

Practical Suggestions for Helping Self-Help Center (SHC) Staff Engage with Customers Appropriately

A. Center Operations

1. Program Management

- Establish office procedures that force uniformity.
- Establish an intake / screening protocol that funnels relevant information. Design the protocol to quickly and unobtrusively obtain legally dispositive and relevant information.
- Do not succumb to actual or perceived judicial pressure to inappropriately expand the role of the SHC. Judges don't always know the limits of the SHC, or may be looking for something to do with a person and don't know where else to send him/her. Just because the person needs to have an affidavit drafted, doesn't mean SHC must do it because s/he was referred by a judge. Also, the Judge may have sent the person to SHC for lawyer referral, but the litigant states "the Judge said you would do this for me." Create ongoing opportunities for dialogue with the bench and administration about the role of SHC staff.

2. SHC Physical Lay-Out

- Recommend an open layout for the SHC and a collaborative work style where multiple staff work with the same litigant over time. This helps to catch errors and to discover problems with staff either going too far or not far enough in assisting. It allows staff to learn from each other. It sends a message to the customers that the SHC is not giving them confidential advice, and that each staff person will provide the same information
- SHC staff should try to position themselves in working with the public so they have an exit behind them, and cannot be not backed into a wall or corner by a center user who may become violent.

B. Staffing

1. Staff Expectations and Support

- Emphasize that staff have a duty to provide information that is uniform, neutral and generalized.
- Ensure staff are fluid in their ability to explain why some of the questions being presented require legal advice.

- Embrace pragmatism. Expect staff to place themselves in the shoes of the customer and imagine all of the practical steps that would need to be taken to accomplish any given task and then SHARE that information.
- Encourage or require staff to talk with their supervisor on anything out of the ordinary, even if they think they know the answer or best approach.
- Re-confirm regularly that staff can articulate their duty to the public appropriately. Over time their sense of duty can expand way beyond their actual duty.
- Prepare staff for the pitfalls of familiarity and experience. When presented with a new inquiry, staff must resist the urge to extrapolate from their knowledge base and instead seek out precise information from supervisors or more knowledgeable co-workers. In other words, don't make stuff up.
- Protect staff and volunteers from improper sexual advances or sexual harassment by SHC users. If a person interacts inappropriately with SHC staff, the SHC attorney/manager should inform the harasser that s/he is only to receive assistance from management, and if management is not available, s/he will have to return when the SHC attorney is there. If the harasser improperly touches the SHC staff, volunteers, attorney or management, security should be called.
- Don't minimize the stress this work places upon staff, who feel like customers are relying on staff for help with critical matters, often impacting the safety and welfare of innocent children or the customer him/herself. Recognize staff need down-time from dealing with the customers and give them other less emotionally taxing tasks. Also provide opportunities for staff to share information with other staff and supervisors about particularly difficult customer interactions (difficult in subject matter and/or emotional toll). This can happen as needed and regularly in staff meetings.

2. Tools to Support SHC Staff

- Provide strategies for staff to apply when they are trying to determine whether the answer requires facts or judgment. It is appropriate for staff to make statements that are factual and accurate about law, procedure, process, judicial expectations, relevant evidence, elements required to be proved, next steps required, etc. What is not appropriate is giving the litigant the benefit of a particular staffer's personal judgment about, for example, which approach would be most effective, or how to be persuasive before a particular judge. Teach a philosophical approach, not just hard and fast rules. However, be aware of the different personalities in your office, some of whom require hard and fast rules, while others can utilize a philosophical approach.

- Draft scripts for staff to get themselves out of tight corners. For instance, “that is a very interesting question, but I am afraid it is beyond the scope of our services. Let me give you the information for unbundled lawyers etc.” Or, to “graduate” the frequent flyer, “I understand that you are facing a lot of issues and this is really difficult for you, but I don’t think our department can help you because you are too advanced. Our program is designed to help beginners learn about motion process and the like. You have filed 30 motions this month, so I don’t think there is anything new I can tell you. I’m sorry.” To ensure that customers understand the full value of unbundled legal services, it is particularly important to draft scripts to explain how unbundled services work and how they can complement SHC services.
- Provide staff with cookie cutter scenarios to illustrate various procedures, which in turn they can use with the public.
- Help staff understand that it is OK to tell SHC users they have no answer to their question, solution to their problem, or place to refer them. Sometimes people will have a litany of excuses why every option presented will not work for them, and they expect SHC staff to continue to search for solutions even if all possible known options have been presented. SHC staff all have a desire to help people which is why they work in SHCs, but not everyone can be helped by SHCs, and SHC staff need to recognize that and be able to tell people they have exhausted the staff’s knowledge or ability to provide further assistance.
- Make time for staff meetings to discuss scenarios, brainstorm approaches and revisit basic training. Consider including quizzes to ensure that staff are staying up-to-date with new resources and information on the web.
- Teach staff to show empathy in a general way. "I'm sorry you are having this trouble. I can see you are having a hard time with this." Not, "I can't believe your employer would try to take advantage of you like that" or "You're a saint to have put up with that kind of behavior for so long." Remember that empathy can be conveyed in many ways, and may depend on the type of service model (telephone assistance, in-person assistance, etc.)
- Train staff how to comfortably communicate with judicial officers who encourage ex parte contact with SHC staff. Working in the court environment may feel relaxed for judges and other court staff and at times judges may casually solicit information about parties or cases from SHC staff. This ends up putting the SHC staff in a strange position because they want to please the judge with whom they may have a friendly work relationship; also, because the judge holds authority, they assume it is OK to discuss a case with them. However, anything remotely seen as ex parte contact must be avoided. Tell SHC staff to respond that “My supervisor has told me that I am not to speak about an individual case with any judicial officer. I want to make sure I don’t do anything I’m not supposed to so please contact the SHC manager/attorney to discuss this further.” In other words, have the SHC staff in effect blame their supervisor for their inability to talk about it which helps the staff person feel comfortable that he/she is not doing what a judge says.

C. Customer service

1. Dealing with the public

- Verbally engage each customer/user regarding the scope and limitations of service. This process acts as a reminder for SHC staffer.
- Recognize that lay people often ask the wrong question; therefore staff must be active listeners and re-formulate the question to identify what the customer is actually trying to accomplish.
- Conclude each communication with customers in a way that clarifies that they cannot rely on the SHC for the next step. In other words, customers cannot be in the position where they feel they are waiting on the SHC to get back to them, or that the SHC will notify them about their next deadline. Each contact must be concluded in a way that makes it a stand alone communication.

2. Supporting the customer

- Reduce information to writing that can be published on the web and in handouts. When it is in writing, people stop shopping.
- Create checklists, identifying critical points in a process that often need legal advice. When they understand why they need to see an attorney, it restores a lot of confidence.
- Creating as many standardized fill-in-the-blank form pleadings as possible to meet the needs of self-represented litigants also helps minimize the amount of drafting SHC users must do, and thus minimize the amount of writing SHC staff must do for those with limited literacy skills. Every form should have instructions on what to do with the form (service, filing, etc.). If possible, build the instructions into the form. People have a tendency to go directly to filling out a form without first reading instructions, especially if the instructions are on a separate piece of paper. Incorporating instructions into the form through questions forces the litigant to read the question to know what to write in the form.
- If possible, provide the customer with something at the end of the conversation – education, forms and instructions, procedural next steps, legal and non-legal referrals. Even if there is nothing other than a referral you can provide, the customer walks away feeling directed and more satisfied; however, make sure the referral is appropriate. Remember, he/she may have ended up at the SHC after being shuffled around from other people who didn't help.

3. Setting boundaries with customers/users

- Avoid creep, both internally and externally. Adhere to the boundaries your particular program has set. Draw your lines and hold ‘em. And, while it is crucial to set boundaries, recognize that some programs do provide a higher level of service than others. Below are two examples of programs that have set differing levels of boundaries to their assistance but emphasize to their staff the important of following those boundaries:
 - In Alaska, the facilitators do not, under any circumstances, fill out or review people’s paperwork. There is a lot of external pressure to do this, but the Alaska SHC managers reason that the expenditure of resources necessary to do this would compromise essential services in other areas, as well as cause political problems with the bar. While difficult to hold this line, the SHC’s resistance is forcing the system to explore more appropriate solutions for their environment such as volunteer lawyers and expanded private sector unbundled legal services. Figure out what the continuum of services should look like for your community. The SHC is only part of the puzzle, although it is best situated to see the big picture possibilities and solutions.
 - Like Ventura county in California, many SHCs act as scriveners for LEP center users and for those unable to write, thus in certain circumstances, SHC staff do complete the forms. SHCs also prepare orders based on the court’s minute orders when the judge directs the SRL to the center for an order. SHC staff review people’s paperwork regularly, even though it takes a great deal of time in guardianship matters, particularly; but if the SHC staff didn’t review the paperwork, folks would be sent back and forth from the clerk’s office because of missing information on the forms.
- Explaining the legal requirement to assist all people needing to access the court, irrespective of their immigration status, language, or literacy, can help in situations where the public may *perceive* an unequal level of assistance between those who are English literate and those who are not. Assisting LEP SHC users is often more labor intensive and time consuming, which sometimes causes those who are waiting their turn, and then find a lesser level of assistance is given to them because a lesser level is needed, to feel that others are given “better” service. Explaining that SHC staff is not “drafting” pleadings for people, but merely interpreting and acting as a scrivener for what the person is saying, can help dispel the erroneous belief that the court helps one group more than another. Having a written policy or handout to give to people who raise this question can help to ensure that uniform information is dispensed. In some cases, it may be appropriate to ask people to return at a time you know is less busy at the SHC, or schedule an appointment when an interpreter can be present, can help reduce the tension of others waiting for services and watching your every move, but making people return a different time just so others do not have to wait may cause a disproportionately unfair impact on the LEP center user.

- Don't allow litigants to claim that "Mary" knows all about my case and they must see only her.
- Unlike those who obtain assistance over the phone, where the only means of getting information is by listening, often in drop-in SHC's people don't want to listen, they want the SHC staff to do the work for them. Reviewing with the SHC users the disclaimers, disclosures, and limitations of SHC assistance when they first come in, and referring people back to the written materials when it appears they are not listening, can help to keep them focused on the information they need to accomplish their goal.

Document prepared by:

Katherine Alteneder: kalteneder@courts.state.ak.us

Susan Ledray: Susan.Ledray@courts.state.mn.us

Stacey Marz: smarz@courts.state.ak.us

Tina Rasnow: Tina.Rasnow@ventura.courts.ca.gov

Cristina Llop: cllop@sbcglobal.net