

Managing Client Collaborations: e-Signatures & Document Sharing

John Greiner, Just-Tech, jgreiner@just-tech.com

Mary O'Shaughnessy, Her Justice, moshaughnessy@herjustice.org

Our goal is to present and elicit current and proposed best practices for working with clients remotely and preparing their advocates.

We're presenting some current practices and trends, and we want this session to be conversational.

If you are interested in sharing your e-signature experiences, please fill out the survey here: <https://tinyurl.com/yxwj6yfv> . We will share the NYS results via email after the conference.

E-signatures

The Wikipedia definition of e-signature is here: <http://tiny.cc/Ophzsz> (links here are shortened so you can type them in while participating)

What kinds of e-signatures are there?

- A digital user acceptance indicator has a time and date stamp.
- On a smartphone, tablet, or touchscreen, a user can use their finger to draw a handwritten signature.
- The US government standard is FIPS 186-4 (if you need a tool that is compliant with a standard).

What are providers already doing?

- Some signature tools are embedded in other systems (e.g. LegalServer, Docassemble, Apple Preview)
- Adobe Sign, DocuSign, PandaDoc, Rightsignature are some commercial tools. Licensing models and prices vary widely.
- Security and confidentiality are usually implemented via encryption and/or document password protection.
- Various document types, including retainers, pleadings, letters, administrative documents (e.g. immigration), are already being submitted in some jurisdictions.

What in particular has changed around Covid-19?

- More agencies are accepting e-signed documents.
 - <http://www.wcb.ny.gov/content/main/TheBoard/COVID-19-signature-requirements.jsp>
- Court rules can change frequently, so always check the particular judge's rules.
- Virtual and e-notarization are becoming more common.
 - In NYS - [Executive order](#) on e-notarization

Other client-facing collaborative tools

Important considerations:

- These are all items to consider and document before implementing tools:
 - Bandwidth and cell data available to clients; an abuser's presence/awareness of the client's activity; the presence of non-hostile family and coworkers; and the client's comfort with technology.
 - Do clients have the equipment and space for working remotely?
 - Can your organization provide secure temporary accounts, technology, support and instruction to clients and advocates for online meetings, email accounts, scanning, printing, etc.? Can you partner with other organizations to provide some/all of these client needs?
- Get input/approval from your clients at intake and/or with your retainers. May clients object to some or all of the technology we are asking them to use?

Document sharing and asynchronous communication

- Remote scanning and document sharing
 - Clients photograph documents page by page, which is hard to assemble but convenient for the client and safe.
 - Using applications designed for document scanning from phone app stores
- Secure email and chat
 - ProtonMail, TutaNota for secure and anonymous email accounts, and WhatsApp and Signal for chat, are free and secure tools available on smartphones and web.

Video/real-time communication

- In particular, video is helpful for ASL and other interpretation, virtual court appearances, and meetings with an advocate--all subject to the considerations above.

Other collaborative work

- Investigate logistic and technological support availability from private businesses and other community service providers. (For example, mobile carriers have varying discounts on cell service.)
- Faith-based organizations, restaurants with large indoor spaces but limited public opening hours, and others may be able to provide space for multiple meetings with social distancing.

Upsides of Online Work for Providers and Clients

- Health/Safety
- Saves clients and staff/volunteers a lot of time traveling
- Makes it easier to meet sooner
- Easier to have short follow-up meetings (beyond just a telephone call)
- Provide anywhere / anytime access to the work product that clients need (e.g. Rap App)