

Executive Summary

This report begins by reviewing international experience in the development of online legal information and self-help (OLISH) provided by government, community organisations, and social enterprises. It uses this experience to examine how OLISH might best be deployed in Aotearoa New Zealand to help narrow the justice gap. It also examines the context and processes that have driven the development of OLISH in other jurisdictions and how this experience might apply in Aotearoa.

The need to provide online information and self-help is particularly acute given most people cannot afford legal representation, but do not qualify for legal aid. Over the past decade OLISH has become a distinct and significant strand in strategies to improve access to justice and close this justice gap. In theory, OLISH can improve access to justice by making information and tools more accessible, effective, and empowering, but in practice, OLISH's delivery of these benefits is more nuanced.

Internationally, progress in OLISH has involved significant resource and engagement, organised via one of two models: (1) significant investment and several years of collaborative work by stakeholders from throughout the justice and community sectors, or (2) continuous, iterative innovations by an active and sustainable network to develop new methods and infrastructure. Both models share the characteristic of strong user engagement in their development and refinement.

We recommend that Aotearoa should similarly look towards a strategy of cooperation and user engagement when developing OLISH. Collaboration and engagement have helped jurisdictions and OLISH providers to determine a number of crucial questions: priorities in terms of which populations OLISH should primarily target; which issues resources should be devoted to first; how OLISH should connect with other aspects of the justice system; and finally, to decide how to design and present the chosen functionalities in the most effective way.

A cooperative strategy will require the coming together of people from across the judiciary, legal profession, and community, with an initial commitment to a strong engagement process before identifying specific solutions. A first and significant step would be to establish a consensus about OLISH's broad role, informed by the extent of legal need and barriers to access to justice in Aotearoa, and based around the goal of ensuring certain levels of access to legal help. Collective action to establish this type of shared mission and vision, we believe, would give rise to one—and possibly two—outcomes:

1. It would provide the environment for an effective OLISH eco-system to emerge. If all stakeholders are working towards the same goals, this provides a platform for shared conversations, funding opportunities, and collaborations. It reduces a sense of competition or disconnection in the sector and helps everyone to move in a common direction.
2. As has occurred in other jurisdictions, a shared mission and vision may give rise to jurisdiction wide projects, specifically:

- a. A portal website for Aotearoa, incorporating guided pathways, action focused tools, and connections to assistance, including strong connections with the main legal assistance and dispute resolutions systems of the justice system; and/or
- b. A joint funding model together with objectives and criteria, for example targeted at collaborative, user-centred projects, which are focused on areas of identified need, either replicable or adoptive of tested products; or which provide open infrastructure.

In addition to this high level of cooperation, we have identified several other areas of cooperation to support an OLISH eco-system, including: a structured and collaborative OLISH funding regime; identifying areas of need through research and data sharing; and collaboration in the development of infrastructure and templates. We also recommend cooperation with regulators, for example in the creation of sandpits and safe spaces, to support and encourage innovation without risk of regulatory breach.

This report is not, however, a prescription; the most important ingredient of engagement with stakeholders and communities would determine the priority and approach for each effort. This is important not least because some initiatives would involve change in how current OLISH providers deliver OLISH services, and whose success would depend on an evidence-based grasp of how New Zealand-based communities seek information and help online.

OLISH is a potentially powerful tool, accessible by large portions of the population. Effective OLISH can support the rule of law, provide efficient and convenient information and self-help, and in so doing, reduce stress on in-person services. Through cooperation within the sector and strong user engagement, OLISH can be an important strand of the rope that we hope will pull people towards genuine access to justice.

Acknowledgements

Our thanks to the New Zealand Law Foundation and the Borrin Foundation for their generous support of this work. We acknowledge and thank the providers of Aotearoa New Zealand online legal information from the community and government who generously spent time coming together for the two forums we held and who provided insights along the way. They are all committed to increasing access to justice in Aotearoa New Zealand.

In preparing this report, we have drawn on conversations with online legal information providers, nationally and internationally. These conversations have been one-on-one and also at two Aotearoa forums held in 2019 and 2020 in Wellington. We thank all the staff of those organisations who generously gave up their time to share ideas with us and other providers in the hope of improving the quality of online legal information and self-help that is available in Aotearoa. Participating organisations were:

New Zealand OLISH Forum Participants

Community Law (Auckland, Māori Caucus, Wellington Hutt Valley, Youth Law)
Citizen AI
Citizens Advice Bureau
Ministry of Business, Innovation and Employment (Employment NZ, Tenancy Services)
Ministry of Justice
New Zealand Courts
The New Zealand Law Society Te Kāhui Ture o Aotearoa
New Zealand Legal Information Institute
Open Law
University of Otago Faculty of Law

Other New Zealand Organisations

Chive
Start-Up Dunedin

International

CLEO (Ontario)
Lagniappe Law Lab (Louisiana)
Ohio Legal Help

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1. Introduction

Access to high quality and practical legal information is a vital component of access to justice. Online resources have the potential to reach a very large proportion of the population. While online resources are not helpful to everyone, for a large part of the population they provide an important means to access information about legal rights, providing assistance to help people act on their rights and resolve disputes. These are important aspects of the rule of law.

The need to provide online information and self-help is particularly acute given Aotearoa New Zealand's justice gap—"the gap produced when people cannot afford legal representation, but do not qualify for legal aid".¹ In a 2017 study,² 63 per cent of people in Aotearoa had encountered a legal problem in the two years prior and nearly half experienced hardship as a result. Only 44 per cent of people reported that they were able to fully resolve their problem and one quarter gave up trying. In resolving their problem, 32 per cent had access to help, but only for 36 per cent of those people was this help provided by a lawyer or professional advice service.³

In this landscape, it is vital that for those who can use online resources, there is ready access to accurate and comprehensible legal information that explains legal rights, responsibilities, and procedure, and which helps them take action. Without such information there is unmet legal need, which reduces the strength of our democracy and leads to negative social impacts.⁴

These issues are not unique to Aotearoa; other jurisdictions are facing the same challenges. They have responded by prioritising access to legal information and developed coordinated efforts that take a whole of jurisdiction perspective. For example, the Victorian review of Access to Justice identified the need to address the fragmentation of legal information in that jurisdiction.⁵ Other jurisdictions, such as some Canadian and US states, have included in their high-level access to justice strategies the development of online portals for legal information and advice, which increasingly aim to reduce the burden of navigating and digesting information.⁶ These initiatives serve as inspiration for what we could achieve in Aotearoa.

¹ Kayla Stewart and Bridgette Toy-Cronin *The New Zealand Legal Services Mapping Project: Finding Free and Low-Cost Legal Services Pilot Report* (University of Otago Legal Issues Centre, 2018) at 19.

² World Justice Project *Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll in 101 Countries* (World Justice Project, 2019) at 77.

³ At 77.

⁴ The 2006 National Survey of Unmet Legal Needs and Access to Services estimated about one third of people in Aotearoa had serious problems had unmet legal needs. The same 2006 study pointed out that a significant proportion of people with unmet legal needs, experience stress, ill-health, loss of confidence, and income: Legal Services Agency *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services* (Legal Services Agency, 2006) at 66.

⁵ Government of Victoria *Access to Justice Review: Report and Recommendations* (Victorian State Government, August 2016).

⁶ For example see www.stepstojustice.ca (Canada); www.ohiolegalhelp.org (Ohio, US); www.illinoislegalaid.org (Illinois, US)

The purpose of this report is to summarise lessons from abroad to help improve practice in Aotearoa and to develop a shared vision for online legal information and self-help tools in Aotearoa. We refer to this as OLISH—online legal information and self-help. Our purpose is looking at the free provision of this information whether by government, community organisations, or social enterprises.

The landscape of online delivery of legal information and assistance is larger than this. Developments occurring in the for profit and not-for-profit sectors include:

- Online dispute resolution tools;
- Legal assistance delivered digitally by a person;
- Self-service (as opposed to self-help) tools where agencies require people to perform administrative processes online without assistance (for example, immigration forms);
- Commercial and ‘lead-generating’ online help (for example, information provided by law firms as a means of reaching clients).

Our focus, however, is the provision of online legal information and self-help tools by government, community organisations, and social enterprises which are designed to help empower people to know and exercise their legal rights.

What is OLISH?

In this report, we discuss **online legal information and self-help** (OLISH for short) which is provided free and online by government, community or other not-for-profit/public benefit entities (including social enterprises).

Online **legal information** is information that is designed to help people understand their rights, understand how such rights apply to their situation, and understand how they might resolve the problem.

Online **self-help** refers to tools that help people take action to resolve their problem without the assistance of a lawyer or other expert (for example, guides, form or letter creators, and anything that facilitates action towards resolving a problem).

THE LIMITS OF OLISH

It is important to emphasise that as an access to justice strategy, OLISH has limits. Effective use of OLISH requires not only digital connectivity but also legal capability—the ability to read, understand, and then apply legal rights.⁷ As Laster and Kornhauser note:⁸

⁷ Catrina Denvir, Nigel Balmer and Pascoe Pleasence "When legal rights are not a reality: do individuals know their rights and how can we tell?" (2013) 35(1) Journal of Social Welfare and Family Law 139 at 140.

⁸ Kathy Laster and Ryan Kornhauser "The Rise of ‘DIY’ Law: Implications for Legal Aid" in Asher Flynn and Jacqueline Hodgson (eds) *Access to Justice and Legal Aid: Comparative Perspectives on Unmet Legal Need* (Hart Publishing, Oxford and Portland, Oregon, 2017) quoting from Jeff Giddings and Michael Robertson "‘Lay people, for God’s sake! Surely I should be dealing with lawyers?’: Towards an assessment of self-help legal services in Australia" (2002) 11(2) Griffith Law Review 436. See also Elizabeth McCulloch "Let Me Show You How: Pro Se Divorce Courses

There will always be a significant section of the population ... for whom self-help resources will be of little avail and only serve to create unrealistic expectations. As one [Community Law Centre]-based provider observed:

I sometimes wonder whether for some people we do a great disservice by giving them a self-help kit. Particularly for those people who are already lacking in confidence and have felt marginalised ... You give them a self-help kit and they can't do it. And then they feel like failures ...

The risk is that pursuing an OLISH-dominant strategy will stigmatise those who are “deemed ‘unable’ to cope—with life and with the law”.⁹ This danger is magnified by the trend towards government delivering services online. Government service strategies determine the expectations on the general population to resolve issues online, and who provides those services (i.e. government or non-government organisations). There will be ever-present “personal and structural factors” that mean the digital strategy will exclude those whose ability to interact with digital resources is militated by factors such as “age, limited technological and English language proficiency, intellectual ability, and mental and physical health”.¹⁰

OLISH, therefore, needs to be pursued as a complementary strategy to in-person services. Effective OLISH can relieve some of the burden on providers of information and/or advice, by delivering information to those with good digital access and capability, allowing in-person services to be reserved for those who cannot successfully utilise OLISH.¹¹

With this important caveat in mind, OLISH is an important strand of the rope that we hope will pull people towards genuine access to justice. It is a potentially powerful tool, accessible by large portions of the population. Effective OLISH can support the rule of law, provide efficient and convenient information and self-help, and in so doing, reduce stress on in-person services.

CURRENT SOURCES OF OLISH IN AOTEAROA

The major sources of non-government OLISH come from two organisations: Community Law’s Online Manual (CLOM) and the Citizens Advice Bureau’s website (CAB). They both provide good quality information on a broad range of topics, despite both organisations having limited resource for the task. The CAB website has a question-and-answer style format which enables quick narrowing down of the problem and the finding of top-level information. The CLOM has good detailed information but requires the user to navigate the information using icons and menus. Various other organisations provide some

and Client Power" (1996) 48 Florida Law Review 481 who, discussing a Florida self-help divorce project, argues that the project was: “[F]oisting self-representation on poor people who have more than enough demands on their time and energy without being told that their denial of legal service is really an opportunity for empowerment”.

⁹ Laster and Kornhauser, above n 8 at 132.

¹⁰ At 124.

¹¹ For a review of how community law centres have adopted digital technology and its impact on in-person service, see Sam Setebin and Ashley Pearson "Community Legal Centres in the Digital Era: The Use of Digital Technologies in Queensland Community Legal Centres" (2019) 1 Law, Technology and Humans 64.

legal information as part of their broader aims.¹² New Zealand Legal Information Institute (NZLii) is an important source of free access to case law, as well as providing access to a number of secondary sources such as journal articles.¹³

The New Zealand government provides voluminous legal information on various government websites.¹⁴ Several government websites cover specialist topics. For example, Tenancy Services,¹⁵ Employment Services¹⁶ and Consumer Protection¹⁷ (all under the Ministry of Business, Innovation and Employment) comprehensively cover those areas of law, and provide guidance and tools.

The need for government sites to provide comprehensive information runs the risk of overwhelming users who are likely to be looking for an answer to their specific query. To date, government websites have few triage or issue identification tools, apart from traditional menus and search. Some offer tools to facilitate transactions.¹⁸

Government websites that deal with legal issues have some linkages, overlaps and gaps, which may require users to do some trail-following when looking for information. Family law is one area where users might land on different pages in their search for help. The Ministry of Justice is the main site providing information about family law, for example divorce and care of children.¹⁹ The Department of Internal Affairs also has detailed information on separation, divorce and child custody, including links to the Ministry of Justice website.²⁰ The website www.govt.nz, a directory for government services, includes condensed legal information on topics such as debt, employment, family and tenancy law, with links to relevant websites. A new approach which integrates information from different agencies around life events, for example “Smart Start” for new and expectant parents²¹ and “Settled” for home buyers and sellers.²²

¹² Such websites generally support specific groups in need of strong support and are tied to in-person services, for example, the Women’s Refuge (www.womensrefuge.org.nz/); Tenants Protection Association (www.tpa.org.nz/); Age Concern (www.ageconcern.org.nz/).

¹³ New Zealand Legal Information Institute, www.nzlii.org.

¹⁴ For a list of government legal information sites see <https://www.olishnz.org/directory>

¹⁵ www.tenancy.govt.nz/

¹⁶ www.employment.govt.nz/#gref

¹⁷ www.consumerprotection.govt.nz

¹⁸ For example, the Ministry of Justice enables users to partially tailor forms, such as under the Care of Children Act 2004 <<https://www2.justice.govt.nz/careofchildrenform/>>

¹⁹ <https://www.justice.govt.nz/family/>

²⁰ <https://www.govt.nz/browse/family-and-whanau/separating-or-getting-divorced/>. Another example of multiple agency involvement is in debt and finance problems. They are covered by Consumer Protection (MBIE) <<https://www.consumerprotection.govt.nz/help-product-service/loans-and-debt/debt-collection-repossession/>> and the Commerce Commission <<https://comcom.govt.nz/consumers/dealing-with-typical-situations/borrowing-money-and-buying-on-credit/what-to-do-if-you-are-struggling-with-debt>>

²¹ www.smartstart.services.govt.nz/

²² www.settled.govt.nz/

The government websites provide some procedural information, but it is limited. The main public facing website for procedural information about the courts is the Ministry of Justice's. There is also a New Zealand Courts webpage but this directs people back to the Justice page. Information about the Tribunals is on the individual Tribunal's website.²³ Various government websites send users to Community Law and Citizens Advice Bureau when they are unable to respond to user queries, for example if the issue is related to their area but not under their jurisdiction.²⁴

Provider perspective

OLISH providers face challenging conditions in Aotearoa, especially with regard to innovation. While they have talented and passionate people producing online legal information, their time and resources are very limited. Because of the limited in-house capacity, online solutions can sometimes create roadblocks (needing technical input and funding) rather than enablers.

Our discussions with OLISH providers have indicated there is a shared desire to increase effective use of resources through collaboration, reduced duplication, and better understanding of users through data,²⁵ engagement, and research. They support the need to have multiple providers speaking to different audiences but see collaboration as important. There are, however, barriers to collaboration. These include structural barriers such as the need to compete for resources, and operational barriers such as time pressure and the need to deal with urgent short-term priorities.

Some of the challenges that producers of OLISH have noted in conversation with us include that while there is a good base of OLISH is available in Aotearoa, it can be hard to digest and convert into action (i.e. there is more information and less self-help). Most providers want to ensure they are providing information rather than advice. It is highly questionable whether such a divide can exist,²⁶ or whether it is necessary in all areas under Aotearoa regulations. A further challenge is that OLISH needs to cater to a diverse audience including information in te reo Māori and in other languages.

²³ See for example Disputes Tribunal has its own site (<https://disputestribunal.govt.nz>). The Disputes Tribunal includes detailed information about making or responding to a claim, and some information about preparing for a hearing. It then directs people who want further information to the non-government websites, Community Law and Citizens Advice Bureau.

²⁴ See for example <https://www.tenancy.govt.nz/starting-a-tenancy/flatting/> which provides links to both Community Law and Citizens Advice Bureau.

²⁵ Some providers have close connections to users, such as those working at the 'front-line' of providing legal services. Others operate at a greater distance and therefore may be somewhat disengaged from their users and their needs.

²⁶ Greacen has argued that the phrase "legal advice" has no inherent meaning to those who are required to decide what advice they can and cannot give: John Greacen "No Legal Advice from Court Personnel" What does that Mean?" (1995) 34 Judges Journal 10. Some US Courts took up Greacen's recommendations: John Greacen "Legal Information vs Legal Advice: Developments during the Last Five Years" (2000) 84 Judicature 198. In 2003 the NZ Law Commission cited an Australian service charter, similar to the type Greacen recommended, when reviewing Family Court dispute resolution: Law Commission *Dispute Resolution in the Family Court* (NZLC R82, 2006) at [935].

A user perspective

A person's experience of OLISH in Aotearoa will depend on whether their problem is common, how simple it is, and how confident they are in asserting their rights. Information about rights and requirements is generally easy to find if it is common and especially if it is regarded as a priority area for government departments (tenancy, employment and consumer issues, for example, are well covered by government websites). A person using Google to find help with these topics is likely to see a government agency near the top of the Google search results.

To date there has been no extensive user-based research into how OLISH serves people in Aotearoa. Two recent projects, both on specific aspects of OLISH, provide some guidance. One was a report on chatbots as providers of legal information for tenancy and employment law.²⁷ That report tested whether the users were able to determine a next step in response to a scenario involving a dispute with a landlord. Most users were able to find a useful next step, however, a number expressed frustration that the chatbot provided the law but not "what to do" in response to an apparent breach of the law by a landlord; those who received non-legal guidance about how to interact with landlords, greatly appreciated it.²⁸ The second study was about family justice and included questions about people's experiences and views of the Ministry of Justice website as they went through processes relating to parenting arrangements after separation.²⁹ The study found that most participants (parents and caregivers) rated the website positively and were able to find the information they needed. Over half of the participants rated the website as good/very good with regard to the information provided (59%) and the ease of finding and downloading information and forms (55%).³⁰ Participants whose information needs were not completely satisfied by the website, however, described the information as too generic and basic.³¹ They required more detailed, in-depth, and specific information that could be applied to their own situation. In particular, they needed information about how to negotiate difficult scenarios. They also found they could not find information about how to respond to particular notices or how to complete certain applications and procedures (particularly the sequence), or links to legislation, the law and rights, and links to other services and professionals to access support and guidance.³² Information about likely outcomes and examples of different types of parenting arrangements were also sought, but not located on the website.³³ Suggestions for improvement included provision of more detailed and in-depth information, particularly about family

²⁷ Bridgette Toy-Cronin and others *An Evaluation of Legal Information Chatbots: Useability, Utility, and Accuracy* (University of Otago, November 2020) <https://ourarchive.otago.ac.nz/handle/10523/10606>.

²⁸ At 16-17.

²⁹ Megan Gollop, Nicola Taylor and Nicola Liebergreen *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives* (Children's Issues Centre, University of Otago, 2019) and Megan Gollop, Nicola Taylor and Nicola Liebergreen *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Family justice professionals' perspectives (Part 2)* (Children's Issues Centre, University of Otago, 2019). The Parents' and Caregivers' Perspectives Report includes almost 30 pages about user experiences of using the Ministry of Justice website and is well worth OLISH providers reading about these experiences in full, as they provide insight into the barriers people face in the context of stressful disputes.

³⁰ Gollop, Taylor and Liebergreen, above n 29 at 72-73.

³¹ At 100.

³² At 100.

³³ At 100-101.

justice processes and procedures, providing ‘real-life’ examples and case studies, and simplifying the language used.

The parenting through separation study also highlighted the role of social media, in a way that resonates with the idea that OLISH should attempt to ‘go where the users are.’ Some users saw value in understanding how others had dealt with the issue:³⁴

Internet resources and social media platforms, such as Facebook, were useful resources where participants could, at convenient times (for example, during the evening), find helpful information and access support groups. Connecting with separated people who had ‘been through it’ and could share their experiences assisted people in deciding how best to approach post-separation parenting and the making of parenting arrangements for children. [Online support groups] helped people to feel that others were there for them and that they could obtain information, advice, support and friendship from group members.

These studies only provide a glimpse at users’ needs in a particular area of the justice system and are cited here to indicate user preferences and needs rather than assess the websites themselves. In particular, they show that from a user-perspective, there is a need for more integration between providers, services, and avenues of help.

One group that needs particular attention in Aotearoa are litigants-in-person (LiPs) who need to navigate court systems. LiPs are often burdened and time-poor, yet court procedures require them to undertake a great deal of work themselves. They need better support to gain a bird’s eye view of processes and better forward planning and assistance so they can make informed decisions about their litigation and to improve their access and use of these systems.³⁵ Research has found that from a process perspective, LiPs get lost in the journey and can only see one step ahead.³⁶ They also confront issues with using substantive law as it can be difficult to find and then apply.³⁷

TECHNOLOGY AND INNOVATION

One of the major constraints on the development of OLISH in Aotearoa is funding sources. There is some government funding for both government and non-government OLISH, primarily from the Ministry of Justice and MBIE. Philanthropic funding also plays a role, ranging from small donations by individuals,³⁸ to substantial funding for development from philanthropic organisations.³⁹

³⁴ At 101.

³⁵ Bridgette Toy-Cronin "Keeping Up Appearances: Accessing New Zealand's Civil Courts as a Litigant in Person" (PhD Thesis University of Otago, 2015) at 165.

³⁶ At 165.

³⁷ At 136.

³⁸ For example, New Zealand Legal Information Institute <http://www.nzlii.org/nzlii/contributors/contribute.pdf>.

³⁹ For example, the Michael and Suzanne Borrin Foundation granted \$492,000 for the development of legal chatbots. Michael and Suzanne Borrin Foundation “Access to Justice through Innovation” <<https://www.borrinfoundation.nz/>>; the New Zealand Law Foundation’s granted \$79,126 for OpenLaw’s project to improve case law searching. New Zealand Law Foundation “OpenLaw Case Analytics” (2020) www.lawfoundation.org.nz/.

The more substantial philanthropic funding has gone to projects which hold the hope of innovation. This means that there is a funding gap for OLISH projects that lie between maintenance of existing services and potentially important—but speculative—innovation. However, as Justice Connect’s Kate Fazio has suggested, the real innovation we need is in overcoming the barriers to adopting already existing technology,⁴⁰ and development in that space between maintenance and innovation. This is a challenge not just for OLISH but for the legal sector as a whole, which has been slower than other industries to harness the benefits of technology to deliver services.⁴¹ The barriers are not only funding but also the inherent conservatism of a sector steeped in history and precedent.

THE CURRENT ENVIRONMENT

There are signs that the time is right for finding means to overcome the barriers to the further development of OLISH in Aotearoa. The government is showing significant leadership on access to justice, holding a major Criminal Justice Summit in 2019⁴² and, in partnership with the judiciary, a smaller but significant gathering of stakeholders on civil justice in 2020.⁴³ The legal profession is demonstrating a commitment to the issue as well, with the Te Kāhui Ture o Aotearoa New Zealand Law Society and New Zealand Bar Association undertaking efforts in this arena.⁴⁴

The Covid-19 pandemic—while causing distress and disruption—has also shown that stakeholders can work together and do so rapidly. OLISH providers needed to publish information rapidly and update it frequently. This brought into relief the problems of managing duplicated information sources across separate agencies. When information changed (and it did so often and rapidly), many different information sources needed to be updated, as multiple websites covered the same topics. They also needed to respond to large numbers of people seeking information in an environment of great uncertainty and anxiety.

The response to overcome this challenge was to communicate and collaborate across agencies, establish ‘points of truth’ to ensure authority and accuracy rather than duplicate inconsistent information, be agile in processes (enabled by ‘all hands to the deck’ resourcing, at least in the public sector), and respond to and anticipate user needs (e.g. prioritising action according to patterns in user enquiries and social media etc.). While operating in this manner also put stress on OLISH providers and cannot be emulated outside

⁴⁰ Andrea Perry-Petersen in conversation with Kate Fazio “Reimagining Justice” (podcast, 14 September 2020) Reimagining Justice <www.reimaginingjustice.libsyn.com>

⁴¹ For example as noted by the UK Solicitors Regulation Authority “There is no doubt that the large-scale adoption of technology has been slow when it comes to legal services. While there has been big investment in technology in the large commercial firms, much of this has been about internal systems and we have not yet seen a significant change in services for the public and small businesses.” Solicitors Regulation Authority “The Legal Access Challenge – conclusions and next steps” (18 June 2020) <www.sra.org.uk>.

⁴² <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/hapaitia-te-oranga-tangata/the-criminal-justice-summit/>

⁴³ The results of the Hui remain under consideration at the time of this report.

⁴⁴ The New Zealand Law Society | Te Kāhui Ture o Aotearoa has released the draft research report: ‘Access to Justice – a stocktake of initiatives’ accessed at <https://www.lawsociety.org.nz/news/legal-news/access-to-justice-consultation-on-draft-report-opens/>; New Zealand Bar Association Working Group on Access to Justice *Access to Justice: Abei ki te Ture* (New Zealand Bar Association, 2018) .

an emergency response, it does show the potential for collaboration and agility exists. These developments suggest the environment is right for improvement of OLISH in Aotearoa.

THIS REPORT'S CONTRIBUTION

Our finding from examining international OLISH developments is that Aotearoa should look towards a strategy of cooperation and user engagement when developing OLISH. This is not to suggest that there should only be one provider or one way of doing things. There is a need for providers targeting diverse audiences, recognising that organisations have different relationships and links to different communities. What the overseas experience shows—as we will explain in this report—is that by developing a shared vision and cooperating to identify the needs of various communities, the quality of OLISH can be increased and the results of effort can be maximised. Cooperation need not be a ‘big bang’; it can take the form of small and productive steps along a common pathway. A cooperative strategy will require the coming together of people from across the judiciary, legal profession and community, with an initial commitment to a strong engagement process before identifying specific solutions.

In the next chapter we summarise what is known, so far, about the effective development of OLISH. This is an evolving field, but the evidence-base developed to date can help guide best practice in Aotearoa. We then survey the different ways in which OLISH is being delivered—from static websites through to more sophisticated products such as AI portals and guided interviews. In chapter 4, we examine the conditions under which successful international OLISH programmes have flourished to see what lessons can be learned. We follow this in chapter 5 with a plan for further developing OLISH in Aotearoa, a plan based around closer cooperation within the sector.

2. What we know, so far, about making effective OLISH

There is a limited but growing body of international literature on how OLISH can be designed to help close the justice gap and enhance people's ability to resolve their legal problems.⁴⁵ In this chapter we draw on the available material to distil five imperatives for effective design of OLISH. Before turning to those imperatives, we consider the important initial question, who uses OLISH?

OLISH USERS

Developing OLISH so that it aligns with the way people use the internet is central to the OLISH challenge, rather than the technology itself, as Denvir concludes:⁴⁶

While technological advancements may improve current offerings ...technology will always be limited by the extent to which a user is capable of interacting with it. The idea that technology will compensate for any lack of capacity on the part of the user is appealing in its simplicity, but this simplicity ultimately underestimates the centrality of the user to the process of civil justice self-help. Advancements in technology should in theory, if not in practice, be predicated on a better understanding of how people interact with technology.

This opens the initial question of, who is the user of OLISH? Demographic information might offer some answers. Older people, for example, have been found to be less likely to use the internet to seek help, but if they do use it, they are more likely to use it as a way to find assistance rather than solve a problem for themselves.⁴⁷ More surprisingly, even the technology-focused young have been found to be “unable to realise their goals when using the Internet for the purposes of information seeking” and while willing to use the internet, there was “evidence of a continued reliance on the emotional and practical support of family members and friends”.⁴⁸ However, demographics and disadvantage does not necessarily dictate uptake of resources. According to an Australian study, disadvantage does not affect the usefulness of self-help resources (online or offline)—once people find and use it, they are able to use it effectively.⁴⁹

⁴⁵ For example, CLEO (Ontario) is working with academics on two evaluation projects relating to its family law online guided pathways: see Julie Mathews and Erik Bornmann "Family law guided pathways: a direct-to-public automated legal tool" (Paper presented at the Special lectures program of the Law Society of Ontario, Ontario, November 2019) at 8-9. The Auburn Centre for Evaluation is reviewing the US Legal Navigator: see “Pew Charitable Trusts signs evaluation agreement with Auburn Center for Evaluation” <<http://www.education.auburn.edu/news/pew-charitable-trusts-signs-evaluation-agreement-with-auburn-center-for-evaluation/>> .

⁴⁶ Catrina Denvir "What is the Net Worth? Young People, Civil Justice and the Internet" (PhD University College London, 2014) at 302.

⁴⁷ Catrina Denvir "Online and in the know? Public legal education, young people and the Internet" (2016) 92-93 *Computers and Education* 204 at 205.

⁴⁸ Denvir, above n 46 at 295.

⁴⁹ Hugh McDonald, Suzie Forrell and Zhigang Wei *Uptake of legal self-help resources: what works, for whom and for what?* (NSW Law and Justice Foundation, 2019) at 11. A caveat on this research was that self-selection may have been occurring, that is, some may not have used self-help resources because they believed that self-help resources would not help them. As discussed in this report, there is a need to consider complimentary awareness and confidence boosting efforts along-side and within OLISH. This study analysed the results of a 2008 Legal Australia-Wide (LAW) Survey to understand the impact of legal self-help resources, including how people used them in conjunction

More recently, in 2020, Justice Connect found that digital access, tertiary education, or youth made little difference to their study participants' ability or preference to use OLISH—"new migrants, people living in regional areas, and people with disabilities could use self-help resources, but design, language, and accessibility challenges made it harder or took longer to use the tool to resolve a legal issue."⁵⁰ In other words, the study participants' difficulty in using OLISH was because it was poorly designed, not because they were incapable of solving their own issues with the help of the internet.

It is also important to remember that the target audience for OLISH could be the "helpers", rather than the person with the legal problem. Research that shows people rely on trusted intermediaries, as well as friends or family, when they encounter problems.⁵¹ A potential audience for OLISH is, therefore, people who regularly help others with problems (e.g. social workers, community organisations) and who can navigate and deploy online resources for the benefit of others.⁵²

Across all users, it is likely that internet usage will continue to grow across all demographics. Indeed, over the long term, technology may—through its improvement and increased accessibility—change the way people seek help on the internet.⁵³ Part of the challenge, as Denvir has noted, is:⁵⁴

... for web designers will be to develop online services and materials that defy users' expectations. Providing information that is action-orientated (including step-by-step actions to take) in a manner that seamlessly integrates it into more rights-based question/answer type information may lead to more people perceiving online resources as a way to resolve problems, rather than as a fact checking diagnostic device or directory service.

Trying to create resources that take OLISH to this extra level—ensuring the resources are action oriented—is a major theme in the development of international services, although not a trend that is yet apparent in Aotearoa. Even internationally, it is probable that most people continue to use internet sources for "orientation, diagnosis, strategy-making", describing it as a 'first stop' rather than a 'last stop'.⁵⁵ Justice Connect's new research findings accord with the view of online information as a first stop,

with other legal assistance. However the legal needs survey did not distinguish between non-digital and digital resources. This points to the need for future Aotearoa New Zealand studies to include finer questions about how online resources have helped people to resolve legal issues.

⁵⁰ Jo Szczepanska and Emma Blomkamp *Seeking Legal Help Online: Understanding the 'missing majority'* (Justice Connect, 2020) at 63.

⁵¹ World Justice Project, above n 2 at 77.

⁵² An international example is CLEO, which undertook research on supporting community workers to play an effective role in helping people with legal issues: Supporting community justice help: research and discussions <https://cleoconnect.ca/cleo-research/learn-about-community-justice-help/>. A New Zealand example under development is Tenancy Aratohu, developed by the Tenancy Advocate Network and Citizens Advice Bureau. It aims to guide and support tenancy advocates in their support of tenants. This initiative is due to go live in early 2021 and may provide good lessons for other areas-report from Citizens Advice Bureau provided at the OLISH Forum, 14 October 2020.

⁵³ Denvir, above n295.

⁵⁴ At 301.

⁵⁵ Margaret Hagan "The User Experience of the Internet as a Legal Help Service: Defining standards for the next generation of user-friendly online legal services" (2016) 20(2) Virginia Journal of Law and Technology 395 at 428. 'First stop' at 440.

finding that some help seekers would like online tools to help them figure out the basics before proceeding to look for other help.⁵⁶

Even if self-help materials become more action oriented, it is likely they will still be used in conjunction with other sources of help. Australian research found that less than two per cent of respondents tackled their legal problem with only help of self-help resources.⁵⁷ People were much more likely to use it in combination with other actions (e.g. seek advice, communicate with other side, ask friends, use a formal process).⁵⁸ However, it also showed that people using self-help resources were more likely to also take other actions. OLISH can provide a stepping-stone and indeed OLISH can have a role in “providing clear guided pathways to appropriate advisers and dispute resolution processes”, but it does not necessarily need to completely solve an issue by itself.⁵⁹

Reflections for OLISH providers on OLISH’s role in helping people solve legal issues

- People want OLISH to help them figure out what to do—how does OLISH help people understand the lie of the land and give them a plan?
- People use OLISH in conjunction with other assistance—how should OLISH connect with other assistance?
- How can OLISH providers increase willingness and confidence to resolve legal issues with the help of OLISH?

DESIGNING OLISH

The development of OLISH in recent years has been heavily influenced by the field of legal design. Legal design strives to understand the legal system from the point of view of the people who use the services, rather than the expert officers and professionals for whom the system has traditionally been designed. In simple terms, this means observing how people use the internet to work out their problems, and then designing OLISH accordingly, rather than an ‘expert’ designing OLISH and expecting people to fit their behaviour into that design. OLISH providers can use knowledge of why and how people use OLISH to set standards or targets, which they can use to measure the quality of their services. It is a trend gathering momentum. For example, Justice Connect advocates for participatory design approach, arguing that:⁶⁰

⁵⁶ “Many help-seekers spoke about how it’s much easier to talk to someone than use an online resource, often at a certain point in the process. Some would like to use a tool first, to prepare themselves with the right language and grasp basic knowledge”: Szczepanska and Blomkamp, above n 50 at 67.

⁵⁷ McDonald, Forrell and Wei, above n 49 at 8.

⁵⁸ At 7. This report measured the helpfulness of self-help resources through a re-analysis of 2008 Legal Australia-Wide (LAW) Survey, which has 20K+ respondents. The deep-dive into use and effectiveness of self-help resources (SHR) predates “3rd wave legal tech” but still provides insights about potential goals, opportunities and limitations of online legal self-help resources. It also helps to frame key questions which would be relevant to any New Zealand organisation considering a mix of online and other services. For example, about what kind of problems to try to help people with via online tools, and the challenges to overcome in doing so.

⁵⁹ At 17.

⁶⁰ Szczepanska and Blomkamp, above n 50.

Involving people with lived experience in funding decisions, research, design, implementation, and evaluation can vastly improve the experience and impact of products and services. Where it is not possible to fully engage people with lived experience, at a minimum you could consult with community advocates or review previous research that has explored user needs.

Hagan's research on legal design provides a framework for thinking about the essential questions that need to be considered when designing OLISH.⁶¹ We have drawn on this framework and other work in the field to summarise five imperatives that designers of OLISH need to attend to:

1. OLISH needs to be found and selected by relevant users (or alternatively OLISH needs to find the user)
2. Identify the user's issue, or enable the user to identify their issue
3. Give (or connect to) appropriate information, in a way that users can understand, retain, and apply
4. Provide various ways of taking action or finding more information
5. Help users overcome practical and personal barriers to deployment, such as anxiety, stress, being time-poor, and accessibility issues.

We consider each of these imperatives in turn but note that in reality they are all closely interwoven.

1: Making sure users can find the OLISH (or that OLISH can find people)

Ensuring people can find appropriate high-quality legal information online among the plethora of sources, while using their own language and thought patterns, is a key challenge preoccupying OLISH internationally, especially those in complex multi-jurisdiction nations. Exacerbating the problem is that people's search terms do not match the legal terms found on OLISH.⁶² Efforts to lead users to high quality OLISH have ranged from the creation of 'gateways' or 'portals', to collaborative efforts to improve the search presence of free and good quality OLISH.

While the fact that Aotearoa is a small, single jurisdiction presents fewer challenges than other jurisdictions, search is still crucial here. Research confirms the common knowledge that Google dominates internet use, and that people are highly likely to choose from among the top results of a Google search results page.⁶³ Anything below that is lost to most users even if it would be a far superior source—even in a small jurisdiction like New Zealand. An increasingly online commercial legal sector

⁶¹ Hagan, above n 55.

⁶² Denvir, above n 46 at 296 noted research findings that young people find it difficult to think of good search terms and "tend towards search terms that are either too long or too short to be of most use." Denvir notes several potential reasons for this—technological deficiencies, poor understanding of how search engines work, or vocabulary or development issues, or 'poor problem characterisation and reliance on the content of the problems posed to formulate search queries,' which 'would suggest that legal capacity may be diminished and the inability to independently articulate search terms may be linked to a lesser understanding of how the hypothetical problems related to 'the law'."

⁶³ Hagan, above n 55 at 433; Szczepanska and Blomkamp, above n 50.

may further crowd the space. For these reasons, many Aotearoa providers are working on optimising their presence in Google search results.⁶⁴

Performing well in relation to Google is not just about being ‘found’. In her study of how laypeople use online resources to resolve legal issues, Hagan found that the search results page will “shape what [users] think the Internet has to offer and will direct their choice of what site to engage with.”⁶⁵ Among Hagan’s findings were that the Google results page appeared to outweigh other potential and more conventional guides or signposts that people might look to—such as libraries or government sites. Reviews of legal help sites on a Consumer Affairs website said they chose websites at the top of the list, on the assumption that Google would have ‘magic-ed’ the best sites to the top. Some eventually found, to their great frustration, that the websites were either poor quality or required payment (for services that should be free). Why is this so important? Because the findings also suggest that people are insufficiently discerning in their choice of help (for example, in assessing accuracy or relevance) and tend to be overconfident in their ability to find the best resource.⁶⁶

Google’s influence stays throughout the process of a search for legal information. Denvir found that the youth in her study did not even browse within websites to find what they needed; instead they went back to the search engine to plug in a revised search term.⁶⁷ A desire to find information as fast as possible was possibly one factor behind this behaviour, though this is another area of research with other factors at play as well.

The task for OLISH providers seems to be akin to a shopkeeper going out into the street and immediately telling passers-by about their products before they have a chance to be led astray. The challenge is, there are already multiple vendors in the street yelling for attention.

OLISH developers have set about meeting the search challenge in several ways:

- **Google mark-up.** Tools are readily available for OLISH providers to not only improve the position of their resources in search engine results, but to start guiding and informing people in their search from the moment they look at the search results page, which can help keep people on the right track from the start of their search.⁶⁸ For example, OLISH providers can have Google results pages display frequently asked questions and answers, and links to the related

⁶⁴ For an example see the blog post by Matthew Bartlett and Geoffrey Roberts (Citizen AI), “What We’ve Learned Sleeping with Google: improving access to justice through search engine optimisation” (Blog law-tech-a2j.org, 25 June 2020).

⁶⁵ Hagan, above n 55 at 441. Hagan’s research looked at search from a number of angles. She gave lay people fictional legal problems and observed how they searched online for legal help and used the websites they found through such searches. She also analyzed consumer reviews of legal help websites on the US website Consumer Affairs, in which reviewers explained their impressions and experiences of legal help websites, including why they chose to use them.

⁶⁶ At 55.

⁶⁷ Denvir, above n 46 at 296.

⁶⁸ Google’s SEO Starters Guide is a good starting point. As the name implies, the guide tells you everything you need to know about Google’s search engine works (how it finds websites and decides where and what to display in the search results) and how to use ‘structured data’ to improve a website’s interaction with Google. <https://developers.google.com/search/docs/beginner/seo-starter-guide>.

webpage, by adding data to their website which informs the Google search engine what the information is—i.e. a question and the answer.⁶⁹

- **Structured data:** researchers at the Stanford Legal Design Lab are working to provide specific structured data for the online legal help sector, to help mark-up the code on OLISH websites so that search engines can understand what the information is for (for example, just as search engines can identify a restaurant menu and display it in search results).⁷⁰ To do this, the Lab is working with schema.org, which is a collaborative initiative to “create, maintain, and promote schemas for structured data on the Internet”. The aim is to see if search results can deliver to those seeking legal help, “more correct, relevant, and actionable information” within the search results.⁷¹ The objectives also include to lead searches in ‘everyday language’ to the relevant legal information.
- **Awareness and public education campaigns:** in other fields awareness campaigns or quality marks (like “Made in NZ”) have been used as a ‘public health’ service to improve people’s awareness and ability to seek help when they need it. The research of how people look for legal information online suggests that while symbols of credibility have a role, the extent to which they overcome typical search behaviour remains unclear. A lack of strong brands among legal help sites is a potential reason for Google’s dominance and for users’ indiscriminate attraction to websites at the top of results pages.⁷² Hagan’s research found that in deciding whether to use and rely on a website, people scan the website for trusted symbols—flags, ‘official’ looking colour schemes and so on. The problem is that people reported being falsely assured by such symbols, for example believing they were using a free government or official resource, only to be asked for credit card details in order to use a downloadable form. Other research suggests that, even with the presence of strong brands, search dominance is hard to overcome. Denvir noted that the youth in her study tended not to remember the websites they used. Denvir suggests that, given that ‘just in time’ direction to information is most successful, broad spectrum advertising is likely to remain ‘hit and miss’ since it relies on individuals recalling advertising detail at the time they need it.⁷³ So, while there appears to be a need to help users know what is and is not available and what is reliable and what is not, it may be difficult to tackle this problem outside of targeted action in relation to search engines.

⁶⁹ Google advises how to mark-up websites with structured data. See “Mark up your FAQs with structured data” <https://developers.google.com/search/docs/data-types/faqpage>.

⁷⁰ Legal Tech Design, www.legaltechdesign.com.

⁷¹ For more information see <https://betterinternet.law.stanford.edu/about-the-project/legal-help-schema-org-markup/>

⁷² Hagan, above n 55. It is a reasonable hypothesis that this would be the case in New Zealand—despite there being relatively few providers, online legal brands are relatively low profile and there appear to be no current efforts towards raising awareness and capability with regard to solving civil legal issues, online or offline.

⁷³ Denvir, above n 46 at 301.

Finding people

An alternative framing of the challenge of people finding OLISH, is OLISH finding people. Not everyone looks for official sources of legal help, and some do not realise that their problem involves legal rights.⁷⁴ Some seek information from peers or social platforms. A study on the 2014 Aotearoa Family Law reforms found that people go online to find out how others have dealt with the issue.⁷⁵ User research has made similar findings.⁷⁶

One effort to ‘go to the people’ is the development of bots that are trained to identify legal issues in the legal advice sub-pages of the social platform Reddit. Considering the benefit of going where people are, rather than ‘reinventing the wheel’ with new online platforms, Nóra Al Haider created a Reddit divorce bot, and most recently, after joining the Stanford Legal Design Lab, created an eviction bot to help people deal with eviction threats during the Covid-19 pandemic.⁷⁷ The bots use a legal issue spotter driven by AI called Spot.⁷⁸ When Spot identifies a message or a question on Reddit related to housing, it activates the bot. The bot then responds to the user by referring the user to an eviction help platform.

2: Identify the user’s issue, or enable the user to identify their issue

When a user lands on a website, they still need to find information relevant to their problem and narrow that down further to their specific problem. Increasingly, OLISH platforms are attempting to relieve this burden from the user because it is a task both challenging and critical. Not only do users think about and label their problems differently from experts, but they do so differently from each other—making it difficult for providers to cater to user preferences, even with well thought out menu structures. Exacerbating the difficulty is the time challenge—users may have limited time and be easily frustrated or intimidated by failure to quickly find something that is obviously relevant, and so leave the website to find help elsewhere.⁷⁹ Too many choices can make it harder for users.⁸⁰

Investment in natural language processing and guided pathways stem from these challenges. Natural language processing tools learn to match everyday language (“kicking us out”) with legal terms (“eviction”) and in theory provide better results over time, as they learn either through algorithms or manual checking. Guided interviews use pre-coded logic pathways to ‘interview’ users and lead them down a path to the most appropriate resource, rather than have them explore the site themselves. Natural language processing tools and guided interviews can also come in the form of chatbots.

⁷⁴ Sixty per cent of participants saw an eviction warning for non-payment of rent as a financial rather than legal issue: Laura Quinn, Susan Choe and Rachel Harris *Ohio Legal Help State-Wide Website User Testing* (Ohio Legal Assistance Foundation, 2018) at 2.

⁷⁵ Gollop, Taylor and Liebergreen, above n 29 at 4.

⁷⁶ Hagan, above n 55.

⁷⁷ Josef (legal automation company), “Interview with Nóra Al Haider of Stanford’s Legal Design Lab” 12 August 2020 <https://joseflegal.com/blog/interview-with-nora-al-haider>

⁷⁸ For further discussion of Spot see footnote 109 below.

⁷⁹ For example, Denvir, above n 46 at 296.

⁸⁰ An Ohio user test study found that “For those who didn’t succeed in finding the answer to their question, the primary reasons were some combination of being overwhelmed by the number of links on the page, clicking on a not-so-relevant link, and not seeing the most clearly applicable links.” Quinn, Choe and Harris, above n 74 at 4.

Complicating the identification issue is that most people who land on a site will arrive straight from Google, bypassing the homepage. This means that identification and navigation need to occur throughout a website.⁸¹

3: Make sure the user can understand, retain, and apply the OLISH

Once the user has found the relevant information, they need to understand and process it, and apply it to their own problem. Beyond using plain language, challenges include, firstly, deciding on the depth and breadth of information to give to the user, and secondly how to design and present it. Increasingly, OLISH platforms are presenting information in a way that prioritises the conveyance of action.

This challenge depends a great deal on understanding the user, including their preferences, workflows and mental models.⁸² For example, some might enjoy engaging with the finer points and figuring out what to do, others might want to just be told what to do step-by-step, or to skip the reading and talk to someone. Some people might achieve better understanding through short lists and others might prefer a narrative or conversational style. Design techniques enable developers to structure their information and tools in a way that fits these mental models, for example through the use of fictional ‘personas’ that embody user characteristics of particular groups.⁸³ The key point is that there is no standard format that fits all users. The best way to ensure that online legal information is presented in an effective way is through user engagement.

A number of user-studies give insight to how information might be presented to facilitate better engagement and understanding.⁸⁴ Emerging best practice includes:

- Short, staged and action focused information, with links to more detailed information if needed.
- Question and answer formats, which enable users to put the information in context or know how it applies to them.⁸⁵
- Reflect back an understanding of the user’s request and where they are in the process (“Based on your information [x] it sounds like you want to [y] Is this correct?”).
- ‘Just in time’ information, for example guided pathways or document creators that set out the steps with pop-up information that describes the reason for the step.

Some studies suggest a significant group want ‘conversational’ resources—for example to see other’s questions and answers.⁸⁶

⁸¹ The recognition that few people will see the home page made it clear to Ohio Legal Help that it should serve only one purpose, which is a clear and simple gateway- uncluttered with other information.

⁸² Hagan, above n 55 at 410.

⁸³ At 410.

⁸⁴ At 55; Denvir, above n 46.

⁸⁵ Denvir, above n 46 at 299.

⁸⁶ Hagan, above n 55 at 446.

4: Provide various ways of taking action or finding more information

The final but crucial challenge is for OLISH to guide people to take action (whether through self-help or by seeking assistance) in spite of practical and personal barriers that might prevent them from doing so, and to provide such guidance within regulatory constraints. All of the preceding steps—identifying issues and providing information—may ultimately be geared towards this challenge.

Research has found that people struggle to translate online information into action. They may either give up or go elsewhere for help.⁸⁷

OLISH can aim to facilitate action in a number of ways. At a minimum, OLISH should help users retain information and increase their ability to apply it, for example through helping them choose options and form plans. It should strive to connect people to further help and prevent ‘referral fatigue’⁸⁸ and provide templates and other tools and, through the use of increasingly available technology, help users to create and submit these.

Although research increasingly suggests that OLISH should be action based, providers might be reluctant to take extra steps towards guiding people what to do, due to concerns about over stepping regulatory boundaries, or if regulation is not the barrier, due to their aversion to risks associated with giving people advice about what to do.

Reluctance to encourage users to take action can be very counter-productive—indeed it may worsen access to justice. Denvir found that among youth, using the internet to gain knowledge of rights can actually discourage self-help and reduce confidence to tackle a civil legal situation. This may have been either because the study participants realised they knew less than they thought, or that “the content they read online encouraged them to seek professional assistance and in doing so ‘disempowered’ the respondents”⁸⁹—i.e. the opposite of what OLISH should seek to achieve.

This view was reinforced in recent user research from Justice Connect, which found that people looking for legal help:⁹⁰

...did not appreciate it when resources were designed in a way that removed their agency, by sending them on a particular path without giving them a real choice...[they] did not want to be educated about legal rights, rules, or processes in general. They wanted specific guidance on their individual situation, the options available to them, and the possible implications of taking particular actions.

The increasing examples of OLISH that focus outlining action steps, and which provide action tools such as form creators, belie views that online help should be confined to stating information. One OLISH developer described the balance to be achieved in providing ‘triage’ but not legal advice, as providing

⁸⁷ Denvir, above n 46 at 297 (citing others) “Although young people generally improved their knowledge of rights after Internet use, they still struggled to translate this knowledge into action”.

⁸⁸ At 291: “In the online environment, the same [referral fatigue] has been seen: individuals choose the Internet for its convenience and they can become easily frustrated with the process of advice seeking” (citations omitted).

⁸⁹ At 297.

⁹⁰ Szczepanska and Blomkamp, above n 50 at 65.

specific details “but allowing the user to ‘choose their own destiny’ with the tool.”⁹¹ This is not to say the task is easy. Acknowledging the difficulty, the same developer recommended that OLISH providers should identify topics that may be too complicated to provide detailed steps, create ways to tell users this early in their process, and assist them to find legal help at the outset rather than after trawling through a website for some time.⁹² OLISH providers should, therefore, review their positions on what specific guidance to give to people online and consider the best alternative when online guidance is unlikely to be productive.

5: Help users overcome practical and personal barriers to deployment

The task for OLISH providers is to not only help people find information and take action, but involves helping them exercising skills including planning, asserting interests, and negotiating, all while overcoming potentially debilitating emotions.⁹³ To achieve this, OLISH providers need to factor in the contexts that users are likely to be in, especially those on lower incomes or in vulnerable situations.⁹⁴ The authors of “Self-Help, Reimagined” provide a preliminary list of suggestions for how civil legal materials for lay individuals can overcome the barriers to successful deployment. The general principles behind these suggestions would apply to OLISH—in fact given that OLISH does not involve human contact, it may be all the more important and useful. Their list includes:

- **Motivating and engaging through illustration and cartoons:** education, psychology, and public health literature suggests that graphics and illustrations can motivate, engage, and improve learning outcomes.
- **Self-affirmation and positive affect techniques:** so as to help people face difficult messages (that there is a real problem to address) and take steps to respond.
- **Aiding with plan-making and strategising:** based on techniques from behavioural economics, psychology, and public health literature. For example, positive goal setting.

The authors suggest that process or concrete information needs to replace or accompany conceptual information. For example, on a court form template, the conceptual information for the court is in italics and the standard font is instructions and factual information for the litigant:⁹⁵

⁹¹ Amanda Brown, “Tips for Drafting Guided User Interviews”, blog, undated on <https://lagniappelawlab.org/>.

⁹² Amanda Brown, “Tips for Drafting Guided User Interviews”, blog, undated on <https://lagniappelawlab.org/>.

⁹³ D. James Greiner, Dalié Jiménez and Lois R Lupica “Self-help, Reimagined” (2017) 92 *Indiana Law Journal* 1119 at 1124. The authors note previous findings that the challenges of poverty drain people’s energy and mental bandwidth and explore the hypothesis that such challenges would similarly inhibit the ability of people to digest and retain legal information, and to decide how to address their legal problem (at 1128). The authors acknowledge that this hypothesis is yet to be tested to the same extent as in other fields (at page 1172). Instead, (page 1168). Among their “lessons learned” were that what lawyers and law students “find obvious, clear, and intuitively appealing is not always what individuals in severe financial distress find helpful” (page 1168).

⁹⁴ At 1168. Drawing on lessons from fields such as education, health and psychology, the authors developed legal information aimed at helping people with the cognitive challenges, and tested them with people in financial distress at small claims courts.

⁹⁵ At 1161.

Check each box that applies to you!

Don't worry about the italics. They're for the judge.

I do not know the company suing me. I do not remember ever doing any business with this company. *Therefore, I deny that I owe this company any money.*

Overcoming these barriers might also include directing users to non-legal sources of support, in addition to solving their legal problem. An example can be found in the Aotearoa study on the Family Court reforms where participants described their need for non-legal support:⁹⁶

I just needed more information on how to cope in general due to the sudden and dramatic change in circumstances. Perhaps links to other sites, e.g., parenting sites, health/wellness sites, Plunket, counsellors etc. I was diagnosed with post-traumatic shock after my husband walked out –I think others would be too –links to help with coping on a day-to-day basis would help anyone left with sole responsibility for [the] care of children –which will always be a difficult situation.

Applying these lessons

The research into designing effective OLISH is still evolving and it is important to draw on the evidence base as it evolves. With this in mind, we have developed as part of this project, a website which summarises this evidence-base and that can easily be updated as new evidence emerges. This website—www.olishnz.org—is directed at Aotearoa OLISH providers to lower the costs for them in following best-practice OLISH design.

Having summarised the current evidence on design, we now turn to the types of OLISH emerging internationally.

⁹⁶ Gollop, Taylor and Liebergreen, above n 29 at 80 (1389, Mother; Survey).

3. Types of OLISH

Having considered the evidence on how to create effective OLISH, this chapter surveys the tools that have recently emerged to try and deliver effective OLISH. This experience can inform Aotearoa's aspirations and priorities for OLISH, provide examples of successful development programmes, and inform us about creating the conditions for OLISH to grow.

A BRIEF BACKGROUND

Although the internet became an essential information tool in the early 2000s, it is only in the past decade that organisations have explored the frontiers of OLISH. As technology has become more accessible and widely used, online legal information has become more enticing: with limited resources and capacity, organisations hope they can reach larger numbers of people and potentially reduce the justice gap.

In theory, OLISH can improve access to justice by making information and tools more accessible, effective, and empowering, as well as making free legal assistance more widespread and sustainable. In practice, however, OLISH's delivery of these benefits is more nuanced. Accessibility, effectiveness, and sustainability are by no means natural results of going online. Experience has shown OLISH development takes significant resource and engagement to create effective products. Prominent efforts have involved one of two models: (1) committed and significant investment and several years of work by a group of stakeholders, or (2) continuous, iterative innovations by an active and sustainable network. Both models share the characteristic of strong user engagement in their development and refinement.

TRADITIONAL AND EMERGING FORMS OF OLISH

The traditional form of delivering legal information is through static websites. These are the simplest form of delivery to implement, but still require effort to meet each of the challenges laid out above without leaving too much of the burden on users. Plain language, good structure, and clear steps about what to do next should be regarded as essential. Achieving this can still be a difficult and resource intensive undertaking—the need remains to keep information updated, well organised, and relevant.

Beyond the development of static websites, three trends characterise the development of OLISH in recent years, each of which we discuss further below:⁹⁷

- The creation of **portals or websites that curate sources**, which act as authoritative gateways or one-stop-shops and aim to solve the search and issue identification challenges, and the user need for joined up pathways. The development and incorporation into portals of **issue spotting and issue refining tools** that take the burden off users, through the use of natural language

⁹⁷ To read more about suggested taxonomies of OLISH see Technology for Legal Empowerment: A Global Review The Engine Room (2019) at <https://theengineroom.org> (reviewed By Roger Smith, "A taxonomy for technology: 'today we have naming of parts' – an excellent Engine Room Report" (February 2019) at <https://law-tech-a2j.org/advice/a-taxonomy-for-technology-today-we-have-naming-of-parts-an-excellent-engine-room-report/>).

processing,⁹⁸ or decision trees.⁹⁹

- The creation of **specific and discrete tools**, such as chatbots and apps, to deal with particular common and important issues.
- The creation of **infrastructure** to support these developments, such as legal issues taxonomies, document assemblers, and even portal templates.

We outline each of these three trends, providing examples from other jurisdictions.

Portals

Jurisdiction-wide legal assistance portals are one of the emerging trends in delivering legal information.¹⁰⁰ Legal assistance portals attempt to gather or connect combinations of information, resources, tools, and in-person assistance (including through triage), often sourced from different organisations. The idea behind portals is to pull together access to justice services and save people from having to search for and interact with different information sources and agencies. For providers, portals can assist with triage for the provision of legal services, and enable sharing and pooling of infrastructure and resources.

Legal portals are common in North America and there appear to be two reasons for this: portals have been promoted and supported through funding, infrastructure, and templates provided by the US Legal Services Corporation, as part of a strategy to extend the reach of legal assistance services, and secondly as a way for providers to improve access to justice in the context of complex and fragmented justice systems serving a wide variety of demographics.

The Essential Elements of Legal Assistance Portals are described by the PEW Charitable Trusts Civil Legal System Modernization project. Pew developed a simple framework under the terms:

- **Ask:** Provide keyword search, natural language processing, option selection or similar functionality
- **Refine:** Clarify the issue and enable tailored responses, through guided interviews or questions
- **Learn:** Deliver relevant legal information through multiple formats
- **Connect:** Refer users to resources and services

AI Portals

The current highest aspiration (in terms of technology) of online portals is that a person should be able to type (or even speak via an ‘AI assistant’) their problem into an online platform in their own words (e.g. “My landlord is kicking me out”) and then be guided accurately to specific information and help. Such

⁹⁸ Natural language processors are computer programmes that identify and analyse human language. In the OLISH context, this means a programme trained to identify legal issues (e.g. eviction) in common words (kicked out)

⁹⁹ Decision trees are pre-programmed ‘interviews’ that set out choices and results of choices. For example, a decision tree might ask, ‘do you rent or own your house’ and provide a different string of information for each answer.

¹⁰⁰ Roger Smith, “Legal Assistance Portals” Law, Technology and Access to Justice 6 September 2020 www.law-tech-a2j.org; Roger Smith *The Digital Delivery of Legal Services to people on low incomes* (Legal Education Foundation, 2019) at 33-35.

platforms use natural language processing, questions, and prompts to identify the legal problem and the person’s needs, tell the person their rights, and give them tools to respond (for example, prepare letters for them) or connect them to legal and financial assistance. While some portals have already incorporated natural language processing tools, they remain works-in-progress, generally limited in coverage and still ‘learning’ how to recognise issues. Examples include the US Legal Services Corporation’s Legal Navigator, a piece of infrastructure designed to be adapted locally and which has been implemented in Alaska and Hawaii.

Guided interview portals

Guided interviews (or guided pathways) help people identify their legal issue through a series of interview questions. The questions may, for example, attempt to parse the facts of the problem (“is your contract fixed-term or periodic”) or ask questions relevant to the criteria for legal aid or help. The first step of identifying an issue may employ a search or a menu function to identify the initial issue, from where the guided interview will begin. Based on the answers, the interview will lead to resources with which to take action, or to further assistance from relevant services. Examples are Steps to Justice, Ohio Legal Help, and Louisiana Civil Legal Navigator.

Justice Connect, an Australian not-for-profit, has recognised the importance of technology in improving access to justice. Its “Gateway Project” led to the development of a number of tools for its work in matching clients to legal services including an online intake tool, referral tool and a Pro Bono Portal.¹⁰¹

Evaluating portals

Portals which deploy AI, guided pathways, and best practice have yet to be fully evaluated in terms of their impact, though usage statistics and user feedback give an indication of success. There are examples of evaluation projects in progress, including an evaluation of the Legal Navigator legal assistance portal.¹⁰² Ontario’s CLEO is developing evaluation frameworks as part of its assessment of the guided pathways that it has incorporated into the Steps to Justice legal portal.¹⁰³

Specific task tools

Specific task tools use a variety of means to facilitate action, and focus on one topic or action—the most common being a form or letter creator for significant and urgent issues such as tenancy and eviction.

¹⁰¹ Justice Connect, “Gateway Project” <https://justiceconnect.org.au/about/digital-innovation/gateway-project/>.

¹⁰² Pew Charitable Trusts signs evaluation agreement with Auburn Center for Evaluation (<http://www.education.auburn.edu/news/pew-charitable-trusts-signs-evaluation-agreement-with-auburn-center-for-evaluation/>) In March 2020 the The Auburn Center for Evaluation (ACE) entered into an agreement with The Pew Charitable Trusts to provide an evaluation of the Legal Navigator legal assistance portal.

¹⁰³ www.stepstojustice.ca/guided-pathways/home. The evaluation includes a number of measures including how many people are using the guided pathways, and whether the users find the guided pathways useful. A preliminary report, on file with the authors, records 1,000 responses to an open-ended survey of pathway users. Favourable feedback included the question-by-question approach of the A2J Guided Interviews, plain language questions and embedded public legal information. Proposed improvements mostly related to system functionality (account creation, saving and lost connections). CLEO is working with academic researchers to use a “functional literacy” (i.e. ability to deploy reading and writing skills to practical purposes) user-based approach to assess how people are using the family law guided pathways and to identify obstacles.

Some are created by not-for-profits or social impact innovators, which tend to isolate one area and create the best tool possible for one or two tasks, such as a form filler or letter maker. Their small size and focus work to their advantage as the developers can provide the detail, customisation, and updating required for legal problems.

Chatbots

Chatbots use the conversational question and answer format to address the search and refinement challenge. Users are not greeted by a screen full of information, but greeted by a persona, just as they would as if messaging a person. This gives chatbots the potential to address anxieties users may have in searching for help, as they can be designed to have some ‘personality’ or give encouragement.

Chatbots draw from databases and algorithms in a similar way to issue spotters and guided interviews. Through ongoing improvement of the database, overtime the chatbot is able to recognise a greater variety of words and questions and link them to relevant answers.

In Aotearoa, three OLISH chatbots have been developed by Citizen AI: Rentbot (tenancy), Workbot (employment), and Lagbot (information for prisoners and their families).¹⁰⁴

An international example is Benny the unemployment benefits chatbot, developed by a free legal service provider in Illinois (US). Benny is different in that instead of requiring users to type in their problems, Benny presents a series of questions and options, like a guided pathway, so that users do not need to work out how to formulate their questions.

Other web-based tools

Some web-based tools focus purely on facilitating action, such as creating and sending documents or finding information specific to an actual case. There is some concern that such tools develop in an isolated fashion such that users looking for information and assistance are still faced with a fragmented path,¹⁰⁵ but if connected to relevant systems and maintained on a sustainable basis they can be valuable options for users.

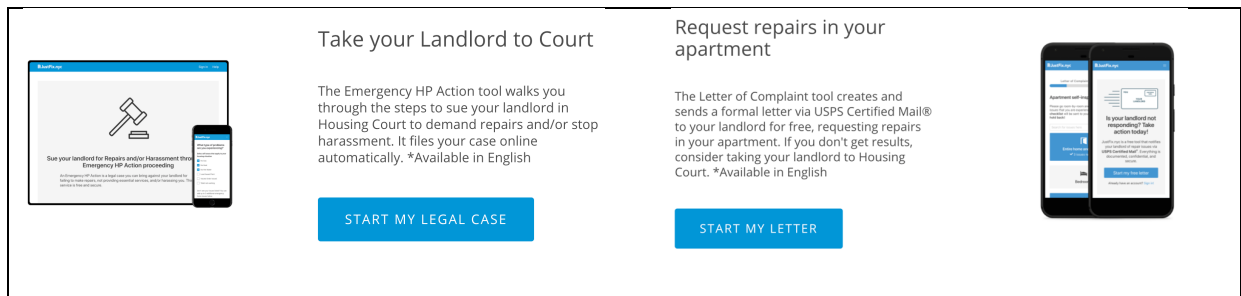
One such example is Justfix.nyc, which has created several specific purpose apps that focus on helping people take specific actions, rather than providing them with general information (see Figure 1 for screenshots of their tools). Its approach is to “augment, not replace, the support systems and resources that work to keep tenants in their homes and communities”.¹⁰⁶

¹⁰⁴ Toy-Cronin and others, above n 27.

¹⁰⁵ Michael Cross “Don’t get stuck in Groundhog Day’, app creators warned” Law Gazette 24 June 2019 (www.lawgazette.co.uk): “A point of view emerging from legal design studies is that coordination would lead to more sustained and effective efforts”.

¹⁰⁶ Justfix, “Our Approach” <https://www.justfix.nyc/en/our-mission/>.

Figure 1 - Examples of Justfix.nyc tools start page



Infrastructure

Researchers and developers are working on smaller projects that feed into portals and other OLISH projects, for example by working on the technologies or taxonomies that support them.¹⁰⁷

Significant examples include Learned Hands¹⁰⁸ and Spot,¹⁰⁹ which develop automated legal issue spotting capability,¹¹⁰ and the National Subject Matter Index Database, which is a taxonomy of legal issues, needs, and situations. Such initiatives help to build the capability of natural language processors to recognise legal issues behind everyday language, which in turn, portals can use to spot users' legal issues.

The Learned Hands and Spot projects drew in part on questions and answers from Reddit's legal advice subpage, /r/legaladvice. Spot has now been deployed to support the Reddit Eviction Help bot, launched in November 2020.¹¹¹ When Spot identifies a housing message or question in /r/legaladvice, the bot refers the user to legalfaq,¹¹² a website created specifically to solve the problem of multiple and inaccurate sources of Covid-19 tenancy help in the US.¹¹³

The Eviction Bot was not envisaged at the time Spot was created, and so is an example of how developing infrastructure can lead to quick innovations when necessary and lay a platform for new developments.

Document assemblers

Document assemblers are backend software that support interfaces for people to create and file forms without a lawyer, which though commonly required, can be a confusing and intimidating task. For complex forms, form creators take the form of guided pathways or guided interviews. Such tools ask people questions one step at a time, and provide explanatory information 'just in time', i.e. explanatory information is given with the relevant question rather than among pages of information separate from the

¹⁰⁷ To read more about suggested taxonomies of OLISH see Tom Walker and Paola Verhaert *Technology for Legal Empowerment: A Global Review* (The Engine Room, 2019).

¹⁰⁸ Learned Hands, <https://learnedhands.law.stanford.edu/>

¹⁰⁹ Spot, <https://spot.suffolkclitlab.org/>

¹¹⁰ To read more about "issue spotting tools" from the PEW Civil Legal System Modernization Project, see Erika Rickard and Lester Bird "How Artificial Intelligence Could Improve Access to Legal Information" (24 January 2019) Pew Charitable Trusts <www.pewtrusts.org>.

¹¹¹ "AI comes to LA! AMA and discussion about a new AI that will help provide resources to posters in r/legaladvice on Friday, 11/20 at 4pm ET/1PM PT" (20 November 2020) r/legaladvice <www.reddit.com/r/legaladvice/>.

¹¹² Legal FAQ <https://legalfaq.org/>

¹¹³ See Appendix B for further detail.

form. Backend processes then complete the form, for example in a pdf. Some systems even submit the form to relevant authorities such as the courts.¹¹⁴

A leading example is A2J Author.¹¹⁵ It is a free software tool that enables non-technical authors from the courts, legal services programs, and law schools to build and implement customer friendly web-based interfaces for document assembly, so as to “deliver greater access to justice for self-represented litigants”. A2J Author drives document assemblers for organisations across the US, Canada, and Australia. The first prototype was created in the early 2000s in response to a report that identified that the “act of filling out forms raises unique challenges that the many low-income self-represented litigants have trouble overcoming. The project also determined that special care would be required if technology were to be introduced into the justice system to meet the needs of self-represented litigants”.¹¹⁶

Summary of the developments in OLISH

Clear trends in OLISH’s direction have emerged as OLISH providers have tackled the challenge of meeting user needs and workflows.

The experiences of other jurisdictions that have invested in OLISH as a way to narrow the justice gap suggest a trend towards guided pathways or navigators, usually as part of a ‘portal’ that connects to various support services and sources of information. While it is too early to conclude whether these produce significantly better outcomes than static websites, their development is in line with findings of user-centred research, which tells us that connected, action based OLISH can meet user preferences and behaviours, much more than traditional websites can.

What also appears to be useful are tools to assist with discrete, high need and high volume tasks, where users can be channelled into solutions, for example guided interviews leading to automated documents.

Perhaps the most crucial trend is that while the impetus for such OLISH efforts came from authoritative bodies in consultation with stakeholders, strong user engagement has guided their development and ultimate form. The next section considers how such processes came about.

¹¹⁴ For discussion of deployment during the Covid 19 pandemic, see Appendix B of this report.

¹¹⁵ A2J Author <<https://www.a2jauthor.org/>>

¹¹⁶ a2author.org/content/history-a2j-author. For CLEO (Ontario)’s experience deploying A2J Author in its guided pathways, see Mathews and Bornmann, above n 45.

4. A successful OLISH eco-system

Most major OLISH developments in recent years were borne from high level agreement that too many people were going without legal help, that legal assistance could not stretch to cover this gap, and that people found it difficult to navigate a complex and fragmented justice process that was not designed with the untrained user in mind. The internet's increased use and usability was seen as an opportunity that needed to be seized.

From this belief and decision to act came the two critical factors determining the quality and success of new OLISH projects: firstly, the convening of high-level leadership to agree on objectives and to rally cross-agency collaboration, and secondly, a process of thorough stakeholder and user engagement. In fact, while research and experience has suggested good practices in OLISH design, for any jurisdiction it is the process of engagement where best practice should be followed first in order to decide what practices should be adopted.¹¹⁷ This point has recently been reinforced by Justice Connect's report which recommended that:

Involving people with lived experience in funding decisions, research, design, implementation, and evaluation can vastly improve the experience and impact of products and services. Where it is not possible to fully engage people with lived experience, at a minimum you could consult with community advocates or review previous research that has explored user needs.

Collaboration and engagement have helped jurisdictions and OLISH providers to determine a number of crucial questions: priorities in terms of which populations OLISH should primarily target; which issues resources should be devoted to first; how OLISH should connect with other aspects of the justice system; and finally, to work out how to design and present the chosen functionalities in the most effective way.

Additionally, it is important to support a culture of innovation and collaboration to develop the knowledge, resources, and infrastructure that enable OLISH developers to achieve their goals. For example, tools such as interview guides, document assemblers, databases or issue spotters, and user insights, that multiple organisations and initiatives can draw on.

The initiatives observed internationally can be divided into three development pathways. First, jurisdictional plans, usually led and funded by authoritative justice or legal aid agencies, which convene other organisations and people, and which may be implemented at the local or institutional level. Second, projects supporting innovative initiatives comprising a mix of institutes, academics, community organisations, and social impact entrepreneurs. Third, philanthropic legal service entities, which also partner with other organisations in the profession or community. We consider each of these in turn.

¹¹⁷ Szczepanska and Blomkamp, above n 50 at 90.

JURISDICTION-WIDE FORMAL PLANS

The past decade saw several jurisdiction-wide reports or plans that focused on improving technological and online contributions to access to civil justice. These efforts share two common aspects: they stemmed from concerns with significant justice gaps, especially for low income and vulnerable people who cannot access a lawyer, and they were concerned with expanding the scale and reach of legal assistance efforts, with the benefit of more accessible technology.

Given the two motivating factors of narrowing the justice gap and improving access and the reach of legal assistance, the efforts involved organisations and people from throughout the justice system, including the courts, legal aid providers, the legal profession, and community legal help organisations. Equally, their digital goals mostly envisaged portals that would better connect these parts of the system for users (ranging from links to resources, to triage and referrals).

Just as significantly, the formal efforts included research and user and stakeholder engagement in the processes for developing OLISH systems. We outline four of the leading projects here and provide further information about how they came about in Appendix A.

US Legal Services Corporation

The US Legal Services Corporation (LSC)¹¹⁸ has significantly influenced OLISH's direction in the US, including in regard to the development of state-wide portals. Rather than focus on one solution (inappropriate for a multi-state organisation), the LSC has set a national strategic direction; run grant programmes for development and adoption of technology (including reporting mechanisms aimed at distributing information and lessons); and provided templates, resources, training, and other support. As well as rolling out template portal websites across the US, it established a significant infrastructure project to develop the AI driven Legal Navigator (an 'issue spotter') with the intent that each state could adopt and adapt it for their portals, and which so far has been adopted by Hawaii and Alaska.

The LSC has invested in OLISH through its Technology Initiative Grants program (TIG),¹¹⁹ which includes grants for technology projects to give low-income people better access to legal information. In 2010—after a decade of TIG projects—the LSC reviewed progress and, driven by concern at the low reach of legal assistance programmes, attempted a transformational shift through two summits and a subsequent 2013 report.¹²⁰ This initiative set the direction for the years since then and involved significant research and drawing together of leaders from across the legal system. The Report proposed an “integrated service-delivery system” which included the development of legal portals and sparked the

¹¹⁸ LSC is the US' single largest funder of civil legal aid for low-income people. It was established by law as an independent non-profit corporation to promote equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 90 per cent of its total funding to 132 independent nonprofit legal aid programs with more than 800 offices.

¹¹⁹ Legal Services Corporation <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>.

¹²⁰ The Summits were set up to address, through technology, the concern that “all the programs and resources devoted to ensuring access to justice address only 20% of the civil legal needs of low-income people in the United States.” Legal Services Corporation *Report of The Summit on the Use of Technology to Expand Access to Justice* (Legal Services Corporation, December 2013) at 1.

move toward state unified “legal portals” (i.e. the Aotearoa equivalent would be one national portal). The Report adopted a vision, strategy and concrete steps, the main components of which included, state-wide legal portals, a process to encourage document assembly, reorientation of services to mobile technologies, and expert systems and intelligent checklists.¹²¹

Ohio Legal Help

Launched in late 2019, Ohio Legal Help is an example of a state-wide legal portal that was developed with a “user engagement first” philosophy.¹²² The impetus for the new portal’s development was a recommendation, in an Ohio Supreme Court Access to Justice Taskforce Report, to establish a state-wide portal to address structural and cultural problems such as a lack of standardised forms and information, and lack of knowledge about how to navigate the justice system among Ohioans. Perhaps just as important was a belief across the system in the need to improve access to justice and help litigants in person, so that various organisations and people were motivated to work together and contribute.

Significantly, while there was belief in the need to for a central portal, there was no certainty on what the end product would be. The scope, functionality, and design (in that order) were all driven by extensive engagement with the broader justice and community sector, and the intended users. A steering committee convened diverse stakeholders, including judges, clerks, domestic violence workers, and librarians, which steered sub-teams that worked on content areas and scope, functionality, and governance.

User research included an extensive Voice of Customer study. The team also developed a mental model framework to help analyse the thinking and choices of litigants in person. Through this research, Ohio Legal Help made a number of key decisions in the design of the portal including: that people would likely land on a subject page via Google, rather than arriving at the Ohio Legal Help home page; the majority of people would access it via a mobile phone; most people would use Google searching not an internal website search; triage questions would be used to help take users to relevant information; narrative information (rather than FAQ format) was the most effective presentation format; and it needed to be action oriented.

Ohio Legal Help has experienced very high use in its first year of operation—much of that including the pandemic, during which it has helped many people with key issues such as how to benefit from an eviction moratorium. Its helpfulness ratings collected via its website are about 70 per cent. It is currently being evaluated by PEW and the Auburn Centre for Evaluation, the report from which is projected to be available by April 2021.¹²³

¹²¹ At 2.

¹²² In our discussion of this project we draw on discussions with the project team and the “Ohio Legal Help Project Plan”, December 2017 (on file with the authors).

¹²³ For further discussion of Ohio Legal Help, see Appendix A of this report.

Community Legal Education Ontario's (CLEO) "Steps to Justice"

Steps to Justice is the result of a decade of effort and is an example of how major initiatives develop and iterate in response to experience. CLEO is a non-profit, charitable organisation funded by Legal Aid Ontario and the Department of Justice Canada, and with project funding from the Law Foundation of Ontario. For Steps to Justice, CLEO partners with justice sector contributors from across the government, judiciary, the legal profession, and community advocates. Steps to Justice's evolution from a preceding website, Your Legal Rights, is emblematic of the shift in thinking over the past decade towards the need for legal assistance websites needing to be more step-based content rather than just explain general legal rights. A notable feature of Steps to Justice is that its content is embedded in over 50 other websites, which it facilitates through a particular embedding tool. It also connects to other services such as food banks, shelters, and employment numbers. Steps to Justice also includes family law guided pathways in conjunction with the Ontario family courts, to help users fill out forms using interactive interviews and a customisable website template for community legal clinics.

Louisiana Civil Legal Navigator (Louisiana CLN)

Louisiana CLN is an example of locally driven development of the LSC's national project, which then branched off to launch its own version, rather than wait for the further development of the LSC Legal Navigator. It is funded by the Louisiana Bar Foundation. In developing the CLN, the first task the developers did was to audit the state's legal resources and identify the gaps.¹²⁴ It launched with basic search technology (i.e. to help users find appropriate information) but the intent is to upgrade to a natural language processor; the developers are discussing with Suffolk University Law School's Innovation and Technology Lab about using the Spot legal issue spotter.¹²⁵ An interesting aim of the Louisiana portal is for the portal to allow other organisations to regularly update their own information, so that resources can be crowd-sourced rather than attempting to manage masses of content. The developer will rely on strong relationships with other organisations as 'eyes and ears' to keep the content up to date.

OPEN INNOVATION AND COLLABORATION

The second of the three development paths that have led to improved OLISH, is open collaboration, generally involving ties between academic and tertiary teaching, and technical or social innovators. Such collaborations generally focus on either supporting knowledge or infrastructure, or very tightly focused tools, rather than marshalling of jurisdiction resources towards a major project. But they can still have broad impact.

¹²⁴ A task that took one and a half years according to a Community.Lawyer case study Bootstrapping a statewide triage portal [<https://www.info.community.lawyer/case-studies/legal-navigator-portal>]. The case study also addresses the question of why organisations have had "trouble cracking the riddle to launching a successful legal issue navigator portal?": "...the number one reason is that people severely underestimate the intense volume of content that needs to be available to make this work." In other words, to direct someone to resources for their particular problem, first you need the resources, otherwise "there is no point in the portal.

¹²⁵ For further discussion of Spot see footnote 109 above.

The Stanford Legal Design Lab ¹²⁶ is associated with a number of collaborations towards its straightforward aim (among others) of “a better legal internet”. It has several significant “Legal Internet Infrastructure” projects including a legal issues taxonomy,¹²⁷ AI models and datasets to automatically spot legal needs and resources,¹²⁸ and a Legal Design Space.¹²⁹

A project that developed to deal with the urgent needs created by the Covid-19 pandemic was “Legal Help FAQ”. Explaining the project, Nóra Al Haider of Stanford’s Legal Design Lab said:¹³⁰

We not only created a platform but are also working with stakeholders and partner organisations to distribute the information through other means than just our tool. We’re creating bots and legal snippets and work actively with organisations to get the information to people who do not have access to equipment such as smart phones. Moreover, we are in the process of creating blueprints for legal FAQ websites so that other labs and firms can replicate this project.”

There are many other examples of collaborative initiatives including document assembly through open development,¹³¹ a proposed public interest project hub,¹³² and marshalling volunteer resources.¹³³

PHILANTHROPY

The third kind of development platform are those created by philanthropic organisations. Like the jurisdiction wide projects, these tend to involve broad collaborations but instead of being led by the judiciary or government, they are initiated by philanthropic organisations. One version of these initiatives is to directly encourage collaboration between organisations to maximise organisations’ impacts on justice issues.¹³⁴ Philanthropic initiated projects can also have public facing services to help people know and assert their rights.¹³⁵ A further model is sponsorship of hackathons or challenges. For example, the Nesta

¹²⁶ An interdisciplinary team at Stanford Law School & d.school, working at the intersection of human-centered design, technology & law to build a new generation of legal products & services. It researches and develops new initiatives that can make the civil justice system more equitable and accessible.

¹²⁷ Cross ref to previous discussion of this

¹²⁸ See the Lab’s ‘Better Legal Internet’ projects at <http://betterinternet.law.stanford.edu/>.

¹²⁹ Hagan has channelled findings from her own work and other researchers into the development of Digital Civil Design Space. A design space sets the parameters and guides or rules that designers should work within when designing new products and services. The Digital Civil Design Space would set out goals, qualities, tasks and metrics to be considered in the development of OLISH: “What Should the Bots Say? Evaluating New Ways for Automated Access to Justice Tools to Converse With People About Their Legal Issues” Margaret Hagan, Stanford Law School, Law and Society Association 2019 Annual Meeting, May 30 - June 2, 2019.

¹³⁰ Josef (legal automation company), “Interview with Nóra Al Haider of Stanford’s Legal Design Lab” 12 August 2020 <https://joseflegal.com/blog/interview-with-nora-al-haider>

¹³¹ Quinten Steenhuis “Creating a clinic in a box: why I fell in love with creating online legal apps” 9 September 2020 www.medium.com.

¹³² Proposed: Public Interest Project (PIP) Hub - <https://medium.com/legal-design-and-innovation/public-interest-project-pip-hub-7df48404a8e8>.

¹³³ Marshalling volunteer resources Canadian Solution Explorer example - <https://civilresolutionbc.ca/invitation-subject-matter-experts-needed-motor-vehicle-injury-disputes/>.

¹³⁴ For example Pro Bono Net is a US national non-profit organisation, founded in 1999 to coordinate pro bono work using technology and aims to “transform the way legal help reaches the poor through innovative technology and collaboration”. Pro Bono Net is financially supported by law firms, corporations, and various foundations. Pro bono net, <http://www.probono.net/>.

¹³⁵ Pro Bono Net’s core programs include Law Help (<https://www.lawhelp.org/>) and Law Help Interactive (<http://www.lawhelpinteractive.org/>) which connect people throughout the US to local information and resources such as form creators; The UK’s “Law for Life: the Foundation for Public Legal Education”

innovation foundation 2019 Legal Access Challenge,¹³⁶ run in partnership with the UK Solicitors Regulation Authority (SRA), was a £500,000 challenge prize for early-stage digital technology solutions that could provide help for individuals and SMEs to understand and resolve their legal problems. The challenge aimed to accelerate the development of digital technology solutions, develop a community of people and organisations interested in the area, and to learn whether there are regulatory barriers to legal technology, and if so what adaptations might be needed to overcome them while making sure the public is appropriately protected. The report from the event suggested a move towards jurisdiction wide collaboration:¹³⁷

[I]n our view, there is still a need for greater collaboration on strategic objectives to improve access to legal support across the sector, drawing together both organisations with experience in delivering traditional support as well as organisations with resources and influence. This would provide an opportunity to move beyond collaboration on specific projects and initiatives towards strategic collaboration on systemic issues, leading to faster progress at greater scale to increase access to legal support. It might also address comments from some applicants to the Legal Access Challenge, who sought higher levels of support for innovation aimed at improving access to legal support. Examples of the types of support sought included funding, but also referrals and working relationships with key agencies or organisations, access to data and feedback loops.

What is striking about the international review is the consistent theme from all jurisdictions that high level leadership and collaboration across the sector is needed to advance OLISH.

(<https://lawforlife.org.uk/>) is an education and information charity that aims to increase access to justice by providing everyone with an awareness of their legal rights together with the confidence and skills to assert them. It is funded by a number of foundations and other NGOs as well as government agencies.

¹³⁶ Nesta, <https://www.nesta.org.uk/project/legal-access-challenge/>.

¹³⁷ Nicola Tulk, Chris Gorst and Louisa Shanks *The Legal Access Challenge: Closing the legal gap through technology innovation* (Nesta Challenges, June 2020) at 25. The SRA produced a separate response about regulatory lessons from the challenge <https://www.sra.org.uk/sra/how-we-work/reports/legal-access-challenge/>

5. An OLISH plan for Aotearoa

Our survey of the international developments in creating effective OLISH products and creating an effective OLISH eco-system, along with our interactions with OLISH providers in Aotearoa, have led to the conclusion that greater cooperation is essential to strengthen OLISH in Aotearoa.

COOPERATION

One key idea that has emerged is that the sector needs to cooperate and coordinate (if not collaborate) to improve the quality of OLISH in Aotearoa. Several reasons suggest a need to aim for coordinated action, which apply whether the aim is for simply a better standard of OLISH or world class OLISH, for small- or large-scale innovation. These include ensuring the user has a seamless experience accessing OLISH, ensuring OLISH products are sustainable, that they maximise the financial resources available, and that all issues are covered. We address each of these imperatives in turn.

Coherent and coordinated user journey

Users prefer and need linked up pathways and have a strong preference for comprehensive websites that take the user from information to action or further support.¹³⁸ They also tend to gravitate to sites where there is already engagement and trust.¹³⁹

Sustainability

A sustainable model is important because of the ongoing requirements of maintaining the necessary high standards: the volume of information, the need to keep it update with law and policy, and the need to have the capacity to quickly respond to changing user needs and continuously improve the service and technology. Establishing and maintaining ongoing trust and outreach is also important.

We therefore need systemic, sustainable, and coordinated solutions, rather than isolated apps coming and going with no connection to the existing system. The development of isolated apps without sufficient attention to the system as a whole is sometimes referred to as the “my beautiful app syndrome”.¹⁴⁰ These tools may be difficult for people to find and may not link up with other trusted services. New tools are set up for failure if they are made on the false premise that users will go to a new unknown place for help. These tools may also disappear (if a maintenance programme has not been planned) or worse, stay online but out of date. Tools need to be developed with a clear plan for establishing trust and connection and for their ongoing maintenance.

¹³⁸ Hagan, above n 55 at 460-462.

¹³⁹ At 408. See also Hagan cited in Michael Cross “Don’t get stuck in Groundhog Day’, app creators warned” Law Gazette 24 June 2019 (www.lawgazette.co.uk).

¹⁴⁰ Michael Cross “Don’t get stuck in Groundhog Day’, app creators warned” Law Gazette 24 June 2019 (www.lawgazette.co.uk): “A point of view emerging from legal design studies is that coordination would lead to more sustained and effective efforts”.

Maximising financial resources

There are and will always be limited financial resources for OLISH development. It is, therefore, imperative to make the most of what is available, minimising duplication, and maximising impact. A coordinated approach may, however, stimulate funding. If funders can have a common vision of the ecosystem, objective criteria and good evidence base, it may promote and facilitate funding. Common application, evaluation and report back templates will greatly help OLISH providers source funding, and then report back in a way that everyone can learn from. This has been a benefit of the US LSC Legal Tech Grant programme.¹⁴¹ It provides considerable application guidance, including examples from past applications, and the reports provide insight on how organisations have achieved goals such as better data collection, document assembly, and website enhancement.¹⁴²

Coverage

OLISH providers may want to focus their product development on areas of high need. This makes sense—providing information for the most common issues will help the most people. They may identify areas of high need via data about their own services (call centres, social media, website searches) or from their own legal needs surveys. The difficulty with this approach is that it can produce overlap because different organisations focus their efforts on the same subject area. This is not always problematic: different organisations may pitch their information to a particular audience in the topic area, but it can be wasteful if there is significant resource constraint. What is also potentially problematic is that it can produce gaps in information, because if organisations continually devote stretched resources to priority areas, other areas will languish.

Drawing on strengths and reinforcing trust

As we saw in the previous chapter, internationally, the significant legal information sites are at least a step removed from government: government and judicial institutions support but do not run the sites, and some sites work closely with authorities on actions such as form creation and submission. This is not only convenient for the user but may enable them to trust the information and tools.

Initiatives that draw together the strengths of the justice sector and trusted community organisations could bring about significant benefits for users and efficiencies for the organisations concerned. Community organisations have close connections to users and their independence from government, combined with their stature in the community, make them more neutral and trusted parties, less likely to face the scepticism that the government receives in some quarters.¹⁴³ The community sector can help people in different ways and speak to power imbalances, providing information targeted at a particular

¹⁴¹ LSC Technology Initiative Grant Program www.lsc.gov/grants-grantee-resources/our-grant-programs/tig

¹⁴² Final Report Samples and Replicable Projects <https://www.lsc.gov/grants-grantee-resources/grantee-guidance/reporting-requirements/tig-reporting-requirements#FinalReports>

¹⁴³ During OLISH Forum discussions, government OLISH providers observed that social media groups can include social media users warning people that information from government departments is politically skewed or politically motivated.

disempowered group.¹⁴⁴ Yet their capacity to create resources to serve their communities is, as discussed earlier in this report, limited. Government departments have the capacity and scale to create resources, and also respond quickly to changing needs, subject to official processes. They also are able to plan ahead based on forecasted policy and law changes. Government providers, however, may feel the need to provide broad coverage of the issues but maintain neutrality, reducing their ability to provide information that can easily be turned into action.

ACHIEVING COOPERATION AND COORDINATION

If cooperation is an essential pillar in the creation of OLISH that engages users and provides strong pathways to justice, how do we move towards it? We have concluded that a vital first step is to bring all stakeholders together. Internationally, advances in OLISH have involved collective action between the judiciary, legal aid agencies, the legal profession and community organisations. In Aotearoa, a similar collaboration could be established. It could, for example, be led by the judiciary and Ministry of Justice, who convened the civil justice hui in 2020. Alternatively, a philanthropic organisation such as the Borrin Foundation could spearhead it. Regardless of who led or initiated it, engagement with all stakeholders would be necessary.

A first and significant step would be to establish a consensus about OLISH's broad role, informed by the extent of legal need and barriers to access to justice in Aotearoa, and based around the goal of ensuring certain levels of access to legal help. Collective action to establish this type of shared mission and vision, we believe, would give rise to one—and possibly two—outcomes:

1. It would provide the environment for an effective OLISH eco-system to emerge. If all stakeholders are working towards the same goals, this provides a platform for shared conversations, funding opportunities, and collaborations. It reduces a sense of competition or disconnection in the sector and helps everyone to move in a common direction.
2. As has occurred in other jurisdictions, a shared mission and vision may give rise to jurisdiction wide projects, specifically:
 - a. A portal website for Aotearoa, incorporating guided pathways, action focused tools, and connections to assistance, including strong connections with the main legal assistance and dispute resolutions systems of the justice system; and/or
 - b. A joint funding model together with objectives and criteria, for example targeted at collaborative, user-centred projects, which are focused on areas of identified need, either replicable or adoptive of tested products; or which provide open infrastructure.

Establishing a mission and vision has been a common first step for successful collaborative projects in other jurisdictions. This was the approach of the LSC for example, who set the mission of providing

¹⁴⁴ A recent example is Citizens Advice Bureau's project on tenant information, due for release in early 2021.

some form of effective assistance to 100% of the civil legal needs of low-income people in the US (rather than the 20 per cent they were reaching at the time).¹⁴⁵ The steering committee for Ohio saw its role as:¹⁴⁶

to work across organizational boundaries to help plan and design a state-wide, integrated legal help website where all Ohioans, especially low-income Ohioans, can find meaningful and effective assistance for their civil legal needs through an integrated continuum of services.

An OLISH vision for Aotearoa should be developed through broad stakeholder conversations. From this mission and vision, specific goals or objectives can be developed to guide development of OLISH in Aotearoa. As a conversation starter, we have included a list of draft objectives in Appendix C to this report. Even if the shared mission and vision does not create its own standalone projects, it can create the environment where independent projects can flourish but are still connected to a central mission.

Collective action to establish a joint action programme could also give rise to other important areas of cooperation that will foster an effective environment for developing OLISH in Aotearoa. These include funding cooperation, identifying areas of need, collaborations to build infrastructure, cooperation with the regulators to create sandpits, and cooperation to create outreach and trust. We address each in turn.

Funding cooperation

Funding is a critical issue for all Aotearoa OLISH providers, particularly those in the non-government sector. OLISH providers also have little time to apply for funding and funds themselves are limited. Funding is needed not only for development, but also for evaluation, to ensure that we can learn what works and what does not work and take an evidence-informed approach. Funders themselves need evaluation information so they can determine whether or not to support a particular initiative.

Cooperation may alleviate some of the challenges around funding. As discussed in the previous section, there are significant benefits to a structured and collaborative OLISH funding regime. Funding applications and evaluation could be aided through structured funding templates, similar to those developed by the TIG programme in the US.¹⁴⁷ In Aotearoa's context, such templates could be made available to a wider pool of funders, rather than tied to one programme. This might help attract philanthropical organisations to fund OLISH projects while helping them to understand OLISH objectives and development processes. Given the intention to benefit the sector as a whole, such a funding framework would need to be worked out through engaging all stakeholders.

¹⁴⁵ Legal Services Corporation, above n 120 at 1 and 12.

¹⁴⁶ Ohio Legal Help, n 122 at 4.

¹⁴⁷ TIG program, <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>.

Cooperating to identify areas of need

There is very limited existing research in Aotearoa about legal need, legal capability and legal problem-solving strategies. A collaborative needs assessment has been an important first step in other projects.¹⁴⁸ This could be achieved by legal needs research to provide baseline information for Aotearoa. Alternatively, it may be possible to draw on the data that organisations collect about common forms of inquiry.¹⁴⁹

Data can also lead to coordinated decisions about what areas need more coverage and what resources—including subject matter expertise—are available to cover the areas.¹⁵⁰ Establishing a map and ongoing stocktake of OLISH that is wished for, proposed or planned by various organisations is also helpful for planning, an activity we have begun on the www.olishnz.org website.¹⁵¹ This requires ongoing involvement of organisations to update their project plans.

'Open' collaboration to build infrastructure

Open collaborations to build products is a powerful means of advancing OLISH. It brings together the various expertise—social, legal and technical—to build effective solutions. Open collaboration has led to such developments as rapid online court document assembly during the pandemic, to the development of sophisticated legal issue spotters.¹⁵² It would be helpful to consider building common infrastructure through collaboration such as frameworks for pathways and questions and answers, which are needed to create guided pathways and triage systems.¹⁵³ There may also be a case for open collaboration on taxonomies, although scoping this possibility needs further research.¹⁵⁴

¹⁴⁸ The US Legal Services Corporation has considered collaborative needs assessment to be an important first step in the context of developing legal assistance programmes, and provides resources to facilitate this across different states and communities. US LSC website: Comprehensive Needs Assessment & Priority Setting at <https://www.lsc.gov/grants-grantee-resources/resources-topic-type/comprehensive-needs-assessment-priority-setting>

¹⁴⁹ This may however be difficult as for some organisations, data is their major asset, so they may be reluctant to share it.

¹⁵⁰ An example of how priorities can be improved by drawing on a variety of data sets, combined with consultation with stakeholders, is provided by the new Louisiana Civil Legal Navigator. But rather than automatically choosing based on the statistics, the developers consulted a stakeholder group, and considered the availability of resources and subject matter experts. Lagniappe Law Lab “Making a Difference with Data Driven Decision Making” (Blog, 3 January 2019) lagniappelawlab.org.

¹⁵¹ Participants of the OLISH Forum 2020 have started a private web-based sharing board of identified need, proposed, planned and recently completed OLISH. If this was continued and then made public, it would be a useful way to identify ongoing needs and potential areas for collaboration.

¹⁵² The document assembly line project <https://suffolktilab.org/doc-assembly-line/>; The Legal Innovation & Technology Lab's Spot API <https://spot.suffolktilab.org/>. In Aotearoa, open collaboration has supported the development of OpenLaw NZ, which provides case law as data: OpenLaw, www.openlaw.nz.

¹⁵³ For example, an example of tips to develop triage questions: <https://lagniappelawlab.org/2019/04/03/tips-for-drafting-guided-user-interviews/>

¹⁵⁴ Taxonomies can be important infrastructure in the quest to get more people from their query to relevant information and help, as they help algorithms or AI connect everyday language with the right legal issues. Yet taxonomies and algorithms require significant effort to build and sustain and are still experimental. The US provides the primary example of a legal taxonomy, and the development of programmes that act as ‘legal issue’ spotters, so the experience there may be instructive. Given the significant investment required, further exploration would be needed before embarking on a localised project in Aotearoa. For further discussion see Chapter 3 and the discussion of infrastructure.

Social impact innovators may be interested in participating in collaborations to develop OLISH infrastructure. Such organisations operate in Aotearoa but have not been active in the OLISH space.¹⁵⁵ Their interest may be piqued by identifying and articulating problems that are in need of solutions and providing guidelines for designers to work within when designing new products and services.¹⁵⁶ Collaboration between innovators and the OLISH sector could also be encouraged via project matching portals, such as that used by A2J Author.¹⁵⁷

Cooperation with the regulators: Sandpits and safe spaces

Uncertainty about whether an OLISH service would breach the law relating to legal services can discourage innovation. More research is needed into whether organisations are held back from developing OLISH by regulations, for example fear of breaching the reserved area of work for lawyers. If there are regulatory barriers, sandpits and safe spaces can protect organisations and users, while encouraging innovation. The UK Solicitors Regulation Authority’s Innovate programme is one such effort.¹⁵⁸ Sandpits are an increasingly well-known way to enable groups to create and test new products: a “neutral, safe, well-resourced and collaborative sandpits” help agencies “quickly test and experiment outside the limitations of their agencies ... Such places should be engaged with the sectors around them and work openly to rapidly share insights and toolkits”.¹⁵⁹ If more than one agency is involved, they can help foster a systems-view across agencies.¹⁶⁰ Government and the New Zealand Law Society could consider similar efforts here to encourage innovation for OLISH projects.

A BEGINNING, NOT A PRESCRIPTION

This chapter has noted several areas where collective action could boost Aotearoa’s OLISH landscape and, through those efforts, considerably improve access to justice for many people in Aotearoa. It is not, however, a prescription; the most important ingredient of engagement with stakeholders and communities would determine the priority and approach for each effort. This is important not least because some initiatives would involve change in how current OLISH providers deliver OLISH services,

¹⁵⁵ A caveat is that social impact innovators usually look for a sustainable business model, for example through providing a valued service to businesses in a way that generates revenue and is complimentary to the social aspect of the project. A very basic example would be an OLISH that was able to deliver value to law firms for a fee, which would subsidise the free delivery of similar services to the public. If such business models cannot be identified, it is likely that social innovation would need to rely on philanthropy and volunteerism.

¹⁵⁶ The idea of providing guides or rules that designers should work within when designing new products and services is drawn from Margaret Hagan’s “Legal Design Space” concept discussed above at footnote 129 of this report.

¹⁵⁷ In the US there are a number of law school courses where students are taught to build apps. The A2J Author project matching therefore matches law teachers looking for assignments with organisations needing a project. This idea could be adapted to Aotearoa to provide matching between social innovators and volunteers and court or non-government project requests: <https://www.a2jauthor.org/matching>.

¹⁵⁸ Solicitors Regulation Authority, “SRA Innovate” <https://www.sra.org.uk/solicitors/resources/innovate/sra-innovate/>. See also discussion of Nesta project above (footnote 136) which is part of the SRA Innovate programme.

¹⁵⁹ Pia Andrews, “How to scale impact through innovation and transformation” *The Mandarin* 8 October 2019 www.themandarin.com.au.

¹⁶⁰ Pia Andrews, “How to scale impact through innovation and transformation” *The Mandarin* 8 October 2019 www.themandarin.com.au.

and whose success would depend on an evidence-informed grasp of how Aotearoa-based communities seek information and help online.

6. Conclusion

OLISH has become a distinct strand in strategies to improve access to civil justice over the past decade. In seeking to narrow the justice gap, many jurisdictions have sought to extend the reach of legal assistance programmes, improve fragmented and daunting court systems, and with the knowledge that not all of this is possible, to equip people to deal with issues themselves. The challenge has been to bring these strands together at the place where people increasingly seek help for legal problems—on the small screen of a device.

In some respects, features of the internet, most notably Google, artificial intelligence, and even social media platforms, are doing the work for us, of connecting people to legal information and help. But OLISH involves particular and difficult challenges and requires efforts to harness the internet for the benefit of the communities who need it most.

To ask organisations to deliver on this promise is, of course, to ask a lot. Other jurisdictions have met this challenge by coming together to identify priorities in their communities and working out how OLISH can best support their systems. Aotearoa has an advantage over other jurisdictions in that it is smaller and less complicated than many others, with government and non-government organisations already committed to delivering accessible and high-quality information to all those who need it. Our recommendation is to now take that advantage and maximise it by the sector coming together to create a nationwide strategy, and potentially a nationwide project. In this way, we hope that OLISH can reach its potential to be an important strand of the broader strategy to solve the justice gap.

7. Appendix A – Examples of Legal Information Portals

To provide more context about what a collaborative portal may look like and the processes by which it might be developed, we provide some background information here on some of the major portals.

STEPS TO JUSTICE

Steps to Justice is the result of a decade of collaborative effort¹⁶¹ and is an example of how major initiatives iterate in response to experience. Steps to Justice is developed and provided by Community Legal Education Ontario (CLEO),¹⁶² an independent, community-based, public legal education and information (PLEI) organisation dedicated to serving communities and people in Ontario, particularly those who face barriers to participation in the justice system. In 2018/19, Steps to Justice had 2.8 million visits, 5.3 million-page views, and covered 14 legal areas in over 15,000 pages of content. Its content is embedded in 59 other websites.¹⁶³ In developing Steps to Justice, CLEO partnered with justice sector contributors, including the Ministry of the Attorney General, Legal Aid Ontario, community legal clinics, the Law Society of Ontario, the Superior Court of Justice, the Ontario Court of Justice, and The Action Group on Access to Justice.¹⁶⁴

Steps to Justice’s evolution is emblematic of the shift in thinking over the past decade, from presenting rights information in the preceding website named “Your Legal Rights” to the more action-based (in name and content) Steps to Justice. Your Legal Rights aimed to be a comprehensive public legal information site with three integrated components:¹⁶⁵

1. Online legal information: original content, and high-quality content produced by others
2. Information and referral: helping to find services
3. Legal education and training: train and resource community workers—‘trusted intermediaries’

Your Legal Rights subsequently evolved into two separate online initiatives: Steps for Justice, an action focused portal for the public; and CLEO Connect, a legal information site providing resources for community organisations and front-line workers.¹⁶⁶

Steps to Justice includes practical tools, such as checklists, guided pathways, and self-help guides, as well as referral information for legal and social services. It includes widgets for organisations to embed Steps

¹⁶¹ The plans for the development of a comprehensive legal information website for the public, building on a pre-existing site, are set out in Community Legal Education Ontario *Exploring the Expansion of CLEONet: Final Project Report to the Law Foundation of Ontario* (Ontario, 2009).

¹⁶² Community Legal Education Ontario (CLEO) is a non-profit, charitable organisation funded by Legal Aid Ontario and the Department of Justice Canada, and with project funding from the Law Foundation of Ontario. As of 2020 it had about 25 staff and its revenue and expenditure in 2018/19 were each about CA\$3m. Ontario’s population is about 14.5 million and is diverse in language, culture and geography.

¹⁶³ Community Legal Education Ontario *CLEO Annual Report 2018-2019* (Ontario, 2019) at 2.

¹⁶⁴ Community Legal Education Ontario “About Steps to Justice” (2018) Steps to Justice <<https://stepstojustice.ca/>>

¹⁶⁵ Community Legal Education Ontario, above n 161, at 3.

¹⁶⁶ CLEO Connect <https://cleoconnect.ca/>

to Justice content in their own websites. Users can either enter a problem in their own words, or search for topics themselves in a traditional-style menu. The site then presents the information in a step-based format, in a way that keeps the full problem-solving process in the users view as they navigate the information. Figure 1 below has screenshots of how the portal operates.

Steps to Justice includes pathways that create forms in the areas of family, housing, and wills. CLEO developed its guided pathway forms in response to research showing that forms were a significant issue for litigants-in-person¹⁶⁷ and family court users (family court forms were a significant pain point which led to the court rejecting forms because of errors). Court staff were also uncertain about the extent to which they could help people with forms.¹⁶⁸

The family law guided pathway is a useful example. It was developed in conjunction with the Ontario family courts, to help users fill out forms using interactive interviews. In developing the family law guided pathways, CLEO had emphasised four aspects:¹⁶⁹

1. Ease of use, including asking one question at a time, asked only if it applies to the user's situation; presenting only legal information that is relevant to the situation; explaining the implication of questions and answers (rather than leaving the user hanging); using one entry for multiple forms, so users only have to enter family and personal information once; and providing a next steps checklist.
2. Ensuring it was reflective of the diversity of users, including designing for people with limited digital literacy and linking the guided pathways to multiple entry points, i.e. among organisations that help vulnerable people.
3. Designing robust privacy and security features, including externally verified security.
4. Ensuring sustainability by putting structures in place to revise content as law and policy changes, for example through an expert content committee and by using the free, externally provided A2J Author.

CLEO has also developed a customisable website template for community legal clinics, to help local clinics provide their members with information about their services, and community news and events, together with legal information embedded from Steps to Justice.

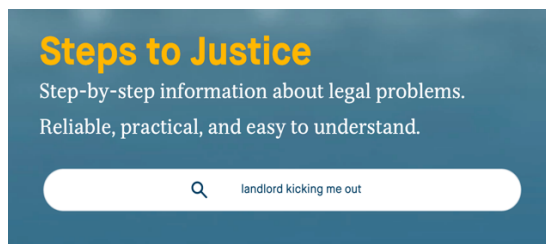
¹⁶⁷ Mathews and Bornmann, above n 45 at 3.

¹⁶⁸ At 3. The CLEO guided pathway project also includes plans to build 'transactional interviews' (that each fill multiple forms), shorter pathways called 'form wizards', and guided pathways that produce tailored legal information that help users identify needs and find relevant information (at 7).

¹⁶⁹ At 3.

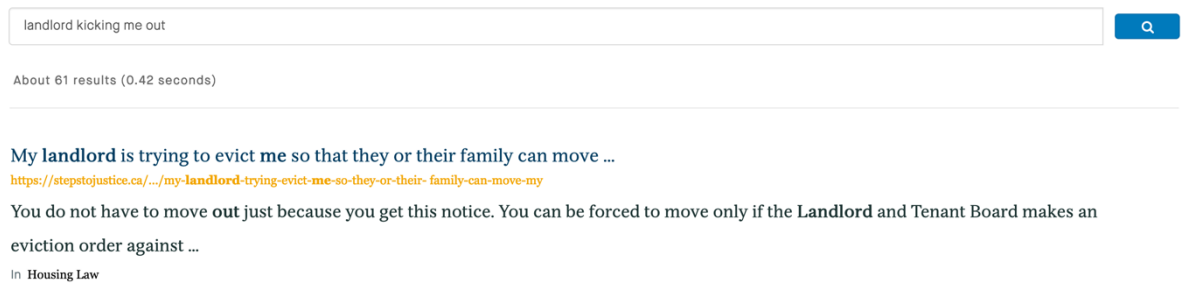
Figure 2 - Steps to Justice Portal

Step 1: search term is entered in the search bar

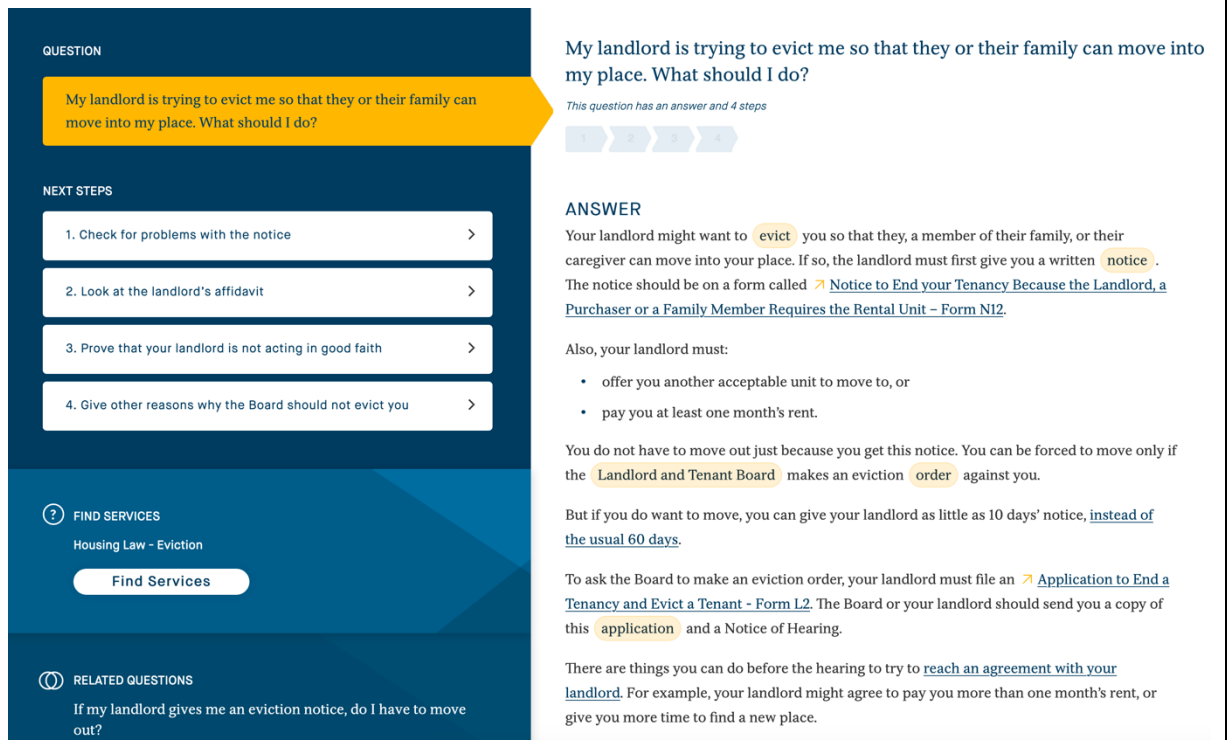


Step 2: the search retrieves a relevant result and the user clicks on it

Search



Step 3: the selected results provides an answer and a list of next steps to take



OHIO LEGAL HELP

Ohio Legal Help is another example of OLISH that was developed by a cross-organisation taskforce and which involved significant user and stakeholder engagement. It is a large jurisdiction wide project (for a diverse state of 11 million people). The project originated from a 2015 Task Force on Access to Justice convened by the Ohio Chief Justice and comprising members from the courts, legal aid body, the Ohio Access to Justice Foundation, and the private bar. The taskforce recommended specific actions to narrow the civil justice gap, including to “develop and maintain a statewide website devoted to providing free and accurate legal information to Ohio residents”.¹⁷⁰

In response to this charge, in 2017 a Steering Committee of diverse stakeholder groups—including the courts, bar, foundations, legal aid bodies, libraries and community networks—came together to develop Ohio Legal Help.¹⁷¹ The Steering Committee adopted a vision: “work across organisational boundaries to help plan and design a statewide, integrated legal help website where all Ohioans, especially low-income Ohioans, can find meaningful and effective assistance for their civil legal needs through an integrated continuum of services”. Additionally, “The fundamental principle of the website [was] to create a meaningful and approachable experience foremost to low-income residents, while also supporting overall accessibility that makes the website a go-to civil legal resource for all families and individuals in Ohio”.

Developing the project involved intensive engagement and development, including a year-long planning process incorporating a number of collective efforts, including workshops with legal aid community leaders, interviews with stakeholders, and research on other state legal help websites.¹⁷² User engagement was facilitated through a survey of potential users, which showed that “68 percent strongly supported a legal access portal website”.¹⁷³

Four parallel work streams worked on content, identifying user needs and gaps in the system, research from other states (on costs, development, and maintenance), and interviews of stakeholders throughout the system. User research included an extensive Voice of Customer study (usually used in more commercial settings). The survey samples were weighted so that 50 per cent of the sample population were low income, as an objective was to ensure that this group could use the portal. It also developed a mental model framework to help analyse the thinking and choices of self-represented litigants. Through this research Ohio Legal Help made a number of key decisions:

- Few people would arrive on the Ohio Legal Help home page but instead would arrive on specific subject pages within the site via Google. That has proved true, about 17 per cent of users arrive land on the home page and most of this is from referral from people who knew about the site.

¹⁷⁰ Ohio Access to Justice Foundation “Ohio Legal Help launches to the public” (27 August 2019) <www.ohiojusticefoundation.org>.

¹⁷¹ These stakeholder groups continue to guide the content and tools developed for Ohio Legal Help through an advisory committee.

¹⁷² Ohio Legal Help, n 122.

¹⁷³ Ohio Legal Help *Voice of Customer Survey* (Ohio).

This informed the decision to give the home page one purpose – simple and clear sign posting to help topics.

- About 70 per cent of users would access Ohio Legal Help by smartphone, and so a best-on-mobile approach was chosen.
- Very few use website search as they expect Google to do all the searching. Users also struggle with lists of links. As such Ohio Legal Help’s home page only shows large cards/icons showing different subjects.
- Ohio Legal Help developed a triage questionnaire specifically because Ohio’s court system is fragmented geographically and demographically. Seventy per cent of users bypass the triage questions as they arrive from Google. However, 90 per cent of those who go through the triage questions complete them all. While some of the questions are not vital to receiving the right information, they provide Ohio with valuable information. For example, the triage asks whether users are looking for information, a lawyer, or forms. Through these questions Ohio Legal Help discovered a demand for more help with forms.
- In terms of the design or presentation of information, research showed that the difference in effectiveness between narrative, numbered steps and FAQ was statistically insignificant. Ohio Legal Help chose a simple narrative style as this tested well with their most important segment - low-income users.
- Ohio Legal Help is action-orientated. Most information is framed in terms of what users need to do. Regulation is not seen as a barrier to this, although it is careful in not telling users specifically what to do. The triage questions help identify which users need a message to say that they should approach a lawyer (and the website helps them achieve this).

Defining the scope of the Ohio Legal Help website was one of the most substantial challenges that the Steering Committee faced, given the fact that not all legal subject areas could feasibly be included in the website’s first iteration. It chose the initial topics based on high priority issues affecting low-income households, or are high volume, or which affect the vulnerable.

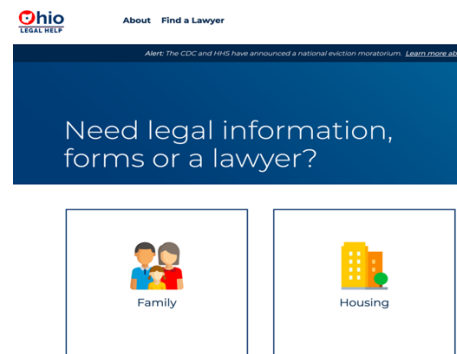
Ohio Legal Help deploys many best practice features, including guided pathways and self-help information that is written in plain language and focuses on the actions users can take to resolve their legal problems. Because Ohio is geographically and demographically diverse, it is able to direct people to information and help based on their location and demographic, (if they wish to provide such information). Ohio Legal Help’s “no wrong door” approach aims to direct users to “the best type of help for their issue, whether that be legal information, a lawyer, a court resource, or a social service provider”.¹⁷⁴

¹⁷⁴ Ohio Access to Justice Foundation *Ohio Access to Justice Foundation Annual Report 2019* (Ohio, 2019) at 5.

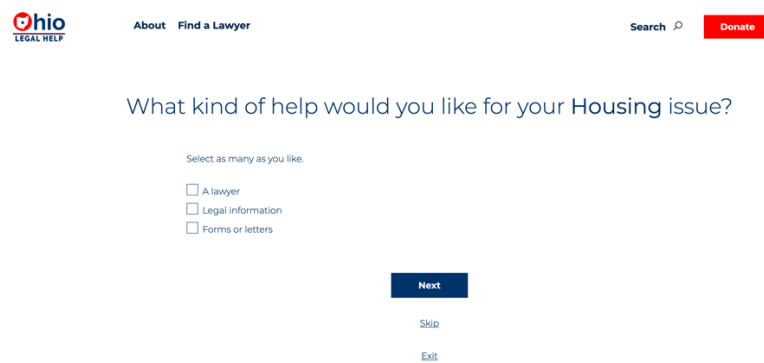
Ohio Legal Help relies on logic pathways rather than natural language processing. Users arriving at the site choose from clearly marked topics (e.g. housing). The portal asks them a series of questions which narrow the issue and collect information, not only about the issue, but about their circumstance and what kind of help they would like. These questions are optional, and are intended to help Ohio Legal Help tailor information in a state that is not only diverse but has a fragmented court system. The questions also provide data to Ohio Legal Help about what users are looking for, which then informs their development programme. An important note is that most people (about 70 per cent) arriving from Google may bypass these ‘triage’ questions and arrive directly at the substantive information. Those more likely to arrive via the Ohio Legal Help homepage and go through the ‘triage’ questions are users referred to the website by, for example, community workers. Of those who go through the triage, about 90 per cent complete all of the questions.¹⁷⁵ In response to the information inputted by the user, the website presents information, options, tools, and connections.

¹⁷⁵ Usage data provided in interview with Ohio Legal Help (4 December 2020).

Step 1: User selects an area of law relevant to their needs



Step 2: the user has selected “housing” and the user can now select the type of assistance they need



Step 3: the user has selected “legal information” and is presented with further options to narrow the topic area



Step 4: having selected “my landlord is trying to evict me” the user is asked for the type of housing they live in (as the law differs depending on this answer)

About Find a Lawyer

Search
Donate

Are you in public or subsidized housing?

Yes
No

[← Previous Question or Start Over](#)

Understanding the Basics

See what you need to know to take action.

In Ohio, the eviction process can take four to six weeks. Your stuff won't be set out on the curb tomorrow. Here's how the eviction process works in Ohio.

If you live in [subsidized housing](#) or in a [mobile home park](#) you may have more legal rights. Learn more about what to do if you're facing eviction [from subsidized housing](#) or [from a mobile home park](#).

Coronavirus (COVID-19) changes

On September 1, 2020, HHS and the CDC announced an [order](#) to temporarily halt evictions in the United States. The temporary halt or [moratorium](#) is effective September 4, 2020 through December 31, 2020 and applies to evictions for non-payment of rent.

Close

How to stop your court eviction

If you think you are eligible for the moratorium, and your landlord has filed an eviction against you in court, take these actions to stop your eviction:

- Download, fill out and sign the [required declaration form](#). Make at least four copies. If you have already sent a declaration form to your landlord, file a copy of that declaration with the court, see the next steps for how.
- File the declaration form with the court where your eviction case has been filed. The clerk will time stamp the original and copies. The clerk will keep the original and give back the copies they don't need.
- Next, you need to "serve" one of the copies on your landlord or your landlord's attorney. If you have enough time before your hearing, you can "serve" the form by sending it in the mail. If you are filing on the day of your hearing, you can hand it to your landlord or their lawyer before the hearing starts.
- Keep at least one time-stamped copy of your declaration form for your records.
- Go to your eviction hearing. **Please note** that some courts in Ohio are automatically staying the eviction hearing until January if a tenant files the declaration. If your eviction hearing is stayed you will be notified. **However**, some courts are holding hearings. Make sure you attend any hearing scheduled by the court. [If you want help with your eviction, you may qualify for legal aid. Use our Find Your Legal Aid tool to locate your legal aid.](#)

At the hearing

- Make sure you take a time-stamped copy of the declaration form with you to your hearing.
- Wait for your eviction case to be called.
- When your case is called, tell the judge that you have filed your declaration.
- Your landlord might dispute the statements in your declaration form. In case this happens, you should bring:
 - Copies of your applications for rent assistance
 - Pay stubs, bank statements or proof of receipt of a stimulus check
 - Documentation showing you lost your job, were laid off or had a cut in your hours
 - Proof, like receipts, of any rental payments you have made since your income was lost

US LEGAL SERVICES CORPORATION

The US Legal Services Corporation¹⁷⁶ has been influential in steering the direction of OLISH in the US, particularly in regard to the development of state-wide portals and the emergence of pathway-style tools. Rather than focus on one solution (inappropriate for a multi-state jurisdiction), the LSC has set national strategic direction, run grant programmes for development and adoption of technology (including reporting mechanisms aimed at distributing information and lessons), and provided templates and resources, training, and other support. As well as rolling out templates and support for portals across the US, it established a significant infrastructure project to develop an AI driven legal navigator with the intent that each state could adopt and adapt it for their portals.

¹⁷⁶ LSC is the US' single largest funder of civil legal aid for low-income people. It was established by law as an independent non-profit corporation to promote equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 90 per cent of its total funding to 132 independent nonprofit legal aid programs with more than 800 offices.

While the US situation is of a different character and magnitude to Aotearoa, it is worth canvassing the development in its thinking on the role of OLISH, especially with regard to the need for and direction of OLISH. The LSC benefited from an early start in OLISH. In 2000, the LSC began its Technology Initiative Grants program (TIG),¹⁷⁷ for technology projects to give low-income people better access to, among others, legal information.

After 10 years of the TIG programme, the LSC reviewed progress and, driven by concern at the low reach of legal assistance programmes, attempted a transformational shift. The LSC commissioned a series of white papers¹⁷⁸ and then held a two-part summit. The two-part summit was planned by a multi-agency group of key stakeholders and involved representatives of legal aid programs, courts, government, and business as well as technology experts, academics, private practitioners, and litigants-in-person. This group adopted an ambitious mission for the summit: “to explore the potential of technology to move the United States toward providing some form of effective assistance to 100% of persons otherwise unable to afford an attorney for dealing with essential civil legal needs.” The first summit was essentially an idea generator and from this the priorities to focus on at the second session were document assembly, better triage (for legal services), mobile technologies, remote service delivery, expert systems and checklists, and unbundled services.

Following the summit, the LSC produced a report proposing an “integrated service-delivery system”.¹⁷⁹ It adopted a vision, strategy and concrete steps, the main components including, state-wide legal portals, a process to encourage document assembly, reorientation of services to mobile technologies, expert systems, and intelligent checklists. The statewide legal portals were important because each state had developed multiple websites:¹⁸⁰

The variety of choices can be confusing for the user and wasteful of scarce resources when multiple entities are providing information on the same topics. The better approach would be a single, state-wide mobile web access portal in each state to which a user will be directed no matter where he/she comes into the system.

The equivalent of a move to statewide unified “legal portals” in Aotearoa would be one national portal, rather than having multiple government and non-government sites all providing often duplicated information.

In releasing the report, the LSC stated that while the LSC has sponsored this process, “from its inception the participants have recognized that the leadership necessary to implement the Summit’s recommendations must come jointly from a broad spectrum of entities involved in providing access to justice”.¹⁸¹

¹⁷⁷ Legal Services Corporation “Technology Initiative Grant Program” (2020) < www.lsc.gov >.

¹⁷⁸ Subsequently published as “Using Technology to Enhance Access to Justice” (2012) *Harvard Journal of Law and Technology* 26(1) at 243-323.

¹⁷⁹ Legal Services Corporation, above n 120 at 2.

¹⁸⁰ At 4.

¹⁸¹ Legal Services Corporation, above n 120 at 2.

The TIG programme continues to provide funds to realise the vision of the 2013 report. TIG funds the replication and adoption of completed TIG projects, as well as new projects. It also runs annual themes. In 2020, for example, the LSC call for projects included those that take advantage of regulatory changes to improve access to justice. TIG reports provide a wealth of data, information, best practice, and case studies.¹⁸²

The knowledge and experience gained from the TIG has subsequently given rise to other significant projects, including a 2017 Statewide Website Assessment Project,¹⁸³ which reviewed websites that had resulted from TIG and which used templates provided by LSC, with recommendations for the future. The LSC also holds an annual Innovations in Tech Conference, which seeks to “expand access to justice by promoting technological innovations in legal services delivery and pro se assistance”.¹⁸⁴ It showcases technology projects and tools and cultivates a community to work on project ideas that could lead to successful TIG applications.

8. Appendix B - International OLISH Responses to the Pandemic

The Covid pandemic both restricted in-person support and created high volumes of urgent need and was a good test of new OLISH practice, especially with regard to collaborative initiatives and portals. In jurisdictions with existing platforms or networks, online resources emerged relatively quickly. We provide these examples of what can be achieved in a short time via collaboration.

Legal Help FAQ

To overcome the problem of the people being able to navigate the proliferation of rent and eviction laws in different jurisdictions during the pandemic, Legal Help FAQ was developed.¹⁸⁵ It is a website that enables people in any US state to type in their location and be directed to information for the applicable jurisdiction.¹⁸⁶ For example, a person in a county in California, instead of having to search through Google, would type in their location, and be taken to a page with the local Covid laws and protections, what they mean for renters, presented in FAQ style, and with links to further help and information. Importantly, the top of the page presents what the user can find on the page, when it was last reviewed and by what experts, and what the sources of information were. Such meta-information is vital in

¹⁸² See Legal Services Corporation “Projects and Case Studies” <www.lsc.gov>. Lists of TIG awardees provide useful ideas of what is possible, for example the 2020 grantees included OLISH projects (in addition to legal aid and case management) and provided funding for website content management, interactive tools, document makers, multi-media, and more.

¹⁸³ Legal Services Corporation Statewide Website Assessment: Report for the Justice Community (2017).

¹⁸⁴ Legal Services Corporation “LSC’s Innovations in Technology Virtual Conference” <www.lsc.gov>. Past conference materials are also available, Legal Services Corporation “2019 Innovations in Technology Conference Materials” <www.lsc.gov>.

¹⁸⁵ <https://legalfaq.org/> It is a non-profit effort led by a team at Stanford Legal Design Lab and supported by The Pew Charitable Trusts.

¹⁸⁶ The project process and Legal Help FAQ’s functions are described in Margaret Hagan “Designing against legal misinformation during an emergency” (June 9 2020) Medium <<https://medium.com/legal-design-and-innovation/designing-against-legal-misinformation-during-an-emergency-4be8008282e3>>.

situations when information is changing rapidly and is from different sources. Each page also has a voice widget that will read out the information on the page in English or Española.

The project leader described the volunteer driven project as “designing against legal misinformation during an emergency”.¹⁸⁷ Hagan reported that despite most states having authoritative legal help portals (i.e. those supported and funded by the LSC) and court websites, “when people search on Google and other search engines, they most often don’t end up finding these public interest, authoritative sites — or they find ones that don’t actually apply to them.” As the search was one of the main challenges, the team:

... designed the site specifically for search engine optimization — with an FAQ style that has concise, detailed summaries that could be featured on a search results page as a snippet or call-out. We used Schema.org markup to communicate to search engines that we had FAQ answers on housing issues for COVID-19.

They also “invested in relationships” to build up the immense volunteer power needed across all states. Other key steps included technology specialists developing templates that the many volunteers could follow, and a robust expert review, as well as review for plain language. The project also included building “a database of legal help websites, emergency rental funds, legal aid groups, and other resources by jurisdiction. This lets us connect visitors to their state, local, and nationwide public interest resources to call, text, or visit online”.¹⁸⁸

The Document Assembly Line Project

When the pandemic forced the Massachusetts Supreme Judicial Court to close its doors, it asked for help to put its operations online. In response, a community of academics, developers, and others created the Document Assembly Line Project, “an assembly line to rapidly create mobile-friendly accessible versions of online court forms and *pro se* materials in multiple-languages for key areas of urgent legal need amid the COVID-19 crisis”.¹⁸⁹ The project uses a free community-focused document assembly programme, Docassembly, and conducts its work through the use of various productivity SAAS (Software as a service), including Slack (anyone wanting to volunteer can join the Slack channel) Trello, and Zoom. The project brought together people with a variety of expertise: law, docassemble or python, and UX/UI (user experience and user interface). It also involved people without any of those skills to test the forms. It shares its work on GitHub to enable replication in other jurisdictions. The forms are hosted on a public website.¹⁹⁰

Importantly, though run by the community, the form submission process itself is integrated with the courts. The forms and interviews provided for direct filing are court-approved. Users simply choose a

¹⁸⁷ Hagan, above n 186.

¹⁸⁸ Hagan, above n 186.

¹⁸⁹ Legal Innovation and Technology Lab “The Document Assembly Line Project” (Suffolk Law School, Boston, 2020) <<https://suffolklitlab.org/doc-assembly-line/>>.

¹⁹⁰ <https://massaccess.suffolklitlab.org/>

category (e.g. housing), choose and fill in a form (e.g. a motion to stay an eviction due to pandemic eviction moratoriums), and as part of the same process submit it to the court for processing.¹⁹¹

Legal portal responses to Covid-19

The administrators of four legal assistance portals—Michigan Legal Help, Illinois Legal Aid Online (ILAO), Ohio Legal Help, and LawHelpMN in Minnesota—tracked and responded to users’ surging needs during the pandemic, in particular, housing and domestic violence needs.¹⁹² The administrators tracked searches (i.e. Google searches that brought people to the sites as well as on-site searches) and resource interactions. The sites had to rapidly react to changing demand: “Ohio Legal Help’s main unemployment help page went from just seven page views during the first two weeks of March to 5,765 from April 12 to 25. That trend then accelerated: a combined 10,751 views in the first two weeks of July”.¹⁹³ LawHelpMN’s program manager described how they responded to similar surges in demand: “we’re working with legal aid and community partners to refine the type of content we create and how we deliver it—for example, by providing more video content and increasing our activity on social media channels”.¹⁹⁴

¹⁹¹ More about the initiative can be found at Lyle Moran “Boston Law School leads initiative to provide mobile forms during the pandemic crisis” (9 April 2020) ABA Journal <www.abajournal.com>.

¹⁹² Erika Rickard and Casey Chiappetta “Legal Assistance Portals Reflect Shifting Needs Since Pandemic’s Start” (4 November 2020) Pew Charitable Trusts <www.pewtrusts.org>.

¹⁹³ Erika Rickard and Casey Chiappetta, above n 192.

¹⁹⁴ Erika Rickard and Casey Chiappetta, above n 192.

9. Appendix C – Draft objectives for OLISH Aotearoa

Drawing on the objectives that other jurisdictions have prioritised, and adapted for our environment, we can suggest some example elements if Aotearoa were to develop a national strategy. These would need to be fully developed in consultation with all the stakeholders, but in the interests of starting the conversation, we offer these suggestions:

- National
 - A regularly updated understanding of civil legal need, how people address it and the outcomes they achieve (through research; OLISH feedback and reports)
 - For most people in New Zealand to be able to identify civil legal issues in their problems and find out options and strategies for dealing with them, including whether and how to access a lawyer, via easily found and free information, self-help tools and assistance..
 - Increase coordination and collaboration among stakeholders in the justice and community system to provide more connected assistance to people in New Zealand.
 - Support and resources for the development of best practice OLISH that makes use of the technologies that are most preferred and effective for users or particular user groups.
 - Increased online support for community helpers (legal or non-legal)
 - Improve trust and confidence in the justice system.
- Organisational
 - Connect to legal information and assistance, more people, or more people from particular communities, or who face particular challenges
 - Connect more people to particular services
 - Improve service efficiency (e.g. increase user ability to find information and complete certain tasks without calling a help line)
 - Improve service access and qualities

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