

ACCESS TO JUSTICE LEGAL APPS CHALLENGE MODULES



MODULE 1: What is Access to Justice?

Introduces students to the concept of access to justice by defining a legal problem and exploring barriers that prevent people from getting help for their legal problems.



MODULE 2: Access to Justice & Technology

Students brainstorm ideas for their own apps to address access to justice after learning about the benefits and risks of using technology to address access to justice needs.



MODULE 3: Access to Justice App Design

Students learn about how to apply a "human-centered" design approach to their own access to justice apps.



MODULE 4: Legal App & Poster Presentation

Students develop persuasive speaking skills while they prepare posters and presentations outlining their app design.



MODULE 5: Pitching Access to Justice Apps

Each student group pitches their app idea to the class with a goal of persuading the class that their app technology will help users address access to justice issues.

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Primary Authors:

Amy Salyzyn, Associate Professor

University of Ottawa Faculty of Law, Common Law Section

Funding support provided by the Government of Ontario's Early Researcher Awards Program

Amy.Salyzyn@uottawa.ca

Ocean Avriel, JD Student, 2017-2020

University of Ottawa Faculty of Law, Common Law Section

Conor Leggott, JD Student, 2019-2022

University of Ottawa Faculty of Law, Common Law Section

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Module 2 Introduction: Access to Justice & Technology

In this module students will learn about how technology can help people address their access to justice needs. They will see how young people have played a role in developing mobile and web apps that make the justice system more accessible for people of all different social groups. Students will learn about the functions, benefits, and risks of these apps as they begin to brainstorm ideas for their own apps to address access to justice needs.

Learning Objectives

- To refresh students' memories of Module 1
- To introduce students to access to justice apps
- To develop students' understanding of the benefits and risks of access to justice apps
- To allow students to brainstorm ideas for creating their own access to justice app

Materials

- Brainstorming activity instructions

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Module 2: Lesson Plan

Total Time: 1 hour 10 minutes

Part 1: Module 1 Refresh

5 minutes

Access to Justice

Q. What is "access to justice"?

- The measure of how easy it is for people to get the help or resources they need to solve legal problems (see footnote #1 on page 7)

Q. What factors prevent people from accessing justice? (See page 7 of Background Information).

Part 2: App Survey Warm-up Activity

10 minutes

- Create a chart on a flip chart or board with the following headings: App, Users, Best Features.
- Ask participants to think about apps that they use. For each app students suggest, write it in the chart. Continue until you have written down 10-15 different apps in the chart.
- For each app in the chart, ask the group how many of them use the app and write that number under the "users" column. Ask the users what are the best features of the app that make them want to use it. This discussion will help put students in the right frame of mind for the brainstorming activity later.

Part 3: Access to Justice & Technology

20 minutes

1. How technology can help address the access to justice gap

- Historically, access to justice was viewed as increasing access to lawyers and courts (see footnote #4 on page 8).
- Today, access to justice is viewed much more broadly in terms of the types of services that may help people overcome their legal problems (see footnote #5 on page 8).
- One way that technology is being used to address the access to justice gap is through the creation of apps.
- Think of ways technology has been used during the COVID-19 pandemic to facilitate virtual proceedings, remote court access, and digital legal education.

2. Who creates access to justice apps?

Q. Who do you think creates access to justice apps in Canada?

- Private developers ranging from single individuals to large-scale tech companies (see footnote #10 on page 9).
- There are public competitions to foster innovation in this area of the law (see footnote #11 on page 9).
- Students also play a significant role in creating access to justice apps (see page 8-9).

CASE STUDY #1: show *JusticeTrans* video: <https://www.youtube.com/watch?v=alyN-vgXNJ8>.

Q. What access to justice issue does this app address?

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- Transgender people disproportionately experience discrimination but do not always know their legal rights.
- Q. How does this app address this access to justice issue?
- It provides the transgender community with legal information regarding gender identity and human rights (see footnote #14 on page 10).

3. Access to justice apps for the general public

- Q. How do you think access to justice apps help the general public? (see pages 9-11).
- A. Provide legal information
 - B. Assist with document creation
 - C. Streamline conventional legal processes
 - D. Provide legal self-help tools

CASE STUDY #2: Show *ACLU Blue* video

https://www.youtube.com/watch?v=EYfY_K9vyX8&feature=emb_logo

- Q. What access to justice issue does this app address?
- Lack of awareness about an individual's rights during interactions with police (see footnote #24 on page 11).
- Q. How does this app address this access to justice issue?
- Provide support and evidence for people who are dealing with police misconduct (see page 10).

CASE STUDY #3: Show *HeatSeek* video <https://www.youtube.com/watch?v=15hh8EL13FM>

- Q. What access to justice issue does this app address?
- Tenants' homes are not heated as they legally should be (see footnote #28 on page 12).
- Q. How does this app address this access to justice issue?
- It installs a sensor that collects data which can be used as evidence to prove a heat code violation (see footnote #29 on page 12).

CASE STUDY #4: Show *DoNotPay* video <https://www.youtube.com/watch?v=4ywSt641A58>

- Q. What access to justice issue does this app address?
- A variety; helping people with parking tickets, but also other legal problems (see footnote #32 on page 12).
- Q. How does this app address this access to justice issue?
- It uses artificial intelligence chat bots to walk people through addressing their legal problems (see footnote #31 on page 12).

4. Benefits of access to justice apps

- Q. What do you think are the benefits of access to justice apps? (See pages 11-12)
- Reducing cost barriers
 - Reducing informational and psychological barriers
 - Overcoming physical barriers
 - Providing new ways to navigate the legal justice system
 - Generating new data

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5. Risks associated with access to justice apps

- Q. What do you think are the risks associated with access to justice apps? (See pages 12-13)
- Privacy and security issues
 - Not everyone has access to apps
 - Unauthorized practice of law
 - The reliability of information from apps

Part 4: Brainstorming Activity

30 minutes

- Facilitate the brainstorming exercise using the activity guide starting on page 6.

Part 5: Conclusion & Debrief

5 minutes

- Re-iterate that technology, and specifically apps, are useful tools for increasing access to justice.
- Students play an important role in increasing access to justice using technology.
- Tell students that in the next Module they will begin to design their own access to justice app.

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Module 2: Activity Materials

Brainstorming Activity Instructions

In this activity, students will brainstorm ideas for possible access to justice apps.

This activity is not about *designing* an app. Instead, it's about stretching the imagination as much as possible to think of how apps *could* be used for a variety of access to justice purposes.

Below are the steps for this brainstorming activity:

1. Give students 10 minutes to work alone and come up with at least 3 ideas of apps that could provide legal information, help people complete legal tasks, and/or help people collect legal evidence. Ask students to write down their ideas.

The purpose of asking students to come up with at least 3 ideas is to ensure that they are thinking broadly and not narrowing in on one idea—this is meant to be a big-picture brainstorming session and not a time for thinking about specific details or planning. Students should not be thinking about whether or not their app ideas are designable or technologically feasible.

To provide students with some direction for this activity, ask them to think about the kinds of apps that they use every day and whether or not any of their functions could be re-purposed to provide access to justice. You could also tell students to think from the perspective of someone who has a legal problem but cannot afford a lawyer and can't access legal aid. What kind of apps (not including those mentioned in this Module) would help them?

2. Give students 10 minutes to get into groups of 2 or 3 and share their ideas with each other.
3. Get back into a larger group and ask for students to share their ideas with the class. Students may also share ideas they heard about from others and really liked.
4. Tell students to write down any ideas that they liked at the end of this activity—in Module 3, they will begin to narrow in on an idea and start to design their own concept for an access to justice app.

Note: An interactive way to run the large group brainstorming activity is to have all participants gather in a circle and bounce a ball between people, prompting participants to share a brainstorming idea when the ball comes to them. This can be used to share the ideas in Step 3, or to begin the activity if participants do not feel confident in writing ideas down by themselves.

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Appendix 1: Access to Justice & Technology Background Information

1. The access to justice crisis in Canada

In Module 1, we discussed the access to justice crisis in Canada.

To recap, access to justice is “the measure of how easy it is for people to get the help or resources they need to solve legal problems.”¹ This help does not necessarily have to come from lawyers; a recent national study found that while legal advice is the most useful service for solving legal problems, non-legal assistance from friends, relatives and the internet are also helpful.²

In Canada, there is an access to justice crisis where only a small portion of people are able to get help with their legal challenges. For example, only about 19% people address their legal problems by obtaining legal advice.³ Based on this statistic, and the other statistics we learned in Module 1, it is clear that most people are not accessing legal services to solve their legal problems. There are many factors that explain this:

- Cost
- Geographic location
- Communication barriers
- Physical and mental ability
- Child care obligations
- Long wait times
- Complicated legal processes
- Negative experiences with the justice system
- Loss of motivation or lack of faith in the justice system
- The problem is too small to justify hiring a lawyer

In this Module, we will discuss the ways in which technology can help alleviate and even overcome some of these barriers—ultimately providing greater access to justice for people in Canada.

2. How technology can help address the access to justice gap

Historically, conversations around improving access to justice focused on how to increase peoples' access to lawyers and how to make the courts easier and more efficient for people to navigate.⁴

¹ Ontario Justice Education Network, “The Access 2 Justice Game: A Facilitator’s Guide for Teachers (2018) at 4, online (pdf): *Ontario Justice Education Network*: <ojen.ca/wp-content/uploads/2018/08/A2J-Game-Teachers-Guide_Final.pdf>.

² Canadian Forum on Civil Justice, “The Cost of Civil Justice in Canada: What do we know, what don’t we know, what should we know” (Presentation delivered at the Law and Society Association Annual Meeting, Mexico, 22 June 2017) at 10, online (pdf): *Canadian Forum on Civil Justice* <cfcj-fcjc.org/sites/default/files//docs/Law%20and%20Society%20-%20What%20we%20Know%2C%20Don%27t%20know%20and%20Should%20know%20about%20the%20Cost%20of%20Justice%20in%20Canada.pdf> [CFCJ].

³ *Ibid* at 9.

⁴ McGill et al, “Emerging Technological Solutions to Access to Justice Problems: Opportunities and Risks of Mobile and Web-based Apps” (Knowledge Synthesis Report submitted to the Social Sciences and Humanities Research Council, October 13,

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Today, access to justice is viewed much more broadly than just improving access to lawyers and the courts. For example, technology is now being used to actually complete some of the tasks that have been traditionally performed by lawyers.⁵ Technology is not only making it easier to navigate our current legal justice system, it is also being used to create entirely new pathways to justice.⁶

One way that technology is conveniently being used to address the access to justice crisis in North America is through the development of mobile and web-based applications ("apps"). In referring to access to justice "apps" we simply mean to refer to interactive digital tools that are either available on smartphones or computers and that function to make legal information and services more widely available, efficient and cost-effective.

3. Who creates access to justice apps?

In Canada, the majority of access to justice apps are made by private individuals or companies. Government and non-profit entities, however, also play an important role.

One interesting "hub" of development for access to justice apps have been law schools.

Through participation in one of these courses at Osgoode Hall, a law school in Toronto, a student developed the mobile app *JusticeTrans* which provides human rights legal information related to gender identity to the transgender community.⁷ Like most other non-legal professionals, transgender people without a legal background may not know their legal rights or how to address their legal problems. *JusticeTrans* was developed to ensure that transgender people are "increasingly aware of their legal rights in the face of an ever-changing legal landscape" and to increase the transgender community's access to justice.⁸ This is just one of the many examples of students pioneering innovative access to justice apps to meet their community's needs.

For a video explaining what *JusticeTrans* is and why it was created, please see:
<https://www.youtube.com/watch?v=alyN-vgXNJ8>.

Young people's successes in creating access to justice technology is one of the reasons that this Mini-Course exists. To date, students have created many apps that are having a real impact on how their community is able to address and get help with their legal problems. Students should be made aware of this reality and encouraged to join the national access to justice movement.

For more examples of access to justice apps created by students, please see:
<https://applications.neotalogic.com/a/lis-showcase>.

2016), online: <https://commonlaw.uottawa.ca/sites/commonlaw.uottawa.ca/files/ksg_report_-_mcgill_et_al_oct_13_final_to_send_to_sshrc.pdf> [Emerging Technological Solutions].

⁵ Chief Justice Beverley McLachlin, "The Legal Profession in the 21st Century", Remark, (2015) 2015 Canadian Bar Association Plenary (Calgary: Alberta, 14 August 2015), online: *Supreme Court of Canada* <<https://scc-csc.ca/judges-juges/spe-dis/bm-2015-08-14-eng.aspx>>.

⁶ Emerging Technological Solutions, *supra* note 4 at 6.

⁷ *JusticeTrans*, online: *JusticeTrans* <www.justicetrans.org> [JusticeTrans].

⁸ *Ibid.*

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4. Access to justice apps for the general public

This Mini-Course focusses on apps that are meant to be used directly by the general public. There are also apps that exist which are meant to be used by lawyers and which focus on making the services that lawyers provide more accessible and more efficient. While these apps are interesting and important, they are not the focus here.

Access to justice apps that are designed for the general public can perform a variety of functions:

A. Provide legal information

These apps strive to make legal information more accessible for the general public.⁹ The previously discussed app *JusticeTrans* is an example of this kind of access to justice app because it provides legal information regarding human rights and gender identity to the transgender community.¹⁰

B. Assist with document creation

Most forms of legal action will entail completing legal documents. These documents can be time consuming and complex to fill out without the help of a lawyer.

These apps allow people to more easily create documents that are helpful or necessary to address their legal problems. For example, *Wonder Legal* is an access to justice app that helps people create legal documents from templates by entering information online.¹¹

C. Streamline conventional legal processes

These apps focus on how to make parts of the legal process faster and more efficient—thus allowing legal problems to be resolved more promptly. For example, a Canadian web-based app called *Destin.ai* uses a chatbot to help users answer questions about immigration, evaluate the possibility of immigration, and connect to immigration experts.¹² This speeds up the legal process because it provides answers and information to a client before they meet with a lawyer or immigration consultant.

D. Provide legal self-help tools

These apps provide legal self-help tools that are typically services not offered by lawyers.¹³ This includes offering real-time legal information and evidence collection. For example, MyOpenCourt has a web app to help people determine whether they are an employee or contractor so they know what rights and benefits they are entitled to.¹⁴

⁹ Emerging Technological Solutions, *supra* note 4 at 13.

¹⁰ JusticeTrans, *supra* note 15.

¹¹ Wonder Legal, online: *Wonder.Legal Canada* <<https://www.wonder.legal/en-ca/>>.

¹² Destin.ai, online: *Destin.ai* <<https://destin.ai/>>.

¹³ Emerging Technological Solutions, *supra* note 4 at 13.

¹⁴ MyOpenCourt, "Employee or Contractor?" online: *MyOpenCourt* <<https://tool.myopencourt.org/employee-or-contractor>>.

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An example of an access to justice app that helps people document evidence is called *HeatSeek*.¹⁵ There are laws that say that a landlord must keep the heat at a certain temperature throughout the year to ensure that tenants have warm homes—especially during the colder months.¹⁶ Sometimes, landlords keep the temperature below this legal threshold to save money on their heating bill, or they simply refuse to fix heating systems when they break. *HeatSeek* is an American app that helps people take legal action when their home is not legally warm enough.¹⁷ *HeatSeek* installs a free heat sensor in tenant's homes, which monitors and records the temperature data that may then be used as evidence regarding heating code violations in court.¹⁸ Without this evidence, it would be hard for tenants to prove that their homes are in fact below the legal temperature.¹⁹

For more information about *HeatSeek*, please see:
<https://www.youtube.com/watch?v=QnoKTroJwGE>.

A final example of a legal self-help app that, unlike the others, does replicate traditional legal services is called *DoNotPay* (*DNP*). *DNP* is a US mobile-based app that used artificial intelligence to create robot lawyers that walk people through the necessary steps to solve their legal problems.²⁰ Currently, *DNP* offers legal support for parking tickets, customer service issues, delayed flights and even assists with completing government documents.²¹

For more information about *DoNotPay*, please see:
<https://www.youtube.com/watch?v=4ywSt641A58>.

5. Benefits of access to justice apps

Access to justice apps make the legal process more efficient and cost-effective, make legal information more accessible, and provide self-help tools for people to engage with the legal process on their own.

Below, we will briefly outline some types of the benefits of access to justice apps.²²

A. Reducing Financial Barriers

The legal help provided by apps may be more affordable than what can be accessed through lawyers.

¹⁵ *HeatSeek*, online: *HeatSeek* <<http://heatseek.org/how-it-works/>>.

¹⁶ *Ibid.*

¹⁷ Emerging Technological Solutions, *supra* note 4 at 13.

¹⁸ *HeatSeek*, *supra* note 26.

¹⁹ *Ibid.*

²⁰ *Do Not Pay*, online: *Apple App Store* <<https://apps.apple.com/app/id1427999657>>.

²¹ *Ibid.*

²² This list comes from Emerging Technological Solutions, *supra* note 4 at 14-18.

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B. Reducing Psychological Barriers

Many people are reluctant to seek legal help because they do not know how the legal system works, or have had previous bad experiences with the justice system.²³ Access to justice apps make legal information more widely-available and provide more control over the legal process.

C. Reducing Physical Barriers

Apps provide greater flexibility to people living in rural areas, people with mobility issues, and others who may have difficulty accessing in-person legal services.²⁴

D. Creating New Types of Legal Help

Some apps provide self-help tools and services beyond what is typically offered by a lawyer.²⁵ An example of this is the *ACLU Blue* app that uniquely allows people to immediately follow up on interactions with the police in cases of misconduct.

E. Generating new data

The data collected from apps may provide valuable insights into the legal issues that people experience, such as rights abuse patterns.²⁶ *HeatSeek's* temperature data from individual homes may be used to identify patterns of heat code violations in particular buildings or by specific landlords.²⁷

6. Risks associated with access to justice apps

Although these apps provide several benefits for increasing access to justice, they also come with potential risks that must be considered. Below we have identified some of the potential risks regarding access to justice apps.²⁸

A. Privacy and Security Issues

In order to operate, apps actively collect data from users such as name, address and payment information, but also sensitive information about users' legal problems. Users often don't read and understand terms and conditions that may specify what information an app collects and how it is being used.²⁹

²³ Canadian Bar Association Access to Justice Committee, *Reaching Equal Justice: An Invitation to Envision and Act* (Canadian Bar Association, 2013) at 34.

²⁴ Emerging Technological Solutions, *supra* note 4 at 17.

²⁵ *Ibid.*

²⁶ Emerging Technological Solutions, *supra* note 4 at 17.

²⁷ HeatSeek, *supra* note 26.

²⁸ This list comes from Emerging Technological Solutions, *supra* note 4 at 18-23.

²⁹ *Ibid.*

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The data collected by apps is also vulnerable to misuse by unauthorized parties, such as hackers.³⁰ Even the most sophisticated apps, like the ride-share service *Uber*, have experienced issues where their users' data has been hacked.³¹

B. Not everyone has access to apps

The costs associated with owning mobile devices may prevent some people from benefiting from access to justice apps.³² One's ability to use and navigate technology and apps' available language options may also impact who can access this access to justice apps.³³

C. The reliability of information from apps

Information provided by apps may be inaccurate.³⁴ Unlike lawyers, apps are not regulated to ensure the legal information provided is reliable and up-to-date.³⁵

Apps may try to keep their content concise to make it easy for users to follow and understand, so there is a potential risk of over-simplifying complex legal topics.³⁶ People using these apps may develop a false sense of security that the brief information provided includes all of the necessary considerations on a given legal topic.

³⁰ *Ibid.*

³¹ Charlie Osborne, "Uber fined \$20K in data breach, 'god view' probe" (7 January 2016), online: <<https://www.cnet.com/tech/services-and-software/uber-fined-20k-in-surveillance-data-breach-probe/>>.

³² Cabral, James E et al "Using Technology to Enhance Access to Justice" (2012) 26(1) Harv JL & Tech 241.

³³ Emerging Technological Solutions, *supra* note 4 at 20.

³⁴ *Ibid* at 22-23.

³⁵ *Ibid* at 22.

³⁶ Cabral et al, *supra* note 60 at 275-6.