



**It's Broken; Fix It:
Creating an A2J Ecosystem**

Judge Brendan McCullagh

My goal today

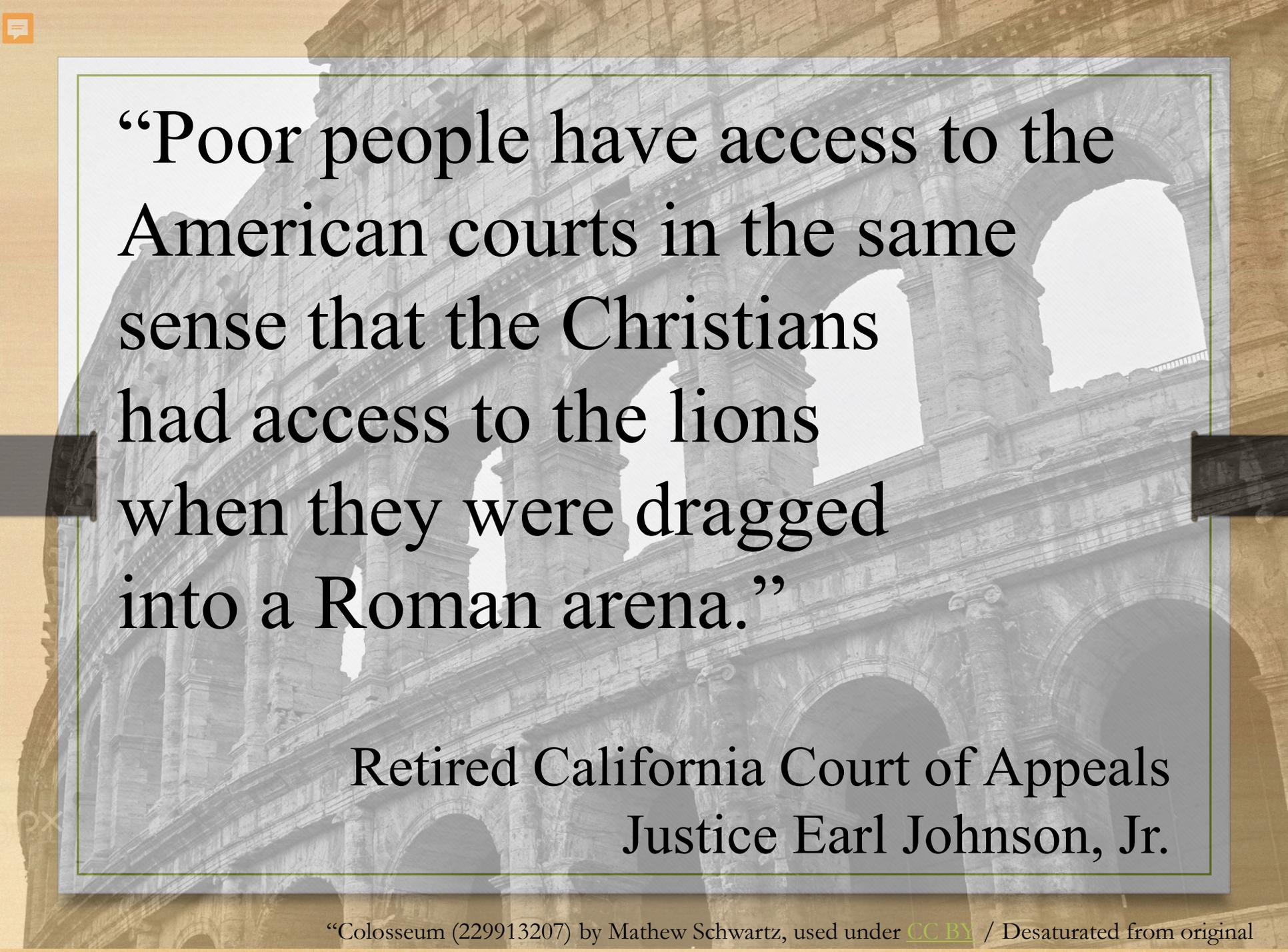
Arm you
with
information.

Energize you
to carry out
this work.



Key Themes

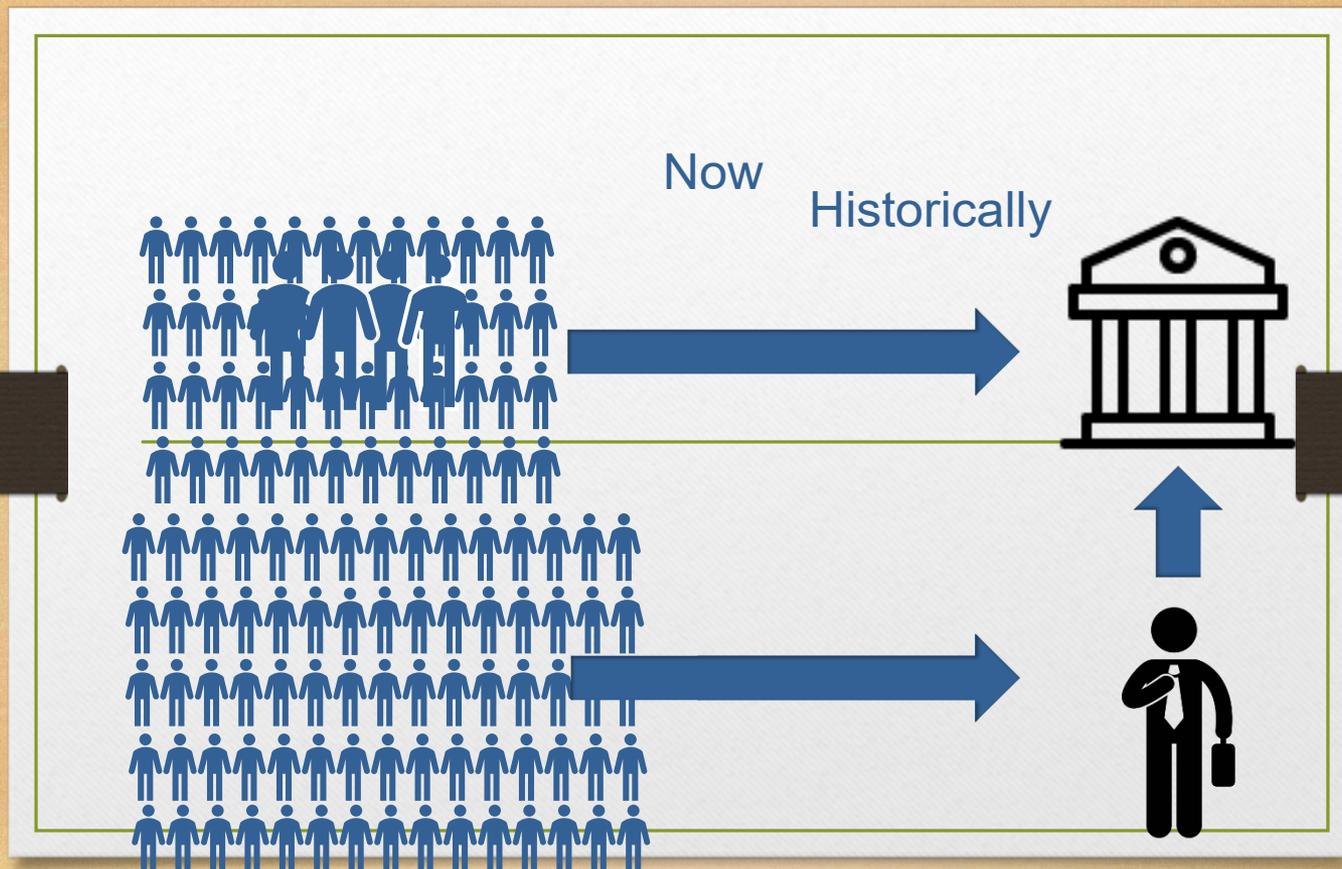
- “Broken” is hyperbolic. However... there are **enormous and expanding fissures** in our lack of accessible and affordable justice—the access-to justice (or A2J) gap.
- To bridge the gap we need to change our **legal ecosystem** by creating **new delivery channels** for legal services, including through investing in and **harnessing technology**.
- **ODR is one delivery channel** and preliminary findings from Utah’s ODR initiative show promising progress.



“Poor people have access to the American courts in the same sense that the Christians had access to the lions when they were dragged into a Roman arena.”

Retired California Court of Appeals
Justice Earl Johnson, Jr.

A Dramatic Increase In People Without Lawyers Has Changed How Users Interact With the Courts





Courts are
not
meeting
needs and
the people
have
noticed:

59% of voters
agree that courts
are not doing
enough to
empower regular
people without
legal help.



QUESTIONS?

New Delivery Channels

Reworking legal regulation.

- Modify or eliminate rule 5.4
- Develop a regulatory sandbox

Allowing non-lawyers to provide legal advice.

- Washington LLLT
- Utah LPP
- U of AZ BA, MA

Investing in and harnessing technology in an intentional way to narrow the A2J gap.

ODR!

The Future Is Technology

“The importance of technology in our daily lives is undeniable. This is due to the fact that in today’s dynamic world,
life without technology is meaningless.”

eimportanceoftechnology.com
(last visited 10/23/19)

ODR is Here to Stay

The majority of states and many countries have launched ODR programs or platforms.

If you are not one of them...

Get Over It.

Get on With It.



QUESTIONS?



**Soup to Nuts:
ODR in Utah**



Key
Finding:

Court
Staff
Prep
Time Per
Case is
Down

Pre-ODR

9 minutes / case

ODR

5 minutes / case

**Key
Finding:**

**Court
Staff
Prep
Time Per
Case is
Down**



45%
Reduction
in court
staff time
per case

Key
Finding:

Fewer
Hearings

- Number of hearings per case is down.
- “Spillover” of cases from overscheduled has been eliminated.
- Communication between parties is better.
- Parties that do come to court are coming better prepared.



**Key
Finding:**

**Fewer
Hearings**

Pre-ODR

1,022 unique cases

2,255 hearings

2.66 average hearings/case

ODR

743 unique cases

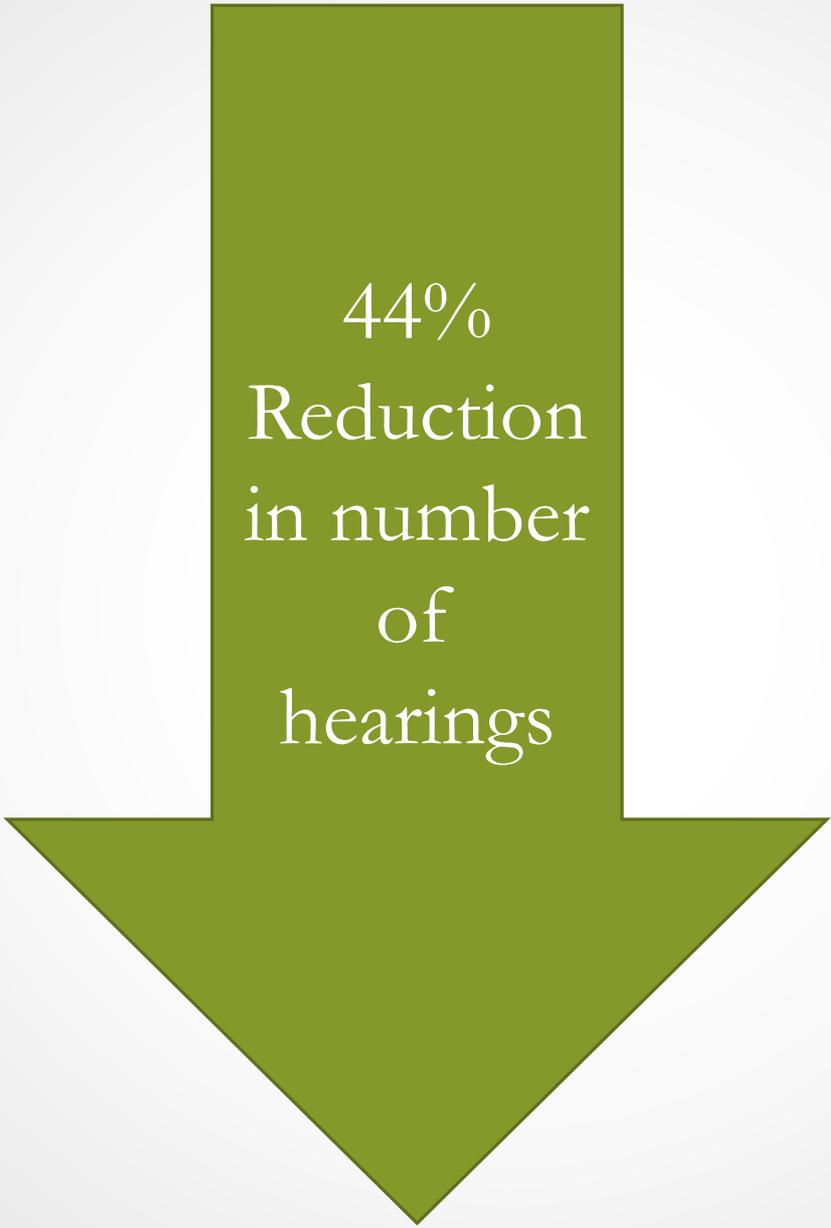
941 hearings

1.5 average hearings/case



**Key
Finding:**

**Fewer
Hearings**



44%
Reduction
in number
of
hearings

Key
Finding:

Prompter
Resolution

Days from
filing to
first
hearing

Pre-ODR

93 days to first hearing

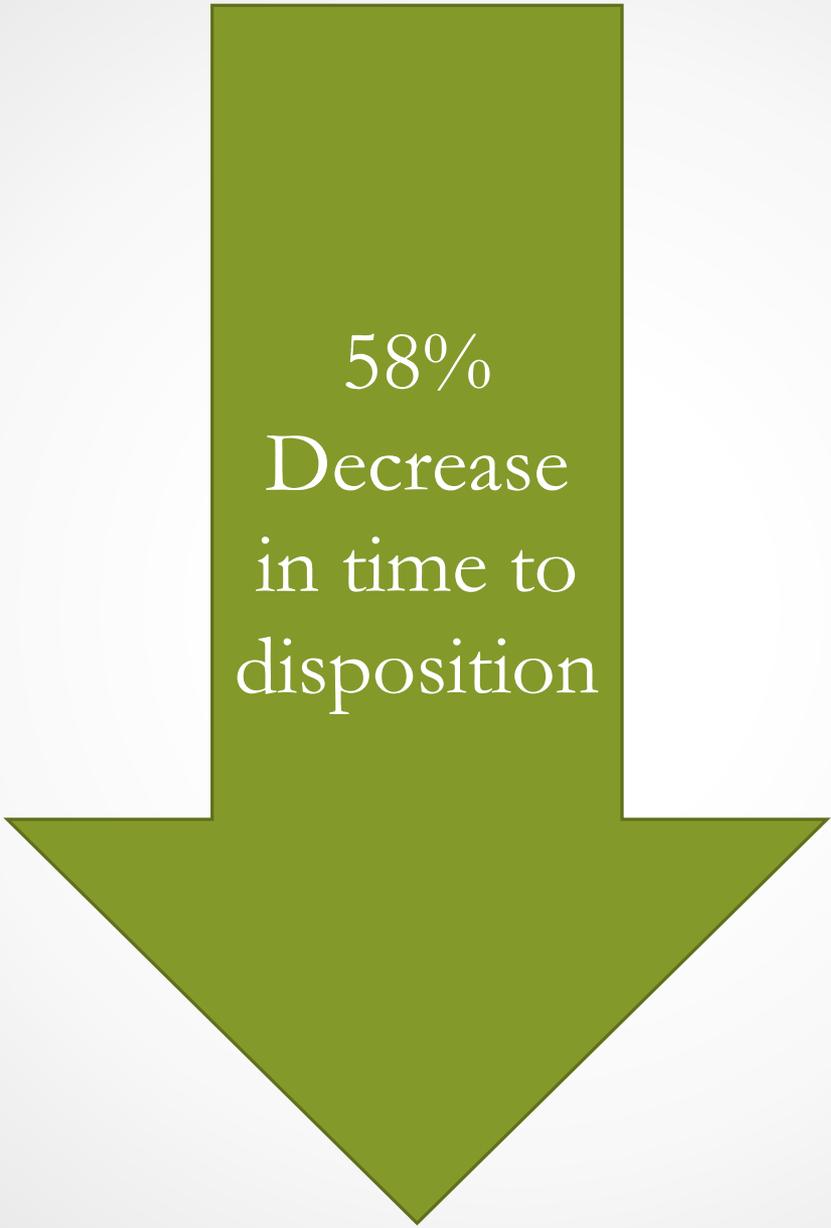
ODR

63 days to first hearing



Key
Finding:

Prompter
Resolution



58%
Decrease
in time to
disposition

Key
Finding:

Prompter
Resolution

Days from
filing to
first
hearing

ODR as of 11/2019

~ 2,000 cases filed.

Return of service in
~1,500

Many plaintiffs in the pilot
are bulk filers.

Only **28 parties** have
opted out.



QUESTIONS?

An ODR Road Map—Step 1



Establish a small working group.



Involve judges, IT folks, and court administrators.



Identify the First Principle(s), case type, and platform architects.



Create an implementation task force, including a project champion.

An ODR Road Map—Step 2



**Liberate the
implementation
task force**



**Create a wild
animal group.**



Build an MVP.



**Make it
Mandatory.**

An ODR Road Map—Step 3



Pilot the program.



Test it and test it again pre-pilot.



QUESTIONS?

Contact Information

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