



legal hotline

QUARTERLY

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2006 Equal Justice Conference

The Equal Justice Conference, March 29-April 1st, in Philadelphia holds the record for highest attendance ever for this conference – reaching the 1000 mark for the first time. This was the 7th annual Equal Justice Conference, which is sponsored by the ABA and NLADA. This conference is unique in that it brings together all components of the legal community, including legal services/legal aid programs, *pro se* project coordinators, *pro bono* project coordinators, court administrators, judges, private bar members, and technology experts, among others, to focus on the delivery of legal services to low income individuals.

As in the past, the conference featured a number of hotline-related workshops and opportunities for networking and in-depth discussion of hotline implementation and management issues. The hotline workshops were very well attended with several of the workshops turning away prospective attendees for lack of space. The Conference Design Team took note of the increase in attendance at the hotline-related workshops and will make adjustments to accommodate the level of interest, possibly including a Pre-Conference Hotline Day next year.

This year hotline workshop attendees included directors of pro bono projects and state bar associations looking for ways to adapt the hotline model for their constituents. Start planning now for next year in Denver.

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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.

A Holistic Approach to Measuring Hotline Outcomes: Subjective and Objective Client Satisfaction Studies

*By Erin K. McBride, Esq., Staff Attorney,
Wisconsin Judicare, Inc.*

To provide excellent client service, attorneys connect with their clients in meaningful ways—by staying in touch, showing interest, learning about the client, anticipating client needs, providing solutions that make sense from the client’s point of view and checking back with the client to see whether they feel the attorney has done enough. During limited, advice-oriented telephone hotline conversations, however, providing individualized legal advice very quickly creates havoc with traditional-measurement methods. In evaluating our own legal Helpline, we have worked to create a new vehicle for monitoring client interactions that can help identify gaps in service, highlight new client populations, or demonstrate case trends in our community.

A. The Judicare Outcomes Studies

Wisconsin Judicare, Inc. is the legal service provider for the northern half of Wisconsin, consisting of thirty-three counties and eleven federally recognized Native American Indian tribes. According to the 2000 U.S. Census, over 75% of this area qualified as “rural.” As funding continues to decline, full-service representation for clients has been drastically reduced. For many clients, driving to the Judicare office or meeting with a local attorney simply isn’t an option. Therefore, our advice, brief service, and referral delivery system has become a rather involved process. Each Helpline-eligible client is provided ample time with the Helpline attorney, who does everything from answering simple legal questions, to making calls on behalf of the client, drafting letters, attempting negotiations, or assisting with court forms. With so few resources to dedicate to the Helpline, outcomes studies have been valuable tools in streamlining and improving our Helpline’s operational procedures while simultaneously enhancing the manner in which advice and assistance is provided.

Each year, Wisconsin Judicare conducts a comprehensive yet efficient Outcomes Assessment Study of the Legal Telephone Helpline. This study involves monitoring an online court records database to learn how we are performing in our services rendered, and using a written survey of past Helpline callers to gauge client satisfaction with our advice. These processes and sample results are explained below.

1. Monitor The Legal Result:

From a results standpoint, the outcomes study first documents if the client was able to achieve the proper resolution to her legal matter as a result of calling our Helpline. This analysis is accomplished with assistance from the State of Wisconsin’s Circuit Court Access Page. This online database of Circuit Court proceedings allows us to find and examine records of cases involving our clients. Important items such as filing and service dates, attorneys involved, motions and evidence entered, procedures followed, and judgments (stipulations and defaults) are listed chronologically in the online file, and are accessible by simply entering the client’s full name. The file provides a rather detailed “record of events” which has allowed us to observe the client’s actions and arguments throughout her legal proceedings. This listing is printed and compared to the Helpline attorney’s case notes and record of advice provided. An attorney will review both documents, to see if the client followed the attorney’s advice, and to determine if that helped yield a beneficial court determination for the client.

This process is most effective for measuring legal matters such as housing, landlord-tenant, pro-se divorce, consumer protection, and fair debt collection, where the court records are the most comprehensive. This court records study helps our staff improve the advice given (both substantive and procedural); alter the manner in which it is provided; tailor our service to the client needs and abilities; identify gaps in service, staffing, record keeping; and improve follow-up services.

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2. Measure the Client's Satisfaction:

Secondly, the Judicare Outcomes Study defines the Helpline's success from the client's perspective. Customer satisfaction is central to our agency's operating philosophy. We strive to satisfy our clients from their initial contact with our receptionist, throughout the process of working with a Helpline attorney, and including the receipt of a follow-up letter. We document how the client feels about the service and advice they received, regardless of the legal issue's resolution. This part of the study identifies the attributes that are most important to clients, and how clients rate the performance of the Helpline on those attributes. Questions asked by the survey cover demographic and geographic location of the client, the nature of the advice given, promptness of the call, experience with the lawyer, responsiveness, technical ability, overall experience with the agency, if she would use the Helpline again, and likelihood she would refer it to a friend. There is also a blank space where the client can offer suggestions to make the experience more enjoyable.

As a special part of this self-evaluation process, each attorney and staff member is asked to complete a staff feedback survey. It certainly takes a "village" or team effort to operate a successful Helpline. Therefore, each staff member's involvement with the Helpline, her impressions of the process, and suggestions for improvement are all taken into consideration to make operation of the Helpline a pleasant experience for the office as a whole.

These surveys define targets for immediate action or change, and also delineate long-term trends in satisfaction. If the client was pleased with the service she received, she will most likely feel more confident and less afraid of the legal process, use our services when facing future difficulties, or recommend our services to a friend in need. In fact, Patrick Lamb, author of *In Search of Perfect Client Service* states, "The number one question for determining client satisfaction is not a ranking on any kind of scale, but instead whether the client has referred the firm to someone else. Referrals are the byproduct of true satisfaction." A sample of the survey with results is depicted below.

B. Sample Results

Wisconsin Judicare conducted a study to document the impact the Helpline has in successfully resolving past callers' legal matters.

We monitored the Helpline callers we had advised regarding landlord-tenant matters, divorce, and consumer issues, by researching their subsequent court activity. In 2005, over 73% of calls to the Helpline concerned Landlord-Tenant matters and evictions. Representing the vast majority of our client bases, the court records of this particular client group would best identify key trends or gaps in service. The investigations of the housing clients showed over 95% were able to both understand and follow the advice and instructions provided by the Helpline attorney. *(Ed. Note: The data describes that 95% of the hotline clients who actually filed court cases, and whose court records could be tracked online were able to follow the advice given; no data is offered regarding how many clients who were advised to file an action actually did so, although the author believes the percentage to be high).* For instance, clients properly filed answers, contested the eviction as instructed, reduced the monetary amount they owed, or gained a significant amount of additional time to find alternate housing. A more striking result, however, was that most clients developed a vested interest in their legal matter as a result of their calls to the legal Helpline. Perhaps a better understanding of the legal process and a detailed action plan provided enough confidence for them to follow through on the advice provided.

Allison Shields of Legal Ease Consulting, Inc. claims "lawyers are afraid to ask clients for feedback because they fear it will invite clients to think of negative things to say. But the point of seeking information from clients is to find out how to improve your services...often even the most unreasonable client complaints have a nugget of truth at heart that is worth exploring." Below are a few of the questions asked as a part of our client satisfaction survey, the second phase in measuring client out-

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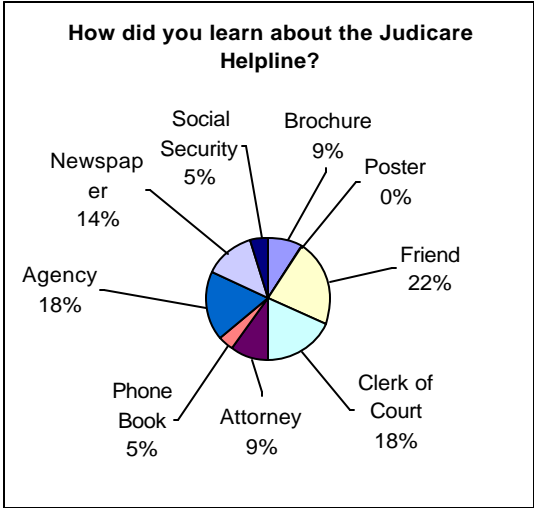
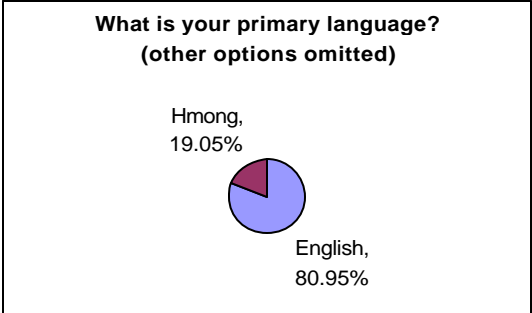
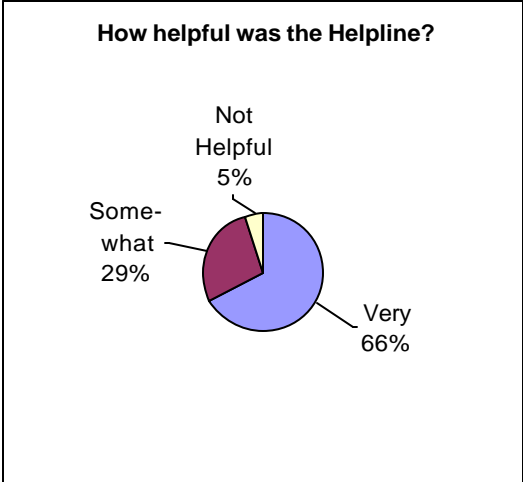
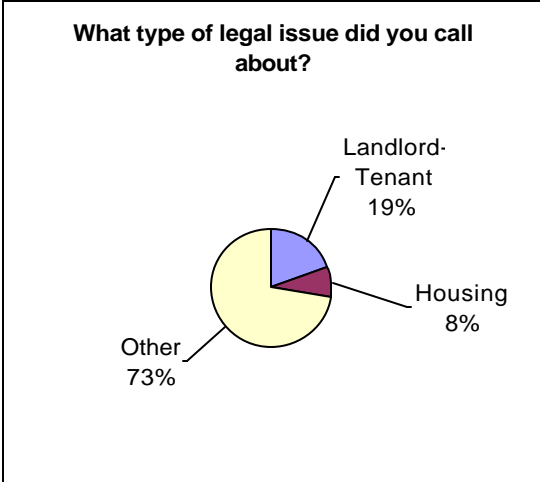


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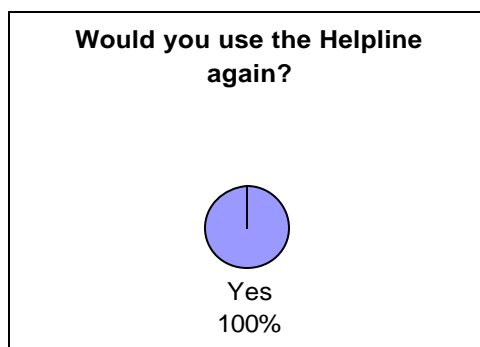
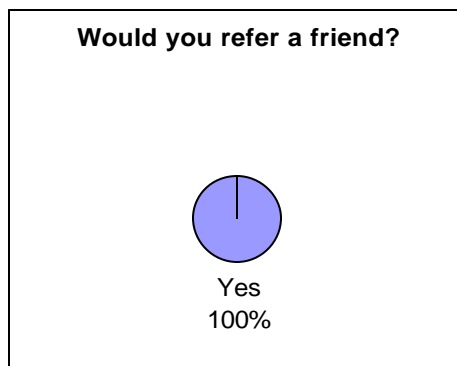
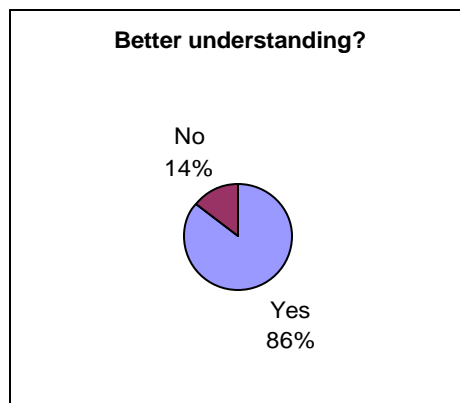
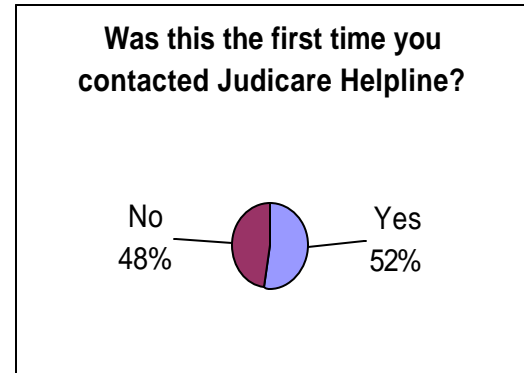
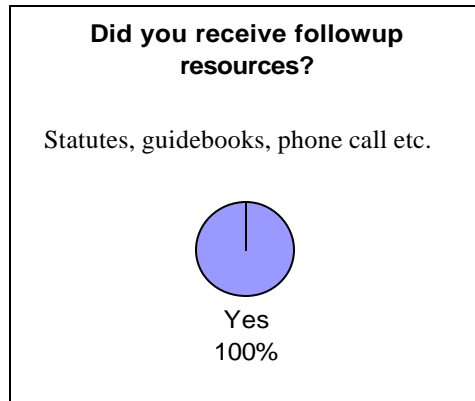
comes. Of the surveys mailed, over 35% of clients responded. We have found that return rate to be above average in our community. The results indicate that many clients feel the Helpline is a valuable resource in navigating the legal system. Staff and stakeholders were provided with a break down of the questions, answers, and graphical results for this version of the survey. The sample results provided are included in the form of percentages.

Ed. Note: 100 cases were reviewed in court house files. The 100 cases consist of all housing cases receiving hotline advice for whom an online court record could be found. Some counties in Wisconsin do not have online records so these cases were not included in the sample. For the Client Satisfaction survey, 200 surveys were returned from the approximately 600 surveys sent. Surveys were sent to all hotline clients during the survey period for whom Wisconsin Judicare had an address on record and where the client would not be jeopardized by receipt of mail from the program (i.e. domestic violence).

**CLIENT SATISFACTION SURVEY
JUDICARE HELPLINE 2004
RESULTS
(n=200)**



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C. Conclusion:

Many agencies get stuck in what has been termed “the ostrich mindset.” It is easy to assume that clients who don’t complain are satisfied clients. Our efforts to ensure satisfaction begin with a proactive approach to knowing our clients and continuing our communications throughout the course of their legal matter. The surveys and court records research demonstrate that even “one time” callers, the typical hotline clients, can raise valuable concerns regarding their conversations and experiences. They also prove to the client that we are care-oriented, not purely results-driven.

The most important part of gathering client feedback, however, is to be proactive once the data is tallied. The results from our outcomes studies inject empirical evidence and comprehensive, fully-informed analysis into our priorities setting process, allow for the development of quality assurance standards and benchmarks for our hotline, and highlight the most effective way of managing limited resources. By taking the time to communicate with clients, each organization can form its own unique tradition for assessing service delivery.

**Wisconsin Judicare
Helpline
Wausau, WI
1 800-472-1638**

Proposed Revised ABA Standards for Providers of Civil Legal Services for the Poor



The ABA is in the process of revising its existing Standards for Providers of Civil Legal Services for the Poor, which were adopted in 1986— the pre-hotline, pre-email, pre-internet era! The world of legal services delivery has undergone massive change since then. As delineated in the ‘*Memorandum Describing Proposed Focus of Revisions, John. A Tull, April, 2005*’, the convening of a task force to address needed revisions in the Standards was a response to “*new delivery developments such as hot-lines...centralized intake, pro se clinics, web assisted self-help, and the like.*”

Several of the proposed Revised Standards have a direct impact on legal hotlines and other discreet service models. Legal Hotline managers are in a prime position to interpret how these Standards would impact the delivery of legal services at their programs. Many of the Proposed Standards are brand new including: 2.4, 2.10, 3.4, 3.4.1, 3.4.2, 3.5 and 3.6; others, including, 4.5 and 4.6, have been substantially revised. According to John Tull, Project Reporter for the Standards Revision Project, the ABA would love to get comments on these Standards from the legal hotline community. The Standards most relevant to the *LHQ* readership are listed below; the complete listing of Proposed Standards and the lengthy commentary accompanying each one can be found at <http://www.abanet.org/legalservices/sclaid/civilstandards.html>.

The goal is to get the Proposed Standards to the House of Delegates by the August, 2006 meeting. Please submit your comments in plenty of time for that deadline.

To submit a comment, please email: John Tull, jatassoc@earthlink.net

PROPOSED STANDARDS FINAL PROPOSED STANDARD 2.4

On Cultural Competence

A provider should ensure that its staff has the skills, knowledge and resources necessary to provide assistance in a culturally competent manner.

FINAL PROPOSED STANDARD 2.9

Use of Non-Attorney Practitioners

A provider should consider using paralegals, tribal advocates, lay advocates, law students and other legal assistants, when authorized by state, federal or tribal law and appropriate ethical rules.

FINAL PROPOSED STANDARD 2.10

On Effective Use of Technology

A provider should utilize technology to support efficient operations and the provision of high quality and responsive services.

FINAL PROPOSED STANDARD 3.4

On Limited Representation

A provider may limit its representation to specific tasks and activities undertaken on a client’s behalf, if the limited representation is reasonable under the circumstances and the client knowingly consents to the limitation.

FINAL PROPOSED STANDARD 3.4-1

On Representation Limited to Legal Advice

A provider may limit its representation to providing legal advice if, in its judgment, clients will potentially benefit from the advice offered and the advice is based on the facts and the law pertinent to each client.

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FINAL PROPOSED STANDARD 3.4-2
On Representation Limited to Brief Service or Limited Intervention

A legal aid provider may choose to provide brief service and limited intervention on clients' behalf if, in its judgment, clients will benefit from the representation that is provided.

FINAL PROPOSED STANDARD 3.5
On Assistance to Pro Se Litigants

In appropriate circumstances, a provider may offer pro se litigants assistance or limited representation at various stages of the proceedings.

FINAL PROPOSED STANDARD 3.6
On the Provision of Legal Information

A provider may offer general legal information that is not based on particular facts and does not establish an attorney-client relationship.

FINAL PROPOSED STANDARD 4.5
On Access To Services

A provider should operate in ways that facilitate access to its services.

FINAL PROPOSED STANDARD 4.6
On Communication in the Primary Languages of Persons Served

A provider should assure that all language groups within its low income communities have access to its services and should assist persons using its services in their primary language.

Read all the Proposed
Standards and
Commentary
at [http://www.abanet.org/
legalservices/sclaid/
civilstandards.html](http://www.abanet.org/legalservices/sclaid/civilstandards.html)

Email your comments to:
John Tull:
jatassoc@earthlink.com

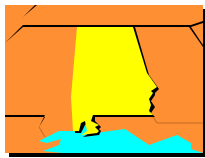
Hotlines and Hurricanes: How Legal Hotlines Became Disaster Responders



Last year's hurricane season left a legacy of legal problems in addition to the devastation to lives and property. Several Gulf Coast States realized that providing telephone access to services was the quickest way to address the legal needs of the victims. Texas has had a long standing statewide legal hotline, Legal Hotline for Texans, and quickly used its hotline infrastructure for rapid deployment of legal assistance to the thousands of Katrina victims living in Texas. Programs in Alabama and Louisiana responded to Katrina by jump-starting a statewide legal hotline for disaster assistance. Alabama Legal Services Disaster Hotline Network will form the basis of a statewide intake and advice mechanism for the Legal Services of Alabama statewide organization. Louisiana's Bar Association, in partnership with various groups, opened a legal hotline for Katrina victims within days of the storm's passing.

This article describes how these programs used the hotline model for rapid response to a natural disaster.

Alabama



Legal Services of Alabama Disaster Hotline Network began taking calls about six weeks after Katrina hit the Gulf Coast on August 29th, 2005. The hotline was launched with a start up budget of just under 1 million dollars that included staffing, equipment, office space and furniture. Debra Hansen, Director of the Alabama Disaster Hotline Network, anticipates that ongoing staffing and operating costs will be about \$500,000 annually. The start up budget included an allocation of Legal Services Corporation funds, Access to Justice Funds allocated via the Alabama Law Foundation and funds awarded in

the wake of Katrina for the development of the DHN, including an AARP Foundation grant for older Katrina victims. LSA responded to the needs of hurricane victims by quickly getting a toll free number and an attorney based in Montgomery to handle statewide calls. The goal of this effort was originally to respond to victims of Katrina and Hurricane Ivan, a September 2004 Hurricane. Debra reports that the subject matter of legal problems stemming from these disasters is unfolding according to the length of time that has passed. The initial problems experienced by hurricane victims related to obtaining approval for FEMA benefits and finding housing. The next layer of problems involved collecting insurance proceeds on damaged and destroyed housing. Katrina victims are not yet at the stage of experiencing problems with home repair contracts. Debra explained that surprisingly, family law issues also arose after the hurricanes- issues related to wills lost in the destruction and child custody issues which resulted from people leaving children with family members while they went in search of replacement housing or jobs.

Once the hotline was up and running, the new LSA Executive Director, Melissa Pershing, recognizing that the call center infrastructure was already in place, saw the opportunity to implement a centralized telephone intake system for the 10 LSA field offices statewide. LSA handled over 8,600 cases last year; about 70% of them were closed with counsel and advice. The poverty population of Alabama is 700,000 persons, one-quarter of whom are children.

The Disaster Hotline Network is in the process of evolving into the intake, advice and referral arm of LSA. Furthermore, a Spanish Legal Hotline was launched in March with a separate toll free number. The hotline currently has a staff of twelve, however, unlike many centralized intake units, the hotline attorneys are stationed in four of the LSA offices. The Montgomery, Mobile, and Huntsville hotline attorneys are located in the same office or building as the local LSA office. The Birmingham hotline attorney is housed at the Cumberland Law School of Stanford University with the idea that law students will participate in the hotline work in the future.

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While integrating call routing, instant messaging and a centralized case management database allow the four Call Centers to operate as a single unit; dispersing the call center locations among Alabama's four urban areas and the LSA's programs four regions allows:

- Each Center to take advantage of potential law student, attorney and other volunteers in four urban areas instead of just one;
- Any center to take over operations for any other center or even the entire state should another center or centers be affected by a natural or other disaster;
- Each call center to rotate shifts in order to provide coverage from 8 am to 8 pm Monday through Friday and 9 to noon every Saturday--without any one staffer having to work evenings more than one week a month or work more than one Saturday a month.

Additionally co-locating three of the call centers with a local office (and the fourth at a law school) is meant to help minimize the "us" and "them" kind of feelings that sometimes arise between local office staff and call center staff and facilitate call center staff interaction with local communities.

As the hotline morphs into a statewide intake system, it will serve as a filter for cases that can be handled by counsel and advice or limited brief service. Not only does this lift much of the burden of eligibility screening from local offices, but reduces no shows at the local office and reduces local office paralegal or attorney time ferreting out facts and issues needed just to dispense information and advice. Local offices should have more time to provide extended representation and to do outreach to those communities, in those areas and with those groups and individuals who do not have or are less likely to use telephones.

As the hotline becomes more experienced and sophisticated, hotline staff are developing checklists and scripts for specific areas of law most common to legal services. This will assist local offices when hiring new personnel by directing them to a resource they can use during their initial training time with LSA. The call center also looks for specific issues that LSA's statewide practice group advocacy directors are interested in and refers those cases.

Work-Flow

The Call Center is open from 8 AM to 8 PM Monday-Friday and from 9 to Noon on Saturday. Each call center takes a turn on the evening and Saturday shifts. As calls come in they are placed in the phone queue. The calls are picked up by screeners who do a conflicts check, eligibility screening, and find out the reason for the call. The screener then inputs the demographic information into the Legal Files case management software and the intake is passed to the attorney in the local office via the software. The hotline tries to avoid doing call backs and at present there are enough staff members so that calls are flowing through efficiently. Existing Soft-phone technologies would allow screeners (or volunteers) to pick up from their homes (LSA will begin using a pilot program to allow some staff members to work from home during evening or Saturday shifts). The average number of calls so far has been about 45 per day, but only limited outreach or publicity has been performed to alert Alabama residents to the existence of the legal call center.

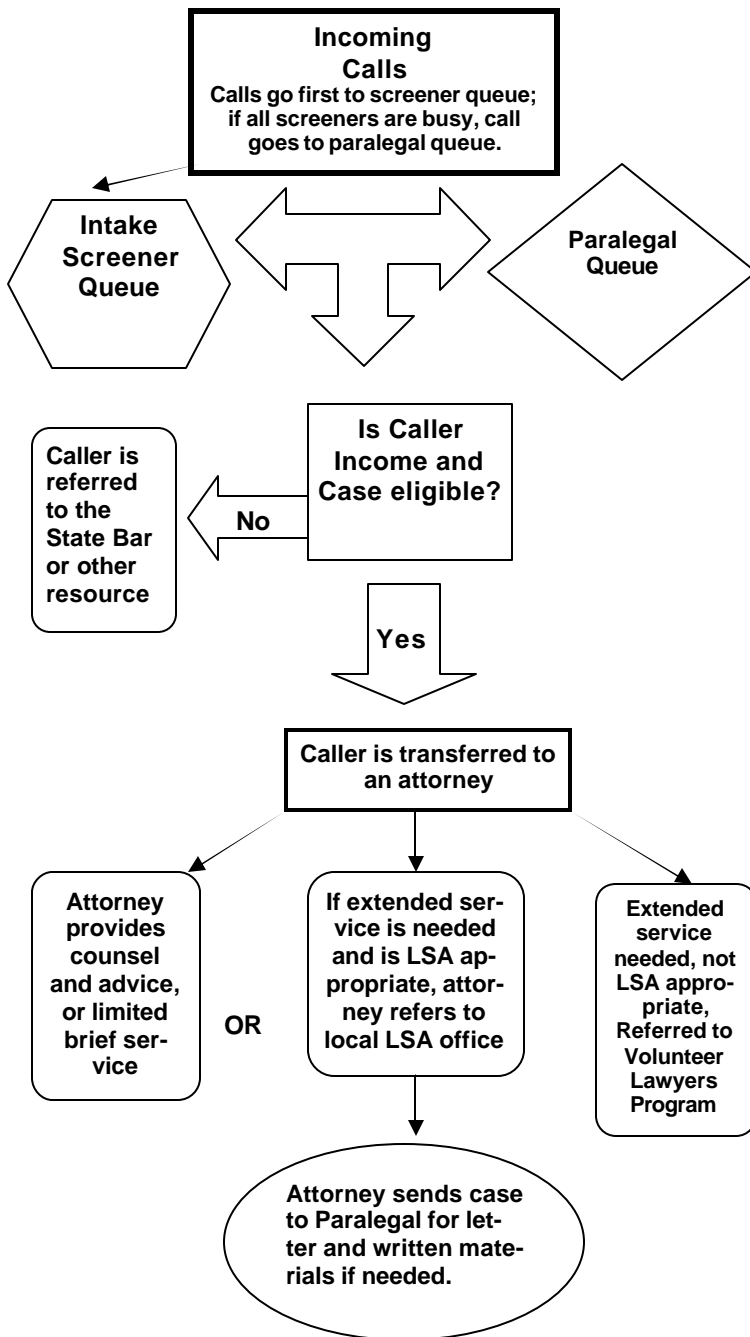
The attorneys provide advice and referrals. The paralegals send out letters and brochures at the attorneys' instruction. Every caller who receives advice gets a follow up letter. The attorneys also perform limited brief services. In order to make a referral for full representation, the hotline attorney calls the supervising attorney in the local office. It is up to the supervising attorney whether the case will be accepted for full representation. Once the Legal Files software is deployed in all the offices, the supervising attorney will be able to access the client case file. In the meantime, the hotline is copying the information from the file into an email and sending it to the supervising attorney. The supervising attorney then contacts the client directly. The hotline can also refer cases to the Volunteer Lawyers Project.

The hotline has two toll free numbers, one for English callers and one for Spanish callers. Calls are answered in queue by the next available intake screener. As long as the staff member is logged into the phone system, it does not matter where they are located. The screener then calls the attorney on duty in his office to handle the call, as only screeners, and not attorneys, are part of the call queue. If the attor-

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ney is not available, the screener will try another attorney or a paralegal who can give advice under the supervision of an attorney. The hotline staff consists of four attorneys, four intake screeners and four paralegals. The intake screeners are the first to determine income and case eligibility. In the event all intake screeners are busy, the paralegals will take the calls. In the event no intake screeners or paralegals are available, the attorneys will take the initial call. After the attorney completes the call, the paralegal sends out the advice letter, resource information or brochures.



Equipment

LSA uses CISCO phones with Asterisk- an open source call distribution system with Voice Over the Internet Protocol (VoIP). The program encountered some initial problems with implementation of the phone service and needed to get extra routers and T1 lines to help the call distribution flow and call quality.

The hotline uses web-based Legal Files case management software. Presently just the hotline is using this software but it will replace the current software in use at the LSA offices. Debra is very happy with the software. Although it is expensive, it is efficient at tracking needed information and allows the user to create a variety of templates.

Quality Control

To prepare for the opening of the hotline, the attorneys all attended an intensive week long training which included LSC procedures and Legal Files operation. The Advocacy Director and the hotline advocates are part of subject matter practice groups and attend statewide meetings to keep in touch with developments. As new attorneys are hired, they will go to the Montgomery office to spend a day for on the job training.

Debra currently reviews all the case notes entered by the hotline staff. LSA has an in-house website where the attorneys can refer to substantive materials. It serves as a portal to the LSA website, www.alabamalegalservices.org, which has an array of client material including FEMA information. The hotline attorneys can also call the advocacy director for assistance with a particular legal issue. The hotline will also send clients certain pro se materials, particularly for child custody and child support issues.

The most challenging aspect of launching the hotline, according to Debra, has been working through the technology. This has largely been an issue of testing, retesting and tweaking VoIP call quality in concert with securing sufficient bandwidth (without overspending) to operate LegalFiles Citrix and VoIP technologies

**Legal Services of Alabama Disaster
Hotline Network: 1-877-373-2333
Debra Hansen, Hotline Director
dhansen@alsp.org**

Louisiana State Bar

The response of Louisiana lawyers to the devastation of Hurricane Katrina was rapid and substantial. According to Monte Mollere, Access to Justice Director at the Louisiana State Bar Association, the Association, just days after the hurricane hit, began working with the Baton Rouge Bar Association, the Young Lawyer Division and FEMA, to quickly institute a one stop legal hotline for victims of Hurricane Katrina, and later victims of Hurricane Rita. The hotline, which began as a paper-based system, was converted to a viable online system with the assistance of Texas Rio Grande Legal Aid, LSU Law School, Southern University Law School, Loyola Law School and the staff from the Bar's Access to Justice Program. The conversion allowed for web-based access by pro bono attorneys (both in Louisiana and outside of the state) and the Louisiana legal services providers. The hotline continues to provide services to this day.



**Louisiana
State Bar Association
Disaster Legal Hotline
1-800-310-7029**

Texas

The Texas Legal Services Center responded to the influx of Katrina victims by creating the Disaster Relief Hotline as part of the Legal Hotline for Texans. (*The Legal Hotline for Texans has been profiled in previous issues of LHQ*). With a statewide telephone legal hotline already in place, TLSC was well positioned to respond nimbly. TLSC hired Peggy Fuller, as a full time attorney for the Disaster Relief Hotline. Peggy is a Louisiana evacuee from New Orleans and had been a Legal Services attorney there. Many of the calls to the Disaster Assistance Hotline involve areas of both Texas and Louisiana law and many also arise from resettlement issues such as FEMA appeals, unemployment compensation benefits and divorce and custody issues. According to Peggy, the Texas Disaster Relief Hotline offers advice and assistance to both Katrina and Rita victims. (Rita struck in September 2005). Areas of assistance include Landlord/Tenant and Housing issues, Consumer Law, Insurance, Public Benefits, FEMA, and Family Law. TLSC received a grant from AARP Foundation to help with this effort.



Clients can call in on a toll free number at any time and leave a message. Peggy returns the client calls. The TLSC Disaster Relief Hotline provides mostly advice and referrals but can offer some direct assistance on FEMA appeals, review of repair contracts and insurance policies, and help with obtaining continued unemployment compensation benefits.

Since it opened for business in September 2005, the hotline has helped almost 8,000 callers. The hotline will assist with all hurricane-related legal issues, but Landlord/Tenant, Insurance, and FEMA problems comprise the majority of the calls to date. The hotline is staffed by an administrator, LSU and Southern University law students, Pro Bono Legal Corps fellows, and contract attorneys. Law students handle the initial calls. They address immediate problems, and refer the caller to a hotline attorney or to a local legal services office, depending on the situation presented. Additional referrals are made where appropriate. The Louisiana Supreme Court's original rule which allowed out of state attorneys to provide advice only, was expanded to allow out of state lawyers associated with one of six local legal services to provide expanded client services. The call center is assisting with the coordination of these volunteers.

The call center employs technology to efficiently and accurately handle calls and make appropriate referrals to local full-service programs. The call center has stable funding through December 2007, but because it has been so popular and effective, the providers and the Bar are working to define it as a permanent part of Louisiana's justice network and a resource to the state's vulnerable populations.

**Texas Legal Services Center
Disaster Relief Hotline
800-622-2520**

From the Frontline

WHEN A HOTLINE BECOMES A LIFELINE

*By Marjorie Ann Martin**



I work in New Mexico, a state with miles of open land and a scattering of people. As an attorney who speaks both Spanish and English, the calls I receive are often bilingual cries of desperation. The hardest calls for me to take are those that come from the hinterlands of the state, from women in isolated towns or on isolated farms and ranches, enduring horrifying abuse and seeing no place to turn and no one near them to turn to. Somehow they find the number of our hotline, Law Access New Mexico, and raise the courage to call us, hoping for what seems to them a miracle - a way out.

One call I received was from a woman who had lived on a dairy farm with her husband for over 20 years. She spoke only Spanish, and had minimal education, no job, and no employment history. Her husband was a laborer on the farm and they lived in housing provided by the farm's owner. This client, like so many who call us, had no car and no access to transportation, and there was literally nothing near her - not a police station, not a library, not a post office.

**Marjorie Ann Martin was formerly the Housing Unit Supervisor with the Law Access New Mexico in Albuquerque.*

She had been beaten by her husband numerous times throughout their years together, and he controlled all their money. She did not trust anyone on the farm to assist her, and did not feel she could call a sheriff to come to her assistance because of the influence of her husband's employer in that area. Helping this client would require more from me than law school training.

By further questioning the client, I learned that her most recent beating was more than one month prior to her call to us. New Mexico's domestic violence law is fairly broad in scope, but it does require that the alleged victim have experienced some form of verbal, mental, physical, or economic abuse within 30 days from the date the victim applies for a temporary restraining order. The client explained to me that her husband was consistently verbally abusive, and lately had begun increasing the frequency and ferocity of this abuse. The client's husband had also begun to drink more than usual - all of this a sign that another beating was to come. The fact that she was not in immediate danger meant that there was no sound basis for convincing her to call the sheriff or to allow me to do so for her. The lack of evidence of any battery would only cause the sheriff to discount her need for help, and possibly to ignore a call in the future when the client could actually be facing physical harm. I knew I needed to convince her to find a way to leave her situation before her husband escalated once again to violence.

The biggest problem this client faced was her terror, her fear of everything. This client was frightened to find a way off the farm, to defy her husband's control, to try to make a life on her own. Add to all the classic signs of "battered spouse syndrome" the fact that the client spoke no English and had a limited education in her own language. In deciding how to advise this client, I was faced with trying to prepare someone for self-advocacy who would have extreme difficulty just taking action to save herself from danger. The fact that the client had taken the step to make the call to us, after enduring all these years of abuse, indicated that she might finally be ready to take a stand in her own defense.

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What did I do? I asked her what she wanted. Despite her terrors, the client told me she did not want to be beaten any more, she wanted out of her situation. Yet she cried relentlessly throughout the interview, and each option I proposed she declared impossible. I had experienced this reaction with other callers, always women in isolated living situations like this client, who wanted help yet found reasons to reject every suggestion of self-help given. In this case, recognizing her low self-esteem, I told her that she had rights in this country and could quickly get a restraining order to keep her husband from abusing her, verbally and physically.

I advised her that she could demand support in the same court proceeding in which she would seek an Order for Protection. Since her children were grown and living on their own, I suggested she call one who might be willing to assist her to leave the farm. Though this option might seem so obvious, for some reason it had not been obvious to her. Maybe shame, maybe her origins in a culture that values marital commitment often in spite of domestic abuse, maybe fear of burdening her family - maybe all of these things had kept her from seeing what to some would be an obvious choice. During our conversation, this client finally stopped crying and started laughing at the thought of how her husband's face would look when he realized she'd left him after all these years.

I gave the client information about the nearest women's abuse shelter for support in getting her Order of Protection, filing for divorce, obtaining psychological counseling, applying for Food Stamps and obtaining English lessons. This client had been kept unaware in her isolation of what options were available for help not so very far away from her home. The client had felt herself desperate and without options when she called us. For her, our hotline was a lifeline, to learn her rights, to learn her options, to save herself.

National Association of Senior Legal Hotlines

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

The mission of this new association is to facilitate the sharing of relevant information to strengthen the role of statewide hotlines in the provision of legal services for seniors. Recently, the Association received a grant from AARP Foundation to help its member senior hotlines submit Medicare Part D Low Income Subsidy applications on behalf of hotline callers.

If your program has a senior legal hotline that operates or hopes to operate statewide, this Association is for you.

Download a Membership Application at:
<http://www.legalhotlines.org>.

If you would like more information about NASLH, please contact one of these officers:

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West Virginia Senior Legal Hotline;
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