



## EQUAL JUSTICE AND THE DIGITAL REVOLUTION

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In November 2002, the Project for the Future of Equal Justice released a major report entitled, “Equal Justice and the Digital Revolution: Using Technology to Meet the Legal Needs of Low-Income People.”

The report, which focuses on the years 1997–2002, tells the story of how the equal justice community has learned to use new technologies to improve service to clients and has begun to grapple with the implications of the technological revolution on poor people and communities. I wrote the report using the knowledge I gained during my tenure as the senior counsel to the Project for the Future of Equal Justice — a joint venture of the Center for Law and Social Policy and the National Legal Aid and Defender Association — and leader of the Project’s technology initiative.

The equal justice community has made enormous technological progress during this period. In the mid-1990s, organizations providing civil legal assistance to low-income people were beginning to use new technologies on an increasingly regular basis, such as word processing, accounting software, and some early computerized case management systems. However, few programs had their own websites, and only a handful of these sites included significant amounts of legal or practice information for staff and/or clients. Less than half of all advocates were making full use of outside e-mail or computerized legal research tools, and far fewer were able to access the Internet from their desktop computer.

Today, almost every legal services advocate has desktop access to the Internet and e-mail and uses those resources daily. Virtually all staffed legal aid programs use a sophisticated case management system, and many use document assembly software to generate routine correspondence and pleadings. Most programs have a website, and more than 30 states have a statewide website with information useful both to advocates and clients (with almost every other state in the process of building such a site). Dozens of national sites provide

substantive legal information and information on delivery, management and technology. Many states now have central phone numbers for clients to call to be referred to the appropriate program or to obtain brief advice about their legal problems.

These technological advances have:

- Enabled greatly expanded access to legal information for both advocates and clients through Internet and e-mail technologies;
- Expanded access for clients by using telephones for screening, obtaining basic client information, referrals, and providing brief advice and services, and also by posting information on the Internet;
- Enabled better case management and data collection, along with automated templates for document creation;
- Improved communication between lawyers and clients through new telephone technologies, cell phones, and videoconferencing;
- Facilitated staff and volunteer recruitment through e-mail and the Internet;
- Provided new avenues for outreach to clients and the public;
- Increased training opportunities for advocates; and
- Created a greater sense of community through e-mail and the Internet.

During the period covered by the report, the Project engaged in a concerted set of activities aimed at helping legal services programs improve their use of new technologies. Activities included setting up a web-

site devoted to these issues, providing extensive training and education, modeling the use of innovative technology, disseminating information about best practices, supporting increased funding for technology, and convening distinguished advisory groups to plan and provide vision for the future.

At the end of 2001, CLASP and NLADA phased out the Project's technology initiative to direct the Project's limited funding toward other issues that had not yet received any focused attention. After we made that decision, I decided to write this report as a way to share the knowledge and experience I had gained and to suggest some directions for future work. While the result is necessarily incomplete in numerous ways, I hope it proves useful to the community nevertheless.

The report itself contains three sections, followed by an appendix with more information about the Project's own work in this area. The three sections are:

- "Background and Context," which talks about the digital revolution generally and compares legal services technology use from when the Project started its work until last year.
- "How New Technologies Serve the Goal of Equal Justice," which discusses specific uses of technology for improving program and office management; increasing access to assistance and information for advocates; and improving client education, preventing legal problems, and assisting pro se litigants.
- "Recommendations and What You Can Do," which details my eight recommendations and provides a list of action steps for different sets of players in the equal justice community."

The full report is available at [www.clasp.org/Pubs/Pubs\\_Legal](http://www.clasp.org/Pubs/Pubs_Legal) or [www.nlada.org/Civil/Civil\\_EJN](http://www.nlada.org/Civil/Civil_EJN).

Here, I summarize the third section — recommendations and action steps.

1. *Broaden the funding base for technology-related work.* Foundations, government programs, and individuals that support legal aid can make an enormous difference in creating a strong technology infrastructure. Effective technology use can advance a full range of substantive goals, so all funders — regardless of their particular issue focus — should both support technology-based special projects and underwrite the ongoing technology-related

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costs of "ordinary" substantive projects and operations.

2. *Address substantive issues at the intersection of technology policy and low-income communities.* These issues include universal access to the Internet, literacy (including information literacy), training in computer usage, privacy issues, creation of relevant content, use of technology by government and other service providers, and infrastructure "redlining."
3. *Provide community legal education and assist pro se litigants.* New technologies, especially the Internet, can provide information to assist low-income people attempting to solve their legal problems on their own, as well as to help people avoid legal problems in the first place.
4. *Create a culture of information sharing.* To reach the full potential of the Internet, members of the equal justice community will need to consider themselves key resources for others and share information horizontally across program and state lines and vertically with clients, state and national support organizations, and funders.
5. *Develop better and more integrated technologies and applications.* In addition to cutting-edge work to develop new technologies and applications, technologists can work to integrate existing stand-alone systems, such as case management, document assembly, litigation support, hotlines, websites, electronic filing, and other systems.

6. *Make a higher commitment to technology on an organizational level.* Programs will be better equipped to take advantage of new technologies if they think about budgeting for technology in innovative ways. Existing investments in technology can be leveraged considerably with better technology staffing, more experienced technology project managers, long-range technology planning, and a lot more training for end-users. Technology can be used to improve program management as well.
  7. *Evaluate the use of new technologies.* In addition to using technology to improve overall evaluation and data collection/outcome measurement practices, programs can evaluate the effectiveness of new technologies for service delivery and other program goals. Such evaluations will help ensure that these technologies actually do benefit clients and communities.
  8. *Work collaboratively to plan, execute, and support technology-based work.* State justice community planning efforts can include technology as a key area around which individuals and organizations collaborate. National and state justice communities can also consider ways to support technology efforts better, including creating organizations or organizational functions specializing in technology. Legal aid technologists can not only learn from, but also play key roles in, the broader national nonprofit technology movement and in the field of law and technology.
- ing abreast of new technologies and to take leadership roles at the state and national levels.
  - Educate your board and funders about the important role that technology plays in allowing you to pursue your mission.
  - Consider how new technologies can help you better collaborate with other legal services programs and social service providers.
  - Pay attention to both beneficial and adverse impacts of information technology on your client community, and commit program resources to eliminating the digital divide.
  - Regularly review and evaluate the efficacy of your technologies, using both self-evaluation tools and outside studies.
  - Use the technology yourself, and don't rely exclusively on your IT staff to understand the systems in your office.

## 2. *Advocates and Staff*

### Action Steps

#### 1. *Program Directors/Managers*

- Create a culture of information sharing: contribution to the knowledge base is part of everyone's job.
- Demonstrate demand for integrated technologies — have technology experts make technology work for your program.
- Encourage staff (advocates and other staff) to take the time to learn new technologies, and ensure sufficient training and IT staffing to enable them to use the technology infrastructure to capacity.
- Encourage staff, especially those who seem particularly adept at this work, to spend some time keep-
- Use and contribute to collective knowledge bases — remember to share your work.
- Think creatively about technological solutions to problems you encounter at work, and tell your managers and IT staff about needs you identify.
- Take responsibility for understanding the software you use, and ask for more training if you need it.
- Use technology to connect with clients who have trouble coming into the office for one reason or another.
- Collect stories about ways in which technology has helped you help your clients, and share those stories with your managers and fundraising staff.
- When interviewing clients, probe for information technology-related obstacles they may be facing, and explore their interest in learning more about how to access the Internet and other technology-based systems.

- Consider how your clients could use new technologies to access information that would help them prevent legal problems or lessen their severity.
  - Develop ways for clients you cannot represent to use new technologies to address problems on their own.
3. *Technology Experts/IT Staff/Web Developers*
- Focus on user-friendly interfaces.
  - Pay attention to how other staff work and build your technology program to suit office culture and operations.
  - Develop shortcuts or automatic programs that help advocates submit information into knowledge management systems.
  - Regularly check in with staff to ensure that they understand the software and are optimizing its use.
  - Provide scheduled and just-in-time training for staff on all software and systems.
  - Work to integrate your technologies to the greatest extent possible.
  - Keep abreast of new technologies by reading journals, attending trainings and seminars, and networking with colleagues.
  - Offer to assist directors and fundraising staff with the IT components of grant proposals.
  - Help directors and managers design and evaluate delivery system components that use technology.
4. *Clients and Social Services Providers*
- Learn how to use the Internet and relevant websites, and then train other members of your community.
  - Spread the word that computer and Internet literacy are critical to everyone's lives.
  - Provide active feedback to local organizations about how their technology-related efforts are working and how they could improve them.
- Volunteer to be on planning committees for websites, videoconferencing, and other technology projects.
  - Talk to members of your community to learn about how technology is impacting them, and bring their stories back to the legal services advocates.
  - Work on issues of technology and telecommunications policy to make sure your community is not left out of the digital revolution.
  - Help create more access points for computers and the Internet in your community, including in social service agencies, churches, and community centers.
5. *Funders*
- Encourage grantees to participate actively in building the collective knowledge base.
  - Support national efforts to create software interoperability standards.
  - Provide specific funding for grantees to use for staff training to maximize the value of existing technologies.
  - Use information technology in your own operations and participate in nonprofit technology networks.
  - Foster interaction among grantees to enhance planning and creativity around technology use.
  - Support ongoing technology-related costs of "regular" substantive work as well as technology-based special projects.
  - Support replication of successful pilot projects and proven models.
  - Seek opportunities to support projects working at the intersection of technology policy and low-income communities.
  - Require rigorous evaluation of programs, including technology use, and consider supporting program efforts to obtain independent outside evaluation.

- Support efforts to provide unrepresented people and communities with high-quality self-help mechanisms that are adequately staffed and appropriately designed for a low-income audience.

#### 6. *National and State Support Organizations*

- Provide the infrastructure for knowledge sharing and coordinate among organizations to ensure that all are both using and contributing to the knowledge base.
- Find ways to foster community among those working in your geographical or substantive area who are interested in the creative use of new technologies.
- Educate funders about the importance of supporting the use of technology for delivery, and share information with both funders and programs about interesting models and best practices.
- Research the impact of new technologies on the population you serve, and assist advocates in learning how to spot issues at the intersection of technology policy and low-income communities.

- Provide training and support for organizations to use and evaluate technologies.

1 Julia Gordon provides independent consulting and training services to legal aid programs and advocacy organizations in the areas of technology, evaluation, strategic planning and program development. Until March 2003, Julia served as a Senior Staff Attorney at the Center for Law and Social Policy (CLASP), where she worked on the DC Partnership to End Poverty and on the Project for the Future of Equal Justice, a joint venture with the National Legal Aid and Defender Association. At CLASP, Julia led a national effort to harness the potential of new technologies to improve the delivery of legal aid services, in which capacity she wrote the technology report summarized here. She also managed the Hotline Outcomes Assessment project, a national study of outcomes obtained by clients who received legal advice over the telephone. Julia can be reached at 202-669-0424 or [julia@juliagordon.net](mailto:julia@juliagordon.net).

## MIE listservs for Fundraisers, Managers and Administrators

MIE has set up three listservs — for fundraisers, managers and administrators. If you use internet e-mail, in one quick message you can ask questions, share tips, brag about your successes, and provoke discussion among your colleagues. MIE listservs are intended to provide a forum for the exchange of ideas and information among fundraisers, managers and administrators who work with programs that deliver legal assistance or legal information to low income persons (including LSC-funded,

IOLTA-funded, pro bono, protection and advocacy, and elderly legal services programs).

If you are a fundraiser, manager or administrator, and would like to subscribe to one or more of the MIE listservs, send an e-mail with your name, position, program and address to Patricia Pap, MIE executive director, at [ppap@m-i-e.org](mailto:ppap@m-i-e.org), or call 617-556-0288.