

Elements of a High Quality Legal Hotline
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Legal Hotlines come in many shapes. Some call themselves advice lines, help lines or telephone intake units. Some stand alone; most are part of a full-service program.¹ Whatever their name or profile, the programs we consider here are those whose services are not limited to intake screening but which routinely deliver legal advice to callers. The quality of these programs hinges on providing eligible callers with accurate, complete, and timely legal advice as well as streamlined intake or referral in a cost-efficient manner. I have been a student of hotline delivery models since 1989 as supervising attorney, and later director of, the Legal Hotline for Older Floridians. I joined the AARP Foundation Technical Support for Legal Hotlines Project in 1996. As part of the Project, I have visited legal hotlines, interviewed managers, reviewed casenotes, and collected practice tips. These experiences contributed to the development of the following opinions which the MIE Journal has graciously granted me the opportunity to share.

A Little History

Prior to the 1990's only a handful of programs had telephone intake and advice mechanisms.¹ Wayne Moore, at AARP Foundation, pioneered the statewide senior legal hotline concept in 1985. Over the succeeding years, with start up grants from AARP or the Administration on Aging, senior hotlines were established in 20 states, Puerto Rico and the District of Columbia. In the mid 90's, LSC began to actively endorse the concept of centralized telephone intake and advice. This resulted in the proliferation of telephone intake and advice units in the late 90's.

A natural consequence of the proliferation was the permutation of the model to fit the needs of the individual programs. Diversification brought with it the danger that the quality of the telephone services could be diluted. In order to address this concern, The ABA Standing Committee on the Delivery of Legal Services drafted *Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information*, which will be presented to the ABA House of Delegates for adoption in Summer 2001².

LSC has prepared *Draft Characteristics of a Telephone Intake, Advice, and Referral System*³. While the intake function is integral to full-service program operation, at most

¹ The *State-by-State Legal Hotline Directory* contains profiles of 150+ legal hotline programs. Available at www.equaljustice.org/hotline1.

² The *Standards* may be downloaded at www.equaljustice.org/hotline1

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

programs only a minority of calls are destined for full service intake. The service rendered to the advice-only callers is equally important to the quality of the hotline.

Staffing

In the statewide senior hotline model, experienced attorneys primarily handle the hotline calls. Paralegals can also be used effectively for specializing in single subject advice. Clients at general legal hotlines staffed primarily with paralegals or law students may receive a valuable service, but it is not the same level of service as a consultation with an attorney envisioned in the senior hotline model.

In my years of supervising hotline attorneys it quickly became evident there was no substitute for the authority and guidance conveyed by experienced attorneys. Of course, I understand that program staff choices are constrained by their budgets and hiring experienced lawyers may be an unattainable ideal. However, some of the more experienced senior legal hotlines, using part-time attorneys, are able to provide services for a total cost of \$40.00 per case or less.⁴ If the program cannot afford full-time attorneys, running a hotline with part-time attorneys can result in large savings. There is an unmet desire among parents of small children, retired attorneys, and solo practitioners to work just a few shifts per weeks. They can even have calls routed to them at their own homes or offices. Hotlines can also decrease the cost-per-call by having a telephone intake worker input the client demographic data so that attorney time is preserved.

A hotline staffed by attorneys practically runs itself. Before making a decision on staffing, the hotline developer might carefully balance the actual cost of using attorneys and the quality and efficiency to be gained against the exhaustive supervision, training, and turnover costs of non-lawyer and student staffing.

Training, Materials, and Supervision

Many programs begin with a bar-review type training course. A more effective approach would be to design a training program with the subject review presented in the context of typical client calls. Information will be retained better and have a lot more meaning as the hotline advocates take their first calls. Of course, listening in on calls with an experienced hotline advocate during the first weeks is essential. In a full-service program, it is very important for the hotline advocates to understand how the whole program works. As part of ongoing training, it would be ideal to have hotline staffers spend some time observing each of the full-service units and attending different types of hearings to maintain the skills and confidence that comes from actually having handled, or at least witnessed, the procedures they may be called upon to discuss with hotline clients. Including training on telephone communications skills is often neglected but also important. See the Customer Care Institute article on this topic, *Legal Hotline Quarterly*, Summer 1999.⁵

⁴ Calculated on the total annual cost of running the hotline divided by the number of cases the hotline handled. See *Senior Legal Hotlines Annual Reports 2000* and previous years www.povertylaw.org

⁵ Available at the Legal Hotline Technical Support library at www.povertylaw.org

The Frequently Asked Questions Manual is a fundamental tool for hotline advocates.⁶ Case note review at the senior legal hotlines showed a dramatic improvement in the quality of the advice once a program had its Frequently Asked Questions Manual in place. Other essential legal resources such as state and federal statutes should be accessible with a few clicks on the desktop PC.

Client education and *pro se* brochures on topics of frequent inquiry are an extremely useful supplement to telephone advice. In addition to producing brochures, the program should gather materials prepared by the courts, consumer agencies, and government departments and have them ready for mailing to hotline callers. Hotline advocates can prepare individual letters of advice in those occasional cases they deem it necessary.

Case Notes

The recording of accurate client data and case notes is essential to hotline quality. Case notes inform the supervisor if the information given was accurate and complete and ensures that subsequent hotline advocates will be able to review the history when the client calls back with further inquiries or if disputes arise. In my view, notes which say, *e.g.* “advised client on bankruptcy” are insufficient for meaningful supervision. Casenotes should include a brief recitation of the relevant facts, a statement of the law applicable to those facts, and a summary of the advice the client was given. To save time, irrelevant facts should be excluded and references to a specific FAQ or statute included. For a detailed discussion on the art of case note composition, *see Casenote Considerations, LHQ Spring 1998*.

If the telephone advocates are not attorneys admitted to the state’s bar they must work under the direction and supervision of lawyers.⁷ Daily review of the case notes may well be ethically required to avoid the unauthorized practice of law. However, review of attorney case notes is also well worth the effort. It allows the supervising attorney to quickly catch errors and have the advocate call the client back to correct the problem. The supervisor may spot additional issues or courses of action the advocate may have missed during the heat of the call. Case notes provide a vehicle for improving a particular advocate’s skills; great notes can serve as an example for the rest of the staff. One of the most important goals of regular case note review is to spot problem trends developing in the client population. It also allows the reviewer to scan for a particular type of impact case.

⁶ AARP Legal Services Network has prepared state-specific Frequently Asked Questions (Attorney and Client versions) containing 90+ questions developed from the senior statewide hotlines. Non-profits may use these copyrighted materials so long as AARP is acknowledged in any written distribution of the material and no fees are charged. Check for your state’s materials at the Legal Hotline Technical Support Library at www.povertylaw.org

⁷ *Draft ABA Standards 1.8 and comment thereto.*

Client Access

Every hotline manager's dream is to handle all calls 'live'. In reality, the only programs which can avoid call-backs entirely are those which simply do not permit callers to leave messages; callers must choose to wait on the queue or call back another time. Let's keep in mind that a legal hotline is neither poison control nor suicide prevention. A client who gets legal advice promptly, if not immediately, still receives high quality and timely services. Rather than foreclose clients who cannot wait on a long queue from leaving messages, a call backlog can be prevented by scheduling calls backs for a specified time, shortening call-in hours during high volume periods, and/or reserving some funding for attorney consultants who can take calls in their own offices during high volume periods. They are paid only for time spent talking to clients and can either have calls routed to them or return messages shortly after they are left.

Intake and Referrals

Hotlines provide the opportunity to greatly improve the quality of intakes to full-service programs. Hotline advocates should be completely in step with the types and timing of cases to be referred. Although the full-service unit should make the ultimate decision on case acceptance, it is beneficial for the hotline to have the authority either to set an appointment with a staff attorney or tell the client that the attorney will call. Requiring the hotline client to follow additional intake procedures is counterproductive. A high-quality hotline will also prepare the client for the appointment. This includes instructing the client on how to get the matter into a procedural posture suitable for representation, telling the client which documents to bring or where to get the file he needs. A staff attorney at LCE recently remarked on how much his case handling has been assisted by having the hotline prepare clients in this way.

Hotlines have the ability to streamline referrals to outside programs as well. Most hotlines have software that allows referral agencies to be listed in a searchable database. Hotline managers can make contact with each of the agencies likely to be regular referral avenues and develop protocols with those willing to do so. These could include having a direct contact person for legal hotline referrals, creating fax or electronic forms for transmitting the referrals, and exchanging brief disposition reports.

However sophisticated the telephone system or customized the software, a hotline is only as good as the legal advice it provides. The client's contact with the hotline may be his best chance for access to justice. A high quality hotline is one that makes the most of that chance.

