

Pete Nowacki:

All right. It looks like we're pretty static in our count. So, I'd like to start. My name is Pete Nowacki. I work with the New York State Court System as the systems engineer. I'll be your moderator today. I won't be doing much because we've got an outstanding cast here of leaders in our field in terms of doing automated forms with the court system. Throughout the presentation, if you want to ask questions that are pertinent to the topics that they're discussing, please put them in the chat and I will break in when it's possible and appropriate and try to get those questions answered by our panelists. Additionally, my other role in this presentation is to read out the CLE code, which I will do at some point during the presentation. I don't want to do a spoiler and do it too early or too late.

So, with that said, thank you for coming and joining us today. We're really excited about this presentation. These folks have done some outstanding work over the years, and we've really got the leaders in our court system. We'll start out, Jessica Frank, she's the project manager for the A2J project, which has done tons of work for the court system over the last few years. Additionally, then up, we have Sun Kim. She's associate counsel for the Division of Technology and she does a lot of the grunt work in terms of really getting files or forms put together and making them available to the public. And then we have Lisa C. Smith, she's the Chief Counsel for our Family and Gender Violence Division of Policy and Planning, who's another integral person in our forms generation and program as a whole. So, ladies, I will turn it over to you and good luck. Thanks.

Jessica Frank:

Thank you. So, I'm going to start off talking with all of you about the big picture, the access to justice crisis, and then Lisa will talk about the advocate forms used by the New York Courts, Sun will talk about the New York Court's DIY forms. And then I'll come back and talk to you about the impact in New York that these forms have had and also the impact New York has had on legal technology in general.

So today we're going to talk about first how the New York Courts have used a fairly basic technology, document assembly, to make a huge impact on the access to justice crisis. Before I get any further, let me give you a little background on what the impetus was for turning to automated forms as a justice solution. So many of you may know or are familiar with the troubling statistics and the access to justice crisis that I'm going to talk about, but not how forms play into this.

So, let's look at the basic stats for a minute. Study after study has shown that there is a civil justice gap. For years, it was roughly 80% of the civil legal needs of the poor that were going unmet each year in the US. But more troubling though is that in the most recent study by the Legal Services Corporation released in April of last year, it showed that now it is an estimated 92%. 92% of low-income people are facing at least one legal issue a year and don't or can't deal with it. Now statistically 13.1% of the US population is living below the federal poverty line. That's about 42 million people, with another 15 to 20% living near poverty who would likely qualify for legal aid based on their income alone. You get about 100 million people who need legal assistance each year and often don't get it.

And these aren't just traffic tickets. Well, they are traffic tickets, traffic tickets that can lead to enormous fines and even imprisonment. More likely these legal issues are going to be ones that are life-changing events, child custody changes that don't happen and need to, domestic violence petitions that aren't filed properly, and then restraining orders that aren't issued, it's credit card or medical debt that results in default judgments and docked paychecks, it's foreclosure or eviction where a landlord or a loan holder doesn't follow the proper legal rules, but people still lose their homes. These civil issues are often just about the worst situation that many people are ever going to find themselves in.

So now let's talk about why they aren't getting the legal help they need. So even if people identify their legal problem as a legal one and they make it to a legal aid organization, and even if they're income eligible, all those big ifs, 50% of the time they're turned away due to a lack of attorney resources.

There just aren't enough legal aid attorneys out there and oftentimes it's much worse and closer to about 25%. Only 25% of people are getting the full legal representation that they need. Across the country, people are regularly turned away from legal aid organizations and with nowhere to go, these people by necessity become self-represented litigants.

One of the most challenging aspects of representing yourself in court are the forms. So, as you know, they're written by lawyers for lawyers. They're overly complicated, full of legalese, and often too difficult for self-represented litigants to complete on their own. By design, they are meant to be the gatekeepers of the justice system. So, to recap these sunny statistics, about 100 million people are too poor to afford a lawyer. There aren't enough free or low-cost lawyers by 50 to 75% of the need. And when the people are forced into the court system with these legal form barriers, they're only dealing with just about the worst thing that they're ever going to have to deal with.

That's where automated forms come in. Automated forms allow courts and legal aid organizations to amplify the expertise of a single subject matter expert or lawyer. The lawyer's knowledge and guidance for filling out the form, for defining legal terms, for explaining the quirks and technicalities of the law can all be captured in an automated document. Once captured, it can be shared on the internet 24/7, 365. The automating of just one form can create an impact that ripples out exponentially for years to come. Later on today, I'll talk about the impact the New York DIY forms have had and how you all are an amazing case study for why this works.

This is where A2J Author comes in. CALI, my organization, and Chicago Kent Law School developed A2J Author in 2005 as a tool that was intended to transfer the legal expertise of a lawyer into a form that could be accessed hundreds of thousands of times on the internet. It's multiplying that impact of a single person's expertise without requiring coding. It is lawyers, law students, and other legal professionals who are using the tools within A2J Author to build out incredibly complex expert systems. To date, these A2J guided interviews have been used more than 7 million times by self-represented litigants in New York and 43 other states and four countries. The New York courts were an early adopter of A2J Author and HotDocs, which is another document assembly tool to automate the forms which sit at the intersection of monotony and complexity. Lisa and Sun are going to give you two ways in which the power of a single expert or a group of experts can be amplified for the good of many in New York. Then I'll come back and talk about how New York has been the shining light in this legal technology document automation space. So, I'll turn it over to Lisa.

Lisa Smith:

Thank you, Jessica. I'm going to have the opportunity to talk about our remote Advocate Assisted Family Offense Petition Project. So, this is a project that I just want to start out by saying that it's not for litigants alone, it's for litigants along with a domestic violence advocate. That was done intentionally because this particular project concentrates on domestic violence incidents and we wanted to take the opportunity to connect as many survivors with advocates as possible so that they can get the services they need and safety planning. And this collaboration is between OCA and our great partner at Probono.net. So just quickly today I'm going to give a little bit of introduction to the project, talk about the advocate signup, talk about the interview itself for the family offense petition, and then about e-filing.

So just a little bit on background, the Family Offense Petition Program allows trained advocates to help domestic violence survivors create and remotely file a petition for an order of protection. There are

advocacy organizations already allowed to do this project in all 62 counties in New York State. And there are actually in many counties, multiple organizations. And in all 62 counties, our Family Courts are available and already know how to handle the project and do the remote hearings that are needed to access an order protection hearing. And the program was first piloted, actually pre-COVID, even though it sounds like a COVID project, but it's a pre-COVID project, and I'll talk about that in a minute, from back from 2013. But although during COVID in 2020 was used over 9,000 times, but in every single year, basically in most recent times it's used at least between 7,500 and 8,000 times around the state.

So, on background a little bit, many of you may know this already, but victims of domestic abuse can go to Family Court to get an order of protection on their own. And the order of protection, they're going to request the judge issue an order of protection, temporary order of protection, because they're asking the judge to order the abuser to stay away from them, to stay away from their home, stay away from employment, stay away from their school. Orders of protection can also have very specific directives about the surrender, the voluntary surrender, or the not so voluntary surrender of firearms and also about the misuse of technology.

And the judge can control that also. So, the victim goes in, now they're going in what we call ex parte, which means the abuser is not present in the court because the abuser doesn't know that the victim is filing this petition with the domestic violence advocate trying to get the judge to issue this type of a temporary order of protection. Now, the procedure for doing so is that the victim has to fill out a fairly complex family offense petition. We've tried to simplify it, but it's still very complex in my opinion. And once they fill out the petition, then the petition goes to the judge. This is done very quickly because obviously when people want to get a temporary order of protection, they want it to happen immediately and the petition then goes to the judge for a hearing at which the survivor, the domestic violence survivor, will testify.

Now traditionally, and for a very long time, all of this was done in person. So, the survivor always went all the way to the Family Court and filled out all of this petition information in person and then waited around to have the hearing before the judge. And obviously this is very difficult and has been very difficult for a long time because it's one thing for people who are near mass transit to get themselves to a Family Court. But in rural New York, and that's a lot of the 62 counties, Family Courts can be an one-hour car ride away from the victim's residence. And that doesn't even take into account the number of victims who don't have access to a car. So, transportation was always an issue and obviously was keeping victims who needed orders of protection from getting them. But of course, there were many other problems for people who were walking or trying to get to Family Court in person because it was a problem for the elderly, it's a problem for the physically challenged, it was a problem for people who needed babysitting, and it's a problem for domestic violence survivors who are in fear for their safety and don't want to go to the Family Court. Just as an aside, people who are going to the Family Court have to be in either a family or intimate partner type relationship. So, through an amendment to the Family Court Act, this project was born to allow all of this to be done remotely.

Now, in order for an advocate to be able to access the program, the first thing is that the advocate needs to be approved by OCA, by the court system. So, a lot of the advocacy organizations will contact me, or they go through an email address that we have and they're approved for the program. So that isn't complicated at all.

And then once I'm talking about the program with them, I will set up a training so that I can train that advocacy organization on using this particular program. So, then what happens is the advocate will need to sign up via probono.net and they have to first just create an account using the probono.net site and you can just go on probono.net and the site will tell them how to access the family offense petition and other documents. And there's basic information in fact about the program on that site. But the first

thing is that they have to create an account with probono.net. And once you've created the account with probono.net, probono.net will inform you that everything has been created appropriately and it will take you through different screens. You can go to the next one, Jessica. It takes you through different screens once you enter your email and you try to join the area and answer certain questions so that they will approve you to be part of probono.net and let you access this program.

And then you will get an email from them telling you that it's a confirmation message telling you that you're successfully signed up. You need to wait for that confirmation message before you go forward. And if you don't see it, then you have to, as they say, you always check your spam. And once your application is processed, you will see from the email it's confirming that your membership has been approved. So, once you're approved from membership and probono.net, but that's a very, very quick process. The next thing that will happen is that you will need to sign up with LawHelp Interactive, but again, it looks complicated, but these are very quick signups, and you just have to sign up for an advocate account with LawHelp Interactive because this is the site that actually hosts the interview and all of the documents that you need in order to get a temporary order of protection in Family Court. So, you can see there that, that's the link to signing up for LawHelp Interactive. Will these slides be available to everybody?

Jessica Frank:

Yeah, they're linked on the conference website.

Lisa Smith:

Great. Okay, thank you. So, the interview through LawHelp Interactive is going to guide you through a series of questions and it's going to tell you about a series of documents. And the great thing here is that it's not only the family offense petition with the request for remote hearing, which is available, but also an address confidentiality affidavit if you need that. And then an affidavit in support of issuance of the Family Court temporary order of protection by a Criminal Court if it's closed. So just Family Courts are generally only open from nine to five, but as many of you may know, criminal courts, especially because they do arraignments and often night arraignments are open for many more extended hours. So, if there's an emergency and you were typically going to go to the Family Court for a temporary order of protection, you can go to your local Criminal Court instead and there's a specific document that you will need to submit to the local Criminal Court to explain what happened.

And there's this affidavit that is already attached, so you can do all of that remotely also. And then there's litigant instructions of what to do next. Those are really very good because they're written in plain language, and it tells the litigant exactly what to expect in the domestic violence case as it moves through the system. Sometimes litigants don't even realize that at this stage it's ex parte, so they're filling out the petition with the advocate on their own, but that petition, if a judge decides to issue the temporary order of protection, will then have to be served on the abuser because the abuser doesn't know that the survivor has requested a temporary order of protection. So, the temporary order of protection, most of the time by the sheriff, will have to be then served on the abuser and then both parties will come back into court.

So, the questions that are part of a family offense petition are exactly what you would expect a judge would want to hear in terms when they're making that decision about the issuance of a temporary order of protection. They might ask questions like, well, they will ask about the relationship. This is all in the document that the advocate is filling out. You can go to the next slide. When you get to the family offense petition, the advocate is going to start the interview with the survivor and they're going to be filling out the petition and the survivor who might be actually at the advocate's office, sometimes that

happens, but very frequently obviously is just on the phone speaking from home or a friend's home or from a hospital. Those are very common places where advocates speak to domestic violence survivors and they're going to go through the family offense petition with the advocate and the family offense petition is going to ask a series of questions, most of which you would expect about the relationship.

What is the relationship, to make sure they're eligible for Family Court, why are they requesting an order of protection? What happened? What was the harassment involved? Was there a physical assault? Those types of questions. It asks actually quite a number of questions about firearms, which obviously is very important. It will ask about whether there are children in the home or as part of the relationship, and it asks them to talk about past incidents. So, it asks quite a few things. And as you can see from my describing a little bit about this, it's a complicated process, which is why we really wanted the domestic violence advocates to be involved. So, the interview questions can be saved. And one of the important things to note here is that after the petition is completed, so in the interview, one of the questions they're going to ask is, do you want a remote hearing?

Are you eligible for a remote hearing? So that brings us back to what I was talking about before about the need for this type of the petition and the remote hearing because you're going to be answering, the advocate is going to be answering the question, are you physically challenged? Are you elderly? Does that make it more difficult to do a hearing in person or is there a reason you're fearful about coming to the court? Do you have babysitting challenges? Is transportation impossible? And of course, with COVID, more and more people obviously have filled out that they are requesting the remote hearing.

Now, one of the interesting things about this is, this does not require the victim to sign this remote petition. When we wrote this program, obviously we realized that if the survivor happens to have the ability to electronically sign, that's great. But obviously when we were writing this, we realized that many people do not have the ability to electronically sign. So, we wrote this so that it does not require a signature. The idea behind that is there's actually an affirmation in the petition, and the affirmation says that you're swearing under oath that everything in the petition is true. So, you're swearing under oath that everything in the petition is true. And then obviously you're going to a hearing pretty much immediately with the judge so that the judge can hear live testimony from the survivor. And you're going to say to the judge, yes, again, I am swearing that everything that was in the petition is true. And of course, they're there giving testimony under oath. Also, this question about the signing comes up constantly for domestic violence advocates. So, once you have completed filling out the family offense petition and deciding whether you want a remote hearing... Oh, and I'm sorry, just let me go back to the beginning for a second and just say that on the welcome screen you're going to select the county that you're located in and the county where you want to file the petition.

So, your agency, your domestic violence agency, is already pre-populated into this program, and that's as a result of having done that initial sign-up with the court and the verification by the court that your agency can participate. So, it's great because when you get to the screen, you're just going to scroll down and you'll see your agency, the domestic violence agency come up. And obviously if it's not there, then you have to give us a call and find out what happened. Go to the next screen.

And as I was saying before, it allows for an affirmation without having to actually e-sign. So, you can electronically sign, or you cannot electronically sign this. And once you answer all of the interview questions and you decide if you want the address confidentiality and the remote hearing and everything else, you simply hit finish or next. You'll be taken to a screen where you can save the answers, download the documents, you can save it and review it. Next.

And after you review, you select e-file the form and you're taken to a screen to finalize the e-filing process. The e-filed family offense petition goes to an address at the courts. The court will then reach back out to the domestic violence advocate to let them know the date and the time. Usually, the date is

pretty immediately. They'll either call them or email them and tell them what time they should be preparing, that the survivor should be preparing, for the hearing, And I can answer questions now or we can answer questions later. Thank you very much. Sun, whenever you're ready.

Sun Kim:

So, my name is Sun Kim and I work for the New York State Court System. I've been developing and maintaining the DIY forms programs for the last 15 and a half years. And for the next few minutes, I'm just going to talk about the DIY forms and how they work and how everyone can basically benefit from them. They debuted in 2007, and these are some of the things that were going on back in 2007 because it doesn't sound so long ago, but it was 15 years ago. My favorite of all these things that happened in 2007 was that the iPhone was released then, and I didn't realize it was so late. Also, Bob Barker, because I love the Price Is Right. But in 2007, they weren't even called DIY forms yet, but the programs did exist. They just didn't have a brand name yet.

The first three programs that were made for New York City Civil Court, and it was programs that were being used basically a lot in New York City Civil Court. New York City Civil Court, for those of you who don't know, is basically the lower trial level in New York City. So, it would be sort of like a Town and Village court, I guess, in upstate New York, but not really. I think jurisdiction's a little higher and a whole bunch of other things. But New York City Civil Court handles about 25% of all New York State total filings. Back in 2007, there were 1,459 assemblies and an assembly is when a program gets clicked on and then you actually get to the end and you assemble a document. Next screen. So, fast-forward 15 years, and during those 15 years, a lot of things happened. There's been a lot of, many, many iPhones have come through, and Drew Carey, who I don't love, he does the Price Is Right right now, but also during that time, 21 DIY forms programs were created and put out into the world.

We now have programs for name changes and landlord-tenant stuff. We have programs for guardianship and small estate, and all the DIY programs are available for every court, except for Criminal Court. And so we even have programs for Town and Village Court. Since then, there's been 1.5 million assemblies, and so there are documents out there and it's been helping a lot of people. Next screen.

So, we're going to talk a little bit about how document assembly works. This lovely image is thanks to Jessica, so thank you Jessica. So, the best well-known document assembly program is actually TurboTax, probably, which is very appropriate because taxes were due yesterday. Like TurboTax, the user accesses the program usually through the computer, maybe through a phone. I have an accountant, so I don't know how TurboTax totally works. And as long as you have an internet connection, you should be fine.

So, you access a DIY program through your phone, through your computer, and they go through the interview. And we're going to go through one today fairly quickly, but we'll go through one today and you answer just questions. And all of those questions that you answer are things that are necessary for the form. So, things like what's your name and where do you live and what do you want. That information is then sent to a server. The server that we use is a HotDocs server over on LawHelp Interactive, and it puts all of that information that you just put in into a form template and that server then spits out a generative form.

So, our DIY programs are the front end is A2J Author, and so it has a nice person that's walking you down the steps. What you just saw, what Lisa just showed you with the advocate program, that actually uses the native HotDocs interview. So, it's not pretty and it has no bells and whistles, but advocates don't really need that. So, what A2J offers is basically additional support for an unrepresented litigant trying to get through this by themselves. So sorry, so I was just looking at my notes. So, once you finish the DIY interview, you get your instructions, you get a petition or an affidavit, whatever it was the

program was for, and any other required documents that will be necessary for you to be able to fill the form.

So, the DIY form basics is basically who is it for? So, it's nearly, it's for unrepresented litigants, but it's also for advocates. It could also be for attorneys, it could be for government agencies, or it could be for like clients you have that maybe you don't take those kinds of cases, but you can refer them to a DIY program. It makes written court papers because as you know, the only way you can really access the courts right now is through written paper, either through petition or whatever it might be. But court forms, as Jessica mentioned, are difficult. Most of them are not in plain language, although we are working on that. DIY forms are available 24/7 from anywhere at any time. And particularly in the pandemic, people have been using them mostly from home. They're all available on [NYcourthelp.gov](http://NYcourthelp.gov), which is the court's website for people without an attorney.

So, if there's one thing you should remember from everything that I talk about, it's [NYcourthelp.gov](http://NYcourthelp.gov). And as long as you have an internet connection, you're good to go. All right, I'm going to show you a program. Hold down. Let me just share the screen. Right. So, as I said, really the main thing you have to remember is that all of our programs are on [NYcourthelp.gov](http://NYcourthelp.gov) and the website has legal topics that you can refer people to, legal information. They're all written in plain language and all of them are basically topics that unrepresented litigants will need help with. If you go to the DIY icon here, they're also sprinkled throughout all the topic pages, but we're just going to start from here. So, this is a list of all of our DIY forms programs.

They're separated by case type, or you can just go through the list and look for the specific program that you are looking for. We're going to look at the programs that are available for Supreme Court. So, these are all of the programs available for Supreme Court, and we're going to look at the Adult Name Change because it's the quickest, really. I would try the Divorce, but I don't think that's a good idea. So, I call these the DIY landing pages. Each DIY program has one. It tells you who can use it, what are required sort of information that you should have with you when you're doing it, and any other additional information that you may need to know. So, something like this in the little red boxes, addressing any kind of concerns you might have for privacy and whether you can seal your application.

So, all of our programs are hosted on LHI, so LawHelp Interactive, which is taking a second. I'm going to shut my camera off for a second. So, we're going to go through this as a guest. You can have an account, and which is totally fine, and it is sort of recommended for basically only one program -- and that's the Divorce program. But for everybody else, you can just go through it. This is the guest terms of use, basically who can use it and who shouldn't. So, you shouldn't be charged for this in any way. So, you agree, and you start.

Thank you. All right, so most DIY programs have basically the same sort of setup. So, we're going to start basically going through what the program is for. So, this is for adult name change, and this program doesn't make a court order if you want to change a gender designation on your birth certificate, and we will talk about that. Because it was added, oh wow, a while ago now, maybe about seven months ago, six months ago. When you finish, this is what you're going to get. You're going to get instructions and you're going to get the papers that you need. You have to print on only one side of the paper, which is something that I had to add quite a few years ago because people were doing double side printing, and we don't do that.

So A2J Author is great because we have something called just in time learning. So anything that's underlined in blue, it gives you a definition. So, this is a Pop-up and it tells you what it is. Blue means blue, and this is a Learn More on the side. So, Learn Mores aren't necessarily something that the litigant needs to get through the program, but it could be things that they're wondering about. The other thing I want to point out is the Espanol link up on top. So, this is a translation of the screen that you are looking

at, and it was one way to sneak in more help for people who may not be native English speakers or just need a little bit of extra help because they're more comfortable in Spanish. We do have another program that also has French in it, but all of it is, we have translators who do all of our work. We don't depend on, we don't even use Google Translate only because I've been told, well, I'm Korean and trust me, it's not always a great idea.

Every single screen has legal information, not legal advice. This is one of my favorite Learn Mores. And the reason why is because it was actually court staff who basically helped write it as the years went on and they were like, you should tell them what we can actually do first. And then so we reworded things. So that was kind of cool. Always a good idea to talk to a lawyer. We're going to click no to this, but if you do click yes, it gives you information of how to contact the New York State Bar Association's lawyer referral service. Do you want a copy of instructions printed in Spanish? Most of our programs do offer just instructions on what to do in Spanish, but we're going to say no only because it does make it much longer when you're looking at the generated documents. So, the next step is basically who can you use? Can you use this program? So, are you over 18? We're going to say yes. Do you live in New York? We're going to say yes. There's a difference between correcting a mistake on your birth certificate, and I've just found just anecdotally that basically they just want you to do a name change. Because if it's been this long, then you need to change your name. Are you incarcerated? Are you in prison or, oh, I'm sorry, on parole or on probation? You can't use this. So, we are going to say no. And then we start with the first question basically is what's your full legal name? So, we're going to say it's Minerva Mouse. So, we have confirmation screens sprinkled everywhere, and mostly it's because people don't always type correctly. So, we just want to make sure that what you said is what you meant you said. So next is, does your government ID match your name?

We're going to say yes, but quite often notaries will not notarize something for you if your ID doesn't match. Oh, sorry, I meant to say no. All right, so what new name do you want? So, I'm going to say that I want to change my name to Minnie Mouse and we're going to make sure that's what you meant. We will say yes. So why do you want to change your name to Minnie? And I'm going to say I love polka dots. This is not a legally sufficient reason, in all likelihood, that a judge will give you a name change. So, would you like information on how to change your gender designation on your birth certificate? And we will say yes.

And what county are you filing your petition? Okay, if you're filing in any of the five boroughs of New York City, the next screen is actually going to very much encourage you to file in New York City Civil Court. We're going to say we're going to file in Dutchess County because that's where my best friend lives. Going back to New York City, though, the reason why is because if you live in New York City and you file in New York City Civil Court, it doesn't cost \$210. It costs \$65. And so, we want to save you money. And so, if you live in New York City, file in New York City Civil Court, next. Where do you live? We're going to say we live in Fifth Avenue. We're going to say we live in Poughkeepsie. Oh, my best friend was like 20 minutes outside, but it's still very pretty up there.

So, what's your phone number? And we need your phone number in case that you need to be contacted. And so, we'll say yes. And what's your email address? I'm not going to give my email address because this is not a required field. Next, what's your marital status? We'll say we're single. And when's your birthdate? And I will say I was born on May 1st, 2000. And is this right? Yes, it is. Were you born in the United States? We're going to say yes.

And we are also going to say that we were born in Brooklyn. The reason why we're saying that we were born in Brooklyn is that remember a few screens ago we said that we wanted information about how to change our gender designation on our birth certificate? So, if you say that you were born in Brooklyn, it's going to actually produce a different form for you.



Do you have a copy of your birth certificate? Now, if you were born in New York State, you need to give your certificate number in your petition. So, we'll say yes. If you didn't know it at that point though, what it would actually do is the document would have a blank line and you're going to have to hand write in your certificate number. Next, you need a certified copy because you said you were born in New York.

After that we're going to ask about other cases that you may have. So, have you ever been convicted of a misdemeanor or a felony? We're going to say no. Have you ever declared bankruptcy? We're going to say no. Are there any judgements and liens? No. Are you a part of any legal proceeding? And we're going to say no. If you had said yes to any of this before, they're just going to ask you for more information. Next. Have you ever asked any court to change your name before? We'll say no. If you said yes, you're going to have to say what happened and what did you do? Do you pay child support? We're going to say no. And the same with spousal support and we're going to say no.

So, the fee waiver section was actually added about maybe a year ago because it costs \$210. So, we're going to say we don't have an extreme financial hardship, but if you did say yes, it will actually ask you all of the questions that you need answered to fill out a fee waiver application for you. So, beyond that, are you asking the court to seal your application? And we're going to say no. Reminder, public computer, please close out all your stuff. And again, only print on one side of the paper because clerks emailed me multiple times. And so now it's just been added everywhere.

So, after that you click on get document and hopefully it will actually assemble because sometimes it doesn't like to do that when other people are watching. Oh, yay. Okay, so we're going to download our form and you're going to all have a look at what we produced. It went straight to the top-bottom. So, the very top is basically just what got printed for you. And this is all the stuff that got printed for you. There's a petition, you have a proposed order, there's an RJI, and this is stuff that you have to bring with you. Your proof of address, certificate, certified birth certificate, and then other things like money. So, after that we also have the gender marker change application, which is what New York City calls it. So, after that it's just FAQs -- where are things located? what do you do next? And then other questions almost like Learn More questions that you may have. So, things like, what do you mean by proof of address? and what is a certified birth certificate? That is the actual petition and it's printed, it's beautiful, it's very legible, which is what we all want because I have noticed my handwriting has gotten markedly worse and it's never been good. After that is just where you need to have notarized things. This is a proposed order. Supreme Court does require a proposed order. New York City Civil Court does not, so we don't print this for New York City Civil Court. Same thing with an RJI. It's for Supreme Court. It's not for New York City Civil Court, but it fills out as much of it as it can for you. Ah, sorry it's very long. All right, so in New York state, if you want to change your gender marker, it's an administrative process. This is the instructions that you need, and this is the application that you need to sign and fill out and that's the end of it. And then you send it in and whatever. And then we have a nice little survey at the very end. So that's what gets produced for us. And then so to now go back to my chat, no, to my slide deck.

Jessica Frank:

I took it back over, Sun, with the slide deck.

Sun Kim:

Okay, good. So, I just wanted to reiterate the top three things, benefits of DIY forms. So, first thing is that it does demystify the process. Accessing the courts, it's incredibly intimidating. And so something like a DIY program, it addresses things like plain language, language comprehension, there are

instructions, there are Learn Mores, there are definitions, and it's all things that help a person feel empowered to actually do this themselves.

Next is DIY forms can be a source for attorneys and advocates. So, volunteer lawyer programs and law school clinics have used DIY forms for their clients. It's also one of those things where other attorneys will actually recommend it, particularly the Small Estate. I ran a really quick numbers yesterday and out of the almost 2000 surveys where another person referred them to the DIY program, 700, about 750 of them were referred by an attorney to a Small Estate DIY program because attorneys won't take those cases.

And then the next thing is that the DIY forms produce a prima facie, legally sufficient document. So, everything that's required for the petition has been filled out. The pleadings are legible and they're accurate, more so than I think a handwritten paper form. And so that minimizes frustration and just helps them make an informed choice of their answers as they're going through it.

Pete Nowacki:

Okay. And with that said, I guess I'll just read a couple of questions here for Sun and her presentation. Sun, you mentioned that because you liked polka dots, you wanted to change your name. Does it give you any information about what a real legal reason would be to change your name?

Sun Kim:

Yeah, there is a Learn More on that screen that gives examples, and it could be things like it could literally be anything honestly. And I feel it's one of those things where it's personal to the person. So, it's whatever that personal reason is for that person. But there is a Learn More on that screen.

Pete Nowacki:

Okay, great.

Lisa Smith:

And Peter, I just wanted to interject that for the family offense petition, there are guardrails. They do give a long list of what are the different types of incidents that could cause you to apply for a temporary order protection.

Pete Nowacki:

Okay, thanks. Second question. Susan asked us that some folks are submitting stuff through this, and the judges are basically asking for a form that the DIY form process doesn't include. Who can advocates reach out to for recommended changes?

Sun Kim:

So, you should email me. So, any DIY issues questions, just email me and I'll sort it out.

Pete Nowacki:

Okay, great, thanks.

Jessica Frank:

All right. So, thank you, Sun and Lisa. So, let's now talk about the impact that New York DIY forms have had. In yesterday's opening keynote, acting Judge Anthony Cannataro said that New York has always been a leader in the delivery of civil legal services. And this is true in the technology space as well. So, the New York courts were an early adopter of document automation technology. As Sun said, you all have been doing this since 2007. That's 16 years. That's crazy! Like, name anything else on the internet that's been working consistently for 16 years? You basically have a driver here, right? Your program is 16 years old, that can drive a car. Like, that in and of itself is amazing. Now, a lot of people will argue that more lawyers are the answer to the access to justice crisis, but I have a controversial take particularly because I am a lawyer, but I'm going to argue that having a real life in-person lawyer isn't always the best solution. Lawyers are expensive. So even if we as a country had the political will to publicly fund a free or low-cost lawyer for everyone's legal issue, that's an awfully big if, I still don't think that a lawyer is the best option in every case.

So anecdotally, we live in a DIY culture. Not everybody is going to want to spend the money to get the custom help. They just need a little bit of help with complicated things like the forms themselves. Beyond the anecdotal though, we have data that shows that having a lawyer is sometimes less effective than doing it yourself. A few years ago, Michigan Legal Help ran a study throughout a summer where they got permission to put footers onto the bottom of their DIY forms and they had interns track these divorce proceedings and the pleadings and they checked them against other cases where parties were represented by lawyers. They gathered data points like complexity of the case length, rates of the defendants appearing, factored for all of that. Findings from that show that self-represented litigants conclude the divorce process in less time than attorney represented litigants with the Michigan Legal Help litigants, the ones using their DIY forms, concluding slightly more quickly than any other of the litigants. So, this was true controlling for all other factors like complexity of the case. So self-represented litigants using automated forms created by attorneys and law students are just as successful at solving their legal problems and often can get it done faster.

If that hasn't convinced you, we'll let the end users do it yourself. So, Sun showed you at the end of the assembled document that there was a survey. A few years ago, we worked with an intern, a law school clerk at Chicago Kent. They looked at the data with Sun's team, found 14,000 handwritten comments on the bottoms of those forms tracking back to 2009. The ones related to the software and their interaction with the program itself were 90% positive and included these handwritten comments like some of those on the screen. So, you can see a ton more user testimonials on the court's DIY forms website. And it's really great to see it from the mouths of people themselves and their own words, self-represented litigants talking about the impact these forms have had. Now, the COVID-19 pandemic taught us all a lot about what can and can't be done with technology. Courts all over the country suddenly had to be available online. The courthouse was closed, the stacks of paper forms weren't really cutting it. On our side on A2J Author, we saw huge jump of courts in the summer of 2020 all of a sudden wanting to automate their forms.

But New York had already done that, and a lot of the legwork was already in place to address the surge of online activity. So, I pulled some stats just from the top five DIY form packages in 2020. And it's really fascinating that future anthropologists are going to be able to do case studies on the pandemic based in part on this kind of data. So, each bar on the graph is a different quarter of 2020. Quarter two, the orange bar graph, dropped off sharply from quarter one in divorce and support modifications and adult name changes, but small state affidavits and custody and visitation modifications surged. So even with the court's closed, in many cases, people were still trying to deal with their most basic legal issues like settling the estates for those who had passed, their loved ones, and handling child custody issues

because parents had different work schedules, kids were home from school, and they needed to do modifications.

And then in quarter three and quarter four of 2020, the courts began reopening and we saw a spike again in the number. Here is looking further with 2020 to 2022, same sort of trends. Divorces dropped, everything else remains consistent or grew in 2021. And by 2022, online form usage was returning to pre-pandemic levels. Now, this graph shows the average number of runs for each of these forms over the three years of 2020 to 2022. This graph is the most dramatic though because it marks out the overall impact that just the New York Court's DIY forms had through the first three years of the pandemic. Cumulatively, these five, again, that's just five automated programs, helped almost half a million people over three years. It's huge. New York is a powerhouse of automated forms and has been consistently for almost 20 years. Remember, your forms are old enough to drive, they're over 16 years old.

The thought that goes into the creation of the forms, the level of expertise and the careful programming that Sun and her team have done from the beginning is impressive, but also that wraparound content that she showed you and the marketing that goes into it is really important to getting this to your users, giving them a quality product and giving them something they can actually complete their legal process with. And we really preach it at A2J Author as a guidepost for other courts that look at what New York has done, look how amazing it is.

With these New York forms and the ones that are in 43 other states and four countries, we're over 7 million runs since 2005. If you're interested in replicating what New York has done, if you aren't in New York, reach out to me. I always brag on New York constantly, and we'd actually love to see those of you that are in New York and didn't know about these, that didn't know that your court was the epicenter of legal technology innovation, go use these advocate forms and DIY forms that Sun and Lisa have talked about. Blow those numbers up so that next year I'll be invited back to talk about how awesome these forms are and how much they've grown in the past year. So, I'll end it. I know we're sort of overtime, but feel free to reach out if you have questions.

Pete Nowacki:

So just again, we are over time, so if you need to leave, that's understandable. But if we can, we just have one more question. The education level of SRLs?

Jessica Frank:

We advocate for a fifth to seventh grade reading level for our content, and we have tools to help you.

Sun Kim:

Yeah, and if you're talking about users, we don't actually collect that. The DIY survey does collect age and income range, but that's it.

Pete Nowacki:

Right. Well, thank you ladies. Awesome job. Thanks everybody for participating. And there is a link for the next conference in the chat, so if you want to go there instead of looking at the main page, you can go there. So have an awesome rest of the conference and a great evening. Thanks.

Jessica Frank:

Bye.

Sun Kim:

Thank you.

Lisa Smith:

Thank you everyone.