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Witnessed From the Justice Bus: Covid Drove Equal Justice Off the Road, But Technology Grabbed the Wheel and Is Steering Us Into the Future

Jude Schmit

Rachel Albertson

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WITNESSED FROM THE JUSTICE BUS: COVID DROVE EQUAL JUSTICE OFF THE ROAD, BUT TECHNOLOGY GRABBED THE WHEEL AND IS STEERING US INTO THE FUTURE

Jude Schmit and Rachel Albertson †

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I. INTRODUCTION

Thirty feet above the marble entrance to the Supreme Court looms the Great American Promise: “Equal Justice Under Law.”¹ Chiseled by hand before the building was completed in 1935, the bold pledge—though etched in stone—remains distant and unfulfilled in neighborhoods just a few

† Jude Schmit has been with Legal Aid Service of Northeastern Minnesota (“LASNEM”) since 2017. He practices primarily out of the Duluth office with a focus on housing law. Rachel Albertson has been with LASNEM since 2005 and is currently the Development and Communications Manager who oversaw the implementation of the Justice Bus and Legal Kiosk initiatives. The Authors thank Emily Burrows, Tiffany Doherty-Schooler, and Dori Rapaport for their contributions and input. The Authors would also like to thank all their colleagues at LASNEM whose daily pursuit of equal access to justice provided the inspiration for this Article.

¹ *The West Pediment Information Sheet*, OFF. OF THE CURATOR, SUP. CT. OF THE U.S., https://www.supremecourt.gov/about/WestPediment8-10-2009_Final.pdf [<https://perma.cc/NRM2-HWPE>].

miles away.² Burdened with poverty and a lack of resources—access to technology and easy transportation, first and foremost—the less fortunate have long found equal justice mostly out of reach.³

COVID-19 has only increased the problem, isolating needy Americans in their most desperate time.⁴ Yet as you drive into any rural area of America, you find that the virus also revealed what has already proven to be one of the great equalizers of our age: technology. It's making a profound difference and traveling across America makes that clear.

Drive beyond the D.C. suburbs and history shows the grand promise is also not kept for rural Virginians.⁵ Taking time off work, paying for babysitters, finding someone to care for an elderly person in your charge, often needing to travel considerable distance, minimal internet access, lower education levels, unfamiliarity with the legal process, and a lack of other resources—including money and knowing people in the system—all weigh

² *Id.*

³ See Hannah Denham, *Many D.C. Communities Lack the Tools to Connect Online, But That's Slowly Changing*, WASH. BUS. J. (Dec. 17, 2021, 5:00 AM), <https://www.bizjournals.com/washington/news/2021/12/17/dc-digital-divide-wilderness-technology-alliance.html> [<https://perma.cc/V89K-WK6F>] (discussing the efforts to bridge the digital divide between the haves and have-nots in Washington, D.C.); *Performance Oversight of the Department of Employment Services' Office of Unemployment Services, Hearing Before the Comm. on Lab. and Workforce Dev.* (D.C. Council 2022) (joint statement of Jen Jenkins, Pol'y Advoc., Legal Aid Soc'y of the D.C., Drake Hagner, Supervising Att'y, Legal Aid Soc'y of D.C., and Tonya Love, Program Dir. and Att'y, Claimant Advoc. Program) available at <https://www.legalaiddc.org/wp-content/uploads/2022/02/Testimony-before-the-Committee-on-Labor-Workforce-Development-regarding-the-DOES-Jen-Jenkins-Drake-Hagner-Tonya-Love-1.pdf> [<https://perma.cc/FXX4-F2WF>] (acknowledging more than sixty-five percent of residents in the poorest D.C. wards do not have high-speed internet access, but eighty-five percent of the most affluent residents have access. Moreover, low-income internet users are significantly more likely to access the internet somewhere other than at home).

⁴ See Memorandum on Restoring the Department of Justice's Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable, 2021 DAILY COMP. PRES. DOC. (May 18, 2021); ACCESS TO JUSTICE IN THE AGE OF COVID-19, WHITE HOUSE (Sept. 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/10/White-House-Legal-Aid-Interagency-Roundtable-Report.pdf>. [<https://perma.cc/8KYE-PGPZ>] [hereinafter ACCESS TO JUSTICE REPORT].

⁵ *Indicators of Broadband Need*, NTIA ARCGIS ONLINE, <https://broadbandusa.maps.arcgis.com/apps/webappviewer/index.html?id=e2b4907376b548f892672ef6afbc0da5> [<https://perma.cc/WAU5-T9RZ>] [hereinafter *Indicators of Broadband Need*] (displaying a digital map with key indicators of broadband needs across the country; the rural Virginian counties bordering the D.C. suburbs show a dearth of households with internet access); see also Emily A. Vogels, *Some Digital Divides Persist Between Rural, Urban, and Suburban America*, PEW RSCH. CTR. (Aug. 19, 2021), <https://www.pewresearch.org/fact-tank/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america/> [<https://perma.cc/2J5G-SZMX>] (recognizing that roughly seven-in-ten rural Americans say they have a broadband access at home but that, despite this adoption, are still less likely than those living in suburban areas to report having home broadband).

more heavily on people seeking equal justice in rural areas.⁶

Although advocates for access to justice helped level the pavement across the country, not enough time and too much distance have a huge impact on staffs with limited resources and a growing population needing legal assistance. The more time clients spend on the road, the more burdensome the experience. The more time advocates and lawyers spend on the road, the fewer clients they can help. In rural America, the expanse exacerbates the problem, and COVID-19 has made that isolation all the more troublesome.⁷

This Article spotlights Legal Aid Service of Northeastern Minnesota's ("LASNEM") response to the access-to-justice crisis in the age of COVID-19. The first part briefly summarizes the civil justice gap, focusing on potholes littering LASNEM's roads. The second part discusses the initiatives adopted by LASNEM since the pandemic struck, including the Justice Bus, Legal Kiosks, and the partnerships made with the courts and community partners to participate in eviction-diversion pilots. In short, this Article argues that bridging the access-to-justice gap in rural Minnesota requires a multidimensional approach utilizing technology as the vehicle.

II. GAP IN THE ROAD: NO RIGHT OF ACCESS IN RURAL AMERICA AND THE NORTHLAND

The justice gap—a shorthand to describe the deficiencies in meeting the need for legal assistance among low-income Americans—has been a protracted and insurmountable obstacle long before COVID-19 swept

⁶ See Michele Statz, Hon. Robert Friday & Jon Bredeson, *"They Had Access, But They Didn't Get Justice": Why Prevailing Access to Justice Initiatives Fail Rural Americans*, 28 GEO. J. ON POVERTY L. & POL'Y 321 (2021) (providing an in-depth look at the various barriers, at the micro and macro level, facing low-income rural residents in Northeastern Minnesota and Northwestern Wisconsin); Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 489, 497–502 (2014) (examining the complexities of access-to-justice issues in the rural context and calling on the legal community to forge partnerships with nonprofits and community institutions to foster a more robust concept of justice); Susan Drisko Zago, *Riding Circuit: Bringing the Law to Those Who Need It*, 12 FLA. A&M U. L. REV. 1, 14–15 (2016) (analyzing the intersecting barriers indigent litigants face when trying to access the civil justice system); Ann M. Eisenberg, *Distributive Justice and Rural America*, 61 B.C. L. REV. 189, 224 (2020) (discussing inadequate access to resources in rural communities, including school funding, broadband internet, and healthcare).

⁷ There is not a consensus among governments, courts, and social scientists when defining "rural." The varying definitions carry strengths and weaknesses. This Article adopts a more workable definition based on "an inchoate concept of rurality, the general idea of sparsely populated areas, including small towns, and associated culture aspects." See Lisa R. Pruitt, *Latina/os, Locality, and Law in the Rural South*, 12 HARV. LATINO L. REV. 135, 136 n.2 (2009).

across the country.⁸ According to the World Justice Project, the United States is 126th out of 139 countries in terms of access to and affordability of civil justice.⁹ The likes of Afghanistan and Venezuela rank higher.¹⁰ To call this anything but a crisis would be an understatement.

A closer look at the numbers is a sobering reminder of how far we must still go. According to the most recent Legal Services Corporation's ("LSC")¹¹ Justice Gap Report, nearly 10 million rural residents have family incomes 125% below the federal poverty line.¹² In the prior year, 75% of rural households experienced at least one civil legal problem, while 23% faced six or more problems.¹³ A mere 22% of those surveyed reached out for legal help, and, perhaps the most alarming, 86% received no or inadequate help for their legal problems.¹⁴ The staggering numbers from this report have since prompted LSC to enact the Rural Justice Task Force.¹⁵ Launched in December 2021, the Task Force is directed to address the barriers exacerbating the justice gap in rural America, including geographic isolation, lack of access to broadband and other technology, and a shortage of available attorneys.¹⁶

LASNEM is all too familiar with the barricades facing the Task Force.¹⁷ The vast geography of LASNEM's service area is 27,683 square miles

⁸ See Larry Spain, *The Opportunities and Challenges of Providing Equal Access to Justice in Rural Communities*, 28 WM. MITCHELL L. REV. 367 (2001); Lisa R. Pruitt, Amanda L. Kool, Lauren Sudeall, Michele Statz, Danielle M. Conway & Hannah Haksgaard, *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL'Y REV. 15 (2018).

⁹ *WJP Rule of Law Index, Civil Justice—People Can Access and Afford Civil Justice*, WORLD JUST. PROJECT, <https://worldjusticeproject.org/rule-of-law-index/factors/2021/United%20States/Civil%20Justice> [https://perma.cc/SJ2M-F9QW].

¹⁰ *Id.* Afghanistan ranks 118th and Venezuela ranks 116th out of 139 countries. *Id.*

¹¹ *About LSC*, LEGAL SERVS. CORP., <https://www.lsc.gov/about-lsc> [https://perma.cc/9ESQ-Y7L6]. LSC is an independent nonprofit established by Congress to provide financial support for civil legal aid to low-income Americans. *Id.* The Corporation currently provides funding to 132 independent nonprofit legal aid programs, including LASNEM. *Id.*

¹² LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* (2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> [https://perma.cc/E6FA-H5PG]. 125% is the income threshold to qualify for legal assistance when utilizing funds through LSC. *Id.*

¹³ *Id.* at 48 (indicating that common civil legal problems for rural households include health, consumer and finance, and employment).

¹⁴ *Id.*

¹⁵ *Rural Justice Task Force: Background*, LEGAL SERVS. CORP., <https://www.lsc.gov/initiatives/lsc-task-forces/rural-justice-task-force> [https://perma.cc/6D5E-YAKL].

¹⁶ *Id.*

¹⁷ See JON BREDESON & MICHELE STATZ, "NOT A LEGAL ISSUE" A REPORT ON COMMUNITY LEGAL NEED (2019), *NORTHLAND ACCESS TO JUST.*, <https://www.northlandproject.org/assessments-and-reports> [https://perma.cc/J7XP-PNZQ].

encompassing eleven counties in the Minnesota Arrowhead and east-central regions of the state.¹⁸ This expanse, which exceeds that of ten states, is covered by five staffed offices.¹⁹ The geographic isolation and low-population density stretch LASNEM thin as a result of excessive time spent traveling to meet with clients, attend hearings, and staff outreach events.²⁰ In October 2019, LASNEM expanded its services to help fill this gap by establishing a Private Attorney Involvement Program.²¹ While this is a step in the right direction, the shortage of attorneys (let alone those able to volunteer) is a growing problem in the Northland.²²

Adequate technology is a scarcity across much of LASNEM's territory.²³ Broadband access, which is often seen as the silver bullet to resolve the digital divide, has been in such dire straits in Minnesota that the last two governors established task forces to tackle the problem.²⁴ Yet despite these efforts, 157,000 households in rural Minnesota remain underserved.²⁵

(surveying 142 low-income residents in the LASNEM coverage area, finding many of the participants were unfamiliar with LASNEM, did not have access to technology, reliable transportation, and that the legal resources provided were prohibitively difficult to access let alone understand).

¹⁸ *Offices*, LEGAL AID SERVS. NE. MINN., <https://lasnem.org/offices/> [<https://perma.cc/KCM8-L95M>]. The counties include Aitken, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Pine, and St. Louis. The Arrowhead Region is named for its pointed shape and has loosely defined boundaries including seven of LASNEM's eleven counties (excluding Cass, Crow Wing, Kanabec, and Pine counties). For the purposes of this Article, "the Northland" is used to describe LASNEM's service area. *Id.*
¹⁹ *Id.* LASNEM has offices in Brainerd, Duluth, Grand Rapids, Pine City, and Virginia; see *State Area Measurements and Internal Point Coordinates*, U.S. CENSUS BUREAU, <https://www.census.gov/geographies/reference-files/2010/geo/state-area.html> [<https://perma.cc/6JCB-IJDY>]. The largest of the ten states, West Virginia, has 24,038 square miles of land area to LASNEM's 27,368. *Id.*

²⁰ LEGAL AID SERVS. NE. MINN., *supra* note 18 (internal data in Authors' possession) (showing staff employees traveled 30,583 miles in 2019 to attend hearings and outreach events). The standard mileage rates for the use of a car will be fifty-eight cents per mile driven for business use. I.R.S., NOTICE 2019-02, 2019 STANDARD MILEAGE RATES, at 2 (2018), <https://www.irs.gov/pub/irs-drop/n-19-02.pdf> [<https://perma.cc/3VKG-N5NR>]. Therefore, LASNEM paid out an estimated total of \$17,738 for the mileage employees drove in 2019. *See id.*; LEGAL AID SERVS. NE. MINN., *supra* note 18.

²¹ *New Volunteer Attorney Program at LASNEM*, LEGAL AID SERVS. NE. MINN. (Aug. 22, 2019), <https://lasnem.org/new-volunteer-attorney-program-at-lasnem/> [<https://perma.cc/T2YK-NXEV>].

²² *See* Pruitt et al., *supra* note 8, at 84–89 (discussing the shortage of attorneys and the policy efforts to recruit and retain recent law school graduates to practice in rural areas).

²³ *See* Vogels, *supra* note 5.

²⁴ Jon Bredeson, *Cellular and Broadband Access in the Rural Northland*, NORTHLAND ACCESS TO JUST. (Mar. 19, 2021), <https://www.northlandproject.org/cellularandbroadband> [<https://perma.cc/FP2X-CQA5>] (recounting the task forces created in 2008, 2011, and 2019. Moreover, government and private entities have partnered to create the Minnesota Rural Broadband Coalition).

²⁵ MINN. DEP'T OF EMP. & ECON. DEV., ANNUAL REPORT OF THE GOVERNOR'S TASK FORCE

The gaps in LASNEM's service area are pervasive with huge swaths having no wireline broadband of the minimum to be considered high speed.²⁶ In Pine County, for instance, nearly half of the households do not have the minimum broadband speed.²⁷ Neighboring Pine County are Kanabec and Aitkin Counties, where four out of ten households do not meet the threshold.²⁸ Widening the divide is the poor cellular service in LASNEM communities and lower levels of technology ownership, including computers, smartphones, and tablets.²⁹ The COVID-19 crisis made this discrepancy all the greater, further isolating the needy and further complicating LASNEM's ability to serve them.³⁰ Unbelievably, the pandemic, the great crisis, revealed the great road forward.

III. WHEELS OF JUSTICE: LASNEM HITS THE ROAD WITH TECHNOLOGY IN TOW

Some 550 miles from the nation's capital, equal-justice advocates in the bluegrass state have been turning heads with their Justice Bus—a law clinic on wheels.³¹ Rolling across northern Kentucky, the Justice Bus has become a moving advertisement for the Great American Promise and an epiphany of hope wherever people see it.³² Personal interaction—listening, supporting, advising, and just being there—is a chief charge of every legal assistance professional.³³ The Justice Bus puts emphatic experts on the road

ON BROADBAND 18 (2020), https://mn.gov/deed/assets/2020-bbtf-annual-report_tcm1045-466512.pdf [<https://perma.cc/YL5V-XYAD>] [hereinafter BROADBAND REPORT].

²⁶ *Id.* at 10, 30 (explaining the two-pronged state goal for broadband access). By 2022, the state strives for all Minnesota businesses and homes to have broadband access at a speed of 25/3 Mbps; by 2026, the state's goal is to increase the speeds to 100/20 Mbps. *Id.*; see *Indicators of Broadband Need*, *supra* note 5. Eighteen percent of households in LASNEM's service area do not have access to the internet when dividing the total percentages in the eleven counties. See BROADBAND REPORT, *supra* note 25, at 10; *Indicators of Broadband Need*, *supra* note 5.

²⁷ See BROADBAND REPORT, *supra* note 25, at 30.

²⁸ *Id.* at 31.

²⁹ See Bredeson, *supra* note 24 (suggesting the cellular inequity is revealed by the clusters of towers near larger population centers and proximity to infrastructure such as Interstate 35); Vogels, *supra* note 5 (noting rural adults are less than urban adults to own a computer, smartphone, or tablet); see also *Indicators of Broadband Need*, *supra* note 5. Twelve percent of adults in LASNEM counties do not own a computer, smart phone, and tablet. The averages were calculated by adding the percentages of the eleven LASNEM counties. See Vogels, *supra* note 5.

³⁰ See ACCESS TO JUSTICE REPORT, *supra* note 4.

³¹ Stephanie Francis Ward, *Kentucky Pro Bono Organization Uses Bus as Mobile Legal Aid Clinic*, A.B.A. J. (Dec. 1, 2018), https://www.abajournal.com/magazine/article/kentucky_legal_aid_bluegrass_justice_bus [<https://perma.cc/SRG2-GEZ6>].

³² *Id.*

³³ The justice bus concept is not new—several states across the country have introduced their

where they can provide the human touch that is necessary for human mental health.³⁴

LASNEM's Justice Bus arrived in July 2021 and immediately became a high-profile ally in the fight for equality in the age of COVID-19.³⁵ Almost everywhere it roams, it gets attention.³⁶ Almost everywhere it stops, it elicits questions. People are hungry for legal assistance, and the Justice Bus gives hope that it is within reach. This is truly equal access to civil legal services, bringing justice to people where they live and work.

The Justice Bus is equipped with a meeting area, wheelchair ramp, heating, air conditioning, computer access, WiFi access, and a printer/scanner/copier.³⁷ The internet is provided by two different carriers, allowing the best available connection.³⁸ It is a mobile modern legal aid office.

Since embarking on its journey in July 2021, the LASNEM Justice Bus has traveled over 2,700 miles and attended eighteen community events,

own variation where legal services go directly to the people in need. *See* Pruitt et al., *supra* note 8, at 60–61 (discussing California initiative, One Justice's Justice Bus, efforts to take law students and attorneys into rural areas for short-term legal clinics); *Lawyers Travel to Florida Keys on Justice Bus for Hurricane Clinic*, FLA. BAR FOUND. (Mar. 1, 2019), <https://thefloridabarfoundation.org/lawyers-travel-to-florida-keys-on-justice-bus-for-hurricane-clinic/> [<https://perma.cc/T2CF-L7N5>] (highlighting collaboration with the private bar and non-profits to provide legal services in the aftermath of Hurricane Irma); Phillip W. McCallum, *Have You Given Back? Join the Ranks of Those Who Have*, 73 ALA. LAW. 384 (Nov. 2012) (recognizing Alabama's endeavor to reach its rural populace through their Justice Bus); *Ohio Justice Bus*, OHIO JUST. FOUND., <https://www.ohiojusticefoundation.org/grantees/ohio-justice-bus/> [<https://perma.cc/C5EN-M7QW>] (touting, as its initiative, to provide a traveling venue for legal rights education and technology to Ohioans living in rural or underserved areas while also promoting attorney volunteerism).

³⁴ Maham Hasan, *What All That Touch Deprivation Is Doing to Us*, N.Y. TIMES (Oct. 6, 2020), <https://www.nytimes.com/2020/10/06/style/touch-deprivation-coronavirus.html> [<https://perma.cc/N4PT-PZAE>] (discussing coping measures to combat the mental-health issues that come with social-touch deprivation).

³⁵ *Chief Justice Gildea, AG Ellison Join Legal Services Leaders to Announce Justice Bus Initiative*, LEGAL SERVS. STATE SUPPORT (July 30, 2021), <http://www.mnlegalservices.org/legal-services-in-the-news/2021/7/30/chief-justice-gildea-ag-ellison-join-legal-services-leaders-to-announce-justice-bus-initiative> [<https://perma.cc/9BZK-M5AF>] (identifying the Justice Bus as a part of Reach Justice Minnesota, which is a series of initiative designed to leverage technology and bring lawyers and legal assistance to the meet people in their communities).

³⁶ *Justice Buses*, REACH JUST. MINN., <https://www.reachjustice.org/justice-buses> [<https://perma.cc/5SV3-F6WB>] (describing how Justice Bus is a traveling billboard because it is wrapped in a bright blue color with LASNEM's phone number and website decaled on the side and back, along with the LawHelpMN logo).

³⁷ Interview with Rachel Albertson, Dev. and Commc'ns Manager, Legal Aid Serv. of Ne. Minn., in Brainerd, Minn. (Jan. 7, 2022).

³⁸ *Id.*

even taking part in a parade procession at the Tall Timber Days in Grand Rapids, Minnesota, in its first month of service.³⁹

But the Justice Bus's efforts are far from ceremonial. For example, LASNEM partnered with Second Harvest mobile food pantry and sent the Justice Bus to eight different delivery sites where local residents receive food delivery.⁴⁰ At these events, LASNEM provided consultations with services ranging from helping fill out paperwork on food-service terminations to helping update benefit applications. The advocacy is versatile and far-reaching. At one event, a woman approached the Justice Bus for help with a domestic-violence situation so severe that she was only able to leave her home that day to retrieve food.⁴¹ In one serendipitous moment, she found hope and refuge in the Justice Bus and subsequently took her first steps toward the help she needed—without making a single phone call or leaving a search history on her browser—and without her abuser ever knowing.⁴²

Much of what the Justice Bus provides is as simple as clerical and technological support, such as scanning innumerable documents for benefit applications. There are so many people in need, however, that every day on the road is productive in unpredictable ways: helping a homeless person make a required call to his probation officer, completing an application and scanning three dozen pages of documents for a woman whose Social Security benefits were terminated just the day before, connecting a person with a virtual warrant resolution clinic to avoid arrest.⁴³

The Justice Bus not only brings civil legal service to the people—where they are, in their own communities— but it also provides those in need with a holistic approach to basic survival needs. The COVID-19 pandemic forced people to utilize technology (where it was not previously required) when walking into a government building no longer became an option.⁴⁴ The true impact of the Justice Bus may never be known. People seeing the bright blue crusader rolling through their neighborhood are recognizing more and more that access to legal services is within reach. It is not unusual to see people writing down our phone numbers or giving a thumbs up on a random street corner, and almost every gas station stop becomes a question-and-answer session.⁴⁵ These gestures seemingly illustrate the importance of,

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See *Physical Access Limited, Access to Justice Maintained*, MINN. JUD. BRANCH (Mar. 20, 2020), <https://www.mncourts.gov/About-The-Courts/NewsAndAnnouncements/ItemDetail.aspx?id=1869> [https://perma.cc/N7SG-XLB2] (providing a timeline of halted courthouse operations in the early days of the pandemic).

⁴⁵ Interview with Rachel Albertson, Dev. and Commc'ns Manager, Legal Aid Serv. of Ne. Minn., in Duluth, Minn. (Dec. 08, 2021).

and deep-seated American belief in, the legal system and the right of everyone to pursue Equal Justice Under Law.

IV. THE VIRTUAL HIGHWAY: ZOOM COURTS, KIOSKS, AND EVICTION-DIVERSION PILOTS

Unfortunately, long-distance driving is a way of life in the Northland, and the Justice Bus often travels one hundred miles between destinations, much of it through national forests and along lakeshores where roads dip and rise and wind and schedules are always on edge. So, despite its visibility and the great good it does, the Justice Bus cannot come close to making the impact that technology has achieved during COVID-19. Like a hotrod coming out of nowhere into the rearview mirror, technology has blown by conventional thinking and demanded that we embrace the slipstream if we ever want to arrive at equal justice for all.

A. *New Route: Zoom Courts*

The advent of Zoom calls made a sharp U-turn in how participants view their use of time.⁴⁶ COVID-19 drove us into what appeared to be a dead-end for regular business—until technology created a new route high above the roadblock, and ever since, we have been more productive for it.⁴⁷

Since those first Zoom calls in mid-2020, our ability to navigate technology and increase everyone’s productivity has improved month by month.⁴⁸ People always pressed for time and attention, upon a fair

⁴⁶ Stephanie A. Scharf & Roberta D. Liebenberg, *Practicing Law in the Pandemic and Moving Forward*, 24 A.B.A. IV (2021), <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf> [<https://perma.cc/6HTN-GXLE>].

⁴⁷ Mark Settle, *The Digitally Transformed Workplace: Productivity Paradise or Orwellian Nightmare?*, FORBES (Sept. 14, 2021, 8:53 AM), <https://www.forbes.com/sites/marksettle/2021/09/14/the-digitally-transformed-workplace-productivity-paradise-or-orwellian-nightmare/?sh=6f1ab1d64a63> [<https://perma.cc/NH8D-2UND>] (discussing the widespread belief among business leaders that COVID-19 permanently transformed the modern workplace into “a digital wonderland in which physical presence is no longer required”); Eric Scigliano, *Zoom Court Is Changing How Justice Is Served*, ATLANTIC (Apr. 13, 2021), <https://www.theatlantic.com/magazine/archive/2021/05/can-justice-be-served-on-zoom/618392/> [<https://perma.cc/Y76Y-ZZZY>] (weighing the pros and cons of “virtual” justice and theorizing whether the experiment will be the new normal); *How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations*, PEW CHARITABLE TRS. 3 (Dec. 21, 2021), <https://www.pewtrusts.org/en/research-and-analysis/reports/2021/12/how-courts-embraced-technology-met-the-pandemic-challenge-and-revolutionized-their-operations> [<https://perma.cc/9N7P-2PP5>] [hereinafter *Court Response Report*] (describing in a national study how state courts adopted technology in the first five months of the pandemic).

⁴⁸ See Wendell Jisa, *The Zoom Boom in Law: The Good, the Bad, & the Data*, A.B.A. BUS.

assessment of the facts, mostly concur that the efficiency inherent in Zoom calls has been a “voilà!” moment for the work of law, and all in the system would be wise to continue to evolve this technological advantage that promotes equal access and equal justice.

Some lawyers have a ten-minute walk to the courthouse; others have a ten-minute drive. In rural America, however, it is usually a longer drive and a lot of time spent waiting for every court appearance. A lawyer in St. Louis Park, Minnesota, serving as counsel to a defendant in a court of law in Grand Rapids, Minnesota, would need to spend three hours on the road to make the appearance, and would likely arrive half an hour early to brief with clients. If things go smoothly, the lawyer is back on the road within an hour and, after another three hours, makes it back to the Twin Cities. That is a somewhat extreme example, but a real one, nonetheless. What is more common is an hour drive to and from, with an hour at the courthouse, which is still a considerable investment in time for a single proceeding.

How many needy clients get shoved down the list with so many hours lost on the road? Making court in the Twin Cities may not take six hours, but it is always a time-sensitive hustle, especially for anyone traveling in gridlock. Again, time lost and justice left hanging for far too many people when there is a better way right in front of us. Human interaction is ideal, as much as possible, but not if it means serving fewer people, hearing fewer cases, and providing fewer opportunities to help achieve equal justice.

Spending an hour in big-city traffic or racing across the countryside does eventually achieve human interaction, but it is not a great use of time or money and, in fact, creates an environment where time is irritably scarce, and anxiety is always high. This exercise, at this point more a matter of inertia than necessity, is crucial if in-person testimony is the goal, but if the goal is to provide equal justice under the law, then Zoom hearings are a better use of time and resources going forward. Helping more clients and giving advocates more time to run down the justice they deserve is for the greater good and exactly where we want to be. Thanks to Zoom hearings, we are getting there.

B. Park and Ride: Legal Kiosks

Access to the legal system and the ability to seek justice have become less and less attainable for those with little or no technological means and resources. To help bridge this digital divide—widened by the pandemic and public health crisis—the Minnesota Legal Services Coalition harnessed CARES Act funds to create a statewide network of more than 250 Legal Kiosks.⁴⁹

L. SEC. (Jan. 14, 2022), <https://businesslawtoday.org/2022/01/the-zoom-boom-in-law-the-good-the-bad-the-data/> [https://perma.cc/EF6R-L2V9].

⁴⁹ Elliot Maras, *Minnesota Legal Aid Deploys Self-Service Kiosks to Sustain Services*

Located in a variety of community locations across the state, each kiosk is a tech-ready service center dedicated to those typically outside technology's reach.⁵⁰ LASNEM alone has sixty-five Legal Kiosks at forty-three locations—from Grand Marais on the North Shore to International Falls on the border, from Walker to Pine City, across the Leech Lake Band of Ojibwe Reservation, and at dozens of locations in between.⁵¹

There are two types of Legal Kiosks. One is located in public areas—libraries, city halls, and malls, for example—where people can apply for legal aid services and ascertain legal information.⁵² The other type is located where people require privacy, allowing them to participate in a court hearing or video meeting in addition to accessing services and information.⁵³ Both types were designed to provide a simple and easy platform that anyone can use with no more digital literacy than needed to operate a smartphone.

A stable and reliable internet connection is the engine to every Kiosk's success. This central feature resolves issues seen frequently during court hearings at the beginning of the pandemic, where people would attend on their cell phones, unaware they might have to wait an hour or more to be admitted into their virtual court hearing.⁵⁴ Phone batteries would die, data limits would expire, and people would be knocked off the hearing before they were even admitted.⁵⁵

These minor modern marvels have been used for criminal court hearings, virtual doctor and therapy appointments, virtual job interviews,

Statewide, KIOSK MARKETPLACE (Sept. 22, 2021), <https://www.kioskmarketplace.com/articles/minnesota-legal-aid-deploys-self-service-kiosks-to-sustain-services-statewide/> [https://perma.cc/AWL9-357C].

⁵⁰ *Kiosk Models*, LEGAL KIOSK PROJECT, <https://www.legalkiosk.org/about> [https://perma.cc/3R6V-36ZP].

⁵¹ *Legal Kiosk Locations*, LEGAL KIOSK PROJECT, <https://www.legalkiosk.org/locations> [https://perma.cc/J4VA-JAGF] (clarifying that not all Legal Kiosk locations are listed on the publicly accessible map. Locations serving people with safety issues, for instance, can keep their host-site location private).

⁵² *Kiosk Models - Model A vs. Model B*, LEGAL KIOSK PROJECT, <https://legalkiosk.helpdocs.io/article/kbtjquphql-kiosk-models-model-a-vs-model-b> [https://perma.cc/CQ6Q-ASC4] (explaining the differences between the public-facing Model A Legal Kiosk mounted on a stand and the confidentially placed Model B Legal Kiosk mounted on a desk, which also includes a black and white printer with scan and copy capabilities).

⁵³ *Id.*

⁵⁴ Carol Schiro Greenwald, *Zoom Fatigue Is Real: What It Is and How to Remediate It*, A.B.A. BUS. L. SEC. (Mar. 18, 2021), <https://businesslawtoday.org/2021/03/zoom-fatigue-real-remediate/> [https://perma.cc/XU4E-D8CU] (summarizing the general challenges of Zoom calls, including the psychological overload due to the lack of boundaries and the growing pains that come with any emerging technology).

⁵⁵ *Id.*; see Interview with Ellen Anderson, Staff Attorney, Legal Aid Service of Ne. Minn., in Duluth, Minn. (Jan. 31, 2022) (recounting the various glitches, including dropped calls she and her clients experienced during Zoom hearings throughout the pandemic).

and so much more.⁵⁶ Legal aid staff can schedule virtual meetings with clients at a Legal Kiosk location and—via Zoom functions—take control of the computer to help clients fill out forms or court documents as if both parties were sitting across the desk.⁵⁷ Many of the Kiosks have printers and scanners, allowing clients to print documents at no charge.⁵⁸ Legal Kiosks spare clients the time and trouble of traveling to a courthouse or legal office and give them a new vehicle for pursuing justice with greater convenience in a safe, healthy, and confidential setting.

C. Traffic Jam: Eviction Courts and the Partnership

Housing safety, stability, and preservation have always been prioritized at LASNEM.⁵⁹ Prior to the pandemic, assisting people with their housing rights—whether dealing with a landlord refusing to make a repair or defending an illegal eviction—was already a stop-and-go proposition, where in-person hearings had to seemingly always be squeezed into ever-shrinking housing court calendars.⁶⁰

In an effort to improve productivity and efficiency, LASNEM implemented a Housing Quality program in 2017 and began an Eviction Court Project in Crow Wing County in April 2019.⁶¹ Under this program,

⁵⁶ Lakeland PBS, *Benidji Public Library Adds Legal Kiosk*, YOUTUBE (Mar. 11, 2021), <https://youtu.be/wtonNFYSqqI> [<https://perma.cc/47QN-83J5>] (showcasing where the Zoom function on a kiosk was used for a user to participate in a job interview); *see generally* KIOSK MARKETPLACE, <https://www.kioskmarketplace.com/> [<https://perma.cc/X76Y-J6K8>] (showing the versatile uses of kiosks in restaurants, government, and in healthcare. The uses are as diverse as the industries embracing the kiosks. In an Indiana jail, for example, a kiosk was set up to disperse Narcan to reverse the effects of opioid overdose. Kiosks are also used for everyday business, such as paying bills, taxes, and renewing a driver's license complete with a picture-taking function).

⁵⁷ *See Requesting or Giving Remote Control*, ZOOM (Jan. 26, 2022), <https://support.zoom.us/hc/en-us/articles/201362673-Requesting-or-giving-remote-control> [<https://perma.cc/WPK8-JC5W>].

⁵⁸ LEGAL KIOSK PROJECT, *supra* note 52.

⁵⁹ *LASNEM Newsletters*, LEGAL AID SERV. NE. MINN. (Aug. 2021), <https://lasnem.org/august-2021/> [<https://perma.cc/59KV-ECAR>].

⁶⁰ *See* Interview with Anderson, *supra* note 55.

⁶¹ *See LASNEM Housing Quality*, LAWHELPMN, <https://www.lawhelpmn.org/loon/services/lasnem-housing-quality> [<https://perma.cc/2HSS-M3E2>]; LEGAL AID SERV. NE. MINN., CROW WING COUNTY EVICTION CLINIC 1 (July 29, 2019) (on file with Authors); UTILIZATION-FOCUSED EVALUATION, COMMUNITY DEVELOPMENT AND LEGAL ASSISTANCE: BUILDING PARTNERSHIPS EVALUATION FINDINGS, https://www.mncourts.gov/mncourtsgov/media/scao_library/documents/Community-Development-and-Legal-Assistance-Final-Evaluation-Report.pdf [<https://perma.cc/YA33-FJEJ>] (evaluating LASNEM's Housing Quality program and other legal assistance programs across the state that utilize special community development grants paid out by the Bank of America from a 2014 settlement concerning financial fraud leading up to and during the 2008 financial crisis). Although the grant supporting the Housing Quality program ended in

LASNEM staff would be present at the eviction hearing calendars to process applications and provide advice and representation to those who qualified.⁶² This project was successful only because of the consolidated housing court calendar and the close physical proximity of the Crow Wing Judicial Center to the LASNEM Brainerd office location.⁶³ The LASNEM Duluth office began doing the same project in January 2020 at the St. Louis County Courthouse.⁶⁴ Both projects halted in March 2020 as COVID-19 shut the doors of businesses and government buildings.⁶⁵

On March 23, 2020, Governor Walz issued Emergency Executive Order 20-14 Suspending Evictions and Writs of Recovery During the COVID-19 Peacetime Emergency.⁶⁶ Housing issues did not end during this time, but the world changed.⁶⁷

Beginning on June 30, 2021, the courts regularly began hearing eviction and housing cases as the restrictions of the Emergency Executive Peacetime Orders started to lift.⁶⁸ LASNEM coordinated with the courts, community partners, and providers, and the Eviction-Diversion Pilot project began.⁶⁹ Zoom court hearings have allowed LASNEM staff to be present at each housing court calendar in three Judicial Districts every week

the summer of 2020, LASNEM has modified its housing mission to include habitability cases. Interview with Tiffany Doherty-Schooler, Dir. of Advoc., Legal Aid Serv. of Ne. Minn., in Duluth, Minn. (Jan. 25, 2022).

⁶² Interview with Rachel Albertson, *supra* note 37.

⁶³ LEGAL AID SERV. NE. MINN., *supra* note 61, at 2 (showing LASNEM provided service to seventy-nine percent of the defendants who appeared for their in-person housing court hearings in Crow Wing County).

⁶⁴ See *supra* note 61 and accompanying text.

⁶⁵ See Minn. Exec. Order No. 20-01 (Mar. 13, 2020), https://mn.gov/governor/assets/EO%2020-01_tcm1055-422957.pdf [<https://perma.cc/4F9U-YT85>].

⁶⁶ Minn. Exec. Order No. 20-14 (Mar. 23, 2020), https://mn.gov/governor/assets/EO%2020-14%20Filed_tcm1055-424508.pdf [<https://perma.cc/2RRC-L5ZZ>] (suspending landlords' ability to file eviction actions and preventing landlords from terminating residential leases, with some exceptions).

⁶⁷ See *id.* The executive order permitted landlords to terminate a lease or file an eviction when a tenant "seriously endanger[ed] the safety of other residents" or allowed drugs, prostitution, unlawful use of a firearm, or stolen property on the premises in violation of Minn. Stat. § 504B.171, subdiv. 1. *Id.*; see 85 Fed. Reg. 55292 (Sept. 4, 2020) (issuing an eviction moratorium to help prevent the spread of COVID-19 by making it easier for tenants to abide by stay-at-home orders and quarantine and recover if diagnosed with COVID-19); see generally Andrea Palumbo & Karmen McQuitty, *Tenant Rights in the Era of COVID-19*, 77 BENCH & B. MINN. 36 (May/June 2020) (discussing challenges tenants face that are not addressed by the eviction moratoriums, including the financial strain caused by the continued obligation to pay rent).

⁶⁸ See 2021 Minn. Sess. Law Serv. 1st Sp. Sess. Ch. 8, art. V (H.F. 4) (ending Executive Orders 20-14, 20-73, and 20-79 and replacing each with the eviction moratorium phaseout beginning on June 30, 2021).

⁶⁹ RACHEL ALBERTSON, LEGAL AID SERV. NE. MINN., LASNEM EVICTION-DIVERSION PILOT PROJECT (2021) [hereinafter EVICTION-DIVERSION PILOT REPORT] (on file with Authors).

since July 2021.⁷⁰ Coordinating with other community partners, beginning in August 2021, a team of providers was able to be present to assist people with legal advice or representation, rent-assistance applications, housing and financial counseling, and related stabilizing measures.⁷¹

Technology, specifically Zoom, allowed this coordinated effort to take place. One helpful Zoom tool—breakout rooms—allows parties to move immediately and effortlessly from one virtual room to another, accomplishing more in one day than may have been achieved in a week just a few short years ago. For instance, in one breakout room, a party can complete an application for legal services, move to another room to speak with an attorney, and then move to another room to assist a community partner.⁷²

The process is not new, but the method is. In-person hearings before a judge or referee would often stop short so parties could complete any applications and negotiate prior to reappearing. Although this was understandable and unavoidable before, COVID-19 revealed how much more the courts can accomplish with the help of Zoom.⁷³

From July 14, 2021, to December 14, 2021, LASNEM provided service to 212 people through the Eviction-Diversion Pilot Project.⁷⁴ Of those clients, 58% who were provided legal services had not contacted LASNEM ahead of the hearing, and of those, 35.5% had never applied for legal services with LASNEM prior to this interaction.⁷⁵ Thanks to the Zoom platform, the Eviction-Diversion Program allowed LASNEM to reach a population that would have likely gone without any legal services.⁷⁶ Initial Zoom calls were clumsy, but America learns quickly, and we are now conducting thousands of productive Zoom calls from court every day.⁷⁷ As we continue to become more skilled and comfortable travelers on the virtual highway, we will continue to expand our ability to provide a fairer route for justice.

⁷⁰ Interview with Tiffany Doherty-Schooler, *supra* note 61.

⁷¹ *Id.*

⁷² See Interview with Peter LaCourse, Staff Att’y, Legal Aid Serv. of Ne. Minn., in Duluth, Minn. (Jan. 31, 2022) (discussing the ease of breakout rooms when negotiating with parties); see generally *The Future of Courts, ZOOM*, <https://explore.zoom.us/docs/en-us/future-of-courts.html> [<https://perma.cc/MBM5-T6QG>] (identifying the tools used in the rapid change to virtual courtrooms, specifically, Zoom Rooms, or “breakout rooms”).

⁷³ See Deanna Weniger, *Review Takes Stock of Virtual Court Hearings’ Effectiveness*, GOV’T TECH. (Oct. 25, 2021), <https://www.govtech.com/public-safety/review-takes-stock-of-virtual-court-hearings-effectiveness> [<https://perma.cc/K3EH-WSKQ>].

⁷⁴ EVICTION-DIVERSION PILOT REPORT, *supra* note 69, at 8.

⁷⁵ *Id.*

⁷⁶ *See id.*

⁷⁷ See *Court Response Report*, *supra* note 47, at 5. State courts quickly shifted online within the first months of the pandemic. *Id.* Even states that never conducted a single video hearing for a civil court case prior to the pandemic were averaging thousands of hearings a day. *Id.* Michigan and Texas are two such examples. *Id.* Between April 1 and June 1, 2020, they held more than 35,000 and 122,000 virtual hearings, respectively. *Id.*

V. STILL ON THE ROAD: ARE WE THERE YET?

The twelve-hundred miles between Duluth, Minnesota, and Washington, D.C. are a great reminder that America is a nation with a vast rural expanse, dotted with small towns and county seats and folks living far from the big city and beyond technology's reach. As broadband continues its own sweep across America—albeit slow, cumbersome, and a million miles from adequate—those in rural areas seeking equal justice will find it more and more attainable if we help them harness technology and ramp up onto the virtual highway. Personal interaction will always be integral to how we work with our clients at LASNEM, and the Justice Bus is proof of that. But ultimately, pursuing justice on the road is not a match for how the virtual highway makes life easier, more productive, and fairer for everyone.

In the Northland, the Justice Bus keeps on rolling—advising, inspiring, and alerting the populace to our mission. It has been a great counter to COVID-19's isolation. But what has been the greatest equalizer and harbinger of hope is the technology that is now helping our clients make the most of their time. Zoom calls, Legal Kiosks, and the Eviction Diversion Pilot expedite proceedings and spare our clients loss of work hours, babysitting costs, and parking fees—as well as the anxiety of having to physically go to court. Such efficiencies of time are also enormously beneficial to the legal advocates who are finding in COVID-19's silver lining a way to help more and more clients and achieve more and more equal justice.

The Duluth Courthouse also has a noble promise above its entrance: “The Peoples Laws Define Usages, Ordain Rights and Duties, Secure Public Safety, Defend Liberty, Teach Reverence and Obedience, and Establish Justice.”⁷⁸ Like the land under its charge, the sentiment is expansive and takes a while to get there. But it, too, is etched in stone and is a monumental pledge to all who seek justice. There is no mention of how this ideal is achieved and no discussion of traditional processes. There is only the promise. How we get there is dependent upon every age to take the best route, and in this age, technology is showing us the way.

⁷⁸ *St. Louis County - Duluth Courthouse History*, MINN. JUD. BRANCH, <https://www.mncourts.gov/Find-Courts/Duluth/CourthouseHistory.aspx> [<https://perma.cc/294L-3YJN>].