

ILAG & JUSTICE

LEGAL AID NEWSLETTER

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WELCOME

Welcome to the latest edition of the Legal Aid Newsletter. You might have thought that it was never going to come out but here we are. We have two articles – a further contribution on the Australian reviews of legal assistance and a summary of research on telephone hotlines. The latter relates to the project on which Alan Paterson and I are working – to study the possibilities of hotlines and websites to deliver legal services. It, thus, links to the article on the internet in the last issue. Do get in touch if you know of research on hotlines which we should be looking at and which is not covered in this article.

Roger Smith, JUSTICE

INTERNATIONAL LEGAL AID GROUP ARTICLE – AUSTRALIA REVIEWS LEGAL ASSISTANCE SERVICES

Garry Burlingham

This article is written by Garry Burlingham, Director, Legal Aid Program Section, Legal Assistance Branch, Attorney-General's Department, Australia. It provides another view of the Australian review also covered in the last edition by Dr Liz Curran in an article entitled 'Measuring the 'outcomes, quality, effectiveness and efficiency' of Legal Assistance Services – Australian Developments'.

Under Australia's federal system of government, the Australian Government funds a range of legal assistance services: legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services, and family violence prevention legal services. In 2010, the Australian Government replaced its funding agreements for legal aid commissions with a National Partnership Agreement with the States and Territories (the Agreement).¹ Under the Agreement, legal aid delivered through legal aid commissions is funded by the Australian Government for largely Commonwealth law matters while States and Territories fund commissions for State and Territory law matters.

While the funding and performance reporting aspects of the Agreement apply only to the Commonwealth's funding contribution for legal aid commissions, the broad objectives and outcomes of the Agreement apply across the legal assistance system and cover all four Commonwealth funded legal assistance programs.

The Agreement was also accompanied by a significant increase in Australian Government funding for the legal assistance sector as a whole. Legal assistance services will receive \$1.3 billion in Commonwealth funding over four years to 2014-15.

The Agreement also drives nationally significant reform across the legal assistance sector. The overarching objective is to achieve a national system of legal assistance that is integrated, efficient and cost-effective and focused upon providing services for disadvantaged Australians. The Agreement encapsulates the access to justice principles of accessibility, appropriateness, equity, efficiency and effectiveness, set out in the Australian

Government's 2009 Report: *A Strategic Framework for Access to Justice in the Federal Civil Justice System*. The *Strategic Framework* guides civil justice reform and policymaking, including in relation to legal assistance services, to ensure a holistic and coordinated approach across Government.

The Agreement supports earlier resolution of legal problems that avoids, where appropriate, the need for litigation. It also promotes increased collaboration and cooperation between legal assistance providers themselves, and with other service providers, to ensure a more holistic approach to resolving legal problems.

A significant challenge over the next twelve months is the requirement to review the Agreement to ensure that it is achieving its goals. To be as comprehensive as possible, the review is being undertaken jointly with the States and Territories and with the invaluable assistance of the legal assistance sector. It will be the first review of this size and kind of the entire Commonwealth legal assistance sector.

A centerpiece of the review will be the development of a framework for evaluating and reporting on the quality, efficiency and cost-effectiveness of legal assistance services that will be used now and into the future. This will ensure a strong evidence base is developed to guide the future provision of legal assistance services. The review will also specifically evaluate the performance of State and Territory based legal aid commissions against the performance measures in the Agreement, and considers whether these indicators and benchmarks, and current service priorities and eligibility criteria for grants of legal aid, are appropriate.

The review outcomes will contribute to the Australian Government's broader access to justice and Council of Australian Governments reform agendas, including closing the gap on Indigenous disadvantage, assisting those at risk of social exclusion and assisting to alleviate homelessness. The review is due to be completed by 30 June 2013.

RESEARCH ON TELEPHONE LEGAL ADVICE LINES

Yasmin Husain

Yasmin is a trainee at JUSTICE working with Roger Smith. She has been looking at the evidence on the effectiveness of telephone hotlines that is provided by a number of surveys. This piece sums up what we know from them. Any other sources of research would be useful.

Foreword

In considering the key issue in the delivery of legal advice, whether face-to-face advice leads to better client outcomes than telephone advice, reference had to be made to various telephone programs and studies which are currently available. We have referred to a number of studies which were recently presented and discussed at the Equal Justice Conference on *"Evaluating the Effectiveness of Telephone Legal Helplines"* on May 17, 2012. The studies mainly arose in response to the US Legislature's concern about telephone-based advice. The issue was flagged in the legislative's audit of \$11 million a year in the Access to Justice Act funding program.

Further studies based on programs in both the US and the UK were referred to in Wayne Moore's book entitled: *"Delivering Legal Services to Low-Income People"*. The chapter on 'Legal Advice' outlines the primary reasons for introducing what is called a 'Legal Hotline' as: *"the promulgation of a rule by the Legal Services Corporation requiring that programs establish case priorities and develop intake systems that achieved these priorities.* We have also referred to a number of British studies including some recent ones which have been produced as a result of the recent publication of the Legal Aid, Sentencing and Punishment of Offenders Bill 2010-2011, demonstrating the present government's commitment to the development of a single telephone gateway for legal aid in four categories of law with a possibility to expand into further areas.

Favourable outcomes do demonstrate the effectiveness of telephone-based-advice systems in certain situations, in particular where clients have difficulty accessing a local law firm and the time it can take for their problem to be solved and in addressing specific housing and consumer problems. A closer analysis demonstrates that despite the favourable outcomes there are still many barriers in accessing telephone legal advice and difficulties in using the system.

As a trainee in a law firm, I understand the important need for face-to-face advice in complex and emotional situations where clients have been through traumatic incidents such as child abuse and domestic violence. Some of these clients have mental health and physical disabilities which means it is preferable for them to see a legal advisor in person. For some older clients and those with mobility problems, I have found that they prefer to travel to see an advisor than taking the easier option of providing me with their statement over the telephone and this is usually because they feel the details are too personal and complex to be stated over the telephone. I would suggest that some clients just prefer to see an advisor in person and the initial face to face interview helps to establish a trusting relationship enabling the client to relay their problem more effectively and is equally advantageous for the advisor in understanding and representing their clients.

Overall the studies conducted across the United States and the United Kingdom suggest that the profile of the existing telephone advice service will require significant change if it is to respond to the differences in case composition and client demographics.

PROGRAM OR STUDY/ASSESSMENT	FAVOURABLE OUTCOMES	UNFAVOURABLE OUTCOMES	OVERALL LEARNING POINTS
<p>PA Phone-Based Service based in Pennsylvania</p>	<p>Language – instructions are multi-lingual in 6 locations out of 9</p> <p>71% of clients had more than a single conversation with someone from the program to obtain more help on their case.</p> <p>55% clients received a letter from the LSP about their problem.</p> <p>80% clients were referred to another organisation for help</p> <p>83% clients had help with filling out a form, making a call or writing a letter</p> <p>80% clients had their income reviewed for public funding and advised on how to apply for benefits.</p> <p>94% clients were told how to represent themselves in an agency proceeding.</p> <p>78% clients were told how to represent themselves in court</p> <p>87% clients were given advice about how to deal with a private party.</p> <p>36% clients responded that their legal problem was completely solved as a result of telephone advice.</p>	<p>18% clients went to a program office and met with a legal advisor for help.</p> <p>37% clients were contacted later to see how they were doing.</p> <p>29% clients said that their legal problem was not solved at all.</p>	<p>Telephone-based legal assistance is effective.</p> <p>Clients are being served who would not otherwise get legal help.</p> <p>Access is dramatically improved.</p> <p>The aim is to cross-fertilise opportunities by way of state-wide summit conferences, exchange visits by helpline staff and attendance at national conferences.</p>

	52% clients reported they received a favourable outcome. 51% clients found the program very helpful.		
2002 Hotline Outcomes Assessment Study Analysed 2034 clients cases from 5 different legal hotlines	8% of clients went to a program office and met with a legal advisor about their case.	26% clients had more than a single conversation with someone from the program to help with their case. 42% of clients received a letter or written material from the LSP about their problem. 15% of clients were contacted later to see how they were doing with their legal problem. 41% of clients found the program very helpful.	As a comparison with the PA Phone Based system analysed above, the above system proved more effective in the overall results.
2002 Hotline Outcomes Assessment Study	Looking at the 2002 Hotline Outcomes Assessment Study, clients overall were found to have followed the advice provided by the hotline and received all or most of what they wanted. Telephone advice is effective in helping to resolve disputes with private parties. Telephone advice effective in consumer and housing cases. Many cases requiring a court decision can be successfully resolved by telephone advice alone. Sending a follow-up letter to the client reiterating the advice given does improve outcomes.	Telephone advice was found not so effective for cases requiring an agency decision. Telephone advice found to be not so effective in housing and family law cases.	Advice in writing is more reliable than a client's memory or notes. Low income clients are often nervous talking to a lawyer and may not remember everything told and be able to extract relevant information from such materials.
A 2003 British Study of telephone advice Community Legal Service, Methods of Delivery, Telephone Advice Pilot: Evaluation Report (September 2003)	Compared with face to face advice, 80% of surveyed clients said that telephone advice had helped them	Face to face advice is more effective in cases where clients have learning disabilities, very severe language issues, mental health problems or issues too complex to discern the facts over the phone.	Outcome code comparisons supported the finding that "...both soft and hard data implies that telephone pilot services appear to have produced outcomes as good as or better than those achieved by face-to-face service for their clients." Telephone advice can successfully resolve complex cases in all areas of law being piloted which did not include family law.
Robert Echols, Some Trends in Staff Reactions Based on 44 interviews with hotline managers or executive directors (Dec.1999)		Face to face is more effective with people who suffer with mental disabilities, those with limited communication skills (impaired hearing and	

		<p>limited English proficiency) and those with learning, reading and comprehension problems.</p> <p>Face to face is more effective in cases where complex work involves many documents which need to be considered face to face.</p>	
<p>AARP Foundation, Legal Hotlines Client Outcome Study, 2006</p>	<p>78% of 81 people took the action suggested by their advisor and 64% of these reported a change for the better.</p> <p>In consumer cases 72% of callers took the action prescribed by the hotline.</p> <p>130 out of 225 clients reported a change for the better in consumer cases.</p>	<p>The advice and favourable examples are only applicable to agency cases involving applications for new benefits and overpayments.</p> <p>Clients aged 71 and older did not fair as well as younger clients in the agency cases.</p> <p>Older clients were more likely to take action than younger clients.</p>	<p>46% of lower-income people reported improvement versus 59% of higher-income people.</p>
<p>Statewide Legal Services of Connecticut outcomes study of pro eviction cases in 2004</p>	<p>61 out of 62 tenants received telephone legal advice and followed the advice given and as a result had a longer time to evict their property than they would otherwise have had.</p>		
<p>UK Study: A Brief Report (June 2003) The Impact of Advice</p>	<p>Those that received legal advice by any method were more likely to resolve a dispute satisfactorily than those who did not.</p> <p>About 72% of people who received advice satisfactorily resolved their dispute</p>	<p>For some clients there will few if any problems that can be resolved with legal advice.</p>	<p>The study supports the conclusion that telephone advice alone can successfully resolve some legal problems, particularly disputes with private parties.</p> <p>Many cases requiring a court decision can be successfully resolved based on legal telephone advice alone.</p> <p>Additional research is required to determine which combinations of client characteristics and problem types can be sufficiently helped by legal advice or not.</p>
<p>The Washington State Hotline</p> <p>The People's Online Law Centre</p> <p>Bay Area Legal Aid in Oakland, CA</p> <p>Neighbourhood Legal Services of Lynn and Lawrence, Massachusetts</p>	<p>Conducted a study of Seniors which resulted in the functional capacity assessment tool asking questions about reading and writing ability, comprehension difficulties, IT literacy etc.</p> <p>Questions and guidelines to determine whether litigants can represent themselves and of self-help</p>		<p>Telephone systems are more efficient and less expensive than face-to face delivery systems.</p> <p>Cost data on court-based self-help centres suggest that these centres are even more cost-effective than legal hotlines</p>
<p>Senior Legal Hotlines Structures, Center for Elder Rights Advocacy</p>	<p>Offers advice and brief services such as document drafting/review and forms and letters and limited action.</p>	<p>Callers needing representation were referred to Title IIIB legal aid and low fees and other local area providers.</p>	

<p>Standalone hotlines launched in Texas and Michigan</p> <p>Hotline Intake Unit for Full Service</p> <p>(Maine Legal Services for the Elderly, Legal Services of Dakota, Rhode Island Legal Services and D.C. Legal Counsel for the Elderly)</p>	<p>The standalone model is effective where states have a high number of Area Agencies on Aging with multiple contracts with different providers. It provides a level of integration among the providers and other organisations in the legal and aging network.</p> <p>Streamlined and integrated model which has advantages over local intake hotline.</p> <p>Expertise by hotline advocates is unique, providing screening, analysis, advice and brief services which will not be duplicated by other local programs.</p> <p>Best position for spotting emerging issues among seniors that a local program may not see.</p>		
<p>Legal Services Corporation – Program Letter, April 25, 2002</p> <p>Advocating a Telephone Intake, Advice and Referral System</p>	<p>80% of applicants for LSC services receive advice, brief services and referral and many have to travel long distances or spend significant amount of time to reach a legal service office to obtain that service. Most of these could receive advice over telephone.</p> <p>Instructions are multi-lingual in locations that require it.</p>	<p>Computer technology and telephone technology can all be very expensive as up to date technology is needed for an effective service program.</p>	<p>The LSC strongly believes that applicants and clients are better served if the oral information disseminated is in writing. Recipients should have the discretion to determine that written confirmation is not necessary in particular cases or circumstances. Examples include domestic violence victims, homeless applicants or those about to be evicted.</p> <p>If the caller is referred to another service they should be contacted in a few days so that they are aware of what will be done for them.</p> <p>The program should have in place an efficient supervision system.</p>
<p>Senior Statewide Legal Hotlines Client Outcome Study 2002</p>	<p>87% rated the hotline advice as helpful or somewhat helpful.</p> <p>85% of respondents reported taking follow-up action.</p> <p>Callers with Wills/Estates case type were significantly more likely to report their problems as being completely resolved (60%)</p> <p>Senior Legal Hotlines were very successful at answering client</p>	<p>Only 32% of respondents had access to the internet; however the study reports that this did not have an effect on outcomes or advice.</p> <p>Problems with the “Family” case type were the least likely to be satisfied.</p>	<p>Need to develop a system for re-contacting certain clients to see if they have performed a follow-up action.</p> <p>Instituting a brief services unit to make phone calls, write letters get information from agencies and assist in filling out forms.</p> <p>Developing a system to take into account non-English speakers, extremely low-income or low</p>

	questions, explaining legal rights and procedures and helping respondents understand their situations.		education clients and others with transportation problems.
Chapter 10 on Legal Advice Page 133 – poor practices		<p>Separating the fact-gathering function from the advice-giving function.</p> <p>Unknowledgeable interviews may fail to mention an important fact to the expert</p>	<p>Interview protocols in place however; the cost of supervision to go over documents and advice will become a costly exercise.</p> <p>The use of experienced attorneys is best practice.</p> <p>Policy of making follow-up calls to clients is essential for good quality control</p>
Legal Hotline Users, Pearson and Davis, 2002		<p>42% of US hotline users across 5 hotline sites, indicated their disability or illness would make it difficult to execute the telephone advice they had been given.</p> <p>33% indicated their transportation difficulties as a barrier and 16% said their schedule would be a problem. 12% indicated language as a barrier.</p>	<p>Users were commonly female, English-speaking, middle-aged with children under the age of 18</p> <p>Social exclusion is main problem here - communication barriers cited as most difficult to overcome with BME language barriers and users with hearing and speech difficulties. Beyond communication, issues of comprehension will be problematic for some client groups.</p>
Legal Services Commission, 2004	<p>Black, Minority and Ethnic clients it was found were happy to use the telephone to obtain advice.</p> <p>65% of clients reported that the advice they were given was 'very easy' to follow.</p> <p>Immediacy and convenience highlighted positively.</p>	<p>Only 23% of clients surveyed by the LSC indicated a preference for advice by telephone.</p> <p>May not be realisable for clients who find difficulty with communicating advice needs, using a telephone setting and for whom telephone operating hours are unsuitable.</p>	<p>The favourable outcome on BME clients can be explained by the fact that the study included a pilot service delivering advice on discrimination issues which had a high proportion of BME clients.</p> <p>A review of data from LSC shows telephone advice costs 45% less than face-to-face advice and has shorter advice times</p>
National Debtline Evaluation, 2007	Two-thirds of clients surveyed preferred telephone advice to face to face services		
Age Concern and Help the Aged, 2009		Only 2% of those aged 45 and over who believed they would need information, advice or support in the next five-years, selecting a national helpline as their first choice for advice.	
Community Legal Advice Centre, (Buck et al.2010)			Clients seek advice in a face-to-face setting for complex problems which have often reached crises point.
Legal Services Research Centre, Legal Services Commission and UCL Faculty of Law: Just a Phone Call Away: Is	Telephone advice was common for landlord and tenant issues, ASBO's in the Magistrates or Crown Courts and where client was the owner occupier.	Overall 77% of cases where legal advice was delivered face-to-face and 23% over the telephone.	Those using face-to-face advice displayed demographic characteristics indicative of higher levels of social deprivation and social welfare need, compared to

<p>Telephone Advice Enough?</p> <p>Study providing differences between telephone and face-to-face provision of legal advice in the category of housing.</p>	<p>Telephone advice outperformed face-to-face in unlawful eviction, disrepair and non-criminal anti-social behaviour matters.</p> <p>Contrary to studies on older user groups, a high number of older clients were found using telephone advice.</p> <p>Key benefit in the study was telephone services provided an extension of specialist advice to people who are geographically isolated.</p>	<p>The majority of telephone advice only reached 'first meeting' whilst face-to-face cases progressed through this stage.</p> <p>Telephone advice took longer than face-to-face advice in some cases in contrary to the LSC outline of preferences towards a telephone legal system.</p> <p>Clients under 18 and those with mental health issues were less likely to use telephone advice.</p> <p>Matters such as homelessness and housing benefit and NASS accommodation were dealt with by mainly face-to-face advice.</p> <p>Vulnerable clients generally preferred face-to-face for the personal relationship between the advisor and the client.</p> <p>Clients who had more urgent problems with an immediate threat to welfare were seen to gravitate towards face-to face advice.</p>	<p>those utilising telephone-based services.</p> <p>Social and digital exclusion identified as results pointed to some disadvantaged clients using face-to-face because they did not have access to a telephone or a fixed line and thus presented a barrier in access to advice. Other vulnerable clients did not have knowledge of telephone advice, perhaps due to mental health problems and younger those aged under 18.</p>
<p>Program or Study/Assessment</p>	<p>Favourable outcomes</p>	<p>Unfavourable outcomes</p>	<p>Overall Learning points</p>
<p>PA Phone-Based Service based in Pennsylvania</p>	<p>Language – instructions are multi-lingual in 6 locations out of 9</p> <p>71% of clients had more than a single conversation with someone from the program to obtain more help on their case.</p> <p>55% clients received a letter from the LSP about their problem.</p> <p>80% clients were referred to another organisation for help</p> <p>83% clients had help with filling out a form, making a call or writing a letter</p> <p>80% clients had their income reviewed for public funding and advised on how to apply for benefits.</p> <p>94% clients were told how to represent themselves in an agency proceeding.</p> <p>78% clients were told how to</p>	<p>18% clients went to a program office and met with a legal advisor for help.</p> <p>37% clients were contacted later to see how they were doing.</p> <p>29% clients said that their legal problem was not solved at all.</p>	<p>Telephone-based legal assistance is effective.</p> <p>Clients are being served who would not otherwise get legal help.</p> <p>Access is dramatically improved.</p> <p>The aim is to cross-fertilise opportunities by way of state-wide summit conferences, exchange visits by helpline staff and attendance at national conferences.</p>

	<p>represent themselves in court</p> <p>87% clients were given advice about how to deal with a private party.</p> <p>36% clients responded that their legal problem was completely solved as a result of telephone advice.</p> <p>52% clients reported they received a favourable outcome. 51% clients found the program very helpful.</p>		
<p>2002 Hotline Outcomes Assessment Study</p> <p>Analysed 2034 clients cases from 5 different legal hotlines</p>	<p>8% of clients went to a program office and met with a legal advisor about their case.</p>	<p>26% clients had more than a single conversation with someone from the program to help with their case.</p> <p>42% of clients received a letter or written material from the LSP about their problem.</p> <p>15% of clients were contacted later to see how they were doing with their legal problem.</p> <p>41% of clients found the program very helpful.</p>	<p>As a comparison with the PA Phone Based system analysed above, the above system proved more effective in the overall results.</p>
<p>2002 Hotline Outcomes Assessment Study</p>	<p>Looking at the 2002 Hotline Outcomes Assessment Study, clients overall were found to have followed the advice provided by the hotline and received all or most of what they wanted.</p> <p>Telephone advice is effective in helping to resolve disputes with private parties.</p> <p>Telephone advice effective in consumer and housing cases.</p> <p>Many cases requiring a court decision can be successfully resolved by telephone advice alone.</p> <p>Sending a follow-up letter to the client reiterating the advice given does improve outcomes.</p>	<p>Telephone advice was found not so effective for cases requiring an agency decision.</p> <p>Telephone advice found to be not so effective in housing and family law cases.</p>	<p>Advice in writing is more reliable than a client's memory or notes. Low income clients are often nervous talking to a lawyer and may not remember everything told and be able to extract relevant information from such materials.</p>
<p>A 2003 British Study of telephone advice</p> <p>Community Legal Service, Methods of Delivery, Telephone Advice Pilot: Evaluation Report (September 2003)</p>	<p>Compared with face to face advice, 80% of surveyed clients said that telephone advice had helped them</p>	<p>Face to face advice is more effective in cases where clients have learning disabilities, very severe language issues, mental health problems or issues too complex to discern the facts over the phone.</p>	<p>Outcome code comparisons supported the finding that "...both soft and hard data implies that telephone pilot services appear to have produced outcomes as good as or better than those achieved by face-to-face service for their clients."</p> <p>Telephone advice can</p>

			successfully resolve complex cases in all areas of law being piloted which did not include family law.
Robert Echols, Some Trends in Staff Reactions Based on 44 interviews with hotline managers or executive directors (Dec.1999)		<p>Face to face is more effective with people who suffer with mental disabilities, those with limited communication skills (impaired hearing and limited English proficiency) and those with learning, reading and comprehension problems.</p> <p>Face to face is more effective in cases where complex work involves many documents which need to be considered face to face.</p>	
AARP Foundation, Legal Hotlines Client Outcome Study, 2006	<p>78% of 81 people took the action suggested by their advisor and 64% of these reported a change for the better.</p> <p>In consumer cases 72% of callers took the action prescribed by the hotline.</p> <p>130 out of 225 clients reported a change for the better in consumer cases.</p>	<p>The advice and favourable examples are only applicable to agency cases involving applications for new benefits and overpayments.</p> <p>Clients aged 71 and older did not fair as well as younger clients in the agency cases.</p> <p>Older clients were more likely to take action than younger clients.</p>	46% of lower-income people reported improvement versus 59% of higher-income people.
Statewide Legal Services of Connecticut outcomes study of pro eviction cases in 2004	61 out of 62 tenants received telephone legal advice and followed the advice given and as a result had a longer time to evict their property than they would otherwise have had.		
UK Study: A Brief Report (June 2003) The Impact of Advice	<p>Those that received legal advice by any method were more likely to resolve a dispute satisfactorily than those who did not.</p> <p>About 72% of people who received advice satisfactorily resolved their dispute</p>	For some clients there will few if any problems that can be resolved with legal advice.	<p>The study supports the conclusion that telephone advice alone can successfully resolve some legal problems, particularly disputes with private parties.</p> <p>Many cases requiring a court decision can be successfully resolved based on legal telephone advice alone.</p> <p>Additional research is required to determine which combinations of client characteristics and problem types can be sufficiently helped by legal advice or not.</p>
The Washington State Hotline The People's Online Law Centre Bay Area Legal Aid in	Conducted a study of Seniors which resulted in the functional capacity assessment tool asking questions about reading and writing ability, comprehension difficulties, IT literacy etc.		<p>Telephone systems are more efficient and less expensive than face-to face delivery systems.</p> <p>Cost data on court-based self-help centres suggest that these centres</p>

<p>Oakland, CA</p> <p>Neighbourhood Legal Services of Lynn and Lawrence, Massachusetts</p>	<p>Questions and guidelines to determine whether litigants can represent themselves and of self-help</p>		<p>are even more cost-effective than legal hotlines</p>
<p>Senior Legal Hotlines Structures, Center for Elder Rights Advocacy</p> <p>Standalone hotlines launched in Texas and Michigan</p> <p>Hotline Intake Unit for Full Service</p> <p>(Maine Legal Services for the Elderly, Legal Services of Dakota, Rhode Island Legal Services and D.C. Legal Counsel for the Elderly)</p>	<p>Offers advice and brief services such as document drafting/review and forms and letters and limited action.</p> <p>The standalone model is effective where states have a high number of Area Agencies on Aging with multiple contracts with different providers. It provides a level of integration among the providers and other organisations in the legal and aging network.</p> <p>Streamlined and integrated model which has advantages over local intake hotline.</p> <p>Expertise by hotline advocates is unique, providing screening, analysis, advice and brief services which will not be duplicated by other local programs.</p> <p>Best position for spotting emerging issues among seniors that a local program may not see.</p>	<p>Callers needing representation were referred to Title IIIB legal aid and low fees and other local area providers.</p>	
<p>Legal Services Corporation – Program Letter, April 25, 2002</p> <p>Advocating a Telephone Intake, Advice and Referral System</p>	<p>80% of applicants for LSC services receive advice, brief services and referral and many have to travel long distances or spend significant amount of time to reach a legal service office to obtain that service. Most of these could receive advice over telephone.</p> <p>Instructions are multi-lingual in locations that require it.</p>	<p>Computer technology and telephone technology can all be very expensive as up to date technology is needed for an effective service program.</p>	<p>The LSC strongly believes that applicants and clients are better served if the oral information disseminated is in writing. Recipients should have the discretion to determine that written confirmation is not necessary in particular cases or circumstances. Examples include domestic violence victims, homeless applicants or those about to be evicted.</p> <p>If the caller is referred to another service they should be contacted in a few days so that they are aware of what will be done for them.</p> <p>The program should have in place an efficient supervision system.</p>
<p>Senior Statewide Legal Hotlines Client Outcome Study 2002</p>	<p>87% rated the hotline advice as helpful or somewhat helpful.</p>	<p>Only 32% of respondents had access to the internet;</p>	<p>Need to develop a system for re-contacting certain clients to see if</p>

	<p>85% of respondents reported taking follow-up action.</p> <p>Callers with Wills/Estates case type were significantly more likely to report their problems as being completely resolved (60%)</p> <p>Senior Legal Hotlines were very successful at answering client questions, explaining legal rights and procedures and helping respondents understand their situations.</p>	<p>however the study reports that this did not have an effect on outcomes or advice.</p> <p>Problems with the “Family” case type were the least likely to be satisfied.</p>	<p>they have performed a follow-up action.</p> <p>Instituting a brief services unit to make phone calls, write letters get information from agencies and assist in filling out forms.</p> <p>Developing a system to take into account non-English speakers, extremely low-income or low education clients and others with transportation problems.</p>
Chapter 10 on Legal Advice Page 133 – poor practices		<p>Separating the fact-gathering function from the advice-giving function.</p> <p>Unknowledgeable interviews may fail to mention an important fact to the expert</p>	<p>Interview protocols in place however; the cost of supervision to go over documents and advice will become a costly exercise.</p> <p>The use of experienced attorneys is best practice.</p> <p>Policy of making follow-up calls to clients is essential for good quality control</p>
Legal Hotline Users, Pearson and Davis, 2002		<p>42% of US hotline users across 5 hotline sites, indicated their disability or illness would make it difficult to execute the telephone advice they had been given.</p> <p>33% indicated their transportation difficulties as a barrier and 16% said their schedule would be a problem. 12% indicated language as a barrier.</p>	<p>Users were commonly female, English-speaking, middle-aged with children under the age of 18</p> <p>Social exclusion is main problem here - communication barriers cited as most difficult to overcome with BME language barriers and users with hearing and speech difficulties. Beyond communication, issues of comprehension will be problematic for some client groups.</p>
Legal Services Commission, 2004	<p>Black, Minority and Ethnic clients it was found were happy to use the telephone to obtain advice.</p> <p>65% of clients reported that the advice they were given was ‘very easy’ to follow.</p> <p>Immediacy and convenience highlighted positively.</p>	<p>Only 23% of clients surveyed by the LSC indicated a preference for advice by telephone.</p> <p>May not be realisable for clients who find difficulty with communicating advice needs, using a telephone setting and for whom telephone operating hours are unsuitable.</p>	<p>The favourable outcome on BME clients can be explained by the fact that the study included a pilot service delivering advice on discrimination issues which had a high proportion of BME clients.</p> <p>A review of data from LSC shows telephone advice costs 45% less than face-to-face advice and has shorter advice times</p>
National Debtline Evaluation, 2007	<p>Two-thirds of clients surveyed preferred telephone advice to face to face services</p>		
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		national helpline as their first choice for advice.	
Community Legal Advice Centre, (Buck et al.2010)			Clients seek advice in a face-to-face setting for complex problems which have often reached crises point.
Legal Services Research Centre, Legal Services Commission and UCL Faculty of Law: Just a Phone Call Away: Is Telephone Advice Enough? Study providing differences between telephone and face-to-face provision of legal advice in the category of housing.	<p>Telephone advice was common for landlord and tenant issues, ASBO's in the Magistrates or Crown Courts and where client was the owner occupier.</p> <p>Telephone advice outperformed face-to-face in unlawful eviction, disrepair and non-criminal anti-social behaviour matters.</p> <p>Contrary to studies on older user groups, a high number of older clients were found using telephone advice.</p> <p>Key benefit in the study was telephone services provided an extension of specialist advice to people who are geographically isolated.</p>	<p>Overall 77% of cases where legal advice was delivered face-to-face and 23% over the telephone.</p> <p>The majority of telephone advice only reached 'first meeting' whilst face-to-face cases progressed through this stage.</p> <p>Telephone advice took longer than face-to-face advice in some cases in contrary to the LSC outline of preferences towards a telephone legal system.</p> <p>Clients under 18 and those with mental health issues were less likely to use telephone advice.</p> <p>Matters such as homelessness and housing benefit and NASS accommodation were dealt with by mainly face-to-face advice.</p> <p>Vulnerable clients generally preferred face-to-face for the personal relationship between the advisor and the client.</p> <p>Clients who had more urgent problems with an immediate threat to welfare were seen to gravitate towards face-to face advice.</p>	<p>Those using face-to-face advice displayed demographic characteristics indicative of higher levels of social deprivation and social welfare need, compared to those utilising telephone-based services.</p> <p>Social and digital exclusion identified as results pointed to some disadvantaged clients using face-to-face because they did not have access to a telephone or a fixed line and thus presented a barrier in access to advice. Other vulnerable clients did not have knowledge of telephone advice, perhaps due to mental health problems and younger those aged under 18.</p>

Review of all studies

1. Who are telephone hotlines primarily helping?

The telephone based advice hotlines have mainly been set up to increase access to services for those who live in rural areas, those who experience mobility issues, those who are time constrained, those with caring responsibilities, the elderly and those without transport would have difficulty travelling distances to attend local law firms or advice centres. However even within these groups there are barriers which have been identified in access and use of the telephone legal advice system.

It is important to note that a large amount of studies have been conducted in United States where they seem to be more preferable than the studies cited in the United Kingdom. The studies also highlight that people with simple problems in consumer, debt and housing are likely to gain favourable solutions from using telephone advice.

2. For whom are telephone based advice lines not helpful?

The studies overall highlighted clear differences in the types of people, problems, outcomes and advice times for cases in receipt of telephone advice.

The hotlines do not appear to be effective in cases involving family law, domestic violence, homelessness and eviction. They are also not as effective for complex cases involving large documents and for people who have learning difficulties, mental health problems and severe language difficulties and those who report no income perform significantly worse than other demographic sub-groups.

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.

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.

3. How should telephone advice lines be best used?

The UK studies importantly highlighted the implications for policy of implementation of a telephone legal system following their study. Understanding that current behaviour is driven by a lack of awareness of the availability of telephone services will require careful management in future advertising campaigns.

American studies showed that the preference was towards an integrated system compared to a standalone system, where the initial call starts on the telephone and then the case is referred to in-house team of advisors/attorneys to provide more specialist advice.

Communication

The most practical tips to address barriers and difficulties accessing and using telephone legal systems were that with any telephone system, providers need to ensure that instructions will be multi lingual and for further success they should have interpreters to provide legal advice for clients who primarily speak another language.

Ensuring continuation of legal services following the first interview

Follow-up calls to clients ensures that they follow the advice suggested and take some action rather than none. The Advice should be provided in writing following the telephone advice. Expert lawyers are preferable to give advice, however this could be costly and it might be better to have paralegals/advisors that refer to expert lawyers.

Concluding remarks

These are just some suggested ideas for a more accessible and easier use of telephone systems, however there needs to be much work done on this and even the studies reflect the fact that, not much research has been done on the practical effectiveness of the telephone advice system. It will need to go through several stages before there can be any implementation which will see significant favourable outcomes over unfavourable ones.

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NEWS

These reports are largely compiled from news articles on the internet on the basis of a simple search under the words 'legal aid'. Readers must, just as buyers, beware of authenticity. The links worked at the time of writing but some will fail after a period of time.

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