

Call for Justice, LLC—United Way 2-1-1 Training Paper
Session 14: Ellie’s Top Ten Takeaways
July 25 and 26, 2013: Ellie Krug, Call for Justice, LLC

Featured Speaker’s Topic

This month, our very own Ellie Krug will highlight some key legal referral takeaways from the past sixteen months of training.

Ellie’s Top Ten Takeaways

1. Every Legal Referral Should Include Primary and Fallback (Back-up) Resources

We’ve tried to organize the training sessions around the basic premise that every legal needs caller should get at least two referrals—one that’s as directly responsive to the caller’s needs as possible, and a second that’s a catch-all in case the first referral falls through (or, more likely, in case the caller can’t immediately get ahold of the primary legal resource due to timing or schedules or whatever). Of course, you may also end up providing more than two legal referrals; we simply want to ensure there’s always a minimum of two referrals.

It’s also important to give callers a clear indication that finding free legal assistance isn’t a civil right or something that’s very easy. Those are hard realities, but then again, some people seem to simply think pro bono attorneys are something they’re entitled to and will automatically get.

As we’ve also discussed, many callers are in panic mode when they finally get to the point of calling 2-1-1. The value of a fallback referral is that the second legal resource can provide *some* information (but not legal advice) to help the caller quickly understand their legal predicament. At least this will help orient the caller so that he/she can better deal with the situation.

How to do this? “I’m going to give you two referrals, which I ask that you write down. The first referral has eligibility rules based on income and possibly other things. There are no guarantees about being accepted by the first referral, but if you are accepted it may mean that a legal professional will actually talk to you about your legal issue. The second referral will allow you to quickly get some information about your legal situation. Also, the second referral may be of assistance in case the first referral doesn’t work out.”

Primary Referrals—See Training Manual/Topics

Standard Fallback Referrals (remind callers this is a source of *information* and *not legal advice*)

For Anywhere in Minnesota

a. State Court Self-Help Centers (Central) (651-259-3888)(M-F, 8:30-3)

<http://www.mncourts.gov/selfhelp/>

b. LawHelpMN.org <http://www.lawhelpmn.org/> (All the caller needs to type into a search engine is “LawHelpMN”) (Not a phone resource, but does offer “live chat” during regular business hours.)

In Hennepin County

a. Court Self-Help Center, Hennepin County Government Center (612-348-9399—a recording)(8-3:30 on M-F) <http://www.mncourts.gov/district/4/?page=397> 300 South Sixth Street, Mpls

b. Family Court Self-Help Center (In the Family Justice Center)(612-596-8519)(8-3:30 on M-F) <http://www.mncourts.gov/district/4/?page=397> 110 South 4th Street, 1st Floor, Mpls

In Ramsey County

a. Ramsey County Law Library (Room 1815, Ramsey County Courthouse)(651-266-8391)(8-4:30, M-F) <http://www.co.ramsey.mn.us/ll/> 15 Kellogg Blvd, St. Paul

b. Ramsey County Family Court Self-Help Service Center (in the Juvenile & Family Justice Center)(651-266-5125)(8-10:00 a.m., M-F; otherwise, an appointment must be scheduled) <http://www.mncourts.gov/district/2/?page=790> 25 West 7th Street, St. Paul

2. Reinforce the “3 P’s”—Persistence, Patience and Preparation

Nonprofit legal providers often talk about limited resources. This, in turn, makes for long waits on telephone intake lines, the need to literally stand in line at self-help centers and places like the Legal Access Point or Housing Court Project in Hennepin County, and a host of other obstacles.

As with almost anything else important in life, persistence and patience pay off for people in search of legal resources. At times, people need to be their own best advocates, which may mean making sure that they’re heard. It also may mean showing up in person, even though a phone call might suffice. Certainly, it requires being inconvenienced—standing in line at 8:00 in the morning isn’t necessarily what someone wants to do. However, this may ensure that the person in legal need gets an attorney’s ear and advice.

Preparation is important too. Please remind callers to bring with them all documents (and sometimes, photographs, as in the case of landlord tenant issues [such as a picture of the apartment fixture that needs repair]) that relate to the legal situation at hand. Sometimes, you

may be the only (or last) person a caller talks to before they actually appear somewhere to speak to an attorney (such as at a legal clinic). Hence, this kind of reminder could be crucial.

How to do this? “There’s a limited supply of pro bono lawyers, and it’s not automatic that you’ll get one. It usually takes time and effort to find a lawyer. You may be inconvenienced and may need to take time off work or to arrange for daycare in order to travel somewhere to talk to an attorney. You may need to go more than once and to more than one location to talk to an attorney. You need to keep trying. If you find an attorney, make sure that you bring every piece of paper or photograph that relates to why you need to talk to a lawyer. Also bring pen and paper to take notes. You may only have fifteen or twenty minutes to talk to the attorney and you want to make the best use of your time.”

3. Remember the Difference Between Full Representation and Brief Advice

Recall that the court and legal systems are overwhelmed by the number of people with legal needs. As a result, some novel and innovative resources have been developed. Whereas traditionally, lawyers provided only “full representation” to clients (e.g. they handled a particular legal matter from start to finish), attorneys now can provide “unbundled legal services.” This means that an attorney can limit their legal advice (something called “brief advice”) to only a particular issue or part of a legal problem or case. The person in legal need is then left to fend for him/herself in dealing with the rest of their legal situation.

The good news is that brief advice helps more people to connect with lawyers. The bad news is that many people in legal need become frustrated when they can’t get help for their entire legal problem.

A large percentage of pro bono legal assistance comes in the form of brief advice. Consequently, it’s important to give callers an expectation about how they may not get their complete legal needs met.

How to do this? “Please understand that the attorney may not be able to handle your entire legal problem. He or she may only be able to help write a letter or answer a few of your questions. Because of this, it’s important that you ask questions. If you don’t understand what the attorney tells you, please make sure to let him or her know and ask them to explain in a different way.”

4. The 5 Core Legal Needs = Legal Aid Type Referrals

Always orient toward a caller by ascertaining the *nature* of his/her legal need. If the caller describes something as falling within the **Five Core Legal Needs**, you’ll know to direct him/her to a Legal Aid or related (VLN, Tubman) provider.

The **Five Core Legal Needs** are: **Shelter** (Landlord/tenant, foreclosures (if low income))

Safety (domestic violence, harassment)
Employment Benefits (unemployment, back wage claims)
Access to Medical Benefits (MFIP, Medicare, etc.)
Key Family Relationships (divorces with child custody in dispute)

Of course, it's not always easy to categorize someone's legal need. We understand that many times, multiple issues exist and even the caller might not fully understand the full extent of their legal need.

How to screen for Core Legal Needs? Listening for buzz words or phrases ("eviction" "restraining order" "lost my job" "denied medical benefits" and "she won't let me see our daughter") will help. You also need to do a quick assessment of financial eligibility, so asking, "Do you presently receive government benefits?" may be of assistance.

5. The Corollary—All Contingent Fee Cases go to HCBA or RCBA

An easy rule is to refer all "contingent fee" cases to the Hennepin County Bar Association Lawyer Referral and Information Service (LRIS) or the Ramsey County Bar Association Attorney Referral Service. For the most part, Legal Aid-related organizations don't take cases that involve the recovery of money.

Common contingent fee cases/referrals are those involving **car accidents, slips and falls, any other kind of personal injury, worker's compensation claims, employment discrimination/civil rights claims and contract disputes**. In essence, a contingent fee case involves someone claiming that another person or company owes them compensation for some inflicted wrong/harm. If you can identify a caller as having a contingent fee kind of case, it's an easy referral since there isn't a nonprofit legal provider who will take that case—simply send the caller to the HCBA or RCBA.

How to screen for Contingent Fee Cases? There are more buzz words and phrases for this, too: "car accident" "hurt at work" "injury" "fired because of my race (or gender or GLBT status)" "discrimination" "they owe me money" "I want to file a lawsuit" "sue". You can ask, "Are you trying to collect money from someone for a wrong they committed?" An alternative way to phrase this is, "What do you want to accomplish with your legal situation?" If they tell you, "Get money" or "Get what's due to me," then you know you're talking to someone with a contingent fee type case.

6. Spanish-Speaking Legal Needs Callers go to VLN's La Red

Another bright line referral rule is to always refer Spanish-speaking legal needs callers to VLN's Spanish Services Program, La Red Abogados Voluntarios (La Red). While 2-1-1 may have Spanish-speaking I&R resources, La Red's intake specialists will know the "legal lingo" to better ascertain the caller's legal needs.

Primary Referral

- a. La Red (651-379-4223)(Tues. 11-2, Wed. 2-5; call at other hours and listen to the message).

Fallback Referral

- a. LawHelpMN.org (has a Spanish version with live chat in Spanish)
- b. State-wide Court Self-Help Center can serve in Spanish

7. Don't Forget about the Law Libraries!

An often overlooked legal resource is the state's law libraries that are staffed by professionals, many of whom are lawyers eager to help the general public with their legal needs (librarians don't provide legal advice, but like the court self-help centers, they'll help people navigate the system). In addition, law librarians often arrange for legal clinics where practicing attorneys appear in person and provide brief advice or more.

The Call for Justice website (<http://callforjustice.org/by-topic/>) lists by legal topic a number of clinics conducted at law libraries. These clinics occur with some frequency, so they're an extremely valuable resource.

Twin Cities Metro Libraries Staffed with Librarians

Anoka County Law Library

Gene Myers, Director
763-422-7487
M-F, 8:00-4:30

Ramsey County Law Library

Sara Galligan, Director
651-266-8391
M-F, 8:00-4:30

Carver County Law Library

Brenda Wolfe, Manager
952-361-1564
M-F, 8:00-4:30

Scott County Law Library

Mary Freyberg, Librarian
952-496-8713
M-F, 9:00-4:30

Dakota County Law Library, Hastings Location

Shannon Stoneking, Manager
651-438-8080
M-F, 8:00-4:30

Sherburne County Law Library

John McCooley, Librarian
763-765-4800
M-F, 8:00-4:30

Dakota County Law Library, Apple Valley Location

Mary Ellen Gallagher, Librarian
952-891-7135
M-F, 10:00-5:30

Washington County Law Library

Pauline Afuso, Librarian
651-430-6330
M-F, 8:00-4:30

Hennepin County Law Library

Ed Carroll, Director

612-348-3022

M-F, 8:00-6:00

Minnesota State Law Library

Liz Reppe, State Law Librarian

651-296-2775

M-F, 8:30-5:00

Olmsted County Law Library

Judy Flader, Librarian (Rochester)

507-328-7605

M-F, 8:00-4:30

Wright County Law Library

Colleen Norgren, Librarian

763-682-7592

M-F, 8:00-4:30 (closed M,T,W,F from
12-1 and Thursday 2-3)

St. Louis County Law Library

Tony Rubin, Librarian (Duluth)

218-726-2611

M-F, 8:00-4:30

Stearns County Law Library

Christine Johnson, Librarian (St. Cloud)

320-656-3678

M-F, 8:00-4:30

8. Always Stress Avoiding Legal Emergencies

Way back in our first training session we talked about reminding callers to deal with legal problems when they're still manageable and before they turn into legal emergencies. We know—this sounds so basic a concept, but then again, we're dealing with human nature and the all too often tendency to deny or ignore reality.

Sometimes, the perspective of another person is all that's needed for someone to be prompted into action/self-honesty. By now, you know the consequences of not acting on/denial of legal problems—lawsuits, bank account garnishment, evictions, and many other not-so-pleasant things—and you're in a good position to quickly educate someone on why they should act now rather than later.

How to do this? "It's good that you're calling about your legal situation now. I suggest that you continue to deal with this; the sooner that you do, the quicker that you'll have it resolved. If you don't deal with it now, you may lose the ability to have some say in how things turn out."

9. Some Legal Resources are Less Effective

From time to time, we've identified legal resources that are less effective than others. This can be a hit or miss proposition, and we need your help in identifying the resources that are problematic or nonresponsive. You'll know about the "problem resources" through callers who report such things as "they never answer the telephone," or "I went to the clinic and was told that attorneys don't go there anymore."

It's crucial that you pass this information along to us. Sometimes, we can reach out to the resource to determine the nature of the problem. Other times, we'll verify that the program has ceased to exist.

Remember, the goal is to make effective, meaningful legal referrals the first time around. We need two-way communication in order for all of us to achieve that goal!

10. You Are Making a Difference!

Some of you may be aware of how call referral taxonomy reflects an increase in referrals to various legal resources that we've identified and trained on. Over the course of our training, 2-1-1 referrals to nine key Twin Cities legal resources have increased more than 200%! Some legal resources have seen increases of 5-700%!

Recall that early on—beginning in March, 2012—we identified LawHelpMN.org as a key fallback legal resource. We've talked about LawHelp repeatedly—all because it's a key website with valuable information for people in legal need.

Recently, we received data on how traffic to the LawHelp website has increased. Here are the numbers:

- 7/1/11 – 12/31/11: 88,312 visits (479 average visits per day)
- 1/1/12 – 6/30/12: 101,603 visits (558 average visits per day)
- 7/1/12 – 12/31/12: 158,590 visits (862 average visits per day)
- 1/1/13 – 6/30/13: 169,728 visits (938 average visits per day)

For us, the key comparison is June 2012 with June 2013. As you can see, there was close to a 60% increase in LawHelp website visitors in that period. That year coincides with our training and your increased referrals. If you've ever doubted whether your work with Call for Justice has made a difference, doubt no more.

We're extremely happy to be working with all of you! We're also proud of your work and of how our collaboration has made a difference in the lives of many people with legal needs!

Suggested Script for Legal Needs Calls

Bearing in mind that no two legal needs calls are alike, and also with the understanding that your time is limited, here is a suggested script with some core, basic information.

1. "Before I give you some legal referrals, I'd like to stress a couple things. First, there's a limited supply of pro bono lawyers, and it's not automatic that you'll get one. It usually takes time and effort to find a lawyer. You may be inconvenienced and need to take time off work or arrange for daycare in order to travel somewhere to talk to

- an attorney. You may need to go more than once and to more than one location to talk to an attorney.”
2. “Second, if you find an attorney, make sure that you bring every piece of paper or photograph that relates to why you need to talk to a lawyer. Also bring pen and paper to take notes. You may only have fifteen or twenty minutes to talk to the attorney and you want to make the best use of your time.”
 3. “Please also understand that the attorney may not be able to handle all your legal problems. He or she may only be able to help write a letter or answer a few of your questions. Because of this, it’s important that you ask the attorney questions. If you don’t understand what the attorney tells you, please make sure to let him or her know and ask them to explain in a different way.”
 4. “Now I’m going to give you two referrals, which I ask that you write down. The first referral has eligibility rules based on income and possibly other things. There are no guarantees about being accepted by the first referral, but if you are accepted it may mean that a legal professional will actually talk to you about your legal issue. The second referral will allow you to quickly get some information about your legal situation. Also, the second referral may be of assistance in case the first referral doesn’t work out.”
 5. “Finally, it’s good that you’re calling about your legal situation now. I suggest that you continue to deal with this; the sooner you do, the quicker you’ll have it resolved. If you don’t deal with it now, you may lose the ability to have some say in how things turn out.”

Let us know if you have any questions!

Ellie, Jillian and Emily
Call for Justice, LLC