

TEXTING FOR OUTCOMES TOOLKIT

*Developed By The Legal Aid Society of Cleveland with
Contributions from Michigan Legal Help*

I. Introduction

This toolkit supports programs that want to use text messaging to gather outcome data following limited scope legal services. Legal service providers, statewide websites and court self-help centers offer self-represented litigants (SRL) help in a variety of ways with a wide range of problems. These limited services include advice at clinics, help filling out forms, and recommendations about enforcing rights and responsibilities. Limited services relate to family law, landlord/tenant matters, debt collection and other civil legal problems. Limited scope services help address the justice gap in the United States. But, the legal community knows very little about when and how limited scope services effectively resolve problems.

Cleveland Legal Aid created a text message system to collect outcome data following brief service. The lessons learned through two Technology Initiative Grants over a period of five years inform the suggestions that follow. Other programs, such as Michigan Legal Help and Ohio Legal Help, have started using texting to collect outcome data from website users. The goal for this toolkit is to encourage legal services providers, statewide websites, and court self-help centers to incorporate texting for outcome data from clients, users and litigants following receipt of services.

Broader use of texting for outcomes will increase the data available to inform limited scope services. Eventually, the legal services community will be able to answer questions about which limited scope services are helpful in resolving which problems; and the data will inform providers about how to improve services and allocate resources, based on their new understanding of outcomes achieved. This toolkit may serve as the basis for an online platform that offers more, similar content and opportunity for dynamic engagement among stakeholders.¹

II. Toolkit Contents

The Texting for Outcomes toolkit consists of five sections: model projects, technology resources, content resources, data & research resources, and connections.²

Model Projects: This section features case studies explaining the protocol, technology choices, language and content setup, and implementation process used by different stakeholders. It includes one example from legal services and one statewide website. Court self-help center experience should be added in the future.

Technology Resources. This section describes the technology required and available platforms to support text messaging for outcomes. It explains SMS carriers (e.g. Twilio) as well as SMS platforms (e.g. FrontlineSMS). Additionally, commonly used case management systems along with information about the CMS capacity for texting is included. Other relevant technologies that

¹ The structure of this toolkit is based on the platform proposed by The Legal Aid Society of Cleveland and Stanford Design Lab in a 2020 TIG application.

² Initial content reflects the experience of Cleveland Legal Aid and Michigan Legal Help; contributions from others with relevant experience would be welcome.

facilitate use of texting to collect outcome information are also highlighted (e.g. APIs). Users will also find some estimated cost information for budgeting and planning purposes.

Content Resources. This section explains best practices and provides sample content for stakeholders ready to develop outcome texting systems. Information about using plain language, consistent language, length of messages, timing of messages, and reply options is shared. Templates and sample text messages surveys are available. Information about language access and texting is included. Finally, this section contains details on how to effectively conduct user testing and troubleshooting prior to launching an outcome texting system.

Data Analysis + Research Resources. This section focuses on data collection and analysis from initial planning through analysis of the results of texting for outcomes. It discusses research design process, and how to ensure that the data collected will be able to inform the most relevant service delivery questions. This section also describes ways to link outcome data with CMS data or other data sets. A sample analytical framework is included. Additionally, uniform outcome measures based on LSC problem codes are proposed in order to encourage collection of nationally comparable data. Finally, this section addresses relevant ethical rules and how those apply to outcome texting.

Connections. This section provides a list of stakeholders who have expressed interest in outcome texting work. This section should be expanded specifically identify contacts willing to share their experience texting for outcomes so others can reach out to them directly.

III. Model Projects

a. Legal Services

The Legal Aid Society of Cleveland (“Cleveland Legal Aid”)

Cleveland Legal Aid created a process to text clients following limited service to learn the outcome achieved from that service. All clients who consent to texting,³ speak English or Spanish and whose case is closed as either A or B, receive a follow up text survey. The library of text surveys consists of 18 problem-specific surveys and 1 general survey sent to everyone else. The system is entirely automated such that when an attorney closes a case, the text survey is triggered. Cleveland Legal Aid uses LegalServer for its case management system, FrontlineSMS as its text message platform, and Twilio as its text message carrier.

To illustrate how the process works, imagine an applicant calls for help with a custody dispute. Legal Aid sends the client an advice letter with pro se forms. The attorney closes the case as “advice only.” The closing process in LegalServer triggers information about the case to be sent via API to FrontlineSMS. The FrontlineSMS system relies on preprogrammed logic to assign the case to the survey appropriate for custody matters. Within a week, the client receives a welcome text with some explanatory information and providing the opportunity to opt-out of further texts. Assuming the client does not opt-out, subsequent text questions are sent at predetermined intervals. Every question is

³ In addition to excluding applicants who do not consent to text messages, the program also excludes applications experiencing domestic violence, immigrant victims of crime, and applicants who do not speak English or Spanish.

sent regardless of whether a client responds. Each question and answer sent and received by FrontlineSMS are sent back to LegalServer and recorded in separate fields displayed in the relevant case.

Cleveland Legal Aid learned a great deal from an initial pilot project that tested the possibility of texting for outcomes in only a few substantive areas. Based on the pilot, the project expanded to all limited service cases. The texting process was fully implemented in November 2020. Based on preliminary data from November 2020 through March 2021, advice and brief service can effectively assist some clients with some problems.

b. Statewide Website

Michigan Legal Help

Michigan Legal Help (MLH) created a texting program called, “What’s Next Text.” This texting program provides website users with just-in-time information about their court process while also collecting information about their outcomes as they manage their legal problems. Website users can opt-in to the texting program by texting a 4-digit code to the provided phone number. Users see the opt-in message when they finish the Guide to Legal Help or create a form via Michigan Legal Help in a subject that has a texting flow built in.

Once a user has opted in they are asked questions to assess where they are in the court process. Then, they are given information about what to do next based on where they are in the process. Users also receive reminders to complete the next step of their case, and referrals to items on MLH that might help them if they are stuck. The texting program will continue to send information based on the user’s responses. Ultimately, the text conversation ends when the user finishes their case and responds with their outcome and rates their satisfaction with What’s Next Text.

c. Court Self-Help Center

(Placeholder for future example.)

IV. Technology Resources

a. SMS Carriers and Platforms

A cloud communication platform as a service (CPaaS) is necessary technology for creating an outcome texting system. One of the most common is Twilio. Twilio is a SMS carrier, providing the SMS number and routing messages between sender and receiver. Top competitors with Twilio include Vonage, Infobip, Plivo, and Sinch among others. Cleveland Legal Aid uses Twilio as its SMS carrier.

Numerous web-based platforms support the creation and management of a text message system. Some examples of such platforms include Mission Mobile, Trumpia, and

Solutions by Text. Twilio also offers a user interface to manage SMS communications, called Twilio Studio.

MLH What's Next Text is completely automated and runs without any assistance from MLH staff. There are text flows programmed into Twilio Studio that account for the common scenarios for a given legal process. These text flows are complex and include branching logic. Twilio relies on the logic in the text flows to fire off messages. Due to the complexity of the text flows, using Twilio liquid template language and JSON can speed up the development process.

The data in Twilio is only stored for a limited time. To preserve the texting data from Twilio, the data is posted to a custom Google Cloud Firestore application that was developed by an independent contractor (Scott Friday). The data is not stored in a case management system.

The FrontlineSMS platform that Cleveland Legal Aid used to develop its texting system is going out of business. A similar, open source version of FrontlineSMS is now available.

The significant expansion of texting systems globally and across industries has led to a proliferation of regulations and use policies. Any provider considering developing an outcome texting project must consider and understand the relevant regulations and policies that apply to their particular project.

b. Case Management Systems and Texting Capacity

LegalServer offers users the capacity to text clients directly and record the messages within a case. LegalServer now also has the capacity to send and receive automated text messages via API to and from an SMS platform such as those described above. LegalServer and Cleveland Legal Aid developed this technology as part of a TIG. Thus, other legal services program have access to this technology. Other case management systems capable of this integration with SMS should be added to this list.

c. APIs and Other Relevant Technology

An API or “application programming interface” allows different computer systems to talk to each other. More specifically, data and information can be shared between systems that would not otherwise be linked. The value of the API in the texting for outcomes context is that it allows data collected via text message to be stored in a client's case along with all of the other demographic and case information.

d. Costs

The outcome texting system created by Cleveland Legal Aid cost approximately \$225,000 to develop. This cost estimate includes the preliminary planning with the SMS platform to develop the concept, test methodology, pilot the project and troubleshoot. It also includes the cost of expanding from a 7-survey pilot to a comprehensive library of

19 separate surveys, and building the API between LegalServer and FrontlineSMS and engagement of a social science expert to develop an analytical framework for understanding and using the outcome data]. This initial investment should result in significantly reduced costs to subsequent developers of similar systems.

Separate from the development and implementation costs, the ongoing cost for maintaining and using the system are modest. For example, Cleveland Legal Aid spends between \$50-\$75 per month on its Twilio account which includes not only the outcome texting system but also texting for information (e.g. intake phone number of eviction Know Your Rights) and texting related to cases within LegalServer. Some costs must also be allocated for staff to monitor the system and troubleshoot as necessary. Lastly, time and resources should be dedicated to the data reporting and analysis necessary to make use of the information collected.

V. Content Resources

a. SMS Language

Best practice for writing an SMS message is to limit the message to 160 characters.⁴ The message should also convey two things: 1) why the person is getting the message and 2) what action they should take. Cleveland Legal Aid's outcome texting system followed these guidelines as much as possible, with some messages exceeding the character limit.

The text surveys ask users to respond mostly with “yes” or “no” replies. In a limited number of instances, users may have the option of responding “not yet” or with a key word to request additional help. The short, simple responses made engaging easier for users and also facilitated data collection and analysis. Similarly, the format of questions across surveys was intentionally consistent to aid with analysis. Cleveland Legal Aid's surveys generally following the format:

- Did the help you got better inform you about rights and options?
- Did you take any actions based on the help you got?
- Did the actions you took improve your situation / resolve your problem?

Many surveys ask a few more specific questions as well related to the substantive issue.

b. SMS Timing and Structure

The outcome texting systems afford providers and users the benefit of being able to communicate for an extended period of time after services are delivered. The lengthy time frame is necessary to allow for a person to achieve an outcome. For example, after a person is given pro se forms to file to seal a criminal record, many months may pass before a court decides on the application, and before the person finds employment.

The extended time period also presents a challenge for staying engaged with a user by text. Sending text messages about different steps in the process helps address this issue. Also, Cleveland Legal Aid incorporated the options of texting a key word for additional

⁴ Based on advice from FrontlineSMS consultants.

help in some surveys. The overall amount of time that might be required before a user achieves an outcome amounts to an educated guess from practitioners familiar with specific legal issues and local jurisdictions. In some surveys, the response option “not yet” was used to account for the unpredictability of when a result may be achieved for a given client.

c. User Testing

Extensive formal and informal testing is necessary as part of developing an outcome texting system. User testing should be built in to every stage of development to evaluate at least the following aspects of the process:

- Text message language – does the user understand the question as intended? Is the correct language selected if there is more than one language option?
- Text message timing – are the messages delivered at the intended intervals?
- API technology – is data sent and received correctly? Is the correct date transmitted? Is the transmission secure?
- CMS – are the texts triggered correctly? Is information about texting properly recorded in a case? Is the data collected by text returned and stored in the proper case?

d. SMS Templates

One of the goals of developing an outcome texting system for advice and brief services cases is to begin collecting national data on the effectiveness of limited scope services. That goal will be furthered by providers using the same or comparable survey questions for the same or similar legal problems. Cleveland Legal Aid provided its full library of text surveys, attached as Appendix A.

MLH What’s Next Text was launched on July 28, 2021 with text flows for three problem areas: Eviction, Objecting to a Garnishment and Health Care of Power of Attorney. The Eviction text flow is attached, Appendix B. Additional text flows to be launched in Fall 2021 cover Changing a Child Support Order, Divorce Without Children, Expungement, Starting a Small Claims Complaint, Answer to Divorce Without Children, Starting a Custody Case, and Divorce With Children.

VI. Data Analysis + Research Resources

a. Data Collection and Design

An important early step in developing a system for collecting outcome data is to decide what you hope to learn from the data. Based on what you hope to learn, research experts should help design the survey items to ensure you get the information needed to answer your questions. Similarly, the way questions are asked, the consistency of questions across surveys, and the timing of question will all impact what questions the data can ultimately inform.

b. Linking Data Sets

Another consideration should be whether or not the responses to text surveys need to be linked with other datasets. At Cleveland Legal Aid, one specific goal of the project was to link the survey answers to the client's LegalServer case. In doing so, more data can be incorporated for a more robust analysis.

c. Comparable Outcome Measures

As discussed above, one long term recommendation is that civil justice stakeholders, particularly legal services programs, statewide websites, and court self help centers, collaborate on how best to use limited scope services to address legal needs. In order to accomplish this goal, stakeholders should strive for comparable datasets to the extent possible. Cleveland Legal Aid shared an example of how it grouped LSC problem codes to correspond to substantively specific text surveys in attached Appendix C. These could form the basis of comparable outcome measures for advice and brief service across legal aid organizations.

d. Analysis and Reports

Cleveland Legal Aid analyzed preliminary data from its outcome texting system to determine whether clients who received limited scope services 1) felt more informed about their legal rights; 2) took action in accordance with their rights; and 3) improved or resolved their problem based on the legal services provided. For each of these measures, the Legal Aid also evaluated if the results differed by demographic characteristic, by type of legal issue, or by level of legal service provided. No differences by demographics were identified based on initial data. The data also suggest some legal issues appear to be more readily addressed by limited service than others.

MLH What's Next Text uses Retool for developing custom reports. The custom reports are developed using Javascript queries.

e. Ethical Considerations

Service providers must ask for consent to text the people they serve. Initial consent to receive text messages must be verified in some contexts, and must be renewed if messages are sent after a certain period of time has passed since consent was given.⁵ Also, users should be given clear direction on how to opt-out of receiving future messages.

Outcome texting systems engage former clients after their case is closed. Thus, the information shared via text is not covered by attorney-client privilege in most circumstances. The information is likely confidential and should be treated as such.

⁵ See for example, Twilio Use Policies.
TIG #18027

VII. Connections

Numerous legal service providers, statewide websites and courts have started using version of texting system to collect information about services provided. The following people serve as points of contact for their programs regarding use of texting for outcomes.

The Legal Aid Society of Cleveland

Anne Sweeney, Managing Attorney for Community Engagement

Anne.sweeney@lasclv.org

216.861.5242

Michigan Legal Help

Angela Tripp, Director

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(734) 714-3242

Other programs that have expressed interest in, or have started using texting for outcomes in some capacity, include the following:

Bay Area Legal Aid
Michigan Poverty Law Program
Florida Rural Legal Services
OneJustice
Montana Legal Services Association
Community Legal Aid
OhioLegalHelp

These lists should be continuously updated to be most useful.

VIII. Conclusion

Access to justice for civil legal problems remains elusive for too many people who cannot afford to hire an attorney. One way to address this gap is through effective, efficient limited scope services. This guide is meant to help providers collect information about such services so that we can all learn when and how best to use limited services to achieve access to justice for our client community.