Legal Hotline Quarterly

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Pre-Test of Hotline Outcomes Assessment Study Yields Preliminary Results

A preliminary test of Phase II of the Hotline Outcomes Assessment Study has yielded some promising information about the outcomes obtained by Hotline clients. The Study is an initiative of the Project for the Future of Equal Justice, funded by the Open Society Institute.

To test the feasibility of using survey research techniques to study Hotline outcomes, the Project engaged the Center for Policy Research, the Denver-based independent social science research firm that conducted Phase I of the Study, to interview a small sample of Hotline clients from Washington and Connecticut approximately three months after they contacted the Hotline. The results of the test showed that:

- It is possible to obtain information about client outcomes through telephone interviews of clients performed by professional, non-attorney interviewers.
- Three months after they called the Hotline, most of clients in the sample had achieved a favorable resolution to their legal problem or were on the road to reaching a favorable result.

(continued on page 2)

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Inside this issue:

(Continued from page 1)

n the small percentage of cases in which the client did not experience a favorable outcome (less than one-sixth of the sample), the reason appeared to be that the client had not understood the advice provided by the Hotline or was afraid or unwilling to follow it.

These preliminary findings will be followed up in a full-scale study.

The key purpose of the pre-test was to test the effectiveness of a data collection instrument designed to be administered over the telephone by non-lawyers. The instrument was developed by the Center for Policy Research, working with Project consultant Robert Echols. The Center used the instrument as the basis for interviews with clients who had been served by Statewide Legal Services of Connecticut and CLEAR in Washington state. After the interviews were complete, the consultant, a former legal services attorney, reviewed the interview forms, as well as the original case records, to assess the outcome from a legal perspective.

The test results indicate that it is possible to obtain objective information about client outcomes using survey techniques. The PFEJ consultant was able to classify outcomes as favorable or unfavorable in over 80 percent of the cases from both Hotlines. His assessments generally concurred with those of the clients themselves, as well as those of the non-attorney interviewers.

Based on the tests, the Center concluded that it will be possible to generate a large-scale, random sample of Hotline clients who are willing to be contacted for evaluation purposes. The Project has applied to the Open Society Institute for a full-scale study involving a sample of 400 clients each from five different Hotlines, as recommended by the Pre-test Report.

The full Phase II study will use the data gathered from these interviews to answer basic questions about Hotline effectiveness: in short, do Hotlines work? Do clients understand the advice they receive? Do they follow up on advice and referrals? Do they realize a satisfactory resolution to their problems as a result? Are particular types of callers (grouped by demographics and case type) more likely to experience favorable outcomes? Are certain types of Hotline advice or services more likely to result in favorable outcomes? The full-scale study is expected to be completed in late 2001.

Because this preliminary phase of the study was intended to test the survey instrument rather than to draw final conclusions about outcomes, no special effort was made to ensure that the sample of clients interviewed was representative of Hotline callers as a whole. For example, because the interviewers did not make a consistent effort to track down hard-to-reach clients using secondary contact information, clients who had moved since they called (some of whom may have been evicted) could have been underrepresented. The full-scale study will be designed to avoid such potential bias.

Nevertheless, the overall patterns that appeared in the Pre-test interviews were striking.
The test found that most of the clients who were interviewed experienced a favorable outcome. A favorable outcome was defined as the client receiving all or part of what she wanted when she contacted the Hotline. (Cases in which the client had successfully filed a case or motion pro se, which appeared to be progressing smoothly, although still pending, were considered to have had a favorable outcome.) In the two states, 66-68 percent of the clients were classified as having experienced favorable outcomes, with only 15-16 percent classified as having unfavorable outcomes. Client satisfaction was also high: over two-thirds of the respondents in both states said that the Hotline was "very helpful," and over three-quarters said they will "definitely" call the Hotline again if they have another legal problem.

The PFEJ consultant concluded that in those cases where the client had not obtained a favorable outcome, almost all the clients had misunderstood the advice provided or had been afraid or otherwise unwilling to follow it. Only two clients who followed

(Continued on page 3)

(Continued from page 2)

the advice provided by the Hotline experienced unsatisfactory outcomes.

Although these results need to be tested in a full-scale study, they suggest that Hotlines are generally very effective in obtaining favorable outcomes for clients, but that a small group of clients (in the range of 15 percent) may not be able to understand or willing to follow up on Hotline advice. Phase II of the Study will attempt to identify characteristics of these clients, so that their needs can be addressed more effectively.

The full Pre-Test Report and additional information on the Hotline Outcomes Assessment Study, including the Phase I report, is posted on the Equal Justice Network web site, **www.equaljustice.org.**

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Legal Services Technology Grants/ Legal Hotline Applications

Central Florida

The Legal Services Corporation awarded one of their technology innovation grants to fund a regional hotline for Central Florida Legal Services (Daytona Beach), Three Rivers Legal Services (Gainesville), and Withlacoochee Area Legal Services (Ocala). The three programs will establish duty call centers which will be rotated among the main offices. The call centers will be staffed with volunteer fact finders and two staff attorneys.

The hotline will contract with Tele-Lawyer, Inc. to initially answer the calls and screen for eligibility. Tele-Lawyer will then transfer eligible clients to the designated duty call center (rotating office). The fact finders will interview the client and relay the legal problem to the staff attorney who can relay advice through the fact finder, talk to the client directly, perform brief services, or refer the client to the nearest legal services office.

The project will test the effectiveness and cost of using an outside vendor for phone services vs. purchasing and whether Tele-Lawyer can establish a suitable Internet-based case management, timekeeping and advocacy tools software.

West Virginia

West Virginia Senior Legal Aid, Inc., West Virginia Legal Services and Appalachian Legal Services, the three legal services providers in the state, are participating in a joint project funded by a Legal Services Corporation technology grant.

West Virginia Senior Legal Aid, Inc. (formerly North Central West Virginia Legal Aid Society) runs a statewide legal hotline providing legal advice, brief services, and referral for people over age 60. (West Virginia surpassed Florida in 1998 as having the highest median age of any state, 38.1). West Virginia Legal Services plan serves the northern half of the state and Appalachian Legal Services covers the southern half. They will join in the project to hire Kemp's Case Works, Inc. to design a software program which will allow clients to fill out an intake sheet for legal services on a joint website. The software will route the intake sheet to the appropriate office based on the client's geographic location and age. The client will automatically receive an e-mail message notifying him which program received his intake form and letting him know when he will be contacted by the program. At that point, the West Virginia Senior Legal Aid hotline will handle the case as if the client had called in. The project is scheduled to be complete by July 2001.

A More Productive, More Versatile Legal Hotline Methodology
A New Concept in Delivery - The Brief Services Unit
By Wayne Moore

We have been testing a new method of operating a centralized telephone intake and delivery system, also known as a legal hotline, legal advice line or legal help line. In this article I will use the terms legal advice line or advice line. We have been testing a method developed by a fee-for-service legal advice line, Tele-Lawyer, Inc., and have achieved impressive results. The new method increases productivity by 290% and cuts costs by almost one half. However, it requires most programs to divide their advice lines into two separate units: a legal advice unit and a brief services unit. This new brief services unit when combined with a program's private attorney involvement program has the potential to significantly improve the efficiency and productivity of a legal services program in much the same way as the original legal advice line concept did. The new methodology also may allow states to develop statewide or regional advice lines without sacrificing local program control and without displacing the local program's legal advice line.

Before discussing the new methodology and the proposed new brief services unit, a review of current advice line practices is required.

Current Advice Line Practices

At AARP, we operate two legal advice lines which are typical of the two types operated by most legal services and Senior Legal Hotline programs. The AARP Pennsylvania Legal Advice Line for Older Americans (hereinafter called PA advice line) was the first of its kind and began operations in 1985. It primarily provided legal information, legal advice and referrals. Few brief services were provided. The PA advice line was answered by intake workers who screened the callers for eligibility and forwarded eligible callers to advice line lawyers if they were available. The lawyers conducted the conflict check, determined whether the caller had to pay for the call, and collected any fees by credit card or check..* (Those with less than $15,000 in annual income received free services; others paid a $15 flat fee per call). Otherwise the intake workers took the callers' names and telephone numbers for call backs by the legal advice lawyers. Most calls were handled on a call-back basis. A common variation of this model is to place the caller on hold until an attorney is available; in this variation the caller usually has the option of asking for a call back instead. In 1998, the PA advice line served 5,111 clients with 5,651 cases using 3826 hours of paid attorney time (attorneys were part time employees). This resulted in an average of 45 minutes of attorney time for each client served. Or, stated another way, a full-time equivalent attorney served 2,146 clients each year (46* weeks @ 35 hours per week). However, not all of this time was spent talking with clients. Some time was spent on :

(1) making call-backs to clients who weren't home;
(2) entering case notes into the computer; and
(3) conducting conflict checks, screening for and collecting fees, and performing other administrative tasks.

We never measured the portion of the 45 minutes that was actually spent on the phone with clients. If the average beginning salaries for attorneys are $25,600 and the median salaries are $38,300** with an average of 20% in fringe benefits, then attorney costs range from $14.32 to $21.42 per client served.

*In the case of paying by check, the caller received the service and mailed the check afterward.

We also operate a legal advice line as the intake mechanism for our full-service legal services program for low-income seniors in DC called Legal Counsel for the Elderly (LCE). Incoming client calls to LCE are answered by an intake worker who performs a conflict check, screens for eligibility and refers ineligible callers to other resources. Eligible clients are served on a call-back basis by part-time attorney employees who provide legal information, legal advice, referrals, and brief services. These break down as follows: Information/advice - 42%; referrals - 24%; brief services - 22%; other - 12%. In 1998, 2,770 clients with 3,533 cases were served using 2,808 hours of paid attorney time and 300 hours of volunteer attorney time. This results in an average of 61 minutes of paid attorney time for each client served or 1,584 clients served per full-time equivalent paid attorney. Using the salary range described above, the attorney costs range from $19.39 to $29.02 for each client served. This higher cost is due to the additional time required to provide brief services such as writing a letter or making a phone call to resolve a problem.

*This allows 2 weeks for holidays, 2 weeks for sick leave and 2 weeks for vacation.
** These averages are based on LSC data as compiled by Ken Smith

New Legal Advice Methodology

In June, 1999, we began testing the new method-

(Continued on page 5)

(Continued from page 4)

ology. We closed the Pa legal advice line office in Pittsburgh and entered into a contract with Tele-Lawyer, Inc. to operate the advice line using the methodology that they had developed over the years for their fee-for-service legal advice line. We use the same 800 telephone number but forward the calls to Nevada where Tele-Lawyer intake workers answer the calls, conduct conflict checks, and screen the callers using our eligibility criteria. We kept our old 800 number because it was well established in the Pennsylvania senior community. Once the caller is screened for conflicts and is found eligible for services, the intake worker forwards the call back to Pittsburgh where a legal advice lawyer handles the call; he works out of this home. After the call is completed, the lawyer finishes the case notes and is ready to handle the next call. A significant change in methodology concerns how the lawyer is paid. He is only paid for the time he spends on the phone with the client plus three additional minutes for completing case notes. Another change is that we lease the telephone system instead of purchasing it. We thereby avoid the expense of hiring a consultant to help us select a system and owning a system that is likely to be obsolete in a few years. Also we are able to obtain 800 service at a lower rate (about 6 - 8¢ per minute). The last significant change is that no administrative tasks are performed by the lawyer. Eligibility screening, conflict checking, call routing, call-backs, collection of fees, and collection and entry of client eligibility and demographic information into the database is performed by the intake workers.

The change in attorney costs is dramatic although we use the same lawyer as we did before the change. Formerly we used six part-time lawyers, each working an average of 13 hours per week to serve 102 clients. Now we use just one of these lawyers for an average of about 19 hours per week to serve an average of 74 clients. (Our call volume has decreased because we haven't been publicizing the service). This increase in productivity results from a reduction in the time the attorney spends on administrative tasks and the fact that there is no paid down time. He spends an average of only 12.52 minutes on the phone with the client without any change in quality (i.e., the same attorney is serving the same clients). The attorney is paid as an independent contractor at about twice the rate as before (80¢ per minute or $87,360 per year). Thus the attorney costs, including three extra minutes for case notes are $12.42 per client served or about 1¾ times less than an attorney of comparable experience (27 years) under the former system. The cost is even less when one considers the reduction in overhead (e.g. rent, office supplies). Under this new system a full-time equivalent paid attorney can handle 7036 cases per year.

The new system operates primarily on a call-back basis. If an attorney is available, the intake worker screens the caller for eligibility, conducts a conflict check, and forwards the eligible caller to the attorney after entering the caller's demographic and eligibility information into the case management data base (Tele-Lawyer uses a customized software based on Microsoft SQL server). If, as is more likely, the attorney is not available, the intake worker records the caller's name and telephone number for a call-back. When the attorney is available (he calls the intake worker when he is ready to take a case), the intake worker calls the client back, conducts a conflict check, enters the demographic and eligibility information into the data base and forwards the caller to the attorney. The attorney makes written case notes and dictates the notes to the intake worker after the call is completed. The intake worker enters the notes into the computer as they are being dictated. In October, 2000 the attorney will begin entering the case notes directly into the case management system which will be accessible over the Internet. Once a week the attorney reviews and edits all his case notes; the changes are entered into the database by the intake workers.

Even though the clients are served on a call-back basis, the goal is to call back within an hour or two of the client's original call. If the client is not reached the same day, one attempt is made the next day. If this is not successful, the call-backs are abandoned; however, the abandonment rate is fairly low (7 - 12%). Of course these abandoned callers are free to call back. It is the intake worker's opinion that if a caller is not reached the same day or early the next day, call-backs are unproductive.

To make this methodology work, emphasis must be placed on quality control. Every case note must be reviewed by another experienced attorney who contacts the advice line attorney about any cases requiring corrective action. The advice line attorney is not paid for corrective action. However, the reviewing attorney checks the subsequent case notes to insure the corrective action was taken. The legal advice line attorneys also should be paid for periodic meetings with the reviewing attorney to go over new developments in the law and discuss cases that have necessitated corrective action. (This time was not included in the cost per call calculations above). The advice line attorneys are sent periodic updates in the law (these are available from the AARP Legal Hotline Technical Assistance Project at www.equaljustice.org/

(Continued on page 6)

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hotline1) and given legal resource materials and community resource information which is updated regularly (some of this information also is available from the AARP Legal Hotline Technical Assistance Project at www.povertylaw.org or by calling (312) 263-3830).

The cost savings achieved by the new methodology primarily results from minimizing the down time of the lawyers. Call-backs are made by the intake workers and not the lawyers. Entry of demographic and eligibility information into the database and conflict checking is also done by the intake workers. The system encourages the lawyers to record most of their case notes while talking to the client instead of waiting until after the call. Although the length of the case notes are less, they must still be detailed enough to allow meaningful review by the quality control attorney. Finally the attorney can arrange for materials to be sent to the client by entering a code into the database which tells the intake workers what materials to send. There is an increase in the time spent by intake workers. On average the intake worker spends six minutes per call including call-backs, screening, conflict checks, entering client information into the data base, collecting fees and entering case notes.

Another advantage of the new methodology is that there is no back-log of unreturned calls and no long client hold times. If the attorney is busy, the caller's name and telephone number are recorded by the intake worker for a call-back. This eliminates the long holding problems. Most call-backs are made within an hour of the initial call so that the clients are usually reached. As mentioned above, the percentage of call - backs where the client can not be reached is relatively low (7-12%). Since the attorneys are not paid for down time, the advice line can arrange to have back-up attorneys available to help with peak call periods without increasing the cost per call or overall cost. In fact the cost per call is less than with the prior methodology, in part, because fewer call-back attempts are needed to reach the clients.

Table I summarizes a comparison between the system previously used in Pennsylvania (column 1), the system currently used by LCE in DC (column 2), and the new methodology now used in Pennsylvania via Nevada (column 3). Diagram I compares the new methodology with the system previously used in Pennsylvania. Notice that many of the functions previously performed by the attorney have been shifted to the intake worker. In particular, the attorney never calls the client. All calls initiated by the advice line are made by the intake worker and then forwarded to the attorney. The managing attorney's job has not changed.

(continued on page 7)

Five programs were awarded Title IV Senior Statewide Legal Hotline grants in the 2000 Request for Proposal Competition. Four established hotlines received continuation funding:

- **Georgia Senior Legal Hotline at Atlanta Legal Aid Society**
- **Senior Legal Hotline at Legal Aid Society of Hawaii in Honolulu**
- **Legal Hotline for Older Iowans at Legal Services Corporation of Iowa in Des Moines**
- **CLEAR*Sr at Northwest Justice Project in Seattle.**

A new senior statewide hotline was funded for Indiana at Legal Services Organization of Indiana in Bloomington.

Table I

	OLD PA	DC	NEW PA
Services	Legal Advice, Info, Referrals	Legal Advice, Info, Referrals, Brief Services	Legal Advice, Info, Referrals
Attorneys	Staff	Staff	Contractors
Method of Payment	Salary	Salary	70 - 80¢ per minute for time on phone plus 3 minutes for note taking
Attorney Time per Client Served	45 minutes	61 minutes	15.5 minutes
Attorney Cost per Client Served	\$14.32 - \$21.42	\$19.39 - \$29.02	\$10.86 - \$12.42
Other			Lease phone
Cases Handled by FTE Attorney	2146	1584	7036

Testing Income Generation

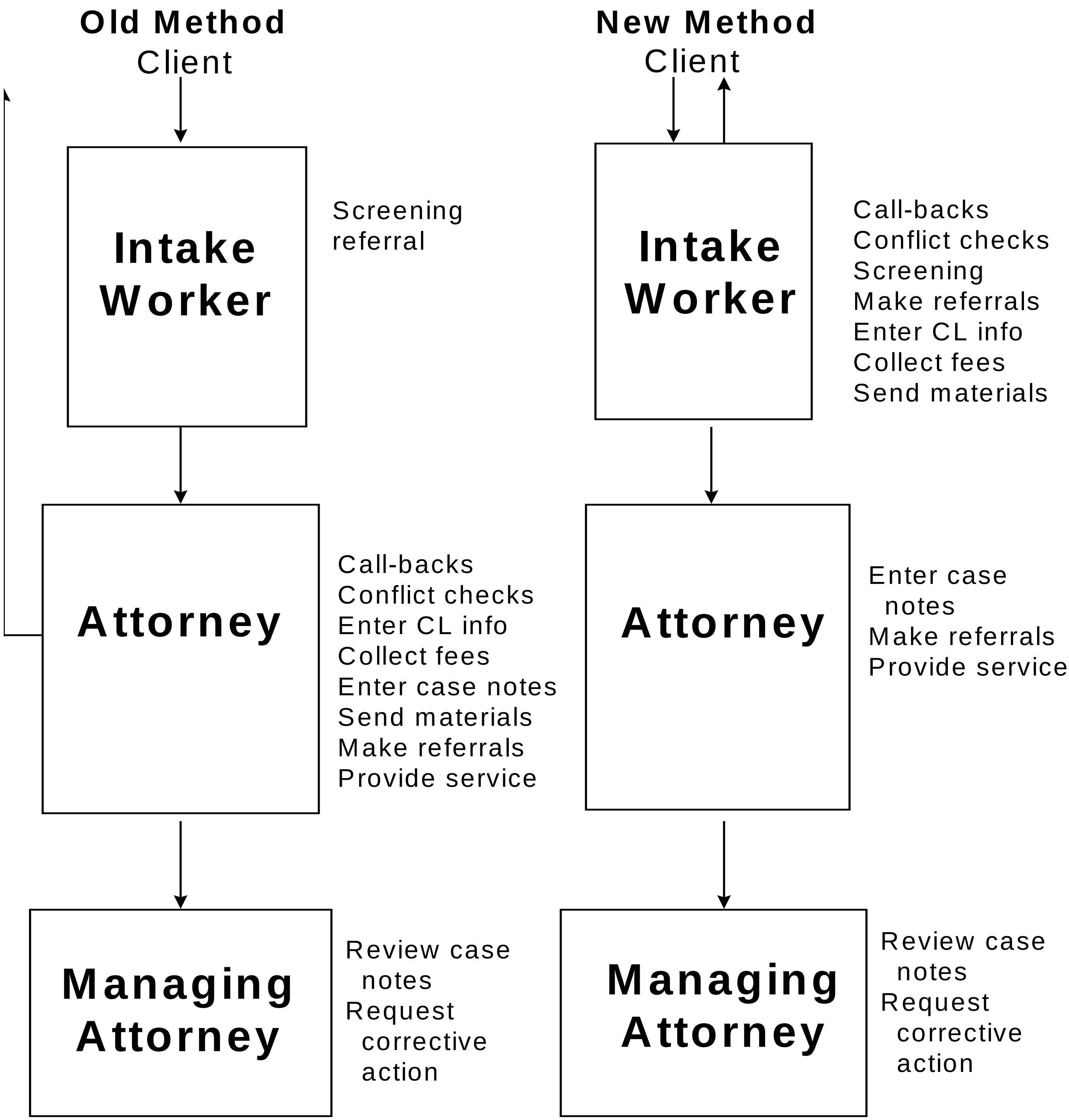
We are also testing the use of the legal advice line to generate income by providing the same services on a fee basis to over-income clients. The services are provided in the same manner except that before the caller is referred to the attorney, she or he must provide a credit card number for billing purposes or call a 900 telephone number maintained by the legal advice line so that the cost of the call is billed to the caller's phone bill. The use of the 900 number is more expensive to provide than the 800 number/credit card service. On average the cost of a 900 call is \$0.50 per minute more. However, many callers either don't have a credit card or are reluctant to share it with the advice line. Currently 40 - 65% of the callers use a credit card with the remainder using the 900 option. Currently callers pay \$3 per minute for the service with an average total cost of \$21 per call (i.e., pay calls only average 7 minutes in length).

Generating income in this manner is a challenge. Certain approaches don't work well. For example, over income callers are reluctant to pay for the service. Only about 25% of our over-income callers agree to pay for the service. This may result from a feeling that they are being exposed to a bait-and-switch scheme. The caller is expecting to receive a free service but is offered a fee service because she or he is ineligible for the free service. Thus the fee-based services need to be separately marketed and not tied to the free service.

Most forms of advertising do not work well for legal advice services. For example TV, radio, and print advertising do not yield enough business to pay for the marketing. The best form of marketing appears to be through entities who can refer clients to the advice line. This includes other legal services groups; bar associations; information and referral services; community service agencies; local, county, state and federal legislators; and the blue pages (free listings for non-profits).

To date we have had limited success. We average one pay call per day or one pay call for every 11-15 free calls. However, we have just launched a new marketing campaign and hope to increase the number of pay calls.

Diagram I


Old Method
Client
Intake Worker
Screening
referral
Attorney
Call-backs
Conflict checks
Enter CL info
Collect fees
Enter case notes
Send materials
Make referrals
Provide service
Managing Attorney
Review case notes
Request corrective action
New Method
Client
Intake Worker
Call-backs
Conflict checks
Screening
Make referrals
Enter CL info
Collect fees
Send materials
Attorney
Enter case notes
Make referrals
Provide service
Managing Attorney
Review case notes
Request corrective action

(continued from page 8)

Other Benefits of the New Methodology

This new method of operating the legal advice line has great potential which remains to be tested. The system can be easily supplemented through the use of volunteers. Volunteer attorneys can work out of their offices and plug into the advice line whenever they want. All they have to do is call the advice line when they are available, indicate their areas of expertise and wait for the next appropriate call. They can unplug from the advice line by simply notifying the intake workers. Case notes can be dictated to the intake workers, hand written using a form and faxed for entry by the intake workers, or preferably E-mailed to the intake workers for entry into the case management system. These notes must be reviewed in the same manner except corrective action may have to be taken by a paid advice line attorney.

This methodology can be automated through currently available phone systems. Some phone systems can be programmed to route calls according to subject area. Similarly, paid or volunteer attorneys can log onto the telephone system to receive calls only in designated subject areas by answering recorded questions using the phone's touch tone pad. The intake worker can simply forward a call according to its subject area and the telephone system will connect the caller to the next available attorney designated to receive calls on that topic area. The phone system can record the length of the call which can be used as the basis for monthly payment. This would eliminate the need for the attorneys to call the intake workers to notify them of their availability. Attorneys would simply log off the phone system when they wanted to stop handling calls and log back on when they wanted to resume services. Intake workers could record caller information for a call-back if no one was logged on to accept calls in the subject area. When someone logged on, the intake worker would call the client back and forward the call.

This system offers maximum flexibility. The advice line could use any licensed attorney in the state. Furthermore, if the attorney was on travel in another state, the calls could be forwarded to him or her anywhere in the U.S. (or even abroad). Thus, an advice line could contract with a former legal services lawyer anywhere in the state and would not be limited to local attorneys except for those areas of law requiring knowledge of the local laws or court systems.

Using New Methodology to Operate Statewide or Regional Advice Lines with Local Legal Services Programs

A statewide or regional advice line could use this new methodology with any attorney in any local legal services program in the state. This would overcome the criticism that statewide and regional advice lines can not provide meaningful advice on issues requiring a local knowledge of the law or court system. These calls would be referred only to attorneys with the requisite local expertise. All other calls could be handled by any available attorney in the state with the appropriate knowledge.

Thus, a statewide or regional Hotline could be comprised only of intake workers and senior attorneys responsible for quality control. All the calls would be handled by staff of participating local legal services programs. Each local program would be responsible for scheduling staff with the necessary expertise according to an approved statewide staffing schedule. Some of these staff would receive calls during their assigned time periods with breaks as needed. Other staff would be on call. If the call volume so required, these on-call staff would begin receiving calls. All these staff could do other work while waiting for calls. Over time, the scheduling could be perfected.

If desired, local programs could be paid for the staff time they provided. In fact, this would encourage participation. The statewide or regional advice line would have a budget for making these payments and the telephone system would provide the information necessary to calculate the amount owed to each local program.

For example, suppose there were six local legal services programs in a state (e.g., programs a, b, c, d, e, and f). A grid (see below) would be created based on the pattern of legal services provided during the past year (i.e., 40% family law, 20% housing, etc.). The local programs would divide responsibility for providing staff with the appropriate expertise to cover all the time slots set out in the grid.

The grid below is provided as an example. In this example three attorneys are available on Mondays from 9:00 am to noon to handle family law cases and two are available to handle housing cases. Not shown on the grid are all the other subject areas and the corresponding

(*continued on page 10)*

(continued from page 9)

number of attorneys available during the Monday morning shift concluding with public benefits law. Similarly, but not shown, there would be schedules for Monday afternoon through Friday morning. The Friday afternoon schedule is shown to demonstrate that the number of attorneys available would vary since more calls are usually received on Monday mornings than on Friday afternoons. Note that the designation of "a" thru "f" indicates the location of the corresponding attorney. Thus, local legal services program "a" provides two attorneys during the entire Monday morning shift, one to handle family law and one to handle housing law cases; program "a" can use two attorneys for this or several who take turns. Program "c" provides one attorney on Monday mornings for family law from 9 am to 10 am and one for public benefit law from 11am to noon. Attorneys from program "d" take over for the rest of one morning shift in family law and for one hour for public benefit law.

The system could work something like this. When the intake worker at the statewide advice line received a call, she or he would screen the client for eligibility and conduct a conflict check. The participating local programs would have to agree on these eligibility criteria since they would have to provide at least legal advice to anyone who met the criteria. If there was a conflict, the intake worker would refer the caller to his or her local legal services program unless the local program gave the service that yielded the conflict. To plan for this conflict problem, attorneys from different programs should be scheduled for most time slots in the grid particularly for issues subject to many conflicts (e.g., family law). Alternatively the statewide intake worker could tell the caller that she or he will be called back as soon as an attorney with the requisite expertise is available from another program.

	Monday (AM)				Friday (PM)				
	9-10	10-11	11-12		12-1	1-2	2-3	3-4	4-5
Family Law	a	a	a		c	c	d	d	e
Family Law	c	d	d		e	e	f	f	-
Familly Law	e	f	f		-	-	-	-	-
Housing	a	a	a		b	b	c	c	c
Housing	f	f	f		d	d	e	e	e
:	:	:	:		:	:	:	:	:
Public Benefits	b	d	c		e	e	f	a	b

Local programs could meet and complete this grid every 3 months. Programs with special expertise could staff most of the slots for their specialty area. There would be one grid for those staff responsible for handling the calls and one grid for those "on-call." If circumstance required, last minute changes could be arranged among the programs. Thus, if one program had several staff out sick they could find another program willing to handle their slots. This would be another reason for paying programs for their time as the funds would go to the program that actually provided the services. This methodology would allow local programs to continue to operate their own legal advice lines. Advice line staff would simply have double duty; they would answer calls for both advice lines. During their scheduled hours on the statewide advice line, they would receive calls from the statewide program; otherwise they would handle local calls.

After the local legal services attorney completed the call, he or she would finish the case notes in the local program's case management system. The notes would then be printed at the end of the day and faxed, mailed or E-mailed to the statewide program where the intake workers would enter them into the statewide program's case management system. If the statewide and local programs had the same case management system, the case notes could be transferred electronically between the programs eliminating the need to have them keyed into the statewide system. The case notes would be reviewed by the senior attorney in the statewide program and the local attorney would be notified if corrective action was required. Notes related to the corrective action would also be forwarded to the statewide program. The case notes could also be reviewed by the local program's management.

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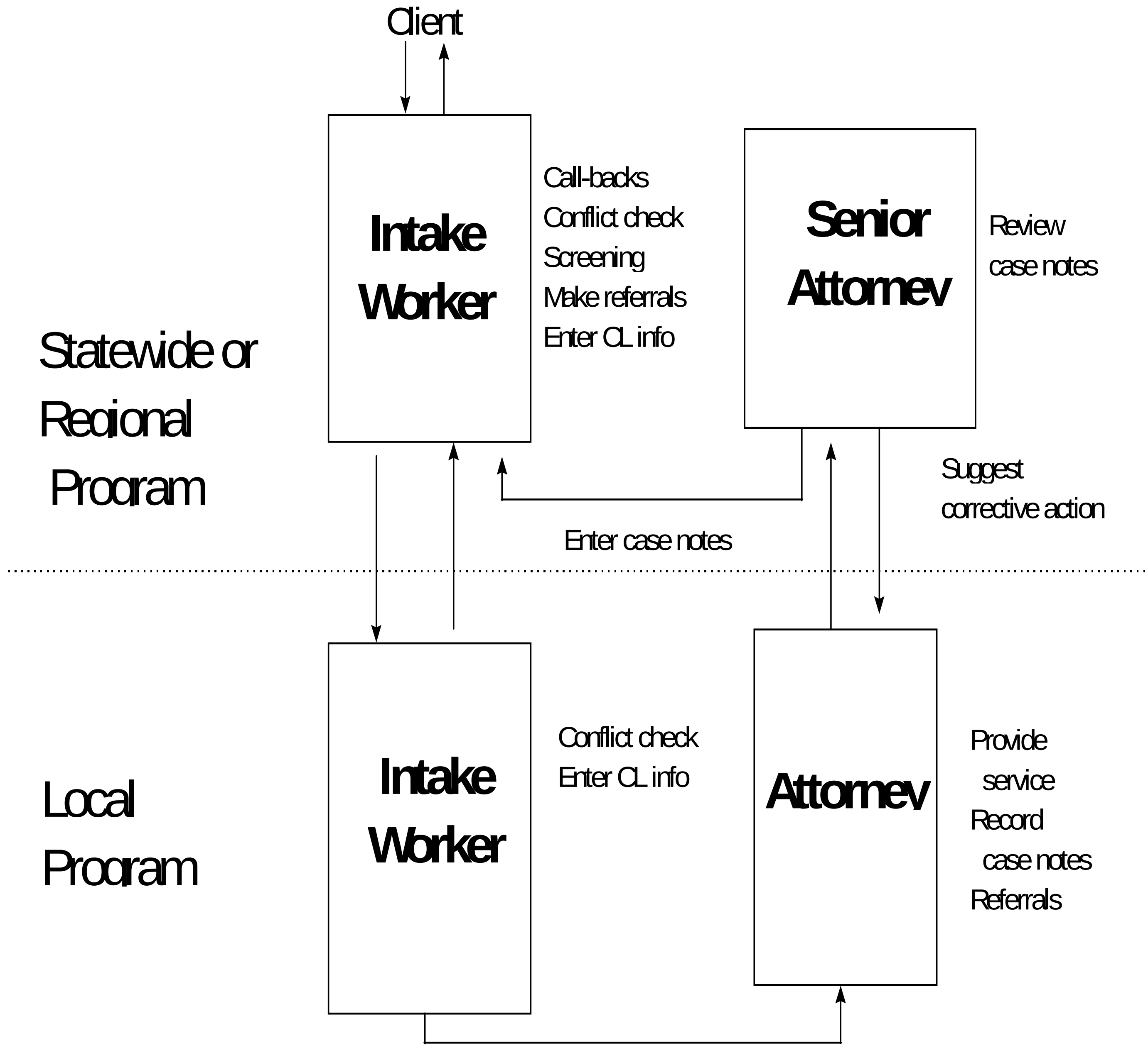
Another benefit of this methodology is the local program would receive credit for the services and would include these cases in its case services reports. A diagram of this methodology is shown below:

Diagram II



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A New Concept: The Brief Services Unit

The new methodology's limitation is that it is not well suited to handling brief services or advice cases that are based on numerous documents that can not be read over the phone or sent by fax.* However, it occurred to me that this limitation might be an opportunity, namely the creation of a separate brief services unit (BSU). The idea of a BSU also seemed to solve other inefficiencies that I have observed in my own program (i.e., LCE) and in others. One inefficiency is that advice, brief services, referrals, and no merit cases comprise 32% of the caseloads of our staff attorneys and paralegals, notwithstanding the fact that our advice line handles many brief services. Part of this is attributable to the types of problems experienced by seniors; but most arise from the fact that these cases require further development before an appropriate resolution is apparent. This development is too time consuming or protracted for the advice line to undertake so these cases are referred to staff. But this case development and investigation could be done by a BSU which then could resolve those cases requiring only advice, brief services or a referral. Only cases requiring extended services would be forwarded to staff attorneys and paralegals.

Another inefficiency results from the misuse or under use of volunteer lawyer projects (VLPs). In an earlier** article, I estimated that VLP cases cost about 55% of those handled by paid staff even though the legal work is provided for free. This is due to the time required to recruit the attorneys and to develop, place, and monitor the cases. 30% of cases closed by our VLP program are closed by means of abbreviated services. Given the cost of development, placement, and quality control, these cases cost more to process through the VLP than if they were handled by a legal advice line or BSU with paid staff. Most VLPs are underutilized because their case mix rarely matches the case handling capacities of the volunteer lawyers. Typically some volunteer lawyers are over-worked (e.g., family law lawyers), but many are underutilized (e.g., wills, consumer, personal injury defense, legal transactions). This is a result of how cases are routed to the VLP. Since it is difficult (and unwise) to refer undeveloped cases, most cases need to be fully developed so that one can determine the expertise and amount of time required to handle the case.

*Some programs have recruited a network of social services agencies willing to fax documents for clients.

** Wayne Moore, Improving the Delivery of Legal Services for the Elderly: A Comprehensive Approach, 41 Emory Law Journal 805, 842 (Summer 1992)

Nothing discourages volunteer lawyers like cases with unexpected surprises. My program and many others rely on staff attorneys and paralegals to develop all but the most straight-forward cases. However, once staff have developed the case, they often find it easier to resolve it themselves than refer it. As a result they tend to send the VLP those cases they don't want to handle which, not surprisingly, tend to be the ones that volunteer lawyers don't want to handle either. Thus, there is a need for a separate unit (i.e., a BSU) to develop these cases and send the most referable ones to the VLP and the others to the staff. There is also a need for this separate unit to conduct "active intake" to identify clients with problems that can be referred to underutilized volunteer lawyers. Several articles including those of LCE staff have been written on how to proactively obtain these cases.*

Also we have discovered over many years of testing that non-attorney volunteers are well-suited to case development and investigation. They can take the time to call SSA until they get the information that is needed. They can write for documents and records; they can take pictures of deplorable housing conditions and review housing records and licenses. Thus, I propose that the BSU be staffed with non-attorney volunteers, a few experienced, paid paralegals and a paid supervising attorney. The unit could resolve over 50% of the cases now handled by expensive paralegal and attorney staff. I recently reviewed all of the cases closed last year by two of our staff attorneys. One did more court work; the other did more administrative agency work. The attorney doing administrative work closed 140 cases of which 26% involved extended services. I estimated that a BSU could have closed 116 of these including 23 that involved extended services. Much of the work could have been done by a non-attorney volunteer and a paralegal with an attorney monitoring to determine how the case should be resolved. The extended services cases that seemed to be resolvable by the BSU involved simple negotiations with utility companies and other providers of goods and services.

The attorney doing court work closed 72 cases of which 28 involved extended services. I estimated that a BSU could have resolved 50 of these including 15 extended services cases.

*Sheryl Miller, Targeted Intake: A Community Based Approach to Increase the Availability of Cases for Pro Bono Panel Attorneys, MIE Vol. 13, #3 (Fall 1999) 46-49

(continued from page 12)

Thus, I propose that a BSU be tested in some legal services programs. All cases except some emergencies, those cases clearly requiring extended services (e.g., client has a court or hearing date), and those requiring a complex legal document (e.g., will) would be referred to the legal advice line. Some emergencies and cases clearly needing extended services or the drafting of complex documents would be directly scheduled for staff advocates or the VLP as appropriate. The advice line would refer all the cases it could not resolve to the BSU except those cases clearly requiring extended services or faced with a statute of limitations problem. The BSU would house the VLP and conduct active intake. The BSU would resolve all the cases it could and refer the rest to the VLP or to in-house staff. Priority would be given to the VLP to insure it is fully utilized. Only those not suitable for the VLP would be sent to in-house staff.

My sense is that the BSU could have the same impact on the delivery of legal services as the advice line has. It promotes the philosophy that staff attorney and paralegal resources should be used primarily for extended services and systemic change.

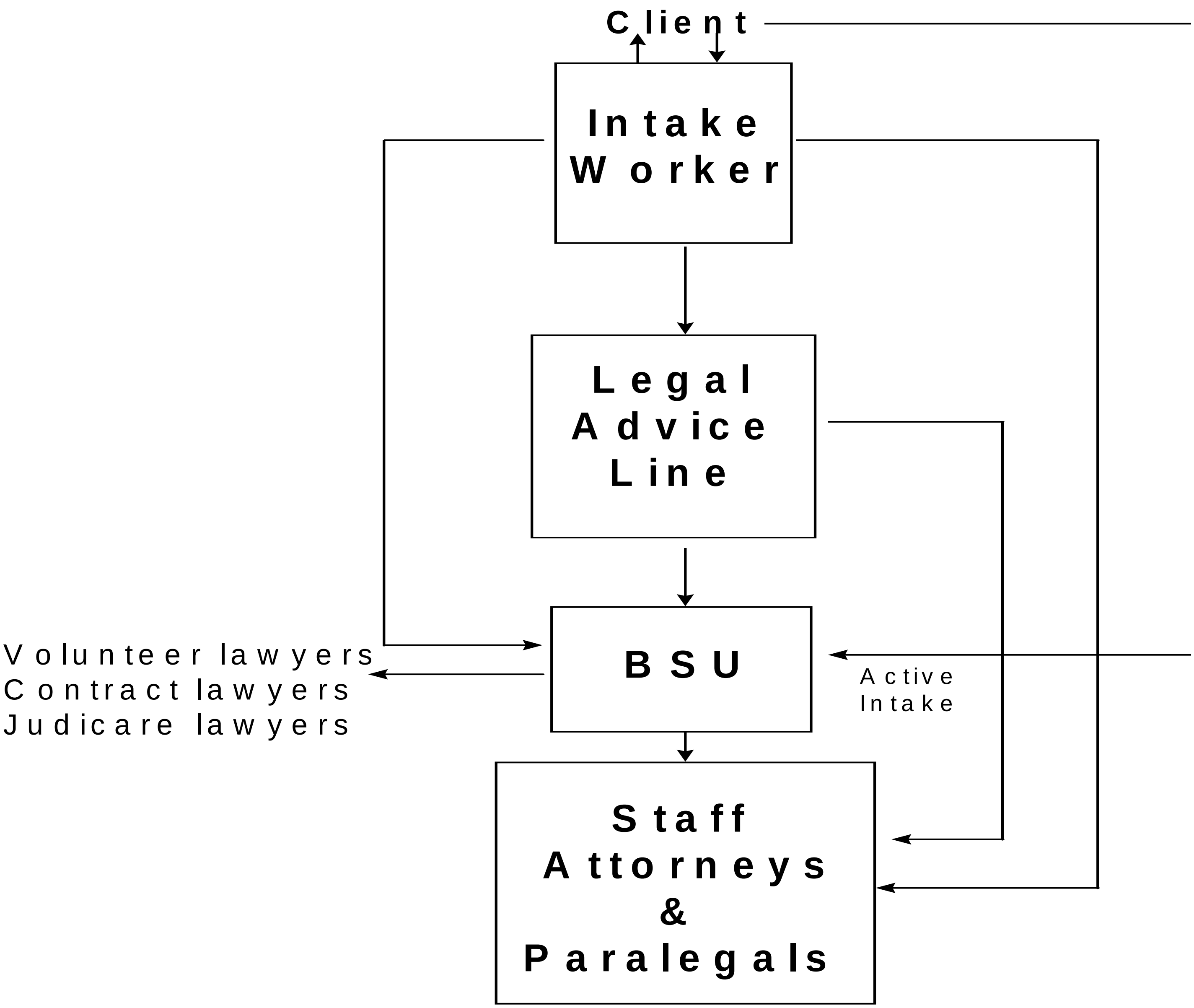
I envision that the BSU would operate something like this. Its cases would come from the advice line. The advice line attorneys could suggest in the case notes the steps that should be taken by the BSU. The managing attorney of the BSU would review each case and add any steps required to develop and investigate the case that the advice line attorneys may have overlooked. The manager would then assign each case to either a non-attorney volunteer or a paid paralegal, as appropriate, for case development and investigation. We have found that retired people are an excellent source of these non-attorney volunteers. The staff paralegals and volunteers would carry out the identified steps and consult the managing attorney as needed. Once all the steps were completed, the managing attorney would determine the proper disposition of the matter. If only advice was needed the managing attorney or the paralegals and volunteers under the direction of the managing attorney would provide the advice to the client and close the case. Similarly other brief services would be performed by the managing attorney, the paralegals or the non-attorney volunteers as appropriate. When the BSU closed a case it could be tickled for follow-up to insure that the client followed the advice or was otherwise able to the resolve

the matter. The follow-up would be performed by the non-attorney volunteers. If the follow-up indicated that the client needed more services, the BSU would reopen the case and refer the client to the appropriate part of the legal services program.

Similarly any other case in the BSU that needed extended services would be referred to either the VLP (or a contract or judicare lawyer) or to an in-house attorney or paralegal. Priority would be given to referrals to the VLP.

The BSU also would conduct active intake. This would include periodic clinics held in low income neighborhoods. Publicity for these clinics would state that the clinics only handled cases in certain areas of the law (e.g., in which volunteer lawyers (or some other underutilized program resource) were available to handle the cases). Clients with other problems would be referred to the program's intake unit or legal advice unit. Other forms of active intake could be used such as inserts in adverse decision letters from government agencies and posters in government offices or in certain branches of the courts. These active intake activities would be carried out by the paralegals and volunteers.

A diagram of a program with a BSU unit appears on page 14.



(*continued from page 13)*

The BSU paralegals and volunteers could also draft legal documents using document generation software. This would include powers of attorney, simple wills, deed transfers, etc. We have also been experimenting with a special methodology for resolving consumer complaints. We have developed templates for most of the common consumer problems (security deposits; defective goods and services, neighborhood complaints). We also have a database of names and addresses of people at major corporations and businesses whose job is to handle complaints arising from the businesses' goods and services. We have a database of government agencies that regulate these businesses to which copies of the complaint letters are sent. We have found a customized form letter sent to the right person at a business with copies sent to the corresponding regulatory agencies gets action. (I will be writing a separate article about our experience with this project soon). These letters can be drafted by paralegals or volunteers following our step by step procedures.

Conclusion

Together, the streamlined legal advice line and BSU should maximize the efficiency with which programs resolve all but extended services cases. This should allow programs to better focus their resources on extended service cases and systemic advocacy which are the legacy of legal services programs nationwide.

End

ABA Standards for the Operation of a Telephone Hotline

Editorial

The ABA Standing Committee on the Delivery of Legal Services has been working on developing standards for legal hotlines since 1998. In July 2000, a proposed draft was completed and made available for comment. The draft, with modifications based on comments, will be submitted to the ABA House of Delegates on November 29, 2000 for approval at their annual meeting.

The *Introduction* to the Standards makes clear that "the standards carry no sanction for a hotline provider that fails to meet them, although lawyers who breach the rules of professional conduct are subject to disciplinary proceedings in the states where they are admitted."

Each Standard contains the word "must" "should" or "may wish" to indicate its degree of importance. Standards bearing the word "must" are generally limited to those where failure to comply could impose sanctions from some source. "Should" standards are used to encourage hotlines to adopt best practices. Hotlines "may wish to" consider certain actions if suitable for their particular operation.

Why Have Hotline Standards?

The ABA Model Rules of Profession Conduct are designed to govern the practice of law in traditional law office settings. The Committee on the Delivery of Legal Services has already created Standards for non-profit Legal Services Programs and Pro Se programs to provide additional guidance for the professional conduct and practices of such organizations. Legal aid offices, prepaid legal programs, and organizations serving the elderly and other groups are increasingly relying on the telephone to deliver legal services to low and moderate income groups. Since legal hotlines deliver services in new and non-traditional ways, no state or national standards have yet been created to guide hotline developers or attorneys. The Committee drafted the Hotline Standards in an effort to set forth minimal professional obligations for the conduct of hotlines as well as best practices for the enhancement of client service.

The adoption of the Standards will affirm the value of telephone legal hotlines in the delivery of legal services. The ABA's stamp of recognition and authority will accelerate the acceptance of the hotline model as a legitimate, professional, and valuable method of providing legal services.

The Standards also provide a blueprint for hotline developers and managers as they seek to construct and operate quality services. As the hotline model is put in place by more and more organizations, it is constantly being changed and adapted. The Standards will go a long way towards ensuring that the model is not diluted by encouraging programs to comply with the minimal requirements and best practices they describe.

The existence of a uniform set of Standards will also aid programs in demonstrating the quality of their services. They will be able to explain to clients, community organizations, funders, and others that the Standards exist and that their programs abide by them.

Which Programs Are Governed by the Standards?

The Standards are addressed to "those programs that have the *capacity* to provide fact-specific legal advice that assists callers in reaching decisions about legal matters and/or taking steps to resolve those matters." (*Introduction, emphasis original).* The Committee made it clear that those programs "are providing legal services and its personnel are practicing law" (*Introduction).*

All telephone legal services which can provide fact-specific advice are covered by the Standards, no matter whether they are called advice lines, centralized intake units, a clever acronym, or have no separate name apart from the legal services program in which they are housed. Conversely, programs which offer only intake screening, information and/or referral are not subject to these stan-

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dards, even though many of them contain the word "hotline" in their titles.

The *Introduction* states that hotline systems have no universal definition. The "fact-specific" legal advice concept proposed by the Committee is completely congruent with the definition of hotlines in the State by State Directory of Legal Hotlines to include "those programs which provide answers to clients' legal questions, analysis of clients' legal problems and advice on solving those problems…so that the case can be resolved with the phone consultation or soon thereafter."

If a program has any question about whether it falls within the Standards, it may wish to undertake a soul-searching analysis of the services it provided. While a program that offers touch-tone recordings on legal topics is clearly outside the application of the Standards, other programs may have legal staff speak with clients under a policy of offering "legal information" only. Experience in hotline management and numerous hotlines site visits make it evident that such programs rarely supply non-fact based information only. A client may occasionally phrase a request in such a way that supplying information will suffice, i.e. "How many witnesses do you need for a will?" "What is the statute of limitations for personal injury?" One could argue that simply supplying the answer is providing "information" but as any hotline attorney or paralegal knows, calls routinely start with some recitation of facts. The resulting application of the law to the fact specific presentation of the question or problem logically results in the practice of law contemplated by these Standards. Even when an informational answer is possible, experience shows that some probing of the facts will often reveal that the client's question was not adequately phrased to elicit the information he was actually seeking.

Although the provision of fact-based legal advice brings with it the obligation to comply with the Standards as well all other Rules of Professional Conduct, we are lawyers (or legal personnel under the direct supervision of lawyers) speaking with clients. How can it be otherwise?

Part I: General Standards

The first section of the four-part Standards is entitled General Standards and is directed to the ethical issues surrounding hotlines. The Standards seek to resolve any ambiguities about the status of telephone legal advice services vis-a-vis the Code of Professional Conduct. A telephone hotline must advance the core values of the profession by complying with jurisdictional rules of professional conduct. (1.1)

The Commentary makes the point that failure to adhere to these values renders the service "something less than the practice of law and delivery of legal services". In order to maintain the integrity of the hotline model and provide a service that is valuable to the client, the hotline service has to see itself as well within the "practice of law". If we provide less to our clients we are diluting the usefulness of the services hotlines are entirely capable of providing. Adherence to the core values of the profession raises some special problems for hotlines; nevertheless they can be overcome in order to provide the services clients profoundly need.

The Standards make clear that while standards of professional conduct apply to hotline services, the services are limited in scope to the telephone consultation or any brief service the hotline may provide to a particular client. Rule 1.2 provides that the client must know and consent to the limitation. Most hotlines will have no problem complying with this rule as all clients are made aware that the service is limited. The Comment to this standard includes the statement that is the essence of high quality legal hotline services: "the greatest service a hotline can provide is to address the caller's specific factual issues and then provide the caller with as many reasonable alternative choices or courses of action as are available."

Standard 1.4 addresses Conflicts of Interest. Compliance with the rules of professional conduct governing conflict of interest is surely the one causing the greatest burden for hotlines. The Standards make clear that conflicts of interest must be avoided. Conflicts occur from time to time in hotlines and

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usually result in the second caller being foreclosed from service. Conflict issues, for the most part, only become problematical in programs providing extended services in family law areas. The greatest cause for concern is that a caller with a high priority problem not be foreclosed from extended services because the hotline has previously advised a non-priority adverse caller. The Comment to Rule 1.6 (Third Party Callers) provides some basis for structuring a system to minimize such occurrences. The comment states:

> "Hotline services should also recognize that they do not have an obligation to serve the interest of all callers and can implement non-discriminatory policies to refuse service under various circumstances, such as those resulting from third-party calls"

This is an area that requires serious further development and discussion. As a preliminary thought, it may be possible for a program to use its priority setting powers to develop a protocol for refusing hotline services to a non-priority caller in those substantive areas where the fear of turning away a priority caller is primary. For instance, a program could institute a policy stating that spouses seeking to obtain or enforce restraining orders receive service while spouses who are seeking to defend against a restraining order do not receive service. Where a caller states his/her problem is that the spouse has a restraining order, the caller could be refused service during the screening protocol, before the "enter" key has been hit with his demographic information, thereby making way for the spouse with the restraining order to receive service.

Conflict issues also confront senior hotlines which habitually receive a fair number of third party calls. Conflicts can usually be avoided by developing a protocol to make sure that the caller's interest is not adverse to the client and that confidentiality will not be breached.

Standard 1.8 requires that legal hotlines adhere to their jurisdiction's rules regarding unauthorized practice of law. The Comment provides guidance in the use of paralegals to staff hotlines. Except where limited by state laws, paralegals "should be able to do so under the direction of lawyers". The Comment to Standard 2.6 -Lawyer Access- provides a useful blueprint for employing law students and paralegals to give information directly to callers. The non-lawyer staff must have a "direct nexus to the lawyer serving as supervisor… analogous to that of a paramedic in an ambulance who has a doctor available directly through some form of communication."

Part II Procedures

This section sets forth a variety of useful guidelines governing general hotline operation. These Standards demonstrate an in-depth understanding of the day to day work hotlines do and problems they face. The Standards governing Procedures seem entirely reasonable and well-adapted to generic hotline operations, although not every procedure will apply to every program. The Standards emphasize the need to provide diligent service by avoiding hold times and delayed call backs but recognize the reality of the workload and offer suggestions for dealing with backlogs such establishing emergency response mechanisms and informing clients of delays. (Standard 2.2)

Rule 2.8 - Screening for Legal Needs- recognizes and promotes the holistic role that hotlines can play and suggests that checklists and procedures be established to screen callers for potential legal needs in an effort to prevent further legal problems.

The Standards relating to Procedures also address managing backlogs, document retention, databases, document services, referral procedures, quality control, client satisfaction feedback, malpractice coverage, and staffing.

Part III Intake and Processing

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This section of the Standards provides a detailed blueprint for intake and processing procedures. Standards in the nature of best practices are set forth for a wide variety of matters from identifying callers through follow-up. The Standards impose an obligation on hotlines to identify the caller. Since an attorney-client relationship is formed for purposes of the limited services, the attorney must be able to identify the caller sufficiently to avoid conflicts of interest and maintain confidentiality. (3.2). Where the caller refuses to identify himself, hotlines are instructed by this Standard to refuse service and terminate the call after supplying the caller with alternative means of finding legal information.

Rule 3.11 relieves hotlines from any obligation to follow–up with callers unless arrangements have been made with a particular caller. This is a welcome clarification; lack of knowledge about a caller's fate is a weakness of the hotline model. However, imposition of a duty to follow up would impose an additional level of client contact that would be impossibly burdensome for high-volume hotlines and might be unwanted by the callers.

Part IV Quality Standards

This section provides straightforward and common sense Standards for the selection, retention, and training of hotline staff. The Committee recognizes that the supervision required for telephone hotline staff is different than supervision in a traditional legal office setting. Supervisors should review the work of the staff providing legal advice periodically or even daily. *Rule 4.3 and Comment.*

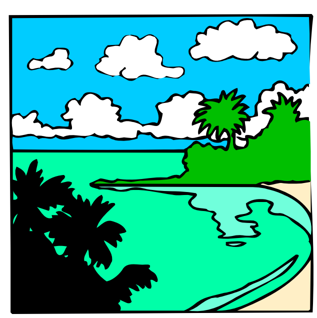
The demands of supervising legal hotline advocate staff are great. However, the Committee notes that "close supervision results in greater accuracy in the advice given to callers, consistency among the hotline personnel, procedural compliance and the opportunity to take corrective action if information {is}…misleading or inaccurate. (*Comment 4.3)* These are goals to which all dedicated hotline managers aspire.

Incorporating these Standards into a hotline start-up plan and adhering to them in a program's daily operations is sure to increase the professionalism and quality of the telephone delivery system and will increase the benefit of the service to all legal hotline callers.

Don't' miss your chance to provide input on these Standards. Contact Will Hornsby, ABA Standing Committee on the Delivery of Legal Services Staff Counsel, (312) 988-5761; whornsby@staff.abanet.org by November 15th.

Save the Date

ABA/NLADA 2001
Equal Justice Conference
March 29, 2001
San Diego



DETROIT LEGAL AID AND DEFENDER CIVIL DIVISION LEGAL HOTLINE

The Legal Aid and Defender (LAD), Civil Division, opened its centralized intake unit in March 1999. The program had recently been awarded the Legal Services Corporation competitive grant for Wayne County. LAD had been serving Detroit and Wayne County for ninety years, but this was the first LSC money LAD had received. LAD used a portion of those funds to enhance and expand the Civil Division's centralized telephone intake system. The program does not call the unit a "hotline" as we have used it throughout the years. LAD has brought to the hotline service model several important features including staffing the intake unit with its most experienced attorneys, incorporating the intake unit case printout into the case review conference, and developing the intake unit's role in legal problem prevention.

ORGANIZATION AND FUNDING

Legal Aid and Defender has separate criminal divisions for state, federal, and juvenile defense. All civil work is housed in a separate division with several units. Deirdre Weir is the Executive Director of LAD and John E. Johnson, Jr., is the Deputy Executive Director. The Civil Division is headed by Joan Glanton Howard, the Chief Counsel of the Civil Unit and Joelynn Stokes, the Deputy Chief Counsel. Lynda Krupp is the Managing Attorney of the Intake Unit, which handles intake for all of the Civil Division's offices and programs. These include the Detroit Office, the Highland Park office, a bankruptcy unit, PAI unit and the Free Legal Aid Clinic (FLAC) located at Wayne State University Law School. FLAC handles family law cases under the management and supervision of LAD. In addition to the LSC funding, the Civil Division operates with Title IIIB funds from the Detroit and out-county service areas, United Way funds, IOLTA and civil filing fees as well as other local funds to serve a poor and aged population in excess of 500,000.

The program is designed to receive all civil cases through the telephone intake unit. However, in a continuing effort to retain its "client-friendly" reputation, walk-ins are accepted at all the units.

LAD is a major tenant in a historic Detroit office hi-rise known as the Penobscot Building. The building has recently undergone a technological wiring overhaul, attracting companies by offering cutting edge technology. LAD occupies various floors with private law firms making up a large percentage of the other tenants. The Intake Unit is located on the 26th floor. The intake screeners sit in carrels in a central area. Each of the six intake unit attorneys and managing attorney have separate offices in a "U" shape around the screeners' area.

STAFFING

The Intake Unit staff consists of Lynda Krupp, Managing Attorney, four intake screeners, two paralegals and six full-time attorneys. The Intake Unit is open to receive phone calls from 9:00 A.M. – 4:00 P.M. and receives between 200-300 calls each day. The Intake Unit adds staff from other divisions during spikes in call volume, particularly between the hours of 12:00 p.m. – 2:00 p.m., when working people tend to call on their lunch hours.

The four screeners answer the phone and make eligibility determinations for all the funding sources. If the client is ineligible under LSC funds, the screeners ascertain if the client might be eligible under another funding category. If not, the screener refers the client to a local bar association or social services agency, if appropriate. The two paralegals are responsible for interviewing walk-in clients. They also do screening as needed.

LAD made the decision to staff the intake unit with its most experienced attorneys and assign full-service staffing duties to newer attorneys al-

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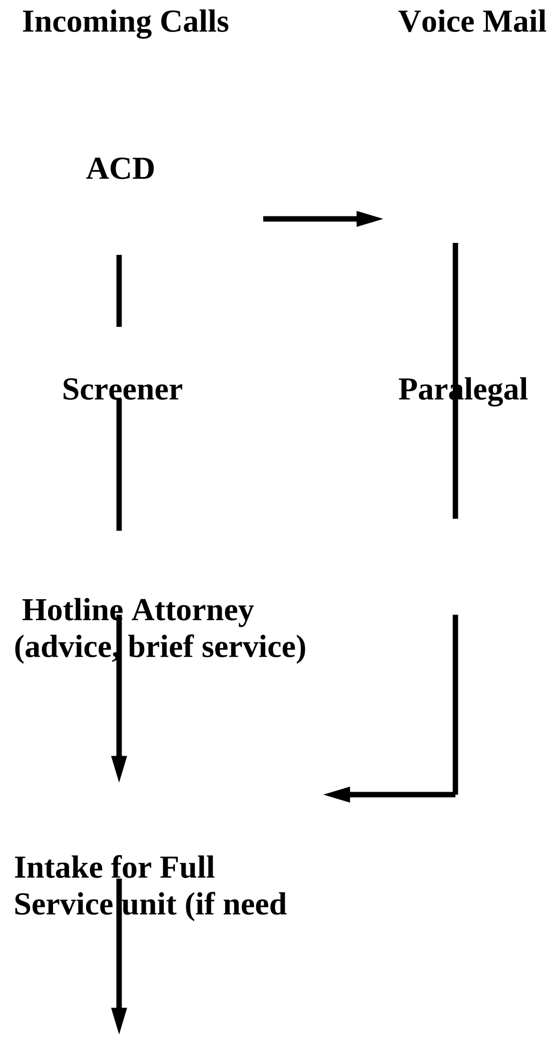
though one staff attorney per day is rotated to the intake unit. This decision reflects the program's philosophy that the telephone intake unit is a crucial element in providing the best service to the greatest number of people. These attorneys can bring their experience to bear to spot issues and solve problems at the earliest stages of client contact. They can also lend their knowledge to the staff attorney to whom the case is assigned. Most importantly, a skilled attorney increases the prospects of identifying potential problems during the telephone consultation and can counsel the client about preventive measures to avoid a future legal problem. The six attorneys give advice on every case, even ones that will be assigned to a staff attorney, in order to increase the client's understanding of his situation and give some peace of mind as he awaits his call from the staff attorney. The intake unit attorneys will also perform certain brief services such as making phone calls on the client's behalf to a landlord, utility company or agency. They will write letter for the client, help him fill out simple court papers, such as paternity or guardianship petitions, or small claims complaints. They will also draft documents such as powers of attorney.

Developing the preventative capabilities of the intake unit is of prime importance to its manager, Lynda Krupp. She believes the intake unit is the perfect place to screen for preventative issues. For example, in intake of a family case, the intake attorney can also identifies eligibility for exemption of their city property taxes. By providing the client with this information they can prevent a potential foreclosure of the homestead for inability to pay the taxes. She is newly assigned to the unit and also intends to focus on determining whether providing more infrastructures at the intake stage will result in more cases being resolved before they need representation. She will oversee the development of client material packets. Lynda reads every case closed by the intake unit and signs off on it. She also leads the daily intake unit case acceptance meeting
for cases that will be passed on to the other units.



System Work Flow Chart

SYSTEM WORK-FLOW

The clients call in and are put in a telephone queue. The screeners answer most calls within five minutes. The program's experience has been that callers hang up after a five-minute wait, but many call back at another time. Callers are given the option of leaving a message on a voice mail for a call back by a paralegal. The program tries to avoid callbacks as much as possible and so far has been able to function without them in large part. The screeners open a computer file for every caller, even those who end up being rejected as ineligible, simultaneous to their speaking with the client. They also input brief notes on the nature of the client's call. They then dial an extension of an attorney not on the phone. If all the attorneys are busy, the screener will call Lynda to handle the call or hold the client for a

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minute or two until an attorney becomes available.

The attorney calls the client's file up on his screen and proceeds to give advice or provide a brief service and codes the case closed for Lynda's review. If the intake unit attorney determines the client needs representation and it is appropriate for one of the LAD civil units, s/he provides the client with a basic understanding of the situation and tells the client that a staff attorney will call him within two days. She codes the case for assignment to a staff attorney in a particular unit, based on specialty.

INTAKE UNIT CASE ACCEPTANCE

Cases which the intake unit will send to a staff attorney, except for routine ones such as wills, divorce, or bankruptcy, are discussed at Intake Unit Case Acceptance each morning. Half the intake unit attorneys come in at 8:00 a.m., and along with Lynda review the printout of case notes made by the intake attorney. While a goal of the legal hotline model was the reduction of time spent at case acceptance meetings, Lynda favors them for several reasons.

The most important of these can be described as "many heads are better than one". Lynda feels that additional issues are being identified at the daily meeting. The attorneys suggest causes of actions, strategies, and identify cases for the PAI unit. She sees a synergistic effect taking place as ideas begin to flow from one attorney to the next. As a case is further developed this way, the additional information is added to the computer file that will be printed for the staff attorney. Since the intake unit is staffed with LAD's most experienced members, this method allows the staff attorneys to receive the benefit of this experience. The case acceptance meetings are greatly facilitated by the availability of the intake unit printout. The meeting ends before 9:00 a.m., so that the intake unit attorneys can be ready when the phones open at that time.

All the LAD offices are networked on a LAN. Each unit office manager or secretary can therefore print out the cases that have been opened for that unit and start a paper file to give to the assigned staff attorney. The cases are printed out by 9:00 a.m. each morning so that the staff attorney has the benefit of all the intake unit information and strategies for the case.

The staff attorneys have a case planning meeting every Wednesday to detail their strategy on their cases. The other units cannot reject a case that has been assigned by the intake unit. However, they may close a case short of full representation, with the approval of their managing attorney, if it turns out the case had no merit or can be resolved in some other way.

EQUIPMENT

The program uses a Nortel and Norstar phone system with ACD which allows the program to manage the large volume of calls.

All LAD computers are linked in a network and each runs "Case in Point" case management software. This is defender software that has been adapted for the Civil Division. It has many features that work well for the intake unit. It can generate any number of reports. It allows Lynda the capability to look at cases as they come in and write notes to people on the case. She likes the fact that relationships such as children and spouses can be input and will be revealed in conflict checks. It also has a timekeeping and scheduling component. Lynda feels that the software has been well modified to meet all the program's needs. Anyone interested in talking about the software package and locating the vendor should call Sharon Gant at LAD.

TRAINING AND QUALITY CONTROL

Attorneys who are new to legal services receive a one-week orientation in legal services regulations, policies and procedures, as well as a chance to review in detail substantive manuals on issues they may not have encountered in private practice. Attorneys

(Continued on page 22)

coming from a legal services background require less orientation time. Lynda reviews all case notes for cases closed by the intake unit and all other cases are reviewed at a daily case acceptance meeting before they are passed on to the staff attorneys.

The intake unit attorneys have a Landlord/ Tenant Manual and an Intake Manual, which contains referral numbers and a set of questions. All the manuals are available on the attorneys' computers. They also have a desktop Internet connection where they can access unlimited legal resources including materials prepared by the Michigan Poverty Law Center. They have West Law and a basic law library available as well.

Lynda believes that centralized intake is the place to do preventative work. It will be fascinating to learn whether concentration on this aspect of telephone legal delivery results in a decrease in the incidence of certain legal problems in the service area.

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From the Frontline

*by Carol Matthews**

CREDIT AND THE HOTLINE CLIENT

I recently attended the National Aging and Law Conference where I listened to several knowledgeable people talk about credit and other financial issues as they affect the poor and elderly. It brought to

Websites of Interest

Legal Hotlines and internet legal services are a logical partnership. Here are sites where you can explore how legal services can be delivered over the internet.

www.lawexpress.com

This is a site where consumers can get answers to frequently asked questions on family law, estate planning, and the judicial process. The online advice is free. Clients can call an attorney for a phone consultation for $34.95 and search for an attorney for their matter.

www.uslaw.org

This site contains free online information, articles and frequently asked questions on immigration, family law, employment law, real estate law, health and injury law, criminal and commercial law. For a fee it allows consumers to prepare documents by answering questions and following prompts. The charge for an application for a visa or a marital separation agreement is $25.00.

www.mylawyer.com

This site has a free child support calculator for every state as well as frequently asked questions. The site is compiling state specific documents which can be complied online for a charge. $35.95 is a typical fee.

www.abanet.org/elawyering

The ABA has set up this page to provide information on the ethical and practical issues of delivering legal services online.

mind the many frustrating conversations I have had with hotline clients about money and credit. Trouble with credit or creditors is frequently the issue prompting their calls. In a face to face interview the lawyer can tell at a glance what a piece of paper is about; as a hotline attorney, I have to pry the relevant information from the client by asking questions, and the wrong questions get the wrong answers.

Long ago I learned that my clients' view of the world of finance and my view, as a legally trained, sophisticated consumer, are miles apart. For instance, I used to ask clients whether they owed any money on their credit cards. When they assured me they didn't, I believed them. Now I know that most clients believe that they are current with their credit card payments if they have paid the minimum amount due. Likewise, few clients know what their interest rate is or how the interest is going to increase the debt. In a recent call, a new car buyer was upset at the efforts of a finance company to continue collecting her monthly payments. The car cost $15,000 and she made all the payments on schedule until they totaled $15,000, then she stopped. She had paid them every penny of the purchase price so why was there a problem? Everything she had signed at the dealer's meant nothing.

Adjustable rates, balloon payments, deficiency judgments, etc. are mysteries to my callers. On the other hand, my clients "know" things about credit that I only wish were true.

**Carol is a hotline attorney at Legal Counsel for the Elderly in Washington D.C.*
Email her with comments and suggestions at Cmatthews@aarp.org.

Last week a gentleman explained to me that he didn't owe Visa any money because they had closed his account so now they were quits. Another client firmly believed that since she hadn't asked for the credit card she didn't have to pay for anything she bought with it. What a great idea!

Misunderstandings about credit card debts pale before clients' ignorance of the ramifications of home equity loans. Few people realize that in consolidating their debts with home equity loans they are exchanging an unsecured debt for one that can cost them their homes. Frequently, clients are so unaware of the dangers lurking in these loans that I may only discover them by accident. The client will call complaining about late fees, or the rudeness of a collection agency, and it takes some digging to discover the extent of the problem. I have had clients who only wanted to talk about how come their mortgage had been sold to some outfit in Texas when, in fact, matters had progressed even beyond foreclosure. The client may be facing an imminent eviction and still be talking about late fees. Somehow the difference between not paying the Sears bill and not paying the mortgage wasn't understood.

Since the hotline is the first to talk to the client it is important to use this time to find out what is really going on. This means more than speaking language the client understands: it means speaking the language of the sharks. It means being up to date on new ways the unscrupulous have devised to separate the unsophisticated from their money. The so-called payday loans, now legal in many states, are a case in point. Those of us who are the first line of defense need to be alert for signs of trouble. Sometimes the hotline attorney will have an opportunity to educate the caller before he agrees to a bad deal. This is a lot more fun than being the one to tell the client he is in deep trouble. Even when the client can be referred to a full service lawyer it is often too late for a rescue. The word from the Conference is that the world of public benefit checks, and its attendant scams, is about to go high tech. My word to my hotline colleagues is to pay attention. It's our clients who will be the first victims.