



Coming to Court for Self-Help During COVID-19: Six Ways to Keep Court Users and Staff Safe

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Introduction

Courts are rightfully offering more and more remote services and hearings to court users and instituting teleworking policies for court employees and judicial officers. Yet, the internet is not a magic wand, and the digital divide is very real.¹ Certain court operations cannot be done exclusively online, and for many people, lack of reliable broadband access limits their ability to conduct court business.² According to the Pew Research Center, “some 25% of Hispanics and 23% of blacks are “smartphone-only” internet users” and “blacks, Hispanics and lower-income smartphone users are about twice as likely as whites to have canceled or cut off service because of the expense.”³ Many public-facing court resources are simply not usable on a small smartphone screen and do not enable court users to easily complete forms or e-file. For those with limited internet access, or who previously relied on Wi-Fi in now-closed public places like libraries, remote services will not allow them to use the court system. As such, in-person services are still needed at the courthouse, and provisions must be made to keep court staff and users safe while continuing to provide access to valuable self-help resources and internet connectivity. This paper offers six practical considerations for the re-opening of in-person self-help services that will help to keep court staff and users safe, and even improve court services.⁴

Technology can be a powerful tool to deliver legal information and provide court services without requiring court users to travel to a courthouse, miss work, and find childcare. In many communities, courts have or will re-open physical self-help operations to assist court users who lack the technical savvy, literacy, English proficiency or broadband necessary to complete their court matters remotely.⁵ There is an opportunity for self-help services to adapt and improve online. Still, physical self-help centers play an

¹ See, e.g., *America’s digital divide is an emergency*, Katrina Vanden Heuvel, Washington Post, June 23, 2020, available at: <https://www.washingtonpost.com/opinions/2020/06/23/americas-digital-divide-is-an-emergency/?outputType=amp>

² See *Digital divide persists even as lower-income Americans make gains in tech adoption*, Pew Research Center, May 7, 2019, available at: <https://www.pewresearch.org/fact-tank/2019/05/07/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/>

³ See *Smartphones help blacks, Hispanics bridge some – but not all – digital gaps with whites*, Pew Research Center, August 20, 2019, available at: <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>

⁴ Some of these ideas are drawn from pre-pandemic work done by Margaret Hagen and others. See, e.g., *Seven Prototypes to Make Courts More User-Friendly*, Legal Design and Innovation Blog, March 16, 2017, available at: <https://medium.com/legal-design-and-innovation/seven-prototypes-to-make-courts-more-user-friendly-5b0f5faca9e5>; also see *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*, Zorza and Associates (2012), available at: <https://chicagobarfoundation.org/wpcontent/uploads/2014/01/sustainable-law-library.pdf>

⁵ For example, disabled Americans are about three times as likely as those without a disability to say they never go online and are much less likely to have broadband access at home. *Disabled Americans are less likely to use technology*, Pew Research Center, April 7, 2017, available at: <https://www.pewresearch.org/fact-tank/2017/04/07/disabled-americans-are-less-likely-to-use-technology/>

essential role in assisting those patrons seeking in-person access to computers and broadband⁶ or “higher touch” help.

Modifications can be made to physical spaces to allow self-help court services to continue and even improve while abiding by health and safety guidelines. However, changes to physical spaces alone will not solve all challenges that have been brought to light during the pandemic. Adjusting operational procedures to aid in social distancing (such as scheduling appointments) will not only create space but could lead to lasting better practices.

Courts may look to precedents set in other industries and government offices for examples of how to provide socially distant spaces for self-help services. Some modifications may be temporary, while others may be long-lasting. Courthouse adaptations could include the use of sneeze guards, temporary partitions and floor finishes or decals that demarcate six-foot increments. Changes to self-help service operations could consist of scheduling appointments and handing out restaurant-style buzzers for walk-ins, which would allow visitors to wait outside and be called. Providing computer kiosks will allow those without the necessary technical savvy or equipment to e-file, review online court records, and participate in remote court hearings from the self-help center.

This paper provides examples of practical and attainable solutions for most self-help areas in courthouses. It assumes that broader building measures to reduce the spread of COVID-19, such as proper air filtration, entry screening, the use of face masks, and cleaning protocols, are being carried out in addition to the considerations listed below.⁷

1. Encourage Appointments

At this point, the term “social distancing” is widely used and is an accepted practice when it comes to reducing the spread of COVID-19. Simply put, it is necessary to spread out and reduce the number of people in confined areas. Allowing self-represented litigants and other visitors in need of in-person services to schedule appointments is a way to reduce the number of people in the courthouse and de-densify the self-help center.

There are many ways to schedule self-help center appointments. Appointments may be scheduled via telephone and walk-ins may be given a number or restaurant-style buzzer and asked to wait outside. Patrons with internet access who still need in-person services could schedule online.⁸ Because of the aforementioned digital divide concerns, an easy non-digital way to set an appointment should always be

⁶ Microsoft estimates “that some 157.3 million people in the U.S. do not use the internet at broadband speeds.” *Microsoft Airband: An annual update on connecting rural America*, Microsoft on the Issues Blog, March 5, 2020, available at: <https://blogs.microsoft.com/on-the-issues/2020/03/05/update-connecting-rural-america/>

⁷ Refer to your local authority for specific guidelines on cleaning and screening protocols, as well as best practices for air filtration.

⁸ The Salt Lake City Justice Court used a Doodle calendar and “100% of the people who were allowed to pick their own remote hearing date showed up.” <https://twitter.com/saltlakejustice/status/1275216046186733568>. The Oakland County Friend of the Court Office (metro Detroit area child support enforcement agency) is using an app for scheduling (starting in early July 2020), <https://oaklandfoc.setmore.com/>

an option, accounting for a certain number of walk-in appointments and allowing phone-based scheduling. Whatever the blend of selected scheduling options, courts should engage with community partners—including, but not limited to, public librarians, hospital social workers, religious leaders, civil legal aid providers, and human service providers—to share the details of the preferred appointment scheduling methods.

2. Pre-Plan the Self-Represented Litigant’s (SRL) Journey

The journey to the courthouse begins at home. Courts should provide as much information about *both* the court process and available legal information, written in plain language and translated into commonly spoken languages, posted online and in paper communications as possible. The more available legal information and court process information that is easy to find and understand, the less confusion and need for in-person self-help. That said, there will remain some court users who will not be able to access the online resources and will prefer to communicate with self-help center staff or volunteers in person. Some of these users may not have smartphones; some may have never used email before, some may have a disability that makes this onerous or impossible, while others may just not be sure where they need to start for legal help.

At this moment, courts should provide at least three broad categories of information to assist SRLs:

1. Procedural information, including whether and when to physically come to the courthouse⁹; how to submit pleadings (remotely and in-person, if possible); how to participate in court proceedings (including what documents to bring and in what quantity); how to request civil filing fee waivers, interpreters and ADA accommodations; how to pay court fees and fines; how to communicate with probation departments; how to schedule an appointment with the self-help center and instructions as to how to conduct any other court business;

2. Legal information about different case types, with plain language instructions and easy to complete plain language forms (ideally standardized in a jurisdiction); and

3. Legal and community referrals, including to civil legal aid and pro bono referrals, bar association legal referral programs, information about accredited traffic schools and mediation programs, and other referrals to trusted community partners.

It bears repeating: the more that all three of these kinds of necessary information are clearly stated and easy to find on a court website, the better. One goal of self-help services (now, and always) is to enable an SRL to complete their legal matter without confusion and frustration. Now, however, courts have extra incentive to provide all relevant information upfront to enable all court users to achieve their business

⁹ If there are multiple courthouses in a particular jurisdiction, self-help resources should explain how court users know which courthouse is appropriate for their cases. For a digital example, see California’s Find My Court: <https://www.courts.ca.gov/find-my-court.htm>. Moreover, courts should also provide resources about the closest bus, train, or subway stop(s) and parking information for the relevant courthouse as well as information about whether cell phones are permitted in the courthouse and any security or COVID related screening procedures.

remotely or move through the courthouse quickly and efficiently. Providing information and instructions upfront requires less court staff time and results in a more positive and safer experience for all.

At a minimum, paper communications sent from or under the auspices of the court—including letters, demands, complaints, summons—should include information about whether parties can participate in the court process in-person or whether they must participate online. If they must participate remotely, clear instructions as to how to engage with links to additional self-help instructions about using the remote platform are essential. A simple map may help convey transit, parking and entrance information. If your court has a navigator program, this should be highlighted as well.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NCP Name:

CP Name:

OAG Number:

CAUSE NUMBER

IN THE INTEREST OF § IN THE _____ COURT

§ OF

A CHILD(REN) § _____ COUNTY, TEXAS

**Order Setting Final Hearing
Order Requiring Attendance by Telephone or Video Conferencing and
Requiring Parties to Participate by Zoom.us Application**

IT IS ORDERED that a Final Hearing is set on _____ on the relief requested in the pleadings.

Pursuant to the Texas Supreme Court First Emergency Order dated March 13, 2020 and its Third Emergency Order dated March 19, 2020:

IT IS ORDERED that all incarcerated parties may participate by letter, unsworn declaration, affidavit or other written means; addressed to the _____ County District Clerk,
_____.

IT IS ORDERED that all parties and attorneys are required to participate by either telephone or video conferencing capability by exclusively using the Zoom.us **FREE PROGRAM** on _____ **FAILURE TO PARTICIPATE MAY RESULT IN A DEFAULT ORDER, OR ARREST OF A PARTY, UPON PROPER MOTION. DO NOT GO TO THE COURTHOUSE.**

-Participate by video conference

In preparation for in-person services at the courthouse, inform recipients of times and dates of their court call, as well as the exact location in the courthouse (floor, desk, room). Visitors need to know where they should enter the building, and any security or COVID screening protocols. For example, are cell phones allowed in the building? Are visitors required to wear a mask?

3. Help Visitors Find Self-Help Services Inside the Courthouse

After arriving at the courthouse, visitors may need help finding their destination inside the building. For many people, a trip to the courthouse is a stressful experience, especially during a pandemic. Clear and consistent wayfinding should be visible and accessible, ensuring that everyone can find assistance and forms in the building. Often, the Jury Manager will have maps and general information prepared that could be used for this purpose. Encourage visitors to take care of their court business as expeditiously as possible to reduce the number of people inside the building. It is safer for all parties concerned if an SRL only goes to the floor they need to, only talks to the person they need to, and only stays in the courthouse as long as they need to.

Most courthouses have lobbies and navigation (decision making) points that display a building directory, map, and sometimes a staffed information desk. An information desk with in-person help to navigate the courthouse can expedite a visitor's journey and put them at ease. Transparent screens may be installed around information desks between visitors and court staff. Information kiosks are helpful too, but usually require visitors to interact by touching the screen, so they need to be disinfected often, or covered in a removable barrier that can be sanitized or discarded.

All courthouses need effective wayfinding, and during the pandemic additional reminders to social distance and practice proper hygiene is necessary. Signage campaigns offer the possibility to reflect your court's unique identity. Incorporate smart graphics and iconography that visitors can relate to and is unique to a particular court or jurisdiction. Consideration should be given to ADA compliance, as well as instructions translated into the most commonly used spoken languages.¹⁰

The design of signage systems can be complicated; but according to Gensler's wayfinding experts, there are a few considerations that may be helpful when planning wayfinding graphics.¹¹

1. Use your signs to communicate in a friendly way. Signage can have a pleasant tone and still be informative and effective. Carefully select the language that is appropriate for your court.
2. Think about how signage can assist during the entire user journey through a building. Examine the full user journey, from the moment they leave their homes until they reach their destination inside the courthouse.
3. Pair a communications campaign with new signage. During the pandemic, friendly reminders to wash hands and social distance may be placed throughout the building. Strategic

¹⁰ ADA Standards for Accessible Design, available at: https://www.ada.gov/2010ADASTandards_index.htm

¹¹ Gensler, "Tips for Signage and Wayfinding in a Post-COVID-19 World", available at: <https://www.gensler.com/research-insight/blog/tips-for-signage-and-wayfinding-in-a-post-covid-19-world>

placement of signage encouraging visitors and staff to clean high-touch surfaces are needed. The World Health Organization and Center for Disease Control offer free COVID-19-related signage that can be downloaded here: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public> and here: <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>.



Floor decals reminding patrons to social distance are being used in many types of businesses, including hospitals, pharmacies, and grocery stores, and courts can use the same kind of communication. The information provided can be directional and lead the public to their precise destination. Floor graphics have also been found to help clarify and emphasize one-way circulation paths. The image below depicts tape marking a six-foot queuing distance.

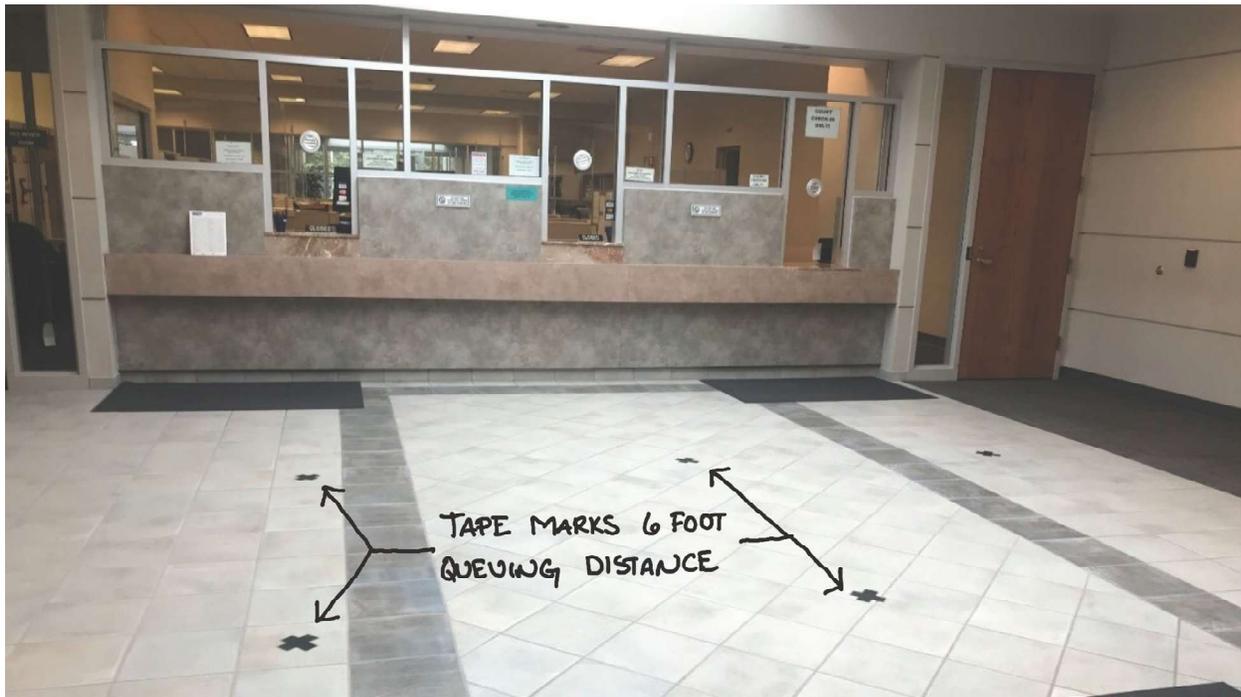


PHOTO COURTESY OF JUDGE WILLIAM KELLY, KENTWOOD, MI

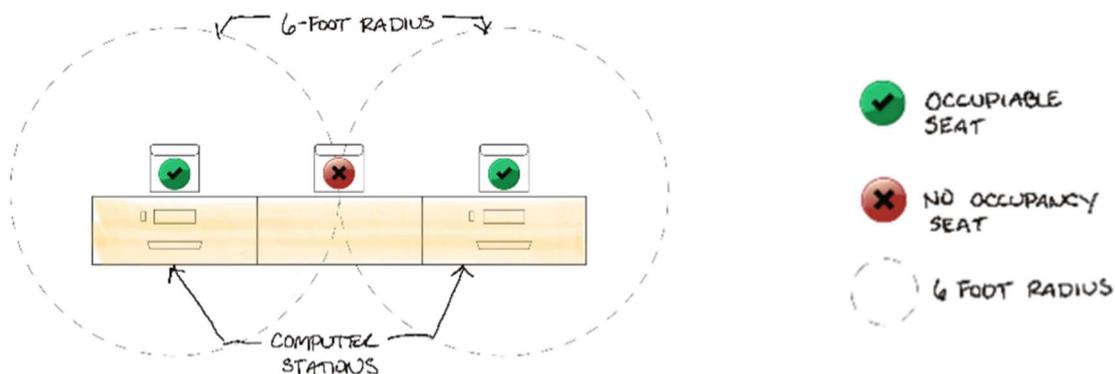
4. De-Densify and Make Space for Social Distancing

Creating space for social distance in existing facilities can be a challenge. In most cases, moving walls and taking on a significant remodel is simply not feasible. While each courthouse and self-help center space is unique, there are a few universal and practical strategies that will help to keep people safe. The Center for Disease Control, OSHA, and many other organizations now have guidelines for returning to the workplace. The information provided below is based on those guidelines and includes practices like:

- Establish a maximum visitor capacity
- Rearrange and spread out furniture¹²
- Remove chairs to limit the seating capacity and ensure a six-foot distance
- Install sneeze guards
- Create one-way circulation paths
- Leave interior doors open to promote air circulation
- Provide sanitation stations for the public and staff

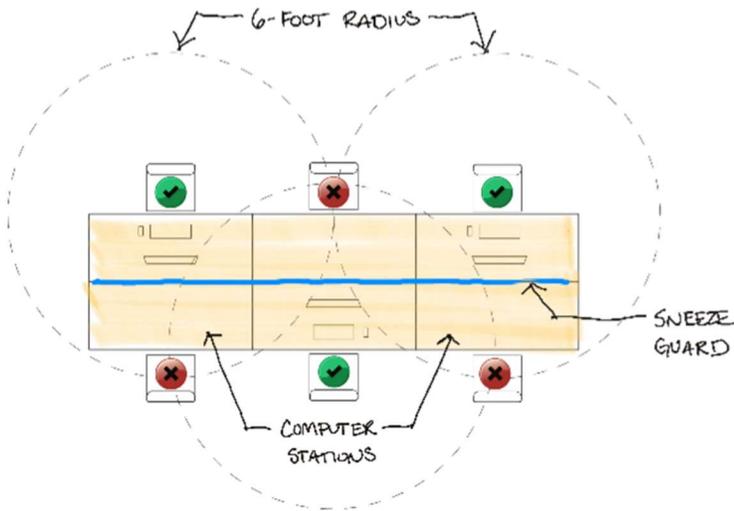
Similar to mapping the court user's journey, consider where SRLs spend their time inside the self-help center and the tools and amenities they utilize. As stated previously, there is a good chance that an SRL who elects to come to the courthouse for help will not be technologically savvy and is looking for in-person assistance. Your court might be equipped with public windows or help desks. In either case, sneeze guards may be installed to limit airborne disease transmission.¹³ Many courthouse self-help centers have worktables, computer stations, and reading carrels available for public use. In those instances, the tables and carrels may be moved further apart, and the number of chairs reduced. Consider rearranging furniture and implementing a one-way traffic flow.

The following diagrams are examples of social distancing considerations at public stations and work tables. It's vital to implement social distancing guidelines in a manner that works in your unique space.

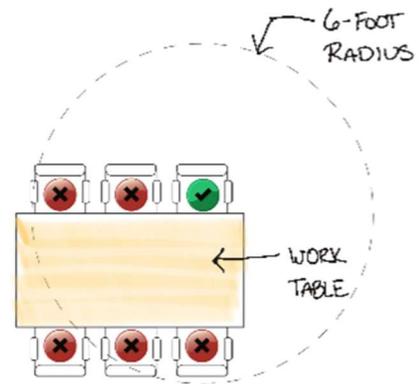


¹² Be sure to maintain a clear path of travel to maintain compliance with ADA Standards for Accessible Design.

¹³ OSHA recommends installing physical barriers, such as clear plastic sneeze guards, where feasible.



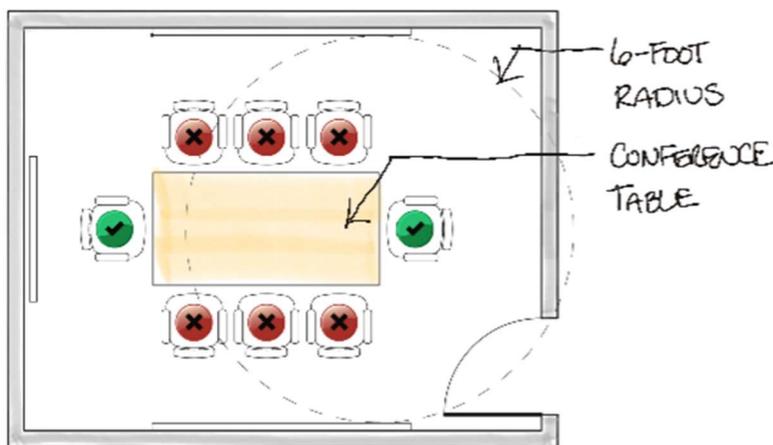
FACING COMPUTER STATIONS EXAMPLE



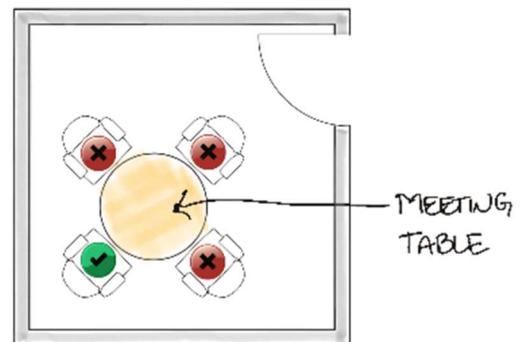
6-PERSON WORKTABLE EXAMPLE

Physical partitions, similar to a sneeze guard, and installed at the proper height, may be added to worktables and computer stations; however, sneeze guards cannot take the place of social distancing. Many clear acrylic options are now on the market. In general, seating areas and workspaces should be de-densified and staggered so that people do not face each other directly.

A meeting room that once held eight people may be reduced to an occupancy of two, depending on its size and configuration. Similarly, a small meeting room that held four may now only accommodate one person. Interior doors should be kept open to promote air circulation, and closed-door meetings with multiple people should be avoided. Once the socially distanced occupancy is determined, removing extra chairs will remind people to space themselves appropriately. Perkins & Will Architects have created various examples of socially distanced workspaces in their publication, "Road Map for Return."¹⁴



8-PERSON CONFERENCE ROOM EXAMPLE



4-PERSON MEETING ROOM EXAMPLE

¹⁴ Perkins & Will, "Road Map for Return", available at: <https://perkinswill.com/road-map-for-return/>

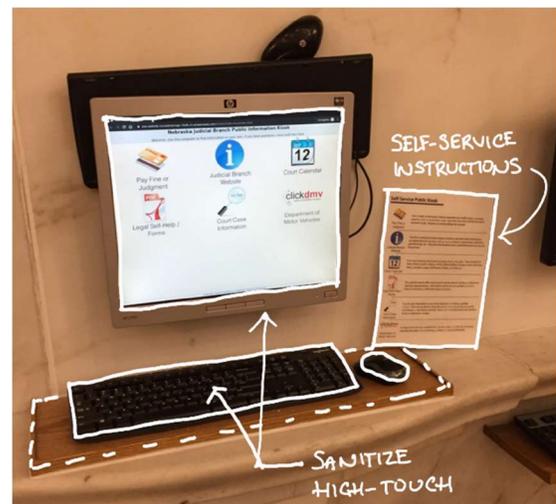
5. Provide Access to Computer Kiosks to Bridge the Digital Divide

For the foreseeable future, many court staff and judicial officers will continue to work remotely. Courts and self-help centers should conduct an inventory of computers and other technology to determine what existing equipment may be re-purposed and used as self-help kiosks.¹⁵ Many of the court users who physically come to court may lack the resources, computer, or knowledge to conduct court business online successfully. The reasons court users may need kiosks vary, including:

- Some court patrons lack smartphones, computers, or tablets.¹⁶
- Some court patrons lack internet access at home and would be unable to conduct sensitive court-related work in a public place, like a library, that may or may not be open during these times.
- Some court patrons may have a smartphone, but lack experience using email and do not have an email address, so they cannot remotely file documents.
- Some court patrons have smartphones, but cannot complete the required court forms on the small screen or without access to a computer with a keyboard.
- Other court patrons have limited cellular data and minutes, so they'd elect to participate in their court proceedings in the courthouse.
- Other court patrons, in misdemeanor and other criminal case types, per state law, must complete fingerprinting upon the completion of their case, and so they will need to come to a courthouse to complete those fingerprints.

To address this, self-help centers should have computer kiosks that offer users the ability to:

- File pleadings;
- Review online court records;
- Review any relevant online translated resources and to connect with online or phone-based language interpreter resources;
- Access self-help materials and legal information websites;
- Complete and print (if necessary) plain language court forms; and
- Participate in remote court hearings.

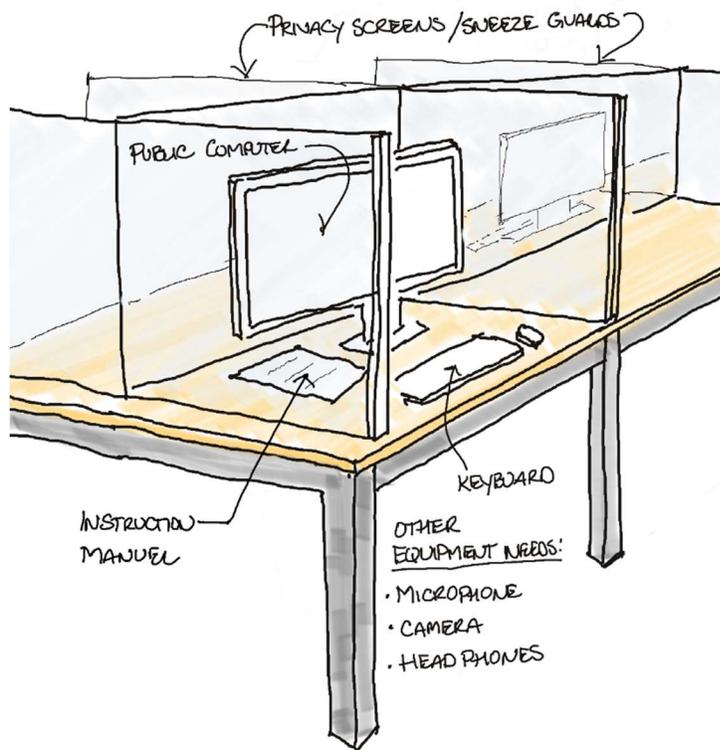


SELF HELP KIOSK IN OMAHA, NEBRASKA. PHOTO BY AUTHOR.

¹⁵ Consider the computers that were formerly used by staff who are now permanently working remotely or computers that may have been used in a law library or other space that is now closed or has limited capacity so that some computers are now no longer being used in the space.

¹⁶ See, e.g., <https://www.streetsensemedia.org/article/bridging-the-digital-divide/#.Xvp8UShKjD4>

Court patrons should also be able to use these kiosks to communicate with civil legal aid hotlines and legal aid providers for brief legal advice and private bar legal referral programs to look for legal representation.



PUBLIC COMPUTER KIOSK

Not all kiosks will be the same, and courts should consider the different uses and business processes that will dictate the equipment present. For example, if a kiosk will be used exclusively for completing filings, there is no need for a webcam; but there will be a need to sanitize frequently between users, which may require keyboard and mouse coverings. Depending on its purpose, each kiosk may include a computer, monitor with a microphone, web camera, headphones, and privacy screens between stalls. Headphones, microphones, keyboards, and any other touchpoints should be sanitized between users and incorporate disposable coverings. Self-Help centers and kiosks should be regularly disinfected, and court staff should be trained to conduct regular, documented cleanings. The kiosk's purpose will also drive decisions about privacy software and web filters. If users

will be saving documents to the computer then they should be securely deleted between users. If the kiosk allows for internet browsing, there may be a need to install some filters or block certain sites. Likewise, court staff may have to institute time limits or otherwise ensure that all those who need access are able to use the kiosk.

Provide laminated instruction manuals at each kiosk to assist with e-filing, making an email address, and how to participate in the preferred remote hearing platform. Laminated manuals allow for cleaning and sanitizing the pages.

It is also worth considering providing kiosks outside of the courthouse. In Idaho, for example, the court set up 10 kiosks at the exposition center because it is conveniently located and is large enough to support proper social distancing and privacy for those participating in a remote hearing.¹⁷

¹⁷ See *Ada County rolls out Expo Idaho as hub for remote court hearings*, Idaho Press, May 5, 2020, available at: https://www.idahopress.com/news/local/ada-county-rolls-out-expo-idaho-as-hub-for-remote-court-hearings/article_4ab4bb0a-b926-523c-be0f-a687aad05142.html

6. Minimize the Need to Touch Surfaces

We touch a lot of surfaces without thinking much about it. It may be possible to eliminate the need to handle so many things, but if not, precautions can be taken to promote cleanliness.

Consider every touchpoint from a person's home to the court service area. Think about what surfaces they touch and evaluate the feasibility of reducing touch, incorporating anti-microbial surfaces, utilizing disposable materials and covers, and disinfecting those surfaces frequently. At a minimum, high-touch surfaces should be cleaned regularly and covered with a material that can be wiped and sanitized often. A staff member who is working in the self-help area should be assigned to disinfect surfaces regularly. Coordinate with the courthouse building manager to understand their building-wide cleaning protocol to ensure a comprehensive plan. Provide plenty of hand sanitizer, tissues, no-touch trash cans, and COVID-19 approved cleaning products.

There are opportunities to reduce touch and incorporate more sanitary solutions in several locations by incorporating the following:

- Install sanitary door openers and toe pulls on doors that cannot remain open.¹⁸
- Use disposable keyboard and mouse covers on public equipment.
- Provide disposable "placemats" for use at public workstations and tables.
- Allow for contactless payments by credit card or phone.
- Install secure drop boxes outside the court and at community centers where users can submit documents.



Reduce the reliance on passing paper forms and sharing writing utensils. If pens and pencils are provided, a protocol should be in place to separate clean (untouched) and dirty (touched) tools. Even better, encourage court users to bring their own pen and notebook. The CDC recommends not sharing equipment, but often it is unavoidable. In those cases, consider using disposable keyboard covers and sanitizing after each use.

PHOTO COURTESY OF JUDGE WILLIAM KELLY, KENTWOOD, MI

¹⁸ Be sure door levers and operating mechanisms are in compliance with ADA Standards for Accessible Design.

Conclusion

In the future, biometric screening and facial recognition sensors will call our elevator and send us to the correct floor, open our door, and set the lighting and temperature in our office. Until then, we will continue to touch the same elevator buttons, doorknobs, and light switches. For now, and in the near future, adjustments to court spaces and operational practices are needed to co-exist with COVID-19 to keep court users and staff safe. However, just as courts have taken this opportunity to leapfrog into remote service provision and a reconsideration of what processes need to take place in person, so too does this crisis present an opportunity to think through how self-help works best in the physical courthouse. By frontloading court users with information to make their trip to the courthouse as expeditious as possible, combined with improved scheduling and cleaning protocols, courts may find that they can offer a safer, more streamlined in-court experience than they were before the pandemic.

Additional Resources

The following sources offer information on various topics related to buildings and COVID-19. The pandemic is an unfolding situation; monitoring the latest data is critical to the safety of building occupants.

American Institute of Architects (AIA)

“Re-Occupancy Assessment Tool V1.0”

<https://www.aia.org/resources/6292441-re-occupancy-assessment-tool:56>

Occupational Safety and Health Act (OSHA)

“Guidance on Preparing Workplaces for COVID-19”

<https://www.osha.gov/Publications/OSHA3990.pdf>

Centers for Disease Control and Prevention (CDC)

“Disinfecting Your Facility”

<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

“Reopening America”

https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/Reopening_America_Guidance.pdf

Perkins & Will

“Road Map for Return”

<https://perkinswill.com/road-map-for-return/>

United States Department of Justice

Information and Technical Assistance on the Americans with Disabilities Act

“2010 Standards for Accessible Design”

https://www.ada.gov/2010ADASTandards_index.htm