



## How Technology Will Transform Legal Services

By Jonathan H. Pyle, Contract Performance Officer<sup>1</sup>  
Philadelphia Legal Assistance

Technology will continue to change legal services in ways that make us more efficient, allowing us to do more of what we already do, but it can also be a game-changer. Technological advances may alter how we see our mission, and what we do with our time. I see this happening in two major ways. First, changes in technology are making it feasible for us to provide meaningful service to whole populations, not just those few who make it through our intake systems.



Second, as public and private sector entities are accumulating more and more data about our clients, legal services advocates have an opportunity to harness the power of data and use it to protect the interests of our client population.

### We Will Serve Everyone in Some Way

Technology improvements facilitate the delivery of effective legal help by less expensive means than attorney-client communication, such as computer-client communication and nonattorney-client communication.

The Legal Services Corporation 2013 Summit on the Use of Technology to Expand Access to Justice set a goal of “transforming service delivery so that all poor people in the United States with an essential civil legal need obtain some form of effective assistance.” To provide meaningful service to “all poor people” is an ambitious goal, but it is achievable.

Legal service organizations can reach this goal by providing multiple tiers of service:

- Automated service: document assembly, checklists, videos, expert systems, legal information, referrals.
- Non-lawyers supervised by lawyers: legal advice, pro se assistance, limited representation, in-court advocacy by non-lawyers.
- Attorney assistance: representation and litigation.

To meet the goal of providing “effective assistance” to “all poor people,” legal services organizations will need to recognize that each tier of assistance is equally important and deserving of continuous quality improvement.

The first tier of assistance, in which legal services is provided electronically, is likely to see the most dramatic change.

Technology is mastering the art of delivering information. When we want to acquire information, we can Google it; if we want to learn how to do something, we can find a tutorial on YouTube. Even if we are looking for a solution to a highly specific problem, we may find that some other similarly-situated person has asked the question on a website like *stackexchange.com* and received an answer that has been selected by others as authoritative. People who grow up with these technologies are going to expect to find their answers to legal questions online.

If technology improves (and it inevitably does), legal ethics rules will be modified to permit greater automation of the lawyer’s function. At the moment, it may not be ethical or technically possible to automate the drafting of a motion and its accompanying brief, but just wait. Currently, TurboTax can translate the complexity of the tax laws into a user-friendly interactive website that maximizes deductions and electronically files taxes for millions of people. These types of systems are only going to get smarter, will expand into other areas of law, and will connect litigants directly with court e-filing systems.

Today’s rules of civil procedure, which seem to be based on the logistics of eighteenth century law practice, cannot last forever. There is no good reason why filing a complaint or a motion needs to feel like translating English into Latin, as opposed to ordering a product from *Amazon.com*. People will expect to be able to interact with the court directly.

Whether these changes will facilitate access to justice for the poverty population, or simply make it

© HOW TECHNOLOGY WILL TRANSFORM LEGAL SERVICES  
Continued from page 35

easier for the powerful to sue the less powerful, will depend on how legal services organizations respond to the changes. Other than legal services lawyers, who will step up to make these technologies available to low-income people?

Providing high-quality automated services will be feasible, but will require a cultural shift within legal services organizations. Today, many lawyers think, “I don’t have time to create materials for the website — I have a waiting room with 30 people in it!” What such lawyers may not appreciate is that on the same day when there are 30 people in the waiting room, there may be 100 similarly-situated, income-eligible people who are trying to find the answer to their legal questions on the legal services organization’s website, and failing because the website has insufficient content. In addition, there may be 500 similarly-situated people in the service area who never heard of the legal services organization and who are trying to find the answer to their legal problem using Google. Many of these searchers will find false or misleading information from internet message boards and the websites of disreputable businesses.

Isn’t the mission of a legal services organization not only to serve the people who walk in the door, but also to serve the poverty population as a whole? Would it not be preferable if low-income people could find answers to their legal questions using Google (or with help from a librarian or social worker) rather than having to take time off work to go to a legal services office? If it is feasible for legal services lawyers to create the conditions under which low-income people can find quality solutions to their legal needs without visiting a legal services office, would it not be a good investment of time for legal services lawyers to create these conditions?

In addition to adjusting the way they allocate their time, legal services lawyers may have to operate outside

---

It is feasible that in the future, legal services organizations will have access to up-to-date information about every income-eligible adult in the service area.

---

their comfort zones. In order to create effective document assembly forms and expert systems, it will not be enough for legal services lawyers to be good at interviewing clients one at a time and identifying legal issues present in the clients’ individual cases; they will need to be able to translate their legal knowledge into a set of generally applicable rules (*e.g.*, “if the answer to question A is true and the answer to question B is false, then it is necessary to ask question C, and if the answer to question C is false, then legal guidance D is relevant”). Like the transactional attorney who drafts an airtight contract, the legal services lawyer will need to be able to anticipate every eventuality in advance.

In order to provide legal guidance using websites, videos, and other electronic media, legal services lawyers will need to recognize that they are in the adult education business. They need to be not just legal practitioners, but law professors who can teach complicated legal concepts in a short amount of time, using plain language. Perhaps they can write a persuasive brief that is read by a judicial clerk and opposing counsel, but are they comfortable writing for an audience of thousands? Perhaps they could present an excellent one hour CLE to their colleagues, but can they also design a four-minute YouTube video that teaches the most important points of that CLE to an audience of non-lawyers? And even if they are able to communicate well using words, can they also communicate effectively using images? Like trial lawyers who are expert at making a connection with juries, legal services lawyers will need to be able to use whatever communication techniques will keep an audience’s attention and make an impact.

The second tier of assistance, in which service is provided by non-lawyers, will become more important as technology makes it possible for lawyers to serve greater numbers of people indirectly by training, monitoring, and guiding non-lawyers who interact directly with clients.

In Philadelphia, for example, 3,000 homeowners are sued in foreclosure every year, and a handful of foreclosure lawyers at Philadelphia Legal Assistance (PLA) serve each one of them, directly or indirectly, by:

- Coordinating a network of 20 neighborhood organizations who send outreach workers to knock on the doors of every homeowner sued in foreclosure and provide legal information;
- Supervising PLA paralegals who operate a foreclosure legal assistance hotline that receives 13,000 calls each year from homeowners in distress;
- Training and mentoring housing counselors who advocate for homeowners in the court’s mediation

program, helping homeowners negotiate with lenders' attorneys for affordable loan modifications; and by

- Triaging the cases and selecting for full representation those cases where litigation will have the greatest effect.

Technology helps make it feasible for lawyers to monitor and continuously improve the quality of service being delivered to thousands of homeowners. The outreach workers report the results of outreach through a mobile app that communicates information back to PLA's case management system. Using Google Calendar, PLA paralegals can schedule a client for a housing counseling appointment at one of 25 different housing counseling agencies in a process that takes seconds. Every day, a computer checks the dockets of 6,500 active foreclosure cases and generates notifications when a case appears not to be working out, so that attorneys can follow up to make sure that everything possible has been done to prevent a sheriff sale.

Lawyering from the air traffic control tower may feel more remote than directly representing clients, but it is a way that the expertise and guidance of a single lawyer can be amplified to touch an entire service area.

### **Everything That Happens To Our Clients Will Be Logged**

In the future, we can expect that more and more information about our clients will accumulate in databases. Databases for credit reporting and criminal records will be just a small part of the information that public and private sector entities accumulate about our clients. Massive data collection is both a threat and an opportunity.

On the negative side, this information will be used against our clients. Our clients may be denied employment or benefits, erroneously or unfairly, because of an entry in a database somewhere. To protect the interests of our client population, legal services organizations will need to advocate, on a systemic and individual level, against data collection practices and uses of data.

On the positive side, some of this data collection will not be harmful, and legal services organizations will be able to use the information in new ways to serve individual clients more efficiently and effectively and as a tool for systemic work.

If a database exists somewhere, its contents can be at our fingertips. Increasingly, government agencies are putting their databases online, and private sector organizations sell access to their data. Data from one data source can be cross-checked against data from different

data sources. The technical barriers and privacy barriers to aggregating and analyzing data keep getting lower.

It is feasible that in the future, legal services organizations will have access to up-to-date information about every income-eligible adult in the service area. We won't need to ask intake questions because we will have the information already; we will simply need to know the applicant's name and match it to an entry in a database. This has already started at PLA, where our case management system is configured so that once a client's address is entered, the attorney or paralegal can press a button and the computer will automatically look up the homeowner's court case on the court's website and summarize the history of the client's foreclosure case, including what housing counselors they have seen, the dates of scheduled sheriff sales, how much the homeowner owes in real estate taxes, and other pieces of information from various databases.

Beyond streamlining intake, having access to databases of information will help us make better decisions.

When deciding priorities for what extended representation cases to take, we can move beyond anecdotes and subjective impressions of what the most serious problems are. Before we invest resources trying to prevent a bad fact pattern from recurring, we can check to see how often that bad fact pattern takes place. If the fact pattern in our client's case only happens to five people per year, why should we pursue that case when we could pursue another case where the fact pattern happens to 500 people per year? Or, if we decide to sue a company, we can make sure we sue a company that has a pattern and practice of targeting people in the poverty population, rather than a company whose poor treatment of our client was a mere blemish in an otherwise good track record.

By analyzing data, we will be able to identify legal issues that might not show up at intake. For example, I have a database of all the docket entries in all 30,000 foreclosure lawsuits filed in Philadelphia during the last seven years, and I can analyze these docket entries for anomalies. With a database query, I was able to identify cases where the plaintiffs' attorneys violated court

---

By analyzing data, we will be able to identify legal issues that might not show up at intake.

---

© HOW TECHNOLOGY WILL TRANSFORM LEGAL SERVICES  
Continued from page 38

---

rules by taking a default judgment before foreclosure mediation took place. I sent e-mails to the plaintiffs' attorneys and the court, letting them know what had happened, and the plaintiffs' attorneys took corrective action. Technology allowed us to protect the integrity of the court's rules, and possibly deter future violations, even though we did not represent the homeowners who were harmed.

Having access to massive amounts of data will make us more effective advocates for systemic change. For example, when the local court proposed a rule change that would remove homeowners from the foreclosure mediation program after a certain period of time, I was able to use our database of foreclosure dockets to calculate exactly how many homeowners who had saved their homes through foreclosure mediation would have been prematurely removed from the program had this rule been in effect from the beginning. We cited this statistic in opposing the rule change, and the court abandoned its proposal.

By using "Big Data" in these kinds of ways, we have the ability to represent the poverty population as a whole in nontraditional, but very concrete ways. We will be able to identify legal claims by querying databases rather than by waiting to see if a case comes in through intake. By cross-referencing the results of database queries with the clients in our case management systems, we will be able to assemble mass joinder cases from our existing client base, even if those clients did not know they had a claim when they came to us.

Big data sets also allow us to measure client outcomes more accurately and conveniently. Many outcome measurements can be made automatically, such as: Did you finally get divorced? Are you still living in the home you were trying to save? Did you get out of debt? Instead of spending resources on follow-up letters and phone calls that only have a 5% response rate and that only measure one or two points in time, we can use technology to obtain objective information about outcomes for 100% of clients, automatically and continually.

## Conclusion

Technological innovation in legal services, and the funders that support it, may seem to be pushing legal services organizations to think of our clients as mere

numbers, and to provide many people with less service than they need, instead of providing fewer people with the full representation they really need. However, that is not the choice we face. The legal-technological environment will change around us even if we do not innovate, and we will not be able to protect the interests of our client population in the new environment if we do not find ways to turn the technological changes to our clients' advantage.

- 1 Jonathan Pyle is the Contract Performance Officer at Philadelphia Legal Assistance (PLA), where he is responsible for compliance, reporting, and implementing new uses of technology to analyze, streamline, and expand service delivery. Before joining PLA in 2008, he practiced law in the areas of class action defense and government investigations, and served as vice-president of a management consulting company. Jonathan may be reached at [jpyle@philalegal.org](mailto:jpyle@philalegal.org).

© A READER RESPONDS  
Continued from page 39

---

future. Appropriately focused and institutionally restrained, such leadership can make major and positive differences in the trajectory of our national and state-based civil legal aid systems and the resources available to them.

- 1 Jim Bamberger is the Director of the Washington State Office of Civil Legal Aid, a judicial branch agency that secures and administers \$23 million in biennial state legislative appropriations for civil legal aid. A former "Reggie Fellow," Jim spent more than 25 years in the civil legal aid movement before being appointed by the Washington Supreme Court in 2005 to serve as the agency's first Director. Jim is active in the state and national equal justice communities and has written widely on issues relating to the delivery of civil legal aid. Jim may be reached at [jim.bamberger@ocla.wa.gov](mailto:jim.bamberger@ocla.wa.gov).
- 2 Sandefur, R., *The Impact of Counsel: An Analysis of Empirical Evidence*, Seattle Journal for Social Justice Vol. 9, Issue 1 (Fall/Winter 2010) at 61. <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1076&context=sjsj>.