****

**Component Assessment: Emerging Practices and Innovation**

Key Elements

The responses in this assessment provide a snapshot of Emerging Practices and Innovation in your state. All responses are meant solely to inform assessment of this component.

Key elements of **Emerging Practices and Innovation** include:

* Process simplification;
* Upstream interventions;
* Regulatory reform;
* Online Dispute Resolution (ODR);
* Legal portals;
* Artificial intelligence and machine learning;
* Data privacy and confidentiality;
* Electronic filing and online access to court records; and
* Cybersecurity.

Need

1. Does Emerging Practice and Innovation exist in your state?

[ ]  Yes [ ]  No [ ]  Unsure

Additional information:

Remarks on strengths and gaps:

1. To what degree is Emerging Practice and Innovation available at the county level?

*Tips:* Suggested sources of information include reported programs, user focus groups and interviews, community and social service provider interviews or focus groups.

[ ]  No counties [ ]  Few counties [ ]  Half of counties [ ]  Most counties [ ]  All counties

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Response

1. What case types use Emerging Practice and Innovation? (select all that apply)

*Tips:* Suggested sources of information are court statistics and caseloads, case types of reported programs and enabling rules and statutes. Please indicate any distinctions within contract cases below under “Additional information”.

[ ]  Contract (includes landlord/tenant, debt collection & mortgage foreclosure)

[ ]  Small Claims

[ ]  Tort

[ ]  Probate

[ ]  Real Property

[ ]  Mental Health (includes civil commitment, guardianship)

[ ]  Family (includes divorce, protection orders)

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. At what stage in the case is Emerging Practice and Innovation provided? (select all that apply)

*Tips:* Suggested sources of information include program descriptions, enabling rules and statutes. Please identify any barriers in the notes below.

[ ]  Pre-filing

[ ]  Post-filing, uncontested

[ ]  Post-filing, contested

[ ]  Through entry of judgment

[ ]  Post-judgement

[ ]  Appellate

[ ]  We collect no case stage data

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Technology Integration

1. Is technology being optimized (e.g., technology utilized to the extent possible where practicable and feasible)?

*Tips*: Suggested sources of information include interviews with program administrators, private bar, court staff, judicial officers and user focus groups and interviews. States might also identify additional technology examples. Please discuss any limitations in broadband access and infrastructure challenges below under “Additional information”.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ***Administration***  |  |  |  |  |  |
| Communication tools (listservs) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Work & data sharing tools | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ***General Education/Information***  |  |  |  |  |  |
| Communication tools (email/text notices) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Information-sharing tools (websites) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ***Service Delivery***  |  |  |  |  |  |
| Communication tools (videoconference) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Language

1. Are language access services and supports provided?

*Tips:* Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the “Additional information” section below. Suggested sources for “in court” information include language access plan, policies and protocols around supports, language services available; “out of court” include Emerging Practice and Innovation program policies and protocols, language services, state-level language coalitions/access to justice commissions. The Justice Index: Language Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Services & Supports*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Interpretation (in-person, certified) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Translated materials (signage, orders, general information) | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Bilingual employee support | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Training | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Outreach | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Does Emerging Practice and Innovation reflect plain language principles and practices?

*Tips:* Example: Communications are concise.

Visit [plainlanguage.gov](https://plainlanguage.gov/) for additional examples of plain language principles and practices.

Respondent might replicate this question for “in court” and “out of court” or discuss any distinctions in the “Additional information” section below. Suggested sources for “in court” information include language access plan, policies and protocols around plain language, surveys on existence and use of plain language tools and resources. “Out of court” include program/service policies and protocols, plain language services/tools/resources, survey on existence and use of plain language tools and resources.

[ ]  Never [ ]  Rarely [ ]  Sometimes [ ]  Often [ ]  Always

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Special Populations

1. Does Emerging Practice and Innovation comply with disability access requirements?

*Tips:* Suggested sources for information include state accommodations compliance and rules, evaluations and reports on compliance status, policies and protocols around outreach. The Justice Index: Disability Access Index might also inform responses to this question.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Access Requirements*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| ADA[[1]](#footnote-1) Title 1: Employment | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 2: State and Local Government Services | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 3: Public Accommodations | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 4: Telecommunications | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| ADA Title 5: Miscellaneous | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Rehabilitation Act, Section 504 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Are safeguards in place for vulnerable populations? (For example, individuals with trauma, cognitive impairment, learning disabilities, homebound, etc.)

*Tips:* Suggested sources of information include opinion surveys from mediators, private bar, legal aid, court staff, judicial officers, user focus groups and interviews and community and social service provider interviews or focus groups.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Safeguard*** | **Never** | **Rarely** | **Sometimes** | **Often** | **Always** |
| Trauma-informed responses | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Accommodations for remote appearances | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Appropriate modalities to support user comprehension and participation | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Additional time for client review | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Confidentiality practices | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Other:       | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Ecosystem Ties & Voice

1. Are principles of diversity, equity and inclusion being applied to content development and/or service delivery? (e.g., Does Emerging Practice and Innovation reflect cultural sensitivity? Is language gender-neutral? Is the impact of bias being considered?)

*Tips:* Suggested sources of information include opinion surveys of mediators, private attorneys, legal aid, court staff, judicial officers, user focus groups and interviews and community and social service provider interviews or focus groups. Respondents may discuss content development and service delivery separately.

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. What financing structures are in place to support Community Integration and Prevention? (select all that apply)

*Tips:* Suggested sources of information include opinion surveys of self-help center staff, court managers, private bar, legal aid, court staff, judicial officers, user focus groups and interviews and community and social service provider interviews or focus groups.

[ ]  Budget line items

[ ]  Fees

[ ]  Private funding

[ ]  Grants

[ ]  Endowment

[ ]  None

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. Is financing for Emerging Practice and Innovation sustainable (able to be maintained at a certain level)?

*Tips:* Suggested sources of information include opinion surveys of self-help center staff, court managers, private bar, legal aid, court staff and judges, user focus groups and interviews and community and social service provider interviews or focus groups.

[ ]  Yes [ ]  No [ ]  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

1. How does the access to justice governance/leadership support Emerging Practice and Innovation? (select all that apply)

*Tips:* Suggested sources of information include interviews with mediators, private attorneys, legal aid, court staff and judicial officers and community members and access to justice strategic plans.

[ ]  Promoting Emerging Practice and Innovation programs

[ ]  Funding

[ ]  Marketing

[ ]  Support complementary initiatives

[ ]  Other

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Measurement

1. What data do you collect on Emerging Practice and Innovation? (select all that apply)

*Tips:* Suggested sources of information include Emerging Practice and Innovation programs or services, bar association and court case management data.

[ ]  Number of cases with Emerging Practice and Innovation

[ ]  Emerging Practice and Innovation use by case type

[ ]  Outcomes in cases with Emerging Practice and Innovation

[ ]  Case length for cases with Emerging Practice and Innovation

[ ]  No data is collected

[ ]  Other (can add multiple options):

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

14.i. How is the data used to inform access to justice strategy/policy?

14.ii. Who sees the data?

1. Are there accepted practices around documenting Emerging Practice and Innovation?

*Tips:* Examples of accepted practices include uniform data definitions, collection techniques and collection frequency.

If yes, please explain practices below under “Additional information”.

[ ]  Yes [ ]  No [ ]  Unsure

Additional information (such as country/region distinctions):

Remarks on strengths and gaps:

Cumulative Component Assessment

Please score your overall progress on Emerging Practice and Innovation based on the compiled information and additional data used to inform this assessment. The scoring should use the following scale:

**None:** In this category, component key elements, content or services are not available; no data is being collected; there is no sustained funding and there are many gaps to providing this service or content.

**Minimal levels:** In this category, very little demand for component key elements, content, or services is estimated to be met, potentially only in a few counties. There may be only a few (1-2) case types or litigation stages in which component key elements, content, or services are available. The majority of responses focusing on technology, language supports, access requirements, and safeguards, are ‘Rarely’ with a few ‘Sometimes’ selections. There are limited examples of diversity, equity, and inclusion as well as weak, unsustainable financing structures and data collection practices.

**Partial:** In this category, it is estimated that between a quarter and half of the demand for component key elements, content, or services is estimated to be met. Component key elements, content or services may not be statewide and in less than half of all counties. There may be only three to four case types and few litigation stages in which component key elements, content or services are available. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Sometimes’ with a few ‘Rarely’ or ‘Often’ selections. Additionally, only a few examples of diversity, equity and inclusion are present. Financing structures are somewhat stable while data collection is sporadic and rarely informs strategy or policy.

**Sufficient:** In this category, it is estimated that more than half of the demand for component key elements, content or services is being met. The component key elements, content or services may exist statewide and if not statewide, in many of the counties. Component key elements, content or services are provided to most case types and at multiple stages in the case. The majority of responses focusing on technology, language supports, access requirements, and safeguards are ‘Often’ with a few ‘Always’ or ‘Sometimes’ selections. Additionally, there are more than 2-3 examples of diversity, equity, and inclusion present. Stable and sustainable financing structures are listed; data collection may be established and occurring but there is room for advancement in how it informs the design, delivery and sustainability of the component.

**Advanced:** In this category, greater than 75% of the demand for component key elements, content or services is being met. The component key elements, content or services are statewide and are provided to almost all cases and at every feasible stage in the case. The majority of responses focusing on technology, language services, access requirements and safeguards are ‘Always’ with a few ‘Often’ or ‘Sometimes’ selections. Additionally, there are numerous examples of diversity, equity, and inclusion. Financing structures are described as robust and sustainable. Data collection and sharing occur regularly to inform component design and delivery with strong feedback loops in place to guide future development.

*Overall progress on Emerging Practice and Innovation:*

[ ]  None [ ]  Minimal levels [ ]  Partial [ ]  Sufficient [ ]  Advanced

1. Americans with Disabilities Act. For more information on ADA access requirements see, <https://www.ada.gov/>. [↑](#footnote-ref-1)