

# Access to justice for children and young people in Aotearoa New Zealand

Working paper No. 14 - Technology

1 June 2023

Author: Jennifer Braithwaite LLM (Hons), MSCL (Hons)

This research study was made possible thanks to a Justice Fellowship from the Michael and Suzanne Borrin Foundation.



© June 2023 Jennifer Braithwaite

# Table of contents

Context.....	3
Introduction .....	4
Taking a dual approach .....	7
Different forms of technology.....	9
Online legal information .....	9
Chatbots and artificial intelligence.....	11
Further reading.....	13
Online legal services.....	13
Online courts / dispute resolution .....	14
Video link .....	16
Online court services.....	18
Back end technology .....	18
Other forms of technology.....	19
References.....	21

# Context

This working paper considers the role of technology in closing the justice gap for children and young people in Aotearoa New Zealand. It forms part of an overall research project exploring the extent to which children and young people are able to access to justice in Aotearoa New Zealand. The findings of the research study are presented in three parts:

**Part One** contains my analysis of data from key informant interviews with adults with expertise in the justice system and/or working with particular groups of children and young people, as well as from a survey of children and young people aged 14 to 24.

**Part Two** discusses the meaning of access to justice and other related concepts such as legal empowerment as well as the specific meaning of access to justice for children and child-friendly justice. It then discusses the justice problems experienced by children and young people generally, as well as common barriers to accessing justice. The analysis in this report is based on my review of the research and literature in New Zealand and overseas as well as analysis of information obtained from the government and Crown entities.

This report is supported by a series of ten working papers discussing the justice problems and barriers to accessing justice experienced by particular groups of children and young people and is broken up into a series of reports relating to groups identified as likely to experience differing justice problems or barriers to access. These working papers are:

1. Children and young people in care or with care experience;
2. Disabled and neurodiverse children and young people;
3. Tamariki and rangatahi Māori;
4. Pacific children and young people;
5. Rainbow and takatāpui children and young people;
6. Girls and young women;
7. Boys and young men;
8. Poverty and socio-economic disadvantage;
9. Trauma; and
10. Intersectionality.

**Part Three** explores possible solutions or ways to close the justice gap for children and young people in Aotearoa New Zealand. This part of the study is also supported by a series of working papers in relation to possible solutions. At the time of writing these working papers consider the following topics with additional working papers likely to follow:

11. Strategic litigation;
12. Legal service delivery, non-lawyer services, and integrated services;
13. Data, evidence and measuring change;
14. Technology;
15. Training for professionals;
16. Legal education and continuing professional development for lawyers and judges; and
17. Law-related education for children and young people.

The reports and working papers are available at: <https://www.cypaccesstojusticenz.com/>.

# Introduction

Research and literature in New Zealand and overseas describes the myriad of ways technology can be used to help improve access to justice:

- New ways to share legal information so that people with legal problems can better understand their rights, take action or seek assistance e.g. legal information websites, web portals, and document assembly programmes;<sup>1</sup>
- Creating a platform to communicate issues or problems and to receive access to information, support and influence policy or law reform e.g. the New Media Advocacy Project which works “with change makers to tell stories that promote a more equitable world”<sup>2</sup> and the use of technology enabled crowdsourcing to engage the public on access to justice issues;<sup>3</sup>
- Providing access to detailed statistical data which can then be used to improve our understanding of access to justice problems and make informed decisions<sup>4</sup> e.g. the National Center for Access to Justice’s Justice Index which assesses the extent to which each US state has adopted best practices for ensuring access to justice and presents its assessment using data visualisation tools which can then be used in advocacy efforts;<sup>5</sup>
- Matching people online to services e.g. Victoria Legal Aid’s integrated online referral and booking system ORBIT,<sup>6</sup> and Justice Connect’s ProBono Portal Platform<sup>7</sup> which is now being used by Te Ara Ture, Aotearoa New Zealand’s probono clearinghouse;<sup>8</sup>
- Online gateways such as DV Connect which connects victims with family violence services, sexual assault services, and a service for victims of violent crime<sup>9</sup> and the Rainbow Network website which provides an online directory of LGBTI+-friendly services;<sup>10</sup>
- Online guided pathways such as Moonee Ponds CLC’s Fine Fixer which assists helps people to manage and pay their fines;<sup>11</sup>
- Providing legal services online or via audio visual link facilities or videoconferencing software such as Zoom or GoogleMeet which can be of particular value to some group such as those in rural locations or who are not able to meet face to face;<sup>12</sup>
- More efficient operation of legal services e.g. facilitating staff meetings, training and recruitment of additional volunteers;<sup>13</sup> and

---

<sup>1</sup> Boddington, M. (2017). *Legal Informatics and Access to Justice: Innovation in Education and the Community Sector*. New Zealand Winston Churchill Memorial Trust at 17.

<sup>2</sup> New Media Advocacy Project. (n.d.). *Mission and vision*. <https://www.nmap.co/about/vision/>

<sup>3</sup> Boddington, *Legal Informatics and Access to Justice: Innovation in Education and the Community Sector* at 18.

<sup>4</sup> Ibid.

<sup>5</sup> National Center for Access to Justice. (2022). *Justice index*. <https://ncaj.org/state-rankings/justice-index>

<sup>6</sup> Smith, R. (2018, April 13). ORBIT: not just a chewing gum. *Law, Technology and Access to Justice*. <https://law-tech-a2j.org/triage-and-referral/orbit-not-just-a-chewing-gum/>

<sup>7</sup> Justice Connect. (n.d.). *Our Probono Portal*. <https://justiceconnect.org.au/about/digital-innovation/gateway-project/global-pro-bono-portal/>

<sup>8</sup> Te Ara Ture. (n.d.). *About us*. <https://tearature.co.nz/about/>

<sup>9</sup> DV Connect. (2023). *About us*. <https://www.dvconnect.org/about-us/>

<sup>10</sup> Rainbow Network. (n.d.). *Rainbow Network: empowering you to provide inclusive services for young LGBTIQA+ Victorians*. <https://www.rainbownetwork.com.au/>

<sup>11</sup> Moonee Valley Legal Service. (n.d.). *About FineFixer*. <https://vic.finefixer.org.au/about-finefixer/>

<sup>12</sup> Law Council of Australia. (2018). *The Justice Project: Final Report Part 2 Legal Services* at 34.

<sup>13</sup> Newman, D., Mant, J., & Gordon, F. (2021). *Vulnerability, legal need and technology in England and Wales*. *International Journal of Discrimination and the Law*, 21(3), 230–253 at 249.

- Online courts and other forms of online dispute resolution.<sup>14</sup>

However, while technology holds great potential concerns have also been raised that technology does not work for everyone meaning its use can actually increase inequalities. For example, in 2020 the Citizen’s Advice Bureau conducted research in relation to the digital divide in Aotearoa New Zealand by analysing data in relating to CAB client enquiries.<sup>15</sup> As with similar research overseas, they found that some groups are more likely to experience digital exclusion. For example, “20% of digitally excluded clients were Māori compared to being 13% of CAB clients generally, while Pacific Peoples made up 17% of those experiencing digital exclusion in contrast to being only 8% of clients [16] generally”.<sup>16</sup> This disparity was even greater in younger age groups – the CAB reported that almost half (48.5%) of their digital exclusion enquiries from under 25-year-olds were from Māori and Pacific Peoples (23.7% and 24.7% respectively).<sup>17</sup> The CAB did not present their quantitative findings by disability status, but they did highlight the range of barriers disabled people can experience in the digital environment including lower levels of access to the internet and specific barriers depending upon the nature of their disability including “issues with seeing, hearing, dexterity, understanding and learning, concentration, and physical access” as well as additional costs for those that require specialised devices and software.<sup>18</sup>

Interestingly, despite common claims that young people are ‘digital natives’, the CAB study found that youth on its own did not equate to digital inclusion noting that young people are still prone to barriers like limited access to the internet and literacy as well as differences in personal preference with some young people preferring to see someone face to face instead of filling out a form online.<sup>19</sup> The report also noted that simply having a digital device did not equate to access, for example, where the device is a mobile phone which may not be suitable for reading large amounts of information for filling in online forms. Internet access can also be limited or unreliable or based on free access such as in the library or community centres where people may not feel comfortable dealing with confidential matters.<sup>20</sup> The CAB research is supported by a Ministry of Education case study in relation to the digital divide during COVID-19.<sup>21</sup> The study reported that the Ministry of Education identified between 60,000 and 80,000 where school children were living that were not connected to the internet and while efforts to increase connectivity took place during the lockdowns, the case study concluded that “affordability of devices and connections was, and remains, a barrier to digital inclusion that needs to be overcome”.<sup>22</sup>

Research overseas has reached similar conclusions. The Australian Digital Inclusion Index consistently finds that some groups are disproportionately affected by digital exclusion with the most recent index reporting that “mobile-only users (43.4), people over 75 years of age (53.5), people who did not complete secondary school (57.0), people who rent from a public housing

---

<sup>14</sup> Toy-Cronin, B., & Irvine, B. (2022). [‘Tighten, cull and focus’: An experiment examining lay and lawyer claims in a mock online court.](#) *Law and Social Inquiry*. 1-30; Kauffman, B. & Meyer, B. (2021). [Learning from this Nationwide Pilot Project— Ensuring Access to Justice in High-Volume Cases.](#) IAALS, the Institute for the Advancement of the American Legal System.

<sup>15</sup> Citizens Advice Bureaux New Zealand Ngā Pou Whakawhirinaki o Aotearoa. (2020). [Face to Face with Digital Exclusion](#) at 10.

<sup>16</sup> Ibid at 15-16.

<sup>17</sup> Ibid at 17.

<sup>18</sup> Ibid at 25.

<sup>19</sup> Ibid at 14.

<sup>20</sup> Ibid at 19.

<sup>21</sup> Digital.govt.nz. (2021). *Tackling the digital divide during COVID-19.* <https://www.digital.govt.nz/showcase/tackling-the-digital-divide-during-covid-19/>

<sup>22</sup> Ibid.

authority (57.2), or fall into the lowest income quintile (57.7) are being left behind”.<sup>23</sup> The Law Council of Australia identifies people in low income households, people with disability, people who did not complete secondary school, Indigenous Australians, and people not in paid employment as groups who are particularly digitally excluded.<sup>24</sup> Interestingly, the Law Council of Australia also noted that young people generally have lower rates of using the internet to resolve legal problems citing “lack sufficient access to IT infrastructure, including smartphone credit, and that privacy issues flowing from use of smartphones” as possible barriers.<sup>25</sup>

Two studies in the United Kingdom have explored young people’s use of the internet to seek information or advice in relation to legal problems.<sup>26</sup> The first study by Denvir et al used data from the English and Welsh Civil and Social Justice Survey (CSJS) which involved face-to-face interviews with respondents, 1269 of whom were aged 18-24.<sup>27</sup> The study found that while young people have high rates of Internet access, they use the Internet to help deal with problems relatively infrequently. Internet use to deal with a problem with a legal dimension was also associated with academic achievement – only one of 46 young people with GSCE grades D–G, and none of those without academic qualifications, tried to use the Internet to address their problems.<sup>28</sup>

The second study, Denvir’s PhD thesis, drew on CSJS data together with data from the Civil and Social Justice Panel Survey (CSJPS) relating to young people aged 16-24 years old, data from an experiment designed to test how young people aged 15-26 acquired information from the Internet to deal with a legal problem, and data collected from a website review assessing the quality of the main English and Welsh legal information websites.<sup>29</sup> Analysis of the CSJPS found that those aged between 16-24 used the internet for 16.1% of problems as compared to 21.7% for 25-34 year olds<sup>30</sup> with young people classed as NEET using the Internet even less often.<sup>31</sup> Use of the internet was also strongly associated with education level with use far more common for those with higher degrees and far lower for those without qualifications.<sup>32</sup> CSJPS data also showed that young people who used the Internet were not particularly successful with only 12.1% obtaining all the information they needed to resolve their problem.<sup>33</sup>

The findings of Denvir’s experiment with young people aged 15-26 included that exposure to online legal information did not lead to improved knowledge of rights or how to handle a civil justice problem.<sup>34</sup> Participants were heavily reliant on search engines to direct them to relevant information,<sup>35</sup> but did not always open websites based on a valid judgement of search results including jurisdictional relevance. Sources of information were also rarely questioned with many

---

<sup>23</sup> Australian Digital Inclusion Index. (2023). *Key findings and next steps*. <https://www.digitalinclusionindex.org.au/key-findings-and-next-steps/>

<sup>24</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 36.

<sup>25</sup> Ibid at 38.

<sup>26</sup> Denvir, C., Balmer, N.J., & Pleasence, P. (2011). Surfing the web – Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension. *Interacting with Computers*, 23(1), 96-104 Denvir, C. (2014). [What is the Net Worth? Young People, Civil Justice and the Internet](#) [Doctoral Thesis, University College London]; Denvir, C. (2016). [Online and in the know. Public legal education, young people and the Internet](#). *Computers & Education*, 92-93, 204-220.

<sup>27</sup> Denvir et al., Surfing the web – Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension at 98.

<sup>28</sup> Ibid at 101-102.

<sup>29</sup> Denvir, [What is the Net Worth? Young People, Civil Justice and the Internet](#).

<sup>30</sup> Ibid at 124.

<sup>31</sup> Ibid at 125.

<sup>32</sup> Ibid at 125.

<sup>33</sup> Ibid at 125.

<sup>34</sup> Denvir, [Online and in the know. Public legal education, young people and the Internet](#).

<sup>35</sup> Ibid.

participants “procuring information from commercial websites such as ‘e-how’, ‘answers.com’ and discussion boards, in preference to more reliable government and third sector websites”.<sup>36</sup> Denvir found it was more common for the youngest participants (the youngest school age respondents) to use less reputable sources of advice suggesting that age could play a role in the ability to assess sources.<sup>37</sup>

In 2018 the Australian Human Rights Commission commissioned the Law Council of Australia to produce a report making recommendations on human rights and technology. The report identified a range of concerns in relation to the impact of technology on existing inequalities.<sup>38</sup>

*[T]echnological innovations can affect societal inequality and that equality may be considered across several domains, including access to technology, processes embedded in technology, outcomes for individuals arising from technology, and the social, economic and physical distribution of beneficial and detrimental outcomes for communities resulting from technological advances. Accordingly, the adoption of new technologies should be preceded by careful consideration of its appropriateness with respect to the intended audience of users and consumers, its implications for fairness and accessibility and options for mitigating any adverse impact on marginalised groups. A key concern identified by Justice Project stakeholders was that policymakers frequently overlook the realities of target groups’ digital exclusion (and underlying language and literacy barriers), in their overreliance on online solutions at the expense of more effective and targeted strategies.*

The Engine Room’s global study, also in 2019, made similar observations noting that access to the internet and mobile phone is more limited among disadvantaged groups who may also be less proficient in finding relevant advice and accessing legal services, online or otherwise. As a result, if technology enabled initiatives ignore socio-economic, geographic and digital literacy they may deepen inequalities in access to justice.<sup>39</sup>

In the case of children and young people, technology may be good for tech literate young people or those with adult support to advocate for them, but not those without internet access or where online information is otherwise inaccessible. Denvir’s research also suggests that even when young people do have access to online legal information, their ability to find the right information and assess the reliability of sources limits the usefulness of this source of information. However, Denvir’s research is based on data that is now fairly old (at least in the scheme of advances to technology) and relates to a context quite different to that in Aotearoa New Zealand. As such, it would be useful to undertake a similar study in Aotearoa New Zealand to determine whether these observations also apply here and more than ten years after her original studies.

## Taking a dual approach

Given both the potential benefits of technology, and concerns about its suitability for all people much of the research and literature recommends a dual approach. That is, use technology for those who want, and are able, to use it and provide face-to-face services for those who prefer to interact in person. The use of technology for those can free up time for those who require more intensive services. Technology can also provide valuable efficiencies in back office

---

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Law Council of Australia. (2018). [Human Rights and Technology](#) at 6.

<sup>39</sup> The Engine Room. (2019). [Technology for Legal Empowerment: A Global Review](#) at 10.

processes freeing up resources and/or capacity for service provision. As the Law Council of Australia explains:<sup>40</sup>

*For people within some groups, technological solutions can offer opportunities to better access justice, particularly as a complement, but not replacement for, face-to-face contact.<sup>229</sup> Others will continue to have a strong need for personal, face-to-face services. It is essential that reliable technology exists to underpin any such approaches. Efficiency should not be the only, or main, driver of decisions to implement technology-based solutions. A people-centred response, focused on ensuring effective access to justice for marginalised groups, remains crucial.*

My view is that a people-centred response requires us to consider what the existing barriers to access are for particular groups and individuals then determine whether technology will assist in reducing those barriers. For example, for those people who the main barriers are cost or other practical barriers (time, geographical location etc.) and who are literate / generally competent to act for themselves, technology can work very well. However, those who do not trust the system, lack confidence or the capability to self-advocate, technology based services are unlikely to be successful at least in terms of providing direct support. However, technological tools may still be valuable if they are used to provide support or guidance to those who assist or advocate for others. For example, online legal information and technology enabled secondary consultations.

Toy-Cronin, B., & Stewart articulately summarise the reasons that both online and one-to-one services are necessary:<sup>41</sup>

1. Not everyone can meet the demands of the justice system without help meaning that assistance needs to be provided to those who need it to ensure equality of access;
2. People generally seek help from non-lawyers when they have a legal problem. Online information and tools can help these helpers even if the person with the problem is not able to use these tools.
3. One-to-one services can unpack any problems behind the problem in a way online tools cannot; and
4. Online-only services can be dehumanising for some people leading to disengagement. One-to-one services provide the humanising element for those who want it.

The Engine Room's global review of technology for legal empowerment makes a similar argument:<sup>42</sup>

*[T]echnology is not a replacement for in-person legal advice and support... technology can help determine when in-person support is most needed, and how best to guide a person to it. ...Personalised legal advice provided by another person will remain a crucial part of legal empowerment efforts. If used well, technology could help target this in-person support to situations where it is most needed, by helping organisations communicate reliable, easily understandable advice through communication channels that people already use.*

The Engine Room also identified a key commonality in services that used technology effectively despite their differing contexts – they aimed to complement existing services rather than trying

---

<sup>40</sup> Law Council of Australia. (2018). [The Justice Project: Final Report Part 2 Legal Services](#) at 39.

<sup>41</sup> Toy-Cronin, B., & Stewart, K. (2022). [Expressed legal need in Aotearoa: From Problems to Solutions](#). Civil Justice Centre, University of Otago at 57-58.

<sup>42</sup> The Engine Room, [Technology for Legal Empowerment: A Global Review](#) at 10.



to build something new detached from the justice system and were closely linked to in-person support, often making in-person services more accessible.<sup>43</sup>

## Different forms of technology

### Online legal information

Toy-Cronin and Stewart discuss the limitations and the value of online legal information in another recent study published in 2022:<sup>44</sup>

*It is important, therefore, to acknowledge that legal information and self-help tools are not the answer for everyone and not the whole answer for many. Why bother with making them then? The first part of the answer is that they are useful to some people and may be sufficient to equip them to solve their problem. The second part of the answer is that even if they are not used by the person with the legal problem themselves, they can be deployed by the helper assisting the person who has the legal problem.*

Both parts of their answer have considerable relevance to this study. In terms of the former, as noted above, if some children and young people (or indeed some in the wider population) can be assisted to resolve their legal issues using relatively inexpensive technology based solutions this can potentially free up resources for those that need more intensive assistance. The second part of their answer is also very relevant to children and young people's access to justice – the research is clear that children and young people generally will not seek legal advice directly, choosing instead to seek information and assistance from people they know and trust. If these people, the 'assistants' as Toy-Cronin and Stewart call them, can obtain accurate and reliable legal information that has the potential to significantly increase children and young people's access to justice. They explain further:<sup>45</sup>

Online legal information is therefore important to help the assistants: it can allow them to assist in the community (without referral to a one-to-one service) and enable them to direct the person to a one-to-one service. Online legal information is also vital support for the one-to-one service itself. For example, CAB volunteers are trained to always look up answers to legal problems in CABNET, the online database that CAB runs.<sup>26</sup> The quality of the information and the tools that an adviser can deploy are therefore very important components of assistance services. The better that information and the more practical the tools that are available, the less the assistant or adviser needs to send people on to specialist advisers.

In 2020 the University of Otago Legal Issues Centre produced a report summarising lessons from other jurisdictions in relation to online legal information and self-help tools to help improve practice in Aotearoa and to develop a shared vision going forward.<sup>46</sup> They draw from Margaret Hagan's work at the Legal Design Lab at Stanford University to identify five things that online legal information and self-help resources need to do:<sup>47</sup>

- Be found and selected by relevant users;

---

<sup>43</sup> The Engine Room, [Technology for Legal Empowerment: A Global Review](#) at 69.

<sup>44</sup> Toy-Cronin & Stewart, [Expressed legal need in Aotearoa: From Problems to Solutions](#) at 60.

<sup>45</sup> Ibid at 61.

<sup>46</sup> Turner, D. & Toy-Cronin, B. (2020). [Online Legal Information Self-Help in Aotearoa: An agenda for action](#). University of Otago Legal Issues Centre at 6.

<sup>47</sup> Ibid at 17.

- Identify the user's issue, or enable the user to identify their issue;
- Give appropriate information, in a way that users can understand, retain, and apply;
- Provide various ways of taking action or finding more information; and
- Help users overcome practical and personal barriers to action e.g. anxiety, stress, and lack of time.

Turner and Toy Cronin also discuss potential strategies for addressing each of these points drawing from work in other jurisdictions.<sup>48</sup> Other recent research in Australia sets out a similar series of design principles for online self-help resources with some additional points:<sup>49</sup>

- Have names that describe what they do;
- Set clear expectations;
- Be as easy to read as possible;
- Describe processes;
- Work equally well for everyone;
- Be current;
- Allow some people to speak to a human; and
- Be designed with communities.

Other key characteristics identified in the literature in New Zealand and overseas which align with the principles I identified above include:

- Participatory approaches - Involving people with lived experience at key points including research, the design process, implementation, and evaluation can significantly improve the experience and impact of products and services.<sup>50</sup>
- Working together - Online information and self-help resources are most effective when they are integrated with, and complementary to, assistance services and dispute resolution processes e.g. legal outreach and duty services.<sup>51</sup> Szczepanska and Blomkamp make a number of recommendations to improve connections between sources of information and legal help including co-funding arrangements to promote collaboration, multidisciplinary partnerships to explore more holistic resources, and resource makers exploring and advocating ways of connecting resources to their ecosystem.<sup>52</sup> Turner & Toy-Cronin also emphasise the importance of collaboration.<sup>53</sup>
- Tailoring to both users and problems – McDonald et al. conclude that self-help resources can be most effective when used as a strategy to achieve a specific purpose including “for different types of legal problems and users, and in different circumstances (see Forell & McDonald 2017b).”<sup>54</sup>
- Many people require human mediation to effectively use internet-based resources.<sup>55</sup>

---

<sup>48</sup> Ibid at 17-24.

<sup>49</sup> Szczepanska, J. & Blomkamp, E. (2020). [Seeking Legal Help Online: Understanding the 'missing majority'](#). Justice Connect at 93.

<sup>50</sup> Ibid at 90-91.

<sup>51</sup> McDonald, H.M., Forell, S., & Wei, Z. (2019). [Uptake of legal self-help resources: what works, for whom and for what? Justice issues Paper 30](#). Law & Justice Foundation of NSW at 17-19.

<sup>52</sup> Szczepanska & Blomkamp, [Seeking Legal Help Online: Understanding the 'missing majority'](#) at 91.

<sup>53</sup> Turner & Toy-Cronin, [Online Legal Information Self-Help in Aotearoa: An agenda for action](#) at 31-36.

<sup>54</sup> McDonald et al., [Uptake of legal self-help resources: what works, for whom and for what? Justice issues Paper 30](#) at 17.

<sup>55</sup> Sandefur, R., (2015). [Bridging the Gap: Rethinking Outreach for Greater Access to Justice](#). *University of Arkansas at Little Rock Law Review*, 37(4), 721-740 at 739-740.

Denvir's research with young people also advocates for a bipartite approach involving "user friendly website design, coupled with Internet literacy capacity building amongst younger users".<sup>56</sup>

## Chatbots and artificial intelligence

One technology based tool for sharing legal information and self-help resources online that has been getting a bit of attention in the last few years is chatbots. CitizenAI (owned by Community Law Wellington & Hutt Valley) were funded to develop three chatbots in 2018.<sup>57</sup> Although this project has now come to an end and the chatbots are offline, I mention them here as an example of a potential innovation.

Two of the chatbots (Rentbot and Workbot) were evaluated by a team of researchers from the University of Otago in 2020.<sup>58</sup> The evaluation of Rentbot involved user testing to assess its usability and utility as well as an evaluation of the relevance of retrieved information and legal accuracy. The evaluators concluded that Rentbot was generally useful and outperformed what was available in an internet search but did not always provide users with a pathway to a next step to resolve their problems.<sup>59</sup> The evaluation of accuracy found that Rentbot only rarely made legal errors but commonly made retrieval errors which required users to reframe their questions.<sup>60</sup> The evaluators made three main recommendations each of which may also be relevant to new chatbots: the need to update the chatbot to reflect upcoming changes to the law; integrating the chatbot into other existing sources of legal information including both Government agencies and other NGOs; and focussing on the chatbots strength in identifying legal issues and to relate information in a way to give people next steps or plans.<sup>61</sup> This could include following overseas developments such as linking to next steps navigators or letter generators.<sup>62</sup>

The evaluation of Workbot was limited to an expert evaluation of the accuracy of responses provided.<sup>63</sup> Workbot did not make any legal errors but did make retrieval errors in relation to both lower level disputes as well as relating to some issues including mental health problems, rape and sexual assault, and sexual and racial harassment.<sup>64</sup> The evaluators also found that some responses lacked empathy and suggested inappropriate pathways for action.<sup>65</sup> Another issue identified was that some responses focussed on employers' duties rather than practical advice about what to do which the authors of the evaluation noted may also be due to concerns about moving from information into advice.<sup>66</sup>

A new chatbot has recently been funded by the Michael and Sudan Borrin Foundation. Netsafe's first chatbot Kora will answer questions about the Harmful Digital Communications Act, digital

---

<sup>56</sup> Denvir et al., Surfing the web – Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension at 103.

<sup>57</sup> Michael & Suzanne Borrin Foundation. (n.d.). *Access to justice through digital innovation*. <https://www.borrinfoundation.nz/access-to-justice-through-digital-innovation/>

<sup>58</sup> Toy-Cronin, B., Pirini, M., Turner, D. & Duncan, D. (2020). *An Evaluation of Legal Information Chatbots: Useability, Utility, and Accuracy*. University of Otago.

<sup>59</sup> Ibid at 20.

<sup>60</sup> Ibid at 21.

<sup>61</sup> Ibid at 27-28.

<sup>62</sup> Ibid at 28.

<sup>63</sup> Ibid at 6.

<sup>64</sup> Ibid at 37.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

safety concerns, online safety issues, and how to resolve complaints.<sup>67</sup> The goals of the project reflect key benefit of chatbots, the ability to take enquiries around the clock and to free up frontline staff to handle more complex legal matters.<sup>68</sup> When I went to the Netsafe website on 28 March Kora did not appear to be in operation yet as it did not come up when I entered this term into the search engine. The contact us page did have an icon for 'chat' but it was unclear how to start a chat.<sup>69</sup> Chatbots and the use of artificial intelligence as an access to justice tool has also received media attention in New Zealand including the CitizenAI chatbots and ChatGPT.<sup>70</sup>

In the United States, the use of AI has also been in the media including substantial coverage of DoNotPay is a United States based app that uses artificial intelligence to help consumers solve their problems like beating parking tickets, appealing bank fees, and suing robocallers.<sup>71</sup> DoNotPay has been the source of some controversy, most recently when the founder announced that a "robot" lawyer powered by artificial intelligence was going to represent a client in court for the first time.<sup>72</sup> The plan was dropped after threats from the State Bar Association.

The Tennessee Alliance for Legal Services operate three chatbots: Family Champion is a bot that can assist people to fill out free divorce forms; Renter Defender uses a question and answer process to identify users' specific landlord/tenant issue(s) and direct them to the necessary resources; and the Workers' Champion bot which assists users to go through the claims process with the Tennessee Bureau of Workers' Compensation.<sup>73</sup> It is unclear whether all or some of these Chatbots use artificial intelligence or are simply working based on pre-determined scripts and using users' answers to populate the forms.

In Australia Social Security Rights Victoria created a Medical Evidence Bot to assist applicants applying for the Disability Support Pension.<sup>74</sup> The Bot is integrated into its online legal information website in relation to the Disability Support Pension.<sup>75</sup> The Victorian Equal Opportunity and Human Rights Commission operates a 'chatbot' which assists people to identify what sexual harassment is and how to respond, including connecting them to support and referral services.<sup>76</sup> The chatbot is automated rather than using artificial intelligence and provides standardised responses to the information and choices entered by the user. Also in Australia, the Tech4Justice Complaints Platform is "an online one-stop-shop of information, resources and self-help tools for complaint making".<sup>77</sup> New funding was recently announced to enable the team

---

<sup>67</sup> Michael & Suzanne Borrin Foundation. (n.d.). *Netsafe's Chatbot "Kora" cares 24/7 about your online experiences and keeping safe online*. <https://www.borrinfoundation.nz/netsafes-chatbot-kora-cares-24-7-about-your-online-experiences-and-keeping-safe-online/>

<sup>68</sup> Michael & Suzanne Borrin Foundation, *Netsafe's Chatbot "Kora" cares 24/7 about your online experiences and keeping safe online*.

<sup>69</sup> Netsafe. (n.d.). *Contact us*. <https://netsafe.org.nz/contact-us/>

<sup>70</sup> McDonald, N. (2023, March 18). The AI revolution: Is your next lawyer a machine? *Stuff*. <https://www.stuff.co.nz/business/131477379/the-ai-revolution-is-your-next-lawyer-a-machine?cid=app-android>

<sup>71</sup> DoNotPay. (n.d.) *DoNotPay*. <https://donotpay.com/about/>

<sup>72</sup> Cerullo, M. (2023, January 26). AI-powered "robot" lawyer won't argue in court after jail threats. *CBS News*. <https://www.cbsnews.com/news/netflix-password-sharing-limits-crackdown-how-it-could-work/?tag=CNM-00-10aab7e&linkId=198756670>

<sup>73</sup> Tennessee Alliance for Legal Services. (2022). *Chat Bots for Family Law, Landlord-Tenant, and Workers Compensation*. <https://www.help4tn.org/node/1501/chat-bots-family-law-landlord-tenant-and-workers-compensation>

<sup>74</sup> Social Security Rights Victoria. (n.d.). *Medical Evidence Bot*. <https://dsphelp.org.au/medical-evidence-bot/>

<sup>75</sup> Social Security Rights Victoria. (n.d.). *Welcome to DSP Help*. <https://dsphelp.org.au/>

<sup>76</sup> Victorian Law Reform Commission. (2020). *Improving the Response of the Justice System to Sexual Offences: Issues Papers A-H*. Victorian Law Reform Commission at 5.

<sup>77</sup> Tech4Justice. (n.d.) *About*. <https://www.tech4justice.org.au/about>

to develop an AI-enabled triage/navigation tool to help users to identify which complaints pathway best suits their needs then refers users to sources of additional guidance and support if needed.<sup>78</sup>

Although both chatbots and artificial intelligence appear to have considerable potential, concerns have also been raised about potential risks. For example, the Australian Human Rights Commission's 2021 report on technology and human rights raises concerns about the conflict between the technology industry's 'move fast and break things' ethos and the need to protect consumers through appropriate regulation.<sup>79</sup> In particular, inadequate testing before release can cause harm to human rights and public trust with the Australian Human Rights Commission citing high profile examples including an AI-powered chatbot that made racist statements, and a facial-recognition application that misidentified some people with dark skin as gorillas.<sup>80</sup>

Research in Australia has also found that public perception of chatbots varies with some people not wanting to use chatbots due to poor past experiences or a lack of experience with them, whereas others thought that they could be a good first step and/or helpful in combination with other tools.<sup>81</sup> Those that tried using the chatbot also made similarly polarised comments with some "finding the questions increasingly personal or 'sneaky' and intrusive" and others reporting a positive experience commenting on how easy it was to use.<sup>82</sup>

## Further reading

- Toy-Cronin, B., Pirini, M., Turner, D. and Duncan, D. (2020) [\*An Evaluation of Legal Information Chatbots: Useability, Utility, and Accuracy\*](#). University of Otago, Dunedin.
- Toohey, L., Moore, M., Dart, K. and Toohey, D.J., (2019) Meeting the Access to Civil Justice Challenge: Digital Inclusion, Algorithmic Justice, and Human-Centered Design. *Macquarie Law Journal*. (19) 133-156.
- Szczepanska, J. & Blomkamp, E. (2020) [\*Seeking Legal Help Online: Understanding the 'missing majority'\*](#). Justice Connect.
- Smith, R. (23 January 2020) "How Hot are Chatbots?" *Law, Technology and Access to Justice Blog* <https://law-tech-a2j.org/bots/how-hot-are-chatbots/>

## Online legal services

Views in relation to the value of online legal services is equally mixed. For example, the Law Council of Australia pointed to the increasing demand for the National Children's and Youth Law Centre's national Lawmail email based service,<sup>83</sup> and included a case study demonstrating the value of online services in some situations – in this case assisting a young person who had been taken overseas to be married by her mother who then returned to Australia with her passport.<sup>84</sup>

A United Kingdom House of Commons inquiry into the future of legal aid discussed submissions in relation to both the potential benefits of online services principally by expanding the capacity of legal service providers and increasing accessibility for clients with childcare needs and

---

<sup>78</sup> National Justice Project. (2023). *Tech4Justice receives a major boost from kickstart grant*. <https://justice.org.au/tech4justice-receives-a-major-boost-from-kickstart-grant/>

<sup>79</sup> Australian Human Rights Commission. (2021). [\*Human Rights and Technology\*](#) at 97.

<sup>80</sup> Ibid at 97.

<sup>81</sup> Szczepanska & Blomkamp, [\*Seeking Legal Help Online: Understanding the 'missing majority'\*](#) at 55.

<sup>82</sup> Ibid at 54-55.

<sup>83</sup> Law Council of Australia, [\*The Justice Project: Final Report Part 2 Legal Services\*](#) at 35.

<sup>84</sup> Ibid at 36.

disabled people.<sup>85</sup> Probono.net also make the latter point<sup>86</sup> as well as emphasising the potential for remote services to save both time for nonprofits, volunteers, and clients and money for organisations.<sup>87</sup>

In contrast, research looking at the effect of remote legal advice on children and mentally vulnerable people at the police station in the United Kingdom found that remote legal assistance had a negative impact on children's ability to understand what was happening and the advice that they were given.<sup>88</sup> This could be for a range of reasons including not being able to hear properly due to issues with technology and being less likely to ask questions when they didn't understand if it meant another phone call or a delay.<sup>89</sup> Some participants also raised concerns about young people "getting upset and angry that solicitors were not there physically, in some cases causing suspects to disengage from the process".<sup>90</sup> The research also found that solicitors were less likely to participate in the interview, e.g. through intervening during improper questioning, with some participants reporting that solicitors seemed "distracted or doing something else while participating in the interview, such as eating, answering other phone calls, and even driving".<sup>91</sup>

As with access to online legal information and self-help resources, another significant challenge is unequal access to technology or the credit / data to use it and a lack of basic digital skills.<sup>92</sup> As Sandefur argues, digital exclusion is not distributed equally across the population and those most likely to be digitally excluded are also likely to need legal assistance.<sup>93</sup> One way of addressing a lack of technology and the need for assistance is to provide terminals and/or someone to assist in using them. However, Probono.net explain that these solutions can also bring new challenges including that people may be reluctant to use a public computer or to discuss sensitive topics in a computer lab.<sup>94</sup> They also identify the need to be clear about the scope of any services and the nature of any relationship between the service provider and service user i.e. whether a lawyer-client relationship has been established.<sup>95</sup>

## Online courts / dispute resolution

The potential for online courts to increase access to justice has been under discussion in New Zealand and overseas for a number of years.<sup>96</sup> However, the Covid-19 pandemic accelerated the use of online dispute resolution through necessity creating a form of pilot project that enables

---

<sup>85</sup> House of Commons Justice Committee. (2021). [The Future of Legal Aid: Third Report of Session 2021-22](#). United Kingdom House of Commons at 57.

<sup>86</sup> Probono.net (2020). [Remote Legal Support: A Guide for Nonprofit and Pro Bono Innovation](#) at 13-14.

<sup>87</sup> Ibid at 13.

<sup>88</sup> Transform Justice, the National Appropriate Adult Network & Fair Trials. (2021). [Not remotely fair? Access to a lawyer in the police station during the Covid-19 pandemic](#). Transform Justice at 21. The research involved a survey of people acting as Appropriate Adults at the police station. See page 12 for further information about the methodology.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid at 22.

<sup>92</sup> House of Commons Justice Committee, [The Future of Legal Aid: Third Report of Session 2021-22](#) at 57-58.

<sup>93</sup> Sandefur, [Bridging the Gap: Rethinking Outreach for Greater Access to Justice](#) at 737.

<sup>94</sup> Probono.net, [Remote Legal Support: A Guide for Nonprofit and Pro Bono Innovation](#) at 15.

<sup>95</sup> Ibid.

<sup>96</sup> See for example Venning, G. (2018), [Online Courts: Refresh for Justice. The place of Courts in the age of the internet](#). (ODR Forum 2018, New Zealand Centre for ICT Law); Law Council of Australia. (2018). [The Justice Project: Final Report Part 2 Courts and Tribunals](#) at 83.

us to consider what has worked, and what has not, to inform practice going forward.<sup>97</sup> Once again, a key challenge is the digital divide as Meyer explains:<sup>98</sup>

*Not all virtual access is equal. While we see an increased rate of participation in virtual hearings, this does not mean that virtual hearings do not have their own access challenges that need to be solved. Inequities result from people using different technologies, such as a litigant calling in from a phone line at a hearing where the judge and other party appear by video. ...For people who don't have a professional, quiet place to join a virtual hearing, they may find themselves at a disadvantage. ... Court consumers may [4] lack internet, a stable internet connection, and even the technology—such as a smartphone or laptop—to appear in a virtual setting. In addition to these access challenges, not all court users have the digital literacy to navigate a videoconferencing platform. Bandwidth problems are particularly challenging in rural areas, but we have seen that unstable internet connections can be a challenge anywhere.*

Toy-Cronin & Irvine recently conducted a laboratory experiment which compared how lay people and lawyers explained the same legal problem in a mock online court portal.<sup>99</sup> Although their experiment focussed on the differences between lay people and lawyers, their findings have significant implications for the design of online services given that many users are likely to be self-represented and therefore, interfaces should be designed in a way that assists people to more clearly explain their disputes.<sup>100</sup>

In 2022 Courts of New Zealand consulted on a draft digital strategy for courts and tribunals<sup>101</sup> followed by the Chief Justice of New Zealand releasing the final version in March 2023.<sup>102</sup> The draft strategy sets out a series of “core principles to guide all decisions about technology used in the court system”,<sup>103</sup> including addressing two of the issues I have identified in this discussion:<sup>104</sup>

*3. PEOPLE-CENTRED The design of technology should be centred on meeting the needs of all its users, and based on an accurate understanding of those needs.<sup>6</sup> Users should be involved in design processes, development and testing...*

*4. INCLUSIVE The adoption of digital technologies should reduce barriers to access to the court system, including barriers currently faced by people with disabilities, people using languages other than English, and people with limited means.*

*There should be a particular focus on people with significant legal needs who experience difficulty in accessing the justice system, or do not access it at all.*

---

<sup>97</sup> Toy-Cronin & Irvine, [‘Tighten, cull and focus’: An experiment examining lay and lawyer claims in a mock online court](#) at 1; Kauffman & Meyer, [Learning from this Nationwide Pilot Project— Ensuring Access to Justice in High-Volume Cases](#).

<sup>98</sup> Kauffman & Meyer, [Learning from this Nationwide Pilot Project— Ensuring Access to Justice in High-Volume Cases](#) at 3-4.

<sup>99</sup> Toy-Cronin & Irvine, [‘Tighten, cull and focus’: An experiment examining lay and lawyer claims in a mock online court](#).

<sup>100</sup> *Ibid* at 1.

<sup>101</sup> Courts of New Zealand. (2022). [Digital Strategy for Courts and Tribunals: Consultation Draft](#).

<sup>102</sup> Chief Justice of New Zealand. (2023). [Digital Strategy for Courts and Tribunals](#). Te Tari Toko i te Tumu Whakawā - The Office of the Chief Justice.

<sup>103</sup> *Ibid* at 20.

<sup>104</sup> *Ibid*.

*Technology must not increase barriers to access for people who are digitally disadvantaged – alternative channels for interacting with the court system must remain available for people who are not well placed to use digital technologies.*

Principles can of course be interpreted in multiple ways but their inclusion indicates that the judiciary is well aware of the potential risks of adopting new technology as well as its potential benefits.

The digital strategy also provided that the highest priority initiatives are focussed on “the most acute justice infrastructure needs of New Zealand’s courts and tribunals”.<sup>105</sup> This includes digital records and files, digital case management, implementation of a high quality reliable and flexible system for remote hearings using AVL technology, ensuring that there is reliable, secure, fit for purpose physical infrastructure in place in all courts and tribunals, and ensuing high quality and responsive training and support is available for all users of digital technology.<sup>106</sup> Investigation of online dispute resolution is identified as a longer term aspiration over the next five to ten years.<sup>107</sup>

The strategy also identifies the need for a review and possibly reform of procedural rules and legislation for example removing the barriers to the use of online electronic forms, enabling verification of information online which would then have the same effect as an affidavit or statutory declaration, and reviewing and updating the laws in relation to remote participation in proceedings.<sup>108</sup>

## **Video link**

Lynch and Kilkelly summarise the concerns arising in research and literature in relation to children participating in court proceedings over video link:<sup>109</sup>

*There is a body of literature on the impact appearing in court proceedings via AVL can have on children’s rights, particularly participation. Children’s characteristics mean that navigating the in-person court process, even where it is adapted to their age and circumstances, is challenging. Even though the state has a duty to ensure that children’s right to participate in court proceedings is protected, research has shown that they find it difficult to understand and engage in the criminal process (Forde, 2018). Challenges with communication and comprehension are amplified in the formal courtroom setting where their demeanour and behaviour can be misunderstood. Their undeveloped capacity can mean that they struggle to appreciate the gravity of their circumstances and their judgement can be influenced more by short-term gains, like having the hearing over quickly, than a long-term consideration of what is in their interests... AVL has been found to have a negative impact on the ability of a child to participate and understand the proceedings, whilst also undermining the relationship of trust between the lawyer and child (Walsh, 2018).*

In addition to these challenges, lawyers are also less able to provide the support that children and young people may need to participate and understand what is happening during the

---

<sup>105</sup> Ibid at 23.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid at 27.

<sup>108</sup> Ibid at 31.

<sup>109</sup> Lynch, N., & Kilkelly, U. (2021). [“Zooming In” on Children’s Rights During a Pandemic: Technology, Child Justice and Covid-19](#). *The International Journal of Children’s Rights*, 29(2), 286-304 at 294.



proceedings.<sup>110</sup> Additional challenges arise for disabled or neurodiverse children and young people particularly where their disability and/or problems with effective participation are not picked up due to remote participation.<sup>111</sup>

Research in Australia explored the use of video-link technology for young people aged 10-17 involving systematic courtroom observations, backed up by interviews with judges, lawyers, police, court personnel and others involved in the youth justice system.<sup>112</sup> Hutchinson found that while participants expressed overall support for the use of AVL for simple matters such as adjournments and mentions, there was a consensus was that children and young people should be present in court in person for trials and sentencing.<sup>113</sup> Another study which involved a focus group with eight lawyers who represented children and young people on criminal charges also identified concerns in relation to the use of AVL including its impact on children and young people's ability to understand what was happening in the proceedings (particularly where they have cognitive challenges as is common with this cohort)<sup>114</sup> and the psycho-social impacts including losing the opportunity to see family in court and that appearing on video-link could minimise the importance of the hearing.<sup>115</sup>

Vavonese et al. also raise concerns in relation to how giving evidence over CCTV can affect assessments of credibility:<sup>116</sup>

*Children testifying via CCTV were seen as significantly less accurate, believable, consistent, confident, able to testify based on fact not fantasy, attractive, and intelligent.<sup>67</sup> Yet, jurors could not tell the difference between child witnesses who were lying, as instructed, and those who were telling the truth, indicating that their perceptions were not necessarily accurate.<sup>68</sup>*

Vavonese et al. discuss some of the reasons that video-links can affect perceptions of others:<sup>117</sup>

*Compared to other modes of human interaction, like telephone calls, in-person communication contains the greatest number of observable details, including body language, such as posture, hand gestures, and facial expressions, that can help participants better understand what is being said.<sup>22</sup>*

*Body language is also an important component of building trust and empathy between participants,<sup>23</sup> which can affect how one is perceived by others.<sup>24</sup> Like eye contact, facial expressions can convey a great deal of information during a communication by signalling attention and interest, disagreement with what another participant is saying, as well as a desire to speak without the need to verbally interject.<sup>25</sup>*

*Technical issues with video software can negatively impact communication in obvious ways, an issue that comes up in many studies of video. However, even*

---

<sup>110</sup> Lynch & Kilkelly, [“Zooming In” on Children’s Rights During a Pandemic: Technology, Child Justice and Covid-19](#) at 294.

<sup>111</sup> Ibid at 295.

<sup>112</sup> Hutchinson, T. (2021). [Court appearances via video link for young people in detention in Queensland](#). Australian Institute of Criminology (AIC) at 1.

<sup>113</sup> Ibid at 8.

<sup>114</sup> Walsh, T. (2018). Video Links in Youth Justice Proceedings: When Rights and Convenience Collide. *Journal of Judicial Administration*, 27(4), 161-181 at 174.

<sup>115</sup> Ibid at 176.

<sup>116</sup> Vavonese, L.B., Ling, E., Joy, R. and Kobor, S. (2020). [How Video Changes the Conversation: Social Science Research on Communication Over Video and Implications for the Criminal Courtroom](#), Center for Court Innovation & National Legal Aid and Defender Association at 13-14.

<sup>117</sup> Ibid at 5.

*minor technical issues like a slight lag time between a person moving and the replication of those movements over video can jeopardize the effective use of non-verbal cues.*

The research and literature also provides some recommendations and guidance if remote participation is used including:

- Providing tailored and easily understood guidance to assist children to understand the context and purpose of the hearing;<sup>118</sup>
- Ensuring consistency in the equipment with all personnel using the equipment receiving regular updates on changes and training to use it;<sup>119</sup>
- If the child or young person is in detention the centre should ensure that there are enough rooms, staff and resources for lawyers to visit their clients to obtain instructions. Facilities should also be available at the court for lawyers to get additional instructions;<sup>120</sup>
- The decision in relation to the use of video-link technology should be based on the individual child including their fitness to plead, language capacity, and hearing and sight problems with these assessments taking place prior to the hearing;<sup>121</sup> and
- All participants in the hearings should be encouraged to use less formal language and to give additional explanations to make sure that young people are able to understand what is happening.<sup>122</sup>

## Online court services

Toy-Cronin et al. produced a report in 2021 which “condense[s] key lessons drawn from existing research and our own research findings, to improve the design of online filing for dispute resolution systems in Aotearoa”.<sup>123</sup> The report begins by identifying two key cautions: “the need for genuine paper-based alternatives and the second is the care that needs to be taken in setting and monitoring the goals for the online filing system.”<sup>124</sup> The authors then go on to discuss specific lessons drawn from existing research and our own research findings.<sup>125</sup>

## Back end technology

Another way technology can assist to increase access to justice is through ‘backroom technology’ which increases efficiency such as “sophisticated phone and computer systems which can handle multiple users, and search engine optimisation to triage clients and prioritise vulnerable consumers. 203”.<sup>126</sup> Another example used in Aotearoa New Zealand is the pro bono platform used by Te Ara Ture to match pro bono need and pro bono service availability.<sup>127</sup> The platform was originally developed by Justice Connect in Australia and is now being used in UK, Ireland and New Zealand, with further releases to come in Europe and Asia.<sup>128</sup>

---

<sup>118</sup> Lynch & Kilkelly, [“Zooming In” on Children’s Rights During a Pandemic: Technology, Child Justice and Covid-19](#) at 300.

<sup>119</sup> Hutchinson, [Court appearances via video link for young people in detention in Queensland](#) at 7.

<sup>120</sup> Ibid at 8.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Toy-Cronin, B., Nichols, D.M., Cunningham, S.J. (2021). [Designing Online Court Forms: Recommendations for Courts and Tribunals in Aotearoa](#). University of Otago at 4.

<sup>124</sup> Ibid at 6-7.

<sup>125</sup> Ibid at 6.

<sup>126</sup> Law Council of Australia. (2018). [The Justice Project: Final Report Part 2 Legal Services](#) at 35.

<sup>127</sup> Te Ara Ture. (2023). *About*. <https://tearature.co.nz/about/>

<sup>128</sup> Justice Connect. (n.d.) *Our Probono Portal*. <https://justiceconnect.org.au/about/digital-innovation/gateway-project/global-pro-bono-portal/>

Bots can also be used to streamline back end processes. For example, Josef is an Australian automation platform which enables non-technologically minded lawyers to create chatbots.<sup>129</sup> Examples of the platform being used to increase access to justice include the Northern Community Legal Centre in Victoria, Australia who used the platform to build a suite of multi-lingual triage & intake tools<sup>130</sup> and the Community Legal Western Australia who created an online referral tool that connects people with the right community law centre for their geographical, demographic, and legal needs.<sup>131</sup>

## Other forms of technology

There are also a range of online reporting tools that leverage technology to collect important data in relation to different forms of victimisation. For example, online tools have been developed to allow universities and college students who have been harassed or assaulted to report it online without identifying themselves.<sup>132</sup> Although this does not result in a formal justice process, the tool can direct people to support services and the data collected can help the college or university understand the problem better.<sup>133</sup> A rape crisis centre in Melbourne has also developed a similar tool with the primary function of connecting survivors with support services with de-identified informal reports also being provided to police for intelligence gathering.<sup>134</sup> Research in relation to this tool found that “the information obtained through the DRT is sufficiently detailed to support police crime mapping and intelligence gathering in a similar way to CrimeStoppers hotlines and other forms of anonymous crime reporting facilities.”<sup>135</sup>

Another online reporting tool *Call it out* was recently developed in Australia to report racism against indigenous people.<sup>136</sup> The website explains:<sup>137</sup>

*Our purpose is to collect information on racism, including how it is experienced, how often it is occurring and the impact it is having on people. This information will inform evidence-based research that enables us to report on racism and its impacts, inform anti-racism action, support the response of First Nations organisations and leaders and educate the wider community. Our aim is to prepare an annual public report outlining frequency and nature of reported incidents of racism. We see the First Nations Racism Register as a long term project that can progressively impact public policy into the future.*

---

<sup>129</sup> Josef. (n.d.) *About us*. <https://joseflegal.com/about-us/>

<sup>130</sup> Josef. (n.d.) *Northern Community Legal Centre adopts Josef to increase access to justice*. <https://joseflegal.com/case-studies/northern-community-legal-centre-adopts-josef-to-increase-access-to-justice/>

<sup>131</sup> Josef. (n.d.) *Access to justice, state-wide: CLWA connects all WA residents to legal services with Josef*. <https://joseflegal.com/case-studies/access-to-justice-state-wide-clwa-connects-all-wa-residents-to-legal-services-with-josef/>

<sup>132</sup> Victorian Law Reform Commission. (2020). *Improving the Response of the Justice System to Sexual Offences: Issues Papers A-H* at 5.

<sup>133</sup> *Ibid*.

<sup>134</sup> Loney-Howes, R., Heydon, G., & O'Neill, T. (2021). Connecting survivors to therapeutic support and criminal justice through informal reporting options: an analysis of sexual violence reports made to a digital reporting tool in Australia. *Current Issues in Criminal Justice*, 34(1), 20-37 at 22.

<sup>135</sup> *Ibid* at 33.

<sup>136</sup> Jumbunna Institute for Indigenous Education and Research & the National Justice Project. (n.d.). *Call it out*. <https://callitout.com.au/register/>

<sup>137</sup> Jumbunna Institute for Indigenous Education and Research & the National Justice Project. (n.d.). *About our work*. <https://callitout.com.au/about-us/>

The National Justice Project have also developed CopWatch to support First Nations communities respond to police over-reach and discrimination.<sup>138</sup> CopWatch was originally developed in 2017 then redesigned and relaunched in 2023 and has three components:<sup>139</sup>

- The app which allows you to send a text message alert to 3 pre-selected contacts with a map showing your location, allows to you to video record incidents, contains information on rights and responsibilities when recording and interacting with the police.
- The website which contains information about how the app works<sup>140</sup> and information about rights and responsibilities when recording and interacting with the police<sup>141</sup> as well as a list of organisations which offer support and legal advice.<sup>142</sup>
- The community training and education programme which prioritises delivering training that is locally relevant and community owned.

---

<sup>138</sup> National Justice Project. (2023). *About CopWatch*. <https://www.copwatch.org.au/our-story>

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> National Justice Project. (2023). *Know Your Rights & Responsibilities!* <https://www.copwatch.org.au/rights>

<sup>142</sup> National Justice Project. (2023). *Help & resources*. <https://www.copwatch.org.au/legal-help>

## References

- Australian Human Rights Commission. (2021). [\*Human Rights and Technology\*](#).
- Boddington, M. (2017). [\*Legal Informatics and Access to Justice: Innovation in Education and the Community Sector\*](#). New Zealand Winston Churchill Memorial Trust.
- Citizens Advice Bureaux New Zealand Ngā Pou Whakawhirinaki o Aotearoa. (2020). [\*Face to Face with Digital Exclusion\*](#).
- Courts of New Zealand. (2022). [\*Digital Strategy for Courts and Tribunals: Consultation Draft\*](#).
- Denvir, C., Balmer, N.J., & Pleasence, P. (2011). Surfing the web – Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension. *Interacting with Computers*, 23(1), 96-104.
- Denvir, C. (2014). [\*What is the Net Worth? Young People, Civil Justice and the Internet\*](#) [Doctoral Thesis, University College London].
- Denvir, C. (2016). [\*Online and in the know. Public legal education, young people and the Internet\*](#). *Computers & Education*, 92-93, 204-220.
- House of Commons Justice Committee. (2021). [\*The Future of Legal Aid: Third Report of Session 2021-22\*](#). United Kingdom House of Commons.
- Hutchinson, T. (2021). [\*Court appearances via video link for young people in detention in Queensland\*](#). Australian Institute of Criminology (AIC).
- Kauffman, B. & Meyer, B. (2021). [\*Learning from this Nationwide Pilot Project— Ensuring Access to Justice in High-Volume Cases\*](#). IAALS, the Institute for the Advancement of the American Legal System.
- Law Council of Australia. (2018). [\*The Justice Project: Final Report Part 2 Legal Services\*](#).
- Law Council of Australia. (2018). [\*The Justice Project: Final Report Part 2 Courts and Tribunals\*](#).
- Law Council of Australia. (2018). [\*Human Rights and Technology\*](#).
- Loney-Howes, R., Heydon, G., & O'Neill, T. (2021). Connecting survivors to therapeutic support and criminal justice through informal reporting options: an analysis of sexual violence reports made to a digital reporting tool in Australia. *Current Issues in Criminal Justice*, 34(1), 20-37, <https://doi.org/10.1080/10345329.2021.2004983>
- Lynch, N., & Kilkelly, U. (2021). [\*“Zooming In” on Children’s Rights During a Pandemic: Technology, Child Justice and Covid-19\*](#), *The International Journal of Children's Rights*, 29(2), 286-304.
- McDonald, H.M., Forell, S. & Wei, Z. (2019) [\*Uptake of legal self-help resources: what works, for whom and for what? Justice issues Paper 30\*](#). Law & Justice Foundation of NSW.
- Newman, D., Mant, J., & Gordon, F. (2021). [\*Vulnerability, legal need and technology in England and Wales\*](#). *International Journal of Discrimination and the Law*, 21(3), 230–253. <https://doi.org/10.1177/13582291211031375>
- Probono.net. (2020). [\*Remote Legal Support: A Guide for Nonprofit and Pro Bono Innovation\*](#).
- Sandefur, R. (2015). [\*Bridging the Gap: Rethinking Outreach for Greater Access to Justice\*](#). *University of Arkansas at Little Rock Law Review*, 37(4), 721-740.

- Szczepanska, J. & Blomkamp, E. (2020). [Seeking Legal Help Online: Understanding the 'missing majority'](#). Justice Connect.
- The Engine Room. (2019). [Technology for Legal Empowerment: A Global Review](#).
- Toohey, L., Moore, M., Dart, K., & Toohey, D.J. (2019). Meeting the Access to Civil Justice Challenge: Digital Inclusion, Algorithmic Justice, and Human-Centered Design. *Macquarie Law Journal*, (19) 133-156.
- Toy-Cronin, B., Pirini, M., Turner, D., & Duncan, D. (2020). [An Evaluation of Legal Information Chatbots: Useability, Utility, and Accuracy](#). University of Otago.
- Toy-Cronin, B., Nichols, D.M., & Cunningham, S.J. (2021). [Designing Online Court Forms: Recommendations for Courts and Tribunals in Aotearoa](#). Dunedin: University of Otago.
- Toy-Cronin, B. & Irvine, B. (2022). ['Tighten, cull and focus': An experiment examining lay and lawyer claims in a mock online court](#). *Law and Social Inquiry*. 1-30.
- Toy-Cronin, B. & Stewart, K. (2022). [Expressed legal need in Aotearoa: From Problems to Solutions](#). Civil Justice Centre, University of Otago.
- Transform Justice, the National Appropriate Adult Network & Fair Trials. (2021). [Not remotely fair? Access to a lawyer in the police station during the Covid-19 pandemic](#). Transform Justice.
- Turner, D. & Toy-Cronin, B. (2020). [Online Legal Information Self-Help in Aotearoa: An agenda for action](#). University of Otago Legal Issues Centre.
- Vavonese, L.B., Ling, E., Joy, R., & Kobor, S. (2020). [How Video Changes the Conversation: Social Science Research on Communication Over Video and Implications for the Criminal Courtroom](#). Center for Court Innovation and National Legal Aid and Defender Association.
- Venning, G. (2018). [Online Courts: Refresh for Justice. The place of Courts in the age of the internet](#) (ODR Forum 2018, New Zealand Centre for ICT Law).
- Victorian Law Reform Commission. (2020). [Improving the Response of the Justice System to Sexual Offences: Issues Papers A-H](#).
- Walsh, T. (2018). Video Links in Youth Justice Proceedings: When Rights and Convenience Collide. *Journal of Judicial Administration*, 27(4), 161-181.

