



Quarterly Update Winter 2015

# Digital Delivery of Legal Services to People on Low Incomes

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Roger Smith OBE



# Contents

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## **1 General Issues**

- |     |   |    |
|-----|---|----|
| 1.1 | Next Steps  | 3  |
| 1.2 | Lessons from the Developing World:<br>digital delivery in low income countries<br>Roger Smith | 4  |
| 1.3 | Lessons from the Developed World<br>Roger Smith   | 21 |
- 

## **2 Canada**

- |     |   |    |
|-----|---|----|
| 2.1 | MyLawBC<br>Sherry MacLennan                 | 25 |
| 2.2 | Civil Resolution Tribunal<br>Darin Thompson | 25 |
- 

## **3 England and Wales**

- |     |   |    |
|-----|---|----|
| 3.1 | Citizens Advice<br>Beatrice Karol-Burks | 29 |
| 3.2 | Relate                                  | 29 |
| 3.3 | Advicenow.org.uk<br>Theresa harris      | 30 |
- 

## **4. The Netherlands**

- |     |   |    |
|-----|---|----|
| 4.1 | Rechtwijzer 2.0<br>Laura Kistemaker and Corry van Zeeland | 31 |
|-----|---|----|
- 

## **5. The United States**

- |     |  |    |
|-----|--|----|
| 5.1 | Legal Services Corporation TIG Conference 2016 | 35 |
|-----|--|----|



# 1. General Issues

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## 1.1 Next Steps

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Welcome to the Winter 2015 edition of the Newsletter. In it you will find a number of interesting updates on initiatives reaching fruition.

The next step in coverage of digital developments will be a comprehensive review similar to that published in January 2015. Developments are moving at a speed that justifies an annual reassessment. In particular, this will include an appreciation of the 2016 US Legal Services Corporation

Conference on its Technology Initiative Grants Program as well as an assessment of the self-help centres and digital support of DIY

litigants in California. The report should be available around Easter.

When produced, it will be placed in the section of TLEF website that covers Information Technology together with the previous report and newsletters (<http://www.thelegaleducationfoundation.org/digital>).

The next quarterly newsletter is planned for the Summer of 2016. If you have any suggestions for content, then please do get in touch.

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Developments are moving at a speed that justifies an annual re-assessment.

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## 1.2 Lessons from the Developing World: digital delivery of legal services in low income countries

Roger Smith

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The experience of all people in low income countries in accessing legal services digitally might well have lessons for access for low income people in high income countries. After all, the problems of access and cost are similar, if amplified, in such countries. This paper explores what we know in order to see what lessons that might emerge – to inform activity in both developing and developed countries. The original draft of this paper was written for a Law and Development Partnership project entitled ‘Developing a portfolio of financially sustainable, scalable basic legal service models’. The work was funded by The Legal Education Foundation as a contribution to joint funding in the field of legal empowerment inspired, in part, by the incorporation of access to justice within a UN agreed sustainable development goal 16 to:

*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.<sup>1</sup>*

This official – and global – recognition of the importance of access to justice reflects – and is reflected by – a growing interest in projects within this field. There is also increasing interest in the role of digital services in the field of development.<sup>2</sup>

<sup>1</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld>

<sup>2</sup> see eg ‘Digital Inclusion: the vital role of local content’ Innovations MIT Press, 2014

## Internet and Mobile Phone Access in Low Income Countries: the general picture

Developing countries are influenced by digital technologies a little slower than those with developed economies but their rise is inexorable:

*We know that the digital economy is a powerful engine of economic growth. As early as 2011, its impact on GDP growth in G8 countries had already surpassed that of other global industries, such as energy and agriculture, and it is rapidly transforming the emerging markets in which we work. In Kenya, for instance, information and communication technologies (ICTs) now contribute an astounding 12.1% to the country's GDP. However, this growth has primarily been fueled by consumption, including online sales and advertising, and private investments in infrastructure and software.<sup>3</sup>*

The issue of access is similar but more extreme than in developed countries:

*... persistent barriers to accessing digital technologies remain. Women are, on average, 21% less likely to own mobile phones or go online than their male counterparts. In some African countries, access to broadband can cost upwards of 1,000 times*

*that of most people's monthly income. As a result, fewer than 20% of Africans can access the Internet. These are but a few stark examples. Until such gaps are closed, digital technology will never reach its potential as a driver of inclusive growth; in fact, it could amplify socioeconomic divisions.<sup>4</sup>*

## The Nature of Access

A focus on low income countries brings into relief an issue in those with high incomes. Effective use of the internet – and, indeed, any technology – is rather more complicated than simple physical access. So, it is wrong to equate potential access to digitally delivered legal services (through such means as websites) with access to the internet which gives access to those services. As Digital Delivery of Legal Services to People on Low Incomes said:

The issue is not physical access. Almost everyone [in a developed country like the UK] can get physical access via a library or 'proxy'. Barriers relate more to cognitive abilities, skills and culture.<sup>5</sup>

Further research is being undertaken on this issue by a consortium of the Oxford Internet Institute, the LSE and the University of Twente in The Netherlands. It seeks to study the tangible (offline) outcomes of use of the internet and identifies three

3 C Burns and J Dolan 'Building a Foundation for Digital Inclusion' in 2 above.

4 R Shah and P Jasinghani 'Towards a More Inclusive Digital Economy' as above, p4.

5 <http://www.thelegaleducationfoundation.org/digital-report> p10 R Smith, 2015

elements as influencing the degree of engagement with content: access, skill and motivation.<sup>6</sup> Thus, put negatively, the percentage of any population who can use the internet effectively is that with physical access less those without the necessary skills (relating to technology, literacy, culture etc) and/or motivation.

### Access in low income countries

For low income countries, there is even less detailed information about use of the Internet than in high incomes ones. However, we do have the bald facts of physical access on a selection of countries through a recent project of the reputable Pew Research Centre in the US.<sup>7</sup> This was a study of 32 'emerging or developing countries'. An initial point is their variation: low income countries are not homogenous in their use of mobile and digital technology. Countries are in at least three bands.

One group of countries like China, Chile, Argentina, Russia, Poland and Venezuela have access levels over 60%. A second group including Mexico, Brazil, South Africa, Malaysia, Thailand, Vietnam, Egypt, Ukraine and Jordan have access between 40% and 60%. And a third group have significantly lower levels, among them Bangladesh (11%), Pakistan (8%) Tanzania (19%), India (20%), Ghana (21%) and Kenya (29%). Across the 32 developing or emerging countries surveyed, adult use of the internet was pretty well half that in America (44% as against 87%).<sup>8</sup>

Factors correlating with higher levels of access are youth (18–34 year olds are much more likely to have smartphones and use the internet), ability to speak and read English and 'across the countries surveyed internet access rates are higher in richer, more developed economies'.<sup>9</sup> Other correlations are with gender (male), secondary or higher education and employment.<sup>10</sup> A note of caution even in higher access countries has to be sounded by what turns out to be the greatest use of the internet – socialising. Levels of access used to contact family and friends or use social networking websites are over 80%: that is around double those who use the internet to 'get government or services information'.<sup>11</sup>

6 Hesper EJ, VAN Deursen AJAM and Eynon R (2015) Tangible Outcomes of Internet Use. From Digital Skills to Tangible Outcomes Oxford Internet Institute, LSE, University of Twente: available from [www.oii.ox.ac.uk/research/projects/?id=112](http://www.oii.ox.ac.uk/research/projects/?id=112)

7 Poushter J, Bell J, R Oates (March 2015) Internet Seen as Positive Influence on Education but Negative on Morality in Emerging and Developing Nations Pew Research Centre

8 p7  
9 p6  
10 p15  
11 p6

## Internet Access

Over

60%

China, Chile, Argentina,  
Russia, Poland, Venezuela

Between

40– 60%

Mexico, Brazil, South Africa, Malaysia,  
Thailand, Vietnam Egypt, Ukraine, Jordan

Below

40%

Bangladesh, Pakistan, India,  
Ghana, Kenya, Tanzania



Another feature of low income countries is that mobile or cell phones are popular – sometimes to near US rates – but with a much lower proportion of smartphones capable of using the internet. The Pew Centre commented:

*Cell phone ownership is much more common in the emerging and developing nations surveyed. A median of 84% across the 32 nations own a cell phone (of any type), not far from the US figure of 90%. Mobile ownership rates range from 97% in China and Jordan down to 47% in Pakistan. But smartphones – and the mobile access to the internet*

*in the single digits. This compares with 60% landline ownership in the US.<sup>12</sup>*

The impact of mobile penetration in low income countries has been widely noted. Internet gurus Eric Schmidt and Jared Cohen wrote in *The New Digital Age*:

Mobile phones are transforming how people in the developing world access and use information and adoption rates are soaring. There are already more than 650 million mobile-phone users in Africa and close to 3 billion in Asia. The majority of these people are using basic-feature phones – voice calls and text messages only ....<sup>13</sup>

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### Mobile phones are transforming how people in the developing world access and use information and adoption rates are soaring.

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*that they make possible in some locations – are not nearly as common as conventional cell phones ... These ... are critical communication tools in most of the emerging and developing nations, mainly because the infrastructure for landline communications is sparse, and in many instances almost non-existent. In these .... only a median of 19% have a working landline telephone in their home. In fact, in many African and Asian countries landline penetration is*

Mobile phone users are, however, familiar with text. Across the 32 countries 76% use text facilities from their phones, pretty close to the 83% figure for the US. They also use video and photographs (55% overall of mobile phone users). Use varies by country – not always with much appearance of logic. Why, for example, do mobile phone users in Indonesia text much more than those in Thailand (96% as compared with 39%)? And why do the Thais feel more at home with photos than text (54% usage as compared with the 39%)? As you might expect, everywhere, texting and the use of film are more prevalent among the young.<sup>14</sup>

<sup>12</sup> p11

<sup>13</sup> Alfred Knopf 92013)

<sup>14</sup> p20

A further issue arises which is not specifically related to low income countries but is more generally relevant: the limited number of languages used on the internet. The dominant language of the internet is English (26% of users) followed by Chinese (21.5 %). The next eight in the top ten are, in order, Spanish,

already 73%, 73% and 88%. By contrast, growth will arise from increasing the percentages in Africa (currently 27%), Asia (39%), Middle East (49%) and Latin America/ Caribbean (54%). Indeed, there are powerful forces driving greater use of the internet in low income countries. Universal internet access

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### Indeed, there are powerful forces driving greater use of the internet in low income countries.

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Arabic, Portuguese, Japanese, Russian, Malay, French, German but even by the latter we are getting down to only 2.6% of internet users. Thus, the internet may be inaccessible to anyone speaking or reading a vast range of the world's languages. And, indeed, as seen above, a command of English correlates with higher levels of access in low income countries.

### Growth, change and the commercial drive

Access to the internet is not a static picture. One credible estimate of annual growth puts it at 7.9%.<sup>15</sup> And new growth will come from countries outside of Europe, Australia/Oceania and North America where, on another estimate, penetration is respectively

by 2020 is a draft UN development goal.<sup>16</sup> The World Bank is set on identifying and reducing regulatory costs of internet service

providers where it feels that high charges – such as can particularly be found in countries with low overall incomes but with high disparity of income so that there is a rich elite – are disproportionately impeding access to global trade.<sup>17</sup> And, perhaps most powerfully, three commercial giants are pouring resources into potential internet provision – not without incurring some controversy.<sup>18</sup> Google and Facebook fought over purchase of a drone manufacturer (Titan Aerospace – Google won) and are developing networks of drones, balloons (Google's Project Loon) and satellites to increase their global market share (on which Google alone is thought to be spending \$1bn).<sup>19</sup> Facebook is developing its internet.org project with its

<sup>15</sup> <http://www.internetlivestats.com/internet-users/>


<sup>16</sup> <https://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf>

<sup>17</sup> <http://elibrary.worldbank.org/doi/abs/10.1596/1813-9450-2979>

<sup>18</sup> Notably with internet originator Sir Tim Berners Lee criticising the partial access to the internet which will be controlled by Facebook. <http://tech.firstpost.com/news-analysis/say-no-to-facebooks-internet-org-says-creator-of-world-wide-web-tim-berners-lee-284337.html>

<sup>19</sup> <http://www.telegraph.co.uk/finance/newsbysector/mediatechnologyandtelecoms/digital-media/10870369/Google-spending-1bn-on-internet-in-developing-world.html>





'free basics' package to make 'the internet accessible to more people by providing them access to a range of free basic services like news, maternal health, travel, local jobs, sports, communication, and local government information.'

This 'walled garden' approach to access to the internet is controversial. Internet-inventor Tim Berners Lee, for one, is unhappy with a package that limits, as he sees it, the freedom of the internet by giving undue preference to Facebook.<sup>20</sup> A third rival is SpaceX founded by the chief executive of Tesla Motors, Elon Musk:

*SpaceX will build nearly 700 tiny satellites that weigh no more than 113kg at a cost of around \$1 billion ... When asked if the satellites would provide unfettered internet access [SpaceX owner] Elon Musk replied on Twitter saying: "unfettered certainly and at a very low cost". Musk divulged more details of the plan saying there would be \$15 billion spent on this project that will put hundreds of satellites 750 miles above the earth. Musk hopes to provide at least fibre internet speeds to everyone, even those currently without connectivity.*

Thus, we have a position in which over 3 of the 7 billion people on the earth already have access with considerable incentives to increase this figure substantially. For the time being, however, it is unsurprising that the internet plays even less of a role in providing legal services in low income countries than in high income countries. But, for both, change is undoubtedly coming.

### Conclusion: access

What conclusion should we take from these statistics that is relevant to the use of mobile and digital technology to deliver legal services? First, access to the internet will be much less than high income countries and so internet-based provision will be less useful. Second, access will improve and probably quite fast but cannot be counted on yet. Third, for the time being and for general communication with the public, the use of basic mobile functions like the ability to text may be more fruitful than more sophisticated internet-based delivery. Finally, the best way of using the internet may be through projects using intermediaries.

<sup>20</sup> 'Just say No' <http://timesofindia.indiatimes.com/tech/tech-news/Just-say-no-to-Facebooks-Internet-org-says-inventor-of-World-Wide-Web/articleshow/49257003.cms>

## The use of digital and mobile services in low income countries

If developments with the internet to deliver legal services are in their infancy in high income countries, this is even more the case for those in low income countries. As we have seen, internet penetration and use is low in many countries even from smartphones, despite the prevalence of texting. What is more, a more general 'ICT (information and communications technology) readiness' is important and 'not all countries are at the same level'.<sup>21</sup> Such readiness is dependent, said the authors of a World Bank Review, on a number of factors including technological progress measured by existing use of technology, computers, internet etc, capacity in relation to such matters as literacy on the one hand and available bandwidth on the other as well as financial capability. One might add also cultural acceptance. On this basis, other researchers divided states in Africa into three categories:

- (a) 'ICT ready' states such as South Africa, Egypt, Morocco and Tunisia;
- (b) 'ICT progressing states' such as Nigeria, Cameroon, Tanzania, Algeria, Seychelles and Ghana; and
- (c) 'ICT potentially progressing states' such as Botswana, Malawi, Central Africa, Chad, Guinea, Somalia, Ethiopia, Burkina Faso, Sierra Leone, Ivory Coast and Rwanda.<sup>22</sup>

These distinctions relate to the general conditions of a country but a further distinction should perhaps also be made in relation to the provision of legal services by distinguishing between:

- (i) ICT systems focused on assisting paralegals or lawyers i.e. providing some form of backup for front line deliverers of service e.g. information, management and other services;
- (ii) ICT systems focused on assisting members of the public directly;
- (iii) ICT system designed to assist members of the public but accessed via a lawyer, paralegal or other intermediary.

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As we have seen, internet penetration and use is low in many countries even from smartphones, despite the prevalence of texting.

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<sup>21</sup> P332 K Benyekhlef, E Mar V Calliper 'ICT-Driven Strategies for Reforming Access to Justice Mechanisms in Developing Countries' in World Bank Legal Review Volume 6 2015

<sup>22</sup> M S Abdel Wahab and others 'Online Dispute Resolution in Africa' in M S A Wahab and others (2012) Online Dispute Resolution: theory and practice -A Treatise on Technology and Dispute Resolution Eleven Intl.

## Caution in Ukraine

A study by the Renaissance Foundation in the Ukraine confirms a rather sceptical view of the value of ICT in the provision of legal advice in low income countries. It contains a review of different delivery models:<sup>23</sup>

### Written Applications [for advice]

This method is rather rarely used by clients ...

### Telephone Consultations

It is ... advisable to have telephones installed in the Centre (both fixed and cellular) enabling the potential clients to call, though legal consultation over the telephone is doubtful in terms of its efficiency. It is rather risky to provide a legal evaluation of the situation just based on the clients' words, without familiarisation with the documents: there is a great probability of erroneous consultation.

It is more appropriate to provide information over the phone without connection to the specific situation of a client ...

### Internet Technologies

Currently there are many forums established across the Ukrainian web space, which entirely meet the need for such form of consulting. Creation of the additional electronic resources to provide legal aid on the basis of the Centres is rather for the

benefit of Centres than the clients themselves.

The option of legal consultation by email is appropriate, though rarely used. The drawbacks of this consultation method are the same as for written applications:

- it is hard for the clients to precisely formulate the case background and their wishes;
- the clients need to make electronic copies of documents, which may make the letter size rather big;
- the lawyers often need additional time to formulate in writing their consultations which during personal interviews are provided orally;
- registration of electronic applications and responses may be an issue.

The option of providing consultation through Skype, a video communication application, is currently almost unused but can be soon expected to become much more widely applied. Development of the appropriate technologies will be seen in the near future.

It is interesting to note that the authors saw an immediate future for video despite their concern at more currently widespread means of communication such as email.

23 Renaissance Foundation, Open Society Foundations UNDP Legal aid in Community: manual on creation and administration of community law centres  
<http://www.ua.undp.org/content/dam/ukraine/docs/DG/12.%20UNDP-IRF%20manual-%20centres%20legal%20consultations%20eng.pdf>



## India and South Africa

India and South Africa are both countries which, though overall poor, have parts of their economies and societies which are highly sophisticated and technologically advanced. You can begin to see in some parts of India the use of technology in the delivery of legal services along the same lines as in England and Wales. For example, Law Farm offers a fixed fee for an initial call and referral or the alternative of point on a forum and getting 'legal professionals and experts to answer your query for free'. This offers a 15 minute telephone consultation for Rs299 (about £3). Law Service India seeks to be a portal for legal services in the country offering an online legal forum, online chat facility every afternoon from 2–9pm and a fixed fee email advice service for Rs1200 (about £12). These are private initiatives. In the public realm, the Government of India approved an e-Governance Plan in 2006 to provide the one-stop provision of government services particularly in rural areas. As described on its website:

The National e-Governance Plan (NeGP), takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access over the internet. The ultimate objective is to bring public services closer home to citizens, as articulated in the Vision Statement of NeGP "Make all Government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realise the basic needs of the common man."<sup>24</sup>

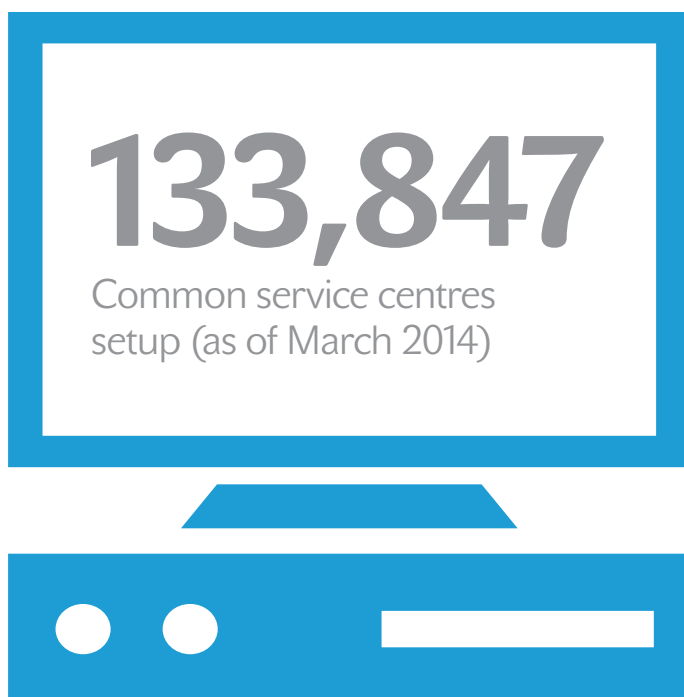
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For example, Law Farm offers a fixed fee for an initial call and referral or the alternative of point on a forum and getting 'legal professionals and experts to answer your query for free'.

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<sup>24</sup> <http://deity.gov.in/content/national-e-governance-plan>

As a result, an ambitious network of Common Service Centers is planned for the country – with a plan to set up centres to serve 6m villages. These are established as public-private partnerships and 'are ICT enabled front end service delivery points at the village level for delivery of Government, Financial, Social and Private Sector services in the areas of agriculture, health, education, entertainment, FMCG products, banking, insurance, pension, utility payments, etc.' As at March 2014, there were 133,847 such centres, some set up on a public-private model. In the state of Jharkhand, an NGO, AID or Alternative for India Development, has become a partner. AID does not refer to itself – or apparently see itself – as a legal service deliverer.




The Advocacy wing of AID provides information to the common public in language and dialect which is easily understandable to them on important government legislations, policies and programs which may have direct or indirect impact on them. It uses the platform of community radio broadcasts, narrow casting, mobile vans, workshops, conferences, and capacity building of community forums and one to one meetings.

It also enables the community to:

- Express their opinions/views and concerns.
- Access information through pamphlets/leaflets/podcasts/ one to one information
- Promote their rights and responsibilities
- Enable them to explore different options and choices
- Enable them to defend their rights and entitlements.
- Cover the critical areas of organisation work focused on education, health, dalit and tribal rights, livelihood, skill building and IT for development.





Despite this evidence of government commitment to ICT and its potential use for legal services, the emphasis overall is on the delivery of, and information about, government services. Each state in India has a legal aid administrative body but none seem to offer much use of ICT except for 24 hour legal helplines – of which Kerala opened what was probably the first in 2006. The Secretary of the Kerala State Legal Service Authority announced at the time:

*“The common people, when confronted with a legal situation or violation of their legal rights, often do not know what to do. This is due to lack of legal knowledge and the knowledge about the rights conferred on them by law. [The Kerala State Legal Service Authority] hopes that this new project will be of help to the common people who are denied access to justice due to multifarious reasons including the geographical distance from their house to the seats of justice.”<sup>25</sup>*

One difference between India and South Africa is the existence of a strong central administration for national legal aid in Legal Aid South Africa. This has a budget

of R1.6bn (circa £80m) and over 2,500 employees. It has as a specific objective of using IT for its business needs, committing itself to:

Building an integrated, stable and reliable IT platform serving clients’ needs and internal business needs within budget constraints.<sup>26</sup>

It has back office systems capable of producing and monitoring data. It uses IT to support its lawyers by way of electronic library subscriptions and unrestricted recommended internet. SMS or text is used by the board to offer cases to those judiciary practitioners who deliver some of its services. SMS is used on an ad hoc basis to communicate with clients at the decision of individual lawyers.


In direct contact with its users, the board operates a toll-free legal advice line that serviced 42,866 consultations in 2013–4, a relatively small but significant percentage of all consultations – around 12%. Interestingly, this was actually down by around a quarter from the previous year but the drop was attributed to a more limited advertising campaign on TV and changes to statistical collection by removing return calls from the total.<sup>27</sup>

<sup>25</sup> <http://www.oneindia.com/2006/07/07/kerala-cj-launches-24-hour-toll-free-legal-helpline-1152279313.html>

<sup>26</sup> Annual Report 2013-14 p8 <http://www.legal-aid.co.za/wp-content/uploads/2015/09/Annual-Report-2014-15.pdf>

<sup>27</sup> As above p37






The Board's website contains a 'self-help portal' which contains a series of articles on a range of legal issues, most produced by the Board itself but some by outside organisations like Black Sash. The Board is tracking usage and plans to develop the portal through the addition of a document assembly facility (through Hotdocs) which will allow the self-completion of various pleadings, documents and forms. It is then intended to add a checking facility whereby Board lawyers sign off the documents and hopes to extend this to a 'justice system navigator' which will help users through court processes. To extend use of the portal in a country where there is a very evident digital divide, the Board has a strategy of training workers in advice offices to use the portal so that they can act as intermediaries for users. It has also supplemented this with the donation of computers and laptops that have been replaced for use by the Board but are still functional. It is considering the feasibility of making computers and internet facilities available in the reception areas of the 128 Justice Centres and Satellite Offices that it runs. From these, users could access the portal and make contact with the advice line using Smartphones and VOIP. It is also intended to promote the portal in public libraries.<sup>28</sup>

## Lessons: General

The Cyberjustice Laboratory at the University of Montreal has a multidisciplinary team of no less than 36 examining the socio-legal barriers to the adoption of technological solutions. Its analysis seems eminently sensible and its lessons applicable for all countries as much as those with low incomes. The Laboratory is highly critical, in general, of top-down, comprehensive projects. It favours a modular approach 'where compatible and interconnecting technological solutions are found in order to address precise problems rather than to construct complex networks'.<sup>29</sup> Its researchers like 'small scale changes made one at a time [to] enable ICT initiatives to be implemented effectively'. And, applying this concept to 'developing countries, it would be useful to develop or use existing IT solutions to create different modules or platforms this would allow, for example, the use of mobile phone for intake, referral and case management'.<sup>30</sup> Stakeholder support is crucial, collaboration is important. So, there is a real need to spread a sense of ownership among those involved and to use 'tools that people are familiar with', such as mobile phones rather than computers.<sup>31</sup> An article in the Guardian made the

<sup>28</sup> email P Hundermark to Roger Smith, 19 October 2015  
<sup>29</sup> World Bank Legal Review Volume 6, 2015 as above, p330.  
<sup>30</sup> p331  
<sup>31</sup> p334



same point in pithy terms: 'avoid the lure of the shiny gadget'.<sup>32</sup> Both the Cyberjustice team and Ben Ramlingam in Aid on the Edge of Chaos<sup>33</sup> stress the need to contextualise reforms. The latter gives two examples of projects that got stuck. In South Africa, a mobile-based system of transferring money flopped whereas it has worked in Kenya previously because it fitted into an existing system of money transfer. Elsewhere, a project to get nurses to use mobile phones to monitor the need for more blood supplies failed when they had to pay for their own texts to communicate with HQ but flowered when they were rewarded by a small amount of extra airtime for doing so.

The M-Sheria project in Kenya provides an interesting example of a project in a low income country. It was run between 2012 and 2013 by the Hague Institute for the Internationalisation of Law (HiiL) and is described in the following terms on HiiL's website:


- Considering the fact that mobile communication is widely used by the inhabitants of Kenya;
- M-Sheria gives the possibility for equal access to justice by using their cellphone as well as on a website. Many services in Kenya use mobile phones as

a communication tool – they are usually marked with an M at the beginning of the name. M-Sheria follows this idea – they deliver basic justice to people even for those who use quite basic mobile phones. The system operates simply with SMS messages coupled to the M-Sheria website. People text their question which is then automatically uploaded on <http://msheria.com/>. They first receive a confirmation message that also contains an initial piece of advice. The advice is delivered based on system filtering the words used in the question.

- The M-Sheria website is daily maintained by a group of about 500 lawyers. These lawyers, who work free of charge, answer the questions. The answers are texted back to the person and are also published on the website. M-Sheria is aiming to improve distributing legal services among Kenyan population with no or little access to justice.

So, this looks to have been a well-considered project, using an interesting combination of texts and web provision. However, it is clear from consulting the website that it is no longer properly supported.

32 H Young, '2015 ChallengesL: how can technology be a force for good?' Guardian 3 June 2015  
33 OUP, 2013



In October 2015, the most recent queries on the website dated from May. None of them have been answered. One query is repeated six times on the website repeating the same date and time, suggesting that the software has a glitch. Searching the back use of the website, there is evidence that questions were answered in 2013, during the initial pilot. Testing those on employment, the answers do seem to be succinct and, one would have hoped, helpful. However, the project as a whole cannot really be claimed as a current success and that underlines the point above: there must be continuing institutional and individual buy-in to make such projects work. The M-Sheria model of a central website to which questions are posted by way of mobile phones in the hands of paralegals has been followed elsewhere. The paralegal project in Moldova contains a similar element. The website, [parajurist.md](http://parajurist.md), certainly contains more answered questions than in Kenya but they are undated so it is difficult to know how much use the website has been.

There are some interesting projects in the field of health. One such is 'Mobile Kunji' in Bihar, India.<sup>34</sup>

Mobile Kunji – kunji means a guide or key in Hindi – is an audio-visual job aid used during counselling sessions [by front line workers] with families. The content aims to redress long-standing misconceptions and negative social norms around health-related maternal and child behaviours. It covers the 1,000 day period from conception until the child is two years old. Mobile Kunji includes both an IVR-based [Interactive voice response] mobile service and a printed deck of illustrated cards held on a ring, which together provide essential audio-visual information on pregnancy and newborn health. The cards are made of durable, lightweight credit card material and are about the size of a large smart phone. They are colour coded and grouped by colour according to the stages in the 1,000-day timeline.

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The M-Sheria model of a central website to which questions are posted by way of mobile phones in the hands of paralegals has been followed elsewhere.

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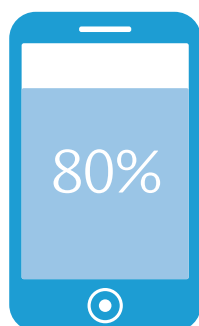
34 The qualification to this description is that it is based on a persuasive-but necessarily not an objective-description of the project by Sara Chamberlain who worked for BBC Media Action very much involved in the project. See S Chamberlain 'A Mobile Guide Toward Better Health: how Mobile Kunji is improving birth outcomes in Bihar, India' see footnote 2

The advice given appears to have been effective in changing behaviour; increasing the use of complementary feeding and preparation for birth. The salient points from the point of view of lessons for legal services would appear to be the following. First, the project delivered a digitally augmented service through face to face providers. Second, there was clearly a lot of preparatory exploration of what would work best. The eventual package of mobile phone plus key cards was arrived at only by a process of eliminating methods that did not work e.g. flip charts were found to be too big to carry. The worker uses her phone on loudspeaker to a group of women who can hear the

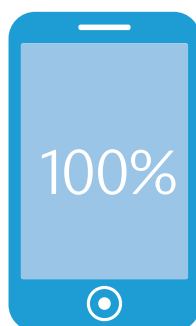
automatic responses of 'Dr Anita' to questions. So, collective discussion is encouraged. Third, the project deliberately avoided fancy and expensive technology – IVR is a free service to users (see below). And, fourth, the project avoids the issue of illiteracy by being oral. Other projects have done this – e.g. in relation to agriculture – by using video.<sup>35</sup>

primary research found that 80% of men and women age 15 to 49 in Bihar have access to a mobile phone; 63% of men and 32% of women of childbearing age own their own phone; 85% of FLWs( front line workers) own their own phone; and nearly 100% of FLWs have access to a mobile phone in their immediate family.

Access to  
mobile phone  
in Bihar

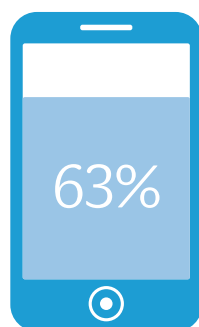


Men and women  
aged 15-49

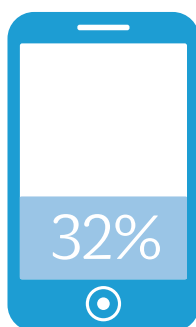


Front Line Workers

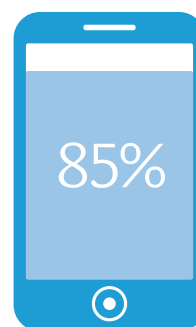
Own their  
own phone  
in Bihar



Men




Women of  
childbearing age



Front Line Workers

<sup>35</sup> See K Harwin and R Gandhi 'Digital Green: a rural video-based social network for farmers' see footnote 2.



Nevertheless, the challenges are immense: the majority of handsets are second-hand “grey market” phones that are often damaged; most have a tiny black-and-white screen and no memory card. The majority of phones do not support the local language font, and the operating systems are in English, Chinese, or Arabic. As a result, technical literacy levels are very low; our research found that only 9% of men and women in Bihar in the 15–49 age group have ever sent an SMS. Language literacy is also very low; 70% of women in rural Bihar are illiterate. Due to all these factors, use of mobile phones, particularly among women, is generally limited to receiving and making calls. However, it’s easy to overlook the tremendous value and cost-effectiveness found in services that can make the most of the limited phones most families and community health workers have, no matter how basic. This is particularly relevant in resource-poor areas like Bihar, where the population often lacks the technical and language literacy needed to read and create text messages. Given the lack of literacy and technical capacity among the general population and the FLWs in

Bihar, BBC Media Action identified interactive voice response (IVR) as the most appropriate technology for the target population. IVR is a well-established technology used around the world to provide automated voice services to mobile phone users. In most countries with low income, such low sums are being spent on access to justice that it is difficult to see that technology will allow reduction of the budget. This is particularly the case because most countries prioritise the provision of legal aid in criminal cases in order to meet their obligations under the international human rights obligations where they are generally clearer than for civil cases.<sup>36</sup> Basic ICT provision of the kind used by the South African Legal Aid Board both for its practitioners and in the management of the legal aid scheme is clearly useful as long as those involved can use it. The Cyberjustice Laboratory cautious approach seems justified. The best use of ICT is modular, collaborative, uses technology which is widely available, and is adapted to the level of access available in the country concerned. Important as well is no over-reliance with the ‘shiny new gadget’ but the deployment of


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In most countries with low income, such low sums are being spent on access to justice that it is difficult to see that technology will allow reduction of the budget.

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<sup>36</sup> eg under Article 14 of the International Covenant for Civil and Political Rights and the various regional equivalents, such as Article 6 European Convention on Human Rights





technology with which the users are familiar. There is a real need for rigorous and objective evaluation that can help to identify long-term gains. All these are probably no different from the general lessons for developments not based around new technology and as applicable in Birmingham or Brussels as they are in Bihar. The Guardian author referenced above pointed to the potential use of radio to get a message across:

*'radio has so far had the biggest impact in development of all technologies but because it is low-tech is often overlooked'. She also quotes a timely warning from another activist: 'Projects should never be about technology itself. ... You should be a problem in search of a solution rather than a solution or a piece of technology in search of a problem'.*

And there is a danger in low income countries just as in high ones. Technology carries no inherent values: it simply speeds up communication and the processing of data. So, there is a danger that it will amplify inequalities in society rather than reduce them.

Technology alone cannot disrupt poverty or promote equitable change—indeed, left to market forces, it is likely to do the opposite. The mobile Internet can be harnessed most effectively by those who have that capacity and are already on the upper slopes of the socioeconomic pyramid. We need to invest in building the capacity of those at the base of the pyramid and seek out change agents who are already working to alleviate poverty and inequality. Building the digital economies of tomorrow depends on building the digital capacities of the change agents of today.<sup>37</sup>

<sup>37</sup> E. Schoemaker 'The Mobile Web' see footnote 2



## 1.3 Lessons from the Developed World

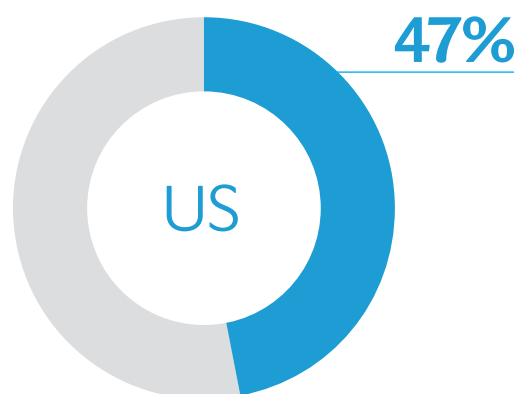
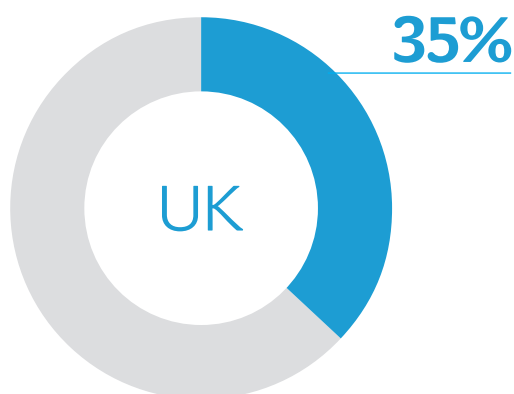
### Roger Smith

Two recent reports invite discussion of the surrounding context to the digital delivery of legal services in high income countries such as the UK. They are both primarily relevant to services to high income clients but the form of these is likely to affect those on low incomes as well. The first is a report on behalf of prospective investors published by the Bank of America Merrill Lynch. This is a 300 page report released to the press but not apparently publicly available.<sup>38</sup> The Guardian quoted the report as saying:

*'We are facing a paradigm shift which will change the way we live and work ... The pace of disruptive technological innovation has gone from linear to parabolic in recent years. Penetration of robots and artificial intelligence has hit every industry sector, and has become an integral part*

*of our daily lives.'* However, this revolution could leave up to 35% of all workers in the UK, and 47% of those in the US, at risk of being displaced by technology over the next 20 years, according to Oxford University research cited in the report, with job losses likely to be concentrated at the bottom of the income scale. 'The trend is worrisome in markets like the US because many of the jobs created in recent years are low-paying, manual or services jobs which are generally considered 'high risk' for replacement,' the bank says. 'One major risk off the back of the take-up of robots and artificial intelligence is the potential for increasing labour polarisation, particularly for low-paying jobs such as service occupations, and a hollowing-out of middle income manual labour jobs.'

#### Workers at Risk of being displaced by technology over the next 20 years



<sup>38</sup> See Robotics, AI to become \$153bn market by '20 – BofA' Financial Times 5 November 2015; 'Robot Revolution: rise of 'thinking' machines could exacerbate inequality' Guardian 4 November 2015



And the Financial Times used this quote:

*The combination of AI (artificial Intelligence), machine learning, deep learning, and natural user interfaces (such as voice recognition) are making it possible to automate many knowledge worker tasks that were long regarded as impossible or impractical for machines to perform.*

This report follows in a stream of work undertaken by the Bank. A report on thematic investing in new technology was, for example, made public in April 2015 and came to much the same conclusions. It found that:

*We have entered into a period of accelerated innovation driven by three eco-systems of creative disruption: the internet of things; the sharing economy and on-line services. The consumer wins: tech means things easier less time-consuming, less uncertain, less costly. Businesses will be disrupted: incumbents are threatened; innovators win.*<sup>39</sup>

If the disruption to the overall provision of services is to be as profound as the Bank anticipates then it is inherently unlikely that services for those on low incomes will escape some – or all – of the same forces. The Bank is clear that these will have a broad effect. Not only will there be a massive growth in the use of artificial intelligence and robotics. That growth will have effects on the overall economy which are uncertain: ‘technology poses huge government policy issues with regard to income inequality, privacy and cybersecurity’.<sup>40</sup> Inequality is likely to increase, says the Bank, at the same time as the relative wealth of an increasingly older part of an ageing population. It remarks cagily that ‘Not all agree that this is a good thing’.<sup>41</sup> The Bank hedges its bets about whether these developments will create a ‘bull’ or a ‘bear’ market but they also raise a related issue – will a digital divide disproportionately exclude the poor or will digital delivery provide some measure of compensation against such exclusion?

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**We have entered into a period of accelerated innovation driven by three eco-systems of creative disruption: the internet of things; the sharing economy and on-line services.**

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39 [http://www.bofaml.com/content/dam/boamlimages/documents/articles/D3\\_006/11511357.pdf](http://www.bofaml.com/content/dam/boamlimages/documents/articles/D3_006/11511357.pdf), p3  
40 as above, p15  
41 as above p16



IBM's AI programme Watson (led by a pretty shrewd long-burn marketing campaign by IBM itself) and its deployment in the legal field by firms such as Ross Intelligence provide a bridge between general and specific market effects of new technology. Both were showcased at a recent London Legal Futures conference in November and

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The potential of a machine less than the size of a pizza box that can process data on whole areas of law is evident and is already being explored in health.

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have been attracting considerable attention around the common law world.<sup>42</sup> IBM Watson is, in its maker's description, 'a technology platform that uses natural language processing and machine learning to reveal insights from large amounts of unstructured data'.<sup>43</sup> The potential of a machine less than the size of a pizza box that can process data on whole areas of law is evident and is already being explored in health.<sup>44</sup> IBM Watson has also demonstrated its general power by winning a well-known US general knowledge gameshow, Jeopardy. Its answers get better the more it is used and the more it can process feedback on its answers.

Watson and AI provide the centerpiece of legal futurologist's Richard Susskind's new book, co-written with his son Daniel, *The Future of the Professions*.<sup>45</sup> Its central thesis is unarguable. 'in the long run, increasingly capable machines will transform the work of professionals, giving rise to new ways of sharing practical expertise in society'.<sup>46</sup> The authors argue that 'the shift can be characterised in many ways: the industrialisation and digitisation of the professions; as the routinisation and commoditisation of professional work; as the disintermediation and demystification of professionals'.<sup>47</sup> Information, advice and assistance will be made much more readily available through the internet at a lower cost for those on low as much as high incomes. The Susskinds are concerned with a debate on the ownership of information and its processing: should it be 'in commons', open to all, or should it be controlled by monopolies such as its publishers or the lawyers from whom it originated? Those concerned primarily with services to the poor might wish to leave this to one side for the moment though the most likely result might be that technology is used as an assistance rather than an alternative

42 see eg [http://www.abajournal.com/legalrebels/article/10\\_predictions\\_about\\_how\\_ibms\\_watson\\_will\\_impact](http://www.abajournal.com/legalrebels/article/10_predictions_about_how_ibms_watson_will_impact); <http://www.legalfutures.co.uk/latest-news/ibm-lays-out-massive-potential-for-watson-in-the-law>.


43 <http://www.ibm.com/smarterplanet/us/en/ibmwatson/what-is-watson.html>

44 <http://www.ibm.com/smarterplanet/us/en/ibmwatson/health/>; <http://www.businessinsider.com/ibms-watson-may-soon-be-the-best-doctor-in-the-world-2014-4?IR=T>.

45 OUP, 2015

46 as above p303

47 as above p303.



to recognisably lawyer-dominated providers. This is how IBM very much markets Watson. Whatever the result of the battle for the soul of the future, the practical effects will be much the same. The traditional partnership law firm will be threatened. It will be replaced by digitally oriented providers, probably operating on a national basis, who are able to deliver quality services at an acceptable price. Their contact with their clients is much more likely to be through the internet (even if remaining face to face through programmes that resemble Skype) than personal. In a world where governments are increasingly reluctant to spend money on traditional legal aid

programmes, the prospect of the large scale delivery of low cost services may provide a rare glimpse of sunshine. It should mean a reconfiguration of the market orientation of legal provision in that the traditional 'legal aid' sector of the legal profession becomes, at least to some greater extent, re-absorbed within general privately funded services. That is particularly the case when technological change is supplemented – as it is in England and Wales – by regulatory change that allows alternative business structures.

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## 2. British Columbia

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### 2.1 MyLawBC: Update

Sherry MacLennan

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We are on-track to go live with MyLawBC in mid-January. Modria is getting a Canadian server set up to meet our privacy law requirements and the Hague Institute for the Internationalisation of Law (HiIL) has been working at configuring the content we have provided. It is quite exciting as we near the finish line, as there is more to see and demo,

including how the dialogue tool will work and how our simple will templates self-populate in response to questions and answers. We have been user-testing various pieces of content that we have developed in-house and we will be doing user acceptance testing during the first two weeks of January on the whole system.

### 2.2 Civil Resolution Tribunal: Update

Darin Thompson

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Implementation work on the Civil Resolution Tribunal (CRT) continues on a range of different fronts. When it begins operations, the CRT will be an online tribunal handling small claims (up to \$25,000 CAD) and strata (condominium) disputes in British Columbia.

#### Public Engagement

CRT Chair, Shannon Salter continues to maintain a high level of engagement with the general public, community groups, justice system stakeholders and others across Canada, the USA, and

Australia. In addition to providing an opportunity to describe the CRT and how it will improve access to justice, these engagements also allow the CRT Chair to engage in a dialogue about the interests, concerns and expectations others will have for the tribunal. It has also opened the door to discussions about how other jurisdictions might be able to adopt some or all of the same technologies being developed for the CRT. A list of recent and upcoming presentations is available on the CRT website <https://www.civilresolutionbc.ca/>

## User-Centric Design Focus

The CRT project team has continued to guide its broader implementation activities with a focus on the public and future tribunal users through a range of user-experience (or UX) inspired approaches to its work. Examples of this work include:

The creation of focus groups in partnership with anti-poverty community advocates who serve marginalised communities as well as small and medium sized businesses,

Collection of information about the public through surveys, and

Early, limited beta-testing of the new technologies and processes that will form part of the CRT's end-to-end dispute resolution processes.

A recent survey helped to quantify levels of technology adoption and use among the public. The so-called 'digital divide' consistently emerges as a top concern in any discussions involving justice and technology

due to its potential impact on access to justice for people unwilling or unable to use information communication technologies. The survey data indicated that 92% of 17–64 year olds in British Columbia are online daily, with another 5% online at least once per week. It also helped to challenge some of the project team's own assumptions around age and internet use with a finding that 69% of survey participants over the age of 74 use the internet daily. More information about the survey is here (<https://www.civilresolutionbc.ca/new-survey-results-british-columbia-is-online/>). More will be posted in the future on the CRT website.

Despite the apparently high levels of internet use in British Columbia, the CRT will continue to pursue a multi-channel service delivery model that will include internet, email, telephone, regular mail, fax and front counter-like locations through intermediary providers.

## Online Daily







The project team continues to engage members of the public to test and provide feedback on the CRT technology, even while it is still in the development phase, to maintain a 'co-design' approach aimed at maximizing usability and maintaining a focus on user needs and outcomes. An example of an upcoming co-design activity is described here. <https://www.civilresolutionbc.ca/got-a-strata-problem-help-us-test-a-solution/>

### Technology and Dispute System Development

To date, the most developed portion of the CRT's end-to-end platform continues to be the Solution Explorer, an online expert system designed to support problem diagnosis, information, self-resolution and streaming processes. The project team recently created a video overview of the new tool here <https://www.civilresolutionbc.ca/new-video-introduction-to-the-solution-explorer/> to help the public understand how it will work.

The knowledge engineering activities used to collect and structure the expert knowledge that will populate the Solution Explorer's specialized database are continuing in each of the dispute areas within the CRT's jurisdiction.

At the time of writing, the project team is in the process of launching a next stage of intensive development work on the cloud-based platform that will handle processes including:

- Case creation, intake and screening,
- Consensual dispute resolution activities such as negotiation and facilitation,
- Adjudication, and
- Case administration including workflow, scheduling, storage and retrieval as well as access for all CRT staff and tribunal members.

This next round of work will continue to follow an agile project methodology that relies on incremental, intensive work sprints, allowing for iterative design and development.

### Dispute Resolution Process, Tribunal Rules and Policy Development

Work continues on the creation and refinement of the dispute resolution processes that will be used by the CRT when it begins operations, many of which will be enumerated in a complete set of tribunal rules. A range of policies are also under development, covering such areas as evidence handling, information and privacy, and staff conduct.

### Further Information

More information on the CRT and its implementation activities can be found online at <https://www.civilresolutionbc.ca/>.

## 2.3 The Civil Resolution Tribunal: a comment

### Nicky Dunlop, Povnet

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*PovNet is an NGO working in British Columbia and provides online tools that facilitate communication, community and access to information around poverty-related issues in British Columbia and Canada. It works to collect relevant news and resources of use to advocates, community workers, marginalised communities and the general public. Nicky Dunlop is its executive co-ordinator and has been involved in consultations about the CRT.*

PovNet continues to keep a keen eye on the implementation of the CRT and remains optimistically cautious about how it will roll out and what its impact will be on the public's access to justice. The CRT team has continued to do a very good job in our eyes, of seeking input from stakeholder groups,

We are still pleased that the traditional system will be running alongside the CRT as it rolls out, however we were concerned to learn that what was originally a voluntary process, is now mandatory for cases that fall within a set criteria. We spoke with CRT Chair Shannon Salter about this concern and she was able to provide some comfort in the establishment of exemption options available to users.

*We still believe that the ideal system would be one where there is an ongoing choice of using the CRT model or the traditional court system. Even with the best intentions, it will be very difficult to create a tool that does not throw up road blocks for some of its most disadvantaged users. Having both systems running would provide*

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**We still believe that the ideal system would be one where there is an ongoing choice of using the CRT model or the traditional court system.**

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including the end users. We were asked to participate in a round of user testing and the product we were given the opportunity to explore was essentially what the team has been describing all along, with some improvements made based on feedback received to date.

*a better fit for its users and shorten resolution times. We understand that this is very unlikely to happen, however, we will continue to work with Shannon and her team to connect them with community advocates and ensure that they are getting the feedback they need and we will continue to speak up for those who feel that the CRT is not meeting their needs.*



## 3. England and Wales

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### 3.1 Citizens Advice

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Citizens Advice is proceeding with the upgrade of its website, [citizensadvice.org.uk](http://citizensadvice.org.uk). This process is being documented through [alphablog.citizensadvice.org.uk](http://alphablog.citizensadvice.org.uk). A recent post contains three short audiovisual presentations on the project and gives a good idea of what is happening: <http://alphablog.citizensadvice.org.uk/2015/12/future-forums-2015/>. It arises from a current communications drive seeking to engage advisers around the country – of which there are about 900 specialists and 10,000 generalists. The project is merging the two previous websites – one

client facing and the other serving advisers. Beatrice Karol Burks reports: ‘Communicating these changes is challenging – many of our advisers don’t get or have time to read emails and things get lost amongst the deluge of information they receive. The first thing they might know of a digital change is when they look at page to check some information. To help this, we’re doing lots of face to face talks and resorting to even more traditional methods like printed booklets and posters for notice boards – the good news is it’s working!’

### 3.2 Relate

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Relate, formerly the National Marriage Guidance Council, will, as reported in the last edition of the newsletter and noted below in the

Rechtwijzer report, be rolling out an interactive programme based on the *Rechtwijzer*, next year.

### 3.3 [advicenow.org.uk](http://advicenow.org.uk)

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[advicenow.org.uk](http://advicenow.org.uk) has, with funding from The Legal Education Foundation, revamped its national advice website. Theresa Harris reports: 'The new website was launched in June 2015. It emphasises the key capabilities of knowledge, confidence and skills. It uses multimedia in the form of videos and e-learning courses to supplement Advicenow's trademark user-friendly, step-by-step guides. At the core of the new website is the central digital portal for the Litigants in Person Support Strategy – Going to court. It brings together detailed guides (displayed in a concertina style

which makes them much easier to navigate, and to understand where you are in your problem) together with 'top picks (the best information from a wide range of public legal information providers) and 'Know-hows' (information, video or e-learning courses) which focus on attitudes and skills). The move to open source platform will allow Advicenow to integrate new technology and media much more quickly and cheaply, than previously, with a bespoke CMS (customer management system). Law for Life views the remodel as the foundation for future digital delivery.'

## 4. The Netherlands

### 4.1 Rechtwijzer 2.0: 3rd Update – December 2015

Laura Kistemaker & Corry van Zeeland

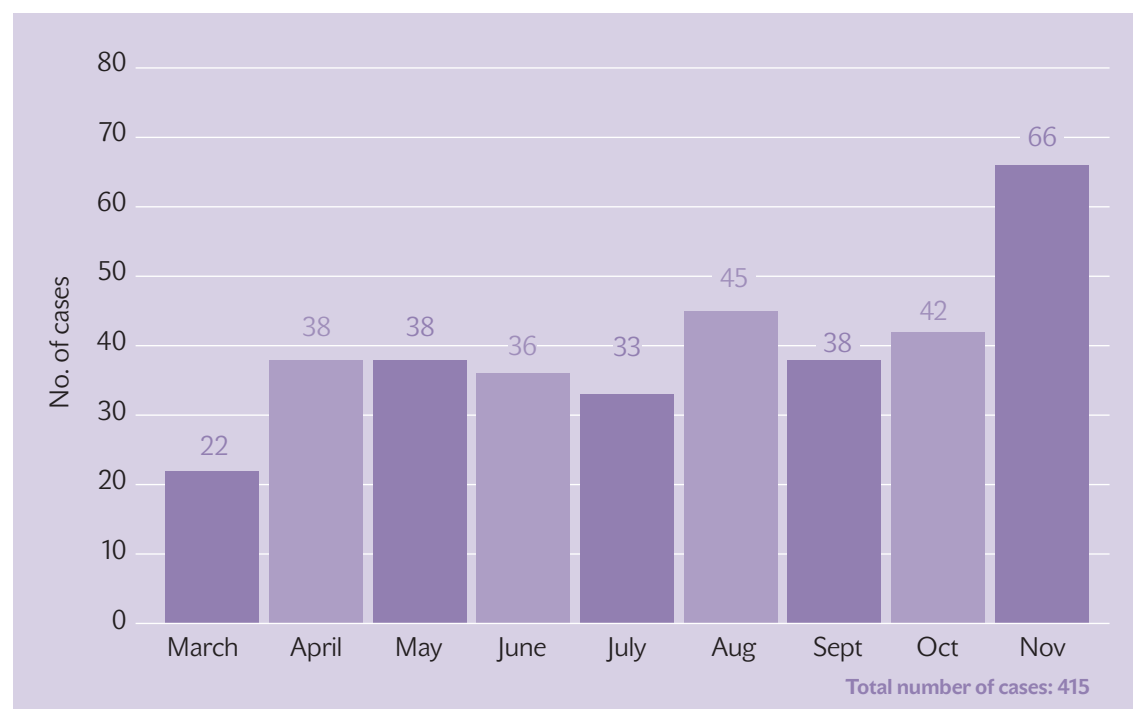
#### One year after the soft-launch

The pilot phase of the Dutch Rechtwijzer divorce ended exactly one year after its soft-launch in November 2014. The Legal Aid Board and HiiL are confident that the current platform is now stable, user-friendly and delivering the quality that the clients and the professionals can expect of the platform. The Legal Aid Board has started a publicity campaign to inform the public and the legal profession about Rechtwijzer | *divorce*.

#### Number of cases (as per end of November 2015)

During the pilot phase the number of new cases per month has been quite stable, with an increase in the month of November. The publicity campaign has started on 24 November, so we hope to see the effects already in December with a continuation of this increase.

Rechtwijzer Uit Elkaar  
New Monthly Cases



Cases are calculated as of the moment that the initiator finishes the intake, makes the initial payment for platform usage and decides to invite the respondent to join the case. The 415 cases per end of November equal to 769 users, of which 81 are waiting for their partner to join. 134 of the 415 cases have reached finalisation, meaning the users have reached agreements and the separation plan was approved by the reviewer.

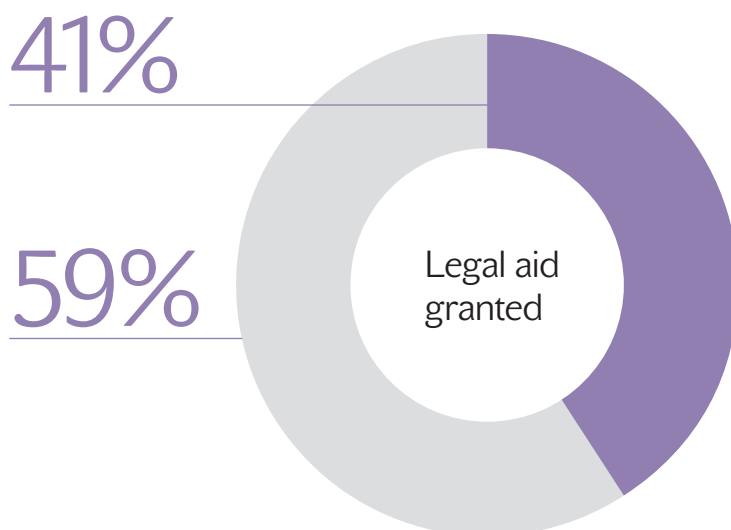
As mentioned in the previous update, there is not much use of Mediation and Arbitration in the platform:

Number of mediations since November 2014: 6

Number of arbitrations since November 2014: 1

### Eligible for legal aid

Legal aid has been granted to 41% of the users, 59% are not eligible for legal aid. In 37% of the cases it is one of both partners that received legal aid. In 22% of the cases both partners receive legal aid.



## What we see after 12 months

### Length of process

On average a full process on Rechtwijzer (from the moment the initiator has invited the partner until the reviewer has approved all agreements made by the parties) takes around 45 days.

The dialogue phase takes on average 15 days. The review takes approx. 30 days. Number of review sessions needed to get to approved separation plan: 2.5.

Note: these are regular days, not business days.

The averages for the follow up process are:

- From the moment the case is finalized on Rechtwijzer to submission to court: 18 days.
- From submission to ruling: 36 days.
- Note: these are business days.

This knowledge about how long the different steps in the process take, is shared with (prospective) users of Rechtwijzer on the website. Also to set expectations: while Rechtwijzer helps parties to arrange their separation online in an efficient way, Rechtwijzer does not facilitate separating in a flash: coming to good solutions together and with the assistance of the reviewer takes some time.



## Progress of the platform

Rechtwijzer was launched as a minimum viable product: a version of the platform that has all the content and functionalities to get to high quality solutions, but which will be improved based on the users' feedback in a continuous, iterative process.

So far, 55 improvements have been implemented. In the past period, particular attention has been paid to the user interface of the reviewers. We have seen in the user satisfaction surveys<sup>48</sup> that the satisfaction of the review

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Another major improvement has been that from now on respondents cannot initiate a case anymore when already invited by their partners.

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phase slightly lacks behind the intake and negotiation phase. In the July update we wrote about the new way of working Rechtwijzer demands from the professionals that act as reviewers. In addition to carefully instruct these professionals and facilitate peer learning, we implemented a number of changes that help reviewers to share comments to the review plan in a structured and timely fashion.

The main source of worry of service providers continues to be informed

consent: have the parties fully understood the consequences of their decisions? As step towards enhancing informed consent at Rechtwijzer, will be the so-called "pre-review checklist". It is meant to help users to reflect on their agreements and to check whether their descriptions and motivations are complete, just before they proceed to the review phase. This new feature is currently being implemented.

Another major improvement has been that from now on respondents cannot initiate a case anymore when already invited by their partners. Respondents now get blocked when starting an intake independently and redirected to the link in the invitation email they have received, through which they can continue the case. Previously, respondents were technically allowed to proceed with the intake, resulting in a problem: the intake of the respondent and initiator could not be linked.

In terms of the stability of the platform, we have continued to see some bugs occurring after implementation of new features, but less than before. This was partly due to not yet fully functioning of the new elements that Modria is implementing that in the near future need to result in fewer technical problems when releasing new features.

48 The user satisfaction surveys are being sent since May 2015. We anticipate having a good enough response rate at the next update to share initial outcomes.



## New problem areas...

New Rechtwijzer modules are in the making, with Rechtwijzer | Debts – being launched in December 2015. The content for Rechtwijzer | Landlord – Tenant, for which the Dutch Rent Tribunal has joined the Rechtwijzer partnership, has been finalised and is now being configured. The landlord – tenant module is planned to go live in March 2016.

## And new jurisdictions

Rechtwijzer–divorce is currently being trialed in England and Wales by Relate. April/May 2016 there will be a full roll-out of this system. Also, the module for the Legal Services Society of British Columbia is being configured with planned delivery in January 2016.

## Conclusion

The first year of Rechtwijzer in the Netherlands has seen a fairly steady flow of new cases. With the publicity campaign started we hope to see an increase in new cases. Around 40% of users receive legal aid. The process on Rechtwijzer takes around 45 days. In addition the process after users finalize their agreements on Rechtwijzer until they get a ruling from the court is 54 business days.

Modules for new problem areas and new jurisdictions are being launched in the Netherlands, the UK and Canada. Dozens of new features have been implemented based on user and service provider feedback, the result of which we see reflected in increasing satisfaction levels of both users and service providers.



# 5. Legal Services Corporation TIG conference 2016

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## 5.1 Legal Services Corporation TIG Conference 2016

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The Legal Services Corporation is holding its 2016 Technology Initiative Grants Conference between 13–15 January 2016 in San Antonio Texas. Coverage of last year's conference is available at: <http://www.thelegaleducationfoundation.org/wp-content/uploads/2015/01/LSC-TIG-conference-report.pdf>.

A report of the 2016 conference will be contained in the next edition of the newsletter to be published in the summer of 2016.

The next newsletter will be published in Summer 2016. Content will be welcomed. Contact [rsmith@rogersmith.info](mailto:rsmith@rogersmith.info).



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