The brief legal advice panel is a panel that provides a service for those people who need legal advice, but are not actually looking to hire an attorney. The benefits of the brief legal advice panel are twofold. The client gets the advice they need and the attorney does not lose a rotation in the subject matter panel for a caller that only needed advice. Another added benefit is additional income to the LRIS with minimal additional expense.

1. Basic Start-Up needs:

   **Phone lines**

   a) Call transfer – then disconnect, a supplemental phone service, is needed to transfer the callers to the attorneys. Contact your local telephone service provider to have this service added to any phone lines you choose. The cost of the lines will vary according to geographical location and service providers. The approximate cost per line is $20.00 per month. The service is known as Plexar in the Southwestern Bell Company. The service is a transfer capability added on the existing telephone lines. It allows you to transfer a call to another phone number and then hang-up, with the
other two parties still connected. It does not require any type of sophisticated phone system. You should add it on whatever lines your callers would be using to call your service.

b) If you are planning to use a 900 number for additional billing options, you will need to have a dedicated line and, therefore, will need to add an additional incoming line.

**Staffing**

c) Attorneys are needed to take advice line calls in a wide variety of subject matter panels. You should try to find several attorneys or firms to handle the calls. The wider the range of the calls you can advise on, the more callers can be serviced by the advice line. You will need to draft an agreement between the service and the advice attorneys. These attorneys could be members of your service who volunteer to take a shift, from their office, in rotation or you may choose to pay your attorneys. If you choose to pay your attorneys, the only feasible payment arrangements are either a cut of the per minute charge, (i.e. $1.00 per minute charged goes to the attorney) or a preset flat fee. It is unlikely that the volume of calls will be sufficient to support the salary of an attorney who sits there waiting for calls to come in.

d) Check the ethics rules in your state about providing this service. Giving advice is nothing new for attorneys, but the limiting of service to advice only may be an area that your state ethics panel has concerns about. In Kansas, we were fortunate to have an ethics opinion on providing this type of service, before we started. (See Kansas Bar Association Opinion No. 92-06.) It cleared the way for us a bit. However, we were also stuck with some components of the plan presented by the law office
seeking the opinion. One such rule was a restriction on the advice attorney actually representing the caller they advised. This restriction is contained in our attorney agreement. It does give us the opportunity to promote to callers that they are getting an objective opinion, rather than “a sell job” from an attorney wanting to get a new client. Due to this restriction, if the attorney feels the caller needs to hire an attorney, the caller is referred back to the LRIS. This should be in the written agreement with the attorney.

e) Consider malpractice insurance. Chances are this is something not currently covered under your insurance, since this is moving from referrals to direct service. Consider how to protect your program from malpractice by your advising attorneys. At the very least, you should have documentation of their malpractice coverage. Determine the insurance costs for your program, in adding this service.

f) Consider tax implications. If your LRIS is set up separately as a non-profit, public service business, you should think about the effect of adding this service. Non-profits can certainly do services for a fee. This service may be considered unrelated business income, without your purpose or it may be considered an additional service of your LRIS. The only problem here would occur if you didn’t consider this aspect and make plan accordingly.

g) Your LRIS staff should be prepared to take these calls and sell this additional service. Your biggest market will be people calling LRIS. Don’t require them to self-select into this other program by calling a separate number or asking them to call back. Set up your staffing so the LRIS staff handles these calls as well.
Billing equipment and services

h) A credit card machine is needed to charge customers for the calls. The cost of the credit card machine is approximately $300.00 to $400.00. The bank will also charge you a percentage of the monthly amount collected. That fee is usually anywhere from 1.5% to 3% of your credit card receipts. Contact your local bank for their specific charges. The bank will provide training on how to use the machines, etc.

i) If you choose to use a 900 service provider, there is a fee charged, either a monthly fee or a percentage of the bill. In Kansas, we use Tele-lawyer, Inc. (Michael Cain, 1-800-835-3529) as our 900 provider. They contract with a carrier and serve as an intermediary for us. You will also need specific telephone lines dedicated to the 900 number. You should contact a provider to get specific proposals to address the needs of your service.

j) Electronic checks. Our service did look into accepting checks electronically. After investigation, it was too cost prohibitive for the number of calls given the monthly charge for the service. However, this option may work for your program.

2. How the program works:

a) The staff person receives the call and assesses the need of the caller. If a person states they just need legal advice or have a quick question for an attorney, the caller is offered the advice line. The benefits of the advice line should be stressed to the caller. Specifically, the caller is usually on the line with the attorney within 5 to 10 minutes and the average length of the call is usually just 5 to 7 minutes. You also want to make sure that if someone is calling and asking for the advice line that the
call is appropriate for the line. If it appears that there are more complex issues, the
caller should be directed to an attorney for an actual referral.

b) Once you establish that the call is appropriate for the advice line you should get the
caller’s information. For credit card calls you will need the caller’s full name,
address, telephone number, billing address of the credit card, (if it is different than the
home address), the credit card number, the expiration date of the card and the 3 digit
security code on the back of the card. It is important to get all this information in
case the caller tries to refuse the charge after the call is billed. Since the card is not
presented and there is no signed receipt, this information will be your only way of
verifying the charges with the credit card Company. You would put the caller on
hold at this point. You should then run an authorization on the card for a pre-
determined amount. Our service runs a $50.00 authorization on the credit card to
ensure there is enough credit available in the event the call runs longer than the
average length of a call. The amount you decide to authorize is up to each individual
LRIS. If you decide to use a 900 service you will still need the basic information,
especially important is the telephone number that the caller is calling from. This
information will be needed if they do not pay the telephone bill to trace charge-backs
to the caller. On all calls you will also need to get the name of the adverse party.
This information is needed so the attorney can do a conflict check before taking the
call.

c) Once all the general information is gathered you will need to get information of the
type of case the caller needs advice on. This information is important to get the caller
to an attorney who is best suited to advise on the subject matter. You would then call
the attorney’s office and see if they are available to take the call. You should try to have more than one attorney to advise in each subject matter. A set schedule is important for this whether you are using attorneys in their offices (paid or volunteer) or retired or “mommy-track” attorneys at home. You need to be able to rely on the attorney taking the call when you ask them to take one.

d) At the point you have the authorization run and the attorney lined up to take the call you would then get back on the line with the caller and, with the use of the call transfer disconnect system, transfer to the attorney’s office for the actual advice. If you use a 900 service, you would then have the caller hang up and dial back on the 900 number. When you pick up on the 900 number you would once again use the call transfer disconnect system to transfer the call to the attorney.

e) You should simultaneously fax or e-mail the client information to the attorney. The attorney must report back (by e-mail, fax or phone call) on the outcome and time spent for each case. Staff can then bill the actual credit card charges to the authorization that was run. Once you bill the actual charges, the balance of the authorization should be released back to the card holders account.

f) Being able to retrieve call times and caller’s phone number is important for a number of reasons. You will want to check your attorney’s bills against the time they reported spending on the call. You will want to check the 900 provider billing statement against the time the attorney reported. You will want to know the name of any callers who refuse your 900 charges (known as a charge back). You will want to limit future access to your service for any caller that refuses payment.
3. Miscellaneous.

Income expectations will depend on the amount of calls you take. Our service took over 15,000 calls in fiscal year 2002. Of those calls taken, 928 were advice line calls. The advice line calls accounted for 6.1% of the calls to the service. The number of advice line calls jumped from 700 calls in 2001 to 928 calls in 2002, an increase of 32%. Our 2002 income projections were $10,000.00, however we exceeded those projections by $6,881.72. Our 2003 income projections were raised to $15,000.00 and we are on track to meet or exceed that goal.

**Preliminary budget**

**Start up costs:**

Phone lines-call transfer disconnect $20 per month per phone line

Credit card machine $300-400 initial charge

Start up costs for 900 number $300(?) initial charge

**On going expenses:**

LRIS staff estimate: 1/4 hour per call

(You may determine if you need to keep track of staff time spent on this service).

Credit card customer service $6.50 per month

(This fee includes your supply of paper products and printing ribbons for your machine).

900 number monthly fee $ based on rate negotiated with provider

Malpractice insurance costs $ variable, based on insurance provider
The following costs are all a % of income received and do not require an initial outlay of funds or any cost unless you make money from the program:

Attorney time $X.00 per minute, based on calls
Credit card charges 1.5% to 3% of credit card billings

**On-going revenue:**

Number of calls estimated - 6% of current LRIS calls, revenue is approximately $21.00 per call.

**Marketing costs:**

Most marketing costs can be combined with current LRIS advertising, phone listings, etc. You may want to send out press releases to local media outlets at the start up of your advice line. Also, marketing at each local courthouse with posters, brochures and/or business cards is a good idea. When individuals come in to file pro se motions and have a legal question about the process the clerks can give out the advice line phone number. Our service gets many of our callers this way. Another way to market with little or no cost is by using your LRIS attorneys. Our service sends magnets with both the LRIS and advice line information to the attorneys. When a client calls the attorney's office and asks for just legal advice, the attorney's office can refer them to the advice line. You may also want to send information about the advice line to non-LRIS attorneys for the same reason. The attorney sees this as a benefit because he is not wasting his time on a client he already knows is just looking for quick legal advice and not actually looking to retain legal counsel. Our service also runs 30 second TV ads occasionally. You would need to check with your local media market to see if this is feasible for your service. These are just a few quick marketing ideas that have worked with our service.
Roseann S. Hiebert has been the Director of the Kansas Bar Association Lawyer Referral Service and the Lawyer Advice Line (KBA LRS) since July 1, 1999. She holds an associate's degree in liberal arts from Hutchinson Community College in Hutchinson, Kansas. She also graduated from the American Institute for Paralegal Studies at Friends University in Wichita, Kansas with honors. Ms. Hiebert is Treasurer of the Wichita/Sedgwick County Domestic Violence Coalition in Wichita, Kansas. This Coalition deals with domestic violence issues in the community and tries to address those issues through education and awareness. Ms. Hiebert is a Kansas Supreme Court certified mediator, whose primary focus is civil, domestic and juvenile mediations. Prior to taking over the KBA LRS, Ms. Hiebert was a paralegal with Kansas Legal Services dealing primarily with domestic issues and issues of disability.