

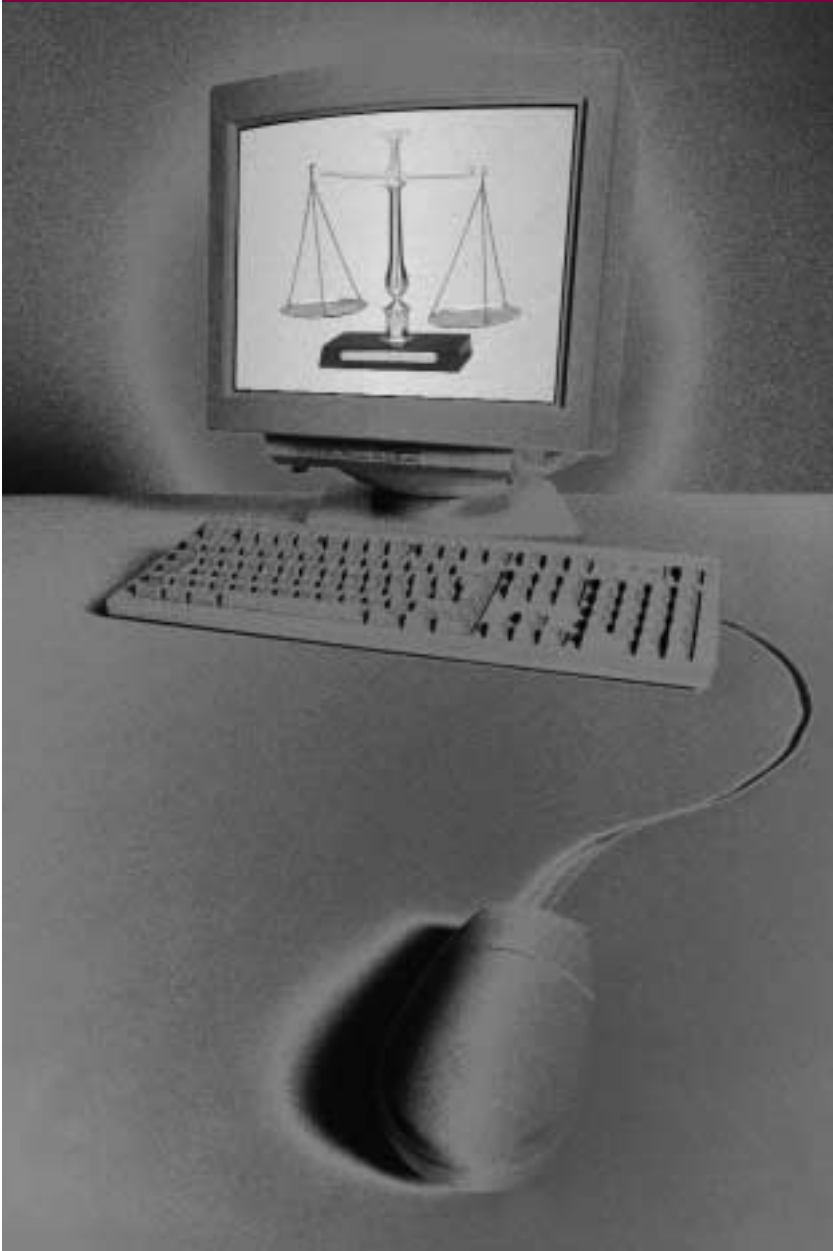
**EQUAL JUSTICE AND THE
DIGITAL REVOLUTION**

Using Technology to
Meet the Legal Needs of
Low-Income People

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Executive Summary

In the past 10 years, our society has experienced a “digital revolution,” the implications of which are as stunning as those of the industrial revolution, yet are even more remarkable because these changes are happening in a fraction of the time.¹ Beginning with the affordable personal computer and taking a giant leap forward with the creation of the Internet and the web browser, this revolution has changed how we work, play, communicate, learn, and obtain goods and services.

Yet the pace of change has not been the same in all sectors of society. Technology use by the middle and upper class and by whites is significantly ahead of use by poorer people and people of color, a gap that some observers have termed the digital divide. On a corporate level, this gap looms equally large between the private sector and the nonprofit sector.

Equal Justice and the Digital Revolution tells the story of one group of nonprofit organizations: programs that provide free civil legal assistance to qualifying low-income people. In the period covered by this report (1997 to 2001), legal services programs made remarkable strides in harnessing the potential of technology to improve service to clients.

In the mid-1990s, organizations providing civil legal assistance to low-income people were beginning to use new technologies on an increasingly regular basis, such as word processing, accounting software, and some early computerized case management systems. However, few programs had their own websites, and only a handful of these sites included significant amounts of legal or practice information for

staff and/or clients. Less than half of all advocates were making full use of outside e-mail or computerized legal research tools, and far fewer were able to access the Internet from their desktop computer.

From 1997 to 2001, the Project for the Future of Equal Justice (Project), a joint effort of the National Legal Aid and Defender Association and the Center for Law and Social Policy, engaged in a concerted set of activities aimed at helping legal services programs improve their use of new technologies. Activities included setting up a website devoted to these issues, providing extensive training and education, modeling the use of innovative technology, disseminating information about best practices, supporting increased funding for technology, and convening distinguished advisory groups to plan and provide a vision for the future.

Today, in 2002, almost every legal services advocate has desktop access to the Internet and e-mail and uses those resources daily. Virtually all legal aid programs use a sophisticated case management system, and many use document assembly software to generate routine correspondence and pleadings. Most programs have a website, and more than 30 states have a statewide website with information useful both to advocates and clients (and almost every other state is in the process of building such a site). Dozens of national sites provide substantive legal information and information on delivery, management, and technology. Many states now have a central phone number (or several regional phone numbers) for clients to call to be referred to the appropriate program or to obtain brief advice about their legal problems.

1 See John Tull, “Technology and the Future of Legal Services,” *MIE Journal* (Summer 2000).

These technological advances have:

- Enabled greatly expanded access to legal information for both advocates and clients through Internet and e-mail technologies;
- Expanded access for clients by using telephones for screening, obtaining basic client information, referrals, and providing brief advice and services, and also by posting information on the Internet;
- Enabled better case management and data collection, along with automated templates for document creation;
- Improved communication between lawyers and clients through new telephone technologies, cell phones, and videoconferencing;
- Facilitated staff and volunteer recruitment through e-mail and the Internet;
- Provided new avenues for outreach to clients and the public;
- Increased training opportunities for advocates; and
- Created a greater sense of community through e-mail and the Internet.

The knowledge acquired through the Project's work informs the eight recommendations set forth in this report. For the legal services community to continue to improve its use of technology to provide equal justice for all, the Project recommends the following set of objectives.

1. Broaden the funding base for technology-related work. Foundations, government programs, and individuals supporting legal aid can make an enormous difference in creating a strong technology infrastructure. Effective technology use can advance a full range of substantive goals, so all funders — regardless of their particular issue focus —

should both support technology-based special projects and underwrite the ongoing technology-related costs of “ordinary” substantive projects and operations.

- 2. Address substantive issues at the intersection of technology policy and low-income communities.** These issues include universal access to the Internet, literacy (including information literacy), training in computer usage, privacy issues, creation of relevant content, use of technology by government and other service providers, and infrastructure “redlining.”
- 3. Provide community legal education and assist pro se litigants.** New technologies, especially the Internet, can provide information to assist low-income people attempting to solve their legal problems on their own, as well as to help people avoid legal problems in the first place.
- 4. Create a culture of information sharing.** To reach the full potential of the Internet, members of the equal justice community will need to consider themselves key resources for others and share information horizontally across program and state lines and vertically with clients, state and national support organizations, and funders.
- 5. Develop better and more integrated technologies and applications.** In addition to cutting-edge work to develop new technologies and applications, technologists can work to integrate existing stand-alone systems, such as case management, document assembly, litigation support, hotlines, websites, electronic filing, and other systems.
- 6. Make a higher commitment to technology on an organizational level.** Programs will be better equipped to take advantage of new technologies if they think about budgeting for

technology in innovative ways. Existing investments in technology can be leveraged considerably with better technology staffing, more experienced technology project managers, long-range technology planning, and a lot more training for end-users. Technology can be used to improve program management as well.

7. Evaluate the use of new technologies. In addition to using technology to improve overall evaluation and data collection/outcome measurement practices, programs can evaluate the effectiveness of new technologies for service delivery and other program goals. Such evaluations will help ensure that

these technologies actually do benefit clients and communities.

8. Work collaboratively to plan, execute, and support technology-based work.

State justice community planning efforts can include technology as a key area around which individuals and organizations collaborate. National and state justice communities can also consider ways to support technology efforts better, including creating organizations or organizational functions specializing in technology. Legal aid technologists can not only learn from, but also play key roles in, the broader national nonprofit technology movement and in the field of law and technology.