Evaluating Remote Technology Options to Increase Self-Help Center Access

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Providing meaningful access to justice should be at the top of every court’s goals, and remote technology is a means to increase meaningful access for self-represented litigants. This article discusses how Minnesota’s Tenth Judicial District determined which type of remote technology was appropriate for their jurisdiction.

Meaningful Access to Justice

Courts have an obligation to provide not just access to justice for self-represented litigants, but meaningful access to justice. Most would agree it is something more than unlocking the courthouse doors but something less than providing legal counsel to every litigant in every case. (For a situation describing what happens without meaningful access to justice, see the story of Marley on p. 58.)
Minnesota Works to Increase Meaningful Access to Justice

Self-represented litigants often do not have the legal background or necessary information to defend themselves against a claim or advance their case toward final resolution. Given the rise of self-represented litigants in Minnesota, a response from the court was required because the inability to effectively and efficiently access the judicial system jeopardizes access to justice.

Minnesota has started several initiatives to assist the growing number of self-represented litigants. One of the most significant responses was developing more than 300 unique forms self-represented litigants can use depending on their legal situation. These forms are available on a public website, along with detailed, step-by-step instructions. The Minnesota Judicial Branch has also created instructional videos for different case types.

Minnesota’s Tenth Judicial District, which includes eight rural and suburban counties, is the second largest of the state’s ten districts, based on number of judgeships. The Tenth Judicial District wanted to supplement the services offered by the Statewide Self-Help Center (which provides telephone, email, and Team Viewer co-browsing services). In 2015 the Tenth Judicial District began offering in-person, self-help center services in the largest of those eight counties, Anoka County. The Tenth Judicial District Self-Help Center began with a single employee offering in-person services four days a week on all major case types—civil, family, criminal, probate, and juvenile—in addition to assisting via telephone and email. The services, offered pursuant to Minnesota Rules of General Practice 110, include providing forms and information on how to complete forms; reviewing forms for completeness; providing information on court processes; and providing information on available legal aid resources, clinics, and other dispute resolution programs.

Over the past three years, the program has expanded, adding two additional employees. More self-represented litigants are using the service each year. For court administration staff and judges, this means fewer telephone calls asking why hearings have been canceled or stricken; less time spent at the counter or in the courtroom explaining processes or deficiencies with forms; fewer hearings needing to be rescheduled; and fewer confused or upset court users.

In-person services are now offered at least once per week in each of the eight counties in the Tenth Judicial District. Staff are required to travel, sometimes up to 150 miles a day, to provide those in-person services. Because staff spend a portion of their work day traveling between courthouses, their ability to assist self-represented litigants is reduced, and the Tenth Judicial District incurs additional costs. Those costs include staff time spent traveling to different courthouses, mileage reimbursement, and increased potential liability for traffic accidents and worker compensation claims.

In a time of scarce resources and shifting demographics, the Tenth Judicial District believed it would be prudent to explore additional means to provide services to self-represented litigants. John Greacen wrote a seminal study for the Self-Represented Litigation Network on self-help centers providing self-represented litigants with resources remotely. His report identified self-help services provided in eight different sites and analyzed the benefits and drawbacks of the various programs (Greacen, 2016). As Greacen noted in his report, “one of the major learnings of the study is the need to tailor remote service programs to the jurisdiction and clientele to be served” (Greacen, 2016: 4).

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1 Those sites are Alaska Court System Family Law Self-Help Center; Butte, Lake, and Tehama counties, California SHARP Shared Services Model; Idaho Judicial Branch Court Assistance Office and Idaho Legal Aid Services; Maryland District Court Self-Help Center; Minnesota Courts Self-Help Center; Montana Court Help Program and Montana Legal Services Association; Orange County, California Self-Help Services; and Utah State Courts Self-Help Center.
**Evaluating Remote Technologies for the Tenth Judicial District**

The Tenth Judicial District desired to study which remote services, if any, may be most appropriate for self-represented litigants. Using Greacen’s report as a starting point, three remote technologies—video conferencing, live chat, and text messaging—were evaluated as a potential means to provide self-help center services to self-represented litigants. These three remote technologies were selected because they were all implemented by other self-help centers across the nation and because other remote technologies—telephone calls, emails, and co-browser services—have already been implemented in Minnesota.

**Tailoring expansion of remote services to the Tenth Judicial District raised two questions:**

1. Does a need exist for remote self-help-center services beyond telephone, email, and co-browsing services?

2. If there is a need in the Tenth Judicial District, which remote service would self-represented litigants in the Tenth Judicial District be most likely to use?

The first step in evaluating those questions was to look at poverty rates and vehicle access, as compiled by the Self-Represented Litigation Network. Using data “from the most recent 1-year and 5-year estimates from the Census Bureau’s American Community Survey from 2014,” the Self-Represented Litigation Network tracked poverty and vehicle access for each Tenth Judicial District County (Self-Represented Litigation Network, 2017). In analyzing that data, it was apparent the two most rural counties in the district, Pine and Kanabec, had the highest poverty rates and highest rates of households without vehicle access. That led to an initial belief that remote technology may be more necessary in those counties.

After considering those factors, a survey was developed for self-represented litigants who visited the Tenth Judicial District Self-Help Center in the fall of 2017. Self-Help Center staff distributed the survey in each of the Tenth Judicial District’s eight counties. The data were organized based on “county groupings.” The county groupings were divided by size—larger counties were a single group while smaller counties were combined based on location and size.

The survey asked 21 questions about:

- 7 video conferences
- 5 live chat
- 4 text messaging
- 3 demographics (age, county of residency and gender)
- 1 travel time to the courthouse
- 1 whether any special arrangements were made to allow the self-represented litigant to travel to the courthouse

Survey results demonstrate that 35 percent of survey respondents had to make special arrangements to visit the Tenth Judicial District Self-Help Center. Special arrangements included needing to take time off work, arranging child care, or asking a friend or family member for a ride to the courthouse. One in three individuals who come to the Tenth Judicial District Self-Help Center needed to involve an employer, a babysitter, or a friend or family member to help get them to the courthouse. If meaningful access to justice is not provided, these individuals may need to make multiple visits to the courthouse, each trip potentially impacting an employer, friend, family member, or child care.
These responses and the statistics from the Self-Represented Litigation Network demonstrate that the answer to the first question—does a need exist for remote self-help center services beyond telephone and email—is, in this author’s opinion, yes.

Survey respondents were next asked for their opinion as to whether they would use text messaging, live chat, or video conferencing to contact the Tenth Judicial District Self-Help Center. The results were nearly uniform. Approximately two out of three survey respondents strongly agreed or agreed they would use text messaging, video conferencing, or live chat to contact the Tenth Judicial District Self-Help Center.

Of the three remote technology options, text messaging had the largest percentage of survey respondents who strongly agreed they would use it to contact the Tenth Judicial District Self-Help Center. Text messaging is also the most widely used remote technology among survey respondents.

Of those who use text messaging, 40 percent have used it to contact a business. The majority of survey respondents, 69 percent, send at least five text messages every day, while almost half of all survey respondents indicated they send ten or more texts per day.
When Access to Justice Is Not Meaningful

The following hypothetical situation illustrates what can happen when self-represented litigants do not have meaningful access to justice.

Marley and her two-year-old son’s father had been separated for six months. After failing to work out parenting-time exchanges and money for their child on their own, Marley decided to seek help at the courthouse. She took the day off work, and as a single mother, it was not easy for her to miss a day’s pay.

After paying her neighbors to watch her son, she battled rush-hour traffic to the courthouse and parked half a mile away. She made her way past court security and saw a map directing her to courtrooms, court administration, probation, and the jury room. She didn’t know where to go.

After reading signs and maps and asking for help, Marley found a line of people waiting at a counter. Once at the counter, Marley began explaining her situation, when the court clerk politely explained she was at the civil-division counter and would need to speak to the family division. After Marley waited in line again, the family-division clerk asked her if she had her custody summons and petition to file and had served the father. Marley would need to come back after completing the forms, which could be found on the court’s website, accessible in the law library.

The law library was unstaffed. Marley found a computer, printed several forms, and decided to ask the family-division clerk if they were the right forms. The clerk, although pleasant, could not give Marley legal advice and suggested she retain legal counsel—impossible on Marley’s income.

As she left the courthouse, Marley looked at the stack of papers she printed. Their words made no sense to her.

It would take Marley four months and three more courthouse trips to complete the right forms to start the process of addressing custody, parenting time, and child support. Unfortunately, her experience with the court is not uncommon.

Without meaningful access to justice, self-represented litigants may be unable to address critical issues facing their day-to-day lives.
Conclusion

The statistics and survey results reveal that self-represented litigants in the Tenth Judicial District need additional remote services and are likely to use remote technologies to contact the Self-Help Center. Although there is strong support for all three types of remote technologies considered, text messaging is the most widely used in the district.

The Tenth Judicial District now has data to support exploring the implementation of text-messaging services for self-represented litigants. One item to consider will be the cost for a software program to allow staff to respond to text messages. The program should have the ability to develop standardized answers for appropriate situations, allowing for faster response times. If implemented, the text-messaging program could be evaluated by looking at:

- the number of self-represented litigants who contacted the Self-Help Center via text messaging;
- the length of time spent working with a self-represented litigant via text message compared to working with a self-represented litigant in-person, via telephone, or by email;
- the number of text messages exchanged between the self-represented litigant and Self-Help Center staff;
- the length of time that passes between when a text message is received and when Self-Help Center staff first respond to the message; and
- the satisfaction level of self-represented litigants who contact the Self-Help Center via text messaging compared to those who call, email, or appear in-person.

By analyzing data from court users in the Tenth Judicial District, we can tailor remote Self-Help Center services to the people it serves. In addition to reviewing the statistics from the Self-Represented Litigant Network and the survey results, this author found it invaluable to speak to judges, administrators, and staff across the Tenth Judicial District for their thoughts on implementing such a program. They provided additional insight that was not addressed by the survey.

Providing services via text message will not replace in-person, telephone, or email services. The messages, by design, will be short and direct the individual to other resources, such as forms and legal aid providers. However, text messaging can supplement existing services, make more efficient use of staff time, and increase access to justice for those who need it most. If Marley (see p. 58) had been able to send a text message, she would have saved a lot of time, frustration, and resources—not only for herself, but for those around her, as well.

References
