

Technology in the Courts: Improving Access to Justice for Self-Represented Litigants

Many judicial officers and court personnel find working with self-represented litigants (SRLs) to be one of the most challenging aspects of their work. While there is no way to make self-represented litigants able to litigate like lawyers, there are options to improve the experience for both the court and the litigant. This worksheet will help judicial officers and allied professionals consider ways to make the courthouse and courtroom more accessible to self-represented litigants.

This worksheet is broken into three sections that can be done individually or as a group. The first section provides questions to help you think through issues within your jurisdiction and to identify possible solutions. The second section provides additional ideas that you may want to consider as you work through your solutions. The third section provides a framework to create “SMARTER” goals and develop a plan to improve your court’s response to cyberviolence.

Section 1: Issue Spotting

- *What can you do in your jurisdiction to help encourage survivors of cyberviolence determine whether and how to seek out help from the court?*
- *What resources do you have or could you develop to assist self-represented litigants in properly presenting tech evidence in court?*
- *What can you do in your jurisdiction to help ensure that litigants draft comprehensive pleadings that allege their experience with cyberviolence?*
- *What steps can your court take to help connect litigants to information and resources (in the courts, online, or throughout the community) both pre-*

and post-court involvement?

- *What resources are available to you – both on and off the bench – while presiding over cyberviolence cases with self-represented litigants?*
- *What can you do in your courtroom to ensure that attorneys present relevant cyberviolence issues?*
- *Are there other steps that your jurisdiction can take to increase access to justice in cyberviolence cases?*

Ideas That Could Work in My Community:

Section 2: Additional Ideas

Improving Access to Justice for Self-Represented Litigants in Cyberviolence Cases

- **Assisting Self-Represented Litigants Before the Hearing:**
 - Self-represented litigants, including cyberviolence victims, often begin to gather information and assess their legal options well in advance of going to court. Therefore, it is critical to provide accessible and easy to find information about court rules and procedures, available forms, and evidentiary expectations. Providing resources can help self-represented litigants navigate the court process and connect with critical services. By making resources available, courts can increase the likelihood that litigants will come prepared to court and provide higher quality information and evidence. Options to consider include:
 - Providing online information via the court’s website. This might be on a separate tab listed as an online self-help center. This would guide SRLs on policies and procedures for the courthouse and your courtroom. Examples of information to include in a self-help center:
 - Downloadable and printable resources.
 - How-to videos.
 - Checklists.
 - Downloadable or online forms and petitions (in multiple languages).
 - Forms and petitions that are “fillable.”
 - Contact information for the court and community services.
 - Telephone services, perhaps via the court’s self-help center, to help meet the needs of those who do not have access to the internet.
 - Designating space(s) inside the courthouse with trained staff where SRLs can easily obtain information, materials, forms, directions, and community referrals.
 - Using technology to provide access to the court for those who cannot physically attend hearings due to distance, lack of transportation, safety concerns, physical disability, etc. For example:
 - Videoconferencing can enable individuals to appear remotely for court proceedings. Community centers, domestic violence

shelters, and legal “help vans” have all been used by litigants for remote appearances.

- Remote/e-filing can also be used to make court more accessible.

- **Helping Litigants During the Hearing:**

- Increase the technological capacity in the courtroom to accept certain types of digital evidence. Examples of increased technology capacity include but are not limited to the ability to project images from digital device or a jump drive; ability to print documents using Bluetooth technology; access to printers and phone charging docks; and the capacity to play audio and video in the courtroom.
- Provide for remote participation (video/phone) in hearings.

- **Tips for Tech Responsive Court Services to Better Assist SRLs:**

- Train courthouse staff and judges on cyberviolence and how technology can be misused.
- Provide access to multi-lingual staff or interpretation services such as Language Line.
- Arrange for remote access for litigants from DV shelters, advocacy agencies, etc.
- Offer information (in multiple languages) about technology misuse and how to gather, document, and admit technology evidence.
- Modify court forms for restraining orders and injunctions to include check boxes for cybercrimes and responses about relief.
- Be mindful of providing culturally or community-specific materials.
- Examples of online and print resources for SRLs:
 - *10 Things to Know About Family Court*, Self-Represented Litigants Series, Resource Center on Domestic Violence: Child Protection and Custody (2017), available at <https://rcdvcpc.org/resources/resource-library/resource/download/10-things-to-know-about-family-court.html>.
 - *10 Ways to Find Help with Your Case*, Self-Represented Litigant Series, Resource Center on Domestic Violence: Child Protection and Custody (2016), available at <https://rcdvcpc.org/resources/resource-library/resource/10-ways-to-find-help-with-your-case.html>.
 - *Preparing for Court – By Yourself*, Womenslaw.org, available at <https://www.womenslaw.org/laws/preparing-for-court-yourself>.

- *10 Steps for Presenting Evidence in Court*, Self-Represented Litigants Series, Resource Center on Domestic Violence: Child Protection and Custody (2016), available at <https://rcdvcpc.org/resources/resource/10-steps-for-presenting-evidence-in-court.html>.
 - *10 Steps for Presenting Evidence in Court Video*, Resource Center on Domestic Violence: Child Protection and Custody (2017), available at <https://rcdvcpc.org/resources/resource/10-steps-for-presenting-evidence-in-court-dvam-video.html>.
 - *How to Gather Technology Abuse Evidence for Court*, Self-Represented Litigant Series, Resource Center on Domestic Violence: Child Protection and Custody (2018), available at <https://rcdvcpc.org/resources/resource-library/resource/download/how-to-gather-technology-abuse-evidence-for-court.html>.
- **Final Considerations to Help Make Your Courtroom and Court Hearing Less Stressful for Everyone:**
 - Familiarize yourself with common and emerging technology through training, personal use, or by finding people who can help you, including IT or tech savvy colleagues in the courthouse.
 - Be mindful that litigants might not identify or describe tech abuse because they are embarrassed or do not think it is relevant.
 - Consider continuing rather than dismissing a case when a litigant is unprepared or does not have the digital evidence in an acceptable form.
 - Flexibility with self-represented litigants is key. Think about creative ways to permit evidence to be admitted without interference with evidence rules or your role as a judicial officer.
 - While you may not be able to tell litigants how to present evidence, courts can provide litigants with resources in the court or on the court website that can assist litigants in preparing evidence for court.
 - When faced with new or unfamiliar technology in cases, remember that you can learn from litigants, so do not be afraid to ask.
 - Access to technology for victims can also mean access to life. Prioritize keeping technology available for victims.

Section 3: Goal Setting and Action Planning

This section will help you set a “SMARTER” goal and to develop a plan to accomplish that goal. From your answers above, chose one or more issues that you identified as a problem in your jurisdiction. Using the acronym below, write out what goal you would like accomplish to better address that issue. A description of each letter is provided on the next page.

S _____

M _____

A _____

R _____

T _____

E _____

R _____

S = Specific

A goal has to be specific in order to know when you've achieved it.

M = Measurable

Having a measurable goal allows you to track your progress and stay motivated.

A = Attainable

Your goal also needs to be attainable to be successful. In other words, it should stretch what is possible within the confines of available time and resources.

R = Realistic

Your goal should be a realistic response to the problem you are trying to solve. It should have a real impact on the issue. There are many great goals, however, consider what is most impactful within your sphere of influence.

T = Time-bound

Every goal needs an end date. Set a realistic time frame for accomplishing your goal.

E = Exciting

You should select a goal that you are personally invested in. System change can be a difficult and slow process.

R = Relevant

The goal should not only matter to you, but should also be meaningful to other stakeholders in your community.

Action Planning:

What is the issue that you want to solve?

What steps will help you accomplish your goal?

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