
You are often the first and last person the caller ever speaks to. Another program's successful outcome for a client stands on the shoulders of the work that began here in this office. Never underestimate the importance of our work inside the Legal Services Network as well as outside in the communities we serve

**Statewide Legal Service of Connecticut
December 10, 2007**

BUILDING A BETTER APPLICATION

PURPOSE OF THIS TRAINING:

The work we do with requires many levels of expertise many of us might take for granted; mastery of a computerized phone system and case data base, thorough knowledge of the LSC codes and eligibility requirements, the ability to time manage and to “multi-task” as we jump from one call to another, and most important, knowledge of the law, the ability to analyze a client’s legal problem and find the appropriate legal or practical resolution for their needs. That’s a lot!

But there is one more thing that is not so obvious : we communicate all of these things to others who we work with by the applications we create. Applications are a testament to what we do.

Applications are the tangible evidence of our work with clients, and therefore the “mirror” of what we do and how we do it. They are a snapshot we leave behind us when the conversation with one client is ended and we are taken up with the next task, the next call, the next challenge.

As you know, when you create an application, you are rarely the last person to see it. Others need to review the information for many important reasons. This record, the application, is all someone else may have to figure what the client’s problem was, what you said or did, and what if anything might happen next.

This is very important to remember. Many clients call back. Any other advocate (including yourself) from ANY program must be able to clearly and efficiently read your notes to get up to speed with minimal effort before continuing with advice. Hard to read notes go unread. That’s a fact. And that can spell trouble or at the least, “reinventing the wheel” when dealing with the client later in the year.

And speaking of “trouble”, clear casenotes that follow the rules we discuss below will insulate you and your program from potential malpractice claims should the caller accuse us of giving the wrong or bad advice. How? First, a reviewer will be more apt to catch that wrong or bad advice more easily if what you said and did is clearly set forth in the notes. Secondly, the record will be equally clear should it be your word against the client’s regarding what you said or did later on. It’s an unpleasant fact of life, but “stuff happens”. Nor are we perfect. The best we can do is to do our best – then put protocols in place to guard against a situation from getting out of control. These simple guidelines can do just that.

Also, remember that within this program you need to demonstrate your knowledge of the LSC coding, our program guidelines, and of course the substantive legal knowledge needed to help the caller. Outside the program, you need the other attorneys and paralegals to easily understand your notes, realize you have successfully identified and treated the client’s problem and have referred them properly. You want to assist the other programs to give the very best help they can offer to our clientele by building on the work you have already done.

It’s not just an auditor from LSC, or an internal manager who will judge us by this work. Your peers and colleagues in the other programs all see your applications every day. If these apps are the end-product of all your hard work, wouldn’t you want that work admired, understood and valued by others?

The ultimate beneficiary is ALWAYS our clients.

AS A PROGRAM WE NEED TO PRODUCE THE BEST WORK WE POSSIBLY CAN

So important are these written records, that a casual, sloppy rendering of the information is unacceptable. Uneven standards throughout this program only detract from our good work. What I am proposing will even-up how we present applications and make them more readable for anyone who needs to rely on the information.



WHAT MAKES A COMPLETE APPLICATION?

Good organization:

- * Spotting and recording issue up-front. (IFAR)
- * Recording of salient facts. (IFAR)
- * Recording of advice and referral. (IFAR)
- * Good discussion of problems and remedies. (IFAR)
- * Readability
- * Efficiency (less repetition, to the point, minimum of extraneous language)

Good Service:

- * Accurate complete legal analysis
- * Cogent and accurate LEGAL advice.
- * Helpful practical advice and suggestions.
- * Treating caller with dignity and respect.
- * Reiterating scope of our services if needed.
- * Clarity with caller about what services to be received.
- * Clarity with caller about caller's goals and legal issues.
- * Reminder to call back when more advice needed.

Good follow-through:

- * Closing codes are accurate
and data makes sense for client and issue.
- * Quick check to ensure notes conform to IFAR.
- * Quick edit to ensure readability.
- * Correct alignment with other Programs' priorities and instructions referral.
- * Appropriate closing codes
- * Appropriate pre-printed materials sent.
- * Tailored advice letter when necessary.
- * Method to track any open or pending app.

Note that from the underlined factor in each category all else should fall into place.

It's very clear to me that other advocates in other programs take what appears on the application page as gospel. It goes without saying that LSC assumes we're doing the right things too.*

***FLASH! LEGAL SERVICES CORPORATION PERFORMANCE CRITERIA MEETINGS COMING UP! STAY TUNED FOR MORE DETAILS!!**

It is important that we double-check the initial intake data for things that might stand out later as contradictions such as: Custody but not number of kids listed; Income issues that may affect eligibility for certain benefits or even representation, etc.

What other programs have said and what I sometimes see:

- I. Too hard to read or visual problems; Typos, grammar, run-ons, chopped - offs, etc.
- II. Conceptual problems: What's really going on here? Issue unclear. Lots of narrative no point; Not enough narrative given the issue. Issue not clear, advice not clear.
- III. Wrong case wrong time: Referral not correct for program. Stick with the PP system. When in doubt, check with me or Norm or If that fails call someone at the program.
- IV. Contradictory data: TAF but no kids listed. Zero income but working or no explanation, etc.
- V. Over 125% but no "factors".

So... WHAT IS THE IDEAL FOR THE AVERAGE APP?

I – F – A – R ©

Issue - Facts - Advice – Referral

(I)ssue: What is the legal issue(s)

THE LEGAL ISSUE IS WHAT LAW OR THEORY OF LAW THE CALLER’S FACTS ARE DEPENDENT ON FOR RESOLUTION. YOU WILL PROBABLY DETERMINE THE TRUE ISSUE ONLY AFTER A BRIEFLY SPEAKING TO THE CALLER ABOUT THEIR PROBLEM.

Frame the issue succinctly. The legal issue is usually beyond what the screener identifies or what the caller first says. Framing an issue penetrates the web of information the caller is spinning and captures the true nature of the legal problem.

Good: Caller got N2Q

Better: Caller got a N2Q for nonpayment.

Best: Caller got a N2Q for nonpayment but paid all w/in the 14 days.

(See how the final version helps speed up the advice, helps you eliminate extraneous facts, can move the interview along).

<i>NOT A LEGAL ISSUE:</i>	Caller having trouble with landlord.
<i>LEGAL ISSUE:</i>	Rec’d N2Q for unauthorized tenant.
<i>NOT A LEGAL ISSUE:</i>	Caller feels harassed by landlord.
<i>LEGAL ISSUE:</i>	Rec’d N2Q after tenant called the town inspector.
<i>NOT A LEGAL ISSUE:</i>	Caller having problems with former employer.
<i>LEGAL ISSUE:</i>	Caller denied back wages after lay-off.
<i>NOT A LEGAL ISSUE:</i>	Caller says former husband is doing drugs around the kids.
<i>LEGAL ISSUE:</i>	Caller wants to stop court-ordered visitation.
<i>NOT A LEGAL ISSUE:</i>	Caller owes \$10K in credit card debt she can’t pay.
<i>LEGAL ISSUE:</i>	Caller rec’d letter from collection agency threatening lawsuit for unpaid credit card bills.

Note: This is not to say that what the caller says is not important. Notice that the stuff that is not the legal issue will probably turn up in the facts of the case.

.

In order of presentation on the app, the Issue should always be in first position. In law school, we called it “Framing the Issue”. This is important because as we

have discussed, the application is read by others, and those others do not have a lot of time to devote to deciphering the content of the app.

For the lawyers: *However, also note that we need not frame an issue as we did in law school, i.e. Issue: “Whether an employee is eligible for UC benefits after quitting his job.” Better to assert the immediate and practical aspect of issue presented; “Caller denied UC on the grounds he voluntarily separated from the workforce”*

(F)acts: Every thing else that is relevant to the ISSUE.

Here is where the caller gets to tell their story. You may not be able to identify the legal issue until you hear more. That is OK. The caller wants to tell you their whole story. Only the important stuff should be written down. Conversely, the caller doesn't say much or is inarticulate. In both instances, the right kinds of questions will bring out the facts from a quiet caller and steer and direct a talkative caller. Try to refrain from typing in every word the caller speaks.

A word about thorough FACTUAL DEVELOPMENT: Always a good idea, but with experience you will sense whether the minimum will do – say for something being referred – or whether much more is needed if advice or coaching is all the caller will get from us. If the latter, please ask the caller as many q' as you can think of to flesh out case. Don't assume anything (I do this too); however, the trick is not to record irrelevant answers to the questions and also to reasonably control the conversation. *

*** COMING SOON TO A KITCHEN NEAR YOU: “INTERVIEWING TECHNIQUES FOR HOTLINE ADVOCATES”**

FOR A HANDICAP DISCRIMINATION HOUSING CASE:

NOT RELEVANT FACTS: Caller loves animals and always had them as a child and still does.

RELEVANT FACTS: Caller's most recent pet dog is trained as an assist animal to help caller get out of a chair or bed.

FOR AN EMPLOYMENT CASE:

NOT RELEVANT FACTS: Client, as single Mom, doesn't have time to make Johnny's favorite breakfast, oatmeal, because Mom doesn't think instant cereals are any good and boiling oatmeal takes too long when she is trying to get him to school and herself to work at the same time.

RELEVANT FACTS: Taking care of her kids and getting to work at the same time leaves Mom chronically ½ hour late to work and her employer is threatening to fire her.

(A)dvise: Legal advice and at times practical advice.

Note the “legal “ part of the definition .Only in rare instances will you not be giving legal advice – even when we wish to refer. Frankly, we CANNOT close the app as advice if no legal advice is given.

Make sure you write down everything you say to the caller about how to go about handling their issue. Try to be explicit about what you are saying to them so there is a record for our future reference, and so we can justifiably code the closed the application as “advice”.

NOT LEGAL ADVICE: Advised to go to Court Service Center for contempt forms.
LEGAL ADVICE: Advised client she would need to file a Motion for Contempt and explained form and procedure.

NOT LEGAL ADVICE: Told caller to call CHRO.
LEGAL ADVICE: Told caller she could file a complaint with CHRO on the basis of discrimination against a recipient of public assistance.

NOT LEGAL ADVICE: Told caller he could get a court appointed attorney if DCF brought a case in Juvenile Court.
LEGAL ADVICE: Explained to caller his rights to appeal DCF finding of abuse and the procedure to do so.

DON'T FORGET TO RECORD SEEMINGLY PRACTICAL ADVICE THAT HAS LEGAL CONSEQUENCES AS COMPLETELY AS POSSIBLE!!

INCOMPLETE: Told caller to make sure landlord gets keys back by the end of the month and to move everything they own out.
COMPLETE: Impressed upon the caller to make sure landlord gets keys back and to move everything out by the end of the month because if tenant fails to do so the tenant may be liable to the landlord for the following month's rent.

BOTH OF THESE EXAMPLES ARE OK, BUT THE LATTER BETTER EXPLAINS WHY THE ADVICE WAS GIVEN, AND THE CONSEQUENCES OF NOT FOLLOWING THE ADVICE.

FOOTNOTE: LSC may relax requirements regarding not showing printed advice on apps referred other legal services programs, yet allow us to count them as “A”. We don't do “B”s for now even if the advice is extensive, but IOLTA may change this. Norm will fill us in when we do a CSR training .

(R)eferral: To Legal Services Programs or Pro Bono

If that is the plan, please plainly and briefly state:

- a. The Legal Service office or Pro Bono;
- b. Contact person (if any)cleared with;
- c. For what are you referring for? i.e eviction defense rep, investigation and advice per so and so, and;
- d. The referral program priority the app fits into; (i.e. referred to NHLAA for preservation of Section 8);
- e. You have caller's permission;
- f. Caller knows no gtd of full rep or outcome.
- g. Know how to close in computer:
 - * Closed pending supervisor's approval
 - * SLS changes to the referral program code
 - * Pro bono stays open
 - * Closing LSC Code denotes referral to other Legal Services or Pro Bono.

COMMONLY USED REFERRAL LANGUAGE:

Referred to NHLAA for preservation of Section 8 subsidy;

Referred to GLHA for PICA per David P_____.

Referred to CLST for domestic abuse prevention and divorce; Ok'd by Claudine S_____

Referred to CLSBP for denial of TAF benefits.

Referred to Pro Bono; OK'd with J or M.

¹ © Janice J. Chiaretto, all rights reserved 12/10/07

OTHER THINGS TO CONSIDER

1. OPENING A NEW APP:

a. We want to treat callers more holistically and meet needs at initial point of contact. **BE AWARE OF THE DAILY SCHEDULE.** Do not transfer caller back to another queue if that subject matter is closed. **Call will auto hang up.** Nasty trick to pull on caller however unintentional.

2b Who opens the new app for same client on another subject matter? We have tried different routines. It is very good to have all advocates know how to open a new application.

The final program protocol has not been ultimately determined at this time.

2. DUPLICATE APPS

CHECK TO MAKE SURE THIS ISN'T THE SAME APP FROM EARLIER THIS YEAR. If it is, go into the earlier app, re-verify info and continue on. Email Sara or me that a dupe application was opened – we will fix that.

3 FILE MANAGER ASSIGNMENTS: Advocate should do that right away as opposed to when closing file. (See chronology of an application – hand-out). The reason for this is accountability. If and when the advocate completes the app but wants to keep it pending and open for some reason, failure to code as fm will leave it open in the system w/out us knowing who is responsible for it. I doubt anyone is trying to duck the responsibility, but that's the inevitable consequence of failure to show as the last FM.

4. Advice to re-opened app. Do not change closing date unless you are referring it to CLS, NHLAA or GHLLA.

5. SPACES between paragraph, screeners' notes and advocates' notes and new advocate if applicable. Think: easy to read.

6. Watch out 4 2 many abrvtns, CAPS & runons an tipos b/c theappgets 2 hrd 2 read!!

7. CLOSING. Closing code reflects appropriate action : ("A" only for now*; Referral program identified properly, check all of above.

TIP FROM THE EXPERTS! Take a quick glance at all the elements of the intake ON THE SCREEN for income , factors, any missing data for coding AND change program from SLS to the appropriate referral program, etc. before it goes out.

*IOLTA may have us tracking "brief service" another way. Stay tuned!

8. Utilize the Program Priority folders on the Intranet. Check them first, when in doubt check with a Manager or the program itself. VERY IMPORTANT.

ANY IDEAS FROM THE GROUP???