

The  
Legal  
Education  
Foundation

# DIGITAL DELIVERY OF LEGAL SERVICES TO PEOPLE ON LOW INCOMES

## LITIGANTS IN PERSON, PUBLIC LEGAL EDUCATION & SKILLS

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## The Legal Education Foundation

This Report was commissioned by The Legal Education Foundation and we are very pleased to publish it as a contribution to identifying the advances being made in the use of information technology to aid the provision of legal services for people on low incomes.

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# 1. Introduction

Jurisdictions with adversarial traditions of justice face particular problems if there are large numbers of unrepresented litigants. As a result, there have been a number of innovations in various jurisdictions which are responding to judicial unease at the failure of the theoretical model of two equally balanced sides putting their case to a judge acting as a kind of neutral umpire. Some of these have developed beyond assistance with procedure to help with skills of presentation and, in relation to matters like family breakdown, emotional skills as well.

The absence of representation for one side creates an obvious imbalance of resources in a common law courtroom. No wonder, therefore, that judges around the common law world are expressing concern at the issues raised by large numbers of self-represented litigants. No wonder, either, that court administrations are being driven to act in order to preserve some degree of acceptable access to courts and to justice for those unable to obtain representation which, in those countries with previously generous legal aid schemes, has been the norm. This has provided an impetus for innovation which, at certain points, converges with assistance from other sources, such as within advice providers like the Citizens Advice Bureaux in England and Wales, legal aid and the public legal education movement.

Judges talk in similar tones around the world on the subject of litigants in person. Here is our own Lord Justice Munby in a speech from April 2014<sup>1</sup>:

*In the courtroom we must adapt our processes to the new world of those who, not through choice, have to act as litigants in person ... We will need to make our judicial processes more inquisitorial.*

This domestic concern has been mirrored in Australia, Canada, New Zealand and the USA - indeed, the relative lack of legal aid in these jurisdictions meant that the issue had to be confronted earlier. Here, by way of example, is a quote used in 2013 by Deputy Chief Justice Faulks of the Australian Family Court but dating from a decade earlier, in 2003:

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<sup>1</sup> 29 April 2014

*I believe that the question of how to cope with the plight of the unrepresented litigant is the greatest single challenge for the civil justice system at the present time ... Cases in which one or more of the litigants is self-represented generally take much longer both in preparation and court time and require considerable patience and interpersonal skills from registry staff and judges.<sup>2</sup>*

It can sometimes seem as if the judiciary are articulating their concern in terms of their own interest - or lack of it - in dealing with ill-informed, unrepresented litigants. However, the crucial issue is, of course, the impact on the delivery of justice. No less a source than a Ministry of Justice survey of research accepted that the majority of studies found that lack of representation lessened fairness:

*Most evidence, generally from the medium quality literature, but also including some high quality studies, indicated that case outcomes were adversely affected by lack of representation.<sup>3</sup>*

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<sup>2</sup> D CJ Faulks Self Represented Defendants: meeting the challenge February 2013 quoting Judge Davies.

<sup>3</sup> D CJ Faulks Self Represented Defendants: meeting the challenge February 2013 quoting Judge Davies.

## 2. Technology and the USA court self-help movement

The historically limited resources for civil legal aid in the USA has encouraged for some time a movement within the courts to assist with self-help. Latterly, technology has been drawn into service, but the origins lie in the basic issue of making the courts accessible. The California courts have been leaders in the field. As early as 2004, California's Judicial Council agreed a Statewide Action Plan for Serving Self-Represented Litigants.<sup>4</sup> This recommended a network of court-based self-help centres, each supervised by a lawyer and linked into partnerships with other agencies, such as bar associations and libraries, to provide legal assistance short of partisan legal advice and representation. The Judicial Council decided to focus on five themes representing the range of its work: amongst these was 'developing technological tools to assist litigants'.<sup>5</sup> These recommendations attracted cash and from 2005-6 the Judicial Council started allocating funds - beginning with \$2.5m in that year and \$8.7m in the next. Of the initial allocation of funds, the bulk went to provide physical assistance in terms of actual rooms with actual people but, from the beginning, some funds were allocated to videos, software and telephone hotlines. Thus, technology was grafted onto a web of physical provision.

*Many self-help centers are combined with the Family Law Facilitator program in their court. Effective January 1, 1997, Family Code section 10002 established an Office of the Family Law Facilitator in all fifty-eight California counties.*

*Effective January 1, 2008, the Judicial Council adopted California Rule of Court 10.960, which provides that court-based self-help centers are a core function of the California courts.*

There is credible research to suggest that California has reaped the benefit of this investment.<sup>6</sup>

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<sup>4</sup> The studies quoted were: Engler, 2010; Lederman and Hrungr, 2006; Genn and Gray, 2005; Sandefur, 2011; Law Council of Australia, 2004; Hannaford-Agor and Mott, 2003; Citizens Advice, 2009; Seron et al., 2001; Moorhead and Sefton, 2005. Ministry of Justice Research Study 2/11

<sup>5</sup> Judicial Council of Cal., Task Force on Self-Represented Litigants, Statewide Action Plan for Serving Self- Represented Litigants (February 2004),

<sup>6</sup> Administrative Office of the Courts The Benefits and Costs of Programs to Assist Self-Represented Litigants J Greacen, 2009

California and a number of other jurisdictions, like Arizona, experimented before the development of the Internet with interactive court guides, using the then available technology which was stand-alone laser disks.<sup>7</sup> These were, in retrospect, pretty basic video programmes which took a person through the process of completing forms - often in family matters. The kiosks could be programmed to print divorce petitions which could then be manually filed. They were described, somewhat fancifully, as providing access to 'hole in the wall' divorces. There was a certain spread around the world. In New South Wales, the Law Foundation picked up the idea and included interactive kiosks of this kind in a Model Court Project designed, as the Foundation's then pioneering director Terry Purcell wrote:

*to use the technology to explore the application of modern communications technology<sup>8</sup> ... to provide a wide range of helpful information to assist those unfamiliar with the court and also to provide public information video display terminals not unlike those used at airports and railway stations.<sup>9</sup>*

A number of jurisdictions followed suit and, for example, Queensland Legal Aid Commission, Australia, subsequently deployed a small number. However the experiment proved largely unsuccessful and the kiosks sunk under the inflexibility - and, increasingly the outdatedness, of the underlying technology; its cost; and a widespread failure by installers to integrate the kiosks with other provision. In retrospect, the interactive video kiosks represented a false start in the introduction of technology to access to the courts.

The development of the Internet dramatically changes the position - not least because it has encouraged a convergence amongst previously different providers of assistance. This is exemplified by the authors of a special edition of the *Harvard Journal of Law and Technology* on 'Using Technology to Enhance Access to Justice'<sup>10</sup>, which included those from both a court and a legal services background. As one of the contributors, Jane Ribayendra of the Legal Services Corporation (LSC), pointed out, both court and legal aid agencies are

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<sup>7</sup> See eg R Smith Achieving Civil Justice Legal Action Group,

<sup>8</sup> p79, T Purcell 'Technology's role in access to justice' in R Smith Shaping the Future: new directions in legal services Legal Action Group, 1995

<sup>9</sup> As above

<sup>10</sup> Volume 26, Number 1, Fall 2012



establishing websites of increasing sophistication and fostering ever greater interaction.

*Some court and legal aid websites have been redesigned to create content that is optimized for search engines, making it easier to find. Multimedia content, including videos, podcasts, and interactive quizzes, is available.<sup>11</sup>*

The implication of the similar approaches is a degree of future integration which the author makes explicit:

*We envision a world in the near future where access to justice means that a potential litigant can easily find legal information about her rights, apply for legal aid electronically, talk to a legal aid attorney over her tablet computer, find and complete the forms she needs to file in court, access the court's e-filing system to file her response and check on the progress of her case, and communicate over the Internet with a lawyer in a larger city if her case becomes complicated.<sup>12</sup>*

You could add a final element to this list: 'obtain a final determination from the court through a process of Online Dispute Resolution' - an issue considered in Working Paper 7.

As far as the courts are concerned, a recent Report prepared for Michigan State Bar Foundation by John Greacen, documents the extent of (fairly) current provision.<sup>13</sup>

**TIPS**

The amount of paper in a court case can be overwhelming. Start out right and follow these tips:

- 1** Always write down the date and the name of the court personnel, state marshal or others who give you instructions or explain things to you.
- 2** When you must mail something, you may want to send it by "certified mail" with a "return receipt" so you have proof that you mailed it and that it was received.
- 3** Keep all documents, notes and receipts in a file, envelope or binder.
- 4** When you file a document with the court, include the full docket number and case name.
- 5** Always keep a copy of every document for yourself. Do not give away your only copy of a document.

<sup>11</sup> J Ribayendra 'Web-based legal services delivery capabilities' as above, p247

<sup>12</sup> As above

<sup>13</sup> Resources to assist self-represented litigants: a fifty-state review of the 'state of the art' J Greacen, Greacen Associates, June 2011



This repeats a mantra which needs to be borne in mind when looking at the role that technology can play in assisting litigants:

*self-help is not a substitute for counsel. Rather, it is part of a continuum in which some matters can be resolved effectively by self-help, some need ADR or other forms of limited representation and some need full representation by a lawyer.*

In other words, technology and self-help can help some people some of the time but not all of the people all of the time. Greacen's Michigan Report acts as a summary of some of the best court-based provision. There is, as you would expect, some very good material on using the court process. Connecticut, for example, produces a very approachable 'do it yourself Divorce Guide'.

This contains some very pertinent and practical advice of the kind copied on the following page. It provides a glossary of common technical terms and it explains procedure in a very straightforward way. It is, however, descriptive: the guide could be - and probably is - published as a physical booklet.

This sort of material is replicated in other states - such as California, Oregon and Utah - though some is more closely focused on court forms than Connecticut's. Websites seem to get a wide hit rate - though it is more difficult to analyse what use is made of their content. For example, the Californian self-help family website gets 4m hits a year.<sup>14</sup>

A number of states provide practical checklists to assist a litigant to decide whether they should represent themselves. Kansas and Wisconsin are examples. Kansas publishes on the Internet a series of Q and As on 'should I represent myself?', 'Things to know if I represent myself' and 'General tips for representing yourself'.<sup>15</sup> Maryland turns this into an online quiz with automated answers.<sup>16</sup>

An answer of 'yes' to a question of whether you are hoping to 'get even' in the proceedings (obviously unworthy, but surely human) provoked this (undoubtedly justified, but slightly hectoring) rebuke:

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<sup>14</sup> B Hough 'Self-represented litigants in family law: the response of the California's courts California Law Review February 2010 <http://www.californialawreview.org/articles/self-represented-litigants-in-family-law-the-response-of-california-s-courts>

<sup>15</sup> <http://www.kscourts.org/programs/self-help/Representing-Yourself.asp>

<sup>16</sup> <http://www.peoples-law.info/node/139/take?quizkey=01cd17b7ae25feb483cef1d32163d138>

*Handling a legal case on a limited budget is not a good opportunity to get even. It can turn a relatively simple procedure into an expensive, lengthy process. It can be difficult to represent yourself if you are deeply emotionally involved. You are likely to find yourself making poor legal decisions.*

A considerable number of court websites provide forms - sometimes in downloadable PDF format and sometimes in a form that allows answers to be typed and the document subsequently to be filed. A number also use online document assembly software - in some cases linking up with LSC funded initiatives such as *LawHelpInteractive* (LHI):

*LawHelpInteractive is developed and supported by ProBonoNet (with the assistance of the Chicago-Kent School of Law). LHI was developed for the legal services community. It is currently used by the court systems of Idaho, New York, and Vermont by agreement with those states' legal services communities. In each state, there is an automatic link from the state court website forms section to the legal services LHI application, into which the court's forms have been loaded. Massachusetts, with the assistance of the Berkman Center at Harvard, is developing a document assembly application using at least the A2J component of the LHI system; the first product will be a module for child support, followed by similar modules for domestic violence and harassment protective order forms and small claims.*

*The LHI application has a particularly effective process for allowing the user to obtain additional information pertinent to a question to be answered. While this report focuses mainly on court-based resources, it is also worth noting that LHI is used by many legal services programs such as Illinois Legal Aid Online ([www.illinoislegalaids.org](http://www.illinoislegalaids.org)) which populates court forms after users enter information in response to questions, provides additional explanatory information in "Guide Me" modules, supports many affiliated self-help centers, and uses pro bono law students to help users navigate the site via 24/7 live chat assistance.<sup>17</sup>*

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<sup>17</sup> as above, p21

Some self-help centres provide personal assistance with taking a court case - often in the form of group classes. It is an obvious step to put some version of these online. Missouri apparently requires every self-represented litigant not only to complete a Litigant Awareness Programme but to have a certificate of completion.<sup>18</sup> Alaska has a rather intimidating website in terms of its written content covering the main issues, but these link with a series of approachable instructional videos.<sup>19</sup> California has also invested in videos covering Family Law:

*Recognizing that many individuals find it easier to obtain information via video than by reading, the Administrative Office of the Courts (AOC) distributes a number of videos developed by the AOC and local courts that help explain Family Law concepts. The award-winning Focus on the Child, for example, orients self-represented parents to court procedures, mediation, child custody evaluation, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. The AOC also has developed videos on requesting a domestic violence restraining order and responding to a request for a domestic violence restraining order. These videos are available in English, Spanish, Vietnamese, Chinese, and Korean. Additional videos describe how to prepare court forms for an uncontested divorce and how to prepare for a Family Law hearing. These are available in English and Spanish.<sup>20</sup>*

The close link between developments in the courts and legal services is demonstrated by a recent article by the President, Jim Sandman, and the Program Counsel for Technology, Glenn Rawdon, of the LSC in Trends in State Courts 2014. This illustrated the LSC's involvement in court-related provision through description of some of its recent Technology Initiatives Grant Program (TIGS), including an attempt in Minnesota to address a component often lacking in court electronic filing:

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<sup>18</sup> as above, p26

<sup>19</sup> <http://www.courts.alaska.gov/shctrtrial.htm>

<sup>20</sup> B Hough 'Self-represented litigants in family law: the response of the California's courts California Law Review February 2010 <http://www.californialawreview.org/articles/self-represented-litigants-in-family-law-the-response-of-california-s-courts>

*What has been missing is a way to enable automated forms to be e-filed once completed and to store the data in the court's case management system without requiring someone to type in the information all over again. There is a wealth of data in electronic documents that could save significant time for court staff and judges if the data could be extracted, stored in the court's case management system,<sup>21</sup> and then made available to be reused for dockets and orders without having to enter it manually. The innovative Minnesota E-Filing Project does just that.<sup>22</sup>*

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<sup>21</sup> <http://www.clicklaw.bc.ca/content/about>

<sup>22</sup> <http://www.ncsc.org/sitecore/content/microsites/trends->

### 3. British Columbia: Guided pathways and Court self-help

A practical result of the engagement between the public legal education movement and the courts in British Columbia has been the development of two websites by the Justice Education Society (JES) [www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca) and [www.SmallClaimsBC.ca](http://www.SmallClaimsBC.ca). These were significantly upgraded in 2013. They provide three levels of assistance in addition to written and video information based around ‘guided pathways’. The visual manifestation of the first level is a female ‘Virtual Assistant’ named Jes (as in Justice Education Society) - as a visual and audio presence in the bottom right corner of the screen. As you answer a series of questions Jes appears to help you (unless you operate the removal option) and gives you useful oral prompts. A second level of assistance is provided by an online chat facility, available for three hours in the middle of the day when users can click on an ‘ask Jes’ button for chat and email support. The final level of assistance occurs when students assisting with the Jes enquiries (from the University of British Columbia’s Students Legal Assistance Program) direct assistance by telephone or email from a lawyer.

The websites have been evaluated by Ab Currie of the Canadian Forum on Civil Justice.<sup>23</sup> His description of the way the websites work may be helpful:

*the websites have been organized into guided pathways, based on common information requests for each court. To accomplish this, the Society worked with committees of experts to develop a series of process pathways based on common information requests for each court. Then a series of videos were scripted to direct website users along this series of guided pathways. The user’s guided journey through the websites starts from the perspective of the user dealing with a problem, asking questions such as: How do I sue someone? What happens before the trial? What documents need to be submitted? What steps are involved in the court process? What are the timelines and costs? How to I prepare for Trial? Scripts were created for the Virtual Assistant to be able to ask users questions about their legal issue and then guide them along the information pathway that suits their specific needs. This is a central and defining feature of the two websites. The sites are*

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<sup>23</sup> Ab Currie Review of ‘Virtual Legal Help’ services by the Justice Education Society on the BC Small Claims Court and Supreme Court websites March 2014

*designed to allow users to engage the assistance provided on their own terms, grounding the information they receive in terms of the way they are experiencing the problem that has brought them there.*<sup>24</sup>

A lot of effort has gone into aiming the websites at the public and providing a user perspective with specific and practical information. It appears to be up to date and is clearly balanced enough to be accepted by the courts and judiciary sufficiently to obtain their participation. The design quality is high and the idea of guided pathways and a tiered approach provide individualised assistance - beginning with Jes and moving to individualised contact - potentially managed by the intervention of law students before reaching the highest level. Ab Currie found the websites 'functionally integrated into the existing network of access to justice services': the Legal Services Society's (LSS) LawLine provides telephone advice but it is limited to family matters; the LSS website focuses similarly on Family Law and legal aid so there is little duplication; Justice Access Centres attached to the courts provide personal assistance at courts but not on small claims; the Community Legal Assistance Society provides some assistance in areas like mental health but not small claims; a user wanting to complete court forms is taken to the court website, so there is no duplication. There is quite a range of websites covering small claims, including the Canadian Bar Association *Clicklaw* (see Working Paper on Leadership) and various other sources, but 'none of these Legal Assistance and Public Legal Education and Information Services provides the amount and type of assistance available from the JES small claims assistance website which is universal, non means-tested, interactive and provides assistance specific to individual problems through the chat and email components of the website.'<sup>25</sup>

The websites are based on a dynamic approach designed to get a user through the court process and referred to the appropriate forms. This makes it more limited than the Dutch *Rechtwijzer 2.0*, which aspires, in the forthcoming version, actually to take a user to resolution of a dispute, but gives it a clear focus. Referral to a BC court form is to a court website that allows electronic completion through a document assembly process. Filing then has to be by mail or in person. The pages do not translate that well on a mobile phone but that is

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<sup>24</sup> p1

<sup>25</sup> p5

perhaps acceptable since the amount of information is necessarily large. To add a personal judgement, I thought these two websites were currently the best in the world at what they set out to do.

Investigation of the user statistics by Ab Currie suggested that the websites were being used satisfactorily, though he acknowledged that an objective assessment is difficult. He reported 5,700 visits in one month (January-February 2014) with numbers falling away to 1,200 visits where the user had three or more interactions (just over 30% - which actually looks rather good). The statistics on how long users stayed on the website revealed that 867 stayed beyond three minutes, with 158 for more than half an hour (just under 10%), and 26.7% of all users accessed the small claims court forms. That would seem to suggest that relatively high numbers of those using the small claims website were looking for active assistance and got it. The Supreme Court website had less than half the number of users in the same period (2,120) with 10% having a third interaction. 12% stayed on the website for more than three minutes.

There was a relatively small number of questionnaires completed for the research - 32 - though that was a reasonable proportion of the 202 using the live chat, email or phone facility. Two-thirds reported staying with the virtual assistance for more than five minutes before moving on - suggesting that it was helpful. The overall satisfaction ratings were high (90% saying that the provision was very or somewhat helpful). 60% reported that the assistance increased their level of confidence in dealing with their problem. An interesting - but perhaps unsurprising - finding was that most users were well educated: 60% had a diploma or degree from a college or university. Mr Currie concluded that 'the web analytics data and user surveys are consistent in supporting the conclusion that the Virtual Legal Help services ... are effective in providing users with relevant, specific and useful information and assistance with their legal problems.'<sup>26</sup> That would seem fair - if prudently phrased. They tell you nothing, of course, as Ab Currie points out, about those who could not or did not, for any reason, use these websites.

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<sup>26</sup> p26



## 4. British Columbia: Delivering emotional support

Family Law is unique in the degree to which legal issues are intertwined with emotional ones. This is why mediation has proved so suitable to so many cases. It is also a source of frustration to governments as in the United Kingdom, which would prefer to see family breakdown as - domestic violence notwithstanding - a simple legal issue which people can handle on their own without legal aid. Hence, the recent cuts to this effect. We, in England and Wales, are not alone in the consequent predicament that many people - largely women, as the usually weaker economic party - will find themselves going unassisted through a very hard time. Simplistic attempts to make light of this - as in the DWP's Sorting out Separation website (discussed in the first chapter and in more depth in *Face to Face*) indicate the facileness that can result. Other jurisdictions have made more satisfactory attempts to deal with the complex mix of the legal and emotional that arise in a relationship breakdown not only for the parties but also any children that are involved. It is perhaps no surprise that British Columbia, with its history of engagement in public legal education and information, has been at the forefront of developing assistance, increasingly using digital means to do so.

Legal aid in civil cases within British Columbia has been severely hit by cuts in the decade after the new millennium. The position in British Columbia is, therefore, very similar to that in England and Wales after the recent round of cuts imposed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and coming into force in April 2013. For example, in many areas of British Columbia, a three-hour package of training is required - a Parenting After Separation course - where children are involved in divorce.

British Columbia's courts maintain a basic website on Family Justice.<sup>27</sup> However, The LSS maintains a more comprehensive information website on Family Law in British Columbia for which it received initial funding from the province's Law Foundation.<sup>28</sup> This is nicely designed; contains a number of relevant 'factsheets' and a slightly eclectic collection of videos. There is a rather good one entitled 'an inside look at family mediation' - which recognises the kind of problems that our own Department of Work and Pensions shied away from in its own videos.

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<sup>27</sup> <http://www.justicebc.ca/en/fam/help/pas/more-info.html>

<sup>28</sup> <http://www.familylaw.lss.bc.ca>

Others seem slightly random in terms of topic. Some provide Spanish and English language transcripts. LSS provision is soon to be revamped around guided pathways through its *MyLawBC* project.<sup>29</sup> This is being developed along the lines of guided pathways and with engagement - at least at a preliminary level and possibly more - from The Hague Institute for the Internationalisation of Law.<sup>30</sup>

Evaluating this website against the criteria proposed in the Working Paper 6 on Comparing Websites, it does well. The depth of advice is strong. It includes an interactive form to record separation agreements, for example. It is aimed at its public and includes FAQs. It takes a user perspective and appears to be specific, relevant and practical. It looks balanced and up to date. It is well designed with a good graphic front end. It does not appear to reproduce very well on a smartphone (at least not on my iPhone): the page does not alter shape to fit the restricted space. The website has elements of interaction and, for example, it is possible to assemble a legal binding separation agreement through document assembly. It integrates with a national network of family justice counsellors, described on the website as follows:<sup>31</sup>

*Family justice counsellors can give you information about the law and about the Provincial (Family) Court process. Family justice counsellors are government employees who work at Family Justice Centres, which are located across the province (sometimes in the local courthouse). These centres offer a range of services, including:*

- *information and referrals*
- *help filling out family court forms*
- *mediation and conciliation services, and,*
- *help planning a separation agreement.*

*Family justice counsellors aren't lawyers and they don't act for you. They can't help you get a divorce or with other Supreme Court matters. They work with both spouses or parents to try to resolve the matter at hand.*

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<sup>29</sup> See <http://mylawbc.com>

<sup>30</sup> <http://devblog.mylawbc.com>

<sup>31</sup> [http://www.familylaw.lss.bc.ca/help/who\\_JusticeCounsellors.php](http://www.familylaw.lss.bc.ca/help/who_JusticeCounsellors.php)

Additional assistance is provided through Parenting After Separation (PAS) courses mandatory in a number of British Columbia court areas. These are designed to develop skills and self-awareness as well as basic legal information amongst the parents of children affected by separation. They expressly warn that users will be led to confront issues which may have a high emotional content and which may trigger anger. A logical extension of physical courses was to put them online and the Justice Education Society (JES) has duly done this. The website is well designed; interactive; multi-media; available in three languages; and supported by a handbook. Interestingly, the opening video expressly acknowledges that the course may be useful to, and taken by, those outside the jurisdiction. It takes between two and four hours. British Columbia residents can, however, register. This allows interaction with a PAS facilitator. For them, the course ends with an examination. Get 70% and you can get a certificate to present to the court as proof of having passed.

To the online PAS courses, JES has added other, linked provision. This includes 'Changeville', a representation of resources available for 6-12 year old children affected by divorce. This is a description of it on an external blog - worth giving in full because it appears to be such an impressive facility - using 'gamification' in an attempt to present information in an approachable way for children:<sup>32</sup>

*Changeville is an interactive, virtual world designed "to give children tools and information that will help diminish the fears and anxiety they may feel." Some of the information contained within the game is targeted directly to residents of Canada (like contact information if kids need to talk to someone), but most of it applies to children from any country.*

#### *How it Works*

*When you enter the world of Changeville, you will be prompted to enter your name. You can also enter a password if you want to keep your information private. From there you customize your avatar (the character who represents you in the game) to look however you would like them to look. A map of Changeville appears, and you are prompted to pick an area of town. Your choices include:*

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<sup>32</sup> <http://iamachildofdivorce.com/changeville-a-game-for-helping-children-of-divorce/>

- *Break Up Street*
- *Legal Street*
- *The Park*
- *The Poster Shop.*

*Each part of town offers different information and tools about your parents separation or divorce. As you click on a part of town, your avatar travels there on the map.*

*Break Up Street has six different houses. The narrator explains that parents who are getting a divorce don't always do things right. These are called parenting traps that kids can fall into, and each house represents a separate parenting trap including the money trap (issues with money), the messenger trap (using you to send messages), the wishing trap (creating false hopes), the spy trap (when parents ask questions about the other parent), the badmouth trap (when parents speak badly about each other), and the nasty trap (controlling visits with other parents). Each house contains a narrative, questions and answers about how each trap might make you feel, and online printable puzzles.*

*On Legal Street you can learn more about divorce. Go to the theatre, to watch videos. Choose from seven different videos. Some are just for fun and others deal with issues you might be experiencing. When you leave the theatre, travel over to the Legal Office to find out more about what divorce is. There you can watch presentations titled "What is Divorce?" or "Custody, Guardianship & Access." Find out about the divorce process at the courthouse. Here you can watch videos about "The Divorce Process" and "Legal Words." Finally, make sure to check out the Library for helpful resources.*

*At The Park, you will learn ways to deal with feelings you have about the divorce. On the playground, you can complete an online word search about some of the many emotions you might be feeling about your parents' divorce. As you find each word, a brief explanation is provided about each emotion. In the Skate Park you will learn about anger, sadness, anxiety and coping skills.*

*At the Poster Shop you can make and print posters about how you are feeling, what you want, what you need and more. In addition to each of the parts of Changeville, there is a journal where you can write about your experiences with your parents' divorce.*

Changeville is visual, experiential and interactive. The basic principle behind it is that, as children go through their parents' divorce, they have both feelings and rights just as much as the adults. It represents the high point to date of the digital representation of legal and emotional information designed to help users to cope with a difficult situation. JES has had some really good feedback from children who have used the programme:

*Wow. This is really cool stuff; this is a good place to tell how I feel. But it makes me sad, because it doesn't make my dad and mom change; this would be good for my mom because she can't explain some stuff; It was interesting to see how many problems there are about divorce; The break up street section is awesome; I like the posters. I did one and gave it to my dad and he said it was good; This site is cool. Lots of stuff to do and info; Some of the puzzles are hard. I had to solve them. But I like it; I really liked how the kid walks around in the town; The legal parts were a lot of words; The posters were really great. You should be able to make your own; The word puzzles were good; My parents are not divorced so I thought it would be boring but it was not; This site is really cool and I will tell my friend about it.*

## 5. LawAssist New South Wales: video assisted skills learning.

An example of a website run directly by a government department to help self-represented litigants is provided by *LawAssist*, run by the Attorney General and Justice Ministry of New South Wales. This is linked to the *LawAccess* system considered elsewhere. *LawAssist* provides a variety of information for litigants, including explaining from photographs who is who in the court and providing various interactive guides on specific topics (including small claims, car accidents and boundary disputes, based on the Chicago Kent University A2J software). The website is clearly laid out; converts quite well to mobile phone because the length of each line of key text is relatively short and fits on the page; contains some interactive guides; and incorporates some videos designed not only to inform users about procedure but also to introduce them to skills. A series of videos take a user through a criminal case from the initial task of finding the right courtroom.

They also introduce viewers to concepts like cross-examination, leading questions and consenting to an Apprehended Violence Order without admission. A nice touch is that the apparent defendant (in fact an actor) often talks to camera about what she apparently learnt from the process. A niggle might be that one of the alleged cases - which revolved around whether the defendant was on her mobile phone during a car journey or scratching her ear - was a bit farfetched. However, it had been designed to bring out the issues. The magistrate was appropriately interventionist and certainly attained British standards of brusqueness. The website offers phonline assistance during weekday working hours but lacks the integration within the website that is such an impressive feature of the Canadian JES websites. *LawAccess* is linked to the wider information website, *LawAssist*, which is discussed in *Face to Face*.

## 6. England and Wales

Until funding cuts that took effect in April 2013, assistance to litigants in family matters in England and Wales was provided by lawyers funded by legal aid. More generally, legal aid provided a way in which people of low or moderate means obtained legal assistance in other civil cases. From the late 1970s, tighter rules on eligibility and scope have led to increased numbers of litigants in person - something about which the judiciary has become increasingly exercised. In its turn, this has led to the establishment of an advice presence in the Royal Courts of Justice, the Royal Courts of Justice Citizens Advice Bureau (RCJ CAB). This was initially funded on an ad hoc basis with the support of the Lord Chancellor and the Department of Trade: it was located originally in a porters' lodge. It ran largely on the basis of pro bono contributions from solicitors experienced in High Court litigation. In 1982, it joined the Citizens Advice Bureaux network, although its court orientation and its history make it slightly different from most other bureaux.

The RCJ CAB maintains a conventional advice presence, using volunteers to give limited assistance to litigants in the High Court and Court of Appeal based in the Royal Courts of Justice building; the Family Court now headquartered nearby; and the London County Court which has recently moved into the RCJ building. It maintains pro bono schemes and marshals around 100 volunteers at the RCJ CAB with a small staff. It liaises with the Personal Support Unit in the court, which provides a modicum of assistance to litigants through volunteers on such matters as navigation of the court and emotional support. The RCJ CAB has had, over the years, to prioritise and professionalise. Some of its arrangements remain, however, ad hoc. It gets free accommodation from the Court Service but its funding has meandered from the Department of Trade through the Lord Chancellor's Department to the Legal Services Commission and now the Legal Aid Agency. For administrative reasons relating to the RCJ CAB service it also operates a bureau as well in the London Borough of Islington.

The RCJ CAB developed a range of printed materials to assist litigants in person which are attractively presented and now available together in looseleaf form as the Going to Court Guide. This is divided into five sections that give a flavour of its content: 'are there alternatives?'; 'before you start'; 'first steps'; 'starting your claim and the pre-trial process'; and 'hearings, the trial and appeals'.



Alison Lamb, Chief Executive of the RCJ CAB, reported that they are finding people tend just to want the specific piece of information on the part of the process where they are at that time. As a logical development from this written material, the RCJ CAB started considering with a major City firm - Freshfields, Bruckhaus, Deringer - whether it could automate and digitalise some of its work. The result is *CourtNav*, a system still being developed, which allows automated document assembly initially in the field of family cases. ‘*We wanted it to replicate the process of our advice*’, said Alison Lamb. In order to do that, they decided that *CourtNav* should be a closed system which requires the RCJ CAB to invite people to join. ‘*We don’t want people to be put off when they struggle to do it*’, said Ms Lamb. Reception staff explain the system to those calling at the office; give a password; encourage them to fill in the forms; submit them for review; and make appointments with volunteer pro bono lawyers as needed. English courts do not allow e-filing so the forms have to be printed. This can be done by people at home but Ms Lamb reported that many people do not have a home printer and so come in to print the form. The programme allows key documents, such as marriage certificates, to be scanned in so that the solicitor can see them. Tricky issues, such as the test for ‘habitual residence’, are flagged and secondary layers of information are available if requested. Integral to the system is solicitor review of the final product. The result is that the material provided by the system is of high quality and very few forms are rejected.

The system has its fans amongst its users. One educated and clearly tech savvy user reported to me:

*I came to the bureau to do a divorce. I used CourtNav. Basically, it took one session. I took time on my grounds which were unreasonable behaviour and I realised that I needed to get a long marriage certificate with all the details of my marriage rather than the short one that I had. I liked that you can go back through your answers and amend them at the end. It was actually a lovely way of doing the form. It was quite a shock to see the printed version. It was quite imposing. I would not have been able to do it as well without the tool. I liked that you could click for more advice.*

The closed nature of *CourtNav* means that it can present itself as a pretty well unadorned document assembly programme. It is nicely designed but there are no pictures and no videos. It does not have the ‘bells and whistles’ of the

printed guides - no examples, no quotes, no tips, for example, but it does seem to produce a good result for users with the skills to use the system. Two to three are reported to be using it each day. People are turning it around quite quickly and Ms Lamb reported that '*we found that language is not that much of a barrier*'. People seem able to cope with it. The tool certainly helps the RCJ CAB: 45-minute sessions previously offered to help litigants are now being reduced to around 10-minute solicitor reviews. The system has only just been upgraded and its coverage has yet to be extended beyond family cases.

Alternative sources of information for litigants in person are emerging to meet the developing needs. An interesting example is Help for litigants in person [help4lips.co.uk](http://help4lips.co.uk). It is run by a not-for-profit Community Interest Company formed by two entrepreneurs who conceived of the need when they were litigants in person themselves. It is an attractively designed website, plastered with legal disclaimers, that leads you through taking cases and filling in forms. It uses American software (judging from the accents) with a woman avatar guide rather like JES. It allows the user to choose their proceedings and follow a pathway to produce relevant documents. It invites donations to assist its funding. It does not include document assembly software, as is the feature of the *CourtNav* system, but it does contain a wide range of precedent forms from which the user can choose, and notes on them in an attractive format. It is perhaps an indication that there might be a commercial market for low price products assisting litigants in person.

The new frontier for litigants in person will, however, be any developments in Online Dispute Resolution - as planned in both the Netherlands and British Columbia. These are sufficiently important to be considered in a separate Working Paper.

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