

Legal Hotlines:
A How To Manual
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Acknowledgments

The second edition of this manual is based on the collective experience of Monica Kolasa, Jan May, Shoshanna Ehrlich, Alan Herman, Carol Matthews, myself and many others, including our hotline attorneys, in developing and refining the Legal Hotline concept. The writing of this manual is the continuation of a collaborative legal hotline effort that Monica, Jan and I have enjoyed for more than 15 years. In 1985 Monica Kolasa came to work for LCE to test what was then my rough outline of a new concept, the Legal Hotline. Monica gave the concept life and made it work by establishing the Legal Hotline for Older Americans in Pittsburgh, Pennsylvania. She deftly persevered against all the challenges, frustrations, and skepticism that are inherent in developing a new method for delivering the services of an age-old profession founded on tradition and precedent. Over the past 15 years, she has further refined and developed many facets of the Hotline such as methods for better serving hard-to-reach populations, the use of the Hotline to produce legal documents such as wills and powers of attorney, techniques for generating income to off-set the Hotline's costs such as testing a sliding fee scale for Hotline services, the use of volunteers on the Hotline, a host of new resource materials for use by the Hotline attorneys to improve quality, and self-help materials for our clients to supplement the legal advice provided by the Hotline. Over the years AARP Foundation's Technical Support for Legal Hotlines has helped the 23 statewide senior legal hotlines establish its operations. I want to take this opportunity to again thank her for her tireless, superb, and largely unrecognized efforts to give birth to the Legal Hotline network.

In 1987 I asked Jan May to take on the difficult task of testing whether the free-standing legal Hotline concept, successfully implemented by Monica, could be used as the intake system for our full-service, legal services program in Washington, DC. Even though the concept had worked well in Pittsburgh, the LCE staff in our D.C. office were skeptical about whether the concept could work as the office's intake mechanism. But Jan's great talent as a manager and developer of new delivery systems, along with the skills of other dedicated LCE staff, made it work. Today LCE staff could not imagine operating our program any other way. He has also helped to expand and perfect the use of volunteers and increase the Hotline's use of self-help and community education materials. I want to thank Jan for his willingness and expert ability to take my ideas for new delivery systems, along with many of his own, and make them work.

There are today at least 154 non-profit hotlines operating in the United States and new ones being started every year. Many of them are modeled on the original ones we pioneered and others are designed to address specific problems. They are all more alike than they are different and they all have as their primary goal the delivery of high quality legal services to ever-greater numbers of people who would otherwise be without affordable legal assistance.

Particular thanks go to Carol Matthews for rewriting and updating the original How-to Manual, to Shoshanna Ehrlich for her editing the updated manuscript, to Paul Davis for his ever-patient assistance, and to Marie L. Hubbard who brought order out of chaos.

Wayne Moore, Director
Legal Counsel for the Elderly

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I. INTRODUCTION

A. WHAT IS A LEGAL HOTLINE?

For the purposes of this manual, a legal hotline is a service designed to provide legal advice and information by telephone at the time the client contacts the program, or soon thereafter. This definition includes programs that provide answers to clients' legal questions, analysis of their legal problems, and advice on solving those problems. Hotlines may perform brief services such as making phone calls or writing letters or preparing documents on behalf of clients. Hotlines may also provide referrals to other programs or serve as the intake mechanism for a full service program. Programs that provide only information and referrals, or which are limited to intake screening, are not considered to be legal hotlines. Hotlines frequently call themselves help lines, advice lines, or intake units. It is the service, not the name, which defines a hotline. This manual primarily addresses the needs of not-for-profit hotlines, although many of the issues apply to for-profit hotlines as well. Hotline call handlers may be attorneys, paralegals or law students, working under an attorney's direct supervision. Throughout this manual, "hotline advocate" and "hotline attorney" are used interchangeably to refer to these persons. All documents and materials referenced in this manual are either appended hereto, posted at the Legal Hotline Technical Support Library at www.povertylaw.org or at the Technical Support for Legal Hotlines homepage at www.legalhotlines.org

B. OVERVIEW OF HOTLINE DELIVERY SYSTEMS

Over the past decade it has become apparent to legal service providers to the poor that the demand for quality assistance is greater than the available resources to help. The American Bar Association, in its Standards for the Operation of Legal Hotlines, adopted by the House of Delegates, August 2001, has noted that "recent research demonstrates that people need improved resources to help them determine whether they have a legal problem and to provide them advice on when to use a lawyer and how to proceed if they do not obtain a lawyer. Telephone hotline services providing legal advice and information have emerged as a formidable mechanism to assist people in becoming aware of their legal rights and responsibilities, making important decisions and responding to the information that they receive from hotline personnel". (*Introduction to American Bar Association's Standards for the Operation of Telephone Hotlines Providing Legal Advice and Information, August 2001*) (ABA Standards).

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In 1997 the Legal Services Corporation recommended the implementation of a hotline to its grantees concluding that such a system would improve “prompt access for clients throughout the service area, including special populations” and provide “better quality, more timely and more responsive service for a large number of clients”. *Basic Elements of Centralized Telephone Intake Delivery Systems, March 1997*. In May 2001, LSC promulgated *Draft Characteristics of a Telephone Advice and Referral System*, which will be published in final form as an LSC program letter. *See Appendix A*. The hotline model has been singled out for merit by both the American Bar Association and the National Legal Aid and Defender Association (NLADA). Wayne Moore, Director of the AARP Foundation Legal Advocacy Group and father of the legal hotline concept, received the *ABA Louis M. Brown Legal Access Award* in 1998 and the *NLADA First Innovations in Equal Justice Award* in 1999, for his work in creating and promoting the legal hotline service delivery system.

In 1985 AARP’s Legal Counsel for the Elderly (LCE) initiated the Legal Hotline for Older Americans in Pennsylvania - the first legal hotline to provide free services to people over 60 years of age. This was a brand new concept for providing legal services by telephone and unconnected to a legal service provider. It was located in Pittsburgh and served elderly residents of the state. It was followed in 1987 by a hotline set up in LCE’s Washington, D.C. office to conduct intake for its full service program as well as to provide advice and brief services by telephone. Since then at least 154 hotlines have been established in the non-profit sector. *See, State by State Directory of Legal Hotlines 2000 (Directory)*.

The experience to date has shown that hotlines can provide legal advice, brief services, and referrals at a substantially lower cost than a full service provider. In part this is because significantly less time is required to provide these services by telephone than in face-to-face meetings with clients. The hotline is efficient because all client information and casenotes are put directly into the computer instead of being recorded manually and subsequently entered into the computer. The inefficiencies and disruptions caused by clients failing to show up for appointments, or showing up without the relevant papers, is reduced.

Because hotline attorneys specialize in advice and brief services cases, they become very skilled at giving advice that is detailed, accurate, and understandable. High quality is achieved and maintained by the prompt review of all casenotes by a supervising attorney to ensure completeness, accuracy, and consistency of the advice. Call-backs to clients may be made to ensure the advice was understood. Self-help materials and other publications can be mailed to clients as appropriate.

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A hotline unit can be run with minimal or no support staff and produces no paper case files. All client and case information can be kept in the computer. All letters and documents are created directly on the computer and stored with the case information. Consequently, experience has shown that a full-time equivalent hotline attorney can close up to 1700 cases per year and set appointments for 600 other cases to be handled by the program's non-hotline staff. However, AARP Foundation's experience with the Pennsylvania Legal Advice Line has shown that a hotline full-time equivalent attorney can handle more than 9000 calls per year when demographic and eligibility gathering duties are shifted to a telephone receptionist and when brief service tasks are transferred to another unit. *See, Section VI infra; See also, Senior Legal Hotlines Annual Reports and W. Moore, A New Concept in Service Delivery-the Brief Services Unit. Appendix D.*

A hotline can provide a client with detailed legal advice even when a program lacks the resources to give the client all the help he needs. It costs about the same to provide legal advice through the hotline as many programs spend to turn away a client after a face-to-face interview. Hotlines can also provide legal information that may prevent future problems. A study conducted by the Center for Policy Research found that it was possible for a properly designed program to increase its capacity to provide brief services without significantly decreasing its capacity to provide extended services. This result is not guaranteed, particularly for smaller programs, so it is important to be careful in designing and implementing a new hotline. *The Hotline Outcomes Assessment Study Final Report - Phase I*, by Christine Allison, M.A., Jessica Pearson, Ph.D., Center for Policy Research, March 2000 (*CPR Phase I*).

A study described in the *State Bar of Michigan Access to Justice for All Task Force Service Delivery Subcommittee Work Group B-Hotlines Report* (April 2000)(*Michigan Hotlines Report*) also recommends using larger regional, multiple program hotlines to "produce high quality, consistent service, and prevent duplication of cost, administration, and supervision." *Michigan Hotlines Report p.4.*

A hotline provides fast service for the majority of clients who need only advice, information, or brief services. Usually, such matters can be handled by telephone without requiring the client to make an appointment or travel to an office. This obviates the delays in service occurring in many intake systems that tend to erode client satisfaction.

A hotline is useful for serving certain hard to reach populations. These include persons with disabilities that make it difficult to travel to an office, rural populations, people who cannot take time from job or family responsibilities, and frequently the elderly. However, while telephone access can bring services to those who would otherwise be excluded by physical, transportation, or other barriers, sometimes the telephone itself may be a barrier to access. Special outreach strategies should be implemented to reach clients for whom

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this is true. These may include the hearing or speech impaired, persons without telephones, and non-English speakers. Some hotlines have contracted with Language Line, Inc. to provide interpreters where the need justifies the cost. Other hotlines hire bilingual staff.

The hotline can improve a legal services program's reputation in the community. Although a program may achieve high satisfaction among the clients it serves, if it turns others away with no help its reputation will suffer. Experience shows that unsatisfied clients tell many more friends and relatives about a bad experience than satisfied clients do about a good experience. A poor reputation will hurt a program's ability to fund-raise, particularly from local community sources. Hotlines also are in a good position for spotting trends in the client community and identifying where resources are most needed and where there is duplication of services.

Caveat: A hotline does have limitations, and, therefore, programs will need to schedule or refer some clients for traditional face-to-face interviews. Appointments are appropriate in cases that involve documents not easily handled by phone or sent to the program. Clients who can't articulate their problem well or fully understand advice that is given by phone may need appointments. (Stand-alone hotlines will provide referrals to other legal resources.) Nevertheless, a program can achieve maximum efficiency and quality by using the hotline to handle all appropriate cases and reserving the more expensive, face-to-face delivery mechanism for those matters and clients that truly require it. When a hotline serves as the intake mechanism it also obviates the need for case acceptance meetings and thus achieves additional cost savings. (See Section V. for further discussion.) An efficient addition to the continuum of services may be the "Brief Services Unit", which, together with a hotline and full service unit, may achieve the optimal balance of providing the most service for the least expense. For more information, see, W. Moore, "The Theory Behind The Hotline System" Appendix C and W. Moore, "A New Concept in Service Delivery- the Brief Services Unit". Appendix D.

It is noteworthy that in the course of preparing the Phase I report on hotlines the Center for Policy Research interviewed the managers or executive directors of 44 hotlines. When asked about the overall effectiveness of hotlines the responses were very positive. All the interviewees cited more strengths than weaknesses and believed that their hotline had expanded the program's "capacity, productivity, and client accessibility." They overwhelmingly perceived that the "hotline enabled their program to help more people with the same or fewer resources." (CPR Phase I, *supra*, at pp. 16-17.) Not a single one regretted implementing a hotline.

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II. HOTLINE MODELS

A. IN-HOUSE/REMOTE OFFICE

All the hotline models described below have in-house and remote office variants. The hotline model was originally designed for attorneys to come into an office to handle calls and access the computer database. Most hotlines still have their telephone advocates working from the hotline or legal services office. However, the advent of phone-routing technology and Internet connection to the case management software has made the “remote office” viable and capable of reducing operating costs significantly. The AARP Foundation experiment with the Pennsylvania Legal Advice Line has resulted in a 290% increase in productivity and one-half reduction in costs. *See, Moore, A More Productive, More Versatile Legal Hotline Methodology- A new Concept in Delivery--The Brief Services Unit (Appendix D) See also, Senior Legal Hotline Annual Reports.*

Pennsylvania hotline calls are answered by a receptionist at Tele-Lawyer, Inc. in Las Vegas. She takes client demographic information, screens for conflicts in the Advice Line database and forwards the call to a hotline attorney who works from his home in Pittsburgh. He handles the call and enters casenotes in the database. He is paid only for time handling calls plus a few minutes for entering casenotes. This model lends itself to increased utilization of part-time attorneys working from their offices or homes and pro bono participation in service delivery. Other programs with a remote office component include the Kansas Legal Services Elder Law Hotline and CLEAR*Sr in Seattle. Both of these programs have attorneys working in-house and at remote offices.

B. STAND-ALONE

A stand-alone hotline is one that operates independently of a traditional legal services program. It gives advice, information, and sometimes, brief services but it does not schedule clients for a full service law office. All referrals are to another program or agency such as a legal service office or a bar referral program. According to the *Legal Hotline Directory*, 37 (24 %) hotlines are stand-alone. This model is very popular with programs that are focused on a specific issue, such as healthcare rights, family law, or housing. Thanks to funding from Title IV of the Older Americans Act, it has become a prototype for the senior community with 23 statewide senior legal hotlines currently operating. This model was pioneered by AARP’s Legal Counsel for the Elderly in 1985 with the establishment of the Legal Hotline for Older Americans in Pittsburgh, PA. (Now

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called the Pennsylvania Legal Advice Line and operating in the remote office format described above.) The largest example of a stand-alone hotline is the Coordinated Legal Advice and Referral Program for Legal Services (CARPLS) in Chicago which handles more than 16,000 cases a year. Many programs have both a stand-alone and intake component. The senior statewide hotlines in particular are likely to perform intake for the service area of their sponsor program, but operate as a stand-alone hotline for the rest of the state.

C. SINGLE OFFICE INTAKE HOTLINES

A single office intake hotline does everything a stand-alone hotline does but, in addition, it performs the intake function for the full service unit staff attorneys. At some hotlines, such as in LCE's law office in the District of Columbia, the hotline attorneys actually schedule appointments for the clients with the staff attorneys. At others, the hotline attorneys forward the hotline intake sheet to the appropriate staff attorney who contacts the client for further help. The number of clients who are scheduled in-house may vary according to program priorities and capacity but nearly all are screened by the hotline first. Even the clients who are given appointments will have first discussed their problem with a hotline advocate, at least briefly. As a result they will know what documents they should bring with them to the appointment and what other steps to take before coming in. This reduces the likelihood that a staff attorney will have to send the client home to collect the necessary paperwork or because the matter is not yet in the proper posture for the staff attorney to go forward. Typically, the clients thus scheduled are a small fraction of the total handled through the hotline. The single office intake hotline has been the most common type and was usually added to an existing program as a means of streamlining intake and providing services to more people. Currently, the trend is toward consolidation, in part due to LSC ordered mergers.

D. MULTI-OFFICE INTAKE HOTLINES

A multi-office intake hotline does everything a single office intake hotline does, but, as its name suggests, it does it for more than one office. Usually, such a hotline serves offices in different geographical locations but belonging to one program. This system is intended to be more efficient and less expensive than having a separate hotline and intake at each location. *See, Michigan Report, p.4.* Careful coordination among the offices is required for this type of hotline to function well. Currently there are 49 (32%) such hotlines. Some examples are: Centralized Intake and Hotline operated by Southern New Mexico Legal Services; Legal Advice and Referral Center operated by Land of Lincoln Legal Assistance Foundation, Inc.; and Northwestern (Pennsylvania) Legal Services, Inc. Centralized Intake Unit.

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E. MULTI-PROGRAM INTAKE HOTLINES

A multi-program intake hotline performs intake for several programs, which may or may not be in the same location. For instance, one office may have several programs due to different eligibility criteria imposed by different funding sources. On a more ambitious scale the hotline may be the intake point for multiple programs at many locations. “Umbrella hotlines that serve multiple programs are studies in coordination. They develop a sophisticated understanding of the kinds of extended cases each program accepts.” *Michigan Report, p.7*. The Northwest Justice Project created Coordinated Legal Education, Advice and Referral (CLEAR and CLEAR*Sr) to handle primary intake for all free legal services programs in the entire state except Seattle. Massachusetts has a similar system. Only six (4%) hotlines identify themselves as multi-program but the trend towards consolidation suggests there will be more in the future.

F. SPECIALIZED HOTLINES

Not all hotlines provide advice on a broad range of topics. Another approach is to set up specialized hotlines in the particular subject areas in which the legal services program handles cases. For instance, Hawaii operates a hotline dedicated exclusively to domestic violence; San Francisco has separate hotlines for housing matters, consumer law, and family law; Sacramento has one just for health rights; Michigan has one for kids; and there are several hotlines limited to housing issues. The Neighborhood Legal Services Program in Buffalo, N.Y. also operates specialized hotlines. For a description of how this program operates, see, Morrissey “*Stop The Insanity! Intake Made Intelligible*” (*Appendix E*). The advantage to this approach is that the hotline attorney need only be a specialist in that particular area. The downside is that it requires the caller to self-diagnose his or her legal problem.



III. HOW A HOTLINE WORKS

A. INCOMING CALL ROUTING

Calls coming into the hotline are typically answered in one of the following ways:

- The hotline advocate picks up incoming calls
- A telephone receptionist or screener answers the calls
- The calls are answered by an automated attendant

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- Calls are picked up by an answering machine

Whichever mechanism the hotline uses to route the calls, the caller will speak with a receptionist/screener in some programs while in others, the hotline advocate is the first person the caller will speak with. In either case, the caller is asked to provide some demographic information before the legal problem will be discussed. If the caller refuses to give his name the call should be terminated. It is not advisable to provide any legal assistance to anonymous callers. *ABA Standard 3.2.*

1. Calls Answered by Hotline Advocate

In some programs the incoming calls go directly to the hotline advocates who then handle all aspects of the call from the initial screening through the provision of legal advice and/or brief services. Smaller programs may be able to manage with several phone lines that roll over to the line that is not busy. A voice mail option is usually needed for times when all the lines are busy. The advocates return messages left on voice mail as quickly as possible. This system is tried and true and has been used by numerous hotlines over the last ten years. However, it requires a constant balancing act to ensure that enough advocates and telephone lines are available to handle calls so that messages left on voice mail do not grow into an undue backlog.

Having the hotline advocate pick up the call was part of the original hotline concept. The advantage of this system is that the client gets to the service provider by the shortest possible route. The disadvantages include using valuable advocate time to screen for eligibility, check for conflicts, and input client demographic data. It also places more stress on the advocates who have to pick up calls without being able to read any prior casenotes or knowing what the subject matter of the call will be.

2. Calls Answered by Receptionist/Screener

Other hotlines use a system where the incoming calls are answered by a receptionist who screens callers for eligibility and refers matters that the program does not handle to other agencies. For all eligible clients, the screener records the clients' names, telephone numbers, demographic data, and usually a brief statement of the problem before passing the clients on to the hotline advocates or taking a message for a call back. This method works well when call volume is not so high that a message backlog is produced. If the hotline can employ someone sufficiently skilled to perform these intake functions and enter the data into the computer, this system has the advantage of preserving advocate time for the legal matter itself. An intermediate method is for the receptionist to take the client's name and phone number and pass the call to an available hotline advocate or take a message to be passed on but does not provide the caller with any information and does not gather detailed information from the client. This method is useful for hotlines that depend

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on workers who are not able to perform the more detailed screening functions. Although the hotline advocate must still take time to enter demographic data at least the advocate can check for conflicts and read casenotes for existing clients before actually picking up the call or making a call back. The problem of hotline burnout is greatly alleviated when the hotline advocate controls the timing of the calls.

Recently the Pennsylvania Legal Advice Line (this is the original LCE hotline formerly known as the Legal Hotline for Older Americans) tested a new method of intake by contracting with Tele-Lawyer, Inc. to perform these screening services from its headquarters in Las Vegas. AARP pays Tele-Lawyer a per call fee. *See Appendix B.* Outsourcing some of the hotline services is a relatively new idea but works very well for this hotline. Other hotlines are currently investigating whether these services would be advantageous for them.

3. Calls Answered by an Automated Attendant

In high volume hotlines, an Automated Attendant, which queues calls into an Automated Call Distribution (ACD) system, is the most efficient way to handle volume. The system channels calls to an available hotline advocate. If all the advocates are busy the client will usually have to wait on hold for some period of time. This system usually requires the client to select automated menu items to some degree. This allows clients to be routed according to type of problem, language spoken, or any criteria the program chooses. It may be necessary to allow callers to access a receptionist if they are not able to navigate the menu. Hotlines operating with this system usually bypass a screening worker and have the advocates pick up the calls.

4. Calls Picked up by Answering Machines

It is possible, though not recommended, to operate a hotline without a receptionist. Callers simply leave their name and number on the answering machine and the attorneys call back as soon as possible. So long as the backlog does not become too great, the hotline can function quite well, although screening for emergencies becomes more difficult. This method should be used only by those programs where the budget simply doesn't permit the hiring of a phone receptionist/screener.

5. Emergencies

Procedures for handling emergencies should be focused on four principles:

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- a.* There should be a clear definition of what constitutes an emergency and all staff should be trained to recognize emergency situations. For example, most programs consider a caller with an eviction notice or utility cut-off notice to be an emergency.
- b.* When a case is identified as an emergency, the caller should be placed at the head of the queue and connected with a hotline attorney as fast as possible. Clients may be asked by the intake screener whether the matter is urgent, but most clients are poor judges of whether their case is an emergency and many more claim to have emergencies than actually do. The hotline advocate can usually ferret out the real emergencies. The hotline attorney will evaluate the client's legal position to determine what help is appropriate. A determination that a client has an emergency requiring further assistance does not mean that the client necessarily will be represented by the program because that depends on program priorities and staff availability. If the client is scheduled to see a full service attorney, the urgency of the matter will be re-assessed again in the course of that interview.
- c.* If the emergency cannot be handled on the telephone a hotline attorney should consult as quickly as possible with the staff attorney or other referral resource to determine whether they are able to assist. If the program is not able to help the client it is absolutely essential that the client be told this clearly and firmly at the outset. If the client can be referred elsewhere then that should be done, but the client must not be allowed to think that help is available when it isn't.
- d.* The hotline office should have current information on how to handle typical emergency situations such as emergency medical care, shelter, food, utility cutoffs, and other essential services. While some of these problems may not constitute a legal case, they are serious situations where the hotline can provide useful information.

The ABA Standards comment that hotlines may wish to have procedures to “identify and respond to emergency matters in ways that maximize the services provided to their callers.” *Comments on ABA Standard 3.7.*

6. Walk-in Clients

Many legal services programs deal with a significant number of clients who simply walk into the office. Generally speaking, walk-in traffic should be discouraged unless the client does not have a phone, is homeless, or there is some other compelling reason why the client cannot call the hotline. Accepting walk-in clients will slow down the efficiency of the hotline considerably. Many hotlines ask walk-in clients to provide preliminary information that will be passed on to the hotline staff as though

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it were a telephone call. The receptionist can then tell the walk-in client that his/her problem has been routed to a hotline attorney who will call back for a telephone interview. The client's documents pertaining to the case, if any, should be copied. Other programs, which have staff available for screening, are reluctant to turn walk-in clients away. The danger of continuing to provide walk in services is that clients will be encouraged to keep walking in rather than turning to the hotline. If it is an emergency (and a case that the program handles), then the walk-in client can be routed to the appropriate staff attorney if one is available.

B. SCREENING CLIENTS

1. Screening for Eligibility

A hotline may need to screen callers for financial eligibility in accordance with Legal Services Corporation (LSC) guidelines or those imposed by other funding sources. Likewise, a client may need to be screened for basic non-financial eligibility criteria such as residency in the program's service area, age, or type of case. There are at least two ways that basic screening for eligibility can be accomplished.

In programs where there is no intermediary between the caller and the hotline attorney, the screening for eligibility is done by the attorney as part of the initial interview. The intake is a simple one-step process, certainly the most efficient method from the client's point of view. The disadvantage is that valuable attorney time is taken up with very routine fact-gathering, data entry, and referrals. On the other hand, the attorney can use the process to develop a rapport with the client and assess his level of understanding. This is the model favored by the Michigan researchers. "*Elements of an Ideal Hotline*" *Michigan Report, App C*. For information on this method consult *The Pennsylvania Legal Hotline: Guide for Hotline Attorneys*.

If calls are answered by a receptionist, intake worker, or a trained volunteer, he or she can screen out those callers who clearly are not eligible and then gather preliminary information about the rest. One advantage to this system is that it generates more demographic information about the client because he is told that the preliminary interview is routine, and required, and thus is usually more willing to answer questions. When the screening is done by the attorney, the client is anxious to discuss his legal problem and tends to be impatient with questions not directly related to it. Using a trained intermediary for screening is the system used by many programs. An increasing number of programs have the computer capability to transfer the client and his preliminary interview data to the hotline attorney immediately. The Tele-Lawyer, Inc. enterprise demonstrates that the intake worker doesn't have to be in the

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same office as the hotline, or even in the same time zone.

The ABA Standards emphasize that screening should not be more intrusive than necessary. It should be done before any details of the problem are elicited and the caller should be told the reason for the questions upon request. *Standard 3.4.*

2. Screening for Conflicts

The second stage of the screening process is a check for conflicts with existing or former clients. *See*, Section IV.A 2 *infra*. Because all client information is stored in the computer database, the attorney will be able to check whether this client has contacted the hotline before and, if so, to review the previous matters before speaking to the client. If there is a conflict between this client and any other client, the system should identify it at this point. Whether the hotline serves one or multiple offices, Internet connections should allow crosschecking in the databases. When this is not possible, different programs have handled the problem of multiple databases in different ways. Some hotlines call or fax a particular office to ask them to check a client's name against their database before sending them any additional information about the client. This is how CLEAR*, one of the largest hotlines serving programs with multiple databases, handles the problem. Another approach is to make the different databases available to the hotline but structured in such a way that a staff person can do a conflicts check throughout the system but can only read the case files for their own program. This would provide the information that a particular name was known to the computer as a client but not what the case was about or whether it truly constitutes a conflict.

Some assistance may be provided by ABA Model Rule 6.5 which was adopted by the ABA House of Delegates in February 2002 with the purpose of relaxing the conflict of interest rules in non-profit limited service delivery situations. It states that: a lawyer who, under the auspices of a non-profit organization or of a court-annexed program, provides limited legal services to a client without the expectation of either the lawyer or the client that the lawyer will provide continuing representation in the matter:

- (1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest.

The complete Rule and Commentary can be accessed at <http://www.abanet.org/cpr/e2k-rule65.html>

A member of the Ethics 2000 Committee opined at the ABA post teleconference webpage, that if a legal services program established a separate short-term legal services program such as a hotline, distinguishable from its ordinary representation

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of clients, then a conflict would not be imputed from the hotline attorney to the other legal services attorneys in the firm, although the hotline attorney would be disqualified from representation. A possible method of implementing such a system would be to keep the hotline database separate from the full-service office system.

Whatever technique is adopted it is important that a system for checking conflicts be integrated into the program as a whole. The ABA Standards underscore the need to have a system to check for conflicts pointing out that because hotlines serve a greater number of clients than a full service law office they have a greater likelihood of having a conflict. *Standard 1.4*. This is a problem that is only going to increase. The hotline for the Legal Aid Society of Hawaii reports that they turn away 5-7% of callers because of conflicts with other clients. *CPR Phase I p.21*. It is important for the program to develop referral avenues for clients it must turn away because of conflicts.

C. BASIC HOTLINE STAFF

1. Telephone Receptionist/Intake Screener

It is a good idea for a hotline to have a telephone receptionist/intake screener but many programs function without one. A telephone receptionist can collect basic information from the caller such as the name and telephone number and enough information to determine eligibility and whether or not the caller's problem is urgent. In situations where call-backs are necessary they can be placed by the intake worker thus saving time for the hotline advocates. The client registration process is most efficient when demographic data are entered directly into the computer by the intake worker while the client is still on the phone. *See*, Appendix F for job description for intake worker.

2. Hotline Advocate

The heart of the hotline staff, of course, is the person who talks to the client about his legal problem and provides legal information, advice, or other hotline services. This person may be an attorney, a paralegal, or a law student and may be paid or volunteer. *See* Appendix F for sample hotline attorney job descriptions.

3. Supervising Attorney

A supervising attorney is responsible for reviewing all work performed by hotline advocates daily and providing guidance to ensure consistency and quality of service. In addition, this person identifies training needs and either arranges for or provides training on substantive topics. The supervisor oversees the implementation of policies and procedures and can make changes in them to improve the operation of

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the hotline. According to the CPR study, hotline managers “uniformly identify having a supervisor on call or available for consultation as a key to program quality.”

CPR Phase I p.39. The supervising attorney can also double as a hotline attorney as needed. All supervising attorneys should have had some experience actually working on a hotline. The supervising attorney is also in the best position to spot trends in client legal problems. The supervising attorney for a hotline is also the key person to select particular cases for legal services systemic advocacy.

4. Staffing Patterns

Hotline staffing configurations vary depending on several issues unique to a particular program. For instance, a freestanding hotline may not need intake workers while other programs may find them invaluable. Some hotlines are staffed by full time employees but most programs find that part time is more effective. Using part time staff allows for greater flexibility plus reducing the stress associated with hotline work. Often the part time hotline staff are full time employees of the program who have other duties when not on the hotline. There doesn't appear to be any correlation between the number of cases a hotline can handle and the type of staff or whether they are full time or part time.

D. CONNECTING CLIENT TO HOTLINE ADVOCATE

Once the client has been cleared as to eligibility he is ready to talk to a hotline advocate. Some programs tell the client that the hotline will call them back within a specified period, whereas other programs attempt to connect the client to the hotline advocate at once. Since incoming calls are not perfectly timed or evenly distributed throughout the workday to coincide with the availability of attorneys, it is inevitable that some clients will have to leave a message and wait for a call back at a later time when a hotline attorney becomes available. Even programs equipped with automated call distribution (ACD) may generate call-backs if the system includes a voice mail option and the client calls outstrip the staff availability. Calls are normally returned by the intake worker or the hotline attorneys on a first-called, first-served basis, except for emergencies. Calls coming in at the end of the day likely will not be handled until the next day.

1. Advantages of a “Live” Hotline

A hotline where the client is connected to a hotline advocate at the time of the call is the most convenient for the client and the most efficient for the staff. There is no time wasted playing telephone tag and the client's problem gets immediate attention although it may be after waiting on hold for several minutes until the next attorney is available. Availability of attorneys can be boosted by utilizing attorneys working at home or in their own offices to pick up calls routed to them by the phone system or central receptionist. Many programs that have a “live” hotline report that they do not

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even offer a voice mail option and clients who do not get through to the hotline will just have to try later. Other programs do allow for a voice mail message to be left and the call is returned very quickly. Which model to adopt will depend in part on what staff is available and what volume of calls is anticipated. Pittsburgh's experience with Tele-Lawyer suggests that a "short delay" call back system may work well. The client is not put on hold for very long and gets to speak with a lawyer with only a short delay.

2. Advantages of a Call Back System

A call back system is one in which the client routinely is not connected to an attorney at the time of the initial call but must wait to be called back later. Keeping in mind that a legal hotline is really an "advice line" and not an emergency service such as a medical or suicide hotline, many believe that advice provided by a timely call back is a reasonable way to provide services. Optimally, a client should talk to the advocate at the time of the initial call but the reality is that a majority of hotlines make some call-backs. Advantages include permitting the hotline to prioritize cases. It allows flexibility in managing overflows and staff absences. Many hotlines are able to keep the waiting time for a call back very short. Some hotlines usually call back the same day and most call back within 48 hours except in periods of exceptionally heavy volume. This system works better for senior hotlines than for those serving the general population, as older clients are easier to reach at home during the day. Other hotlines may add evening or weekend hours in order to reach more clients. Another approach, which many hotlines have found efficient, is to give clients an "appointment" to be called back at a specific, mutually agreeable time.

3. Recording Cases

Hotline staff usually sit at computer terminals; most wear headsets so their hands are free to use the computer. The hotline advocate who speaks to the client will enter a brief statement of the legal question or problem, advice given, service provided, referral made, and disposition or outcome.

E. CONTROLLING VOLUME

1. High Volume

A hotline attorney can usually average 1.6 to 2.3 calls per hour. *See Senior Legal Hotline Annual Reports*. In the LCE Pennsylvania hotline attorneys average 5-6 calls per hour. High volume hotlines usually find they can provide only a minimal amount of brief services. More brief service cases allow less time for taking calls and slow down hotline productivity enormously. This phenomenon has led Wayne Moore to envision a brief service unit to work in concert with a telephone hotline. *See, Moore,*

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A New Concept in Delivery – the Brief Service Unit, Appendix D. The calls/hour figure varies depending on a number of factors: the experience of the attorney; the complexity of the problem; whether the attorney does the screening and/or makes the call-backs; whether or not the attorney performs “brief services” (document review, calls to third parties, letters, etc.); and the ability of the caller to communicate effectively all the facts necessary to understand the problem. The number of calls the program can handle on any given day will depend on these factors as well as the number of attorney hours scheduled on the hotline. For example, if two attorneys are scheduled for eight hours (9:00 a.m. to 5:00 p.m.), between 16 and 32 clients will be served on average.

Unless programs decide to forego a voice mail option, most programs find it impossible to avoid call-backs. Call-backs affect productivity because attorneys will not necessarily be able to establish contact with the client on the first try. In service areas where the number of calls greatly outstrips the available number of hotline advocate hours the backlog of messages could grow so large that callers must wait for several days to speak with an attorney. This would undermine one of the principal purposes of a hotline-- to provide prompt service-- and lead to client dissatisfaction. In addition, if the hotline returns calls on a first come, first served basis then all calls are subject to the same delay.

The ABA Standards recognize the problem: “Telephone hotline services...should develop procedures to manage backlogs of calls. Information about backlogs should be conveyed to callers so that callers know what to expect when their calls cannot be taken within a reasonable amount of time.” *ABA Standard 2.3* Most hotline managers agree that the best way to deal with backlogs would be to increase hotline attorney hours. This is usually not possible because of the cost. In the past volunteer attorneys have not proven very effective in reducing a backlog because of their limited availability and lower productivity. The development of the “remote office”(See Section II A supra) model may increase volunteer participation, as they will be able to take calls in their own offices without having to commit to coming into the hotline office. It may also be possible to hire attorneys for remote offices at much less cost by paying them only for time spent on calls.

Hotline programs have experimented with a number of different ways to manage backlogs with varying degrees of success.

a. Reducing Volume

If a program can't increase its staff time then it must decrease something else. The most common way of reducing volume is to limit intake and therefore make it more difficult for the client to reach the hotline. Usually, it is the hours of

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operation that are limited but types of cases can also be restricted. The following are some of the more widely used methods of reducing volume.

- 1.) *Limit Intake Hours* Many programs regularly limit their intake hours to a few hours a day. For instance, intake may be open in the mornings and return calls made in the afternoon. A variation is to close intake one or more days a week (except for emergencies) to allow staff to catch up on call-backs and complete brief services cases. Limiting intake hours also tends to reduce the number of clients because many callers do not call back if they do not connect on the first try. One hotline found that only 40-50% of clients who were told to call back the next day actually did so. When told on Friday afternoon to call back on Monday, only 10% did so.
- 2.) *Limit Number of Incoming Lines on ACD* Programs utilizing Automated Call Distribution can program the system to adjust the number of incoming calls to the staff available for the day. Overflow callers will simply receive a busy signal. If the voice mail option is also eliminated no backlog will be produced. The voice mail option can be re-instituted when the backlog is reduced.
- 3.) *Limit Number of Call Back Appointments* Some programs limit daily intake to the number of calls that can be scheduled for a call back the next day. For example, if the program has 20 appointment slots for the next day, only 20 messages are accepted. The 21st caller is told to call back the next day to receive an appointment for a call back. If the program is willing to handle emergencies it must stay open to accept such calls throughout the day, even after the quota has been reached.
- 4.) *Limit Types of Cases Accepted* Instead of limiting the number of hours that intake is open, a program can limit the types of cases it will accept. It may decide, for instance, not to accept consumer problems, or to refer divorce cases elsewhere. This can be done on a temporary basis or permanently if there is no relief in sight.
- 5.) *Close Intake When Backlog is Unmanageable* When the number of messages reaches a certain level, intake is closed for a period of a few days until the backlog is cleared. Once the backlog is cleared, intake is reopened. However, immediately after reopening intake, the volume of calls may rise sharply due to the buildup in callers needing services while the hotline was closed so that the backlog just starts piling up again. A program may decide to continue accepting calls while intake is closed for the sole

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purpose of being able to respond to emergencies. If a program decides to keep intake open despite long delays, callers should be advised that an attorney will return their calls within a specified number of days. *See, ABA Standard 2.2 and Comments.* The caller decides whether to wait or look for an alternative resource.

6.) *Limit Outreach* An obvious place to cut back is in publicity. Typically, a program will engage in less outreach when it is operating at capacity. This can be a two edged sword: less publicity results in fewer clients but also a lowers visibility in the community. It is ironic that hotlines, which were conceived as a way to provide legal help quickly and conveniently, now often must choose between being easily accessible or providing fast service. A popular hotline with limited funds has an uphill struggle to be both.

b. Increasing Hotline Capacity

1.) *Make the Hotline More Efficient* The goal is to continue doing everything but doing it faster. If the problem is that the hotline is spending too much time playing telephone tag with hard to reach clients then support staff can be asked to make these calls or schedule these clients for a telephone interview at a specific time. If the software is slow there may be an opportunity to save time by switching to a better system. Programs that have an ebb and flow of volume may be able to temporarily increase hotline attorney hours by scheduling attorneys in the evening or on a Saturday when no new calls are coming in, or scheduling additional attorneys during peak hours. This is easier to do in a remote system. A backlog fund can be set-aside in the budget to cover the extra costs associated with this. A program which chronically suffers from long delays in connecting callers to the hotline should consider getting Automated Call Distribution. The Pennsylvania Legal Advice Line has achieved considerable efficiency by outsourcing its intake function and relieving its attorneys of making call-backs or screening and inputting demographic information into the database, and by paying attorneys only for the time they are actually on the phone with the client.

2.) *Eliminate Some Hotline Services* This approach focuses on reducing the amount of time the hotline attorney spends with the client rather than limiting the number of clients. This usually means cutting back on the number of brief services that will be provided by the hotline and either leaving the client to manage by himself or referring the case elsewhere sooner, and with less development. This is the *de facto* system in

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many hotlines. The addition of a specialized brief service unit to handle these cases is a possible method for providing these services.

3.) *Make Better Use of Volunteers and Support Staff* If a hotline uses lawyers for screening it can switch to using support staff. Volunteers may be able to perform some tasks instead of the hotline. A recent proposal by Wayne Moore of Legal Counsel for the Elderly illustrates one way this could be done. His plan would remove the brief services component from the hotline entirely and place it with a newly created unit dedicated to performing the brief services formerly provided by the hotline, as well as those that had been the responsibility of the staff attorneys. This new unit could be staffed primarily with volunteers and paralegals and supervised by a single managing attorney. With the burden of undertaking these services removed from the hotline it would be able to handle more calls. Staff attorneys would have more time to devote to cases meriting extended services. For a fuller description of this protocol *see* W. Moore, *A New Concept in Delivery-The Brief Services Unit (Appendix D)*.

2. Low Volume

For many hotlines the problem is not too many calls but too few. This is particularly true for hotlines that serve a rural population. Just as busy hotlines decrease publicity others need to increase it. For example, instead of general press releases or public service announcements that publicize the hotline, a program can focus on a substantive legal topic that it considers a priority and then invite those who have a problem or question involving this topic to call the hotline. Other strategies include public service announcements aired on television and radio, posters, brochures, and flyers distributed as widely as possible, public speaking engagements, and persistent networking. Hotlines can meet with other agencies that are the source of referrals and encourage them to include the hotline brochures in their mailings. Ads in the Yellow pages also work. The Tennessee Elder Line Hotline was able to get the phone company to include an announcement about the hotline with its residential phone bills. *See* D. House, *Targeting Hard to Reach Populations, LHQ, Summer 2000*.

Another way to reach a targeted client population is to work with existing provider agencies and advocacy groups, offering information, training, and priority access via a separate telephone line. For example, one hotline prepared business cards with a special 800 telephone number for community service workers to call to get advice regarding a client's problem when the client was unable to call. The card also contained the telephone number for their clients to use when they could call on their own behalf. These business cards were very successful in targeting the hotline's services to hard-to-reach populations as they served as a handy resource for

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community service workers to use in the field.

All programs can be made available to deaf and hearing- impaired clients via TDD or the relay services offered by the telephone company. In states where there are large populations of eligible people who do not speak English, the hotline should include attorneys with the appropriate language ability or contract with an interpreter provider such as Language Line.

F. QUALITY CONTROL

Because hotline services are provided very quickly and with little of the slow deliberation and extensive paper trail of a traditional legal consultation, it is essential that the program build in procedures to safeguard the integrity of the service. There are several ways to assure that clients are getting high quality legal assistance.

1. Review of Casenotes

The most important quality control mechanism is the review of the computer printout at the end of each day. This computer-generated report should contain the casenotes for all the cases that were worked on by the hotline for that day. Alternatively, the supervising attorney may choose to review the casenotes for each day's cases on the screen. The casenotes should include a concise recitation of the relevant facts, identification of issues, and a record of the advice or information provided. The notes should also reflect compliance with other procedural safeguards aimed at quality control such as recording actual and potential adverse parties, and checking for conflicts of interest. But the casenotes should not be burdened with extraneous information. Optimum efficiency requires that case note functions be balanced against the time spent entering unnecessary detail. See, Herman and Ehrlich, *Casenote Considerations, LHQ Spring 1998*. See also, *LCE sample casenote page printout*. (Appendix G) The attorney in charge of the hotline should review that printout daily. Among the things that the reviewer should be looking for are:

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- a.* Ensuring that the advice given was accurate, complete, appropriate based on the facts provided, and consistent with what the program advises other clients with the same or similar issues, and ensuring that such advice, including any applicable statute of limitations, appears to be understood by the client.
- b.* Ensuring that all the relevant facts were obtained that are necessary to resolve the case or to route it in the appropriate direction, and that the hotline attorney is recording notes in detail sufficient for a third party to understand the nature of the problem and ascertain that the correct advice, information or direction was given.
- c.* Ensuring that the case is closed, placed with one of the units in the program (e.g., set for an appointment with staff attorney, PAI unit, or other specialty unit), referred, or tickled for further action by the hotline and thus not left in suspended animation in the database.
- d.* Ensuring that all the appropriate fields are completed on the computer screens.
- e.* Ensuring that each hotline advocate is being productive on the hotline.
- f.* Spotting trends in the community.

There needs to be some method for the reviewer's comments to be communicated to the hotline attorney who will address them. Software programs usually allow supervisors to give feedback to the hotline advocates via email. If the supervisor wants another opinion on the case this should also be possible with most software. The ABA Standards comment that "hotline personnel should understand the value of supervision and regular evaluation and use them as methods to improve the quality of services provided and enhance their ability to perform their duties and assist those in need of legal advice and information." *Comments on ABA Standard 4.3. See also ABA Standard 2.4.*

2. Periodic Hotline Meetings

Another important quality control device, especially in the early days of implementing a hotline as an intake system, is periodic meetings of the hotline staff to discuss topics such as: (1) handling a specific type of case; (2) clarifying or establishing procedures for troublesome situations; (3) providing an opportunity for an update on a specific area of law, or inviting a guest speaker on a specific topic (4) creating a sense of camaraderie and team building among the hotline staff and others; and (5) identifying recurrent client problems that should be addressed systemically.

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3. Ongoing Training

Hotline attorneys, like their counterparts in more traditional law practices, need to keep abreast of developments in their field. The ABA Standards recognize this: “Hotline services should view orientation and training as an essential investment in providing quality legal services and should bear the expenses of appropriate training designed to improve the skills of staff at all levels and keep staff current on developments in their fields of expertise.” (*Comments on ABA Standard 4.2.*)

G. PROGRAM EVALUATION

Before implementing any evaluation procedure it is important to define what is to be measured. Some possible questions the evaluation should answer: Is the hotline being operated in an efficient and cost-effective manner? Are clients’ legal problems that *can* be solved *being* solved by the hotline? Are the clients receiving some benefit from the hotline in addition to the actual outcome? (Such as greater understanding of the issue, opportunity to be heard, help in preventing future problems) Each program may have additional goals of its own. The tools used in evaluating each program or part of a program should be designed for the purpose. *See, ABA Standards and Comments 2.11, 4.5, 4.6.*

1. Internal Evaluation of the Program

A hotline should carry out regular self-evaluations to determine the quality of services provided and the efficiency with which these services are provided. Programs should set clear standards for both quality and productivity and take steps to ensure that the entire staff understands what these standards are and how the program expects to achieve them.

Hotline managers should review productivity statistics on a monthly basis. These statistics should include the number of cases and calls handled; a count of the individual services provided (e.g., advice, brief service, referral, legal research); the average number of cases and calls handled by a hotline attorney in an hour; the number of clients and households served; the case to call ratio, and, possibly an individual attorney breakdown for all of these figures. (See Section VI. for discussion of how the right software can generate useful reports.) By carefully analyzing such statistics, the manager can identify problems and make specific plans for resolving them. (For a sample of a productivity report used in the LCE Hotline, *see “Productivity Report: For All Attorneys,” Appendix H. See also, Senior Legal Hotline Annual Reports.*)

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Legal hotlines have existed for more than a decade. One of the most important lessons hotline managers have learned in this time is that it is possible to achieve a high level of quality and still be a very efficient program. Efficiency in itself should not be minimized as a worthy program goal. It means that more people can be served, and served well, than would have been possible otherwise. One way of determining efficiency is to keep track of hotline staff time spent on the phone with the client and time off the phone keeping records, making notes, and performing administrative functions. In a typical hour spent handling calls some programs achieve a ratio of 70% time on the phone to 30% off the phone. Another factor in determining productivity is to minimize the amount of expensive attorney time that is spent entering client demographic data into the computer. Often, these tasks can be performed less expensively by support staff. *See, Appendix D* for a more detailed analysis of productivity.

If a program is not meeting its goals the hotline manager should find out why. What kinds of cases take the most time? Can some procedures be established to reduce the time spent inefficiently (such as sending self-help publications)? When is it best to set up a face-to-face meeting rather than spend time on the telephone? Does productivity vary from attorney to attorney? What differences account for this? Can strategies be shared among attorneys? What ideas do attorneys have for improving procedures? For a compilation of performance data on Statewide Senior Legal Hotlines, *see, Statewide Senior Hotlines Annual Reports at www.povertylaw.org*.

2. Evaluation of Hotline Services to Clients

Until recently the most common methods of measuring success (or failure) were the client complaints and the client satisfaction surveys. Both of these methods have their uses but both have serious flaws.

a. Client Complaint Procedures Every grantee of the Legal Services Corporation is required under federal regulations to have a client grievance procedure in place. The introduction of a hotline system simply means that the hotline staff need to be aware of the existence of that process, know how it works, and tell any aggrieved caller how to file such a grievance. The hotline manager should review the client grievance process to make sure that the existing procedures are appropriate for, and can accommodate, hotline callers.

From a quality-control standpoint, the grievance procedures are probably most helpful in keeping managers, directors, and governing boards of the legal services program (where applicable) informed of the types of grievances clients have and any whether they fall into any pattern. The next step would be to view any pattern as an opportunity to change the delivery model to make the hotline

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as client friendly as possible. The ABA Standards state that a hotline should “develop and employ a method or regular recordation and assessment to determine the frequency of complaints and to determine any pattern and the merit of any complaints in order to take corrective action where appropriate.” *Comments on Standard 4.6.* The *CPR Report Phase I* notes that one executive director said that his program receives complaints only once in every 3-5 years. The only lesson he derived from this is that clients may be too easily satisfied. *CPR Phase I p.24*

b. Client Satisfaction Surveys In addition to self-evaluation, a program should always solicit the opinions of the clients it serves. Clients will provide valuable information about the service that can often lead to improvements. Client surveys can also provide support for the hotline concept and be a tool the program can use to establish general community acceptance and support.

Often, the most meaningful portion of these surveys is the comments section. Here the often glowing remarks can be collated, circulated to the hotline staff as a form of recognition for their work, and given to grant-funding agencies to show the effect of the hotline’s work on the lives of clients. Also, the adverse comments can be helpful in correcting systemic as well as individual problems that may have arisen on the hotline.

Client satisfaction surveys have been an integral part of hotline quality control, measurement, and evaluation since their inception. By having all clients’ names and addresses on a computerized database, and with a software program that is capable of producing mailing labels for all the clients, it is a relatively simple matter to send out such surveys.

There is considerable variation in the actual implementation of a survey. Some programs mail surveys to virtually all clients and some to a smaller sample. Mailings may be monthly, yearly, or timed to the completion of the service. Other programs do telephone surveys instead of mailings.

There are also differences in the personnel used to conduct the surveys. A few programs use hotline personnel to make the calls but other programs prefer to use volunteers, outside consultants, or other specially recruited staff. Because, by their very nature, the surveys are very labor intensive, there are costs associated with any choice. Even volunteers require training and supervision to make them effective. Client confidentiality is an important consideration. Surveys should not be mailed to any client that might be compromised by receiving one (*e.g.* a client calling for divorce information); a client’s

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permission must be obtained for the telephone survey.

At AARP, the survey response rate varies from 30-70% although some programs report much lower response rates. Since the surveys returned are not based on random or scientific sampling, the results only apply to the respondents. Despite their shortcomings, these surveys at least yield a general impression of the programs' effectiveness.

For various samples of client satisfaction surveys and reports, *see, e.g. Legal Hotlines Satisfaction Surveys (1994), Senior Legal Hotlines Outcomes Report (2000), CPR Hotline Outcomes Assessment Study Phase II Pre-Test (2000), and Client Satisfaction Survey and Results, 1997/98* from the Legal Advocacy and Resource Center in Boston, Massachusetts. *See also, Survey Instrument, Senior Legal Hotline Outcomes Study (2000) Appendix K*, available at www.povertylaw.org in the hotline section of the Poverty Law Library.

3. Measuring Outcomes

The current focus in hotline evaluations is on the process called measuring outcomes. Measuring client outcomes in the hotline setting requires a somewhat different approach than measuring results achieved in a full service program. Legal Counsel for the Elderly in Washington D.C. has devised a method of tracking outcomes using their case management software. Hotline attorneys can close a case noting the "outcome" by selecting from a list of 30 choices such as "obtained verbal explanation of legal rights, responsibilities, or procedures" or "obtained referral to other free legal service". From this data statistical information can be generated for a variety of uses. For instance, cases can be sorted by case handler, program unit, problem code, etc. *See, LHQ Winter 2000. See also, LCE Outcome Codes Appendix I.* LCE has also set up a Hotline Follow-Up Project designed to track outcomes where hotline attorneys expect the client may experience difficulty in following the hotline advice. For a detailed description of the Project and client outcomes to-date, *see, G. Rund, LCE Hotline Follow-Up Project, LHQ Winter 2000.*

The Project for the Future of Equal Justice has completed its *Pre-Test of the Hotline Outcomes Assessment Study*, which was a preliminary project to determine the efficacy of conducting outcome studies by using telephone follow-up calls. *CPR Phase II September 2000.* The study involved interviewing approximately 60 hotline clients in Washington (state) and Connecticut regarding the outcome of their legal problem based on the help they were given by the hotline. The results indicate that interviewing clients by telephone is a feasible way to conduct outcome surveys. They also indicate that, although some types of clients may have less successful outcomes, most of the clients reported a favorable resolution of their problems. "Ratings...all

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yield the same picture: within three months, most clients who phone the Hotline achieve a successful resolution to their legal problem, or are on the road to reaching a favorable result. The patterns are consistent across both programs in the Pre-Test and for all problem types.” *CPR Phase II p.23*.

AARP Foundation Technical Support for Legal Hotlines completed a survey of five senior statewide hotlines at the end of 2000. These hotlines mailed clients a survey form requesting information about the outcome of their legal problem after speaking with the hotline. The three main objectives of the survey were to determine the services for which the client called the hotline; whether the client followed the advice he was given; and what results were obtained. Three secondary goals were to gather data on client satisfaction with the hotline service; collect client demographic data; and to see if there was any correlation between the type of case prompting the call and the outcome.

Over 1000 surveys were returned, a rate of 30%. The results of the survey indicate that on the whole hotlines have been very successful in meeting the needs of the respondents. The majority of the survey respondents, 88%, called the hotline for legal advice or information and the same percentage rated the response as helpful. When the clients were advised to take some follow up action on their own, 82% of those reporting that they were advised follow up, did so. 48% reported that their problem was completely or partially resolved, while 43% were still waiting for the results of their action, approximately 1-2 months after speaking with the hotline. Follow-up at a later date would yield important findings and problem outcomes. More than 80% of respondents said they would call the hotline again and only 6.4% said they would not. Clients calling the hotline about wills or estates, or with health care questions, reported the most favorable results, while those calling with housing issues were the least successful. Further investigation is needed to determine the most satisfactory way of handling these issues. *See, Senior Statewide Legal Hotlines Client Outcomes Survey, 2000.*



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IV. PRACTICING LAW ON THE HOTLINE

A. ATTORNEY/CLIENT RELATIONSHIP

The heart of any hotline is the interaction between a client who needs legal help and the attorney who can provide it. It is fundamentally no different than any other transaction between lawyer and client. Although the setting in which the service is provided differs from the traditional office environment it is important to be certain that the traditional values are still fully honored. “Hotline services providing legal advice and information must advance the core professional values of the legal profession, including competence, confidentiality, conflicts of interest and the independence of professional judgment.” *Introduction to ABA Standards.*

1. Confidentiality

In the context of a hotline, an attorney-client relationship arises when the attorney begins discussing the client’s problem with the caller/client, unless the attorney makes absolutely clear this is not the case. Thus, the information gathered from the caller must be kept absolutely confidential. The ABA Standards state that callers are “entitled to confidentiality and an expectation of privacy.” *ABA Standard 1.5* Computer records must be protected with access codes, and hard copies stored with the same diligence as any other case file. Support staff, volunteers, etc., are bound by the same duty as attorneys just as they are in traditional law offices.

There are special problems that arise with third-party callers (e.g., someone calling on behalf of his incapacitated grandfather) for which special procedures should be developed. This is a frequently encountered issue for hotlines serving the elderly. LCE’s local law office handles many protective services cases (guardianships, etc.) and therefore has had to develop procedures for third party callers in conjunction with the DC Bar Ethics Committee. This protocol is included *infra. 3 Third-Party Callers.*

2. Conflict of Interest

The Rules of Professional Conduct apply to a hotline as well as to a more traditional law practice. For a hotline, the higher volume and immediacy of the response underscore the need for a quick, efficient, and accurate system for ensuring that a hotline attorney is not providing advice to a party adverse to a current or past client, either of the hotline or the individual attorney. At the very least, the system should be able to pull up the names of current clients and those who were represented by the program in the recent past. Some hotline software programs allow a record search by telephone number or Social Security number in addition to the client’s name, and the caller’s name. Information regarding the nature of a former relationship

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is also useful since a past contact need not necessarily constitute a conflict of interest.

Performing a conflicts check has the additional benefit of alerting the hotline attorney to the client's prior history with the program. It is absolutely essential that the hotline attorney review the client's prior contacts with the hotline before addressing the current problem. This review often reveals issues of vital importance. Prior casenotes not only may provide useful information about the client's capacity, memory, and ability to follow advice, but it may also disclose relationships within the family, or other persons or agencies that the hotline needs to know in assessing whether there is a conflict. Increasingly, maintaining old case records will present a challenge to hotlines that have limits on the storage capacity of their database. Some hotlines only keep old files for a few years.

The ABA Standards stress compliance with state rules of professional conduct in checking for all possible conflicts of interest to ensure that procedures comport with those requirements. In addition, the ABA House of Delegates adopted Rule 6.5 in February 2002. The intention of this rule is to allow private practice attorneys who volunteer with non-profit organizations to provide legal advice to low-income clients without worrying unduly about conflicts of interest as long as they could not reasonably know that one existed. This exception to existing conflict rules is limited to situations in which both the client and the lawyer understand that there is no ongoing attorney/client relationship. The rule, which applies only to non-profit organizations, also might provide some flexibility to programs with multiple offices. The Rule would help address situations where staff of several independent programs jointly operate a hotline. Under the Rule, a hotline would only have to search its own database for conflicts and not the databases of the other programs.

When the potential for conflict is between a past or present client and a new, would-be client there is usually a clear line. If the prospective client has interests adverse to an existing client then services must be declined. Occasionally, there may be a conflict between the interests of a particular client and the philosophy of the program. For instance, Legal Counsel for the Elderly would not argue that persons over 65 are presumptively incapable of entering into contracts. Similar conflict issues frequently arise in the area of family law.

One concern is that a caller with a high priority problem not be foreclosed from receiving assistance because the hotline has previously advised a non-priority adverse caller. One way for a program to handle this problem is to use its priority setting powers to develop a protocol for refusing hotline services to a non-priority caller in those substantive areas where the fear of turning away a priority caller is primary. For instance, a program could institute a policy stating that spouses seeking to obtain or

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enforce restraining orders receive service while spouses who are seeking to defend against a restraining order do not. Many legal service programs refuse service to landlords in favor of tenants, or to creditors in favor of debtors.

3. Third-Party Callers

Programs must develop specific policies for handling calls when someone other than the “client” contacts the hotline. *See, Standard. 1.6.* The comments on this Standard note that hotline services should recognize that they have no “*obligation to serve the interests of all callers and can implement non-discriminatory policies to refuse service under various circumstances, such as those resulting from third-party calls.*” Therefore, a program should consider all the potential issues and develop a policy that is understood and applied uniformly by all hotline staff.

In general, when a person claims to be calling on behalf of another, the prudent practice is to ask the caller if the hotline may contact the client directly for the consultation or at least get his permission to speak to the caller. If that is not possible, the hotline advocate must make sure that the client’s interests do not conflict with the caller’s before providing services. *Caveat:* Some experts in legal ethics insist that it is not ethical to give advice about a client to anyone other than the client. *Third-Party Protocol.* Adapted from *Pennsylvania Legal Hotline for Older Americans Procedures Manual*

4. Identifying the Client

Many times, family members or friends will contact the hotline and state that they are calling on behalf of an elderly person. In cases where only general legal information is requested, there is usually no problem. However, when the caller presents a legal problem of the person on whose behalf the call is made, the hotline attorney must proceed with caution.

a. The hotline advocate must determine who the client actually is --- the person on whose behalf the call is purportedly made - or the caller. When the caller is clearly not eligible for hotline services (because he is too young, over-income or not a resident), the elderly (or otherwise eligible person) **must** be the client and the hotline attorney will only advise in that person's best interest. When the caller himself is eligible, the hotline attorney must establish whether the caller is the client. This is critical in cases where there are potential conflicting interests between the caller and person on whose behalf the call is ostensibly made.

The hotline must make absolutely clear that it is giving the advice for the "client" and that if that "client" should later contact the hotline directly, the

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information that is given by or to the caller will not be treated as confidential. So, if their interests conflict, the hotline is decidedly representing the interests of the "client". This precaution should avoid problems that later may arise concerning the issue of whether the caller was the client and whether the hotline is thus bound to keep the relationship between the caller and the hotline confidential.

b. Once the hotline attorney determines that the client is not the caller, he should attempt to discover whether the client is himself capable of communicating with the hotline. If he is, the attorney should advise the caller to have the client contact the hotline directly. If this is not possible, the attorney must be mindful of the potential conflict as advice is given.

c. In cases where more than one family member contacts the hotline on behalf of a client, the family members must decide among themselves who will communicate with the hotline. Talking to more than one family member or friend about a client's problem will lead to confusion, repetition and possibly misunderstanding or worse - a conflict of interests. If two callers, e.g., siblings, are fighting over control of a parent, services should not be provided, although a referral is possible.

d. When a social worker calls on behalf of a client, the hotline may give legal information and advice on the same basis as it would when a family member or friend of a client calls. Remember that the social worker himself is not the client. In instances where the social worker is employed by an institution such as a nursing home or hospital (as opposed to an Area Agency on Aging), keep in mind that there is a potential conflict in the interests of the client and the institution. While the social worker will declare an advocacy role on behalf of the client, he is also an employee of the institution.

e. When the issue presented by a caller involves guardianship, the hotline must be clear as to whose interests it is representing: those of the alleged incompetent or those of the prospective petitioner. The hotline is able to represent either party interest so long as the party is eligible for services. Likewise, the hotline can refer either party to a referral attorney. When the caller might be a petitioner and is seeking an attorney, the caller must be eligible. The caller is the client in such a case.

5. Professional Competence

The ABA Standards underscore the obligation of all attorneys to provide competent advice. *"A telephone hotline service providing legal advice and information must take measures to assure its personnel provide competent advice and information as*

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determined by state rules of professional conduct.” ABA Standard 1.7. The level of competence required is related to the scope of service offered. Competence requires more than a good working knowledge of the law in question. It is also necessary that the hotline attorney be able to elicit sufficient information on which to base an opinion. This is not always possible on a hotline where the matter may involve documents not available or when the client doesn't know all the facts. When the hotline attorney is not able to provide adequate service to the client for any reason the proper course is to advise the caller of alternative services available and to terminate the call. *See, Comments on ABA Standard 3.5.*

6. Retainer Agreements

While usually there is an attorney-client relationship between a hotline caller and a hotline attorney, the level of representation does not rise to one requiring a retainer agreement under pertinent Legal Services Corporation regulations because the hotline is providing only advice and brief services. *See, 45 C.F.R.1611*

A written agreement will be needed in some cases where the hotline wishes to call some agencies and other entities that may insist on seeing written authorization. For instance, the SSA and IRS require specific forms of written authorization before they will respond to any third party. In some programs a retainer agreement is mailed to the caller to authorize the hotline attorney to provide these brief services.

B. CASE HANDLING/CORE HOTLINE SERVICES

The core services offered by a hotline are legal advice, information, referrals, and sometimes brief services. Because not all hotlines offer the same services, the ABA Standards urges hotlines to clearly define which services will be provided. The description of services should be published and included in all materials describing the hotline service. *Comments on ABA Standard 2.1.* Hotlines that operate as the intake system for a larger program should be careful to specify which services will be provided at the hotline level and which ones will not. The client must not be misled into thinking he will be entitled to all the services offered by a program when in fact he is only entitled to hotline services.

1. Advice

a. General Advice The basic premise of a hotline is that many legal problems can be resolved by giving advice over the telephone. If the caller has a problem that can be resolved by legal advice, the attorney provides the advice by phone. If necessary, the attorney can research the issue using the resources provided for the purpose or consulting with a colleague. The hotline advocate should have access to basic legal research tools. These are now widely available online.

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Depending on the situation, the caller may be put on hold or called back.

b. Advice to Supplement Publications Most programs have amassed a variety of publications and other materials and these can be sent to the caller as appropriate to supplement or reinforce the legal advice. On most hotlines these take the form of generic, rather than customized “self-help,” publications prepared either by the program or by other organizations for use by clients. Such materials can provide valuable guidance on step-by-step problem-solving procedures for those capable of using them. They can also reduce the multiple call-backs to the program that may result from the client’s confusion or inability to retain more complex information given on the telephone. AARP Foundation has produced state specific *Frequently Asked Questions (Attorney and Client Versions)* and a library of Self-Help Manuals for over 20 states. Materials for all 50 states are planned. AARP also has a practice manual on federal law, as well as many legal bulletins on many topics. These, along with a wide variety of state materials produced by other programs are available at the Legal Hotline Technical Support Library housed at www.povertylaw.org.

Many legal services programs and support centers have websites where self-help materials can be downloaded. (Legal services websites are listed at hotline record in the State-by-State Legal Hotline Directory www.legalhotlines.org) Useful publications from these sites can be collected and together with other similar publications from federal and state government agencies, such as the Federal Trade Commission (www.ftc.gov), the Social Security Administration (www.ssa.gov), downloaded into a general publication resource directory available to hotline staff. When grouped and categorized efficiently on the program’s database, hotline staff can easily look up a publication that is relevant to a caller’s particular problem and arrange to mail it to the caller. If the computer program is set up to produce mailing labels, these can be generated as needed with a few simple keystrokes by the hotline staff.

c. Self Help Offices LCE has created a demonstration project to establish special self-help centers at sites in the community to assist clients with legal problems. These units will be staffed by volunteers and administrative assistants who will have direct access to hotline attorneys. These centers will stock publications useful to the clients, have Internet access to a specially constructed website, and will be able to assist them in contacting the hotline staff for further assistance. See W. Moore, *Excerpts from the Future of Legal Services, LHQ Fall 2001*.

d. Advice Plus Standardized Letter Some programs have standardized letters

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that can be sent to clients with common problems. A few programs send the client a customized letter summarizing the advice given by phone as a means of ensuring that advice was understood. If a policy of sending confirmation letters to reaffirm hotline advice is contemplated, consideration should be given to the significant impact on efficiency and productivity. If the content of the letter is precisely tailored to the needs of the individual client it can be time consuming. If the letter is more general it may be no more useful than an informational publication.

LSC believes that an advice letter should be sent to each hotline client. Many hotline managers take the view that with sufficient self-help publications to mail and quality control mechanisms in place, there is no need to confirm in writing the telephone advice given; the detailed casenotes satisfy any quality control concerns. Instead, programs have utilized tickler systems and follow-up calls to see whether the client has understood and acted on the advice. Replies to the *Senior Legal Hotline Outcomes Survey (2000)* indicated that failure to understand or forgetting the hotline advice was not a problem for the survey respondents. Only 1% of the total respondents indicated that they didn't understand or forgot the advice.

e. Advice in Cases Requiring Document Review Although the hotline can be very effective in cases where callers need information, advice, referral, or brief services, sometimes there are documents that must be reviewed before advice can be proffered. If the document is a simple one in common use the caller may be able to read or describe it over the phone. But often the hotline attorney will need to read the document in order to give advice about it. For instance, the problem may involve a contract, a will, a lease, etc. If time permits the client can mail a copy of the document to the hotline. If the matter is urgent the document may be faxed. Sometimes community organizations or churches will make their fax machines available to clients. Fax machines will be available to clients in the LCE Self Help Office demonstration project described above. The hotline attorney can then review the document and advise the caller accordingly.

A matter that involves review of a substantial number of documents is best handled by scheduling a face-to-face interview with a staff attorney or referring the client to a program that can provide the needed services. For cases that fall somewhere in between, experience over time will dictate exactly what routing seems most appropriate. The ABA Standards caution that rules of professional conduct concerning competent legal representation could be transgressed by hotline attorneys attempting to address "complex issues in a limited time frame

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or without a thorough review of applicable documents....” *Comments on ABA Standard 1.7*

f. Pro Se Materials Many legal services programs are developing *pro se* materials to enable clients to handle their cases on their own or with minimal help. Some of these materials are part of self-help clinics run by the bar, the courts, or legal aid programs. Often these materials can be accessed through the hotline, and hotline staff may be the principal source of additional advice and information about the underlying legal issues and how to fill out the forms. It thus becomes the responsibility of the hotline to make a judgment as to whether the client is capable of proceeding *pro se* and whether there are any legal issues that would preclude this approach. *See, Comments on ABA Standard 2.7* Even when the client is ultimately referred elsewhere for more direct help, it is generally the hotline that performs the initial screening, provides the client with preliminary information, and makes the referral.

A study done by Statewide Legal Services of Connecticut suggests that many clients are able to make good use of *pro se* materials. SLS interviewed 20% of the 251 clients who had called their office about family law matters in May-July 1997 and who had been advised about *pro se* representation as a way to solve their legal problem. Of the forty-eight people they interviewed, nine later obtained attorneys on their own and were excluded from further analysis. Of the remaining thirty-nine, nineteen initiated and prosecuted court actions on their own and twenty did not. Of the twenty who did not go to court, seven resolved the problem short of court; eleven had a variety of other reasons for not pursuing court action; and only two said they were too intimidated by the process to proceed on their own. The survey showed that 87% of the clients interviewed said they had positive feelings about their dealings with SLS and all thirty-nine said they would recommend SLS to a friend. The majority found the materials helpful and only a few reported negative experiences with the court. Out of nineteen who represented themselves, eighteen said they would do it again.

2. Brief Services

The hotline provider should carefully define what brief services will be provided and under what circumstances they will be provided at the hotline level. Where the program itself may be unable to assume full representation in the client’s legal matter, potential problems may arise if the client or others have assumed otherwise. Clear guidelines and defined limits on brief services can avoid such problems. The ABA Standards state: “*Scope of Services: A telephone hotline providing legal advice and/or information should clearly define the scope of services it provides to its callers.*” *ABA Standard (2.1)*. The *Comments* to this standard express the concern

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that because there is great variation in the services provided by different hotlines there is the potential for confusing the public over what services are provided by any particular hotline. The description of services provided by the hotline should be published and circulated to all staff and included in all materials describing the hotline service.

The concept underlying the brief service unit is to increase hotline productivity by relieving the hotline of these additional tasks and moving them to a special brief services unit. As this model is developed at various programs, its usefulness in increasing client services at minimal cost will be more fully reported. *See, Appendix D.*

a. Calls to a Third Party One of the most common “brief services” provided by the hotline is a telephone call to a third person. Calls may be made in an effort to get assistance from an agency, resolve disputes about billing errors, service issues, to clarify contract terms, negotiate with landlords, etc. The hope that the hotline attorney will make such a call on the client’s behalf is the motive behind a lot of calls. The assistance the hotline can provide by calling must be balanced against the time that can be consumed in doing so, and the danger of playing phone tag. If the third party is difficult to reach it may be necessary either to coach the client how to make the call, write a letter instead, or refer him to another service.

b. Document Preparation Some hotline programs provide simple document preparation services. This differs from merely advising the client on the telephone how to complete a form he already has. The hotline staff can actually prepare health care directives, living wills, and even financial powers-of-attorney. Of course, procedural safeguards must be developed and implemented to avoid problems. Sometimes the procedure is to mail the client the appropriate document in a fill-in-the-blank format and then talk the client through the process of filling it out. This may work with very simple documents. New document preparation software and online document preparation applications may provide a hotline with a quick method of constructing simple documents for a client during the phone consultation or soon thereafter. Completed documents can then be printed by the client or mailed to the client if he has no Internet/printer access. Hotlines may wish to explore licensing this technology to serve their clients.

The ABA Standards encourages hotlines that provide document preparation as part of their services to set out the scope of those services and establish operating procedures to facilitate the efficient delivery of those services. Hotline

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providers should establish procedures designed to maximize assistance to their callers. These procedures should direct hotline personnel to recognize limitations in the abilities and competencies of callers to proceed with legal matters on a *pro se* basis and to recognize the relative complexities of the legal issues being discussed. Hotline personnel should direct callers who show a limited capacity to resolve their legal needs on a *pro se* basis to other legal service resources. *ABA Standard 2.7.*

c. Assistance with Pleadings Occasionally, hotlines will prepare pleadings and related documents on behalf of an individual who is engaged in *pro se* litigation. This includes complaints, answers, discovery motions, etc. Traditionally, this “ghostwriting” of *pro se* pleadings has been frowned upon or even specifically forbidden, but increasingly it is accepted as a practical necessity. Some jurisdictions have special rules defining permissible attorney involvement in *pro se* pleadings. For instance, the Maine Supreme Court has amended its court rules, effective July 1, 2001, to allow a client to hire a lawyer for limited purposes, such to prepare a motion or to help with strategy. This “unbundling” of legal services is expected to increase as more and more clients are unable to afford full service lawyers. According to Chief Justice Daniel Walthen of the Maine Supreme Court, “Access to full-service justice is shrinking. It is reliably estimated that one-half of the basic legal needs of Maine’s poor and one-third of the needs of those in the middle class are unmet....[These litigants] may be better off with some representation than none. It is not a cure all.” *Portland Press Herald, 9/6/2001.* It is important that the client truly understand the limited nature of the representation he is getting. Otherwise, the client may have a false sense of security, believing the advice he has been given is adequate in all eventualities when in fact it may not be. Of course, the hotline should check with the governing rules in their jurisdiction before preparing *pro se* documents.

3. Examples of Cases That Can Be Resolved By the Hotline

The following is a description of typical problems that hotline attorneys usually can resolve with advice only. Depending on the resources of the program, the client can be told to call back if the advice does not resolve the problem. Some cases are tickled for a call back by the attorney. These are usually cases where proper client action is important or where the attorney doubts whether the client will follow the advice given. If the client does not resolve the problem on his or her own, the hotline can schedule the client for an appointment or make a referral. The following examples are based on the law in the District of Columbia.

* *My landlord told me that I have to move out by the end of this month* (for whatever reason). After making sure that the tenant has received no other letters or court

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notices, the hotline attorney can advise the client that the landlord must do more than just tell the client to leave. The landlord must first give the tenant notice that he intends to evict the tenant for one of ten legal grounds for eviction. There is a precise number of days' notice that must be given before the landlord can go to court to get a writ of eviction. If the landlord does go to court the tenant may be able to raise a number of defenses. Only the court can order an eviction and then only after the proper procedure has been followed. The hotline attorney can send the client a publication about landlord/tenant law if it would be helpful. After addressing the immediate issue the hotline attorney will then talk to the client about the underlying problem triggering the landlord's wish to evict and what steps the tenant might take to forestall another attempt..

* *The dry cleaner ruined my dress, or, The man I loaned \$100 to refuses to pay me or, My neighbor dented my car and refuses to pay me or give me the name of her insurance company.* The hotline attorney will first review the facts of the matter with the client to determine if he has a reasonably good case. If so, the attorney will discuss the various options open to the client from making a claim with an insurance company to going to small claims court. In some cases there may be a forum for alternative dispute resolution available. The attorney can help the client decide on the best course of action for him and tell him how to do it and what to expect. For instance, the attorney should advise the client that winning a judgment in small claims court does not necessarily mean he will be able to collect it. The hotline attorney can offer to stay in touch with the client throughout the process.

* *My husband has died and I want to get his name off the deed, or, I want to add my daughter to the deed.* Although these requests are quite different, the first question is the same. Why? It is ordinarily not necessary to prepare a new deed when a joint tenant dies but there are a few instances where it may be advisable. In the second example there is a widespread belief that the only safe way to keep property in the family is to add names to the deed. The client is usually unaware that the consequences of adding other names to the deed can range from increased taxes, greater exposure to creditors, and an inability to sell the property without agreement of the joint owner. When the attorney finds out why the client wants to change the deed he can suggest other ways to accomplish the same thing.

* *I have tried to get my landlord to make repairs in my apartment for months and he keeps saying he will but does little or nothing about it.* The hotline attorney can discuss with the client the remedies available to the tenant from negotiating with the landlord to summoning the housing inspector. The client usually has more than one option and the attorney can assist in choosing the right one in a particular situation. Sometimes the hotline attorney will make a few calls for the client.

* *Yesterday a salesman came to my house and I signed a contract ordering a new (roof) (siding)(windows)(medical alarm system). I looked at it again and I really can't afford it.* The hotline attorney will tell the client about the three-day rule of rescission on home solicitation sales, and give advice on how to rescind the contract. If necessary the attorney can help with the wording of a letter. If the three day grace period has elapsed, the

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hotline attorney may offer to read the contract documents to see what other options the client may have. Clients may mail the documents (copies only) but increasingly clients have access to a fax machine which speeds things up. A number of publications are available to send to callers on this subject.

* *I am getting phone calls from a collection agent over a bill I don't owe, or, A collection agency keeps calling me although they agreed to take \$10 a month which I've been sending, and I can't afford any more.* Most clients know very little about what a bill collector is permitted to do under the law. The hotline attorney will tell the client what rights he has and how to respond to the demands of the collection agency. Since the exercise of these rights may trigger other actions the attorney will discuss the consequences with the client. The attorney can also help the client compose letters to the agency as well as sending out pertinent publications.

* *I applied for a loan and they turned me down, saying there were some bad things in my credit report.* The hotline attorney will explain to the client how to determine whether the report has erroneous information. The attorney will tell the client he has a right to a free copy of the credit report and explain how erroneous information can be corrected or removed. Publications are available to send to callers on this subject.

* *Three years ago I co-signed a car loan for my son. He is behind in his payments and the finance company wants me to pay. I haven't seen my son for six months. What if I refuse to pay?* After determining that the client did in fact voluntarily co-sign the loan, the hotline attorney will explain what is likely to happen if the finance company exercises its rights to repossess the car or even sue the client, including the right to get a deficiency judgment. The finance company doesn't have to sue the son and can choose to proceed against client. The client may well have a cause of action against his son, if he can find him and wants to do this.

* *A friend of mine told me it would be a good idea to have a (living will) (health care power of attorney). Do I need one?* The hotline attorney will explain the function of these documents, distinguish them from each other and talk to the client about the circumstances in which they might be helpful and why. The attorney will explain the possible consequences of not having them. The hotline attorney may offer to send a self-help publication with the necessary forms and instructions for filling them out. The attorney may offer to assist by phone, if necessary, during the drafting. If the client prefers, the hotline attorney will arrange an appointment with a lawyer from whatever source is appropriate for the client. In all cases the attorney will recommend that the client discuss the content of these documents with his/her family and physician. The client should be sure that a copy of any advance directive is in his/her medical file.

AARP Foundation has prepared sample state specific answers to 91 of the most frequently asked questions at the senior hotlines. Each question has an answer in both client and attorney versions. FAQs for all fifty states are planned. They can be accessed at the Poverty Law Center online Legal Hotline Library at

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www.povertylaw.org.

C. REFERRALS (beyond the hotline)

1. In-House Referrals

Many hotlines are also the intake system for a legal services program. The program will have its own guidelines concerning what cases it accepts which frequently are different from those of the hotline. The program may encompass more than one type of service. In addition to the traditional legal service staff, the program may have a volunteer attorney unit; it may have units that take cases only in specified subject areas, such as housing, or family law. The hotline should make the initial determination as to which program a client should be referred. Thus, the hotline staff needs to be fully aware of how the other projects in the program function.

Every component of the program should provide written guidelines concerning what cases it accepts, financial guidelines specific to that project, information it needs and any other relevant criteria in making a decision about routing a case to that component of the program. Each program should develop a streamlined policy for getting hotline clients an appointment with a full-service unit attorney. Some programs allow the hotline attorneys to schedule the in-house appointments while others require the hotline advocate to email or fax the hotline intake record to a designated person in the relevant unit who will contact the client. The first procedure is easiest for the client. It is important to stress to the client that the appointment does not guarantee the staff attorney will represent him. This decision must be left to the staff attorney and his supervisor.

a. Cases That Should Referred In-House Approximately 25- 30% of clients calling the hotline will require more than advice or brief services simply because of the nature of their case. This includes cases that may go to court, cases requiring an administrative hearing, cases involving extensive negotiation, and cases with multiple parties, to name a few. Other clients will need to be given an appointment because their case is factually too complex to assess accurately on the telephone, or there are numerous documents. Some clients must be interviewed in person because of individual limitations. They may have poor communication skills, or other disabilities that make it difficult to advise them by telephone. This includes clients whose comprehension is doubtful, or when it is vitally important to be sure the client truly understands the situation. Occasionally, the hotline will schedule a client because of uncertainties about his honesty.

b. Home Visits A hotline service is an immense help to those clients who are

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unable to come to the office at all, or only with great difficulty. By merely having a hotline the program will probably be able to serve many more homebound clients than were otherwise served. Of course, there are homebound clients whose legal problems are not ones that can be resolved over the phone. If that is the case, the hotline attorney may be able to refer the client to the in-house staff to supervise a home visit. In theory, the hotline could both request and supervise the home visit but it is generally more efficient to have home visits transferred to in-house staff since the problem may require more extensive services than are available through the hotline. If this turns out not to be true, the client can always be referred back to the hotline.

In one Pennsylvania program, volunteer lay advocates were recruited and trained to act as “links” to the hotline, by helping clients make calls to the hotline. Volunteers either make home visits or work at specified times and days in community agencies that serve older people. As with all volunteer programs, this strategy demands a certain amount of administrative time.

2. Referrals to a Private Attorney Involvement Panel

All Legal Services Corporation field programs are required to spend a portion of their budget on private attorney involvement programs (PAI). In many cases, this involvement takes the form of a separate unit in the program, or a unit affiliated with the program, staffed by a coordinator who spends much of his/her time recruiting private lawyers and placing *pro bono* cases with these lawyers.

Setting up a hotline as an intake system will force a legal services program to sharpen its focus on exactly which cases it will handle in house and which ones it will refer to the PAI component. The preferred methodology is to have the hotline perform intake for the PAI and empower hotline attorneys to make preliminary decisions concerning which program will represent the caller based on clear guidelines.

The PAI component will also have its priorities and should set forth in writing clear guidelines concerning eligibility for *pro bono* placement. This would include a listing of subject matter priorities, financial eligibility, and any other special requirements of the *pro bono* unit. There should be easy communication between the hotline and the PAI program about availability and priorities

Since the hotline, especially over time, will become more and more adept at handling advice and brief services requests, the percentage of *pro bono* placements for this type of service should go down. At that point it may not be cost-effective to refer most brief services to *pro bono* attorneys. This is because the cost of developing and referring the case often exceeds the cost of handling the case in-house. Also it uses

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up a *pro bono* referral that could have been used on a more complex case. Thus, the referrals to the *pro bono* panel should be composed of a higher concentration of cases that require more in-depth services such as document preparation, administrative agency appeals, court cases, and cases requiring negotiation. Cases outside a legal services program's priority areas are also appropriate referrals.

Many clients can be referred from the hotline directly to the PAI. These include simpler matters such as requests for wills and powers of attorney. More complex cases will need more screening, factual development, and issue identification prior to being referred.

Sending a *pro bono* attorney a morass of documents or an ill-defined legal problem will only result in poor relationships with the *pro bono* attorneys. In freestanding hotlines the attorney should develop the case as thoroughly as possible. For hotlines connected to a legal services program this development can be done in-house to the extent there are attorneys available to do it. Care must be taken that the screening process does not create such a bottleneck that the flow of cases to the PAI becomes only a trickle, thus underutilizing the *pro bono* attorneys. *See, Appendix D* for discussion of using a brief services unit to develop cases for PAI.

A variation on this methodology exists in emergency cases. Often a client will have a case that requires immediate attention (e.g., filing an answer in Landlord & Tenant Court or filing a notice of appeal in a Social Security case), but once the emergency is dealt with, the case is placed with a *pro bono* attorney. Thus all three components (hotline, staff attorney, and PAI unit) are involved in the case, and complement each other in terms of allowing each some measure of control over the workload.

Probably the single most important factor in the smooth flow of cases from the hotline to the case handlers and the PAI unit is the hotline attorney's ability to get a clear statement of the facts in as much detail as possible to allow an informed decision and route the case appropriately. If the caller's problem cannot be handled in one of the above ways the hotline attorney may have other options depending on the program. If the hotline is free standing, that is, not connected to any other program, the caller may be referred to a local bar referral service or other legal and community resources.

3. Referrals to Other Programs

a. Referrals to Other Free Legal Programs If the client is not eligible for free help through the programs the hotline services, she or he may be eligible for assistance from some other agency. Other legal aid offices may have different criteria. The hotline should maintain information about the other free legal

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services available in the community and keep them current on their computer database. In fact, new technology is available that allows these other organizations to update their own information.

There may be programs offered through nearby law schools, or organizations with a particular mission. It may simply be a matter of staff availability on any given day. For the sake of efficiency, the hotline should have current information on the intake criteria, areas of practice, and procedure for referring clients to other programs. Obviously, the hotline cannot guarantee that another agency will assist the client but the referrals should be made in good faith. The ABA Standards state that the “goal of the referrals must be to provide the callers with competent representation that meets clients’ needs. Procedures should be developed and employed throughout the hotline service to insure that goal is attained and that it is done within governing rules of professional conduct.” *Comments on ABA Standard 2.10* It is important for the hotline to set up streamlined referral procedures with each of the more common referral agencies to facilitate the referral and make sure the client isn’t starting anew. The procedure could include having a specific hotline contact person at each agency and developing referral forms and follow-up sheets (preferably electronic) so the hotline can track whether the case was accepted by the agency.

b. Referral to Attorneys in Private Practice Some clients will not be eligible for free legal service. They will need to be referred to other resources in the community. Some programs have made arrangements for certain clients to receive legal services at a discount. Other clients may simply need to be given information about finding an attorney on their own.

1.) Reduced Fee Panels For callers whose problems cannot be resolved through any of the hotline’s services or other in-house resources, a program might consider developing a referral panel of private attorneys who will provide legal services at a reduced rate. Many hotlines have recruited private attorneys who have agreed to accept referrals from the hotline in accordance with specified terms. These attorneys should be carefully selected and meet certain criteria, including several years of experience, maintenance of malpractice insurance, and willingness to enter into a written contract that sets forth all the terms of participation. These terms usually include: adherence to a preset fee schedule; willingness to abide by the hotline’s complaint system; participation in a client satisfaction survey; and, in some cases, sharing of fees collected from clients with the hotline to help support hotline administration costs. A referral panel may also include a *pro bono* component. Eligibility will depend on criteria set by the

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program. A computer program that automatically matches a client with a referral attorney will help to ensure a fair distribution of cases among panel members. See *Appendix J, Sample Reduced Fee Panel Contract*.

2.) *Other Discounted Legal Services* In some jurisdictions the local bar may offer some discounted services. Bar Referral Services may provide for limited free consultations. Some organizations provide for some low cost services to their members. AARP, for example, has created its Legal Services Network through which selected attorneys in private practice will give discounts to AARP members. See, www.aarp.org/lbn.

c. Non-Legal Referrals If the caller does not have a legal problem, the hotline attorney explains this fact to the client and provides relevant non-legal information or refers the caller to the appropriate agency. The ABA Standards state that “hotline services providing legal advice and information should establish procedures to identify and maintain information about non-legal services that assist with the problems of callers”. *ABA Standard 2.9*. On occasion the hotline attorney may offer to call the agency to acquaint them with the client’s problem. The client must always consent to this action and authorize the attorney to share information that was given in confidence.



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V. PREPARING FOR A HOTLINE

A. START-UP ISSUES

Starting a hotline requires a substantial commitment of time, energy, and money. The hotline developers will have to make choices about the type of hotline to use and how it will be staffed. These decisions depend upon the purpose for which the hotline is created as well as by practical considerations such as funding. If the hotline will function as the intake system for a traditional legal service office, then plans must be made for a peaceful transition realizing that when a hotline is to be added to an existing program there may be resistance from the staff and confusion about the division of responsibilities.

A hotline will require investment in new equipment. The telephone system may need upgrading and case management software suitable for a hotline is essential. Fortunately, for those contemplating a hotline, there is now a large body of experience addressing these matters.

In 1997 the State Bar of Michigan Access to Justice Task Force initiated a study of different hotline models to help in determining what future hotlines would be useful in Michigan's delivery system. The Michigan study analyzed the factors that comprise an effective hotline in the context of providing high quality legal services to low income people. An ideal hotline is one that includes:

- *Structured eligibility assessment pursuant to written protocol*
- *Immediately followed by factual and legal analysis of client issues*
- *By a specially trained advocate and/or attorneys*
- *Substantive materials specifically edited for hotline use*
- *Referral materials centralized in an information and referral system*
- *To provide counsel/advice and brief services to clients*
- *All of which is contemporaneously documented in a case management program.*
(Michigan Hotlines Report p. 3)

The Michigan study emphasizes that efficiency and cost effectiveness depend on creating regional or statewide hotlines of sufficient size to prevent "duplication of cost, administration and supervision." Such unified systems "increase the number of clients served, streamline and qualitatively improve intake, advice, brief service, and referral of clients, improve the processing of emergencies...." Achieving this will require an upgraded telephone system:

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- *With report producing capabilities*
- *That allows callers to be placed in a queue*
- *And offers substantive messages recorded for hotline clients. (Michigan Report p. 4)*

Hotlines that operate on a smaller scale may not need so sophisticated a telephone system although their efficiency may be less. The Center for Policy Research has recently analyzed 16 hotlines of varying size for the purpose of determining what impact the addition of a hotline had on the number of extended services any given program was able to achieve with the same staff. More than half of the programs with a budget over \$1 million were able to increase advice and brief services without decreasing extended services. No program with a budget of less than \$1 million achieved that result. Given the small number of programs studied it would be premature to conclude that smaller programs could never achieve this mark but obviously careful planning is indicated. *CPR Report Phase I pp.14-15.*

There are many other factors to be considered when planning for a hotline: Who will staff the hotline; what services will it offer; how will it handle emergencies, conflicts, call volume, how much will it cost, and what equipment will it need. The Center for Policy Research created the schematic chart below outlining start-up issues:

Implementation	Referral/Resources	Quality Control
Staffing Attorneys vs. paralegals vs. law students vs. pro bono Use of Screeners Hotline specialists vs. Rotation	Developing and maintaining data bank of community services	Daily review of advice summaries by managing attorneys
Hours of Operation All day vs. half day	Developing and maintaining web site with	Availability of supervising attorney for call

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<p>5 days/week vs. select days</p> <p>Days only vs. days plus</p> <p>Evenings and/or weekends</p>	<p>pamphlets, forms, and links to courts and agencies</p>	<p>consultation</p>
<p>Languages</p> <p>None</p> <p>vs. in-house capacity</p> <p>vs. Language Line, Inc.</p> <p>TTY/TDD capacity</p>	<p>Developing and offering pro se Clinics</p>	<p>Prepared scripts and manuals for common problems</p>
<p>Scope of Intake</p> <p>Hotline only</p> <p>vs. multiple methods</p>	<p>Providing extended legal services or referral to a provider</p>	<p>Regular staff meetings to discuss cases, trends and problems</p>
<p>Managing Call Volume and Wait Times</p> <p>Hotlines vs. “warm lines” (call back systems)</p>		<p>Pairing experiences hotline staff with new staff</p>
<p>Legal Issues</p> <p>All vs. selected topics</p> <p>Definition of conflicts</p>		<p>On-going legal training</p>
<p>Services</p> <p>Advice only</p> <p>vs. advice and brief services</p>		

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<p>Follow-Up Actions</p> <p>None</p> <p>vs. general information pamphlet</p> <p>vs. personal letter summarizing advice</p>		
<p>Phone Equipment</p> <p>ACD vs. receptionist</p> <p>No option for voice mail messages</p> <p>vs. allowed, but not encouraged</p> <p>vs. standard</p>		
<p>Computers and Software</p>		

It is important to allow enough lead-time to study all the issues. There is no one correct answer to any of these questions. Each program must determine for itself what model to adopt but it is important to make these decisions and have all resources in place before opening the hotline for business.

2. Start up Time Line

A list and timeline of start-up activities compiled from senior hotline start-up plans is offered below. Not of all the tasks will be relevant to every hotline; hotlines starting-up at already existing legal services programs may find they have many of the components substantially in place.

Task	Month of Activity
Meet with State Unit on Aging, Legal Services Programs and Title IIIB providers to coordinate how the hotline will interface and enhance legal	1

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service delivery in the state or local area.	
Assemble Hotline Advisory Board including representatives from Bar Association, Legal Services Programs, State and local units on aging, AARP, pro bono committees, client groups	2-3
Hire Managing Attorney	2-3
Finalize procedures for approval of state bar	2-3
Review and remodel office space, order furniture	2-4
Reserve an easy to remember telephone number and P.O. Box	2-4
Select and acquire phone system; add additional phone lines	3-4
Acquire computers; select and install case management software	3-4
Develop and print publicity materials such as posters, brochures, post cards, for distribution to agencies, client congregate centers, libraries	4-5
Meet with State Unit on Aging, Legal Services and Title III providers to coordinate outreach and publicity	6-7
Identify referral resources, develop referral protocols with main referral agencies and load referral data into case management software	6-7
Meet with bar association leaders to recruit pro bono and referral panel attorneys; develop referral panel fee agreements	6-7
Recruit Hotline staff and/or part time attorneys	6-7
Compile in-house hotline procedures manual describing work-flow, resources, and quality control	7-8
Adapt existing FAQs or create specialized manuals as needed; stock hotline library with legal materials; arrange access to online legal materials	7-8
Acquire malpractice coverage	7-8
Plan hotline advocate training agenda and arrange for training staff	8
Hire telephone intake receptionists	8
Collect client information and pro se packets to mail to clients	8

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Revise form letters, client authorization forms, in-house forms	8-9
Implement training of hotline attorneys and telephone intake workers	10
Prepare newspaper articles, press releases and public service announcements; hold press conference	10
Construct hotline web page with FAQs and contact information	10-11
Start taking calls in staggered stages	11-12
Evaluate and refine hotline procedures	12-13
Go to full hotline operation	13-18

B. STAFFING

1. Who Should Staff the Hotline?

The ABA Standards state that hotlines “should be staffed in ways that maximize the skills of the personnel necessary to meet the needs of the consumers.” *ABA Standard 2.14*. Because hotlines vary considerably in the way they operate and the services they provide, so will their staffing needs vary. *Comments on ABA Standard 2.14*.

Some questions that a program should carefully consider in making staffing decisions for the hotline include the following:

a. Should all program case handlers be used on the hotline, or should there be a work unit dedicated exclusively to it? Some programs employ attorneys specifically for the hotline and assign them no other duties. Other programs rotate staff attorneys through the hotline on a schedule that varies from a few hours every day to a shift only every second or third week. There are advantages and disadvantages to each choice. Proponents of a rotation system believe it is better to have all case handlers rotate through the hotline because lawyers who continue to handle extended cases will be more familiar with the pertinent law and thus provide advice of higher quality. Rotating staff will also promote staff cohesion and prevent the hotline staff from being marginalized. A disadvantage of this system is that attorneys may not spend enough time on the hotline to

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become proficient at telephone services. Lawyers who work only on the hotline become very good at spotting trends and tend to become very efficient. Hotline work is not suited to all temperaments so not all staff will be effective at it. Many programs follow a middle course with attorneys' dividing their time more evenly between the hotline and other duties.

b. Should new staff be recruited, or should existing staff be used? The issue should not be whether the staff is new or existing but whether they have the experience and temperament for the task. Many programs believe that experienced attorneys are the most effective for hotlines. For example, the hotline set up by the Legal Aid and Defender Civil Division of Detroit puts its most experienced lawyers on the hotline and assigns its newer attorneys to regular staff duties. The rationale is that this enables the program to provide the best legal service to the most people. *LHQ Fall 2000*. "The premise of a hotline is to position the most experienced staff on the 'frontline'. Experienced attorneys who have the ability to completely analyze, and the authority to resolve a client's legal problems, are the best advocates to staff a hotline. Generally, that means an attorney who has been specifically trained in eligibility, technology, interviewing, issue spotting, substantive law, and a holistic approach to client services." *Michigan Hotlines Report p.9*.

c. Should Hotline Staff Work Part Time or Full Time? Consideration should be given to using part time staff on the hotline. Because hotline work can be stressful there is a fear that full time hotline work could lead to burnout. The part-time hotline staff can be full time program staff who have other duties. But many hotlines have had great success with attorneys who come in part time, or work from their homes or offices, just to do hotline work. These may be lawyers with other jobs or practices who enjoy the immediate client contact.

d. Will the hotline use legal generalists, specialists or a combination of the two? Some hotlines prefer to use attorneys who are generalists, that is, comfortable answering questions on a broad range of issues in the belief that maximum flexibility and efficiency will be achieved when all hotline attorneys handle all subject areas. Some programs, particularly those staffed with paralegals, may need to route calls to "specialists". Programs with automated call distribution can have their attorneys enter their "skill" (subject area or language ability) so that callers who self-identify their subject area will be routed to a specialist. Hotlines that use call-backs can also match calls to particular advocates. This is also an opportunity to take advantage of volunteers who may be knowledgeable in only one or two fields. However, with sufficient support materials, such as Frequently Asked Questions, generalist hotline attorneys quickly become proficient at handling almost all incoming questions

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and provide the most flexible means for staffing a hotline. If a particular call needs a specialist's attention, the hotline advocate can always consult with such a person on those occasions.

e. Should paralegals be used to staff the hotline? The majority of all the hotlines interviewed for the *State by State Directory* use at least some experienced paralegals on their hotlines. A few use paralegals exclusively. Usually, they are specialists who are limited to handling calls on topics within their area of expertise. Paralegals can be effective in resolving a substantial number of problems with telephone information, advice, and brief services. It is important for them to be trained to identify those clients who require more extensive assistance and facilitate their referral to other resources. Paralegals' casenotes and written documents should be reviewed regularly to avoid unauthorized practice of law problems.

A program must be certain to comply with all state regulations concerning the use of paralegals on hotlines. This issue has been raised recently in California where the legislature has created some uncertainty about what would constitute the unauthorized practice of law by paralegals.

The ABA Standards recognizes the problem but suggests that paralegals may be able staff hotlines when they are under the supervision of a lawyer. *Comments on ABA Standard 1.8* The ABA Standards further caution that when the person staffing the hotline is not a lawyer this fact must be made very clear: "Hotline services must avoid the perception that lawyers are staffing the telephones when they are staffed by non-lawyers, such as paralegals or law students." *ABA Standard 2.6*. The comments on this standard point out that because a caller may be more likely to assume that the person they are talking to on the telephone is a lawyer, that the hotline provider "should have the obligation to inform the caller that the person is not a lawyer when that is the situation."

f. Can the Hotline be Staffed by Law Students? Some programs use law students to provide some hotline services. However, their ability to identify issues and provide the needed service may be limited, so the program should narrowly define the role law students will play. Students are subject to the same concerns about unauthorized practice of law that pertain to paralegals. Legal Aid of Central Michigan uses law students almost exclusively to take hotline calls but it supervises them very closely. A supervising attorney is within speaking distance so that the students can get advice to relay to the client as needed. The Legal Aid Foundation of Long Beach, CA, makes similar use of law students on its Legal Action Access Line. The down side of using students is the inherent turnover problem as one generation of students succeeds the next. It also

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negates one premise underlying a hotline which is that experienced people should be used to handle the calls. This insures that advice is based on a practical knowledge of the law and that all issues are identified and addressed. If the hotline advocate must continually tell callers that he will have to research the question and call back, much of the efficiency of the hotline will be lost.

g. Will volunteers (intake workers, paralegals, law students, attorneys) be used? At least 30 % of existing hotlines make at least some use of volunteers and a few are staffed entirely by volunteers. Other programs find volunteers useful for such tasks as following up with clients, writing manuals, recruiting and training new volunteers, and doing research. Volunteers can also engage in lobbying activities forbidden to LSC staff.

The difficulty with volunteers is getting them to commit sufficient time to make it worthwhile to train them. Also, volunteers may require close supervision, careful scheduling, and continuous recruitment and training. For these reasons the Michigan study “cautions against using *pro bono* attorneys as the sole hotline advocates” although they can be used to augment the paid staff. (*Michigan Hotlines Report p. 9.*) Volunteer attorneys may be recruited from retired attorneys or from lawyers who are currently unemployed, such as parents who have temporarily left the workforce to care for children, but might welcome an opportunity to volunteer a few hours a week. Hotlines with evening or weekend hours may be able to recruit lawyers who would like the additional client contact. Technological advances also make it feasible to link lawyers in private practice to the hotline for a few hours now and then or on a regular basis. *See*, Section VI A. This is a good way to use *pro bono* attorneys either because they are already experts in a particular field or because it limits the number of areas of law they need to know something about. The ABA Standards note that the hotline needs to be sure that the staff are “properly trained and knowledgeable in the areas of law in the jurisdiction for which they are expected to advise clients.” *Comments on ABA Standard 1.7.*

h. Will screening for eligibility be the exclusive responsibility of an intake screener or will all hotline attorneys perform these functions? Using non-lawyers to screen clients allows a program to reserve its higher priced legal staff for giving legal advice. On the other hand it is positioning the lawyers at a further distance from the client. There are merits to both approaches. *See* Section III B 1. *See also, Appendix D.*

i. How will a union agreement affect the structure and staffing of the hotline unit? The answer to this question depends on the terms of the union agreement. Generally the choice and design of delivery systems is the prerogative of

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management. However, the union agreement may preclude using contract labor or laying off existing staff in order to hire hotline staff. The program may have to require existing staff to serve regular shifts on the hotline.

j. Can hotline staff be hired as independent contractors? Hotline attorneys have been hired as independent contractors by some programs. Interpretation of guidelines issued by the IRS has led some programs to avoid using independent contractors but it is certainly possible to design a hotline where at least some of the staff are independent contractors, particularly if they work out of their own homes or offices. Some factors and examples delineated by the IRS in determining whether a person is an employee or independent contractor are:

- Behavioral Control-whether the business has a right to direct and control how the worker does the task for which the worker is hired including when and where to work, what equipment to use, what work must be performed by a specified individual, what order or sequence to follow
- Training the business gives the worker- independent contractors ordinarily use their own methods
- Financial control- including the extent to which the worker has unreimbursed business expenses, the extent of the worker's investment, the extent to which the worker is available to work in the relevant market, how the business pays the worker. Attorney independent contractors are commonly paid by the hour
- Type of relationship- whether there are written contracts, whether the business provides the worker with benefits, the permanency of the relationship, the extent to which services performed by the worker are a key aspect of the business' regular activity.

Example: Donna Yuma is a sole practitioner who rents office space and pays for the following items: telephone, computer, online legal research linkup, fax machine, and photocopier. Donna buys office supplies and pays bar dues. Donna has only three clients, corporations with which there have been longstanding relationships. Donna charges the corporations an hourly rate for her services, sending monthly bills detailing her work. The bills include charges for long distance calls, online research, etc. for which the corporations have agreed to reimburse her. Donna is an independent contractor. See, IRS Publication 15-A. Section 2 Employer's Supplemental Tax Guide-Independent Contractors. <http://ftp.fedworld.gov/pub/irs-pdf/p15a.pdf>

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There is no one staffing pattern that is clearly superior. Each program tends to think its own is the best. The *CPR Phase I* study has put together two charts analyzing the pros and cons of different options:

Advantages and Disadvantages in Hotline Staffing (Table 8 of *CPR Phase I*)

	Staff Attorneys	Pro Bono Attorneys	Paralegals	Law Students
Expertise	High	Medium	High	Low
Supervision needed	Low	Medium	Low	High
Training needed	Low	High	Low	High
Cost	High	Low	Medium	Low
Stability	High	Low	High	Low
Ease of Scheduling	Easy	Hard	Easy	Hard
Legal Advice	Unrestricted	Unrestricted	Restricted	Restricted
Other Issues	Consistent case service – can go to court	Difficult to find volunteers	Good client rapport	May create pool of future legal aid attorneys

Additional Staffing Options for Legal Hotlines (Table 9 of *CPR Phase I*)

	Use of Screeners	Use of Hotline Specialists	Use of Legal Specialists	Use of Part-Time Staff
	More efficient use of higher cost staff	More efficient Greater consistency	Callers receive service from an expert in their problem area	Reduces burnout Better quality staff

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		Better trend identification		
	<p>Screeener burnout</p> <p>More steps for clients</p>	<p>Bifurcation of staff</p> <p>Atrophy of legal skills more likely</p> <p>Burnout</p>	<p>Reduces efficiency</p> <p>Complex scheduling</p>	<p>Reduces efficiency</p> <p>Complex scheduling</p>

Of course, not all hotline experts agree with all the opinions and findings of the CPR Study. For instance, some authorities question whether using part-time staff either reduces efficiency or promotes higher quality. This issue of burnout is equally controversial. Some believe this can be a significant problem, while others have not encountered it.

2. Handling Staff Changes

A common problem for organizations attempting to set up a new hotline, or change the way an existing one operates, is the inherent resistance of present staff to changes in procedure or changes in their job requirements. For instance, staff attorneys who were previously full-time case handlers may be asked to devote some portion of their time to the hotline. Or staff may resent a new system in which they have no input into the selection of their clients. The *CPR Phase I* study reports that most programs faced start-up concerns about “the reallocation of resources and shifts in staff responsibilities.” *CPR Phase I p.32*. There are methods to make the transition to a new system smoother.

The most important step in implementing change is to make clear the need for change. For legal services programs this need is frequently the result of loss of funding or the need to serve more clients. Thus, the decision to create a hotline may be intended to ameliorate the problem by providing a more efficient intake system as well as providing at least some help to a greater number of people. The consequences of *not* making changes must be made clear. It is unreasonable to expect staff to cooperate in making changes unless they are perceived to be necessary.

Another important principle is to involve staff in the planning process. Involve staff at every stage, solicit their ideas and opinions and keep the channels of communication open. Changes made in secret carry a heavy burden of suspicion. Once a new system

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or phase is completed, it should be celebrated as a team accomplishment. *See*, Kotter, *Leading Change: Why Transformation Efforts Fail*, Harvard Business Review, (March-April 1995). Existing staff should participate in the development of an orientation system and the training of new attorneys for the hotline. In fact, there should be an orientation program for all staff which, at a minimum, should include presentations on managing the flow of calls to the office, what the hotline will handle, what should be referred to the staff attorneys, what can be referred to the PAI unit, computer procedures, and office and professional standards that need to be maintained.

3. Staff Integration

Whatever configuration is adopted, the entire program benefits when the hotline staff and the rest of the program staff enjoy a relationship of mutual respect. If the hotline is staffed with newly hired attorneys, who are usually lower paid and part-time, it will require skillful leadership to persuade existing staff to regard them as professional colleagues. Each component must be taught to appreciate the role the other plays in overall operations. Senior staff attorneys and specialists can be valuable resources for hotline staff and the quality of service will be enhanced if the program establishes ways to encourage an exchange of information and knowledge. Likewise, hotline attorneys, by screening clients and handling the advice and brief services cases, ease the burden for the rest of the staff.

One reason for rotating all staff through the hotline instead of hiring new attorneys who will only work on the hotline is to promote staff cohesion and prevent hotline personnel from being marginalized. *CPR Phase I p.30*. The responsibility for promoting harmonious relations lies, of course, with the program management.

4. Hotline Advocate Qualifications

A good hotline attorney must have the patience to listen to a sometimes lengthy account of the caller's troubles plus the ability to identify the legal problem and the remedies available. Obviously, this requires knowledge of the law and facility with legal research. Sometimes the client's problem would be better handled by a social worker than a lawyer and a good hotline attorney needs to recognize when a referral to a social service agency would be more appropriate. Thus, it is important for staff to be familiar with all resources, both legal and non-legal, available in the community.

A good hotline attorney needs other people skills as well: the ability to talk to people with a wide range of education, intelligence, and experience without patronizing anyone; the pedagogical skills to educate callers so they can help themselves; the ability to cope with a wide range of disabilities, including the physical inability to

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speaking clearly or hearing well, and the limitations imposed by mental retardation and dementia. It requires a great deal of tact to give clients information and advice they will not like and it can be even more difficult to respond to a client whose understanding is limited. It is certainly a plus to have the kind of personality that stays calm under pressure and is not easily provoked. Any good legal services attorney should have all these skills, but they are essential on the hotline because of its immediate and time sensitive nature. See, ABA Standard 4.1.

See, Appendix F Sample Hotline Attorney Job Descriptions.

5. Orientation and Training

a.) Initial Training Before the hotline begins operation, there should be an orientation program to address the myriad issues involved. Since intake is one of the most important elements in the delivery of service, and, if properly implemented, affects all parts of the legal service program's operation, it is crucial that the entire hotline staff follow the same procedures. In addition, each hotline advocate must have a good grounding in the basic law in the areas in which calls are likely to be received. If the hotline will be staffed by seasoned legal services attorneys this may simply be a matter of review. If the program is hiring new people for the hotline then an overview of the major substantive law areas will be in order. One of the most important aspects of the training is making the hotline advocates familiar with where the various resources can be accessed. When the DC and Pennsylvania hotlines were inaugurated, they conducted a week-long training and videotaped the entire event. This created a videotape lending library for new hotline attorneys. Once the hotline is established new attorneys are trained on the job by the experienced ones. Thus, one generation of hotline attorneys trains the next. If the hotline will be serving more than one office or program it is a good practice to bring staff from all sites together for training. This is not only efficient but it allows everyone to become acquainted and promotes uniformity of procedure and mutual respect.

The substantive law presentations should be geared to the situations that are likely to occur on the hotline. That is, rather than an overview of Social Security back to its enactment in the 1930s, it is more helpful to compose a list of some of the most frequently asked questions or problems and design the presentation around those problem areas. AARP has compiled state-specific materials that address some of the most frequently asked questions on a variety of substantive topics. (A copy of *Frequently Asked Questions* for each state is, or will be, available at www.povertylaw). It is also helpful to take new attorneys on a tour of the local courts, agencies, and other places to which they will be referring clients. The training should also include effective techniques for providing

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telephone services. Talking to clients on the telephone requires the attorney to develop good listening skills and techniques for conveying to the client the sense that he is being heard and understood. There are also techniques for handling difficult or impaired clients that hotline staff need to know. *See*, McLaughlin, *Effectively Managing Client Calls*, *LHQ Summer 1999*. If the office has TDD then the staff should be trained to use it.

b.) Ongoing Training Training doesn't end when the hotline opens. It should be a continual process to keep the hotline advocates up to date in the legal and social issues they must handle. In the words of the ABA Standards "Hotline services should view orientation and training as an essential investment in providing quality legal services and should bear the expenses of appropriate training designed to improve the skills of staff at all levels and keep staff current on developments in their fields of expertise." *Comments on ABA Standard 4.2.*

6. Office Procedures

a. Hours of Operation The size of the program, the number of people available to work on the hotline, and the needs of the client population will all be factors in deciding how many hours the hotline will be open. Consideration should be given to the need for evening or weekend hours to reach clients who are not available during the day.

b. Language Services If the hotline operates in a community where there are sizeable population groups who do not speak English some thought should be given to providing translators. Some hotlines are able to accommodate non-English speaking clients by having bilingual advocates on staff. Others make use of a translating service such as Language Line Services www.languageline.com. Some hearing impaired clients can be reached through TDDY and other services for the deaf such as the Telecommunications Relay Services for the Deaf (TRS) www.fcc.gov/.



C. COST OF A HOTLINE

The primary costs of a hotline are for staff, computer hardware, software and networking, and a telephone system and service. Office space for hotline attorneys is less expensive than for staff attorneys because they don't need as much space. Rent can be minimized by placing several hotline stations in the same room, separated by a partition. The costs for photocopying, postage, desktop supplies and library are the same as or less than

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traditional systems.

1. Personnel Costs

The unit will require a managing attorney. Programs with a high volume of clients will require a full-time manager; smaller programs can use part of a manager's time if he or she is not expected to handle calls. (Although it is highly desirable for the hotline manager to have some experience actually working on a hotline.) As a rough estimate, programs serving more than 3,000 - 5,000 clients annually may require a full-time manager. However, during the conversion to a hotline system and for the first six months of operation, a full-time manager will probably be needed regardless of the size of the program. The number of hotline attorneys needed also depends on program volume. Typically, one full-time equivalent hotline attorney can serve 1700-1900 clients annually (2300 cases); this includes 600 cases that are ultimately scheduled for in-house interviews. (*But see Appendix D* for an example of a more productive system.) Unless the hotline chooses to have an automated attendant route all calls, a staff person will be needed to answer phones and take messages when the attorneys are busy. The hotline will require no other support staff unless the program uses intake workers to handle eligibility screening. The key issues to consider when designing the staffing are discussed in more detail in the "Staffing" section of this manual.

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2. Telephones

The Hotline Technical Support Project does not recommend any particular telephone system or software. The names of particular products and services are mentioned because they have had experience in working with legal hotlines and are therefore known to the Project; other providers may exist offering similar products and services.

a. Equipment A well-designed telephone system is the heart of the hotline operation. After personnel, the acquisition of such a system, plus the cost of phone service will be the major expense for the hotline budget. A small or low-volume program may be able to adapt an existing phone system by adding lines or purchasing a new, but moderately priced phone system.

A high volume hotline with a considerable number of telephone advocates will need an automated call distribution system. A sophisticated system designed for large offices (more than 65 users) capable of directing clients to specific call handlers and generating reports on a wide variety of factors, such as the Lucent Definity system used by CLEAR, can cost between \$80,000-\$100,000. Hotlines have three options in this regard:

1.) Purchasing The advantage of purchasing is that after the initial expense, the program will only need to pay for maintenance contracts and phone services. With careful planning, it may serve the program well for many years. The disadvantages are that a large initial outlay is required and the system may need to be upgraded requiring additional expense.

2.) Leasing For programs wishing to avoid the initial outlay, Expanets, the provider for the Lucent system mentioned above, offers phone systems for lease. Leases come in 24, 36, 48 and 60 month increments. Expanets quotes a monthly amount of \$1758 to lease an \$80,000 Lucent telephone system. After the 60 months, the program can buy out the lease, upgrade to a newer system, or continue the lease for a lower monthly amount. If the program's goal is to purchase the system, a lease to purchase option is available for a cost of \$1,886 monthly for 60 months (total cost \$113,160.) The main advantage of leasing is the avoidance of the initial capital outlay. This may be very attractive to programs that do not have start up grants and cannot afford the large purchase expense. Another advantage is that at the end of the lease term the program has a choice of whether to upgrade or keep the system. The main disadvantage is that the total cost for system will exceed the purchase price.

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3.) *Outsourcing* A provider such as Tele-Lawyer, Inc., 800-835-3529, enables a hotline to begin operating without the need to purchase or install complex phone systems. The sophisticated phone system is housed at Tele-Lawyer and hotline advocates, whether in the office or at their own homes or offices, can log onto the phone system via their computers, and have calls routed to them as they are available. Generally fees are structured with a one-time set up fee, a monthly service/maintenance fee and a per-minute fee. The range of fees depends on the services selected. Tele-Lawyer specializes in legal hotlines and offers packages that range from basic telephone services such as automated call processing and call routing, through client intake processing and database entry, to actually providing and training hotline staff. *See, Telephone Consultant Services LHQ Summer 2000.* Tele-Lawyer can also provide 900 telephone service that allows the provider to charge for hotline calls.

b. Phone Service The annual telephone bill for the hotline will depend on the nature of a program's service area. In programs where all calls from the service area are local calls, the telephone costs should not increase significantly when a hotline is installed. However, hotlines that serve regional areas with intra-lata (short long-distance) phone service rates will have higher charges. Costs will be greatest for hotlines that have statewide service areas with substantial calls coming from the long-distance rate area. For example, at the old Pennsylvania Hotline, 65% of the calls originated from outside the local calling area. Calls handled on incoming 800 numbers are more expensive than standard long-distance rates that apply to call-backs. The statewide senior legal hotlines, which have among the most expensive phone services charges because of their service area, have typically ranged between \$5,000- \$25,000 per year in phone service costs depending on call volume and size of the state.

Myriad different phone service plans exist and research can yield significant savings. Making an informed choice may require assistance from experts. The yellow pages list telephone companies that are in the business of providing telephone systems. They can analyze an existing telephone system, based on current usage, and can also provide recommendations for changes, based on anticipated usage. Telephone companies will provide consultations and prepare proposals at no charge, but such proposals will only be useful if the program first spends some time reviewing its current system and projecting the impact a hotline will have on it. For a description of how telephone consultants can assist legal hotlines, *see, LHQ Summer 2000.*

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3. Computers

Each hotline attorney station and the managing attorney require a computer. If the program uses intake workers, they will also need computers to check for existing clients and enter demographic data. The computers should be networked with each other and connected to the Internet. A printer will be needed to print reports, mailing labels, letters, etc. E-mail and Internet enabled case management software allows hotline attorneys to work from their homes, offices or community sites and allows data to be transmitted electronically to referral attorneys.

The number of hotline stations needed depends on the volume of intake. As an example, most of the statewide legal hotlines serving seniors (up to 9,500 clients annually) have four stations in addition to the managing attorney's office. A program must then decide whether it will want the case management program running on its own local network. This is a viable option if the program has only one office and few remote workers. In that instance, the program can budget for one-time software purchase plus annual support service. If the program finds that a commercially available case management package will be adequate for their needs, the cost is usually moderate. As an example, when reviewed in 1998/99 a license from TIME, Western New York Law Center, could be purchased for 1/10th of 1% of a program's annual budget with a \$250 annual minimum and \$1000 maximum. This allows for multiple users. Kemp's Clients for Windows 98 cost \$2900 per office with further charges for additional offices; the SQL option (for Wide Area Network use) costs \$1200 and the Intake System Option also costs \$1200. Other software packages require the program to purchase licenses for all simultaneous users. The software is programmed to prohibit the number of simultaneous users from exceeding the number licensed to use the software. If the program has customized software developed for its specific needs, the costs, time and effort, will be greatly magnified.

A new and exciting development is web-based or web-enabled case management software. These systems allow each user to access the case management software through their browsers over the Internet. This makes WANs unnecessary and relieves the technology staff from supporting the networks and software. Programs usually pay a monthly subscription fee for web-based case management. Web-enabled software being used by legal services programs include: Kemp's Clients Case Management, Tele-Lawyer, Inc. CMS from United Auto Workers Legal Services Plans, RealLegal Practice Manager, TIME, and Pika Software. *For detailed discussion of web-based case management software see LHQ Summer 2001*

A hardware support contract is also desirable as a systems crash can disable the hotline. In such a case all notes and demographic data have to be hand written for later entry into the computer. In addition to being time consuming and inefficient this

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greatly increases the chances of missing a conflict of interest. Thus down-time should be kept to a minimum.

4. Public Relations

Preparations to start a new hotline should include a specific plan for publicizing the new hotline throughout the service area. The costs entailed in the publicity blitz must be included in the start-up budget. Some publicity may not be costly, such as public service announcements, but other efforts will have a price. The public relations campaign must also consider the timing of each effort. If everything is launched at the same time the hotline may be overwhelmed with a response greater than it can handle. It is best to increase volume gradually to allow time to work out the bugs before reaching full volume. It is also a good practice to keep tabs on the response to each outreach effort to see what works best in each market. *See, D. House, Targeting Hard to Reach Populations, LHQ Summer 2000.*

5. Malpractice Insurance

Malpractice insurance costs are very reasonable because providing telephone advice and brief services does not expose a legal services program to a higher risk of malpractice claims. In fact, the prepaid legal services industry has been providing telephone advice and brief services for more than 20 years. The Directors of the National Centers that support this industry have never heard of a malpractice suit arising from telephone advice and brief services. In all the years that the Legal Hotlines for Older Americans have been operating, there has never been a malpractice claim. As a result, malpractice insurance coverage has been relatively inexpensive. Insurance may be available through the National Legal Aid and Defender Association as well as through private insurance carriers.(e.g. Complete Equity Markets, Inc; 1098 South Milwaukee Avenue, Wheeling, IL 60090, 800-323-6234) The ABA Standards acknowledge that malpractice claims are unlikely but cautions that hotlines are not “immune” to claims. As hotlines “explore various operating procedures, such as the use of pro bono lawyers, law students, lay volunteers or on-going referrals to practitioners with fee sharing arrangements requiring continued accountability, the potential for claims may increase.” If a program lacks insurance it should so advise anyone affiliated with it that could be exposed to risk. *Comments on ABA Standard 2.13.*

6. Equipment/Office Space

The amount of office space needed for a hotline operation depends on the volume of calls and the number of hotline staff scheduled to handle them. Some hotlines set up workstations in individual offices for hotline attorneys; others place two or more

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workstations in a larger space, separated by dividers into “cubicles”. Placing two or more attorneys in a single office can facilitate communication as each works with the other to discuss strategy and solve problems.

A hotline work station will include a desk or computer desk; telephone (telephone headsets are also highly recommended); a personal computer with Internet access tied to a LAN; enough space to accommodate all desktop and fingertip resources the hotline staff needs: policies and procedures guide; computer usage guide; desk reference manual covering a wide range of legal issues; list of frequently asked questions with answers, local telephone directories, resource manuals for legal and non-legal referrals, etc. Bulletins, legal memoranda, subject matter folders and other current information can also be made available in a central file that is accessible by all hotline staff. Increasingly, most resources will be available in the program’s computer files or online.

7. How the Legal Hotline System Reduces Costs

The legal hotline methodology substantially reduces the cost of handling advice only, brief services and referral cases. Since these cases comprise the substantial majority of a legal services program’s caseload, a program can significantly reduce its costs without a significant reduction in its caseload. *But see, CPR Phase I.* At a time when programs are facing severe budget cuts, the implementation of a hotline can be an effective way of cutting costs without sacrificing services. This capacity to cut costs can best be demonstrated by an example. Suppose a program handles 10,000 cases a year using 40 full-time case handlers (i.e. each handles 250 cases). (Prior to the installation of a hotline at LCE, the case handlers averaged 236 cases per year.) Suppose the hotline can close 50% of the program’s cases. (LCE’s Hotline currently closes 75%.) Suppose that after the hotline is installed, the non-hotline case handlers (referred to as in-house case handlers) can handle 183 cases annually. The reduction in cases from 250 to 183 is due to the fact that the caseload of the in-house case handlers will contain more complex cases since the hotline will resolve the simpler ones. (After the installation of the LCE Hotline the case handlers closed 173 cases annually, down from 236).

Since a full-time equivalent hotline attorney can close 1700 cases per year, the program would need only three hotline attorneys to resolve 5000 cases. It would require 27 in-house case handlers to handle the other 5000 cases. Thus the program could handle the same caseload using 25% less staff (30 case handlers instead of 40).

The hotline attorneys will not achieve the 1700 annual caseload level during the first few years of operation. During LCE’s second and third years of hotline operation, hotline attorneys each averaged about 970 closed cases. In the fourth year this jumped

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to over 1470. In the sixth year this rose to nearly 1600 and it wasn't until the seventh year that 1700 was achieved.

A hotline is also cost effective in that it replaces the traditional case acceptance meetings in which case handlers review the intake from the prior week and decide which cases to accept for representation and which cases to reject. Although these meetings may be helpful as a technique to help case handlers better spot the issues in each case and identify the best strategies for resolving them, they are very expensive, especially since many of the cases that are reviewed are not ultimately accepted for representation. The cost to clients in terms of anxiety, frustration, and delay are uncountable. This meeting can be eliminated with a hotline intake system because, with a few exceptions, the hotline attorney will decide whether the client will be given an appointment. (After meeting with the client the staff attorney and supervisor can still decide whether to take the case). Clients that are not given appointments are at least given some legal advice or information.

This does not mean that all types of case review meetings are ill advised. Periodic meetings where case handlers can discuss complex open cases or intake cases that pose difficult or complex issues are useful. They can enhance teamwork and serve as training sessions for less experienced case handlers. However, meetings where all intake is reviewed are not cost effective.

E. FUNDING THE HOTLINE

1. Sources of Funding

Hotlines that are a part of a Legal Services Corporation program office are supported out of general operating funds for that program and funds are not raised specifically for the hotline component since it is part of the whole delivery scheme of the program. Hotlines that serve seniors receive most of their funding through federal, state, and local agencies on aging. Many of the senior hotlines were started with grants from Title IV of the Older Americans Act (OAA), research and demonstration projects. Some of the senior hotlines, such as the one in Maine, are part of the state's Title IIIB (OAA) provider, where the senior hotline serves as the advice and brief service component of the program. Other senior hotlines have contracts to provide IIIB legal services for a local area agency on aging. The New Mexico senior hotline is part of the State Bar and serves as the advice and intake component of the state lawyer referral for the elderly program. Domestic violence legal hotlines often operate with Congressional funds allocated for that purpose. Most hotlines have additional sources of funding such as grants from bar associations, money from IOLTA funds, private foundations, etc. Creative hotline managers will develop other

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fundraising plans. Kate White, manager of the Legal Hotline for Michigan Seniors, suggests commissioning a fundraising feasibility study. A good one will provide information on how a particular organization is perceived in the community and what its fundraising potential is. A good study will identify particular methods of fundraising that have a likelihood of success. Possibilities include soliciting corporations for matching grants, or grants for specific projects; recruiting corporate attorneys for either pro bono volunteers or to serve on the program's board of directors or advisory council. Corporations can also be asked for in-kind donations such as printing, copying, or office equipment. She also recommends joining the National Society of Fund-Raising Executives. (For further information call 1-800-666-FUND). For more suggestions, *see, Funding for Senior Hotlines LHQ Summer 1999.*

2. Applying for Grants

Any legal services program needs to be proficient at writing successful grant proposals. Technical assistance in preparing proposals is available from many sources. Senior hotlines should *see, White, "Planning Your AoA Hotline Proposal" LHQ Spring 2000.* Some of the points stressed in this article include the importance of having a good idea that is innovative, replicable, solves an identifiable problem for a specific group of people, and is likely to work. It is important to demonstrate knowledge of the issues, to have the support of relevant groups and agencies, a realistic budget, and a procedure for evaluating success. Additional help is available from the AARP Foundation Technical Support for Legal Hotlines Project. A large array of successful Title IV AoA grants is posted at the Legal Hotline Technical Support Library at www.povertylaw.org.

3. Charging Fees For Hotline Services

The Legal Hotline for Older Americans (formerly in Pittsburgh), the Legal Hotline for Older Floridians (which closed in May, 2001), and the Pennsylvania Legal Advice Line (a reorganized version of the Pittsburgh program) have had experiments with fee for service plans in an effort to generate operating income. Charging fees is a viable way to target free services to lower-income callers if the hotline previously provided across the board free services to clients whose eligibility criteria was not linked to income. Charging fees may also allow the hotline to provide low-cost services to clients who may not otherwise seek legal assistance such as clients between 50-60 or low-income clients who are over legal services income guidelines.

The Legal Hotline for Older Americans and the Legal Hotline for Older Floridians offered free services to age eligible clients (over 60) with annual incomes less than \$15,000 per year (200% of poverty in 1996). All others were charged \$15.00 per phone consultation. Florida clients were billed and sent in checks. Pennsylvania

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clients were able to pay by credit card or send in a check. In Pennsylvania, the imposition of fees substantially reduced the number of calls coming in and thereby reduced operating expenses. In Florida, the number of calls coming in was not greatly impacted because the demand for the service continued to far exceed the amount of services the budget could supply. In both cases the fee experiment succeeded in increasing the ratio of low-income callers served. However, the amount of fees generated never totaled more than 10-20 % of operating expenses.

In August 1999, AARP entered into a contract with Tele-Lawyer, Inc. to operate the Pennsylvania Legal Advice Line. The Tele-Lawyer receptionist receives all calls coming into the hotline 800 number. She screens them for eligibility, arranges for the fee to be paid if applicable, and routes the calls to the hotline attorney in Pittsburgh. He now works from his home and is paid only for time spent on the phone plus time to input casenotes. This system has resulted in a 50% decrease in costs of running the hotline and almost tripled the level of productivity but only \$3,500 in client fees was collected in 2000. Further marketing to higher income seniors is expected to increase fee-generation in the future.



VI. EQUIPMENT AND TECHNOLOGY

A. CASE MANAGEMENT SOFTWARE

The key to the cost-effectiveness, efficiency and quality of services depends in large part on the case management software that operates the network of personal computers. In addition to the demographic data and casenotes entered into the computer, the attorney can also enter information about services provided, publications sent, and results achieved. If a client is referred elsewhere the attorney may forward the computer record of the case electronically. When the hotline is attached to a legal services program the hotline lawyers also schedule all client appointments for in-house services. When an appointment is made, the date and time are entered into the computer. A schedule of each day's interviews can be generated as a report.

The computer system also should allow a hotline to measure attorney productivity, including the number of cases handled, the number and kind of services provided, and the number of calls handled per hour. Many programs compile these statistics monthly and pass them on to the hotline attorneys. These statistics, coupled with the managing

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attorney's case reviews, provide accurate feedback on the quantity and quality of the hotline attorney's casework. The computer should provide a full range of other reports, including those required by the Legal Services Corporation, Area Agencies on Aging, and other funders.

Initially, the program will have to decide whether to purchase one of the available case management software packages. Currently, the software packages that have been updated for use with Windows, networks, and the Internet are Kemp's Clients 2000, www.kempscaseworks.com; TIME, www.wnylc.com; Tele-Law, Inc. www.telelaw.com, Practice Manager, www.RealLegal.com Pika Software, www.pikasoftware.net, Client Advocacy and Support System (CASS) www.drapersystems.com, and Legal Files Software www.legalfiles.com. See *LHQ summer 2001*. Many of the hotlines listed in the Legal Hotline Directory are still running older software programs which are not suitable for modern start-up acquisition. Legal Services Corporation Technology Initiative Grants are enabling many programs to update the software and connectivity. The on-line Directory features a search, which allows programs to see how many hotlines are using particular commercial software packages and allows planners to contact managers for their evaluations. See also, *software reviewed in the Legal Hotline Quarterly, Summer 1998 and 1999 editions*.

At least 15 hotline programs have commissioned customized software. This process is not for the cash-strapped or faint-hearted. Unforeseen obstacles in creating the customized software are part of the process. Every effort should be made to see if the existing software will sufficiently serve the program's needs. If none of the software can be easily adapted to do so, only then is it worthwhile to embark on the software customization process. Given sufficient time, effort, and capital infusion, the hotline is likely to end up with a case management system that suits its needs well.

If a program is considering implementing a computerized case management system there are a number of factors to keep in mind, such as what data ought to be converted, and what old systems can be discarded. The system needs to be user friendly, fast, and reliable. If a hotline serves multiple offices, the program will have to decide the best way to allow all users to connect to the software. Decisions will need to be made about how data is collected, who will have access to it and how differing jurisdictional material will be handled. See *Michigan Report, App A* for a discussion of the potential for problems. Management will need to learn enough about the different software available to choose the one that is most appropriate and then train the staff to use it. For a further discussion of this topic based on presentations made by John Kemp and Tom Karkau at the NLADA conference in San Antonio, TX in 1998, see, *Implementing Case Management Systems, LHQ Winter 1998*.

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B. COMPONENTS OF A GOOD HOTLINE SOFTWARE PROGRAM

Intake/Client Registration

The software should contain all fields of demographic information that must be collected by the program. All case handlers should be able to enter information in a client's record about a case. This gives hotline staff a summary of the facts, issues, and service provided to a caller. The demographic data can be reviewed or appended at any time by other case handlers working on the case. In order to ensure the quality of the database, entries should only be made by persons with a vested interest in its accuracy. In practice this means that entries should be made only by program staff and not by temps hired for the purpose.

Casenotes

The hotline attorney enters casenotes directly into the computer either during the call or as soon as it is completed. In most software systems there is no limit on the space available for notes. It is a good practice not to permit editing of the casenotes after their final entry in order to preserve the integrity of the system. Casenotes should be instantly retrievable by subsequent case handlers so that a complete history is available while a caller is on the phone.

Conflicts of Interest

Conflict checking should be an automatic feature of the program. At the time a client's name is entered in the record, the computer program checks all other clients with that name who have either previously contacted the program or who have been adverse parties in cases of others served by the program. The conflict check is informational, a tool to assist the staff to make a decision about whether the client can be served.

Tickler

Tickler processing provides a means to remind attorneys or other case handlers of important dates associated with the case and recommended action to be taken. This works best if it is automatic, that is, when the case handler first logs on the system, his or her ID is checked against all cases that have been flagged with a tickle date of the current day or earlier. These cases and corresponding tickle information appear on the screen. Some programs require that the staff person request a list of his/her tickles. A tickler system can also be used to request another staff person to review the case or provide assistance.

Calendar/Scheduler

The software should allow staff to schedule client appointments, meetings, hearings etc.

Document Assembly

A good document-assembly program permits the user to efficiently generate letters, forms, and documents. Information from the databases is automatically inserted into the documents as they are created.

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Reports

The software should allow each case to be type coded, in accordance with the program needs. This will allow easy record keeping on case types, problem types and more specific problem descriptions associated with them. Each service provided should be defined and pre-coded. Codes may have automatic associated timekeeping; if they do not, the case handler will have to enter actual time expended for each service. The system should have a report generator that creates a series of core reports that are used regularly by the program as well as *ad hoc* reports created in response to specific program needs that may change from time to time. One of the most critical reports necessary for quality control in any hotline is a daily printout of all hotline casenotes and activities.

Timekeeping

The software should have the capability to maintain timekeeping data sufficient to meet the requirements of the Legal Services Corporation or other funding sources.

Mailings

The program should have a service mailing function that generates mailing labels singly or in batch for mailing of publications, letters, surveys, etc.

Referrals

This component matches clients to internal or external case handlers. If the hotline attorney determines the case has merit and further action is required, he or she will match clients to referral attorneys, or will make an in-house appointment for further services. The software should be capable of making the match based on specified criteria such as case type, geographic location, etc.

Billing

If the program has any plans to bill for services or collect any fees from referral attorneys, a billing component will be useful.

Linking Multiple Offices

This can be very tricky but there are several ways to handle this from sophisticated servers that can link multiple sites through the Internet to simply exchanging data via fax or e-mail. It is important to select a system that will work for a particular program.

Maintenance

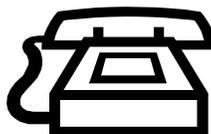
Any software program should be easy to use and to maintain. Many programs will not have a computer technician available on a regular basis to assist with problem resolution. System management functions are often performed by some other staff member. These include:

- *Adding/deleting/modifying code tables*
- *Adding/deleting/modifying user information.*

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- *Adding/deleting/modifying referral information.*
- *Performing daily backups of all data files.*
- *Performing case archiving to remove cases from the active system.*
- *Creating core and ad hoc reports.*
- *Creating scripts for documents.*
- *Accessing utilities for modifying the system operations parameters.*

A specific staff member should be designated who will be responsible for handling computer problems. A good internal “help” program, excellent documentation, and reliable technical assistance by an 800 line and/or email are all very important to the successful management of the software program. Some multi-office programs have a troubleshooting computer technician who makes regular rounds of the program sites. If programs acquire their software through an Application Service Provider, software support is usually included in the contract and performed over the Internet by the Provider. Be sure to check the response time to requests for help provided by the vendor or ASP.



C. TELEPHONE SYSTEMS

As discussed above in the “Costs” Section F. 2 *supra*, the decision to adapt an existing phone system, or to purchase, lease, or outsource phone equipment is complex and will require the program to hire consultants and/or interview a number of equipment vendors. The program will also have to make decisions regarding telephone numbers and line combinations. The number of incoming 800 lines, lines available for discounted long distance service, plans for volume discounts are all complex and must be tailored to the program’s specific needs. It is wise to interview consultants and vendors to get the most convenient line combinations and best rates for the program. A key decision that must be faced when converting to a hotline system is what telephone number to use for the hotline. It is highly advisable that the number that is currently being publicized to the client community be retained for the hotline. If the call volume requires that a new line be installed for the other business of the program, this is the line that should have the new number.

Another issue is whether the program should provide voice mail that invites the caller to leave a message. This will depend in part on the program’s approach to volume control. *See*, Section III E, *supra*. Does the program want clients to hear a recorded message that provides information about the program before leaving a message or speaking to a person? What benefits are there to automated attendant technology that allows callers to self-direct their calls, leave messages, etc.? Whatever advantages attach to this approach

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they must be balanced against the confusion it may generate in some callers.

If voice mail is used, the message must be carefully constructed. Many callers will be discouraged from using a system that is too complex, as when they are told by the voice mail message that they must select a particular option or route in order to receive more information or services. Most hotlines have found that callers are reluctant to leave their names and numbers on an answering machine. Some hotlines use voicemail only when no staff is available to take a message. Some callers may prefer this to being told to call again. Other callers will just hang up. A survey done by LARC in 1999 found that although clients complained about being on hold for long periods, 71% preferred that to leaving a message and waiting two or more days for an attorney to call back. (*LHQ Fall 1999*). In a survey of senior statewide hotlines in 2000, respondents were asked which method they preferred when immediate telephone access was not possible. The study showed that 38% of respondents preferred to wait on hold and 44% preferred to make an appointment for a call back. This was the favorite option if immediate contact was not possible. Only 13% preferred to leave a message with a receptionist and a mere 5% selected leaving a message on an answering machine as their preferred option. *Senior Statewide Legal Hotlines Outcomes Survey, 2000*.

The ability to “patch” telephone calls to remote locations is an important option if the program will need to connect the central hotline with a branch office or where the hotline advocates are located in different sites. For example, if the hotline has a client on the phone who requires immediate attention from a branch office, the hotline attorney can connect the client with that local attorney while remaining on the telephone. This can greatly facilitate the referral process when necessary. New technologies are increasingly available to facilitate inter office calling through the development of systems to take advantage of Internet Protocol Telephony technology, Computer Telephony Integration, and Interactive Voice Response. *See, LHQ Summer 2000*.

Large programs will probably want to use some form of Automated Call Distribution system. These systems can be set up to accommodate all sorts of program needs. They can allow for calls to be routed in many different ways. Clients can be held in queue, given choices, advised of delays, etc. The system will also generate reports on things such as average wait time, productivity, number of calls abandoned, and so on. CLEAR has an elaborate ACD system that even lets it program the clients on hold to be answered in accordance with the priority of their cases. These systems are not cheap but the Michigan researchers determined that “although a sophisticated phone system with call-tracking capabilities and menu options is a substantial investment at the outset, it is well worth the cost in improved efficiency and results for advocates and clients.” *Michigan Report App. A, p10*.

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If the hotline does not want to purchase costly equipment, it can lease the equipment or outsource the telephone operations to a company such as Tele-Lawyer as discussed above. The Pennsylvania hotline has done this with notable success.

D. EQUIPPING THE HOTLINE STATION

1. Furnishings

Each hotline station must have certain basic equipment: a desk, a chair, a computer, and a phone with a headset and a long cord or wireless headset. The headset is essential because it frees the attorney's hands to use the computer, make notes, or look things up. Although eventually all the program's Frequently Asked Questions, written materials, publications for mailing, and other desk top references should be catalogued and loaded into the computer files or available online, inevitably the program will also need bookcases to hold written materials, racks for publications available for mailing out, file cabinets for files, someplace to put messages, and as much wall space as possible on which useful lists, charts, memos, schedules, etc can be posted. The desk should be large enough to hold frequently used resources. These include telephone books for the jurisdiction and surrounding areas, including yellow pages, reference books of whatever kind is needed, loose leaf binders with useful information, frequently used directories, manuals, guides, etc. Basic office supplies including stationery and scratch paper should be routine.

2. Files

A particularly useful item is a form file. This is a file containing copies of the forms most commonly encountered by program staff and clients. For instance, the file might have the forms for applying for Medicaid, food stamps, and other public benefits. It should also have pertinent federal, state, and local tax forms; basic probate forms, a Medicare card, birth and death certificates, deeds, and so on. Thus, if a client calls for advice about a matter involving one of these, the attorney will be better able to identify the problem. Forms are also useful when counseling clients who can't read well. For maximum efficiency these should all be available online. Until that can be achieved each station should have all of these items immediately on hand. More costly resources can be centrally located and shared by all. Also invaluable is a legal matter subject file. As articles about particular subjects important to the hotline's services come in, they should be placed in a subject file so that attorneys can quickly update their knowledge as needed until the updates can be synthesized and incorporated into the Frequently Asked Questions Manuals.

It is a good idea for the hotline staff to be as familiar with external resources,

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including non-legal resources, as with internal ones. Information about external resources of all kinds can be compiled into a fingertip reference that is accessible to all hotline staff. Such information can also be included in a computer program for even more efficient access.

3. Legal Materials

Hotline staff requires different kinds of resources than those relied on by other program staff. Hotline staff needs quick access to a wide range of substantive legal information in an easy-to-find format. Thus, the hotline office should have state statutes, United States Code and C.F.R.s., substantive law manuals, checklists, income eligibility data, copies of relevant statutes of limitations, etc. AARP Foundation has prepared a reference manual of 91 Frequently Asked Questions, Attorney and Client versions, for each state. These can be accessed by any hotline advocate from www.povertylaw.org. The Legal Hotline Bulletin, from AARP, provides information about emerging issues or recent changes in the law. Current and recent back issues are available at www.legalhotlines.org. All of these materials can also be accessed at www.aarp.org/litigation. Most of the necessary information and resources are also available on the Internet.

4. Non-Legal Materials

It is useful to have telephone books for surrounding areas, maps of the service area, directories of social service agencies, government agencies, and so forth. Information about external resources of all kinds can be compiled into a fingertip reference that is accessible to all hotline staff. Such information can also be included in a computer program for even more efficient access. Any investment made in developing a well-organized compilation of all resources will pay off in the long run with resulting increased efficiencies in staff time as well as higher levels of client satisfaction.

5. Publications

The hotline office should also have a wide assortment of publications of the sort that can be sent to clients. Many of these are published by government agencies such as the Social Security Administration and the Federal Trade Commission. State and local governments will also have useful publications. Others may be developed in house or by other advocacy groups. If a program doesn't have a publication on a specific topic, it can review the state specific self-help guides published by AARP at the hotline library section of www.povertylaw.org. It can also look at the websites for other legal services program in the jurisdiction to see if their publications can be downloaded.

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VII. RESOURCES FOR LEGAL HOTLINE PLANNERS AND MANAGERS

A. TECHNICAL SUPPORT FOR LEGAL HOTLINES

A program developing a telephone intake and delivery system doesn't have to start from scratch or do it alone. The AARP Foundation Technical Support for Legal Hotlines Project will provide technical support, information and consultation to managers of legal hotlines and organizations interested in developing legal hotlines. The Project is sponsored by the AARP Foundation Legal Advocacy Group with a grant from the U.S. Administration on Aging.



1. On-call Technical Assistance

Managers of legal hotlines or organizations interested in developing legal hotlines can call the Project Director, Shoshanna Ehrlich, to discuss any hotline related matter.

Contact: Shoshanna Ehrlich
Phone: (954) 472-0997 (Eastern Time)
Fax: (954) 472-3633
E-mail: rose99@mediaone.net

If Project staff can't provide the information from their many years of experience they are likely to know where information can be found.

2. Site-visits

There is nothing as useful as seeing a hotline in action before setting up a new operation. Any organization interested in hotlines is welcome to arrange a site-visit to inspect the Legal Counsel for the Elderly Legal Hotline in Washington D.C.

Contact: Jan May
Phone: (202) 434-2164
Fax: (202) 434-6464
E-mail: jmay@aarp.org

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The Project Director will also make site visits to senior hotlines funded by the Administration on Aging.

3. Legal Hotline Quarterly

The Project publishes a quarterly newsletter featuring in-depth articles about legal hotlines, hotline news, statistics, and other matters of interest to hotline managers. To subscribe to this free publication please contact the Project or access current issues at www.legalhotlines.org. All back issues can be printed from www.povertylaw.org

4. Legal Hotline Bulletin

The Project publishes a monthly bulletin providing updates on case law and statutes affecting seniors and low-income clients. Access current issues at www.legalhotlines.org

5. Legal Hotline Technical Support Library

The Project has cataloged hundreds of documents pertaining to legal hotlines and continues to collect and catalog materials. Documents are divided into the following categories: Hotline Surveys/Statistics and Reports; Procedural Manuals and Practice Guides; Technology for hotlines; Hotline Funding and Sample Grant Proposals. There is also a section where all back issues of the Legal Hotline Quarterly are archived. A separate substantive law section for hotlines is divided by state. That portion of the catalog contains numerous state-specific self-help brochures and Frequently Asked Questions manuals. Copyrighted materials produced by AARP Foundation may be used and adapted by non-profit organizations so long as AARP is acknowledged and the organization charges no fees for the materials. To access the catalog and download documents or order them in hard copy visit the National Center for Poverty Law Legal Hotline Technical Support Library at www.povertylaw.org.

6. Technical Support for Legal Hotlines Homepage *E-Group*

The National Center for Poverty Law hosts a web page for the Legal Hotline Technical Support Project at www.legalhotlines.org. The page contains a variety of information and materials for legal hotline managers including: ABA Rules pertaining the hotlines; hotline profiles; a searchable Legal Hotline Directory; annual senior legal hotline statistics; recent reports and surveys; current and recent back issues of the Legal Hotline Quarterly and Legal Hotline Bulletin; and articles on hotlines. The Project also manages a legal hotlines email group, legalhotlines@yahoogroups.com. A hotline manager who would like to join this group should contact the Project or go to <http://groups.yahoo.com/group/legalhotlines>.

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B. RESOURCES ON THE INTERNET

Hotline attorneys should be able to perform basic legal research on the Internet. Most state and federal statutes, cases, and regulations can be accessed online as well as information and applications from federal and state agencies. Many programs operating legal hotlines now have websites where materials can be accessed directly by clients. New websites are being built daily. Searching the name of an organization or topic at www.google.com will usually lead you where you want to go. The state bar's website is likely to have research tools for that state.

Below is a list of websites which have been helpful to hotline managers and advocates.

www.seniorlaw.com	Senior Law Home Page
www.lawexpress.com	LawExpress - for fee telephone/web legal advice
www.usps.gov	United States Postal Service
www.fedstats.gov	FedStats - federal statistics
www.uslaw.com	USLaw - for fee telephone/web legal advice
www.seniorscape.com	SeniorScape – eldercare resources
www.medicare.gov	Official U.S. site for Medicare information
www.abanet.org/	American Bar Association
www.povertylaw.org	National Center for Poverty Law
www.irs.gov	Internal Revenue Service
www.nscs.dni.us	National Center for State Courts
www.equaljustice.org	Project for the Future of Equal Justice
www.healthfinder.gov	Searchable guide to health information
www.capweb.net	Internet Guide to Members of Congress
http://Thomas.loc.gov	Legislative information
www.bbb.org	Better Business Bureau
www.va.gov/vbs	Veterans' Administration
www.law.cornell.edu	Cornell University online law library
www.house.gov	U.S House of Representatives
www.consumerworld.org	Consumer World- consumer resources
www.aoa.gov/aoa/pages/state	Administration on Aging list of state agencies on aging
www.benefitslink.com	Employee Benefits Web Site
www.naca.net	National Association of Consumer Advocates
www.aarp.org	AARP website
www.senate.gov	United States Senate website
www.lexisone.com	LexisOne legal resources online
www.aarp.org/litigation/table.html	AARP grandparent visitation laws

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www.ssa.gov/onlin/forms.html	Social Security Administration online forms
www.benefitscheckup.org	Federal and state assistance programs for seniors
www.ageinfo.org	National Aging Information Center
www.cmms.gov	Center for Medicare and Medicaid Services
www.uscensus.gov/population	United States Census statistics
www.aoa.gov/aoa.stats/	Administration Aging Statistics
www.heathlaw.org	National Health Law Program
www.nsclc.org	Nation Senior Citizens Law Center
www.abiword.org	American Bankruptcy Institute
www.iog.wayne.edu	Wayne State University Gerontology Website
www.phrma.org/patients	Pharmaceutical patient assistance program
www.consumerlawpage.com	The Consumer Law Page
www.e-text.com/sslaw	Electronic Text Retrieval Systems, Inc.
www.findlaw.com	FindLaw legal research tools
www.google.com	Mega search engine

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Appendix A

Legal Services Corporation Draft Characteristics of a Telephone Advice and Referral System, May 2001



Introduction to the Characteristics

LSC will issue a final version of the Characteristics as a Program Letter

These Characteristics apply to telephone advice and referral intake systems. LSC recognizes that telephone advice and referral intake systems are not the only way that clients access services. Indeed, a telephone advice and referral intake system may not be the best way for certain segments of the client population to access services. However, LSC does recognize that a telephone advice and intake system is the most effective and efficient method of providing services to the vast majority of legal service programs' clients.

These Characteristics are intended to be progressive, forward looking and inspirational. At the same time, we intend them to be realistic and achievable. LSC knows that some recipients can only seek to reach these Characteristics in the future. The development of a superb intake system can be expensive. Strategic planning is necessary in developing an intake system to ensure that the system has adequate resources to do its job well. At the same time, the intake system should not be a drain of essential resources from other critical parts of the delivery system, including extended services.

These Characteristics apply to both free-standing and extended service programs¹. LSC does not have a preference between these two types of intake systems and believes that both serve an important and needed role in serving clients.



¹ 1. Free-standing programs are generally those whose primary goals and activities are to provide intake and brief service assistance and to refer most clients needing more extended assistance to other legal providers. Extended service programs are usually those that provide extended service in addition to advice, brief service and referral. These programs may receive most of the intake from free-standing programs or may have a unit that conducts intake and is integrated fully into the program.

Draft Characteristics of an Intake Advice and Referral System

(a) Client Access

Applicants should have prompt access to a person who can initiate the intake process in a courteous and professional manner

The intake interview is primarily done by telephone.

Exceptions are made for the convenience of clients including those without a telephone or unable to communicate by telephone.

Offices, outreach sites or other arrangements are available for applicants who need in-person interviews.

There is a policy to deal with call volume that provides access within a reasonable period of time after the initial contact. One example is an Automatic Call Distribution phone system that places applicants in a queue for no more than twenty minutes.

When placed on hold, the applicant is told of the estimated waiting time or given the option to call back.

Applicants can speak with a legal worker at the time of initial contact in most cases.

Intake systems that are designed to avoid call-backs are favored. Call-backs are used infrequently. Circumstances include when none of the staff is available, the applicant has been given the option to receive a call back rather than wait in the queue or the call is received outside of the regular hours of operation of the intake system. When call-backs are used they should designate a time when the call will be made. If a call back occurs, it generally occurs within 24 hours of the call.

LSC encourages intake systems that have evening or Saturday hours to help applicants who cannot access the system during normal office hours.

When the intake system is accessed outside of business hours, a recorded message informs the applicant of the hours of operation.

Calls are local or toll-free. Documents can be faxed to the intake worker without cost to the applicant. Arrangements are made by the program, with social service and other agencies, for applicants to use the agencies' fax capabilities at no charge to send documents to the program.

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There are regular hours of operation, publicized and known in the client community.

Applicants are clearly informed of the scope of service that will be available from the intake system. If it provides only advice, brief service and referral, the applicant must be clear as to the limitations.

There are specific, written protocols for emergencies and walk-ins.

There are specific, written protocols describing the operation of the intake system that are available to staff and updated as changes to the system occur.

Programs with multiple offices have one intake system that is the point of entry for all applicants.

(b) Staffing

While staffing may vary as to professional background and employment status, all staff on the telephone intake and delivery system will be well trained, experienced and closely supervised

The staffing structure recognizes the importance of intake as a key to successful delivery of services. For example, it relies on staff members who have experience and expertise in the area of intake.

Staffing levels are adequate to serve client communities without routinely relying on call-backs.

The intake system is integrated with the provider's other units or components.

A free-standing intake system provider is integrated into the overall delivery system of the service area.

The staff is knowledgeable in substantive areas affecting clients and in intake delivery procedures as appropriate for the size of the legal services provider.

The staff employs resource materials or manuals to support their work.

The staff has access to information about non-legal services that may be of assistance to the applicant. The staff is knowledgeable about these services and refers applicants when appropriate.

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The staff is knowledgeable about intake policies of other legal services providers to whom the applicant may be referred.

The staff schedule is reasonably adjusted to avoid burnout caused by excessive hours on intake.

The staff receives regular training on issues of substantive law and intake skills.

The staff consists of generalists or specialists who have cross training in one or more other legal areas.

There are specific, written protocols describing the operation of the intake system that are available to staff and updated as changes to the system occur.

The staff engages in regular internal communication and scheduled meetings of intake workers to discuss emergent or common legal issues and system operations.

(c) Decision on Assistance

Applicants for service will receive prompt determination as to the type of services that they will receive from the program.

The legal services provider's written case acceptance policy provides guidelines regarding: eligibility, conflicts, cases to be accepted, services to be provided, and cases appropriate for referral.

A decision is made promptly as to whether, and what type of, assistance will be provided. The applicant is promptly informed of the decision.

Denials based on case type (not falling within priorities, restrictions) will be referred to other service providers, where available.

Denials based on lack of legal merit (statutes of limitations, facts) require no further action other than supervisory review.

For a case where the decision by the intake worker is that advice or brief service is the appropriate assistance, that assistance is promptly provided, and is summarized in a letter or e-mail to the client. Assistance is often supplemented with legal information, forms, community service information, and web site information.

Appendix A **Legal Services Corporation Draft Characteristics of a Telephone Advice and Referral System, May 2001**

Cases requiring extended assistance are promptly referred to the extended assistance unit for review or the applicant is given an appointment. The referring intake staff will notify the applicant of the referral action in writing.

Cases originating from a free-standing intake program requiring extended assistance are promptly referred to an appropriate provider for extended service. The referring intake staff will notify the applicant of the referral action in writing.

When preliminary advice is given pending a decision on extended assistance, the staff giving the advice will advise the applicant that the action of giving preliminary advice does not mean that the case will be accepted for extended assistance.

Within two business days of the referral, the extended assistance unit or program receiving the referral will contact the applicant. Within five business days of the referral, a decision will be made concerning acceptance of the case, and the applicant will be promptly notified.

(d) Intake Technology

The program should use technology that will expedite the applicant's journey from initial application to appropriate advice, brief service or referral.

Phone System

The program provides a toll free number (either local or 800 number) for the applicant to call to get into the intake system.

The initial intake options are provided by the telephone system. Options may include a language choice, recorded substantive information or the types of services provided by the program.

The instructions are multi-lingual in locations that require it.

The telephone system provides information on the program, intake procedure, and basic legal problem areas.

It provides methods for an applicant to reach a live attendant if needed.

It is capable of routing calls to multiple intake locations if required by the intake system.

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It can advise an applicant on the expected hold time and give an option to leave call back information.

If the initial intake worker transfers the applicant to a casehandler, the system will have the ability to route the call to the casehandler without the applicant having to call back or call a different number.

The system is either designed so that the intake worker can see who is available for calls and route the applicant to that person, or the system does it automatically after the intake worker puts the applicant into the queue.

The system is designed to accommodate persons with disabilities.

Case management Software

The legal services provider has a central database covering the entire intake area to allow information sharing and system-wide conflicts checking.

The software allows for regular backups of the database to ensure preservation of data.

There is eligibility checking with built-in error checking to insure CSR accuracy.

The software provides intake workers with a system of questions and advice for applicants keyed to legal problems.

It provides intake workers with searchable referral information on other agencies and service providers to provide applicants with additional help.

It stores sufficient information to prepare needed reports for management and funders.

It provides intake workers with the ability to generate customized form letters for applicants, clients and others, such as PBI attorneys or other agencies.

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(e) Quality Control

The quality control system ensures that the service provided to clients is accurate, informative, prompt, professional and conflict-free.

There is a designated supervisor of the intake systems who is an experienced attorney.

Within 24 hours of the initial contact, there is a review of intake decisions and assistance.

The review process is designed to screen for quality and to identify recurrent problems or issues in the client community.

Intake staff receives ongoing substantive and procedural training on performing intake.

Attention is given to the effectiveness of the intake system and results achieved for applicants and clients. For example, this can be done by using satisfaction surveys and, when appropriate, outcome measures.

Resource materials used by casehandlers are regularly reviewed and updated.

Based on ongoing evaluation, appropriate procedural changes are made in the intake system.

Legal services providers are aware of technological advances that benefit their intake systems as they become available and use those technologies to enhance the services they provide.



Appendix B

Provision of Legal Advice and Brief Services by Telephone



By Wayne Moore

(Excerpted from the Maryland Bar Journal March/April 1999 with permission from the Maryland Bar Association)

...A revolution in the delivery of legal services {has} occurred over the past two decades. The seeds of this revolution were planted by entrepreneurs in the prepaid legal services industry. Nearly all prepaid legal services plans offer unlimited legal advice and brief services on most personal, legal matters; these services are provided in exchange for a pre-paid fee usually remitted annually. Therefore, the industry was faced with the dilemma of how to deliver quality legal advice and brief services for a modest annual fee. The client had to be well satisfied with the services because the financial viability of the concept depended on the customer renewing their participation in the prepaid service.

One of the pioneers in this effort was Stu Barron who opened a number of “law stores” in Los Angeles to provide legal advice and brief services. The stores were staffed by receptionists who greeted walk-in clients, explained the services available, obtained the necessary signed authorizations and collected the fees. The customers were then ushered to telephones connected to lawyers located at a central downtown office. The typical method for providing legal advice at the time was at face-to-face meetings between the client and the lawyer at the lawyer’s office. By changing the service from a face-to-face meeting to a telephone conversation, Stu estimated that he cut his costs by more than half. Face-to-face consultations take anywhere from 30 to 60 minutes of a lawyer’s time. A corresponding telephone consultation typically ranges from a few minutes to 30 minutes and averages between 7 and 18 minutes. Stu was able to provide community based services but still maintain an efficient centralized staffing arrangement. Clients were satisfied. They received services in their neighborhoods on a walk-in basis for a modest fee. Services were provided promptly since the client had access to a large centralized pool of lawyers instead of a few lawyers in neighborhood offices spread throughout a large city.

In 1985, I expanded on Stu’s concept by establishing a statewide telephone consultation service with all attorneys located at a single location. Clients accessed these attorneys by calling a 800 telephone number from their homes and workplaces instead of from neighborhood offices. I added quality control features and fully automated the

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process by requiring the attorneys to enter all case information directly into a computer data base rather than creating paper files. This eliminated the need for support staff.

The result was dramatic. A full-time equivalent telephone advice attorney can handle between three and four thousand legal advice o have over 48 advocates to handle 6,000 advice and brief services cases and 4,000 more complex cases. These programs typically have a multi step intake system: (1) telephone or in-office screening for eligibility; (2) telephone or in-office interview with an advocate; (3) review of the case by a manager or at a case acceptance meeting to decide whether to handle the case and (4) a re-contact with client to inform him or her whether the program will provide the needed services; the provision of simple legal advice or brief services sometimes requires an additional face-to-face meeting with the client. When you consider that 60% of these cases only involve advice or brief services, the typical intake process is wasteful and fraught with delay. By providing eligibility screening and advice and brief services at the point of initial contact by the client, several costly steps are eliminated and services are delivered promptly. Client satisfaction increases accordingly.

Returning to the scenario discussed above, if a telephone intake and delivery model is adopted, the same 48 staff can handle 15,700 cases. 60% of these cases are handled by slightly less than 5 full-time equivalent telephone advice attorneys at a rate of 2,000 per year. The remaining 6280 complex cases are handled by 43 advocates at a rate of 146 per year; their caseload drops 30% (from 207 to 146) because they are now handling more complex cases as the telephone attorneys are handling all the advice and brief service matters.

Note that in addition to handling more advice and brief services cases, the amount of complex representation also increases by over 50% from 4,000 to 6,280 cases. Thus, the telephone delivery approach does not redirect the program's focus to brief services but instead increases the entire range of legal services provided. This makes sense because if 60% of a program's case work involves advice and brief services and these cases are handled more efficiently, time that was formerly spent on these services can now be used however the program wants including on complex advocacy and impact work.

I am convinced that the lessons learned from these telephone advice experiences also could be applied to a Lawyer Referral Service (LRS). Most LRS programs believe they provide services which are comparable to telephone legal advice services. This is because a person who calls an LRS is generally referred to an attorney who will provide an initial consultation for \$15 - \$30. These face-to-face consultations often involve legal information, advice and referrals (although not usually brief services). For a large segment of the population, this is a needed and desirable service.

Appendix B **Provision of Legal Advice and Brief Services by Telephone** By Wayne Moore

However there is a large portion of the population who won't use this type of service. These are people who are reluctant to go to an attorney's office. They are afraid that, once in the lawyer's office, they will be convinced to purchase more services than they want or can afford.

Two experiences underscore this point. The American Association of Retired Persons (AARP) offered workshops that explained the purpose and value of durable powers of attorney for both financial affairs and health care decisions. At the end of each workshop attendees were told that they could call an 800 telephone number maintained by AARP and obtain the name of a AARP-screened attorney in their local community who would prepare a durable power of attorney for a flat fee of \$45 each. Nearly 3900 older people, mostly AARP members, attended these workshops over a two year period. Yet less than 10 of them called the 800 number and used the flat fee service. As a result, we changed the format of the workshop so that attendees prepared and executed these documents at the workshop which was led by an attorney and cost between \$15 and \$20. These workshops were immensely popular usually attracting 40 to 50 people each. Although, the cost was slightly less, we were convinced that one reason for their popularity was that people felt the group setting provided assurance that attendees would not end up with more services than they wanted.

Similarly, several attorneys I know advertised that they would provide free legal check-ups in their offices for anyone who wanted one. The response was always the same; no one asked for a check-up. Yet after we administered the same legal check-up in a seminar setting, led by an attorney, thousands of seniors obtained these check-ups even though the seminars cost \$15 - \$20 each. Again, I believe the setting assured seniors there would be no attempt to sell them other services. Therefore, I believe LRSs should offer an additional service, namely telephone legal advice and information for a small fee.

The American Bar Association's 1994 Legal Needs Study found that 71% of low income and 61% of moderate income people who had a problem that would have benefited from a lawyer did not consider contacting one. Similarly an AARP study of members who used an AARP discount legal services program which provided free legal advice found that 60% of the users had a legal problem in the past but decided not to contact a lawyer; yet when these same people had access to telephone advice services, they did contact a lawyer. I believe universal access to telephone legal advice and brief services for free or at a modest cost (e.g., \$30) will significantly increase the use of lawyers and ultimately provide access to justice for more Americans.

Appendix C

The Theory Behind the Hotline System

By Wayne Moore

Wayne Moore, Director of Legal Counsel for the Elderly, which is a department of the American Association of Retired Persons, (AARP), founded the Legal Hotline concept and operates or coordinates eleven statewide Legal Hotlines for Older Americans.

In 1985, we originated the Legal Hotline concept not as an intake system, but as a stand-alone program that had the potential to pay for itself. We were trying to develop a program that would provide some free services for low-income people but would be funded entirely by fees paid by those with middle and upper middle incomes. The concept was to combine the delivery system perfected by the prepaid legal services industry with the funding mechanism used by the lawyer referral network. The prepaid industry discovered that middle and upper middle income people were willing to pay a small annual fee (around \$100) to have unlimited telephone access to free legal advice and brief legal services with discounts on additional legal assistance. The prepaid industry learned that people value telephone legal advice and brief services, and that these services could resolve about 75-80% of the matters presented. These services were also effective in helping people prevent legal problems and empowering them to resolve their own problems. Unfortunately, most lower income families cannot afford the \$100 annual fee and do not participate in these programs unless they are paid for by an employer or union.

The lawyer referral industry developed a system where information and referral services could be provided for free to the public and were funded by referral lawyers who remitted a percentage of the fees they collected from referred callers to the lawyer referral program. Furthermore, this funding mechanism was deemed ethical.

A legal hotline that serves all age groups should generate three to five times more revenue and thereby come closer to paying for itself.

We merged the two concepts using paid lawyers to provide free telephone advice to all callers, regardless of income. Low-income callers needing more than telephone advices were referred to legal services programs; others needing assistance beyond telephone advice were referred to attorneys in private practice who charged reduced rates (e.g., \$60-\$80 per hour; \$45 for a simple will or power of attorney). These private practice attorneys remitted one-sixth of the fees they collected to the hotline.

Unfortunately, the legal hotline does not pay for itself. The Pennsylvania Legal Hotline, which generates the most income, only yields \$31,500 in income against

\$237,000 in expenses. A major reason for this failure is that the hotline only serves those 60 and older, and older people have fewer legal problems than younger people and retain lawyers less than other age groups. Lawyer referral programs that serve all age groups report that 15-25% or more of the callers retain a referral attorney for legal services. Only 5% of our callers retain referral lawyers, and only 2% retain them for anything other than simple legal documents or additional advice. A legal hotline that serves all age groups should generate three to five times more revenue and thereby come closer to paying for itself. [Note: our Pennsylvania Legal Hotline is now testing a sliding fee for telephone advice: those with annual household income of less than \$15,000 still receive services for free; \$1 per minute is charged to households with income of \$15,000 to \$25,000; and \$2 per minute is charged to those with incomes over \$25,000].

Fortunately, our Legal Hotlines for Older Americans have attracted federal, state, and local funding – primarily from government- so that ten statewide hotlines now exist (Arizona, Washington, DC, Florida, Maine, Michigan, New Mexico, Ohio, Pennsylvania, Puerto Rico, and Texas). There is also a hotline that serves all of Northern California. The Administration on Aging plans to fund two to four new statewide hotlines this year.

Notwithstanding our disappointment in not developing a free legal service for low-income seniors that would pay for itself, we realized that the hotline was incredibly efficient. One attorney working 40 hours per week for 47 weeks can handle 2,435 clients with 3,200 cases!¹ In addition, no paralegals, secretaries, or support staff are needed except for a person to answer the phones when the attorneys are busy. No case files or written intake forms are prepared. The attorneys type all information directly into the computer. There is no sacrificed in quality. The one innovation we added to the prepaid delivery system was various quality control measures. The key measure is a printout of all the hotline attorneys' casenotes from the prior day's work for review by a managing attorney; written feedback on items requiring modification or correction is provided to the hotline attorneys daily. Special legal resource materials were also prepared. Finally, we found that attorneys who spend full time providing legal advice become much better at it than the typical lawyer who does it less frequently and in less volume.

Due to these efficiencies, we realized that the hotline would be an ideal mechanism for conducting intake and handling advice and brief services cases in the local legal services program for needy seniors that LCE operates in the District of Columbia. Therefore, we converted our DC program's intake to the hotline approach in mid-1987. The results were astounding! Services tripled with little increase in costs. Staff attorneys and paralegals now devote most of their time to more complex matters that better utilize their skills, while the hotline attorneys focus on the simpler matters.

One attorney working 40 hours per week for 47 weeks a year can handle 2,435 clients

with 3,200 cases!² In addition, no paralegals, secretaries, or support staff are needed except for a person to answer the phones when the attorneys are busy.

The reason for this increase in productivity is simple. A hotline attorney working 40 hours per week for 47 weeks a year can handle nearly 2,500 cases for over 1,900 clients.² Our staff attorney and paralegals closed about 236 cases per year before the hotline was installed with 42% of these involving advice only, brief services, and referrals. Post-hotline, these same staff close 173 cases per year (73% of the prior caseload) with 26% constituting advice only, brief services, and referral.

We believe the legal hotline methodology can help legal services programs effectively address expected cuts in funding. For example, suppose your program closes 10,000 cases per year using 40 attorneys and paralegals (250 closed cases per advocate). Suppose the hotline can resolve 50% of your cases (ours resolves 75%), and that staff attorneys and paralegals can each resolve 183 of the remaining cases per year (i.e. 73% of prior caseload). They will handle fewer cases because their caseloads will be more complex. You can handle the 10,000 cases with 29 attorneys and paralegals or 28% less staff.³ Plus, there are other savings. The hotline attorneys enter most of the demographics and case management data directly into the computer so support staff don't have to do it. Also, there are no files for half of your cases – just an electronic record. You also need fewer intake personnel.

The capabilities of the hotline approach have not been fully explored. For example, I believe the hotline used in combination with contract attorneys in rural areas can substitute for the more expensive branch office. This is because the hotline can resolve 50% or more of rural clients' cases by phone. The hotline attorneys can also develop the remaining cases for referral to attorneys in private practice under a contractual arrangement where the legal services program pays a prearranged flat fee or reduced hourly rate for the attorneys to handle the cases. The referral can be done efficiently. The contract attorneys can be required to set aside regular intake hours each week to be scheduled by the hotline attorneys when a client calls and needs help beyond hotline services. The hotline attorney can schedule the client for one of these pre-arranged intake slots without calling the contract attorney or having to call the client back. At the end of the day, the contract attorney is notified of all scheduled appointments for the referral lawyers who handle cases for a reduced fee, and it works well. There, of course, is a down side to using contract attorneys in lieu of a branch office. Full time staff devoted to poverty law in a small community can bring about community-wide systems change that is much harder, if not impossible, to achieve with contract attorneys.

I also believe the hotline can facilitate self-help representation by capable low-income clients. The commercially available software developed for hotline use (Matter

Manager by Expertext in Toronto, Canada) can also serve as a document generator. Thus a hotline attorney can quickly and easily generate pleadings that a client can use for self-representation. Examples are small claims court complaints or all the pleadings for an uncontested divorce. The pleadings could be accompanied by instructions on how to file them and a list of the evidence the client must take with him or her to court. The client can call the hotline as often as necessary to receive guidance as he or she proceeds with self-representation.

Community service workers can also use the hotline to assist them in providing help to low-income clients. For example, social workers and others can represent clients at fair hearings on simple public benefit problems. Hotline attorneys could provide these workers with the necessary step-by-step guidance to handle these cases.

Possible the optimal use of the hotline would be to have one central intake for an entire state. It would operate much like our ten statewide legal hotlines for seniors. All clients would be told to call an 800 number for legal help. The hotline would screen for eligibility, resolve the simple matters, and refer all other matters to the appropriate legal services program within the state. In fact, the hotline could schedule client appointments with the program in the manner described earlier. It may be desirable to have the local legal services programs conduct some initial intake for those reluctant to use an 800 number or for those who walk in. A form of this model is being tested by CARPLS and discussed elsewhere in this issue.

Footnotes:

- 1 Our hotlines use several part-time attorneys instead of full-time ones as this is more efficient.
- 2 The hotline attorneys in our D.C. legal services program handle fewer cases than those in our freestanding hotlines because 50% of their cases involve brief services, such as a letter or a call to a third party or a simple negotiation.
- 3 5,000 of the cases are resolved by the hotline. Since each hotline attorney can resolve 2,500 cases, only two hotline attorneys are needed. The remaining cases are resolved at an average rate of 183 per advocate, thereby requiring 27 advocates for a total of 29.



Appendix D

**A More Productive, More Versatile Legal Hotline
Methodology
A New Concept in Delivery - The Brief Services Unit (2000)
By Wayne Moore**

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

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

Current Advice Line Practices

At AARP, we operate two legal advice lines which are typical of the two types operated by most legal services and Senior Legal Hotline programs. The AARP Pennsylvania Legal Advice Line for Older Americans (hereinafter called PA advice line) was the first of its kind and began operations in 1985. It primarily provided legal information, legal advice and referrals. Few brief services were provided. The PA advice line was answered by intake workers who screened the callers for eligibility and forwarded eligible callers to advice line lawyers if they were available. The lawyers conducted the conflict check, determined whether the caller had to pay for the call, and collected any fees by credit card or check.¹ (Those with less than \$15,000 in annual income received free services; others paid a \$15 flat fee per call). Otherwise the intake workers took the callers’ names and telephone numbers for call-backs by the legal advice lawyers. Most calls were handled on a call-back basis. A common variation of this model is to place the caller on hold until an attorney is available; in this variation the caller usually has the option of asking for a call back instead. In 1998, the PA advice line served 5,111 clients with 5,651 cases using 3826 hours of paid attorney time (attorneys

¹ In the case of paying by check, the caller received the service and mailed the check afterwards.

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were part time employees). This resulted in an average of 45 minutes of attorney time for each client served. Or, stated another way, a full-time equivalent attorney served 2,146 clients each year (461 weeks @ 35 hours per week). However, not all of this time was spent talking with clients. Some time was spent on : (1) making call-backs to clients who weren't home; (2) entering casenotes into the computer; and (3) conducting conflict checks, screening for and collecting fees, and performing other administrative tasks. We never measured the portion of the 45 minutes that was actually spent on the phone with clients. If the average beginning salaries for attorneys are \$25,600 and the median salaries are \$38,300 with an average of 20% in fringe benefits, then attorney costs range from \$14.32 to \$21.42 per client served.

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

New Legal Advice Methodology

In June 1999, we began testing the new methodology. We closed the Pa legal advice line office in Pittsburgh and entered into a contract with Tele-Lawyer, Inc. to operate the advice line using the methodology that they had developed over the years for their fee-for-service legal advice line. We use the same 800 telephone number but forward the calls to Nevada where Tele-Lawyer intake workers answer the calls, conduct conflict checks, and screen the callers using our eligibility criteria. We kept our old 800 number because it was well established in the Pennsylvania senior community. Once the caller is screened for conflicts and is found eligible for services, the intake worker forwards the call back to Pittsburgh where a legal advice lawyer handles the call; he works out of this home. After the call is completed, the lawyer finishes the casenotes and is ready to handle the next call. A significant change in methodology concerns how the lawyer is paid. He is only paid for the time he spends on the phone with the client plus three additional minutes for completing casenotes. Another change is that we lease

1 This allows 2 weeks for holidays, 2 weeks for sick leave and 2 weeks for vacation.

2 These averages are based on LSC data as compiled by Ken Smith.

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the telephone system instead of purchasing it. We thereby avoid the expense of hiring a consultant to help us select a system and owning a system that is likely to be obsolete in a few years. Also we are able to obtain 800 service at a lower rate (about 6 - 8¢ per minute). The last significant change is that no administrative tasks are performed by the lawyer. Eligibility screening, conflict checking, call routing, call-backs, collection of fees, and collection and entry of client eligibility and demographic information into the database is performed by the intake workers.

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

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

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

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To make this methodology work, emphasis must be placed on quality control. Every case note must be reviewed by another experienced attorney who contacts the advice line attorney about any cases requiring corrective action. The advice line attorney is not paid for corrective action. However, the reviewing attorney checks the subsequent casenotes to insure the corrective action was taken. The legal advice line attorneys also should be paid for periodic meetings with the reviewing attorney to go over new developments in the law and discuss cases that have necessitated corrective action. (This time was not included in the cost per call calculations above). The advice line attorneys are sent periodic updates in the law (these are available from the AARP Legal Hotline Technical Assistance Project at www.equaljustice.org/hotline1) and given legal resource materials and community resource information which is updated regularly (some of this information also is available from the AARP Legal Hotline Technical Assistance Project at www.povertylaw.org or by calling (312) 263-3830).

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

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

Table I summarizes a comparison between the system previously used in Pennsylvania (column 1), the system currently used by LCE in DC (column 2), and the new methodology now used in Pennsylvania via Nevada (column 3). Diagram I compares the new methodology with the system previously used in Pennsylvania. Notice that many of the functions previously performed by the attorney have been shifted to the intake worker. In particular, the attorney never calls the client. All calls initiated by the

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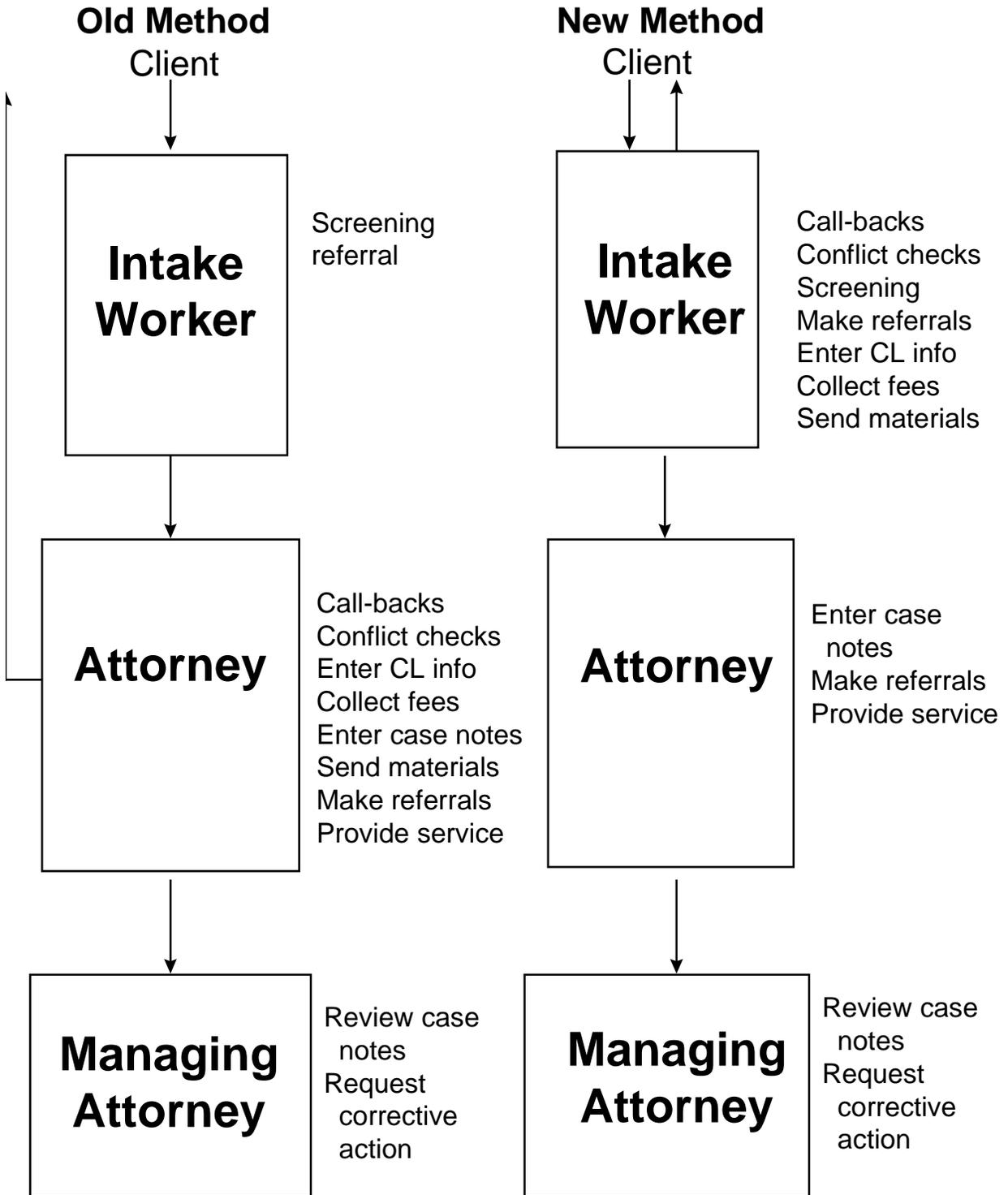
advice line are made by the intake worker and then forwarded to the attorney. The managing attorney’s job has not changed.

Table I

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



Diagram I



Testing Income Generation

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

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

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

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

Other Benefits of the New Methodology

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

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

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

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

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

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

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

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

The grid below is provided as an example. In this example three attorneys are available on Mondays from 9:00 am to noon to handle family law cases and two are available to handle housing cases. Not shown on the grid are all the other subject areas and the corresponding number of attorneys available during the Monday morning shift concluding with public benefits law. Similarly, but not shown, there would be schedules for Monday afternoon through Friday morning. The Friday afternoon schedule is shown to demonstrate that the number of attorneys available would vary since more calls are usually received on Monday mornings than on Friday afternoons. Note that the designation of “a” thru “f” indicates the location of the corresponding attorney. Thus, local legal services program “a” provides two attorneys during the entire Monday morning shift, one to handle family law and one to handle housing law cases; program “a” can use two attorneys for this or several who take turns. Program “c” provides one attorney on Monday mornings for family law from 9 am to 10 am and one for public benefit law from 11am to noon. Attorneys from program “d” take over for the rest of one morning shift in family law and for one hour for public benefit law.

	Monday (AM)			Friday (PM)				
	9-10	10-11	11-12	12-1	1-2	2-3	3-4	4-5
Family law	a	a	a	c	c	d	D	e
Family law	c	d	d	e	e	f	F	-
Family law	e	f	f	-	-	-	-	-
Housing	a	a	a	b	b	c	C	c
Housing	f	f	f	d	d	e	E	e
:	:	:	:	:	:	:	:	:
Public Benefit	b	d	c	e	e	f	A	b

Local programs could meet and complete this grid every 3 months. Programs with special expertise could staff most of the slots for their specialty area. There would be one grid for those staff responsible for handling the calls and one grid for those “on-call.”

If circumstance required, last minute changes could be arranged among the programs. Thus, if one program had several staff out sick they could find another program willing to handle their slots. This would be another reason for paying programs for their time as the funds would go to the program that actually provided the services.

This methodology would allow local programs to continue to operate their own legal advice lines. Advice line staff would simply have double duty; they would answer calls for both advice lines. During their scheduled hours on the statewide advice line, they would receive calls from the statewide program; otherwise they would handle local calls.

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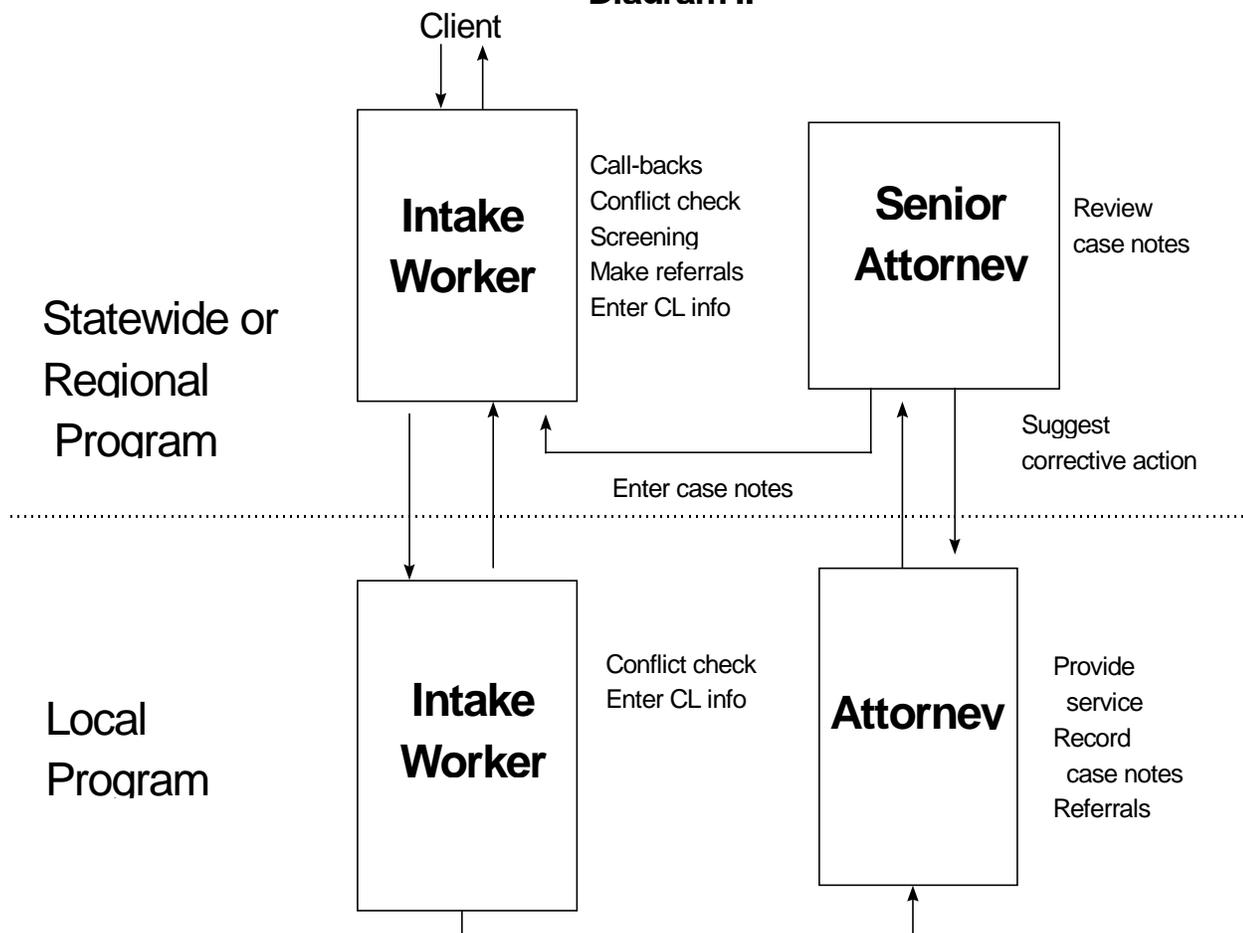
The system could work something like this. When the intake worker at the statewide advice line received a call, she or he would screen the client for eligibility and conduct a conflict check. The participating local programs would have to agree on these eligibility criteria since they would have to provide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

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

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



Diagram II



A New Concept: The Brief Services Unit

The new methodology’s limitation is that it is not well suited to handling brief services or advice cases that are based on numerous documents that can not be read over the phone or sent by fax.¹ However, it occurred to me that this limitation might be an opportunity, namely the creation of a separate brief services unit (BSU). The idea of a BSU also seemed to solve other inefficiencies that I have observed in my own program (i.e., LCE) and in others. One inefficiency is that advice, brief services, referrals, and no merit cases comprise 32% of the caseloads of our staff attorneys and paralegals, notwithstanding the fact that our advice line handles many brief services. Part of this is attributable to the types of problems experienced by seniors; but most arise from the fact that these cases require further development before an appropriate resolution is apparent. This development is too time consuming or protracted for the advice line to undertake so these cases are referred to staff. But this case development and

¹ Some programs have recruited a network of social service agencies willing to fax documents for clients.

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investigation could be done by a BSU which then could resolve those cases requiring only advice, brief services or a referral. Only cases requiring extended services would be forwarded to staff attorneys and paralegals.

Another inefficiency results from the misuse or under use of volunteer lawyer projects (VLPs). In an earlier¹ article, I estimated that VLP cases cost about 55% of those handled by paid staff even though the legal work is provided for free. This is due to the time required to recruit the attorneys and to develop, place, and monitor the cases. 30% of cases closed by our VLP program are closed by means of abbreviated services. Given the cost of development, placement, and quality control, these cases cost more to process through the VLP than if they were handled by a legal advice line or BSU with paid staff. Most VLPs are underutilized because their case mix rarely matches the case handling capacities of the volunteer lawyers. Typically some volunteer lawyers are over-worked (e.g., family law lawyers), but many are underutilized (e.g., wills, consumer, personal injury defense, legal transactions). This is a result of how cases are routed to the VLP. Since it is difficult (and unwise) to refer undeveloped cases, most cases need to be fully developed so that one can determine the expertise and amount of time required to handle the case. Nothing discourages volunteer lawyers like cases with unexpected surprises. My program and many others rely on staff attorneys and paralegals to develop all but the most straight-forward cases. However, once staff have developed the case, they often find it easier to resolve it themselves than refer it. As a result they tend to send the VLP those cases they don't want to handle which, not surprisingly, tend to be the ones that volunteer lawyers don't want to handle either. Thus, there is a need for a separate unit (i.e., a BSU) to develop these cases and send the most referable ones to the VLP and the others to the staff. There is also a need for this separate unit to conduct “active intake” to identify clients with problems that can be referred to underutilized volunteer lawyers. Several articles including those of LCE staff have been written on how to proactively obtain these cases.²

Also we have discovered over many years of testing that non-attorney volunteers are well-suited to case development and investigation. They can take the time to call SSA until they get the information that is needed. They can write for documents and records; they can take pictures of deplorable housing conditions and review housing records and licenses. Thus, I propose that the BSU be staffed with non-attorney volunteers, a few experienced, paid paralegals and a paid supervising attorney. The unit could resolve over 50% of the cases now handled by expensive paralegal and attorney staff. I recently reviewed all of the cases closed last year by two of our staff attorneys. One did more court work; the other did more administrative agency work. The attorney

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

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

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doing administrative work closed 140 cases of which 26% involved extended services. I estimated that a BSU could have closed 116 of these including 23 that involved extended services. Much of the work could have been done by a non-attorney volunteer and a paralegal with an attorney monitoring to determine how the case should be resolved. The extended services cases that seemed to be resolvable by the BSU involved simple negotiations with utility companies and other providers of goods and services.

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

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

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

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

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BSU would reopen the case and refer the client to the appropriate part of the legal services program.

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

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

A diagram of a program with a BSU unit appears on page 22.

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

Conclusion

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

Appendix D **“A More Productive, More Versatile Legal Hotline Methodology
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Appendix E

Stop the Insanity! Intake Made Intelligible

By James Morrissey, Susan Search, Tracy Gannoe, Marge Gustas, and Theresa Simmons

The authors work at Neighborhood Legal Services (NLS) in Buffalo, New York. James M. Morrissey is the Executive Director of NLS; Susan Search and Tracy Gannoe are intake paralegals; and Marge Gustas and Theresa Simmons are paralegals in the public benefits unit of NLS.

Neighborhood Legal Services (NLS) in Buffalo, New York, has 22 attorneys and 20 paralegals divided into four substantive law units: public benefits, family law, housing, and disability. NLS serves Buffalo and Erie County, which, according to the last census, have 115,000 low-income residents. Approximately 75% of NLS’s clients reside in Buffalo, while the remainder is spread throughout Erie county, including areas that are primarily rural.

Over the past four years, NLS has moved from performing client forming intake daily using computer technology. Over that time, with about the same number of staff, NLS increased its case openings from 4,800 per year to almost 9,000 last year. This article describes the old intake system, details the problems with it, and explains how many of those problems were resolved, with the design of a new intake system

I.

The Old Intake “System”

Described as medieval by one NLS paralegal, the old “intake system” was seriously flawed in design and execution.¹ Each of NLS’s four substantive law units performed its own intake. In order to explain how the system worked, the public benefits unit is used here as an example.

The public benefits unit was “open” to screen clients for appointments over the telephone on Fri- days, from 9:00 A.M. until Noon.² When clients called, receptionists would have to determine whether the incoming call should go to the public benefits unit or one of the other three substantive law units. Messages were taken for as many potential clients as managed to get through, usually between 35 and 40 each Friday for the benefits unit. While the public benefits unit was open, receptionists were also taking messages from potential clients seeking help from the other three units and handling the normal flow of all other calls into the office. Additionally, receptionists would greet clients who came in for appointments, handle walk-in clients, and refer callers who clearly were not qualified for our services.³

There were six telephone lines available, but more often than not, potential clients were met with busy signals. The receptionists told those who did get through to wait by their phones for a return call, although they could not tell them precisely when their calls would be returned; it could be a few minutes, a few hours, or even the next day. Potential clients who called the public benefits unit at 12:05 P.M. were told that intake was closed, and they must call back the following week.

Receptionists assigned the callers case numbers by copying the caller’s name onto a steno pad. The receptionist then distributed all public benefits messages to two benefits paralegals who spent the day returning calls, qualifying the clients for services, and setting up appointments; for eligible clients. Each week, different benefits paralegals would screen the calls, hand- writing all information on a printed intake sheet and attaching notes of conversations with the clients to the intake sheet. If a caller was qualified for services, the paralegals made an appointment for the client to come into the office to see an advocate.

II.

With this System, Could Chaos Be Far Behind?

The problems presented by this intake system were many. While some were minor, the problems were cumulative and, taken together, frustrating to both staff and clients. It presented NLS staff to potential clients in a manner that was often, at best, regrettable.

A. Calling Into the Void

Paralegals would return calls to potential clients without having basic information. The paralegals did not know if the caller was a present or past client of the unit or if the caller was a past or present opposing party in a current NLS case. This could pose a problem for several reasons.

First, some clients “advocate shopped” because they were dissatisfied with the advice from the first advocate (unrelated to the correctness of that advice or the skill with which it was given). Case reviews were frequently punctuated with, “Wait a minute, I have an open case on that client!” This “observation is not a criticism of the clients – after all, many are in desperate straits - but staff were concerned about the quality of services delivered.

Just as important, paralegals would not know if the caller was a past client of the office.

Information regarding an earlier case handled by the program is important when that information may have an impact on the problem for which the potential client now seeks assistance. For example, assume that NLS had give advice and counsel to an AFDC client concluding that a lump-sum payment to the client would result in a 13-month disqualification from assistance. If the client called back 11 months later for help establishing eligibility for public assistance, information underlying the previous case could be critical, and the client may simply not remember it after such a long time.

Knowing this information also may be important for other reasons. For example, a client may have special needs, or a past case may have given advocates information about a client’s reliability. When staff had time to check whether a caller was a past or present client, checking was limited to the name the client gave. Staff would not know if a caller was a past client with a different or married name, or if the spelling on file was incorrect.

B. We Have a Conflict of What?

As in many offices, NLS’s conflict -of-interest checking system consisted of names on index cards filed alphabetically. NLS had literally thousands and thousands of such cards on file. Since the task of checking for conflicts was so time consuming, it was not uncommon to dispense with the check altogether in favor of more substantive work.⁴

Thus, staff would not always know if a caller was a current or past opposing party in a case the office was handling or had handled. A person could call because his general assistance was about to be terminated, and one advocate might not know that another advocate was representing his wife in a divorce proceeding. Or advocates would not always know that a caller’s case was against a current or past client. In the same example, a woman could call for a divorce, and staff would not know NLS was representing her husband in a public benefits case.

C. Paper, Paper Everywhere Except the Sheet I Need, or How / Represented a Client and Killed a Tree

The old client intake system thrived on paper, starting with the telephone message, moving to the printed intake sheet and case notes, then to the appointment diary, and ending with a case file. With thousands of clients represented each year, reliance on paper created many practical problems. Paper could .get lost. A telephone message could disappear, or a case folder could get misplaced or misfiled. The intake sheet that should be in the appointment box might be missing when the client appeared for the appointment - that is, staff would have no record of the client. Additionally, handwritten materials might be indecipherable or transcribed incorrectly. Finally, staff might learn during the interview that a client had a current or past case with the office, but that the file was not readily accessible.

D. Giving Clients Appointments and Case Numbers

Paralegals setup appointments for clients using a unit diary book. Finding the diary at any time could be like finding a needle in a hay stack- Advocates frequently gave clients needless appointments when they could have handled the case at the point of telephone intake. Simple problems often could be resolved with a phone call; for example, a call to the Department of Social Services would be generally sufficient to help a client whose assistance check was late. As a result, clients who really needed appointments

might not have gotten them.

Staff also had a very difficult time with case numbers. Like the appointment book, the steno pad with the case numbers would often be misplaced. Since, like all offices, NLS serves a high volume of clients, it was not uncommon for the numbering system to become confused under the stress of assigning them.⁵

***E. Staff Hated Fridays, or
It Was Not TGIF at NLS***

Friday was intake day. Having two paralegals try to return 35-40 phone calls was cruel and inhuman punishment for both the paralegals and the clients. The paralegals worked under a tremendous strain - a feeling that could be communicated to the clients. The paralegals had time only to gather information quickly, qualify the clients for services, and make an appointment for the client to see an advocate. The paralegal did not have any time to really advocate for the client or perform any follow-up.

Understandably, clients were less than enamored with “the system.” They did not know when their phone call would be returned, and they were forced to remain by their phones until it was returned or risk getting no legal service.

***F. A Case Management System
That Did Not Manage Cases***

The existing “case management” computer program did not help advocates manage cases. Rather, it was used exclusively to generate reports - that is the quarterly case service reports (CSRs) to LSC. Secretaries keyed data into the system from intake sheets and were cautioned, for the sake of “data integrity,” not to let advocates use the program. The theory that limiting data input would protect the data’s integrity proved false; the database was riddled with errors.

The errors fell into several areas. First, transcription problems resulting from poor handwriting or fatigue occurred while inputting information into the system. Second, because the case management program was difficult to use, no one ever mastered it or even really understood it. Third, since the case management program bore no relationship to the actual work on cases, no one was responsible for assuring that the data was accurate, and frequently it was not.

G. Stop Reinventing the Wheel

Once clients came into the office and staff worked on their legal problems, there was no effective way to institutionalize what was learned so others could use it. Advocates attended case reviews twice weekly where all intakes were presented and advocates could share knowledge. These case reviews took up to two hours and were often boring and mundane to experienced advocates. This was not an effective way to share knowledge with newer advocates either.

III.

Consensus on the Need for Change

There was consensus that intake was in dire need of retooling. Central to the redesign effort was the desire to serve more clients but not swamp the office’s other activities, including impact casework, community education, and legislative and administrative advocacy.

A. Daily Intake

NLS staff’s goal was to perform intake daily, if possible, and respond quickly to calls for assistance. The system of limiting all intake calls to one or two days per week put too much stress on advocates and gave clients limited opportunity to seek help. For potential clients who did manage to make contact, it was unreasonable to ask them to wait by their phones for what could be the entire day (or even the next day) for a return call.

To achieve this goal, NLS staff experimented. Initially, a paralegal was asked to perform intake over the phone and to resolve as many cases by phone as possible. While the model of aggressive telephone intake remained the same, the way the model was executed went through a constant change. Approaches that did not work were jettisoned without hesitation. After months of experimentation, staff learned that intake paralegals should be full-time, if possible, and should not handle continuing caseloads. Staff learned the number of calls they could handle and still resolve clients’ problems and confirm all calls with letters. Additionally, it became obvious that intake paralegals needed one day off intake per week to dispose of all the calls that had come in that week.

Daily intake using paralegals as problem solvers worked well. Today the public benefits, housing, and family units each have two intake paralegals, who conduct intake five days a week. Attorneys

review the intake calls with the paralegals each day but otherwise are free to handle more substantive matters.

B. Leaping Out of the Void and Preventing Conflicts

Before discussing a problem with a potential client, advocates need to know if that person was a past or present client, or a past or present opposing party. In either case, advocates wanted immediate access to information on the pending or previous case. Unfortunately, they would not have time to look through thousands of index cards and still meet other goals.

The new computer intake program was designed to help handle cases, rather than simply generate reports (although it does do that as well). More than 30,000 cases are now on the database. As part of the new intake process, client intake forms are entered directly into the computer intake program. When a caller seeks help, the program advises the advocate within seconds if the caller is a past or present client or an opposing party. If so, staff can review any existing cases instantly by calling them up on the computer.

C. Using Paralegals to Their Fullest

Rather than simply screening clients for eligibility, paralegals wanted the time, training, and authority to solve a client’s problems over the phone at the point of intake if possible. A review of our CSRs showed the soundness of this approach. About 60% of NLS’s cases are disposed of through advice and counsel, brief services, and referrals (a figure that is fairly consistent in offices across the country). Many of those cases can be handled over the telephone without the need for a face-to-face appointment. NLS’s service area is a large county, and transportation is often a problem for clients, especially elderly clients. In the program’s view, clients should be required to come to the office only if a trip is necessary.

After several months of experimentation, staff learned that one intake paralegal could resolve about 50-60% of the calls. The effect is twofold: not only are more clients served than before, but also issues presented by clients coming in for appointments are more substantive in nature.

Each unit now uses intake paralegals who have authority to make appointments for eligible clients who cannot be assisted over the telephone. Each day the intake paralegals review their calls with

an attorney.

D. Expanding Services by Helping Clients Help Themselves

Most clients with relatively simple problems are able to act on their own behalf if armed with the correct information and suggestions. on how to act on that information. NLS sought to expand the number of clients served by helping clients help themselves. When NLS began this experiment, 60 informational letters on public assistance issues about which clients frequently sought assistance were written. The letters are practical in orientation and give very concrete information. In addition, a reading specialist checked them to make sure they were appropriate.

For example, if a client needs a household establishment allowance from the Department of Social Services, an intake paralegal explains in detail how the client can obtain one. The paralegal tells the client how to document the need for the allowance and what steps to take before seeking an allowance, and provides the client with the necessary addresses and telephone numbers This advice is confirmed with an informational letter that includes the appropriate application form and instructions on how to file it.

The letters, which have also been translated into Spanish, serve many purposes in addition to assisting clients, and all four units have written sets that are used daily. Since an informational letter can be used for most advice and counsel cases, these cases are handled completely, quickly, and efficiently. The advice given is consistent and correct. The letters, which are an excellent training and resource tool for new advocates to the program, have been shared with scores of community organizations. Thus, advocates no longer reinvent the wheel. The letters have memorialized much of the advice given over the phone and can be used as a primary reference tool. They are updated, and new letters are added as needed. Staff are relieved not to have to reconsult state or federal regulations or statutes to answer questions that have been answered previously.

*E. Using Technology to Meet Goals
and Relieve the Mundane*

NLS advocates wanted to use technology to provide high quality services to clients, in part by relieving staff of the more mundane tasks that high volume work can generate. A voice mail system was installed. As a result, the receptionists are relieved of taking up to 50 intake messages daily and can have more time with clients. The software program automatically assigns case numbers, relieving our receptionists of the arduous task of keeping them straight. Advocates enter client information as it is gathered directly onto our intake program. Assisted by a supervisor, paralegals can close their own cases, relieving secretaries of inputting up to 200 intakes and 200 closings per week. The intake computer program generates letters to clients and saves typing up to 200 letters weekly. Telephone-only cases (about 5,500 last year) no longer have paper files; the information is simply stored in the database. This saves a clerk’s filing and retrieving of up to 200 case files each week. A local area network was installed to allow all intake paralegals to use the intake program at the same time, schedule appointments, and communicate with each other by E-mail. The days of searching for the appointment book are gone.

Last year staff conducted more than 55 community education events reaching more than 1,200 clients and advocates. This included a nine-hour, soup-to-nuts welfare course for more than 50 community agencies. Advocates are working on a major “nonlitigation” effort called Project Dandelion, which seeks to help women make the transition from welfare to work. The project publishes a monthly newsletter that has more than 2,000 readers. NLS also publishes a monthly newsletter with strategies for avoiding homelessness and helping those who are already homeless.

NLS frequently comments on administrative and legislative matters. Staff serve on a variety of state and county advisory committees and regularly respond to requests for information from elected and executive branch officials.

**IV.
Conclusion**

Today NLS’s intake looks much different from what it was only a few years ago; advocates serve many more clients. The intake system that an office uses inevitably reflects the values of a program. NLS staff valued serving more clients in a way that would not swamp the program’s other important activities. Some may disagree with this approach or may question whether it serves our values. NLS is convinced that advocates have served well literally thousands of clients who otherwise would not have received service. Importantly, choosing the system did not mean choosing against impact work or community education or legislative and administrative advocacy. NLS advocates are doing more of these activities than ever. There is no dichotomy between high volume service work and using many other strategies for change. Like so many things, it is a question of balance.

Footnotes:

1 We hesitate to use the word “system”, which according to Webster’s Ninth Dictionary means an organized set of doctrines; ideas or principles usually intended to explain the arrangement or working of a systematic whole.

2 During this time, the housing unit conducted Intake on Fridays, and the family unit conducted Intake on Wednesdays. To the uninitiated client, the intake system was like Russian roulette.

3 Being a receptionist at a legal services office is a very difficult job and often goes unappreciated. Receptionists do not simply route hundreds of calls per day. They must respond to many persons who call in a severe state of crisis while taking messages and serving as our frontline ambassadors to the outside world.

4 This posed obvious ethical problems, and, on occasion, mistakes occurred. In theory, advocates could have checked conflicts with the case management program used at the time. However, the program’s author had warned against advocates using the system.

5 Under our old numbering system, each unit had its own set of numbers i.e., the receptionists had to keep track of four different sets. Our Intake program now assigns cases numbered consecutively as they are opened with each unit receiving its own prefix. E.G., the benefits unit’s prefix is 01, the housing unit is 02, and the family unit’s is 03. The case number 94-0101000 indicates that in 1994, the one thousandth case opened was a public benefits case.



Appendix F

SAMPLE Attorney Job Descriptions

Legal Hotline for Older Americans:

AARP has immediate need for lawyers with a minimum of two years general legal experience for part-time work. Primary responsibility is giving legal information and advice by telephone to callers age fifty and older in downtown location. Brief follow-up services in some cases. Prefer attorneys with small practices. Maximum 4 hours/day. \$.00/hour.

Coordinated Advice and Referral Program for Legal Services (CARPLS)

The CARPLS staff attorney (SA) is responsible for the direct service component of the program. It is the SA who fields hotline calls from low-income persons in needs of legal services. The SA must be able to handle diverse legal problems in a patient, compassionate manner. Under the direction of the Supervising Attorney, the SA is expected to efficiently conduct an intake interview, analyze the caller's legal problem and either advise the caller over the phone or refer them to the appropriate agency.

SAs answer the Hotline calls and a number of ways. S/he will be assigned to either answer calls directly, return messages or answer the call-back line (a separate telephone line for existing clients requesting further service). These tasks are rotated on a daily basis.

The SA uses a computerized referral system to find the most appropriate referral for the caller. The SA is expected to be adept at using the system and at inputting information correctly. S/he is required to follow CARPLS policies when conducting an intake and referring a client to another agency. The SA is to inform management and fellow SAs about any changes in the acceptance criteria of referral agencies.

SAs are required to keep accurate records of their work...{in the case management software system including case disposition, status, and closing codes}

SAs are required to keep abreast of all of changes in all aspects of civil law. CARPLS offers intensive in-house training and continuing education seminars. However, SAs are encouraged to attend outside seminars and to share the information with fellow SAs at bimonthly staff meetings... Interested SAs are encouraged to volunteer for additional projects. These include legal research, seminar coordination, case reviews, resource investigation and library maintenance. CARPLS conducts performance reviews on an annual basis. SAs will be assessed on their legal skills, their ability to serve clients in a professional, respectful manner and their productivity levels. SAs legal work is reviewed regularly by staff case reviewers and SAs are expected to work with the Supervising Attorney and reviewers to correct any legal or intake problems.

SAMPLE Intake Specialist Job Description

I. Position Summary

Interviews all clients who call the program to elicit required demographic information and enters it into the database. Refers clients who are ineligible for program services to other community resources and passes on eligible clients to the Hotline.

II. Task Statements

1. Interviews all prospective clients to gather required demographic information about the client.
2. Obtains a brief statement of the nature of the legal issue.
3. Performs preliminary conflicts check in program database
4. Enters above information into LCE Database quickly and accurately.
5. Relays intake information to hotline attorneys on duty.
6. Refers callers who are ineligible for hotline services to other resources.
7. Maintains lists of appropriate information and referral resources.

III. Latitude

Positions at this level exercise moderate latitude to accomplish assigned work duties and responsibilities. Positions directly contribute to and are essential to the achievement of group goals and objectives.

IV. Minimum Education and Work Requirements

High school diploma or equivalent GED. High degree of computer data entry proficiency and accuracy. Successful completion of in-house training program. Good listening skills, patience, and an ability to work well with callers and team members.



Appendix G **Sample LCE Casenote Report**

CODE Date Attorney
APPT 04/16/2001 YPT

Type of Contact [TE]
Case Completed Dat
[xx/xx/xxxx]

Close Code:

[xxxx]

CASE NOTES

Case # [xxxxx]

04/16/2001-10:56:49

Staff [xxxx]

CI says she inherited about \$ 1,000 from a cousin. She opened a burial account with the money. She also has been saving some additional money with the intention of using it for burial, but that money (\$1,800) is not in a designated burial account. I think it is in a regular savings account. CI says her food stamps have been affected by this and is concerned other public benenefits might be affected as well. I suggested she come in for appt. Am scheduling w/YPT.

Thursday, April 19, 2001



Appendix G **Sample LCE Casenote Report**

Appendix H

SAMPLE LCE Productivity Report

LEGAL COUNSEL FOR THE ELDERLY PRODUCTIVITY REPORT (RPT 17.1) HOTLINE

TOTAL OPEN CASES FOR HOTLINE

SELECTED SITES: AREF, HOT, MBIL, OMB, RPAY

STAFF	TOTAL OPEN CASES	TOTAL AREF CASES
AIH	47	26
ATD	1	
BD	1	
BDR	37	33
CRN	1	1
CwM	60	53
EF	83	60
EK	2	2
HDW	1	1
IJS	33	25
jam	1	
JEL	1	1
JH	4	4
JTS	1	
KJ	4	
MAP	25	16
MWB	9	8
NMF	3	3
RJT	7	7
RKD	2	
srm	1	
Vol	1	
WB	1	
YPT	2	
GRAND TOTAL OPEN CASES FOR HOTLINE:	329	240

Appendix H **Sample LCE Productivity Report**

OPENED AND CLOSED CASES

DATE RANGE: 10/01/2000 TO 03/31/2001

STAFF	NEW OPENED CASES	NEW CLIENTS OPENED CASES	CLOSED CASES	CLIENTS CLOSED CASES
HOTLINE				
SELECTED SITE(S): AREF, HOT, MBIL, OMB, RPAY				
DATE RANGE: 10/01/2000 TO 03/31/2001				
AIH	70	48	61	43
bdr	168	105	175	111
cwm	308	257	305	253
DLW	2	2	1	1
EF	326	245	325	245
iis	149	109	150	112
JTS	1	1		
MAP	200	149	188	142
MNN	1	1		
RKD	2	2	1	1
Vol		1		
YPT	2	2		
TOTAL FOR HOTLINE	1230	922	1206	908

17-Apr-01

PAGE 2 OF 2



Appendix I LCE Outcome Codes

Appendix I

LCE Outcome Codes

OUTCOMES BRIEF LOOKUP TABLE

0001	Obtnd verbl expln of lgl rghts/resp/procedures
0009	Obtnd misc info; not lgl advice
0010	Obtnd lgl adv/coun; no furth serv rec'd
0011	Obtnd lgl opin; no furth serv rec'd
0019	Obtnd Othr Adv (incl.non-lgl adv.)
0020	Obtnd lgl adv/cnsl bsd on ind lgl resrch
0021	Obtnd adv/coun bsd on rev of a doc
0022	Obtnd asstnce in writng let w lgl import
0023	Obtnd assist in filng out frm
0024	Obtnd cnslt wth an atty not LCE
0029	Obtnd othr brif lgl asst.
0030	Obtnd appt wth LCE staff atty
0031	Obtnd appt wth LCE para
0032	Obtnd appt wth RFP atty
0033	Obtnd refr to LCE's Vol. Lwyr Prog
0034	Obtnd refr to AARP LSN
0035	Obtnd refr to LTCOP
0036	Obtnd refr to Rep Pay \$\$ Mngmnt Project
0037	Obtnd refr to WriteAWrng Project
0038	Obtnd refr to Sr Medicare Patrl Project
0039	Obtnd refr to HICAP Program
0049	Obtnd othr refer for furth LCE services
0050	Obtnd refr to oth free legl serv agency
0051	Obtnd refer to bar refer service
0052	Obtnd refer to soc serv agncy
0053	Obtnd refer to sr cnter serv
0054	Obtnd refe to medl bill project
0055	Obtnd refer to hshg counslng services
0058	Obtnd othr refer to assist outside LCE
0060	Obtnd brochre on legl rghts, resp or procedures
0069	Obtnd othr pub; no frthr serv rec'd



Appendix J Sample Reduced Fee Panel Contract

Appendix J

SAMPLE Referral Attorney Agreement

This is an Agreement between the American Association of Retired Persons (AARP), a non-profit corporation, and the undersigned Attorney (Attorney) to participate in the Legal Hotline Project (Project), which is operated by Legal Counsel for the Elderly (LCE), a department of AARP. This Agreement terminates any prior agreement between the parties, except that the terms of any such agreement shall continue in effect with regard to any client referrals made and still pending under that agreement. This Agreement shall become effective upon the execution thereof, and continue in effect until termination by either party according to the provisions for resignation and termination in Section 10.

Section 1. Definitions

A. "Client" means any person referred by the Project to the Attorney for legal services.

B. "Fees" mean any payment made by the Client to the Attorney as compensation for legal services rendered to the client; this does not include payments made to the Attorney for expenses such as filing fees, witness fees, reports, or other items necessary to represent the Client's interests.

C. "Referral fee" is a fixed fee paid by the client to the Project for a referral.

D. "Simple wills" are those where the provisions are limited to appointment of a personal representative and alternate with provisions regarding powers, compensation, and posting of bond; where distribution of the estate is made to adult individuals; where the entire estate is distributed; and where no specific bequests are included among the provisions. Simple wills with a trust are as above, but with a standard clause for appointment of a trustee or guardian of a minor distributee.

E. "Power of Attorney" shall include both a durable power of attorney for financial management and a durable power of attorney for health care pursuant to chapter 54, Title 20, of the Pennsylvania Consolidated Statutes.

F. "Single referral" shall include any and all matters for which the Attorney provides service and collects a fee which arise from any referral by the Project. e Attorney, by telephone, as an appointment is scheduled. If the Attorney is unable to keep a scheduled appointment, it shall be the Attorney's responsibility to make alternate arrangements directly with the Client. The Attorney shall also advise the Project of his or her willingness to make home visits to a Client or to schedule special appointment times, e.g., weekends, or evenings, when necessary to accommodate a Client. In such cases, the Attorney, upon being advised of the Client's special need, shall be responsible to contact the Client directly in order to schedule the appointment.

B. Attorney's Selection of Types of Cases

The Project shall refer cases to the Attorney in the areas of law which the Attorney has selected pursuant to Appendix B, attached to and made part of this Agreement. The Attorney shall initially accept each Client referred and promptly render such professional service as is necessary to evaluate the matter.

Appendix J **Sample Reduced Fee Panel Contract**

C. Attorney's Refusal of Cases

The Attorney may reject or withdraw from a referred case on reasonable grounds. In the event of such a rejection or withdrawal, the Attorney shall notify the Client immediately in writing. The Attorney shall forward a copy of such notice to the Project. The notice shall include the reason for the rejection or withdrawal, and a notice to the Client to call the Project to inquire about the possibility of another referral.

Section 3. Fees and Referral Fees

A. Referral Fee

The Attorney shall collect a referral fee of \$20 from every Client at the first consultation, except for those referred only for preparation of simple wills and/or powers of attorney. This fee will be remitted to the Project. The Attorney shall provide one-half hour of free consultation to the Client upon receipt of the fee. If the Attorney believes that payment of the referral fee poses an unreasonable hardship upon the Client, the Attorney shall contact the Project to request a waiver of the fee.

B. Fees

The Attorney agrees to abide by the fee schedule set forth at Appendix A, which is made part of this agreement. The attorney agrees to remit to the Project a one-sixth (1/6) share of all fees paid by the Client to the Attorney on any single referral except those for simple wills and powers of attorney. The referral fee shall not be counted toward that amount. The Attorney may charge a fee less than the maximum set forth in the fee schedule without prior approval of the Project in any situation where the Attorney deems a lower fee to be appropriate. In any case where a lower fee is charged, the attorney shall report the hourly rate charged, or other basis for the fee, on the periodic financial report.

C. Fees for Simple Wills and Powers of Attorney

The Attorney shall abide by the provisions for maximum fees and amount of remittance to the Project as indicated for simple wills and powers of attorney on the fee schedule, Appendix A of this Agreement.

D. Remittance of Fees and Referral Fees to the Project

The Attorney shall remit all referral and other fees to the Project within 30 days of receipt from the Client. The Project shall provide fee report forms to be filled out and returned with any remittance of the fees due.

E. Change in Referral Fees and Fees

AARP reserves the right to make changes in any of the provisions related to referral fees and fees. The Project shall provide written notice of any change to the Attorney at least 60 days prior to the effective date of such change. An Attorney aggrieved by any such change may elect to terminate his or her participation pursuant to the provisions of Section 10 of this Agreement.

Appendix J **Sample Reduced Fee Panel Contract**

Section 4. Attorney-Client Fee Arrangement

The Attorney shall provide a written fee agreement with all Clients for any work to be performed beyond the initial consultation. This fee agreement shall disclose, in language acceptable to the Attorney and the Project, the relationship between the Attorney and the Project and shall request permission from the Client to allow information about his or her case to be shared with the Project. The agreement shall also specify the basis for calculating fees, the amount of any retainer, and an estimate of the likely total fee, where feasible.

Section 5. Ethics

The procedures of this Project shall comply with the Pennsylvania Code of Professional Responsibility, as from time to time amended. The Project shall not interfere with or control the performance of the duties of the Attorney to the Client. The Attorney shall at all times represent the Client in a manner consistent with the Pennsylvania Code of Professional Responsibility.

Section 6. Malpractice Insurance

The Attorney shall maintain a professional liability policy providing limits of coverage of not less than \$100,000 per occurrence and \$300,000 per year. The Attorney shall submit proof of coverage under such a policy to the Project upon request. The Attorney shall notify the Project immediately if such a policy is terminated or not renewed. The Attorney shall also notify the Project immediately upon learning of a malpractice claim or potential malpractice claim by any Client referred by the Project against the Attorney. The Attorney shall notify the Project by registered mail at the following address:

Legal Hotline for Older Americans
1706 Law & Finance Building
429 Fourth Avenue
Pittsburgh, PA 15222

Section 7. Publicity

The Attorney shall not promote or publicize in any way his or her relationship with the Project, LCE or AARP without prior written approval of the Project Director at the following address:

Executive Director
Legal Counsel for the Elderly/ AARP
601 E Street NW
Washington, DC 20049

Section 8. Records

The Attorney shall keep accurate and current records concerning each Client advised or represented. These shall include, at the minimum, the subject on which advice was given or representation offered or provided, the time spent providing advice or representation, the disposition of the matter, and any fees charged to the Client for legal services. The Attorney shall make such records available to the Project upon request. Nothing in this Agreement shall require the Attorney to reveal any confidential attorney-client information without permission of the Client.

Appendix J **Sample Reduced Fee Panel Contract**

Section 9. Reports/Evaluation

The Attorney shall provide the Project with such reports and data on Clients and on ethics of the Attorney related to the Project as may reasonably be requested by the Project. The Project shall ask all Clients in writing upon completion of their cases to evaluate the service of the Attorney.

Section 10. Resignation and Termination

This Agreement shall automatically terminate upon: 1) any suspension or termination of the Attorney's license to practice law in any state, or 2) if the Attorney no longer regularly engages in the practice of law.

The Attorney shall notify AARP of any disciplinary action taken against him or her by the Disciplinary Board of the Supreme Court of Pennsylvania or any like body in another jurisdiction.

The Attorney may terminate his or her status with the Project at any time for any reason. Such resignation shall be in writing and become effective 30 days after receipt by the Project. Likewise, the Project may terminate this Agreement for any reason at any time upon 30 days' written notice to the Attorney.

In the event of resignation or termination, the Attorney shall continue to be bound by the obligations specified in this Agreement with respect to completion of legal services already undertaken. This shall include responsibility for payment of such fees collected pursuant to Section 3, and for maintenance of insurance as provided in Section 6 hereof.

Section 11. Amendment

This Agreement is subject to revocation, amendment or other modification at any time by the Project but any such revocation, amendment or modification shall not abridge rights already accrued or obligations already incurred.

Section 12. Change of Status

The Attorney shall immediately notify the Project of any change of address or telephone number, or any change of actual or impending circumstances which might affect his or her status as a referral Attorney under this agreement.

Appendix J Sample Reduced Fee Panel Contract

Section 13. Arbitration

In the event any controversy or claim arising out of this Agreement cannot be settled between the disputing parties, each party shall, upon written demand of either, and within 30 days thereof, select a competent arbitrator. The two arbitrators so named shall select a third arbitrator or, if unable to agree thereon within thirty (30) days, then upon request of any of the disputing parties such third arbitrator shall be selected by the President Judge of the Court of Common Pleas in the county or judicial district in which such arbitration is pending. The arbitrators shall then hear and determine the question or questions in dispute, and the decision in writing of any two arbitrators shall be binding upon the parties and each party shall pay his or her chosen arbitrator and shall bear equally the expense of the third arbitrator and all other expenses of the arbitration. Unless the parties otherwise agree, the arbitration shall be conducted in the county and state where the dispute arose.

Section 14. Client Complaints

The Attorney shall fully cooperate in the procedure established by the Project to handle complaints that a Client may have with the Attorney's services.

By _____

Date _____

Executive Director

ATTORNEY

By _____

Date _____

(Signature)

(Please Type or Print Name)

Address



Client Survey

You recently called our legal hotline for assistance. AARP Foundation is conducting a survey to determine how helpful our hotline is. Please take a few minutes to complete this survey and return it in the reply envelope enclosed. Your response will help us improve our service. For confidentiality, please do not put your name on the survey. Thank you for helping us.

Please check:

1. Are you: Male _____ Female _____

2. Under Age 60 _____ Age 60-70 _____ Age 71-80 _____
Age 81-90 _____ Over 90 _____

3. Do you live in a: rural area _____ small town _____ small city _____
large city _____

4. Do you have access to transportation? Yes _____ No _____

5. Yearly household income: Under \$20,000 _____ \$21,000-\$40,000 _____
Over \$40,000 _____

Initial Contact

6. Did you have much trouble reaching us? Yes _____ No _____

7. If yes, in the future which one of the following options you would prefer:
_____ wait on hold until I could talk to an attorney,
even if the wait was 15-20 minutes.
_____ leave a message with a receptionist
and wait 1-3 days to be called back
_____ leave a message on an answering machine
and wait 1-3 days to be called back.
_____ have the receptionist arrange with you the day and time
an attorney would call back (usually within 1-3 days.)

Appendix K Client Survey

8. Which kind of legal matter did you call about: (*Check one*)

- Wills/Estates (Includes wills, powers of attorney, guardianships, trusts, joint ownership, probate)
- Consumer (Includes debts, loans, credit cards, problems with products or services, bankruptcy)
- Health (Includes Medicare, Medicaid, private insurance, nursing homes)
- Housing (Includes landlord/tenant, real estate, mortgages, condos, utilities)
- Other matters _____

Information and Advice

9. Why did you call us? (*Check all that apply*)

- I wanted information about a legal question
- I wanted advice about how to solve a legal problem
- I wanted a legal document prepared
- I wanted a legal document reviewed
- I wanted an attorney to handle a matter until it was resolved
- Other: Please explain _____

10. If we gave you legal advice, was it helpful? Yes _____ No _____
Somewhat _____

11. If the advice was helpful, describe how it helped: (*Please check all that apply*)

- It answered my question
- I understand my situation better
- I have an idea of how to solve my problem
- Some of my anxiety was relieved
- I understand the consequences of various courses of action
- I used it to solve my problem
- Other: Please explain _____

12. If the advice was not helpful, please describe why (*Check all that apply*)

- The advice did not help me solve my problem
- I didn't understand the advice
- The attorney didn't answer all of my questions
- The attorney told me that my problem could not be resolved
- Other: Please explain _____

13. Did we suggest that you take any action to solve a legal problem you had?

Yes _____ No _____ I don't know _____

Appendix K Client Survey

14. Based on our advice did you take any action?

Yes _____ No _____ I don't know _____

15. If yes, what did you do? (Check all that apply)

- _____ I made a phone call to try to resolve the matter
- _____ I wrote a letter
- _____ I contacted the agency you referred me to for help
- _____ I prepared legal papers
- _____ I asked for a court or agency hearing
- _____ I hired an attorney
- _____ I was assigned a free lawyer
- _____ Other: Please explain _____

16. If you took the action we recommended, what was the result? (Check one)

- _____ my problem was completely resolved
- _____ my problem was partially resolved
- _____ I am still waiting for the results of my action
- _____ the action didn't resolve my problem

**17. If the action did not resolve the problem, please check the reason below:
(Check all that apply)**

- _____ I did not understand or forgot what to do
- _____ it was too hard to do what you advised
- _____ it was too expensive to do what you advised
- _____ I haven't gotten around to doing it yet
- _____ It didn't seem worth the effort
- _____ I lost my case in court
- _____ My problem was resolved without taking any action
- _____ Other: Please explain _____

18. Would you call us again if you had another legal question or problem?

Yes _____ No _____ I don't know _____

Please use the space below to tell us what else we could have done to help. Please also write any other comments you have about our service:

Appendix L Elements of a High Quality Legal Hotline



Appendix L Elements of a High Quality Legal Hotline

By Shoshanna Ehrlich

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.¹ 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.¹ 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 2001².

LSC has prepared *Draft Characteristics of a Telephone Intake, Advice, and Referral System*³. 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.

¹ The *State-by-State Legal Hotline Directory* contains profiles of 150+ legal hotline programs. Available at www.equaljustice.org

² The *Standards* may be downloaded at www.equaljustice.org

³ The *Draft Characteristics* are available to LSC grantees at www.rin.lsc.gov.

Appendix L Elements of a High Quality Legal Hotline

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.¹ 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.

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 1999.²

The Frequently Asked Questions Manual is a fundamental tool for hotline advocates.³ 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

¹ Calculated on the total annual cost of running the hotline divided by the number of cases the hotline handled. See *Senior Legal Hotlines Annual Reports 2000* and previous years www.povertylaw.org

² Available at the Legal Hotline Technical Support library at www.povertylaw.org

³ AARP Legal Services Network has prepared state-specific Frequently Asked Questions (Attorney and Client versions) containing 90+ questions developed from the senior statewide hotlines. Non-profits may use these copyrighted materials so long as AARP is acknowledged in any written distribution of the material and no fees are charged. Check for your state's materials at the Legal Hotline Technical Support Library at www.povertylaw.org

Appendix L Elements of a High Quality Legal Hotline

The recording of accurate client data and case notes is essential to hotline quality. Case notes inform the supervisor if the information given was accurate 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.¹ 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 calls backs for a specified time, shortening call-in hours during high volume 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.

¹ *ABA Standards 1.8 and comment thereto.*

Appendix L **Elements of a High Quality Legal Hotline**

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.