

**Report of the Permanent Commission's
Working Group on Technology**

REPORT OF THE WORKING GROUP ON TECHNOLOGY 2017

Executive Summary

During 2017, the Working Group on Technology (“Working Group”) continued to advance programs and initiatives that leverage technology to improve the quality and efficiency of legal services and help close the justice gap. The Working Group’s Pro Bono Law Firm IT Initiative, led by Michael Donnelly, Chief Information Officer at Simpson Thacher & Bartlett LLP, launched a series of educational webinars that are expanding the reach of the pro bono being provided. The Working Group observed the steady progress of the two online consumer portal pilots that are creating online screening and intake systems for low-income New Yorkers in western New York and in New York City with consumer law issues.

The New York State Permanent Commission on Access to Justice (“Permanent Commission”), along with NYSTech¹ and New York University School of Law, sponsored its third, day-long Statewide Technology Conference, an event that brought together directors and technology staff from civil legal aid providers, law firms, law schools, legal funders and technology service providers to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations. Finally, the Working Group continued to recognize that effective technology initiatives require dedicated funding to enable civil legal aid providers to integrate those systems into their operations and client service delivery.

As a result of these efforts, the Working Group offers the following recommendations to the Permanent Commission:

- 1. Pro Bono Law Firm IT Initiative:** This initiative, including its webinar-based Technology Assistance Project, should be continued. Model technology policies appropriate for civil legal aid providers throughout the State should be developed.
- 2. Online Screening and Intake Portal Pilots:** The developers of the two online screening and intake portal pilots should continue to consult with each other during the planning and implementation of their respective projects with the goal of making these systems, where technically feasible, compatible with each other. In addition, the projects should be capable of expansion to address the full range of legal

¹ NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.

problems that low-income people commonly face. Ideally, the projects should jointly develop and publish data standards for their projects that could be followed, as well, by others.

The Permanent Commission should continue to support the continued efforts of the two projects along with an eventual statewide screening and intake system, by encouraging the development, with all appropriate stakeholders, of a shared governance model to address such issues as funding, decision-making, data ownership, and system maintenance.

- 3. Technology Conference:** The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers.
- 4. Funding:** The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve delivery of civil legal services.

Pro Bono Law Firm IT Initiative

IT Initiative Members: Chief information officers (CIOs) and IT directors of major law firms: Michael Donnelly, Simpson Thacher & Bartlett LLP (Program Coordinator); Ed Braunstein, The Legal Aid Society; Tara Cook, Proskauer Rose LLP; Jeff Franchetti, Cravath, Swaine & Moore LLP; Peter Lesser, Skadden, Arps, Slate Meagher & Flom LLP; Curt Meltzer, Norton Rose Fulbright LLP; John Roman, Nixon Peabody LLP; Sean Sullivan, Wachtell, Lipton, Rosen & Katz LLP; and Kermit Wallace, Stroock & Stroock & Lavan, LLP. Additional members are Christine Fecko, IOLA Fund of the State of New York; Michael Hernandez, Just Tech, LLC; John Greiner, Just Tech, LLC; Deborah Wright, The Legal Aid Society; and John Wroblewski, The Legal Aid Society.

Overview

This group of pro bono information technology (“IT”) coordinators from private law firms and other senior IT leaders continued to work this year to provide IT support to nonprofit civil legal aid providers throughout New York State.

Following up on the demand generated by the 2015 pilot project that provided individualized evaluations and tailored recommendations for technology infrastructure improvements for five Judiciary Civil Legal Services-funded providers, this initiative launched a Technology Assistance Project. Through this Technology Assistance Project, pro bono IT professionals from leading law firms in New York are providing educational webinars to civil legal aid providers throughout the State on a range of technology assessment and training topics. The series has included or will cover the following:

- Infrastructure & Office Hardware
- Information Security
- Communications
- User Support & Help Desk
- Data & Document Management
- Setting Priorities & Managing Implementations

Interested civil legal aid providers participate in the project by completing a comprehensive survey of their technology infrastructure which the pro bono IT teams review to develop relevant online presentations. The webinars aim to present a blend of general training, best practices and recommendations that emerge from the provider surveys.

The Infrastructure Webinar took place on April 25, 2017 and was presented by Peter Lesser, from Skadden, Arps, Slate, Meagher & Flom LLP. John Roman, from Nixon Peabody LLP, presented the Security Webinar on June 6, 2017. The Communications Webinar, presented by Sean Sullivan, from Wachtell, Lipton, Rosen & Katz LLP, took place on September 13, 2017. Approximately 20-30 providers attended each webinar and the informal feedback has been overwhelmingly positive. Participants reported that the content was incredibly helpful, the presenters were very knowledgeable, and that the overall process had been worthwhile.

Recommendations

The Working Group recommends that the webinar-based Technology Assistance Project be continued for civil legal aid providers. In addition, model technology policies appropriate for these providers should be developed and promulgated.

Online Screening and Intake Portal Pilots

Overview

Two multi-organizational projects, one in New York City and one in western New York, continue to develop collaborative online screening and intake systems for consumer law inquiries.

In New York City, the Consumer Legal Access Partners, led by the City Bar Justice Center, includes providers CAMBA, Mobilization for Justice, Urban Justice Center and the Feerick Center. With support from the New York Community Trust and LegalServer, this partnership completed the design of an online intake system for low-income New York City residents seeking help with consumer law issues. Over the course of the last year, business process planning, software development and testing resulted in the development of the NYC Consumer Help Finder (“NYC CHF”). The CHF is an application accessible from any web interface that allows an applicant to apply for assistance across the five participating legal service organizations, automatically matching the individual with the best provider. The New York City Consumer Help Finder soft-launched in October 2017.

The Western New York Consumer Help Finder (“WNY CHF”) is led by Legal Assistance of Western New York (LawNY), in partnership with the Legal Aid Society of Mid-New York and Neighborhood Legal Services. The WNY CHF is currently in the technical development stage. In June 2016, project partners participated in a business process analysis. Based on the report issued by their consultant, Marc Lauritsen of Capstone Practice Systems, the technical scoping phase began, with the development of the logic models that would route the user to the appropriate resources or legal services provider. During this phase, project partners also developed a content development strategy and began developing new legal information materials to assist users who are not given a referral. LawNY again contracted with Marc Lauritsen and the Capstone team to develop A2J Guided Interviews to assist with consumer-related legal issues. Once a beta-version is secured online, extensive user testing will be conducted to ensure that the system is meeting the needs of its users. WNY CHF expects to launch by the end of the year.

Discussions persist around structural issues, such as ongoing funding, data ownership and responsibility for maintenance and governance; these issues would need to be resolved before any expansion is undertaken. To ensure that the systems are best serving the users and providers, both CHF projects will analyze the points in the process where users tend to drop out their systems. This will allow providers to update their case acceptance protocols and set appropriate case referral caps.

Recommendations

The Working Group recommends that the developers of the two CHF projects continue to consult with each other during the planning and implementation of their respective projects with the goal of making their systems, where technically feasible, compatible with each other. In addition, the projects should be capable of expansion to address the full range of legal problems that low-income individuals commonly face. Ideally, the CHF projects should jointly develop and publish data standards for their projects that could be followed by others.

The Permanent Commission should continue to support the two projects, along with an eventual statewide screening, referral and intake system, by encouraging the development, with all appropriate stakeholders, of a shared governance model to address such issues as funding, decision-making, data ownership and system maintenance. These efforts should include convening the CHF partners, other legal services providers, LawHelpNY and vendors supporting client-facing tools and integrations, to share lessons learned and plan for shared tools, resources and methods.

Technology Conference

Planning Committee Members: Deborah Wright, Legal Aid Society (Coordinator); Christine M. Fecko, IOLA Fund of the State of New York; John Greiner, Just Tech, LLC; Nikki Raynor, Just Tech, LLC; Anna Steele, Just Tech, LLC; Jeff Hogue, Legal Server; Barbara Mulé, Office of Court Administration; Christopher Schwartz, City Bar Justice Center; Barbara Zahler-Gringer, Office of Court Administration; Mark O'Brien, Pro Bono Net; and Mary O'Shaughnessy, HerJustice.

Overview

The Permanent Commission convened the Third Statewide Civil Legal Aid Technology Conference on June 16, 2017 to educate stakeholders, and promote collaborative and sustainable use and support of technology among civil legal services providers. The Conference, which took place at NYU School of Law, was planned by the Permanent Commission's Working Group on Technology, with assistance from NYSTech and other justice community partners, with the goal of bringing together stakeholders to learn about the latest technological initiatives, how those could be leveraged to maximize efficiency in servicing clients and the resources available to assist in implementation.

The Conference was attended by 130 people, including executive directors, technology managers and other leaders representing dozens of civil legal aid providers from around the State, technology directors and staff from law firms, technology leaders from law schools, administrators from the NYS Unified Court System, major funders and technology service providers.

Chief Judge Janet DiFiore opened the conference, offering praise and encouragement for technological innovations that expand access to justice. The agenda boasted three plenary panels, as well as two distinct break-out sessions, offering a total of four panel options.

Morning Plenary Session

The first plenary session provided a series of brief presentations to highlight exciting technologies currently in use or within reach of the New York State civil legal services community as follows:

- What is an API?
- Artificial Intelligence
- Open Referral & Its Application in NY
- Write Clearly/Read Clearly
- JustFix NYC

Next, conference participants heard updates on various pending projects, including the Permanent Commission's strategic action planning process, LawHelpNY improvements, the Consumer Help Finder projects and the Pro Bono Technology Assessment Project.

- **Strategic Action Planning Process**

New York is one of seven states that have received a grant to develop a strategic action plan to provide assistance to low-income New Yorkers; the plan is due December 15, 2017. Four information gathering sessions were held early in 2017, with a statewide stakeholder meeting scheduled for the fall. Focus needs to be on how a community would come together to provide information and customize at the local level; a pilot will be developed in Suffolk County to serve as a prototype to help inform other localities and communities around the State. After this pilot project, consideration will be given to broader geographic scope, including consideration of statewide coordination.

- **LawHelpNY Update**

The current areas of focus for LawHelpNY are: (1) building preventative resources; (2) strengthening outreach partnerships; and (3) establishing stronger feedback loops. LawHelpNY is working to make the site more user focused for individuals and partners, and has engaged in a user testing initiative with Legal Hand, Albany Law School and Hunter College.

- **Consumer Help Finder Portal Pilots**

Two coordinated screening and intake portal pilots are actively being developed: Western New York Consumer Help Finder involving three provider partners, and the New York City Consumer Help Finder, involving five provider partners. Both portals

provide limited screening and self-help information, and electronically refer users who are considered appropriate for referral to a partner agency. In addition to developing the technology infrastructure, both teams tackled the painstaking work of identifying each agency's services, service overlap and referral criteria. The New York City pilot will send, by "holding bin" e-transfer or email, the entered data to the project's partners for conflict checking and further action. The western New York pilot plans to add triage functionality, more problem-specific questions and resources, and an agency portal. The New York City Help Finder will launch in fall 2017. The Western New York Consumer Help Finder intends to launch by the end of 2017.

- **Pro Bono Law Firm IT Initiative**

This project has been active for three years, and aims to provide IT assistance and guidance to agencies. The project's current goals include: leveraging knowledge gained from the pilot, adding more private firm IT resources and expanding the technology assessment by section. The Infrastructure/Hardware and Information Security assessment section topics have been completed, with approximately 30 agencies participating in each topic area survey and follow-up discussion. In 2017, a Technology Assistance Project was launched, providing educational webinars to civil legal aid providers throughout the State on a range of technology assessment and training topics.

Breakout Sessions

The four breakout sessions were: Tech Policies and Common Tech Challenges; Security, Hardware, and Networks; User-Facing Online Triage and Pro Bono Tech; and Five DIY Tech Upgrades You Can Implement Now.

- **Tech Policies and Common Tech Challenges**

Executive directors and project directors from a range of providers led a group discussion of pragmatic issues that arise in implementing new technology with staff. Participants actively shared practical tips for advancing new technology initiatives, but the discussion quickly revealed that many providers still lack detailed technology policies to guide their staff.

- **Security, Hardware and Networks**

This panel emphasized that security is an ongoing process of training and detection, and the presenters detailed the planning, detection and recovery phases of the network security cycle. Cloud-based software and servers should be regularly reviewed and updated. Network traffic logs and alerts from reputable security vendors are key. Providers were urged to avoid blaming staff for any security breaches in order to

encourage reporting, facilitate prompt recovery, and allow for appropriate external reporting to funders or other oversight entities. Attendees engaged in a lively discussion of resources and ideas.

- **User-Facing Online Triage and Pro Bono Tech**

The panel discussed the increasing array of technologies that support user interaction with pro bono and self-help tools produced by the legal services community.

- **Five DIY Tech Upgrades You Can Implement Now**

This panel highlighted a series of technology upgrades that attendees could easily implement. Panelists detailed the following free or low-cost upgrades that could help providers increase the efficiency of their internal systems, or cut costs associated with technology purchases and implementation. (A full description of these DIY Upgrades is attached as Exhibit A.)

- Hardware Purchasing Cycle
- Mapmaking
- Technology Training
- Buying and Negotiating Faster Internet
- Password Management

Table Talks

During lunch, there was an opportunity to attend Table Talks which showcased innovative technology projects and sparked numerous individual conversations about expansion, replication and further improvement. Participants included:

- Open Referral - Greg Bloom
- 211 New York - Scott Morrison
- Idealware - John Greiner
- Read Clearly/Write Clearly - Anna Hinline
- Artificial Intelligence - IV Ashton
- Volunteer Management - Adam Heinz and Mark O'Brien
- JustFix.NYC - Georges Clement
- Consumer Portals - Christopher Schwartz & Keith McCafferty
- LawHelpNY - Quisquella Addison
- Court Project/ODR - Diana Colon
- Remote Access Orders of Protection - Audrey Stone
- Legal.io - Peter Gunst

Strategizing Sessions

Immediately following Table Talks, participants attended the Peer-to-Peer Strategizing session, comprised of two 30-minute facilitated small-group peer conversations. Participants attended two discussion topics from the following:

- Machine Translation & Language Access
- Policies for Handheld Devices at Work
- Change Management
- Why Moving to the Cloud Makes Sense
- Avoiding Security Nightmares
- How to Plan & Fundraise for Tech Projects
- VOIP and other Phone System Improvements
- Gossip about Technology Vendors
- Managing Tech Staff, Consultants & Vendors
- Swapping Stories about Case Management Systems
- Cloud-based Infrastructure Services
- Remote Access/Interoffice Access
- Active Directory Management/Security/Group Policy
- Tech-solving Language and Disability Access (Client Facing)
- Artificial Intelligence
- Procurement Planning, Budgeting and Purchasing

Closing Plenary

Finally, the closing plenary offered the Funders' Perspective on Technology Projects and featured panelists from the Lawyers Trust Fund of Illinois, Open Society Foundation, Legal Services Corporation, New York Community Trust and NYC's Human Resources Administration.

Recommendations

The Permanent Commission should continue to convene an annual statewide technology conference, with the goal of encouraging the civil legal aid community to engage in sustained collaboration, best practices development, improved security measures, training, critical analysis and revolutionary thinking around the improved use of technology to increase access to effective legal assistance by low-income New Yorkers. Stakeholder participation in the conference should be expanded to include additional representatives from technology companies.

The Working Group further recommends that the Permanent Commission specifically use the 2018 Technology Conference as a tool for advancing the technology aspects of the Strategic Action Plan.

Expanding Technology Funding

The Commission's research, as well as its experience in seeking to implement its technology recommendations, has demonstrated the need for dedicated, stable funding for technology expansion and innovation.

In its 2015 Report, the Permanent Commission recommended that the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York consider innovative technology projects in its funding decisions for Judiciary Civil Legal Services Awards ("JCLSA"). This recommendation was implemented in the 2016 Judiciary Civil Legal Services Request for Proposals through expansion of the selection criteria for services that enhance access to justice beyond the provision of direct services and the awarding of higher points for demonstration of effective and innovative use of technology.

Recommendations

The Permanent Commission should continue to support civil legal services providers in their efforts to identify dedicated funding streams that will support technology expansion and innovation to improve the delivery of civil legal services.

EXHIBIT A: Five DIY Tech Upgrades You Can Implement Now

The technology upgrades discussed during this panel are described in detail below.

1. Hardware Purchasing Cycle

Legal services providers should consider keeping an inventory of their technology-related infrastructure and creating a cycle for replacement. This would allow for a sense of predictability surrounding technology purchasing and could help providers create accurate technology budgets. The replacement schedule recommended by the panelists is as follows:

a. Desktops:

- i. Three years – Great
- ii. Four years – Good
- iii. Five years – You have reached your limit

b. Servers, Firewall, Switches

- i. Four years – Good
- ii. Five years – It's time

c. Laptops

- i. Two years – Great
- ii. Three years – Good
- iii. Four years – You have reached your limit

d. Uninterruptable Power Supplies

- i. Two years – Great
- ii. Three years – Good
- iii. Four years – You have reached your limit

e. Printers (Enterprise)

- i. Six plus years

Panelists recommend always purchasing enterprise-level equipment and recommended purchasing warranties that cover the length of the life of the equipment--especially for servers, firewalls/routers and switches. For desktops and laptops, warranties are still recommended but can be skipped if providers are able to keep a good supply of spare equipment available.

2. **Mapmaking**

Data mapping can be a very useful tool to help providers set priorities. While some providers are fortunate enough to have staff dedicated to data collection and analysis, many providers must rely on DIY methods for displaying and analyzing the data they collect. Panelists recommended several free or discounted software products for geocoding/mapping including:

- TAMU GeoServices: <http://geoservices.tamu.edu/>
- Google My Maps: mymaps.google.com
- Tableau: <https://www.tableau.com/foundation/license-donations>
- NYC Planning (NYC Only): <https://www1.nyc.gov/site/planning/data-maps/open-data/dwn-gde-home.page>.

When using geocoding tools, it is important to avoid using any identifying information. There are several methodologies that are used to anonymize data, so it is important to keep in mind the safety of your clients' data when using these tools.

3. **Technology Training**

Without a designated trainer on staff, it can be difficult to develop and implement a technology training strategy that works well for every employee. Panelists recommended taking a data-driven approach to technology training. Management or technology responsible people should complete a basic analysis of the technology training needs of their colleagues. Is there someone that many people are going to for technology advice? Ask them what the most common issues are. Are they using IT support email or help desk software? Look through archived tickets to find the most common requests. Once this information is available, it is easier to develop documentation or training plans to help focus technology training on designated priorities.

4. **Buying and Negotiating Faster Internet**

Panelists discussed the importance of staying abreast of your internet needs and renegotiating your contract with your internet service provider (ISP) accordingly. When making decisions about an ISP, it is important to know what your current speed is, what you are paying, when your contract expires and how much notice is required for canceling your current services. With the rising popularity of cloud-based services, it is important that providers take the services that they use into account when negotiating internet speeds and prices. Panelists recommended that six months prior to the end of a contract with an ISP, providers should do the following:

- Call your provider(s) to find out current pricing
- Ask if they have special Non-Profit pricing
- Find out what other providers service your location and get pricing
- Decide if you are staying with your provider or switching

If staying:

- Are you going to stay with your current speed or increase it?

If switching:

- Plan on sending in the termination letter on time
- Install the new provider early
- You should have an overlap period in case there is an issue installing, for testing the new circuit and for configuration changes.

5. Password Management

Panelists encouraged providers to consider using enterprise-level password management software to keep track of passwords for the critical appliances and services. Enterprise-level password management allows for designated staff members to only access the passwords for the services or appliances that they need to access. Password managers also encourage users to keep track of passwords in a single, secure place, rather than decentralized, less secure applications or multiple physical locations.