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*FEATURE*

**“C U IN CRT”: LEGAL AID  
STRAIGHT TO YOUR PHONE**

*by* JESSICA RATNER

“I will not talk—I want my lawyer.”<sup>1</sup> When an indigent criminal defendant utters these magic words, the Constitution mandates that a public defender be provided free of charge.<sup>2</sup> However, low-income individuals facing common civil legal problems—such as family, housing and consumer issues—are not entitled to this same right to representation.<sup>3</sup> While the government-funded Legal Services Corporation (LSC) provides legal representation to some eligible, low-income clients, there are simply not enough available resources to meet the ever-growing demand.<sup>4</sup> As a result of this disparity, commonly known as the ‘justice gap,’ low-income individuals often end up facing their legal problems with little, if any, guidance.<sup>5</sup>

The statistics surrounding the justice gap are staggering.<sup>6</sup> While one in five Americans qualified for civil legal assistance in 2012, studies nevertheless indicate that 80 percent of civil legal needs of low-income people go unmet.<sup>7</sup> The LSC estimates that at least 50 percent of eligible applicants are turned away due to insufficient resources.<sup>8</sup> With only one legal aid attorney available for every 6,415 low-income people, this result is not surprising.<sup>9</sup>

While the vast majority of low-income Americans do not have access to an attorney, there is one thing that 87 percent of American adults do have—a cell phone.<sup>10</sup> What if the solution to delivering necessary legal services to those in need was only a text away? Many legal aid organizations are asking this very question and have begun using technology to develop new ways of reaching clients.<sup>11</sup>

#### A SHIFT FROM PERSONAL TO VIRTUAL REPRESENTATION

Legal aid organizations have taken advantage of technological advancements in order to effectively reach greater numbers of low-income litigants, despite conventional resource limitations. For example, since its inception in 1993, CARPLS Legal Aid Hotline has provided telephone-based legal advice and referral services to low-income residents of Cook County.<sup>12</sup> Additionally, Illinois Legal Aid Online (ILAO) has been a frontrunner in developing websites to assist litigants in resolving their legal matters.<sup>13</sup> Following ILAO's lead, every other state now has at least one legal aid website.<sup>14</sup>

At the federal level, the LSC Technology Initiative Grants (TIG) program funds the development of new technologies to efficiently deliver legal services.<sup>15</sup> Since the program began in 2000, the LSC has funded over 525 TIG projects, totaling over 40 million dollars in advancements.<sup>16</sup>

#### A MOBILE APPLICATION OF THE LAW

As technology continues to improve, so have the options for narrowing the justice gap. The use of mobile phones is the new frontier in the efficient delivery of legal services. With 87 percent of American adults owning cell phones and programs in place providing free and low-cost cell phone plans to eligible

low-income people, cell phones may be the final link connecting litigants with necessary resources.<sup>17</sup>

The advent of wireless internet access on mobile devices has served to bridge the digital divide by making the internet accessible to individuals previously unable to afford a desktop computer and broadband connection.<sup>18</sup> Data from April 2012 reveals that approximately 55 percent of cell phone owners use their phones to go online—a rate that has nearly doubled over the past three years.<sup>19</sup> Furthermore, research indicates that young adults, minorities, people without college experience, and those with lower household incomes are more likely than other groups of cell phone owners to rely on their phones as their main source of internet access.<sup>20</sup>

In light of these statistics, legal aid organizations have started to take advantage of technological advancements to reach clients via cell phones.<sup>21</sup> The primary means of delivering legal information to low-income populations is through the development of mobile applications (apps).<sup>22</sup> With the support of an LSC-funded grant, ILAO successfully developed the first ever mobile app of this sort, which launched in October of 2011 and had over 8,600 downloads as of April 2013.<sup>23</sup> The Illinois Legal Aid Mobile App, which can be downloaded free of charge on both Apple and Android devices, provides users with zip-code based referrals to legal service providers as well as comprehensive instructions and information on the most common civil legal problems.<sup>24</sup>

“The main advantage of the app is that it doesn’t require internet connectivity,” explains Teri Ross, Program Director at ILAO.<sup>25</sup> Once someone has downloaded the app, that person will have access to the most popular information available at [IllinoisLegalAid.org](http://IllinoisLegalAid.org).<sup>26</sup> Additionally, Ross explains that within the next year or two, ILAO hopes to switch over to a responsive design website, which will make [IllinoisLegalAid.org](http://IllinoisLegalAid.org) accessible from any mobile phone or tablet.<sup>27</sup>

One drawback of that app, notes Ross, is that current mobile device software does not support ILAO’s interactive forms tool, a free service that helps litigants prepare legal documents.<sup>28</sup> As of now, this feature of ILAO’s website can only be accessed from a computer.<sup>29</sup>

Another concern is that, “judges frequently tell us that although pro-se litigants’ pleadings have become legible and legally sufficient as result of ILAO’s

forms tool, those very same litigants often don't know what to say when they actually go up to the bench. Cue cards and scripts may be a solution to this problem," suggests Ross.<sup>30</sup>

To this point, mobile apps designed to assist litigants in court were a topic of discussion at the 2013 TIG conference.<sup>31</sup> Apps are currently being developed which direct litigants to courtrooms and helpdesks, as well as provide litigants with cue cards and scripts for court appearances.<sup>32</sup>

#### TEXTING A-WAY TO COURT

Another way in which legal aid organizations are beginning to take advantage of mobile communications is through SMS text-based campaigns.<sup>33</sup> For example, CitizenshipWorks, an online resource dedicated to helping low-income immigrants navigate the naturalization process, now offers SMS text-based services.<sup>34</sup> The CitizenshipWorks campaign, which launched in 2012, enables users to text the word "citizenship" to 877877 and receive an SMS text in response containing contact information for nearby legal services providers, as well as information and alerts about naturalization-related events in their community.<sup>35</sup> Additionally, ILAO is currently working with partners in other states on a TIG-funded SMS text project, which is expected to debut sometime in late 2014.<sup>36</sup> "We are currently in the stages of setting our parameters," Ross explains. "We have to decide on our target population, the type of information we want to provide, and whether we will provide referrals."<sup>37</sup>

There are many advantages to legal aid organizations implementing text-based communications.<sup>38</sup> By integrating texting capabilities into their case management systems, legal aid organizations are able to automatically send SMS text reminders to clients regarding appointments, court dates, and necessary information and documents to bring with them.<sup>39</sup> By providing this type of information via text message instead of in person or over the phone, organizations could better allocate their time and resources to reach a greater number of litigants.<sup>40</sup> Furthermore, delays resulting from litigants missing court or not bringing necessary information or documentation would be greatly reduced.<sup>41</sup>

Text messaging appears to be the preferred method of communication among legal aid clients.<sup>42</sup> "No one disagrees with the fact that people tend to text rather than make phone calls, and research shows that lower-income people

actually text more. In fact, when our partner organizations conduct needs assessments with clients, they have noticed that clients request this type of communication more and more frequently,” explains Ross. “Unfortunately, most organizations are not currently equipped with this capability. On a national level, organizations have begun investigating their options for expanding their communication systems.”<sup>43</sup>

#### NOT THE CELL-UTION FOR EVERYONE

While mobile-based delivery of legal services is an efficient method of bridging the justice gap, there are concerns with its growing popularity.<sup>44</sup> While the information provided via text messages and apps may be helpful in many situations, there are still a multitude of issues that can only be effectively addressed by actually talking over one’s case with an experienced attorney.<sup>45</sup> Further, it is imperative to maintain traditional methods of providing legal services for those whose access to technology is limited. While it is crucial for legal aid organizations to take advantage of the fact that *most* people own or have access to mobile phones, the lowest-income individuals as well as those who are less technologically advanced might not be accessible in this way.<sup>46</sup>

#### A POTENTIAL RESTRICTION FOR COOK COUNTY LITIGANTS

On April 15, 2013, a ban on cell phones and electronic devices went into effect in Cook County courthouses.<sup>47</sup> The ban is intended to address the issue of people misusing their cell phones during criminal proceedings—namely by taking photographs and videotapes to intimidate jurors and witnesses.<sup>48</sup> However, the ban might have unintended consequences for litigants in civil proceedings. Although attorneys, among other specified groups, are excused from the ban, litigants in civil cases are not exempt and will be prohibited from bringing mobile devices into the courthouses.<sup>49</sup> Additionally, although the Daley Center is exempt from the ban because it hears mostly civil cases, the ban will be enforced in all of the other Cook County courthouses, many of which hear civil cases in addition to criminal cases.<sup>50</sup> Consequently, this ban has the potential to be particularly disadvantageous for pro-se litigants who do not have an attorney to represent them in person, and are left unable to access relevant information on their phones once they get to court.

## LOOKING TO THE FUTURE

Although it is certainly neither possible nor optimal to replace in-person legal representation with texts and apps, technological advancements that enable legal information to be disseminated via cell phones have opened the doors to closing the justice gap.<sup>51</sup> Despite the conventional resource limitations associated with providing low-income litigants with legal aid, mobile developments have the potential to assist a much broader population of people than attorneys could alone.<sup>52</sup> By utilizing resources that the majority of Americans have at their disposal, such as cell phones, legal aid organizations empower litigants to bridge the justice gap themselves.<sup>53</sup> With modern technological advances, there is no reason why anyone with a cell phone should be unable to access some type of legal advice. Say it together now: “I *will* speak—I’ve got my phone!”

## NOTES

1 *See Need Help?*, FIRST DEFENSE LEGAL AID, <http://www.first-defense.org/mhelp> (last visited Mar. 31, 2013) (outlining the only words that people should say to the police after they are arrested or detained).

2 *Gideon v. Wainwright*, 372 U.S. 335, 342-344 (1963).

3 *Lassiter v. Dep’t of Soc. Services of Durham County, N. C.*, 452 U.S. 18, 26-27 (U.S.N.C. 1981) (explaining that there is a “presumption that an indigent litigant has a right to appointed counsel only when, if he loses, he may be deprived of his physical liberty”).

4 LEGAL SERVS. CORP., REPORT OF THE PRO BONO TASK FORCE, at 1-2 (2012), *available at* [http://www.lsc.gov/sites/default/files/LSC/lscgov4/PBTF\\_%20Report\\_FINAL.pdf](http://www.lsc.gov/sites/default/files/LSC/lscgov4/PBTF_%20Report_FINAL.pdf).

5 *Id.*

6 *Id.*

7 *Id.*

8 *Id.*

9 LEGAL SERVS. CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA, at 21 (2009), *available at* [http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf).

10 Joanna Brenner, *Pew Internet: Mobile*, PEWINTERNET.ORG, (Jan. 31, 2013), <http://pewinternet.org/Commentary/2012/February/Pew-Internet-Mobile.aspx> (last visited Mar. 30, 2013).

11 Kat Aaron, “*Don’t Forget Your Court Date*,” SLATE (Dec. 7, 2012), [http://www.slate.com/articles/technology/future\\_tense/2012/12/legal\\_aid\\_text\\_messaging\\_automated\\_call\\_backs\\_and\\_other\\_tech\\_enhanced\\_support.html](http://www.slate.com/articles/technology/future_tense/2012/12/legal_aid_text_messaging_automated_call_backs_and_other_tech_enhanced_support.html).

12 CARPLS is an acronym for the Coordinated Advice & Referral Program for Legal Services; *About CARPLS*, CARPLS.ORG, <http://www.carpls.org/about> (last visited Mar. 30, 2013).

13 *Our History*, ILLINOISLEGALAIDONLINE.ORG, <http://www.illinoislegalaidonline.org/index.php?ourhistory> (last visited Mar. 30, 2013).

- 14 See LAWHELP.ORG, <http://www.lawhelp.org/> (last visited Mar. 30, 2013).
- 15 *Background*, LSC.GOV, <http://tig.lsc.gov/about-us/background> (last visited Mar. 30, 2013).
- 16 *Id.*
- 17 Brenner, *supra* note 10; See ASSURANCE WIRELESS, <http://www.assurancewireless.com> (last visited Mar. 30, 2013).
- 18 PEW INTERNET, DIGITAL DIFFERENCES, at 2 (Apr. 12, 2012), *available at* [http://pewinternet.org/-/media/Files/Reports/2012/PIP\\_Digital\\_differences\\_041312.pdf](http://pewinternet.org/-/media/Files/Reports/2012/PIP_Digital_differences_041312.pdf).
- 19 *Id.*
- 20 *Id.*
- 21 LEGAL SERVS. CORP., *supra* note 4 at 17.
- 22 *Id.*
- 23 New Mobile App Puts Law in the Palm of Illinois Residents, ILLINOIS LEGAL AID ONLINE (Nov. 15, 2011), *available at* <http://www.kane.illinoislegalaid.org/index.cfm?fuseaction=news.newsDetails&newsID=1146>; Telephone Interview by Teri Ross, Program Director, Illinois Legal Aid Online (Mar. 28, 2013).
- 24 ILLINOIS LEGAL AID ONLINE, *supra* note 23.
- 25 Ross, *supra* note 23.
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 *Id.*
- 30 *Id.*
- 31 *Wormhole to the Future: Unfettered Brainstorming about the Future of Legal Services Technology*, 2013 TIG CONFERENCE MATERIALS, (Jan. 18, 2013), *accessible at* <https://docs.google.com/presentation/d/1tbHeHqz0n4RzLV7yUCDnoJRaNfQY9eQ8RNWwI52qchs/edit#slide=id.p>.
- 32 *Id.*
- 33 Aaron, *supra* note 11.
- 34 New Service Puts Legal Help in the Hands of Immigrants Seeking to Naturalize, PRWEB (March 7, 2012), *available at* <http://www.prweb.com/releases/2012/3/prweb9257775.htm>.
- 35 *Terms of Use*, CITIZENSHIPWORKS, [http://www.citizenshipworks.org/terms/#\\_ftn2](http://www.citizenshipworks.org/terms/#_ftn2) (last visited Mar. 30, 2013); Ross, *supra* note 23.
- 36 *2012 TIG Projects*, LSC.GOV, *available at* <http://tig.lsc.gov/sites/default/files/TIG/pdfs/2012TIG-AwardswithDescriptions.pdf>; Ross, *supra* note 23.
- 37 Ross, *supra* note 23.
- 38 Aaron, *supra* note 11.
- 39 *Id.*
- 40 *Id.*
- 41 *Id.*
- 42 Ross, *supra* note 23.
- 43 *Id.*
- 44 Aaron, *supra* note 11.
- 45 *Id.*
- 46 *Cell Phones and American Adults*, PEWINTERNET.ORG, at 4 (Sept. 2, 2010), [http://www.pewinternet.org/-/media/Files/Reports/2010/PIP\\_Adults\\_Cellphones\\_Report\\_2010.pdf](http://www.pewinternet.org/-/media/Files/Reports/2010/PIP_Adults_Cellphones_Report_2010.pdf).
- 47 HON. TIMOTHY C. EVANS, CHIEF JUDGE, STATE OF ILL. COOK CTY CIR. CT., GENERAL ADMINISTRATIVE ORDER NO. 2012-8 (ordered Jan. 14, 2013)(to be enacted Apr. 15, 2013), *available at* [http://www.cookcountycourt.org/Manage/DivisionOrders/ViewDivisionOrder/tabid/298/ArticleId/2103/General-Administrative-Order-No-2013-01-Cell-Phones-and-Other-Electronic-Devi](http://www.cookcountycourt.org/Manage/DivisionOrders/ViewDivisionOrder/tabid/298/ArticleId/2103/General-Administrative-Order-No-2013-01-Cell-Phones-and-Other-Electronic-Devices.aspx) ces.aspx; Jennifer Delgado, *Electronic Devices to be Banned From Court*, CHICAGO TRIBUNE (Apr.

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49 Evans, *supra* note 47.

50 *Id.* Delgado, *supra* note 47.

51 Aaron, *supra* note 11.

52 *Id.*

53 *Id.*