

**ACCESS TO JUSTICE TECHNOLOGY PLAN**  
Revised December 1, 2006

Washington State Access to Justice Board

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## Preface

### **i. Overview of Technology Planning in Washington State**

The Access to Justice Board established its Technology Committee (originally “ComTech”) in 1997 in response to the ATJ Board’s decision to play a significant coordinating role with respect to the myriad technology-related equal justice projects in the state.

In 2002 the Technology Committee created a Planning Subcommittee that undertook the creation of a statewide access to justice technology plan. That Technology Plan was completed in 2004 and the ATJ Board’s Technology Committee has taken the lead in its implementation.

In May 2006 the Access to Justice Board adopted its revised Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (State Plan). The State Plan identifies technology as one of eight core statewide support functions that are critical to the successful implementation of the State Plan, and assigns primary responsibility for implementation to the ATJ Board. The ATJ Board asked the Technology Committee to provide a formal status report of the implementation to date of the 2004 Technology Plan and to revise the Plan consistent with current and anticipated technology needs.

A subcommittee of the Technology Committee met in August and September 2006 to update and revise the Technology Plan. These Committee members included: Brian Backus, Chair (Administrative Office of the Courts); Joan Kleinberg (Northwest Justice Project); Jim Bamberger (Office of Civil Legal Aid); Don Horowitz (Access to Justice Technology Principles Workgroup); and Joan Fairbanks (Access to Justice Board).

The revisions include the status of the implementation to date of the critical issues and additional critical issues that have arisen since the initial 2004 Plan, including the implementation of the Supreme Court’s Access to Justice Technology Principles.

The ATJ Board adopted its Revised Access to Justice Technology Plan on December 1, 2006.

### **ii. Status Report on the Implementation of the Access to Justice Technology Plan (2004)**

Following is a brief status report on the Critical Issues identified in the 2004 Access to Justice Technology Plan. (See 2004 Plan for an overview of the Significant Milestones which were accomplished pre-2004).

*Critical Issue 1.1: There is a technology knowledge gap in the Legal Services Provider Community.*

*Strategies to achieve this critical issue include creating a Technologist Advisory Panel, reviewing new technologies annually and conducting an awareness campaign.*

This critical issue is no longer relevant because of the effective work that has been done in this state during the past few years by members and supporters of the Alliance for Equal Justice. There are viable alternatives to setting up an additional Panel, which include calling upon individual technologists as needed. The Technology Committee may from time to time host a technology “summit,” which it has done in the past. The implementation plan for the Access to Justice Technology Principles provides a mechanism for an awareness campaign.

*Critical Issue 1.2: There is sub-optimal communication technology use by providers. The strategy is to ensure that all service providers have confidential voice mail, e-mail and fax.*

The strategy has been implemented and this is no longer a critical issue.

*Critical Issue 1.3: The Alliance is underutilizing technologies to reach out to the private bar. Strategies include creating a mechanism for access to training-on-demand and creating the ability to engage in communication through group fax or e-mail.*

This critical issue has largely been addressed. The Advocate Resource Center (ARC) has developed training-on-demand, which is available to the pro bono coordinators and their volunteers. The requirements for the new case management system include communication mechanisms.

*Critical Issue 1.4: The Alliance needs the active participation of members from all parts of the state. The strategy is to utilize meeting formats that overcome distance barriers, including videoconferencing and web-based meeting tools.*

The Technology Committee has revised this critical issue (see Critical Issue A in the Revised Technology Plan, below).

*Critical Issue 2.1: Case management systems used by Alliance members and supporters should enable users to effectively collect, share and use data. Strategies include developing a plan for a statewide case management system and developing a plan for acquisition and implementation of tools for collecting and reporting data.*

The search for a new statewide case management system is in process. The search is being conducted through a work group coordinated by the Office of Civil Legal Aid. An RFP was issued in October 2006 and the selection of a vendor will occur in January 2007. Implementation will begin later in 2007. A system for collecting and reporting data also is in process. It is being implemented through the use of GIS mapping software. Yet to be addressed is how to institutionalize the research component so the information is reliable, useful and current. The Technology Committee has revised this critical issue (see Critical Issue B in the Revised Technology Plan, below)

*Critical Issue 2.2: Information resources for advocacy and program management and administration are not optimally available to Alliance members and supporters. Strategies include sharing advocate resources through the ARC, sharing management and administration resources, and facilitating communication among Alliance members and supporters.*

This critical issue has largely been addressed. The Advocate Resource Center (ARC) is live and is being utilized. Left to do is implementing quarterly updates to Alliance members advising them about new information on the ARC. Management and administration resources that are relevant for pro bono administration have been posted on the ARC.

*Critical Issue 3.1: Leaders and critical decision-makers within the Access to Justice Network do not uniformly embrace the potential of technology, or the necessity of technology planning, as a positive, fundamental element serving the mission of the network, requiring an ongoing commitment of resources, creativity and support.*

The Technology Committee believes this is no longer an issue. Nevertheless, the Committee believes there is a need to continue to improve the planning, training, utilization and support of technology at the local, regional and statewide levels. The Technology Committee has drafted a set of Guiding Principles for Technology Planning (see IV. in the Revised Technology Plan, below) whose objective is to establish a culture that values technology as an important tool for addressing our core mission and provides network organizations with a guide to essential practices as they implement and institutionalize technology. These Guiding Principles incorporate many of the strategies already adopted in the 2004 Technology Plan.

*Critical Issue 3.2: The statewide network lacks a comprehensive technology support structure with sufficient personnel to meet current and increasing needs.*

While the 2004 Technology Plan contemplated the need for a staffed and centralized function, the Technology Committee now concludes that the goals of the Technology Plan can be accomplished through the assignment of specific roles and functions, as defined by the revised State Plan. This would include, for example, contracting for the development and implementation of specific technologies as needed, rather than to employ statewide technology staff on a permanent basis.

*Critical Issue 3.3: The network lacks adequate documentation and training to support its use of technology.*

This is being addressed in the case management system and through the GIS mapping software.

*Critical Issue 3.4: The Alliance lacks adequate planning to prevent or recover from hardware or software failure or other source of data loss.*

This is now included in the Guiding Principles for Technology Planning and Implementation (see IV. in the Revised Technology Plan, below)

*Critical Issue 3.5: The Alliance needs standards, specifications or basic requirements for technology to assist individual programs or the Alliance as a whole in hardware/software purchase, communications, planning or creation of effective policies and procedures.*

This is now included in the Guiding Principles for Technology Planning and Implementation (see IV. in the Revised Technology Plan, below).

*Critical Issue 4.1: We plan for and implement technology collaboratively.*

This is now included in the Guiding Principles for Technology Planning (see IV. in the Revised Technology Plan, below)

*Critical Issue 4.2: Stakeholders should have an opportunity to provide input on proposed technology initiatives that affect members of the Alliance.*

The Technology Committee believes this is no longer a critical issue. The recommended strategies for addressing this critical issue have been implemented and have been successful. The Technology Committee will continue to play a principal coordinating role and will solicit input when appropriate (see Guiding Principles for Technology Planning and Implementation, IV. Revised Technology Plan, below).

*Critical Issue 4.3: Collaboration among entities within and outside the justice system would enhance the Alliance's ability to implement technology projects. The strategy is to provide ongoing input on policies and implementation of the Judicial Information Systems Committee of the Supreme Court and the Administrative Office of the Courts and other appropriate policy and decision-makers, beginning with electronic case filing and court case information.*

While more can be accomplished, there has been significant activity with respect to justice system entities, including formal technology planning between the ATJ Board and Judicial Information Systems (JIS); the establishment of an ATJ Board liaison to JIS; significant AOC staff involvement in ATJ technology initiatives and on ATJ Board committees; significant ATJ Board involvement in JIS policies (e.g., GR 31); and the recognition by all partners that the justice system works best for the public if there is inter-agency coordination. Collaboration is specifically addressed in the Guiding Principles for Technology Planning and Implementation, IV., Revised Technology Plan, below.

*Critical Issue 4.4: A comprehensive strategy for coordinating and marketing on-line information and services provided by members of the Alliance would minimize confusion to those outside the Network. The strategy is to create a web site coordinating group.*

The Statewide Website Advisory Group has been established for this purpose and is a subcommittee of the Access to Justice Board Technology Committee.

*Critical Issue 4.5: The Alliance has no agreed-upon process for evaluating when and how to respond to requests for proposals on technology-related grants, particularly when there is only a short time to carry out the evaluation.*

The Technology Committee believes this can be addressed through the Guiding Principles for Technology Planning (see IV., Revised Technology Plan, below).

# REVISED ACCESS TO JUSTICE TECHNOLOGY PLAN

## I. Executive Summary

At its May 2006 Retreat, the ATJ Board instructed its Technology Committee to revise the 2004 Access to Justice Technology Plan consistent with the 2006 Revised State Plan and to provide the ATJ Board with recommendations regarding the Board's role in addressing the implementation of the Revised Access to Justice Technology Plan ("Revised Technology Plan"). With very minor changes, the Technology Committee has carried forward the *Vision* as articulated in the 2004 Technology Plan. The Revised Technology Plan establishes a specific *Mission* for the ATJ Board Technology Committee. The *Guiding Principles for Technology Planning and Implementation* provide tools for establishing a culture that values technology as an important tool for addressing the core equal justice mission, and for addressing the four *Critical Issues* identified by the Technology Committee. The Revised Technology Plan incorporates the directives in the revised State Plan regarding the *Roles of the ATJ Board and other Justice System Partners* in addressing technology as a critical statewide function; and provides that the Statewide Website Advisory Group (SWAG) and implementation of the Access to Justice Technology Principles fall under the umbrella of the ATJ Board's Technology Committee. *Resources* includes links to documents and web-based tools referenced in the Revised Technology Plan.

## II. Vision

Due to an insufficient commitment of public and private resources, many people proceed without adequate legal information or assistance. People providing services within the justice system must work as efficiently and collaboratively as possible to stretch limited resources.

Technology can help fill the gaps in service and help service providers perform their work efficiently. Yet technology itself can create barriers. This vision contemplates the broad and effective application of the Access to Justice Technology Principles to ensure that technology prevents, reduces or eliminates, rather than creates or exacerbates, barriers to access to the justice system and to justice itself, and that technology creates or maximizes opportunities for meaningful access to the justice system, all of which increases not only access to justice but the likelihood of quality justice for all.

The technology vision:

- All people have access to sufficient tools, services and information to pursue their causes efficiently and effectively to the extent feasible without the assistance of counsel.
- All people who need representation have access to information and resources that help them obtain the required level of legal representation.
- Attorneys and paralegals, courthouse facilitators and others who provide civil legal and law related services to low income people have access to sufficient

tools, services and information to effectively assist clients and low-income and vulnerable communities.

Technology is used and implemented to achieve the following outcomes:

1. *Technology increases service capacity and reduces barriers for clients.*

Technology increases capacity to provide access to the justice system. Through the use of technological tools, it is possible to provide a wide range of information and services to all consumers of the justice system. Technology can help consumers with the following:

- Overcoming barriers such as income constraints, limited English proficiency, physical disabilities, and geographic isolation;
- Obtaining representation;
- Communicating with lawyers, paralegals and other legal aid providers;
- Obtaining information about the law, their cases and the justice system;
- Pursuing their causes--preparing cases, preparing documents, filing cases, interacting with court and administrative law systems;
- Having "virtual presence," whether in a conference, a court or other legal proceeding where presence is required or desirable.

Technology will help Alliance members and supporters with the following:

- Achieving broader geographic participation in the work of the Alliance;
- Improving access to training (both technology-related and practice-related);
- Improving access to and sharing of information from Alliance members and supporters and external sources.

2. *Technology facilitates efficient, high quality client services through the use and transfer of information by and among policy and decision-makers, providers and grant makers.*

Technology can be used to facilitate secure and efficient communication between providers throughout the Alliance. Information shared among advocates reduces duplication of effort and allows more time for service delivery.

Technology can be used to maximize time available to provide services to clients through efficiencies, including:

- Storing and retrieving client and funder data;
- Managing caseloads.

Technology can be used to efficiently and effectively manage individual cases in order to pursue clients' causes and obtain just results. Technology assists in preparing and presenting cases and documents, filing cases, interacting with court and administrative law systems, obtaining information from the courts, performing legal research and providing information for decision-makers.

Technology can be used to access relevant information that will enhance the quality and effectiveness of documents, positions and cases prepared and presented by or on behalf of litigants in courts and participants in administrative justice tribunals. Since a decision-maker having maximum relevant information increases the likelihood of a just decision and result, the use of technology can result not only in greater access to justice, but the likelihood of high quality justice.

3. *Effective technology use requires a supportive infrastructure and organizational culture.*

The Alliance's organizational culture supports technology at its best and highest use, provides ongoing technology support and training and encourages staff to take advantage of it. The Alliance embraces technological change that results in more and better service for clients.

4. *Planning and implementing technology is done collaboratively.*

During technology planning and implementation, Alliance members consult with and actively seek participation from stakeholders, justice system entities and community partners to insure that the maximum use of available resources as well as to anticipate and avoid unintended consequences, duplication and incompatibility.

### **III. Mission of the ATJ Board's Technology Committee**

Access to justice is a fundamental right. The mission of the Technology Committee is to increase and improve access to the justice system by promoting efficient inter-agency technology needs-assessment, planning, collaboration and evaluation. In addition to this Technology Plan, the Technology Committee will be guided in its mission by the following:

Hallmarks of an Effective Civil Legal Aid Delivery System

Revised State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State

Access to Justice Technology Principles

Report of the Access to Justice Technology Principles Implementation Strategies Committee

### **IV. Guiding Principles for Technology Planning and Implementation**

The Technology Committee has drafted the following set of Guiding Principles, which include many of the strategies already adopted in the 2004 Technology Plan. The goal of the Guiding Principles is to establish a culture that values technology as an important tool for addressing our core mission. The Principles are designed to be used by those responsible at the state, regional and local levels for planning and maintaining technology for members and supporters of the Alliance for Equal Justice.

- A. *Technology planning, development and implementation should be based on data that show that the technology solution's value justifies its costs:*

Decisions regarding technology projects should be documented and analyzed in a way that shows that the project will provide value that furthers the organization's mission sufficiently to justify its cost. Quantifiable analyses are usually preferred. Positive return on investment (e.g., cost savings exceed cost of the program) is usually a good indicator, but the analysis does not have to be quantified in order to work. For example, providing for greater access and participation and improving customer service can also validate a decision to implement a technology project.

Programs should plan software and hardware implementations with a "total cost of ownership" perspective. IT projects in the for-profit sector demand clear requirements and specifications and are usually structured with clear outcomes, roles, cycles and benchmarks. Without this structure, technology efforts can easily go wrong and end up with high-cost results that produce more problems than they solve.

In addition to the statewide access to justice technology planning, each entity in the Alliance should have its own technology plan. Small local programs should be able to take advantage of economies of scale achieved through the planning process of the larger Alliance, making it easier to add technology line items to the budget knowing that intelligent planning and accountability are saving them money. Members of the Alliance should be tracking technology expenses and sharing the information to improve coordination, planning and outcomes, understanding that making technology a resource priority frequently brings a high return on investment.

A business-oriented approach includes the following specific components:

1. *Budget for technology as an ongoing expense:* Every program needs to be able to support its use of information technology tools. Information technology is now part of the basic infrastructure of all organizations to one extent or another, and is an ongoing cost of doing business, requiring ongoing operating budgets and an overall plan for reassessment and reinvestment. All programs within this system need to budget for day-to-day technology expenses in the same way they do other operational costs such as postage and copying.
2. *Address essentials for maintaining the integrity of technology applications including:*
  - a. Establish a method for backup and/or co-location of critical data. Maintain a regular schedule of backups of critical data using a reliable method, documenting that procedure, and providing for safe storage of backups.
  - b. Implement virus protection and other security-related capacities (e.g., spyware, firewall) on all stand-alone and network computer systems.

- c. Create and implement disaster and business recovery plans.
  - d. Provide for the security of systems and data, including archiving and backup.
  - e. Write and publish appropriate use and privacy policies.
3. *Ensure that all statewide applications have adequate statewide support.*
  4. *Use technology best practices:*
    - a. Use project management methodologies for implementing technology.
    - b. Use standard based approaches.
  - 5.. *Provide appropriate training on technology..*

Organizations should include training on technology in budgets and operational plans. Such training includes teaching staff how to use technology tools (e.g., office products, email, etc.) and ensuring that technical staff persons keep current on technologies for which they are responsible.

*B. All technology applications shall adhere to the Access to Justice Technology Principles:* Organizations should become familiar with the Principles and use the on-line implementation tools (checklists and best practice templates).

*C. Technology should be developed collaboratively:*

In building a culture for the statewide development and implementation of new technologies, it is imperative that the relevant partners work together in ways that are inclusive, collaborative and thoughtful. As provided in the Revised State Plan, the ATJ Board has the responsibility to continue to implement its Technology Plan. The ATJ Board has assigned that statewide function to its Technology Committee, which will promote and facilitate collaboration in the following ways:

- a. The Access to Justice Board's Technology Committee will maintain the Plan in order to promote efficient inter-agency technology needs-assessment, planning, collaboration and evaluation. The Committee will conduct an annual review and publish an updated plan at least once every two years.
- b. The Technology Committee will serve as a clearinghouse for technology projects. The Technology Committee should regularly review the technology projects undertaken by Alliance members and supporters to facilitate problem-solving and eliminate redundancy.
- c. The Technology Committee will be the point of consultation for those seeking to pursue, develop or purchase new statewide technologies. The goal of this consultation is to secure effective input and advice, and to ensure there is sufficient buy-in by all relevant parties.

## V. Critical Issues and Recommended Strategies

- A. Critical Issue: *The Alliance needs the participation of members and supporters from all parts of the state*

*Strategy: Use meeting formats that overcome distance barriers.*

Videoconferencing technology, though expensive, continues to improve and is increasingly used by the courts. Web-based meeting tools are increasingly being used to enhance communication among geographically distant parties in both the conference call and non-conference call environment. Conference calling has become the normal way of overcoming distance barriers and the corresponding time and money constraints.

The Technology Committee will continue to study and follow the development of new technologies in this area to determine the potential uses on a statewide basis for Alliance members and their volunteer attorneys.

- B. Critical Issue: *Systems used by Alliance member and supporters should enable users to effectively collect, share and use data.*

*Strategy: Develop a plan for the ongoing collection and reporting of data through GIS mapping software.*

The GIS mapserver currently hosted by CommEn Space contains demographic and resource data collected for the state plan review process. There needs to be a plan for ensuring that data remains current and that there is a mechanism for tracking and posting additional data (e.g., types of cases; closed cases, numbers of volunteer attorneys) which will be of use to the Alliance. A unified case management system will provide a vehicle for allowing us to collect and aggregate program specific case service, funding, pro bono involvement, client demand and other relevant information without duplication.

- C. Critical Issue: *The Alliance must have the ability to monitor new technologies and evaluate them for regional or statewide application.*

*Strategy: Monitor developments in technology and make recommendations regarding new technology initiatives that could be implemented.*

The Legal Services Corporation, in partnership with the State Justice Institute and others, has taken the lead at the national level for identifying and testing new models for case management, electronic meeting tools and other technologies for civil legal aid providers. At the state level, the Northwest Justice Project has taken the lead in the application of these technologies. The Technology Committee, along with NJP and others, will have the responsibility for monitoring

the development of new technologies, making recommendations regarding their implementation, and working to identify funding to support them.

- D. *Critical Issue:* *All technology initiatives will be developed and implemented consistent with the Washington State Supreme Court's Access to Justice Technology Principles (Revised State Plan).*

*Strategy: Provide the Alliance and other Justice System Partners with the tools and expertise to implement the ATJ Technology Principles.*

The Access to Justice Board has been assigned specific responsibilities for the implementation of the Principles, as outlined in the Final Report of the ATJ Board's Access to Justice Technology Principles Implementation Strategies Group. These include:

1. *Development and maintenance of a web-based Resource Bank:*

The Resource Bank will house and identify a variety of tools and resources to support the planning, development, use and maintenance of barrier-free technologies within justice system and associated agencies. An ATJ Technology Principles website has already been developed and is currently hosted by the University of Washington Information School. This website will be the foundation for the Resource Bank. It contains the Principles in English and the Court Order in six other languages, as well as links to the Assistive Technology Website, the Best Practices website (described in detail below), and other links. In addition, it houses relevant articles, papers and other relevant information. The website provides an available online resource that assists web designers, court managers and others who are subject to the Court's order (and all other actors in the Washington justice system) with implementation of the Principles at no cost. It will be updated regularly by the Access to Justice Board's Technology Committee and will be linked to the Access to Justice Board and AOC websites. The Technology Committee and the Statewide Website Advisory Group (SWAG) can contribute by providing input on technology developments and new resources, and leveraging the knowledge of web designers.

2. *Initial and ongoing communication to and training for justice system and associated agencies about the Principles and available resources for implementation.*

Communication will include outreach, education and ongoing training about the ATJ Technology Principles, the Resource Bank and other tools for implementation. Key audiences include a) state courts and court managers, b) legal aid providers, funders and supporters, and c) other publicly funded justice system institutions (e.g., indigent criminal defense organizations, CASA programs).

## **VI. Role of the Access to Justice Board and Justice System Partners**

The Access to Justice Board's Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (Revised, May 2006) identifies Technology as one of the critical statewide support functions necessary to implement the State Plan. The Plan describes the function, designates location and responsibility and provides a plan for implementation:

### **Technology**

**Description of Function:** Technology is software, hardware, infrastructure and related support that enables Alliance members to transmit appropriate levels of information, facilitate communication and assure efficient internal operations to provide quality assistance to clients in a manner that provides a basis for accountability.

**Location and Responsibility:** Currently, the Northwest Justice Project houses and maintains CLEAR and the Washington Law Help and Advocate Resource Center websites. The ATJ Board is responsible for implementing the Technology Plan adopted in January 2005. Alliance supporters are working on securing funding for statewide case management system.

A major question for Alliance members is where other technology support should be sited, whether it should be funded on a statewide basis, and if yes, how it should be funded.

### **Plan for Implementation:**

- OCLA is coordinating the development of a universal legal services case management system, as mandated by the ATJ Technology Plan, which will be completed and implemented as soon as possible. OCLA and LFW will work with these and other Alliance Members to develop adequate funding for this effort.
- The ATJ Board will continue to implement the Technology Plan.
- All technology initiatives will be developed and implemented consistent with the Washington State Supreme Court's Access to Justice Technology Principles.

The Access to Justice Board's Technology Committee will be responsible for monitoring the implementation of the Technology Plan. Its charge will in oversight of the implementation of the Access to Justice Technology Principles, adopted by the Supreme Court on December 3, 2004. The Statewide Website Advisory Group (SWAG), currently a standing committee of the ATJ Board, will become a subcommittee of the Technology Committee. Additional specific responsibilities of the Technology Committee are included in this revised Technology Plan.

**VII. Resources [note: The Technology Committee hasn't completed this listing; links will be included for all resources]**

Access to Justice Technology Plan (2004)

Hallmarks of an Effective Civil Legal Aid Delivery System

Revised State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State

Access to Justice Technology Principles

Report of the Access to Justice Technology Principles Implementation Strategies Committee

Advocate Resource Center

Access to Justice Technology Resources (Washington Courts Website):

<http://www.courts.wa.gov/jis/?fa=jis.display&theFile=accessToJusticeTechnology>

