



The Utah Online Dispute Resolution Platform: A Usability Evaluation and Report

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I. EXECUTIVE SUMMARY

This report contains findings and recommendations from usability testing of the State of Utah’s online dispute resolution (ODR) platform, which was conducted by the Innovation for Justice (i4J) Program at the University of Arizona James E. Rogers College of Law. Utah’s ODR platform is a web-based alternative dispute resolution tool that provides parties in small claims debt collection actions with an opportunity to resolve their cases online. The i4J Program partnered with the Utah Administrative Office of the Courts and the Pew Charitable Trusts to conduct observation-based usability testing and to identify how the Utah ODR platform could be improved or enhanced, with a focus on functionality, usability, accessibility, and comprehension issues.

The research team executed a multi-phase testing process designed to engage the low-income community in the review and redesign of Utah’s ODR platform. The evaluations were conducted in Pima County, Arizona, where the research team is located. All testing involved participants who were screened for demographic characteristics that aligned with national data on non-bank personal loan debtors. Two rounds of observation-based usability testing—the first with the existing, baseline platform and the second with a redesigned prototype—yielded data from a total of sixteen participants. Between baseline platform testing and prototype design and testing, the research team conducted three design workshops with representative users to collect community input on the prototype design. Over the course of this study, the research team worked with thirty-four representative users.

Baseline testing revealed that participants experienced significant difficulties with several components of the ODR process, from the summons to settlement. The testing results and the workshops informed the development of an ODR prototype created in Adobe XD, which was evaluated in a second round of observation-based usability testing. Based on the cumulative findings from all tests and workshops, the research team recommends the following five changes, which will better align the platform to the needs of its users and facilitate a more successful ODR experience:

1. Ease the Transition from Paper to Platform.
2. Streamline the Registration Process.
3. Simplify Document Sharing and Review.
4. Improve ODR Information and Help.
5. Clarify Legal Information and User Options.

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II. THE INNOVATION FOR JUSTICE APPROACH

The Innovation for Justice (i4J) Program designs, builds, and tests disruptive solutions for narrowing the justice gap. Barriers to entry, power imbalances, and flawed processes exclude marginalized populations from effective use of the civil legal system and hinder that system from delivering on the promise of justice for all. As a social justice innovation lab, the i4J Program applies design- and systems-thinking methodologies to launch and evaluate new, replicable strategies for legal empowerment. It produces action-based research and real-world deliverables that support legal service providers and their efforts to bridge the justice gap. The i4J Program recognizes that change does not happen in silos; innovation calls for broad insight, engagement, and support. The i4J Program works across disciplines and with government, private, and community partners to create new models for delivering legal services to marginalized populations. Through community-engaged research, the i4J Program exposes the justice gap; critically assesses the power of technology and innovation to close that gap; and empowers disruptive problem-solvers in the changing world of legal services.

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Mackenzie S. Pish is the i4J Program Manager and has been active in advancing many of its projects. She currently runs its tenant education program, developed the final deliverables for the i4J Program's work on meeting the needs of human trafficking survivors, and helped create the i4J Cost of Eviction Calculator, an advocacy tool that was a finalist at the Georgetown IronTech Lawyer Invitational. Pish received her J.D. from the University of Arizona James E. Rogers College of Law in 2020, where she was a Distinguished Scholar, an editor on the *Arizona Law Review*, and recipient of the S. Thomas Chandler Public Service Award. She received her B.A. in Political Science, *summa cum laude*, from State University of New York, Cortland.

To learn more about the Innovation for Justice Program at University of Arizona Law, please visit law.arizona.edu/i4j.

III. INTRODUCTION

Online dispute resolution (ODR) is a method of alternative dispute resolution that aims to resolve civil disputes using court-annexed, internet-based platforms rather than in-person hearings, mediation, or arbitration. ODR is one of several emerging strategies for narrowing the United States' "justice gap," which is the difference between the incidence of civil legal needs among low-income Americans and the resources available to meet those needs.¹ The following indicators demonstrate the depth and breadth of the access to justice crisis:

- ▶ Forty-seven percent of American households reported that they had dealt with at least one civil legal problem in the past year.²
- ▶ Seventy-one percent of low-income households experienced at least one civil legal problem in the last year.³
- ▶ More than 75% of civil cases filed in state and local courts from 2012 to 2013 involved claims of \$5,200 or less, and were primarily contract disputes (e.g., debt collection, landlord-tenant issues, etc.).⁴
- ▶ In approximately 76% of non-domestic civil cases over the same time period, at least one party (usually the defendant) was self-represented.⁵

Many would-be users of the civil legal system simply do not engage with it. Over the past decade, courts have resolved more than 70% of debt collection lawsuits through default judgments for the plaintiff.⁶ This system failure is attributed in part to the structural barriers that Americans experience when attempting to interface with the civil legal system. To date, the civil legal system has primarily been designed to facilitate in-person appearances, which limit access for those with inflexible work schedules, transportation limitations, medical issues, caregiving demands, or disabilities.

ODR offers a promising, albeit partial, solution to the access deficit by replacing in-person appearances with remote negotiation. Successful ODR platforms have the potential to deliver faster resolution, enhanced engagement with the legal process, fairer outcomes, improved court efficiency, and increased knowledge and exercise of legal rights. In one survey, more than 80% of respondents wanted more online access to local courts, including the ability to ask for guidance from court staff online rather than visit the courthouse.⁷ Optimism that technology can reduce the justice gap, however, overlooks the reality that people affected by poverty must overcome educational, technical, and access hurdles before using digital tools.⁸

¹ See LEGAL SERVS. CORP., THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 6 (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

² Erika Rickard, *Many U.S. Families Faced Civil Legal Issues in 2018*, PEW CHARITABLE TRUSTS (Nov. 19, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/11/19/many-us-families-faced-civil-legal-issues-in-2018>.

³ LEGAL SERVS. CORP., *supra* note 1, at 6.

⁴ PAULA HANNAFORD-AGOR ET AL., NAT'L CTR. FOR STATE COURTS, CIVIL JUSTICE INITIATIVE ii-iiiv (2015), https://www.ncsc.org/__data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf.

⁵ *Id.* at iv.

⁶ PEW CHARITABLE TRUSTS, HOW DEBT COLLECTORS ARE TRANSFORMING THE BUSINESS OF STATE COURTS 2 (May 2020), <https://www.pewtrusts.org/-/media/assets/2020/06/debt-collectors-to-consumers.pdf>.

⁷ NAT'L CTR. FOR STATE COURTS, 2017 STATE OF THE STATE COURTS: SURVEY ANALYSIS 5 (Nov. 15, 2017), https://www.ncsc.org/__data/assets/pdf_file/0012/16131/sosc-2017-survey-analysis.pdf. A majority of the same respondents believed that online court access would have a significant impact. *Id.*

⁸ See generally Tanina Rostain, *Techno-Optimism & Access to the Legal System*, 148 DÆDALUS 93 (Winter 2019) (explaining the barriers to entry that online tools present for low-income users).

One method to assess how well the civil legal system has addressed these obstacles is usability testing. Usability refers to the ease of access or use of a product.⁹ Usability testing is a method of evaluating a product or service by testing it with a target audience and obtaining direct input on how real people use it to complete common tasks. The goal of usability testing is to reveal areas of confusion, uncover opportunities to improve a user interface (UI) and enhance the overall user experience (UX). Broadly speaking, UX is the aggregate of a person’s attitude, emotions, and reactions to using a product, service, or system. According to Nielsen Norman Group, the nation’s leading UX research and consulting firm, “[t]he first requirement for an exemplary user experience is to meet the exact needs of the customer, without fuss or bother.”¹⁰

In the world of product design, usability testing “with the right set of people reduces the risk of building the wrong product; thereby saving time, money and other precious resources.”¹¹ When applied to ODR, usability testing helps court users successfully navigate the digital version of the civil legal system. The traditional civil legal system already has a usability problem: the 70% of debt collection defendants who do not respond to their debt collection lawsuits are essentially would-be “users” who view the brick-and-mortar court as a “product” they face barriers to “consuming.” Court leaders implicitly recognize the role of usability, or lack thereof, in court operations and the need for usability research in emerging ODR initiatives. In its 2016 Call to Action, the Conference of Chief Justices called for improved usability of the civil legal system: “Those who enter the system confront a maze-like process that costs too much and takes too long. . . . Many courts lack any of the user-friendly support we rely on in other sectors.”¹² The Chief Justices’ call instructs courts to “take all necessary steps to increase convenience to litigants by simplifying the court-litigant interface and creating on-demand court assistance services.”¹³ In 2017, the National Center for State Courts recommended that, “to glean the greatest benefit, ODR should be co-designed and rigorously user-tested by the public it seeks to serve. Courts must involve the public as key stakeholder participants.”¹⁴ By engaging these would-be users in the design of ODR, courts can create ODR systems that better meet the needs of the people they exist to serve.

The Utah State Court is an early and intentional adopter of ODR. In September 2018, Utah launched the first version of its ODR platform, designed and built by the Utah Administrative Office of the Courts (AOC), making Utah the first state to create a bespoke ODR platform. According to Associate Justice Constandinos “Deno” Himonas of the Utah Supreme Court, the stated goal for the platform is to improve access to justice. The ODR platform launched in three jurisdictions for use primarily in debt collection lawsuits seeking recovery on defaulted payday loans with an amount in controversy less than \$11,000.¹⁵ Preliminary data from Utah suggest that fewer than twenty lending agencies file the vast majority of the debt collection cases eligible for

⁹ See *Usability*, INTERACTION DESIGN FOUND., <https://www.interaction-design.org/literature/topics/usability>.

¹⁰ Don Norman & Jakob Nielsen, *The Definition of User Experience (UX)*, NIELSEN NORMAN GRP., <https://www.nngroup.com/articles/definition-user-experience>.

¹¹ Quovantis, *Why Is It Important to Do Usability Testing*, UX PLANET (Nov. 6, 2017), <https://uxplanet.org/why-is-it-important-to-do-usability-testing-5080a5640df3>.

¹² CIVIL JUST. IMPROVEMENTS COMM., NAT’L CTR. FOR STATE COURTS, CALL TO ACTION: ACHIEVING CIVIL JUSTICE FOR ALL 2 (2016), <https://iaals.du.edu/sites/default/files/documents/publications/cji-report.pdf>.

¹³ *Id.* at 37.

¹⁴ JOINT TECH. COMM., ODR FOR COURTS: VERSION 2.0, at 29 (Jan. 27, 2019), https://www.ncsc.org/_data/assets/pdf_file/0031/18499/2017-12-18-odr-for-courts-v2-final.pdf.

¹⁵ A complete socio-legal analysis of the Utah ODR landscape appears *infra* at Appendix 8. Some slight inconsistencies exist between the ODR usage data reported in that document and an article by Utah Supreme Court Associate Justice Deno Himonas and Tyler Hubbard. See Hon. Deno G. Himonas & Tyler J. Hubbard, *Democratizing the Rule of Law*, 16 STAN. J. C.R. & C.L. 261 (2020). Those inconsistencies are attributable to differences in the data available when the socio-legal analysis and the article were respectively written.

the ODR pilot. The data also indicate that most defendants in eligible cases are self-represented and disproportionately low-income.

As of 2013, debt collection lawsuits have become the most frequent civil actions in U.S. litigation, representing 24% of filings compared with less than 12% two decades earlier.¹⁶ The high rates of default judgments in debt collection cases lead to supplemental orders including wage garnishment, asset liens, and civil arrest. Defaulted borrowers also often lose their ability to secure housing, credit, and employment.¹⁷ Debt reinforces the wealth gap between white communities and communities of color: 42% of communities of color have debt in collection compared to 26% of white communities,¹⁸ and the rate of default judgments in primarily black neighborhoods is nearly double that of primarily white ones.¹⁹

Although the Utah ODR platform has been functional for small claims disputes since September 2018, neither Utah nor any other jurisdiction using ODR has evaluated litigants' abilities to effectively use the platform or whether ODR is accomplishing its intended goal of increasing access to justice. During the research team's November 2019 site visit to the AOC, court stakeholders reported that the current platform falls short of their user engagement goals for ODR. Emerging data from the Utah courts indicate that, although only twenty-three court users have affirmatively opted out of the ODR platform, a mere 36% of defendants actually log in to join their case.²⁰ According to the same court stakeholders, half of the cases in which both parties join do not reach a case resolution via settlement or voluntary dismissal. In addition, court stakeholders indicated that ODR Facilitators may provide users with a significant amount of technical assistance to guide them through the platform (particularly as they approach settlement), which they suspect masks usability issues with the platform.

Utah anticipates a statewide launch of the ODR platform in late 2020. The purpose of this report is to inform and promote changes to the platform before its wider dissemination. To that end, the research team evaluated the following questions:

1. Are information about and explanations for using the ODR platform—including initial registration, inter-party communication, and communication with assigned ODR Facilitators—available to users, i.e., are they easy to find, understand, and act on?
2. Do design changes to specific components of the ODR platform have an impact on users' behavior? In particular, what impact do changes to the UI design, sequencing of information, or features of the ODR platform have on: a) pathways through the system chosen; b) time to completion of discrete tasks; and c) ability to resolve the underlying dispute?
3. How do ODR users perceive the procedural fairness of the online system, and are there differences in perceptions between different court users, specifically between repeat players and less sophisticated litigants?²¹

¹⁶ PEW CHARITABLE TRUSTS, *supra* note 6, at 8.

¹⁷ PEW CHARITABLE TRUSTS, *supra* note 6, at 16–17.

¹⁸ *Debt in America: An Interactive Map*, URB. INST., https://apps.urban.org/features/debt-interactive-map/?type=overall&variable=pct_debt_collections (last updated Dec. 17, 2019).

¹⁹ Paul Kiel & Annie Waldman, *The Color of Debt*, PROPUBLICA (Oct. 8, 2015), <https://www.propublica.org/article/debt-collection-lawsuits-squeeze-black-neighborhoods> (analyzing five years of court data from St. Louis, Chicago, and Newark).

²⁰ See Himonas & Hubbard, *supra* note 15, at 58.

²¹ This research question could not be completed in time for this version of the report due to the adverse effects of the COVID-19 pandemic on platform use during the study period. The research team plans to conduct this portion of its agenda and produce a supplemental report when conditions in Utah allow.

To address these questions, the research team partnered with the Utah AOC and Pew Charitable Trusts. The research team agreed to evaluate the usability of the existing Utah ODR platform and provide recommendations for improving UX. Usability testing often focuses on the interaction between users and technologies, but the low rates of adoption and successful resolution on the existing Utah ODR platform led the research team to broaden the scope of inquiry to the full experience of Utah defendants in ODR debt collection lawsuits. As such, this study examines UX from receipt of the paper affidavit²² and summons, to registration on the ODR platform, to negotiation in the chat space, to submission of signed documentation, and to conclusion of the ODR process. The research team used several techniques common in the field of UX, including user research, heuristic evaluations, observation-based usability testing, and human-centered design, which puts the needs of the user at the center of the project and actively involves them in the creation and design process.²³

The research team conducted substantial background investigation to inform the design process. The team interviewed Utah AOC personnel, members of the state judiciary, members of Utah’s legal aid community, volunteer ODR platform staff, and potential defendants. These stakeholder interviews, as well as heuristic evaluations through which the research team identified potential vulnerabilities in the existing platform’s UI design, informed the tasks that were evaluated in subsequent usability testing.

This study used what is widely considered the most effective usability evaluation method: observation-based usability testing with the “think-aloud” method, which involves both observing and listening to participants as they attempt to complete typical tasks.²⁴ This method supplies both quantitative data (e.g., number of errors, time-on-task, completion rates, post-task satisfaction) and qualitative data (e.g., participants’ reactions, comments, and body language) about a user’s experience. Often, usability testing is conducted in laboratory settings to reduce the confounding effects of unobserved and observed heterogeneity. For this study, however, the research team conducted usability tests in a less exacting setting, using the participants’ own smartphones. One benefit of this decision was that participants used a device with which they were familiar, providing the research team with more realistic observations of UI interactions. Another major benefit of this approach was the natural overlap of improving the usability of a smartphone-based experience and the stated goal of the ODR platform’s developers: improving access to justice. Approximately 46% of smartphone owners report using that device to access the internet.²⁵ Twenty-five percent of Hispanic/Latinx and Black individuals are smartphone-only internet users, compared about 10% of white individuals.²⁶ Meanwhile, adults in lower-income households are more likely than higher-earning individuals to be smartphone-only internet users.²⁷ In fact, “half of non-broadband users today report that they do not subscribe to home broadband because a monthly subscription is too expensive, while 31% say the cost of a computer is too expensive.”²⁸ According to a 2019 survey, 81% of adults now say they own a smartphone, and nearly half (46%) of smartphone owners report that they primarily use their phone to access the

²² Utah uses the term “affidavit” instead of “complaint” for small claims lawsuits.

²³ For a list of tools that aid in human-centered design, see generally 18F METHODS, <https://methods.18f.gov>.

²⁴ Marta Kristin Larusdottir, *Usability Evaluation in Software Development Practice*, in HUMAN-COMPUTER INTERACTION — INTERACT 2011, at 430 (Pedro Campos et al. eds., 2011).

²⁵ MONICA ANDERSON, PEW RES. CTR., MOBILE TECHNOLOGY AND HOME BROADBAND 2019, at 6 (June 13, 2019), <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019>. (“Smartphone ownership is relatively common among Americans of different economic, educational and racial and ethnic backgrounds,” whereas access to in-home broadband internet is more variant across demographic groups, as “lower-income households are less likely to have broadband access at home.”).

²⁶ *Id.* at 5.

²⁷ *Id.*

²⁸ *Id.* at 4.

internet.²⁹ Further, 17% do not subscribe to broadband internet service at home, meaning they are smartphone-only internet users.³⁰

The research team held in-person, moderated observation-based usability tests utilizing the “think-aloud” method on participants’ own smartphones in two phases. First, on February 18, 2020, the research team conducted a baseline test of the existing Utah ODR platform with participants in Pima County, where the research team is located. Participants were screened to approximate the demographic characteristics of personal loan debtors based on national data. A series of participatory action research (PAR) workshops with low-income Pima County community members on March 3, 2020 followed and generated user-centered design insights about issues identified from the baseline test. The PAR workshops also created opportunities to ideate and co-create potential design solutions. Baseline testing and PAR workshop data informed the development of an Adobe XD prototype redesign for the Utah ODR platform. The research team originally had planned to conduct two rounds of iterative prototype testing with larger participant groups to obtain statistically meaningful quantitative results. Due to the restrictions of COVID-19 social distancing requirements and the Arizona Governor’s stay-at-home orders, however, the prototype instead was tested between April 17 and 19, 2020 in a second round of observation-based usability testing with participants in the households of research team members. On average, the prototype test participants mirrored the demographic characteristics of the baseline test participants. This report’s analysis of the qualitative and quantitative data from this multi-phase testing process informs the research team’s five actionable recommendations for improving the Utah ODR platform’s usability. It also underlies suggestions for future testing and development to create a more accessible online space that meets the needs of all users and facilitates just outcomes.

²⁹ *Id.* at 5.

³⁰ *Id.*

IV. METHODOLOGY

For its study of Utah’s ODR platform, the research team leveraged several common methods in the field of UX. Interviews with end users and stakeholders, as well as heuristic evaluations that identified potential vulnerabilities in the existing platform’s UI design, informed the tasks that were evaluated in observation-based usability testing. PAR workshops with low-income community members generated user-centered design insights about issues identified in the initial usability test, and actively involved potential users in the co-creation of design solutions that resulted in a prototype redesign and evaluation.

A. Observation-Based Usability Testing

The research team conducted two rounds of in-person, moderated observation-based usability testing to evaluate the usability of the existing ODR platform (“the baseline test”) and the redesigned prototype (“the prototype test”). The usability tests followed the “think-aloud” evaluation method, widely considered the most effective usability evaluation method.³¹ The tests involved observing and listening to participants as they attempted a standard set of tasks that a typical user would need to carry out to successfully complete the ODR process. Participants were asked to vocalize their thoughts as they progressed through the tasks, which offered the research team a better understanding of participants’ internal deliberations.

The baseline and prototype tests involved eight participants each, and all participants received \$40 gift cards after testing ended to compensate for their time. In the UX field, small participant samples are the accepted norm; testing with only five typical users generally identifies 80% of usability issues.³² The results from the baseline test produced a benchmark measure of usability against which the prototype and future design changes could be evaluated.

1. Materials and Procedure

The observation-based usability tests simulated the ODR experience from the perspective of a defendant in a Utah small claims debt collection case. Before the test began, participants were provided with an affidavit, summons, and a receipt of payment.³³ A UX Facilitator guided participants through tasks and activities according to a script, and participants completed the tasks using their own smartphones to engage with the ODR platform or prototype.³⁴ Document cameras placed above the participants’ smartphones recorded their hand motions and actions as well as audio capturing their verbalized thinking while completing tasks.

a) Baseline Test

The baseline observation-based usability tests were conducted at the United Way of Tucson and Southern Arizona, a location selected because it provides services to individuals who met the study’s participant recruitment criteria. The baseline tests occurred between 9:30 and 11:45 on the morning of Tuesday, February 18, 2020. Two members of the research team sat at a table in the testing room with each participant. One member served as the UX Facilitator, and the other served as the Notetaker. The UX Facilitator sat next to a participant, read the script, and guided them through the tasks and activities. The Notetaker sat across the table from a participant, operated the recording equipment, and documented their

³¹ Larusdottir, *supra* note 24, at 430–33.

³² Jakob Nielsen, *How Many Test Users in a Usability Study?*, NIELSEN NORMAN GRP. (June 3, 2012), <https://www.nngroup.com/articles/how-many-test-users/> (“Testing with 5 people lets you find almost as many usability problems as you’d find using many more test participants.”); *see also* JEFF RUBIN & DANA CHISNELL, HANDBOOK OF USABILITY TESTING: HOW TO PLAN, DESIGN, AND CONDUCT EFFECTIVE TESTS 72 (2d ed. 2008) (“Research has shown that four to five participants who represent one audience cell will expose about 80 percent of the usability deficiencies of a product for that audience, and that this 80 percent will represent most of the major problems.”).

³³ *See infra* Appendices 2 & 9 (receipt provided to testing participants, and Utah summons / affidavit), respectively).

³⁴ *See infra* Appendices 10 & 11 (baseline testing UX facilitator script, and prototype testing UX facilitator script, respectively).

observations of a participant’s activities and reactions.³⁵ In a separate room, other members of the research team served as the ODR Plaintiff and ODR Facilitator, who simulated the ODR process by responding to a participant in the chat feature.³⁶ Unlike the actual facilitators in Utah, the test-based ODR Facilitators did not offer technical assistance for using the platform because the research team wanted to uncover usability issues that the Utah facilitators’ guidance might mask. The research team expected that baseline tests would take thirty minutes to complete. A practice test with four participants, however, revealed that the URL Utah provided³⁷ was so long and complex that none of these participants was able to successfully type the case-sensitive web address into their smartphone, even after repeated attempts.³⁸ To keep the baseline tests limited to thirty minutes and to avoid unduly frustrating participants, the research team opted to use a shorter and simplified—though still case-sensitive—URL.³⁹ Still, some baseline tests took up to an hour, mainly due to technical difficulties caused by connectivity issues with the ODR test environment and the difficulty several participants continued to experience when typing the shortened, case-sensitive URL into their devices.

b) Prototype Test

Using data from the baseline test and insights gleaned from the PAR workshops, the research team incorporated the redesign options that garnered the most supported and highest priority ordering into a prototype version of the Utah ODR platform.⁴⁰ The prototype was created in Adobe XD, a vector-based UI design software. The research team also redesigned Utah’s affidavit and summons to simplify and highlight key information. Although the functionality of the XD software limited the prototype’s realism—Adobe XD creates clickable artboards, rather than fully interactive webpages—it effectively simulated an ODR experience in which a user could click and interact with redesigned pages in a sequential process. For the prototype test, the research team made small adjustments to the baseline test task instructions to reflect the prototype’s limitations.⁴¹

Disruptions from the COVID-19 pandemic required a significant change to the original plans for field-testing the prototype. The research team could not identically replicate the conditions of the baseline test but nevertheless conducted in-person prototype tests. From April 17 to 19, 2020, UX Facilitators paired with individuals quarantining in their homes who met, on average, the participant criteria from baseline testing.⁴² The UX Facilitators received kits that included a document camera and all of the necessary testing materials. As in the baseline tests, UX Facilitators in the prototype tests guided participants using a script.⁴³ Participants once again used their own smartphones, and the redesigned affidavit and summons directed them to a link for the XD prototype rather than the Utah ODR platform.⁴⁴ ODR Plaintiff and ODR Facilitator roles were not utilized in this round of testing, as the chat responses were pre-programmed in XD by necessity.

³⁵ See *infra* Appendix 12 (photograph from baseline testing).

³⁶ See *infra* Appendix 13 (photograph Of ODR plaintiffs and facilitators during baseline testing).

³⁷ <https://verifyws.utcourts.gov/OnlineDisputeResolutionWEB>.

³⁸ It is worth noting that the URL actual defendants must type from Utah’s affidavit and summons is likely causing similar difficulties (<https://pubapps.utcourts.gov/OnlineDisputeResolutionWEB>) and may contribute to the low participation rates (including never logging into the ODR system) among defendants served in Utah’s pilot.

³⁹ http://bit.ly/ODR_web.

⁴⁰ The complete XD prototype is available at <https://bit.ly/odr-prototype>.

⁴¹ See *infra* Part V(A)(3), Test Activities.

⁴² See *infra* Appendix 14 (photograph from prototype testing).

⁴³ See *infra* Appendix 11 (prototype testing UX facilitator script).

⁴⁴ <https://bit.ly/ODR-Web>.

2. Participants

The baseline and prototype tests involved eight participants each. The research team recruited participants for the baseline test through flyers posted strategically in Pima County and follow-up phone communication. The baseline test participants were representative of national demographic data on individuals with personal loan debt. In aggregate, the prototype test participants met the same participant criteria from baseline testing.⁴⁵ Table 1 displays the percentage shares of participants in the baseline and prototype tests with each demographic characteristic reported.

⁴⁵ The research team could not anticipate at the start of the study that household members would be required to serve as participants due to state-wide stay-at-home orders in response to COVID-19. The research team therefore had not been asked to refrain from discussing the project with those in their homes. The research team did not inquire specifically about the potential participants' prior knowledge of the project. Based on the pre-test questionnaire results, prototype test participants expected more difficulty using their smartphone to handle a legal case than baseline test participants. Only 25% of them reported to know a little about small claims cases, whereas the remainder reported that they knew nothing about them. Given that the prototype test participants reported less understanding of small claims cases and expected less from ODR than the baseline test participants, the research team concluded that the risk of undue exposure to the project's parameters was minimal. As a group, however, the prototype test participants were younger, more likely to be white, and more likely to be employed than the baseline test participants, which may have impacted their responses to subjective questions.

TABLE 1: Usability Test Participant Demographics

	Baseline	Prototype
Gender		
Male	37.5%	50.0%
Female	62.5%	50.0%
Age		
29 and Younger	12.5%	62.5%
30–39	12.5%	12.5%
40–49	12.5%	12.5%
50 and Older	62.5%	12.5%
Race		
Asian	0.0%	25.0%
Black	25.0%	0.0%
Black/White	12.5%	0.0%
Pacific Islander	12.5%	0.0%
White	37.5%	75.0%
Missing	12.5%	0.0%
Ethnicity		
Non-Hispanic/Latinx	75.0%	87.5%
Hispanic/Latinx	25.0%	12.5%
Employment Status		
Employed	62.5%	87.5%
Unemployed or Student	25.0%	12.5%
Missing	12.5%	0.0%
Annual Income Range		
Less than \$25,000	50.0%	37.5%
Between \$25,000 and \$50,000	37.5%	25.0%
More than \$50,000	0.0%	37.5%
Missing	12.5%	0.0%

Note: N = 8 (baseline test) and 8 (prototype test).

Participants in the baseline test were, on average, older than those in the prototype test; 62.5% of participants using the existing Utah ODR platform were at least 50 years old, and 62.5% of individuals tested on the prototype were younger than 30.⁴⁶ The primary reason for inversion in the age distribution was the necessity of testing with household members among the younger student members of the research team.

In both rounds of testing, all participants identified as either female or male, and representation was qualitatively balanced between the baseline and prototype groups. Racial and ethnic diversity among the participant samples was greater in the baseline test than the prototype test. Again, the first set of participants was drawn from the pool of greater Pima County residents, and the second set consisted mostly the roommates, partners, and family members of the student members of the research team.

Relatedly, the baseline test participants were twice as likely to be unemployed (or non-working students) than the prototype test participant set (25.0% and 12.5%, respectively).⁴⁷ Participants from the more general Pima County population were recruited via community organizations serving residents who, in many cases, had prior experience with debt collection actions. They therefore may have been at a higher risk for

⁴⁶ See *supra* Table 1.

⁴⁷ *Id.*

unemployment at the time of participation. The income distribution of the two samples reflects these employment disparities. All baseline test participants reported income levels below \$50,000, whereas 37.5% of the prototype test participants reported income levels greater than \$50,000.⁴⁸

Additionally, participants completed a pre-test questionnaire, capturing information on their comfort with and use of technology. The brief survey also asked about participants' previous knowledge of small claims court actions and expectations about using a smartphone to handle a legal case. The pre-test questionnaire served the dual purpose of acquainting participants early with talking aloud and capturing potentially relevant experiential information for analyzing test outcomes against their familiarity with technology and legal matters.

The pre-test survey results in Figure 1 show that half of baseline test participants (50.0%) primarily used their smartphones to access the internet, compared to 37.5% of prototype test participants. Twenty-five percent of participants in both testing rounds used a desktop to access the internet, but a greater share of prototype test participants (37.5%) used their laptops than baseline test participants (12.5%). This finding aligns with national data on smartphone use: baseline test participants were more racially and ethnically diverse and earned income toward the lower end of the distribution, which are factors that correlate with a greater likelihood of being smartphone-only users.⁴⁹

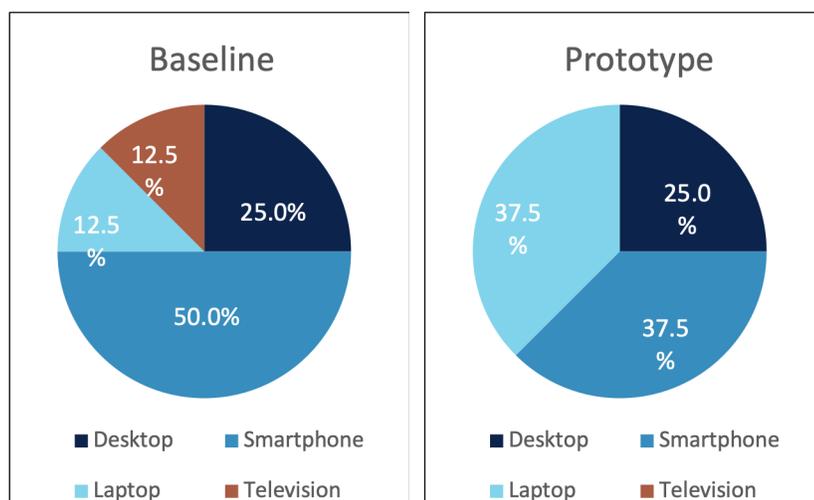


Figure 1: The Most Frequently Used Internet Devices Among Test Participants (by Test Round)

⁴⁸ *Id.*

⁴⁹ See *supra* notes 25–30 and accompanying text.

When asked what types of activities they typically perform on their smartphones, a majority of baseline test participants responded that they primarily use their phone for communication (37.5% for email and another 25.0% for texting), as shown in Figure 2. In comparison, only 37.5% of prototype test participants cited communication as their primary smartphone activity. A greater share of this group reported that they were more likely to use their smartphone for artistic or expressive reasons. (Fifty percent reported that they used their phone for social media, and another 12.5% reported that they primarily used it to take photos).

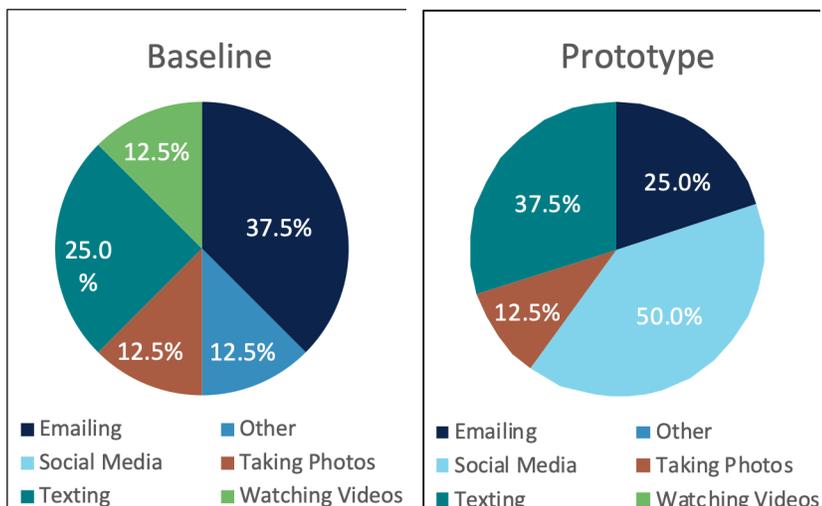


Figure 2: The Most Frequent Smartphone Activities Among Test Participants (by Test Round)

The research team also surveyed participants to determine what phone they brought to their tests. All participants used either Androids or iPhones; a majority of baseline test participants (75.0%) used Androids, whereas a majority of prototype test participants used iPhones (75.0%).⁵⁰

Participants were asked to rate (on a scale of one to seven, with one being very difficult and seven being very easy) their expectations for using their smartphones to handle a legal case. No participants indicated that the process would be “very easy.” Overall, as displayed in Figure 3, prototype test participants expected more difficulty, with 25% expecting it to be very hard (scores of 1 or 2), 62.5% expecting it to be somewhat hard (scores of 3 or 4), and only 12.5% expecting it to be somewhat easy (scores of 5 or 6). On the other hand, baseline test participants did not expect it to be very hard, and 25.0% of them expected it to be somewhat easy (scores of 5 or 6).

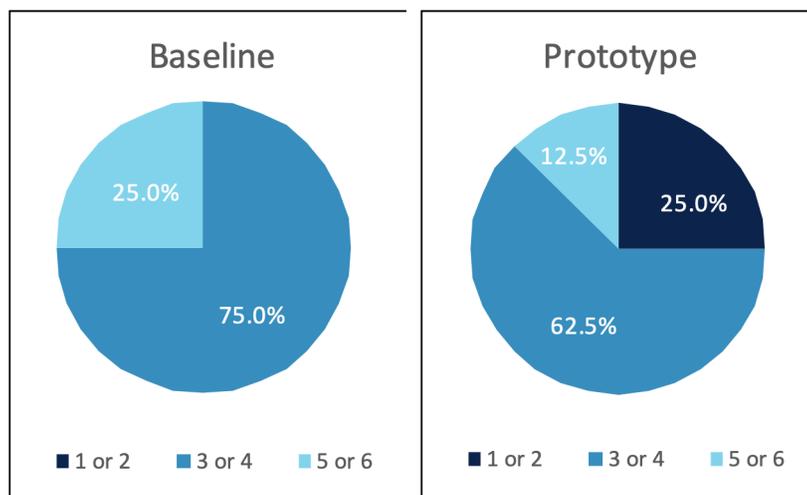


Figure 3: Expectation Ratings for Ease of Resolving Legal Disputes on a Smartphone Among Test Participants (by Test Round)

⁵⁰ Surveys have found that iPhone owners tend to have higher education levels and greater income than Android owners. See, e.g., Todd Hixon, *What Kind of Person Prefers an iPhone?*, FORBES (April 10, 2014), <https://www.forbes.com/sites/toddhixon/2014/04/10/what-kind-of-person-prefers-an-iphone/#40039922d1b0>; Ken Yarmosh, *Android vs iOS: Which Platform to Build for First?*, Savvy (Apr. 20, 2020), <https://savvyapps.com/blog/android-vs-ios-which-platform-to-build-for-first/> (“Comparatively, iOS users typically have higher income, higher education levels, more engagement, and spend more per app.”).

Finally, participants were asked to identify how much they know about small claims cases. The options included: (1) “I know nothing about them”; (2) “I know a little about them”; or (3) “I know a lot about them.” All baseline test participants reported knowing at least a little about small claims cases, and 25% reported to know a lot. For comparison, Figure 4 indicates that only 25% of prototype test participants reported to know a little about small claims cases, whereas the remainder reported that they knew nothing about them. Because individuals from racial and ethnic minority communities and from lower-income populations are more likely to face a debt collection lawsuit,⁵¹ responses for the last two questions could reflect baseline test participants’ prior lived experiences with the process.

3. Test Activities

Every effort was made to maximize consistency between the baseline and prototype test procedures, including the text of the UX Facilitator scripts. The pre- and post-test questionnaires

were identical throughout, and the tasks were nearly identical, with the exception of necessary amendments in the prototype test due to limitations of the XD environment.⁵² In addition, the research team wanted to provide more context where the redesigned experience significantly differed from the baseline. For example, the language used for the prototype test tasks involving defendant answer options and chat initiation were adjusted to account for the new features being tested: an ODR Guide and a Claim Response Tool.

UX Facilitators then guided participants through a script with a total of eleven task scenarios.⁵³ The research team developed the script with information that Utah court stakeholders provided about user goals and priorities. The script also incorporated user needs and constraints gathered from interviews with community stakeholders who have experience with personal loans and debt. The tasks were designed to capture information about the following:

- ▶ **Task 1: First Impressions of the Affidavit and Summons**—What are participants’ first impressions of the affidavit and summons packet defendants receive when served?
- ▶ **Task 2: Understanding the Affidavit and Summons**—How easy or difficult is it for participants to find and understand the options available to them on the affidavit and summons?
- ▶ **Task 3: Transitioning from Paper to Phone**—How easy or difficult is it for participants to locate the Utah ODR platform (or prototype) URL and successfully enter it into their smartphones?
- ▶ **Task 4: First Impressions of the Homepage**—What are participants’ first impressions of the Utah ODR platform homepage?

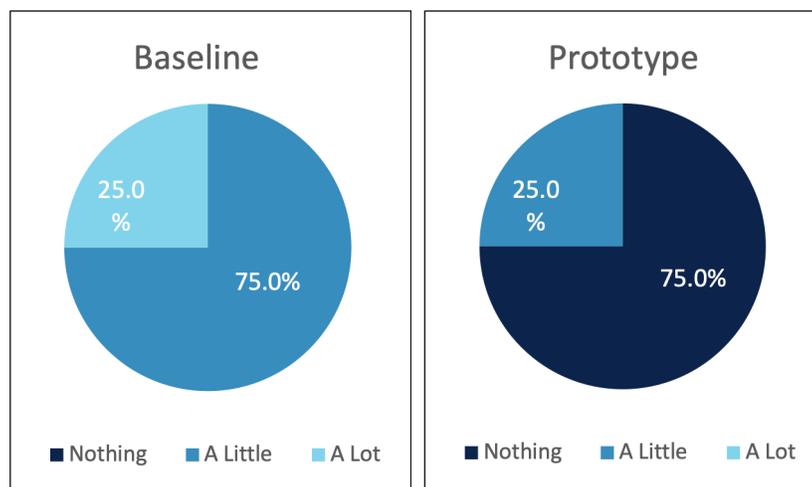


Figure 4: Self-Reported Knowledge of Small Claims Cases Among Test Participant' (by Test Round)

⁵¹ See *supra* note 18 and accompanying text.

⁵² Compare *infra* Appendix 10 (baseline testing UX facilitator script), with *infra* Appendix 11 (prototype testing UX facilitator script).

⁵³ See *infra* Appendices 10 & 11 (baseline testing UX facilitator script, and prototype testing UX facilitator script, respectively).

- ▶ **Task 5: FAQ and Help**—How easy or difficult is it for participants to find additional information about the ODR process on the platform?
- ▶ **Task 6: Registration and Login**—How easy or difficult is it for participants to register and log into the Utah ODR platform?
- ▶ **Task 7: First Impressions of the Defendant Answer Options Page**—What are participants’ first impressions of the page containing options for the defendant’s answer to the claim?
- ▶ **Task 8: Chat Initiation**—How easy or difficult is it for participants to initiate negotiation with the plaintiff in the chat space?
- ▶ **Task 9: Documentation Sharing**—How easy or difficult is it for participants to upload and share a document?
- ▶ **Task 10: Negotiation and Payment Planning**—How easy or difficult is it for participants to discuss the claim with the plaintiff and ODR Facilitator and negotiate a settlement agreement?
- ▶ **Task 11: Reviewing and Signing Documents**—How easy or difficult is it for participants to conclude the ODR process by reviewing and signing settlement or trial preparation documents?

After concluding their tests, all participants were asked to answer another questionnaire to capture feedback about their overall experience, suggestions for improvement, understanding of their legal rights, and options about settling a dispute online versus in person.

4. Data Collection

Data collection procedures and usability metrics were identical for the baseline and prototype rounds. Information gathered from the observation-based usability tests included quantitative data (e.g., errors, time-on-task, completion rates, and post-task satisfaction) and qualitative data (e.g., participants’ reactions, comments, and body language). The research team reviewed the document camera videos from the tests and followed a set of internal instructions to ensure consistency of data logging efforts across team members. This protocol yielded consistent usability metrics for the primary outcome variables: (1) error rates; (2) time-on-task; (3) task completion rates; and (4) subjective evaluations, as reported below. For data collection purposes, participants were identified by a random identifier only, which started with a 1 (for baseline test participants) or a 2 (for prototype test participants) followed by a letter from A to H.

a) Critical Errors

A critical error is a divergence from the anticipated path within the ODR platform for a particular task that prevents the participant from completing the task. The critical error metric for both rounds of testing is a binary 0-1 variable; by definition, a critical error either exists (and is dispositive the first time it occurs) or does not exist. Critical errors may have arisen in any of the four following ways:

- ▶ **The participant encountered an unresolved problem while completing a task that prevented them from successfully completing the task.**
Example: When attempting to share an image document, the participant could not figure out how to use the document preview function and therefore unintentionally uploaded the incorrect image.
- ▶ **The participant took any step that they could not or did not undo, which prevented them from successfully completing the task.**
Example: When the participant tried to enter their first and last names in a text field, they typed only their first name and pressed Enter before realizing the mistake.
- ▶ **The participant asked for and possibly received material advice from the UX Facilitator because they could not successfully complete the task on their own.**
Example: When filling in their case information for ODR platform registration purposes, the participant

selected “sued as a business”—when they have in fact been “sued as an individual”—and did not realize that they made an error. The test could not continue without correction from the UX Facilitator.

▶ **The participant chose not to complete a task.**

Example: When trying to complete a task, the participant became too frustrated to proceed and decided not to complete the task.

b) Non-Critical Errors

A non-critical error is a divergence from the anticipated path within the ODR platform for a particular task that, as the terminology suggests, does not prevent the participant from completing the task. The non-critical error metric is a discrete variable, which may be scored from 0 to the recorded number of such errors. The research team followed the convention of recording non-critical errors each time a participant diverged from the anticipated path but recovered from the divergence, even if subsequent errors were identical in nature for a given participant and task. Non-critical errors may have arisen in either of the following ways:

▶ **The participant encountered a superficial problem that was frustrating but did not prevent task completion.**

Example: The participant was able to locate the document share preview function, tried to preview their uploaded document, and the platform did not function as anticipated, yet the participant actually uploaded the correct document to share.

▶ **The participant took any step that they could undo while attempting to complete the task; therefore, it did *not* prevent them successfully completing the task after returning to the anticipated path.**

Example: The participant opened the wrong menu while searching for a function.

c) Time-on-Task

Time-on-task (TOT) measures how long the participant spent attempting to complete the task, starting from the moment they began working on the task to the moment they indicated that they were done, excluding any time not actually spent working on the task (e.g., asking a question of the UX Facilitator). The research team recorded TOT on a digital timer and recorded it as a continuous variable in SSS format for the number of seconds.

d) Task Completion

Task completion describes whether or not, and in what manner, participants reached the end of each test module. Participants were encouraged to complete tasks on their own, i.e., as they would if no one were observing them. Although the UX Facilitators were permitted to answer clarifying questions, they were instructed to avoid providing “Advice” unless the participant could not advance without guidance. The research team adopted a definition for Advice that included any scenario in which: (1) the UX Facilitator provided enough information for the participant to advance one step on the anticipated path for the task; and (2) the participant would not have taken that step without the UX Facilitator’s information. Task completion was an ordinal variable, capturing the following outcomes:

▶ **Completed:** A participant completed a task when the UX Facilitator read the script, the UX Facilitator answered the participant’s question(s) in a way that did not constitute the provision of Advice, and the participant reached the end of the anticipated path for that task.

▶ **Completed with Help:** A participant completed a task with help when the UX Facilitator read the script, the UX Facilitator answered the participant’s question(s) in a way that constituted only one instance of Advice, and the participant reached the end of the anticipated path for that task.

▶ **Not Completed:** A task was not completed when:

- The participant could not complete the task because of a critical error;

- The UX Facilitator read the script and answered the participant’s question(s) in a way that constituted more than one instance of Advice, even if the participant ultimately reached the end of the anticipated path for that task; or
- The participant stopped their activity on the task (or on the entire test) after work on that task officially began but before reaching the end of the anticipated path for that task.

These definitions of the task completion variable capture a more complete and more precise snapshot of participant experiences relative to a completed/not completed dichotomy. Specifically, they allowed the research team to acknowledge the role of limited assistance in progressing to the end of a task’s anticipated path and distinguishing such assistance from more extensive UX Facilitator help.

e) Subjective Evaluations

Participants provided post-task satisfaction (PTS) ratings on a Likert scale after each task ended, regardless of completion status, and explained why they chose the rating. The research team also asked a series of questions about participant experiences in the post-test questionnaire using the same 7-point scale.

5. Problem Severity Analysis

Given resource and time constraints, the research team prioritized its work and recommendations using a method known as “problem severity classification.”⁵⁴ The severity of a UX problem is determined by two factors: (1) the impact of the problem; and (2) the frequency of participants who experience the problem.⁵⁵

The impact component ranks the consequence of the problem in terms of completion probability and is scored at one of three levels:

- ▶ **High:** Prevents the user from completing the task, i.e., a critical error.
- ▶ **Moderate:** Causes the user difficulty but does not preclude task completion, i.e., a non-critical error.
- ▶ **Low:** Does not significantly affect task completion, i.e., a non-critical error.

The frequency component is the percentage of participants who experienced the problem when working on a task:

- ▶ **High:** 50% or more of the participants experienced the problem.
- ▶ **Moderate:** 21% to 49% of the participants experienced the problem.
- ▶ **Low:** 20% or fewer of the participants experienced the problem.

Using the impact and frequency sub-measures, the research team then classified each problem’s severity on a four-value scale.

- ▶ **Severity Level 1:** High-impact problems that were independent of frequency but often prevented a participant from correctly completing a task.

⁵⁴ Usability tests uncover more problems than a development team realistically can address in one evaluation. Problem severity classifications therefore allow UX professionals to communicate how recommendations should be prioritized. See Jeff Sauro, *The Relationship Between Problem Frequency and Problem Severity in Usability Evaluations*, 10 J. USABILITY STUD. 17, 18 (Nov. 2014), available at

<https://uxpajournal.org/the-relationship-between-problem-frequency-and-problem-severity-in-usability-evaluations>; see also Jakob Nielsen, *Severity Ratings for Usability Problems*, NIELSEN NORMAN GRP. (Nov. 1, 1994), <https://www.nngroup.com/articles/how-to-rate-the-severity-of-usability-problems> (“Severity ratings can be used to allocate the most resources to fix the most serious problems and can also provide a rough estimate of the need for additional usability efforts.”).

⁵⁵ Although experts use a variety of approaches to classify problem severity, most methodologies consider a problem’s frequency (the number of users that encounter a problem divided by the number of users), as well as its impact. Jeff Sauro, *Rating the Severity of Usability Problems*, MEASURING U (July 30, 2013), <https://measuringu.com/rating-severity>. For this report, the research team relied on the more data-driven approach taken by Dumas and Redish. See generally JOSEPH S. DUMAS & JANICE REDISH, A PRACTICAL GUIDE TO USABILITY TESTING 324–25 (1993); see also JAKOB NIELSEN, USABILITY ENGINEERING 102–04 (1993) (discussing a similar method).

- ▶ **Severity Level 2:** Moderate- to low-impact problems with moderate to high frequency were typical of erroneous actions that the participant recognized should be undone and created significant delay and frustration.
- ▶ **Severity Level 3:** Either moderate-impact problems with low frequency or low-impact problems with moderate frequency, which were minor annoyances that had a minor effect on usability encountered by a non-negligible number of participants.
- ▶ **Severity Level 4:** Low-impact problems faced by a low number of participants, which presented low risk if unresolved but, if addressed, could result in possible enhancements.

B. Participatory Action Research: Community-Based Design Workshops

1. Materials and Procedure

The baseline usability test identified aspects of the existing Utah ODR platform that presented difficulty for participants. Using those discoveries, the research team devised hypothetical resolutions for the observed problems using paper-based and other analog prototypes. Members of the team brought these ideas to three PAR workshops to engage the community and document their feedback.⁵⁶ A PAR workshop involves potential users of a product in the design process, which increases the chance that the final version reflects users' perspectives and needs. Participants at the PAR workshops shared their lived experiences and perspectives with respect to redesign options. They also worked collaboratively with the research team to identify other possible solutions to the usability issues revealed in the baseline test.

The PAR workshops that inform this report were conducted in two Pima County locations that serve representative populations: the Abrams Public Health Center, a hospital-adjacent hub with community and family clinics; and the United Way of Tucson and Southern Arizona. Three 3-hour interactive workshops on March 3, 2020, focused on separate aspects of the ODR process: (1) the affidavit, summons, and ODR homepage; (2) the ODR website registration process; and (3) the chat feature and document sharing.

⁵⁶ Participatory action research combines local knowledge with social science expertise to gather information in service of social or environmental change. See Davydd J. Greenwood et al., *Participatory Action Research as a Process and as a Goal*, 46 J. HUM. REL. 175, 177 (1993). It invites people who are concerned about or affected by an issue to take leading roles in producing and using knowledge about it. See RACHEL PAIN ET AL., PARTICIPATORY ACTION RESEARCH TOOLKIT 2 (2011), <http://communitylearningpartnership.org/wp-content/uploads/2017/01/PARtoolkit.pdf>.

PAR posits that "it is possible to gain access to the experienter's world only through his or her participation in expressing that experience." Jakob Trischler et al., *The Value of Codesign: The Effect of Customer Involvement in Service Design Teams*, 21 J. SERV. RSCH. 75, 77 (2017). "PAR methodology rejects traditional positivist research paradigms and challenges traditional hierarchies between the researcher and those being researched." Steven Jacobs, *The Use of Participatory Action Research within Education-Benefits to Stakeholders*, 6 WORLD J. EDUC. 48, 48 (2016) (citations omitted).

The use of participatory design in university research is part of a wider, contemporary tendency toward participatory practices in which communities are invited to assume more active roles in shaping knowledge, policies, and practices. See Amanda Perry-Kessaris & Joanna Perry, *Enhancing Participatory Strategies with Designerly Ways for Sociolegal Impact: Lessons from Research Aimed at Making Hate Crime Visible*, SOC. & LEGAL STUD. (forthcoming 2020) (SSRN at 2) (quoting KERI FACER & BRYONY ENRIGHT, CREATING LIVING KNOWLEDGE: THE CONNECTED COMMUNITIES PROGRAMME, COMMUNITY-UNIVERSITY RELATIONSHIPS AND THE PARTICIPATORY TURN IN THE PRODUCTION OF KNOWLEDGE 144 (2016)), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3387479#.

Design workshops are a participatory action research tool in which "service users, service providers, and design facilitators identify key problems of the current system, map out their experiences and ideas for improvement, and draft new concepts for possible implementation." Margaret Hagan, *Participatory Design for Innovation in Access to Justice*, 148 DÆDALUS 120, 122 (Winter 2019).

2. Participants

The research team recruited members of the community by posting flyers in Pima County locations where people who satisfied the inclusion criteria were most likely to visit, including a local food bank, a county workforce development office, a housing resource office, and the workshop locations. Potential participants followed up with phone calls to verify eligibility criteria, which were being at least eighteen years old and being able to read and speak in English. Each workshop consisted of five to eight local community members. Table 2 includes descriptive demographic statistics on the participants.

TABLE 2: PAR Workshop Participant Demographics

Gender	
Male	30.8%
Female	69.2%
Age Range	
29 and Younger	7.7%
30–39	30.8%
40–49	15.4%
50 and Older	46.1%
Race	
Asian	0.0%
Black	7.7%
Black/White	0.0%
Pacific Islander	7.7%
White	76.9%
White/American Indian	7.7%
Ethnicity	
Non-Hispanic/Latinx	38.5%
Hispanic/Latinx	61.5%
Employment Status	
Employed	61.5%
Unemployed or Student	38.5%
Annual Income Range	
Less than \$25,000	53.8%
Between \$25,000 and \$50,000	23.1%
More than \$50,000	23.1%

Note: N = 13.

To facilitate a collaborative process, the research team applied participatory action research strategies, engaging all workshop participants and highlighting a variety of perspectives. Workshop participants shared their opinions through group discussions and “dot-voting” (a preference selection mechanism through which individuals place color dots next to options they find attractive), offered their own ideas and recommendations, and provided feedback about suggested improvements. By capturing the workshop participants’ insights, the research team gathered additional qualitative and quantitative data used to inform redesign of the ODR platform. Participants were compensated for their time with \$40 gift cards.

3. Workshop Activities

a) The Affidavit, Summons, and ODR Homepage

The goal of the first workshop was to generate possibilities for redesigning the affidavit and summons as well as the ODR homepage. The research team chose this objective because the baseline test revealed that a substantial number of the participants experienced material issues with the initial stages of the ODR process. The research team's specific objectives were to: (1) increase defendants' comprehension of and willingness to engage with the ODR platform; (2) build awareness of relevant legal information; (3) improve understanding of the ODR process; and (4) improve users' first impressions of both the affidavit and summons and the ODR homepage.

Participants at the Abrams Public Health Center were seated in three groups of two at tables arranged in a circle, to promote conversation.⁵⁷ The research team took notes throughout the workshop, recording the feedback shared by the community members. Participants read and discussed the current affidavit and summons⁵⁸ and highlighted words that were unfamiliar to them. They provided input and feedback regarding a Quick Start Guide that the researchers created as a possible companion document to the affidavit and summons for increasing comprehension and use of those forms.⁵⁹

Participants also gave reactions to and feedback regarding various versions of redesigned home pages: the existing homepage in three different color schemes; the homepage with an added box for frequently asked questions (FAQ); the homepage with an added brief description of the ODR process; and the homepage with both an added box for FAQ and an added description. They also engaged with paper prototypes of lightboxes—mini-windows of text that appear when the user clicks on an underlined term—to define terms such as ODR, plaintiff, and defendant.

b) Sign In and Registration

The goal of the second workshop was to address the adverse issues that baseline test participants experienced when they attempted to log into the ODR platform. The research team did so by asking PAR workshop participants how they would improve the sign-in and registration experience. In particular, the research team was interested in how the first interactions with the ODR platform website could be more intuitive.

Three stations were set up for this workshop, and each station featured a different aspect of the relevant tasks.⁶⁰ Temporary whiteboards were placed on the walls to allow participants to view and dot-vote on options. Participants considered alternative methods for making a smoother transition from the affidavit and summons to the registration page on the platform website. The research team provided paper prototypes of those methods to demonstrate how real users might progress through the ODR platform. Specific elements of the ODR platform included, for example, preferred password requirements and icons indicating that the website is loading and that the user should wait a moment (e.g., circles, hourglasses, and loading bars). At the end of the workshop, participants had an opportunity to design their own prototypes.

c) Chat and Documentation

The goal of this workshop was to address user concerns with respect to the chat and document sharing functions, and to explore methods for improving defendants' understanding of their legal options throughout the ODR process. The research team learned from the baseline test that, although the chat interface worked

⁵⁷ See *infra* Appendix 1 (photograph from PAR workshop 1, affidavit/summons and homepage).

⁵⁸ See *infra* Appendix 2 (Utah affidavit/summons).

⁵⁹ See *infra* Appendix 3 (PAR workshop 1, quick start guide prototype).

⁶⁰ See *infra* Appendix 4 (photograph from PAR workshop 2, sign in and registration).

reasonably well, participants did not emerge from the test with as clear an understanding of their rights as one might have anticipated. In addition, the task dedicated to document sharing revealed how much the feature could be improved through a more intuitive design.

Participants in the third workshop sat together at one cluster of tables arranged in a rectangle with members of the research team scattered among them.⁶¹ Temporary whiteboards were placed on the walls so that participants could engage with paper prototypes and dot-vote. The research team encouraged candid and honest discussion.

Participants explored options for introducing defendants to the chat function, informing them of their legal options in the chat feature, and starting a conversation there. For example, participants viewed a page with predetermined options for responding to the plaintiff. Participants also engaged with low-fi prototypes of a redesigned document-sharing interface and indicators that documents had been saved. The research team gave participants alternative options to upload, share, and sign documents before requesting their input and ideas on those ODR platform components.

⁶¹ See *infra* Appendix 5 (photograph from PAR workshop 3, chat and documentation).

V. FINDINGS

The research team’s findings from baseline testing, the PAR workshops, and prototype testing is reported in three sections: (A) a summary of the results from each type of evaluation; (B) a presentation and interpretation of data from all three rounds of evaluation on a task-by-task basis; and (C) a review of the primary usability metrics.

A. Descriptive Overview

1. Baseline Tests

The research team conducted baseline tests to identify critical issues with the existing Utah ODR platform. The following data from the eight participants’ experiences with the platform were the most helpful indicators for guiding subsequent evaluation phases.

- ▶ The case-sensitive URL on the paper summons, which directed participants to the Utah ODR platform, was too unwieldy for several participants to type correctly. This finding perhaps underlies data from Utah indicating that 64% of defendants do not log in to the ODR platform after receiving a summons⁶² and suggests at least some of those defendants might not have been able to log in. In fact, 12.5% of baseline test participants could not accurately transcribe a shorter, case-sensitive URL (Task 3), sometimes after multiple attempts, which prevented completion of the overall usability test in the anticipated 30 minutes.⁶³
- ▶ Functionality issues, i.e., purely technical problems with the underlying platform, and usability issues, i.e., problems created by the platform’s content, look, and feel unrelated to the underlying technology, adversely impacted task completion rates in the majority of scenarios. For example:
 - Only 12.5% of baseline test participants were able to successfully register and log in (Task 6).⁶⁴ Similarly, only 12.5% participants were able to successfully use the document-sharing feature (Task 9).⁶⁵
 - A significant majority of participants (71.4%) were not able to successfully review and sign documents (Task 11).⁶⁶
 - Tasks related to locating the help menu and FAQs (Task 5), completing registration and login (Task 6), and sharing documents (Task 9) all generated high critical-error rates (87.5% each), meaning that seven of the eight participants did not completing these tasks because of their inability to follow the anticipated path.⁶⁷ Document review and signing (Task 11) also generated a high critical error rate (71.4%).

⁶² See Himonas & Hubbard, *supra* note 15 and accompanying text.

⁶³ See *infra* Table 3. The URL that Utah provided for the baseline test (<https://verifyws.utcourts.gov/OnlineDisputeResolutionWEB/>) was so long and complex that participants in a practice test before the baseline operation spent a significant amount of the thirty minutes allotted attempting to log in. The research team created a simplified—though still case-sensitive—bit.ly URL (http://bit.ly/ODR_web) for baseline test participants to use, thereby avoid a repeat of the same issue.

⁶⁴ See *infra* Table 3.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ See *infra* Table 5.

- ▶ Several problems with the platform resulted in unduly long TOT, causing frustration among the participants. For example:
 - Baseline test participants spent an average of nearly 9 minutes on the registration and login processes (Task 6)⁶⁸ and reported PTS ratings between 3 and 7 ($\mu = 6.0$).⁶⁹
 - They also spent an average of nearly 11 minutes on the document-sharing scenario (Task 9)⁷⁰ and reported PTS ratings between 1 and 5 ($\mu = 3.8$).⁷¹

2. PAR Workshops

As described above,⁷² the research team conducted three PAR workshops to better understand how members of the Pima County community representative of likely Utah ODR platform users responded to existing features in the platform, as well as the research team’s proposed alterations. As a result of those workshops, the research team gathered the following insights.

- ▶ Workshop participants expressed concern about the low perceived legitimacy of the affidavit and summons, as well as the ODR platform itself, and suggested that a more visible State of Utah seal appear on all the documents and website.
- ▶ They also commented that users might struggle to understand the legal significance of the affidavit and summons and proposed that unfamiliar legal terms be rewritten in a plain-language style.
- ▶ Participants concluded that the ODR platform’s FAQ page was too long to be helpful to most users, who need streamlined, actionable assistance. They supported the addition of a “Quick Guide” that would provide more accessible help to users in addition to the preexisting FAQ page.
- ▶ Workshop participants welcomed the addition of a step counter or other progress indicator for the registration process (e.g., “Step 1 of 4” or “Continue to Step 3”).
- ▶ They preferred that the document-sharing function be presented with a combination of an icon and text (e.g., a camera and paperclip paired with text such as “Upload Document”).
- ▶ Finally, the workshop participants sought clarification on the role of the ODR Facilitator, such as whether they were an advocate or could provide legal advice. They also observed that chat-based negotiations might be more successful if the ODR Facilitator were the first party to begin the chat with an introductory message explaining the ODR process.

3. Prototype Testing

Following the PAR workshops, the research team analyzed the qualitative findings and prepared a redesign using Adobe XD. That prototype became the testing platform in the final phase of evaluation. As with the baseline test, the prototype test round demonstrated whether the proposed changes substantially improved usability outcomes relative to the existing Utah ODR platform. Among those findings, the research team observed that:

- ▶ The average time spent on an individual task, i.e., TOT, decreased for every task between the baseline and prototype test rounds. The average reduction in TOT across all tasks was 52.2%.⁷³

⁶⁸ See *infra* Table 4.

⁶⁹ See *infra* Table 7.

⁷⁰ See *infra* Table 4.

⁷¹ See *infra* Table 7.

⁷² See *supra* pp. 18–21.

⁷³ See *infra* Table 4.

- ▶ Participants in the prototype test enjoyed substantially more success completing tasks than their counterparts in the baseline test. For example:
 - At least 75.0% of the prototype test participants completed each task without needing assistance.⁷⁴
 - All eight participants were able to complete on their own the tasks associated with understanding the affidavit and summons (Task 2), chat initiation (Task 8), negotiation and payment planning (Task 10), and reviewing and signing documents (Task 11).⁷⁵
 - Nearly all prototype test participants (87.5%) successfully transitioned from the affidavit and summons to the website (Task 3), and registered and logged in (Task 6), relative to the baseline test rates (75.0% and 12.5%, respectively).⁷⁶
 - The task associated with sharing documents (Task 9) was among those that generated the lowest completion rate in the baseline test (12.5%), yet 75.0% of participants were able to successfully share documents in the prototype test.⁷⁷
- ▶ Participants in the prototype test also experienced fewer errors:
 - Participants in the prototype test experienced fewer non-critical errors (46) than participants in the baseline test (110),⁷⁸ a reduction of 59.5%.⁷⁹
 - Critical-error-free rates ranged from 87.5% to 100.0% for all tasks in the prototype test, whereas baseline round tasks had critical-error free rates as low as 12.5%.

B. Task-by-Task Data and Analysis

Task analysis is the process of detailed observation and interpretation of the actions that users took and their related cognitive processes when completing a goal-oriented task. Because the research team first tested the baseline Utah ODR platform and used nearly identical test details for the prototype test, task analysis created viable benchmarks against which to compare the redesign. Benchmarking enables researchers to measure UX improvements over time as the platform undergoes iterative redesigns. The following task analyses include data from both rounds of testing as well as the PAR workshops that informed many of the redesign decisions.

The findings include Problem Severity Level classifications for tasks that required participants to act rather than merely reflect. Recall that these levels are labeled 1 through 4, with Level 1 being the most severe.⁸⁰

- ▶ **Severity Level 1:** High-impact problems that were independent of frequency but often prevented a participant from correctly completing a task.
- ▶ **Severity Level 2:** Moderate- to low-impact problems with moderate to high frequency were typical of erroneous actions that the participant recognized should be undone but created significant delay and frustration.

⁷⁴ See *infra* Table 3.

⁷⁵ See *infra* Table 3.

⁷⁶ See *infra* Table 3.

⁷⁷ See *infra* Table 3.

⁷⁸ See *infra* Table 6.

⁷⁹ The research team calculated this percentage after adjusting the number of non-critical errors by the number of participant-task combinations (given that one participant did not attempt two tasks): $[(46/64 - 100/62) / (100/62)] \times 100 = -59.5\%$.

⁸⁰ For a complete discussion of problem severity classification, see *supra* pp. 17–18.

- ▶ **Severity Level 3:** Either moderate-impact problems with low frequency or low-impact problems with moderate frequency, which were minor annoyances that have a minor effect on usability encountered by a non-negligible number of participants.
- ▶ **Severity Level 4:** Low-impact problems faced by a low number of participants, which presented low risk if unresolved, but if addressed, could result in possible enhancements.

1. First Impressions of the Affidavit and Summons (Task 1)

The ODR process in Utah does not begin until the defendant receives service of process, i.e., a delivered copy of the affidavit and the summons. The affidavit contains basic information about the claim, including the parties, their addresses, the cause(s) of action, and the amount in controversy. The summons for most civil actions indicates when and where the defendant must appear in court for a hearing; for small claims debt collections in Utah, they include the defendant's options, a discussion of the risk of default, and, crucially, the URL for the ODR platform website. Thus, the affidavit and summons serve as the gateway to the Utah ODR platform.⁸¹ If users cannot understand and navigate these documents, there is little hope for their joining ODR negotiations, which, if not completed within 14 days, results in a default judgment. Evaluating how well test participants could accomplish this task was the natural starting point for evaluating the Utah ODR platform.

The goal of Task 1 was to gauge participants' initial impressions of the affidavit and summons packet. For both the baseline and prototype rounds of testing, participants were asked to spend time reviewing the affidavit and summons before UX Facilitators asked them to share their first impressions of the documents. The UX Facilitator asked follow-up questions, such as "What do you think this document means?" and "What questions do you have about it?" to encourage participants to think aloud.

a) Baseline Test

For the baseline test, participants received a copy of the original five-page Utah affidavit and summons. As described above, the two-page signed affidavit contains information about the plaintiff and defendant, as well as the amount sought, and the facts of the claim. The summons follows on the remaining three pages and contains court information, including notice that the court uses ODR and that the defendant must register for ODR within 14 days lest the plaintiff obtain a default judgment.

In the baseline test, two participants (25.0%) pointed out the 14-day deadline and expressed concern about the expediency of the process.⁸² One participant queried:

"Where can I go to get advice within the 14 days? And what happens when I don't respond in the 14 days?" – Participant 1G

Four of the participants (50.0%) wanted to ask someone for help.⁸³ Participant 1B mentioned a desire to speak with the judge and bemoaned the fact that there was "no judge information." Two participants wanted to speak with an advocate, and one noted:

"I would probably call the lender." – Participant 1E

Six of the participants (75.0%) were concerned or confused about the amount claimed and the calculation of interest.⁸⁴ One person was frustrated that they could not review a breakdown of the interest accumulated,

⁸¹ See *infra* Appendix 5 (Utah summons / affidavit).

⁸² Raw qualitative data (e.g., audio and video) on file with authors.

⁸³ Raw qualitative data (e.g., audio and video) on file with authors.

⁸⁴ Raw qualitative data (e.g., audio and video) on file with authors.

and most wanted help determining whether the amount was correct. The following participant statements were particularly illuminating:

“Why is there more than what I originally assumed? Where is that coming from?” – Participant 1G

“Who can I call? [Is there] an advocate I can talk to?” – Participant 1F

b) Problem Identification and Redesign

Based on these initial findings, the research team set out to engage community members at the PAR workshops in the redesign of the affidavit and summons. These participants expressed similar concerns about the ability to ask someone for help, and several noted that they wanted information about ODR and their options to be laid out on the *first* page, not buried later in the materials. Some participants observed that people might struggle to understand the legal significance of the affidavit and summons and suggested defining legal terms with plain language. Participants also expressed concern about the legitimacy of the affidavit, summons, and the ODR platform, suggesting the need for a more visible Utah court seal.

Like the participants in the baseline test, the participants in the PAR workshops were concerned with the lack of transparency surrounding the interest calculation. Workshop participants also suggested highlighting the total amount owed so that the defendant will not get overwhelmed or confused when looking at the four different monetary values on the affidavit.

Participants also expressed concern that the registration process did not include reference to the 14-day response deadline during the process of requiring participants to set up email notifications. Not only did they think the 14-day-response notice should be emphasized more clearly on the summons and the website, they also thought that 14 days was not enough time to respond. They noted that some defendants may not have consistent access to email and consequently may have default judgements entered against them if they never received notice.

The PAR workshop feedback generated an affidavit and summons redesign that condensed the document from five to three pages. Unlike the original Utah affidavit and summons packet, the new versions featured the summons, which prominently displayed the Utah courts seal; included a QR code to link to the ODR platform quickly on a mobile device; and clearly stated the defendant’s options (visiting a Spanish-language resources page, “Using ODR,” “Opting out of ODR,” and “Going to Trial”). The affidavit appeared after the summons and contained case-specific information and defined legal terms (e.g., “affidavit,” “defendant,” and “plaintiff”). To address participants’ concerns about the amount in controversy, the redesign included a box around the total amount owed.⁸⁵

c) Prototype Test

For this version of Task 1, prototype test participants received a copy of the redesigned three-page Utah summons and affidavit packet. After the participants took time to read over the documents, UX Facilitators again asked them for their first impressions of the redesigned materials.

Four of the eight participants (50.0%) noted that the documents were either clear or well organized:⁸⁶

“Everything is broken down pretty clear.” – Participant 2C

“It’s not hard to understand.” – Participant 2D

⁸⁵ See *infra* Appendix 6 (redesigned summons / affidavit).

⁸⁶ Raw qualitative data (e.g., audio and video) on file with authors.

Two of the participants (25.0%), however, would have preferred to see case information presented on the affidavit *before* having their options presented on the summons.⁸⁷ On the other hand, another participant who was not familiar with law, small claims cases, or ODR seemed to like reading general information about ODR and one’s legal options before reviewing information about the case:

“I’m not really familiar with what ODR is . . . so it gives me a brief overview of that.” – Participant 2E

The same participant also appreciated that legal terms were introduced and defined on the summons. That participant noted, however, that the definitions would be more helpful on the first, rather than the third, page.

Four participants (50.0%) were either excited by or curious about the QR code, and one stated that the QR code signaled that some action would be required:⁸⁸

“I think it’s interesting it has a QR code on it. That’s not what I would expect from a summons.”
– Participant 2F

“It gives us a bunch of different links and a QR code. . . . I have to take action.” – Participant 2D

2. Understanding the Affidavit and Summons (Task 2)

When completing Task 2, participants in both rounds of testing were asked to look over the affidavit and summons, more explicitly identify the options available to them, and explain which one they would most likely choose and why. The research team recorded a critical error only if the participant did not identify the option to register for ODR and non-critical errors for each additional option not identified.

To distinguish it from Task 1, the Task 2 objective was to determine whether the participant could identify what they were expected *to do* after reading the documents and their several options for taking action. Task 1, in contrast, centered more on a participant’s sense of the documents’ overall look and feel.

a) Baseline Test: Classified as Problem Severity Level 1

As with Task 1, the baseline test asked participants to review the current Utah affidavit and summons. If they were able to read and understand all of the options, a participant would identify the following three primary options listed in bullet format on page three of the packet: (1) register for ODR; (2) await judgment; and (3) “See Below” if unable to participate online. The “See Below” option required participants to flip through pages four and five to identify the following three additional options: (4) “Asking to be excused from ODR”; (5) “Right to Jury Trial”; and (6) and “Finding Help.”⁸⁹

In the baseline test, three participants (37.5%) did not identify that they could register for ODR and therefore experienced critical errors.⁹⁰ Another participant identified the URL but did not understand that the website enabled them to participate in the ODR process:

“I don’t understand what you mean by options. [I could] go to court or pay for it or call the plaintiff. I’d call the Plaintiff.” – Participant 1A

“Not many options. All it gives me is get on a website and I have a 14-day window to do that.”
– Participant 1G

⁸⁷ Raw qualitative data (e.g., audio and video) on file with authors.

⁸⁸ Raw qualitative data (e.g., audio and video) on file with authors.

⁸⁹ See *infra* Appendix 5 (Utah summons / affidavit).

⁹⁰ See *infra* Table 5.

Another participant identified that ODR was an option (and therefore did not experience a critical error), but they expressed confusion about what it meant:

“I’m not really sure what the ODR and ADA abbreviations mean, but I think [they have] to do with the case.” – Participant 1B

Only one of the baseline test participants (12.5%) identified all six options.⁹¹ Across the other seven, the research team recorded a total of 19 non-critical errors, reflecting the 19 total options they did not identify.⁹²

After three of the eight participants experienced critical errors (and with 19 non-critical errors across all participants), one would expect to observe low post-task satisfaction (PTS) ratings for Task 2. Yet participants’ PTS scores ranged between 3 and 7, and the mean rating across all eight participants was 6.1.⁹³ The research team hypothesized that the unexpectedly high ratings might have resulted from the participants’ prior experience with debt collection or the legal system more generally. (All participants reported knowing at least a little about small claims cases, and 25.0% reported to know a lot).⁹⁴ Familiarity with legal documentation, an eagerness to handle a legal dispute remotely at their convenience, and, perhaps, a priming effect may have unintentionally influenced participant behavior: “Sometimes simply being overly friendly can make participants feel that they must live up to that friendship and must reciprocate either by being too positive about the design or by trying too hard to complete the tasks.”⁹⁵ As expected, participants who did not experience a critical error reported a higher PTS rating than participants who did ($r = -0.26$).⁹⁶ The five participants who did not experience critical errors reported PTS ratings between 5 and 7 ($\mu = 6.4$), whereas the three participants who experienced a critical error reported PTS ratings of 3 and 7 ($\mu = 5.6$).⁹⁷ Notably, however, one participant who failed to identify the ODR option, as well as three of the five other options, reported a PTS rating of 3.⁹⁸

The data demonstrated that those who experienced fewer non-critical errors generally reported a higher satisfaction than those with non-critical error counts ($r = 0.20$).⁹⁹ The correlation is muddied by the fact that the four participants who reported a PTS rating of 7 produced the most non-critical errors.¹⁰⁰ Their high ratings might be explained by the fact that (1) non-critical errors were recorded for each non-ODR option (and participants were not told that there were five other options); or (2) participants may have been satisfied after recognizing ODR as an option and did not find Task 2 to be difficult or challenging.

⁹¹ See *infra* Tables 5 & 6 (baseline test participant H).

⁹² See *infra* Table 6.

⁹³ See *infra* Table 7.

⁹⁴ See *supra* Figure 4 and accompanying text.

⁹⁵ Raluca Budi, *Priming and User Interfaces*, NIELSEN & NORMAN GRP. (Jan. 24, 2016), <https://www.nngroup.com/articles/priming>.

⁹⁶ Authors’ calculation.

⁹⁷ See *infra* Table 7.

⁹⁸ See *infra* Table 7.

⁹⁹ Authors’ calculation. The p -values for all correlation coefficients in this report were calculated using a Bonferroni-adjusted significance level of 0.05 because of multiple testing concerns. See Mohieddin Jafari & Naser Ansari-Pour, *Why, When and How to Adjust Your P Values*, 20 CELL J. 604 (2019). The p -value appears only if the correlation was statistically significant.

¹⁰⁰ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants A, C, D, and E all experienced 3 or 4 non-critical errors and reported PTS ratings of 7).

Because three participants (37.5%) failed to identify that they could register for ODR, they also failed to complete Task 2, in the sense of achieving the anticipated outcome.¹⁰¹ By recognizing the option to register for ODR, the other five participants completed the task.¹⁰²

Participants spent, on average, 142.4 seconds ($\sigma = 93.4$) working on Task 2.¹⁰³ Theoretically, TOT should be negatively correlated with user satisfaction; those who spent less time on Task 2 should have reported a higher PTS rating. The data revealed only a minimal statistical relationship between these two variables in the baseline test ($r = -0.14$).¹⁰⁴

b) Problem Identification and Redesign

Based on these results, the research team concluded that the six options available on the affidavit and summons were neither easily identifiable nor sufficiently labeled for participants to identify all of the paths ahead. Considering only whether participants were able to identify ODR as an option, the research team identified the placement and appearance of that option as a high-impact issue (three critical errors) with moderate frequency (37.5%)¹⁰⁵ and labeled it a Level 1 problem (the most severe).

In response, the research team redesigned the prototype with emphasis on the summons-based options. The working hypothesis was that clearer focus on ODR would increase the completion rate and mean PTS rating while simultaneously decreasing all errors (especially critical failures) and TOT.

The redesigned summons included all the options on a single page.¹⁰⁶ The options were the same as on the original Utah summons, but the new version added a bolded Spanish-language prompt for accessing resources in Spanish. The other three options—using and opting out of ODR and going to trial—appeared as main subheadings on the page to draw more attention to them.

c) Prototype Test

In the prototype test, the research team again asked participants to identify the options available and explain which they would “most likely choose and why.” If the redesign of the summons enabled participants to understand and identify their options, thereby solving the problems identified in the baseline test, one would expect participants to identify the following four options listed on page one of the summons: (1) going to the Spanish resources page; (2) “Using ODR”; (3) “Opting out of ODR”; and (4) “Going to trial.”

All prototype test participants realized that registering for ODR was one of their options; Task 2 in the prototype test therefore generated no critical errors, compared to three critical errors in the baseline test.¹⁰⁷ The redesign was so successful that one person remarked:

“Within a minute I was able to know I had to go to the website.” – Participant 2E

¹⁰¹ See *infra* Table 3.

¹⁰² *Id.*

¹⁰³ See *infra* Table 4.

¹⁰⁴ Authors’ calculation. For all eight participants, the mean TOT was 142.34 seconds. The five whose TOT was below the mean reported a satisfaction rating between 5 and 7, whereas the 3 participants whose TOT exceeded the mean value reported a wider range of satisfaction (between 3 and 7).

¹⁰⁵ See *infra* Table 5.

¹⁰⁶ See *infra* Appendix 6 (redesigned summons / affidavit).

¹⁰⁷ See *supra* Table 5.

Four of the eight participants (50.0%) were able to successfully identify all four options available,¹⁰⁸ and the remaining half failed to identify between one and three options, generating a total of 8 non-critical errors.¹⁰⁹

“Am I missing something? My option is to use the online dispute resolution . . . I don’t see any other option listed clearly.” – Participant 2C, who went on to suggest that the other options could have been more clearly indicated.

Prototype test participants spent, on average, 70.8 seconds ($\sigma = 60.1$).¹¹⁰ Recall that the mean TOT among the baseline test participants was 142.4 seconds, implying that the summons redesign halved the time spent identifying the available options. This difference of just over one minute affirms the potential benefit from incorporating design-based principles. Similar to the baseline test results, the relationship between TOT and PTS ratings was negligible ($r = -0.17$).¹¹¹

With no critical errors, only eight non-critical errors, and dramatic improvement in TOT, one would expect a relatively high post-task satisfaction rating. Participants counterintuitively rated PTS from 3 to 7, with an average rating of 5.5.¹¹² Furthermore, those who identified all four options generally reported a lower satisfaction than those who did not ($r = 0.60$).¹¹³ Although the unexpectedly high PTS ratings among baseline test participants might suggest less genuine satisfaction with the prototype, this difference might be a function of differences between the testing populations. All baseline test participants reported knowing at least a little about small claims cases (and 25.0% knew a lot), but three-quarters of the prototype test participants indicated that they had *no* working knowledge about them.¹¹⁴ Having a prior understanding of or exposure to small claims cases might explain the baseline test participants’ enthusiasm despite the high number of errors and longer TOT among them. By comparison, the more affluent prototype test participants, most of whom reported knowing nothing about small claims cases and likely lacked personal experience with debt collection actions, may not have been able to appreciate the benefits of ODR.¹¹⁵ Additionally, priming could have been a factor in the unexpectedly high baseline test PTS ratings but would have been an unlikely culprit among the prototype test participants, who were known by their UX Facilitators. Although it is difficult to know precisely the cause of these unexpected results, the dramatic improvements on objective performance measures suggests that the prototype did improve task usability.

¹⁰⁸ See *infra* Tables 5 & 6 (XD participants A, B, C, and G were critical and non-critical error free).

¹⁰⁹ See *infra* Table 6.

¹¹⁰ See *infra* Table 4.

¹¹¹ Authors’ calculation. The eight participants spent an average of 70.8 seconds on Task 2. Five participants spent less-than-average time on Task 2, yet their PTS ratings ranged from 3 to 7. The person with the highest TOT (208 seconds) reported the second-lowest PTS rating (5), but the lowest PTS rating of 3 came from a participant that spent only 37 seconds on the task. Compare *infra* Table 4, with *infra* Table 7.

¹¹² See *infra* Table 7.

¹¹³ Authors’ calculation. The four participants (XD participants A, B, C, and G) who identified all four options and were therefore critical- and non-critical-error-free, reported satisfaction ratings between 3 and 6, whereas the other four participants reported satisfaction ratings between 6 and 7.

¹¹⁴ See *supra* Figure 4 and accompanying text.

¹¹⁵ Given their relative racial and ethnic diversity, along with their lower overall earnings, baseline test participants were more likely to have experienced a debt collection lawsuit, compared to prototype test participants, who were primarily white, non-Hispanic/Latinx individuals who were more likely to be employed and earn more than the baseline test participants. Furthermore, prototype test participants presumably would be more likely to afford legal representation if sued and would be less likely than lower-income individuals to be impacted by the additional financial stressors that accompany going to court (e.g., lack of paid time off work, difficulty securing childcare, challenges with transportation). In fact, participants from the baseline test and PAR workshops frequently commented on how excited they were for ODR and how ODR would relieve many of those common stressors.

3. Transitioning from Paper to Phone (Task 3)

Task 3 examined in both test rounds whether participants could use their smartphones as expected to navigate to the Utah ODR platform website using the information provided on the summons. For the baseline test, a short-form URL (known as a bit.ly link) appeared in the middle of the first page of the summons (page three of the affidavit and summons packet) in the same font and size as the rest of the text. The bit.ly link was used because preparatory tests revealed that the long, case-sensitive URL that Utah provided¹¹⁶ was too complex for pre-test participants to transcribe several minutes into a 30-minute session.¹¹⁷ In response, the research team created a simplified, but case-sensitive, bit.ly URL¹¹⁸ for test participants to use.

a) Baseline Test: Classified as Problem Severity Level 2

If the summons had been designed so that participants could rapidly locate and enter the ODR platform website URL on their smartphones, one would expect participants to (1) quickly identify the URL on the first page of the summons (page three of the affidavit and summons packet); and (2) enter the case-sensitive bit.ly URL into the browser, exactly as it appears, on the first attempt. One participant (12.5%) experienced a critical error on Task 3;¹¹⁹ while typing the URL into their smartphone browser's search bar, they clicked on an incorrect link that auto-populated below the search bar, which in turn took them to the wrong website. Because the UX Facilitator then had to guide the participant to the correct site, the participant did not complete the task.¹²⁰ The other seven participants were able to complete the task, with only one of the seven (12.5%) completing it after receiving permissible Advice from the UX Facilitator.¹²¹

Only three of the participants experienced non-critical errors as they typed the URL into their browsers.¹²² Each of them typed the URL incorrectly—twice—before typing it correctly, and two did not recognize or understand that the URL was case-sensitive.¹²³ Other participants expressed additional concerns about the URL. Specifically, two participants questioned the use of “bit.ly.” One wondered whether they could search for the website domain using Google. Another, who thought the URL was strange and wanted more information about the link, asked “Is there a name to this website?” Although confusion over the bit.ly URL is specific to the test environment, the suggestion to provide a website name that is discoverable outside of directly typing a link is generally good practice.

On average, it took participants nearly two minutes to type the URL ($\mu = 113.5$ seconds, $\sigma = 58.9$).¹²⁴ As expected, those who spent less time on Task 3 generally reported higher satisfaction than those who spent more time ($r = -0.37$).¹²⁵ All participants who spent less than the mean TOT reported a PTS rating of 7. Participant 1B (TOT of 61 seconds) reported the maximum rating because they “just put exactly in what the website was, and it took [them] to the portal.” The correlation is relatively weak, perhaps because other factors may have dwarfed the ease of completion. Two participants with above-average TOT, for example,

¹¹⁶ <https://verifyws.utcourts.gov/OnlineDisputeResolutionWEB>.

¹¹⁷ It is worth noting that the actual URL that defendants must transcribe from Utah's summons (<https://pubapps.utcourts.gov/OnlineDisputeResolutionWEB>) likely causes similar difficulties. In fact, the URL's unwieldy structure may be responsible for the fact that 64% of defendants served in Utah's pilot jurisdiction never logged onto the platform. See Himonas & Hubbard, *supra* note 15 and accompanying text.

¹¹⁸ http://bit.ly/ODR_web.

¹¹⁹ See *infra* Table 5 (baseline test participant D).

¹²⁰ See *infra* Table 3 (baseline test participant D).

¹²¹ See *infra* Table 3 (baseline test participant E completed the test “with Help”).

¹²² See *infra* Table 6 (baseline test participants A, E, and F).

¹²³ *Id.*

¹²⁴ See *infra* Table 4.

¹²⁵ Authors' calculation.

rated their PTS at 7.¹²⁶ On the other hand, one participant who reported a satisfaction rating of 2 (expressing difficulty identifying the website on the summons and concern about its case-sensitivity) spent about 2.5 minutes on the task,¹²⁷ and another person who rated it at 6 (voicing concern about the legitimacy and trustworthiness of the URL) spent almost 3 minutes on Task 3.¹²⁸ The latter participant asked:

“Is there a name to the website? . . . Is this web address a tool to learn or a web address to access the courts? . . . Usually you see ‘contact the small claims courts at . . .’ I did wonder. Typically, when you’re given a web address there’s more description.” – Participant 1G

The incidence of non-critical errors was negatively correlated with PTS ratings ($r = -0.43$).¹²⁹ The five participants who did not encounter any non-critical errors all reported a satisfaction rating of 6 or 7.¹³⁰ In comparison, the three participants who did encounter errors reported more varying satisfaction, ranging from one rating of 2 and two of 7. Participant 1A, who gave Task 3 a PTS score of 2, typed the URL incorrectly twice before completing the task.¹³¹ They commented:

“I didn’t know if I was supposed to type all of it or just a portion.”

“Don’t know if this is www or not.”

“Is this case-sensitive?”

“That didn’t work.”

As with Task 2, the presence of critical errors in Task 3 did not necessarily lower PTS ratings ($r = -0.17$).¹³² In fact, the one participant who experienced a critical error rated the task at 7 on the satisfaction scale.¹³³ That participant, however, provided this rating before they or the UX Facilitator realized that the participant had landed on the wrong website. The rating most likely signaled a false sense of accomplishment.

b) Problem Identification and Redesign

The baseline test revealed several remediable problems that users might face when trying to access the ODR platform website using the URL on the Utah summons. First, the numerous URLs that appear throughout the five-page summons and affidavit packet likely caused difficulty when individuals scanned the documents for the platform website URL.

Second, the relatively complex and case-sensitive URL generated longer TOT, caused multiple errors, and generally frustrated those who needed to type in the URL several times. The fact that the URL does not come with a notice that it is case-sensitive probably exacerbated the issue. In fact, one participant recommended that, if the URL must be case-sensitive, the summons should clearly state that fact. Another participant recommended that the summons provide more information about the website URL so that people might trust it more.

¹²⁶ Compare *infra* Table 4, with *infra* Table 7 (baseline test participants E and F both spent more than average TOT and reported PTS ratings of 7).

¹²⁷ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant A).

¹²⁸ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant G).

¹²⁹ Authors’ calculation.

¹³⁰ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants B, C, D, G, and H).

¹³¹ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants A, E, and F).

¹³² Authors’ calculation.

¹³³ Compare *infra* Table 5, with *infra* Table 7 (baseline test participant D).

The research team classified the complexity and case-sensitivity of the URL as a Level 2 problem. It moderately impacted task completion, i.e., caused participants difficulty but did not preclude task completion for a moderate share (37.5%) of participants.¹³⁴

The prototype was designed to test whether a new version of the summons that included a clearer URL and a functional QR code increased completion rates and PTS scores while simultaneously decreasing error frequency and TOT. Specifically, the summons used in the prototype test featured a clear header (“Using ODR”) and a similar, case-sensitive bit.ly URL¹³⁵ on the first page of the affidavit and summons packet. A QR code on the bottom of the first page provided an additional option for transitioning from the summons to the website.¹³⁶

c) Prototype Test

If the redesign of the affidavit and summons solved the problems identified in the baseline, one would expect participants to take one of two possible actions: (1) identify the URL on the first page of the summons and enter it exactly as written into a smartphone browser; or (2) identify the QR code and use the smartphone camera to scan it.¹³⁷

Although most participants (75.0%) commented on the QR code, only half attempted to use it. Of those four participants, only two used it successfully.¹³⁸ Thus, the majority of participants typed in the URL to access the website.

The prototype test was critical-error-free across all participants,¹³⁹ which meant that no one experienced errors preventing task completion. Seven participants (87.5%) completed the task on their own, and the remaining person did so with help.¹⁴⁰ Yet three participants (37.5%) experienced a total of 12 non-critical errors among them, with one participant having six.¹⁴¹ Even though critical errors were reduced from one in the baseline test to zero in the prototype test, non-critical errors nonetheless doubled.¹⁴² Mean satisfaction also dropped slightly (15.4%) from the baseline to the prototype test.¹⁴³

As expected, fewer non-critical errors generally were associated with higher PTS ratings ($r = -0.43$) in the baseline test.¹⁴⁴ The five participants who did not have non-critical errors reported ratings between 3 and 7.¹⁴⁵ In comparison, the two participants who experienced non-critical errors and provided PTS ratings chose values between 3 and 5.¹⁴⁶ Non-critical errors were not limited to just one of the two potential paths. One

¹³⁴ See *infra* Table 6 (baseline test participants A, E, and F).

¹³⁵ <https://bit.ly/ODR-Web>

¹³⁶ See *infra* Appendix 6 (redesigned summons / affidavit).

¹³⁷ For directions on how to use a camera to scan a QR code using iOS or Android smartphones, see Tyler Lacombe & Jeff Weisbein, *How to Scan a QR Code on Android and iOS*, DIGITAL TRENDS (Apr. 6, 2020), <https://www.digitaltrends.com/mobile/how-to-scan-a-qr-code>.

¹³⁸ Raw qualitative data (e.g., audio and video) on file with authors.

¹³⁹ See *infra* Table 5.

¹⁴⁰ See *infra* Table 3 (prototype test participant A completed the task with Help after receiving permissible Advice from the UX facilitator).

¹⁴¹ See *infra* Table 6.

¹⁴² *Id.*

¹⁴³ Authors' calculation; see also *infra* Table 7.

¹⁴⁴ Authors' calculation.

¹⁴⁵ Compare *infra* Table 6, with *infra* Table 7 (prototype test participants B, C, D, E, and H).

¹⁴⁶ *Id.* (prototype test participants F and G). The participant who experienced 6 non-critical errors did not provide a post-task satisfaction rating. *Id.* (prototype test participant A).

participant who experienced three non-critical errors tried to use the QR code, and another who experienced three non-critical errors simply typed the URL incorrectly.

The participant who experienced the most non-critical errors had difficulty with the case-sensitive URL, and unsuccessfully attempted to enter it six times before finally reaching the platform.¹⁴⁷ Another who typed it in correctly (and therefore did not experience errors) commented:

“The URL was not a very good URL, and it seems to be case-sensitive.” – Participant 2H, reporting a PTS rating of 5¹⁴⁸

The QR code also proved challenging for some participants. Of the four that attempted to access the website through the QR code, only two were successful and very satisfied:¹⁴⁹

“QR code was way easier to use than to type something.” – Participant 2D, reporting a PTS rating of 7¹⁵⁰

“It was very easy. All I had to do was pull out my camera, and it brought me right to this page. It was pretty simple.” – Participant 2E, reporting a PTS rating of 7¹⁵¹

One participant noticed the QR code but chose to enter the link because they believed that they needed a QR scanning app installed on their phone. Another who unsuccessfully attempted to use the QR code, and therefore generated non-critical errors, explained that there might have been an issue with their app and ultimately decided to just type in the URL.

“The QR code didn’t take me to the URL directly; that might have been an issue with my app.”
– Participant 2G, reporting a PTS rating of 3¹⁵²

Participants spent, on average, 97.3 seconds completing this task during the prototype test ($\sigma = 86.9$),¹⁵³ a reduction of 14.3%¹⁵⁴ from the baseline test mean of 113.5 seconds.¹⁵⁵ As expected, those with shorter TOT reported higher satisfaction than those who took longer ($r = -0.40$).¹⁵⁶ Participants who spent less than the mean TOT reported PTS ratings between 3 and 7,¹⁵⁷ while the participants that spent more than the mean reported a satisfaction rating between 3 and 5.¹⁵⁸

¹⁴⁷ See *infra* Table 6 (prototype test participant A).

¹⁴⁸ See *infra* Table 7 (prototype test participant H).

¹⁴⁹ Raw qualitative data (e.g., audio and video) on file with authors. *But see infra* Table 7 for completion status for prototype test participants D and E who successfully used the QR code.

¹⁵⁰ See *infra* Table 7 (prototype test participant D).

¹⁵¹ *Id.* (prototype test participant E).

¹⁵² See *infra* Table 7 (prototype test participant G).

¹⁵³ See *infra* Table 4.

¹⁵⁴ Authors’ calculation.

¹⁵⁵ See *infra* Table 4.

¹⁵⁶ Authors’ calculation.

¹⁵⁷ Compare *infra* Table 4, with *infra* Table 7 (prototype test participants C, D, E, G, and H).

¹⁵⁸ Compare *infra* Table 4, with *infra* Table 7 (prototype test participants B, and F). The participant who spent the most time on Task 3 did not provide a PTS rating. *Id.* (prototype test participant A).

4. First Impressions of the Homepage (Task 4)

This task asked participants to review the homepage, give their first impressions on its design and content, and identify the purpose and intended audience of the ODR platform website. For both test rounds, UX Facilitators read the following script and associated questions:

“Now that you’re on the website, you can scroll up and down, but don’t click on anything yet. Just look around and tell me: What are your first impressions of this page? Who is this page designed for? What do you think you can do here? What do you notice first about it?”

a) Baseline Test

During the baseline test, most participants successfully identified the two main functions available on the homepage: “Login” and “Sign Up.” Although the Utah ODR platform uses responsive design for mobile phones, participants’ behavior indicated that they had a difficult time seeing the screen on their smartphones. They pinched to zoom repeatedly, squinted at the screen, or commented on the low level of contrast between the text and the background color. Overall, however, participants seemed to like the look and feel of the website, commenting that it was professionally designed and that the Utah courts seal imbued the site with legitimacy and reassured the participants of ODR’s official status. Although most participants were generally aware that the website was aimed at people involved in small claims lawsuits, one participant was unsure whether the website was designed for plaintiffs or defendants. Most participants were able to correctly identify the “Login” and “Sign Up” options, but few realized that they had additional options for resolving the case through traditional court-based means by contacting the court to opt out or requesting exemption from the process.

One participant was initially unsure whether they would be able to obtain legal assistance through the site and expressed concern that a person using it would not have access to legal counsel. Another participant noted accessibility issues with the website design, specifically contrast issues:

“The grey on soft white would be difficult to read.” – Participant 1F

b) Problem Identification and Redesign

Based on these findings, the research team focused on improving two main problems revealed in the baseline test: (1) the visibility and accessibility of the homepage; and (2) the information presented on the homepage.

To address problems related to the look and feel of the homepage, participants in the PAR workshop worked with the research team to consider different color options. The participants ultimately preferred the blue color palette that the ODR platform featured. Participants also suggested a simple and instructive homepage. All participants wanted to see a brief description of ODR and a link to the FAQ/Help page on the homepage itself.

The XD redesign addressed the visibility issues by using a more vibrant and high-contrast color palette; by applying a clear, consistent visual information hierarchy throughout the site; and by avoiding text on images. The redesign also responded to the reported lack of information on the homepage by adding a “Welcome to Small Claims” message above the Utah seal, defining ODR above the “call to action” buttons, including important text about registration timelines and default judgements, and providing a clearly visible red “FAQ” button near the bottom of the page.

c) Prototype Findings

As with the baseline test, most prototype test participants successfully identified the two main functions available on the homepage: “Login” and “Sign Up.” A majority of participants in the prototype test understood the purposes of the website and that it would enable them to negotiate a claim. At least three

participants mentioned the red FAQ button first, and two of them said that it was the first thing they noticed:

“The red makes it stand out.” – Participant 2D

Three participants said that they noticed the Utah courts seal first, and two others thought that the seal conferred legitimacy:

“With the seal on there, it looks legit and professional.” – Participant 2D

“I see the same [seal] that was on the summons form, so it seems legit.” – Participant 2G

Some participants liked the look and feel of the homepage:

“Looks nice, easy to read. Looks good.” – Participant 2B

“The colors aren’t crazy or anything . . . seems nice and easy to use.” – Participant 2D

At least three participants either commented on the small font or expressed frustration with the visibility of the page. Unfortunately, Adobe XD does not allow users to zoom in the same way that an actual website would.

5. FAQ and Help (Task 5)

After they logged into the ODR platform, Task 5 asked participants to “learn more about online dispute resolution.” This task was designed to assess whether the original design of the help facility within the Utah ODR platform helped or hindered participants as they attempted to identify and utilize the full range of resources available. The findings from the baseline test and PAR workshops suggested that these features presented significant functionality issues.

a) Baseline Test: Classified as Problem Severity Level 1

If the ODR platform enabled users to locate the Help menu and FAQ, one would expect baseline test participants to take the following steps and in this order: (1) click on the “Help” menu; (2) click on “FAQs;” (3) click on the “Help” PDF; (2) spot “Question 1: What is Online Dispute Resolution?;” and (5) scroll down to read the answer.

Baseline test findings suggested both usability and functionality issues with the ODR platform’s “FAQ” and “Help” section. Only one participant (12.5%) was able to successfully reach Question 1 of the “Help” PDF.¹⁵⁹ Even that participant strayed from the anticipated path and experienced a non-critical error trying to navigate the platform.¹⁶⁰ Moreover, they felt that the information provided on the “Help” PDF and the “FAQ” page was insufficient:

“There was more explanation, but not. I guess a little more description. . . . I feel like I’m entering into a legal remedy pretty quickly without a whole lot of information.” – Participant 1G

That participant notably reported a PTS rating of 3.¹⁶¹ The other seven participants experienced a critical error that prevented task completion.¹⁶² Furthermore, half of the participants experienced one or two non-critical errors.¹⁶³ A different group of four looked around the homepage and never clicked on the “burger”

¹⁵⁹ See *infra* Table 5 (baseline test participant G).

¹⁶⁰ See *infra* Table 6 (baseline test participant G).

¹⁶¹ See *infra* Table 7 (baseline test participant G).

¹⁶² See *infra* Table 5.

¹⁶³ See *infra* Table 6 (baseline test participants A, B, E, and G).

menu (the three-line icon in the top corner of the screen that provides a suite of options), despite assistance from the UX Facilitators.¹⁶⁴

“I didn’t see anything there. There was nothing on the homepage saying ‘what is [online dispute] resolution [or] learn more about online resolution.’ Do I have to login to my account? Do I use a search engine? [I] didn’t see anything about information.” – Participant 1A, reporting a PTS rating of 1.¹⁶⁵

Other participants clicked on the burger menu icon as anticipated but then experienced various critical and non-critical errors (e.g., searching for a contact number and accidentally clicking the wrong page) before giving up. One participant was redirected away from the ODR website each time they hit the back button and had to re-enter the URL multiple times to return.

The baseline test data suggested a pattern in which fewer non-critical errors were associated with higher PTS ratings for Task 5 ($r = -0.80$).¹⁶⁶ Across all participants, the average PTS rating was 4.5 ($\sigma = 2.2$).¹⁶⁷ Of the four participants who did not experience non-critical errors, two did not report PTS ratings, and the others reported satisfaction ratings between 5 and 7.¹⁶⁸ The four participants who had non-critical errors indicated a wider range of post-task satisfaction (between 1 and 6) and suggested that their ratings were based on the errors they experienced.¹⁶⁹ Consider, for example, the participant who reported a PTS rating of 5¹⁷⁰ and whose use of the back button took them out of the ODR platform completely. They noted that the back button on their smartphone (not the one embedded in the website) would ordinarily take them back one screen, rather than completely out of the website. While this functionality is standard for the way the platform is currently designed, the participant’s response was notable because they found it unexpected and unwelcome. Surprisingly, there wasn’t a similar relationship between critical errors and PTS ratings ($r = 0.34$).¹⁷¹ Only one participant did not have a critical error, and they reported a PTS satisfaction rating of 3.¹⁷² Participants who experienced critical errors reported satisfaction ratings across the entire scale ($\mu = 4.8$).¹⁷³

Participants spent an average of 96.6 seconds ($\sigma = 83.1$) completing Task 5.¹⁷⁴ Those with shorter TOT generally reported higher satisfaction than those with longer TOT, but the correlation was very weak ($r = -0.07$).¹⁷⁵ The four participants who spent more than the mean TOT for Task 5 reported a satisfaction rating between 1 and 6.¹⁷⁶ One participant, who spent 119 seconds and reported a satisfaction rating of 1,¹⁷⁷ explained that they were trying to find a link akin to “learn more about online resolution.” Another, who spent

¹⁶⁴ Raw qualitative data (e.g., audio and video) on file with authors.

¹⁶⁵ See *infra* Table 7 (baseline test participant A).

¹⁶⁶ Authors’ calculation.

¹⁶⁷ See *infra* Table 7.

¹⁶⁸ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants C and D). Participants F and H, likewise, did not experience non-critical errors, but they did not report satisfaction ratings.

¹⁶⁹ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants A, B, E, and G).

¹⁷⁰ Compare *infra* Table 6, with *infra* Table 7 (baseline test participant B).

¹⁷¹ Authors’ calculation.

¹⁷² Compare *infra* Table 5, with *infra* Table 7 (baseline test participant G).

¹⁷³ Compare *infra* Table 5, with *infra* Table 7.

¹⁷⁴ See *infra* Table 4.

¹⁷⁵ Authors’ calculation.

¹⁷⁶ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant A, B, E, and G).

¹⁷⁷ *Id.* (baseline test participant A).

199 seconds and reported a PTS rating of 5,¹⁷⁸ commented that the “[l]oad time [was] long; I got kinda annoyed with my speed because it didn’t want to load.” The participant who spent the most time (213 seconds) reported a PTS rating of 6,¹⁷⁹ but that was only after the UX Facilitator provided critical Advice¹⁸⁰ that guided the participant to the “FAQ” page. Therefore, the PTS rating might have been inflated by the sense of accomplishment related to task completion, which would not have occurred but for the UX Facilitator.

b) Problem Identification and Redesign

A strong majority of participants (87.5%) experienced critical errors on Task 5 and were not able to successfully obtain help and other background information about the ODR process.¹⁸¹ The research team classified the issue a Level 1 problem due to its high impact, meaning it yielded a critical error preventing task completion, and high frequency (87.5% of participants).¹⁸² In the baseline test, a majority of participants reported dissatisfaction because of the difficulty in finding information about ODR on the platform website, including guidance on how the site worked, whether participation was mandatory, and how to contact someone for real-time assistance.

During the PAR workshop, the research team prototyped different methods of presenting information and help on the website, including a simplified FAQ page, as well as a series of “overview” screens that walked participants through the ODR process and explained important concepts such as the roles of the parties and the ODR Facilitator.

Participants appreciated the overview screens and were particularly supportive of a more detailed description of the ODR Facilitator. Participants were also shown the “FAQ” page from the existing ODR platform (which is a more detailed help section), as well as a simplified “Quick Guide.”¹⁸³ They remarked that the full FAQ was long and that they would be more likely to read the Quick Guide. Participants still wanted access to the full FAQ, in case they needed more information, suggesting that the Quick Guide might appear first with embedded links to the more complete FAQ.

The PAR workshops unearthed an important connection between Tasks 2 and 5. In light of the relatively high user reading level assumed by the affidavit and summons, as well as the ODR platform, participants recommended that legal terms (e.g., plaintiff, defendant) be defined clearly. They were enthusiastic about the idea of “pop-ups” that might provide definitions and surmised that this approach would be easy to navigate. They did not want pop-up boxes to replace the “Help” or “FAQ” sections. Instead, they wanted access to both, and they preferred that the link to the FAQ be named “Help” to make the next steps more obvious for stuck users.

The research team set out to examine whether redesigning the homepage to account for these suggestions would enable participants to find information about ODR more easily. The working hypothesis was that a more streamlined FAQ/Help section would increase completion and PTS rates while also reducing errors and TOT.

To test that conjecture, the “Help” section was redesigned in three important ways: (1) a short description of ODR was added to the homepage; (2) a red “FAQ” button—the same described in Task 4 above—was added to the bottom of the homepage to supplement the “FAQ” in the dropdown menu; and (3) an overview guide and

¹⁷⁸ *Id.* (baseline test participant B).

¹⁷⁹ *Id.* (baseline test participant E).

¹⁸⁰ But for the UX Facilitator’s assistance, the participant would not have found the FAQ page. As a result, the research team recorded a critical error, and marked the task incomplete. *See infra* Tables 3 & 5 (baseline test participant E).

¹⁸¹ *See infra* Tables 3 & 5.

¹⁸² *See infra* Table 5.

¹⁸³ *Compare infra* Appendix 3 (Utah ODR FAQ page), with *infra* Appendix 7 (PAR workshop 1, Quick Start Guide prototype).

welcome video were introduced to familiarize a user with the ODR platform. Embedding and playing video are not possible features on XD, so the research team used a thumbnail of a video player to suggest that a video would have appeared. The next three screens of the guide briefly discussed: (1) the chat feature and the role of the neutral ODR facilitator; (2) claim resolution options; and (3) a message about privacy and civil discourse.

c) Prototype Test

The anticipated successful path along the prototype redesign involved participants first clicking on the red “FAQ” button, then reading the “What is Online Dispute Resolution?” section of the Help content, and then clicking through the overview guide screens.

Completion and critical-error-free rates were inverted from 12.5% in the baseline test to 87.5% in the prototype test.¹⁸⁴ Seven of the eight prototype test participants clicked on the red “FAQ” button, which enabled them to locate the “What is Online Dispute Resolution?” content.¹⁸⁵ The remaining participant ultimately completed the task with so much assistance that they experienced a critical error.¹⁸⁶ Although only that one participant experienced a critical error, five of the eight participants experienced non-critical errors for a total of 14 non-critical errors across participants ($\mu = 1.8, \sigma = 0.1$).¹⁸⁷

Prototype test participants also reported substantially higher average PTS ratings (with much less variation) during the prototype test.¹⁸⁸ The average baseline test PTS rating of 4.5 increased to 6.3 (40%) after the prototype test.¹⁸⁹ The high critical-error-free and completion rates might have contributed to the increased mean PTS rating; interestingly, the participant who experienced a critical error still reported a high PTS rating of 6.¹⁹⁰ Still, those without critical errors tended to report greater satisfaction, but this relationship was weak ($r = -0.14$).¹⁹¹ A stronger relationship emerged between non-critical errors and satisfaction ($r = -0.50$),¹⁹² with those experiencing fewer non-critical errors reporting higher satisfaction. The five participants who experienced non-critical errors reported satisfaction ratings between 5 and 7,¹⁹³ and the three participants who completed the task without non-critical errors reported satisfaction ratings of 6 or 7.¹⁹⁴

Lower scores might also have been driven by the functionality limitations of the XD prototype, completely independent of the task’s inherent difficulty. For example, one participant seemed frustrated that they could not use their smartphone’s back button, which is non-functional in the XD prototype software. Similarly, many participants tried to watch the embedded video, which was also non-functional, thereby causing confusion and frustration:

¹⁸⁴ See *infra* Table 5.

¹⁸⁵ See *infra* Table 3.

¹⁸⁶ See *infra* Tables 3, 5 (prototype test participant E). Because the UX Facilitator only offered permissible Advice, the research team recorded the task as “Completed with Help.” But, because the participant would not have completed the task without that Advice, the team recorded a critical error. See *supra* Section I(D)(4) for more information on this data recording procedure.

¹⁸⁷ See *infra* Table 6.

¹⁸⁸ See *infra* Table 7.

¹⁸⁹ *Id.*

¹⁹⁰ Compare *infra* Table 5, with *infra* Table 7 (prototype test participant E).

¹⁹¹ Authors’ calculation.

¹⁹² Authors’ calculation.

¹⁹³ Compare *infra* Table 6, with *infra* Table 7 (prototype test participants A, B, C, E, and G).

¹⁹⁴ Compare *infra* Table 6, with *infra* Table 7 (prototype test participants D and F).

“If the video had been there I think it would have been pretty educational. . . . It’s kinda difficult to navigate this app at times.” – Participant 2E, reporting a PTS rating of 6.¹⁹⁵

“Some of your links are wonky.” – Participant 2B, reporting a PTS rating of 6¹⁹⁶

Overall, though, participants seemed to find that information was accessible and helpful, and some appreciated that the FAQ button was the only red item on the screen:

“The ‘how do I use this platform’ is reasonably clear.” – Participant 2B, reporting a PTS rating of 6¹⁹⁷

“It was really easy because the button was red and stood out from the rest of the blue page.”
– Participant 2D, reporting a PTS rating of 7¹⁹⁸

In contrast to feedback from participants at the PAR workshops, one prototype test participant suggested that the FAQ information should be condensed and noted that some of it was important enough to be included on the summons:

“I just imagine that I’m not gonna read through all this. All this text seems unnecessary. If you have all of these paragraphs, I just don’t want to read all of that. . . . I feel that most important things should be located on top. Why [are] questions 1 and 2 not addressed on the first page of the summons?”
– Participant 2C, reporting a PTS rating of 6¹⁹⁹

TOT was not significantly reduced during the prototype test relative to the baseline test. This result arguably was expected because the prototype included a new multi-screen overview guide with additional content that does not exist on Utah’s ODR platform. Participants spent an average of 96 seconds completing this task ($\sigma=167.6$) during the prototype test,²⁰⁰ a reduction of only 0.6% from the baseline mean of 96.6.²⁰¹ Similarly, there was very little change in the correlation between TOT and PTS ratings between the two rounds of testing (from $r = -0.07$ in the baseline to $r = -0.08$ in the prototype).²⁰² Notably, the prototype test participant reporting the lowest satisfaction spent only 16 seconds on the task,²⁰³ while the other participants, who recorded higher TOT, also reported higher satisfaction. This finding could indicate that the prototype participants found the overview guide content to be informative and worth the time necessary to read it.²⁰⁴

6. Registration and Login (Task 6)

For Task 6, participants were asked to register for, and sign in to, the ODR platform. Because almost two-thirds of actual Utah-based defendants never log in to the existing ODR platform,²⁰⁵ the research team decided to examine whether the registration and login process presented any unnecessary obstacles that inadvertently prevented potential users from successfully engaging with the ODR platform.

¹⁹⁵ See *infra* Table 7 (prototype test participant E).

¹⁹⁶ *Id.* (prototype test participant B).

¹⁹⁷ *Id.* (prototype test participant B).

¹⁹⁸ *Id.* (prototype test participant D).

¹⁹⁹ *Id.* (prototype test participant C). Question 1 reads: “How do I use this platform?” Question 2 reads: “What is Online Dispute Resolution?”

²⁰⁰ See *infra* Table 4.

²⁰¹ Authors' calculation.

²⁰² Authors' calculation.

²⁰³ Compare *infra* Table 4, with *infra* Table 7 (prototype test participant C).

²⁰⁴ *Id.*

²⁰⁵ See Himonas & Hubbard, *supra* note 15 and accompanying text.

a) Baseline Test: Classified as Problem Severity Level 1

The research team expected participants to take the following steps, in order: (1) select “Create Account;” (2) complete the “captcha,” a digital task that helps distinguish human users from bots; (3) select “Individual” when asked whether they were sued as an individual or a business; (4) enter and confirm their case information (e.g., name, case number, and litigant status); (5) identify the plaintiff; (6) enter their email address and, if desired, a phone number for notifications; (7) agree to receive notifications; (8) retrieve and enter a verification code for notifications; and (9) create a password.

During the baseline test, seven of the eight participants (87.5%) experienced a critical error preventing them from completing registration,²⁰⁶ and seven experienced non-critical errors.²⁰⁷ Across all eight participants, the average number of non-critical errors was 5.4,²⁰⁸ but that mean was skewed slightly by the fact that one participant experienced 20 critical errors.²⁰⁹ That participant had extreme difficulty with system lag and connection difficulties; at times the screen would “ghost” with a faded version of the prior screen and freeze. Excluding that participant from the calculation, participants experienced, on average, 3.3 non-critical errors while attempting to register for access to the Utah ODR platform.²¹⁰

Common errors included typing in one’s name or case number incorrectly, failing to notice the system requirements for a password, and not grasping the meaning of the terms plaintiff and defendant. Both names on the summons provided during the test were generic pseudonyms (e.g., User A), which, when coupled with unfamiliar legal terms, might have unnecessarily complicated the process of entering first and last names.²¹¹

Several participants had trouble finding the required information on the summons and affidavit. One person furrowed their brow as they flipped through the pages searching for the case number. Several participants were confused about whether they were the plaintiff or the defendant:

“Am I a plaintiff or defendant?” – Participant 1G

“Do you want me to put plaintiff?” – Participant 1B

“I’m plaintiff, correct?” – Participant 1C

Two participants recognized that they were the defendant but entered the name incorrectly. Several participants spent time considering whether they were being sued as an individual or a business. One participant was confused by the question and read it as “are you being sued *by* an individual or a business?” and therefore selected “business”:

“I assume it’s a business.” – Participant 1B

Because the registration process only notified participants that their “case could not be located” *after* they entered party names, the case location, and the case number, participants were not certain which data item they had entered incorrectly, causing significant irritation. This experience suggested that the registration process was unduly complex and error-prone and that it lacked sufficient error-prevention and recovery measures:

²⁰⁶ See *infra* Table 5.

²⁰⁷ See *infra* Table 6.

²⁰⁸ *Id.*

²⁰⁹ *Id.* (baseline test participant B).

²¹⁰ *Id.*

²¹¹ See *infra* Appendix 5 (Utah summons / affidavit).

“Did I get too many zeros [referring to the case number]? I wonder what’s going on. I hope I didn’t break the system. I’ll do my best. . . . If I’m reading this, it’s plaintiff, last name C, so it’s an individual? . . . You have to be accurate, as we’ve seen. I don’t like this. I hate this thing. That’s confusing me.”
– Participant 1G

One participant began jabbing at the screen repeatedly with their finger and commented that the complexity of the process coupled with time constraints might cause them to step away and potentially forget to come back to it:

“In reality, if this was happening to me in real life, I would be so annoyed right now. I live in a house full of kids, the house is always noisy and chaotic. . . . I’m always multitasking. So, if it’s taking forever to load, I’ll step out of it and go back to it, if I can’t figure it out. I’ll try to remember to go back to it if I have time, but there’s a good possibility it will trip off my memory.” – Participant 1B

The same participant also commented on the lack of contact information for technical assistance:

“Because it’s not pulling up my case number, I would look for a phone number to call to see about talking to someone about it and letting them know I can’t do it online and see about what my options are. I looked back at the sheet, and I noticed the phone number is just if I needed to be excused. They probably wouldn’t be able to give me any technical support.” – Participant 1B

Once participants correctly entered the case information and selected their case, they faced additional difficulty while attempting to set up email and text notifications. In particular, when participants selected “Send Code,” the ODR platform did not provide confirmation that a code had been sent. Additionally, there was a significant delay (up to a minute) between when someone pressed “Send Code” and when they actually received a verification code. With no confirmation message and some delay, participants thought something was wrong—either that they had not actually pressed the button or that the code had not been sent—and they then hit the button multiple times. They consequently received multiple codes and were unsure which one to enter for ODR registration purposes:

“I’m confused about which verification code. I’m in mass confusion [about] which one to use.”
– Participant 1C

With seven of eight participants (87.5%) experiencing critical errors,²¹² and with 43 non-critical errors across all participants,²¹³ one would expect to have observed relatively low PTS ratings for Task 6. Conversely, participants reported PTS ratings between 3 and 7, and the average rating across all eight participants was 6.²¹⁴ The data suggested a slight correlation between the number of critical errors and PTS ratings ($r = -0.29$).²¹⁵ The sole participant who experienced no critical errors reported a PTS rating of 7,²¹⁶ whereas the seven participants who did reported ratings as low as 3 ($\mu = 5.9$).²¹⁷ Likewise, a higher number of non-critical errors correlated with a lower reported PTS rating ($r = -0.69$).²¹⁸ The only participant who did not experience non-critical errors reported a satisfaction rating of 5,²¹⁹ and the seven participants who experienced non-

²¹² See *infra* Table 5.

²¹³ See *infra* Table 6.

²¹⁴ See *infra* Table 7.

²¹⁵ Authors’ calculation.

²¹⁶ *Id.* (baseline test participant E).

²¹⁷ *Id.* The other seven participants reported scores of 3, 5, 6, 6, 7, 7, and 7 ($\mu = 5.9$).

²¹⁸ Authors’ calculation.

²¹⁹ Compare *infra* Table 6, with *infra* Table 7 (baseline test participant G).

critical errors reported PTS ratings between 3 and 7.²²⁰ As one might expect, the participant who experienced the highest number of non-critical errors (20) reported the lowest PTS rating (3).²²¹ On the other hand, the participant who experienced the second-highest number (9) reported the highest PTS rating (7).²²² This maximum rating may have reflected the participant's (potentially incorrect) assumption that their phone, and not the platform, caused the problems.

Only one of eight participants (12.5%) was able to complete the registration process on their own and without help.²²³ The other seven participants completed the task with help, meaning they received task-essential Advice from UX Facilitators (e.g., how to enter one's name and status as plaintiff or defendant) to move forward. Because each of these participants would not have completed registration but for the UX Facilitator's assistance, each of these participants experienced a critical error.²²⁴

Participants spent, on average, 534.9 seconds on Task 6, but TOT measures ranged from 308 to 1089 seconds.²²⁵ Those who spent less time on this task generally reported higher satisfaction than those who spent more time on the task ($r = -0.32$).²²⁶ The three participants who spent more than the mean TOT for Task 6 reported a mean satisfaction rating of 5.7,²²⁷ compared to the four who spent less than the average TOT of 6.2.²²⁸

b) Problem Identification and Redesign

Perhaps due to the length and complexity of the registration process, participants had trouble locating and inputting information needed for registration, such as their name, the plaintiff's name, and the case number. They also had trouble understanding roles, including whether they were the plaintiff or the defendant, and whether they were being sued as an individual or a business. This resulted in seven critical errors and 43 non-critical errors across eight participants.²²⁹ Based on the high impact (critical errors preventing task completion) and high frequency (87.5%), the registration process was labeled with Problem Severity Level 1 (the most severe).

In the PAR workshop, participants worked with the research team to simplify the registration process. In addition to suggesting fewer registration steps, participants noted that they would like the website to show progress through each step. The research team worked with participants to determine the best way to show progress through the registration process. A majority of participants preferred a bar that was shaded to indicate where the user is in relation to overall completion of tasks. A majority also preferred numbering task steps and adding language to the "Continue" button to indicate what task is next (e.g., "Continue to step 3.").

Workshop participants preferred a basic loading bar with time remaining beneath it to let the user know that the system is working and to preclude the possibility of multiple verifications codes being transmitted. One

²²⁰ *Id.*

²²¹ *Id.* (baseline test participant B).

²²² *Id.* (baseline test participant D).

²²³ See *infra* Table 3.

²²⁴ A task can be "Completed with Help," but still lead to a critical error, if the participant would not have advanced without the one piece of advice given. See *supra* Section I(D)(4).

²²⁵ See *infra* Table 4.

²²⁶ Authors' calculation.

²²⁷ Compare *infra* Table 4, with *infra* Table 7. Baseline test participants F, G, and H spent 574, 1089 and 632 seconds, and reported satisfaction scores of 6, 5, and 6 ($\mu = 5.7$), respectively.

²²⁸ *Id.* The other five participants reported scores of 7, 3, 7, 7, and 7 ($\mu = 6.2$).

²²⁹ See *infra* Tables 5, 6.

participant explained that the uncertainty of not knowing how long they would have to wait or how long the process would take was frustrating. Showing the time remaining would increase one's desire and ability to interact with the platform. Another suggested having a "Save and Continue" option for registration so that users can return to the place at which they left if they cannot complete the registration process in one sitting.

Participants were split on the balance between efficiency and security for password requirements. Participants did prefer case-sensitive passwords but were divided on symbol requirements. Because of the broad range of personal preferences, the research team wondered whether minimal password requirements would satisfy users who prefer efficiency while allowing more privacy-conscious users to create more complex passwords.

Despite wanting a simpler process, PAR workshop participants shared the baseline test participants' concerns about the expediency of the process and the 14-day deadline before default judgments. Participants expressed concern that the registration process did not include reference to the 14-day deadline during the process of requiring participants to set up email notifications.

Based on baseline findings and suggestions from participants in the PAR workshop, the research team formulated two questions: (1) would redesigning the summons to highlight information needed in the registration process increase completion and PTS ratings, while decreasing errors and TOT?; and (2) would streamlining the registration process increase overall completion and satisfaction while decreasing errors?

To test these questions, the research team simplified the complex registration process down to five screens. A screen with a required "I understand and agree to check my notifications" selection before continuing was integrated to address concerns that participants need reminding of the 14-day deadline as they set up their email/text notifications during registration. To assist users in finding case information, the redesign included screenshots of the affidavit, with highlights indicating where participants can find information such as their name and case number. In response to participant consensus regarding the need for progress and process feedback, the redesign included progress indicators at the bottom of each screen, and a processing notice when the system was working. Finally, in an attempt to bridge efficiency and security, the password requirements were reduced, and error prevention (option to see password) and recovery mechanisms (programmed error messages with descriptions of what was wrong) were added.

c) Prototype Test

If the registration redesign enabled users to complete registration without errors, participants were expected to take the following steps: (1) sign up; (2) complete the captcha; (3) set up their email and password; (4) read and agree to the 14-day answer deadline; (5) complete email verification; (6) if they choose, enter their phone number and set up text verifications; (7) enter their name and case number; (8) select "yes" to case verification; and (9) wait while the system redirects them.

The prototype test had an 87.5% completion rate and was entirely critical-error-free, meaning all eight participants completed registration without incident. This constituted a significant improvement from the baseline test, which yielded 12.5% completion and critical-error-free rates. In the prototype test, one participant experienced a functionality issue with the Adobe XD software that prevented them from completing the task. Because this was the result of a software issue, no critical error was recorded.²³⁰ That participant commented:

"If it had worked, it would have been very easy; the process was easy." – Participant 2G

²³⁰ Compare *infra* Table 3, with *infra* Table 7 (prototype test participant G).

Prototype test participants also experienced 97.7% fewer non-critical errors (1) compared to baseline test participants (43).²³¹ Despite some prototype software-based errors, participants felt the process was relatively uncomplicated:

“None of the information that it asked, I didn’t have. It was available. I thought it was easy. Similar to how you would set up anything online.” – Participant 2E

“I feel like it was pretty straightforward.” – Participant 2C

“It was pretty easy to do, there was just a lot of stuff, information you have to give them; but I like how you can opt out of text messages.” – Participant 2D

With high critical-error-free and completion rates, one would expect to have observed a higher PTS rating for Task 6. Yet participants reported PTS ratings ranging from 1 to 7 ($\mu = 4.9$),²³² a reduction of 18.3% from the baseline mean of 6.0.²³³ Many of the lower ratings were mostly likely due to issues with Adobe XD and not with the prototype design itself. The participant who reported a PTS rating of 1 was the participant who did not complete the task.²³⁴ And, across participants, those who experienced non-critical errors reported lower PTS ratings ($r = -0.02$). The second-lowest PTS rating unexpectedly came from a participant who experienced no critical or non-critical errors.²³⁵ However, this participant faced significant difficulty with the limitations in the XD software, including problems with the keyboard, which were not counted as errors because they were factors of the test environment and not the prototype design:

“It’s not allowing me to type anything in.” – Participant 2B

TOT decreased by 73.9% in the prototype,²³⁶ from 534.9 seconds in the baseline to only 139.5 seconds in the prototype ($p = 0.0$).²³⁷ Overall, those who spent less time reported, on average, slightly higher PTS ratings, but this relationship was very weak ($r = -0.08$).²³⁸ In fact, the lowest PTS rating of 1 came from a participant who spent 112 seconds on the task,²³⁹ and the highest PTS rating of 7 came from two participants whose TOT exceeded the average.²⁴⁰

7. First Impressions of the Defendant Answer Options Page (Task 7)

Task 7 took place immediately after the participant successfully registered for the website. In the baseline test, the script invited participants to review the page that appears once someone has logged in for the first time and to share their first impressions of it. This page provided participants with seven options for

²³¹ Authors calculation; *see also infra* Table 6.

²³² *See infra* Table 7.

²³³ Authors’ calculation.

²³⁴ *Compare infra* Tables 3, 6, with *infra* Table 7. Prototype test participant 2G reported a PTS rating of 1.

²³⁵ *Compare infra* Table 6, with *infra* Table 7 (prototype test participant B). Participant 2B’s low satisfaction could also be attributed to their high TOT (185 seconds). *See infra* Table 4.

²³⁶ Authors’ calculation.

²³⁷ *See infra* Table 4.

²³⁸ Authors’ calculation.

²³⁹ *Compare infra* Table 4, with *infra* Table 7 (prototype test participant G).

²⁴⁰ *Id.* (prototype test participant F).

responding to the lawsuit.²⁴¹ Participants could scroll up and down but were asked to refrain from clicking anything. At the beginning of Task 7, UX Facilitators provided the following instruction:

“You can scroll up and down, but don’t click on anything yet. Just look around and tell me what you see and think. What are your first impressions of this page? What do you notice first about it? What do you think you can do here? Who do you expect to engage with in this process? What are your legal rights?”

a) Baseline Test

Some appreciated the color scheme of the original website during the baseline test, commenting that they liked the choice of the baby blue color because it was less likely to induce stress in people involved in a small claims case.

Participants during the baseline test also noticed the different options for answering the pleadings online. One of the participants mentioned that they liked, in addition to the option to agree with the claim, others for not being able to pay at the moment, and not being ready to respond, as they “had not seen these options before.”²⁴² Noticing the high number of options, one participant noted:

“I would be a little leery of what I clicked on. It’s a new system.” – Participant 1G

Most participants during the baseline test recognized that an ODR Facilitator would be involved and that they could expect to interact with them. But participants were confused about the ODR Facilitator’s role. One individual mentioned that they expected to be able to deal directly with the other party to resolve the claim and mentioned nothing about the ODR Facilitator. Another thought that they should be able to resolve the case with the ODR Facilitator directly.

Participants’ level of knowledge regarding their legal rights during the baseline test was mixed. One individual thought that the options for paying the claim implied that there was an option to resolve the claim outside of ODR; it appears that this person may not have understood that the option for paying the claim was an integral part of the ODR system. When asked, some participants noted that they were not sure what their legal rights were:

“That, I don’t even know.” – Participant 1B

“I’m literally just going through the form process. I have no idea what my legal rights are.”
– Participant 1F

b) Problem Identification and Redesign

Baseline findings revealed concerns over whether participants understood their legal rights before they initiated a conversation with the plaintiff. The research team wondered whether an optional guide would enable participants to better understand their legal rights and the ODR chat process. In the PAR workshop, the research team worked with participants to determine what information would be most helpful. A majority of participants wanted more information about the chat process and features, and they wanted the roles of the ODR Facilitator and plaintiff to be better defined.

²⁴¹ The seven options on the defendant answer page are: (1) “I want options to pay this claim”; (2) “This claim is part of a bankruptcy”; (3) “I don’t owe this claim”; (4) “I don’t agree with the claim”; (5) “I disagree with some parts of the claim”; (6) “I agree with most of the claim, but I can’t pay it”; and (7) “I’m not ready to respond to PLAINTIFF X yet.”

²⁴² The participant did not elaborate further on this comment, and the UX Facilitator did not probe for further details. It is possible that this participant had prior experience dealing with small claims cases, which would explain why they were familiar with some of the other options.

In response to the participant concerns expressed during the baseline testing, the research team created a short overview guide in both video and text format. This guide was intended to orient participants to the system and inform them of their basic legal rights during this process.

Baseline findings also revealed concern about the number of options that participants had to choose from before joining the chat. Even though a majority of participants noted that there were several options, most did not explain whether the assortment was positive or negative. Yet one commented that the number of options made them “weary.” These findings were later addressed in Task 8.

c) Prototype Test

The research team updated the instructions provided to the participants by the UX Facilitators in the prototype test to account for the new overview guide (in contrast to a single landing page). The updated instructions were:

“Look around this section and tell me what you see and think. It’s okay to tap the screen to move through this information. What are your first impressions of these onboarding pages? What do you notice first about them? What do you think you can do here? Who do you expect to engage with in this process? What are your legal rights?”

During the prototype test, participants seemed pleased overall with the visual design of the interface. They noted that the scheme was simple, pleasant, and easy on the eyes. However, the Adobe XD platform did not allow participants to zoom, and one participant needed to use a magnifying glass to improve the readability of the text. This fact suggests that both ODR platform and prototype developers should address accessibility issues for those with vision limitations.

As with the baseline test, prototype test participants wanted more information about their legal rights. Some participants liked that certain pieces of information were highlighted:

“The facilitator cannot provide legal advice.’ It’s good that that’s bolded.” – Participant 2C

Although some individuals commented that the video overview of their rights could be helpful, a video could not be played during testing due to the nature of the Adobe XD testing platform. Interestingly, three of the eight participants (37.5%) tried to press play during the prototype testing, suggesting the intuitive nature and possible utility of this feature.²⁴³ One of the participants thought the video might be more helpful if it were included within the Help facility. Another participant liked that the overview video was coupled with the overview screens:

“[I can watch the] video or click through; I like that there are two options, I am going to go with the click through because I think it will take less time than watching a video.” – Participant 2G

Another participant did not like that the guide was optional and felt that the use of the term “tutorial” would not incentivize participants to engage with it:

“If I see the [word] tutorial, I might just skip it. A tutorial is like an optional thing. And I wouldn’t expect to, you know, have to find out [] about my [] legal [] [rights] and what to expect from all this from a tutorial. If there’s [] information [] that that I need to know like that, it shouldn’t be in a tutorial, it should be right up front.” – Participant 2H

²⁴³ Raw qualitative data (e.g., audio and video) on file with authors.

8. Chat Initiation (Task 8)

Task 8 required participants to respond to the claim by choosing from a list of pre-specified responses.²⁴⁴ For testing purposes, participants were advised to agree that they were responsible for part of the amount due, but that they could not pay the entire amount due. The script also advised that they had previously made a \$100 payment and that the amount listed on the summons did not reflect that payment:

“Now, you weren’t able to repay the whole loan as you had planned, but you were able to make a \$100 payment, and the summons doesn’t reflect that payment. Respond to the plaintiff’s claim.”

Based on the prompt and the options presented, participants were expected to select “I disagree with some parts of the claim” and then explain in the text box that the total claim did not reflect their \$100 payment. The research team recorded critical errors only if the participant failed to select any option and recorded non-critical errors if a participant selected an option other than the anticipated one.

a) Baseline Test: Classified as Problem Severity Level 2

All participants were able to complete Task 8, but one participant (12.5%) had trouble submitting their explanation and required advice from the UX Facilitator.²⁴⁵

Although no participants experienced critical errors, half of the participants experienced one non-critical error ($\mu = 0.5$, $\sigma = 0.5$).²⁴⁶ Six of the participants (75.0%) selected the anticipated response “I disagree with some parts of the claim,” but some of them lacked confidence in their selection:²⁴⁷

“The closest option would be ‘I disagree with some parts of the claims.’ I would call the courts and see how [that works.] I would call and ask questions first. Will I make the best decision?” – Participant 1E

One participant—who spent 366 seconds on this task—was confused by the similarities between some of the options and wanted to choose more than one:²⁴⁸

“I just don’t know.” – Participant 1H

Two participants (37.5%) selected options that the research team did not expect and therefore experienced non-critical errors.²⁴⁹ One individual selected “I want options to pay this claim,” and another selected “I don’t agree with this claim.”²⁵⁰ UX Facilitators observed participants’ physical and verbal confusion as they read over options, indicating that there might have been too many from which to choose. The other non-critical errors occurred when participants tried to interact with the drop-down explanation boxes, suggesting the need for a simpler interface.²⁵¹

All participants reported PTS ratings between 5 and 7 ($\mu = 6.5$, $\sigma = 0.8$).²⁵² Non-critical errors were negatively correlated with post-task satisfaction. In other words, fewer non-critical errors were moderately associated with higher PTS ratings ($r = -0.54$). Specifically, the four participants that did not experience any non-critical

²⁴⁴ See *supra* note 241.

²⁴⁵ See *infra* Table 3 (baseline test participant G).

²⁴⁶ See *infra* Table 6.

²⁴⁷ Raw qualitative data (e.g., audio and video) on file with authors.

²⁴⁸ See *infra* Table 4 (baseline test participant G).

²⁴⁹ See *infra* Table 6.

²⁵⁰ Raw qualitative data (e.g., audio and video) on file with authors.

²⁵¹ See *infra* Table 6.

²⁵² See *infra* Table 7.

errors each reported PTS ratings of 6 or 7,²⁵³ while the participants who experienced non-critical errors reported PTS ratings as low as 5.²⁵⁴

Although the lack of errors might suggest that the chat options were well designed, participants spent more than 3 minutes on average selecting a response and explaining their selection ($\mu = 192.5$ seconds, $\sigma = 154.5$).²⁵⁵ In addition, there was a negative correlation between TOT and PTS ratings for this task ($r = -0.84$, $p = 0.01$). The participant spending the most time on Task 8 (498 seconds) reported the lowest PTS rating of 5,²⁵⁶ and the participant spending the second-most time on task (366 seconds) reported the second-lowest rating of 6.²⁵⁷

b) Problem Identification and Redesign

Because four out of the eight participants experienced non-critical errors²⁵⁸ (including selecting options other than “I disagree with parts of this claim”), but no error prevented task completion,²⁵⁹ the research team labeled Task 8 as a high-frequency, low- to moderate-impact problem, consistent with a Level 2 classification.

Because participants spent a relatively long time on Task 8, and many of them were confused by the options presented, the research team wondered whether the initial process of responding to the chat could be streamlined within the platform, and whether such streamlining would decrease TOT as well as errors and confusion, while simultaneously increasing PTS ratings.

In the PAR workshop, the research team worked with participants to test different methods of streamlining the process. All participants felt that there were too many options to choose from, and several believed that similarities across options would sow confusion (as observed during baseline testing). Each participant agreed that some assistance in preparing an initial response would be helpful, but some participants also wanted the option of drafting their own explanation. Workshop attendees considered various formats for the type of assistance offered and generally preferred responding to a series of simpler questions that produced a final answer rather than choosing from a list of potential answers. After the workshop, the research team consulted with University of Arizona Libraries’ User Experience Designer, Bob Liu, who explained that best practices counsel in favor of providing no more than three choices to consider for any given task. This suggestion was based on Hick’s Law, which holds that “the more choices you present your users with, the longer it will take them to reach a decision.”²⁶⁰ Users faced with too many options may “become confused, frustrated, or leave your website.”²⁶¹

Based on this research, the prototype was designed to include a claim response tool involving a series of pages asking users one question at a time and ultimately generating the first chat-based message. The response tool was designed with “Yes”/“No” questions to minimize user choice. Participants were provided a chance to opt out of this branching system and proceed to the chat. If the participant proceeded with the branching system, the claim response tool processed the participant’s answers to the “Yes”/“No” questions

²⁵³ Compare *infra* Table 6, with *infra* Table 7. Baseline test participants A, C, F, and H reported PTS ratings of 7, 7, 7, and 6, respectively ($\mu = 6.75$).

²⁵⁴ *Id.* Baseline test participants B, D, E, and G reported PTS ratings of 5, 6, 7, and 7, respectively ($\mu = 6.25$).

²⁵⁵ See *infra* Table 4.

²⁵⁶ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant G).

²⁵⁷ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant H).

²⁵⁸ See *infra* Table 6.

²⁵⁹ See *infra* Table 3.

²⁶⁰ Mads Soegaard, *Hick’s Law: Making the Choice Easier for Users*, INTERACTION DESIGN FOUND. (Apr. 2020), <https://www.interaction-design.org/literature/article/hick-s-law-making-the-choice-easier-for-users>.

²⁶¹ *Id.*

and created a boilerplate message for the participant to send to the ODR Facilitator or the plaintiff. The final screen of the claim response tool also displayed an “Edit Message” option. Once again, XD software limitations precluded actual use of this option during the prototype test.

c) Prototype Test

A majority of prototype test participants did not demonstrate or report any significant difficulty with Task 8. In fact, participants reported PTS ratings between 5 and 7 ($\mu = 6.5$, $\sigma = 0.8$), with 62.5% of them reporting the highest possible satisfaction rating of 7.²⁶² As in the baseline test, all but one participant in the prototype test were able to complete the task successfully, without undue help from UX Facilitators.²⁶³ Additionally, all eight participants used the claim response tool, although two initially clicked “No” when offered assistance, at which point the system asked them whether they were sure. Both participants changed their minds and opted to use the response tool.²⁶⁴

“Yeah, I guess that—let me back up here—I might not be able to now. So, I guess what I’m thinking is that the tool is preparing some type of—the tool is like a template that is about to prepare—fill in some information that I put in. It looks like it would probably be easier to use the tool than to skip straight to the chat like I initially thought.” – Participant 2F

“I guess I have to say yes. I originally said no because I thought that was like an extra or more tutorial stuff or something. I’m glad there was a confirmation page. ‘Are you sure?’ That was helpful, but I guess it would have been better if it was clear to me from the very beginning that I should just say ‘Yes.’” – Participant 2G

The branching claim response tool appeared to solve the comprehension problems observed in the baseline test, as fewer participants experienced non-critical errors (50.0% and 25.0% in the baseline and prototype test, respectively).²⁶⁵ These errors occurred when participants accidentally clicked on the wrong button but were able to quickly correct their mistakes using the on-screen back button. These errors may have contributed to lower PTS ratings, as the data demonstrate that non-critical errors were associated with lower satisfaction ($r = -0.82$, $p = 0.01$). The six participants who did not experience non-critical errors all reported a PTS rating of 6 or 7.²⁶⁶ On the other hand, both participants experiencing non-critical errors reported satisfaction ratings of 5 or 6.²⁶⁷

Despite some errors, participants in the prototype test seemed less confused by the “Yes”/“No” questions asked by the claim response tool, compared to baseline test participants who were confused by the number of options from which they had to select:

“Everything was clear, and I suspect when this is developed it will be easy to type in relevant information.” – Participant 2B

“Yup, yup, yup, send. . . it was pretty easy, I just needed to click the right buttons.” – Participant 2C

“They asked very specific questions, nothing I really had to think about.” – Participant 2D

Despite the text on the page reading “Press ‘SEND’ to send the message and initiate your conversation with the neutral facilitator and plaintiff,” one participant did not realize that the claim response tool would

²⁶² See *infra* Table 7.

²⁶³ See *infra* Tables 3 & 5.

²⁶⁴ Raw qualitative data (e.g., audio and video) on file with authors.

²⁶⁵ See *infra* Table 6.

²⁶⁶ Compare *infra* Table 6, with *infra* Table 7. Prototype test participant B reported a score of 6 while participants C, D, E, F, and H reported scores of 7.

²⁶⁷ Compare *infra* Table 6, with *infra* Table 7. Prototype test participants A and G reported a score of 5 and 6, respectively.

generate a message to the plaintiff, suggesting the possible need to clarify or emphasize the purpose of the tool:

“I thought this was something sent to me. [I] didn’t realize that this is what I am sending as my introductory message.” – Participant 2G

TOT ($\mu = 86.8, \sigma = 37.7$)²⁶⁸ improved by 54.9%²⁶⁹ compared to the baseline mean of 192.5 ($\sigma = 154.5$),²⁷⁰ suggesting that Hick’s Law held. Fewer options produced shorter TOT.²⁷¹ Spending less time working on the task was associated with higher PTS ratings ($r = -0.74; p = 0.04$).²⁷² The participant spending the most time on Task 8 (146 seconds) reported the lowest PTS rating of 5,²⁷³ and the participant with the second-highest TOT (136 seconds) reported a PTS rating of 6.²⁷⁴ All other participants reported satisfaction with scores of 6 or 7.²⁷⁵

9. Documentation Sharing (Task 9)

Task 9 evaluated the relative ease of uploading and sharing a document. The ability for users to transfer payment receipts and other forms of evidence reliably is an essential component of the ODR process if defendants are to tell their side of the story in full.

a) Baseline Test: Classified as Problem Severity Level 1

During the baseline test, sharing documents caused significant difficulty for participants; Task 9 took longer to complete than any other portion of the baseline test ($\mu = 648.3, \sigma = 441.3$), and the range of TOT was from 352 to 1624 seconds.²⁷⁶ Task 9 was also one of the most difficult tasks during the baseline test, with seven out of eight participants experiencing a critical error²⁷⁷ and an average of three non-critical errors per participant ($\sigma = 3.7$).²⁷⁸ The number of non-critical errors per participant ranged from one to 12.²⁷⁹ Only one participant (12.5%) was able to complete the task without assistance,²⁸⁰ and three participants (37.5%) were able to complete the task with help from the UX Facilitator. Those three individuals experienced critical errors because they would not have completed the task without the assistance.²⁸¹ Half of participants were unable to complete the task even with help from the UX Facilitator.²⁸²

At least half of the participants voiced frustration because there was no attachment icon in the chat:²⁸³

²⁶⁸ See *infra* Table 4.

²⁶⁹ Authors’ calculation.

²⁷⁰ See *infra* Table 4.

²⁷¹ See Soegaard, *supra* note 260 and accompanying text.

²⁷² Authors’ calculation.

²⁷³ Compare *infra* Table 4, with *infra* Table 7 (prototype test participant A).

²⁷⁴ *Id.* (prototype test participant G).

²⁷⁵ *Id.* Prototype test participant B reported a score of 6, while C, D, E, F, and H reported scores of 7.

²⁷⁶ See *infra* Table 4.

²⁷⁷ See *infra* Table 5.

²⁷⁸ See *infra* Table 6.

²⁷⁹ *Id.*

²⁸⁰ See *infra* Table 3 (baseline test participant A).

²⁸¹ See *infra* Tables 3 & 5 (baseline test participants E, F, and G).

²⁸² See *infra* Tables 3 (baseline test participants B, C, D and H).

²⁸³ Raw qualitative data (e.g., audio and video) on file with authors.

“Attachment button was hard [to find], usually you see it right here in the text box. How would I provide evidence? I could take a picture of this and send it in as a fax. Looking for an attachment option on a website but not seeing it. [I am] used to that being part of the text box, I didn't know there would be another part.” – Participant 1A

“I'm so accustomed to having an option in the chat to upload documents right then and there. How do I send this? I do not see an option on [in the chat] where I could just send it via this message.” – Participant 1B

“How do I send an attachment? Can I go to my smartphone? Let's try the silly thing. I am a calm and self-centered grounded person. This is frustrating. How can I send you proof of my payment if I don't have an icon? I'm gonna try something just to be silly. Can you copy a picture? I can't share it with the court because I don't have an email address. I'm totally stuck, guys.” – Participant 1F

One participant attempted to send evidence through the chat thread. Some individuals had difficulty distinguishing “My Case” from “Manage Documents” and were initially unsure how to find the document-sharing feature. Once some participants realized that they needed to navigate out of the chat to the “Manage Documents” tab, a majority experienced critical errors when attempting to preview and upload their documents. At least half of the participants could not preview the document, resulting in substantial frustration:

“I hit the ‘Manage Documents’ link at the bottom, and it sent me somewhere else. I don't know where I am now. I'm out of the chat.” – Participant 1B

Two participants using Android phones attempted unsuccessfully to use the “Preview” button to verify the file before confirming the upload. But when they hit the back button on their browsers, it took them completely out of the ODR platform, and they had to log in again. Although this is standard functionality for the ODR platform, it resulted in significant frustration for the participants who did not understand why they had been forced out of the system:

“I don't know if I'm able. Afraid to go back. Frustrating—I'd rather make a phone call. Wanted to take a picture and then upload it, but I was afraid to go back. I don't think it uploaded correctly, [but] I don't know how to check it.” – Participant 1C

“This would get me so mad. I'm trying to view the document, and it wouldn't let me. I tried to submit it, and I got an exclamation point.” – Participant 1B

Another participant worried that they might upload a picture of their son playing soccer if they chose the wrong file. And one participant actually did upload a personal photo instead of the intended document, suggesting potential privacy risks if the ability to preview and verify files is not safeguarded. One participant could preview the document, but nothing more:

“When I did choose the [correct] option and did try to upload the image, it did not give me an option to upload it. It just gave me the option to cancel or preview. I also asked if I just could email, and that wasn't an option. Doing all those extra steps was not needed.” – Participant 1B

Finally, even those who did successfully upload a file were frustrated that they did not receive confirmation until returning to the chat. One participant, while laughing, remarked:

“So now where do I find it to go get it?” – Participant 1F

Unfortunately, some participants thought the problems they were facing were related to their age, education, or experience with technology, rather than the result of suboptimal UI design:

“I’m not sure what to do here. If I was educated more on how to use a smartphone it would be easier, but I could see how it could be frustrating for someone especially older.” – Participant 1C

“Lack of knowledge, intuition, direction, not user-friendly in any capacity. If I had to deal with this on my own, I would quit. At this stage in the beta-testing it’s not ready for the non-computer literate. If I were using this at my age, at my computer knowledge, I would have already aborted.” – Participant 1F

Some participants even searched for ways to email or fax the evidence, others mentioned that they would call the court, and one even sent a message to the ODR Facilitator noting: “tech support needed.” One individual wanted to email the evidence out of a privacy-related concern and wished to speak with the ODR Facilitator directly—without the plaintiff involved. These findings lend support to a hypothesis from Utah court stakeholders: ODR Facilitators may be assisting parties with technical issues affecting the ODR platform in ways that conceal usability issues.

This task also produced the lowest levels of PTS on the entire test ($\mu = 3.8, \sigma = 1.5$).²⁸⁴ In fact, one participant was so frustrated that they left the testing facility immediately after, *without finishing the rest of the test*.²⁸⁵ The data demonstrate a strong relationship between TOT and PTS ratings ($r = -0.83, p = 0.01$), with the lowest rating coming from the participant who spent 1,624 seconds (almost 30 minutes) on the task.²⁸⁶

Errors also seem to correlate with PTS ratings. As observed above, all but one participant encountered critical errors while trying to share documents during baseline testing. The one critical-error-free participant on Task 9 reported the highest satisfaction rating (5), the others gave scores between 1 and 5 ($r = -0.34$).²⁸⁷ Similarly, participants experiencing fewer non-critical errors generally indicated higher satisfaction than those who did not complete the task ($r = -0.21$).²⁸⁸

b) Problem Identification and Redesign

Because 87.5% of participants generated critical errors while trying to share documents,²⁸⁹ the research team concluded that Task 9 evidenced a high-frequency, high-impact problem (Level 1, the most severe). Many of the critical errors were caused by *functionality* issues within the ODR platform, which meant that a prototype redesign would not resolve the problems. The research team concluded that a fundamental reimagining of the document-sharing interface would increase its usability, thereby reducing TOT, non-critical errors, confusion, and frustration.

The research team worked with community members in the PAR workshop to discuss the problems presented in the baseline and ideate possible solutions. Whereas baseline test participants searched for icons within the chat feature, workshop participants believed that icons would be insufficient on their own. Rather, the attendees preferred to see icons next to actionable instructions. For example, they suggested a clickable camera icon, signaling a photo upload function, paired with language such as “Upload Photo/Document.”

²⁸⁴ See *infra* Table 7.

²⁸⁵ See *infra* Table 3. Baseline test participant H left the testing facility after Task 9.

²⁸⁶ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant F).

²⁸⁷ Compare *infra* Table 5, with *infra* Table 7. Baseline test participant A did not experience a critical error and reported a PTS rating of 5; all other participants reported scores from 1 to 5 ($\mu = 3.6$).

²⁸⁸ Authors’ calculation. All participants encountered at least one non-critical error during this task. No participants reporting more than the mean of three non-critical errors reported a PTS rating higher than 3, and the six individuals reporting only one or two non-critical errors reported PTS ratings between 3 and 5. Compare *infra* Table 6, with *infra* Table 7.

²⁸⁹ See *infra* Table 5.

Participants also wanted time stamps to accompany uploads. For document sharing and management, participants preferred having separate pages for uploading and viewing documents. Because another Utah platform (My Case) provides this feature, the research team decided not to create redundancy and omitted it from the prototype.

As a result of the feedback received during the baseline test and the PAR workshop, the research team redesigned and simplified the document-sharing interface. Icons were placed in the chat, which permitted participants to upload documents directly into that feature, rather than having to leave the chat before sharing files. The two icons included in this interface were a camera (if the participant did not already have the document available on their phone) and a paper clip (if the document had already been stored on their phone). While PAR workshop participants liked the idea of coupling an icon with a descriptive explanation, a University of Arizona Libraries' User Experience Designer who consulted with the research team commented that this approach would crowd the small viewing area. They suggested that it would be optimal to use familiar icons within smartphone views. In the prototype test, participants still had the ability to name and save their files as with the existing Utah ODR platform. The research team added an error prevention screen, titled "Confirm Receipt Upload," however, to reduce the risk that participants would upload the wrong document. Participants also noticed a checkbox, which offered them the option of uploading the document directly into the chat. The research team included this feature to address baseline test participants' confusion about whether documents were successfully uploaded and where they were visible.

c) Prototype Test

For Task 9, the research team anticipated that participants in the prototype test would: (1) click on the paperclip or camera icon, which were programmed to automatically simulate the image upload process upon selection; (2) click "Save;" and (3) choose to send the upload directly to the chat.

For Task 9, completion rates increased from 12.5% in the baseline to 75.0% in the prototype test.²⁹⁰ Participants also experienced fewer errors in the prototype test. Critical errors decreased from seven in the baseline to one in the prototype (85.7%),²⁹¹ and total non-critical errors fell from 24 in the baseline to one in the prototype (95.8%).²⁹² Not only did the total number of errors decrease, the share of participants experiencing non-critical errors dropped as well from *everyone* in the baseline test to only 37.5% in the prototype round.²⁹³

All but one error resulted from limitations with the XD prototype. In the chat space, the XD prototype path was designed to simulate an actual three-way chat, despite no one playing the roles of plaintiff and ODR Facilitator. The research team compensated by programming certain actions. For example, "sending" a message would either trigger a system response (e.g., a time-delayed reply from another party) or open a pathway to another action (e.g., making another part of the screen clickable). Because of the simulated nature of the prototype, participants sometimes clicked on the correct feature (e.g., the paperclip attachment icon) at the wrong time (e.g., while they were still waiting on a time-delayed response that would activate the icon). One participant, who experienced two non-critical errors, clicked on both the paperclip and the camera attachment icons. The UX Facilitator noted that, due to the functionality limitations of the prototype, the participant needed to click on "Say Something" before sharing documents. Likewise, the

²⁹⁰ See *infra* Table 3.

²⁹¹ Authors' calculation.

²⁹² Authors' calculation.

²⁹³ See *infra* Table 6.

participant who experienced seven of the 10 non-critical errors mistakenly clicked “Say Something” seven times, before they realized that they needed to click on the attachment icon.

One participant experienced a critical error that was *unrelated* to the XD software limitations. They did not recognize the paperclip and camera icons and therefore did not understand the icons’ importance to the process of sharing documentation. This 58-year-old participant was the oldest among the prototype test group—26 years older than the average individual ($\mu = 32.8$)²⁹⁴—suggesting that the icons may not be as intuitive to older users. This participant also generated the longest TOT (92 seconds) and reported the lowest PTS rating of 2.²⁹⁵ The mean TOT was 46.4 seconds ($\sigma = 24.6$), and all other participants reported ratings of 6 and 7 ($\mu = 5.9$).²⁹⁶

PTS ratings increased by 55.2%, from an average of 3.8 in the baseline test to an average of 5.9 in the prototype test. The data demonstrated strong relationships among PTS ratings, TOT, and critical errors. Those who spent less time on this task generally reported greater satisfaction than those who spent more ($r = -0.86, p = 0.01$),²⁹⁷ and those who experienced no critical errors generally reported more satisfaction than those who did ($r = -0.95, p = 0.00$).²⁹⁸

TOT decreased significantly, from an average of 648.3 seconds in the baseline to 46.4 seconds on the prototype test,²⁹⁹ a reduction of 92.8% ($p = 0.01$).³⁰⁰ The four participants who spent more than the mean TOT reported PTS ratings between 2 and 7,³⁰¹ whereas the participants who spent less than the average time all reported PTS ratings of 6 or 7.³⁰²

The participant who experienced a critical error, and therefore did not complete the task, spent the most TOT and reported the lowest rating (2), while all other participants who completed the task without critical error reported ratings of 6 or 7.³⁰³ Non-critical errors demonstrated the opposite relationship with PTS ratings ($r = 0.03$);³⁰⁴ the presence of non-critical errors generally accompanied higher PTS ratings, suggesting that these errors had little effect on participants’ overall feelings about the task.³⁰⁵

10. Negotiation and Payment Planning (Task 10)

After participants completed Task 9, they were asked to continue settlement negotiations with the plaintiff over chat. Participants were asked the following question:

“The next day, you see a message from the plaintiff acknowledging your receipt and agreeing to accept a lower amount, but the total amount is still more than you can pay. You have \$200 left over each month after paying bills and other necessities. Attempt to resolve the dispute.”

²⁹⁴ See *supra* Tables 1 & 5 (prototype test participant H).

²⁹⁵ Compare *infra* Table 4, with *infra* Table 7 (prototype test participant H).

²⁹⁶ *Id.*

²⁹⁷ Authors’ calculation.

²⁹⁸ Authors’ calculation.

²⁹⁹ See *infra* Table 4.

³⁰⁰ Authors’ calculation.

³⁰¹ Compare *infra* Table 4, with *infra* Table 7 (prototype test participants C, E, G, and H).

³⁰² *Id.* (prototype test participants A, B, D, and F).

³⁰³ Compare *infra* Table 5, with *infra* Table 7.

³⁰⁴ Authors’ calculation.

³⁰⁵ Compare *infra* Table 6, with *infra* Table 7.

Participants were expected to use the chat feature to communicate back and forth with the plaintiff and ultimately reach an agreement that involved settlement and a payment plan.

a) Baseline Test: Classified as Problem Severity Level 4

Participants spent an average of 282.4 seconds ($\sigma = 191.5$) on Task 10, and TOT ranged from 76 to 628 seconds.³⁰⁶ Task 10 appeared to be one of the easiest portions of the test because all seven participants³⁰⁷ were able to complete the task without assistance from the UX Facilitator.³⁰⁸ In addition, five of the seven participants (71.4%) completed the test without any errors,³⁰⁹ and only two participants (28.6%) experienced non-critical errors (for a total of four non-critical errors).³¹⁰

One participant produced three of the four non-critical errors.³¹¹ Inconsistent messages from the ODR Facilitator and the plaintiff, as well as the participant's erroneous belief that they were chatting with only the ODR Facilitator, contributed to the errors. The same participant attempted to send a message but didn't actually hit send, which caused additional delay and confusion. They still reported a PTS rating of 7³¹² and commented:

"[It's] just a matter of responding to the text. I like it." – Participant 1A

They were not the only person to anticipate the opportunity of conversing with just the ODR Facilitator. Another participant who was unsure about negotiating through text questioned the sophistication of the plaintiff and suggested the need for a private chat option:

"What if I wanted to ask the Facilitator a question? How would I do that? I see, this is a group chat. . . . I think they need the ability to consult with the Facilitator. . . . How sophisticated is the plaintiff at negotiating?" – Participant 1G

The same participant also said that they preferred to negotiate in person or over the phone and reiterated that they were suspicious of negotiating over text. Others were excited to negotiate through text and seemed to enjoy the experience:

"I think it's kind of cool that I get to negotiate online, with an attorney or paralegal I presume."
– Participant 1C

One individual had trouble finding and ultimately using the refresh button in the chat. They were confused when they hit the refresh button and messages generated out of order, suggesting the need for a more visible refresh button or, preferably, for messages to automatically populate in real time:

"Checking to see how long it took [for] the last response. I don't find them very quick at responding. They didn't respond to negotiate interest fees. At home, I'd leave it, go wash dishes, etc. I don't mind waiting since I'm asking for a lower amount. . . . I would assume this isn't that quick. [The] paralegal or attorney would have to negotiate with the person. . . . So it'll take a couple days." – Participant 1C

³⁰⁶ See *infra* Table 4.

³⁰⁷ During the baseline test, a participant left the testing facility out of frustration before the start of Task 10. Therefore, only seven individuals participated in Tasks 10 and 11.

³⁰⁸ See *infra* Table 3.

³⁰⁹ See *infra* Tables 5 and 6 (baseline test participants C, D, E, F, G, and H).

³¹⁰ See *infra* Table 6 (baseline test participants A and B).

³¹¹ See *infra* Table 6 (baseline test participant A).

³¹² See *infra* Table 7.

Again, the participant suggested they could wait for responses but were concerned about how much time they would have to respond to a chat:

“I wonder how long I would have to respond to negotiate [once I’ve started]. 30 days? We have 14 to start the process.” – Participant 1C

This task also produced a moderate level of post-task satisfaction ($\mu = 5.9$, $\sigma = 1.6$).³¹³ Those who spent less time on Task 10 generally reported higher satisfaction than those who spent more time ($r = -0.56$).³¹⁴ The participant who devoted the most time (628 seconds) reported the lowest satisfaction rating (3).³¹⁵

b) Problem Identification and Redesign

Baseline findings revealed that parties could be more readily distinguishable in the chat and that a quarter of participants expected or wanted to speak with the ODR Facilitator alone.³¹⁶ They also suggested that the chat space may not sufficiently inform participants of their legal rights or options to negotiate. Because no one experienced a critical error, and only a quarter of participants experienced non-critical errors,³¹⁷ the research team categorized the problem with Task 10 as having low frequency and low impact (Level 4, the least severe).

During the PAR workshop, some participants suggested that the chat space would be more useful if it included both boilerplate responses and free text, but some did not like the idea of predetermined responses. They advocated for inclusion of a title at the top of the chat space to make it clear that they were in the chat. They suggested including timestamps for chats and preferred a pop-up keyboard over scrolling down to find it.

Workshop participants also wanted the chat function to be more transparent about the fact that the ODR Facilitator is involved in each step of the chat process. There was broad support for having the ODR Facilitator be the first party to open the chat with an introductory message explaining the process. Participants felt that a welcome message from the ODR Facilitator would set the appropriate tone for the discussion and indicate to a user that the ODR Facilitator is present from the outset.

Because of the low severity rating for Task 10, no major revisions were made to the chat feature for purposes of communicating with the plaintiff about a payment plan. The redesign nevertheless signaled that the ODR Facilitator is the first to enter the chat, included visual design updates to improve transparency regarding party identity, and provided an additional chat space where the defendant could speak to the ODR Facilitator without the plaintiff present.

c) Prototype Test

During prototype testing, all participants were once again able to complete the task without assistance.³¹⁸ Similar to baseline test participants, prototype test participants did not experience any critical errors in Task 10.³¹⁹ The redesign reduced non-critical errors from four in the baseline to zero in the prototype test round.³²⁰ Several participants considered the process easy and explained that it was similar to texting:

³¹³ See *infra* Table 7.

³¹⁴ Authors’ calculation.

³¹⁵ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant G).

³¹⁶ Raw qualitative data (e.g., audio and video) on file with authors.

³¹⁷ See *infra* Table 6.

³¹⁸ See *infra* Table 3.

³¹⁹ See *infra* Table 5.

³²⁰ See *infra* Table 6.

“I still think it was really easy because of communication back and forth.” – Participant 2C

“This was very easy. It was just texting, and everyone knows how to do that.” – Participant 2H

One participant noted that people might feel pressured to respond quickly to messages even though the prototype timestamps signaled that immediate response was unnecessary, which alleviated some pressure:

“Very easy. I mean, I think there is a lot less pressure when you have time, don’t have to respond immediately on the spot. . . Looking at the timestamps, there’s, you know, a good amount of time between each response. That makes the process less, there’s less pressure involved. It’s like texting kind of.” – Participant 2G

TOT decreased significantly, from 282.4 seconds ($\sigma = 191.5$) in the baseline to 106.3 seconds ($\sigma = 51.8$) in the prototype test,³²¹ a reduction of 62.4%.³²² Shorter TOT could represent a testing artifact, because messages were pre-generated and artificially timed and because participants did not have to spend time thinking about or typing responses. These points might also explain why participants were more satisfied on average despite the lack of major UI changes ($\mu = 6.6$, $\sigma = 0.7$, an increase of 11.9% from the baseline $\mu = 5.9$, $\sigma = 1.6$).³²³

One might expect that those with shorter TOT would generally report more satisfaction than those who spent more time, but the data indicated the reverse ($r = 0.56$). The participants spending the least amount of time on Task 10 (51 and 58 seconds) reported the lowest satisfaction ratings (6 and 5, respectively),³²⁴ and all other participants reported a satisfaction rating of 7.³²⁵ Unlike their counterparts, these participants’ ratings were not dependent on task completion (the act of messaging back and forth), but rather on their lack of familiarity with rights and options in the negotiation process, as well as their concerns about the fairness of the process. Both also assumed that the ODR Facilitator would ensure fairness—not just of process, but also of outcome—suggesting that the platform should define the ODR Facilitator’s role more clearly:

“I wasn’t really aware that I could break it up over 12 months. I guess I didn’t have all of the knowledge of negotiating this and how that worked. That’s something I probably would have been able to ask the Facilitator ahead of time. I expected them to want it in one payment.” – Participant 2E

“So, I guess I’m just telling them I’d rather have a payment plan. . . . It was really easy, but if you are just by yourself, like the back and forth would be a little bit harder, like not knowing if you’re getting a good deal or not. . . . But I guess that’s what the Facilitator is for.” – Participant 2D

11. Reviewing and Signing Documents (Task 11)

The final task invited participants to assume that they had arrived at an agreement for settling their case, then to review and electronically sign a settlement document. During both the baseline and prototype tests, the prompt was:

“The facilitator has offered to create a document that summarizes your discussion with the plaintiff. Please view the document and take the necessary steps.”

If the process for reviewing and signing the document was functional and designed for ease of use, participants were expected to take the following path: (1) click on the link to the settlement document in the chat; (2) click on “Preview;” (3) close the window; (4) click on “Sign;” (5) enter Tucson for the city; (6) enter

³²¹ See *infra* Table 4.

³²² Authors’ calculation.

³²³ See *infra* Table 7.

³²⁴ Compare *infra* Table 4, with *infra* Table 7 (prototype test participants D and E).

³²⁵ Compare *infra* Table 4, with *infra* Table 7.

Arizona for the state; (7) enter their assigned name; and (8) submit the document. For both rounds of testing, a critical error was recorded if the participant could not preview or sign the settlement document.

a) Baseline Test: Classified as Problem Severity Level 1

Task 11 became one of the most difficult tasks, with only two of seven participants³²⁶ (28.6%) able to successfully preview and sign their settlement documents. The other five participants experienced critical errors (either in previewing, signing, or both), which prevented them from completing the task.³²⁷

One participant successfully previewed, but could not sign, the document, and four others were unable to preview the settlement document at all, despite numerous attempts using both the “preview” button and the PDF link.³²⁸ Of those four, one refused to sign. The other three attempted to sign, despite not having viewed the document, and only two were successful.³²⁹

“It’s not going to let me [preview] again. [I’m signing] assuming that I read it.” – Participant 1C

The one participant who was unsuccessful could not preview or sign the document, despite multiple attempts to do both:

“If there was something that was indicating it was loading, I don’t know if there’s something wrong with my phone. [I] would try to close out of it. I’m always multitasking, so the fact that I am waiting is frustrating. I’m clicking on preview and nothing is happening. I am clicking on a link, and nothing is happening. I am clicking on a button and nothing is happening. If there is something indicating it’s loading . . . [otherwise], I would probably just keep clicking on it.” – Participant 1B

The low completion rate (28.6%) and the high incidence of critical errors (71.4%) likely contributed to the relatively lower PTS ratings ($\mu = 4.7$, $\sigma = 2.94$), which ranged across the entire seven-point scale.³³⁰ The data demonstrated a moderate relationship between critical errors and PTS ratings ($r = -0.6$).³³¹ The two participants that did not experience a critical error during Task 11 reported a PTS rating of 7, and the others reported a satisfaction rating of between 1 and 7. (Two participants reported a satisfaction rating of 1, one reported a 5, and another gave a 7.³³²) One individual became so frustrated that they quit before the task was completed and therefore did not provide a PTS rating.³³³

There was a strong correlation between the number of non-critical errors and post-task satisfaction ($r = -0.83$, $p = 0.04$). For three participants (42.9%), the ODR Facilitator sent a message requesting that the defendant review and sign the document, but the link to the settlement agreement did not automatically populate in the chat space. Confused by the delay, participants left the chat space to access the document elsewhere (including the document and file manager functions on their smartphones or the “Manage Document” page on the ODR platform), resulting in a total of five non-critical errors among them.³³⁴ When the participant with the most non-critical errors (three) rated PTS, they explained:

³²⁶ During the baseline test, a participant left the testing facility out of frustration before the start of Task 10. Therefore, only seven individuals participated in Tasks 10 and 11.

³²⁷ See *infra* Table 5.

³²⁸ Raw qualitative data (e.g., audio and video) on file with authors.

³²⁹ Raw qualitative data (e.g., audio and video) on file with authors.

³³⁰ See *infra* Table 7.

³³¹ Authors’ calculation.

³³² Compare *infra* Table 6, with *infra* Table 7.

³³³ See *infra* Table 7 (baseline test participant F).

³³⁴ See *infra* Table 6 (baseline test participants A, B, and G).

“Less than 1. I could not find the documents.” – Participant 1A

This trend was pervasive. Others who experienced non-critical errors generally reported a lower satisfaction than those who did not.³³⁵ The data revealed a moderate relationship between PTS ratings and critical errors as well; participants who did not experience critical errors generally reported higher satisfaction ($r = -0.61$).³³⁶ Those who did not experience critical errors reported PTS ratings of 7, and the three who experienced non-critical errors reported PTS ratings of 1, 1, and 5.³³⁷

Task 11 was also one of the more time-consuming portions of the baseline test. Participants spent an average of 347.3 seconds ($\sigma = 407.3$) on this final module, ranging from 89 to an incredible 1,191 seconds.³³⁸ A very weak inverse correlation between TOT and task satisfaction emerged ($r = -0.02$).³³⁹ The participant spending almost 20 minutes on the task reported a satisfaction rating of 5.³⁴⁰ The remaining individuals reported PTS ratings of either 1 or 7.³⁴¹ It should be noted that the person with the second-highest TOT did not report a post-task satisfaction rating because they gave up and left the test after nine minutes of unsuccessfully attempting to preview and sign the document.³⁴²

b) Problem Identification and Redesign

Because five participants (71.4%) experienced critical errors that left them unable to preview or sign the document,³⁴³ the research team considered the issue a high-frequency, high-impact one, consistent with a Level 1 (most severe) classification. All of these critical errors, however, were the result of a functionality issue within the baseline ODR platform that the prototype could not resolve.

Because the research team could not resolve the functionality issue that yielded baseline test errors, they decided to investigate whether usability improvements could improve TOT and PTS ratings, while decreasing non-critical errors. Specifically, they wondered whether providing a link in the chat to preview the settlement document would decrease TOT and non-critical errors resulting from exploratory actions. The team also hypothesized that the addition of a progress bar or loading indicator would increase participants' PTS rating, based on comments about the lack of any indicator that the system was working.

During the PAR workshop, participants were concerned with the legal finality of the agreement and suggested including a disclaimer or description of the binding nature of the documents signed. They suggested a checkbox option for the user to confirm that they read and understood what they were signing.

The prototype redesign included a function to preview and sign the settlement agreement as well as simplified button designs aimed at improving navigation. It featured a five-screen process that guided the user through the terms of the settlement agreement in an easy-to-read format. Each screen had progress indicators as well as new back buttons. The prototype also gave users a chance to print and review their settlement in its entirety, and they had the option to “Reject” or “Continue” before signing the document. A screen appeared at the end, which asked participants to confirm their signature before completing the task,

³³⁵ Compare *infra* Table 6, with *infra* Table 7 (baseline test participants B and G).

³³⁶ Authors' calculation.

³³⁷ Compare *infra* Table 5, with *infra* Table 7.

³³⁸ See *infra* Table 4.

³³⁹ Authors' calculation.

³⁴⁰ Compare *infra* Table 4, with *infra* Table 7 (baseline test participant G).

³⁴¹ Compare *infra* Table 4, with *infra* Table 7.

³⁴² Compare *infra* Table 4, with *infra* Table 7 (baseline test participant F).

³⁴³ See *infra* Table 5.

as an error-reduction mechanism. Finally, participants could download the settlement for their records after signing.

The redesign also made the settlement document retrievable from two places: the “Manage Documents” tab, where it is located in Utah’s ODR platform, and inside the chat, so that participants could easily access the document without leaving that interface.

c) Prototype Test

All eight participants were able to complete Task 11 during prototype testing compared to the two of seven who started the task in the baseline test,³⁴⁴ an increase of 250%.³⁴⁵ Therefore, no participants experienced a critical error preventing task completion.³⁴⁶ Critical errors fell from five of seven participants in the baseline to zero of eight in the prototype test.³⁴⁷

One participant was confused by an inconsistency between the settlement amount that the participant agreed to in the chat and the settlement amount on the document that appeared on the preview screen. The prototype used a mock settlement agreement supplied by Utah, which had not been updated to match the scenario used in the test. As a result, the participant attempted to reject the settlement offer but then accidentally selected the wrong button and signed the settlement agreement:

“I’m just a little bit confused, but I guess I agree. How did it go from \$750 to \$2,000? Wait, can I not agree to this? Go back! I want to say 1 because I’m annoyed, but realistically I’m rating it a 3. The [ODR] Facilitator who is writing up a settlement document is not right. Why did I sign it in the first place? I don’t know. But then trying to go back and reject it was a pain in the butt. But, at the same time, I think it’s a good thing that they showed the document twice.” – Participant 2C

Although their rejection stemmed from an overlooked inconsistency in the design, the individual’s accidental selection affirmed that a confirmation page, which allowed them to undo the error, would be useful.

Other participants expressed similar confusion about the settlement amount in the agreement being different than what was discussed during negotiations, but their UX Facilitators were able to inform them that the distinction was unintentional and that they could sign the document as if the numbers were correct. Attention nevertheless should be paid to ensuring that the correct numbers appear in the ultimate settlement agreement and that participants have opportunities to review and correct the document if they do not.

Two participants experienced one non-critical error, and one participant experienced three, for a total of five non-critical errors across all participants.³⁴⁸ This value is the same as in the baseline test, but baseline errors followed from usability issues (e.g., trouble locating the refresh button), whereas prototype errors stemmed from XD limitations. For example, one participant liked that they had the option to download the settlement agreement and became confused when the download button did not actually work. Another participant wanted to print the document, which was not possible because of the limitations of the XD software but suggested the utility of a print function:

“I’d probably want to print it out before I signed it to read it more clearly.” – Participant 2G

³⁴⁴ See *infra* Table 3.

³⁴⁵ Authors’ calculation.

³⁴⁶ See *infra* Table 5.

³⁴⁷ Authors’ calculation.

³⁴⁸ See *infra* Table 6.

XD did not allow participants to zoom in, which led to several participants reporting difficulty when reading the very small text of the settlement agreement on their smartphones:

“Oh god, I’m blind.” – Participant 2C

Overall, participants found it easy to sign the settlement document using the prototype:

“Pretty easy to do to sign it over the app.” – Participant 2D

“It really walks you through the entire process.” – Participant 2E

“I liked the second page where it showed exactly how much I’m owing every month and how many payments there are and what the total sum is. . . . That was a good summary page.” – Participant 2G

Satisfaction increased by nearly one point over the baseline test (from 4.7 to 5.5, or 17.0%).³⁴⁹ There was an inverse correlation between PTS ratings and non-critical errors ($r = -0.65$), and the participant who experienced the most non-critical errors (three) reporting the lowest satisfaction rating (3).³⁵⁰ All other participants rated PTS between 5 and 7.³⁵¹

Average TOT dropped by 68.1%,³⁵² with much less variability, from 347.3 seconds ($\sigma = 407.3$) in the baseline to 110.6 seconds ($\sigma = 51.8$) in the prototype test.³⁵³ TOT negatively correlated with post-task satisfaction ($r = -0.64$).³⁵⁴ The two participants who spent the most time (234 and 176 seconds) on Task 11 both reported a satisfaction rating of 3,³⁵⁵ and other participants reported PTS ratings between 3 and 7.³⁵⁶

C. Usability Metrics

Usability metrics refer to a comparison of user performance and specific goals indicating satisfactory usability standards. The primary variables included in the set of usability metrics are: (1) task completion rate; (2) TOT; (3) error rate; and (4) subjective evaluations. Comparing the first three objective usability metrics from the prototype test to the benchmarks created in the baseline test allowed the research team to understand where usability improvements had been made between iterations as well as identify areas in need of additional development. The qualitative data captured through subjective evaluations often relate to objective performance measurements and can reveal interesting nuance not possible through quantitative metrics alone.

1. Task Completion Rate

Participants in both rounds of testing were encouraged to complete tasks by themselves as they would if no one were observing them. The task completion rate described whether or not and in what manner participants completed tasks in the usability test. Completion rates considered the total number of “Completed” tasks out of the total number of participants who attempted the task, and did not include tasks that were “Completed with Help” or “Incomplete.”

³⁴⁹ Authors’ calculation.

³⁵⁰ Compare *infra* Table 6, with *infra* Table 7 (prototype test participant G).

³⁵¹ Compare *infra* Table 6, with *infra* Table 7.

³⁵² Authors’ calculation.

³⁵³ See *infra* Table 4.

³⁵⁴ Authors’ calculation.

³⁵⁵ Compare *infra* Table 4, with *infra* Table 7 (prototype test participants C and G).

³⁵⁶ Compare *infra* Table 4, with *infra* Table 7.

Participants in the baseline test completed fewer tasks than those in the prototype test. In the first round, only Task 10 (Negotiation and Payment Planning) had a perfect completion rate. Task 8 (Chat Initiation) had the second-highest completion rate (87.5%), followed by Tasks 3 (Transitioning from Paper to Phone) and Task 2 (Understanding of Affidavit and Summons) with 75.0% and 62.5% completion rates, respectively. The remaining tasks, Tasks 5 (FAQ/Help), 6 (Registration and Login), 9 (Documentation Sharing), and 11 (Reviewing and Signing Documents) had low completion rates (12.5%, 12.5%, 12.5%, and 28.6%, respectively).

Participants in the prototype test successfully completed more tasks. In fact, each XD task was successfully finished by at least 75.0% of the participants, and all participants successfully navigated Tasks 2 (Understanding of Affidavit and Summons), 8 (Chat Initiation), 10 (Negotiation and Payment Planning), and 11 (Reviewing and Signing Documents).

TABLE 3: Task Completion Rate Statistics

Participant		A	B	C	D	E	F	G	H	Total complete	Completion rate
Task 2: Understanding the Affidavit and Summons	BASELINE	I	C	C	C	I	C	I	C	5/8	62.5%
	PROTOTYPE	C	C	C	C	C	C	C	C	8/8	100.0%
Task 3: Transitioning from Paper to Phone	BASELINE	C	C	C	I	H	C	C	C	6/8	75.0%
	PROTOTYPE	H	C	C	C	C	C	C	C	7/8	87.5%
Task 5: FAQ and Help	BASELINE	I	I	I	I	I	I	C	I	1/8	12.5%
	PROTOTYPE	C	C	C	C	H	C	C	C	7/8	87.5%
Task 6: Registration and Login	BASELINE	H	H	H	H	C	H	H	H	1/8	12.5%
	PROTOTYPE	C	C	C	C	C	C	I	C	7/8	87.5%
Task 8: Chat Initiation	BASELINE	C	C	C	C	C	C	H	C	7/8	87.5%
	PROTOTYPE	C	C	C	C	C	C	C	C	8/8	100.0%
Task 9: Documentation Sharing	BASELINE	C	I	I	I	H	H	H	I	1/8	12.5%
	PROTOTYPE	C	C	C	C	C	C	I	I	6/8	75.0%
Task 10: Negotiation and Payment Planning	BASELINE	C	C	C	C	C	C	C	--	7/7	100.0%
	PROTOTYPE	C	C	C	C	C	C	C	C	8/8	100.0%
Task 11: Reviewing and Signing Documents	BASELINE	I	I	I	C	C	I	I	--	2/7	28.6%
	PROTOTYPE	C	C	C	C	C	C	C	C	8/8	100.0%

Notes: N = 8 (baseline test) and 8 (prototype test); C = Complete; H = Completed with Help; I = Incomplete.

2. Time-on-Task

TOT measured how long participants spent attempting to complete tasks, starting from the moment they began working on the task to the moment they indicated that they were done, excluding any time not actually spent working on the task (e.g., asking questions or waiting for chat responses). The research team recorded TOT for all tasks with well-defined anticipated paths, i.e., all except Tasks 1, 4, and 7, which were designed to provide purely qualitative data regarding a participant’s first impressions.

For the baseline test, mean TOT ranged from 96.6 seconds for Task 5 (FAQ/Help) to 648.3 seconds for Task 9 (Documentation Sharing). Across all tasks, the mean value was 294.1 seconds.

TOT decreased for all tasks in the prototype test relative to the baseline round and ranged from 46.4 for Task 9 (Document Sharing) to 139.5 seconds for Task 6 (Registration and Login). Note that the same task (Task 9, Document Sharing) yielded the highest average TOT in the baseline test and the lowest TOT for the prototype test. Prototype test participants spent, on average, 94.2 seconds on tasks, corresponding to a reduction of 69.0%.³⁵⁷

TABLE 4: Time-on-Task Statistics

Participant		A	B	C	D	E	F	G	H	Mean TOT (seconds)
Task 2: Understanding the Affidavit and Summons	BASELINE	44	281	41	126	113	91	169	274	142.4
	PROTOTYPE	37	57	208	10	56	47	93	58	70.8
Task 3: Transitioning from Paper to Phone	BASELINE	155	61	97	23	159	173	173	67	113.5
	PROTOTYPE	279	107	67	30	24	167	50	54	97.3
Task 5: FAQ and Help	BASELINE	119	199	28	55	213	14	141	4	96.6
	PROTOTYPE	16	45	502	1	53	9	111	31	96.0
Task 6: Registration and Login	BASELINE	382	417	308	401	476	574	1089	632	534.9
	PROTOTYPE	177	185	193	58	140	147	112	104	139.5
Task 8: Chat Initiation	BASELINE	75	72	112	145	128	144	498	366	192.5
	PROTOTYPE	146	67	66	79	54	102	136	44	86.8
Task 9: Documentation Sharing	BASELINE	403	482	352	434	539	1624	973	379	648.3
	PROTOTYPE	44	46	51	13	50	17	58	92	46.4
Task 10: Negotiation and Payment Planning	BASELINE	376	299	336	121	141	76	628	--	282.4
	PROTOTYPE	129	85	195	51	58	155	116	61	106.3
Task 11: Reviewing and Signing Documents	BASELINE	202	146	95	140	89	568	1191	--	347.3
	PROTOTYPE	101	42	234	35	152	73	176	72	110.6

Note: N = 8 (baseline test) and 8 (prototype test).

³⁵⁷ The research team calculated this difference based on the average time-on-task experienced across tasks and across participants and set the denominator equal to the total number of participants’ attempts across tasks: $[(94.2/64 - 294.7/62) / (294.7/62)] \times 100 = -69.0\%$.

3. Critical and Non-critical Errors

a) Critical Errors

A critical error is a divergence from the anticipated path within the ODR platform for a particular task that prevents the participant from completing the task. Participants in the baseline test experienced 93.5% more critical errors than participants in the prototype test (30 and 2, respectively).³⁵⁸

In the baseline test, only Task 8 (Chat Initiation) and Task 10 (Negotiation and Payment Planning) were critical-error-free. Task 3 (Paper to Phone) produced the second-highest error-free rate (87.5%), followed by Task 2 (Understanding the Affidavit and Summons) at 62.5% and Task 11 (Reviewing and Signing Documents) at 28.6%. Task 5 (FAQ/Help), Task 6 (Registration and Login), and Task 9 (Documentation Share) all had low critical-error-free rates of 12.5%.

During the prototype test, all tasks generated critical-error-free rates of at least 87.5%. Tasks 2 (Understanding the Affidavit and Summons), 3 (Transitioning from Paper to Phone), 6 (Registration and Login), 8 (Chat Initiation), 10 (Negotiation and Payment Planning), and 11 (Reviewing and Signing Documents) were all free of critical errors. Tasks 5 (FAQ/Help) and 9 (Documentation Sharing) were 87.5% critical-error-free.

TABLE 5: Critical Error Rate Statistics

Participant		A	B	C	D	E	F	G	H	Total errors	Error-free rate
Task 2: Understanding the Affidavit and Summons	BASELINE	1	0	0	0	1	0	1	0	3/8	62.5%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%
Task 3: Transitioning from Paper to Phone	BASELINE	0	0	0	1	0	0	0	0	1/8	87.5%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%
Task 5: FAQ/Help	BASELINE	1	1	1	1	1	1	0	1	7/8	12.5%
	PROTOTYPE	0	0	0	0	1	0	0	0	1/8	87.5%
Task 6: Registration and Login	BASELINE	1	1	1	1	0	1	1	1	7/8	12.5%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%
Task 8: Chat Initiation	BASELINE	0	0	0	0	0	0	0	0	0/8	100.0%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%
Task 9: Documentation Sharing	BASELINE	0	1	1	1	1	1	1	1	7/8	12.5%
	PROTOTYPE	0	0	0	0	0	0	0	1	1/8	87.5%
Task 10: Negotiation and Payment Planning	BASELINE	0	0	0	0	0	0	0	--	0/7	100.0%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%
Task 11: Reviewing and Signing Documents	BASELINE	1	1	1	0	0	1	1	--	5/7	28.6%
	PROTOTYPE	0	0	0	0	0	0	0	0	0/8	100.0%

Note: N = 8 (baseline test) and 8 (prototype test).

³⁵⁸ The research team calculated this difference based on the total number of critical errors experienced across tasks and across participants and set the denominator equal to the total number of participants' attempts across tasks: $[(2/64 - 30/62) / 30/62] \times 100 = -93.5\%$.

b) Non-critical Errors

A non-critical error is a divergence from the anticipated path for a task that does not prevent the participant from successfully completing the task. Even though they do not ultimately prevent task completion, non-critical errors result in tasks being completed less efficiently and may cause user frustration or confusion. As a result, non-critical errors often signal space for greater usability improvements.

Participants in the prototype test experienced fewer non-critical errors than participants in the baseline test (46 and 110, respectively, for a reduction of 59.5% between rounds).³⁵⁹ From the baseline test to the prototype test, non-critical errors fell for four tasks: Task 2 (Understanding the Affidavit and Summons), Task 6 (Registration and Login), Task 9 (Documentation Sharing), and Task 10 (Negotiating and Payment Planning). For Tasks 8 (Chat Initiation) and Task 10 (Reviewing and Signing Documents), though, participants experienced the same number of non-critical errors (four), and non-critical errors actually increased for Task 3 (Paper to Phone) and Task 5 (FAQ/Help). In Task 3, six of the non-critical errors (half of the total) were the result of one participant struggling with the case-sensitive URL, which the research team did not adjust between testing rounds. The QR code, a new feature in the prototype, caused additional non-critical errors. In Task 5, the functionality limitations of XD led to many of the non-critical errors.

TABLE 6: Non-critical Error Rate Statistics

Participant		A	B	C	D	E	F	G	H	Total errors
Task 2: Understanding the Affidavit and Summons	BASELINE	4	2	3	3	3	1	3	0	19
	PROTOTYPE	0	0	0	2	3	2	0	1	8
Task 3: Transitioning from Paper to Phone	BASELINE	2	0	0	0	2	2	0	0	6
	PROTOTYPE	6	0	0	0	0	3	3	0	12
Task 5: FAQ and Help	BASELINE	2	1	0	0	1	0	1	0	5
	PROTOTYPE	3	1	3	0	5	0	2	0	14
Task 6: Registration and Login	BASELINE	3	20	1	9	3	3	0	4	43
	PROTOTYPE	0	0	1	0	0	0	0	0	1
Task 8: Chat Initiation	BASELINE	0	1	0	1	1	0	1	0	4
	PROTOTYPE	2	0	0	0	0	0	2	0	4
Task 9: Documentation Sharing	BASELINE	2	3	2	12	1	1	2	1	24
	PROTOTYPE	0	0	1	0	0	0	0	0	1
Task 10: Negotiation and Payment Planning	BASELINE	3	1	0	0	0	0	0	--	4
	PROTOTYPE	0	0	0	0	0	0	0	0	0
Task 11: Reviewing and Documents	BASELINE	3	1	0	0	0	0	1	--	5
	PROTOTYPE	0	0	1	1	1	0	3	0	6

Note: N = 8 (baseline test) and 8 (prototype test).

³⁵⁹ The research team calculated the percentage reduction based on the total number of non-critical errors experienced across tasks and across participants and set the denominator equal to the total number of participants' attempts across tasks: $[(46/64 - 110/62) / 110/62] \times 100 = -59.5\%$.

4. Subjective Evaluations

a) Post-Task Satisfaction Ratings

Participants were asked to self-report PTS ratings on a 7-point scale (with 1 being very unsatisfied and 7 being very satisfied) after each task, regardless of completion status, and were prompted to explain why they chose their ratings. At first glance, the high baseline test PTS ratings suggested that prototype test participants suffered relative loss in satisfaction. But, after averaging PTS rating across participants and across tasks, participants in the baseline test reported *lower* average ratings than participants in the prototype test.

The average PTS rating across all baseline test participants and tasks was 5.5, and the mean for specific tasks ranged from 3.8 for Task 9 (Documentation Sharing) to 6.4 for Task 8 (Chat Initiation). In comparison, the average PTS ratings across all participant and tasks in the prototype test was slightly higher at 5.8.³⁶⁰ Both the lowest and highest average PTS ratings in the prototype test exceeded the same values from the baseline test. The PTS rating for the most difficult task (9, Documentation Sharing) increased 55.3%, from 3.8 in the baseline to 5.9 in the prototype test.³⁶¹

TABLE 7: Post-Task Satisfaction Rate Statistics

Participant		A	B	C	D	E	F	G	H	Average Satisfaction Rating
Task 2: Understanding the Affidavit and Summons	BASELINE	7	7	7	7	7	5	3	6	6.1
	PROTOTYPE	3	5	5	7	6	6	6	6	5.5
Task 3: Transitioning from Paper to Phone	BASELINE	2	7	7	7	7	7	6	7	6.3
	PROTOTYPE	--	3	7	7	7	5	3	5	5.3
Task 5: FAQ/Help	BASELINE	1	5	5	7	6	--	3	--	4.5
	PROTOTYPE	5	6	6	7	6	6	7	7	6.3
Task 6: Registration and Login	BASELINE	7	3	7	7	7	6	5	6	6.0
	PROTOTYPE	6	2	5	6	7	7	1	5	4.9
Task 8: Chat Initiation	BASELINE	7	7	7	6	6	7	5	6	6.4
	PROTOTYPE	5	6	7	7	7	7	6	7	6.5
Task 9: Documentation Sharing	BASELINE	5	3	5	3	5	1	3	5	3.8
	PROTOTYPE	6	6	6	7	7	7	6	2	5.9
Task 10: Negotiation and Payment Planning	BASELINE	7	5	7	7	7	5	3	--	5.9
	PROTOTYPE	7	7	7	6	5	7	7	7	6.6
Task 11: Reviewing and Signing Documents	BASELINE	1	1	7	7	7	--	5	--	4.7
	PROTOTYPE	6	5	3	6	7	7	3	7	5.5

Note: N = 8 (baseline test) and 8 (prototype test).

³⁶⁰ Although the overall average PTS rating was higher for the prototype test, the difference in PTS ratings between tests is actually -0.2% because there were four more attempts in the baseline test than the prototype test. The research team calculated PTS rating percentage differences based on the average PTS rating across participants and across tasks, setting the denominator equal to the total number of participant responses across tasks: $[(5.8/63) - (5.44/59)] / (5.44/59) \times 100 = -0.2\%$.

³⁶¹ For Task 9, the research team calculated the PTS rating percentage differences based on the average PTS rating across participants: $[(5.9 - 3.8) / 3.8] \times 100 = 55.3\%$. No adjustment was needed because the baseline and prototype tests had the same number of responses.

The research team hypothesized that the modest improvement in satisfaction ratings when averaged across participants and across tasks may be related to differences in the testing populations. Baseline test participants were recruited from the general Pima County population via community organizations serving residents,³⁶² while prototype test participants, by necessity, were selected among individuals who met the recruitment criteria and were quarantining with members of the research team during the onset of the COVID-19 pandemic. As a result, baseline test participants exhibited greater racial and ethnic diversity and lower overall earnings, whereas prototype test participants were generally younger, primarily white and non-Hispanic/Latinx, and were more likely to be employed and earn more.³⁶³ Prototype test participants also knew their UX Facilitators, and therefore any priming (or kindness-of-stranger) effects³⁶⁴ that may have impacted the baseline cohort did not affect them. Perhaps most tellingly, prototype test participants had less experience with small claims cases and lower expectations for using their smartphone to settle a legal claim.³⁶⁵ The vast majority (75.0%) of prototype test participants reported that they knew nothing about small claims cases, and only 25.0% reported to know a little about them. But *all* baseline test participants reported knowing at least a little about small claims cases, with 25.0% claiming to know a lot about them.³⁶⁶

That baseline test participants repeatedly voiced their excitement for this new option of settling a legal case online from the comfort of their home was not surprising in light of prior experience. This excitement, coupled with their higher expectations for using a smartphone to settle a legal claim, may have resulted in their higher PTS scores. The more affluent prototype test participants, in comparison, had less experience with small claims lawsuits and therefore may not have internalized the potential benefits of ODR in the same way. Based on their higher income distribution,³⁶⁷ prototype test participants would, in theory, be less likely to face a debt collection lawsuit in the future. If they did, they would be more likely (based on income alone) to be able to afford legal representation and less likely than lower-income defendants to be impacted by the additional financial stressors that often accompany court appearances (e.g., lack of paid leave, difficulty securing childcare, challenges with transportation). Conversely, participants from the baseline test and PAR workshops frequently shared their enthusiasm for ODR and how its availability would relieve many of those common stressors.

The data could not identify precisely the cause of the unexpected PTS results. But the dramatic improvements in objective performance measurements and the post-test questionnaire results made it clear that the prototype improved the overall usability of the ODR platform despite the differences in subjective satisfaction ratings.

³⁶² See *supra* Section I(V)(2).

³⁶³ See *supra* Table 1.

³⁶⁴ See Budi, *supra* note 95.

³⁶⁵ See *supra* Section IV(A)(2).

³⁶⁶ *Id.*

³⁶⁷ *Id.*

TABLE 8: Summary Statistics for Objective Performance Metrics: Task Completion Rates, Critical-Error-Free Rates, and Mean Time-on-Task

		A. Task Completion Rates	B. Critical-Error-Free Rates	C. Mean Time-on-Task (seconds)
Task 2: Understanding the Affidavit and Summons	BASELINE	62.5%	62.5%	142.4
	PROTOTYPE	100.0%	100.0%	70.8
Task 3: Transitioning from Paper to Phone	BASELINE	75.0%	87.5%	113.5
	PROTOTYPE	87.5%	100.0%	97.3
Task 5: FAQ and Help	BASELINE	12.5%	12.5%	96.6
	PROTOTYPE	87.5%	87.5%	96.0
Task 6: Registration and Login	BASELINE	12.5%	12.5%	534.9
	PROTOTYPE	87.5%	100.0%	139.5
Task 8: Chat Initiation	BASELINE	87.5%	100.0%	192.5
	PROTOTYPE	100.0%	100.0%	86.75
Task 9: Documentation Sharing	BASELINE	12.5%	12.5%	648.3
	PROTOTYPE	75.0%	87.5%	46.4
Task 10: Negotiation and Payment Planning	BASELINE	100.0%	100.0%	282.4
	PROTOTYPE	100.0%	100.0%	106.3
Task 11: Reviewing and Signing Documents	BASELINE	28.6%	28.6%	347.3
	PROTOTYPE	100.0%	100.0%	110.6

Note: N = 8 (baseline test) and 8 (prototype test).

b) Post-Test Questionnaire

The research team concluded each usability test by asking participants a series of questions about their experiences, again using a 7-point scale. The post-test questionnaire captured self-reported subjective data on participants’ overall UX and UI impressions, which could be used to identify trends. Comparing participant responses from the prototype test to the baseline round allowed the research team to observe areas requiring improvement for specific types of users.

After completing the test, participants from both rounds of testing were asked to rate their overall experience using the ODR platform, and the results appear in Figure 5. The baseline test yielded slightly greater overall satisfaction ($\mu = 5.0$) compared to the prototype ($\mu = 4.9$). Yet, when asked whether there were “any features, functions, or pieces of information” that were missing or could be improved, baseline test participants offered substantial feedback about how to improve usability issues and functionality problems within the platform:

“Couple things I wasn’t used to. . . . Attach button not being right in the text box, [needing to] leave the chat to see the attachment. I had to leave where I was and go back. [It] should just have it all there in one.” – Participant 1A

“No loading icon is frustrating, because you do not know if it’s frozen. Even where it has a loading icon, you still are wondering if it’s frozen cuz it takes so long.” – Participant 1B

“The frequently asked questions could have beefed up a little more.” – Participant 1G

“The website needs some more development overall. It has potential to be user-friendly. It’s not there today.” – Participant 1F

In comparison, prototype test participants generally commented about limitations with the XD software (e.g., inability to zoom, buttons not being active).

“If the prototype had worked as designed, [my rating] would have been a 6. Overall, it was well-designed.”

– Participant 2B, reporting an overall rating of 5

“There were just a lot of tech glitches . . . assuming [they] would be worked out . . . my general sense . . . it was a little frustrating.” – Participant 2G

“I feel like for the most part, everything was there, I just needed to look for it.”

– Participant 2C

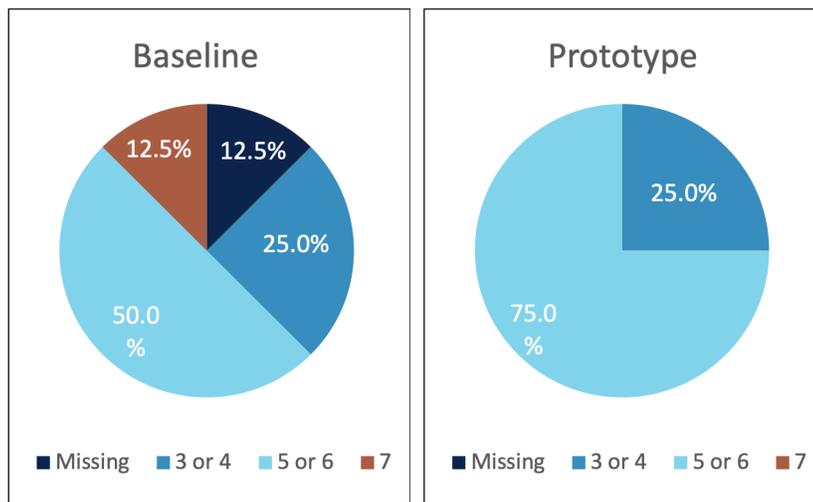


Figure 5: Test Participants' Satisfaction Ratings for the Overall ODR Experience (by Test Round)

Participants were also asked to rate their satisfaction with the outcome in their cases, and their responses appear in Figure 6. In both rounds of tests, 50.0% of participants reported being somewhat satisfied (5 or 6). In the baseline test, however, more participants were somewhat dissatisfied (3 or 4) and a quarter were dissatisfied (1 or 2). Participants reported dissatisfaction because they were never able to preview or sign the document and because they felt they did not understand their legal rights and options:

“I didn’t get to see the document . . . could be my phone though. If I did read the document, I’d give it a 7.” – Participant 1A

“Because I went through all that to come to an agreement, and then I couldn’t even preview the document and sign it.” – Participant 1B

Only 12.5% of prototype test participants were dissatisfied (1 or 2), while another 37.5% were very satisfied (7). Most prototype test participants felt that it was fair, even though they had to pay. Yet one prototype test participant echoed baseline test participants in wanting more information about their legal rights.

“Maybe on the first initial page, just some more information saying if you haven’t done this before, this is the first step. . . . Maybe there could be a page that talks about all the possibilities, what I can do when settling this claim, whether it is a one-time payment, monthly payment, I didn’t realize it was just dependent on the negotiation. So, more information on what I can legally do would be helpful.” – Participant 2E

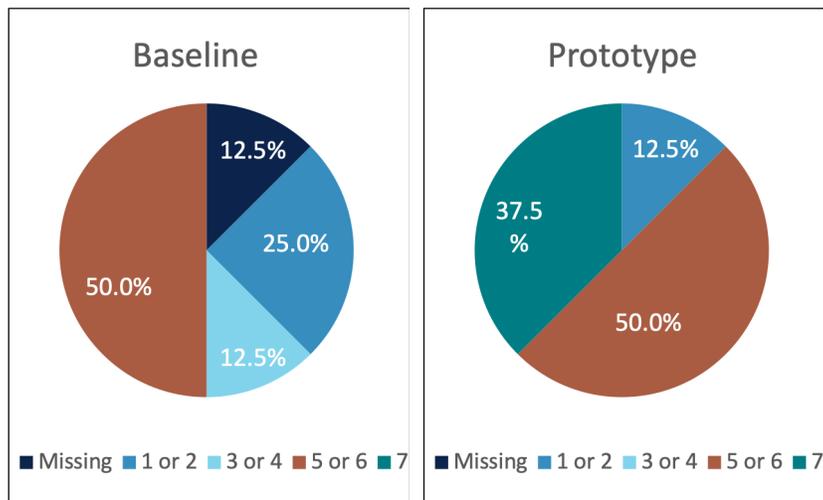


Figure 6: Test Participants’ Satisfaction Ratings for Case Outcomes (by Test Round)

Another participant expressed confusion about the ODR Facilitator’s role:

“Although I will say there was a Facilitator on there, I don’t really know what he facilitated. This felt like it was like a text conversation between me and someone I owed money. I feel like maybe the Facilitator should have a bigger role.” – Participant 2C

Participants were then asked, “How would you rate your understanding of your legal rights in this case?” As shown in Figure 7, prototype test participants reported more comprehension, with 62.5% reporting a 5 or above compared to 37.5% of baseline test participants.

“I didn’t notice that. Don’t remember reading that. Didn’t remember reading anything about legal right[s] on website.” – Participant 1A

“I really don’t know; I’d have to do more research.” – Participant 1F, reporting a score of 1

Although significant gains were made in the prototype to convey important legal information to users, the research team noted room for future improvement. More than a third of prototype test participants rated their understanding of their legal rights at 4 or below:

“I don’t have any background legal knowledge, and I wasn’t aware of what I can do to negotiate; some more background information would be helpful.” – Participant 2E

“I have no idea what my legal rights were in this case. Is this the kind of thing I should be talking to an attorney about? What would happen if I . . . didn’t pay the rest of the balance? I kind of feel like I don’t know what I don’t know.”
 – Participant 2G

Finally, participants were asked whether they would prefer to use a website or physically go to a courthouse to resolve a dispute, given the option. The results in Figure 8 were clear and unequivocal: all but one participant across both rounds of testing would prefer to use ODR rather than go to the courthouse. The single dissenter stated that they would prefer to talk to the plaintiff in person.

“Website: easier, convenient, time-saving.” – Participant 1A
“You don’t have to take time off work.” – Participant 1G
“I would definitely use a website. If it’s gonna be this easy every time, why would I take the time to look all nice and go to court and talk in front of a bunch of people if I could just do it online? But I also am curious about, like, is it always going to be that easy? What happens when we don’t come to an agreement? This case was pretty tame compared to what could be out there.”
 – Participant 2C

“A website. This doesn’t require me going [to the courthouse,] which takes time. It doesn’t require me to be present. I can answer the conversation with the plaintiff when it’s convenient for me. And any time of the day—it doesn’t have to be during normal business hours, which is when I work anyways. So yeah, I would much rather do it on my phone.” – Participant 2E

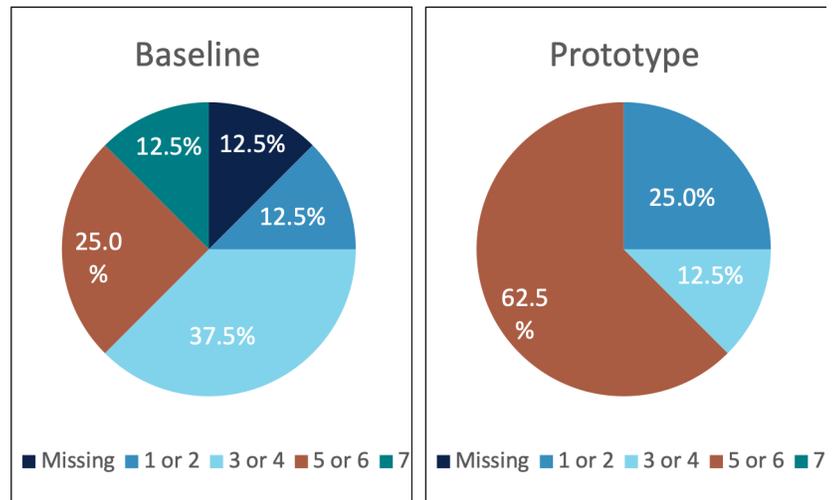


Figure 7: Test Participants' Ratings of Their Understanding of Legal Rights (by Test Round)

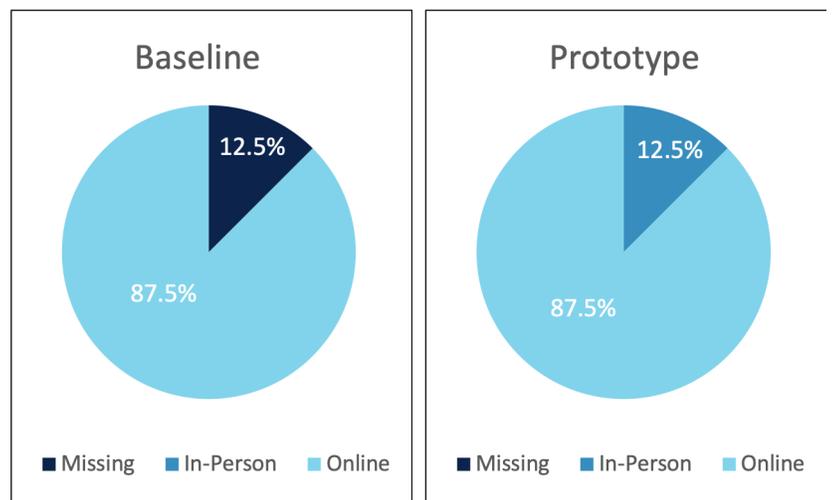


Figure 8: Test Participants' Preferences for Online Versus In-Person Resolution of Legal Disputes (by Test Round)

VI. RECOMMENDATIONS

Based on the results of a multi-phase testing process designed to engage representative users in the review and redesign of Utah’s ODR experience, the research team proposed the following changes. Due to the similarity in problems and solutions identified across some tasks, the research team organized the recommendations into categories, which are ranked from highest to lowest priority based on the problem severity analysis and stakeholder input, rather than presenting task-based recommendations. Each recommendation is followed by multiple actionable recommended changes that, if implemented, could dramatically improve usability and the user experience of the ODR process.

Screenshots from the redesigned affidavit and summons and the XD prototype were included to illustrate the suggested changes, and the complete XD prototype appears online.³⁶⁸ In addition, Appendix 16 contains side-by-side comparisons of selected screenshots from the mobile version of the Utah ODR platform and the XD prototype.

1. Ease the Transition from Paper to Platform. Employ the best practices of URL formation, website naming, and UI design, and highlight key information on the paper forms to assist website users.

The baseline test demonstrated that typical ODR users experienced significant difficulty making the transition from the affidavit and summons to the ODR website, and experienced visibility and accessibility issues once on the homepage. One of the tasks associated with this critical step in the process was classified as a Problem Severity Level 2 in the baseline test, but the research team elevated this issue to the top of the list because of the potential widespread impact it may have on preventing actual users from engaging in the ODR process.

Several participants in the baseline test either did not identify that they could register for ODR or were able to identify the URL but did not understand that the website would enable them to participate in the ODR process (Task 2: Understanding the Affidavit and Summons, Problem Severity Level 1). Participants also voiced concern that there was no identifiable name for the website and therefore no way to search for it or find it apart from typing in a direct link (Task 1: First Impressions of the Affidavit and Summons). Moreover, participants struggled to enter the case-sensitive link exactly as written into their mobile browser (Task 3: Transitioning from Paper to Phone, Problem Severity Level 2). This difficulty with the URL was evident even after a simplified bit.ly link replaced the longer and more complex ODR web address. On average, it took participants nearly two minutes to type in the simplified case-sensitive URL, with three out of eight participants requiring three attempts to correctly enter it. Based on these observations, the research team inferred that the long and complex URL on Utah’s actual affidavit and summons³⁶⁹ causes defendants similar difficulties and accounts for the fact that 64.0% of defendants served in Utah’s ODR pilot never log into ODR.³⁷⁰ Moreover, once on the ODR site, participants searched for, but could not find, confirmation that they were on the correct site; the ODR homepage does not display the terms “ODR” or “online dispute resolution.” Several participants also behaved in ways showing their difficulty seeing the screens on their smartphones, including pinching to zoom repeatedly, squinting at the screen, or commenting on the low level of contrast between the text and the background color, which made locating necessary information more challenging (Task 4: First Impressions of the Homepage).

³⁶⁸ See the full Adobe XD prototype used in this study at <https://bit.ly/odr-xd>.

³⁶⁹ The actual Utah ODR website is <https://pubapps.utahcourts.gov/OnlineDisputeResolutionWEB>.

³⁷⁰ See Himonas & Hubbard, *supra* note 15 and accompanying text.

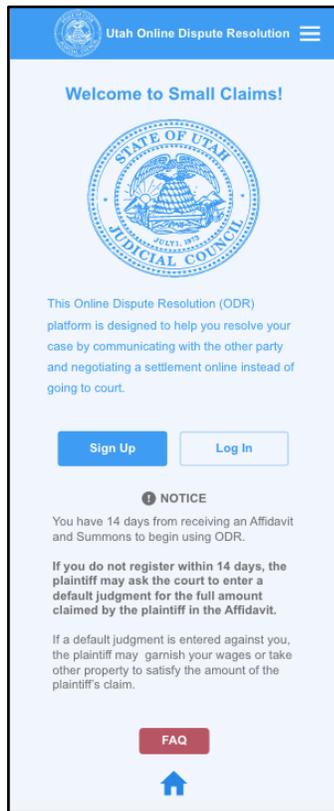
Based on these findings, the research team conducted PAR workshops to determine the best way to address issues with the paper to phone transition and improve the visibility and accessibility of the homepage. Workshop participants suggested shortening the documents while highlighting key information, such as the ODR link and adding a QR code for easier access on mobile devices. They also suggested simplifying the homepage design to make it easier to read and more accessible.

The redesigned affidavit and summons aimed to help participants more easily navigate the transition from paper to the online platform by making the documents shorter and more logically organized, with a clear visual information hierarchy that highlighted key information needed for future steps. Task 2 saw the elimination of critical errors from the baseline test, and participants completed the task more than one minute faster on average. The redesign also made the ODR URL easier to locate and included a QR code, which was a signal for half of the participants that they needed to take action and log in. Simplifying the URL and adding a QR option facilitated all participants accessing the website, and the time it took to transition from paper to online also dropped. Finally, the XD prototype addressed participants' concerns about visibility issues by using a more vibrant and high-contrast color palette, applying a clear, consistent information hierarchy throughout the site, and avoiding text on images. During the prototype test, participants were pleased with the visual design of the interface, noting that, for the most part, the design was simple, pleasant, and easy on the eyes.

Recommended Changes

- ▶ Create a short and simple URL for the ODR platform that uses a familiar domain name and easy path (e.g., utahcourts.gov/ODR).
- ▶ Devise a URL that is not case-sensitive (e.g., UtahCourts.gov/ODR; utahcourts.gov/odr). If the URL must be case-sensitive, the summons should clearly state that it is.
- ▶ Provide an official website name, such as “Utah Online Dispute Resolution,” on the summons that is discoverable through a web search apart from typing a direct link.
- ▶ Include an official website name, the term “ODR,” and the phrase “online dispute resolution” on the website homepage.
- ▶ Make the ODR platform URL on the summons more prominent and add a QR code that links directly to the site to ease the transition from paper to platform.
- ▶ To make it easier to move from paper to platform, highlight key information on the affidavit that will be required during ODR registration, such as the case number and the name of the plaintiff.
- ▶ Apply best practices in UI and accessible design on the ODR site by adopting a higher-contrast color palette; applying a clear, consistent visual information hierarchy throughout the site; and avoiding text on images.

Figure 10: Redesigned ODR Platform Homepage



2. Streamline the Registration Process. Apply the best practices of web form design by providing consistent system status visibility, error prevention, and matches between the system and the real world to make the registration process easier for website users to complete.

The registration and login process on the Utah ODR platform includes many steps that require repeated referencing between the paper summons and affidavit on one hand and the ODR website on the other. It also lacks sufficient error-prevention and recovery measures. Baseline test participants spent an average of nearly nine minutes on the registration and log-in processes (Task 6: Registration and Login, Problem Severity Level 1).³⁷² Only one out of eight participants in the baseline test was able to complete registration without help,³⁷³ and there were a staggering 43 non-critical errors.³⁷⁴ Common issues included typing in a name or case number incorrectly, re-entering the password because a participant didn't notice the system requirements, and failing to understand key terms, such as the distinction between plaintiff and defendant or business and individual. Participants experienced significant frustration when attempting to find information needed for registration on the summons and affidavit. Furthermore, because the registration process only notified users that their "case could not be located" *after* they entered party names, the case location, and the case number, participants were not certain which data item they had entered incorrectly, causing significant irritation. In addition, users are not notified of a one-minute delay in verification code delivery, which resulted in participants pressing the request code button multiple times expecting the code to appear immediately, and then expressing uncertainty about which code to use when they ultimately received multiple versions.

Because so many Utah defendants never log in to the ODR platform,³⁷⁵ it is essential that the registration and login process does not present unnecessary obstacles that inadvertently prevent individuals from successfully engaging with the ODR platform. PAR workshop participants worked with the research team to simplify the registration process and make it less error-prone. In addition to suggesting fewer registration steps, participants noted that they would like the website to show progress along the way and to clearly indicate where to find information and when to expect a delay. Participants also worked with the research team to improve the experience of cross-referencing from paper to the platform, and to integrate additional feedback, error-prevention, and recovery measures.

To simplify the registration process, the prototype reduced the number of steps to five screens, provided status information (such as page numbers and progress bars), employed error-prevention techniques (such as showing password requirements and not allowing a user to submit incorrect information), and provided a match between the system and the real world (by showing exactly where participants could locate requested information on their affidavit and summons through use of pop-up images). The redesigned summons and affidavit also helped streamline the registration process. The simplified design made it easier to provide images of the documents highlighting the location of important information needed for registration, which in turn made it easier for users to switch back and forth between papers and their smartphones.

The redesign resulted in significant performance-related improvements. No participants experienced a critical error during registration—even though one of them did not complete the task—and non-critical

³⁷² See *supra* Table 4.

³⁷³ See *supra* Table 5.

³⁷⁴ See *supra* Table 6.

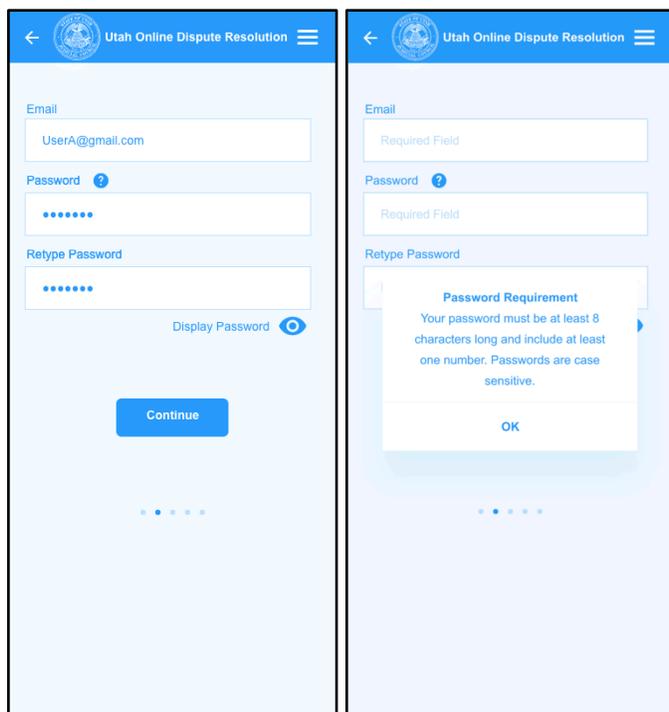
³⁷⁵ See Himonas & Hubbard, *supra* note 15 and accompanying text.

errors were reduced by 97.7%.³⁷⁶ Moreover, TOT dramatically fell, by nearly 75.0%,³⁷⁷ from approximately nine minutes with the existing platform to just over two minutes with the redesigned prototype.³⁷⁸

Recommended Changes

- ▶ Reduce the number of required steps.
- ▶ Add dots (or some other status indicator, such as ___/___, numbers, or a progress bar) that inform users of their system status progress on the platform and use the same indicator for all other multi-step processes on the website.
- ▶ Display system requirements for acceptable passwords, verification codes, and email addresses as well as provide error-prevention feedback to prevent users from attempting to submit incorrect information.
- ▶ Provide an option to view the password as it is being entered to prevent typographical and mismatch errors.
- ▶ Include a new message that alerts users that a verification code is on its way but will take up to one minute to arrive.
- ▶ Build in “tooltips” that open lightboxes providing an image of an affidavit or summons and highlighting the location of the requested information on the documents.

Figure 11: Redesigned Registration



³⁷⁶ Authors' calculation.

³⁷⁷ Authors' calculation.

³⁷⁸ See *supra* Table 4.

Figure 12: Registration Error Prevention

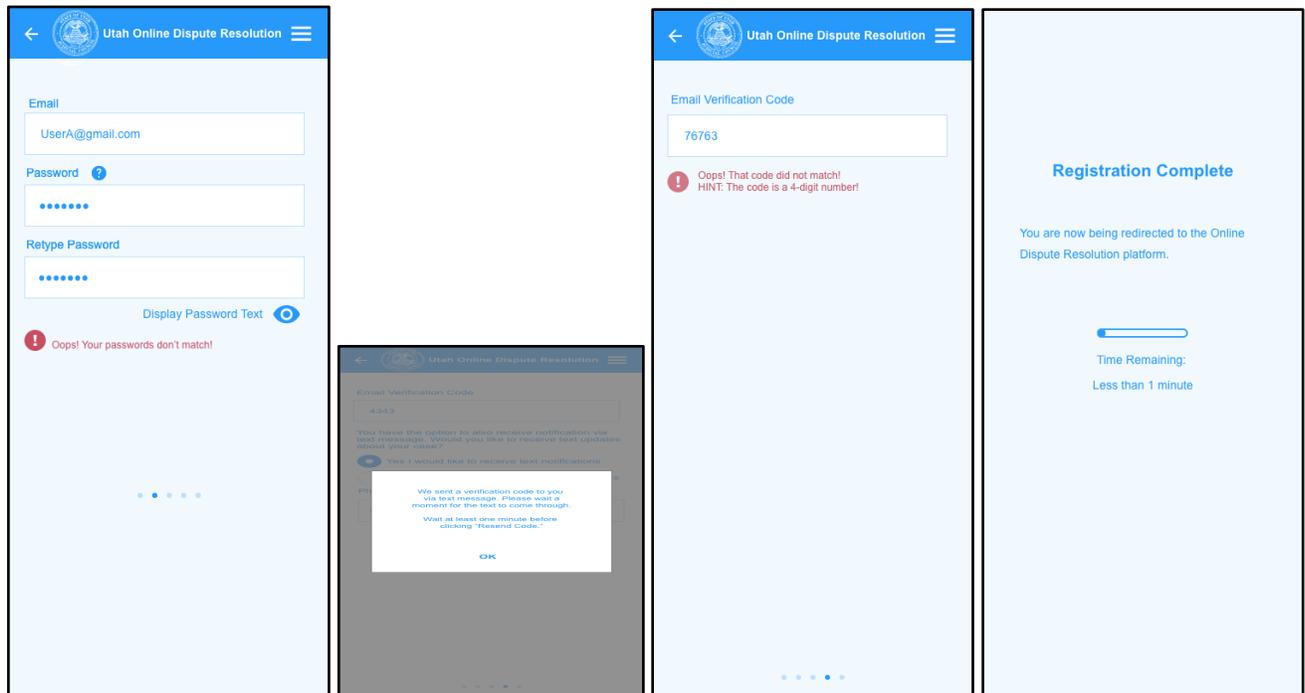


Figure 13: Registration Lightbox



3. Simplify Document Sharing and Review. Implement intuitive design choices by integrating document-sharing functionality into the chat interface and using best practices for system status visibility and error prevention to improve document management for website users.

The ability for users to upload, share, preview, and sign documents is an essential element of the ODR process. During the baseline test, however, uploading proof of payment caused significant difficulty for users (Task 9: Documentation Sharing, Problem Severity Level 1). Participants spent an average of nearly 11 minutes on this task,³⁷⁹ which was one of the most difficult modules, with seven out of eight participants experiencing a critical error and half of participants unable to complete the task even with help from the UX Facilitator. Figuring out how to upload documents was not intuitive, and many users struggled to simply locate files on their phone, which negatively impacted UX. Half of the participants expressed frustration because there was no attachment icon in the chat.³⁸⁰ Once some participants realized that they needed to navigate out of the chat to the “Manage Documents” tab, a majority experienced critical errors when attempting to preview and upload the document.³⁸¹ Other participants had difficulty distinguishing “My Case” from “Manage Documents” and were not initially sure how to get to the document-sharing feature. Finally, even those who did upload their receipt were concerned that they may have unknowingly attached the incorrect file and were frustrated that they did not receive a notification that the upload was successful before they returned to the chat. This task produced the lowest level of post-task satisfaction throughout the baseline test, and one participant became so frustrated that they opted to leave before completion of the overall test.

Participants had similar difficulty reviewing and signing either settlement agreements or trial preparation documents, the critical culminating step of the ODR process (Task 11: Reviewing and Signing Documents, Problem Severity Level 1). On average, users spent nearly six minutes attempting to complete this task in the baseline test,³⁸² with five of seven participants (74.1%) experiencing a critical error because they were unable to successfully preview or sign their settlement documents.

In both tasks, the preview function seemed to be the primary source of frustration. Several participants who brought a variety of Android smartphones to the test were simply unable to obtain a preview despite multiple attempts. Clicking the back button on their browser—an intuitive response to being stuck on a webpage—instead took participants completely out of the ODR platform. Even though this effect is standard for a preview function, it still came as an unpleasant surprise and annoyed participants. PAR workshop participants suggested usability improvements for document management on the ODR platform (e.g., adding icons to the chat feature to enable document-sharing, doing so directly within the feature rather than navigating to a separate page) and adding timestamps in the chat to show when documents had been successfully uploaded. They also suggested that the reviewing and signing documents process should include a disclaimer or description of the binding nature of the legal forms and a checkbox option to confirm that one read and understood what they were signing. Participants were interested in having the ability to return to signed documents within the ODR platform and to download documents for review and storage in their personal records.

³⁷⁹ See *supra* Table 4.

³⁸⁰ Raw qualitative data (e.g., audio and video) on file with authors.

³⁸¹ See *supra* Table 5.

³⁸² See *supra* Table 4.

The prototype addressed the sharing concerns and desires expressed by integrating file-share icons into the chat screen, which allowed participants to photograph or share documents directly from the chat. To make reviewing and signing documents easier, the prototype also featured a five-screen process that guided the user through the terms of the settlement agreement in an easily understandable format, with status indicators and internal back buttons, and included an error-prevention screen at the end, which asked for participants to confirm their signature before completing the task. Furthermore, the prototype gave users a chance to download and print their settlement agreement in its entirety, both before and after signing. When the preview function worked in the prototype, critical errors for Task 9 decreased by more than 85.0%, and non-critical errors dropped by 95.8%.³⁸³ It is worth noting that the sole prototype test participant who experienced the critical error did not recognize that the paperclip and camera icons indicated document sharing. This outcome suggested the need for tooltips or other labeling methods to reinforce icon functionality. Notably, TOT dropped nearly 93.0% (to a mere 46 seconds), and post-task satisfaction increased dramatically.³⁸⁴ Critical errors for Task 11 were cut entirely, and TOT diminished by 68.1%, to under two minutes.³⁸⁵

Recommended Changes

- ▶ Allow users to share documents directly within the chat feature.
- ▶ Simplify the upload process by using both familiar icons (e.g., a camera to signify “take a photo and share” and a paperclip to signify “attach and upload”) as well as text labels (or tooltips on smartphone views) to indicate functionality.
- ▶ Add system status feedback to indicate that a document share is in progress and has successfully completed.
- ▶ Fix the functionality bug that prevented some smartphone users from previewing documents. Consider including a link to instructions for troubleshooting in the FAQ on any interfaces that involve preview options.
- ▶ Include a message on preview screens to alert users that clicking the back button on their browser could push them out of the system, and, if possible, add an internal back button within the ODR platform to allow users to return to a previous screen without using the browser.
- ▶ Add a simplified “Settlement Agreement Review” process to allow users to clearly review and confirm settlement details on the platform before previewing and signing the document.
- ▶ Add error prevention measures by requiring that users preview documents and confirm their desired action before submitting signed settlement agreements or trial preparation documents.
- ▶ Allow users to download and print documents before and after signing.

³⁸³ Authors’ calculation.

³⁸⁴ Authors’ calculation.

³⁸⁵ Authors’ calculation.

Figure 14: Redesigned ODR Chat

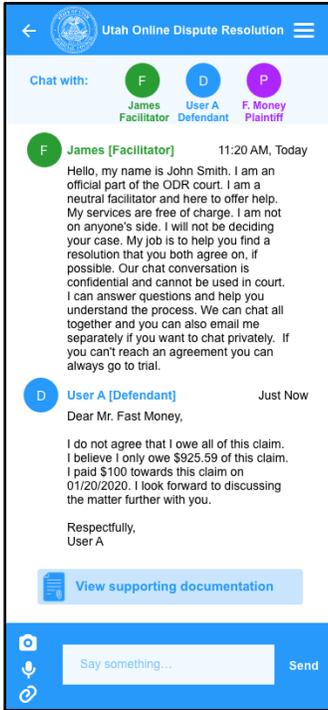


Figure 15: Redesigned Settlement Agreement Review

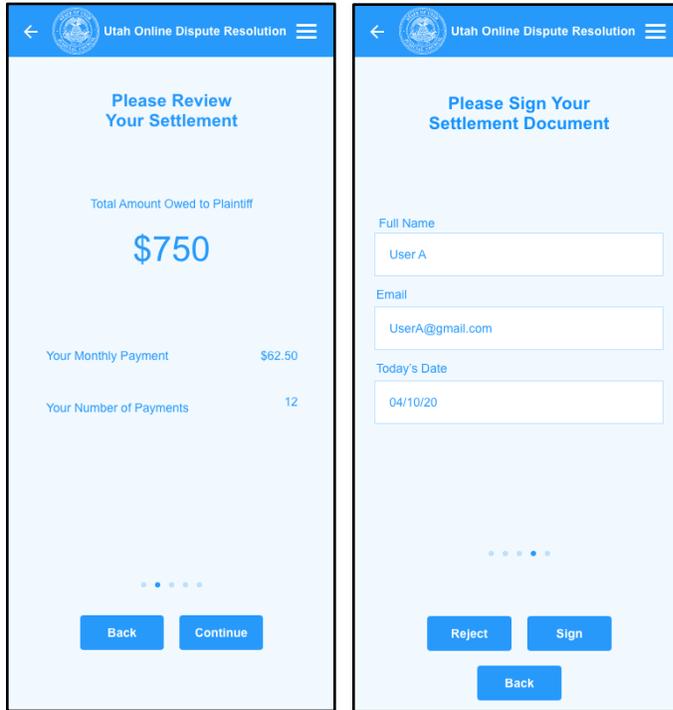
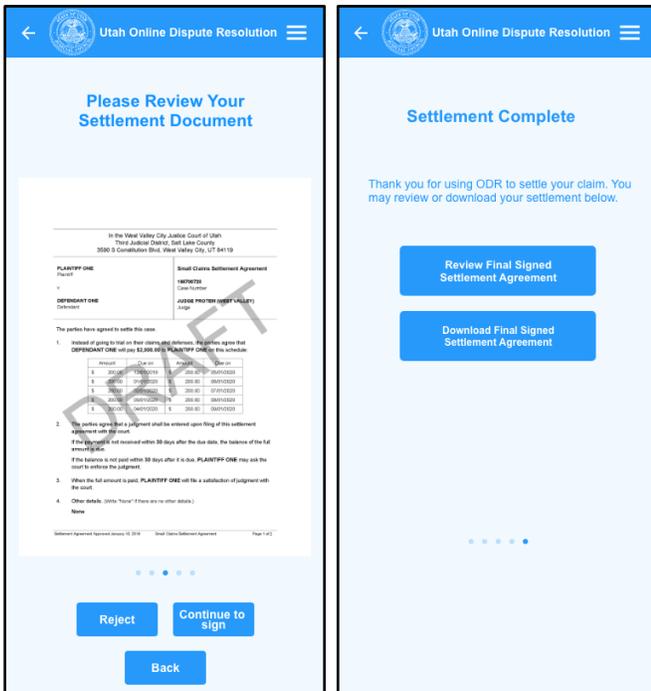


Figure 16: Redesigned View and Download Settlement Document



4. Improve ODR Information and Help. Anticipate and address common questions about ODR throughout the user experience and apply best practices for visual hierarchy, user onboarding, and effective FAQ design to make it easier for website users to access critical information.

A majority of participants reported frustration on account of their inability to easily find information about ODR, including guidance about how it worked, whether participation was mandatory, and how to contact someone for more assistance. It is worth noting that the ODR website homepage does not provide any additional information about ODR. In fact, it does not actually say “online dispute resolution” or “ODR”—the two terms mentioned on the affidavit and summons (Task 4: First Impressions of the Homepage).

In order to find more information about ODR (Task 5: FAQ and Help, Problem Severity Level 1) participants had to locate the “Help” menu; click on “FAQ” (which opens a new website); locate and click on the “Help” PDF link (which opens a file entitled “Online Dispute Resolution—Frequently Asked Questions”); and scroll through the document to find the information sought. During baseline testing, only one participant was able to successfully reach the PDF. Other participants clicked on the Help menu as anticipated but experienced various critical and non-critical errors (e.g., looking for a contact phone number, clicking the wrong page) before giving up. The fact that the FAQ menu item opens a link to a separate website caused confusion for one participant who did not understand why clicking the back button on their browser from within the Help section did not return them to the ODR platform.

Based on these findings, the research team worked with PAR workshop participants to make ODR-related information and help more easily accessible throughout the platform. Workshop participants expressed concern and their low perceptions of legitimacy surrounding the affidavit and summons, not to mention the ODR platform itself. They suggested that a more readily visible Utah courts seal appear on all three. They also wanted clear information about ODR and to have alternatives explicitly identified on the first page of the documents, rather than buried later in the materials, and for ODR information and help to be more discoverable on the platform. They suggested that the redesign include a clearly visible red “FAQ” button near the bottom of the landing page and on other key pages throughout the site where additional help may be needed. Participants recommended that the redesign include the creation of a new onboarding overview guide that would enable first-time users to better understand the ODR process before initiating the chat and suggested that the first screen include a welcome video with closed captions and translations in several languages.

To reinforce the legitimacy of the legal documents and the ODR platform—and their connection to each other—the redesigned versions prominently feature the Utah seal. The prototype addressed the lack of information on the homepage by adding a welcome message that defines ODR above the “call to action” buttons, including important text about registration timelines and default judgments, and providing a clearly visible red “FAQ” button near the bottom of the landing page. The prototype also aimed to improve access to ODR information throughout the website by adding an “FAQ” link on the main navigation menu, which led to an integrated page on the ODR platform that is categorized, prioritized, and easy to navigate and scan. After successfully logging into the prototype, participants were automatically directed to a new overview guide, with a welcome video player on the first page, and three pages that introduced key ODR concepts: the chat function, the role of the neutral ODR Facilitator, and a message about privacy and civil discourse. In their first impressions of the prototype homepage, three participants said that they noticed the Utah state court seal first, and two others thought that the seal supported legitimacy (Task 4: First Impressions of the Homepage). Critical errors were reduced by 85.7% from seven in the baseline test to one in the prototype test,³⁸⁶ and participants reported a

³⁸⁶ Authors’ calculation.

substantial improvement in their PTS ratings (Task 5: FAQ and Help). Although playing an embedded video is not possible on XD, half of the participants mentioned that they liked the welcome video option or clicked on it during the prototype testing. These results suggested interest in such options on the ODR platform.

Recommended Changes

- ▶ Structure the information that defendants need when making informed decisions about ODR so that it is clear and easy to locate on both the affidavit and summons and throughout the ODR platform, including on the homepage.
- ▶ Prominently feature the State of Utah seal on the affidavit and summons, as well as on the ODR homepage, and throughout the ODR site by using it as the “Home” button in the top navigation.
- ▶ Add a welcome message on the homepage that introduces the ODR platform and provides some information about timeline and rights.
- ▶ Add an “FAQ” button to the homepage.
- ▶ Add a direct link to “FAQ” in the main navigation menu, which is available on every page of the platform.
- ▶ Make “FAQ” a section on the ODR platform, rather than redirecting users to a separate website, and reorganize content to create clear, subsections that can be scanned easily and that categorize information and address higher-impact and common issues first.
- ▶ Build an overview guide for first-time visitors that onboards and introduces them to the people and processes involved in ODR. Allow returning visitors to skip it.
- ▶ Include a welcome overview video outlining how ODR works and offer closed captions in several languages for accessibility and inclusion.

Figure 17: Redesigned ODR Homepage, Main Navigation, FAQ, and FAQ Question 2

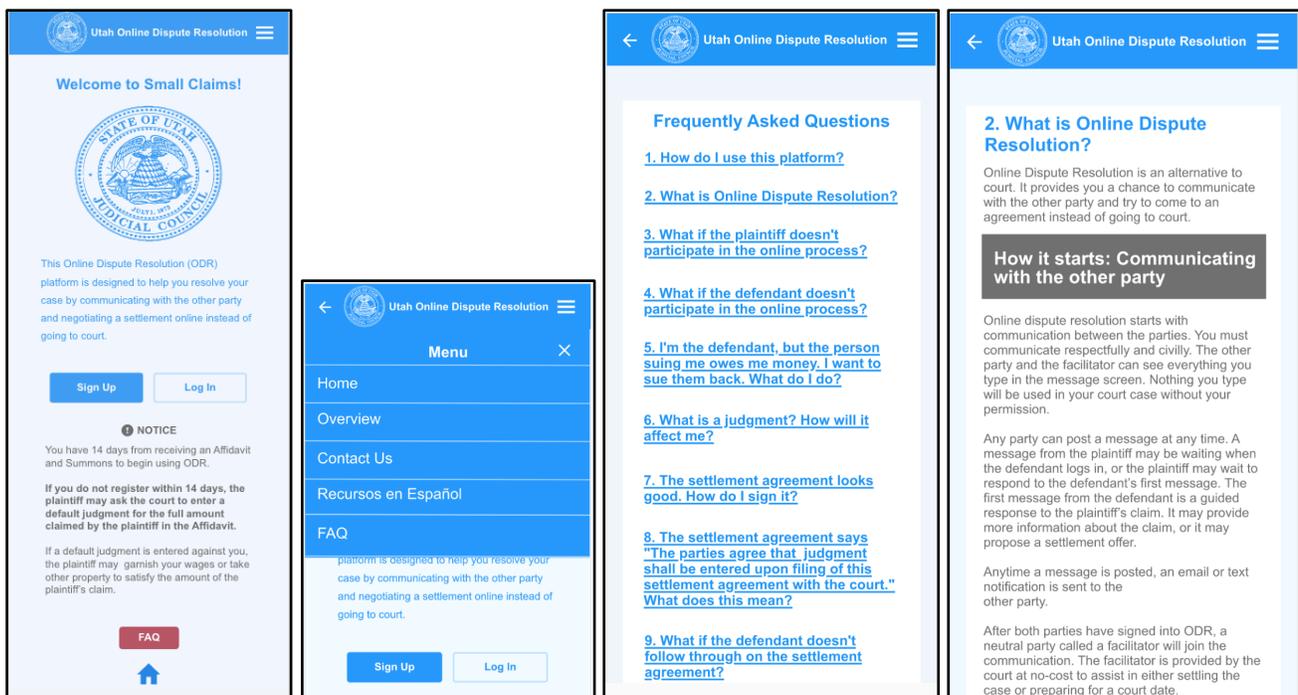
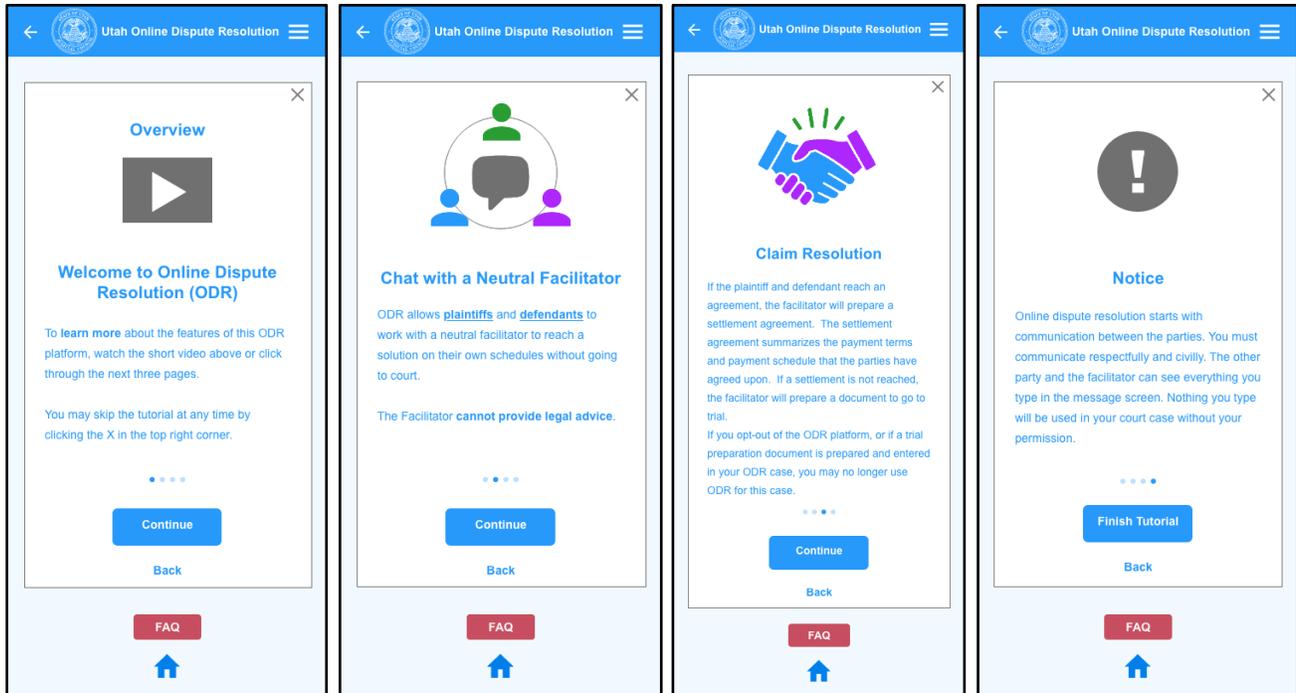


Figure 18: New Overview Guide, Chat Information, Claim Resolution, and Notice



5. Clarify Legal Information and User Options. Employ best practices for visual information hierarchy, define keywords and clarify roles, and simplify the claim response experience to help defendants better understand their legal rights and feel more confident in their actions.

Concerns about the lack of access to, or understanding of, legal information were expressed by participants again and again throughout the multi-phase testing process. This issue, as a result, may have underlay most of the difficulties that participants faced with the ODR experience. If users cannot understand and navigate the affidavit and summons, there is little hope for their joining ODR or successfully concluding negotiations. When asked to share their first impressions of the affidavit and summons (Task 1: First Impressions of the Affidavit and Summons), 75.0% of participants were confused about the amount in controversy and the calculation of interest, and half immediately wanted to ask for help.³⁸⁷ When asked to identify the options available to them and the option they would most likely choose (Task 2: Understanding the Affidavit and Summons, Problem Severity Level 1), only one participant successfully identified all of their options, and 37.5% of participants failed to even identify ODR as an option. It is clear that the options available on the affidavit and summons were neither easily identifiable nor sufficiently labeled so that participants could identify all possible paths forward.

Once on the ODR platform, participants in the baseline test continued to face challenges because they lacked access to legal information and an understanding of their legal rights. A number of users felt overwhelmed by the quantity of choices on the defendant answer screen or were confused by the options (Task 7: First Impressions of the Defendant Answer Options Page). Even though all participants ultimately were able to initiate the chat (Task 8: Chat Initiation, Problem Severity Level 2), one participant had trouble submitting their

³⁸⁷ Raw qualitative data (e.g., audio and video) on file with authors.

explanation and required advice from the UX Facilitator.³⁸⁸ Moreover, participants spent, on average, over three minutes selecting a response and explaining their choice,³⁸⁹ several individuals expressed a lack of confidence in their selections. All participants in the baseline test were able to communicate with the plaintiff in the chat (Task 10: Negotiation and Payment Planning, Problem Severity Level 4),³⁹⁰ and a few reacted positively to the opportunity, which bodes well for the underlying principles of ODR. A quarter of participants, however, expected an opportunity to chat privately and online with the ODR Facilitator and expressed a desire to know their legal rights as they participated in negotiations. It is worth noting that one participant thought they were chatting privately with the ODR Facilitator when their comments were actually visible to the plaintiff, and another had difficulty distinguishing messages the plaintiff's messages from the ODR Facilitator's messages. These results signified the need for improvement in defendant awareness of ODR functionality, in particular features that present legal options and information and that visually distinguish parties in the chat.

PAR workshop participants observed that users might struggle to understand the legal significance of the affidavit and summons and suggested defining legal terms in plain-language terms. They also were concerned that the registration process did not include reference to the 14-day response deadline. Finally, participants felt that the defendant answer page offered too many options, and several accurately predicted that similarities among options would sow confusion. Workshop participants preferred answering a series of simple questions that helped generate an answer, which they could then customize to their individual needs. They also suggested that chat-based negotiations might be more successful if the ODR Facilitator was the first party to begin the chat and greeted the parties with an informative, introductory message, i.e., no longer allowing plaintiffs to post the first message.

With baseline data and input from PAR workshop participants, the research team redesigned the affidavit and summons and the XD prototype with emphasis on clearly communicating legal information and options throughout the experience. The redesigned summons called more attention to the information that defendants need to make informed decisions about their legal options, and the redesigned affidavit included a box to define relevant legal terms used in the document and the ODR platform. Half of the prototype test participants observed that the documents were clear or well-organized, and one mentioned that they appreciated definitions of key terms (Task 1: First Impressions of the Affidavit and Summons). There was a complete reduction in critical errors during the prototype test, and non-critical errors dropped by 57.9%. Completion rates increased by 60.0%, and TOT was halved,³⁹¹ which indicated that the prototype test participants could more readily identify their options (Task 2: Understanding the Affidavit and Summons, Problem Severity Level 1).

The XD prototype defines legal terms throughout the site with clickable keywords that open a popup box and include the term's definition, and the new overview guide provides information about legal options. At the end of the overview guide, participants were asked if they would like assistance responding to their claim. If participants responded "Yes," they were directed to a new feature: a claim response tool that helped them craft a response by answering a few short "Yes"/"No" questions. All participants were able to complete the task successfully without help from UX Facilitators, i.e., they did not experience any critical errors (Task 8: Chat Initiation, Problem Severity Level 2). All eight participants also used the claim response tool. Although two initially clicked "No" when asked whether they wanted assistance, both participants changed their minds and opted to use the tool when asked if they were sure.³⁹² Participants did not demonstrate or report any significant

³⁸⁸ See *supra* Table 3.

³⁸⁹ See *supra* Table 4.

³⁹⁰ See *supra* Table 3.

³⁹¹ Authors' calculation.

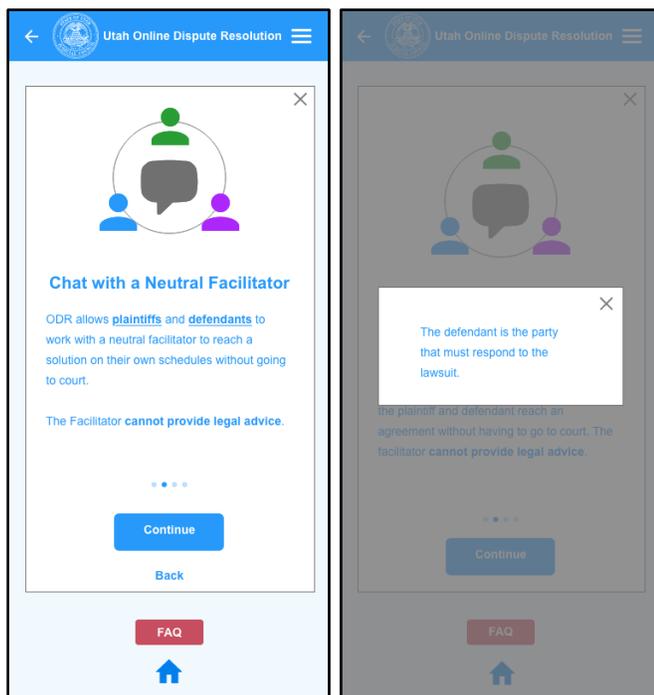
³⁹² Raw qualitative data (e.g., audio and video) on file with authors.

difficulty with the claim response tool, which received the highest possible satisfaction rating from a majority of participants.³⁹³ Despite a few self-corrections, participants in the prototype test seemed less confused by the “Yes”/“No” questions asked by the claim response tool and took less than half the time to complete the task.³⁹⁴ It is worth noting, however, that, as with the baseline test, participants in the prototype test also desired more information about their legal rights during the chat, which implied that additional improvements could be useful.

Recommended Changes

- ▶ Ensure that the information defendants need to make informed decisions about their legal rights is clear and easy to locate on both the affidavit and summons and throughout the ODR platform.
- ▶ Use a visual information hierarchy to clearly label and highlight defendant options (e.g., ODR, opt out, go to trial, and Spanish resources) on the summons.
- ▶ Provide definitions for relevant legal terms used on the affidavit, and throughout the ODR platform, by making key words clickable, which then opens pop-up boxes with term definitions.
- ▶ Replace the response option page with a claim response tool that helps defendants craft and customize their responses.
- ▶ Clarify the role of the ODR Facilitator by explaining it in the overview guide.
- ▶ Have the ODR Facilitator begin each chat with an introductory message explaining their role and the participants’ options.

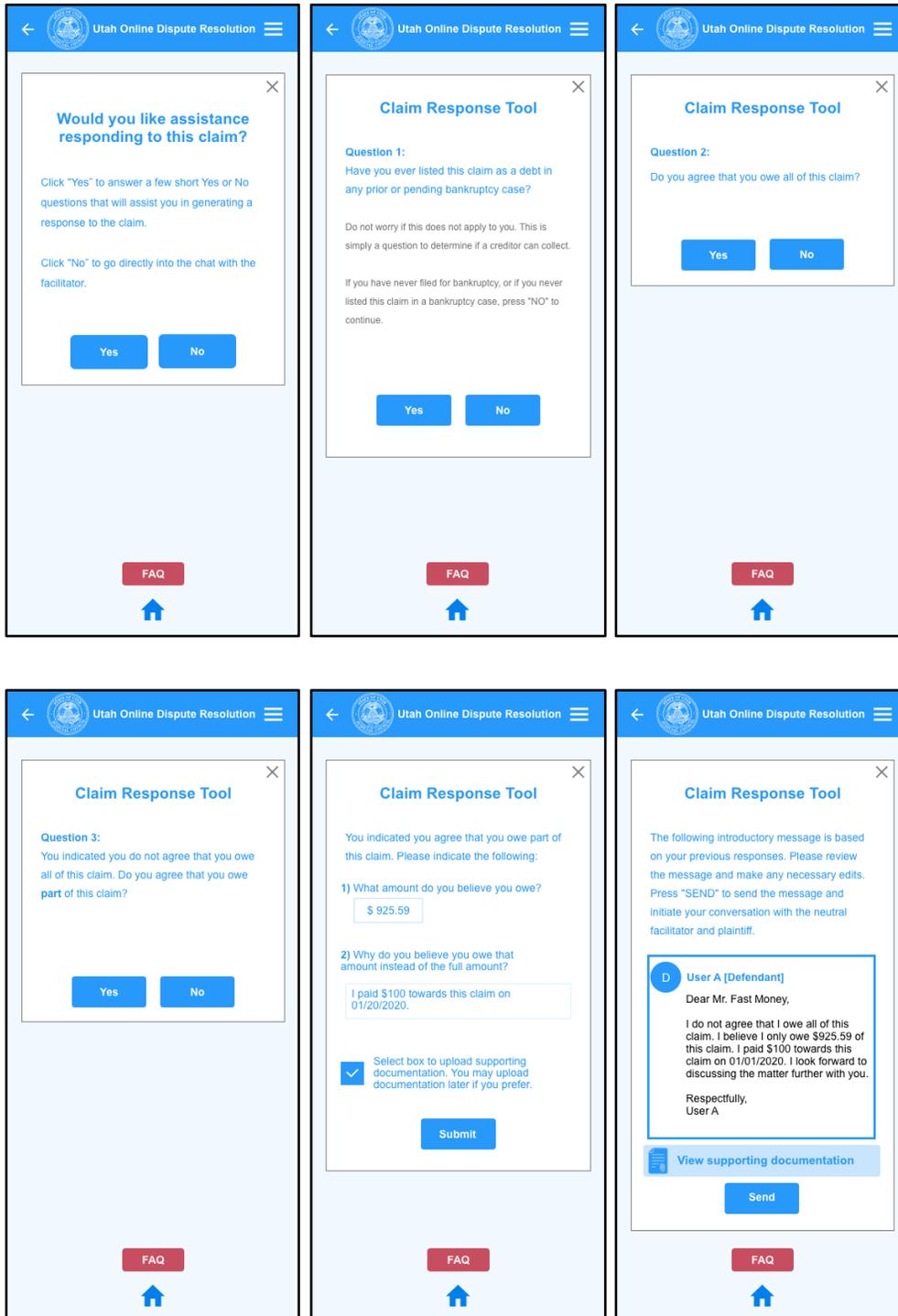
Figure 19: Redesigned Legal Term Definitions (Underlined and Defined)



³⁹³ See *supra* Table 7.

³⁹⁴ See *supra* Table 4.

Figure 20: Redesigned Claim Response Tool Pages



VII. RECOMMENDATIONS FOR FURTHER STUDY

During the course of this study, the research team gathered suggestions for additional features that could not be tested in the Adobe XD prototype or emerged in prototype test feedback for future evaluation. The following suggestions cover potential features that deserve attention, development, and testing.

1. Accessibility

If a website or tool is accessible, then it was designed and developed to provide equal access and equal opportunity to people with a diverse range of hearing, movement, sight, and cognitive abilities.³⁹⁵ All users benefit, though, when developers account for accessibility concerns because accessible design also addresses issues that may arise when any individual faces temporary or situational limitations, language barriers, unfamiliar technology tools, and slow internet speeds. Design of the Utah ODR platform did not include attention to or compliance with the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) standards. Although none of the participants in this study required accessibility accommodations, participants in the baseline test exhibited behaviors indicative of difficulty seeing the screens on their smartphones, including pinching to zoom repeatedly, squinting at the screen, or commenting on the low level of contrast between the text and the background color. The prototype was designed to meet best practices in accessible design to the extent possible. But the limitations of XD precluded accessibility-enhancing features such as video closed captioning, keyboard navigation, and screen reader and zoom functionality.

The research team strongly recommends that the State of Utah prioritize accessible design features in its own redesign both to reach the optimal level of usability and to comply with the Americans with Disabilities Act. The 18F Accessibility Guide provides a clear checklist for helping developers identify and address potential accessibility issues affecting their websites or applications.³⁹⁶

2. Responsive Design

The XD prototype had to be constructed at a specific height and width, which did not fit perfectly on some participants' smartphones. Due to device size variation, the research team recommends that the Utah ODR redesign incorporate responsive design to ensure the site adapts to the screen size of the device on which it is being viewed.

3. Resources in Spanish

The current Spanish-language information related to ODR could be problematic insofar as it does not provide reliable, usable information.³⁹⁷ We recommend accurate Spanish-language translations of the entire ODR platform as well as related informational sites to ensure access. During the prototype redesign, the research team asked a native Spanish speaker to translate the content on the court's Spanish resources page. That translation produced the following side-by-side comparisons.

³⁹⁵ *Introduction to Web Accessibility*, W3C WEB ACCESSIBILITY INITIATIVE, <https://www.w3.org/WAI/fundamentals/accessibility-intro> (last updated June 5, 2019).

³⁹⁶ 18F, part of the federal government's Technology Transformation Services, partners with agencies to improve the UX of government services and technologies. The 18F Accessibility Guide can be found at <https://accessibility.18f.gov>.

³⁹⁷ Spanish-language information related to ODR can be found at <https://www.utcourts.gov/howto/sp>.

English text on the Utah website (https://www.utcourts.gov/ocap/)	Spanish text on the Utah website (https://www.utcourts.gov/howto/sp/)	Reverse Translation of Spanish text on the Utah website
<p>Online Court Assistance Program (OCAP)</p> <p>The Online Court Assistance Program is provided to assist court users who do not have an attorney to prepare court documents.</p> <p>Choose the interview for your document needs.</p> <p>Complete the interview to create your documents.</p> <p>Review your documents and make adjustments as needed.</p> <p>Print documents to file at the courthouse and serve the other party.</p> <p>Return to OCAP to print final documents or other documents when needed.</p> <p>Watch the video on how to use an OCAP interview (4:48).</p> <p>An account is required to prepare documents using the Online Court Assistance Program.</p>	<p>Recursos en Español</p> <p>El Programa de Ayuda Judicial por Internet</p> <p>El Programa de Ayuda Judicial por Internet (OCAP por sus siglas en inglés) le puede ayudar a preparar ciertos documentos judiciales. Le hará una serie de preguntas.</p> <p>Basado en sus respuestas, se generarán varios documentos que usted podrá copiar a su computadora. Luego puede imprimir los documentos para presentarlos ante el tribunal.</p> <p>Este tribunal utiliza la resolución de disputas en línea (ODR) para resolver casos de reclamos menores. Recursos en Espanol: https://utcourts.gov/howto/sp</p>	<p>Resources in Spanish</p> <p>Program for judicial help in internet</p> <p>The Program for Judicial Help in Internet (OCAP for English signs) can help you prepare certain judicial documents. It will ask you a series of questions. Based on your answers, it will generate various documents that you can then copy into your computer. Then you can print those documents and present them in front of a court.</p> <p>The court will utilize the resolution of the answers online (ODR) to resolve the case to reclaim minors.</p> <p>Resources in Spanish: https://utcourts.gov/howto/sp</p>

4. Informational Videos

Half of participants in the prototype test showed interest in the video option, suggesting that video may be an impactful format for communicating to ODR users. Any videos should be captioned for accessibility and translated into different languages to reach the widest audience possible.

5. Auto Responses Bank

The research team recommends investigating the creation of a repository containing common chat responses; some test participants were interested in accessing such a collection.

6. ODR “Quick Guide”

The research team recommends creating a paper document that is delivered to defendants along with the affidavit and summons. The document would describe the ODR process, provide legal information, and explain in general terms how the ODR platform works. Utah currently provides information about debt collection on its

court website at: https://www.utcourts.gov/howto/judgment/debt_collection, which could be leveraged for this purpose.

7. Context-Sensitive Help

The research team recommends providing a “Help” button or link on each page that directly corresponds to the content on that page (e.g., the “Help” button on the chat screen links directly to chat-specific help).

8. Integrated Interest Calculator

The research team recommends allowing users to check amounts in controversy using an integrated interest calculator and giving users the ability to submit calculations from the calculator to the ODR Facilitator and the opposing party.

9. Optional Synchronous Scheduling

The research team recommends integrating an availability calendar so litigants can schedule a mutually agreeable time for synchronous online chat.

10. Private Facilitator Chat

The research team recommends allowing parties to chat privately with the ODR Facilitator within the ODR platform and making this feature known through the overview guide and video by placing the feature prominently on the chat screen.

11. AI Chatbot to Streamline Facilitator Chat

The research team recommends integrating an artificial intelligence (AI) chatbot or similar functionality within the ODR Facilitator chat feature. When users enter certain words, the chatbot would offer related help pages. In addition, if chatbot-driven help pages cannot address a user’s question, the ODR platform could notify the ODR Facilitator that they should join the chat.

12. Video Hearings

The research team recommends Integrating a video-conferencing feature to allow for remote hearings or trials (when both parties sign a trial preparation document).

13. Integrate Continuous User Research

Finally, the research team recommends offering a short and simple exit survey in the ODR platform that provides ongoing user feedback about the experience (e.g., one to three brief questions allowing the user to indicate their feelings while using the ODR platform by selecting from three emoji faces).

VIII. CONCLUSION

The purposes of this study were to evaluate the user experience of debt collection defendants in Utah small claims cases and to use a community-engaged approach when designing and testing potential usability improvements to the State’s ODR platform. The research is timely. The findings and recommends can inform Utah’s efforts to improve the overall usability and UX of its ODR platform with an eye toward improving adoption and completion rates before it provides statewide access in the near future. To guide its research, the research team asked and, to date, has answered the following questions:

1. Are information about and explanations for using the ODR platform—including initial registration, inter-party communication, and communication with assigned ODR Facilitators—available to users, i.e., are they easy to find, understand, and act on?
2. Do design changes to specific components of the ODR platform have an impact on users’ behavior? In particular, what impact do changes to the UI design, sequencing of information, or features of the ODR platform have on: a) pathways through the system chosen; b) time to completion of discrete tasks; and c) ability to resolve the underlying dispute?

The research team addressed both of these pillars in its agenda.

Information about and explanations for using the ODR platform (Question 1) were not easy to find, understand, and act on for many representative users in the baseline test. Not only did participants struggle to find ODR information, many participants also wanted more information about their legal rights and options, which they felt were not sufficiently addressed in the existing ODR platform. Redesigning the affidavit and summons as well as other components of the ODR platform made ODR and legal information clearer and easier to find. These changes resulted in significant usability metric improvements. Participants in the prototype test also were more satisfied overall with the outcome of their legal case. Continued improvements in this area are still encouraged.

The prototype test’s improved usability metrics demonstrated that design changes to specific components of the ODR platform have a significant impact on users’ behavior (Question 2). Objective performance metrics across two rounds of observation-based usability testing indicated that changes adopted in the prototype redesign—updating the UI design, changing the sequencing of information, and adding additional features to the ODR platform—substantially improved usability outcomes relative to the existing Utah ODR platform. Participants in the prototype test successfully completed more tasks, completed them 52.2% faster,³⁹⁸ and experienced 59.5% fewer non-critical errors³⁹⁹ than participants in the baseline test. Most notably, participants in the prototype test experienced 93.5% fewer critical errors⁴⁰⁰ relative to participants in the baseline test. Prototype test participants reported slightly higher rates of PTS averaged across participants and across tasks,⁴⁰¹ and much higher rates signaling comprehension of their legal rights and satisfaction with the outcome of their case, all of which indicated that subjective user experience also improved with the redesign.

Users are ready for online courts. When asked whether they would prefer to access a website or physically appear at the courthouse to resolve a dispute, all but one of the participants across both rounds of testing responded with a preference for a website. The challenge—and opportunity—now is to integrate human-centered design with the expansion of ODR. The findings from this study demonstrate that ODR users want accessible and transparent information about how ODR works and what their legal rights and options are within

³⁹⁸ See *supra* Table 4 and text accompanying note 73.

³⁹⁹ See *supra* note 359 and accompanying text.

⁴⁰⁰ See *supra* note 358 and accompanying text.

⁴⁰¹ See *supra* note 360 and accompanying text.

an ODR platform. They also want a platform that is responsive, simple, and has the look and feel of other mobile-first online consumer spaces they use on a regular basis.

Based on the cumulative findings from the tests and workshops, the research team recommends the following changes to align the platform more closely to the needs of its users and facilitate a more successful ODR experience:

1. Ease the Transition from Paper to Platform.
2. Streamline the Registration Process.
3. Simplify Document Sharing and Review.
4. Improve ODR Information and Help.
5. Clarify Legal Information and User Options.

Each of these broad recommendations included detailed, actionable, and user-verified suggestions for achieving a related goal. Additionally, the research team proposed topics for further testing—either suggestions for additional features that could not be tested in the XD prototype or emerged in feedback from the prototype test participants—that should be integrated and evaluated in future iterations of usability testing.

Implementing the recommended updates should result in a UX that is better tailored to the needs of defendants in small claims debt collection actions in Utah and nationwide. By customizing tests to meet the needs of the most vulnerable or underserved potential users, the research team offered recommendations that should improve the overall usability of the Utah ODR platform and process for all. Whenever major changes are implemented, follow-up testing is recommended to identify and address new usability issues as well as to demonstrate that any changes benefit ODR users. As a national trend toward more ODR-based platforms accelerates, driven in large part by courts' needs during the COVID-19 pandemic, our civil justice system should commit now, more than ever, to principles of human-centered design and usability testing. That assurance will promote procedurally fair, just, and equitable online environments that meet the legal needs of all users.

IX. THANK YOU TO OUR COMMUNITY PARTNERS AND COMMUNITY MEMBERS

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The Pima County and Salt Lake County community members who shared their insights and experiences with the research team during our site visit, usability tests, and PAR workshops.

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APPENDIX 1



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APPENDIX 2



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Plaintiff A
 Name

 XXXXX
 Address

 West Valley, Utah 84119
 City, State, Zip

 (XXX) XXX-XXXX
 Phone

 XXXXX@XXXXXXXXX
 Email

I am the Plaintiff or Employee of the Plaintiff
 Attorney for the Plaintiff and my Utah Bar number is

In the West Valley City Justice Court of Utah
 Third Judicial District, Salt Lake County
 3590 South 2700 West, West Valley, UT 84119

<p><u>First name Plaintiff, Last Name A</u> Plaintiff</p> <p>v.</p> <p><u>First Name User, Last Name A</u> Defendant</p> <p>and</p> <p>_____</p> <p>Defendant</p>	<p>Small Claims Affidavit and Summons</p> <p><u>208700012</u> Case Number</p> <p>_____ Judge</p>
---	---

This form is for small claims cases filed in West Valley City Justice Court only. Forms for all other justice courts can be found here: www.utcourts.gov/howto/smallclaims/

- Defendant owes me the following amounts:
 - Claim described in paragraph 2.
 (Include any prejudgment interest accrued to date and applicable attorney fees. Attach statute or contract authorizing claim for attorney fees.) \$ 880.59
 - Plus, the amount I paid to file this claim. \$ 60
 - Plus, the amount I paid to serve claim. \$ 85
 - Equals, the total amount I am seeking. \$ 1025.59
 - plus prejudgment interest, if qualified.

2. The events happened on DAY 1 _____ (date). My claim is based on the following facts:

User entered into a loan contract with the plaintiff on Day 1.

User has failed to make payments as required by that contract.

3. Choose one:

Defendant lives in West Valley City.

The events happened in West Valley City.

4. I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.

5. I am not suing on a claim that has been assigned to me.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at West Valley, Utah _____ (city, and state or country).

DAY 58
Date

Signature ► Mr. Money Today

Printed Name Mr. Money Today

Summons

To:

User A

Defendant Name and Address

XXXXXX

Defendant Name and Address

Notice to the Defendant

This court uses online dispute resolution (ODR) to settle small claims cases.

- Within 14 days of receiving this Affidavit, you must register at <http://bit.ly/ODR-web> to try to settle this case.
- If you do not register within 14 days, judgment may be entered against you for the total amount claimed. The plaintiff could garnish your paycheck or take your property to pay the debt.
- If you are unable to participate in the online process, see below.

In this small claims case, instead of going to trial at the courthouse at a specific date and time, you and the plaintiff will work with a third person (facilitator) to reach a solution. A facilitator is a neutral person trained to help people resolve disputes.

A small claims case has been started against you.

Read the Affidavit

The Affidavit explains what the other party is asking for. Read it carefully.

- Register for Online Dispute Resolution (ODR)
- Within 14 days of receiving the Affidavit, go to <http://bit.ly/ODR-web> and register for ODR.

Se ha iniciado un caso de reclamos menores contra usted.

Lea la declaración jurada

La declaración jurada explica lo que la otra parte está pidiendo. Léala detenidamente.

- Inscripción a la Resolución de disputas por internet(ODR, por sus siglas en inglés)
- entro de 14 días después de haber recibido la declaración jurada, ingrese <http://bit.ly/ODR-web> e inscribese a ODR.

- To register, you will need the case number and your name as it is listed on the Affidavit to access your case.
- After you register, a small claims facilitator will be assigned to your case. There are several possible outcomes:
 - If you agree you owe the plaintiff money and you agree on the amount owed, the facilitator can help you set up a payment plan.
 - If you agree you owe the plaintiff money but disagree about the amount owed, the facilitator can help you come to an agreement on the amount owed.
 - If you don't settle, you still have the right to go to trial.

- Para inscribirse necesitará el número de caso y su nombre tal como figura en la declaración jurada para acceder a su caso.
- Después de que se inscriba, se asignará un facilitador de reclamos menores a su caso. Existen varios resultados posibles:
 - Si acepta que le debe dinero al demandante y usted está de acuerdo con el monto adeudado, el facilitador puede ayudarle a establecer un plan de pago.
 - Si acepta que le debe dinero al demandante pero usted no está de acuerdo con el monto adeudado, el facilitador puede ayudarle a llegar a un acuerdo sobre el monto adeudado.
 - Si no llegan a un acuerdo, usted todavía tiene derecho a ir a juicio.

Asking to be excused from ODR

If you:

- need ADA assistance,
- don't speak English, or
- don't have internet access,

you can ask the court to be excused from the ODR requirement.

Call the court at (xxx) xxx-xxxx and ask for the forms. You must fill out the forms and return them to the court within 7 days of being served this document.

Trial

If you can't come to an agreement with the facilitator's help, or if you have been excused from ODR, the case will be

Solicitud para que se le exima de ODR

Si usted:

- necesita ayuda de ADA,
- no habla inglés, o
- no tiene acceso al internet,

puede pedirle al juez que se le exima del requisito de ODR.

Llame al tribunal al (xxx) xxx-xxxx solicite los formularios. Deberá completar los formularios y devolverlos al tribunal dentro de 7 días de recibido este documento.

Juicio

Si no puede llegar a un acuerdo con la ayuda del facilitador o si ha sido eximado de ODR, el caso será programado para un juicio.

scheduled for trial.

The court will notify you of the date, time, and place of the trial.

If you do not go to the trial, the court can enter a judgment against you for the total amount requested in this Affidavit.

Right to Jury Trial

If you want to have a jury trial in this case, you must file documents to remove the case to district court. See the Small Claims web page for information about that process, and forms:

www.utcourts.gov/howto/smallclaims/#removal2.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

El tribunal le notificará la fecha, hora y lugar del juicio.

Si usted no se presenta al juicio, el juez puede dictar un fallo en su contra por el monto total solicitado en la declaración jurada.

Derecho a juicio por jurado

Si desea tener un juicio por jurado para este caso, deberá presentar documentos para transferir el caso al tribunal de distrito. Vea la página de internet sobre Reclamos menores para obtener información sobre ese proceso y los formularios:

www.utcourts.gov/howto/smallclaims/#removal2.

Cómo encontrar ayuda

La página de internet del tribunal sobre Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/) proporciona información sobre las formas en que puede obtener ayuda legal e incluye lo siguiente: el centro de ayuda, abogados con tarifas reducidas, asistencia legal limitada y talleres legales gratuitos.

Date: _____

Signature ► _____

Court Clerk _____

APPENDIX 3



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Quick Guide

to the Online Small Claims Center

INFO: Online Dispute Resolution is an alternative to court. It provides you a chance to communicate with

the other party and try to come to an agreement instead of going to court.

Step 1.

Using a web browser, navigate to www.utcourts.gov/odr

Step 2.

Tap **Register** to get started. Enter your email address and create a password.

Step 3.

Enter your name and case number as follows:

Name: **DONALD ERICKSON**

Case Number: **208700012**

Step 4.

On the next page, you will be prompted to select the name of the **plaintiff** (the person who is suing you).

Select:

MR. MONEY TODAY

Step 5.

Select the response most appropriate to your situation.

I want options to pay this claim. >

This claim is part of a bankruptcy. >

I don't owe this claim. >

I don't agree with the claim. >

I disagree with some parts of the claim. >

I agree with most of the claim, but I can't pay it. >

I'm not ready to respond to PLAINTIFF TWO yet. >

Step 6.

Use the chat box to discuss the lawsuit with the **plaintiff** and a neutral **facilitator**. The **facilitator** is not a judge or a lawyer, but is a state employee who is here to help you and the **plaintiff** attempt to resolve the law suit without going to court. You may have to wait up to one business day to receive a response from the **facilitator** or the **plaintiff**.

Please remember to use respectful language that keeps the conversation moving forward.

Send

0/500

Step 7.

If you come to an agreement, you may create a settlement contract. You can create a settlement contract on your own, or you can ask the facilitator to help. If you can't come to an agreement the facilitator will create a trial preparation document and you will have to prepare for court.

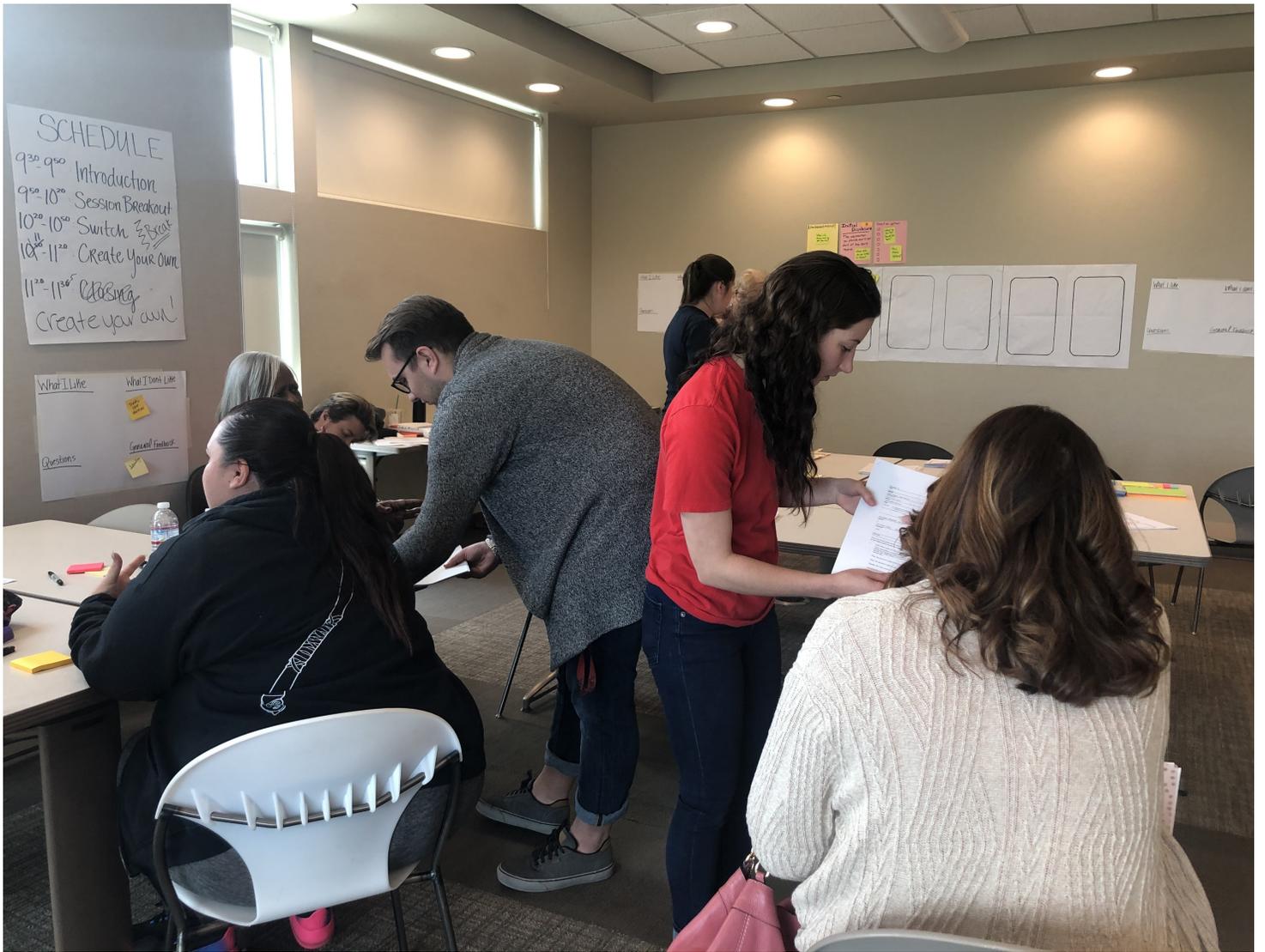
Questions? Call (801) 963-

APPENDIX 4



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SCHEDULE
9:30-9:40 Introduction
9:40-10:00 Session Breakout
10:00-10:15 Switch
10:15-11:00 Create Your Own
11:00-11:30 Release
Create your own!

What I Like
What I Don't Like
Questions
General Feedback

What I Like
What I Don't Like
Questions
General Feedback



What I Like
What I Don't Like
Questions
General Feedback

APPENDIX 5



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APPENDIX 6



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Section 2: Claim Description

The events happened on Day 1 (date).

My claim is based on the following alleged facts:

User entered into a loan contract with the plaintiff on Day 1.

User has failed to make payments as required by that contract.

Section 3: Location Details

Choose one:

- Defendant lives in West Valley City.
- The events happened in West Valley City.

Section 4: Government Entity

- I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.

Section 5: Claim Assigned to Me

- I am not suing on a claim that has been assigned to me.

I declare under criminal penalty under the law of Utah that everything stated in the document is true.

Printed Full Name

Mr. Money Today

Signed At (City, State or Country)

West Valley, Utah

Signature

MR. MONEY TODAY

Date

Day 58

Terms

Affidavit: A sworn written statement showing the right to recover money from a small claims defendant that qualifies as the lawsuit complaint.

Plaintiff: The party that filed the lawsuit.

Defendant: The party that must respond to the lawsuit.

Summons



Defendant First Name

User

Defendant Last Name

A

Street Address

423 E Orange St.

City, State, Zip

Salt Lake City, UT 84119

Notice to the Defendant:

A small claims case has been started against you.

This court uses online dispute resolution (ODR) to settle small claims cases.

Este tribunal utiliza la resolución de disputas en línea (ODR) para resolver casos de reclamos menores. Recursos en Espanol: <https://utcourts.gov/howto/sp>

Using ODR

Instead of appearing at the courthouse at a specific date and time, ODR allows you and Plaintiff to work with a neutral Facilitator to reach a solution on your own schedule. If you aren't able to come to an agreement through ODR, you still have the right to go to trial.

- Within 14 days of receiving this Affidavit and Summons, you must register at <https://bit.ly/ODR-Web> to try to settle this case. You may also use the QR code at the bottom of this page to access the website directly.
- If you do not register within 14 days, judgment may be entered against you for the total amount claimed by Plaintiff. Plaintiff might be able to garnish your paycheck or take other property to satisfy the debt.
- Read the Affidavit, which includes important information required for ODR registration and explains what Plaintiff wants from the lawsuit.

Opting Out of ODR

- You can be excused from using ODR to settle your case by calling the court at (XXX) XXX-XXXX and asking for the required forms. You must fill out the forms and return them to the court within 7 days of receiving the Affidavit and Summons. You might qualify to be excused from ODR if you:
 - o need disability-related assistance,
 - o don't speak English, or
 - o don't have Internet access.

Going to Trial

- If you can't come to an agreement with Plaintiff through ODR, or if you have been excused from ODR, your case will be scheduled for trial. The court will notify you of the date, time, and place for your trial.
- If you do not show up for the trial, the court can enter a judgment against you for the total amount claimed by Plaintiff.
- If you want to have a jury at your trial, you must fill out documents that will transfer your case to the district court. See the Small Claims website for the necessary forms and more information about district court: <http://www.utcourts.gov/howto/smallclaimst#removal2>.



QR Code Link: <https://bit.ly/ODR-Web>

Affidavit

**Plaintiff Full Name**

Plaintiff A

Street Address

186 Euclid Ave

City, State, Zip

West Valley, UT 84114

Phone

(385) 123-5678

Email

plaintiffa@gmail.com

I am the Plaintiff or Employee of the Plaintiff

Attorney for the Plaintiff and my Utah Bar number is _____

West Valley City Justice Court of Utah
Third Judicial District, Salt Lake County 3590
South 2700 West, West Valley, UT 84119

This form is for small claims cases filed in West Valley City Justice court only.
Forms for all other justice courts can be found at www.utcourts.gov/howto/smallclaims

Claim Details

Defendant Full Name User A	Case Number 208700012
Plaintiff Full Name Plaintiff A	Judge

Section 1: Amounts Owed

Defendant owes me the following amounts:

Include any prejudgment interest accrued to date and applicable attorney fees. Attach statute or contract authorizing claim for attorney fees.

Original amount owed: \$880.59

Plus, the amount I paid to file this claim: \$60

Plus, the amount I paid to serve claim: \$85

Equals, the total amount I am seeking: \$1025.59

plus prejudgment interest, if qualified: N/A

APPENDIX 7



THE UNIVERSITY OF ARIZONA
JAMES E. ROGERS COLLEGE OF LAW

Innovation for Justice

Online Dispute Resolution

-Frequently Asked Questions-

The following content is subject to change without notice.

July 25, 2019

1. [What is Online Dispute Resolution?](#)
 - Communicating with the other party.
 - If you come to an agreement.
 - If you can't come to an agreement.
 - After dispute resolution.
2. [What if the plaintiff doesn't participate in the online process?](#)
3. [What if the defendant doesn't participate in the online process?](#)
4. [I'm the defendant, but the person suing me owes me money. I want to sue them back. What do I do?](#)
5. [What is a judgment? How will it affect me?](#)
6. [The settlement agreement looks good. How do I sign it?](#)
7. [The settlement agreement says "The parties agree that a judgment shall be entered upon filing of this settlement agreement with the court." What does this mean?](#)
8. [What if the defendant doesn't follow through on the settlement agreement?](#)

What is Online Dispute Resolution?

Online Dispute Resolution is an alternative to court. It provides you a chance to communicate with the other party and try to come to an agreement instead of going to court.

How it starts: Communicating with the Other Party

Online dispute resolution starts with communication between the parties. You must communicate respectfully and civilly. The other party and the facilitator can see everything you type in the message screen. Nothing you type will be used in your court case without your permission.

Any party can post a message at any time. A message from the plaintiff may be waiting when the defendant logs in, or the plaintiff may wait to respond to the defendant's first message. The first message from the defendant is a guided response to the plaintiff's claim. It may be more information about the claim, or it may contain a settlement offer.

Anytime a message is posted, an email or text (if elected) notification is sent to the other party.

After both parties have signed into ODR, a neutral party called a facilitator will join the communication. The facilitator is provided by the court at no-cost to assist in either settling the case or preparing for a court date.

The facilitator will move the discussion forward. Keep in mind this is not real time chat. The facilitator will typically check messages and respond on weekdays.

If you come to an agreement, you may create a settlement agreement.

You can create a settlement agreement on your own, or you can ask the facilitator to help. To create a settlement agreement, select Manage Documents>Settlement Agreement.



Both parties must agree with the settlement by signing the agreement before it's submitted to the court. To review the settlement agreement, select Manage Documents. Select  next to the document you want to sign. Additionally, if the settlement agreement was prepared by the other party or the facilitator, you can click on the link to the settlement agreement that shows up in your chat. The document will display these options.



When both parties have signed the settlement agreement, and the facilitator has submitted it to the court, ODR is over.

If you signed a settlement agreement that is to be entered as a judgment, the court will send you a judgment to the email address associated with your ODR account.

If you signed a settlement agreement that is not going to be entered as a judgment, you will not receive anything from the court. If the settlement agreement is not followed, the judgment creditor may ask the court to enter a judgment on the unpaid amount.

If the dispute isn't settled in 2 weeks, the facilitator will assist in preparing for court.

If you can't come to an agreement, you prepare for court

The facilitator will create a Trial Preparation Document that states both parties' positions on the issues in the case. After both parties sign this document, the facilitator will submit the document to the court. After receiving the Trial Preparation Document, the court will email the date, time and location of the trial to all parties.

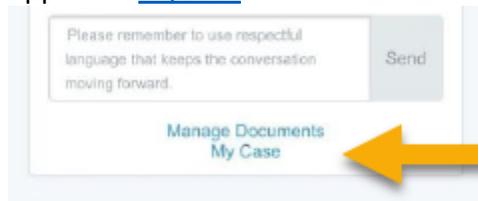
The trial will be scheduled about 1 to 3 weeks after the Trial Preparation Document is submitted. You will need to appear at the courthouse on the day and time of the trial. Bring 3 copies of any evidence you have with you unless you have provided them

electronically as directed by the court..

After the dispute resolution process.

When the facilitator submits a Settlement Agreement or Trial Preparation Document to the court, the online dispute resolution process has ended. You will no longer be able to access the messages or documents you created in ODR. Future activity will happen only in the court case.

Your court case can be viewed by selecting [MyCase](#). Your signed documents will appear in [MyCase](#).



What if the plaintiff doesn't participate in the online process? If the plaintiff fails to register for an ODR account within 7 days of filing a claim, the court will dismiss the plaintiff's claim without prejudice.

If, after registering for an ODR account, the plaintiff fails to respond to the facilitator for 10 days, the facilitator will inform the defendant of the ability to ask the court to dismiss the case without prejudice.

What if the defendant doesn't participate in the online process? If the defendant does not register for ODR or request an exemption from ODR within the required timeframe, the plaintiff may ask the court to enter a default judgment for the full amount of the plaintiff's claim.

I'm the defendant, but the person suing me owes me money. I want to sue them back. What do I do?

If you believe the plaintiff owes you money, you can raise your claims during the facilitation process without filing a formal counterclaim. If you reach a settlement agreement, you will not need to file a formal counterclaim, even if the plaintiff ends up paying you money under the agreement. If you are unable to reach a settlement agreement and are going to trial, you must file a Counter Affidavit and Summons at least 5 days before trial if you want to present your counterclaim. [The form is here \(https://www.utcourts.gov/howto/smallclaims/docs/04_Counter_Affidavit_and_Summons.pdf\)](https://www.utcourts.gov/howto/smallclaims/docs/04_Counter_Affidavit_and_Summons.pdf). You will need to complete the form and file it at the court. [The filing fee is here \(http://www.utcourts.gov/resources/fees.htm\)](http://www.utcourts.gov/resources/fees.htm).

What is a judgment? How will it affect me? A judgment entitles the plaintiff to the money amount in the judgment. If the defendant does not pay the judgment, the plaintiff can ask the court to have the defendant's non-exempt property seized and

sold or can garnish the defendant's earnings. See www.utcourts.gov/howto/judgment/debt_collection/

The settlement agreement looks good. How do I sign it? Select Manage Documents. Select  next to the document you want to sign. Additionally, if the settlement agreement was prepared by the other party or the facilitator, you can click on the link to the settlement agreement that shows up in your chat. The document will display with these options.



The settlement agreement says “The parties agree that a judgment shall be entered upon filing of this settlement agreement with the court.” What does this mean? If this statement is checked, a judgment for the total money amount in the settlement agreement is entered when the agreement is filed.

www.utcourts.gov/howto/judgment/debt_collection/

What if the defendant doesn't follow through on the settlement agreement? If a defendant doesn't comply with the settlement agreement, the plaintiff can ask the court for a judgment if one is not already entered. A judgment entitles the plaintiff to the money amount in the judgment. The plaintiff can ask the court to have the defendant's non-exempt property seized and sold or can garnish the defendant's earnings. See www.utcourts.gov/howto/judgment/debt_collection/

APPENDIX 8



THE UNIVERSITY OF ARIZONA
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Innovation for Justice



AN ANALYSIS OF UTAH'S SOCIO-LEGAL LANDSCAPE AND DATA AVAILABILITY

Stacy Butler, Christopher L. Griffin, Jr. & Sarah D. Mauet

Introduction

This document summarizes the socio-legal landscape in which Utah's online dispute resolution ("ODR") platform operates, pursuant to the Project Agreement between The Pew Charitable Trusts ("Pew") and the Law College Association of the University of Arizona, through the College's Innovation for Justice ("i4J") Program. The i4J Research Team conducted a site visit at the Utah Administrative Office of the Court ("AOC") in November 2019, and that visit informs our conclusions below. In keeping with the Project Agreement parameters, this document discusses three categories of information: Utah courts' business process mapping, characteristics of litigants who use Utah's ODR platform, and Utah's summary ODR caseload data.

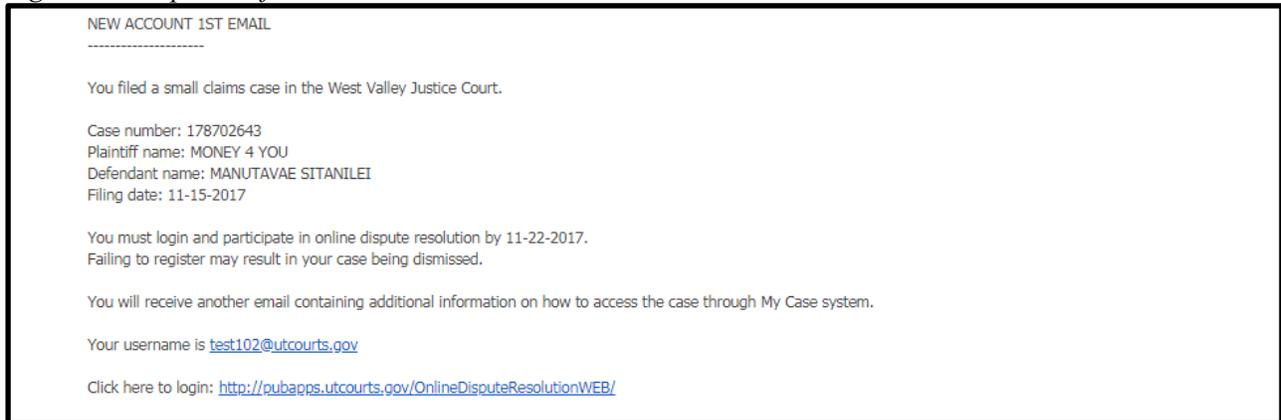
I. Court Business Process Mapping for the Utah ODR platform

According to AOC stakeholders, the goal of Utah's ODR platform is to provide small claims parties a more efficient forum for resolving their cases and more access to relevant information. The system allows users to view their case information, to interact with the adverse party, and to consult a neutral facilitator. Utah's ODR platform is a bespoke technology, managed primarily by two court staff: Chief Information and Technology Officer Heidi Anderson and Application Services Leader Brody Arishita. Other key Utah judges and staff involved in the ODR platform include Utah Supreme Court Associate Justice Deno Himonas, Justice Court Judge Brendan McCullough, Judge McCullough's law clerk Kim Zimmerman, and District Court Program Administrator Clayson Quigley. The ODR platform was designed and implemented in consultation with a working group consisting of judges, court staff, representatives of the debt collection bar, representatives from the legal aid community, a National Center for State Courts ("NCSC") representative, and volunteer facilitators. The platform currently operates in small claims courts in three Utah jurisdictions, and the jurisdictional limit for such claims is \$11,000.

Plaintiffs initiate small claims cases by filing at the courthouse, after which they receive information about accessing the ODR platform. Parties may affirmatively opt out of using the ODR platform, and the opt-out rate has been exceedingly low (28 out of 2000 cases). As with most civil matters, the court provides a summons form for service on the defendant; the summons includes ODR login instructions. The ODR platform features a help menu with instructions and forms for both parties. Parties communicate within the ODR platform in a manner resembling asynchronous text messaging. Importantly, the court, i.e., a judge who might eventually preside over the case, does not have access to those communications. Volunteer facilitators also use this chat function to provide the parties with unbiased information and other assistance. Whenever an event (e.g., message, form transmission) occurs, the parties receive email or text notifications.

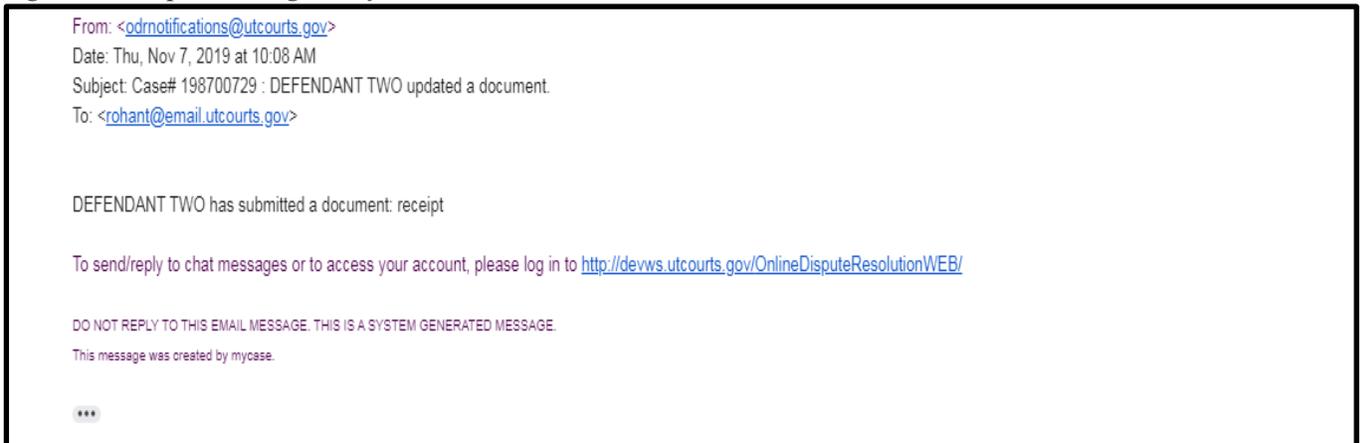
Once a party logs into the ODR platform, they receive a confirmation email/text as in Figure 1.

Figure 1: Sample Confirmation Email



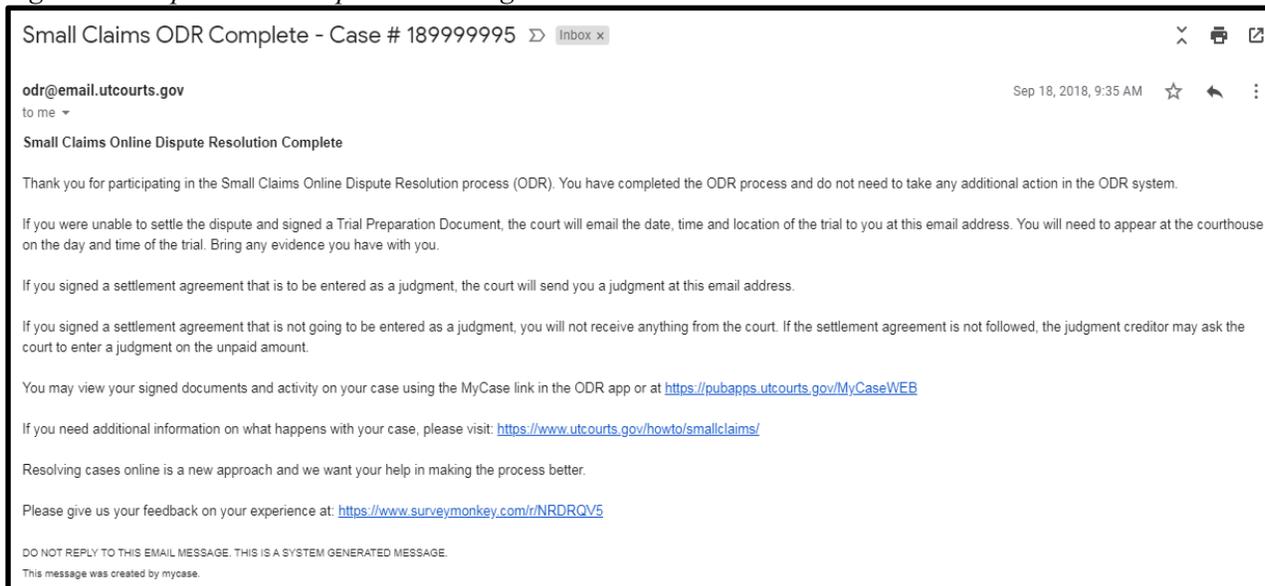
When either party sends a new message to the other or to the facilitator, the parties receive an email/text notification as in Figure 2.

Figure 2: Sample Message Notification



And, once a litigant reaches the end of the ODR process (which could be settlement or preparation for trial), they receive an email or text confirming that the case has been resolved as in Figure 3.

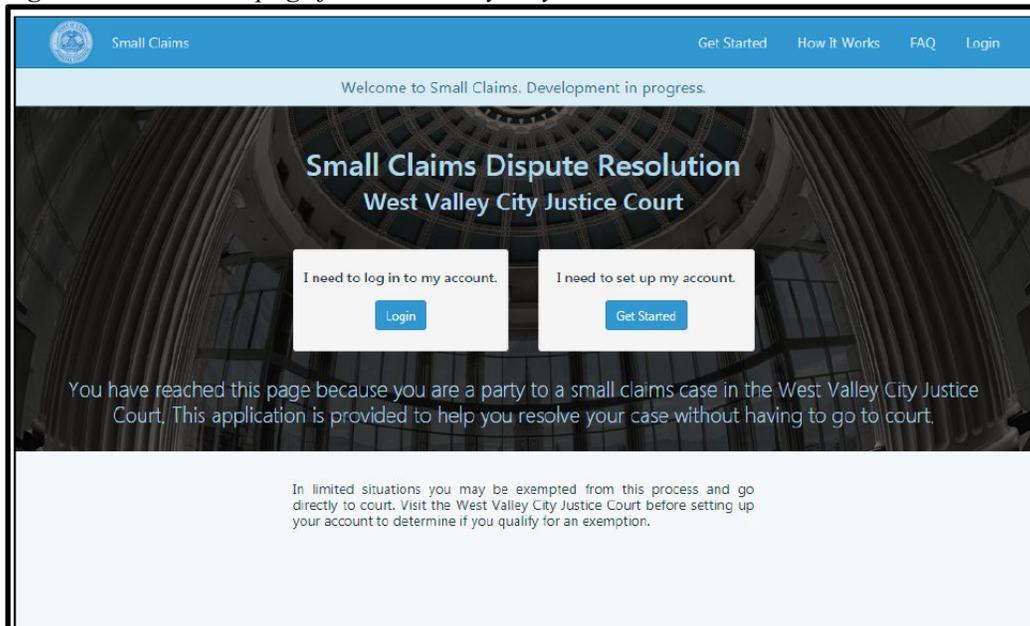
Figure 3: Sample ODR Completion Message



The standard Utah ODR-based small claims process proceeds as follows:

1. The plaintiff initiates the case at the courthouse and then sets up an account or logs in (as applicable) on the ODR home screen, reproduced in Figure 4.

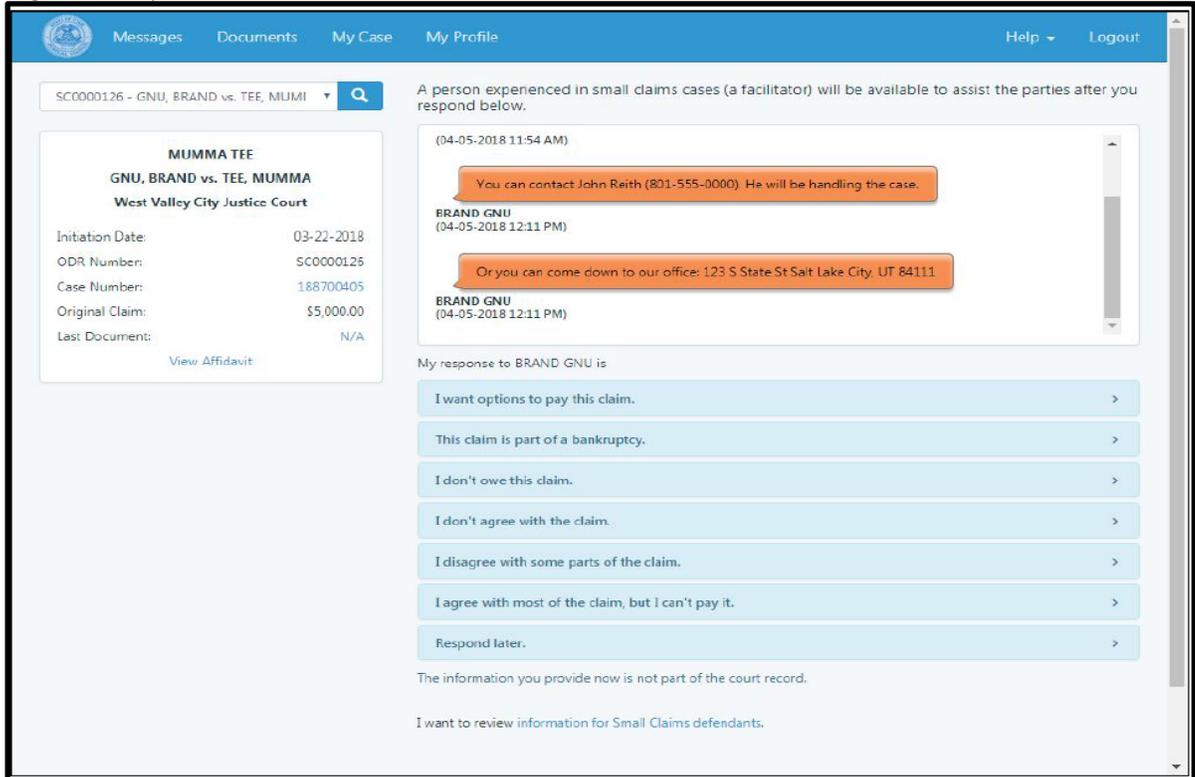
Figure 4: ODR Homepage for West Valley City Justice Court



2. The defendant receives the summons via acceptable service, which allows them to create an ODR account (if necessary) or log into their preexisting account from the home screen.

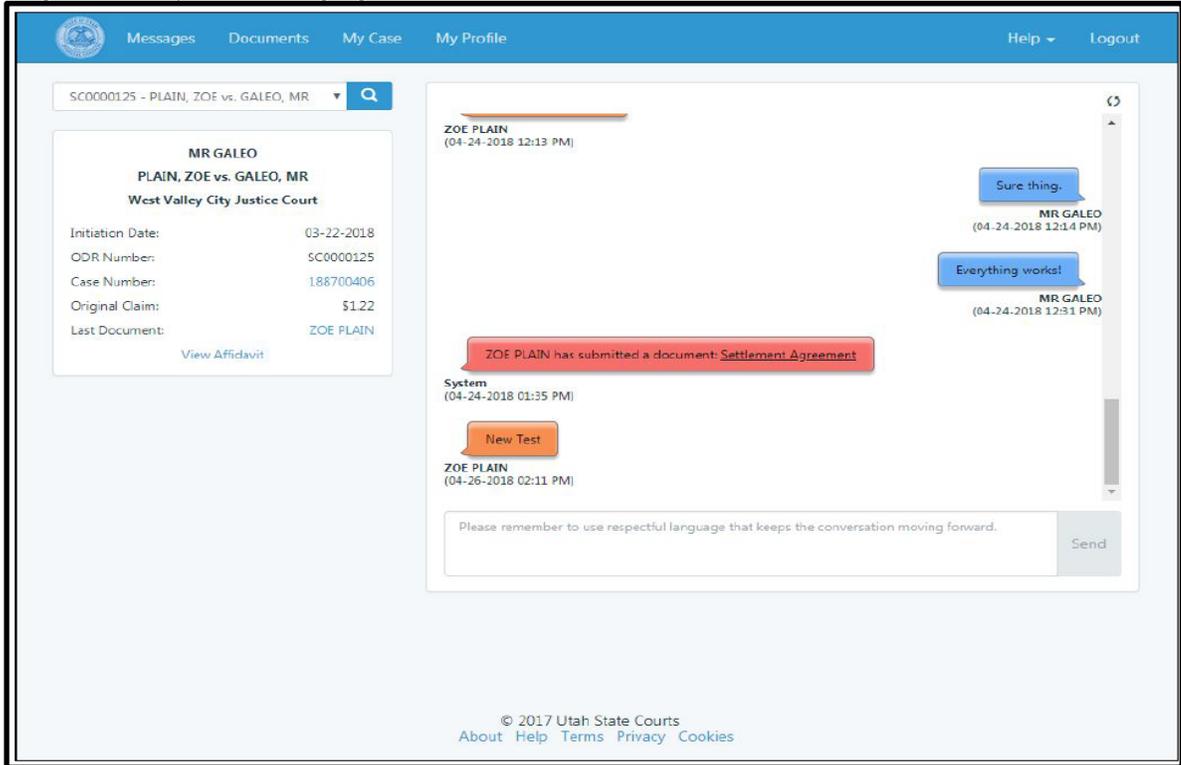
- The defendant is presented with an introductory screen (as in Figure 5) that offers them several possible responses to the plaintiff's lawsuit, akin to a formal answer in civil litigation.

Figure 5: Defendant's "Answer" Screen



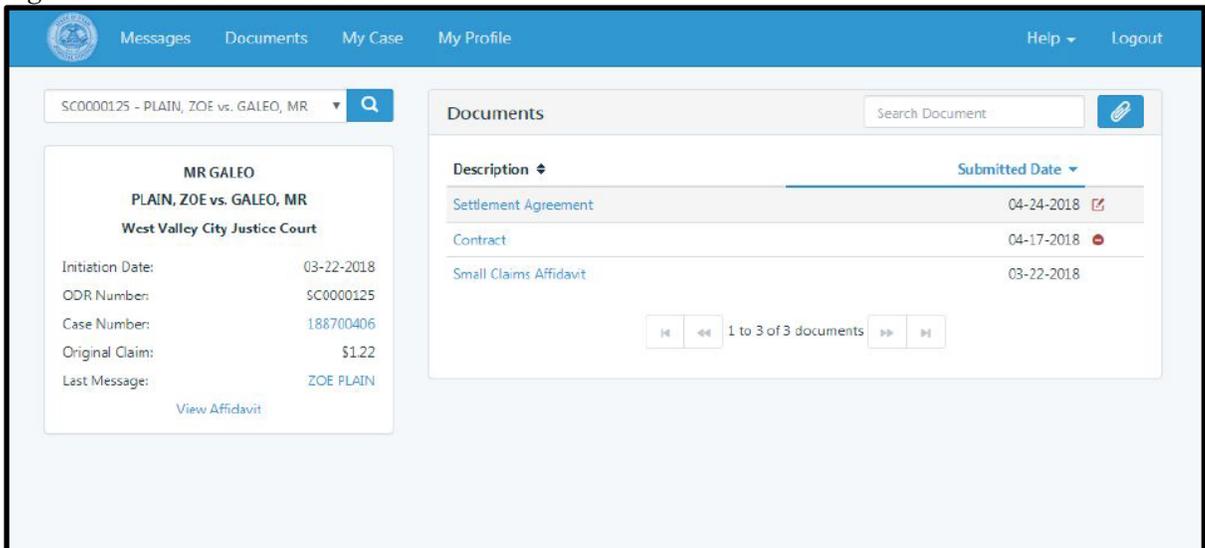
- The parties are provided with access to a chat space where they can communicate about the case, as depicted in Figure 6.

Figure 6: Platform Messaging Screen



5. The facilitator introduces themselves to the parties in the ODR chat space.
6. The parties utilize the chat space to discuss the case with the facilitator and with each other. During this asynchronous messaging period, parties may upload documents related to the dispute (e.g., contracts, receipts), which appear on the screen shown in Figure 7.

Figure 7: Case Documents Screen



7. The facilitator joins the conversation as needed to assist the parties toward resolution. Either party may request a private conversation with the facilitator at any time, which is conducted via email.
8. If the parties agree to a settlement, they can generate an agreement within the ODR platform using the options in Figure 8.

Figure 8: Settlement Agreement Screen

9. The facilitator prepares any settlement agreement, notifies the court that the case has been resolved, and provides the court with the agreement.
10. If the parties have not agreed to a settlement, the facilitator creates a trial preparation document.
11. After either Steps 9 or 10, the ODR process is complete.

Parties typically do not resolve their cases through the ODR platform because: 1) one or both ceases engaging with the site, i.e., fails to log in and communicate, for more than fourteen days; 2) the parties cannot agree on settlement terms; or 3) the facilitator determines that the parties will not conceivably reach agreement. If the parties have interacted sufficiently via the platform—that is, if the plaintiff received a default judgment or the defendant successfully moved to dismiss—the facilitator creates a document within the ODR platform that previews the issues for trial. The court receives this trial preparation document and sets the case for hearing. Although the court cannot read communications shared within the ODR platform, the court’s case management system indicates when the parties first enrolled in the ODR platform. In

addition, when parties settle via the ODR platform, or if the ODR facilitator determines that the case cannot be resolved, the system includes a notation for the court.

Utah anticipates a statewide rollout of the ODR platform in late 2020. The platform is currently available in English only, and government accessibility standards were not referenced during platform design. Utah court stakeholders expressed interest in accessibility improvements and adding a Google translate function to future versions. The AOC is also exploring grant funding to add artificial intelligence features to the platform, which would automate some of its processes. In addition, Utah intends, upon demonstrated success with the platform, to license it for use in other states and for other case cases types.

II. Utah ODR Platform Litigant Characteristics

As of November 2019, the NCSC was still working with the Utah AOC to collect and analyze data regarding ODR platform usage and litigant characteristics. And as of this writing, the NCSC report remains forthcoming. The authors have reviewed a preliminary version of the report, with a proviso that the document's draft status may mean that some information is not accurate. With this caveat in mind and using anecdotal evidence from stakeholders interviewed during the site visit, the following findings summarize the characteristics of litigants who have used the Utah ODR platform.

- Parties in Utah small claims court are generally self-represented, although one judge in a participating jurisdiction reported that more attorneys are appearing on behalf of plaintiffs there.
- Most ODR plaintiffs are so-called payday lenders, and only seven such entities account for approximately 88% of all filings. Utah stakeholders describe these ODR plaintiffs as “bulk filers” who have enthusiastically accepted and engaged with the ODR platform.
- Nearly all (97%) ODR defendants are individuals. In general, defendants are more likely to have attained less education, are more likely to be members of a racial or ethnic minority community, are more likely to earn incomes below the poverty level, are comparable in terms of labor force participation, and are less proficient English language communicators than the average Salt Lake County resident. Although they seldom have a complete defense to the debt collection action, they sometimes articulate hardships that could mitigate the damages paid.
- The stated reasons for opting out of the ODR process among the 28 litigants who have not participated so far include: lack of access to the internet (9 defendants, 5 plaintiffs); inability to use a computer (2 plaintiffs); an ADA-related issue (1 plaintiff); and a language access issue (4 defendants, 3 plaintiffs).
- No data have been collected regarding how litigants access the ODR platform, but court staff believe that most litigants are using the ODR platform via smartphone.

III. Summary Caseload Data

Finally, we present in Table 1 aggregate data from the three pilot sites that reflect key developments in Utah’s ODR adjudicative landscape. These data are merely suggestive of potential trends before and after implementation in mid-September 2018. Any statistical analysis will require more information and is outside the scope of the authors’ requested evaluation.

Table 1: Number of Select Indicators Before and After Utah ODR Implementation

Event	Pre-ODR Baseline (09/19/17 – 09/18/18)	Post-ODR Implementation (09/19/18 – 09/18/19)
Filings	1783	1760
Returns Without Duplicates ¹	1065	1185
Closed Cases	1759	1625
Default Judgments	759	N/A
Default Judgments Before All Parties Joined ODR	N/A	682
Default Judgments After All Parties Joined ODR	N/A	120
Non-Default and Non-Trial Judgments	3	31
Cases Disposed with Settlement Entry	31	53
Cases Disposed Without Settlement Entry	70	108
Trial Judgments	40	36
Dismissals	871	586
All Other Dispositions ²	5	13
Pending Cases	1	135

¹ Cases in which a return of service was received or in which the respondent took some action on the case absent a return.

² Cases in which the defendant demonstrated engagement in the case by other means (e.g., “No Cause of Action”).

APPENDIX 9



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Innovation for Justice

RECEIPT

No. **123456**

DATE Day 20, YYYY

FROM Your Name

\$100.00

One hundred DOLLARS

FOR RENT
 FOR Mr. Money Today loan

ACCT.	
PAID	
DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY Mr. Money

A-2501
T-46820

APPENDIX 10



THE UNIVERSITY OF ARIZONA
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*****Please note: Text in italics or [brackets] are instructions for the test facilitator and should NOT be read aloud*****

—WELCOME—

Hi, _____. My name is _____, and I'm going to be walking you through this session today. _____ is going to be taking notes. Before we begin, I have some information for you, and I'm going to read it to make sure that I cover everything.

We're conducting a usability test of a new website. A usability test helps us learn how well the website works for people who are expected to use it. To do this, we're asking people to try to complete some typical activities using the website so we can see whether it works as intended. As you go through the activities, please try to think out loud as much as possible: to say what you're looking at, what you're trying to do, and what you're thinking. This will be a big help to us. Also, it's ok to ask to have a question repeated at any time.

After each activity, we will ask a simple question: How easy or difficult was it to complete the task? We'll ask you to answer using a seven point scale, with 7 meaning "Very Easy" and 1 meaning "Very Difficult." Here's a piece of paper with the scale you can refer to during the session.

Hand participant the scale handout.

The most important thing to know is that we are testing the website, not you. You can't do anything wrong here, so you don't have to worry about making mistakes or sharing when you are confused by something.

Also, please don't worry that your feedback might hurt our feelings. We are doing this study to learn how to improve the website, so we want to hear your honest reactions.

If you have any questions as we go along, please ask them. I may not be able to answer right away, because we're interested in what people do when they don't have someone sitting next to them to help. But if you still have any questions when we're done, I'll try to answer them then.

The session should take 20 to 30 minutes. If you need to take a break or would like to stop at any point, you can - just let me know. Do you have any questions so far?

—INTRO QUESTIONNAIRE—

OK. Before we look at the website, I'd like to ask you a few questions.

1. What device(s) do you use most often to access the Internet? For example: Desktop, Laptop, Tablet, Smartphone, Video Game Console, etc.
2. Our activities today will involve using a Smartphone. What type of phone did you bring with you today?
3. What types of activities do you typically do on your Smartphone? For example: Taking Photos, Social Media, Texting, Emailing, Watching Videos, Shopping, Bill Paying, Looking for Answers to Questions, etc.?
4. On a seven point scale, with 7 being Very Easy and 1 being Very Difficult, how would you rate your expectation of what it would be like to use your smartphone to handle a legal case?
5. The website we're testing today is designed to handle certain types of legal cases, known as small claims, online. Which of the following indicates how much you know about small claims cases?
 - a. I know nothing about them.
 - b. I know a little about them.
 - c. I know a lot about them.

—TASK SCENARIOS—

OK, great. We're done with the initial questionnaire and can begin the activities.

Imagine you return home after a long day at work and you receive this document, called a summons. It's related to \$400 you borrowed a few months ago to cover an unexpected expense. You made one \$100 payment, but weren't able to repay the rest of the loan as you had planned. In the meantime, you ended up owing more in interest payments. Now the lender has sent someone, called a process server, to give you this summons.

1. ***[Task 1: Summons First Impressions]***

You received a document when you arrived and had some time to review it.
Can you place that document on the table within the taped area?

Direct participant to the summons they received at check in.

[Readjust the camera and reset the focus, if necessary.]

What are your first impressions of this document? Just take a look and tell me what you see and think. What do you think this document means? What questions do you have about it?

If they're quiet, ask them to share out loud what they're seeing and thinking.

Thanks. Now I'm going to ask you to try doing some specific activities, and again, please try to think out loud as you go along as much as possible.

2. [Task 2: Understanding of Summons]

Still using this document, please identify the options available to you.

If they're quiet, ask them to please point to their options and read them out loud.

Which option would you most likely choose and why?

If necessary, ask follow up questions to get at the user's comfort with different interaction types - phone, in person, online - as well as possible prior experience(s) with the court system.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

Thanks. Now I'm going to ask you to try doing some specific activities using your Smartphone. Please place your Smartphone within the smaller tape marks on the table while you're using it. This helps our note-taker see the choices you are making on your phone. And again, please try to think out loud as you go along as much as possible.

[Readjust the camera positioning and reset the focus for the phone, if necessary.]

3. [Task 3: Summons to Smartphone]

Let's say you decide you want to try the online tool. Please use your Smartphone to go to the website.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it within the tape marks.

If they are unable to successfully visit the site after three tries, consider it a critical error ask them what they would do at this point if they were really doing this on their own.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

4. [Task 4: Homepage First Impressions]

If necessary, help them enter the correct link so they can continue with the rest of the activities. It is cap-sensitive: http://bit.ly/ODR_web

Now that you're on the website, you can scroll up and down, but don't click on anything yet. Just look around and tell me:

- a. What are your first impressions of this page?
- b. Who is this page designed for?
- c. What do you think you can do here?
- d. What do you notice first about it?

If they're quiet, repeat questions a-d and remind them to think out loud.

If they move their phone, remind them to leave it within the tape marks.

5. [Task 5: FAQs/Help]

Thanks. You've had a chance to look at the webpage, but you still have questions about what to expect if you participate. Use the website to learn more about online dispute resolution.

If they're quiet, ask them to share what they're thinking out loud.

If they move their phone, remind them to leave it within the tape marks.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

6. [Task 6: Registration and Login]

You decide you do want to participate online. Please register and sign in.

If they're quiet, remind them to share what they're thinking out loud.

They will need to use a real email address they can check in order to login. If they want to cover or move their phone outside of the camera range when they check their email, they can. Just remind them to return it to within the tape marks as soon as they're done.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

7. [Task 7: Response Option Page First Impressions]

You can scroll up and down, but don't click on anything yet. Just look around and tell me what you see and think.

- a. What are your first impressions of this page?
- b. What do you notice first about it?
- c. What do you think you can do here?
- d. Who do you expect to engage with in this process?
- e. What are your legal rights?

If they're quiet, ask them to share their first impressions about what they see, and follow up with questions b-e.

If they move their phone, remind them to leave it within the tape marks.

8. [Task 8: Option Select and Chat Initiation]

Now, you weren't able to repay the whole loan as you had planned, but you were able to make a \$100 payment, and the summons doesn't reflect that payment. Respond to the plaintiff's claim.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it within the tape marks.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[You will need to wait for the Facilitator and the Plaintiff to respond. Plaintiff will respond with no record of payment and request for proof.]

9. [Task 9: Documentation Share]

The plaintiff has no record of your \$100 payment. Provide evidence of your payment.

If necessary, direct them to the receipt they received at check in.

They may move their phone outside of the tape area to take a photo of the receipt, but remind them to return it to the tape area when they are done.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[Wait for a message from the plaintiff offering to lower the total amount.]

10. [Task 10: Negotiation and Payment Planning]

The next day, you see a message from the plaintiff acknowledging your receipt

and agreeing to accept a lower amount, but the total amount is still more than you can pay. You have \$200 left over each month after paying bills and other necessities. Attempt to resolve the dispute.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it within the tape marks.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[Wait for a message from the Facilitator offering to create a document.]

11. [Task 11: Review and Sign Documents]

The facilitator has offered to create a document that summarizes your discussion with the plaintiff. Please view the document and take the necessary next steps.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it within the tape marks.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

—EXIT INTERVIEW—

We're done with activities. Thanks, that was very helpful!

Now that you've had a chance to interact with the website, I'd like to ask you about your overall impressions of the experience.

1. Using the same 7-point scale -- 7 is Very Easy and 1 is Very Difficult -- how would you rate your overall experience using the website?

Utah ODR Observation-Based Usability Test - SCRIPT FOR UX FACILITATOR

Why did you give the website an overall score of (1-7)? Please summarize your experience, and remember that you should be completely honest. Your comments will help us to improve the website.

2. What suggestions would you make to improve the website? Are there any features, functions, or pieces of information that you feel are missing and could improve the experience?
3. On a scale from 1-7 with 7 being Very Satisfied and 1 being Very Unsatisfied, how would you rate your satisfaction with the outcome in your case? Why did you give it the score of (1-7)?
4. On a scale from 1-7 with 7 being Very High and 1 being Very Low, how would you rate your understanding of your legal rights in this case? Why did you give it the score of (1-7)?
5. In the intro questionnaire, you rated your expectation of what it would be like to use your smartphone to handle a legal case as (1-7). How did your experience compare to your expectation?
6. If you had the option, would you prefer to use a website or physically go to a courthouse to resolve a dispute? Why?
7. On a scale from 1-7 with 7 being Very Likely and 1 being Very Unlikely, how likely is it that you would recommend this website to a friend? Why did you give it the score of (1-7)?

Thank you for your feedback. That concludes the interview portion of our session. Do you have any questions or additional comments for me at this point?

Thank you very much for your time today. Please head back to the table where you first checked in, and you can claim your gift card.

APPENDIX 11



THE UNIVERSITY OF ARIZONA
JAMES E. ROGERS COLLEGE OF LAW

Innovation for Justice

PART 1: DEMOGRAPHIC DATA. Prior to testing, please collect and record the following demographic data regarding your participant, and record it [here](#).

1. Participant ID

2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H

2. Age:

18-99

[Leave blank if they did not answer for any reason]

3. Gender:

Male

Female

Non-binary

Transgender Male

Transgender Female

[Leave blank if they did not answer for any reason]

4. Race:

Alaska Native

American Indian

Asian

Black

Hawaii Native

Pacific Islander

White

[Leave blank if they did not answer for any reason]

5. Ethnicity:

Hispanic/Latinx

Non-Hispanic/Latinx

[Leave blank if they did not answer for any reason]

6. Employment:

Employed

Not employed: Student [only if the student is not employed in any way, including part-time]

Not employed: Not a student

[Leave blank if they did not answer for any reason]

7. Occupation: Using the answer given by the participant, go to [this page](https://www.bls.gov/soc/2018/major_groups.htm) (https://www.bls.gov/soc/2018/major_groups.htm) and figure out the best category from 11 to 55 that matches the response, and enter the **exact wording** of the occupation type (not the number), and [Leave blank if they did not answer for any reason].

8. Income Range:

[Less than \\$25,000](#)

[\\$25,000-\\$50,000](#)

[Greater than \\$50,000](#)

[Leave blank if they did not answer for any reason]

PART 2: ADMINISTERING THE UX TEST

****NOTE: Text in *italics* with double asterisks are instructions for the UX Facilitator and should NOT be read aloud.****

—WELCOME—

Hi, _____. My name is _____, and I'm going to be walking you through this session today. Before we begin, I have some information for you, and I'm going to read it out loud to you to make sure that I cover everything.

We're conducting a usability test of a new website. A usability test helps us learn how well the website works for the people who are expected to use it. To do this, we're asking people to try to complete some typical activities using a prototype of the website so we can see whether it works as intended. This is an early-stage prototype - not a finished website - so you may notice that certain features are not fully functional. As you go through the activities, please try to interact with the prototype as much as possible as you would a finished website. And as you do, please think out loud: say what you're looking at, what you're trying to do, and what you're thinking. This will be a big help to us. Also, it's ok to ask to have a question repeated at any time.

After each activity, we will ask a simple question: How easy or difficult was it to complete the task? We'll ask you to answer using a seven point scale, with 7 meaning "Very Easy" and 1 meaning "Very Difficult." Here's a piece of paper with the scale you can refer to during the session.

Hand participant the scale handout.

The most important thing to know is that we are testing the website, not you. You can't do anything wrong here, so you don't have to worry about making mistakes or sharing when you are confused by something.

Also, please don't worry that your feedback might hurt our feelings. We are doing this study to learn how to improve the website, so we want to hear your honest reactions.

April Prototype UX Field Test - SCRIPT FOR UX FACILITATOR

If you have any questions as we go along, please ask them. I may not be able to answer right away, because we're interested in what people do when they don't have someone sitting next to them to help. But if you still have any questions when we're done, I'll try to answer them then.

The session should take 20 to 30 minutes. If you need to take a break or would like to stop at any point, you can - just let me know. Do you have any questions so far?

—INTRO QUESTIONNAIRE—

OK. Before we look at the website, I'd like to ask you a few questions.

1. What device(s) do you use most often to access the Internet? For example: Desktop, Laptop, Tablet, Smartphone, Video Game Console, etc.
2. Our activities today will involve using a Smartphone. What type of phone did you bring with you today?
3. Of the following activities, which do you do most often on your smartphone? Taking Photos, Social Media, Texting, Emailing, Watching Videos, Shopping, Bill Paying, Looking for Answers to Questions, etc.?
4. On a seven point scale, with 7 being Very Easy and 1 being Very Difficult, how would you rate your expectation of what it would be like to use your smartphone to handle a legal case?
5. The website we're testing today is designed to handle certain types of legal cases, known as small claims, online. Which of the following indicates how much you know about small claims cases?
 - a. I know nothing about them.
 - b. I know a little about them.
 - c. I know a lot about them.

—TASK SCENARIOS—

OK, great. We're done with the initial questionnaire and can begin the activities.

Imagine you return home after a long day at work and you receive this document, called a summons. It's related to \$400 you borrowed a few months ago to cover an unexpected expense. You made one \$100 payment, but weren't able to repay the rest of the loan as you had planned. In the meantime, you ended up owing more in interest payments. Now the lender has sent someone, called a process server, to give you this summons.

1. ****Task 1: Summons First Impressions****

You received a document when you arrived and had some time to review it. Can you place that document on the table under the camera?

Direct participant to the summons they received at check in.

Readjust the camera and reset the focus, if necessary.

What are your first impressions of this document? Just take a look and tell me what you see and think.

- What do you think this document means?
- What questions do you have about it?

If they're quiet, ask them to share out loud what they're seeing and thinking.

Thanks. Now I'm going to ask you to try doing some specific activities, and again, please try to think out loud as much as possible as you go along.

2. ****Task 2: Understanding of Summons****

Still using this document, please identify the options available to you.

If they're quiet, ask them to please point to their options and read them out loud.

Which option would you most likely choose and why?

If necessary, ask follow up questions to get at the user's comfort with different interaction types - phone, in person, online - as well as possible prior experience(s) with the court system.

On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (insert their score of 1-7 here)?

Thanks. Now I'm going to ask you to try doing some specific activities using your smartphone. Please place your smartphone under the camera while you're using it. This helps our note-taker see the choices you are making on your phone. And again, please try to think out loud as much as possible as you go along.

[Readjust the camera positioning and reset the focus for the phone, if necessary.]

3. ****Task 3: Summons to Smartphone****

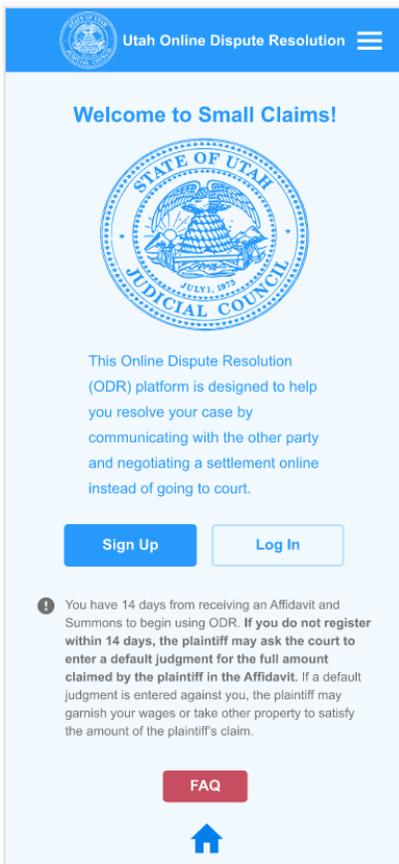
Let's say you decide you want to try the online tool. Please use your smartphone to go to the website.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it under the camera.

If they are unable to successfully visit the site after three tries, consider it a critical error and ask them what they would do at this point if they were really doing this on their own.

Your user should be on this screen when Task 3 is complete



On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

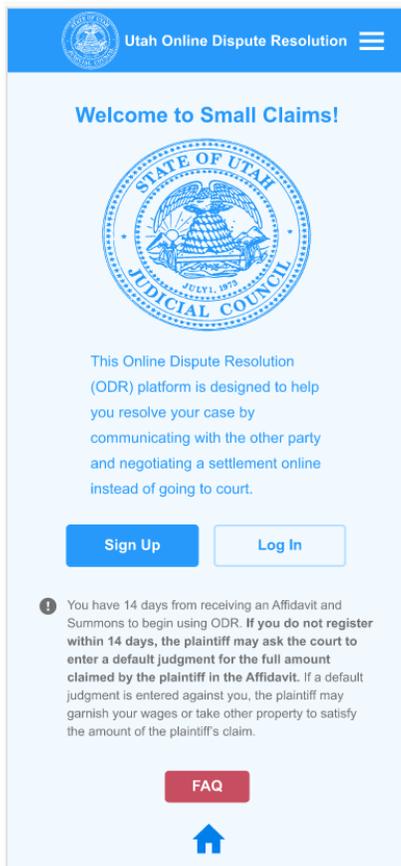
Why did you give this activity a score of (1-7)?

4. ****Task 4: Homepage First Impressions****

***If necessary, help them enter the correct link so they can continue with the rest of the activities. It is cap-sensitive:*

<https://bit.ly/ODR-Web>****

Your user should be on this screen when Task 4 begins



Now that you're on the website, without clicking on anything yet, look around and tell me:

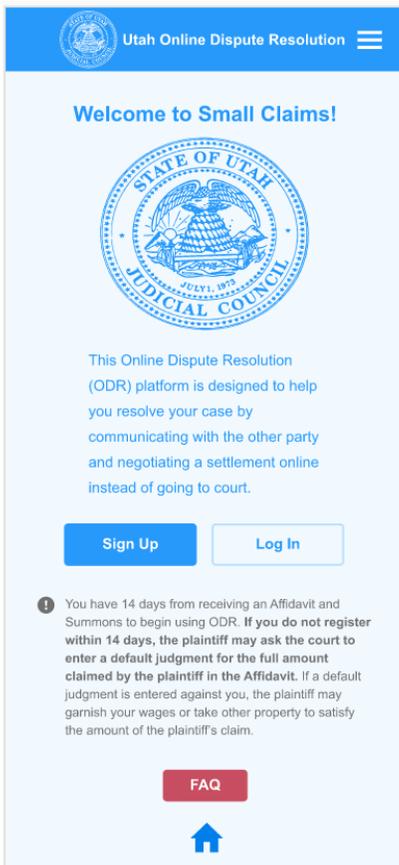
- What are your first impressions of this page?
- Who is this page designed for?
- What do you think you can do here?
- What do you notice first about it?

****If they're quiet, repeat questions a-d and remind them to think out loud.****

****If they move their phone, remind them to leave it under the camera.****

5. ****Task 5: FAQs/Help****

****Your user should be on this screen when Task 5 begins****

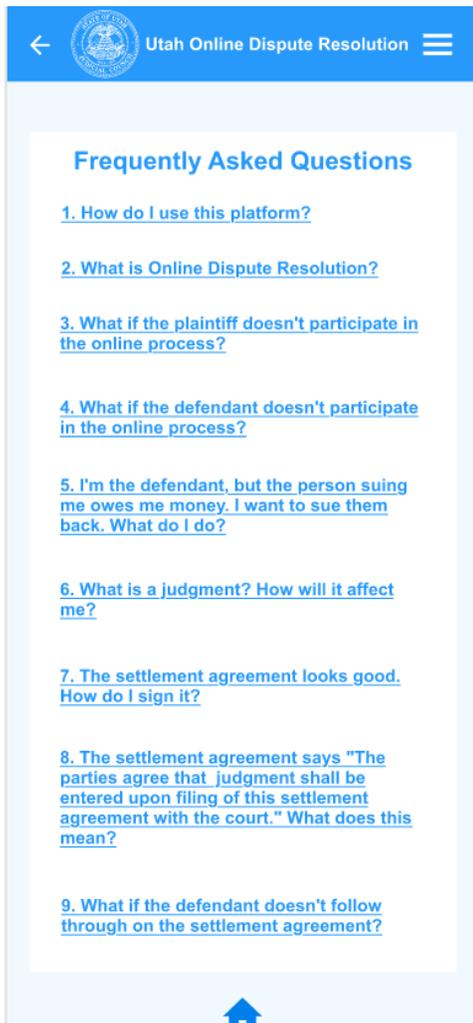


Thanks. You've had a chance to look at the webpage, but you still have questions about what to expect if you participate. Use the website to learn more about online dispute resolution.

****If they're quiet, ask them to share what they're thinking out loud.****

****If they move their phone, remind them to leave it under the camera.****

****Task 5 is complete when your user reaches this screen****



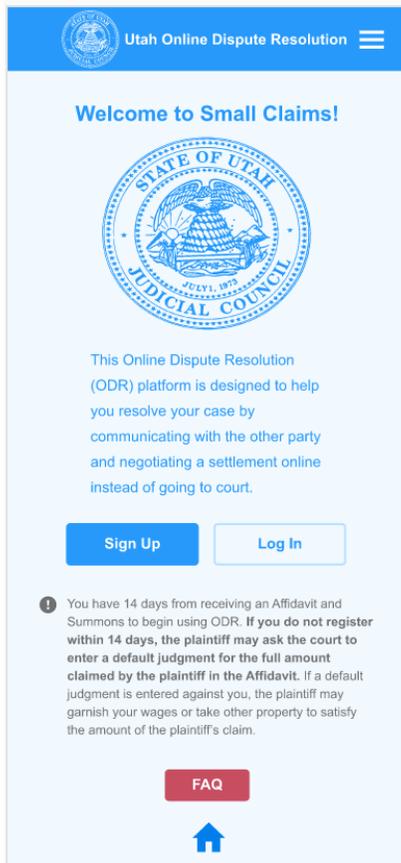
On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

**** Instruct your user to tap the "back" arrow at the end of Task 5, before beginning Task 6****

6. ****Task 6: Registration and Login****

****Your user should be on this screen when you begin Task 6****



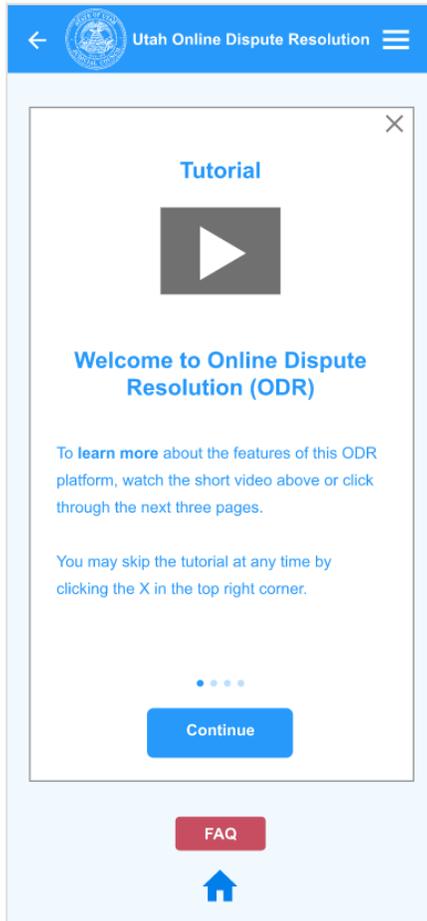
You decide you do want to participate online. Please register and sign in.

****If they're quiet, remind them to share what they're thinking out loud.****

****If they are confused by the lack of functionality, remind them that this is a prototype and it may not be fully functional, but to please pretend to interact with it as if it were a working website.****

****During the registration process, the user is asked for an email verification code. It is okay to tell the user "pretend you've received an email verification code and you are ready to enter it"*****

****Your user has completed Task 6 when they get to this screen****

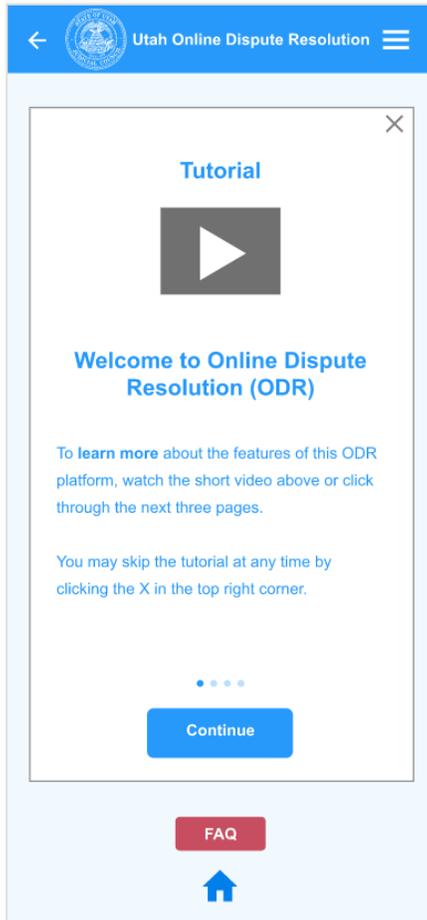


On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

7. ****Task 7: Tutorial****

****Your user should be on this screen when they begin Task 7****



Now that you've logged in for the first time, look around this section and tell me what you see and think. It's okay to tap the screen to move through this information.

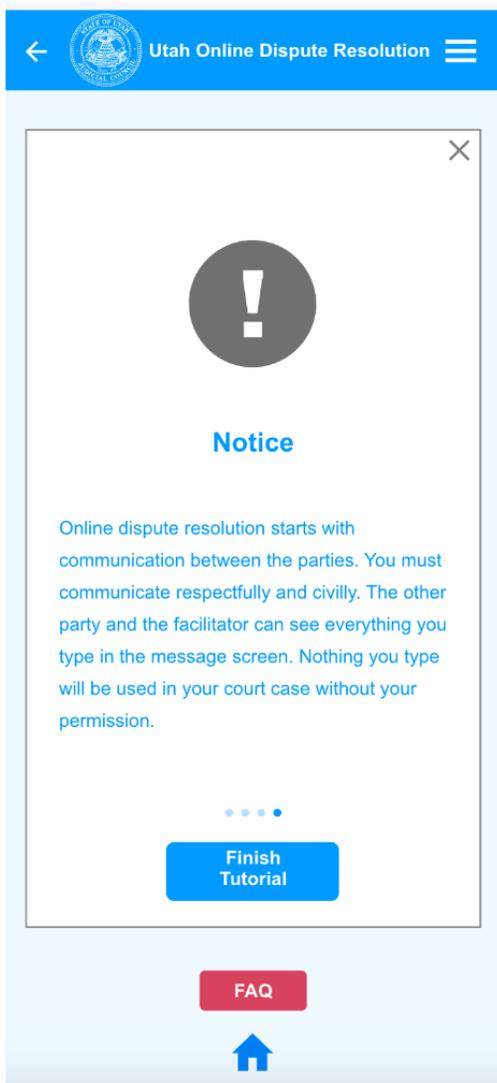
- What are your first impressions of these onboarding pages?
- What do you notice first about them?
- What do you think you can do here?
- Who do you expect to engage with in this process?
- What are your legal rights?

****Read the full question before they begin the task. Repeat part of all of the questions if asked. **If they're quiet, ask them to share their**

first impressions about what they see, and follow up with questions b-e.

If they move their phone, remind them to leave it under the camera.

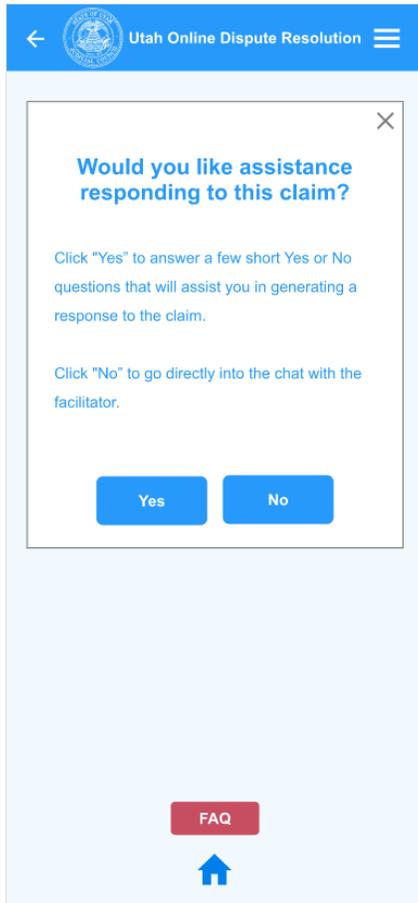
Task 7 is complete when your user arrives at this Legal Notice screen



Tell them to stop at "Notice" if they attempt to go past the onboarding section-- that's the last screen before the next task.

8. ****Task 8: Claim Response Tool and Chat Initiation****

*** Your user should be at this screen at the start of Task 8***

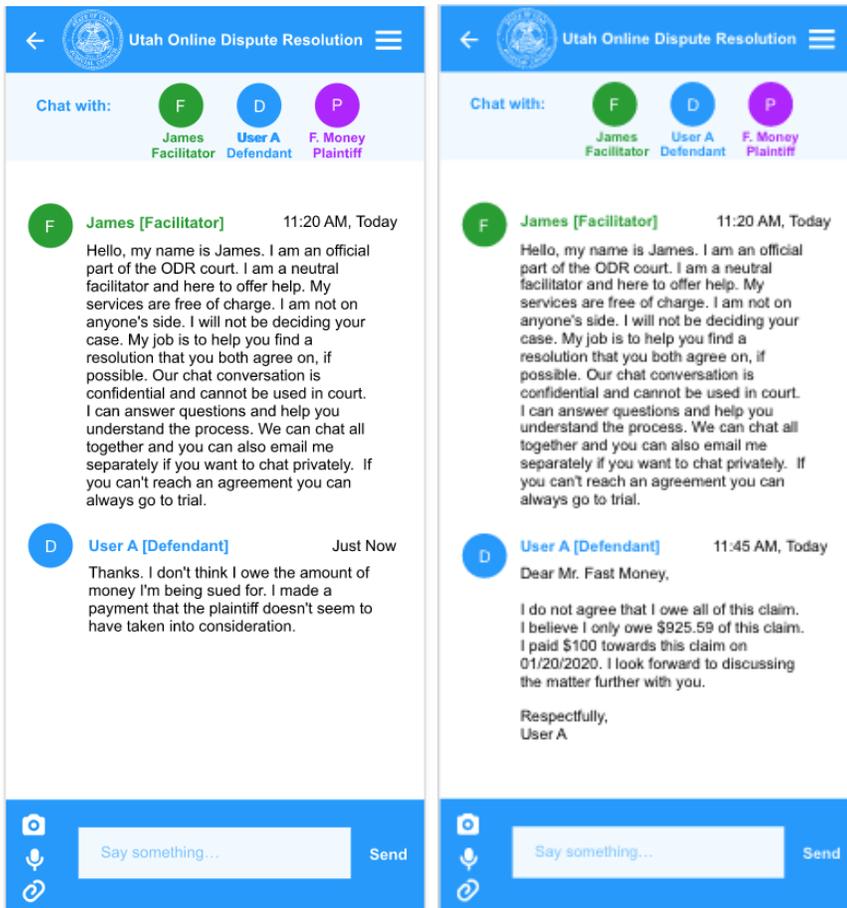


Thanks. The next few activities involve your case. Now remember, you weren't able to repay the whole loan as you had planned, but you were able to make a \$100 payment, and the summons doesn't reflect that payment. You believe you should owe \$925.59. With that in mind, respond to the claim.

If they're quiet, remind them to share what they're thinking out loud.

If they move their phone, remind them to leave it under the camera.

****Task 8 is complete when your user gets to one of these screens (depends on whether they use the claim response tool)****



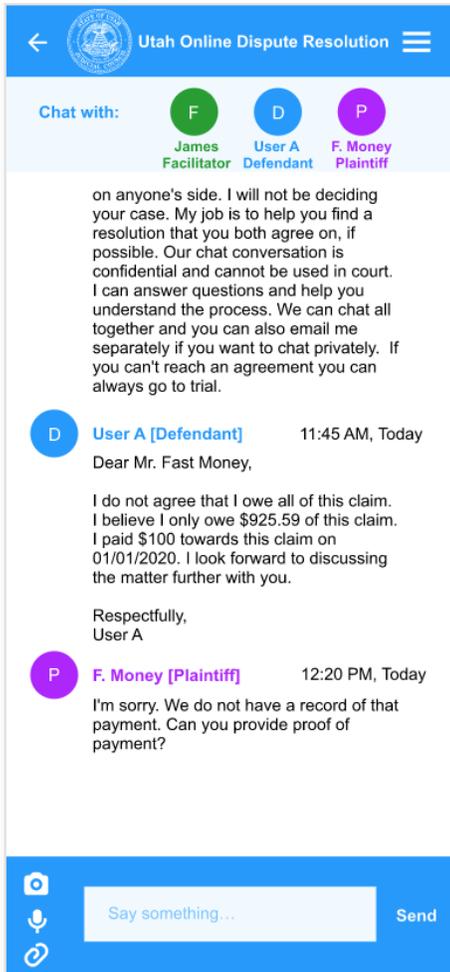
On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[To trigger the automated chat response required for the next task, you will need to instruct the participant to tap the “say something” field. A message from the Plaintiff will appear stating no record of payment and requesting proof.]

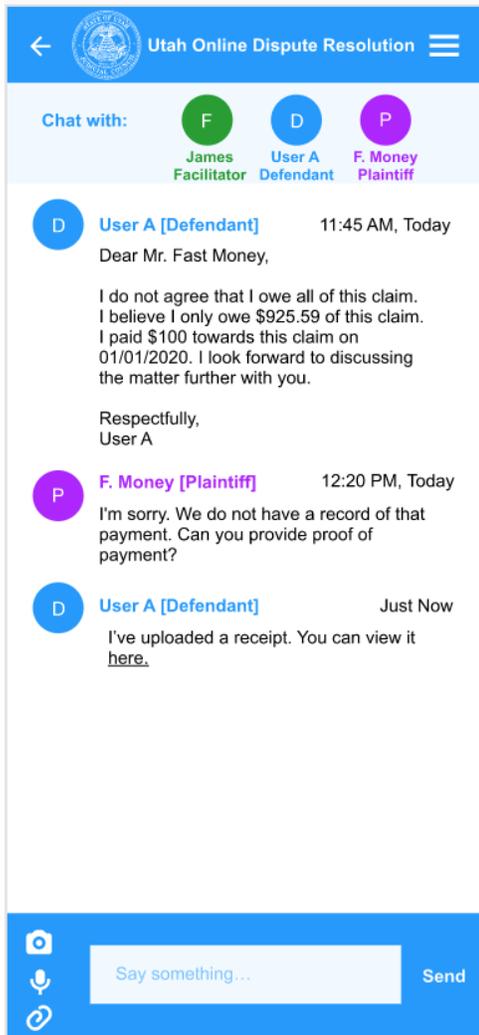
9. ****Task 9: Documentation Share****

At the beginning of Task 9, your user should be on this screen (as stated at the end of Task 8, you will need to instruct them to tap the “say something” button to get the plaintiff response to show up)



The plaintiff has no record of your \$100 payment. You have a photo of the receipt on your phone. Provide evidence of your payment.

****At the end of Task 9, your user should be on this screen****



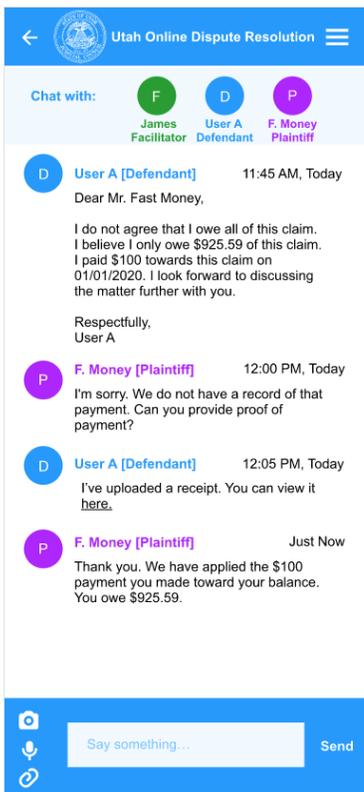
On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[To trigger the automated chat response required for the next task, you will need to instruct the participant to tap the “say something” field. A message from the plaintiff will appear offering to lower the total amount.]

10. ****Task 10: Negotiation and Payment Planning****

At the beginning of Task 10, your user should be on this screen. If the message from the plaintiff isn't there, instruct the participant to tap the "say something" field.



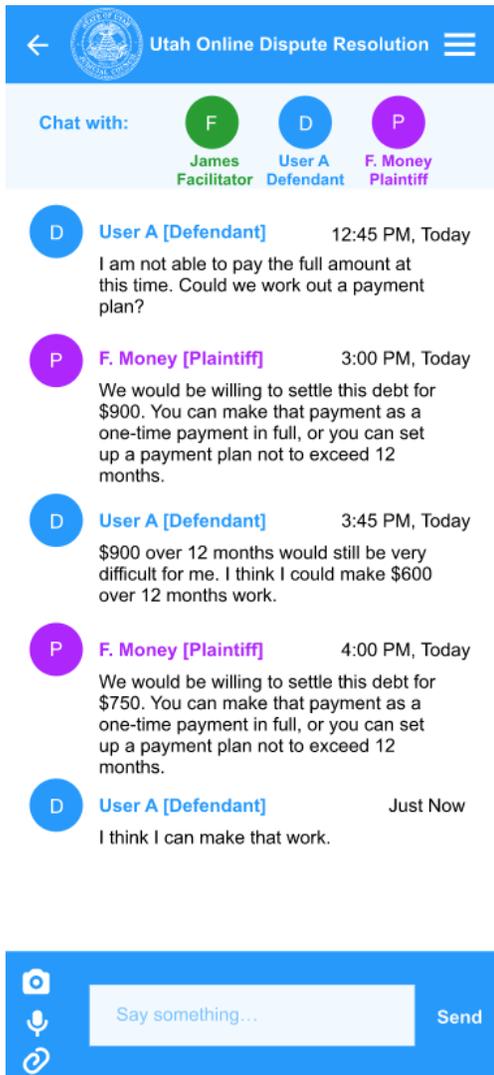
The next day, you see a message from the plaintiff acknowledging your receipt and agreeing to accept a lower amount, but the total amount is still more than you can pay. You have \$200 left over each month after paying bills and other necessities. Attempt to resolve the dispute.

If they're quiet, remind them to share what they're thinking out loud. Since the messages are auto-filled, ask participants to state out loud how they would respond to each message prior to hitting the "say something" key

****Please note: There is a delay between messages to simulate how a real-time or asynchronous chat would behave.****

****If they move their phone, remind them to leave it under the camera.****

****At the end of Task 10, your user should be on this screen****



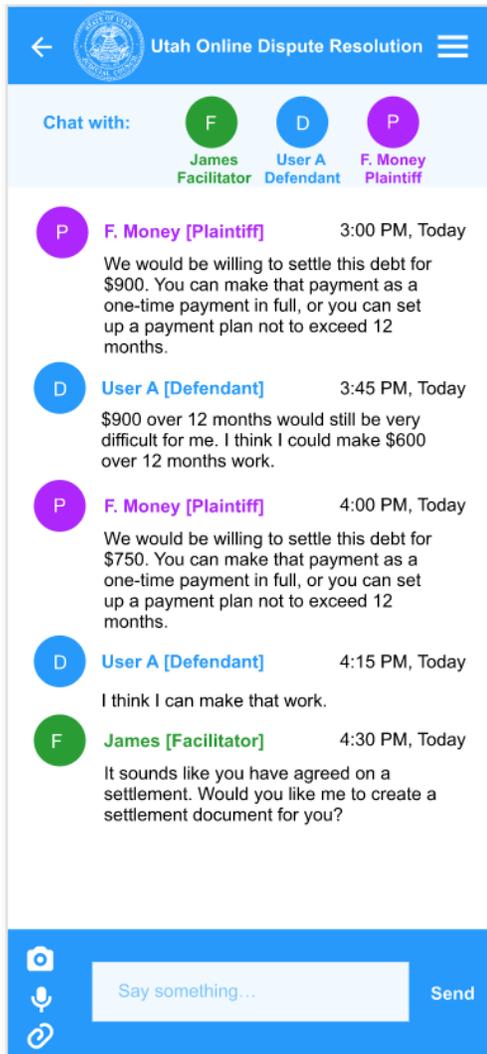
On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

[To trigger the automated chat response required for the next task, you will need to instruct the participant to tap the **“say something”** field. Wait for a message from the Facilitator offering to create a document.]

11. ****Task 11: Review and Sign Documents****

At the start of Task 11, your user should be on this screen



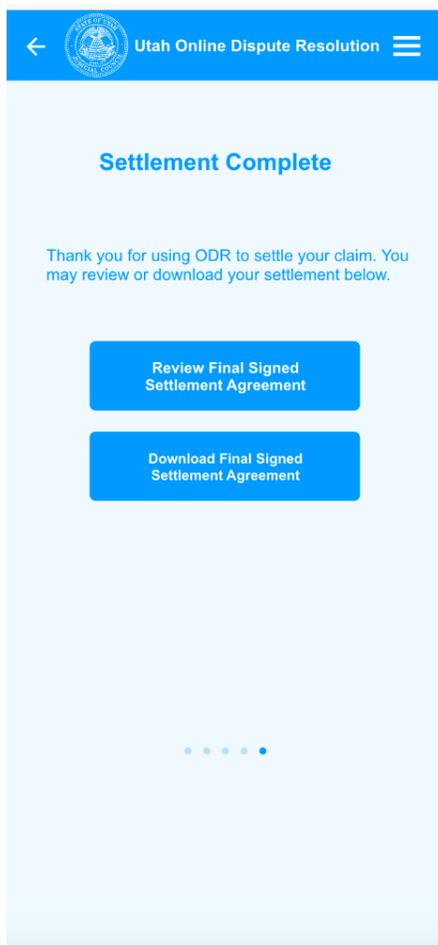
12.

The facilitator has offered to create a document that summarizes your discussion with the plaintiff. Please take the necessary next steps to view and finalize the document.

****If they're quiet, remind them to share what they're thinking out loud.****

****If they move their phone, remind them to leave it under the camera.****

****Task 11 is complete when your user is on this screen****



On a seven point scale, how easy or difficult was this activity? 7 is Very Easy and 1 is Very Difficult.

Why did you give this activity a score of (1-7)?

—EXIT INTERVIEW—

We're done with activities. Thanks, that was very helpful!

Now that you've had a chance to interact with the website, I'd like to ask you about your overall impressions of the experience.

1. Using the same 7-point scale -- 7 is Very Easy and 1 is Very Difficult -- how would you rate your overall experience using the website?

Why did you give the website an overall score of (1-7)? Please summarize your experience, and remember that you should be completely honest. Your comments will help us to improve the website.

2. What suggestions would you make to improve the website? Are there any features, functions, or pieces of information that you feel are missing and could improve the experience?
3. On a scale from 1-7 with 7 being Very Satisfied and 1 being Very Unsatisfied, how would you rate your satisfaction with the outcome in your case? Why did you give it the score of (1-7)?
4. On a scale from 1-7 with 7 being Very High and 1 being Very Low, how would you rate your understanding of your legal rights in this case? Why did you give it the score of (1-7)?
5. In the intro questionnaire, you rated your expectation of what it would be like to use your smartphone to handle a legal case as (1-7). How did your experience compare to your expectation?
6. If you had the option, would you prefer to use a website or physically go to a courthouse to resolve a dispute? Why?
7. On a scale from 1-7 with 7 being Very Likely and 1 being Very Unlikely, how likely is it that you would recommend this website to a friend? Why did you give it the score of (1-7)?

Thank you for your feedback. That concludes the interview portion of our session. Do you have any questions or additional comments for me at this point?

Thank you very much for your time today; I will now provide you with your gift card.

APPENDIX 12



THE UNIVERSITY OF ARIZONA
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Innovation for Justice



APPENDIX 13



THE UNIVERSITY OF ARIZONA
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Innovation for Justice

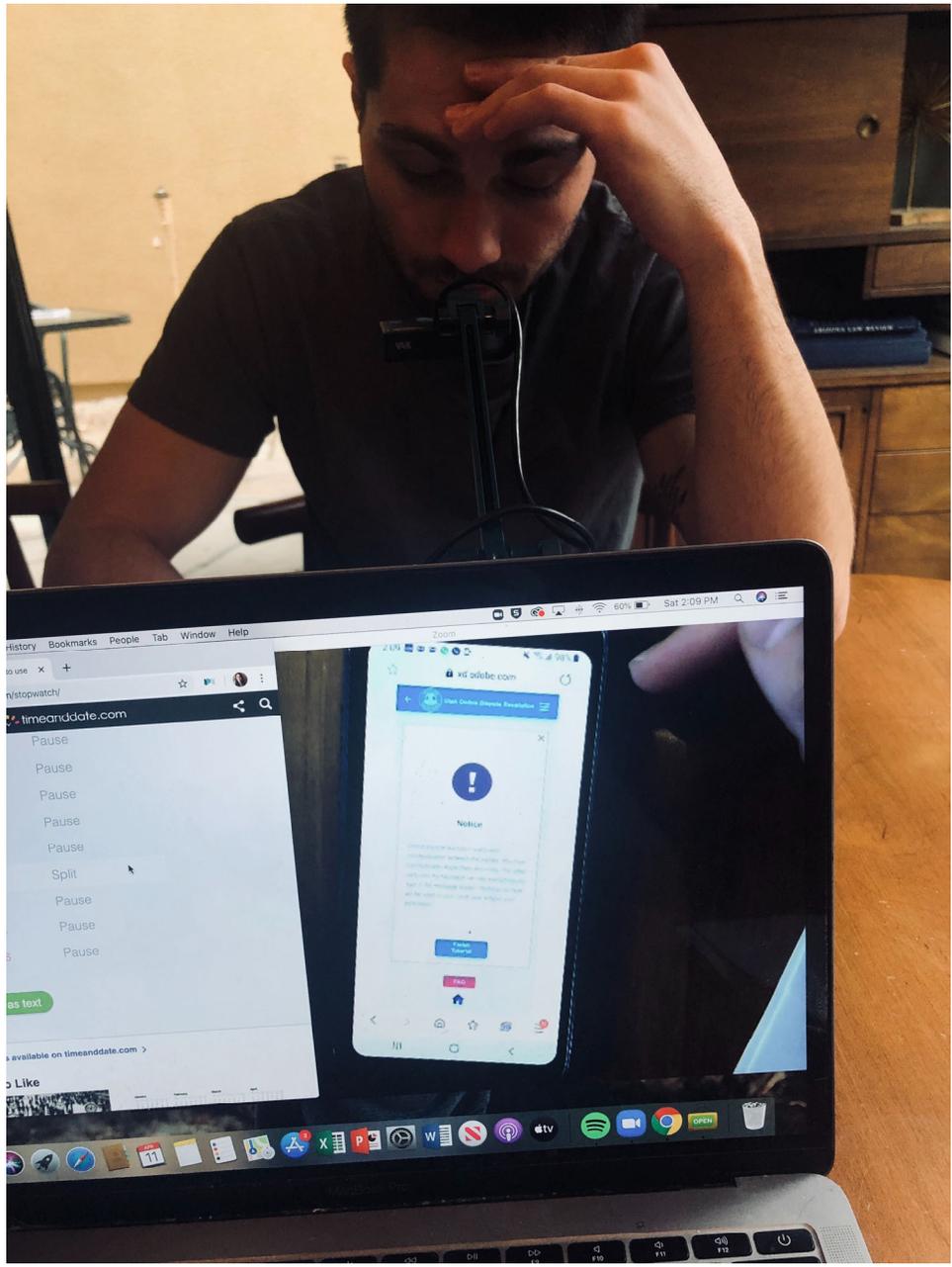


APPENDIX 14



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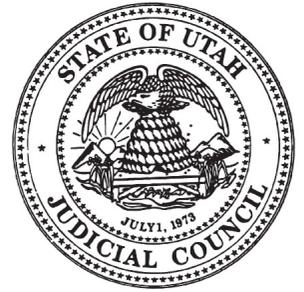
APPENDIX 15



THE UNIVERSITY OF ARIZONA
JAMES E. ROGERS COLLEGE OF LAW

Innovation for Justice

Summons



Defendant First Name

User

Defendant Last Name

A

Street Address

423 E Orange St.

City, State, Zip

Salt Lake City, UT 84119

Notice to the Defendant:

A small claims case has been started against you.

This court uses online dispute resolution (ODR) to settle small claims cases.

Este tribunal utiliza la resolución de disputas en línea (ODR) para resolver casos de reclamos menores. Recursos en Español: <https://utcourts.gov/howto/sp>

Option 1: Using ODR

Instead of appearing at the courthouse at a specific date and time, ODR allows you and Plaintiff to work with a neutral Facilitator to reach a solution on your own schedule. If you aren't able to come to an agreement through ODR, you still have the right to go to trial.

- **Within 14 days of receiving this Affidavit and Summons, you must register at <https://utcourts.gov/odr>** to try to settle this case. You may also use the QR code at the bottom of this page to access the website directly.
- **If you do not register within 14 days, judgment may be entered against you for the total amount claimed by Plaintiff. Plaintiff might be able to garnish your paycheck or take other property to satisfy the debt.**
- **Read the Affidavit**, which includes important information required for ODR registration and explains what Plaintiff wants from the lawsuit.



Note: Most modern smartphone cameras will read QR codes. Open your camera and hover over the code to access the link.

QR Code Link:
<https://utcourts.gov/odr>

Option 2: Opting Out of ODR

- You can be excused from using ODR to settle your case by calling the court at (XXX) XXX-XXXX and asking for the required forms. You must fill out the forms and return them to the court within 7 days of receiving the Affidavit and Summons. You might qualify to be excused from ODR if you:
 - need disability-related assistance,
 - don't speak English, or
 - don't have internet access.

Option 3: Going to Trial

- If you can't come to an agreement with Plaintiff through ODR, or if you have been excused from ODR, your case will be scheduled for trial. The court will notify you of the date, time, and place for your trial.
- If you do not show up for the trial, the court can enter a judgment against you for the total amount claimed by Plaintiff.
- If you want to have a jury at your trial, you must fill out documents that will transfer your case to the district court. See the Small Claims website for the necessary forms and more information about district court: <http://www.utcourts.gov/howto/smallclaims#removal2>.

Affidavit



Plaintiff Full Name

Plaintiff A

Street Address

186 Euclid Ave

City, State, Zip

West Valley, UT 84114

Phone

(385) 123-5678

Email

plaintiffa@gmail.com

I am the Plaintiff or Employee of the Plaintiff

Attorney for the Plaintiff and my Utah Bar number is _____

West Valley City Justice Court of Utah
Third Judicial District, Salt Lake County 3590
South 2700 West, West Valley, UT 84119

This form is for small claims cases filed in West Valley City Justice court only.
Forms for all other justice courts can be found at www.utcourts.gov/howto/smallclaims

Claim Details

Defendant Full Name

User A

Case Number

208700012

Plaintiff Full Name

Plaintiff A

Judge

Section 1: Amounts Owed

Defendant owes me the following amounts:

Include any prejudgment interest accrued to date and applicable attorney fees. Attach statute or contract authorizing claim for attorney fees.

Original amount owed: \$880.59

Plus, the amount I paid to file this claim: \$60

Plus, the amount I paid to serve claim: \$85

Equals, the total amount I am seeking: \$1025.59

plus prejudgment interest, if qualified: N/A

Section 2: Claim Description

The events happened on Day 1 (date).

My claim is based on the following alleged facts:

User entered into a loan contract with the plaintiff on Day 1.

User has failed to make payments as required by that contract.

Section 3: Location Details

Choose one:

Defendant lives in West Valley City.

The events happened in West Valley City.

Section 4: Government Entity

I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.

Section 5: Claim Assigned to Me

I am not suing on a claim that has been assigned to me.

**I declare under criminal penalty under the law of Utah
that everything stated in the document is true.**

Printed Full Name

Mr. Money Today

Signed At (City, State or Country)

West Valley, Utah

Signature

MR. MONEY TODAY

Date

Day 58

Terms

Affidavit: A sworn written statement showing the right to recover money from a small claims defendant that qualifies as the lawsuit complaint.

Plaintiff: The party that filed the lawsuit.

Defendant: The party that must respond to the lawsuit.

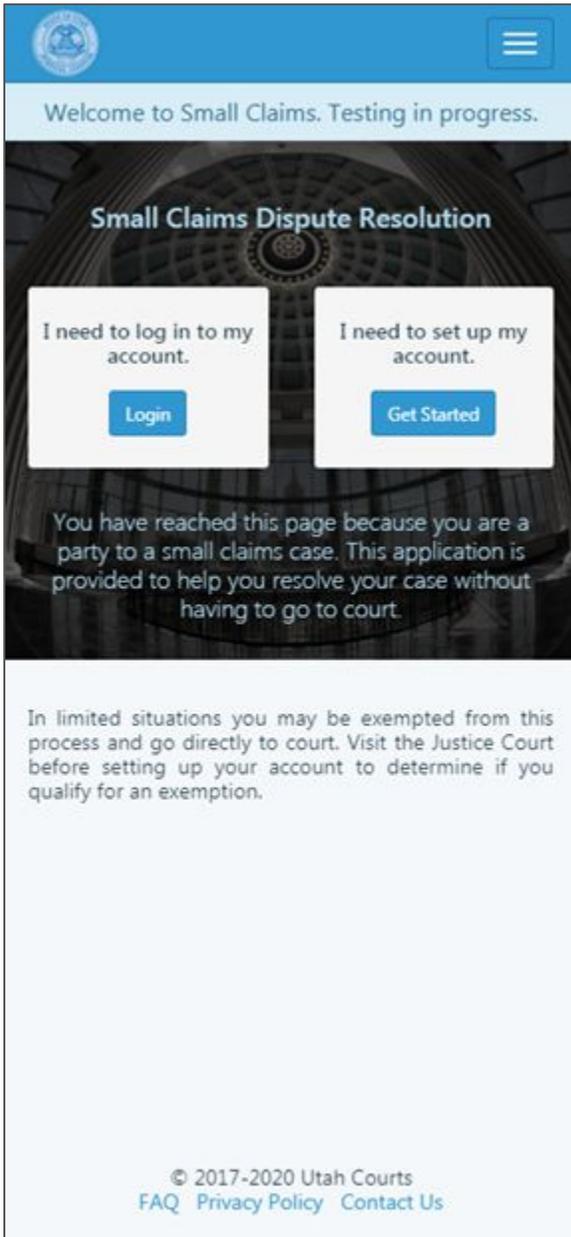
APPENDIX 16



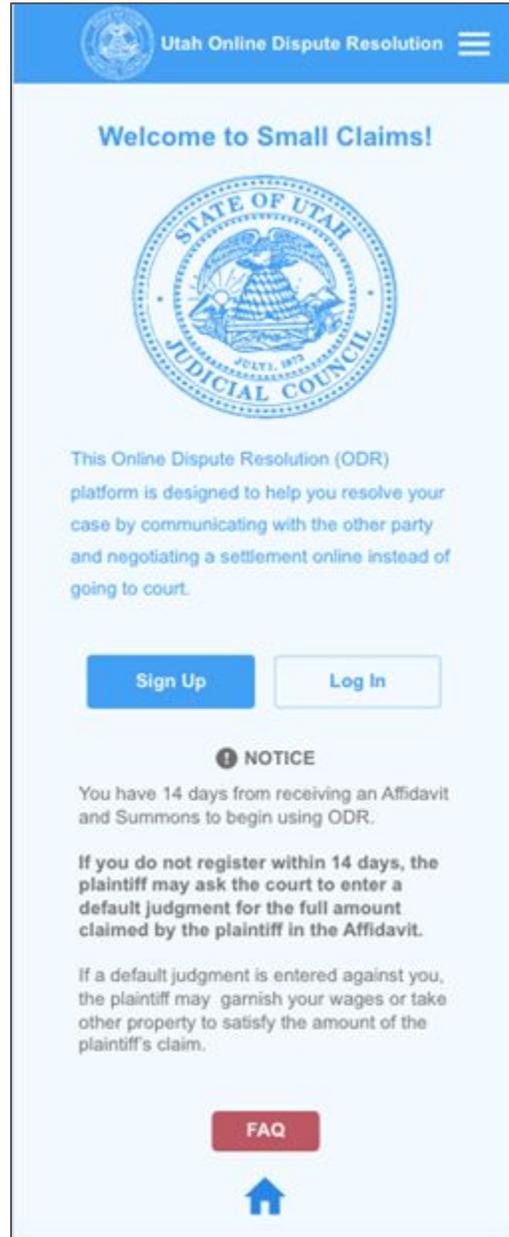
THE UNIVERSITY OF ARIZONA
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Innovation for Justice

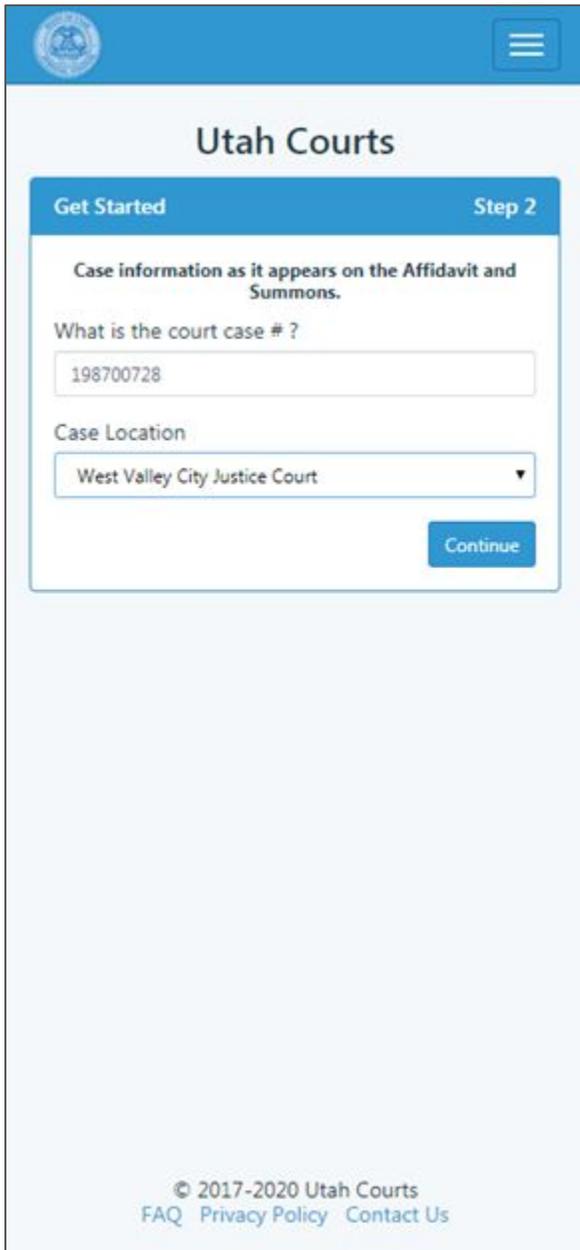
Utah ODR home page



XD prototype home page



Utah ODR registration



Utah Courts

Get Started Step 2

Case information as it appears on the Affidavit and Summons.

What is the court case # ?

198700728

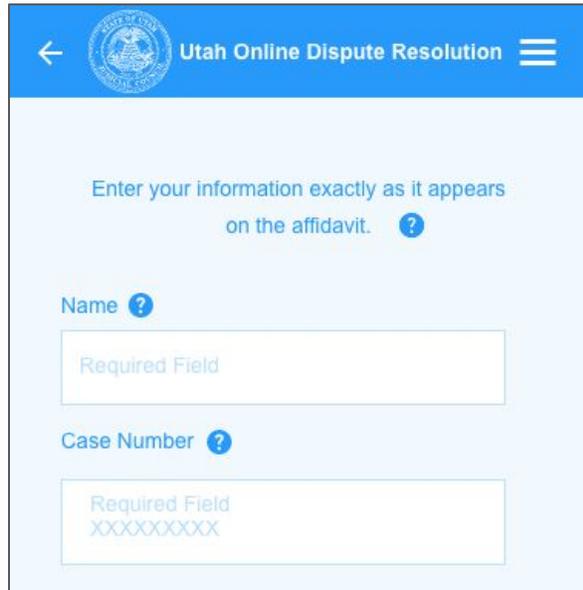
Case Location

West Valley City Justice Court

[Continue](#)

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XD prototype registration



Utah Online Dispute Resolution

Enter your information exactly as it appears on the affidavit. ?

Name ?

Required Field

Case Number ?

Required Field
XXXXXXXXXX



Your case number is found here on the affidavit:

Affidavit

Plaintiff Full Name
 Plaintiff A.
Street Address
 1987 Central Ave.
City, State, Zip
 West Valley, UT 84114
Phone
 (801) 522-5679
Email
 g1987a@aol.com

I am the Plaintiff or Employee of the Plaintiff
 Attorney for the Plaintiff and my Utah Bar number is _____

West Valley City Justice Court of Utah
 1987 Central Avenue, Salt Lake County, Utah
 Room 2100 West, West Valley, UT 84114

This form is for small claims cases filed in West Valley City Justice Court only.
 Forms for all other justice courts can be found at www.uhdcourts.gov/formsandfees.shtml

Claim Details

Defendant Full Name
 David A. Case Number: 198700728

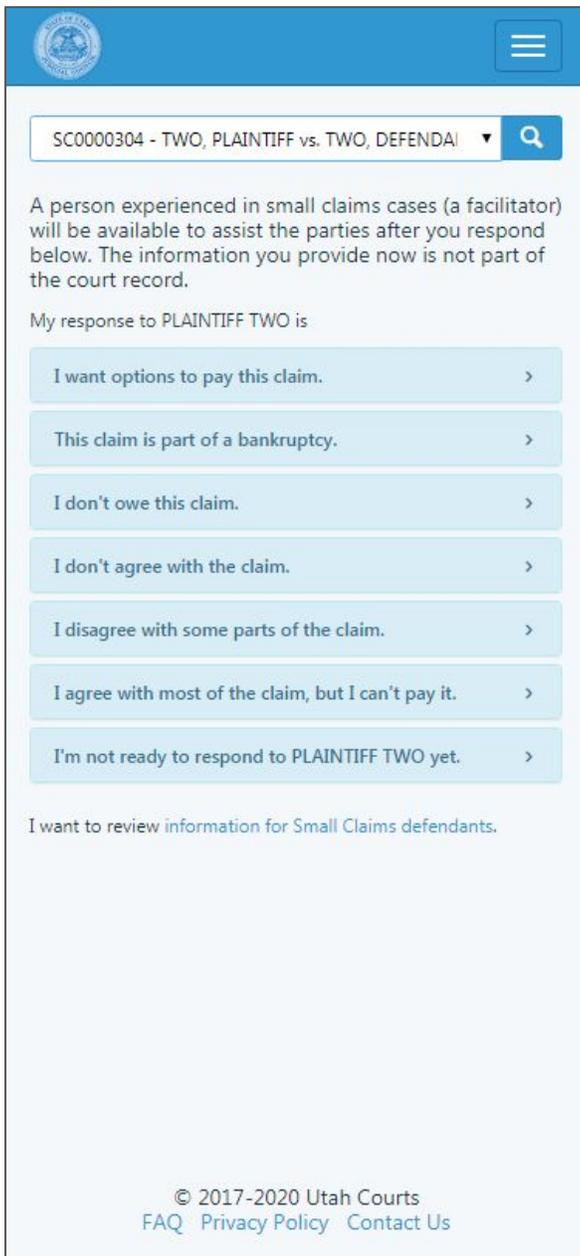
Plaintiff Full Name
 Plaintiff A. Judge

Section 1: Amounts Owed
 Defendant owes me the following amounts:
 Includes any pre-judgment interest owed and to date and applicable attorney fees. Attach receipts or contact authorizing claim for attorney fees.

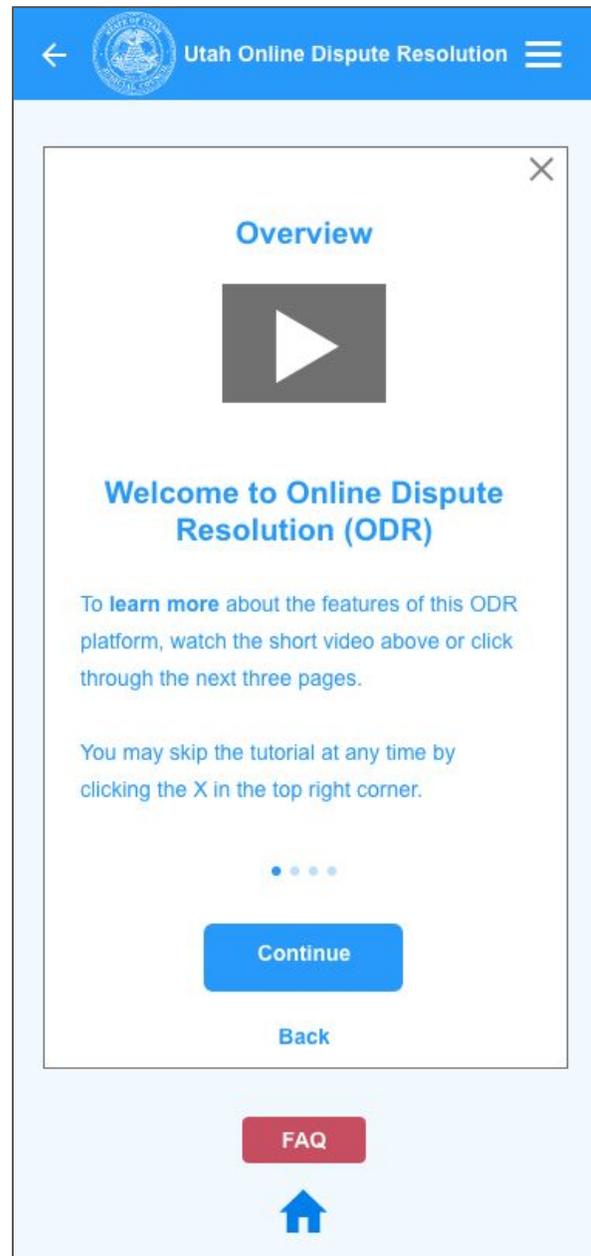
Original amount owed	\$885.00
Plus, the amount I paid to file this claim	\$50
Plus, the amount I paid to serve claim	\$50
Equals, the total amount I am seeking	\$1025.00
plus pre-judgment interest, if qualified	\$0.

Small Claims Affidavit Page 1 of 2

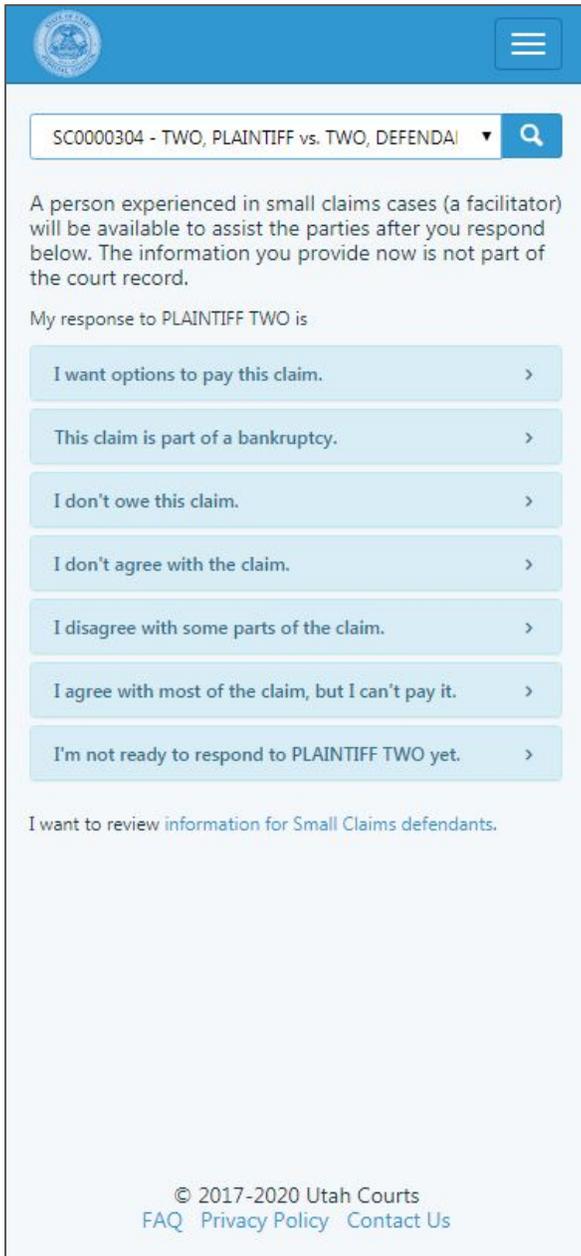
Utah ODR first screen after registration



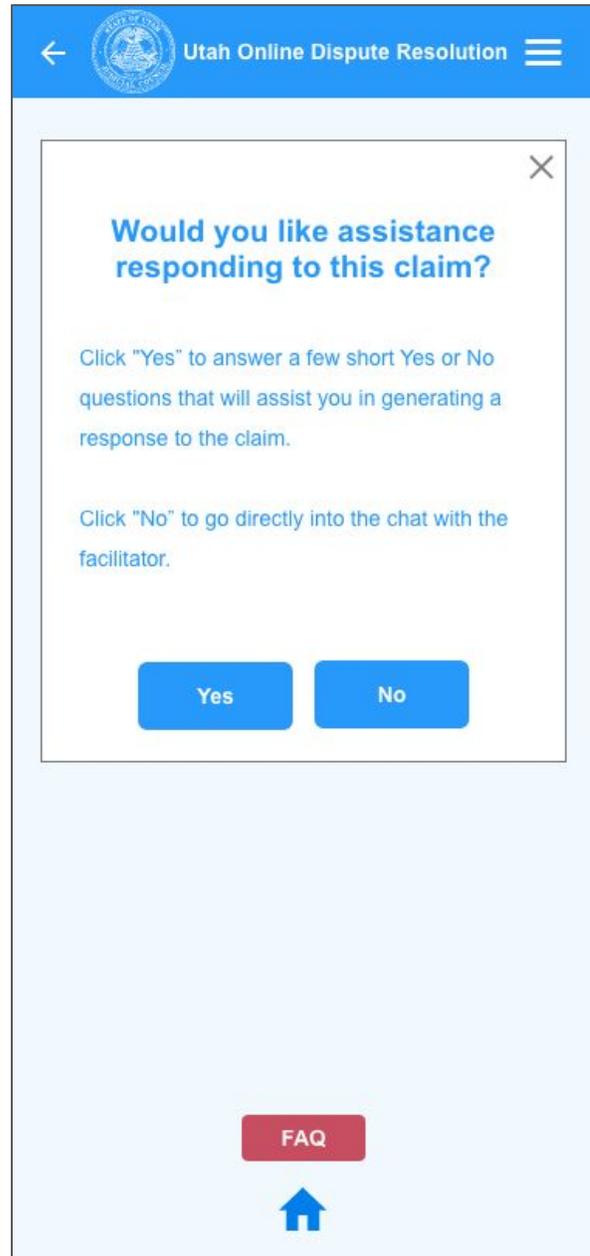
XD prototype first screen after registration



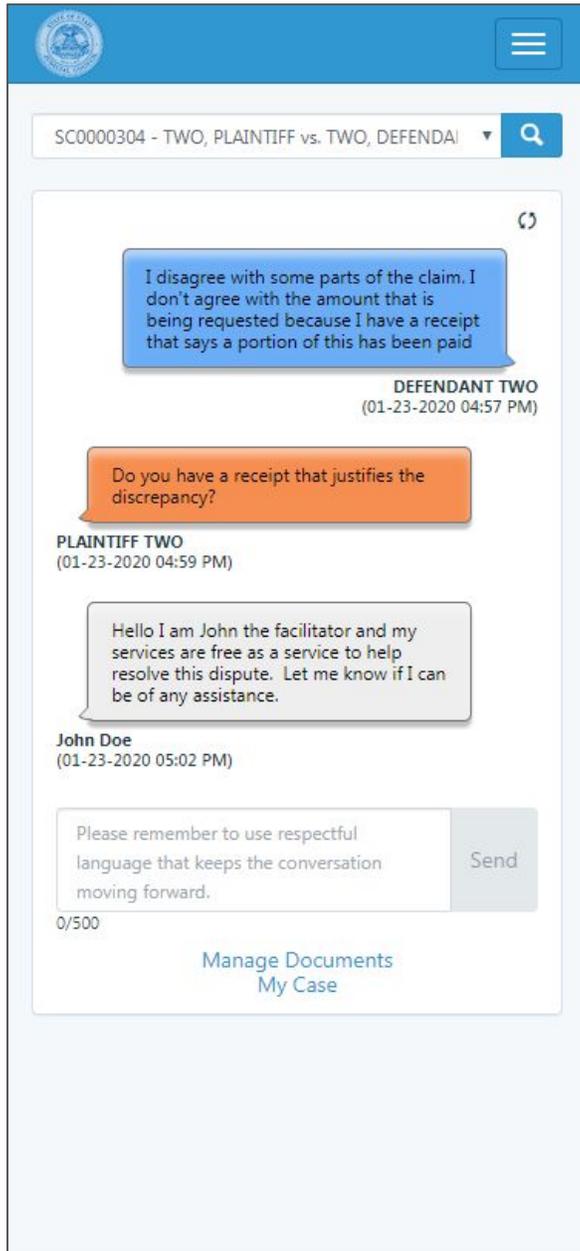
Utah ODR screen for initiating a chat



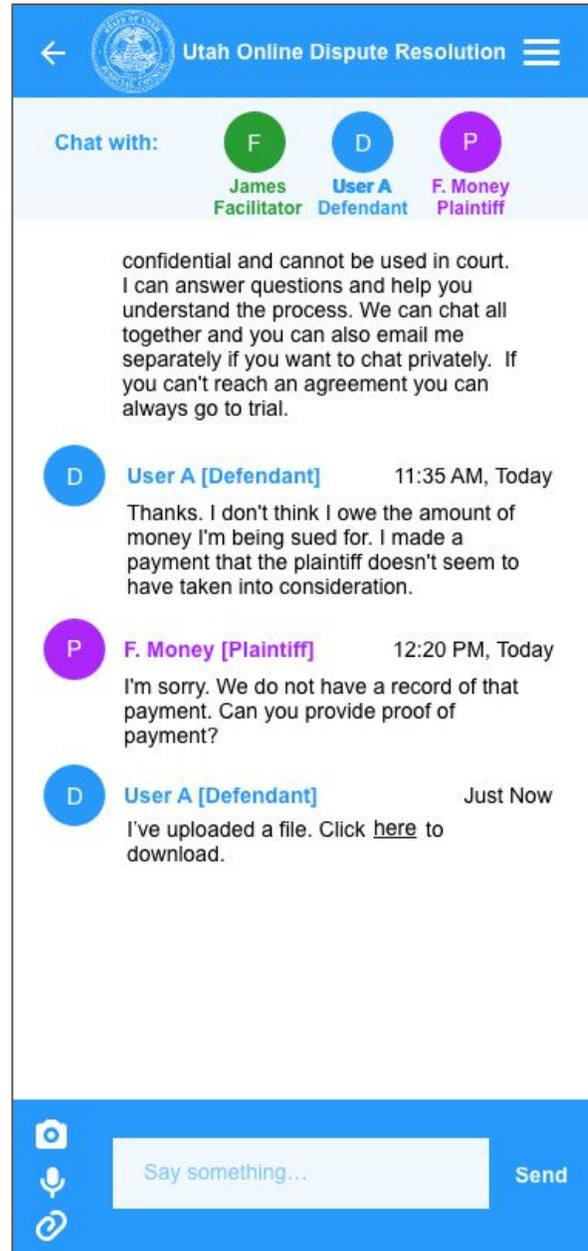
XD prototype screen for initiating a chat



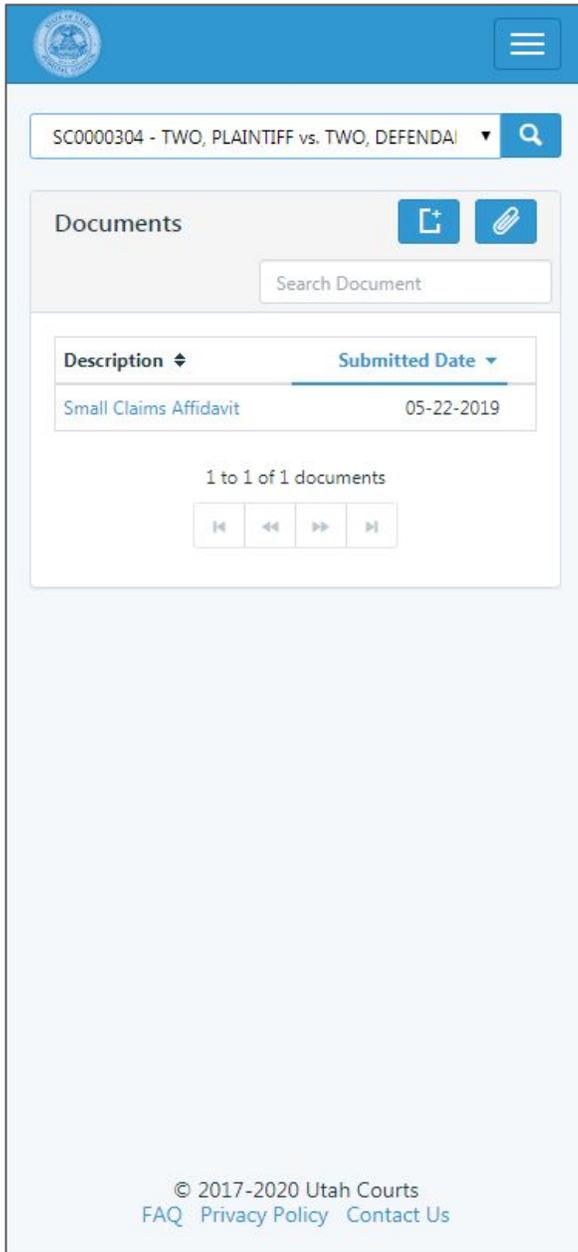
Utah ODR chat screen



XD prototype chat screen



Utah ODR document upload



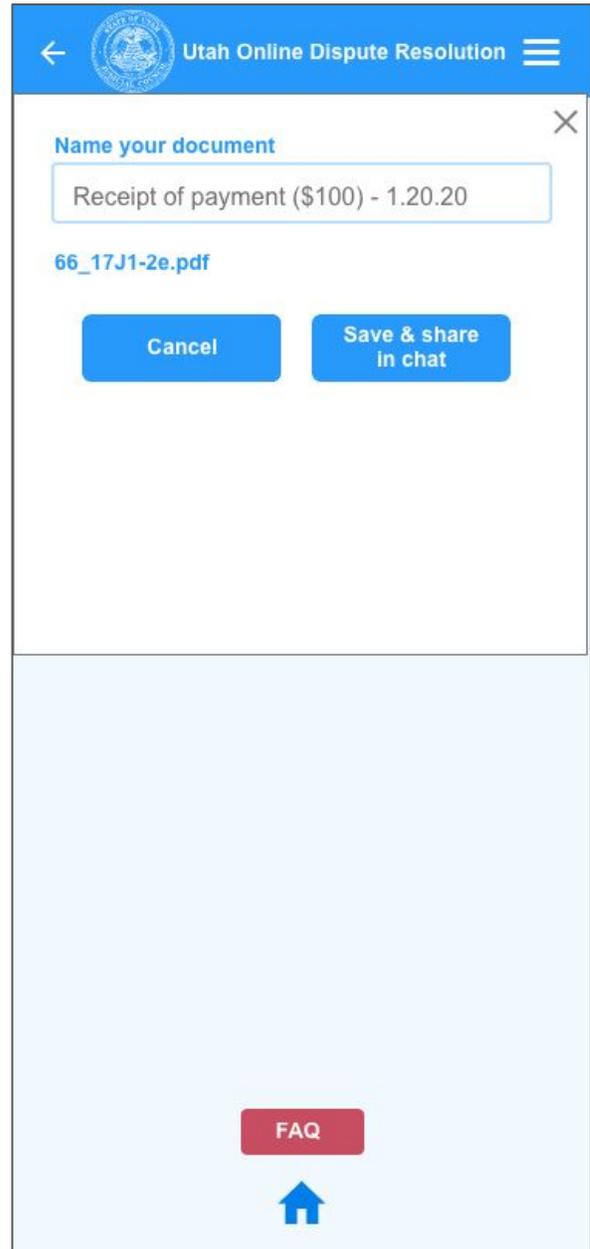
The interface shows a search bar with the text "SC0000304 - TWO, PLAINTIFF vs. TWO, DEFENDA" and a magnifying glass icon. Below the search bar is a "Documents" section with a search input field labeled "Search Document". A table lists documents with columns for "Description" and "Submitted Date".

Description	Submitted Date
Small Claims Affidavit	05-22-2019

1 to 1 of 1 documents

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XD prototype document upload



The interface shows a "Name your document" dialog box with a close button (X). The text "Receipt of payment (\$100) - 1.20.20" is entered in the input field. Below the input field is the filename "66_17J1-2e.pdf". There are two buttons: "Cancel" and "Save & share in chat".

Utah Online Dispute Resolution

Receipt of payment (\$100) - 1.20.20

66_17J1-2e.pdf

Cancel Save & share in chat

FAQ

Home icon

Online Dispute Resolution
-Frequently Asked Questions-
The following content is subject to change without notice.
 July 25, 2019

1. [What is Online Dispute Resolution?](#)
 - Communicating with the other party.
 - If you come to an agreement.
 - If you can't come to an agreement.
 - After dispute resolution.
2. [What if the plaintiff doesn't participate in the online process?](#)
3. [What if the defendant doesn't participate in the online process?](#)
4. [I'm the defendant, but the person suing me owes me money. I want to sue them back. What do I do?](#)
5. [What is a judgment? How will it affect me?](#)
6. [The settlement agreement looks good. How do I sign it?](#)
7. [The settlement agreement says "The parties agree that a judgment shall be entered upon filing of this settlement agreement with the court." What does this mean?](#)
8. [What if the defendant doesn't follow through on the settlement agreement?](#)

What is Online Dispute Resolution?
 Online Dispute Resolution is an alternative to court. It provides you a chance to communicate with the other party and try to come to an agreement instead of going to court.

How it starts: Communicating with the Other Party
 Online dispute resolution starts with communication between the parties. You must communicate respectfully and civilly. The other party and the facilitator can see everything you type in the message screen. Nothing you type will be used in your court case without your permission.

Any party can post a message at any time. A message from the plaintiff may be waiting when the defendant logs in, or the plaintiff may wait to respond to the defendant's first message. The first message from the defendant is a guided response to the plaintiff's claim. It may be more information about the claim, or it may contain a settlement offer.

Anytime a message is posted, an email or text (if elected) notification is sent to the other party.

←
Utah Online Dispute Resolution
☰

Frequently Asked Questions

- [1. How do I use this platform?](#)
- [2. What is Online Dispute Resolution?](#)
- [3. What if the plaintiff doesn't participate in the online process?](#)
- [4. What if the defendant doesn't participate in the online process?](#)
- [5. I'm the defendant, but the person suing me owes me money. I want to sue them back. What do I do?](#)
- [6. What is a judgment? How will it affect me?](#)
- [7. The settlement agreement looks good. How do I sign it?](#)
- [8. The settlement agreement says "The parties agree that judgment shall be entered upon filing of this settlement agreement with the court." What does this mean?](#)
- [9. What if the defendant doesn't follow through on the settlement agreement?](#)



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