TIG FINAL EVALUATION REPORT

Grantee Name: Legal Aid Society-Louisville   **TIG Grant Number:** 07357
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I.   Project Goals and Objectives:

The overall project goal of our Technology Initiative Grant was to enhance the ability of low-income Kentuckians to proceed pro se in divorce cases and increase the effectiveness and efficiency of the courts in processing pro se divorce cases. More specifically, our goals were to:

- Develop court forms for divorce with- and without- children for self-represented litigants in Jefferson County, Kentucky. Jefferson County is home to the city of Louisville, constituting Kentucky's largest urban center and almost a quarter of the entire state population.
- Use HotDocs and A2J Author to automate forms developed for Jefferson County so that pro se litigants can easily, accurately, and effectively produce pro se pleadings.
- Implement these forms in 10 additional judicial districts
- Work with the courts, bar associations, and Kentucky's Administrative Office of the Courts to produce automated documents in two other substantive legal areas.
- Improve the efficiency of the state's pro se delivery system.

II. Evaluation Data and Methodologies:

The evaluation data gathered for this project came from a variety of sources. Over the course of the past year, we have conducted user surveys, interviews, and have actively sought recommendations from members of Kentucky's legal community in order to improve our programs. Furthermore, much of the data involves factual elements, such as whether Jefferson County Family Courts accept our forms and whether the forms comply with state and local rules.

III. Summary of Major Accomplishments, Recommendations, and Future Steps:

This project far exceeded all expectations. This grant proposal was originally conceived as a cooperative effort between Legal Aid and Jefferson County Family Court to create and distribute divorce packets to Louisville's pro se litigants. By the end of the grant cycle, we had gotten Kentucky's Supreme Court on board and willing to make our divorce packets standardized forms available online and accepted statewide. Other notable achievements:

- Developed 15 forms for Divorce with Children and 14 forms for Divorce without Children, all of which are currently accepted in Jefferson County courts.
- Automated all of these forms into A2J Author and Hot Docs interactive programs for use by self-represented litigants.
- Conducted usability testing and enhanced the quality of our program through recommendations from advocates and court personnel.
- Received significant usage of the online divorce programs, with the program being accessed over 800 times in the grant year.
- Developed two more high-priority sets of automated forms and released programs for small claims and criminal record expungements. In addition, the Divorce Without Children program was translated into Spanish for use by Kentucky's sizeable Spanish-speaking population.
- Anecdotal evidence from courts and clerks indicate that the automated forms have made accessing and completing legal forms much easier on clients and much easier to file for clerks and judges.
- Because of the success in Jefferson County, the Kentucky Supreme Court has indicated that it will make these form packets standardized for use statewide.
- We have learned the importance of building strong court partnerships and can attribute many of our successes to that aspect of the grant.
- Moving forward in 2009, we will be working with the Supreme Court to implement these standardized forms for divorce with- and without-children, with their statewide adoption tentatively scheduled for the spring.

IV. <u>In-Depth Analysis of Accomplishments:</u>

Accomplishment 1: Developed court forms for pro se litigants in Jefferson County, specifically for (1) Divorce without children, and (2) Divorce with children.

Legal Aid partnered with Jefferson County Family Court to help develop a pro se divorce packet for Divorce With Children and for Divorce Without Children. This packet includes everything a self-represented litigant could need in filing for their own divorce, from the initial petition to the decree of dissolution and even a form to waive the court costs if the litigant cannot afford them. These forms were written and developed for low-literacy litigants to navigate effectively.

The Divorce With Children packet contains 15 forms in total. While not all of the forms are always applicable for each client, the forms cover an array of potential situations and ensure that the packet contains everything a client could need to file for their own divorce. The packet also contains written instructions for each and every form, to give clients the information they need to fill the forms out accurately.

The Divorce Without Children packet is equally comprehensive and self-explanatory. There are 14 available forms for Divorce Without Children and they too were developed in cooperation with the Jefferson County Family Court. Listed below are all the forms that were developed for Divorce in Jefferson County:

- Overview Instructions of Self-Help Forms
- 1a: Instructions for Petition for Dissolution of Marriage
- 1a: Petition for dissolution no children
- 1b: Instructions-petition with children
- 1b: Petition for dissolution with children
- 2: Entry of appearance and waiver pro se
- 2: Instructions-entry of appearance
- 2a: Instructions-mandatory case disclosure - without children
- 2a: Mandatory case disclosure pro se - without children
- 2b: Instructions- mandatory case disclosure - with children
- 2b: Mandatory case disclosure pro se - with children
- 2c: Respondent's mandatory case disclosure acknowledgment
- 3a: Instructions-marital settlement agreement no children
- 3a: Marital settlement agreement pro se - no children
- 3b: Instructions - child support calculations
- 3b: Instructions-marital settlement agreement with children
- 3b: Marital settlement agreement pro se - with children
- 4: Deposition of petitioner
- 4: Instructions for deposition
- 4a: Name change
- 5a: Instructions - findings & decree - without children
- 5a: Findings & decree
- 5b: Findings & decree - with children
- 5b: Instructions - findings & decree-with children
- 6: Decree
- 6: Instructions - default judgment & decree
- 6: Motion for default judgment
- 7: Instructions - warning order attorney
- 7: Warning order attorney affidavit
- 8: Instructions - motion to move case forward
- 8: Motion to move case forward
- 9: Instructions for motion order & affidavit (in forma pauperis)
- 9: Motion-Order & Affidavit (IFP)
- Families in Transition Out
- 10: NMO Schedule Hearing

Because these forms were developed specifically by Jefferson County Family Court with our help, they were accepted immediately. In fact, Jefferson County clerks are the main point from which the forms are distributed. Jefferson County Family Court judges and clerks therefore accept 100% of these self-help divorce packets, provided that the litigant has properly filed them.

Accomplishment 2: *Used HotDocs and A2J Author to automate divorce forms developed for Jefferson County that enable pro se litigants to easily, accurately, and effectively produce pro se pleadings.*

To help turn our form packets into interactive online forms, consultant Steve Simon was hired to automate our forms. Our first project was to automate the Divorce Without Children forms. The Divorce Without Children automated form program was released online and to Jefferson County in January of 2008. This program was dubbed the Kentucky Online Self-Help Assistant, or "KOSHA." KOSHA experienced immediate success, with the forms being accepted by the courts and the clerks being responsive to our request that they direct clients to the online forms.

The online forms were also successful in how they were received by clients. Usability testing occurred at Legal Aid in the form of observing clients with varying levels of computer literacy navigate the online forms. There were also ten surveys conducted of clients to determine their level of adeptness on a computer, which were then matched up with how easy they thought it was to use the online program. Results of the testing were very positive, with even the most computer illiterate users successfully completing their form packets. The few confusions that arose (which all related to the "assets" section of the divorce program) were incorporated into the revisions made to the program.

Other usability testing included tests conducted by advocates and clerks, who were then interviewed for suggestions on how to improve the forms. Advocates overwhelmingly approved of these forms, with the one recurring recommendation being that we make sure the signature blocks stay on the same page to comply with case requirements. This suggestion was followed, as was the clerks' suggestion that we put identifiers ("This form provided free of charge by KOSHA") on the bottom of each form to ensure that no client be charged for the use of these forms by private attorneys.

After the programs were successfully tested, the divorce without children program was posted on Kentucky's statewide legal services website, www.kyjustice.org. Since that time (mid-January), over 800 clients have accessed the program. Anecdotal evidence provided by Jefferson County family court judges and clerks indicate that the online guided interviews have made it much easier for self-represented litigants to prepare accurate court pleadings. We know that clients are finding the divorce program online, using it, and having success with filing their forms in court in Jefferson County.

As a final note on the form automation, the development of the Divorce With Children automated program was delayed until the fourth quarter of 2008. This decision was based on political concerns within the state. Fortunately, at that point in the process, the Chief Justice accepted our form packets for Divorce With Children and Divorce Without Children statewide, so the political concerns no longer exist. Furthermore, the Divorce With Children program has been developed with a focus on statewide use.

Accomplishment 3: *Implement in 10 additional judicial districts the automated forms and guided interviews developed for Jefferson County*

Our third accomplishment was to implement the automated forms and guided interviews in ten additional judicial districts. Over the past year, we have worked closely with courts to implement the Jefferson County forms and interviews in different judicial districts. The

first three judicial districts that we successfully implemented the forms in were Christian, McCracken, and Warren Counties. These three counties (the three most populous counties in western Kentucky) accepted KOSHA forms and the modules without requiring modification at all. After that achievement, it became our goal to keep KOSHA forms the same for all counties targeted for expansion.

To that extent, we built solid relationships with seven other strategically selected districts and even had KOSHA forms being unofficially accepted in Bullitt, Oldham, Trimble, Henry, Shelby, and Hardin counties. Furthermore, we targeted and built relationships in Northern Kentucky and Central Kentucky which helped build the popularity of these forms statewide. We would have continued to push for the adoption of our forms in these counties but the Chief Justice of the Supreme Court of Kentucky made that need a moot point. In mid-November, the Chief Justice expressed his intent to make the Jefferson County divorce forms (With- and Without- Children) the statewide standardized form packet for self-represented litigants in Kentucky.

As far as use of these forms in the additional judicial districts, we have received reports that the KOSHA forms are making their way into courts statewide. While it was originally a concern that judges in non-KOSHA districts would frown upon seeing Jefferson County forms in their courts, we have learned that many judges are much happier seeing Jefferson County divorce forms in their courts instead of what they have seen in the past, namely forms from other states or inappropriate pleading simply found online and filed incorrectly. Thus, judges have been very accepting of the KOSHA forms and there is no question that KOSHA has made it easier for self-represented litigants to prepare and file accurate court pleadings.

Accomplishment 4: *Work with Jefferson County District Courts, the Louisville Bar Foundation, and Kentucky's Administrative Office of the Courts to produce automated pro se forms and guided interviews pro se forms in two substantive legal areas for statewide implementation.*

Along with the divorce module, the three other legal areas the KOSHA Advisory Committee put a priority on were (1) domestic violence, (2) criminal record expungements, and (3) small claims. As another Kentucky Legal Aid organization received a 2008 TIG for automating domestic violence protective orders, we made criminal record expungements and small claims our two areas for expansion. These forms are all AOC forms accepted statewide, are in high demand, and are forms that are used in Legal Aid clinics across the state. Automating these forms expands access to justice for constituents statewide and not just for Louisville/Jefferson County, as was the case with the divorce forms. This meshes with our statewide strategy of demonstrating the need for online self-help modules and statewide standardized forms.

After these priorities were set, Steve Simon was again hired to automate the appropriate forms. We developed Hot Docs and A2J Author guided interviews for the following forms:
- Small Claims
  - Complaint
  - Counterclaim

- Summons
- Post-Judgment Interrogatories
- Motion to Compel Losing Party to Answer Interrogatories

- Criminal Record Expungements
  - For Acquittal or Dismissal With Prejudice
  - Of Misdemeanor or Violation Conviction

In addition to these programs, we translated the Divorce Without Children program into Spanish for Jefferson County's sizeable Spanish-speaking population. The program was also put online and the printed forms come out in English, ready for court filing. This decision has been very popular and has typified Legal Aid Society's commitment to all of Louisville's low income constituents, not just those who speak English as a first language.

These forms and guided interviews have all been posted on www.kyjustice.org, and are consistent with the state laws and requirements. Since that time, these forms and interviews have been marketed to the courts, the clerks, and the bar associations, to make sure that they are being used statewide.

Accomplishment 5: *Improve the efficiency of the state's pro se delivery system*

As of last year there were no automated forms available online and the thought of ever reaching statewide standardized forms for an area of law like divorce was considered unrealistic. Now we have a very successful online Divorce Without Children module available in English and Spanish, the entire catalog of small claims available, and criminal record expungements available online. Moreover, we have gotten forms for Divorce With Children and Divorce Without Children accepted statewide by the Chief Justice, which will be released in early 2009. There is absolutely no doubt that the efficiency of Kentucky's pro se delivery system of legal services has come a long way in a short period of time.

Much of this success is due to our aggressive outreach plan both to the media, as well as attending several face-to-face interviews with any judge, clerk, or bar association that wished to learn more about KOSHA. Professional looking flyers were developed and distributed to increase awareness of KOSHA. The program received prominent placement in several Legal Aid newsletters. Flyers were distributed at Kentucky Bar Association events. We have even gotten the state libraries involved in our efforts and have scheduled presentations at the state library conference in April 2009 to train librarians. We have built good relationships with every possible access point and in so doing we have ensured the long term success of this program.

V. Factors Affecting Project Accomplishments:

One factor affecting this project's accomplishments was cultural, specifically that some counties and judges were hesitant to adopt Jefferson County's pro se forms for Divorce With Children. The main concern voiced was that an attorney is needed when children are involved in a divorce. This one factor made it necessary to delay the release

of the Divorce With Children program until more support was gained for KOSHA. While the decision to delay the release of this program was a hard one to make, the strategy has proven fruitful in the end analysis.

VI. <u>Strategies to Address Major Challenges:</u>

The strategy to overcome certain courts' hesitance to accept Jefferson County's Divorce With Children forms and guided interview was essentially to build support for KOSHA and prove the usefulness of online guided interviews and then advocate strongly once widespread support for the program was there. Specifically, the strategy was to get several counties to adopt our forms and guided interviews for Divorce Without Children and then go back to them once they witnessed how much more efficiently their pro se docket moved with the aid of the online forms. This strategy was very successful in that it got more conservative counties and judges to adopt our forms without facing criticism for the issue of "splitting up families." This widespread support eventually grew to the point where now the Chief Justice has accepted our forms statewide, including Divorce With Children.

VII. <u>Major Lessons and Recommendations:</u>

There were many lessons to be learned with Kentucky's first automated documents project. Converting complex legal concepts into understandable forms and easy-to-use technology was a task that was very difficult to administer successfully. From our experiences, we have learned the lesson that to truly meet the needs of the self-represented litigant community we need to make the commitment to continually update programs and continually strive to make them even more user-friendly.

We have also learned a great deal in how to successfully advocate for statewide forms and expanded use of document assembly within a state. We chose areas of law that were high volume and problematic for the courts, demonstrated the non-controversial use of automated forms, and then took those successes and used them to prove their value to leaders in the legal community. This method has helped Legal Aid achieve successes in the duration of this grant that we did not previously think could happen. Therefore, our final recommendations are to:

1. Continue to have dedicated staff in Legal Aid programs to keep abreast of issues and technology pertaining to self-represented litigation.

2. Encourage statewide cooperation on matters affecting self-represented litigation to ensure that forms are current and are being accepted by applicable courts.

3. Continue funding of NPADO and encourage the growth of the developer's community.

4. Have LSC offer trainings not just on technology, but on how to effectively advocate for changing legal systems. There currently is no such training within the TIG program.