

A Tiny Chat Companion: Self-Represented Litigant E-Filing

Three Types of State SRL E-Filing Systems Pre-Pandemic:

- (a) States that already had Mandatory SRL E-Filing, either for all case types or for certain case types.
 - Examples discussed in this Tiny Chat are Illinois (all case types) and New Hampshire (certain case types).
 - (b) States that already had Attorney E-Filing, which may, or may not, have allowed SRL to use the existing e-filing option.
 - Examples discussed in this Tiny Chat are Massachusetts, New Mexico, Utah.
 - (c) States that had limited E-Filing (for attorneys or SRL).
 - Example discussed in this Tiny Chat was Alaska.
1. *Be mindful of the digital divide; and ensure that there remain options for self-represented litigants without access to computers or online resources to engage in the court system.*

Some court systems have kept physical drop-boxes outside of courthouses to allow those unable to complete e-filing (because of the digital divide or other resources) as a socially distanced option for filing papers with the court. In addition to those without easy or affordable access to broadband and/or without access to a smart phone or computer, remember that there remain people who have never used an e-mail address before and may need basic help setting up e-mail address before they can even begin to figure out how to e-file.

2. *Make sure your SRL e-filing process has clear (and easy-to-find) instructions on how to complete the process successfully.*

Ideally e-filing instructions will include a mix of visual and written instructions, developed in plain language (since they are to be used by self-represented litigants). If possible, these resources should be translated into the most commonly-spoken foreign languages used in your area, as well as made compliant with screen readers to comport with ADA requirements.

3. *Make sure that SRL still have the option—through text, phone or chat on the court's website—to ask questions of staff to help troubleshoot.*

Just because courts are making filing possible online does not automatically eliminate users' needs to ask questions of live staff. Pre-COVID, these self-represented litigants would ask for help at clerks' counters (and other court staff), so identify which court staff can answer those same kinds of questions remotely.

4. *Do not let the perfect be the enemy of the good.*

This crisis affords the opportunity to innovate and adapt, in real time, as needed. If your court system does not yet have an e-filing system for SRL, consider whether direct e-mailing to a standard court email address is possible or other potential work-arounds, which can continue to be adapted as your court system figures out what works best.

5. *Ask for help from court partners and justice system stakeholders.*

As our conversation with David Colarusso makes clear, there may be outside justice system stakeholders who can help in this moment of crisis, and it is critical to be open to seeking partnerships to maximize innovation and service delivery.

<https://www.mass.gov/news/letter-to-the-bar-from-supreme-judicial-court-chief-justice-ralph-d-gants>

Legal Innovation & Technology Lab: [Document Assembly Line Project](#)

Examples of Court SRL E-Filing Instructions and Resources Referenced:

- Alaska SRL Filing under COVID: <http://www.courts.alaska.gov/court/efiling.htm>
- Illinois SRL E-Filing Resources: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- Massachusetts SRL E-Filing Resources: <https://suffolklitlab.org/team/>
- New Hampshire SRL E-Filing Resources: <https://www.courts.state.nh.us/nh-e-court-project/Superior-Court-efiling-top-9-things-SRL.pdf> and <https://www.courts.state.nh.us/nh-e-court-project/self.htm>
- New Mexico SRL E-Filing Resources: <https://nmcourts.gov/covid-19.aspx>
- Utah SRL E-Filing, Protective Order: https://www.utcourts.gov/howto/filing/email/protective_orders.html
- Utah SRL E-Filing, Existing Case: https://www.utcourts.gov/howto/filing/email/existing_cases.html

Additional NCSC E-Filing Resources:

- LegalXML Steering Committee's Electronic Court Filing Standards: <https://www.oasis-open.org/login?back=https%3a%2f%2fwww.oasis-open.org%2fapps%2fforg%2fworkgroup%2flp%2f>
- Court Technology Bulletin (with many useful e-filing posts): <https://courtechbulletin.blogspot.com/search/label/Electronic%20Filing>

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