

Danielle Elyse Hirsch:

Okay, we're going to get started because we have so much wonderful stuff to cover. Again, this is session 2B of the New York State Permanent Commission on Access to Justice's Tech Conference. The session is Rural Justice and Remote Proceedings. My name is Danielle Hirsch, I'm with the National Center for State Courts and I'm going to be the moderator for this session. Before we get into any of the great discussion or introduce any of our panelists, please allow me to thank Rochelle Klempner and the whole staff of the Permanent Commission for all that they did to make this conference such a success. It's clear the amount of sessions, the amount of panelists, this has been really yeoman's work and I think the conference is a testament to all of their hard work. So thank you very much again to all of you.

This is a thrill for me to be part of this conference, so I look forward to kind of being inquisitive with all of you about this topic. A few logistics too. We cannot see or hear any of you as participants, but we would really like the opportunity to engage with you and for us to answer questions that you have. So I will be monitoring the meeting chat, so please feel free to add questions, feedback, follow up from what you hear, I will be following that. This session is also going to be a full 50 minutes. CLE is available for this session, but you will need a code, which I will read at the end of the session, so you'll need to stay and remain engaged through the whole 50 minutes.

Okay, why are we talking about rural justice and remote proceedings? Rural justice is estimated to be about 75% of the country. Approximately one out of five Americans calls a rural community their home. And in New York in particular, rural New York makes about 86% of the state's land and about 18% of all New Yorkers, more than three and a half million of us, call our state's rural area's home. According to the most recent LSC Justice Gap Report, 75% of rural households experienced at least one civil legal problem in the past year, and 25% of rural Americans had six or more civil legal problems in a year. And only 22% of those same rural households contacted legal aid for help and only 86% total said they received no or inadequate legal help for their problems. So we clearly have issues to solve. This is not to mention the unique challenges that have been brought on by the COVID pandemic, which we will certainly talk about also.

Rural communities have lots of wonderful attributes, but for the purposes of this panel, we want to focus by unpacking unique challenges that rural communities face for legal services, given huge geographies, potential social isolation, lack of internet service or technology, the low density of legal aid or other human service providers and the distinctive challenges of different rural populations. So we're going to dig in. We have a really incredible panel, and rather than me introduce them, I'm going to let them introduce themselves to all of you. So what we're going to do in the next 47 minutes or so is just have a conversation. This is as if we're having a virtual conversation across the table and we hope that you'll enjoy it with us. So let's get to know each other. Each of you tell us who you are, where you work, and how you're connected to issues of rural justice. Let's start with Taier.

Taier Perlman:

Thank you, Danielle. So, I am coming out of three years of rural practice with Legal Services of the Hudson Valley, and I also used to run the Rural Law Initiative at Albany Law School's Government Law Center. This work has really developed meaning to me and I've done a lot of work as Co-Chair of the New York State Bar Association's Rural Justice Task Force, where we issued a report that's part of the CLE materials for this session. Currently I'm also serving on Legal Service Corporation's Rural Justice Task Force, which is focused on finding national policy solutions for the access to justice crisis in rural communities across the country.

Danielle Elyse Hirsch:

Terrific.

Taier Perlman:

It's good to be here.

Danielle Elyse Hirsch:

Okay. Yeah, terrific. How about Presiding Judge Garry?

Hon. Elizabeth A. Garry:

Good afternoon everyone. Thank you, Danielle, for your intro. I am the Presiding Justice of the Appellate Division Third Department. The Third Department encompasses 28 counties, which is essentially the eastern half of upstate New York. So, there are a smattering of cities and a lot of very rural population in that area that I have judicial oversight and review regarding. It's deeper than that for me, on a more personal note, it's not just because of the work I do, but I grew up on a dairy farm, a family dairy, and so my connection to rural areas is deep and meaningful and I am concerned about what I'm seeing in the legal community, which I'll talk more about later. So thank you.

Danielle Elyse Hirsch:

Terrific. Next, Judge Doran.

Hon. Craig J. Doran:

Hi, good afternoon everybody. Thrilled to be part of this and thankful to the organizers for making this possible. I wish we could all be in a room together, but this'll do for now. I'm an elected Supreme Court Justice in the Seventh Judicial District of our State. Rochester is the largest urban community; it extends from Lake Ontario down to the Pennsylvania border. For 10 years I was the Administrative Judge of this Seventh Judicial District and have been a judge in this district for more than 20 years. It's a largely rural district, has all of the issues that we all will discuss in a rural community, also urban in many respects as well.

During the pandemic, I was responsible for much of the planning for the court system for the entire state outside of New York City. I'd like to say we're done with the pandemic now, but click on wood. I've now had the honor of leading our Pandemic Practices Working Group, which has done a top to bottom review of what our system did during the pandemic and made recommendations as to what we ought to take forward with us, and rural justice was a large part of what we looked at, building on the work of many others who we're with today. Thank you for the opportunity.

Danielle Elyse Hirsch:

Awesome. And last but not least, Alicia.

Alicia Bannon:

Thank you so much. It's really an honor to be part of this panel. My name is Alicia Bannon. I direct the judiciary program at the Brennan Center for Justice. The Brennan Center is a non-partisan law and policy organization that works to improve and strengthen our systems of democracy and justice. And as part of our judiciary program stemming out of the pandemic, we put out a number of publications and undertook various research projects looking at the experience of remote court as many courts

transitioned to the use of remote practices. And so we both gathered a lot of existing scholarship about the use of, for example, video technology in courtrooms, as well as wrote a law review article, which is, I think, included in some of the materials here, that detailed for research that we did, including a series of interviews in five states with legal services providers and other stakeholders about their experience with remote justice.

Danielle Elyse Hirsch:

Wonderful. So as you can all see, we really have a fantastic panel, so let's jump in. Rural justice can mean so many different things, here in New York State and across the country. Let's get some context setting. Justice Garry, can you kick us off and explain what we mean by rural justice and the rural representation crisis in particular?

Hon. Elizabeth A. Garry:

Sure, thanks, Danielle. I would define the rural justice crisis as the worsening decline in access to legal representation in our more sparsely populated areas, those outside of cities and suburbs. And whether we're talking about obtaining basic life necessities, indigent criminal defense, the transfer of property, starting a small business, probating, making, or probating a will, I mean, you name it, people in rural areas are having a harder and harder time finding a lawyer. Danielle, in your intro you included some statistics and what I have in mine is last year the Legal Services Corporation reported that nearly 80% of rural low income households had at least one civil legal problem. And respondents to their survey reported that they did not have enough or even any legal help for 94% of their substantial legal issues.

We all know it's a major problem to have folks navigating the justice system alone and that can lead to cascading socioeconomic impacts. So we have to address this fundamental problem and provide access to justice for people in need at a minimum. But I just need to say this crisis goes deeper than that. Attorneys are a crucial part of the social fabric. They provide advice and assistance, often without compensation. They volunteer and contribute to charities. They let the church use the office photocopier when theirs is broken. They sponsor the local Little League team and in short, they tend to be generous, active, and civically engaged. So if we want to revitalize rural communities and make sure that individuals and families in these areas not only have access to justice, but are able to thrive, we must ensure that they have access to lawyers nearby who are members of the communities that they serve. That goes a little beyond the tech, but I think we have to keep thinking big picture and thank you, Danielle.

Danielle Elyse Hirsch:

Wonderful. Okay, so for the rest of the session, what we're going to do is take the issue of the rural access to justice gap and technology into four broad parts. We're going to talk about changes that have happened in response to or during the pandemic. We're going to talk about benefits of technology to address the rural access to justice gap, limitations of the same. And then we're going to spend a little bit of time kind of future casting of what we think will happen. So let's start with the pandemic, Judge Doran, how did the pandemic spark creativity, access to technology and innovation to address the rural access to justice gap?

Hon. Craig J. Doran:

So I think we start with the premise, and I am in government, have been for most of my professional career, so I think it's okay for me to be critical of government. A lot of times it takes us a long time to do the right thing. And we of course have always known, particularly in the business of rural justice, that

there has to be a holistic approach, that it takes collaboration, it takes innovation, and many times we really have to push the envelope, so to speak. But it's a slow slog. I mean, I've been in this business for a long time, a lot of people that have made it their life's work to try to enhance access to justice for people that live in these very rural communities that are suffering with poverty and healthcare issues, transportation issues and all those things that hinder access.

I like to look at the pandemic as it sort of forced us into a place of innovation and very rapid innovation. You know, frankly, we weren't ready. We weren't prepared. The silver lining in the cloud is that we moved very quickly, and frankly it was reckless. We had no choice. We had to, we had to continue the operation of the courts. We had to do the best we could to allow people to access courts with very important life changing matters. So for example, in the technology world, I can remember in the early days of the pandemic, being on conferences with my colleagues across the state, talking about getting laptop computers in the hands of every judge. We did that literally in the course of days. Imagine how long it would have taken us to do that if we weren't forced to do it. How long it would have taken us to convert to what we called back then a virtual chambers. So I was looking back at my notes a little while ago, by March 30th in the 7th Judicial District, we converted to an entirely 100% virtual operation. If you think about that 30 days before that we really didn't know about the pandemic, March 1st was right around the time we started hearing about cases in other regions, a couple of cases in New York State. And 30 days later, an entirely virtual operation in the courts that allowed for, frankly allowed folks to have better access than they otherwise may have.

But it also pointed out significant issues that have forced us to look at the digital divide. Forces us to look in the rural communities, that there are people that don't have broadband access. So how do we accommodate the needs there? So it kind of forced our hand and establishing these remote access locations where people can go to a library, or to a firehouse, or to another public place in a rural town, so that they can gain access to a virtual proceeding.

It also forced us to work better together, collaborate better. We were forced into collaboration, we had to talk to each other. We all tend to be siloed, I'll speak for myself, judges don't like to come out of their comfort place, which is behind their bench in a robe. We don't like to be out and around talking with other entities that are necessary partners in our business. The pandemic forced us to do that. Treatment court's an example, lifesaving measures undertaking in treatment court, the access that folks have to that treatment court judge and that team, that's critical when you're in the throes of recovering from an addiction, the pandemic interrupted all of that. So we had to reach out to our partners, the treatment providers and other collaborators to assure that we were bridging that gap and allowing these folks, particularly in rural communities, to continue to have access to that support system.

Number of other examples we can talk about later if there's more time, I want to allow my colleagues to say a few words about this topic as well. But the phrase that I like to use is forced innovation and really, I think we've seen some very positive impacts of that that we can hopefully, if we're careful about it, we can carry forth with us and solve a lot of problems.

Danielle Elyse Hirsch:

I love it. Okay. Forced collaboration, that's great. And curious if anybody else wants to talk about this kind of broad topic, how did the pandemic affect rural justice at a high level?

Hon. Elizabeth A. Garry:

I think Judge Doran summed it up pretty well in my view, unless one of the others has something.

Taier Perlman:

Yeah, I just wanted to state that I definitely agree that the state and city courts that I was appearing in were doing an absolutely fantastic job at adapting and doing the forced innovation work that Judge Doran just mentioned. But as someone who was appearing in Town and Village courts, also known as the Justice Courts, that is definitely not the case. And it's very unfortunate because in the height of the pandemic, me and my colleagues at Legal Aid were appearing at Justice Courts in person and many of these Justice Courts just did not have the infrastructure or means to go remote and they were not capable of following the OCA guidance for remote proceedings. And that was definitely a difficulty and made a lot of practitioners uncomfortable.

Danielle Elyse Hirsch:

Hey, I think that point is a great one and I know we will continue talking about Justice Courts throughout the conversation, so let's put a pin in that, but it's a great one. Alicia, anything you want to add?

Alicia Bannon:

Not really, I mean, I think everyone said it so comprehensively. I remember reading one judge saying that there was essentially 30 years of court innovation that happened in about three weeks. And I think that's very much the case and much of what we're looking to now is to sort of distill the good lessons and all of the really transformative benefits, but now with the benefit of time and lessons learned in research, look to ways to further innovate, and strengthen access to justice.

Danielle Elyse Hirsch:

Awesome. Okay, so before we go to the next question, how about this, I'll make a deal with all of you. You're all on mute. If after somebody speaks, if you want to talk, just open your mic, that way I'll know to make space. If not, we'll just keep rolling, given all the questions we have. Okay. So our next topic, I'm going to start with Taier. And when we had a pre-call, you taught me a new phrase which is windshield time, which I love, and I've now used repeatedly. So tell me how technology and remote proceedings reduced windshield time for you and your colleagues and the benefits that you've seen for the rural bar and also for self-represented litigants in rural communities.

Taier Perlman:

Yes, certainly. Windshield time is definitely a term I learned while being a rural practitioner, I didn't really know about it either when I was back in my New York City days, but basically it refers to the amount of time you spend in your car getting to the numerous spread out courts. The Town and Village courts are the primary courts that rural practitioners appear in, and there's many of them. There's roughly 1,200 Town and Village courts in New York State. They're also known as Justice Courts, and the Justice Courts are the primary place where people in rural areas handle their legal issues. As a rural practitioner when doing tenant defense work in Ulster County, I would appear in about 10 of these courts and they were scattered all over the county and it was quite a bit of time to get to them in practice.

There's still a major digital divide happening in these courts. They really lack technology infrastructure to offer the remote proceedings or e-filing that make rural practice a lot easier. And I'll give you an example, I mean, some of the courts, they can't even share a court file with you. You have to drive to the court to pick it up. And I've had to drive to court to file basic motions because the clerks in that particular Justice Court did not have the capacity to have me submit it electronically. And that's a huge burden on a rural practitioner, filing a simple motion can take you an hour and a half of drive time to drive to the court and back. Unfortunately, my experience as a rural practitioner during the pandemic

was that, like I mentioned before, while state and city courts were doing a fabulous job of adapting and I loved the remote proceeding option that I was experiencing in Supreme Courts in Dutchess and Ulster County, I was not getting that with the Justice Courts at all.

I also surveyed my colleagues at Legal Services of the Hudson Valley when I was invited to speak to the Commission to Reimagine the Future of New York Courts back in September of 2022. And they all unanimously reported that they were still appearing in Justice Courts, physically appearing at the height of the pandemic for things as trivial as an ERAP status conference, which is essentially a five minute or less adjournment discussion in front of the presiding judge. And so rural practitioners are driving 45 plus minutes to these remote courts for not even a five-minute appearance. That was really a shame, and I do believe that it's not because the Justice Courts didn't want to adapt and do that forced innovation that the other courts were able to do. It's really just that they lack the infrastructure, personnel support, and internal knowledge to make these things run smoothly.

And some of the Justice Courts were able to adapt, but many weren't. They were definitely left behind and there was definitely a digital literacy and digital infrastructure gap that I saw very clearly. The benefits of the remote proceedings in rural courts for things like status conferences cannot be over promoted. It is absolutely incredible for a rural practitioner to be able to do those kinds of appearances remotely. It saves tremendous windshield time, cost of gas, reduces their stress and wait time and then it expands their capacity to get more work done at the office and to be able to serve more clients. And for the self-represented litigant, windshield time is also a huge burden on them. But in addition, they have to take time off of their jobs, they have to find transportation if they lack it, they have to get babysitters for their children, or modify their days in significant ways to make these appearances, which can easily be done remotely.

And I've had a disabled client without a car who did not show up in court because their ride bailed, but they definitely had the means to appear remotely. And for several of my clients that I appeared with remotely, after the appearance talked about how much they enjoyed being able to do it this way because one of them was a health aid worker at a hospital that was able to tune in, in the break room and didn't really have to modify her schedule. Another one was a disabled veteran with mental illness who did it from the safety of his home and didn't have to come to court and pay for gas and parking, that would've been a real struggle for them to afford. And so the benefits for the self-represented litigant are also great, as long as they have the means and ability or the tech support that they might need to tune in.

So that's pretty much it. I just think that bringing the Justice Courts in line with the rest of the Unified Court System by making sure that they have the capacity, training and infrastructure to hold remote proceedings, and also accept and share files electronically, would be absolutely vital to promoting better access to justice in rural communities. It really would be and should be a priority. Thank you, that's all I have to say on that. I want my colleagues to chime in too if they have anything to say.

Hon. Craig J. Doran:

So if I could just very quickly, I want to make sure everybody knows that first of all, we're aware of that at the court system. We're aware of the special unique issues that we have in these Town and Village Courts. The facilities are different, there's no uniformity across the board. But we are currently, and I think I saw Barbara Zahler Gringer put in the chat, that we are piloting and hopefully rolling it out statewide as soon as we possibly can. In lieu of e-filing, until we have authority to do e-filing in these courts, the Electronic Document Delivery System, which is what was another one of those forced innovations during the pandemic in courts where we don't have e-filing, that was implemented literally almost overnight as a means of delivering documents back and forth, allowing litigants to file documents

without having to have an hour and a half of windshield time to get to the court. So we're working on it, there's certainly a lot of obstacles there and you're correct to point them out. We know that's one of the places where access to justice is most challenged, particularly in rural communities.

Taier Perlman:

Yeah, that's great to hear. And I do know that it's kind of like a trickle effect that's happening and there are Justice Courts that are really working hard to build the infrastructure and capacity to do it. And it's great, great progress, but the actual experience of the rural practitioners, not enough courts are there yet.

Danielle Elyse Hirsch:

Wonderful. So Taier, you helped us talk about how technology can help solve problems, reducing windshield time and increasing ability to get more work done and also for litigants to be able to fit court into busy and complicated lives. But technology is not a panacea and pandemic era reforms have not been uniformly positive. So let's unpack that a little bit and Alicia, let's start with you. Can you help us use your national scan on remote practices in eviction hearings in particular, inform thinking as to how technology has limitations in reducing the access to justice gap and in particular, would love that if you focused on the digital divide and accessing resources and due process and anything else that you see fit.

Alicia Bannon:

Absolutely. And I should say, as part of this research, we did a national scan, did not specifically focus on New York, and so I'll share this from a national perspective and hope that there are lessons that are relevant and feel applicable to New York practice. And before I start, I do just want to underscore the benefits too. I think it's important to look at the limitations because that's how we grow and ensure greater access to justice. But I don't want to, in focusing on those limitations, sort of sell short really the transformative effect that these sorts of remote technology have often had. And I mean, particularly the windshield time that we were talking about is certainly something that was echoed throughout the country in the research that we've done, just how transformational it has been for people to not need to, for self-represented litigants, to not need to take a day off of work, to not have to deal with childcare burdens, et cetera, those can truly be transformational and reduce the incidences of defaults.

And so while focusing on the negative, I do want to sort of underscore the positive as well. In terms of some of the things to think about as we're looking in a forward-looking way for the future of remote access, the first thing I will say is the digital divide is certainly real. Not everyone has access to high speed internet, to computers, to other technology, and not everybody who has access to those things is proficient and comfortable using them and capable of using them in the way that courts have been. And that's something that we heard quite a bit in the interviews that we've done. So to just give a little bit of context in terms of an access point, there was a 2021 study in New York that found that two million households don't subscribe to high speed internet, 1.6 million households don't have a computer. And there there's a rural urban disparity there, also racial disparities at play in those statistics.

Another thing that came out in a number of the interviews that we did was that courts often assumed that people were accessing the courts using different technology than they actually were. So for example, in the eviction proceedings that we studied, courts were often assuming, or judges were assuming that people were on computers. And in fact, a lot of people, particularly self-represented litigants were on smartphones, and that created a whole bunch of just logistical challenges. People had trouble sharing evidence, people couldn't see things on the screens. And so those sort of assumptions that got baked into how people were actually going to be engaging in those proceedings sometimes

caused real concerns and introduced disparities, particularly when you had other participants in the system who were accessing via computer and were able to more easily present evidence. So I think that's one consideration that's very important.

People were also often very unfamiliar with the platforms that courts were using. And there were, in many instances, not a lot of training and support, when people would get something in the mail, didn't have a lot of information and instructions about exactly how to access proceedings. Oftentimes courts had resources. but they didn't tell people about them. So we learned about in Florida there was an area that created all of these access points in the courthouse, but nobody knew about them because they didn't actually include them in the materials that were being sent to people. So just really sometimes very basic things, but that can create real hurdles to people taking advantage of resources that are available. Another dynamic that I'll highlight, particularly with respect to self-represented litigants, is that oftentimes the physical courthouse is the place where people access resources, get connected to counsel. And so another dynamic that came up quite a bit in the research that we did was that there were real challenges for recreating or creating different mechanisms to connect people to services when they weren't in the physical courthouse.

And again, this is something that cuts both ways, I think particularly in the context of rural justice where access to legal services in the rural context, it is very difficult, that is a particularly underserved community. So I think there's both great promise but also challenges and I think something that legal services providers are kind of grappling with across the country of how to create those different access points when people aren't using courthouses as the same entry point in the way that they had been.

Another point that I would raise is just that, and this also just echoes things that have been said, not all proceedings are the same. So there's a big difference between a five-minute status conference and a hearing where you're going to be making credibility determinations or viewing evidence. And so I think it's also important to think about the different ways in which remote court may work better or worse in different kinds of proceedings.

And stepping back and looking at broader research that has been done, there's research that does suggest, for example, that it is a lot harder to make a credibility determination across a screen. Screens are flattening in different ways. Screens can obscure broader context and body language that is much easier to assess in person. So those sorts of proceedings might be ones where there needs to be a higher bar if you're going to be using remote technology. There's also evidence that a lot of people find it harder to interpret information just cognitively, people don't process information as well when they're receiving it via a screen versus in person. So again, in certain kinds of proceedings and particularly maybe in high stakes proceedings, proceedings where people are giving instructions for next steps, there may be extra protections that need to be in place to ensure that people are really understanding the information that is being provided.

And then there's also been some interesting pre-pandemic research suggesting that people sometimes are also more disengaged remotely. There's a fascinating study from immigration court that again is a pre-pandemic study, that found that remote hearings were corresponding with higher deportation rates. What was really striking was that wasn't actually the judge's ruling differently in remote versus in-person proceedings, but rather people that were proceeding remotely were less likely to take advantage of procedures that might help them, and so they were just not engaging in the same way as people that were in person. So again, it underscores just that not all proceedings are the same and that you really need to look at both who is accessing them, what the kinds of proceedings are, what the stakes are in a particular proceeding so that we're ensuring that there are adequate safeguards.

Danielle Elyse Hirsch:

So, this is wonderful and a super-rich discussion. We've named a lot of benefits, we've named a lot of challenges. Now let's get into the good part of talking about serendipity and collaboration as key ingredients to addressing the rural access gap going forward and how you see it playing out. So during our pre-call, you each rattled off a whole bunch of wonderful examples of each of these, and so I'd love for you to share how have those been key elements or what have you seen. And also, for those of you who are putting questions in the chat, I very much appreciate that and I'm keeping score at home and we'll weave them in with time. So thank you and keep them coming.

Hon. Craig J. Doran:

I'll go first if that's okay. So I have one minute, I'm going to talk about two, I'm not going to pick one, I'm going to talk about two things that happened. First of all, with regard to the need for attorneys in rural communities, and I'm a huge proponent of enhancing the opportunities to have these relationships and conversations, just putting yourself in spaces that you might not normally be in, with other people of similar interests can sometimes result in solutions that you never imagined were possible. An example of that was in the Seventh District, we were talking with some court employees in Steuben County. We were talking about the dramatic lack of attorneys for children, to the point where they weren't able to conduct business in cases that involved children because they simply had no attorneys for children. There happened to be in the room, one of the employees of Legal Aid in Rochester, which provides the attorneys for children in the Rochester community, a very urban community. Long story short, and I know I'm going beyond my time, I'm sorry, they ended up opening an office in Steuben County and staffing the office so that there could be at least one full-time attorney down there to provide representation for children. And that of course has resulted, has leveraged other attorneys and other involvement as well, and then the virtual opportunities built on to that.

The other example is more specific to COVID, certainly evictions were a big problem and Taier mentioned the issue with Town and Village Courts and access to justice during the pandemic. So you combine problems, we have the lack of representation in these Town and Village Courts. We have the eviction issues, people at risk of losing their homes during the pandemic. We have resources that we know are being made available by the government to provide relief to tenants who are at risk of losing their homes. So why not put all of those things together in one place so that the tenants can, rather than have to travel to a Town or Village Court where you may or may not find a judge who's in the courthouse or able to access the proceeding virtually. So we created in the Seventh Judicial District in each of our counties, what we call the Special COVID Intervention Part. It essentially, for purposes of the pandemic, during the pandemic, created hub courts in each of these counties where all the landlord and tenant cases were transferred to the County Court, held at the County courthouse where there was much more ability to assign them attorneys than in these rural communities where we have so few attorneys they can't get to, they don't not enough attorneys to staff all the Town and Village Courts, but they can get attorneys to show up at the County courthouse much more readily.

So did that, we brought in the providers, the conduits, the community organizations that were dispersing the funds, put them right in the courthouse at the same time these cases were being called. So we brought all those resources together, again, forced collaboration, forced innovation, which I think resulted in a much better situation during the pandemic for people.

Taier Perlman:

I wanted to jump in about the way that partnerships help legal services. I'm coming out of three years of working with legal services of the Hudson Valley and our community partnerships were absolutely

fundamental for the ecosystem of support that is needed to serve communities better. And a prime example was that during the pandemic, there was a rental and mortgage assistance program known as ERAP, for unpaid rent and half for unpaid mortgages. And both of those systems required online applications and not all of the clients we serve know how to use the computer. And so our partners, our housing organizational partners had housing counselors that actually applied on behalf of our clients. And that was so fundamental for getting this help to the people it was created for and it was just amazing.

I think the partnerships and collaborations are so important for reaching out to rural residents, it's how they become aware of the ecosystem of providers that can help them. There's a lot of referrals happening, a lot of collaboration, mutual legal training to the constituents of a particular nonprofit that we're in partnership with. And I believe that these collaborations are very symbiotic relationship and is absolutely at the root of all effective and sustainable large scale problem solving in any context. And so it's a beautiful thing and it's wonderful the way that the pandemic led people to ... they galvanized people to work together in this way, that's where the magic started happening.

Hon. Elizabeth A. Garry:

I'll jump in now. Taier has spoken really eloquently about the problems in the Town and Village Courts and how some of the collaborative solutions that may lie to some of those problems. And I think I just want to underscore Judge Doran's Pandemic Practices Working Group found and addressed some, in their reporting, some of those unique challenges that lie in those diverse courts. And the interesting thing is the reason they are in existence, the Town and Village Courts, is they have a primary benefit of being, politics aside really, because that's often cited as people want their own turf there if you will, but the primary benefit of the Town and Village Courts is that they're very close to the people. And what we have seen now occurring is that that primary benefit is becoming a ... also, we're seeing the downside of that, that because there are so many, the needs for improving technology across such a vast system is a daunting challenge.

But I've heard Taier speaking now to both sides of this, as well as Judge Doran, that the key is that collaboration and finding the solutions within communities. The other thing that I've seen across the state in response to the criminal justice issues, we have afforded, created a bunch of the criminal arraignment parts, which are a centralized approach and that allows an increase in the opportunity to reach technology and do some of the things that also, I don't want to be repetitive of what Taier said, but we do have models to follow with the SCIP, with the criminal approach, and working with community groups.

Alicia Bannon:

I'll just echo the real importance of collaboration. I think as we looked nationally, that varied quite a bit and we really saw difference in terms of outcomes from court systems that were engaging in consulting with a broad set of stakeholders who had legal services at the table, who had community groups at the table talking about what their needs were and the challenges because oftentimes it's not always visible from the other side of the bench what some of those challenges are. And so just to really underscore what everyone has said, and I think there's some really wonderful examples here of the benefits of that kind of engagement and collaboration.

Danielle Elyse Hirsch:

Super. Okay. So as predicted, we are really cruising and we could keep this going for a long time, but we actually only have five minutes left. So for our final question, none of us have a crystal ball, but we're

going to talk about potential practical solutions or things we think would make a difference. All right, so here I would love for you to talk about anything from e-filing to AI, what do you think will help us reduce the justice gap? And I'll just let you guys choose, what's an innovation and how do you think practically we continue to move the needle? And let's each give you a minute to suggest something.

Hon. Craig J. Doran:

I'm going to jump in and I'm not going to take more than a minute. I think the key is that we not squander the opportunity we have right now to continue the momentum that we've established through this forced collaboration. The best thing we can do is listen to each other. If we've learned one thing throughout this entire process, we've learned that it's actually a joyful part of our work to talk to each other and to listen to each other and to collaborate with each other, makes our work more fun, makes it easier, but it will also help us continue to be innovative and continue to make changes. I think most people agree that virtual technology is here to stay, virtual court proceedings are here to stay, but if we're going to do it right, we have to listen to each other and we have to be willing to be flexible as we move forward.

Taier Perlman:

Yeah, I want to jump in and just say that I really do believe that folks will have difficulty interacting with new technologies because we are of generations that experience life without it, myself included, but I think this digital divide will really phase out in the next couple of generations. And I say that very confidently because I've seen my decade younger sister and her friends with their devices and they're like tech ninja's, it's incredible. And I think that in a few more generations it's not going to be such a big issue, but the divide is still there, it's still a reality and we have to reckon with it thoughtfully. And I think that it does require putting people on the ground, like tech-savvy people on the ground in the rural and Justice Courts to help them, a little bit of handholding and support in the beginning can set up a system that is going to be very sustainable moving forward.

And I think that all of the tech solutions, tech to rural practitioners, tech to judges and courts, tech for everyday people is absolutely necessary. And I do think that especially in the Justice Courts, there might be a need to finance internal tech staff to help the Justice Courts that are being left behind get with it. I also think AI has unbelievable potential to revolutionize law practice for all of us. The special benefit for pro se litigants, which there's many of them, is that the tool can empower them to make legal arguments that they would never be able to do before on their own. It also has the power to reduce the effort and time that lawyers take doing legal research and writing, so that they then have more time to expand their practices in other ways, including having the capacity to help more clients.

If you can take that legal brief you have to draft and use an AI tool to help you draft it in under an hour instead of four, five hours, you have so many more hours to help more people. And expanding e-filing is also really important for rural courts so that you don't have to drive to courts to file motions. I could go on, but I'll stop so others can speak.

Hon. Elizabeth A. Garry:

Because I want to jump in on what Taier's saying. And it's so fun to hear you describing AI in such a creative and optimistic view because AI is still, I'm still recoiling at the idea of it frankly. So that's very fun to hear you put that forward, Taier, I hope the audience thinks so too. But the things that I'm really on board, and I think Judge Doran, going back to that listening tour you did Judge, and your Working Group put together, it was really clear court staff clearly communicated their wish to onboard with e-filing and a universal case management system, has got to reach all levels of the court system. And I see

him nodding and I think that's something that as a court system in OCA, we need to be and are on that path. So my closing thoughts, I don't know about AI yet, but maybe we'll get there, Taier.

Alicia Bannon:

And I'll just say really briefly, I also would just lift up thinking about other creative ways of connecting people to legal services, particularly if we're moving from courthouses as that primary point of contact. And I mean, I think there's already quite a bit of work happening there, but I think that's another area for expansion. And I think it can be a very optimistic story because particularly in rural communities, lack of access to legal services has been such an impediment to access to justice.

Danielle Elyse Hirsch:

Wonderful. Well this was such a rich discussion. Thank you very much. Thank you to all of you who were watching. Rochelle has put the sessions that began at three o'clock in the chat, so please go to those. And again, thank you. We are done. Have a great day. Thank you.