Covid 19, Technology and Legal Aid -
Sharing global experience to improve access to justice.

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Introduction

1. This paper is to inform an international discussion of the impact of Covid 19 and technology on the provision of legal aid around the world. Its objective is to reach a better understanding of the experience of different jurisdictions; to draw out the common elements; and to encourage the sharing of positive developments.

2. Technology has been key to the response of legal aid providers and administrators to Covid 19. It was critical initially because it allowed the rapid implementation by legal aid organisations and providers of remote working. As the pandemic continues, technology is opening up the possibility of providing old services in new ways - such as community outreach activities facilitated by video.

3. There are, of course, significant differences between jurisdictions. A central funder - like Legal Aid Ontario (LAO) or the Legal Services Corporation in the US - can control, at least to some extent through its funding, and certainly can influence, through the concentration of its funding even where (as in the case of the LSC) it may represent only a minority of overall expenditure, how services are delivered; it can monitor developments and respond corporately. That is different from a jurisdiction like England and Wales where legal aid is largely delivered through autonomous private practices for which legal aid may even provide only a minority of their income. However, even in England and Wales, the Ministry of Justice has responded to immediate need and obtained £5.4m in emergency grant funding outside the formal legal aid scheme to not-for-profit providers 'to ensure the people in the communities they serve can continue to access the help they need.' It also supports a Legal Support for Litigants in Person programme to the tune of £3.1m and a range of other providers like the public legal education organisation Law for Life. In addition, the Citizens Advice network is funded by another Department though in more strategically and tidier minded jurisdictions it would be seen as providing entry level legal information and advice.

4. Below are ten suggested points of discussion about the impact of Covid 19 on access to justice relevant to the use of technology. Following paragraphs expand some of the points for those with the time to read them.

Ten suggested points of discussion

5. Ten issues to discuss on the impact of Covid 19 and technology on access to justice are set out below, together with some suggested questions.

1. **Pre-existing Trends.** Covid 19 impacted on an access to justice sector already adapting to technology and precarious funding. Are there particular pre-existing trends that we should identify other than those in paragraph 6 of the paper (funding restrictions, technology, digitalisation of court proceedings, digitalisation of government services, growth of online shopping)?

2. **Administrative Systems.** Covid 19 has put pressure on administrative systems that facilitate remote working. Does it offer us any lessons? In particular
   1. At a macro level, responses to Covid 19 would seem to emphasise the advantage of a strategic body overseeing legal aid provision - see the comparison between that of the Legal Services Corporation in the US and the Justice Committee in England and Wales where the latter reported on the secondary effect on the legal profession not, as did the LSC, on the primary effects on people.
   2. At the micro level of individual legal aid providers, adequate remote working requires appropriate administrative back up - such as a working case management system and management arrangements for remotely working staff. Have we learnt anything about what works best? As to case management, might there be advantages in commercially available products adapted for the sector rather than seeking to produce legal aid specific solutions?
   3. Have we learnt any lessons - from our experience or that of others - about how best to operate a remote office from the point of view of clients and users?

3. **Charting the impact of Covid 19 on need.** Covid 19 has impacted differently on areas of law and constituencies of people. What can we identify as the most affected?
   1. Need in the US and UK seems remarkably similar. The US LSC reports that they are: '1. 'Evictions including but not limited to illegal lockouts, utility shutoffs, and foreclosures. 2. Income Maintenance…: including but not limited to issues with stimulus checks, access to unemployment benefits, and navigating furloughs 3. Domestic Violence… : including but not limited to Emergency Orders of Protection, virtual

hearings, and accessing Domestic Violence shelters. 4. General Family Law Issues…
including but not limited to failure to return children after visitation, emergency
guardianship, and representation of foster children. 5. Consumer Debt… : including but
not limited to credit card debt, student loans, auto loans, and mortgage forbearance'

2. Are lists of future subject areas likely to include those where demand has temporarily
been suppressed by Covid but will re-emerge eg crime, immigration and asylum?

3. The Citizens Advice service in England and Wales appears to have the most immediate
comprehensive data on the subjects on which people are seeking help. Have we learnt
anything about what data which it is helpful and how to collect it?

4. **The Provision of Digital information and Assistance.** Covid 19 has increased reliance
on websites to provide at least initial information. Do we have data on this? Are any lessons
emerging about the best way to provide information online?

1. In the US in particular, there has been considerable interest in AI and natural language
programming to help users frame requests for assistance eg Spot ('a computerised
issue spotter') programme. How valuable has this approach proved in practice?

2. Are websites evolving into more use of guided pathways that can provide interactivity
and more individualisation? The evidence seems scant though this seems desirable.

5. **Digital Outreach.** Covid 19 has increased the range of digital outreach programmes eg
using zoom facilities to discuss housing law. What is the potential of digital outreach? Can it
substitute in any way for more traditional approaches involving personal meetings? Does it
have any advantages? Are there any downsides?

6. **Digital Self Help and Document Self-Assembly** Covid 19 has increased the opportunities
for digital self help eg assisted document assembly. Do we have any good examples of
what works? At a broader level, we might expect a flourishing of the idea of 'legal
empowerment' which you can already see.

7. **Digital Exclusion** Covid 19 has tested the limits of digital exclusion. Do we have any
lessons in how organisations and institutions have sought to address it?

8. **'Blended Digital Services'.** Covid 19 might be expected to encourage the development of
'blended services' with a mix of digitalised and personalised provision. Has there been time
to develop these?

9. **The Impact of Digital Courts and Tribunals.** Covid 19 has led to the increase of virtual
and remote courts. What lessons can be learnt about how these should be provided?

10. **The potential of video communication** Covid 19 has influenced services within jurisdictions around the world in a pretty similar way, however they are organised. Video communication provides a way in which communication can be significantly improved and there is evidence of much more use of it. Are there any particular developments which would be valuable? As a communication vehicle, does ILAG have a role?

6. Are there are other issues to be raised?

Covid 19: pre-existing trends

7. Covid 19 may have come out of the blue but it impacted on a sector already, of course, subject to relevant trends of development which differed in their impact around the world but included:

   1. funding restrictions. These were perhaps particularly apparent in England and Wales where cuts introduced by legislation in 2012 dramatically altered the pattern of legal aid provision. In particular, legal aid was withdrawn from much matrimonial work and from social welfare (what Americans might call, 'poverty') law. Eligibility, scope and remuneration all decline significantly and a jurisdiction that historically had been one of the best provided (albeit through an expensive system that funded private practitioners to provide public services) fell rapidly down the league table of providers. No other jurisdiction suffered so badly but funding was tight and under political scrutiny for savings almost everywhere).
   2. growth in the use of technology. Many legal aid organisations had implemented back office technology reforms, for example, through case management systems either bought commercially or, in the case of agencies in the US and UK, specifically developed for the not for profit sector like respectively LegalServer and AdvicePro. But there are three pre-existing other trends worth noting:
      1. Particularly in the US, there had been considerable experiment with assisting users to complete a vast array of forms through digital self-assembly like by products like A2J Author and organisations that deployed the technology like LegalHelp Interactive, part of ProBono.net. In England and Wales, there were tentative attempts to follow this lead - for example, in relation to the assisted completion of forms relating to personal independence payments, on which four organisations had developed prototypes for different stages of the process.
      2. There had been a degree of experiment, initially sparked by the Dutch Rechtwijzer project, with deploying the interactive capacity of information-giving digital provision through guided pathways (see below).

3. There had been some experiment with 'blended services' like55which was joint winner of a national UK legal access challenge, which combined in a new way digital provision with more traditional individual services.

3. digitalisation of court procedures. England and Wales had embarked on the most ambitious jurisdiction-wide programme of court 'modernisation' but others were also exploring remote hearings. These gave such procedures a familiarity when the pandemic took hold and also provided, for those jurisdictions that had developed them, a platform for further emergency developments to help deal with the problems that emerged.

4. growth of a 'digital first' approach to the delivery of government services. Many countries, the UK among them, were in the process of moving services online and expecting users to follow. The main UK social security benefit, Universal Credit, requires a digital application. As a Department of Work and Pensions blog reported in 2016, this is habituating a whole new group of people to the digital world - both to technical skills and their application - 'They're getting used to having user names and passwords, and security numbers which many people have not had to use before, so I think that's a really good introduction to the digital world.' The pandemic has given impetus to the digital first approach of medical services eg in the National Health Service which will increasingly familiarise people with a digital approach.

5. There was, in any event, a widespread shift to using the net as already manifest in shopping. For example, Forbes reported in May that, prefiguring a global future, more than half of all South Koreans, aware both of Covid and the legacy of MERS, used their smart phones to order food and drink in March of this year. The *Daily Telegraph* reported in November a 200 per cent increase in the profits of Amazon during the pandemic. Back in January, the increase in online shopping was already clear: 'So far, **69% of Americans** have shopped online, and 25% of Americans shop online at least once per month. The majority (59%) of these shoppers bought clothing items, and **47% bought** their first item on Amazon.'

6. At some stage in discussing technology for access to justice, we have to confront the extent and nature of 'digital exclusion' and to estimate the numbers of those who cannot use the internet so that we can make appropriate decisions on service delivery. The UK Office for National Statistics estimates that 'The number of adults who have either never used the internet or have not used it in the last three months, described as "internet non-users", has been declining over recent years. Since 2011, this number has almost halved, but in 2018 there were still 5.3 million adults in the UK, or 10.0% of the adult UK population, in this situation.' The practical extent of digital exclusion remains contested. Tech guru Richard Susskind takes a bullish approach, repeating the ONS figures: 'Professor Susskind responded by saying that 90% of adults in the UK last year had recently used the internet and a further 5% were 'proxy users', helped by children or grandchildren, meaning that only

5% were digitally excluded.' Others argue that digital exclusion is likely to be concentrated among the poorer sectors of the population; that ONS figures are based around 'digital skills'[1] and underestimate limitations of language, physical and mental ability, and culture. But, out of this, seem to be a number of conclusions:

1. digital exclusion exists and is of such a magnitude (maybe 25 per cent of the most vulnerable and poorest in the population) that it requires addressing.
2. digital exclusion is reducing but will never be eliminated.
3. digital skills cannot, in practise, be separated from skills in relation to handling legal problems.

Covid 19 - future trajectory of the pandemic

8. We need to make an assumption about the progress and impact of the virus. Initially, it might have been possible to see the virus as a blip which would be, in the words of the British Prime Minister, 'over by Christmas'. However, Dr Matthias Schmidt, an expert involved in treating some of the early UK cases, thinks that '"we will [not] be able to eradicate this disease over the next year or two years. We have to live with it. So our hospital is making plans to live with this for the next year to two years and therefore everybody else has to do that. 'In other words, adaptation is going to be permanent rather than temporary. If coronavirus is going to be with us for this sort of length of time, legal aid agencies will have, like everyone else, to adapt.

9. A continuing pandemic will affect the underlying problems suffered by people. Unemployment – and consequent poverty showing up as problems with matters like welfare benefits, debt and housing – is likely to be ferocious. For the UK, the Bank of England has said that 'the "plausible illustrative economic scenario" for UK growth and jobs … could [mean that] unemployment

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[1] The Tech Partnership Basic Digital Skills framework[1] describes five basic digital skills that can be used to measure digital inclusion (PDF, 3.16MB) and the activities someone should be able to do to demonstrate each skill. These are:
1. managing information: using a search engine to look for information, finding a website visited before or downloading or saving a photo found online.
2. communicating: sending a personal message via email or online messaging service or carefully making comments and sharing information online.
3. transacting: buying items or services from a website or buying and installing apps on a device.
4. problem solving: verifying sources of information online or solving a problem with a device or digital service using online help.
5. creating: completing online application forms including personal details or creating something new from existing online images, music or video.

more than double[s] to around 9% [and] Britain is likely to be living with a legacy of high unemployment for some years to come.'

10. We are, therefore, likely to be approaching a perfect storm where a tsunami of increased need meets fiscal tightening in expenditure of governments which are close to bankrupt. This increases the pressure to use technology to the maximum.

Covid 19: immediate effects - remote working and its implications

11. The immediate lockdowns in March and April required agencies around the world to establish some form of digital presence – if only, at the most basic level, by using personal mobile phones and laptops. But, to operate properly a bit more infrastructure is required – such as systems to allow communications for staff working remotely; ensuring that public phone numbers could continue to be answered (usually through voip or voice over the internet protocol); using online case management systems and so on.

12. The crisis struck the whole of the legal sector. Predictably, the large commercial, 'Biglaw', firms found the immediate transition the easiest. They often had the systems already in place: 'One [large US corporate] firm tested its work at home arrangements on Friday and was able to announce that it was shutting down its office on Monday. Another decided on remote working on Wednesday and was ready with 'full remote' on Friday.' In the legal aid sector, Victoria Legal Aid, a large and well-organised provider, was more or less equally ready: 'In the last few years, VLA has upgraded its technology; moved to Microsoft Office 365 including Skype for Business telephony given everyone a tablet; and largely shifted to the cloud. So, it was well placed for the move to remote working.'

13. Many smaller providers were also ready – particularly when their technical infrastructure was centrally provided. The director of Hamilton Community Legal Clinic in Ontario reported early on in the pandemic: ''Everyone is set up to work from home. Most people do so.' Systems retained wrinkles, often relating to the mundane need physically to pick up post. Systems and compromises evolved and the lockdowns were of varying intensity over the world: "My co-director and I go in alternately once a day. We still get mail. We get deliveries. We need to troubleshoot. Caseworkers only come into the office as an exception when something requires them to do so. Tribunals still use faxes so often staff need to come in to use the fax machine."'

14. Some smaller advice centres dependent on their own resources found more difficulty, The Law Centres Network for England and Wales reported early on ''Our Law Centres are struggling with their IT needs. Few Law Centres have work-provided equipment that they can use at home (laptops, work mobiles) and others have been struggling to find the right office equipment (using their ironing board as a desk or taking private client calls in cupboards). This present a wide issue that we are trying to address through extra emergency funding.' That identifies a continuing problem for low paid staff – which many advice and law centre sector employees will be – who are living in constrained accommodation.

15. Nevertheless, the transition to remote working by staff seems to have largely been completed at the technological level. Workarounds have evolved for deficiencies – such as the use by clients to photograph documents rather than copy them if they have a mobile phone but no laptop or PC. All this has been critically dependent on technology but has not involved any great level of innovation. For the most part, organisations had at least some groundwork in place and just stepped up a gear. Even those with little originally in place in March have adapted by now because their users have been unable or unwilling to attend offices. Courts and tribunals have often shut or shifted largely to remote working. The cost of technological upgrading may, however, add significantly to the financial pressures on the smallest community-based operations.

16. Biglaw reported early on that the shift was much more to video than audio: '"The default is now to jump on a video call"'. And experience seems to suggest that video works better than audio in remote court hearings. We will return to the issue of video and the 'zoomboom' later. But it may be that cost and lack of equipment mean that the phone is still preferred by many clients on low incomes. You would predict that agencies that can get funding for it would follow the example of those agencies – Pro Bono Ontario or Legal Aid BC are just two examples – which are able to provide toll-free numbers to call. You would predict much more use of email communication – with digital exclusion exaggerated by the closure of so many libraries and free wifi spots such as Starbucks. The easing of legal restrictions may, however, open up wifi to a wider group of users.

17. Many Biglaw firms are reconsidering their leases for large, city-centre, atrium-boasting headquarters. As legal aid and advice providers ponder the same process, a fresh range of issues will arise beyond the initial coping strategies. Long-term success of remote working will depend on successful systems to maintain remote mentoring and supervision as well as structures to hold together staff members who physically see each other other - though the

likely final pattern will be a blend of staff working from home and in the office. Offices are likely to change, however, for both staff and clients under the demands of social distancing.

18. Small advice agencies will have to develop management systems similar to those in larger operations and this may prove more of a challenge.

19. Remote working will put a strain on the central spine of an organisation's case management system. There will be organisations which have sailed through the emergency phase but where, longer term, there will be a need to upgrade to commercial-level standard case management systems. Managers will need access to dashboards setting out progress of cases; caseworkers will need prompts for deadlines; standard documentation and procedures will have an obvious advantage; central digitally held case information will be essential; ways of mentoring, teaching and supervision digitally will have to be developed. Some agencies will have this. Others may well see the advantage in developing it. Homegrown systems like the UK's AdvicePro, widely used in the UK, may need to upgrade or cede the way to tailored commercial alternatives. The same may be true of LegalServer, the US equivalent. Commercial firms like Clio may see an opportunity to extend into this market with systems that are slicker; have received more investment; and can be individualised more easily.

20. Shared case management could take on a positive role in harmonising approaches within the access to justice system. probono.net reported on an immigration project in the US where 'One provision used quite commonly by immigration projects is Citizenshipworks … This allows users to build their own application for citizenship using tools which they can access directly access from the net or which can be 'white labelled' and used by other organisations. The application can then be used as a base for advice along the way by those that need it.' You can see potentially very interesting ways in which this sort of individually tailored – but basically shared platform that encourages the active management of cases – could be developed within a community of different providers which was sufficiently co-operative.

21. The topic of video deserves consideration in itself. Video is currently identified with zoom as vacuum cleaners with hoover. Zoom's use apparently soared 30-fold in April 2020 alone. There have, of course, been widespread worries about its privacy, though the company has sought to address these. There are alternatives – Microsoft Teams or Facebook, for example. In any event, the 'zoomboom' needs consideration. Agencies are using video to keep in touch internally. Video can clearly compensate for lack of personal contact.

22. Zoom clearly has potential in terms of training. Even Harvard Law School has gone online. In the UK and for advisers, the National Association of Welfare Rights Advisers has found going online for its training sessions and Terry Stokes of rightsnet reports,'A recent conference by them attracted almost 500 attendees on Zoom when they would usually get less than 100. The potential of zoom conferences, with their potential for international participation, is rapidly increasing. Legal Geek in the UK and the Legal Services Corporation in the US are just two organisations holding remote conferences during the pandemic.

23. Technology is being used to increase the support to networks in the field. In the US, the Self-Represented Litigants Network has used regular video calls to keep members of its network in touch. Ease of recording allows webinars to be put on the net for wider distribution – as BC's People's Law School has done in an upload of a video of a discussion on strategies for public legal information (PLE) to its website.

Changes to external delivery

24. Much provision of legal advice for people on low incomes – both in the private and public sector – has traditionally been based on face to face services and community networks of human beings in person. The first response of agencies and firms has been to transfer communication as much as possible to telephone and video. Most agencies are continuing simply through phones. For those still using – or beginning to return to – an office, thought will have to be given to protection measures such as see-through grills; the wearing of masks and the decontamination of documents; the elimination or diminution of the use of internal waiting rooms. Use of drop in services is likely to be constrained. You need an appointment even to return books to my library in London.

25. All the above is going to accelerate a shift to information and assistance provided on the net to which people can be directed or find by themselves. For all the problems of digital exclusion, this move has already begun. For example, the Citizens Advice Service in the UK has been in the process of shifting information online to relieve the pressure on its traditional advice bureaux. Other jurisdictions have similar digital offerings. For example, there is the Steps to Justice programme of CLEO in Ontario or Illinois Legal Aid Online in the US. The latter has a Question and Answer front page which allows a degree of dialogue in identifying your problem.

26. A site like MyLawBC takes the provision of online information one step further in terms of using guided pathways to take the user through information with a Q and A approach. This makes an

interesting comparison with a 'flat' two dimensional approach. This curated approach to information seems likely to grow because it begins, at least with the user and then fits the relevant information to their individual need. Agencies are likely to explore how better they can tailor information to users in a more interactive way.

27. There are likely to be opportunities here for agencies that wish to deflect queries for users sufficiently adept at using the net to a website that can answer their query. A final report of the recent government-funded Legal Access Challenge in the UK recorded that half of the proposals which had received 'involved an element of tailored guidance, for example supporting users to understand their rights and the options available to them.'

28. Guided pathways lead on to the rather more vexed issue of chatbots. We clearly need to explore their potential role in expanding services. It is worth looking at Chicago's Rentervention as an example of how a chatbot can be portrayed as 'a Chicago tenant's best friend'. And, if your taste is more commercial, you can check out the phenomenon that is Joshua Browder and his ever-widening Do Not Pay suite of apps. This makes a number of claims summarised on its app page: 'How does it work? FIGHT CORPORATIONS: let us know your problem and we will contact the corporation for you. Never have to waste hours on the phone again! BEAT BUREAUCRACY: appeal your parking and traffic tickets and have government paperwork (DMV, SSA, TSA etc) completed automatically. FIND HIDDEN MONEY: even if you don't have a problem, DoNotPay can analyze your accounts to find hidden money. For example, bank fee refunds. SUE ANYONE: owed more than $500? DoNotPay allows you to generate demand letters, court filings and even a script to read in court to get your money back.'

29. Some of the DoNotPay claims can be subjected to a degree of nitpicking - and may yet reveal issues relating to connection with commercial products for which they act as an attraction. But Joshua Browder poses a real question for access to justice. Will his development of a guided pathway into an interactive chatbot approach become attractive to users? He is certainly getting serious funding and last month announced the raising of a further $12m funding from experienced Silicon Valley investors. They think he has got something. And his 'start-up is now worth an estimated $80 million (£63.6 million).' It is true that the most sophisticated advice chatbot in the world, Nadia, with all her apparent emotional interactivity and the soothing voice of Cate Blanchett, did not make it. Australia's National Disability Insurance Scheme called time

on its project. She was hailed as a 'gamechanger': she wasn't. But Mr Browder's brash and less ambitious bots will ultimately show a way forward for the automation and transformation of digitally provided information. Someone, somewhere should certainly be exploring the possibilities. Mencap's chatbot was, after all, one of the winners of the Nesta challenge.

30. Less ambitious – but still in the field of the interactive provision – is an increase in the development of self-assembly documentation. Here, the US is way ahead of the field – particularly the UK. Yet there are signs even in the UK of interest. The second largest grouping of proposals (a quarter) in the Nesta challenge related to document automation. Somebody in the UK needs to do a deal with A2J author which dominates the US public legal services market for self-assembly documentation. This is 'is a cloud based software tool that delivers greater access to justice for self-represented litigants by enabling non-technical authors from the courts, clerk's offices, legal services organizations, and law schools to rapidly build and implement user friendly web-based document assembly projects.' It is produced by CALI, the Center for Computer Assisted Legal Instruction— there are multiple youtube videos showing you how this works. Basically, the user is asked around half a dozen questions in a visual sequence as they move towards a court house. The programme then produces a document in the appropriate form. The idea is infinitely customisable.

31. In the UK, we have had limited experiment with document self-assembly. We have nothing so impressive. But there are now a number of British versions of self-assembly appeal, claim or review letters for a problematic but important benefit known as a Personal Independence Payment. These are published by CPAG, a small south of England organisation known as SeAp and AdviceNow. In addition, legal publishing behemoth Lexis Nexis announced in July the availability of a 'Simplified Personal Independence Payment (PIP) form, a digitised version of the Department of Works and Pensions' (DWP) paper-based, handwritten and highly complex PIP form for disability claims in the UK'.

32. There will be other developments that are worth exploring over the forthcoming months as agencies are inspired to use their creativity to overcome the restrictions imposed on them by the virus. One step beyond self-assembly documentation is the development of platforms and programmes that assist litigants through the process of resolving their claim. This is the approach taken by Citizenship Works in relation to immigration cases in the US.

33. Integrally linked with any of the particular experiments with innovation is a philosophy which may deserve more attention in some areas of the world, perhaps particularly the UK. Historically, you can see the legal provision for those on low incomes as provided within two major contrasting different philosophical or political frameworks. It may be that we should acknowledge a third prevalent in at least some areas of the US - the right of consumer choice. However, the main tension has been between legal aid as a service and legal aid as a source of social empowerment. Jurisdictions - and, indeed, organisations, may deploy both. But, in those jurisdictions where it has not been strong, it may be time for legal empowerment to have a renaissance. Legal empowerment is already flying high in countries with developing economies and – as advocated by bodies with a reach into the Global South like Namati, the Open Society Justice Initiative or HiiL. The widely discussed approach of unbundling services represents, effectively, a highbred between a service and an empowerment approach.

34. Concepts of legal empowerment are a powerful element of the ideas of public legal education that are so much better implanted in the US and Canada than the UK. An example in the UK of an organisation with the same philosophy would be law for life. And, whether produced by them or others, one might predict a range of initiatives using legal empowerment as an overall concept.

35. There is going to be unprecedented incentive for agencies to collaborate, network and develop common strategies and learnings. What are the successful ways of increasing a digital presence while preserving physical assistance for those who will need it? If someone develops a good self-assembly documentation programme, how can others learn about it? Before Covid 19, the transmission of such information was somewhat hit and miss. It was dependent on largely national networks like those of the Self-Represented Litigants Network or Legal Services Corporation in the US or the Litigants in Person or Law Centres Networks in the UK.

36. Covid has actually given a boost to national and international liaison through zoom or other similar products. Legal Geek's annual conference in October, traditionally held in London, went online. The ABA has announced that its popular annual Techshow, usually held in Chicago in March, will 'reboot' as a virtual conference. The International Legal Aid Group, which usually meets biannually and was due to convene in Australia next June, is about to announce that it too will go virtual. Agencies operating in the South West of England met virtually with others from all over the country. In the US, the Self Represented Litigants Network holds regular video gatherings. This provides a new way in which agencies, both national and international, can swap experience and building up a shared understanding of what works and

what should be explored. That might mean that we could begin to explore, at the very least, a shared analysis; a set of priorities; and swap news of promising developments.

Blended Services

37. It is apparent from many of the innovative uses of technology in the access to justice field that what is crucial is the way in which it is used and, in particular, how technological innovation is blended with traditional, individualised ways of helping people. Prior to the Covid pandemic there were some interesting examples of what is effectively a new way of providing services of which we can produce three examples:
    1. Her Majesty's Courts and Tribunals Service is using tribunal case workers to assist users through digital processes.
    2. Nesta Legal Access Challenge winner, FLOWS (Finding Legal Options for Women Survivors) provides a mixture of digital and individualised services. This incorporates a range of provision including an online tool for a court application with links to sources of support.
    3. Justify.nyc provides services which 'augment, not replace, the support systems and resources that work to keep tenants in their homes and communities. Without reinventing the wheel, we leverage technology to break down the barriers of a bureaucratic and imbalanced housing system, and accelerate the goals of the tenant movement to end displacement and provide housing for all.' It does this by a combination of technology giving information and providing self-assembly documentation with linking to community organisations.

38. It is becoming apparent that we should not consider technology in a binary context - desirable or not - but in a blended way - how can we best use it. We should explore projects which blend technology with individualised services to see what works.

Covid 19 and Remote Courts

39. The subject of remote courts merits discussion by itself. Most jurisdictions have shifted to some level of digitalisation of court procedures and there has been considerable coverage of the results. The immediate issue for legal aid organisations is the minimum standards for legally aided and self-represented litigants. We should perhaps discuss the principled issues that need to be considered. They include: compliance with the requirements of open justice and press/public accessibility; minimum technical requirements; the lessons of best practice; how litigants in person are to be accommodated (and, in particular, whether a self-represented litigant should have the right to refuse a substantive digital hearing); the minimum requirements of data and information on the court service.

40. So. Here is to a good discussion.