

Basic Technology-Driven Customer Service Features Courts Should Provide to Everyday Court Users

By Judge Herbert B. Dixon Jr.



While researching topics for this technology column, I came across a 2018 paper by John Greacen for the Institute for the Advancement of the American Legal System. I have known Greacen since the early years of my court technology interests when our paths crossed at technology conferences. The first time I remember working with him was when he, Delaware Superior Court Presiding Judge Henry DuPont Ridgely, and I developed American Bar Association (ABA) Standard 1.65, Court Use of Electronic Filing Processes, which the ABA House of Delegates adopted at its 2004 Midyear Meeting. John Greacen has a wealth of knowledge in matters

related to court administration and court technology, which is why I considered his paper for this column.

My discovery of Greacen's 2018 paper seemed prescient when I later came across a 2024 Pew Research Center report regarding American users of mobile technology and home broadband that amplified a primary point in Greacen's paper about the high rate at which millennials, generation Xers, and baby boomers owned smartphones. According to that 2024 Pew Research Report, which was based on 2023 survey results, the high ownership rate in 2018 is higher today. When compared with 2018 data, according to the survey, 95 percent of U.S. adults use the

internet, 90 percent have a smartphone, and 80 percent subscribe to high-speed internet at home.¹

Greacen's 2018 paper, "Eighteen Ways Courts Should Use Technology to Better Serve Their Customers,"² and today's high rate of smartphone ownership and use caused me to wonder how the technology infrastructure of today's courts measure up to Greacen's six-year-old thoughts about how courts should use technology to better serve its consumers. Because today's court customers use their smartphones in a wide range of daily activities, including banking; shopping for services and products; paying traffic tickets; renewing driver's licenses; searching for

information; and having video calls with family, friends, and business acquaintances, it seems natural they would expect courts to offer similar access. So, I selected a few of Greacen's 2018 aspirational standards against which we can measure our courts in 2024.

Although this column summarizes or repeats thoughts and ideas in Greacen's paper, you should read his entire paper because the limited space for this column does not do justice to the full scope of what he addresses. He acknowledges that his ideas are not a definitive compendium of ways in which America's state courts can use technology to provide better service to their customers. However, paraphrasing one of his thoughts, I hope this summary and repetition of a few ideas Greacen presented will encourage you to thoroughly review Greacen's paper and expand your thinking about how courts can deploy technology to benefit today's court users.

Enabling Court Users to Appear in Court by Telephone or Videoconference

Let me introduce a well-worn golfing term—the “gimme.” In golf, a “gimme” refers to a putt so short that everyone agrees the golfer need not actually putt the ball because it is a guaranteed effort. In highly competitive situations, however, where the collegial concession is not practiced, there are many great stories about golfers missing their “gimme.”

The customer service feature of appearing in court by telephone or videoconference should also be considered a “gimme,” especially after the abrupt reconfiguration of court operations brought about by the 2020 pandemic. Is there any court that has not conducted remote video hearings, most likely using one of the big three, Zoom, WebEx, or Teams? Despite the insistence by hard-liners that we must return to the old way of practicing law—physically appearing before the judge in a courtroom—many aspects of remote and hybrid hearings will remain and likely increase. As in golf, some courts have missed this “gimme.” If any court in

today's world does not offer this feature in some types of hearings, I suggest an immediate evaluation of this deficiency.

Enabling Court Users to Present Photos, Videos, and Other Information from Their Smartphones in the Courtroom

Enabling court users to present photos, videos, and other information from their smartphones also should be a “gimme.” Once the process of appearing remotely started, the ability to present evidence online followed, from laptops and desktop computers and, yes, from smartphones and tablets, too. The ability to present evidence from a smartphone while physically present in the courtroom lagged in some courtrooms but developed quickly in others by pursuing innovative approaches and investments in the equipment and adapters necessary to receive audio and video from smartphones.

Even without special equipment and adapters, some courts developed the ability to receive evidence from smartphones by providing a telephone number to submit photos and videos by text. Other courts went further by subscribing to file-sharing services such as DropBox, Box, Google Drive, Microsoft OneDrive, and others, allowing court users to upload files to those services from smartphones for use in court proceedings.

Because banks and insurance companies allow customers to use smartphone photos for transactions, such as depositing checks or presenting auto accident photos, there is no reason why courts cannot offer similar technology-driven customer services to enable customers to use smartphones to present evidence in court proceedings.

Enabling Court Users to Obtain Information and Court Services Using Their Smartphones

Does your court's website allow reasonable access to persons using smartphones or tablets? Unfortunately, many websites cause unintentional difficulties for persons using mobile devices that do not exist for those using laptops or desktop computers.

Visual access to these websites becomes difficult because the text was designed for eight-inch-wide pages, not the much narrower mobile device screen. Greacen said in 2018 that the problem could be addressed by a technique referred to as “responsive design”—building websites that adjust their display based on the device used, ensuring readability and usability on various screen sizes. According to Greacen, the best practice when designing the website and its applications is to adopt a “mobile first” approach and then adapt them for larger screens. Even in 2018, Greacen stated that this customer service design was achievable through open-source software and institutional vendors.

Enabling Parties to Schedule Hearings at Their Convenience

If, as a lawyer, you enjoy filing motions to reschedule dates scheduled or generated by an automated court system, the judge, or the clerk's office, or if, as a judge, you are not concerned with the number of calls or emails members of your staff must field to reschedule court dates, there is no need to concern yourself with the idea of parties setting or rescheduling the date for a necessary hearing. Current scheduling software used by private businesses and government agencies allows for meeting



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setup, integrating videoconferencing, calendar availability, and automated invitations. Indeed, court personnel use similar tools for internal meetings and training sessions. Some courts allow jurors to reschedule service dates. There is no reason why the online convenience of setting meeting dates with colleagues and others should not be a feature available to court users based on available dates and times preapproved by the court. Indeed, online calendaring is an available feature of many case management systems, and there are off-the-shelf online calendaring systems to accomplish this task. How does your court measure up to this feature? If this service is not presently offered, isn't it time for it to happen?

Enabling Court Users to Obtain Information and Forms Remotely

This technology-driven customer service feature should be another “gimme.” There should be no reason why court users must visit the courthouse for information or forms. Indeed, this service can be provided using basic, off-the-shelf telephone, email, text, and videoconference services.

Courts are increasingly offering videos and YouTube channels to explain court processes, provide training, and offer step-by-step instructions for tasks like form completion and service of process or refer court users to bar websites providing those services.

Simplifying the Process of Form Completion

A technology-driven customer service feature that is also helpful to the court concerns filling out forms, traditionally done by hand, which leads to repetitive labor and legibility issues. Document assembly software and court case management vendors offering this technology-driven customer service have proven valuable for both users and the courts. With some forms, users fill in the blanks; with others, users complete an “interview.” Instead of manually filling out forms, the software auto-fills the necessary information across all relevant documents. Either way, this customer service feature

eliminates the need for repetitive data entry. From the users' perspective, they can review the forms before saving, printing, or filing them electronically.

Enabling Self-Represented Litigants to File Documents Electronically

Electronic filing in the United States was first implemented in 1991 in the Delaware Superior Court's Complex Litigation Automated Docket (CLAD) system for environmental insurance coverage cases. Three years later, Delaware implemented electronic filing in asbestos cases after overcoming litigation by asbestos lawyers to stop the invasion of technology into their practice of law.³

Since the Delaware Superior Court's experiment with electronic filing, most courts have undertaken that task. Some courts are in the beginning years of their implementation of electronic filing in court cases. Hopefully, no court has not started the initial phases of electronic filing—but I suspect my hope is wishful thinking.

Electronic filing systems in courts must cater separately to attorneys and governmental entities versus self-represented litigants due to their distinct needs and usage patterns. Attorneys and governmental users typically handle high volumes and prefer efficient interfaces that streamline filing processes. In contrast, self-represented litigants benefit from a user-friendly interface that guides them through each step slowly and thoroughly. Commercial vendors profit significantly from attorney and governmental entities due to their high usage rates and straightforward billing processes.

Given these differences, some courts have developed separate electronic filing mechanisms for self-represented litigants. Even when vendors promise support for self-represented litigants, they often apply the same interface standards to self-represented litigants, which some pro se litigants find intimidating. Courts must improve technology use for all users and adopt tailored approaches to effectively meet diverse user needs.

Enabling Online Dispute Resolution

Online Dispute Resolution (ODR) applications facilitate dispute resolution through online tools where parties exchange settlement offers and negotiate terms. These applications are designed for various case types, including traffic violations, civil infractions, tax appeals, small claims, divorce, custody, and child support cases. ODR allows parties to attempt a resolution on their terms without physically going to a court-designated office or courtroom. ODR platforms often operate 24/7 for convenience. Many court ODR services are free.

Undoubtedly, ODR services should be integrated into a court's business processes. This type of service could be beneficial for cases such as divorce, traffic, and civil cases—especially small claims and debt collection cases.

Using Messaging to Guide Court Users Throughout Their Court Case

The idea for this technology-driven feature is to use messaging technology to notify court users about procedural steps throughout the life of the case, e.g., if service of process has not been completed, the petitioner will receive escalating notifications, a reminder to file a certificate of service with informational links, and a notification to visit a self-help center for assistance; a warning of potential case dismissal without proof of proper service; and notices of scheduling conferences, discovery deadlines, settlement opportunities, trial preparations, and trial dates. Each message would be concise and could provide essential information with links to detailed discussions, forms, and instructional resources.

Obviously, a court's implementation of this technology would benefit court patrons by keeping them informed. It also enhances court efficiency by automating repetitive tasks that would otherwise require manual review by judges or staff.

Final Thoughts

Hopefully, this summary and repetition of Greacen's ideas on how courts can deploy

technology to benefit their customers will arouse your interest. How does your court measure up to these features that Greacen suggested six years ago? His ideas were not radical in 2018; they are undoubtedly overdue in 2024. If your court does not have these basic technology-driven customer service features, isn't it time to start planning? Courts do not have the luxury of not considering the needs of their consumers. If your court lacks any of the customer service features discussed above, get active through your bar to urge court action on the idea. Indeed, download Greacen's paper and study all his suggestions.

When I mentioned to John Greacen that I would use his paper as the basis of one of my technology columns, he

mentioned that he might revisit the subject, especially given recent developments involving artificial intelligence and large language models. If he does, I will certainly alert the readers of this technology column. ■

Endnotes

1. Risa Gelles-Watnick, *Americans' Use of Mobile Technology and Home Broadband*, Pew Rsch. Ctr. (Jan. 31, 2024), <https://bit.ly/3XQYCUQ>.

2. John N. Greacen, *Eighteen Ways Courts Should Use Technology to Better Serve Their Customers* (Inst. for Advancement of Am. Legal Sys. (IAALS), Univ. of Denver Oct. 2018), <https://bit.ly/4bpHHMv>.

3. See Herbert Dixon, *Technology Changes Coming Faster and Faster*, 53 THE JUDGES' J., No. 4, Fall 2014, <https://bit.ly/4bjnCRk>.