

Pushing the Limit Beyond Advice: Techniques for Providing Brief Services and Pro Se Assistance in a Legal Hotline Setting

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Brief Description: Some legal hotline clients need assistance to take a follow up action. This workshop reviews approaches to providing such assistance in a legal hotline or brief services unit. Topics include: How can a brief services unit address emerging legal issues? Policy issues such as consistency of service and service niche; examples of hotline/BSU activities in providing these services; results of partnering with other agencies to coordinate services; and personnel ramifications of providing brief services.

Topical Outline:

I. Legal Counsel for the Elderly

A. Brief Services:

The Definition: What do we mean by “brief services:”. May mean a variety of activities, but most often refers to activity like calls to third parties, document review, drafting of short and/or routine letters, assistance with completing forms or applications.

B. The Choice: Calls handled vs. expanded service

Do you want a hotline limited to information, advice and referral that can handle many calls quickly or do you want a hotline that provides services to a smaller number of people, provides brief services, but may not get back to callers for several days?

C. The Problem of Hardening of the Categories: Adapting to emerging issues.

We have discovered that a Brief Services Unit (BSU) is particularly good for being flexible and responding to emerging client needs. Staff programs are not always great at making significant changes in substantive priorities as needs arise in the client community. Examples of emerging needs in DC include two new programs this past year: property tax deferral legislation; grandparent subsidy legislation. In both cases, brief services are required to help clients with these problems. Both are areas where we received a high volume of

requests that we had never received before. MIE article discussing the Hardening of the Categories phenomenon.

D. Professional Development Issues:

Our Brief Services Unit is staffed in such a way that it has contributed significantly to staff development. In one case, the BSU allowed a long-time public benefits staff to expand into a variety of areas of law. In another, it provided an entry level attorney with an exposure to a vast array of legal problems, while allowing for him to spend a little time on more in-depth cases under the supervision of an experienced attorney. Also BSU allowed staff to develop more complex cases that are ultimately placed with the Volunteer lawyers Project or the staff attorneys.

Resource: MIE Journal Article discussing the Hardening of the Categories Phenomenon.

II. LawLINE Experience – Allan A. Parker

A. The concept of brief services in our program – it's a continuum

B. Basic boundaries and exceptions (see Q&A handout)

C. Guiding principles

1. Balancing between unlimited caller demands and finite staff supply;
2. Knowing our niche (see Referrals handout);
3. Knowing what others are doing;
4. The art of making quality referrals;

D. Recent case examples of services to clients (see LawLINE News handout)

E. Recent examples of partnerships with other services

1. Community advocates on welfare cases;
2. Debt counseling service for non-legal debt assistance;
3. Court self-help centre for document preparation;
4. Public interest law office for representation services;
5. Private bar for pro bono services.

Resources:

<http://www.lawlink.bc.ca/>

<http://www.familylaw.lss.bc.ca/>

- III. Brief Services at LawAccess New Mexico –Kathleen Brockel**
- A. Designating specific staff to extensive brief services increases efficiency and is necessary to manage the case load and client services time.**
1. Example – “extensive” brief service for our program generally equates to drafting pleadings, prepping clients for pro se representation and following the case to the conclusion;
 2. Case time goal is under 3 hours, if more must seek supervisor approval - 2006 case time data by substantive area will be provided.
- B. Prioritizing client services by substantive area focuses the helpline services on the highest client needs.**
1. Law Access prioritizes family law, landlord tenant, consumer and unemployment for brief services assistance;
 2. Managers should assess what types of services are most amenable to helpline services and refine the process as time goes on;
 3. We’ve found that when assisting clients to prepare arguments to present to a court it is much more manageable to present facts but very difficult for clients to argue a point of law – something to consider.
- C. Prioritizing by geographical area may also be necessary to focus help toward clients in greatest need.**
1. Law Access is a statewide helpline. We focus our extensive brief services on rural areas of the state where there are no other legal services (and often no private attorneys);
 2. Working with local courts is a special challenge for large regions/states.
- D. What to do when clients need brief services but the client/problem isn’t appropriate to the helpline:**
1. Referring;
 2. Saying no.
- E. Getting organized:**
1. staff time who is answering the calls, who has client brief services appointments;
 2. organizing paperwork to/from clients – paperless client files.
- F. Report on pilot project for child kinship guardianship services**
1. Law Access partnered with another legal services organization to implement statewide services for kinship providers in need of obtaining child guardianships;
 2. Average case time for the helpline is about 7 hours of brief service per case – big commitment of staff time.
- G. Considering expanding unemployment brief services – actually handling telephone hearings rather than prepping clients to handle these pro se.**

IV. Lakeshore Legal Aid/CALL Kari Deming

A. Introduction: Balancing hotline advice and brief services work is a complex task, generally turning on assessment of program values – broad access versus enhanced outcomes, the importance of immediacy, etc. There are, however, additional personnel and program ramifications that should be considered. Specifically, brief services work fosters professional development, improves employee satisfaction, and enhances hotline quality.

B. Brief services work fosters the professional development of staff by:

1. Encouraging in-depth analysis of facts and law;
2. Necessitating assessment of client veracity and capacity;
3. Honing legal research and writing skills;
4. Increasing substantive legal knowledge;
5. Encouraging practical application of theoretical legal knowledge;
6. Increasing familiarity with litigation and administrative documents – support complaints, divorce judgments, eviction pleadings, garnishment orders, tax intercepts, SSA determinations, deeds, etc.;
7. Encouraging creativity in the crafting of practical solutions;
8. Building essential mediation and negotiation skills.

C. Brief services work improves employee satisfaction and hotline quality by:

1. Making work more fun;
2. Fueling professional growth and skill development;
3. Varying the work day;
4. Empowering staff to resolve client problems (Good results make advocates happy!);
5. Allowing advocates to see cases through to the end;
6. Fostering teamwork (encouraging advocates rely on, learn from and celebrate the successes of others);
7. Enhancing long-term efficiencies (brief services work impart a deeper understanding of legal substance and process, making service to subsequent clients faster and easier);
8. Setting higher standards (by expecting advocates to facilitate positive results in appropriate cases);
9. Improving client results.

Notes: