

# MANUAL FOR HOTLINE ATTORNEYS



**by Carol Matthews, Legal Counsel for the Elderly**  
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## Introduction

### A. Purpose of Manual

When I signed on to be a hotline attorney with Legal Counsel for the Elderly (LCE) in 1989, the concept of providing legal services by telephone was new and controversial. Many in the profession were highly skeptical that clients could be helped without an unacceptable loss of quality. Nevertheless, hotlines began springing up around the country in response, at least partially, to cuts in funding for legal services to the poor and a rising demand for services. Fifteen years later there are at least 140 legal hotlines and their place in the American legal services landscape is established. Today, hotlines for full service programs typically report that they close about two thirds of the calls without the necessity of an office visit.

Some of the material covered in this manual overlaps with the *Legal Hotlines: A How To Manual, 2nd edition, 2001* but the focus is different. That manual was directed towards those who wanted to set up a new hotline or to solve problems with an existing one. This is a manual for the new hotline attorney. I have been practicing law on the hotline for fifteen years and most of what follows is based on my own experience and that of my colleagues at LCE. We expect programs to adapt particular procedures as needed to suit their needs. All views expressed are those of the author. Special thanks are due to Jan Allen May, Director of LCE, for his thoughtful and incisive comments.

*Carol Matthews, LCE Hotline Attorney*

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## **B. Definition of a Legal Hotline:**

For the purposes of this manual, as with the *How To Manual*, a legal hotline is defined as 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. 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. For purposes of this Manual, it is assumed that the person providing legal advice is an attorney. If the program uses paralegals or law students, this material should be adapted accordingly. All documents and materials referenced in this manual are either posted at the Legal Hotline Technical Support Library at [www.povertylaw.org](http://www.povertylaw.org) or at the AARP Foundation Technical Support for Legal Hotlines Project homepage at [www.legalhotlines.org](http://www.legalhotlines.org).

## **C. Overview of Hotline Delivery Systems**

Hotlines come in all shapes and sizes. Some are part of a full service program, others are independent. They may be specialized or general, full time or part time. Most are non-profit services geared toward low-income or vulnerable populations. They have become popular because it has become increasingly apparent to legal service providers to the poor that the demand for quality assistance is greater than the available resources to help.

## **D. The Hotline Attorney**

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*

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*the Operation of Telephone Hotlines Providing Legal Advice and Information, August 2001)*  
(ABA Standards).

The “*formidable mechanism*” is the hotline attorney. This manual is addressed to attorneys and other legal advocates who are new to the practice of law on the telephone. It is intended only as a supplement to the training and guidelines of the individual hotlines. It is based primarily on the experience of one senior hotline, though much of it should be adaptable to the needs of other hotlines.

## **Chapter I: GETTING STARTED**

The essential tools for the hotline attorney are the computer and the telephone. Hotlines are efficient because all files are computerized and most of the necessary resources can be found online. There are several software packages for maintaining client data that are user friendly. The phone should have a head set leaving hands free to enter data and casenotes in the computer, and to access client files.

### **A. Incoming Calls**

At LCE incoming calls are initially answered by an intake specialist. This person takes down pertinent demographic data and puts it in the computer database together with a brief statement of the reason for the call. Callers who are clearly not eligible for any services are referred elsewhere. Once the information is entered into the database it appears on a specially designed intake screen. Hotline attorneys then return the calls in roughly the order they came in. Usually, calls are returned within an hour or two and only rarely more than a day later. Other hotlines bypass the intake worker and have calls answered directly by an attorney. See the *How To Manual* for a description of various intake procedures. Many hotlines need automated call distribution to queue callers in order to handle the call volume

### **B. Intake**

Depending on how incoming calls are handled by a given program, demographic information may be gathered by the attorney or by a non-lawyer intake specialist. Regardless of who does the intake, certain information will be requested and entered into the client’s computer file.

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On the basis of this information the client will be screened for program eligibility and for conflicts. In programs where intake is not conducted by the attorney, some of the questions may be deferred until the attorney takes over.

Different programs will have different needs for demographic data, but all of them will want certain core information. Generally, the information can be entered directly into the computer, but it is also acceptable to make notes during the call and enter the information afterwards. The following are some of the demographic data routinely collected at LCE.

*Name:* It is important to get the name, with the correct spelling, right away. If there are any titles (Reverend, Doctor, etc) record that as well. It is unprofessional to call a client by his first name. If the person who calls is calling about someone else then both names must be recorded. At LCE hotline attorneys do not speak to anonymous callers. Most other programs don't allow it and *ABA Standard 3.2* states that the attorney "should terminate the call when the caller is unwilling to identify himself or herself."

Next, the client's name should be checked in the data base. This is to determine if the caller or the client is in the database and to do a preliminary conflicts check. Depending on the type of problem, it may be necessary to ask for additional names to complete the conflicts check. For instance, if the client is calling about a domestic relations matter it will be necessary to get the spouse's name. (More about conflicts *infra.*) It is good practice to get the spouse's name in any event. It is often worth doing a database search using alternative spellings of the client's name.

*Address:* It is a good idea to get a street address even if the client has a P.O. Box as a mailing address. This is certainly true if eligibility depends on living in a particular jurisdiction. It can be important even if the legal problem doesn't relate directly to housing. In some states, where the client lives may determine what services he may have access to.

*Telephone Numbers:* Many people have more than one number. There may be a work number, a cell phone number, a fax number, etc. It is important to note at which number a client prefers to be called, and at what time. Sometimes clients will indicate that no

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message should be left. Sometimes the nature of the call will suggest this. For instance, a domestic violence matter would suggest not leaving a compromising message.

*Date of Birth:* For senior hotlines this is crucial since eligibility depends upon age. For other clients it is often helpful to know how old a person is. Also, date of birth is a useful way to differentiate between clients with the same name.

*Financial Information:* For many programs, eligibility will depend on the client's income and assets. Even when eligibility is not the issue it is usually helpful to know such things as whether a client is judgment proof, or able to afford private counsel, etc. The client's employment status also may be relevant.

*Third Party Information:* Sometimes the caller is calling on behalf of another person. It is still necessary to get their name and address and to determine their relationship to the client. The problems that may arise from talking to third parties will be discussed *infra*.

*Other Information:* Other information, such as race, marital status, living arrangements, etc may be required or useful. Many people feel awkward about asking for personal information such as race. This information is often necessary in making reports to funding sources and client should be told this. It helps to maintain a thoroughly professional manner.

## **C. Identifying the Client and Third Party Callers**

When the caller is not the client, a whole array of considerations comes into play. Frequently, family members or friends will contact the hotline and state that they are calling on behalf of an elderly person. When the caller presents a legal problem of the person on whose behalf the call is made, you must proceed with caution and follow your program policy. The first task is to decide who the client actually is --- the person on whose behalf the call is purportedly made - or the caller.

It is very important to record information on the third party caller in the database in an organized fashion. If your program's case management software does not include a specific field for third party contact information, it should be customized to accommodate the information.

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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 this is not feasible, ask whether the client is aware of the call and has authorized it. If the caller is the legal agent of the client, through the court or by virtue of a power of attorney, ask the caller to fax a copy of the document. If that is not possible, you must make sure that the client's interests do not conflict with the caller's before providing services.

If you decide that the client is someone other than the caller, you should consult and follow your program's policy. This is necessary to avoid problems that later may arise concerning whether the caller was the client and whether the hotline is thus bound to keep the communications between the caller and the hotline confidential. The caller will seldom have given any thought to this matter. It is up to you, as the attorney, to explain this.

In cases where more than one family member contacts the hotline on behalf of a client, you may want to ask the family members to decide among themselves who will communicate with the hotline. Talking to more than one family member or friend about a client's problem may lead to confusion, repetition and possibly misunderstanding or worse - a conflict of interests.

There are, of course, many exceptions. Sometimes one caller will ask you to repeat to a family member what you have just told them. This may be because the caller thinks someone else will understand better. Or they fear they will not be able to repeat the advice accurately. If the client asks you to speak with another person there is usually no problem. In other situations you may just have to play it by ear. Check your program's policy. But, if two callers, e.g., siblings, are fighting over who speaks for the client, or, contradicting each other, services should not be provided, although a referral is possible. Of course, you must consult your own program's protocol on such matters.

When the issue presented by a caller involves guardianship, the hotline must be clear as to whether the client is the alleged incompetent or the prospective petitioner. It may be that the hotline is able to advise either party's interest so long as that party is eligible for services.

You need to know what your program's policy is.

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When a social worker calls on behalf of a client, you may give legal information and advice on the same basis as your program permits other third party 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, 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, she is also an employee of the institution. You must not give the social worker advice about his own legal position or that of his employer. It is not uncommon for social workers to ask whether they or their institution is legally obliged to take some action. The correct response is that you represent the interests of the client and they should consult their own legal advisor with regard to their legal position. Note, this is not the same as telling the social worker that, on behalf of your client, you believe he is legally obliged to take action. The former is situation-specific legal advice in response to a question. The latter is advocacy on behalf of the client.

### **D. Case History**

If a client has called the hotline before, it is absolutely essential that the attorney review the prior case file. This should be done even if it appears that the call is about a different matter. This review often reveals issues of vital importance. Prior casenotes may provide useful information about the client's legal history, and 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. But casenotes can reveal far more than information about possible conflicts.

For instance, if the client is calling again about the same matter it is useful to find out whether the client didn't understand the earlier advice, was unable to act on it, or has some other reason for calling again. Some clients call frequently about a variety of matters.

Reviewing the casenotes gives the hotline attorney a sense of what the client's life is like, both in terms of the problems he faces and the people in his life who may be able to help if necessary. This is particularly true of elderly clients. Sometimes a review of a client's past history will suggest that the client is either incompetent or unwilling to handle his problems. Or the past cases may reveal that the client is highly competent and able to handle problems with a little guidance from the hotline. Sometimes a review will alert the hotline to inconsistencies in the client's story that require explanation.

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## E. Emergencies

Procedures for handling emergencies should be focused on four principles:

1. 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.
2. 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. As a hotline attorney, you can usually ferret out the real emergencies and 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 your program because that depends on program priorities and staff availability. If you schedule the client to see a full service attorney, the urgency of the matter probably will be re-assessed again in the course of that interview.
3. If the emergency cannot be handled on the telephone you should consult as quickly as possible with the staff attorney or other referral resource to determine whether they are able to assist. If your 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 you can refer the client then do so, but the client must not be allowed to think that help is available when it isn't.
4. 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 you 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*).

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## Chapter II: PROFESSIONAL and ETHICAL CONCERNS

The Rules of Professional Conduct apply to a hotline as well as to a more traditional law practice. In the *ABA Standards for Hotline Attorneys* the focus is on three areas of practice: core values of the legal profession, scope of representation, and assuring that clients understand what services are available from the hotline. Below is a brief discussion of some of those standards as they apply to a hotline attorney.

### A. Scope of Services

A hotline attorney will naturally provide more limited services than a full service attorney. As *ABA Standard 1.2* makes clear, while it is permissible to limit services, it is essential that the client understand that this is the case. If the hotline attorney can resolve the matter on the phone, the client is happy. But when the client needs to take further action, the situation is more complicated. The core services offered by a hotline are legal advice, information, referrals, and sometimes brief services. Because not all hotlines offer the same level of 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*). If you work on a hotline that is also the intake system for a larger program, you 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.

As hotline attorneys we know roughly what can be done for a client in a hotline setting. The client usually has no idea. Indeed, frequently the client doesn't even know he is talking to a hotline. He believes he has a legal problem and he wants a lawyer. It is very important to tell the client who you are and what you may be able to do for him so that no undue expectations are raised. This can be done in a positive manner by telling the client that he may not need to have an appointment if the problem can be handled by telephone. I also explain that I could not schedule or refer a client without knowing more about the problem. Only rarely does a client absolutely refuse to discuss the matter on the phone. When it does happen I refer him to a legal service provider that does not have a hotline or that accepts walk-ins.

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## B. Conflict of Interest

Checking to see if the hotline or affiliated programs, or attorneys have a conflict of interest is a matter of basic legal ethics. For a hotline, the higher volume and immediacy of the response underscore the need for a quick, efficient, and accurate system for ensuring that you are not providing advice to a party adverse to a current or past client of the program. The scope of the conflicts check will depend on the capability of your program. 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 is also useful since a past contact need not necessarily constitute a conflict of interest.

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. (*See, ABA Standard. 1.6*). "A telephone hotline providing legal advice and information should develop and maintain procedures addressing ethical compliance when individuals contact the hotline on behalf of someone else." 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." It is important that the program's policy is understood and applied uniformly by all hotline staff.

When the potential for conflict is between a present client and a new, prospective client, there is usually a clear line. Services to the new client should be declined if the interest of one client will be adverse to the other. (*ABA Model Rules of Professional Conduct 1.7*).

When the potential for conflict is between a prospective client and a former client, services should be declined if the new client is calling about a substantially related matter with interests materially adverse to the former client (*ABA Model Rule 1.9*). Unless the conflict is obvious, you should discuss the potential conflict with your manager before proceeding to advise or reject the caller.

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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.

However obvious the conflict seems to be, you will nearly always have to explain it to the client. Laymen seldom grasp this concept, particularly when it operates to deny them assistance. If possible, refer the caller to another program but, in doing so, stress that they must tell the next attorney that the reason they were refused service stemmed from the conflict and not from the merits of the case.

## **C. Third Party Callers**

Third party callers are quite common, particularly for senior hotlines. The problem is that they raise the ethical issues of conflict of interest and confidentiality. For example, when an adult child calls to discuss a parent's financial affairs, he may be just trying to help out and have no thought of his own position. Or he may be soliciting information in order to protect his future inheritance. As previously stated, you should make every effort to speak to the client or get his permission to speak to the caller. The fact that the caller does not believe there is a conflict does not make it so. This is a determination you must make in conformity with your program's protocol. That does not mean that you can never talk to the caller. But if you do speak to the caller, it is essential that you make it clear that all advice is for the benefit of the client and not the caller. In addition, the caller must understand that what he says to you may be repeated to the client. Thus, if a caller prefaces his remarks by saying "Don't tell my mother I said this, but....", you should interrupt to say that as his mother is the client. You cannot undertake to honor such a request.

## **D. Confidentiality and Expectation of Privacy**

The *ABA Standard 1.5* states that all callers are "entitled to confidentiality and an expectation of privacy." In the context of a hotline, an attorney-client relationship arises as soon as the caller begins discussing the problem, unless you make it extremely clear that this is not the case. Keep in mind that the duty of confidentiality requires an attorney not use or reveal

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information learned in a consultation with a client or prospective client. (*See ABA Model Rule 1.6.*) This means that everything the caller tells you (except matters which are readily knowable even if the client had not spoken to you about it) must be kept confidential. That is why it is so important to recognize a potential conflict of interest before the caller starts talking. It is also a major issue when the caller is not the client. As noted above, the caller must be told up front that his communications may not be privileged. Each program will have its own guidelines on how to handle these tricky issues and you need to be very familiar with them so that you don't inadvertently find yourself advising the wrong person.

The duty of confidentiality extends to every one in the law office. It is okay to discuss the client's problem with your colleagues; it is not okay to discuss a client with anyone else unless the client agrees. If you want to talk to, say, a social worker about the client's problem you must first ask his permission.

## **E. 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 determined by state rules of professional conduct.*" (*ABA Standard 1.7*).

This means that you must have a good working knowledge of the law in the areas the program covers. If you don't know the answer to a question, either find out or admit you don't know, and tell the client you will research the question if feasible. Keep in mind there are numerous online legal research tools which should help you get a quick answer. Your state bar's website and your state's legal services programs' website should have online state and federal statutes; the National Center on Poverty Law has state-specific substantive Frequently Asked Questions (FAQs) and practice area cases and articles. Your program might have access to subscription on legal research tools. If not, legal research portals such as [www.law.cornell.edu](http://www.law.cornell.edu) allow you to access federal and state statutes and court decisions. State and federal agencies such as the Social Security Administration ([www.ssa.gov](http://www.ssa.gov)) or the Centers for Medicare/Medicaid Services ([www.cms.hhs.gov](http://www.cms.hhs.gov)) have FAQs and links to statutes and regulations.

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Sometimes you won't be able to give good advice because you lack the necessary facts. Perhaps you will need to review documents. Either arrange to see the documents or obtain the other facts before giving advice. Otherwise, don't give it. Professional competence also includes not giving advice about the law of any jurisdiction in which you are not licensed to practice, despite the ease with which you could look it up on line.

## Chapter III: CASE HANDLING/CORE HOTLINE SERVICES

### A. The Interview

The essence of the 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 professional values are fully honored.

The interview is a conversation with another person, but one with a purpose. Thus, when you first speak to the client/caller it is important to get off to a good start. By now you probably know quite a lot about the client but he doesn't know much about you. Identify yourself by name and position. Tell the client that you are a lawyer (or paralegal) and that you work on the hotline (or whatever your program calls itself) and that you want to talk to him about his problem. Many clients believe the purpose of their call is to make an appointment for an office visit. You must clarify what the procedure is before addressing the problem itself. Remember, the procedure is familiar to you but not to the client. In addition, beware of using office jargon that is meaningless (or worse) to the client. For instance, at LCE I can schedule a client with our Brief Services Unit (BSU) for certain services but I would never tell the client that he was being referred to a *brief* service unit. The client isn't interested in a brief service; he wants what he needs no matter how long it takes. He should not be expected to learn our office terminology.

Your tone should always be friendly but professional. Listen to the caller carefully and be sure that you can hear him and he you. If there is noise in the background it may be necessary to ask that the radio or TV be turned off. Increasingly, people want to be called on their cell

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phone. This is fine if the connection is clear. If it is not clear, do not try to give advice which may not be getting through coherently.

Initially, you should encourage the client to describe the problem in his own words. This allows you to listen for both the legal issues and what results the client is hoping to obtain. In the process you will undoubtedly pick up information about the client's general knowledge and abilities. It is helpful to stop from time to time to paraphrase what you have heard so far in order to be sure you understood correctly and to reassure the client that you are paying attention.

When you have the general picture you should ask more direct questions to pin down facts and to separate the legal issues from the non-legal issues. If the client feels that he has had his say he will be comfortable with the more specific questions because it is an indication that you are paying attention. You must never let the client define the legal issue. He is not the lawyer, you are. Some questions will seem natural but others may seem irrelevant or insensitive. In such cases it may help to explain the reason behind the question.

There are some questions that usually you should ask early on. *When* something happened should be established as soon as possible. *E.G.*, if the accident happened many years ago the statute of limitations may have run. *Where* something happened can be important. You can't give advice about the laws of another state. *Who* can be a crucial question. Always, always ask for all the names on a deed when the issue has anything to do with title. There is an astonishing amount of wrong information believed by clients with regard to ownership of property.

Some issues are best approached by open ended questions. Questions of negligence and liability are examples. It is better to ask how the accident happened than to ask whose fault it was. Another example is whether a person is legally competent to execute documents or even form an attorney/client relationship. You must be careful not to suggest the "correct" response. If a caller tells me she wants a power of attorney "over" her mother I may ask her to tell me what her mother's situation is and what she hopes to accomplish. In some circumstances an even faster way to find out is to ask to speak to her mother. If the mother can't speak with you the reason may answer the question. Never just ask if the person is

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competent unless you are talking to someone who is professionally trained to understand and answer the question.

Once you have all the facts it is time to determine what services are appropriate. If the matter is something your program can't help with, tell the client as soon as possible and tell him why. If help might be available elsewhere make the referral. If the problem can't be handled on the phone but can be scheduled for a full service appointment, do that, and spend only the time necessary to document the facts the next attorney expects to get. The territory in between belongs to the hotline.

## **B. 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 handled with advice then you do that. Often all that is needed is some legal information. If necessary, and time permits, you can research the issue using whatever resources are available. The most valuable resource is often another hotline attorney. Some programs require the telephone advice to be followed up with a letter containing the same advice.

b. *Advice to Supplement Publications* Most programs have amassed a variety of publications and other materials that you can send 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 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. You should be familiar with the materials available to you.

In 2002, The Project for the Future of Equal Justice published its findings from an in-depth client outcome study conducted with various low-income hotlines. The study

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found that clients who had received some sort of written follow-up to the call, whether it was an advice letter or brochure, were more likely to take the action recommended by the hotline. The Study also recommended that hotlines have procedures for flagging clients who may need a follow-up call from the hotline to check on their progress. (*The Hotline Outcomes Assessment Study, Final Report-Phase III* [www.legalhotlines.org](http://www.legalhotlines.org); [www.nlada.org](http://www.nlada.org).) Sometimes taking a follow-up action may solve the problem, but failing to do so could result in a major problem for the client. If during your interview you suspect that the client is unlikely to take the necessary steps, you should flag the case to check on progress and look for other alternatives to help the client such as a brief service.

*c. Advice in Cases Requiring Document Review* Although the hotline can be very effective in cases where callers need information, advice, or referral, 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 you 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 you a copy of the document. If the matter is urgent the document may be faxed. Sometimes community organizations or churches will make their fax machines available to clients. Then you can 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 or without a thorough review of applicable documents...” (*Comments on ABA Standard 1.7*).

*d. Advice on Pro Se Materials* Your program may be one of many legal services programs that provide *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

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through the hotline or are available online. Hotline staff may be the principal source of additional advice and information about the underlying legal issues and how to fill out the forms. The hotline attorney is responsible for making 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.

## 2. Brief Services

Every legal services 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 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. You will know what services you can provide to your clients. Some typical brief services include:

**a. Calls to a Third Party.** One of the most common "brief services" you may offer is a telephone call to a third person. Calls may be made in an effort to get assistance from an agency, to resolve disputes about billing errors, to clarify contract terms, to negotiate with landlords, etc. The hope that an attorney will make such a call for the client is the motive behind a lot of calls. The assistance you 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

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service. (I long ago gave up trying to call roofers.)

***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 attorney actually prepares documents such as 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 you with a quick method of constructing simple documents for a client during the phone consultation or soon thereafter. Completed documents can then be sent or emailed to the client. If your program offers such services their implementation is presumably part of your initial training. **If you are helping the client prepare documents, you must be very mindful of quality control, ensuring proper witnessing and notarization at the time of signing. Be sure to check with your manager on the procedure for helping clients with document preparation. Perhaps your program requires a supervisor to review the form you helped the client prepare. At the very least, the client should receive written instructions on witnessing and notarization, if the document requires those.**

The *ABA Standards* encourage 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 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. 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*).

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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 may include complaints, answers, discovery motions, etc. Now that legal forms and pleadings are commonly available online, it is quite easy for a hotline attorney to help a client fill out the documents and mail them or have the client print them out, if he has access to the internet. A very important responsibility of the hotline staff is to make sure they understand the court rules and rules of professional conduct related to attorney assistance with *pro se pleadings*. While neither the *ABA Model Rules of Professional Conduct* nor most jurisdictions have rules or standards permitting attorney “ghostwriting” of pleadings, according to the *ABA Handbook on Limited Scope Legal Assistance*, [www.abanet.org/litigaton](http://www.abanet.org/litigaton)) a growing number of jurisdictions have adopted rules that allow lawyers to assist in the preparation of *pro se* pleadings without incurring responsibility for full-service representation in the case. Some states have adopted rules allowing lawyers to draft pleadings for *pro se* litigants without having to disclose the assistance. (See e.g. *Wash. Super Ct. Rule 11(b)*) Other jurisdictions require the attorney’s name, address etc. but the disclosure does not constitute an entry of appearance. (See e.g. *Colo.R.Civ. 11(b)*; *Wyoming Rule of Professional Conduct 1.2 (comments)*). Other states have adopted a middle ground where attorney assistance must be acknowledged but without the requirement that the attorney be identified. See e.g. (*Florida Rules of Professional Conduct 4-1.(c) (comments)*). *ABA Handbook at 76.* More common is the situation where the state rules are silent on the issue and local courts and even individual judges have their own preferences for acknowledgement of attorney assistance with *pro se* pleadings. The important thing is for your hotline to have established the procedure it will use in compliance with the applicable rules. Be sure to check with your managing attorney if you are not sure how to proceed.

It is also very important for the client to 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.

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## C. Documenting Hotline Services

**1. Casenotes** After talking with the client the next task is to enter notes in the file that state the legal problem, the facts elicited, and the advice or other service performed. How much detail to put in the casenotes is a function of why they are being written. First and foremost, the casenotes document the fact that you spoke to this client on this date and that you addressed a specific issue, and handled the matter in particular manner. This is very useful if the client calls up the next day complaining that no one ever talked to him.

Secondly, the casenotes should provide a record of the information and advice you gave the client in sufficient detail that a reviewing attorney can determine whether you handled the matter appropriately. This review is a reassuring safety net, especially at the novice. It is also an excellent teaching device, helping to develop the hotline advocate's knowledge in subject areas where he may be less experienced. A good set of casenotes can also be used as a model for hotline staff of how to handle a particular situation.

A third reason for including some detail is to give a particular case or client sufficient individuality to support the chosen legal approach or to make the case or client easily remembered in the future. At LCE we have a great many repeat callers and it really helps to be able to review past conversations before embarking on future ones. This review frequently reveals more than just what topics were covered the last time and what advice was given. It may provide information about the client's level of sophistication, competence, or ability to follow through on instructions. There may be references to family members, friends or others who figure prominently in the client's life, whether for good or ill.

It is not necessary to record everything the client says. Clients seldom know just what facts are relevant and will often tell you more than you need to know. If you are entering casenotes as the client is speaking it may be unavoidable to include irrelevant material but it is important to try to sort out the needless detail. (*See Casenote Considerations and sample casenotes, Appendix A*).

**2. Disposition and Referral** If the client is referred for services not provided by the hotline it is necessary to indicate this in the appropriate place. You should name the

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organization or person to which he is referred and any other useful information. If some other disposition is made this should also be recorded.

**3. *Tickle and Follow up Section*** Most software programs have a feature that allows you to “tickle” a case to remind you to return to it in the future. This may be to perform some service at a later date or to call the client to remind him to do something. It may be just to check that the client understood the advice you gave him. Some programs have experimented with special units dedicated to following up with clients. Sometimes this is part of an evaluation process and is not specifically intended to assist the client. But follow-up procedures are also used to provide further help to the client. At LCE the hotline can refer a case to another unit and ask that the client be called to see if he understood what the hotline told him and offer additional help if necessary. This is a great boon to the hotline attorney. There are always times when you have done your best to help the client but that you suspect that he doesn’t really get it. A method for following up is truly a safety net when the consequences of inaction would be bad. Of course, the hotline can do all this itself, but being able to refer the client saves a lot of hotline time. At LCE the follow up is mostly done by volunteers. As I mentioned before, the Hotline Outcomes Study recommended that a hotline establish procedures for follow-up with certain types of cases or clients who seem likely not to take action on their own in order to increase the chance of a favorable outcome.

**4. *Completing and Closing the Case*** After completing the casenotes the final task is to fill in the required blanks in the case file. Usually, this means entering the appropriate codes for your program. The software we use at LCE has fields for problem type, services provided codes, closing codes, outcome codes, and so forth. It will be part of your training process to learn what is required and what goes where for a given program. Some programs have a way to hold a case open for further activity. If so, that needs to be completed and dated. (*See Sample Service Codes, Appendix B*).

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## Chapter IV: QUALITY CONTROL

### A. Review of Casenotes

If the program does not provide for regular review of all casenotes within a day or so, a hotline attorney may occasionally need to ask for a review of the notes of a particular case. For instance, I will sometimes ask another attorney to look at my notes to see if I gave the correct advice on a bankruptcy matter when I think she is more knowledgeable on that subject. At LCE, casenotes are reviewed daily for all hotline cases no matter how experienced the attorney. For a beginner this is actually a big help because you know that if you gave the client the wrong advice your mistake probably will be caught in time to correct it. It may feel more like criticism but that is not the purpose. You can insert little questions into your casenotes to alert the reviewer that you are uncertain about a point and request help.

### B. Regular Staff Meetings

Regular meetings of all hotline staff is very useful. This is a time for the attorneys to discuss problems, exchange information, and resolve issues. If the program uses non-attorney intake workers they should be present at some of the meetings so that any problems can be discussed. The mechanics of any program work better when everybody understands the program and their place in the system. At LCE we often invite speakers to talk about topics we want to know more about.

### C. Continuing Legal Education

It is really, really important to keep up to date on the issues that affect your clients. 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*) You should take advantage of every opportunity to attend lectures, workshops, seminars, etc. on topics pertaining to your clients. A hotline attorney isn’t useful unless she knows the law.

Every hotline attorney should be familiar with the resources available in-house. This includes manuals, reference works, etc. Read all the pamphlets, brochures, and other literature that is

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sent out to clients. Above all, find out what areas other attorneys are particularly knowledgeable about so you will know who to ask for more suggestions.

## **D. Grievance Procedures**

Every program will have some procedure whereby the client can complain about the service. Every hotline attorney needs to know what the procedure is and be ready to tell the unhappy client how it works. Nobody likes to have a client who plans to complain about your performance but it is going to happen. It is advisable to alert your supervisor to the prospect of an angry caller so that he is not blindsided. With advance warning most supervisors can handle the client and support you when your conduct was correct.

## **E. Client Satisfaction Surveys**

Most programs send out some sort of client satisfaction surveys from time to time. Some happy clients send them back with effusive praise. That is very nice. Other clients send them back with less complimentary messages. It is important to seriously consider what merit these complaints have and to correct what can be corrected, whether in services or attitude. Many dissatisfied clients had problems that could not be solved. Most clients don't return the survey.

## **F. Program Evaluations**

As programs try to improve performance, managers will try to tweak the system to make adjustments. This requires programs to go through some sort of self-examination from time to time. At LCE we try to develop new reports that will help with productivity. For instance, we developed a report showing the lag time between when a client calls in and when an attorney called back. Other self-evaluation measures might include sending out surveys, making follow-up phone calls, counting certain types of problems, looking for certain types of cases. It might involve how many calls a hotline attorney handles in an hour or how many cases are closed by the hotline per year. Your program might be really innovative and come up with different forms of self-evaluation on a regular basis. It is important to cooperate with these procedures so that the hotline performance is accurately evaluated.

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## Chapter V: PROBLEMS AFFECTING ABILITY to SERVE CLIENTS

Some client's are difficult to help by phone for a variety of reasons. They may have physical impairments such as speech or hearing loss. They may speak a foreign language. They may have mental impairments that limit their comprehension.

### A. Physical Impairments

If the client is hard of hearing it may be difficult to advise him by phone. If the impairment is not too great it may be possible to communicate by speaking a tiny bit louder and very clearly. Most offices have, or should have, access to a relay service for the deaf. Usually the hearing impaired client will initiate the call with the relay service and the relay service will call the hotline. Calls from the relay service should be taken immediately. Ask your manager to make your state's relay service number available to the hotline staff. Some may have a TDDY line but very few clients have them. Clients with visual impairments can talk on the telephone but will not be able to read or describe documents. Sometimes a family member is available to help. Clients may have physical problems that prevent them from leaving home. The hotline is especially useful for them but if the solution to their problem requires travel, additional help will be necessary.

### B. Mental Impairments

For senior hotlines the most common mental impairment is dementia. This is a serious problem because the question of mental competence is at the heart of attorney/client relationship. If the client doesn't understand what his problem is, and if he can't communicate rationally with you, then there is no basis for an attorney/client relationship.

Occasionally, a client will appear to be delusional. Since I am a lawyer, not a psychiatrist, I usually try to probe a bit to see if there is really a legal issue. But if the conversation begins to feature a lot of little green men there is probably not much a lawyer can do. Since I can't just tell the client he is crazy, the problem is how to gracefully end the call. This can be tricky because the nature of the delusion is that legal help is needed. If the client wants to sue somebody for injuries caused by said little green men, I will often tell them that the first step is to assess the level of damages by discussing these injuries with their doctor. Sometimes a client just needs some reassurance that someone is listening, or just that nothing is very

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wrong. I once had a client who heard voices telling her that she had to get out on the interstate and walk to the next city. She needed to call from time to time to be told that there was no law requiring her to do it.

A fairly common issue is the client's belief that the telephone is bugged. Sometimes such a client will be comfortable using another telephone, perhaps a pay phone down the street. Sometimes they will resort to whispering. But if all telephones are bugged and whispering doesn't work, then a hotline is not useful for them.

Some elderly clients have problems with short term memory. These clients appear perfectly competent while they are talking to you but forget all about it later. This is a problem when there is some type of action required on their part and they forget what it is. Still, these clients are able to express opinions, such as which children they trust with money, which may be important in providing services. A few clients simply lack sufficient intelligence to comprehend telephone advice.

### **C. Language Problems**

Obviously, you can't advise a client in a language you don't speak. Many hotlines are staffed by bilingual attorneys. Language Line Services is one way to communicate with clients in many languages. Language Line is a contractual service that gets an interpreter on the phone in a few minutes. Find out if your program contracts with Language Line so if you get a call from a client who needs a translation in a language you don't have in-house, you can quickly call for help. Sometimes both attorney and client are speaking the same language but with different accents or colloquialisms. It is important to be aware of local speech customs and you should take care to verify the client's responses by restating them clearly.

### **D. Problems Involving the Law of Other Jurisdictions**

Most clients are not aware of the differences in state laws and even fewer are aware that it is improper for an attorney to give advice about the laws of another jurisdiction. This has to be carefully explained to the client. The client needs to be told how to get the advice he needs from the other jurisdiction. This may be a matter of referring client to a legal aid office,

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hotline, or bar referral service for that state. Check the Directory of Legal Hotlines at [www.legalhotlines.org](http://www.legalhotlines.org) or Legal Services Corporation's map of programs at [www.LSC.org](http://www.LSC.org).

## **E. Client Has an Attorney**

Clients who already are represented by an attorney may call the hotline just to double check their attorney's advice. Sometimes they do it because they didn't understand the advice they were given but were embarrassed to say so. Sometimes they call because they are unhappy with their current attorney and want to replace him, particularly if they can get a free attorney. If the client wants to talk about a matter already in litigation, or seems clearly headed that way, it is advisable to ask if they have an attorney. It is unethical to give legal advice to another lawyer's client.

## **Tips and Pitfalls**

The suggestions that follow are based on the author's experience and that of the other hotline attorneys at Legal Counsel for the Elderly. They may not work for you, are certainly not exhaustive, and may not be relevant to your program.

**Client who wants a list of every service:** Occasionally, a client may call with a genuine curiosity about the program and what it offers. Such an inquiry can be handled fairly quickly and, if available, program literature can be mailed. More, typically, this request is made after the client has been advised that the hotline/program does not handle his type of case. (For instance, LCE does not handle fee generating cases or criminal matters.) What the client wants is for the hotline attorney to recite a list of every type of issue that the program handles until the client is able to identify a topic that might apply to her. There is seldom a real problem and usually it seems to be a bid for attention. The prudent course is to respond with some general description and assure the client that she is welcome to call back if she has a problem in the future.

**Client who wants to challenge credentials:** This is the client who asks whether the "attorney" actually went to law school. The tone of voice usually will indicate whether this is intended as an insult, which it usually is. The only dignified response is a polite assurance that all the staff attorneys are law school graduates and members of the bar. If the hotline advocate is a paralegal,

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the client should clearly understand that. If he insists on speaking to an attorney, you should understand your program's policy on how to proceed in that situation.

**Client who wants the law changed:** There are different ways to respond to such a client. One can sympathize with the client who thinks a particular law is silly while assuring him that it is still in effect and must be complied with. Another tack is to suggest what the client might do to advocate for a different law by contacting his congressman, or other appropriate figure, or joining with others to advocate for change.

**Client who wants to speak to your supervisor:** The client has a right to speak to the hotline attorney's supervisor or otherwise make use of the program's grievance procedure. It is kind, as well as prudent, to alert the supervisor to the coming call.

**Client who is abusive:** No one has to tolerate being yelled at or called names. However, because such behavior usually stems from the client's frustration, it may be possible to ratchet down the level of hostility or abuse by assuring the client that you are listening to him and that the situation merits attention. If that doesn't work, the attorney should politely and firmly ask the client to lower his voice and use other language so that you can deal with his problem. If the client is unable to control himself tell him that he should call back when he is calmer and hang up.

**Client who wants too much time:** How much time is too much time is very subjective but there are clients who just want to chat even after their legal issue is resolved. Such clients need to be kept focused on the legal issue. One way to do this is by asking very specific questions instead of open ended ones. Another tactic is to say how nice it is to chat but that before hanging up you will just review the legal advice. Do that and say goodbye. It is rude to suggest that the client has wasted the attorney's time but the attorney can apologize for wasting the client's time and then say goodbye.

**Client who does not have a legal problem:** Some clients call because they want money and have confused the hotline with a social service agency. They should be referred to the appropriate place. Some call because they want some sort of help not normally provided by lawyers, such making them a doctor's appointment, trimming their shrubs, or giving them a ride

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somewhere. If possible, steer them in the right direction for help. Otherwise explain that you cannot provide the requested service.

**Client who has a legal problem but refuses to recognize it:** This can be really scary. You may know from what the client has said that she is about to lose her house in a foreclosure sale, but all she will talk about is the mess the plumber made. If I can't get the client to focus on the looming disaster I will sometimes ask if there is anyone else in the family I can speak to. If not, there may not be much to do except beg her to call if a certain event happens. Then tickle the case to call back to see if she is more inclined to listen.

**Caller who wants you to advise someone else:** At LCE we frequently get calls from the adult children of elderly parents. What they want is for me to call their parents and talk some sense into them. Usually, this means they want parents to make wills. I tell them that if their mother or father wants to talk to me I will be happy to advise them but that I am not going to make calls to people who haven't said they want to talk to me. At LCE we never schedule or refer a client for a legal service without first talking to the client to be sure this is what they want. It is quite common to discover that they do **not** want to make a will, or execute a power of attorney and they certainly did not authorize their child to call on their behalf.

**Client who refuses solutions:** Occasionally you may encounter a client who rejects every solution you suggest. This client raises obstacles to every course of action. Such clients may prefer a grievance to success. I generally repeat the list of options and say goodbye. Sometimes the imminent loss of an audience will trigger some reconsideration of your suggestions. If not, end the call unless you want to become part of their hobby.

## Resources

[www.legalhotlines.org](http://www.legalhotlines.org)

[www.povertylaw.org](http://www.povertylaw.org)

[www.lsc.gov](http://www.lsc.gov)

[www.nlada.org](http://www.nlada.org)

*ABA Standards for the Operation of Legal Hotlines* at [www.legalhotlines.org](http://www.legalhotlines.org)

# Appendix A

## Telephone Communication Skills, *LHQ Summer 1999*

### Call Handling 101

#### EFFECTIVELY MANAGING CLIENT CALLS

By: Megan McLaughlin, Senior Program Manager, Customer Care Institute

What do your clients want when they call? They could be calling about any number of issues, but all callers want someone to listen to them, to understand and to remember their situation. They want a courteous, dependable, solution-oriented response.

Most importantly, they want to know that you care about them. In fact, *they don't care what you know until they know you care.*

So how do you let them know that you care, while providing solutions that will satisfy their needs?

There are six steps to successfully handling a call. They are:

1. **Setting the appropriate tone**
2. **Listening effectively**
3. **Asking questions**
4. **Interpreting the information**
5. **Offering a solution**
6. **Closing the call**

#### 1. **Setting the Appropriate Tone**

Just as when you meet someone for the first time in person, callers also form opinions about you within the first few seconds of a call. Therefore, it is critical that the appropriate tone is set in the first seconds of the call.

Each client has a different style of communication, and it is important to **adjust your communication style** to deal most effectively with the caller. If the caller is assertive and direct, it would be ineffective for you to chat about the weather. Some callers, however, would prefer a little small talk before getting down to business.

**Listen to yourself.** Your telephone voice is a substantial part of your message when you are delivering Client Care via the telephone. Your voice *is* you. While it is not important that you sound like a professional recording artist, it is important to understand how you sound to callers so that you may further refine your telephone voice.

Generally, people find it easier to listen to a lower-pitched voice so it helps to be aware of the volume and pitch of your voice. Also notice your rate of speech. 120 to 150 words per minute is an effective rate. If you speak too quickly, your client will feel rushed and miss key points of the discussion.

Many Client Care representatives tape their telephone conversations<sup>1</sup> in order to understand how they sound to the client. They look for opportunities to improve voice tone, grammar and

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<sup>1</sup> Each state has its own laws on recording conversations. Know the laws in your state before recording any calls.

## Appendix A

### Telephone Communication Skills, *LHQ Summer 1999*

diction - avoiding filler words like “um.” They also determine if they are speaking at the caller’s level of understanding and avoiding terms with which the caller may not be familiar.

## 2. Listening Effectively

In dealing with clients over the telephone, it is important to **listen for the central idea** – to listen between the lines. Without the advantage of reading body language and facial expressions, it can be more difficult to discern the meaning behind a caller’s words. It is important to listen to the nuance of voice and expression in order to understand the caller’s emotion and to find the appropriate resolution to the situation.

An important aspect of communicating via the telephone is conveying the fact that you are listening. Since your client cannot see what you are doing, it is important to reassure them verbally that you are paying attention. Ask questions and **use short messages** such as “yes” and “I see” to let them know that you are listening.

### ***Barriers to Listening***

**Just as it is important to be aware of effective listening techniques, it is equally important to recognize barriers to listening before they become a problem.**

**Environmental distractions** are a fact of life in any office, so it is important to maintain a strong focus on the client. In some cases, it is possible to arrange the immediate workspace to be more conducive to concentration.

The “**Third Ear**” **syndrome** occurs when one is engaged in conversation but has a “third ear” on another conversation. Most callers can sense when they do not have someone’s full attention and view it as a lack of respect for them and a lack of interest in assisting with their issue.

A frequent trap that many of us fall into is **the tendency to assume or jump ahead** because we already know everything that the client is going to say. Letting the caller finish what he or she has to say without interrupting is simply a matter of common courtesy. Although we may hear the same scenario ten times a day, each situation has different circumstances and a unique client who deserves to be treated as such. This is why effective listening skills are so important in providing good client care.

## 3. Asking questions

**The most effective method of gathering information and controlling a call is by asking questions. Of course, the question must be effective in order to elicit the necessary information. Understanding how to ask a question can help expedite the information gathering process and expedite a resolution.**

For example, **open questions** that use *how, why, when, what, or where* should be used to get a client to explain or discuss a situation: “What happened next?” or “Why did you think that?” Open questions have many answers and are useful for understanding the bigger picture.

## Appendix A

### Telephone Communication Skills, *LHQ Summer 1999*

**Closed questions** that use *did, can, have, do, will or would* will elicit a yes/no answer or a factual response. Closed questions are used to obtain facts or agreement, for example: “*Did you cancel the credit card?*” or “*Have you got a copy of the letter?*”

Open questions should be used at the beginning of a call to gain a broad understanding of the situation and to allow the caller to express what is on his or her mind. As the focus of the call narrows to a discussion of priority issues and actions to be taken, closed questions should be used to ensure that both parties have a clear understanding of the situation or the resolution.

#### 4. Interpreting The Information

**Paraphrasing and summarizing** information back to the client helps confirm the accuracy of the information and it also helps you to process the information more effectively. Even if you are confident that both parties understand the issues, it can only help to repeat the information. This can be accomplished tactfully by telling the caller that you want to be sure that *you* understand the situation.

#### 5. Offering a Solution

Once you have obtained and interpreted all of the information required to make a decision, you must then offer a solution for the caller. It could be a matter of providing information that is easily available or you may have to conduct further research before responding. In either case, **create an action contract** with the client and obtain agreement. Tell the caller what you are empowered to do, how you will do it, and what results he or she should expect. Then obtain agreement from the client about what his or her obligations are.

#### 6. Closing The Call

The way you end the call makes a lasting impression on the caller. Once the action contract has been reviewed and the outcomes of the call have been summarized, it is time to ask the **closing question**: “*Is there anything else I can do?*” or “*Have I answered all your questions?*”

To set a positive tone for the end of the call, it is always good to **thank the caller**.

**This information should help you in your day-to-day telephone interactions with clients. The advice offered here is not groundbreaking. These are familiar lessons for all of us who deal with clients over the telephone.**

**The value of this advice comes in its application. If you can successfully apply these techniques in your work each day, it can make the job of satisfying your clients a productive and rewarding experience for all involved.**

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**Editor’s Note: If you would like to contact Ms. McLaughlin, she can be reached via email at [megan@customercare.com](mailto:megan@customercare.com) or mail at the Customer Care Institute, 17 Dean Overlook, NW, Atlanta, GA 30318.**

## Appendix A

### Telephone Communication Skills, *LHQ Summer 1999*

#### **Working with Assertive Callers**

In some instances, we project our emotions and believe the caller to be angry when he or she is not. This can happen if the caller is more assertive than you, impatient, rushed, or cold. Assertive or demanding clients are quick to get to the point, show authority, and demand action.

To deal effectively with assertive or demanding callers:

1. You may need to **raise your own assertiveness level**, but keep your assertiveness level just below the caller's to prevent escalation.
2. If your voice is soft, **raise it slightly**.
3. **Be direct and to the point** in your statements.
4. Keep the **non-business conversation to a minimum**.
5. **Adjust your posture** by sitting taller in your chair or by standing.
6. Do not be offended by a lack of rapport with assertive clients - remember, they are focused on taking care of business.

#### **Working with Angry Callers**

Some people are angry with every person and every situation. However, most people do not behave that way unless they feel that they have no other choice. Remember that anger is usually born out of fear, and behind every angry voice there is a human being that needs your help.

To deal effectively with angry callers:

1. **Depersonalize the emotion**. Although it may seem that the client is angry with you, remember that he or she is actually angry about a *situation*.
2. **Let the caller vent** to diffuse the emotion.
3. **Empathize without committing to agreement** by using phrases such as *"I understand that you are frustrated,"* or *"I can see that this has upset you."*
4. Avoid becoming defensive - **it will only escalate the situation**. Avoid such phrases as *"I never said..."* *"You're wrong about that..."* *"You have to understand that..."*
5. **Use positive phrases** to correct misinformation: *"I can see why you think so. Our records show..."* *"Our information does not agree with yours. Perhaps we misunderstood you..."*
6. Use the word **situation** instead of the word *problem*.
7. Use the word **I instead of you**. *"I need you to check your policy"* is less confrontational than saying *"you need to check your policy."*
8. **Take responsibility** for doing all that you can. That does not mean that you should make commitments that you are unable to fulfill simply to please the client. It does mean that you should pledge to do whatever you can as quickly as possible.
9. **Take care of yourself**. If you've had a particularly upsetting call, take the time to work the emotion out of your system. Evaluate the call; understand what you did well and what you will do differently next time. Take the time to reflect, go for a short walk, breathe deeply. Do what you need to do to put yourself back on track for the next call.

You should do everything in your power to control the call and make it a productive experience. However, if the caller becomes abusive and is unwilling to work toward a solution, politely inform him or her that you are going to terminate the call and will be ready when he or she is willing to work with you.

## Appendix A

### Telephone Communication Skills, *LHQ Summer 1999*

- *“I understand that you are upset. I would like to help you, but I cannot do so if you use that kind of language.”*
- *“Mr. Jones, it’s very important that we work as a team to resolve this situation.”*
- *“I’m sorry, but I am unable to help you at this time. Please call back when you are ready to discuss the situation.” or “I will call you back in a couple of hours when you have had a chance to calm down.”*

When you speak with your client again, resist the urge to retaliate.

### **Working with Talkative Callers**

The talkative client is sometimes harder to handle than the angry client. We are often sympathetic to the talkative client’s need to have someone (or anyone) with whom to talk. Delivering effective Client Care means handling the talkative client with care, freeing you to help other clients.

**To deal effectively with talkative callers:**

1. Ask closed questions **that require a short yes/no or factual answer**
2. Shorten pauses **between statements**
3. Provide minimal responses to non-business conversation **and always guide the conversation back to the matter at hand.**

**The following are some examples of effective closes when working with talkative callers:**

- *“I know you are busy, so I’ll let you go.”*
- *“I would like to begin working on this right away, so I’m going to say goodbye now.”*
- *“Have I answered all your questions?”*
- *“You understood and I’m sure you’ll do well.”*
- *“May I call you tomorrow after I’ve done a little research?”*

**Appendix A**  
**Telephone Communication Skills, LHQ Summer 1999**  
**TELEPHONE EFFECTIVENESS CHECKLIST**

Greeting:

- Did you use a salutation?
- Did you use a clear and appropriate identification statement?
- Did you ask how you could help?
- Did your tone establish rapport?

Hold Techniques

- Was hold appropriate?
- Did you ask the customer's permission?
- Did you estimate time?
- Did you check back regularly? (every 30 secs)
- Did you thank the customer for holding?

Establishing Rapport

- Did you use the customer's name?
- Did you listen to the customer and ask appropriate questions?
- Did you acknowledge the customer's concern?
- Were you courteous and respectful?

Controlling the Call

- Were you able to keep the conversation on track?
- Were you able to deal effectively with angry or talkative clients?
- Did you educate the client?

Job Knowledge

- Were you able to help the caller during this call?
- Did you offer the appropriate solutions and/or alternatives?

Closing

- Did you summarize actions and set clear expectations?
- Did you confirm the client's understanding?
- Did you execute appropriate follow up?

## Appendix B

### *Casenote Considerations*

*by Alan Herman\* and Shoshanna Ehrlich  
LHQ Spring 1998*

Legal Hotlines are constantly looking for ways to cut operating costs and increase productivity. One of the major innovations of legal hotlines was the elimination of paper client files.

The original senior hotline model provided for case management software where all client information, casenotes and case activities could be recorded, stored and instantly retrieved. The amount and quality of casenotes is one cost/productivity variable most easily within the hotline staff's control.

#### ***Balancing Casenotes vs. Costs***

The functions of Casenotes include:

- (1) providing the quality control reviewer with sufficient information to evaluate the propriety and completeness of the advice;
- (2) providing an adequate record to respond to malpractice claims or client complaints;
- (3) informing subsequent callhandlers and referral attorneys of the facts and activities in the case;
- (4) supporting the time reports some hotlines must send to their funding agencies.

The threat of malpractice claims, though an important concern, is minimal. There is no known instance of a claim being filed against any of the senior legal hotlines in the 12 years since they began operating. Complaints from clients do occur from time to time and it is necessary for the supervisor to be able to respond to them knowledgeably.

Those programs which use the casenotes as an intake or referral sheet for a full-service program will usually need to have more extensive notes in those specific cases to satisfy the full service attorneys, whether in-house or referral, who receive them.

To achieve optimal casenote efficiency, the casenote functions must be balanced against the increased cost-per-case and decreased productivity each additional line of casenotes creates.

Most hotline managers have experience with callhandlers whose casenotes include almost every word of the phone call. Attorneys sometimes add irrelevant narratives of the client's history, impressions of the client's motives, tangential issues, and elements of humor in the call. These casenotes may make for a most interesting read, but they may not be worth the cost of the attorney's time, and the resulting decrease in the number of calls he can handle. On the other hand, notes where the facts and advice are sketchy may create future problems for successor attorneys.

*\*Al Herman is the Manager of the Legal Counsel for the Elderly Hotline in Washington D.C.*

## **Appendix B**

### **Casenote Considerations, LHQ Spring 1998**

Excessive or irrelevant casenotes may indicate to the quality control reviewer that the casehandler is spending too much time on a particular case. Not only do unnecessary casenotes decrease the productivity of the hotline attorney, they also take more of the quality control reviewer's time and slow down productivity of subsequent callhandlers who must wade through the notes again before advising the client.

Al Herman reviewed 119 cases opened during a random three weeks period. Only casenotes from first-time calls were included in his review. He found that the average number of lines per case was 10.4 and the median number of lines was 8.7, with about 10% of the cases having more than 23 lines. While Al did not find a large problem with overly lengthy or too short casenotes, he did find some room for improvement in both directions.

A cursory review by Project Staff of random casenotes at two other hotlines showed that the 10.4 line average at LCE was the shortest casenote average. Even though the problem may not be pervasive, a saving of five minutes per case can easily result in an increase in productivity of 500 cases per year per Full-Time-Equivalent. Alternatively, if the attorney hours are not needed to handle call volume, the hotline can save \$4000 per year per Full-Time-Equivalent in hourly attorney costs. *(Please contact the Project for a detailed calculation)*

#### ***Recommendations and Examples***

##### **Create Casenote Criteria**

The Quality Control Reviewer is in the best position to effect the length, quality, and costs related to casenotes. Toward this end, he should develop clear goals and parameters for what essential elements he requires the casenotes to contain, and which information is extraneous and wasteful. The criteria should reflect the hotline's goals and result from the management's decisions as to the depth of service the program will render.

*Examples of the kinds of casenote criteria a program may choose to set:*

- a. casenotes should include the statute of limitations for any cause of action or administrative procedure discussed with the client;
- b. casenotes should include an evaluation of the merits of client's position;
- c. casenotes should include the procedural steps the client needs to take to resolve his problem.
- d. Casenotes may refer to a specific FAQ in the hotline's manual, after relevant facts have been input.
- e. Casenotes should reference a specific statute if it controls the client's situation.

## **Appendix B**

### **Casenote Considerations, LHQ Spring 1998**

f. Casenotes should exclude irrelevant facts, but the attorney's assessment that a client is disoriented or intoxicated should be noted.

*(These examples are meant to demonstrate the types of information the casenotes should address. A particular program might determine, for instance, that statutes need not be mentioned, or that reference to FAQs are not sufficient advice summaries.)*

#### **Compose Content Formula**

Adequate, but not excessive, casenotes can usually consist of **(a)** 1-3 sentence recitation of relevant facts; **(b)** a 1-3 sentence statement of the law applicable to the facts, as told to the client, and **(c)** a concise summary sentence containing the advice given the client.

*Example: (a) Client called to find out how to get visitation for a grandchild living with both parents who are still married. (b) I told client that pursuant to our state's law, a grandparent has no legal right to ask a court for visitation in that situation. (c) I suggested that a family member, family counselor, clergyman, etc. help the family to work out the matter and gave the number to Family Counseling Services.*

#### **Promote Casenote Clarity**

Casenotes should clearly identify what the advisor told the client.

*Example 1: Client would have to check to see if the judgment was recorded.*

This example leaves the reader wondering if the callhandler gave the information to the client or just entered his thoughts in the casenotes. The same advice is more clearly noted:

*Example 2: I told the client to call the Clerk of Court's office and ask if the judgment against him had been recorded.*

If your hotline has software which generates client letters directly from the casenotes, the same information can easily be entered:

*Example 3: I advised you to call the Clerk of the Court at 555-5555 and ask if the judgment against you was recorded.*

#### **Eliminate Extraneous Facts**

Most excessive casenotes result from the casehandler's inclusion of the caller's recitation of his story. While clients cannot be expected to limit themselves to relevant facts, attorneys are trained to do so.

Here are some typical examples from routine casenotes and their suggested remedies:

## **Appendix B**

### **Casenote Considerations, LHQ Spring 1998**

*Example 1: Client and his wife moved here from out of state. They had a will drafted about ten years ago leaving everything to their daughter and son equally. They have a home and about \$100,000 in savings and bonds. Their son passed away and they do not want to leave anything to his daughter because she is on drugs, but his son, their grandson, is a nice boy and they want to include him in the will. I made an appointment for client with a referral attorney.*

Time could be saved and quality preserved:

*Example 1: Client and spouse need to change their will provisions since one child passed away and another has a drug problem. I arranged an appointment with a referral attorney.*

A typical example from landlord/tenant:

*Example 2: Client has lived in her apartment for many years. At first it was a nice building but many of her friends have died or moved and she doesn't know whether she wants to stay there anymore. Now her landlord has told her he will raise her rent by \$100.00 per month when her lease ends in the summer. She has been looking around but doesn't feel like moving although she thinks she may be able to get a better place for that price. Client thinks there may be a special rent control law that keeps the landlord from raising the rent more than a certain percentage.*

*There is no such law. The client must decide whether she will pay the increase or move.*

Efficiency can be achieved by limiting narrative to relevant facts:

*Example 3: Client has a written lease which is expiring. Landlord intends to raise the rent from \$700 to \$800. Client wants to know if landlord may do that. I told client there is no rent control law and the landlord may raise the rent any amount after the lease ends. I suggested she negotiate with the landlord for a smaller increase. Failing that, I told her she will have to choose whether to pay the increase or move.*

### **Communicate Casenote Criteria**

Train new hotline attorneys to adhere to your hotline's casenote parameters from the beginning to avoid the difficult task of breaking bad habits later on. It may be useful to have the "casenote criteria" in writing, plus some good examples, for new attorneys to study during their training period.

The quality control reviewer should be able to maximize quality and minimize costs by routinely communicating with the casehandlers. For most effective results, the quality control reviewer should give feedback not only when the casenotes are deficient or excessive, but also, when they conform well to the casenote criteria.

## **Appendix B**

### **Sample Casenotes from LCE**

#### **Case 1**

Client says he had some work done on the roof of his house. Says the contractor did not complete the work. Client gave the contractor \$2,000 initially. Total cost was \$4,500. The contractor later came back for the balance, and client paid it even though the work was not complete. Client sued in small claims and won, but is having trouble collecting. Wants to know what he can do to collect. I suggested getting a writ of attachment and am sending pamphlet "Collecting the Money". He will call again if needed.

#### **Case 2**

Client received first a call and then a letter from a collection agency stating that she owed nearly \$7K on a Visa card that was issued in 1984. Client says she never had the card and never made such charges. She did have some trouble a few years ago with too much credit card debt but she has since paid all those debts off. This card # doesn't match any of the old cards. I advised her to write to the collection agency as directed in the letter telling them that she disputes the debt and demands proof. Also, tell them not to call her. Advised her that they could not, in any event, collect on a debt that is 20 years old unless she re-affirms it and cautioned her against doing that. When receives the "proof" from the collection agency she should call again and we will consider what she should do next.

#### **Case 3**

Client is now in Park Care NHM where she has been since Dec 1997 after being transferred from DC General. She wants to know if she can sue General Hospital for their treatment of her while she was there. Her basic complaint is that they gave her Prozac and it messed up her body. It made her sick in various vague ways. Her contention is that it is a dangerous drug and should not have been prescribed. She is also upset about an injection that the doctor should have given her himself and not let a mere nurse do it. I said I thought she had some problems with timing. First, if she is suing the Gov't which owns hospital she needed to give notice within 6 mos. A suit for being given Prozac would be weak because it is a commonly prescribed drug so it would be hard to prove it was negligent to give it. I told her though that the applicable statute of limitations, which had already passed for that, was 3 yrs. I told her that in my opinion she didn't have a good case. She is very angry at me and doubts I am really a lawyer. She has no medical backup for her claims.

#### **Case 4**

Client is separated from his wife now and living nearby. He is wheelchair bound and living in an apt on the second floor. He gives his friends and neighbors keys to the front door of the building so they can come up and see him and do things for him. His LL doesn't like his friends and says they are criminals and drug dealers or users. He told client on Friday that he would have to move by today, Monday. LL also doesn't like it that he gives out keys. I told client to check his lease to see if there was anything in there prohibiting giving out keys. I told client he could fax or mail me the lease to look at if he liked. I told client that LL can't make him move out without giving

## **Appendix B**

### **Sample Casenotes from LCE**

him 30 days written notice of the problem which he would have to fix within that time. If client did not fix whatever the LL was complaining about, the LL could take him to court and then it had to be for one of a list of legal reasons for eviction. Illegal activity would be a reason; giving out keys might be a reason if it was a violation of the lease. Since LL hasn't done any of those things, I told client LL couldn't make him leave at this point. If LL filed a lawsuit for eviction, after the 30 days notice to fix the problem, LL would have to present evidence and the client could bring witnesses to defend. However, if LL has some proof, he could evict client. I will send client an L/T rights pamphlet. I told client if he does get a notice of eviction to call right back because he will only have \_\_\_ days to file an answer to the court case.

#### **Case 5**

Client's ex husband died in DC intestate survived by a daughter. The house that client lived in is still in both their names, but by operation of law they now own it as tenants in common. Therefore, ex-husband's share now passes to daughter according to the law of intestate succession. He had other assets as well that will go to his heir. Client would prefer that daughter be the one to open a probate but since she doesn't want to, client is willing to do it. As we don't handle probate matters, I have referred client to AARP's Legal Services Network.

## **Appendix C**

### **Subject Codes at LCE**

#### **“Brief Representation” Outcome Codes List**

*Would be used by Hotline attorneys and all other LCE advocates for matters resolved by advice, brief services, information and referrals*

#### **Code list, by Major Benefit Obtained by Client**

##### **Information; 0001 through 0009**

- 0001 Obtained verbal explanation of legal rights, responsibilities or procedures
- 0009 Obtained miscellaneous information; not legal advice

##### **Advice; 0010 through 0019**

- 0010 Obtained legal advice/counsel; no further services received
- 0011 Obtained legal opinion; no further services received
- 0019 Obtained other advice (including non-legal advice)

##### **Brief Services; 0200 through 0029**

- 0200 Obtained legal advice/counsel based upon individualized legal research
- 0021 Obtained advice/counsel based upon review of a document
- 0022 Obtained assistance in writing letter with legal import
- 0023 Obtained assistance in filling out a form
- 0024 Obtained consultation with an attorney other than LCE
- 0029 Obtained other brief legal assistance

##### **Referral for Further LCE Services; 0030 through 0049**

- 0030 Obtained appointment with LCE staff attorney
- 0031 Obtained appointment with LCE paralegal
- 0032 Obtained appointment with reduced fee panel referral attorney
- 0033 Obtained referral to LCE volunteer lawyer program
- 0034 Obtained referral to AARP LSN
- 0035 Obtained referral to LTCOP
- 0036 Obtained referral to Oppayee/Money Management Project
- 0037 Obtained referral to Write a Wrong Project
- 0038 Obtained referral to Medicare Fraud Project
- 0049 Obtained other referral for further LCE services

##### **External Referral; 0050 through 0059**

- 0050 Obtained referral to other free legal services agency
- 0051 Obtained referral to bar referral service
- 0052 Obtained referral to social services agency
- 0053 Obtained referral to senior center services
- 0054 Obtained referral to medical bills project
- 0055 Obtained referral to housing counseling services
- 0059 Obtained other referral to assistance outside LCE

##### **Publications; 0600 through 0069**

- 0060 Obtained brochure explaining legal rights, responsibilities for procedures
- 0069 Obtained other publication; no further services received

## Appendix C

### Subject Codes at LCE

|     |                        |     |                            |     |                                |
|-----|------------------------|-----|----------------------------|-----|--------------------------------|
| 01  | BANKRUPTCY/DEBTOR      | 41  | DELINQUENCY                | 77A | VETERANS BENEFITS              |
| 02  | COLLECTION             | 42  | NEGLECT/ABSE/DEP           | 77B | OTHER MILITARY BENEFITS        |
| 03A | CONTRACTS/WARRANTIES   | 49  | OTHER JUVENILE             | 78  | WORKMENS COMPENSATION          |
| 03B | HOME IMPROVEMENT       | 51A | MEDICAID                   | 79A | OTHER INCOME MAINTENANCE       |
| 03C | FUNERAL/BUR ARRNG      | 51B | MEDICAID PLANNING          | 79B | PUB. BEN. CHCKUP/OTHR          |
| 03D | AUTO SALES             | 52  | MEDICARE                   | 79C | CIVIL SERVICE RETIREMENT/DISAB |
| 03E | AUTO REPOSESSION       | 59A | OTHER HEALTH               | 79D | RAILROAD RETIREMENT BENEFITS   |
| 04  | CREDIT ACCESS          | 59B | HME HLTH/CHRE SERV/OTHR    | 81  | IMMIGRATION/NATURAL            |
| 05  | ENERGY                 | 59C | QMB/SLMB                   | 82  | MENTAL HEALTH                  |
| 06  | LOANS/INSTALLMENT      | 59D | HLTH INS/MEDGP/LTC INS     | 83  | PRISONERS' RIGHTS              |
| 07  | PUBLIC UTILITIES       | 61A | FED SUB HSNG RGTS          | 84A | PHYS DISBLD RGHTS              |
| 08A | UNFAIR SALES PRACTICES | 61B | SEC. 8 HOUSING             | 84B | NURSING HME PROB               |
| 08B | IN HOME SOLICITATION   | 61C | TAP PROGRAM                | 84C | COM RES FACLTY PROB            |
| 09A | OTHER CONSUMER FIN     | 62A | HME OWNSHP/RAL PROP        | 84D | SOC SER (NOT CHRE 59B)         |
| 09B | LIFE INSURANCE         | 62B | FORECLOSURE                | 84E | ADA/HNDCP ACESS                |
| 09C | INS NOT HLTH OR LFE    | 62C | DEED TRANSFER              | 89A | OTHER INDIVIDUAL RIGHTS        |
| 11  | EDUCATION              | 62D | HOME EQTY CONV/REVRS MRTGS | 89B | CIVIL RIGHTS                   |
| 21A | JOB DISCR/GENL         | 62E | REAL EST TXS/ASSESSMNTS    | 91  | INCORPORATION/DISSOLVEMENT     |
| 21B | JOB DISCR/AGE          | 62F | PROP TX CRDT CLAIMS        | 92  | INDIAN/TRIBAL LAW              |
| 21C | JOB DISCR/SEX          | 63A | LANDLORD/TENANT            | 93A | LICENS/AUTO & OTHR             |
| 21D | JOB DISCR/RACE         | 63B | EVICTON                    | 93B | PATENTS                        |
| 21E | JOB DISCR/DIS          | 63C | RENT CONTROL               | 93C | COPYRIGHTS                     |
| 22  | WAGE CLAIMS            | 63D | SECURITY DEPOSITS          | 94A | TORTS                          |
| 29A | OTHER EMPLOYMENT       | 63E | CDE VIOL/REPAIRS           | 94B | DEFENDANT/ NEGLIGENCE          |
| 29B | PRIVATE PENSION        | 64  | OTHER PUBLIC HOUSING       | 94C | PLAINTIFF/ NEGLIGENCE          |
| 30  | ADOPTION               | 69  | OTHER HOUSING              | 94D | INTENTIONAL TORT               |
| 31  | CUSTODY.VISITAITON     | 69A | ALTER. TO L/T              | 95A | WILLS/ESTATES                  |
| 32  | DIVORCE/SEP/ ANNULMENT | 69B | ELDER BUDDIES              | 95B | WILL                           |
| 33A | GRDNSHP/ CONSERVTRSHP  | 71A | AFDC/OTHER WELFARE         | 95C | PROBATE/ESTATE ADMINISTRA      |
| 33B | FIN POWER/ATTY         | 71B | GENERAL PUBLIC ASSISTANCE  | 95D | JOINT PROPERTY                 |
| 33C | HLTH CRE/PWR OF ATY    | 71C | EMERGENCY ASSISTANCE       | 95E | ESTATE PL/LVNG TRST            |
| 33D | LIVING WILLS           | 72  | BLACKLUNG                  | 99A | OTHER MISCELLANEOUS            |
| 33E | ACCOUNTINGS            | 73  | FD STMP/COMMOD             | 99B | FEDERAL INCOME TAXES           |
| 33F | REPRESENTATIVE PAYEE   | 74A | SOCIAL SECURITY            | 99C | STATE INCOME TAXES             |
| 33G | OTHR PROTECT ARRNGMT   | 74B | OVERPAYMENT                | 99D | CRIMINAL/TRAFFIC               |
| 34  | NAME CHANGE            | 74C | DISABILITY                 |     |                                |
| 35  | PATERNAL RIGHTS TERM   | 75A | SSI                        |     |                                |
| 36  | PATERNITY              | 75B | OVERPAYMENTS               |     |                                |
| 37A | SPOUSE & CHILD ABUSE   | 75C | DISABILITY                 |     |                                |
| 37B | ELDER ABUSE            | 76  | UNEMPLOY COMP              |     |                                |
| 38  | SUPPORT                |     |                            |     |                                |
| 39  | OTHER FAMILY           |     |                            |     |                                |
| 39A | GRANDPARENT ISSUES     |     |                            |     |                                |

## Appendix D

Project for the Future of Equal Justice Hotlines Outcomes Study Executive Summary;  
Full report at [www.legalhotlines.org](http://www.legalhotlines.org)

### ***The Hotline Outcomes Assessment Study*** **Final Report - Phase III: Full-Scale Telephone Survey** **November 2002**

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## Executive Summary

The Center for Policy Research (CPR) has worked with the project for the Future of Equal Justice (PFEJ) since June 1999 to conduct the Hotline Outcomes Assessment Study, an independent assessment of the effectiveness of using telephone Hotlines to provide brief legal advice and referrals to low-income people. This report describes the results of Phase III of the Study, which researched whether clients understand the advice they are given by Hotlines, whether they follow up on it, and whether they realize a satisfactory resolution of their problems.

The study methodology included:

- Generating samples of callers at five legal Hotlines that were representative of the total universe of clients served at legal services programs;
- Conducting telephone interviews with 2,034 callers three to six months after they contacted the Hotlines and eliciting their general reactions to the Hotlines, as well as the specific outcomes of their cases;
- Having experienced legal services lawyers generate both factual and evaluative assessments of outcomes, which were based on a review of case files and interview notes, including verbatim responses to questions about legal outcomes; and
- Analyzing the resulting data set to produce profiles of callers across the five sites and outcome patterns with special attention to the client, case, and advice characteristics of cases with favorable and unfavorable outcome patterns.

The key findings were:

- **Where an outcome could be determined, Hotline cases were almost evenly split between successful (48%) and unsuccessful (52%) outcomes.**
- **When callers understand what they are told to do and follow the advice they are given, they tend to prevail.** Only 6 percent of all clients received unfavorable results because they did not prevail after following the advice of Hotline workers. In contrast, 13 percent failed because

## Appendix D

### Project for the Future of Equal Justice Hotlines Outcomes Study Executive Summary; Full report at [www.legalhotlines.org](http://www.legalhotlines.org)

they did not understand the advice that was given, and 9 percent because they lacked the time, initiative, or courage to try to do what the worker suggested.

- **Most clients who do not act fail to understand the advice they are given or are too intimidated or overwhelmed to attempt the recommended action.** Three to six months after phoning the Hotline, 21 percent of callers had not acted on the advice they received. About a quarter of the no action cases were attributed to clients not understanding what they were supposed to do, another 25 percent were too afraid to try or lacked the time or initiative, and an additional 10 percent were told to hire a private attorney and reported that they could not afford or find one.
- **Many Hotline cases result in outcomes that cannot readily be classified as successful or unsuccessful.** Success could not be gauged for many clients because they had a matter that was still pending three to six months after phoning the Hotline (19%) or their responses to questions about their cases were so unclear that PFEJ lawyers were unable to determine outcomes (9%).
- **Certain types of Hotline services are more apt to result in favorable outcomes.** Brief services yielded the highest favorable outcome ratings, followed in order by coaching clients on how to deal with a private party; providing written legal information, and coaching clients on how to proceed pro se in court. Favorable assessments were still lower when clients were instructed on dealing with a government agency or were referred to another agency.
- **Clients who were told to hire a private attorney had the worst outcomes and were the most dissatisfied.** Only 11 percent of clients who were told to hire an attorney achieved favorable case outcomes and 52 percent rated the Hotline as unhelpful. Of clients who were advised by Hotline workers to hire a private attorney, only 18 percent did so.
- **Outcomes for housing and consumer cases are most apt to be rated favorably, while family cases are most apt to be pending.** Housing and consumer cases had the highest rate of favorable outcomes, while family cases were lowest with many still pending when clients were interviewed. The findings for housing cases may reflect the fact that many unsuccessful housing clients had moved and were not reachable for an interview.
- **Hotline clients with the best and worst case results had distinct demographic characteristics.** Clients with outcomes that were rated most favorably were significantly more likely to be white, English-speaking, educated at least to the eighth-grade level, and have a marital status other than being separated from a spouse. Clients who received the least favorable outcomes were Spanish-speaking, Hispanic, individuals with the lowest education levels, those who reported no income, and those who were separated and lived apart from their spouse.
- **Many clients face barriers that may affect their ability to follow through on Hotline advice.** Many Hotline callers disclosed problems that may affect their ability to handle their legal problem such as: a family disability or a serious health problem; serious transportation problems; depression or fear of an ex-partner or current household member; inflexible work, school, or daycare schedules; or problems reading or speaking English well enough to complete forms and other legal paperwork. While clients with disabilities fared no worse than the average, the other barriers listed above were associated with outcomes that were significantly less favorable.
- **Some types of follow-up actions by the Hotline may boost the chances of callers experiencing favorable results.** Higher favorable outcomes were associated with getting a letter or other written material, a follow-up phone call from the Hotline, or help from someone other than the Hotline worker.

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- **Clients rated their experiences with Hotlines favorably.** Nearly half (41%) characterized the Hotline as “very helpful” and 28 percent as “somewhat helpful.” Two-thirds of clients at every site credited the Hotline with helping them make better decisions, feel more confident about their abilities, and keep the problem from escalating.
- **Disappointed Hotline callers typically said there was nothing anyone could do or that they wanted a lawyer to do more for them, although a small fraction of callers complained about being treated rudely.** Approximately 2 percent of callers complained about disrespectful and uncaring treatment by Hotline workers.
- **User satisfaction ratings are associated with Hotline outcomes, but the relationship is not perfect.** While 63 percent of clients with favorable outcomes gave the Hotline a “very favorable” rating versus only 19 percent of clients with unfavorable outcomes, a third (32%) with unfavorable outcomes rated the Hotline as “somewhat helpful.” A quarter of the clients who did not follow the Hotline’s advice or did not prevail rated the Hotline as “very helpful.”

### Recommendations

To increase the ratio of favorable to unfavorable outcomes, Hotlines should adopt the following measures to enhance understanding and promote action:

- **Hotlines should recognize that certain demographic groups are particularly less likely to obtain favorable outcomes.** Hotlines should develop special protocols for dealing with non-English speakers, individuals at the lowest education levels, and those who report no income, possibly including increased support or more extended services.
- **Policymakers should take further steps to evaluate whether Hotlines are an appropriate method of delivering service to non-English speakers.** Although the non-English speaking clients in this study were provided services by the Hotline in Spanish, they had a particularly high rate of failure to act due to inability to understand the Hotline advice.
- **Hotlines should screen callers for certain barriers that are associated with unfavorable outcomes.** Hotlines should routinely question clients about a variety of barriers that affect their ability to address their legal problems and obtain successful outcomes. Screening for these problems is likely to require special attention during intake, since the PFEJ lawyers noted that most of these barriers could not be discerned from existing case files. Hotlines should develop protocols for dealing with these clients, possibly including increased support or more extended services.
- **Hotlines should institute or improve follow-up procedures.** Hotlines would do well to institute tickler systems flagging cases for a callback to check on the client’s progress. Cases that should be flagged are those in which one of the following factors is present:
  - The recommended action is one where clients are less likely to obtain a favorable outcome: representing self in court; dealing with a government agency; obtaining legal assistance from another provider.
  - The client falls into one of the demographic categories identified above that are less likely to obtain a favorable outcome.
  - The client reports one of the barriers described above as associated with a reduced likelihood of obtaining a favorable outcome.

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- **Hotlines should develop or increase their capacity to provide brief services or institute a brief services unit.** Brief services are more likely to result in successful outcomes than advice or referral services. In cases where it may be possible to resolve the client's problem with a letter, telephone call, or completion of a form or referral, it is likely to be a more effective use of resources for the Hotline or a related unit to perform the action than for the Hotline to advise the client how to do so.
- **Hotlines that do not routinely provide written information to clients should do so.** The provision of written information, whether a generic pamphlet on an issue or a letter detailing the advice provided, increases the likelihood of a successful outcome.
- **Hotlines should recognize that telling a caller that they should obtain a private attorney is unlikely to result in a successful outcome.** Most clients who are advised by the Hotline to retain a private attorney, particularly in divorce cases, will not be able to afford one willing to take their case. Hotlines should explore alternative services that are more likely to result in successful outcomes.
- **Hotlines should be aware of the limitations of client satisfaction data and analyze the data they get in ways that maximize their utility.** While user satisfaction is a legitimate and an important indicator, it is not a perfect measure of Hotline effectiveness. Clients are frequently more generous in their evaluations of Hotlines than their personal situations would suggest, which may reflect the fact that some clients who do not get what they want feel empowered by the information they receive.
- **Hotlines should conduct random follow-up telephone interviews with clients.** In order to more accurately assess performance, Hotlines would do well to institute random follow-up interviews to gauge the effectiveness of their services and to identify ways to improve them.

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**Self-Evaluation Measures Project Report**

December, 2003

**I. Introduction**

The Legal Hotline Self-Evaluation Project was conceived by Wayne Moore of AARP in Summer 2002.<sup>2</sup> The purpose of the Project was to identify legal hotline performance measures and gather data for the formulation of yardsticks which programs could use for self-evaluation or development. The Project stemmed from his article *Legal Hotline Self-Evaluation*<sup>3</sup>. In Fall 2002, the AARP Foundation Technical Support for Legal Hotlines Project invited a cross section of 27 legal hotline managers/executive directors to participate in a workgroup for the purpose of devising measures and collecting data to assist hotline developers in planning their services and hotline managers to evaluate their operations. Participating hotlines agreed to collect data for the creation of tables for comparison. In this report, the Technical Support for Legal Hotlines Project presents the data collected by participating hotlines, as well as the averages and medians from aggregation of the data. It is anticipated that the data will be useful for the planning and self-evaluation purposes for which they were intended. However, the data presented in the report in no way constitute scientifically random samples nor statistically significant tabulations. They are not intended to infer that hotlines whose productivity fall above or below these averages are superior, inferior, or abnormal. Each hotline must decide for itself what its goals are, and by rigorous self-evaluation, determine whether it is meeting those goals. Towards that end, we hope the workgroup “measures” serve a helpful purpose.

**Summary of Findings**

Eleven diverse hotline programs participated in the Project. At least five programs collected data for tabulation on each of the following measures:

Cases handled per FTE in 2002 (all advocate time counted)

- Average cases handled per FTE was 1,476; median<sup>4</sup> number of cases handled was 1,456.
- Cases handled per FTE in 2002 (phone duty time only counted)  
Average cases handled per FTE was 1,758; median was 1,763.
- Percentage of cases closed by hotline unit in a full service program in 2002 was 69%; median 69%.
- Number of calls coming into a hotline per month Feb.-March 2003  
Monthly average was 4,582; monthly median was 4,042.

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<sup>2</sup> At that time Wayne was Director of AARP Foundation Legal Counsel for the Elderly/Legal Advocacy Group. Wayne now holds the position of AARP Director of Advocacy Planning and Issues Management

<sup>3</sup> LHQ Spring 2002, p.9

<sup>4</sup> Median was calculated by arranging numbers highest to lowest and fixing the number in the middle. The median is a more enlightening figure than the average because it is less influenced by the extremes in the range of data.

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- Number of calls answered per hotline per month- average was 1,502; median was 1,202. Average percentage of calls answered compared to calls coming in equaled 33%
- Average percentage of ineligible callers compared to all calls answered was 36%.
- Number of calls assisted per hotline per month Feb.-May 2003  
Average calls assisted was 835; median number of calls assisted was 735.
- Percentage of cases where material was sent to the client after the call averaged 35% but ranged widely from 3.65 through 99% of cases at the seven hotlines reporting data for this measure.
- Wait Time on Telephone Queue- average wait time was 11.7 minutes; median time was 8.75 minutes.

All data is presented in detailed tables in section III of this report.

## **II. Methodology**

### **A. Selecting the Measures**

Twelve hotline managers/executive directors accepted the invitation to participate in the Self-Evaluation Workgroup meeting in Washington. The participating programs included both senior and low-income legal hotlines, stand alone and intake-to-full service hotlines, statewide and local hotlines. On October 10-11, 2002, AARP Foundation held a meeting of Legal Hotline Work Group in Washington, D.C. The workgroup participants believed that the development of evaluation measures and the collection of data from a cross-section of legal hotlines would be useful for program management and self- evaluation functions.

The variety of functions performed by the legal hotlines in the workgroup varied somewhat but the workgroup members agreed that each of their programs performed at least the basic hotline functions of intake, eligibility screening and denial of services, provision of legal advice, and referral to in-house units or other agencies. The participants suggested and discussed numerous measures to evaluate various criteria of hotline management including system change, client satisfaction, staff satisfaction, client outcomes, hotline reach, types of services rendered, productivity, and quality. The context of the discussion was influenced to a large degree by Julia Gordon's report to the group on the Equal Justice Project's *Client Outcomes Assessment Report*.<sup>5</sup> Her findings indicated that clients who followed hotline advice were usually successful in achieving a positive outcome but that a significant number of clients did not follow the hotline advice and that clients who received some sort of written material after the hotline consultation were more likely to follow the advice.

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The workgroup members suggested a wide variety of possible measures that programs might undertake. The group voted on whether each of the suggested measures met certain criteria described below and, based on these criteria, the group devised possible measures for data collection.

**List 1** consists of measures that a majority of the group believed were important for self-management (either essential or nice to know), collection of data for the measure was feasible (the burden of collecting the data did not outweigh the benefit) and where aggregate data from a cross-section of programs would have value for self-management.

#### **List 1: Data important for self-evaluation, aggregate program data valuable**

- Total number of calls for hotline service
- Total number of calls answered
- Total number of callers ineligible for service
- Total number of calls assisted
- Total number of hotline cases handled
- Number and percentage of clients receiving written materials, literature or documents printed from the web in addition to the hotline consultation
- Total number of unsuccessful call-backs
- Number of calls assisted per hour on duty
- Percent of time on the phone with clients per hour on duty
- Cost-per-case
- Client outcomes- other than money obtained or loss avoided
- Client understanding of information or advice
- Client satisfaction ratings including whether the service provided made a difference to the client

**List 2** includes measures that the majority of workgroup participants judged important for self-management and worthy of collection by individual hotlines for internal review but for which aggregated figures for comparison were not especially valuable. Individual programs would have to decide whether the burden of collection was the worth the benefit.

#### **List 2 – Internal data important for management, aggregate data not necessary**

- Comparison of service area census demographics with current clients
- Wait time for callers
- Detailed service codes tailored to hotlines-e.g. explained client rights, advised how to solve problem, helped client fill out pro se form
- Types of literature sent
- Reason why hotline clients were rejected for service
- Number of cases in substantive areas of law
- Amount of time dealing with substantive areas of law
- Number of conversations per case
- Dollar amount obtained or avoided

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At the meeting each of the participants agreed to notify the Project on which measures it was willing to collect and submit data for a four month period from February - May 2003. At this point, one of the hotlines declined to participate further so data was collected from eleven programs. Each manager also filled out a detailed profile of his program including information such as the number of full-time equivalent hotline advocates.

#### **B. Data Collection**

After the meeting, a committee of participants refined the definition of each measure and each of the 11 programs indicated, by way of a form, for which measures it would collect data from February- May 2003. The Workgroup determined that the client outcomes and satisfaction measures from List 1, while crucial to hotline management, could only be ascertained by client surveys and were outside the scope of the data collection phase of the project. A Phase II client survey component was discussed and tabled until completion of Phase I could be accomplished. The Workgroup also decided that at least five hotlines would need to contribute data for a particular measure in order for data for that measure to be worthy of aggregation and reporting. Most of the measures meeting this criterion are from List 1 but the Wait Time measure from List 2 was included because at least five programs stated they could supply the data with minimal burden. The programs sent in a monthly form with the data they collected for their agreed measures. At the end of the four-month period, Project Staff calculated monthly and four month totals, averages and medians for the reported measures. Those measures for which aggregate data was calculated, based on the five hotline threshold, are described below:

- **Number of calls for service:**

**Definition:** The number of phone calls coming into the hotline program that are requests for legal help.

**Description:** This number includes abandoned calls but excludes website hits, calls to a program's other units, and calls from existing clients who have already been referred to another unit.

- **Number of calls answered:**

**Definition:** The number of calls where an intake screener or hotline advocate spoke with the caller. A hotline advocate is defined as the person at each program empowered to give legal advice to clients. For the participants these included attorneys, or paralegals and/or law students under attorney supervision.

**Description:** This number includes all calls where the client spoke to an intake person or advocate including those calls where the caller was deemed ineligible for services and received no case number or service other than a referral to another program.

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- **Number of ineligible callers that contacted the hotline program**

**Definition:** The number of calls for service where the intake screener or hotline advocate deemed the caller ineligible for service because of but not limited to:

- Conflict of interest
- Caller not real party in interest
- Geographical ineligibility
- Financial ineligibility
- Case type ineligibility
- Immigration status

**Description:** This category is designed to provide some information about the unmet need in the service area for clients with characteristics or case types not served by the hotline. Even general advice hotlines have some case type ineligibility such as criminal or foreign law matters.

- **Measure Number 5. Number of calls assisted**

**Definition:** The number of calls where the caller was deemed eligible and given legal advice, referral after advice, transferred to a full-service unit or provided another service by a hotline advocate.

**Description:** The number of calls assisted should be equal to the number of calls answered minus the number of ineligible calls. One call is not necessarily equal to one case although many hotline calls end with a case being opened and closed contemporaneously with the phone call. One call can generate several cases depending on the case types discussed. Several calls are frequently logged on the same case before it is closed. A call is counted on an existing case(s) and on new case(s).

- **Percentage of cases where materials were sent to the caller**

**Definition:** The percentage of cases closed by the hotline program where, after the client spoke with the advocate, the hotline sent the client written matter related to the case type of the call.

**Description:** Materials include (but are not limited to):

- Advice Letters
- Form letters (for client to send to resolve problem)
- Brochures
- Legal Forms
- Self-help packets

- **Wait Time**

**Definition:** Average wait time between the time the client initiates the call until the caller is connected with the hotline advocate.

**Description:** Only data from programs that had telephone queuing systems capable of reporting client wait times were included in this calculation. A few programs routinely made call backs and reported their wait time in terms of “within 24 hours” and the like, but the Project determined that figures from the two models were not comparable for this measure so used only the hold-time in constructing the tables.

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In addition to the new data collection the programs undertook for this study, all eleven programs agreed to provide the following data:

- **Number of hotline cases opened in 2002**

**Definition:** A hotline case opened means a file number was assigned and information, advice, referral, brief service or other task was rendered by a hotline advocate.

**Description:** The number of cases opened by the hotline includes cases that were opened by the hotline in 2002 but referred to a different unit within the program and later closed by that unit. In cases where the hotline is free standing the number of cases opened and closed will be the same. Although the numbers may overlap from one year to the next, the yearly overlap should be fairly consistent from year to year, and therefore the number of cases opened and closed in 2002 should be sufficiently illuminating for this study. With the data on full-time equivalents supplied in the hotline profiles, the Project was able to calculate the number of calls per full-time equivalent (FTE).

- **Number of cases closed by the hotline in a full-service program in 2002**

**Definition:** The number of cases closed with a service from the hotline unit of the program should be the total number of cases opened by the hotline minus those sent to another unit for additional services at the same program.

**Description:** This measure was designed to determine the percentage of cases closed at the hotline level of services vs. the percentage of cases closed with extended services.

### **III. Participating Legal Hotline Profiles**

A total of eleven hotlines provided data for this project. As discussed before, each provided at least telephone legal analysis and advice to eligible callers. The following is a brief profile of the participating hotlines:

#### **A. Hotline Models**

Of the eleven programs collecting data for this study, four hotlines were stand alone systems- they did not have an in-house full-service unit. However, two of those, in addition to providing legal advice to callers, coordinated the intake and referral of callers to the legal provider network in their service areas. One hotline performed the intake screening and advice functions for a single full-service office. Three hotlines performed the intake screening and advice functions for a multi-office full-service program and the hotlines performed intake screening and advice functions for more than one full-service program.

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#### **B. Hotline Clients**

Three of the participating hotlines serve low income clients only, four serve low-income and over age 60 clients, two of the hotlines serve clients over 60 only; and two serve clients with less restricted income levels such as 200% of the poverty level.

#### **C. Service Area**

Two programs serve a local area, such as a large city and surrounding county, five are statewide programs and four serve a regional area (more than one county, less than statewide). Three programs described their area as mostly urban and seven described their service area as a mixture of rural and urban populations. None described its service area as mostly rural.

#### **D. Call Flow**

Nine of the hotlines have automated call distribution where callers wait on queue to talk to the attorney or paralegal. Three of these incorporate voice mail where clients can leave a message and a hotline advocate returns the call. The remaining six do not ordinarily allow for voice mail except for certain case types or other specified situations. Two hotlines work mainly on a call-back system where a receptionist or answering machine takes a message and the hotline advocate calls back. At three hotlines where clients wait on queue, intake screeners or receptionists pick up the call, take information and put the caller back into a queue for the advocate; at the remaining six programs with ACD, the hotline advocates pick up the call, qualify the caller and render the legal service.

#### **E. Staffing**

Of the 11 participating hotlines, five are staffed with attorneys only, one is staffed with paralegals under attorney supervision, and five are staffed with a combination of attorneys, paralegals and/or law students. Hotline calls are handled mainly by part-time employees at five of the hotlines and mainly by full time employees at the other six.

As part of the study, we wanted to collect aggregate data on how many cases a hotline advocate handled per year. As part of this determination we tried to identify how much of the hotline advocate time was spent handling calls vs. other activities. The hotline managers were asked to describe what percentage of time the hotline advocates handled calls vs. time spent on other activities. The project participants did not collect data on this factor. They simply reported a percentage of hotline advocates' time devoted to various tasks, based on their program design and workflow. As such, this percentage is a well-educated estimate but not an actual count.

At four of the hotlines, the advocates spend approximately 80-100% of their time handling hotline calls and minimal amounts of time providing brief services or writing brochures, holding workshops or attending trainings and meetings. At the remaining seven hotlines, the advocates spend less than 80% of their time handling hotline calls and as much as 35% of their time doing brief services such as research, document review, calling third parties, writing letters, preparing written materials, and attending trainings or holding workshops.

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#### **IV Data Collection Results**

##### **A. Cases per Full Time Equivalent Hotline Advocate**

The yearly number of cases handled per full-time equivalent hotline advocate is perhaps the most useful piece of aggregate data for program design and evaluation. To calculate this figure, the 11 hotlines each supplied the Project with the number of cases opened by the hotline in 2002. We considered such cases “handled” by the hotline because the hotline advocate provided a service such as legal analysis and advice even if the case was then referred to and closed by another program unit. These included only cases where the client was eligible and a case file actually open for him. That is, this calculation sought to determine how many cases a hotline advocate can typically deal with in one form or another during a year.

Furthermore, we tried to isolate as best as possible, how many cases a hotline advocate could handle during the time he was actually on hotline duty. That is, we tried to adjust for time, based on managers’ estimates, that the advocates were devoted to tasks other than handling hotline calls. Since some hotlines are designed so that the hotline advocates are mainly dedicated to handling calls, while other models expect the advocates to do brief services or outreach, etc. we calculated the number of calls handled by advocates with both the time devoted to call duty and all advocate time figures. The results are described below in Table A.

The number of FTEs total time and number of FTEs hotline duty only time is the same for program 1, 2, 8 and 11 because they reported that their hotline advocates spent between 80%-100% of their time on handling hotline calls. We did not make any reduction in the number of FTEs for time spent on other tasks. The remaining programs had their FTEs reduced in the ‘Hotline Duty Only’ column according to the percentage of time the managers estimated their advocates were involved in the other tasks described above.

Accordingly, we see that the average number of calls handled by one full-time hotline advocate whose time is devoted to handling calls is 1768 per advocate. If the extreme high and low figures are removed, the range of cases handled is fairly narrow-between approximately 1,100-2,500. The average number of cases actually handled by the advocates in the 11 programs, counting all their time, is 1456. It is important to express that programs whose advocates handled less than that average are not necessarily under-performing or vice versa. Rather, in designing or evaluating one’s program, hotline managers should examine the reasons why their advocates are handling more or fewer calls than the average.

Providing brief services to hotline callers is one factor affecting number of cases handled by advocates. The presence of intake screeners was distributed through both the high, low, and mid-productivity programs. This factor did not have a clearly favorable affect on hotline advocate productivity as might be expected. Of the four hotlines with the highest per advocate productivity, three did not have intake screeners - eligibility and advice was handled by the advocate. At two of these programs some brief services were performed by the hotline while at two others brief services were hardly performed. At the three programs with the lowest per

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advocate productivity, brief services were performed at all three programs. Two of these programs had intake screeners to perform intake and eligibility screening while one did not. At the four middle programs, where advocate productivity clustered in a narrow range in the 1,300-1,400s per advocate, one of the programs had intake screeners while at three programs calls were connected directly to the advocates. Two of these did some brief services while two did not

In evaluating one's own program or in predicting productivity in a hotline design, the important principle is that advocate productivity higher or lower than the average should be the result of a policy decision by the designers taking into account the work that the hotline advocates are expected to perform and not the result of inefficient software, insufficient record keeping, too much or too little time spent schmoozing with clients, or some other identifiable and remediable factor in the work-flow.

**Table A Cases Handled per FTE in 2002**

| <b>Program</b> | <b># of FTEs Total time</b> | <b># of FTEs On Hotline duty only</b> | <b>Total Cases Handled by Hotline 2002</b> | <b>Cases Handled per FTE (all advocate time)</b> | <b>Cases handled per FTE (hotline duty time only)</b> |
|----------------|-----------------------------|---------------------------------------|--|--|---|
| #1             | 1.5                         | 1.5                                   | 2,645                                      | 1,763  | 1,763   |
| #2             | 10.0                        | 10.0                                  | 25,054                                     | 2,505  | 2,505   |
| #3             | 6.0                         | 4.8                                   | 5,550                                      | 925  | 1,165   |
| #4             | 7.5                         | 5.25                                  | 15,497                                     | 2,066  | 2,952   |
| #5             | 4.5                         | 3.6                                   | 3,850                                      | 856  | 1,069   |
| #6             | 14.0                        | 11.2                                  | 20,377                                     | 1,456  | 1,819   |
| #7             | 9.0                         | 6.75                                  | 12,000                                     | 1,333  | 1,778   |
| #8             | 6.5                         | 6.5                                   | 9,616                                      | 1,479  | 1,479   |
| #9             | 17.2                        | 13.8                                  | 15,019                                     | 873  | 1,088   |
| #10            | 6.0                         | 4.8                                   | 11,930                                     | 1,988  | 2,485   |
| #11            | 5.0                         | 5.0                                   | 7,144                                      | 1,429  | 1,429   |
| <b>Totals</b>  | <b>87.2</b>                 | <b>73.2</b>                           | <b>128,682</b>                             |  |   |
| <b>Average</b> | <b>7.9</b>                  | <b>6.6</b>                            | <b>11,698</b>                              | <b>1,476</b>                                     | <b>1,758</b>  |
| <b>Median</b>  | <b>6.5</b>                  | <b>5.25</b>                           | <b>11,930</b>                              | <b>1,456</b>                                     | <b>1,763</b>  |

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#### B. Cases Closed by the Hotline

The 2002 data was analyzed to see what percentage of cases were closed at the hotline level of advice (or brief service) and what percentage were closed by another unit of the program, for those participants that were part of a full-service organization. Six of the eleven hotlines were part of full service programs and could report this data. The results are summarized below in Table B.

The total number of cases handled by the hotline includes all the cases in which the hotline provided a service, whether it closed the case or passed it along to another unit. The total cases closed by the hotline divided by the total cases handled by the hotline results in the percentage closed by the hotline. One program did not have a separate close code to indicate whether the case was closed by the hotline or full-service unit. 32% of that program's cases were closed with advice and counsel although probably a small percentage of those were closed by the full-service unit rather than the hotline after receiving the case from the hotline unit. One program reported its cases closed by the hotline vs. full-service unit in percentages rather than numbers. The number of cases closed by the hotline for that program was calculated by multiplying the total cases handled by the hotline by the reported percentage of cases it closed. The average percentage of cases closed by the hotline component of a full-service program is 69%. In five of these programs, the range of cases closed by the hotline was 68-80%. One program reported a lower hotline close rate of 48% and explained that protocols for referrals to full-service are still being developed there. That program manager expects the number of cases closed at the hotline level to rise as the program gets more experienced.

**Table B Cases Closed by Hotlines with Full Service Programs in 2002**

| <b>Program</b> | <b>Total Cases Handled by hotline 2002</b> | <b>Total Cases Closed by Hotline Unit</b> | <b>Total Cases Closed by other program unit</b> |
|----------------|--|---|---|
| #1             | 2,645                                      | 2,126 (80%)                               | 519 (20%)                                       |
| #2             | 25,054                                     | 18,791 (75%)                              | 6,285 (25%)                                     |
| #3             | 5,550                                      | 3,744 (68%)                               | 1,806 (32%)                                     |
| #4             | 9,616                                      | 6,539 (68%)                               | 3,077 (32%)                                     |
| #5             | 11,930                                     | 8,351 (70%)                               | 3,579 (30%)                                     |
| #6             | 7,144                                      | 3,398 (48%)                               | 3,746 (52%)                                     |
| <b>Totals</b>  | <b>61,939</b>                              | <b>42,954 (69%)</b>                       | <b>18,985 (31%)</b>                             |
| <b>Average</b> | <b>10,323</b>                              | <b>7,159 (69%)</b>                        | <b>3,164 (31%)</b>                              |
| <b>Median</b>  | <b>8,380</b>                               | <b>5,142 (69%)</b>                        | <b>3,328 (32%)</b>                              |

## **Appendix E**

### **Senior Legal Hotlines Outcomes Study, LHQ Fall 2003**

#### ***C. Number of Calls for Service/ Number of Calls Answered***

The Number of calls for service was defined as the number of phone calls coming into the hotline program. This number includes abandoned calls but excludes website hits, calls to a program's other units, and calls from existing clients who have already been referred to another unit. The number of calls answered are those where an intake screener or hotline advocate spoke with caller including those calls where the caller was deemed ineligible for services and received no case number or service other than a referral to another program.

The purpose of this measure is to get some idea of the aggregate demand for service that could not be met by the participating hotlines. Five programs were capable of reporting calls into their system that were unanswered as well as the number of calls that were actually answered. These figures include multiple calls by the same callers who keep trying to get through. There is no way to determine how many of those were counted. The results are summarized below in Table C.

Column 1 represents total number of calls coming into each hotline during the four month period, February-May 2003. There was some variance in the number of calls coming in every month at each of the hotlines but no pattern could be discerned. At one program, February was somewhat slower than March-April. At two programs, April was the busiest month. Column 2 is the average monthly number of calls coming for each reporting hotline. Column 3 represents the total number of calls that the hotline actually picked up. Column 4 represents the total number of calls actually answered by the 5 reporters. Column 5 shows the monthly averages per hotline. Column 6 represents the number of calls answered as a percentage of the number of calls coming into the system

Four programs counted calls coming in only for those hours the hotline was open and these are reported below. One of these programs was able to calculate that if the number of incoming calls was counted for all hours, the calls would increase by about 30%. Program #1 below reported all the calls coming in during 24 hours. As a result, its ratio of calls answered to calls coming in much lower.

The average percentage of calls that were actually answered by a person is only 33% of the total calls coming into the five hotlines. If we eliminate the Program 1 figures from this calculation because they counted 24 hours of incoming calls, the four remaining programs counted 51,231 calls coming over the four month period and were able to answer 25,154 calls, or 49%, of the demand. Even though this data is unrefined and inexact, it is inescapable that these hotlines are not able to provide service to a substantial percentage of callers seeking legal assistance. It is also interesting to note that although the number of incoming calls recorded covers a wide range from 6,000-40,000, the ability of the programs to answer the calls falls within a much narrower range, with three of the programs able to answer calls in the 4,000s range.

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**Table C Calls for Service/Calls Answered**

|                                    | 1   | 2  | 3  | 4   | 5                                   |
|------------------------------------|---|--|--|---|-------------------------------------|
| <b>Program</b>                     | <b>Number of calls into system 4 month period (five programs)</b> | <b>Average number of calls coming in monthly per hotline</b> | <b>Number of calls Answered 4 month period</b> | <b>Average number of calls Answered Monthly Per hotline</b> | <b>% of calls answered</b>          |
| <b>#1</b>                          | <b>40,412</b>   | <b>10,448</b>  | <b>4,690</b>                                   | <b>1,172</b>  | <b>12%</b>                          |
| <b>#2</b>                          | <b>17,470</b>   | <b>4,368</b>   | <b>9,397</b>                                   | <b>2,349</b>  | <b>54%</b>                          |
| <b>#3</b>                          | <b>16,169</b>   | <b>4,042</b>   | <b>6,709</b>                                   | <b>1,677</b>  | <b>41%</b>                          |
| <b>#4</b>                          | <b>11,462</b>   | <b>2,866</b>   | <b>4,469</b>                                   | <b>1,170</b>  | <b>41%</b>                          |
| <b>#5</b>                          | <b>6,130</b>  | <b>1,533</b>   | <b>4,579</b>                                   | <b>1,144</b>  | <b>75%</b>                          |
| <b>Total</b>                       | <b>91,643</b>   |  | <b>30,054</b>                                  |   |                                     |
| <b>Average per hotline</b>         | <b>18,329</b>   |  | <b>6,011</b>                                   |   | <b>33%<br/>(30,054/<br/>91,643)</b> |
| <b>Median</b>                      | <b>17,470</b>   |  | <b>4,690</b>                                   |   |                                     |
| <b>Range</b>                       | <b>6,130-40,412</b>   |  | <b>4,690-9.397</b>                             |   | <b>12-75%</b>                       |
|                                    |   |  |  |   |                                     |
| <b>Monthly average per hotline</b> | <b>4,582</b>  |  | <b>1,502</b>                                   |   |                                     |
| <b>Median</b>                      | <b>4,042</b>  |  | <b>1,202</b>                                   |   |                                     |
| <b>Range</b>                       | <b>1,016-11,083</b>   |  | <b>896-2,490</b>                               |   |                                     |

#### **D. Number of Ineligible Callers**

This measure sought to determine the number and percentage of calls where the intake screener or hotline advocate deemed the caller ineligible for service. This category was designed to glean some information about the level needed for legal assistance for clients with characteristics or case types not served by the hotline. Six programs reported the number of callers they identified as ineligible. The number of ineligible callers was then compared with the number of calls answered by these six programs to get the percentage of callers who were deemed ineligible.

The participating hotlines with eligibility restrictions conforming to the Legal Services Corporation financial guidelines had to turn away the greatest percentage of callers. The two programs with expanded financial eligibility had markedly few ineligible callers. Results for this measure are summarized below in Table D. Of all the calls answered at these six hotlines, 36% were deemed ineligible for service. The percentage of ineligible callers at each of the hotlines ranged from 5% to 52%.

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### Senior Legal Hotlines Outcomes Study, LHQ Fall 2003

- Column 1 represents the numbers of calls picked up by the six programs that reported both the number of calls answered and the number of ineligible callers.
- Column 2 represents the monthly averages of calls answered at each program.
- Column 3 is the number of ineligibles reported at these six programs over the four month period. Two of the programs have very few ineligible callers. These correspond to programs which have generous criteria including moderate income callers.
- Column 4- shows the average of ineligibles monthly at each of the six hotlines.
- Column 5- shows the percent of callers who are determined to be ineligible at each hotline. The total percentage figure represents the total number of ineligible compared to all the calls answered at the six reporting programs.

**Table D Number and Percentage of Ineligible Callers**

|                             | 1  | 2  | 3  | 4                                       | 5                          |
|-----------------------------|--|--|--|---|----------------------------|
| Program                     | Number of Calls answered Four Months (6 reporting) | Number of calls answered Average per month | Number of Ineligible callers 4 months (6reporting) | Average number of ineligibles Per month | Percent Ineligible callers |
| #1                          | 12,556   | 3,139                                      | 6,540  | 1,635                                   | 52%                        |
| #2                          | 4,690  | 1,172                                      | 250  | 63                                      | 5%                         |
| #3                          | 4,784  | 1,196                                      | 47   | 12                                      | 1%                         |
| #4                          | 6,709  | 1,677                                      | 3,628  | 907                                     | 54%                        |
| #5                          | 11,288   | 2,822                                      | 4,367  | 1,091                                   | 38%                        |
| #6                          | 4,679  | 1,170                                      | 1,456  | 364                                     | 31%                        |
| <b>Total</b>                | <b>44,706</b>                                      |  | <b>16,288</b>                                      |   | <b>36%</b>                 |
| Average Per hotline         | 7,451  |  | 2,714  | 679                                     |                            |
| Median                      | 5,747  |  | 2,542  |   |                            |
| Monthly Average Per hotline | 1,863  |  | 679  |   |                            |
| Monthly Range               | 896-3,582  |  | 10-1,913   |   |                            |

#### E. Number of Calls Assisted

10 of the participating 11 programs were able to report the number of calls that were assisted, that is, were deemed eligible and received a service from an attorney or paralegal/law student under an attorney's supervision. This measure describes the capacity of the programs to deliver telephone legal assistance. Table E below summarizes the results of this measure. The average number of calls assisted per month per hotline was 835; the range was from 185 to 1,750 calls assisted. This comparison is not particularly useful as it is dependent upon the size and resources of the programs.

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**Table E Number of Calls Assisted**

| <b>Program</b>                     | <b>Number of calls assisted<br/>(10 reporting)</b> | <b>Average Number of calls assisted per month</b> |
|------------------------------------|--|---|
| <b>#1</b>                          | <b>6,016</b>                                       | <b>1,504</b>                                      |
| <b>#2</b>                          | <b>4,440</b>                                       | <b>1,110</b>                                      |
| <b>#3</b>                          | <b>1,280</b>                                       | <b>320</b>  |
| <b>#4</b>                          | <b>4,737</b>                                       | <b>1,184</b>                                      |
| <b>#5</b>                          | <b>3,081</b>                                       | <b>770</b>  |
| <b>#6</b>                          | <b>6,921</b>                                       | <b>1,759</b>                                      |
| <b>#7</b>                          | <b>2,672</b>                                       | <b>668</b>  |
| <b>#8</b>                          | <b>2,639</b>                                       | <b>660</b>  |
| <b>#9</b>                          | <b>884</b>   | <b>221</b>  |
| <b>#10</b>                         | <b>740</b>   | <b>185</b>  |
| <b>Total</b>                       | <b>33,410</b>                                      |   |
| <b>Average Per hotline</b>         | <b>3,341</b>                                       |   |
| <b>Median</b>                      | <b>2,877</b>                                       |   |
| <b>Range</b>                       | <b>740-6,921</b>                                   |   |
| <b>Monthly Average per hotline</b> | <b>835</b>   |   |
| <b>Monthly Median</b>              | <b>735</b>   |   |
| <b>Range</b>                       | <b>167-1,889</b>                                   |   |

**F. Percentage of Cases Where Materials Were Sent**

Seven of the programs reported a percentage of cases handled by the hotline where some form of written material, whether an advice letter, pamphlet, self-help guide, or form, was sent to the client after the call was completed. The percentages demonstrate a great difference in programmatic philosophy regarding follow-up with mailed material. At one program, the policy dictates that all callers receive a follow-up letter; at other programs, written material is hardly ever sent, and at most of the programs, material is sent in a significant fraction of cases at the discretion of the advocate handling the call.

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**Table F Percentage of Cases Where Material Was Sent**

| <b>Percentage of cases with materials sent<br/>(7 reporting)</b> |                |
|--|----------------|
| <b>#1</b>  | <b>22%</b>     |
| <b>#2</b>  | <b>15%</b>     |
| <b>#3</b>  | <b>55%</b>     |
| <b>#4</b>  | <b>40%</b>     |
| <b>#5</b>  | <b>99%</b>     |
| <b>#6</b>  | <b>3.6%</b>    |
| <b>#7</b>  | <b>9%</b>      |
| <b>Average</b>   | <b>35%</b>     |
| <b>Median</b>  | <b>22%</b>     |
| <b>Range</b>   | <b>3.7-99%</b> |

**G. Average Wait Time**

Six of the nine programs with automated call distribution reported their estimated wait times to the Project. The average and median wait times are calculated with the approximate minutes provided by each of the six reporters. The results are summarized below in Table G. Average wait time on hold was 11.7 minutes.

The two programs that worked on a call-back system both reported that messages were returned usually the same day as the call came in and no later than 24 hours. Their data was not included in the Table.

**Table G Average Wait Times**

| <b>Program</b> | <b>Average Wait<br/>Time in minutes<br/>(6 reporting)</b> |
|----------------|---|
| <b>#1</b>      | <b>11.0</b>   |
| <b>#2</b>      | <b>6.0</b>  |
| <b>#3</b>      | <b>24.5</b>   |
| <b>#4</b>      | <b>17.0</b>   |
| <b>#5</b>      | <b>5.2</b>  |
| <b>#6</b>      | <b>6.5</b>  |
| <b>Average</b> | <b>11.7</b>   |
| <b>Median</b>  | <b>8.75</b>   |
| <b>Range</b>   | <b>6-24.5</b>   |

## **Appendix E**

### **Senior Legal Hotlines Outcomes Study, *LHQ Fall 2003***

#### **V. Conclusion**

We hope that the aggregation of data on these various measures of legal hotline management proves useful for the purposes intended. When performing program self-evaluation, the workgroup participants believe it will be useful to know the average and median number of cases hotline advocates handle at this sampling of programs, as well as the number of cases closed at the hotline level of service. Hotline managers can now also have a picture of the varied policies regarding mailed materials and can compare their wait times to the ranges reported. These can be used to provide a yardstick of program performance where little data existed before. We also anticipate that programs looking to install a legal hotline component can use the data reported here as an aid to determine how many advocates they will need, how much phone capacity they should acquire, and what policies they will adopt regarding using intake screeners, allocating advocate time for brief services and other tasks, and sending out written follow-ups.

We also anticipate that having data on the number of calls for service that the programs lack capacity to answer, and the number of ineligible who are turned away, will be useful for statewide planning of legal service delivery.

Phase II of the Self-Evaluation Project calls for interested Work Group members to develop an evaluation instrument to address hotline client outcomes.