

2023

Lived Experiences of Technology-Based Legal Resources

Michael Ray Stanley
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Walden University

College of Health Sciences and Public Policy

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Michael R. Stanley

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Walden University
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Abstract

Lived Experiences of Technology-Based Legal Resources

by

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MPA, University of Michigan, 2012

JD, Western Michigan University, 2010

MLS, University of Michigan, 2006

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

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May 2023

Abstract

Lack of access to United States civil courts by individuals who cannot afford or are otherwise unable to retain legal counsel has attracted the interest of policy makers and members of the legal community in recent years. The literature revealed a wide range of efforts and public and private resources that have been employed to address the problem. The purpose of this phenomenological study was to explore the experiences, perceptions, and insights of individuals in a medium-size Michigan city who had utilized services that deliver legal resources by technology-based platforms. Social construction of targeted populations and the technology acceptance model formed the conceptual framework for the study. Data were collected from semi structured interviews with 10 litigants who interacted with technology-based legal resources as part of their civil court experience. The results of coding analysis indicated five themes: Determination, No Other Choice, Willingness to Learn, Trust in institutions, and Would Do It again. All participants noted that the legal system could help them and that they were willing to make efforts to learn and adapt to the use of technology-based legal resources. Findings may be used for positive social change by individuals in need of civil legal help and by policy makers inclined to address the U.S. justice gap. Recommendations include locating legal resources within civil courts and increasing technological innovation and access to online legal resources.

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Dedication

I dedicate this dissertation to my wonderful family and friends for their support and encouragement during this long and demanding process. First, I dedicate this dissertation to my spouse, Debra J. Stanley, without whose intellect, encouragement, support, unwavering commitment, and care so many of my life's goals and opportunities would have remained unachieved or beyond my reach. I thank her for her continual faith in God and the example it sets for me and so many others that we should never give up on our dreams and that every moment and day is an opportunity to believe God and overcome our shortcomings and the challenges we all face in our lives. I want to thank my daughter, Katie Stanley, for being a shining light of kindness, courage, faith, accomplishment, and inclusion to those whose lives she touches, including mine. You are a gift to us all. Finally, I would like to thank my lovely sister, Brenda Florence, for her example of achievement, generosity, faith, and encouragement that continues to strengthen the lives of all our family. I am thankful for you every day.

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Chapter 1: Introduction to the Study

I conducted this research project to explore and understand the role of technology in the delivery of civil legal services in the United States and the benefits and barriers experienced by residents of a Michigan city who attempted to access and utilize technology-based legal resources. The basis for my research was the pressing need to understand the role and benefits of using technology in the delivery of legal services and to identify barriers that might arise for individuals who try to access the civil courts utilizing digital or web-based legal platforms. Implications for social change resulting from my research include furthering public policy discussions on social justice and advancing the way courts, nonprofit organizations, and public agencies allocate their resources to ensure all citizens have fair and equal access to justice in the United States.

Background

For decades, the U.S. civil justice system has come under increasing scrutiny for issues related to access. Legal scholars, social scientists, politicians, public administrators, and concerned citizens are among those who have made the case that the current system in the United States limits access, stifles innovation, increases costs, burdens the court system, and forces ordinary people to navigate complicated legal issues within civil courts on their own. Nearly 80% of individuals who go to civil court in the United States do so without the benefit of legal counsel (Spieler, 2013). Gillian and Rhode (2016) referred to a recent study in New York that showed that over 95% of litigants in common civil cases in that state appear without attorneys. Commonly referred to as the justice gap in U.S. civil courts, the problem impacts important civil law issues

such as domestic violence, child custody, housing, and consumer finance. Civil law applies to those legal cases or issues that are outside the scope of criminal courts. In some cases, such as those related to domestic violence, child custody disputes, predatory lending, and individual rights including guardianships or elder abuse, civil law issues can include related criminal matters.

Individuals facing civil legal issues are often challenged by larger systemic problems. For example, the Legal Services Corporation released a second report titled *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans in 2022*. The first report with the same title was released in 2017, so comparisons can be made. The second report revealed that “low-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems” (Legal Services Corporation, 2022b, p. 7). According to Warren (2014), the justice gap was obvious in communities in which larger societal issues such as poverty, drug abuse, and limited access to health care were common. Situations often arise among urban, poor, and disabled populations where an issue such as the loss of a job, a wage garnishment, or a denial of public benefits can lead to multiple legal issues including automobile repossession, eviction, seizure of property, mortgage foreclosure and tax sale. In addition, there is the related emotional stress on individuals and families. The presence of several legal issues in a single client case can be challenging for legal professionals and more so to a layperson (Cummings & Rhode, 2017). A study of civil cases in Missouri indicated that the justice gap problem had led to poorer outcomes for low-income individuals who represented themselves in family law hearings (Janku & Vradenburg, 2015). Cummings and Rhode (2017) reflected that

although more is known about the scope and impact of the U.S. civil justice gap, the problem persists, and data suggest a sobering and expanding crisis in the civil legal system. Cummings and Rhode cited a 2013 World Justice Project study that ranked the United States 67th, tied with Uganda, among 97 countries examined regarding citizens' access to civil justice.

Several states are considering or have passed and implemented legislation and programs designed to address the justice gap problem. Among the reforms adopted have been the legalization of limited-license legal professionals in states including Washington, California, and New York (Ambrogi, 2015). Limited-license legal professionals are like paralegals but have extended certification to perform some duties formerly reserved for licensed attorneys. For instance, in Washington, limited-license legal professionals can prepare pleadings and perform many of the basic procedures related to family law matters. However, they are barred from appearing in court on a client's behalf. Legal Services Corporation, which funds the U.S. legal aid system, has focused on justice gap metrics in efforts to convince congress to maintain or increase its funding (Legal Services Corporation, 2022a).

Herring and Bomkamp (2022) explained that other approaches to accessing justice have been applied by attorneys faced with individuals seeking services but are unable to pay or pay in full. Among those approaches are the use of third-party credit cards and bifurcation of fees that are employed by private practitioners. Bifurcating fees refers to a process in which individuals pay part of their legal fees up front and enter an arrangement with their attorneys to pay the balance after services are provided. These

practices are most common in bankruptcy courts. According to Herring and Bomkamp, the courts have emphasized that possible solutions to the access to justice problem are best when they include “access and justice” (p. 22).

Many states’ bar associations have initiated pro bono programs designed to address the problem. I practice law in Michigan where the state bar association has been an early and effective partner in efforts related to access to justice. The American Bar Association has also been vocal in its digital media about the need to address the justice gap by, among other things, encouraging its members to focus on increasing commitments to providing pro bono or free services to those in need. In addition, many states now offer online legal help where interactive platforms can provide resources that include court forms and explanations of basic law and procedure related to many of the most common civil law needs of pro se clients. Pro se, or in one’s behalf, litigants are individuals who attend court without legal representation. Legal help websites often assess need and offer referrals to the private bar and legal aid organizations for cases inappropriate for self-help. The websites commonly offer live chat, texting, and other input from legal professionals and provide guidance for completing court forms and instruction on when and where the forms are to be filed in the courts, served, and submitted to interested parties. These examples are a short list that includes some of the many ways that the problem has been and continues to be engaged by the legal, political, and organizational communities.

Technology solutions have been widely and diversely applied and are the driving force in what is by far the most significant effort to tackle the problems related to the

justice gap (Cummings & Rhode, 2017). Every state, most legal aid organizations, public agencies, nongovernmental organizations, and an increasing number of civil courts across the United States have ongoing programs and projects focused on providing online court forms and accompanying instructions to the public. The forms have developed over time and are an attempt to simplify court pleadings and procedures. Increasingly, they are utilized by pro se litigants as well as legal professionals.

Commonly used forms include summons and complaints, motions, proofs of service, objections, notices of hearings, and judgments. These generally applied forms may be used in family law matters, landlord–tenant cases, collections and garnishments disputes, and a wide variety of civil litigations. More narrowly tailored forms that may be used in conjunction with general forms are often available for civil matters such as those related to child custody and parenting time, marital property settlements in a divorce, child and spousal support, guardianships, adoption, and probate matters including deceased estates and property transfers following the owner’s death. All these forms are available online at websites often developed by state court administrative offices. Local courts routinely distribute online forms in their clerks’ offices. However, court employees and administrators are forbidden from dispensing accompanying legal advice by the rules that govern the unauthorized practice of law (Model Rules of Professional Conduct, 2018). Pro se litigants can be observed in U.S. courthouses carrying forms or documents they have obtained online or picked up in the court or at a social agency. In many cases, these documents are incomplete or improperly filled out, or lack accompanying pleadings or proofs that are required by court procedure (Cummings & Rhode, 2017).

Problem Statement

There is a problem in the U.S. civil justice system. Many cases filed in civil courts involve individuals who cannot afford an attorney or are otherwise unable to obtain legal counsel (Spieler, 2013). According to the Legal Services Corporation (2022b), “3 in 4 (74%) low-income households experienced 1+ civil legal problems in the past year” (p. 8). The problem continues to increase despite wide-ranging agreement that the United States is facing an access-to-justice crisis and data that show that individuals who are unable to retain legal counsel have consistently poorer outcomes in civil cases (Janku & Vradenburg, 2015). Efforts to help these individuals have been substantial but largely ineffective in addressing the problem (Zorza, 2013). The problem has negatively impacted individuals and families across the United States and has been particularly hard on poor and other marginalized populations. In addition, Legal Services Corporation (2022b) claimed that although three quarters of low-income Americans faced civil legal problems in the past year, they rarely bothered to seek legal help of any sort citing the cost of retaining a lawyer as the most significant barrier. The Legal Services Corporation (2022b) concluded that “low-income Americans sought legal help for 19% of their collective legal problems in the past year” (p. 44). This was not much better than the findings in an earlier Legal Services Corporation’s 2017 report.

Possible causes of this problem are the rules that govern the unauthorized practice of law, the persistent growth in the volume of civil litigation and the number of people involved, and the widespread integration of internet and technology-based processes into efforts to address the problem. Washington is the only state in the country to pass rules

changes allowing nonlawyers to provide limited assistance to individuals in civil legal matters. California and New York are exploring similar legislation in the face of significant opposition (Ambrogio, 2015). Similar changes in the medical field that allowed for expanded services by limited-license nurse practitioners and physicians' assistants have produced commentary in the literature, but there is a gap in similar studies related to the legal profession (Spieler, 2013). Furthermore, although the internet and technology in general have become a part of everyday life for most Americans, some groups of citizens, for a variety of reasons, have limited access to or do not use or benefit from the internet or technology in general (Pew Research Center, 2018). Among those groups are individuals of lower socioeconomic status, older individuals, disabled individuals, ethnic and racial minorities. They often face language or other barriers such as a distrust of courts in general, and individuals with poor or lower levels of education (Pew Research Center, 2018). The legal field is similar to the medical field in that the specialized knowledge and vernacular required to navigate it can be difficult for professionals, much less laypersons intent on helping themselves.

Purpose of the Study

The purpose of this qualitative phenomenological study was to explore and better understand how citizens experience the products of many legislative and administrative initiatives and technology-based resources designed to address the problem of the justice gap. This study was designed to shed light on the topic and encourage change that will increase access and encourage participation by all citizens. Data were gathered from prior and continued review of the literature. Further data were collected from in-depth

interviews with 10 individuals who experienced pro se civil litigation in courts. I described and analyzed the way these citizens experienced legal assistance available through technology-based resources.

Research Questions

I designed and conducted the research in response to the main research question: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? A set of subquestions (SRQs) was used to bracket the interpretations of the respondents' experiences and to allow tracking between the research question and interview questions:

SRQ1: In what manner did you initially experience technology-based legal services?

SRQ2: What effects do access to computers, tablets, mobile devices, and the internet have on pro se litigants' abilities to utilize technology-based legal resources?

SRQ3: What impact do technology skills and familiarity have on pro se litigants' abilities to access technology-based legal help?

SRQ4: How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services?

SRQ5: How do pro se litigants view the impact of technology-based legal help on them personally?

SRQ6: How do pro se litigants perceive the impact of technology-based legal help on outcomes in their civil cases?

Conceptual Framework

The purpose of the conceptual framework is to enhance and direct efforts to increase the objectivity of the study (Creswell, 2013). It is important that the researcher continues to consider the phenomenon that is the subject of the research considering other insights and opinions than their own on the subject. In doing so, the researcher strives to remain open to broadening their own scope of understanding and interest in the topic as the research is informed by the literature and the study itself (Creswell, 2013). In this sense, the researcher, as Moustakas (1994) explained, becomes “a person who is open to see what is, just as it is, and to extrapolate what is in its own terms” (p. 41). Objectivity is of particular concern in a study that involves the lived experiences of others in a way that might support targeted and effective social change.

In phenomenological research, the conceptual framework is found in the field of phenomenological philosophy. The two main philosophies utilized to develop conceptual frameworks in phenomenological research are those of Husserl and Heidegger. Husserl and Heidegger differed on how one understands a phenomenon.

For Husserl, transcendental phenomenology restricted the use of conceptual frameworks and found the essence of a thing where the researcher brackets, referred to as *epoche* in Greek, or intentional suspension of biases and preconceptions of a thing (Moustakas, 1994). Meaning or understanding is created when a person intentionally mingles their conscious observations with a thing in the natural world. In this context, Moustakas (1994) drew similarities between Husserl and Cartesian philosophies where subjective reality is dependent on the objective reality of a subject (p. 27). In the current

study, a phenomenon such as the lived experiences of individuals who utilize technology-based legal services can gain meaning for a researcher where the researcher brackets all but that which is related by those who had the experience. Moustakas (1994) summarized that bracketing or *epoche* is the critical first step in understanding followed by transcendental phenomenological reduction, which is transcendental in the way it moves beyond the normal way of looking at things, phenomenological in the way it breaks the observed things into distinct phenomena, and a reduction in the manner in which it gets back to the original or essential meanings of the experienced world. This differs from the framework a researcher might develop utilizing Heidegger's hermeneutic philosophy.

For Heidegger, the researcher would journal their preexisting knowledge or understanding of a topic to be utilized for greater insights into a phenomenon. The researcher would divulge this information to the reader but may incorporate where rationally considered to be appropriate. Heidegger viewed understanding as a dynamic evolving process. Heidegger described lenses a person sees through at different moments in time accumulating in a way that clarifies a thing and precipitates revisions of preunderstandings and conceptions. This is illustrated in the hermeneutic circle in which researchers looking through their biases as lenses are constantly revising and reinterpreting their understanding and conceptions of a thing over time. Researchers utilizing Heidegger's framework would be careful to cite their biases and preconceptions of a phenomenon while researchers utilizing Husserl's transcendental philosophy as a conceptual framework would not because they would not be relevant to a study that is framed in that manner (Moustakas, 1994).

I chose Husserl's transcendent philosophy as the conceptual framework. One might argue that my vocation and lengthy background as an attorney would fit with Heidegger's lenses. In addition, my background allowed me to interview individuals in Flint, Michigan regarding their lived experiences utilizing technology-based legal services while benefiting, where appropriate, from an attorney's many lenses of preunderstandings and revisions along a lengthy hermeneutic circle. Beyond these considerations, the purpose of my study was best framed as bringing new insights to the topic based on the lived experiences as expressed by the individuals who agreed to participate in my study, with a view toward positive social change. It is critical that the implications for social change be accurate as a matter of good public policy and human compassion so that participants' voices are heard. To that end, I endeavored to let participants speak while the literature provided the background. According to Moustakas (1994), "in Epoch, the everyday understandings, judgements, and knowings are set aside, and phenomena are revisited, freshly, naively in a wide-open sense, from the vantage point of a pure and transcendental ego" (p. 33). This is not to say that there was no value or benefit to my legal education, only that it was not necessary to interject it into the study. The research question stood on its own merit and logic, but I additionally designed a series of subquestions to keep the study from producing extraneous answers. I also introduced a pair of social theories to act as boundaries to keep the study in line with its research question, purpose, and implications for social change.

The conceptual framework for this study provided the basis for analysis of the experiences of pro se litigants who chose to access technology-based legal resources.

According to Sabatier and Weible (2014), complexities within the public policy process make it essential that related studies are conducted using theoretical frameworks that help focus and define the research. In relating my study to the justice gap, I chose two social theories to constitute the conceptual framework. From the onset, these theories were bracketed from the study but served as bounds for the literature review and other groundwork that would culminate in the study itself. The first social theory was a subset of democratic policy design and was labeled social construction of target populations (SCTP; Schneider et al., 2014). SCTP embodies the idea that public policy can and often does produce mixed results of burdens and benefits for the populations it targets. In the current study, it was important to clarify whether the use of technology resources to address the justice gap affects all targeted populations in a fair manner.

The second social theory perspective of this study was the technology acceptance model (TAM). According to Pierce et al. (2014), scholarly research related to technology acceptance is a large and important field that utilizes many associated theoretical models. TAM is one of those models, and it focuses on why users hold particular beliefs about technology and how those beliefs influence their behavior. Pierce et al. explained that, according to TAM, “technology acceptance and use is determined by behavioral intent (BI), which is affected by attitude towards use (ATT), and the direct and indirect effects of perceived ease of use (PEOU) and perceived usefulness (PU)” (p. 129). TAM has been widely utilized as an analytical model in scholarly studies and commercial evaluations of information systems because of its usefulness to identify relationships between functionality and user behaviors (Pierce et al., 2014). TAM provided an appropriate lens

to analyze the functional impact of technology-based legal strategies across diverse populations in need of legal assistance.

Nature of the Study

To explore and address the problem, I conducted a qualitative phenomenological study to describe the experiences of individuals who utilized technology-based resources to help them represent themselves in civil cases in Flint, Michigan. According to Creswell (2013), qualitative studies are beneficial when the goals of a study are “to empower individuals, to share their stories, hear their voices, and minimize the power relationships that often exist between a researcher and the participants in a study” (p. 48). Patton (2002) cautioned that qualitative researchers take care not to characterize qualitative inquiry alongside quantitative approaches as one of the two great monolithic cornerstones of research design. Rather, Patton encouraged qualitative researchers to become familiar with and utilize qualitative inquiry considering its rich philosophical traditions and diverse perspectives when approaching a study topic. I obtained data by conducting in-depth interviews with 10 pro se litigants who interacted with a variety of technology-based legal resources as part of their civil court experience. Chapter 3 contains a detailed discussion of my sample size.

The study was conducted in Flint, Michigan where other social issues such as those related to public health and the impact of what has become known as the Flint water crisis had drawn extensive attention and comment (Shelson, 2016). In this context, barriers to basic needs and the ongoing discussions related to them set a normative background to this study and its potential for wide-ranging application to similar

problems in other communities across the United States. The qualitative research question and subquestions formed the basis for my inquiry, data collection, and data analysis.

Definitions

American Bar Association (ABA): Founded in 1878, the ABA is a voluntary body composed of lawyers and law students whose main activities include setting academic standards for law schools and establishing model rules of ethics and practice for the U.S. legal profession (ABA, 2018).

Civil law: The areas and activities of the law that are related to noncriminal issues such as family, property, public benefits, consumer, and probate law (Pîrnuta & Arseni, 2010).

Criminal law: Areas and acts involving crimes that carry punishment or penalties and are enforced by governing authorities such as the police and the Department of Justice (Pîrnuta & Arseni, 2010)

Culture: Something shared by most individuals in a social group that is often passed along to children and helps shape the behavior or perceptions of those individuals (Merchant, 2007).

Digital divide: The idea that there is a gap between underprivileged segments of society such as the older, disabled, or poor when it comes to accessing technology and technology-based resources (Connolly et al., 2017).

Perceived ease of use (PEOU): The extent to which an individual believes the use of a system will be effortless (Davis, 1989).

Perceived usefulness (PU): The extent to which an individual believes that the use of a system will be helpful (Davis, 1989).

Pro bono: The term comes from the Latin and is often used in a legal context in which it means that a lawyer helps for no charge (Black's Law Dictionary, 2014).

Pro se: The term comes from the Latin and in a legal context it means that an individual is going before the court without a lawyer or for oneself (Black's Law Dictionary, 2014).

Technology acceptance model (TAM): The TAM asserts that acceptance of new computing technology is based primarily on two major characteristics of that technology, which are perceived usefulness and perceived ease of use (Davis, 1989).

Assumptions

Individuals interviewed for this study were assumed to have given honest answers that were accurate reflections of their experiences utilizing technology-based legal services. Second, I assumed that the interview question and subquestions were crafted in a manner that ensured participants would be able to understand them. The terms and phrases used in the questions were selected while keeping in mind that participants were not legal professionals and came from diverse backgrounds with different levels of education.

Scope and Delimitations

Participants for this study were selected from among individuals who utilized the local public library where kiosks are located for the purpose of accessing online legal services and by reaching out to individuals onsite at the civil courts within the Michigan

city. Those individuals were chosen because the library is frequented by a wide range of individuals, and its location in the center of the city near public transportation and education centers encourages a diverse clientele. Activities at the city courts are brisk and varied and provide an opportunity to interview individuals who may not frequent the library. To protect the study ethically and professionally from any real or perceived biases, I excluded all individuals who responded to an invitation to participate in the study if I had provided representation in their legal case.

Limitations

First, individuals who were interviewed for this study were residents of one city in Michigan. Although many of the experiences and issues reflected in their backgrounds and lives that may impact their answers could be common to other U.S. urban centers, it is plausible that some of the barriers they faced regarding the use of technology-based legal services might be unique to city residents. Second, although all of those interviewed for the study were residents of the city and utilized technology-based legal services available within the city, it could have been the case that some of those interviewed may have, at some point, moved to the city from other areas. In those cases, it is possible that their answers reflected successes and barriers that were impacted based partly on their previous life experiences in other locations.

Significance

This study was designed to explore the access-to-justice problem in the United States and identify some of the benefits and barriers associated with technology-based legal resources available to civil pro se litigants. Nearly 80% of all individuals who go to

court with a civil issue do so without the benefit of legal counsel (Spieler, 2013). This problem persists and disparately impacts Blacks and Hispanics and other marginalized populations such as the poor and elderly, despite efforts and policy decisions designed to address the issue (Spieler, 2013). Civil cases often involve the disposition of children, victims of domestic violence, predatory lending, landlord–tenant disputes, mortgage foreclosure, access to public benefits, and other matters that can have a profound effect upon a society (Ambrogi, 2015). My study may be important to the field of public policy and administration because the issues that are decided in civil courts and the policies and laws that affect those outcomes can impact a wide range of related public agencies, benefits, and programs as well as the stability of individual lives, families, and the communities in which they reside.

Public policy and the rule of law are most effective if fairly applied and accessible to all citizens. If that is not the case, a study that may increase access to and encourage better outcomes in U.S. civil courts could also lead to positive social change. According to Callahan et al. (2012), the context and purpose of a project can be viewed by considering their implications for lasting social change and may be considered under the broad headings of knowledge, skills, and attitudes. For example, knowledge applied to real-life situations might be viewed as the goal of any scholar-practitioner (Callahan et al., 2012). The current study produced outcomes that may lead to changes to the civil court system that are significant and could increase accessibility. If the findings are effectively communicated, the knowledge may be applied in practical and skillful ways to encourage positive social change. Attitudes that may persist within professional or public

policy circles that do not recognize or address access-to-justice issues might be challenged to act or learn from the research. In these contexts, U.S. society, its communities, the legal profession, and individuals could be impacted in ways that may bring about the kinds of changes a scholar-practitioner might hope for in proposing a project or study (Yob et al., 2014).

Summary

The justice gap in the U.S. civil court system has a long and well-documented history. At the same time, the legal profession has undergone numerous transformations to the way traditional legal services have been marketed and provided. A significant amount of public policy and political attention has been directed toward resolving the justice gap problem in efforts to increase access to the courts and overcome the barriers faced by individuals who seek relief in U.S. civil courts and are unable to obtain legal representation.

The use of technology in legal settings has been the driving force behind the ongoing transformations within the legal profession and efforts to address the justice gap in the U.S. civil legal system. The purpose of my research was to explore the technology-based legal platforms and their impact on the civil justice system. I conducted a qualitative phenomenological study to explore how technology-based legal resources are perceived and experienced by individuals they are designed to help. In response to the research question, the results of the study indicated some of the benefits and barriers experienced by individuals who utilized technology-based legal systems. It is my hope

that participants' insights encourage change that will increase access and help diminish the justice gap in the U.S. civil court system.

Chapter 2 includes a literature review of the topic of technology-based legal services and their delivery. The chapter also includes an overview of how the current study was grounded in its conceptual and theoretical underpinnings along with a discussion of gaps in the literature. Finally, the chapter includes an overview of how others have approached and studied the topic of technology-based legal services and the research methodologies they employed.

Chapter 2: Literature Review

The purpose of this study was to explore the barriers and benefits experienced by citizens who utilized technology-based legal services in civil cases. This chapter contains scholarly work and other commentary related to the U.S. civil justice gap and past and current efforts to increase access to justice. The study was defined and focused by its transcendental conceptual framework. I explored the lived experiences of individuals who chose to utilize technology-based legal resources while bracketing or isolating my personal biases and preconceptions from the study. At the same time, I employed a bracketing set of social theories to help keep the overall study on point. The theoretical framework included two theoretical bases: the SCTP and the TAM.

According to Engler (2013), in the first decade of the new millennium the access-to-justice problem in the United States came under increased scrutiny as courts struggled with huge increases in cases involving individuals who came to court without an attorney. Those involved became aware that inadequate funding for legal aid for the poor, increases in civil court caseloads, and poorer outcomes for self-represented individuals were forming the basis for a crisis in the civil justice system. By the end of the second decade of the new millennium, The Legal Services Corporation's website (2022) cited data that reflected an increasing need for further measures and funding to address the access-to-justice problem in U.S. civil courts. Along with steady increases in case numbers involving unrepresented civil litigants, the study explored data related to three main barriers encountered by pro se civil litigants in U.S. civil courts: knowledge barriers, attitudinal barriers, and cost barriers. Emerging data have revealed that the crisis

often impacts critical basic needs such as housing, public benefits, and consumer finance and points to a need for action on the part of public and private stakeholders across the legal landscape (Engler, 2013). According to the Legal Services Corporation's website (2022a), the access-to-justice problem continues to impact individuals in areas of their lives related to critical needs. The Legal Services Corporation (2022b) then cited data showing 93% of Americans who faced civil legal "problems with substantial impact" to their lives did so without "any or enough legal help in the last year" (p. 48).

In a Memorandum on Restoring the Department of Justice's Access-to-Justice Function (2021), the White House cited the continuing rise in the numbers of Americans who face civil legal issues without counsel and data showing that "all too often, unaddressed legal issues push people into poverty" (p. 1). Citing the upheavals within the legal system, Susskind (2014) was among the first who identified information technology among what he called the "three rivers of change" (p. 3) that will transform the roles of lawyers and the delivery of legal services in general in coming decades. Susskind asserted that the legal system is in a state of change that is unprecedented and will lead to the end of the traditional workings of the courts and the transformation of the practice of law). According to Grela (2022), technology has and continues to impact the delivery of legal services in the United States, and this process was accelerated during the pandemic when processes such as alternative dispute resolutions were carried out on platforms such as Zoom and the outcomes were so successful it is likely to never fully revert to in-person events. For example, Grela cited data showing that in the United States there was a 70%

increase in the utilization of what is now referred to as online dispute resolution between 2018 and 2019. There is little evidence of a reversion to in-person events, after Covid.

Many of the responses to the problems in the U.S. civil justice system have shown some promise and have come in the form of increased focus on expanding and adapting programs such as pro bono clinics, ask-the-lawyer panels, formalizing and streamlining of court procedures, and legal hotlines. Most of these integrate technology-based resources such as the internet, social media, real-time computer conferencing, and self-help websites that offer interactive legal resources that often include chat or text components (Engler, 2013). Technology-based applications have and continue to be central to efforts aimed at increasing access to U.S. civil courts and the legal profession. In 2016, the ABA published results of its 2014 study conducted by its Commission on the Future of Legal Services (Perry-Martinez & Burkhardt, 2017). The Commission concluded that despite efforts to increase access to justice, the unmet needs of those who cannot retain an attorney in civil cases remains unaddressed and disparately impacts most poor people as well as those of moderate-income levels. The study included among its findings that individuals who are unable to access the courts face two significant barriers: a lack of financial means to access representation and an inability to understand the complexity and nature of their legal problems. Among the Commission's conclusions was a recommendation that the legal community continue to advance technological innovation as a key to meeting future demands for the delivery of legal services.

Structure of the Review

This chapter covers an overview of the literature related to the delivery of civil legal services in the United States and the role of technology in efforts to address the justice gap. Topics include civil law and the progression of technology, a review of the *Gideon* case and its role in the topic, history and tradition within the civil legal profession, an overview and definition of technology-based legal services, technology-based legal services in a Michigan city, conceptual framework and social theories for the study, related public policy issues, and an overview of research methods utilized within the literature.

Literature Search Strategy

Resources used for this review were gathered from the following search engines and databases in the Walden University Library and University of Michigan Library: Google, Google Scholar, Dissertations & Theses @ Walden University, JSTOR, LegalTrac, Lexis Nexis Academic, Lexis Nexis Legal, Oxford Guide to United States Supreme Court Decisions, ProQuest Central, ProQuest Dissertations & Theses Global, and ProQuest eBook Central. The following keywords, phrases, and terms were most often used for the most productive searches: *access to justice*, *civil justice*, *court reform*, *justice gap*, *law and technology*, *legal profession*, *pro se* and *technology*, *technology acceptance model* and *democratic policy design*, and *social construction of target populations*. Database searches narrowed to the years 2000 and 2019 produced over 100,000 results, while narrowing to more recent years, 2010 to 2018, reduced results to fewer than 20,000. The review targeted peer-reviewed literature and included an

overview and discussion of technology-based legal services available to the citizens of a city in Michigan, much of which was gathered from public websites, court documents, and organizational literature and charts. The information that was not gathered from or available in the referenced scholarly resources was important to this study because it addressed the availability and accessibility of legal resources that are critical to the citizens of the city. The information also provided insights into how those services might be best delivered in the future both in a city in Michigan and in other similarly situated communities across the United States.

Support for the Conceptual Framework

In this phenomenological study, I emphasized objectivity and the lived experiences of individuals in Flint, Michigan who utilized technology-based legal resources for their civil law matters. I followed the transcendental philosophy of Husserl endeavoring to isolate or bracket my bias and predispositions to the topic and allowing the experiences related by those interviewed for the study in their own voices to inform the study. I used two social theories to provide the bounds and background for this study while, at the same time, isolating or bracketing them from the study itself. The first theory I used was democratic policy design SCTP, and the second was the TAM. The two theories provided a foundation for the study and a background that helped me explain the outcomes including why or why not technology-based legal resources are an effective tool to shrink the justice gap and improve outcomes for targeted populations and to identify some of the actions that may improve the ways these resources are applied to the problem.

SCTP

The intended benefits of public policy may be accompanied by unintended burdens for target populations. SCTP focuses on the idea that public policy decisions can and often do produce mixed results resulting in both burdens and benefits for targeted populations (Schneider et al., 2014). The literature supported the conclusion that large numbers of individuals, families, and diverse populations have and continue to be impacted by the access-to-justice problem. It would seem important to any study of the topic that it include an assessment of whether all targeted and affected populations benefit fairly from policies that are implemented to help them.

The intellectual roots of SCTP were introduced decades ago when scholars of public policy recognized that much of the conceptual underpinnings of the political world were derived from social constructions that often reflect emotions and value-laden characteristics or symbols rather than an objective reality (Schneider et al., 2014). Edelman (1969) suggested that although public policies are generally viewed as outputs constructed in response to the problems and values of those governed, “government activities are themselves potent influences upon change and mobilization of peoples’ cognition and values” (p. 232). Best (1989) and Snow and Benford (1988) were among those who argued that public policy debates hinge on subjective interpretations related to the discourse along with the values and processes that are assigned to the people involved rather than the demonstrated seriousness of an event or problem.

SCTP has been foundational to the study of a wide range of topics. Stabile (2016) identified access to reproductive technologies in the United States as an example of how

public policy has at times targeted social constructs related to individuals and limited certain population's access to autonomous choices on how they embrace or forego motherhood. Stabile explained that some populations such as the homeless, handicapped individuals, poor families, and other "unfortunates" are often viewed sympathetically and categorized as dependent or worthy of public support (p. 20). According to Stabile, women are often included among those who are described as dependent, but not all women. Stabile explored the topic of women's access to reproductive technologies in the United States referencing the breakdown of the social construction of women into targeted populations: (a) advantaged women, (b) contending women, (c) dependent women, and (d) deviant women. Stabile's inquiry was focused on the discourse around public policymaking that implicated the "deservedness" of some populations of women to access reproductive technologies rather than equal access of all women to them (p. 19). The study shed light on the topic of women's reproductive rights and also illustrated that targeted populations can be broadly construed, as in the case of women, or broken down into subclasses indicating the flexibility and detailed use of the SCTP theory.

SCTP has proven to be important to the study of public policy and administration. According to Schneider et al. (2014), the social construction of target groups "has become a central concept in the study of public policy" (p. 105). Schneider et al. found that SCTP helps people understand why public policy designed to benefit society "sometimes-and often deliberately-fails in its nominal purposes, fails to solve important public problems, perpetuates injustice, fails to support democratic institutions, and produces an unequal citizenship" (p. 105). The social construction of target groups occurs

when political attributes that are used in political discourse and competing sociopolitical rationales related to the allocation of public policy resources begin to construct a reputation for groups that are the subject of the discourse (Schneider et al., 2014). In this context, political discourse embraces suppositions that certain populations deserve or are entitled to the benefits of public policy, and this has obvious effects on elections, legislation, and resource allocation, but at the same time it can impose emotional value-laden characteristics upon the groups that become targets of the political exchange one way or another (Schneider et al., 2014).

SCTP has long been considered an important and often overlooked part of scholarly inquiry into public policy. According to Schneider and Ingram (1993), SCTP is important because it offers explanations of why and how benefits and burdens are allocated in the public policy process that are independent of but can be taken together with traditional notions of political and economic power such as bipartisanship, electoral process, and democratic governance. Schneider and Ingram were careful to point out that previous public policies can perpetuate group typologies and that politicians often include politically repulsive target groups as beneficiaries in policy or election language where it is politically expedient. Schneider and Ingram used this point to emphasize that even those who dispense the political attributes associated with SCTP can be influenced by the reputations or value-laden characteristics of target populations that develop over long periods of time. Schneider and Ingram concluded that SCTP “directs attention to the fact that policy is purposeful and attempts to achieve goals by changing people’s behavior” (p. 335). In this context, policy identifies problems to fix or goals to be achieved and

points out the people who need to change their behaviors if those problems are to be fixed or the goals achieved (Schneider & Ingram, 1993). Schneider and Ingram also concluded “by specifying eligibility criteria, policy creates the boundaries of target populations” (p. 335). One can easily retrieve examples of public policy programs or resource allocations such as those aimed at helping immigrants or urban populations of color or that are often characterized or debated in which one side labels participants in ways that engender emotional or angry responses from a tribal political audience.

Social constructions are a fundamental and important aspect of U.S. policymaking and political discourse. According to Schneider et al. (2014), social constructions are a central characteristic of and inherent within politics and policy making. SCTP not only shapes the way people understand and experience political and policy-making processes but also influences future policies. For instance, value-laden judgments that shape today’s political discourse and drive policy makers to identify target populations for allocation of benefits of new legislation are often challenged by future policy makers. Future policymakers are routinely called upon to amend previous policies by imposing time frames, work requirements, or other qualifications because the beneficiaries of the earlier policies are later identified as greedy, lazy, or unproductive. Boushey (2016) studied 44 criminal justice policies across several U.S. states and found support for the theory that certain stereotypical target populations such as the “strong, popular, and powerful” (p. 198) received more benefits from the policy makers while unfavorable populations including those viewed as weak or politically marginalized were more encumbered or burdened by the policies. Boushey cited SCTP as fundamental to the inquiry and

described the study as an examination of how innovation in criminal justice policy is often shaped by social constructions. Schneider et al. (2014) emphasized that SCTP can provide a foundation for effective processes that help individuals, policy makers, and other stakeholders begin to understand public policy in a way that can benefit all citizens. Schneider et al. concluded that an understanding of the social constructions embedded in policies represents an integral part of the leading edge of efforts for positive social change. The targeted populations that are intended to benefit by utilizing technology-based legal services are composed of diverse and often marginal groups and individuals. SCTP is one of the two underlying social theories of the current study, and I chose the theory because it encourages careful, unbiased research while providing a scholarly framework in support of the process.

TAM

Pierce et al. (2014) explained that TAM focuses on why certain individuals and populations hold beliefs about the adoption and use of technology-based resources and technology in general. TAM is widely used as a theoretical framework in scholarly and commercial settings where it is liberally applied to identify perceptions about technology that are held by certain individuals or populations that represent barriers to technology adoption. For example, the benefits of utilizing TAM as an integral aspect of scholarly research might be seen in the field of online marketing or as discussed earlier, in the context of public policy initiatives that involve technology-based delivery systems such as the implementation of the Affordable Care Act and other forms of e-government.

Davis (1989) introduced the TAM as part of his research to try and explain why computer use was accepted by some and resisted by others. Since then, according to Marangunic and Granic (2014), the TAM has been widely utilized in many fields and has spawned extended or adaptive versions that are primarily based in his original work. The authors conducted a methodical literature review identifying the extensive use of TAM in the literature and how the concept has been applied, developed and modified, and extended in scholarly work across a wide range of fields and topics related to technology use and function (Marangunic & Granic, 2014). Citing the growing number of researchers incorporating TAM into their studies over the past quarter century, they concluded that it has become a reliable predictor and key model for inquiries of how people relate to technology (Marangunic & Granic, 2014).

According to Pierce et al. (2014), the origins of the TAM can be traced to the theory of reasoned action (TRA) and the theory of planned behavior (TPB) both of which preceded the TAM and were very popular particularly in fields related to the social sciences. TRA is a theory used to support the assumption that people are rational actors and systematize information to formulate their intentions, which predict behaviors. In this context, an individual's attitude toward a behavior is mediated by their volition or own formulation of attitudes relating to intentions (Marangunic & Granic, 2014). Over time, limitations of TRA began to emerge. According to Marangunic and Granic (2014), "one of the main limitations was with people who have little or feel they have little power over their behaviors and attitudes" (p. 84). Understanding how people respond to new ideas or

processes has become a fundamental topic in an era where technology proliferation has continued to impact individuals and groups, often in different ways.

Robinson (2019) examined the impact of online learning among nontraditional students. Nontraditional students are often older or have been in the work force and out of school for a period. Often, they are retraining but have utilized whatever technology skills they have in discreet contexts related to a repeated process or work duty. Other examples of nontraditional students include immigrants, disabled students, or poor students who may encounter technology barriers including lack of access to the internet or computers, language issues, physical challenges related to sight, mobility, or other disabilities, and emotional or access barriers related to a lack of training in skills such as typing and lack of support from family or community. Robinson (2019) cited data as recent as 2017 that identified nontraditional students as the most substantial demographic enrolled in America's community college system and, although technology innovation in online learning has been constant, technology acceptance plays a significant role in students' outcomes (p. 23). Robinson's (2019) study included a quantitative methodology and employed TAM related inquiries to assemble and articulate the project's outcomes (p. 26). Robinson (2019) explained that the TAM and its fundamental constructs, "perceived usefulness and perceived ease of use," were critical to understanding the challenges faced by nontraditional students (p. 25). In that light, understanding the predispositions of some students toward the use of technology-based resources in their learning environment could be important catalysts for better design, implementation, and outcomes in the education of nontraditional online students.

TRA and TPB can be categorized as the scholarly predecessors of TAM and be helpful to understanding the TAM. TRA differs from TAM, which focuses on an individual's attitudes toward a behavior and how attitudes influence behaviors. Pierce et al. (2014) explained, "in TAM, technology acceptance and use is determined by behavioral intent (BI), which is affected by attitude towards use (ATT), and the direct and indirect effects of perceived ease of use (PEOU) and perceived usefulness (PU)" (p. 129). Marangunic and Granic (2015) related that "Davis hypothesized that the attitude of a user toward the system was a major determinant of whether the user will actually use or reject the system" (p. 84). They concluded that in the TAM, "the attitude of the user, in turn, was considered to be influenced by two major beliefs, perceived usefulness and perceived ease of use, with the perceived ease of use having a direct influence on the perceived usefulness" (Marangunic & Granic, 2014, p. 84). For example, see Figure 1 below, which offers a basic overview of how a user's perceptions of technology may predispose or otherwise influence their ability to access a system.

Figure 1

Illustration of Potential User Reconceptualization of Technology Use



TPB is another theory rooted in the assumption that people are rational and act upon systemized information and one's intentions are informed by such things as social norms, beliefs, and perceptions including whether they are capable of engaging a

particular situation or task (Marangunic & Granic, 2014). In this context, attitudes are subjective and concepts such as self-confidence, doubt, and apprehension play an important role in how intentions are informed and whether or not one engages in a behavior. Marangunic and Granic (2014) explained, “if people are systematic in their decision making based upon the information they have gathered, as TPB assumes, then the theory only works when actions are information driven and ignores unconscious motives” (p. 85). Further, TPB does not incorporate such influences as demographics, personality, socio-economic factors, and other variables that may prevent an individual who has become informed about a particular activity or behavior from engaging in it. This is an important observation that lends support to the premise that the use of technology-based legal services is ripe for inquiry along the lines of this study. Specifically, the premise that the experience or resistance to the experience can be unique to the user and that qualitative study is appropriate to explore these phenomena. Marangunic and Granic (2014) added that TPB failed to take “into consideration factors such as personality and demographic variables as well as the assumption that the perceived behavioral control predicts actual behavioral control, which may not always be the case” (p. 85). This supports consideration of qualitative inquiry where individuals attempt to relate their own experiences and related conclusions regarding a particular phenomenon.

It is helpful to view TAM in the context of its two scholarly predecessors, TRA and TPB, because they emphasize that TAM was made to specifically address the acceptance or resistance of technology systems, which is relevant to this study of

technology-based legal services. The TAM specifically encompasses the idea that an individual's attitude toward a technology system is a determinant of whether or not they will accept it. TAM is an analytical model that focuses on the functionality of technology-based resources, whether people hold a particular belief about technology, and how those beliefs influence their behavior towards technology (Pierce et al., 2014). External variables such as one's age, gender, education, and other characteristics have been found to influence PU and PEOU while experiments have proven BI to be the best indicator of the actual use of technology among different populations (Pierce et al, 2014). As they discussed, "in TAM, technology acceptance and use are determined by behavioral intent (BI), which is affected by attitude towards use (ATT), and the direct and indirect effects of perceived ease of use (PEOU) and perceived usefulness (PU)" (Pierce et al., 2014, p. 129). According to Marangunic and Granic (2015), "TAM has evolved to become a key model in understanding predictors of human behavior toward potential acceptance or rejection of the technology" (p. 81). The TAM has continued to endure and be utilized in many roles within the context of technology use bringing with it a focus on specific behavior and a rich theoretical underpinning.

Court System in the United States

The judicial system in the United States is a closely connected organization of courts at the state and federal levels. The system is hierarchal and versatile in the types of cases or controversies it entertains. It operates within a wide range of court rules specific to the type of case being heard and which court has jurisdiction in a particular matter. Courts can be local in matters such as family law, debt collection, landlord-tenant

disputes, and crimes such as assault, impaired driving, and breaking and entering. Such cases are generally under the jurisdiction of a state's district or circuit courts, which are usually located in the county or parish where an incident or dispute arose. On the other hand, federal courts are located around the country and are the trier of fact in matters such as federal tax fraud, social security disability claims, and bankruptcy which all are controlled by a specific body of federal statutes. Some cases become federal when an incident crosses state lines, the military or a federal agency is involved, or the amount of money in controversy exceeds a certain threshold. The general rule in cases involving such matters as breach of contract, medical malpractice, or personal injury is that plaintiffs seeking judgments in excess of \$75,000 in damages must file in the federal court system. Parties can appeal unfavorable decisions through the federal appeals courts as well as those of states and territories and finally through the supreme courts of the state and federal governments.

One of the most important distinctions in the American justice system is that between civil and criminal law. Fellmeth (2005) viewed this distinction as fundamental and pervasive by affecting law schools' curriculums and textbooks, the practice of law where new attorneys often land on one side of the divide and work their entire careers without venturing to the other side, and the way the administrative aspects of Anglo-American courts are organized and identified. Civil law involves legal matters related to interactions between private individuals such as marriage, contracts, child custody, medical malpractice, wrongful death, deceased estates, personal injury, and defamation or slander. Criminal law involves violations of laws with associated fines or other

punishments designed to deter criminal activity and protect the public or society in general. Examples include reckless driving, theft, assault and battery, murder, kidnapping, and hate crimes.

Generally, these distinctions are somewhat easy to grasp but the line between civil and criminal law may not be as bright as one might think. In some instances, it may be the case that one event such as an arrest of an individual for criminal domestic violence may precipitate civil actions by another such as an application to the court for a personal protection order or even a complaint for divorce or a motion for an emergency child custody order. Criminal cases are filed by a prosecutor on behalf of the public and interactions between criminal and civil cases may include related periods of incarceration, associated financial loss, or attenuated family disputes. Isolation of victims and perpetrators or an imbalance of power can affect the progress or even the initiation of related civil and criminal cases. For example, this is important to this study of how individuals interact with technology-based legal services because victims of intimate partner violence (IPV) are often alone when trying to navigate the courts in civil cases such as divorce or child custody while, at the same time, dealing with the flow of a related criminal case. According to Murray et al. (2016), IPV victims often feel stigmatized and isolated “believing that friends and family members will not want to help, fearing negative outcomes if their abuse experiences were to become known in their workplaces, and predicting that healthcare professionals will judge them upon disclosure” (p. 287). Navigating either the criminal or civil court system under such complex

circumstances may prove challenging for a seasoned attorney if you can find one with experience in both aspects of American jurisprudence.

Data reflecting the volume and types of cases filed in America's courts can be helpful to find context and direction for study and public policy aimed at helping the court system provide better access and outcomes. According to the Court Statistics Project (CSP), in 2017, more than 95% of all court cases filed in the United States were filed in state courts. All cases filed in state courts reached their apex at just over 106.1 million in 2007 and have declined somewhat since. Combined criminal and civil cases in 2016 totaled 84.2 million, a drop of 2.5% from 2007 numbers. Of the 84.2 million cases, 53% were traffic related, 2% were juvenile, 24% were civil, and 21% were criminal (Court Statistics Project, 2020). By these figures, American courts are processing approximately 37 million civil and criminal cases per year of which civil cases comprise a little over half or approximately 20 million cases per year (Court Statistics Project, 2020). The numbers of civil cases and criminal cases represent significant and varied impacts upon those involved, their families, victims, state and federal agencies, and communities across the United States.

Civil Law and the Progression of Technology

Similar to other professions and fields, legal practitioners and the justice system in general have had to cope with a wide range of disruptions and changes in recent years. Many of these changes are the direct result of technological innovations and applications being applied to the practice of law and the administration of justice. Reflecting on his experiences studying law in the 1970s, Susskind (2016) concluded that he and his fellow

law students could not have imagined that the decades to follow would bring such dramatic and sweeping changes in the manners in which lawyers advise their clients and the ways the courts operate. He believed that the legal profession and the justice system as a whole would continue to evolve in the face of “three major drivers of change that will combine to transform the legal landscape, radically and internationally” (Susskind, 2016, p. 327). Among the influences driving the ongoing reshaping of the justice system are an increasing demand for services from individuals who lack the means to pay traditional legal fees, a loosening of the laws that govern the practice of law, and utilization of information technology and the internet which he concluded has and will continue to be disruptive to traditional legal practices and systems (Susskind, 2016). He also asserted that there will be more change to the legal profession and the justice system in the coming few decades than has taken place in it over the past few centuries. In this context, institutional change on a macro level that potentially affects the manner in which most citizens access the civil courts and related barriers to the civil justice system compels careful consideration.

Understanding America’s civil justice gap and the ways technology has been utilized to address its impact on citizens and the civil courts is central to how we begin to understand and evaluate the kinds of social change and public policy that may be required to overcome such a pervasive and serious problem. Similar to the ways (Susskind, 2016) expressed his journey from a law student to an attorney who has witnessed so much change to his profession, an examination of the literature and the related research methodologies that attempt to explain and explore America’s justice gap problem can

provide focus to the issue. The literature review highlighted how traditional legal services have been delivered and the ever-expanding role of technology in the way they are being accessed as well as barriers posed by technology-based legal services and how they might be overcome. The review includes a discussion of technology-based legal services available to the citizens of Flint, Michigan and concludes with a discussion of the conceptual framework and its use in the overall study.

A Civil Gideon

At some point, every law student is presented with high court decisions that are described as “seminal” or “landmark” because of their far-reaching impact on the generations that follow. In *Gideon v. Wainwright* (1963) (*Gideon*), the United States Supreme Court ruled that the United States Constitution provided a basis under its Sixth Amendment whereby certain criminal defendants who could not retain legal counsel must be provided an attorney to represent them. The case was the genesis for America’s public defender system that provides court-appointed attorneys in certain criminal cases every day in courts throughout the country. Progressive legal scholars and public policy makers have led efforts for a civil *Gideon* ever since to no avail. Headworth and Ossei-Owusu (2017) asserted that the whole of criminal and civil legal aid in America are in a constant state of financial and ideological peril, and this is especially true of civil legal aid, which lacks the constitutional leverage that led to the decision in *Gideon*. The authors cited common quantitative data indicating that nearly 80% of the legal needs of civil litigants go unmet although access to justice advocates have long lobbied for a civil *Gideon* (Headworth & Ossei-Owusu, 2017, p. 57). The courts have continued to disagree on

whether there is a legal basis for a civil Gideon, often citing *Lassiter v. Department of Social Services of Durham County, North Carolina* (1981) (*Lassiter*) where the Supreme Court concluded that there was no constitutional basis for guaranteeing counsel to unrepresented citizens involved in parental rights proceedings (Headworth & Ossei-Owusu, 2017, p. 57). The decision in *Lassiter* “represented a significant break from the Court’s prior favor toward procedural protections for poor people in administrative proceedings” and remains settled law to this day (Headworth & Ossei-Owusu, 2017, p. 57). The impact of *Gideon* and the continuing push for similar rights to counsel on the civil side continue to frame much of the efforts of the access to justice movement and social justice advocacy across America.

In the half-century since the decision in *Gideon*, debates surrounding the case and efforts in support of a civil *Gideon* have persisted. Brooks (2008) pointed out that, in 2006, the ABA adopted a resolution encouraging state bar associations, local metropolitan and county bar associations, courts, and related institutions to closely examine the unmet needs of civil litigants and explore the idea of a civil right to counsel. He related that the ABA has been heartened by the response citing efforts to increase pro bono involvement and the establishment of access to justice task forces in several states including Minnesota, California, Washington, Georgia, and Maine (Brooks, 2008, p. 30). Many other states, including Michigan, have followed suit and established task forces or public initiatives to address the problem.

In recent years, the Michigan State Bar Association established its Access to Justice Campaign citing statistics that Michigan has only one legal aid attorney for every

459 poor people and that the state has 42,000 practicing attorneys but ranks 44th in the nation in attorney giving to legal aid organizations (Access to Justice Campaign website). In 2014, the ABA commissioned a study on the present state of and future of legal aid in America (Perry-Martinez & Burkhart, 2017). The study found that efforts to address the access to justice problem have not satisfied the problem and that most poor people and those of moderate income lack the legal resources they need, often fail to recognize the presence of a legal problem, and routinely do not try to seek legal help.

A quantitative study of a typical middle-sized American city reflected the actions of civil litigants who faced their legal issues without direction and legal representation. Results showed that people did nothing about their civil legal problems 16% of the time, attempted self-help 46% of the time, tried to get help from family and friends 16% of the time, from representatives or advisors 15% of the time, and from a combination of friends, family, and advisors 7% of the time (Sandefur, 2014, p. 12).

Delivery of Civil Legal Services

In the years following Gideon, President Nixon signed legislation creating and perpetually funding the Legal Services Corporation. “LSC is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans. LSC currently provides funding to 132 independent nonprofit legal aid organizations in every state, the District of Columbia, and U.S. Territories.” (Legal Services Corporation, 2022a, np). In 2017, Legal Services Corporation released its report titled, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, which highlighted that, in the face of all their efforts, over 70% of low-

income families experienced at least one civil legal problem in the previous year and over 85% of those individuals and families in need had inadequate or no legal help at all to address their problems.

The report showed the following:

- In the past year, 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help.
- 71% of low-income households experienced at least one civil legal problem in the last year, including problems with health care, housing conditions, disability access, veterans' benefits, and domestic violence.
- In 2017, low-income Americans will approach Legal Services Corporation-funded legal aid organizations for support with an estimated 1.7 million problems. They will receive only limited or no legal help for more than half of these problems due to a lack of resources. (Legal Services Corporation, 2017)

The report also noted the impact of the lack of access to legal assistance and also pointed to the phenomenon of inadequate legal help and how the access to justice issue is exacerbated at the same time need is rising. The overall impact of inadequate legal help represents an important consideration in the study of how different levels of technology skills or limited access to technology may play an important role in its effectiveness to address the access to justice problem.

Statistics such as those contained in the LSC report called attention to the idea that America's civil legal system needs attention. Susskind (2013) claimed that, after studying the subject for 30 years, he concluded that lawyers and legal institutions have

come to a crossroads and that disruptive and pervasive changes to the delivery of legal services are inevitable in coming years (p. xiii). Speaking to what Susskind (2013) saw as the main reasons for change in the legal world, he suggested that much of his work is and had been focused on the impact made by information technology. Cummings and Rhode (2017) commented on the upheavals within the legal world, noting, “perhaps the most striking trend in our understanding of access to justice over the last three decades is the recognition of how little we really know” (p. 486). Sandefur (2016) argued that there are “key gaps in our understanding” of the whole topic of access to justice (p. 443). She added “in sum, at present, we have no idea of the actual volume of legal need and no idea of the actual volume of unmet legal need” (p. 453). Sandefur (2016) concluded, some of the biggest questions related to access to justice remain unanswered. According to Sandefur (2016), it is still not clear how many unmet civil legal needs exist, how these unmet needs impact the individuals and families who experience them, and how society in general is affected by the lack of access to civil justice (p. 443). She pointed out an important issue that is closely related to any evaluation of the access to justice problem, which is that it is not simply an empirical problem. In addition, given the variety of ways legal services are delivered today, empirical data can be gathered in some cases, but it does not thoroughly address many questions inherent in the topic (Sandefur, 2016). In this context, the experiences of individuals who access technology-based legal services for their civil cases, the impact of the cases on themselves, their families and others, and what effects lack of access, inadequate or no civil legal support has upon them remain somewhat elusive.

Most studies related to accessing civil legal services are empirical in nature. Those studies examine topics such as housing cases in New York, uncontested divorce cases in a particular jurisdiction, or state tax cases in Minnesota (Sandefur, 2016). This is important because innovations or public policy that might be effective for some populations or types of cases may not be effective for others; Sandefur (2016) said “an obvious example would compare the legal needs of highly educated people to populations where mental illness, illiteracy, language proficiency, or cognitive impairments reduce people’s capacity to take action on their own behalf” (p. 455). Other examples are comparisons of outcomes in divorce cases where there are no disputes about marital property or spousal support and divorces where one party is entitled to these awards and the procedural motions and arguments are much more sophisticated (Sandefur, 2016, p. 455). Sandefur (2016) summarized that “in the U.S. context, we are just beginning to see the kinds of comparative research projects that can give information about when different kinds of legal expertise are necessary” (p. 455). These observations help support the idea that new approaches to the study of the justice gap are timely and emphasize the need to explore the experiences of individuals who face legal problems without the benefit of legal counsel. They can face barriers that are wide ranging and require expertise specific to the individual’s case as well as to the individual themselves. Such things as language barriers, an imbalance of power in situations such as those involving domestic violence, a lack of education, disabilities, limited communication skills, and, as is central to this study, issues related to the utilization of technology-based legal skills are only several of many examples.

The complexities of identifying and assessing the needs of different populations, much less different individuals in different geographic locations with different backgrounds and challenges, help identify the reasons for gaps in the literature. These complexities also help articulate the need for not generalizing about the impact of the numerous ways in which the legal world has tried to address the access to justice problem. As previously discussed, there are many different efforts and approaches to try and diminish the justice gap and all this while the legal profession and its institutions have, as Susskind (2013) asserted “not generally been swift to embrace new systems but it is increasingly finding it impossible to avoid the technology tidal wave” (p. 9). That said, as the literature suggested, it is not necessarily a condemnation of the legal community, and one must consider that those with legal skills and knowledge might better perceive the complexities of the problem in some contexts.

Quantitative data related to the justice gap were somewhat readily available within the literature, on public court registers, and agency and organizational websites. The information was informative to characterize the scope of the problem and the urgency of the need. Sandefur’s (2014) American Bar Foundation study of a random sampling of Americans in a middle-sized city found that although two-thirds of those sampled had experienced at least one civil legal problem in the past eighteen months, few had sought legal assistance of any sort and the most common reason for failing to do so was some sort of conclusion on their parts that they did not need any (p. 4). At the very core of self-help legal services is the idea that people are able and willing to do so which infers a gap in the way people need to understand the access to justice problem more

thoroughly. As Cummings and Rhode (2017) asserted, “unsurprisingly, poor people are significantly less likely than higher-income individuals to report social justice problems and negative consequences from them. And they are also less likely to resolve their problems through the legal system” (p. 487). In this context, it is evident that the manner in which different individuals perceive and experience civil legal matters and the civil legal system may play a significant role in understanding the successes and failures of efforts to address the access to justice problem.

Technology and Law

Innovations involving technology applications and other means have impacted and continue to affect many areas of American life and work. According to Cummings and Rhode (2017), “the public wants more access to justice, not necessarily more access to lawyers, and the profession needs to do more to support options apart from lawyers” (p. 490). Among other options to hiring lawyers, they cite the availability of user-friendly court forms and self-help courts, services from nonpayers or limited-license legal professionals, and technological innovations (Cummings & Rhode, 2017). At the same time, some lawyers have expressed mixed feelings and concern over the potential influence of technology upon their careers and livelihoods, prompting bar regulators to impose limits on the ability of online legal service providers to participate in local markets (Cummings & Rhode, 2017). They concluded that lawyers should attempt to harness and embrace the inevitable role of technology in the legal world and learn how to compete in this new market reality by learning how to provide legal services to low and middle-income clients for less money (p. 2).

The role that technology occupies in the delivery of legal services is still up for debate and study. Some see it like a logical progression much the way other industries have been affected by technologies and innovation where computerization initially provides information and interaction, business models are upset from the way consumers contact for services to how products are acquired and delivered from far-flung markets, and finally the markets themselves are reshaped to include remote virtual competitors in the local marketplace (Cummings & Rhode, 2017). Others, like McGinnis and Pearce (2014), argued that smarter machines possessing artificial intelligence (AI) will impact the legal field much the way technology impacted journalism where nearly one-third of all domestic revenues were lost along with 17,000 jobs in past years (p. 3041). The only reason it has taken longer in the legal field is because legal services center on discreet fact patterns, jurisdictional and procedural issues, and other types of specialized knowledge like are found in the field of medicine (McGinnis & Pearce, 2014). They noted that computational based service providers are already processing discovery, document review, and other legal activities once reserved for interns, law clerks, and newer attorneys (McInnis & Pearce, 2014). The authors concluded that “intelligent machines will become better and better, both in terms of performance and cost. And unlike humans, they can work ceaselessly around the clock, without sleep or caffeine” (McGinnis & Pearce, 2014, p. 3041). Assertions along these lines could be jarring to any industry or institution as the literature reflects.

These topics and discussions provide one of the many thought-provoking backgrounds to this study that are found in the literature. If one considers the pervasive

role technology plays in how Americans access such services as home entertainment, telephone communications with one another, telemedicine, or high-tech medical treatments; it is readily available to observe that different populations access these wonders in different ways. Others, if at all, access desired or needed technology-based services at different levels and some are limited in their ability to access by such common factors as cost and market manipulation within political and corporate models.

Current Use of Technology to Address the Justice Gap

The roles that technological innovations have played in our lives are diverse and pervasive and have increased rapidly in number over the past several decades. Beauchard (2016) wrote about the international history of political leaders and public policymakers who counted on the modernization of institutions including justice, education, and healthcare systems to achieve goals related to access and efficiency. He noted the difficulties encountered when innovations and technological adaptations designed to improve the delivery of public services are implemented at rates driven by financial and political interests. Under those pressures, public policies and innovations are often adopted in ways that are out of step with the populations they are intended to help and overly ambitious in relation to the budgets and resource limits intended to fund them (Beauchard, 2016). He found that forcing or rushing complex innovations or technologies into institutions that are not ready to receive them could threaten the institutions themselves. He cited the American rollout of Obamacare where the whole thing was put online and the computerization of justice in Latin American courts in 2007 as examples

where neither achieved their desired outcomes and difficulties related to accessing the platforms played key roles in their shortcomings (Beauchard, 2016, p. 41).

Although technological innovations in justice systems have produced significant progress and positive outcomes, it is important that researchers, legal professionals, and other stakeholders “take a step back from the techno-utopian view” and stay mindful of the extraordinarily complex interactions of norms, values, and activities that make up a justice system (Gelinas, 2016, p. 255). According to Gelinas (2016), technology applications were once viewed as “the Holy Grail of access to justice” (p. 255). He concluded that “with hindsight, all agree that the practices, norms and assumptions of justice delivery proved more resistant to change than had been anticipated” (Gelinas, 2016, p. 255). These comments reflect common themes in the literature that emphasize that technology innovations as applied with the legal field in mind must deal with existing institutions, public policies, and, ultimately, the complex challenges facing individuals who need competent counsel in order to access justice within a civil legal landscape that has become increasingly crowded and often difficult to navigate.

The tensions between technological innovations and the professions have drawn considerable attention in the literature. Susskind and Susskind’s (2015) study offered an insightful look at the types of considerations scholars have undertaken in efforts to better understand how these tensions might be identified, addressed, and how they may impact societies and the professions. According to Susskind and Susskind (2015), professions exist in societies because people need specialists to help with particular needs common to the public in general. They distinguish professions as those places occupied by people

such as teachers, lawyers, and doctors who possess experience, skills, and knowledge that are not possessed by those they help. In that context, one might better explain the institutionalization of professions and how professionals and society in general might develop entrenched ideas and norms about the roles the professions occupy in a culture and how activities that could redefine those roles may face an uphill battle.

The idea that professions exist because professionals acquire skills and knowledge that are at once essential to a society yet difficult for society in general to understand and navigate on their own is commonplace. Society generally frowns upon nonprofessionals who might attempt to perform surgery, treat cancer patients, or teach a college math class while having no training or credentials in those areas. Along with professional status in society, professionals may expect to be members of professional organizations, collect high salaries, and to be regulated by government and academic or practice standards (Susskind & Susskind, 2015). According to the authors, change in professional institutions and related societal norms is often slow and viewed with skepticism by all involved. They found that the impact of technological innovations leaves essentially two possible future models for the professions (Susskind & Susskind, 2015).

One path is familiar and reassuring where services are delivered in much the same ways as they have been since the early nineteenth century only new innovations and technologies are adopted to make old ways more efficient and streamlined (Susskind & Susskind, 2015, p. 9). The second future is much different and involves transforming the ways professional expertise is made available to or accessed by societies. In the second future, “increasingly capable systems will displace much of the traditional work done by

professionals” (Susskind & Susskind, 2015, p. 9). They concluded that the two futures will exist together in the short and medium terms but, in the long term, the second future will prevail. In citing their reasons for studying the future of professions, they argued that the professions have become increasingly introspective and isolated from one another and that societies have much to gain from professionals and institutions that learn from each other and collaborate to inform policy makers and citizens alike of the interconnectedness of the challenges faced by individuals, families, and societies in hopes for positive social change that could benefit all people (Susskind & Susskind, 2015). Partnerships in this sense are best when all stakeholders are proactive rather than reactive based upon the collective information that feeds the model (Susskind & Susskind, 2015).

A discussion of the temporal aspects of how technology is transforming professions provides a valuable background for this section of the literature review. For instance, there are examples of where the legal profession has been slow to accept technological innovation because of business concerns or apprehensions that individuals may be unable to obtain quality services from internet resources. Yet, across America, a wide variety of technology-based legal services are available to the public. Some of the services such as Avvo, Rocket Lawyer, and Legal Zoom are for profit businesses that generate income from selling advertising space, legal documents, or advice online or over the phone. According to Barton and Rhode (2018), these companies, much like other commercial businesses including law firms, face significant pressures from venture capitalists, shareholders, and directors to produce profits.

Avvo is unique in this group because it also offers a free “ask the lawyer” service that limits the scope of the questions presented but offers participation from attorneys who can gain from the contacts they make online. Reports from participating lawyers have been mixed with some citing an increase in business and others describing eventual client contacts as non-profitable and difficult to deal with. In the end, although Avvo has committed to developing more extensive free legal services, these organizations are for profit and have made little or no impact upon America’s access to justice problem. Early pioneers in the commercial delivery of technology-based legal services including Legal Zoom, Rocket Lawyer, and Avvo still operate today and have been joined by countless others in the for-profit marketplace providing everything from estate planning to substantive counsel in an ever-widening array of legal issues. These services generally carry fees similar to those associated with hiring legal professionals in more traditional settings.

Along with commercial applications of technology to provide legal services, public agencies, institutions, courts, nonprofits, and a wide range of non-governmental and governmental organizations have participated in efforts to address the access to justice problem in America by incorporating technology-based approaches to the delivery of their services. Among the early supporters of the use of technology to address the access to justice problem was the state of Washington that, along with other states including California and New York, instituted reforms that have become commonplace across the country and persist to this day. Some of those early reforms that have taken hold are the use of online court forms, e-filing, and public legal information websites.

Today, the federal government, states, and a majority of courts maintain websites that offer access to compiled statutes, regulations, and legislation as well as forms and instructions specific to the type of cases citizens might seek to better understand or participate in. For instance, probate courts routinely offer forms and accompanying instructions for filings related to deceased estates, guardianships, and conservatorships while family law courts usually offer forms related to divorces, child custody, and other related matters. While stopping short of actual legal advice, many public agencies and entities such as registers of deeds, vital statistics offices, county treasurers and tax assessors, municipalities, states attorneys general, federal offices of Departments of Agriculture, Housing and Urban Development, Internal Revenue Service, and many others offer online access to a variety of information and procedures that could be ancillary and substantially relevant to an extensive range of legal cases and issues. Further, states' bar associations, legal aid organizations, advocacy programs, and other organizations offer online legal help that is tailored to civil cases and often include chat, texting, or other real time functions to assist with information and, in many cases, filling out court forms to file with local courts. This discussion is by no means exhaustive in describing how technology is utilized to combat the access to justice problem. Rather, it simply provides an overview of the types of interactive and remote services available in digital and online legal platforms. In this context, Susskind and Suskinds' (2015) argument that America's legal system is inevitably trending toward technology adaptation and integration seems more obvious today than ever and will probably increase in its plausibility. Prescott (2017) added that between 2008 and 2016 the number

of state courts that adopted technology platforms and committed to their development increased from 11 to 39.

Early on, the state of Washington recognized some fundamental considerations that they found to be important to the implementation of technology-based legal services. In a 2004, the state convened a symposium on the topic of utilizing technology to address the justice gap. Participants agreed that any technology-based legal system must employ highly qualified people and maintain a balance between the use of technology and client interactions with real people (Small et al., 2004). They concluded that, “where information processing, record keeping, communication, or other important but non-cognitive processes are concerned, the System ought to rely on technology. Thus, the proper system augments human judgment with sophisticated automation so that judgment may be applied as effectively as possible” (p. 227). Participants agreed that technology-based delivery of legal services would require a sort of hybrid approach blending human input with technological support if it were going to be successful in beginning to address the justice gap.

Characterizing the civil justice gap as a national crisis, Wolf (2012) related that by 2012, “at least twenty-six state-sponsored commissions and related entities have been trying to solve the dilemma for more than a decade, but solutions remain complex, costly, and obscure” (p. 761). He suggested that the main impediment to progress in the justice gap crisis up until that time was that most of the direction and guidance coming out of the symposiums and commissions tasked with fixing the problem included underwriting traditional methods of legal service delivery which are simply too expensive to

implement. Wolf's (2012) study advocated more efforts to utilize cheaper collaborative technology-based legal platforms to address the justice gap. He cited 2012 data showing increased use of the internet among different demographics to support his position.

By 2017, data began to emerge to support Wolf's (2012) position that technology-based legal services could effectively address the justice gap in America. Prescott (2017) examined data from a half dozen state courts that had adopted technology platforms in efforts to increase efficiency and access and found positive impacts from the adoption of the platforms including lower default rates, faster payments to the court, and more time for judges and court personnel to engage with citizens. According to Prescott (2017), "the premise underlying the empirical research laid out in this Article is that platform technology has the potential to improve access to justice by dramatically reducing the costs of accessing courthouses and, in particular, the decision makers who traditionally do their work at courthouses" (p. 2023). Prescott's (2017) quantitative study used data gathered from six state courts that were applied to regression processes producing outcomes to support her premise. Prescott's (2017) study along with other literature discussed in this section seems to support the idea that the present state of technology based legal services in America is that its influence is present and growing and that it represents a significant and maybe best potential tool in the access to justice crisis.

Use of Technology to Deliver Legal Services in a Michigan City

A review of court websites available to residents of Flint, Michigan shows that local courts maintain readily available websites that can be accessed by phones or computers capable of connecting to the internet. Among the court links that can be

helpful to local citizens are Registers of Actions (ROA) where one can view past and current cases and see basic status and outcomes. ROAs are accessible in the District Court and the Circuit Courts, which includes Family Court and Probate Court among other things. Most of the courts provide links to court forms and the state court administrator has a website that has exhaustive court forms databases that are arranged by case types and can be filled out online and printed in most cases. There is also a Federal District Court in Flint that handles specific types of cases including bankruptcy; court records related to cases such as bankruptcy are difficult to access and often require specialized knowledge or in the case of bankruptcies, an account that requires a monthly fee and a law license to login and access some information. City and state agencies and county offices, such as the Register of Deeds, Office of Vital Statistics, and County Treasurer, have websites that offer a wide range of information such as legal property descriptions and assessed values that can be very important in civil legal matters if one is aware of what they are looking for. Moreover, courts and service organizations have relied heavily on Zoom, email, text and phone gateways, and other scheduling and contact platforms to provide safe remote access to courts and other resources during the pandemic.

Some social agencies and organizations provide computer access for clients and the Genesee County District Library offers public computers at several locations scattered across the county and the city of Flint. Generally, navigators at social organizations and agencies along with librarians at the district libraries will provide only basic assistance to log on and connect to search engines. Michigan Legal Help, a

statewide technology-based interactive website that provides resources ranging from basic legal information to some assistance filling out documents in certain types of civil matters, also provides kiosks at several locations throughout the city including the main library, the local legal aid, and a social agency for the disabled where individuals can log on and access their services. As discussed earlier, the Michigan State Bar Association offers website contacts for some basic questions that are presented to pro bono attorneys for responses that are usually limited to advice or referrals to local legal aids or other programs such as Michigan Legal Help. As with other topics, a Google search or other internet inquiries can generate a seemingly endless array of online resources or information including commercial sites such as those discussed above along with websites associated with traditional law offices, which often provide basic information leading to possible retention of their services.

A local legal aid has a street front office in Flint that is open to walk in traffic. The office also has its own website directing potential clients on how they can contact the office for initial intake screening. Legal aid programs in Michigan have generally embraced technology-based platforms and services and the Flint office participates in the Counsel and Advocacy Law Line (CALL) platform which is a statewide integrated intake system. Individuals can contact CALL by phone or online to be screened and possibly qualified for services from the local legal aid. In some cases, potential clients are given basic advice and counsel over the phone by CALL advocates rather than being referred to local legal aid offices for what they and the legal aid construe to be lower-level legal needs that can be addressed in real time by the trained advocates at CALL. The legal aid

in Flint is also a participant in a medical-legal partnership that brings in referrals from social agencies and medical care providers throughout the county in hopes of early recognition and referral of individuals who may have legal needs. The legal aid in Flint has been a long-standing partner and stakeholder in the community and receives referrals and alerts of systemic issues from numerous other agencies, organizations, and care providers by way of phone calls, emails, and social media. The legal aid and most of the entities mentioned above keep social media presences on technology-based platforms such as Facebook and Twitter that include links and contact information for current and potential clients.

Civil Law, Common Law, and the People

Most nations adhere to one of two major traditions of law: common law or civil law. According to Pirnuta and Arseni (2017), in the Western world, common law is often referred to as Anglo-American law while civil law is often called Romano-Germanic or Continental law. The common law system began in England during the Middle Ages and was applied around the world in British colonies. The civil law tradition began in Europe around the same period and was widely adopted by imperial states including Portugal and Spain. Later, during the nineteenth and twentieth centuries, countries such as Russia and Japan that had existing legal systems adopted civil law traditions in efforts to reform their legal schemes (The Common Law and Civil Law, 2020). The usage of the term “civil law” to describe types of cases that are distinct from criminal law cases is not to be confused with the usage of the term “civil law” to describe a fundamental tradition of law often distinguished from the tradition of “common law.”

The American justice system is rooted in and is characterized today as a common law legal system. One of the main differences between the two traditions is that common law systems are uncodified or lacking a compilation of all its statutes and rules that is comprehensive and regularly updated. Uncodified legal systems contain some legislative actions that may be characterized as writings or a codification of certain laws, but, the American legal system, for the most part, relies on precedent to determine outcomes. In this context, common law systems store and cite past legal decisions or cases and utilize them to argue different positions or defenses within adversarial settings where judges have wide discretion over most matters. In this setting, the skills or expertise of the attorneys or individuals who present their cases can play a significant role in the outcomes (The Common Law and Civil Law, 2020).

The tradition of civil law is codified for the most part indicating the presence of constantly updated rules, punishments, and procedures. In a setting where the civil law tradition is employed, a judge applies the facts or circumstances of a case to the associated legal code and then determines guilt, innocence, punishment, or whatever actions are appropriate within the code. In this setting, a judge's opinion is far less consequential than the legislators or scholars that shaped the associated code because the judge is limited to the framework that is articulated by the code (The Common Law and Civil Law, 2020). Courts where civil law tradition is practiced would not rely on precedent from a case or string of cases where the courts have decided in a consistent manner. Rather, the courts would apply the facts of each case to the relevant code in every instance. This is different from common law courts, such as those in America, that

allow attorneys and litigants to cite important or obscure decisions of past courts and try to argue that the current circumstances or issues compare favorably or unfavorably to those past precedents or decisions. Hitt (2016) explained that judges at all levels of the American justice system utilize precedents from past cases to strengthen their opinions and any scholarly analysis of the courts' role in American society must include a discussion of "which precedents exert the most legal influence, and why" (p. 1). In this context, the complexity of litigating civil cases in a common law system is evident along with an insight to why American law schools emphasize the study of and citation of case law legal precedent along with law and procedure.

Historically, precedent has played a critical role in how law and the legal system have developed in America. According to Hitt (2016), developing consistent analytical theories on the role of legal precedent in American courts is difficult because the system is hierarchical, and precedent is utilized in different ways and with different frequency at each level of the court system. American jurists used English cases for precedent for many years while relevant case histories developed in Colonial and post-Revolutionary America. In some instances, the old English cases are still referred to in American courts to this day. Attorneys and judges are trained to use analogy, find a precedent case that has a fact pattern that is comparable to the issue before the court, identify the legal rule or standard in the precedent setting case, apply the rule to the current case, and argue that the outcome in the past case is appropriate or not appropriate to apply to the current case before the court based upon distinctions or similarities between the two. An understanding of the adversarial nature of common law legal systems can be enlightening

to why there is a need for its supporting institutions such as law schools, appeals and supreme courts, and the extensive presence of law libraries and databases.

Higher court decisions have played a leading role in efforts to transform America and are most often the result of appeals from lower local courts to the highest courts. The result can be a precedent setting case that clarified constitutional or legislative directives to the nation as a whole. For instance, in *Loving v. Virginia* (1967) (*Loving*) the Supreme Court of the United States struck down Virginia's state law that banned marriage between people of different races. The Court found that the laws were in violation of the Fourteenth Amendment to the United States Constitution which guarantees due process and equal protection for all citizens under the law of the United States. *Loving* is a famous precedent case that can be raised by attorneys and citizens if a local jurisdiction tries to make laws or statutes that comport with the Virginia laws that *Loving* struck down. Other precedent cases such as *Michael v. Gerald* (1989) (*Michael*) are not as widely known as *Loving* but can have profound impacts to people's lives. In *Michael*, the United States Supreme Court ruled that, in the presence of overriding social implications, a child born to a married woman that was begotten by a man other than her husband is presumed to be the legal child of the husband and a member of the existing family. *Michael* could have critical impacts in family law cases related to paternity, child support, child visitation and custody, public benefits and life insurance, and countless other ways. That is, if the attorney of record or self-represented mother or father were aware it existed.

Access to law libraries is generally limited to school alumni or licensed attorneys although some courts have a small public law library onsite. Access to databases containing court cases is expensive. Many of these databases such as WestLaw, Lexis Nexis, and ICLE are mostly digital, and access can be limited to licensed attorneys. Searching these sites on a computer or reviewing them in book form in a court library can be a complicated process. American law school curriculums commonly include several classes devoted to the research process in law libraries and the use of digital databases. The ability to access jurisdiction rules, court procedure, and relevant statutes in a particular civil case such as a landlord-tenant dispute or a child custody action is only part of the legal process. Access to and the ability to understand the underlying framework or common law system and related case precedent is a fundamental consideration when discussing access to justice in America.

The literature also reinforces the idea that failing to embrace disruptive technological advances for fears of alienating established market shares or agitating related hierarchies, norms, or power structures can be hazardous for participants in all sorts of private and public business and service sectors. Christensen (1997) warned that business leaders of all types face what he called “the innovator’s dilemma,” a term that is often cited in business schools and by world leaders and entrepreneurs. According to Christensen (1997), “the attributes that make disruptive technologies unattractive in established markets are often the very ones that constitute their greatest value in emerging markets” (p. 113). Replogle (2017) concluded that technology was the driving force that has been and is revolutionizing the legal field and, similar to blue-collar

industries, the legal profession and system was, along with other white-collar professions, subject to subsets of automation that were both disruptive and promising. Replegle (2017) pointed to e-discovery and “quantitative legal prediction” (pp. 295-296) processes that use technology to analyze data points and surmise outcomes in legal matters as examples of the types of disruptive technologies that have, for example, driven larger law firms to outsource and offshore certain aspects of their legal services particularly in the business sector.

These examples of technology-based legal services may not, in many cases, be the types of assistance sought by the general public or individuals seeking help from America’s legal aid system, but they may provide a context for discussion. On the one hand, technology-based legal services are a valuable resource for many, and as related technologies have evolved, organizations such as LSC, CALL, bar associations and foundations, court systems, and legal aid organizations have evolved to use email, scanning of documents, fillable forms, texting, phone apps, ZOOM, and other platforms and technologies to make it easier and more effective for those in need. In that context, identifying barriers might be seen as part of the continual evolution to move beyond “the innovator’s dilemma” and continue to provide better ways to utilize technology to meet the types of needs the literature has identified as emergent while taking care to identify and address those who might be left behind. To that end, LSC (2020) continues to offer its Technology Initiative Grant Program (TIG) and host an annual Innovations in Technology Conference “which seeks to expand access to justice by promoting technological innovations in legal services delivery and pro se assistance” (Legal Service

Corporation, 2020). Such services are sorely needed by those who cannot afford legal representation.

Public Policy Issues

Self-help applications and processes have become increasingly commonplace in American life and include such routine activities as grocery checkout, banking, restaurant orders, and checking in at a hotel. The practice of self-help is also becoming more commonplace in the legal services sector. According to Bertenthal (2017), “legal self-help is the fastest growing segment of legal services in the United States” (p. 963). This is not a new phenomenon. Graecen (2002) noted the same trend in the rise of self-help platforms by unrepresented litigants in California family law courts while also pointing out the lack of empirical or statistical information to which any cohesive public policy response might be directed at the time (p. 1). Sales et al. (1993) authored the first comprehensive study of self-represented litigants. The quantitative study focused on family law courts in Phoenix, Arizona where legal professionals and public officials became increasingly aware of a potential public policy crisis when court data revealed that the percentage of family law cases heard in Phoenix courts featuring unrepresented litigants had increased from 24% in 1980 to 47% in 1985 to 88% in 1991. Rhode (2004) recalled an event where, nearly a half century ago, then President Jimmy Carter took attendees at a Los Angeles Bar Association convention to task by asserting that America has no skill or talent resource that is more unfairly or unevenly distributed than its legal skills (p. 371). Winston and Karpilow (2016) argued for public policies that would limit barriers to engaging in the practice of law including allowing limited practice legal

licenses, expansion of paralegal practice guidelines, and more diverse legal education opportunities and degrees. Wilson et al. (2011) took the position that, over time, the historical expansion of government regulation and diversity of public policy considerations and implementations have themselves exacerbated the complexity and frequency of citizen interaction with the court system.

The emergence of the access to justice problem in American civil courts has impacted diverse populations and classes of people while at times seemingly escaping the institutions that impact the legal system the most. Nichol (2008) concluded that our legal institutions have failed to take the access to justice problem seriously citing data that showed that only ten percent of law schools impose pro bono requirements upon students and generally fail to mainstream the issue in their curriculums; in his view, these future policymakers are derailed at their onsets. According to Nichol (2008), the problem has systemic implications because the legal education system leaves graduates with six-figure student debt while starting salaries for new lawyers average around \$45,000. A key public policy designed to encourage new attorneys and other college graduates to enter public service is the Public Service Loan Forgiveness (PSLF) program. The program was part of the College Cost Reduction and Access Act of 2007 (Public Law 110-84) that allows employees of nonprofits and some other types of public service organizations and agencies to apply for discharge of certain federal student loans after 120 months of qualified employment and timely monthly repayment (Hahn, 2017, p. 35). Although it sounds somewhat straightforward, according to Hahn (2017), the process holds unexpected challenges and can be difficult at best. The program and other public policies

related to the practice of law have been the subject of political and institutional pressures for almost as long as they have been around.

The impact of political, professional, and institutional pressures upon public policy designed to more evenly distribute American legal resources across its diverse classes and marginalized populations is not a new phenomenon. Rhode (2004) found that the access to justice problem is particularly disconcerting given the socio-political emphasis on and centrality law occupies in contemporary and historical American life. According to Rhode (2004), “commentators since Alexis de Tocqueville have noted the distinctive importance that our society attaches to legal institutions has deep ideological and structural roots” (p. 374). She concluded that the idea of a civil right to counsel is not lost on our legislators and other policymakers, but barriers persist and include deeply entrenched cultural, institutional, and political challenges. Though the historical grind between public policy makers and political, professional, and institutional pressures may seem intrinsic or, at the very least, present in American history, Kunkel and Bryant (2022) noted that the pandemic dramatically accelerated the use of technology in America’s legal system when remote hearings, discovery conferences, mediation, and other court activities became the norm and brought about systemic changes that may be here to stay. The authors recognized that these changes may “mitigate obstacles that have historically been barriers to participation” (p. 2). They encouraged further research on the topic of how the utilization of remote hearings has impacted America’s legal system and those involved in it.

The pervasiveness and overwhelming impacts of the access problems in American civil courts can be difficult to grasp for students and seasoned policymakers alike.

Taylor-Poppe and Rachlinski (2016) found that there are complexities within the rules and procedures associated with civil cases that are often challenging for students of the law and can take a great deal of time for skilled litigators to understand. This presents a problem for policymakers and researchers at a time when the numbers of pro se litigants are increasing and law schools are receiving fewer applications and graduating smaller classes (Taylor-Poppe & Rachlinski, 2016, p. 884). Their study concluded that although researchers and policymakers who investigate the access to justice problem will find readily available empirical data on the topic, examining the issue is a more complex process that poses several analytical challenges (Taylor-Poppe & Rachlinski, 2016, p. 935). According to the authors, the topic is mired in what they referred to as “a scholarly thicket” (Taylor-Poppe & Rachlinski, 2016, p. 886). Taylor-Poppe and Rachlinski (2016) found that although the empirical research in the literature supports the conclusion that civil litigants who are represented by lawyers have better outcomes, the problem is clouded by a variety of influences including the disparity of ability and skills among lawyers, social, geographic, and physical barriers that affect outcomes and communication, and diverse abilities and education levels among pro se civil litigants.

When approaching a topic of study, researchers may become aware that outcomes may be influenced by unexpected or unidentified variables. According to Taylor-Poppe and Rachlinski (2016), “the primary impediment to studying the benefits of representation is endogeneity” (p. 888). They explained that endogeneity as it relates to

research occurs when a variable, such as whether an individual goes to court with legal representation, is being studied and the researcher realizes “there is an unobserved source of variation in the primary outcome variable (in this case, success for a client)” (Taylor-Poppe & Rachlinski, 2016, p. 888). In other words, the authors concluded that the presence of unseen influences made it “difficult to separate the relationship between representation and case outcomes and the relationship between other variables and case outcomes” (Taylor-Poppe & Rachlinski, 2016, p. 888). Citing the critical importance and need for more research on topics related to the delivery of civil legal resources to unrepresented individuals, they found that “research on the ability of unrepresented individuals to achieve outcomes similar to those obtained by lawyers could have implications for the constitutional right to due process,” arguably one of our fundamental public policies (Taylor_Poppe & Rachlinski, 2016, p. 941). The authors concluded that their empirical study of the relationship between having the benefits of legal representation and better outcomes in civil cases was difficult to articulate because of the endogeneity that occurs within the research topic and empirical methodology. They summed up their study asserting that the access to justice topic can be difficult to quantify given all the variables one might encounter but they were certain that lawyers matter when it comes to outcomes in the civil courts.

Like other social, economic, and class inequities that have been and are central to the efforts of American civil rights leaders and many policymakers, the literature points to a need to identify and elaborate on the complexities of the access to justice issue. The presence of unknown impacts and influences upon individuals and institutions affected

by the issue reflect the timeliness and need for thoughtful and better public policy addressing the topic.

Research Methods Used in Literature

The review of the literature showed that inquiries into technological delivery of legal services and the access to justice problem have been primarily of a quantitative or empirical nature rather than qualitative or mixed methods approaches. According to Creswell (2014), “quantitative and qualitative approaches should not be viewed as polar opposites or dichotomies” (p. 3). Rather, a study tends to be more one or the other with mixed methods somewhere in the middle. Denzin and Lincoln (2003) emphasized that “qualitative research is a field of inquiry in its own right” (p. 2). Resources in the literature review for this study on the access to justice problem, SCTP, and TAM tended to be quantitative in their approach and most often focused on outcomes in civil cases involving pro se litigants (Janku & Vradenburg, 2015; Prescott, 2017; Sandefur, 2015; Spieler, 2013; Taylor-Poppe & Rachlinski, 2016; Wolf, 2012) The quantitative studies reviewed featured multivariate, survey, observational, and regression analyses mostly utilizing data sets gathered from court and agency records or outcomes observed in administrative and court proceedings (Rhode, 2004; Spieler, 2013; Taylor-Poppe & Rachlinski, 2016).

The literature yielded few studies that focused on inductive or qualitative approaches, although the experiences of individuals or groups affected by access to the justice system were widely alluded to (Bertenthal, 2017; Kunkel and Bryant, 2022; Taylor-Poppe & Rachlinski, 2016; Warren, 2014; Winston & Karpilow, 2016; Zorza,

2013). The conceptual framework chosen for this study, although widely utilized in a variety of technology-oriented themes, inquiries, and contexts, directly frames a gap in the literature related to user experiences with technology-based legal services by providing a widely accepted and utilized foundation for this study.

Quantitative research methods collect information related to a relatively small number of people in order to generalize about a larger population. Taylor-Poppe and Rachlinski (2016) studied outcomes in a variety of civil law categories including family, housing, bankruptcy, public benefits, and tax law. They concluded that, although the empirical research in the literature supported the conclusion that civil litigants who are represented by lawyers have better outcomes, the problem is clouded by a variety of influences that are commonly noted among the diverse populations and experiences that make up the American society. They argued that the lack of access to justice among marginalized populations in America represented a breach of access to fundamental constitutional rights to which every citizen is entitled.

Considerations of how quantitative and qualitative studies might work together to bring better understanding to a topic can provide insights into how each approach might best contribute to a field of study and the related literature. Denzin and Lincoln (1998) emphasized that “qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational restraints that shape inquiry” (p. 8). The emphasis that qualitative researchers place on social experience and value-laden judgments is often contrasted in the literature with quantitative inquiry that is centered on identifying measurements among variables and

causal relationships outside the context of the individual judgments and the related subjective experiences of participants in studies. (Denzin & Lincoln, 1998; Depak & Himanshu, 2018; Greacen, 2002; Hadfield & Rhode, 2016; Rhode, 2004; Spieler, 2014; Taylor-Poppe & Rachlinski, 2016; Warren, 2014). That is not to say that the existing empirical data are not important or cannot provide valuable contextual support to a study that delivers qualitative insights to a problem. For example, Taylor-Poppe and Rachlinski (2016) broadly considered empirical data related to outcomes in civil cases where individuals represented themselves as compared to outcomes of those who were able to retain legal counsel while contextualizing their study within the rapidly changing legal profession.

Empirical studies flow naturally from the legal field based upon the fact that the legal profession, public courts, law schools, and the like are ripe with numerical or statistical data. At the same time, these studies suggest a gap in the literature related to the experiences of the streams of people in need of legal help who are represented in the data. Barriers they encounter, often on a personal level, and how they access or are unable to access the civil justice system may provide valuable support and challenges to existing studies. It is their stories that form the foundations of these data or do not in the event they are unable or unwilling to approach the system for reasons that are possibly known only to them. Their personal experiences, rather than what Denzin and Lincoln (1998) referred to as the concepts of “quantity, amount, intensity, and frequency” (p. 8) that constitute the focus of quantitative data gathering and review, are what might be exposed in a qualitative study of the access to justice problem. These distinctions

between quantitative and qualitative studies provide some guidance into how one might approach an inquiry into the access to justice problem in America.

Choosing the best approach to expand on a topic, contribute to the literature, and encourage positive social and public policy change can be a challenging task. According to Creswell (2013), choosing a research design is a thoughtful process that considers the worldview of the researcher, assumptions about the work, strategies of the inquiry, and research methods. The process is further “influenced by the research problem or issue being studied, the personal experiences of the researcher, and the audience for whom the researcher writes” (p. 20). In this context, the research is best informed where the researcher develops a diverse outlook and endeavors to encompass an ontological approach that considers how the participants view their experiences in different ways (Moustakas, 1994). The idea that the researcher takes responsibility for conducting a study that best supports the search for how participants experience phenomena based upon their own insights and observations is fundamental to qualitative inquiry.

The literature has room for a closer look at the experiences of pro se litigants and the delivery of technology- based legal services. The emphasis on objectivity and the bracketing of the researcher’s bias or presuppositions from the study as well as the bracketing of the two social theories that were discussed in this chapter informs the qualitative phenomenological study that follows. I made every effort to let the lived experiences of the study’s participants inform the results by bracketing both his own biases and predispositions as well as the social theories that helped bound the study. SCTP and TAM were utilized to help the researcher contextualize and provide structure

to the overall dissertation so the lived experiences of individuals in Flint, Michigan who attempted to access the civil justice system by using technology-based legal services occupied center stage in my study.

Policymakers routinely consider costs and benefits of targeted programs and legislation. The nonprofit and nongovernmental sectors that include many legal aids and legal support organizations regularly allocate resources based upon an examination of the effectiveness of programs and priorities. Insights and understanding of how individuals in need experience and access the civil legal system compliment and inform quantitative data related to outcomes which was a dominant theme in the literature review. Objectivity was primary in organizing the participants' responses while SCTP and TAM were used to bound the researcher's overall presentation of the study and helping to keep the project on task.

Qualitative studies can fill an important role in a field where individuals' accesses to services and important resources involve the use of technology. Cilesiz (2011) stressed the importance of utilizing phenomenological approaches in research related to the prominent role technology has come to occupy in the cultures, policies, and activities of societies. Her study was focused on the use of technology to deliver educational resources and distance learning products to students. She recognized a gap in the literature related to the topic which had mostly been limited to research concerning students' experiences measured by learning outcomes, the impact of teachers' uses of technology to lecture and address students' needs, and psychological effects of distance learning upon all involved. In sum, Cilesiz (2011) cited established research within the

literature indicating that learning does not occur as isolated incidents of input and process, rather, learning is inextricably tied to the experiences of individuals throughout the time they were engaged in their roles as students (p. 490). Cilesiz (2011) concluded, “studies of students’ experiences resulting from specific technology applications such as interactive multimedia resources or group process support technology” (p. 490) had been lacking in the literature. Therefore, given the central role technology applications play in the process of distance learning and the critical role of the learner’s experiences in assessing outcomes, further phenomenological inquiries to this effect were warranted (Cilesiz, 2011, p. 490). It seems reasonable, given my review of the literature, that similar statements may be said of individuals who access technology- based legal resources as a possible solution to their civil legal issues. In response to the gap in the literature along with a focus on the lived experiences of the participants and the bracketed background of SCTP and TAM, this qualitative study on how people in Flint, Michigan, experience the delivery of legal services by technology can help to inform the underlying access to justice problem and contribute to the literature.

Summary

In this chapter, I considered common and emerging themes over time in the literature related to the delivery of civil legal services in America and focused on the barriers and benefits of the use of technology to address the access to justice problem. Along these lines, there was substantial consensus among those impacted by the problem, the legal community including educators, politicians, theorists, public agency workers and court administrators, lawyers and the judiciary, and nonprofit legal workers that the

access to justice problem is pervasive and ongoing. The review of the literature included a foundational consideration of the problem, its history, the stakeholders affected in the past, and those that are or may be affected by the current state of the access to justice problem in America's civil legal system. The review highlighted the potential impacts of public policy, technological innovation, evolution of the legal profession, and other efforts to address the problem going forward. The use of technology-based solutions to begin to address the problem have been substantial and wide ranging in their application and have rendered successful outcomes and promise for the future. That said, there is a gap in the literature of research to explore how the problem may be better understood and addressed by studying how diverse populations experience the various and evolving technology-based delivery systems designed to combat the access to justice problem. This chapter was included in the groundwork for a phenomenological study of how citizens in Flint, Michigan experienced the use of various types of technology-based legal help resources with the purpose of identifying barriers and benefits that can support better public policy and positive social change. Next, Chapter 3 details the research method selected for this study along with details on how the study was planned and further basis for choosing the method.

Chapter 3: Research Method

Utilizing technology to increase access and provide support for individuals who have cases before U.S. civil courts is an important part of efforts to address the access-to-justice problem. Among the roles technology plays in the civil law system are delivering and complementing legal services through e-filing, online legal help websites, formalization and provision of court forms, technology-based interactions with legal professionals, and technology-based referral platforms. The roles of technology in the delivery of legal services are diverse and expanding and continue to provide help and hope to a growing number of civil litigants who, for a variety of reasons, are unable to obtain legal counsel through more traditional forms of engagement.

The idea of technology-based legal services has been conceptualized as an accessible and cost-efficient way to access the civil justice system. To that end, the literature reflected a great deal of attention dedicated to the outcomes, barriers, and benefits of utilizing technology to address the justice gap. The justice gap describes the disparity among those who can afford or otherwise retain a lawyer and most civil litigants who cannot do so. I explored the experiences of citizens in a Michigan city who utilized technology-based legal services so I could identify, describe, and analyze the barriers and benefits of the services based on their experiences. The study was designed to increase positive outcomes and encourage positive social change.

This chapter includes a discussion of the qualitative phenomenological methods employed in this study, including why the methodology was chosen to conduct the inquiry and answer the research questions. A description of the research sampling

processes for the study follows, including how the sample was chosen and how the proper size of the sample was determined. To support future replications or considerations of the study, data collection and analysis processes and protocols are explained in detail.

I concentrated on being objective and capturing the lived experiences of participants. SCTP and TAM provided the framework for the study and were important in the analysis and bracketing of results. I gathered data from participants who were encouraged to communicate their lived experiences as accurately as possible. This was important as the participants answered the interview questions in the study. I analyzed the data to identify barriers and benefits related to the use of technology-based legal resources. Moustakas (1994) challenged the successful phenomenological researcher to arrive at “a topic and question that have both social meaning and personal significance” (p. 103) while developing a methodology designed to derive knowledge from investigating human experience. This chapter concludes with a discussion of how research participants were guarded and supported by ethical guidelines designed to protect each participant and the overall quality and trustworthiness of the study.

The study focused on answering the primary research question and a subset of six guiding SRQs using 10 interview questions. The qualitative phenomenological approach and the responses to the interviews were used in an environment in which I bracketed or isolated myself allowing the participants’ voices to emerge as clearly as possible. The lived experiences of those interviewed for this study informed the focus of the study by providing answers to the research question and SRQs.

Research Design and Rationale

The research was structured and conducted in response to one research question: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? A set of guiding or subresearch questions (SRQ) was used to bracket the interpretations of the respondents' experiences and to allow tracking between the research question and the interview questions.

SRQ1: In what manner did you initially experience technology-based legal services?

SRQ2. What effects do access to computers, tablets, mobile devices, and the Internet have upon pro se litigants' abilities to utilize technology-based legal resources?

SRQ3. What impact do technology skills and familiarity have upon pro se litigants' abilities to access technology-based legal help?

SRQ4. How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services?

SRQ5: How do pro se litigants view the impact of technology-based legal help upon them personally?

SRQ6: How do pro se litigants perceive the impact of technology-based legal help on outcomes in their civil cases?

Research Design and Approach

I chose a qualitative approach to explore the access to justice problem in Flint, Michigan. Using qualitative methods in this context, although not novel, represented a departure from most of the studies found on the topic, which were quantitative. I chose a

qualitative approach because I wanted to gain a deeper and more meaningful understanding of how citizens experience the use of technology-based legal services. Patton (2002) explained that “qualitative methods are first and foremost *research methods*” (p. 145). One of the hallmarks of qualitative inquiry is that it is naturalistic in the sense that interviews take place in settings that are meant to encourage open dialogue and free expression by study participants and discourage influences on the part of the individual conducting the interview (Patton, 2002). In that context, “capturing the individual’s point of view” and “examining the restraints of everyday life” are fundamental to developing and carrying out a qualitative design and approach (Denzin & Lincoln, 1998, p. 10). Creswell (2013) referenced the intimate and meaningful nature of qualitative inquiry that places the researcher in a neutral setting where they can talk directly to and observe individuals face-to-face. In such a setting, the researcher occupies an essential role in data collection processes where they search for themes using complex reasoning and information gathered from multiple sources including examining documents, observation, and interviews featuring responses to open-ended questions rather than a limited data source, which is often the case in quantitative studies (Creswell, 2013).

The conceptual framework is concentrated on participants’ responses so that the researcher is objective and reflects participants’ lived experiences while bracketing or isolating the researcher’s biases or predispositions from the process. SCTP and TAM helped me bound and organize the study. These social theories were also bracketed from the interview and answer processes that composed the study’s results. According to

Creswell (2013), qualitative research begins with theoretical frameworks that inform the study and contribute to the understanding of the meanings individuals or groups associate with human and social problems. Accordingly, a study should include “the voices of the participants, the reflexivity of the researcher, a complex description and interpretation of the problem, and its contribution to the literature or a call for change” (Creswell, 2013, p. 44). The qualitative approach was the superior method to hear the voices of those in need of legal help who experienced the barriers and benefits of technology-based legal services.

Qualitative Research Approaches

The role of qualitative inquiry and processes must be clearly defined prior to commencing a study. Creswell (2013) cited five qualitative studies or approaches to qualitative studies: grounded theory research, narrative, phenomenology, ethnography, and case studies. According to Butina et al. (2015), depending on the purpose of the study and the types of responses being sought, it is important that a researcher choose one of the approaches early in the study. It was important to carefully examine the qualitative approaches with a view toward approaching the current study in a manner that would inform the process in the most insightful and substantive ways.

Narrative studies present the lived experiences of individuals who experience a certain phenomenon, such as contracting a disease or going through a divorce, by collecting data from their stories and arranging the data in chronological order (Creswell, 2013). In the current study, although the aim of the research was directed at understanding the experiences of individuals and the many issues related to their use of

technology-based legal services in a diverse and complex urban area, the study seemed better served by accessing the insights of more than a few individuals and focusing on their perceptions of the barriers and benefits they encounter rather than the phenomenon of the delivery of legal services itself. Grounded theory approaches are most effective when there are no theories in place to explain or conceptualize the research that is the purpose of a study. Creswell (2013) explained that the purpose of using grounded theory as an approach to a study is to develop a framework for future studies by discovering a theory based on the outcomes of the study. In my study, I presented SCTP and TAM as the theoretical framework for the research; therefore, grounded theory was not an appropriate design for my study.

Ethnography as a qualitative approach focuses on a particular culture or group and the experiences members share based on their inclusion in the group (Creswell, 2013). My study took place in an urban area where there were diverse populations who experienced civil legal problems, and my study focused on how they experienced the use of technology based legal services and only tangentially related to their inclusion in a particular group. There was no planned group inclusion, so an ethnographic approach was not appropriate.

It was plausible that a case study may have been appropriate to approach the access-to-justice issue. The goal in a case study is to use a group's experiences as an illustration in hopes of solving or addressing the phenomenon or issue (Creswell, 2013). That goal as it related to positive social change and better public policy was an aspirational aspect of the current study. However, my study was targeted at understanding

the experiences of people as a means of focusing the issue in the eyes of readers and giving weight to their voices in hopes that public policy makers and other agents of social change might address the issue with purpose and direction. In that sense, my study was meant to inform the issue in a manner that gives voice and provides insight to those who are struggling with access to civil legal services in the United States. While future case studies in urban areas with a narrower focus on groups are encouraged, my study did not have a uniform group of people to analyze.

A phenomenological design seemed the best approach to address gaps in the literature and to focus future studies, public policy decisions, and social change paths to the access-to-justice problem. Phenomenological studies “describe the common meaning for several individuals of their lived experiences of a concept or phenomenon” (Creswell, 2013, p. 70). The phenomenological design was appropriate to represent the residents of the city of Flint, Michigan and to identify barriers and benefits they encountered while using technology-based legal services so long as the participants were a fair representation of the diversity in the population of the city.

The intent of my study was to document and explore the lived experiences of individuals in Flint, Michigan who attempt to utilize technology-based legal resources to address their civil legal problems. At its core, phenomenological research is focused on the idea that the lived experiences of individuals can provide valuable insights regarding their interactions with a phenomenon. I determined that a phenomenological design was the best approach to study how individuals are affected by the way they experience

technology-based self-help platforms to cope with legal issues that impact their lives, families, and communities.

Phenomenological Research

A phenomenological researcher assembles, interprets, and describes the common meanings that individuals ascribe to their lived experiences with a certain concept or phenomenon (Creswell, 2013). A qualitative researcher identifies a phenomenon and collects data from individuals who have experienced the phenomenon. In the current study, the phenomenon was the use of technology-based legal services to address civil legal issues affecting citizens in a Michigan city. Creswell (2013) suggested “this human experience may be a phenomenon such as insomnia, being left out, anger, grief, or undergoing coronary or bypass surgery” (p. 76). According to Cilesiz (2011), experiencing a phenomenon is distinct from experience of a phenomenon, acknowledging that although technology has impacted societies in myriad ways, people have more understanding related to how technology impacts them or the shared experience of technology applications than understanding of their experiences of the phenomenon. Cilesiz cited the emerging presence of the word “experience” in the literature associated with online or technology-based education platforms as one of the reasons for suggesting the need for increasing phenomenological approaches to studies related to how people experience the phenomenon of technology. Tavellaei and Abutalib (2010) concluded that phenomenological approaches to research yield a deeper understanding of a phenomenon by revealing the meanings individuals attach to their lived experiences with the concept or phenomenon. A phenomenological approach to a qualitative study can produce

insights into the deeply personal and intimate reflections that individuals might express about their experiences with a common phenomenon while indicating the common meanings they might ascribe to their shared experiences.

Hermeneutic and transcendental are among the most common types of phenomenological philosophical approaches (Moerer-Urdahl & Creswell, 2004; Moustakas, 1994). Hermeneutics is a term that comes from the “Greek verb *hermeneuein*, which means, to say or interpret” (Chang, 2010, p. 21). A hermeneutic phenomenological approach to research is focused on how language can construct the understanding of a phenomenon (Chang, 2010). According to Chang (2010), “the constitutive nature of language is at the heart of hermeneutic philosophy and inquiry” (p. 20). Creswell (2013) explained that hermeneutic phenomenological approaches are focused on the texts relating lived experiences and emerging themes related to a common phenomenon. The researcher not only gathers descriptions of a phenomenon but also acts as mediator by interpreting the different meanings that are given to the lived experiences that are subject of the research (Creswell, 2013).

Transcendental phenomenology refers to the work of Husserl as modified and explained by Moustakas (1994). Cloonan (1998) claimed “Moustakas’ emphasizes on the concepts of meanings and essences of phenomenon” (p. 155). According to Cloonan, Moustakas indicated “these features of phenomenon are derived from experiences through phenomenological methodological analysis by way of epoch, reduction, and imaginative variation” (p. 155). Moustakas (1994, as cited in Creswell, 2013) came upon *epoche* (or bracketing) as one of Husserl’s ideas. His works have been foundational to a

variety of philosophical discussions often focused on their similarities to the works of Kant and positions in discussions that transcendental phenomenological inquiry is a path to “apprehend the life of the subject” (Thumster, 2018, p. 79). Epoche is a process in which “investigators set aside their experiences, as much as possible, to take a fresh perspective to the phenomenon under investigation” (Creswell, 2013, p. 80). Creswell (2013) suggested that this process is transcendental in the sense that it is a new or fresh look at a topic. Creswell often observed studies that began with the researcher assembling their experiences and bracketing them aside so they might refer to them and maintain a new or fresh approach as they gather data from the study’s participants.

This process is followed by the researcher’s reduction of the data collected to significant quotes and statements that are combined and analyzed to identify emerging themes. The researcher is then able to compile a textual description of what the participants experienced along with a structural description relating how they experienced the phenomenon; the structural description includes such things as the conditions, settings, and other environmental or physical attributes of their experiences. Creswell (2013) explained, once the textual and structural descriptions are complete, the researcher can combine them to gather the essence of the experiences (p. 80).

I chose a transcendental phenomenological research framework to conduct this study of the experiences of individuals who utilize technology-based legal services to address civil legal problems in Flint, Michigan. I bracketed my own experiences with the phenomenon and proceeded to conduct the study, identify emerging themes, to assemble

textual and structural descriptions of participants' experiences. I sought the essence of their experiences by creating several emergent themes.

Sample Selection Process

According to Creswell (2013), there are three considerations that are important if a researcher is going to approach a topic with what he calls, "purposeful sampling" (p. 154). These considerations may vary among different qualitative approaches and studies and include decisions related to the participants or sites, the size of the samples chosen, and details related to the research strategy of the study (Creswell, 2013, p. 155). Creswell (2013) noted that it is of particular importance in phenomenological studies that the participants who are selected because they have experienced a phenomenon give written permission that they agree to be part of the study (p. 155). This study included a signed participation document as well as an introductory questionnaire to help distinguish or purposefully select individual participants. The introductory questionnaire included the following questions: (a) Are you 18 years of age or older? (b) Are you a resident of the city? and (c) Have you used technology-based legal services to help you represent yourself in a civil case in courts located within this city?

I used Creswell's (2009) purposeful sampling approach to purposefully select participants or sites "the that will best help the researcher understand the problem and the research question" (p. 178). For instance, I placed invitations to participate in the study in the local libraries, courts, and other public facilities. As it turned out, several of the sites were closed due to the public health emergencies related to the pandemic. Local organizations and the Flint Public Library displayed my flyers as requested but I received

only a few inquiries from those locations due to a lack of access for potential participants. The courts did display my flyers regularly but were closed to public traffic during several extended periods that coincided with my study. In the end, the study was mostly populated by individuals who were referred by other participants. Purposeful selection procedures are common to qualitative studies, and purposeful sampling strategies take the researcher to the individuals and places where researchers are most likely to gain valuable and relevant insights to their research questions. The court proved the most valuable resource. Tuckett (2004) concluded that purposeful sampling guides the researcher to select participants that best inform or respond to criteria related to the study's purpose (p. 54). Patton (2002) added that the strength of quantitative studies involving random sampling lies in theories of statistical probability while qualitative studies feature smaller samples comprised of "information-rich cases" that can be studied (p. 202). By purposefully selecting information-rich cases, a study can result in deeper understanding of a phenomenon rather than empirical conclusions. I approached this qualitative phenomenological study by purposefully selecting individuals to participate in the study.

Sample Size

When discussing sample size, it is important to distinguish relevant factors that affect a qualitative study and those used in preparing a quantitative inquiry. Gentles et al. (2015) stated that "the nature of the sampling unit (or what is selected when sampling is carried out)" in a phenomenology is individual people (p. 1780). Sample sizes in quantitative studies are required to be sufficiently large enough to produce precise

estimates while “smaller samples are used in qualitative research” (Gentles et al., 2015, p. 1782). That is because quantitative research involves processes that are designed to gather enough precise data to represent particular populations, while “the general aim of sampling in qualitative research is to acquire information that is useful for understanding the complexity, depth, variation, or context surrounding a phenomenon (Gentles et al., 2015, p. 1082). Although there are no specific rules for determining sample size in qualitative studies, approximately 10 participants are used in most phenomenological approaches (Creswell, 2013, p. 157).

Gentles et al. (2015) viewed the concept of saturation as an important factor in determining sample size because it is central to discussions on the topic of sample size in the general literature on qualitative methodologies (p. 1781). They explained that saturation is widely construed as that point where information collected from participants becomes redundant indicating that additional collection of data contributes little or no new or additional insights to the study (Gentles et al., 2015, p. 1781). Cilesiz (2017) conducted a qualitative phenomenological study exploring the reflections of individuals who experienced technology-based education resources and settled on Creswell’s (2007) guideline of using 3-10 participants while considering the concept of saturation like the processes to be employed in this study of technology-based legal services (p. 498). For this study I interviewed 10 participants while incorporating the concept of saturation, as explained by Gentles et al. (2015), as a guideline for evaluation of whether additional participants are needed.

Data Collection

As noted by Creswell (2009), beginning with the purpose statement, researchers place signposts along the way to help guide the reader through a plan for a study (p. 129). Investigators narrow the study's focus from the broader purpose of the study to the questions the researcher hopes to answer, which take the form of central research questions and related sub-questions (Creswell, 2009, p. 129). Qualitative inquiry and related research questions and sub-questions are designed to explore the complex factors and issues that surround a central phenomenon. This is achieved by isolating the reflections, perspectives, or meanings attributed to the central phenomenon by individuals who have experienced the phenomenon. In this study, I conducted semi-structured interviews of participants who have experienced the use of technology-based civil legal services in Flint, Michigan. Semi-structured interviews are most popular among qualitative investigators because they are "flexible, accessible and intelligible, and, more important, capable of disclosing hidden facets of human and organizational behavior" (Qu & Dumay, 2011, p. 246). Unlike structured interviews that restrict questions to a scripted set of interrogatives or unstructured interviews that have no pre-interview list of inquiries, semi-structured interviews allow the interviewer to include a group of standard questions along with additional follow up or probing questions (Qu & Dumay, 2011, 246).

As Creswell (2009) noted, there are specific protocols and guidelines for conducting interviews in qualitative research plans. Prior to being interviewed, each participant read and signed an agreement to participate in the interview. The interviews

were digitally recorded and transcribed online using my private Otter ai account.

Participants were advised that the recordings will be utilized exclusively for the purposes of this study and will not be made available in any way to others without prior written consent. A general interview question protocol guided the interview process (See Appendix A). It was in that context, the interview plan developed, narrowed its focus, and data was collected for review. It was important that the entire process, including the questions presented to participants during the interviews, remained consistent or aligned with the study's original purpose, central research question, sub-research questions, and interview questions (IQ). That is important if the study is going to achieve its goals of contributing to the field of inquiry and encouraging positive social change. The interview questions and their relationships to the main research question and sub-research questions follow:

Research Question: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues?

SRQ1: In what manner did you initially experience technology-based legal services?

IQ1: How and where did you access online legal services?

IQ2: Did you need assistance to access the services?

SRQ2: What effects do access to computers, tablets, mobile devices, and the Internet have upon pro se litigants and their ability to utilize technology-based legal resources?

IQ3: How were you affected by your efforts to access legal services using technology-based platforms?

SRQ3: What impact do technology skills and familiarity have upon pro se litigants' ability to access technology-based legal help?

IQ4: What technology skills were required to access legal services and how did you utilize your skills or overcome skill barriers?

SRQ4: How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services?

IQ5: Once you accessed the online legal resource, explain whether or not you had difficulties understanding or following the instructions and accessing assistance with any questions you had regarding the process.

SRQ5: How do pro se litigants view the impact of technology-based legal help upon them personally?

IQ6: Would you use technology-based legal services again and why or why not?

IQ7: Could you talk about any incidents or occurrences that happened during this process that encouraged or discouraged you to continue or discontinue your efforts to represent yourself in court using online legal services?

IQ8: If so, how did these incidents or occurrences make you feel?

SRQ6: How do pro se litigants perceive the impact of technology-based legal help upon outcomes in their civil cases?

IQ9: Can you give any examples of how you felt personally during this process?

IQ10: Do you feel as though your case had an outcome that was sufficient to resolve your legal problem?

Recording the interviews along with my field notes and observations helped me to review and organize the data verbatim and efficiently. Again, prior to recording, I advised participants that the recordings would be kept in a safe and private place and be used only for purposes of the study. I explained to those being interviewed and recorded that I will not discuss or share any portion of their interview without their prior written consent. I recorded the interviews using the record functions in my private, password-protected Zoom account. I uploaded the data in mp4 format to my private Otter.ai account, transcribed the files there, and converted the transcripts into Word documents. I stored these in a file that I saved on a private password-protected computer.

According to Creswell (2013), face-to-face interviews are among several different ways to collect data in qualitative plans. I planned face-to-face meetings as I prepared for my study to begin but decided to conduct them on Zoom because of the ongoing public health emergency related to the pandemic in Flint, Michigan. The public health emergency was disruptive during my study early on and became increasingly unmanageable as time went on. I am part of a vulnerable population and participants were relieved when I decided to use Zoom to record the interviews. Once I made that decision with the first research participant, the pandemic did not relent, and I wanted all the interviews done in the same manner so I would not have changed processes at any point in the data collection process had the pandemic subsided. I was familiar with interviewing individuals using Zoom because I have routinely done so for my work

during the pandemic. I was comfortable with the technology, and I felt that the research participants were comfortable as well. All the interviews came off smoothly and free of any significant distractions or interruptions. I made sure the participants were in a private space and had time to speak at their own pace. The interviews each took less than one hour, and I explained to the participants the purpose of the study and that they could withdraw at any time they wished to do so. Each participant was given a detailed review of the consent form including the statement of consent, study procedures, why the study was initiated, risks and benefits of participation, how to contact and pose any questions or concerns to the researcher or the university, issues regarding confidentiality, and disclosures including the researcher's status as an attorney. I referred to the interview protocol document regularly to review privacy and data management protocols and ensure the data processing, coding, and analysis procedures are secure and trustworthy.

Validity, Reliability, and Trustworthiness

It was of paramount importance that consistency and accuracy were maintained in the data collection, findings, and results of the study. According to Hayashi et al. (2019), "the focus on ensuring validity and transparency of qualitative research is not specific to any single stage of the research; instead, it should be part of all research stages" (p. 98). These authors supported the idea that validity can be described in several ways in qualitative investigations, including "rigor, trustworthiness, appropriateness, even as quality, and it can be described in a great variety of terms" (Hayashi et al., 2019, p. 98). In that context, validity may be seen to focus and strengthen a qualitative study.

Creswell (2009) noted that validation of results happens at every stage of a qualitative research plan and singles out trustworthiness as a preferred way to view validity (p. 190). According to Creswell (2009) validity carries different connotations in qualitative studies and is not necessarily a companion to reliability as it is in quantitative research. Creswell (2009) generally defines qualitative validity as a process where the researcher utilizes certain procedures to check for the accuracy of the study's findings and qualitative reliability indicates that the approach employed by the researcher is consistent across the work of other researchers and different projects (p. 190). Creswell (2009) emphasized validity and reliability strategies that support consistency, accuracy, and dependability of a study rather than the related concepts of validity and reliability (pp. 190-191). To ensure the consistency and accuracy of the findings and as a companion to the "bracketing" process I discussed above, I began by conducting a written self-reflection to identify or clarify any bias I may bring to the research. Creswell (2009) suggested that good qualitative research contains reflections of how the research might be affected by the investigator's background, gender, education, or other aspects of their life (p. 192). Further, Qu and Dyer (2011) noted that there are steps to strengthen a study when researchers have taken the time to become knowledgeable about the research topic that they may ask informed questions of the interviewee (p. 239). I also spent time working with online legal services platforms to immerse myself in the background and settings that participants may have encountered in order to gain insights and information of my own that will help elevate the accuracy of the interpretations and identification of themes gathered in interviews. I triangulated and compared different perspectives and

insights from participants and examined them to gather evidence for the consistency of emerging themes. In terms of reliability or dependability, I checked and re-checked transcripts against recordings to ensure no errors are made in the process. I wrote memos about the codes and their definitions and constantly checked that the definitions did not drift during the coding process. Finally, I compared the coding of the study with other unrelated studies and their outcomes (Creswell, 2009).

Data Management Techniques

It is critical to this phase of the study that the researcher takes steps to safeguard the collected data. Electronic data was backed up in dual separate computers, cloud storage, and external hard drives that are secure and password protected. All data collected in hard copies were scanned into the same electronic formats and storage locations while the hard copies themselves were filed in locations that featured locked office doors and filing cabinets. The data was organized by field notes, interview protocols, transcripts of interviews along with the original digital recordings, and were categorized as related to individual participants. I alone had access to the data as well as the identities of the individual participants. To further protect the study and its participants, each individual participant was assigned a pseudonym and referred to as research participant one (RP1), research participant two (RP2) and so on. All data, both digital and hard copy, will be securely stored for five years following the conclusion of the study at which time the data will be permanently destroyed.

Creswell (2013) emphasized the importance of focusing on the types of data to be collected and related procedures at this stage of a study while cautioning the researcher to

be mindful that qualitative data collection is a much broader topic where the researcher needs to consider how all aspects of the process relate together if the data is to be thoroughly and thoughtfully assembled for presentation (p. 145). Creswell (2013) noted that data collection “means gaining permissions, conducting a good qualitative sampling strategy, developing means for recording information both digitally and on paper, storing the data, and anticipating ethical issues that may arise” (p. 145). For this study, I made efforts to engage with participants, collect and assemble data, and incorporate the study’s results into the dissertation. This was done in a manner that was mindful that, while data management techniques represent a critical and important part of the data collection process, each part of the process should be consistent with Creswell’s (2013) view that the whole is strengthened by attending to its parts.

Data Analysis Methods

Following completion of recorded interviews, I transcribed the associated recordings along with contemporaneous field notes. The interviews, where I began to mentally categorize data, were part of a dual or bifurcated data analysis process. During the first phase of the data analysis, I carefully recorded and transcribed the interviews and collated associated field notes. Yu et al. (2014) described period as a more reflective process. They viewed the second part of the data collection process as much more rigorous where the data is broken down and reassembled to identify emerging categories and capture information that may have escaped earlier review. According to Creswell (2013), the process of analyzing data includes data organization, a preliminary read through of data that has been collected, assembling the data in an organized manner by

coding and identifying emerging themes, and representing and formulating an interpretation of the data (p. 179). These steps are interconnected and form what is referred to as “a data analysis spiral” (Creswell, 2013, p. 179). Viewing the data analysis process in sections contributed to my ability to structure and organize this critical portion of the study.

Central to data analysis is the coding process that Creswell (2013) characterized as “reducing the data into meaningful segments and assigning names for the segments” (p. 180). I coded my data by hand. I followed the hand coding by categorizing the coded segments into broader categories by themes, and displaying the data in tables, graphs, and charts using Microsoft Word. The data analysis spiral was composed of fundamental interrelated steps that often occurred at the same time.

The phenomenological data analysis and representation began with a review of my own experiences with the phenomenon, technology-based legal resources, to sideline or bracket my own experiences and focus on those of the participants. Then, I reviewed the transcripts of the interviews to develop a list of significant statements. That process of horizontalizing the data helped to identify overlapping or repeating statements. The significant statements were then grouped into larger units referred to as “meaning units or themes” (Creswell, 2013, p. 192). Next, I wrote a textual description of what the participants experienced along with a structural description of how the experiences occurred. I concluded with a composite description incorporating all aspects of the analysis in an effort to communicate the essence or “what” and “how” the participants experienced their use of technology-based legal resources. Throughout the analysis, I

assembled data in a manner that contributed to representation of the experiences in tables, charts, and graphs. The initial hand coding was guided and informed by the research question and bracketed sub-questions. More analysis steps and details can be found in Appendix B.

Presentation of Results

Results of this study were, as suggested by Creswell (2007), conveyed, in detail and included an autobiographical summary of the researcher's involvement with the topic, general information related to interview procedures and settings, and compilations of the experiences of individuals who participated in the study. Chapter 4 includes interpretations of the data collected from the interview process and identification of significant observations and statements of participants. Chapter 4 also includes a general synthesis of the overall themes and meanings gathered from data as well as variants synthesized from the data reflecting the experiences of participants.

The general structure and approach to presenting the results will include the following steps:

1. Organize potential participants into broad categories related to the legal issues that led them to seek legal assistance in the first place.
2. Conduct interviews with qualifying participants who meet guidelines for participation in the study.
3. Review interview transcripts and notes considering the conceptual framework to identify words, statements, phrases, and other indicators related to the framework as themes emerge.

4. Synthesize the emerging themes in the context of each research question as the qualitative report takes preliminary form and is developed
5. Formulate and write a report in the context of the data analysis, conceptual framework, the review of the literature, and observations of the researcher, while staying mindful of the implications and purposes of the study.

Ethical Protection of Research Participants

In my role as a researcher, I am responsible for conducting the study in a manner that complies with Walden University's institutional ethical standards as well as regulatory protections designed to ensure the safety, security, and privacy of participants. The Institutional Review Board (IRB) at Walden is responsible for ensuring compliance with ethical policies and standards related to research involving human participants and research conducted without IRB review and approval will not be sanctioned or credited by the university. I obtained IRB approval prior to commencing the study (Approval # 11-17-21-0465432). Once I had been approved to continue by the IRB, I obtained informed consent from each participant. Each participant was informed that they may unilaterally withdraw from the study at any time with no repercussions or retaliation.

I am a licensed attorney in the state of Michigan and in the United States Federal District and Bankruptcy Courts. As discussed earlier in this paper, I was mindful of regulations and rules related to the legal profession at the state and federal levels. In that context, I disclosed my status as an attorney to help ensure that research participants were not burdened or influenced in any way that could affect their responses to interview questions related to their experiences with technology-based legal services. Along with

disclosures, I took steps to ensure that research participants were in a comfortable, private setting and that the interviews allowed plenty of opportunity for them to express themselves.

I recruited participants on a volunteer basis rather than offering compensation for their involvement. If my decision not to offer compensation had proven unproductive, I was open to reconsidering. Finally, all participants were given the opportunity to ask questions or express any concerns they had at any time.

Summary

The study of the experiences and perceptions of individuals who utilized technology-based legal resources to assist in their civil legal cases utilized a phenomenological approach. The study progressed from identifying and selecting a population sample to interviews with participants, data collection and analysis, and formation of a reliable and trustworthy basis to present the study's results and potential impacts in following chapters. A key component and consistent theme in this chapter as well as in all related matters preliminary to the study is the ethical, private, and safe treatment of participants. That is reinforced by the role of the IRB at Walden University and the critical part it plays in ensuring compliance to the policies and regulations associated with the ethical treatment of participants.

Chapter 4: Results

The purpose of this qualitative phenomenological study was to explore and describe the lived experiences of individuals in Flint, Michigan who utilized technology-based legal resources to represent themselves in civil cases. This study was guided by one research question and six SRQs that provided the foundation for 10 interview questions that were presented to each of the 10 research participants. This study was designed to explore the lived experiences of individuals who represented themselves in civil courts and accessed a variety of technology-based legal resources in that process. The study could provide important insight into the barriers and benefits participants encountered and experienced as well as their attitudes, opinions, and personal reflections about their use of technology-based legal resources. The central research question was the following: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? The following were the SRQs:

SRQ1: In what manner did you initially experience technology-based legal services?

SRQ2: What effects do access to computers, tablets, mobile devices, and the Internet have on pro se litigants' abilities to utilize technology-based legal resources?

SRQ3: What impact do technology skills and familiarity have on pro se litigants' abilities to access technology-based legal help?

SRQ4: How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services?

SRQ5: How do pro se litigants view the impact of technology-based legal help on them personally?

SRQ6: How do pro se litigants perceive the impact of technology-based legal help on outcomes in their civil cases?

Chapter 4 includes a description of the setting and the research participants, the data collection process, the data analysis process, the results of the main research question and SRQs based on analysis of emergent themes and patterns in the research participants' responses to the interview questions, trustworthiness of the study, and a summary of the chapter.

Research Participants

The participants in this study resided in Flint, Michigan and had utilized technology-based legal resources to represent themselves in civil cases. All participants were over 18 years, and most disclosed their ages during the consent and prequalification stage of the study. I interviewed three men and seven women for a total of 10 participants. I identified the portrayed ethnicity of the participants as five Blacks, four Whites, and one multiracial individual. My observations and participants' disclosures showed their ages ranged between 20 and 65 years with an average age of 45. Two participants identified as having some college education, and nine participants acknowledged they routinely used some form of technology to access the internet. Some individuals intimated that they did not read well and often need help from their grandchildren or children to access internet-based resources. Two of the participants did

not have internet access in their home and relied on the public library resources or friends and family to go online.

For purposes of privacy and confidentiality, the participants were referred to as RP1 through RP10. Based on my field notes, I concluded that all participants were at ease during the interviews. RP6 was finishing up serving dinner for two minor children who were waiting to be served, while RP3 was finishing her goodbyes to minor children who were heading out the door for school. Both participants finished what they were doing while I waited briefly. I conducted an interview with RP10, who was alone waiting for a ride on an outdoor bench. It was quiet, and I was assured no one was around. Therefore, I continued as requested, and the interview and the recording came out very well. Other interviews took place with participants in their homes while I spoke with them remotely. All participants were talkative, although RP7 and RP9 talked noticeably faster than the others. Participants seemed excited and committed to telling their stories. I was somewhat surprised at how detailed they were in recalling the purpose of the study as described in the consent form. Table 1 reflects the types of civil cases in which the participants utilized technology-based legal resources to address their needs.

Table 1*Research Participants' Civil Cases*

Participant	Family	Guardianship	Estate	Contract	Property	Housing
RP1		X				
RP2	X					
RP3				X		
RP4					X	
RP5			X			
RP6		X				
RP7					X	
RP8		X				
RP9	X					
RP10						X

When reviewing my field notes, I had a general sense that all participants understood, at some level, that their participation in the study was important. Their responses were freely given, valuable, and insightful. I did not experience any problems during the interviews and found each of their responses to be thoughtful and each of their cases and experiences representing themselves while utilizing technology-based legal resources to be interesting and compelling.

Data Collection Process

Collecting data for this study began after receiving Walden University's IRB approval 11-17-21-0465432. Finding individuals to participate in the study was more difficult than I expected. I encountered several obstacles that were not grasped in the original data collection plan. The IRB application and review addressed the possibility that issues related to the COVID-19 pandemic would impact the data collection process, and as it turned out that was the case. Although I was able to display my invitation flyers as anticipated, access to those locations was often restricted due to public health concerns

and directives related to the pandemic. In addition, when considering the safety and well-being of research participants and myself, I realized that during the period I was collecting data, face-to-face meetings presented significant logistical barriers and health concerns for all involved. In that context, all interviews were conducted using Zoom technology with proper consent responses and assurances related to privacy, storage, and use. Another unexpected dynamic in the data collection process was that my early participants responded to my invitation, but most of those who were interviewed were referred by other participants or individuals in the community who were aware of the study. This cascading or snowballing effect was not anticipated when I proposed to purposeful sampling method. Often, as it seemed that data collection had ground to a halt, word of mouth brought in new prospects. In that sense, the pandemic limited the data collection experience for me and the participants, but in the end the study found its way into the community.

Once I was contacted by an individual expressing a willingness to participate in the study, I confirmed they were at least 18 years of age, were a resident of the city of Flint, and had used technology-based legal resources to help them represent themselves in a civil case. Once these prerequisites were met, I provided the prospective participant with a consent form and instructions to acknowledge and submit. I explained the form and the voluntary nature of the interview, and I answered any questions they had. At that point I scheduled a convenient time for the interviews to be conducted.

A total of 10 individuals participated in the study. The interviews were conducted between March 18, 2022, and May 19, 2022. I began each interview by reviewing that

participation was voluntary and could be stopped at any time for any reason by the participant. I explained that I would ask them 10 questions and possibly additional follow-up questions related to their comments. I repeated that the study was voluntary and that they could not answer any question if they were uncomfortable with the question for any reason. I repeated that the interview was confidential and that steps, including data coding and password-protected storage of their recorded comments, would be taken to ensure their privacy. Before beginning the interview, I spoke briefly about the purpose of the study and received permission to begin and record the interview. None of the participants withdrew from their interview or declined to answer a question or follow-up question. The interviews varied in length with the shortest lasting fewer than 30 minutes and the longest lasting 45 minutes. In efforts to not forget anything, I kept my introductory and closing remarks, interview questions, and the name of each volunteer on a typed agenda document that I prepared before each interview. I also kept paper on a clipboard at hand to write down my observations in the form of field notes. I labeled each of the field notes documents as RP1, RP2, and so on so I could categorize and review them later. I recorded the interviews using Zoom record functions and transferred the audios in MP4 format to upload to my private Otter.ai account for online transcribing. Once the interviews were complete, I thanked everyone for their contributions to the study, reviewed my contact information, and encouraged them to contact me at any time if they had any further comments or questions.

Data Analysis Process

Analyzing the data collected from the interview transcriptions and field notes began with a reflective process. First, I organized the transcriptions by each participant, carefully reviewed them for transcribing errors, and formatted each participant's transcript in a Word document to reflect their individual responses to each interview question and follow-ups. I then associated each document with any field notes relating to a participant generally or an individual's response to a question. Next, I highlighted my questions and comments to separate them from the data provided by the participant. As noted by Saldana (2021), the researcher's words and comments are "more functional than substantive" (p. 26) and, although the researcher is providing coding to seek meaning, it is important to prioritize the words of the participants whose experiences are the subject of the study. Once I reviewed the interviews, separated the words of the participants, organized the field notes, and stored each file in a private digital folder, I was able to refer to the collated documents by RP1 through RP10 from that point on. I cleaned up any references to individuals and stored the collated documents as securely as promised. I also generated confidential print copies of each interview so I could read and reread each in different settings. When reading the print copies, I kept them in my possession and did not leave them unattended. I stored the print and digital copies, when I was not handling them or viewing them, in my locked office file cabinet and digitally on a password-protected computer. From that point, I began to immerse myself in the interviews, seeking clarity, familiarity, and the early emergence of identifiable categories and themes.

Although the process of moving from coded units to categories and themes began with careful reflection and mental analysis, the second phase of data analysis was a more systematic process that Yu et al. (2014) described as “breaking up, separating, assembling, and later, reassembling” (p. 253) the collected data. The second phase of the data analysis was when my familiarity with the interviews increased and when solid categories and themes emerged. Saldana (2021) described this phase of the data analysis process as a time when “codes, categories, themes, and other qualitative data summations, are actively *constructed, formulated, created, and revised* by the researcher, not through some elusive process” (p. 7). In this context, my reflections on the participants’ responses to the interview questions and my growing familiarity with how the responses related to the research question and SRQs allowed me to systematically move the data analysis forward. The coded units were assembled into higher knowledge representations including categories and themes.

Bracketing

A common method to ensure the trustworthiness of a study is for the researcher to set aside or bracket previous experiences or biases they have with the phenomenon being investigated in the study (Creswell, 2013). I utilized bracketing as a fundamental element of the data collection and analysis process from the earliest stages of the study. I had practiced law in the city of Flint for several years, and it was important that I hear the voices of the participants with an open mind and in a nonjudgmental manner. I used bracketing continuously during the study, and I believe it helped me to hear and

communicate the voices of the participants in a way that reflected their experiences with technology-based legal services.

Manual Data Coding

The third phase of data analysis involved manually coding the interviews. I prepared for the coding of each participant's interview by listening to the interviews and transcribing the audio files into verbatim text files that could be safely stored and reviewed. The transcriptions were accomplished by uploading the audio files to my private password-protected online account at Otter.ai. The transcriptions were reviewed for any mistakes and stored safely in Word documents. I found a few mistakes, and the ones I found were obvious mispronunciations or spelling errors. I also verified any mistakes in transcription by listening to the related audio files again. I compared my field notes to the finished transcriptions to ensure consistency and accuracy and attached each set of field notes to the related textual transcription document.

I began the coding process by reading the transcriptions several times. Creswell (2013) described the coding process as "aggregating the text or visual data into small categories of information" (p. 184). I let the research question and SRQs guide my initial reviews of the transcripts. I drafted a document that color highlighted and organized all the participants' answers to interview questions under the research question and associated SRQ so I could see all answers to each interview question in one place and search for emerging themes and concepts. I drafted another document containing keywords, insights, comments, and statements that were responsive to the research question, SRQs, and associated interview questions. As themes began to emerge, I copied

responses that suggested categories or themes into another document and organized them by emerging preliminary category or theme. Color highlighting that associated an answer to a particular question and research participant remained in place.

The fourth step involved reading and reviewing the documents I had prepared to identify recurring keywords, concepts, phrases, and ideas that could be clustered into more substantial emerging patterns, categories, and themes. Saldana (2021) explained that during the qualitative data analysis process, researcher-generated codes are used as symbols that attribute meaning to data and can be used later to translate individual datum in order to detect patterns, themes, and categories to support “proposition development, theory building, and other analytic processes” (p. 6). As I reviewed the answers to the interview question, I organized the data into common ideas that were recurring but not overlapping. Finally, in the fifth step, I carefully examined the emergent themes for substantive meaning and began to identify the actual themes in the data. During that process, I could, at times, step away from bracketing and identify causal relationships and deeply consider the lived experiences participants had described. I examined the essence of those experiences and how it was impacted by the phenomenon of utilizing technology-based legal resources as well as how those experiences related to the research question and subquestions.

When reporting findings and assembling results in a qualitative study, Patton (2002) asserted that it is crucial to strike a balance between “description and interpretation” (p. 503). In that context, Patton (2002) explained that description, along with quotation, is foundational to qualitative reporting but should be substantive and not

be allowed to become thin or trivial. Description should be enough to help the reader come inside the experiences of the research participant but not so much that it distracts from the essence of what they are trying to communicate. According to Creswell (2013), the presentation of the results of a study will have an impact on those who read it and will also be subject to their own interpretation. In the final step of the data analysis process, I document a thorough explanation of how the emerging themes and results of the study are related and how the results align with and relate back to the conceptual framework and the literature review in Chapter 2.

Discrepant Cases

During the manual coding process, I also developed a separate document that contained participant responses that did not fit into developing themes, were inconsistent, or could be classified as outliers. Those discrepant cases were routinely reviewed to ensure my understanding and categorizing of those responses remained consistent as more common categories, themes, and coded responses became familiar and understood. In that context, I routinely reviewed responses that seemingly contradicted other responses or comments made by the same participant. Contradictory statements by the same individual were categorized as inconsistent discrepant cases. Statements or comments are also categorized as discrepant if they are made by only one or two of the 10 research participants. In addition, statements or comments that contradict what was documented in the literature are considered discrepant cases.

Results by Research Questions

The research question for this study asked: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? The research question and six sub-questions used in this study reflected the purpose of a study while narrowing its broader focus and were designed to explore in detail the complex factors and issues surrounding the central phenomenon of utilizing technology-based legal services to address one's civil legal issues. This was accomplished by isolating and analyzing the reflections, feelings, individual perspectives, and meanings attributed to the central phenomenon by those who experienced it firsthand. The central research question and sub-questions were also used to ascertain if research participants experienced the central phenomenon in a way that was consistent with the two theories that formed the conceptual framework of the study, democratic policy design: social construction for targeted populations (SCTP) and technology acceptance model (TAM). The conceptual framework was used to bound and guide the study although the social theories were bracketed from the study itself. The analysis of the collected data and findings of the study were consistent with other studies that focused upon the experiences of individuals interacting with technology-based resources while engaged in general decision-making and learning processes.

In addition, this study did produce some novel and distinctive information that may influence emerging themes and ideas. This new information may contribute to filling the gap in the literature related to identifying barriers and benefits of using technology-based legal resources to address the civil legal problems of pro se individuals. In that

context, considering the overall lack of research that reflects the lived experiences of individuals who have utilized technology-based legal resources to address their civil legal issues, my study may prove to be a valuable source of information for individuals considering doing the same to address their own civil legal matters.

Along with those who will use technology-based legal resources themselves, the results of this study can help local legal aids, social agencies, bar associations, courts, and others understand the needs of those whom they are trying to help, better utilize their resources, and generally target their decision-making in the most effective manner.

Research Questions

The main research question was the focus of this study. I wanted to know about the lived experience of individuals who used technology-based legal resources to address their civil law issues. The six sub-questions, while bracketed, invited the research participants to share the essence of those experiences, their own feelings, challenges, and successes. I wanted to know if their perspectives were informed in some way by SCTP and TAM. What were the ways they accessed technology-based legal resources, were there common or novel barriers to doing so? What vulnerabilities and personal strengths had to be addressed or summoned to overcome barriers and achieve outcomes? Were the outcomes worth their efforts and would they do it again? The interview questions helped provide answers to the research question and sub-research questions. All ten of the interview questions provided data to inform the central research question. The central research question was broadly construed to identify the lived experiences of the research participants and, in that wide-open context, something as simple as getting a ride to the

court or overcoming technology barriers and summoning an attitude of determination while managing fears of failure may be substantially relevant to the essence of their experiences. In that sense, bracketing included viewing all data gathered from the interview questions and follow-ups as potentially consequential and important to the overall purpose of the study. Again, all the interview questions and related responses helped answer the main research question. Further, interview questions 1 and 2 also helped answer sub-question 1. Interview question 3 was designed to also help answer sub-question 2. Interview question 4 helped answer sub-question 3. Interview question 5 helped answer sub-research question 4. Interview questions 6,7, and 8 were designed to help answer sub-question 5 and interview questions 9 and 10 were designed to inform sub-question 6.

The reasons given by participants for choosing to participate in the study were similar. Most all the participants cited their desire to help others who are facing civil legal issues to anticipate, address, and overcome barriers that present when using technology-based legal resources. Several of the participants noted that they hoped to influence systemic change and encourage and inform targeted allocation of public resources that make technology-based legal resources even more accessible than they are now. In different ways, every participant communicated the importance of the civil legal matters they were trying to address by utilizing technology-based legal resources and the overall seriousness of the topic.

SRQ1

In what manner did you initially experience technology-based legal services?

Interview questions 1 and 2 helped answer this question. Interview question 1 asked participants how and where they first accessed online legal resources and was designed to determine a participant's ability to access a computer or other device capable of online activities. Interview question 2 asked if they needed assistance to access online legal resources and was designed to gain information about a participant's ability to use a computer or other device once they accessed it. In response to interview question 1, five of the participants suggested that early on they went to the court and the clerks. Although the clerks emphasized that they could not give legal advice, they went online and printed out the necessary court forms and instructions, when available, and gave them to the participants. Three of the participants sought out friends and family who had computers to go online and print the necessary forms and instructions, where available, for them. Two of the participants stated they searched for the information on their own devices and printed the necessary forms and information out for themselves. All five of the participants who went to the courts for help early in the process stated they did not have stable or regular access to the internet and, if they had, they did not always have the technology skills or hardware to find and print the documents they needed. Of the three participants who sought out the help of family or friends, two had a phone that could access the internet, but both lacked the skills to go online and look for technology-based legal resources. The third participant had internet access, a computer or device, and technology skills that would enable them to go online and access technology-based legal

resources but was hesitant to do so because of their concern that an error could cost them their home. RP 5 stated that, “I access this, so we had gone online to find them but under, you know, I won’t have any supervision.” The two participants that were able to use their own computers to go online and access technology-based legal services both stated that the resources were relatively easy to find.

The participants were often directed by others. RP 4 stated that they “basically did what everybody told me.” RP 2 said, “a lot of times it’s, you know, you talk to a lot of people, so, they were really helpful, but they are not attorneys, and they really don’t like to do it.” RP 8 asserted that sometimes the people they asked for guidance to access online legal resources were reluctant to help. RP 8 said that she was disappointed when she left the court with the forms and instructions, they had given her. RP 8 explained that she asked the clerk, “if I needed help, could you help me with this” and the response was “we can help, but we can’t like drill it out for you.” As we have discussed, there are statutory limits to what non-attorneys can offer in the way of legal advice. RP 7 stated that he went to the court because he figured that was the place to go but, “it’s just like, it almost leaves you with like, it’s hard to understand what Mark Zuckerberg is talking about, it leaves you with a little doubt.” RP 7 described how he felt after getting the online forms from the court as “you’re not fully 100%.”

SRQ2

What effects do access to computers, tablets, mobile devices, and the Internet have upon pro se litigants and their ability to utilize technology-based legal resources? Interview question 3 was designed to help answer this question by asking how you were

affected by your efforts to access legal services using technology-based platforms. RP 1 explained, “well, it was like, to me it was just like, how do I put it, like a foreign language.” RP 4 answered, “so, it was overwhelming at a point, but I was determined.” RP 6 said, “I was very determined, there was nothing going to stop me from doing what I had to do, you know, I was extremely worried and stressed out. And I was nervous that I wasn’t going to do everything that I needed to do.” RP 7 added, “sure, so you’re like wow, I think I’m doing this right, but, at the same time, there’s a little bit of a gray area where you’re trying to do that, the best you can, but you’re scared to death you’re not doing it right.” RP 10 answered, “yeah, I felt alone.” Most of the participants expressed feelings of being insecure and alone at times. The feelings of insecurity were often followed by expressions of determination or an explanation that the outcomes of their failing at representing themselves in their civil legal matter using technology-based legal resources would lead to dire circumstances impacting their housing, family unit, or basic needs. This information is important to the study because it outlines the types of pressures faced by pro se litigants who use technology-based legal resources and underscores the idea that those pressures can be many at once and are often exacerbated by the overwhelming consequences of potentially poor outcomes.

SRQ3

What impact do technology skills and familiarity have upon pro se litigants’ ability to access technology-based legal help? Interview question 4 was used to answer this question. Interview question 4 was designed to determine what technology skills were required to access legal services and how did you utilize your skills or overcome skill

barriers? It was important to understand the types of baseline skills that were required to access technology-based legal services and how participants with different skill levels navigated the process. I wanted to know about participants who had challenges with technology use and whether they were tempted to abandon the process or overly burdened in the early stages and how they overcame those barriers if they encountered them. It was also important to know the experiences of participants who had sufficient technology skills to access technology-based legal services and what types of skills they found most valuable in the process. Information of this sort may be helpful to funders, developers, and software designers of technology-based legal resources to increase equitable access as well as ease of access. Two of the participants referred to their having some college-level education that contributed to their technology skills.

RP 1 stated that her daughter had sufficient skills and facilitated the entire process for her other than appearing in the court for the hearing. RP 2 stated that she had enough skills to not only complete the online court forms but was also able to “google” information about her legal situation as well as chat with advocates on a free self-help platform who were very supportive and helpful. RP 3, RP 5, RP 6, and RP 10 also stated that they were able to navigate the online processes of accessing technology-based legal services and that they “googled” the topic of their civil matter extensively to better understand the associated legal language and procedure. Finally, higher levels of technology skills or abilities to overcome barriers did not fall along age, race, gender, or any other demographic in a categorical or meaningful way.

SRQ4

How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services? Interview question 5 was designed to inform sub-question 4 and asked each participant to comment on: once you accessed the online legal resource, explain whether you had difficulties understanding or following the instructions and accessing assistance with any questions you had regarding the process. The purpose of Interview question 5 was to ascertain how participants moved forward once they had successfully accessed technology-based legal resources. This determination is important to this study because the lived experience of going to court and representing oneself is a process over time and different barriers and benefits may materialize at different parts of the process. One of the common threads that began to emerge in the interviews as I reviewed them was that participants often sought help from others. RP 1 responded to interview question 5 by suggesting that she did have a difficult time understanding the instructions and terms in the court documents her daughter had gotten offline for her. She became concerned as the process went on that she had asked so many questions of her daughter that “I think she’s overdid herself helping me and is at the point of tired.” RP 2 commented that her situation was difficult and when she went to court for a hearing the judge was so kind and sensitive to her matter.” RP 3 had to go back to court with her documents several times and explained “yeah, yeah, I went back, and I couldn’t get it right for the world.” She added, “the tellers and everybody I talked to did a good job explaining what I needed to do and nobody was like, you’re not supposed to be here.” RP 6 found the instructions “pretty much self-

explanatory” and when she did have a question the court clerks were very helpful. RP 8 said that once she got the documents she needed off the computer, she had no idea how to fill them out, so she decided to “go before the church.” She was pleased to find that several individuals in the church were able to help her fill out the documents and explain to her what she needed to do next. RP 10 referred to the fact that he was “a poli-sci major” in college and the terms and language in most of the documents he printed offline was somewhat familiar to him. RP 5 stated that “the initial part was basic” but “once you get to the court and “file number, case number, they start pulling in the numbers, you know, what part of this do I need?” RP 5 recommended the court “needed to have a Zoom now to Zoom, I’m sorry, a webinar, to address these questions.” The responses in this section were, for the most part, unique to each lived experience.

SRQ5

How do pro se litigants view the impact of technology-based legal help upon them personally? Responses by the participants to interview questions 6, 7, and 8 were designed to help answer this question. All the interview questions in this section were purposefully as open-ended as possible and designed to allow each participant to share the essence of their lived experience.

Interview question 6 asked whether the participants would use online legal services again and the reasons they would or would not do so. In this case, all the participants indicated they would use technology-based legal resources and, in some instances, already have done so. RP 6 stated she would use technology-based legal resources again, but “only if I have to.” Her comment was the only one with a direct

caveat included although RP 10 stated he would use the resources but cautions others who ask him about it that they must be “determined” in order to succeed at the process.

Interview question 7 asked participants to describe incidents or occurrences that happened to them while representing themselves using technology-based legal resources that encouraged or discouraged them to continue. Interview question 8 asked participants to describe how these incidents or occurrences made them feel. Here, as in subresearch-question 4, the responses were varied and unique to each participant. Some of the incidents and occurrences were related to the civil legal issues participants were dealing with and others could be described as incidents or occurrences of everyday life. RP 5 refused to use the term discouraged. She explained, “I can see them being discouraging to somebody and they did make me stop and put it off for a minute.” She continued, “I think it’s more frustrating than discouraging because it’s a complicated thing.” RP 1 explained that her issues involved her family and was very emotionally challenging. She agreed with others that she would do it again. She added, “yes, it worked.” RP 2 stated there were “bumps in the road” and she felt overwhelmed to the point “I just put in the hands of the Lord to just give me what I need to get through it.” RP 4 shared that she had to make lists of everything she was told in the courts and detailed notes of what to do next because her mother always helped her keep her schedule, but she was not there anymore. RP 6 concluded, “I would much rather have a lawyer but if it came down to it, I would do it by myself because I won’t let this go on.” It is important to note that the variety of incidents and occurrences that went on in this group of 10 may speak to the unique essence of their own lived experiences.

SRQ6

How do pro se litigants perceive the impact of technology-based legal help upon outcomes in their civil cases? Interview questions 9 and 10 were drafted in response to this sub-question and close out the interviews. Interview question 9 asked the participants to elaborate on how they felt during the whole process of their court case. Interview question 10 asked whether they felt their case had an outcome sufficient to resolve their legal problem.

Out of the 10 participants, seven indicated they had a good outcome to their cases. One indicated she had a semi-sufficient resolution of her civil legal case and two indicated the process failed to produce the outcome they had hoped to achieve. RP 2, who said she had a semi-good outcome, stated “part A was smooth and then it got a little bumpy because you basically have two grandparents who disagree.” RP 8, who also had a poor outcome, explained, “you just gotta agree to do it, it was stressful.” She added, “I felt helpless.” RP 10 stated he was still struggling with his poor outcome but tries to be positive and help others.

Many participants stated that they had to try and find people they could trust during the process because they were feeling alone; others commented that they often turned to their faith. RP 5 shared that, at times, she got different advice from different people. She explained, “I was disappointed, to be blunt about it, you’d like to be able to trust people.” She concluded, “the electronic stuff is really, it helped me get my perspective on it, it.” Finally, she suggested, “but, don’t make it so difficult.” RP 7 said “he feels like his case worked out amazingly, I got to live in my house.” He added that

going into the court buildings “even if you’ve done nothing wrong, it has this whole feeling vibe to it.” He explained that “dealing with your house, you’re always scared to death of the worst-case scenario.”

Summation of Results

The lived experiences of the research participants were captured during the data collection processes. The responses indicated that the participants experienced the benefits of utilizing technology-based legal resources but often had to overcome barriers to do so. Participants suggested and shared many barriers and benefits of utilizing technology-based legal resources during the interviews. Regardless of their technology skills or familiarity with technology and the terms and concepts contained in legal forms and instructions, all the participants found a way to access technology-based legal services. The participants in this study accomplished this in several ways. Categories or themes related to demographics and technology use did not emerge in any substantive manner.

Most of the research participants had issues related to trust, loneliness, and fear of poor outcomes while exhibiting a willingness and determination to adapt to overcome the pressures and to continue to learn how to represent themselves utilizing technology-based legal resources. The findings indicate that the approaches, feelings, challenges, and successes expressed by the participants varied widely in words and phrases, however, the themes that emerged from the data were consistent. All the participants expressed that they would utilize technology-based legal resources again, if necessary. Yet, their lived experiences were unique, often challenging, and not all had positive resolutions to their

civil legal matters. The next section identifies and discusses emergent themes resulting from a detailed review and analysis of the data.

Themes

Early in the data analysis process, I detected over a dozen themes. I was able to combine some of the themes as I realized the related data was characteristic of a single larger theme and was common among participants' responses. According to Saldana (2021), a core concept or criteria for identifying themes in the data analysis process is that the final emerging themes are helpful to answer the research question. I followed that suggestion as I began to identify the emergent themes. Saldana (2021) emphasized that, like coding, theming is a reflective process rather than an expedient one and careful interpretations of the data commonly involves capturing and unifying the experiences of the research participants.

The data analysis process generated five common themes. The themes identified in this section of the study represent and reflect the essence of the lived experiences of the research participants and their perceptions of using technology-based legal services to address their civil legal matters. Table 2 reflects the themes that emerged during this study and how commonly they were expressed by the research participants. At times, the responses to some interview questions covered more than one subresearch question. Following Table 2, I have included a section and related table discussing and clarifying each of the five emergent themes.

Table 2*Themes Derived From the Data Analysis of Interview Responses*

Theme	Number of participants	Percentage
Determination	10	90%
No other choice	10	100%
Willingness to learn	10	90%
Trust in institutions	10	90%
I would do it again	10	100%

Determination

The first theme of “Determination” came up regularly during the interviews. Often, research participants stated that they would not have made it through the processes of using technology-based legal resources to represent if they would not have been determined to do so from the very beginning. At other times the theme emerged within participants’ reflections of going back to the court or a resource over and over until they got it right. Data related to this theme emerged in responses to interview questions 1, 2, 3, 4, 5, and 7. The responses also included information that helped answer the main research question and sub-questions 4 and 5. All but one of the research participants responded with answers to the interview questions that clearly supported this theme. I considered that response as a possible outlier or discrepant case. When I reviewed all of the participant’s responses, I concluded that the theme of Determination may be reasonably inferred from their statements overall but was not implied strongly enough to categorize their responses within the theme. That said, I concluded their statements were not

sufficiently outside the theme to categorize them as a discrepant case. Table 3 contains representative data from the respondents.

Table 3*Determination*

Response	Observation	Perception
RP 1: “so, it affects you personally, you have to keep going through it, you have to because it’s so important. yeah, it hurts a lot you know, but you still, still press my way through it.”	Understood that she had to do it herself or it was not going to get done and her commitment to her family member only made her more determined to navigate the system.	Referred to her faith often. Always did so in ways that described how it made her stronger.
RP4: “I was determined. I was very much determined.”	Recognized her shortcomings and took notes so she would not forget. Her mother recently passed, and she was still navigating being alone.	The participant was courageous and in control of her emotions.
RP 5: “Well, reality setting in is missing something that needs to be done. I can’t let it lie. That was my self-determination.”	Positive outlook on the process of using technology-based legal services. Self-starter, resourceful.	Refused to quit or let her age and technology barriers stand in her way. Conceptual framework-TAM- referred to herself as not being defined by her demographics and refusing to be intimidated by tech resources.
RP 6: “Well, as we know, I was very determined, there was nothing that was going to stop me from doing what I had to do, you know, I was extremely worried and stressed out. And I was nervous that I wasn’t going to do everything I needed to do to make this. But I was so determined I managed to do it.”	Reluctant to be in this position but not willing to let her challenges overtake her goal to take care of her siblings. Nervous and brave.	One of several examples right out of the gate where I see the strong ties of family firsthand.
RP 8: “No. I guess because I was determined to get my son because he’s walking around, you know, I’m determined to get my son.”	Ongoing for an extended time. Lack of basic resources on many levels.	Commitment challenged by lack of access to healthcare, transportation, and stable housing.

I carefully reviewed the transcripts of the interviews and my field notes and observed that the participants were aware that their actions and efforts were critical to the success of their outcomes. All the participants made statements reflecting that they had to overcome personal challenges related to emotions or lack of personal and technological skills. The theme of Determination emerged early and seemed simple or obvious in nature but remained consistent throughout the interviews and data analysis.

No Other Choice

The theme of “No Other Choice” emerged from interview questions 1, 3, 4, 7 and 9. It also generated data that addressed the main research question and sub-questions 1,2, 4, and 5. Throughout the interviews, participants indicated that they were facing what they viewed as a binary choice of hiring a lawyer or doing it themselves. This theme was unanimous among the research participants. Half of the participants indicated they would rather have had a lawyer and explored that possibility while others were resigned to the fact that that was not even a consideration. The financial burden of paying an attorney was uniformly cited. One participant approached a prosecutor, a licensed attorney, and was given some help deciphering the legal vernacular. Table 4 contains examples of participants’ reflections on this emergent theme.

Table 4*No Other Choice*

Response	Perception	Observation
RP 5: “And so that’s why we went on to try and do it ourselves. One, because we, you know, we have the Will from my grandmother. So that’s why we were thinking, you know, with the Will already, maybe it was simple enough. Just put the information in, and fire. So that’s how we started there. Yes, and doing it alone, was we really weren’t thinking in terms of, you know, paying any money for it.”	Whole family worked together. No one had the funds to hire an estate attorney.	Referred to her faith often. Always did so in ways that described how it made her stronger.
RP 6: “Like, I had other people helping me, you know, friends of friends and stuff. I had kind of knowledge but, you know, like, not understanding the questions and stuff like that, like, I had to ask someone for help, because I wasn’t going to not do it.”	Guardianship of 2 minor siblings. Difficult legal processes for attorneys. Worked hard- very expensive to hire a lawyer do minor guardianships.	She had lost both parents and still had the fortitude to take this on. No other choice-she was not going to let them go to foster care system.
RP 8: “I didn’t have no lawyer. Yesterday, I felt helpless. Wow. And to be in a situation like that.”	Transportation was a big problem. She was sick a lot during the process. Church was helpful.	She was challenged by basic needs- housing, healthcare, transportation. Community resources were critical to her daily life
RP 9: “You just gotta agree to do it. It was stressful.”	Had a warrant out for him in another county for a traffic violation and went into court for his young daughter despite the fact he may be arrested there. Inspiring acts but sad.	Difficulty reading and unstable internet and phone.

Willingness to Learn

The theme of “Willingness to Learn” emerged from participant responses to interview questions 1, 2, 3, 4, and 9 which also provided data to answer the main research question and sub-questions 1, 2, 3, and 6. Early on this theme began to form into categories that included innovative, creative, resourceful, and information gathering. At some point, I began to realize that these categories contained experiences and processes that were not part of the participants’ everyday lives and often were sparked by words they had heard of or read about. For instance, RP 4 spoke of the importance of “communication skills” but explained that she did not really have those skills, nor did she really know what they were. Rather, she had heard the term in the past and wanted to learn about it because it would likely be helpful to her. RP 3 emphasized that she routinely ‘googled’ the meaning of words that she did not understand. As noted in Table 5, these types of comments coupled with the timelines that were implicit in the interviews pointed to a Willingness to Learn that was both a necessary and purposeful part of the essence of participants’ experiences.

Table 5*Willingness to Learn*

Response	Perception	Observation
RP 2: "Yeah, it was pretty, pretty self-explanatory and then the clerk that we had, she was good. You know, they explained to you, that they're not attorneys, and they really don't like to do it. But I asked a gazillion questions. So, and then a lot of times, it's, you know, how you talk to people. So, they were helpful. So, I had already kind of done the research that I Googled, and, you know, and get some information online.	There are a lot of resources already in place. These resources can be very helpful. Technology skills are not a main barrier and people have ways to navigate these such as help from a family members and institutions such as libraries and agency workers.	Very proud of her work and resourcefulness. She communicated that she is used to gathering information online by herself.
RP 4: "So, then I go to that group and tell them what that building told me to do this. And then to come over here to do this. And they'd be like, okay, well, now you got to do ABCD, you know, and then I will write that down. And then I'll go back across the street and tell them like, okay, now they told me to do this. Basically communicate, you know, communication skills and understanding what, what they say, and writing everything down. And this reminds me to be organized, because I carry the book bag like a briefcase, where everything of my important paperwork that I might need it while in their office versus have to come back."	A positive dimension to doing something as complicated as utilizing technology-based legal services seems to be personal growth and independence for the individual doing the work.	Excited to share her experience. Talked about her new job and other things positive in her life.
RP 5: "Absolutely. I mean, you know, the electronic stuff is really, it helped me to get my perspective on it, it helps me to learn, I never mind learning something new and I don't mind putting forth some effort to get it done."	Individuals who have utilized technology-based legal resources may very well be one of the best resources to advise how to improve on them.	Had several comments on how technology-based legal resources and other technology-based services might be improved for the user.

Overall, I was somewhat surprised by the participants' abilities to access their own strengths and weaknesses and how these concepts were fluid during their experiences of using technology-based legal services. It appeared from the data analysis that understanding the essence of the participants' experiences required the researcher to consider their comments and recollections within the context of where they were in the process of representing themselves when they felt a certain way or were discouraged for instance.

Trust in Institutions

The theme of "Trust in Institutions" came from responses to interview questions 1, 2, 6, and 7 and helped answer the main research question as well as sub-questions 1 and 5. This theme appeared in response to the question that asked how research participants accessed technology-based legal resources and the questions asking to share how they felt personally during the experience. This theme began to emerge immediately, but I did not see it as a theme about institutions. Part of the reason it emerged so quickly was that the interview question that prompted the emergence of the theme was the first one asked. Nine out of 10 participants stated that, at some point, they went to the "court" to ask about how they could represent themselves in their civil legal cases. I thought of their references to the "court" as more of a legal resource as it often is. Later, RP 8 explained how her "church" had tirelessly assisted her with technology-based legal services and other participants had consulted with their "caseworkers," "college staff," and "family." It was apparent that many of the participants had consulted and sought support from several places that were perceived by them as potential resources and

support. It became clear that institutions including, religion, family, education, the courts, and government agencies played important roles at different times and in different ways in how the research participants experienced the use of technology-based legal services.

Table 6 offers an overview of Trust in Institutions.

Table 6*Trust in Institutions*

Response	Perception	Observation
RP 6: Yeah, I just went to the probate court. And I was like, hey, you know, I need guardianship for these, you know, kids or whatnot. And they gave me some of the forms. There are a couple that I needed to get off of online. But they told me where to get that.	Introduced the idea of hybrid approaches where some items provided, and others could not be.	Very determined and persistent. Busy.
RP 8: "I didn't know what I didn't know. Because what I asked of people that I thought knew anything about what I was crying about? They really didn't let me know. Why. I don't know. I can tell you try to try to go downtown to the courthouse and go from there."	It is apparent that community partnerships where technology-based and other resources are widely known are important to have in place and communicating to each other.	Sad at times but resilient. Wanted to talk and tell her story. Thankful for the time I spent with her. Emphasized importance of helping others.
RP 10: "Basically night in the evening, sir searching websites, searching to show what would be connected to the situation. Yeah, because I was a former student, their student ID and I could get on their computers. And the problem the basic problem was finding correct websites, they didn't want to charge you to help. You have to scroll through it, filter out what of applies to you. Basically, well here are courses over there. Oh, well, I tended a few years ago, and I could stay on the computer every day."	Went back to his college where he was still able to go to the library and use computers as an alumnus. Great resource. Interesting- institutions seemed to be defined by RP 10 as places where they "didn't want to charge you to help."	Sued a housing provider. Homeless at time of interview. Lack of healthcare. Polite and generous with his time. Has helped others access technology-based legal resources.

I Would Do It Again

The theme of “I Would Do It Again” emerged from participants’ responses to interview question 6 and was helpful to answer the main research question, sub-question 5, and sub-question 6. Interview question 6 asked the participants whether they would use technology-based legal resources again and why or why not. The participants were unanimous in answering yes although several added that they would rather have a lawyer and two of the participants clearly had outcomes to their cases that did not go in their favor. In all instances, the lack of attorney representation and the failure of their legal claims clearly did not rise to the level of being a barrier to using technology-based legal services in the future. Table 7 is representative of the theme I Would Do It Again.

Table 7*I Would Do It Again*

Response	Perception	Observation
RP 1: "I would do that because when it's someone that you love and you want to take care of to the best of your ability, yeah, I would try to do what I could do for sure."	Difficult legal case to bring to the courts. She refuses to even consider not acting in her husband's behalf. Institution of marriage.	She stated that "helping each other" is really what it is all about. Very convincing and a good role model for all stakeholders in this issue.
RP 3: "Oh, yes, I already have. Okay. I've done a couple of divorces with custody."	She has helped others use technology-based legal resources. Limited- <i>unlicensed</i> legal professional?	Uses the library to research legal topics and technology-based legal resources.
RP 5: "I would say yes. And to give you an example, you know, the Flint water thing, a lot of it is online. I enjoy some technology. And that's why I said, for me, for myself, I enjoy the ability to be able to learn something new, you know, to discover a new way to do things. Kids amaze me to know in these days of what they're able to do with the system. Yes. I would follow the process again."	She is using some of the learning and skills required to represent herself in civil court using technology-based legal resources to file her claim in the Flint Water Settlement.	She is older-overcame some technology skills barriers- great attitude. Barrier became a benefit.
RP 7: "I got to live in my house. Nobody took it from me. I feel like my case worked out amazingly. And, I feel like everybody involved in my case, did the best they could and then it worked out amazingly. The only reason that it was scary is because you're dealing with your house and when anytime we're dealing with your home, so you're always just scared to death of worst-case scenario. I mean, don't get me wrong, I love our court system. I love every everybody that does everything in the court system."	Everybody won here. The staff at the court really helped and encouraged him to keep going.	A lot of goodwill from this individual's experience. It all worked the way it was supposed to.

The reasons the participants provided for stating they would use technology-based legal services again included good outcomes, the critical nature of their issue such as child custody, housing, care of a loved one, and the opportunity to have a voice in their legal matter. RP 3 and RP 10 suggested that they have helped others identify their legal matter and utilize technology-based legal services to represent themselves which was reminiscent of the “limited-license legal professionals” discussed in the literature section of this paper. RP 7, RP 3, and RP 2 indicated that their experiences helped them develop new skills that would give them more confidence and direction were they to need to use technology-based legal services again. RP 5 explained that the skills she developed using technology-based legal resources have been valuable to her efforts utilizing other technology-based resources.

One of the research participants indicated they had used the skills they developed while representing themselves to help others with their civil cases. This was a discrepant case because the participant indicated they had charged a fee for providing the assistance. Although several participants indicated they had helped others with their efforts to use technology-based legal resources, only one indicated a monetary exchange occurred in that process.

Trustworthiness of the Study

According to Patton (2002), there is not a universal prescription that describes the range of emotions, cognitive stances, and other reactions that a qualitative researcher might experience when interviewing people and interpreting their experiences and problems. He explains that qualitative inquiry where “the human being is the instrument

of data collection, requires that the investigator carefully reflect on, deal with, and report potential sources of bias and error” (p. 51). He encouraged the researcher to find an “empathetic neutrality” or “middle ground” between becoming completely detached and overly involved with their subjects (p. 50). Patton (2002) suggested that becoming too involved with the research participant might cloud the judgement of the researcher while becoming too distant could reduce the researcher’s ability to make accurate judgements or interpretations (p. 50). Creswell (2013) suggested that the researcher should “bracket” his or her personal biases or preconceptions and “decide how and in what way his or her personal understandings will be introduced into the study (p. 83). This section will discuss the research strategies, decisions, and processes to support the trustworthiness of the study. I will discuss the credibility, confirmability, dependability, and transferability of the study.

Credibility

In efforts to ensure credibility, I clearly offered each participant the opportunity to decline their participation in the study in writing and then verbally before the interviews commenced. I did the same in disclosing the nature of the study, that there were no wrong or right answers, and that they could unilaterally stop the interview at any time or refuse to answer any interview question or follow-up question. I repeated that their identities and the data collected would remain confidential and securely stored. I utilized member checking which involved listening to and reviewing the recordings and transcripts of the interviews and associated field notes to make sure the data accurately reflected the

statements of the research participants and the researcher's associated notes. Following the member checking processes, I made a few minor changes to the transcripts.

Dependability

I addressed dependability in the study by discussing the processes and strategies employed in the study in sufficient detail that future readers and researchers can follow and duplicate the processes. I have provided within the study a thorough description and discussion of the research design and research methods utilized to carry out the design. I have incorporated a complete description of the data collection and analysis and the use of the main research question as well as bracketed subresearch questions that guided the process.

While interacting with the research participants, I employed open-ended questions wherever possible and carefully reviewed their responses to clarify and support accuracy of results. Finally, I have safely stored the associated transcripts, files, recordings, and notes as promised.

Conformability

In my efforts to ensure confirmability, I checked and reviewed the data throughout the process of the study. I listened to all the recordings and read associated transcripts multiple times. I used bracketing in my efforts to always separate my personal biases and opinions from the responses of the research participants from the interview invitations process to the collection and analysis of the data. I regularly referred to the recordings themselves if any tension or questionable interpretation was suspected. Finally, I identified and discussed discrepant cases.

Transferability

Transferability is often used in scholarly research to describe the ability to generalize the results of a study to other disciplines, contexts, or environments. Qualitative research does not employ these types of generalizations. Transferability in qualitative research infers those connections that exist between the individual research participants in a specific study and the components of the study itself. I am the only researcher who participated in this study, and I made every effort to ensure that the methods I used in the study were consistent. The interpretations of the data are my own and do not include input or opinions outside my own. I used the following data sources and collection methods in this study: previous studies and associated literature, interviews, my field notes, my perceptions and observations of research participants, and the uniform interview guide to ensure a consistent semi-structured interview process. All four of these qualitative methods contributed to the trustworthiness of this study.

Summary

The results of this study were presented by research question and bracketed sub-questions that helped guide the study. The results were also presented in the themes that emerged during the data collection and analysis process. All the results were gathered from interviews of the research participants and the researcher's perceptions and observations. This chapter also provided descriptions of the research participants, data collection and data analysis processes, support for trustworthiness of the study, and the findings of the study. The evaluation strategies used in the study included reviewing for

alignment with the research question, bracketing of the sub-questions and personal biases or opinions, manual coding of data, and a review and description of discrepant cases.

The initial presentation of results was guided by the main research question and sub-questions. Early categories and potential themes as well as the final five themes emerged from the initial codes. In sum, the study indicates that the barriers faced by individuals in Flint, Michigan who use technology-based legal resources to address their civil legal matters are outweighed by the benefits of doing so. The results suggested that the social theory technology acceptance model was relevant to the study. The research participants all spoke of their predispositions for or against using technology-based legal resources as well as related skills they possessed or did not possess that hindered or helped them to do so. One participant stated that the process tested the limits of her technology skills; she hoped policy makers would remember to “keep it as simple as possible.” In all cases, including those of participants who had little or no technology skills, participants worked around barriers related to the use of technology. The other social theory used to provide the bounds and background for this study was democratic policy design: social construction of target populations. All participants were asked at some point in different settings whether they did or did not have a lawyer. The answer to that question came up in different ways at different points in the interviews. Some of the participants indicated that the lack of legal counsel only made them more determined to help themselves while others felt alone or overwhelmed by that distinction at times. It was not addressed as a theme because distinction was a prerequisite to participation. One democratic policy design is social construction of target populations, which is a theory

that policies that are designed to help a particular population can also burden them with a distinction that is not helpful at all. In this case, the distinction is “without a lawyer.” The theory remained relevant throughout the study and served its purpose of bounding and providing background to the lived experiences the study was designed to explore.

Participants expressed challenges and occasional discouragement in the process of using technology-based legal resources yet were all very supportive of them being made available to them. First, in several of the responses, participants stated that they felt personally empowered and determined by the opportunity to go into court and represent themselves. As discussed in the literature, that opportunity has always existed under the U.S. Constitution, but online legal resources, court forms, self-help websites, and the cooperation of the courts and staff have, according to every participant, made that constitutional right different, more available, and more exercisable in this day and time.

The theme of No Other Choice and the theme of Willingness to Learn reflected the hard choices and difficult decisions that are often faced by individuals trying to navigate the court system using technology-based legal resources. The participants’ responses around these two themes indicated the presence of motivating and value-laden judgements involving their loved ones or critical needs such as housing and other personal challenges. Ultimately, their judgements and decisions lead them to a viable solution to help address their civil legal issues. Along with the theme of Determination, these themes triangulated what became apparent in the data analysis and was identified as a path forward. That is not to say there were not personal emotional, logistic, and process challenges also involved. The fourth theme, Trust in Institutions, indicated that in a time

of need, the participants all leaned on existing institutions including marriage, family, the courts, agencies and organizations, and educational resources. The theme, I Would Do It Again, reflected the unanimous view that the participants' lived experiences, good and challenging, have not discouraged or convinced them they would not use technology-based legal resources to represent themselves again. The themes Trust in Institutions, I Would Do It Again, and A Willingness to Learn, represent a strong coalition of ideas; the results indicate that existing institutions and a willing population may provide a strong foundation for targeted policy discussions and collaboration to address the access to justice gap in America.

The results of my study reveal more than what I have discussed above. A further discussion and interpretation of the results as they relate to the literature reviewed and the conceptual framework is contained in Chapter 5. Chapter 5 contains a discussion of those barriers and benefits of using technology-based legal resources that are consistent with what is found in the existing literature. Limitations of the study, recommendations for further study, my experience as researcher, and implications for social change are also part of Chapter 5. Finally, Chapter 5 includes highlights of all five chapters.

Chapter 5: Discussion, Conclusions, and Recommendations

I explored the lived experiences of individuals who utilized technology-based legal resources to help them address civil legal issues by asking the following research question: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? The purpose of my study was to explore and better understand how citizens experience technology-based legal resources that are the products of numerous legislative, commercial, and administrative efforts and that are intended to address the justice gap. The study was designed to add new information on the topic and encourage positive social change. According to Grela (2022), applying technology-based self-help solutions to dispute resolution in civil cases is proving advantageous for all involved because the processes have produced substantial gains in “convenience and cost reductions” (p. 38). I hoped that the findings from my study would increase access to justice and encourage participation by all citizens who desire to access the courts but are unable to obtain legal counsel by traditional means.

To explore the problem, I conducted a qualitative phenomenological study to describe the experiences of individuals who utilized technology-based resources to help them represent themselves in civil cases in Flint, Michigan. I used open-ended interview questions to conduct in-depth semistructured interviews with 10 participants. All participants were 18 years of age or older; were citizens of Flint, Michigan; and had accessed and used technology-based legal resources to represent themselves in civil matters before the courts. A single research question helped guide the study. A set of six

SRQs were used to enhance tracking between the research question and interview questions.

I chose Husserl's transcendental phenomenology as the conceptual framework. The purpose of the conceptual framework is to enhance and direct efforts to increase the objectivity of the study. I used two social theories to provide the background for this study, while at the same time I isolated or bracketed them from the study. The first theory was democratic policy design SCTP, and the second was the TAM. The two theories provided a foundation for the study and a background that helped me explain the outcomes including whether technology-based legal resources are an effective tool to shrink the justice gap and improve outcomes for targeted populations and to identify some of the actions that may improve the ways these resources are applied to the problem.

Chapter 5 contains an interpretation of the findings of the study and how they answered the research question and SRQs. This chapter also includes a discussion of how the conceptual framework relates to the findings along with a discussion of the limitations of the study. Chapter 5 also provides a comparison of how the interpretation of the findings of the study relate to the results of the literature review in Chapter 2. In addition, Chapter 5 provides an examination of implications for social change, recommendations for action, and recommendations for further research. Chapter 5 concludes with a discussion of my experiences and reflections on conducting the study.

Interpretation of Findings and Support for the Conceptual Framework

The results of this study provide a wide-ranging and insightful overview of the experiences of individuals utilizing technology-based legal resources in civil legal cases. In this section, I review the findings of the study and how they relate to the research question and SRQs. Along with the review of the findings, I compare the findings with the results of the literature review to determine whether the results are supported by other studies. In Chapter 1, I provided a discussion of the conceptual framework that was expanded within the literature review and again in Chapter 3. Chapter 5 includes a discussion of the results as they relate to the conceptual framework.

Research Question

What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues? As documented in the findings, individuals choose to use technology-based legal services in many cases because they have no other choice. Not only that, but the data indicated that, without exception, the participants would do it again. According to the findings, the feeling of having no other choice is often driven by the nature of participants' civil law cases and the potential hardships that could occur if they are unsuccessful in the courts. Civil cases often include the potential loss of critical needs such as housing, public benefits, transportation, employment, and personal issues such as safety from domestic violence or guardianship of a loved one who has lost capacity to care for themselves. In that context, according to the findings, deciding to use any services, technology based or other, is often a foregone conclusion. One of the participants explained that she took care of her family the best she

could and then, in a single day, something happened and “it was just a lot more complicated in what you had to do in order to take care of your loved one.” The participants often spoke of the commonplace nature of their issues: Someone died, lost a job, developed a substance abuse problem, became ill, or lived in a house that was being sold so they had to leave. Several of the participants were impacted by the death, institutionalization, or illness of a loved one. As discussed in the literature review, these events are commonplace and often involve the courts at some point but can impact individuals and families differently depending on their resources (Headworth & Ossei-Owusu, 2017).

Among the themes that emerged from the data analysis were determination, willingness to learn, and trust in institutions. It occurred to me as I reviewed the data that those themes could develop in almost any demographic, group, or location where people are faced with challenges that impact them in a profound manner. Current participants expressed the idea that determination to access the technology-based legal services, complete the procedural aspects of their cases, and attend court was imperative to their success. For some of the participants, that meant getting help from friends or family to access the internet or print documents. For others, that meant doing things that were, up to that point, outside their comfort zone or known abilities. As noted by one participant who had recently lost her mother, “after my mom passed away, I had to really write everything down. Otherwise, it’ll slip my mind. Or I forget. Yeah.” Situations that participants were thrust into often left them experiencing feelings of being overwhelmed, alone, always thinking of the worst-case scenario, and lost. However, there were aspects

of the use of technology-based legal resources that seemed to get easier as participants kept working on them. One of the participants referenced a time when she felt “lonely” as she was trying to write a legal brief. She added that the judge in her case kept encouraging her and directing her to make the necessary corrections. She said the following:

My brief at the end? Yeah. Okay. I can't remember what they call it. But yeah, when I got to the end of the very end that I kept messing it up the very end. And he made me do it like three times before I got it right. Oh, yeah, I figured it out.

Another participant explained that she sat and answered all questions on the court form while her daughter typed her responses into the document online. I was often impressed by the resourcefulness, resilience, and courage of the participants.

Most participants developed relationships with court employees, especially the clerks who often gave them all the help they were allowed to within the rules that govern the practice of law. Participants went to their families, churches, educators, and courts trusting they would get help or direction. The essence of the experiences of the participants included gathering strength and direction from institutions that they had not needed before or that required them to seek help. In addition, participants expressed the theme of Willingness to Learn not only when using technology-based legal services but also when incorporating other resources that they perceived as helpful in navigating the civil legal system on their own. The idea of not having a lawyer to deal with complex legal matters and trying to be one's own lawyer without the requisite education were the contexts faced by the study's participants. Yet, their experiences seemed to indicate the

presence of an ongoing collaboration with elements of the legal system. This collaboration may be in its early stages of development, but it may be foundational when considering the lived experiences of those who have experienced the phenomenon. In my study, I identified collaborative forces that became the themes in the data analysis process: determination, no other choice or something that must be done, a willingness to learn, trust in institutions, and what seems to be a growing population who would do it again. These dynamic forces and the ways in which the participants experienced them were presented in the data used to answer the research question and SRQs.

SRQ1

In what manner did you initially experience technology-based legal services? Initially, half of the research participants immediately went to the local court building itself seeking direction or documents that were necessary to begin the process of representing themselves. That was often a learning process within the greater goal because the court itself has different courts and clerks' offices within it as well as some county records and the prosecutor's offices. There are metal detectors, protocols for cell phones and items in purses and bags, and entry checkpoints with sheriff's staff which became even more complicated during the pandemic when masks were often required, or entry was not allowed at all. At some point, all the participants went to the court for guidance or to file documents with the clerks and eventually to attend a hearing in some cases. Even the participants who accessed information on their own devices or received help from family and friends to complete forms or chatted with an online legal resource spoke highly of the help they received in the courts. If anything, the data revealed that

having a self-help-center or a space where pro-bono attorneys or navigators could assist in the way the clerks often did and having that resource within the courts themselves seems a logical outcome of this sub-question. One of the research participants stated early on that going in the court basically made him uncomfortable even though he had not done anything wrong. By the time his case was settled, he expressed that he “loved our court system.” I often observed what I would define as a sort of goodwill that developed between the courts and the research participants as they shared their insights and perceptions.

SRQ2

What effects do access to computers, tablets, mobile devices, and the internet have on pro se litigants and their ability to utilize technology-based legal resources? This question reminded me the literature review where I discussed research methods used in the literature. The review of the literature indicated that inquiries into technological delivery of legal services and the access-to-justice problem had been primarily of a quantitative or empirical nature rather than qualitative or mixed methods nature. The literature yielded few studies that focused on inductive or qualitative approaches. Empirical studies emerge from the legal field since the legal profession, public courts, law schools, and the like are ripe with numerical or statistical data. At the same time, recent studies suggested a gap in the literature related to the experiences of the people in need of legal help who are represented in the data.

The literature often pointed out that pro se litigants had consistently poorer outcomes while also indicating that the legal field, like other professions, is undergoing

changes because of the continuing impacts of technology-based innovations, many of which are seen as the best ways to address the justice gap. Participants in the current study possessed diverse technology skill levels from little to none to college level skill sets. Participants also had a wide range of access to the internet from none to higher quality stable service. Findings indicated that limited access or lack of access to computers, tablets, and the internet was a problem that participants were used to solving. Whether it was family, friends, court clerks, or the local library, participants found a way to do so in every case. The point that was raised in my mind in this SRQ and in SRQ3 was that mitigating this barrier would not seem difficult and would require basic infrastructure and supporting public policy.

SRQ3

What impact do technology skills and familiarity have on pro se litigants' ability to access technology-based legal help? I was mindful of TAM and the conceptual framework of the study while reviewing responses to SRQ3. One participant saw technology as a "foreign language," and others were quite comfortable with it. The results indicated that every participant saw the value of technology and technology-based legal services and overcame whatever barriers that may have presented. Participants had no other choice and were willing to learn.

Typing, going online, searching, and chatting were among the challenges participants referred to as having impacted them during their use of technology-based legal services. In the context of TAM, no participant indicated a predisposition to the usefulness of technology. TAM focuses on why certain individuals and populations hold

beliefs about the adoption and use of technology-based resources and technology. Some of the current participants stated that they lacked sufficient skills to access the technology-based resources they needed but that they had no question that doing so was necessary to address their civil legal issue. That distinction is important and represents the themes no other choice and determination. TAM helped me understand that the participants were determined and had their legal issues and importance in mind as they navigated access to and developed necessary skills to use technology-based legal services. That is not to say TAM is not relevant, only that it did not adequately describe what was going on with participants. Figure 1 in the literature review portrays a reconceptualization of TAM, which focuses on user's motivation to use a system.

SRQ4

How do pro se litigants perceive the instructions, legal vernacular, level of complexity, and processes of interacting with technology-based legal services? Interview Question 5 was designed to inform SQR4 and asked each participant to comment on the following: Once you accessed the online legal resource, explain whether you had difficulties understanding or following the instructions and accessing assistance with any questions you had regarding the process. In the literature review, Susskind and Susskind (2015) defined professions as occupations occupied by people such as teachers, lawyers, and doctors who possess experience, skills, and knowledge that are not possessed by those they help. Some of the current participants said they Googled words for meanings all the time, and others stated they asked court clerks or family and friends if they understood legal terms or procedural instructions. RP5 suggested the court “needed to

have a Zoom now to Zoom, I'm sorry, a webinar, to address these questions.” RP5 claimed “I don't mind putting forth some effort to get it done. But don't make it so difficult.”

The results of this sub-question raise interesting considerations. Can the experience of using technology-based legal services be made better using plain language as it is often referred to in the legal field? Does changing the language or simplifying instructions or procedures impact the duty of the courts and the legal profession to administer and carry out the law? This study only reaches the borders of those types of questions, but it does indicate that the research participants have a “willingness to learn” and a “determination” to work within the system as it grows and adapts to the needs of those who are impacted by the justice gap.

SRQ5

How do pro se litigants view the impact of technology-based legal help upon them personally? Among the responses to this question, participants use words including: antsy, disappointed, bumpy, and, scared. Among the phrases that stood out were: I believe it was fair, unfortunately, life isn't fair, and, I think they should give us pieces to help. In general, the responses to the interview questions related to sub-question 5 were varied and, at times, signaled to me that some of them may be discrepant cases. But, as I began to commit to the emerging themes accuracy, I saw that a participant who was discouraged or disappointed at one time during their experiences of using technology-based legal services said later that they enjoy the ability to be able to learn something new, you know, to discover a new way to do things. Upon review of the changes in how

participants felt impacted personally at different times in their experiences, themes such as Determination and Willingness to Learn were also present.

The conceptual framework and SCTP came up during my reviews of this sub-question. Schneider et al (2013), emphasized that SCTP can provide a foundation for effective processes that help individuals, policymakers, and other stakeholders begin to understand public policy in a way that can benefit all citizens. They concluded that an understanding of the social constructions embedded in policies represents an integral part of the leading edge of efforts for positive social change. The various targeted populations that are intended to benefit by utilizing technology-based legal services are composed of diverse and often marginal groups and individuals. Imagine a situation where individuals, such as the participants of this study, go through the personal dilemmas and dynamics that change over the period they used technology-based legal services but, in the end, they can represent themselves successfully. SCTP points out the importance of social constructions such as “without a lawyer,” or “unrepresented,” or “not tech savvy,” or “clogging up the courts,” that may be used to describe pro se individuals. SCTP includes the idea that targeted populations who receive the benefits of public policy efforts such as technology-based legal services, may later be identified as the population or group that substantiates the reasons for new policies. As discussed in the literature review, value-laden judgments that shape today’s political discourse and drive policy makers to identify target populations for allocation of benefits of new legislation are often challenged by future policy makers. Future policy makers are routinely called upon to amend past

policies by imposing time frames, work requirements, or other qualifications because the beneficiaries of the earlier policies are later identified as greedy, lazy, or unproductive.

SRQ6

How do pro se litigants perceive the impact of technology-based legal help upon outcomes in their civil cases? Out of the 10 participants, seven indicated they had a good outcome to their cases. One indicated she had a semi-sufficient resolution of her civil legal case and two indicated the process failed to produce the outcome they had hoped for. RP 10 stated he was still struggling with his poor outcome but tries to be positive and help others. In all cases, the results showed that the participants would do it again.

Although not a theme, the concept of opportunity, or chance, to do something to represent themselves in the legal system were often coded terms. The data along these lines inform the sub-question and the central research question as well. Terms such as opportunity are implicit in our legal system as discussed in the literature (The Common Law and Civil Law, 2020). In the end, outcomes that were less than the best for the research participants were tempered by the opportunity they were given by accessing technology-based legal resources.

Limitations of the Study

The first limitation of the study was that most of the participants came to the study by referral rather than from the local public library where kiosks are located for the specific purpose of accessing online legal services or by reaching out to individuals onsite at the civil courts within the city. This was due to the public health emergencies and related closures or limited access to these sites that resulted from the COVID-19

pandemic. The main branch of the Flint Public Library was agreeable to posting my flyers inviting qualified individuals to participate but was, at one point, closed for weeks on end due to the pandemic and ongoing remodeling of the building. The local Disability Network agreed to post the flyers but were closed to clients because of the pandemic for several extended periods. The courts did post my flyers as agreed, but were also closed to walk-in traffic, conducting hearings by Zoom, or accepting limited in-person access to the buildings at different times during the months I was conducting my study. I asked participants to give flyers to people they knew and to refer me to others they knew who might consider participating in the study. It is important to note that reconsiderations of my study plan due to the ongoing pandemic were disclosed in my IRB application.

Second, I chose not to conduct my interviews face-to-face as planned in my research proposal for many of the same reasons related to the pandemic that I discussed above. The college campus that includes the library and associated conference rooms near my office in Flint converted to online classes for most of the period I was conducting the study. I worked remotely other than a few trips into the court for special hearings or to my office for supplies. I was not able to schedule interviews conveniently and safely, so I conducted all the interviews remotely using Zoom. It is possible that observations were limited, and I am aware of some of the social dynamics that may be altered or limited in a remote setting as opposed to in-person contact. As discussed in Chapter 3 and Chapter 4, I addressed these issues early and made the decision that I would duplicate the interviews as consistently and uniformly as possible rather than trying to adjust to the changing logistics due to public health directives and safety

concerns. In the end, I believe the interviews were conducted in as uniformly and consistently a manner as I could in the circumstances.

Implications for Social Change

This study explored the lived experiences of individuals who accessed and utilized technology-based legal resources to represent themselves in civil legal cases in the city of Flint, Michigan. This project is important to the field of public policy and administration because the issues that are decided in civil courts and the policies and laws that affect those outcomes can impact a wide range of related public agencies, benefits, and programs as well as the stability of individual lives, families, and the communities in which they reside. This study has produced outcomes that may help lead to changes in the civil court system to increase accessibility. If that data is effectively communicated, it may be applied in practical and skillful ways to encourage positive social change. Attitudes that may persist within professional or public policy circles that do not recognize or address access to justice issues might be challenged to act or learn from the research. In these contexts, our society, communities, the legal profession, and individuals could be impacted in ways that may bring about the kinds of changes a scholar-practitioner might hope for in proposing a project or study.

As discussed in the literature review, America's civil legal system is undergoing several significant changes. According to Susskind (2016), among the influences driving the ongoing reshaping of the justice system are an increasing demand for services from individuals who lack the means to pay traditional legal fees, a loosening of the laws that govern the practice of law, and utilization of information technology and the internet

which he concluded has and will continue to be disruptive to traditional legal practices and systems. The results of this study are relevant to the changing landscape within the civil legal system because they offer a description of the lived experiences of individuals who have participated in the civil legal system in deeply personal and important ways. Participants in this study have experienced the use of technology-based legal resources in their state at a particular time and their reflections and perceptions may be used to direct better public policy, technological innovation, and further commitments to individuals who are part of the justice gap. All their experiences were different in some ways but alike in many ways as reflected by the common themes that emerged which may inform the way stakeholders address the access to justice problem in America and influence positive social change.

Recommendations for Action

Based on the results of this study, I have three recommendations for public officials, the legal community, public policy makers, and other stakeholders. First, be aware that there are already several initiatives and institutions in place that are positive forces to address America's access to justice problem. The study showed that pro se litigants who participated in this study unanimously went to the courts for direction and guidance, and in most cases, received generous and informed assistance within the limits of what could be provided under the law. Locating resources in the courts themselves takes advantage of the goodwill and institutional integrity that may appear latent in some circles but, from the results of this study, is alive and well. Research participants spoke openly of how well they were treated by clerks, court employees, and judges. The study

also showed that family, friends, librarians, educators, and caseworkers were often approached for assistance and were willing and able to provide it. The prevalence of court forms such as those available at the Michigan Supreme Court Administrative Office and local courts' websites, the ability to access online services like Michigan Legal Help that included chat capabilities, and the work that has gone into making those forms and the accompanying instructions understandable are invaluable resource in Michigan communities. These things are working so they should be maintained. A question that may emerge is whether other types of navigators can be trained to assist in these matters. Second, participants in the study expressed a willingness to learn and a determination to engage in and carry out their constitutional right to represent themselves. Willing participants in the evolving phenomenon of using technology-based legal resources to represent themselves are a critical part of making administrative and policy platforms and innovations work. Make them as available and accessible as possible while maintaining the letter of the law. Finally, the conceptual framework used in this study was enlightening. TAM provided a lens that is commonly utilized in studies that examine the use of or objection to the utility of technology-based resources in general. I fully expected to see resistance to the use of technology in certain demographics or other identifiers but what emerged in the study was an interesting relationship between the critical nature of the civil matters that participants were facing, a decision that they had no other choice but to use the resources, and a determination to overcome technology barriers, real or perceived. In this context, I would recommend that all the stakeholders stay with ongoing efforts to address the civil justice gap which, in my view, includes

speaking up and resisting the types of social constructions explained under SCTP and widely discussed in this paper. A constitutional right to representation, as it now is and has been discussed in the literature review in Chapter 2, underlies this entire discussion.

Recommendations for Further Research

Following a review of the results of this study and a review of the literature related to the use of technology-based legal resources and the barriers and benefits that present in the lived experiences of individuals who use them, I make the following recommendations for further research. In this study, I recognized gaps in the literature including a lack of qualitative studies on the topic of technology-based legal resources and the experiences of those who use them. Taylor-Poppe and Rachlinski (2016) concluded that although researchers and policymakers who investigate the access to justice problem will find readily available empirical data on the topic, examining the issue is a more complex process that poses several analytical challenges. They found that the empirical research in the literature supports the conclusion that civil litigants who are represented by lawyers have better outcomes. However, the problem is clouded by a variety of influences including the disparity of abilities and skills among lawyers; social, geographic; physical barriers that affect outcomes and communication; and diverse abilities and education levels among pro se civil litigants. I would recommend future research that continues to explore lived experiences and helps policymakers and administrators who are responsible for the delivery of technology-based legal services identify and address barriers one by one. I would also suggest research that can help identify what types of skills and training are necessary to equip non-lawyer navigators

with the necessary abilities to assist pro se litigants and where and how those services can be delivered. Finally, I would recommend a study on the cost and benefits aspects of the first two recommendations to quantify what appears to be not only a human toll but also a societal burden for failing to address the access to justice issue.

Researcher's Experience

Overall, this study was a positive and insightful experience for me. As a practicing attorney, I am somewhat used to research and interviewing people. That said, this experience was very different because I endeavored to put my pre-conceptions and biases in the background and hear the lived experiences of the individuals I was interviewing. Generally, I always try to listen to clients and others who I live with or work with, but this was different and provided me with some valuable insights about people as well as myself. It was good for me to work at and be able to let other voices inform the questions that formed the basis of this study. At first, coding and interpreting the interviews was challenging to me but it became easier. When the first themes emerged, I had coded and categorized the data and reviewed it so much that I felt confident the themes were correct. In addition, the themes were not necessarily what I expected. As I noted in the literature review, there was a gap when it came to the lived experiences of individuals who use technology-based legal services. I think that as I worked on bracketing my pre-conceptions, I realized that I held a fair amount of quantifiable or empirical information on the topic in my own mind. The responses and insights provided by the research participants were immediately recognizable to me as

different and invaluable. I am grateful for that experience and the trust and openness exhibited toward me by all the participants.

Conclusion

The purpose of this study was to explore and better understand how citizens experienced technology-based legal resources which are some of the ways that administrators and policymakers are using to address the justice gap. The justice gap in America's civil court system has a long and well-documented history. At the same time, the legal profession itself has undergone numerous transformations to the way traditional legal services have been marketed and provided. It occurred to me as I read the literature for this study how stunning the impact of technology has been on modern life in so many ways. I am old enough to remember that some of my neighbors and family members at one time did not have televisions. I was thinking the other day about when my wife and I had CB radios in our cars and could talk to each other on the way home from work. Later, I bought our family's first computer and I recall some families didn't have them when my daughter was in grade school. We really could not afford it and bought it using a credit card. Now, years later, I have watched the legal profession change in amazing and almost uncountable ways mostly due to technology-based applications. This month, my offices are switching case management systems and the new system has texting, scheduling, and numerous functions I have yet to learn. I have even heard the idea of artificial intelligence mentioned in that context.

Susskind (2016) asserted that there will be more change to the legal profession and the justice system in the coming few decades than has taken place in it over the past

few centuries. I agree with her assessment. That said, Kunkel and Bryant (2022) cited the dramatic changes related to remote Zoom hearings that were implemented by courts across the United States as a reaction to the pandemic. They referenced results of a survey that suggested that while remote hearings were more user-friendly than in-person hearings, courts grappled with challenges related to staff training and concerns that a lack of close interactions between judges and litigants may impact the proceedings in ways yet to be understood. Understanding America's civil justice gap and the ways technology is being used by citizens and the civil courts is central to understanding and evaluating the kinds of social change and public policy required to overcome the pervasive and serious justice gap. My study filled a gap in the literature in that it was qualitative and not the more common quantitative measurements of satisfaction with the legal system. As I think about my first computer or that my wife and I now talk on cellphones or that I attended court and represented clients by Zoom for over two years during the pandemic, the experiences of technology use and changes in the legal system are real and personal to me. Changes are happening now as related by the stories of the research participants about what happened to them. As a conclusion to this research, I find that its resulting themes of Determination, No Other Choice, Willingness to Learn, Trust in Institutions, and I Would Do It Again, speak very highly of the participants as well as the depth to which technology is a necessary and important of their lives. I encourage future researchers on the topic to find more stories to be told so that public policy makers and administrators can target resources to the needs of those who are impacted by the justice gap. Perhaps technology innovators will answer the needs of people interacting with it in

the American legal world. It has been a privilege to have this opportunity for research and I will end with a quote from one of the first interviews I conducted; “Yes, that’s what it’s all about, isn’t it? Mike? It’s about helping one another. Yeah.”

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Appendix A: Interview Guide

Technology-based civil legal services are online platforms that are intended to provide individuals who cannot afford or are otherwise unable to retain legal representation.

RQ: I: What are the lived experiences of individuals who choose to utilize technology-based legal resources to address their civil legal issues:

IQ1: How and where did you access online legal services?

IQ2: Did you need assistance to access the services?

IQ3: How were you affected by your efforts to access legal services using technology-based platforms?

IQ4: What technology skills were required to access legal services and how did you utilize your skills or overcome skill barriers?

IQ5: Once you accessed the online legal resource, explain whether or not you had difficulties understanding or following the instructions and accessing assistance with any questions you had regarding the process.

IQ6: Would you use technology-based legal services again and why or why not?

IQ7: Could you talk about any incidents or occurrences that happened during this process that encouraged or discouraged you to continue or discontinue your efforts to represent yourself in court using online legal services?

IQ8: If so, how did these incidents or occurrences make you feel?

IQ9: Can you give any examples of how you felt personally during this process?

IQ10: Do you feel as though your case had an outcome that was sufficient to resolve your legal problem?

Appendix B: Data Analysis, Coding, Emerging Themes Review

Analyzing the data collected from the interview transcriptions and field notes began with a reflective process. First, I organized the transcriptions by each research participant, carefully reviewed them for transcribing errors, and formatted each participant document to a Word document to reflect their individual responses to each interview question and follow ups. I then associated each document with any field notes relating to a particular participant generally or an individual's response to a question. Next, I highlighted the interviewer's questions and comments in order to separate them from the data formed by the participants' words. Once I reviewed the interviews, separated the words of the participants, organized the field notes, and stored each file in a private digital folder, I was then able to refer to the collated documents by RP1 through RP10 from that point on. I cleaned up any references to individuals and stored the collated documents as securely as promised. I also generated anonymous print copies of each interview so I could read and reread each in different settings. When reading the print copies, I kept them in my possession and did not leave them unattended. When I was not handling or reviewing them, I stored the print and digital copies in my locked office file cabinet and digitally on a password protected computer. From there, I began to immerse myself in all the interviews seeking clarity, familiarity, and the early emergence of identifiable categories and themes.

Although the process of moving from coded units to specific categories and themes began with careful reflection and mental analysis, the second phase of data analysis was a more systematic process. The second phase of the data analysis was where

my familiarity with the interviews increased, and solid categories and themes emerged. In this context, my reflections on the participants' responses to the interview questions and my growing familiarity with how the responses related with the research question and sub-questions allowed me to systematically move the data analysis forward. The coded units were assembled into higher knowledge representations including categories and themes.

Bracketing

As discussed in Chapter 3, I utilized "bracketing" as a fundamental element of the data collection and analysis process from the earliest stages of the study. I utilized "bracketing" processes to isolate my own biases or predispositions from the study and to ensure I heard and communicated the voices of the research participants in a way that reflected their own experiences with technology-based legal services.

Manual Data Coding

The third phase of data analysis involved manually coding the interviews. I prepared for the coding of each research participant's interview by listening to the interviews and then transcribing the audio files into verbatim textual files that could be safely stored and reviewed. The transcriptions were accomplished by uploading the audio files to my private, password-protected, online account at Otter ai. The transcriptions were reviewed for any obvious mistakes and stored safely in Word documents. I found very few mistakes and the ones I did find were simple and obvious mispronunciations or proper name spelling errors. I also verified any potential mistakes in transcription by listening to the related audio files again. I compared my fieldnotes to the finished

transcriptions to ensure consistency and accuracy and attached each set of field notes to the related textual transcription document.

I began the coding process by reading the transcriptions several times. I let the research question and sub-questions guide my initial reviews of the transcripts. I drafted a document that color highlighted and organized all research participant's answers to interview questions under the research question and associated sub-question so I could see all the answers to each interview question in one place and search for emerging themes and concepts. I drafted another document containing key words, insights, comments, and statements that were responsive to the research question, sub-questions, and associated interview questions. As themes began to develop and emerge, I copied responses that suggested categories or themes into another document and organized them by emerging preliminary category or theme. Color highlighting that associated an answer to a particular question and research participant remained in place throughout the process.

The fourth step involved reading and reviewing the documents I had prepared to identify recurring keywords, concepts, phrases, and ideas that could be clustered into more substantial emerging patterns, categories, and themes. As I reviewed the answers to the interview question, I organized the data into common ideas that were recurring but not overlapping. Finally, in the fifth step, I carefully examined the emergent themes for substantive meaning and began to identify the actual themes in the data. During that process, I could, at times, step away from bracketing and identify causal relationships and deeply consider the lived experiences participants had described. I examined the essence of those experiences and how it was impacted by the phenomenon of utilizing

technology-based legal resources as well as how those experiences related to the research question and sub-questions.

In the final step of the data analysis process, I documented a thorough explanation of how the emerging themes and results of the study were related and how the results aligned with and related back to the conceptual framework and the literature review in Chapter 2.