



Administrative Office of the Courts

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

August 10, 2017

AOC Mission:

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

ATJ Board Mission:

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

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Table of Contents

Table of Contents.....	2
Introduction	3
Purpose.....	4
AOC Initiatives Supporting the ATJ Principles.....	4
1. Pro Se Plan Elements.....	4
2. Online Document Assembly Capability, Part of Phase 1 of the Pro Se Plan	5
3. Fillable PDF Forms	6
4. Interpreter Profile System (CSD)	6
5. Information Networking Hub and Enterprise Data Repository	7
6. Superior Court Case Management System (SC-CMS).....	7
7. Appellate Courts Enterprise Content Management System (AC-ECMS).....	8
8. Courts of Limited Jurisdiction Case Management System (CLJ-CMS).....	8
ATJ Board Efforts Underway in Washington State	9
1. Symposiums and Workshops.....	9
2. Representation on Key Judicial System Bodies.....	10
3. Participation in National ATJ Issues.....	10
4. Technology Assisted Forms (TAF) Family Law automated document assembly system and E-Filing.....	11
5. ATJ Tech Principles Update Workgroup.....	11

Introduction

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

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

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

There are six principles, summarized as follows:

1. **Requirement of Access to Justice:** Use of technology must promote, and not reduce, equal access.
2. **Technology and Just Results:** The justice system must use technology to achieve the objective of a just result achieved through a just process and reject, minimize, or modify any use that impairs achieving it.
3. **Openness and Privacy:** Technology in the justice system should be designed and used to meet the dual responsibilities of being open to the public and protecting personal privacy.
4. **Assuring a Neutral Forum:** The justice system must ensure the existence of neutral, accessible and transparent forums which are compatible with new technologies, and discourage and reduce the demand for the use of those which are not.
5. **Maximizing Public Awareness and Use:** The justice system should promote public knowledge and understanding of the tools afforded by technology to access justice.
6. **Best Practices:** Those governed by the ATJ Technology Principles must use 'best practices to guide their use of technology so as to protect and enhance equal access to justice and fairness, including evaluation of the use of technology in doing so.

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

In addition, in its amended order adopting the ATJ Technology Principles, the Supreme Court also required the AOC and ATJ Board to report biennially on progress and activities related to the Access to Justice Technology principles. This report has been prepared in compliance with that order.

Purpose

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

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

This report is presented in the following sections:

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

AOC Initiatives Supporting the ATJ Principles

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

1. Pro Se Plan Elements

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

The goal of the initiative is to:

Create simple, clear, user-friendly forms written in easy-to-understand "plain language" and presented in an intuitive easy-to-navigate format. With plain language forms, users understand the content more quickly, don't need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they

answer fewer phone calls, write fewer explanatory letters or e-mails, and help more people in a way that is more useful. Good forms educate litigants about the law and help them better present their cases, better inform other parties of claims and issues, give the court good information on which to base their decisions, and lead to decisions and orders that are more specific, thus easier to comply with and to enforce.

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

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

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

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

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

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

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

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

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

3. Fillable PDF Forms

Within available resources, AOC is creating fillable PDF versions of the plain language Family Law forms. AOC plans to have available fillable PDF versions of frequently used plain language Family Law forms when those forms became mandatory in 2016.

The goal of the fillable PDF initiative is to:

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

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

4. Interpreter Profile System (CSD)

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

The goal of the system is to:

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

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

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

5. Information Networking Hub and Enterprise Data Repository

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

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

The goals of the project are to:

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

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

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

Principle 1: Requirement of Access to Justice

Principle 2: Technology and Just Results.

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

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

The goal of the project is:

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

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

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

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

The SC-CMS project incorporates all six ATJ Principles.

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

AOC is currently working on providing a new content management system for Appellate Courts.

The goal of this project is:

AC-ECMS centralizes document and business workflow management into a common enterprise content management system for all appellate courts to use. AC-ECMS also provides an improved electronic filing system.

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

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

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

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

The goal of the project is:

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

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

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

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

ATJ Board Efforts Underway in Washington State

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

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

1. Symposiums and Workshops

1.1 Technology & Justice Symposium

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

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

1.2 Washington State Access to Justice Conferences

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

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

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

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

2. Representation on Key Judicial System Bodies

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

3. Participation in National ATJ Issues

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

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

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

They have been working on drafting the Business Requirements and Technology Principle Requirements documents as well as the Request for Statement of Interest and Capability. They have also begun to identify potential vendors and communities they can send the Requirements documents and Request for Statement of Interest and Capability to. The goal is identify a document assembly technology platform that has the ability to provide user-friendly access and uses a plain language, iterative sequential inquiry process capable of effectively operating across multiple technology platforms (including mobile platforms). The intention is that the platform be able to produce and transmit data in a manner that will appropriately populate Odyssey and other Superior Court CMS fields at such time as e-filing into Odyssey and these other platforms becomes available. The platform will be developed and implemented in accordance with the Supreme Court's Access to Justice Technology Principles. The Committee is also working on raising funding for this project. The Committee will meet regularly throughout 2017, with a goal of having identified a platform and developed a plan for developing and fully deploying a publicly accessible, user friendly, no-cost automated document assembly system within the FY 2017-19 biennium.

5. ATJ Tech Principles Update Workgroup

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

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

Conclusion

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

DRAFT

Before the
Federal Communications Commission
Washington, DC 20554

In re the Matter of)
)
Restoring Internet Freedom) WC Docket No. 17-108

**COMMENTS OF
THE WASHINGTON STATE ACCESS TO JUSTICE BOARD**

The Washington State Access to Justice Board (“ATJ Board”) holds the strong conviction that access to the Internet is *essential* for meaningful access to justice, and submits these comments to express its support of maintaining the existing Federal Communication Commission’s (FCC) Title II Order classifying broadband internet access services as telecommunication services and expanding broadband access under the Lifeline Program and other Universal Service Fund programs. In consideration of that support, the ATJ Board offers the following¹ in response to the FCC’s Restoring Internet Freedom Notice of Proposed Rulemaking (17-108) (“NPRM”), and urges the FCC to reconsider the NPRM in order to ensure that access to a free and open Internet is preserved in the interest of justice.

Interest of the Commenter

In the mid-1990s, the Washington State Bar Association (WSBA)’s State Board of Governors identified a growing need to coordinate and improve access to justice efforts in Washington State²—the WSBA’s task force found that access to justice was the number one issue

¹ This comment has been prepared by and is submitted exclusively on behalf of the Access to Justice Board. It does not represent the position of the Washington State Bar Association.

² Washington State Bar Association. n.d. *History of the Access to Justice Board*. Accessed August 4, 2017. <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Access-to-Justice-Board/ATJ-Board-History>

facing the state bar, and that the public, the courts and judges, and lawyers have a vested interest in a functioning and effective justice system that is increasingly available to and delivers meaningful justice to all, especially those encountering barriers.³ As a result, after careful consideration, the ATJ Board was established by order of the Washington State Supreme Court.

Based on the Court's recognition that access to the civil justice system is a fundamental right for all, the ATJ Board has since worked, and continues to work, to achieve equal and meaningful access for those facing economic and other significant barriers, and is charged with planning for the statewide delivery of civil legal aid services.⁴ Its Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State is the blueprint for this work,⁵ and in 2004—after a broad and inclusive two-year effort—the ATJ Board recognized the necessity for technology to have a major and appropriate role in bridging the access to justice gap for all. As a result, the ATJ Board developed, and the Washington State Supreme Court adopted by court order, a set of fundamental principles called the Access to Justice Technology Principles,⁶ summarized as follows:

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

³ Access to Justice Task Force. 1992-1993. "WSBA Report." [http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Access%20to%20Justice%20Task%20Force%20Report%20\(1994\).ashx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Access%20to%20Justice%20Task%20Force%20Report%20(1994).ashx).

⁴ Washington State Access to Justice Board. <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Access-to-Justice-Board>.

⁵ See Access to Justice Board. 2006. "Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State." May 8. http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Plan%20for%20the%20Delivery%20of%20Civil%20Legal%20Aid%20to%20Low%20Income%20People%20in%20Washington%20State%20-%20Revised%202006.ashx.

⁶ For the full principles and comments, see ATJ Web. *Read the Principles*, <http://www.atjweb.org/read-the-principles/>

- II. **Technology and Just Results.** The justice system must use technology to achieve the objective of a just result achieved through a just process and reject, minimize, or modify any use that impairs achieving it.
- III. **Openness and Privacy.** Technology in the justice system should be designed and used to meet the dual responsibilities of being open to the public and protecting personal privacy.
- IV. **Assuring a Neutral Form.** The justice system must ensure the existence of neutral, accessible and transparent forums which are compatible with new technologies, and discourage and reduce the demand for the use of those which are not.
- V. **Maximizing Public Awareness and Use.** The justice system should promote public knowledge and understanding of the tools afforded by technology to access justice.
- VI. **Best Practices.** Those governed by the principles must use ‘best practices’ to guide their use of technology.

These principles remain relevant to discussions of the access to justice gap.

Comments

1. There is an Access to Justice Gap, and the Internet is an Essential Part of the Solution

As the FCC articulated so well in the NPRM, after the Telecommunications Act of 1996 was passed, the Internet underwent extraordinary growth, and “business developed in ways that the policy makers could not have fathomed even a decade ago.”⁷ Broadband Internet access is now a basic necessity in a modern democracy such as ours—“[h]igh-speed Internet access, or broadband, is critical to economic opportunity, job creation, education, and civic engagement.”⁸ In fact, in many cases, access to high-speed Internet is required to apply for a job or to obtain housing. It has also increasingly become clear that high speed internet is essential to meaningful

⁷ [reference NPRM pp 2, para 2]

⁸ Federal Communications Commission. n.d. Bridging The Digital Divide For All Americans . <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans>.

access to and delivery of justice to ALL, as well as more efficient and economical service by the courts and other parts of the justice and legal system.

In Washington State, technological innovation is a core element of our history and our progress today—from Microsoft to Amazon, we continue to improve the present and shape the future. But at the same time as we are building upon this new tech economy, there is an ever-widening gap between those in our community who are most vulnerable, and the legal aid and resources that are there to help. In fact, a recent study published by the Washington Supreme Court’s Task Force on Civil Equal Justice Funding found that 76 percent of low-income respondents did not seek or were not able to obtain help for a legal issue.⁹ The report found that most of these instances were attributed to the individual *not even realizing* the problems they were experiencing had a legal dimension. While resources and funding for greater legal services will always be an issue, the report tells us that there is something else missing—access to information. And there is no greater tool for information sharing than the Internet

2. *Legal Aid in Washington Relies Upon Internet Access*

In our state, there are a variety of legal resources available to individuals navigating the legal system, but for some, barriers such as inflexible work schedules, lack of transportation, and childcare obligations, disability, and age can prevent those individuals from identifying and accessing legal aid through traditional means, such as a walk-in legal clinic. Before the existence of open access to reliable, consistent, and uninterrupted Internet, the story often ended there. But now, there are significant legal resources available 24 hours a day.

⁹See Civil Legal Needs Study Update. http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf -

For example, someone who wishes to expunge a juvenile record can learn how to do so online. Northwest Justice Project, a publicly funded legal aid program, has a video detailing how expungement works and the courts provide all the forms online.¹⁰ This saves the user transaction costs, allows her or him to enter the workforce more easily, and avoids unnecessary travel to attend court—which can sometimes be in another county from where the individual resides. At the Northwest Justice Project, potential clients may not be able to call the hotline during business hours, but an online intake is available to clients 24 hours a day, seven days a week—ensuring they are able to start the process at their first opportunity. Similarly, Boundless, another Seattle-based startup, aims to provide families with requisite tools to navigate the immigration system with ease and at affordable costs.¹¹ This is an online tool with a step-by-step guide to complete the green card and other immigration processes. This tool simplifies citizen interface with the immigration system and avoids costs involved in engaging legal professionals. This is an online service by a startup presupposes an affordable and accessible Internet to serve citizens and immigrants alike.

These kinds of essential legal resources are moving online and into video formats that require broadband access to utilize them. The juvenile court expungement video from Northwest Justice Project is just one of 60-plus videos available in Spanish, English, and American Sign Language. Topics of these videos include: explaining renters' rights, debt collection defense, foreclosure mediation, driver's license reinstatement, and language access. These videos provide clients with basic how-to and other essential information on addressing their legal issues in a practical format that breaks down language-access barriers, including lack of literacy itself as well as physical disabilities. Northwest Justice Project also hosts a traditional website with over 1,000

¹⁰ Washington Law Help. Video - Juvenile Record Sealing in Washington State
<https://www.washingtonlawhelp.org/resource/video-juvenile-record-sealing-in-washington-s>

¹¹ Boundless. *About*, (2017) <https://www.boundless.co/about/>

legal resources and 800,000 visitors per year. Many of these resources are PDFs or other documents that can be accessed much more easily, readily and functionally on broadband.

Moreover, broadband access is also becoming essential for access to court records. Increasingly, service itself can be provided with use of the Internet within and throughout the justice system, including the courts. Not only is availability substantially improved; economic savings to both participants and the system is becoming significant. The Access to Justice Board has established best practices for electronic court records access¹², and as a result Washington State and several counties within the state are implementing electronic access to court records and dockets. The potential time and money that will be saved by the judicial system itself as well as lawyers, clients—especially low-income clients—and other public and private agencies is extremely significant. Worst of all, those without the ability to get broadband access online are left out.

Finally, recognizing the impact that technology solutions can bring to legal aid organizations and providers like Northwest Justice Project, a non-profit organization based in Seattle, ATJ Tech Fellows established a national fellowship program to train law students around the country on technology and design concepts, and then pair those students with a legal aid organization to implement new technology solutions.¹³ In its inaugural summer, nine fellows participated to create chat bots, document automation, and online legal resources.

¹² [need citation – cannot find]

¹³ [add citation]

With organizations like these, Washington State is innovating legal service delivery. But all this online content and these web-based solutions are meaningless if the client on the other end does not have access to an open, reliable internet source.

3. *The Effect of the NPRM on Open Broadband Access*

The NPRM as proposed will critically undercut the ATJ Board's ability to promote and deliver access to justice by eliminating broadband access with the Lifeline program. Previously, the ATJ Board expressed support of expanding Lifeline to include broadband services,¹⁴ given that many of those most in need of online legal resources depend on this program. Under the FCC's Title II Order classifying broadband internet access services as telecommunication services, the Lifeline program was expanded to include broadband access, along with other critical programs.¹⁵ It's been referred to as Net Neutrality. Now, just over a year later, the FCC's NPRM threatens to reverse this critical and historic decision to bridge the digital divide.

Furthermore, the NPRM will threaten access to justice and online legal aid delivery and a more efficient justice system by opening the door for throttling by internet service providers (ISP) of non-ISP content.¹⁶ Such practices are what prompted the FCC to issue the Title II Order originally.¹⁷ If the existing regulations were to be eliminated, many legal aid organizations such as the Northwest Justice Project - as well as the entire justice system - would be greatly affected.

¹⁴ Washington State Bar Association. *Comments of the Washington State Access to Justice Board* (Sep. 25, 2015), http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Home%20Page%20News/20150925FCC%20Broadband%20Lifeline%20Comments%20of%20the%20WA%20Access%20to%20Justice%20Board.ashx

¹⁵ Order approving *In re Lifeline and Link Up Reform and Modernization Proposed Rule Changes* (adopted Mar. 31, 2016) (WC 11-42, 09-197, 10-90), https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-38A1.pdf.

¹⁶ New York Times. *The 'Fix' for Net Neutrality That Consumers Don't Need* (Apr 28, 2017) https://www.nytimes.com/2017/04/28/opinion/the-fix-for-net-neutrality-that-consumers-dont-need.html?_r=0

¹⁷The Community Technology Advisory Board. *Community Technology Advisory Board Statement to the FCC Regarding Its Restoring Internet Freedom Proposal* (July 2017) <http://ctab.seattle.gov/wp-content/uploads/2017/07/CTAB-FCC-Comment-FINAL.pdf>

With limited resources, they just cannot provide what they should and what they want to to the detriment of Washington State’s judicial and legal system (our “justice” system) and our most vulnerable populations.

Conclusion

The ATJ Board’s mission is to ensure Access to Justice and the delivery of justice to all. But the gap between Washingtonians’ needs - especially those with low income, or disabilities - and the legal resources available to them, or the judicial system itself, cannot be bridged without accessible and useful technology. Using online platforms and web content to educate, inform, and facilitate individuals’ resolution of their legal issues, our legal community is making strides to ensure that every Washingtonian can receive the legal help and the judicial availability and quality they need. This mission cannot be served, however, if our best tool for outreach and information—the Internet—loses its openness and accessibility and usability.

For these reasons, we respectfully urge the FCC to reconsider the NPRM and maintain the existing Title II Order classifying broadband internet access services as telecommunication services and allowing the expansion of broadband access under the Lifeline Program and other Universal Service Fund program.