

Legal Services Advisory Committee (LSAC)

Data Collection Handbook

Updated January 2, 2019

- I. **Introduction** – LSAC relies on grant applicant data to create a statewide picture of legal services delivery in Minnesota. The goal of this document is to facilitate consistent, reliable data collection by providing definitions for many of the data categories and answering frequently asked questions. Any questions or concerns can be directed to Bridget Gernander at bridget.gernander@courts.state.mn.us.

- II. **Definitions**
 - A. Case – Provision of legal assistance to a client with a legal problem, or set of closely related legal problems, accepted for assistance in accordance with the grantee intake system. The following should not be reported as a case, but can be highlighted in grant reports and applications:
 1. Alternative Dispute Resolution
 2. Legal Education or Outreach
 3. Information and Referral
 4. Lobbying or Rulemaking

 - B. Client – A person who has been accepted for service through an established intake procedure.

 - C. County – The county reported with the case data should be the county of residence of the client. If the client has moved since the case was started and the case reports are showing a current county address, there is no need to go back and recreate the county of residence at intake. The county of residence at any point in the case is acceptable.

 - D. Legal Representation – Service to a client that is specific to the client’s unique circumstances and involves a legal analysis that is tailored to the client’s factual situation.

 - E. Service Types
 1. *Advice Only* – Contact between attorney and client where the attorney provides only legal advice to the client (e.g. the attorney reviewed the relevant facts, interpreted the facts presented by the client, applied the law to the facts presented and counseled the client concerning his or her legal problem). Advice Only service would include legal advice clinics and legal advice hotlines where no follow up work is done on behalf of the client.
 2. *Brief Service* – Attorney provides limited services for client without participating in formal proceedings (e.g. short letter or phone call to a third party, or preparation of

a routine legal document). Brief Service would include assisted pro se clinics where forms are completed with the client, but the client is not represented in court.

3. *Extended Representation* – Representation or preparation for litigation (whether in court or an administrative tribunal) or extended transactional representation.

Examples include:

- a. *Negotiated Settlement without Litigation* – The program negotiated and reached an actual settlement on behalf of a client without any court or administrative actions pending. Should be reserved for cases in which the program conferred with another party to reach a resolution of the client’s legal problem.
- b. *Negotiated Settlement with Litigation* – The program negotiated and reached an actual settlement on behalf of a client while a court or formal administrative action was pending.
- c. *Administrative Agency Decision* – The program represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency after a hearing or other formal administrative process.
- d. *Court Decision* – The program represented a client in a proceeding that resulted in a case dispositive decision by the court.
- e. *Extensive Service* – The program 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. This would also include cases where extensive work is done on behalf of a client, but the client withdraws from representation or becomes income ineligible.

F. Case Types

1. *Bankruptcy; Consumer* – Examples: Collection issues, garnishment, debtor relief, unfair sales practices, letters to creditors
2. *Community Economic Development* – Examples: Small business assistance, nonprofit assistance for community economic benefit, other cases specific to the Bank of America community economic development grants
3. *Criminal Expungment*
4. *Employment* – Examples: Employment discrimination, wage claims, agricultural worker issues, occupational licenses
5. *Family Law; Domestic Abuse* – Examples: Custody, visitation, divorce, orders for protection, child support
6. *Government Benefits* – Examples: Medical Assistance, Medicare, MFIP, SSI, food stamps, unemployment compensation, veterans benefits
7. *Housing*– Examples: Landlord/tenant, public housing, foreclosure, other cases where the primary purpose of the legal assistance is to maintain housing

8. *Immigration; Refugee* – Examples: Naturalization, green cards, work permits, deportation defense, asylum, family petitions
 9. *Incapacity Planning* – Examples: Power of attorney, wills, health care directives
 10. *Juvenile; Education* – Examples: Child protection, termination of parental rights, juvenile delinquency, truancy, special education
 11. *Other* - Please note if you are using the Other category that you should include examples of what is included in that number in the designated section to give more context to these case numbers; common types of cases grantees put in this category include individual rights, tribal law, torts, and tax disputes.
- G. Outcome Data – Outcome data should be collected on the case closing form in all extended representation cases for staff, Judicare and pro bono service. The outcome data will be aggregated to provide more detailed information to the legislature and other stakeholders about the benefits to clients receiving full representation.
1. *Qualitative* – There are seven statements that attorneys should answer to track benefits of legal representation to clients. Attorneys can choose all that apply so there will be times when there are more than one qualitative outcome per case. Grantees will be reporting all Yes, No and N/A responses on the LSAC data collection spreadsheet. The N/A response should be used if a client withdraws or abandons an extended representation case. See Appendix A for sample from the Volunteer Lawyer’s Network about how they are training their staff and volunteers on outcome measures.
 - a. Has increased ability to pay for daily necessities
 - b. Is less likely to be harassed by creditors
 - c. Is in a better position to keep or find a job
 - d. Is in a better position to keep or find housing
 - e. Has improved housing conditions
 - f. Has increased safety – Examples: securing an OFP, HRO or safety plan, custody changes that eliminated or reduced risk to children; immigration cases that avoid deportation or secured U or T visas; improved access for people with disabilities; rent escrow action that improves safety of housing
 2. *Money/Benefits* – LSAC wants to track the total amount of money/benefits available to clients as a result of the legal representation provided. If money/benefits are recovered or protected, the attorney should note the type and amount. Grantees will be totaling one time funds and the annual (12 month calculation) amount of ongoing funds to provide a total number on the LSAC data collection spreadsheet.
 - a. Protect Money/Benefits - “Protect” is defined as keeping resources/income/benefit the client was already receiving. Examples include bankruptcy protection of assets, debt forgiveness, keeping a housing subsidy that was threatened, getting a child support modification appropriate to client income, keeping child support at appropriate level when faced with reduction, etc.

b. Recover Money/Benefits - "Recover" is defined as getting new resources/income/benefit for the client. Examples include having the court establish or increase child support, unpaid wage claims, lifting inappropriate garnishment, rent abatement, return of damage deposit, etc.

H. Demographic Data – Programs are asked to provide demographic data by gender, age and race. The question about total number of people in households served refers to households served by cases closed in the calendar year.

III. **Data Quality Procedures**

- A. Grantees should have a process for ensuring the timely closing of cases. Data requests will be due approximately 10 weeks after the close of the calendar year (due with the grant application in odd years and by March 15th in even years). All data should be reported on a calendar year basis.
- B. Grantees should report all cases closed by the organization in the calendar year, regardless of the source of funding for those cases. This includes all cases with clients above the 200% poverty level as described in the LSAC Financial Eligibility Guidelines. There is a separate question regarding the percentage of clients that meet the 200% guideline.
- C. Grantee should have a case management system in place that ensures that cases involving the same client and same legal problem are not recorded and reported more than once.
- D. Cases involving multiple levels of assistance – The grantee shall report only the highest level of service provided when more than one type of service is provided to a client during the same calendar year when attempting to resolve essentially the same legal problem, as demonstrated by the factual circumstances that give rise to the problem. For example, if the grantee initially serves a client at an Advice Only clinic, but then later provides Extended Representation on the same legal problem, the case should be reported only once as Extended Representation.
- E. Cases involving repeated instances of assistance – The grantee shall report repeated instances of assistance to the client as a single case when a program provides assistance more than once within the same calendar year to an eligible client who has returned to the program with essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem.
- F. Cases involving related legal problems
 - a. Advice Only Cases – The presumption is that legal assistance provided on related legal issues within a brief time frame is counted as one case. However, the presumption is rebutted and two or more cases may be reported if the legal issues on which advice is given fall in to different case types, such as Family and Housing.

- b. Appeals – An appeal can be counted as a separate case.
- c. All Other Cases – Grantees shall 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 the same legal process. For example, if a client seeks assistance with related child custody and support problems and the grantee assists the client by preparing a pleading or other document that addresses both problems that should be reported as a single case. However, if the child custody and child support are addressed in different actions or in different courts, then more than one case should be reported for the client.