Hiring, Training, Evaluating, and Retaining Hotline Advocates

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This workshop addresses the hiring, training, evaluating and retention of hotline advocates. The panelists will discuss hiring practices designed to accurately assess the knowledge, skills, aptitudes and passions of candidates. The panelists will then present a multi-pronged approach to shaping hotline advocates, including training in substantive law and technology, call/client handling, time management, effective referral-making, and the critical need for supervision and staff evaluations. Finally, the panelists will address the challenges of retaining a superior and finely-honed hotline staff, including the art of managing to meet advocate needs and motivate group behavior by maximizing ownership, moderating stress, maintaining excitement and averting burnout.

Topical Outline: Hiring Hotline Advocates, Allan A. Parker

I. Hiring Hotline Advocates
  A. Introduction
    1. History of LawLINE – legal advice since September 2003 – see John Simpson paper in Summer 2004 *Legal Hotline Quarterly*
    2. Staffing at LawLINE – mix of lawyers and paralegals

  B. The recruitment process at LSS/LawLINE
    1. The decision to hire – joint process with HR department
      a. Originates from yearly budget process
      b. Governed by additional factors including collective agreements
      c. LawLINE experience: overall strategy was to have mix of years of experience and areas of expertise
    2. The initial steps
      a. For all regular employees, process includes requisition to HR, job requirement analysis, and review of any constraints on the recruitment process
      b. For casual employees, recruitment usually originates with resumes submitted, or through other contacts; interview conducted by Program Manager rather than hiring panel but reference checks done
      c. Comment: initial steps are important to overall recruiting success in order to attract right type of applicant, not just volume of applicants
      d. LawLINE experience: mix of regular and casual employees has been positive; flexibility of casual employees is mutually advantageous

  C. Job search methods
    1. Use a variety of methods including internal posting, website posting, advertising, educational institutions, courthouses, and employee referrals
    2. Looking at open houses and professional search firms as alternatives
    3. Comment: various advantages to having mix of internal and external hiring
    4. LawLINE experience: have had mix of internal and external hirings

  D. Hiring panel
    1. Use three person panel, including HR rep
    2. HR rep and LawLINE manager do independent review of resumes and prepare short list
    3. Interview schedule set by HR using Meeting Request in MS Outlook
    4. Comment: no quota for number of interviews, with doubt resolved in favour of interviewing candidate
    5. LawLINE experience: initial opportunity to look for intangibles such as passion for position and fit within staff team; indicators include strong cover letter, clinical and/or pro bono experience, community service

  E. Interview questions
    1. Customized for each competition from HR question bank
    2. Questions designed to assess knowledge, skills, and aptitude

3. Range of questions including open ended (e.g. outline your resume), narrow (e.g. experience in specific areas of law), and specific questions (e.g. computer experience)
4. Use several scenario-type questions to assess insight into advice-giving skills, strengths as team member, and ability to recognize ethical issues.
5. Comment: general objectivity in assessing answers to questions balanced with subjective observations such as body language
6. LawLINE experience: many scenario questions drawn from LawLINE client and staff experiences

F. Panel decision

1. Usually made immediately after last interview
2. We do not use numerical rating system, but qualitative assessment based on detailed interview notes
3. Comment: HR staff conveys conditional offer and phones regrets to other candidates
4. LawLINE experience: all our decisions have been by consensus

G. Reference checks

1. Confirm references at interview, but checks usually done only proposed successful candidate; conducted by HR staff
2. Generally use employment references, and not personal references; little weight given to reference letters
3. Comment: we use at least two internal or three external references, conducted by phone call; advantage of directness

II. Summary of LawLINE experiences in training, evaluating, and retaining advocates

A. <u>Training and orientation</u>: 5 day orientation; main focus is peer-based progression in taking calls; post-orientation training is customized in yearly performance plan and includes in-house seminars, self-directed reading, mentored placements, CLE, extensive staff-to-staff consultation and sharing; strong emphasis on job entailing life-long learning

B. <u>Evaluating</u>: all regular staff have probation period with three reporting stages; general evaluation done by yearly performance plan, periodic formal and informal meetings; range of measures used including quantitative (case totals; cases per line hour; case timekeeping) and qualitative (file reviews; monthly activity reports prepared by staff); strong emphasis on continuous feedback

C. <u>Retaining</u>: LSS is committed to retaining employees through wellness program, employee anniversary recognition and strong benefit package: LawLINE allows staff time for participation in range of internal and external job-related activities (CLE, PLEI projects)

III. Reference material: two reference books often referred to by LSS HR are “Hiring Top Performers” by Bob Adams and Peter Veruki (1997; Adams Streetwise Publications), and “Canadian Human Resource Management” by Schwind, Das, Werther and Davis (1995; McGraw-Hill Ryerson Limited)
Technical Assistance Project for Legal Hotlines: http://www.povertylaw.org/legalresearch/hotline/

Topical Outline: Training Legal Hotline Advocates, Kathleen Brockel

I. **<u>Training is an investment in time and money. Training is a pay now or pay later proposition!</u>**
   a. Law Access New Mexico in the second year of operations spent about 9% of our budget in training costs and staff time.
   b. Training yields smarter, more efficient workers and weeds out bad hires.
   c. Training increases workers self-sufficiency and creates job ownership and pride.

II. **<u>Develop a training program at your office</u>**
   a. Establish a training budget and remember that the biggest cost is actually time. Staff time = payroll costs
   b. Training calendar
   c. Training coordinator – This person should assess staff skills, training needs and agency goals. This person also researches cost effective training opportunities and tracks professional attorney and paralegal CLE's.
   d. Include training as part of the employee's annual evaluation.

III. **<u>Substantive Law Training – Is your helpline organized as a general practice or do you use specialists?</u>**
   a. General Practice/Basic Training – At Law Access we train all staff on domestic relations, housing and public benefits. This is because 50% of our calls involve DR and everybody needs to issue spot DR issues. Housing is our second biggest field. Public benefits skills are used more for holistic advocacy than for legal advice – this means that advocates are using their public benefits knowledge during the intake process to assess if clients could be eligible for foodstamps, Medicaid and the like.
   b. Specialized Practice/Advanced Training - After basic training each attorney and paralegal is assigned substantive law areas for which they will be answering calls. Calls in our system are routed by our computerized call center system based on type of client problem. Some attorneys are only answering calls on consumer and bankruptcy, others only on DR, still others on 3 – 5 substantive law areas.
   c. Newbies v. Experienced Attorneys – at Law Access we have all new staff complete a standard set of substantive law training regardless of their past experience. Basic training provides a minimal level of uniformity of knowledge.
   d. Low Cost Resources
      - State Support Center – BLAST training, basic and advanced
      - State Bar Center – The New Mexico Bar enacted a program last year that permits attorneys to audit (no CLE credit) any Bar sponsored training for $10 + $29 for written materials.
      - In-house training – Law Access schedules monthly in-house training using our own staff, private attorneys and staff from other legal service providers – Remember to video tape or record in house trainings for future use. See http://www.itcweb.org/
      - Local Law School – New Mexico's law school organizes an Access to Justice Network of private attorneys for low-bono cases. As part of this program they offer substantive law training at a rate of $1.00 per CLE credit.

- Other resources
  http://www.nlada.org/ NLADA
  http://www.illinoislegaladvocate.org Law Access used this site for internet SSA training.
  http://www.pli.edu
  http://www.abanet.org/domviol/home.html
  http://jec.unm.edu/ This is our state's judicial education center, very informative!
  http://www.legalaiduniversity.org This is a relatively new resource, you should check it out.
  http://www.nmbar.org Your state Bar should have online courses
  http://www.abanet.org/cle/ecle/home.html
  http://westlegaledcenter.com/home/homepage.jsf
  http://www.cleonline.com/seminar/seminar_list.php
  http://www.nlg.org/ National Lawyers Guild
  http://www.aclu.org/ ACLU
  http://www.povertylaw.org/ LOTS of resources here

IV. Working with Low Income clients

a. Low cost resources

http://www.povertylaw.org/legalresearch/manual/index.cfm
http://www.povertylaw.org/legalresearch/legalresearch.cfm

V. Ethics and Professionalism Training

a. Conflict rules, attorney supervision of paralegals, advice v. information, when is a caller a "client"
b. Low Cost resources

http://www.lri.lsc.gov/pdf/other/TIG_Conf._Materials/Professional_Responsibility_Delivering.pdf
http://www.abanet.org/cle/home.html

VI. CLE's

a. Review state requirements for attorneys and paralegals
b. Have your training coordinator review year end CLE reports to confirm compliance

VII. Call Handling and phone interview skills

a. This is part of basic training but advocates often need refreshers
b. Set up emergency plans for suicide threats and threats of harm to third parties
c. Advise your staff on your policy concerning involving police and other emergency personnel
d. Interview question prompts
e. Low Cost Resources:

http://www.povertylaw.org/legalresearch/hotline/Leghot.%20libass/Attorney%20Manual%202-24-04.pdf AARP Helpline Manual

VIII. Helpline Protocol

a. Helpline legal services are the like a factory assembly line, train your staff to MOVE cases
b. Advice protocol, brief services protocol, income guidelines, and rejections…

c. Case closing, case follow up
d. Time management, document retention
e. The buddy system works well in this area

IX. Technology Systems

a. Case management system
b. Timekeeping
c. Telephone call center program
d. Basic Windows programs
e. GIS
f. HotDocs
g. TTY services
h. Statistics & Reports
i. Designate one or two technology point people especially if you have no Techie Nerd on staff
j. Low Cost Resources

http://lstech.org/ntap/about_ntap (GIS, LEP, Helpline protocol…)
http://www.oslsa.org/OSLSA/PublicWeb (for HotDocs)
http://www.iowalegalaid.org/ia/homepage.html (for a cd on Pika training)
http://www.dnalegalservices.org (for a disk on Kemps training)
http://www.lri.lsc.gov/sitepages/tech/tech_txagenda04.htm (LSC TIG Conf.)
http://www.capstonepractice.com/ontoOpen.html (HotDocs)

X. Referral Protocol

a. Referrals to Legal Services Providers – DETAILS of who does what (at Law Access this is the most difficult area to learn!)
b. Referrals to social service providers

XI. LEP Services

a. Providing legal advice in a language other than English requires specialized training
b. Training for telephone services vs. written documents
c. Beyond language – Culture, Native American, Asian American, African American … In New Mexico we have Northern New Mexicans, Mexican Americans, Cuban Americans – lots of culture differences
d. Low Cost resources - Law School, Bar Association, Administrative Office of the Courts, Court Interpreter Programs

http://www.usdoj.gov/crt/genglossary_esp.htm
http://www.peoples-law.org/multilingual/english/English-Spanish%20legal%20terms.htm
http://www.ssa.gov/espanol/glossintro.html#intro

XII. Management and Supervisor Training

a. Case review protocol, providing feedback to advocates
b. Employee evaluation, if supervisors participate in this process you must train them
c. Basic employment training, complying with the employee manual, harassment and discrimination issues
d. Union issues if this applies to your program
e. Grievance procedures if this applies to your program

f. Low Cost Resources
http://www.m-i-e.org/index.html

XIII. **Cultural competency/Diversity** - these issues are bubbling below the surface whether you know it or not

a. Race/ethnic
a. Religion
b. Politics!!
c. Gender
d. Disabilities
e. Age
f. Low Cost Resources –

http://www.napas.org/ Protection and Advocacy
http://www.apalc.org/pressr_february_3_2004.htm Asian American Resource
http://www.aarp.org/lce AARP Legal Counsel for the Elderly – Excellent Helpline Resource Materials

XIV. Outreach/public speaking

a. Public speaking skills
b. Transmitting your message
c. Media interviews, newspaper, TV, Radio, PSA's
d. Development and Fundraising

XV. Program evaluation training

a. Evaluation protocol, client telephone surveys
b. Low Cost Resources

http://www.lstech.org/TIG/eval/web_client_tools.html
http://www.lri.lsc.gov/pdf/other/TIG_Conf._Materials/EMcKay_Logic_Model_Intro_LSC.pdf
http://www.innonetdev.org/about/staff.cfm

Topical Outline: Evaluating Hotline Employees, Joan Kleinberg

I. What differentiates evaluation of hotline staff from evaluation of field staff?
    A. Importance of productivity/volume?
        1. Depends on your hotline model and values
    B. Tasks staff are expected to undertake

II. Effective evaluation needs to start at beginning of employment with communication of clear performance expectations
    A. Sample document: CLEAR Employee Profile
    B. The numbers discussion – are hotlines "about" numbers?

III. Provide lots of feedback between formal assessments
    A. Tools for management information
        1. File reviews
        2. Quarterly reports
        3. Activity debriefing
        4. Telephone system reports
        5. Case management system reports
        6. Other?

IV. Formal performance appraisal
    A. Inputs
        1. Peer input
        2. Self-assessment
        3. Supervisor input
        4. Reference to previously stated expectations or "profile"

    B. Performance plan
        1. Be specific about desired behavior changes
        2. Provide support for desired behavior changes
        3. Incorporate employees professional development desires

V. Recognize different strengths of individuals and find a place in scheme to take advantage of them

Topical Outline: Retaining Legal Hotline Advocates, Kari Deming

Happy, Shining Hotline Staff (and how to keep them that way!) *

A. Recognize your Challenges!
    1. Many staff-related hotline challenges are general:
        a. Overwhelming call volume
        b. Inadequate funding/staffing
        c. Advocate burn out
        d. Cranky and otherwise difficult clients (and advocates, opposing parties, and opposing counsel)
    2. Other challenges are particular to your specific hotline:
        a. Union issues
        b. Full-time, part-time, shared-time, volunteer and other staff issues
        c. Negative advocates and/or atmospheres

B. Build a staff that ***you want*** to maintain!
    1. Decide what qualities you most value in your advocates.
    2. Hire carefully!
        a. Use your list of valued attributes to evaluate applicant temperament and skill
        b. Carefully consider the professional goals and economic realities of your favorite applicants (are you as good for them as they are for you?)
        c. Watch out for the Negative Nellies.
    3. Train as you would wish to be trained.
    4. Promote mentoring.
    5. Evaluate honestly and act accordingly:
        a. Reward the keepers
        b. Set some deadlines and work with the maybes
        c. Cut your losses (quickly and decisively)

C. Understand what your ***staff wants***!
    1. In general, professional people want:
        a. A personally and professionally nurturing environment (camaraderie and a professional "contact high")
        b. Support, respect and recognition
        c. Opportunities to grow and/or advance
    2. Your staff might also want:
        a. Part-time – or full-time – work (and benefits!)
        b. A flexible – or set-in-stone – schedule
        c. Substantively varied – or highly specialized – work
        d. The opportunity to act as an advisor, conciliator, mediator, negotiator, advocate and/or litigator (all in 30 minutes or less)
        e. The chance to "do good" – to make a concrete difference in someone's life each day
        f. The chance to leave the job *at the job* when they go home at night
        g. Etcetera, etcetera, etcetera

D. Design and cultivate your ideal hotline culture. (If you build it, they will come.)
   1. Create an environment where people want to be!
      a. Work with your space and surroundings (or, Hotline Feng Shui).
         1) Consider…
            Taking down walls
            Removing doors
            Keeping everyone in the same room
            Sitting (or seating your manager) in the middle of the space
         2) Make it pretty
         3) Keep it clean
      b. Craft an atmosphere that reflects your program and/or office personality and philosophy.
      c. Make your expectations clear.
      d. Foster teamwork.
         1) Create a concept of "collective clients"
         2) Encourage communication between and reliance on team members
         3) Volunteer
         4) Engage in regular staff meetings and group trainings (preferably with potlucks)
      e. Maximize individual advocate ownership of the hotline and clientele.
      f. Radiate stability.
      g. Make changes – to your environment, schedule or job assignments – to accommodate group or individual needs.
      h. Protect your people – keep the daily-grind of program management and the underlying (though sometimes omnipresent) program/partner/funder politics *out of the hotline*.
      i. Fight for your staff, and get them what they need. (And help them recognize the difference between need and want!)
   2. Provide the tools your advocates need to work efficiently.
      a. Static-free phones and headsets
      b. Speedy and reliable computers, printers, fax machines and copiers
      c. Streamlined case and document management systems
      d. Access to "the answers"
         1) Accurate and succinct reference materials (substantive manuals, ICLE books, etc)
         2) On-line direct source material (statutes, court rules, etc)
         3) Core referral lists (to legal, governmental and social services)
      e. "Quick advice" to cut-and-paste, substantive form letters, motion drafts, and brief banks
   3. Help your advocates succeed in their work.
      a. Establish expectations – and *share* those expectations with your staff!
      b. Ensure that everyone – staff, mentors, case reviewers and supervisors – works *together*.
      c. Answer questions, give direction, and otherwise help out (or make sure there is someone there who will). Hotline advocates don't have time to reinvent every wheel!

   d. Provide regular, on-going training – substantive, technical and skills-based.
   e. Monitor advocate depression and stress, and offer resources where necessary.
   f. Engage in active supervision! Pay attention. Check in. Teach time-outs. Make decisions. Stay current. Sing a little Bob Marley (…every little thing is going to be all right….)
4. Model the behavior you value:
   a. Admit you want to change the world!
   b. Keep your clients at the center of everything you do.
   c. Infect your staff with enthusiasm.
   d. Be a team player.
   e. Don't ask your staff to do anything you wouldn't do.
   f. Don't guess.
   g. Say "I don't know, but I'll find out."
   h. Go directly to the statute.
   i. Act like a sponge and share information with others!
   j. Embrace flexibility, think on your feet, prioritize, trouble-shoot and find creative solutions – to client problems, scheduling conflicts, computer malfunctions…
   k. Radiate optimism.
   l. Ask.
   m. Be realistic.
   n. Show up (every day), move fast, work efficiently, pay attention, pitch in, and do your job (well!).
   o. Maintain your sense of humor, even in (especially in!) adversity.
   p. Take care of yourself.

E. Reward your staff. Figure out what works for your office, and do it (often)!
   1. Acknowledge good teamwork and shower them all with love… Chocolate works well.
   2. Say "Thank You!" and "Congratulations!"
   3. Make a big deal of client thanks – post client thank you notes on common walls, send a group email, make notes in case files!
   4. Actively solicit information about prior clients, and share good news when it filters in.
   5. Crown office experts, and rely on them as advocate go-to people.
   6. Recognize excellence and celebrate achievements – publicly.
      a. Award a weekly "Good Story" certificate.
      b. e-Publish a monthly "good work" newsletter (share it with everyone!)
      c. Hold quarterly peer nominations and elect the seasons "Best-At"s.
   7. Use training for all it can be!
      a. Trainings as the trainee
      b. Trainings as the trainer

F. Don't despair when staff move on. (If you've built it, they will come again.)

*With thanks to Ira Mickenberg, whose 2004 NLADA presentation, "Retaining Your Best Public Defender Staff Members," inspired me. Many of his thoughts are shared with you here.