

**CIVIL LEGAL AID IN THE UNITED STATES:
RECENT DEVELOPMENTS AND LONG-TERM
DIRECTIONS**

BY

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ATTACHMENTS

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RECOMMENDATIONS AND THOUGHTS FROM THE MANAGERS OF THE HOTLINE OUTCOMES ASSESSMENT STUDY PROJECT

By Robert Echols and Julia Gordon¹

The Hotline Outcomes Assessment Study, completed in late 2002, is the largest study of any aspect of the civil legal assistance delivery system as it currently exists and the first and only cross-site study of legal services case outcomes. We think it provides extremely valuable information about the delivery of legal assistance, applicable to more than just hotlines.

While the Study itself was conducted by an independent research firm, the two of us managed the project and worked closely with the researchers to design the study and analyze the results. In addition, we performed one of the study's core activities ourselves: reviewing and categorizing each of the 2,000+ cases included in the Study.

In this article, we will summarize and comment on the principal findings and recommendations of the Study, adding to the statistical findings of the report some additional observations about what we learned from our participation. We also will offer a few personal thoughts on the implications of the Study for the future of legal services delivery.

I. Overview of the Study

To start with the basics, the term *hotlines* as used in the Study refers to *telephone intake, legal advice, brief services and referral systems that allow eligible callers to speak directly to a legal worker who can analyze the caller's problem and provide legal advice, information, referral; and brief services, as appropriate, at the time of the call or with a return call.*

The Hotline Outcomes Assessment Study consisted of three phases. The first phase, completed in March 2000, looked at the impact that instituting a program-based hotline had on a program's mix of brief service and extended representation cases. The

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The complete Hotline Outcomes Assessment Study can be downloaded from the websites of NLADA (www.nlada.org, click on *Civil Resources* and *Project for the Future of Equal Justice*, or go directly to www.nlada.org/Civil/Civil_EJN) and CLASP (www.clasp.org, under publications). The Study was conducted by an independent research firm, the Center for Policy Research, located in Denver, Colorado. It was commissioned by the Project for the Future of Equal Justice and funded by the Open Society Institute.

The Study was planned and conducted with the assistance of an Advisory Group: Jonathan Asher, Colorado Legal Services; Sandy DeMent, Advisory Communications Systems, Inc.; John Idleman, LSC; Michael Genz, LSC; Wayne Moore, AARP; Susan Reif, Georgia Legal Services; and MaryAnn Sarosi, hotline consultant.

second phase of the Study was a test phase.² and the third phase of the Study looked at the outcomes of cases in which the hotline had provided legal information, advice, referral, or brief services. Because of problems with obtaining accurate data for Phase I, the bulk of the useful and important information from this Study is contained in the report on Phase III.

In Phase III, the researchers conducted a full-scale survey of hotline clients to answer a variety of questions about the different legal outcomes and the characteristics of clients who experience successful and unsuccessful results. The researchers surveyed slightly more than 2,000 clients, approximately 400 each from five geographically and demographically diverse hotlines.³ In a telephone call three to six months after they called the hotline, clients were asked to describe in their own words what had happened in their case and to respond to a variety of questions about their experience with the hotline and their circumstances. Demographic data about the clients was obtained from the hotline case record and supplemented by information obtained during the interview.

In addition to the subjective responses of the clients, an outside perspective on each case was provided by the authors of this article, both of whom are attorneys with legal services experience. We reviewed each completed interview form along with the client's original case record from the hotline. On the basis of this review, we made an assessment of the outcome of the case, whether that outcome could be classified as favorable or unfavorable, and the role that the hotline had played in helping the client respond to his or her problem.

Finally, the Center for Policy Research analyzed the resulting data sets to produce profiles of clients across the five sites and to identify outcome patterns, with special attention to the client, case, and advice characteristics of cases with favorable and unfavorable outcome patterns.

As important as it is to understand what the Study did, it is equally important to understand what the Study did *not* do:

- It did not look at the effectiveness of hotlines as an *intake* system, as compared to a system for delivering services to clients.
- It did not compare hotlines to other delivery models.
- It did not conduct any cost-benefit analysis of hotline services.
- It did not analyze the quality of hotline services.

² The Phase II Pre-Test was designed primarily to test the survey instrument. While the Pre-Test Report made some preliminary findings, these were not based on a statistically significant sample and were superceded by the Phase II Report. The researchers made a number of changes in the survey instrument based on the experience of the pre-test.

³ The five sites were the Center for Arkansas Legal Services; the Legal Aid Society of Orange County; Coordinated Advice and Referral Program for Legal Services (CARPLS), Chicago; the Legal Aid and Defender Association of Detroit; and Coordinated Legal Education, Advice and Referral (CLEAR), Washington State. The clients had all consented to participate in the Study.

These questions are certainly important ones, which any program or state will want to answer in deciding whether or not to implement a hotline. However, obtaining the answer to these questions was not the purpose of the Study. The objective of the Study was to provide information that would enable programs or states already operating hotlines to maximize their effectiveness in obtaining successful outcomes for clients. That said, our experience conducting the Study did provide us with some insights on the overall effectiveness of hotlines, and therefore we will provide our own perspectives on these issues in the final section of this article.

II. What Kinds of Cases are Hotlines Handling?

The sample of 2,000 cases collected for the Study provides a snapshot of the kinds of cases that hotlines are handling and the kinds of services they are providing. While the five sites had very different client demographics and services areas, the kinds of cases they handled were similar.⁴

We should emphasize that the sample included only cases in which the client was served by the hotline. Cases that were accepted for full representation by an associated legal services or pro bono program were not included. We did include cases in which the client also received support from a self-help legal clinic, except for clinics in one site (Orange County) where the level of services provided frequently crossed over into full representation.

Legal problem areas. Family, housing, and consumer cases made up the overwhelming majority of the cases at all five sites. Family cases were by far the most common, comprising roughly 40 percent of the sample overall. Housing and consumer cases made up about 20 percent each of the overall sample; the remaining 20 percent of the cases were a mixed bag of government benefits (only 5 percent overall), employment issues, problems arising from car accidents, and others.⁵

The family cases covered a broad range of issues: divorce, custody, support, visitation, paternity, grandparent rights, adoption, and guardianship. Not all required the client to go to court; in many cases, the hotline instead provided the clients with advice about their legal situations or how to deal directly with an ex-spouse or partner. Housing cases also covered a range of issues, primarily landlord-tenant problems, again ranging from requests for information about tenants rights to cases where eviction proceedings had been begun. Most consumer cases involved clients who could not pay their bills; the vast majority of these were advised to inform their creditors that they were judgment-proof, although in some cases a bankruptcy filing or some other court proceeding was involved.

⁴ The Phase III Report contains additional details on the data, findings, and recommendations reported below. While we summarize key information and recommendations here, we urge you to read the complete report. Some of the material included in this article does not appear in the Report. We will note where that is the case.

⁵ Table IV-3.

Types of hotline services. The Study also provided extensive information on the types of services provided to clients by hotlines, as set out in the case files.

- In roughly one third of the cases (36 percent), the hotline advised the clients how to represent themselves in a court proceeding, either affirmatively or in response to an action initiated by another party.
- In about one quarter of the cases (23 percent), the client was given advice on how to deal with a private party, such as a landlord, creditor, or ex-partner or spouse.
- In 10 percent of the cases, the client was advised how to deal with a government agency, either with regard to benefits or an investigation or enforcement action.
- Just under 10 percent of the callers needed information only at the time of the call and were not given any additional instructions.
- One quarter of the cases (25 percent) involved referrals to another source of legal assistance (a lawyer referral service, another provider, a clinic, a court facilitator).
- Approximately one sixth of the cases (16 percent) involved referrals to social service agencies.
- In only 4 percent of the cases, the hotline performed a brief services (wrote a letter or made a phone call for the client or assisted in filling out a form).⁶

Seriousness and difficulty. The Study did not attempt any formal categorization of the cases in the sample according to their seriousness, difficulty or complexity. We did, however, pay some attention to these issues during our review of the case files and interviews, and our general impression is as follows.⁷ There were a small number of cases that in our view were clearly not suitable for clients to handle on their own under any circumstances. These were difficult cases in which critical issues were involved: foreclosures, disability benefit denials, and child custody, domestic violence, or other especially problematic family law issues.

For a larger group of cases (perhaps about one quarter to one third of the sample overall), although these cases presented issues that were not quite as critical as the first group, we felt the client really did need an attorney either because of the complexity of the case or because of the client's evidently limited capacity for self-representation. This category included many family law and housing cases.

The remaining cases were ones in which clients might reasonably be expected to obtain favorable resolutions to the problem acting on their own with assistance from the hotline. However, in many of these cases, the best "favorable" resolution that a person acting on their own behalf could obtain would likely be less favorable than the resolution that might have been obtained with an attorney, and the resolution also might not have completely resolved the problem, e.g., clients who stopped debt collection harassment by

⁶ The data in the preceding two paragraphs is taken from raw data collected in the Study. It does not appear in the Report, which focused on the types of services provided in the cases with the most clearly favorable and unfavorable results rather than the entire sample. These figures do not add up to 100 percent because hotlines sometimes provided more than one type of service, such as advice on proceeding pro se as well as a referral to another agency

⁷ This information does not appear in the Report.

informing creditors that they were judgment-proof, but who did not resolve the underlying debt.

III. What Outcomes Did the Study Find?

Client Assessments. The Study reports outcomes in three different ways. One key outcome measure is the client response to the fixed-choice question, “Is your legal problem solved?” The responses broke down as follows:⁸

Yes, completely	29%	39%
Yes, somewhat	10%	
Too soon to tell	8%	12%
Dropped it	4%	
No, not really	12%	49%
No, not at all	37%	

“What happened”? The second two outcome measures are derived from the legal review process that we conducted. (For each case, we reviewed the case record and interview form, which included a verbatim transcription of the client’s answer to the question, “In your own words, what would you say happened with your legal problem?”)

First, we tried to answer the question “What happened?” on a primarily factual level, without any assessment or consideration of the role of the hotline in the outcome. In other words, did the client get a divorce, obtain benefits, get evicted, etc. In the chart below, the terms “acted successfully” and “acted successfully,” refer to whether the client did or did not obtain the result she was seeking, not whether the hotline was responsible for that result or whether that result was favorable or unfavorable. One reason for doing this level of analysis was that the next level of analysis described below required us of necessity to use our own subjective judgment, and we realized some users of this report would prefer to see the more “objective” information.

The results of this inquiry were as follows:⁹

Needed info only	9%
Acted successfully	25%
Acted unsuccessfully	17%
Has not acted	21%
Pending	19%
Can’t determine	9%

Excluding the pending and indeterminate cases, the same chart looks as follows:¹⁰

⁸ Table V-1.

⁹ Table V-3.

¹⁰ Table V-4.

Needed info only	13%	48%
Acted successfully	35%	
Acted unsuccessfully	23%	23%
Has not acted	29%	29%

Favorable/unfavorable assessment. We also assessed these factual outcomes as either favorable or unfavorable, based on what the clients had been seeking when they called the hotline. The primary purpose of this level of analysis was to identify those cases with clear results, either favorable or unfavorable, that we could use to analyze the success of hotlines in various cases types and for various types of clients.

Our standard was practical rather than ideal. If a client had sought to stop harassment by creditors, we considered the outcome favorable if the client wrote to the creditor and the harassment stopped. For clients who were being evicted and wanted additional time to move, we considered the outcome favorable if they got enough time to move. We took into account the client’s satisfaction level, but made our own independent legal judgment. We also included in the “favorable” category cases in which the client needed information only, received appropriate information, and understood it, and cases in which the client made a reasonably appropriate decision not to act after having received advice from the hotline about how they might resolve their problem.

We did not assign all cases a favorable or unfavorable label. Many cases (24 of those in which the outcome could be determined) fell into a miscellaneous category, neither favorable nor unfavorable, such as cases in which important information was missing, the outcome of the case did not appear to have anything to do with the hotline advice, or the client had no real likelihood of success under any circumstance.¹¹

Excluding the miscellaneous cases, the results of this analysis were as follows:

Favorable	52%
Unfavorable	48%

For the cases that we deemed unfavorable, we also attempted to determine why the outcome was unfavorable.¹²

¹¹ For a fuller discussion of this process, please read the Appendix of the Phase III report. As noted previously, the process of assigning these categories did require the two of us to use our own judgment. We did, however, take as many steps as possible to ensure that we were consistent within these categories. The two of us worked through a number of cases together to ensure that we were using consistent standards, and we ran several comparisons of our results to identify any anomalies. We are confident that we were as consistent as possible under the circumstances.

¹² In Table V-5, this information is presented in terms of percentages of the overall number of cases assessed rather than percentages of the unfavorably assessed cases only.

- In 37 percent of the unfavorable cases, the client had not understood the advice or information.
- In 24 percent, the client had not acted out of fear, discouragement, lack of time or initiative, etc.
- In 13 percent, the client had been advised to obtain a private attorney and reported that they could not afford one or could not find one willing to take the case.
- In 17 percent, the client followed the hotline's advice and did not prevail
- In 9 percent, there was some other reason for categorizing the outcome as unfavorable.

In short, the outcome results show that hotlines work well for some clients, enabling them to handle their legal problems to their satisfaction. However, for an equally large group of clients, they are not effective, at least as they currently operate. To try to make hotlines more helpful for all of their clients, we have developed the recommendations described below.

IV. Making hotlines More Effective

Follow up with clients. We believe it is critical for hotlines to institute follow-up procedures for those cases where the matter at stake is important, with a priority given to categories of clients and case types that are less likely to be associated with successful outcomes.

To us, the key finding of the Study is that most clients who do not obtain a favorable resolution of their problem had either not understood the hotline's advice correctly or had not followed it out of fear, discouragement, lack of initiative, lack of time, or a similar reason. Very few clients both understood and acted on the hotline's advice and still failed to resolve their problem. In addition, the Study shows that clients who reported receiving follow-up calls from the hotline (which were generally made by the hotline to obtain or provide additional information from or to the client, rather than simply to "check in") were more likely to be successful.

Currently, very few hotlines take affirmative steps to check back with clients after a short period of time to see whether they have followed the advice they received, whether they appear to have understood it, and whether they are experiencing problems. While we understand that increased follow-up will mean that hotlines can serve fewer clients overall, we believe that serving fewer clients significantly more effectively is a better delivery strategy than serving more clients less effectively.

Screen for clients likely to face obstacles. We believe that hotlines will be able to increase their rate of successful outcomes if they routinely ask clients questions about factors that might make it difficult to follow up on the hotline's advice. At minimum, these clients should be flagged for follow up.

The Study found that certain demographic categories of clients were much less likely to obtain favorable outcomes than others.¹³ Non-English speakers and those who report no income performed significantly worse than other demographic sub-groups. Similarly, clients who, when asked a specific question in the interview, reported having a less than 8th grade education or having problems with transportation, reading or comprehending English, scheduling (work, daycare, or other), stress or fear, or other personal factors affecting their ability to resolve their problems, were less likely to obtain a successful outcome. (However, clients who reported that either they or someone in their family had a disability did *not* have a lesser likelihood of success).¹⁴

For the non-English speakers, the clients with no income, and the clients who reported low education levels and problems with reading or comprehending English, the reason for the lower level of success was that they were less likely to understand the advice. For those who reported problems with transportation, scheduling, or stress/anxiety/other personal factors, the principal reason was an increased level of failure to follow upon the hotline's advice.

Non-English speakers present a special set of problems. The non-English speakers included in the Study were all Spanish-speakers who had received services from Spanish-speaking caseworkers. As noted above, the principal reason for their lower level of success was failure to understand the advice they received. Their rates of failing to follow up on the advice did not differ from the general population, and those who did follow the advice had similar success rates to the general population. This data suggests that the problem is not language *per se* (because the services were provided in Spanish), neither is it fear or cultural issues (since these clients were no more likely to fail to follow the advice than other groups), nor the inability to deal effectively with English-speaking opposing parties or institutions (since the clients who did understand and follow the advice were no less successful than other groups). We think that policymakers should conduct more in-depth evaluations of outcomes obtained by non-English speaking hotline clients to determine whether this method of delivering services is suited to this demographic category.

Provide more brief services. We recommend that hotlines (or the programs that operate them) develop or increase their capacity to provide brief services; in other words, when possible, for hotlines to help resolve the client's problem with a letter, telephone call, or completion of a form.

While the number of cases in the Study in which the hotline performed brief services on behalf of the client was small (only 4 percent of the whole), these cases were significantly more likely to have a favorable result.¹⁵ Moreover, our subjective impression of these cases was that the ultimate result for clients who received brief services often was

¹³ Tables V-12 and V-13.

¹⁴ The number of cases in which mental illness was noted in the file was too small to be statistically significant, but not surprisingly these clients also had a very low level of success. We suspect that most of these clients would have responded "yes" when asked the question about stress, anxiety, and other factors interfering with their capacity to follow the hotline's advice.

¹⁵ Table V-9.

better than what the client could have accomplished on her own or, in a few cases, better than what the client had hoped for when calling the hotline.

In terms of resources, the hotline already will have invested time in developing the facts and legal issues in response to the client's call; we believe that investment of the additional time required for the brief service will substantially increase the likelihood of a successful outcome for the client's problem and is therefore time very well spent.

Send written information to clients. Hotlines should send the client as much information in writing as possible. The Study found that sending written information, whether a generic pamphlet or a letter detailing the advice provided, increases the likelihood of a successful outcome.¹⁶ Furthermore, based on our impressions from client files and the significant number of clients who fail to act on hotline advice, we recommend that hotlines send the information to the client by mail, rather than requiring the client to pick it up from an office or download it from a web site, unless the client indicates a preference for one of these methods.¹⁷

Use case type and service type information for screening and policy decisions. The striking similarities in case type that we found across all demographic and service areas leads us to believe that the characteristics of the work hotlines are actually doing, as opposed to what they theoretically might do, should be a key determinant of hotline design and operation. We believe hotlines can use this information in screening for cases that require additional follow-up, for determining case priorities, for recruiting staff with appropriate specialization, for phasing in services, and for working with other parts of the state justice community to make systemic changes where necessary to better support clients.

The Study showed that certain types of hotline cases and services are more likely to result in successful outcomes.¹⁸ The most striking differences depended on who the opposing party was: cases in which the hotline provided advice on dealing directly with a landlord, creditor, ex-spouse or partner, or other private party, were much more likely to have a successful outcome than cases in which clients were advised about representing themselves in court or representing themselves or otherwise dealing with a government agency.

These differences were reflected in substantive case types, although none of the differences rose to the level of statistical significance.¹⁹ Consumer cases were most likely to be successful, while family cases had a lower level of success. (The results for housing cases were equivocal, in that they showed a high success rate, but we believe that the

¹⁶ Table V-9.

¹⁷ The only program in the sample that routinely referred clients to a web site was Washington's CLEAR, and our impression is that clients were generally asked whether this was convenient for them. The Study did not report correlations between referral to a web site and successful outcomes, because there was no cross-site data on this issue.

¹⁸ Table V-9.

¹⁹ Table V-8.

sample was under-inclusive of people who had had an unsuccessful outcome and moved and could not be reached for an interview).²⁰

These findings have important implications for legal services delivery. Because cases in which clients are advised to represent themselves in court or with a government agency are less likely to result in successful outcomes, it is particularly important that hotline clients receiving these services receive written information and be targeted for follow-up. These are also the categories of cases for which it is most important that additional support services, such as clinics and court facilitators, be developed.

The relatively low level of success for both legal and non-legal referrals suggests that where the case is particularly important or the client is particularly vulnerable, the hotline should complete the referral itself. Even in these cases, follow-up is likely to be necessary. Follow-up is likely to be equally necessary when a hotline refers a client to a clinic operated by its own program. For example, we learned from the case records from Orange County, where the program operates clinics in family law, housing, and bankruptcy, that many clients simply did not attend the clinic.²¹

Finally, it is simply not effective for hotlines to advise clients to hire a private attorney. Only 11 percent of cases where the client was advised to hire a private attorney ended favorably; in most cases, the clients took no action because they could not find or afford an attorney.²² Hotline administrators and delivery system planners should try to develop alternatives approaches for cases in which this would ordinarily be the advice provided. (We recognize that this is easier said than done, but we do believe that the inability of many callers to find a private attorney is an important delivery issue that must be confronted squarely.)

Use random client surveys for evaluation and quality control purposes. In our view, the Study shows that random client surveys provide more accurate information about client attitudes than client satisfaction surveys and more complete data about outcomes than models that are currently used by some programs.²³ We believe that this technique should be broadly used in the legal services community for program and delivery model evaluation and assessment. This Study provides a baseline against which hotlines (as well

²⁰ In an effort to minimize bias based on client relocation, we asked hotlines to collect secondary contact information for all callers who agreed to participate in the Study. Due to collection problems, however, the existence of secondary information varied widely among sites. Thus, while in some sites it is likely that we were able to track down relocated clients, in others it is more likely that we missed them.

²¹ Even if a program operates a multi-tiered level of services that refers clients in particular areas to clinics or other support services, the hotline should provide as much advice and information as possible up front. For example, in Orange County, consumer cases had an extremely low success rate compared to the other sites, which we believe is because clients who contact the hotline about bankruptcy or collection issues are referred to the program's bankruptcy clinic, but do not receive advice on dealing with creditors from the hotline itself, and therefore have received no advice at all if they do not follow up on the referral.

²² Table V-9. Many hotline clients do end up hiring a private attorney even after receiving advice from the hotline; however, there is little overlap between this category and those who are advised by the hotline that they should do so. Of the clients who ended up hiring an attorney, only 35 percent were advised to do so; conversely, only 18 percent of those who were advised to hire an attorney reporting doing so.

²³ See Table VI-7 and discussion.

as other advice and referral programs) can measure their own outcomes. More important, hotline administrators will hear in the clients' own voices what actually happened to them after they contacted the hotline and what role the hotline played in helping them address their problem.

We also believe client follow-up interviews can also serve as a valuable management tool to ensure quality control. In reading the interviews, we saw evidence of some management problems that would not have been available from reviewing the case files alone, which is currently the most common technique that supervisors use in their oversight of caseworkers.²⁴

Value the level of successful outcomes over the number of clients served. The Study shows that hotlines can be improved to obtain successful outcomes for more clients. However, as we have noted above, doing so will take resources, which means that the hotline will either need to obtain more resources or serve fewer clients. In the current climate, the latter is probably the only option for many programs. We recognize that the choice to serve fewer clients is difficult. It is undoubtedly easier to provide more clients with a lower level of service than fewer clients with a higher level of service. Nevertheless, we believe that the choice that results in successful outcomes for the most clients is the correct one.

Ensure that hotline workers provide high quality legal advice. While the quality of hotline services was not one of the issues addressed in the Study, and while neither of us have practiced in the jurisdictions covered by the five sites and therefore were not in an ideal position to judge the accuracy of the advice provided, we naturally did form some general impressions during our case review.

It seemed to us that the hotline workers who provided the most helpful advice and assistance were more often found in those hotlines where the workers are integrated with full-service providers in the delivery system through participation in task forces, meetings, training, and the like. Such workers appeared to approach each case as a lawyer on the caller's behalf, despite the more limited nature of their position.

We also perceived that the clients received better service from the programs where clients spoke directly with attorneys or experienced paralegals rather than with a fact-finder or interviewer who relayed the advice from the attorney.

While these impressions do not rise to the level of recommendations backed by the Study, we would personally recommend that hotline planners and managers consider them carefully. Quality matters, and programs should place as high a priority on excellence in their hotline workers as they would on lawyers in their full service programs.

V. Hotlines and the Delivery System

²⁴ See our Appendix to the Report, pp. 11-12.

Finally, we want to address the broader question of hotlines as a delivery model. While the Study did not purport to answer whether hotlines are an effective delivery model as compared to other forms of delivery, the process of conducting it—and especially our review of 2,000 hotline cases—did provide us with the opportunity to think seriously about the roles of hotlines in the delivery of legal services. We think that the Study’s findings help clarify some key points relating to these questions:

A hotline alone cannot meet the legal needs of low-income people, even if the focus of delivery is confined to individual legal problems. Even if all the improvements that we have recommended were adopted, hotlines still would not be capable of serving the many clients whose problems are such that they cannot handle them on their own. The sample of cases in this Study excluded all those that had been accepted for full-service representation. If the hotlines had been required to provide services for these clients, the level of success would undoubtedly have been far lower, and the consequences of failure far more serious, overall. (We don’t think anyone is seriously proposing that hotlines alone can do the job, but we are aware that there is some concern in the legal services community that Congress and other funders may be sending this message.)

Hotlines do provide a valuable service to clients who might not otherwise be served. The clients served by the hotlines participating in the Study all received prompt legal information and advice that enabled a significant number of them to resolve their problems on their own. These services were better than no services at all, which is what many similarly situated people receive in areas without hotlines.

Hotlines can be an effective component of a “full access” delivery system model. In the past few years, some leaders in the legal services community have envisioned hotlines as a key part of a “full access” delivery model, integrated with other methods of delivering services that range from community legal education, through pro se clinics and a brief services unit, to full-service representation by a legal services attorney or paralegal or a volunteer attorney, and finally to systemic advocacy.²⁵ In our view, the findings of the Study are largely consistent with this model. A hotline that includes a follow-up tickler system for important cases and particularly vulnerable clients, that is integrated with support services for *pro se* litigants and that has a brief services capacity should be able to obtain favorable outcomes for a large percentage of clients, certainly above the 60:40 favorable/ unfavorable ratio that one of the hotlines in the Study is currently achieving.

Moreover, we believe that hotlines have the potential to be a powerful tool for systemic advocacy. hotlines that handle a high volume of clients are well positioned to collect aggregate data about legal problems faced by large numbers of clients. And if hotlines collect outcome data and conduct the client surveys that we recommend, they also will find out useful information about how clients are faring in their encounters with government agencies, courts, and other systems.

²⁵ Cite to articles in MIE – Smith-Bergmark-Moore, Winter 2002; Moore, Summer 2002.

Hotlines are currently providing advice and referral services to some clients who really need representation by an attorney. The ideal “full access” model discussed in the preceding paragraph has yet to be achieved in the vast majority of programs and states. None of the hotlines in the Study used systematic follow-up procedures. The level of brief services provided was very low. The level of support for litigants proceeding *pro se* varied according to site from none to reasonably well-developed and growing systems of clinics and facilitators; nevertheless, most self-represented litigants had no known support. Most significantly, because the legal aid systems in all five states have insufficient resources to meet the level of need, all of the hotlines in the Study are handling some percentage of cases that aren’t really appropriate for this level of service and that under the “full access” model (or any other model of an ideal system) they should not be handling.²⁶

We think this last point is worth emphasizing. hotlines are currently serving two different functions: providing information, advice, and similar services to people who do not need full-service representation; and providing advice as a fall-back to people who need but cannot be provided with full-service representation because of limited resources. In debates about hotlines as a delivery model, proponents and opponents tend to talk past one another. Proponents say, “hotlines serve people who just need information or can handle their problems themselves with some advice and support.” Opponents say, “hotlines are providing a level of service that fails to meet their needs—band-aids to people who need hospitalization.” In the current reality, both statements are correct: hotlines are providing an appropriate level of service to some people and an inappropriately low level to others.

The percentage of clients for whom hotlines are an appropriate delivery system is probably overestimated. Although we generally endorse the “full access” model, we do not necessarily agree with the assumptions about the percentages of clients who require different levels of assistance that underlie some iterations of this model. One widely-circulated model uses the shape of a funnel to illustrate a world in which the majority of the client-eligible population requires only limited advice, a smaller number require additional assistance in proceeding *pro se*, and an even smaller number require full representation. Our review of the Study’s 2,000 cases suggested that the number of clients who need full representation is higher, and the number who can effectively handle their cases with just brief advice is lower, than this model suggests.²⁷

Effectively serving clients with family law problems is a major legal services delivery issue. By far the largest category of clients in the Study called the hotline because of a family-related matter. In addition, based on our experience in reviewing the cases included in the sample, our impression is that family law cases were more likely than other case types to be those in which the client really needed representation by a lawyer. Thus,

²⁶ The provision of advice and other lower-level services to people who actually need a higher level of service tends to mask the level of unmet need in the system. It would be valuable for providers to develop some way of capturing data on this gap between service level and actual need.

²⁷ Similarly, actual legal services case statistics are sometimes used to support the proposition that “70 percent of legal services cases require only advice, referral or brief services for resolution.” The fact that a client receives only advice or referral does not mean that the client only *needed* advice or referral for an optimal resolution to her problem.

to a large degree, issues relating to hotlines as a delivery model are issues about what kind of services should be provided for people with family law problems. These, in turn, are bound up with issues relating to the way the courts are responding to self-represented litigants, a phenomenon that extends well beyond the low-income community.

In certain contexts, the use of a hotline may not be the most effective use of resources, regardless of the quality of the services it provides. Beyond the factors that a hotline can control, other factors that can have a major impact on the potential level of successful outcomes include the availability of other supports and resources for clients; the demographics of the client population; the receptivity of the courts to self-represented litigants; and the favorability of local laws and regulations toward tenants, employees, and low-income people generally.

In the Study, we saw dramatic differences among the context in which the different hotlines were operating. For example, we believe that the higher level of favorable outcomes in Washington state reflects at least in part the numerous support services available to clients, particularly their family law facilitator and volunteer lawyer clinic programs. On the other hand, it was clear that in a state like Arkansas, with few resources for clients, courts that are unsympathetic to pro se litigants, and laws that strongly favor landlords and employers, even clients who understood and acted on the advice generally could not obtain outcomes that were favorable in any real sense. And in all sites, client demographics, such as education or language, made a difference for outcomes.

Similarly, the overall level of resources available to the delivery system in the region or state will have an impact on the effectiveness of the hotline in promoting favorable outcomes. Where resources are more plentiful, a greater percentage of the need can be met with full-service representation. Where resources are lower, more cases that actually call for representation will be handled by the hotline with advice or referrals only.

These factors lead us to believe that in some cases, deploying resources for a hotline may not be the most effective use of resources. This may be the case in areas with few resources, many poorly educated or non-English-speaking clients, unreceptive courts, or law that is very unfavorable to poor people. In service areas that reflect these shortcomings, it is important to consider whether a greater difference can be made by deploying resources toward systemic advocacy and structural reform.

Decisions about implementing a hotline are primarily simply about allocation of resources among different types of client problems. To us, much of the debate about hotlines seems overly theoretical and politicized. Hotlines seem to have become the focus of the current version of the longstanding legal services debate about the respective priorities of individual casework versus impact work and systemic advocacy. We think the question of whether a program or system should institute a hotline can be approached more productively in purely practical terms, without the philosophy, as a matter of allocation of resources among different case types.

While the Study does not deal with many of the questions that a program or system would want answered in deciding whether to use a hotline model to serve its clients, it does

help to clarify the nature of the choice. In deciding whether or not to implement a hotline, a program or system will be deciding what percentage of its limited resources should go to certain categories of individual cases—generally those that are determined to have a lower priority than those that are accepted for full-service representation.²⁸

The Study has demonstrated what kind of outcomes can be expected for different case types and varieties of hotline services as hotlines currently operate, and we have suggested how the level of successful outcomes can be improved through changes in hotline services. We also have noted a number of factors that will relate to the level of outcomes in any particular service area. All this information can help programs and systems make rational choices about the level of resources it should allocate to hotlines and to other parts of the delivery system.

²⁸ Again, we must distinguish between a hotline's intake and service delivery functions. The cost of the service delivery function can be seen as an add-on to the cost of the intake function. The formulation originally offered by hotline proponents was that hotlines would enable programs to increase the level of advice, referral, and brief services cases they provided while keeping the level of extended services constant or even increasing it. The underlying assumption was that the program would devote to the hotline only the proportion of resources that it had previously devoted to intake, and that the increased efficiency of the hotline would enable those resources to go further.

Phase I of the Hotline Outcomes Assessment Study tested this hypothesis by analyzing case statistics from programs that had adopted the hotline model. Unfortunately, the majority of programs with hotlines had to be excluded from the analysis because the pre- and post-hotline data were not comparable due to changes in funding, service area, and the like. Moreover, the results for the programs that could be analyzed showed no uniform pattern. Some programs were able to increase advice, referral and brief services without cutting back on extended services. Others were not. Larger programs were more likely to be successful than smaller programs. Consequently, it must be acknowledged that creating a hotline does involve some risk of diverting resources, at least initially, from full-service representation. Managers at programs planning to implement a hotline should be aware of the risk and plan carefully so that they can control the allocation of resources within the program.

SUMMARY

PHASE III HOTLINE OUTCOMES ASSESSMENT STUDY

Phase III of the Hotline Outcomes Assessment Study conducted a full-scale survey of legal Hotline users to answer a variety of questions about legal outcomes and the characteristics of callers who experience successful and unsuccessful results. As part of this study, researchers at the Center for Policy Research (CPR), PFEJ lawyers, and telephone interviewers with SRBI collaborated to design and conduct a survey that involved the following elements:

- Generating samples of callers at five legal Hotlines that were representative of the total universe of clients served at legal services programs;
- Conducting telephone interviews with 2,034 callers three to six months after they contacted the Hotlines and eliciting their general reactions to the Hotlines, as well as the specific outcomes of their cases;
- Having experienced legal services lawyers generate what they termed to be both “factual” and “evaluative” assessments of outcomes, which were based on a review of case files and interview notes, including verbatim responses to questions about legal outcomes;
- Analyzing the resulting data set to produce profiles of callers across the five sites and outcome patterns with special attention to the client, case, and advice characteristics of cases with favorable and unfavorable outcome patterns.

The Phase III study has answered a number of fundamental questions about Hotlines and their efficacy with various types of callers. The key findings for the study are described below.

- **Where an outcome could be determined, Hotline cases were almost evenly split between successful and unsuccessful outcomes.** After indeterminate cases were eliminated, such as pending matters or cases where no outcome could be determined, the percent of cases where clients got the information they needed or the results they wanted (48%) almost matched the percent with unsuccessful outcomes (52%).

- **When callers understand what they are told to do and follow the advice they are given, they tend to prevail.** Only 6 percent of clients were determined by PFEJ lawyers to have received unfavorable results because they did not prevail after following the advice of Hotline workers. In contrast, 13 percent were determined to have received unfavorable results because they did not understand the advice that was given, and 9 percent were determined to have failed because they lacked the time, initiative, or courage to try to do what the worker suggested.
- **Most clients who do not act fail to understand the advice they are given or are too intimidated or overwhelmed to attempt the recommended action.** Three to six months after phoning the Hotline, 21 percent of callers had not acted on the advice they received. About a quarter of the clients who did not act on the Hotline's advice did not understand what they were supposed to do. Another 25 percent were too afraid to try or lacked the time or initiative. An additional 10 percent who did not act were told to hire a private attorney and reported that they could not afford or find one. Taken together, these three factors accounted for 60 percent of the no action cases in the sample.
- **Many Hotline cases result in outcomes that cannot readily be classified as successful or unsuccessful.** Only 72 percent of the cases in the sample could be classified by PFEJ lawyers as successful or unsuccessful. Success could not be gauged for many clients because they had a matter that was still pending three to six months after phoning the Hotline (19%) or their responses to questions about their cases were so unclear that PFEJ lawyers were unable to determine outcomes (9%).
- **Certain types of Hotline services are more apt to result in favorable outcomes.** Brief services yielded the highest proportion of cases that were classified as favorable. Coaching clients on how to deal with a landlord, creditor, or other private party was next, followed by providing written legal information and coaching clients on how to proceed pro se in court. Favorable assessments were the lowest (one-third) in cases where clients were instructed on how to deal with a government agency or were referred to another legal services program or social service agency.
- **Clients who were told to hire a private attorney had the worst outcomes and were the most dissatisfied.** Only 11 percent of clients who were told to hire an attorney achieved favorable case outcomes and 52 percent rated the Hotline as unhelpful. The decision to hire a private attorney appeared to be unrelated to Hotline advice. Only 18 percent of clients who were advised by Hotline workers to hire a private attorney did so; as noted above, many reported being unable to afford or find one. Most who did retain an attorney (65%) were not advised by the Hotline to do so.

- **Outcomes for housing and consumer cases are most apt to be rated favorably, while family cases are most apt to be pending.** Housing and consumer cases had the highest rate of favorable outcomes, while family cases were lowest with many still pending when clients were interviewed. The higher favorable rates for housing cases may reflect the fact that housing clients with unsuccessful cases may not have been reachable for an interview because they had moved. Since family matters frequently require court action, it is not surprising that many were still unresolved when the interviews were conducted.
- **Hotline clients with the best and worst case results had distinct demographic characteristics.** Clients with outcomes that were rated most favorably were significantly more likely to be, white, English-speaking, educated at least to the eighth-grade level, and have a marital status other than being separated from a spouse. Clients who received the least favorable outcomes were Spanish-speaking, Hispanic, individuals with the lowest education levels, those who reported no income from any source, and those who were separated and lived apart from their spouse. Substantial proportions of Spanish speakers, individuals with the lowest education levels and those with no income source appeared to experience unfavorable outcomes because of a failure to understand the advice they were given. The lower results for callers who were legally separated may have been because they were calling about divorce or other family matters, and thus were disproportionately advised to retain a private attorney.
- **Many clients face barriers that may affect their ability to follow through on Hotline advice.** Many Hotline callers disclosed that they or a member of their households had a disability or a serious health problem (42%). About a third reported serious transportation problems. Smaller proportions reported having work, school, or daycare schedules that might make it hard for them to handle their legal problems (16%). Reading or speaking English well enough to complete forms and other legal paperwork was noted to be a problem for about 12 percent of Hotline callers. And 44 percent disclosed other problems, such as depression or fear of an ex-partner or current household member. While clients with disabilities fared no worse than their counterparts without disabilities, the other barriers listed above were associated with outcomes that were significantly worse. Those with problems using English appeared not to have understood the advice they were given, while those with transportation, scheduling difficulties, or “other” problems frequently failed to follow through.
- **Some types of follow-up actions by the Hotline may boost the chances of callers experiencing favorable results.** Most clients (78%) only spoke once with a Hotline worker. The rest phoned back a second or third time and/or obtained assistance in person from a lawyer, law clinic, or court worker. Clients who went to the office and met with Hotline workers in person did not appear to have a higher rate of favorable outcomes than those who just used the telephone, nor did clients who called the Hotline more than once. Higher

favorable outcomes were associated with getting a letter or other written material, a follow-up phone call from the Hotline or help from someone other than the Hotline worker.

- **Clients rated their experiences with Hotlines favorably.** Nearly half (41%) characterized the Hotline as “very helpful” and 28 percent as “somewhat helpful.” Only 29 percent rated it as unhelpful, although a quarter of interviewed clients across the sites had trouble reaching a Hotline worker, with 39 percent of Washington callers reporting long wait times or busy signals. About half were certain that they would use the Hotline again for another legal problem. Two-thirds of clients at every site credited the Hotline with helping them make better decisions, feel more confident about their abilities, and keep the problem from escalating.
- **Disappointed Hotline callers typically said there was nothing anyone could do or that they wanted a lawyer to do more for them, although a small fraction of callers complained about being treated rudely.** Callers who were critical of the Hotline and rated it as unhelpful typically said there was nothing anyone could do for them. The next most common reason for their dissatisfaction was wanting a lawyer to do more on their behalf. Approximately 2 percent of callers complained about disrespectful and uncaring treatment by Hotline workers.
- **User satisfaction ratings are associated with Hotline outcomes, but the relationship is not perfect.** Clients with favorable outcomes were significantly more likely than their unfavorable counterparts to rate Hotlines as “very” helpful, but they were more generous than their objective situation would suggest. While 63 percent of clients with favorable outcomes gave the Hotline a “very favorable” rating versus only 19 percent of clients with unfavorable outcomes, a third (32%) of clients with unfavorable outcomes rated the Hotline as “somewhat helpful.” More to the point, a quarter of the clients who were judged by PFEJ lawyers as not having followed the Hotline’s advice or not having prevailed rated the Hotline as “very helpful.”
- **Hotlines serve a broad population with a variety of demographic characteristics.** While most interviewed clients were English-speaking females, the sample was almost evenly split between white and African-American respondents, with a representation of Hispanics (13%). About 41 percent reported income from wages; the rest reported income from benefits, Social Security, and other sources, including about 10 percent who reported no income source at all. Roughly equal proportions were married, separated, divorced, and single. And while a third had completed high school and another third had some college, about 20 percent had less than a high-school education and 14 percent had completed college.

- **Most Hotline callers have family, housing, or consumer problems.** About 40 percent of respondents had phoned the Hotline with a family problem; 20 percent had housing and consumer issues, respectively. The remaining callers had a variety of other problems, the most common of which dealt with benefits and employment matters. Within the major problem types, two-thirds of callers with consumer problems phoned with collection/bankruptcy matters, while a quarter phoned with warranty problems. Family law callers were equally divided between divorce, custody/paternity, and support matters.
- **There is close agreement between clients and PFEJ lawyers in their characterization of the success clients experience when they phone the Hotline.** Using different coding schemes, 39 percent of clients classified their legal problem as completely or somewhat resolved, while PFEJ lawyers rated 34 percent of the cases as favorably resolved. Both clients and PFEJ lawyers rated 57 percent of the cases as having outcomes that were unfavorable or pending. However, as discussed in Appendix D, clients and PFEJ lawyers differed in how they characterized Hotline actions, with clients tending to characterize the types of assistance they received from the Hotline as general and informational rather than pertaining to specific advice categories.

Recommendations

These findings suggest that Hotlines succeed in delivering legal services to many individuals with a broad range of problems. However, a substantial proportion of clients fail to understand the advice they are given or fail to implement it because of fear, discouragement, lack of time, or lack of initiative. These problems are far greater than failure to prevail among those who understand the advice and try to follow it. To increase the ratio of favorable to unfavorable outcomes, Hotlines should adopt measures to enhance understanding and promote action.

- **Hotlines should recognize that certain demographic groups are particularly less likely to obtain favorable outcomes.** Non-English speakers, individuals at the lowest education levels, and those who report no income perform significantly worse than other demographic sub-groups, chiefly because they appear not to understand the advice they are given. Hotlines should develop special protocols for dealing with these clients, possibly including increased support or more extended services.
- **Policymakers should take further steps to evaluate whether Hotlines are an appropriate method of delivering service to non-English speakers.** The non-English speaking clients in this study were Spanish speakers who were provided services by the Hotline in Spanish. They had a particularly high rate of failure to act due to inability to understand the Hotline advice. This suggests that the lower level of favorable outcomes they obtained may have had to do with factors other than language per se. Policymakers should conduct more in-depth evaluations of

outcomes obtained by non-English speaking Hotline clients to determine whether this method of delivering services is suited to this demographic group.

- **Hotlines should screen callers for certain barriers that are associated with unfavorable outcomes.** Clients who, when asked a specific question, report having a less than eighth-grade education or problems with transportation, reading, or comprehending English, scheduling (work, daycare, or other), stress, fear of an ex-partner or other personal factors affecting their ability to resolve their problems are less likely to obtain a successful outcome. Hotlines should routinely screen for these barriers, which is likely to require special attention during intake, since the PFEJ lawyers noted that most of these barriers could not be discerned from existing case files. Hotlines should develop protocols for dealing with these clients, possibly including increased support or more extended services.
- **Hotlines should institute or improve follow-up procedures.** Hotlines would do well to institute tickler systems flagging cases for a callback to check on the client's progress. Cases that should be flagged are those in which the problem is particularly likely to have serious consequences for the client. Especially important are those in which one of the following factors is present:
 1. The recommended action is one where clients are less likely to obtain a favorable outcome: representing self in court; dealing with a government agency; obtaining legal assistance from another provider or help from a social services agency.
 2. The client falls into one of the demographic categories identified above that are less likely to obtain a favorable outcome.
 3. The client reports one of the barriers described above as associated with a reduced likelihood of obtaining a favorable outcome.
- **Hotlines should develop or increase their capacity to provide brief services or institute a brief services unit.** Brief services are more likely to result in successful outcomes than advice or referral services. In cases where it may be possible to resolve the client's problem with a letter, telephone call, completion of a form, or completion of a referral, it is likely to be a more effective use of resources for the Hotline or a related unit to perform the action than for the Hotline to advise the client how to do so. The Hotline will already have invested time in developing the facts and legal issues in response to the client's call; investment of the additional time required for the brief service will substantially increase the likelihood of a successful outcome for the client's problem. Cases in which clients are less likely to obtain a favorable outcome on their own, as discussed above, should be given priority for brief services.
- **Hotlines that do not routinely provide written information to clients should do so.** The provision of written information, whether a generic pamphlet on an issue or a letter detailing the advice provided, increases the likelihood of a successful outcome.

- **Hotlines should recognize that telling a caller that they should obtain a private attorney is unlikely to result in a successful outcome.** When Hotline workers advise callers to retain a private attorney, particularly in divorce cases that do not fall within program priorities for extended representation, they should know that most of these clients will not be able to afford to hire an attorney or will not be able to find one willing to take their case. Hotlines should explore alternative services that are more likely to result in successful outcomes. Local policymakers should explore the implications of this problem, such as devoting more resources to developing panels of attorneys willing to take cases for reduced fees.
- **Hotlines should be aware of the limitations of client satisfaction data and analyze the data they get in ways that maximize their utility.** While user satisfaction is a legitimate and an important indicator, it is not a perfect measure of Hotline effectiveness. Clients are frequently more generous in their evaluations of Hotlines than their personal situations would suggest. Half of the clients who experienced unfavorable outcomes described the Hotline as “very” (19%) or “somewhat” helpful (32%). To some extent, this may reflect the fact that some clients who do not get what they want feel empowered by the information they receive. In conducting client satisfaction surveys, “very helpful” and “somewhat helpful” response categories should not be merged in the analysis, because only the “very helpful” category is strongly associated with case outcomes.
- **Hotlines should conduct random follow-up telephone interviews with clients.** In order to more accurately assess performance, Hotlines would do well to institute random follow-up interviews to gauge the effectiveness of their services and to identify ways to improve them.

CHARACTERISTICS OF STATE INTEGRATED DELIVERY SYSTEM

BY

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JULY 1998

I. CAPACITIES OF A COMPREHENSIVE, INTEGRATED STATEWIDE CIVIL LEGAL ASSISTANCE SYSTEM TO SECURE EQUAL JUSTICE FOR ALL

A. INCREASE AWARENESS OF RIGHTS, OPTIONS AND SERVICES

1. Coordinated, systematic and comprehensive outreach targeted to all segments of the low income population within the state, including hard-to-reach groups, that provides information about legal rights and responsibilities as well as the options and services available.
2. Coordinated, systematic and comprehensive community legal education targeted at critical legal issues and provided through oral presentations, training programs, written, audio, audio-visual, and electronic materials delivered in a variety of community settings:
 - a. Education and information for low income populations, including particular constituencies with distinct, unique or disproportionately experienced legal needs as well as hard to reach groups;
 - b. Education and information that is culturally relevant to the various low income population groups within the state;
 - c. Special community education initiatives that address specific urgent, new or emerging issues;
 - d. Education for staff of community based organizations, human services providers, community leaders and others involved in providing legal and other services to train them:
 - (1) about critical legal issues, including new and emerging issues, facing low income persons;
 - (2) about the services available from legal providers in order to make appropriate and accurate referrals.
3. Education for the general public about the legal problems of low income persons and the services available to address them.

B. FACILITATE AND ENHANCE ACCESS TO LEGAL ASSISTANCE

1. Coordinated system of service delivery using all individual and institutional providers to:
 - a. ensure that services are accessible from all parts of the state, including remote rural areas and low income urban neighborhoods;
 - b. identify and allocate resources and make available specialized expertise in all major substantive areas of the law affecting low income persons in order to provide an appropriate service for every major legal problem and address the highest priority legal needs of low income persons within the state;
 - c. provide legal information and assistance in all of the languages spoken by a significant number of low income persons;
 - d. serve all segments of low income and vulnerable households, including those constituencies with distinct, unique or disproportionately experienced legal needs.
2. Centralized or coordinated advice and brief services system organized throughout the state to enable low income persons who believe they have a legal problem to speak by telephone or in person to a skilled attorney or paralegal for accurate legal advice and brief services to help resolve that problem.
3. Accessible, flexible, responsive intake systems which are centralized or coordinated and which include telephone screening, case evaluation and referral system(s) to:
 - a. diagnose legal problems and identify legal interests;
 - b. make referral to the system of legal providers;
 - c. make referral to alternative dispute resolution (ADR) providers or community based organizations;
 - d. make referral to other appropriate non-legal organizations.
4. Supplementary client intake and screening systems that target particular low income constituencies, persons having particular legal problems that need immediate attention, persons unable to navigate a telephonic intake system, and persons who come to the office in person.

5. Maximum use of new and innovative electronic and video technologies to improve access and address unique and distinct unmet legal problems.

C. PROVIDE A FULL RANGE OF CIVIL LEGAL ASSISTANCE SERVICES TO ALL IN NEED

The civil legal assistance delivery system should systematically ensure the collective capacity to provide a full range of civil legal assistance services to all clients regardless of their location or the forum within which their legal problem is best resolved. For example, the system should enable low income persons and groups to address some legal problems without legal representation, receive advice and brief services in appropriate situations, and receive representation from an attorney or paralegal when necessary. In addition, the system should provide representation when the legal issues affect a substantial number of poor people. Services that must be available include:

1. Legal advice and referral;
2. Brief legal services;
3. Representation in negotiation;
4. Transactional assistance (including community economic development, job creation, housing development, and the like);
5. Representation in the judicial system and in administrative adjudicatory processes using all forms of representation appropriate for the individual or group being represented;
6. Representation before state and local legislative, administrative and other governmental or private bodies that make law or policies affecting legal rights and responsibilities to make sure that low income persons are at the table when decisions affecting them are made (state level representation is essential because states make critical decisions that affect the legal rights and responsibilities of low income persons);
7. Assistance to clients using mediation and dispute resolution programs, including community based dispute resolution services (where they exist), and development of linkages with such programs;
8. Assistance to individuals representing themselves pro se, including:

- a. clinics and on-site activity by law students, provider staff, volunteers, private attorneys, court personnel, or others who will help low income persons:
 - (1) Identify legal problems;
 - (2) analyze claims and defenses;
 - (3) prepare forms and pleadings;
 - (4) understand the processes, procedures and rules of the court;
 - (5) locate appropriate legal assistance providers and/or private or pro bono attorneys;
 - b. advocacy to change court procedures and practices to enable more efficient and effective self-representation;
 - c. advocacy to encourage use and availability of new technologies to increase access of low income persons to the court system.
8. Advocacy to help make the legal system more approachable, receptive and responsive to low income persons, including those with special needs.

D. ENSURE HIGH QUALITY, COORDINATED, EFFICIENT AND EFFECTIVE CIVIL LEGAL ASSISTANCE

- 1. Assistance is available from a community of advocates, such as:
 - a. Staff lawyers, paralegals, and other employees of non-profit legal services provider programs;
 - b. Private lawyers working pro bono or for compensation;
 - c. Law students and law teachers;
 - d. Lawyers, paralegals or staff working for other entities (including governmental entities such as attorney general offices, corporations, labor unions, civil rights and civil liberties organizations, human services providers and other non-profit institutions);
 - e. Lay advocates associated with community organizations and other nonlawyers;
 - f. Clerks, law librarians and other court personnel.
- 2. Providers will include:
 - a. Non-profit legal services provider programs;
 - b. Law firms, corporations and other for-profit entities;
 - c. Law schools and law school clinics;
 - d. Low income advocacy organizations and groups;
 - e. Non-profit human services, ecumenical and community based institutions;

- f. Governmental or quasi-governmental institutions.
3. Providers have the substantive expertise, institutional presence, and experience necessary to provide high quality legal assistance consistent with the standards of practice within the state and with national standards of provider performance.
 4. Legal providers have the capacity and flexibility to identify and respond effectively and efficiently to new and emerging legal trends and changes in the nature of the legal problems of low income persons.
 - a. Substantive strategies and appropriate techniques of advocacy can respond to changing client legal needs.
 - b. Providers have the flexibility to reconfigure their structures, integrate their activities, and reallocate their resources to carry out new strategies necessary to respond to changing client legal needs.
 - c. Sufficient support exists within the system to identify and respond to emerging legal trends and changes in the nature of the legal problems of low income persons through training, availability of specialized expertise, and other resources.
 5. Providers throughout the state work together in a coordinated and collaborative manner to ensure a full range of legal assistance options to all low income persons in all civil justice forums.
 - a. Providers who are restricted in the services that they can provide work with providers who are not restricted in order to ensure the availability of the full range of legal services to all low income persons.
 - b. Providers work collaboratively with one another and the broader community to use and integrate all individuals and organizations providing civil legal assistance to low income persons.
 - c. Providers throughout the state coordinate their activities to make the highest and best use of all available resources; minimize duplication of capacities and administration; develop and maintain coordinated and accessible client intake, advice and brief services and referral systems; and maintain organizational relationships and structures that

maximize economies of scale and ensure the effective use of existing and emerging technologies.

- d. Providers coordinate to ensure that legal assistance is available when needed and to respond quickly to client emergencies including those created by natural disasters or by significant changes in the law.
 - e. Providers promote effective use of technology to facilitate coordination.
6. Legal providers coordinate and collaborate with human services providers, community based organizations, low income groups and other entities to deliver holistic and interdisciplinary services and to enable non-legal services providers to provide their clients with accurate and relevant information about legal rights and options and how to access the system.
7. Legal providers take full advantage of existing and innovative technologies and maximize the use of technology to deliver high quality legal assistance.
- a. Providers invest in technology for acquisition of hardware and software on an ongoing basis;
 - b. Staff have access to and adequate training for use of up-to-date technological tools to access information, communicate with colleagues, courts and clients, and work productively;
 - c. Intake and brief advice and assistance systems use the most efficient technologies, consistent with client autonomy, dignity and special requirements;
 - d. Program offices are internally linked and linked to other providers making full use of internet and web-based technologies, such as secure e-mail and private forums, to enhance communication, coordination, collaboration and efficient transfer of client information and knowledge among providers;
 - e. Advocates have access to information, legal research, support and resources outside of their offices;
 - f. Providers use internet, telephone and other technologies to educate clients about their rights, help them find an appropriate advocate, or proceed pro se.
8. Providers employ or participate in regular recruiting efforts and ongoing professional staff development to ensure that new leadership is developed and nurtured and that managers and staff improve their skills and capacities to carry out their responsibilities.

9. Providers are sensitive to the values, cultures and aspirations of low income households in the state.
 - a. Advocates and others involved in the civil justice system can work and communicate effectively with the various constituencies of low income persons within the state;
 - b. When there are a large number of low income households that speak a language other than English, providers collectively must ensure that there are advocates who can speak the language of the clients;
 - c. A diverse group of advocates is used to provide civil legal assistance within the state.

10. Legal assistance is provided in ways that enable, support and enhance the ability of low income individuals and groups to define, assert, promote and enforce the legal rights and interests within the states civil justice system.
 - a. Support and assistance is provided to persons capable of engaging in self-representation or self-help activities;
 - b. Delivery strategies that maximize the potential for meaningful client participation in their own representation are employed, such as self-help programs, advice programs, assistance to persons proceeding pro se, alternative dispute resolution programs and community legal education;
 - c. Clients are offered a range of representation services.

11. Legal assistance is provided to ensure that the rights and interests of low income persons are taken into account by courts, administrative agencies, legislative bodies and other private and public institutions that make decisions affecting such persons.

E. ENSURE STATEWIDE COORDINATION AND SUPPORT FOR PROVIDERS OF CIVIL LEGAL ASSISTANCE

1. Statewide coordination of state-level resource development, including:
 - a. Unified private and capital campaigns, where most effective;
 - b. Unified approaches to major potential state public sources;
 - c. Unified liaison with and maintenance of existing statewide sources;
 - d. Coordinated technical assistance for targeted local funding efforts;

- e. Coordinated efforts to develop local and regional funding sources;
 - f. Coordinated communication, public relations, media and branding activities.²⁹
2. Effective monitoring, analysis and timely distribution of information regarding all relevant legal developments to all individual and institutional providers and others participating in the statewide system;
 3. Regular statewide meetings of, or communications among, attorneys, paralegals and lay advocates (including private attorneys and law firms, attorneys working for governmental entities, corporations, labor unions and human services providers) to discuss common issues, problems, subject areas, client constituencies, techniques of advocacy and strategies to make the most effective and efficient use of resources;
 4. Identification and promotion of systemic "best practices" in areas such as intake, needs assessment, priority setting, case management, techniques of advocacy and strategy development;
 5. System to coordinate advocacy in all state level legal forums on matters of consequence to low income people, including amicus work;
 6. Efficient state-of-the-art statewide information dissemination network including:
 - a. Statewide e-mail access for institutional providers of civil legal assistance, such as legal services programs, pro bono programs, law school clinical and related programs, specialized legal advocacy programs and staff working in community based organizations;
 - b. Statewide civil legal assistance web site and other methods of communication to provide up-to-date information about state legislative, regulatory and policy developments affecting low income persons as well as other information relevant to the delivery of civil legal assistance;
 - c. Statewide electronic library of briefs, forms, best practices and proprietary texts and client information materials, which are accessible by all institutional providers and private attorneys providing civil legal assistance;

²⁹ "Branding activities" refers to deliberate use of distinctive logos and symbols to build public awareness of the civil legal assistance system within the state.

- d. Coordinated statewide research strategy integrating Internet usage, on-line services, proprietary sources, and other resources;
 - e. Coordinated data management systems to facilitate information sharing and case file transfers.
- 7. Coordinated statewide education and training activities available to all individual and institutional providers within the state to develop expertise in all major areas of legal services practice within a state, to update advocates on new developments and emerging trends in law and policy affecting low income persons, to ensure the use of new strategies, tools, skills and techniques of advocacy, to develop managers and new leaders, and to maximize opportunities for professional staff development for all experience levels of staff , including:
 - a. Training activities carried out both at the workplace and outside of the workplace for maximum efficiency and effectiveness;
 - b. Assistance to local providers to ensure development of appropriate local training and education activities and materials;
 - c. Coordination with continuing legal education programs offered by state or local bar associations or other entities;
 - d. Opportunities to participate in national and regional training and collaborations where relevant to civil legal assistance activities of the state.
- 8. Administrative coordination and support including:
 - a. Coordinated central purchasing whenever there are significant economies of scale to be realized (equipment, technological systems);
 - b. Statewide norms and policies, such as staff performance standards and referral and conflict procedures;
 - c. Consolidated or coordinated statewide financial operations where appropriate and efficient.
- 9. Coordinated capacity to recruit and use private attorneys.
- 10. Coordinated statewide civil legal assistance liaison with all major institutions affecting or serving low income people in legal matters, including state, local and federal courts; administrative agencies; legislative bodies; alternative dispute resolution bodies; and other public or private entities providing legal information, advice or representation.

11. Coordinated statewide research on improving the delivery of civil legal assistance as well as research on relevant demographic trends and new and emerging legal problems.

F. Ensure Coordination Among States and Nationally

1. Providers in the state work with providers in other states to ensure coordinated responses to common legal problems and to learn from the experiences of other states about improving the provision of civil legal assistance.
2. Providers in the state work with national entities and institutions involved in improving civil legal assistance to gain a national perspective on their work, take advantage of collected resources and participate in the national efforts to achieve equal justice for all.
3. Providers in the state work and coordinate with national entities and organizations to ensure that the interests and legal rights of low income persons are taken into account by national bodies involved in civil justice and dispute resolution as well as the Congress, federal agencies and executive departments.