

The Role of Technology in Enhancing Rural Access to Justice

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Legal Services of Northern California

Report Primary Co-Authors

Professor Lisa R. Pruitt, UC Davis School of Law

Zachary Newman, Legal Aid Association of California

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The Role of Technology in Enhancing Rural Access to Justice

EXECUTIVE SUMMARY

Legal technology is proliferating. From videoconferencing to web-based applications, legal technology is increasingly pivotal for improving access to justice and expanding the legal safety net. Legal technology serves an important role in a legal system where most people do not have access to legal advice or information, even when they desperately need it. With the potential to assist more people with their legal issues, technology can play a critical role in configuring systems that effectively and dynamically facilitate engagement in the legal system, especially for low- and moderate-income people. As this policy paper is being finalized, COVID-19 and the resulting public health and economic crises have heightened the immediate need for remote and online services, potentially producing a watershed moment for implementing a deep, resilient remote technology infrastructure that will serve an array of access-to-justice stakeholders, from courts to legal aid to pro bono lawyers.

Generally, the everyday issues that people face often have legal components. These problems could be alleviated or resolved with legal assistance. Evictions, domestic violence, wage theft, and access to disability benefits all have legal implications, and a lawyer, another advocate, or a tech-based system could provide assistance to navigate the legal landscape. Most people do not even look for legal assistance; even if they do, they often cannot get the help they need. Part of the problem is that the cost of hiring a lawyer is beyond their means. Exacerbating this, legal aid offices—which do tremendous work to serve low-income Californians—cannot serve all who need free services, and many modest-means individuals who need services are not eligible for legal aid.

Geography can compound the challenges of getting legal assistance to those who need it. Within a generalized lack of access to counsel and legal help in California—including free legal

aid lawyers—those in rural parts of the state face additional barriers. Rural places where there are just too few lawyers to serve everyone who needs legal advice or information are called “legal deserts” or “attorney deserts.”

In these places in particular, legal technology can play an especially significant role in increasing access to justice. This is because legal tech can alleviate the need to travel to an attorney’s office or even to the courthouse. Whether implemented in rural areas or urban ones, legal tech can streamline internal processes like case management and call-backs; increase access to basic form completion and advice for clients; and allow lawyers to reach distant clients without leaving the office, thereby enabling more people to receive legal advice and navigate the complexities of our legal system. Thus, in an attorney desert where too few lawyers practice, legal tech can have an even greater impact on the barriers simply caused by distance. Simultaneously, we must also bear in mind that legal technology can reproduce barriers it is intended to ameliorate; we must therefore ensure any innovations are cognizant of disability and language access issues as well as culture and technological literacy and dispersion.

The goal of this policy paper is to discuss the role and potential of legal tech to meet the access-to-justice needs of rural Californians, describe the opportunities in putting tech into practice, and speak to current and future funding sources. From SMS text messages to videoconferencing to accessible and effective websites, technology tools have great potential to enhance access to justice. California has the opportunity to become a leader in using technology as a key tool in building the legal safety net for our communities. To do so, legal aid organizations and other access-to-justice stakeholders will need financial and practical support to invest in innovative technologies they can mobilize to strengthen the legal safety net for low- and moderate-income Californians in rural and urban areas alike.

THE ROLE OF TECHNOLOGY IN INCREASING ACCESS TO JUSTICE IN RURAL AREAS

Many in our nation lack access to legal advice and information, and Californians are no exception. Nationally, 86 percent of low-income households do not receive adequate or, in fact, any professional help to address their legal problems.¹ Sixty percent of low-income Californians face at least one civil legal issue in a year,² and 23 percent face six or more.³ Yet, 85 percent receive inadequate or no legal assistance.⁴ Debt collection, termination of public benefits, domestic violence, evictions,⁵ and disaster recovery⁶ are among the everyday issues that low- and moderate-income

Californians navigate without the legal assistance that could help them achieve a more just resolution. Only one legal aid attorney is available to assist about 5,500 Californians who qualify⁷ for their free legal services.⁸

While these statewide data points are sobering, it is often even harder for rural⁹ residents to access an attorney. Thirteen percent of adult Californians reside in rural areas, where 18 percent of people live at or below 125 percent of the Federal Poverty Level (FPL),¹⁰ the threshold to qualify for legal aid. Aggravating the general lack of access to legal counsel in California is the fact that the vast majority of the state's attorneys are based in metropolitan areas,¹¹ which is consistent with national trends.¹²

¹ LEGAL SERVICES CORPORATION (LSC), THE JUSTICE GAP 48 (2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

² For a definition of "civil legal issue," see *Civil Legal Aid 101*, DEPARTMENT OF JUSTICE, <https://www.justice.gov/atj/civil-legal-aid-101>.

³ THE STATE BAR OF CALIFORNIA, 2019 CALIFORNIA JUSTICE GAP STUDY EXECUTIVE SUMMARY, <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf>. See also LSC, *supra* note 1.

⁴ *Id.*

⁵ CALIFORNIA COMMISSION ON ACCESS TO JUSTICE (CALATJ), CALIFORNIA'S RURAL HOUSING CRISIS: THE ACCESS TO JUSTICE IMPLICATIONS (2019), <https://calatj.egnyte.com/dl/ObYNFrIrkK/>.

⁶ CALIFORNIA COMMISSION ON ACCESS TO JUSTICE (CALATJ), DISASTERS IN RURAL CALIFORNIA: THE IMPACT ON ACCESS TO JUSTICE (2019), <https://calatj.egnyte.com/dl/isbLQpuZbd/>.

⁷ 125% of poverty level, the income at which an individual is eligible for legal aid. *Federal Poverty Guidelines 2019*, MASS LEGAL SERVICES (Jan. 11, 2019), <https://www.masslegalservices.org/content/federal-poverty-guidelines-2019>.

⁸ Statistic on file with the Legal Aid Association of California.

⁹ Geography and limited resources prevent rural residents from accessing legal services, while also impeding legal aid providers from reaching rural residents. The sub-county geographical units known as Medical Service Study Areas (MSSAs) characterize areas as "urban," "rural," or "frontier." Rural is defined as 50,000 or fewer residents and a density of less than 250 residents/square mile. Frontier consists of fewer than 11 residents per square mile. For a robust discussion of our definition of "rural," see CALATJ, RURAL HOUSING CRISIS, *supra* note 5; CALATJ, DISASTERS IN RURAL CALIFORNIA, *supra* note 6.

¹⁰ THE STATE BAR OF CALIFORNIA, 2019 JUSTICE GAP STUDY FULL REPORT, <https://www.calbar.ca.gov/Access-to-Justice/About-the-Office-of-Access-Inclusion/Our-Projects/California-Justice-Gap-Study>.

¹¹ CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, CALIFORNIA'S ATTORNEY DESERTS (2019), <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Attorney-Desert-Policy-Brief.pdf>.

¹² See Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 South Dakota L. Rev. 466, 469 (2014). See also Mark Palmer, *The Disappearing Rural Lawyer Part I*, 2CIVILITY (Aug. 27, 2019), <https://www.2civility.org/the-disappearing-rural-lawyer/>; Mark Palmer, *The Disappearing Rural Lawyer, Part II*, 2Civility (Jan. 16, 2020), <https://www.2civility.org/the-disappearing-rural->

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These attorney deserts¹³ are places where few lawyers live and work, including legal aid lawyers who can provide free legal services to qualifying low-income Californians.



An application used by the SHARP program run out of Butte County Superior Court.

Need for legal services far outpaces the supply. Seventy-five percent of rural

households in the United States dealt with at least one civil legal issue over the course of a year (and 23 percent had *six or more* legal issues), but just 22 percent sought legal assistance.¹⁴ Fifty-nine percent of Californians in rural areas of all income levels dealt with at least one civil legal issue in the past year.¹⁵ Interrelatedly, unemployment and poverty rates can be higher in rural areas than urban ones.¹⁶

Low-income rural Californians seeking legal assistance, along with the legal aid organizations providing that assistance, face challenges in connecting with each other face-to-face. This is largely due to limited resources and funding deficits, exacerbated by geographical distance.¹⁷ Technology can be immensely consequential for bridging a

lawyer-part-ii/?utm_source=twitter&utm_medium=social&utm_campaign=Readership&utm_content=The%20Disappearing%20Rural%20Lawyer,%20Part%20II; Wendy Davis, *No Country for Rural Lawyers: Small-town attorneys still find it hard to thrive*, ABA JOURNAL (Feb. 1, 2020), <http://www.abajournal.com/magazine/article/no-country-for-rural-lawyers>. See, e.g., Lori S. Kornblum & Daniel Pollack, *Out of Luck: Need a Rural Family Law Attorney?*, WISCONSIN LAWYER (Sept. 9, 2019), <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=92&Issue=8&ArticleID=27194>.

¹³ CALATJ, CALIFORNIA'S ATTORNEY DESERTS, *supra* note 11. Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARV. L. & POLICY REV. 15 (2018) (using data mapped by James Meeker, Professor Emeritus of UC Irvine, in 2016, discussed in CALIFORNIA'S RURAL HOUSING CRISIS, *supra* note 5).

¹⁴ LSC, THE JUSTICE GAP, *supra* note 1.

¹⁵ STATE BAR OF CALIFORNIA, *supra* note 10.

¹⁶ Janet Adamy & Paul Overberg, *Rural America is the New 'Inner City,'* WALL ST. J. (MAY 26, 2017), [HTTPS://WWW.WSJ.COM/ARTICLES/RURAL-AMERICA-IS-THE-NEW-INNER-CITY-1495817008](https://www.wsj.com/articles/rural-america-is-the-new-inner-city-1495817008). See generally CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, IMPROVING CIVIL JUSTICE

IN RURAL CALIFORNIA (2010), http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010_FINAL_2.pdf?ver=2017-05-19-133105-073.

¹⁷ LSC, THE JUSTICE GAP, *supra* note 1. See, e.g., ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE AND THE CENTER FOR PRO BONO, RURAL PRO BONO DELIVERY: A GUIDE TO PRO BONO LEGAL SERVICES IN RURAL AREAS (2003), https://www.americanbar.org/content/dam/aba/images/probono_public_service/ts/aba_rural_book.pdf; Hillary A. Wandler, *Spreading Justice to Rural Montana: Rurality's Impacts on Supply and Demand for Legal Services in Montana*, 76 MONTANA L. REV. 225 (2015), <https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2391&context=mlr>; Brian L. Lynch, *Access to Legal Services in Rural Areas of the Northern Rockies: A Recommendation for Town Legal Centers*, 90 INDIANA L. J. 1683 (2015), <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11173&context=ilj>; THE RURAL AND REMOTE ACCESS TO JUSTICE BOLDNESS PROJECT, RURAL & REMOTE ACCESS TO JUSTICE A LITERATURE REVIEW (2015), https://boldnessproject.ruralandremoteaccesstojustice.com/wp-content/uploads/2016/01/Rural-Remote-Lit-Review_newcoverpage.pdf.

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justice gap that is also a gap across the material space that separates residents from legal assistance.¹⁸ Technological innovations, such as mobile applications, web-based document assembly, and videoconferencing, offer new ways for lawyers and other advocates to provide legal services to those in rural areas.

As this policy paper was being completed, the COVID-19 public health and economic crises have further heightened the need and demand for remote court and legal aid services in rural and urban areas alike, as low- and moderate-income¹⁹ Californians navigate evictions, lost jobs, healthcare expenses, and inaccessible benefits in the context of shelter-in-place orders and court closures.²⁰ Rural areas face specific issues

regarding COVID-19 relating to employment-types (e.g., close-quartered meatpacking) and lack of access to medical care generally (e.g., hospitals and physician shortages in rural areas).²¹ In California's Central Valley,²² farmworkers (deemed "essential workers") often do not have access to masks or running water to wash their hands; employers are failing to ensure social distancing can be practiced; and, because approximately half of farmworkers there are undocumented, they are excluded from access to paid sick leave or benefits under the CARES Package.²³ In the COVID-19 context, access to legal services (pro bono and legal aid) and courts is essential to protect the rights, livelihoods, and health of low-income and otherwise vulnerable populations, and social distancing and

¹⁸ See James E. Cabral et al., *Using Technology to Enhance Access to Justice*, 26 HARVARD J. OF L. & TECH. 243 (2012), <http://jolt.law.harvard.edu/articles/pdf/v26/26HarvJLTech241.pdf>; J.J. Prescott, *Improving Access to Justice in State Courts with Platform Technology*, 70 VAND. L. REV. 1993, 2010 (2017), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2912&context=articles> (describing how the "public and private sectors have introduced a variety of technology-based solutions in different jurisdictions that aim to provide rural and low-income individuals better access to justice," including "remote and online legal aid, online form completion and video technology, triage services, mobile access, and online case resolution systems"); Michael J. Wolf, *Collaborative Technology Improves Access to Justice*, N.Y.U. J. LEGIS. & PUB. POL'Y 759 (2012), <https://www.nyuylpp.org/wp-content/uploads/2013/01/Wolf-Collaborative-Technology.pdf>. See also Susan Zago, *Riding Circuit: Bringing the Law to Those Who Need It*, 12 FLA. A & M U. L. REV. 1, 26 (2016), https://scholars.unh.edu/cgi/viewcontent.cgi?article=1367&context=law_facpub ("While technology can be used to ease the path of self-represented litigants in court, it cannot be a panacea for all situations.").

¹⁹ See, e.g., Ladonna Pavetti & Peggy Bailey, *Boost the Safety Net to Help People With Fewest Resources*

Pay for Basics During the Crisis, CENTER ON BUDGET AND POLICY PRIORITIES (Apr. 29, 2020), <https://www.cbpp.org/sites/default/files/atoms/files/s/4-29-20pov.pdf>.

²⁰ The COVID-19 pandemic has impacted a number of critical civil justice issue areas, from domestic violence to housing. See, e.g., EVICTION LAB, COVID-19 HOUSING POLICY SCORECARD, <https://evictionlab.org/covid-policy-scorecard/> (some states and jurisdictions have provided better legal protections for renters than others, but these are only as good as can be enforced by legal aid and pro bono attorneys for those who cannot otherwise access a civil practitioner); Amanda Taub, *A New Covid-19 Crisis: Domestic Abuse Rises Worldwide*, NY TIMES (Apr. 14, 2020), <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>.

²¹ Lois Parshley, *Where the coronavirus is hitting rural America hard*, VOX (Apr. 28, 2020), <https://www.vox.com/2020/4/28/21239536/coronavirus-georgia-south-dakota-missouri-nebraska-rural-america>.

²² See, e.g., *California's Governor Newsom on rural-urban difference in coronavirus incidence and response*, LEGAL RURALISM (Mar. 18, 2020), <http://legalruralism.blogspot.com/2020/03/california-as-governor-newsom-on-rural.html>.

²³ Parshley, *supra* note 21.

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shelter-in-place regulations require the remote provision of those services through technology.

Prior to this paper, the California Commission on Access to Justice (CalATJ) addressed the role of technology in relation to access-to-justice issues in rural parts of the state in the 2010 report *Improving Civil Justice in Rural California*.²⁴ Generally, the report notes that rural communities are underserved, hard to reach, and often experience higher poverty rates than their urban counterparts.²⁵ In addition, rural communities are characterized by particular demographic challenges because their populations often include higher percentages of seniors, Native American communities, and people with disabilities, all of whom may have particular legal needs.²⁶ The CalATJ 2010 report recommended that innovative uses of technology could reduce barriers to providing services to the rural poor, but that technology should not be treated as a panacea.²⁷



Computer terminals in Covelo (Mendocino County) at the Round Valley Family Resource and Wellness Center permit residents to get access to self-help resources at the Mendocino Superior Court in Ukiah.

In the decade since that report was published, technology has evolved rapidly, but the core access issues have not. Thus, this paper, in alignment with the 2010 report, will explore how both groundbreaking²⁸ and everyday technology²⁹ can be used in common-sense ways to alleviate some of the challenges facing legal aid organizations, pro bono attorneys, courts, self-help centers, and other advocates working with low- and moderate-income clients in rural areas. Many of those challenges are a consequence of geographical distance as well as social service and other resource deficits that are characteristic of rural communities.³⁰ The paper will situate the

²⁴ CALATJ, *IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA*, *supra* note 16.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* (“Effective use of technology can help address many of the barriers experienced by those serving the legal needs of low-income rural Californians. While technology alone is not a panacea, online resources can significantly help self-represented litigants; videoconferencing can connect a rural resident with an urban volunteer lawyer; and telephonic appearances and e-filing can help legal aid lawyers and volunteers to avoid unnecessary travel.”).

²⁸ *See, e.g.*, the collaboration between the Legal Services Corporation (LSC), Pro Bono Net, and Microsoft to create an access to justice portal that

utilizes cloud and Internet technologies for users to navigate the court system, understand legal aid resources, and even file court documents. Dave Heiner, *Microsoft partners with Legal Services Corporation and Pro Bono Net to create access to justice portal*, MICROSOFT.COM (Apr. 16, 2016), <https://blogs.microsoft.com/on-the-issues/2016/04/19/microsoft-partners-legal-services-corporation-pro-bono-net-create-access-justice-portal/>.

²⁹ Susan Urahn, *The Modernization Our Civil Legal System Needs*, PEW (Nov. 6, 2018), <https://www.pewtrusts.org/en/about/newsroom/opinion/2018/11/06/the-modernization-our-civil-legal-system-needs>.

³⁰ *See* Pruitt et al., *supra* note 13; Pruitt & Showman, *supra* note 12. *See generally* LEGAL SERVICES

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discussion within a context of increased attention to legal technologies in the legal market in general as well as within the context of a potentially shifting regulatory terrain when it comes to technology use, most notably the unauthorized practice of law (UPL) regulatory framework. Further, the paper will highlight recent success stories from legal aid organizations, while noting additional challenges associated with serving rural populations.

PROLIFERATING LEGAL TECHNOLOGIES, THE DIGITAL DIVIDE, AND THE TASK FORCE ON ACCESS THROUGH INNOVATION OF LEGAL SERVICES (ATILS)

Digital legal tools are multiplying in the legal market as a whole, both for access-to-justice purposes and in relation to overall efficiency and effectiveness in the delivery of the full array of legal services.³¹ A 2017 Thomson Reuters global analysis found a 484% increase in new legal services patents.³² Such technologies offer the potential to improve program management,

increase access to assistance and information, and facilitate client education.³³ In terms of serving all client populations, legal tech is increasingly centralized in how courts, firms, and nonprofits serve all who seek legal information, advice, and representation.

In the legal technology space, more than 320 digital legal tools are now available for those navigating their legal problems without the assistance of a lawyer.³⁴ A little more than half of these tools help the user take action regarding their legal issue, including creating a legal document or accumulating evidence.³⁵ Nevertheless, there is great room to grow, as many of these tools are characterized by design or implementation limits, such as outdated design standards, e.g., overwhelming amount of text.³⁶ Too few of these tools offer assistance with common justice problems, perform more than one function, or assist with diagnosing issues.³⁷ Further, as discussed below, the fact remains that those least likely to have access to a lawyer are also the least likely to have access to technology.³⁸

CORPORATION (LSC), REPORT OF THE SUMMIT ON THE USE OF TECHNOLOGY TO EXPAND ACCESS TO JUSTICE (Dec. 2013), https://www.lsc.gov/sites/default/files/LSC_Tech%20Summit%20Report_2013.pdf.

³¹ Rebecca Sandefur, *Legal Tech for Non-Lawyers: Report of the Survey of US Legal Technologies*, AMERICAN BAR FOUNDATION (2019), http://www.americanbarfoundation.org/uploads/cms/documents/report_us_digital_legal_tech_for_nonlawyers.pdf. See also Benjamin Cooper, *Access to Justice Without Lawyers* 47 AKRON L. REV. 205 (2015), <https://ideaexchange.uakron.edu/akronlawreview/vol47/iss1/10/>. See, e.g., RJ Vogt, *DoNotPay Founder Opens Up on 'Robot Lawyers'*, LAW360 (Feb. 9, 2020), [\[e14af80d01cb&utm_source=newsletter&utm_medium=email&utm_campaign=access-to-justice\]\(https://www.thomsonreuters.com/en/press-releases/2017/august/thomson-reuters-analysis-reveals-484-percent-increase-in-new-legal-services-patents-globally.html\).](https://www.law360.com/access-to-justice/articles/1241251/donotpay-founder-opens-up-on-robot-lawyers-?nl_pk=c1922ed7-af86-487c-bec1-</p></div><div data-bbox=)

³² *Thomson Reuters analysis reveals 484% increase in new legal services patents globally as law firms around the world invest in legal tech*, THOMSON REUTERS (2017), <https://www.thomsonreuters.com/en/press-releases/2017/august/thomson-reuters-analysis-reveals-484-percent-increase-in-new-legal-services-patents-globally.html>.

³³ See, e.g., PROJECT FOR THE FUTURE OF EQUAL JUSTICE, *EQUAL JUSTICE AND THE DIGITAL REVOLUTION* (2002).

³⁴ Sandefur, *supra* note 31.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

The Digital Divide: Rural vs. Urban

Rural and urban residents have unequal access to technology. Despite increased proliferation and quality of technologies, the “digital divide”—the gap between those who do not have access to computers and the Internet and those who do—persists, along both income and geographical lines.³⁹ Rural Americans are less likely than their urban counterparts to have home broadband Internet or to own a smartphone.⁴⁰

- Sixty-three percent of rural Americans have home broadband, and 71 percent have a smartphone, compared to 75 percent and 83 percent of urban Americans, respectively⁴¹
- Low-income Americans face a similar divide: 71 percent of people making less than \$30,000 a year have a smartphone, and just 56 percent of that same population have home broadband Internet, compared to 85 percent and 81 percent, respectively, for those earning between \$30,000 and

³⁹ Monica Anderson & Madhumitha Kumar, *Digital divide persists even as lower-income Americans make gains in tech adoption*, PEW RESEARCH (May 7, 2019), <https://www.pewresearch.org/fact-tank/2019/05/07/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/>; Andrew Perrin, *Digital gap between rural and nonrural America persists*, PEW RESEARCH (May 31, 2019), <https://www.pewresearch.org/fact-tank/2019/05/31/digital-gap-between-rural-and-nonrural-america-persists/>; Stanford CS, *The Digital Divide*, <https://cs.stanford.edu/people/eroberts/cs181/projects/digital-divide/start.html>; *Snapshots of Rural Data*, HOUSING ASSISTANCE COUNCIL, <http://www.ruralhome.org/sct-information/maps/1591-rural-data-snapshots>.

\$99,999⁴²

Ultimately, one key consequence of the digital divide is that technology will not be a panacea for addressing the legal needs of *all* rural residents, especially low- and moderate-income residents. Increased access to traditional services must remain a priority for those who need those services but are unable to access tech-based resources.⁴³

Nonetheless, while it is uneven and stratified, access to technology is increasing among low-income and rural Americans, albeit at a lower rate than for their urban counterparts.⁴⁴ Additionally, these data show that one of the most important forms of tech rural and low-income people have access to is a smartphone, which has consequences for conceiving of tech-based solutions, as they must be mobile-friendly.⁴⁵

The State Bar of California’s Access Through Innovation of Legal Services Task Force (ATILS) and Beyond

The State Bar of California has been discussing the potential of legal technology, along with other regulatory changes to

⁴⁰ Perrin, *supra* note 39.

⁴¹ *Id.*

⁴² For those over \$100,000, these numbers are 97 percent and 94 percent, respectively. Anderson & Kumar, *supra* note 39.

⁴³ Cabral et al., *supra* note 18 (noting that “courts and legal aid providers must maintain traditional services even as they expand into new technological frontiers”).

⁴⁴ *Id.* Additionally, it is worth noting that the gap is closing for Internet access: In 2007, the gap was by 16 percentage points between rural and urban populations, but now it is down to 12 percent. Perrin, *supra* note 39.

⁴⁵ *Id.*; Anderson & Madhumitha, *supra* note 39.

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ameliorate the access-to-justice crisis. As part of its 2017–2020 Strategic Plan, the Bar set as a goal supporting increased access to justice for all Californians. As one aspect of achieving this goal, the Bar anticipated that technology would play a role, stating that it would “study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access through the use of technology.”⁴⁶ In alignment with this goal, the Bar created the Task Force on Access Through Innovation of Legal Technology (ATILS) to study strategies to regulate the use and dispersion of legal technology, with the goal of increasing access.⁴⁷ The Task Force commissioned a report by Professor William Henderson who contended that the legal market is in crisis and is failing to serve all who need legal services.⁴⁸ Henderson argued for modification of the ethics rules to allow lawyers to work with other

professions, which will, among other outcomes, increase access.⁴⁹

The objective of ATILS was to examine whether and how the legal market can be opened up to other professionals and legal technologies to increase access to legal services by re-regulating the unauthorized practice of law and other ethics rules.⁵⁰ The Task Force stated that “[l]aw is moving rapidly from a model of one-to-one consultative legal services to one where technology could enable affordable, one-to-many legal solutions.”⁵¹ This offers a glimpse into what regulators are thinking is on the horizon, which appears to be a big shift in the delivery of legal services. Most prominently, this could result in allowing more people, entities, and platforms to provide legal advice and legal information, including legal technologies like AI-powered chatbots along with other advocates like Court Navigators⁵² and paraprofessionals

⁴⁶ THE STATE BAR OF CALIFORNIA, UPDATED 2017–2022 STRATEGIC PLAN, <http://www.calbar.ca.gov/Portals/0/documents/bog/Updated%202017-2022%20Strategic%20Plan.pdf>.

⁴⁷ *Task Force on Access Through Innovation of Legal Services*, THE STATE BAR OF CALIFORNIA, <http://www.calbar.ca.gov/About-Us/Who-We-Are/Committees-Commissions/Task-Force-on-Access-Through-Innovation-of-Legal-Services>. ATILS disbanded in March of 2020 with a final set of recommendations, some of which went out for public comment. See STATE BAR OF CALIFORNIA TASK FORCE ON ACCESS THROUGH INNOVATION OF LEGAL SERVICES, FINAL REPORT AND RECOMMENDATIONS (Mar. 6, 2020), <http://www.calbar.ca.gov/Portals/0/documents/publicComment/ATILS-Final-Report.pdf>. The Bar has also created other working groups to study these issues, including the “sandbox” and paraprofessional program working groups.

⁴⁸ WILLIAM HENDERSON, LEGAL MARKET LANDSCAPE REPORT (2018), <http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000022382.pdf>.

⁴⁹ *Id.*

⁵⁰ *ATILS Fact Sheet*, THE STATE BAR OF CALIFORNIA, https://www.calbar.ca.gov/Portals/0/documents/ATILS_Fact_Sheet.pdf. See, e.g., Jason Solomon, Deborah L. Rhode, & Annie Wanless, *How Reforming Rule 5.4 Would Benefit Lawyers and Consumers, Promote Innovation, and Increase Access to Justice*, STANFORD CENTER ON THE LEGAL PROFESSION (Apr. 2020), <https://law.stanford.edu/publications/how-reforming-rule-5-4-would-benefit-lawyers-and-consumers-promote-innovation-and-increase-access-to-justice/>.

⁵¹ *Id.*

⁵² MARY McCLYMONT, LAWYER NAVIGATORS IN STATE COURTS: AN EMERGING CONSENSUS (2019), <https://www.srln.org/system/files/attachments/Final%20Navigator%20report%206.11.pdf> (“Nonlawyer navigator help is emerging as a viable option for courts to amplify and enrich their ongoing services to meet the overwhelming demand from SRLs [self-represented litigants].”). Technically, court navigators do not provide legal advice so should not be impacted by UPL, but nonetheless included here as an example of shifts in the role of advocates other than lawyers.

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like Limited License Legal Technicians⁵³ (LLLTs).⁵⁴

In the ATILS context (and future iterations of the task force), in increasing the centrality of technology in delivering legal advice and information, including in rural areas, it will be important not to supplant full, live access to counsel where the advice of that lawyer—including legal aid lawyers and pro bono attorneys—is necessary. While technology has a role to play as one of myriad answers along the spectrum of access-to-justice interventions, it cannot replace a human lawyer where needed. Tech solutions should allow lawyers to work “at the top of their licenses,”⁵⁵ enabling legal aid, pro bono, and other attorneys more bandwidth to serve more clients with increased depth.⁵⁶ Additionally, such solutions can certainly be understood to be compatible with efforts to create a right to counsel at local as well as statewide and national scales.⁵⁷

One crucial aspect is finding ways to ensure that those who serve low-income—and, here, low-income *rural* populations—benefit from any proposed

recommendations and implemented policies. The danger of UPL changes without attention to existing access stakeholders—including legal aid—is that for-profit companies might enter the legal market under the banner of access without substantively assisting existing service providers or creating real alternatives for low- and moderate-income Californians. By ensuring legal aid, pro bono attorneys, and nonprofits are included in tech expansion, the legal community can ensure that those actually providing legal advice and information to low-income and modest-means clients have the resources and know-how to develop and use legal tech to assist the rural poor.

TECHNOLOGY AND THE LEGAL SAFETY NET: WHAT CAN BE DONE RIGHT NOW—AND INTO THE NEAR FUTURE—TO IMPROVE ACCESS

NORC at the University of Chicago describes their vision of the modern civil justice system as being “technologically-enhanced” and “data-driven” by “leveraging technology” and relying on “evidence-based” methods.⁵⁸ Legal aid organizations,

⁵³ THOMAS CLARKE & REBECCA SANDEFUR, PRELIMINARY EVALUATION OF THE WASHINGTON STATE LIMITED LICENSE LEGAL TECHNICIAN PROGRAM (2017), http://www.americanbarfoundation.org/uploads/cms/documents/preliminary_evaluation_of_the_washington_state_limited_license_legal_technician_program_032117.pdf (“The LLLT program suggests that new legal roles with costs lower than traditional lawyers are a potentially significant strategy for meeting the legal needs of many people who now are dealing with their legal problems unassisted.”).

⁵⁴ See also Deborah Rhode & Lucy Buford Ricca, *Protecting the Profession or the Public? Rethinking Unauthorized Practice Enforcement*, 82 FORDHAM L. REV. 2587 (2014),

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4993&context=flr>.

⁵⁵ PRO BONO NET, REMOTE LEGAL SUPPORT: A GUIDE FOR NONPROFIT AND PRO BONO INNOVATION (2020), <https://www.connectingjusticecommunities.com/remote-legal-support/2020/03> (with more tech, “legal advocates can focus their time reviewing eligibility, red flags, or legal concerns. This staffing model allows the legal staff to work at the top of their license and allocate their resources most efficiently.”).

⁵⁶ McClymont, *supra* note 52.

⁵⁷ NATIONAL COALITION FOR A CIVIL RIGHT TO COUNSEL, <http://civilrighttocounsel.org/>.

⁵⁸ NORC AT THE UNIVERSITY OF CHICAGO, PERSPECTIVES ON TRANSFORMING CIVIL JUSTICE IN THE UNITED STATES (2020),

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other nonprofits, pro bono attorneys, and self-help centers and courts⁵⁹ can all deploy technology in innovative ways⁶⁰ to reach urban and rural clients alike. According to a recent survey by Pro Bono Net, 86 percent of surveyed legal service providers reported that remote legal support (RLS)⁶¹ strategies would “improve their ability to reach underserved populations” and “71 percent

“foresaw RLS helping them leverage and better utilize existing legal staff.”⁶² Utilizing technology can diminish geographic challenges by allowing organizations to deliver legal services in ways that reduce costs, save time, and operate more efficiently and effectively. From text messages⁶³ to online portals⁶⁴ and simple

<https://www.norc.org/PDFs/Perspectives%20on%20Transforming%20Civil%20Justice%20in%20the%20United%20States/NORC1924%20Civil%20Justice%20Report%20final%2030January.2020%20V3.pdf>.

⁵⁹ COMMISSION ON THE FUTURE OF CALIFORNIA’S COURT SYSTEM, REPORT TO THE CHIEF JUSTICE, COMMISSION ON THE FUTURE OF CALIFORNIA’S COURT SYSTEM (2017), <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>; THE INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM (IAALS), COURT COMPASS: MAPPING THE FUTURE OF ACCESS THROUGH TECHNOLOGY (2017), https://iaals.du.edu/sites/default/files/documents/publications/court_compass_mapping_the_future.pdf. See also TURNING ON THE LIGHTS: HOW THE MASSACHUSETTS TRIAL COURT COULD DEPLOY A VIRTUAL SERVICE CENTER TO ASSIST SELF-REPRESENTED LITIGANTS (2019), <https://massappleseed.org/wp-content/uploads/2019/10/Court-Service-Center-Report-Final.pdf>; CONFERENCE OF STATE COURT ADMINISTRATORS, COURTS NEED TO ENHANCE ACCESS TO JUSTICE IN RURAL AMERICA (2018), https://cosca.ncsc.org/~media/Microsites/Files/CO_SCA/Policy%20Papers/Policy-Paper-1-28-2019.ashx; Erika Rickard & Amber Ivey, *Public Sees benefits to Resolving Court Cases Online*, PEW (Mar. 18, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/03/18/public-sees-benefits-to-resolving-civil-court-cases-online>; *Online Dispute Resolution Offers a New Way to Access Local Courts*, PEW (Jan. 4, 2019), <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2019/01/online-dispute-resolution-offers-a-new-way-to-access-local-courts>; J.J. Prescott, *Improving Access to Justice in State Courts With Platform Technology*, 70 VANDERBILT LAW REVIEW 1993 (2017), <https://cdn.vanderbilt.edu/vu-wp0/wp-content/uploads/sites/278/2017/11/28175541/Improving-Access-to-Justice-in-State-Courts-with-Platform-Technology.pdf>.

⁶⁰ See JUDICIAL COUNCIL OF CALIFORNIA, ADVANCING ACCESS TO JUSTICE THROUGH TECHNOLOGY (2012), <https://www.courts.ca.gov/documents/ITAC-Advancing-Access-through-Technology-Guiding-Principles.PDF>. See also Chris Johnson, *Leveraging Technology to Deliver Legal Services*, 23 HARVARD J. OF L. & TECH. 259 (2009), <http://jolt.law.harvard.edu/articles/pdf/v23/23HarvJLTech259.pdf>. See, e.g., Urahn, *supra* note 29. See generally Katelyn N. Ringrose, *Law and Technology: Online Legal Services that Help Bridge the Access-to-Justice Gap*, 1 NOTRE DAME JOURNAL OF EMERGING TECH. 326 (2020).

⁶¹ PRO BONO NET, *supra* note 55 (RLS, simply, refers to “technology-based strategies to reach remote and underserved populations”).

⁶² *Id.* (Pro Bono Net’s survey was, overall, sent “to more than 6,000 nonprofit immigration advocates. The survey garnered over 200 responses, reaching legal service providers (65.3%), as well as staff at community based (24.6%), legal training/support (4.8%), pro bono matching or referral (4.1%), and other (1%) organizations.”).

⁶³ Unlike more complex Internet-based resources, text messages only require cellular service (not data) and can be a more streamlined way to offer quick, simple information like meeting reminders. Text message outreach has the potential to provide an alternative avenue for legal aid organizations to reach their clients and populations they serve by employing a piece of technology they likely already own. See, e.g., *Court Messaging Project*, STANFORD LEGAL DESIGN LAB, <http://www.legaltechdesign.com/CourtMessagingProject/>.

⁶⁴ Websites and web-based tools offer a variety of ways in which clients can search, access, and interact with information, forms, and curated tools that meet specific needs. Websites and web-based tools, such as online portals, can be accessed from anywhere, and on any device, with the appropriate

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yet dynamic websites,⁶⁵ strategic adoption of technology can increase the number of people—and the geographic area—that legal aid organizations are able to serve. In order to better serve their clients and connect with one another,⁶⁶ legal aid organizations, courts, and other nonprofits—both rural and urban—are adopting new technologies,⁶⁷ including videoconferencing,⁶⁸ mobile applications, and web-based documents that help overcome access, capacity, and resource limitations.⁶⁹

For example, legal aid organizations—both urban and rural—are using tech in an array of ways with on-the-ground impacts for rurally-located clients. First, Kids in Need of Defense (KIND), which has offices in Fresno, San Francisco, and Los Angeles, utilizes technology to increase unaccompanied

children’s access to attorneys. To reach rural clients, KIND uses a “virtual office” via Skype for Business; a tablet at a federally qualified health clinic for clients to use to meet with a KIND or pro bono attorney; directly providing cell phones for those who are especially vulnerable; bringing portable scanners to clients to upload documents; and providing trainings via webinars and other web-based platforms to attorneys to help serve their client population. Here are some of the clients KIND has served:

- Working with a pro bono team from a large firm in San Francisco, KIND represented a young woman from Guatemala living with her grandmother. The team in San Francisco used Skype for Business to talk to the client in Fresno. The attorneys filed a state court case for Special Immigrant Juvenile Status

connections. See Sonal Ambegaokar et. al., *Improving Customer Service in Health and Human Services Through Technology*, CENTER ON BUDGET AND POLICY PRIORITIES (Aug. 23, 2018), https://www.cbpp.org/research/health/improving-customer-service-in-health-and-human-services-through-technology#hhstech_h5; *What is a Legal Assistance Portal?*, PEW (Oct. 9, 2019), <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2019/10/what-is-a-legal-assistance-portal>. See also Heiner, *supra* note 23. See generally Wolf, *supra* note 18. See, e.g., the Oklahoma ATJ Foundation’s statewide pro bono portal in partnership with Paladin, *available at* okprobono.org.

⁶⁵ See, e.g., LEGAL SERVICES CORPORATION (LSC), STATEWIDE WEBSITE ASSESSMENT (2017), https://webassessment.lsc.gov/assets/downloads/report/LSC_State_Website_Evaluation_Public_Report_July_26_2017_3.pdf.

⁶⁶ Jane Wong, *Launching a Dream*, MEDIUM (Aug. 29, 2018), <https://medium.com/legal-design-and-innovation/launching-a-dream-ca05ed20cfc4> (tech can help organizations stay connected to one another to improve their “Peer to Peer” referral systems, which is what five housing law nonprofits in

the Bay Area did with a grant from Alameda County, helping them to decide quickly which of the other nonprofits could help a prospective client caller and streamline the process to connect the client to their services using the case management system Salesforce).

⁶⁷ See generally LEGAL SERVICES CORPORATION (LSC), TECHNOLOGIES THAT SHOULD BE IN PLACE IN A LEGAL AID OFFICE TODAY (Apr. 2015), <https://www.lsc.gov/sites/default/files/TIG/pdfs/LSC-Technology-Baselines-2015.PDF>.

⁶⁸ See, e.g., the Legal Aid Society of Middle Tennessee and the Cumberland mobilized videoconferencing tech to reach rural clients. *LSC Awards Nearly \$3.5 Million in 2014 Technology Grants to Legal Aid Organizations*, TIG, <https://www.lsc.gov/media-center/press-releases/2014/lsc-awards-nearly-35-million-2014-technology-grants-legal-aid-0>.

⁶⁹ See, e.g., Shannon Farley, *Legal Tech Is Opening the System to Those Who Need Legal Representation the Most*, TECHCRUNCH (Mar. 13, 2018), <https://techcrunch.com/2018/03/13/legal-tech-is-opening-the-system-to-those-who-need-legal-representation-the-most/>.

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(SIJS) Findings in Fresno, using Skype for Business to finalize documents and prepare for the hearing, where they secured SIJS Findings.

- KIND worked with a pro bono attorney from a large tech company in Silicon Valley on a number of cases. The pro bono attorney met with clients in the Central Valley through Skype for Business, helping clients finalize I-360 Petitions for Special Immigrant Juvenile Status (SIJS) Findings.
- KIND attorneys worked with a volunteer team of pro bono attorneys from a local company in Fresno for a case filed in state court there, seeking SIJS Findings. The pro bono attorneys met their nine-year-old client using video, preparing and filing the I-360 form. The petition was granted, and they were able to communicate this to the client using Skype for Business, so they could all celebrate together.

Second, Legal Services of Northern California (LSNC) utilized a grant from the Department of Justice's Office of Victim Compensation to develop a web-based Legal Risk Detector (a "legal health check-up" referral tool) which community partners like medical professionals and social workers use as a referral system to legal aid. The tool is a series of online questions for the service provider to fill out, and thereby connect the client with legal aid to receive the legal services they need. Through the Risk Detector, LSNC has been able to serve clients regarding a range of issues. Here are a couple stories of how LSNC has impacted individual clients:

- LSNC served a client who had been a victim of domestic violence for over

40 years. In the #MeToo movement context, she found the courage to file for divorce. Her abuser increased the attacks in retaliation, and the client realized she needed to protect herself further. After being screened and referred to LSNC via the Risk Detector, LSNC lawyers advocated for the client to obtain a restraining order to receive the protection she needed.

- LSNC provided services to a client who applied for CalFresh benefits and was denied. The client's mental health services provider recognized that the client should be eligible for CalFresh, due to training she had received from LSNC. The provider submitted a referral through the Legal Risk Detector to LSNC, LSNC reviewed the denial, and determined that the client's access to CalFresh had been improperly denied. Through LSNC's advocacy, the client not only received a determination that she was eligible for CalFresh, she was given three months of retroactive benefits too.

Third, Neighborhood Legal Services of Los Angeles County (NLSLA) uses videoconferencing platform Q.Me to connect pro bono volunteers with clients at legal clinics in the Antelope Valley through their Antelope Valley Online Community Assistance Team (AVOCAT) program, which seeks to promote educational equity for public school students in the underserved, remote areas of the Antelope Valley. Mobilizing both NLSLA attorneys as well as pro bono attorneys from Los Angeles, law firms, and student volunteers, AVOCAT assists students and families facing discipline and special education cases

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through direct representation and education clinics and workshops.

- NLSLA worked with a 3rd-grade student with autism who was formally and informally suspended throughout elementary school. He even received a criminal citation from a school resource officer. NLSLA staff and AVOCAT volunteer attorneys worked on the student's issues remotely, either from NLSLA's main office in Pacoima or from the volunteers' offices in central LA. Using the Q.Me platform for videoconferencing, screen-sharing, and document review, the team requested and reviewed electronic records and assisted the parents in drafting and sending a letter to the school requesting assessments for the student. The school granted the request and is providing the student with behavioral support and a 1:1 aide.

Finally, Legal Aid at Work (LAAW), based in San Francisco, provides employment law services to clients in rural areas using videoconferencing.

- LAAW provided services to a client as part of their remote Workers' Rights Clinic using videoconferencing (Zoom). LAAW uses Zoom to connect clients in need with their experienced Bay Area employment law attorneys, and law students working under their supervision. This client—an In-Home Supportive Services (IHSS) provider—was her mother's provider, and the client applied for Unemployment Insurance (UI) benefits after her mother died. The Employment Development

Department (EDD), having determined that the UI had been granted in error, garnished all the money in the client's bank account, and that they further intended to collect over \$5,000 in overpayments that she allegedly owed. LAAW advised her that her issue—of IHSS workers receiving UI after assisting family members—was a novel legal issue under review by the California Supreme Court and that there was an amicus brief filed by LAAW discussing her precise issue. LAAW also explained the process through which the client could receive an overpayment waiver based upon financial hardship, through which she was able to reduce her overpayment to just \$300 and permitted her to engage in a payment plan, a result she was thrilled with.

In these examples, we see LSNC utilizing a web-based tool to connect with both the local web of service providers as well as clients who otherwise might not receive services for legal issues, while we see KIND, NLSLA, and LAAW using videoconferencing and other remote tools to reach underserved, rural areas. In the next section, we outline more projects that rural and urban programs are undertaking to meet the needs of rural residents.

Technology Initiative Grants (TIG)

The Legal Services Corporation (LSC) awards almost \$4 million annually in Technology Initiative Grants (TIG) to legal aid

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organizations.⁷⁰ Started in 2000, LSC has provided \$65 million in TIG grants to recipients utilizing technology to provide legal help to low-income Americans.⁷¹ The funded projects span the country and include a range of projects.⁷² TIG grants thus serve as both a current source of funding for organizations to increase technological capacity in rural areas and also a model for how foundations, private companies, and others can support the statewide endeavor of building out the technological capacity of those currently providing direct services to low-income Californians.

a. Rural California Organizations

In 2010, Central California Legal Services (CCLS) received a grant for their Central Valley Capacity Building Project, which focused on using technology to allow urban law students to help with work in the Central Valley.⁷³ In 2018, CCLS and Inland Counties Legal Services (ICLS) received grants concentrating on evaluating current technology use and developing recommendations and enhancements.⁷⁴

- CCLS utilized their grant of \$27,000 to examine and improve the role technology in client services.⁷⁵ They brought in an expert to look at their current hardware and software uses and provide recommendations as well as a training protocol to ensure they are using their technology as effectively as possible in serving clients.⁷⁶
- ICLS used their \$27,000 grant to maximize their ability to provide high-quality, efficient legal services.⁷⁷ Specifically, ICLS produced a “strategic decision-making guide” when it comes to their own tech projects.⁷⁸ ICLS also brought in an expert to evaluate their current technology products and consider how to enhance those products.⁷⁹
- With a 2019 grant of nearly \$100,000, ICLS is expanding their case management system for clients with consumer debt cases and developing tools for legal document production.⁸⁰

⁷⁰ LSC Awards Nearly \$4 Million in Technology Grants to Legal Aid Organizations, LSC (Oct. 15, 2018), <https://www.lsc.gov/media-center/press-releases/2018/lsc-awards-nearly-4-million-technology-grants-legal-aid>.

⁷¹ The objectives of the TIG program are to: “Effectively and efficiently provide high-quality legal assistance to low-income persons and to promote access to the judicial system through legal information, advice, and representation; Improve service delivery, quality of legal work, and management and administration of grantees; and Develop, test, and replicate innovative strategies that can enable grantees and state justice communities to improve clients’ access to high-quality legal assistance through an integrated and well-managed technology system.” *Technology Imitative Grant Program*, LSC,

<https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>.

⁷² *Id.*

⁷³ Justice Innovation Projects Google Sheet, shared by Margaret Hagan (last accessed July 26, 2019).

⁷⁴ LSC, *LSC Awards Nearly \$4 Million*, *supra* note 70.

⁷⁵ *2018 TIG Awards - Project Descriptions*, LSC, <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig/2018-tig-awards-project-descriptions-descriptions>.

⁷⁶ LSC, *LSC Awards Nearly \$4 Million*, *supra* note 70.

⁷⁷ LSC, *2018 TIG Awards*, *supra* note 75.

⁷⁸ *Id.*

⁷⁹ LSC, *2018 TIG Awards*, *supra* note 75.

⁸⁰ LEGAL SERVICES CORPORATION (LSC), 2021 BUDGET REQUEST (2020), <https://lsc-live.app.box.com/s/k911jrg5s91kwxl7x3ir6xirnl8f5l0>.

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b. Rural Organizations in Other States

While ICLS and CCLS are the only rural programs in California to receive TIG funding in recent years, rural programs in other states are also innovating.

- In 2018, Montana Legal Services Associated (MLSA) used a nearly \$150,000 grant to increase the accessibility of the Montana Court Self Help Program, representing one example where courts, legal aid, and technology collaborate to facilitate access.⁸¹ MLSA used the grant to bring videoconferencing technology to remote Montana locations so residents could connect to self-help law centers.⁸²
- West Tennessee Legal Services (WTLS) focused on the connectivity of its own staff and offices with a 2018 grant for just over \$120,000.⁸³ Using Microsoft’s SharePoint Online program, they were able to create “an organization-wide knowledge information system.”⁸⁴ This allows attorneys and other advocates to improve supervision of remote staff to better serve rural clients.⁸⁵
- Florida Rural Legal Services (FRLS) received a grant for nearly \$80,000 in 2015 to create and implement a

digital call center system.⁸⁶ The system allows the program to route incoming calls to a centralized intake and hotline system.⁸⁷ Callers also receive a text about how to reach the FRLS website for more information.⁸⁸ Building on this, FRLS also partnered with Toyota to continue to upgrade and streamline the intake process so that wait times for clients are reduced, which shows how private businesses can help legal aid innovate too.⁸⁹

- Southern Arizona Legal Aid received a grant for a little over \$80,000 in 2016 to connect urban attorneys—including staff as well as pro bono lawyers—to rural clients who need services using videoconferencing.⁹⁰
- Finally, Legal Aid of Nebraska used 2014 funding—nearly \$100,000—to launch a Virtual Access to Justice Self-Help Center.⁹¹ This center would function as a hub for people in “rural legal shortage areas”—as defined by the Nebraska Bar Association—to increase their access to pro bono legal services and self-representation assistance.⁹²

⁸¹ LSC, *2018 TIG Awards*, supra note 75.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Technology Initiative Grant Awards 2015*, TIG, <https://www.lsc.gov/technology-initiative-grant-awards-2015>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Business Process Analysis in Legal Aid: How Florida Rural Legal Services Partnered with Toyota to Improve Its Client Intake and Customer Service*, TIG,

<https://www.lsc.gov/business-process-analysis-legal-aid-how-florida-rural-legal-services-partnered-toyota-improve-its>.

⁹⁰ *2016 TIG Awards - Project Descriptions*, TIG, <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig/2016-tig-awards-project-descriptions>.

⁹¹ *LSC Awards Nearly \$3.5 Million in 2014 Technology Grants to Legal Aid Organizations*, TIG, <https://www.lsc.gov/media-center/press-releases/2014/lsc-awards-nearly-35-million-2014-technology-grants-legal-aid-0>.

⁹² *Id.*

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Urban Organizations in California Serving Rural Clients

Urban organizations also use technology to serve rural clients.

- Legal Aid at Work (LAAW) launched a clinic in 2018 that allows them to work with clients in San Bernardino from their offices in San Francisco. LAAW brought laptops to Legal Aid of San Bernardino to host a once-a-month clinic where the videoconferencing platform Zoom connects clients in San Bernardino with attorneys working for LAAW. Clients come to the clinic at a scheduled time specifically to access the employment law expertise of LAAW via the laptop system linking them with attorneys and law students back in the Bay Area.
- Further, in a partnership with Watsonville Law Center (WLC) and the California Employment Lawyers Association (CELA), LAAW also started a project to “virtually” staff a clinic in rural Watsonville, where many clients are agricultural laborers. Using the videoconferencing platform Skype, a lawyer from LAAW or CELA connects with a legal counselor from the WLC who has conducted a client intake, providing advice to the counselor, who then relays it to the client at the WLC. Throughout this project, they've seen around eight clients a night, which amounts to 40 or 50 clients a year. LAAW is hoping to launch a similar project in Mendocino County to expand access

to employment attorneys to rural areas north of the Bay Area.

- The Family Violence Appellate Project, based in Oakland, uses webinars and on-demand recorded trainings, tip-sheets and toolkits, along with “virtual” meetings with platforms like GoToMeeting to serve rural Californians.
- OneJustice, based in San Francisco, developed a pro bono program called Rural Immigrant Connect with other organizations—such as Centro Legal de la Raza—that links urban lawyers with clients’ immigration matters in the Central Valley using Google Hangout and Skype to provide full-scope immigration services.
- For the New Americans Campaign Pilot assisting citizenship applicants, Asian Americans Advancing Justice - Los Angeles utilizes an array of technologies, including the Citizenshipworks⁹³ application as well as videoconferencing software like Zoom.

Data and Evaluation: Using Tech to Understand the Effectiveness of Services

The main purpose of research and evaluation can be simplified down to allowing for data to inform decision-making regarding how best to serve clients. This information can be collected through evaluative systems, such as “social network analysis,” which examines relationships among “knowledge-possessing entities” like legal aid organizations.⁹⁴ Through data and

⁹³ *Citizenshipworks*, <https://www.citizenshipworks.org/en>.

⁹⁴ *ITC Interview Series: Kelly Shaw-Sutherland on the Role and Importance of Evaluation in Legal Aid*,

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evaluation, the legal aid community can develop new methods to evaluate the impact and outcomes of legal services, thereby more effectively demonstrating how essential these services are to their clients, and what kinds of outcomes their work produces.⁹⁵

For example, Cleveland Legal Aid in 2017 began using their text message systems to both better communicate with clients, but also to help them learn more about the services they provided and collect data about how the services provided helped them.⁹⁶ From February to May 2017, 62 percent of people responded to Cleveland Legal Aid's texts about their outcomes.⁹⁷ In the context of greater use and potential for technology, there will also be the potential for increased access to new data points, narratives, and information on how clients interact with the legal system. Research and evaluation offers strategies and information for how to improve access to justice by creating more efficient and effective programs based on user experience.⁹⁸

MEDIUM (Apr. 8, 2019), <https://medium.com/innovations-in-legal-aid/itc-interview-series-kelly-shaw-sutherland-on-the-role-and-importance-of-evaluation-in-legal-aid-4e30320d1021>.

⁹⁵ *Id.* See e.g., *Evaluation Feedback Project*, A2J LAB, <https://a2jlab.org/resources/evaluation-feedback-project/>; NATIONAL CENTER FOR ACCESS TO JUSTICE, TRACKING OUTCOMES: A GUIDE FOR CIVIL LEGAL AID PROVIDERS & FUNDERS (2018), <https://ncforaj.org/wp-content/uploads/2018/06/NCAJ-Outcomes-Guide-complete-for-6-20-18.pdf>.

⁹⁶ LSC's Best Practices Corner, *Highlights from the ITC Pre-conference*, MEDIUM (Jan. 9, 2019), <https://medium.com/innovations-in-legal-aid/highlights-from-the-itc-pre-conference-543e502db38e>.

⁹⁷ *Id.*

LawHelpCA: A Statewide Resource

LawHelpCA.org—California's statewide official, free legal resource platform—offers resources to assist low- and moderate-income Californians navigate the legal system.⁹⁹ The site includes a directory of legal aid organizations, verified legal information, and a LiveChat service with law student volunteers. LawHelpCA offers these resources to urban and rural low-income Californians alike. LawHelpCA is especially important for rural Californians as it serves as a broadly accessible hub for information on civil legal issues that can be accessed anywhere with an internet connection. This kind of statewide project is a valuable tool for connecting rural residents to information and services and is vital for increasing access to justice in rural areas.

Courts and Self-Help Centers

There is a range of technology implementation levels across states and courts. As of 2017, 48 states have websites with forms and self-help content, and

⁹⁸ MEDIUM, *ITC Interview Series*, *supra* note 94; Margaret Hagan, *The User Experience of the Internet as a Legal Help Service: Defining Standards for the Next Generation of User-Friendly Online Legal Services*, 20 VIRGINIA J. OF L. & TECH 395, 403 (2016), https://pdfs.semanticscholar.org/5dfc/49346c9acee5bb8d764151c89ee3b729ac55.pdf?_ga=2.5203440.256082242.1576108686-1572134623.1576108686 ("A user experience-driven quality metric can encourage higher engagement, comprehension, and follow-through with legal services. Otherwise, the danger exists that these new services will be built for the needs and preferences of the service providers (e.g., the courts, the legal aid groups, or the vendors) rather than the laypeople they are intending to serve. Without a user-centered perspective, the services may ultimately fail to attract or support people in need of legal help.").

⁹⁹ LAWHELPCA.ORG, lawhelpca.org.

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nearly 40 have guided interviews for triage or document assembly.¹⁰⁰ Other solutions are much less frequent¹⁰¹:

- 19 states have video libraries
- 10 states have e-filing from document assembly using guided interviews or smart forms
- Nine states have online legal advice
- Five states have LiveChat
- Four states have online courses
- Three states have a mobile application
- Two states have scheduling tools
- Two states have a customer relationship manager
- One state has text messaging

In California, the needs of each county vary significantly when it comes to technology. The California court system serves over 39 million a year, and 7 million of them have limited English proficiency.¹⁰² Each county has a superior court, with some as small as two judicial officers serving around 1,000 people and others as large as 580 judicial officers serving more than 10 million people.¹⁰³

In terms of California's court system, the goals of the Judicial Council in regard to technology are to "promote the digital court" (utilizing digital court and services to expand access to the courts); "innovate

through IT community" (working with the IT community to employ innovative solutions); "advance IT security and infrastructure" (build up the technology infrastructure of the judicial system); and "promote rule and legislative changes" (ensure policy is in alignment with the objective of utilizing technology for operations and court services).¹⁰⁴

Similarly, the Commission on the Future of California's Court System—made up of judges and justices along with Judicial Council staff—makes similar recommendations with the goal of utilizing technology to "improve efficiency and enhance access."¹⁰⁵ The Commission discusses the potential for remote assistance (e.g., remote self-help services, video appearances); e-filing; online chats; digital recording of court proceedings; and voice-to-text interpretation, among other solutions.¹⁰⁶ As an example of remote appearances, in 2016 the Superior Court of Fresno County started to permit rural residents to use video conferencing in seeking restraining orders and other forms of recourse from domestic violence.¹⁰⁷

The general public is mostly supportive of more online-based court services.¹⁰⁸ In terms of the US population, people tend to think that web-based tools have a role to play toward increasing access to the civil

¹⁰⁰ IAALS, *supra* note 59.

¹⁰¹ *Id.*

¹⁰² JUDICIAL COUNCIL OF CALIFORNIA, STRATEGIC PLAN FOR TECHNOLOGY 2019-2022 (2019), <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ COMMISSION ON THE FUTURE OF CALIFORNIA'S COURT SYSTEM, REPORT TO THE CHIEF JUSTICE, COMMISSION ON THE FUTURE OF CALIFORNIA'S COURT SYSTEM (2017),

<https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ SELF-REPRESENTED LITIGATION NETWORK (SRLN), REMOTE GUIDE (2016), https://www.srln.org/system/files/attachments/Remote%20Guide%20Final%2008-16-16_0.pdf ("Much of the public expects courts, legal services, and the bar to engage with them using these technologies.").

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legal system: 64 percent of respondents to a 2019 National Center for State Courts survey replied that they would be “very or somewhat likely to try resolving their legal disputes online.”¹⁰⁹

Legal assistance portals and online dispute resolution are two central examples. First, legal assistance portals provide immediate answers to navigate court systems.¹¹⁰ Portals “enable users to ask questions about a legal issue, interactively refine their requests, learn about their options, and connect with relevant resources—such as legal aid and social services organizations or court websites—that can help.”¹¹¹

Second, online dispute resolution gives litigants the ability to navigate court proceedings—from understanding their legal rights to receiving resolutions to disputes—through a computer or mobile device.¹¹² By decentralizing the courthouse, online dispute resolution could be particularly helpful in rural California where

the local court is many miles away with little or no public transit options.¹¹³ The key, of course, is ensuring that people have the information, knowledge, and capacity to access such online systems. In sum, technology can play a role in connecting rural residents with courts, lawyers, and other advocates.¹¹⁴

a. Self-Help Assistance and Referral Program (SHARP)

The Superior Court of California, County of Butte is the lead agency in a multi-court collaborative program called SHARP (Self-Help Assistance and Referral Program). The collaboration was first established in 2005 and supported Court self-help programs in Butte, Glenn, Lake, and Tehama Counties. By sharing resources, staff, and technologies, these courts’ self-help programs were able to pilot innovative tools and practices to provide a model for other programs across the state. One of the program’s best practices was facilitating live

¹⁰⁹ Erika Richard & Amber Ivey, *Public Sees Benefit to Resolving Civil Court Cases Online*, PEW (Mar. 18, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/03/18/public-sees-benefits-to-resolving-civil-court-cases-online>. In the same survey, 59 percent of respondents felt that “state courts are not doing enough to empower regular people to navigate the court system without an attorney.”

¹¹⁰ *Legal Assistance Portals Can Help People Find Information and Other Resources*, PEW (Jan. 17, 2020), <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/01/17/legal-assistance-portals-can-help-people-find-information-and-other-resources>.

¹¹¹ *What is a Legal Assistance Portal?*, *supra* note 55.

¹¹² Urahn, *supra* note 29 (“Courts in Utah and at least 15 other states are beginning to use or explore another technology, online dispute resolution, to move the court process entirely online.”). *See also* IAALS, *supra* note 59.

¹¹³ *Online Dispute Resolution Can Make Courts More Efficient*, PEW (June 4, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/06/04/online-dispute-resolution-can-make-local-courts-more-efficient>. *See, e.g., Online Court Project*, UNIVERSITY OF MICHIGAN LAW SCHOOL, <http://thirdcentury.umich.edu/online-court-project/>.

¹¹⁴ *See, e.g., ILLINOIS SUPREME COURT COMMISSION ON ACCESS TO JUSTICE, ADVANCING ACCESS TO JUSTICE IN ILLINOIS 2017 – 2020 STRATEGIC PLAN (2017)*, https://courts.illinois.gov/SupremeCourt/Committees/ATJ_Comm/ATJ_Comm Strategic_Plan.pdf (“The ATJ Commission will also pay special attention to the unique needs of suburban and rural communities by *continuing its efforts to support and simplify the use of remote technology* that can be used in some situations to connect attorneys, interpreters, and litigants with the court system in a cost-effective and efficient manner.”) (emphasis added).

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workshops that provided assistance filling out forms in one court while litigants participate via video conference from other courts. Different workshops were provided for various types of cases, e.g., divorce, guardianship. This practice has grown and improved as the technology has become more reliable, and it is now serving litigants throughout the state with the help of a Court Innovations Grant.

In 2016, the Judicial Council of California launched the Court Innovations Grant Program to lead advancements and developments in court delivery practices to be shared throughout California. Through this initiative, the Superior Court of California, County of Butte was awarded a grant to implement an innovative service delivery initiative called SHARP TECH Connect to support court self-help centers and self-represented litigants through enhanced technology and virtual platforms. The initiative is now providing services to 22 counties to enhance cross-court collaboration and develop new ways to support users through technology. Many of the partner courts are in rural communities across California.

These courts collaborate with agencies in their home communities to set-up computers in public places such as libraries or community centers; those computers provide remote access to the self-help center within their own county or enable participation in workshops facilitated in Butte County. For example, one computer was deployed to Tecopa, California a tiny community in Death Valley, four hours from the Inyo County courthouse in Bishop. Others computers were set up in Covelo, a remote town in Mendocino County, and Winterhaven, in far southeastern Imperial

County. SHARP's partner courts thus thoughtfully and strategically deploy technology to enable self-help clients to overcome the barrier of distance and get the assistance they need.



The Tecopa Community Center (Inyo County) houses a computer terminal from which self-help clients can link to resources at the Inyo County Superior Court in Bishop, four hours away.

Another technology innovation is the use of Document Assembly Programs, provided by Law Help Interactive. The 22 courts are now using the Programs, which can be accessed in courts' self-help centers on computers purchased through the grant, or from home via the sharpcourts.org website on a computer or cell phone. The program has documented significant growth since the program's inception. Butte County Superior Court has noted that litigants are now generating over 500 petitions online per quarter since the program started in July 2017. Butte had not provided the document assembly program services before it received the Court Innovations Grant. The case types with the most significant usage across the partner courts are divorce, civil harassment restraining orders, guardianship of the person, and domestic violence restraining orders. Self-Help staff still assist

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litigants by reviewing their paperwork and answering any additional questions they may have before filing their paperwork.



A computer terminal in a courthouse facility in Winterhaven (Imperial County) facilitates client access to self-help resources at the Imperial County Courthouse, an hour away.

Early data show that the number of self-represented litigants visiting self-help centers isn't decreasing as a result of the program, but SHARP is enabling self-help centers to provide services to those who might not have had access before. The participating courts can be found on the www.sharpcourts.org website. The Court Innovations Grant funding for the SHARP Tech Connect Project supported technology infrastructure in participating self-help centers, enhanced broadband as needed in some areas, supported staff time to develop tools and materials, and

provides onsite coaching and training to staff at each court.

Wildfire and Pandemic Coordination

As this policy paper was being finalized, COVID-19 started to disrupt all normal functioning of the courts, along with the civil legal aid system. For both urban and rural areas, the twin economic and public health crises resulting from COVID-19 have made more urgent than ever a robust technological infrastructure for the courts, legal aid providers, pro bono coordinators, and other access-to-justice stakeholders.¹¹⁵

First, in ways similar and incredibly dissimilar to other disaster situations, California courts have had to adapt quickly to the shelter-in-place measures dictated by the COVID-19 crisis. With courts largely closed except for some essential matters,¹¹⁶ it is crucial for court-users to still have access to court staff (such as in self-help centers) to assist them in navigating processes, even if the staff cannot provide legal advice. This includes answering questions via online chat, providing links to resources, producing plain-language forms and explainer videos, or generally assisting court-users in understanding the system.¹¹⁷ Using text messages, emails, and plain language instructions help courts ensure that court-users know what is happening

¹¹⁵ See, e.g., Mary Fairhurst & Fred Rivera, *Coronavirus will overwhelm our civil legal-aid system*, SEATTLE TIMES (Apr. 14, 2020), <https://www.seattletimes.com/opinion/coronavirus-will-overwhelm-our-civil-legal-aid-system/>. See generally the New York City-based JustFix's NoRent online letter writing tool for tenants across the country to send a form letter to their landlord in response to COVID-19 housing concerns. *Can't Pay Rent?*, NORENT, <https://www.norent.org/en/>.

¹¹⁶ NATIONAL CENTER FOR STATE COURTS, CORONAVIRUS & THE COURTS, <https://public.tableau.com/profile/ncscviz#!/vizhome/StateCourtResponsestoCOVID-19/CovidTheCourts>.
¹¹⁷ NATIONAL CENTER FOR STATE COURTS, REMOTE COURT OPERATIONS INCORPORATING A2J PRINCIPLES V. 1 (Mar. 27, 2020), https://www.ncsc.org/~/_media/Files/PDF/Newsroom/Coronavirus%20Resources/Remote-Court.ashx.

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and how they can continue to use the court despite closures.¹¹⁸ Videoconferencing and remote hearings allow litigants to seek critical civil remedies.¹¹⁹ Additionally, it is imperative to ensure all resources and remote court services are accessible to those with disabilities and those with limited English proficiency as well as those without access to the technologies they need.¹²⁰ Finally, while technology has been essential for courts to allow for continuity in services, it is important to acknowledge that merely replacing a current system with a remote option might not always produce the most accessible and just way to administer a proceeding.¹²¹

Second, we know that legal aid organizations and pro bono lawyers play an extremely important role after disasters; most prominently in California are the recent wildfires. Urban legal aid programs,

pro bono attorneys,¹²² bar associations, and others can also help rural clients, including during and after wildfires.¹²³ The Internet and applications are a vital space for post-disaster legal information. For example:

- The Center for Urban Pedagogy and Pro Bono Net published a trauma-informed visual resource—accessible online—to assist those impacted by disasters¹²⁴
- The Stanford Legal Design Lab created a post-disaster legal help application¹²⁵
- The law firm Morrison & Foerster produces wildfire-related legal handbooks available online¹²⁶
- The National Disaster Legal Aid centralizes legal aid information on its Resource Center website¹²⁷
- The Disaster Legal Assistance Collaborative provides free trainings and coordinates attorney on its

¹¹⁸ *Id.*

¹¹⁹ See CALATJ, GUIDE ON REMOTE HEARINGS AND ACCESS TO JUSTICE DURING COVID-19 AND BEYOND (2020), <https://calatj.egnyte.com/dl/NgkEJzeDG7> (in response to the COVID-19 crisis, the Access Commission's staff prepared this guide on remote hearings, which is intended to help judges, court administrators, and court users recognize and address access issues that can arise with the use of remote proceedings); CAPACITY BUILDING CENTER FOR COURTS, CONDUCTING EFFECTIVE REMOTE HEARINGS IN CHILD WELFARE CASES (2020), https://www.acf.hhs.gov/sites/default/files/cb/covid19_conducting_effective_hearings.pdf; TEXAS ACCESS TO JUSTICE COMMISSION, BEST PRACTICES FOR COURTS IN ZOOM HEARINGS INVOLVING SELF REPRESENTED LITIGANTS (2020), <file:///Users/znewman/Downloads/Texas%20ATJ%20ZoomsrIbestpractices.pdf>.

¹²⁰ *Id.*

¹²¹ *Id.* (“[I]t is simultaneously vital to acknowledge that simply slapping a remote option on a current process likely misses critical opportunities to improve the way justice is administered and received.”).

¹²² See, e.g., Emma Cueto, *Disaster Aid Portal Aims To Ease Hunt For Pro Bono Work*, LAW360 (May 3, 2020), https://www.law360.com/access-to-justice/articles/1269295/disaster-aid-portal-aims-to-ease-hunt-for-pro-bono-work?nl_pk=c1922ed7-af86-487c-bec1-e14af80d01cb&utm_source=newsletter&utm_medium=email&utm_campaign=access-to-justice&read_more=1.

¹²³ CALATJ, DISASTERS IN RURAL CALIFORNIA, *supra* note 6.

¹²⁴ *Figuring Out FEMA*, THE CENTER FOR URBAN PEDAGOGY, <http://welcometocup.org/Projects/PublicAccessDesign/FiguringOutFEMA>.

¹²⁵ *Flood Proof: Post-Disaster Relief Legal Help App*, LEGAL DESIGN LAB, <https://www.legaltechdesign.com/flood-proof-post-disaster-relief-legal-help-app/>.

¹²⁶ See, e.g., FALL 2018 CALIFORNIA WILDFIRES HELPING HANDBOOK, MOFO (2018), <https://media2.mofo.com/documents/fall-2018-ca-wildfires-helping-handbook.pdf>.

¹²⁷ *National Disaster Legal Aid Resource Center*, PRO BONO NET, <https://www.disasterlegalaid.org/>.

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- website¹²⁸
- Neighborhood Legal Services of Los Angeles County (NLSLA), in response to the 2018 wildfires, made pertinent and critical documents—from tenants’ rights information to seeking FEMA assistance—available on their website for easy access by wildfire victims.¹²⁹ They also used recorded video trainings to quickly train attorneys and other advocates regarding wildfire legal responses.¹³⁰ NLSLA also launched a hotline for victims to speak with attorneys; sent attorneys out to disaster assistance centers to work with victims directly; and are working on an online intake system for disaster survivors.¹³¹

Like with wildfires, legal aid organizations and pro bono lawyers are absolutely essential for serving low-income clients during the pandemic in areas of law from housing to employment to domestic violence. Serving them during shelter-in-place and beyond requires the provision of services remotely through videoconferencing and virtual clinics, chats, and online resources.¹³² Public Law Center is utilizing Zoom for their domestic violence clinic; NLSLA plans to integrate Microsoft Teams and other platforms for their hotline; and Community Legal Aid SoCal has been

using Lawyaw to review the work of volunteer students in their virtual expungement clinic. Many legal aid offices have responded to this call, quickly pivoting to create—or further build-out—their virtual clinics, hotlines, and other modes to serve the myriad coronavirus-related civil justice issues low-income Californians are facing.

Inland Counties Legal Services (ICLS) has been using tech to serve clients during the pandemic. With a large service area—all of Riverside and San Bernardino counties—they largely already had their intake system in place, relying on phone and online systems. ICLS has expanded their use of tech, however, to include forwarding their intake and housing hotlines to the personal phones of ICLS staff members; utilizing Lawyaw to allow ICLS staff to send pleadings to clients for the client to sign electronically and then for ICLS staff to file electronically; using Adobe for e-signatures; and employing LegalServer as their case management system (which includes an SMS text message module, which is helpful to send clients appointment reminders and request information). ICLS still faces the preexisting challenges of engaging with vulnerable populations like seniors and immigrants who do not have access to technology and may prefer in-person meetings. For this reason, their Immigration

¹²⁸ *Disaster Legal Assistance Collaborative*, DISASTER LEGAL ASSISTANCE COLLABORATIVE, <https://disasterlegalservicesca.org/>.

¹²⁹ LSC’s Best Practices Corner, *Neighborhood Legal Services of Los Angeles County Developed a Model for Legal Aid in the Aftermath of Disasters*, MEDIUM (Mar. 26, 2019), <https://medium.com/innovations-in-legal-aid/neighborhood-legal-services-of-los-angeles-county-developed-a-model-for-legal-aid-in-the-aftermath-38b85870645e>.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² See, e.g., *Coronavirus (COVID-19)*, DISASTER LEGAL ASSISTANCE COLLABORATIVE, <https://disasterlegalservicesca.org/covid-19/>. See generally OneJustice, *Remote Clinic Toolkit*, <https://onejustice.org/ourprograms/covid-19-legal-aid-and-pro-bono-response/remote-clinic-toolkit/>.

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and Senior outreach teams continue to use mail, fax, and phone calls to reach their clients.

Similarly, based on lessons learned from the wildfires, Legal Services of Northern California (LSNC) was prepared for the local office shutdowns due to COVID-19. A cloud-based phone system with an online reception portal allows LSNC to use multiple devices—from cell phones to laptops—to make, receive, and transfer calls. LSNC also uses a cloud-based case management system (which allows for texting) so that, as long as they have Internet access, they can access their system. They expanded their Legal Risk Detector (discussed earlier in this paper) to maintain their online referral network via their positive relationships with the local community and to screen for the most vulnerable clients. Lawyaw, like for ICLS, gives LSNC the ability to obtain e-signatures from clients on common forms. Finally, they have a clear, straightforward webpage that they keep updated with a disaster banner as well as information about how COVID-19 (or any other disaster) is affecting office hours and protocols.

ENSURING ACCESSIBILITY: TECHNOLOGICAL LITERACY, DISABILITY ACCESS, AND LANGUAGE ACCESS

¹³³ *Percentage Population Aged 65 and Over: 2013–2017*, CENSUS.GOV, <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/older-population/Figure%201%20Population%20Aged%2065%20and%20Over.pdf>.

¹³⁴ *Geography and Rural Disability*, RTC: RURAL, <http://rtc.ruralinstitute.umt.edu/community-participation-independent-living/geography-and-rural-disability/>.

While legal tech has much potential, some key issues must be addressed regarding tech-based fixes to access-to-justice barriers. For instance, seniors¹³³ and individuals with disabilities¹³⁴ live in rural areas at higher rates. Their relationship to technology must be taken into account in designing and implementing tech fixes in such areas. Most prominently, the removal of barriers to legal help, including distance, should not create new ones through the inaccessibility of technologies. In this section, we describe how technological literacy and culture, systems design, and disability and language access critical aspects of building inclusive resources that increase access without replicating barriers.

Tech Literacy and the Digital Divide

Technological literacy and culture may also limit the efficacy of tech-based interventions.¹³⁵ Broadly speaking, rural communities can be distrustful of anything seemingly government-affiliated, even legal aid, and can—in the context of the digital divide—be less technologically literate than their urban counterparts due to unequal access. We must also ensure that any program designs take into account the specificity of rural populations in relation to technology and culture.

For example, stakeholders are using

¹³⁵ “Although technology offers significant opportunities to improve court services in rural communities, *accessibility can be limited or, in some cases, impossible*” (emphasis added). CONFERENCE OF STATE COURT ADMINISTRATORS, *COURTS NEED TO ENHANCE ACCESS TO JUSTICE IN RURAL AMERICA* (2018), https://cosca.ncsc.org/~media/Microsites/Files/CO_SCA/Policy%20Papers/Policy-Paper-1-28-2019.ashx.

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technology to engage with other service providers like medical professionals when those providers are the ones with face-to-face access to clients and can serve as a referral system using web-based tools.

As described above, Legal Services of Northern California uses a web-based Legal Risk Detector, through which community partners like social workers and other service providers can use the system to connect the client with legal aid. Because LSNC recognizes that many clients in rural Shasta County and nearby counties might not be able to engage with a tech-based solution, this warm referral system provides a helpful web-based workaround to connect other service providers with LSNC. In a context of limited cell service and Internet access, LSNC can connect with clients who might not otherwise access their services.

Systems Design

Margaret Hagan and the Justice Innovation project at the Stanford Legal Design Lab offer a few top priorities for courts, legal aid, and others seeking to increase access to justice. Hagan's priorities include text messaging (such as SMS reminders for clients to go to court or that they have an appointment with an attorney, which improves appearance rates); developing the back-end of legal websites to make sure they end up high on search results; and

creating visual guides so that clients can understand systems.¹³⁶

In designing websites and web-based tools, Hagan emphasizes two central aspects: (1) How people with justice problems find services (discovery) and (2) how the web-based tool presents the results of what they find.¹³⁷ Intervening in the discovery facet of how people deal with legal issues is the first step.¹³⁸ Whether information from a court, self-help center, or legal aid office, the first concern is comprehending and designing systems around how people with everyday legal issues understand or identify their issue and then discover—such as through search engines—services to deal with that issue.¹³⁹ This can mean online outreach, such as through Reddit or Twitter, where people might go to try to fix that issue, and tailoring search results, like in Google, to prioritize public interest results that are actionable and accessible.¹⁴⁰

The second step is presenting results.¹⁴¹ This includes improving search functions; designing website guides; introducing chat bots¹⁴² (whether with humans or automated); document assembly; and text-message based on-boarding and intake.¹⁴³ Once people discover web-based tools, we need to ensure that they are easy to use and that we do not lose potential clients and litigants because they cannot understand the information being presented.¹⁴⁴ All content must be accessible

¹³⁶ *How can we improve people's access to justice?*, STANFORD LEGAL DESIGN LAB, <https://justiceinnovation.law.stanford.edu/>.

¹³⁷ Summarized from phone call with Margaret Hagan (*Phone Call*), July 3, 2019.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² See, e.g., *ITC Interview Series: Tom Martin on the Rise and Adoption of Chatbots*, MEDIUM (Apr. 8, 2019), <https://medium.com/innovations-in-legal-aid/itc-interview-series-tom-martin-on-the-rise-and-adoption-of-chatbots-44baa0e55824>.

¹⁴³ Hagan, *Phone Call*, *supra* note 137.

¹⁴⁴ *Id.*

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and easy to comprehend,¹⁴⁵ such as in the form of flow charts.¹⁴⁶

Disability Access

Technology can be used to overcome many barriers that people face to obtaining legal help, but legal aid organizations should also be cognizant not to create new barriers in the process. One way they can do this is by ensuring their websites and web tools are accessible to people with disabilities. Indeed, compared to urban populations, higher percentages of rural residents experience a disability.¹⁴⁷ Web accessibility means that websites are designed so that people with a variety of needs can use them, including those with auditory, cognitive, neurological, physical, speech, and visual disabilities.¹⁴⁸ Web accessibility actually benefits everyone, including the elderly and those with slower internet connections, because it increases the overall clarity of the information presented.¹⁴⁹ The World Wide Web Consortium's Web Accessibility Initiative develops guidelines for website accessibility practices, such as recommendations on color choice, image descriptions, or video captions.¹⁵⁰

Accessibility, in terms of disability as well as

technological literacy,¹⁵¹ should be a consideration for any technology that an organization, court, or other service provider is implementing in order to make sure every client has equitable access. For example, Legal Services of Vermont used Technology Initiative Grant (TIG) funding to increase the functionality and accessibility of its VTLawHelp.org for people with disabilities.¹⁵²

Language Access

Language is another access consideration. Technology has the potential not only to facilitate access to justice across geographical distance, but across language differences, such as through video remote interpreting (VRI). Courts should clearly explain on their websites how to access language services, including offering an online system to submit a request form (such as a fillable form).

Legal aid organizations should take care to consider their clients' language needs when exploring their technological tools, while also considering how technology can be used to further expand access. LSC recommends that legal aid organizations have a plan for how to serve their limited

¹⁴⁵ THE ENGINE ROOM, TECHNOLOGY FOR LEGAL EMPOWERMENT (2019),

<https://www.theengineroom.org/wp-content/uploads/2019/01/Tech-for-Legal-Empowerment-The-Engine-Room.pdf>.

¹⁴⁶ *Legal Frameworks*, LEGAL LINK, <https://legallink.org/resources/information-and-tools/>.

¹⁴⁷ RTC: RURAL, *supra* note 134.

¹⁴⁸ *Introduction to Web Accessibility*, W3C (June 5, 2019), <https://www.w3.org/WAI/fundamentals/accessibility-intro/#what>.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ Zago, *supra* note 18 ("Successful broad implementation of technologically based projects must include universal access for those with disabilities, adequate connectivity and speed, affordable and accessible hardware, and effective computer and legal information literacy training.").

¹⁵² *2017 TIG Awards - Project Descriptions*, LSC, <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig/2017-tig-awards-project-descriptions>.

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English proficiency clients.¹⁵³ Such plans can include using interpreters, translating documents, and having a language access policy. The Legal Aid Society of Hawaii, for example, used TIG funding to ensure that their statewide website—LawHelp.org/HI—was in multiple languages.¹⁵⁴ Legal Services of Northern California’s (LSNC) Language Access Plan includes an assessment of common languages in their service area plus training and interpretation plans.¹⁵⁵ These considerations can be extended to online tools and resources. In Washington State, the NorthWest Justice Project used an LSC Technology Initiative Grant to build an interpreter and translator database.¹⁵⁶ Translators and interpreters create their own profiles in the database, which can be searched based on language.¹⁵⁷ This directory model could be replicated by California and legal aid organizations in order to use technology to share more widely language access resources.

RECOMMENDATIONS: SUPPORTING THE ROLE OF TECH IN STRENGTHENING THE LEGAL SAFETY NET

Our recommendations for how technology can effectively and efficiently be mobilized in rural areas to serve low- and moderate-

income populations centers around both fiscal and cultural aspects of the increased proliferation of legal tech. Financially, the TIG program has been successful in helping legal aid organizations develop and implement technology. Culturally, as private businesses seek profit in legal tech, it will be important to create incentives for them to play a role in increasing access to justice for low- and moderate-income people, in urban and rural areas alike. The goal of both of these recommendations is to give legal aid and other access stakeholders the resources they need to expand the role of tech in maximizing services, whether brief advice, full-scope representation, form completion, or any other service that helps people get the results they need.

Recommendation 1: Continue Funding Legal Aid Innovation, Especially in Rural Areas

Universal funding for legal aid across California, including in rural areas, is not necessarily politically feasible at this point.¹⁵⁸ Increased funding for legal aid to hire more attorneys is always critical to increase the number of attorneys to do this life-saving work on housing, healthcare, domestic violence, disaster relief, and other

¹⁵³ *Language Access & Cultural Sensitivity*, LSC, <https://www.lsc.gov/grants-grantee-resources/resources-topic-type/language-access-cultural-sensitivity>.

¹⁵⁴ LSC, *supra* note 152.

¹⁵⁵ *Language Access Plan for Serving Clients with Limited English Proficiency*, LEGAL SERVICES OF NORTHERN CALIFORNIA (Revised May 19, 2016), <https://lsc-live.app.box.com/s/ja3mw7jj4x3617jun39bdepet7rn6com>.

¹⁵⁶ LSC, *supra* note 153.

¹⁵⁷ *Id.*

¹⁵⁸ *See, e.g.,* Urahn, *supra* note 29 (“Traditionally, government officials have sought to improve access to the courts by increasing funding for legal aid and encouraging private attorneys to provide pro bono services. While both approaches are necessary to improve access to legal services, neither has been sufficient. The number of free legal services will never be enough to meet the need, and adding more lawyers does not itself modernize the antiquated civil legal system.”).

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critical issues.¹⁵⁹ Funding that allows rural programs to be as robustly funded as urban ones is especially critical. We know that access to a legal aid lawyer is effective,¹⁶⁰ and a right to counsel¹⁶¹ helps litigants.¹⁶²

The argument for a more prominent role of technology need not disrupt the idea that we need more legal aid funding broadly. Increasing access to justice demands a spectrum of solutions, one of which is increasing the feasibility of technology-based solutions, to be employed by courts, legal aid lawyers, and others. In fact, funding legal aid in general can coincide with a call to also specifically fund technological innovation for legal aid organizations.

Legal aid offices across the state are sites where technological innovation can blossom, whether due to pure imagination of dedicated lawyers and administrators or through creativity borne from necessity. As the primary service providers giving legal advice and information directly to low-income Californians, these offices are well-situated to use grant funding to build technological capacity, experiment with new ideas for using tech to increase access, and serve as many clients as effectively as

possible by deploying multiple tools.

For example, the Lawyers' Committee for Better Housing, Illinois Legal Aid Online, and the Lawyers Trust Fund of Illinois.¹⁶³

Together, they produced the "Rentervention" chatbot for low-income Chicagoans dealing with housing issues.¹⁶⁴ The chatbot asks users about their issues using plain-language questions. Based on their responses, the chatbot then gives them different kinds of assistance, such as referrals, self-help guides, and letters that can be sent directly to their landlord. In addition, the chatbot can also link the user with a volunteer attorney via an online clinic.

Whether through general operations funding that could be used at the discretion of a legal aid organization or a targeted grant to specifically develop an organization's use of technology, funding is a critical aspect of deepening access to justice in rural parts of the state through technology. Whichever tool, and at whichever part of the legal process it is implemented, legal tech can facilitate increased access to legal solutions for everyday civil issues like debt, eviction, or employment, and legal aid offices can be

¹⁵⁹ MAKING A DIFFERENCE: CALIFORNIA LEGAL AID, STATE BAR OF CALIFORNIA (2019), http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final_ImpactReport_1.17.19.pdf.

¹⁶⁰ JUDICIAL COUNCIL OF CALIFORNIA, REPORT TO THE JUDICIAL COUNCIL (2017), <https://www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf>. See, e.g., LAWYERS' COMMITTEE FOR BETTER HOUSING, LEGAL AID ATTORNEYS MAKE THE DIFFERENCE (2019), <https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-3-attorney-representation.pdf>.

¹⁶¹ See, e.g., NATIONAL COALITION FOR A CIVIL RIGHT TO COUNSEL, <http://civilrighttocounsel.org/>.

¹⁶² See, e.g., OFFICE OF CIVIL JUSTICE, UNIVERSAL ACCESS TO LEGAL SERVICES: A REPORT ON YEAR ONE OF IMPLEMENTATION IN NEW YORK CITY (2018), <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>.

¹⁶³ *Rentervention*, LAWYERS' COMMITTEE FOR BETTER HOUSING, ILLINOIS LEGAL AID ONLINE & LAWYERS TRUST FUND OF ILLINOIS, <https://www.rentervention.com/>.

¹⁶⁴ *Helping Chicago Renters with Housing Issues*, THEORY AND PRINCIPLE, <https://www.theoryandprinciple.com/rentervention/>.

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funded to build out such programs.

Sustaining existing sources of public funding—like the national TIG—while also finding new sources—such as from the state of California or private foundations—will be pivotal. In the next recommendation, we describe other players who could play a central role in building the tech legal safety net.

Recommendation 2: Facilitate Collaboration Between the For- and Non-Profit Legal Tech Sector and Access-to-Justice Stakeholders

In alignment with the first recommendation, the second calls for new entrants into the legal tech space—and thereby into engagement with the access-to-justice crisis—to play a crucial role in expanding what technology can offer legal aid and other stakeholders in improving access. In the context of an increasing proliferation of technological tools and a number of states examining the possibility of expanding the legal market to allow technology and other advocates to provide legal information and advice (such as ATILs, described above), existing legal aid providers need not be supplanted or harmed by a potential influx of capital, tech companies, and other new entrants into the legal market. With the goal of expanding access to legal services, traditional legal aid providers are uniquely situated to continue to play a prominent role as the centerpiece of the legal safety net.

In this context, entrants in the legal tech space can support the existing access-to-justice framework while also innovating and

disrupting to ensure that new technologies can be put into place to ameliorate most effectively the access-to-justice crisis. As described in the first recommendation, these kinds of technological solutions can easily be integrated into the conventional legal aid model. This can be accomplished in a collaborative, cooperative manner between new tech entrants and the preexisting legal safety net across all California geographies.

The challenge is that, operating under the banner of “access to justice,” these companies might not always be in perfect alignment with the values, interests, and expertise of legal aid and other advocates providing services to low- and moderate-income consumers. Those working toward maximized access to justice must ensure that the organizations that provide direct legal services every day to California’s low-income residents are at the table and part of the conversation as technology is developed.

While not rural-focused, some web-based services and applications provide models for how technology nonprofits other than legal aid can help strengthen the legal safety net across the state. Nonprofits like JustFix.nyc and UpSolve provide innovative, direct ways for people to deal with legal issues. First, JustFix.nyc provides legal knowledge in a way that is understandable for non-lawyer tenants, and gives them the tools they need to take action, such as a form letter to notify their landlord that repairs are needed.¹⁶⁵ An individual can basically build their case and prepare it for housing court to ensure their landlord complies with the law to remedy issues like

¹⁶⁵ JUSTFIX.NYC, <https://www.justfix.nyc/>.

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cockroaches or mold.¹⁶⁶ While unrepresented New Yorkers have just a 10 percent success rate in getting the repairs they need or preventing eviction, JustFix.nyc increases that number to 66 percent for users.¹⁶⁷ This type of application can work alongside and with legal aid offices to ensure that tenants have what they need to reach a just solution, whether that is a complaint generated through a tech application or a housing attorney by their side.¹⁶⁸

Second, UpSolve¹⁶⁹ helps individuals file for bankruptcy¹⁷⁰ without the additional legal costs the process necessitates that can preclude people from seeking legal recourse. Through UpSolve, people can use digital form responses that are transferred to official documents for court.¹⁷¹ Instead of going to an attorney, a low- or moderate-income person facing this justiciable issue—bankruptcy—can simply enter their information, and the legal tech does the rest to transform that input into a court-ready document.¹⁷²

In sum, for-profits, non-profits, and legal aid can all work together to strengthen the legal safety net. California’s legal services providers—as evinced by the TIG grants—are prime recipients of both funding as well as monetary, design, and technical support

to implement technologies to increase access to justice in rural areas as well as urban ones.

Entrants into the space should seek collaborative, advisory, or otherwise supportive roles in relation to the existing access to justice infrastructure, alongside legal aid offices, pro bono attorneys, courts, self-help centers, and other advocates working on access issues every day.

CONCLUSION

There are many strategies for using technology to enhance and support the provision of legal services to low-income rural Californians. These strategies implicate courts, self-help centers, and legal aid offices, among other stakeholders. Most notably for rural attorney deserts, technology can be used to bridge material distance—the space between places—and to make up for limited resources.

Online, virtual, and remote software and platforms allow service providers and courts to connect with court users and clients at a distance, which became immediately critical during the COVID-19 crisis.¹⁷³ Such legal tech products can leverage resources that tend to be more heavily concentrated in urban areas, like

¹⁶⁶ Shannon Farley, *Legal Tech Is Opening the System to Those Who Need Legal Representation the Most*, TECHCRUNCH (Mar. 13, 2018), <https://techcrunch.com/2018/03/13/legal-tech-is-opening-the-system-to-those-who-need-legal-representation-the-most/>.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ UPSOLVE, <https://upsolve.org/>.

¹⁷⁰ The top cause of personal bankruptcy is healthcare debt. *Olga Khazan, Why Americans Are Drowning in Medical Debt*, THE ATLANTIC (Oct. 8,

2014), <https://www.theatlantic.com/health/archive/2014/10/why-americans-are-drowning-in-medical-debt/381163/>.

¹⁷¹ Farley, *supra* note 166.

¹⁷² Danny Crichton, *YC-Backed UpSolve is Automating Bankruptcy for Everyone*, TECHCRUNCH (Jan. 16, 2019), <https://techcrunch.com/2019/01/16/upsolve-bankruptcy/>.

¹⁷³ See, e.g., CALATJ, GUIDE ON REMOTE HEARINGS, *supra* note 119.

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pro bono lawyers, to the benefit of rural clients. Websites and web-based tools offer clients the ability to access self-help forms and tools, receive legal updates, and review information at their own pace. Mobile devices are effective technologies for communicating with clients due to the high percentage of people who now have access to cell phones and smartphones. Software improvements and upgrades are important for improving organizational efficiency and adapting existing systems to be used more effectively. Further developments that could impact the delivery of legal services in the near future include those based on Artificial Intelligence (AI)¹⁷⁴ and Biometric security systems.¹⁷⁵

In addition, technology has an important role in disseminating information regarding statewide law, such as with the passage of AB 1482 in 2019, which codifies a rent cap for all of California.¹⁷⁶ While the law on the books might say one thing, it will be important to ensure that rural residents know their rights and can seek enforcement from legal aid. Online platforms can facilitate that education and enforcement,

thus translating the law on the books to law in action that protects vulnerable residents.

Altogether, technology has an essential role to play in addressing access-to-justice needs. Tech-based interventions can level the playing field for low-income Californians in rural areas. If we understand the access-to-justice crisis as a two-fold issue—in terms of both people not seeking lawyers' help and not being able to get that help even if they try—technology has a big role to play in rural and urban alike.¹⁷⁷ Cognizant of possible drawbacks and issues, whether through TIG grants or other funding sources (such as private technology companies and foundations), tech will be a crucial step in expanding services and reaching more rural residents.¹⁷⁸

¹⁷⁴ See, e.g., *Microsoft Helps Develop an AI-Powered Bridge to Legal Aid*, LAW.COM (Feb. 6, 2019), <https://www.law.com/legaltechnews/2019/02/06/microsoft-helps-develop-an-ai-powered-bridge-to-legal-aid/>; Erika Rickard & Lester Bird, *How Artificial Intelligence Could Improve Access to Legal Information*, PEW (Jan. 24, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/01/24/how-artificial-intelligence-could-improve-access-to-legal-information>; *How Artificial Intelligence Could Improve Access to Legal Information*, PEW (Jan. 24, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/01/24/how-artificial-intelligence-could-improve-access-to-legal-information>.

¹⁷⁵ Sonal Ambegaokar et al., *Improving Customer Service in Health and Human Services Through*

Technology, CENTER ON BUDGET AND POLICY PRIORITIES (Aug. 23, 2018), https://www.cbpp.org/research/health/improving-customer-service-in-health-and-human-services-through-technology#hhstech_h5.

¹⁷⁶ AB 1482, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1482.

¹⁷⁷ REBECCA SANDEFUR, *ACCESSING JUSTICE IN THE CONTEMPORARY USA* (2014), http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa._aug._2014.pdf.

¹⁷⁸ PRO BONO NET, *supra* note 55 (Legal aid and pro bono service delivery models do not have to be all or nothing, but should be structured around the needs, demographics, expectations, and lives of the communities served.”).