

2021 Law School Access to Justice Conference
Fighting Systemic Racism: Law School and Community Partnerships

2D. Bridging the Digital Divide: Addressing Systemic Inequities Through Digital Inclusion

Conrad Johnson: Good afternoon. I'm Conrad Johnson. I'm a Clinical Professor of Law at Columbia Law School. And, in another life earlier on, I was the attorney in charge of the Legal Aid Society's Harlem Civil Neighborhood Office. And our topic today is "Bridging the Digital Divide: Addressing Systemic Inequalities Through Digital Inclusion."

Our keynote speaker, Professor Deborah Archer, spoke to the tendency to focus on blatant acts of individual racism and to spend less attention on systemic denials of equal treatment. To my mind, this made me think of our session today and the need to focus on the tools that can be widely wielded to correct the balance of power. Information is power. Collaboration is power. Access to goods and services is power. So attacking the digital divide is therefore one of the more widely wielded tools that support systemic progress and opportunity.

Bridging the digital divide is an enormous topic. Today we'll be joined by four colleagues. We all come at the challenge of addressing the digital divide differently, and we're honored to have you with us.

Let me give you a little roadmap for how we're going to work today. I'll lay the groundwork for some of our discussion about the digital divide. I'll talk a little bit about the work we do in my clinic. And then Veronica Dunlap, who is the Director of New York Programs at Pro Bono Net, will talk about her work. Matthew D'Amore, who is the Associate Dean at Cornell Tech, will follow her. Annmarie Lanese, the founder and CEO of Albany Can Code, will follow Matt. And then Oliver Sylvain, Professor of Law at Fordham, will talk about his work. Following that, we'll have a little conversation about recommendations for the Permanent Commission on Access to Justice. We'll speak some about how law schools can be useful in this effort, and then we'll discuss ideas

about how to effectively support the communities we serve and inclusion initiatives.

To the extent that you have any questions, please put them in chat. Barbara Mulé, who is Staff Counsel to the Permanent Commission on Access to Justice, will wrangle those questions. She'll answer the ones she can, and she will try to find threads in the ones that are asked. And, to the extent that we have time, we'll try to address as many of those as we can. We want to thank Barbara, and we want to thank Judge Lucy Billings for their work in helping us organize this session.

So, what do we mean when we talk about the digital divide? For us, the digital divide has three components: First, there are devices—hardware and software. Second, there is this connectivity. How do you connect those devices to one another through the Internet? And then the third is training. How do you effectively use these devices so that you can access the goods and services, particularly those in the court, to balance access to justice?

So, what are the contours of the digital divide? So I have a graphic here that I trust will be useful to us. Let me pull it up quickly. Can you all see that? Great. So, 1.5 million New York City residents have neither a mobile connection nor a home broadband connection. 46% of New York City households living in poverty did not have broadband in their home. This is from the Internet Master Plan from the Mayor's Office of the Chief Technology Officer. And, as you can imagine, there are similar disparities statewide.

The graphic shows the significant, predictable, and disturbing overlap between areas where the digital divide is pronounced and the under-resourced communities. So, if you look at the lighter shaded areas and you know anything about New York City, you can see that the lighter shaded areas often occur in communities of color and under-resourced communities. And these barriers that are created by the digital divide are not reserved for low-income communities or communities of color. They extend to many seniors, as well as those grappling with physical and cognitive deficits.

So, how can we bridge the digital divide? And let me take this down so that we can look each other in the eye. Okay. There are many ways to use technology to expand access, and each of our panelists will talk about helpful and powerful ways they're pursuing.

I'll talk about some that we're using in my clinic. I codirect the Lawyering in the Digital Age Clinic. It was cofounded by Mary Zulack and Brian Donnelly. We're celebrating our 20th anniversary. The goal is to explore the impact of technology on law practice and the profession. We do that by partnering with public interest legal organizations (like the Legal Aid Society, the Legal Services Corporation) and judge (like the late Chief Judge Judith Kaye, Jonathan Lippmann, and Fern Fisher) to help integrate technology into their work to expand access to justice. We don't just talk about it; we do it. In each semester, we take on a docket of projects and create something that can be used by public interest lawyers or the courts to bridge a bit of the justice the gap.

So, why focus on the impact of technology on law practice? There are three reasons, and I talk about these because we want to talk about the connection between law schools and the digital divide. So the three reasons that we see are:

First, we understood from working at Legal Aid and Legal Services that public interest lawyers were not likely to have the time, the money, or the infrastructure to experiment with technology. So we act as an incubator shop, and, like any lawyer, we listen to what our clients, like Legal Aid or an administrative judge, need. And we create some resource, some tools, or some process for using technology to help them achieve that goal.

Second, we have a responsibility to our students to prepare them for contemporary practice—and we know that means helping them understand how to use technology to practice at the top of their licenses, to future-proof their careers, and put them in the position to innovate, to thrive, and to lead. We believe that if you can observe a work setting and imagine ways to integrate technology into the lawyering work of others, you'll be able to do the same for yourself when you go to practice. This way, you will bring added value to your work throughout your career.

And the third reason is: Our students, like all lawyers, have an ethical responsibility (in New York, pursuant to the New York Rules of Professional Conduct) to keep abreast of the benefits and risks associated with technology the lawyer uses to provide services to the client. And that's from Rule 1.2 Comment 8. The model rules contain a similar provision.

Today, we'll highlight one current project in our clinic that is aimed at bridging the digital divide. And that's the Justice Tablets Project. Beginning in September 2020, our clinic began working with the Legal Aid Society's Queens Neighborhood Office on the project. The goal was to find the least-expensive, user-friendly, most reliable, internet-connected device that could be lent and circulated to clients who need or wish to engage in virtual proceedings. Additionally, the devices can be used to provide legal services for those unable to come into the office.

To pursue the goal, we consulted with attorneys at Legal Aid and asked them about the needs that they and their clients have in terms of the device that might be used. After hearing about their needs, we came up with a set of specifications. We identified and purchased the prototype device. We preloaded it with easy-to-use software and cellular technology to obviate the need for Wi-Fi connectivity. We devised a workflow for circulating the devices and developed user-friendly instructions and support materials that clients could use to access the device.

We then conducted a demonstration for the attorneys and, based on a very favorable response, we purchased two additional devices, and have begun field testing devices with Legal Aid's clients and attorneys as a way of trying to find out from the people who will use the devices whether they are useful and what we might do to make them even more so. Of course, the natural next step is to secure funding to scale up the project so that devices can be used effectively more broadly.

I'll end, finally, by saying that sometimes I hear: "Look, the pandemic will end and with it the need for technology that would allow folks to participate in virtual proceedings." The use of

technology to expand access to justice and make real the promise of virtual proceedings is a pressing need. That need will continue into the future long after the pandemic recedes. As we say in the clinic, possibilities often become expectations. Court administrators, judges, attorneys, and litigants are not going to forget the hard-earned lessons that we've learned about the possibilities that technology provides for access to the courts.

Let me be clear. Virtual proceedings can't be mandatory, but they also can't be available only to those who are on the fortunate side of the digital divide. And, therefore, we ask that the Permanent Commission seek to provide the devices and the connectivity that will make real the ability to maximize benefits and minimize harms and to, in the words of the Permanent Commission's working group on online work, consider the needs of the vulnerable populations that the justice system largely fails to serve.

So, with that, I'm going to turn it over to Veronica Dunlap of Pro Bono Net for her to talk a little bit about her work. Veronica?

Veronica Dunlap: Thank you, Conrad. And thanks to all of you, especially Barbara for inviting me here today. I'm very excited to speak about our work at Pro Bono Net and our contribution to closing the gap of the digital divide.

For those who don't know, Pro Bono Net is a national nonprofit whose mission is to bring the power of the law to all by building cutting-edge digital tools and mobilizing justice networks. Our tools and platforms connect attorneys and legal service providers to those in need, as well as help individuals advocate for themselves.

I am the New York Program Director at Pro Bono Net, where I lead LawHelp New York, which is the largest statewide legal help resource available in New York, and related technology initiatives that empower New Yorkers in need to resolve their legal problems and strengthen the work of advocates serving them.

And so, in my work, for example, we just launched Tenant Help New York, which is a website where tenants and those who advocate on their behalf can go to find information about the COVID-19

protections under the eviction moratorium and to find out about resources for rent arrears.

And, in designing that site, we employed a mobile-first approach. And what I mean by that is we wanted to make sure those folks who are in the majority of people who are making a certain amount of money or have lack of access will be able to use that site 100% seamlessly. And so what the data tells us and what Conrad just pointed out is that people who are most vulnerable are less likely to have access to broadband. So, how do we reach them? We think about apps. We think about the ways in which people use their phones—because not everyone has a laptop, but a lot of people have phones. What tools can be designed, what apps can be designed, that people can access on their phones and get a full suite of services in that way?

And so, presently, my team is leading the redesign of the LawHelp New York site. And, in that design, we have applied this mobile-first approach. In addition, we've intentionally applied a human-centered inclusive process to make sure that the site seamlessly translates information and forms, and that the language used in the content on the site is a plain language approach so that the communities who come to us for information can understand what we're trying to share with them.

Another example of how we use a mobile-first approach in our work is Pro Bono Net's Immigrant Advocates Network. Employees use a chat Bot on WhatsApp to connect with immigrant communities that either don't have access to computers or have just decided to create their own network for learning and sharing information about immigration through WhatsApp. And, through that tool, the users can even complete and submit forms.

In another really exciting project, our executive director, Mark O'Brien, is working in conjunction with his students at Georgetown Law School and South Carolina Appleseed and the local branch of the NAACP to develop an app that would make it easier for service providers to work directly with the community, expanding their reach and ability to identify the needs of vulnerable tenants while also connecting those tenants to viable services. And this app

would serve as a single point of access for community navigators who are trusted representatives in the community and who act as a liaison between agencies, service providers, and the community members. It would serve as a single point of access for all of those services by integrating existing services and supporting the civil justice ecosystem.

So another way that Pro Bono Net likes to think about the digital divide and lack of access to justice is in how we engage with law students and law schools. So LawHelp New York has a chat feature called LiveHelp. And, through LiveHelp, we train volunteers to engage with users on the website who are seeking legal resources. Our trained volunteer staff LiveHelp and CourtHelp New York from 9 a.m. to 9 p.m. on weekdays, and we provide legal information, community referrals, and procedural information.

And part of the training that goes into the LiveHelp volunteer process is a cultural competency training. So I define cultural competency in the legal field as the ability to communicate with people from different cultures and backgrounds respectfully, on their own terms, and without judgment or imposition of one's own worldview. Additionally, people with cultural competency in the legal field demonstrate respect, patience, empathy, and compassion. And the goal is for the volunteer to serve the person in need and help them reach their goals through an objective lens but also with the knowledge that, if we have different worldviews, that shouldn't be a barrier to access to justice.

Because low-income individuals often reach out to LiveHelp before connecting with a legal service agency, our experience with LiveHelp is an early indicator of the particular needs of those low-income communities. And so we incorporate the data from LiveHelp's interactions into our decisions around training on particular areas of law—specifically, during the pandemic, that has been housing, family law, and public benefits—and around which resources we feature on the LawHelp New York site. And, that way, we respond to our users who are in those communities and have come to us seeking information by sharing more widely the information that they are looking for.

Another aspect of the way that we address the digital divide and identify ways to close it is by looking at the data of usage on our particular platforms. And so I just talked a little bit about LiveHelp. And I will tell you that, in 2020, our LiveHelp chats increased up to 75% weekly, especially during the shelter-in-place order. And we were helping close to 3,000 people a month with different issues. And so, understanding what they were looking for and what information they were looking for, we were able to tailor the resources that we provide.

Also, we have the LawHelp Interactive platform that works with courts to provide forms that can be submitted directly to courts completely online. And what we did was, for the first time, take a look at the demographics of those who were using the forms. And we saw that there was a high percentage of Latinx and Black American users on the forms. And so, using that data, one of the things that we had to think about as an organization was, when we go back to the courts (who are in some respects our clients), we need to say to them: "These are the users of these forms. And this particular community, we know that they lack access to justice and lack digital access." And so what is it that the courts can do to help close that gap and make sure that the people who have overcome those barriers to actually use these forms have an easier time of doing that, so that we don't let people fall through the cracks? So we think about how to partner with courts to create more inclusive solutions to filling in the gaps in the digital divide.

And one example of that is the Illinois Court Help, which launched a mobile and text hotline to reach more people who are less likely to have access to a computer, but who can still take advantage of the full speed of online court-sponsored forms and also services and different programs to help people as they go through legal proceedings.

And so one of the things (and I'm going to close in just a minute) that I wanted everyone to think about as we came out of the conference and as we think about the commission and the courts is, most importantly, funding these initiatives—funding those creative solutions to fill in the gaps and to close the digital divide when you're coming up with budgets for the state. Also, thinking about

remote hearings, can first time users, like pro se litigants, navigate this technology without difficulty? Can the technology and the instructions be understood by people who are non-English speakers or who don't have legal literacy? And does it unduly disadvantage persons with limited literacy generally?

And also, think about using high-tech practices and services (for example, understanding the needs of attorneys and litigants when designing programs and tools and forms, providing extra notice for hearings, and maximizing avenues for communication with the court—phone, email, live chat, video conference, text messaging) to reach people where they are so that you even the playing field a bit more.

With that, I will pass it to you, Conrad.

Conrad Johnson: Okay. Thank you, Veronica. So next up, we have Matt D'Amore from Cornell Tech. Matt, take it away.

Matthew D'Amore: I'm actually thinking a lot about the exciting stuff Veronica just talked about. So thank you, Veronica, for giving me a lot to think about. I'll have to come back to that later.

So today I want to talk a little bit about some of the things we have going on at Cornell Tech to address these issues. At Cornell Tech, we have a pretty unique platform because our law program is integrated in with an engineering school, a computer science program, a business program, and a number of hubs that address specialty issues—including one, the Urban Tech Hub, that has just released a report called Rebooting NYC that addresses some of the digital divide issues.

I want to, however, focus on a couple of the things that have really engaged our law students. And there are three:

The first is our Delivering Legal Services through Technology course. And, in that course, we bring in law students from the Cornell Tech campus and the Ithaca campus to help them learn how to build applications that can deliver legal information at scale. And, through that course, our students have built applications on things

ranging from COVID relief information, to visa advisors, to a pretty interesting app advising people about where and when they can access certain facilities with service animals. And so the goal there is to build these experts system applications that can take in customized user information and provide some general advice and guidance at scale, without necessarily talking to someone live.

A second program that we have at Cornell Tech is our Clinic to End Technology Abuse. And this comes the digital divide issues from a different way. It looks at the possibility of misuse of technology in situations of intimate partner violence. And so the Clinic to End Tech Abuse looks at the challenge of using things like locking passwords, or access to chats, or access to cell phone plans, by partners who are abusing another partner in the relationship and provides systems to help those victims. We do that in three ways: one is by working closely with Legal Aid organizations and other providers' support services to train those organizations about how to identify this area of abuse. The second way is that we're beginning to provide some direct advice around these challenges, as well. And then the third is advocacy around the problem. And so, as a result of that, the Clinic to End Tech Abuse has advocated both with Congress and with New York State to seek the passage of laws that allow victims of intimate partner violence to escape family cell phone plans without penalty while keeping their phone number. In some circumstances, those victims were charged upwards of \$350 to exit plans. And so addressing these challenges can really help victims in need, and that's one of the things that this clinic is empowered to do.

The third outlet we're providing at Cornell Tech is our Studio program. And it's in our Studio program that our students really get free rein to develop and design start-up companies, start-up efforts, and start-up ideas that can address challenges. Some of those are challenges posed by industry, and we've had some Legal Aid organizations pose challenges to us in the past. And some of them are self-initiated, where students will identify challenges and go off and build solutions. And so, while our new Public Interest Studio is really in its infancy (we've had our first semester only last semester), we're hopeful that that will be another avenue by which our

students can learn about some of the challenges around the digital divide and build solutions to address them.

Conrad Johnson: Thank you, Matt. This is all very helpful, and I love the fact that you built on what Veronica was saying.

Our next speaker is going to be Annmarie Lanese. As you may be able to tell from her background, she's from Albany Can Code, which is a great backdrop for you. So, Annmarie, tell us a little bit about what you're doing upstate.

Annmarie Lanese: Thank you. I wasn't planning to show slides, but I thought, if it was possible, it might be helpful to share some of the pictures of our classrooms. Is it all right with the organizers if I share my screen?

Conrad Johnson: It is.

Annmarie Lanese: Okay, let's do it. Give me a thumbs up if you can see what I'm looking at here. I thought it would be fun to show some of the backdrop, so you get a little bit of a visual for the presentation.

So my name is Annmarie Lanese. It's really exciting to be with all of you today. It's my first time speaking with a bundle of lawyers and aspiring lawyers, so this is very exciting. I often talk about technology and the new frontier that we're living in. And I often talk about how we get all people prepared, and definitely getting lawyers prepared to lawyer, in this new frontier that we're living in—it's pretty exciting. So I'm super happy to be with all of you.

So this little picture here is a view outside my window. I own and run a software company called Green Tree Technology, which is where the idea for Albany Can Code got started. And our work is predominantly around training. So we train adults, and we train youth. We train them both to become makers of technology and also to better understand how to use technology. This is the window where the big "aha" moment came to me outside my office in downtown Troy New York.

I hired a guy that had never gone to college. He worked in a kitchen for about a decade. He had a friend who was a developer, and he

enjoyed the conversation. So, by developer, I mean a software engineer or computer programmer. He had fun conversations. And he thought, "You know what? I might want to try teaching myself this stuff." So he did. He somehow got in contact with a recruiter, and she came to me. And she said, "You've been talking a lot about more diversity in the tech sector for a while. Well, here's an opportunity to bring on a nontraditional hire. Would you be interested?" And I said, "Yes, of course. Let's give him a little internship and get him some job experience." And he came to work for me. And he looked out this window overseeing downtown. And he sat side-by-side with a guy who had just recently graduated from one of the top-tier local computer science engineering programs—which I'm super fond of, having come out of a program like that. And this guy who had never gone to college and had no formal background in technology sped past this other individual who had received a great deal of training (not that he didn't do good, too). I just was so impressed by how this self-taught individual was able to keep up and, in some cases, speed past. And this light bulb went off in me to try to find more people in our communities that have the aptitude for these tech-sector, and, in many cases, high-paying, jobs and, really, quite frankly, have no idea that they have it in them.

So off we went. I founded Albany Can Code, which was a 501(c)(3) nonprofit dedicated to training more people. So we started in Albany, and we're now all across the state of New York (and I'll tell you a little bit about that) and beyond.

Just this morning, actually, we announced that we're partnering with Microsoft on a new program called Accelerate New York if anybody's interested in learning about that. We have programs serving people in the New York City metro area as well.

So what we do is we shift the mindset about who can work in technology. And what we're here to talk about today is: How do we break down barriers of bias in all aspects of the world that we live in? And that's what we set out to do. Faces like mine, as a woman in tech, are pretty rare. They've been rare throughout the last 20 years of my career. And what we're trying to do is build more diversity

into the tech sector—both in our region in upstate New York and all across the state and across the country.

Here are some little pictures that I thought would be fun for you guys to see—some of our classroom. This is when we were in person. Again, for the last year we've been fully remote. I'm hoping to get back soon, but this is a little picture of what our classes look like. We have great diversity of age, backgrounds, and all kinds of different aspects. And I want to tell you a couple stories of a few of these women here.

So we have Tomomi Macey in the middle. She was working in a library part time and knew she was good at technology but really didn't know how she should get her pathway. And she came to take a couple of our classes. She is now working as a software engineer in the New York State Office of IT. And we have Alexa on the right. She also knew she was somebody who always liked to tinker. People would come to her to fix things. She really didn't have a pathway into the sector, either. She came and took a couple classes with us and is now working as a marketing or data analyst. And then we have Linda over on the left side. She also thought she'd like to learn programming. And she taught herself programming and then came to our class. And she got her first job as an apprentice with a large, global consulting company—a well-known, recognized household name.

Here's some more pictures that I'll just skip through real quick. I want to tell you two stories about two of these individuals in this picture. So we have Mikael here. He also had never gone to college. He was working in a big-box retailer before he came to our program—night shift, low hourly wage. He came to one of our classes and was really super brilliant. And he ended up speeding right through the curriculum and doing an awesome job. He got an internship. It was a fairly low wage internship—probably minimum wage. And, after his summer, they offered him a job at \$50,000. And he came to me, and he said, "I don't know what to do. I have this other company that wants to hire me for \$55,000 starting salary." And I said, "Well, great! You get to negotiate. This is very exciting." That was four years ago. He's one of our early students. He keeps in touch with me. Last I heard from him, he had just bought his first

house. And he was making roughly \$80,000 to \$85,000 as a salesforce application engineer.

And then we have Nikita as well. He was an eight-years-unemployed, military veteran, person of color. He came to us and he was super brilliant. And he had his laptop break in the middle of class, which inspired our laptop lending library. And he came back to class, finished class, and went on to take another one in JavaScript, which is a programming technology. And he went on to get his first job in programming. Those are a few stories of the kind of students we serve.

We do 12-week trainings. I won't get too much into the nitty gritty of how it works, but it's essentially training adults for jobs in the tech sector. We partner with community colleges, and that's something I'm excited to talk about—really just how we develop our partnerships. We knew we were good at knowing what technologies employers need, but we know that there are great institutions all across our communities that are already doing great work. How can we all do this together? So we see our model as stakeholder engagement. Pretty much anybody who wants to work with us, we're excited to work with them. And we work with a handful of community college partners all across upstate New York.

And we work really closely with employers. We love education for the sake of education, but what we really want is people to get a job after going through our program. And they're able to do that because we have really close engagements with employers who come in and mentor in our classes. Here's a couple examples and pictures of people. Here's our employer panel, where they talked to us about the tools that they can't hire for, and here's one of our mentors in the classroom.

What's most exciting about this work for me is the wage increase that people are getting after they complete our program. So we don't hear back from all our students, but, from the students that report back to us, they're reporting, on average, an \$18,000 pay increase after going through our program. Seventy-five percent of our students paid \$0 to go through the training, so it's a pretty

impactful economic development and economic opportunity in people's families.

I'll wrap up. I want to talk a little bit about our partnership with the New York State Office for New Americans, but I want to just show this next couple slides. I think this is really interesting to talk about.

I'm really disappointed to say that our women are actually lagging. So our median right now is about \$18,000, on average, but women are only getting roughly \$13,000. So we know about fair pay and issues of that nature, and I'm really sad to see that even in our own data, from our own students reporting back to us, they're reporting back lower starting salaries—our female students are reporting lower starting salaries than their male counterparts in our classroom.

People of color are receiving roughly \$18,000. Veterans are receiving a \$30,000 pay jump after coming though. Many of our veterans came to us unemployed.

So that's just some demographic information. We track it really closely. It's really interesting to see the trends in our data.

I'm going to skip through some of this pretty quickly because I already went through it.

We also work with the youth. We decided to this because we know, if we don't build a tech-talent pipeline with young people, we're going to have the same problems in 10 years that we're having today. So we started working with young people, as well. We do that all across. We use the same partnership model. We partner with school districts, with local programs, with private schools— whoever is interested in bringing technology training into the classroom.

And we have community programs. And one of our exciting new programs that we launched last year with the pandemic was Virtual Digital Literacy. So we started teaching people how to use computers through the computer. Some of the most exciting and most beautiful work we've ever done is teaching people how to get

into a meeting like this. It was harder than I thought it was going to be. But this is part of the experience—people showing up to these types of meetings. Believe it or not, we take for granted knowing how to use these types of meetings and services and tools.

So our work is not just computer science training, it's computer literacy training. We served probably close to 100 students over the course of the last year doing this work. We know that almost all jobs require people to have digital skills. I have some stats on that. I'm going to skip through it just for the sake of time, but, predominately, in most industries, people are lacking the digital skills needed for their jobs.

I'll just tell you quickly about our partnership with the New York State Office for New Americans. So we're serving people all across the State of New York that are also utilizing services from the New York State Office for New Americans. We have a digital literacy program. So anybody across the state can be a part of our program. We're launching cohorts in roughly two- to three-month cycles. And we're teaching people—refugees, immigrants, people new to the state and to the country—how to use computers so that they can have more access to our community and our way of life and our justice system, for sure.

One thing that's interesting to share with you is that we had maybe 400 people apply to our first program, but we were having a real hard time getting in touch with people because, if people don't use tools like email and other more traditional tools, we can't reach them. We started using text messaging and things like WhatsApp, and that helped us really increase our ability to reach people.

Conrad Johnson: Annmarie, you're on such a great roll, but we want to leave time for everyone else.

Annmarie Lanesey: I can leave it right there. We can come back at any point.

Conrad Johnson: Well, thank you very much for doing that. And I will turn it over to Olivier Sylvain. Thank you so much.

Olivier Sylvain: Thank you, Conrad. And she was on a roll. Annmarie, thank very much for presenting that. That's inspiring work. I love the data, in spite of the gender bias, or the gendered results. That's hard data. An \$18,000 increase is pretty incredible. And I also am inspired by the work that Veronica and Matthew are doing. I want to thank the New York State Permanent Commission on Access to Justice, and Conrad, for organizing this, and Judge Billings and Barbara for bringing me on.

I'm going to just talk about a National Science Foundation grant that I'm on with colleagues across the country pursuant to the NSF Computer Network Systems Division's Program for Smart and Connected Communities.

About four or five years ago, a former colleague of mine who was at Fordham and is now at Georgetown (Sheila Foster), an optical engineering specialist from Arizona, a digital humanities specialist from Arizona University, a couple of folks from UVA in computer science and social science, and I partnered with an organization called Silicon Harlem, which is based in Harlem, with the idea of developing a community-based computing network—that is, an alternative to the conventional ways in which most people gain access to network resources. One of the concerns is the failure of prevailing incumbents to deploy their high-speed broadband services to all communities. And there's also a recognition that many communities that are especially on the bad end of the digital divide actually use mobile devices as their exclusive means of getting online. And I think you've heard a lot of that already from the panelists today.

I'm not a specialist in the technology, but I will say a little bit about it. The idea was to develop an edge cloud system. And that basically means you have a central server (say in the basement of a public housing unit, and we partnered with the Grant Houses and the St. Nicholas Houses in Harlem) that is administered by an IT specialist that enables people with dedicated wireless mobile devices (we've called them KVMs, but they're tablets basically) to gain access to a wide suite of applications and services that are not going to reside on their computers or their devices but in the central server in the basement. The idea here is to accelerate data processing and

computing power in a location that would not be on the device. This is more affordable. It's more energy efficient. And each device is about \$100—think of the Chromebook, but it's a smaller thing. And there are a series of advantages with such a system—technological advantages that I haven't mentioned.

One important part of this project has been to make it co-participatory. Now that sounds like a mouthful and very much an academic term, and it is. But the idea, when we conceived it, was to bring in different stakeholders, and it remains very much our logic across areas. So we have academics, but we also have engaged local businesses and major companies. We also have a major donation from Microsoft. They provided some servers. We have collaborated with community-based organizations, city officials, the Department of Information Technology (DOIT), and local residents, most importantly. And the idea here is to, with those stakeholders, form a community advisory board that would effectively govern the infrastructure.

The challenge for us—for Sheila and I, who are the law people on this project, with our students—is to create a legal instrument that operationalizes the governance of this community-based entity. One of the important considerations for us is to ensure that the members of the community advisory board can actually influence the design of the technology so that the nature of the applications, the kinds of applications, and the ways in which the data is administered are consistent with the priorities of the community.

So the things that we've heard from members are that they don't really need a desktop, and they don't want infrastructure as a system that is focused on those kinds of end devices. They use mainly mobile devices. And they want a way to, in addition to using the tablets that the technologists in the project have developed, also to be able to use their phones. They're also very concerned about security and privacy, which is no surprise. Data protection is a priority for them.

But what's interesting here is that there's a kind of skepticism, which many of you will not be surprised to hear, about the potential that

law enforcement might have access to the day-to-day, mundane information that passes through these servers.

So I'm going to finish in the interest of getting a lot of people in.

The way that we've intervened as legal scholars with our students is trying to define terms relying on the conventions in law. So we've talked about—this is really Sheila's idea (she's a property-law scholar, among other things)—conceiving of a land trust or maybe even a cooperative so that every member has some kind of stake that, in the end, would be assigned to some fiduciary and administrator to implement the objectives of the community advisory board.

My last point is about the challenges and the takeaways. You've already heard about the interest in promoting literacy from people on this panel. What we've learned is that it's hard to scale people up to understand the operation of the technology. So some of this has to do with them trusting the administrator, but, if we really do this right, governance works to the extent that the residents and the users actually are capable of engaging administrators in a meaningful way. So this is not just literacy about how to use email or a banking application or how to sign up for a COVID vaccination, but really talking about administration of an asset.

And then the other is really thinking about mobile technology, because you can't do homework on a cell phone. I mean you can, and students do. But that's not the way to do it. And so we've been wrestling with this a lot consistent with the objectives of the community to focus on mobile devices.

I'll stop there, Conrad, so we can get to questions.

Conrad Johnson: Thank you, Olivier. And want to thank Veronica, Matt, Annmarie, and Olivier for these very thoughtful and very different approaches to grappling with the vexing problems posed by the digital divide.

So what we thought we would do now is try to help out our organizers, who are the folks at the Permanent Commission, by offering some recommendations that they can take back and

consider so that this may turn into more concrete action later on. So the real first question for us is: What recommendations do we suggest for addressing systemic inequalities through digital inclusion?

So I'll open that up to the panel.

Veronica Dunlap: If you all don't mind, I'll start.

So a lot of what we think about when we are designing tools and resources at Pro Bono Net is how to get courts to adopt some of these forms. For the Tenant Help website, we created nonpayment and holdover forms for tenant defenses, and then we had the step of going to the courts to ask permission for the tenants to use those forms. I think it should really be the other way around.

Back to my point of creating inclusive solutions, the courts can go beyond just saying, "Oh, we're working more on digital platforms now. Let's make digital forms or remote hearings." Think about the least of the community that would be able to use your tools, access your forms, and understand the forms. And so I think my recommendation—Pro Bono Net's recommendation—would be to not only adopt digital platforms and remote hearings and make that a permanent part of the way that the court operates, but also to be a partner in the creation of those tools—to give us some insight into what you're seeing and not seeing. Who's not showing up to the remote hearing? Let's figure out why and create a way to make sure they are included. So I would start there.

And funding is a really big part of this whole conundrum.

Conrad Johnson: Always funding.

Matt? Annmarie? Olivier?

Well, as you think about it, let me just say that I was asked, through another effort, to submit some recommendations to the Permanent Commission's working group on future access to the courts. And I gave that little memo to Adriene Holder who was part of that working group. Barbara, did you all receive that memo?

Barbara Mulé: Yes. Thank you.

Conrad Johnson: So, for everybody else, the recommendations, very briefly, were: First, to recognize the existence and the importance of the digital divide. And we've already gone through what it looks like and why it's important.

Second, to equalize access to virtual proceeding so that it's a choice that people can make—not something that's imposed upon them but something that they can take advantage of if they are trying to not lose a day's pay or want to stay with the caregiving obligations that they have.

Third, to prioritize justice over efficiency. We see a lot of momentum towards opening the courts very quickly. And it's a bit of a Wild West territory out there in terms of how virtual proceedings are going forward. And there was a very helpful memo that came out from the virtual bench trial protocols and procedures. They tried to bring some order to the variety of ways that people go forward, but, unfortunately, that memo also adds the responsibility of ensuring that your witness (if you were to call one in a virtual proceeding) has all the technology they need. And that's not realistic. That's not workable for legal services and legal aid groups. They can't, on top of everything else they have to do, provide the technology, the training, and the connectivity for everybody who should be able to take advantage of these virtual proceedings, if they like.

And finally, we urge immediate action. The Justice Tablets Project that we were on, and the other kinds of initiatives that Veronica and Matt and Annmarie and Olivier have been talking about, are things that we could be doing and working on now. And so we ask that folks not wait for a master plan to be implemented and not rely simply on expanding broadband connectivity, which has been done through some initiatives at the local, state, and federal level, but try and dig in now because our need for direct action is only going to increase.

Any other recommendations you want the commission to consider?

Olivier Sylvain: Conrad, can I add something?

Conrad Johnson: Sure. Go ahead.

Olivier Sylvain: And I think it's consistent with the last point you just made, but I would make it explicit.

I agree a master plan is great and New York City and the state are actually being pretty aggressive on that front. And I think we're all grateful, especially since funding seems to be really important.

Meeting communities where they are and seeing what their particular needs are, for some reason, it seems like a no brainer, but it's important to be alert and explicit about this. As great as it would be to have a pie in the sky, there are very specific and particular needs that each community has. And sometimes it's availability of certain kinds of applications or certain kinds of services. And they may vary between Albany and Troy and New York City and elsewhere. So it's meeting communities where they are. It isn't just enough to rely on a franchise system to deploy broadband.

Conrad Johnson: Yeah. And one of the things I love about this panel and that recommendation, Olivier, is that often there's a top-down approach, and we have seen that fail too often to want to repeat it. And so, to the extent that everybody is working from the ground up with folks to find out "What do you need?", this is going to make sure that people use the things that ultimately become available.

Anything else before we move on to the next question?

Matthew D'Amore: Going back to some of the things Veronica talked about, and some of the things that I talked about, in terms of the provision of information for folks: I think the court system could improve and systematize the way it provides information about access to its resources and access to the court system and do it in a more user-friendly way. When we think about access to justice, bridging that gap and lowering the barriers to entry to the court system are part of the digital divide. By providing that information digitally in a mobile-first way, we can improve access to justice.

Conrad Johnson: Annmarie, anything before we move on to law schools?

Annmarie Lanese: I was just thinking about how intimidating technology is for first time users. And I was just thinking about the experience of someone accessing the court system and technology for the first time in a new way. For our students, we have to consider things like even the vernacular. "Click" is a new term for them. They don't understand what that means. Do not think of your pen; it means click a button. So things of that nature we just completely take for granted. So I just wanted to add that we should just really have a sense of the real bias around what people actually know. So they have a device, they have Internet access, but many don't know how to use it, and are very intimidated by it. So that added intimidation is a really overwhelming experience for someone. So I just wanted to add that we see that with our students. As they're learning, they quickly pick it up, and it doesn't take too long. So my recommendation would be potentially getting them some training or some access to how to use the machines.

Conrad Johnson: Alright. So this very helpful. And, you know, it leads directly into what law schools can do to help support this. You heard from Helaine Barnett that the partnership issue is something that this conference is built around. So what can law schools do?

Veronica Dunlap: I think that one of the things—again, the project that our executive director is working on with Georgetown is to take what the students learn about the law and translate that into acts. For example, seeing what a clinic would normally do to serve people in-person, to see if you can translate that process into an app. Again, at Pro Bono Net, we are partnering with at least 20 law schools, including all of them in New York State. And, through our LiveHelp chat service, our volunteer chat service, we extend that to law schools for students to not only earn their pro bono hours but also to learn how people communicate through this digital space, especially people who have low legal literacy, people who are low income, and our pro se litigants—how to engage with them through a digital format. I think those are things that law schools could continue to engage in.

Conrad Johnson: For myself the idea is: we can't avoid the idea of teaching students about technology. It's part of how we learn to lawyer. Not knowing how to use technology is to lawyer with one—maybe two—hands tied behind your back.

And so, bringing that into the curriculum is hard because, traditionally, law schools have been slow to recognize the importance of teaching about lawyering generally, much less teaching about lawyering with technology. So having more of that in law schools would be helpful.

I'm thinking about one thing you mentioned, Veronica, which is the pro bono hours requirement for admission to the New York State Bar—that's 50 hours there. At Columbia, we've had a 40-hour pro bono requirement. We've had a lot of success with building into projects for legal services offices a way for students to do their hours, satisfy that requirement, and help forward the project. So, whether it's with a bankruptcy project that's online, eliminating working with foreclosures, or foreclosure defense, there are things that that law students can do usefully under the supervision of our partners in the field who welcome the help and who actually move things along.

Finally, I'll say that there's a lot of digital literacy that our students take for granted. But, as Annmarie was mentioning, it doesn't come as second nature to a lot of folks. We participated in an eviction proceeding where the client that the Legal Aid Society represented (and we assisted) was an 83-year-old woman who had never engaged with any kind of technology. She was incredibly bright, incredibly patient, and incredibly skilled, ultimately, but it took a lot of time and effort to get her to the point where she could meaningfully participate. And law students could be digital navigators—this is something I know that Barbara Mulé has suggested in the past—that can help folks who are unfamiliar with technology bridge that gap so that they can participate in virtual proceedings and the like.

So those are some ideas, at least from our vantage point. Any other ideas on this topic before we move to the last one?

Matthew D'Amore: I should just echo some of the things you all said. I think partnerships are really important. You don't necessarily want to leave it to law schools to come up with the solutions to these problems. They really do need to find where folks are on the ground, and that's going to be by working with organizations that are working with impacted populations every day.

A little bit of a plug: I did mention during my talk that Cornell Tech does partner with organizations around projects in which students can innovate to find solutions. I actually learned that we're taking proposals for that now. And so, if there are folks with organizations who are interested, I'll put the information in the chat.

Conrad Johnson: Great. All right. Anybody else before we move to our last question?

Okay, so our last question is just about ideas generally for effectively supporting digital inclusion efforts that come from the communities that we serve. We've heard about the importance of working directly with communities and letting them tell us what they need. I think we've heard, in all of the work that Matt and Veronica and Annmarie and Olivier have done, about how they tried to do that. Certainly, we try to do that in our own Justice Tablets work. And I'll put a link in the chat about what we do in our clinic so folks can see more about that.

But other ideas that would build on how to work from the needs of the community directly?

Veronica Dunlap: One of the things that we do at Pro Bono Net is partnering with legal service providers, like Court Help New York and the LIFT family law program in the Bronx. We take it a little step further, beyond just asking the community what they need. Once we design a tool or a platform, we take it back to them and we invite the community to be beta testers. For example, in that process, we ask: How easy was it for you to navigate these pages? Do you understand the language on these forms that we've attached on the website? That is part of our human-centered design process so that, before we launch a new tool or platform, we are taking it back to the people who we're seeking to help and who it will serve, to go through several rounds of user testing on that. So it's not just: "Does the

website work? Does it share information?" It is a first-person experience with them—to say, "Does it work for you?"

So I think that's a way to think about how to really understand whether people are learning—whether the work you're doing is successful or not.

Conrad Johnson: To that idea, it's important to check your answer and make sure that it's out there. And, for us, that's what the field testing is about. It's one thing for us to think: "this will be great." It's another thing to hear what clients have to say about that. And you'll always learn something. Experiential education teaches us that.

Any other ideas, as we grow close to one minute from the end of our session? Now would be a good time to get it in, if you want to. Annmarie, I see you leaning forward.

Annmarie Lanese: I was just going to say that there's been more and more resources available over the past year than I've ever seen. I recently read that we got two years' worth of a digital advancement in the two months of March and April in 2020.

And there's just tons and tons and tons of resources available. So, for people that are working with individuals, there are tools and organizations out there trying to hand people computers, internet access, and training. Be aware of what those resources are, because they're more abundant than ever.

Olivier Sylvain: Just to pick up on what Veronica was saying—ongoing engagement. And maybe it's constant beta testing, but it's really governance. It's just constant engagement in governance in the first instance. And there are a lot of tools to get that done. We've been doing a lot of convenings at the site where people are—in the basement of public housing units—but also through survey tools, lists of things that they can check off. There are a lot of different ways to have face time and engagement with the community.

Conrad Johnson: All right. Well, with that, we want to thank you all for your participation—obviously the panelists. I want to thank Barbara Mulé and Judge Billings for their organizing efforts. We also thank the

folks at IT at Columbia: Louis Bello, Adrian Devila, Tory Messina, Rachel Pauley and—I know I'm forgetting somebody and it's killing me, but I'm sure it'll come to me—and Erica Smock.

Thank you for all of your help in organizing this. We like to think this gives everybody something to think about. I certainly have more to think about. And so, with that, we'll wish you a good afternoon. Thank you for your participation and attention. Take care.

Veronica Dunlap: Everyone, it was a pleasure.

Matthew D'Amore: Thanks everyone. Take care.