

## Call for Justice, LLC—United Way 2-1-1 Training Paper

### Session 14: Ellie’s Top Takeaways—Revisited and Expanded

September 24 and 25, 2015: Ellie Krug, Call for Justice, LLC

#### Featured Speaker’s Topic

This month, Call for Justice, LLC Executive Director Ellie Krug revisits her “Top Ten Takeaways,” which she first discussed two years ago in Session 14. This time around, we’ll cover some new subjects along with some old topics. (Hey, repetition counts for something!)

#### Ellie’s Top Ten Takeaways—Some Old, Some Revised, Others New

##### 1. Plaintiff Cases—Easy Referrals! (Revised)

One of the things we’ve seen in the two years since our last Takeaways is an uptick in plaintiff cases. Thus, since plaintiff’s cases are very easy referrals, let’s take a moment on how to identify these cases and on where to send them.

Simply put, a plaintiff’s case is a legal matter where someone has been wronged civilly (e.g. physically or emotionally injured/hurt in a way other than through criminal means—although some criminal matters can also lead to a plaintiff’s case) and the only real form of relief or redress is a judgment in a dollar amount or a cash settlement.

Some of the most common types of plaintiff cases are physical or emotional injuries from a car accident, a work-related accident, a slip and fall at a store or in a parking lot, or a dog bite incident. Other kinds of plaintiff cases are employment-related claims (“I think they fired me because I’m black”) or police misconduct cases (“I was wrongfully arrested” or “A police officer assaulted me even though I followed his command to get on the ground”).

For the most part, all plaintiff cases should be referred to bar association attorney referral services. In Minnesota, we have only 2 primary services where live humans will answer the phone and provide referrals: **Hennepin County Bar Association Lawyer Information and Referral Service (612-752-6666)** and the **Ramsey County Bar Association Attorney Referral Service (651-224-1775)**.

Even though the two bar association attorney referral services are located in the Twin Cities, that doesn’t necessarily mean that they won’t connect lawyers with persons in Greater Minnesota. The dependent factor is the value of the potential case—no, most lawyers won’t get involved in a \$5000 dog bite case from Mankato; however, they certainly would consider a family’s catastrophic injury case arising from a car-truck accident in Alexandria. Regardless, 211 shouldn’t screen plaintiff cases on the basis of dollar value and instead should simply make the

referrals to the two bar associations (give both referral services to callers since that may increase the caller's chances) and let the caller/person in legal need take it from there.

**How to screen for Plaintiff Cases?** Again, focus on buzz words and phrases like “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 plaintiff case.

## **2. 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 211. 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/C4J Legal Resources Cheat Sheet/Topics (Revised)**

**Standard Fallback Referrals (remind callers this is a source of *information* and *not legal advice* [except in the case of MLOA])**

**For Anywhere in Minnesota**

a. Minnesota Legal Advice Online (<http://www.mnlegaladvice.org/>). Remember that anyone in MN age 14 or older at 200% Federal Poverty Guidelines (\$23,450 single person; \$48,500 for a family of 4) can access MLAO 24/7/365. The program doesn't field questions related to bankruptcy or criminal law. Questions will be answered within 14 days; if not answered by then, the person posting the question will be notified of other potential options.

b. State Court Self-Help Centers (Central) (651-259-3888)(M-F, 8:30-3)  
<http://www.mncourts.gov/selfhelp/>

c. 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,T,Thur, F; 8-1:30 on W)  
<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,T,Thur,F; 8-1:30 on W) <http://www.mncourts.gov/district/4/?page=397> 110 South 4<sup>th</sup> Street, 1<sup>st</sup> 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 7<sup>th</sup> Street, St. Paul.

### 3. 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 your legal problem. 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.”

#### **4. 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.”

#### **5. 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.**

## 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 211 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! (Revised)

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

Hennepin County Law Library  
Lois Langer Thompson, Director  
612-348-3022  
M-F, 8:00-6:00

Carver County Law Library  
Brenda Wolfe, Manager  
952-361-1564  
M-F, 8:00-4:30

Ramsey County Law Library  
Sara Galligan, Director  
651-266-8391  
M-F, 8:00-4:30

Dakota County Law Library, Hastings Location  
Shannon Stoneking, Manager  
651-438-8080  
M-F, 8:00-4:30

Scott County Law Library  
Mary Freyberg, Librarian  
952-496-8713  
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

**The Minnesota State Court Law Library** is also a great resource for those “oddball questions,” like “Is it legal to land a helicopter on my front lawn?” Of course they also handle more run of the mill legal questions too! **Minnesota State Court Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN; 651-296-2775; hours 8:30-5:00 M-F.** They also have an “Ask a Law Librarian” email system: <http://www.mncourts.gov/Ask-a-Librarian.aspx?ext=>.

**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 common 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 so, 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. Plant the Seed: the Hard Conversation about Money (New)

Remember that the **Ramsey County Bar Association Modest Fee Service (651-224-1775)** provides attorneys at greatly reduced rates (\$55/hr.) to persons/families who are between 125-250% of the Federal Poverty Guidelines. (In 2015, this range equates to \$14,713/single; \$30,313/family of 4 to \$29,425/single; \$60,625/family of 4.) Eligible clients need to pay a \$600 retainer and \$20 referral fee (the attorney bills against the retainer). We are advised that in appropriate instances, attorneys referred through this service will handle matters/meet with client outside of Ramsey County.

The **Hennepin County Bar Association Family Law Low Fee Project (612-752-6666)** offers low fee family law attorneys at \$55/hr. Eligibility is based on 125-250% of the Federal Poverty Guidelines (see above annual earnings figures); clients pay a \$500 retainer plus a \$30 administrative fee. Additionally, the client must have **verifiable income**; government benefits will qualify as "income."

At C4J, we have had callers say "I want a pro bono attorney." Many of these callers report that they have been searching for a no-fee lawyer for some time. However, at least half the time when we ask, "Can you put your hands on \$500 or \$600?" the caller advises that yes, they can come up with that kind of money. We then explain that doing so will move the caller "from the back of the line to the front of the line."

**How to do this?** We know that talking to callers about money and resources isn't easy. However, in this instance, just a couple of simple questions will help get the conversation moved to the right place: "Do you or someone you know have the resources to collect \$600 so as to pay a reduced fee lawyer?" "Is there someone in your family or a friend who can loan you \$600?" "Here's a number where you can call to talk to them about how providing some up-front money may benefit you in the long run."

If nothing else, having this conversation will plant a seed which may germinate later as the person in legal need navigates the daunting legal system.

### 10. You're Making a Difference! (Revised)

As I've reported before, over the course of our training, 211 referrals to 17 key Twin Cities legal resources have increased more than 400%; referrals to one resource (LawHelpMN.org) have increased 1500%!

Recall that C4J facilitated State Support for the Minnesota Legal Services Coalition training at 211 in May 2014 just as State Support was launching Minnesota Legal Advice Online (MLAO). We now have the preliminary first year total of questions submitted to MLAO by persons in legal need—1055. We also have the total number of 211 referrals to MLAO for that same time period—350. Bearing in mind that the anonymity of 211 callers prevents us from tracking a caller from referral to legal resource (thus meaning that we cannot state that any single 211 referral actually matriculated into a MLAO question), it appears that 211 has had a very significant impact on the number of questions MLAO has received.

In analyzing county by county data, MLAO had a total of 778 questions from the same 26 counties from which 211 made 350 referrals. Utilizing correlation principles (where +1 is a total positive correlation, 0 is no correlation, and -1 is a total negative correlation), the correlative value of these 211 referrals to MLAO questions is +.93.

For the nine county Greater Twin City United Way (GTCUW) primary service area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott and Washington Counties)(for the most part, this corresponds to the Twin Cities metropolitan area), 211 made 311 referrals to MLAO. MLAO had a total of 586 questions from those nine counties. The correlative value of 211 referrals to MLAO questions is +.94.

For the two largest counties in the GTCUW primary service area (Hennepin and Ramsey Counties), 211 made 245 referrals to MLAO (146 referrals to Hennepin County callers; 99 referrals to Ramsey County callers). MLAO had a total of 316 questions from those counties. (Correlative value: +1.0)

For Ramsey County callers alone, 211 made 99 referrals to MLAO; MLAO recorded 110 questions from Ramsey County. (There is not enough data from this comparison to provide a correlation.)

One hundred and seventeen of 211's referrals to MLAO (33.4%) were for family law legal matters. Sixty-four of 211's referrals to MLAO (18.2%) were for shelter/housing law matters.

MLAO reports that 43.8% of the questions posted to the program involved family law. Housing law was the subject of 13.3% of questions posted.

Once again we need to remind that the above numbers can't be taken to establish a cause/effect relationship between referrals and MLAO questions. Still, the takeaways from this data include that training 211 on a brand new legal resource certainly works—the numbers of

referrals by 211 establishes that. Another takeaway is that family law and housing law issues remain the top legal needs areas across the board.

*Finally, 211 should take great pride in how well it's worked with a brand new legal resource. The above referral numbers show that 211 can quickly integrate new resources, which is of great benefit to the community.*

### **11. Call for Justice to Offer Emergency Legal Advice (New)**

Effective October 1, C4J will begin providing legal advice to 211 callers who are experiencing "legal emergencies." We need to stress that this isn't a general legal advice line; likewise, we will be working only with low-income persons (200% of the Federal Poverty Guidelines; \$23,540/ single persons; \$48,500/family of 4).

#### **How to distinguish an "emergency" legal needs call from a "non-emergency" call?**

There are two distinguishing factors: deadlines and the extent of searching for an attorney. Thus, a caller who reports that they have a hearing or court deadline or other deadline (such as an employer who wants the caller to sign a release as part of a severance package) within the next 10 days is probably in the category of "legal emergency." Similarly, if the caller reports that they've been searching for an attorney with multiple calls to various legal providers, they may be at a dead end which warrants contacting C4J.

In such instances, you can provide the caller with **C4J's phone number (612-333-4000)**. We will answer calls during regular business hours. We have an answering machine where messages can be left.

We will provide general legal advice; C4J doesn't specialize in any particular area; thus, in some instances we may not be able to help a caller. Make sure you don't promise too much to the caller; please don't advise "they will be able to help you."

We will revisit C4J's emergency legal needs service in coming 211 training sessions.

#### **Suggested Script for Legal Needs Calls (Revised)**

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. “You should also understand that not every problem can be resolved by lawyers. That’s particularly so if you’ve had multiple lawyers tell you that your problem doesn’t have a legal solution that will favor you. If you’re getting this kind of advice, you should heed it.”
  5. “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.”
  6. “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 and Kristin

Call for Justice, LLC