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The Future of Legal Services

Excerpts from an article by

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(Over the next several issues LHQ will feature a series of excerpts from a comprehensive article on the Future of Legal Services. This issue's excerpt focuses on Self-Help Offices.)

Introduction

This article is my attempt to predict how legal services will be delivered to low-income people in the future. I am very excited about the future because of the potential benefits of new technologies in delivering legal services. I believe we will not only be able to serve more people but can empower low-income communities to address their own legal problems.

The provision of extended representation to eligible clients will probably continue to be provided in a variety of ways. By extended representation, I mean representation in cases which are closed by settlement or a court or administrative decision. These services will continue to be provided by staff attorneys and paralegals, volunteer lawyers, law students, mediators and attorneys in private practice under contract or utilized through a Judicare system. Viewed another way, this includes legal services programs; volunteer lawyer projects; programs specializing in serving certain clients such as migrant

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workers, Native Americans, the homeless or AIDS patients; programs providing specialized services such as domestic violence shelters and mediation centers; court-based programs; law school clinics; etc. However I believe the provision of outreach, community education, certain self-help services, intake, legal advice and brief services will evolve into a common infrastructure that will be similar from program to program and state to state. This infrastructure can operate on a statewide basis, in a region of a state, or at the individual program level. Economies of scale and the avoidance of duplication will argue for a statewide or regional approach, while other considerations, including existing patterns of delivery, may cause some of this infrastructure to remain locally based.

I. Outreach and Community Education

The greatest growth in legal services delivery over the next decade is likely to be in the area of outreach systems. We already are experiencing impressive growth in court-affiliated outreach systems. This includes self-help centers located in courthouses where people can find the relevant court forms and instructions on how to fill them out and file them with the court. Some courts are hiring facilitators, particularly for family law problems, to help people complete the necessary court forms and to coach them on how to represent themselves at the court hearing. Some areas of law, such as protective orders and small claims, are amenable to automation via kiosks located in courthouses or other places where people with those problems congregate (e.g., domestic violence shelters). Some kiosks provide audio and video instructions directing the users to enter certain information culminating in the production of completed court forms with instructions on how to file them in court. Other video presentations in courthouses provide an audio/visual tour of the courthouse and explain how a lawsuit is processed from beginning to end. Courts are beginning to realize that the best way to build support for larger court budgets in the legislature is through the provision of user-friendly mechanisms for accessing the courts.

The greatest room for growth in outreach rests with legal services programs. This has been

caused, in part, by the trend over the past two decades for legal services programs to consolidate their offices into a few large offices in high population areas due to the substantial cost of maintaining branch offices. As a result, legal services programs do not have a physical presence in many of the communities they serve. Programs have replaced these branch offices with circuit riding and periodic pro se clinics. However with the advent of the Internet, more cost-effective mechanisms are available for providing this outreach.

Here, at AARP Legal Counsel for the Elderly (AARP/LCE), we are experimenting with low-cost, branch offices organized around a specially created website and staffed by one part-time paralegal and non-attorney volunteers. If successful, these offices will allow legal services programs to have a physical presence in many more communities and effectively use a currently underutilized resource: non-attorney volunteers. These volunteers do not provide legal advice or representation but instead help clients navigate the web site. The paralegal supervises the volunteers. The AARP/LCE outreach offices provide an impressive array of services using the website including:

- A broad selection of legal information licensed from Nolo press, the largest publisher of legal self-help materials (much more detailed than available on Nolo's web site).
- The answers to the 90 most commonly asked questions from AARP/LCE's legal advice line; the answers are written for a 5th grade reading level.
- A wide variety of self-help brochures published by the FTC, AARP/LCE, and others that give step-by-step guidance on how to resolve certain routine legal problems.
- A collection of model letters that address common complaints that clients have with businesses (e.g., unreturned security deposit). There is also a database of addresses of the complaint departments of most major businesses, worldwide. Each letter includes the

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names and addresses of regulatory agencies in the body of the letter to which copies will be sent. The website software allows a volunteer to generate a final, customized letter by entering the client's answers to questions asked by the software. We have found that well written letters sent to the correct addresses with copies sent to appropriate regulatory agencies listed in the body of the letters have over an 80% success rate.

- A small claims court complaint form with instructions on how to file the complaint in court, directions to the courthouse, a list of proof that should be brought to the small claims hearing for the most common legal problems, and a description of how the hearing will be conducted. The software will soon allow a volunteer to generate a customized complaint by entering the client's answers to questions posed by the software.
- A public benefits check-up program. By answering the software's questions the program indicates all federal and local benefits a client may be eligible for. It also provides the location of the nearest benefits office, instructions on how to get to office via public transportation, and a list of information/documents that clients should take with them.
- Assistance with obtaining government services. Contains templates for requesting most government services (e.g., removal of: dead tree, abandoned car, trash) and generates an E-mail to the proper government agency. Results are monitored to identify any systemic problems (e.g., discrimination in the distribution of services).
- Assistance with obtaining vital records. Contains addresses of most agencies that house vital records. Letters can be generated requesting copies of these documents.
- A program that generates most legal documents by having clients answer a series of

questions posed by the software; the answers are entered by volunteers (e.g., will, PoA, promissory note).

- A program that generates court pleadings for most common legal problems by having clients answer a series of questions via volunteers (e.g. uncontested divorce, name change).
- Assistance with applying for government benefits. Soon, some government agencies will allow clients to complete and file an application for benefits on-line (e.g. SSA, VA).
- Legal advice. Clients can call the AARP/LCE legal advice line from the outreach office. These calls receive priority treatment from the advice line staff.
- Assistance with completing an intake form for requesting extended services from LCE. Clients answer a series of questions relating to their legal problems. Different protocols exist for over 20 different legal problems. Intake information is E-mailed to LCE headquarters for assignment to a lawyer or paralegal.
- Referrals to other legal aid programs or community services. The website contains an extensive list of such agencies with eligibility criteria for each.

The outreach offices operate as follows. They are open two days a week from 10 am to 3:00 pm. Clients can walk-in; no appointments are necessary. There are two or three workstations, one for a paralegal staff person, and the others for non-attorney volunteers. A workstation consists of a table, a computer with a modem, and a telephone and two chairs: one for the paralegal/volunteer and the other for the client. There is also a printer, fax, and scanner in the office. On the walls are brochure racks containing useful legal information for clients. The paralegal/volunteer and the client sit at the computer. An intake form is completed and the client explains the

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purpose of the visit. If the client needs a service(s) available in the outreach office, the paralegal/volunteer negotiates the website and delivers the service using a website instruction manual and guidance from the paralegal. When the software requests information from the client, the paralegal/volunteer enters it into the website. If the client needs legal information, the paralegal/volunteer can consult an index of all information available on the website or in hard copy at the office. Also the paralegal/volunteer can do a search of the website using "key words." Information on the website is printed, explained and given to the client. This insures that it is current as material is continually being updated on the website.

If the paralegal/volunteer does not know what to do, s/he calls the legal advice line or BSR for direction. If the client needs legal advice, this is provided by the advice line staff [in a priority mode] and is documented and monitored for quality in the same manner as all other advice line calls. If the advice line attorney believes the client needs additional services of AARP/LCE, an intake protocol is completed at the outreach site and is E-mailed to headquarters for assignment.

[During the search and delivery process, SHO staff and the client work as a team, sitting side-by-side at the computer. While it is the SHO staff who sits at the keyboard and actually navigates the site, it is the client who provides the feedback and input necessary to insure that the navigator is going in the right direction].

When the client leaves, s/he is explained what additional steps, if any, s/he should take. These are also provided in a writing, which contains a disclaimer that the office will not take any further action on the client's matter (unless an intake protocol has been submitted); the client must sign the writing acknowledging that s/he understands the disclaimer. The client is, of course, encouraged to return to the office if more help is required for their problem. We just don't want the client to expect that the outreach office has a continuing responsibility for his or her case. No conflict check is administered as no attorney-client relationship is established. If the client calls the advice line or fills out an intake protocol, a conflict check is administered before the services are

provided.

The chart that follows this narrative describes the services available at the SHO. The full range of SHO services is available to DC residents who are 60+ years of age and meet the income and asset requirements for free LCE legal services. A narrower range of services is available to those who do not meet these criteria.

There are two rules which govern the operation of these outreach offices: (1) no legal advice is provided except through the legal advice line, and (2) once the client leaves the office, the office paralegal and volunteers have no further obligations to the client, and the client is so notified. The second rule is key because it preserves the self-help nature of the service and prevents the office from generating a caseload. If a caseload was generated at an outreach office, it would have to be closely monitored to insure it was competently handled.

One issue we are struggling with is what legal documents and court pleadings will clients be allowed to generate and take from the outreach office without legal review. So far we are only allowing clients to generate name change pleadings, small claims pleadings, and a health care powers of attorney. Our website software allows any legal document or pleading generated at the outreach office to be E-mailed to our main office for legal review. The E-mail also includes the answers to all the questions that were used to generate the document or pleading. This gives us the ability to provide a legal review, modify the documents, and E-mail them back to the outreach site for signing.

The cost of the outreach offices is extremely low consisting of the part-time salary of a paralegal, telephone costs, office supplies, and an Internet provider service (offices are open only two days a week). So far, we have been able to receive free space from churches.

Eventually we plan to test the placement of these outreach offices in social service agencies using the agency's staff to supervise the volunteers who are recruited and trained by us, thereby eliminating our costs for the offices. However, in this situation, the volunteers will be required to call the BSR or legal advice line staff and review each case

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handled before the client leaves the outreach office.

The outreach offices offer many exciting possibilities. For example, client generated complaints for small claims or landlord/tenant actions (to address housing code violations) could be sent to the AARP/LCE's main office for filing in court. In this way 20-30 cases could be filed at the same time for the same hearing date. Then one AARP/LCE attorney could be present on the hearing date to help all the clients. The attorney would enter into an attorney – client relationship with those who needed special help. This would reverse the typical pattern of a landlord's or collection agency's attorney filing multiple cases for the same hearing date with legal aid lawyers having to be present to defend a single action. Now the landlord's or businesses' representative would have to be present to defend a single action.

As legal services programs become more frequent users of these courts, they will have more influence over how court proceedings and operations are conducted.

I am very excited by these possibilities as legal services programs can again have high visibility in most low-income communities in their service area. Legal services attorneys also will have more visibility in the courts frequented by our clients. This should lead to greater community support and ultimately to more financial resources.

These outreach offices could be supplemented with specialized outreach efforts. For example, the website could be made available to domestic violence shelters and shelter staff could be trained to help clients prepare pleadings for protective orders which could be filed by legal services programs for the same hearing date. Legal aid staff could be available on the hearing date to coach clients without engaging in full representation.

The website could be used at facilities that serve the homeless where staff could be trained to help clients complete the automated public benefits check-up. As more and more government benefit programs allow applications to be completed on the web, these applications could be filled out from the homeless shelters and soup kitchens and these facilities could serve as the client's address for receiving

benefit checks. The AARP/LCE website can be used to generate letters to obtain the vital records that are required as verification for these benefit applications. However, the homeless people would still have to visit the benefits agencies to allow processing of the applications.

Current Status of D.C. Self Help Offices (SHO)

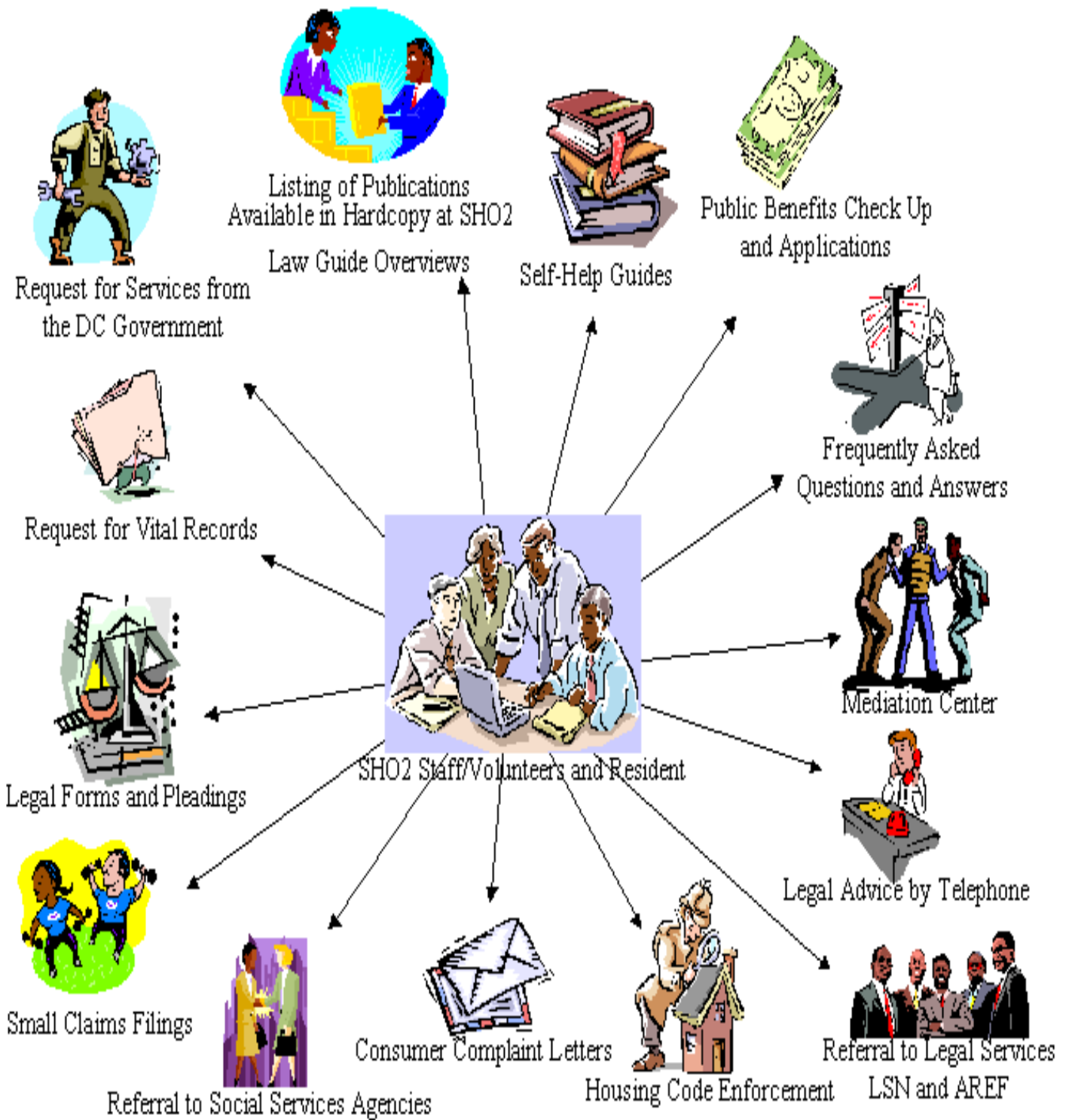
There are currently two SHO locations each operating two days a week, from 10 a.m. – 3 p.m. The first opened in Ward 7, in June 2001, in St. Luke Catholic Church Rectory located at 4925 E. Capitol Street, S.E. [202] 582-2660 and offers services on Wednesdays and Thursdays. The second is scheduled to open in Ward 1, in December 2001, in St. Augustine Catholic Church Msgr. George L. Gingras Ecumenical Center 1419 V Street, N.W. [202] 387-6866 and will operate on Mondays and Tuesdays. Since June 2001, the Ward 7 SHO has provided services to 39 residents. SHO staff have provided legal information and self-help materials to 27 of those residents, prepared 3 complaint letters, 4 small claims complaints, submitted 3 requests for services to the DC government, contacted a hotline attorney for 12 residents, prepared 3 health care powers of attorney, conducted 5 public benefits checkups, submitted 1 on-line benefits application, and referred 15 residents to other legal or social services agencies.

For a password to view the SHO website please



Grayce Rund, LCE Supervising Attorney for the SHO Project and St. Augustine Parish Manager Linda Wallace show-off the new Self-Help office.

contact the Hotline Technical Support Project



Outreach Office Services Available to D.D. Residents

2001 AoA Title IV Legal Hotline Awards

The Administration on Aging released a Request for Proposals under Title IV for three-year Senior Statewide Legal Hotline grants in June. In September, the AoA announced award to four existing senior hotlines, Legal Counsel for the Elderly D.C. Law Office, Maine Legal Services for the Elderly, Kentucky Access to Justice Foundation, and Legal Services of Northern California for improvement/innovation of their senior legal hotlines. Each of these programs will receive \$95,000 from Title IV appropriations this year.

AoA Title IV will also continue to fund eight statewide senior legal hotlines that are in the second or third years of the three-year grant cycle. These are at Elder Law of Michigan, Maryland Legal Aid Bureau, West Virginia Senior Legal Aid, Legal Services Corporation of Iowa, Legal Services Organization of Indiana, Legal Aid Society of Hawaii, and Atlanta Legal Aid Society. No start-up hotlines were funded this year.

Title IV Hotline Proposal Innovations

LCE Hotline

With support from the Title IV grant, the D.C. Hotline will test three innovations to its operation. First, the program will seek to improve hotline response time by adding contract attorneys to the pool of hotline attorney employees so they hand han-

dle overflow calls from their own homes or offices during high call volume periods. Second, the grant will help implement and assess the efficiency of a Brief Services and Referral Unit to increase hotline productivity and streamline the flow of cases to the full-service unit, Volunteer Lawyers Project and other LCE projects. The BSR will be staffed by specially trained non-attorney volunteers, a part-time paralegal and part-time supervising attorney. *See Moore, A New Concept in Delivery-the Brief Services Unit, LHQ Fall 2000.*

The third innovation involves the opening of a Self-Help office serving low-income, minority seniors. *See story on page 2 for an in-depth description of a Self-Help Office.*

Legal HelpLine for Older Kentuckians

The Kentucky Access to Justice Foundation will use the Title IV grant to implement three program innovations. First, AJF will expand the services through technology. Kentucky has received an LSC Technology Initiative Grant to create a multi-faceted template based website. AJF will dedicate a portion of the template to issues for seniors and their caregivers and will have the capacity to do email intake for the HelpLine. The HelpLine will be integrated into the Unified Client Access System for Kentucky legal services currently being set up.

Secondly, AJF will set up the Pilot Rural Outreach Project. Procuring optimal call volume is a challenge for hotlines serving rural areas. This Project will test various methods of increasing public awareness and use of HelpLine services.

Third, AJF will develop a screening tool and educational materials for consumer issues which will be administered to all hotline callers.

Legal Services of Northern California Senior Legal Hotline

The Title IV grant was awarded to assist the Senior Legal Hotline to boost its case volume and increase outreach to the San Francisco Bay area and create a model program to reach seniors who don't speak English or Spanish. The Hotline expects dra-

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matic growth in the number of email queries entered into the intake form on the SLH website. The site will be upgraded to allow the demographic information entered on the website to stream directly to the hotline's database. After giving detailed advice, hotline attorneys will send forms, booklets and self-help packets to clients as e-mail attachments in addition to the more general information available at the site. Additional work stations will allow the hotline to meet its goal of having 40 volunteer attorneys by 2003.

Maine Legal Services for the Elderly

Maine LSE will use the grant to pursue four objectives. (1) It will develop an outcomes-based approach to service delivery. It will expand its use of outcomes measurement to various case type areas using a combination of staff-identified indicators and

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Websites of Interest

www.hcfa.gov/medicare/bni

CMS has added a link to Medicare beneficiary notices at its website. The link includes current versions of the Part B advance beneficiary notices, the home health advance beneficiary notices and Medicare+Choice denial notices as well as instructions to providers for furnishing the notices.

<http://postcalc.usps.gov/>

Offers a postal rate calculator and

www.usps.com/ncsc/lookups/lookup_zip+4.html

lets you find zip codes by putting in an address.

www.grammarlady.com and

<http://englishplus.com/grammar> offer help with grammar and punctuation. You can email a simple question to the grammar lady and get a free response. **englishplus** is divided into sections and allows you to look up grammar usage.

www.switchboard.com offers a free search of telephone directories for people, email addresses or businesses anywhere in the United States.

www.wiser.heinz.org

Women's Institute for a Secure Retirement offers information on financial planning, social security pensions, financial fraud and abuse, predatory lending and more.

follow-up studies. (2) LSE will expand its Elder

Northwestern Legal Services Central Intake Unit *A Multi-Office Hotline Model*

Consolidations of LSC funded programs throughout the states has caused multi-office centralized telephone intake and advice to become one of the fastest growing models of hotline services. The Central Intake Unit (CIU) at Northwestern Legal Services in Erie, Pennsylvania, (NWLS) integrated program-wide intake screening, telephone advice, and pro bono referrals. It became fully operational in June, 1997.

History

Northwestern Legal Services has six branch offices that provide civil legal services to 10 counties in Northwestern Pennsylvania. The largest urban area is the City of Erie with a population of 250,000. The rest of the service area consists of small cities and towns as well as sparsely populated mountainous woodlands. The total population of the services area is roughly 500-700,000. NWLS is mainly funded by LSC, a social services block grant administered by the state under Title XX, IOLTA, and a variety of small grants including United Way.

In the mid-1990s key people at NWLS became interested in the centralized telephone intake concept as a way to make the program more responsive to the needs of the low-income population. NWLS was encouraged by LSC's promotion of the model and undertook a detailed planning process to create a centralized telephone intake, advice, and referral unit to be housed at the Erie NWLS location. John Gandrud, Managing Attorney of the CIU, states that the goal of the planning process was to make sure all implementation issues were addressed before actual implementation was attempted. He believes this process was largely responsible for the smooth start-up and operation of the system. An integral part of the process was getting each office to clean and refine its data and converting data from all the offices to reside on the CIU server in the Erie location. The CIU implementation process started in September 1996 with the Erie branch office. One additional office was added at a time. The CIU became fully integrated in June 1997.

In addition to adding offices one at a time, the CIU added subject areas in stages. The CIU started giving legal assistance by telephone for landlord/tenant, debt collection and school suspension issues. Since full centralization was completed in 1997, the CIU expanded legal assistance by phone to include child custody, child support, change of name and emancipation, and public benefits questions.

According to an NWLS fact sheet, NWLS and its client population have realized significant benefits since the CIU was instituted:

- The total number of files opened increased from approximately 2,800 in 1995 to 4,800 anticipated in 2001 with only a minimal increase in total cost to the program. John believes about 2400 cases and *pro bono* referrals will be handled by Central Intake attorneys this year, with the rest being scheduled for direct representation.
- Waiting times for client access to an attorney was reduced from 1-3 weeks to 30 seconds-1 minute for telephone advice cases, and less than one week where an in-person interview is required
- No-show rates for appointments were significantly reduced
- Program wide conflict checking was finally accomplished with each intake. Caseload statistics became more accurate and available for analysis on a continuous basis.
- Many more clients were empowered because they were getting the legal help they needed when they needed it. Telephone advice clients who returned the "Client Satisfaction Questionnaire" sent to all clients provided service by phone, uniformly states they were 'very satisfied' with the services they received by phone. Several clients reported securing sizable money judgments or avoided possible legal judgments, after they obtained and acted on legal advices provided over the phone.

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Organization and Location

The Executive Director of NWLS is Robert Oakley. The main administrative office for NWLS, the Erie branch office, and the CIU, are located in separate suites of the Renaissance Center, a 14 story 1930's vintage office building. The office space was selected because the building is located at the confluence of major bus lines and is therefore convenient for clients. Building tenants are a mix of private professional offices, government offices and other non-profits such as a consumer action agency. The other five offices are located throughout the 10 county service area. The CIU operates as a unit of NWLS with John Gandrud as its Managing Attorney. The CIU's 12th floor suite in the Renaissance Center has two individual offices for John and the other hotline attorney. The two intake screeners sit in a larger area and are separated by partitions for noise containment. The suite also has a separate room which contains the server, printers, copiers, materials and pamphlets. The intake screeners use this area to compile packets which are to be sent to clients.

Staffing

The CIU staff consists of four people- two full-time staff attorneys and two full-time intake screeners. Both CIU attorneys had extensive experience in full service representation before assuming hotline duties. According to John, the CIU plan called for experienced attorneys to do this work because he believes this experience is necessary for handling the calls. He wanted to ensure the quality of the advice callers would receive would was a high as they could get anywhere. He also believes placing new legal services attorneys on a telephone advice line deprives them of the professional development they need to acquire.

John Gandrud serves as both Managing Attorney and staff attorney for the CIU. He spends about 25% of his time on administrative duties and 75% handling hotline calls. As part of his management duties, John is responsible for personnel management, staff training, monitoring and evaluation of work performance, updating desk reference and client education materials, and liaison with the branch

offices. Since the CIU directly schedules clients for in-house appointments at all branch offices, it is up to John to coordinate the allotment of appointment slots with each office. The other CIU staff attorney spends most of his time handling calls but is also responsible for PAI referrals in Erie County and assists John with the materials update function.

The two intake screeners answer all calls coming into the 800 number, perform a conflicts check and eligibility interview. They have the responsibility of deciding how to route the call. In between answering incoming calls, the screeners collate packages of information and client letters as directed by the attorneys via computer file coding.

System Work-Flow Incoming Calls

The CIU is open daily from 9-4. Calls for all the branch offices come into the CIU through an 800 number. The intake workers answer all the calls; callers may wait in a queue if both screeners are on the line or may opt into voice mail. The screeners return left messages right away. Because of the comprehensive planning before launching the CIU, call volume and staffing are optimal. About 50-75 calls come in each day but many are not suitable for handling by the CIU and are referred to other agencies or the local bar referral service. From January-October 2001 the hotline had opened 4000 new files. About 2/3 of the calls are answered right away; the remaining 1/3 are call backs on the same day. Volume control only becomes an issue on those days when one of the attorneys is away from the office. Volume is controlled by limiting the number of calls to be handled by the CIU attorneys to 10 per day per attorney. If more calls come in needing telephone advice, the screener asks the caller to call back the next day, but, in practice, this is an issue only when one attorney is available to handle calls.

The intake screener next performs a conflicts check. Prior to the creation of the CIU database, each office had its own separate database so program-wide conflicts checking was impossible. All program pre-CIU files were converted and are now stored on the CIU server. All incoming calls for which files are

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generated are stored there as well. Once per week each branch office receives the files opened for it as an attachment to email. Each branch office server contains only its own files; only the CIU server has program-wide files.

John Gandrud has found that issues relating to conflicts come up 3-6 times per day, on average. The intake workers wear cordless headsets which allows them to step into John's office adjacent to the screeners' area and discuss the matter with him in cases where the conflict issue is not clear. In these circumstances, he makes the determination as to whether the matter really is a conflict. The intake screeners also conduct an eligibility interview to determine if the applicant is eligible for legal help according to the funding source and NWLS eligibility criteria. If the applicant is not eligible the screener makes an appropriate referral using an extensive computer database of referral sources. The intake worker also gets sufficient facts to determine if the matter is one handled by NWLS and refers clients who fall outside the subject matter parameters.

Once the screener determines that the applicant is eligible and has no conflict of interest the screener enters all intake eligibility and demographic information into the LSCRS database. The screener has the all important function of determining which one of several routings the call should take. She can:

- Transfer the call to a CIU staff attorney who will render telephone advice, and/or a referral to a *pro bono* attorney or other legal service program
- Schedule an appointment with a staff attorney or paralegal at the closest office
- Assign the client to a *pro se* clinic at the closest branch office

To assist the screeners in making the determinations upon which the efficiency of the program work-flow depends, the screeners are assisted by detailed protocols loaded into the software. For instance, screeners are trained that public benefits callers who have received a denial letter should be scheduled for an appointment with an attorney at their local office; clients with other public benefits questions are forwarded to the CIU attorney for ad-

vice. An example from the screening protocol is reproduced below:

Except from CIU Screening Protocol

Custody/Visitation Actions:

If applicant has been served with a complaint for custody/visitation or partial custody: Schedule for direct representation where the person suing the client is represented by counsel. **WARNING:** In addition to doing a conflict check on the other parent, do a conflict check on any non-parent(s) if they filed the complaint or currently have court ordered rights to see the child(ren).

Applicants who do not have a custody order and want to file a complaint for custody: Schedule for direct representation if the applicant alleges an actual loss of physical custody through self-help by the other parent when the applicant had physical custody of the child prior to the act of self-help, and previous custody clinic clients, where the opposing party obtains legal representation.

Other persons who want to file a custody complaint or a petition to modify a current custody order will be scheduled for a custody clinic, if available, in their county of residence.

Jurisdictional or other legal issues - Direct representation, where there is a jurisdictional or other legal matter not relating directly to the issue of custody, which requires intervention in court.

Applicants who only have questions concerning an existing custody order will be scheduled for telephone advice.

Calls Transferred to CIU Attorney for Telephone Advice

Once the intake worker has input the necessary information and made a determination that the caller is appropriate for routing to the CIU attorney she usually walks into one of the CIU attorney's offices and hands him a pink slip with the client file number.

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The attorney will usually have a look at the information the screener collected before picking up

the phone to speak to the caller. That way, the attorney already has some information about the client's age, financial circumstances, and reason for calling. The attorney advises the client and hangs up the phone. After each call the attorney writes a confirming letter to the client summarizing the facts and detailing the advice given. Additional advice may be included with the letter. The attorney may also print out forms or pleadings with the client information filled out and designate pamphlets or copies of statutes or information for the screeners to assemble for mailing to the client. The LSCRS database interfaces with WordPerfect to allow data to be easily inserted into the letters and forms. The attorney also completes an online file memo for each case. Additional notes are added to the file memo if the client calls back on the same matter.

The telephone advice services are limited to legal advice, and mailing forms and pleadings as just described. The hotline attorneys do not contact opposing parties

Clients Transferred to CIU for Bono Referrals

Before the establishment of the CIU, screening and referral of *pro bono* and Judicare cases was handled by the branch offices. (The Judicare program consists of attorneys who are available to provide legal services on a contract basis). While the CIU took over the screening of all *pro bono* and Judicare cases, it was decided to leave the referral process in the hands of the local branch office in order to ensure that local contact was maintained with the private bar. Once financial eligibility is established, a CIU staff attorney interviews the client to determine the facts of the case and decide whether a referral is appropriate. If so, a summary of the case is completed and the file is emailed to the branch office assigned to make referrals in the county where the client lives. In Erie County the screener calls the attorney to assign the case; in the other counties support staff at those NWLS offices would call the attorney.

Clients Assigned Staff Attorney Appointments

Based on detailed screening criteria and protocols, the screener has the authority to decide that a case should be directly assigned to a branch office staff attorney. Each staff attorney at all 6 branch offices has intake time slots allotted to him. These slots are built into the calendar program and the screener fills in the appointment slot for the office interview. By logging into the calendar program, each attorney can view his schedule and the appointments made for him by the intake screener. These usually are made about a week in advance and the attorney will be able to review the case file the screener opened for the client before the appointment.

Clients Assigned to Pro Se clinics

The local branch offices typically hold *pro se* clinics for child custody petitioners and no fault/no asset divorces. Each office has its own clinic schedule and clinics are held one or two times per month, depending on the population size of the particular county served by the branch office. The intake screener can pull up the schedule for the branch office serving the caller. The intake screener sends potential *pro se* clinic clients a screening questionnaire. After they return the questionnaire and are deemed appropriate, clients are scheduled for a particular clinic. Clients are sent confirmation of divorce clinic dates by mail. The intake screener also calls to confirm and tells clients what to bring to the clinic.

Equipment Computers

The two intake screeners use Gateway 2000 PCs and the staff attorneys use Gateway Celeron computers. All four computers share information via a 100 base T Ethernet network that utilizes a Gateway 2000 as the server. Client database and referral information for *pro bono* attorneys is currently sent to branch offices by email but the program will soon link all database and scheduling information through

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a high speed Internet connection via a virtual private network .

The software in use is called LSCRS for Windows. This software was specially developed for the Pennsylvania LSC providers and runs as an overlay to the MicroSoft Access database. The software interfaces with the program's WordPerfect 8 word-processing software and its DayTime scheduling. The computers are networked with Windows NT.

The client database software was selected by Pennsylvania Legal Services, the statewide LSC support program. PLS decided that each legal services program in Pennsylvania should use it. According to John, the software does everything Central Intake needs. By combining Access and WordPerfect, the software allows documents to be created in WordPerfect while pulling information from the Access database.

Phones

The program uses an Inter-Tel phone system with comprehensive voicemail/ call-forward/call-transfer and ACD capabilities. There are five lines coming in and callers have the option to wait on queue or opt into voice mail. If the five lines are occupied, caller number six hears a busy signal, but this rarely happens.

Quality Control

Since John and his CIU colleague are experienced attorneys who started working on the hotline at its inception, training of new attorneys has not come up yet. Training for new screeners is mostly on-the-job. The new screener reads the materials and protocols developed for that position. He then watches the experienced screener for a period of time, and then starts taking calls with the experienced screener at his side, before taking calls on his own.

Quality is controlled by mutual case review. Every other week John reviews 10 cases handled by the other hotline attorney (Dave) and Dave reviews 10 cases handled by John. They then meet to discuss any issues raised in the casehandling.

Materials

John has compiled a CIU Book which compasses statutes and regulations relating to the casetypes covered by the CIU. The database includes an extensive list of referral avenues and other non-legal agencies that might assist a particular client. The CIU also has an assortment of texts such as the Rules of Civil Procedures. The CIU attorneys make good use of Internet legal research which they perform while on the phone with the client, if possible.

In addition to the client advice letter each CIU client receives, the CIU can send out pamphlets for most of the issues they deal with, copies of statutes and regulations that might assist a particular client, form pleadings already filled in with information pulled from the database along with instructions for completion and filing. John and Dave review the materials at least every other year or whenever a change in the law has occurred that might affect the accuracy of the information.

Advice for Hotline Planners

John believes the success of the Northwestern Legal Services foray into central telephone intake and advice is mostly due to detailed and extensive planning. This requires that the developers think about what they want to achieve and what personnel and procedures will be necessary to achieve those goals. NWLS spent more than four months holding meetings and setting up small workgroups to develop specific parts of the CIU. Once the CIU began operation, planners and staff held daily meetings to work out problems; the meeting then became weekly. The system now works so smoothly that only *ad hoc* meetings are held to address a specific issue.

While the program encountered some problems in getting the local office data suitable for incorporation into the central database, John believes that technical problems are fairly simple because they usually have technical solutions. The more difficult problems involve overcoming antagonism to the concept and making sure to have staff who are competent and motivated to make the system work.

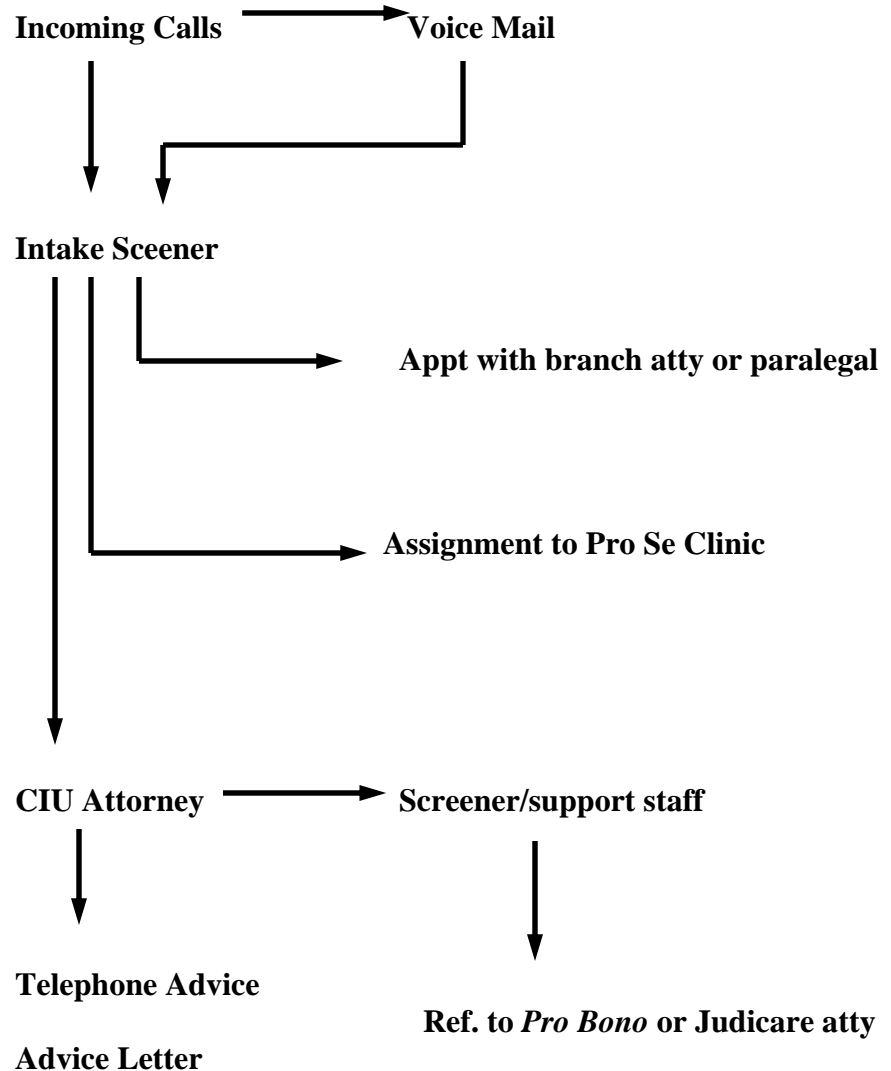
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John's philosophy for overcoming resistance to the model is to plan and implement each aspect of the service so carefully that the system is sure to work well. If the system is working well the naysayers have no ammunition with which to disparage it. To accomplish this, John advises, you need to have a clear vision, plan according to that vision, and get the full support of the people involved.

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Work-Flow Chart for NLS Eligible Clients



From the Frontline

By Carol Matthews

LESSONS IN LISTENING

I recently attended the National Conference on Law and Aging, which is always an educational experience. It is a great opportunity to find out the latest developments in substantive areas of law useful to my clients. But what has stayed with me most are some remarks made by a hotline manager who had recently conducted a client satisfaction survey. She reported that a number of clients had complained that although the hotline attorneys they had spoken to knew a lot about the law, they were sometimes very abrupt and did not give the impression that they were really listening.

I have been thinking about this a lot and there is more here than just a problem for Miss Manners. If a client feels that the attorney was not listening it is probably because his/her question didn't get answered. Maybe this is because the client didn't understand the answer but was too embarrassed to say so, or maybe there was more than one question. Sometimes the question that is answered isn't really the one that is asked. This is a ticklish problem and one that hotline attorneys need to do some individual soul searching about because it isn't always going to be picked up by a supervisor reading the printout. If the case notes say the client wanted to know how to deed his house to his daughter it may not be obvious to a reviewer that what the client really needed was Medicaid planning. It might not be immediately obvious to the hotline attorney either but it soon would be if she asked the client a few more questions or encouraged the client to ask more of his own.

The telephone techniques for speaking with clients are fairly elementary. At the beginning of the call the questions should usually be open ended to allow the client to explain the situation in his own words. We all know how to make little encouraging noises when we want someone to keep talking or to let them know we are still there. Often, the conversation calls for little questions interjected into the narrative. *You say the letter was dated the 10th? Or, The accident was in July of last year?* As the client relates his problem the attorney can politely nudge the conversation in a particular direction, or ask for clarification, but it should be clarification of what the client is saying and not an abrupt leap to another topic.

Suddenly asking a question about something the client hasn't mentioned usually gives the impression that the listener hasn't been paying attention. New topics should be introduced with a bit of explanation. *I can see that your landlord was very rude, but now I need to get some information about your lease in order to advise you about your options.* The questions become more specific as the attorney tries to nail down the pertinent facts.

When the client has had his say, the careful hotline attorney will then restate the facts and formulate the legal question to be answered. *You say you bought your house 40 years ago and own it free and clear and you want to be sure your daughter gets it? Is there any special reason you want her to have it now instead of after your death? You may need to go to a nursing home?* Now the real issue emerges. The client wants to know what he needs to do for himself and his family in case he has to go to a nursing home. The hotline attorney can then ask questions and probe for problems in this area. Before ending the call the attorney should ask whether all of the client's questions have been answered and encourage the client to call back if s/he thinks of more questions. When I am talking to clients about nursing home issues I always tell them that if the nursing home tells them anything that they think can't be true, or shouldn't be true, to call me at once.

It is also okay for the hotline attorney to sound a little bit human. Acknowledge that the client has a real problem-- even if the law isn't going to solve it. Agree that it is very annoying not to be able to get through to social security; sympathize with the client whose neighbors are very noisy, and congratulate the client who has navigated most of the way through small claims court herself. If the hotline cannot help the client this should be explained. If there are limits to what the hotline attorney can do this should also be explained. The essence of a hotline is a conversation between two people about a legal matter in which one person advises the other on the basis of the facts provided. There are two components to good legal advice. One, of course, is that it *is* good advice, and the second is that it comes from a credible source and thus is *believed* to be good advice. Creditability is the responsibility of the hotline attorney. So are good manners.

Elements of a High Quality Legal Hotline

by Shoshanna Ehrlich

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Legal Hotlines come in many shapes. Some call themselves advice lines, help lines or telephone intake units. Some stand alone; most are part of a full-service program. Whatever their name or profile, the programs we consider here are those whose services are not limited to intake screening but which routinely deliver legal advice to callers. The quality of these programs hinges on providing eligible callers with accurate, complete, and timely legal advice as well as streamlined intake or referral in a cost-efficient manner. I have been a student of hotline delivery models since 1989 as supervising attorney, and later director of, the Legal Hotline for Older Floridians. I joined the AARP Foundation Technical Support for Legal Hotlines Project in 1996. As part of the Project, I have visited legal hotlines, interviewed managers, reviewed casenotes, and collected practice tips. These experiences contributed to the development of the following opinions which the MIE Journal has graciously granted me the opportunity to share.

A Little History

Prior to the 1990's only a handful of programs had telephone intake and advice mechanisms. Wayne Moore, at AARP Foundation, pioneered the statewide senior legal hotline concept in 1985. Over the succeeding years, with start up grants from AARP or the Administration on Aging, senior hotlines were established in 20 states, Puerto Rico and the District of Columbia. In the mid 90's, LSC began to actively endorse the concept of centralized telephone intake and advice. This resulted in the proliferation of telephone intake and advice units in the late 90's.

A natural consequence of the proliferation was the permutation of the model to fit the needs of the individual programs. Diversification brought with it the danger that the quality of the telephone services could be diluted. In order to address this concern, The ABA Standing Committee on the Delivery of Legal Services drafted *Standards for the Operation of a Telephone Hotline Providing Legal*

Advice and Information, which will be presented to the ABA House of Delegates for adoption in Summer 2001 . [the Standards were adopted by the ABA House of Delegates in August 2001]. LSC has prepared *Draft Characteristics of a Telephone Intake, Advice, and Referral System*. While the intake function is integral to full-service program operation, at most programs only a minority of calls are destined for full service intake. The service rendered to the advice-only callers is equally important to the quality of the hotline.

Staffing

In the statewide senior hotline model, experienced attorneys primarily handle the hotline calls. Paralegals can also be used effectively for specializing in single subject advice. Clients at general legal hotlines staffed primarily with paralegals or law students may receive a valuable service, but it is not the same level of service as a consultation with an attorney envisioned in the senior hotline model.

In my years of supervising hotline attorneys it quickly became evident there was no substitute for the authority and guidance conveyed by experienced attorneys. Of course, I understand that program staff choices are constrained by their budgets and hiring experienced lawyers may be an unattainable ideal. However, some of the more experienced senior legal hotlines, using part-time attorneys, are able to provide services for a total cost of \$40.00 per case or less. If the program cannot afford full-time attorneys, running a hotline with part-time attorneys can result in large savings. There is an unmet desire among parents of small children, retired attorneys, and solo practitioners to work just a few shifts per weeks. They can even have calls routed to them at their own homes or offices. Hotlines can also decrease the cost-per-call by having a telephone intake worker input the client demographic data so that attorney time is preserved.

A hotline staffed by attorneys practically runs itself. Before making a decision on staffing, the hotline developer might carefully balance the actual cost of using attorneys and the quality and efficiency to be gained against the exhaustive supervision, training, and turnover costs of non-lawyer and student staffing.

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Training, Materials, and Supervision

Many programs begin with a bar-review type training course. A more effective approach would be to design a training program with the subject review presented in the context of typical client calls. Information will be retained better and have a lot more meaning as the hotline advocates take their first calls. Of course, listening in on calls with an experienced hotline advocate during the first weeks is essential. In a full-service program, it is very important for the hotline advocates to understand how the whole program works. As part of ongoing training, it would be ideal to have hotline staffers spend some time observing each of the full-service units and attending different types of hearings to maintain the skills and confidence that comes from actually having handled, or at least witnessed, the procedures they may be called upon to discuss with hotline clients. Including training on telephone communications skills is often neglected but also important. *See* the Customer Care Institute article on this topic, *Legal Hotline Quarterly*, Summer 1999.

The Frequently Asked Questions Manual is a fundamental tool for hotline advocates. Case note review at the senior legal hotlines showed a dramatic improvement in the quality of the advice once a program had its Frequently Asked Questions Manual in place. Other essential legal resources such as state and federal statutes should be accessible with a few clicks on the desktop PC.

Client education and *pro se* brochures on topics of frequent inquiry are an extremely useful supplement to telephone advice. In addition to producing brochures, the program should gather materials prepared by the courts, consumer agencies, and government departments and have them ready for mailing to hotline callers. Hotline advocates can prepare individual letters of advice in those occasional cases they deem it necessary.

Case Notes

The recording of accurate client data and case notes is essential to hotline quality. Case notes inform the supervisor if the information given was ac-

curate and complete and ensures that subsequent hotline advocates will be able to review the history when the client calls back with further inquiries or if disputes arise. In my view, notes which say, *e.g.* "advised client on bankruptcy" are insufficient for meaningful supervision. Casenotes should include a brief recitation of the relevant facts, a statement of the law applicable to those facts, and a summary of the advice the client was given. To save time, irrelevant facts should be excluded and references to a specific FAQ or statute included. For a detailed discussion on the art of case note composition, *see Casenote Considerations, LHQ Spring 1998.*

If the telephone advocates are not attorneys admitted to the state's bar they must work under the direction and supervision of lawyers. Daily review of the case notes may well be ethically required to avoid the unauthorized practice of law. However, review of attorney case notes is also well worth the effort. It allows the supervising attorney to quickly catch errors and have the advocate call the client back to correct the problem. The supervisor may spot additional issues or courses of action the advocate may have missed during the heat of the call. Case notes provide a vehicle for improving a particular advocate's skills; great notes can serve as an example for the rest of the staff. One of the most important goals of regular case note review is to spot problem trends developing in the client population. It also allows the reviewer to scan for a particular type of impact case.

Client Access

Every hotline manager's dream is to handle all calls 'live'. In reality, the only programs which can avoid call-backs entirely are those which simply do not permit callers to leave messages; callers must choose to wait on the queue or call back another time. Let's keep in mind that a legal hotline is neither poison control nor suicide prevention. A client who gets legal advice promptly, if not immediately, still receives high quality and timely services. Rather than foreclose clients who cannot wait on a long queue from leaving messages, a call backlog can be prevented by scheduling call backs for a specified time, shortening call-in hours during high volume

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periods, and/or reserving some funding for attorney consultants who can take calls in their own offices during high volume periods. They are paid only for time spent talking to clients and can either have calls routed to them or return messages shortly after they are left.

Intake and Referrals

Hotlines provide the opportunity to greatly improve the quality of intakes to full-service programs. Hotline advocates should be completely in step with the types and timing of cases to be referred. Although the full-service unit should make the ultimate decision on case acceptance, it is beneficial for the hotline to have the authority either to set an appointment with a staff attorney or tell the client that the attorney will call. Requiring the hotline client to follow additional intake procedures is counterproductive. A high-quality hotline will also prepare the client for the appointment. This includes instructing the client on how to get the matter into a procedural posture suitable for representation, telling the client which documents to bring or where to get the file he needs. A staff attorney at LCE recently remarked on how much his case handling has been assisted by having the hotline prepare clients in this way.

Hotlines have the ability to streamline referrals to outside programs as well. Most hotlines have software that allows referral agencies to be listed in a searchable database. Hotline managers can make contact with each of the agencies likely to be regular referral avenues and develop protocols with those willing to do so. These could include having a direct contact person for legal hotline referrals, creating fax or electronic forms for transmitting the referrals, and exchanging brief disposition reports.

However sophisticated the telephone system or customized the software, a hotline is only as good as the legal advice it provides. The client's contact with the hotline may be his best chance for access to justice. A high quality hotline is one that makes the most of that chance.

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To visit the Legal Hotline Technical Support
Homepage with a searchable Legal
Hotline Directory, hotline profiles, ABA
Hotline Standards, Best Practices and
more visit [http://www.equaljustice.org/
hotline1](http://www.equaljustice.org/hotline1)

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