

“THE UNIFIED VOICE OF LEGAL SERVICES”



June 5, 2014

Attn: Invitations to Comment
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
invitations@jud.ca.gov

**Re: Public Comment re: Item SP14-04,
Court Technology Governance and Strategic Plan**

To Whom It May Concern:

I am writing on behalf of the Legal Aid Association of California (LAAC) to provide public comment to the Judicial Council as it considers the proposed recommendations for judicial branch technology governance, strategy, and funding.

I am the Executive Director of LAAC. Founded in 1983, LAAC is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for almost 100 legal services nonprofits in the state.

The attorneys at our member programs represent low-income clients in matters in California's civil courts. These cases frequently involve critically important access to life's basic necessities, such as food, safe and affordable housing, freedom from violence, health care, employment, economic self-sufficiency, and access to the legal system. These low-income Californians are court users who rely on the civil court system to protect and enforce their rights. Without fully accessible courts, our members' clients and self-represented litigants would be unable to safeguard rights that many Californians take for granted. Based on this larger context of the importance of access to the courts, LAAC provides the following comments to the Technology Planning Task Force's Technology Governance, Strategy, and Funding Proposal.

Technology Vision

On behalf of the legal services community, we wish to express our gratitude to the Technology Planning Task Force for addressing devastating reductions in judicial branch funding and for taking access to justice issues into consideration when revising and updating the strategic and plan governance model for technology in the courts. We commend the Task Force for adopting a Technology Vision aimed at improving access to justice.

Specifically, we would like to thank the Task Force for the inclusion of Technology Principles 1, 2, and 3, as each are of crucial importance to maintaining access to justice for low-income Californians.

Principle #1, **Ensure Access and Fairness**. Use technologies that allow all court users to have impartial and effective access to justice.

LAAC encourages the Judicial Council to keep low-income, self-represented or unrepresented, disabled, and rural litigants in mind specifically when being guided by this principle. LAAC *strongly* encourages the Judicial Council to recommend that all adopted technologies include a mechanism for fee waivers for indigent clients. LAAC additionally wishes to echo our previous position on technology comments to this body that all technology should also be fully accessible to people with disabilities, including vision and mobility impairments.

Principle #2, **Include Self-Represented Litigants**. Provide services to those representing themselves, as well as those represented by attorneys.

Individuals who represent themselves in California's courts are often the individuals who cannot afford to be represented. Keeping these people in mind is important to the technology development process. We commend the Judicial Council for its decision to exempt all self-represented litigants from mandatory e-filing and instead allowing them to opt-in as desired.

Principle #3, **Preserve Traditional Access**. Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

Technology has tremendous potential to increase access to justice by expanding access to the judicial system. Technology itself is not equal among all Californians, however, so there exists potential for technology advancements to create unintended harm and additional barriers to justice for many of the most vulnerable Californians. For this reason it is of the utmost importance to preserve traditional access for those who may have difficulty filing documents electronically or may not have access to computers at all.

Technology Goals and Tactical Plan

Optimizing Branch Resources

The legal aid community supports innovative technology that enhances access to justice for all Californians. LAAC encourages the Judicial Council, therefore, to keep the aforementioned Technology Vision principles in mind as it pursues its four technology goals.

The stated goal of optimizing branch resources has the greatest potential to affect access to justice for low-income Californians. After reviewing the Task Force's Strategic Plan and Tactical Plan with respect to optimizing branch resources, LAAC would advocate placing objectives 2.5 (educating court staff) and 2.6 (creating tools to educate the public) at an even higher priority. Educating those with less access to technology will be fundamental in order to maintain access.

LAAC has noted that objectives 2.5 and 2.6 are not currently addressed by any of the items in the Tactical Plan. Not only should these objectives be raised in priority, but pursuant to that re-prioritization they should be included in the Tactical Plan. In fact, there is only one initiative included in the Tactical Plan with respect to optimizing branch resources at all, let alone with respect to educating court staff and creating tools to educate the public.

Self-Represented Litigants

LAAC thanks the Task Force for its inclusion in the Tactical Plan of an initiative geared toward implementing a portal for self-represented litigants. LAAC strongly supports this service for self-represented litigants. For the reasons discussed above, LAAC strongly suggests that Technology Principle #3, preserving traditional access, is kept in mind during development of this portal. It is fundamental that the portal's resources accessible both electronically and traditionally through the courts as many self-represented litigants do not have access to or an adequate understanding of electronic technologies.

For the same reasons, LAAC supports the Task Force's inclusion of principles involving ease of use and local decision-making.

Information Technology Advisory Committee

LAAC would advise that legal services representation is included during the creation of the new Information Technology Advisory Committee. Having a Committee member who is knowledgeable about the legal services community and the challenges faced by low-income Californians attempting to access the courts is extremely important. While increasing technology subject matter expertise is important, as acknowledged by the Task Force, an understanding of the most difficult communities to serve is also essential. LAAC believes that the easiest way to ensure this is to have legal services representation on the Committee and recommends that each local court include a legal services representative in their local decision-making process.

LAAC respectfully requests that the Judicial Council recognize the potential impact on vulnerable Californians as planning and technology development under the Technology, Governance, Strategy and Funding Proposal progresses.

Thank you for your consideration,

A handwritten signature in black ink that reads "Salena Copeland". The signature is written in a cursive, flowing style.

Salena Copeland
Executive Director
Legal Aid Association of California