

A Tiny Chat Companion: Signatures, Notaries, Notice

1. Make sure your policies are clear, easy to understand, and easy to find

In order to avoid court user mistakes and confusion, courts should explain procedural requirements, and if court rules still require a “wet signature,” self-help instructions should be included to show users how to complete that step digitally. Explain that this might mean they can sign a document, scan that document, and email it or otherwise submit it to the court.

Use plain language and simple terms at a 5th grade or lower reading level. Courts do not need to re-write their policies, but court website and self-help instructions materials should be reviewed and enhanced, as much as practicable, to provide easy to use tutorials on what is now required. Most self-represented litigants will not be able to follow directions if the only guidance offered comes from lengthy court orders. Put these explanations front and center on court websites, add them as cover pages to existing forms or self-help packets, and be sure to train frontline staff to give this guidance over the phone, email or chat. If not, there is a significant risk that many court users will not be able to file pleadings completely and appropriately, and/or that court staff will receive lots of calls and requests for assistance.

2. Make sure your policies and their explanations are easy to find, and provide examples

If court users are allowed to scan a document, be aware that most people do not have ready access to a scanner, so provide them with options for scanning documents on their phone or at a safe location. This can be done without endorsing a vendor, and it is in fact better to provide multiple options as some apps work on some operating systems but not others. Not to mention that some people will be more comfortable with certain solutions, but not others.

3. Many people do not have ready access to the internet, especially without access to libraries or other free access points

Consider a secure drop box and several locations so that court patrons who can no longer enter the courthouses can nonetheless submit documents to the court.

Additional Resources:

- LSNTAP recorded webinar on Scanning and Digital Signatures:
<https://www.youtube.com/watch?v=m-ikzeFCq-A&feature=youtu.be>
- LSNTAP list of scanning and digital signature vendors:
<https://www.lsntap.org/node/297/scanning-and-digital-signatures-remote-legal-services>

Examples of Court Orders, Memos and Announcements Referenced:

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- Massachusetts Supreme Judicial Court E-Signature Order:
<https://www.mass.gov/doc/sjc-order-concerning-electronic-signatures-of-judges-and-clerks/download>
- Alaska E-Signature/Self-Notarization Order:
<https://public.courts.alaska.gov/web/covid19/docs/statewide-pjo-rules-suspension-1.pdf>
Alaska COVID 19 Filing FAQ: <http://www.courts.alaska.gov/covid19/pj-order-faq.htm>
- Florida Supreme Court Notarization Order:
<https://www.floridasupremecourt.org/content/download/632105/7182680/AOSC20-16.pdf>
- North Dakota “Self-Certification” Small Claims Form:
<https://www.ndcourts.gov/Media/Default/Legal%20Resources/Legal%20Self%20Help/Small%20Claims/Form6.pdf>
- British Columbia COVID-19 Order Concerning Court Logistics:
<https://www.provincialcourt.bc.ca/downloads/Practice%20Directions/NP%2019%20COVID-19%20Suspension%20of%20Regular%20Court%20Operations.pdf>
- Washington Supreme Court Notarization and Notice Order:
<http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Extended%20and%20Revised%20Supreme%20Court%20Order%20042920.pdf>

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