

READERS RESPOND



I-CAN!, THE COURTS AND OUR CLIENT COMMUNITY

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“Accessing McJustice” which appeared in the Summer 2003 issue of the Management Information Exchange Journal inaccurately portrayed I-CAN! (the Interactive Community Assistance Network) in three major respects. In fact, (1) The targeted beneficiaries of I-CAN!’s services are those who would otherwise have no service alternative. I-CAN! was not designed to supplant professional services provided by lawyers and paralegals. I-CAN! works best integrated within a legal services system, not divorced from a program’s lawyering process. Use of I-CAN! enables programs to offer a range of self-help options formerly not available to their client community. (2) The proponents of I-CAN! have not presented I-CAN! “as the primary engine driving the volume oriented delivery system of the future.” Rather it is a service delivery tool that enables programs to begin to address the needs of unrepresented persons, who would otherwise be unable to access the court. (3) I-CAN! is not a system of stand alone kiosks; it is a centralized web and kiosk based delivery system. Additionally while the article concludes that clients would not have identified I-CAN! as a solution to the access problem, in fact many hundreds of clients use the system monthly and, as reflected below, give it high marks for its helpfulness. The McJustice article suggests that access to the courts is not our problem and it is dangerous for legal services to join with others to find a solution. On this too we disagree.

Background

Studies from across the country reveal that many self-represented litigants are unable to resolve their critical legal matters within the current justice system. In Orange County, for example, 95% of defendants in eviction actions and over 50% of the cases in the Family Law Court involve *pro per* parties (to use the California term for *pro se* or self-represented litigants). The Family Law Facilitator’s Office has a waiting list of three to four months to attend a clinic or workshop to receive assis-

tance. The Orange County Department of Child Support Services has an 80% default-filing rate on many family law matters. Fewer than 16% of child support cases involve parents who are both represented by attorneys. In more than 63% of these cases, neither parent has legal representation. Ninety-seven per cent (97%) of proceedings processed through the local government child support agency involve at least one self-represented parent. And of course, all small claims litigants appear self-represented, although Small Claims Court has jurisdiction for claims up to \$5,000.

The number of self-represented litigants using the California courts and the Orange County Superior Court is on the rise. This trend is unlikely to reverse itself in the near future or possibly ever as more and more court users choose not to use, or cannot afford, legal counsel to help them resolve their legal matters and disputes.

I-CAN!

The Interactive Community Assistance Network, I-CAN!, is a network of web-based, interactive kiosks and computer workstations designed to provide self-represented litigants access to vital legal services. Its multilingual, interactive and tutorial modules enable self-represented litigants to create properly formatted pleadings and complete legal forms. Using a touchscreen interface and audiovisual presentations, I-CAN! answers frequently asked questions, provides court tours, and educates users on the law, filing procedures and steps needed to pursue or defend their matter.

The following four principles guided the development of I-CAN!:

1. A system easy to use by the targeted end user, low literacy, non-English speaking, non-computer literate self-represented litigants.

I-Can! Usage Statistics

Module	English	Spanish	Vietnamese	Total Usage
Case Opening	691	78	0	769
Fee Waiver	3,816	527	6	4,349
License Denial	446	80	75	601
Paternity Answer	1,084	190	0	1,274
Paternity Petition	2,321	441	0	2,762
Small Claims	1,076	87	3	1,166
Wage Assignment	485	100	0	585
Domestic Violence	2,134	193	1	2,328
Unlawful Detainer	1,563	119	1	1,683
Income & Expense	494	58	0	552
Order to Show Cause	775	96	0	871
Divorce	13	3	0	16
Total	14,898	1,972	86	16,956

2. Focus on areas of pleadings that are most useful to our targeted end user.
3. The use of standard technologies to ensure the availability of development and maintenance personnel, low development costs, and the transferability of I-CAN! to other organizations.
4. The technology, which contributes to enabling access to the justice system by pro per litigants, not technology for technology's sake.

Since *I-CAN!*'s first deployment, preliminary survey results have shown that it has been well received by its users. Indicated above are usage statistics for the period May, 2001 through July 17, 2003. *I-CAN!* expands access to the court for self-represented litigants utilizing the following service strategies:

1. *I-CAN!* services are easily accessible and are available to self-represented litigants at courthouses¹, through public access kiosks located in libraries, community centers, and through personal computers.
2. *I-CAN!* technology is focused on the needs of self-represented litigants; multimedia presentations default to a consumer friendly (low literacy) format through printed screens read to the users by a video guide.

I-CAN! uses standard technologies, so that its service modules can be easily and cost effectively duplicated throughout the country.

Evaluation

The Legal Aid Society of Orange County contracted with Dr. James W. Meeker and Richard Utman of the University of California, Irvine (UCI) to conduct an evaluation of the first phase of *I-CAN!* and the future statewide integration of *I-CAN!*. The evaluation assessed whether and to what extent *I-CAN!* was meeting the objectives of providing access to the justice system and providing education about the court process for self-represented litigants. Data collected by Legal Aid Society of Orange County and from interviews conducted by UCI staff about the impact of this new technology upon users, court personnel, judges and service providers form the basis of the report. Work commenced on this evaluation in May 2000 and a written report was published in May 2002.² The entire evaluation may be viewed or downloaded from the link at www.legal-aid.com

In summary, the evaluation noted "users overwhelmingly found *I-CAN!* very helpful." Also, judges made favorable comments about the system including: "Being able to read it [the pleadings] makes it easier to grant the relief sought," and "the [*I-CAN!* user's] chances of being successful increases dramatically." Concerning *I-CAN!* users, judges also noted that they come to court "better prepared," "they are asking fewer questions," and have information that was "correct and accurate." End users are able to better understand the justice system, file properly formatted pleadings, and proceed in their case with the benefits of accurate and essential information.

Even in the early stages of implementation, *I-CAN!* was favorably received by the self-represented litigants, the Court and the Legal Aid Society of Orange County. *I-CAN!* opened the benefits of technology to the general public, offering free services on a no experience necessary basis. This approach demonstrated that technology can provide information to empower and can extend the reach of any public service.

Ongoing evaluation of *I-CAN!* services has demonstrated that it continues to be very well received by the court and its user community. Through learning from early experiences, we have been able to improve *I-CAN!* and offer its services to other courts and legal aid programs for a small fraction of the initial development cost. Through its expansion, *I-CAN!* helps create the expectation that the courts and their services will be accessible to all regardless of their income and regardless of their technological capability. *I-CAN!* is creating a closer working relationship between the courts, legal services programs, and other ancillary service providers,

thereby benefiting self-represented litigants through the creation of a network that provides seamless access to essential legal services.

Additional Process Analysis

With more than 16,000 pleadings filed with *I-CAN!*, individuals who previously had no access to justice now have the ability to gain access to the court system and file their documents. As a result of using the video tours, individuals are now better prepared when they arrive in court and are familiar with the court process improving their chances of successful outcomes. Judges hearing matters from *I-CAN!* users have indicated that they can help six *I-CAN!* users in the same amount of time as they would currently spend with a pro per litigant. One of the reasons for this is that the judges can understand more completely the litigant's situation as a result of the properly completed pleadings. In addition, the judges feel they are dispensing accurate justice since they have a much clearer understanding of the matters, as the litigants are much better prepared when they come to court.

I-CAN! has increased access to the court and reduced disparities of access to the legal system. It presently provides services in English, Spanish and Vietnamese with questions written at a fifth-grade literacy level and narrated by a video guide, all of which enable a larger group of users to access legal assistance.³ Its video conferencing capability provides the potential for users in remote or rural locations to gain access to a live individual who can assist them. *I-CAN!* has empowered its users and assisted the courts in meeting the needs of those it serves.

I-CAN! has facilitated collaborative work among many agencies to expand access to legal services. Legal Aid programs, the courts, cities, libraries, district attorneys offices, women's shelters have all worked together to expand access to the courts through use of the system.

Additionally, it is clear that the system has other uses, which could greatly benefit our client community. In its first year of operation, *I-CAN!* Earned Income Tax Credit (EITC) program, a web-based system that enables low-income workers to complete and e-file their federal taxes⁴, brought back over \$530,000 to clients, without payment to commercial preparers and without Refund Anticipation Loans, which come at interest rates up to 700% APR. The evaluation of *I-CAN!*'s EITC program can be viewed and downloaded at www.legal-aid.com.

Conclusion

While on one hand *I-CAN!* is regularly used and has proven itself useful, it does not substitute for full representation or the in-person professional services of attorneys and paralegals. Still, the technology does provide needed services without charge to those who otherwise have no access to free service.

It's important to recognize that the technology used by *I-CAN!* is in its infancy. As the technology progresses, the gap-filling potential of *I-CAN!* type services will expand, potentially greatly expand. However, it is not written in stone that our client community will benefit by the power of improved technologies or that we will have the credibility or the capability to direct the manner in which such technology is used. Through indifference or inappropriate use of technology, our client community could become further isolated from the benefits of publicly funded services. Advocacy and participation by legal services programs concerning technologies and technology rights issues could provide a significant benefit to our client community in the years to come. Conversely, the failure to provide such leadership could further marginalize our clients and the legal services programs they look to for assistance.

1 Placement of the *I-CAN!* kiosks in court locations in close proximity to support staff, Family Law Facilitator's Office, Orange County Department of Child Support Services, Clerk's Office, as well as the Self-Help Centers, allows an enhancement of the continuum of services available to the self-represented litigant.

2 The results of the UCI survey conducted during the course of the last year reflect some commonality among the group of self-represented litigants using *I-CAN!*. The vast majority of the users were within 125% of the poverty level in the United States. Twelve percent of the users were Spanish speaking. As reflected in the user count, one of the most popular modules was the Fee Waiver, used to waive filing fees at the court.

3 When Spanish or Vietnamese users enter non-English text, that text must be translated before the forms can be submitted to the Court. Currently *I-CAN!* leaves such information blank on the judicial form, but prints it on a separate page so it can be translated and written onto the form later.

4 *I-CAN!* EIC also prepares state tax forms for paper filing in California and Oklahoma. *I-CAN!*'s developers would welcome the opportunity to create paper and e-filing capability in other states to increase the usefulness of the service.