

LEGAL NEEDS ASSESSMENT WORKING GROUPS

Convened by North Carolina Interest on Lawyers' Trust Accounts (NC IOLTA)

Background

In late 2021 and early 2022, NC IOLTA and the NC Equal Access to Justice Commission surveyed and convened legal aid provider organizations about opportunities to respond to gaps identified in the Legal Needs Assessment. The Legal Needs Convening, hosted on March 2, 2022, brought leaders from legal aid programs together to share challenges and successes and brainstorm about opportunities to address needs as a community. After surveying providers about their priorities among the many opportunities identified in the Legal Needs Assessment and at the Convening, NC IOLTA established the below four working groups to continue these conversations in the summer of 2022: (1) family law; (2) legal services for immigrant populations; (3) outreach and communications; and (4) coordinated intake. NC IOLTA grantees and stakeholders were asked to identify staff to participate in the working groups who could offer their subject matter expertise. Each working group subsequently met three times to discuss particular gaps more specifically and identify strategies for the community to respond to identified needs with the ultimate goal of improving availability of and access to services.

Recommendations

The following recommendations were developed by each of the working groups. Working group participants were asked to develop practical recommendations that the community should pursue, without being limited by either their own organization's capacity or currently available resources. After initial recommendations were identified, the working groups fleshed out action steps to take in order to execute the recommendations.

Next Steps

Following approval of the final recommendations by each working group, NC IOLTA committed to disseminate the recommendations to organizational leadership, including both the directors of legal aid provider organizations and stakeholders as well as NC IOLTA's Board of Trustees.

From here, NC IOLTA hopes to initiate identification of organizations and needed resources in order to pursue recommendations. We may also consider hosting future working groups on other areas of identified need.

TABLE OF CONTENTS

I.	Introduction and Background	p. 1
II.	Family Law	p. 2 - 5
III.	Legal Services for Immigrant Populations	p. 6 - 9
IV.	Outreach and Communications	p. 10 - 13
V.	Coordinated Intake	p. 14 - 18

LEGAL NEEDS ASSESSMENT WORKING GROUP: FAMILY LAW

WORKING GROUP MEMBERSHIP AND STAFF:

- Chelsea Fuller, JusticeMatters
- Jim Gallaher, Children’s Law Center of Central North Carolina
- Julia Horrocks, Pisgah Legal Services
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- Larissa Mervin, Legal Aid of North Carolina
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- Jim Morgan, Legal Aid of North Carolina
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- Iris Sunshine, Children’s Law Center of Central North Carolina
- Staff: Mary Irvine and Dan Labarca, North Carolina IOLTA; facilitator Laura Jeffords

Statement of the Issue

Family law, particularly custody proceedings, was by far the most often mentioned area of underserved practice in the research conducted for the Legal Needs Assessment. As one report participant commented about custody cases: “It’s a huge need and it’s been a problem since I started doing this work thirteen years ago and we just don’t have good answers.”

Data from the Administrative Office of the Courts speak to the overall volume of cases moving through the system each year. The study identified that divorce was the second most prevalent civil legal case type statewide, with 36.9 cases per 10,000 people in the state, behind only summary ejectment. Domestic violence was the fourth most prevalent (32.5 per 10,000) and custody was the sixth (18.4 per 10,000). In total, family-related civil cases accounted for 30% of the total volume of cases annually.

According to data shared by legal aid provider organizations, domestic violence cases totaled 7,679, representing 22.6% of closed cases in 2019. Custody and visitation cases totaled 1,659, representing 4.9% of closed cases in 2019.

This data indicates that family legal services are in high demand. The researchers noted that while some of the legal aid providers handle certain areas of family law, others do not. Generally, custody proceedings are not a priority, in part due to reasons cited by stakeholders including the length and demands of the cases.

Specific to family law, survey respondents suggested that easier-to-access legal advice and information, like DIY manuals, pro se materials, standard forms, and brief support would help litigants, as would opportunities to resolve court issues outside of a hearing. Relevant strategies discussed at the convening in March included: staffed self-help clinic at the courthouse; pro se packets and trainings; and zoom clinics to provide brief services.

At the first working group meeting, participants added geographic challenges, such as the fact that legal aid resources vary from county to county. Likewise, competent advice and representation looks different from county to county (which also makes it difficult to use pro bono attorneys).

This working group will focus on addressing the gap in available family legal services through programmatic efforts.

Recommendations

1. ***Improve pro se resources for family law issues.*** Participants agreed that resource constraints and the time-intensive nature of family law cases do not allow for full representation of all eligible clients in family law matters. Most programs currently offer some form of pro se resources to those seeking information and assistance in this area. Participants suggested the first step of sharing and comparing currently available pro se resources and strategies so that programs can work toward improving the support offered to pro se individuals. A group could be identified to review materials and recommend improvements or a preferred version of a particular document.

Participants identified the following items to share between programs to facilitate development of improved pro se programs:

- a. Pro se packets and instructions provided to individuals for various issues (simple divorce, custody, etc.) including county-specific instructions and forms;
- b. Written legal information about family law matters (available in hard copy and/or online) for example, preparing for court-required mediations, identifying marital vs. non-marital assets, filing taxes, etc.; and
- c. A list of strategies the program uses to provide family law information and/or brief services to the public (for example, community education clinics, online community education sessions, hotline, courthouse help desk services staffed by legal services staff or volunteers, clinics at social service providers on various issues, online resources, etc.).

Following a review of current pro se resources and strategies, the group recommends identifying best practices and areas for expansion of and improvement upon currently available pro se resources (drawing upon national resources on best practices like those available from the Self-Represented Litigants Network).

ACTION STEP:

Note that this is the same Action Step as for #3 below although any identified repository/platform may have sections which are accessible to different audiences (e.g., legal aid community, private bar, public).

Identify the platform for hosting a repository of resources and identify who is responsible for organizing (including process for reviewing, naming resources, ensuring format will allow for easy searching, clearly identifying if document/resource has statewide or more limited applicability, etc.). In considering potential platforms, look at models other states use to avoid duplication of effort.

2. ***Explore opportunities for expansion and promotion of unbundled family law services offered by legal aid program staff, pro bono attorneys, and the family law bar more broadly.***
Participants agreed that for some clients and situations, a pro se packet with instructions is

insufficient to meet their needs; however, the client may be able to achieve success with limited, unbundled services, for example, assistance with drafting pleadings. Some programs currently provide unbundled services through consults, clinics, or courthouse help desk staffing. The group recommends developing capacity and support for unbundled services through the following:

- a. Development and sharing of template policies, Q&As, and retainer agreements to facilitate expansion of unbundled services in the family law space.
- b. Communication with and development of buy-in with stakeholders including judges and other court personnel to ensure unbundled legal services as a resource can be effective in practice.
- c. Explore successful models of offering unbundled family law services (including the model used by the Family Law Facilitation Program in Mecklenburg County where the Department of Social Services directly refers clients to advocates that help the parties prepare for court). Information developed about successful models would address types of support provided, best practices, appropriate case screening, ethical issues, and risk management. Information developed will also consider the role of law students and volunteer attorneys.

ACTION STEP: Identify successful models of offering unbundled family law services (for example, the Family Law Facilitation Program, Self-Serve Center in Mecklenburg County or potentially through local or other bar groups). Consider hosting an opportunity to share information (possibly in the form of a webinar or training) about effectively offering unbundled services in family law.

ACTION STEP: In order to be most effective in rolling out unbundled family law services (once services are available), strategically plan coordinated communication to stakeholders that can be delivered consistently by multiple messengers. The group identified at least two important stakeholder groups for this communication: 1) the judiciary/court personnel, and 2) members of the public that would benefit from unbundled services.

3. ***Development of a central repository of resources around family law issues.*** Participants identified the value of information sharing in the provision of resources, including legal information and limited services, particularly where staff capacity is limited. The digital library could store available pro se resources, templates, samples, and forms as well as locally specific guidance and information about handling particular client issues. Participants discussed the idea of both a public facing repository and an internal interface for staff of legal aid provider organizations only.

ACTION STEP:

Note that this is the same Action Step as for #1 above although any identified repository/platform may have sections which are accessible to different audiences (ie. legal aid community, private bar, public).

Identify the platform for hosting a repository of resources and identify who is responsible for organizing (including processing for reviewing, naming resource, ensuring format will allow for easy searching, clearly identifying if document/resource has statewide or more limited applicability, etc.). In considering potential platforms, look at models other states use to avoid duplication of effort.

ACTION STEP: Create a centralized calendar of legal information or clinic opportunities.

4. *Coordinate with court staff that manage Guide and File, forms development, and other resources for pro se court users to better understand what is currently available, how it can be used, and how to partner with them around use and improvement of court-supported resources.*

Participants expressed a desire to avoid duplication with the Administrative Office of the Courts in efforts to expand availability of resources for pro se individuals in the family law space, while acknowledging that local rules and local practice knowledge play an important role in pro se resource sharing. Further, because of legal aid programs' knowledge of the family law needs of their clients, programs may be able to offer information that could inform the court system's future development of resources.

The group identified a few specific ways that coordination with the Administrative Office of the Courts in this realm may be beneficial:

- a. Training on use of Guide and File and available resources, including but not limited to the following audiences: service providers, the private bar, etc;
- b. Better publicity of available court resources including Guide and File and forms to audiences that cannot be served by legal aid providers;
- c. Serve as a sounding board for further development of Guide and File interviews to ensure accessibility and applicability to low- and moderate-income individuals; and
- d. Support development and approval of simplified forms, for example an equitable distribution form and a spousal support/alimony form that is more appropriate for low- and moderate-income individuals with limited assets.

The group recommends the community's coordination with the Administrative Office of the Courts to better understand, utilize, and inform available court resources in this area.

ACTION STEP: Bring idea of coordination with AOC around pro se court resources and recommendations of this group to leadership of legal aid organizations for further exploration and discussion.

LEGAL NEEDS ASSESSMENT WORKING GROUP: IMMIGRANT POPULATIONS

WORKING GROUP MEMBERSHIP AND STAFF:

- Amanuel Abraham, World Relief Durham
- Peter Alfredson, Capital Area Immigrants' Rights Coalition
- Sharon Dove, Charlotte Center for Legal Advocacy
- Edith Galvan Lopez, JusticeMatters
- Jelena Giric-Held, International House of Metrolina
- Julia Horrocks, Pisgah Legal Services
- Sam Hsieh, Capital Area Immigrants' Rights Coalition
- Rona Karacaova, Legal Aid of North Carolina
- Daniel Melo, North Carolina Justice Center
- Sylvia Novinsky, North Carolina Pro Bono Resource Center
- Angie Peña, Pisgah Legal Services
- Kate Woomer-Deters, North Carolina Justice Center
- Staff: Mary Irvine and Dan Labarca, North Carolina IOLTA; facilitator Laura Jeffords

Statement of the Issue

The second most often cited underserved practice area in the Legal Needs Assessment was immigration. Surveys, interviews, and focus group research all identified immigration and naturalization as high on the overall assessment of legal needs. The most significant subareas of need identified included deportation, immigration court hearings, problems resulting from not having a driver's license, and Deferred Action for Childhood Arrivals (DACA). Particularly in the area of immigration law, survey respondents from the legal aid community noted that restrictions on funding make it difficult to provide services in this area.

One participant indicated that "the immigrant population is underserved...not so much a result of us not reaching out, it's more of a result of chilling federal policies and law that create a level of fear and uncertainty, where it takes more trust building to get folks in to talk about what their needs are." Other areas of law related to this population include consumer issues, landlord/tenant cases, and workers' rights issues.

Relevant at least in part to this population, stakeholders noted the language and literacy challenges, particularly in working with clients for whom English is not their primary language. Specifically, stakeholders spoke to the challenge of finding and retaining bilingual staff, particularly in more rural areas.

At the first working group meeting, participants also described the following challenges:

- Clients not having employment authorization
- Detention in remote areas, making it difficult for legal counsel to access their clients
- Processing delays on all types of applications
- Securing documents to prevent clients from going to immigration court in the first place

Relevant strategies discussed at the convening in March included: collaboration and coordination with local grassroots groups that serve this population; screening programs that makes referrals to private/pro

bono attorneys; connecting to eligible clients via sponsors; and appellate litigation to address systemic issues in immigration law.

This working group will focus on addressing the gap in available legal services for the immigrant population through programmatic efforts that address the particular needs of the population.

Recommendations

1. ***Develop formal space/forum for coordination among the organizations providing legal services to immigrant populations going forward.*** Participants noted a few ways in which regular, continued coordination would be beneficial including identification of impact cases, better connection to programs providing services, having an accurate list of nonprofits working in this space, and development of an advocacy agenda to jointly prioritize issues.

Participants acknowledged an interest in not duplicating efforts and suggested that other forums where collaboration is already happening (for example, taskforces, bar groups, coalitions that include both legal and non-legal providers of services), should be approached with opportunity to expand or revamp the space to also meet the needs of this group. If utilized, this would require currently operating group to potentially increase the meeting frequency and expand scope of work.

ACTION STEP: Approach the Immigrants' Rights Taskforce (operated by Legal Aid of North Carolina) about possibility of serving as a formal space for ongoing collaboration among organizations providing legal services to immigrants, including considering ability to increase number of meetings, increasing the membership (the working group was unsure who is included and who is not but want to be sure that all organizations providing services in this realm are welcomed and encouraged to participate), and expand the scope of work. This action step should ensure that taskforce (or any structure identified to serve in this function) requires dedicated staff resources and capacity to allow for the group's deliberate and expanded functioning. Specific suggestion to engage with American Immigration Law Association, Carolina Chapter as part of this group's effort.

ACTION STEP: Create comprehensive list of nonprofits providing legal services in this space, possibly including information about what they do, how to access services, specific case types, capacity to take cases in particular areas, and how to make a referral, and develop mechanism for continual updates. The group should consider: electronic format for the tool to allow for easy updates but avoid mistakenly deleting information, inclusion of groups that provide immigration services but have not historically been involved in broader legal aid community, accessibility by service providers and clients (though possibly some distinction in available information to different types of users), easy to share and use, considers holistic needs of immigrant populations (both broad and their unique needs) and system to assign responsibility for updating the resource as a dedicated staff role so that the information does not go stale. Participants noted that a list had been developed in 2020 which was spearheaded by Anna Cushman.

ACTION STEP: Consider existing resources (particularly NC CARES 360 and 211) as a tool for compiling and sharing information about available legal resources to be mindful of not duplicating efforts.

2. ***Opportunities for expanding legal resources for immigrant populations including pro se resources and limited services and pro bono opportunities.*** Short of full representation, participants expressed interest in exploring the value of expanded pro se resources and/or limited service opportunities both for representation regarding immigration status as well as broader civil legal needs, and considering ways to engage legal professionals in pro bono to support these efforts.

Currently, Charlotte Center for Legal Advocacy (CCLA) operates a Pro Bono Room at the Charlotte Immigration Court which helps individuals navigate the court and also offers screenings (either by staff attorneys or pro bono attorneys) to review eligibility for types of immigration relief. CCLA is working to expand immigration relief consults using technology. When attorneys are not staffing the room, paralegals can collect documents from interested individuals and assign them a consult time via Zoom or WhatsApp. The basic information collected and documents can be shared with the attorney before the consult begins. A screening tool is provided within the case management system which the attorney can use to generate eligibility information after the consult. At the end of the week, CCLA staff review screenings to determine if they can take on representation (could refer to other organizations as well). CCLA is seeking volunteers to conduct screenings and will provide training and supervision. Ideally, pro bono volunteers would have some immigration experience, but the group discussed whether there are ways to train attorney with less expertise to conduct screenings.

ACTION STEP: Connect Charlotte Center for Legal Advocacy with legal aid provider organizations across the state (to support expanded capacity for screenings and potential limited services or pro se support) and NC Pro Bono Resource Center (recruitment).

ACTION STEP: Share and/or explore available research into effectiveness of limited services like screening for eligibility or pro se support to understand if clients fare better, same, or worse than those with no attorney or an attorney. Consider program evaluation to see effectiveness as happening. Consider ways to use this information in expanding resources (both financial and volunteer).

Regarding other opportunities to expand legal resources for immigrants, participants discussed the limited capacity for legal representation of immigrants currently due to restrictions mandated for entities that receive Legal Services Corporation funds. Participants also noted limitations to relief for immigrants (for example, in accessing government programs) and the complexity of civil legal cases on behalf of immigrants (for example, in eviction cases, issues with subleases and predatory lending). Participants shared concerns about the complexity of immigration status cases and specialization required to be successful. Participants expressed interest in clearly identifying where pro bono services might help and what it would take to implement these models (possibly in civil legal services vs. immigration cases; eviction was discussed as a potential model).

ACTION STEP: Find out areas where legal aid organizations have been successful in developing pro bono programs where attorneys represented immigrants in a pro bono

capacity. Some examples for further exploration include: Legal Aid of North Carolina recently trained pro bono attorneys for representation in evictions; Pisgah Legal Services can share information from their Housing Team which has done free trainings for attorneys and then sends simpler cases to pro bono attorneys; Charlotte Center for Legal Advocacy has paired firms and paralegals on Special Immigrant Juvenile Status (SIJS) cases.

3. ***Further analysis of the legal needs of immigrant populations and the gaps in available services.*** Participants expressed interest in better understanding the legal needs of immigrant populations and the gaps in available services in order to expand and target available funding, avoid making bad referrals, and avoid overlap. Participants felt that gaps would be clearer with information compiled about who is doing what and at what level of capacity.

ACTION STEP: As part of the above recommendation to compile a comprehensive list of nonprofits providing legal services in this space and explore existing tools for sharing information about legal resources, consider potential for obtaining data from NCCARES360 or similar systems about referrals that cannot be made because there is no program serving a particular need or in a particular geographic area or the program lacks capacity to take referrals.

4. ***Supporting staff recruitment and retention.*** Participants shared their challenges in hiring and retaining qualified staff, including bilingual speakers, to take open positions within their programs (both in rural and urban areas and with or without experience in this area of practice). The groups expressed unwritten agreement to avoid “taking” staff from one another (although sometimes staff working at one organization do respond to posted jobs and that is viewed differently), so the focus is on recruiting from outside the existing circle of staff.

Participants discussed opportunities to bring the issue of staff recognition and understaffing within the immigration legal services space to leadership. Participants discussed strategies to support recruitment and retention which some programs currently offer like sabbaticals after three years of service, recognizing years of service, supporting specific trauma and burnout experienced by immigration law practitioners, and better/expanded leave policies.

**LEGAL NEEDS ASSESSMENT
WORKING GROUP: OUTREACH AND COMMUNICATIONS**

WORKING GROUP MEMBERSHIP AND STAFF:

- Dawn Battiste, Land Loss Prevention Project
- Iris Peoples Green, Disability Rights North Carolina
- Helen Hobson, Legal Aid of North Carolina
- Heather Johnson, Council for Children’s Rights
- Jennifer Lechner, NC Equal Access to Justice Commission
- Natalie Marles, Charlotte Center for Legal Advocacy
- Maria McIntyre, Financial Protection Law Center
- Robin Merrell, Pisgah Legal Services
- Kim Bart Mullikin, North Carolina Bar Foundation
- Katie O’Connor, Charlotte Center for Legal Advocacy
- Staff: Mary Irvine and Dan Labarca, North Carolina IOLTA; facilitator Laura Jeffords

Statement of Issue

The Legal Needs Assessment identified that low-income people, particularly in rural areas, find it more challenging to access civil legal aid for a variety of reasons including that they are less likely to have access to public transportation, less likely to reside near a legal aid office, less likely to have access to high-speed internet, more likely to be older and have more health issues, more likely to suffer from the aftereffects of a weather-related disaster, and less likely to know about available services. To explain the issue most succinctly, one provider asked, “How do you reach people who are perhaps physically isolated, have very limited access at all to the internet or a computer? How do they learn about us, and how do they know we are here?”

Stakeholders elaborated on the lack of awareness of legal issues, describing two categories of potential clients – those who know they have a legal need but cannot access services and those who have no idea that they have legal needs. Low-income individuals may not think of an attorney as someone who could help with a particular situation. One example shared notes that potential clients may have some awareness of how lawyers help – for example with a will – but they may not think about a lawyer being able to assist with a food stamps issue.

In a discussion of available resources, legal aid providers told researchers that community partners can play an important role in supporting legal services, including social services agencies, social workers, navigators, housing counselors, victim witness assistants, volunteers, and more. In a discussion of solutions, legal aid attorneys advocated for trainings for community partners to assist, educate, and screen potential clients. Other opportunities for client outreach and communications noted in the Legal Needs Assessment included other ways of getting out in the community, coordinating referrals with other agencies, having a presence in community spaces where potential clients frequently go, hosting clinics and information sessions, clear messaging about the types of cases that providers handle, and making robust information available online (but not relying on that as the only way one can access information or connect to services).

At the first working group meeting, participants also mentioned challenges with limited English proficiency, cultural literacy, as well as limited ability to read and write (and the fact that clients may mask literacy issues). Participants also noted the importance of building trust; the unique seasonal schedules of agriculture-focused populations; and the importance of listening to clients to learn how to better serve their needs.

Relevant strategies discussed at the convening in March included: having a presence at the courthouse or other places the community can easily access; hosting zoom clinics to assist eligible individuals remotely; partnering with service providers to increase awareness and access; use of other technology to facilitate remote service opportunities for pro bono attorneys; client kiosks where clients can go to complete certain tasks (signing, scanning, etc.); including social workers as part of the team; and hiring “chasers” to physically visit people and bridge the lack of internet and transportation gaps.

This working group will focus on improving outreach and communications to low-income populations as a means of connecting more people to available resources and providing more effective service.

Recommendations

1. ***Develop a repository of resources to support organizations’ individual outreach and communications work.*** Participants agreed that sharing information as a community would be a valuable resource. Participants identified the following items to share between programs in the repository that would most support their work:
 - a. Internal staff listing at participant organizations of communications and outreach staff contacts that can be available for peer support/technical assistance;
 - b. Best practices, particularly related to consistent challenges or crisis moments like connecting with rural populations, limited English speakers, populations lacking digital literacy/access, other accessibility challenges including web accessibility, disaster relief, etc.;
 - c. Case studies and success stories particularly in the following areas: media placement, social media, in-person outreach, mailings, creating a communications campaign, how to conduct user testing of self-help and other resources, marrying available resources and opportunities, and how to tap into existing networks;
 - d. Template or sample documents for communications and outreach efforts, for example press releases;
 - e. List of suggested vendors and resources to support communications and outreach efforts including marketing companies, graphic designers, photographers, accessibility resources, web developers (particularly with experience with ensuring accessibility), user testing, language experts, culture/diversity experts, media and social media consultants, research and data resources, campaign developers, outreach consultants, technology resources, etc.;
 - f. Calendar of communications and outreach opportunities; and
 - g. Calendar of community events.

The group recommends development of a repository of resources to support their work. A group may be identified to review submitted materials and recommend a forum for their storage and

continual update. The group discussed the value of having a private forum for those who commit to contribute and one that facilitates collaboration and updates. The group suggested looking to current platforms, including the Equal Justice Alliance, and the potential for a dedicated role if funding allows to support this effort on an ongoing basis across the organizations.

ACTION STEP: Organizations each designate a point of contact/representative to be part of a cross-organizational group coming together to identify mechanics for how to store, vet, and build out the resources and who has access to the resource (likely private); group will commit to periodic updates to available resources and establish periodic meetings to continue resource building.

ACTION STEP: Consider dedicating a portion of someone's time to the function of organizing and maintaining this group and resource (and seeking funding for that role).

ACTION STEP: Prioritize among identified resources which might consider items that are lower-hanging fruit and easier to share relatively quickly (internal staff list, current vendors) and others that will take longer to develop (case studies, best practices).

2. ***Pursue cross-organization collaboration in communications efforts.*** Participants identified the opportunity to coordinate their communications efforts, both so that staff who work in this area can get to know one another and also potentially to work on specific projects jointly.

The group recommends considering opportunities for collaboration in the following areas:

- a. Joint communications or media training, including related to accessibility issues;
- b. Networking opportunities for communications and outreach staff;
- c. Hosting a collaborative resource fair for clients, possibly regionally, where legal aid providers could together establish a community presence and make ourselves available as a resource;
- d. Joint communications or outreach efforts to promote common goals (for example, signing on to campaigns around particular topics or issues); and
- e. Gathering or training for social services providers or nonprofit partners to build relationships as a community and empower them with the information and tools necessary to educate the populations they work with and send over appropriate referrals.

ACTION STEP: Identify communication staff and outreach staff at various organizations (possibly the same people but may be two different groups).

ACTION STEP: Develop regular meetings of communications staff at organizations (maybe in an affinity group) in order to stay connected, be prepared to seize opportunities to work together on joint efforts and create opportunities for joint learning or resource sharing.

ACTION STEP: Regarding the potential for regional resource fairs, get more information from people within outreach teams at each organization who would work on this effort to get their perspective about interest and value in doing this and learning from past similar efforts.

ACTION STEP: Identify target audiences and messages that can be shared with social service providers at training and/or informational sessions. (Note: Members of the Coordinated Intake Working Group may be able to assist with information about intake processes and areas of confusion for potential clients.)

ACTION STEP: Consider dedicating a portion of someone's time to the function of organizing and maintaining this effort (and seeking funding for that role)

LEGAL NEEDS ASSESSMENT WORKING GROUP: COORDINATED INTAKE

WORKING GROUP MEMBERSHIP AND STAFF:

- Arthur Bartlett, Charlotte Center for Legal Advocacy
- Dawn Battiste, Land Loss Prevention Project
- April Cheers, Financial Protection Law Center
- Angeleigh Dorsey, Legal Aid of North Carolina
- Scheree Gilchrist, Legal Aid of North Carolina
- James Gorsuch, Pisgah Legal Services
- Meredith Gregory, Legal Aid of North Carolina
- Iris Peoples Green, Disability Rights North Carolina
- Carlene McNulty, North Carolina Justice Center
- Jennifer Simmons, NC Equal Access to Justice Commission/NC Equal Justice Alliance
- Jules Taylor, Charlotte Center for Legal Advocacy
- Leigh Wicclair, NC Pro Bono Resource Center
- Staff: Mary Irvine and Dan Labarca, North Carolina IOLTA; facilitator Laura Jeffords

Statement of Issue

The Legal Needs Assessment documented concerns from lawyers, clients, and social services agencies about the method by which clients connect to available legal services, through the Legal Aid Helpline specifically. The Assessment described anecdotes about the extended time many callers spend waiting on hold or calling multiple times in order to get through to a person. One survey respondent said they “called for two weeks straight” before receiving a phone call back; another described the intake menu as confusing; another described the phone wait times as “immense” though they were able to persist and get a good result. Sometimes, when experienced continually, these problems can result in a lack of trust or disbelief that someone is going to help them.

When survey participants were asked how they would go about getting legal advice if they needed it, the most frequent response was to call an organization that provides free legal services, followed closely by looking online for a legal self-help website. Survey respondents with lower levels of trust in lawyers were more likely to look online first for information.

At the first working group meeting, participants described client challenges in accessing services through intake systems including literacy, technological capabilities, and disabilities, as well as client's willingness to answer phone call backs. Participants also noted the impact of moving to hybrid or fully remote offices which limits availability of in-person assistance and potential technological solutions like Ring which allow for remote access to persons appearing on site. Many participants emphasized the need for and value of having up to date resources to make effective referrals to those who cannot be served by a provider or also need additional services (which would include information about eligibility and the types of cases programs accept) as well as how to effectively track external referrals.

Solutions suggested in the Legal Needs Assessment included automating interview processes in routine matters, expanded intake and referral systems, and online intake. Relevant strategies discussed at the

convening in March included consideration of a centralized intake system that can handle intake more effectively and efficiently for many service providers (comparison to state-funded 211 model).

This working group focused on exploring how a coordinated or centralized intake system could serve as a means of connecting more people to available resources and providing more effective service to potential clients.

Recommendations

Participants discussed how to prioritize the below recommendations and had differing recommendations for prioritizing. Participants agreed in the value of pursuing all identified strategies.

1. ***Develop coordinated referral systems for programs to refer cases.*** Throughout the group's conversations, there was consensus that increased coordination in how referrals are made between and among legal aid organizations could result in increased efficiency for intake staff and a more streamlined experience for callers seeking assistance.

Participants identified the following characteristics that a referral system between programs would address in order to be successful:

- a. Shared expectations regarding communications with callers to develop realistic expectations about next steps;
- b. Shared expectations regarding communications among providers to ensure up to date information about acceptance and capacity;
- c. Agreement about the program's willingness to accept a certain number of referrals/cases that meet particular guidelines and timeline for closing the loop;
- d. System to confirm if referral was accepted that addresses confidentiality concerns; and
- e. Ability to share screening that has already been completed, utilizing technology where possible to streamline (in particular, using Legal Server for formal referrals among the organizations that use that system).

The group recommends developing capacity and support for coordinating referrals between organizations which might include the following:

- a. Sample documents including MOUs, policies regarding maintaining up to date information and confidentiality, and scripts to facilitate expectation setting with clients.

ACTION STEP: collect existing MOUs and processes for referrals as a template for this.

- b. Clear protocol and system for organizations to update their capacity to take cases that addresses nuances in availability by practice area, geographic area, temporary changes/circumstances, and other relevant factors driving organizational case acceptance. The group should consider how the Equal Justice Alliance triage functionality might support this goal and provide a system to facilitate access to information about case acceptance that will be continually updated.

ACTION STEP: Bring above recommendation for discussion to the Equal Justice Alliance for potential appointment of a continued working group.

- c. Develop clear protocols for sending information between organizations (taking into consideration whether they use Legal Server or not) that considers concerns about confidentiality, conflict issues, necessary releases from clients, and adjusting the amount of information to be shared with a referral to right-size how much is collected/what is sent to address some of the concerns noted.

ACTION STEP: Collect information from Ombudsman program about best practices and learnings from how this works currently within that program, including the use of the e-transfer function in Legal Server.

ACTION STEP: Collect information regarding the NCCARES360 system (there were some concerns raised about the system but participants agreed that understanding the pros and cons would be helpful since the system is already in place and is intended to comprehensively support human services referrals statewide).

ACTION STEP: Continued meetings to facilitate the development of these shared agreements and protocols among organizations including types of cases and issues outlined above.

2. ***Identify and pursue a pilot to centrally triage cases for a particular practice area.*** Participants identified the opportunity to seek grant funding to pilot a centralized triage system in a particular area of need that could maximize efficiency for providers and clients.

Participants identified the following characteristics of a centralized triage pilot program to address in order to be successful:

- a. Identify pilot that maximizes shared values and interests of individual programs in pursuing a joint pilot (for example, addresses a need in a particular programmatic area, increases connections among organizations in how they work together, enables programs to figure out how centralized intake might work in a discrete area to then be able to expand it to other areas, ability to test effectively statewide, etc.).
- b. Maintenance of specialized intake expertise;
- c. Detailed understanding of program eligibility, case acceptance, and specialization so that cases can be directed to organizations that are best situated to handle them;
- d. System for referral/decision-making that addresses concerns about the loss of autonomy;
- e. System does not create duplication of effort in managing/processing files but utilizes existing intake technology and systems; and
- f. Evaluation component that would allow programs to effectively analyze the effort, measure success, and improve future centralized triage programs.

The group recommends exploring a centralized triage pilot program.

ACTION STEP: Identify potential models for project staffing (e.g., embedding staff from organizations within this shared effort), mechanics of facilitating management including systems/technology to be used, programmatic/practice area that is most appropriate for a pilot to allow for broad participation, etc.

ACTION STEP: Figure out what the priority is in terms of designing the pilot from potential values noted above (for example, is it better to have more/most organizations vs. a smaller number that can deeply use it?).

ACTION STEP: Consider potential funding support for a pilot (one suggested grant opportunity is through the ABA Endowment).

3. ***Coordinate support of intake staff.*** One of the challenges identified universally among programs was the burnout that intake staff face in their day-to-day work. Intake staff often talk to callers who are in crisis, have experienced trauma, and are facing difficult circumstances. Staff have to be empathic and listen while collecting all necessary information, have to manage expectations, and often have to tell people they do not qualify or cannot be served. Intake staff sometimes deal with abuse from callers, including racial slurs, and have experience with their own legal issues and economic instability.

The group recommends coordinating support for intake staff (including primary intake staff, paralegals for particular units, etc.). This coordination may include opportunities for training (for example, resources available to assist callers threatening self-harm), networking, and connecting (for example via listserv) to develop peer support as well as sharing successful strategies for retaining staff despite the challenges faced.

ACTION STEP: Consider different needs of primary v. other staff involved in intake process.

ACTION STEP: Consider how to prioritize within policies and organizational culture at individual organization level.

ACTION STEP: Support development of peer-to-peer network of intake staff (to potentially include in-person gathering and sharing of resources).

ACTION STEP: Gather and share resources that individual programs already have to support intake staff in doing their job.

4. ***Establish clear protocol for sharing information periodically and supporting requests to flag particular kinds of cases.*** Participants identified that one way the programs have periodically coordinated efforts is by responding to requests to flag particular kinds of cases, for example landlord tenant cases involving a particular landlord or clients facing a particular issue with food stamps, and then refer them to an agency working on that issue. Participants also acknowledged that sharing information and intake data on a regular basis would help identify a particular trend

or problem (geographic, concern within a case type, etc.), know where the needs are, and support the ability to respond. The following could help facilitate this type of information sharing:

- a. Agreed upon periodic data sharing agreements including how frequently data would be shared, the venue for sharing data, the level of detail in the data to be shared, etc. Agreement could also address issues related to confidentiality, how data is to be redacted, and who has access to the information.

ACTION STEP: Convene group for periodic data sharing and analysis of intake data to potentially spot issues or problems that might be shared more broadly or with different staff members to better understand trends and consider responses.

ACTION STEP: Add the issue to the Equal Justice Alliance agenda to consider potential policies and agreements for data sharing and potentially consider periodic meetings of an intake-focused working group.

- b. Sample protocols for requesting that programs look out for particular kinds of cases including where to send the request and necessary description to include in the request (e.g., specifics about the case type/geographic area, particular questions to ask caller to help screen potential cases, what to do with cases identified, etc.).