Connected Solutions for Justice

Rapidly evolving tools help courts provide better service to defendants, litigants and those under supervision — without new spending or staffing.

Introduction

Virtual solutions helped courts maintain continuity of operations during the pandemic, but now the challenge is to meet the public's expectations for greater digital access to justice across a wider range of scenarios. Rapidly improving technology tools let courts provide better and more equitable service to defendants, litigants and those under supervision — without additional staffing and spending.

"It's really about expanding the mentality of what can be done in a remote, online way," says Matthew Davis, general manager for self-represented litigants at Tyler Technologies.

The Components of Connected Justice

While most courts have had robust case management systems (CMS) for decades, a range of discrete virtual justice technologies has emerged in recent years and gained newfound importance during the pandemic. Each piece has significant benefits for constituents and courts, but their full potential will only be realized when these components are integrated into an end-to-end enterprise solution.

ONLINE TICKET ADJUDICATION

What it is

Online ticket adjudication solutions let defendants pay fees online and, when applicable, plead or agree to appropriate waivers. They also include text and email reminders for defendants and interactive voice response (IVR) systems that allow payments to be made by phone for individuals who lack connectivity or who are reluctant to use the internet for legal matters.

Use cases

These solutions originally focused on — and are still predominately used for — traffic and parking tickets. However, some jurisdictions are using them to handle parks, wildlife and noise ordinance violations, as well as for criminal cases involving payments or restitution due to the court. Some jurisdictions allow defendants in cases with fine-only warrants and fees associated with juvenile cases to resolve them online after an in-person or virtual hearing.

These solutions can also process payments that include conditional fees for traffic school or diversion programs and facilitate miscellaneous payments for certified copies of legal records and other items. "Historically, you could only pay your ticket online, but the vision we have is that you can do everything online without having to mail something in or walk into the office," Davis says.

Benefits for constituents

Residents can avoid a time-consuming court appearance and cumbersome payment options for tickets and fines. "Previously, defendants had to take time off of work or arrange childcare to drive across the county to handle their ticket. In some remote areas, that could be an hour away," Davis says. For traffic court in particular, online ticket adjudication greatly simplifies the process for travelers who receive tickets in jurisdictions far from home.

Benefits for courts

Allowing remote payments reduces dockets and lobby traffic for high-volume courts and saves staff time fielding phone calls with questions about how to pay tickets. Integration with case systems can reduce internal workloads even further. "Depending on automation, the clerk may not have to touch the payment at all," Davis says. In Denton, Texas, for example, more than half of payments for one court are now collected online, saving its clerk as much as three hours a day.

There's also evidence that providing simpler options and

automated reminders can increase compliance, resulting in fewer no-shows that lead to warrants and their associated downstream costs for courts and constituents.

A court in Round Rock, Texas, found appearance rates increase after implementing an online ticket adjudication solution with automated text reminders. Meanwhile, Belton Municipal Court in Missouri saw warrants fall by one-third.

Opportunities for integration

Online ticket adjudication is often used as a component of virtual court solutions, providing a seamless way to pay fines at the end of a hearing.

Advice for implementation

■ **Partner with police** agencies to ensure officers writing tickets capture cellphone numbers to provide text reminders; update tickets and notices to include links and information about online ticket adjudication solutions.

■ **Implement electronic ticketing** to improve automation with case management systems and online ticket adjudication solutions.

■ **Consider solutions** that use party and case data to present eligible case resolution options that go beyond the standard guilty-plea-and-pay outcome.

■ **Enable payments** on delinquent cases, cases sent to collections,

cases with driver's license suspensions issued or even cases with warrants issued; leverage automation in your case management system to automatically report changes to cases and recall warrants.

■ **Allow payments** to automatically generate tasks in your case management system so court staff can review and follow through with any additional case work needed.

■ VIRTUAL COURTS

What it is

Virtual courts were rapidly stood up during the pandemic to ensure continuity of justice, but many jurisdictions quickly realized videoconferencing alone wasn't sufficient to support court functions. Purpose-built virtual court solutions combine secure videoconferencing with the ability for defendants and judges to access case information as well as review and electronically sign legal documents. They also include robust integration with case management systems to eliminate the need for staff to do double data entry for tasks like scheduling and invitations.

Use cases

Virtual courts have largely been used for traffic court and other minor cases in which there are limited participants: a defendant, a judge, and perhaps an attorney

or prosecutor. As with online ticket adjudication, use cases continue to evolve, including small claims and family court cases in which participants may be reluctant to appear in person. The increased complexity and number of participants in these cases require solutions that allow for specific elements such as confidential sidebars between judges and attorneys and public livestreaming to ensure compliance with sunshine laws.

"Initially, folks tried to make do with any applications that could facilitate a remote meeting, but now they're turning to solutions specific to their court processes," says Amanda Chiodo, senior product manager for Tyler Technologies.

Benefits for constituents

Virtual courts improve access to justice for individuals who find attending court in person difficult for financial or personal reasons. "In the past, we have been rigidly stuck with in-person appearances. These pack the courtroom. They also create hardships for defendants, which hit certain defendants harder than others," says Greg Nickel, court administrator in Newton, Kansas. "This is especially true for defendants in lower socioeconomic situations."

A study of remote hearings in Texas state courts conducted by the National Center for State Courts (NCSC) found remote hearings "may also expand access to courts for witnesses, victims, experts, and

other court stakeholders who live in remote locations or who fear for their safety in court. Likewise, there is the opportunity for wider participation in many types of family-related cases, especially divorce, child welfare, and child protective services cases."[1]

Benefits for courts

As with online ticket adjudication, virtual courts can reduce in-person dockets and courthouse traffic and increase compliance.

Opportunities for integration

Virtual court solutions can be integrated with case manage-ment systems to automatically schedule hearings, send invita-tions, and manage dispositions and document access. These solutions can also interface with online ticket adjudication systems to enable payments.

Advice for implementation

■ **Consider the type of hearings.** The NCSC report found the "type of case is less relevant than the type of hearing — in most instances." Remote hearings function best with short hearings of limited scope, such as traffic court or hearings to set trial dates or file motions.

■ **Focus on the waiting room experience.** Ensure defendants understand the process and what will happen once virtual court convenes. As Chiodo asks, "Does the online court offer the same

level of communication as signage in the [non-virtual] one?"

■ **Prioritize time-saving features.** For instance, ideal solutions can facilitate document editing and signing in the virtual courtroom and manage scheduling of and invitations to virtual hearings.

■ **Assess whether solutions deliver** the personalized court experience that parties deserve and typically receive in person.

ONLINE GUIDED FORMS

What it is

Online guided forms solutions support self-represented litigants (SRLs), or individuals who access courts without the assistance of an attorney. These solutions

generally automate the process of electronically filing paperwork such as a claim or request for a court order, but they go one step further than e-filing solutions by providing personalized guidance that walks users through each step of the process. SRLs answer online questions identifying which form they need to use and then the steps they need to take to fill out the form, similar to the way tax software guides individuals through the process of filing complex income tax returns.

Use cases

Online guided forms solutions help constituents file small claims and divorce proceedings. In some cases, legal aid organizations use the technology to help SRLs file. The solutions can also help automate the process of filing a request for an order of protection — a use

In Springfield, Oregon, Virtual Courts Are Here to Stay

Located along the I-5 corridor, the city of Springfield, Oregon, often issues traffic citations to out-of-town defendants. Court officials there explored virtual court technology before the pandemic as a way "for people to have their day in court and talk to a judge if they want to without having to take time from work or childcare," says court supervisor Allison Sederlin.

Today, Springfield maintains a hybrid model, holding virtual sessions four times a week for initial appearances involving just the defendant and judge. The court conducts 25 to 30 cases a week virtually, according to Sederlin. "If you get a ticket coming through my city and we didn't have a virtual court, it would look like we're behind," she says.

case that accelerated during the pandemic to ensure these critical filings could be processed when court buildings were closed. There are few restrictions on what type of forms can be automated.

Benefits for constituents

Online guided forms solutions improve access to justice by reducing the need for an attorney, which some constituents may not be able to afford or feel comfortable working with. They also help ensure SRLs receive appropriate assistance and better understand the judicial process, which can lead to more equitable outcomes. "Ideally, once they've used it, litigants feel more confident they're doing the right thing and had the best opportunity regardless of the outcome of the case," says Adam Earnheart, director of self-represented litigants for Tyler Technologies.

Benefits for courts

SRLs typically represent around 11% of all documents filed with courts — but more than half of all requests for assistance. As a result, providing automated guidance can save significant staff time. Online guided forms solutions typically allow non-programmers to develop guidance, empowering staff to create automated interviews without intensive technology support. Integration with e-filing and payment solutions can further automate internal processes.

In Peoria, Illinois, Guidance Goes Statewide

More than 1,000 petitions for orders of protection are filed each year in Peoria County, Illinois. Most are filed in the courthouse under the auspices of a nonprofit whose staff help constituents navigate filling out the complex form on several computers. "People were trying to read the instructions and asking for help if they needed it," says Jennifer Shadid, formerly an assistant court administrator.

Court officials used online guided forms to develop an interview process — "If they answer *x, this* should happen," as Shadid puts it. Nonprofit staff and judges were among those who ensured the guidance for the form was accurate and generated the necessary information, she says.

Today, more than 95% of the county's petitions are filed using the online guided forms solution, and other jurisdictions across the state have adopted the interview process for the statewide form. The court has considered expanding guidance to small claims complaints. "People can do this 24/7. You don't have to wait for the court to be open, and you can do it using your phone," Shadid says. "It's so much more accessible."

Opportunities for integration

Online guided forms solutions can integrate with existing e-filing solutions, as well as with online ticket adjudication solutions, to manage any filing fees or payments.

Advice for implementation

■ **Start small.** Online guided forms solutions require more active development by court staff than other connected justice solutions, so staff should identify low-complexity forms used for high volumes of cases to begin their work. "It's an early win for the court. It creates some positive momentum, and it establishes a mechanism to learn

how they want to drive the public to this," Earnheart says. From there, develop a roadmap based on the number of requests assistance staff receive for different forms.

■ **Consider how to handle complexity.** Forms supported by online guided forms solutions run the gamut from a handful of pages to more than 60. Some states mandate standard templates for some types of cases. In other instances, courts must determine how to handle fringe cases or locally developed forms and processes. "Some do an interpretation of the 80/20 rule, grabbing the 20% of permutations that account for 80% of the filing volume," Earnheart says.

■ **Focus on language.** The guidance courts embed in online guided forms solutions needs to be complete and accurate. The language also needs to be tested and vetted to make sure people understand the information. "You need a strong and defined governance structure to determine who's going to approve it so once it's built it can be turned on," Earnheart says. Also consider if guidance should be multilingual.

ONLINE DISPUTE RESOLUTION (ODR)

What it is

ODR is a technology-enabled approach to alternative dispute resolution (ADR), a wide-ranging series of court alternatives that include negotiation, mediation and arbitration. The technology has its roots in online auctions, where it was first used to resolve disputes for eBay and similar services. "There were literally so many disputes that there was no other way to do it," says Mark Wilson, product manager for Tyler Technologies.

Use cases

ODR can move court alternatives such as small claims, parenting plans resulting from divorces, and court-ordered arbitration or mediation online. Some states have mandated ADR as a requirement before going to court; Utah requires ODR for

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certain small claims cases or those involving civil debts. According to the American Bar Association's Center for Innovation, by 2019 ODR was being used for 14 case types, including traffic, small claims and debt collection.[2]

Benefits for constituents

Like ADR, ODR can help constituents save money, receive more equitable access to justice and avert the emotional challenges of taking a dispute to court. As with other virtual justice solutions, ODR helps jurisdictions avoid the logistical challenges of scheduling in-person arbitration or mediation sessions.

Benefits for courts

ODR supports longstanding ADR processes that help resolve lawsuits and disputes outside of the court. For example, about 20% of cases at the 18th Judicial Circuit's courts in Brevard County, Florida, are resolved through ODR.

Opportunities for integration

ODR can integrate with case management systems to manage information for court-mandated

dispute resolution, as well as to process subsequent settlement documents that require court approval.

Advice for implementation

■ **Understand the court's role.** In many communities, ADR is managed by third-party providers, such as community mediation centers. In others, courts assign cases to ADR and receive settlement documents once the process is complete.

SUPERVISION

What it is

Supervision solutions support case management for parole officers and others involved in a wide range of supervision programs. They also provide supports for defendants involved in these programs, including automated check-ins and interviews and reminders that reduce the number of missed court appearances.

Use cases

Solutions cover pretrial, diversion, juvenile justice and community supervision programs, whose caseloads are

growing in the face of more than 700 new laws that have reformed pretrial incarceration and bail since 2012.[3]

Benefits for constituents

Supervision solutions support diversion and pretrial programs, keeping defendants out of jail and with their families and jobs while awaiting trial. Reminders help them remain compliant with payment and appointment requirements.

Benefits for courts

Supervision solutions support pretrial diversion, which has emerged as an opportunity to reduce the number of incarcerated people awaiting trial — a total of more than 400,000 nationwide, representing as much as 70% of local jail populations.[4] Growing supervision caseloads

have become "unmanageable without software," says Bona Nasution, sales director for Tyler Technologies.

Opportunities for integration

Supervision systems can integrate with electronic monitoring and check-in systems, as well as overall case management systems to provide broader insights for program leaders.

Advice for implementation

■ **Focus on data.** Agencies can aggregate caseload data to see what supervision approaches work well. For example, if a juvenile justice system determines children with truancy issues are more likely to be put on probation in the future, it could devote more time and resources to preventing truancy. When data

is readily accessible for analysis, it can be used to build better programs and engage partners that can provide additional services and supports. "Programs should be focused more on outcomes and aligning programs to outcomes," says Nasution.

Tying It All Together

While each component of connected justice brings immediate benefits to courts and constituents, the true power comes from integrating the components into an end-to-end solution. To do so, technology experts urge patience — and persistence.

"Sometimes courts want to go in and immediately take advantage of every piece of time-saving technology they can, but they then get overwhelmed

In Clark County, Nevada, A Safe Harbor for Youth

Most juvenile justice agencies address the needs of youth once they've entered the justice system. But in Nevada, a community partnership overseen by the Clark County Department of Juvenile Justice helps at-risk youth before they reach that point.

Since its launch in 2016, The Harbor program has served nearly 20,000 kids. The county uses supervision software that meets the program's intake needs, which involves multiple survey and assessment tools. Integrations with the juvenile justice department's parole systems and other justice data will continue to improve the program's ability to track and understand youth needs and increase equity, according to John "Jack" Martin, the department's director.

"We had disproportionally more Black and brown children, and lots of issues with how we were conducting business," Martin says. "We knew if we addressed specific issues and wrapped children in resources, we could break the community-to-prison pipeline. The Harbor was created for that, and the data is collected for that."

very quickly and it takes even longer," Chiodo says. Instead, it may make sense to take smaller steps, such as starting with online ticket adjudication to accept online payments and focusing on back-end automation with existing case management systems before moving forward with more complex use cases.

Cloud-based systems can integrate components in ways that simplify deployment and use. "Normally if someone wants to do these things, it involves five different contracts, vendors and support tools," says Larry Stanton, director of sales for courts and justice at Tyler Technologies. "Modern technology puts them all into one integrated system."

Among the capabilities courts should seek in solutions:

■ **Plain language**, particularly in on-line guided forms solutions but also across the full spectrum of connect-ed justice to ensure all constituents can access justice remotely in equi-table and understandable ways.

■ **Ease of use for constituents**, including simple login procedures, automated reminders, and IVR systems and text-based reminders to ensure equitable access.

■ **The ability to securely access** court documents during virtual sessions, not just videoconferencing capabilities.

■ **Integrations** with existing case management systems to automate processes and reduce clerk workload.

■ **Security** across the full spectrum of activities, from videoconferencing through PCI-compliant payment and ensuring privacy of all records and proceedings.

Conclusion

Taking these steps will help courts streamline dockets, ensure greater access to justice, and help constituents see the value of their tax dollars reflected in their courts and the officials who lead them. At the same time, these measures require courts and lawmakers to modernize longstanding procedures. For example, requirements for so-called "wet" signatures and notarizations in some jurisdictions can hinder efforts to expand justice.

"The technology often outpaces the law," Earnheart says. "Sometimes those changes are easy, sometimes they're not, but courts [should] remove those physical world restraints."

This piece was written and produced by the Center for Digital Government Content Studio, with information and input from Tyler Technologies.

1. https://www.ncsc.org/_media/ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf
2. https://www.pewtrusts.org/en/research-and-analysis/articles/2021/01/19/how-well-does-online-dispute-resolution-help-resolve-lawsuits-outside-the-courtroom
3. https://www.ncsl.org/research/civil-and-criminal-justice/state-pretrial-release-legislation.aspx
4. https://www.prisonpolicy.org/reports/pie2020.html