DOCUMENT ASSEMBLY PROGRAMS

BEST PRACTICES GUIDE

FOR COURT SYSTEM DEVELOPMENT AND IMPLEMENTATION USING A2J AUTHOR

JUNE 2013
EDITION

ACCESS TO JUSTICE
NY STATE COURTS

NEW YORK STATE COURTS ACCESS TO JUSTICE PROGRAM

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PREFACE TO THE SECOND EDITION

In 2012, according to statistics supplied by Pro Bono Net's Law Help Interactive server, over 100,000 documents were assembled by New Yorkers using the NYS Courts Access to Justice Program's A2J document assembly programs made for unrepresented litigants. I attribute this achievement to subscribing to the practices outlined in this guide, along with the hard work and dedication of the NYS Courts Access to Justice Program's incredible staff.

This second edition of this guide has been published primarily to update the resources listed in the back with little tweaks here and there throughout based upon feedback garnered over the past two years. It has been gratifying to see that some of the New York State court system's experiences have assisted others in the implementing and developing court-based document assembly programs. It is hoped that other jurisdictions can continue to learn from our mistakes, benefit from our successes, and improve equal access to justice for all.

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June 2013

PREFACE TO THE FIRST EDITION

Court systems around the country are faced with increasing numbers of unrepresented litigants who are unable to pay for legal representation, even though their cases may have serious consequences. At the same time, the economic downturn has affected courts and their ability to provide mechanisms to promote fair and equitable treatment for these litigants. Technology's exponential growth, its enhanced accessibility and its decreasing costs, has made self-help Document Assembly Programs an ideal mechanism for serving the unrepresented public. Both access to justice and court operations are greatly improved through their use. For these reasons, the recognition of best practices in such services has become more and more important.

Under the leadership and vision of Judge Fern A. Fisher, the New York State courts began developing Document Assembly Programs in 2005. Working with Judge Fisher, first to create programs for New York City, and then in 2009 creating statewide programs, we have been able to identify the best practices that are likely to be effective and generally worthy of replication for court systems.[1] The practices are based on

[1] Please note that the practices listed in this manual are primarily for the use of A2J Author to create the front-end interface, HotDocs to create the back-end, and the LawHelp Interactive server to host the programs. This manual does not explain how to use the A2J Author or HotDocs software. The A2J

significant statistical analysis, experience, testing and feedback over the past six years working with a limited budget.[2]

The New York State Courts Access to Justice Program is authoring the first edition of this guide to share our experiences and provide guidance to other court systems contemplating or undertaking the development and implementation of Document Assembly Programs.[3] Accordingly, most of the resources that are referenced in the back of this guide are from New York. You are invited to share your experience and knowledge with us to expand on the resources and best practices for future additions. Questions, comments, and suggestions may be emailed to nya2j@courts.state.ny.us.

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April 2011

Author starter kit, which includes the A2J Authoring Guide, is available at: www.a2jauthor.org. The HotDocs installation guide and tutorial is available at: http://www.hotdocs.com/Documentation.aspx. To learn more about LHI, visit: http://www.probono.net/dasupport/.

[2] Following the practices listed in this guide, in 2010, New York litigants generated over 53,000 assembled documents, more than any other state using A2J Author software.

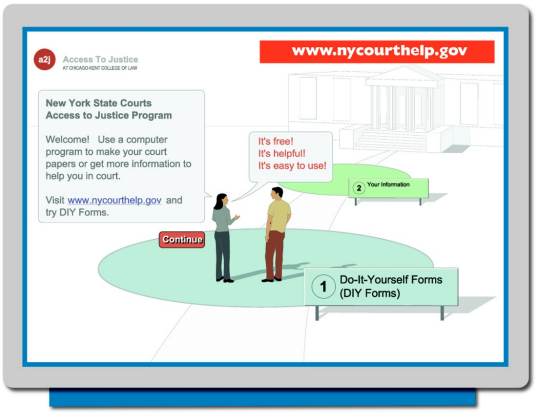
[3] I would like to thank the Legal Services Corp.'s Glenn Rawdon, Esq., Probono Net's Claudia Johnson, Esq. and Richard Zorza, Esq. for their valuable comments and feedback on this guide.

INTRODUCTION

This Best Practices Guide advocates a court system taking a leadership role in the creation of Document Assembly Programs to further equal access to justice for litigants who are unable to afford an attorney. The chronic lack of free or low-cost legal assistance, coupled with the economic downturn, has led to a crisis in the courts. The crisis is reflected by the mounting numbers of cases with unrepresented parties and the burgeoning numbers of filings in areas of the law that effect everyday people's lives, such as bankruptcy, foreclosure, consumer debt, custody, divorce and landlord-tenant. The judiciary cannot ignore the inequality that unrepresented litigants experience when they are required to submit court forms concerning life-affecting legal issues. The simple act of filling out forms raises unique challenges that many of these litigants have trouble overcoming. A court system can use Document Assembly Programs to help unrepresented litigants create the court documents they need.

Document assembly software uses a litigant's answers to questions to generate a completed personalized form which can be printed and filed manually or electronically.[4] Document Assembly Programs lead the litigant through a logical series of question screens. The path taken depends on the user's answers to the questions. Users do not see a question screen unless it applies to their situation. Users do not need to repeatedly input information as is required on paper forms. The programs are easy to navigate even for first time users with novice computer skills. Answer files can be saved if users want to return and make changes or complete the program later.

A2J Author is a flash-based software tool specially designed to make it easy for non-technical court staff and public interest lawyers to quickly and inexpensively create user friendly web-based interfaces for document assembly. A2J Author was funded through grants and developed as a free tool for court systems and others assisting low-income litigants to help remove the barriers faced when preparing court documents.



[4] The commercially sold TurboTax and ImmigrationPro are examples of Document Assembly Programs.

A2J Author creates the “front-end” experience for the user. Every program has the same attractive graphic appearance with a guide walking the litigant step by step along a path that leads to the courthouse. As the litigant answers questions, A2J Author collects the user’s information. A “back-end” assembly engine, such as HotDocs, is required to complete the process. HotDocs software by HotDocs Ltd., is used to create the form template that is the basis for the finished document. HotDocs merges the information collected in A2J Author into a completed personalized court form. The A2J-HotDocs Document Assembly Program can then be made available to unrepresented litigants to access over the internet by uploading it to a server, such as Pro Bono Net’s national online document assembly project, LawHelp Interactive (LHI).

The practices set forth in this guide focus on development and implementation of Document Assembly Programs using an A2J Author-HotDocs-LHI combination; however, many of the practices are worthwhile even with other approaches. To be effective, Document Assembly Programs for unrepresented litigants need to be uncomplicated. Simple, easy-to-use Document Assembly Programs, such as those created with A2J Author and HotDocs, greatly benefit both unrepresented litigants and the court system.

When guided through processes that are foreign to them, litigants who use court produced Document Assembly Programs more often prepare legally sufficient pleadings and present greater information to the bench, leading to an increased chance of success on the merits and fewer applications for the same relief. With document assembly, litigants understand legal procedures better, more fully understand their rights, have greater access to information at convenient times and locations, and are more likely to complete the process faster and more frequently.

Document Assembly Programs also improve court operations by creating legible papers for review and legally sufficient papers that reduce recidivism and paperwork. The legal information built into the programs helps alleviate the burden on court staff by decreasing time spent answering litigant questions. With Document Assembly Programs, courts run more efficiently and effectively, judges have better drafted paper and can more often decide disputes on the merits. Most important, providing quality Document Assembly Programs enhances public trust and confidence in the court, and litigant’s perceive that they have received fair and equitable justice.

Before embarking on the document assembly process, there are a number of initial considerations to examine. It is important to decide what the court’s role will be in the process. Court systems are in the best position to oversee a document assembly project to produce court-based programs and implement courthouse usage for an array of reasons that are set forth in Part I of this guide. Developing and implementing Document Assembly Programs requires an investment of time and resources and some decisions should be made at the outset that affect the entire process. Strong leadership support from a high level judge or administrator is essential to the successful

production of the programs.

Part II of this guide discusses the best practices to consider during the development phase of the document assembly process. Since the programs will produce forms utilized by litigants, the court should take a particular interest in their construction. Attention to these practices is of greater importance when designing the programs as self-help tools.

Part III discusses the best practices for placing the programs on the internet for use outside the courthouse. Part IV explains the important guidelines to follow for litigant use in the courthouse, whether the use is with or without staff assistance. While both sections are important, it must be stressed that placing public access terminals in courthouses significantly improves program usage. Similarly, the best practices outlined in Section V concerning outreach also lead to greater utilization and awareness of the programs by unrepresented litigants, thereby improving access to justice. Getting court staff on board is very important to the success of the programs.

Part VI provides guidelines for tracking usage of the Document Assembly Programs. Collection and review of statistical information are vital to learn where more training and outreach are needed and to reveal any problems in the programs that require attention. Part VII discusses the maintenance needed to keep the Document Assembly Programs viable.

Finally, there is a resource section that shares helpful examples, tips, links and information that correspond to the best practices set forth in the various sections.

Over the past few years, court systems have faced their greatest challenge in providing fair and equal access to justice. The best practices set forth in this guide for court system development and implementation of Document Assembly Programs using A2J Author software are a start to meeting the challenge.

PART I: Initial Considerations

A. The Court's Role

The Best Practices set forth in this guide are written for a court system taking a leadership role in the development and implementation of Document Assembly Programs. It is important to have a clear idea of the role the court will play in building these programs from the beginning when presenting the concept to court administrators and partners who will support the project and/or help streamline the development and implementation process down the road. When developing an action plan, each jurisdiction should review the initial considerations outlined in this Part with its own needs in mind.

The court's role can differ from other court systems, and can also differ as the breadth of the project grows. However, there are a number of areas where the court should plan to take a lead role because of its unique position:

1. Choosing Forms: Judicial and non-judicial personnel regularly interact with unrepresented litigants and are in the best position to assess which court forms are needed most.
2. *Prima Facie* Pleadings: Court personnel have the final say over whether a pleading prepared by an unrepresented litigant will be accepted for filing.
3. Building Consensus: Court systems can gain statewide agreement on filing requirements.
4. Program Testing: Courts can arrange testing of programs by court staff and judicial personnel.
5. Terminals in the Courthouse: Courts control the installation of public access computer terminals in courthouses.
6. Program Promotion: Court staff direct litigants to the Document Assembly Programs whether in person, over the phone or on a court's website.
7. Court Website: Courts control the court's website where most litigants look for information.
8. Court Staff Training: Courts can set-up training programs for court personnel.
9. Tracking Usage: Courts can track filings in the courthouse and collect user feedback.
10. Keeping Programs Current: Courts know when the law and filing requirements change.

B. Costs

Estimating the costs of developing and implementing the Document Assembly Programs can be difficult at the outset because it depends on a host of variables and choices. This general outline can assist in determining potential costs:

1. Cost of Hosting the Programs on the Internet: Depending on the technology chosen, the court's server may not be set-up to generate the assembled documents. Accordingly, costs may include a licensing fee to LawHelp Interactive (LHI) (or some other vendor), or fees to build and maintain a server.
2. Programmer's Salary: This cost depends on whether people are hired to produce the Document Assembly Programs and the expertise of the people hired. This guide advocates hiring at least one full-time attorney/technologist as the programmer. Partnering with outside organizations may be an economical option to provide the programming labor.
3. Plain Language Services: Best practices warrant producing programs that are geared to litigants with lower reading levels. If there is nobody on staff with plain language skills, then the cost of sending the programs to a plain language specialist should be considered.
4. Promotional Expenses: These costs may include printing and distribution costs of posters and cards and video production. Best practices justify allocating money toward promotion. Costs depend on choices made, how large the jurisdiction is, and in-house resources.
5. Training Expenses: It is the best practice to train court staff on the programs and to conduct general outreach. Training expenses can include personnel time, travel and food expenses for live trainings, and other incidental expenses. Hiring a full-time education and training coordinator may be practical depending on the size of the jurisdiction.
6. Other Personnel Time: General clerical services are needed for a variety of tasks for the continued successful operation of the programs. Expenses include personnel needed to conduct entry and review of statistical data, respond to inquires, conduct distribution of promotional materials, upkeep social media and maintain websites, and host recognition events.
7. Interpreting Costs: Translation costs for putting the program scripts, instructions and web pages into other languages.
8. Audio Costs: Costs of hiring people to record audio to add to the programs in English and other languages.
9. Courthouse Use Costs: Personnel costs can be incurred to support assisted use of the programs. Computer equipment, work stations, physical plant, technical support, can all come into play. If Help Centers

already exist, then this cost may be negligible. If only self-help is anticipated then this cost is not a factor.

10. E-Filing Costs: If electronic filing is contemplated, expenses associated with integrating the electronic filing of the documents with the court's case management system can be high. Costs depend on each court system's existing set-up.

When estimating costs consider the size of the geographic span that the programs will cover. Costs rise significantly when targeting a large state, rather than just one city. An urban environment with courthouses in close proximity makes implementation of the programs easier. Site visits and bringing people together for training is simpler. Promotional materials can be delivered by inter-office mail. Costs rise when a larger area is targeted. There are substantial added printing, travel and training costs to bring the information to courthouses that are further away.

C. Choosing Technology

This manual focuses on use of the A2J Author software to create the front-end of the Document Assembly Programs and HotDocs software to create the back-end of the programs. Before beginning program development a court system should weigh the various technology options. Consideration should be given to whether the software employed will keep up with technology and whether the software has a community that offers support and training that will continue for years to come. Utilizing a ready-made product such as A2J Author is an enormous time and money saver. A2J Author has an attractive personalized user-friendly interface; it is free and easy to master. However, if a court system already has other adaptable software in place that is compatible with its case management system, that may be a better option. In addition, if a partnership is contemplated to share costs and resources, the software employed by a partnering organization must be considered. Finally, since A2J Author is an Adobe Flash application, it can only be used on Microsoft-equipped machines.

D. Hosting Programs: Control Over Design

If A2J Author and HotDocs are the technology chosen to produce the Document Assembly Programs, the court's server may not be able to generate the documents and a decision will need to be made as to where to host the programs. LawHelp Interactive (LHI) hosts programs for legal services organizations for free, but charges courts for this service.

When considering where to host the programs, the court should think about the amount of control it wants to have over development. The court has several options:

1. Rely on a Statewide Web Site to Host the Programs: A2J Author programs produced by, or in partnership with, legal services and accessed through a statewide web page (SWEB), such as LawHelp, are hosted on LHI for free. The court can link to the SWEB and the user can get to the LHI server to use the A2J Author programs. This is the most cost-effective method for producing and hosting programs. The downside of this method is the loss of creative freedom. Relying solely on this method requires that all programs be produced in partnership with a legal services program. A neutral court system may want to create and host programs for unrepresented litigants that are not ideal for a legal services program. Another drawback is there are more screens for the litigant to pass to get to the programs from the court's website.
2. Build a Server: Building and maintaining a server to host the Document Assembly Programs is an option and may be a good investment if a high volume of programs is anticipated and the technology is expected to be employed for many years. The benefit of this choice is that the server can be custom tailored to the court's needs with control over entry and exit screens, electronic filing of documents and statistical information gathering. The drawback to this option is that it requires a large initial investment of time and money, continued maintenance and may be a risk if technology changes or the court system decides to pursue other ventures.
3. Pay a licensing fee to LawHelp Interactive: A court system can pay Pro Bono Net a licensing fee to host its templates on LHI. The programs can be linked directly from the court's website (bypassing a SWEB). The benefit of this option is that the court system has complete creative control over the programs created for unrepresented litigants. The court also has an opportunity to share in the LHI infrastructure which provides support and communication with other states across the country. This includes access to every jurisdiction's templates, a listserv of developers to ask questions, and informational webinars on technical and non-technical issues. The downside is that this may be too expensive for the jurisdiction to afford. Also, the court is dependent on LHI to make server upgrades and accommodations and cannot custom tailor the site. This option can also be adopted later on after partnering with a legal services program on the initial creation of Documents Assembly Programs.

E. Staffing/Central Oversight

A central person or office should be designated to oversee the development and implementation of the Document Assembly Programs for the state. This is preferable to having different courts developing programs on their own which hinders uniformity and quality control. Successful implementation of the programs requires strong leadership. The administering office should have the

backing and support of court system officials. Central staffing considerations:

1. Programmer: Document Assembly Programs are best programmed or overseen by attorneys. Attorneys have both the logical thinking skills as well as the legal expertise essential for programming. Hiring an attorney/technologist to produce the Document Assembly Programs is recommended. Programs can also be drafted in part by staff and finalized by the attorney programmer.
2. Outreach and Training Coordinator: As outlined in this manual, training of court staff and public outreach are essential to greater usage of the programs. If the budget permits, personnel should be assigned to oversee education and promotion of the programs, trainings, and site visits. Depending on the size of the jurisdiction, several people can contribute to this role.
3. Data Entry. Unless all the statistical information gathered from the program usage is automatic staff should be employed to enter the data obtained.
4. Clerical Staff: In addition to data entry, support staff will be needed for other ancillary administrative tasks.
5. Program Maintenance: Staff must be in place to continue to keep the programs up to date. This is extremely important because a program is never finished and requires perpetual maintenance. A point person should also be in place to receive program feedback from users and court personnel.

F. Assisted or Unassisted Use

There is a broad spectrum of ways for the court to offer the Document Assembly Programs to the public. Programs can be made contemplating unassisted use by the litigant -- a do-it-yourself strategy for users outside the court system with no assistance from court personnel. Or, where resources are available, programs can be created for litigants to use with the assistance of court clerks or Help Center personnel. A jurisdiction can employ a mix of assisted and unassisted use by putting the Document Assembly Programs on the internet and by placing public access computer terminals in courthouses and then offering varying degrees of assistance from place to place depending on resources. If the court already has Help Centers for unrepresented litigants, an assisted or semi-assisted use strategy is easier to put in place. A jurisdiction can also find partners to facilitate usage.

It is important to consider how the programs will be used by the public because it will impact the type of programs developed, the design of the programs and the areas of law chosen. Thought must be given to the cost, staffing and physical

plant needs for assisted use, as well as staff reaction to additional responsibilities to the public. Keep in mind that exclusively designing assisted use programs can be limiting for users who cannot get to the courthouse. Consideration must be also be given to the resources needed to gear the programs to unassisted users with ADA and LEP issues. Careful attention should be put into creating the A2J Author program with additional embedded information and clarifications for such users.

G. Partnerships

Partnering can be an effective way to bring down costs and share resources. Partnering with an outside agency, such as a legal services organization or a law school is a means to acquire labor and expertise. For example, a legal aid organization funded by the Legal Services Corporation (LSC) can apply for a Legal Services Technology Grant (TIG) to fund the creation of the programs. Partnering with a legal services organization can also save money on hosting the Document Assembly Programs on the LawHelp Interactive server. Legal service organizations have a great wealth of experience questioning low-income litigants to elicit the information needed to complete pleadings, while the courts have experience determining whether a pleading will be universally accepted for filing. Other partners, such as libraries, clergy, and charitable organizations, can be found to conduct public outreach, cover promotional expenses or assist litigants with program usage. Consider partnering with other states to share the cost of building a server to host the Document Assembly Programs.

H. Statewide Uniformity

Best practices call for producing universal court forms that can be filed in any court in the state. It would be detrimental to an unrepresented litigant to rely on a court produced Document Assembly Program only to have the form rejected by a court clerk or judge when brought to the courthouse to file. The lack of uniform forms in a jurisdiction can substantially slow down the development and implementation process. Absent uniform forms, it is best to investigate whether the required consensus for mandatory acceptance of the forms produced by the Document Assembly Programs can be obtained before undertaking their development.

I. Electronic Filing

If the court system has moved or is moving to electronic filing, Document Assembly Programs can be integrated into the court's case management system so that the court forms produced are electronically filed. This is a tremendous aid to both unrepresented litigants and the court. The court saves space, saves data-entry time, gains ready access to files, and can create new forms and

orders without more typing. It is best to consider this possibility at the outset of development because it affects the technologies chosen, the cost, the tracking system put into place, and a host of other decisions. It is important that the electronic filing, case management and document assembly people communicate their needs and make choices that are compatible.

J. Branding

One of the initial decisions to consider is what the Document Assembly Programs will be called when rolled out to the public. It is strongly recommended that a user friendly, plain language name be chosen that an unrepresented litigant will understand and remember and will catch on with court staff. Most people are not familiar with the term "Document Assembly Program." Similarly, "A2J" doesn't mean anything to a potential user.

K. Ethical Issues

There are opponents of Document Assembly Programs that believe their use is akin to the unauthorized practice of law. Some adversaries believe that the programs provide legal advice and create an attorney-client relationship. Ethical opinions may differ throughout the country. It is prudent to research and assess whether any negative law exists in the jurisdiction.

PART II: Development of Document Assembly Programs

A. Choosing a Court Form to Create

When choosing the initial court forms to create it is prudent to start with something manageable to "pilot" the project. Learn from experience before expanding the undertaking. Perhaps begin with forms for a smaller geographical area or forms for a specific area of the law, or forms for a specific court. Once the Document Assembly Programs have been implemented further expansion will be much easier.

Choosing the right court form or topic for the subject of the A2J Author program should be given a lot of thought. Not all forms should be made into A2J Author programs. It is important to consider the following:

1. High volume: Properly creating a Document Assembly Program is time consuming and it makes sense to choose a court form that is used often and will assist many litigants. Try to get the most return for the time and effort invested. Also, it is good to start with a high impact program because this will gain much more recognition faster.
2. Not too simple: If a court form is a one-page form that is easy to fill out and litigants do not generally have trouble with it, then it does not need to be made into an A2J Author program. It is better to turn that court form into a form that can be filled in online.
3. Not too hard: A monster of a court form is also not ideal. Consider whether there are additional affidavits or extraneous information that the litigant will have to amass to complete the program. This may not be the best choice, especially for courthouse use. Consider whether there are too many possibilities and branches that the program will have to handle. An A2J program like this will be hard to program and manage. In this case, it may be best to narrow the focus. A program too large in size may also have problems uploading to the server, especially with added audio files.
4. Low-income: Select a form or topic that is needed by people who have financial issues and cannot afford an attorney.
5. Not Prepared by Legal Services: Consider selecting a form that Legal Services does not usually assist litigants with. For example, in New York, a small estate affidavit program was designed for people to settle estates valued at less than $30,000. Legal services groups do not regularly assist litigants with small estates and it is often too costly to pay a lawyer to settle a small estate.
6. Not Prepared by the Private Bar: Consider selecting a form that is not

regularly prepared for a fee by the private bar. The Document Assembly Program should not be perceived as a threat by the fee-generating legal community.

7. Informational Programs: Not all Document Assembly Programs must produce a court form. Consider programs that identify the litigant's needs and produce customized information sheets.
8. Electronic Filing: Consider forms that can be delivered directly to the court. If forms require additional steps, such as payment of fees, service or notarization to complete, then electronic filing may be a problem.
9. Benefits Court Staff: Choose a Document Assembly Program that will save staff time usually spent assisting litigants. Select a Document Assembly Program with a goal of cutting down on recidivism. Look at the court forms that have repeated applications for previously denied relief. Look at court forms that are denied for failure to meet *prima facie* requirements. Consider choosing a form that unrepresented litigants frequently have trouble completing because it is not written in "plain language," or litigants do not understand the legal terminology, or it deals with difficult legal concepts. Such a form benefits from the "learn mores" and "pop-up" definitions built into the A2J Author programs. Creating programs that court staff view as a benefit will pave the way for staff cooperation and assistance with promotion and tracking.
10. Statewide Forms: Consider starting with an existing statewide form, if there is one. It is substantially more work to create a universally acceptable form from scratch. Consider whether it is possible to build the consensus needed to do this. Do not create a court form that will be rejected in some jurisdictions and accepted in others.
11. User Demographics: Consider the language proficiency and literacy level of the targeted audience for the particular program. Document Assembly Programs are not for everyone. Making a self-help program aimed at litigants that may not have the threshold skills required to complete the program would be ill-advised.
12. Safety Considerations: Applications for relief sought due to domestic violence or other safety concerns may best be left to require the litigant to speak to an advocate or clerk that can explain the dangers or protect anonymity.

B. Personalized Instructions in the Output

Along with the assembled document, it is best if programs produce instruction sheets that tell the litigant what to do next. If a litigant produces a court form and then has no idea what to do with it, then that litigant still does not have access to justice. Producing the court form without the instructions may not get the litigant

to the courthouse. Possible information may include:

1. Filing Instructions.
2. Service Instructions.
3. Personalized Courthouse Locations and Hours.
4. Courtroom Procedure, Including Adjournments.
5. What the Adversary May Do Next.
6. What to Do If the Adversary Defaults.
7. Any Additional Documents Required and How to Obtain Them.
8. Where to Go for Free or Low-cost Legal Services.
9. Potential Court Costs and Fees and How to Pay Them.

Producing personalized instructions can be difficult when courts throughout the state do not have uniform procedures. Uniformity is important for delivery of justice and it makes programming and maintenance of the instructions easier. It is equally important to survey the courts throughout the state to ensure that the instructions in the output are correct.

C. Programming Essentials

Learning how to program using A2J Author and HotDocs is not included in this manual. There are helpful resources available from th A2J Author community website at: www.a2jauthor.org, which contains an authoring guide, tutorials and video demonstrations. User forums and instructional workshops and webinars are also held periodically. A2J Author programming best practices:

1. Provide Essential Information in A2J Author Screens:
    a. It is important to include a screen early in the program with a disclaimer that the program does not provide legal advice. This screen should require the user to respond with an affirmative acknowledgment.
    b. A screen should include an explanation of how to use the “Learn Mores” and “pop-ups,” so the litigant can receive additional information or an explanation when something is unclear.
    c. A screen should include an explanation of the “Back” button and whether it should be used or not. Sometimes going back in the program can compromise the programming. Programming in “go back” options can help with this.
    d. An exit screen at the end of the A2J Author Program should explain what the litigant needs to do next to get a completed document. This includes explaining what software is required to open the

completed document, i.e., Word, Word Viewer, PDF reader.

e. It is helpful to include a version number in the beginning of the program to easily keep track of the most recent version uploaded.

2. Program Exclusions and Early Exits: If the program does not cover every scenario and there are people who will not be able to use the program it is best to exclude them early on. Do not waste a user's time going through the program only to learn at the end that the program does not apply to his or her situation. In such cases, it makes sense to have an early step in the program that asks questions about applicability. Also, think about where to send excluded litigants when they exit the program. If there is a URL that has helpful information then send the litigant there. Exits to information about available court Help Centers or free legal consultations are also helpful. Consider creating an alternative output that produces an information sheet.

3. Use "Learn Mores" and Pop-ups in the A2J: Try to keep text boxes short and simple and put additional information for the more savvy, interested litigants into "Learn More" boxes. If information is essential for the litigant to read do not put it in a "Learn More" box. Most litigants do not read them. Use "Learn More" buttons to show examples of what is needed. In addition, definitions of legal terms should be put in "pop-ups" wherever the terms appear for litigants who do not understand the terminology.

4. Use of Hyperlinks: A2J Author includes the ability to send the user to an external website while using the program. This is very helpful in a situation where the litigant needs to obtain information required to complete the program which can be found online. However, keep in mind that hyperlinks can be confusing to litigants who are not computer literate. Some may not be able to figure out how to navigate back to the A2J Document Assembly Program, especially when the new window fills the entire screen.

HotDocs best practices include:

5. Program User Surveys in the Output: Include a User Survey immediately following the generated court forms for litigants to return to the court after completing the program. Design the user survey keeping in mind what feedback would be helpful to know, such as where the program was used, or what questions were difficult to understand. Most litigants return the short survey when they file their court forms. Although litigants can submit feedback electronically on the LHI server, most litigants do not.

6. Use Footers in the Output: It is a good practice to include a footer in the generated document that brands the form as being produced by the court's free Document Assembly Program. This is helpful to the litigant, but also lets the court clerk know the form has the court's backing and

identifies court forms that may need to be tracked. Footers should also be used to add page numbers and form names and form numbers.

7. Produce the Whole Package: the program should produce all the forms needed by the litigants to serve, file and complete the application. This includes any proposed orders, supplemental pleadings and/or affidavits of service.

8. E-filing Compatible: If the goal is to e-file the document into a case management system then it is best to program the HotDocs variable names to match the corresponding tags used in the case management system. Alternatively, a computation variable can be written in the HotDocs at the end that converts the variable names.

D. Testing

Before launching an A2J Author Program to the public it is essential to conduct extensive testing.

1. Logic Testing: The flow of the program must be logical and unbreakable. Does it make sense? Is it orderly and clear to a layperson? Does the program logically build from step to step? If the logical thinking is correct, then check that every possible path is correct. Are there any dead-ends? Is the programming correct, is every variable properly populated? What does using the back button do to the output?

2. Legal Testing: A court form produced by the Document Assembly Program must be legally sufficient. Does the program ask for all the necessary information. Are the legal terms adequately introduced and explained?

3. Output Testing: Is the output legally sufficient? Does it work for every scenario or variation?

4. People to Test the Program: It is very important to the success of the Document Assembly Program that all service providers connected with the program in development be consulted before releasing the program to the public.

    a. Attorneys: Send the program for testing to practitioners in the field, both legal services attorneys and private attorneys. Volunteer lawyers and law students participating in any court-based programs can also test.

    b. Court staff: Judges, clerks and Help Center personnel should all test the program. Will the judge accept the court papers produced by the program? Is any required information missing in the court forms? Are the instructions accurate for every court, any important information missing? Are there any questions that staff believe litigants will not understand? Are any “learn mores” or definitions

needed? Keep in mind that this testing can be frustrating when testers are inconsistent in what they will accept.

c. Litigants: Test the program on litigants in the courthouse. It is best to allow them to use the program themselves and silently observe where they stop or pause and then find out why. It is best to conduct litigant testing both before and after the program has been sent to a plain language specialist

d. Lay People Who Assist Litigants: Enlist people who work for social service and/or charitable organizations assisting people. Librarians, Clergy and Public Advocates may also be of assistance.

Take all your feedback from testing and improve the Document Assembly Program. Remember to retest after any changes. Then send the program to a "plain language specialist."

E. Developer's Groups

A great way to acquire free and knowledgeable labor to assist with the creation of the Document Assembly Program is to form a "Developer's Group" comprised of court personnel throughout the state (clerks, court attorneys, judges) who volunteer to help. Groups can also include outside stakeholders (private practitioners, public interest personnel, legal services attorneys). Forming multiple Developer's Groups by area of practice, such as a family law group or a housing group, is very helpful.

1. Types of Developer's Group members (members can fall into one of more of the following categories):

   a. Advisors: This group answers questions about the law and court procedure.

   b. Testers: This group tests the Document Assembly program as it is developed.

   c. Programmers: Members of the tester groups may want to try their hand at programming in their spare time. Developing a program from start to finish takes a long time and it is impossible to quickly churn out quality multiple programs unless there are several programmers. It is likely that throughout the state there are a few employees that would be perfect for program development. With minimal training, this group can work on drafting initial simple question text and branching within the A2J Author Program.

2. Acquiring Feedback from Advisors and Testers:

   a. Set-up Email Groups: Group emails are useful for feedback and can lead to group discussion. If time permits, one on one

communication usually nets more information.

b. Conduct Surveys: Surveys are a great tool to use to gain feedback about the A2J Author Program and the output. For example, a survey may be used to discover different procedures in different courts in order to write instructions for the output. Surveys can be used to ask specific questions after members have tested a draft of the program.

c. Hold Webinars: Webinars can be used while building the program to showcase different sections, ask questions and promote group discussion. The added visual of a webinar meeting is far better than a conference call.

3. Training Programmers: Periodically, offering introductory training webinars to court personnel interested in learning the basics of A2J Author programming can lead to the creation of "mini" programmers throughout the state. Only a handful of personnel who attend a training may end up programming. This method can greatly increase the number of programs in development and provides partially completed A2J Author templates for the lead developer.

F. Plain Language

One of the last steps to take before launching the Document Assembly Program to the public is to employ a plain language specialist. It is the best practice to send the script of the program and the output to a plain language specialist to make the language understandable to people who cannot read well. Text should be aimed at a lower reading level, perhaps fifth to seventh grade. "Plain language" helps all readers understand information better and avoid confusion and misunderstanding. It takes difficult concepts and states them in simple sentences. In the long run, sending the Document Assembly Program to a plain language specialist results in a greater percentage of litigants successfully completing the program with fewer questions.

Microsoft Word can compile readability statistics of any word document and show the grade level of the document. After making plain language changes to the Document Assembly Program, conduct additional litigant testing. Ask lay people to read the document and identify any text that is difficult to understand.

G. Adding Audio

Adding audio to the A2J Author Program is nice for users who may have lower reading proficiency or who may understand better by listening to spoken text. It is also essential to assist visually impaired litigants. It is best to wait to add audio until a program has been in use for some time so that no further text changes

are required. Voices of court employees can be used to record the audio portions of the A2J Author Programs. Using staff is helpful when minor additional recordings are needed due to text changes. Recordings can be made using free software such as Audacity. A woman's voice should be recorded to match A2J's female avatar.

H. Addressing Language Barriers

There are a number of best practice options to assist non-English speaking litigants. When deciding to make a Document Assembly Program in another language, first examine user demographics and see where the need lies. Then, wait until the English version of the program has been in use for some time and edits have been made before adding additional languages. There are different ways to add languages. Here are some suggestions:

1. Make the Whole Document Assembly Program in Another Language: One option is to make a copy of the program and translate all text and audio into another language (and if possible send the translated version to a plain language specialist). At present, A2J Author programs are limited to languages using the Latin alphabet. The only caution with this option is that a litigant reading text in another language may input requested information in another language. If the litigant writes answers in another language, the document may be rejected by the court. For this reason, this option is best used for informational programs or programs where the user is not required to input free text. If the program does generate a copy of a pleading in another language for the litigant, remember to clearly watermark it as the litigant's copy.
2. Offer Only Instructions in Other Languages: Another option is to ask the user during the program if he or she would like a copy of the instructions to print in another language. In the output, two copies of the instructions print, one in English and one in the other language chosen. This is very helpful for assisted use. This can also be done for any language required. The User Survey should print in the other language instead of English.
3. Offer Only Audio in Other Languages: A third option is to offer the litigant the audio of the English text in other languages. If the user says yes, the program can take an identical path that has an alternative language attached. The text of each question still appears in English, but the audio is heard in another language. The User Surveys should print in the other language instead of English. There are a few advantages to this option:
    a. The program does not need to be uploaded multiple times to accommodate additional versions with other languages. This may be easier to manage and track.

b. The audio can remind users to input text information in English.

c. Depending on the size of the program, one program can house multiple languages.

d. This can be of great assistance for both LEP users, as well as English speaking persons that assist LEP users.

e. Audio for languages that A2J Author can not accommodate in text can be added to the A2J Author Program.

4. Use Pop-Up Windows and Learn Mores for Text in Other Languages: A similar option is to put a pop-up for another language at the top of each text box. As long as the program can accommodate the alphabet, an unlimited number of languages could be offered on each screen. An option for alphabets that can't be accommodated in A2J Author at this time may be to create an image of the text in another language and insert it in the Learn Mores of each screen. The litigant can be given a menu of languages choices for the printed instructions.

PART III: Implementation on the Internet

A. Court Website

This best practice guide strongly advocates making the Document Assembly Programs available online. This greatly increases access to justice for litigants who cannot get to a courthouse. Even if none of the best practices in this manual in Sections IV through VII for outreach and courthouse use are followed, litigants will search the internet and find and use the Document Assembly Programs that are created if the programs are linked from the court's website. This is true whether the court chooses to host the programs on its own server, contracts with Pro Bono Net for use of the LawHelp Interactive server or links to a SWEB. A link to the Document Assembly Program menu should:

1. Be Short and Memorable: It is best if the internet link to the Document Assembly Programs is easy to access. Having a short URL that a litigant can be told, see on a poster and remember, or record quickly is helpful.
2. Be Placed on Multiple Pages: Link to the Document Assembly Programs' landing pages from every location that an unrepresented litigant may be looking for information. Link from general Form Menu pages, FAQ's and from topical sections on the website. For example, a section on the law about child support should contain a link to the landing page for a child support Document Assembly Program.
3. Come From a Topical Section: If there is no topical legal section on the subject matter of a newly developed Document Assembly Program, write one for the court's website for unrepresented litigants. For example, write a section on the law about child support with a link to the landing page for a child support Document Assembly Program.

B. Landing Pages

Creating "landing" or home pages on the court's website for each program is very important. Litigants should always access a Document Assembly Program through a landing page. Do not give out the direct program on the server. This way if the link for the program changes, it only has to be updated on the landing page.

Landing pages tell the litigants the information they need to know before they start the program. Landing pages should contain the following information:

1. Free of Charge: Make sure the landing page tells the litigants that the Document Assembly Program is free. The landing page should contain a statement that the Document Assembly Program is not for commercial use. In some cases, this may stop an attorney from charging a litigant to

use the court's free program.

2. Computer Requirements: The landing page should tell the litigants what is needed on the computer to use the program. A2J Author Programs require Flash and Word or Word Viewer. It is best to provide a link to where the litigants can download the necessary computer software for free.
3. Exclusions: The landing page should tell the litigants who can not use the program. So, if the program does not apply to everyone, it should say so here. Provide a link to another place to go for help, if possible.
4. Information Checklist: The landing page should tell the litigants what information they need to have with them to complete the program.
5. What is Produced: The landing page should tell the litigant what documents are produced by using the program.
6. FAQs: Post a page of Frequently Asked Questions litigants may have about the programs.
7. LiveHelp: If possible, integrate an instant messaging support system, such as LivePerson, so litigants can seek immediate assistance over the internet.

PART IV: Implementation in Courthouses

A. Public Workstation Requirements

Survey statistics in New York have shown that the majority of litigants use Document Assembly Programs in courthouses when public access terminals are provided. Placing work stations in courthouses greatly facilitates usage whether the programs are for assisted or unassisted use. Workstations require:

1. Internet Access: Document Assembly Programs housed on an external server require access to the internet. In addition, internet access is needed for any hyperlinks programmed into the A2J Author program.
2. Adobe Flash Player: Programs using A2J Author require Flash for the graphics to play properly.
3. Word or Word Viewer: If the Document Assembly Program generates a rtf document the public access terminal must have Word or Word Viewer.
4. Printer: Preferably, the printer should be close to the computer terminal.
5. Speakers or headsets: If the Document Assembly Program has audio.
6. Timer program: A workstation computer should have a timer to close both the A2J Author program and the Word document after a period of inactivity to protect privacy.
7. Computer Privacy Filter: Public terminals should have privacy filters to keep on-screen information private.

B. Computer Terminal Responsibility

Even where the Document Assembly Program is for unassisted use, someone in each courthouse should be responsible for the terminal. This person can be a court clerk or someone from the LAN department. On a daily basis, these responsibilities include checking:

1. Computer is Turned On: Check that the computer is working and defaulting to the home page (a page that can access the Document Assembly Programs).
2. Printer: check that it is working, not jammed, and has paper.
3. Computer Accessories: Check that the mouse, speakers or headphones are set-up and working.
4. Computer Area: Check that the computer desk has a chair. Make sure the area is clean.
5. Signage: Check that signs and instructions are posted in close proximity to the terminal.

6. Internet Connection: Check that the LHI server and computer timer are working. It is best to discover problems with the server and get them fixed before a litigant has a problem.
7. Help Sign: Check that a sign is posted by the terminal telling the user what to do if the computer is not working or if they have a question about the program.

C. Timed Out Usage

A problem with unassisted use is that unrepresented litigants walk away from the terminal without closing the Document Assembly Program and/or the produced document. This leaves personal information up on the computer screen. In addition to posting instructions that explain to the user how to close out both programs, it is best to have a timer installed on the computer that automatically closes the programs and returns the screen to the home page if there has been no activity after a fixed time period. Fifteen minutes is a fair amount of time to set.

D. Signage and instructions

1. Post plain language signs and posters over the Document Assembly Programs computer terminals so litigants know that the terminals are for their use.
2. Post additional signs throughout the building, such as in the lobby, jury rooms, courtrooms, clerk's offices, Help Centers and any other places where unrepresented litigants are likely to see them.
3. Develop promotional videos or slideshows to run in waiting areas.
4. Post Document Assembly Program step by step plain language instructions next to the terminal.
5. Have promotional cards, bookmarks, brochures or flyers on display and available in the courthouse for litigants to take and/or for staff to distribute.
6. Provide a method for court staff to request additional promotional materials.

E. Location of Courthouse Terminals

Self-help terminals are best placed in close proximity to the location where the court forms are supplied or filed. Terminals are best situated in clerk's offices or Help Centers so court staff can point to them or the litigants will find them on their own. This means it is best not to place a Document Assembly Program terminal on another floor or area from where the litigant must file the form. In addition, the unrepresented litigant has to know about the availability of the

Document Assembly Program while he or she is waiting to be called in the Help Center or clerk's office. Litigants are usually not interested in using a program after waiting on a line to see the clerk, but will gladly use the program while they wait. Lastly, keep terminal privacy in mind when choosing a location and placement of the computer monitor. If space is extremely limited place privacy screen filters on the computer screens.

F. Express Lines

It is best to institute an express window for filing completed court forms generated by the Document Assembly Programs. This is a great way to encourage usage. A litigant who waits on a line and is told to use a program, should not have to wait on a line again after they complete the program.

G. Unique URLs for Courthouse Terminals

One way to track usage from a particular location is by having the courthouse terminal point to a unique URL for the uploaded Document Assembly Program. For example, if you want to track how many people access the program from a specific Help Center you can upload the same program to the server twice, creating a second URL for the same program which is used by the terminals being monitored. The LHI statistics would tell you the number of times that program was accessed from that Help Center and the number of times a document was assembled.

H. Touch Screen Monitors

Large touch screen monitors work beautifully with the A2J Author interface. The touch screens are simple for litigants to use even if they have never used a computer before. This is a nice feature if the budget permits.

PART V: Outreach

A. In General

Clearly, budget, time, and personnel play a major role in the amount of outreach that any court can pursue to promote the available programs. If funds are available or funding partners can be found then the strategies in this section can be greatly expanded. The methods ascribed below are best practices for courts with extremely limited resources.

B. Court Personnel

If resources are extremely limited the greatest focus of time, energy and money is best spent on demonstrating the available programs to court personnel so that they can promote the programs to the public. Educating court staff about available programs and how to go though the Document Assembly Programs is the **most** productive outreach. This is imperative even if the Document Assembly Programs are intended for self-help and are not available in the courthouses.

1. Market the Product as Benefit to Staff: Advertise the Document Assembly Programs to court staff as a tool for their benefit so they will want to learn about the programs. In addition to assisting the unrepresented public, the programs alleviate the burden on staff's time answering questions, present legible papers to the judge and create legally sufficient papers reducing recidivism and additional paperwork.
2. Personnel to Educate: It is best to instruct everyone in the court system that potentially comes into contact with the unrepresented public. This turns all employees - judges, court attorneys, clerks - into walking advertisements. If resources are limited, the priority should be to demonstrate the programs for the clerks that come face to face with the public, Help Center staff, and public access library staff.
3. Importance of Educating Court Staff: Statistical analysis establishes that teaching court personnel about the available programs leads to greater public usage. Most users will learn about the program from a court employee or use the program in a courthouse. Demonstrating available programs for court staff will teach court staff the following:
    a. The Programs are Better Than Paper Forms: If personnel routinely give out paper forms, many will not believe that the Document Assembly Programs are better. They may believe it is quicker and easier to fill out a form rather than go to a terminal and work through a program. Educating staff about the available programs and the additional "Learn More" and definition features demonstrates how much more information a litigant can gain.

Showing how well the completed document captures the required information will help staff realize that the Document Assembly Programs are better for the litigants.

b. The Programs Are Simple to Use: Many staff members assume that computer programs are too difficult for people to navigate if they do not regularly use computers. Some employees may believe that LEP, elderly litigants, or poor readers, cannot make their way through the programs by themselves. Demonstrating the programs overcomes this misconception. Although the programs may not be for everyone, experience has shown that even first time computer users may be able to take advantage of the programs on their own.

c. Not to Reject the Papers: It would be unfortunate to put all the effort it takes into making a Document Assembly Program only to have a court clerk reject the papers because he or she is unfamiliar with the form produced.

d. How to Track Usage and Return User Surveys: Educating court personnel about the programs will improve cooperation with statistic collection. The more familiar personnel are with the forms produced by the programs, the greater compliance will be. Otherwise, User Surveys may sit in a box on the floor in an office or be filed in a trash can.

e. That it is Valuable to Implement the Programs in the Courthouse: If personnel are educated about the available Document Assembly Programs and see first hand how programs assist litigants and court staff, they will want accessible terminals in the courthouse. Educated staff facilitate and assist with implementation.

f. That the Program Should be Promoted to the Public: If staff are familiar with the programs and their benefits they can direct unrepresented litigants over the phone or in-person on how to access the programs. Staff can also be relied upon to disseminate promotional materials and ask for more when they run out.

4. How to Demonstrate the Programs:

a. Live Demonstrations: Without question, it is best to offer a live demonstration where every participant can sit at a computer terminal and go through the program on his or her own. The drawback is that this is the most expensive method when costs such as travel and food, are factored in.

b. Live webinars: More economically feasible are demonstrations by webinar.

c. What Does Not Work: Unfortunately, educating the supervisors of

offices about the available programs and then sending them back to instruct their staff has not proved successful in New York. Far better practice is to demonstrate the available programs to all staff.

d. Continuous Education: Conduct webinars whenever new programs are introduced or old programs are modified. Offer repeat demonstrations about old programs to cover staff turnover.

e. New Employees: Create an A2J Author Program to demonstrate the general features of all programs that can be shown to new employees at orientations.

f. Post-training Surveys: Always survey training participants to improve future demonstrations.

5. Court Staff Recognition: Praising individuals or courts who have furthered equal access to justice for unrepresented litigants through the Document Assembly Programs is a great way to boost staff enthusiasm. Consider creating an award to recognize key court personnel and courts who have made exceptional contributions to the successful development and implementation of the Document Assembly Programs. Post winning court information on the internet. This recognition award fosters competition among the courts, improving program promotion, awareness and usage.

6. Intranet Site: Create an internal website for court employees so they can readily access program information. Some suggestions to include:

   a. Promotional materials to download.

   b. Case management tracking instructions.

   c. A sampling of User Survey comments.

   d. Training and testing announcements.

   e. A “What’s New” section.

   f. Information on how to volunteer.

   g. Court staff recognition pages and photos.

   h. Statistics on use of the programs.

   I. Court staff testimonials recommending the programs.

7. Other Benefits of Staff Education: Aside from dramatically increasing promotion of the programs, educating court staff can lead to the discovery of program modifications that are needed which were missed in the testing phase. Educating court staff about the Document Assembly Programs can also interest personnel in volunteering to participate in program development, which is a great way to make more and better program faster.

C. Public Outreach

1. Social Media Sites: This is a great free way to advertise Document Assembly Programs.
   a. YouTube Commercials: Make short commercial-like videos to advertise a Document Assembly Program.
   b. Twitter: Tweet about individual programs by topic with links to the entry pages.
2. Printed Promotional Materials. Print plain language promotional cards, flyers and posters to disseminate in the courthouses, Help Centers, public access libraries and training and outreach events. Be sure to brand all outreach materials with the logo and name chosen to promote the programs.
3. Promotional Slideshows: Some courthouses run slideshows or LED displays in the lobby or waiting rooms. This is free advertising in high traffic areas. Developing personalized promotional slideshows directs litigants to the programs.
4. Internet Sites Other Than Your Own: Contact other websites and request that they add links to the court's Document Assembly Programs. This is great free and important outreach. The same groups that are appropriate to train for public outreach may be able to link to the programs on their websites. Legal informational self-help websites, such as LawHelp, are also ideal.
5. Demonstrate the available programs to any groups that regularly come into contact with your target users such as the Clergy, Public Librarians, Pro Se Service Providers, Political Advocates, Charitable Organizations, Public-Interest Groups, and Social Service Organizations.

PART VI: Tracking Usage

A. In General

Tracking usage of Document Assembly Programs is extremely important to the success of the programs. Even with limited staff and resources, best practices warrant spending the time to collect and review statistical information. The statistical information is used to learn where more training and outreach is needed and to discover any problems in the programs.

This section discusses the methods that most court systems can use to track usage of the Document Assembly Programs: User Surveys, LHI statistics and electronic filing or case management statistics. Taken together the statistical information from these sources provides useful information to improve usage of the programs and service to the public.

B. User Surveys

User Surveys should be generated with each document assembled for the litigant to fill out and return to the court clerk when papers are filed by hand or electronically. A system should be put in place for the court clerk or the electronic filing system to return the User Surveys to the administering program so data can be input and analyzed.

1. User Survey Benefits:
    a. User Surveys can identify which program was used and what county the program was used in by putting variables that collect this information into the User Survey.
    b. User Surveys identify problems users are having with the programs. For example, the survey can ask what questions users had trouble with or what terms users did not understand and then the program can be changed to clarify the questions. This is a great way to get continuing feedback.
    c. User Surveys can be used to identify where outreach and training are working (and not working). For example, the User Survey can ask where the litigant used the program to show courthouse, Help Center or outside use. User Surveys can also ask the litigants how they learned about the program; whether they found it on the internet or were referred by a court employee.
    d. User Surveys can be used to collect demographics that may be of interest such as, income, age, internet access, and computer literacy.

e. User Surveys are great for morale because they will often contain grateful comments from satisfied litigants. These comments can also be used to identify exemplary courts or employees who provide outstanding customer service. User Survey comments are also great to post on the internet as testimonials for the programs.

2. User Survey Drawbacks:

   a. People will not always return the survey with their court papers, and even if they do, not all courts clerks will return the surveys to the administering program.

   b. User Surveys are feedback from users who were able to successfully navigate their way through the program and generate a document and survey. Thus, a drawback of relying solely on User Surveys for litigant feedback is that they do not capture comments from the unrepresented litigants who started a program and had problems. This is another reason why the comments on the User Surveys are always so positive.

3. Blank User Surveys: Since litigants do not always bring the User Survey with them when they come to court to file their papers, it is a good idea to supply the courts with blank User Surveys and have the clerks ask the litigants to fill them out. These User Surveys should have room for the clerk to fill in the date, county and program used.

4. User Surveys in Other Languages: Generating the User Survey in another language whenever the A2J utilizes another language will not only provide a greater response, but will allow you to collect additional user demographics.

C. LawHelp Interactive (LHI) Quarterly Statistics

LHI compiles quarterly usage statistics that tell the number of times a program was started and the number of times a program was completed and a document was assembled.

1. Drawback: LHI statistics cannot show the number of times a Document Assembly Program was actually filed in court, or the location in which the program was accessed. Experience has shown that a significant number of assembled documents are never filed in court. So these statistics are highly inflated if used to establish usage.

2. Tracking Specific Locations: LHI statistics can be used to track program usage in a specific location, such as usage in a single courthouse or Help Center. This is done by uploading a program more than once to the LHI server to create a unique URL for users in the location to be tracked. The computers in the location to be tracked must be directed to their own URL. The LHI statistics will show how many litigants used the program from the

specific location. Low usage statistics usually indicates that additional promotion and training are necessary. Multiple URLs are not feasible for the whole state with multiple programs and locations because it makes program maintenance unwieldy. If a program is updated it has to be updated for every URL.

D. Case Management Filing Statistics

A court's case management system can be used to record the filing of assembled documents. If electronic filing is in place, this process may be simple to streamline. Absent electronic filing, the court clerk can record filings in the court's case management system or by hand when papers generated by Document Assembly Programs are filed. The administering program can then collect and review the number of filings by court and county.

1. Benefit: Case management statistics can be used to decide where to focus outreach and training efforts where totals indicate fewer filings.
2. Drawbacks: Absent automated tracking in an electronic filing system, this method requires the clerk to recognize and record the filing of a court form produced by a Document Assembly Program. Accordingly, usage and filing statistics may not be accurate. This method also does not work for "information only" type programs where the litigant never files a court form.

When tracking filing statistics it is best to collect the total number of filings for each Document Assembly Program and compare it to the total number of filings by unrepresented litigants. Usage should only be measured against total unrepresented filings since the programs are not for attorneys.

E. Internet Feedback

1. Feedback can be collected directly from the litigant over the internet when the program is completed.
    a. The LHI server provides a method to do this. However, experience has shown that most users do not submit feedback this way because the opportunity to do so is on the same screen as the page to assemble their document, which is the natural next step for the litigant. Once the document is opened the internet feedback button is no longer visible. Most litigants print their documents and do not return to provide feedback by this method.
    b. Greater feedback could be obtained over the internet if the Document Assembly program exits to a short survey page before providing access to the generated document. However, this can only be done by whoever controls the server that hosts the templates.

2. Website hits can be assessed to learn which web pages are heavily trafficked and which are being overlooked, if a webtrends analytics type of program is employed.

F. Quarterly Review

The statistical gathering outlined in this section is only beneficial if the information is reviewed and acted upon. Quarterly staff meetings are one way to review the statistics and discuss follow-up steps. Read together, the information can tell a lot about where the programs are working and where they are not. It is best to meet and review the statistical information by type of court, location and program. Follow-up phone calls, emails, recognition events, and targeted trainings should be scheduled.

PART VII: Maintenance

A. Changes in the Law

Document Assembly Programs must be kept current on the law. If there are changes that effect the program or the documents produced, then the program has to be updated.

B. Changes in the Instructions

It is important to update any changes in the instructions that print along with the completed court documents such as, court hours, locations, phone numbers and procedures. These are not changes that the "programmer" is always aware of and a system needs to be in place to continue to update program instructions.

C. Updating Audio and Foreign Language Features

A difficult part of maintenance is keeping audio and translated screens and pages updated when changes are made to the A2J or HotDocs. To keep continuity it is best to have the same person record the new audio and the same translator write the text.

D. User Survey Feedback

Litigant feedback provides the best suggestions for improving the programs. It is important to read the survey feedback and re-visit any of the screens that may need editing or clarification.

E. Court Personnel Feedback

Improvements can and should be made in the programs even after they have been out in the public for some time. The best feedback can come from the court employees that observe unrepresented litigants using the program over a period of time. Periodic surveys, personal court visits, webinars, and emails are all good to check on program needs. Often low usage in a courthouse can be attributed to the program not fulfilling the court's needs. This can happen even if extensive outreach and testing were conducted before launching a program.

RESOURCES

PART I: Initial Considerations

C: In addition to A2J Author and HotDocs, there are many other technology options employed by courts and access to justice organizations. For example, a number of courts use the TurboCourt system: https://turbocourt.com/go.jsp?act=actShowHome&tmstp=1369854917816&showContent=allju. The Utah Adminstrative Office of the Courts built its own program called OCAP (Online Court Assistance Project): http://www.utcourts.gov/ocap/. The Legal Aid Society of Orange County (LASOC) offers"ICAN! Legal" to create court forms: http://www.icandocs.org/.

A redesign of A2J Author began in 2012 to allow *pro se* litigants greater access to A2J Guided Interviews by allowing the application to be used on any web browser including the browser on a cell phone. The goal is for anybody with access to a computer or a smartphone to be able to create court forms by answering a series of simple questions.

D(2): The Utah Adminstrative Office of the Courts built its own program called OCAP (Online Court Assistance Project): http://www.utcourts.gov/ocap/. Utah hired a software developer and hosts their Document Assembly Programs on their own server.

D(3): The New York, California, New Mexico, Minnesota and Arkansas court systems contract with Pro Bono Net to host their templates on the LHI server. The majority of content hosted on LHI has been created primarily by LSC legal aid funded programs.

Keep researching, there may soon be other hosting services available. HotDocs is planning to offer hosting services that may accept data from A2J Author.

F: For an overview of how courts from a number of jurisdictions are offering their Document Assembly Programs to litigants see Claudia Johnson's Circuit Rider Report on Legal Aid and Court Collaborations in Document Assembly at: http://www.probono.net/dasupport/library/folder.206101-LawHelp_Interactive.

G. New York created its first Document Assembly Program in partnership with Legal Assistance of Western New York's SOPHIA Project, the Legal Services

Corporation (LSC), and the Columbia Law School - Lawyering in the Digital Age Clinic. See: http://nycourts.gov/courts/nyc/housing/int_nonpayment.shtml. Without this partnership, the programs could not have been created. This partnership was part of an LSC Technology Initiative Grant, for more information see: http://tig.lsc.gov/index.php.

I: Both the Minnesota and New York State court systems have embarked on e-filing projects that transfer the data submitted to LHI to the court. Minnesota's project transfers the data through its e-filing vendor. New York's project transfers the data directly to the court's case management system. The technology built for these projects can be used as a base for other jurisdictions to establish e-filing of A2J and HotDocs templates.

J: In New York, the Document Assembly Programs were initially referred to as the "A2J" programs. However, this term meant nothing to the litigants or court staff. The programs were re-branded as DIY (Do-It-Yourself) Form Programs. The name "DIY" is used on all the promotional materials and has caught on nicely.

NYS DIY Forms DO-IT-YOURSELF

PART II: Development of Document Assembly Programs

C: Developers can learn how to create programs in A2J Author from resources provided on the A2J Author community website at: www.a2jauthor.org, which contains an authoring guide, tutorials and video demonstrations. User forums and instructional workshops and webinars are also held periodically. LHI also offers tremendous training resources to participating court systems. Two free live trainings are held each year: http://www.probono.net/dasupport/trainings. There is ongoing programming support via the two LHI listserves: http://www.probono.net/dasupport/groups/ . In addition. LHI hosts 11 calls to discuss technical and non technical issues, and three training related national webinars each year.

C(2): New York City Civil Court's nonpayment answer program exits users early on if they are not rent stabilized tenants or NYCHA tenants, or if they receive a rent subsidy since their defenses may differ. The program exits users out and sends them to another A2J Author program if they have a warrant of eviction already issued against them. If litigants do not know if a warrant has been issued against them, then the program exits them out to a fact sheet on how to find out and stop an eviction. See:

http://nycourts.gov/courts/nyc/housing/int_nonpayment.shtml.

C(5): New York's User Survey:

NYS DIY Forms User Survey

Thank you for taking the time to fill out this quick survey. Please return it with your completed papers.

1. How comfortable are you using a computer and/or the internet?
   - ☐ Not comfortable
   - ☐ Comfortable
   - ☑ Very comfortable
2. Do you have the internet at home?
   - ☑ Yes.
   - ☐ No.
3. Where did you use this program?
   - ☐ Home
   - ☑ Court Clerk's Office
   - ☐ Court Help Center
   - ☐ Court library
   - ☐ Work
   - ☐ Other: _____
4. Were the questions, definitions and "learn mores" clear to understand?
   - ☑ Yes.
   - ☐ No. Which weren't clear? _____
5. Did you listen to the "guide" speak during the program?
   - ☑ Yes.
   - ☐ No.
6. Have you used a court DIY Forms program before?
   - ☐ Yes. Which ones? _____
   - ☑ No.
7. Do you think the DIY program saved you time?
   - ☑ Yes.
   - ☐ No.
8. How did you learn about this program?
   - ☐ Word of mouth
   - ☐ Internet search
   - ☑ Court employee
   - ☐ Poster, sign, postcard, etc.
   - ☐ Other: _____
9. We really appreciate your help. Do you have any suggestions or comments to add?
   I Really thinkthat this is a Great way Help People out much quick in makes everybodp more Happy.

Optional questions:

1. How old are you?
   - ☐ Between 18 and 24
   - ☑ Between 25 and 34
   - ☐ Between 35 and 44
   - ☐ Between 45 and 54
   - ☐ Between 55 and 64
   - ☐ 65 or older
2. What is your annual income?
   - ☑ Less than $19,999
   - ☐ $20,000 to $34,999
   - ☐ $35,000 to $49,999
   - ☐ $50,000 to $64,999
   - ☐ $65,000 to $79,999
   - ☐ $80,000 to $99,999
   - ☐ $100,000 to $124,999
   - ☐ $125,000 to $149,999
   - ☐ $150,000 or more

Office Use:
Court Clerk: Fax this survey to Deputy Chief Administrative Judge Fern A. Fisher at (212) 295-4931 or mail to New York State Courts Access to Justice Program, 111 Centre Street, 12th Floor, New York, NY 10013 or digitally send to DIYfeedback@courts.state.ny.us

Bronx County Support modification printed on January 19, 2011

E(3): See Part IIC above for information about LHI trainings that court developers can attend.

F: New York has favorably used the services of a plain language specialist Rena Paradis, who is inexpensive and has a fast turn around time. She can be contacted at: eldorado7@earthlink.net.

Legal Assistance of Western New York has posted a Plain Language Library at: https://sites.google.com/a/lawny.org/plain-language-library/library

G: Instructions for adding audio and downloading the audacity software are available on the A2Jauthor website: www.a2jauthor.org.

H(1): New York City Civil Court's informational nonpayment answer program is available entirely in Spanish: http://nycourts.gov/courts/nyc/housing/housing_spanish/interactive.shtml. New York also has a paternity petition program in Spanish. This program was chosen because the litigant does not have to input any free text: http://nycourthelp.gov/diy/paternity_spanish.html.

H(2): See for example, New York City Civil Court's Tenant Restore to Calendar Program, which offers the litigant the option to receive English only, Spanish, French or Polish instructions: http://nycourts.gov/COURTS/nyc/housing/restoretocalendar_diy.shtml.

H(3): See for example, New York City Civil Court's Adult Name Change Program which has both an audio track in English and Spanish, with English text: http://nycourts.gov/courts/nyc/civil/int_adultnamechange.shtml.

PART III: Implementation on the Internet

A(1): In New York, the link to the "DIY" programs is easily found on the main page of the court system's website for unrepresented litigants: www.nycourthelp.gov.

A(3): See the Civil Court of the City of New York's section on "Starting a Roommate Holdover Case," which was written and added to the court's website because a roommate holdover program was created: http://nycourts.gov/courts/nyc/housing/holdover_roommate.shtml.

B(1): In New York, the landing page states:

> NYS DIY Forms are only for court users who don't have a lawyer and legal services and pro bono attorneys and staff helping clients who cannot afford lawyers. Commercial use is prohibited and no one may charge for using these programs. When you begin the program, you will be asked to accept these terms of use.

B(2): See for example: http://nycourthelp.gov/diy/paternity.html#Q3.

B(3): See for example: http://www.nycourts.gov/courts/nyc/housing/int_nonpayment.shtml.

B(4): See for example: http://nycourthelp.gov/diy/smallEstate.html#Q2.

B(6): See for example New York's FAQs: http://www.courts.state.ny.us/courthelp/faqs/guidedInterview.html.

B(7): LiveHelp has been implemented in several states using LivePerson's Timpani software: http://www.liveperson.com/.

PART IV: Implementation in Courthouses

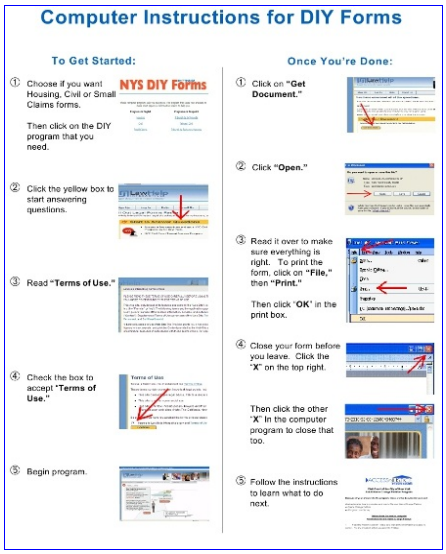
A(2): Adobe Flash Player can be downloaded for free from:

http://get.adobe.com/flashplayer/.

A(3): If Word is not available, Word Viewer can be downloaded for free from: http://www.microsoft.com/downloads/details.aspx?displaylang=en&FamilyID=3657ce88-7cfa-457a-9aec-f4f827f20cac.

C: In the Civil Court of the City of New York restricted image was developed to help secure public access computers. This image along with the Public Access Browser (PWB) secures the PC, allows limited access to specific websites and provides the timer. For details and assistance with creating the image and installing and configuring the PWB, please feel free to contact Marcello Ritondo, Principal LAN Administrator, NYC Civil Court, (646) 386-5456 or mritondo@courts.state.ny.us.

D: Samples of New York's signage are available at: http://www.nycourts.gov/ip/nya2j/diyavailable.shtml. The computer instructions posted next to terminals in courthouses looks like this:



H: To read a thank you letter from the New York State Onondaga Surrogate's Court describing an elderly litigant's use of the touch screen monitor visit the NYS Courts Access to Justice Program's 2010 Report at page 56: http://www.nycourts.gov/ip/nya2j/pdfs/NYA2J_2010report.pdf.

Part V: Outreach

B(5): In New York, the "DIY Star Award" was established for court personnel and courts who have made exceptional contributions to the successful development and implementation of the DIY Document Assembly Programs. Quarterly statistical information, user surveys and submitted nominations by fellow employees are reviewed to choose winners. A winning "DIY Star" courthouse receives a 19 inch touch screen monitor and computer for litigants to use the

Document Assembly Programs in the courthouse. Winning individuals and courts also get pretty certificates with stars on them and some cookies. The DIY Stars are acknowledged on the court's intranet and on the NYS Courts Access to Justice Program's website. See: http://nycourts.gov/ip/nya2j/DIYawards.shtml.

C(1): New York has a video on YouTube to promote the document assembly programs at: http://www.youtube.com/watch?v=_34J99kKwDY, and a Spanish version video at: http://www.youtube.com/watch?v=N57YOfg4Suw. Both videos were made at no cost by using volunteer court personnel.

C(2): Samples of New York's promotional flyers can be found at: http://www.nycourts.gov/ip/nya2j/diyavailable.shtml. Samples of promotional postcards can be found in the NYS Courts Access to Justice Program's 2012 Report on page 60 at: http://www.nycourts.gov/ip/nya2j/pdfs/NYA2J_2012report.pdf.

C(3): Samples of New York's promotional slideshows can be found in the NYS Courts Access to Justice Program's 2012 Report on page 62: http://www.nycourts.gov/ip/nya2j/pdfs/NYA2J_2012report.pdf.

Part VI: Tracking Usage

B: New York's DIY Forms can't be e-filed at this time. Accordingly, the court clerks are asked to fax, scan or interoffice mail the User Surveys. Faxes go straight to an email account so that a paper is not generated and the email access can be shared. Data from the User Surveys is then in-put into a Filemaker Database so that reports and queries can be run. See copy of New York's User Survey above Resource Part II, C(5).

B(4): New York has User Surveys in English, Polish, French and Spanish.

D: In New York, instructions for capturing the filing information in the case management system are posted on the court's intranet.

F: New York holds quarterly meetings and review of statistical information by court, county and program. For the meetings, excel sheets are generated that list the number of unrepresented filings, the number of "DIY" filings, and the number of surveys returned. Reports on the User Survey statistics that list how the users heard about the programs and where they used them are also run. User Survey comments are also reviewed. The meetings last for hours but are definitely worthwhile because follow-up actions lead to greater program usage.

Additional Document Assembly Related General Resources:

Legal Services National Technology Assistance Project (NTAP) Document Assembly Library: http://lsntap.org/lilbookshelf?tid=49&name=Document%2520Assembly.

Self Represented Litigation Network's resources at: www.SelfHelpSupport.org. In particular Best Practices guides: http://www.selfhelpsupport.org/library/item.208588-Power_Points_for_Module_7_Deploying_Automated_Forms_for_Access and http://www.srln.org/library/folder.190191.

New York State Courts
Access to Justice Program
www.nycourts.gov/nya2j
(646) 386-4200
www.twitter.com/nycourtsa2j