AARP FOUNDATION

legal hotline QUARTERLY

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Equal Justice Conference 2005
Austin, TX,
May 5-7,2005

This year there is an especially rich track of hotline related workshops:

- **Effective Use of Volunteers to Staff the Hotline**
- **Legal Hotlines: What's in a Name?**
- **Checklists, Scripts and Outlines for Hotline Advocates**
- **Hiring , Training and Evaluating Hotline Advocates**
- **Legal Hotlines, Pro Bono and the Bar**
- **Operating a Brief Services Unit**
- **Ethics of Technology Models**
- **Hotline Telephone Technology**
- **Hotlines: Do they Enhance or Degrade Services to Clients?**

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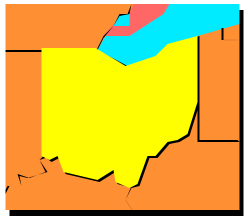
Shoshanna Ehrlich, Editor

Inside this issue

The AARP Foundation is AARP's affiliated charity. Foundation programs provide security, protection and empowerment for older persons in need. Low-income older workers receive the job training and placement they need to re-join the workforce. Free tax preparation is provided for low- and moderate-income individuals, with special attention to those 60 and older. The Foundation's litigation staff protects the legal rights of older Americans in critical health, long-term care, consumer and employment situations. Additional programs provide information, education and services to ensure that people over 50 lead lives of independence, dignity and purpose. Foundation programs are funded by grants, tax-deductible contributions and AARP.

LEGAL AID LINE OF WESTERN OHIO



Legal Aid Line of Western Ohio provides intake for two legal programs: Advocates for Basic Equality, Inc. (ABLE) and Legal Aid of Western Ohio (LAWO), plus two independent pro bono programs, the Toledo Bar Association pro Bono Program, and the Greater Dayton Volunteer Lawyers Project.

History and Funding

The creation of this partnership and intake and advice hotline was driven by the Legal Services Corporation restrictions imposed in the mid-90's. In response to those restrictions, ABLE and Legal Aid of Western Ohio (previously Legal Services of Northwest Ohio), split into two programs in 1999. LAWO became the LSC grantee and ABLE was restructured to operate without any LSC funds in order to maintain ability to handle impact cases and clients, such as undocumented immigrants, who are restricted from LSC-funded services. ABLE works with state IOLTA funds, special foundation grants to serve specific populations such as those with mental health issues, Title IIIB grants to serve the over-60 population and other assorted grants typical for a legal services program.

Legal Aid Line is positioned on the ABLE side of the partnership so that LSC restrictions would not be a factor for intake screeners. LAWO contributes to the support of the hotline in a direct relationship to the cases that are referred to LAWO by the hotline. This scheme is in the nature of a purchase of services, and has been approved by LSC auditors as have all the systems set up by the partnership.

At the time of the programmatic split, the LSC-funded program covered 15 counties in Northwestern Ohio but since then the services area has grown to cover over 32 counties and was renamed Legal Aid of Western Ohio in 2004.

Organization/Location

The Executive Director of ABLE is Joe Tafelski. Jeanne Johns is the Director of Litigation and the Legal Aid Line falls under her supervision. The Managing Attorney of the Legal Aid Line is Cynthia Elliott who recently replaced Ed Marks, the original Managing Attorney who has moved to LAWO as Director of Litigation. ABLE has offices in Toledo and Dayton each with their own managing attorney. ABLE looks for impact cases particularly those involving income maintenance and access to health care or the courts. ABLE will also handle individual services cases particularly Medicaid, Medicare and small estates for over-60 clients under its Title IIIB grants, and cases for migrants and other individuals who might be barred from service by LAWO.

LAWO's Executive Director is Kevin Mulder. LAWO has offices in 8 Ohio cities: Dayton, Toledo, Defiance, Fremont, Lima, Mansfield, Sandusky, and Springfield. Typically, LAWO does individual service cases in family law, evictions, foreclosures, consumer bankruptcies, government benefits and employment matters.

LAWO and ABLE are located in the same buildings in Toledo and Dayton. In the downtown Toledo office building housing them, ABLE is on the 6th floor and LAWO is on the 7th floor. The Dayton offices are also in the same building, but in different suites on the same floor. Within the Toledo office, there is a room dedicated to the hotline function. There are usually six screeners working at the same time in stations separated by dividers. There are also four screeners working in other offices. There are two screeners in the Dayton ABLE office and one each in the Lima and Fremont LAWO office buildings offices but they are segregated in a separate rooms that ABLE pays rent for.

Staffing

Screeners

The staff consists of screeners, **legal aid line attorneys**, a supervising attorney who assists the Managing Attorney, and the Managing Attorney. The **legal aid line** is open from 9-5 for incoming calls. The screeners take basic eligibility information for income and the various other grants under which services are provided. The screeners also check for conflicts. The LAWO and ABLE databases run on the same server but are walled off electronically so that no conflict issues spill from one program to another. The screeners check for conflicts on the ABLE

(Continued on page 3)

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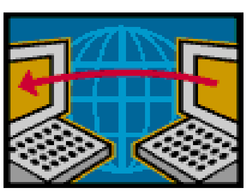
database at this point in the process. If the client is over income they can refer the client to an attorney from the Bar. The screeners also record the basic facts of the case. The ABLE software is programmed with PROTOCOLS- questions the screeners must ask depending on the topic of the call. The protocol that must be followed then comes up on the screen depending on the answers the screener has selected. One protocol directs that an attorney review the application, as the intake screen is called, and send the client an advice letter and perhaps a packet of information or self-help materials. The "no call back" protocol depends on the area of law in question

The protocols also serve as a volume control mechanism. As the volume ebbs and flows, the Manager can change a certain case type from a call back to a non-call back status, depending on how many calls are coming in. Legal Aid Line states on its website that calls will be retuned returned within 48 hours, although most are returned within the same business day or the next morning.

In addition to applying by telephone, clients can apply on the Legal Aid Line website www.legalaidline.org. The intake site is also available as a link from the main web sites for ABLE or LAWO – www.ablelaw.org or www.lawolaw.org. Applications from the websites total about 25 per day so far. One screener each day is assigned to monitor the web applications. Screeners can call the client back right away if there appears to be an emergency. Otherwise, the screener will call back the next day to determine eligibility. To reduce the complexity of the site and reduce any intimidation or privacy concern factors that potential clients may have, no financial information is taken on the web application.



For those cases where the protocol instructs the screener to pass the case to an attorney for a call back, the screener schedules the case on the attorneys' Outlook calendar. The Pika case management software used by Legal Aid Line automatically integrates with the attorneys' calendars in real time, so the screeners can quickly point and click to select from a list of available attorneys and appointment times. The screener can schedule certain cases for specific attorneys based on subject matter in addition to scheduling general matters for the next available attorney. While Legal Aid Line states on its website that calls will be returned within 48 hours, calls are actually returned by the same afternoon for a morning call and the morning after for an afternoon call.

Attorneys

There are presently 11 attorneys working on Legal Aid Line. Some are full-time and some are contractors with private practices. This combination is equivalent to 6.5 full time lawyers. Most of the attorneys have been working on Legal Aid Line a long time, one since the inception of the hotline in 1999. The most recent addition has been with Legal Aid Line for about 6 months. Not all the attorneys are in the Toledo or Dayton offices. Some work from home or their private offices; others come into the Toledo hotline room with the screeners. About 6.5 FTE's are on duty any given day.

Managing Attorney

The Managing Attorney will handle "no call back" cases in a pinch by sending an advice or referral letter. She also responds to grievances, supervises and answers questions from the attorneys and screeners as they handle their cases, and acts as a liaison to other agencies. The managing attorney also will handle certain types of emergency calls and calls involving complex matters.

Legal Aid Line also has a "supervising attorney" who functions as an assistant to the managing attorney and acts as managing attorney in the managing attorney's absence. The supervising attorney handles a mix of client calls as well as helping with quality control, training and other supervisory functions.

Law Students and Paralegals

ABLE does not presently have any law students or paralegals although they have previously used them to prepare materials and do follow up calls. Cynthia hopes to get s law students and/or paralegals to work with the hotline again in the future.

(continued on page 4)

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Work Flow

Incoming calls come into a digital phone switch in Toledo. They are placed in an ACD queue which looks for the next available screener. There are two digital phone trunks in service for the system, which is the equivalent of 48 incoming traditional phone lines available for the Legal Aid Line. So although callers may have to wait a bit on the queue, so far no one has ever gotten a busy signal. The phone queue ignores any geographic locations and sends the call to the next available screener no matter which office they are located in.

Once the screener has determined the caller's eligibility and followed the protocols for case handling, the screener looks for the next available attorney via the attorneys' schedule. Geographic location is again not a factor but some cases will be scheduled for a specific attorney based on subject matter. The attorneys' schedules are accessible to the screeners whether they work at home, in their law practice or in-house.

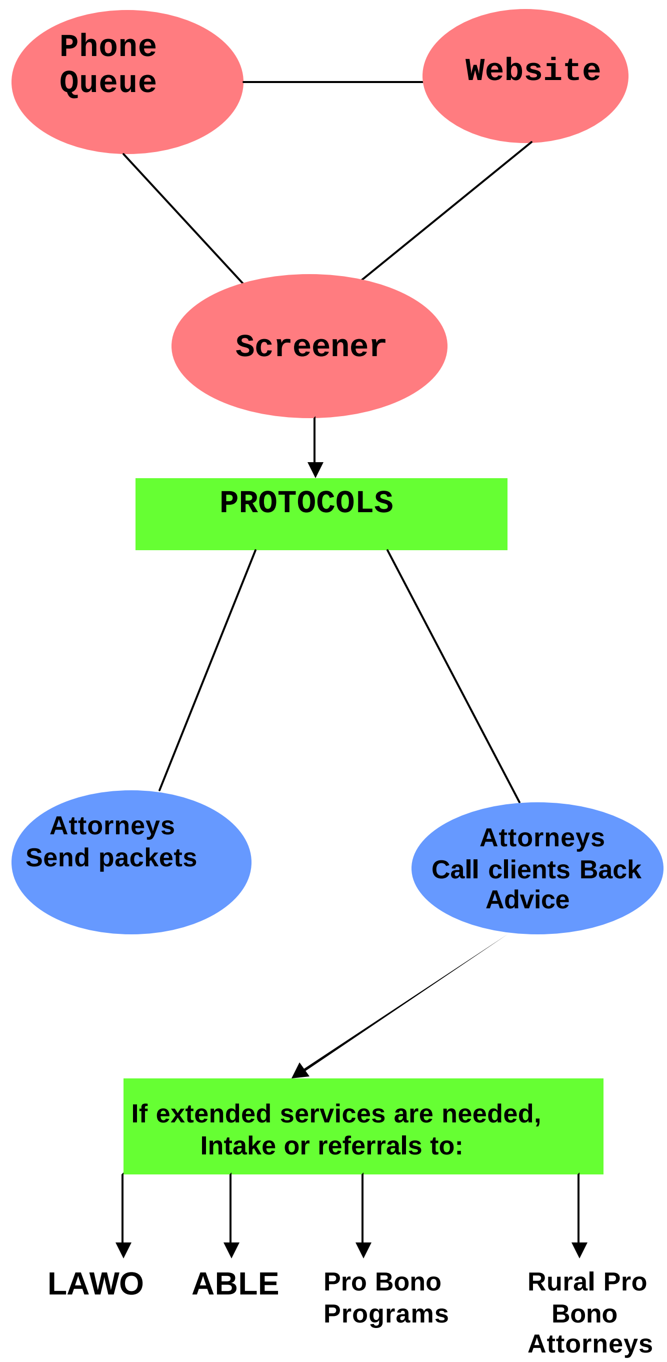
The average number of calls coming in per day is about 120 including those calls which will be deemed ineligible. About 50-60 calls are handled by the attorneys per day. The average wait for a call back is ½ day.

About 40% of the eligible callers will get a packet and/or advice letter rather than a call back. The protocols will tell the attorneys which materials to send. A few examples of the types of cases where callers receive a packet of information rather than a phone consultation with the attorney are:

- Drivers license suspended for driving without insurance.
- Non emergency bad conditions in tenant's home or apartment
- Expungement of criminal records

All mail outs are prepared by attorneys and sent by the screeners in the Toledo office. Clients may get a letter or a self-help packet. There are over 100 self-help packets that can be mailed to clients.

Work Flow Chart for Legal Aid Line



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About 60% of cases are scheduled for a call back by a lawyer. If the Legal Aid Line could acquire funding to provide staffing at the 10 FTE level, they could reduce the "no call back" cases to 10%.

The attorneys call the clients back and offer telephone advice. Advice letters, sample answers, and other documents are occasionally sent to clients. Legal Aid Line is exploring options to integrate HotDocs into its software. This will allow the hotline to fill out forms, answers to evictions, living wills, and send them to the client ready for execution, rather than having to send them blank forms. Legal Aid Line anticipates the HotDoc feature will greatly enhance the efficiency of the forms/document component of the Legal Aid Line services.

Every client, whether in the "call back" or "no call back" protocol receives some type of letter with advice or information related to their query or problem. The Pika software used by ABLE has a document assembly feature which can easily integrate the topic materials into a client letter. Again, whether a case is within the "call back" or "no call back" protocol is controlled by each of the local offices by switching the online options in the protocols the screeners rely on.

Technology

Phones

Legal Aid Line uses VoIP technology. They have NEC phone systems with T1 and PR1 lines equivalent to 48 income incoming phone lies. The ACD goes out to all locations. It is part of the telephone system used by ABLE and LAWO, but the 48 equivalent lines are available for Legal Aid Line use. Hold times for screeners can reach as much as 20 minutes at peak times but is usually under 5 minutes. Callers cannot opt out of queue to leave a message but the voice mail option is available for callers who have to wait at least 20 minutes. During the hold time, the voice message will direct them to the website for alternate access to the hotlines.

Software

ABLE and LAWO both use Pika (www.pikasoftware.net) case management software. The software is completely web-based and therefore accessible by anyone with network access and a password, no matter where they are. ABLE and LAWO began using PIKA in October, 2003 and have found it to be so satisfactory that all six of the regional legal service providers in Ohio are now switching to PIKA as well.

Some of the features Ed finds particularly useful include the ability to transfer data in real time-in one click the data from one office can go to another office. The software can segregate data so that the databases of Legal Aid Line, ABLE, LAWO and the *pro bono* programs/attorneys remain separate and do not create conflict issues, even though all the data is stored on the same server. The software allows the screeners to use the Protocol feature to route a case; document assembly is built in and when a letter is sent to a client it can be attached to the Pika file. According to Ed, no software on the market is perfect but Ed believes that this software is great because it is user-friendly, intuitive, easy for the screeners and attorneys to learn, can be accessed anywhere even with a dial-up connection.

Training and Quality Control

The lead screener monitors the calls that come in to make sure they are routed properly. The other screeners consult with her when they have a question about how a call should be handled. The supervising attorney goes through each attorney's case list on a random basis to see if the responses are appropriate. Since most of the present hotline attorneys are experienced, the case lists are not reviewed daily; however they would be for a new hotline attorney.

As part of ongoing training and quality control, the Legal Aid Line attorneys are included on staff work groups to keep current on issues and caselaw. The Supervising Attorney reviews the data summaries weekly and monthly to check for patterns and problem trends. This "data mining" is achieved by user accessible reporting modules built within Pika for the most common types of data, and by writing custom SQL queries or Microsoft Access queries to check for more complex patterns and issues that have been highlighted by anecdotal cases, or by alerts sent in by field service staff or allied organizations.

(Continued on page 6)

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Legal Aid Line engaged an outside survey company to conduct a client satisfaction and outcome survey. Clients were called one week after the hotline contact and then again 8 weeks after the contact. Both clients who talked to Legal Aid Line attorneys and clients who only received written information were included in the survey group.

The overall survey results showed that 75.3% of the clients surveyed eight weeks after initial contact thought that the information they obtained from legal Aid Line had helped them solve their problem. 77.7% said they would call Legal Aid Line again if they encounter other legal problems. Predictably, the satisfaction ratings were significantly higher for people who spoke with a Legal Aid Line attorney in comparison to those who received only written information. The most frequent suggestion given by survey respondents for improvement of Legal Aid Line was to expand the types of cases that qualify for ongoing service.

The attorneys have a full array of legal resources available to guide them through a client call. These include a database of legal issues and advice letters, FAQs, links to agencies and websites. Each attorney has a LEXIS account in case they need to check statutes, regulations or caselaw.

Referrals for Further Representation

If clients are not suitable for referral to LAWO or ABLE, Legal Aid Line has access to about 70 rural area attorneys who will do *pro bono* work for Legal Aid Line callers. There also are larger urban *pro bono* programs in Dayton and Toledo so *pro bono* referrals for clients in those cities are made through the programs and not directly with an attorney.

In rural counties, where there are no pro bono programs set up, clients are referred directly to pro bono attorneys. The attorney's names, geographic areas, and types of cases they will take are programmed into the software. The attorney who coordinates rural pro bono finds a match and calls, sends an email or fax to the attorney with the client and opposing party's name. The attorney then checks for conflicts. If there is not conflict, the client gets the attorneys name and phone number and contacts the attorney himself. If the first attorney does not want to take the case, it may get shopped around by the screeners.

Although ProSeniors in Cincinnati operates a statewide senior legal hotline, Legal Aid Line also has Title III funding to provide brief service and advice to seniors in its service area. In general, cases are referred to ProSeniors only if they have a particular level of complexity, or address an issue likely to have statewide impact. Legal Aid Line participates in a statewide intake task force with ProSeniors, and frequently trades information about cases and issues affecting seniors.

Outreach

ABLE and LAWO have several specific grants to help them serve vulnerable populations including one for mental health-related legal issues in Toledo and a statewide Migrant Farm Worker Project. Legal Aid Line has reached out and enlisted lawyers in rural areas to accept cases referred to them .

Challenges and Recommendations

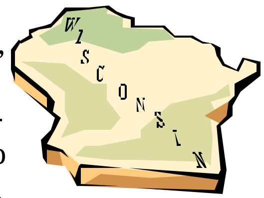
The volume of calls coming in is the primary challenge to serving clients. More full time attorneys to staff the legal aid line would be the preferred remedy, if funds allowed.

According to Ed Marks, the biggest secret to running a successful centralized intake and legal advice hotline line is that it has to be part of a team and not just an assembly line. The program has to make sure that the entire range of resources is focused tightly and efficiently to best serve the community.

Legal Aid Line of
Western Ohio
Advocates for Basic Legal Equality (ABLE)
Client Hotline Phone Number
419-724-0460
Cynthia Elliott,
Managing Attorney
celliott@ablelaw.org
http://www.legalaidline.org

Doubling Your Hotline Efficiency: Using Microsoft Word Templates to Conduct Client Intake

By: Erin K. McBride, Esq. and Brynne D. McBride, Esq., Staff Attorneys, Wisconsin Judicare, Inc.



While "Play it again, Sam" may have worked for Bogey, today's busy senior, parent, or renter doesn't have time to repeat her story again and again. When calling into a legal hotline, a client deserves fast, efficient service. Wisconsin Judicare, Inc. kept this goal in mind when developing its own "Legal Helpline." From the moment the caller dials, staff attorneys aim to have the client tell her legal problem only once—saving the caller and the attorney valuable time. Helpline attorneys discovered Microsoft Templates to be a key component in streamlining this process.

1. Legal Services in Northern Wisconsin

Wisconsin Judicare, Inc. is the legal service provider for the northern-most region of Wisconsin, consisting of thirty-three counties and ten Indian reservations. According to the 2000 U.S. Census, over 75% of this area qualified as "rural." For many Judicare clients, driving to the Judicare office or meeting with a local attorney simply isn't an option. As funding continues to decline, full-service representation for clients has been drastically reduced. An advice, brief service, and referral delivery system became necessary. In March 2004, Judicare developed a telephone Helpline to accommodate the underserved populations of northern Wisconsin. The toll-free Helpline provides access to legal information for financially eligible residents in the Judicare region. An individual may now call a Helpline attorney to discuss and obtain information about her specific legal questions.

2. Trials and Tribulations

a. Screening the Client

Each caller to the Wisconsin Judicare Helpline goes through a choreographed three-step process. A receptionist gathers valuable information, such as the client's name, address, and financial eligibility. The caller is then transferred to a paralegal to discuss the current legal situation. This stage of the screening process catches any internal conflicts of interest, reviews the client's eligibility, and most importantly, identifies the legal issues likely to be discussed with the Helpline attorney. When speaking with the caller, the attorney is prepared to answer specific questions, provide referrals, or locate information for the caller. The screening process provides a better picture of the client and pinpoints legal issues for the attorney.

b. **Playing the "Telephone Game"**

A key difficulty experienced in the early stages of our new Helpline was inefficiency. Our staff was constantly re-typing client information at each step of our intake process. Case management systems in the office took care of the client identification questions, but did not disclose the specifics of the caller's legal issue. A client was compelled to start from the beginning, retelling her story until the particular need was identified. Callers were explaining their situations multiple times even before they were connected with an attorney.

3. The Solution

a. Developing Microsoft Word Templates

With the availability of personal computers and word-processing software, offices have been able to create documents with more efficiency and variation of style. Often, as with a hotline, the work is repetitious, requiring the same tasks to be performed. Efficiency was the biggest challenge in the first few months of the Judicare Helpline. Microsoft Word Templates were our tool of choice to increase productivity and consistency in screening telephone clients. A Template is essentially a blueprint for the text, graphics, and formatting of a document. Similar to online shopping, a Template allows the user to read a set of pre-determined questions and choose a particular response from the corresponding answer space, check box, or pull-down menu. As an online purchaser would select a "gray" sweater in a size "medium," our Landlord/Tenant Helpline Template, for example, allows our paralegal to choose the "month-to-month lease" option, payable at the "end of each month."

(Continued on page 8)

(Continued from page 7)

b. Using Screening Templates

A Template, spelling out the necessary questions and answers, provides benefits to the caller as well as the Helpline attorney. Our paralegal has a "script" for each particular legal topic. An independent knowledge of all relevant laws is not necessary in acquiring the specifics of the client's legal issue. The screener can help the caller talk through the legal problem, revealing points that might otherwise be omitted. The most important feature of the Template system, however, is that it requires the client to tell her story only once. We were finding that clients sounded extremely frustrated when talking to the Helpline attorneys, due to the complexity of their legal situations. It became clear that the clients were distressed from stating their problem at least three times as calls were transferred from intake, to screener, to attorney. The screener can now walk through the Template with the client, print or save the answers and deliver them to the attorney. The frustration level is significantly lower, and the attorney can focus on the legal issue, not the mechanical or technological drawbacks of conducting legal services over the phone.

4. Conclusion

Since the mid-1990's, organizations providing civil legal assistance have developed new technologies to accommodate a growing client population. Word-processing, accounting software, and case management systems are just a few of the advancements responding to the changing need. As the face of legal aid for seniors and low-income individuals continues to evolve, different technologies are required to maximize the efficiency and quality of these services. Bill Gates, founder of the Microsoft Corporation noted, "The first rule of any technology used in a business is that automation applied to an efficient operation will magnify the efficiency. The second is that automation applied to an inefficient operation will magnify the inefficiency." Perhaps the "doubling of efficiency" Wisconsin Judicare has experienced in the last year hasn't come solely from Microsoft Templates. It could be due to the Helpline's twin attorneys responding to client calls. While the jury is still out on that distinction, we highly recommend the integration of Templates into hotline screening processes. *(continued on page 9)*

National Association of Senior Legal Hotlines (NASLH)

The managers of the senior legal hotlines and other interested parties have joined together to create an association devoted to advancing the legal rights of seniors and increasing legal resources available to seniors through statewide telephone hotlines.

The mission of this new association is to facilitate the sharing of relevant information to strengthen the role of statewide hotlines in the provision of legal services for seniors. If your program has a senior legal hotline that operates or hopes to operate statewide, this Association is for you.

Membership is open to Senior Legal Hotlines that serve, or aspire to serve, seniors statewide. Interested individuals may also join as supporting, non-voting members. Program membership is $200 annually and individual memberships are $25 annually.

To join, fill out the membership application at http://www.legalhotlines.org

Enjoy the NASLH Hot Practice Tips On page 11

The NALSH Board of Directors

L to R: Cathy McConnell, Secretary, David Mandel, Vice-Chair, David Godfrey, Member-at-Large, Amanda Hartmann, Chair.
Not pictured, Keith Morris,Treasurer

(continued from page 8)

Wisconsin Judicare
Helpline Staff Instructions for Completing Microsoft Word Templates

1. Templates are stored on the Judicare Share Drive.

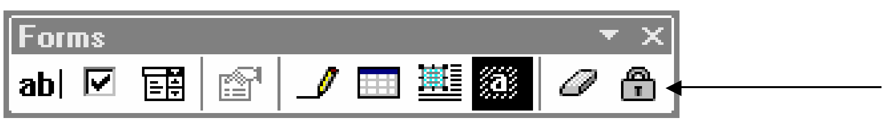
2. To access the scripts, double click on the folder labeled "INTAKE."To select the appropriate template for the topic of the call, double click on the icon with one of the following titles:

    1. "Landlord tenant" is saved as "LLT.dot"

    2. "Security deposit" is saved as "SD.dot"

    3. "Utilities " is saved as "U.dot"

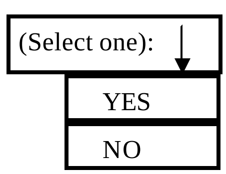
4. After opening the template, make sure the document is "protected" (i.e. the lock in the picture should be closed)



5. Complete the form using either the mouse or the keyboard to navigate within the document:

To move to the next field	Press [**Tab**]
To move to the previous field	Press [**Shift**] + [**Tab**]
To complete a drop-down	Press [**Alt**] + [**Arrow]**

6. The questions may call for you to fill in any of the following:
    1. Check boxes ☐
    2. Pull down menus



    3. Answer Blanks

7. Print the completed form and give to the Helpline Attorney.

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Sample Landlord Tenant Script

1. What type of dwelling are you renting?

SELECT ONE: ⇩

- Apartment
- Condominium
- Mobile Home
- House

2. Do you have a lease?

SELECT ONE: ⇩

- Yes
- NO

SECTION A: OPERATING WITH A LEASE

3. Is the lease written or oral?

N/A ⇩

- WRITTEN. Go to Sub-Section 1
- ORAL. Go to Sub-Section 2

SUB-SECTION 1; WRITTEN LEASES

4. Is your name on the lease?

- YES
- NO

a. If NO, state the name on the lease:

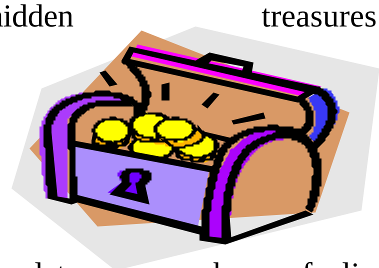
NASLH Hot Practice TIPS

Hidden Treasures for Clients

By J. Allen May, Director,
AARP Legal Counsel for the Elderly*

There are a number of ways that we, as legal services providers, can proactively set up systems to help clients retrieve money or property in situations where the client may not even be aware that s/he lost it. Below are a few examples we have set up to reunite clients with some “hidden treasures.”

Lost, Stolen, or Abandoned Property



The large data base of client’s names, addresses, and phone numbers in legal hotline databases can be effectively used to identify people who may be entitled to some funds or other assets. For instance, in DC, the AARP Legal Counsel for the Elderly hotline is now seventeen years old. As such, it contains a large number of client names, addresses and phone numbers. We have identified a couple of places to contact and attempt to match client names and addresses to unite them with money or property to which they are entitled.

I am sure that you have all read from time to time newspaper listings of lost and escheated property. This could be bank accounts, tax refunds, checks returned or security accounts. I must confess to occasionally looking to see if my name appears there. At LCE, we have taken a technological approach in trying to match their data base with our client data base.

Specifically we have obtained computer tapes of this information from the local government and run matches against our data base. The initial run showed approximately 9,000 name matches (many are duplicates). To winnow down the number of “false positives” we are now in the process of matching up addresses. Our initial plan is to contact individuals where both the names and the addresses match. Then we will contact the individual and let them know that there is a possibility that some property may await their claims and give them the information about how to make an inquiry, or assist them in making a claim if they desire.

Real Property Tax Sales

Additionally, we have for a number of years been working with the DC Department of Finance and Revenue to help us to identify older people who are about to lose their homes due to failure to pay real estate taxes. These tax delinquencies may be the result of billing errors, failure to notify the resident (who may not be the owner) or problems relating to the client’s mental capacity. In this program, described in some detail in Elder Law Forum, Vol. X, No.6 (“A Project to Avert Tax Foreclosures of Clients Homes” November/December 1997) a staff attorney at LCE with the assistance of a team of law students identifies such individuals, analyzes their legal situation, and where possible, provides legal help to avert a tax sale or redeem the property.

Pension Funds

Another example of this type of work was brought to my attention by the Pension Rights Project of Pro Seniors, Inc. in Cincinnati, Ohio. The Pension Benefit Guarantee Corporation, the U.S. Government Agency, has a website at www.pbgc.gov. At that website, at the homepage there is a header entitled “Pension Search” in which you can chose, on a pull-down menu, to conduct a search by name, by state or by company. Choosing your state, you can then view the various pension plans and then clicking on a particular plan, view the names and last known addresses of individuals with funds awaiting them.

A legal services program can use this data in a number of ways. One way is to glean the hotline or case management data base to see if there are any name matches. To the extent that there are, one can contact the individuals with the information that there may be a match and give instructions about

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how to inquire with PBGC about this money. While this may be a laborious process, we have found that an occasional volunteer will plug away at this matching process until a match is found.

The Ohio Program has reunited clients with hundreds of thousands of dollars using this website. Working from the PBGC list of Ohio companies whose plans have been taken over by PBGC, they use website directories or hire a search firm to find current addresses for the individuals. Once identified, the Project sends a mass mailing identifying the company and explaining the PBGC process, asserts pension rights specialist Gail Webb. The Ohio Pension Rights Project is funded by the Agency on Aging and can be reached at 800-488-6070.

There are no doubt many other ways that we can utilize these and other notices of property for which the owner cannot be found. Since so many of our clients have great difficulty making ends meet, legal services programs having access to a large and ever growing data base of clients names and addresses can help to enhance the financial well-being of our clients in ways that may never have occurred to them when they first called our office.

**Special thanks to LCE attorneys Deniece Fields and Alan Herman and Gail Webb, an attorney with the Ohio Pension Rights Project of Pro Seniors, Inc. in Cincinnati, Ohio who all contributed to this article.*

An Invitation to Join ELDERBAR, the Listserv for Elder Rights Advocates…

What's special about Elderbar?

Elderbar is for public sector advocates who assist older adults. It is a forum for informally discussing issues of law and policy affecting low and moderate-income seniors; for sharing information about events and publications; and for learning about federal and state legislative developments.

Subscribers work in Title III, LSC, hotline, protection and advocacy organizations, and other public sector legal programs. They are on the staffs of national organizations. They are legal services developers and long-term care ombudsmen. They are bar leaders and educators.

Elderbar is a project of the American Bar Association Commission on Law and Aging, and is funded in part by the U.S. Administration on Aging.

Why should I join?

Elderbar will connect you with your colleagues around the country…instantly.
Elderbar will keep you informed, and allow you to inform others.

You will learn about upcoming conferences, new publications, funding opportunities, important policy changes that could affect your clients, bar activities, and more. You will be able to share what you learn by forwarding messages to your colleagues.

Best of all …

Elderbar is free! All you need is e-mail.

To join Elderbar, send your name, title, program, and e-mail address to Stephanie Edelstein at sedelstein@staff.abanet.org

For more information about the Commission, check our website at http://www.abanet.org/aging.

HotDocs for Legal Hotlines

Based on a February 2005 presentation
by Marc Lauritsen of Capstone Practice Systems

Legal Aid Line of Western Ohio and Wisconsin Judicare, Inc. described in the pages of this issue, both use scripts and/or protocols to channel and handle client calls. Legal Aid Line is planning to integrate its protocols (described on page 5) with HotDocs, a new and exciting development for legal services programs to integrate document assembly and interactive scripts and protocols into their case handling methods.

What is HotDocs?

HotDocs is a software product used for what it commonly called "document assembly". Sometimes the application is called "document automation" or "computer-aided drafting." The most familiar example of this interactive "fill in the form" function is TurboTax. The basic concept involves creating a "template" or model document, and inserting codes to signify variables, conditional or optional text, and repetition of sections as needed (e.g. one for each child). Numeric and date calculations can be performed, and an interface is presented through which people can answer questions and access guidance. In short, you put the answers into the template and it creates your document, whether it is a client letter to a creditor, a pro se pleading, or a will. Programs can also use HotDocs to create templates for legal hotline eligibility screening, case routing, substantive advice, and quick production of online documents for the client.

HotDocs and Legal Services

Templates created by legal services programs are accessible online through the National Public Automated Documents Online site, http://www.npado.org. This site has been built by Kaivo Software and Capstone Practice Systems under contract with the Ohio State Legal Services Association. OSLSA received a TIG grant from LSC to develop the site. The HotDocs software to run the national server was donated to LSC by LexisNexis. Lexis also donated two licenses per state of the HotDocs Pro software, which is what an individual program needs to create the templates. The site is designed to be accessed by links from statewide legal services websites.

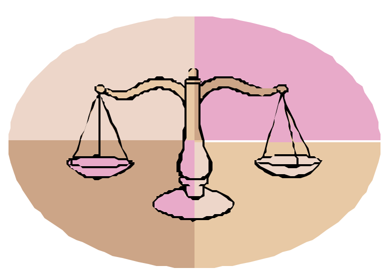
Users, including clients, answer a series of interactive questions and, after pressing the submit button, the system assembles a draft document that you can download and print. You can edit most downloaded documents with a word processor, although some will be in PDF format and cannot be changed. If you register with the site and log on, you can save answers for later use with the same or different documents

Users of National Public ADO (get it?) include:

- Pro se individuals
- Clients (partially or fully represented)
- Legal services staff advocates
- Volunteers, pro bono counsel
- Law school clinics
- Other nonprofits

HotDocs and Hotlines

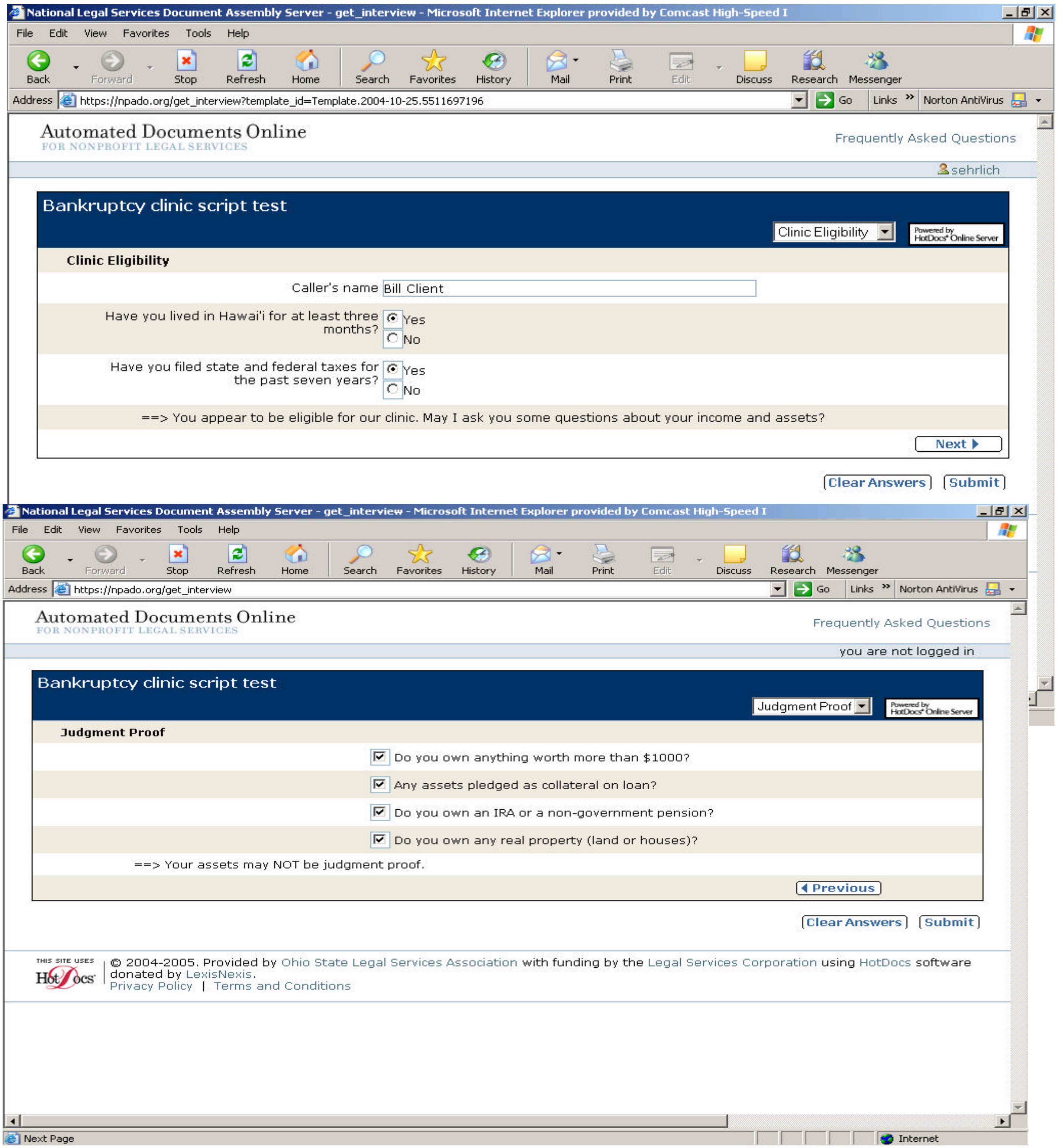
Because of its innate ability to support "smart" questionnaires, Hotline programs can use HotDocs to create interactive scripts to guide call center staff. These can cover questions to ask, advice to give, referrals to make, documents to produce, and other actions to take. HotDocs can then produce custom packets of materials to send callers, with cover letters and labels, and call summaries that document questions asked, answers provided, advice given and materials sent.



(continued on page 14)

HotDocs in Action

You can see HotDocs in action by logging on to http://www.npado.org. Below are some screen shot examples of a fictional client and questionnaire involving eligibility for a bankruptcy clinic in Hawaii. Depending on the answers selected, new questions appear and irrelevant questions are suppressed. Based in the answers to the questionnaire, HotDocs prepares a document with instructions for the client. A questionnaire of this type could be used by an individual or a hotline staffer to determine whether the caller should be scheduled for the bankruptcy clinic. See the document, assembled in Word, on page 15.



HotDoc Clinic Eligibility Questionnaire

Name of Caller: Bill Client

Bankruptcy clinic questionnaire Intake Date: February 23, 2005

I. **Screen for clinic eligibility:**

A. Have you lived in Hawai'i for the past 3 months? __X_ Yes ____**No**____
If bold, then cannot yet file for bankruptcy in Hawaii. They can call back later, or file in previous state.

B. Have you filed state and federal taxes for the past seven years? __X_ Yes ____No____
If no, were you required to file for those years)? ____ **Yes** ____No (if don't know, call IRS at 1-800-829-1040 to find out the filing requirements were for that year. Can call anonymously.)
If bold, then not eligible for clinic and should not yet file for bankruptcy. They should file the unfilled taxes before filing bankruptcy. Complete a tax docket if caller wants additional assistance w/ tax issues.

II. Is Caller Judgment Proof?

A. Gross monthly income (use script to determine whether judgment proof):
Source: ____________________ Amount: $_________
Source: ____________________ Amount: $_________

B. Assets: if any answer to questions i.-iv. is in *italics*, assets may NOT be judgment proof:

1 Do you own anything worth more than $1000? ____ ***Yes*** ____No
What is it? ____

2. Any Assets pledged as collateral on loan? ___ ***Yes*** _____No
If so, who is the creditor? ____________________________________
How much is owed? $____________
Are you current on the loan(s)? ____ Yes ____No

3. Do you own an IRA or a non-government pension? ____ Yes ____No
Did you make contributions to it in the last 3 years? ____ ***Yes*** ____No
What is the present value? $_______

4. Real Property:
a. Do you own any real property (land or houses)?
____ ***Yes*** ____No
b. Is your name on title to anyone else's property (like parents)?
____ ***Yes*** ____No
c. What is the current value of the property? $ __________
d. Who is your lender(s) and what is the balance owed?
____________________________: $________
____________________________: $________
e. Are you current on each mortgage loan? ____ Yes ____**No**

If applicant is in foreclosure or behind on payments, do HUD housing checklist and refer to HUD counseling unit.

C. Based on above, are applicant's income and assets (answers to A & B) judgment proof?
____**Yes**____No
Honolulu ONLY: **If judgment proof Give Judgment Proof and Debt Collection Advice only. Client may NOT attend Clinic unless:**
______ **Caller's driver's license was suspended due to a debt from driving without insurance;**
_______ **Senior (60 or over) ; or**
_______ **Bankruptcy will stop eviction or foreclosure.**

If judgment proof client gives a compelling reason for filing that is not listed above, do not invite, but refer a docket FYI with reason noted on docket.

III. **Debts**: Determine ALL debts:

A. Credit Cards:
1. What is the total credit card debt owed? $_________
2. If store credit card, did you buy any big ticket items in the last 3 years?_________

B. Loans:

(continued on page 16)

1. Who is the creditor and how much is owed?
2. Is any property pledged as collateral on the loan? ____ Yes ____No
   Creditor(s)/Property(s):____

C. Special Debts: **Read Script for any answer in bold.**
1. Child support? ____ **Yes** ____No
2. Alimony? ____ **Yes** ____No
3. Taxes? ____ **Yes** ____No
   a. If so, did you file tax returns in the years owed? ____ Yes ____No
   b. For what years do you owe? __________________
   Tell caller about LITC project and complete docket if caller wants assistance with tax issues.
4. Student loans? ____ **Yes** ____No
5. Criminal fines or restitution ordered by Court? ____ **Yes** ____No
   If so, what for?____

D. Any Other Debts: ____

E. Setoffs: Do you owe any money to banks or credit unions where you have checking or savings accounts? ____ Yes ____No
If yes, discuss taking money out of account and opening new account in different bank.

IV. Court Proceedings/Wage Garnishment:

A Have you been served with court papers for any of your debts? ____ **Yes** ____No
   Which debt(s)? ____
   What is the answer date? ______________
   When did you receive the court papers? ______________

B. Have your wages or any other form of income been garnished? ____ **Yes** ____No

C. Are there any court judgments against you? ____ **Yes** ____No
   Describe: ____

If answer bold, refer docket with note that it's an emergency (not just being referred to clinic). Read relevant sections of Debt Collection Script.

V. Co-Signers:

A. Has anyone co-signed on your debt?____ Yes ____No

B. Have you co-signed a debt for anyone else?____ Yes ____No

Enter the co-signer as respondent. **Inform caller that co-signers are equally responsible for debt, and bankruptcy will not clear the entire debt, but only the debt of the person filing.**

Referring to: ____ Honolulu (refer all Oahu bankruptcy dockets to Honolulu clinic and change advocate to "BNK")_______Kauai ____Hilo ____Kona ____ Maui (refer caller to VLS for bankruptcy clinic if they want to file after advice from us. Cost: $30)
Read to applicants being referred to LASH bankruptcy clinic (Oahu, Big Island, and Kauai):

· "The clinic consists of 2 classes, held about 2 weeks apart and about 8 hours total."

· "You will receive a letter or telephone call within three weeks with the date and time of the next clinic. If there are emergency issues (like court papers), we will call you sooner"

· "In addition to the clinic cost ($25), you will have to pay $200 filing fee with the court. It can be broken into four payments, but the bankruptcy will be dismissed if the entire fee is not paid approximately 120 days after filing."

(continued on page 17)

Benefits of HotDocs over Hard copy (and static electronic forms)

Some of the benefits of using an interactive template/document include:

- Adjusts as you answer questions and produces useful documents.
- Irrelevant questions are suppressed; probing questions are surfaced
- Infinitely expandable to accommodate unusual situations (like 12 children)
- Data can be stored or retrieved without extra keying
- Modularity (one script can call another)
- Handles many variations of a problem in a single script
- Helps you avoid missing things (questions, advice, actions)
- Calculates results (numbers, dates, case-handling rules)
- Provides contextual help and warnings

Downsides

Just when you thought HotDocs was the perfect tool for your hotline, we list here some difficulties to consider:

- Automated scripts can be tricky to build and maintain
- A good deal of tech support needed
- Some hotline advocates may resent being too "scripted"
- Does automation lead to loss of human touch? McDonaldization?
- Systems might be inflexible and brittle if not designed well

Making HotDocs Work for You

How then, can we make the leap from understanding and loving the concept and actually getting it installed and functioning at our hotlines?

The first step is to find out who in your area knows HotDocs, learn it yourself, or designate a staff member to learn it. Building and maintaining the templates requires trained personnel and is perhaps the biggest obstacle to break out growth of this technology. Free trainings are held periodically in connection with the national project. See the resources below for further information. The national project will also be discussed in a workshop at the Equal Justice Conference in Austin, May 4-7th .You need a desktop copy of HotDocs to create templates, or help from the legal services program in your state that has the software. Two copies of HotDocs Pro have been donated to the legal services community in each state. Further licenses can be purchased for about $650. Once built, templates can be run on the national server for free, and accessed over the web without any special software (other than a recent version of Internet Explorer.) You can alternatively run the software on local PCs.

Once you have access to the software and the knowledge to use it you can turn an existing script into an interactive template. More advanced adaptations would include:

- Automating an entire set of scripts, with a master script that invokes subsidiary scripts as needed ("checklist chains")
- Integrating the scripts with your case management system
- Developing standards so that similar scripts can be shared and evolved across states

No programs are known to be using HotDocs to support their hotline scripts this way yet, although Legal Aid Line is working on it. The national project has not focused on this context, so if you do it you will be an early adapter! For more information:

- ***Review the recent national training on this topic:*** ***http://www.lstech.org/ntap/trainings/training_topics/HR/HR105***
- ***Read the*** *Frequently Asked Questions* ***about the national server:*** ***http://npado.org/faq***
- ***Join the*** *listserv* ***for legal services HotDocs activists:*** ***http://lists.lstech.org/wws/info/hotdocs***
- ***Check out the LStech HotDocs*** *workgroup:* ***http://www.lstech.org/workgroups/hotdocs***