

Legal Services Corporation	Technology Initiative Grants
Bay Area Legal Aid (805270)	TIG # 14028

## Project Narrative

### 1. A full description of the project, including the specific technologies the project will develop or implement

Bay Area Legal Aid (BayLegal) requests funds to create online forms to be used by its Consumer Law project. In California, debt collection cases are not filed in small claims court. They proceed according to the rules of civil procedure, which are overwhelmingly complex for pro per litigants, an advantage exploited by debt collectors which can only be countered through an efficient use of legal aid attorney resources. The project will address each of the areas identified as essential in removing procedural barriers for pro per consumers overwhelmed by civil procedure processes in superior court: a) letters to address pre-litigation mitigation of debt for low-income consumers; these include cease-and-desist letters, debt verification letters, and dispute letters to creditors before litigation starts; b) litigation documents for self-represented litigants, initiated by the person we assist or as necessary in response to filings by debt collection attorneys; for example, motions at all stages of proceedings which can be prepared for pro per use, such as motions to set aside default judgments, motions to change venue, motions to quash for improper service, motions for summary judgment, and motions in limine; and c) post-judgment remediation documents and forms, such as wage garnishment and enforcement of judgment claims of exemption. Coupled with in-house resources developed through this TIG, we will generate a high-value bundle of documents to be uploaded to LHI. Organizations across California will access our documents through the LSC-approved information and referral statewide website [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org). This project is scalable beyond the three current Consumer Project service counties; in fact, we are starting a pilot expansion as a courthouse-based clinic in collaboration with the court's self-help program in a fourth county by 2015. The TIG funding will permit this to be a full roll-out of a clinic offering consumer law services to a population in an area where there are currently no such services. Finally, this project is structured not only to create a discrete set of documents in consumer law, but to train BayLegal staff in development skills so that BayLegal can continue to develop other automated documents in the future. BayLegal's use of TIG funds thus will result in work product that can enhance services within 12 months, but also foster development of automated document production within other clinics in housing and family law that use a similar outreach to pro se and pro bono providers.

### 2. Need for the project

Through the Consumer Rights Clinics, BayLegal's consumer law practice area currently serves over 400 consumers annually in three counties with 2.1 FTE staff attorneys and a handful of law students. This model has significant room for improvement in efficiency and scale which will be realized through the implementation of online forms and automation of manual tasks. We currently provide high-capacity service through the use of clinics to triage issues and screen for more complex cases. A study in 2010 showed that in three Bay Area counties alone, there were 96,000 debt collection cases filed. The FTC estimates that 95 percent of these cases nationwide result in default judgments against consumers. BayLegal's consumer law unit recognized this need and addressed it with unbundled services at pro per debt clinics; a TIG grant to efficiently expand services into the courthouses is a natural outgrowth of this highly successful services delivery model. Adding an automated document creation component to our work in the consumer area will enable a dramatic expansion of our work to all seven service counties, and will provide immediate and necessary services both to clients and to pro per litigants empowered to defend against collection actions with the assistance of the clinic. The effect of debt collection lawsuits on low-income communities is far reaching and severe. Senior citizens are shut out from access to subsidized housing units because they have default judgments on their credit reports. Low-income tax credit properties have a debt limit for applicants of \$2500, which will never come off a credit report once a person has been sued and that debt has been reduced to judgment. Low-income wage earners face garnishment of the income they need for basic necessities, creating housing and food insecurity. Former foster youth and domestic violence survivors come to our clinics

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because they have been sued on debts incurred by their family members in their names. Our low-income client population is particularly vulnerable to abuses by debt collectors, whose threats results in settlement agreements that are unsustainable and lawsuits which intimidate pro per litigants into unfair and untenable agreements. The Consumer Rights Clinics empower consumers to fight against these unfair practices and to understand their rights. With the assistance of well-trained law students and volunteer attorneys, the clinics are able to serve people on a scale far beyond that of the two staff attorneys who run the program. This TIG grant will allow for the expansion and easy replication of this highly effective project by using forms that bring in expert knowledge in online forms, making the process, faster, error free, and scalable, as well as accessible from remote sites.

### **3. Project Goal, Objectives, Activities, and Evaluation**

#### **a. Specify the project's goal and the objectives to achieve the goal. Explain how this will increase the quality or quantity of client services and/or enhance the grantee's operational effectiveness and efficiency**

The project goal is to enhance the delivery of legal services by BayLegal's Consumer Rights Clinics through the creation of online forms hosted on the LHI server. Our objective work product is to produce three packets of materials which allow pro se representation and which enable pro bono lawyers to represent in debt relief actions. One objective is to select and produce sets of forms most useful to pro se clinic clients and to assist pro bono attorneys without great expertise in Consumer Rights. Second Objective is to develop in-house capability to develop automated documents and processes, for use with Consumer Rights Clinics and with other of our clinics in other substantive areas.

#### **b. Identify the strategies and activities that will be undertaken to achieve each of the project objectives.**

- 1) Convene an advisory group made up of Bay Legal staff necessary to complete the project, led by Claire Johnson and Anthony White. Representatives from the courts, Bar Associations and other non-profits working on consumer issues will be invited to participate. This group will provide feedback on identifying the documents to be created or gathered, prioritization of packages for automation, help with instructions for the different type of pleadings/services provided by Bay Legal in the clinics, and eventually will be the group that helps with testing and outreach once the tools are at that stage.
- 2) Engage with our Development contractor in a wide-ranging review of how the Consumer Rights Clinics presently operate and how their processes and information systems/tools can be further optimized to enhance both efficiency and quality. The tools to be developed might include intelligent checklists and even 'expert systems' in addition to traditional document assembly. The up-front analysis would also help define and gather some 'before and after' metrics.
- 3) Confirm discrete work product needed to provide debt relief representation in 3 case use scenarios a) in pro per b) in full representation by Bay Legal advocates and staff and c) in unbundled pro bono cases.
- 4) Contract Developer would produce some of the sets identified into pilot deployments that can be tested and deployed custom made for our different clinic models and settings.
- 5) Make all public facing materials and instructions plain language and readable by non-attorneys. Translate the plain language materials to Spanish.
- 6) Work with LAAC, to post these materials in a consumer public facing page at lawhelpcalifornia.org from where the public at large can find the resources. Work with LAAC to provide reports of usage once the outreach starts.
- 7) Organize intensive on-site training and mentoring to pass developmental skills from our contractor to BayLegal staff. Naming conventions and other design standards would be settled to guide ongoing development of further automated documents.

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**c. Identify the evaluation methods and data sets that will be used to evaluate the project.**

- 1) Work with an internal advisory group of BayLegal Consumer law experts and others within the national Consumer community to confirm most effective litigation documents.
- 2) Links to A2J/LHI interviews developed and implemented—test them with lawyers at the clinics, and with real users to gather feedback before they go live. Evaluate for ease of use and easy of users to follow written instructions.
- 3) Track staff time use before the forms go live—develop a set of metrics to track a comparison of how the cases were being staffed before and after the forms go live. Design a way to collect and store that data for the evaluation. Staff surveys regarding impact on their efficiency and effectiveness to pro se clients and pro bono attorneys and law clerks in our clinics. This will include metrics provided by PBN on the use of online forms on a quarterly basis, as well as lawhelpcalifornia.org website metrics, and internal CMS metrics.

**4. Justice community partnerships**

BayLegal’s existing clinics are highly successful in large part due to partnerships with the community-based organization SparkPoint, a project of the United Way Bay Area, and the local county Bar Associations. SparkPoint, comprised of multiple service providers in one location, provides on-site assistance to help families to get out of poverty. BayLegal provides legal services to low-income pro per litigants and provides technical assistance to SparkPoint partner organizations. BayLegal conducts regular trainings for non-attorney staff and direct education of consumers, including that provided at each of the Consumer Rights Clinics. The collaborative partnership with SparkPoint has identified a clear unmet need in areas with high levels of poverty and unemployment and very few legal resources. SparkPoint allows BayLegal attorneys to be in the community and to directly triage issues and recognize trends that need to be proactively addressed.

The Contra Costa County Bar Association (CCCBA) has been a critical partner in the build-out of BayLegal’s two clinics in that county, which serve approximately 40 people each month in two locations. The CCCBA has been a valuable partner over the last three years of our consumer law clinics by allowing us to utilize its impressive network to reach pro per litigants. CCCBA serves a geographically large county with a highly diverse population and a high rate of poverty, but the Association manages to reach pro per defendants throughout the county who speak many languages and have widely differing levels of technical skill and computer literacy. Our pro per litigants find the clinics through referrals from CCCBA materials distributed to the law library, the self-help desks, the judges themselves, the CCCBA website, and many, many community-based organizations and county social service organizations. It is in large part thanks to the CCCBA outreach network that our clinics have become so popular and word about them has spread so far. By using existing networks of outreach, BayLegal is able to make a distinct and valuable impact in underserved communities

**5. Replication**

This state court form-based project will provide a model that can be replicated throughout California. The existing [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org) portal, in conjunction with outreach through community-based organizations and the courts’ self-help centers, will drive pro per litigants to the clinics where these forms will be in use. BayLegal’s project will build on consumer forms built in New York State, NY Consumer Debt Advocate Package, which was created with IOLTA funds.

In terms of TIG replication projects, we will review the work of the TIG grant that ALAS received to prepare prototype documents in the consumer arena in partnership with the National Consumer Law Center. The project created a helpful list of documents that were shared with the national community in 2011. <http://www.probono.net/dasupport/library/folder.357449>. We will look at these materials to see if any of them could be part of our 3 packages. In addition, we will look at some of the consumer law forms created by Arkansas Legal Services and Pine Tree legal assistance created through a TIG grant to develop consumer materials for veterans. That collection of templates has a set of consumer pleadings that could

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perhaps be incorporated into our project. We will also look at other forms created by other project available through the LHI portal—to see if they could be modified for our project. For example, Orange County Superior Court has recently deployed a small claims triage interview. This interview was not TIG funded, but has been supported by PBN through the Ohio National grant. We will study that interview and see if that is an approach that could be helpful in this projects.

### **6. Program capacity and the project staffing**

This project planning thus far has involved BayLegal's Director of Information and Technology, Anthony White; our Executive Director, Alex Gulotta; our Consumer Law Project leader, Staff attorney Claire Johnson Raba; and from Pro Bono Net, Claudia Johnson. All four will be involved at one level or another in this project. Anthony White, who has supervised two prior TIG grants for BayLegal, will serve as project coordinator, supervising relations with contractors, internal staff development and integration into BayLegal technology systems; Claire Johnson Raba will be responsible for content development, managing deployment in clinic settings and evaluation; Alex Gulotta in overall administration, using his experience managing very large technology grants for his prior law firm, Virginia Justice Center; and Claudia Johnson as coordinator with Pro Bono Net and LHI. BayLegal intends to use existing staff or hire new staff that can have a portion of their time dedicated to automated document production.

### **7. Past performance**

BayLegal has successfully completed two prior TIGs, in 2001 and 2004. The first in 2001 underwrote development of the infrastructure of BayLegal as a newly merged law firm across 7 urban counties. The basic systems for communication and groupware and remote access still form the core of our infrastructure and ability to work as a regional law firm. The second in 2004 supported the development of what became BayLegal's Legal Advise Line (LAL). Using the TIG, our LAL was able within a year of starting to demonstrate dramatic changes in our ability to provide the highest quality intake and referral sources, equally across or entire service area. Claudia Johnson was engaged as the first Managing Attorney, and along with Anthony White, supervised on every level the implementation of the TIG and of our LAL. The fact that BayLegal will have both of these Legal Technologists working on this TIG is a strong indicator of further success with a new TIG.

### **8. Sustainability of the project**

We anticipate that with success in developing and deploying a first set of debt relief documents, we would work toward building in document assembly costs into our litigation and program budget. The cost of 50% of an FTE of staff devoting time to this work, ongoing, could be anticipated. Our strategy for sustaining these costs is involved in a larger Capital Campaign that is being launched with a \$6 million goal over 2015 – 2017. While the specific areas that will be supported using these new resources has yet to the developed by the Campaign Advisory Group, we anticipate devoting resources to our advocacy capacity, including enhancing IT resources and developing document assembly systems that can keep BayLegal work product of the highest quality and able to support pro bono efforts in all of our seven county service area.