

## **Digital Delivery Of Legal Services To People On Low Incomes:**

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*This paper is a summary of a full report, which is available at [thelegalfoundation.org](http://thelegalfoundation.org).*

Scan the world for innovation in the use of the internet to deliver legal services to people on low incomes and you find a profusion of creativity. Private providers, not for profits, statutory bodies, governments are all engaged in major projects which, if successful, will change how people resolve their legal disputes. This paper follows earlier research, the findings of which were published only in January 2014<sup>1</sup> but from which significant developments are already clear. Providers are becoming more professional; video is being better integrated into websites; the presentation of information is being transformed by the introduction of guided pathways that lead the user interactively through difficult issues; the provision of information and advice is being transmuted into processes of online dispute resolution; the potential of integrated document assembly programmes in advice provision is pushing courts and tribunals to update their online capacities; sites are seeking to adapt to the rampant growth of mobile phones as primary means of access to the internet, particularly among young people; attempts are being made to integrate advice and information into online dispute resolution..

Driving this innovation is money allied to imagination and technological opportunity: a powerful brew. Private providers are seeking to open up low cost, high volume 'latent legal markets'. Governments are seeking to stabilise or reduce the costs of publicly funded legal services. Not for profit organisations are seeking to extend the value of services that they can provide. Funders are interested in exploring the possibilities of the new frontiers being opened up by digital delivery systems that promise to revolutionise legal services just as they radically changing shopping patterns more generally. The most creative staff in each sector want to explore the possibilities of a new medium that they feel must, surely, have much to offer. Albeit, it must be admitted, all this is being done in a terrible financial post-crash financial climate in which much needed conventional services are being cut.

This report provides a snapshot of global developments and the issues for governments, funders, providers and users which are raised. Geographical coverage is inevitably biased by limitations of resources in favour of England and Wales, the jurisdiction of its origin, and also to the United States, the Canadian province of British Columbia and the Netherlands. The pioneering work of the

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<sup>1</sup> R Smith and A Paterson *Face to Face Legal Services and their Alternatives: global lessons from the digital revolution*, Centre for Professional Legal Studies, Strathclyde University, available at [http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face to Face.pdf](http://www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf) (*Face to Face*)

Australian Ministry of Justice of New South Wales in its LawAssist and LawAccess provision was detailed in *Face to Face*.

Failure to cover any development worthy of inclusion but inexplicably omitted can easily be remedied. This report is necessarily provisional. The Legal Education Foundation (LEF) intend to follow it with quarterly newsletters through 2015, culminating in a full review of developments at the end of the year. Let us know of omissions - both of description and argument - and we can correct as the year goes by.<sup>2</sup> The LEF wants to provide a resource that will be useful both globally and nationally and which will help to guide its own funding decisions.<sup>3</sup>

In all the excitement of the 'shock of the new', two restraining elements have to be recognised. First, we cannot assume that digital delivery will be universally accessible. Excluded populations will be disproportionately found among those on low incomes - planning must allow for that. Secondly, underlying all the froth about delivery is the unavoidable fact that content will remain king. Here is an example of really good, practical advice from a court website (Connecticut in the US) about how to handle low technology dealings with court officials. It is not interactive; it does not use video; it is a simple, old fashioned list of really good tips on how to keep track of vital interactions

The report is based upon a series of papers which are separately published on the website. It is here framed as a series of questions and answers.

#### 1. *What is the current state of relevant digital development and access?*

As a general observation, few would dispute the emergence of what has been called a 'second machine age' that will transform society through 'real, useful artificial intelligence' and 'the connection of most of the people on the planet via a common digital network', all made possible by ever increasing processing capacity.<sup>4</sup> An iPad 2 tablet in 2011 had more processing capacity than a 1985 Cray supercomputer and with that came a dramatic shift in cost (downward) and performance (upward and outward as previously separate technologies like phones and televisions converge). The pace of change continues.

Relevant implications of this ongoing digital revolution include:

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<sup>2</sup> Write to Roger Smith at [rsmith@rogersmith.info](mailto:rsmith@rogersmith.info)

<sup>3</sup> This will be part of the Legal Education Foundation website:  
<http://www.thelegaleducationfoundation.org>

<sup>4</sup> See further E Brynjolfsson and A McAfee *The Second Machine Age* Norton, 2014 from which the quotes below are taken unless otherwise indicated. Detailed references are given in the working paper.

- (a) the internet is becoming 'so effortlessly interwoven into daily life that it will become invisible, like electricity';
- (b) mobile connectivity through mobile or cell phones is changing how people perceive communication: it has also 'affected the way people allocate their time and attention';
- (c) users increasingly obtain information from video sources such as YouTube and Vimeo;
- (d) use of social media has expanded with wider social networks on which people rely with the result that, as the influential US Pew Center put it 'traditional boundaries between private and public, between home and work, between being a consumer of information and producer [are] blurred'<sup>5</sup>.
- (e) the field of health is providing examples of how provision in law might develop - with specialist patient fora; online communities; online clinics and, in consequence, the development in the UK of NHS information standards to protect the quality of information.<sup>6</sup>
- (f) the general growth of what in the legal field would be called 'unbundling' and 'self representation' e.g. in self management digital communities for those sharing conditions such as diabetes;
- (g) a growing concern about whether the high access among young people to the net (pretty well 100 per cent in the UK and US) is coupled with 'a perhaps surprising lack of digital literacy and capacity to identify the best forms of assistance'.<sup>7</sup>

Consideration has to be given to the question of 'digital divides' and the exclusion from the internet of some groups in the population. For the UK, Oxford Internet Study research suggests that 'divides are narrowing, but digital inequality persists by age, education, income'. The issue is not physical access: almost everyone can get access via a library or a 'proxy'. Barriers relate more to cognitive abilities, skills and culture. Furthermore, the Oxford Institute has discovered that 14 per cent of those with online access are not fans. They do 'not feel that the internet makes them more efficient, nor do they enjoy being online to pass the time ... they feel frustrated that the internet is difficult to use and harbours too much 'immoral material ... they feel excluded from a technological context which is "not made for them"'.<sup>8</sup> We have worrying suggestions from research that, though young people have high levels of access to the net through near ubiquitous mobiles and smartphones, it cannot be assumed that they are willing - or able - to use it as a definitive source of advice.<sup>9</sup>

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<sup>5</sup> See [www.pewinternet.org/three-technology-revolutions/](http://www.pewinternet.org/three-technology-revolutions/)

<sup>6</sup> see paper on context REF

<sup>7</sup> C Denvir, N Balmer, P Pleasance, 'Surfing the web - recreation or resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension' in *Interacting with Computers* 2011, 23, pp96-104.

<sup>8</sup> p12, William H. Dutton and Grant Blank with assistance from Darja Groselj *Cultures of the Internet in Britain Oxford Internet Survey Report 2013*, University of Oxford, 2013, from which quotes relating to the UK are taken.

<sup>9</sup>

see [http://www.youthaccess.org.uk/uploads/documents/Advice%20Publications/YPs\\_Access\\_to\\_A](http://www.youthaccess.org.uk/uploads/documents/Advice%20Publications/YPs_Access_to_A)

Once this 14 per cent of discontented users is added to the reported 20 per cent of non-users, we have around a third of the population either not using the internet or not happy with doing so. This figure for exclusion is likely to reduce over time - if only as those now young and familiar with smartphones inevitably age but people who are poor, old, less well educated and (at least at present) with a disability are likely to continue to be disproportionately excluded. Currently excluded populations will, to some degree, adapt to the surrounding culture and be forced to do so by governments keen to drive digital services in order to save costs of administration. However, we are left with a sizeable group of the excluded - likely to be disproportionately high among those on low incomes. A reasonable working assumption would seem to be to assume that the overall excluded population rises from about a third to around a half of those on low incomes because, among them, will be disproportionately more of the specifically excluded populations.

The policy consequence is clear. Digital delivery can - and should - play an important role in delivering legal services to the population as a whole but, for the foreseeable future, it will need to be supplemented by more traditional face to face mechanisms for something like a half of those on low incomes. Thus, a degree of realism is required over what is possible in terms of digital delivery. In addition, it is likely that digital provision which can incorporate individualised or face to face options will be more successful than that which does not.

## 2. *What is the current pattern of digital provision?*

In the field of digital delivery, it remains - as reported in *Face to Face* - the age of Aquarius. There is widespread innovation and experimentation. Developments might be categorised as follows:

(a) for profit legal providers are seeking to access the 'latent legal market' ie using the net to provide high volume, low cost services. Innovative, web-based initiatives include:

(i) 'winnowing' or 'gleaning' sites that provide free information as a way of attracting more valuable cases.

An example is provided by Roadtrafficrepresentation.com which offers automated decision trees or guided pathways that deliver advice on sentence to users who input data on themselves and the offence with which they have been charged. It then proceeds to arrange representation for those who might require it at a fee

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[dvice\\_briefing.pdf](#) and C Denvir, N Balmer, P Pleasance, 'Surfing the web - recreation or resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension' in *Interacting with Computers* 2011, 23, pp96-104.

(ii) providers offering low cost deconstructed 'unbundled' services for fixed fees - many of whom are seeking high volumes through the establishment of national brands.

The establishment of these sites is assisted in England and Wales by the influx of external investment into legal provision consequent to the deregulation introduced by the Legal Services Act 2007 which facilitates external ownership of law firms. A pioneer in this field was Co-operative Legal Services - though this might have financially overreached itself, at least temporarily. Various overseas law firms have tipped their toes into the English market - some to quite a considerable extent - and these include Australia's Slater and Gordon and the US firm Jacoby and Myers. A homegrown response is emerging with Quality Solicitors - a federation of individual firms with common branding and a shared advertising 'front end' and an increasingly uniform offer to clients in terms of fixed fees.

(iii) various forms of 'virtual legal practice' that may incorporate unbundling and other means of delivery

Commercial providers are deploying a variety of means by which they manage legal cases through virtual portals by email or otherwise: [divorceonline.co.uk](http://divorceonline.co.uk) is but one example.

*Divorce-Online - The Fast, Affordable and Easy way.  
We can complete all required divorce forms and send them to you within 24 hours for just £69. Or we can manage your whole divorce process including dealing with the court and judge on your behalf for just £189.*

in the US, [legalgenie.com](http://legalgenie.com) was set up by the Legal Aid Society of Orange County, California. It combines referral from a website or telephone hotline to a lawyer with some provision of automatic document assembly and telephone legal advice. It is aimed specifically for those above legal aid eligibility levels but on low incomes. A leader in the field of virtual legal practice is Stephanie Kimbro. She is experimenting with 'gamification', using the techniques developed in games to provide legal information in relation to estate planning.<sup>10</sup>

(iv) various forms of managed online communities

These are sites which provide facilities for online communities (see below) but with some form of profit generating mechanism behind them. For example, [wikivorce.com](http://wikivorce.com) has a link to a solicitors firm to which a user of the not for profit site can be referred. Another example would be [legalbeagles.info](http://legalbeagles.info) which provides free discussion fora on a

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<sup>10</sup> <http://www.openlawlab.com/2014/02/04/estate-quest-video-game-estate-planning/>

whole range of consumer law topic and is run by a paralegal in a firm of solicitors to which referrals are made.

*Wikivorce is a well respected, award winning social enterprise  
Volunteer run - Government sponsored - Charity funded  
Our organisation helps 50,000 people a year through divorce*

*Who are we?*

*Founded in May 2007 LegalBEAGLES® is a FREE forum offering support, discussion & advice in many areas of your life. Made up of dedicated & enthusiastic individuals who are experienced in consumer issues. Most of us are fighting, or have successfully fought, our own battles against the major financial institutions. We are committed to remaining free to access to all our users.*

(b) online communities free to users

These have been very successful in the health field: [mumsnet.com](http://mumsnet.com) is an example of a high profile UK site which deals with a range of topics of concern to mothers, including aspects of the law. It is a commercial oriented site but it seeks to fund itself from advertising rather than from fees. It also includes guides to the law from aspiring national solicitor brand, Slater and Gordon.

(c) government free information sites

All governments make available large amounts of information - and increasingly do so on the internet. In the UK, there has been a move to place all of this within one overall source - [gov.uk](http://gov.uk).

The inherent authority of this information is invaluable and clearly governments have a responsibility to inform citizens. However, there are difficulties. Some are illustrated by the UK Sorting out Separation site. It is so influenced by the desire to encourage mediation among splitting couples that it hopelessly simplifies the kind of problems that people face in practice - with consequent dents to its credibility (as detailed in *Face to Face*<sup>11</sup>). A more openly acknowledged failure was the UK [moneyadvice.service.org.uk](http://moneyadvice.service.org.uk) website which stood accused of 'reinventing the wheel and spending millions of pounds in brand building .... unnecessarily' both by outsiders and the specialist Parliamentary Committee to which its sponsoring department was accountable.<sup>12</sup>

The difficulties are not insurmountable. Government departments can deliver high quality advice provision - as is illustrated by New South Wales' [lawaccess.nsw.gov.au](http://lawaccess.nsw.gov.au) though this is assisted by

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<sup>11</sup> p47-8

<sup>12</sup> See paper x on Portals

its form as an ‘aggregator’ site that pulls together material produced both by government departments and others.

(d) not for profit legal portals and ‘triaging’ sites

The advantage of one or more general portal sites per jurisdiction is clear. Their creation in each state of the US was the first recommendation of the Legal Services Corporation’s 2013 technology summit. They can be divided into different types on various bases including:

(i) aggregator or comprehensive

This is not necessarily a material distinction, in principle. To the user, there may be little difference in whether the site provider is the source of the information or whether referral is being made to another organisation. Examples of comprehensive provision from the US by the providers of the site itself would be [illinoisonline.org](http://illinoisonline.org) or two well produced Canadian sites, [educaloi.qc.ca](http://educaloi.qc.ca) in Quebec and [yourlegalrights.on.ca](http://yourlegalrights.on.ca) in Ontario. Both are linked to wider public legal education programmes: the presentation of the content of the Quebec site is particularly excellent.

#### [About Éducaloi](#)

*Éducaloï is a non-profit organization founded in 2000. It is a leader in the movement to improve access to justice in Quebec. Our mission is to inform Quebecers about their legal rights and responsibilities in language that makes the law easy to understand. In everything it does, Éducaloï draws on established techniques from the fields of legal education and plain language. High standards of legal accuracy are at the core of our work.*

By contrast, a range of other sites marshal information provided by others with varying degrees of comment, rating or linking. Examples are the law access site in NSW; Clicklaw in British Columbia; [advicenow.org.uk](http://advicenow.org.uk) in England and Wales.

*Welcome to Clicklaw*

*This site provides legal information, education and help for British Columbians. What is here for you?*

*About the Advicenow search*

*Handpicked pieces of quality information, sourced from the best providers, tailored for your needs. We do the searching for you*

*In the Advicenow handpicked search you can find the web's best information on the law and rights. We've gathered together information from over 250 UK websites, checked that it's up-to-date, and covers the issues that are important to you.*

*If you have a law-related problem or want to know more about the law and your rights, don't wade through endless internet pages. Just type a word or phrase into the Advicenow search box. We'll present you with a choice of hand-selected, quality-checked results.*

*All shapes and sizes*

*From fast facts and top tips to detailed leaflets and step-by-step guides there's something to suit everyone.*

*The information covers England and Wales. The law for Scotland and Northern Ireland can be significantly different.*

*How to use our Internet search*

*Either select a topic from [Browse all topics](#) , or type a few descriptive key words into the search box and press Enter or click 'Search'. The search is not case sensitive.*

*For example, type "tax credits" into the search box and click on 'Search'. The results in the left-hand column will provide a list of web pages dealing with this issue. Each entry will contain the title of the page; its web address (URL), a description of the page written by Advicenow, and the name of organisation producing the information together with their web address. If you click on one of these links, it will open in a new window. Each of these links is checked for accuracy and helpfulness every 6 months.*

*The right hand column of the search results will contain information on these topics from Advicenow.*

*If the word you used in the search falls within more than one topic area you will be given a summary of each of the relevant areas. Click on the most relevant topic to see the list of links on that issue.*

(ii) orientation as a gateway to legal aid or to other advice provision or as standalone

Some portal sites, particularly in the US, have been expressly established as a way of filtering people into (or away from) legal aid: [illinoislegalaonline.org](http://illinoislegalaonline.org) would be one example, and [MassLegalHelp.org](http://MassLegalHelp.org) another.

Others, like the two English sites - [adviceguide.org.uk](http://adviceguide.org.uk) and [advicenow.org](http://advicenow.org) - are emanations of not for profit advice organisations and represent those organisations plying



Heeft u een probleem of conflict? Rechtwijzer wijst u stap voor stap de weg naar een oplossing.

Door vragen te beantwoorden vindt u wat u in uw situatie kunt doen en wie u daarbij kunnen helpen. Ook biedt Rechtwijzer gereedschap voor het oplossen van veelvoorkomende problemen en conflicten.

- |                            |   |
|----------------------------|---|
| <a href="#">Uit elkaar</a> | <a href="#">Consumentenzaken</a>                |
| <a href="#">Overheid</a>   | <a href="#">Huurwoning</a>                      |
| <a href="#">Ontslag</a>    | <a href="#">Mijn probleem staat er niet bij</a> |

**Kinderalimentatie berekenen?**  
Check de tool in de gereedschapskist!



**Gereedschapskist**  
Hier vindt u gereedschap voor het oplossen van problemen en conflicten. U kunt bijvoorbeeld een brief opstellen voor een consumentenzakelijke, zelf kinderalimentatie berekenen of online een uitspraak maken.

#### Raad voor Rechtsbijstand

Rechtwijzer is ontwikkeld door de Raad voor Rechtsbijstand, in samenwerking met de Universiteit van Tilburg en het Justice Innovation Lab. De informatie en hulpmiddelen van Rechtwijzer zijn gratis en openbaar.

De Raad voor Rechtsbijstand regelt de gesubsidieerde mediation of rechtsbijstand. Dit doet de Raad op basis van de Wet op de Rechtsbijstand (Wvrb). Kijk voor meer informatie op [www.rechtsbijstand.nl](http://www.rechtsbijstand.nl) (link opent in nieuw venster).

Vragen over Rechtwijzer.nl? Mail deze naar [rechtwijzer@rvrb.org](mailto:rechtwijzer@rvrb.org) (link opent in nieuw venster).

their trade on the internet rather than having a primary filtering function for legal aid. However, this difference may explain history more than current function. These kind of sites are all designed to give initial information and assist in referral where necessary.

(iii) orientation towards dispute resolution

This is one of the distinctive features of the Dutch [rechtwijzer.nl](http://rechtwijzer.nl) site. Even in its current 1.0 version, it is seeking to identify and narrow the issues in dispute and the ways of

resolving them beyond the simple giving of information. Version 2.0, discussed below goes, much further and will offer, as will British Columbia's civil resolution tribunal a full service from information to resolution. The dynamic momentum of this approach represents a 'game changer'.

(e) stand alone specialist not for profit information sites

Almost every specialist not for profit legal advice provider has a website. For this project, we are concerned only with those aimed at non-professional users. In England and Wales, the best site on housing is run by the specialist housing organisation, Shelter. In other jurisdictions, such as BC and New South Wales, the aggregator sites direct users to specialist materials provided by their equivalents. This provides a reminder that, despite all the technology, content continues to be king. Specialist organisations have specialist information - about their subject area and sometimes too about a particular constituency of users. A good example of this is provided by the consideration of the problems of single parents given by their advocacy group, Gingerbread, on their website: [gingerbread.org.uk](http://gingerbread.org.uk). This, as you would expect, has the freedom to indicate, for example, that you might want to challenge a decision of the Child Support Agency - something difficult for a government site to acknowledge.

(f) assisting self represented litigants

There are evident reasons why sites have been developed in various jurisdictions to assist DIY litigants in court. Individuals taking court action are unavoidably brought directly into contact with complex legal procedures designed for, and by, lawyers. Judges generally find litigants in person a distraction from what they see as their 'proper' work, particularly in common law jurisdictions where the model of litigation is adversarial. Cuts or the non-provision of legal aid, particularly in family cases which generally require court decision making, expose litigants in person to an often alien

world - emotionally as well as legally. As common responses, New South Wales has developed its CourtAssist provision; the Royal Courts of Justice CAB is developing its CourtNav programme, BC has a variety of provision to assist litigants in person - including [SupremeCourtBC.ca](http://www.supremecourtbc.ca) and [small-claimsBC.ca](http://www.smallclaimsbc.ca); and California - the longtime leader in the field - has a wide provision of assistance for DIY litigants including its online self help centre - <http://www.courts.ca.gov/selfhelp.htm?genpubtab>.

(g) online dispute resolution and online dispute determination

An obvious development from face to face mediation is to take the process online. In England and Wales, provision like [divorcejigsaw.co.uk](http://www.divorcejigsaw.co.uk) and [divorceonline.co.uk](http://www.divorceonline.co.uk) are beginning to do this.

### Welcome to Divorce Jigsaw

*Divorce Jigsaw is a specialist mediation and collaborative law practice. Why? Because, divorce and separation can be a traumatic and difficult time for couples and their children. Things can sometimes feel out of control and conflicts can quickly intensify and turn toxic, damaging parents and children alike. I believe that there is another way to divorce, one that avoids the toll of court proceedings, both in terms of costs and emotional upheaval, and yet acknowledges the significance of this major life change with all that it entails.*

One step beyond such ODR processes - which are generally voluntary and, ultimately, not binding in court - is what might be termed 'Online Dispute Determination' i.e. the final and online determination of cases within a court structure that delivers judgements as enforceable as those traditionally obtained in person from a judge. The Netherlands has deployed an online element to the solution of some neighbour disputes. Australia is moving that way with partially online services from Consumer Affairs Victoria and the Dispute Settlement Centre of Victoria but the world leaders in exploring this field are British Columbia's proposed Civil Resolution Tribunal and the Netherlands' planned version 2.0 of its [rechtwijzer.nl](http://www.rechtwijzer.nl) programme. Both of these are close to fruition. BC passed legislation to establish the tribunal in 2012 which will allow the tribunal to deal with small claims and 'strata disputes' relating to liability for the common costs of a shared building. It plans to implement the tribunal in 2015, soon after the Netherlands will enact its Rechtwijzer 2.0 proposals. Both are based on modules which take a person through from intake through negotiation and facilitated settlement to adjudication: some of the models will be free and others paid for. By the end of next year, it should be possible to see how these are actually working and the final details of their implementation - still, in both cases, being worked out.

### Civil Resolution Tribunal Act

*British Columbia's new Civil Resolution Tribunal Act received Royal Assent May 31, 2012. The act establishes a new dispute resolution and adjudicative body, the Civil Resolution Tribunal, which has authority to hear some strata property disputes and, where the parties agree, small claims matters.*

*It is anticipated the Civil Resolution Tribunal Act will come fully into force and the tribunal will begin operations in 2015.*

*The new Civil Resolution Tribunal will provide an alternative to the traditional dispute resolution services of the B.C. Provincial Court's small claims division. The tribunal will be structured to encourage people to use a broad range of non-litigation based dispute resolution tools to resolve their disputes as early as possible, while still preserving adjudication as a valued last resort. It is intended, as with the recently enacted [Family Law Act](#), to encourage a collaborative, problem-solving approach to dispute resolution, rather than the traditional adversarial litigation model.*

*The Civil Resolution Tribunal will draw on proven technology and combine it with the flexibility, case management and dispute resolution strengths demonstrated by British Columbia's administrative justice system.*

- (h) sites that link legal assistance to the development of skills including emotional support

Some of the American court sites give practical assistance with skills necessary to help someone navigate their way throughout the courts, including with advocacy. At its very basic, Connecticut gives very simple tips on communicating courts and their staff. A number of sites seek to help someone with the question of whether they should represent themselves and how: Maryland delivers this as a Q and A quiz - steering potential litigants away from such goals as 'wanting to get even'. A number of jurisdictions have online training for those going through the breakup of a family, most interesting British Columbia where the Justice Education Society's FamiliesChange site (which incorporates the interactive educational presentation of Changeville for children to explore as a virtual representation of issues that they may face) is a world leader Changeville, which is described in more detail in *Face to Face Legal Services and their Alternatives*, raises a general issue about delivery on the net. In what circumstances should you use the techniques of 'gamification', of making the quest for legal advice and information into a game? Changeville appears to do that very successfully for its audience of children. More questions arise on the appropriateness of this technique for people seeking advice on a legal issue for which the notion of gaming may be seen as trivialisation.

- (i) sites that provide textbook level information on a shareable basis

Clicklaw Wikibooks is an example of a project using a wiki structure to place detailed book or pamphlet sized descriptions of the law - current in 15 areas - in a form which allows users to print, copy and re-use provided that they do so for non commercial reasons. The format also allows quick and easy updating by authors. This is of obvious use to the informed or skilled user, not least because the content can form a bridge to the primary sources. The resultant script on the screen, however, could be off-putting for someone not used to dealing with print at a highish level.

A number of jurisdictions have sites which are designed primarily for advisers rather than the general public. An example from England and Wales is [rightsnet.org.uk](http://rightsnet.org.uk) and from Canada [povnet.org](http://povnet.org). These have not been considered in this report: they have a different function from sites which are directed at the public.

### 3. *What is the context of the best digital services?*

(i) users must have a relatively high digital literacy. Providers, therefore, must recognise the consequence of digital exclusion. So, the best services are functionally integrated into face to face provision which can support those unable to use the web or which is available for assistance - such as the network of law counters where paid staff in the Netherlands support the Rechtwijzer. It also helps to have opportunities for chat, email or phone conversations with an adviser within the programme.

(ii) a feature of the jurisdictions with the best provision is leadership, creativity (perhaps also competition) and some degree of resources. Thus, the Legal Services Corporation has played a lead role in the US with its competitive Technology Initiative Grants program; the Dutch Legal Aid Board has teamed up with the innovative Hague Institute for the Internationalisation of Law; in BC, a more widespread leadership has been devolved among a crucial range of providers including government, Legal Services Society, the Justice Education Society, the courthouse libraries and a strong public legal education culture to drive forward a digital agenda.

(iii) an entrepreneurial culture and the convergence of once separate activity, eg to the courts, legal aid, mediation, advice. This is reducing the silos in which previously separate communities have developed material. In the UK for example, it would prompt a coming together of lawyers, legal aid funding, the advice sector and the courts.

(iv) a favourable constitutional context where government remains committed to access to justice (in some cases, despite major cuts to funding on legal aid or the courts) and, as in The Netherlands, there is an explicit government endorsement of the value to citi-

zens of self representation and self generated solution to legal issues. This, at best and as in the Netherlands, extends to a commitment to simplifying legislation to allow citizens to help themselves as well as facilitating digital development;

(v) a desire to make use of the interactive possibilities of the internet. Sites like the Rechtwijzer stand out because of their use of decision trees, guided pathways or series of limited options. These begin to challenge the static provision of much information and should begin to establish themselves as the new normal. They represent a quantum leap in the processing of information on the web and provides a major challenge to providers in re-engineering their knowledge.

(vi) a commitment to research and feedback. The Legal Services Corporation requires an evaluation of the effectiveness of its Technical Initiative Grants programme. Some provision has been the subject of analysis - for example, British Columbia's Justice Education Society's court-oriented assistance. It is perhaps understandable that, in the opening waves of development, people should experiment but, as we progress, we need to know more about how people actually use provision and a willingness to learn from experience will be an indicator of the best provision. In this context, it would be helpful to develop criteria for assessment which could be as widely agreed as is possible (see below).

#### 4. *What are the characteristics of the best internet provision?*

The best websites:

- (a) Meet basic standards. No site should be misleading; have major technical failings; be offensive or discriminatory; inadequately protect data, be out of date (preferably indicating when last checked); or inaccessible below the best current standards; be transparent about ownership.
- (b) Are user oriented: the content must be aimed squarely to the target constituency - not advisers or lawyers. Content must be specific, relevant, practical, balanced, in plain language, structured around key points and route maps of the way forward; translated into major languages of likely users; evaluated and continually adapted to user outcomes; and provide a way in which a user may give feedback on, or complain about, their experience.
- (c) Are functionally integrated with individualised assistance - both within and outside the site;
- (d) Meet current commercial standards of design - including responsiveness to different formats, particularly smartphones; effective use of graphics, audio and video; attractive presentation.
- (e) Are Interactive and resolution-oriented. They should offer a process that is interactive eg using 'guided pathways', dynamic using such techniques as guided pathways and oriented to the

resolution of any dispute or query, providing sample letters and forms, automatic document assembly, practical tips on proceeding, assistance with necessary skills, emotionally supportive;

(f) justify the expenditure on them either by proving that they are more cost efficient or effective than alternative forms of provision or because they can generate self-sustaining income. A starting list for relevant criteria might include the extent that provision can be proved:

- (a) to increase the identification and resolution of disputes;
- (b) to increase access;
- (b) to increase the affordability of assistance;
- (c) to increase the quality of services;
- (d) to comply with appropriate ethical standards;
- (e) to operate at a cost acceptable to its funder and likely to remain stable;
- (f) to increase the skills and capability of users;
- (g) to respond to the needs of users;
- (h) to generate feedback for policy-makers.

These are all indicators of a fundamental approach to develop provision which begins with the needs of users and re-engineers knowledge and information in consequence.

#### 5. *What 'new frontiers' are emerging?*

These are the developments in which progress is being made and which merit monitoring to assist in developing best practice.

- (a) the integration of automated document assembly programmes. This is old hat in relation, say, to the US A2J programs. They allow the building up of court forms with a visual interface that fronts an automated document assembly programme. They have yet to spread very far in England and Wales where courts are not even yet equipped in the main to accept electronic filing.
- (b) the integration of interactivity - through such mechanisms as guided pathways and the use of such mechanisms as video avatars to conduct interaction with the user.
- (c) the integration of effective video;
- (d) the incorporation of individualised assistance within standard packages;
- (e) ensuring or introducing a degree of creative competition to encourage developments;
- (f) holistic approaches that incorporate skills training and emotional support;
- (g) holistic approaches that take - either within one site or a linked series - a user through from initial contact to resolution of a problem;
- (h) online dispute resolution and, particularly, online dispute determination that involves courts, tribunals and judges being online;
- (i) methods seeking to address digital exclusion;

- (j) the incorporation of user generated comment;
- (k) appropriate inter-relationship between profit and not for profit assistance (as, eg, in linked web-sites);
- (l) the modification for - and potential relationship with more detailed provision - sites designed primarily for mobiles.
- (m) the development of transparent and widely agreed criteria for the assessment and comparison of sites across jurisdictions.
- (n) an agreed research methodology on effectiveness.
- (o) sustainable funding.

Digital delivery of legal services takes place, of course, within a context. At the moment, users of the Royal Courts of Justice CAB's CourtNav software have to print off their forms at the end of a digitally assisted process and physically lodge them with the court because there is no electronic filing. A digital intake and processing system has limited use if it ends with a whimper and not a bang as the user shifts to unreconstructed mainline services of a non digital kind.

6. *What should be international priorities?*

- (a) maximum recognition that law might be national but technology and skills are global. In consequence, much can be transferable (as is happening with collaboration such as that between the Netherlands and other jurisdictions and between BC's Justice Education Society and the California courts;
- (b) recording and disseminating latest developments;
- (c) developing and encouraging international pathways for communication and learning;
- (d) encouraging evaluations; sharing the lessons; and developing a shared methodology which would allow comparison of effectiveness and cost efficiency;
- (e) sharing lessons on which technology proves the best for which purpose