

***Evaluation: It's Not Just for Funders
Anymore***

By *Ellie Lanier**



Virtually every grant requires that some type of program evaluation be performed. Sometimes the grant application itself requires development of an evaluation plan. At other times, the grant award outlines a specific type of evaluation process to be used. And we all know that as grant funds become more and more competitive, funders are looking to give money to those projects that can produce concrete and positive outcomes for clients rather than our traditional outputs of a product or service.

I confess that I used to approach program evaluation as simply an exercise to keep a funder happy (at best), or (at worst) a fruitless obligation that prevented me from doing my “real” job, which as I saw it, was to serve clients. Over the years I have come to see the error of these ways and have learned that evaluation can be a powerful management tool. Evaluation can tell you a great deal about how well you are really doing for your clients in a number of important ways.

For a collection of legal hotline evaluation reports please visit <http://www.legalhotlines.org>

(Continued on page 2)

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Inside this issue

LiveHelp is on the Way <i>By David Whelan</i>	3
LiveHelp Progress Report	6
Stand Alone Legal Hotlines <i>From a Presentation by David Godfrey</i>	8
Weather and Demand for Service <i>By Erin McBride and Brynne McBride</i>	10
From the Frontline Why Lawyers Can't Hear <i>By Carl Michael Rossi</i>	13

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.

(Continued from page 1)

In general, program evaluation falls into three basic areas:

(1) Goals-based Evaluations

Goals-based evaluations are used to determine whether you are on track with your mission and purpose and whether you are achieving your stated objectives. For instance, does your program have a target numbers of cases and calls for the year? Have your numbers increased dramatically? Have calls fallen off? Evaluation can tell you if you are not on track with numbers and funding, so you can make adjustments. In addition, a goals-based evaluation can tell you whether you are serving those you are charged with serving. For Older Americans Act programs, it means that while you serve people over age 60 without regard to income, you should be targeting your services to those who are most socially or economically needy. As we know, reaching these groups takes some planning and thought and special outreach (which itself can be evaluated). Another example of a goals based evaluation might be to determine whether a program is meeting its goal to screen a certain number of clients for eligibility for the low-income subsidy under Medicare Part D and assist them with initial applications for this benefit. Of course, in order to do goals-based evaluation, you need to set goals, but the importance of mission and goals is the subject of another article. Goals-based evaluations can let you know whether you should change your priorities, timelines, resource allocation or goals.

(2) Process-based Evaluations

Process-based evaluation helps you explore how you are providing your service. For a manager, process-based evaluation can help you to plan or modify your services, inform your staffing needs and help you adapt to the changing needs of your client population. For a staff attorney, process-based evaluation can let you know whether the advice you are giving is on point and effective, whether you need additional training, additional time allotted to follow up, or whether additional client information to accompany your advice and assistance might be needed. Finally, process-based evaluation often helps uncover emerging client needs (the need for information, assistance and referrals for grandparent caregivers, for example) and to develop effective approaches to these needs. Those seeking to improve “customer service” aspects of their program often

choose to focus on process-based evaluation questions.

(3) Outcomes Evaluations

Outcomes-based evaluations have grown in popularity as funders seek to assure that funds spent result in real, measurable, concrete benefits to clients. United Way is a pioneer in this area of program evaluation. An outcomes-based evaluation can tell you whether the services you provide in fact make a meaningful difference to your clients. For example, a hotline may provide a client with a number of referrals, but if the client gets bounced around because the referral was not appropriate or the agency has moved or is no longer accepting your clients, your output (the referrals) has not produced a meaningful outcome for your client (finding someone to help with their specific problem). Many programs have begun to evaluate, track and report the financial benefit to clients (money saved or recovered or benefits obtained through establishing eligibility), and to use this information to illustrate the value of the service.

Conclusion

What does this mean for legal hotlines? In short, the point of evaluation is not just to do it because you have to (which, I confess was my old attitude), but to do it to confirm whether you are on track, should make changes in the way you operate, and whether your services make a meaningful difference to clients. It is critical however, that before you develop an evaluation plan you decide what you want to evaluate and why, and how you will use the information gathered. Depending on your goals, you may be able to evaluate using data you have already. Other times, you will need to make a special effort to collect information for your evaluation. In that case, you need to consider your available resources. Because of the many facets to evaluation, it is important to keep in mind the reason you want to evaluate your efforts. In short, evaluation isn't about a “gotcha” when you miss your mark (which we all do occasionally), it is rather about keeping us true to the reasons we do the work: namely, to make a positive difference for our clients.

For more information on program evaluation and outcomes, see the following on-line resources:

<http://www.unitedway.org/outcomes/>,

www.eval.org/

www.managementhelp.org/evaluatn/fnl_eval.htm,

www.extension.psu.edu/evaluation/

TECHNOLOGY

By David Whelan*

This article on LiveHelp is reprinted, with permission, from LSC's Equal Justice Magazine, Fall 2004. An update by LHQ appears at the end of the article.

The screenshot shows the MontanaLawHelp.org website. At the top right, there are links for 'About Us | Feedback | News'. Below that is a blue navigation bar with 'MT Home Page', 'Advanced Search', 'Help', and 'Legal Programs'. The main content area is titled 'Housing > Landlord and Tenant Issues' and includes a 'Live Help' section with a 'Choose a location' form and a 'Choose another subtopic' list.

LiveHelp Is On The Way

'Virtual volunteers to help clients find the legal information they need online

A light bulb went off inside Michael Hertz's head three years ago while he was shopping for a sweater on the Lands' End website. He was having trouble and needed help. The search function wasn't working; scrolling, clicking, and reloading the page weren't either. Hertz came upon the customer service section of the online catalog and clicked the HELP button. In doing so, he stumbled upon a service whose popularity was rapidly growing on retail websites. Prompted for his phone number, Hertz entered it. Almost immediately his phone rang. On the line was a Lands' End representative, who directed him to the webpage advertising the sweater he sought. Lands' End had its sale; Hertz some new winter wear.

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Hertz's experience inspired the latest innovation on the way from an increasingly tech-savvy national legal services community. Hertz, who runs Pro Bono Net, a nonprofit organization that uses technology to increase access to justice, realized that a similar HELP button could be useful for legal websites that seek to help self-represented litigants make their own case. Hertz's new online innovation is called LiveHelp, only instead of making it easier to get sweaters, LiveHelp simplifies the process to get justice. Legal Services Corporation recently awarded a \$170,000 grant to Montana Legal Services Association, which will partner with Iowa Legal Aid to pioneer implementation of the new feature.

LSC has already invested more than \$13.8 million in statewide websites and online tools and

(Continued on page 4)

(Continued from page 3)

services to address poor people's legal needs. In 29 states, LSC has partnered with Hertz's company to develop LawHelp.org, a *pro se* website template that can be customized according to each state's laws and local requirements. However, for some self-represented clients, LawHelp is an incomplete solution. Two issues related to the so-called "digital divide" affect the website's effectiveness. First, those who have no Internet access do not benefit. That's why legal services groups work with libraries, senior centers, shelters, and other locations that offer public computers with Internet connections. Second, those without proper education or computer training do not benefit. Sometimes, low- to moderate-income people in search of legal assistance either can't find what they need or don't know what to do with what they find.

LiveHelp will be tested next year on two *pro se* websites: MontanaLawHelp.org and IowaLegalAid.org. Users with problems navigating the site or finding legal information will be prompted to click a LIVEHELP button and enter their phone number. A trained volunteer will call them back and help them find what they need.

The LIVEHELP service can be staffed by anyone with the proper training, including non-lawyers. "Virtual volunteers" can log on for shifts whenever they're available. This flexibility makes it easier to staff than other kinds of hotlines. The service would be especially valuable in rural areas, where legal services offices are spread out over wide areas.

Iowa Legal Aid has invested in 98 computers placed in senior centers around the state. They have already had some success with their self-help website, but many seniors drop off before getting all the advice they need. Two examples from Iowa's case files illustrate how LIVEHELP might work:

- In March 2003, Barb from Truro, Iowa, lost her husband. The house and car were in both of their names. Barb had her husband's will but did not know how to transfer the possessions to her name. So she logged onto IowaLegalAid.org and found information about how to fill out an "affidavit of surviving spouse." However, she had no idea what to do with it until she called legal services and was told how to file the documents at her local courthouse. According to Charlie Leist, technology coordinator of Iowa Legal Aid, many users get to the point where they have found the form they need, such as a transfer of power of attorney, but don't know how to fill it out or what to do with it once it's completed. "Especially with older adults, sometimes verbal encouragement is what makes legal information truly useful," he says.
- In another example, an Iowan with Alzheimer's disease logged on to the same site and found a list of benefits programs for which he might qualify. He and his wife were stumped about how to apply, though, until they called legal services. With their help, he soon began receiving free in-home care from the state. "Learning to use a computer is the first major hurdle to overcome, but the uncertainty of how to use the information they find is yet another," Leist notes.

In both cases, the legal services clients were able to get what they wanted. But for everyone who realizes that they can call for help, there are others who give up out of frustration. With LIVEHELP, a relatively inexpensive technology, clients with problems like these would have an easier time getting someone on the phone quickly. For those who have trouble using the phone because of a disability, LIVEHELP can also be conducted as an instant messaging-conversation using the keyboard.

After using a real-time help feature on the Lands' End website to buy a sweater, a light bulb went off in Michael Hertz's head. He realized that a similar option could be utilized on legal aid sites that help self-represented litigants make their own case.

(Continued on page 5)

(Continued from page 4)



Hertz has found corporate support for his plan. At meetings with prospective donors and attorneys, he has demonstrated the idea, using the Lands' End site to show them how smoothly it can work. When he learned the clothing site was powered by Cisco, he convinced the company to provide approximately \$50,000 worth of free software for a legal services adaptation. Shore Group, a firm that installs Cisco technology, agreed to contribute another \$50,000 in discounted services to make sure the pilot works.

The total budget for the project is \$290,000. The biggest contribution came from LSC. At a September news conference in Helena, Montana, LSC President Helaine M. Barnett was joined by Chief Justice Karla Gray of the Montana Supreme Court to announce the \$170,000 grant. Montana Legal Services Director Klaus Sitte accepted the award on his program's behalf.

This year, LSC awarded \$3 million in funding through its Technology Initiative Grant program. Glenn Rawdon, an LSC program counsel who oversees technology, says he was particularly excited about the LIVEHELP grant proposal. "This has national implications," says Rawdon, explaining that it is scalable to many other statewide legal services websites. Another important initiative related to the effort is an online document assembly program

called HotDocs, a technology developed by Lexis-Nexis that asks users simple questions in a basic interview format and then outputs properly formatted court forms consistent with state and local requirements. Once technologies like HotDocs and LIVEHELP are fully implemented nationally, the quality of online legal help will be vastly improved, Rawdon said.

A small minority in the legal services community still worries that the \$3 million could be better spent on hiring more staff attorneys. Pat McClintock, an administrator at Iowa Legal Aid, rejects that argument. "It is correct that there aren't enough lawyers, but there aren't enough lawyers because there aren't resources," he says. "Technology is a means of doing more with the resources that are available." Kate Bladow, who oversees Montana's technology efforts, says that computer-friendly assistance is often the best way to serve Montanans, many of whom live hours from the nearest legal services office. In Montana only 14 full-time attorneys serve 190,000 potential clients spread over a state the same size as California. "Lower-income people may not have had the exposure to technology through their jobs," Bladow says. "LIVEHELP allows them to click a button and get connected with a remote volunteer." Hertz is extremely excited about getting LIVEHELP up and running. He took an extended leave of absence from his job as a litigation partner at Latham & Watkins in New York in 1998 to start Pro Bono Net. His company developed the LawHelp *pro se* statewide websites, which LIVEHELP will enhance. Hertz says the goal is to have LIVEHELP operational in Montana and Iowa by next summer.

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LiveHelp Progress Report



MontanaLawHelp.org, is a project of the Montana Legal Services Association. The LiveHelp feature on the site is up and running except it is offered in online chat format rather than in the telephone call response mode described in the preceding article. The service is operating in “soft launch” mode. Anyone browsing the MontanaLawHelp website can use it by clicking on the **Live Chat** link. The launch is “soft” in that currently Montana Legal Services staff are responding to queries rather than the volunteers envisioned in the Montana Live Help model. According to Kate Bladow, the Technology Project Coordinator at Montana Legal Services, since the launch at the end of July, 2005 only 9 actual chats have taken place even though the website gets about 2000 hits per month. The current staff consists of a paralegal, two VISTA volunteers, and website staff at Montana Legal Services. Since no legal advice is given, attorneys are not needed for staffing in this model. Staff sign up for designated duty hours to respond to **Live Chat**. The operator on duty logs on during his block of time. When a user clicks on the **Live Chat** link, the operator hears a ring so they know that someone is chatting. That way, they can be doing something else and attend to the **Live Chat** when needed. The assistance consists mainly of directing the user to appropriate links. There is some canned text the operator can insert for frequent queries as well. However, the operator will not answer specific legal questions- only direct the user to the answers online. If no operator is on duty, the user can leave an email message with their query.



So far no marketing or education on the **Live Chat** feature has taken place. A plan is in place for a VISTA volunteer to work on outreach which will be part of general legal services outreach effort in under-served areas, particularly Great Falls.

The **Live Chat** feature will be staffed by non-attorney volunteers - mainly paralegals, law students, and Americorps volunteers. The paralegal professional associations in Montana have actually asked for volunteer opportunities. Katherine anticipates the volunteers will begin working on **Live Chat** by the beginning of 2006. The volunteers will be able to man **Live Chat** from their own computers through a software program from Timpani, Inc. called LivePerson. Pro Bono Net has been coordinating the installation of the software. There are, as yet, no written procedures and policies for volunteers. Katherine expects getting sufficient experience through the soft launch period to develop policies before the volunteer staffing begins. Because the **Live Chat** feature at Montana Legal Services does not offer legal advice, just information, the program believes it can deliver the services without any client identifying information. In fact, the client is warned by canned introductory language at the beginning of the chat, not to write anything that could identify them, as it is possible adverse parties may also access **Live Chat** for assistance.

Using Live Chat

LHQ staff logged onto the **Live Chat** feature and a chat box opened asking the user to wait until someone answered. Programmed introductory language came up in the chat box advising that no legal advice would be given, no attorney-client relationship would be formed, and reminding the user not to give any confidential information. After a few seconds Brian T. was identified as the “operator”. Katherine later explained that Brian Tagliaferro is the Website Program Associate at Montana Legal Services. Below is the chat LHQ had with Brian.

Please wait for a site operator to respond.

▶ You are now chatting with 'briant'

briant: Hello. This service and the staff and volunteers who operate it provide general information about the law and legal rights. It cannot provide you with specific legal advice or suggestions about what to do.

briant: Legal advice is dependent upon the specific circumstances of each situation. Your use of this service does not create an attorney-client relationship

(Continued on page 7)

(Continued from page 6)

and these communications are not confidential.

briant: You should not reveal any confidential information. It is possible that the other side in your case may also contact us for information, and in that case we may also give them information.

briant: Is this okay?

you: yes

briant: How may I help you?

you: I am from AARP- writing a follow up article for the Legal Hotline Quarterly, Katherine Bladow said I should check out the feature. So, if I had a question, let's say, about giving someone a Power of Attorney, what would you tell me?

briant: One moment, let me see what information I can find.

briant: [You can click this link to find more information](#)

briant: If you are need of forms you can also visit the following website: <http://www.lawlibrary.state.mt.us/dscgi/ds.py/View/Collection-5590>

you: Ok; that is great. Would you also answer a specific question or does the LiveHelp mostly point people to the location of info? For instance, if I asked is there any restriction on who could serve as my attorney in fact or how long I needed to live in Montana to file for divorce, would you tell me that or direct me to the link for that subject? Please don't spend any time actually trying to find the answer- just let me know if you do that as part of the livehelp feature.

briant: At this point we only direct people to the information.

you: Ok I understand. Thank you so much for your time. This was really fun. Goodbye.

briant: We are still very much working out the procedural protocol of how to appropriately communicate with visitors

briant: Thank you.

briant: Remember - this service helps people find information on legal issues. Volunteers cannot give legal advice. If you need additional help, you can contact the following organizations: Montana Legal Services Association (MLSA). MLSA provides free civil legal assistance to low-income people. If you believe you may qualify, call the MLSA Hotline at

(800) 926-3144, (800) 666-6899, or (800) 999-4941. Lawyer Referral and Information Service (LRIS). LRIS helps you find a private attorney. If you are not eligible for MLSA's help, call the LRIS at (406) 449-6577. State Law Library of Montana 406-444-3660 Thank you for contacting us. Feel free to contact us again. Good-bye.

According to Kate, Montana Legal Services is considering whether HotDocs could be used in conjunction with LiveHelp. Paralegals would help people fill out family law forms online. Montana Legal Services is also looking into how LiveHelp could be integrated with its legal hotline; that would be well down the road, however.

Iowa Legal Aid Website

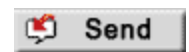
Iowa Legal Aid's LiveHelp feature is not yet live. There is a development version which Pat McClintock, Deputy Director at Iowa Legal Aid, allowed LHQ staff to view. Below is the application as it presently looks. According to Pat, the Live Help project has been in a holding pattern while waiting for the person hired to deploy the project to begin working. The project should be moving forward soon.

To help us serve you better, please provide some information before we begin your chat. Please understand that we will not be able to help you with any legal problems here, only finding material on the website.

Required items indicated with *.

What is your name? *

I understand that I will not get legal advice. *



Legal Hotlines: What's in a Name?

Stand Alone Legal Hotlines

Based on a Presentation by David Godfrey at the Equal Justice Conference, 2005, in Austin Texas.*

This article focuses on the David Godfrey's portion of the Equal Justice Conference workshop, where he shared lessons learned from his experience working as a hotline attorney and managing a stand alone statewide hotline for seniors.

What is a Stand Alone hotline?

A stand alone or free standing hotline can be defined as a telephone legal advice service that is not part of a full service legal aid program. Services at stand alone hotlines are usually limited to advice, brief assistance such as writing letters, making phone calls, reviewing documents, and helping the client fill out forms. A stand alone hotline may be the model to choose in a state or service area with multiple legal services providers, none of which is large enough to undertake the workload of providing the telephone screening, advice, and referral tasks for all potential clients in the service area. The stand alone model is also a useful one to fill gaps in service, where certain subject areas are not handled by area providers.

Thirty-three programs listed in the Legal Hotline Directory identified themselves as stand alone hotlines. Some of these are programs where the state plan created a stand alone program to handle the intake and advice workload while another program handles extended representation for the state. A number of programs, particularly hotlines for clients over 60 years of age, are part of a full-service program for their local service area but function as stand alone hotlines for clients within the state but outside the parent program's service area.

The stand alone hotline should work with all the legal services providers in the state so that it can make successful referrals when a client needs representation. The stand alone hotline is usually the point at which problem trends in the service area are first identified. The full service programs can request a stand alone hotline to be on the look out for particular issues the program is interested in.

**David Godfrey is Managing Attorney at the Legal HelpLine for Older Kentuckians at Access to Justice Foundation.*

Services Appropriate for a Free Standing Hotline

A free standing hotline is usually able to provide typical telephone legal assistance services such as:

- (1) **Advice:** the hotline advocate helps the client define the legal issues, inquires about the relevant facts and offers advice based on the applicable laws, regulations, policies, common sense, and practicality in relation to the client's question or problem. Legal analysis and fact-specific advice is the common ground for all programs we commonly include in the legal hotline (helpline, advice line, etc.) description.
- (2) **Brief Services:** the free standing hotline can review and prepare certain legal documents. It may do limited advocacy on the part of a client such as calling third parties or agencies. Usually this advocacy is something short of going to court or an administrative hearing. Full-services programs which have hotlines as their intake/advice component have additional options for handling brief services. They may decide that brief services should be handled at the hotline level or that they should be sent to the full-services staff. Some programs have created separate units to handle brief services so as not to slow down the hotline advocates from taking calls nor expending full-service attorney time on these limited services.
- (3) **Referral:** the hotline advocate can assess the caller's issue and determine that the services needed are outside the hotline's scope and refer the caller to an appropriate agency. The stand alone hotline can streamline referrals to other programs in the state, particularly if there are a variety of legal services providers. It is important for the stand alone hotline to keep current with the other providers' priorities and capacity so that referrals will be fruitful and not boomerang. The stand alone hotline can give the caller guidance on how to present the issue to the referral agency, what information and documents they should gather. The stand alone hotline can also develop procedures with each of the often-used referral agencies to facilitate intake of hotline clients. David cautions however, that hotlines should follow Golden Rule and not refer clients

(Continued on page 9)

(Continued from page 8)

who are unreasonable or unrealistic.

Issues: What works and what doesn't for a Free Standing Hotline

According to David, the first rule is, do no harm. A little knowledge can be a dangerous thing. If the issue is beyond the scope of the hotline or client's capacity to handle, tell the client so. Try not to start the client on a *pro se* path that he cannot finish on his. ABA Model Rule 1.2 (c) says that a lawyer may limit the scope of the representation if the client consents after consultation. If the client does not understand and agree to your limited ability to provide services, politely decline.

Clients should be served in an average of 30 minutes per issue; if the need is more complex than that they are not appropriate for the hotline. The hotline is also great at:

- Answering specific legal questions;
- Helping the caller understand an issue that is explainable over the phone;
- Evaluating that case to determine the merits and extent of services that are needed;
- Interpreting common documents such as statutory advance directives;
- Issues that do not require extensive review of documents (if they can read what you need to know to you over the phone, it is an issue that can be handled via the phone);
- Preparation of documents such as simple wills, advance health care directives and powers of attorney;
- Review of simple documents.

The capacity of the client should always be kept in mind because it can impact the types of issues that work over the phone. If it is clear that you do not understand one another, take the blame and refer them for a face-to-face consultation.

A freestanding hotline should avoid issues that are beyond the scope of its ability to provide services and issues requiring extensive research or investigation. A hotline advocate shouldn't spend two hours researching an issue unless it is going to arise often. The free standing hotline is also not the place to handle clients needing representation in court or

clients needing the preparation or review of extensive or complex documents.

Sometimes inexperienced hotline advocates get involved in simple projects that lead to a long term relationship such as writing letters to creditors with the attorney's signature rather than the client's. This leads adverse parties to believe the hotline is representing the client, which is not its role.

Some issues fall into a gray area and need to be decided on a case by case basis. For instance, the success of an assisted *pro se* client will vary widely depending on state ethics rules, local rules, the court clerk, the judge and local bar, and not least, the client. State Bar rules usually provide guidance on the issue of assisted *pro se*; whether a stand alone hotline provides this service may well depend on whether that is permitted in the jurisdiction without transforming the assisting attorney into the attorney-of-record. Of course, malpractice liability issues come into play, also.

David's hotline sometimes undertakes single court appearance work, such as some guardian *ad litem* appointments.

How to Help Clients the Hotline Can't Help

David advised that the most effective way to find services for clients is to build partnerships with the other agencies in the state and with special interests sections of the local bar so that they will be inclined to take referrals from the hotline and also to refer appropriate clients to the hotline. While sharing money strengthens the relationship, sharing data can be just as valuable. Look for partners that have the expertise your clients need. These include non-legal entities such as long term care agencies, mental and health care agencies, employee benefits programs and community based services programs. In order to promote the partnership, the hotline needs to be flexible in defining its priorities. The hotline is particularly well positioned to identify issues and cases that its partner agencies are looking for and this can be very valuable to creating and maintaining the partnership.



Can Hotline Call Volume be Predicted by the Weather? An Irreverent Attempt to Draw a Correlation Between Regional Temperatures and Clients' Needs



By Erin McBride and Brynne McBride, Staff Attorneys for Wisconsin Judicare, Inc.

In the animal kingdom, the behavior of species is often linked to approaching weather conditions.¹ Shortly before a summer rainstorm, bees hover around their hives and birds fly closer to the ground and increase their foraging. In clear skies, birds fly higher, and spiders are their most active. The debate continues whether the disposition and decisions of human beings are also influenced by climate. According to a University of Michigan survey, "Everyone thinks weather affects mood, but the biggest tests of this theory found there are two important variables: how much time you spend outside and what the season is"² The study suggested if people spend at least 30 minutes outside in nice weather, their mood will lift.³

In general, people perform at their best when environmental stresses, including weather, are minimized. Large variations in temperature are considered to have a very specific influence on certain individuals. In response to either behavioral statistics or Hollywood westerns, several studies have been conducted attempting to explain the correlation between weather and crime.⁴ On an annual basis, ice cream consumption rates correlate strongly with violent crime rates.⁵ Aside from an ecological fallacy suggesting ice cream consumption causes violent crime, both phenomena are driven by temperature; both increase in warmer weather.⁶ Likewise, many criminologists name economy, police, and the weather as the three major influences driving crime statistics.⁷ "In heat waves, where the temperature is significantly higher than expected for the time of year, people tend to behave more irrationally."⁸ Hot humid days cause periods of sleeplessness, decreased general activity, poorer vigilance, poorer reaction times, irritability, and lethargy. Cooler days, with lower humidity, tend to increase alertness and "normal" activity.

Very little research, however, explores the effect of weather on civil legal matters, such as divorce, eviction, or public benefits. As a corollary to a client needs assessment study conducted by Wisconsin Judicare, Inc.⁹ in 2004, demographic variables such as geography, culture, and climate were examined to fully understand the legal aid client. As a whole, the office was able to gain an insight into the state of legal service provision, contemporary challenges and costs involved, areas where unmet need exists, and the impact of that unmet need on the clients.

The environmental component to this investigation exposed the actual need as well as the perceived need of residents in the specific service area.

To determine if a relationship between climate and the need for civil legal assistance existed, data tracking northern Wisconsin's average monthly temperatures¹⁰ was compared to two different sets of monthly client intake statistics. Our first set of data was generated from the client case management system. Wisconsin Judicare, Inc. accepts clients on a financial-eligibility basis. All interested participants fill out a formal application, and are issued a Judicare Card if accepted into the program. The client statistics used in the study counted the number of those applications turned in each day. The number of applications for service each month was tallied and plotted. The average monthly temperatures were also tallied and plotted.

Judicare also operates a legal telephone Helpline. Individuals qualifying for Judicare services may call the Helpline to speak with an attorney about their simple legal questions. This method of brief service and advice addresses the more immediate or emergency needs of program participants. The second set of data for the study came from counting the number of clients calling into the Helpline each day of the year. The number of calls each month was tallied and plotted. The average monthly temperatures were also plotted.

These two sources of client data will help determine: 1) If there is a linear correlation between temperature and the need for civil legal assistance; 2) If the element of "emergency" service draws a greater causal connection to weather; or 3) If tem-

(Continued on page 11)

(Continued from page 10)

perature *extremes* are more influential in client activity than *rising* temperatures.

According to the Wisconsin State Climatology Office, January was the coldest month of 2004, with a regional average temperature of 12 degrees. During that month, our case management system report indicated the office had the largest number of clients apply for legal services. The other low-temperature months, February, March, and December, also generated a relatively large volume of clients. At the other extreme, the warmest months of 2004 produced elevated numbers of program participants. A trend developed, indicating that when the temperature increased or decreased to “weather extremes,” the number of clients increased. Likewise, when temperatures were in the moderate range, client applications for service and emergency calls to the Helpline were comparatively low. The data for the Helpline reflected more pronounced versions of those same trends. The warmest and coolest months of the year produced the largest number of calls to the advice line.

As this data and the charts in *Figure 1* and *Figure 2* illustrate, our simple study of civil legal needs suggests weather does influence human behavior and activity. These behavioral results are not

necessarily linear, but do mirror the body’s physiological struggle with temperature change. The body finds it difficult to cope with extremes of temperature, and must generate enough heat to keep warm in very low temperatures or get rid of internally produced heat when temperatures soar. The University of Michigan study mentioned above determined that the perfect temperature for Americans was about seventy-two degrees, and that a person’s disposition decreases when the temperature is much higher or lower.¹¹ When speaking of temperature extremes, however, one must take into consideration the regional differences. Mood peaked at sixty-five degrees in Michigan and at eighty-six degrees in Texas.

Like many informal, non-scientific studies, the results of our assessment study contained several variables. For instance, the telephone Helpline is relatively new. Conceivably, the number of callers to the emergency line may reflect the client’s reaction to advertisements of the service instead of to the weather. Additionally, the plots do not take holidays or days the office was closed into account. (The Judicare office was closed on Christmas, New Years, and the Fourth of July.) Those dates may not alter the trends depicted, as December, January, and July were identified as months attracting the greatest

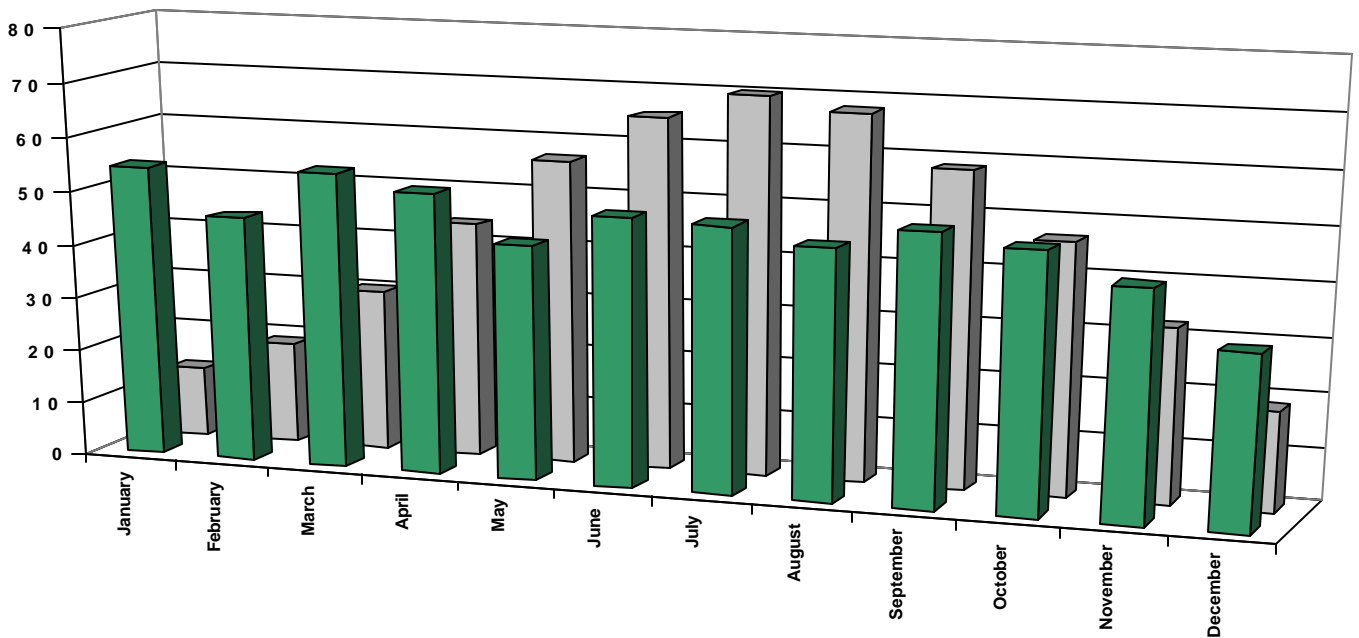


FIGURE 1. Temperature vs. Judicare Cases. Here, the Average Monthly Temperature (gray) is plotted against the number of Judicare cases opened each month. (The Number of Cases has been reduced by a factor of 10 for consistency in size.)

(Continued on page 12)

(Continued from page 11)

number of clients regardless of the holidays those months.

The demand for legal services and the quality of service provided are affected by a number of factors including resources, culture, and geography. Understanding these variables is the first step in increasing access to services, and more importantly, to justice. In assessing crime statistics or even civil legal needs, “bad weather” tells us a considerable amount about our clients and allows us to change our services and availability accordingly. Our goal is to prove Charles Dudley Warner wrong: “Everybody talks about the weather, but nobody does anything about it.”

Endnotes:

1. Weather and Animal Behaviour, BBC Health, *available at* http://www.bbc.co.uk/weather/features/health_culture/behaviour.shtml (last visited 4/20/2005).
2. Mike Marzelli, Weather Affecting Mood? The Daily Collegian Online *available at* <http://www.dailycollegian.com/vnews/display.v/ART/2005/04/13/425c7b915b9b4> April 13, 2005 (last visited 4/29/2005).
3. *Id.*
4. Violent Crime in L.A. Down 27% This Year, *Los Angeles Times* April 18, 2005 *available at* <http://www.latimes.com/news/local/la-mecrime18apr18,1,2396054.story?ctract=1&cset=true>.

5. Scott M. Lynch, Introduction to Statistics: Rules For Establishing Causality, *available at* www.princeton.edu/~slynch/soc301_notes5.pdf (last visited 4/20/05).

6. *Id.*

7. A study by Florida International University suggested that cold and rainy weather tends to reduce crime and hot and humid weather increases it. A similar Harvard University study released in January compared crime statistics to weather patterns nation-wide. *Id.*

8. *Supra* note 1.

9. Wisconsin Judicare, Inc. (hereinafter WJ) is a non-profit, legal service corporation serving Wisconsin’s northern 33 counties and 11 Federally recognized Native American Indian tribes. WJ staff assists low-income individuals with civil legal issues primarily pertaining to family, housing, social security, and Indian Law.

10. Each “average monthly temperature” represents a “district average” for the following counties: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Shawano, Taylor, Vilas, Washburn, Waupaca, and Wood. The raw agricultural statistics for 2004 were provided by the Wisconsin State Climatology Office, and are *available at* <http://www.nass.usda.gov/wi/annbull/page15.pdf>.

11. *Supra* note 1.

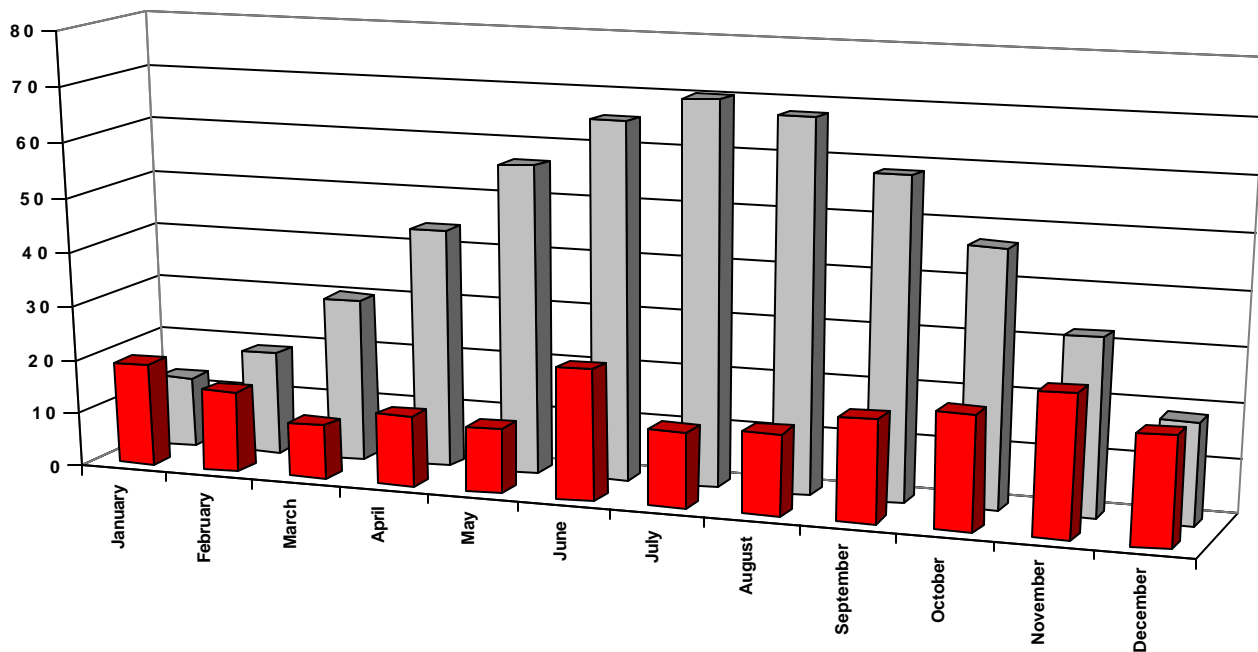


FIGURE 2. Temperature vs. Helpline Cases. Here, the Average Monthly Temperature (gray) is plotted against the number of Judicare calls to the Helpline each month. (The Helpline operate on a more immediate, emergency basis).

From the Frontline Why Lawyers Can't Hear

By Carl Michael Rossi

((Reprinted with permission of the author, the International Alliance of Holistic Lawyers, and the Florida Bar Journal, which ran the article in its Stresslines column, April 1, 2005.))

"My lawyer doesn't listen to me!" "She doesn't care!" "He isn't interested in me, he just keeps telling me what to do!"

I hope you've never heard these comments directed to you, but the odds are you have, even if you are a very good attorney. No client complaint is more common. Not even billing complaints. How can that possibly be? You sat patiently as your clients went on about all the circumstances around the issue. Every chance you got, you focused your clients on the issue at hand and had them provide the details that you need to solve the problem they brought to you. And you've told them what they need to do to solve the problem. So what are they upset about?

You did everything law school taught you to do. Recognize and analyze the pertinent legal issues, elicit relevant facts and come up with a strategy to solve the problem. Well, that is what they are upset about.

Let me explain. Robert Bolton, in his book *People Skills*, describes 12 common roadblocks to communications. Activities by the "listener" that almost guarantee that the "speaker" will form a belief that s/he is not being heard. In short, they end up believing that the person they're speaking to doesn't care about them.

Look at just two of these roadblocks:



- Excessive questioning. Questions that ask for what's important to your checklist send a direct message that you are more interested in that than you are in what's important to your client;
- Giving advice. Telling your client what s/he must do sends the message that they are inferior and incapable of running their own life.

"My god, man, you've just told me that what I do for a living – find the elements of a case in my client's situation and tell them how to change that situation – is the very thing that annoys my clients most!" Well, yes and no.

You know that your clients are people, not case summaries in a Tort law textbook. You do care about them. But how can you communicate to them that you care AND get "the job" done?

It is possible to do both. As attorneys we have developed particular skills. Our lawyer skills of issue recognition, and relevant fact determination and problem solving – are valuable skills. We are also always working to develop additional skills. Effective listening skills can be learned.

Effective listening involves accepting the agenda as established by the speaker; an appreciation that whatever is said is important to the speaker. Rebecca Z. Shafir, in *The Zen of Listening*, describes this as getting into the speaker's "movie". Once you have accepted that you genuinely do care about your client, you can learn the skills that communicate that concern to your client.

Once your client experiences your genuine concern, s/he will find it much easier to focus on the details you need to assess the case. S/he is less likely to call you to find out if you are working on the case. You will receive much fewer complaints; and many more referrals.

Learning the skills that communicate your genuine concern for your clients is a great way to both increase your business and make it less stressful.

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