

**Results of Operating a New Concept in the Delivery of Legal Services:
The Brief Services Unit
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This article describes a new delivery system, the Brief Services Unit (BSU), which AARP Legal Counsel for the Elderly has been testing for more than a year. Our results suggest that most legal services programs can benefit from reassigning existing staff to create this new unit. The unit produces four important benefits for a program. First, the BSU can resolve nearly all the abbreviated services cases¹ that are not resolved by program outreach, a legal hotline, or a pro se clinic, thereby freeing up other legal services staff to concentrate on extended services cases and impact work. Second, it can fully develop non-emergency, extended services cases so that they can be directly referred to volunteers by a volunteer lawyers project (VLP). This allows the VLP to maximize referrals by having the first pick of these cases, leaving the unreferrable cases for legal services staff to resolve. Third, it can serve as a safety net by identifying and helping clients who were served by the program's outreach, hotline, or pro se clinic, but still could not adequately resolve their legal problems. Finally, while optional, the BSU

¹ Cases that can be closed with advice, brief services, referrals, or "other" services

can effectively use non-attorney volunteers to assist in its work, thereby utilizing this largely untapped resource.

How the BSU Operates

The operation of the BSU is fairly straight forward. The unit is staffed by paralegals that are supervised by an attorney. These staff can, if desired, recruit and train non-attorney volunteers (e.g. retired people) or law students to assist them. All program cases which are not closed through outreach, a hotline, or a pro se project are referred to the BSU, except for emergencies that are likely to require extended services. These emergencies are scheduled for program staff who handle extended services cases. Also, those cases closed by outreach, a hotline or a pro se clinic, but are flagged by the staff as requiring follow-up, are also referred to the BSU.

The BSU attorney manager assigns the cases to the paralegals and volunteers with guidance on how to develop and, if possible, resolve the case. Each volunteer has his or her own caseload and staff fills in as needed when the volunteer is not in the office.

The BSU staff and volunteers perform the following activities:

- Gather documents and contact other people to develop the facts of the cases;

- Draft legal documents;
- Conduct simple negotiations (e.g. with utility company);
- Write letters (e.g. to creditors explaining that clients are judgment proof; to businesses to resolve a client's problem); and
- Request reconsiderations and fair hearings in public benefit cases; they develop the medical evidence and other facts and transfer the cases to program staff who handle extended service cases when a hearing date is set.

All the cases that can't be resolved by the BSU are transferred to the in-house VLP.

How the BSU Changes the Role of the VLP

The fact that the BSU transfers all unresolved cases to the VLP, causes the VLP unit to become a "traffic cop" for all the program's non-emergency, extended services cases.

The VLP has several options. It can transfer the case to: (1) a volunteer lawyer; (2) another legal services program; (3) a lawyer who is on contract with the program, if any; or (4) a program staff person who handles extended services cases. This tends to encourage legal services programs to enter into formal referral agreements with each other. "Boutique" legal services programs can agree to take cases in their specialty areas

in exchange for the main legal services program agreeing to handle cases outside their priority areas. By formal agreement, I mean that there is a commitment to try to handle each other's referrals so that the likelihood that a client will be served is greater than in the traditional referral situation. Particularly in large urban areas where several programs provide free legal services, one can often find programs that have periodic, underutilized capacity in certain problem areas. The goal is to refine the formal referral process so that any excess capacity is fully utilized.

The other effect of the "traffic cop" role is that it reverses the typical flow of cases between the in-house VLP and program staff. Typically VLPs depend on program staff to send them cases and, therefore, they often receive a mix of cases which is not ideal for referral to volunteer lawyers. The BSU allows this flow to be reversed so that the VLP gets the first pick of the cases and the program staff receives those that cannot be referred. The other positive outcome is that the VLP only refers extended services cases to volunteers since all abbreviated service cases are resolved by the BSU. Using volunteer lawyers for abbreviated service cases actually costs more than using program staff to handle these cases, since the cost of the VLP unit derives primarily from the

administrative costs spent on recruiting attorneys and referring cases; the legal services provided by the volunteers is free. The administrative cost of referring an abbreviated service case is generally higher than the cost of handling these cases using a hotline, a pro se project or a BSU. Furthermore the referral attorney receiving the abbreviated case is temporarily unavailable to receive an extended services case.

The Safety Net Feature of the BSU

The safety net feature of the BSU operates as follows. When a case is closed by an outreach unit, a hotline or a pro se project, the staff closing the case flag those cases where action by the client is critical to the resolution of the matter and the client will experience adverse consequences if action is not taken. All flagged cases are transferred to the BSU which follows-up with the client to determine whether the matter is resolved. If not, the BSU can reopen and handle the case. This function addresses criticisms that some forms of assisted pro se services (e.g. hotlines, pro se projects) give second class services, as the BSU identifies inadequately served clients and continues to serve them. Non-attorney volunteers are ideal for this follow-up function.

The Use of Non-attorney Volunteers

During our one year test of the BSU, we successfully incorporated volunteers, primarily retired people. The BSU's role was very attractive to volunteers and we had no problem recruiting them. We used direct mail sent to AARP members in Washington, DC to recruit all our volunteers. Programs wishing to use direct mail to recruit volunteers can buy lists of people age 60 to 75.

Generally the volunteers worked one day a week for 4 - 5 hours. Each volunteer had his or her own caseload. Staff also worked on these cases, as necessary, when the volunteers weren't in the office. We initially tried to use more than one volunteer on each case to minimize staff time but this did not work well.

The volunteers perform the following tasks:

- Conduct interviews
- Complete public benefit applications
- Retrieve documents [e.g. marriage certificates]
- Review files [court, SSA]
- Draft consumer complaint & judgment proof letters

- Gather information [calls to gov't agencies; housing code records]
- Conduct simple negotiations [utility cut-offs; simple disputes]
- Conduct public benefit check-ups
- Locate emergency funds
- Research [legal/non-legal]
- Follow-up with self-help clients to ensure matter is resolved

We recruited and trained new volunteers every 6 months to replace those who left for health or other reasons. However, our 25 years of experience in using non-attorney volunteers has shown that turnover will decrease substantially so that replacement volunteers only have to be recruited once a year or once every several years.

Results: The results of our one year test were impressive and should improve as the project matures. We analyzed the results from two perspectives. First we analyzed the total workload of the BSU. Second, we analyzed the change in the flow of cases in our program. Most new clients enter our program through our hotline, which resolves most of their cases and refers the rest to program staff, except for those that can be referred directly to the VLP. After the BSU was created, the hotline referred all non-emergency

cases to the BSU, except those extended services cases that could be sent directly to the VLP; only emergencies were sent directly to program case handlers.

The BSU staff supervised non-attorney volunteers. The BSU staff and volunteers closed 447 cases and referred an additional 52 cases to the VLP during the first year. The unit was thus able to close 224 cases per paid, full time equivalent (FTE) staff. Of the 52 cases referred to the VLP, 47 were placed with volunteer attorneys and only 5 had to be referred to staff case handlers. If one only considers those cases referred by the hotline, the results are:

Fiscal year:	<u>2000</u>		<u>2001</u>	
VLP	351	43%	443	41%
Staff	458	57%	288	33%
BSU	<u>0</u>	<u>0%</u>	<u>354</u>	<u>27%</u>
	809	100%	1085	101%

Of the 354 cases closed by the BSU, 11% involved negotiation or an administrative decision. The rest were advice, brief services and referrals.

The case types for these 354 cases were:

Category Description	# of Cases 10/01 to 9/02	Percentage %
AFDC/OTHER WELFARE	2	1
BANKRUPTCY/DEBTOR	33	9
COLLECTION	42	12
CONTRACTS/WARRANTIES	23	7
CREDIT/ # ACCESS	4	1
DIVORCE/SEP/ANNULMENT	2	1
ENERGY	1	< 1
FED SUB HOUSE RIGHTS	8	2
FOOD STAMPS/COMMOD	5	1
GUARDIANSHIP/CONSERV	10	3
HEALTH	17	5
HOMEOWNERSHIP/REAL ROPEYTY	32	9
LANDLORD/TENANT	18	5
LOANS/INSTALLMENT	1	< 1
MEDICARE	4	1
MISCELLANEOUS/OTHER	13	4
NAME CHANGE	1	< 1
OTHER CONSUMER/FINANCE	28	8
OTHER EMPLOYMENT	3	1
OTHER HEALTH	7	2
OTHER HOUSING	2	1
OTHER INCOME MAINTENANCE	9	3
OTHER INDIVIDUAL RIGHTS	1	< 1
OTHER PUBLIC HOUSING	3	1
PHYSICAL DISABLED RIGHTS	2	1
PUBLIC UTILITIES	7	2
SOCIAL SECURITY	40	11
SPOUSE & CHILD ABUSE	1	< 1
SSI	12	3
SUPPORT	1	< 1
TORTS	5	1
UNFAIR SALES PRACTICES	2	1
VETERANS BENEFITS	5	1
WAGE CLAIMS	2	1
WILLS/ESTATES	4	1
Total	350	99%

Analysis of Results:

Before the BSU was created, our four case handlers closed 176, 135, 185, and 185 cases respectively for a total of 681. The last number pertains to the paralegal who was transferred to the BSU. After the BSU was created these numbers were 144, 195, 111, and 224 for a total of 674. Thus the total number of cases handled by these four staff before and after the BSU was created was about the same. The significant increase occurred in the number of cases closed by the VLP. This increased by 26% from 351 to 443. This increase occurred despite the fact that the VLP did not implement the formal referral arrangement and had no change in staffing. The increase occurred primarily due to the better case mix. As a result, only 5 of the 499 cases handled by the BSU (including the 52 referrals to the VLP) were ever assigned to staff case handlers. This was a very unexpected, positive result.

Another unexpected result is that our staff case handlers began referring cases to the BSU, particularly brief services cases they obtained through their direct contacts. Also the BSU was helpful with impact cases that involved time consuming brief services such

as developing the facts for each named plaintiff in a class action or helping to distribute the proceeds from a judgment award.

BSU staff felt that the non-attorney volunteers allowed them to resolve more cases than they could have by themselves. Further, the volunteers were very useful in performing the safety net function on cases closed by the hotline and outreach. Staff did not have time to follow-up with those clients since many had to be called several times before contact was made. The cases referred to the BSU by extended service staff and those follow-up cases accounted for 93 of the BSU's cases for the year.

Conclusion:

Our results demonstrate that the BSU was able to achieve its four objectives. It effectively resolved most of the non-emergency cases that could not be resolved by the hotline. It empowered the VLP to resolve nearly all the non-emergencies that the BSU could not resolve. The BSU was able to effectively perform the safety net function.

Finally the BSU effectively used non-attorney volunteers, thereby significantly increasing the potential volunteer resources available to a legal services program.

