This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:

**Delivery Innovations In Referrals From A Senior Legal Hotline**

**Presenters:**

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Laurie Heer Dale, Legal Aid of Nebraska, Omaha, NE
Keith Morris, Elder Law of Michigan, Lansing, MI
Mike Walters, Pro Seniors, Inc., Cincinnati, OH

One of the most challenging aspects of delivering legal services is how to refer a client to another program. Four senior legal hotline managers explain recent innovations in referring clients directly from their legal hotline to other legal (and social) service programs.
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Delivery Innovations in Hotline Referrals

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The Florida Senior Legal Helpline
Bay Area Legal Services, Inc.
Tampa, Florida

Michael Walters
Legal Hotline
Pro Seniors
Cincinnati, Ohio

Laurie Heer Dale
Legal Aid of Nebraska
Omaha, Nebraska

Keith Morris
Legal Hotline
Elder Law of Michigan
Lansing, Michigan
What is a “referral”? 

- Transfer the client to the appropriate legal aid intake line 
- Referral to a Legal Aid/Legal Services partner 
- Refer to a state agency to file an administrative complaint 
- “Call the Bar Association Lawyer Referral Service. The number is 111-1111” 
- Recommend a specific private lawyer (program policy will control) 
- Call Adult Protective Services with a client and stay on the line until connected
Types of referrals

- Hot
- Warm
- Cold
- Other
Referral organizations

- Internal—within your organization if a full-service legal service provider (ie Legal Aid, etc.)
- Other legal service providers
- Social service agencies
- Others
Considerations for making appropriate referral

- Eligibility criteria
- Priority/appropriate cases
- Differences in services based upon geographic location, program, etc.
- Tools to define appropriate referral (i.e., automated scripts, menus, etc.)
- Staff making the referral
- Ethical issues/client confidentiality when making “hot” and “warm” referrals
- How to make the referral (electronically, by phone, etc.)
Do you have a referral system for your legal aid program?

**Obstacles:**
- Multiple programs;
- Changing legal priorities;
- Staffing issues;
- Difficulty for an elderly client navigating the intake process;
- Client confidentiality
Authorization to Release Information

- We would like to refer your case to the Nebraska State Bar Association’s Volunteer Lawyer Project. The VLP places cases with private attorneys throughout the State. These attorneys provide their services free of charge.

- If you would like us to send your case to VLP, we will be providing all of the information you gave us in the application to VLP. Do we have your permission to share all of your information with VLP? _____________ (must answer "yes")

- If the VLP is able to place your case with a private attorney to help you, may the VLP share the information you gave us in the application with the private attorney? _____________ (must answer "yes")
Authorization to Release Information Script in Pika
Transfer of referral information

- Electronic case/referral transfer
  - Case Management System transfer
  - Email transfer

- Phone call

- Other
Example of electronic case transfer

**Actions**
- Popup Timer
- Add Tickle
- Add LSC Other Matter
- Email Case Link
- Transfer this case
- Duplicate this case
- Delete this case

**Electronic Case Transfer Options**

Transfer Case: AL-10-03099

Transfer To:

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<th>Mode</th>
<th>Actions</th>
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**Case Intake Report**

- Case Info
- Case Notes

Generate Report
How do you develop referral partners?

- Start with Legal Services/Legal Aid colleagues
- Join and recruit from State Bar committees
- Join and recruit from statewide task force meetings
- Listservs
- Pick up the phone!
How do you count referrals in your case management system?

- Type of referral made – matters v. cases, legal v. non-legal
- Do all of the prior referrals count as a referral?
  - If not, where does your program draw the line?
- Do you track outcomes of referrals?
  - Getting busy partners to respond
  - Lack of common outcomes in case management systems
Are there cases for which the services needed exceed the limits of a hotline?

- Litigation
- Clients who require administrative advocacy and who suffer from diminished capacity
- Clients who may suffer a catastrophic outcome if not represented
- Homebound?
- Clients with domestic violence?

Balance – most clients can benefit from initial telephone intake to receive basic advice and for the advocate to determine the most appropriate referral for follow-up services
Agency and Non-legal referrals

- No IIIB-funded or other Legal Aid resources in client’s community for client’s issue and/or for clients above LSC limits
- Client has pervasive social issues causing legal problems
- Client has diminished capacity and needs a “helper”
- Client has an urgent problem that requires immediate intervention
Tracking referrals

- Which referrals do you track?
- How and where do you track them?
- Do you track outcomes of referrals?
- How does your organization use this data?
Example of referral tracking
Example of referral tracking, cont’d.

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<td>3300 N 60th St Omaha, NE 68104</td>
<td>Douglas</td>
<td>(402)554-0520</td>
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<td>Consulate of Mexico</td>
<td>3552 Dodge St. Omaha, NE 68131</td>
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<td>Juan Diego Center</td>
<td>5211 S. 31st Street Omaha, NE 68107</td>
<td>Douglas</td>
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<td>(402)898-1349</td>
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<td>International Center of The Heartland</td>
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Referral Databases

- Type of referral database
- Where is it located (ie Wiki, in CMS, cloud-based, etc.)?
- Who is responsible for overseeing the database?
- How do you ensure the information is updated and accurate?
- Other considerations?
Hypothetical #1

- Ms. C calls the Hotline
- She receives Social Security benefits of $1,000 month
- She is age 69, lives in Toledo, and you are in Cincinnati
- She has a hard time telling the story, and exhibits symptoms of memory deficits and difficulty articulating the problem
- She has a letter, and you ask her to read it to you to diagnose the legal problem
Ms. C tells you she received a letter from the Department of Treasury that her defaulted student loan is being reported to Social Security for “Treasury Payment Offset.”

- Ms. C faces a potential garnishment of her Social Security benefit in the amount $150 per month.
- Because Ms. C is over age 66, she cannot possibly be receiving Social Security disability benefits. Her benefits would have been converted to retirement benefits at age 66, even if she had previously been receiving SSDI.
- She therefore must obtain a physician’s assistance in certifying that her disability (assuming she has a disability) is considered “permanent and total.”
- You ask Ms. C if she has anyone who can help her, and she says no.
What should you do?

- Advise Ms. C about the legal steps involved in applying for a disability discharge?
- Try harder to obtain a helper for her (e.g., refer her to Area Agency on Aging)?
- Refer her to the local Bar Association Lawyer Referral Service?
- Tell her to call the Legal Aid intake line?
- Ask your boss if you can handle this as a brief service case?
- Something else?
Hypothetical #2

Mr. A calls the Hotline
Mr. A

He seems frightened. He speaks quietly, leading you to suspect he is afraid of being overheard.

- He says his son has a drug problem and has been asking him for money
- You ask if it is safe to talk, and Mr. A says his son is asleep in the next room
- Mr. A tells you his son demanded $500 this morning
- Mr. A did not have $500, and says his son punched him
- Eventually, Mr. A gave his son his ATM card and PIN, subject to a $200 limit
- Son left, returned a few hours later, and is now passed out
What do you do?

- Give advice on how to “evict” son?
  - Tell Mr. A to call legal aid/Bar Association for a lawyer?
  - Tell Mr. A to call the police?
  - Tell Mr. A to call Adult Protective Services?
  - Something else?
Hotline Referrals to a Legal Aid Program: One Model

By Mike Walters, Legal Hotline Managing Attorney, Pro Seniors, Inc., Project Manager, CERA.

Ohio, like many other states, has no umbrella organization connecting the Legal Hotline for Older Ohioans with the six Ohio legal services programs and their non-LSC funded corporate partners. One of Pro Seniors’ tasks as part of its 2009 Model Approaches grant, was to establish direct relationships and referral systems to the legal services community.

Nationally, most legal aid programs receive Title III-B funding from their local Area Agency on Aging to provide legal services to seniors. A statewide senior legal hotline is a bonanza of III-B funded cases. The issue is how to match hotline cases with the appropriate legal services program? Many legal services programs are eager to accept III-B funded cases, but such referrals require an efficient system to move the client seamlessly through the legal service program’s intake system to case acceptance.

The biggest obstacle to referring senior clients to legal aid programs is the legal aid intake system. Legal service programs are overwhelmed with calls. Many programs only open telephone intake during limited days or hours and online intake can be intimidating to seniors, particularly older seniors. The ideal referral model refers the client to the appropriate legal services program without requiring the senior to navigate the legal service program’s online or phone intake system.

By far, the most successful referral partnership Pro Seniors has developed is with Advocates for Basic Legal Equality (ABLE). ABLE, the non-LSC funded division of Legal Aid of Western Ohio, was interested in receiving referrals that fit its Title III-B public benefits criteria. Annually, Pro Seniors’ hotline receives hundreds of calls from public benefits clients living within ABLE’s jurisdiction. To automate referrals, we developed a Crystal Report listing the preceding week’s public benefits hotline cases from ABLE’s counties that is emailed to me every Friday. The report includes a direct link to the case in our case management system, Pika, for an easy review of the case notes to determine if the case might be of interest to ABLE.

For potential referral cases, I summarize the facts and client age and county (no identifying information is included) in an email to Rebecca Steinhauser, ABLE’s Managing Attorney for healthcare and public benefits. If Rebecca wants a case, I obtain client permission for the referral and email client information, case notes and documents to ABLE. I have never had a client refuse a referral.

Although informal, this efficient system has resulted in many hundreds of successful referrals over the years. ABLE is happy with an unending source of vetted III-B cases,
Pro Seniors is happy to refer clients to a full service program and the clients are happy because of the excellent extended service they obtain through a seamless referral.