AARP FOUNDATION

legal hotline QUARTERLY

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Ellie Crosby Receives Dan Bradley Award

Ellie Crosby, former Manager of the Georgia Seniors Legal Hotline and a Consultant for the Technical Support for Legal Hotlines Project, was the 2004 recipient of the Dan Bradley Award. The Dan Bradley Award honors the commitment to the delivery of high quality legal services of a lawyer of Georgia Legal Services Program or the Atlanta Legal Aid Society. The award honors the memory of Georgia native and Mercer Law graduate Dan J. Bradley, who was president of the federal Legal Services Corporation.

The Dan Bradley Award was presented by the Access to Justice Committee of the State Bar of Georgia to Eleanor M. Crosby, founder and former director of the Georgia Seniors Legal Hotline and former attorney with both Georgia Legal Services Program and the Atlanta Legal Aid Society, for her exemplary service and dedication to the delivery of legal services to the poor and to the ideals of the legal profession.

Congratulations, Ellie!

Ellie, accompanied by Sam Lanier, displays her Dan Bradley plaque.

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

Legal Hotline Evaluation Checklist

based on

ABA Standards for the Operation of a Telephone Hotline

Providing Legal Advice and Information

This checklist was compiled by Ellie Crosby for the Technical Support for Legal Hotlines Project

The use of legal hotlines is growing. In August of 2001 the ABA adopted a set of standards with comments to guide legal hotlines towards effective operation. The standards address several areas of operation, including general standards, procedures, intake and processing, and quality assurance. This checklist is based on those guidelines but has not been reviewed by the ABA. It is offered as a way for a hotline to assess its adherence to the ABA Standards. The checklist reflects the standards and comments, but does not always exactly restate the standards. In some circumstances, the checklist elaborates on suggestions covered by the standards. Please refer to the Standards and extensive commentary for questions or to get information about the intent behind a particular standard. The checklist is intended to help a hotline evaluate its compliance with the ABA standards. It is not intended to be a substitute for the Standards.
See ABA Standards for the Operation of a Telephone Hotline at http://www.legalhotlines.org.

1. General Standards

Core Values (1.1)
Does the legal hotline reflect core values of the legal profession (such as competence, confidentiality avoiding conflicts of interest, etc.) and comply with the rules of professional conduct governing the practice of law in its jurisdiction? _____

Scope of Representation (1.2)
Does the hotline provide fact specific legal advice to callers and assist callers to identify and evaluate potential available options? Do clients understand and consent to the limited scope of representation provided by the hotline? _____

General Compliance (1.3)
Does the hotline comply with and operate within the scope of all applicable laws, regulations, rules, policies or other restrictions? _____

Conflicts of Interest (1.4)
Does the hotline screen callers for conflicts and have procedures in place to identify and rectify potential and actual conflicts? Does the conflict of interest policy comply with applicable rules of professional conduct in the hotline's jurisdiction? _____

Confidentiality (1.5)
Does the hotline have procedures to assure that applicable confidentiality requirements are met? _____

Third Party Calls (1.6)
Does the hotline have procedures for dealing with third party callers that comply with applicable rules of professional conduct? The ABA comments on this standard indicate that it is permissible to provide legal advice and/or information to a caller seeking advice on behalf of another (even where there is no legal authority to act on another's behalf), and that a hotline may refuse to serve some third party callers. Where third party calls are accepted, does the hotline have procedures in place to distinguish between the types of third party calls and to avoid conflicts of interest and breaches of confidentiality or other duties owed? _____

Competence (1.7)
Does the hotline have measures in place to assure callers receive competent advice and accurate information? Do these measures include training for staff and volunteers, adequate supervision of staff, and other quality assurance procedures? _____

Unauthorized Practice of Law (1.8)
Does the hotline take steps to assure no unauthorized practice of law occurs? If the hotline uses paralegals, law students, or other non-lawyers, are they adequately supervised and do they otherwise comply with laws governing paralegals or the unauthorized practice of law? _____

Fee-Sharing (1.9)
Does the hotline comply with state rules governing fee-sharing between lawyers and non-lawyers? This standard will apply in situations where the hotline charges a fee to clients as well as where the hotline

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charges a fee of referral sources. Is the hotline run by an individual, entity, or corporation that is not a lawyer, law firm or prepaid plan? _____

Marketing (1.10)
Does all marketing done by the hotline comply with state rules of professional conduct? Do marketing materials clearly reflect services provided and any fees charged? _____

Procedural Rules (1.11)
Does the hotline operation assure compliance with applicable procedural court rules? If the hotline provides assistance with court forms or ghost writing pleadings, does the local jurisdiction require notice to the court of this assistance? If so, is the notice provided? _____

Telephone Communications (1.12)
Does the hotline comply with all applicable laws governing telephone communications? Is the hotline aware of and within rules governing recording telephone calls, billing structures for 900 numbers, and FCC requirements? _____

2. Hotline Procedures

Scope of Services (2.1)
Does the hotline clearly define and communicate the services provided to clients? Do program materials clearly outline what callers to the hotline can expect? _____

Promptness of Service (2.2)
Is the hotline able to respond to calls with reasonable promptness? Are there mechanisms to reduce wait for services and to inform callers of likely delays? Are there procedures for emergency calls? Are alternatives provided for callers who choose not to wait? _____

Call Backlogs (2.3)
Does the hotline have procedures for managing backloads of calls? Do the procedures enable a caller to obtain information about when to expect service? Do the procedures protect staff's ability to provide quality assistance to callers? If the hotline uses call backs, does it have procedures to reduce potential harm to callers due to delay? _____

Document Retention and Information Back-up (2.4)
Does the hotline comply with applicable rules and regulations regarding document retention? Does the hotline have procedures to back up and protect information? _____

Databases, Document Exchanges and Internal Support Systems (2.5)
Does the hotline use available technology to improve services through access to databases, on-line legal information and sharing documents such as routine pleadings? _____

Lawyer Access (2.6)
Does the hotline provide callers with access to a lawyer either directly or through supervision of non-lawyers? Are clients informed when they are talking to non-lawyer staff? _____

Document Services (2.7)
If the hotline provides document preparation services, are there adequate procedures in place to safeguard quality? Are staff trained to identify callers who need additional assistance to correctly complete, execute or file documents and to direct these callers to places that can provide this help? _____

Screening and Preventive Services (2.8)
Does the hotline routinely screen for potential legal needs and provide information on prevention of future legal problems? _____

Non-Legal Referrals (2.9)
Does the hotline have procedures to identify and maintain information on non-legal referrals? _____

Legal Referrals (2.10)
Does the hotline have policies for referring callers to other legal providers, where appropriate and available? Do the policies comply with applicable rules of professional conduct? Does the hotline inform callers when they are referred to practitioners who have a formal interest or affiliation with the hotline? _____

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Quality Control and Client Feedback (2.11)
Are there on-going quality control systems in place such as systems analysis, staff evaluations, client feedback processes and complaint procedures? _____

Accurate Referrals (2.12)
Does the hotline periodically update referral information to assure accuracy? Are records kept of referrals? Are there procedures for acting upon complaints about referrals? _____

Malpractice Coverage (2.13)
Has the hotline assessed its need for malpractice insurance and obtained adequate coverage if it is needed? _____

Staffing (2.14)
Is the hotline organized and staffed in a way that maximizes staff skills and services to clients? Are there procedures in place regarding supervision, review and assessment of staff and volunteers? _____

3. Intake and Processing

Recorded Preambles (3.1)
Are recorded preambles used? If so, do they address the scope of services provided and provide accurate information on areas of practice, fees or eligibility requirements? Are there instructions for callers who wish to by-pass the message? _____

Identifying Callers (3.2)
Do procedures exist that require staff to make reasonable attempts to identify callers and to terminate a call from a caller who is unwilling to identify him or her self? _____

Conflicts (3.3)
Does the hotline have a means of screening callers for conflicts of interest that complies with state rules of professional responsibility? _____

Eligibility Screening (3.4)
Does the hotline have clear criteria for eligibility for services? Are staff thoroughly trained on eligibility requirements? Do screening questions and procedures focus on eligibility rather than on a caller's personal affairs or preferences? Is individual screening information kept confidential (though aggregate information may be shared)? _____

Service Refusal (3.5)
Does the hotline have policies governing the circumstances in which a caller may be refused services? Are callers given the reason for denial of services and provided with information on alternative services? _____

Hold Time (3.6)
Does the hotline have the ability to route calls to avoid undue delay or hold time? Are callers told they are being placed on hold and given a reasonable expectation of the hold duration? _____

Emergencies (3.7)
Although not all hotlines are obligated to address emergencies, does the hotline address emergency matters? If so, does the hotline have a procedure to address emergency matters? Does hotline staff have training to identify emergency situations? Are procedures in place to handle emergencies in a way that prevents additional harm to callers? _____

Handling Call Overloads (3.8)
Even when faced with heavy call volume, can staff devote adequate time to provide quality assistance to callers? Does the hotline have procedures to address systematic concerns related to heavy call volume and call over loads? _____

Promptness of Advice (3.9)
Are hotline personnel able and do they have resources to deliver prompt responses to caller inquiries? If, due to the complexity of the question or for other reasons, staff cannot provide immediate assistance, are there procedures to assure a return call within a reasonable time? _____

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Collateral Services (3.10)
If a hotline provides collateral legal services or products, does it have procedures to assure the exercise of independent professional judgment on behalf of staff? Is a full disclosure of the scope of services and relevant costs made to callers?

_____

Follow Up (3.11)
While hotlines do not have an obligation to follow up with callers unless otherwise agreed upon, are there procedures in place to address the circumstances when follow up may be needed and how and when it will occur? Does the hotline keep records that indicate follow up arrangements? Are these arrangements explained to or confirmed with callers? _____

Call Recording (3.12)
If a hotline records calls, does it obtain a caller's permission prior to recording the conversation? Does the hotline have a policy on recording calls that complies with all applicable state and federal laws? Are recordings kept confidential? _____

Charging Fees (3.13)
If a hotline charges fees for services, are callers informed of costs prior to incurring charges? Does the hotline have a system to address and resolve fee disputes? _____

4. Quality Standards

Staff Selection and Retention (4.1)
Does the hotline have nondiscriminatory standards for selection and retention of qualified staff and volunteers? Do these standards include appropriate personal attributes, professional skills, technical proficiencies and substantive legal knowledge?

_____

Orientation and Training (4.2)
Does the hotline provide thorough and comprehensive orientation and on-going training to all personnel? Does the hotline devote sufficient resources to provide necessary on-going training to staff and volunteers?

_____

Supervision and Evaluation (4.3)
Does the hotline have an established system of staff and volunteer supervision and evaluation? Do supervisors review the legal work of front line staff for accuracy, clarity and appropriateness? Are regular performance evaluations made of staff? Are systems evaluated regularly to improve services? Does the system include staff evaluations of supervision and systems? _____

Termination of Staff (4.4)
Does the hotline have procedures to assess, evaluate or discipline staff or volunteers, where necessary? Does the hotline have appropriate, lawful procedures to address termination of staff who do not perform competently, effectively, or within office policy?

_____

Program Assessment (4.5)
Does the hotline formally and periodically assess its operational systems, management and staffing structure, scope of services, and inter-relations with other systems to ensure quality service?

_____

Complaints (4.6)
Does the hotline have procedures in place for handling complaints about services? Does management periodically review complaints to identify potential patterns and take corrective action if necessary?

_____

Reference Material (4.7)
Does the hotline have procedures for keeping its legal library up to date? Is the hotline making use of on-line information and other technological advances that can broaden information available to staff and callers?

_____

Technical Resources and Support (4.8)
Does hotline management keep abreast of technological advances that can improve services, and utilize appropriate technology as resources permit?

_____

STATEWIDE LEGAL SERVICES
of Connecticut, Inc.
Pro Se Eviction Outcome Study
By Norman K. Janes

SUMMARY

SLS has done a follow-up study of clients facing eviction from their housing to whom we provided pro se advice. The study shows that all but one of sixty-two clients followed our instructions on how to file an appearance and answer in their eviction cases, and as a result gained a significant amount of additional time before they were required to vacate their homes.

THE STUDY

Clients facing eviction from rental housing are about 20% of SLS's annual 15,000+ caseload. When our analysis shows that an eviction client has a possible legal defense or there is some other compelling circumstance, we refer the case to another legal aid provider in Connecticut for representation. However, the vast majority of our eviction clients do not have a legal defense and/or cannot afford the rent so the eviction action will ultimately force them to leave their homes. For these clients, the question is not *whether* but *when* they will need to find other housing. The purpose of our legal advice to these clients is to maximize the time they have to find alternative housing. Our standard advice is for the client to file a pro se appearance in the case, file an answer (we advise about the best legal or equitable answer, based on our analysis of the facts of the case), and attempt to negotiate some extension with the assistance of the Housing Specialists in Housing Court (again, we advise about the best negotiating strategy available based on the facts of a particular case).

The hypothesis of the study is that clients who follow the strategy we advise will have more time to find alternative housing than would be possible if they made no response to the Court proceedings. For purposes of the study we assumed that a tenant who takes no action to defend an eviction can be removed from the premises in as few as fourteen days after the Return Date. Therefore, any pro se eviction defendant who follows our instructions and is allowed to stay in their housing longer than fourteen days has received positive benefit from our advice.

Criteria for the cases to be studied were:

- cases closed between January 1 and May 31, 2004;
- in which an eviction action was filed against the client; and
- the case notes indicate the client was given pro se advice similar to that described above.

We then searched the records of the Housing Courts in Hartford, New Haven and New Britain (the only Connecticut Housing Courts available on line) to find records of cases involving our clients. Appearance and answer dates, dates of other pleadings, and the dates of a final judgment (whether by default, stipulation or trial) are in the Court file. For purposes of the study we assumed that the final date the client was in the apartment was the latest of either the stipulated date, the execution date, or five days after a judgment date. (CT law provides for an automatic 5 day stay of an eviction judgment.) Finally, we counted the days between the case Return Date and the final date to determine the number of days the client achieved.

- In the 62 cases that met the criteria for the study, 61 (98%) of the clients followed our advice and filed an appearance and answer.
- For those clients who filed an appearance/ answer, the average days between the return day and final day was 63 days.
- The greatest number of days achieved was 151 days after the return date, the fewest was 24.

CONCLUSIONS

Virtually all the clients in the study had both the commitment and ability to understand and follow through on the legal advice provided by SLS.

On average, SLS clients who followed our advice obtained an additional seven weeks to find alternative housing (14 days vs. 63 days).

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Idaho Senior Legal Hotline at Idaho Legal Aid Services

The Idaho Senior Legal Hotline is a statewide, toll-free, client access system for people 60 years of age and older to obtain free legal assistance with civil legal problems. The hotline started operating in January 2003 with a Title IV grant from the Administration on Aging. A telephone legal advice and intake system was an important addition to services in this vast and rural state with about 200,000 people over 60 years of age, 75% of whom live in rural areas. The goals in establishing the state Idaho Senior Legal Hotline include:

- **Providing access to legal assistance to rural elderly Idaho residents in isolated geographic areas.** Idaho Legal Aid Services now represents seniors from all 44 counties over the geographic area twice the size of Virginia, drastically increasing access to legal services for rural elderly in Idaho.
- **Establishing centralized intake for seniors with the seven legal aid offices.** Idaho Legal Aid Services now has centralized intake for senior citizens, with all seniors being directed through automated phone systems to the Senior Legal Hotline. When seniors call one of the seven local legal aid offices, the message quickly instructs seniors to press "2" and their phone call is routed to the Senior Legal Hotline in Boise, Idaho. Additionally, Idaho Legal Aid Services purchased a web based case management system to ensure real time conflicts checks and allow the seven service offices to monitor the types and number of senior cases are handled by the hotline. Until the web based system came online, the hotline faxed intake sheets to the seven offices, noting the legal advice given. Now with the web based case management system, local offices can routinely print out reports of the hotline cases handled from their respective geographic areas.
- **Maximizing use of LSC and Title IIIB funds in providing legal assistance to seniors through access to counsel and advice and centralized referral of more complex cases to staff attorneys at the seven branch offices.** Local service offices are now able to handle the more difficult cases and far more seniors receive brief legal assistance through the hotline.
- **Developing an Idaho Senior Law website integrating the hotline with the website and partnering with the Idaho State Library system to provide public access to the web site.** The web site has been advertised through 10,000 brochures and business cards, alerting seniors to free computer access at the local library or legal aid offices.
- **Monitoring the problems of the elderly for recurring issues and responding with new brochures and press releases.** In a recent instance, the hotline identified the need for community education on legislative changes to Durable Powers of Attorneys. As a result, a newsletter was drafted on the new changes and mailed to all members of the Idaho State Bar and the aging community.
- **Doubling the number of senior citizens receiving legal assistance from ILAS.** ILAS has far exceeded this goal. In 2002, before the launch of the Idaho Senior Hotline, ILAS handled a total of 841 senior cases of which 75% (691) were brief services and 25% (230) were extended service cases. In 2003, with the Hotline in place, ILAS handled 2,046 senior cases, of which 88% (1800) were brief services, three times as many as the previous year. ILAS also handled 246 (12%) extended services cases. It is anticipated that during 2004, 2,200 cases will be opened, assisting 3,000 clients. This will exceed our project goal of 1,600 cases for 2003.

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Organization

The Idaho Senior Legal Hotline is a project of Idaho Legal Aid Services (ILAS), the sole LSC and Title IIIB provider in the state. In addition to the Boise office, which houses administration, the local service office, and part of the senior hotline staff, ILAS has six local offices. The legal areas served by ILAS include family law where domestic violence is present, landlord-tenant, public entitlements, elder law, consumer, migrant representation and Indian law. Priorities vary by office depending on resources and local grant funding.

The Boise office is housed in a small one story office building in compact downtown Boise. There is a central open section for support staff. The Hotline attorneys work from their separate offices, rather than a hotline room.

Ernesto Sanchez is the Executive Director of ILAS and has been working there since 1972. Rod Gere, who is the Supervising Attorney of the Senior Hotline, is also the Managing Attorney of the Boise office and carries a domestic violence and Medicaid caseload. Kelly Miller is Project Director for the grant and has oversight of the grant and community education efforts, including developing of education materials and chair of the Idaho Senior Law Team and the Idaho Senior Hotline Advisory Committee.

Staffing for the senior hotline attorney position is the equivalent of one and a half full-time advocates. Because the number of seniors in Idaho is small, and they are mainly located in rural areas, the average number of calls coming in per day is eight to ten and steadily increasing. Jim Cook is the hotline attorney who handles most of the calls. When necessary, Rod Gere and another ILAS attorney, Zoe Ann Olson, backup Jim Cook on the advice line. Spanish-speaking clients are routed to Erik Johnson, an attorney in the Caldwell Office who also carries a migrant farm worker caseload. Erik makes special outreach efforts among this population.

The hotline is staffed with experienced attorneys rather than law students or new graduates. Rod reviews all the casenotes generated by the hotline calls on a daily basis. A weekly Boise office attorney meeting allows the discussion of emerging trends and other hotline issues.

In addition to the local weekly meeting, Idaho Legal Aid Services staff attorneys specializing in senior law meet once a month via conference call to review the effectiveness of the senior hotline, the types of cases that have been handled by the hotline from their respective geographic areas, as well as monitor the state for reoccurring issues. This monthly meeting has been critical to establishing internal support for the hotline by the entire program.

Key agencies in the aging community - the Area Agencies on Aging staff, long term care ombudsman, health care providers, tribal and Hispanic representatives, advocates for the disabled - serve on a statewide Hotline Community Advisory Committee to assist in outreach. The Project Director oversees this committee, which meets quarterly and has been tremendously effective in assisting with the education and outreach for the senior hotline.

Work-Flow

Senior clients can call the statewide toll free number or their local Legal Aid office. Calls to the local offices are automatically routed to the Senior Line. All the senior calls are directed to the hotline attorney who does the advice cases for Title IIIB clients.

The hotline is open from 9 –3 daily. All calls are screened by support staff who complete an electronic intake using Kemp's Prime Case Management Software. At the outset of the grant, the hotline attorney did the initial screening, but after a few months the number of callers increased and the work load was distributed by having support staff do the initial screening, allowing for a more expedited and efficient case handling process. Staff then instant message the on call advice line attorney to alert them of the call. If Jim is out, Rod or Zoe Ann will pick up the calls. If Jim is already on the line, or the call comes in after hours, the client may leave a voice message for a call back, which is usually returned immediately. Electronic case notes are entered for each client by the handling attorney. This assists on callbacks and is accessible to all ILAS offices in the event a client is referred to another ILAS service office. All hotline support staff and attorney staff wear headsets -allowing them freedom of movement while monitoring the senior hotline.

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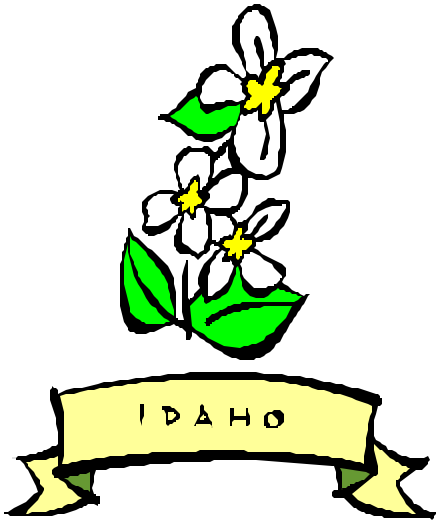
The hotline attorney gives advice and about 30% of the callers receive a pamphlet, letter, or other self-help material as a follow-up to the call. Where appropriate callers are referred to the ILAS website for self help materials. Typical calls include questions about wills, probate, power of attorneys, living wills, adult protective services, Medicaid, Medicare, bankruptcy, consumer issues, housing/ real estate/mobile homes, taxes, family law, public benefits, Social Security and SSI, pensions, and long term care issues. The hotline attorney will also perform some brief services including limited research, opinion letters, calling third parties on behalf of the client, sending out forms such as Power-of-Attorney and Living Will and helping clients fill them out. Referrals are made to a number of organizations. ILAS has a subcontract with the Idaho Volunteer Lawyers Program to refer them a number of cases from the Senior Legal Line.

When a client presents a problem within the ILAS priority areas - Medicaid, health care and nursing home issues, consumer, government entitlements, elder domestic violence, caretaker issues - which need representation, the hotline will prepare an intake form for the ILAS local office. Each office makes the decision on whether to accept a particular case referred by the senior hotline.

Equipment and Materials

ILAS has an Executone phone system with automated call return. It does not have Automated Call Distribution because call volume is manageable without it. ILAS also runs Kemp's Prime Case Management Software through an ASP web based system. All the offices are networked, allowing the hotline attorneys to instantly check for conflicts or information on the caller if ILAS has represented them previously..

The hotline attorneys use the Idaho Senior Law Manual which was prepared by subject matter experts throughout ILAS. The manual is available on the web site at www.idaholegalaid.org. In addition to Senior Legal Hotline library resources, the hotline attorney routinely consults with ILAS elder law practitioners throughout the program and receives guidance from a Senior Legal Hotline attorney advisory committee. They also have access to online research tools hosted on the Idaho Bar website. The hotline has numerous self-help materials to send out including ones on bankruptcy, disability, probate, and utilities. A law library for clients is contained at the ILAS website, www.idaholegalservices.org.



Contact:

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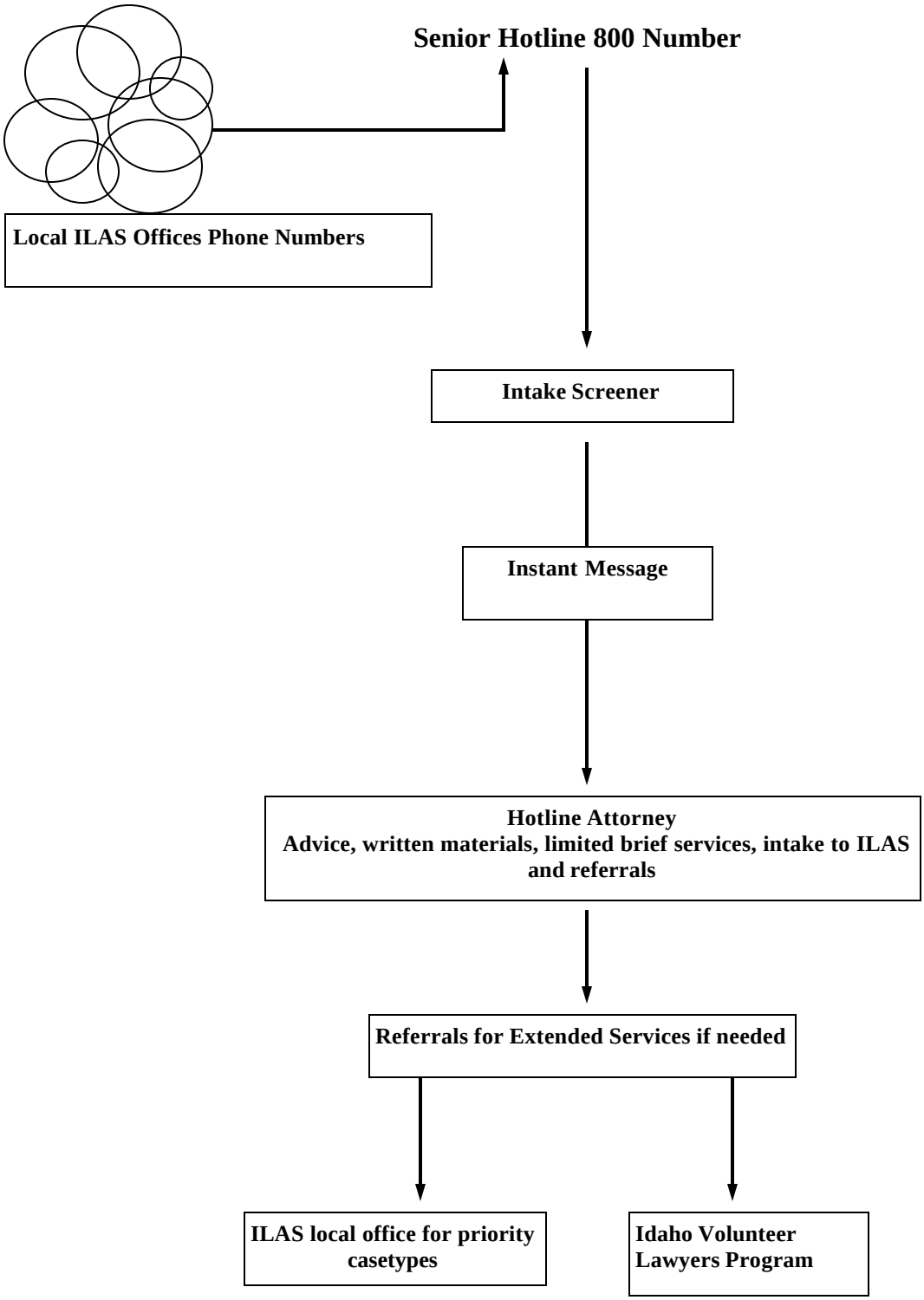
ILAS Senior Law Hotline Work Flow



LawLINE Project at Legal Services Society of British Columbia

updated from a presentation by John Simpson, Manager, LSS Community Services, Equal Justice Conference, 2004

Introduction to LSS

The Legal Services Society of B.C. (LSS) has a statutory mandate to deliver legal services to low income people. Services include legal information, advice, education, advocacy and representation.

In September 2002, LSS reorganized following changes to its governing legislation, and a 38% reduction in funding over three years. Coverage for representation services was reduced to serious criminal matters, family, immigration, and prison law issues and service delivery was restructured across the province. To guide LSS, a new strategic plan focused on helping low income people to resolve their legal problems by providing a spectrum of services to promote their effective participation in the justice system. For more information about LSS, see http://www.lss.bc.ca.

Key infrastructure includes a system of 7 staffed Regional Centres, 21 Local Agents (private law firms contracted to take legal aid applications for LSS), a Provincial Call Centre for people who cannot visit an office to apply for legal aid, the LawLINE hotline, and Family and Criminal Duty counsel program which provides in-person legal advice and assistance with form completion in those subject areas.

With funds available for special projects in 2003, LSS developed a number of new pilot programs including extended Family Duty Counsel advice services, an enhanced LawLINE that provides brief legal advice through a mix of staff lawyers and paralegals, a LawLINK website/kiosk system to deliver legal information and various improvements to its other websites.

The Continuum of Service

LawLINE is part of the continuum of LSS services with regard to the Family, Immigration and Criminal areas but "stands alone" to the extent that representation services are not offered in other areas of law which LSS addresses through LawLINE and its other public legal education and information programs. The LawLINE also works with others in the justice community to ensure that services are delivered in a complementary manner.

LSS offers a range of services for low income people:

- In family law, representation is generally available only in cases that involve violence, a person or children at risk, or a risk of removal of a child from a custodial parent. Representation is also available for child protection cases. Brief in-person services are provided through Family Duty counsel lawyers that represent litigants in appearance in Provincial Court, Extended Family Duty Counsel that provide additional assistance outside of Provincial Court appearances and Supreme Court Advice Lawyers.

- In Criminal Law, representation is generally available where there is a real risk of imprisonment, loss of employment, or deportation as a result of a conviction. LSS also offers the Brydges Line, a specialized hotline for people in police custody who need immediate criminal law advice about their rights, and in-person duty counsel for people who are in or out of police custody and need assistance on the date of a court appearance.

- In Immigration Law, LSS offers assistance in refugee cases only, generally limited help preparing initial documents. Limited assistance may be available for test cases on appeal.

In Family, Criminal and Immigration law, LSS offers public legal education and information materials in print and electronically through its LawLINK (http://www.lawlink.bc.ca/), Family Law (http://www.familylaw.lss.bc.ca/) and Electronic Law Library (http://www.bcpl.gov.bc.ca/ell/)

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websites (collectively, the "PLEI websites"), LawLINK public access computers, and brief legal information and advice from LawLINE.

In other areas of law such as public benefits, housing, employment, consumer, debt and civil (non-family) disputes, LSS does not offer representation services. Available services are limited to LawLINE, PLEI websites and print materials, and assistance available from LSS' Legal Information Outreach Workers.

Profile of British Columbia

British Columbia is larger than any U.S. State except Alaska. In 2002, it had 4,151 million residents (compared to 35 million in California). Half of B. C.'s residents live in the Vancouver/lower mainland area. Large parts of the province are sparsely populated.

The people of B.C. are from diverse backgrounds, especially in the Vancouver/lower mainland area, where more than one third of the residents are visible minorities and approximately 10% speak a language other than English or French at home.

In March 2002, 14% of B.C. residents were dependent on various forms of social support, including welfare and unemployment insurance benefits. People of aboriginal origin make up 5% of B.C.'s population. Reserves are often located in rural and remote communities. Many aboriginal people also live off-reserve and in urban areas.

LawLINE Project

Before the Project, LawLINE was an information and referral service only, staffed with librarians until 2002, and after that by paralegals supervised by a lawyer. LSS developed the Project in 2003 as a result of extensive research into hotlines operation in the U.S, U.K. and Australia, which indicated that a legal advice component would fit well with other new services offered by LSS.

The project is part of LSS' Community Services Division, which is also responsible for the Brydges Line, the LSS LawLINK, Aboriginal Services, *Pro Bono* Liaison and LSS' library services.

The purpose of the LawLINE project is to test the effectiveness of the hotline model in assisting low income people to resolve their legal problems. Full time project staff consists of a Program Manager, five lawyers, three paralegals and a secretary. Staff members have experience in a range of legal areas, and many have considerable experience providing legal information or representing clients with family, administrative law, and debt problems. To address increasing demand for service, we are in the process of hiring another lawyer and paralegal. Additional staff support to the team is provided by the LSS librarian.

LawLINE is co-housed with the Vancouver Regional Centre, which includes intake and family law services for Vancouver area residents, call centre services, and management and administration for LSS province-wide. The VRC is in the process of carrying out a move to a new location in Vancouver, in October 2004.

LawLINE Procedures

LawLINE has a Procedures and Practices Manual to guide staff in delivering services. Brief information and referral services are available to all callers; advice services are income and merit-tested. LawLINE assists 70-80 callers daily with brief legal information, referral and advices services.

The automated call distribution system places callers in a queue for service from the next available lawyer or paralegal. To reduce delays as much as possible, calls are not pre-screened. Callers speak directly to lawyers and paralegals. We find that this system works well for staff and callers. Within LawLINE, a call may be forwarded to another staff member if it involves complicated legal issues that require particular expertise.

LawLINE does not permit callers to request a call-back for an initial consultation about a legal problem. When exceptions are made, we find that multiple calls are often required to establish contact with the caller, which adversely affects our ability to respond to other callers waiting for assistance. However, a caller with an ongoing case can leave a message at our message centre, which is checked at

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least twice daily.

Detailed information about calls is entered in a proprietary, web-enabled database application that the LSS IT Division developed over a two year period. The database allows us to search for clients and cases, check for conflicts, make notes and record other details of caller contacts, save correspondence in electronic form to a secure server, and easily produce statistical reports.

LawLINE uses a language line service for callers who cannot communicate effectively in English. In addition, a number of staff members speak other languages such as French, Spanish and German.

Information vs. Advice

At an early stage in the interview, the staff member decides whether the caller needs general information or legal advice. We find that approximately half of all calls can be re-directed to a more appropriate service available locally in the caller's community, or can be addressed by referring the caller to generally available sources of information such as the LSS PLEI Websites.

Referrals to other Agencies

In B.C., community-based organizations provide information and other support services through advocates who are not lawyers, particularly in the area of public benefits appeals, but also in other areas of law that affect low income people. LawLINE encourages the work of these advocacy groups and refers callers to them in appropriate situations.

LSS supports POVnet, a B.C. organization that has a legal information website for low income people and provides access to topical listservs and training opportunities for advocates. LSS supports community advocate training through regional conferences held several times each year. Community services staff members participate in these programs.

The Law Foundation of B.C. funds a number of advocacy programs that deliver information and advice services to the public. LawLINE lawyers and paralegals are encouraged to be aware of these programs and LawLINE coordinates its services with these agencies.

LawLINE networks with other organizations that deliver legal information, advice and representation services to low income people. Examples include student law clinics and organizations that conduct test case litigation. LSS works with pro bono organizations to ensure that services are complementary and that cross referrals are appropriate.

What if the caller needs legal advice?

Staff routinely conduct a conflict check before proceeding with a detailed interview that may result in advice being given to a caller. Advice and brief legal assistance, up to three hours per case, such as help with letter writing or document review, are performed by the LawLINE for clients meeting financial guidelines. Where a conflict is found, Community Services has made arrangements to refer eligible callers to independent counsel who provides brief legal advice equivalent to LawLINE services.

Integration of LawLINE with other LSS Services

As mentioned earlier, LawLINE works closely with other LSS programs to ensure that callers receive the most appropriate service for their needs, including:

- Intake – at each of the seven Regional Centres and at the Provincial Call Centre, people can apply for a lawyer to represent them in court. LawLINE and the Provincial Call Centre are separate services but share a common toll-free number, and often refer callers to each other where appropriate; in addition, Managers and staff meet on a regular basis to keep up to date on developments;

- Legal Representation and/or in-person advice services;

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- Public Access Computers with free Internet and toll-free telephone access to LawLINE that are located in Regional Centres, selected courthouses and community-based organizations; and

- PLEI websites and print publications.

Quality of Advice

In addition to the legal staff, LawLINE has a full-time Lawyer responsible for managing day-to-day operations who ensures that services are of a consistently high quality. Caseload statistics are tracked through "canned" reports that the Manager can generate, as well as more detailed reports available from the database, and from the telephone system. LawLINE employs a combination of regular managerial and peer reviews of casework as well as individual and weekly team meetings to review interesting cases, changes to procedures and developments in the law. A collaborative work environment encourages staff to consult each other on cases. The Manager also carries out annual performance planning which is tailored to individual staff.

LSS Collaborations

LSS actively participates with others, including the judiciary, court administration, pro bono groups, and the private bar in collaborative initiatives to improve access to justice. Recent examples of collaborations include an advocacy committee on court-based self-help centres and a pro bono civil duty counsel committee; and the B.C. Justice Review Task Force.

Future Directions

Like most hotlines, we are constantly working to improve services to callers through changes to technology. Enhancements under consideration include webcams, currently being piloted in two remote locations with LawLINK public access computers, and telephone system improvements to give callers more options while waiting, including information about alternative services and about the law. We are also considering dual-screen technologies that allow staff to enter case data on one screen while conducting legal research on another screen, and wireless headphones.

The LawLINE project is undergoing an evaluation due in September 2004 that will help LSS decide whether to continue the advice component of the service beyond March, 2005.

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1-866-577-2525 (toll free, outside the Lower Mainland)

National Aging and Law Conference 2004
October 20 - 23, 2004
Hilton Crystal City, Arlington,

Of special interest to Legal Hotline Managers and Planners:
· Opportunity for Networking with legal services and aging advocates

- Workshop on Hotline Operation
- Workshop on integration with AARP Foundation Programs
- Meeting with AoA Staff
- Senior Hotlines Managers' Meeting

Registration Form:
http://www.aarp.org/ntp

From the Frontline

By Shoshanna Ehrlich

Telephone Legal Assistance: Help for Depression?

Jan May at Legal Counsel for the Elderly in Washington D.C. recently sent me an article from the *New York Times, "New Therapy on Depression Finds Phone is Effective" by Benedict Carey, August 25, 2004.* The article describes improved success rates for the treatment of depression when clients have counseling sessions over the phone. The study involved 600 people receiving anti-depressants, some received phone therapy in addition to the usual care. "By the end of the study 80% of those who had received phone therapy said their depression was "much improved," compared with 55% of those who were given only usual care". No one knows what component of the phone therapy made it more effective. The findings on depression immediately brought to mind parallels with legal hotline advice for clients with legal problems.

As attorneys and providers of legal services, our primary concern is rightly the outcome of our clients' legal problems. We are not mental health counselors and cannot spend our time offering therapy to clients who are in need of treatment for their mental state. However, as anyone who has ever had a legal problem knows, legal problems cause stress, anxiety, depression, and other ill effects to one's health. While a mental health counselor can focus on the symptoms, only a legal professional can provide the client the assistance he needs to understand and handle the legal problem, thereby alleviating the root cause of the stress. This positive "outcome" on the client's well being is extremely important but often overlooked in evaluating the benefits of telephone legal advice and brief services.

The relationship between the therapeutic effects of legal hotline advice and client satisfaction and outcomes has been demonstrated in several studies including the *Hotline Outcomes Assessment Study, Final Report, J. Pearson and L. Davis, 2002* *http://www.nlada.org/Civil/Civil_EJN*, *and the Senior Legal Hotlines Client Outcomes Studies, 2000 and 2002, http://www.legalhotlines.org* . In the *Hotline Assessment Study*, clients rated their hotline experience much more favorably than the actual percentage of successful outcomes would indicate. In those cases in which the researchers could determine an outcome, about half of hotline cases had a successful outcome but more than two-thirds of the callers characterized the hotline as very or somewhat helpful. Two-thirds of the clients at all of the five participating hotlines felt the hotline had helped them make better decisions, feel more confident, and keep their problem from escalating (p.iii).

The stress-relieving component of hotline legal services is even more greatly apparent with the senior hotline client population, whose problems are often not as life disrupting as the family law, eviction, and loss of income events that affect low-income clients in much greater proportions than senior clients. Senior hotline callers usually have the safety net of Social Security and Medicare/ Medicaid. Marital problems have stabilized over the years and child custody issues are most often a thing of the past. While 57% of the respondents in the Senior Legal Hotline Client Outcomes Study 2002 had at least partially resolved their problem after following hotline advice, and 43% were still awaiting results, 82% of senior callers found the advice at least somewhat helpful and 37% of those respondents specifically selected 'reduction in anxiety' as one of the reasons the hotline advice was helpful.

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Many older clients, of course, have pressing legal problems requiring extended services, but a majority of the respondents to the senior hotline outcome surveys called with matters appropriate for telephone advice. Their legal issue can be handled and peace of mind greatly enhanced by the relatively small effort of helping them prepare a power of attorney, health care surrogacy, living will, or explaining various courses of action in a consumer matter.

During many years of managing a high volume senior legal hotline, the case that stands out most in my mind is not one where a clever bit of research or vigorous negotiation saved the day. Rather it is one where the legal effort was minor but the client's depression was major. An elderly immigrant woman called the Legal Hotline for Older Floridians. She had just received a bill of $300 from her doctor, was distraught, crying, and literally threatening to kill herself because she had never owed money like this before in her life and couldn't stand the stress. Whether she was actually suicidal that day, no one at the hotline can really know, but I do know that by the end of the phone consultation she was calm and grateful.

The client had joined a Medicare HMO without understanding that she could no longer visit her usual doctor. He was out of network and billed her for the treatment. The client was judgment proof. The hotline attorney explained this to her and helped her draft a letter to the doctor explaining that she could not pay, had no assets and income only from Social Security. The hotline attorney explained how the HMO worked and the consequences of resigning if she preferred to stay with her old doctor. If she received any further communication about the bill, she was advised to call again. For this routine consultation, the hotline attorney received blessings and thank yous out of all proportion to the amount of legal work performed.

While this client's anxiety was more dramatic than most, the basic scenario is repeated daily, in numerous hotlines across the county. I believe that the positive effect of telephone legal advice on client mental health is immeasurably important but our present "outcomes" paradigm has no real way to credit hotlines for this benefit. Now that the Florida senior hotline has closed for lack of funds, I often ask myself "what are these clients doing now?"

Another point made in the *NY Times* article relates to client privacy. One doctor noted that in rural Idaho, where the stigma of seeking therapy can be a barrier to going into the office, telephone counseling confers privacy. The same is true for people seeking legal help. In places where everyone knows your name and your business, clients may be reluctant to be seen entering a lawyer/legal services office. The legal hotline model gives these clients the freedom to seek help in the privacy of their own homes.