translation of Order | 100 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Team observations, Fall 2000 | 148. Explain order 154. Educate litigant |
| Activity | Presenting | | |
| Originator | Shawn Stokes | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | | | |

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| Observation | Extension |
| Case ordering appears to be arbitrary to SRLs. | The clerk constantly checks participants in and delivers information to the judge. The judge then updates the docket according to the new information. |
| | It is not clear to some SRLs that they are responsible for understanding and following the steps in a legal order. Some judges will spell this out to litigants at the end of the trial, but this is not always the case. Example: Judge requested that a defendant read out loud the order of protection that was brought against him. He had violated this order when he contacted a third party to find out information about his wife or harass his wife. The husband said that he didn't know that was not allowed. |

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------|---|--|
| Inform litigant | <input type="checkbox"/> 229. Ruling Schooling | |
| | <input type="checkbox"/> 230. Post-Hearing Counseling | |
| | <input type="checkbox"/> 187. Just In Time | |

Version Date: 22 February 2001 Date of first version: 20 February 2001

Design Factors

| Design Factor | | Title: Unpredictable Calling | 101 |
|----------------------|--------------------------|---|---------------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Jeff Ettenhofer and team, Oct. 2000. | 125. Wait 126. Call the case |
| Activity | Introducing | Court observation by Donna Bentley and Tairan Sun, Oct. 2000. | |
| Originator | Tairan Sun | | |
| Contributors | Jeff Ettenhofer | | |
| 22 Oct., 2000 | | | |

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| <p>Observation</p> <p>Case ordering appears to be arbitrary to SRLs.</p> | <p>Extension</p> <p>The clerk constantly checks participants in and delivers information to the judge. The judge then updates the docket according to the new information.</p> <p>With dozens of people assigned to a single court time, nearly everyone spends a long time waiting. SRLs have no clue as to when their case will be called. If the court is unable to finish all cases on the docket, litigants have to reschedule their hearing for another day. This is especially irksome for people with a simple matter (such as a name change), for those who have difficulty traveling to court, or for those who must take time off work to attend.</p> <p>From the litigants' point of view, the order in which cases are called is unpredictable, if not unfair. One litigant protested, "if I had a lawyer, I would have been first and not last." Without a set, precise expectation of when their case will be called, SRLs may perceive the court's administration to be arbitrary or unfair, and they may become even more nervous than they already are</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|---|
| Set expectation of calling order | <input checked="" type="checkbox"/> 193. CourtBoard | |
| | <input checked="" type="checkbox"/> 198. Case Logic | |
| Reduce time waiting | <input type="checkbox"/> 180. Court Page | |
| Engage SRL in productive activities while waiting | <input type="checkbox"/> 199. ViewTool | |
| | <input type="checkbox"/> 203. My Mentor | |

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Design Factors

| Design Factor | | Title: Recounting the Case | 102 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court observation by Emily Ulrich, Feb. 2001. | 127. Determine initial conditions of case |
| Activity | Introducing | Observation by Tairan Sun, Feb. 2001. | |
| Originator | Tairan Sun | | |
| Contributors | Emily Ulrich | | |
| 22 Feb., 2001 | Jun Lee | | |
| | Shawn Stokes | | |

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|---|---|
| <p>Observation</p> <p>For most cases, a judge must spend real time reviewing documents before hearing the case.</p> | <p>Extension</p> <p>Typically, a judge presides over many cases in a normal day. For each case, issues are documented in multiple files, and these files are seldom written in a way that they can be absorbed painlessly at a glance. Determining the initial conditions of the case from the files takes time, but it is critical that the judge reviews all of the issues if he is to make an informed decision.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Organize and display case information for judge as needed | <input type="checkbox"/> 206. Case Tracker | |
| | <input type="checkbox"/> 205. CaseMap | |
| Standardize writing for case issues | <input type="checkbox"/> 207. OrderNotes | |

Version **3**

Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Irregularly-Paced Procedures | 103 |
|----------------------|--|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court observation by Emily Ulrich, Feb 2001. | 126. Call the case 128. Request rescheduling of hearing |
| Activity | Introducing | | |
| Originator | Tairan Sun | | |
| Contributors | Emily Ulrich Jun Lee Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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|---|--|
| <p>Observation</p> <p>Many procedures overlap and are managed in syncopated fashion.</p> | <p>Extension</p> <p>Although they may seem to the SRL to be sequential steps in a process, court procedures do not necessarily have to follow a strict order of precedence. In the interests of expediency, procedures may be taken out of sequence or together causing confusion in the minds of SRL first-time court attendees.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|--|
| Make procedure clear to SRLs | <input checked="" type="checkbox"/> 193. CourtBoard | |
| | <input type="checkbox"/> 199. ViewTool | |
| Complete one case at a time with no overlap | <input type="checkbox"/> 200. Whole Hearing | |
| | <input type="checkbox"/> 201. CourtHost | |
| Simplify Procedures | <input type="checkbox"/> 208. CaseCard | |

Version Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

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|----------------------|--|--|--|
| Design Factor | | Title: Repetitive Procedures | 104 |
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court observation by Tairan Sun, Sept. 2000. | 126. Call the case 128. Request rescheduling of hearing |
| Activity | Introducing | Observation by Tairan Sun, Feb 2001. | |
| Originator | Tairan Sun | | |
| Contributors | Emily Ulrich Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Many procedures are administrative tasks that are managed by court staff repetitively.</p> | <p>Extension</p> <p>Conducting repetitive procedures results in an inefficient use of court resources. For SRLs, such repetition increases the time that they have to wait and distracts their attention from the hearing.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Automated procedures | <input type="checkbox"/> 201. CourtHost | |
| | <input type="checkbox"/> 208. CaseCard | |

Version Date: 25 February 2001 Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Encountered Legalese | 105 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court observation by Tairan Sun, Oct. 2000. | 124. Select tactics 129. Identify issue 131. Find facts 132. Examine evidence 133. Summarize facts 134. Educate litigant 147. Explain rights 148. Explain order 153. Evaluate and execute order |
| Activity | Introducing | Observation by Tairan Sun, Feb 2001. | |
| Originator | Tairan Sun | | |
| Contributors | Emily Ulrich Jun Lee Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Specialized words (“legalese”) are frequently and casually brought into common interactions during a hearing. Such verbiage often confuses SRLs.</p> | <p>Extension</p> <p>When SRLs misunderstand legal terminology they may:</p> <ul style="list-style-type: none"> • not realize their legal options, • react negatively, and those feelings may add to a feeling of being overwhelmed, • fail to understand questions posed to them resulting in their failure to effectively answer the questions. <p>At critical junctures in a case, a judge may ask direct questions of an SRL using specific legal terminology (e.g., “Would you like a continuance?”). At these junctures, it is important for the SRL to understand the terminology to protect his or her best interests.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--------------------------|---|---|
| Use common language | <input checked="" type="checkbox"/> 202. Critical Juncture Handbook | |
| Translate legal language | <input type="checkbox"/> 203. My Mentor | |

Design Factors

| Design Factor | | Title: Deadline to Prove a Case | 106 |
|----------------------|--------------------------|---|--|
| Project | Access to justice | Source/s Observation by Ben Singer, Todd Pedwell and Tairan Sun, Feb 2001. | Associated Function/s 136. Support story 146. Deliberate |
| Mode | Hearing | | |
| Activity | Presenting | | |
| Originator | Tairan Sun | | |
| Contributors | | | |

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| <p>Observation</p> <p>Judges rarely delay trials in order to give an SRL more time to gather evidence or prepare.</p> | <p>Extension</p> <p>During team observations, more than one litigant referenced documents and other items that they did not bring with them. When interviewed afterwards, the SRL's indicated that they would have brought the documents and/or items that were important to proving their case if they realized their importance. It is vital for a SRL to understand that he/she needs to bring all relevant documents and items to the hearing.</p> <p>When an SRL decides to appeal, it only results in reviewing the fairness of judgment on existing evidence. More evidence is not acceptable in the appeal process. Most SRLs that we observed did not understand that when a case is closed, they could not submit new evidence. Typically, the SRL does not realize this until a judgment has been made.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---------------------------------------|---|--|
| Warn SRLs | <input checked="" type="checkbox"/> 193. CourtBoard | |
| Educate SRLs about appealing | <input type="checkbox"/> 209. LegalTac | |
| | <input type="checkbox"/> 187. Just In Time | |
| | <input type="checkbox"/> 204. Emergency Legal Aid | |
| Give SRLs more chances of continuance | <input type="checkbox"/> 211. TimeOut | |

Version Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Case Boundary | 107 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s Observation by Jeff Ettenhofer, Donna Bentley and Tairan Sun, 2000. | Associated Function/s 129. Identify issue 134. Educate litigant |
| Mode | Hearing | | |
| Activity | Introducing | | |
| Originator | Tairan Sun | | |
| Contributors | | | |

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| Observation SRLs often do not have a sense of the boundaries of a case. | Extension The extreme specificity of elements in a court case transcends common experience. SRLs tend to treat the elements of a legal problem much as they would a social problem with all the generality, overlapping relationships and fuzzy boundaries that would be found there. The following examples are from observational studies made by the team: A litigant had assumed that the multiple notices she received in the mail were for the same issue/case. During her hearing she discovered otherwise and remarked, "I didn't realize I had two cases." After receiving an order of protection, a mother immediately asked about visitation expectations. A mother didn't offer any evidence for why an order of protection was needed for her son as well as for herself, so an order of protection for her was granted but denied for her son. |
|--|--|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Help SRLs identify legal issues from story | <input checked="" type="checkbox"/> 223. Boundary Map | |
| | <input checked="" type="checkbox"/> 204. Emergency Legal Aid | |
| Solve all problems in one set of legal services | <input checked="" type="checkbox"/> 224. One Stop Shop | |

Version

Date: 26 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Irrelevant Argument and Facts | 108 |
|----------------------|--------------------------|---|--|
| Project | Access to justice | Source/s Court observations by Tairan Sun, Jeff Ettenhofer and Donna Bentley, 2000. Observation by Ben Singer and Tairan Sun. | Associated Function/s 133. Summarize facts 135. Tell story |
| Mode | Hearing | | |
| Activity | Presenting | | |
| Originator | Tairan Sun | | |
| Contributors | | | |

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| <p>Observation</p> <p>Unaware of the irrelevance they are introducing, SRLs often bring into their presentations facts and arguments that have nothing to do with the legal issues involved.</p> | <p>Extension</p> <p>Irrelevant facts and arguments make it difficult for judges to parse out what is legally relevant to a case. Carrying such irrelevance to an extreme, SRLs often try to show in their presentations that they are honest and of good character. These irrelevancies extend the proceedings and also contribute to the ineffectiveness of an SRL's argument.</p> <p>Nevertheless, judges work at reframing cases to make decisions possible. In a case observed, the judge was very good at taking a large number of semi-related facts from a litigant and summarizing them in the form of a legal position that the SRL was unable to create on his own.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-------------------|---|--|
| Educate SRLs | <input checked="" type="checkbox"/> 194. Orientation Workshop | |
| Help SRLs | <input checked="" type="checkbox"/> 209. LegalTac | |
| | <input checked="" type="checkbox"/> 204. Emergency Legal Aid | |

Version **3**

Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Unaware of Self Role and Responsibility | 109 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Observation by Ben Singer and Tairan Sun, Feb 2001. | 132. Examine evidence 138. Request desired outcome 140. Update tactics 145. Evaluate arguments 151. Negotiate order |
| Activity | Investigating | Observation by Jeff Ettenhofer and Tairan Sun, 2000. | |
| Originator | Tairan Sun | | |
| Contributors | Jeff Ettenhofer | | |
| Oct., 2000 | Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Although the judge explains to litigants that plaintiffs have the responsibility to prove their case, SRLs frequently fail to take the actions that could allow them to do so effectively.</p> | <p>Extension</p> <p>SRLs assume two roles in court: witness and lawyer. They have to examine, plead, show evidence and testify. But most SRLs act passively in court. They often speak only when they're answering questions directed to them by the judge.</p> <p>SRLs rarely assume the responsibility of examining and challenging the other party's facts and arguments. Simply answering questions is not an effective case-building strategy. The judge may not be probative, and the litigant may miss out on an opportunity to give or reveal to the judge essential pieces of information that he did not specifically request.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|-----------------------------------|--|--|
| Educate SRLs | <input type="checkbox"/> 194. Orientation Workshop | |
| | <input type="checkbox"/> 209. LegalTac | |
| Direct SRLs to relevant resources | <input type="checkbox"/> 183. Self Help Center | |
| | <input type="checkbox"/> 204. Emergency Legal Aid | |

Version

Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Validity of Evidence | 110 |
|----------------------|--------------------------|---|---|
| Project | Access to justice | Source/s Observation by Ben Singer, Tairan Sun and Todd Pedwell, Feb 2001. | Associated Function/s 132. Examine evidence 134. Educate litigant |
| Mode | Hearing | | |
| Activity | Investigating | | |
| Originator | Tairan Sun | | |
| Contributors | | | |

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| <p>Observation</p> <p>SRLs often do not understand what evidence will be helpful in proving their case.</p> | <p>Extension</p> <p>The nature of evidence and how it is used to prove a case is commonly misunderstood by SRLs. At one extreme, they may fail to bring to trial evidence crucial to their case; at the other, they sometimes bring every scrap of information associated with the case.</p> <p>In one example, even though the judge gave an SRL a continuance three weeks previous to the new appearance, the SRL still failed to bring receipts of documentation that could prove payment. Judgments are based on evidence as well as litigants' stories. Obtaining a continuance and the opportunity for another hearing is rare. If the SRL does not quickly learn what evidence is helpful, it may be too late.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|--|
| Educate SRLs about legal evidence | <input checked="" type="checkbox"/> 202. Critical Juncture Handbook | |
| | <input type="checkbox"/> 203. My Mentor | |
| | <input type="checkbox"/> 204. Emergency Legal Aid | |
| Give SRLs more chances to bring in evidence | <input type="checkbox"/> 211. TimeOut | |

Version **3**

Date: 25 February 2001

Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Implication of Procedure | 111 |
|----------------------|--------------------------|---|--|
| Project | Access to justice | Source/s Observation by Tairan Sun, Feb 16, 2001. | Associated Function/s 132. Examine evidence 134. Educate litigant 137. Rebut story 138. Request desired outcome 151. Negotiate order 153. Evaluate and execute order |
| Mode | Hearing | | |
| Activity | Introducing | | |
| Originator | Tairan Sun | | |
| Contributors | Jun Lee | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>SRLs are often unaware of the procedural actions that may be used to avoid or reduce the extreme life style changes that can be brought about by losing a case.</p> | <p>Extension</p> <p>In an observed case, an SRL could have appealed the judgment rendered in his case. If he had done so, he would have gained some time before being evicted. However, he did not seem to understand this tactic or the implications of using it, seeming totally confused, overwhelmed and lost. The judge could not help him by informing him about the technique because he is not allowed to give legal advice.</p> <p>Even when a judge prompts litigants about procedures, SRLs often do not understand the question or what is at stake (for example, in the case above, “Do you want to appeal? Do you want to waive your right to Appeal?”). Losing a case can have severe impact on an SRL’s life. It may mean being sent to jail for losing a child support hearing or being put out on the street for losing an eviction proceeding. Because a litigant has chosen to be self-represented, no one is responsible for giving him legal advice.</p> |
|---|--|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|--|
| Provide free legal service in extreme situation | <input checked="" type="checkbox"/> 204. Emergency Legal Aid | |
| Recommend legal service in extreme situation | <input checked="" type="checkbox"/> 203. My Mentor | |
| Explain critical court junctures and consequences | <input checked="" type="checkbox"/> 202. Critical Juncture Handbook | |
| Give SRLs additional continuance | <input checked="" type="checkbox"/> 211. TimeOuts | |

Version **3**

Date: 25 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Trip for Rescheduling a Case | 112 |
|----------------------|--------------------------|--|--------------------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Hearing | Court observation by Tairan Sun, Sept. 2000. | 128. Request rescheduling of hearing |
| Activity | Introducing | Observation by Tairan Sun, Feb 2001. | |
| Originator | Tairan Sun | | |
| Contributors | Shawn Stokes | | |
| 22 Feb., 2001 | | | |

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| <p>Observation</p> <p>Litigants have to make a trip to court, even though their hearing may later be rescheduled for another day.</p> | <p>Extension</p> <p>In cases where SRLs are not prepared or schedules conflict, litigants or their representatives still have to go to the court to request a rescheduling of the case. Traveling to court and waiting for a case to be rescheduled is time consuming. For the other party, rescheduling means an additional trip to court. For the court, rescheduling often interrupts the work flow and adds additional work.</p> |
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| <p>Design Strategies</p> <p>Enable remote rescheduling</p> | <p>Solution Elements</p> <p><input checked="" type="checkbox"/> 201. CourtHost</p> | <p>Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative</p> |
|---|---|--|

Version

Date: 26 February 2001

Date of first version: 25 February 2001

Design Factors

| Design Factor | | Title: Debtor Information Difficult to Find | 113 |
|--|---|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Heller & Frisone, Ltd. Notes on collection. Chicago, IL, 2000. Duplicated. | 164. Research assets 165. Provide access to information 166. Manage documents |
| Activity | Case Forming | Personal observation | |
| Originator | Jennifer Joos | | |
| Contributors | | | |
| 16 Feb., 2001 | Holly Roeske Jeanie Lee Loren Gulak Michael Heller | | |
| Observation | Judgment creditors can feel helpless and cheated during the collection process, particularly if the judgement debtor is not forthcoming with asset information. | Extension | Collecting on a judgment can be very difficult, particularly if the debtor is not cooperative. The process can involve filing up to 3 motions in order to force the debtor to appear in court with his/her asset information. |
| | | | If the judgment creditor possesses basic credit information about the debtor, the process can move more quickly and efficiently, as the creditor can work with the debtor's employer for garnishment of wages. However, few creditors are aware of the resources available to aid them in their search for asset information. |
| | | | If the creditor obtains the debtor's correct name, address, telephone number, social security number, driver's license number, and bank references, they greatly improve their ability to collect because the debtor is more likely to be served. |
| Design Strategies | | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide asset information sources | | <input checked="" type="checkbox"/> 251. Credit Source | |
| Require early defendant asset disclosure | | <input type="checkbox"/> 252. Debtor Disclosure Form | |

Version

Date: 19 February 2001

Date of first version: 31 January 2001

Design Factors

| Design Factor | | Title: Filing Procedure Complex | 114 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s Heller & Frisone, Ltd. Notes on collection. Chicago, IL, 2000. Duplicated. Zorza, Richard. Designing from the Ground Up: A Self-Help Centered Court. Washington, DC: State Justice Institute, In preparation, 5. | Associated Function/s 162. File pleadings 163. File amendments 167. File motions |
| Mode | Enforcement | | |
| Activity | Case Forming | | |
| Originator | Jennifer Joos | | |
| Contributors | Holly Roeske | | |
| 16 Feb., 2001 | Jeanie Lee Loren Gulak | | |

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| Observation Currently, supplemental proceedings require the judgment creditor to file a Citation to discover assets, compelling the debtor to appear in court with proof of his/her assets. If the respondent fails to appear, a Rule to Show Cause must be filed compelling the respondent to appear in court and explain why he was not in court the first time. If the respondent fails to appear again, an attachment, another order of the court, directs the sheriff to physically apprehend the debtor and bring him to court. | Extension In order to accomplish one task, discovery of assets, a judgment creditor may be required to file up to three different forms and appear in court three times. A judgment creditor is responsible for locating, completing, and submitting the correct form, appearing in court, and repeating this process as necessary in order to obtain information about the judgment debtor. If the debtor is uncooperative, collection cannot be enforced without first undertaking the steps described above; there is no short cut. A filing fee must be paid each time a motion, pleading, or amendment is filed, causing the judgment creditor to incur additional debt in the effort of collecting monies owed to him/her. Without guidance, a judgment creditor would have a difficult time knowing which documents needed to be filed and when. "The paperwork, the use of sheriffs and supplemental proceedings is hard to understand, let alone navigate" (Zorza, 5). |
|---|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Better inform about forms/filing | <input type="checkbox"/> 253. Educate! | |
| Reduce number of documents to be filed | <input type="checkbox"/> 254. System reform | |
| Obtain debtor information after a judgement | <input type="checkbox"/> 252. Debtor Disclosure Form | |

Version

Date: 22 February 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Documentation Difficult to Coordinate | 115 |
|----------------------|--------------------------|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 166. Manage documents |
| Activity | Case Forming | | |
| Originator | Jennifer Joos | | |
| Contributors | Holly Roeske | | |
| 16 Feb., 2001 | Jeanie Lee | | |
| | Loren Gulak | | |

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| <p>Observation</p> <p>Some litigants keep their case documents jumbled together, stuffed into envelopes, folded into small squares, or mixed in with other non-court related papers. Some litigants cannot find things they thought they had brought with them.</p> | <p>Extension</p> <p>By the time a case has reached enforcement proceedings, a lot of paperwork has been generated. Documents from the original case, proof of filing, evidence, and other personal records make up some of the items gathered to bring to court.</p> <p>If their paperwork becomes unmanageable, it is possible that litigants might overlook a missing document. Litigants who have to shuffle through papers, dig through their bags and envelopes appear unprepared before the judge. People going through enforcement often do not know what kind of documentation they will need to support them at the hearing; therefore, they feel obligated to bring everything they have related to the case. This can result in important information getting lost in the shuffle of unimportant documents.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|---|
| Provide thorough checklists for needed court documents | <input checked="" type="checkbox"/> 248. Enforcement checklist | |
| Create a container to store and organize documents | <input checked="" type="checkbox"/> 259. Pro se paper manager | |
| Offer file management seminars | <input type="checkbox"/> 260. No Clutter Seminar | |

Version Date: 22 February 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Evidence Difficult to Keep Track Of | 116 |
|----------------------|---|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation: Court-house, 15 February 2001 | 166. Manage documents |
| Activity | Case Forming | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |
| 16 Feb., 2001 | Holly Roeske Jeanie Lee Loren Gulak Michael Heller | | |

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| <p>Observation</p> <p>When unexpected natural disasters occur, litigants can lose documents vital to their cases.</p> | <p>Extension</p> <p>Keeping evidence such as paper documents or receipts in one location is a good plan; however, if a catastrophe such as a fire or flood occurs, evidence can be destroyed. While securing a safe deposit box would be a good solution for keeping evidence safe, not all people (especially judgment debtors who make payments every month) are willing to go out of their way to rent one and deposit their receipts every month.</p> <p>A secure waterproof and fireproof storage area for paperwork ensures that evidence will be safe. Keeping evidence together makes organization easier. However, back up copies should be made of all documents in case of loss or damage.</p> <p>Keeping online records of transactions is another way to prevent damage to physical evidence from interfering in courtroom proceedings. If all payments were electronically recorded, the burden on litigants of retaining receipts and other documents would be lifted.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--------------------------------------|--|---|
| Store documents in a single location | <input checked="" type="checkbox"/> 261. Evidence Keeper | |
| Keep documents safe | <input type="checkbox"/> 263. Certified Document Storage | |
| Track compliance online | <input checked="" type="checkbox"/> 262. Legal PayPal | |
| Make copies of important information | <input checked="" type="checkbox"/> 248. Enforcement Checklist | |

Version Date: 22 February 2001 Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: Debtor Difficult to Find | 117 |
|----------------------|--------------------------|--|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 161. Locate debtor 168. Hire asset/people locator 169. Serve notice |
| Activity | Case Forming | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |

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|---|---|
| <p>Observation</p> <p>Unless a debtor can be served, no case can be brought against him or her.</p> | <p>Extension</p> <p>Finding a debtor is critical to the successful completion of enforcement proceedings because a trial cannot proceed without the debtor having been served. Debtors, however, can be difficult to find for a variety of reasons: they do not want to be found, they have no permanent residence, and so on.</p> <p>Debtors can be tracked down through their employer, driver's license, property records, etc. However, the average person is unaware of how to find personal information about another person beyond simple techniques such as looking in the phone book. Without knowledge of these specialized information resources or access to them, a judgment creditor is, for all intents and purposes, impotent -- unable to proceed with the case.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Create agencies that specialize in finding judgment debtors | <input type="checkbox"/> 255. Collection Enforcement Agency | |
| Provide information to judgment creditors about existing people locators | <input type="checkbox"/> 256. People Finder List | |
| Require judgment debtors to register their personal information with the court | <input type="checkbox"/> 252. Debtor Disclosure Form | |
| Require judgment debtors to wear tracking devices | <input type="checkbox"/> 258. Collection Anklets | |

Version Date: 22 February 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Asset/People Locator Too Expensive to Hire | 118 |
|----------------------|--------------------------|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 161. Locate debtor 164. Research assets 168. Hire asset/people finder 169. Serve notice |
| Activity | Case Forming | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |

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|---|---|
| <p>Observation</p> <p>Self represented litigants often do not have a lot of money to pursue justice by the best means available, i.e. hiring a lawyer or other service to assist them in their cause.</p> | <p>Extension</p> <p>Finding an uncooperative judgment debtor or finding information about the debtor's background can be difficult for a person of few means. Many self-represented litigants are such because they do not have enough money to hire a lawyer. Some creditors, after having won a judgment in their favor, do not have enough money to find a debtor who evades making reparations.</p> <p>Existing resources to find people and their assets are either expensive or few and far between. Therefore, a person who does not know that people finders exist, or who cannot afford to hire one, are often unable to find the debtors that owe them money.</p> |
|---|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|--|--|
| Offer free asset/people finder services to judgment creditors | <input type="checkbox"/> 255. Collection Enforcement Agency | |
| Provide litigants with a resource list of asset/people finder services that exist | <input type="checkbox"/> 256. People finder list | |
| Require judgment debtors to pay an additional fee for being found | <input type="checkbox"/> 257. Collection Rebate/Bounty Hunters | |
| Require asset/location of debtor at trial | <input type="checkbox"/> 252. Debtor Disclosure Form | |

Version

Date: 23 February 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Unexpected Incarceration | 119 |
|----------------------|---|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 191. Enforce penalty |
| Activity | Resolving | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |
| 16 Feb., 2001 | Holly Roeske Jeanie Lee Loren Gulak Michael Heller | | |

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| <p>Observation</p> <p>In child support enforcement cases, a judgment debtor who does not make his/her payments can be sentenced to jail time for contempt of court.</p> | <p>Extension</p> <p>Self-represented judgment debtors defaulting on their child support payments can be sentenced to jail time. Usually, this occurs when a debtor repeatedly fails to make payments, has no job and has not made an effort to locate employment. If the debtor fails to raise all or a significant portion of his/her debt, he/she must serve the sentence.</p> <p>The lawyers of represented debtors know ways to show judges good faith and can often get their clients early release or work release, freeing the already incarcerated or keeping their clients out of jail. Self represented litigants, however, have little recourse, particularly if they are indigent and truly cannot make their payments.</p> <p>Punishment is swift; judgment debtors found in contempt of court are immediately removed from the courtroom and sent to jail, leaving them no opportunity to get their affairs in order. A judge interviewed said that 80% of debtors that come before him do not return; after they see the severity of the possible penalty, they reform and make their payments.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Create specialized work agencies to employ or find employment for judgment debtors | <input checked="" type="checkbox"/> 287. Work Relief Agency | |
| Require SRLs defaulting for the first time to come to court and watch a judgment debtor be arrested and removed from court | <input checked="" type="checkbox"/> 285. Early Intervention | |
| Provide short term loans or funding to people in immediate need | <input checked="" type="checkbox"/> 294. Fund Finder | |

Version Date: 26 February 2001 Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Unclear About Need for Proof of Payment | 120 |
|----------------------|---|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 187. Transact payment |
| Activity | Resolving | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |
| 16 Feb., 2001 | Holly Roeske Jeanie Lee Loren Gulak Michael Heller | | |

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| <p>Observation</p> <p>Judgment debtors sometimes come to court with claims that child support payments have been made, but with no proof.</p> | <p>Extension</p> <p>While a judgment debtor may make his/her payments in cash, he/she must understand the value of collecting proof of payment. Many self represented litigants seem surprised that the judge did not take their word as proof of payment. Others claim to have proof, but do not bring it to court.</p> <p>A judge needs clear evidence of payment, a person's word is not enough; particularly, when the judgment creditor claims to not have been paid. The state has offices set up to collect child support payments so that the debtor need not come into contact with the creditor and so that a permanent record of the transactions can be kept.</p> <p>Making payments through agencies can alleviate the need to collect receipts. However, for the debtors who choose not to utilize these programs or for debtors who are not paying child support, the importance of obtaining, retaining, and bringing receipts and proof of payment to court must be made clear.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|---|
| Send reminders to bring evidence in service of process or summons | <input checked="" type="checkbox"/> 286. Service Reminder Lines | |
| Establish payment transaction and record keeping system for judgment debtors | <input checked="" type="checkbox"/> 262. Legal PayPal | |

Version Date: 26 February 2001 Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Lack of Compliance Tracking | 121 |
|----------------------|---|---|-------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal observation | 188. Monitor compliance |
| Activity | Resolving | | |
| Originator | Jennifer Joos | | |
| Contributors | | | |
| 16 Feb., 2001 | Holly Roeske Jeanie Lee Loren Gulak Michael Heller | | |

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| <p>Observation</p> <p>By missing or ignoring payments, some judgment creditors in child support enforcement cases amass back payment debts that can rise to tens of thousands of dollars.</p> | <p>Extension</p> <p>While making monthly child support payments can be financially taxing for some judgment debtors, it is better than amassing a huge debt through noncompliance. Unpaid debt does not go away, it continues to accrue. Large debt can result in ruined credit ratings and even jail time.</p> <p>Some child support enforcement cases are not prosecuted immediately. For example, the child's custodian can be financially independent for years and not need the payments. However, the child is entitled to payments and if the child's custodian's financial state suddenly changes, he/she can prosecute for years worth of missed child support money. Also, if the child is state supported, the state can prosecute the defaulting judgment debtor to recover the money it has paid on behalf of the child.</p> <p>If a compliance tracking system were in place, early defaults could be caught and debtors would be not be able to amass large debt, helping both the debtors and the child for whom the payments are meant to support.</p> |
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| <p>Design Strategies</p> <p>Establish payment transaction, record keeping, and monitoring system</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 262. Legal PayPal</p> |
|---|---|

Version Date: 26 February 2001 Date of first version: 22 February 2001

Design Factors

| Design Factor | | Title: Unfamiliar with Civil Procedure | 122 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Interview with court administrator 2.15.01 | 179. Offer evidence 180. Conduct survey of debtor 181. Make motions 185. Offer direction |
| Activity | Presenting | Interview with Judge in Pro Se Court 2.15.01 | |
| Originator | Loren Gulak | Zorza, Richard. Draft - Not For Citation. Pg 22 | |
| Contributors | | | |
| 19 Feb., 2001 | Michael Heller Jennifer Joos Jeanie Lee Holly Roeske | | |

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| <p>Observation</p> <p>Because of the additional complexity of enforcement hearings, it is easy for an SRL to experience difficulty and make errors while working through procedures.</p> | <p>Extension</p> <p>There are several critical legal actions in enforcement hearings that must be fully understood if an SRL is to be successful.</p> <p>The primary focus of the enforcement hearing is surveying the debtor's assets. The SRL, as creditor, may not know at this stage what can be done to obtain information about assets. Likewise, the SRL as debtor may be unaware of how to request a motion for continuance -- or even why he/she would benefit from requesting it.</p> <p>Even though a litigant may be more knowledgeable about general court procedures by this time in the process, there are still special aspects of enforcement hearings that, if handled badly, can slow closing the case or bring it to a halt. Many litigants expect the court to provide some direction at this stage, at least information on what to do next. Some judges provide this information; many do not.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|---|
| Match litigants needing direction with judges willing to provide it. | <input checked="" type="checkbox"/> 276. SRL aptitude test. | |
| Relay the types and purposes of a motion | <input checked="" type="checkbox"/> 279. Enforcement Recipes | |
| Determine what asset information is needed to move forth and collect the judgment/settlement | <input checked="" type="checkbox"/> 297. Customer Service Campaign | |

Version Date: 22 February 2001 Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: Difficulty Coordinating Schedules | 123 |
|----------------------|---|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Court Observation, 15 February 2001 | 183. Continue |
| Activity | Presenting | Court Observation, IPRO Fall 2000 | |
| Originator | Loren Gulak | | |
| Contributors | | | |
| 19 Feb., 2001 | Michael Heller Jennifer Joos Jeanie Lee Holly Roeske | | |

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|---|---|
| <p>Observation</p> <p>If a court date is rescheduled, or if a trial is continued, it can be difficult to find a date agreeable to all parties.</p> | <p>Extension</p> <p>The rescheduling of court dates is based on statutory regulations that allow for paper work to be processed properly between old and new dates. Once selected with all due concern for court requirements, the dates picked may still have problems for the litigants. It may be difficult for one or both litigants to attend. A litigant may have difficulty rearranging his or her personal schedule, may not be able to obtain release from work, or may not be able to find child care.</p> <p>Even when rescheduling appears to be successful, whether the enforcement hearing actually proceeds is dependent upon the appearance of the debtor if an attachment has not already been filed.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
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| Provide a window for rescheduling that varies base on completion level of case work (incentives). | <input checked="" type="checkbox"/> 281. Variable Scheduling | |
| Provide a list of possible court dates when the case is first entered into the system. | <input type="checkbox"/> 274. "Book'em Thru" Court Dates | |
| Eliminate the need for rescheduling due to a continuance for missing litigants and paperwork. | | |

Version

Date: 23 February 2001

Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: Explanation of Rulings Not Understood | 124 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Court Observation 15 February 2001 | Associated Function/s 182. Rule 184. Explain ruling |
| Mode | Enforcement | | |
| Activity | Presenting | Court Observation Design factor, IPRO Fall 2000 | |
| Originator | Loren Gulak | | |
| Contributors | | | |
| 19 Feb., 2001 | Michael Heller Jennifer Joos Jeanie Lee Holly Roeske | | |

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| <p>Observation</p> <p>After the judge hands down a ruling, even after a brief explanation, it can still be unclear as to what the next step is for an SRL.</p> | <p>Extension</p> <p>Rulings made by the court can be for motions, judgments, or other documents. The meaning and required actions of the ruling would typically be understood by an attorney and translated for the litigant from legalese into an understandable context. Without the aid of counsel, the extent of the explanation is up to the discretion of the judge. In some instances, the judge will provide additional direction concerning the actions required of both parties. In other cases, judges will not.</p> <p>Even with an explanation from the judge about what has been ruled, the next steps for the litigants can still be unclear. Language hurdles as well as legal terminology can also exacerbate the problem in a situation that requires clear understanding.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Educate litigant as ruling is delivered | <input checked="" type="checkbox"/> 273. TopTen Lists | |
| | <input type="checkbox"/> 278. ExitCheck | |
| | <input checked="" type="checkbox"/> 277. Ruling-in-Hand | |

Version Date: 22 February 2001

Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: Evidence is Invalid or Unobtainable | 125 |
|----------------------|---|---|----------------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Court Observation, Judge interview 15 February 2001 | 179. Offer evidence 182. Rule |
| Activity | Presenting | Site visit observation/ discussion, 20 February 2001 | |
| Originator | Loren Gulak | | |
| Contributors | | | |
| 19 Feb., 2001 | Michael Heller Jennifer Joos Jeanie Lee Holly Roeske | | |

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| <p>Observation</p> <p>For lack of understanding of the role of evidence, an SRL may fail to obtain evidence that is pertinent or may present evidence that is not acceptable.</p> | <p>Extension</p> <p>Litigants often come into court without evidence or unaware of the “rules of evidence” that describe what is legally admissible. These litigants are at a disadvantage since there are potentially no solid facts to support their side of the case.</p> <p>Litigants think that they can just tell the truth without having any evidence to back up what they say. In these situations, the case is either continued to a later date or the case proceeds without the validation of the verbal statement.</p> <p>During opening statements of a court session observed, the judge explained the difference between admissible evidence and hearsay, as well as what to do if there is evidence for a the case, but it is not at hand. In spite of this explanation, one litigant still tried to proceed with his case, saying he had evidence, but not at court. The judge rescheduled the case for a later date after a wrist-slapping lecture.</p> |
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| <p>Design Strategies</p> <p>Provide examples of evidence based on case types</p> <p>Identify rules of evidence</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 275. Evidence Education</p> |
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Version

Date: 20 February 2001

Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: Creates Adversarial Situation | 126 |
|----------------------|---|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Court observation 15 February 2001 | 186. Negotiate settlement 193. Seize assets |
| Activity | Resolving | Interview 15 February 2001 | |
| Originator | Michael Heller | | |
| Contributors | | | |
| 19 Feb., 2001 | Jennifer Joos Jeanie Lee Holly Roeske | | |

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| <p>Observation</p> <p>The process of evicting a tenant, collecting a payment or even negotiating a settlement presents a situation where adversaries must come together to deal with one another and the situation at hand. Combining this with the tasks of the process, SRLs experience a great deal of stress and frustration in the actual enforcement of a judgment.</p> | <p>Extension</p> <p>Typically what is at stake it for SRL's is much greater than the litigant who can afford counsel. By the time the case has evolved to the point of an enforcement hearing, the consequences can result in the loss of personal property, home, or even jail time. When situations arise where both parties must confront one another under these conditions, tension, stress, frustration, and anger set it.</p> <p>The eviction of a tenant can cause confrontation between the parties. While the sheriff does the actual eviction, there can still be animosity between the parties. The payment of child support, alimony, transferring the custody of children, and the payment of monetary judgments also cause conflicts between litigants outside the courthouse.</p> <p>Within the courthouse, clerks/staff who are curt and not helpful only add to the stress that an SRL must deal with going through the process. When a judge hands down a ruling that the SRL does not understand, that can complicate the matter and affect the already confused litigant.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|----------------------------------|---|---|
| Reduce stress level of litigants | <input checked="" type="checkbox"/> 295. Tension breaker | |
| Reduce tension between litigants | <input type="checkbox"/> 296. Judgment Exchange | |
| Reduce conflict & confrontation | | |
| Change court staff conduct | <input type="checkbox"/> 297. Customer Service Campaign | |
| Identify expectation | <input checked="" type="checkbox"/> 159. SRL Resource Guide | |

Version Date: 22 February 2001

Date of first version: 16 February 2001

Design Factors

| Design Factor | | Title: No Place to Wait | 127 |
|----------------------|--|---|---|
| Project | Access to justice | Source/s Personal Observation, Court. February 15, 2001 | Associated Function/s 170. Find location 175. Wait for turn 176. Orient to procedure |
| Mode | Enforcement | | |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |

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| <p>Observation</p> <p>There is no appropriate place in the court for litigants to wait their turn before presenting</p> | <p>Extension</p> <p>Litigants have to wait their turn before they present their case in court. The court room is where most of the litigants end up waiting. Sitting in the courtroom provides litigants with an opportunity to familiarize themselves with the environment and procedures. It also assures litigants who are anxious about missing their turn.</p> <p>However, the court room is often crowded and not a good place to concentrate when litigants try to go through prepared files. Since talking is not allowed in the courtroom, it is difficult for litigants who have company to have a last minute conversation. Lack of privacy is another problem when waiting inside the courtroom.</p> <p>Outside most courtrooms, there are few places to sit and even if litigants manage to do so, the environmental noise distracts litigants from effectively reviewing their enforcement strategy.</p> <p>Providing a space that allows litigants to effectively spend their waiting time is crucial. Utilizing waiting time for a final review of the case will be helpful for litigants wanting to be sure of their preparation before presenting the case.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative |
|---|---|--|
| Provide an appropriate waiting space | <input checked="" type="checkbox"/> 191. HearingLib | |
| Utilize waiting for file review process | <input checked="" type="checkbox"/> 271. Next in line | |
| Confirm waiting turn | <input checked="" type="checkbox"/> 272. Page me | |

Version Date: 19 February 2001 Date of first version: 30 January 2001

Design Factors

| Design Factor | | Title: Complicated Schedule Board | 128 |
|----------------------|--|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, Court. 15 February 2001 | 173. Verify schedule |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |

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| <p>Observation</p> <p>Before presenting in court, litigants have to check their schedules to confirm time and place where hearing is held</p> | <p>Extension</p> <p>Verifying the schedule before presenting in court is a crucial step for self-represented litigants. Outside courtrooms, there are boards filled with information related to the schedule of hearings. Litigants confirm their schedules as they reach the court to make sure there have been no last minute changes.</p> <p>It is difficult, however, for SRLs with little background knowledge about court systems to understand the schedule quickly. To find one's own scheduled time out of the massive information posted on a schedule board is both a time and effort consuming process.</p> |
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| <p>Design Strategies</p> <p>Provide customized schedule</p> <p>Provide intuitive schedule board</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 266. My own schedule</p> |
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Version Date: 19 February 2001 Date of first version: 30 January 2001

Design Factors

| Design Factor | | Title: Hard to Navigate | 129 |
|--|--|---|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, February 15, 2001 | 170. Find location 175. Wait for turn 176. Orient to procedure |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |
| Observation | | Extension | |
| <p>Because they are usually unfamiliar with both court terminology and the spatial layout of the court, SRLs find navigating in court especially difficult without a well-designed signage system.</p> | | <p>Navigation systems provided by courts can be more confusing than helpful to self-represented litigants. Lack of critical signage is one of the major reasons for SRL confusion. This coupled with uncertainty about the meaning of words associated with court procedures makes all but sensitively thought-out navigation systems potential problems rather than solutions for the novice SRL.</p> <p>In an example court visited, there was no sign at the entrance to the court to direct people to where they needed to go. An information kiosk was placed near the entrance, but it was out of the way in a low-traffic area, and the information that it provided added to the confusion of the visitor. People who were not law experts and knowledgeable about the court's floor plans were unlikely to find their way confidently to their destinations.</p> | |
| Design Strategies | | Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative | |
| Provide improved navigation tool | | <input checked="" type="checkbox"/> 270. Follow me <input checked="" type="checkbox"/> 267. Navigation simulator | |

Version **3**

Date: 19 February 2001

Date of first version: 30 January 2001

Design Factors

| Design Factor | | Title: Lack Guidance of Procedure | 130 |
|----------------------|--|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, February 15, 2001 | 172. Check in with court clerk 176. Orient to procedure |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |

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| <p>Observation</p> <p>Self-represented litigants find it difficult to identify and follow the required procedures.</p> | <p>Extension</p> <p>Self-represented litigants often have no idea what steps they should follow in presenting their cases in court. As a result, they often fail to present their cases well. As an example, one defendant observed did not know that he had to file for an appearance before presenting. He was directed to go back and file, delaying the case and wasting time for both parties.</p> <p>A simple procedural guideline would help SRLs to navigate court processes much more easily and would save them and the court time and effort.</p> |
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| <p>Design Strategies</p> <p>Provide guideline for procedures</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 265. Procedure Mapper Tracker</p> |
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Version

Date: 19 February 2001

Date of first version: 17 February 2001

Design Factors

| Design Factor | | Title: Feel Uncomfortable | 131 |
|----------------------|--|---|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, February 15, 2001 | 171. Pass security |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |

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| <p>Observation</p> <p>How uncomfortable people feel in passing through security depends partly on how much their privacy is invaded and partly on how unexpected the inspection procedures are.</p> | <p>Extension</p> <p>People have to pass through security when entering the court building. In the process, they must have their belongings checked by security guards. Most people understand that this is a necessary procedure when entering court; however, they are highly critical of any activity that adds to the discomfort -- mentally or physically -- they must endure.</p> <p>For example, people who are carrying items prohibited in court must deposit them before entering the court. Security guards can minimize the disruption this entails by making sure that people entering court are immediately made aware of this requirement and then handling the deposit process expeditiously before any inspection activity. When sensitivities are respected, security procedures become manageable problems.</p> |
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| <p>Design Strategies</p> <p>Create a pleasant court experience</p> | <p>Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 297. Customer Service Campaign</p> |
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Version

Date: 19 February 2001

Date of first version: 30 January 2001

Design Factors

| Design Factor | | Title: Unable to Verify Completeness | 132 |
|--|--|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, February 15, 2001 | 174. Review documents |
| Activity | Arriving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |
| Observation While litigants are waiting to present their cases, they frequently have time to review procedure and documents. | | Extension While waiting turn to present their cases, litigants go through prepared documents. They make sure they have all necessary documents and also have a final review of their strategy. The problem is, many SRLs do not have a good means of checking what they have done or what they have prepared. They may have failed to file required documents or failed to bring crucial evidence or filled out forms incorrectly. It is difficult for them to verify the completeness and accuracy of their actions without some means of expert confirmation. | |
| Design Strategies Provide expertise in reviewing documents | | Solution Elements Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative <input checked="" type="checkbox"/> 191. HearingLib | |

Version

Date: 19 February 2001

Date of first version: 17 February 2001

Design Factors

| Design Factor | | Title: Suddenly Homeless | 133 |
|--|---|--|-----------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation, February 15, 2001 | 189. Evict tenant |
| Activity | Resolving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |
| Observation | Extension | | |
| Tenants have no place to live when the judgment for eviction is enforced | <p>When the judgment for eviction is enforced in a landlord/tenant case, tenants face a radical change in their life; some people suddenly become homeless. Because having a place to live is one of the most fundamental necessities in daily life, it is a serious crisis when a tenant loses his/her home.</p> <p>Providing a temporary shelter for tenants will help by allowing time for them to look for a new place to live. Support programs for financial aid allow tenants to find a new residence more easily and quickly.</p> | | |
| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative | |
| Provide a temporary residence | <input checked="" type="checkbox"/> 290. Operation Homeless | | |
| Provide programs for financial aid | <input checked="" type="checkbox"/> 294. Fund Finder | | |
| Provide job information | <input checked="" type="checkbox"/> 287. Work Relief Agency | | |

Version

Date: 21 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Environment Unsuitable | 134 |
|--|--|---|---------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation | 186. Negotiate settlement |
| Activity | Resolving | | |
| Originator | Jeanie Lee | | |
| Contributors | | | |
| 16 Feb., 2001 | Loren Gulak Jennifer Joos Holly Roeske | | |
| Observation There is no appropriate place for a plaintiff and defendant to negotiate enforcement. | | Extension After the judgment for enforcement is made, plaintiff and defendant should negotiate for settlement. However, there is seldom an appropriate place at court for negotiation. Inside, the court is in session and people unconnected with the current case are not allowed to talk. Outside, the hallways create a distractive environment where there is no space to discuss private issues related to the case. It is important to have a quiet and private environment where negotiation can be held. After the judgment, there is also a possibility that the debtor might not be cooperative in negotiation. An assistance program like mediation, would be helpful in facilitating the negotiation process. | |
| Design Strategies Provide a space to help negotiating settlement Help in facilitating negotiation | | Solution Elements Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative <input checked="" type="checkbox"/> 291. Neutral Zone | |

Version

Date: 21 February 2001

Date of first version: 21 February 2001

Design Factors

| Design Factor | | Title: Unable to Assign Value to Options | 135 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Heller & Frisone, Ltd. Notes on Collection. Chicago, IL. 2000. Duplicated | Associated Function/s 157. Weigh value for pursuit 160. Select appropriate pleading |
| Mode | Enforcement | | |
| Activity | Orienting | | |
| Originator | Holly Roeske | | |
| Contributors | Loren Gulak Jennifer Joos Jeanie Lee | | |
| 19 Feb., 2001 | | | |

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| <p>Observation</p> <p>There are several options available to self represented litigants for enforcing a judgment made in their favor. It is difficult for self represented litigants to select among the options available to them.</p> | <p>Extension</p> <p>Enforcement can be a time consuming and expensive process. Many self represented litigants are unaware of the further commitment they may have to make in order to collect on a judgment.</p> <p>Enforcement of a judgment can be done in several ways: through mediation, additional court proceedings leading to setting up payment plans, garnishment of wages, as well as others. Each of the enforcement procedures requires different amounts of time and effort. Some judgments may be so small that an SRL may not consider even pursuing collection because of the amount of effort required to collect. If SRLs had a means of comparing the different ways to enforce a judgment, they could save themselves a lot of headache and wasted effort.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
| Provide means of identifying various options & make decision | <input checked="" type="checkbox"/> 242. Pursuit Evaluator | |
| Provide a means to identify effect on self represented litigant's life | <input checked="" type="checkbox"/> 248. Enforcement Checklist | |

Version

Date: 22 February 2001

Date of first version: 15 February 2001

Design Factors

| Design Factor | | Title: Unable to Locate Information | 136 |
|----------------------|---|--|--|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Interview Ron Staudt. February 16, 2001 | 155. Gather information 159. Build enforcement strategy |
| Activity | Orienting | | |
| Originator | Holly Roeske | | |
| Contributors | Loren Gulak Jennifer Joos Jeanie Lee | | |
| 19 Feb., 2001 | | | |

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|---|---|
| <p>Observation</p> <p>It is often difficult for self represented litigants to locate information about enforcement procedures. Many courts have no assistance programs for self represented litigants.</p> | <p>Extension</p> <p>Being able to locate relevant information is key to beginning the enforcement process. Most US courts have been designed to accommodate the needs of individuals trained in law, this has created a huge disconnect for people unfamiliar with this esoteric system.</p> <p>Typically, law libraries housed within court facilities and other public buildings are the only resources available to self represented litigants. But even if self represented litigants visit a law library, it may be very difficult for them to locate the information they need, especially if they don't know what they need. By physically locating information where it has the most contextual relevance, self represented litigants are more likely to be able to find the information they need, when they need it.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|--|--|
| Offer direction to relevant information sources | <input checked="" type="checkbox"/> 247. Enforcement Compass | |
| Locate information sources in contextually specific venues | <input checked="" type="checkbox"/> 250. Site Finder | |

Version Date: 19 February 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Space Not Provided | 137 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Interview, Jennifer Joos. 16 February 2001 | 155. Gather information 158. Accommodate resources |
| Activity | Orienting | Interview, Michael Heller, 16 February 2001 | |
| Originator | Holly Roeske | Review of Site Observations, Margaret Alrutz, Joerg Kri- wath, 20 February 2001 | |
| Contributors | Loren Gulak Jennifer Joos Jeanie Lee | | |
| 19 Feb., 2001 | | | |

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| <p>Observation</p> <p>Though some court systems have built support for self represented litigants into their facilities, many systems have not, and do not have physical space to adequately accommodate such a place.</p> | <p>Extension</p> <p>Some states have created solid support systems to help guide SRLs through the system by creating self help centers within court facilities. Some court facilities are housed in relatively new buildings, but many other facilities were built long before the recent boom in self representation, and simply do not have space to accommodate extra resources for SRLs. Existing self-help centers located in more advanced locations include tables where SRLs can work, waiting areas, consultation rooms, as well as legal documents and forms.</p> <p>In order to create a functional resource center, space should be dedicated to serve that purpose. Space resources are not available in many older facilities, so other solutions should be considered.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|--|
| Digitize Information to decrease storage space requirements | <input checked="" type="checkbox"/> 241. Digi-Store | |
| Find alternatives to "brick and mortar" solutions | <input checked="" type="checkbox"/> 239. Mobile Legal Resource Center | |
| Evaluate and Prioritize Space Utilization | <input checked="" type="checkbox"/> 243. Space Finder | |
| Identify other suitable locations for resources | <input checked="" type="checkbox"/> 240. Community Connections | |

Version Date: 22 February 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Resources Not Consolidated | 138 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Interview with Court Administrator, February 15, 2001. | 155. Gather information 158. Accommodate resources |
| Activity | Orienting | Zorza, Richard, and Zorza Associates. Designing, From the Ground Up, A Self-Help Centered Court, One in Which the Litigant Without a Lawyer is the Norm. 2001: 12 | |
| Originator | Holly Roeske | | |
| Contributors | Loren Gulak Jennifer Joos Jeanie Lee | | |
| 19 Feb., 2001 | | | |

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| <p>Observation</p> <p>Often, self represented litigants need to collect information from various sources in order to make their case. This process can be time consuming and frustrating. Self represented litigants would benefit greatly from “one stop” information shopping.</p> | <p>Extension</p> <p>The information needed to build an enforcement case is often located in many different places. Self represented litigants must be aware of all of the potential sources, and have access to them in order to build an effective case. Locating and traveling to various sources of information can be time consuming and confusing.</p> <p>In order to enforce a judgment, self represented litigants must be aware various types of pleadings, different methods for locating the debtor and identifying the debtors assets, as well as many other pieces of information.</p> <p>At one court, the staff of the pro se help desk identify where information can be found, and direct self represented litigants to those resources. Most SRLs do not have resources available to them, and they end up spending much of their time tracking down information. Richard Zorza feels that “Related resources should be housed closely together.” (Zorza 12) Consolidation of resources would greatly reduce the amount of time and effort spent traveling to different locations collecting information.</p> |
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| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|---|---|---|
| Centralize Information Sources | <input checked="" type="checkbox"/> 238. Pro Se Legal Library | |
| Actively Link Related Digital Information | <input checked="" type="checkbox"/> 246. Hyper Law | |

Version Date: 22 February 2001

Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Tools Not Available | 139 |
|----------------------|---|---|---|
| Project | Access to justice | Source/s Zorza, Richard, and Zorza Associates. Designing, From the Ground Up, A Self-Help Centered Court, One in Which the Litigant Without a Lawyer is the Norm. 2001: 56 | Associated Function/s 155. Gather information 159. Build enforcement strategy |
| Mode | Enforcement | | |
| Activity | Orienting | | |
| Originator | Holly Roeske | | |
| Contributors | Loren Gulak | | |
| 19 Feb., 2001 | Jennifer Joos Jeanie Lee | | |

| | |
|--|---|
| Observation Building an appropriate strategy is a key to successful enforcement. Currently, there are no tools available to assist self represented litigants in crafting an enforcement strategy. | Extension Richard Zorza feels that “Staff should assist the litigant in crafting the enforcement strategy, making sure that all steps that the court can take are being taken, and the litigant understands everything that she or he needs to do, and when and how to do it.” (Zorza 56) Under ideal circumstances, each self represented litigant would have someone to personally guide them through the process. Unfortunately, not all court systems would legally allow assistance to come from anyone but a lawyer. This type of service would be deemed as providing “legal advice.” Also, the additional staff required to provide such a service would be cost prohibitive for many court systems. But currently, most pro se litigants are left on their own to build a strategy, and are unsure about the best route to take. |
|--|---|

| Design Strategies | Solution Elements | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input type="checkbox"/> Speculative |
|--|---|--|
| Identify Feasible Approaches | <input checked="" type="checkbox"/> 244. Strategy Building Blocks | |
| Use Scenarios to Guide Decision Making | <input checked="" type="checkbox"/> 249. Strategy Sketch | |

Version Date: 22 February 2001 Date of first version: 18 February 2001

Design Factors

| Design Factor | | Title: Unable to Comprehend Material | 140 |
|----------------------|--------------------------|---|--------------------------|
| Project | Access to justice | Source/s | Associated Function/s |
| Mode | Enforcement | Personal Observation | 156. Analyze information |
| Activity | Orienting | | |
| Originator | Holly Roeske | | |
| Contributors | Loren Gulak | | |
| 19 Feb., 2001 | Jennifer Joos | | |
| | Jeanie Lee | | |

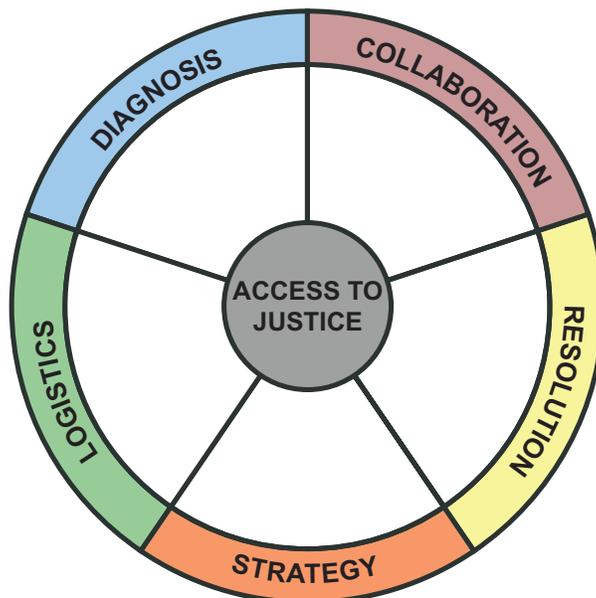
| | |
|--|--|
| <p>Observation</p> <p>Legal language is “foreign” to many, not just non-native speakers.</p> | <p>Extension</p> <p>Language and lack of understanding are major barriers to access to information within the US civil justice system. Someone who is not familiar with legal procedures does not know what to ask or how to find what they need in order to get justice. Once they locate the appropriate sources of information, they must be able to comprehend the information in order to make effective decisions. Self represented litigants may feel self conscious when asking for clarification of a term or concept they do not understand.</p> |
|--|--|

| | |
|---|---|
| <p>Design Strategies</p> <p>Provide information with “Plain English” translation</p> <p>Hyper-link definitions to terms and concepts in digital documents</p> | <p>Solution Elements</p> <p>Status: <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modified <input type="checkbox"/> Speculative</p> <p><input checked="" type="checkbox"/> 245. Speak My Language</p> <p><input checked="" type="checkbox"/> 246. Hyper Law</p> |
|---|---|

Access to Justice

Meeting the Needs of Self-Represented Litigants

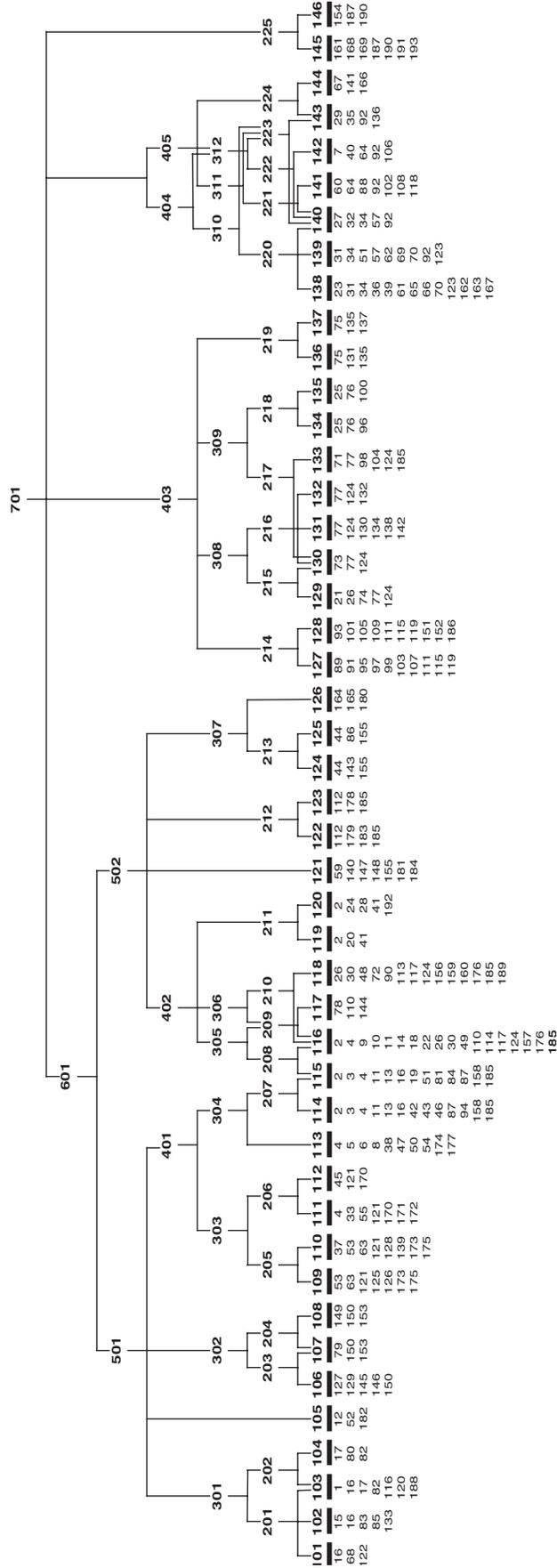
Appendix: Information Structure



Access to Justice:
Meeting the Needs of Self-Represented Litigants

Information Structure

- Functions**
 1 - 39: D Diagnosis
 40 - 76: P Preparation
 77 - 120: A ADR
 121 - 154: H Hearing
 155 - 193: E Enforcement

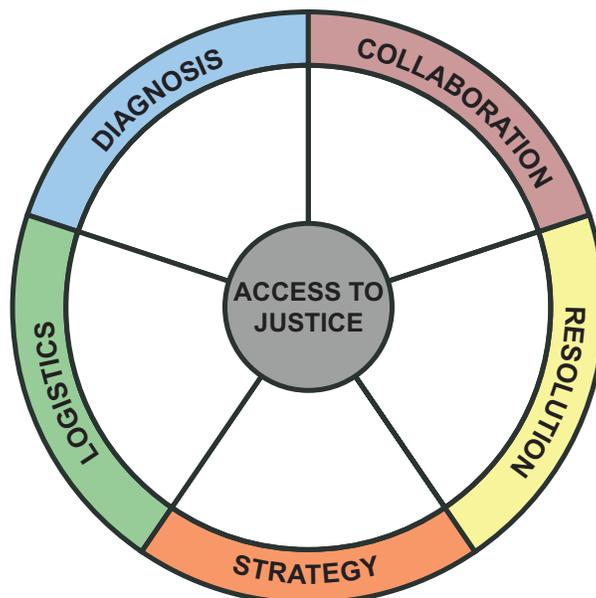


Numbers not used: 56 and 58

Access to Justice

Meeting the Needs of Self-Represented Litigants

Appendix: Samples



Samples

| | | |
|--------------------------|----------------------------|-----------|
| Activity Analysis | Activity: Orienting | 26 |
|--------------------------|----------------------------|-----------|

| | |
|---------------|---|
| Project | Access to Justice |
| Mode | Enforcement |
| Originator | Holly Roeske |
| Contributors | Loren Gulak Michael Heller Jennifer Joos Jin Lee |
| 13 Feb., 2001 | Charles Owen |
| 4 May, 2001 | Charles Owen |

Scenario
A self-represented litigant seeks to understand the enforcement process and form a strategy to pursue a judgment made in his favor.

| Users | System Components | Environmental Components |
|---|---|---|
| Self-represented litigant Plaintiff's family/friends Court staff Other self-represented litigants Assistance program staff Facilitators (in some states) | Forms Brochures Computer station Printer Database Work surface | Lighting Space configuration Work space Storage units Computer network Library |

| Functions | Associated Design Factors |
|----------------------------------|--|
| 155. Gather information | 136. Unable to Locate Information |
| 158. Accommodate resources | 138. Resources Not Consolidated |
| 159. Build enforcement strategy | 137. Space Not Provided |
| 157. Weigh value of pursuit | 139. Tools Not Available |
| 160. Select appropriate pleading | 135. Unable to Assign Value to Options |
| 156. Analyze information | 140. Unable to Comprehend Material |

Samples

| | | | | |
|-------------------------|----------------------------------|--|---------------------------------|------------|
| Solution Element | | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative | Title: Pursuit Evaluator | 242 |
| Project | Access to Justice | Description: | | |
| Mode | Enforcement (Preparation) | A tool to assist self-represented litigants in identifying the means for enforcement of a judgement made their favor. Helps them to decide whether or not to pursue enforcement. | | |
| Activity | Orienting | Source (if existing or modified) | | |
| Originator | Holly Roeske | New concept. | | |
| Contributors | Charles Owen | | | |
| 29 Apr., 2001 | | | | |

Properties — *what it is:*

- A decision support tool
- An interactive computerized data base
- Access via internet or intranet (within court facilities)
- Multiple interface modes
- Means for comparing user input information with information in database
- Software for calculating and comparing user resources with estimated resources required for enforcement actions

Features — *what it does:*

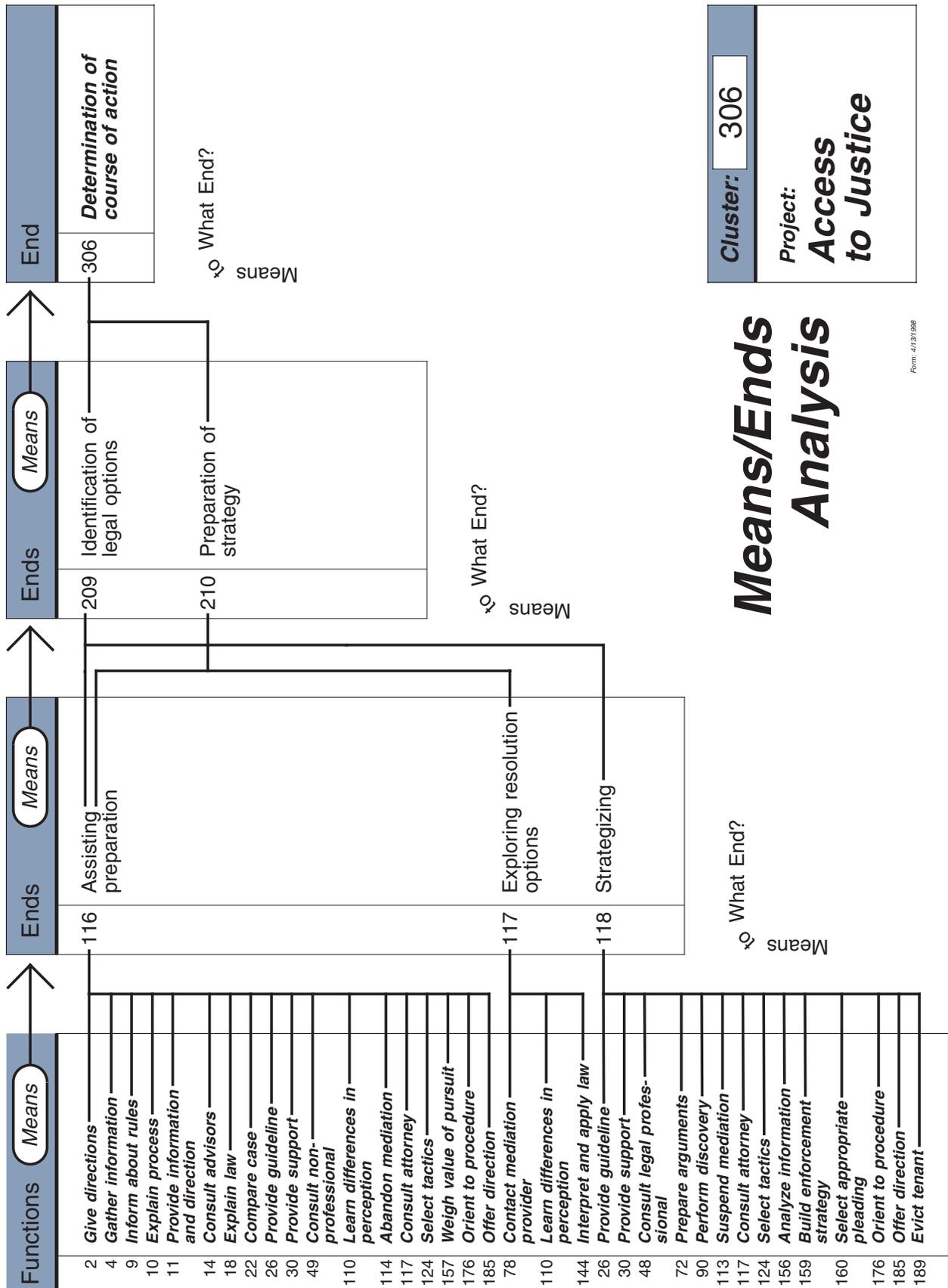
- Provides a means for self-represented litigants to evaluate their personal priorities
- Identifies the financial, time and travel resources that self-represented litigants have available
- Identifies the various means that can be used to pursue enforcement of a judgment
- Identifies the potential financial, time and travel investments associated with various means of enforcing the judgment
- Overlays personal means (resources) with the investments that must be made for each potential judgment collection route
- Provides information for self-represented litigants to make an informed decision regarding enforcement of a judgment

Associated Function/s

- 157. Weigh value of pursuit
- 160. Select appropriate pleading

Source Design Factor/s

- 135. Unable to Assign Values to Options

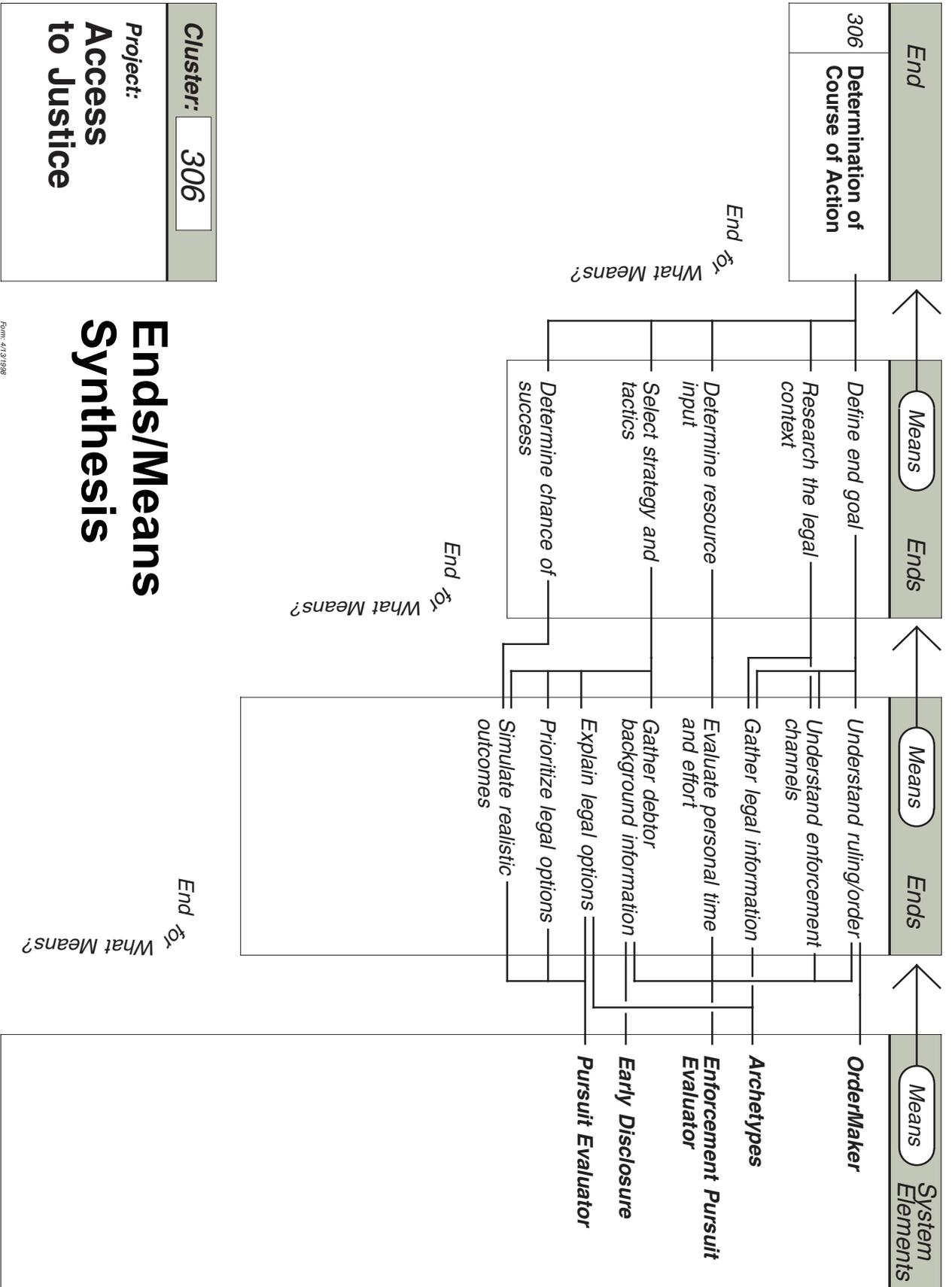


Cluster: 306

Project: Access to Justice

Means/Ends Analysis

Form: 4/13/98



Cluster:

Project:
Access to Justice

Ends/Means Synthesis

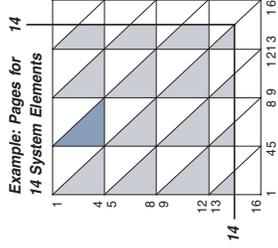
Form: 4/13/1988

Project: Access to Justice

System Element Pairings: 25 28 with 33 36
row elements column elements

Page: 119

System Element Relationships



| | | |
|----|--|---|
| 33 | <p>Early Disclosure</p> <p>Archetypes' codification system provides guidelines for discovery in Early Disclosure</p> | <p>none</p> |
| 34 | <p>Pursuit Evaluator</p> <p>Archetypes targeted information base correlates with Pursuit Evaluator's evaluation tool</p> | <p>none</p> <p>e-Mediation utilizes Pursuit evaluator to create awareness of the resources needed for litigation</p> |
| 35 | <p>OrderMaker</p> <p>OrderMaker links with an Arche-type to ascertain case type and presents a list of common orders specialized to the case type</p> | <p>none</p> <p>OrderMaker provides resolution templates for e-Mediation</p> |
| 36 | <p>Enforcement Pursuit Evaluator</p> <p>Archetypes' information base feeds into Enforcement Pursuit Evaluator to tailor interactions to specific case type</p> | <p>none</p> <p>Enforcement Pursuit Evaluator can provide users of e-Mediation with realistic appraisals of costs/benefits of enforcing an order vs mediating a settlement</p> |

| | | | |
|----------------------------|---|---|---|
| <p>Preliminary Numbers</p> | <p>none</p> | <p>none</p> | <p>none</p> |
| <p>System Elements</p> | <p>Enforcement Pursuit Evaluator can provide users of e-Mediation with realistic appraisals of costs/benefits of enforcing an order vs mediating a settlement</p> | <p>Enforcement Pursuit Evaluator can, with My Mentor, link a user to a paralegal in legal services who has knowledge of the experience to be expected</p> | <p>Just In Time provides information as needed within the Enforcement Pursuit Evaluator application</p> |

Some questions to ask:

1. How should System Element X work with System Element Y?
2. What new feature/s are possible if System Element X works with System Element Y?
3. What new property/ies would make System Element X work with System Element Y?

| | | | |
|---|---------------------------|-------------------------|----------------------------|
| <p>Archetypes</p> <p>System Elements</p> | <p>e-Mediation</p> | <p>My Mentor</p> | <p>Just In Time</p> |
| <p>Preliminary Numbers</p> | <p>25</p> | <p>26</p> | <p>27</p> |
| | | | <p>28</p> |

Samples

| System Element | | Status: <input type="checkbox"/> Existing <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Speculative | Title: Enforcement Pursuit Evaluator |
|--|---|---|--|
| Originator | Jennifer Joos | Superset Element/s: Pursuit Evaluator | Related Elements: EarlyDisclosure PayTrac DebtorModule |
| Contributors | | Subset Elements: None | |
| 19 Apr., 2001 | Holly Roeske Loren Gulak Jin Lee | | |
| 30 Apr., 2001 | Charles Owen | | |
| Source (if Existing or Modified): N.A. (speculative) | | | |

Description:

An on-line tool that allows litigants to evaluate whether the pursuit of collection of a judgment would be worth their time and effort. The **Enforcement Pursuit Evaluator** is part of a more comprehensive **Pursuit Evaluator** that allows a potential litigant to evaluate whether it is worthwhile to file a lawsuit and then enforce the judgment.

Properties — *what it is:*

- Decision support tool that asks users about their case information and preferences
- Database of case-related enforcement statistics
- Query fields for asset and case information
- Information processor to ascertain viable options for litigants
- Simulation tools for projecting scenarios
- Graphic representations of scenario results

Features — *what it does:*

- Provides information for litigants to make an informed decision regarding the enforcement of a judgment
- Can be used alone to evaluate time and effort necessary to collect a judgment
- Can be used with the **Pursuit Evaluator** to gain a comprehensive view of the entire process
- Apprises a litigant of information necessary to proceed with enforcement
- Identifies the options possible for pursuit of a judgment
- Recommends routes of fastest settlement
- Simulates the results of making different pursuit choices
- Displays results of simulation in a fashion that makes it easy to compare pursuit routes

Version 3 Date: 30 April, 2001

Date of first version: 11 April, 2001

Form: 5/19/1998

System Element

Continuation page: 1

Title: **Enforcement Pursuit Evaluator**

Fulfilled Functions

- 4. Gather information (Diagnosis)
- 10. Explain process (Diagnosis)
- 11. Provide information and direction (Diagnosis)
- 13. Experience court (Diagnosis)
- 16. Understand process (Diagnosis)
- 20. Examine facts and evidence (Diagnosis)
- 54. Provide maps and instructions (Preparation)
- 60. Determine intention/objective (Preparation)
- 74. Predict outcome (Preparation)
- 124. Select tactics (Hearing)
- 154. Educate litigant (Hearing)
- 157. Weigh value of pursuit (Enforcement)
- 159. Build enforcement strategy (Enforcement)
- 160. Select appropriate pleading (Enforcement)
- 176. Orient to procedure (Enforcement)

Associated Design Factors

- 2. Strategy-Matched Relevance of Information
- 8. Time Constraints
- 23. Relevance of Information
- 29. Procedures for Strategizing are Not Obvious
- 30. No Time to Consider Ramifications
- 44. Mental Model for Court Processes not Available
- 46. Retrieval of Data is Time Consuming
- 47. Inability to Critically Evaluate
- 58. Financial Planning
- 64. Unconvinced of Legitimacy of Option
- 82. Unfamiliar Process
- 85. Orienting Newcomers to Basic Procedures
- 93. End of Trial Confusion
- 95. Expectation of Immediate Enforcement
- 122. Unfamiliar with Civil Procedure
- 135. Unable to Assign Value to Options

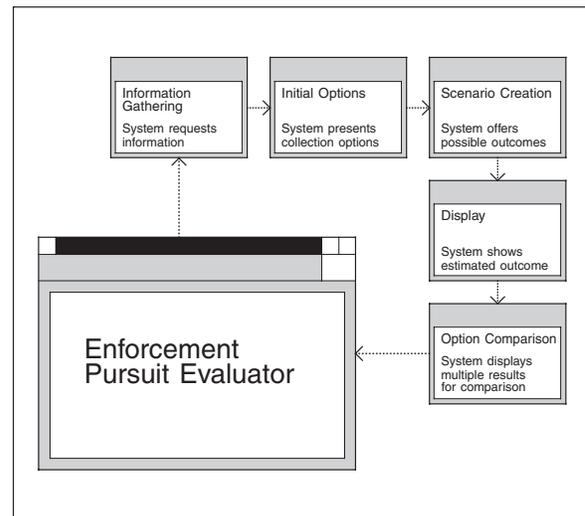
Discussion

Self-represented litigants are often unaware of the difficulties that face them in collecting a judgment. Many believe that by winning their cases, they are automatically awarded what they are due. However, collection is a complicated process that relies heavily on the cooperation of the judgment debtor. If the debtor is resistant to paying or is unable to pay, the burden to collect falls heavily on the shoulders of the judgment creditor.

Creditors pursuing collection from an unresponsive debtor can be forced to file numerous citations to show cause, discover assets, and compel the debtor to appear in court. This process can be lengthy and expensive, and often unfruitful.

Knowing which supplemental proceeding to use to aid collection is important. Lawyers, because of their education and experience are able to help determine the most "efficient and effective method of recovery based on the nature of the asset being attached" (Heller 2001, 2). In addition, lawyers are able to apprise their clients of collection difficulties before a trial. Thus, they can often work to reach out-of-court settlement agreements that speed up the process and more likely ensure that their clients receive satisfactory restitution.

Self-represented litigants today seldom have access to information adequate enough to enable them to make informed decisions about a pursuit strategy. The **Enforcement Pursuit Evaluator** acts much like a lawyer would; the software requests information about the case (case type, judgment amount) and the debtor (employment, salary, property holdings, bank accounts). Information can be actual or estimated. The system prompts its user to continue putting in information until it assesses that it has an adequate amount to work with. The user

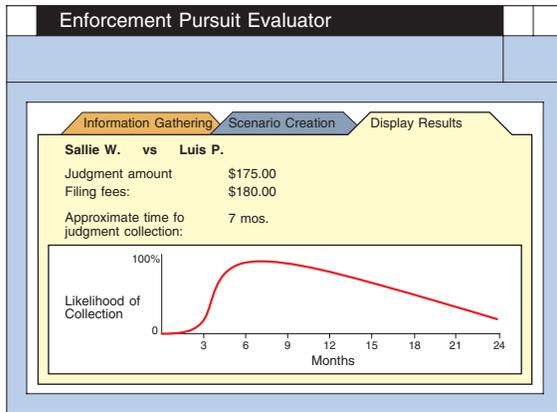


is provided with options for pursuit of collection considered viable based upon the specific information entered. Options include things such as seizing property, garnishing wages, obtaining cash settlements, and other pertinent legal pursuit paths.

After selecting an option or multiple options, the system offers the opportunity to view simulated courses of action—timelines and steps to follow. The user can view best, worst or average case scenarios based on statistical analysis of samplings of actual cases. While this information is currently sparse, when partnered with other System Elements, such as **PayTrac**, compliance information collected can contribute to more accurate simulations and projections (including the ability to make better predictions based on demographic information).

Form: 5/19/1998

| | | | |
|-----------------------|--------------------|---|---|
| System Element | Continuation page: | 2 | Title: Enforcement Pursuit Evaluator |
| | | | |



Simulations are displayed graphically, allowing the user to make comparisons among the different strategies. A timeline depicts how the likelihood of collection changes over time. Steps required to collect can be outlined for information purposes or to be followed as recommendations. Creditor expenditures, such as time lost from work, miles driven to court, and costs of filing are also estimated to aid in evaluating the costs/benefits of pursuit.

The **Enforcement Pursuit Evaluator** is an educational tool. Self-represented litigants unfamiliar with enforcement and collection issues can use it before beginning a lawsuit to learn about how the collection phase might develop. Self-represented litigants awarded a judgment can use it to help them assess the best way to pursue collection. Knowing the possible time, effort and cost of collecting a judgment ahead of time helps the litigant to make more informed decisions about pursuing a lawsuit and/or enforcing a judgment.

Scenario

Sallie's mom, Marge, is turning 75 in three months. Sallie really wants to do something special for her mother, but money is tight. She is barely making ends meet with her job at the grocery store. Marge's arthritis has been acting up and Sallie saw a warm paraffin spa tub specifically for people with arthritis that would be the perfect gift—luxurious and therapeutic. The paraffin tub costs \$150 and, even saving a little every week, Sallie knows she won't be able to afford it.

In her spare time, Sallie helps people write resumes. She wrote a resume for her neighbor Luis, and he immediately got a new job and moved across town. He never paid her and still owes the agreed upon \$175 for Sallie's time and effort.

When she calls Luis, he just says, "I got the job on my own. Your resume was worthless. I'm not paying." Sallie has been trying to get Luis to pay for six weeks and know that he'll never pay on his own. If she could just get Luis to pay her, she could buy her mom a great present. She decides to sue him.

She doesn't know any lawyers, so she gets out the yellow pages and starts calling listings in her neighborhood. Sallie explains to a lawyer's receptionist what she wants to sue for, and the receptionist laughs and tells her that no lawyer would take her case. The receptionist suggests that she sue as a self-represented litigant and tells her to access the **CourtNet** web site.

Sallie doesn't have a computer at home, so the next day at work she uses her work computer to visit the **CourtNet** website. Sallie reads that sometimes cases take a long time to prosecute and that sometimes people aren't able to collect their judgments. She had no idea; Sallie always assumed civil cases were like the People's Court and that, when she won, Luis would hand her \$175 in cash. The site recommends trying the **Enforcement Pursuit Evaluator** to see if litigation is a good idea for her.

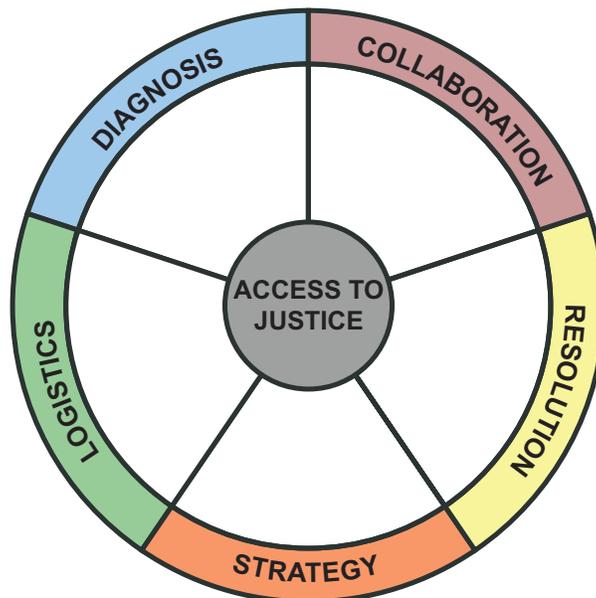
The **Enforcement Pursuit Evaluator**, based on cases similar to hers, determines that she will have to spend \$180 in filing fees, and that it would take approximately seven months to collect her judgment. The process guide goes on to show that she would likely have to file several motions to compel Luis to appear in court, and that she would have to take a lot of time off work in order to file and appear herself.

Looking at the graph of how long it might take, Sallie realizes that litigation might not be worth her time. She decides to see the best-case scenario, as it might be more encouraging. The best-case graph and steps are a little better, but suing would still require her to pay a filing fee up front, and she would have to take time off work. Sallie decides that her time is better spent doing other things. She will continue to pester Luis on her own, but will save her money for her mother's gift, rather than pay to file a lawsuit.

Access to Justice

Meeting the Needs of Self-Represented Litigants

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