

Legal Foundation of Washington

CASE SERVICE REPORTING

HANDBOOK



A WORD ABOUT NUMBERS

There is a common myth among many grantseekers that funding sources are *only* interested in data. While LFW trustees do care that as many clients receive quality services as possible, they will also tell you that quality of service matters more to them than quantity of client service contacts. When a difficult-to-place client comes into your office do you make a concerted effort to find an attorney who will provide direct representation? Do you go out of your way to recruit new volunteers or rejuvenate current members of your existing panels? Do you work with other Alliance partners to maximize service opportunities to clients? These issues are more important to LFW than the number of clients you serve, and will be captured in your narrative report.

KEY DEFINITIONS

◆ **Case**

A case is defined as the provision of legal assistance to an eligible client with a single legal problem, or a set of closely related legal problems.

◆ **Case opened**

All Legal Foundation of Washington grantees should open a case when the following details are true:

1. The client is financially eligible to receive assistance;
2. The client's case is within program priorities;
3. Your program has actually accepted the client for service through its intake system or another established procedure for ensuring client eligibility.

◆ **Case Closed**

Programs should close a case once the legal service has been completed—e.g., the client has attended a pro se or advice clinic; received a brief service; or received direct representation from an attorney. If a client attends multiple advice clinics or receives additional legal help for the same legal problem, the case counts as one case. Some programs keep cases open for a brief period after a clinic to see if the client returns for the same problem. Or, if programs have already closed the case, programs may reopen the same case if the client returns.

In order to correctly report closed cases, you will need to follow up periodically with your volunteer attorneys to find out when referred clients' cases have closed. Legal Server allows you to generate form letters at pre-determined intervals to assist you in this process.

Note that cases should not be "closed" if the person does not receive legal assistance (except for Category M). Instead those cases should be "rejected" in Legal Server. Program should select the reason for the rejection, which may include the person withdrew, the person was not eligible for help, or the program was unable to find an attorney to represent the person.

◆ **Client**

A client is defined as a person (or an eligible community group) who is:

1. Eligible for legal assistance; and
2. Accepted for assistance through an intake system or other established program procedure for ensuring client eligibility.

TYPES OF CASE SERVICES

◆ **Case Service Definitions**

On the next page of this handbook you will find a definition for each of the categories for reporting to the Legal Foundation of Washington. When closing individual cases, programs should report each case once according to the type of case service (i.e., reason for closure) which best reflects, in your judgment, the highest level of assistance that the program provided during the course of the case.

◆ **Cases Involving Multiple Levels of Assistance**

If your program attempts to resolve essentially the same problem for a client more than once in the same reporting period, you should only report the highest level of assistance, even when you provide more than one type of assistance.

For example: a client comes in and is referred to a pro se divorce clinic. The client attends the divorce clinic, but doesn't follow through with the paperwork and the situation gets worse. The client comes back to the program, and is then referred to an attorney for full representation. This would count as one direct representation case.

For example: a client comes in about a benefits problem and you find out he's also seeking a dissolution. You refer the client to a volunteer lawyer for representation at an administrative hearing, and you also refer the client to a pro se divorce clinic. This would count as two cases.

◆ **Cases Involving Repeated Requests for the Same Legal Problem**

When a program provides assistance more than once during the grant year to an eligible client who has returned to the program with essentially the same legal problem, as demonstrated by the facts giving rise to the problem, the program should report the repeated instances of assistance to the client as a single case. But if the case is closed prior to the end of the grant year and the client returns the following year with the same problem, you may open a new file.

For example: A landlord repeatedly fails to make repairs on an apartment. The apartment dweller calls your program every month with a new habitability complaint. You arrange for the client to receive brief services at an advice clinic each time. This would count as a one case.

◆ ***Cases Involving Related Legal Problems***

Programs should report related legal problems of an eligible client as a single case when the program representing the client attempts to resolve the related legal problems simultaneously through a single legal process.

Example: A client comes to your program with related child custody and support problems. You refer him to an attorney who prepares a pleading or other document that addresses both problems. This would count as one case.

CASE DEFINITIONS AND CLOSURE CATEGORIES

◆ ***CSR Category A: Counsel and Advice***

A case should be closed as “Counsel and Advice” if an attorney (or paralegal under an attorney’s supervision) ascertained and reviewed relevant facts, exercised judgment in interpreting those facts and in applying the relevant law, and counseled the client concerning his or her legal problem.

◆ ***CSR Category B: Limited Action***

A case should be closed as “Limited Action” if an attorney (or paralegal under an attorney’s supervision) prepares relatively simple or routine documents and interacts relatively briefly with other parties on behalf of an eligible client. (More complex and/or extensive cases that would otherwise be closed in this category should be closed in the new CSR Closure Category L – Extensive Service). Examples of Limited Action include: communications by letter, telephone or other means to a third party; preparation of a simple legal document such as a routine will or power of attorney; or legal assistance to a *pro se* client that involves assistance with preparation of court or other legal documents.

◆ ***CSR Category F: Negotiated Settlement Without Litigation***

A case closed in which an attorney (or paralegal under an attorney’s supervision) negotiated and reached an actual settlement on behalf of a client without any court or administrative actions pending. This category should be reserved for cases in which the program conferred with another party to as to reach a resolution of the client’s legal problem. This category includes settlements negotiated with an administrative agency prior to the filing of a formal administrative proceeding.

◆ ***CSR Category G: Negotiated Settlement With Litigation***

A case closed in which an attorney (or paralegal under an attorney’s supervision) negotiated and reached an actual settlement on behalf of a client while a court or formal administrative action was pending. This category should be reserved for cases in which the program conferred with another party to as to reach a resolution of the client’s legal problem. Settlements of pending court or administrative

actions should be closed in this category even if the court or administrative agency issues an order memorializing the settlement.

◆ **CSR Category H: Administrative Agency Decision**

A case closed in which an attorney (or paralegal under an attorney's supervision or, in certain limited circumstances permitted by the administrative agency, a non-attorney advocate) represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process (e.g. a decision by the hearings office of a welfare department). This category does not include settlement made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel.

◆ **CSR Category I: Court Decision.**

A case closed in which an attorney represented a client in a court proceeding that resulted in a case dispositive decision made by the court. This category is divided into the following three subcategories:

- a. Uncontested Court Decisions – either with no adverse party or the adverse party does not contest the case;
- b. Contested Court Decisions – there is an adverse party and that party contests the case;
- c. Appeals – to an appellate court taken from a decision of any court or tribunal. This category does not include appeals or writs taken from administration agency decisions or lower trial court decisions to a higher level trial court acting as an appellate court, whether they are on the record or *de novo* proceedings. (Those cases should be closed once as Category I.b. – Contested Court Decisions.)

◆ **CSR Category K: Other**

Even though this is a Legal Server closing category, it should not be used. Cases receiving some level of legal help should be closed in the other categories, using the closest fit even if there is some gray area. And if a client went through intake but did not receive legal help, their file should not be closed as a case, but instead “rejected.” After you click “Reject” (which is something of a misnomer) then the reason may be selected, including if the case was referred to another program or the client withdrew or did not return.

◆ **CSR Category L: Extensive Service**

A case closed in which an attorney (or paralegal acting under an attorney's supervision) undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or extensive on-going assistance to clients who are proceeding *pro se*. Some examples of extensive service include the preparation of complex advance directives, wills contracts, real estate documents or other legal documents, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which

do not result in a negotiated settlement. Factors that favor selection of CSR Category L include but are not limited to: (1) a high level of factual complexity; (2) a highly sophisticated legal analysis; (3) drafting of non-routine original pleadings or legal documents; and (4) significant legal research. Programs may also consider whether a substantial amount of time was allocated to the case.

◆ **Category M: Community Advocacy**

This is an optional closing reason requested by programs interested in tracking non-legal help. Cases should be closed under “Community Advocacy” when a program provides **non-legal** help to an eligible person. Examples include : providing extended use of computer or telephone to a *pro se* person to further their legal case; providing help identifying and understanding forms needed for a case; or helping someone with procedural information and logistics to appear in court or an administrative proceeding *pro se*.

◆ **Note that the following former CSR Categories have been discontinued:**

- C (Referred After Legal Assessment),
- D (Insufficient Merit to Proceed),
- E (Client Withdrew or Did Not Return) and
- J (Change in Eligibility Status).

Cases that formerly would have been closed under these categories should now be either: (1) “closed” under the highest category of legal help that they received **or** (2) “rejected” if they did not receive legal help, with an explanation of why legal assistance was not provided.

◆ **One more closing field:**

For all cases that were e-transferred to you from CLEAR, when you close the case you will be prompted to complete an additional *Transferred Case Service* field in the *Closing Information* screen. This triggers a report sent to NJP for their tracking purposes and must be completed **in addition** to providing a closing reason. Note that the closing reason options for this purpose do not exactly match the closing codes listed above – please just select the one that matches most closely to the outcome of the case.