



National Technology Assistance Project

Technology Assistance for the Poverty Law Community

A Project of the Legal Aid Society of Orange County

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Future of Technology in Legal Services

-- Gabrielle Hammond, NTAP November 2002 --

Part One:

Technology Changes Our Participation in the Economy

In the past fifteen years, technology advancements have completely revolutionized how our society operates and communicates. The use of the personal computer, Internet, World Wide Web, and cellular telephones has resulted in remarkable, unparalleled changes for our communities, governments, businesses, and middle and upper income level persons. Most notably, technology has affected how we access information, communicate with each other, and obtain goods and services. It has dramatically changed how we participate in our daily lives and in the economy. If the next five to ten years mirror the last relative to growth in Internet use among individuals and businesses, we will soon find these types of technologies not only improving our participation in the economy, but essential for it. Just as it is no longer reasonable to expect someone to be able to participate in the economy without a telephone, so will it be with access to a PC and the Internet.

These and other technological advancements have the potential to be the “great leveler” across class lines within our society. For the first time in history, access to information (and the ability to respond or create information) is decentralized and untethered from one’s educational background, social status, or income levels. If you know how to use it and have access to do so, the Internet provides the same information and services to anyone, regardless of their background.¹

¹ This is not to say that the Internet provides adequate information to people from all ethnic or cultural backgrounds. Clearly, developers of content and businesses target much of the information to a target upper class, Caucasian audience. However, that the Internet does not provide such information is simply a result of the business market, which has populated much of the web, and has targeted services and information to the perceived, most-lucrative market. It, however, is not a product of the technology, nor the structure of who can put up information on the web, which is a decentralized process, and open to anyone, indiscriminate of social background.

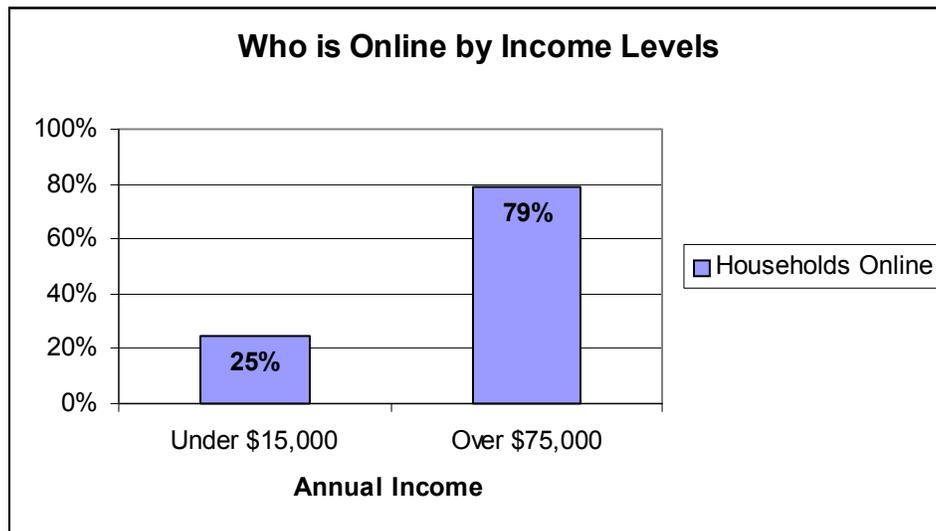
As such, it has the greatest potential among any advancement seen in our history to reach everyone, and reach him or her equally.²

While a historic opportunity exists within the “digital age” to bridge socio-economic strata in our communities, the potential threat is equally as large to sideline and segregate individuals, who remain excluded from the technological revolution, from our economy and its “virtual communities.” Such a divide could render someone unable from participating in the economy and trapped in poverty.

This report outlines the trends of the digital age as it affects our client community, and suggests our timely role in advocacy efforts to better assure their participation in the changing economy.

Part Two: Trends in Internet Use, Access, and Function³

Who is Using the Internet: Income Status Today, family income remains an indicator of whether a person uses a computer or the Internet. Individuals who live in high-income households (over \$75,000 annual income) are three times more likely to be computer and Internet users than those who live in low-income (under \$15,000 annual income).

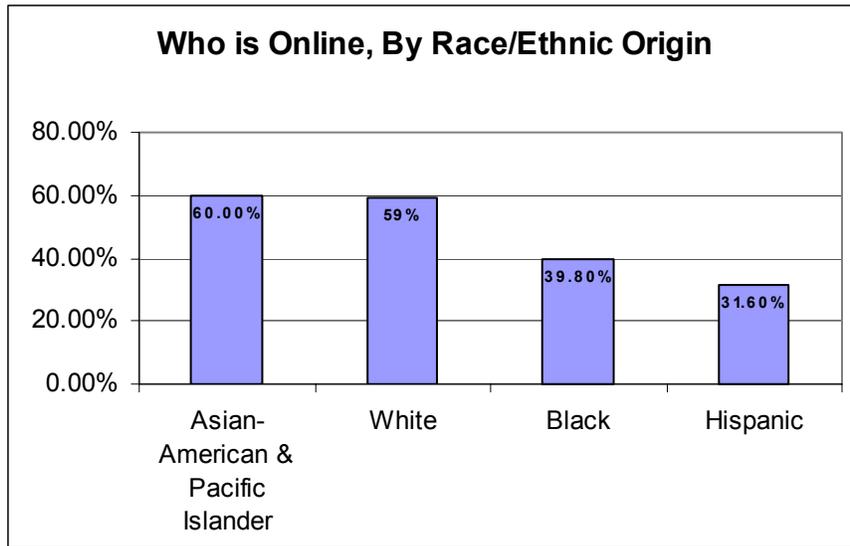


² Some recent authors have noted that a change in our use of technology for communication historically predicts a change in our fundamental economic structure. While our political system is a democracy, our economic system remains top-heavy, mostly as an oligarchy. Jeremy Rifkin, in *The Hydrogen Economy*, makes the case that a major change in how people communicate (i.e., now mostly decentralized access to information and services via the Internet) lays the groundwork for a shift in the fundamentals of economy, with the potential being for decentralized, more consistent access to it across class lines.

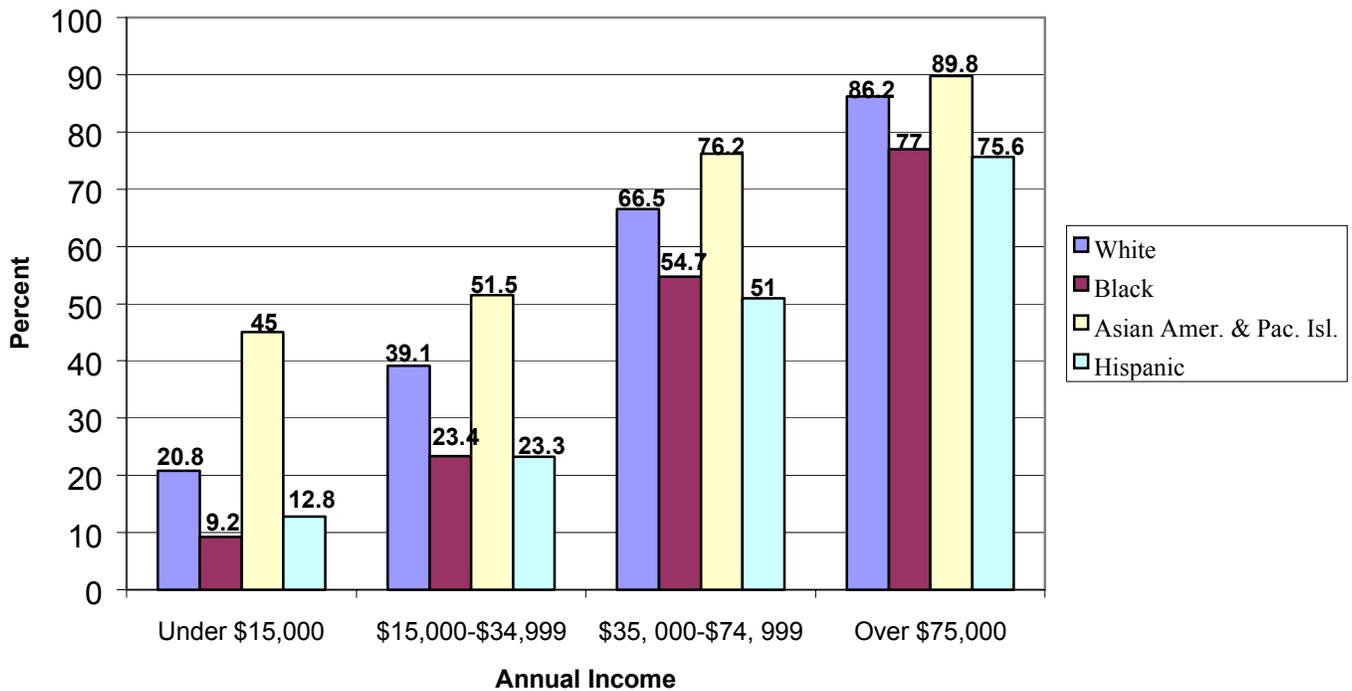
³ Please note: All graphs are courtesy of One-Economy, and all statistics in this section are courtesy of *A Nation Online: How Americans Are Expanding Their Use of the Internet*. Published by the U.S. Department of Commerce, Economics and Statistics Administration, National Telecommunications and Information Administration. February 2002. <http://www.ntia.doc.gov/ntiahome/dn/html/anationonline2.htm>

Race / Ethnic Origin

Differences in computer and Internet use exist among the various ethnic backgrounds. Whites, Asian American, and Pacific Islanders have higher rates of computer and Internet use than African Americans and Hispanics.



Percent U.S. Households with Internet Access, By Income, By Race/Ethnic Origin



The Power of the Internet: Conducting Business Across income levels, the primary use of online technology is e-mail. Further analysis of income levels and online activities reveals a relationship between annual income and the number of online tasks performed by the Internet user. Individuals with the highest incomes are more likely to use the Internet to: search for health services or product information; search for government services or agency information; purchase products or services; search for products and services; bank, trade, or e-mail; or search for news, sports, or weather.

Online Activity	Annual Income	
	Under \$15,000	Over \$75,000
E-Mail/Instant Messaging	72.0	89.1
News, Weather, Sports	53.5	67.0
Product/Service Information Search	54.9	73.5
Complete School Assignments	37.1	24.6
Job Search	23.0	14.6
Chat Rooms or Listservs	23.0	16.5
Health Services or Practices Info. Search	29.5	38.9
Government Services Search	28.1	35.1
Product/Service Purchases	26.1	49.1
Online Banking	12.8	23.0
Online Education Course	4.0	4.0
Trade Stocks, Bonds, Mutual Funds	3.2	13.8

It is interesting to note that among low-income households, increased Internet usage is reported for self-improvement, in areas of job / employment search and educational pursuits.

Who Is On-Line Tomorrow?

Internet has increased steadily across all income categories over time, and especially among people who live in lower income households. Among people living in the lowest income households (less than \$15,000 annually), Internet use has increased from 9.2 percent in October 1997 to 25.0 percent in September 2001.

Additionally, the rate at which Internet use grew among low-income people was faster than that of any other income bracket. While Internet use among people in households with income over \$75,000 grew at an annual rate of 11 percent, Internet use grew at an annual rate of 25 percent for households earning under \$15,000, over the same period (between December 1998 and September 2001). Internet use has increased across all races and groups, and in 2001, the growth rate of Internet use was faster for Blacks and Hispanics than for any other race.

Growth in Internet use rates for Blacks and Hispanics also accelerated in the 2000 to 2001 period. Between August 2000 and September 2001, growth in Hispanic Internet use increased to 30 percent. This was up from the 24 percent annual rate of growth from December 1998 to August 2000. Growth in Internet use among Blacks increased to a 33 percent annual rate between August 2000 and September 2001, from the 30 percent annual rate of growth between December 1998 and August 2000. Growth rates among Whites and Asian American and Pacific Islanders were comparable during both periods.

Part Three:

Technology and Legal Services: A Time for New Advocacy

Legal services programs are at a crossroads. Programs cannot return to the historic days of class action litigation: federal dollars do not support it; non-federal funding is limited; and our perception of the forces of poverty do not conclude necessarily that traditional impact litigation would solely solve the problem at hand. Service delivery, on the other hand, remains a needed albeit band-aid approach without much impact on the growing demand. The typical legal services statistics by access-to-justice commissions reveal that on average 25 out of 100 who apply for representation will get it. Even more disappointing is a statistic from a national study that revealed less than 20% of those surveyed knows about legal aid services.

In addition to service delivery and impact litigation models of advocacy, the legal services community has considered another movement over the past seven years. At times led by legal services programs and at times led by the courts, “access to justice” initiatives have redefined some programs’ advocacy efforts. Recognizing that the justice system remains inaccessible to those who need it most, and with unprecedented numbers of people without representation and unable to navigate the court system, the courts and legal aid programs have begun developing initiatives, innovations, and reforms that reduce the barriers to the courthouse and return it to the people its intended to serve.

Access to justice efforts have meant: (1) improving our service delivery systems to be more efficient to provide some level of service to more people in need and (2) working within institutions, administrations, and courthouses to return justice to the people. Initiatives and advocacy efforts include: working with courthouses to simplify court forms, creating simpler court processes for clients without attorneys, providing limited assistance or workshops in common legal areas with high unmet need, and working within a community of social service providers to experiment with “holistic” services.

The Future Relationship Between Technology and Legal Services

Technology and the digital revolution afford legal aid programs an opportunity to increase access to legal help, deliver assistance and representation more effectively, promote more services across a broader population, and advocate across digital lines on behalf of our clients.

The emerging political, judicial, and social landscape within legal services finds legal aid programs struggling to redefine themselves between traditional functions and emerging needs. At the same time, the digital revolution currently underway requires an advocacy voice “at the table” to represent low-income communities. Legal services could be poised to capitalize on technology to dramatically impact our clients’ lives.

Technology offers a unique opportunity for advocacy in three ways:

- (1) It can redefine, and make more effective, traditional representation within a legal aid program;
- (2) It can creatively provide an opportunity to meet more of the demand to those who never reach our delivery systems; and
- (3) It can be integrated substantively as a new and emerging advocacy initiative, which if won could assure access by low-income client communities to the digital economy is guaranteed, and their rights in the digital era protected.

Redefine traditional legal services within our delivery systems.

In the last five years, several programs have taken the lead in exploring the value of technology to improve advocacy efforts and create new opportunities to provide assisted pro se or other limited representation options. The following list shows examples currently underway by one or more programs, and it is not comprehensive. For more information, visit <http://lstech.org>, or contact NTAP.

Telephone and Coordinated Intake Systems have enabled programs to: offer one number to callers which routes callers to appropriate offices based on prefix or area code; receive immediate access to assistance from the convenience of their home; facilitate use of volunteers by enabling them to take calls in cue remotely and off-site; and dedicate staff to particular high-volume calls within a subject matter or language, which the client self-selects before being routed.

Case Management Systems that are integrated across offices have allowed programs to better manage cases, track data, assess trends, comply with regulations, and effectively share and communicate necessary client information to referrals, partners, or other offices. Several programs have integrated their case management system with their web site, their hotline, and their client’s email address, when applicable.

Websites and Statewide Websites are positioned to be a portal for clients who need legal assistance, and for advocates who need skills, information, or materials. They facilitate communication and information exchange. As a process of engagement across a statewide justice community, statewide website projects bring stakeholders together to focus on services for low-income clients. Because the content on the World Wide Web is so predominately geared to Caucasian, middle to upper income markets, legal services website portals and projects serve as unique opportunities to provide quality content for audiences of diverse backgrounds, socio-economic status, and speaking different languages.

Interactive Websites (LiveJustice) allow advocates to provide on-line help and intakes to resolve problems that require on-going or in-depth counsel and advice and/or brief service.

Networking and Connectivity technologies are allowing multi-office programs that spread across rural or urban divides to act and function as one law firm, sharing support and litigation staff appropriately.

Remote Representation is afforded by the use of laptops, wireless networks, and PDAs. These technologies allow advocates to represent clients and perform intakes remotely off-site and out in the community.

Video Conferencing and Rural Assistance offers programs the ability to represent clients remotely at court (with participating courthouses), and bridges geographic divides within programs and clients. It promotes face-to-face representation despite a distance, and internally improves management, training, and meetings. Partner agencies of video-conferencing, usually libraries, community colleges or schools, or other social service agencies, promote a holistic and community-based approach to its use and function.

Document Assembly mechanizes routine document preparation so that advocates can integrate information on case management systems or other data received to quickly generate common pleadings.

Provide an Opportunity to Reach Clients Outside of Our Delivery Systems.

Technology used within a legal aid program should be integrated within its delivery system. Technology, however, provides an opportunity to think creatively about how to meet the demand for those who may never reach a legal aid office, or even know it exists.

Typically, these projects need to capitalize on the strengths of technology: Technology brings people and partners together in virtual communities; has the ability to reach many people if placed and staffed effectively; and can redefine a community's power base (so that information is provided by the community members themselves). While many such project remain undefined, these technology initiatives will be born within the legal services community from reviewing the power base and needs of a low-income community and assessing all the potential partners (typically outside of a legal services delivery system, such as places of business like Target, Kmart, and McDonald's) that would be helpful to institutionalizing the effort and integrating it within the local community, not just the local justice community.

There are many examples of non-legal services projects of this nature, though only one is discussed here. For more information on this one, see www.one-economy.com. Within legal services, a main example of a technology initiative that operates outside of a legal services delivery system is Interactive Community Action Network (I-CAN!) and a statewide website for clients (see above).

The Beehive, One Economy The Beehive is a website that brings targeted and essential information specifically to the low-income community. Through partnerships with public housing and affordable housing projects, One Economy and its private-industry tech partners provide cable and PC equipment to the home for low-income tenants. Training is provided for users on Internet and e-services. Local residents participate in a resource mapping process to identify who is in their local community and what services are provided. It is built on partnership with local communities, and the site is tailored both nationally and locally. (Currently, such initiatives to date are done with the noted absence of the legal services community. Legal aid programs need to identify among other social, private, and technology centers to determine who are creating, relaying, supporting, and integrating this type of information, and then participate.)

Self-help assistance and I-CAN! EIC The I-CAN! EIC web-based application allows eligible users to complete necessary federal tax forms to claim the Earned Income Credit. It is created at a fifth grade literacy level in English and Spanish. With local and national partners, this technology can be deployed outside of legal services offices and into communities and businesses. If national court pleadings, such as bankruptcy were completed in this same way, local communities and households could use it to file for bankruptcy, regardless of whether or not the client ever enters a legal aid office. Within this system, modifications could be made to integrate legal services and/or pro bono efforts when needed. I-CAN! is also a stand-alone kiosk that generates various court pleading for users on-site at the court.

Develop and Integrate a Role for Systemic Advocacy

A vacuum exists in our advocacy efforts in the digital age. Traditional impact advocacy (whether through litigation or policy) targets affordable housing, debtor rights, health and public benefits, and employment. In the digital age, consumer advocacy needs to be redefined, both in type and in content. It may not be through litigation, or through traditional negotiations, administrative, or policy work. The Public Utility Commissions, specific government agencies, and the larger corporate offices that participate in determining which neighborhoods have access and for what price must become accountable to the client communities we represent. Infrastructure decisions today will affect our communities' abilities to participate in tomorrow's economy.

Additionally, issues specific to electronic transactions, such as data collection, privacy, consumer transactions, and other e-rights or e-rights violations, need to be integrated within advocacy efforts of legal aid programs.

Lastly, working with local, state, and federal administrations to ensure access and rights are protected within the digital economy and age will be critical to defining the power base of our communities. As more and more programs move their application processes, information, and services on-line, low-income rights must be protected. And, legal services programs need to be an active voice with agencies and private partners to ensure that as content is created for the market on-line, it is accessible and readable by our client community.

As a first step to this advocacy, legal aid programs themselves need to be open to the benefits of technology and ensure these benefits are obtained for our clients, rather than without them.

For more information on how to participate in technology initiatives, or on how to link with other programs doing either systemic advocacy or tech-related innovations, contact the National Technology Assistance Project.