Adding a “Legal Advice Hotline”
To Your Lawyer Referral Service

By Charisse Ricketts
Indianapolis Bar Association
Lawyer Referral Service Coordinator

Based on the investigation of Lawyer Referral Service (LRS) staff and the Indianapolis Bar Association’s (IBA) Legal Services Advisory Committee, the IBA recognized an opportunity to provide additional legal services to fill a void by providing legal information to the public. Often times, callers will indicate the need for quick legal advice for a variety of reasons. A “Legal Advice Hotline” seemed to be just the answer to fill such a void. In addition to being a public service, a “Legal Advice Hotline” becomes another valuable membership benefit that could enhance an attorney’s law practice.

The IBA implemented the “Legal Advice Hotline” (LAH) on October 1, 2003 as a pilot program for the remaining quarter of the year. To date, a small number of LAH referrals have been made to the 12 attorneys involved in the program. During the pilot period, the terms of the existing LRS contract are being used as the contract for LAH. The annual registration fee of $35 was waived for LRS members during the pilot program and will remain at no cost to panelists for 2004, in the event the service is adopted by the IBA’s Board of Managers. At the onset of 2004, the IBA will re-evaluate the service to determine if the program is considered viable enough to be incorporated into the IBA’s permanent legal services.

While attending the 2002 ABA sponsored LRIS Workshop in Philadelphia, LRS staff attended a breakout session on “Adding a Brief Advice Panel to Your LRS”. One of the speakers on the discussion panel was Roseann Hiebert with the Kansas Bar Association. In the spring of 2003, the IBA contacted Ms. Hiebert for further information on offering an LAH due to the similarity between our Bar Association’s membership size, LRS call volume, and city demographics. Ms. Hiebert has since participated in several conference calls with various IBA staff members and committee members in her efforts to be of assistance in our endeavors, and has offered invaluable moral support. With the guidance of Ms. Hiebert, the IBA was able to get the pilot program off to a successful start.

Under the direction of the IBA’s Legal Services Advisory Committee, the IBA’s Pro Bono & Legal Services Director has been and will be responsible for the recruitment and marketing efforts pertaining to the service. LRS staff will be responsible for the administrative duties and daily business operations associated with the advice line. LRS staff have received training on a newly acquired web-based credit card processing system. A new feature has been added to the existing LRS telephone service which will allow for call transferring to an attorney housed outside the Bar Association.
Statistics on the IBA’s Legal Advice Hotline

- The IBA’s membership size is approximately 4200.
- 12 attorneys are participating in LAH.
- All 12 attorneys are members of our LRS. A $35 registration fee is applied to non-LRS members.
- $35 fee for a 20 minute LAH phone consultation. As with LRS, referral based on area of the law needed.
- Invitation letters were sent for recruitment purposes to the Solo/Small Firm Section attorneys, who we suspected would have fewer conflicts of interest with callers.
- Current LAH marketing efforts are being handled in-house with postcards provided to the bailiffs and clerks of the courts as they have a tendency to receive calls for immediate advice or guidance. Advertising of the program was done in our e-bulletins & through a local publication, the Indiana Lawyer. Future marketing of LAH will include enhancing our existing yellow pages ads and LRS brochures to include LAH information.
- Technology issues that had to be addressed:
  - how to process payments
  - how to smoothly connect caller to an attorney
- How above issues were resolved:
  - purchase of web-based credit card service instead of bank processing.
  - had to change phone service vendors due to current vendor being unable to provide call transferring.
- Start up costs for LAH:
  - $500 fee for web-based credit card processing.
  - $60 for 3 months of credit card processing services.
  - $0 to add new phone feature to allow for call transferring.
- Initial staff concerns to adding LAH:
  - Fee processing issues.
  - Increase in the duties of LRS staff.
  - Attorney participation interest
- How these above concerns were addressed:
  - Processing company provided training in our office.
  - Until call volume is determined, staff & management decided not an issue at this time.
  - Immediate attorney response to recruitment inquiries was favorable.
- Additional issues that have evolved regarding LAH issues:
  - Our version of “The Associate”, which is our membership and LRS database, is unable to generate separated monthly case reports by program, i.e. standard LRS, LAH, and our Modest Means Panel.
  - Ensuring that the LAH attorneys are available to take LAH calls when needed and understand invoicing procedures, we have invited the LAH members in to an orientation luncheon to remind the attorneys about LAH protocol & procedure, offered a question & answer session to review the expectations of both the IBA & the attorneys.
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REPORT OF THE LEGAL HOTLINE TASK FORCE

By: Mark R. Waterfill, Chair
Scott Weathers
Tom Barnard

For the Indianapolis Bar Association

May 29, 2003
I. Introduction

A. The proposal to establish a three month trial period to consider whether the IBA should engage in a Legal Hotline Service.

B. What is a Legal Hotline Service? A Legal Hotline is a service to the community whereby individuals who need brief assistance from an attorney over the telephone will be charged a fee via credit card for the phone call on a per minute basis.

C. When is it proposed that a trial period will be conducted? From September 1, 2003 through December 1, 2003.

II. What is a Legal Hotline?

A Legal Hotline is a brief legal advice panel that provides a service to people who need legal advice, but are generally not looking to hire an attorney. Examples might include advice about how to go about presenting a small claims court case, how to file an EEOC charge, how to represent oneself in a mediation, or what things to consider when preparing to file for divorce.

Presently, the Kansas Bar Association is using such a service quite successfully, which is the basis upon which we are presenting this proposal. Attached hereto as Exhibit A is a memo entitled “A How To Guide for Adding a Brief Advice Panel to Your LRS” by Roseann S. Hiebert. This memo adequately describes the specifics of such a service.

III. Why is a Legal Hotline Needed?

There has been a debate among our task forces to whether such a hotline is actually needed. One concern expressed was that it might interfere with the present successful programs such as “Ask a Lawyer” and the Lawyer Referral Service. However, at the urging of the present IBA Lawyer Referral Service staff, and IBA executives, it was determined that the proposal should be made to the Board of Managers to add the Legal Hotline.

Most significantly, the LRS staff believes that there are numerous occasions when an individual actually needs about 10 to 20 minutes with an attorney rather than a referral to the LRS attorneys. Further, the Kansas Bar Association representative informed us that a hotline fits in very well with the referral service, and that the two do not conflict. Based upon those observations, the task force recommended that we proceed.
A. Benefit to the Community

The major benefit to the community of such a hotline service is that the client gets the advice they need quickly with a relatively insubstantial investment. It appears to the LRS staff and others that many clients simply want to speak to a lawyer for 10 to 20 minutes and receive quick, specific advice. These are the ideal candidates to refer to the hotline. Under most circumstances the benefit to the client would be great, allowing that person to invest $20 to $60 in the hotline call, rather than the time, expense and trouble of speaking to an attorney through the Lawyer Referral Service.

B. Benefit to the IBA

The additional income to the IBA at a minimal additional expense is most obvious benefit to our organization. We were informed by Ms. Hiebert that the Kansas Bar Association receives approximately $15,000 per year in additional revenue as a result of the hotline. Surprisingly, the Kansas Bar Association, who receives a similar number of calls to their Referral Service each week, averages only 3 to 5 calls per day for their Hotline.

The more general benefit to the IBA is that it would be a compliment to and an additional service provided for the community at large. Thus, the IBA’s reputation and prestige would be enhanced by adding this feature.

C. Benefit to IBA’s Members

The most specific benefit to the IBA’s members would be those members who participate in providing the hotline advice and who will be paid. Moreover, hopefully, the hotline will reduce calls for specific advice to other LRS participants, for clients who want to pay a small fee and do not really wish to engage the attorney in the matter.

IV. Ethical Issues

The task force strongly considered the various ethical issues involved with the hotline service. Attached hereto as Exhibit B are the Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information adopted by the American Bar Association in August 2001. We have reviewed those standards and adopt these as a part of this proposal. The following are more specific ethical issues which the task force has considered.
A. Conflicts of Interest

The task force recommends a rule that any lawyer receiving a hotline call may not continue to work on the case. There will be a letter agreement between the IBA and each Hotline lawyer specifically prohibiting the attorney from being engaged by any Hotline client. This rule serves two purposes: 1) the client is assured of receiving independent advice; and 2) the Hotline is distinguished from the referral service.

The attorney providing the advice, will, of course, have to be certain that the attorney is not providing advice which may be adverse to a current client. Therefore, it will likely be recommended that the attorneys providing the hotline advice be small or solo practitioners who can quickly and easily check conflicts. Ultimately, the IBA may attempt to have attorneys who are devoted on a full time basis to the hotline.

B. Malpractice Issues

All attorneys providing Hotline advice will be required to have a minimum amount of malpractice coverage just as attorneys for the Lawyer Referral Service are presently required to possess. That minimum is presently $1 million.

Significantly, it has been the Kansas Bar Association’s experience that they have had no complaints regarding the hotline. Ms. Hiebert has informed us that she has simply had a few inquiries apparently because the client did not exactly understand the advice that was given. Ms. Hiebert did not consider these to be complaints. Hopefully, our experience will be the same.

V. Implementation of Hotline

To add a Legal Hotline Service to the LRS system, there is a need for lawyers who are willing to devote time to the hotline, an outlay of funds to pay for the necessary start up equipment, as well as a manner of collecting and distributing fees.
A. Attorneys to Give Advice

For purposes of the trial period, the Task Force recommends that the current roster of attorneys on LRS’s approved list be utilized. The benefits of using the current roster are threefold. First, all the lawyers on the current roster have the requisite malpractice insurance needed. Second, the area of “expertise” of each lawyer is already known to LRS for purposes of referring each call. Third, in the Task Force’s opinion, most, if not all, of the LRS attorneys have previously provided the type of advice that is being addressed by the legal hotline. It is very common for an LRS call to turn into a legal hotline call, the only difference being there is no charge to the caller.

B. Phone and Banking Needs

The phone requirements to initiate a legal hotline appear to be minimal. According to Task Force research, all that is needed is a “call transfer” package. There is no extra cost per month for this feature. LRS staff would receive the call, and then, after assessing the caller’s needs, forward the call to the appropriate legal hotline attorney.

As to banking (credit card) needs, the Task Force has learned that there would need to be a transfer from the PC Transactive system to the Viawarp system. This would entail a $50 set-up fee, a $5 per month statement fee, a $20 minimum usage fee, and a $9.99 monthly equipment rental. The largest expenditure would be the credit card system, which has a one time cost of approximately $600.

C. Collection and Distribution

The Task Force has discussed two (2) possible methods of collection and distribution of legal hotline fees. First, there is the “charge per minute” method which is also being utilized by the Kansas Bar. In short, when a call comes in, the caller is advised that there is a $3 per minute charge. When the call is transferred to the attorney, the attorney would keep track of the time, phone in the time to the Bar Association, and eventually be paid one-third (1/3) of the fee collected. The second method would be a flat fee. The caller would be told that in exchange for $35, he or she can have 10 to 20 minutes of legal advice. The advantage of the second method is that it allows immediate billing, as well as fewer administrative tasks for the attorney. At the end of each month, the attorney would be paid $15 for every call taken.
VI. Time Line of Implementation

As stated earlier in this report, the Task Force proposes a trial period from September 1, 2003 to December 1, 2003. During this 3-month period, the program could be monitored for community response and financial results. The Task Force does not contemplate any special promotion for the hotline, as many of the calls currently received by LRS are better suited for legal hotline response than for lawyer referral. The Task Force would recommend notification to the current roster of LRS attorneys of the pilot program sometime in July. This notification would allow current LRS attorneys to opt out of the program if the attorney does not wish to participate. Once it is known who from the LRS roster will participate in the program, information would be distributed to each in August, with all attorneys ready for an initial call starting September 1, 2003. The banking program must also be set up in August to accommodate the initial charges. At the end of the trial period, the Task Force recommends that a random survey of a statistically valid sample be conducted by the LRS to help gauge the effectiveness of the Legal Hotline Service, as well as to obtain information on how the hotline could be improved.

VII. Conclusion

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Registration Form
Indianapolis Bar Association
Modest Means Panel
Legal Advice Hotline

Participant Information: PLEASE PRINT CLEARLY

First Name ___________________________ Last Name ___________________________

Firm Name: ________________________________________________

Mailing Address: ____________________________________________

City: ___________________ State: ___________ Zip: ___________

Business Phone: ______________ Fax: ______________ Email Address: ______________

1. I speak and am willing to accept clients who speak the following foreign languages: _______________________________________

2. I hold a degree from the following law school: _______________________________________

3. I was admitted to practice law in the State of Indiana on: __________ Indiana Attorney #: __________

4. Other states and dates of admission: __________________________ Other States Attorney #: __________________________

5. I am a member in good standing in the Indiana State Bar, and a member in good standing in every State Bar to which I have been admitted _______ yes _______ no

6. I am currently a member of the Indianapolis Bar Association _______ yes _______ no

7. My Professional Insurance Carrier is: _______________________________________

Prof. Liability Insurance Policy #: ______________ Coverage Amount: ______________ Policy Exp. Date: ______________

8. For Modest Means Panelists: My principal office area is marked with a "1". I understand that I may select additional contiguous referral areas and that I must be willing to travel to those additional locations. My requested additional referral areas, if any are marked with an "X"

North _______ Downtown _______ Hamilton County _______ Morgan County _______

Northeast _______ West _______ Hancock County _______ Hendricks County _______

Northwest _______ East _______ Shelby County _______ Boone County _______

South _______ Johnson County _______

Southeast _______

Southwest _______

Program Information:

____ I am interested in participating in the Legal Advice Hotline.
These calls will be directed to you based on the areas of law you designate on the attached roster.

____ I am interested in participating in the Modest Means Panel.
For the three-month Modest Means pilot project, these will only be Family Law cases. Following the pilot project, we may expand the areas of law for Modest Means cases.

I will accept ______ Modest Means cases per month.
Lawyer Referral Service Agreement:

1. Membership. I am an active member of the Indianapolis Bar Association and maintain a full-time law practice with normal business hours.

2. Good standing. I hold a valid license to practice law in the state of Indiana, and will maintain that license as an attorney of good standing with the Indiana Supreme Court throughout the term of this agreement. I represent that I am competent to provide representation in all areas for which I have requested referrals from the LRS. Competent representation requires that legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

3. Membership Fee. The fee for membership on the LRS Modest Means Panel and/or the Legal Advice Hotline Panel is thirty-five dollars ($35), payment of which is required to be submitted with this Application and Agreement. This fee entitles me to the geographic area defined by my office address.

4. Malpractice Insurance. I understand that professional liability insurance with coverage limits of not less than One Million Dollars ($1,000,000) per incident is a condition for participation in these programs. I agree to carry and maintain such insurance, and a copy of the declaration page of such insurance is attached to this application.

5. Rules and Regulations. The LRS and its Panel members are governed by the Regulations and Rules of Operations, a copy of which has been furnished to me. The Regulations and the Rules of Operation are expressly incorporated in and made a part of this Agreement as though fully set forth herein.

6. Referral Process. I understand that the LRS will give the name, address and phone number of the Panel members on a rotating basis, based upon the area of law and, if requested, the location of the attorney’s office. All fees shall be by agreement between the referred person and the member lawyer and shall be defined by the Rules and Regulations of the Modest Means Panel and/or Legal Advice Hotline Requirements.

7. Rejection of Referral. If I reject a client, the client cannot be referred to another lawyer, but must be returned to the LRS, unless an emergency of the client requires immediate referral to another lawyer. Further, I agree not to refer any accepted client to any other lawyer or to retain any other lawyer as co-counsel, unless I refer the case to someone in my own office who is also a Panel member, or obtain an agreement in writing directed to the LRS from the next attorney or co-counsel that he or she understands the terms of this Agreement and agrees in writing to abide by the terms hereof. Notice of any referral or retention of co-counsel must be sent to the LRS Coordinator in writing within ten (10) days of any such referral or retention, must include the lawyer’s name, address, telephone number and a copy of the lawyer’s written understanding of the terms of this referral.

8. Removal from Panel. I acknowledge that I have read the LRS Regulation and Rules of Operation and agree to abide by the terms and conditions contained therein. I understand that any misrepresentation on this Application, failure to comply with any terms of this Agreement, or failure to abide by the LRS Regulations and Rules of Operation may result in my removal from the panel.

9. Status Reports regarding Modest Means Panelists. The LRS will provide Panel Members monthly status reports detailing new referrals and pending matters. It shall be the obligation of the Panel Member to complete each status report and return it to the LRS, within fifteen (15) days of receipt thereof.

10. Client’s Post Call Legal Needs. For Legal Advice Hotline Participants. I agree that neither I nor any other attorney with whom I have a professional relationship may represent any of the callers sent to me by the IBA on any matter discussed during our telephone calls. If the caller seeks representation, I must refer the caller to the IBA’s LRS at 317-269-2222.

11. Fees and Invoicing. I will abide the billing and payment procedures established by the IBA. I will be responsible for invoicing the IBA on a monthly basis, by the 25th of each month, in order to collect my fees. One invoice shall be remitted per attorney per month. All invoices must list individually, the caller’s name and date of call. After 60 days, if not invoiced, all attorney fees become null and void.

I have read this Agreement, and I am aware of its contents. I represent that all statements contained herein are true, and I agree to abide by the LRS Regulations and Rules of Operation and this Application and Agreement.

Date ___________ Signature: __________________________________________

Indiana Attorney Number: ________________________________

Please send a signed copy of the contract, a copy of your malpractice insurance, and your $35 registration fee to:

Caren Chopp, Director of Pro Bono and Legal Services
107 N. Pennsylvania Street, Suite 200
Indianapolis, IN 46204